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VOLUME XLVII, PART IV.

CONGRESSIONAL RECORD,

SIXTY-SECOND CONGRESS, FIRST SESSION.

SENATE.

FRIDAY, *July 21, 1911.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. McCUMBER presented a memorial of sundry citizens of Niagara, N. Dak., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a petition of the Bankers' Association of the State of North Dakota, praying for the enactment of the proposed financial legislation as suggested by the Monetary Commission, which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of the Wholesalers' Board of Trade, of San Diego, Cal., praying for the adoption of an amendment to the so-called corporation-tax law permitting corporations to make returns at the end of their fiscal years, which was referred to the Committee on Finance.

Mr. SHIVELY presented a memorial of the Central Labor Union of Indianapolis, Ind., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BRIGGS presented memorials of Local Division No. 10, Ancient Order of Hibernians, of Hudson County, and of sundry citizens of Newark, Passaic, Irvington, Orange, East Orange, South Orange, Elizabeth, Jersey City, South River, Paterson, and Hoboken, all in the State of New Jersey, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of Pascack Grange, No. 141; Haddon Grange, No. 38; Kingwood Grange, No. 106; and Moravian Grange, No. 69, Patrons of Husbandry, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal trade agreement between the United States and Canada, which were ordered to lie on the table.

He also presented petitions of the New England Society, of Orange; the congregation of the Church of Our Father, of Rutherford; Samuel W. Boardman, of Bloomfield; William C. Cowperthwait, of Haddonfield; and Roger S. Boardman, of Bloomfield, all in the State of New Jersey, praying for the ratification of the proposed arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of Rutherford Council, No. 262, Junior Order United American Mechanics, of Rutherford, N. J., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. KERN presented a memorial of the Central Labor Union of Indianapolis, Ind., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

ROCK CREEK PARK.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2366) to acquire land along the course of Rock Creek for the purpose of preventing the pollution and obstruction thereof and of connecting Potomac Park with the Zoological Park and Rock Creek Park and providing a new location for the United States Botanic Garden, reported it with amendments and submitted a report (No. 105) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THORNTON:

A bill (S. 3073) for the relief of the estate of Le Roy C. Morris, deceased (with accompanying paper); to the Committee on Claims.

By Mr. POMERENE (by request):

A bill (S. 3074) granting land for the equipment and maintenance of the University of New Mexico; to the Committee on Territories.

By Mr. McCUMBER:

A bill (S. 3075) granting an increase of pension to Richard M. Pierce (with accompanying paper); and

A bill (S. 3076) granting an increase of pension to Thomas Finch (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3077) for the recognition of the military service of the officers and enlisted men of certain Pennsylvania military organizations; to the Committee on Military Affairs.

By Mr. SHIVELY:

A bill (S. 3078) granting an increase of pension to Emma D. McManus; and

A bill (S. 3079) granting an increase of pension to John W. Anderson (with accompanying paper); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 3080) granting an increase of pension to William T. Seward (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 3081) granting an increase of pension to Riley Small (with accompanying paper); and

A bill (S. 3082) granting an increase of pension to John Adkins (with accompanying papers); to the Committee on Pensions.

REPORT OF BRITISH TARIFF COMMISSION.

On motion of Mr. LODGE, it was

Ordered, That there may be withdrawn from the files of the Senate the original copy of Senate Document No. 66, Sixty-second Congress, entitled "Report of British Tariff Commission, reciprocity with Canada, most-favored-nation agreements in relation to the proposed reciprocal trade agreement between Canada and the United States of America," it having served the purpose for which it was intended.

THE FREE LIST.

Mr. BRISTOW. I introduced an amendment yesterday to what is known as the free-list bill, which is the same amendment I offered to the pending reciprocity bill. The amendment relates to the duty on sugar. I have here, having had compiled by an expert, a statement showing the effect such an amendment would have on the revenue if adopted. I ask unanimous consent that it be printed as a document for the use of the Senate. (S. Doc. No. 70.)

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

RECIPROCITY WITH CANADA.

The VICE PRESIDENT. The morning business is closed.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	McCumber	Root
Borah	Crawford	McLean	Shively
Bourne	Culberson	Martin, Va.	Smoot
Brandegee	Cullom	Martine, N. J.	Stephenson
Briggs	Curtis	Myers	Stone
Bristow	Davis	Nelson	Sutherland
Brown	Dixon	Newlands	Swanson
Bryan	Foster	Nixon	Thornton
Burnham	Gore	Oliver	Townsend
Burton	Gronna	Overman	Warren
Chamberlain	Guggenheim	Page	Watson
Chilton	Heyburn	Paynter	Wetmore
Clapp	Johnson, Me.	Perkins	Works
Clark, Wyo.	Lippitt	Pomerene	
Clarke, Ark.	Lodge	Reed	

Mr. PAGE. I wish to announce the absence of my colleague [Mr. DILLINGHAM], who is engaged in the Lorimer investigation. I make this announcement for the day.

I also, by request, announce that the Senator from Alabama [Mr. JOHNSTON] is also absent, engaged on the same investigating committee.

Mr. BRYAN. I desire to announce the absence of my colleague [Mr. FLETCHER] on account of attendance on the Lorimer investigating committee.

Mr. GRONNA. I wish to state that the junior Senator from Iowa [Mr. KENYON] is detained from the Senate, being in attendance on the Lorimer investigating committee.

Mr. TOWNSEND. I desire to announce the absence of the senior Senator from Washington [Mr. JONES] in connection with the Lorimer investigating committee.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SMOOT. I move that the Senate proceed to the consideration of House bill 4412.

The motion was agreed to, and the Senate resumed the consideration of the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. TOWNSEND. Mr. President, some time ago I proposed an amendment to House bill 4412, which I offer at this time.

The VICE PRESIDENT. The Senator from Michigan offers an amendment, which the Secretary will read.

The SECRETARY. It is proposed to add to the bill a new section, as follows:

SEC. 4. That for the purpose of improving the St. Lawrence River from the Great Lakes to the Atlantic Ocean, and waterways connecting the Great Lakes, the President of the United States is authorized and directed to enter into an agreement with the Dominion of Canada which shall provide, upon such terms as may be agreed upon, for a waterway of sufficient depth and width to accommodate deep-water or seagoing vessels for the common use and benefit of both countries and in furtherance of reciprocal trade relations between them: *Provided, however,* That said agreement before becoming operative shall be submitted to the Congress of the United States for ratification or rejection.

Mr. TOWNSEND. Mr. President, some days since I submitted some remarks on this amendment and set forth as best I could the reasons which actuated me in presenting it. It is well known that one of the objects of the treaty of 1854 was the improvement of the St. Lawrence River. I think it will be conceded by practically every Senator who has investigated the subject that such a waterway, if established, would be a great and inestimable advantage to the people of the United States, and especially to the people of the so-called northwestern part of the United States, or the region between the Rocky Mountains and the Great Lakes, as well as the region south of the Great Lakes.

This idea has been considered very frequently by both nations, and at the present time there are pending before the Canadian Parliament propositions to construct a waterway from the Georgian Bay to the Ottawa River and thence to the St. Lawrence. They are not only pending, but they are being seriously considered.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Idaho?

Mr. TOWNSEND. I yield.

Mr. BORAH. I wish to ask the Senator what is the extent of jurisdiction of the Canadian commission created for the purpose of dealing with the water question between the United States and Canada?

Mr. TOWNSEND. The proposed jurisdiction of that commission extends principally to the question of establishing boundary lines between the two countries on the water and locating the channels which shall be employed by the two countries,

Mr. BORAH. Would that commission have any power to deal with this subject?

Mr. TOWNSEND. I doubt if it would.

Mr. BORAH. I ask the Senator further, Has Canada ever acted upon the matter so that her commissioners have been appointed?

Mr. TOWNSEND. I think they have not been appointed as yet.

Mr. BORAH. We have appointed our commission, have we not?

Mr. TOWNSEND. We have.

Mr. BORAH. But Canada has not yet acted?

Mr. TOWNSEND. That is my understanding.

Mr. CULLOM. That is correct.

Mr. TOWNSEND. Mr. President, even though a commission should be established to which might possibly be construed power to act in such matters as this, it would hardly be sufficient to meet the object which I have in mind. If the question of international water transportation is as important as I believe it is, then it is worthy of the special consideration my amendment proposes that the President shall give it. It is provided in section 3 of the pending bill that the President shall proceed further toward reciprocal trade relations with Canada. My amendment is in line with that idea.

I am quite in sympathy with those Senators who are opposed to amendments to this bill which have in view the probable defeat of the measure. The amendment which I propose can not in any possible way affect the treaty or the bill as it is now pending before the Senate. It simply requests the President to proceed further along the line of establishing reciprocal arrangements which shall be mutually beneficial to the two countries, having special reference to international waterway improvement. Therefore I have offered it, and it is an answer to very much that has been urged by Senators against the bill as it now stands. When reciprocal trade arrangements have been made this proposition could easily be accomplished.

As for myself, I can see reasons why the bill should pass as it is already framed, but I can see in this additional provision something that must redound to the benefit of those farmers for which special pleas have been made, those situated in the so-called great Northwest. This waterway is the natural outlet of trade between that so-called Northwest and the European countries. If you will look at the map, you will discover that the St. Lawrence points almost directly to Liverpool. It is shorter by more than a thousand miles than those routes which lead from that region to New York and then to Liverpool.

It will cost some money, but it seems to me that it is a much better proposition, measured by the actual benefits which will come to commerce and trade, than is the Panama Canal. It is a stupendous project.

Much of the trade which now passes over the Great Lakes is destined for a foreign market, and yet it has to be transported to Buffalo, thence transferred to trains, and thence again at the seaboard transshipped to the ocean liners. This waterway would make it possible for boats to be loaded at Great Lake ports in bottoms which would convey the cargoes directly to the marts of Europe. To my mind, at least, it is of sufficient importance to demand the serious consideration of the Senate. Senators may look lightly upon it if they will, but it is one of the great things which must be dealt with in the future, because it is known that, notwithstanding all of our great efforts to regulate commerce over the railroads and to secure just and reasonable rates, about the only thing that we have accomplished along that line has been through the establishment of water competition, and even though there should not be the number of boats passing over this waterway which, it occurs to me, will pass over it when constructed, yet the effect that it will have upon the reduction of rates and their maintenance at a just and reasonable point would be worthy of the effort and expense necessary to construct the waterway.

Furthermore, Canada, as I have said, is looking to the development of its waterways. Most of this route is on the boundary line between the two countries. From Ogdensburg on to Montreal there are a great many rapids and a great many shoals that will have to be overcome; but it was demonstrated in the last Congress that there are individual companies or corporations which have recognized the value of the water power that is contained in these rapids and falls to the extent that they submitted to the Congress a proposition to develop the water power in the Long Sault Rapids of the St. Lawrence at their own expense and according to plans submitted by the War Department, which provided for dams and locks to be so constructed as to produce pools for open-water navigation. And so valuable did these companies consider this water power that they were willing to pay a per horsepower charge to the State of New York for the power generated. What was proposed in reference to improvement in connection with the Sault Rapids demonstrates what is possible in connection with practically all the rest.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Oregon?

Mr. TOWNSEND. I do.

Mr. CHAMBERLAIN. Mr. President, I ask the Senator from Michigan why does he not make his amendment more general and make it apply to international waterways? For instance, it was my pleasure, with a number of citizens of Oregon, Washington, and Idaho, to meet with the premier of Canada at Nelson, British Columbia, last summer, when the subject of the improvement of the Columbia River from its headwaters in British Columbia to its mouth was taken up for discussion at the invitation of the people of Nelson, British Columbia. The premier expressed himself as being heartily in favor of cooperation between the United States Government and the Canadian Government for the improvement of the Columbia River, making it navigable from its headwaters in British Columbia to the sea, thereby furnishing an avenue of commerce directly with the Pacific Ocean and the Panama Canal, and thus regulating the rates of railways along the river and draining that inland Empire. Idaho, Washington, and Oregon are all interested in this subject, and I have no doubt but that the Members of Congress from all of these States would support a resolution of that kind if it were made general in its application. Whether or not it should be attached as an amendment to this bill, is a question for the Senate to determine; but the movement which the Senator from Michigan now inaugurates has the hearty cooperation of many, at least, of the northwestern Senators and Representatives; and I hope that, if the measure which he now suggests is voted down in the Senate, later he will propose it in the form of a bill and make it general in its application, so that the Canadian Government with the Government of the United States may cooperate for the improvement of the international waterways.

Mr. TOWNSEND. Mr. President, I certainly have no objection to the proposition suggested by the Senator from Oregon. My answer to him as to why I had not incorporated it in my amendment was because it had not been called to my attention. In study-

ing the history of Canadian reciprocity I became especially interested in the St. Lawrence route. I could see the wonderful possibilities of it. It occurred to me that it was in line with the highest possible good which could come through trade and commerce to the people not only of the United States but of Canada. It was for that reason that I especially called attention to the St. Lawrence route, but I would have no objection to such an amendment as the Senator from Oregon proposes, because I think it is clearly the duty of this Government, which has been contributing, first and last, over $600,000,000 in the improvement of its rivers and harbors, to take into consideration all the rivers and waterways which could in reason and with profit be improved by the two countries—the United States and Canada. As I said a moment ago, I believe that a real benefit which no man can deny would come from the development of these great river courses.

I recognize the argument that will be presented and has been presented to me by gentlemen who live in the East, namely, that this will tend to divert traffic through Montreal and away from our seaboard cities—New York, Philadelphia, and Baltimore—but, sir, that has had very little weight with me, because I believe that the great object of establishing a waterway, as I have suggested, is to reduce freight rates and make them more just and reasonable. Our seaboard cities would not be injured. The rail rates to them would be reduced and they and the whole country would be benefited. Our experience has been, even with the Mississippi River, which is not navigable for the largest boats, but has the possibilities of navigation and can be used to some extent, that that very fact has resulted in giving lower freight rates to people along the Mississippi Valley than has been given to those who are on either side of it and nearer to the point of shipment. Think of the great benefits which would similarly come to the great region tributary to the Lakes and the St. Lawrence.

Therefore I argue, in looking over the history of water improvement, that it is the duty of this Government, if it is looking for the proper regulation of transportation facilities, to avail itself of these opportunities, these natural advantages, which thus far have been all unused, but which, if developed, would work a revolution for good to the people.

For these reasons, Mr. President, I have introduced the amendment, knowing first, as I have said, that it can not possibly interfere with the passage of the bill itself. I recognize, of course, that if adopted it would throw the bill into conference, because it is an amendment which is not found in the bill now before the Senate. That may be a sufficient reason for Senators to vote against it, but I have discussed this measure with gentlemen who are very much interested in it, and they have without exception agreed with me that this is a step which ought to be taken; that it is an improvement which ought to be entered upon by the Government of the United States. I have had the privilege and the opportunity of calling the attention of the Senate to it, believing, as I have said, that the future will demonstrate that it is one of the great things which the Government ought to and must undertake in the years to come if not now.

I should like to see that work begun. I should like to request the President to proceed in the matter now in order that no more time may be lost. The amendment properly provides that whatever is done by the President must be submitted to Congress for its ratification or rejection. No possible harm can come to our country through the passage of this amendment, but great and immeasurable good may come from it. It is in accordance with the principle which we are advocating in the reciprocity bill; it is a step toward closer and better relations with Canada, and therefore I have presented it to the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Michigan [Mr. TOWNSEND].

Mr. STONE. Mr. President, I am going to vote against the amendment, but I do not like to do so without saying just a word explanatory of my position. I am in very hearty sympathy with the amendment itself, and equally in hearty sympathy with the suggestion made by the Senator from Oregon [Mr. CHAMBERLAIN].

This amendment, if agreed to, would merely authorize the President to enter upon negotiations with the Canadian Government for some agreement looking to the joint improvement of the waterways mentioned. Undoubtedly, in my humble opinion, that ought to be done; but I am inclined, Mr. President, to the view that the suggestion of the Senator from Oregon is a wise one; that this amendment should be incorporated in a separate bill, in order that it might be thoroughly considered by the Committee on Commerce and reported to the Senate, as I have no doubt it would be, with reasonable promptness. And during the next session—I say the next session, because I do not suppose that the Committee on Commerce will take it up during this extraordinary session—I believe the Congress will agree without serious opposition to authorize the President to do the thing proposed in this amendment.

Undoubtedly sir, there is a difference, and a very wide difference, between this amendment and the amendments that have heretofore been proposed to the pending bill, for this does not purport to change the commercial relations between this country and other countries with whom we have commercial treaties. Still, I for one am opposed to entering upon the program of amending this bill, even by adopting an amendment like that now proposed by the Senator from Michigan. I think it better that the Senate should proceed as it has been proceeding, and agree to this bill in the form in which it came from the other House. For myself, I will heartily support the proposal of the Senator from Michigan if he shall offer it as an independent bill, and shall do what I can to facilitate its report to the Senate and what I can to facilitate its consideration and passage, but I shall vote against it as an amendment to the pending measure.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Michigan [Mr. TOWNSEND].

The amendment was rejected.

Mr. BORAH. Mr. President, I ask leave to have inserted in the RECORD, without reading, as the Senator from South Dakota [Mr. CRAWFORD] desires to proceed, a letter in regard to the bill which is now pending.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. BORAH. At the suggestion of some Senators near me I will change my request and ask to have the letter read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

OMAHA, *July 19, 1911.*

Hon. WILLIAM E. BORAH, *Washington, D. C.*

DEAR SIR: The appreciation of the value of our home markets for all agricultural products, financially, commercially, socially, and religiously, is nowhere near commensurate with their true merits. Otherwise, the United States Congress would not entertain for one minute the proposition to surrender them to a foreign country. Having been a large distributer of grain from Omaha, our country's most central market, for many years I have been in a position to be thoroughly impressed with the magnitude of their intrinsic worth. I estimate that the letting into our markets foreign farm products without restriction throws out of the window, as it were, assets equal to $15,000,000,000, or, say, annually $500,000,000, and nobody in particular would get any benefit therefrom. In fact, I sincerely believe that Canada and the world at large would be better off if we refrain from doing so.

The United States' markets for grain are the strongest on earth, so much so that statistics will bear me out in the statement that the prices of our wheat for the last five years, at least, have averaged 10 cents per bushel higher than the Liverpool basis, so that Liverpool has not set the price for the American wheat. Our own mills and our great grain markets, assisted by our large grain elevators and the enormous home consumption and use of over 600,000,000 bushels of wheat, or nine-tenths of our total production annually—all these and other things combine to make our prices and the best market in the world, independent of any nation on earth. A world's price for wheat, unless you leave out the United States, is not the truth. The great strength in our home market helps to keep the price of wheat and other grains in foreign markets on a considerably higher level than they otherwise would be, thus bestowing a benefit on those people, especially living in agricultural countries, and in no way injuring others, as good, honest prices for farm products make good times, not only in those countries which sell the products but also in the country which buys them. Free trade of our farm products with any foreign country would destroy this forceful and beneficial influence, and then, not till then, will there be a world's price for wheat.

To-day the United States markets have more influence over the Liverpool market than Liverpool has over our markets. After free trade is inaugurated there will be, in due course of time, perhaps a world's price, and that, too, a low one, as there was in 1894, when wheat sold in Chicago for 49 cents per bushel, and Liverpool might set the price for us like it will for Russia, India, Australia, Argentina, and Canada. When that day comes, not only our supremacy, but our moral, social, and religious force and influence will naturally relax and wane, because it will be easier to float with the tide than to swim against it. As the soil is the only source from which we get money, why would we poison the fountain head. Then, too, we need the money. The editor of the North American Review in the April number is responsible for the statement that we are running behind $2,000 daily, and Canadian reciprocity will increase the deficit. The debts of the Civil War, the Cuban War, the Philippine undertaking, the Panama Canal, the Mexican incident, and that of other undertakings are unpaid. Where will we get the funds to meet these large obligations except from United States soil? Certainly no other country will help us bear the heavy burden, although we present to them our $15,000,000 asset in shape of the freedom of our markets in order to promote friendly, commercial, and social relations. I am not a politician, but hope I am a patriotic citizen and am interested in the welfare of our country unselfishly. Canadian reciprocity being a national question, and of such vast importance affecting, as it will, 92,000,000 of people to a greater or less degree, that the human mind can hardly comprehend its full meaning, it seems to me that the people should have an opportunity of being thoroughly and truthfully informed as to what is to be done to them. The opportunity has not yet been given them, and especially since the proposed act is contrary to the fundamental principles and policies of this people under which they have prospered beyond comparison for two

generations. Instance in agricultural properties thirty billions are invested and there are mortgages on them for ten billions. Have a few men the moral or legal right, or, if they have, should they take the great responsibility of changing such vital conditions without the consent of a large majority of the whole people before the people have become well informed as to what the change means. Therefore, I ask would it not be the part of wisdom to pause, at this time, before the fatal plunge is made, to consider whether this may not be the best thing to do, i. e., put it up to the people. In the meantime see to it that the press are given free pulp and free print paper to help along the educational feature of the proposal. Reciprocity among ourselves is the best thing on earth. There are great things to be done in our country and our own citizens should be encouraged to stay at home to help do them. Eighty millions of swamp lands in our country are yet to be reclaimed; forty millions of arid lands in our country are yet to be irrigated. Hundreds of millions of virgin soil in our country have not yet been touched by the plow. This country is capable of supporting 500,000,000 of people without getting one single thing from Canada; and if at any time there should be a case of emergency caused by drought or some other unforeseen cause, Canada or Argentina will always be glad to supply our temporary needs. Then let us not forget that our home markets are the greatest asset we have, which protected for ourselves we can accomplish all things and still climb to greater heights of prosperity, influence, and greatness. Unprotected we will, as a Nation, be as a ship on the ocean without a chart, sail, compass, or rudder. I think Mr. Taft is right when he says Canadian reciprocity will not decrease the cost of living very much, if any. I believe his statement to be a correct conclusion of the matter; then, why should we give away our home markets?

Respectfully, N. MERRIAM.

Mr. BROWN. Mr. President, just a word with reference to this communication which has been presented with such great satisfaction by the Senator from Idaho and supported by the applauding smile of the Senator from Kansas [Mr. BRISTOW].

Mr. President, I know the author of this letter very well. He is one of the good men of our State. He is not a farmer. He is in the grain dealer's business. He handles the product that the farmer produces, and in this connection permit me to call the attention of my good friends the Senator from Idaho [Mr. BORAH] and the Senator from Kansas [Mr. BRISTOW] to the fact that the firm on whose stationery this letter is written is a successor to a firm of grain dealers doing business in Nebraska five or six years ago, and when they were doing business then, handling the products that other people produced, the attorney general of the State of Nebraska brought an action against them and several hundred other grain-elevator men engaged in the same business. In that suit it was charged that they were in a combination condemned by the trust statute of Nebraska to fix the price—not to fix a high price, but to fix a low price—at which they should buy this product of the farmer, for whose interests these grain brokers are so solicitous now.

As I remember the testimony in that case and the record—it has been about five years since we tried it—the testimony showed that this firm, together with others, formed an association and had submitted to a board of control, consisting of seven or nine members—I have forgotten which—the business of fixing the price which the farmers should receive for wheat in each county and at every elevator in that State.

Under that testimony they divided the State into 13 different divisions or districts—parceled it out. One would take district No. 1, and another district No. 2, until they had absorbed all the State. And they, at a midnight conference held in the basement of an office building in Omaha, conspired and perfected this conspiracy in which they were undertaking to bear down the price of wheat and the farmers' products. What has happened now that these men are so solicitous to have the price elevated?

Mr. President, the result of that lawsuit was a decree which dissolved their association and put it out of business. The finding of the supreme court of that State was that the charge was true and that they were guilty. It must be remembered that these men carried on this conspiracy not only by fixing the price and advising the agent in each district what it was, but they had a concerted plan by which, whenever the farmers of the country undertook to build and maintain an elevator of their own, they could force that elevator out of business. While the farmers were undertaking to build elevators or warehouses for themselves at one particular point along the railroad, the combination would put the price up high enough to put the farmers' association out of business, and as soon as the farmers' elevator was put out of business then this plan of fixing the price automatically went into operation again.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. BROWN. I yield to the Senator from Idaho.

Mr. BORAH. I will not interrupt the Senator until he is through.

Mr. BROWN. That is about all I have to say. I simply wanted the Senators to know the element that is at work in my State assisting the Lumber Trust and the Paper Makers' Trust to discredit this measure. That is all.

Mr. BORAH. I am very sorry to have exposed the constituency of the Senator from Nebraska. I had no idea of uncovering that kind of a constituency. I had supposed from the reading of the letter that the gentleman was engaged in a legitimate business.

Mr. BROWN. I am not saying he was not. I have, on the other hand; said he was a good man; but I have said that his firm is a successor to a firm which had this lawsuit I have told you about.

Mr. BORAH. I do not know that the fact he is a successor ought to have very much to do with the discussion. It is unfair to visit upon a succeeding generation the sins of the present generation, if not under the biblical rule at least under our Constitution. Even the ancestors of the Senator from Nebraska might have been wise and patriotic men.

Mr. BROWN. I should like to return the compliment, but I could not take chances in doing so.

Mr. BORAH. I only wanted to say, Mr. President, that I now regret exceedingly to have uncovered the constituency of the Senator. But I do not exactly understand the logic of the Senator. He says that this is a good man, a good citizen, but that his predecessors in business were bad citizens and bad men, and that, knowing they were bad citizens and bad men, the State of Nebraska dissolved a trust, and that trust passed out of existence. Nevertheless the fact that this man is engaged in the grain business precludes him from being heard upon this question without having the bad record of his predecessor in business called into question. I do not understand that the Senator questions the record of this man individually—that he questions his character individually. Besides, we are taught that there is always "balm in Gilead." There is always room for repentance. Perhaps more of these constituents of the Senator from Nebraska have reformed. He has been carrying on a great reform propaganda in Nebraska, and possibly more have come under the influence of that reform. I think we ought to give the constituency the benefit of the doubt and assume that the reform movement of the Senator has reached his people and that it has had its effect.

Mr. BROWN. I have nothing further to say in reply, except to remark that the fact that as the success of this business depends on the profit in handling the product which other people produce, it follows that if the price of the product that they buy is low, if they can bear it down—and they always do, and the Senator will not dispute it—their profit is greater; and yet the purpose in introducing this letter was to show that the farmer was to have his price of wheat reduced if this bill passes.

Now, the elevator man and the grain dealer are not interested in bulling the price up, but in bearing it down.

Mr. BORAH. Does not the Senator from Nebraska believe in the doctrine of the referendum?

Mr. BROWN. I do not just exactly understand why that is pertinent here. I do; if the Senator wants to know. Does the Senator from Idaho believe in it?

Mr. BORAH. That is all that the constituency of the Senator is asking for, that this be referred and that we take a referendum upon this question before the Congress disposes of it, and, as I said before, he evidently must be a disciple of the Senator from Nebraska. He is asking now that the Senator apply the doctrine which he has taught all through Nebraska—the doctrine of the initiative and referendum.

Mr. CRAWFORD. Mr. President, I do not believe that a history of the man who wrote that letter has much to do with the logic and the facts which are set forth in it. They speak for themselves.

I rose to put into the RECORD two or three matters which I want to have placed before the country as a part of the case before the final vote is taken, and which I may not have another opportunity to do.

The friends of this measure protest over and over again that it is not their wish nor their purpose to do the slightest harm to agriculture. They disclaim, and disclaim most emphatically, that this bill will in any way injure the farmer, and assert that it is justified because it will be beneficial to the entire country and promote better feelings with Canada.

Mr. President, I shall not take up the time of the Senate at any great length this morning, but I wish to call attention to the fact that no single instance has been cited here to show that legislation of this character enacted in the past has helped the agriculture of the country enacting it, while case after case in the history of legislation of this character can be cited showing that such legislation has wrought serious harm to the agriculture of the country enacting it.

I have here a very interesting book, written by Mr. John W. Bookwalter. The subject of this book is Rural versus Urban.

I think he was, and may yet be, a citizen of the State of Ohio. In an exceedingly interesting chapter in this book Mr. Bookwalter deals with the effect of the opening of the trans-Mississippi lands upon farm-land values elsewhere in the United States and upon the prices of farm products.

How much greater in extent were these trans-Mississippi lands that came under cultivation during the period to which he refers, from 1870 to 1900, than these Provinces in Canada that are now coming into general use for agricultural purposes? Manitoba, Saskatchewan, and Alberta contain over one-half million square miles of land, an area equal to both the Dakotas, Minnesota, Wisconsin, Illinois, and Michigan combined. Will the free access into the markets of the United States of all the products, not only that are being grown there now, but all products that the soil of that vast and fertile region is capable of producing in the future, coming into the United States without duty, have no effect whatever upon the value of these farm products and upon the value of the farms in the United States?

What is the verdict of history? What has been the result of experience when legislation of that kind has been enacted in the past where conditions similar to the conditions that will follow this legislation have prevailed? When England repealed her corn laws, what was the effect upon the agriculture of England? You may say England was more prosperous because free trade developed her commerce and her manufactures. Perhaps it did, but what was the effect upon the agriculture of England? Mr. Hill calls attention to the fact that in Germany under the protective-tariff law during this period the area of cultivated lands increased 5 per cent, while in England during this period of free trade in farm products over 3,000,000 acres went out of cultivation and the value of her farm lands continually decreased.

Mr. Bookwalter, referring to the development of lands west of the Mississippi River, at page 124, says:

> The first and most notable effect was felt upon the general agriculture of the country itself. Thus it is noted that a steady decline in the price of food products set in, so that at the beginning of the present century they were found to have been in many cases less than half the prevailing price prior to this inundation of supply. As some measure of its effects also upon foreign agriculture, it is to be noted that in the case of the important food staple, wheat, the price steadily declined to less than 24s. the quarter in England from that of an average former range of 45s. to 60s. per quarter.
>
> An effect, quite as direct, distinct, and disastrous, of this fall in price of food products was promptly reflected in the painfully manifest decline in farm values, vested or otherwise, in the older agricultural regions, especially those located in the East. These, with their long-accumulated burden of investment, where the cost of production was at its maximum—albeit in harmony with that of other correlated industries—were suddenly confronted with the new condition where a mere nominal investment and a minimum cost of production created a competition wholly beyond their power to successfully meet. As in all other industrial operations, the net result being the very soul and governing principle, animating energy and awakening the hope of reward, the ratio of profit in the end determines the amount of capital that can be maintained by it. There followed, therefore, as a consequence of this decline in price of products, a marked reduction in all vested values in those less fortunate regions of agriculture to harmonize with the values in the more fortunate and favored regions. This led in the older districts of husbandry to a drastic revision of all vested farm values, and in some cases their utter and complete extinction. It was thus that we became familiar with that anomalous spectacle of abandoned farms in what were only recently highly prosperous agricultural sections in the East.
>
> In some foreign countries also—such as England, which permitted the full force of a cruel and relentless, though unforeseen, competition to fall upon her agricultural interests—there was a marked decline in the values of farms that were once prosperous in the highest degree. This fatal decline exists largely, both in England and the United States, even to this day.

Now, just this paragraph further describing the condition brought about by the opening up of a new empire. Mr. Bookwalter says on page 128:

> The almost uniform record of their experience—
>
> Meaning these farmers—
>
> shows that, for many years, their expenses exceeded the value of their products by reason of abnormally low prices due to excessive production. It would therefore seem that it was not the cultivator of the soil, but the usurer, the manufacturer, the transportation company, in fact, the urban and cognate interests, that derived almost the sole net benefits that accrued from his labor upon the lands.

Those Senators who earnestly protest that they would not under any circumstances do any harm whatsoever to agriculture as a great pursuit in the United States or to the farmer who follows that pursuit fly in the face of this history, much of it unfolded before the eyes and during the lives of the Members of this body; and they propose to single out the American farmer and open up in his own country the competition of the only competitor who can compete successfully in this market with him; a competitor that is developing, a few miles beyond his borders, an empire in extent, in resource, in fertility as vast as the region west of the Mississippi River, which Mr. Bookwalter describes in his book. The result will probably be a repetition of the history which Mr. Bookwalter narrates, and yet Senators are willing to use the free admission of agricultural products as a makeweight to carry a measure through Congress, the real purpose of which, I maintain, is to help the publishers of newspapers. When you sift this thing to the bottom—and the people of this country are going to do it—the verdict will be that this measure was enacted, and the farmer was made a scapegoat in it, for the purpose of putting on the free list two commodities that are used by the publishers of newspapers—wood pulp and print paper—to exempt them from the payment of taxes on those two imported articles.

If we would eliminate from this bill section 2, the bill would not be seriously considered for one moment. Where has been the demand in this country, and from what source did it come, that the products of the farm, the product of one great pursuit, agriculture, should be put on the free list in this country, while all else should remain protected? Take away the motive that inspired this bill, take away the selfish motive of the publishers of newspapers, and it will have no defenders. We hear talk about the lumbering interests and elevator people making a scapegoat of the farmer. It is not true. But the publishers of the newspapers are holding up as a shield free farm products from Canada, behind which they are hiding, to secure something which they want, but are not willing to rest upon its own merits.

Mr. LA FOLLETTE. Mr. President, every Member of this body recognizes the inevitable regarding this legislation. Convincing facts and unanswerable arguments against this measure have been presented here to no avail. The great newspapers in combination, the great special interests joined with them, the President of the United States, the free-trade and tariff-for-revenue Democrats, and the stand-pat, high-protection Republicans, all acting together, are powerful enough to put this bill through.

During this debate Senators and Representatives have had little or nothing to say regarding the attitude of the press upon this legislation.

Mr. President, I would not attack unfairly any organization. But I am not afraid to criticize any interest, even though it be the organized press of the country, when it takes a position which I believe to be wrong. One of the great newspapers of the world, the Philadelphia North American, with a circulation of something like 200,000, recently stated, editorially, that it has approximately $40,000 to $50,000 dependent upon the passage of this bill. That paper set an example that, in so far as I have observed, no other paper of large circulation in the country has had the independence and honesty to follow when it published an editorial entitled "The reciprocity fraud," from which I quote the following:

> The North American, like every other American newspaper of large circulation, will be a beneficiary of the measure. But we must repeat what we have said over and over again during the debates in Congress: That merely because we consider honest and equitable a reduction of the paper schedules of the tariff which would save the North American large sums of money every year is no reason why this newspaper should give its indorsement to an agreement which is to our self-interest, but in nearly every other clause is a sham and a perversion of real reciprocity and an imposition upon millions of people.

I presume that represents the measure of interest of most newspapers of like circulation.

Mr. President, the press owes the country a duty with respect to all matters of public concern. I believe that the press of the country should rise above any sordid interest which it may have in any matter and truly represent the public interest. I think that is a paramount obligation.

I believe it has failed, as regards this bill, in its service to public interests. I believe it will suffer greatly in the public estimation as a result of its attitude upon this legislation, in which it frankly admits a direct pecuniary interest.

In my own experience, Mr. President, I have seen the influence of the press severely tested. I recall, in particular, one campaign in Wisconsin in which the great body of the Republican press of the State sold its editorial columns. It is not uncommon to say a thing of that kind in political campaigns or contests, but it is another thing to be able literally to sustain the charge. But in the campaign of 1902 the Republican press of Wisconsin very largely—almost entirely, sir—sold its editorial columns to great interests, particularly the railroad interests. These papers were edited by a bureau organized for that purpose. The editorials prepared by the bureau were printed as original and given out by the editors as the expression of their papers upon important pending public questions. Ultimately the facts became known, and a few of the editors who had accepted the money of corporations, when they realized the enormity of the offense they were committing against the public, repudiated the agreement, made it known in all its details, returned the money, and published the facts.

I doubt, Mr. President, that at any other time in the political history of this country exactly that condition could be duplicated. I think I am entirely within bounds when I say that there were scarcely half a hundred country papers in the State that at that critical time did not surrender to that great influence.

What, sir, was the result? Those papers forced a campaign which made plain to the people of the State exactly what was being done. In order to lay before the people the facts with respect to the failure of legislation and present the records of legislators who had betrayed their constituents, it became necessary to publish a campaign textbook submitting to the voters the record of their representatives, which the press refused to print.

The betrayal resulted in the destruction of the influence of the press. Indeed, many of the papers that had surrendered their editorial columns to a corporation-controlled literary bureau found that they had lost the confidence of their constituencies for all time, and man after man was obliged to sell out to somebody in whom the community could place its trust.

So, Mr. President, when as in the case of the pending bill, it is proven that a powerful organization, representing very largely the important newspapers of the country, through its president, sends out a confidential communication requesting treatment favorable to the reciprocity side of this issue, I say that act in itself will go a long way toward undermining and destroying the confidence of the people in the press of the country.

The following copy of instructions to editors sent out by Herman Ridder, president of the American Newspaper Publishers' Association, was presented as part of the testimony before the Senate Committee on Finance (p. 1141, hearings):

NEW YORK, *February 17.*

By request; private to editors: It is of vital importance to the newspapers that their Washington correspondents be instructed to treat favorably the Canadian reciprocity agreement, because print paper and wood pulp are made free of duty by this agreement.

HERMAN RIDDER,
President American Newspaper Publishers' Association.

A false impression regarding this bill has gone forth broadcast, because the press of the country has a direct money advantage in it. The newspapers represented in the gallery above us here may be said to have an interest in this legislation ranging anywhere from $25,000 to $600,000 annually. And I say that those papers can not hereafter consistently criticize any Member of the Senate or Representative in Congress for his position upon legislation in which he has a direct pecuniary interest. We have here Senators who are bankers, woolen manufacturers, cotton manufacturers, Senators who are interested in mines and in lumber. I do not believe that they should vote upon any measure in which they have an interest; but hereafter no newspaper which has acted from purely selfish motives with respect to this legislation can effectively assail any Member of Congress who may support legislation directly in his own pecuniary interest.

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I do.

Mr. HITCHCOCK. Mr. President, is it not a peculiar vice of the protective-tariff theory, of which the Senator from Wisconsin is a distinguished advocate, that it makes it almost inevitable that various communities will favor legislation of a protective character in their interest, and renders it almost inevitable that the various interests of the country will rival each other in a scramble to derive the greatest possible benefit out of the tariff and out of the tariff graft?

Mr. LA FOLLETTE. Mr. President, it seems to me that the Senator from Nebraska has been very unhappy in that question. He himself, as a newspaper publisher, has a direct pecuniary interest in the pending measure—a measure which will give to him and his publication free print paper. This is not a protective-tariff proposition; it is a free-trade proposition. It does seem to me, Mr. President, that this tariff question impales upon one horn or the other whoever happens to have an interest, whether it be on the free-trade side or on the protective side. Human nature is much the same. I do not believe that anybody can make much political capital and much political gain out of that sort of treatment of the tariff.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin further yield to the Senator from Nebraska?

Mr. LA FOLLETTE. I do.

Mr. HITCHCOCK. Mr. President, it seems to me it would be just as fair for me in reply to criticize the Senator from Wisconsin for advocating a tariff on paper by charging that he, as the representative of Wisconsin, was standing here upon the floor of the Senate representing the interests of the great paper mills of Wisconsin, to which the whole West is compelled to pay tribute, and which have been built up very largely by the great tariff on paper and wood pulp.

Mr. LA FOLLETTE. But the trouble with the Senator from Nebraska is that he is just as wrong now as he was before. I, as a representative from Wisconsin have stood here, and stand here now, for free print paper, because, Mr. President, the report of the Tariff Board shows that we can make print paper in this country just as cheaply as it can be made in Canada; and for that reason, as I said a few days ago in discussing that question that I should offer, and I shall offer as an amendment to this very bill before it comes to a vote tomorrow, a proposition to put print paper and wood pulp on the free list.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin further yield to the Senator from Nebraska?

Mr. LA FOLLETTE. Yes.

Mr. HITCHCOCK. The Senator, then, is condemning in a wholesale way the newspapers of the United States because they have united to demand something that he himself admits is just, that he himself proclaims they should have.

Mr. LA FOLLETTE. Mr. President, let me suggest to the Senator from Nebraska once for all, that he is wasting his time.

Mr. HITCHCOCK. We both are.

Mr. LA FOLLETTE. No; I do not believe I am, as I shall make plain to the Senator in a moment. He, a newspaper owner, and the balance of the newspaper interests of this country are seeking to get print paper, not through tariff revision but as a reciprocity proposition at the expense of agriculture. That is what I object to, Mr. President. I am ready to vote for free print paper—and for placing on the free list other manufactures—the moment it can be shown, as has been shown by the report of the Tariff Board in the case of print paper, that it can be produced as cheaply here as anywhere in Canada. I favor placing that product on the free list, but as an independent tariff proposition. The Senator from Nebraska and the balance of the newspaper fraternity, on the other hand, seize upon the first opportunity to secure something of benefit for themselves in a trade with Canada that is unfair and unjust to the agricultural interests of this country—a barter which will give them free paper at the expense of agriculture, not upon any just principle, but simply because it is so much money in their pockets. That is what I object to; that is what I denounce; and any proposal that does immeasurable injustice to one industry for the advantage of another I hope I shall always have the courage to oppose, whether it affects a Wisconsin industry or otherwise.

Mr. President, whatever favor this Canadian agreement has found with the public rests upon the mistaken belief that it is the beginning of lower tariffs. The public does not at present stop to inquire whether this bill is just and equitable. In their resentment and disappointment, resulting from the extra tariff session, many people approve the first measure that has even an appearance of tariff reduction. But in the end the public always holds its representatives responsible for the ultimate effect of legislation. The important judgment which will be pronounced on this measure is the final judgment attested by experience.

But, sir, he is indeed blind who does not see that the people of this country are impatient for tariff reductions. The people feel that they have been baffled in all efforts to get decent and reasonable tariff reductions. The results of the wrong visited upon the American people by the tariff revision of 1909 are just what progressive Senators at that time predicted they would be. We said then that you could not settle the tariff question by any such measure as the Payne-Aldrich bill; nor can you. You can not do a wrong and put it to sleep.

The people of this country well understood that they were jobbed in the extra tariff session of 1909. Just review for a moment what preceded that session. With all its high rates the people of this country had stood for the Dingley tariff law; they voted for it, following the experiences of 1892, 1893, 1894—I will go back of that and include 1891. I have never agreed with those who charged all the results of that depression to the Wilson tariff law. In my view there was no just economic foundation for that contention. But, as I say, the people of this country, believing that the general depression that prevailed was the result of the Wilson-Gorman Tariff Act, voted, and voted knowingly and purposely, for the high Dingley rates of 1897. They knew what they were about; they wanted just exactly that thing; they believed it would be a cure.

The people who voted for the Dingley Act relied upon competition between American manufacturers to prevent monopoly and extortionate prices, just as they had been taught to rely

upon competition from the time of Alexander Hamilton down; but the Dingley law was enacted in an economic and industrial transition period in this country, a fact that was not appreciated by anybody at that time. We were just then crossing the line. What followed the enactment of the Dingley law? The people saw the protected industries organize combinations and suppress competition by agreement. They suffered the enormous increase in prices resulting from these unjust and unlawful combinations. Then what followed? They demanded tariff revision as a measure of relief from extortion. They did not demand upward tariff revision, but downward tariff revision. They pressed their demand until a stand-pat national covention responded with a pledge of tariff revision, which the Republican candidate for President interpreted as downward revision. They elected the Republican candidate on his campaign promise of downward revision of the Dingley rates. They were given the Payne-Aldrich bill and upward revision instead of the downward revision promised.

Mr. President, the progressives have been criticized at this session because they do not support reciprocity. I say to you that in the tariff session of 1909 the progressive Republicans stood squarely for the kind of tariff revision which the Republican platform and the Republican candidate for President had promised. Every argument they advanced, every vote they cast, was for a tariff that would measure the difference in the cost of production at home and abroad. That was the Republican position on the tariff in 1908; that was where the progressive Republicans stood in 1909; and that, Mr. President, is where they stand to-day.

No one who commended the Republican progressives for the fight they made on the Payne-Aldrich bill two years ago has any right to criticize them now for their position on the tariff bill based upon the Canadian pact.

Considered as a tariff bill, it violates every principle of every Republican platform ever written.

It places upon the free list the products of the farm, regardless of the cost of producing those products.

It deprives the American farmer of the small benefit he derives directly from a protective tariff in order to secure for the overprotected manufacturer a reduction of Canadian duties upon the surplus manufactured products which he desires to sell in Canada.

It denies the American consumer any benefits from the free agricultural products admitted to the American market by limiting the important products of the free list to the raw materials, such as wheat, oats, barley, flaxseed, cattle, sheep, and hogs, all of which must first pass into the hands of the miller, the brewer, Standard Oil, and the packers, combinations which absolutely control the prices of the finished products, before they can ever reach the consumer. It does more than that. It operates to increase the high protective duties of the Payne-Aldrich tariff for the benefit of the millers, the brewers, the packers, and Standard Oil from 27 per cent to 322 per cent, as I shall demonstrate later.

Of course the manufacturers are for this bill. It admits raw materials free which they can manufacture and sell to American consumers at trust prices.

It secures some reductions in Canadian duties, which will enable our highly protected manufacturers to find a market for some of their surplus in Canada.

It buys these concessions from Canada by giving her free admission to the American market for farm produce at the expense of the American farmer.

That is what President Taft's brand of reciprocity does.

But, Mr. President, considering the interests of each country as a whole, upon what basis can their respective Governments be expected to engage in reciprocal exchanges?

1. That each country produces a surplus of natural products or manufactures not produced by the other in sufficient quantity to supply its needs.

2. That each country is able to deliver to the other a fair equivalent in the exchange.

Considering the interests of a country as a whole, what duty does its government owe to its people and its producers of natural products and manufactures in negotiating a reciprocity agreement?

1. That it shall secure a full equivalent in the exchange of products.

2. That one class of producers shall not be sacrificed or made to suffer serious loss to secure commercial advantages for another class of producers.

Mr. President, I oppose this bill because it belies its title. It is not reciprocity.

As a reciprocity measure it violates every principle of reciprocity heretofore expressed in the platform declarations of the Republican Party and recommended by former Republican Presidents.

Whatever popular favor reciprocity has earned from the present generation was inspired by the policy as defined by Blaine and McKinley.

I was a member of the Committee on Ways and Means of the House of Representatives in 1889 and 1890. When Blaine proposed his policy of reciprocity as supplementing the protective tariff system, of which he was the strongest advocate of his time, he did not propose to abolish all duties upon agricultural products. He was not in favor of subjecting the farmers of this country to free trade with Canada in grain and cattle and hogs and sheep and dairy products.

As Secretary of State he said in a communication to President Harrison:

> It is of the highest possible importance, in my view, that there be no treaty of reciprocity with Canada. * * * It would be considered a betrayal of the agricultural interests.

Speaking at Waterville, Me., August 29, he further defined his views upon reciprocity, saying:

> I wish to declare the opinion that the United States has reached a point where one of its highest duties is to enlarge the area of its foreign trade. * * * I mean expansion of trade with countries where we can find profitable exchanges. * * * I think that we would be unwisely content if we did not seek to engage in what the younger Pitt so well termed "annexation of trade." * * *
>
> What I mean to speak of briefly is a system of reciprocity not in conflict with the protective tariff, but supplementary thereto, and presenting a field of enterprise that will richly repay the efforts and energy of the American people.

The ideas of Blaine were incorporated in the McKinley tariff law as section 3 of that act.

J. Laurence Laughlin, professor of political economy of the University of Chicago, and H. Parker Willis, former professor of economics and political science in Washington and Lee University and now the able staff correspondent in Washington of the New York Journal of Commerce, in their joint work on reciprocity sum up the position taken by the Republicans in the Fifty-first Congress, who debated the reciprocity amendment to the McKinley tariff bill, as follows:

> Reciprocity, according to the true Republican view, thus contained the following elements:
>
> 1. The products admitted to the United States must not compete with those produced by us.
>
> 2. The countries traded with must be such as would take our surplus of manufactures and of farm produce.
>
> 3. The concessions obtained by us must be fully equivalent in the volume of trade thereby gained to those made by the countries with which the arrangements were entered into.

In the course of that debate the senior Senator from Illinois, Mr. CULLOM, defines his view of the Republican position on reciprocity as follows:

> "I am in favor of such reciprocity between the United States and other nations, especially with the Republics of Mexico and of Central and South America, as can be agreed upon and as will open up new markets to the people of this country. * * * What we desire is to find a market for whatever surplus we may have, either in agricultural productions or in manufactures; and to secure such market we should be willing to take from the people who take our surplus a sufficient amount of the surplus of such productions or articles as we do not produce to the extent of our needs to pay for it."

Under the reciprocity provision of the McKinley Tariff Act a number of reciprocity treaties were negotiated, namely, with Brazil; Spain, acting on behalf of Cuba and Porto Rico; the treaty for the British Colonies, Santo Domingo, Guatemala, Salvador, Honduras, and Nicaragua. The most important of these was the treaty with Brazil, which was made public by President Harrison's proclamation, February 5, 1891.

This treaty, negotiated by the Harrison administration, is in marked contrast with the so-called reciprocal pact of the Taft administration. It secured for the United States admission free of duty into all the established ports of entry of Brazil of the following schedule of agricultural and manufactured products of the United States: Wheat and wheat flour; corn or maize and the manufactures thereof, including corn meal and starch, rye, rye flour, buckwheat, buckwheat flour, and barley; potatoes, beans, and peas; hay and oats; pork, salted, including pickled pork and bacon, except hams; fish, salted, dried, or pickled; cottonseed oil; coal, anthracite and bituminous; rosin, tar, pitch, and turpentine; agricultural tools, implements, and machinery; mining and mechanical tools, implements, and machinery, including stationary and portable engines and all machinery for manufacturing and industrial purposes, except sewing machines; instruments and books for the arts and sciences; railway construction material and equipment.

This treaty further secured admission into all the established ports of entry of Brazil, with a reduction of 25 per cent of the duty designated on the respective articles in the tariff then in force or thereafter adopted, of the following articles of merchandise, the same being the product or manufacture of the United States of America: Lard and substitutes therefor; bacon and hams; butter and cheese; canned and preserved

meats, fish, fruits, and vegetables; manufactures of cotton, including cotton clothing; manufactures of iron and steel, single or mixed, not included in the foregoing free schedule; leather and the manufactures thereof, except boots and shoes; lumber, timber, and the manufactures of wood, including cooperage, furniture of all kinds, wagons, carts, and carriages; manufactures of rubber.

And in consideration for the foregoing extended list of the products of the farm and factory the United States admitted the following products of Brazil: Sugar, molasses, coffee, and hides free of duty.

The Republican platform of 1892 affirmed adherence to the Republican policy of reciprocity as established under the McKinley law, as follows:

We point to the success of the Republican policy of reciprocity under which our export trade has vastly increased and new and enlarged markets have been opened for the products of our farms and workshops. We remind the people of the bitter opposition of the Democratic Party to this practical business measure, and claim that executed by a Republican administration our present laws will eventually give us control of the trade of the world.

Mr. President, that is the progress that we were making under the McKinley Tariff Act with its reciprocity provision when the Democrats succeeded to power, and the Wilson tariff law of 1894 repealed the McKinley law with its reciprocity provision. We had ample opportunity in that period to test the effectiveness of that provision.

I said a moment ago that the pending bill violates every platform declaration of the Republican Party, and violates or contravenes or is in opposition to the recommendations of every Republican President except President Taft.

The plank of the Republican platform on reciprocity in 1896—I read from National Conventions and Platforms, by McKee—is as follows:

We believe the repeal of the reciprocity agreements negotiated by the last Republican administration was a national calamity, and we demand their renewal and extension on such terms as will equalize our trade with other nations, remove the restrictions which now obstruct the sale of American products in the ports of other countries, and secure enlarged markets for the products of our farms, forests, and factories.

Protection and reciprocity are twin measures of Republican policy and go hand in hand.

That would not exactly fit the pending Canadian tariff bill, designed to carry out President Taft's Canadian agreement, for in that measure reciprocity and protection do not go hand in hand, but are in direct conflict.

This plank further reads as follows:

Democratic rule has recklessly struck down both, and both must be reestablished.

Now listen:

Protection for what we produce; free admission for the necessaries of life which we do not produce.

That is not this bill. This bill gives the Canadian farmers free admission for exactly what the farms of this country do produce.

I read again. I repeat that:

Protection for what we produce; free admission for the necessaries of life which we do not produce; reciprocity agreements of mutual interests which gain open markets for us in return for our open market to others. Protection builds up domestic industry and trade and secures our own market for ourselves; reciprocity builds up foreign trade and finds an outlet for our surplus.

But, Mr. President, the reciprocity proposed by this administration makes war upon the farm; it opens our markets on all agricultural products for the benefit of the Canadian producer, and is directly opposed to the declarations of the Republican Party of 1896 and to everything which the Republican Party has ever expressed in legislation up to the present time.

Let us go a step further. Come down to the national platform of 1900 and see whether this legislation is in agreement with anything for which the Republican Party has ever stood in all its history.

The Republicans, in their platform of 1900, declared:

We favor the associated policy of reciprocity, so directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets.

It has fallen to this administration to devise and mark out a new policy for the Republican Party, a course running at right angles to everything that has heretofore been expressed in a Republican platform, and, as I shall show before I conclude, in opposition to everything that the present administration stood for when it was contesting for the right to administer the affairs of this Government.

Now, I direct your attention to the position of the Republican Party regarding legislation on this subject as expressed in its platform of 1904:

We have extended widely our foreign markets, and we believe in the adoption of all practicable methods for their further extension, including commercial reciprocity wherever reciprocal arrangements can be effected consistent with the principles of protection and without injury to American agriculture, American labor, or any American industry.

If the present administration had sought some form of legislation which would directly contravene and overturn all of the tenets and platform declarations and avowed principles of the Republican Party upon the subject of reciprocity, it could not have been more successful than in the pending Canadian agreement and the legislation which it has proposed here and recommended to carry that agreement into statute law.

Mr. President, just a word from the Republican Presidents who have spoken authoritatively since the Republican Party outlined its policy on reciprocity. President McKinley, at Buffalo, N. Y., September 5, 1901, in the last speech he ever delivered, advocated reciprocity in the following words:

By sensible trade arrangements, which will not interrupt our home production, we shall extend the outlets of our increasing surplus.

Do Senators think that William McKinley, when he uttered those words, had in mind a proposition such as that which is pending before the Senate to-day?

The pending bill proposes to subject agriculture to the only competitor which it has in the world on certain farm products, without the suggestion of a barrier, a competitor who has the benefit of cheaper production, as I shall demonstrate before I conclude, who has the benefit of a lower priced market in which to purchase all of his supplies, and the benefit of low transportation charges to market. Continuing President McKinley said:

We should take from our customers *such of their products as we can use without harm to our industries and labor.*

That, Mr. President, is in perfect accord with every declaration ever made in a Republican platform. That is in perfect agreement with every position ever taken by a Republican statesman before the present time.

President Roosevelt, in his first message to Congress, defined his views upon this subject. They seem to be in entire harmony with every Republican platform expression with the standard fixed for us by Blaine and with the utterances of McKinley. President Roosevelt said, in his annual message, December 3, 1901:

Reciprocity must be treated as the handmaiden of protection. Our first duty is to see that the protection granted by the tariff in every case where it is needed is maintained and that reciprocity be sought for, so far as it can be safely done, without injury to our home industries.

So much, Mr. President, for the platform declarations of the Republican Party prior to 1908. I can not forbear to turn for a moment to the platform declarations of the Democratic Party in this same connection. We sometimes do not recognize, it seems to me, the real significance of the history we are making here from day to day. It becomes much more telling and freighted with far greater consequences after the day passes. A strange political situation has been presented by this legislation.

Day after day we have seen the votes of Democratic Senators combined with the votes of representatives of the most highly protected industries in the United States to advance this legislation. That is a union that sooner or later must bear certain fruitage. What shall it be? There is some inconsistency in that coalition. Forces so antagonistic can not combine without sooner or later producing an explosion. Somebody will suffer for what has been transpiring upon the floor of the Senate for the last few weeks. There is always the day of reckoning for every inconsistency, for every wrong committed. I say the Democratic Party has violated its own platform provisions in every vote which it has cast on this floor in its combination with the representatives of the highly protected industries of the East, of New England particularly. The Democratic platform in 1892 said this:

We denounce the sham reciprocity which juggles with the people's desire for enlarged foreign markets and free exchanges, by pretending to establish closer trade relations for a country whose articles of export are almost EXCLUSIVELY AGRICULTURAL PRODUCTS.

They were talking then about the treaties which had been framed under the McKinley tariff of 1890 with the South American Republics. They were denouncing those treaties as a sham and a pretense, because they were holding out to the agriculture of this country some hope of another market outside of the United States for surplus agricultural products; and the Democratic platform of 1892 denounced any arrangement with any country whose exports are almost exclusively agricultural products. And now we find on this floor practically the entire Democratic Party voting for a pretended reciprocal arrangement with Canada, a country whose exports are almost exclusively agricultural.

To go a step further, let us see how consistent the Democratic supporters of this Canadian reciprocity are with the previous

attitude of their party upon this subject. In 1904 the Democratic platform said:

> We favor liberal trade arrangements with Canada and with the peoples of other countries where they can be entered into with benefit to American AGRICULTURE, manufactures, mining, or commerce.

Where, I ask, do Democratic Senators expect to find any advantage for the farmers of the United States in this so-called reciprocity agreement to which they are giving their support? An arrangement with a country that has really nothing to give us but agricultural products, to share the market with the American farmer, can hardly be said to be beneficial to American agriculture.

I believe, Mr. President, some records are being made here, day by day, that will have to be settled for in the not distant future.

But it is not my purpose to arraign the Democratic Party. It can take care of its own affairs. I want to address myself, however, for a little time to the present Republican situation.

Mr. President, it is always possible for error to creep into a political platform. A political convention can hardly be called a deliberative body. Its sessions are brief and the work is always done under very great pressure. Delegates are anxious to conclude their labors and return to their homes. There is always in every political convention more or less rush and confusion. It is therefore possible for some ill-considered phrase or sentence which does not represent the mature thought of the majority of the convention subsequently to be found incorporated in the party platform. That has happened to all political parties in conventions, county, State, and national. There is, too, always the possibility of such an occurrence through design.

Adroit, clever, able politicians are to be found in every convention, and powerful interests are always watchful and farsighted in preparing the way for legislation which they will seek later at the hands of the party.

But such features of a political platform, Mr. President, are seldom referred to in the campaign by those directly responsible for their place in the platform, but are certain later to be made the basis of claim for legislative or administrative favors.

I have always contended, sir, that the declarations and promises of a platform which have been thoroughly discussed, which fairly represent the will of the voters who constitute the party organization, the principles upon which the campaign of the party is conducted, which win the support of the voter at the polls, are the platform promises and declarations which every party, and the official representatives of every party, are bound sacredly to execute and fulfill.

I say, Mr. President, it is possible for some error or mistake to occur as a result of the work of a political convention which may fairly be explained because of the conditions under which the work is performed. But no justification can be found for the deliberate and carefully matured plan upon which the party and its candidates conduct their campaign to secure the support of the voters of the country.

Following the Republican national convention of June, 1908, it became the acknowledged right of the candidate for President to select the chairman of the Republican national committee, a right which has always been accorded to the candidate as a matter of course. This right and privilege insures the conduct of the campaign upon plans and along lines that meet the approval of the man who is, if elected, to be held responsible to the people for the fulfillment of the campaign promises, upon the good faith of which the citizen stakes his support.

Next to the platform of the party, the campaign textbook is rightly regarded as the highest and most authoritative expression of the party's position, upon which the voter is expected to rely. While the platform is the quick work of a convention, hastening to dispose of its business, the campaign textbook is the most deliberate and carefully matured expression of the party's position upon all questions covered by and related to the platform, the past record, and the future purposes of the party and the party's candidates.

The campaign textbook, as its title implies, is the party's basis of instruction and education in all that constitutes the party's faith. It is the guide and precept for every man sent forth by the authority of the party to interpret the logical relation of its present attitude to past history, and to bespeak, with the highest authority, its guaranty for the future. The campaign textbook is sent forth broadcast over the country under the seal of party authority to make its direct appeal to the voters in every community. The rank and dignity of the campaign textbook makes it the arbiter by which all party positions are settled, all party disputes determined, in every hamlet and village throughout the land. Campaign leaflets and newspaper reports of the speeches of presidential candidates have no standing when contradicted by the printed page of the campaign textbook.

Mr. President, I offer in evidence for the particular consideration of the Republicans of the Senate and the country the Republican Campaign Textbook of 1908. I have been astounded that in all that we have heard for the Canadian agreement from January 26, when the President's first special message was issued, down to his last public address, delivered at Indianapolis, no hint or suggestion or intimation has been made of the extended treatment to be found of the subject of reciprocity in the 10 carefully considered pages embodied in this volume of Republican political gospel.

The whole creed of the Republican Party on reciprocity, aye, sir, on Republican reciprocity as distinguished from Democratic reciprocity, is laid down in this work, from page 130 to page 140, inclusive.

I have marveled, Mr. President, that as the debate progressed in the House of Representatives and on this floor no one has cited the clearly defined position of the Republican Party not only on the general subject of reciprocity but on Canadian reciprocity in particular as set forth in this document.

Mr. BORAH. Will it interrupt the Senator if I make a quotation in line with the argument the Senator is making?

Mr. LA FOLLETTE. Certainly not.

Mr. BORAH. I want to call attention to some previous campaign literature, but only very briefly. From page 92 up to page 96, in the campaign book of 1888, we have the title "The protected American farmer," and it closes by saying concerning our opposition friends:

> Now let us see how they propose to help the farmer. By removing the duty from nearly everything the farmer raises, thus compelling him to share his valuable home market with the Canadian farmer.

Mr. LA FOLLETTE. Mr. President, I thank the Senator from Idaho for putting into the record at this particular point the expressed position of the Republican Party in that campaign. It has pursued down to the present time a course perfectly consistent with platform principles. But now we come to a time when it appears that administrations are not to be bound by the declarations upon which has been secured the support of the American people.

Sir, I have always regarded platform declarations representing the clearly defined views of the majority of the party as sacred obligations. I believe, sir, that a political party is bound to carry out faithfully in letter and spirit the pledges upon which it secures the support of the electorate. After men reach maturity, and within the ordinary span of life, they do not vote for presidential candidates more than four or five times, when the curtain rings down and it is over. With the average American citizen the casting of his ballot constitutes his only direct participation in government. Once in four years he has, through his ballot, the opportunity to express his ideas, his will, his conviction, his wishes on the destinies of his country. Can you conceive of a more reprehensible act on the part of any man or organization of men than to mislead the voter; to get his franchise and then to betray him?

Mr. President, apart from the platform itself nothing is more binding on a political party than adherence to the principles set forth and treated with thoroughness in its campaign textbook.

I purpose, sir, to put into this record at this time, because it is a part of the history of this legislation, the argument and appeal made to the American farmer on the subject of Canadian reciprocity by those who conducted the campaign for the benefit of the Republican candidate for President, who has recommended and is using all the power of his great office to force through this Congress the pending legislation.

I read from page 130 of the Republican Campaign Textbook of the campaign of 1908. The title of this chapter is "Reciprocity":

> Reciprocity is another form of tariff revision which has been suggested at various times by various people and by people belonging to various political parties. It was suggested by President Arthur, James G. Blaine, and William McKinley; was put into operation in the McKinley tariff law; was destroyed by the Democratic Wilson-Gorman tariff law; and now the Democratic Party is charging that the Republican Party is not willing to give the country "genuine reciprocity."

Now, observe what follows:

> There are two distinct kinds of legislation which have been designated as reciprocity legislation. The first of these was enacted by the Democratic Party in 1854, taking effect in 1855. It was reciprocity with Canada, and provided that certain articles, the growth or produce of Canada or the United States, should be admitted into each country, respectively, free of duty. These were—

The next words are in italics—

> *articles of common production in the two countries*, and included grain, flour, animals of all kinds, fresh, smoked, and salted meats, cotton, seeds, vegetables, fruits, fish, poultry, eggs, hides, furs, stone,

slate, butter, cheese, tallow, lard, ores, coal, pitch, turpentine, ashes, timber, lumber, flax, hemp, tobacco, and rags. These were all, with the single exception of cotton, articles of mutual production, and Democratic reciprocity simply provided for free trade in these competing articles.

What does Republican reciprocity under this administration provide for that is markedly different from the Democratic reciprocity which is here decried as harmful to the interests of this country? Let us go a little further.

Under that treaty, which went into effect March 16, 1855, and terminated March 17, 1866, exports from the United States to Canada fell from $27,741,808 in the fiscal year 1855 to $23,439,115 in the fiscal year 1866, a reduction in our exports to Canada of over $4,000,000 during this period of Democratic reciprocity, while imports into the United States from Canada increased from $15,118,289 in 1855 to $48,133,599 in 1866, an increase of $33,000,000. In our trade with all other countries during that same period our imports increased 60 per cent, while those from Canada were increasing 220 per cent, and our exports to all other countries increased 70 per cent while those to Canada under this reciprocity were decreasing 15 per cent. It was simply free trade in articles of common production and with no barrier to protect the domestic producer, the result being a much greater increase in our imports from Canada than in those from other countries and a decrease of exports to that country while to other countries exports were increasing.

Mr. President, what voter who read that page of the Republican campaign textbook of 1908 had any right to expect that the agricultural interests of this country would be treated to identically the Democratic brand of Canadian reciprocity that is embodied in this pact and in the pending legislation. Was ever a more finished confidence game worked upon the American people?

In order to emphasize still further the iniquity of the sort of reciprocity, which was characterized as Democratic reciprocity in the campaign of 1908, but which is now the administration reciprocity, they went on with this discussion, and I propose to incorporate it in the record. I continue to quote:

A later form of reciprocity with which the country has had experience is illustrated by the plan formulated in the McKinley tariff law and expressed by William McKinley in his much-quoted speech at Buffalo, in which he said:

By sensible trade arrangements—

And then, in order to give the producers of the country assurance, they put in italics the next words uttered by McKinley.

arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus. * * * We should take from our customers such of their products as we can use *without harm to our industries and labor.*

That was to give assurance to every producer of an American product that if the Republican candidate was elected no reciprocity scheme would be proposed by the incoming administration which would bring into this country free of duty commodities to compete with or harm our own industries and our own labor. And yet, Mr. President, the facts before the Senate, and the undisputed testimony taken by the Finance Committee, leave no doubt that the farmers of three States alone—Minnesota and North and South Dakota—will suffer a loss of not less than $40,000,000 annually by the free importation into this country of Canadian agricultural products. I quote further—

to purchase from our neighbor such of their products as we can use *without harm to our industries and labor;* in other words, such of their products as are not produced by our own labor, and obtain in exchange markets for the class of merchandise which we desire to sell, and which the countries in question require for their own use, differs materially from the reciprocity of 1855–56, which was merely free trade in articles of mutual production—articles which when imported compete with the home producer.

That is just what this Canadian pact is—free trade in wheat and oats and flaxseed and barley and cattle and hogs and sheep and dairy products—everything that is produced upon the farm.

Mr. President, every line of this campaign textbook was an appeal to the farmers of the United States to support the Republican candidate and the Republican Party rather than the Democratic candidate, because Republican success would save them from the sort of Canadian reciprocity represented by the Democratic administration of 1855, which is distinguished from Republican reciprocity as defined in the Republican platform and by Republican Presidents. And yet we have urged upon us here the same sort of legislation which every paragraph and every line of these 10 pages in this campaign textbook denounce as dangerous and hostile to the interests of agriculture.

The chief classes of products which we do not produce in the United States are tropical and subtropical. We import about $400,000,000 worth of tropical and subtropical products every year—more than a million dollars' worth for every day in the year, including Sundays and holidays. These articles we do not produce in the United States in sufficient quantities for home requirements. They include rubber, hemp, sisal, jute, raw silk, Egyptian cotton, and other articles used in manufacturing; and coffee, cocoa, tea, spices, olives, bananas, and sugar, used as food and drink. These classes of articles are of the class which "we can use without harm to our industries and labor."

Sugar is the only article in this list produced in the United States, and at the present time the home production of sugar is only sufficient to supply about one-fifth of the total home consumption. The countries which produce these tropical and subtropical articles are not manufacturing countries, nor are they large producers of those great staples of food—flour, wheat, corn, and meats.

Appeal is made to both agriculture and manufacturing to stand by this particular kind of reciprocity, which is stamped Republican reciprocity as distinguished from Democratic reciprocity, in order that the agreements entered into under that name shall harm no production of the United States, but shall extend the markets for what we produce, and bring in free of duty, or much reduced in duty, articles of necessity which our people use.

I continue to read from the textbook:

RECIPROCITY TREATIES UNDER THE M'KINLEY LAW.

Under the McKinley tariff law reciprocity treaties were made by President Harrison with the Governments of Brazil, British Guiana, Salvador, Nicaragua, Honduras, Guatemala, Santo Domingo, and the countries governing the British West Indies and Porto Rico and Cuba. These treaties provided for a reduction of duties on foodstuffs—

Now, mark that. Oh, I tell you this was adroitly worded to appeal to the farm voter—

These treaties provided for a reduction of duties on foodstuffs and manufactures from the United States entering the countries and islands in question, in exchange for the free importation of sugar, coffee, tea, and hides into the United States, as provided under the general terms of the McKinley Act. The result of those treaties with this group of tropical countries, producing the class of articles which the United States requires and does not produce in sufficient quantities at home, was that our exports to those countries and islands increased 26 per cent and our imports from them increased 28 per cent—

See how evenly they balance—

between 1890, the year of the enactment of the McKinley law, and 1894, the year in which it was repealed by a Democratic Congress and a Democratic President, and reciprocity thus destroyed. During that same period our exports to all other countries than those above named increased 3 per cent and our imports from them decreased 27 per cent.

Mr. President, I shall not take the time of the Senate to read further, as I know the Senator from Michigan [Mr. SMITH] desires to occupy the floor for a time this afternoon and perhaps other Senators likewise, but I ask leave to incorporate in my remarks all the matter relating to reciprocity contained in this campaign textbook from pages 130 to 139, inclusive, and to print the same as an appendix to my remarks.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

Mr. LA FOLLETTE. Now, Mr. President, I desire to take a little more of the time of the Senate and call attention to another inconsistency of this administration in connection with this same legislation.

President Taft, in his message of January 26, transmitting this bill to Congress, said:

This is not a violation of the protective principle, as that has been authoritatively announced by those who uphold it, because that principle does not call for a tariff between this country and one whose conditions as to production, population, and wages are so like ours.

In various speeches made soon thereafter the President stated there was no substantial difference in cost of production between Canada and this country.

On February 28 there was transmitted to Congress the report of the Tariff Board, giving the results of its investigation as to the cost of production of agricultural and certain forest products in this country and Canada. As the most casual reading of that report shows that the cost of production of agricultural products is very much less in Canada than in this country, it was no little surprise to find that in the President's message of April 5, transmitting this bill to this Congress, he reaffirms all the statements made in his message of January 26. Although the President had the report of the Tariff Board before him, not the slightest mention of its findings is made by him in his message of April 5. Indeed, in speech after speech made thereafter he continued to assert that there was no substantial difference in cost of production of agricultural products between Canada and this country, thereby discrediting to the fullest extent the findings of the Tariff Board, appointed by him.

Now, it is claimed that if the woolen schedule, the cotton schedule, or any other schedule of the tariff law shall be revised at this session the President will veto such legislation, upon the ground that no action should be taken until the Tariff Board shall have reported upon those subjects.

The President can not, in good faith, make this claim. In the bill before us he not only did not await the report of the Tariff Board before taking action, he not only ignores its findings when they are made, but in public speech squarely opposes its conclusions, and undertakes to assert that the conditions as to costs of production are directly contrary to those found by his own Tariff Board.

Sir, President Taft has been the first to discredit his own Tariff Board, and while I am anxious for its report upon the different schedules and expect it will be of great assistance to Congress, we have not the slightest assurance that it will have any influence upon the recommendations of the President to Congress. And if there be those in Congress, and there surely will, who will look for an excuse for ignoring the findings of

the board, they need go no further than point to the action of President Taft upon this bill and his repudiation of the findings of the Tariff Board in relation to it.

Mr. President, I have made something of a study of the manifest injustice of this proposed legislation and what I believe will be its inevtiable effect upon the agricultural industry of this country.

Who are the chief exponents of this pact? I think it is a significant fact, and one that has not escaped the attention of the American people, that the two most distinguished exponents of this deal with Canada are President Taft and James J. Hill. How does it happen that when the campaign was opened to promote this legislation, James J. Hill was chosen to assist the President in doing it? The newspapers of February 10, 1911, contain full reports under large headlines of the President's speech in the national corn exposition at Columbus, Ohio, and Hill's speech before the Publicity Club of Minneapolis upon the same date. And what did these two gentlemen say? I take an extract from the speech of President Taft. He said:

> The advantage we give the Canadian farmers will not hurt our farmers, for the price will remain the same—

Mark that, in the face of figures and facts that have been brought out in the consideration of this pact, showing beyond all doubt that the prices the American farmer gets will not remain the same, but will be lower—

> but by popularizing our elevators, our flour mills, our railroads, he will secure admission to the world market at a less cost to himself, for we will secure the advantage of increasing trade for our elevators, our mills, our railroads, and our commission men.

Now, what did James J. Hill, whose railroad lines pierce the heart of the great Canadian northwest, say on the same date? I take the following from his speech:

> The trade between Canada and the United States for 44 years has been handcuffed and shackled, and still, under all these adverse conditions, has made the progress it has. Why not let us knock off these shackles, and let it move as men move; let it go free?

And again he says:

> These gentlemen who are airing their views as to what it will do to this neighborhood and that neighborhood seem to have lost their ability of taking a true perspective. They hold the copper cent so close to the eye that they can not see the $10 gold piece beyond it. Canada is our third best customer. England is our best, she buying more from us and paying us the largest balance of trade. Germany * * * is our second best customer.

The trade of the United States with England and Germany is not of such immediate and profitable concern to Mr. Hill as is free and unrestricted trade with Canada.

It is significant, too, that President Taft and Mr. Hill on that same day both devoted a great deal of time to an effort to prove that the prices of wheat in this country will not be affected by the proposed pact; that it is the Liverpool price that controls the Northwest markets.

The same arguments are advanced, the same character of support is given to the proposed pact, and both men appeal to the American public to support this agreement as a measure of true statesmanship. Both of these distinguished advocates of this special-interest bargain with Canada endeavor to placate the American farmer. They say it will not injure him, but that it will actually benefit him. The extremes to which they were reduced to find some positive benefit that might accrue to the farmers through this pact may be illustrated by the following extract from President Taft's Columbus speech:

> The great increase in American mills likely to follow the free importation of wheat from Canada will give us the benefit of the by-products from bran and shorts, most valuable for dairy use and cattle raising, by-products that are now so scarce that many farmers are unable to procure them.

How strongly this argument appeals to Mr. Taft may be gathered from the fact that he laid stress upon it again on the occasion of a later speech in Chicago, on June 3, 1911, when he said:

> A very material benefit, too, to all the farmers of the country, especially the stock and cattle raisers and the dairy farmers, will be the by-products of bran and shorts from the flour mills likely to follow the free export of wheat from Canada to those mills.

President Taft and Mr. Hill have made the best case possible for this deal. But I contend that they have not demonstrated a single benefit that will flow from it, except the benefits that will be given to the railroads, the millers, the packers, the newspapers, and certain of our large manufacturers. The straits to which the advocates of this measure are driven in their endeavor to placate the indignant farming people of the country is, I think, fairly illustrated in the case of fencing wire. In his Springfield address on February 11 President Taft points out to the farmers of the Middle West that barbed wire is to come in from Canada free. In an open letter addressed to the legislative committee of the National Grange on February 9, Secretary of Agriculture James Wilson singles out free barbed wire which we are to get from Canada as an alluring inducement to the American farmer to support the administration in this pact. He said:

> Free barbed fencing wire will be a boon to our farmers.

Is there a farmer in the United States who does not know that our manufacturers are sending over into Canada every year more than 30,000,000 pounds to build the fences of the Canadian farmers? Not a pound came into the United States from Canada. Nor would a pound have come into the United States from Canada if it were free. The American manufacturer is more than able to compete with the Canadian manufacturer.

The same is true of other manufactured articles included in this free list. The American manufacturer controls the business on this continent and the American farmers must continue to pay tribute to him, and accept the prices he fixes, irrespective of any competition that may be opposed by giving our field to the little Canadian competitor of the great American manufacturers. Even in the case of lumber, the American farmer is handed a fine, big joker in this pact. The only lumber articles that are admitted free are sawed boards, planks, deals, and other lumber not further manufactured than sawed. Before such lumber can be used in the farmers' homes it must go through our mills to be finished for use.

Neither President Taft nor Mr. Hill are able to specify a single substantial benefit the American farmer will receive in return for the great sacrifices he is asked to make to secure the consummation of this trade agreement. On the other hand, no difficulty whatever is experienced by either of these distinguished advocates in demonstrating that the ratification of this pact will result in untold benefit to a few big interests. Mr. Hill's activity on behalf of this deal is easily understood. His great railroad lines parallel the boundary and connect with the steamship lines to the Orient. Branching off from these trunk lines are 15 or 20 feeders that extend far up into the interior of northwestern Canada. As our manufactures flow in an increasing stream across the border to supply the needs of this rapidly growing country, Mr. Hill's lines of railroad and other lines of railroad will secure the traffic, and as the agricultural products—its wheat, its barley, its live stock, its dairy products—pour into our markets, Mr. Hill's railroad and the other railroads will get the tonnage, too, of the foodstuffs and manufactures made from these Canadian products that must be sent to all parts of the interior of this country, and on to the coast for export.

Every pound of the foreign commerce of Canada that can be diverted from other markets to our market will add to the profits of our American railroads, and it makes no difference to our railroad magnates what price the farmer receives for his produce or what price the consumer is compelled to pay for what he buys. Their rates will be the same. Mr. Hill's railroad will charge the same rate for hauling a bushel of wheat to market when our farmer must sell at 75 cents a bushel as when he sells for a dollar. James J. Hill is called the "empire builder." He sees another vast empire to the north of us to be conquered by his lines of railroad. The ratification of this trade agreement with Canada means enormous traffic and millions of profits for the Hill lines. The great northwestern lines aid in fostering in every possible way the mutual intercourse of the people of this country and our neighbors to the north. I believe every legitimate means should be taken to stimulate trade back and forth across the border. It is not against improved trade relations with Canada that I protest, Mr. President, but against the injustice of this pact. It is against the unfair, unreciprocal, injurious nature of this legislation that singles out the farmers to divide their profitable home market with their Canadian competitors, and demands no similar sacrifice from our great trusts. The proposed pact is not reciprocity. It is a special-interest tariff measure.

The proposed agreement is not "reciprocity"; it *takes from the American farmer something of great value, which is given to the Canadian farmer, and to the millers, packers, and other big interests.*

Persistent efforts have been made by the advocates of the proposed agreement to convince the public that it will not injure agricultural interests.

President Taft, in his Chicago speech on June 3, contends that the farmer will not be injured nor will prices of farm products increase. At the same time he seeks to discredit the representatives of the farmers who have been active in opposing the bill.

The American Newspaper Publishers' Association—chief and most powerful exponent of the pact—distributed great quantities of literature on the appealing subjects of "reciprocity in the farm market" and "reciprocity in the farmer's home,"

for the purpose of molding the opinion of farmers in favor of the agreement, thus attempting to convince the agricultural interests of the advantages of the pact. No word appeared in this literature regarding free print paper, in which the newspaper publishers were directly interested. But day after day there appeared in the great newspapers of the country "news" items and editorials purporting to show the favor which the agreement *should* meet and, indeed, was meeting from representative farmers. From a reading of the daily press alone one would be led to believe that every farmer in the United States who was alive to his own best interests was giving enthusiastic support to the administration in this measure.

But are the farmers in favor of it? Will they lose or gain, or will their status remain unchanged if this trade agreement is carried into effect?

Mr. President, I maintain that the farmers, as a class, are vigorously opposed to the proposed agreement. This opposition has increased steadily as its bearing upon the agricultural interest became clear. During the hearings of the Senate Committee on Finance delegations of farmers from the leading agricultural States of this Union appeared here in opposition to the bill, and petitions were signed and resolutions adopted by farmers everywhere protesting against this one-sided arrangement, which makes a free-trade market for what he has to sell and compels him to buy in a highly protected market. It is safe to say, Mr. President, that the overwhelming majority of our agricultural population, who are producing what the Canadian farmers are also producing, are against this agreement. And justly so.

Look at the position in which this special-interest compact places the farmer:

For years and years the farmers of this country have stood solidly for the protective principle. From the time of Horace Greeley they have gone to the polls, election after election, and returned to power the party pledged to this political theory. They have had no hand in writing the schedules. It was not primarily for their profit that the tariff wall was raised higher and higher. And all this time he has been compelled to pay more for what he consumes than if he had free access to other markets. All these years he has been paying more to the manufacturers who make his clothing, his machinery, his lumber, his furniture, even his schoolbooks, than he would have paid with the markets of the world thrown open to him.

Why has he done this? Why has he helped to maintain protection? Because, Mr. President, he believed in building up a home market for the products of the soil. Because he figured that by fostering our manufacturing industries the general prosperity of the Nation would be enhanced; that a great and well-paid manufacturing population was the best guaranty of a great and well-patronized farming population; that an exclusive market for him would thus be created, by proper protective duties upon the products of the farm.

Thus the farmer reasoned. And as the years have gone he has seen the country develop into the greatest industrial Nation of the world. His logic was justified. His long years of patient toil, his hardships in opening up new lands and creating new agricultural empires, to afford a wider and firmer foundation for the Nation's prosperity, his poverty—all this had its reward. His home market was created.

But while the farmer was enduring his double portion of deprivation and hard work during this period of protection when the industrial interests were waxing fat and powerful, while he was plodding along with his eye to the future and that splendid market, forces were at work to take from him the advantage for which he was sacrificing so much. The railroads absorbed a large part of the price he received for his products. Great commission houses appeared to corral his fruits and vegetables and take their lion's share. Gigantic packing companies swallowed up his live stock and grew rich. Enormous elevator concerns stored away his grain. The home market was at hand, but between it and the farmer was now interposed a distributing organization that took two-thirds of what the consumers paid and left for the farmer his paltry third.

Yet, robbed to a large extent of the advantages of his home market, the farmer wavered not from the standard of protection. He recognized and turned to grapple with these forces that held him away from the full enoyment of the market he had helped to create. And he did demand, Mr. President, in common with the rest of the great consuming public, that the industrial combinations be prevented from longer revelling in a tariff protection that had passed the limits of protection and reached the point of sordid graft. He declared for protection sufficient only to cover the difference between the cost of production in this and the competing foreign countries. But he insists, and rightly, that this principle be applied to all industries alike—to farming as well as manufacturing.

And now this so-called reciprocity confronts him. Perfected in secret conclave it came into the light, not reciprocity, but an arrangement whereby the long-enduring farmer is made to pay for the concessions made to a few prosperous special interests, so few, indeed, that they may be counted upon the fingers of one hand.

What is this price? Let us consider some of these farm products that have been placed upon the free list and see to what extent our agricultural interests will be injured if this pact is ratified.

WHEAT.

There is at present a tariff of 25 cents a bushel on wheat entering this country from Canada. Last year our importations from Canada over this tariff wall amounted to only 152,383 bushels. We exported to Canada, paying her duty of 12 cents a bushel, only 54,964 bushels. Between these two countries there is practically no trade at all in wheat.

The price the Canadian farmer receives for his wheat is determined by the world market. He receives the Liverpool price less the cost of transportation. The price received by the American wheat raiser is fixed by the home market. Minnesota, North Dakota, and South Dakota are the three great spring-wheat growing States. In 1910, according to statistics furnished by the Tariff Board—and these figures are lower than the estimates of wheat raisers—they produced 176,905,000 bushels, every bushel of which is spring wheat. And right across the border is the Canadian wheat raiser who produces in the same year 149,989,600 bushels, of which only 16,610,000 bushels are the soft-winter wheat.

Bear in mind that the wheat most desired for milling is that known as the northern. It is the grade that the Minneapolis millers are seeking. It is this grade that the southern mills must have to mix with their soft wheat. And, owing to soil and climatic conditions, Canada produces a northern wheat that rivals if not excels the very best northern wheat grown in our Northwestern States.

Canada is a great wheat exporter. The United States is the world's greatest miller. Canada's surplus, which is now dumped upon the world market at world prices, is beating against our tariff wall of 25 cents a bushel to gain free access to a flour-consuming population of 90,000,000 people, and where a higher level of prices prevails than that afforded the Canadian wheat grower in his present market.

Mr. President, what do the figures show?

For the United States.

	Wheat produced.	Wheat exported.
	Bushels.	*Bushels.*
1901	522,229,505	132,060,667
1909	644,602,000	66,923,244

For Canada.

	Wheat produced.	Wheat exported.
	Bushels.	*Bushels.*
1901	84,814,948	18,936,252
1909	165,787,530	59,959,663

Canada's wheat exports are increasing. In 1901 they were 22.32 per cent of the total production; in 1909, 36.17 per cent. The wheat exports of the United States are decreasing. In 1901 they were 25.28 per cent of the total wheat production; in 1909, only 10.07 per cent.

It must be borne in mind, in considering statistics of wheat exports of the United States, that the greater portion of what we send abroad is the softer grades. We send practically none of our high-grade milling wheat away from home. Minneapolis has ceased to export.

Our home demands are requiring more and more of our supply. The fact is further borne out by the statistics of flour exports. In 1901 we exported 18,650,979 barrels, which was 16.07 per cent of the total wheat production. In 1909 we exported 10,521,161 barrels, which was 7.12 per cent of the total wheat production. This indicates that our mills are taking a constantly greater portion of our wheat and that an increasingly greater proportion of the flour made in these mills is being consumed at home. Thus with regard to wheat and flour we find the consumption more and more nearly equaling the production. The American wheat raiser's return for the labor and

capital he employs in producing his wheat—assuming always that the farmer gets his share of the advantages of his improving home market—seemed in a fair way of becoming sufficient to fairly and justly compensate him. If his just return is diverted by middle men or distributing agencies, that is a problem that must be dealt with separately and by itself.

Canada's wheat surplus, great as it is already, is increasing so rapidly that it is estimated by experts that it will eventually run up much higher than 100,000,000 bushels a year.

In the northwestern Provinces alone the number of acres devoted to wheat growing jumped from 3,941,369 in 1905 to 8,395,400 acres in 1910. More than doubled in five years!

Canadian lands—virgin, fertile, level, vast stretches unbroken by mountains, none of which have been more than scratched by the plow—yield on the average 15.53 bushels to the acre, while on our side of the border the average is but 11.7 bushels, according to the report of the President's Tariff Board. With the same effort, the Canadian wheat grower gets a return of about 4 bushels more per acre. And he does so on land that is worth, on the most conservative estimate, more than $7 per acre less than the lands of the American farmer.

Is our farmer to have this great wheat country pitted against him, with no compensating benefits to enable him to meet it?

Now, as to prices. The Canadian wheat raiser receives on the average a little over 10 cents a bushel less for his wheat than the farmer on this side of the border. The fact that our farmer is paid a higher price for his wheat than his Canadian competitor has been amply demonstrated on this floor by the Senator from North Dakota. The figures show so clearly and uniformly that the American farmer receives on the average over 10 cents a bushel more than the Canadian farmer that no attempt has been made at any time in this discussion to question or dispute the fact.

Ten cents a bushel represents in money the advantage the American farmer receives from the home market he has sacrificed so much to develop. Ten cents a bushel. That is the price to be collected from the wheat growers as their part of the payment for these benefits to be given to great protected trusts. I do not mean to say that free trade will automatically force the American level of prices down to the Canadian level. It is possible that with an influx of Canadian wheat the Canadian price would go up and the American price would come down until a common level was reached. But I think there is no question but that such a level would be close to the present Canadian level. Of course, if such were the case, the benefit to the Canadian wheat grower would consist merely in an additional and convenient market, rather than in better prices, but if you put the Canadian wheat grower on the same price level as the American wheat grower and in the same market he will still have an immense advantage in the shape of more productive and cheaper lands. And however that may be, the American wheat grower would certainly lose his present advantage of 10 cents a bushel. And I ask, Mr. President, is that to be lightly done?

The sensitiveness of this home market is strikingly indicated by the market reports during the consideration of this compact. Last February the market reports in Minneapolis newspapers—papers that were favorable to this trade compact—contained statements like this:

May wheat to-day sold down to 98⅞ cents. Possibility of reciprocity causes still further declines.

Wheat sold down to still further new lows. Advices from the national capital late to-day were favorable for reciprocity with Canada. This caused a severe break in wheat prices.

On February 7 the closing markets showed declines on wheat, oats, and barley from the prices of the day the trade agreement was made public of 5 cents, 3 cents, and 13 cents, respectively.

The wheat of Canada is so situated that it can be hauled to our market just as cheaply as it is now hauled to Port Arthur for export. From the town of Emerson to Port Arthur, for instance, the rate is the same as from Pembina to Duluth. This means that Canadian wheat can be carried to our own markets at very little greater expense than the wheat of the Northwestern States is transported now to the same market. Right in this connection, too, may be noted the expectation of the Canadian farmer of securing favorable freight rates to the American market in case this trade scheme is consummated. Let me quote from the Calgary Telegram, a newspaper published in Alberta. It says:

LOWER FREIGHT FOR CANADA.

One important result of this agreement that may be expected is a reduction of grain-carrying rates. With the free entry of Canadian grains into the United States, the American transportation companies will make a determined effort to secure Canada's grain trade, and lively competition will ensue between the carrying companies. That the farmers of Canada will benefit by cheaper freight rates is sure.

President Taft, in his message to Congress, in reference to the agreement, indicates that in addition to the tariff agreement an adjustment of railway rates is in progress.

An equitable arrangement—

He says—

has recently been reached between our Interstate Commerce Commission and the similar body in Canada in regard to through rates on the transportation lines between the two countries.

The damage to our agricultural interests if the Canadian farmer is permitted to dump his vast surplus into our home market and glut it with high-grade milling wheat, it is estimated by men who know the situation, will exceed $50,000,000 a year to the farmers of the three States of Minnesota, North and South Dakota alone.

But how about our other wheat-raising States? It is true that these three States in the Northwest produce the bulk of our hard milling wheat—the kind of wheat which is raised by the Canadian farmer. These States, therefore, must suffer most severely from the Canadian competition, if the tariff wall is thrown down. There are, however, States to the south that raise millions of bushels of soft wheat. In 1910 our principal winter-wheat States produced the following amounts:

	Bushels.
Kansas	61,060,000
Indiana	40,981,000
Illinois	31,500,000
Missouri	25,130,000
Michigan	15,642,000
Washington	13,858,000
New York	10,523,000

Our millers use large quantities of this southern wheat to mix with the hard northern wheat in making flour. Minneapolis, the flour-milling center of this country, used this southern wheat in the following amounts:

	Bushels.	Cars.
1906	3,497,020	8,390
1907	11,860,680	11,130
1908	18,364,490	16,839
1909	4,681,520	4,337
1910	11,601,650	10,157

Where did this wheat come from? Most of it from Nebraska, Kansas, and Oklahoma. And these figures do not include 900 cars shipped to Duluth and large quantities milled at Winona, Red Wing, Waterville, New Prague, and Mankato.

Now, what will happen if the fine, hard milling wheat of Canada is admitted free? The mills will be given a surplus of the superior grade, the northern wheat of Canada, combined with the northern wheat of the Northwestern States, will so glut the local market that the demand for the southern wheat will fall off. In fact, from the best information available, it is certain that the southern wheat will be excluded from the mills, except at a very low price. The destruction of the home market by Canadian competition will extend far beyond the boundaries of the hard-wheat producing States of the Northwest. The injury to wheat raisers will be general.

With free trade our bins will be filled with Canadian wheat. The Canadian wheat raiser will find at his door a market that is now 10 cents a bushel higher than his own. He will be on practically an even footing with his competitor in the Northwest in transporting his wheat to market—if, indeed, he does not gain a direct advantage.

He will be able to produce his wheat at lower cost than the American farmer, with a yield much greater per acre than that of his American competitor.

He will find just as great a demand for his wheat as there is for the wheat of our northwestern farmers.

The English tariff commission report says of this proposed pact, "Canada's opportunities are especially marked in the case of wheat."

There can be but one result. Our splendid home market for wheat will be utterly destroyed. Our higher level of prices will be forced down to or nearly to the level of prices in Canada. Vast quantities of our southern wheat must seek new markets and accept a lower price. Even if Canada should continue to export her wheat elsewhere under free trade, the free access to that vast supply will enable our millers to force down and keep down the prices they pay to our farmers.

No other conclusion is possible. The facts can not be controverted. The ratification of the President's bargain with Canada will work untold damage to our wheat farmers, with no benefit to the consuming public.

BENEFITS TO MILLERS.

The benefit to the milling interests—the large flour-manufacturing concerns centering in Minneapolis—is recognized and pub-

licly stated by the President. In his speech at Chicago on June 3, 1911, President Taft said:

Canadian wheat nets perhaps 10 cents less a bushel to the producer than wheat grown in the Dakotas or in Minnesota, due to the fact that the cost of exporting that wheat and warehousing it and transporting it to Liverpool is considerably greater than the cost to the Dakota farmer of disposing of his wheat to the millers of Minneapolis and other places. It can and will be made into flour, because the capacity of the American mills is 33 per cent greater than is needed to mill the wheat of this country.

There you have it. But mark this: The miller is especially eager to get free access to the Canadian wheat because of its unusually high quality as a milling wheat. He wants quantity, to be sure, but he looks also to quality. Canada raises a wheat that ranks as high as, and even higher than, the best wheat grown in the Northwestern States for making flour. Our millers may buy their superior Canadian wheat at a much lower figure than they are now paying the American wheat raiser for his superior grades and yet have a greater proportion of flour per unit and a less proportion of bran.

As the demand for flour has increased much faster than the production of wheat, these large mills have demanded more and more of the quality grown in the great wheat-raising States of the Northwest. For this reason Minneapolis has ceased to be an exporter of wheat.

For reasons which I have already stated the wheat of Canada will pour into our markets. And as this golden stream flows across the border, filling up our elevators, the milling interests will find their business expanding and their profits increasing. The center of the milling industry of this country—Minneapolis—might also be said to be a milling center for Canada, so near is it to the Canadian wheat fields, with their enormous supply of fine hard wheat waiting to be put through our mills just the moment the tariff wall is torn down. No wonder the milling interests are back of this pact.

Not content, Mr. President, with opening up to the milling interests free access to this cheap supply of good wheat, the framers of this pact went further. They actually increased the protection of the American miller against his Canadian competitor over that given him in the Payne-Aldrich law. That, Mr. President, is a feature of this deal that I will take up in a moment.

It is possible for our mills, with their enormous capacity, to handle practically every bushel of Canada's surplus.

From Senate Document 862, I quote the following:

The flour mills of the United States have ample capacity to convert into finished products not only the entire wheat crop of the United States, but all the wheat that Canada now raises or may produce for many years to come, were the wheat available for our mills.

And in the same document I find:

Few realize the extent of the American flour and cereal-milling industry. The capital therein invested is exceeded by only one line of manufacturing in the United States. Our merchant mills are found in more than 30 States. The capital employed in building and operating them exceeds $600,000,000, and their annual output approximates this great sum. The value of their exports of flour and grain products exceeds the value of all the rest of the mills of the world.

It is this great interest, Mr. President, that the President proposes to benefit in his pact by increasing protection on the flour they make and putting on the free list the wheat they use. Our farmer who grows the wheat now ground into flour in these mills is asked to accept lower prices for his wheat in order that this concession may be granted to the millers. Is this reciprocity?

BARLEY.

There is a tariff of 30 cents a bushel on barley coming into the United States from Canada. Since this tariff was fixed in 1897, the imports of Canadian barley have gradually decreased from 124,768 bushels in 1898 to a mere handful of 2,420 bushels in 1909. We have sent to Canada, under a tariff of 15 cents a bushel, a great deal more than we have received, the amount in 1909 being 115,932 bushels.

In 10 years, under the stimulus of the missionary work of the Department of Agriculture and a strong demand from maltsters, our farmers have increased their production from 73,382,000 to 162,227,000 bushels. From 1900 to 1909 the Canadian farmer increased his production of barley from 20,322,666 bushels to 48,810,685 bushels; and the acreage directed to this crop increased 10 per cent for all Canada, 72 per cent for Saskatchewan alone, and 253 per cent for Alberta alone.

Barley is used chiefly for stock feeding and for making the malt used in beer. Our best malting barleys are grown in the West. Prior to the tariff act of 1897 New York was the principal malt-manufacturing State. Her domestic barley was mixed with the high-grade barley of Ontario. After 1897 the Canadian barley supply was cut off. Buffalo's malting industry declined. Chicago, Minneapolis, and Milwaukee became the chief malt centers.

The Buffalo brewers and maltsters especially favor this bill for the plain and selfish reason that it will open up to them again the barley fields of Ontario. But they know it would seriously cripple our barley production. It would undo all the patient work of years. Why? The Canadian farmer grows an average of 24.62 bushels per acre; the American farmer, 22.4 bushels. The price paid for barley in our markets is so much higher than it is in Canada that, under free trade, every surplus bushel would be lured across the line into our markets. The average difference for the present crop season between the Winnipeg price and the Minneapolis price has been approximately 28 cents a bushel. From 1900 to 1909 the Chicago price ranged from 1 cent to 46 cents above the Winnipeg price. Half of this time the difference in Chicago's favor was over 13 cents a bushel. During the same period the Minneapolis and Milwaukee price ranged from 5½ cents below to 32½ cents above the Toronto price.

Tear down the tariff protection to our barley grower and Canada's barley would flow across the border in increasing quantities, attracted by the higher price and ready market. Here, too, as in the case of wheat, the home market fostered and developed through the years is to be demolished at a stroke. And with nothing given in return to compensate the American farmer.

In dollars and cents alone the damage that will result to the barley growers of the five States of Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota is estimated by an experienced farmer at not less than $20,000,000 to $25,000,000.

Secretary of the Treasury MacVeagh, in an interview published in Chicago April 4 last, said:

Canada is better adapted for raising barley than most of our own agricultural sections, and it is possible that American farmers can not compete with the Canadian in raising that product without tariff protection—

Mind you, the Secretary is urging the President's pact upon the people of the Middle West—

In that case the American soil can be profitably used for other products, for which there is plenty of demand.

There you are. This agreement will drive the American barley grower out of business. But what of it? Let him turn to something else. It matters not to the administration. Let in the Canadian wheat and the Canadian barley. Compel the American farmer to use his fields for some other crops. It may not be best for the farmer, or best for his land, but he must submit.

The representatives of the highly protected industries of the East and the Democratic Party have joined with the administration to wipe out important agricultural industries for the benefit of Canada and a few big American interests.

FLAXSEED.

The duty on Canadian flaxseed entering this country is 25 cents a bushel. In 1910 the farmers of our principal flax-growing States—Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, and Montana—produced 14,116,000 bushels. Over in Canada the Provinces of Prince Edward Island, Manitoba, Saskatchewan, and Alberta produced 3,802,000. Thus, in spite of the heavy tariff, Canada sent us nearly half of this supply.

The Canadian farmer finds it possible to grow nearly double the crop per acre produced by our farmer. The average yield per acre for the four Provinces I have just named is, according to the report of the President's tariff board, 7.97 bushels, while on our side it is but 4.8 bushels. We pay our farmer an average farm price of $2.30 per bushel, while the Canadian farmer gets an average farm price of $2.07 per bushel. Flaxseed sold last December at Portal, Canada, for $1.89 per bushel, and on the American side for $2.34.

Take the tariff off entirely and what incentive will there be for our farmers to continue growing flaxseed? The border States of the Northwest will be put into direct competition with the border Provinces of Canada with the better price on the American side, and the yield per acre greater on the Canadian side.

Mr. J. M. Devine, a farmer, testified before the Finance Committee:

Ten years ago the farmers of Canada raised no flax worth mentioning. They are now raising from 5,000,000 to 7,000,000 bushels, and will increase this output a hundred per cent within the next two years if this agreement goes through. The passage of the agreement means that the time-honored dikes are to be removed and Canada's surplus permitted to roll over. * * * I want to tell you about flax. Flax is what we call out West a poor man's crop, and I will tell you why. Very few farmers who have come to North Dakota, and very few farmers go to Canada, who have any great amount of ready cash, and they are fortunate if they have their stock and machinery. They immediately begin to break for flax in the spring, and sow flax on top of the breaking as fast as the breaking proceeds. This enables them to get in from 70 to 100 acres the first year they are on the land, and in

that way getting ready cash the first year to purchase the things needed for the winter and placing them in a position to go on with the work of developing the farm the next year.

Senator WILLIAMS. Is the price of flax ordinarily controlled by the Liverpool market?

Mr. DEVINE. No, sir; and for the reason that there is no Liverpool market in this case.

The American farmer's home market is a better one than that of his Canadian competitor. Leaving out of consideration the greater yield per acre in Canada, and the lower cost of production, the advantage enjoyed by our farmer in his home market may be roughly measured by the amount of the tariff. This will be sacrificed if the proposed agreement passes. The American flax grower is called upon to pay the price of a free Canadian supply for the Linseed Oil Trust.

HAY.

The tariff on hay entering this country from Canada is $4 per ton, while our farmer has to pay only $2 on a ton to ship his hay across the border. Yet in 1910 there came into the United States 96,507 tons of Canadian hay. We sent to Canada only 7,680 tons. There is a better market in the United States. The single fact that the Canadian farmer brings in his hay and sells it here presumably at a profit, after paying $4 duty on each ton, shows that to be true.

The total production of hay in the United States in 1910, according to the President's Tariff Board report, was 50,978,000 tons, with a yield per acre of 1.33 tons and a farm price per ton of $12.26. In Canada the total production was 15,497,000 tons, with an average yield per acre of 1.82 tons and a farm price per ton of $9.66.

Ex-Gov. F. M. Warner, of Michigan, stated to the Finance Committee (p. 288):

I believe, personally, that there will be a midway ground somewhere; that we will not go to the point of Canada's price or Canada up to ours, but somewhere between the two we will meet. The same thing, of course, is true of the hay market. Michigan is interested greatly in the production of hay. I know that our places sold three carloads of hay last year, and in talking with one of the largest dealers of Detroit—in fact, of Wayne County—he told me that two-thirds of the hay he sold last year was from Canada, and the Canadian farmer paid $4 duty. It can not help but make a difference in the price.

In the case of hay, also, the benefits of a home market will be lost.

The contention is made in support of this bill that the costs of production are substantially the same in Canada and the United States. This I have clearly demonstrated is not true. But they say the differences are not greater between the two countries than between different States of the Union or different Provinces of the Dominion. Assume that this be true, and it proves nothing. Our consideration of this agreement demands that we take each country as a whole. Conditions differ among our States, but there is absolutely free trade among them in manufactured articles and all other articles of commerce, as well as farm products. Conditions differ among the Provinces, to be sure, but there is not a particle of discrimination in the commerce among them against farm products and in favor of trust goods. The situation in the interior of each country, where all States and Provinces are alike under the same Government, working toward the same end, and subscribing to the same trade and political policies, is not analogous to the situation existing between the two countries. We can not separate this attempted revision of the tariff from the fact that all relations between Canada and the United States are the subject of national dealing and adjustment.

President Taft himself, in his message to Congress of January 26 submitting this agreement, says:

My purpose in making a reciprocal treaty agreement with Canada has been not only to obtain one which would be mutually advantageous to both countries, but one which also would be truly national in its scope as applied to our own country and would be of benefit to all sections.

We must compare, then, the conditions existing in these two countries in a broad way, taking the United States as a unit and Canada as a unit. What do we find? We find that in Canada land is cheaper than in the United States. Taking for our present purposes the figures prepared by the President's Tariff Board, we find that the average value per acre of improved land in 1910 for the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Pennsylvania, Delaware, Illinois, Indiana, Missouri, Iowa, Wisconsin, Michigan, and Minnesota is $57 an acre, while over across the border in the Provinces of British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan, and Alberta it is only $36 per acre. The average price which the Minnesota farmer must pay for his land is $46, while he can move over into Manitoba and buy land for $29 per acre, or into Saskatchewan and get it for $22. The farmers of Iowa, Indiana, Illinois, and other top-notch agricultural States in this country must pay a very much higher price than in any of the Provinces of Canada. In Illinois, for example, the average value is $108 an acre; in Iowa, $109 an acre. Furthermore, the vast stretches of virgin agricultural and grazing lands in western Canada are being sold by railroads to settlers at the remarkably low price of $3 an acre. From a handbook published by the Canadian Pacific Railway, entitled "Western Canada," I take the following:

The Manitoba and Saskatchewan lands are for sale at the various agencies of the company in those Provinces at prices ranging from $8 to $28 an acre, and even at this low price settlers may pay for land not exceeding 640 acres by the installment plan on the most liberal terms.

From another pamphlet published by the Canadian Pacific Railway Co. I quote the following:

Lands suitable for agricultural purposes or hay and meadow lands or uncleared timber lands suitable for agriculture may be bought for $5 an acre and upward; lands which are suitable for agricultural purposes only when irrigated, $2.50 per acre to $5. Other lands suitable only as ranch land can be purchased for $1 to $2.50 per acre.

Is this cheap land to be pitted against our high-price land, with the advantage entirely on the side of the Canadian farmer?

And so with labor. The President's Tariff Board reports that the average wage paid to agricultural laborers, with board, in the States of Maine, New York, Michigan, Minnesota, Wisconsin, North Dakota, Iowa, Ohio, Vermont, Montana, Washington, and Missouri is as follows:

	Per month.
When hired by the season	$28.71
When hired by the year	24.69

Across the border, in the Provinces of Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, and British Columbia, the wage paid to agricultural laborers, with board, is:

	Per month.
When hired by the season	$22.73
When hired by the year	15.44

I need cite no further statistics in proof of the material difference in the wages paid to farm labor in the two countries. The Canadian farmer hires his help a great deal cheaper than does the American farmer.

For example, the Wisconsin farmer has to pay $29.25 a month for a farm hand. An Ontario farmer, for the same labor, would pay but $21.52. Winter hands with bed and board per month may be secured in Manitoba for $13.79, as compared with $20.56 per month in North Dakota or $19.72 in Minnesota. While the figures given by the Tariff Board for the western Provinces of Canada show less difference between the wages paid to farm laborers in the two countries, still the advantage is all on the side of the Canadian farmer.

The Tariff Board reports that the average yearly wage paid to farm help with bed and board in the State of Minnesota is $334; in North Dakota, $350; while for the same class of help in Manitoba and Saskatchewan they show the average yearly wage to be: In the case of Manitoba, from $225 to $300, and in Saskatchewan from $250 to $300. Mark this, too, that these Canadian figures are specified as for "experienced" labor; while for Minnesota and North Dakota all labor is included.

With these advantages of cheap land and cheap labor the Canadian farmer finds at home a cheaper market for what he produces than that splendid market in our country that is to be open to him if this bill becomes a law.

The Canadian farmer must sell his wheat for 10 cents a bushel less than his American competitor. The Canadian farmer, on the average, receives $9.66 a ton for hay. The American farmer, on the average, receives $12.26 a ton for the same product. The Canadian farmer gets $2.07 a bushel for his flaxseed, while our farmer receives $2.30 a bushel. The Canadian farmer must accept 47 cents a bushel for barley, while our farmer gets 57 cents a bushel; and, as a matter of fact, it is not unusual for the American farmer to get from 25 to 46 cents a bushel more for his barley than the Canadian farmer. The figures submitted by the administration show that the Canadian farmer receives between $4 and $5 a hundredweight for his beef cattle, while our farmer receives more than $6 a hundredweight. The Canadian farmer receives for his sheep about $4 per hundredweight, while our farmer gets over $5 per hundredweight.

For his poultry, both dressed and alive, the Canadian farmer gets prices ranging, on the whole, lower than the American farmer. For his eggs the Canadian farmer receives, approximately, 23 cents a dozen; the American farmer an average of more than 30 cents a dozen.

Is our home market to be thrown wide open to the Canadian farmer? Is our farmer to divide his dearly earned advantages with his Canadian competitor by an arrangement that gives

him no compensating benefits to enable him to withstand this competition without irreparable damage?

Now, with these advantages of cheaper land, cheaper labor, cheaper feed, and with land, too, that produces a greater yield per acre than the average in this country (wheat—Canada 15.53, United States 11.7; barley—Canada 24.62, United States 22.4; oats—Canada 32.79, United States 31.9; hay—Canada 1.82, United States 1.33; flaxseed—Canada 7.97, United States 4.8) and on top of that a much higher price in our market for his wheat, his barley, his beef, his mutton, can anyone doubt the result? Then Canadian products will divide the American market and the profits of the American farmer. As a matter of fact, this bill of the President's is designed to that very end. He says in his message to Congress of January 26:

> That the broadening of the sources of food supply * * * that the addition to the supply of raw materials will be limited to no particular section does not require demonstration.

But think of the position of the American farmer under such an arrangement! His first and most serious injury will come, of course, from the lowering of prices due to the glutting of his home market with the products of the Canadian farmer. Then will come the time when a common price level has been established for the products of the two countries, and the American farmer will find himself forced to sell his products for the same price as that received by the Canadian farmer; while the latter has all the advantages of virgin agricultural land, cheaper cost of production, and at least as favorable transportation facilities and rates.

And this is done without a single compensating advantage to the American farmer. This bill provides no concession or offset for the damage to the farmer sure to follow the free importation of farm products from Canada. His struggle will grow harder, instead of easier, as time passes. His situation will not be at all unlike that of the New England farmer when the vast agricultural empire of the western United States was opened and developed, nor will it be at all unlike that of the farmer of eastern Canada, now that the vast prairies of the western Provinces are coming under the plow and being made to feed meat animals. The farmer is made the scapegoat. And for what? For a deal with Canada that is put forward by the administration for the declared purpose of cementing still closer the ties of friendship and neighborliness between the Canadian people and the American people, and incidentally to reduce the high cost of living. But if the very laudable desire to cement still closer the relations between Canadians and Americans is to materialize into a breaking down of the tariff wall along the boundary, should we not cement the relations between the Canadian manufacturer and the American trust; the Canadian miller and the American miller; the Canadian packer and the American packer; the Canadian malster and the American malster in the same way that it is now sought to cement the relations between the American farmer and the Canadian farmer? Does not simple justice demand that all industries, all classes, be treated with the same consideration and with the same solicitude? Is there any principle of international amity to sanction a deal to serve up free trade to the farmers and to serve up even higher protection to the manufacturing interests?

And is this deal even to be justified on the ground that it will reduce the high cost of living? Will it benefit the consumer? I contend that it will not. Even the President, who stands almost alone in eager and active support of this agreement among Republican leaders, is moved to say in his message to Congress January 26:

> I do not wish to hold out the prospect that the unrestricted interchange of food products will greatly and at once reduce their cost to the people of this country.

The President's caution is well founded. There is not the slightest prospect of a decrease in the price the consumer must pay for articles enumerated in this agreement. The railroads will still charge the same high rates for transportation; the miller will still charge the same price for his flour; the packer will charge just as much for his meats. Lumber will not be cheaper to the man who wants to build a house. You may put every natural product of Canada upon the free list. You may give all of her natural resources free and easy access to our manufacturing centers, and there is not the slightest assurance that the price at which the manufactured articles are sold will be lowered the fraction of a cent to the American consumer.

The high cost of living in this country, Mr. President, is not due to an excessive price received by the farmer for what he produces. Neither is it due primarily to a shortage of the country's supply of natural products. The main cause is to be found in a monopoly control which has established itself midway between the farmer and the consumer, and buys at its own price from the farmer and sells at its own price to the consumer.

The trusts determine what the farmer shall receive for his products and what the consumer must pay for his supplies. That is the situation to-day in this country, and it will continue to be the situation after this bill is enacted into law. Trust extortion can not be relieved by bestowing upon the trusts the further advantage of free products of the soil. And those few manufactured articles on which the duty is slightly reduced in this bill, will they come to our consumer more cheaply? Will the farmer be able to buy his barbed wire cheaper after the passage of this act? It is absurd to contend that he will, although the President held this out to the farmers of the Middle West as an advantage that would accrue from his deal. Barbed wire! Why, we sent into Canada last year 326,817 hundredweight, and not a pound came into our country from Canada. Free trade in barbed wire will not lessen its cost to our farmer. And so with other articles.

No, Mr. President, this is not the way to reduce the high cost of living. It is not designed to relieve the consumer from the operation of monopoly prices. This bill is rankly unjust to the farmer, does nothing to benefit the consumer, and a great deal for the big interests. That, Mr. President, is not reciprocity. It is not even fair dealing.

Now, Mr. President, I am going to take a little time of the Senate just to call attention to a few increases of duties which this bill makes. I am constrained to believe that in so far as it has any popular support in this country the bill has secured that support upon a misrepresentation. The title of the bill belies its character. It has been misrepresented by the press of the country. I say that, in so far as it has any popular support in this country, it receives that support because it is the belief of the people that the bill will reduce duties for the consumer. I am going to call attention to just a few increases which this bill makes for the benefit of trusts and combinations.

BILL INCREASES PROTECTION FOR THE TRUSTS.

This bill gives to certain manufactured products higher protective duties than does the Payne-Aldrich law. This can be easily demonstrated. I have worked out a few of the increases and present them as examples of the general character of the bill. It actually grants to certain special interests greater protection than they enjoy under the present law.

THE MILLING INTERESTS.

I will first take wheat and its products.

Now, we all know that in all tariff measures we deal with two classes of rates, compensatory and protective. A tariff rate upon raw material is protection to the producer, but not to the manufacturer who transforms it into a finished product. For instance, in the case of wheat: If an American miller buys a thousand bushels of wheat in Canada to make into flour, he must pay the duty of 25 cents a bushel when he brings that wheat into the United States to be ground into flour for the American market. In order to save him from absolute loss in such a transaction and place him on an equal footing with the Canadian miller, it is the theory of protection that the duty upon flour shall be high enough, first, to offset or compensate the miller for the amount of duty paid upon the wheat, or 25 cents per bushel, with an added amount of duty sufficient to measure the difference in the cost of milling. The first duty is called compensatory; the second, protection.

Four and one-half bushels of wheat will, on the average, produce 1 barrel of flour and 70 pounds of bran and middlings.

The present tariff upon wheat is 25 cents per bushel. The duty on 4½ bushels of wheat would, therefore, be $1.13.

The present tariff upon a barrel of flour is 25 per cent ad valorem. According to the Government publication, Commerce and Navigation, the average value of flour imported into this country from Canada in 1909 was $4.80 and the duty paid was $1.20 per barrel. The average value of bran and middlings was $20 per ton and the present tariff is 20 per cent ad valorem, or $4 per ton.

Now, taking out 4½ bushels of wheat, if imported as such, the duty under the present law would be $1.13. The tariff upon the manufactured product would be $1.20 upon the barrel of flour and 14 cents upon the 70 pounds of bran and middlings; or $1.34. Of this $1.34, $1.13 is the compensatory duty upon the 4½ bushels of wheat which has been used, leaving, under the present law, a protective duty to the miller of 21 cents a barrel upon his flour and his 70 pounds of bran and middlings.

Now, let us see what this bill does. Wheat is made free, so there are no compensatory rates to be considered; they are all protective. Upon his barrel of flour he is given a duty of 50 cents, and upon bran he is given a duty of 12½ cents per 100 pounds, which, upon the 70 pounds manufactured out of the 4½ bushels of wheat, amounts to 8¾ cents, or a total protective duty of 58¾ cents under this bill as against 21 cents under the Payne-Aldrich law, an increase of 180 per cent.

I will next take beef. Beef on the hoof will produce from 55 to 60 per cent of dressed beef.

A steer weighing 1,400 pounds will produce dressed beef to the amount of 800 pounds.

Now, just an illustration: Assume that a 1,400-pound live steer is worth 2½ cents a pound. It does not make any difference how you figure it, but assume it is worth that.

The tariff under the present law would be 27½ per cent ad valorem, or $9.63. If imported in the form of dressed beef, the tariff under the present law is 1½ cents per pound, or $12. Of this $12, $9.63 is the compensatory duty, leaving $2.37 as the protective duty to the packer. This, by the way, covers more than the entire cost of converting the steer into dressed beef. But what do we find in the bill? Cattle are free, so there is no compensatory duty to be considered. The bill proposes a duty of 1¼ cents per pound on the dressed beef, and in the case of the 800 pounds of beef produced from the steer the tariff will be $10, all protection, against $2.37 under the present law. This is an increase to the packer of 322 per cent over what he has in the Payne-Aldrich law.

Now, consider flaxseed and its product, linseed oil:

One bushel of flaxseed will produce from 2.18 to 2.87 gallons of linseed oil. It is usually estimated that 1 bushel of seed will produce 2½ gallons of oil.

Under the Payne-Aldrich law the tariff upon a bushel of flaxseed is 25 cents. The tariff upon linseed oil is 15 cents per gallon. Therefore if 1,000 bushels of flax is imported from Canada in its original state the duty will be $250. If imported as oil, there will be 2,500 gallons, and the duty will be $375. Of this $375, $250 is the compensatory duty, leaving $125 as the protection to the manufacturer.

Under this bill flaxseed is to be admitted free, so there is no compensatory duty to be considered. There is no change, however, in the tariff upon linseed oil. It will still remain at 15 cents per gallon. The 2,500 gallons of oil imported from Canada will still pay a duty of $375, all protective to the manufacturer, as against $125 protection under the Payne-Aldrich law, an increase of exactly 300 per cent.

Next, observe what this bill does for the brewer. Apply this test to barley and its chief product—barley malt.

According to Wohl's American Handbook on Brewing and Malting, 1 bushel of barley will produce from 1⅛ to 1¼ bushels of malt. For the purpose of my illustration I will take the average, 1⅛ bushels of malt for each bushel of barley.

Under the Payne-Aldrich law the duty on barley is 30 cents per bushel and the duty on barley malt is 45 cents per bushel. If 1,000 bushels of barley are imported from Canada the duty will be, under the Payne-Aldrich law, 30 cents per bushel, or $300. If manufactured into malt there would be 1,200 bushels produced out of 1,000 bushels of barley, and the tariff rate would be 45 cents per bushel, or $540. Of this $540, $300 is the compensatory duty upon the barley, leaving $140 as protection to the malster.

Under the proposed bill barley is free, so there is no compensatory duty to be considered. The rate proposed upon malt is 45 cents per hundred pounds instead of 45 cents per bushel. A bushel of malt weighs 33 pounds, so the weight of the 1,200 bushels of malt would be 39,600 pounds and the duty under this bill would be $178.20, all protective, as against the protective duty of $140 under the Payne-Aldrich law, an increase of 27 per cent.

Mr. President, it is perfectly consistent for this administration to support a bill which is to be of such great advantage to trusts and monopolies.

It is in perfect agreement, I think, with the whole course of the administration on tariff legislation, on railway-rate legislation, and every other phase of legislation that has come before the Senate since March 4, 1909.

But what shall be said of the Democratic advocacy of such special-interest measure?

The Democratic Party in national conventions has declared against every principle contained in this bill.

The platform of 1892 contained the following plank:

> Trade interchange on the basis of reciprocal advantage to the countries participating is a time-honored doctrine of the Democratic faith, but we denounce the sham reciprocity which juggles with the people's desire for enlarged foreign markets and free exchanges by pretending to establish closer trade relations for a country whose articles of export are almost exclusively agricultural products with other countries that are also agricultural, while enacting a customhouse barrier of prohibitive tariff taxes against the richest countries of the world that stand ready to take our entire surplus of products and to exchange therefor commodities which are necessaries and comforts of life among our own people.

This condemnation applies to every line and every letter of this bill. Indeed, had this very bill been under consideration at that time, and the Democratic Party proposed to condemn it, it is difficult to conceive how any different or stronger language could have been employed in doing so.

The bill can not be defended from the standpoint of the last platform of the party.

First. The Democratic Party claims to stand for a tariff for revenue only. It claims that the tariff is a tax paid by the American consumer; that whenever a tariff is levied upon competitive products the consumer pays the foreign price, plus the duty not only upon the imported products, but also upon every similar article of domestic production that he buys. It follows that every tariff for revenue only is also a protective tariff to the extent of the duties laid. As a part of the Democratic doctrine of tariff for revenue only there has always accompanied it the declaration that duties should be levied without discrimination against any American interest.

Therefore any tariff bill laying tariff duties for revenue only, in so far as competitive products are concerned, being protective also to that extent, should be levied without discrimination. A tariff bill which levies duties upon the products of monopolies and fails to lay any tariffs upon articles of domestic production not controlled by monopoly discriminates in favor of the monopoly.

In the Democratic platform of 1908 this condition was recognized, and it was sought to avoid it by the following declaration and promise:

> We favor immediate revision of the tariff by the reduction of import duties. Articles entering into competition with trust-controlled products should be placed upon the free list, and material reductions should be made in the tariff upon the necessaries of life, especially upon articles competing with such American manufactures as are sold abroad more cheaply than at home; and gradual reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis.

How does this reciprocity bill square with that promise? Instead of material reductions being made upon the products of the farm, they are made absolutely free; and instead of trust-controlled products being made free, they are afforded a higher protection than they enjoy under the Payne-Aldrich law.

The Democratic promise is that trust-controlled articles should be placed upon the free list. And yet in this very bill, supported by the almost solid Democratic vote in this Senate, we find high protective duties for the Steel Trust, the Beef Trust, the Biscuit Trust, the Agricultural Implement Trust, the Coal Trust, the Glass Trust, and the Oil Trust.

Every Democrat who votes for this bill violates two solemn promises of his party—

1. That trust-controlled articles should be placed upon the free list.

2. That material reductions should be made in necessaries of life.

The framers of that platform no doubt had in mind the farmers of this country in the promise as to material reduction in necessaries of life. It is to be presumed they recognized that so long as a tariff upon competitive products was necessary a benefit to the producer of these products followed, and that to deny to the farmer the benefits following a tariff for revenue only would be a discrimination against him.

Mr. President, I refuse to support this bill, because it is unjust.

You who support it admit privately that it is unjust to the farmer; that it does nothing for the consumer; that it will increase the profits of the trusts and combinations, the real beneficiaries of whatever tariff reductions it makes.

But you say, "It is a step in the right direction," because it takes off all the tariff duties from some products.

I say it is a step in the wrong direction.

Your first step results in still greater tariff oppression. You should not begin tariff reductions with the farm products embraced in this Canadian agreement, the average duties on which have never been the subject of complaint by any consumer in the country.

The farmer's profits are small. Considering his increased cost of living and the increased cost of farming, they are smaller than they were 25 years ago. All realize the truth of the statement of President Roosevelt in his letter appointing the Country Life Commission that the farmer's "increase in well-being has not kept pace with that of the country as a whole," and his words at the semicentennial of the founding of agricultural colleges in the United States:

> There is but one person whose welfare is as vital to the welfare of the whole country as is that of the wage-worker who does manual labor, and that is the tiller of the soil—the farmer. If there is one lesson taught by history, it is that the permanent greatness of any State must ultimately depend more upon the character of its country population than upon anything else. No growth of cities, no growth of wealth can make up for loss in either the number or the character of the farming population.

The manufacturers, the commission men, the millers, the elevator men, the packers, all take their profits out of the farmer's products before they reach the consumer.

No, Mr. President, the step should be taken in the opposite direction. Tariff reductions should begin with the excessive duties on manufactured products. That is the place to begin. That is where the real burden is to be found. That is where you can relieve the consumer.

Who are the supporters of the Canadian agreement in Congress? The Democrats, who believe in abolishing all protective duties, and the representatives of the great manufacturing interests who believe in maintaining a tariff wall high enough to prohibit any competition from abroad. That, Mr. President, is the combination which insures the enactment of this Canadian agreement into law.

When you begin with a removal of the duties on the products of agriculture and leave the high rates on manufactures you increase the weight of the tariff burden on 33,000,000 people, because you make them divide their market with Canada, and thereby reduce their ability to bear the excessive burden on manufactured products, which you leave untouched.

I will not join you in doing this great harm to agriculture. We have to pay the penalty for every wrong committed. So surely as the leaves fall and the winter follows, you will have to settle for your share in this injustice to the American farmer.

It is not alone the farmers of Minnesota, North Dakota, South Dakota, and the great Northwest who will suffer, but agriculture everywhere—the East and South as well as the North and West will feel the added burden. The farmers of the East remember that the rapid development of Minnesota, North and South Dakota, indeed, all of that area known as the "Old Northwest," resulted in abandoned farms and deserted homes throughout New England and much of the East.

They know that this legislation means the same thing to farmers on all the grain-growing, stock-raising lands in America which have been tilled a generation or more—to annex the production of all that vast area of rich and virgin lands in Canada, extending for fifteen hundred miles to the northwest beyond the boundary, every foot of it the best and cheapest wheat land in all the world.

The New England farmer accepted with patriotic resignation the depression of his markets by the cheaper production of his American competitor in the upper Mississippi River Valley. It was hard to endure, but the competition was within his *own country*, and the loss to his section was the gain to another portion of his own country—the gain of men of his own blood, many of them his own kith and kin, who were adding to the wealth of the Nation, supporting our own Government, maintaining by taxation our educational system.

The Canadian farmer has cheap land, Mr. President. The Canadian Government gives him concessions in the nature of bounties. Through its low preferential duties to Great Britain, it gives the Canadian farmer a cheap market in which to buy his manufactured goods. Even the American manufacturer has always sold his manufactures at a lower price in Canada than to our own people; and now President Taft proposes an agreement with Canada by the terms of which the Canadian farmer can sell his products in the American market and take his money home and buy his supplies in the low-priced Canadian market, while the American farmer must meet this competition on what he sells and must buy his manufactures under the high protection duties of the Payne-Aldrich law.

Mr. President, agriculture has never had its fair share. The farmer has been made the pack horse in the march of our national progress.

On the other hand, with the protecting arm of the Government about them for a hundred years, the manufacturing industries have been made masters of our markets by legislation.

Granted a kingdom out of the public domain, the railroad, a natural monopoly, has been allowed to take toll without limit from the commerce of the country.

And the banking interests have never had to cool their heels in the outer corridors of the National Capitol while waiting to reach an early and satisfactory understanding with Congress as to what they wanted.

But agriculture—let Prof. Bailey, of the New York State Agricultural College; Henry Wallace, of the Iowa Farmer; President Butterfield, of the Massachusetts Agricultural College; Gifford Pinchot; Walter H. Page, of the World's Work; C. S. Barrett, of Georgia; and W. A. Beard, of California, constituting the Roosevelt Country Life Commission—let them speak for the farmer. I quote from their report:

> Notwithstanding an almost universal recognition of the importance of agriculture to the maintenance of our people, there is, nevertheless, a widespread disregard of the rights of the men who own and work the land. * * * Agriculture is not commercially as profitable as it is entitled to be for the labor and energy which the farmer expends and the risks that he assumes. * * * The farmer is almost necessarily handicapped in the development of his business because his capital is small and the volume of his transactions limited, and he usually stands practically alone against organized interests.

In his letter naming the Country Life Commission, President Roosevelt said:

> No nation has ever achieved permanent greatness unless this greatness was based on the well-being of the great farmer class, the men who live on the soil; for it is upon their welfare, material and moral, that the welfare of the rest of the nation ultimately rests.

In its report the Country Life Commission said:

> We need, in the first place, as a people, to recognize the necessary rights of the individual farmer to the use of the native resources and agencies that go with the utilization of agricultural lands and to protect him from hindrance and encroachment in the normal development of his business. If the farmer suffers because his business is small, isolated, and unsyndicated, then it is the part of government to see that he has a natural opportunity among his fellows and a square deal.

You Democrats have joined with the President and the standpat high-tariff Republicans to strike the farmer the first blow.

You Democrats have always contended that the farmer's duties did not enhance the price of agricultural products. Then why single him out for the first assault? He has never abused the small protection given him by forming unlawful combinations to enhance prices. Then why, I ask, do you Democrats unite with the Taft administration to make the farmer suffer the first cut?

You do not stop with a cut in his duties. You push him clear to the wall. You are more tender and considerate of the Woolen Trust than the farmer. You merely threaten woolen manufactures with reductions in duties. You cut the farmer to the bone at one slash.

You wipe out his duties altogether. You subject him to free-trade competition with his most dangerous competitor.

You can not claim that his duties do him no good, and hence that you are depriving him of nothing. You know better.

The testimony is overwhelming that the duties upon farm products are protective as against similar products from Canada. That is why Canada wants free admission to our markets of farm products. That is the trading stock on which the President negotiated this agreement.

If direct evidence were needed to prove the value of these protective duties to the American farmer, it is at hand.

Randolph A. Wilkinson, a farmer of Minnesota, testified to the fact:

> That the Duluth market has averaged from 5 to 15 cents per bushel during that five years more for our No. 1 northern wheat in Duluth than the Canadian No. 1 northern has brought in Port Arthur.

Mr. W. H. Lyon, of South Dakota, a farmer, testified:

> The average price paid for barley at Portal, N. Dak., on January 9 and 10, 1911, was 63 cents; at North Portal, just over the Canadian line, the price was 35 cents a bushel, a difference in our favor of 28 cents a bushel. At the same time there was an average difference in our favor of about 25 cents a bushel in the price of flax.

R. T. Kingman, of North Dakota, testified as follows:

> It is a fact that we have had and are having to-day a premium on our wheat over Canadian wheat of approximately 10 cents a bushel. Our wheat has averaged in the last six or seven years about 10 cents over the Canadian price.

J. M. Devine, of North Dakota, a farmer, testified as to prices. He also cited Portal prices, because it is a town built on the line dividing our country from Canada, and offers a striking example of the effect of the tariff upon prices:

> Flax was sold at Portal during the month of December on the Canadian side at $1.89, on the American side at $2.34. I might say now, because Portal is a town just beyond where I live, that my barley on the Canadian side sold for 33 cents for that month. On the American side it sold for 65 cents—32 cents difference. Wheat for that month of this year sold on the Canadian side for 74 cents, on the American side for 99 cents—25 cents difference.

But it is unnecessary to cite further testimony upon this point. The report Chairman UNDERWOOD, of the Committee on Ways and Means, submitted to accompany the farmers' free-list bill recognizes the inevitable effect of this lopsided reciprocity bill upon the prices of farm products. I quote the following from that report:

> In the Canadian reciprocity agreement cattle and all other live stock, including swine, sheep, and lambs, and likewise wheat, rye, oats, barley, buckwheat, and corn, are placed on the free list. With the removal of duties on imports of these articles from the only country from which real competition could be expected, our farmers are openly and avowedly placed in a free market as to foodstuffs and food products in the forms in which they leave the farm.

On these crops alone, and limited to the three States of Minnesota, North and South Dakota, if the American farmer's price falls under the competition to the level of the Canadian price, it will mean to the farmers of these three States a loss of not less than $40,000,000 annually.

You who support this sham reciprocity would not think of subjecting manufacturers to the drastic treatment which you

administer to agriculture. You would not dare to demoralize the business of this country by plunging at once from high protection to absolute free trade and flooding our markets with low-priced foreign manufactures. You would fear panics, lockouts, bread lines, and labor riots.

But you think the farmer can not abandon his farm; that he must go on producing, no matter how low the price level of his products; that he has always been patient and conservative and slow to strike back.

You think it safe to try it on the farmer, and so you Democrats combine with the President and the standpat Republicans, representing high-tariff manufacturing interests, and remove at one stroke all the protection which the farmer has against his principal competitor.

You will not even consent to amend this bill so as to make it a little more just to the American farmer.

You voted against the Cummins amendment to let in free certain manufactured products from Canada. You voted against the Bristow amendment to attach to this bill reductions in duties on sugar. You voted against the Cummins amendment to reduce duties on the steel schedule 40 per cent. You will vote against my amendment to the woolen schedule reducing the duties 38 per cent. You will vote against the amendment which I shall offer to the cotton schedule reducing the duties 47 per cent. You will vote against every amendment to couple with this Canadian reciprocity proposition tariff reductions which would make it in some degree less hard and less burdensome to American agriculture.

You do it on the pretext that it will jeopardize the bill to adopt these amendments. That, I say, is but a pretext.

You desire the tariff as an issue for the next presidential campaign. It is common talk on this floor between Senators privately that that is what is behind the voting down of the amendments to couple tariff reductions with this proposition. You know that the President would not veto this Canadian reciprocity proposition if the wool bill was attached to it. You know that he has become enamored of this so-called Canadian reciprocity. He is led to believe, after running the entire gamut, that he has struck at last a popular chord. It is the one thing upon which he relies in some measure to restore his administration to favor. He counts upon this bill being accepted in place of the reduction of duties promised in the platform and in the preelection speeches of 1908. Nothing could tempt him to abandon reciprocity. It is not the fear that reciprocity would be defeated if there was attached to this bill a revision downward of the woolen schedule or the cotton schedule or the steel schedule or the sugar schedule or any of those schedules which impose excessive and unjust burdens upon the farmers and all other consumers that has brought about the combination which has and will defeat every amendment, but it is the hope that by so doing the tariff may be kept as a live issue in the campaign of 1912.

But, Mr. President, though it may not be admitted on the record, the farmers of the United States will know what construction to put upon the course taken by the Democratic Party on this floor in voting down these amendments upon a bill that was sure to be approved by the President and thus denying to an overburdened public some relief from the excessive duties imposed by the outrageous Aldrich tariff law.

I say that nothing could tempt the President to abandon reciprocity. It has been accepted by the public because it has been misrepresented to the public as signifying tariff reductions of advantage and benefit to the consumers. It is expected in some quarters, Mr. President, that that idea will continue to prevail long enough to tide over the coming election.

So any apprehension that the President would veto this reciprocity bill if it were amended with the revision of the woolen schedule, for example, added to it is preposterous. You might as well expect a drowning man to relinquish his hold on what he believes to be a life-preserver, even though it shall later prove to be a millstone about his neck.

So, Mr. President, upon the Democratic Party, which contends that it stands for tariff revision, will rest the responsibility of failure to secure it at this session if it votes down the amendments to the reciprocity bill and then, in order to make a record, votes tariff reductions in separate bills, and the President vetoes those measures. You will have to face every day and every hour from that time to the end of the next campaign the responsibility for leaving the tariff burdens upon the American people. You will have it put up to you from every platform that you threw away the opportunity to have coupled with the bill which the administration was bound to approve tariff reductions to take off some of the burdens from the people of this country.

Mr. President, I have consumed more time than I expected, and I apologize to my friend from Michigan [Mr. SMITH].

APPENDIX.

RECIPROCITY.

Reciprocity is another form of tariff revision which has been suggested at various times by various people and by people belonging to various political parties. It was suggested by President Arthur, James G. Blaine, and William McKinley; was put into operation in the McKinley tariff law; was destroyed by the Democratic Wilson-Gorman tariff law; and now the Democratic Party is charging that the Republican Party is not willing to give the country "genuine reciprocity."

There are two distinct kinds of legislation which have been designated as reciprocity legislation. The first of these was enacted by the Democratic Party in 1854, taking effect in 1855. It was reciprocity with Canada, and provided that certain articles, the growth or produce of Canada or the United States, should be admitted into each country, respectively, free of duty. These were *articles of common production in the two countries*, and included grain, flour, animals of all kinds, fresh, smoked, and salted meats, cotton, seeds, vegetables, fruits, fish, poultry, eggs, hides, furs, stone, slate, butter, cheese, tallow, lard, ores, coal, pitch, turpentine, ashes, timber, lumber, flax, hemp, tobacco, and rags. These were all, with the single exception of cotton, articles of mutual production, and Democratic reciprocity simply provided for free trade in these competing articles. Under that treaty, which went into effect March 16, 1855, and terminated March 17, 1866, exports from the United States to Canada fell from $27,741,808 in the fiscal year 1855 to $23,439,115 in the fiscal year 1866, a reduction in our exports to Canada of over $4,000,000 during this period of Democratic reciprocity, while imports into the United States from Canada increased from $15,118,289 in 1855 to $48,133,599 in 1866, an increase of $33,000,000. In our trade with all other countries during that same period our imports increased 60 per cent while those from Canada were increasing 220 per cent, and our exports to all other countries increased 70 per cent while those to Canada under this reciprocity were decreasing 15 per cent. It was simply *free trade in articles of common production and with no barrier to protect the domestic producer*—the result being a much greater increase in our imports from Canada than in those from other countries, and a decrease of exports to that country, while to other countries exports were increasing.

A later form of reciprocity with which the country has had experience is illustrated by the plan formulated in the McKinley tariff law and expressed by William McKinley in his much-quoted speech at Buffalo, in which he said: "By sensible trade arrangements, *which will not interrupt our home production* we shall extend the outlets for our increasing surplus. * * * We should take from our customers such of their products as we can use *without harm to our industries and labor.* * * * If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?"

To purchase from our neighbor "such of their products as we can use *without harm to our industries and labor*"; in other words, such of their products as are not produced by our own labor, and obtain in exchange markets for the class of merchandise which we desire to sell and which the countries in question require for their own use, differs materially from the reciprocity of 1855–6, which was merely free trade in articles of mutual production, articles which when imported compete with the home producer. The chief classes of products which we do not produce in the United States are tropical and subtropical. We import about $400,000,000 worth of tropical and subtropical products every year—more than a million dollars' worth for every day in the year, including Sundays and holidays. These articles we do not produce in the United States in sufficient quantities for home requirements. They include rubber, hemp, sisal, jute, raw silk, Egyptian cotton, and other articles used in manufacturing, and coffee, cocoa, tea, spices, olives, bananas, and sugar, used as food and drink. These classes of articles are of the class which "we can use without harm to our industries and labor." Sugar is the only article in this list produced in the United States, and at the present time the home production of sugar is only sufficient to supply about one-fifth of the total home consumption. The countries which produce these tropical and subtropical articles are not manufacturing countries, nor are they large producers of those great staples of food—flour, wheat, corn, and meats. As a consequence, they require the very classes of articles which the people of the United States have to sell.

RECIPROCITY TREATIES UNDER THE M'KINLEY LAW.

Under the McKinley tariff law reciprocity treaties were made by President Harrison with the Governments of Brazil, British Guiana, Salvador, Nicaragua, Honduras, Guatemala, Santo Domingo, and the countries governing the British West Indies and Porto Rico and Cuba. These treaties provided for a reduction of duties on foodstuffs and manufactures from the United States entering the countries and islands in question, in exchange for the free importation of sugar, coffee, tea, and hides into the United States, as provided under the general terms of the McKinley Act. The result of those treaties with this group of tropical countries, producing the class of articles which the United States requires and does not produce in sufficient quantities at home, was that our exports to those countries and islands increased 26 per cent and our imports from them increased 28 per cent between 1890, the year of the enactment of the McKinley law, and 1894, the year in which it was repealed by a Democratic Congress and a Democratic President, and reciprocity thus destroyed. During that same period our exports to all other countries than those above named increased 3 per cent and our imports from them decreased 27 per cent.

THE HAWAIIAN RECIPROCITY TREATY.

Another example of reciprocity, that with countries producing the class of articles which we require and importing the class which we produce and desire to export, was the reciprocity treaty with the Hawaiian Islands. That treaty went into effect September 9, 1876, and terminated April 30, 1900. During that period of the existence of that agreement our exports to the Hawaiian Islands grew from $779,257 in the fiscal year 1876 to $13,509,148 in the fiscal year 1900, while imports from the Hawaiian Islands of noncompeting articles demanded by our markets—tropical products—increased from $1,227,191 in 1876 to $20,707,903 in 1900. Thus by taking from this tropical country—Hawaii—its production of articles which we must import from some part of the world, we built up in the Hawaiian Islands a market for our merchandise seventeen times as large as in 1876.

RECIPROCITY.

The statements and tables which follow show in concise terms the experience of the United States with reciprocity. The principal treaties and agreements of the United States with other countries were, first, that with the British North American possessions, from 1855 to 1866;

second, that with the Hawaiian Islands, from 1876 to 1900, the date of annexation; third, the series of agreements made under the tariff act of 1890 and continuing in force until terminated by the Wilson act of 1894; fourth, reciprocal agreements with certain European countries made under the act of 1897; and, fifth, the reciprocity treaty with Cuba, taking effect in December, 1903, and still in operation. The details of the agreements with these various countries and under these various acts are stated below, and in the accompanying tables is shown the commerce with each of the countries in question covering the years immediately prior to that in which the treaty took effect and continuing to the end of its operation or to the present time in the cases of those still in force. It will be noted that in the trade with Canada, *whose products are similar to our own*, the exports from the United States to that country made but slight increase during the existence of the treaty, but have grown rapidly since its termination. In the case of the Hawaiian Islands the exports thereto grew rapidly under the treaty and have grown with equal rapidity since annexation, which made permanent the freedom of interchange between that section producing tropical products required by the United States and requiring products of the Temperate Zone and of manufacturing industries such as those which the United States has to sell. In the countries with which reciprocity agreements were made under the act of 1890, in nearly all cases tropical or subtropical countries, the exports thereto showed marked gains during the existence of the reciprocity treaties. In the case of the European countries with which reciprocity agreements were made under the act of 1897, the growth in the trade, while steady, seems to have been little affected by these agreements, which, as will be seen by the terms of the treaties, affected comparatively few articles.

In the trade with Cuba under the reciprocity treaty of 1903 there has been a marked growth in both imports from and exports to that island, as will be seen in the table showing trade with Cuba from 1880 to 1908. The relations with that island, both commercial and otherwise, have been so varied during the last 20 years as to render interesting and important this statement of our trade therewith during that period and in the years immediately preceding. Under the reciprocity clause of the McKinley Tariff Act an agreement was made in June, 1891, with Spain, relative to Cuba and Porto Rico, by which sugar, molasses, coffee, and hides were admitted into the United States free of duty, and in exchange for that privilege salted meats, fish, lard, woods for cooperage and manufactured into doors and frames, wagons, cars, sewing machines, manufactures of iron and steel, and numerous other articles from the United States were admitted free of duty into Cuba; also that corn, corn meal, wheat, flour, and other articles should be admitted at reduced rates of duty. This agreement remained in force from September 1, 1891, to August 27, 1894. From the latter date until the United States assumed control of Cuba in 1898 no special agreements or relations affected trade between the United States and that island. American occupation of Cuba continued from January 1, 1899, at which date the Spanish evacuated the island and relinquished sovereignty, to May 20, 1902. On December 27, 1903, became effective the present reciprocity treaty with Cuba, under which a reduction of 20 per cent is made in the rates of duty collected on all merchandise from Cuba entering the United States; and in turn for that concession the Cuban rates of duty on articles from the United States entering that island are reduced 25 per cent on machinery and numerous other articles, 30 per cent on certain articles, 40 per cent on still other articles, and 20 per cent on other articles not included in the above classes or in the free list.

RECIPROCITY TREATIES AND AGREEMENTS BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES SINCE 1850.

The following is a list of the reciprocity treaties and agreements which have been in force between the United States and foreign countries since 1850. Tables are also appended exhibiting our trade with those countries before, during, and after the period covered by the treaties:

Reciprocity treaties and agreements.

Countries with which reciprocity treaties and agreements have been made.	Signed—	Took effect—	Terminated—
British North American possessions (treaty)	June 5, 1854	Mar. 16, 1855	Mar. 17, 1866.
Hawaiian Islands (treaty)	Jan. 30, 1875	Sept. 9, 1876	Apr. 30, 1900.
Brazil (agreement)	Jan. 31, 1891	Apr. 1, 1891	
Santo Domingo (agreement)	June 4, 1891	Sept. 1, 1891	
Great Britain:			
Barbados (agreement)	Feb. 1, 1892	Feb. 1, 1892	
Jamaica (agreement)	do	do	
Leeward Islands (agreement)	do	do	
Trinidad (including Tobago) (agreement)	do	do	
Windward Islands (excepting Granada) (agreement)	do	do	Aug. 27, 1894.
British Guiana (agreement)	do	Apr. 1, 1892	
Salvador (agreement)	Dec. 30, 1891	Feb. 1, 1892 (provisional)	
Nicaragua (agreement)	Mar. 11, 1892	Mar. 12, 1892	
Honduras (agreement)	Apr. 29, 1892	May 25, 1892 (provisional)	
Guatemala (agreement)	Dec. 30, 1891	May 30, 1892	
Spain, for Cuba and Porto Rico (agreement)	June 16, 1891	Sept. 1, 1891 (provisional)	
Switzerland (treaty of 1850)		June 1, 1898 [1]	Mar. 23, 1900.
Austria-Hungary (agreement)	May 25, 1892	May 26, 1892	Aug. 27, 1894.
France (agreement)	May 28, 1898	June 1, 1898	Still in force.
Germany (agreement)	Jan. 30, 1892	Feb. 1, 1892	Aug. 24, 1894.
	July 10, 1900	July 13, 1900	Still in force.
		July 1, 1908	Do.
Portugal and Azores and Madeira Islands (agreement)	May 22, 1900	June 12, 1900	Do.
Italy (agreement)	Feb. 8, 1900	July 18, 1900	Do.
Cuba (agreement)	Dec. 17, 1903	Dec. 27, 1903	Do.

[1] Under "most-favored-nation" clause of the treaty of 1850, proclaimed Nov. 9, 1855.

There have been four distinct experiences with reciprocity in the trade relations of the United States:

(1) The reciprocity treaty with Canada, existing from 1855 to 1866. The treaty affected imports from Canada East and Canada West, Nova Scotia, New Brunswick, and Prince Edward Island, but did not affect imports from British Columbia and Newfoundland.

(2) The reciprocity treaty with the Hawaiian Government, existing from 1876 to 1900.

(3) The series of treaties framed under the McKinley Tariff Act of 1890 with Brazil, Dominican Republic, Spain (for Cuba and Porto Rico), in 1891; and with Germany, United Kingdom (for British West Indies and British Guiana), Nicaragua, Salvador, Austria-Hungary, Honduras, and Guatemala in 1892. These continued in existence until the passage of the Wilson Tariff Act, August 27, 1894.

(4) The reciprocal agreements of 1900 with Germany, France, Portugal, and Italy, still in operation.

(5) The reciprocity treaty with Cuba, framed and ratified in 1903, and taking effect December 27, 1903.

The detailed provisions of these various reciprocity treaties may be briefly described in general terms as follows:

(1) The Canadian reciprocity treaty provided for the free admission into the United States from Canada, and the free admission into Canada from the United States, of breadstuffs, provisions, live animals, fruits, fish, poultry, hides and skins, furs, stone, ores and metals, timber and lumber, unmanufactured cotton, flax and hemp, unmanufactured tobacco—the list of articles being identical for each country.

(2) The Hawaiian reciprocity treaty provided for the free admission into the United States of sugar, molasses, and other of the principal tropical productions of the islands, and for the free admission into the islands of breadstuffs, provisions, manufactures, and general merchandise from the United States.

(3) In the group of treaties made in the years 1891 and 1892, under the act of 1890, the provisions were briefly as follows:

With Brazil the treaty provided for the free admission into the United States from Brazil of sugar, molasses, coffee, and hides, and the free admission into Brazil from the United States of breadstuffs, pork, fish, cotton-seed oil, coal, agricultural implements, machinery for mining and manufacturing, mechanical tools, material for railway construction, and numerous other articles, the product of the United States; also for a 25 per cent reduction in the rates of duty on certain other articles, including provisions, manufactures of iron and steel, leather, lumber, furniture, wagons and carriages, and manufactures of rubber.

With Cuba and Porto Rico the treaty provided for the free admission into the United States from Cuba and Porto Rico of sugar, molasses, coffee, and hides, and the admission to the islands from the United States, free of duty, of salted meats, fish, lard, woods for cooperage and manufactured into doors, frames, etc., wagons and carts, cars for railways, sewing machines, manufactures of iron and steel, oats and forage, and numerous other articles, the product of the United States; also corn and meal at 25 cents per hundred kilograms, wheat at 30 cents per hundred kilograms, flour at $1 per hundred kilograms; also a reduction of 50 per cent of the duty on numerous other articles, especially manufactures.

With British West Indies the treaty provided for the free admission into the United States of sugar, molasses, coffee, and hides from the islands, and the free admission into the islands from the United States of live animals, canned or dried beef, fish, eggs, machinery for agriculture, irrigation, and mining; carts and wagons, wire, railway material and locomotives, fertilizers, fruits, sewing machines, and a large number of manufactures; also a reduction of 25 per cent in the rates of duty on beef and pork, salted, and provisions, and of 50 per cent on bacon and hams, lard, bread and biscuits, boots and shoes, shooks and staves, and other articles.

With the Dominican Republic and British Guiana, Nicaragua, Honduras, and Guatemala the provisions were similar to those with the West Indies.

With Germany the treaty provided for the free admission into the United States of sugar, molasses, coffee, and hides from Germany, and the free admission into Germany from the United States of bran, flax, feathers, hides and skins, tan bark; also a large list of articles at a fixed rate of duty, but in all cases below the regular tariff rates—the list including breadstuffs, lumber, provisions, live animals, fruits, and certain manufactures.

The treaty with Austria-Hungary was similar in general characteristics to that with Germany.

(4) The reciprocal agreements now existing between the United States and France, Portugal, Germany, and Italy, respectively, may be summarized as follows:

France: The United States reduces the rate of duty on crude tartar from France to 5 per cent ad valorem; on brandies or other spirits to $1.75 per gallon; also a reduction on still wines and vermuth and on paintings to 15 per cent ad valorem; while the French Government gives its minimum tariff rates to canned meats, table fruits, dried fruits, lard, manufactured and prepared pork meats, hops, paving blocks,

staves, and logs and sawed or squared timber and lumber from the United States.

Germany: The United States gives the same tariff rates as those named in the treaty with France on tartar, brandies, still wines, and paintings, and the German Government gives to the United States the same tariff rates as those given to Belgium, Italy, Austria-Hungary, Roumania, Russia, and Switzerland during the existence of the present tariff treaties with them, and annuls its regulations regarding dried fruits from the United States, providing in their stead a system of inspection on account of the San Jose scale.

Portugal: The reduction on crude tartar, brandies, wines, and paintings accorded to Germany and France are given by the United States to Portugal, and the Portuguese Government gives to the United States as low rates of duty as those accorded to any other country, except Spain and Brazil, on breadstuffs, lard, mineral oils, agricultural implements, and certain machinery for manufacturing.

Italy: The above-named rates with reference to tartar, brandies, still wines, and paintings are given by the United States, and a reduction is made by the Italian Government on imports of cotton-seed oil, fish machinery, scientific instruments, fertilizers, and skins.

(5) The treaty with Cuba, which went into operation December 27, 1903, gives a reduction of 20 per cent duty on all dutiable articles from Cuba entering the United States and a reduction ranging from 20 to 40 per cent on articles from the United States entering Cuba.

Imports into and exports from the United States in its trade with countries with which reciprocity agreements have existed.

HAWAIIAN ISLANDS.

[Treaty period, Sept. 9, 1876–Apr. 30, 1900; customs district of United States subsequent to 1900.]

Year ending June 30—	Imports into United States.	Exports from United States.
1870	$1,134,723	$808,416
1871	1,143,244	858,615
1872	1,280,833	633,764
1873	1,275,061	674,191
1874	1,016,952	614,628
1875	1,227,191	662,164
1876	1,376,681	769,682

Imports into and exports from the United States, etc.—Continued.

HAWAIIAN ISLANDS—continued.

Year ending June 30—	Imports into United States.	Exports from United States.
1877	$2,550,335	$1,272,949
1878	2,678,830	1,736,099
1879	3,257,938	2,374,918
1880	4,606,444	2,086,170
1881	5,533,000	2,778,072
1882	7,646,294	3,350,775
1883	8,238,481	3,776,065
1884	7,925,965	3,523,353
1885	8,857,497	2,787,922
1886	9,865,707	3,192,698
1887	9,922,075	3,622,029
1888	11,060,379	3,085,203
1889	12,847,740	3,375,661
1890	12,313,908	4,711,417
1891	13,895,597	5,107,212
1892	8,075,882	3,781,628
1893	9,146,767	2,827,663
1894	10,065,317	3,306,187
1895	7,888,961	3,723,057
1896	11,757,704	3,985,707
1897	13,687,799	4,690,075
1898	17,187,380	5,907,155
1899	17,831,463	9,305,470
1900	20,707,903	13,509,148
1901	(1)	(1)
1902	(1)	(1)
1903	26,242,869	10,943,061
1904	25,157,255	11,683,393
1905	36,112,055	11,753,180
1906	26,882,199	12,036,675
1907	29,071,813	14,435,725

[1] No official figures available.

Countries with which reciprocity agreements were made under act of 1890.

Year ending June 30—	Guatemala.[1]		Honduras.[2]		Nicaragua.[3]		Salvador.[4]		British West Indies.[4]		Santo Domingo.[5]	
	Imports into United States.	Exports from United States.	Imports into United States.	Exports from United States.	Imports into United States.	Exports from United States.	Imports into United States.	Exports from United States.	Imports into United States.	Exports from United States.	Imports into United States.	Exports from United States.
1888	$2,085,467	$916,861	$959,331	$690,575	$1,496,171	$927,022	$1,473,430	$647,268	$12,550,940	$7,611,533	$1,459,392	$817,707
1889	2,346,685	994,701	1,215,561	637,175	1,747,246	1,009,687	1,062,162	701,193	15,985,562	8,388,106	1,454,264	1,180,019
1890	2,281,681	1,345,719	984,404	552,024	1,655,690	1,373,019	1,453,958	899,546	14,865,018	8,288,786	1,954,013	959,217
1891	2,618,199	1,997,944	1,159,591	640,921	1,705,961	1,692,942	1,783,066	1,150,460	16,293,184	9,779,133	1,640,360	1,023,751
1892	3,182,838	1,851,352	962,329	515,224	1,657,873	1,307,179	2,330,702	1,294,268	12,440,132	8,130,257	2,293,748	1,019,450
1893	2,554,710	1,763,862	684,912	471,695	1,400,236	937,859	1,355,730	1,138,430	16,028,592	8,044,846	2,306,315	1,143,479
1894	2,225,586	1,664,584	765,138	558,511	1,564,472	935,142	2,926,469	1,071,695	13,017,178	8,512,016	3,200,852	1,768,692
1895	2,699,384	2,665,408	872,312	645,781	1,538,792	1,073,467	3,174,677	1,260,628	9,777,444	7,764,178	1,514,583	1,361,067
1896	2,080,027	3,158,059	776,644	610,621	1,268,922	1,269,015	1,166,970	1,008,573	10,800,618	8,734,153	2,895,069	1,064,116
1897	1,862,589	3,047,181	847,230	724,991	1,262,701	1,190,695	1,112,534	1,619,568	12,285,885	7,943,299	2,369,424	1,098,635
1898	1,854,303	1,201,714	784,741	752,203	1,095,865	1,049,505	799,145	796,575	10,632,187	8,388,240	2,382,139	1,151,258
1899	2,111,264	1,102,963	911,849	832,016	1,514,630	1,186,511	1,085,703	625,414	14,150,482	8,751,817	3,125,779	1,104,013
1900	2,402,978	785,462	988,606	1,181,453	1,520,266	1,817,869	738,674	679,440	11,894,520	8,895,164	3,080,413	1,317,098
1901	3,512,445	1,424,814	1,262,317	1,115,009	2,035,636	1,482,194	1,037,715	738,722	12,851,325	8,876,052	3,553,776	1,799,685
1902	2,993,336	1,680,939	1,080,788	983,595	1,978,025	1,359,386	616,887	892,923	12,178,596	9,714,963	2,558,470	1,577,592
1903	2,400,063	1,128,045	1,375,997	956,164	1,865,297	1,398,723	891,987	798,261	13,450,248	10,126,221	2,833,676	1,371,758
1904	2,601,841	1,281,342	2,047,981	1,527,387	1,578,807	1,837,682	948,409	937,171	8,304,070	9,606,921	2,885,432	1,543,754
1905	3,081,553	2,654,622	2,111,312	1,730,345	1,513,877	1,944,556	1,113,169	1,318,426	10,437,022	10,630,288	4,664,209	1,666,789
1906	3,386,317	2,908,665	1,724,865	1,632,251	1,478,408	1,870,852	1,131,734	1,401,276	10,259,253	9,706,654	3,086,338	2,018,251
1907	3,872,538	2,843,864	2,296,556	1,833,056	1,028,166	1,923,111	1,171,187	1,603,166	12,191,852	10,755,139	3,370,899	2,509,817
1908[6]	2,500,000	1,700,000	2,500,000	1,800,000	1,100,000	1,600,000	1,000,000	1,500,000	12,000,000	13,000,000	4,800,000	2,600,000

[1] Treaty period, May 30, 1892–Aug. 27, 1894.
[2] Treaty period May 25, 1892–Aug. 27, 1894.
[3] Treaty period Mar. 12, 1892–Aug. 27, 1894.
[4] Treaty period Feb. 1, 1892–Aug. 27, 1894.
[5] Treaty period Sept. 1, 1891–Aug. 27, 1894.
[6] June, 1908, estimated.

Countries with which reciprocity agreements were made under act of 1897.

Year ending June 30—	France.[1]		Italy.[2]		Portugal.[3]		Switzerland.[4]	
	Imports into United States.	Exports from United States.	Imports into United States.	Exports from United States.	Imports into United States.	Exports from United States.	Imports into United States.	Exports from United States.
1895	$61,580,509	$45,149,137	$20,851,761	$16,363,125	$1,690,668	$2,971,396	$14,988,954	$17,578
1896	66,266,967	47,040,660	22,142,487	19,143,606	2,255,731	3,156,991	14,080,033	32,954
1897	67,530,231	57,594,541	19,067,352	21,502,423	2,234,291	2,520,058	13,840,782	70,971
1898	52,730,848	96,459,290	24,832,746	25,034,940	2,975,504	4,132,409	14,826,480	267,732
1899	62,146,056	60,596,899	20,332,637	23,290,858	2,605,370	3,532,057	11,380,835	263,970
1900	73,012,085	83,335,097	27,924,176	33,256,620	3,743,216	5,886,542	17,303,263	250,477
1901	75,458,739	78,714,927	24,618,384	34,473,189	3,370,430	5,294,240	15,799,400	255,360
1902	82,880,636	71,512,984	30,554,931	31,388,135	3,179,449	3,045,651	17,784,855	217,515
1903	90,050,172	77,285,239	36,246,412	35,032,680	3,483,562	3,652,194	21,183,328	205,697
1904	81,410,347	84,279,480	38,628,579	38,740,067	6,439,207	2,089,846	20,415,268	246,787
1905	89,830,445	78,337,471	33,158,042	35,720,601	5,243,587	1,935,118	19,534,439	271,256
1906	108,415,350	97,892,480	40,507,556	48,081,740	5,139,708	1,462,763	23,421,242	399,366
1907	127,803,407	113,604,692	50,455,157	61,746,965	6,479,500	2,787,422	26,830,474	612,579
1908[5]	101,000,000	116,000,000	44,000,000	54,000,000	5,000,000	3,000,000	25,000,000	640,000

[1] Treaty period June 1, 1898—still in force.
[2] Treaty period July 18, 1900—still in force.
[3] Treaty period June 12, 1900—still in force.
[4] Treaty period June 1, 1898–Mar. 23, 1900.
[5] June estimated.

Commerce between the United States and Canada, 1850 to 1908.
[Official figures from Bureau of Statistics.]

Year ending June 30—	Exports to Canada.	Imports from Canada.	Excess of—	
			Exports.	Imports.
1850	$9,515,991	$5,179,500	$4,336,491	
1851	11,787,092	5,279,718	6,490,374	
1852	10,229,608	5,469,445	4,760,163	
1853	12,423,121	6,527,559	5,905,038	
1854	24,157,612	8,784,412	15,288,996	
1855[1]	27,741,808	15,118,289	12,623,519	
1858[1]	29,025,349	21,276,614	7,748,735	
1857[1]	24,138,482	22,108,916	2,029,566	
1858[1]	23,604,526	15,784,836	7,819,690	
1859[1]	28,109,494	19,287,565	8,821,929	
1860[1]	22,695,928	23,572,796		$876,868
1861[1]	22,676,513	22,724,489		47,976
1862[1]	20,573,070	18,511,025	2,062,045	
1863[1]	27,619,814	17,484,786	10,135,028	
1864[1]	26,574,624	29,608,736		3,034,112
1865[1]	28,829,402	33,264,403		4,435,001
1866[1]	24,828,880	48,528,628		23,699,748
1867	21,020,302	25,044,005		4,023,703
1868	24,080,777	26,261,379		2,180,602
1869	23,381,471	29,293,766		5,912,295
1870	25,339,254	36,265,328		10,926,074
1871	32,276,176	32,542,137		265,961
1872	29,411,454	36,346,930		6,935,476
1873	32,534,984	37,175,254		4,640,270
1874	41,827,904	34,173,586	7,654,318	
1875	34,547,219	27,867,615	6,679,604	
1876	33,375,719	28,805,964	4,569,755	
1877	37,418,315	24,164,755	13,253,560	
1878	37,146,682	25,044,811	12,101,871	
1879	29,604,385	25,719,771	3,884,614	
1880	29,460,257	32,988,564		3,528,307
1881	37,903,322	37,684,101	219,221	
1882	36,500,403	50,775,581		14,275,178
1883	44,417,110	44,294,158	122,952	
1884	44,306,196	38,399,835	5,906,361	
1885	38,245,634	36,695,685	1,549,949	
1886	33,462,800	37,304,036		3,841,236
1887	34,988,110	37,847,277		2,859,167
1888	35,882,383	42,924,554		7,042,171
1889	40,607,561	42,738,074		2,130,513
1890	40,282,108	39,042,977	1,239,131	
1891	38,147,778	39,087,782		940,004
1892	43,299,787	34,954,203	8,345,584	
1893	46,794,332	37,777,463	9,016,869	
1894	56,664,094	30,790,916	25,873,178	
1895	52,854,769	36,574,327	16,280,442	
1896	59,687,921	40,887,565	18,800,356	
1897	64,928,821	40,309,371	24,619,450	
1898	83,714,086	31,870,486	51,843,600	
1899	87,974,961	31,220,967	56,753,994	
1900	95,319,970	39,369,074	55,950,896	
1901	105,789,214	42,482,163	63,307,051	
1902	109,642,993	48,076,124	61,566,869	
1903	123,206,788	54,781,418	68,485,370	
1904	131,234,985	51,562,791	79,682,194	
1905	140,529,581	62,469,632	78,059,949	
1906	156,736,685	68,237,653	88,499,032	
1907	183,206,067	73,334,615	109,871,452	

[1] Period of reciprocal trade.

Mr. SMITH of Michigan. Mr. President, I am not so vain as to believe that any words of mine can at this time swerve my colleagues from their apparent purpose to enact this bill into law. The most I can hope to do is to furnish some reasons for the opposition to this unfortunate arrangement which at best I can only feebly express.

We are nearing the end of a most animated and interesting discussion affecting the policy of the Government and the welfare of the people of our country for many years to come. Whether our course has been wisely chosen and our chart carefully examined, each Senator must answer for himself and history truthfully attest the folly or the wisdom of his course.

It is no ordinary situation which we confront, and the public servant who regards the present crisis lightly is neither a safe guide nor a true philosopher, and I am sorry, indeed, to find myself out of accord with my honored colleague [Mr. TOWNSEND], whose judgment I highly respect. With a divided public sentiment in the State we represent, I find comfort in my perplexity in the words of Edmund Burke in his speech to the electors of Bristol, when he said:

> I did not obey your instructions; I am to look indeed to your opinions, but to such opinions as you and I must have five years hence. I was not to look to the flash of the day. I knew that you chose me in my place, along with others, to be a pillar of the State, and not a weathercock on the top of the edifice, exalted for my levity and versatility, and of no use but to indicate the shiftings of every fashionable gale.

"Reciprocity" is one of the most rhythmic and tuneful words in the vocabulary of international politics, and signifies equality and fair consideration for the interests of one another, and the public man would be deaf indeed that could not catch its alluring strain. It must be free from dross and devoid of selfish or poisonous alloy. As far back as the eighteenth century this hypnotic word was used as a popular governmental fulcrum with which to raise the narrow and unjust restrictions upon the world's shipping, at that time small and petty and vexatious, circumscribing the freedom of ships by hectoring and irritation, until a spirit of broader toleration was succeeded by mutual advantage and respect.

In 1815 the United States concluded an arrangement with Great Britain whereby the ships of neither nation should be liable to greater charges in the ports of the other than were exacted in her own. That arrangement through the centuries has gradually ripened into absolute free trade, although the regulations of Great Britain seem to favor her masters and her ships by more prompt inspection and more liberal regulations than those of foreigners. This is the only branch of American commerce which has for more than a century enjoyed the luxury of free trade, and it is the only field of American enterprise too torpid to participate in the march of American achievement.

The policy agreed upon between the United States and England was very promptly extended by the latter country to Portugal, Prussia, Sweden, France, and Buenos Aires and Colombia, thus enlarging the sphere of her shipping supremacy. English statesmen for generations past have directed their undivided effort to the conquest of the seas, until her ships' tonnage, flying the British flag, aggregates over 20,000,000 tons. While our own country comes next with less than 8,000,000 tons, and Germany but 4,500,000 tons, this is the only branch of British enterprise which seems really to enjoy the spirit of the twentieth century. And there seem to be no apparent signs of diminution in her prestige upon the ocean. Last year British shipyards turned out over 500 vessels, of which nearly 400 were seagoing steamers, while our country launched barely 200, and Germany considerable less in number. It has been estimated by the London Board of Trade that over 50 per cent of the world's shipping now carries the British flag. Her prestige is upon the trackless waste; her sailor is born to his task; no pecuniary inducement invites him to the exactions and the peril of the sea; they go from choice into this hereditary pursuit; and her activities extend to every port, encircling the globe. But while her shipping seemingly prospers, those who remain at home in domestic employment languish in idleness, in sad contrast with the glamor of the dauntless sailor upon the deep. The free trade which that Empire exemplifies has made her great in only one field of endeavor, in which the world has been her sympathetic coadjutor. Subsidies and preferences may have gilded her prows, but every great government in the world has, by following the example of England in this respect, magnified England's greatness upon the seas and correspondingly minimized its own.

While there is little doubt that this same movement for free ships was one of the motives for the confederation of the German States, yet the result of that union brought the Empire speedily to the realization of the necessity of their trading with one another, and the disposition was early manifest to spread the spirit of reciprocal trade throughout the more prosperous countries of the world, culminating in the repeal of the "corn laws" by Great Britain and the enlargement of the free-trade era, which continued unabated for nearly 40 years. The treaty between Great Britain and France was most liberal in character, and practically amounted to trade union. All Europe followed in the wake of England, and commercial concessions breathed the true spirit of fraternity throughout Europe, finally resulting in a world-wide favored-nation arrangement, by which independent political subdivisions should not discriminate against friendly powers; and I do not think it is too much to say that, under that arrangement, trade increased and definite lines of commercial warfare were gradually but unconsciously being formed for that day when national aggrandizement and State pride would stimulate competition to its highest point.

In 1844 the German reciprocity treaty was made with us, but failed of confirmation in the Senate. Rufus Choate declared it to be outside the powers of the President, and unhesitatingly said that it would be of no commercial advantage to our country, while Daniel Webster declared that "the principle of reciprocity acted upon by the Government is wrong, a mistake from the beginning, and injurious to the great interests of the country." The attention of the United States was then turned to the desirability of a trade treaty with Canada, and, after much fencing for advantage, such an arrangement was entered into in 1854 for the period of 10 years, resulting in political hostilities and commercial misunderstandings and the sacrifice of revenue, which the rising tide of American antagonism completely engulfed during the administration of President Lincoln. Free trade in spots had been the prevailing mania of some American politicians and statesmen. The administration of Mr. Buchanan endeavored in every possible way to make an arrangement of this kind with Mexico which would have been only reciprocal in the natural products of the two countries, but our unfortu-

nate experience with Canada at that time destroyed interest in the Senate in this free-trade spirit, while all the treaties of reciprocity entered into by European governments gradually partook of the form now known as the favored-nation clause, so common in the commercial treaties of all the governments of the world.

These were based upon the principle that no concessions should be granted which did not exact a similar concession in return, and the countries now outside the purview of this arrangement are few indeed, and America is no exception to the rule. Indeed, every commercial treaty made by this Government now embraces this wholesome and salutary provision, so that it may be said to-day, in truth, that a form of helpful and wholesome reciprocity is already in existence in such form as creates no animosity, leads to no misunderstandings, and does not operate to the disadvantage of any class of our own people.

In many of our early treaties of commerce and navigation it had been declared that "if either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party freely where it is freely granted to such other nation or on yielding the same compensation when the grant is conditional," while the maximum and minimum rule succeeded to all the severities of retaliation originally exercised through reciprocity by a dual system of rates calculated to enforce friendly uniformity and trade tranquillity.

Reciprocity between the United States and Canada was requested by the Canadian Parliament on the 12th of May, 1846, in a formal address to the Queen of England. Robert J. Walker was then our Secretary of the Treasury, and gave impetus to this desire. An arrangement was made between the two countries upon practically the same basis as that proposed in the Taft-Fielding agreement to-day. Two ways were suggested, either of which was desirable—by treaty or by concurrent tariff legislation. Political divisions were so sharp that it was impossible to pass the legislation in both Houses of Congress, and a treaty was finally negotiated which was ratified by the Senate, although the methods which were employed at that time to secure this result were freely commented upon, and in some quarters most severely condemned. It is not too much to say, however, that the consummation of this arrangement was hailed with enthusiasm throughout the North, but soon spent itself in the industrial chaos which followed its ratification. The inherent weakness in the plan was apparent to the most casual observer.

The free list was generally condemned, not only by the producers of agricultural products, but by our tradesmen, from whom the producers of the soil had previously purchased the necessities of life. Enthusiasm gave way to condemnation, while even the good faith of Canada was frequently called in question by resolutions in both branches of Congress, and all the spirit of amity and good will which was urged as the real basis for this arrangement disappeared from the calculations of our northern neighbors only to be succeeded by selfishness and greed unparalleled in the previous commercial history of the two countries. Special emissaries were dispatched by the Buchanan administration across the border, where investigation was pursued and reports made to Congress startling in their recital of abuses and disrespect for the promises made and inducements urged as a basis for this arrangement. From the moment this arrangement was made Canada proceeded to steadily increase her customs duties upon every item not specifically embraced in the agreement, while the loss of revenue to the American Treasury, aggregating more than $10,000,000, could not be justified on any fair hypothesis. This unfortunate experience came to an end on the 12th of January, 1865, when the Senate denounced it, every Member of that body voting for repeal but eight, the fight being led by such eminent Senators as Zachariah Chandler, Ben Wade, Lyman Trumbull, John Sherman, and Charles Sumner.

Zachariah Chandler said in debate:

I say they have not only raised those duties largely—

Referring to Canada—

but they have more than doubled, and in many instances they have more than trebled them. The very moment Canada proposes a reciprocity treaty which is in fact a reciprocity treaty I shall be ready to meet her half way and make such a treaty; but this is no reciprocity treaty at all. This is a treaty by which we receive all the products of Canada free and by which she receives from us nothing that we manufacture or can export to her. Let her take our manufactures, in which the Senator's constituents are directly interested, upon the same basis as we receive her agricultural products, and I shall be ready to meet her half way and even more than half way.

While John Sherman, speaking in the Senate in favor of the cancellation of this agreement, said:

When the reciprocity treaty was adopted, in 1855, there was then a state of things existing along the border which induced both parties to cultivate kindly relations and the exchange of commodities between them. I have no doubt that Great Britain got a great deal the best of the bargain, especially in the schedule of articles named which should be exchanged free of duty. The treaty has operated from the beginning against our interests; and it can be plainly demonstrated by the tables which are furnished by the Secretary of the Treasury that from the beginning our trade has fallen off and theirs increased, comparatively.

So, Mr. President, Mr. Pike, one of the ablest Members of the House, gave vent to his feelings when he said:

I confess I am impatient of delay. I desire this treaty to draw its last breath as soon as possible. Had it much longer to live in order to die a natural death, if that be not paradoxical, I should be disposed to use violence and destroy a life which, in my judgment, has been productive of so much injury. It was a creature of mistaken views and of expectations which had no basis in fact. Its workings have been a continuous and protracted disappointment. It has achieved no considerable result which was predicted for it, and I ask the attention of the House for a short time while I exhibit its utter failure in all particulars which should render a commercial arrangement with a foreign country desirable to us.

Yet, Mr. President, Mr. Fielding, who carried on these negotiations in the present instance, says:

It is the reciprocity treaty of 1854 over again, with comparatively little change. It promises prosperity to the people of Canada, and this house would make a great mistake and do a grave wrong—

Referring to the House of Parliament there—

if it would refuse to take advantage of it.

While the opposition to its repeal consisted principally of free-trade Democrats. The solemn requiem being sung only by a prominent member of the British House of Commons, who, after reciting the action of the American Senate, said:

No explanation has been given to Parliament, nor has a single paper of any kind been laid upon the table of the House of the Majesty's Government, but it has been allowed to expire, owing mainly to the culpable negligence and maladroit management of those who have had charge of British interests.

The same member of Parliament asserting, with much show of indignation, that the results of that arrangement had been the annual interchange of over £50,000,000 a year between the British Provinces and the United States. Almost immediately following this denouncement on the part of the Senate, Canadian statesmen, headed by the minister of finance, undertook to resume negotiations for its rehabilitation, and from that day to this there has, in my opinion, never been an hour when it could not have been reopened had any great party or any influential American statesman seen anything of merit in it.

Our exports to Canada in 1855 were $20,828,676; but, under the operation of so-called reciprocity then in force, they dwindled in 12 years down to $15,243,834, while the exports of Canada to the United States increased from $12,000,000 to $46,000,000. When the treaty began the balance of trade had been $8,000,000 annually in our favor, and that paid in specie; but at the end of the treaty the balance to be paid by our people in American coin in a single year was $30,000,000, all withdrawn from our circulating medium, which would otherwise have passed freely among our own people, employing labor and buying the products of honest toil. This was not the reciprocity advocated by McKinley, Dingley, Blaine, Harrison, and other great statesmen, who advocated such an arrangement as would not interfere with our domestic production, the employment of our own labor, and the retention of our own money supply.

Those familiar with the earlier draft of the so-called Wilson bill, which devastated our lands and our flocks and closed our factories like a pestilence, know that it contained a provision for the free entry of agricultural products, when the late Speaker Reed said:

If we propose to abandon any industries, we had better not let it be the agricultural industries. Between the Atlantic and Pacific stretch vast regions still untilled. The next victory of protection should be there.

Our system of protection is not for manufacturers alone. It is for farmers also. Whoever deprives our farmers of all the American market they can occupy is false to his principles and must meet with defeat, or the system must be surrendered which proclaims that American markets are first of all for American citizens, who are engaged in developing the country we already have.

Then, as now, the impractical devotees of free trade almost accomplished their purpose to foist this unwholesome principle upon us, and it was only the fear of the farmers' wrath that checked their ruinous design under the leadership of William L. Wilson, William Jennings Bryan, CHAMP CLARK, and other joint authors of that commercial iniquity, the most odious customs law ever enacted by the American Congress. The present Canadian plan will pass this body only by the preponderance of Democratic votes, and passed the House of Representatives by the assistance of free traders.

THE DEMOCRATIC PLATFORM OF 1902 CONDEMNS RECIPROCITY IN THE FOLLOWING LANGUAGE.

Trade interchange on the basis of reciprocal advantages to the countries participating is a time-honored doctrine of the Democratic faith, but we denounce the sham reciprocity which juggles with the people's desire for enlarged foreign markets and freer exchanges by pretending to establish closer trade relations for a country whose articles of export are almost exclusively agricultural products with other countries

that are also agricultural, while erecting a customhouse barrier of prohibitive tariff taxes against the rich and the countries of the world that stand ready to take our entire surplus of products and to exchange therefor commodities which are necessaries and comforts of life among our own people.

To what depth of depravity has the Democratic Party fallen that its leaders may now in House and Senate proclaim the virtues of a doctrine but so lately execrated and condemned as undesirable by their own national convention? While the Wilson bill brazenly condemned and repealed section 3 of the McKinley tariff law, commonly known as the reciprocity provision, stating that "reciprocity had brought no appreciable advantage to American exporters" and denying the right or the power of the President to enter upon such negotiations, Mr. Wilson himself being the author of this provision, which he introduced in the House of Representatives January 25, 1894.

"Consistency, thou art a jewel." Let no one even by accident hereafter call you Democracy. To be sure, this denouncement of the reciprocity clause of the McKinley law was somewhat modified in the Senate and as it afterwards became a part of the Wilson-Gorman bill, but its purpose was apparent, and its effect was to destroy absolutely all the harmless trade agreements so carefully entered into under the terms of the former tariff law.

I have always favored such reciprocity, and voted to authorize treaties of this character in the Dingley bill. I have been enthusiastic in my championship of such reciprocity as would not retard American enterprise or unfairly discriminate among the producers of our own country. Such reciprocity may be helpful to producer and consumer alike, and breeds no poisonous antidote. It is the natural corollary and handmaiden of protection, and no arrangement of this character ever proposed and carried into effect has blighted a harvest or mildewed a crop.

This Senate has always had the profoundest respect for Senator Spooner, whose wide range of information and accurate analysis has more than once proven of value to the American Congress in the perfection of its legislation, and he unhesitatingly declared, at the time of the passage of the McKinley law:

I am in favor, as I think everyone now is who is in favor of this bill or any bill protective in character, of incorporating in it some provision for reciprocal commercial arrangements with other countries. I am not in favor of any such reciprocity as that which would open our ports to the competitive products of other countries without any regard whatever to its effect upon our industry, or to its effect upon our labor. I also want to say that I am not ready to vote for the Canadian reciprocity proposition which is submitted by the Senator from Ohio. I am not attracted by the notion that we can, with any profit to our industries or to our labor, or with commercial advantages to our country, enter at this time into a general commercial union with Canada. I will vote for the reciprocity proposition reported by the Committee on Finance. I am satisfied with it in its scope. I am satisfied with it in its form. It is Republican reciprocity in contradiction to Democratic reciprocity. It is an extension of the principle of protection instead of an adoption of the principle of free trade. I am in favor of such reciprocity between the United States and other nations, especially with the Republics of Mexico and Central and South America, as can be agreed upon and as will open up new markets to the people of this country. What we desire is to find a market for whatever surplus we may have either in agricultural productions or in manufactures; and to secure such market, we should be willing to take from the people who take our surplus a sufficient amount of the surplus of such productions or articles as we do not produce to the extent of our needs to pay for it.

While the venerable Senator Morrill, father of the tariff law under which the Lincoln administration carried our country through the War of the Rebellion, sagely declared:

The Canadian reciprocity treaty demonstrated the profitlessness of reciprocity treaties with countries whose products of exchange are chiefly agricultural, and which we do not want.

I commend to the advocates of this bill on this side of the Chamber the words of the late Senator Vest, of Missouri, who said that—

The howl about free trade so long and persistently lifted up against the Democratic Party should now subside. The high priests of protection are burning incense upon the altars of free trade with an earnest devotion characteristic of all new converts.

Again, sir, I commend the withering sarcasm of the brilliant Missourian to my fellow Republicans upon this side of the Chamber who have not the heart nor the resourcefulness to champion the pending proposition from any sound Republican point of view.

It has been said that even our friends upon the other side of the Chamber were so much wrought up over the reciprocity feature of the McKinley law that they were responsible for the test cases which found their way into the courts regarding their validity. It is well known that Chief Justice Fuller and Justice Lamar dissented on the ground that no part of the legislative power can be delegated to any other department of the Government.

Under the McKinley Act an arrangement with Brazil was promptly entered into; but the reciprocity was in noncompetitive products, such as sugar, coffee, tea, and so forth, in exchange for which agricultural products and manufactured goods were admitted into that country. Treaties were promptly made with Spain for Cuba and Porto Rico and with England for her smaller possessions in the Western Hemisphere, while arrangements of a similar character were perfected with Salvador, Costa Rica, Honduras, and Nicaragua, embracing what was then spoken of in a reproachful sense as "tropical reciprocity." Treaties were also entered into with Germany and Austria-Hungary in 1892, which were supposed to be beneficial.

These treaties gave us a general reduction on numerous articles of production and manufacture, while the treaty with Germany was especially helpful to American agriculture. Both countries were probably moved to this course by the overproduction of sugar, for which our country proved to be a most valuable market. Cuba responded more promptly than any of the other countries to the privilege thus accorded to her. During a single year the exports from the United States to Cuba increased from $13,000,000 to nearly $18,000,000, and the following year to $24,000,000. President Cleveland and the Wilson bill and the statesmen of the Democratic Party promptly leveled this trade again to less than $13,000,000 by a denouncement of the treaty as shortsighted and cold-blooded—an abandonment of the wisest international arrangement ever consummated between nations. The bulk of our shipments to Cuba during reciprocity consisted of flour, iron, steel, lard, lumber, hams, bacon, and potatoes, of which latter product they received $554,000 worth during the last year of this arrangement, while we took from Cuba during the last year of reciprocity $78,000,000 worth of her products, all of which were noncompetitive in character and consisted mainly of sugar and tobacco, which we did not at that time produce to any great extent.

I personally visited Cuba during this period, and saw on the wharves of Habana, in the warehouses of Matanzas, and in other Cuban cities, American flour in great quantities that had hitherto been supplied by Spain; and one of the pleasantest recollections of my life is the visit I had with Secretary Blaine upon my return to Washington, detailing the policy which he had so wisely advocated, by experience of my own, I listened to the enthusiastic summary of his last great life work, just reaching its highest fruition, when the withering blight of a Democratic triumph stifled its further growth. I believe, although I am not certain of my figures, that nearly 20,000,000 barrels of American flour, the wheat of which was raised upon the American farm, was sold in Cuba in one single year of reciprocity. This was real reciprocity, harmful to no section of our country, but helpful to all. This was the reciprocity urged by McKinley and so eloquently advocated by Blaine, while bills similar to the one now pending in this Senate, and upon which we are about to vote, have never met the approval of either of these great leaders of American public thought. In 1892, when Secretary Blaine was urged to renew the Elgin treaty in natural products with Canada, he denounced it in unmeasured terms as class legislation.

English public opinion is fast crystallizing around the sentiment for a confederation of her dependencies in both hemispheres. Mr. Chamberlain thus summarizes to Lord Grey the true spirit of the militant and aggressive present-day British statesman when he says:

There is something captivating in the project of forming all the parts of this vast Empire into one huge zoolverein with free interchange of commodities and uniform duties against the world without. Though without some federal legislation it might have been impossible to carry it out, undoubtedly under such a system the component parts of the Empire would have been united by bonds which can not be supplied under that on which we are now entering.

Every attempt upon our part to purloin this English dependency or control for ourselves her industrial development accentuates the confederation spirit in the Empire and places one more obstacle in the way of our permanent enjoyment of British trade, the best and most unexacting enjoyed by the American people in all the world.

Canada, as the eldest daughter of the imperial family, is loved and admired by her kinsfolk in every clime; her voice has grown more potential with each passing year, and her limitless resources constitute the most priceless jewel in the imperial diadem, while her brilliant future revitalizes the grandeur of the British crown and again insures the new monarch a more potential voice in the governmental affairs on the North American Continent than was exercised by his despised namesake in the early years of the last century. And while the supplications of the leading English statesmen—Chamberlain, Balfour, and Lord Lansdowne—filled the English Parliament with apprehension the clarion voice of the Canadian premier reassures the doubtful at the coronation feast that the Dominion Government will take no step and make no concession that will not be freely conceded to the mother country.

Under such circumstances is our Government to become merely a temporary convenience to the farmers of Canada, to bridge

over present emergencies in her affairs, or, as Mr. Fielding, the Canadian minister of finance who negotiated this treaty, says, a "day to day" helpmeet, or are we to become by this arrangement full partners in the confederation? Time will tell. Entering for a moment the unforbidden field of prophecy, I unhesitatingly predict that the present arrangement is both the beginning and the end of our trade negotiations with our northern neighbor. With forests and mines and minerals, with a territory larger than our own, including Alaska, it is no part of the British or the Canadian plan to permit us to utilize her raw materials for the extension of our manufacturing industries. Neither will they subordinate their commercial activities to our leadership or control. If this is not so and the rent is to be enlarged, as its American authors predict, English money is ready in abundance for Canadian exploitation, while more than $1,500,000,000 of British capital is now invested there, and as soon as our protective barriers are removed against Canada British enterprises now denied free access to this market will overwhelm their loved daughter with their affectionate bounty and prey upon our commerce from the golden borderland of her favored dependency, extending over 4,000 miles along our frontier, from ocean to ocean.

How this development can advantage the American people is beyond my comprehension. Wages must be affected by this overstimulated and multiplied production, while the undisputed markets now exclusively accessible to our own genius must soon become the scene of a most animated rivalry on the part of our nearest neighbor and kinsman. Canada will soon become the torchbearer by night and the color bearer by day in the commercial conquest now being marshaled under the Empire, and the clearances of its over-sea possessions will hereafter pass the open ports of the motherland and, unobstructed, on through Canada, pass the abandoned customhouses on our Canadian border, thus accomplishing instantly and by one stroke of the pen, but indirectly, what it has never been the good fortune of English soldiers or statesmen to secure in her own right, although her ablest diplomats have for more than a century exhausted their wits to this end, but to the everlasting credit of the sturdy parliamentary giants of the past we have up to this moment successfully prevented such a catastrophe.

Perhaps I am wrong, I hope I am, but reading the future by the past I can see no permanent good to the American people to grow out of this private arrangement.

We should play no favorites in the race for trade; we should subsidize no foreign state; we should have one universal rule applicable to all alike. This was our motto for a hundred years. To deal justly and trade fairly will take us farther in our quest for trade and reward us with generous returns, keeping us free from entangling alliances and mischievous entanglements with the affairs of other countries.

This rule has crowned us with knightly grandeur and filled our coffers to overflowing with the world's treasure; it has turned a stream of yellow gold from the four corners of the world into the American market place and distributed its blessings with a lavish hand among all classes of our people, dignifying the modest homes of our countrymen, raising the standard of living and civilization, and establishing for us absolute supremacy in the western world, while one in every four of our entire population have bank deposits, more than 25,000,000 persons in the United States have money in the banks, and $14,000,000,000 is thus represented; 35 per cent of it is in the form of savings.

The world has never witnessed anything comparable to this extraordinary showing; it represents more than double the whole world's known supply of gold and is greater in value than the world's total output of gold and silver since the discovery of America. The deposits of our citizens would pay more than one-third of the combined national debts of the 50 leading nations of the earth. Surely our policy of protection and the single rule which we have applied to great and small alike among our customers can not be wrong with such tremendous results to its credit. We neither need the taunting menace of European competition in order to deal justly with our fellows nor the brazen mastery of monopoly to hold us in the right course. The arrangement we are now considering will not release us from the iron grasp of monopoly, but will rather strengthen its hold upon the resources of both countries.

No, Mr. President; neither dual tariffs nor geographical nor climatic favoritism have contributed largely to our commercial prestige in the past; our yardstick has never been used as the surveyor's rod nor our economic system as his compass or his chart. One rule and one rate for all the world has given us our victory on the busy highways and over the seas; it was sung into our youthful ears by the Father of the Republic, and it has been defended by his worthy sons in every crisis of our history. It was a good rule then and it is a good rule now. Great statesmen may covet the glare of the international arena, but when the struggle is over and the diplomatic game is ended and the fruits of our labors are garnered for the harvest, the true test of wisdom shall be the permanency and stability of our industrial achievements, and these are best assured when vitalized under our own control and within our own domain. Though the entire world may selfishly erect barriers against us in the future, we can even then enjoy our own protected market and truthfully feel that it is the best in all the world.

Neither the purse of the Government nor the plow of the husbandman should be intrusted to strangers owing no allegiance to our flag; no unnecessary barriers should be erected against good-fellowship, but reckless international poaching should always be regarded as an offense against society, and the sentinel who sleeps at his post in such a crisis should be tried for treason, without much ceremony, at sunrise.

I am not unmindful of the value of a commercial union with Canada, but the idea that we can preempt an exclusive market there is a mere figment of the imagination, so long as we maintain our protective system and Canada clings to the Empire of Great Britain. Freedom of trade with Canada has at different times in our history been thought to be desirable by real American statesmen, but the only obstacle to this result is not the American Senate or the American farmer but the political alliance existing between Canada and the mother country, while the matter of her revenue from customs duties acts as a warning which has in the past, and will in the future, restrain her generosity, as it should ours.

While it has been well said that "the circumstances which make the common boundary of the two countries an actual barrier instead of an imaginary line are under their control, not ours," it is for them to determine which affects them more importantly—their political association with Great Britain or their actual commercial and industrial association in interest with the United States. There is no apparent evasion of the choice they must make.

It has been frequently said in this debate that "they are entitled to as generous treatment as a State in the American Union," but, sir, if they are, they must reciprocate in kind, and you may search this bill from its first line to its last word without finding a sentence of real reciprocity in the pact intended for our benefit.

The treaty of 1854, made by Democrats and free traders, was exactly similar in character, as stated over and over again by Mr. Fielding in the Canadian Parliament. Great results were predicted to follow by its authors. But in actual practice the best results moved northward to our neighbors, while in the arrangement made then and the agreement now before us there can not be found an exclusive American privilege.

Must the American farmer again compete with the Canadian rival on equal terms? His lands cost more, his taxes are higher, he must defend his own country by land and by sea, with no indulgent mother to watch over him by night and protect him by day. Shall we then "throw down the barriers and whip these two runners into competition, one heavily weighted, the other without an ounce of runner's ballast"? Sir, it does not require great wisdom to foretell the result of such an unequal contest. The tide of immigration will turn abruptly into Canada, while a general outcry is certain to be raised against the protective system, to which we owe our industrial supremacy, calculated to give encouragement to the free-trade party North and South. In such a controversy, with the House of Representatives now Democratic, so-called reciprocity may stand, but protection will fall. It is not necessary to sever the jugular vein of the body politic—no one in this presence has undertaken to do so now—but cut the smallest artery at the wrist or thigh and the result will be the same, although the agony may be prolonged.

Under the Elgin treaty Canada wanted a market for her agricultural products; to-day she is in a similar need; 54 per cent of the products of their farms is surplus, with no untaxed market in which to sell, and we are asked to ignore the pleadings of our own countrymen and extend this favor to aliens without recompense.

Yesterday was the one hundredth anniversary of the birth of Lord Elgin, whose brilliant intellect conceived the last treaty and whose prophetic vision and fascinating personality guided it successfully across the troubled political sea, luring American Senators by blandishment far from their safer moorings, launching our country into a dismal diplomatic failure from which we have never entirely recovered, although we seem to be at this moment upon the verge of its reenactment.

The London newspapers say that long before his term of service as Governor General expired he was the most popular

man in the Dominion, and when he returned to England was heralded by trumpets and promptly raised to a British peerage because the British-American treaty which bore his name was so universally satisfactory to the people he served, while it may be truthfully said that many of the American statesmen who actually participated in this fateful decree rapidly lost their public commissions and sank into that political oblivion which they so richly deserved.

Mr. Blaine, in a letter written in 1874, said that "the Elgin treaty cost the people of his State more than $50,000,000 in 10 years," and he added that "the so-called reciprocity was all on the Canadian side." It did not take the sagacious and far-sighted Lincoln long to detect it, while the vigorous denunciations of bluff old Zachariah Chandler and Ben Wade cleft the false doctrine in twain, driving it out of the public mind for over 50 years, there being but eight senatorial mourners attendant upon its demise, and most of these constituted the last-ditch advocates of free trade.

That treaty stimulated Canadian enterprise in her transportation facilities, and resulted in the expenditure of $200,000,000 on her canals, making traffic possible from the Atlantic Ocean to the head of Lake Superior, a distanec of 2,500 miles, on lines entirely her own. She has constructed over 30,000 miles of railroads, costing upward of $2,000,000,000. She has rapidly put herself in position to be independent of outside influences, and will soon realize her fondest dream. The arrangement which we are now considering is but a temporary makeshift, only useful until she can establish an equilibrium between her agricultural and manufacturing strength; scattered Provinces, formerly unknown to one another, have been knit together by highways and bridges and railroads, and a community of feeling and interest is now instinct in every part of her vast territory.

Last year we sold the Canadians $239,000,000 worth of our products; $106,000,000 entered the Dominion free, while the dutiable portion paid an average rate of 24 per cent. We bought from Canada last year $113,000,000 worth of her products; $36,000,000 worth came into our country free, while the rest paid an average rate of duty of 43 per cent, leaving a balance of trade in our favor of more than $125,000,000 in 12 months. The Canadians only shipped to England $149,000,000 worth of her products last year under free trade, and bought from her less than $100,000,000, while from all the rest of the world she took but $96,000,000. These figures strikingly attest the wisdom of our present policy, and warn us to beware of the dangers which attended the last trade arrangement with that country, which promptly reversed a wholesome tribute which they annually paid to us into an annual deficit of equal proportions against us.

American manufacturers will not be able to increase their sales when the agricultural communities of our own country are subjected to keen competition in markets whose purchasing power has been reduced by inability to dispose of their products at good prices at home. Under the old arrangement the border States were the first to cry out against the Elgin treaty, and New York and New England both remonstrated against its continuance.

Even if we were to have free trade with Canada, our manufacturers would not profit by the arrangement; the customers of both countries would be unable to distinguish between goods manufactured in the Dominion and goods produced in the mother country, while to-day Canadian tradesmen complain that the present differential allowed to England is made use of by other foreign states as a means of reaching the Canadian markets on a favored basis. Overstimulated international competition may be the means of supplanting the American workman in his profitable employment; he is the customer of every other calling and trade, and if his custom is desirable, his vocation must be secure and remunerative. Unlimited English capital will certainly find its way into the industrial development of its North American kinsman as we by favoritism increase the inducement. Is it possible that Canada can have all the advantages of a State in the American Union and enjoy all the blessings of kinship and territorial allegiance to Great Britain at one and the same time? This would indeed make her the polestar in the international firmament and give her an advantage never before enjoyed by any people in the history of mankind. If the statesmanship of Canada can climb to such a height, baronetcies and earldoms will indeed be slight compensation for services so transcendent.

The distinguished Canadian premier already stands high in the esteem of his monarch, while at the coronation conferences of the over-sea proconsuls he was easily the leader of British official thought. There is not the slightest disposition upon the part of any recognized Canadian official to discriminate against England or any of her sister colonies in matters of mutual concern, and even Mr. Fielding has been quoted as saying in an English chamber of commerce that "no differential duties in favor of Canada and against England would follow the ratification of this treaty." Were it otherwise this arrangement would rouse Great Britain in trade relation against us, in which event we would lose a hundred times more than we could possibly gain by this proposal, while the failure of Canada to do more for us by this agreement than she is compelled to do for every country with whom she has a favored-nation agreement robs us of that distinctive diplomatic triumph upon which the authors of this unfortunate pact have plumed themselves with so much vigor.

We have been frequently told that Canada does not want this arrangement perfected; that many of her most advanced thinkers feel that it will undermine her protective policy and drive her back to the open door from which she made a most heroic escape about the middle of the last century, aided by the skillful activities of Sir John McDonald, Sir Charles Tupper, and Sir Wilfrid Laurier, whose dynamic denunciation shattered the free-trade heresies of the motherland and gave to the Dominion the first taste of industrial independence. Indifference, sir, hardly accords with the persistence of her representatives. By this undertaking Canada must, on demand, throw open her ports to free or reduced entry to like products from such countries as now have favored-nation agreements with her, including Venezuela, Spain, Switzerland, Russia, Denmark, Japan, Sweden, Norway, Austria-Hungary, and Argentina, while it is claimed that the Republic of France will automatically claim far-reaching concessions from our neighbor at the north as her rightful due. Is this liberal Laurier government to voluntarily shackle her fiscal freedom, with no compensating advantage to herself? Is the dominant political party of Canada to jeopardize its supremacy and run the gantlet of partisan denunciation with no helpful motive in mind?

Oh, no, Mr. President. The surplus agricultural products of Canada are piled mountain high on every acre of her cultivated soil, and it is to move this tremendous crop, now ripening in the fields and peacefully reposing in the storehouses and granaries in every Province of her territory, that she makes the sacrifice necessary to its profitable and immediate conversion into American money, and the Senate is, I fear, about to place the stamp of its approval upon an arrangement so unfair and unjust to the tillers of our own fields. In my judgment, sir, this unfortunate concession is literally steeped in rancor and ruin, and in its ultimate consequences will make less remunerative and less attractive the vocation of the American husbandman. It was neither necessary nor desirable. Our trade with Canada over the high wall of protection on the same terms as with England and France and Germany has yielded a net return far in excess of anything that can possibly come to us as a result of this new device, and it is, indeed, scanty reward for the faithfulness and the constancy of the American farmer, whose devotion to his country on the field of battle and in the forum is one of the proudest boasts of our national life. Sir, this will shake his faith in the just leadership of men, and in the heat and burden of the day he will ponder over this inglorious surrender to his rivals and judge with sharper scrutiny the hidden motive for your course. And even if we who oppose you are wrong in our belief we shall at least feel some compensation for our course in braving the rising tide of public criticism and the disapproval of our temporary leaders in the unselfish solicitude we feel for the joint welfare of our citizens, producers and consumers alike.

Mr. SMOOT. Mr. President, I would like to ask if there is anyone else who desires to proceed this afternoon and speak upon the pending bill.

Mr. BRISTOW. I have an amendment here that I would like to have voted on this afternoon. It will not take a great while, though. The discussion will be short. I desire to offer the amendment I send to the Clerk's desk, and ask that it be read.

The VICE PRESIDENT. The Secretary will report the amendment.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. —. That on and after the day following the taking effect of this act there shall be levied, collected, and paid upon the following articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila) the following rates of duty, namely:

Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in an act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, approved August 5, 1909, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; all the foregoing, 1⅛ cents per pound; lead in sheets, pipe, shot, glaziers' lead, and lead wire, 1¼ cents per pound.

Mr. REED. As a matter of inquiry, do I understand the Senator is going to ask for a vote this afternoon on this amendment?

Mr. BRISTOW. Yes.

Mr. REED. Then, in order that there may be an attendance, I make the point of no quorum. That is, if the yeas and nays are to be called for.

Mr. BRISTOW. I did not have in mind to call for the yeas and nays.

Mr. REED. Then I do not make the point of no quorum.

Mr. BRISTOW. Mr. President, I desire to state before the amendment is voted upon that it reduces the duty on lead bullion from 2½ cents per pound to 1⅝ cents per pound. The duty on lead contained in lead ore is 1½ cents a pound. This would fix the duty on lead bullion at 1⅝ cents, or one-eighth cent a pound more than the duty on lead contained in the ore, giving the smelters a protection of $2.50 a ton, which, according to all the evidence I have been able to find, ably compensates for the difference in the cost of smelting ores in our country and any other country in the world.

That is all I care to say. These facts will not be disputed, in my judgment, and I ask for a vote upon that amendment, if there is no one who cares to discuss it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was rejected.

Mr. BRISTOW. I will say that I am not calling for the yeas and nays, because on the amendments which have been heretofore presented the vote has been so decisive against amending this bill that I am convinced the result would be the same on these amendments that it has been on the amendments which have been voted upon when the roll has been called. I simply want to make the record clear that I have done all I could to amend the bill so as to take the duties off of products that are controlled by monopolies, since it removes the duties upon the products that are not controlled by monopolies and duties that have not been complained of, and which it is admitted here have never been a burden to the American people.

I send to the desk the following amendment and ask that it be read.

The VICE PRESIDENT. The Senator from Kansas offers an amendment, which the Secretary will report.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. —. That on and after the day following the taking effect of this act there shall be levied, collected, and paid upon the following articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila) the following rates of duty, namely:

Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, 3⅜ cents per pound.

Orange mineral, 2½ cents per pound.

Red lead, 1⅝ cents per pound.

Vermilion reds, when not containing quicksilver, but made of lead containing lead, 4⅛ cents per pound.

White lead, and white pigment containing lead, dry or in pulp, or ground or mixed with oil, 1⅝ cents per pound.

Lead: Acetate of, white, 2¼ cents per pound; brown, gray, or yellow, 1¼ cents per pound; nitrate of, 1⅛ cents per pound; litharge, 1¼ cents per pound.

Mr. BRISTOW. Mr. President, I desire to state that this amendment relates to the products of lead bullion, and it takes the same amount of duty off of the products of the lead bullion that was taken off of the lead bullion, so as to equalize the duties on the white lead and the red lead and the products of lead which are used by the people in their domestic affairs.

I made an effort as best I could two years ago to have these duties reduced. At that time I sought to prevent the raising of the duties in the Senate over the amount fixed in the bill when it passed the House. I believe that if these amendments could be incorporated into this bill they would be enacted into law, because up to this time I do not believe there has been a single amendment offered to the Canadian bill that would have in any way jeopardized its passage or its signing by the President. And in my judgment the refusal to amend the bill is practically a refusal to take the duties off of these products which the trusts control.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was rejected.

Mr. BRISTOW. Mr. President, I offer the amendment I send to the desk.

The VICE PRESIDENT. The Senator from Kansas offers an amendment, which the Secretary will report.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. —. That on and after the day following the taking effect of this act there shall be levied, collected, and paid upon the following articles, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), the following rates of duty, namely:

Type metal, 1½ cents per pound on the lead contained therein; new types, 15 per cent ad valorem.

Mr. REED. How much reduction is that?

Mr. BRISTOW. From 25 to 15.

The reciprocity bill gives to the newspapers of the country free print paper and confers what the newspapers think will be a very great favor.

Now, I do not see why it is not just as fair to help the country printer. The duty on type is 25 per cent ad valorem. The duty on print paper has been about 10 per cent.

Now, this Canadian bill takes all the duty off of print paper and leaves the full duty of 25 per cent on the type which the country printer uses. There is no type imported into the United States to amount to anything. I think there was about $13,000 worth last year. So this 25 per cent serves no purpose, unless it is to bar importations. And, in the interest of equity, this amendment should be adopted.

I will not ask for a vote upon this amendment to-day. I will be glad if it can go over until to-morrow, because I am anxious to have a roll call on it, and I do not want to inconvenience the Senators who have depended on there being no vote here this afternoon. To-morrow we will have a full vote.

The VICE PRESIDENT. This amendment, then, will be the pending amendment to-morrow.

Mr. BRISTOW. I can withdraw the amendment for the present and offer it to-morrow.

The VICE PRESIDENT. The Senator from Kansas withdraws his amendment, there having been no action thereon.

Mr. McCUMBER. Mr. President, under the rule that has been adopted by the Senate there will be no opportunity for the discussion of any one of these amendments to-morrow, as we are to proceed to vote on each amendment without discussion. I have presented one amendment, which I will ask the Secretary to read, prefacing that reading with the statement that, inasmuch as we will by the enactment of this law deprive the northern farmer of all protection upon his own products, we ought at least to place him as near as it is possible to do so in a position that will equalize to some extent his commercial relations with the Canadian farmer.

Now, the Canadian pact, with Great Britain giving preferential rates, fixes a price that the Canadian farmer must pay for everything he purchases, assuming, of course, that he always pays the amount of the tariff levied, a sum very much less than the American farmer has to pay for those things which are necessary for his business.

I introduce this amendment, and will ask a vote on it to-morrow. I will ask no vote on it to-day, but will to-morrow.

I am introducing it on the principle that we ought to treat the American farmer about as well as we treat the Canadian farmer. I am still one of those who believe that the Canadian farmer is not much better than the American farmer. I am still one who believes that the American farmer is, after all, a white man. I am opposed to any rule that says that the other residents of the United States may ride in a parlor car, but that the American farmer must be satisfied with a Jim Crow car. And I am trying to fit up his car in this reciprocity agreement so it will look a little, at least in its trimmings, like that in which the protected industries are about to ride.

I ask that the Secretary read the amendment, so that Senators will understand it, and then I will call for a vote upon it to-morrow.

The VICE PRESIDENT. The Secretary will report the amendment for the information of the Senate.

The SECRETARY. Add as a new section the following:

SEC. 4. That there shall be levied, collected, and paid upon the articles hereinafter enumerated, the product or manufacture of any foreign country, when imported therefrom into the United States or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), in lieu of the duties now levied, collected, and paid, the following duties, namely:

Earthenware, 15 per cent ad valorem.
Tinware, 15 per cent ad valorem.
Wire of all kinds, 10 per cent ad valorem.
Hats, 20 per cent ad valorem.
Sugar, 35 per cent ad valorem.
Carpets, 17½ per cent ad valorem.
Oilcloth, 25 per cent ad valorem.
Furniture, 20 per cent ad valorem.
Cotton cloth, 25 per cent ad valorem.
Soap, 65 cents per 100 pounds.
Gloves and mitts, 22½ per cent ad valorem.
Hose, 25 per cent ad valorem.
Dress goods, 15 per cent ad valorem.
Automobile farm trucks, 22 per cent ad valorem.
Pianos, 20 per cent ad valorem.
Celluloid goods of all kinds, 5 per cent ad valorem.
Underclothing, 22½ per cent ad valorem.
Axes, 15 per cent ad valorem.
Shovels, 20 per cent ad valorem.
Scythes, 15 per cent ad valorem.

Stoves, 15 per cent ad valorem.
Chains (iron), 5 per cent ad valorem.
Knives and forks, 20 per cent ad valorem.
Agateware, 22½ per cent ad valorem.
Sewing machines, 20 per cent ad valorem.
Window glass, 7½ per cent ad valorem.
Rice, 50 cents per 100 pounds.
Figs, 40 cents per 100 pounds.
Jute bags, 15 per cent ad valorem.
Cotton thread, 17½ per cent ad valorem.
Glassware, 15 per cent ad valorem.
Lamp chimneys, 20 per cent ad valorem.
Brass goods, 20 per cent ad valorem.
Lamps, 20 per cent ad valorem.
Rubber coats, 15 per cent ad valorem.
Rubber boots and shoes, 15 per cent ad valorem.
Books, 15 per cent ad valorem.
Clocks and watches, 20 per cent ad valorem.
Bicycles, 20 per cent ad valorem.

That the articles mentioned in the following paragraphs, the product or manufacture of any foreign country, when imported therefrom into the United States or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), shall be exempt from duty, namely:

Tin plate, free.
Salt, free.
Oranges, free.
Lemons, free.
Baskets, free.
Lead, free.

Mr. McCUMBER. The dealers in farm cereals evidently do not agree with those Senators who have declared that the present protective duties were in reality no protection to the farm products. As soon as this reciprocity agreement was promulgated the importers of Canadian barley purchased their barley from Canada, and, on the assumption that it was being held in bond, bought it for 30 cents a bushel less than they would have to pay for the American barley.

It stopped in bond in Milwaukee, in Detroit, and in other great cities. The last information I had was that it was still being held there in bond waiting for this reciprocity agreement to go into effect. As soon as this reciprocity agreement does go into effect it will liberate all of this vast amount, I think something over 500,000 bushels of barley, in those cities, and that will immediately give to these people who purchased it an advantage of about 30 cents a bushel, an amount more than was received per bushel, on the average, during the years from 1893 to 1897.

I think Senators will agree with me that the bill was not specially intended for the benefit of the brewers, and yet this great amount of the cereal product of Canada is not only to be transported into this country that the American brewer may have cheaper barley and cheaper malt while he sells American beer upon a protective basis, but, in addition to that, that he may have a benefit of 30 cents a bushel on all of the barley that he has purchased from Canada and imported into the United States in bond during the last six months or since this reciprocity agreement was first promulgated.

Mr. HEYBURN. I desire to ask a question.

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. Certainly.

Mr. HEYBURN. Does the Senator think that the release of goods in bond is the equivalent of importation, and that the barley that is now in the country in bond would have the benefit of this legislation?

Mr. McCUMBER. I do.

Mr. HEYBURN. That is a question in my mind.

Mr. McCUMBER. I know of no law now that will compel those who have purchased this crop and brought it into this country in bond to continue it, because practically up to the present time it is the product of a foreign country. But the moment that this bill goes into effect it will be the product of a foreign country that is entitled to admission free. In legal effect it is not admitted into this country, but the legal effect of this bill operating upon it will be the free admission into this country, and no tariff will be collected on it.

Mr. HEYBURN. The language of this bill, which says, "which shall hereafter be imported into this country," it would hardly seem to me to justify the release of a commodity already in the country, because there will be no act of importation connected with that commodity.

Mr. McCUMBER. It is not imported into this country in the sense of an import. As I just explained, it is still a foreign article in bond and is not an import into the country and is not recognized as an import into the country as long as it is in bond.

Therefore, Mr. President, I think it would apply, and that is why, to make that doubly certain, I have offered this amendment.

Mr. HEYBURN. I would be in some doubt as to the application of this bill, should it become a law, to commodities already in the country, regardless of the fact that they came in under a contract that they should go out. However, if the Senator's amendment will make that absolutely certain it might possibly be of some advantage. But I do not believe that the release of a commodity in bond under a contract by law would come within the provisions of this bill affecting imports into the country.

Mr. McCUMBER. It is all a question of when it becomes an import. It is not an import so long as it is held in bond. It becomes an import and the tariff is levied on it the moment that it is released from bond. That is the point I want to make to the Senator.

Mr. HEYBURN. Then I want to ask, does the Senator think that this law if enacted would abrogate the contract under which that commodity came into the country? It came into the country under a law that is not affected by this bill.

Mr. McCUMBER. Oh, no, Mr. President, it can be released at any time by paying the duty. There is no contract when it enters the country that it will be carried through the country. There is a contract that if it is not carried through the country that those who have brought it over the line will pay a duty. But the moment you release it from that duty, then you really import it at that time.

Mr. LODGE. Mr. President——

Mr. HEYBURN. Just a moment. The contract is that they shall pay the duty.

Mr. McCUMBER. No.

Mr. LODGE. That is the contract under which it comes in in bond—that they shall either pay the duty or take it out.

Mr. McCUMBER. When it is imported.

Mr. HEYBURN. Yes.

Mr. McCUMBER. That is when it is released.

Mr. LODGE. Will the Senator allow me? The act of importation occurs when the article is taken out of bond and the duty is paid.

Mr. McCUMBER. That is right, I think.

Mr. LODGE. We have had that occur again and again in changing the tariff on articles that were in bond. They paid the rate of the new tariff or paid no tariff, if there was no rate in the new tariff. The importation does not take place until the article is released.

Mr. McCUMBER. That is the view I have taken.

Mr. LODGE. Until it is imported; until it is presented to the customhouse for entry. Until that time the article is considered a foreign article and is not an article that is imported.

Mr. McCUMBER. That is right.

Mr. LODGE. There can be no doubt of it.

Mr. McCUMBER. I think there can be no doubt about it. I will to-morrow ask for a vote upon the amendment—not to-day.

THE NATIONAL MONETARY COMMISSION.

The VICE PRESIDENT. The Chair lays before the Senate the following communication, which will be read.

The Secretary read as follows:

DEPARTMENT OF STATE,
July 21, 1911.

The VICE PRESIDENT, *Washington, D. C.*

SIR: I hereby tender my resignation as a member of the National Monetary Commission.

Very respectfully,

P. C. KNOX.

The VICE PRESIDENT. The Chair, under the provisions of the act of May 30, 1908, announces the appointment, in place of Hon. P. C. Knox, as a member of the National Monetary Commission, Hon. BOIES PENROSE, of Pennsylvania.

Mr. PENROSE. Mr. President, several days ago the senior Senator from Iowa [Mr. CUMMINS] addressed an inquiry to me as to when the Committee on Finance would proceed to the consideration of the bill introduced by him and referred to the committee which provides for a report of the Monetary Commission on the 4th day of December next. I advised him that as soon as the chairman of the Monetary Commission, Mr. Aldrich, arrived in Washington I hoped to confer with him and, after having ascertained his views, would have the bill considered by the committee.

Yesterday I had an opportunity to see the chairman of the Monetary Commission, and he informed me that it is his purpose to make the final report of the Monetary Commission on December 4 next, and that under his construction of the law the report would involve the final termination of the commission and its ceasing to exist.

I spoke to him about the measure pending before the committee, and he advised me that under the circumstances, as he explained them, legislation would not be necessary; but that, of course, as the bill is in entire harmony with the plan he proposed, he had no objection to its being acted on favorably by the Finance Committee.

Therefore I am directed by the Committee on Finance to report back favorably without amendment Senate bill 854.

The VICE PRESIDENT. Without objection, out of order, the Senator from Pennsylvania makes the following report from the Committee on Finance.

The SECRETARY. A bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

Mr. PENROSE. I would state that I had intended to ask unanimous consent for the consideration of this bill at the present time, but owing to the absence of the Senator from Iowa [Mr. CUMMINS] and the junior Senator from Texas [Mr. BAILEY], who, as is well known, is not favorable to the report of the bill, I will not ask for the present consideration of the measure.

The VICE PRESIDENT. The bill will go to the calendar.

RECIPROCITY WITH CANADA.

The Senate resumed the consideration of the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. GORE. Mr. President, it is not my purpose at this time to enter into the field of speculation and discuss the question as to whether the reciprocity agreement is a Republican or a Democratic measure. I may say, however, with perfect confidence that this agreement is not such an agreement as a Democratic President would have negotiated. It is not such an agreement as a Democratic House would have initiated upon its own responsibility. This is not such an agreement as a Democratic Senate would have ratified upon its own motion and responsibility.

For my own part, I believe in perfect free trade between the United States and the Dominion of Canada. Prior to the adoption of the Constitution the several States maintained tariffs against their neighbors. Every State, excepting New Jersey, maintained a system of tariff duties against every other State in the original confederation. Prior to the federation act of 1867 the several Provinces of Canada maintained tariff duties against each other.

Mr. President, the policy of free trade has contributed much to the prosperity of the American States. The policy of free trade has contributed much to the prosperity of the Canadian Provinces.

Mr. President, if free trade between the States be a source of prosperity, if free trade among the Provinces be a cause of prosperity, why would not free trade between the States on the one hand and the Provinces on the other accelerate the progress of both and contribute to the prosperity of both? What reason can be assigned for maintaining high duties between Ohio and Ontario that would not justify high duties between Ohio and Kentucky? What reason can be imagined for obstructing trade between Minnesota and Manitoba that would not justify the obstruction of trade between Minnesota and Missouri?

Mr. President, there are eleven times as many people in the United States as there are in the entire Dominion of Canada. There are more people in the State of New York than there are in Canada. There are as many people in Pennsylvania as there are in the entire Dominion. There are half as many people in the State of Ohio as in Canada. There are one-fifth as many people in the State of Oklahoma as there are in the Dominion of Canada. Oklahoma produces one-sixth or one-seventh as much wheat as is grown in the Canadian Dominion. Oklahoma produces five times as much corn as is grown in the entire region to the northward. And Oklahoma produces 1,000,000 bales of cotton into the bargain. Why, sir, should a nation of 93,000,000 people shrink from trade and commerce with a dominion numbering less than 9,000,000 inhabitants? Can one Canadian put a thousand Americans to flight? Sir, if Canada had revolted, if she had joined the 13 Colonies, if she had become an integral part of the Union, would that have stayed the progress of our people or marred the destiny of our Republic?

Mr. President, if I could find it in my heart to vote a special privilege, a special favor to any class of American citizens, that class would be the American farmers. I realize that the farm is the foundation alike of individual and of national prosperity. It is the fountain not only of our prosperity, but of all our happiness and our well-being. If I could vote a special favor to any class of our people, certainly that class would be the occupants of the American farms; but it has been my proud faith that the American farmer has never asked a special favor at the hands of his Government. It has been my proud faith that the American farmer has never solicited a favor, has never received a favor at the hands of the Government, and has never accepted a special favor or a special privilege at the expense of his countrymen. The farmer has been the victim not the beneficiary of special privilege and protective duties. I have believed, sir, that the farmer demanded nothing but justice and equity; that he is unwilling to ask for more than justice; and that he is unwilling to accept less than justice.

Mr. President, what does this agreement propose to do? To allow the American people to secure to themselves the right and to avail themselves of the opportunity to sell a few articles to the people of Canada without being subjected to tariff duties and restrictions. It proposes to allow the American people to buy a few articles from the people of Canada without paying a tax on those articles.

This agreement proposes merely this and nothing more: To allow our people to buy what they need and to sell what they do not need. This simple right, it is alleged, would be fraught with the most disastrous consequences, with the most disastrous possibilities. The right to buy what we need, the right to sell what we do not need, seems to be fraught and freighted with greater calamities than all the plagues that afflicted the Egyptians of old.

Mr. President, as a rule protectionists will not reduce their benefits to a common denominator of dollars and cents. The manufacturers who are the beneficiaries of protection will never express in dollars and cents the exact measure of their special privilege, and the exact measure of the profits which they receive without rendering any value in return. That, sir, is a precaution which I commend to the self-appointed champions of the American farmer on occasions like this and during discussions like this.

But, sir, in an unwary moment the senior Senator from North Dakota [Mr. MCCUMBER], followed by the junior Senator from North Dakota [Mr. GRONNA], had the candor to tell the Senate and to tell the country the exact mathematical measure of profits which the farmers of North Dakota and South Dakota and Minnesota derive from the existing tariff duties.

The two Senators from North Dakota demonstrated beyond all doubt, I assume, that on the one article of wheat alone the people of North and South Dakota and Minnesota realized $25,000,000 a year on account of the tariff; that the people of those three States realize annually on account of the tariff $25,000,000 on the barley that they produce; and on the article of flax alone they realize a profit of $4,000,000 a year on account of the tariff.

Mr. President, this is the terrible tragedy which we are about to perpetrate. The people of those three States, according not only to the admission, but according to the demonstration of the Senators, realized on those three articles last year the neat sum of $54,000,000 on account of the tariff. They received on those three products $54,000,000 more on account of the tariff than they would have received without the tariff.

According to this admission, the people of those three States realized $54,000,000 last year for nothing. What do they render in return for this benefit, for this bounty, for this benefaction conferred upon them by the tariff?

Mr. President, if they net $54,000,000 on account of the tariff, if they get $54,000,000 for nothing on account of the tariff, somebody—somewhere—parts with $54,000,000 a year for nothing on account of the tariff. It is needless to cavil as to who pays the $54,000,000. If these people get it, somebody pays it. No matter who pays it, they get nothing in return. Under this agreement the people of those three States will be deprived of the privilege of getting $54,000,000 a year for nothing, and somebody somewhere in the United States will be afforded the opportunity to retain $54,000,000 a year, instead of parting with that amount as a bonus, as a pension, to the people of North Dakota, South Dakota, and Minnesota.

There are 3,100,000 people living in those three States. That, sir, is $18 apiece. It is about $80 for every family in the three States which I have enumerated—a bounty, a pension, a tribute levied on their fellow citizens for their exclusive benefit, a benefit for which they render no service, no value in return.

Now, why should we levy a tribute upon 90,000,000 people, or upon any portion of 90,000,000 people, to grant an annual gratuity to the people of North Dakota, South Dakota, and Minnesota? There are no better people 'neath the shining sun; there are no better people under our spangled flag than the citizens of the three States I have named. But, sir, whence did they derive the right, where did they obtain a title, to levy a tribute upon their countrymen and to exact $54,000,000 a year for nothing in return?

Now, that is the disaster which we meditate. That is the tragedy we are about to perpetrate upon the worthy citizens of the States I have named.

The junior Senator from North Dakota [Mr. GRONNA] went a step further, and he admitted, nay, he demonstrated, that all

the farmers derive an annual benefit of $300,000,000 on account of the existing tariff, and he complains that we are about to rob them of the right to collect the $300,000,000 for naught in return. He complains that we are about to inflict upon them an act of high-handed injustice in denying to them the right to collect $300,000,000 through the instrumentality of the tariff without rendering one cent of value or one cent of service in exchange for this munificent bounty.

Mr. President, I do not doubt that it could be demonstrated that an equal bounty is enjoyed by the woolen manufacturers in the United States. I believe it could be demonstrated beyond doubt that the annual enhancement of the profits of the manufacturer of woolen and worsted goods would more than pay for every sheep in the United States every year. But we have never had such an admission, much less have we ever had such a demonstration at the hands of the Senator from Pennsylvania [Mr. PENROSE] or the Senator from Massachusetts [Mr. LODGE].

Mr. President, the senior Senator from North Dakota [Mr. MCCUMBER], reenforced by several other able and eloquent Senators, has proven that the Dominion of Canada has more than 200,000,000 acres of land that can be sown to wheat. They have demonstrated to my perfect satisfaction that the vast acres of Canada are capable of producing 4,000,000,000 bushels of wheat every year. Yet, Mr. President, that is a larger production than has ever been witnessed during a single year since the world began.

The Senators from North Dakota seem to think that constitutes 4,000,000,000 reasons for opposing reciprocity. To my mind it constitutes 4,000,000,000 reasons for favoring reciprocity. When I have a neighbor who can produce 4,000,000,000 bushels of wheat as the years roll around, I desire to remain on borrowing terms with such a neighbor.

Mr. President, when I think of all the centuries this Republic is to endure; when I think of the countless generations of our posterity yet unborn; when I think of the millions of mouths that are to be fed during all the ages, I rejoice, sir, that adjoining our Republic for more than 3,000 miles is a fertile and fruitful region capable of producing 4,000,000,000 bushels of wheat every year as the centuries come and go.

Sir, I can not agree with those statesmen who think, or seem to think, it were better for the United States if the Dominion of Canada, instead of being a fertile region, were a frozen sea; instead of being a land of fruitful fields and gardens, were a burning, barren desert. I rejoice at the prosperity of our neighbor, and I have a resolute purpose to enhance and to share that prosperity.

Let us in transit contrast the revenue which the people of three States derive from three articles on account of the tariff with the revenue which the Government receives from the same articles imported from Canada on account of the tariff.

According to the distinguished Senator from North Dakota [Mr. MCCUMBER] the farmers of the three States in question receive an annual profit of four millions a year on flaxseed in consequence of the duty, while the Government receives a revenue of $352,600.

On wheat those people receive an annual profit of $25,000,000 on account of the duty and the Government enjoys a revenue of only $38,096.

On barley the net profits of these people on account of the duty aggregate $25,000,000, while the Government receives a generous income from the duty on barley amounting to $726.

It is noteworthy to observe that by remitting the duty on corn imported from Canada the Government surrenders an annual income amounting to $654, and the remission of the duty on rye subjects the Government to an annual loss of revenue aggregating $5.

Mr. President, the revenue arising from imported eels and smelts is more than $100,000, but, sir, when eels are placed on the free list I look for an exodus of eels out of Canada—I expect to see the United States overrun with Canadian eels. The eel industry in the United States will be destroyed. There will be eels in front of us, eels to the right of us, and eels to the left of us, but some enemy of reciprocity will rush to the rescue and assume the rôle of St. Patrick and immortalize himself by ridding the land of these reptiles.

Mr. President, for nearly 100 years protection has been demanded against the pauper laborer of the Old World because he was a pauper. Now, sir, protection is demanded against the thrifty denizens of the New World because he is thrifty.

Witness the reversal of protectionist arguments. In the beginning it was argued that our industries were infant; that with ample protection we could stimulate the growth of our industries until domestic production would overtake and equal domestic consumption. Sir, witness the marvelous change. For more than a hundred years the tariff was unavailing to the farmer. During only the last three years, it is asserted, has he become the beneficiary of protective duties; but, sir, the time rapidly approaches—it is argued, it is admitted, that the time rapidly approaches—when the domestic production of wheat will not equal the domestic consumption of wheat, and, in view of that catastrophe, we must levy a tariff upon the importations of wheat from Canada. Nay, sir, the prospect of famine necessitates the imposition of a duty so that the pound of flesh may be cut nearest the heart.

I heard the eloquent Senator from South Dakota [Mr. CRAWFORD], in one of the most eloquent addresses delivered in this debate, picture the distress that prevails in the tenement district of New York City. He revealed the touching truth that in this congested section there are more than 1,200 human beings to the acre; he argued that they had not sufficient room; that they had not enough sunlight; that they had not enough air to breathe; and I wonder, Mr. President, how much it would add to the material comfort of those miserable wretches to levy a tax upon the bread they eat.

We hear Senators in this place insisting on a high tariff on wheat; we hear "most potent, grave, and reverend signiors"; we hear enlightened Senators; we hear civilized human beings demanding that we tax the crust upon the lips of hunger. Sir, shall we make merchandise of misery and declare a dividend upon famine? Mr. President, had such statesmen lived in the elder time they would have imposed a prohibitive tariff upon the manna that descended from heaven. They ask us to avert the calamity which might possibly ensue from a remission of the tax upon bread.

Mr. President, so long as Canadian wheat will feed the hungry, so long as Canadian lumber will shelter the homeless, why should we refuse to accept the blessings placed at our door by Him who fashioned the universe itself? We all agree that the vast forests primeval, stretching 1 mile south of the Canadian line, are a great national asset, ministering to the wants and contributing to the comfort of our people, building the homes of our people; but we do not all agree that the vast Canadian forests stretching 1 mile to the northward of this imaginary line are a natural blessing that would minister to the comfort of our people, that would build the homes of our countrymen. Nay, sir, we demand that a high tariff wall shall be erected to shield the American people against the blessings and benefactions of Almighty God. This is statesmanship; this, perhaps I should say, is statecraft.

Mr. President, I wish to say a few words touching alliances now and hereafter. It is true that the Democrats in this body have changed their alliances from time to time. We are governed by the laws of war. We make our alliances not from choice but from necessity. It is true that for the present we are following the distinguished senior Senator from Pennsylvania [Mr. PENROSE]. Mr. President, for my part, I am willing to follow anybody that is going in my direction. I am willing to follow the senior Senator from Pennsylvania when he is going in my direction, when he is going in the right direction, when he is going in the direction of lower duties. I will go as far, I will go as fast as will the Senator from Pennsylvania, in the direction of lower duties—thus far, but no further. I am not at all fastidious about the leaders whom I follow.

The junior Senator from Iowa [Mr. KENYON] stated the situation the other day when he declared that it was a little striking to see the free-trade Senator from Mississippi [Mr. WILLIAMS] and the high protectionist from Pennsylvania [Mr. PENROSE] blowing out the gas and creeping under the same political counterpane.

But, Mr. President, that is a low-tariff bed. The Senator from Mississippi and myself are reposing upon that couch, and we have "compassion and a bed." Whoever seeks to slumber there will be thrice welcome. Just as striking is it to see the senior Senator from Wisconsin [Mr. LA FOLLETTE] and the senior Senator from Utah [Mr. SMOOT] occupying the same couch and locked in each other's affectionate embrace. [Laughter.] On this side we are not at all fastidious about our bedfellows. We had just as soon repose in the brawny arms of the Senator from Pennsylvania as to rest in the sinuous arms of the Senator from Utah. [Laughter.] It is not exactly a question of taste. Whoever is going in the direction of lower duties is going in our direction; he is fighting our battle; he is our ally, and so long as he goes in that direction he may expect, and he will receive, our unshaken fidelity.

I see the senior Senator from New Hampshire [Mr. GALLINGER] strenuously resisting the reciprocity agreement, and I would rather fight side by side with the Senator from Massa-

chusetts [Mr. LODGE] in favor of reducing duties, than to fight side by side with the Senator from New Hampshire in resisting the reduction of those duties.

Mr. President, there seem to be other allies engaged in this contest. As I remember the testimony of Mr. Allen, a professional lobbyist of New York and the professed representative of the National Grange, before the Finance Committee, he stated that a representative of the American Protective Tariff League had signified a sympathy with the contest which he was waging against the reduction of duties on farm products, a sympathy with the contest which he was waging in behalf and in defense of the American farmer. The Protective Tariff League resisting a measure which exposes the farmers to foreign competition! Whence their solicitude in behalf of the American farmer?

Mr. Allen testified before the Finance Committee that Mr. Hastings, president of the Pulp and Paper Association, and Mr. Lyman, secretary of the Pulp and Paper Association, had signified an equal solicitude for the protection of the farmer against ruinous Canadian competition. Why should Mr. Hastings, why should Mr. Lyman contribute of their money to a campaign waged exclusively in behalf of the American farmer? Why should Mr. William M. Woods, president of the American Woolen Co., commonly denominated as the Woolen Trust—this agreement does not reduce the duty on woolen fabrics; this agreement does not reduce the duty on raw wool—feel such a tender solicitude in behalf of the American farmer? Why should he be willing to share the golden profits which he realizes from protection in defense of the farmer unless he does so in defense of the whole protective system?

Mr. Bronson, secretary of the American Lumber Manufacturers' Association, attested the same generosity. He was willing to divorce himself, as he stated, from a portion of his earnings in order to aid and abet Mr. Allen in his valiant defense of the American farmer. Has there ever been an exhibition of such splendid magnanimity, such unprecedented devotion to the farmer? Why should he be willing to "split the pot" with Mr. Allen in defense of the farmer against Canadian competition? [Laughter.]

Mr. Bronson is secretary of the concern presided over by the well-known Mr. Edwin Hines. Mr. Bronson, after we adjourned in March, issued a circular letter, a copy of which I have in my possession, in which he stated that the defeat of the Canadian agreement at the regular session was largely due to the activities of his association. Mr. President, I do not believe that. I do not believe that the activities of Mr. Bronson or of Mr. Hines and their association had anything to do with the defeat of reciprocity at the regular session. I think that is an exhibition of vainglory.

Those are some at least of Mr. Allen's allies and the allies of the grange. They profess to be waging war against the Canadian agreement to shield the American farmer against the Canadian farmer. The sinews of war are, however, not coming from the farmers themselves, but from these disinterested philanthropists who are the beneficiaries of the protective system.

Mr. President, the time is near at hand when Democrats will be called upon to change their alliance here in the Senate. We will change our alliance without any remorse, without any compunction, and without any sense of disloyalty to our former allies. It comes to pass, at least apparently, that if we desire to reduce the tariff on bread, we must cooperate with the Senator from Pennsylvania and the Senator from Massachusetts and by such a cooperation overcome the Senator from Iowa [Mr. CUMMINS] and the Senator from Kansas [Mr. BRISTOW]. On the other hand, it appears that when we desire to reduce the duty on clothing we must cooperate with the Senator from Iowa and the Senator from Wisconsin to overcome the Senator from Pennsylvania and the Senator from Massachusetts. That is the path of duty; and so far as I am concerned I shall pursue that path without any feeling of self-reproach. I am as willing to progress with the standpatters when they progress as I am unwilling to stand pat with the insurgents when they for the moment stand pat.

I know that if we could revise the tariff in an ideal way we would reduce it on everybody at once; but if we postpone a revision of the tariff until we can at one and the same time reduce it on the farmer and reduce it on the manufacturer, if we postpone the revision of the tariff until we can reduce the duties enjoyed by the producer of the raw material and reduce the duties on the producer of the finished product, sir, when will we begin, where will we begin, how will we begin, and who will be our allies? I repeat, we are beginning now, not where we would, but where we must. I doubt the dawning of that idyllic day when everybody who enjoys the benefit of a tariff will agree at one and the same time to take it off of everybody who is the beneficiary of a tariff at one and the same time.

Let me say, in passing, in regard to the free-list bill, that I will vote for that measure, not as a compensation to the farmer, but because the entire protective-tariff system is wrong. Every protective duty is wrong. When you remit such a duty you do right. When you deprive a man of that which he had no right to retain, you inflict upon him no injustice and you incur no obligation to vouchsafe to him any sort of compensation. I should have voted to attach the free-list bill to the reciprocity agreement but for the fact that the President declared in his Chicago speech that such a course would result in the defeat of both measures. I make no comment upon the propriety of such a declaration, but to me that hint was sufficient, whether I be wise or otherwise. I will vote for the farmers' free-list bill because the duties imposed upon those articles are wrong and because common justice dictates their removal and justice to the farmer demands their removal.

Mr. President, I discriminate between conferring a benefit upon a manufacturer by imposing a duty and conferring a benefit upon a manufacturer by remitting a duty. I have no hostility to the American manufacturers. I wish them all the utmost prosperity consistent with common justice; and I do not hesitate to render them any reasonable and just benefit which can follow the remission of an unjust tax. I begin here and now because it is an opportunity at hand.

I do not hesitate to say that during the remainder of this session I intend to follow the leadership of the Senator from Wisconsin [Mr. LA FOLLETTE]. I intend to aid and abet him in a reduction of duties on cotton. I intend to aid and abet him in a reduction of duties on woolen goods. I intend to follow the leadership of the Senator from Iowa [Mr. CUMMINS]. I intend to follow him in his effort to reduce the duty on steel and iron. I intend to follow him in his effort to effect a reduction of duties on linoleum and on other necessaries of life. I intend to follow the gallant and spirited Senator from Kansas [Mr. BRISTOW] in his effort to reduce extortionate duties on sugar and in the effort to alleviate the burden of the people in reducing the exorbitant duties on rubber.

I intend to follow them, and they have no protection against me as a follower. I intend to follow them whether they will or no. They may quarantine, and yet I say to them, as Ruth said of Naomi, "Wherever thou goest I will go," so long as they are attempting a reduction of duties. And I lament to part with such excellent companions when they favor the maintenance of high duties. I feel in conscience bound to differ from them and to insist upon a reduction of duties where they would say nay.

Now, I say as to another alliance, it is not a matter of choice. In fact, it would have been agreeable to me if the opportunity had first arisen to aid the farmers and the Senators from the agricultural States to drive down extortionate duties upon the manufactured articles which the farmers use.

I wish, indeed, that occasion might have arisen first. Yet I do not hesitate to join with the manufacturers to reduce needless and deceptive duties on farm products, and I do not doubt that I shall then have the opportunity and the pleasure of joining with the farmers to reduce unreasonable exactions upon the part of the manufacturers.

I believe that the senior Senator from Montana [Mr. DIXON] gave utterance to the truth when he said a house divided against itself can not stand, when he said this system can not stand half protected and half unprotected.

Mr. President, one or the other of these eventualities must happen: Republicans will either be driven to restore the duties on farm products or else the farmers will assist the Democrats to reduce the duties on manufactured products.

I disguise nothing as to my attitude. I am now reducing the duties on the farm products. I expect and I trust, through the aid of the farmers themselves, to reduce these extortionate taxes which have shielded the manufacturers against foreign competition.

To my mind that is the plain path of duty. Other men of greater experience and superior wisdom take a different view of the situation. But here every Senator is upon his own responsibility, and I take that course which I believe will best lead to the demolition of the entire temple of protection.

When I see the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Utah [Mr. SMOOT] denouncing this measure because it lays destructive hand upon that temple I for one shall never stay the hand of that destroyer, but rather will I speed that hand. In that I do not mean that we should by violence overturn existing industries. Reductions should be made gradually. Industries should be given time and opportunity to adapt and adjust themselves to the change and the changing conditions.

I might admonish my friend not to venture out to sea in a vessel that was unseaworthy, and yet should I see him in mid-ocean I would not advise the scuttling of the ship merely because it was not the best that plys the sea.

For my own part I hope to see this Republic become not only the greatest industrial nation upon the earth, but become the greatest commercial nation upon the earth. What we need most of all things is wider foreign markets. The greater the number of our markets and the more stable our industries the more stable are prices, the more stable are wages, the more certain and enduring is the prosperity of our people. I indulge the hope, I indulge the ambition to see the United States become the first and foremost commercial power 'neath the blazing sun.

I favor those policies which I believe will contribute to a consummation so devoutly to be wished. I resist all those measures which I believe will obstruct and hinder trade, for I believe that trade is a blessing to be encouraged, not a curse to be prohibited. On this occasion and on all occasions, erring, perhaps, often in judgment, yet at all times I shall cherish but one hope, but one purpose, and one ambition, and that is to extend the influence, the trade, the commerce, the glory, and the destiny of this Republic.

Mr. President, to illustrate Democratic fidelity to their allies and to their principles, to show that our erstwhile allies can not shake their gory locks at us, I beg to cite the following authority and to submit the following quotations, heretofore cited and submitted in the Senate.

On June 22, 1909 (CONGRESSIONAL RECORD, p. 3636) Mr. MCCUMBER, of North Dakota, said:

The wheat acreage to-day is producing a surplus of wheat which must be thrown into the world's market, thereby keeping down the price of the home product, tariff or no tariff.

On the 22d of June, 1909, in answer to the question whether he believed that the duty on wheat affected the price of wheat, Mr. CUMMINS, of Iowa, said:

I do not.

Further, he says:

I want Senators to remember that I come from a State which probably puts more in value into the channels of trade every year than any State in the Union in agricultural products. We will this year supply the people of the United States and the people of the world with a product that will surpass the value of $700,000,000, and it is idle for even an enthusiast to assert that the price of these products is directly affected by the protective tariff.

On the 10th of May, 1909, in the Senate, Mr. NELSON, of Minnesota, said:

I do not recall the millions of bushels produced in the State of Minnesota, but I desire to tell the Senator that the tariff on wheat which is on the statute books has not done us a particle of good. It would be like a tariff on cotton, because up to this time we have been exporting from 150,000,000 to 250,000,000 bushels of wheat a year. The price of our wheat is fixed by the Liverpool price—the export price—and no duty up to this time has helped us.

On the 2d of August, 1909, Mr. BRISTOW, of Kansas, had the following to say:

Schedule G—relating to agricultural products—has been increased about 2 per cent. There should have been reductions in this schedule. They could have been made without the slightest injury to American agriculture. High duties are placed on semitropical fruits, such as lemons and raisins, and on pineapples and rice, and on flour biscuits made by the Cracker Trust, for the benefit of a few individuals in limited sections of the country; and a high duty is placed on corn and wheat to make the great mass of farmers believe that they are being favored. But it is an insult to the intelligence of the American farmer to place a protective duty on corn when we are producing more corn than all the other nations combined. We sell our wheat and corn and the products thereof in the markets of the world, and no duty which might be imposed can affect the price which the farmer receives for them. We raise far more wheat, corn, cattle, and hogs than we consume, and the result is that the farmer can not be protected by a tariff because the price of his produce is fixed by the world market.

On the 24th day of May, 1909, during the tariff debate, Mr. CLAPP, from Minnesota, said:

There is another thing to be considered. Along this Canadian border, with nothing but an imaginary line across, it is idle, in my judgment, and idle in my experience and observation, to talk about any great difference in wages on one side or the other.

When a man by a day's walk can go from a mill on that side to a mill on this side, from a field on that side to a field on this side, that imaginary international boundary line will not maintain any very different scale of wages long upon one side or the other. And they are the same class of men. When we talk about a protective tariff and think of the overcrowded countries of Europe, and of the cheap wage scale of Europe—when we realize that the wage earner in Europe must and oftentimes has to borrow and incur a great expense to come to this country—there may be wisdom in attempting to maintain an artificial wall between this country and ours, but when we look to sparsely settled Canada, when we look to a class of men enjoying a wage scale practically the equal of our own wage scale, it seems to me that sooner or later the American people have got to recognize the impossibility of forever maintaining an artificial wall where there is no natural reason for the establishment or maintenance of that wall. Sooner or later, Mr. President, we shall have to recognize on a broader plane this natural relation to Canada. I predict here in the Senate to-day that the time will come when, even with the protective policy as firmly implanted as it is to-day in our general policy, yet in our tariff relation to Canada we will recognize that it must be limited largely upon the basis of revenue as required by that country and this.

Mr. HEYBURN. Mr. President, before closing this question, I want to make a few suggestions briefly.

One would suppose from the remarks of the Senator from Oklahoma [Mr. GORE], who has just taken his seat, that protection applied only to the owner of the manufacturing plant or to the owner of the mine or to the proprietor of the enterprise. He loses sight of the fact that when you protect the manufacturer you protect the man who makes the machinery of the manufacturer, you protect the man who produces the raw material that enters into it, you protect every artisan and laborer who contributes to the building of the plant of the manufacturer. When you protect the manufacturer you protect every man who depends upon the manufacturer for employment.

When you protect the mine or the mine owner you protect every man who works in the mine in the retention of his employment. When you protect any industry you protect those who contribute to the construction of the appliances of that industry and those who labor in that industry, those who receive the benefits that come from employment, and they are millions, while those who own the plants are only thousands.

All of the argument of the Senator from Oklahoma has been directed against the thousands, and he has lost sight of the fact that there are millions whose industry and livelihood are protected under the same provisions of law and system of government.

Mr. LODGE. If there is no one who wishes to continue the debate on the reciprocity bill this afternoon, I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 4 o'clock and 54 minutes p. m.) adjourned until to-morrow, Saturday, July 22, 1911, at 11 o'clock a. m.

SENATE.

SATURDAY, *July 22, 1911.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

COLUMBUS MEMORIAL COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of War, submitting a special estimate of appropriation of $2,500 required by the Columbus Memorial Commission for unveiling and dedicating the Columbus memorial, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed. (S. Doc. No. 73.)

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the city council of Greenville, Pa., praying for the enactment of legislation to authorize Federal aid for certain local improvements, which was referred to the Committee on Education and Labor.

Mr. CULLOM presented petitions of sundry citizens of New York and Texas and of the members of the Presbyterian Young People's Summer Conference, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. MCLEAN presented a memorial of the Michael Davitt Club, of Hartford, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. OLIVER presented a memorial of the John Mitchell Club, of Hazelwood, Pittsburg, Pa., and a memorial of the Ancient Order of Hibernians of Uniontown, Pa., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. JONES presented memorials of the Farmers' Educational and Cooperative Union, of Colton, Garfield County, Alderdale, Spangle, Howard, Mohler, Connell, Reardon, Canyon, Medical Lake, Leahy, Wilson Creek, Ruff, Mansfield, Starbuck, Nelson, Farmer, Hatton, Diamond, Endicott, Oakesdale, Plaza, Meridian, Baird, Eltopia, Byron, St. Andrews, Uniontown, and Spring Valley, all in the State of Washington, remonstrating against the proposed reciprocal trade agreement between the

United States and Canada, which were ordered to lie on the table.

Mr. O'GORMAN presented memorials of sundry citizens of Watertown, Glen Park, and Brownville, all in the State of New York, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were ordered to lie on the table.

He also presented memorials of the Ancient Order of Hibernians, of Kings County, Little Falls, Lockport, Ulster County, and Westchester County, all in the State of New York, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the North Side Board of Trade, of New York City, N. Y., praying for the ratification of treaties of arbitration between the United States, Great Britain, and France, which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Association of Automobile Manufacturers, praying for the adoption of an amendment to the so-called corporation-tax law permitting corporations to make returns at the end of their fiscal years, which was referred to the Committee on Finance.

He also presented a petition of the Society of the Descendants of the Signers of the Declaration of Independence, praying for the enactment of legislation authorizing the incorporation of that society, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New York, veterans of the War with Spain, praying for the enactment of legislation awarding campaign badges to ex-soldiers who participated in the War with Spain, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Patrick Keenan Association of New York City, N. Y., remonstrating against the treatment of American citizens by the Russian Government on account of nationality, which was referred to the Committee on Foreign Relations.

REPORT OF A COMMITTEE.

Mr. POMERENE, from the Committee on the District of Columbia, to which was referred the bill (S. 2792) to provide for the support and maintenance of bastards in the District of Columbia, reported it without amendment and submitted a report (No. 106) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 3083) granting an increase of pension to Josiah W. Poorman; and

A bill (S. 3084) granting an increase of pension to Andrew J. Board; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 3085) granting a pension to Melville A. Hays; and

A bill (S. 3086) granting an increase of pension to Robert Harcourt (with accompanying papers); to the Committee on Pensions.

A bill (S. 3087) for the relief of the Plant Investment Co., of New York, N. Y. (with accompanying papers); to the Committee on Claims.

By Mr. BRIGGS:

A bill (S. 3088) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

RECIPROCITY WITH CANADA.

The VICE PRESIDENT. Concurrent or other resolutions are in order. If there are none, the morning business is closed. The Chair lays before the Senate, under its unanimous-consent agreement, House bill 4412.

The Senate resumed the consideration of the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

The VICE PRESIDENT. The pending question is on agreeing to the amendment of the Senator from North Dakota [Mr. MCCUMBER].

Mr. CLAPP. I suggest the want of a quorum.

The VICE PRESIDENT. The Senator from Minnesota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Bacon	Bourne	Bristow	Burton
Bailey	Bradley	Brown	Chamberlain
Bankhead	Brandegee	Bryan	Chilton
Borah	Briggs	Burnham	Clapp
Clark, Wyo.	Guggenheim	Nelson	Simmons
Clarke, Ark.	Heyburn	Newlands	Smith, Md.
Crane	Hitchcock	Nixon	Smith, Mich.
Crawford	Johnson, Me.	O'Gorman	Smith, S. C.
Culberson	Johnston, Ala.	Oliver	Smoot
Cullom	Jones	Overman	Stephenson
Cummins	Kenyon	Page	Stone
Curtis	Kern	Paynter	Sutherland
Davis	La Follette	Penrose	Swanson
Dillingham	Lippitt	Perkins	Taylor
Dixon	Lodge	Poindexter	Townsend
Fletcher	McCumber	Pomerene	Watson
Foster	McLean	Reed	Wetmore
Gamble	Martin, Va.	Richardson	Williams
Gore	Martine, N. J.	Root	Works
Gronna	Myers	Shively	

Mr. TAYLOR. My colleague [Mr. LEA] is absent on account of illness.

Mr. FOSTER. I wish to state that my colleague [Mr. THORNTON] is temporarily absent from the Senate on official business.

The VICE PRESIDENT. Seventy-nine Senators have answered to the roll call. A quorum of the Senate is present. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. MCCUMBER].

Mr. MCCUMBER. I move to strike out line 12 of the amendment on page 1.

The VICE PRESIDENT. It does not require a motion; it has not been acted upon. The Senator from North Dakota modifies his amendment. The modification will be stated by the Secretary.

The SECRETARY. On page 1 strike out line 12 in the following words:

Sugar, 35 per cent ad valorem.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. MCCUMBER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MCCUMBER. I suggest that the amendment be read before the vote is taken.

The VICE PRESIDENT. If there be no objection the amendment will be again read.

The SECRETARY. It is proposed to add as a new section the following:

SEC. 4. That there shall be levied, collected, and paid upon the articles hereinafter enumerated, the product or manufacture of any foreign country, when imported therefrom into the United States or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), in lieu of the duties now levied, collected, and paid, the following duties, namely:

Earthenware, 15 per cent ad valorem.
Tinware, 15 per cent ad valorem.
Wire of all kinds, 10 per cent ad valorem.
Hats, 20 per cent ad valorem.
Carpets, 17½ per cent ad valorem.
Oilcloth, 25 per cent ad valorem.
Furniture, 20 per cent ad valorem.
Cotton cloth, 25 per cent ad valorem.
Soap, 65 cents per 100 pounds.
Gloves and mitts, 22½ per cent ad valorem.
Hose, 25 per cent ad valorem.
Dress goods, 15 per cent ad valorem.
Automobile farm trucks, 22 per cent ad valorem.
Pianos, 20 per cent ad valorem.
Celluloid goods of all kinds, 5 per cent ad valorem.
Underclothing, 22½ per cent ad valorem.
Axes, 15 per cent ad valorem.
Shovels, 20 per cent ad valorem.
Scythes, 15 per cent ad valorem.
Stoves, 15 per cent ad valorem.
Chains (iron), 5 per cent ad valorem.
Knives and forks, 20 per cent ad valorem.
Agate ware, 22½ per cent ad valorem.
Sewing machines, 20 per ad valorem.
Window glass, 7½ per cent ad valorem.
Rice, 50 cents per 100 pounds.
Figs, 40 cents per 100 pounds.
Jute bags, 15 per cent ad valorem.
Cotton thread, 17½ per cent ad valorem.
Glassware, 15 per cent ad valorem.
Lamp chimneys, 20 per cent ad valorem.
Brass goods, 20 per cent ad valorem.
Lamps, 20 per cent ad valorem.
Rubber coats, 15 per cent ad valorem.
Rubber boots and shoes, 15 per cent ad valorem.
Books, 15 per cent ad valorem.
Clocks and watches, 20 per cent ad valorem.
Bicycles, 20 per cent ad valorem.

That the articles mentioned in the following paragraphs, the product or manufacture of any foreign country, when imported therefrom into the United States or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), shall be exempt from duty, namely:

Tin plate, free.
Salt, free.
Oranges, free.
Lemons, free.
Baskets, free.
Lead, free.

Mr. MCCUMBER. I ask leave to amend my amendment by striking out the last line, line 25, on page 3.

The VICE PRESIDENT. The yeas and nays have been ordered. Is there objection to the modification? The Chair hears none, and the amendment is thus modified. The modification will be stated.

The SECRETARY. On page 3 strike out line 25, in the following words:

Lead, free.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from North Dakota as modified.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the senior Senator from Maine [Mr. FRYE]. I do not know how the Senator from Maine would vote upon this amendment. I have no doubt as to how he would vote on the main proposition, as I have his instructions in regard thereto. In the meantime, without announcing that as to the main proposition, I transfer the pair I have with the Senator from Maine to the Senator from Tennessee [Mr. LEA], and vote. I vote "nay."

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT], but my understanding is that I am at liberty to vote on this amendment. I vote "nay."

Mr. DAVIS (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I have made an arrangement by which the pair of the senior Senator from North Dakota [Mr. MCCUMBER] with the senior Senator from Mississippi [Mr. PERCY] is transferred to the senior Senator from New Hampshire, thus enabling both the senior Senator from North Dakota and myself to vote. I therefore vote "nay."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I am informed that in respect of all amendments to this bill he would vote "nay." I am therefore at liberty to do the same. I make this announcement for the day as relating to all amendments to the bill.

Mr. BAILEY. If the Senator from Vermont does not object, I should like to have him incorporate in the RECORD upon whose authority it is that he makes the statement as to the attitude of the Senator from South Carolina.

Mr. DILLINGHAM. I make the statement upon the authority of the Senator from Georgia [Mr. BACON], to whom I am referred by the Senator from South Carolina [Mr. TILLMAN] in a letter.

The VICE PRESIDENT. Does the Senator from Vermont vote?

Mr. DILLINGHAM. I vote "nay."

Mr. DAVIS. For fear that the RECORD might be somewhat obscure as to my meaning a moment ago in the transfer of my pair to the Senator from Mississippi [Mr. PERCY], I meant to state that the Senator from New Hampshire [Mr. GALLINGER] will stand paired with the Senator from Mississippi [Mr. PERCY]. I desire this announcement to stand for the day.

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague [Mr. GALLINGER] is absent for reasons well known to the Senate. He has a general pair with the Senator from Arkansas [Mr. DAVIS]. If my colleague were present and voting, he would vote "nay."

Mr. MCCUMBER (when his name was called). I desire to confirm the statement made by the Senator from Arkansas [Mr. DAVIS] with reference to the transfer of my pair to the Senator from New Hampshire [Mr. GALLINGER] and the transfer of the pair of the Senator from Arkansas [Mr. DAVIS] to the Senator from Mississippi [Mr. PERCY]. The Senator from New Hampshire and the Senator from Mississippi being paired, I am at liberty to vote. I vote "yea." I desire to say that this statement will stand with reference to all votes during the day.

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote. If he were present and I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. FOSTER (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He is absent, but I am reliably informed if he were present he would vote "nay." Therefore I will let my vote stand.

The result was announced—yeas 16, nays 64, as follows:

YEAS—16.

Bailey	Brown	Cummins	La Follette
Borah	Clapp	Dixon	McCumber
Bourne	Clarke, Ark.	Gronna	Nelson
Bristow	Crawford	Kenyon	Simmons

NAYS—64.

Bacon	Dillingham	Martin, Va.	Richardson
Bankhead	Fletcher	Martine, N. J.	Root
Bradley	Foster	Myers	Shively
Brandegee	Gamble	Newlands	Smith, Md.
Briggs	Gore	Nixon	Smith, Mich.
Bryan	Guggenheim	O'Gorman	Smith, S. C.
Burnham	Heyburn	Oliver	Smoot
Burton	Hitchcock	Overman	Stephenson
Chamberlain	Johnson, Me.	Owen	Stone
Chilton	Johnston, Ala.	Page	Swanson
Clark, Wyo.	Jones	Paynter	Taylor
Crane	Kern	Penrose	Townsend
Culberson	Lippitt	Perkins	Watson
Cullom	Lodge	Poindexter	Wetmore
Curtis	Lorimer	Pomerene	Williams
Davis	McLean	Reed	Works

NOT VOTING—10.

du Pont	Lea	Sutherland	Warren
Frye	Percy	Thornton	
Gallinger	Rayner	Tillman	

So Mr. MCCUMBER's amendment was rejected.

Mr. NELSON. Mr. President, I offer the amendment which I send to the desk. It relates to three different schedules of the bill, but I am content to have one vote on the amendment as an entirety.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from Minnesota.

The SECRETARY. It is proposed to strike out the following words in line 8, page 16, and in line 2, page 20, to wit: "Wheat, rye, oats, barley, and buckwheat," and insert at the end of line 3, page 3, and at the end of line 9, page 10, the words:

Wheat, 12½ cents per bushel.
Barley, 15 cents per bushel.
Oats, 8 cents per bushel.
Rye, 6 cents per bushel.
Buckwheat, 7 cents per bushel.

Strike out the word "Potatoes" in line 12, page 16, and in line 7, page 20, and insert at the end of line 9, page 3, and at the end of line 15, page 10, the words:

Potatoes, 15 cents per bushel.

Strike out the words "Flaxseed or linseed" in line 4, page 17, and in line 22, page 20, and insert before the words "Wheat flour," in line 4, page 3, and before the words "Wheat flour," in line 10, page 10, the words:

Flaxseed or linseed, 15 cents per bushel.

Strike out the following words in lines 5 and 6, page 16, and in line 24, page 19, to wit: "Live animals; cattle, horses and mules, swine, sheep, lambs, and all other live animals," and insert at the end of line 9, page 1, and at the end of line 4, page 9, the following words:

Cattle, if less than 1 year old, $1 per head; all other cattle, valued at not more than $14 per head, $2.50; if valued at more than $14 per head, 20 per cent ad valorem.
Swine, $1 per head.
Horses and mules, valued at $150 or less per head, $20 per head; if valued at over $150 per head, 20 per cent ad valorem.
Sheep, 1 year old or over, $1 per head; less than 1 year old, 50 cents per head.
All other live animals not specially provided for in this section, 20 per cent ad valorem.

Strike out in line 21, page 16, and in line 14, page 20, the words "Butter, cheese, and," and insert at the end of line 13, page 2, and at the end of line 20, page 9, the words:

Butter and cheese, 4 cents per pound.

Mr. NELSON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I make the same announcement which I formerly made in regard to my pair with the Senator from Maine [Mr. FRYE] being transferred to the Senator from Tennessee [Mr. LEA].

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to make the same statement as before in regard to the pair of my colleague [Mr. GALLINGER] and to say that, if present and voting, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. I will let this announcement stand for all other votes which may be taken to-day without repeating it. If the Senator from Maryland were present, and I were permitted to vote on this amendment, I should vote "yea."

The result was announced—yeas 23, nays 58, as follows:

YEAS—23.

Bailey	Clarke, Ark.	Gronna	Oliver
Borah	Crawford	Kenyon	Simmons
Bourne	Cummins	La Follette	Smith, Mich.
Bristow	Curtis	Lorimer	Thornton
Clapp	Dixon	McCumber	Warren
Clark, Wyo.	Gamble	Nelson	

NAYS—58.

Bacon	Dillingham	Myers	Shively
Bankhead	Fletcher	Newlands	Smith, Md.
Bradley	Foster	Nixon	Smith, S. C.
Brandegee	Gore	O'Gorman	Smoot
Briggs	Heyburn	Overman	Stephenson
Brown	Hitchcock	Owen	Stone
Bryan	Johnson, Me.	Page	Swanson
Burnham	Johnston, Ala.	Paynter	Taylor
Burton	Jones	Penrose	Townsend
Chamberlain	Kern	Perkins	Watson
Chilton	Lippitt	Poindexter	Wetmore
Crane	Lodge	Pomerene	Williams
Culberson	McLean	Reed	Works
Cullom	Martin, Va.	Richardson	
Davis	Martine, N. J.	Root	

NOT VOTING—9.

du Pont	Guggenheim	Percy	Sutherland
Frye	Lea	Rayner	Tillman
Gallinger			

So Mr. NELSON's amendment was rejected.

Mr. SIMMONS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. It is proposed to strike out on page 2, line 1 to line 16, inclusive, the following words:

Fresh meats: Beef, veal, mutton, lamb, pork, and all other fresh or refrigerated meats excepting game, 1½ cents per pound.
Bacon and hams, not in tins or jars, 1½ cents per pound.
Meats of all kinds, dried, smoked, salted, in brine, or prepared or preserved in any manner, not otherwise herein provided for, 1½ cents per pound.
Canned meats and canned poultry, 20 per cent ad valorem.
Extract of meat, fluid or not, 20 per cent ad valorem.
Lard and compounds thereof, cottolene and cotton stearine, and animal stearine, 1½ cents per pound.
Tallow, 40 cents per 100 pounds.

Insert on page 17, after line 11, the following words:

Fresh meats: Beef, veal, mutton, lamb, pork, and all other fresh or refrigerated meats excepting game.
Bacon and hams, not in tins or jars.
Meats of all kinds, dried, smoked, salted, in brine, or prepared or preserved in any manner, not otherwise herein provided for.
Canned meats and canned poultry.
Extract of meat, fluid or not.
Lard and compounds thereof, cottolene and cotton stearine, and animal stearine.
Tallow.

Mr. SIMMONS. Mr. President, I offered that amendment when the bill was before the Senate as in Committee of the Whole, but I did not then ask for a yea-and-nay vote upon it. I wish now to ask for a yea-and-nay vote upon the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). If my colleague [Mr. GALLINGER] were present, he would vote "nay" upon this amendment.

The roll call having been concluded, the result was announced—yeas 16, nays 64, as follows:

YEAS—16.

Bailey	Brown	Cummins	La Follette
Borah	Clapp	Dixon	McCumber
Bourne	Clarke, Ark.	Gronna	Nelson
Bristow	Crawford	Kenyon	Simmons

NAYS—64.

Bacon	Dillingham	Martin, Va.	Root
Bankhead	Fletcher	Martine, N. J.	Shively
Bradley	Foster	Myers	Smith, Md.
Brandegee	Gamble	Newlands	Smith, Mich.
Briggs	Gore	Nixon	Smith, S. C.
Bryan	Guggenheim	O'Gorman	Smoot
Burnham	Heyburn	Oliver	Stephenson
Burton	Hitchcock	Owen	Stone
Chamberlain	Johnson, Me.	Page	Swanson
Chilton	Johnston, Ala.	Paynter	Taylor
Clark, Wyo.	Jones	Penrose	Townsend
Crane	Kern	Perkins	Warren
Culberson	Lippitt	Poindexter	Watson
Cullom	Lodge	Pomerene	Wetmore
Curtis	Lorimer	Reed	Williams
Davis	McLean	Richardson	Works

NOT VOTING—10.

du Pont	Lea	Rayner	Tillman
Frye	Overman	Sutherland	
Gallinger	Percy	Thornton	

So Mr. SIMMONS's amendment was rejected.

Mr. SIMMONS. I now offer an amendment to put flour and cereals on the free list, and upon it I ask for the yeas and nays.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out, on page 10, from line 10 to line 11, page 11, the following words:

Wheat flour and semolina, and rye flour, 50 cents per barrel of 196 pounds.
Oatmeal and rolled oats, including the weight of paper covering, 50 cents per 100 pounds.
Corn meal, 12½ cents per 100 pounds.
Barley malt, 45 cents per 100 pounds.
Barley, pot, pearled, or patent, one-half cent per pound.
Buckwheat flour or meal, one-half cent per pound.
Split peas, dried, 7½ cents per bushel of 60 pounds.
Prepared cereal foods, not otherwise provided for herein, 17½ per cent ad valorem.
Bran, middlings, and other offals of grain used for animal food, 12½ cents per 100 pounds.
Macaroni and vermicelli, 1 cent per pound.
Biscuits, wafers, and cakes, when sweetened with sugar, honey, molasses, or other material, 25 per cent ad valorem.
Biscuits, wafers, cakes, and other baked articles, composed in whole or in part of eggs or any kind of flour or meal, when combined with chocolate, nuts, fruits, or confectionery; also candied peel, candied popcorn, candied nuts, candied fruits, sugar candy, and confectionery of all kinds, 32½ per cent ad valorem.

And insert on page 16 of the bill, after line 14, the following words:

Wheat flour and semolina, and rye flour.
Oatmeal and rolled oats, including weight of paper covering.
Corn meal.
Barley malt.
Barley, pot, pearled, or patent.
Buckwheat flour or meal.
Split peas, dried.
Prepared cereal foods not otherwise provided for herein.
Bran, middlings, and other offals of grain used for animal food.
Macaroni and vermicelli.
Biscuits, wafers, and cakes, when sweetened with sugar, honey, molasses, or other material.
Biscuits, wafers, cakes, and other baked articles composed in whole or in part of eggs or any kind of flour or meal, when combined with chocolate, nuts, fruits, or confectionery; also candied peel, candied popcorn, candied nuts, candied fruits, sugar candy, and confectionery of all kinds.

The VICE PRESIDENT. The Senator from North Carolina asks for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again making the announcement of the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to announce that my colleague [Mr. GALLINGER], if present and voting, would vote "nay" on this amendment.

The roll call having been concluded, the result was announced—yeas 17, nays 63, as follows:

YEAS—17.

Bailey	Clapp	Gamble	Nelson
Borah	Clarke, Ark.	Gronna	Simmons
Bourne	Crawford	Kenyon	
Bristow	Cummins	La Follette	
Brown	Dixon	McCumber	

NAYS—63.

Bacon	Dillingham	Martine, N. J.	Shively
Bankhead	Fletcher	Myers	Smith, Md.
Bradley	Foster	Newlands	Smith, Mich.
Brandegee	Gore	Nixon	Smith, S. C.
Briggs	Guggenheim	O'Gorman	Smoot
Bryan	Heyburn	Oliver	Stephenson
Burnham	Hitchcock	Owen	Stone
Burton	Johnson, Me	Page	Swanson
Chamberlain	Johnston, Ala.	Paynter	Taylor
Chilton	Jones	Penrose	Townsend
Clark, Wyo.	Kern	Perkins	Warren
Crane	Lippitt	Poindexter	Watson
Culberson	Lodge	Pomerene	Wetmore
Cullom	Lorimer	Reed	Williams
Curtis	McLean	Richardson	Works
Davis	Martin, Va.	Root	

NOT VOTING—10.

du Pont	Lea	Rayner	Tillman
Frye	Overman	Sutherland	
Gallinger	Percy	Thornton	

So Mr. SIMMONS's amendment was rejected.

Mr. CUMMINS. I offer the following amendment, which I send to the desk.

The VICE PRESIDENT. The Senator from Iowa offers an amendment, which the Secretary will report.

The SECRETARY. It is proposed to add a new section, as follows:

The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out paragraph 121 of Schedule C thereof and inserting the following:

"121. Beams, girders, joists, angles, car-truck channels, T. T. columns and posts, or parts or sections of columns and posts, deck and bulb beams and building forms, together with all other structural shapes of iron or steel, whether plain, punched, or fitted for use, or whether assembled and manufactured, three-tenths of 1 cent per pound."

The said Schedule C in the act aforesaid, being paragraphs 117 to 199, both inclusive, is hereby further amended as follows, to wit:

"From and after the passage of this act there shall be levied, collected, and paid upon the articles mentioned in the several paragraphs of said Schedule C, when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), 60 per cent only of the rates of duty which are in and by said paragraphs of said schedule prescribed; but the foregoing shall not apply to paragraph 121, which is hereinbefore repealed and a substitute reenacted therefor."

Mr. CUMMINS. Upon the amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again making the announcement of the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], and permitting that announcement to stand on all future amendments, I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to announce that my colleague [Mr. GALLINGER], if present and voting, would vote "nay."

The roll call having been concluded, the result was announced—yeas 17, nays 64, as follows:

YEAS—17.

Bailey	Clapp	Gronna	Nelson
Borah	Clarke, Ark.	Jones	Simmons
Bourne	Crawford	Kenyon	
Bristow	Cummins	La Follette	
Brown	Dixon	McCumber	

NAYS—64.

Bacon	Dillingham	Martine, N. J.	Root
Bankhead	Fletcher	Myers	Shively
Bradley	Foster	Newlands	Smith, Md.
Brandegee	Gamble	Nixon	Smith, Mich.
Briggs	Gore	O'Gorman	Smith, S. C.
Bryan	Guggenheim	Oliver	Smoot
Burnham	Heyburn	Overman	Stephenson
Burton	Hitchcock	Owen	Stone
Chamberlain	Johnson, Me.	Page	Swanson
Chilton	Johnston, Ala.	Paynter	Taylor
Clark, Wyo.	Kern	Penrose	Townsend
Crane	Lippitt	Perkins	Warren
Culberson	Lodge	Poindexter	Watson
Cullom	Lorimer	Pomerene	Wetmore
Curtis	McLean	Reed	Williams
Davis	Martin, Va.	Richardson	Works

NOT VOTING—9.

du Pont	Lea	Rayner	Thornton
Frye	Percy	Sutherland	Tillman
Gallinger			

So Mr. CUMMINS's amendment was rejected.

Mr. CUMMINS. I offer the following amendment.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to add a new section as follows:

The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out paragraph 347 of Schedule J of said act and substituting therefor the following, as paragraph 347:

"347. Oilcloth for floors, linoleum, corticine, and all the fabrics or covering for floors made in part of oil or any similar product, whether plain, stamped, painted, or printed, or the composition of which forms designs or patterns, whether inlaid or otherwise, by whatever name known; and cork carpets, cork mats, oilcloth, or corticine mats, waterproof cloth, composed of cotton or other vegetable fiber whether composed in part of india rubber or otherwise, 40 per cent ad valorem."

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Iowa.

The amendment was rejected.

Mr. LA FOLLETTE. I offer the following amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Add, after section 3 of the bill, the following new section:

SEC. 4. The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

"SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

"360. All wool, hair of the camel, goat, alpaca, and other like animals, shall be divided, for the purposes of this act, into the three following classes:

"361. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool, or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood and usually known by the terms herein used, and all wools not hereinafter included in class 2.

"362. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

"363. Class 3, that is to say, the hair of the camel, Angora goat, alpaca, and other like animals.

"364. The standard samples of all wools which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they shall be needed.

"365. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

"366. The duty on wools of the first class shall be 40 per cent ad valorem.

"367. The duty upon wools of class 2 shall be 10 per cent ad valorem.

"368. The duty on wools on the skin shall be as follows: Class 1, 35 per cent ad valorem; class 2, 10 per cent ad valorem; the quantity and value of the wool to be ascertained under such rules as the Secretary of the Treasury may prescribe.

"369. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, 30 per cent ad valorem.

"370. Shoddy, noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, 30 per cent ad valorem.

"371. Woolen rags, mungo, and flocks, 30 per cent ad valorem.

"372. Combed wool or tops, and all wools which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, 45 per cent ad valorem.

"373. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 50 per cent ad valorem.

"374. On cloths, knit fabrics, blankets, and flannels for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons, or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is the component material of chief value, whether containing india rubber or not, 60 per cent ad valorem.

"375. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description; tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; treble ingrain, three-ply, and all chain Venetian carpets; wool Dutch and two-ply ingrain carpets; carpets of every description, woven whole for rooms; oriental, Berlin, Aubusson, Axminster, and similar rugs; druggets and bockings, printed, colored, or otherwise; all the foregoing, made of wool, or of which wool is the component material of chief value, 40 per cent ad valorem.

"376. Carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, 40 per cent ad valorem.

"377. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

"378. Whenever, in any schedule of this act, the word 'wool' is used in connection with a manufactured article of which it is a component material, it shall be held to include wool of the sheep, whether manufactured by a woolen, worsted, felt, or any other process.

"379. All manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 363 forms the component material of chief value, shall be subject to a duty of 35 per cent ad valorem."

Paragraph 583 of the free list of the act of August 5, 1909, is hereby amended to read as follows:

"583. Hair of the camel, Angora goat, alpaca, and other like animals; hair of horse, cattle, and other like animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for in this section; and human hair, raw, uncleaned, and not drawn."

Mr. BAILEY. Mr. President, a parliamentary inquiry.

Mr. LA FOLLETTE. Mr. President——

Mr. BAILEY. First, before making the parliamentary inquiry, I will allow the Senator from Wisconsin to ask for the yeas and nays, which I suppose he rose to do.

Mr. LA FOLLETTE. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

Mr. BAILEY. Now, a parliamentary inquiry, Mr. President. Is the amendment divisible? I mean by that, I want to vote for all of it except the provision which places mohair and certain other materials on the free list. Against that I desire to vote if I can have it divided.

The VICE PRESIDENT. The Chair imagines it is a divisible amendment, although he has not examined it.

Mr. BAILEY. I will state another form by which I can probably reach it. I will ask if it is in order to move to strike out that part of the amendment which places those articles on the free list.

The VICE PRESIDENT. It is.

Mr. BAILEY. I move, then, to amend the amendment by striking out the provision which transfers certain materials of the manufacturer to the free list.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 6 of the amendment strike out from and including line 21, down to and including line 3 on page 7, in the following words:

Paragraph 583 of the free list of the act of August 5, 1909, is hereby amended to read as follows:

"583. Hair of the camel, Angora goat, alpaca, and other like animals; hair of horse, cattle, and other like animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for in this section; and human hair, raw, uncleaned, and not drawn."

Mr. LA FOLLETTE. Mr. President, I merely wish to inquire if any debate is in order.

The VICE PRESIDENT. It is not. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The Secretary proceeded to call the roll.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to state that my colleague [Mr. GALLINGER], if present, would vote "nay."

The roll call having been concluded, the result was announced—yeas 16, nays 64, as follows:

YEAS—16.

Bailey	Brown	Cummins	La Follette
Borah	Clapp	Dixon	McCumber
Bourne	Clarke, Ark.	Gronna	Nelson
Bristow	Crawford	Kenyon	Simmons

NAYS—64.

Bacon	Dillingham	Martin, Va.	Richardson
Bankhead	Fletcher	Martine, N. J.	Root
Bradley	Foster	Myers	Shively
Brandegee	Gamble	Newlands	Smith, Md.
Briggs	Gore	Nixon	Smith, Mich.
Bryan	Guggenheim	O'Gorman	Smith, S. C.
Burnham	Heyburn	Oliver	Smoot
Burton	Hitchcock	Overman	Stephenson
Chamberlain	Johnson, Me.	Owen	Stone
Chilton	Johnston, Ala.	Page	Taylor
Clark, Wyo.	Jones	Paynter	Townsend
Crane	Kern	Penrose	Warren
Culberson	Lippitt	Perkins	Watson
Cullom	Lodge	Poindexter	Wetmore
Curtis	Lorimer	Pomerene	Williams
Davis	McLean	Reed	Works

NOT VOTING—10.

du Pont	Lea	Sutherland	Tillman
Frye	Percy	Swanson	
Gallinger	Rayner	Thornton	

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill as new sections the following:

SEC. 4. The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule I thereof, being paragraphs 313 to 332, inclusive, and inserting in lieu thereof the following:

"SCHEDULE I. COTTON MANUFACTURES.

"313. Cotton card laps, roping, sliver, roving, and cotton thread and cotton yarns of all kinds, 20 per cent ad valorem; cotton waste and flocks, manufactured or otherwise advanced in value, 20 per cent ad valorem.

"314. Cloth made of cotton, or of which cotton is the component material of chief value, not bleached, 20 per cent ad valorem; bleached, 25 per cent ad valorem; dyed, colored, stained, painted, or printed, 30 per cent ad valorem.

"315. The term cotton cloth, or cloth, wherever used in the paragraphs of this schedule, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton in the piece, or cut in lengths, and shall not include any article, finished or unfinished, made from cotton cloth.

"316. Cloth, composed of cotton or other vegetable fiber and silk, or artificial silk, whether known as silk striped sleeve lining, silk stripes, or otherwise, of which cotton or other vegetable fiber is a component material of chief value, 35 per cent ad valorem.

"317. Handkerchiefs, or mufflers composed of cotton, or of which cotton is the component material of chief value, whether in the piece or otherwise, and whether finished or unfinished, hemmed or not hemmed, 30 per cent ad valorem; if embroidered in any manner, or tamboured, appliquéd, or trimmed wholly or in part with lace or with tucking or insertion, 35 per cent ad valorem.

"318. Clothing, ready-made, and articles of wearing apparel of every description, composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, 35 per cent ad valorem.

"319. Plushes, velvets, velveteens, corduroys, and all pile fabrics, cut or uncut, composed of cotton, or of which cotton is the component material of chief value, 35 per cent ad valorem.

"320. Curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value; tapestries, and other Jacquard figured upholstery goods, composed wholly of cotton, or of which cotton is the component material of chief value; any of the foregoing, in the piece or otherwise, 35 per cent ad valorem.

"321. Stockings, hose and half hose, made on knitting machines or frames, composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, and not otherwise specially provided for in this section, 30 per cent ad valorem.

"322. Stockings, hose and half hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half hose, and clocked stockings, hose and half hose, all of the above composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, finished or unfinished, 35 per cent ad valorem.

"323. Men's and boys' gloves, knitted or woven, made of cotton or of which cotton is the component material of chief value, 35 per cent ad valorem.

"324. Shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers, and all underwear of every description composed of cotton, or of which cotton is the component material of chief value, 35 per cent ad valorem.

"325. Bone casings, garters, tire fabric, or fabric suitable for use in pneumatic tires, suspenders and braces, and tubing, any of the foregoing made of cotton or other vegetable fiber and india rubber, or of which cotton or other vegetable fiber is the component material of chief value; spindle banding, woven, braided, or twisted; lamp, stove, or candle wicking made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value; loom harness, healds, or collets made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value; boot, shoe, and corset lacings made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value; labels for garments or other articles composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value; mats, matting, rugs, carpets, and carpeting made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, 35 per cent ad valorem. Laces, lace window curtains, and all other lace articles; napkins, wearing apparel, and all other articles made wholly or in part of lace or laces, or in imitation of lace; nets, nettings, veils, veilings, neck ruffings, ruchings, tuckings, flutings, quillings, embroideries, trimmings, braids, featherstitch braids, edgings, insertings, flouncings, galloons, gorings, bands, bandings, belts, belting, bindings, cords, ornaments, ribbons, tapes, webs, and webbing; wearing apparel and other articles or fabrics embroidered in any manner, or tamboured, appliquéd, or scalloped, or from which threads have been drawn, cut, or punched to produce openwork, ornamented or embroidered in any manner herein described; hemstitched or tucked flouncings or skirtings; all of the foregoing, composed of cotton or of which cotton is the component material of chief value, 35 per cent ad valorem. Belting for machinery made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, 30 per cent ad valorem.

"326. Cotton table damask and manufactures of cotton table damask, or of which cotton table damask is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

"327. All articles made from cotton cloth, whether finished or unfinished, and all manufactures of cotton, or of which cotton is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

"328. All artificial or imitation silk or artificial or imitation horsehair, by whatever name known or by whatever process made, and all fabrics and articles composed wholly or in chief value of artificial or imitation silk, or artificial or imitation horsehair, shall be subject to the same rates of duty as like articles or manufactures made of cotton.

"SEC. 5. The act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' is hereby amended as follows:

"Strike out the word 'cotton' whenever used in Schedule J, entitled 'Schedule J. Flax, Hemp, and Jute, and Manufactures of.'

"Strike out all of paragraph 350.

"Strike out all of paragraph 405.

"SEC. 6. That all acts and parts of acts in conflict with the provisions of sections 4, 5, and 6 of this act be, and the same are hereby, repealed. The provisions of sections 4, 5, and 6 of this act shall take effect and be in force on and after January 1, 1912."

Mr. LA FOLLETTE. On the amendment, Mr. President, I ask for the yeas and nays.

Mr. BAILEY. Mr. President, before the yeas and nays are ordered, I desire to move an amendment by inserting the word "cotton" and a comma immediately after the figures "313" in line 9, on page 1, so as to impose a duty on cotton as well as on the products of cotton.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 1, line 9, after the numerals "313," it is proposed to insert the word "cotton" and a comma.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE] asks for the yeas and nays on his amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when Mr. GALLINGER's name was called). Upon this amendment my colleague [Mr. GALLINGER], if present, would vote "nay."

The roll call having been concluded, the result was announced—yeas 15, nays 63, as follows:

YEAS—15.

Bailey	Brown	Cummins	La Follette
Borah	Clapp	Dixon	McCumber
Bourne	Clarke, Ark.	Gronna	Nelson
Bristow	Crawford	Kenyon	

NAYS—63.

Bacon	Foster	Myers	Shively
Bankhead	Gamble	Newlands	Smith, Md.
Bradley	Gore	Nixon	Smith, Mich.
Briggs	Guggenheim	O'Gorman	Smith, S. C.
Bryan	Heyburn	Oliver	Smoot
Burnham	Hitchcock	Overman	Stephenson
Burton	Johnson, Me.	Owen	Stone
Chamberlain	Johnston, Ala.	Page	Swanson
Chilton	Jones	Paynter	Taylor
Clark, Wyo.	Kern	Penrose	Townsend
Crane	Lippitt	Perkins	Warren
Culberson	Lodge	Poindexter	Watson
Curtis	Lorimer	Pomerene	Wetmore
Davis	McLean	Reed	Williams
Dillingham	Martin, Va.	Richardson	Works
Fletcher	Martine, N. J.	Root	

NOT VOTING—12.

Brandegee	Frye	Percy	Sutherland
Cullom	Gallinger	Rayner	Thornton
du Pont	Lea	Simmons	Tillman

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill a section to be numbered section 4 and to read as follows:

SEC. 4. That on and after the 1st day of January, 1912, the articles mentioned in the following paragraph shall, when imported into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be exempt from duty.

Pulp of wood, mechanically ground; pulp of wood, chemical, bleached or unbleached; news-print paper and other paper and paper boards, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper.

Mr. LA FOLLETTE. Upon that amendment, Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, I heard a part of the amendment read, but not quite all of it.

The VICE PRESIDENT. Without objection, the Secretary will again read the amendment.

Mr. STONE. I did not rise to ask that the amendment be now again read, but I rose to ask the Senator from Wisconsin [Mr. LA FOLLETTE] in what essential particular——

The VICE PRESIDENT. The Chair thinks the Senator could not be interrogated. That would be in the nature of debate. The amendment can be again reported, but the Chair thinks that the unanimous-consent agreement prevents any Senator's explaining the effect of any amendment.

Mr. STONE. I presume that is true; but I wanted to know whether there was any difference between this and——

Mr. CLARKE of Arkansas. I ask that the amendment be again read, Mr. President.

The VICE PRESIDENT. Without objection, the Secretary will again read the amendment.

The Secretary again read the amendment of Mr. LA FOLLETTE.

The VICE PRESIDENT. Upon agreeing to the amendment, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to make the same announcement regarding my colleague [Mr. GALLINGER] as I made on the previous votes. If he were present, he would vote "nay" on this amendment.

The roll call having been concluded, the result was announced—yeas 11, nays 67, as follows:

YEAS—11.

Bristow	Crawford	Gronna	McCumber
Brown	Cummins	Kenyon	Nelson
Clapp	Dixon	La Follette	

NAYS—67.

Bacon	Davis	Martin, Va.	Root
Bailey	Dillingham	Martine, N. J.	Shively
Bankhead	Fletcher	Myers	Smith, Md.
Bourne	Foster	Newlands	Smith, Mich.
Bradley	Gamble	Nixon	Smith, S. C.
Brandegee	Gore	O'Gorman	Smoot
Briggs	Guggenheim	Oliver	Stephenson
Bryan	Heyburn	Overman	Stone
Burnham	Hitchcock	Owen	Swanson
Burton	Johnson, Me.	Page	Taylor
Chamberlain	Johnston, Ala.	Paynter	Townsend
Chilton	Jones	Penrose	Warren
Clark, Wyo.	Kern	Perkins	Watson
Clarke, Ark.	Lippitt	Poindexter	Wetmore
Crane	Lodge	Pomerene	Williams
Culberson	Lorimer	Reed	Works
Curtis	McLean	Richardson	

NOT VOTING—12.

Borah	Frye	Percy	Sutherland
Cullom	Gallinger	Rayner	Thornton
du Pont	Lea	Simmons	Tillman

So Mr. LA FOLLETTE's amendment was rejected.

Mr. BAILEY. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. 4. That on and after the day following the passage of this act the following articles shall be exempt from duty when imported into the United States:

Plows, tooth and disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, thrashing machines and cotton gins, farm wagons and farm carts, and all other agricultural implements of any kind and description, whether specifically mentioned herein or not, whether in whole or in parts, including repair parts.

Bagging for cotton, gunny cloth, and all similar fabrics, materials, or coverings, suitable for covering and baling cotton, composed in whole or in part of jute, jute butts, hemp, flax, seg, Russian seg, New Zealand tow, Norwegian tow, aloe, mill waste, cotton tares, or any other materials or fibers suitable for covering cotton; and burlaps and bags or sacks composed wholly or in part of jute or burlaps or other material suitable for bagging or sacking agricultural products.

Hoop or band iron, or hoop or band steel, cut to lengths, punched or not punched, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity; and wire for baling hay, straw, and other agricultural products.

Grain, buff, split, rough, and sole leather, band, bend, or belting leather, boots and shoes made wholly or in chief value of leather made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calfskins; and harness, saddles, and saddlery, in sets or in parts, finished or unfinished, composed wholly or in chief value of leather; and leather cut into shoe uppers or vamps or other forms suitable for conversion into manufactured articles.

Barbed fence wire, wire rods, wire strands or wire rope, wire woven or manufactured for wire fencing, and other kinds of wire suitable for fencing, including wire staples.

Timber, hewn, sided, or squared, round timber used for spars or in building wharves, shingles, laths, fencing posts, sawed boards, planks, deals, and other lumber, rough or dressed, except boards, planks, deals, and other lumber, of lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods.

Sewing machines, and all parts thereof.

Salt, whether in bulk or in bags, sacks, barrels, or other packages.

Mr. BAILEY. Mr. President, on that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I desire to announce that my colleague [Mr. GALLINGER], if present, would vote "nay" on this amendment.

The roll call having been concluded, the result was announced—yeas 15, nays 63, as follows:

YEAS—15.

Bailey	Clapp	Dixon	McCumber
Borah	Clarke, Ark.	Foster	Nelson
Bristow	Crawford	Gronna	Simmons
Brown	Cummins	La Follette	

NAYS—63.

Bacon	Dillingham	Myers	Shively
Bankhead	Fletcher	Newlands	Smith, Md.
Bourne	Gamble	Nixon	Smith, Mich.
Bradley	Gore	O'Gorman	Smith, S. C.
Brandegee	Guggenheim	Oliver	Smoot
Bryan	Heyburn	Overman	Stephenson
Burnham	Hitchcock	Owen	Stone
Burton	Johnson, Me.	Page	Swanson
Chamberlain	Jones	Paynter	Taylor
Chilton	Kern	Penrose	Townsend
Clark, Wyo.	Lippitt	Perkins	Warren
Crane	Lodge	Poindexter	Watson
Culberson	Lorimer	Pomerene	Wetmore
Cullom	McLean	Reed	Williams
Curtis	Martin, Va.	Richardson	Works
Davis	Martine, N. J.	Root	

NOT VOTING—12.

Briggs	Gallinger	Lea	Sutherland
du Pont	Johnston, Ala.	Percy	Thornton
Frye	Kenyon	Rayner	Tillman

So Mr. BAILEY's amendment was rejected.

Mr. McCUMBER. On page 18, after line 24, and also on page 22, after line 20, in the original bill, I move to insert—

Harness, saddles, saddlery, in sets or in part finished or unfinished—

so as to bring those articles within those which are reciprocally free between Canada and the United States, and on it I ask for the yeas and nays.

The VICE PRESIDENT. The Senator from North Dakota offers an amendment, which the Secretary will report.

The SECRETARY. It is proposed to amend the bill by inserting, on page 18, after line 24, the following:

Harness, saddles, saddlery, in sets or in part finished or unfinished.

And, on page 22, after line 20, to insert the same amendment.

The VICE PRESIDENT. Upon agreeing to the amendment the Senator from North Dakota asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to announce that if my colleague [Mr. GALLINGER] were present, he would vote "nay."

The roll call having been concluded, the result was announced—yeas 15, nays 64, as follows:

YEAS—15.

Bailey	Brown	Cummins	McCumber
Borah	Clapp	Dixon	Nelson
Bourne	Clarke, Ark.	Gronna	Simmons
Bristow	Crawford	La Follette	

NAYS—64.

Bacon	Fletcher	Martine, N. J.	Root
Bankhead	Foster	Myers	Shively
Brandegee	Gamble	Newlands	Smith, Md.
Briggs	Gore	Nixon	Smith, Mich.
Bryan	Guggenheim	O'Gorman	Smith, S. C.
Burnham	Heyburn	Oliver	Smoot
Burton	Hitchcock	Overman	Stephenson
Chamberlain	Johnson, Me.	Owen	Stone
Chilton	Johnston, Ala.	Page	Swanson
Clark, Wyo.	Jones	Paynter	Taylor
Crane	Kern	Penrose	Townsend
Culberson	Lippitt	Perkins	Warren
Cullom	Lodge	Poindexter	Watson
Curtis	Lorimer	Pomerene	Wetmore
Davis	McLean	Reed	Williams
Dillingham	Martin, Va.	Richardson	Works

NOT VOTING—11.

Bradley	Gallinger	Percy	Thornton
du Pont	Kenyon	Rayner	Tillman
Frye	Lea	Sutherland	

So Mr. McCUMBER's amendment was rejected.

Mr. McCUMBER. I offer the following amendment, which I explained yesterday. I ask that it may be read, and then I desire the yeas and nays upon it.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The amendment proposed by the Senator from North Dakota will be read.

The SECRETARY. On page 16, line 4, after the word "namely," insert the following proviso:

Provided, however, That any or all of such articles so enumerated that may have been imported into the United States under bond and that may be held in bond or in any bonded warehouse in the United States at the time this act shall go into effect shall not be exempt from the duty now imposed by law, and the full duty so imposed shall be levied and collected on all such articles held in bond in the United States when sold for delivery in the United States.

The PRESIDING OFFICER. The Senator from North Dakota asks for the yeas and nays on agreeing to his amendment.

The yeas and nays were ordered, and, being taken, resulted—yeas 21, nays 54, as follows:

YEAS—21.

Bailey	Clark, Wyo.	Gronna	Simmons
Borah	Clarke, Ark.	Heyburn	Smith, Mich.
Bourne	Crawford	La Follette	Warren
Bristow	Cummins	Lorimer	
Brown	Dixon	McCumber	
Clapp	Gamble	Nelson	

NAYS—54.

Bacon	Fletcher	Myers	Shively
Bankhead	Foster	Newlands	Smith, Md.
Brandegee	Gore	O'Gorman	Smith, S. C.
Bryan	Guggenheim	Overman	Smoot
Burnham	Hitchcock	Owen	Stephenson
Burton	Johnson, Me.	Page	Stone
Chamberlain	Johnston, Ala.	Paynter	Swanson
Chilton	Jones	Penrose	Taylor
Crane	Kern	Perkins	Townsend
Culberson	Lippitt	Poindexter	Watson
Cullom	Lodge	Pomerene	Wetmore
Curtis	McLean	Reed	Williams
Davis	Martin, Va.	Richardson	
Dillingham	Martine, N. J.	Root	

NOT VOTING—15.

Bradley	Gallinger	Oliver	Thornton
Briggs	Kenyon	Percy	Tillman
du Pont	Lea	Rayner	Works
Frye	Nixon	Sutherland	

So Mr. McCUMBER's amendment was rejected.

Mr. BRISTOW. I desire to offer two amendments, and I shall ask for a yea-and-nay vote upon one of them. The first I offer relates to printers' type, which I submitted yesterday.

The PRESIDING OFFICER. The Secretary will read the amendment proposed by the Senator from Kansas.

The SECRETARY. It is proposed to add at the end of the bill as a new section the following:

SEC. —. That on and after the day following the taking effect of this act there shall be levied, collected, and paid upon the following articles, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), the following rates of duty, namely:

Type metal, 1½ cents per pound on the lead contained therein; new types, 15 per cent ad valorem.

Mr. BRISTOW. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when Mr. GALLINGER'S name was called). I wish to state that my colleague, if present, would vote nay on this amendment.

The roll call having been concluded, the result was announced—yeas 16, nays 61, as follows:

YEAS—16.

Bailey	Brown	Cummins	Kenyon
Borah	Clapp	Dixon	La Follette
Bourne	Clarke, Ark.	Gronna	Nelson
Bristow	Crawford	Heyburn	Simmons

NAYS—61.

Bacon	Dillingham	Myers	Shively
Bankhead	Fletcher	Newlands	Smith, Md.
Bradley	Foster	Nixon	Smith, Mich.
Brandegee	Gamble	O'Gorman	Smith, S. C.
Briggs	Guggenheim	Oliver	Smoot
Bryan	Hitchcock	Overman	Stephenson
Burnham	Johnson, Me.	Owen	Stone
Burton	Johnston, Ala.	Page	Swanson
Chamberlain	Jones	Paynter	Taylor
Chilton	Kern	Penrose	Townsend
Clark, Wyo.	Lippitt	Perkins	Warren
Crane	Lodge	Poindexter	Watson
Culberson	Lorimer	Pomerene	Williams
Cullom	McLean	Reed	
Curtis	Martin	Richardson	
Davis	Martine	Root	

NOT VOTING—13.

du Pont	Lea	Sutherland	Works
Frye	McCumber	Thornton	
Gallinger	Percy	Tillman	
Gore	Rayner	Wetmore	

So Mr. BRISTOW's amendment was rejected.

Mr. BRISTOW. I desire to offer the following amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas will be read.

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. —. That on and after the day following the taking effect of this act there shall be levied, collected, and paid upon the following articles, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), the following rates of duty, namely: Manufactures of india rubber, or of which india rubber is the component material of chief value, not specially provided for in section 1 of an act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, approved August 5, 1909, 25 per cent ad valorem; sponges made of rubber, 30 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas.

The amendment was rejected.

Mr. CRAWFORD. I offer an amendment, which I shall not ask to have read. It is in lieu of section 1 of the bill, providing that all articles the growth, product, or manufacture of the Dominion of Canada, when imported into the United States or any of its possessions, except the Philippine Islands and the islands of Guam and Tutuila, shall be exempt from duty under the same conditions as now provided in the bill when the President shall issue his proclamation that Canada has enacted a law removing the duty from the articles as provided in the present section and reduced the duties according to the rates provided in the section as it now stands.

Mr. LODGE. Mr. President——

Mr. CRAWFORD. I do not desire to have the amendment read at length nor to have a roll call upon it. I was simply making a statement to relieve the Senate. The amendment also provides for striking out section 2 of the bill.

The amendment submitted by Mr. CRAWFORD was to strike out all of section 1 of the bill and to insert in lieu thereof the following:

That all articles the growth, product, or manufacture of the Dominion of Canada, when imported therefrom into the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), shall be exempt from duty: *Provided*, That the President of the United States shall have satisfactory evidence and shall make proclamation that the following articles the growth, product, or manufacture of the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), are admitted into the Dominion of Canada free of duty, namely:

Live animals: Cattle, horses and mules, swine, sheep, lambs, and all other live animals.

Poultry, dead or alive.

Wheat, rye, oats, barley, and buckwheat; dried peas and beans, edible.

Corn, sweet corn, or maize (except into Canada for distillation).

Hay, straw, and cowpeas.

Fresh vegetables: Potatoes, sweet potatoes, yams, turnips, onions, cabbages, and all other vegetables in their natural state.

Fresh fruits: Apples, pears, peaches, grapes, berries, and all other edible fruits in their natural state.

Dried fruits: Apples, peaches, pears, and apricots, dried, desiccated, or evaporated.

Dairy products: Butter, cheese, and fresh milk and cream: *Provided*, That cans actually used in the transportation of milk or cream may be passed back and forth between the two countries free of duty, under such regulations as the respective Governments may prescribe.

Eggs of barnyard fowl, in the shell.

Honey.

Cottonseed oil.

Seeds: Flaxseed or linseed, cotton seed, and other oil seeds; grass seed, including timothy and clover seed; garden, field, and other seed

not herein otherwise provided for, when in packages weighing over 1 pound each (not including flower seeds).

Fish of all kinds, fresh, frozen, packed in ice, salted or preserved in any form, except sardines and other fish preserved in oil; and shellfish of all kinds, including oysters, lobsters, and clams in any state, fresh or packed, and coverings of the foregoing.

Seal, herring, whale, and other fish oil, including sod oil: *Provided*, That fish oil, whale oil, seal oil, and fish of all kinds, being the product of fisheries carried on by the fishermen of the United States, shall be admitted into Canada as the product of the United States, and similarly that fish oil, whale oil, seal oil, and fish of all kinds, being the product of fisheries carried on by the fishermen of Canada, shall be admitted into the United States as the product of Canada.

Salt.

Mineral waters, natural, not in bottles or jugs.

Timber, hewn, sided or squared otherwise than by sawing, and round timber used for spars or in building wharves.

Sawed boards, planks, deals, and other lumber, not further manufactured than sawed.

Paving posts, railroad ties, and telephone, trolley, electric light, and telegraph poles of cedar or other woods.

Wooden staves of all kinds, not further manufactured than listed or jointed, and stave bolts.

Pickets and palings.

Plaster rock or gypsum, crude, not ground.

Mica, unmanufactured or rough trimmed only, and mica, ground or bolted.

Feldspar, crude, powdered or ground.

Asbestos not further manufactured than ground.

Fluorspar, crude, not ground.

Glycerine, crude, not purified.

Talc, ground, bolted or precipitated, naturally or artificially, not for toilet use.

Sulphate of soda, or salt cake, and soda ash.

Extracts of hemlock bark.

Carbon electrodes.

Brass in bars and rods, in coil or otherwise, not less than 6 feet in length, or brass in strips, sheets, or plates, not polished, planished, or coated.

Cream separators of every description, and parts thereof imported for repair of the foregoing.

Rolled iron or steel sheets or plates, No. 14 gauge or thinner, galvanized or coated with zinc, tin, or other metal, or not.

Crucible cast-steel wire, valued at not less than 6 cents per pound.

Galvanized iron or steel wire, curved or not, Nos. 9, 12, and 13 wire gauge.

Typecasting and typesetting machines and parts thereof, adapted for use in printing offices.

Barbed fencing wire of iron or steel, galvanized or not.

Coke.

Rolled round wire rods in the coil, of iron or steel, not over three-eighths of an inch in diameter, and not smaller than No. 6 wire gauge.

And provided further, That the President of the United States shall have satisfactory evidence and shall make proclamation that on the articles hereinafter enumerated, the growth, product, or manufacture of the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), when imported therefrom into Canada, duties not in excess of the following are imposed, namely:

Fresh meats: Beef, veal, mutton, lamb, pork, and all other fresh or refrigerated meats excepting game, 1½ cents per pound.

Bacon and hams, not in tins or jars, 1½ cents per pound.

Meats of all kinds, dried, smoked, salted, in brine, or prepared or preserved in any manner, not otherwise herein provided for, 1½ cents per pound.

Canned meats and canned poultry, 20 per cent ad valorem.

Extract of meat, fluid or not, 20 per cent ad valorem.

Lard, and compounds thereof, cottolene and cotton stearin, and animal stearin, 1½ cents per pound.

Tallow, 40 cents per 100 pounds.

Egg yolk, egg albumen, and blood albumen, 7½ per cent ad valorem.

Fish (except shellfish), by whatever name known, packed in oil, in tin boxes or cans, including the weight of the package: (*a*) When weighing over 20 ounces and not over 36 ounces each, 5 cents per package; (*b*) when weighing over 12 ounces and not over 20 ounces each, 4 cents per package; (*c*) when weighing 12 ounces each or less, 2 cents per package; (*d*) when weighing 36 ounces each or more, or when packed in oil, in bottles, jars, or kegs, 30 per cent ad valorem.

Tomatoes and other vegetables, including corn, in cans or other air-tight packages, and including the weight of the package, 1½ cents per pound.

Wheat flour and semolina; and rye flour, 50 cents per barrel of 196 pounds.

Oatmeal and rolled oats, including the weight of paper covering, 50 cents per 100 pounds.

Corn meal, 12½ cents per 100 pounds.

Barley malt, 45 cents per 100 pounds.

Barley, pot, pearled, or patent, ¼ cent per pound.

Buckwheat flour or meal, ¼ cent per pound.

Split peas, dried, 7½ cents per bushel of 60 pounds.

Prepared cereal foods, not otherwise provided for herein, 17½ per cent ad valorem.

Bran, middlings, and other offals of grain used for animal food, 12½ cents per 100 pounds.

Macaroni and vermicelli, 1 cent per pound.

Biscuits, wafers, and cakes, when sweetened with sugar, honey, molasses, or other material, 25 per cent ad valorem.

Biscuits, wafers, cakes, and other baked articles, composed in whole or in part of eggs or any kind of flour or meal, when combined with chocolate, nuts, fruits, or confectionery; also candied peel, candied popcorn, candied nuts, candied fruits, sugar candy, and confectionery of all kinds, 32½ per cent ad valorem.

Maple sugar and maple sirup, 1 cent per pound.

Pickles, including pickled nuts, sauces of all kinds, and fish paste or sauce, 32½ per cent ad valorem.

Cherry juice and prune juice, or prune wine, and other fruit juices, and fruit sirup, nonalcoholic, 17½ per cent ad valorem.

Mineral waters and imitations of natural mineral waters, in bottles or jugs, 17½ per cent ad valorem.

Essential oils, 7½ per cent ad valorem.

Grapevines; gooseberry, raspberry, and currant bushes, 17½ per cent ad valorem.

Farm wagons, and finished parts thereof, 22½ per cent ad valorem.

Plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators; thrashing machines, including windstackers, baggers, weighers, and self-feeders therefor, and finished parts thereof imported for repair of the foregoing, 15 per cent ad valorem.

Portable engines with boilers, in combination, horsepower and traction engines, for farm purposes; hay loaders, potato diggers, fodder or feed cutters, grain crushers, fanning mills, hay tedders, farm or field rollers, manure spreaders, weeders, and windmills, and finished parts thereof imported for repair of the foregoing, except shafting, 20 per cent ad valorem.

Grindstones of sandstone, not mounted, finished or not, 5 cents per 100 pounds.

Freestone, granite, sandstone, limestone, and all other monumental or building stone, except marble, breccia, and onyx, unmanufactured or not dressed, hewn or polished, 12½ per cent ad valorem.

Roofing slates, 55 cents per 100 square feet.

Vitrified paving blocks, not ornamented or decorated in any manner, and paving blocks of stone, 17½ per cent ad valorem.

Oxide of iron, as a color, 22½ per cent ad valorem.

Asbestos further manufactured than ground: Manufactures of asbestos, or articles of which asbestos is the component material of chief value, including woven fabrics wholly or in chief value of asbestos, 22½ per cent ad valorem.

Printing ink, 17½ per cent ad valorem.

Cutlery, plated or not: Pocketknives, penknives, scissors and shears, knives and forks for household purposes, and table steels, 27½ per cent ad valorem.

Bells and gongs, brass corners and rules for printers, 27½ per cent ad valorem.

Basins, urinals, and other plumbing fixtures for bathrooms and lavatories; bathtubs, sinks, and laundry tubs, of earthenware, stone cement, or clay, or of other material, 32½ per cent ad valorem.

Brass band instruments, 22½ per cent ad valorem.

Clocks, watches, time recorders, clock and watch keys, clock cases, and clock movements, 27½ per cent ad valorem.

Printers' wooden cases and cabinets for holding type, 27½ per cent ad valorem.

Wood flour, 22½ per cent ad valorem.

Canoes and small boats of wood, not power boats, 22½ per cent ad valorem.

Feathers, crude, not dressed, colored or otherwise manufactured, 12½ per cent ad valorem.

Antiseptic surgical dressings, such as absorbent cotton, cotton wool, lint, lamb's wool, tow, jute, gauzes, and oakum, prepared for use as surgical dressings, plain or medicated; surgical trusses, pessaries, and suspensory bandages of all kinds, 17½ per cent ad valorem.

Plate glass, not beveled, in sheets or panes exceeding 7 square feet each, and not exceeding 25 square feet each, 25 per cent ad valorem.

Motor vehicles, other than for railways and tramways, and automobiles, and parts thereof, not including rubber tires, 30 per cent ad valorem.

Iron or steel digesters for the manufacture of wood pulp, 27½ per cent ad valorem.

Musical instrument cases, fancy cases or boxes, portfolios, satchels, reticules, card cases, purses, pocketbooks, fly books for artificial flies; all the foregoing composed wholly or in chief value of leather, 30 per cent ad valorem.

Cement, Portland, and hydraulic or water lime in barrels, bags, or casks, the weight of the package to be included in the weight for duty, 11 cents per 100 pounds.

Trees: Apple, cherry, peach, pear, plum, and quince, of all kinds, and small peach trees known as June buds, 2½ cents each.

Condensed milk, the weight of the package to be included in the weight for duty, 2 cents per pound.

Biscuits without added sweetening, 20 per cent ad valorem.

Fruits in air-tight cans or other air-tight packages, the weight of the cans or other packages to be included in the weight for duty, 2 cents per pound.

Peanuts, shelled, 1 cent per pound.

Peanuts, unshelled, one-half cent per pound.

Coal, bituminous, round and run of mine, including bituminous coal such as will not pass through a three-quarter inch screen, 45 cents per ton.

And also to strike out all of section 2 of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

The amendment was rejected.

Mr. BAILEY. I offer the following amendment.

The PRESIDING OFFICER. The Senator from Texas proposes an amendment, which will be read.

The SECRETARY. Add at the end of the bill the following additional section:

SEC. 4. That on and after the day following the passage of this act the following articles shall be exempt from duty when imported into the United States:

Bagging for cotton, gunny cloth, and all similar fabrics, materials, or coverings, suitable for covering and baling cotton, composed in whole or in part of jute, jute butts, hemp, flax, seg, Russian seg, New Zealand tow, Norwegian tow, aloe, mill waste, cotton tares, or any other materials or fibers suitable for covering cotton; and burlaps and bags or sacks composed wholly or in part of jute or burlaps or other material suitable for bagging or sacking agricultural products.

Hoop or band iron, or hoop or band steel, cut to lengths, punched or not punched, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity; and wire for baling hay, straw, and other agricultural products.

Mr. BAILEY. On agreeing to the amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to state that if my colleague were present he would vote "nay."

The roll call having been concluded, the result was announced—yeas 17, nays 62, as follows:

YEAS—17.

Bailey	Crawford	Johnston, Ala.	Nelson
Borah	Cummins	Jones	Simmons
Bristow	Dixon	Kenyon	
Clapp	Foster	La Follette	
Clarke, Ark.	Gronna	McCumber	

NAYS—62.

Bacon	Davis	Myers	Smith, Md.
Bankhead	Dillingham	Newlands	Smith, Mich.
Bourne	Fletcher	Nixon	Smith, S. C.
Bradley	Gamble	O'Gorman	Smoot
Brandegee	Gore	Oliver	Stephenson
Briggs	Guggenheim	Overman	Stone
Bryan	Heyburn	Owen	Swanson
Burnham	Hitchcock	Page	Taylor
Burton	Johnson, Me.	Penrose	Townsend
Chamberlain	Kern	Perkins	Warren
Chilton	Lippitt	Poindexter	Watson
Clark, Wyo.	Lodge	Pomerene	Wetmore
Crane	Lorimer	Reed	Williams
Culberson	McLean	Richardson	Works
Cullom	Martin, Va.	Root	
Curtis	Martine, N. J.	Shively	

NOT VOTING—11.

Brown	Gallinger	Percy	Thornton
du Pont	Lea	Rayner	Tillman
Frye	Paynter	Sutherland	

So Mr. BAILEY's amendment was rejected.

The PRESIDING OFFICER. Are there further amendments to be proposed to the bill in the Senate? If there are no further amendments, the question is on ordering the bill to a third reading.

The bill was ordered to a third reading, and it was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. BRISTOW and Mr. CUMMINS called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the senior Senator from Maine [Mr. FRYE]. I am instructed by him to say that, if he were present, he would vote against the passage of the bill. I transfer my pair with him to the Senator from Tennessee [Mr. LEA], who, if present, would vote for the passage of the bill, and the Senator from Maine, as I stated, would vote against the passage of the bill. I myself, the transfer I have stated having been made, vote "yea."

Mr. DILLINGHAM (when his name was called). Upon this question my general pair with the senior Senator from South Carolina [Mr. TILLMAN] stands. I therefore withhold my vote. Were he present, I should vote "nay."

Mr. RICHARDSON (when Mr. DU PONT's name was called). My colleague [Mr. DU PONT] is absent from the Senate. On this question he is paired with the junior Senator from Louisiana [Mr. THORNTON]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I desire to again announce that my colleague [Mr. GALLINGER] is necessarily absent. He has a general pair with the Senator from Arkansas [Mr. DAVIS], but by a transfer of pairs my colleague is paired with the Senator from Mississippi [Mr. PERCY]. If present and voting, my colleague would vote "nay."

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY], as has been stated, is paired with the Senator from New Hampshire [Mr. GALLINGER]. If my colleague were present, he would vote "yea," and the Senator from New Hampshire would vote "nay."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. If he were present and I were permitted to vote, I should vote "nay."

Mr. THORNTON (when his name was called). On this vote I am paired with the senior Senator from Delaware [Mr. DU PONT]. If he were present, he would vote "yea," and I should vote "nay."

The roll call having been concluded, the result was announced—yeas 53, nays 27, as follows:

YEAS—53.

Bacon	Crane	Johnston, Ala.	O'Gorman
Bankhead	Culberson	Jones	Overman
Bradley	Cullom	Kern	Owen
Brandegee	Davis	Lodge	Paynter
Briggs	Fletcher	McLean	Penrose
Brown	Foster	Martin, Va.	Perkins
Bryan	Gore	Martine, N. J.	Poindexter
Burton	Guggenheim	Myers	Pomerene
Chamberlain	Hitchcock	Newlands	Reed
Chilton	Johnson, Me.	Nixon	Richardson
Root	Stephenson	Townsend	Works
Shively	Stone	Watson	
Smith, Md.	Swanson	Wetmore	
Smith, S. C.	Taylor	Williams	

NAYS—27.

Bailey	Clarke, Ark.	Heyburn	Oliver
Borah	Crawford	Kenyon	Page
Bourne	Cummins	La Follette	Simmons
Bristow	Curtis	Lippitt	Smith, Mich.
Burnham	Dixon	Lorimer	Smoot
Clapp	Gamble	McCumber	Warren
Clark, Wyo.	Gronna	Nelson	

NOT VOTING—10.

Dillingham	Gallinger	Rayner	Tillman
du Pont	Lea	Sutherland	
Frye	Percy	Thornton	

So the bill was passed.

TARIFF DUTIES ON WOOL.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

The motion was agreed to.

Mr. PENROSE. Mr. President, I now ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from Pennsylvania asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, that will be done.

HOUR OF DAILY MEETING.

Mr. PENROSE. Mr. President, after conferring with a large number of Senators, I move that until otherwise ordered the Senate meet daily at 12 o'clock meridian.

The motion was agreed to.

RETURN OF EXPORTED ARTICLES.

Mr. SMOOT. I move that the House of Representatives be requested to return to the Senate the bill (H. R. 12312) to amend paragraph 500 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," which was passed by the Senate on the 20th instant; and I wish to enter a motion to reconsider the vote by which the bill was passed.

Mr. SMITH of Michigan. Mr. President——

Mr. SMOOT. In explanation of why I desire the bill recalled, I will say that I simply wish to add to the bill a provision that poultry which may be sent to Canada or to Mexico may be returned without paying duty, when they have been sent there for show purposes.

Mr. SMITH of Michigan. Mr. President, I do not understand the exigency which requires the Senate to recall this bill. The bill as passed by both the House and the Senate was intended to remedy a defect growing out of the last tariff law, as interpreted by the Court of Customs Appeals, the interpretation being quite contrary to the expectation of the administrative officers of the Government. The House bill as passed remedied a situation which was burdensome to the people of the city of Detroit, and it seems to me that it is unwise to recall it for the purpose of loading it down with something not a part of the original bill and not finally passed upon by the Court of Customs Appeals.

Mr. SMOOT. Mr. President, there is no intention whatever of changing the provisions of the bill applying to animals crossing the line. It is only intended to provide that the bill shall apply to fowls, as in the case of live animals of all kinds. There are many of our people who show fowls in Canada, and they want the privilege of taking them from this country, exhibiting them in Canada, and returning them without paying duty, except, of course, on those that may have been sold.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Idaho?

Mr. SMITH of Michigan. Yes.

Mr. HEYBURN. Was it inadvertence that caused the Senator to change the place from "Mexico" to "Canada"? I understood the Senator to state, as a reason why this measure should be recalled and amended, that it was desirable to send fowls into Mexico.

Mr. SMOOT. Mr. President, the proposed law would apply to Mexico, if citizens of the United States wanted to exhibit fowls in that country, the same as it would apply to Canada.

Mr. HEYBURN. Is this bill intended to allow fighting cocks to be taken across the line between the United States and Mexico? Is that the real purpose of it?

Mr. SMOOT. That is not the real purpose of it.

Mr. HEYBURN. Some of us have received some suggestions about that. I ask that question in all good faith, because it has been suggested to me that that was a defect in the law, and that it should be remedied.

Mr. SMOOT. There are many requests——

The VICE PRESIDENT. Does the Senator from Michigan yield further?

Mr. SMITH of Michigan. Certainly.

Mr. SMOOT. There are many requests from different parts of the country for such an amendment as I have indicated. Of course, if the Senate feel that they want to prevent American fowls from being shown in a foreign country, then there is no need of recalling the bill; but if they do not feel that way, we should like to add such an amendment to the bill and perfect it so that all kinds of fowls and animals may be taken to a foreign country for show purposes and returned to this country without paying a duty, provided they are not sold in the foreign country.

Mr. SMITH of Michigan. Mr. President, the true situation is simply this, that the Customs Court of final resort has construed in a most sweeping and comprehensive manner the tariff law affecting the right of travel in carriages and otherwise between Detroit and Windsor and the American and Canadian "Soo," a merely local convenience. There is no appeal from the decision, and vehicles crossing and recrossing are obliged to pay duty, contrary to the spirit and purpose of the law. The suggestion of the Senator from Utah does not come with the same force, because the ruling that he seeks to avoid is only the ruling of a customs officer and not the court of last resort. Therefore, it seems to me, the orderly procedure would be to appeal the case to the Customs Court rather than the legislative department of the Government.

Mr. NELSON. Mr. President——

Mr. SMITH of Michigan. Just a moment, until I finish my sentence. It seems to me that we might very appropriately consider the bill of the Senator from Utah on its merits as a separate proposition when it has run the gantlet of the courts and let the parliamentary situation alone, as it is in the final transitory stage. Therefore I hope that the bill will not be recalled from the House of Representatives.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield the floor?

Mr. SMITH of Michigan. No; I do not yield the floor.

The VICE PRESIDENT. Then, does the Senator yield to the Senator from Minnesota?

Mr. SMITH of Michigan. I yield for a question.

Mr. NELSON. Mr. President, the Senator from Michigan is laboring under a misapprehension. The purpose of recalling the bill is to amend it so as to provide for sending crowing roosters into Canada and gamecocks into Mexico. [Laughter.]

Mr. BACON. Is anything said about lame ducks?

Mr. SMITH of Michigan. After the vote which we have just taken, I think the crowing-rooster suggestion for Canada would be very appropriate.

Mr. SMOOT. I want to say to the Senator from Michigan, in all seriousness, that it is not proposed to interfere at all with the provision of the bill as passed the Senate affecting animals.

Mr. SMITH of Michigan. It will, unless the House of Representatives and the Senate finally concur in the suggestion of the Senator from Utah, which I seriously doubt.

Mr. SMOOT. If the House should not agree to the amendment, the amendment would not be insisted upon by the Senate.

Mr. SMITH of Michigan. If the bill is recalled, if the amendment of the Senator from Utah is made part of it, and the House fails to concur, then the remedial provision goes to conference and may die there, as some other legislation promises to do. I do not want that to be the result and must object to the request of my honored friend.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Wyoming?

Mr. SMITH of Michigan. Certainly.

Mr. CLARK of Wyoming. I desire to ask a question of the Senator from Utah. I understand that this is a House bill?

Mr. SMOOT. It is a House bill.

Mr. CLARK of Wyoming. It has been passed by the Senate without amendment, has it not?

Mr. SMOOT. Yes; without amendment.

Mr. CLARK of Wyoming. And the purpose of recalling it from the House now is that we may amend it?

Mr. SMOOT. That we may add such an amendment as I have indicated.

Mr. SMITH of Michigan. That amendment may not be agreeable to the House or the Senate.

Mr. CLARK of Wyoming. I understand that. I just wanted to get the parliamentary situation.

Mr. SMITH of Michigan. In which event we will be in a deadlock, and legislation important to my constituents which we have unanimously passed in both branches may indeed, is quite likely to, fail.

Mr. CLARK of Wyoming. Yes; but my question was regarding the legislative situation. We simply passed the bill without amendment yesterday, and now it would appear that we have changed our minds, and the Senator from Utah wants us to pass it with an amendment.

Mr. SMOOT. The amendment that I have in mind was not offered at the time of the passage of the bill. I care very little whether it is adopted or not, but I know that it would perfect the bill so that fowls passing from one country to the other for show purposes could be returned without payment of duty. If the Senate does not wish to agree to that I am perfectly willing that they shall vote it down.

Mr. STONE. Just a moment before the Senator consents to that. What objection has the Senator from Michigan to the proposed amendment?

Mr. SMITH of Michigan. My objection is this——

Mr. STONE. Pardon me. I know that in my State, and I am quite sure the same is true of other States, the fowl industry, eggs, chickens, and the like, is a very important one in the aggregate——

Mr. SMITH of Michigan. The bill does not affect the egg industry at all.

Mr. STONE. Running up into many millions of dollars.

Mr. SMITH of Michigan. But the Senator is mistaken in its scope.

Mr. STONE. Well, if people in any of the States are engaged in raising fine fowls for any purpose, for meat or eggs or anything else, and desire to exhibit them in Canada or Mexico or other countries, would the Senator from Michigan at all object to their doing so?

Mr. SMITH of Michigan. No; I would favor an independent bill providing for the suggestion of the Senator from Utah, but I think it most unfair to recall legislation that has now practically ripened into law and undertake to burden it with a proposition upon which the highest court having to do with customs matters has not passed. I do not desire to subject a bill, which in its effect is largely local to my State, to the possibility of defeat at this stage of the session, and therefore I object to it.

Mr. SMOOT. Mr. President, if the conferees on the part of the House should object to the amendment, I do not think for a moment that the conferees on the part of the Senate would insist upon it, and it would then go out; but I do not see——

Mr. SMITH of Michigan. Why not introduce it as an independent proposition?

Mr. SMOOT. We could hardly get it through at this session in that form.

Mr. SMITH of Michigan. Well, you may not get it through if the House bill is recalled and your amendment attached.

Mr. SMOOT. I will guarantee to the Senator that it is not going to jeopardize the passage of the bill. If the House objects to the amendment, it will go out.

Mr. SMITH of Michigan. If we get the bill back here, the Senate may object to it.

Mr. PENROSE. I suggest to the Senator from Utah that he withdraw his motion.

Mr. SMOOT. Mr. President, I withdraw the motion, and will have a bill covering the matter introduced in the House, and endeavor to have it passed as a separate bill.

The VICE PRESIDENT. The Senator from Utah withdraws his motion.

CONSIDERATION OF PROPOSED LEGISLATION.

Mr. NEWLANDS. I offer the resolution which I send to the desk, which I ask may be read and lie on the table. I give notice that I will call it up on Monday next.

The resolution (S. Res. 109) was read, ordered to lie on the table, and to be printed, as follows:

Resolved, That it is the sense of the Senate that, in addition to the special orders heretofore made, legislation should be considered at this session upon the following objects:

First. Providing for the physical valuation of railroads engaged in interstate commerce.

Second. Providing for the control by the Interstate Commerce Commission of the stock and bond issues of railroads engaged in interstate commerce, with a view to preventing overcapitalization.

Third. Providing for an interstate trade commission with powers of investigation, correction, and recommendation regarding corporations engaged in interstate trade, similar, so far as practicable, to those conferred upon the Interstate Commerce Commission regarding corporations engaged in interstate transportation.

Fourth. Providing for the reform of the banking laws with a view to security of bank depositors and the prevention of bank panics.

Resolved further, That it is the sense of the Senate that after the disposition of the standing orders and the consideration of such further bills as shall be passed by the House of Representatives a recess shall be taken to the first Monday in November, 1911, with a view to the consideration of the foregoing measures.

SARAH E. EVANS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 104, submitted by Mr. LODGE on the 14th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Sarah E. Evans, widow of John W. Evans, late a skilled laborer in the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

MARY E. PULSIFER.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 36, submitted by Mr. GALLINGER [for Mr. FRYE] on May 8, 1911, reported it with an amendment in line 5, before the word "salary," to strike out "one year's," and to insert "six months'," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the contingent fund of the Senate, to Mary E. Pulsifer, widow of Pitman Pulsifer, late compiler of the Navy Yearbook and indexer for Senate public documents, a sum equal to six months' salary at the rate he was receiving at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

EXECUTIVE SESSION.

Mr. ROOT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 2 o'clock p. m.) the Senate adjourned until Monday, July 24, 1911, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 22, 1911.

COLLECTOR OF CUSTOMS.

C. Asa Francis, of New Jersey, to be collector of customs for the district of Perth Amboy, in the State of New Jersey, in the place of Robert Carson, whose term of office expired January 28, 1910.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Capt. Howard Emery to be senior captain in the Revenue-Cutter Service of the United States, to rank as such from July 6, 1911, in place of Senior Capt. Oscar Charles Hamlet, retired.

UNITED STATES MARSHAL.

John R. Harrison, of Kansas, to be United States marshal, district of Kansas, vice William H. Mackey, jr., whose term has expired.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants in the Coast Artillery Corps with rank from July 20, 1911.

Sergt. Douglas B. Netherwood, Twentieth Company, Coast Artillery Corps.

Corpl. Arnold Heinrich, Forty-third Company, Coast Artillery Corps.

Pvt. Roy T. Cunningham, One hundred and sixty-sixth Company, Coast Artillery Corps.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps with rank from July 19, 1911.

Harry Thomas Southworth, of Arizona.
Cecil Corydon Kellam, of Washington.
William Crosby Riddell, of Montana.

To be first lieutenants in the Medical Reserve Corps with rank from July 20, 1911.

William Alexander Newman Dorland, of Illinois.
Edward Henry Higbee, jr., of Missouri.
German Alexander Jordan, of Missouri.
Robert Ernst Schlueter, of Missouri.
Cleveland Hendricks Shutt, of Missouri.
Selden Spencer, of Missouri.
Ernst Coniston Waterhouse, of the Territory of Hawaii.
William Cott Hobdy, of the Territory of Hawaii.
James Robert Judd, of the Territory of Hawaii.
Holmes Fielding Troutman, of the Territory of Hawaii.
Clifford Brown Wood, of the Territory of Hawaii.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Capt. Lytle Brown, Corps of Engineers, to be major from July 11, 1911, vice Maj. Francis R. Shunk, promoted.

First Lieut. Lewis M. Adams, Corps of Engineers, to be captain from July 11, 1911, vice Capt. Lytle Brown, promoted.

Second Lieut. Richard T. Coiner, Corps of Engineers, to be first lieutenant from July 11, 1911, vice First Lieut. Lewis M. Adams, promoted.

Under the provisions of an act of Congress approved April 21, 1904, I nominate the officer herein named for promotion:

Chaplain George C. Stull, Eleventh Infantry, to be chaplain, with the rank of major, from July 19, 1911.

PROMOTIONS IN THE NAVY.

The following-named commanders to be captains in the Navy from the 1st day of July, 1911, to fill vacancies:

Joseph L. Jayne and
William L. Howard.

Commander Robert B. Higgins, an additional number in grade, to be a captain in the Navy from the 1st day of July, 1911, with the officer next below him.

Commander Charles W. Dyson, an additional number in grade, to be a captain in the Navy from the 1st day of July, 1911, with the officer next below him.

Ensign George S. Bryan to be a lieutenant (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as an ensign.

Passed Asst. Surg. Joseph P. Traynor to be a surgeon in the Navy from the 11th day of July, 1911, to fill a vacancy.

POSTMASTERS.

ALABAMA.

William A. Warner to be postmaster at New Decatur, Ala., in place of William A. Warner. Incumbent's commission expired June 30, 1910.

ALASKA.

Harry G. Steel to be postmaster at Cordova, Alaska. Office became presidential July 1, 1909.

FLORIDA.

William N. Garner to be postmaster at St. Cloud, Fla. Office became presidential July 1, 1911.

KANSAS.

Charles S. Finch to be postmaster at Lawrence, Kans., in place of Irving Hill. Incumbent's commission expired February 16, 1911.

MISSOURI.

Patti B. McAdow to be postmaster at Lamar, Mo., in place of Albert T. McAdow, deceased.

OHIO.

George H. Riley to be postmaster at Ashley, Ohio. Office became presidential January 1, 1910.

OKLAHOMA.

Carl Huffaker to be postmaster at Fairfax, Okla., in place of Joseph M. Briggs, removed.

WEST VIRGINIA.

James P. Staton to be postmaster at Oak Hill, W. Va. Office became presidential July 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 22, 1911.

ASSISTANT ATTORNEY GENERAL.

William L. Wemple to be Assistant Attorney General.

COLLECTORS OF INTERNAL REVENUE.

Walter Y. Kemper to be collector of internal revenue for the district of Louisiana.

Fremont Leidy to be collector of internal revenue for the district of Kansas.

PROMOTIONS IN THE NAVY.

Lieut. Ulysses S. Macy to be a lieutenant commander.

Lieut. Paul B. Dungan to be a lieutenant commander.

Lieut. (Junior Grade) Laurance N. McNair to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

Henry M. Jensen,
Frank J. Fletcher, and
Robert W. Cabaniss.

John C. Parham to be an assistant surgeon.

Commander John C. Leonard to be a captain.

Ensign Joe R. Morrison (junior grade) to be a lieutenant.

POSTMASTERS.

IDAHO.

Cecil E. Mason, Shelley.

KENTUCKY.

John J. Callihan, Russell.
Wilbur R. Smith, Lexington.

MICHIGAN.

Milo B. Halliwell, Flushing.

NORTH DAKOTA.

J. E. Nelson, Litchville.

PENNSYLVANIA.

Elenore Lloyd Crouse, Wyoming.
Charles D. Weaver, Republic.

TEXAS.

Norton A. Baker, Spur.
William N. Fowler, Fort Stockton.
Bassett R. Miles, Luling.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 22, 1911.*

The House met at 12 o'clock noon and was called to order by Mr. ROBINSON as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that the way is ever open to the improvement of conditions, that whosoever will may enter in and possess himself of the larger, intellectual, moral, and spiritual life which goeth before the betterment of the home, the state, the church. Grant, O most merciful Father, that we as individuals and as a people may go forward day by day to the higher ideals, to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of Wednesday, July 19, 1911, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 12312. An act to amend paragraph 500 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 12109. An act to supply a deficiency in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1911, and for other purposes.

ELECTION OF MEMBERS TO COMMITTEE VACANCIES.

Mr. UNDERWOOD. Mr. Speaker, at the request of the gentleman from Illinois [Mr. MANN], leader of the minority, I move the election of the following gentlemen to the standing committees of the House to fill vacancies now belonging to the minority: On the Committee on Claims, Mr. THERON E. CATLIN and Mr. WILLIAM R. GREEN; on the Committee on Industrial Arts and Expositions, Mr. WILLIAM S. REYBURN; on the Committee on Railways and Canals, Mr. WILLIAM S. REYBURN; on the Committee on Reform in the Civil Service, Mr. WILLIAM S. REYBURN; on the Committee on Revision of the Laws, Mr. WILLIAM R. GREEN.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. UNDERWOOD] moves the election to the following standing committees of the House of the gentlemen whose names have been reported.

Mr. MANN. Mr. Speaker, I would ask that the names be again reported.

Mr. UNDERWOOD. I would ask that the Clerk again report the names.

The SPEAKER pro tempore. The Clerk will again report the names.

The Clerk read as follows:

To the Committee on Claims, THERON E. CATLIN and WILLIAM R. GREEN; to the Committee on Industrial Arts and Exposition, WILLIAM S. REYBURN; to the Committee on Railways and Canals, WILLIAM S. REYBURN; to the Committee on Reform in the Civil Service, WILLIAM S. REYBURN; to the Committee on Revision of the Laws, WILLIAM R. GREEN.

The SPEAKER. The question is, Shall the Members be elected?

The question was taken, and the motion was agreed to.

ADJOURNMENT UNTIL WEDNESDAY.

Mr. UNDERWOOD. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Wednesday next.

The SPEAKER pro tempore. The gentleman from Alabama moves that when the House adjourns to-day it adjourn to meet on Wednesday next.

The question was taken, and the motion was agreed to.

WITHDRAWAL OF PAPERS.

By unanimous consent,

Mr. WOODS of Iowa was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 9501, Sixty-first Congress, no adverse report having been made thereon.

Mr. BURKE of Wisconsin was granted leave to withdraw from the files of the House of Representatives, without leaving copies, the papers in the case of William H. Beare, in the Sixty-second Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 9 minutes p. m.) the House adjourned to meet on Wednesday next, July 26, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Brazos River, Tex., with a view to the selection of sites for additional locks and dams between Old Washington and Waco (H. Doc. No. 95), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAMLIN, from the Committee on Expenditures in the State Department, to which was referred the resolution of the House (H. Res. 246) approving Report No. 59 of the Committee on Expenditures in the State Department, reported the same without amendment, accompanied by a report (No. 63), which said resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12654) granting a pension to Georgia Kelley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12636) granting a pension to Nettie Thompson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. WICKLIFFE: A bill (H. R. 12730) for the erection of a Federal building at Covington, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12731) for the erection of a Federal building at Hammond, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12732) for the erection of a Federal building at Donaldsonville, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12733) for the erection of a Federal building at Bogalusa, La.; to the Committee on Public Buildings and Grounds.

By Mr. BUCHANAN: A bill (H. R. 12734) regulating the compensation of stationary firemen employed in Federal Government buildings in the United States; to the Committee on Expenditures on Public Buildings.

By Mr. CLINE: A bill (H. R. 12735) providing for the appropriation of $5,000 for the erection of a suitable monument at the grave of Maj. Gen. Henry W. Lawton, in Arlington National Cemetery; to the Committee on the Library.

By Mr. COOPER: A bill (H. R. 12736) to confer on the Supreme Court of the United States appellate jurisdiction to review the decisions of the Supreme Court of the Canal Zone; to the Committee on the Judiciary.

By Mr. JOHNSON of Kentucky (by request of the superintendent of insurance for the District of Columbia): A bill (H. R. 12737) to amend the Code of Law for the District of Columbia regarding insurance; to the Committee on the District of Columbia.

Also (by request of the superintendent of insurance for the District of Columbia), a bill (H. R. 12738) to amend the Code of Law for the District of Columbia regarding insurance; to the Committee on the District of Columbia.

By Mr. HOWARD: A bill (H. R. 12739) to construct and improve post roads and rural free delivery routes, and for other purposes; to the Committee on Ways and Means.

By Mr. ADAMSON: A bill (H. R. 12806) to prevent the issuing or accepting in interstate commerce of forged and fraudulent bills of lading; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12807) to regulate the interstate use of automobiles and all self-propelled vehicles as use the public highways in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. RODENBERG: Joint resolution (H. J. Res. 133) authorizing the Secretary of War to award the congressional medal of honor to Frederick J. Liesmann; to the Committee on Military Affairs.

By Mr. TILSON: Memorial from the Legislature of Connecticut concerning the extension of domestic general parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KOPP: Memorial from the Legislature of Wisconsin memorializing Congress to enact a law imposing a suitable license or other fee upon craft navigating the Great Lakes and contiguous waters; to the Committee on the Merchant Marine and Fisheries.

Also, memorial from the Legislature of Wisconsin asking Congress to initiate and participate in a world-wide movement for international peace and policing of the high seas; to the Committee on Foreign Affairs.

Also, memorial from the Legislature of Wisconsin in regard to establishing a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial from the Legislature of Wisconsin, asking Congress to take action compelling all interstate railroads to engage directly in carrying and delivering express; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial from the Legislature of Wisconsin, asking Congress to initiate and participate in a world-wide movement for international peace and policing of the high seas; to the Committee on Foreign Affairs.

Also, memorial from the Legislature of Wisconsin, asking Congress to enact a law imposing a suitable license or fee upon crafts navigating the Great Lakes and contiguous waters; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 12740) granting an increase of pension to W. H. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12741) granting an increase of pension to Herman L. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12742) granting an increase of pension to Gustav Burghardt; to the Committee on Invalid Pensions.

By Mr. BUTLER (by request): A bill (H. R. 12743) for the relief of Robert Hamilton McLean; to the Committee on Naval Affairs.

By Mr. CAMPBELL: A bill (H. R. 12744) granting an increase of pension to Henry B. Miller; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 12745) granting an increase of pension to William King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12746) granting an increase of pension to Theodore Kiefer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12747) granting an increase of pension to Jacob Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12748) granting an increase of pension to Benson S. Miner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12749) granting an increase of pension to Moses J. Howell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12750) granting an increase of pension to William Hanger, sr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12751) to correct the military record of Noah Rickard; to the Committee on Military Affairs.

Also, a bill (H. R. 12752) to correct the military record of William F. Songer; to the Committee on Military Affairs.

By Mr. DANFORTH: A bill (H. R. 12753) granting a pension to Hyman (enlisted as Harold) Bloom; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 12754) granting a pension to Daniel J. Begley; to the Committee on Pensions.

By Mr. HEALD: A bill (H. R. 12755) granting an increase of pension to Benjamin B. D. Derickson; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12756) for the relief of the legal representative of Isaac Ricketts, deceased; to the Committee on War Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 12757) granting an increase of pension to John D. Lathrop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12758) granting an increase of pension to Hugh Lappin; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 12759) granting an increase of pension to Louisa M. Coles; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 12760) granting an increase of pension to Moss Marcum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12761) granting an increase of pension to Walton W. Harris; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 12762) granting a pension to Michael J. Ballou; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12763) granting an increase of pension to Emeline A. Swan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12764) granting an increase of pension to Charles L. Potter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12765) granting an increase of pension to Catherine McCready; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12766) granting an increase of pension to Thomas Grant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12767) granting an increase of pension to John R. Northup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12768) granting an increase of pension to Bessie T. Mercer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12769) granting an increase of pension to Ellen Neville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12770) granting an increase of pension to Mary A. Clark; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 12771) granting an increase of pension to Ann Keegan; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 12772) granting a pension to Gertrude A. Samstag; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12773) granting a pension to Henry B. Massey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12774) granting a pension to Charles McAuliffe; to the Committee on Pensions.

Also, a bill (H. R. 12775) granting a pension to Henry Roper; to the Committee on Pensions.

Also, a bill (H. R. 12776) granting a pension to Michael O'Leary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12777) granting a pension to Alexander Lamont; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12778) granting a pension to James F. Sims; to the Committee on Pensions.

Also, a bill (H. R. 12779) granting an increase of pension to Robert E. Flood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12780) granting an increase of pension to William D. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12781) granting an increase of pension to William Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12782) granting an increase of pension to William Given; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12783) granting an increase of pension to Samuel J. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12784) granting an increase of pension to Andrew J. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12785) granting an increase of pension to Elijah Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12786) granting an increase of pension to Benjamin H. Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12787) granting an increase of pension to Adam Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12788) granting an increase of pension to William H. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12789) granting an increase of pension to John W. Purnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12790) granting an increase of pension to Henry L. Karns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12791) granting an increase of pension to John P. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12792) granting an increase of pension to Joseph H. Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12793) granting an increase of pension to Samuel Burrows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12794) granting an increase of pension to John W. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12795) for the relief of J. A. Bingham; to the Committee on Claims.

Also, a bill (H. R. 12796) for the relief of Lauritz S. Rasmussen; to the Committee on Military Affairs.

Also, a bill (H. R. 12797) for the relief of H. B. Massey; to the Committee on War Claims.

Also, a bill (H. R. 12798) to correct the military record of William Puhse, alias William Kampmann; to the Committee on Military Affairs.

By Mr. RUCKER of Missouri: A bill (H. R. 12799) granting an increase of pension to Tavner Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12800) granting an increase of pension to John E. Winfrey; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 12801) granting an increase of pension to Samuel Cobean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12802) to correct the military record of James Campbell; to the Committee on Military Affairs.

By Mr. WILLIS: A bill (H. R. 12803) granting an increase of pension to Martha A. Culbertson; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 12804) granting an increase of pension to Alexander R. Puntenay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12805) granting a pension to Lucinda Vondermark; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKE of Wisconsin: Papers accompanying House bill 11891, granting an increase of pension to James W. A. Dittmar; to the Committee on Pensions.

Also, papers accompanying and in support of House bill 9773; to the Committee on Naval Affairs.

Also, papers accompanying bill for an increase of pension for William H. Bates; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: Petition of numerous business men of Orleans, Ind., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DIXON of Indiana: Petitions of numerous citizens of Brownstown, Butlerville, Crothersville, Dillsboro, Franklin, Milan, North Vernon, Osgood, Seymour, and Whitehead, Ind., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Papers accompanying bill to grant a pension to David J. Begley; to the Committee on Pensions.

By Mr. FULLER: Petitions of R. M. Neustadt, of La Salle, and Hess Bros. & Co., of Rockford, Ill., opposing a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of James B. Clow & Sons, of Chicago, Ill., in favor of an amendment to the corporation-tax law to change time of making reports; to the Committee on Ways and Means.

Also, petition of Milwaukee Clearing House Association, concerning legislation in relation to cold storage; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill for the relief of Don C. Van Brocklin; to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: Resolution of Workmen's Sick and Death Benefit Fund of the United States of America, condemning methods pursued in arrest of McNamara and indorsing the Berger resolution for an investigation of the McNamara case; to the Committee on the Judiciary.

By Mr. KENDALL: Petition of citizens of Floris, Pulaski, Belknap, and Drakeville, Iowa, against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petition of John S. Colwell, of Providence, R. I., requesting the passage of the Burton resolution for the preservation of Niagara Falls; to the Committee on Rivers and Harbors.

By Mr. WILLIS: Petition of David L. Hill and 70 other citizens of Urbana, Ohio, asking for the establishment of a national health department; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *July 24, 1911.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CONSTITUTIONS OF NEW MEXICO AND ARIZONA.

Mr. OWEN. As a member of the Committee on Territories, I ask permission of the Senate to submit my views to accompany House joint resolution No. 14, to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States. I ask that the views be printed.

The VICE PRESIDENT. Without objection, the views submitted by the Senator from Oklahoma will be printed as a part of the report of the committee on the joint resolution (Rept. No. 100, pt. 2).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3089) to provide for the condemnation of land for highway and park purposes to preserve the Klingle Ford Valley (with accompanying papers); and

A bill (S. 3090) to provide a connecting highway between Massachusetts Avenue and R Street NW., along Lovers Lane (with accompanying papers); to the Committee on the District of Columbia.

A bill (S. 3091) to correct the military record of Jacob Scott; to the Committee on Military Affairs.

A bill (S. 3092) granting an increase of pension to Martin Dolsby (with accompanying papers);

A bill (S. 3093) granting an increase of pension to Thomas B. Davis (with accompanying papers);

A bill (S. 3094) granting an increase of pension to Wesley Hunt (with accompanying paper);

A bill (S. 3095) granting an increase of pension to David Brown;

A bill (S. 3096) granting an increase of pension to Charles B. Worden; and

A bill (S. 3097) granting an increase of pension to John C. Porter; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 3098) for the relief of the heirs of Joshua Nicholls; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 3099) granting an increase of pension to Henry C. Yates (with accompanying papers); and

A bill (S. 3100) granting an increase of pension to John W. Forester (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3101) to increase the pensions of the blind who served in the War with Mexico, the Civil War, and the War with Spain;

A bill (S. 3102) granting an increase of pension to Clark Colvin; and

A bill (S. 3103) granting a pension to Emily Fisher; to the Committee on Pensions.

EMPLOYEES ON PANAMA CANAL.

Mr. CLAPP. I submit a resolution which I ask may be read and referred to the Committee on Education and Labor.

The resolution (S. Res. 110) was read and referred to the Committee on Education and Labor, as follows:

Resolved, That the Committee on Education and Labor be instructed to investigate and make report to the Senate whether or not the circular, No. 315, signed by George E. Goethals, chairman and chief engineer of the construction of the Panama Canal, published in the Canal Record for the month of March, 1910, in its reference to employees who have been discharged from South American railroads, has any application as a prohibition to citizens of the United States applying for employment in Government work on the Isthmus;

And to further inquire whether or not the arrangements and agreements with men employed as locomotive engineers, conductors, steam-shovel engineers, and dredgemen, on the Panama Canal, made by the Hon. W. H. Taft, when Secretary of War, in relation to compensation for overtime when overtime work was actually necessary, and for longevity pay, has been violated or broken, and whether or not employees who entered upon such work, in reliance upon the arrange-

ments and agreements made with Secretary Taft have been deprived of the benefits of the arrangements and agreements under which they entered upon such work;

And to further inquire if the provision in the act making the appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, prohibiting any part of the appropriation for the Isthmian Canal being applied to the payment for allowance for longevity service on lay-over days other than such as may have accumulated under existing orders of the commission prior to July 1, 1909, is a violation of the understanding, arrangement, and agreement under which the men were employed in constructive and operative work on said canal, and to report whether such prohibition ought to be modified or repealed to effectuate the understanding under which employees entered upon that work.

DEFICIENCY APPROPRIATIONS.

Mr. BURTON submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress, which was referred to the Committee on Appropriations and ordered to be printed.

EX-SOLDIERS IN EMPLOY OF SENATE.

Mr. POINDEXTER. I offer a resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution for the information of the Senate.

The Secretary read the resolution (S. Res. 111), as follows:

Resolved, That Senate resolution No. 72 of July 14, 1911, be amended by inserting after the word "War," in the fourth line thereof, the words "and the War with Spain."

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. WARREN. I should like to hear it read.

The VICE PRESIDENT. The Secretary will, without objection, again read the resolution.

The Secretary again read the resolution.

Mr. SMOOT. The Senator from Ohio [Mr. BURTON] stepped out of the Chamber. I shall object to the consideration of the resolution at least until he returns.

Mr. POINDEXTER. The Senator from Utah understands, I suppose, the purport of the resolution.

Mr. SMOOT. I hardly understand the purport of it.

The VICE PRESIDENT. The Senator from Ohio is now returning to the Chamber.

Mr. SMOOT. I should like to ask the Senator from Ohio the purport of the resolution which he asks consideration of?

Mr. BURTON. I have not asked consideration of a resolution.

The VICE PRESIDENT. Without objection, the Secretary will again read the resolution submitted by the Senator from Washington.

The Secretary again read the resolution.

Mr. SMOOT. I understood that the Senator from Ohio offered the resolution, but I am told it was the Senator from Washington.

The VICE PRESIDENT. The Senator from Washington offered the resolution.

Mr. SMOOT. I should like to have the Senator from Washington explain the purport of the resolution.

Mr. POINDEXTER. Resolution No. 72, which is referred to, was introduced by the senior Senator from Idaho [Mr. HEYBURN] and passed by the Senate on the 14th instant. It provided that veterans of the Union Army in the Civil War, when otherwise satisfactory, should be continued in the service of the Senate. This resolution provides an amendment so as to insert after the words "Civil War" the words "and the War with Spain," so as to include the veterans of both wars.

Mr. SMOOT. I do not know how many would be affected by the resolution. I ask that it may go over for a day.

The VICE PRESIDENT. The resolution will go over on objection.

WATERWAYS OF CANADA AND THE UNITED STATES.

Mr. TOWNSEND submitted the following resolution (S. Res. 112), which was read and referred to the Committee on Commerce:

Resolved, That the President be, and he hereby is, respectfully requested to enter upon negotiations with Great Britain or the Dominion of Canada with a view to an international agreement for the concurrent or cooperative improvement of navigation in waterways used, or which can be used, in common for the commerce of Canada and the United States.

CLAIMS FOR CAPTURED AND ABANDONED PROPERTY.

Mr. WILLIAMS submitted the following resolution (S. Res. 113), which was read and referred to the Committee on Claims:

Resolved, That the Secretary of the Treasury be directed to inform the Senate:

1. Whether any calls for information in regard to claims for captured and abandoned property under section 162 of the Judicial Code, March 3, 1911, have been received from the Court of Claims; and if so, how many.

2. How many such calls have been answered; and if not answered, what steps are now being taken to answer them, and in about what time it may be expected they will be answered.

TARIFF DUTIES ON WOOL (S. DOC. NO. 74).

Mr. STONE. I ask the attention of the Senator from Utah [Mr. SMOOT]. I have had prepared a table relating to Schedule K of the tariff law, which is affected by the pending bill, now the unfinished business. It sets forth the articles with the rate of duty prescribed by the Payne law, and also reduced to its ad valorem.

Mr. SMOOT. The equivalent ad valorem?

Mr. STONE. The equivalent ad valorem. It also shows the revenue collected for the last fiscal year—that is, 1910—under the Payne law, and in another parallel column it shows the ad valorem under the House bill, the rate prescribed in the substitute proposed by the Senator from Utah [Mr. SMOOT], and the ad valorem equivalent prescribed in the substitute proposed by the Senator from Wisconsin [Mr. LA FOLLETTE]. I ask that it may be printed as a document.

Mr. SMOOT. I have no objection. I think it ought to be printed.

The VICE PRESIDENT. There is no objection, and the order is entered.

CONSIDERATION OF PROPOSED LEGISLATION.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 109, submitted by Mr. NEWLANDS on the 22d instant, as follows:

Resolved, That it is the sense of the Senate that, in addition to the special orders heretofore made, legislation should be considered at this session upon the following subjects:

First. Providing for the physical valuation of railroads engaged in interstate commerce.

Second. Providing for the control by the Interstate Commerce Commission of the stock and bond issues of railroads engaged in interstate commerce with a view to preventing overcapitalization.

Third. Providing for an interstate trade commission with powers of investigation, correction, and recommendation regarding corporations engaged in interstate trade similar, so far as practicable, to those conferred upon the Interstate Commerce Commission regarding corporations engaged in interstate transportation.

Fourth. Providing for the reform of the banking laws with a view to security of bank depositors and the prevention of bank panics.

Resolved further, That it is the sense of the Senate that after the disposition of the standing orders and the consideration of such further bills as shall be passed by the House of Representatives a recess shall be taken to the first Monday in November, 1911, with a view to the consideration of the foregoing measures.

Mr. CULBERSON. Will the Senator from Nevada yield to me for a moment? I wish to suggest two amendments, which he may accept.

The VICE PRESIDENT. The Chair wishes to inquire of the Senator from Nevada whether he desires to have the resolution disposed of now or wishes to have it referred?

Mr. NEWLANDS. I should like to have it disposed of.

The VICE PRESIDENT. Very well. The question is on agreeing to the resolution.

Mr. CULBERSON. I suggest, on page 1, line 9, after the word "commerce," to insert the words "and incorporated under the laws of the United States," so that the second proposition will read:

Providing for the control by the Interstate Commerce Commission of the stock and bond issues of railroads engaged in interstate commerce and incorporated under the laws of the United States with a view to preventing overcapitalization.

That is the first. The second amendment which I suggest is, on page 2, after the word "panics," in line 3, to insert:

Fifth. Revision downward of the iron and steel tariff schedule.

I hope the Senator from Nevada will accept these two amendments.

Mr. BORAH. Mr. President, I wish to ask a question of the Senator from Texas.

The VICE PRESIDENT. Will the Senator from Nevada yield for that purpose?

Mr. NEWLANDS. Certainly.

Mr. BORAH. I understand the amendment suggested by the Senator from Texas is, after the word "commerce," in line 12, to insert "and incorporated under the laws of the United States."

Mr. CULBERSON. Yes; the proposition being that the Federal Government has no control over the stock and bond issues of railroad corporations or any other corporations organized under the laws of the respective States of the Union.

Mr. BORAH. I do not care to discuss that question in connection with this particular resolution.

I supposed that was the point to which the Senator was directing his amendment. I would not want to concede that statement in all its import. While the National Government may not be able to primarily control the issue of stocks and bonds of a

State corporation, it may do so indirectly by prescribing certain conditions precedent to the corporation engaging in interstate commerce. At least that is a debatable subject.

Mr. NEWLANDS. Mr. President, the Senate has been in session three months. During that time it has disposed of three measures—the reciprocity bill, the campaign publicity bill, and the joint resolution providing for the election of Senators by the people.

Early in the session I introduced a resolution providing for a legislative program embracing nine subjects for the consideration of Congress at the present session, and embracing seven subjects upon which committee action was desirable, with a view to legislative action at the next regular session. Of the nine subjects referred to for immediate action at this session in that program the three I have already referred to have been acted upon. Three others are embraced in the standing order of the Senate covering questions which are to be disposed of by a final vote before August 10.

In the process of evolution of the Senate from the old dominance of party leaders and from the tyranny of committees into a self-governing body, my idea was that it is necessary for the Senate, as a self-governing body, at the very commencement of the session to outline a definite program of legislative consideration.

We wasted more than one-half of this extra session when we might have been engaged, through our committees, in the consideration of the questions referred to in this resolution, upon which public sentiment has practically been made up. Those questions relate to the physical valuation of railroads engaged in interstate commerce, the supervision of their stock and bond issues, the creation of an interstate trade commission and the merger therein of the Bureau of Corporations, the cooperation of the National Government with the States, each acting within its powers and jurisdiction in devising and carrying out comprehensive plans for the regulation of river flow by irrigation, reclamation of swamp lands, storage and use of flood waters, development of water power, conservation of forests, and other practicable methods, the strenghening of the individual banks of the country by requirements regarding the relation of capital and reserves to obligations by associating these banks together in national associations for mutual protection, for the protection of depositors, and for protection against bank runs, and the federalizing of these various associations through a national commission fairly representative of every section of the country, possessing powers of examination, investigation, and of recommendation to the President and to Congress, through which the various local associations could be federalized for mutual protection and the protection of depositors, the development of Alaska by connecting the coast with the Yukon River by a national railroad, thus doing away with the contentions that now exist as to private rights and private enterprises, and which have so long delayed the development of that rich Territory, and also by so amending the laws regarding the public domain as to promote and encourage enterprise in Alaska and enterprise everywhere upon the public domain, at the same time guarding our national resources in timber, in coal, in iron, and in oil against monopolization, the temporary diminution of the construction of the fighting ships of the Navy and the substitution of auxiliary ships, with a view to developing a well-proportioned Navy capable of sustaining itself in case of war, these auxiliary ships to be used in times of peace in opening up new routes of commerce, the neutralization of the Philippines, a question which Congress in the near future must take up for consideration in response to the demand of a public opinion which regards the continued possession of the Philippines as involving vast complications and great danger in the future.

The resolutions which I originally introduced covered two other questions. One was the reduction of the military and naval expense to the extent of $30,000,000 annually, giving the President the power, with a board of experts, of apportioning the reduction, giving the executive department a freer hand in the assignment of the money for military expense with a view to economy and efficiency.

Another proposition was a provision for a graduated increase in the corporation tax to meet the deficit caused by reduction in customs duties, and also sufficient to provide a fund for river development. These two questions may well be turned over to the regular session for solution, for by that time, it is to be hoped, a budget committee, taking the place of the old Committee on Public Expenditures, which has now been abandoned, will be organized in such a way as to bring the chairmen of all our appropriation committees and the chairman of the Finance Committee and other Members of the Senate in cooperation and team work, with a view to adjusting expenditures to revenues in such a way as not only to take care of the efficient and economical administration of the Government, but also to take care of the constructive work of the Government in the way of river development and the construction of public buildings and works.

Mr. President, when the standing orders of the Senate were made a few days since, whilst I viewed with satisfaction the fact that the Senate had made progress as to consideration of six of the questions covered by the resolutions which I had introduced, I expressed my regret that the reciprocity bill had not been left for consideration at the close and that the reduction in the duties upon print paper had not been left for the final accomplishment in legislation.

I then stated that just as soon as the standing orders were disposed of there would be an immediate public demand created by the press for the adjournment of Congress upon the ground that its continued session was prejudicial to business. Already we see that prediction realized. The papers of the country having secured what they wish to gain from tariff reform are now demanding the adjournment of Congress, and this demand will increase as time goes on. I believe, Mr. President, that if at the very commencement of the extra session the Senate, as a self-governing body, had adopted the resolution which I offered, we would by this time have had full reports from the committees upon the subjects embraced within that resolution, and today we would have been able to make standing orders regarding the subjects, finally disposing of them before our adjournment in August, just such disposition as we have made of the questions relating to statehood and the tariff.

Now, the question comes before us as to what we are to do. The heat of the season is discouraging to effort. It is desirable that a recess should be taken until the weather is more clement. The suggestion of the resolution which I offered last Saturday is that the Senate should express its sense that a recess shall be taken until the first Monday in November, and that then the Senate shall take up for consideration certain questions—three or four of those enumerated in the resolution which I originally introduced—and shall instruct its committees to report upon those questions as soon as practicable. If this resolution is adopted we will have the opportunity for a needed rest and will come back in November refreshed and able to meet the strenuous requirements of legislation in the future.

There is no reason, Mr. President, why the disposition of these questions, which have been the subject of party platform after party platform for years, which have been discussed from the stump, in the newspapers, and in the forum, should be further delayed. We have the opportunity and we have the time if we will meet a month or more before the regular session and determine to take up these questions seriously and consecutively. We all know, of course, that if this is not done we will meet as usual in December in regular session; that there will be the usual inertia and inactivity until after the Christmas holidays; that then the appropriation bills will have the right of way; and we all know how the appropriation bills and other legislation can be managed in such a way as to obstruct and delay needed legislation. We will then be in all the excitement that marks a period just before the national election. There is danger always of party jockeying—jockeying for position in the Presidential race—and that means that fair and earnest consideration is not always given to needed measures.

Mr. President, the Senator from Texas [Mr. CULBERSON] asked me to withdraw from consideration two matters covered by my resolution. One was the control of stock and bond issues of great corporations engaged in interstate commerce. I do not recall the other——

Mr. CULBERSON. The other, Mr. President, was not a suggestion of withdrawing any subject for consideration, but adding as number 5 a revision downward of the iron and steel tariff schedule, which I trust the Senator will accept.

Mr. NEWLANDS. Yes; I will be very glad to accept that amendment; but as to the first I shall accept it with some reluctance, and only with a view to diminishing the opposition to the passage of this resolution.

The Senator proposes that the control of the stock and bond issues shall be confined only to corporations organized under the laws of the United States, whereas the proposal of this resolution is that the control of stock and bond issues by the Interstate Commerce Commission shall extend to all corporations engaged in interstate transportation.

Mr. President, I am aware that there is a difference of opinion among Democrats with reference to constitutional power upon this subject. It is a matter greatly to be regretted that the Democratic Party, devoted as it is to great reforms, should be divided as to the method in which those reforms are to be carried out. Those reforms relate entirely, or almost entirely,

to the exercise of the power granted to the Nation by the States of regulating interstate commerce.

The grant is an absolute one to Congress. Commerce is divided by our dual government into two branches, State and interstate. Over State commerce the States have exclusive jurisdiction. Over interstate commerce the Nation has exclusive jurisdiction, and the question is whether in the exercise of that jurisdiction over interstate commerce the Nation has a right to regulate the capitalization of an instrumentality of interstate commerce. Individually I claim that it has, whether that instrumentality be of State creation or of national creation.

And so also the power exists in the States, as to purely State commerce, to regulate an instrumentality of commerce, whether created by the Nation or the States. The power of the State over State commerce is as large as the power of the Nation over interstate commerce; and the powers of each over the instrumentalities of State commerce on the one side, and interstate commerce on the other, are equal.

Now, if an instrumentality of commerce seeks to engage in both State and interstate commerce, it must submit to the domination of both sovereigns, each within its jurisdiction. If the decrees of these sovereigns are contradictory, that is one of the difficulties attendant upon our dual Government. The power of either is not diminished by the fact that the exercise of the power by both may result in a contradiction.

Mr. President, we all realize that the States, or most of them, have not taken hold efficiently of the question of capitalization of the corporations created by them.

Mr. HEYBURN. Mr. President, will the Senator permit a question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Yes.

Mr. HEYBURN. Do I understand the Senator's position to be that if a transportation company is engaged in interstate commerce at all it is to be considered as thus engaged for all purposes, the commerce being the act of the corporation and having no reference to the item of business?

Mr. NEWLANDS. Without regard to the volume of business, if it is engaged in interstate commerce at all, it is subject to the regulation of the Nation; but that regulation is not exclusive if the corporation is also engaged in State commerce. In that event it is subject to regulation by both sovereigns, national and State.

Mr. HEYBURN. If it is engaged in it at all, even though it is engaged also in intrastate commerce?

Mr. NEWLANDS. Yes; that is my position.

Mr. CRAWFORD. Will the Senator from Nevada permit me there——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. NEWLANDS. Yes.

Mr. CRAWFORD. How would the Senator from Nevada get at a remedy? For instance, a corporation is engaged in State commerce quite extensively and to a lesser extent in interstate commerce. Could the Federal Government do any more in the way of regulation than to prescribe the conditions under which it could engage in interstate commerce, and, failing to comply with those conditions, enjoin it from conducting interstate commerce? In other words, could it go further than that and undertake to prohibit the transaction of any business, or go to the extent of destroying a corporation that received its charter from a State? Where does the Senator stop in his proposal to regulate? Does he go to the extent of winding up or destroying this corporation if it should violate interstate regulation?

Mr. NEWLANDS. I have not gone into the question of the refinements as to the method of compelling obedience to national legislation upon this subject. My contention simply is that so long as a corporation of State creation engages in interstate commerce it is subject to regulation by the Nation, and that it can only escape that regulation by going out of interstate commerce. Of course, if it abandons interstate commerce, that moment it ceases to be controlled by the National Government.

Mr. HEYBURN. Will the Senator yield for another question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. HEYBURN. Is there any railroad in the United States, under the rule suggested by the Senator, that is not engaged in interstate commerce? Would it not be equally interstate commerce if a railroad company, being all within a State, received goods for transportation over its own line, and thereafter over other lines outside of the State, under a contract of shipment? Would that not be interstate commerce?

Mr. NEWLANDS. Undoubtedly; and the regulation of the National Government would apply to such corporations existing entirely within the boundaries of a State but engaged in the transportation of passengers or freight between the States.

Mr. President, I was stating that the States themselves, or most of them, had not efficiently regulated the great railroad companies and other corporations engaged in both State commerce and interstate commerce; and even where they have sought to apply the proper limitations and restraints upon corporations created under their jurisdiction they have found that other States not so scrupulous have organized corporations with little restraint and large powers, whose purpose is not to engage in trade within the boundaries of the States under which they are created, but to engage in interstate commerce.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Certainly.

Mr. CULBERSON. If the Senator will pardon me, I suggest to him for his consideration this idea: Under our dual system of Government the States may regulate intrastate and the Federal Government may regulate interstate traffic.

That traffic is severable and divisible. But the issuance of stocks and bonds by a railroad company is not severable or divisible, measured by interstate or intrastate traffic; and the effect of any constitutional law passed by the Congress of the United States regulating the issuance of stocks and bonds by State corporations engaged in transportation would, in effect, destroy the rights of the States in those particulars to regulate freight carried wholly within the limits and confines of their territory.

The main suggestion I wish to make to the Senator is that the question of the issuance of stocks and bonds, unlike that of interstate and intrastate commerce, is not severable or divisible and it must be exercised wholly by one authority, as I believe.

Mr. CRAWFORD. Will the Senator permit me there?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. NEWLANDS. Yes.

Mr. CRAWFORD. It seems to me the Senator from Texas touches upon a question that is really in the twilight zone, especially under the decision of Judge Sanborn. If a railroad is an interstate road, engaged in interstate commerce as well as intrastate commerce, can you separate what you call intrastate traffic from interstate traffic? Can you separate them effectively, or do they not, after all, so run into each other in effect that they are inseparable?

Mr. NEWLANDS. Mr. President, I recognize——

Mr. CULBERSON. I suggest, in reply to the Senator from South Dakota, that the distinction is clearly drawn and the authority of Congress pointed out in the Nebraska case in the opinion by Mr. Justice Harlan, as I recall it.

Mr. CRAWFORD. Is the other decision to which the Senator refers a Supreme Court decision?

Mr. CULBERSON. Not in the Supreme Court. It is by Judge Sanborn, in a late case, construing the reasonableness or the unreasonableness of the combination of railroads. That was in the eighth circuit.

Mr. CRAWFORD. I do not want to trench on the time of the Senator from Nevada, but he is leading to an extremely interesting situation, that has not yet been settled, on that proposition. I think it was discussed by the Senator from Nevada two years ago. For instance, here is a railway, running through a half dozen States, engaged in interstate commerce, belonging to one owner. As a property it is an entirety. It has a common treasury and belongs to one set of stockholders.

Now, if one State through which it runs can say, "In this State you may charge for carrying passengers only a cent a mile," and another State, acting independently of that State, can say, "When you are in this State you may charge only three-fourths of a cent a mile," and then an adjoining State says, "In this State you may charge only 1 cent a mile," and then the Federal authorities say, "In interstate carriage you can charge only a cent and a half a mile," you have three or four different States, each acting independently of the others, taking a bite out of that cherry. You will have the Federal authority taking a bite out of that cherry; the States acting independently of each other and without regard to the result. Where are you going to stop? Where are you going to find the

rule to apply when the question of confiscation of property is involved?

Mr. NEWLANDS. I recognize the force of the distinction as made by the Senator from Texas [Mr. CULBERSON], but he must recall the fact that the Supreme Court of the United States has determined that the Interstate Commerce Commission, in the exercise of the rate-fixing function, must inquire into the valuation of the roads, the capitalization, the income, and other matters. So that capitalization becomes a factor to be considered by the National Government in the exercise of its power of regulation. Capitalization means fair capitalization, not an unfair or fictitious capitalization; and the Nation, in the exercise of the power of fixing rates, should not be deprived of one of its most important functions. It should have the right to deny a corporation created by the State the right to engage in interstate commerce unless it complied with the national requirements regarding capitalization.

It is not my purpose, however, to enter into an extended argument upon this question. If I find that upon this side of the Senate there are those who are so doubtful of the constitutional power of the Nation to regulate the capitalization of corporations engaged in interstate commerce when created by the States, I will, of course, yield to the withdrawal of this subject matter from the legislative program which I have presented, for I am intent upon the major proposition, namely, that the Senate shall take an orderly, decisive method of determining its own procedure, and shall reestablish itself in the confidence of the country by an utter abolition of the inertia and the inactivity which have characterized the past, and which have placed the Senate under strong condemnation by the country.

But with a view simply of making my statement upon this subject complete, I wish to present to Democrats who maintain the view of the Senator from Texas [Mr. CULBERSON], that this is a matter concerning which there has been contention in national Democratic conventions in the past, and concerning which there will be contentions in the future. I believe the voice of the Democracy of the country is in favor of the full exercise of the national power to regulate interstate commerce, wherever that power may lead. The last national convention so declared itself upon this very subject, and unequivocally declared in favor of the control of stock and bond issues of railroads engaged in interstate commerce by the National Government.

Unless the Democratic Party does take strong ground with reference to the exercise of national power upon this subject, it admits its incapacity to deal with the great questions that are pressing upon the consideration of the American people more than any others to-day, for almost all of them are embraced within the interstate-commerce power.

I was remarking that most of the States had not sought sufficiently to control the capitalization of corporations created by them and that even where they did they were the victims of corporations created in other States, less scrupulous and less virtuous, with a view to raiding upon the commerce between the States and oftentimes monopolizing it. We have found the State of New Jersey exercising the great national function of creating corporations, not for local business, but for the purpose of entering into interstate trade and interstate transportation upon the largest and most monopolistic scale, and the strictest adherents of State rights stand by and make no protest against such a State exercising a function which belongs to the Nation.

I can understand how a State could be somewhat jealous with regard to the interference with the powers and privileges of corporations created by itself, but we all know that the transportation and the commerce of the Southern States, where the State rights theory prevails in its utmost intensity, is practically absorbed by corporations organized in States other than the Southern States. We have the whole system of transportation of 10 or 11 States in the South controlled in the case of the Southern Railway by a corporation organized in the single State of Virginia, and in the case of the Louisville & Nashville by a corporation organized in the State of Kentucky, I believe, and in the case of the Atlantic Coast Railway by a corporation organized under the laws of Connecticut, in which State there is not a mile of the railroad. Then we have outside of the South the great Southern Pacific Railroad, organized and transacting a large national business under a charter granted by the State of Kentucky, in which there is not a mile of the track of the Southern Pacific Railroad.

So during the last 20 years States like New Jersey have usurped the national function by creating corporations with almost unrestrained powers, holding companies organized to unionize corporate properties in the different States for the purpose of interstate commerce. The devoted adherents of State rights have looked on with complacency while this was being done, being content, apparently, that a single sister State should usurp a function which belongs to the Nation rather than that the Nation itself should exercise it. So this is a question that will not down. It has to be discussed amongst ourselves. It will have to be discussed in the next national convention.

The Democratic Party will have to declare itself in favor of the fullest exercise of the national power over interstate commerce or it will confess its inability to meet great national requirements and will have to content itself with the position of simply being a State party, devoted to economy, devoted to reform, devoted to the regulation of monopoly within the boundaries of the respective States, but confessing its inability to deal with these great questions of interstate commerce in comparison with which State commerce has become a thing of insignificance, for commerce to-day has no regard whatever for the imaginary lines that bound States.

My contention, Mr. President, is that true Democratic consistency demands that we should not only preserve the distinction between State sovereignty and national sovereignty; we should not only demand the full exercise of the State rights and deny to the Nation the right to intrude upon State rights, but that we should also declare our determination to exercise to the full the powers granted by the States to the Nation in the interest of all the people; and that with reference to this power, the most unequivocable power granted in the Constitution, the right to regulate interstate and foreign commerce, the only right that an individual State has is to demand that its Representatives in Congress shall exercise the power granted to the Union of States.

Mr. President, I do not know whether it will be possible now to have action upon this resolution. I should like to hear from other Senators in this body regarding it. I should like to hear from my party associates upon this subject. It is true that I have referred to many subjects matter concerning which public opinion is made up and with reference to which legislation is demanded, but this has only been in a suggestive way. The whole resolution is subject to the powers of inclusion and of exclusion. I should like to listen to a full discussion of the question; first, as to whether we should take a recess at all; second, as to the date to which that recess shall be taken; third, as to the questions which shall be taken up either for legislative or committee action.

Mr. CULBERSON. I judge from the remarks of the Senator from Nevada that he does not desire to take final action on the resolution this morning; and in view of other business which is desired to be transacted by several Senators of which I have notice, I will defer any further remarks in reply to what has been submitted by the Senator from Nevada.

WEYMOUTH BACK RIVER BRIDGE, MASSACHUSETTS.

Mr. MARTIN of Virginia. Mr. President, I submit a report from the Committee on Commerce. I am directed by the Committee on Commerce, to which was referred the bill (S. 3024) to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River in the State of Massachusetts, to report it favorably without amendment, and I submit a report (No. 107) thereon.

Mr. LODGE. I ask for the present consideration of the bill. It is brief.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF BLACK WARRIOR RIVER, ALA.

Mr. JOHNSTON of Alabama obtained the floor.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Alabama yield to the Senator from Nevada?

Mr. NEWLANDS. I simply wish to state that I did not intend to yield the floor for other business. I understood that the Senator from Oklahoma [Mr. OWEN] wished to speak on the pending resolution, and I was not disposed to allow other business to intervene.

The PRESIDING OFFICER. The Chair understood that the Senator from Nevada yielded the floor because the Senator took his seat, and the Chair recognized the Senator from Texas [Mr. CULBERSON]. The Chair has now recognized the Senator from Alabama.

Mr. JOHNSTON of Alabama. I wish to call up the bill (S. 943) to improve navigation on Black Warrior River, in the State of Alabama. It is a local bill. It relates solely to Alabama, and it has had its third reading.

Mr. NEWLANDS. I will ask whether the bill has any provision in it for payment for the use of water power.

Mr. JOHNSTON of Alabama. There is already an amendment to that effect. It is all approved by the Board of Engineers. The amendments have been agreed to, and the bill has been read the third time.

Mr. SMOOT. I personally have not gone into the provisions of the bill, but I know that the Senator from Ohio [Mr. BURTON] is interested in it.

Mr. JOHNSTON of Alabama. The Senator from Ohio [Mr. BURTON] is in entire sympathy with me, I assure the Senator from Utah. I conferred with him this morning.

Mr. SMOOT. And he stated it would be satisfactory to him?

Mr. JOHNSTON of Alabama. He stated that it would be entirely satisfactory to him.

Mr. SMOOT. I have no objection to the passage of the bill, if it is satisfactory to the Senator from Ohio.

The bill was read the third time and passed.

CONSIDERATION OF PROPOSED LEGISLATION.

Mr. NEWLANDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Davis	McCumber	Pomerene
Bailey	Dillingham	McLean	Reed
Bankhead	Foster	Martin, Va.	Root
Borah	Gore	Martine, N. J.	Shively
Bourne	Gronna	Myers	Smith, Mich.
Brandegee	Guggenheim	Nelson	Smoot
Bryan	Heyburn	Newlands	Stone
Burnham	Johnson, Me.	O'Gorman	Sutherland
Burton	Johnston, Ala.	Oliver	Swanson
Chamberlain	Jones	Overman	Taylor
Chilton	Kenyon	Owen	Thornton
Clark, Wyo.	Kern	Page	Townsend
Crane	La Follette	Paynter	Warren
Culberson	Lippitt	Perkins	Wetmore
Curtis	Lodge	Poindexter	Works

Mr. CHILTON. My colleague [Mr. WATSON] is detained at home by the death of a relative, and is necessarily absent.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum of the Senate is present.

Mr. CULBERSON. Mr. President, in view of the changed condition and the suggestion of the Senator from Nevada that he wants this resolution now disposed of, I desire to say a word or so more than I did awhile ago.

The second proposition in the resolution of the Senator reads:

> Second. Providing for the control by the Interstate Commerce Commission of the stock and bond issues of railroads engaged in interstate commerce, with a view to preventing overcapitalization.

Obviously, Mr. President, if this resolution shall be adopted, it will commit the Senate to the cold proposition that the control of the States over the issue of bonds and stocks by railroad companies chartered by a State, wherever they are engaged in interstate commerce, will be absolutely ousted and conferred upon the Federal Government. To that proposition I am absolutely and unequivocally opposed, and I believe that all Democrats, when they consider the matter, will occupy to it the same relation.

I have suggested an amendment, after the word "commerce," to insert the words "and incorporated under the laws of the United States." As so amended I would not object to this provision of the resolution, because of the Federal character of the corporation. The Federal Government might constitutionally regulate the issuance of stocks and bonds; but wherever the corporations are created by the States in good faith for operation within their borders, although they may be engaged in interstate commerce, and although they must engage in interstate commerce if it is offered to them, the Federal Government has constitutionally no power to regulate their internal affairs. The Senator from Nevada suggests that he will expunge from his resolution the second provision, and I hope that will be done if the amendment I have suggested is not adopted.

One word further, Mr. President. I understood the Senator from Nevada to suggest that the Democratic national platform provided, in effect, that the Federal Government should, through the Interstate Commerce Commission, exercise control over the issuance of stocks and bonds by corporations engaged in interstate commerce and chartered by the States. I do not so recollect the platform, and upon examining it I have found no such provision. In substantiation of what I have said, I ask that there shall be inserted at this place in what I am saying two paragraphs of the national platform, one entitled "The Rights of the States" and the other under the heading of "Railroad regulation," as printed in the World Almanac.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The matter referred to is as follows:

THE RIGHTS OF THE STATES.

Believing, with Jefferson, in "the support of the State governments in all their rights as the most competent administration for our domestic concerns, and the surest bulwark against anti-Republican tendencies," and in "the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad," we are opposed to the centralization implied in the suggestions now frequently made, that the powers of the General Government should be extended by judicial construction. There is no twilight zone between the Nation and the State in which exploiting interests can take refuge from both; and it is as necessary that the Federal Government shall exercise the powers delegated to it as it is that the State governments shall use the authority reserved to them; but we insist that Federal remedies for the regulation of interstate commerce and for the prevention of private monopoly shall be added to, not substituted for, State remedies.

RAILROAD REGULATION.

We assert the right of Congress to exercise complete control over interstate commerce and the right of each State to exercise like control over commerce within its borders.

We demand such enlargement of the powers of the Interstate Commerce Commission as may be necessary to compel railroads to perform their duties as common carriers and prevent discrimination and extortion.

We favor the efficient supervision and rate regulation of railroads engaged in interstate commerce. To this end we recommend the valuation of railroads by the Interstate Commerce Commission, such valuation to take into consideration the physical value of the property, the original cost and cost of reproduction, and all elements of value that will render the valuation made fair and just.

We favor such legislation as will prohibit the railroads from engaging in business which brings them into competition with their shippers; also legislation which will assure such reduction in transportation rates as conditions will permit, care being taken to avoid reduction that would compel a reduction of wages, prevent adequate service, or do injustice to legitimate investments.

We heartily approve the laws prohibiting the pass and the rebate, and we favor any further necessary legislation to restrain control and prevent such abuses.

We favor such legislation as will increase the power of the Interstate Commerce Commission, giving to it the initiative with reference to rates and transportation charges put into effect by the railroad companies, and permitting the Interstate Commerce Commission on its own initiative to declare a rate illegal and as being more than should be charged for such service. The present law relating thereto is inadequate by reason of the fact that the Interstate Commerce Commission is without power to fix or investigate a rate until complaint has been made to it by the shipper.

We further declare that all agreements of traffic or other associations of railway agents affecting interstate rates, service, or classification shall be unlawful, unless filed with and approved by the Interstate Commerce Commission.

We favor the enactment of a law giving to the Interstate Commerce Commission the power to inspect proposed railroad tariff rates or schedules before they shall take effect, and if they be found to be unreasonable, to initiate an adjustment thereof.

Mr. CULBERSON. I understood further, Mr. President, that the Senator from Nevada would accept an amendment which I noted in this language:

> Revision downward of the iron and steel schedules.

Am I correct in that?

Mr. NEWLANDS. Yes. I will accept that as a substitute for the second paragraph of my resolution. I will simply quote from the platform of the Democratic Party the following words:

> We favor such legislation as will prohibit the railroads from engaging in business which brings them into competition with their shippers; also legislation preventing the overissue of stocks and bonds by interstate railroads.

That I understand to be——

Mr. CULBERSON. From what platform is that?

Mr. NEWLANDS. That is from the last platform, the platform of 1908. However, Mr. President, I do not wish to provoke a discussion upon this matter. I know that there is a sincere difference of opinion amongst Democrats as to the constitutional power——

Mr. SMITH of Michigan. Mr. President, we can not hear what is being said on the other side of the Chamber.

The PRESIDING OFFICER. The Senator from Michigan makes the point of order——

Mr. SMITH of Michigan. Mr. President, there seems to be a confusion as to the meaning of the Democratic platform. The Senator from Texas [Mr. CULBERSON] has his view of it and the Senator from Nevada [Mr. NEWLANDS] has his view of it; but we can not hear either one of those Senators. We are not able over here to hear satisfactorily.

Mr. NEWLANDS. Mr. President, as I simply wish to get the matter in the RECORD, it is unnecessary to repeat it.

Mr. CULBERSON. Mr. President, whatever differences there may be about the Democratic platform, there are none with reference to the Republican platform.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Certainly.

Mr. CULBERSON. I do not find any such provision as that read by the Senator from Nevada in the Democratic platform as published in 1908.

Mr. NEWLANDS. It is in the copy I have, and is just as I have read it.

However, Mr. President, it is unnecessary to engage in a contention upon this point. I accept the amendment proposed by the Senator from Texas regarding the revision downward of the iron and steel tariff schedules as a substitute for the second paragraph of my resolution.

Mr. OWEN. Mr. President, I wish to give my approval to the purpose of the resolution of the Senator from Nevada [Mr. NEWLANDS] and to the resolution itself as amended. I go somewhat further than the Senator from Nevada, perhaps, believing, as I do, that the personal convenience of Senators and of the Members of the House of Representatives should not be weighed too heavily in comparison with the duties they have to perform and the services which they might now render to the people of the United States by continuous active work in giving the country relief from monopoly. I should much prefer that there should be no adjournment at all, but that Congress should proceed with the business of legislating for the relief of the people of this country. In order to do that efficiently, I think the Senate ought to lay down a program by which they shall be guided; and the consideration of the questions proposed by the Senator from Nevada is certainly of the first magnitude.

For 40 years this country has been trying to arrive at reasonable freight and passenger rates. For a long period of time the Interstate Commerce Commission, charged with the duty of studying this question, have year after year recommended to Congress the necessity for the physical valuation of railroads as a necessary basis upon which to determine what is a reasonable freight rate and a reasonable charge for passenger service. It has been 5 or 6 years since the honorable Senator from Wisconsin [Mr. LA FOLLETTE], in a magnificent speech, pointed out the sound reasons and urgent need for such legislation as this.

Why is it that the representatives of the people of the United States in the Senate sit still and refuse the most obvious relief necessary to the adjustment of this question? I do not understand why the Senate of the United States not only will not pass legislation which is essential and which has been repeatedly declared over and over again by the Interstate Commerce Commission as necessary in order to arrive at a fair freight rate, but I do not understand why the Senate sits in its place, gives no response, and will not even now, in all human probability, declare in favor of the program of considering the physical valuation of the railroads.

At present the Interstate Commerce Commission are compelled to compare the rates of one road with the rates of another road in order to determine whether the rate in either case is reasonable, although both rates are grossly excessive that are compared with each other; but in no case have they a definite, reliable foundation. You must know what the physical valuation of the property is, what the amount of freight carried is, what the earning power is, in order to determine as a rational proposition what is a fair and just rate; and if you do not give the opportunity for the Interstate Commerce Commission to determine by the physical valuation and the volume of freight what a fair rate is, in effect you deny the people of this country the relief from the transportation monopolies that have so long dominated not only the commerce but the governing function itself. Their influence upon this body has made it a bulwark of special privilege, and it ought not to be so any longer. The time has come for plain speech, and I hope my speech is not misunderstood on this question. The Senator from Wisconsin seemed to stand alone six years ago, but he has support now.

Here is a proposal from the Senator from Nevada, asking the Senate to consider what it will do—whether it will or whether it will not proceed to the settlement of these most important questions of railway and industrial monopoly. I am heartily in favor of the resolution, and I hope a majority of Senators are in favor of it.

Equally important as the physical valuation of railroad properties, if not more important, is the regulation of industrial monopolies which control all the manufactured goods in this country, whether they be fabrics, whether they be textiles, whether they be woolen goods or cotton goods or silk goods, or whether they be goods of iron and steel and brass and copper, whether they be materials for clothing men or for sheltering men or building materials. All of these things and all manufactured articles and many food products are controlled by industrial monopolies, which are taking from the people of this country a very large and unfair part of the proceeds of their labor by superior commercial craft, by the restraint of competition, by monopoly artfully established throughout this Union. The time has come to consider the termination of these cruel wrongs. Will the Senate agree to it or will they refuse?

The Senator from Nevada proposes that the Senate shall proceed to the consideration of these vital questions and their solution. What are you going to do about it? Nothing. Sit still, let no vote be taken, or vote "no." There ought to be a record vote upon this proposal.

Then there is the consideration of the lowering of the steel schedule proposed by the amendment of the Senator from Texas [Mr. CULBERSON], and provision for the reform of the banking laws, with a view to the security of bank depositors and the prevention of bank panics. That is a matter of easy solution, a matter which several years ago I urged vigorously upon the floor of the Senate. There is no reason why there should not be established a mutual insurance plan for the protection of depositors. It will cost the banks nothing; it will benefit the contributing banks; it will give greater stability to the banking fraternity; it will give a greater volume of credit, and promote the commerce of this country and promote our prosperity. Why should the Senate not consider this question?

The control of transportation, the control of industrial monopoly, the stability of commerce by the protection of bank deposits are fundamental economic questions, and urgently demand immediate consideration and early settlement.

I am in favor of this resolution, and I am in favor of the Senate of the United States staying in continuous session until they have offered the country a satisfactory solution of all of these questions.

Mr. REED. Mr. President, I want to take just about three minutes of the time of the Senate in discussing this resolution. I am in favor of all of it except the last part of the resolution, which provides for a recess of Congress until November. To my mind, matters which are pressing upon the attention of Congress, including those matters which are referred to in this resolution, are of such overmastering importance to the country that there is absolutely no excuse for the adjournment of this session of Congress until it is merged by lapse of time into the opening of the next session. I will not say that a recess of two weeks might not be provided for at some time during the summer, in order to give Senators and Representatives the opportunity to return to their homes to arrange their business affairs; but I do say this——

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. For a question, of course; or for a remark.

Mr. NEWLANDS. I simply desire to suggest to the Senator that the latter part of the resolution is purely tentative, with a view to getting the opinion of the Senate as to the time of the recess that we should take. We can easily get the sense of the Senate on all the provisions in the resolution except the last, and then take the last one separately.

Mr. REED. I understand the sincerity of the Senator from Nevada; and I want to say to the Members of the Senate that I think we can all afford to put off conversation in the Senate and think a little bit now and here about matters that the country is thinking about and that the country will think more about.

Now, to begin with, the people of the United States are paying us our salaries to stay here and attend to public business that needs attention. I think the people of the United States are entitled to all of our time, and that the only excuse for ever adjourning is that the public business has been attended to and attended to properly.

There is no method known to the criminal lawyer or to the man who stands to defend a dishonest case so potential as that of continuances. There is no method known to the legislator who stands opposed to any change or any reform quite so potential and seductive as to propose that you hurry up and get through with the present pending bills and adjourn.

There is not a trust magnate in the United States who does not want to see this Congress adjourn to-morrow. There is not a special interest that does not want the Senate to adjourn on the instant. And why? Because a peculiar situation has been developed here. It is now manifest that the progressive element of the Republican Party and the Democrats command the legislative field.

The progressives claim to be, with the Democratic Party, ardently in favor of many great reforms for which Democracy has contended for years. That progressive element of the Republican Party and the Democrats can write these reforms into the laws of the country if they want to stay here and do it. Therefore there is in the situation a menace to these great interests. They understand that the Senate no longer is the bulwark behind which they can safely repose. They understand there is a real majority against the evils they have so long perpetrated, I shall regret exceedingly to hear any talk of adjournment from the progressive Republicans or from the Democrats.

I want to appeal to some on the other side who have not classed themselves as progressive Republicans. We passed on Saturday the reciprocity bill. I saw man after man, not classing himself as a progressive Republican, stand upon the other side of this Chamber and declare that that bill was fraught with every kind of injustice to the farmers of this country. They did not claim that the injustice consisted in the fact that the tariff was being taken off of the farmer's products so much as they insisted that he was being taxed upon all he bought and protected upon nothing he had to sell.

If that is true, then I appeal to those men to stay here in this body until the tariff has been so reformed that the agriculturists of this country will be treated fairly, according to their theory as to what is fair. If we are to believe what we hear and what we must know is true, from all the facts, then, as has been said by the Senator from Oklahoma [Mr. OWEN], the great transportation problem is pressing upon us. The railroads of this country have fought, and will continue to fight, against any investigation of their property that will get at its real value. These great transportation companies have fought, and will continue to fight, against any method that may be proposed to limit the issuance of fraudulent stocks and bonds upon which the people who ship and who travel are constantly compelled to pay interest and dividends.

We have the power to right these evils if we will stay and work; and I ask the insurgent Republican if he means business and proposes to stay? I turn and with the same force ask the Democrats, who for 40 years have been going before the people of this country demanding reforms they could not obtain, if they are willing to stay until we find whether the progressive Republican really will help us write these remedies into the law.

And I ask the Senator from North Dakota [Mr. MCCUMBER], who has stood here in this Senate for weeks looking like the living embodiment of intellectual jaundice, and proclaiming that the world was about to come to an end, at least in North Dakota, if we passed the reciprocity bill, if he is not willing to stay here and help us right some of the evils he has declared exist?

We have no right to adjourn this session now that the reciprocity bill is passed. Democrats, that bill came to you from a Republican President. It was his measure. There is not a Democrat here who has ever said or will say that it is a Democratic measure. All we have ever said of it is that it took the top rail off the fence of protection; that at best it was just a little hole through the dike of privilege; that at most it was only one step in the right direction. I ask you now if you are not willing to stay here and pass up to the Republican President some real tariff reform that will give the people of this country relief? We have no right because the month of August approaches and the hot weather is upon us and has been upon us, to abandon the post of duty, to seek the leisure of our homes or to rush to the lecture platforms that we may gather fees and percentages to fill our private purses. Our business is here; our duty is here; and for one I am ready to stay here every day this summer and on through the fall until the next session of Congress is convened.

Mr. CUMMINS. Mr. President, I have not changed my mind with respect to the propriety of doing something to relieve the people of this country from the burdens they are now bearing. I have done what I could to induce the Members of the Senate to take off some of the duties levied upon imports, which would furnish some relief to a suffering people. Hitherto, however, we have been unsuccessful. That unsuccess does not in the least diminish my desire to continue the efforts that we have been making, and I am quite willing to turn from the tariff, which seems to be an unfruitful subject—during this session at least—to another of vastly more importance that the tariff.

I believe it to be true that the regulation of our combinations of enterprise and of capital, the check upon the tendency toward monopoly and agreement, present the most serious as well as the most vital problem before the American Congress and the American people; and I for one am quite willing to remain at my desk until we have done whatsoever we could to find the real solution for this problem. I favor this resolution in its spirit, but there are two objections to it which I now point out for the consideration of its author.

First, I do not think it is wise to limit the pledge which is contained in the resolution, if it should pass, to this session. Every Senator here knows that, working as diligently as we could, the field is too great to be fully occupied or fully covered during the present session. I think we ought to pledge ourselves to continue this work until it shall be completed. The Senator from Nevada [Mr. NEWLANDS], with his usual public spirit, with his usual long vision into a somewhat clouded future, must know that if we adjourn or take a recess now until the 1st of November we can not, during the month which intervenes between that time and the regular session of December, complete a single one of the bills which may grow out of this resolution. I believe, therefore, that he ought to be willing, and I have no doubt that he will be willing, so to enlarge the scope of his resolution that its passage will constitute a pledge on the part of the Senate that we will take up those questions and continue with them and about them until we have determined what ought to be done with respect to them.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. I would be very glad to accept any amendment in that direction. The suggestion as to the recess was purely tentative. I myself would prefer a shorter recess than the one named in the resolution, but I assumed that it would be a matter for discussion on the floor of the Senate, and that we would get the sense of the Senate upon that question. I quite agree with the Senator from Iowa that these matters ought to be considered until they are finally disposed of and the legislation itself is enacted.

Mr. CUMMINS. With respect to the recess, I am not particular as to its exact duration. I feel that we must have a period of rest and recuperation, after the arduous labors both of mind and body during the last few weeks. I believe a brief respite would heal some of the wounds, possibly, and would return us to the Chamber with a better temper for legislation than now seems to exist. But I think the recess should be short, and that we should resume our work upon these matters just as soon as the convenience or the necessities of the various Members of the Senate can be served, as suggested by the Senator from Missouri [Mr. REED].

I now come to my second objection to the resolution. It grows out of the third paragraph, which I will read:

> Third. Providing for an interstate trade commission with powers of investigation, correction, and recommendation regarding corporations engaged in interstate trade, similar, so far as practicable, to those conferred upon the Interstate Commerce Commission regarding corporations engaged in interstate transportation.

In my opinion, Mr. President, this is altogether too narrow. If I may be permitted to lay my view of the subject before the Senate in a very few words, I would suggest that I think it was in 1889 that John Sherman introduced the bill out of which finally came the law of 1890, known as the antitrust law. In the bill which he introduced, and as it was originally reported to the Senate, instead of the words "restraint of trade," which are the vital and governing words of the antitrust law, there were employed these words—I do not pretend to quote them exactly—"substantial and real competition." I mention that only to call to the attention of Senators the fact that the antitrust law was originated in a desire to preserve competition in the industrial life of the United States.

The course of this bill through the committee and through the Senate was a very interesting one; but those who are familiar with it will bear witness, I think, to the truth of this conclusion, that never at any time was there a departure from the original idea, namely, a desire to maintain competition as an active, real force in fixing prices and in determining conditions; and the law of 1890, as it was finally passed, has no other object except to preserve competition. It passed into law, and I think everyone must agree that however effectually it may be enforced, I care not how stringently it may be enforced, it will not preserve that full measure of competition which the people of this country have a right to demand and expect. It will not preserve competition as the governing force in trade and commerce for the fixing of prices. Therefore, if we are to carry out the design of the author of the antitrust law and the design of the great number of Senators who espoused it upon the floor of the Senate, and by whose votes it finally became the law of the country, it is essential that we shall do something to supplement it in order to make it a more effective instrument in preserving competition and in preventing combination and monopoly.

The VICE PRESIDENT. The Senator from Iowa will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

The VICE PRESIDENT. The Senator from Iowa will proceed.

Mr. CUMMINS. The course of development of the last 20 years has very clearly indicated that in and of itself it will not accomplish the full purpose of those who gave it being. Now, in these last days another theory has arisen, and I am not disparaging it. I do not want to condemn it because——

The VICE PRESIDENT. Will the Senator give way to the Chair for a moment? Under the rule of the Senate the resolution offered by the Senator from Nevada [Mr. NEWLANDS] will go to the Calendar under Rule VIII.

Mr. NEWLANDS. I was going to ask that the unfinished business be temporarily laid aside and that the consideration of the resolution be continued.

The VICE PRESIDENT. The Senator from Nevada asks that the unfinished business be temporarily laid aside. Is there objection?

Mr. SMOOT. I object to the unfinished business being temporarily laid aside; but the Senator from Iowa, of course I need not suggest to him, can go right on with his speech.

The VICE PRESIDENT. Certainly; the Senator from Iowa has the floor. But the Chair wanted to clear up the situation about the resolution. It has gone to the calendar under Rule VIII.

Mr. CUMMINS. As I was remarking when interrupted, in recent days another school of thought has been established and it finds a great many disciples and advocates. It is practically that the law of civilization or the fundamental law of our development has made competition impossible, and therefore we must acknowledge and must recognize combination and monopoly, and in looking forward to the further functions of the Government with respect to combination and monopoly it is necessary that we shall take the additional step, namely, of giving to the Government of the United States the power through some tribunal to fix prices or determine profits. Here, I think, is the greatest issue of modern times, that we must recognize and that we must determine in so far as the Senate of the United States can determine an issue.

We must now—it can not be delayed—determine whether competition is to be a live force in the industry of the United States in the future, whether we shall allow combinations and monopolies to come into existence, or allow them to be perpetuated if already in existence, and protect the people against their exactions through some governmental instrumentality fixing prices or limiting profits.

I have no hesitation in saying that while I recognize the very great ability of many who are advocating the modern theory, advocating it as the president of the United States Steel Corporation recently advocated it, recognizing it as the distinguished Attorney General recognized it a few days ago in his address delivered before the Bar Association of Minnesota at Duluth, but recognizing those views as honest and sound views and recognizing that these very monopolies and combinations have come into existence in spite of and in violation of the antitrust law, I am still for competition; I still believe that the antitrust law ought not to be repealed, and it must be repealed if these modern views are to prevail. I still believe that the antitrust law, coupled with a further regulation with respect to corporations so organized, whether under Federal law or whether under State law, can be preserved; and I would be very sorry to see a resolution adopted which does not recognize this issue, which limits our consideration apparently to the mere organization of an interstate commerce tribunal or industrial commission.

I think the paragraph ought to be broadened so as to embrace the entire subject of which I have been speaking, and so that it would take in any bill that may be introduced along the lines I have suggested, whether introduced to accomplish governmental regulation of monopoly or whether introduced to insure effective competition.

If the Senator from Nevada would change his resolution in that respect so that it would meet the real situation as I know he desires to meet it, I would be wholly in favor of it. I do not say that I am against it as it is, but I make these suggestions in order that the author of the resolution may consider them, and possibly when the resolution is to be voted upon bring in such amendments to it as he thinks will meet the suggestions or objections I have made, if he deems them worthy of consideration or approval.

Mr. NEWLANDS. Mr. President, I wish to state regarding the third subdivision of the resolution providing for an interstate trade commission that my purpose in framing it was not to commit anyone who voted for the resolution to any prescribed powers in the commission. My view was that an interstate trade commission could be organized similar to the Interstate Commerce Commission, without interfering in anyway whatever with the enforcement of the Sherman antitrust act. The Senator realizes, of course, that the act creating the Interstate Commerce Commission is being enforced as to the railroads pari passu with the antitrust act.

Mr. CUMMINS. Precisely; but, Mr. President, I know the view of the Senator from Nevada. He has expressed that view in a bill which he has introduced, which is now pending before the Interstate Commerce Committee. I have a different view with regard to some of these things. Whether more radical or less radical than the views of the Senator from Nevada I do not undertake to say, but it is a different view. I do not think the Senator from Nevada wants a resolution passed that will practically limit the consideration of the Senate to the bill he has introduced. There will be a good many views upon this subject, I have no doubt, because it is a great, comprehensive topic. I hope the Senator will be willing to so amend or so rewrite the third paragraph as will enable the Senate, without going beyond the resolution, if it should be adopted, to take up and consider all the suggestions or views in the way of bills upon this subject which may come in.

Mr. NEWLANDS. Mr. President, I wish to state that I would be very glad to modify the paragraph in accord with the views of the Senator from Iowa. It is not my purpose to commit any Senator in voting for the resolution to any particular form of legislation. The purpose was to call the attention of the Senate to the subject matter.

I will state, with reference to the bill to which the Senator has referred, regarding the creation of an interstate trade commission, which I have introduced and which is now pending before the Interstate Commerce Committee, I expressly stated that the purpose of the bill was to maintain free competition, and not to interfere with it; and the bill contains no provision whatever for fixing prices by this commission.

Mr. CUMMINS. Precisely; it is the very——

Mr. NEWLANDS. So I think we are in substantial accord upon that question. At the same time, I will state that the bill is not inconsistent with the granting of such a power, if hereafter it should be deemed advisable, for I imagine there will be a great contention in this country between those who insist upon it that free competition, which many characterize as brutal competition, should be continued, and that others are equally zealous in favor of the new idea of beneficial cooperation and the doing away with so-called brutal competition.

Mr. CUMMINS. All that I desire is that the third paragraph shall be broad enough so that it will embrace whatever supplementary legislation is thought desirable; I mean supplementary to the antitrust law, which is the only legislation we now have respecting industrial enterprises.

Mr. NEWLANDS. I would be very glad to consult with the Senator regarding a modification of the paragraph.

Mr. CUMMINS. I would be very glad. If it is not voted upon now, when it comes before the Senate again I would propose a substitute for paragraph 3 which, I believe, will meet the approval of the Senator from Nevada, and I hope he will change the first sentence so that if the resolution is adopted it will not expire with the present session.

Mr. REED. Mr. President, I simply wish to say that if I had placed the interpretation upon the resolution which the Senator from Iowa fears may be placed upon it, I could not support it. I did not understand the resolution to intend to commit the Senate to the creation of any board or to commit the Senate upon any matter further than that it would take up and consider these various questions.

I am very far from believing that we have arrived at a time in the history of the industrial development of our country when we must accept the views of the president of the Steel Corporation and make the Government a partner in the various great industries, and then divide the entire profits among the proprietors of the industry. I understood the resolution simply to express the sense of the Senate that we should consider these matters. I agree with the Senator from Iowa that probably the language ought to be enlarged so that there can be no possible misunderstanding.

I want to say one word further. The Senator from Iowa speaks of going home and "coming back better natured." I never saw a better-natured body in the world, and I never saw a better-natured man in the body than the Senator from Iowa. He does not need to go home to get any kind of soothing sirup or nerve tonic. I think he is in good working condition. But I do not agree with the Senator from Iowa in his statement—which, if not plainly set forth, has at least expressed by innuendo—that he and other progressive Republicans have been trying to have some real tariff legislation enacted, and that because this legislation was not accomplished at once and in the manner they desired, it should now be abandoned and consideration given to other matters. The plain truth about the matter is this: There was before this body the reciprocity bill. There was in this body a majority of Senators who believed that if reciprocity was passed there ought to be also passed certain tariff reductions—certain tariff reforms. They also be-

lieved that whether reciprocity was passed or not these reforms ought to take place.

The Senator from Iowa has his idea of reduction. The Democrats upon this side probably have a more radical idea of reduction; but there were certain of us, and it was a majority of the Senate, who believed that the reciprocity bill ought to be passed alone and that the other measures ought to be considered afterwards. Now, because the Senator from Iowa was not able to amend the reciprocity bill before its passage it does not relieve him from the obligation and it does not relieve the Senate from the obligation of considering these measures, now that they are before the Senate. I am sure the Senator from Iowa does not mean to abandon tariff-reform legislation at this session simply because his amendments were not agreed to as a part of the reciprocity bill.

Mr. CUMMINS. Mr. President, I hope that nothing I said will leave any such impression upon the mind of either the Senator from Missouri or any other Senator. I was never more devoted to tariff reform than I am at this moment, or tariff revision, if those words express my meaning better. I think that having put the farmers of this country into free competition with their only rivals, it becomes a more sacred and a more imperative duty, if there can be degrees of duty, than ever before to give them an opportunity to buy in a freer market than they have had.

I will say to the Senator from Missouri and to the Senate that before the 1st day of August shall come to an end every Senator here will have an opportunity to vote for a reduction, and marked reductions, in all the prominent schedules of the tariff law. I believe the Senator from Missouri, while we have differed with regard to the propriety of amending the so-called reciprocity measure, will hail that opportunity and will improve it as well, because I have faith that all those who are in favor of lower duties will concur now in some of these measures which will be intended and are intended for the relief of the people.

Mr. NEWLANDS. Mr. President, I am very glad to hear the statement of the Senator from Iowa [Mr. CUMMINS] regarding the promised tariff reduction. Undoubtedly a majority on this floor is in favor of tariff reduction, and it would be a disgrace to the controlling element in this body, which has demonstrated so often at this session its ability to control it, if we should adjourn without a substantial reduction in the tariff.

I am aware that this purpose may or can be defeated by a maneuvering for position in the next presidential race, but I do not believe those considerations will control. There has been a difference of view between the friends of tariff revision regarding the reciprocity treaty, the Democratic Senators insisting that it would be endangered by amendments, and therefore joining in voting down propositions for a reduction which under other conditions it would have sustained. The reciprocity treaty is now out of the way. I trust that no such feeling amongst the friends of a substantial reduction was created by the contentions of the past as to prevent them from getting together in the future.

I made no reference in the substitute resolution which is now before the Senate to tariff legislation because I felt that under the standing orders of the Senate it would be possible to get a vote before the 10th of August next upon every form of proposition for tariff reduction of every scale, if the Senate should deem it advisable. So I made no reference to that question because I feel it was disposed of by the standing orders.

Mr. President, as I have already stated, the purpose is not to commit the Senate to any prescribed form of action with reference to the subject matter covered by the resolution.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. I do.

Mr. CULBERSON. I desire to remind the Senator from Nevada that with the exception of the free list, in which some of the items of the steel schedule are placed on the free list, there is not anything in the standing orders looking to a revision of the iron and steel schedule.

Mr. NEWLANDS. That is true, Mr. President, but there is nothing to prevent us from moving a reduction of the iron and steel schedule as an amendment either to the free-list bill or the wool bill or the cotton bill. Under that process we again cover every phase of legislation regarding the tariff.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Certainly.

Mr. CUMMINS. I do not know whether the Senator from Nevada noticed it or not, but the other day I introduced an amendment to the reciprocity measure which was intended to reduce the duty upon the iron and steel schedule, or indeed the entire metal schedule, 40 per cent. I think the duties would still be fairly protective if reduced 40 per cent.

I only rose to suggest to the Senator from Nevada that when we come to consider, say, the free-list bill, I intend to offer the reduction or revision of the metal schedule as an amendment to the free-list bill, and I hope it will prevail. I not only hope but I have the expectation that we will be able to reduce the duties on the steel schedule long before we can pass through the program which is contained in the resolution of the Senator from Nevada.

Mr. NEWLANDS. I see no reason why the Senator from Iowa should not reasonably hope for the accomplishment of that which he has in view.

Mr. President, there was some discussion between the Senator from Texas [Mr. CULBERSON] and myself regarding the national platform of the Democratic Party. The Senator read from the platform, as printed in the World Almanac, under the head of "Railroad regulation," the fourth paragraph, and that paragraph contained no allusion to legislation preventing the overissue of stocks and bonds by interstate railroads.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield?

Mr. NEWLANDS. If the Senator will permit me to conclude my statement——

Mr. SMITH of Michigan. I desire to know what the Senator is reading from.

The VICE PRESIDENT. One moment. The Senator from Nevada asks that he be not interrupted until he has completed his statement.

Mr. SMITH of Michigan. I wanted to know what the Senator was reading from.

Mr. NEWLANDS. I read from the platform in a pamphlet compiled by the Clerk of the House of Representatives and printed by the Government Printing Office, which, in the fourth paragraph under the heading above referred to, provided for legislation preventing the issue of stocks and bonds by interstate railroads. The Senator from Texas has shown me the official record of the Democratic national convention at Denver, Colo., for 1908. I find that this print in the fourth paragraph under the head of "Railroad regulation" is substantially as the Senator from Texas asserts, and contains no allusion to preventing by legislation the overissue of stocks and bonds by interstate railroads.

I am in some confusion about this matter, for I happened to be a member of the subcommittee and of the general committee on platform of the last Democratic national convention, and the impression that I had was verified by the pamphlet which I produced. It was that the platform explicitly called for legislation preventing such overissue. I am, of course, however, compelled to yield to the official print of the national platform and to admit the correctness of the statement of the Senator from Texas.

THE STANDARD OIL AND THE AMERICAN TOBACCO COS.

Mr. POMERENE. Mr. President, several days ago I gave notice that I would call up Senate concurrent resolution No. 4 this morning. The resolution which has been under discussion has consumed the morning hour, and the unfinished business is now the order. I therefore desire to give notice that at the conclusion of the routine business in the morning I shall then call up Senate concurrent resolution No. 4.

PRINTING OF TARIFF DOCUMENTS.

Mr. SHIVELY. Mr. President, I bespeak the attention of the Senator from Utah [Mr. SMOOT] and of other members of the Finance Committee. By reference to the Journal of the Senate of the 28th day of April, 1911, I find that the following order was made:

Ordered, That the Committee on Finance be authorized and directed to have prepared and printed all proceedings in the Senate with reference to the tariff act of 1842, including the act itself, together with the two veto messages of President Tyler.

Also all proceedings with reference to the tariff act of 1846, including the act itself, together with the report of the Secretary of the Treasury, made to Congress in December, 1845, known as the Walker report, and the act of 1857 modifying the act of 1846.

Also all proceedings with reference to the reciprocity treaty of 1854, together with the act passed in pursuance thereof; also the repealing act.

That order, as it appears, was made by the Senate nearly three months ago, and was made with special reference to legislation coming before the Senate at this session. I must assume that it was on the authority of this order that there has been

printed and laid on our desks Senate Document No. 21. This volume contains over 500 pages. It embodies the proceedings of the Senate on the tariff act of 1842. It contains no reference to the tariff act of 1846. It contains no reference to the tariff act of 1857. It contains nothing with reference to the Canadian reciprocity treaty of 1854. These measures were the subjects of the express order of the Senate. Nothing else was included in that order. Now, an examination of this volume discloses that while it contains no reference to three of the four measures included in the order of the Senate, it does include 27 tariff acts passed prior to the act of 1842, not one of which was included in the order of the Senate. Not only are these 27 acts set out in full in these pages, but also the yeas and nays taken on them on their passage in the Senate are published. What I want to know is how it comes to pass that these 27 acts and the votes thereon which were not ordered into this document by the Senate are incorporated in it while the proceedings on three of the four measures which the Senate did order published are not incorporated in it?

Mr. SMOOT. Mr. President, in the first place, I wish to say to the Senator that the customs tariff act of 1842 is in the first volume, and to-morrow we shall have a book almost the size of the document to which the Senator has referred, containing the act of 1846, and then will follow a volume containing the act of 1857; in other words, there will be three large volumes.

In further answer to the Senator as to the question of why these acts have been included in this volume, I will state that that was done by order of the committee. The matter was passed upon by the committee, at the request of a member of the committee, while we were in session as a committee. I believe that that answers all the questions which the Senator has propounded.

Mr. SHIVELY. Mr. President, the practical difficulty attending this matter arises out of the fact that the information which the publication ordered by the Senate was designed to supply is laid before the Senate only after legislation on the particular subject has passed the Senate or has been otherwise disposed of by the Senate. I do not question the authority of the Finance Committee to order the publication of matter for their convenience. I do question the propriety of the committee ordering the publication of these 27 acts, to the neglect, delay, and exclusion of the publication expressly ordered by the Senate.

Now the Senator informs me that on to-morrow there will be laid before the Senate another volume, bearing on what?

Mr. SMOOT. On the act of 1846. That was ordered by the Senate.

Mr. SHIVELY. The debate has closed on the Canadian agreement. The vote has been taken. The bill has been passed and has gone to the President. When does the Senator think the proceedings of the Senate on the Canadian treaty of 1854, which were ordered published for use in considering the Canadian reciprocity bill of 1911, will be laid before the Senate?

Mr. SMOOT. Mr. President, we shall have it as soon as it is prepared. I wish to say to the Senator that it has been a most tedious work to gather all of this matter together, and there has been no time lost either in the Senate Finance Committee room or at the Public Printing Office. I recognize as well as does the Senator that the documents are late in getting into the hands of Senators, but it could not be helped. We have secured the data as quickly as possible from a great many sources, and it is being printed just as quickly as it is possible to print it.

Mr. SHIVELY. Mr. President, it is manifest that the purpose of the publication is not served, and that its usefulness is lost when delayed until after the subject matter on which it bears has been enacted into law. The only reason or excuse for its publication is light on pending legislation. It is still obviously peculiar that we should have published and placed before us a long series of acts not ordered by the Senate, and no timely publication of the proceedings expressly ordered by the Senate.

Mr. SMOOT. Mr. President, it took no time whatever to get the acts ready, because that was done within a very few hours; but if the Senator had the three volumes here he would find that there are quite a number of matters included in the three volumes that were not ordered printed by the Senate resolution. Members of the Finance Committee desired to have incorporated in the document certain information and certain letters, especially referring to the Walker tariff, and certain letters by Government officials; and those have all been secured as best they could be. I think the Senator will find those and a good many other things in the volumes that were not included in the resolution which passed the Senate.

Mr. SHIVELY. I have no doubt of it. This volume makes that statement probable. But a word further. As I understood the Senator a moment ago, he assured the Senate that there will be an additional volume ready by to-morrow.

Mr. SMOOT. Yes; referring to the act of 1846.

Mr. SHIVELY. And when does the Senator think that the third and final volume of this publication will arrive?

Mr. SMOOT. It is now set up in print and will follow perhaps within a couple of days.

Mr. BORAH. Mr. President, I agree with the Senator from Indiana that it is very unfortunate that the Finance Committee did not publish this volume with reference to Canadian reciprocity before we passed upon that bill. I am quite sure that the light which would have been thrown upon the debate here and the facts which we would have obtained from that Canadian reciprocity agreement of 1854 would have changed a number of votes, especially upon the minority side of this Chamber. It is very unfortunate that the Finance Committee has been so slow in getting this information before the Senate.

Mr. SHIVELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. Certainly.

Mr. SHIVELY. Does the Senator from Idaho suspect that the Finance Committee had any ulterior motive in delaying the publication of these documents?

Mr. BORAH. I am very much of the opinion that the Finance Committee was withholding light from the minority side of this Chamber.

Mr. SMOOT. I will simply say, Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Certainly.

Mr. SMOOT. I will simply say that the Finance Committee had no intention of doing that, even though the result was as the Senator intimates.

Mr. BORAH. I think the Senator from Indiana and myself will agree that it is unfortunate that the light was not given.

Mr. SHIVELY. I am not agreeing as to the place or the extent of the misfortune. So far as light is concerned, we had plenty of it on our side.

Mr. SMOOT. Without this information?

Mr. SHIVELY. Certainly. But that does not excuse the delay in placing the information before the Senate in the convenient form and within the time contemplated by the order of the Senate.

EXECUTIVE SESSION.

Mr. SMOOT. Mr. President, if there is no Senator who desires to address the Senate upon the unfinished business, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 3 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, July 25, 1911, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 24, 1911.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Capt. Howard Emery to be senior captain.

UNITED STATES MARSHAL.

John R. Harrison to be United States marshal, district of Kansas.

COLLECTOR OF INTERNAL REVENUE.

Frank L. Gilbert to be collector of internal revenue for the second district of Wisconsin.

PENSION AGENT.

Abram W. Smith to be pension agent at Topeka, Kans.

PROMOTION IN THE NAVY.

Lieut. (Junior Grade) Henry M. Jensen to be a lieutenant.

POSTMASTERS.

ALABAMA.

William A. Warner, New Decatur.

COLORADO.

Frederick E. Cole, Arriba.

ILLINOIS.

Frank E. Hurless, Mount Carroll.

MASSACHUSETTS.

Llewellyn E. Pulsifer, Natick.
Fred C. Small, Buzzards Bay.

MICHIGAN.

Algernon S. Young, Harrison.

MINNESOTA.

Joseph Maertz, New Prague.

MISSOURI.

Bert Sumpter, Leadwood.

MONTANA.

Joseph Appolonio, Victor.

NEW JERSEY.

William P. Ellett, Branchville.
John Merritt, Weehawken.
Elmer B. Ramsey, High Bridge.

NEW YORK.

Charles C. Horton, Silver Creek.
Cornelia W. Wood, Locust Valley.

OHIO.

Peter T. McLellan, Lucasville.
Mary Sivalls, Woodville.

WEST VIRGINIA.

W. B. Hines, White Sulphur Springs.

INJUNCTION OF SECRECY REMOVED.

July 24, 1911, the Senate removed the injunction of secrecy from a convention looking to the protection and preservation of the fur seals and sea otters in a certain defined zone of the North Pacific Ocean, signed by the plenipotentiaries of the United States, Great Britain, Japan, and Russia, at Washington on July 7, 1911.

SENATE.

TUESDAY, *July 25, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

PROTECTION OF FUR SEALS.

Mr. LODGE. I ask for a reprint of the message from the President of the United States, transmitting a convention looking to the protection and preservation of the fur seals and sea otters in a certain defined zone of the North Pacific Ocean, signed by the plenipotentiaries of the United States, Great Britain, Japan, and Russia, at Washington on July 7, 1911.

The convention has been ratified and the injunction of secrecy removed. The supply is entirely exhausted, the executive clerk states. I ask that it be printed as a document. (S. Doc. No. 75.)

The VICE PRESIDENT. Without objection, the order will be entered.

TARIFF DUTIES ON WOOL.

Mr. STONE. Mr. President, I desire to state for the information of the Senate that in the document I had printed yesterday morning—Document No. 74, which is a comparison of the present and proposed rates on Schedule K—an error appears. On the second page, in the second item, in the column under the headline "Revenue for 1910," the revenue in the print on unwashed wool not on the skin is given at $111,879,578.40. It should have been $11,879,578.40. The Printing Office informs me that the error will be corrected.

There is also one item in the manuscript sent to the Printing Office relating to carpets which was omitted. That item will be included in the reprint.

Mr. CULBERSON. What was the last item?

Mr. STONE. An item relating to carpets, which was left out in the print, but it will appear in the corrected print.

Mr. SMOOT. I understand that the Printing Office is going to reprint the document and make the corrections referred to by the Senator from Missouri.

I also want to call attention to another error in the document, which the Senator will notice, on wools of the second class in the comparison under what is called the Smoot rate. Under the item wool, scoured, it gives at 20 per cent under the Underwood ad valorem rate, and unwashed, 27 cents per pound under the Smoot rate, which of course is wrong. If the Senator has no objection, that correction will be made as well.

Mr. STONE. Certainly, I have no objection. I should like to ask the Senator, however, if he refers to the last two items on page 2?

Mr. SMOOT. No; not the last two items. That is camel's hair that the Senator refers to there. It is under class 2 wool, on page 2, where it gives the Payne rate at 36 cents per pound, actual and computed ad valorem rate, of $129.60; revenue for 1910, $19.44.

Mr. STONE. Yes; I have it.

Mr. SMOOT. The Underwood ad valorem is given at 20 per cent, and then it says Smoot rate, unwashed, 27 cents per pound. That is not true. It should be scoured, 27 cents per pound, instead of unwashed. So that ought to be changed.

Mr. STONE. Just that one item.

Mr. SMOOT. Then two lines below, under camel's hair, where it says scoured, unwashed, 27 cents per pound, that ought to read scoured, 27 cents per pound. Those are the two errors that I ask to have corrected.

Mr. STONE. I suggest to the Senator that he phone to the Printing Office and have the correction made, for it is likely to go to press again very soon.

Mr. SMOOT. I am aware of that, and I called the Senator's attention to it at this time because I wanted to telephone to the Public Printer to make the change.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the memorial of G. C. Tanner, of the city of Washington, D. C., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a memorial of sundry citizens of Illinois, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Texas and Indiana, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BURTON presented a petition of sundry citizens of Toledo, Ohio, praying for the adoption of the proposed constitution for the Territory of Arizona, which was ordered to lie on the table.

Mr. McLEAN presented a memorial of the Fourth Division, Ancient Order of Hibernians, of Hartford, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of the Merchants' Association of Pawtucket, R. I., praying that an appropriation be made providing for a 30-foot channel for Providence Harbor, in that State, which was referred to the Committee on Commerce.

CLAIMS FOR LOSS OF PROPERTY.

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (S. 323) for the payment of certain claims for damages to and loss of private property, reported it with an amendment and submitted a report (No. 108) thereon.

JOINT COMMITTEE ON THE LIBRARY.

Mr. WARREN. From the Committee on Rules I report back favorably, without amendment, the joint resolution (S. J. Res. 21) increasing the membership of the Joint Committee of Congress upon the Library. The joint resolution is very short, and I ask for its immediate consideration.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the Joint Committee of Congress upon the Library, authorized by section 82 of the Revised Statutes, shall hereafter consist of eight Members of the Senate and eight Members of the House of Representatives.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF THOMAS M. BROWER AND OTHERS.

Mr. CRAWFORD. I am directed by the Committee on Claims to report favorably a resolution referring two claims to the Court of Claims. I ask unanimous consent for its immediate consideration.

The resolution (S. Res. 114) was considered by unanimous consent and agreed to, as follows:

Resolved, That the claims of Thomas M. Brower and John M. Brower, heirs of Jacob W. Brower, deceased (S. 2962), and S. and W. Welsh and others (S. 2999), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to

provide for the bringing of suits against the Government of the United States, approved March 3, 1887, and commonly known as the Tucker Act. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILL INTRODUCED.

Mr. CUMMINS introduced a bill (S. 3104) granting an increase of pension to John Fair, which was read twice by its title and referred to the Committee on Pensions.

DEFICIENCY APPROPRIATIONS.

Mr. SMOOT submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress, which was referred to the Committee on Appropriations and ordered to be printed.

MESSENGER TO COMMITTEE ON PUBLIC LANDS.

Mr. NELSON submitted the following resolution (S. Res. 115), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Lands be, and it is hereby, authorized to employ a messenger at a salary of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

ASSISTANT CLERK TO COMMITTEE ON EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. GRONNA submitted the following resolution (S. Res. 116), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Expenditures in the Navy Department be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

SUGAR-BEET CULTURE.

Mr. SMOOT. I present a letter, together with certain data prepared by Truman G. Palmer, concerning the indirect agricultural benefits which are derived from the culture of sugar beets. I move that the matter be printed as a Senate document. (S. Doc. No. 76.)

The motion was agreed to.

LOANS IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS. I ask unanimous consent to call up Senate bill 25, known as the loan-shark bill. It ought not to take very much time. There are certain amendments proposed by the committee.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of a bill which will be read by title.

The SECRETARY. A bill (S. 25) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real-estate brokers in the District of Columbia.

The VICE PRESIDENT. The bill has been read. Is there objection to its present consideration?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CULLOM. It seems to be a very important measure. I think it had better be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 5, page 6, line 7, before the words "per centum," to strike out "two" and insert "one and one-half," so as to read:

SEC. 5. That no such person, firm, voluntary association, joint-stock company, incorporated society, or corporation shall charge or receive a greater rate of interest upon any loan made by him or it than 1½ per cent per month on the actual amount of the loan, and this charge shall cover all expenses, demands, and services of every character, including notarial and recording fees and charges, except upon the foreclosure of the security.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 23, before the word "hundred," to strike out "three" and insert "one," so as to read:

No such loan greater than $100 shall be made to any one person.

Mr. HEYBURN. Mr. President, there seems to be general consent that this legislation shall go through with very scant consideration.

Mr. CURTIS. The bill was discussed for several days in the last Congress.

Mr. HEYBURN. Was this amendment in the bill at the last Congress?

Mr. CURTIS. It was not.

Mr. HEYBURN. I thought not.

Mr. CURTIS. This amendment was adopted by the committee, changing the amount which might be loaned from $300 to $100.

Mr. HEYBURN. I recognize it.

Mr. CURTIS. There is also another amendment that——

Mr. HEYBURN. Follows.

Mr. CURTIS. Yes.

Mr. BURTON. Mr. President——

The VICE PRESIDENT. The Senator from Idaho [Mr. HEYBURN] has the floor.

Mr. HEYBURN. I have no particular desire to discuss this matter, but it does not appeal to me as being conservative legislation, and I think goes beyond the power of Congress in some respects. Since the last consideration of the bill at the previous session some seem to have arrived at the conclusion that if they could get a part of it they could get a good bit more; and these amendments are very radical. This is a bill in the interest of the banks, and it had its inception there. They want a monopoly on the business of dealing in money. I have just as much sympathy with the weaklings who are taken advantage of as any man can have. Just how far the Government should enter upon the question of regulating how much money one man may loan another, because he is a weakling and incapable of taking care of himself, is a large question and should receive careful consideration.

I do not know what was the motive for the amendment just reached and under consideration, except that it be upon the theory that I have suggested, that they could get anything they wanted, that they could make this monopoly just as tight as they desired. Under the bill, as it was considered at the previous Congress, if my recollection serves me—and I think I am correct—the limitation was placed at $300. I doubt our power to make that limitation; but, waiving that question for the moment, some one has conceived the idea of reducing that to $100.

I suppose what they want is just about to cover one month's pay, so that a man could only borrow what he would be entitled to receive as his compensation at the end of the current month. I presume that is the purpose. I will not go further at this time, although when the next amendment is reached I may desire to make a suggestion or two.

Mr. CURTIS. Mr. President——

Mr. HEYBURN. I am not yet quite through. I want to feel that the Senate, at least, looked at this bill as it went by. That is the way I feel about it.

There are some very radical provisions in the bill. The committee have also changed the rate of interest in line 7, page 6. That amendment has just been adopted as in Committee of the Whole. I wonder if that change was not suggested by some bank to make it conform to their back-door business? In this age banks have a back door at which they transact business which would be illegitimate if transacted at the front door. I do not believe that we want to overlook that fact. I never had occasion to appeal to any such institution; I am speaking from an entirely impersonal standpoint; but still recognizing a duty to scan every bit of legislation that is proposed in this body.

I do not know whether any Senator would care to arise and say that this bill was not a banker's bill; that its object, so far as the banks are concerned, is not to put other people out of the business in order that they may transact it. It bears that label all over it. I am not inclined to sit silently in my place in this body and allow that kind of legislation to glide along as smoothly as this seems to be gliding down the ways. I at least intend to suggest to Senators that it is worthy of serious consideration. I think the courts will take care of it, should we enact it, by holding that we had no power to do so. It is quite certain that no court would sustain legislation that undertook to say that one man could only loan money to another man after having taken out a license to do so, because that is one of the rights that are fundamental. We have not the power to do everything that somebody would like to have us do. We have not the power to say that a man must have a license to transact the ordinary business of life. The power of license restriction is limited, but this undertakes to go further and say who may have a license. Then it undertakes to go further than that, and say how much money a man who has a license may loan some other man. It obliterates the right of contract, which is one of the best established of the rights under our Government. When dealings are had between individuals, it obliterates that right.

There is need of some restraining force. Whether it can best be administered from the lecture platform or through missionary work or through legislation is a question seriously to be considered.

I would be inclined to think that persons capable of serving the Government of the United States in any capacity ought to possess some capacity for attending to their own business. Of course, the information that has been gathered in this matter would not lead one to the conclusion that any very large number of the Government employees needed this protection. It is intended, I think, confessedly for the protection of Government employees. No complaint has been made that the men who are working for the ice company, the gas company, or any of those companies need the protection of this law; that they are so extravagant and careless as to make contracts to do that which no sensible person would think of doing; but it is intended purely—and if I am wrong in this I should like to be corrected—as a protective measure for Government employees. They now are under civil service; they have a guaranty of law that their position is a life position, regardless of their efficiency, so that they feel justified in mortgaging this life tenure of office to an almost unlimited extent. I have been told that some persons who are in the Government employ are continually mortgaged for a year; that their wages are anticipated for a year at a very unreasonable rate of interest. Such a person as that should have a guardian rather than a Government position. I would doubt the capacity, the conservative intelligence of any person of that kind to perform any duty for the Government.

So, Mr. President, I merely want the Senate to pause before it runs over this so rapidly; I want it to pause before it makes the amendment now under consideration or reduces from $300 to $100 the amount that a person may borrow. I want to know why the amendment is suggested. I would be interested to know who suggested that amendment, and the purpose, the foundation, of it. That much for that amendment. The next amendment is entitled to more consideration.

Mr. CURTIS. Mr. President, the Senator from Idaho clearly misunderstands the intention of the amendment. A bill precisely similar to this passed the Senate at the last session of Congress after very careful consideration, fixing the amount of interest at 2 per cent a month and limiting the amount of such loans to $300. The pending bill was introduced and referred to the Committee on the District of Columbia. When the measure was taken up by that committee several Senators opposed the large interest charge. Among others was the Senator from Kansas, who reports this measure. After considerable discussion in the committee and an effort to reduce the rate of interest to 12 per cent, a majority of the committee voted to make the amount 18 per cent. The Senator from Kansas, believing that 18 per cent was too high a rate of interest to charge on $300, moved, on his own motion, and not at the suggestion of any bank or person, to reduce the amount to $100, because the Senator from Kansas believed that 18 per cent was too much interest to pay on a loan to the amount of $300 and that any person who desired to borrow that sum of money should be able to secure it at a very much lower rate of interest. The amendment suggested by the Senator from Kansas was agreed to, and the amount of the loan to which this rate would apply was reduced to $100. That was the sole reason for offering the amendment, so that parties would not be held up for a large rate of interest.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. I notice the bill provides for issuing licenses to those who are engaged in loaning money at a rate of interest greater than 6 per cent. If we limit the amount of the loans to a hundred dollars, as provided for in this amendment, would not that prevent a loan being made at 7 per cent for as much as $200 or $150 or any amount over $100?

Mr. CURTIS. That would depend upon the institution from which the money was borrowed. I want to say to the Senator that I think some Senator or Member of the House of Representatives would do a good service to the District of Columbia if he would redraw the banking and loan laws of the District. Under existing law the banks and loan companies are limited to a certain rate of interest, 6 per cent, and by contract may charge 10 per cent, I believe, while pawnbrokers may charge 2 per cent a month up to $25 and 12 per cent interest per annum on loans above $25.

Mr. SUTHERLAND. What I want to know from the Senator from Kansas is this: If we adopt this amendment and pass this bill, whether or not under the existing law, it will then be impossible for anybody to borrow a sum exceeding $100 at interest exceeding 6 per cent?

Mr. CURTIS. I should judge so, unless the money be from persons or companies not included in this act, which is intended to apply to small loans.

Mr. SUTHERLAND. Does the Senator think that would be wise legislation?

Mr. CURTIS. I do. I think if a man borrows over $200 or over $100, 6 per cent is abundant interest to pay for it.

Mr. SUTHERLAND. That is a smaller rate of interest than I think is allowed in most of the States of the Union. The legal rate of interest in my own State, for example, I think, is 8 per cent.

Mr. CURTIS. But the Senator must remember that this bill applies only to men engaged in a certain class of business. Other acts fix the rate of interest which other parties may charge.

Mr. SUTHERLAND. Well, does the Senator understand, then, that if an individual desires to borrow a sum exceeding $100 he could go to a bank in the city——

Mr. CURTIS. He could go to a banking institution.

Mr. SUTHERLAND. And that the bank would be authorized to charge him more than 6 per cent?

Mr. CURTIS. The bank would be authorized to charge up to the lawful rate of interest in the District of Columbia, which, I believe, is 10 per cent, although I am not sure about that.

Mr. SUTHERLAND. That is simply the legal rate of interest.

Mr. CURTIS. Yes.

Mr. SUTHERLAND. That would be the amount that could be recovered in case there was no contract covering the amount of interest. Unless the law provided that an amount in excess of that would be usurious, it would not prevent charging him by special contract.

Mr. CURTIS. I think the act of Congress limits the banks. I have not, however, had time to examine the act. I only have examined the act in reference to pawnbrokers, because of its being similar to the bill now under consideration. I will state that the Senator from Vermont [Mr. DILLINGHAM] had charge of the bill during the last session, and I was simply authorized to report the bill because two or three of the amendments proposed by me were adopted by the committee, and the time of the Senator from Vermont [Mr. DILLINGHAM] was fully occupied by work upon another committee.

Mr. SUTHERLAND. I will simply say to the Senator from Kansas that I am in hearty sympathy with what appears to be the purpose of this legislation, but I should like to know more about what the effect is going to be and what the existing laws in the District are before voting upon it.

Mr. BURTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. CURTIS. Certainly.

Mr. BURTON. May I ask whether there is any general usury law in the District of Columbia?

Mr. CURTIS. That I can not tell. I have not had the time to look that up and ascertain.

Mr. BURTON. I am quite positive, Mr. President, that at one time there was no usury law in this District. A manual published some years ago gave that as a fact, with reference to the District of Columbia and one State and one Territory, every other jurisdiction having a usury law.

Now, one or two other questions. This law is aimed at those who lend money on collateral security—the general business of the pawnbroker, is it not?

Mr. CURTIS. It is not. This does not apply to pawnbrokers at all.

Mr. BURTON. What is it aimed at?

Mr. CURTIS. The act is aimed at the people who loan money to Government clerks and others on personal security, such as chattel mortgages, personal and other security. It is not wholly intended to cover Government employees, as suggested by the Senator from Idaho [Mr. HEYBURN], because the showing before the committee during the former Congress disclosed that many other people had been charged as high as 361 per cent by the so-called loan sharks. It is to relieve the class of people who borrow five, ten, fifteen, twenty, or fifty dollars from those who are willing to loan them on chattel mortgages on their furniture or on the indorsement of a friend, and charge the borrower outrageous rates of interest. It is the object of the bill to do away with that kind of business.

Mr. BURTON. Then, am I to understand that this bill regulates the individual lender who loans small sums on chattel mortgages in the same manner as the pawnbrokers are now regulated?

Mr. CURTIS. Exactly, except that it does not permit them to charge as much interest as the pawnbrokers are permitted to charge on $25 loans.

Mr. BURTON. I note that in section 8 banks, trust companies, building and loan associations, and pawnbrokers are not

included in this act, but that they are regulated by an earlier act.

Mr. CURTIS. That is because they are provided for in separate acts.

Mr. BURTON. May I ask the Senator from Kansas what rates of interest pawnbrokers in the District are allowed to charge?

Mr. CURTIS. Pawnbrokers in the District are permitted to charge, under the act of March 2, 1889, 24 per cent per annum upon any loan not exceeding the sum of $25, and not more than 12 per cent per annum upon any loan exceeding the sum of $25.

Mr. BURTON. And they are licensed and under public regulation?

Mr. CURTIS. They are.

Mr. BURTON. One other question I should like to ask. Does this bill prevent one individual from engaging to loan to another unless he is licensed?

Mr. CURTIS. In the ordinary course of business, no. I think this bill applies only to men who are engaged in the business of making small loans on personal security. I believe there is nothing in the bill that would prevent one man from lending $5,000 or $10,000 or any other sum as he may now do.

Mr. BURTON. At whatever rate of interest is allowed in the District of Columbia and without license?

Mr. CURTIS. Yes; that is my judgment.

Mr. BURTON. I will state in that connection, Mr. President, that if this bill takes away the right of contract between private individuals it would give an undue advantage to the banks——

Mr. CURTIS. There was no intention of that kind.

Mr. BURTON. And the institutions that are included in section 8. I note that in the very beginning the first section provides—

That hereafter it shall be unlawful and illegal to engage in the business of loaning money—

That provision, I take it, the committee interpreted as limiting this act to those who are engaged in the business of loaning money.

Mr. CURTIS. To those engaged in the business. That is my understanding.

Mr. BURTON. How do you know that some person in a department will not charge an exorbitant rate of interest, and when a penalty is sought to be enforced he can simply say, "I have not engaged in the business; the loan was just a chance transaction"?

Mr. CURTIS. I think that will be prevented by the amendment which has been offered and agreed to by the committee, requiring the dismissal from the Government employ of any person who violates the provisions of the act.

Mr. BURTON. He might not be in the employ of the Government. He might be an outsider, who was in touch with Government employees. As the Senator from North Dakota [Mr. MCCUMBER] suggests, he would not violate the act if he were not in the business of lending money, and it might be a difficult task to draw the line between those engaged in the business and those who were not. Does not the Senator from Kansas think that a better way to regulate this whole matter would be to confine the business to those having licenses and engaged in the business—in some such manner as the pawnbroker or the professional money lender?

Mr. CURTIS. That is what is intended, so far as the business is concerned, to limit it to the men who have licenses; but it would not, I believe, apply to an individual who desired to borrow or loan a few thousand dollars in the ordinary transaction of business between men and by men who did not make a regular business of lending money.

Mr. BURTON. It is not aimed at the regular business of the pawnbroker, whose rate of interest is already regulated, but, for the most part, to those loans which are made in the departments to individuals in Government employ?

Mr. CURTIS. Largely; yes.

Mr. BURTON. Where some individuals charge exorbitant rates of interest.

Mr. CURTIS. In some cases—in many cases over 300 per cent. We have had cases where over 350 per cent was charged.

Mr. BURTON. That discloses a rather singular situation.

Mr. CURTIS. There is great demand for this legislation, and I hope the Senate will enact the bill into law. I want to say that for myself I think the interest is too high. The amendment proposed by me fixed the interest at 12 per cent; but a majority of the committee thought it should be 18 per cent, and then limited the amount to $100; the amendments and the bill were agreed to by the committee, and the Senator from Kansas was authorized to report the bill as amended by the committee.

Mr. BURTON. Just one more question. May I ask whether the committee considered the subject of prohibiting that class of loans entirely?

Mr. CURTIS. I think not. I want to say to the Senator, to be very frank, that this bill was thoroughly gone over in the last Congress, when the Senator from Kansas and several others who are now members were not members of the Committee on the District of Columbia.

At that time full and complete hearings were had. All the different loan agents in the city were called upon. The District Commissioners were called upon, and after a full and complete hearing in the last Congress the bill was reported, fixing the interest rate at 2 per cent. The necessity for the legislation was set out in a letter from the Commissioners of the District of Columbia, dated December 10, 1909. During this session the committee did not think it important to have further hearings, and so the bill was recommended for report, without additional hearings upon such amendments as the committee agreed to after consideration by the members of the committee. There were no outside hearings at all, and I therefore regret not to be able to give the Senator the full information he desires, because I was not a member of the District Committee at the last session, when the hearings were held.

Mr. MCCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. CURTIS. Certainly.

Mr. MCCUMBER. I want to ask the Senator from Kansas why it is necessary to go in this roundabout method to reach a particular object? Nearly every State has its usury law. It imposes a penalty for charging more than a given amount of interest, no matter who charges it. It makes no distinction between different classes of its own citizens. Why should we have a provision in the District of Columbia that some particular persons may charge a certain amount of interest, while some other person, who is not in that business of loaning, may not be able to loan above a certain amount and may not charge more than a certain amount? If 10 per cent is as much as ever ought to be charged under any circumstances, why not have a usury law making it unlawful to charge anyone more than that amount, and forfeit the amount in excess; or forfeit the entire interest charged, if you wish to make it punishable?

I can not see any reason why one person is to be prohibited from doing that which, under a law of nature and under all business ideas, he is entitled to do, and that is to loan to anyone for any reasonable length of time and for any reasonable rate and take his security, and make it a criminal offense to charge an exorbitant rate.

Mr. BURTON. In that connection, if the Senator from North Dakota will yield to me——

Mr. MCCUMBER. Certainly.

Mr. BURTON. I have now the statute of the District of Columbia, which, I think, will clarify this situation somewhat. It seems there was no usury act up to 1902, when an act was passed providing:

SEC. 1178. Rate of interest.—The rate of interest in the District upon the loan or forbearance of any money, goods, or things in action, and the rate to be allowed in judgments and decrees, in the absence of express contract as to such rate of interest, shall be $6 upon $100 for one year, and at that rate for a greater or less sum or for a longer or shorter time.

SEC. 1179. Express contracts.—The parties to a bond, bill, promissory note, or other instrument of writing for the payment of money at any future time may contract therein for the payment of interest on the principal amount thereof at any rate not exceeding 10 per cent per annum.

So, in the absence of any express declaration, 6 per cent is the general legal rate, but the parties may contract for a rate not exceeding 10 per cent.

Mr. CURTIS. Yes.

Mr. MCCUMBER. That being the case, I confess I can not see any necessity whatever for this legislation. You can reach those persons by the criminal law.

If you wish to make also a law that will subject these usurers to dismissal if they are in the Government employ, that can be done. It seems to me we have an adequate provision there.

Mr. CURTIS. The difficulty is that many of these people who are loaning money are not in Government employ. They are loaning money to people who are in Government employment and others. I would suggest to the Senator that it would be impossible to reach these people under this law. There is an amendment, adopted upon the suggestion of the Senator from Kansas, providing a forfeiture of a part of the principal and all of the interest in case of the violation of this law, the amount forfeited to be paid to the borrower.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. CURTIS. Certainly.

Mr. NELSON. Will the Senator from Kansas allow me to ask the Senator from Ohio a question?

Mr. CURTIS. Yes.

Mr. NELSON. What is the penalty in that law?

Mr. BURTON. The penalty is the forfeiture of the interest.

Mr. NELSON. Is that all?

Mr. BURTON. That is all. There may be some other provision here——

Mr. NELSON. Then I will say that is no penalty at all.

Mr. BURTON. I take it that is all which is contained in the general statute upon interest.

I should add that there is an exception in the case of pawnbrokers:

That nothing in this chapter contained shall be held to repeal or affect the act of Congress approved March 2, 1889, relating to pawnbrokers.

Under that statute, as stated by the Senator from Kansas, interest at the rate of 24 per cent can be charged on an amount up to $25 and 12 per cent on a loan of more than that amount.

There are the three classes of penalties in regard to usury: One, the forfeiture of the excess paid; another, the forfeiture of the whole interest; and another, in some of the States, the forfeiture of the whole debt. In this case the creditor shall forfeit the whole of the interest contracted to be received.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. Certainly.

Mr. HEYBURN. Mr. President, what more is necessary then than to close the courts to the collection of a loan made in violation of existing law? That will completely answer every possible necessity assumed to exist for the enactment of this legislation. The existing law fixes the rate of interest at 6 per cent where there is no contract and at 10 per cent when there is a contract, and provides for the forfeiture of the interest. Now, why is it not quite sufficient to say that no action may be maintained in any court for the recovery of any debt contracted in violation of the provisions of this act?

Mr. CURTIS. The Senator surely realizes that the man or woman who borrows $10, $15, or $25 is not going into court to contest with a loan agent who charges 18 or 24, or even, as shown in the hearings, 300 per cent.

Mr. HEYBURN. They would not be compelled to go into court. The courts themselves would not open their doors. The courts would not grant process.

Mr. CURTIS. But, Mr. President, the parties do not——

Mr. HEYBURN. It requires process before the defendant, the borrower, is put upon notice. There must be some process. If the complaint, or whatever the original writ may be in the District of Columbia, set forth the fact that it was for the recovery of so much principal, with interest at a certain per cent, unless it was within the statute the action would not lie, and the court would not issue its process.

Mr. CURTIS. These loans are not collected in the courts.

Mr. HEYBURN. Where are they collected?

Mr. CURTIS. Why, they are paid without suit.

Mr. HEYBURN. Oh, well, then——

Mr. CURTIS. The debtor voluntarily pays the money. Of course, if they should bring suit to collect the money under existing law, they could not collect over 10 per cent.

Mr. HEYBURN. Then this statute is intended to operate upon the borrower as well as the lender?

Mr. CURTIS. It is intended to protect the men and the women who, because of their condition, are forced to borrow from the men who have the hardihood to charge 300 per cent interest a year.

Mr. HEYBURN. I notice in the report accompanying this bill that—

A woman whose daughter came down with tuberculosis was told by the doctor she must be sent away for this reason at once. She borrowed $100 from a prominent money lender in this city, and besides paying a fee of $1.50, gave 12 monthly notes for $11.70 each, making $140.40.

I suppose the daughter would have been compelled to remain in the District of Columbia and take chances on the result of this attack of tuberculosis. Perhaps the borrower there would not like to have a law enacted which would make it impossible in a case of stress to make some kind of a contract for money. I do not think the bill goes about it in the right way. If you are going to make these contracts illegal, enough people will raise the question as to whether they are compelled to repay this money, I think, to establish a rule.

Mr. CURTIS. I want to disclaim the authorship of this bill. As I informed the Senator, I am simply in charge of it because three amendments offered by me were adopted by the committee, and I was then asked by the committee to report the measure. I did not introduce it and had nothing to do with its introduction or preparation.

Mr. HEYBURN. It is quite important, sometimes, I infer from circumstances cited in this report, that people under stress of circumstances suddenly confronting them may borrow money, and they are beneficiaries if they can find some place to get the money. Perhaps they may not be known at a bank. Perhaps they would not be able to get any money at all if you closed the door absolutely against them. I think you can regulate a thing like this without going to the extreme of closing it up. And then, again, does the Senator from Kansas think we have the power to say that a person shall not loan his own money under any contract he and the borrower may see fit to make, except as to the usury?

Mr. CURTIS. If a person engages in the business, undoubtedly we have the right.

Mr. HEYBURN. I know, but that term "engaging in business" is one of uncertain boundaries and latitude.

Mr. CURTIS. That, then, would be a matter for the court to pass upon, in case the parties were brought into court.

Mr. McCUMBER. May I ask the Senator a question right here?

Mr. CURTIS. Certainly.

Mr. McCUMBER. Any bank in this city has the authority to loan money and charge a rate of interest not to exceed 10 per cent, has it not?

Mr. CURTIS. Ten per cent, under a special contract.

Mr. McCUMBER. And such contract would be absolutely valid. Now, we will say that some resident of this city has saved $5,000, and he desires to loan that out, not at one time, but to loan it to different persons, and he wishes to get 8 per cent upon that money. Under this bill he must first get out a license that will cost him $500 for the privilege of loaning his own money legitimately and receiving a less rate of interest than is accorded the banks. It does not seem to me that that is just.

Mr. CURTIS. I do not think that is a true statement of the case, and I do not believe this law would apply to a person unless he was to "engage in the business" of loaning money.

Mr. McCUMBER. He would be engaged in the business of loaning his own money.

Mr. CURTIS. Loaning his money, and a man who would loan the money in that way would be recognized as a regular loan agent.

Mr. McCUMBER. What different position would that man occupy than one who would loan to Government clerks and loan $100 each to a hundred of those clerks?

Mr. CURTIS. The law provides that if a man——

Mr. McCUMBER. This man might divide his $5,000 in such sums as there would be less than $100 to a person, and yet if the law would apply to a man who loaned to Government clerks it certainly must apply to him as well, and he would be engaged in the business.

Mr. CURTIS. If he intended to organize and go into the regular loaning business, it should apply to him.

Mr. McCUMBER. A man does not organize himself. He is already organized, and he has $5,000 to loan, and why should you penalize——

Mr. CURTIS. If it is his purpose to go into the loaning business in that way, it should apply to him.

Mr. McCUMBER. Why should he be compelled to take out a license and pay a large sum of money for loaning a comparatively small sum of money?

Mr. CURTIS. The Senator knows it would not be necessary for him, if he had $5,000, to go into the small-loan business in order to loan it.

Mr. NELSON. Will the Senator permit me to ask a question?

Mr. CURTIS. Certainly.

Mr. NELSON. I want to call attention, with the permission of the Senator from Kansas, to the fact that section 6 of this bill affords a protection to the unfortunate borrower that he would not have under the general law cited by the Senator from Ohio [Mr. BURTON], and that is this: A man makes a small loan. He is charged usurious interest. The amount is so small that he can not afford to go into court and litigate it. But under section 6 of this bill he can make complaint of it, and if he establishes the fact of the usury the license of the loaner is revoked.

Mr. CURTIS. Upon such complaint being made and the charge sustained the license would be revoked.

Mr. NELSON. He is put out of business, and in that way a great relief is afforded to the public. If there is one of these professional money sharks who makes a business of loaning to department clerks or to other unfortunates small driblets of money at usurious rates, that man would be put out of business

in this way, without any particular expense to the unfortunate borrower; and in that way it affords a protection which is not found in the general usury law of the District of Columbia.

Mr. BURTON. There is one question that it seems to me may give rise to difficulties in the enforcement of this law, and that is the interpretation of the expression "engaged in the business of loaning money." On the one hand, does that include a case such as that mentioned by the Senator from North Dakota [Mr. MCCUMBER]?

Suppose it is a small capitalist who has twenty or thirty thousand dollars to loan on real estate mortgages at a rate of interest slightly in excess of 6 per cent. Is he engaged in the business of loaning? On the other hand, how can you prove that a person lending to Government clerks and charging an exorbitant rate of interest is engaged in the loan business?

I take it one result of this statute will be to limit these money lenders to a very small number, because a license of $500 is required, and there are comparatively few who are likely to pay that sum for the privilege of doing business. It naturally would be prohibitive. On that account it seems to me the law may prove effective, but there will still be the question, What is meant by "engaged in the business"?

Mr. CURTIS. As I have said——

Mr. BURTON. Suppose a man has $10,000 which he loans to neighbors in 10 loans of $1,000 each. Is he engaged in the business?

Mr. CURTIS. I should say not, unless he regularly had out a sign or gave evidence through agents or friends that he was engaged in that business, and was living off the business or partially off the business.

Mr. BURTON. If a man who has $500 to lend, loans it in sums of $50 each to 10 Government clerks, is he "engaged in the business"?

Mr. CURTIS. I should say not, if that is all he loaned.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Kansas yield to the Senator from Arkansas?

Mr. HEYBURN. Mr. President, I think I have the floor.

Mr. CURTIS. If the Senator from Arkansas will wait a moment—I yielded to the Senator from Idaho.

Mr. DAVIS. Just a moment——

Mr. CURTIS. I will yield to the Senator from Idaho first.

Mr. HEYBURN. I have no objection——

The PRESIDING OFFICER. The Senator from Kansas yields to the Senator from Idaho.

Mr. HEYBURN. I only have one or two additional suggestions. A man would have to take out a license to loan his own money under the provisions of this bill, because it says so. He would have to take out a license and pay $500 for that. It would take him some time to recoup his personal account for the $500 paid for the license. It might be that a man would have money enough to loan, on such terms as would bring in his livelihood, which might be within the limits of $500. He would have to get some bank to loan it for him.

I see through this proposition without difficulty. A man could not loan his own money without paying $500, and the bank could loan it without paying anything. He would have to pay the interest on $10,000 for the privilege of loaning $10,000. That is the plain result of the provisions of the first section of the bill. I should like to know if the committee considered that question. This is prohibitive in its terms. Nobody would pay 10 per cent, or 5 per cent, on $10,000 for the privilege of loaning it for 5 per cent.

Mr. CURTIS. That is why he would not be in the business; he would not pay a license unless he had sufficient money to justify his going into the business.

Mr. HEYBURN. You are going to grant a monopoly to some class of persons who pay no license.

Mr. CURTIS. It is not the object of the bill to grant a monopoly. It simply says that anyone who is willing to pay the license to carry on the business as provided in the bill shall have a license. If he violates the law, on the complaint of any individual his license may be taken away from him.

Mr. HEYBURN. But how about the person who is not required to pay for a license? By the provisions of the bill a person who loans money at the rate of interest of 6 per cent or less per annum does not have to pay for any license.

Mr. CURTIS. I beg pardon.

Mr. HEYBURN. The person who loans money at interest—that is, ordinary money—would not have to pay for a license. Why discriminate against one class? Why discriminate against a man who is to loan his own money in favor of a man who loans other people's money?

Mr. CURTIS. There is no discrimination against that class of people. The bill is aimed at men who are living off the misfortunes of the poor men and women in the District.

Mr. HEYBURN. It may be aimed at them, but it is scattered in its effect.

Mr. CURTIS. That may be true. I am not responsible for the bill.

Mr. HEYBURN. Possibly a single shot out of a thousand might hit that kind of a person, but it would also throw into the hands of one class of people all of the business connected with the loaning of money without a license. They would not be compelled to pay for a license. Why should they not pay for a license?

Mr. CURTIS. They are limited in the amount of interest they may charge under the act which was read by the Senator from Ohio. If they carry on a banking business, they pay the regular license charge, I suppose.

Mr. HEYBURN. They are doing business with somebody else's money nine times out of ten, and yet they may conduct the business without paying for a license. A man who wants to loan his own money must pay for a license, and the license is so high that the license fee of $500 would be prohibitive against the loan if he loaned his own money. Should any person desire to loan money which he had, rather than put it in bank and allow somebody else to loan it, he would be prohibited from doing it.

Mr. CURTIS. Does not the Senator consider that a man who wants to loan his own money and charge 300 per cent should be prevented from so doing?

Mr. HEYBURN. Suppose he wanted to charge 7 per cent.

Mr. CURTIS. Under this law, if engaged in loaning his own money, not in the regular business, he may charge 10 per cent.

Mr. HEYBURN. No; he can not loan his own money at 3 per cent under this bill.

Mr. CURTIS. I beg to differ from the Senator.

Mr. HEYBURN. Let us see whether he can. The bill right in the first part provides—

> That hereafter it shall be unlawful and illegal to engage in the business of loaning money upon which a rate of interest greater than 6 per cent per annum is charged on any security of any kind, direct or collateral, tangible or intangible, without procuring license.

Mr. CURTIS. To engage in the business.

Mr. HEYBURN. I am correct in the suggestion. He can loan money at 6 per cent or less. He can not loan money at more than 6 per cent without taking out a license.

Mr. DAVIS. Mr. President——

Mr. BORAH. Mr. President, may I ask under what order of business we are proceeding?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the junior Senator from Idaho?

Mr. CURTIS. With the consent of the senior Senator from Idaho, certainly.

Mr. HEYBURN. I yield.

Mr. BORAH. May I ask under what order of business we are proceeding?

The PRESIDING OFFICER. The Senate is proceeding in the morning hour. The question is upon agreeing to the amendment of the Committee on the District of Columbia to the pending bill. The Senate gave unanimous consent to the Senator from Kansas for the consideration of the bill.

Mr. HEYBURN. I do not desire to suggest further objections, although the bill is open to many of them.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CURTIS. I will yield first to the Senator from Arkansas [Mr. DAVIS].

Mr. DAVIS. Mr. President, I feel much interest in this bill, because it seems to be for the regulation of lending money, as I understand the Senator from Kansas. Do I understand the Senator from Kansas to say that under it a man can loan only $100 to any one individual at one time?

Mr. CURTIS. Under this measure the license is limited to men who are engaged in the business of making small loans to the poorer class of people in the District.

Mr. DAVIS. I happen to be on the borrowing side of the ledger. I want to suggest to the Senator from Kansas if it would not be wise and rather facilitate the question of the rate of interest and the amount to be loaned to cut out the question of security and compel a fellow to loan money. That is what I am interested in—to make the fellow loan it and cut out the question of ever collecting it.

Mr. CURTIS. That is a very good suggestion. I now yield to the Senator from Utah.

Mr. SUTHERLAND. As I understand the evil which the bill seeks to cure, it is that of charging extravagant rates of interest.

Mr. CURTIS. The Senator is correct.

Mr. SUTHERLAND. The Senator from Kansas will concede that it is just as evil for one man to charge an extravagant rate of interest as it is for another.

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. It is just as wrong for a bank to charge a usurious rate as it is for a pawnbroker, a real-estate broker, or anybody else, and these are the particular people who seem to be aimed at in the bill. Under the bill, as I understand it, a certain class of people are selected out, and we arrive at that class of people by a process of exclusion. Section 8 provides:

That nothing contained in this act shall be held to apply to the legitimate business of national banks, licensed bankers, trust companies, savings banks, building and loan associations, or to the business of pawnbrokers, or real-estate brokers, as defined in the act of Congress of July 1, 1902.

Mr. CURTIS. That is because there is an existing law covering those classes.

Mr. SUTHERLAND. I understand; but those institutions which are enumerated in section 8 are excluded from the operations of the bill, and every other corporation that desires to engage in the business of loaning money must come under the operation of the bill. The institutions enumerated in section 8, under the law, are permitted to charge as much as 10 per cent upon any amount of money which they may loan, are they not?

Mr. CURTIS. Certainly.

Mr. SUTHERLAND. But those who do not fall within the classes enumerated in section 8, coming under the operation of this bill, are not permitted to charge in excess of 6 per cent when the amount loaned exceeds $100. Is not that correct?

Mr. CURTIS. I do not think so. I think the bill is aimed at and would be applied only to those engaged in the business.

Mr. SUTHERLAND. I understand there is no usury law in the District.

Mr. CURTIS. Yes; it allows 10 per cent by contract.

Mr. SUTHERLAND. That does not make the 10 per cent usurious.

Mr. CURTIS. Six per cent is the rate of interest fixed in the District by the act of 1902, and by contract as high as 10 per cent may be charged.

Mr. SUTHERLAND. Is there a provision of law that any charge over that rate shall be usurious?

Mr. CURTIS. There is.

Mr. SUTHERLAND. There is a provision of that character. Why is not the law sufficient to cover this question?

Mr. CURTIS. Because that law can only be enforced in court, and under this bill the parties act under a license, and if they violate the law their license may be taken away from them on complaint. Furthermore, if they charge a greater rate of interest, they forfeit all the interest and a part of the principal, the act fixing a penalty and giving parties an opportunity to protect themselves without going to court. The man who borrows $10 or $15 or $25 can not and will not go into court, as the Senator well knows.

Mr. SUTHERLAND. Does not the law of usury provide that if an amount exceeding 10 per cent is charged the interest shall be forfeited?

Mr. CURTIS. There is only the forfeiture of interest.

Mr. SUTHERLAND. There is only the forfeiture of interest?

Mr. CURTIS. That is all.

Mr. SUTHERLAND. Is not that sufficient to induce people to refuse to pay such interest?

Mr. CURTIS. I do not think so.

Mr. SUTHERLAND. Let me ask the Senator from Kansas another question. Who were really asking for this legislation?

Mr. CURTIS. As I suggested to the Senator a few moments ago, I am unable to give the Senator the information he desires. A similar bill was presented in the last Congress and considered by the Committee on the District of Columbia. Hearings were had. Loan agents, the District Commissioners, and all parties interested were heard, and the committee reported a bill fixing the rate at 2 per cent a month—24 per cent a year. It was reported, and it passed the Senate.

When the bill was introduced at this session of Congress the committee did not think it worth while to have additional hearings, because a majority of the committee were old members and were in attendance at the former hearings. The amendments which were adopted were agreed upon after discussion in the committee, and the bill was authorized to be reported without hearings being had upon it at this session.

So far as the Senator from Kansas is concerned, he is unable to give the information as to who asked for this legislation. In the first place, I understand, it was recommended by the District Commissioners.

Mr. SUTHERLAND. In the various hearings that were had before the committee, did it or did it not become apparent as to the people or class of people who were asking favorable action upon the bill?

Mr. CURTIS. I understood it was asked for in the interest of the poor people who had been mulcted by the loan sharks of the District. As I said, several cases were brought to the attention of the committee where over 300 per cent had been charged.

Mr. SUTHERLAND. Did those people belong to any class or were they citizens generally?

Mr. CURTIS. Some of the people who asked for it belong to an association in the District who took an interest in it.

Mr. SUTHERLAND. Let me ask the Senator just one other question. The language of the first section of the bill is:

That hereafter it shall be unlawful and illegal to engage in the business of loaning money upon which a rate of interest greater than 6 per cent per annum is charged, etc.

Does the Senator understand that the phrase "upon which a rate of interest greater than 6 per cent is charged" qualifies the provision to engage in the business of loaning money in such a way that before the person who will come under the operation of the law would be required to obtain a license it must be his business to loan at that rate of interest?

Mr. CURTIS. That is my understanding.

Mr. SUTHERLAND. Then, if a person engages in the business ostensibly of loaning at a less rate of interest than 6 per cent, is there anything in the bill which would prevent him from making occasional loans at more than 6 per cent?

Mr. CURTIS. I do not think so.

Mr. SUTHERLAND. Should there not be?

Mr. CURTIS. Not if he is not regularly engaged in the loaning of small sums and engaged in that class of business.

Mr. SUTHERLAND. Suppose he is engaged in the business generally.

Mr. CURTIS. Then he should pay a license to come within the provisions of this act.

Mr. SUTHERLAND. Suppose he is engaged in the business generally of loaning money at 6 per cent, and states it as being the principal object of his business to loan money at less than that rate, but he from time to time, taking advantage of the necessities of poor people, charges them a greater rate of interest.

Mr. CURTIS. Then under the existing law he can charge——

Mr. SUTHERLAND. It is merely a question of degree, at any rate, and is it not an evil in any event to permit him to loan in these occasional cases?

Mr. CURTIS. It is an evil which is covered by the general law that limits him to 10 per cent. It is really a man who is forced to borrow from the loan shark who should be protected.

Mr. SUTHERLAND. But the Senator says that the law is ineffectual.

Mr. CURTIS. In those cases where people borrow $5, $10, $15, $20, $30, and $40 they will not resort to the courts.

Mr. SUTHERLAND. Why would it not be a better plan, then, for us to provide that the entire amount, the principal of the debt, shall not be recoverable where the amount of interest charged is greater than the 18 per cent mentioned?

Mr. CURTIS. I will say to the Senator it was my proposition that they should forfeit the whole amount; but after due consideration the committee thought best to adopt the amendment which will soon be reported to the Senate.

Mr. SUTHERLAND. I have already said to the Senator that I am in favor of the principle involved in the bill, but it does not seem to me that it is going to be effectual. I think a straight, direct provision that wherever interest is charged in the District exceeding 18 per cent upon $100, $200, $300, or $400, whatever amount may be determined upon, not only shall the interest be forfeited but the principal shall likewise be forfeited, will put an end to this evil a great deal more effectually than the complicated bill which has been presented by the committee.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. CURTIS. Yes, sir.

Mr. BURTON. I do not feel entirely sure of the accuracy of the answer I gave to the Senator from Minnesota [Mr. NELSON]. The statute certainly is not very clear. There are three sections, one of which was apparently drawn without knowledge of the others. I stated in answer to the question of the Senator from Minnesota that the penalty was the forfeiture of the entire

interest in cases where a usurious rate had been agreed upon. The statute is somewhat indefinite. It is to the effect that—

If any person or corporation shall contract in the District, verbally, to pay a greater rate of interest than 6 per cent per annum, or shall contract, in writing, to pay a greater rate than 6 per cent per annum, the creditor shall forfeit the whole of the interest so contracted to be received.

The statute allowing an express contract in writing for 10 per cent does not seem to have been in the mind of the draftsmen of that section, but I take it the interpretation would be as I stated it, that the penalty in all cases would be the forfeiture of the entire interest.

Mr. CURTIS. I think the Senator is correct.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. CURTIS. Certainly.

Mr. SMITH of Michigan. I do not like to take issue with my honored friend from Kansas, but while I agree with the Senator from Utah [Mr. SUTHERLAND] that the principle is correct, I think it would be most unfortunate for the American Congress to affirmatively legalize a rate of interest so high as the rate provided in the bill. I certainly hope that the bill will not pass in the form in which it has been presented.

I would much prefer to see the suggestion of the Senator from Idaho [Mr. HEYBURN] or that of the Senator from North Dakota [Mr. MCCUMBER] prevail and attach a penalty to the present usury law, but to affirmatively write into the public law that anyone may exact 18 per cent interest reflects no credit upon either the intelligence or the fairness of Congress.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. Does the Senator from Ohio desire to debate it?

Mr. CURTIS. The Senator from Ohio has amendments he intends to offer, and I suggest a vote on the committee amendments first, and then the Senator can offer his amendments.

Mr. POMERENE. Very well.

The PRESIDING OFFICER. The pending amendment of the committee will be stated.

The SECRETARY. In section 5, page 6, line 23, before the word "hundred," it is proposed to strike out "three" and insert "one," so as to read:

No such loan greater than $100 shall be made to any one person.

The amendment was agreed to.

The next amendment was, in section 5, page 6, line 24, after the word "person," to insert the following proviso:

Provided, That any person contracting, directly or indirectly, for, or receiving a greater rate of interest than that fixed in this act, shall *forfeit all* interest so contracted for or received; and in addition thereto shall forfeit to the borrower a sum of money, to be deducted from the amount due for principal, equal to one-fourth of the principal sum: *And provided further*, That any person in the employ of the Government violating any of the provisions of this act shall forfeit his office or position, and be removed from the same.

Mr. HEYBURN. Mr. President, that last provision would be difficult of enforcement. What right have we to declare that an office, held not through our appointment or over which we have any control, should be forfeited because a man does that which it is not unlawful for him to do, for, according to the language of this proposed amendment, this is applicable to both the loaner and the borrower?

Mr. CURTIS. No, Mr. President; it applies only to the loaner of the money.

Mr. HEYBURN. Let us see, now. That is a question in my mind.

Mr. CURTIS. The intent was to make it apply only to the loaner of the money.

Mr. HEYBURN. I do not mean to be dogmatic about it, but I think the language would have to be readjusted.

It reads:

Provided that any person—

Any person—

contracting—

A man who contracts to pay interest is as much a party to a contract as is the man who contracts to receive it.

That any person contracting, directly or indirectly, for or receiving a greater rate of interest——

Mr. CURTIS. "Contracting for"——

Mr. HEYBURN. I know that applies to one party. Can an act performed by two persons in conjunction, where two are necessary to the completion of it, be a crime for one of them and not for the other? In the case of two men fighting on the street, in violation of ordinance or law, can one of them be guilty without the other of disturbing the peace?

Mr. CURTIS. That would depend upon the circumstances.

Mr. HEYBURN. Well, but as to two men engaged in this illegal transaction, are you going to allow one of them to escape and the other not?

Mr. CURTIS. There is only one guilty party in this transaction, and that is the man who demands greater interest than the law allows.

Mr. HEYBURN. I think the Senator from Kansas is figuring on the future as to the manner of administering the law, rather than as to the language of the proposed law. It says:

And in addition thereto shall forfeit to the borrower—

That is, one of the parties to the illegal contract shall be a beneficiary. All he has to do is to make a contract and then go and make it known to the officers of the law, or have it brought up, so that the law may reach the parties, and he may make some money. Would that be a very moral transaction? It is about as immoral on his part, it seems to me, as it would be on the part of the other man who loaned the money. Then the bill says:

That any person in the employ of the Government violating any of the provisions of this act shall forfeit his office or position—

How would that be enforced? What writ of execution could issue from a court that would dissociate an appointee of the President of the United States from an office? How would you enforce that writ? Suppose the executive department of the Government should say: "Well, we do not recognize the right of a court to select employees of this department, because we select them under the law governing that matter," would there not be some difficulty in the execution of that writ. It does not provide that the officer, the head of the department or bureau, shall discharge such a person, but it provides that the person in the employment of the Government violating any of the provisions of this act shall forfeit his office. He has no office; he has a position. He is not an officer of the Government, but he is an employee.

Are you going to deprive him of his employment? Through what process of execution? Are you going to serve a certified copy of the judgment of the court upon him? Of course, no action can be taken until the matter has been brought to a determination. Suppose in a proceeding to recover money loaned in violation of this law the court were to enter a judgment or decree or whatever form its process might take that this was an illegal contract, and that this man is found to be an employee of the Government—it does not refer to him as an employee, but it refers to him as holding an office—then the court would have to reach the party with its process. How would it do it? The word "position" might be held to be equivalent to "employment"—the employment of an employee—but it certainly could not affect an office. A man can not be put out of office by a court except by a proceeding appropriate to the end sought. This would not be a proceeding for the forfeiture of an office; it would be a defense in an action to recover money loaned. How would the court render a judgment for recovery?

To be candid, I think this bill had better go back to the committee and receive further consideration, because it proposes to do many things that we have not the power to do and more things that we ought not to do. I think that the rivalry in the business of buying and selling money is accountable for this class of legislation.

Under the laws of a State with which I am familiar the party in such cases forfeits the principal to the school fund. The borrower is not relieved from paying; he will be compelled to pay the amount found to be due within a legal contract by the court; but instead of paying it to the loaning party he pays it to the school fund. That has had a very excellent effect. A few instances of the enforcement of the law rendered its further consideration merely an academic question in that community.

I would suggest further consideration of this bill. I believe that I will test the sense of the Senate by moving that the bill be referred back to the committee from which it came, and I think the Senator from Kansas [Mr. CURTIS] is probably by this time convinced that it ought to receive further consideration.

Mr. CURTIS. Mr. President, I do not agree to that, and I hope that the motion of the Senator from Idaho will be voted down.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Vermont?

Mr. CURTIS. Certainly.

Mr. PAGE. Mr. President, I hope the bill will not be recommitted. I come from a little State which believes that any sum above 6 per cent is usurious, and I believe that the committee have in the best possible way, and after a great deal of deliberation, reported a bill which they believe effects their purpose. I want to say that if we are to delay the passage of this bill until the fertile mind of the Senator from Idaho [Mr. HEYBURN] can

fail to find some objection to it, it never will pass. Let us put the bill upon its passage now.

Mr. HEYBURN. Mr. President, I ask to interrupt the Senator before he takes his seat. I hope the Senator is not under the impression that I am opposed to legislation that will obviate an evil. It is not that I am opposed to the legislation, but to the manner proposed; that is all.

Mr. PAGE. Mr. President, I think I understand the position of the Senator. He does not take positive action against this bill, but he seems to find reasons why, to his mind, it should not pass. Those reasons do not appeal to me, and unless I see some good reason for recommitting the bill, I prefer to express myself as vigorously as I can in favor of putting it upon its passage and putting it upon its passage now.

I remember the other day the Senator from Idaho gave this bill an unfortunate position by asking to have it put upon the calendar under Rule IX. I thought then that he was opposed to the passage of the bill. I can not now quite see how he is in favor of it as it at present stands.

Mr. HEYBURN. I think the Senator has conceived an entirely erroneous impression of my reason or the motive which actuates a Senator in asking that a bill, which is under Rule VIII on the calendar, shall go to Rule IX. Outside of the Senate that seems to be thought an antagonistic action. It is not. We send bills to the calendar under Rule IX in order that they may only come up upon notice. It is just as easy to take up a bill that is on the calendar under Rule IX upon motion as it is to take it up on motion under Rule VIII, and a bill under Rule VIII can never be taken up if there is a single objection to it, so that there is no difference, except that it relieves Senators from being always on guard. They have more than one thing to attend to.

I saw a statement, utterly without foundation, in one of the Washington papers that I was an enemy of the District of Columbia because I had, in the ordinary procedure of the business of this body, asked that certain bills go over to the calendar under Rule IX. What is Rule IX for? Is it a position of discredit in legislation that a bill should be put under Rule IX? We have always had a great many measures, rather respectable most of them, under Rule IX, because under Rule VIII matters can only be considered under the five-minute rule, while under Rule IX they may be debated under the general rules of the Senate. Is a Member of this body to be held up as antagonistic to the District of Columbia because, in the ordinary course of procedure, he suggests that a bill go to the calendar under Rule IX? That is one of those irresponsible effusions from persons who sit and look on and know nothing of the rules of parliamentary procedure, but only know a little petty spite. That is all.

Mr. PAGE. Mr. President, I want to take this occasion to say that no man here more highly appreciates the value of the services of the Senator from Idaho [Mr. HEYBURN] with reference to all the multifarious bills on the calendar under Rule VII than do I. I have sat here day after day and have wondered how many bills would pass but for his keen and watchful eye, and so anything I may say in regard to this bill is said with great respect to the Senator from Idaho. I want him to understand that, and to know that it comes from my heart.

I had always supposed to place a bill on the calendar under Rule IX was in parliamentary understanding to give it a position of disadvantage. If I am wrong about that I will simply say that it is an impression that has come to me after the brief period that I have been here.

But let us get back to this bill. We are trying to accomplish something that seems to me to be in the right direction. At the last session we had quite a little discussion about a bill similar to this, and to my mind the discussion seemed to indicate, upon the part of those who acted with the Senator from Idaho, that they were really against the bill and in opposition to its passage. If I am mistaken, I shall be very glad to have the Senator correct me; but we are coming to the point now where I want to see this bill go forward rather than backward; and so I want to say, with all due regard for the Senator from Idaho, that I should like to see his motion voted down.

Mr. McCUMBER. Mr. President, I have never thought that it was necessary to punish 10 innocent men in order to convict 1 guilty man. I never thought that it was necessary to frame a law in such a way that you would prevent honest men from proceeding in a legitimate business in order to prevent some dishonest men from carrying on an illegitimate business. I had always supposed that the English language was sufficiently clear to enable us to draft a law that would punish persons who are guilty of an offense without punishing those who are not guilty of any offense.

I dare say that you could select more than 100 men in this city who have their life savings invested in small real estate loans and other loans and whose only business is the loaning of that money and living upon the proceeds of their loans. Those men engaged in that single business—namely, investing their own capital and living off of the proceeds of their investments—are penalized by this bill. You will find that some of them have loans upon buildings; you will find that some of them loan money on chattel mortgages; but mostly they are engaged in making small real estate loans; and yet you are to punish those persons and provide that they can not carry on a legitimate business.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I yield, Mr. President.

Mr. CURTIS. Does the Senator know of any real-estate loan in the city where there is any unlawful interest charged in the contract?

Mr. McCUMBER. Mr. President, there might be some in which there is more than 6 per cent interest charged; and if the banks can charge 10 per cent I do not know any reason why an individual, without paying a license of $500, may not charge 7 per cent.

Mr. CURTIS. Mr. President, the law provides that a man who makes a loan of that kind may charge from 6 to 10 per cent interest upon it, and he would not come within the provisions of this bill.

Mr. McCUMBER. He certainly would come within the provisions of this bill, because the very first provision is:

> That hereafter it shall be unlawful and illegal to engage in the business of loaning money upon which a rate of interest greater than 6 per cent per annum is charged on any security of any kind, direct or collateral, tangible or intangible, without procuring license.

That covers clearly and definitely everyone who loans money upon real estate or upon a note in any way in excess of a 6 per cent interest, except the banks and the "three-ball" men, who are licensed to charge 18 per cent per annum. I ask the Senator again, and with all candor, what is to prevent legislation providing for a simple punishment for those who charge more than the legitimate rate of interest, which is fixed in our statutes at 10 per cent? Such laws are successful in every State in the Union, and why would not such laws be equally efficient in the District of Columbia? That is the question that I ask the Senator.

Mr. CURTIS. Mr. President, the Senator certainly knows that in all of the larger cities laws similar to this are in force. They have such laws in New York, in Boston, and in all of the larger cities where they meet with conditions of this kind, because of the large number of people who must borrow small amounts of money. It is in order to cover that class of cases that this bill was drafted and introduced, and that is why the amount was limited, as I said a few moments ago, to $100, and why it specifies a class. I might say now, because it will save me saying it later, that it is not the purpose of this bill to reach any man carrying on a legitimate business. It is not the purpose of the bill to reach the people who are charging a reasonable interest.

Mr. McCUMBER. It is not so much the purpose as the effect of the bill.

Mr. CURTIS. It is to reach the men who are charging outrageous rates of interest to the people of the District.

Mr. McCUMBER. Is 9 per cent an outrageous rate?

Mr. CURTIS. The law says that people may charge from 6 to 10 per cent.

Mr. McCUMBER. All right.

Mr. CURTIS. Therefore, 9 per cent is not an unlawful rate. And the Senator must know that if a contract were made upon a real-estate mortgage, providing for 10 per cent, the courts would hold, under existing law, that it was a valid contract.

Mr. McCUMBER. Every court would hold that a man engaged in the business of loaning his own money, if he lived off of the proceeds of those loans, and that was his business, would come clearly within the prohibition contained in this law. Now, the Senator is too good a lawyer himself to say that the very first section of this bill does not prohibit any man from loaning money at a greater rate than 6 per cent interest, if that is his business.

The whole matter turns upon his business, and there are a great many men, not only in this city, but in every city that I know anything about, who are engaged in loaning their own money and living off of the proceeds. Now, if it is lawful for a bank to charge as high as 10 per cent, then it ought to be lawful equally for any individual to loan his own funds at exactly the same rate; and if the bank is not to be charged

$500 for a license to make a loan that would net as high as 10 per cent, then I repeat that no individual should be penalized in the sum of $500 for making a loan of his own money, or continuously making that loan, and engaging in that business, where he loans at 7 per cent or any intermediate rate between 6 and 10 per cent. It is that particular thing, more than anything else, that I object to. I simply object to any law preventing a man from carrying on a legitimate business in the District of Columbia where the rate of interest charged in that business is not prohibited by law.

Mr. CURTIS subsequently said: I ask unanimous consent to have printed in the RECORD an article by Mr. Ham, who is agent for the Russell Sage Foundation in the District.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. HEYBURN. Is permission granted to print this statement in the RECORD with the proceedings on the wool schedule?

Mr. CURTIS. I wish to have it appear in connection with the remarks I made at the end of the running debate on the loan bill.

Mr. HEYBURN. Oh, that is all.

The VICE PRESIDENT. The order is made.

The matter referred to is as follows:

SAGE FOUNDATION AGENT URGES 2 PER CENT ON LOANS—A. H. HAM SAYS *SHARKS* SHOULD BE ALLOWED THAT INTEREST PER MONTH.

What rate of interest should the "loan-shark" bill provide?

This question has been causing trouble at the Capitol and has been responsible for the failure of Congress to enact any remedial loan legislation at this session.

To-day the Times is able to present an authoritative statement on the issue. It is from Arthur H. Ham, agent of the Russell Sage Foundation, who spends all his time establishing philanthropic loan agencies and encouraging State legislation.

Mr. Ham says the rate should be 2 per cent a month, and he backs up his statement with evidence obtained through personal observation and experience. This was the rate specified in the original loan bill, prepared by the committee of the Monday Evening Club two years ago, and passed by the House a year ago. This rate was vigorously opposed by the "loan sharks" on the ground that it was ruinously low. Now it is opposed by several Members of Congress on the ground that it is too high.

GIVES REASONS.

Just why this is a proper rate and why the bill should be passed are forcefully explained by Mr. Ham in the following letter, written at the request of the Times:

To the EDITOR OF THE TIMES:

There seem to be two distinct sources of objection to the so-called "loan-shark" bill now before the Senate. This bill is designed to raise the rate on small loans to 2 per cent per month under the supervision and control of the commissioners. Opposition is encountered on the one hand from the "loan sharks," of whom there are more than 100 in Washington, who are satisfied with the present law limiting the rate to 6 per cent per annum, but providing no penalty for its violation, and who do not desire the law limiting the rate of 24 per cent per annum under such supervision and control and so severe penalties for violation that the continued charge of the present rates of 200 to 500 per cent would be dangerous.

The bill is also opposed by a few people more or less influential, who, while desirous of improving loaning conditions in the District, apparently have lost sight of the fact that temporary financial crises among wage earners necessitate the borrowing of money, and having no banking facilities they are dependent for assistance upon friends in better circumstances or upon the small-loan agencies.

When people need money they will find others ready to loan it, with or without the sanction of law, but if the practice is made unlawful, dangerous, and disreputable, the risks and discredit which attend it will surely be made the basis for increasing the charges upon such loans. The experiences of many States show conclusively that it is impossible to suppress the small-loan business by drastic law; that the problem now before the District is not to prohibit the practice, but to regulate it and keep it within proper limits, thus preventing the extortions which have up to this time been practiced on the small borrowers.

SHOULD BE LEGALIZED.

The only way to cut down the exactions in the small-loan field seems to be to legalize the business and make it reputable, safe, and reasonably profitable, but to impose restrictions and to exercise strict supervision and control. By this means honest capital will be attracted to a business largely disreputable at present.

The experiences of the remedial loan societies that have been formed offering an opportunity to borrowers to obtain money in time of need at reasonable rates show that 2 per cent per month is the proper rate.

It is true that several remedial loan societies now operating have reduced their rates below 2 per cent per month. This has been made possible, however, by the accumulation of a surplus obtained before the rates were reduced and by the limitation of dividend to 6 per cent per annum.

It is interesting to note that of 22 States legislating on this subject this year, in only 1 has a determined effort been made to enact a law limiting the rate to 6 per cent. Most of the others have recognized the need for allowing an equitable rate. In New York, New Jersey, Missouri, Michigan, and several other States laws have been enacted allowing loan companies to charge 2 per cent per month under certain conditions. In Massachusetts the legislature has evinced a very intelligent interest in the subject by empowering the joint committee on banks and banking to make an exhaustive investigation into the workings of small-loan laws.

This investigation resulted in the introduction of a bill requiring all loan companies to become licensed and come under the supervision of a State supervisor of loan agencies, to whom is given the power of fixing the rate that may be charged within a maximum of 36 per cent per annum, and by making other regulations for the conduct of the business as he may see fit.

SENATOR BURD'S BILL.

This bill is similar to one introduced in the New York Legislature during the present session by Senator Burd, of Buffalo, and in my opinion is the nearest approach to a model law that has yet been drafted.

The support that has been uniformly accorded the loan bill of the District by the press of Washington and by the large numbers of civic and social agencies and individuals who have openly supported the bill ought to convince doubting Congressmen that the bill's adherents are not directly concerned in the passage of a law enabling money lenders to make a profit, except that they realize that in no other way can borrowers be protected.

If the law does not allow a money lender to do business honestly and at a reasonable profit, it is practically certain that in response to the great need for small loans money lenders will exact illegal interest, and in proportion as the laws of the locality in which they operate are drastic and unfair the rates of interest charged and the business methods adopted will be correspondingly exorbitant and unjust.

In the opinion of most students of this subject it will be a grave misfortune if the District bill in its original form, allowing 2 per cent per month, is not passed by Congress.

I desire to commend the policy of the Times in supporting this bill and hope it will continue to urge the matter.

Very truly, yours, ARTHUR H. HAM, *Agent.*

Mr. McCUMBER. Mr. President, it seems to me that this is too important a matter to be disposed of to-day. The Senator from Ohio [Mr. POMERENE] has been waiting patiently a good while to go on with his address, and I object to its consideration.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senate has given unanimous consent for the present consideration of the bill.

Mr. McCUMBER. That consent was given at a time when I was temporarily absent from the Senate Chamber.

Mr. CURTIS. I think it would be well to vote on the amendment, and then let Senators who have amendments they desire to offer present them.

The PRESIDING OFFICER. The motion of the Senator from Idaho takes precedence of the amendment.

Mr. HEYBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Idaho suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Crane	Kern	Poindexter
Bourne	Crawford	La Follette	Pomerene
Bradley	Culberson	Lippitt	Root
Brandegee	Cullom	Lodge	Smith, Mich.
Briggs	Cummins	McCumber	Smoot
Bristow	Curtis	McLean	Stephenson
Brown	Davis	Martin, Va.	Sutherland
Bryan	Foster	Martine, N. J.	Swanson
Burnham	Gore	Myers	Taylor
Burton	Gronna	Nelson	Thornton
Chamberlain	Guggenheim	Nixon	Townsend
Chilton	Heyburn	O'Gorman	Warren
Clapp	Hitchcock	Oliver	Wetmore
Clark, Wyo.	Johnson, Me.	Page	Williams
Clarke, Ark.	Jones	Perkins	

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is absent in attendance upon business of the Senate.

Mr. CHILTON. My colleague [Mr. WATSON] is necessarily detained from the Senate by a death in his family.

The PRESIDING OFFICER. Fifty-nine Senators have responded to their names. A quorum of the Senate is present.

The Senator from Idaho moves to recommit the pending bill to the Committee on the District of Columbia.

Mr. HEYBURN. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HEYBURN. I ask for a recount of the number seconding the demand.

The PRESIDING OFFICER. The Senator from Idaho asks for a recount. The Secretary will make the count. [After a pause.] The Secretary reports 10 hands raised out of a total of 59, as shown by the call of the Senate.

Mr. HEYBURN. I see 12 hands up myself. I ask for a division.

The PRESIDING OFFICER. The Senator from Idaho asks for a division.

Mr. HEYBURN. I withdraw the demand. If Senators do not care anything about the proposed legislation, I do not.

The PRESIDING OFFICER. The question is on the motion to recommit the bill.

Mr. CURTIS. I hope the motion will be voted down. If the rate of interest is too high, it can be reduced by the Senate later on.

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the pending committee amendment, which the Secretary will report.

The SECRETARY. On page 6 of the bill, line 24, after the word "impression," it is proposed to insert a proviso as follows:

Provided, That any person contracting, directly or indirectly, for or receiving a greater rate of interest than that fixed in this act shall

forfeit all interest so contracted for or received; and in addition thereto shall forfeit to the borrower a sum of money, to be deducted from the amount due for principal, equal to one-fourth of the principal sum: *And provided further*, That any person in the employ of the Government violating any of the provisions of this act shall forfeit his office or position and be removed from the same.

Mr. HEYBURN. Mr. President, this amendment contains all of the vices of the amendments that have been under consideration, and some additional ones. There does not seem to be a very active interest in this legislation. It is taken for granted that it is wise; but I will undertake to say that any lawyer who takes this up for examination will, after a conscientious examination of this bill, pronounce it vicious, in that it violates all of the rights that a man has to control his own property. Yet Senators will sit here and vote it through. Of course I exonerate from any ulterior motive any Member of the body who is responsible for or connected with the proposition embodied in this legislation, because I am satisfied that the difficulty is one of consideration and not one of lack of intelligence.

A bill that provides that a man must take out a license and pay $500 for the right to loan his own money to his neighbor, upon terms that a bank may loan it to him, is so outrageous as to challenge not only the intelligence but the admiration of Senators; and that is what this bill does. A bank may loan up to 10 per cent without taking out a license, but under this bill an individual may not, and yet Senators do not think that they should give if that attention necessary to determine whether it should go back to the committee for correction. That the time of the Senate should be so taken up from 12 o'clock until 2, as it probably will be, when we have under consideration such great, far-reaching problems as the tariff on wool, is a source of some astonishment.

This bill provides that one of the parties to the perpetration of this act, which is made illegal by the terms of the bill, shall receive a reward. It provides it in express terms that he shall be rewarded for being a party to an illegal contract. That is what the bill says. This is the language that justifies my statement. After providing that the party loaning the money shall not make this contract, it says that such party—I am not quoting the words; I am avoiding unnecessary repetition in the RECORD—the man loaning the money shall forfeit all interest so contracted for or received, and in addition thereto shall forfeit to the borrower, who is the other party to the illegal contract, a sum of money to be deducted from the amount due for principal equal to one-fourth of the principal sum. He gets 25 per cent of the sum involved in consideration of the fact that he is a party to the contract which is declared to be illegal and void. If it provided that this fund, instead of being paid to the borrower, should go to the school fund, then the public would get the benefit of it. The man who borrowed it would pay it, as he should be compelled to do under the law, and the money would go where it would never again be subject to this kind of offense. It would go to the school fund or to some other fund for public use. But no; they propose to reward one of the parties who violates the law by giving him 25 per cent of it after first relieving him from the payment of interest.

The VICE PRESIDENT. Will the Senator suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 11019.

TARIFF DUTIES ON WOOL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

Mr. MYERS. Mr. President, I desire to give notice that to-morrow, after the routine morning business, I shall submit some remarks on the pending measure.

Mr. NEWLANDS. Mr. President, I offer the following amendment to the pending bill.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to add at the end of the bill the following:

That all specific duties authorized by law are hereby changed into ad valorem duties, as of the 1st day of January, 1912, and the President of the United States, with the aid of the Tariff Board and the other statistical forces of the Government, is hereby empowered and directed to ascertain the ad valorem equivalent of the existing specific duties where specific duties alone are levied and the ad valorem equivalent of duties where both specific and ad valorem duties are imposed, as of the 1st day of January, 1912; and as soon thereafter as such ad valorem equivalent duties are ascertained, to announce the same by a public proclamation; and thereafter no specific duties shall be imposed or collected, but in place thereof such ad valorem equivalent duties shall be collected.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. NEWLANDS].

THE FREE LIST.

Mr. NEWLANDS. I also offer the following amendment to the farmers' free-list bill.

The VICE PRESIDENT. That is presented; it can not be offered.

Mr. NEWLANDS. I present it, and ask that it be read.

The VICE PRESIDENT. It will be read, without objection.

The SECRETARY. It is proposed to add at the end of House bill 4413 the following:

That the Tariff Board is hereby authorized upon the complaint of any importer or upon its own initiative to inquire as to whether the importations of any dutiable articles have been for the year preceding such inquiry less than one-tenth of the total production of similar articles in the United States, and if it shall appear that such importations do not equal one-tenth of the production of similar articles in the United States, such board shall report the fact to the President of the United States, and thereupon the duty on such article shall be reduced at the rate of 10 per cent per annum until the importations thereof shall for one year equal one-tenth of the production of similar articles in the United States, whereupon any further reduction of such duty hereunder shall cease and the subject matter shall be reported to Congress for its action. But if after such reduction has ceased the importations of any dutiable article shall diminish so as to bring such importations below one-tenth of the consumption of similar articles for the period of one year, such annual reduction shall be resumed until the importations thereof shall equal one-tenth of the total annual production of similar articles in the United States, whereupon any further reduction of such duty shall cease, and report thereof shall be made to Congress for its action. The President of the United States shall, from time to time, make proclamation of such reductions.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

LOANS IN THE DISTRICT OF COLUMBIA.

Mr. POMERENE. Mr. President, in view of the very general discussion which was given to the loan-shark bill I desire to offer a few suggestions in connection therewith.

When the bill came before the District Committee we were advised that it had been considered very fully and had passed the Senate at the last session. The only objections that were made and the only questions that were considered were as to the amount of interest which should be charged. The bill as presented to the committee provided for 2 per cent per month.

An amendment was proposed making the rate 8 per cent per annum, and it was voted down. Another amendment was proposed making the rate 1½ per cent per month, and that was carried by a majority vote in the committee. Several of the members reserved the right to object to that rate of interest, and that is the ground of my objection to the bill. I do not believe that the Government of the United States should go on record as favoring a charge of 1½ per cent per month in behalf of the loan sharks of this District against the poor unfortunates who are obliged occasionally to get into their clutches. The very best friend the poor people ever had drove the money changers from the temple, and here in the District of Columbia, in the very shadow of the temple of government, Congress is asked to permit those loan sharks to charge 1½ per cent per month.

In my humble judgment the very best service that could be rendered to the poor people of this District would be to drive the loan sharks out of business. There are two classes of individuals that get within their power. One is the class known as spendthrifts. They are unfortunates, and deserve the considerate attention of Congress; but I believe that the best service which could be rendered to that class is to prevent them from having a place of this character to get money. The other is a class of unfortunates who, by reason of sickness or distress, feel that they must have money on certain occasions; and I recognize that if we make these regulations too stringent occasionally they may suffer. But the situation is this: If we make it 1½ per cent per month, all of that latter class will suffer, and I doubt in the long run whether any man receives a service from his fellow man when he is obliged to pay an excessive rate of interest.

Mr. President, it does seem to me a little strange that the Government of the United States should place its money by millions into favored banks at the nominal rate of interest of 1 per cent per annum and at the same time recognize the right, or confer the right, upon a loan shark to charge 1½ per cent per month.

It is indeed an interesting fact to note the excesses which have prevailed in this connection. It appeared, as I am advised, in the hearings before the committee at the last session of Congress that rates were charged ranging from 3 per cent per month to 327 per cent per month. I have received a number of letters from people who are actuated by the best of motives, no doubt, suggesting that there should be some limitation placed upon the amount of interest which these loan sharks

should charge. I agree that in some respects 2 per cent per month would be better than an unlimited charge; but it seems to me that the only difference between an unlimited charge and a limitation of 2 per cent per month is that in the first instance you kill the victim by inches, in the last instance you kill him by half inches. And that is to be legalized by the Government if the bill passes in its present form.

Mr. President, I think it is only fair that I should present to the Senate the position which is taken by some of the loan sharks of the District in order that we may well comprehend their position and their greed. I have a letter in which the writer says that he is writing me at the instance of five several companies. It is a most remarkable letter. He suggests that they can not do business at a profit under 3 per cent per month, and he makes the remarkable suggestion that he thinks it would remedy the evil if it were made by law a felony for the borrower to pay excessive rates of interest, though the writer has some misgivings as to the constitutionality of such a law. I am going to ask the Secretary to read this letter in order that it may be given proper publicity.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

MERCANTILE SAVING FUND SOCIETY (INC.),
J. D. LEONARD, TREASURER,
1206 G Street NW., Washington, D. C., June 21, 1911.

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

SIR: As you seem to be taking an interest in the proposed law regulating loan companies in the District of Columbia, permit me to trespass upon your valuable time long enough to say that this society is in sympathy with the effort to regulate the loan business in this city by legislation. At the same time, we believe that such a drastic law as you suggest, viz, a rate of 8 per cent per annum, would not stop usury, but simply drive all the money lenders into hiding, and the added cost and risks of operating in the face of such a law and in violation of it would have to be paid, as in every other case of bargain and sale, by the purchaser, or, in this case, by the borrower. This is inevitable.

In our judgment, to attempt to stop money lending by oppressive regulation of the money lender will be futile. Making it a felony to borrow at usurious rates, while perhaps unconstitutional, would, until so determined by the courts, be far more effectual.

We believe a measure regulating the loan business in the District of Columbia to the extent of providing a license, a bond, and supervision by the District Commissioners or the police department would work for unlimited good and bring incalculable relief to the borrowing classes, who now pay—at least some of them—as high as 100 per cent a year for loans, and in whose behalf I take it your efforts are directed. A regulating measure in connection with the present usury law, which forfeits all interest and costs charged the borrower, would, it must be admitted, be giving the borrower every reasonable protection.

Our society loans at rates ranging from 6 per cent per annum on commercial risks, satisfactorily secured, to 3 per cent a month for the ordinary class of loans that come to a loan office and are not negotiable at any bank. A former maximum rate of 2½ per cent a month for a *certain* grade of risks has been increased to 3 per cent because of the heavy losses incurred from that class of paper. We think a straight 3 per cent a month rate as allowed the pawnbrokers would solve the loan problem in Washington satisfactorily and forever.

With such a rate legalized for licensed and bonded loan companies new capital and competition would ultimately work, I am sure, a very satisfactory solution of the "loan-shark" problem. By "loan shark" I mean those operators whose charges range from 60 per cent upward, most of whom are chattel men who fatten on the lack of frugality, the adversity, and the ignorance of the poorer classes. It is this class of money lenders that have brought the business into public contempt and given color to the demands for a law regulating the matter.

It is not believed that there is any complaint or cause for complaint against the operation of companies charging a maximum rate of 3 per cent a month. The patrons of such institutions are usually intelligent clerks and business men, who know exactly what they are paying and pay it willingly, and for Congress to attempt to legislate for the benefit of this class of citizens is simply a case of "love's labor lost."

I inclose a booklet that will tell you about our company and our business. I hope you will find a minute to read "The story of how we came to organize," on page 7.

Because of my faith in the high and unselfish motives that I am sure animate you in this matter, I also inclose you a sworn statement of our business March 31, 1911. Our contention that the proposed law should not be lower than 3 per cent a month to indorsed-note risks is based on this statement. We do not believe that a loan company confining its risks entirely to indorsed notes, as we do, should be required by law to operate under a lower rate. We believe a lower rate—considering the character of the security we take, the hazards of the business, and the inevitable losses—would make the margin of profit so low that liquidation would threaten most of us.

The provision in the bill (S. 25) having reference to money lending by department employees is a most salutary safeguard. The known unconscionable rates charged by the "vest-pocket lenders" in the departments, the Government Printing Office, and the navy yard, make such a provision in the bill much to be desired.

This letter is sent to you in behalf of the League of Remedial Loan Companies of the District of Columbia. This organization is composed of five loan companies, who confine their risks entirely to indorsed notes. The aggregate capital of the league is $230,000, which we loan at rates not exceeding 3 per cent a month. Our books and our offices and our personal services are at your disposal for any examination or investigation you may wish to make in connection with your consideration of the local loan-company problem.

Very respectfully,

J. D. LEONARD,
President of the League of Remedial Loan Companies of the District of Columbia.

Mr. POMERENE. Mr. President, we have this strange situation before us in the District of Columbia: In the District of Columbia the legal rate that can be charged on accounts, and so forth, is 6 per cent, on notes and bonds, 10 per cent; and in the very face of that statute you have this distinguished gentleman confessing that he is charging 3 per cent per month to these poor unfortunates. We are asked by him to pass a law in order that he may so do; and he says he can not do business at a profit at a less rate. If he or those who are engaged in like business can not do it at a profit, let them get out of the business.

Mr. President, I do not know that it is the business of Congress to guarantee a profit to that class of gentlemen. I recognize the fact that a great political party a few years ago—perhaps I should say a party that was once great—in a platform pledged themselves in favor of a tariff that would guarantee profits to the manufacturer. I do not believe that even our friends who are of the opposite political faith would want to add to that plank in their platform the further suggestion that they ought to guarantee profits to loan sharks; and yet we have this statement from the committee that reported upon a similar bill at the last session:

> In the opinion of the committee, the lowest rate of interest at which these companies are doing or can do a profitable business is 1½ per cent per month, without fees.

Mr. President, next to driving these people out of business, the best thing, in my judgment, that can be done is to so stringently regulate them that they will be at all times subject to inspection by the powers of the District.

I have offered an amendment to the present bill limiting the rate to 8 per cent per annum, but permitting a charge of not exceeding $1 when the original loan is first made, in order to cover the expenses incident to that loan, namely, the making of the contract, the investigation as to the status of the borrower, and so forth. But while I offered that amendment, I am not very much enamored of the last clause permitting that charge. My purpose is to guard this legislation in behalf of the borrower, and I would prefer that, instead of the amendment I have suggested, if it fail to pass, another amendment should be adopted limiting the rate of interest to 10 per cent per annum and not permitting any charges. I hope that when this matter is placed upon passage Senators will see their way clear to limit the rate of interest that can be charged legally at not exceeding 10 per cent, and I suggest 10 per cent because the Federal statutes at present authorize that rate in all loans. I do not believe that any rate of interest ought to be permitted in excess of 8 per cent.

Mr. NELSON. Will the Senator from Ohio allow me to make a suggestion? I entirely agree with most of his remarks, but in order to make a usury law effective it ought to go further than the statute at present. My experience in those matters in the Northwest leads me to believe that any penalty short of a forfeiture of both principal and interest is of no avail. Merely the forfeiture of the interest is not a sufficient deterrent to keep lenders from charging an exorbitant interest. The usury law ought to be so stringent as to deter men from loaning money at usurious rates.

I had occasion some years ago as a member of the Judiciary Committee to look up the case of a so-called building and loan association in this city. A man's name had been sent in for a judge of the supreme court of the District. Another came here and made objection to his confirmation on the ground that he was the manager of a loan and building association in this city that was charging exorbitant and usurious rates of interest. The matter was referred to a subcommittee, of which, I think, I was chairman. The man who made the loan had to become a member of the association. He secured a small loan. He had finally paid it up. He brought all the papers in. I went over them carefully and came to the conclusion that the whole loan from first to last cost that poor fellow upward of 30 per cent per annum, and it was done under the guise of a loan and building association.

I think that the only amendment to the general statute of the District of Columbia we ought to have, to make it effective, would be to amend it so that the penalty for usury should be the forfeiture of both the principal and the interest.

Mr. POMERENE. Perhaps the Senator from Minnesota did not notice that the bill now pending before the Senate does provide for the forfeiture of all the interest and one-fourth of the principal. The Senator from Kansas, as I now recall it, before the committee desired an amendment similar to the one which the Senator from Minnesota has suggested, but it was not favored by a majority of the committee.

Mr. President, in view of the fact that it is now after the hour of 2 o'clock and I did not have the opportunity to bring up the concurrent resolution of which I gave notice yesterday, I desire now to give notice that I will call it up at the conclusion of the routine business to-morrow, and I give notice that I will

object to anything else being taken up by unanimous consent until after that shall be disposed of.

TARIFF DUTIES ON WOOL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. I do not ask for the consideration of the amendment now.

The VICE PRESIDENT. Then, suppose the Senator present it for printing, without offering it.

Mr. SMOOT. And let it lie on the table.

The VICE PRESIDENT. To be offered at some future time.

Mr. NEWLANDS. Very well.

The VICE PRESIDENT. The amendment will be considered as presented and ordered printed, to be offered at some future time.

CLAIMS FOR LOSS OF PROPERTY.

Mr. WARREN. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 323) for the payment of certain claims for damages to and loss of private property. The bill was reported this morning by the Senator from Pennsylvania [Mr. OLIVER]. It is a short measure, and one that has passed the Senate at a former session.

The VICE PRESIDENT. The bill referred to by the Senator from Wyoming will be read for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CHAMBERLAIN. Mr. President, I should like to know something about the nature of the claims.

Mr. WARREN. The bill covers about 200 claims for damages that have occurred at maneuver grounds and target ranges due to the heavy gun firing of the Army in the last two or three years. The amount has been regularly estimated for. The matter came up at the last session, and a similar bill then passed the Senate without objection. It also passed the Senate again as a part of the deficiency bill, but was lost in conference. It now comes before us with a favorable report of the Committee on Claims.

Mr. SMOOT. Is it recommended by the department?

Mr. WARREN. Yes. It provides for the payment of claims growing out of the destruction or partial destruction of buildings, the breakage of windows, the trampling down of growing crops, the killing of chickens and cows, and so forth, all the way from down near Cape Cod across the country to Puget Sound, San Francisco, and other places, where damage has occurred because of heavy practice firing by the Coast Artillery or the mobile Army. All the claims have been submitted to an Army board of survey; all have been trimmed down or allowed in full, as the facts in the case might warrant, and are recommended for payment by the War Department and Treasury Department, but can not be paid until we provide the necessary appropriation.

Mr. SMOOT. Mr. President, I merely want to ask one question: Would granting unanimous consent for the consideration of this bill displace the unfinished business?

The VICE PRESIDENT. It would not.

Mr. SMOOT. Then I have no objection to the consideration of the bill.

Mr. WARREN. I will say to the Senator that I had no intention of displacing the unfinished business in asking for the consideration of the bill.

Mr. SMOOT. I know the Senator had no such intention. I merely wanted to understand the effect of agreeing to the Senator's request.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 9, after the word "Islands," to insert "Great Britain, Norway, and Japan," so as to make the bill read:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,535.22 for payment of 200 approved claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands, Great Britain, Norway, and Japan that have arisen previous to February 21, 1911, estimated for in House Documents Nos. 1242 and 1404, Sixty-first Congress, third session.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SMOOT. I am informed that no Senator wishes to proceed with the discussion of the unfinished business. Therefore, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 2 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 26, 1911, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 25, 1911.

COLLECTOR OF CUSTOMS.

C. Asa Francis to be collector of customs for the district of Perth Amboy, in the State of New Jersey.

PROMOTIONS IN THE NAVY.

The following-named commanders to be captains in the Navy from the 1st day of July, 1911, to fill vacancies:

Joseph L. Jayne, and

William L. Howard.

Commander Robert B. Higgins, an additional number in grade, to be a captain.

Commander Charles W. Dyson, an additional number in grade, to be a captain.

Ensign (Junior Grade) George S. Bryan to be a lieutenant.

Passed Asst. Surg. Joseph P. Traynor to be a surgeon.

POSTMASTERS.

IOWA.

Thomas M. Atherton, Osage.

Benjamin F. Paul, Blairstown.

NORTH DAKOTA.

George E. Childs, Kenmare.

WISCONSIN.

Frank A. Everhard, Ripon.

WYOMING.

Henry D. Ashley, Encampment.

SENATE.

WEDNESDAY, *July 26, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 4412. An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes; and

H. R. 12312. An act to amend paragraph 500 of the act approved, August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Local Chapter, American Woman's League, of Tacoma, State of Washington, praying for an investigation of the United States Post Office and the E. G. Lewis cases, St. Louis, Mo., which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Joseph D. Holmes, of New York City, N. Y., remonstrating against a revision of the woolen schedule of the tariff law at the present session, which was ordered to lie on the table.

Mr. KERN presented a petition of the Religious Society of Friends of Indiana, praying for the ratification of treaties of arbitration between the United States, England, France, and Germany, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Public Lands, to which was referred the bill (S. 3069) to amend section 1 of an act of Congress approved May 20, 1908, the same being chapter 181 of the Acts of Congress for the year 1908, reported it with an amendment and submitted a report (No. 109) thereon.

Mr. WARREN. I am directed by the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress, to report it with amendments and submit a report (No. 112) thereon. I desire to give notice that I shall endeavor to call up the bill for consideration to-morrow or the next day.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CRANE:

A bill (S. 3105) granting an increase of pension to George Choron; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3106) granting an increase of pension to William Starry; and

A bill (S. 3107) granting an increase of pension to Sue B. Merrill; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 3108) for the relief of George W. Philpott; to the Committee on Military Affairs.

A bill (S. 3109) granting an increase of pension to David Poffenbarger; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 3110) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands"; to the Committee on Public Lands.

By Mr. KERN:

A bill (S. 3111) granting an increase of pension to William Willis (with accompanying paper); to the Committee on Pensions.

DEFICIENCY APPROPRIATIONS.

Mr. GUGGENHEIM submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress, which was referred to the Committee on Appropriations and ordered to be printed.

NEW MEXICO AND ARIZONA.

Mr. BOURNE. I desire to give notice that on Saturday, August 5, following the routine morning business, I shall address the Senate on the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

PENSACOLA NAVY YARD.

Mr. BRYAN. I desire to give notice that to-morrow, immediately after the disposition of the unfinished business, I will ask the Senate to consider Senate resolution 100, directing the Secretary of the Navy to report as to certain matters relative to the Pensacola and other navy yards, which is now on the table.

NEW MEXICO AND ARIZONA.

Mr. OWEN. On Monday, as a member of the Committee on Territories, I submitted my views to accompany House joint resolution No. 14 to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States. I ask for a reprint of the views with some slight corrections. (S. Rept. 100, pt. 2.)

The VICE PRESIDENT. Without objection, the order is entered.

CHUGACH NATIONAL FOREST LANDS IN ALASKA.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying maps and illustrations, ordered to lie on the table and be printed (S. Doc. No. 77):

To the Senate of the United States:

On June 27 last your honorable body adopted the following resolution:

Resolved, That the President of the United States be, and he is hereby, requested to transmit to the Senate of the United States copies of all letters, maps, executive or departmental orders or instructions, surveys, also applications to enter land, or for rights of way for railroads or otherwise, and all other official reports, recommendations, documents, or records in the Departments of War, Interior, and Agriculture, or by any of the officials or bureaus of these departments, not included in the report of the Secretary of the Interior of April 26, 1911, printed as Senate Document No. 12, Sixty-second Congress, first session, relating in any way to the elimination from the Chugach National Forest, in Alaska, of land fronting upon Controller Bay, approximating 12,800 acres; especially referring to such papers, documents, etc., as relate to the applications of the Controller Railroad & Navigation Co. for rights of way or confirmation of its maps of rights of way or harbor rights or privileges in or near to the said Controller Bay, or upon the Chugach National Forest, or upon lands eliminated therefrom, or upon the tide lands or shore lands of the said Controller Bay, with such information, if any, as is in the possession of the War Department, relating to the character of Controller Bay as a harbor, its soundings, and a designation of those portions of the harbor which are available for the use of deep-water vessels.

Also, to include in the report hereby requested the names of the soldiers whose claims are to be used as bases for the applications for the land referred to, the mesne and subsequent assignments, and other data relating thereto, with a statement of the present status of all said applications to enter said lands or for rights of way thereon.

I herewith submit copies of all the documents above requested. The records in the Department of Commerce and Labor are not asked for in the resolution, but the Secretary of the Interior has secured from the Secretary of Commerce and Labor certain documents relating to the subject matter on file or of record in the Bureau of Coast and Geodetic Survey, and those are transmitted as part of the documents furnished me by the Secretary of the Interior. I also submit such documents as are on the Executive Office files relating to the Executive order of October 28 last.

I deem it wise and proper to accompany the submission of these documents with a statement in narrative form of the action of the administration with the reasons therefor.

The Executive order of October 28, 1910, referred to in the resolution, was in the terms following:

CHUGACH NATIONAL FOREST, ALASKA.

Under authority of the act of Congress of June 4, 1897 (30 Stat., 11, at 34 and 36), and on the recommendation of the Secretary of Agriculture, it is hereby ordered that the proclamation of February 23, 1909, enlarging the Chugach National Forest, be modified to reduce the area of such national forest by eliminating therefrom the following-described tract, containing approximately 12,800 acres of land, which has been found upon examination, to be not chiefly valuable for national forest purposes:

Beginning at a point where the meridian of longitude 144° 5′ west crosses the coast line of Controller Bay, thence north along said meridian line to the parallel of latitude at 60° 10′ north; thence west along said parallel to a point where the same crosses the coast line at or near the mouth of Bering River, and thence along the coast to the place of beginning.

The tract above described is hereby restored to the public domain.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, October 28, 1910.

Controller Bay is upward of 20 miles in total length and 5 or 6 miles in width and is land-locked by a number of islands. It was supposed for some time to be so shallow as to make its use for navigation impossible, but in 1907 a channel was discovered, which passed from the ocean to the southeast of the island of Kanaka and curving into the bay extended southeasterly some 7 miles. Mr. McCabe, solicitor of the Agricultural Department, states in the memorandum (Exhibit D–28) prepared by him for submission to the Secretary and to me, that investigation had shown that for a distance of 6 miles the frontage of Controller Bay was on deep water, to be reached by trestles of ordinary length.

A more exact description of the channel is as follows: For 4 miles it is about three-quarters of a mile wide and for 3 miles about 2,000 feet wide, gradually approaching nearer to the shore of the mainland. The channel is 11 fathoms where it enters the bay, and continues for more than 5 miles to have a 30-foot depth, and then gradually shallows until it is from 12 to 15 feet at mean low water. The mean high tide would increase its depth 9 feet (Exhibit A–37). The bottom of the channel is glacial silt and very easily dredgible, so that it would be entirely practicable to widen the channel and deepen it the full length of 7 miles. The tract eliminated by the Executive order has a right-angled triangular form, with the shore line or high-water mark as the hypotenuse, between 6 and 7 miles long and roughly about the same length as the channel I have described. The north shore opposite the entrance of the channel to the bay is between 2 and 3 miles from low-water mark, and is separated therefrom by tidal mud flats that are covered at high water. The 30-foot contour line is about a mile farther from the shore line.

All the territory surrounding Controller Bay was included in the Chugach Forest Reservation in 1909 by a proclamation of President Roosevelt. The importance of Controller Bay is that it lies about 25 miles from very valuable coal deposits known as the Bering coal fields. Katalla Bay is to the west of Controller Bay and almost immediately adjoins it. It is an open roadstead upon the shore of which an attempt was made by the Morgan-Guggenheim syndicate to establish a railway terminal, and thence to build a road to the Bering coal fields, already mentioned. The attempt failed for the reason that the breakwater protecting the terminals was destroyed by storms and the terminals became impracticable. Some 50 miles or more farther west of Katalla Bay is the mouth of the Copper River, where there is an excellent harbor, on which is the town of Cordova. There the Copper River Railroad, owned by the Morgan-Guggenheim interests, has its terminals, and the

line runs to the northeast along the Copper River and has nearly reached certain rich copper mines in the interior. A branch from this main line is projected to the Bering coal fields and is feasible (Exhibit C–4–C).

When the channel in the Controller Bay was discovered, Mr. Tittmann, Superintendent of the Coast Survey, as shown by his letter in the record (Exhibit C–4–A), was of opinion that it was of great value and ought to be maintained as a naval reservation because of its proximity to the coal fields. His letter was submitted by the Secretary of Commerce and Labor to the Secretary of the Interior, who invited the comment of the Director of the Geological Survey. That officer replied that the harbor was a poor one, and that it would not be as good for a naval reservation as one already selected, but that he thought that private capital ought to be encouraged to construct a railway from the channel over the mud flats to the shore and thence to the coal fields. Capt. Pillsbury, of the Army Engineers, in a report in the record (Exhibit B–60), made in 1908, mentions three possible objections to Controller Bay: First, that the surrounding islands may prove to be so low as not fully to protect the channel; second, that the flats extend two or three miles from the shore; and, third, that ice formed in the rivers entering the bay and affected by tidal currents may destroy structures put upon the flats, and especially a long trestle built over them.

In December, 1909, Mr. Richard S. Ryan, representing the Controller Railway & Navigation Co., applied to Mr. Pinchot, the then Forester (Exhibit D–1), for an elimination from the Chugach Forest Reservation of a tract of land to enable his company to secure railroad terminals, bunkers, railroad shops, etc., on the northeast shore of Controller Bay. This application was referred by the Associate Forester to the district forester at Portland, Oreg., and by him to the forester in Alaska. The result of these references and the application was that early in 1910 Mr. Graves, who had in the meantime become Forester, reported that there was no objection from the standpoint of forestry interests to the elimination of the tract indicated, or, indeed, of 18,000 acres on the northeast shore of Controller Bay (Exhibit D–14).

The attention of the Navy Department was invited by the Forestry Bureau to the proposal to open the shore of Controller Bay to entry and occupation, and inquiry was made whether the Navy Department desired to use Controller Bay as a reservation and whether it objected to its being opened up (Exhibit D–5). The answer was in the negative (Exhibit D–9).

The matter was considered by the Forestry Bureau, by the Secretary of Agriculture, by the Secretary of the Interior, and by the General Land Office, and the result was a recommendation to me in May, 1910, that an elimination be made of 320 acres, with a frontage of 160 rods on the northeast shore of Controller Bay (Exhibit D–28). I entertained some question about the matter, and stated my objections at a Cabinet meeting. Thereafter, some time in June, I had an interview with Mr. Richard S. Ryan, the promoter of the Controller Railway & Navigation Co., to whom the Secretary of the Interior had stated my objections, which led to Ryan's sending a communication to the Secretary of the Interior under date of July 13, 1910 (Exhibits A–6 and C–2–B). This letter was, in the Secretary's absence, sent by the department to me at once. I considered the whole case in August, 1910, and directed that the 320 acres, recommended by both departments, be eliminated as recommended (Exhibit D–33). Nothing was done, however, in the matter until I returned to Washington in October, 1910, when a formal order, which had been drawn in the Interior Department (Exhibit C–2–K) and was subsequently specifically approved by the Secretary of Agriculture (Exhibit C–2–J) and returned to the Interior Department, was submitted to me by the Acting Secretary of the Interior, with the approval of that department (Exhibit C–2–K). The order was as follows:

[Executive order.]

CHUGACH NATIONAL FOREST, ALASKA.

Under authority of the act of Congress of June 4, 1897 (30 Stat., 11, at 34 and 36), and on the recommendation of the Secretary of Agriculture, it is hereby ordered that the proclamation of February 23, 1909, enlarging the Chugach National Forest, be modified to reduce the area of such national forest by eliminating therefrom the following described tract, containing approximately 320 acres of land, which has been found, upon examination, to be not chiefly valuable for national forest purposes and which is necessary for terminal purposes and desired by the Controller Railway & Navigation Co. for such purposes:

Beginning at a point on Controller Bay which bears south 17° 22′ west, 1,196.7 feet from United States location monument No. 842; thence north 5,729.5 feet; thence east 2,202.1 feet; thence south 7,044.2 feet to a point on Controller Bay; thence following the meanders of the bay north 52° 30′ west, 1,460 feet; thence north 79° 26′ west 800 feet; thence north 42° 34′ west 380 feet, to the point of beginning, containing 320 acres, approximately, the same being in approximate longitude 144° 11′ west from Greenwich, latitude 60° 8′ north.

The tract above described is hereby restored to the public domain.

The question finally came before the Cabinet late in October. After a full discussion of the matter, and after a consideration of the law, I expressed dissatisfaction with the order because it purported on its face to make the elimination for the benefit of a railroad company of a tract of land which the company could not secure under the statute, for it was a tract 320 acres in one body when only 160 acres could be thus acquired. In the second place, I preferred to make a much larger elimination of a tract facing the entire channel, and with sufficient room for a terminal railway town. I was willing to do this because I found the restrictions in the law sufficient to prevent the possibility of any monopoly of either the upland or the harbor or channel by the Controller Railway & Navigation Co. or any other persons or company. For lack of time sufficient to draft a memorandum myself, I requested the Secretary of the Interior, who, with the Secretary of Agriculture, after full discussion, had agreed in my conclusion, to prepare a letter setting forth the reasons for making the larger elimination, so that it might become part of the record. The letter is of even date with the order (Exhibit A–18). It does not set forth the reasons for the larger order as fully as I did in discussing it.

It had been originally suggested by the Forestry Bureau that 18,000 acres might safely be eliminated so far as forestry purposes were concerned (Exhibit D–9), but fear had been expressed by one of the district foresters that such a large elimination would offer an opportunity to the company to use land scrip and acquire title to extensive town sites, and the result of the joint consideration of both departments had been the reduction to 320 acres (Exhibit C–2–K).

I wish to be as specific as possible upon this point and to say that I alone am responsible for the enlargement of the proposed elimination from 320 acres to 12,800 acres, and that I proposed the change and stated my reasons therefor, and while both Secretaries cordially concurred in it, the suggestion was mine.

The statement of Mr. Ryan, who had been properly vouched to the Forester by two gentlemen whom I know, Mr. Chester Lyman and Mr. Fred Jennings (Exhibit D–12), and who had produced a letter from a reputable financial firm, Probst, Wetzler & Co. (Exhibit D–26), was that the railway company which he represented had expended more than $75,000 in making preparations for the construction of a railway from Controller Bay to the coal fields, 25 miles away, but that they were obstructed in so doing by the order reserving the Chugach Forest Reservation, which covered all of the Controller Bay shore. He, as well as Probst, Wetzler & Co., gave every assurance that the Copper River Railway Co., owned by Messrs. Morgan and Guggenheim, had no connection with them, and that they were engaged in an independent enterprise in good faith to build an independent railroad (Exhibits C–2–B and D–26). No evidence to the contrary has been brought to my attention since.

Of course it was possible that the owners of the Copper River Railway Co. might attempt to buy this railroad when, and if, it was built. It was possible that Mr. Ryan was acting in the interests of the Copper River Railroad, although I did not believe it; but, whether this was true or not, it was clear that the order of elimination by reason of the restrictions of the act of Congress hereafter explained, would not permit the owners of either railroad to shut out any other capitalists who might desire to construct a railroad from the channel of Controller Bay to the coal fields; and if by this order we could secure the construction of a railroad from Controller Bay to the coal fields, it would be a distinct step in the useful development of Alaska. The rates of freight for coal to be charged, of course, would always be subject to congressional control, and if Government ownership seemed a wise policy under the peculiar circumstances, ample land for right of way, harbor frontage, and terminals must always remain available under the law for Government use, or if it is preferred to take over to the Government a railway built by private enterprise, condemnation is easy.

The thing which Alaska needs is development, and where rights and franchises can be properly granted to encourage investment and construction of railroads without conferring exclusive privileges, I believe it to be in accordance with good policy to grant them.

Full authority is given in the Federal statutes for the location of railroads and the acquisition of a right of way over public lands by such location and construction of the road in Alaska (30 Stat. L., 409), and this is permitted even in the forest reservations (30 Stat. L., 1233). Pains are taken in the statute to prevent one railroad from excluding another by the appropriation of the only possible pass or canyon or defile through which a road can be built between two points. The

difficulty presented by a forest reservation in a case like this is that there is no opportunity to secure town sites or proper terminals for a coal road and shipping point in such a reservation. When, on the recommendation of Forester Pinchot, the Chugach National Forest was created by proclamation of President Roosevelt in July, 1907, there were excepted from the forest the several areas contained within boundaries formed by circles described with a radius of a mile each from the centers of 10 small towns or settlements. Among these were Eyak, on Orca Bay, and Valdez, on Valdez Arm. A little later—September 18, 1907—there was eliminated from the reservation approximately 33,000 acres of the water front on Valdez Arm, the tract thus eliminated being a mile wide, abutting on the shore, and following the contour of the arm or bay for a distance of more than 30 miles (Exhibit A–44). At this time, Valdez was deemed important as a future port. Both Orca Bay and Valdez Arm are excellent harbors and have deep water near the shore.

While it does not appear that the creation of railway terminals and harbor facilities was one of the reasons for the exclusion from the national forest of the lands around the town of Eyak, or for the elimination of 33,000 acres at Valdez Arm, it certainly was not regarded as necessary to include or to retain these lands within the national forest for fear they would be entered by a railroad, because on April 24, 1907, Mr. Ballinger, then Commissioner of the General Land Office, had called the attention of Secretary Garfield to the fact that a number of transportation companies were seeking to obtain rights of way through the lands included in the general area proposed to be reserved. Doubtless the rights of the public were thought to be sufficiently safeguarded against monopoly of harbor facilities under the limitations of the statute hereafter mentioned, which were the same then as now. As a matter of fact, the Copper River Railway Co., owned by the Morgan-Guggenheim syndicate, having applied for terminal and station grounds at what was then called Eyak shortly before the Chugach Forest Reservation was proclaimed, has established its terminals there and thus has been developed in the immediate neighborhood the well-known terminal town of Cordova. Whenever the Bering coal fields are opened this company can readily reach them by a branch line, the construction of which has already been considered and is entirely practicable. Indeed, its promoters have insisted to the Secretary of the Interior that this is the proper method of developing these coal fields, and that they would not be interested in building a direct line to Controller Bay, where it would be necessary for them to duplicate terminal facilities they already have at Cordova on a better harbor, and where coal is not the only commodity seeking transportation. If this position is correct, and it seems to have sound economic reasons behind it, the only effect of preventing railroad construction at Controller Bay would be to leave the field entirely to the Copper River Railroad.

If a railroad was to be constructed from Controller Bay to the Bering coal fields it was perfectly evident that there must be a terminal town on the shore of Controller Bay, and I was therefore glad and anxious to throw it open to entry and settlement as one important step in encouraging railroad enterprise. I was certain that Congress had provided, in the statutes affecting the entry and settlement of land in Alaska, limitations which would prevent the possibility of the exclusive appropriation of the harbor and channel of Controller Bay or its shores or upland to any one railroad. This I propose now to show.

The only practicable method for securing title from the Government in such a tract as this after its elimination is by the use of what is called "soldiers' additional homestead right" evidenced by scrip. The statutory limitations upon this method of acquiring title are threefold:

First. No more than 160 acres can be entered in any single body by such scrip (30 Stat. L., 409; 32 Stat. L., 1028).

Second. No location of scrip along any navigable waters can be made within the distance of 80 rods of any lands already located along such waters. No entry can be allowed extending more than 160 rods along the shore of any navigable water, and along such shore a space of at least 80 rods must be reserved from entry between all such claims (30 Stat. L., 409; 32 Stat. L., 1028). Moreover, the statute expressly provides that a roadway 60 feet in width, parallel to the shore line as near as may be practicable, shall be reserved for the use of the public as a highway (30 Stat. L., 413).

Third. Nothing in the act contained is to be construed to authorize entries to be made or title to be acquired to the shore of any navigable waters within said district (30 Stat. L., 409; 32 Stat. L., 1029).

Under the first limitation the navigation company and every other person is prevented from locating more than 160 acres in one body. By the construction of the land department, as shown in the record, this requires a separation between any two entries by the same person or in the same interest of a tract of 40 acres (Exhibit A–43). This would prevent the possibility of any one person or any one interest acquiring an entire tract like that of 12,800 acres.

The second limitation is important in that it prevents the entry of claims at any point on the shore having a greater frontage than half a mile and requires that between that and the next claim taken up there shall be a frontage reserved to the public and kept in public control of a quarter of a mile. The consequence is that in the 7 miles of the frontage of this eliminated tract there must be reserved for Government control and use, and such disposition as Congress may see fit to make, and free from private appropriation, a frontage aggregating about 2¾ miles and so distributed along the shore in frontages of 80 rods as to make certain of a public frontage of this width having all the advantage that any private frontage can have (Exhibit A–38). In other words, if a tract with a half-mile frontage is located at a particularly advantageous place with reference to the harbor, then on each side of that frontage must be reserved to the public a frontage of a quarter of a mile, or a half mile in all, for public uses. These public frontages are to be connected by a 60-foot street reserved parallel to the shore.

These two restrictions necessarily prevent a monopoly of land abutting on the shore, and as they necessarily prevent a monopoly by any one locator, or in the interest of any company for whom locators are acting, they take away the motive for the acquisition of land and frontage merely for the purpose of excluding other companies and possible competitors and tend to confine locators to the acquisition of land to be profitable in its use.

Since the Executive order was issued, October 28, 1910, there have been four locations under soldiers' scrip—three of them of 160 rods each along the bay, separated by two divisions of 80 rods, dated November 1, November 10, and November 11, 1910, respectively. I shall assume that all of them are in the interest of the Controller Railway & Navigation Co. None of them has been approved or passed to patent, but I shall assume they can be passed to valid patent. Where the fourth one, dated March 11, 1911, is, does not appear on the map opposite page 2, but it is understood to front 160 rods on the bay shore on the east side of the Campbell River. In addition, upon one of the 80-rod intervals, there is filed what is called a terminal railroad claim of 40 acres, covering the entire frontage of 80 rods. This was filed December 14, 1910, after the location of the two scrip entries which it connects. It is plainly invalid because placed on the interval of 80 rods especially reserved by statute for the public. We thus have four frontages of 160 rods now located.

Of the shore frontage unlocated which may be appropriated by scrip, there remain six frontages of 160 rods each on the shore of the tract opened by the Executive order facing the bay and channel (see memorandum of Mr. Tittmann of the Coast Survey, Exhibit A–38), and in addition about 2¾ miles of frontage distributed in eleven 80-rod strips, subject to public use and the disposition of Congress. There is thus ample room for many other railroads to reach high-water mark on Controller Bay, and there to acquire tracts for terminals. Of the 12,800 acres, the entries in area have covered not more than 800 acres, and all the rest is available for scrip location or is reserved for the public under the limitations of the act.

But it is said that the three or four locations are the best ones on the bay with reference to the channel and harbor, and are opposite the deepest part. If this is true, it is equally true of the 80-rod reservations between and on each side of these locations. More than that, the channel extends 2½ miles beyond these locations, and while it narrows some and shallows some, it still has a depth of from 15 to 30 feet at low water and, if necessary, is easily capable of being dredged to greater depth and greater width because of the character of the bottom.

But there is a third reason why the opening of this tract to settlement and limited private appropriations can not lead to a monopoly in the Controller Railway & Navigation Co. or anyone else. The distance from the dry land, i. e., the shore land—the line of high-water mark—to the line of low-water mark is between 2 and 3 miles, and the distance to deeper water is about a mile farther, making it necessary, if a harbor is to be reached and used, to construct a viaduct or trestle 3 or 4 miles long from the shore to the channel. This tidal flat is owned by the United States, and the acquisition under the public-land laws of tracts on the shore abutting these tidal flats gives no right or title to those flats. This would be the law if the statute was silent on the subject; but not only the statute of 1898 (30

Stat. L., 409) but also the amending statute of 1903 (32 Stat. L., 1028) expressly imposes the restriction that no title or right can be obtained under the act in the shore of a navigable body of water.

The theory upon which it has been contended that the Controller Railway & Navigation Co. has practically acquired an exclusive appropriation of the harbor is that its anticipated ownership of the lands located by it and abutting on the shore will give it the right to build viaducts from these lands to the side of the deep channel 3½ miles away and there establish wharves on the channel equal in frontage to that of the locations made on the shore, and that even if it does not itself build such wharves, it can prevent anyone else from enjoying access to the channel for the whole length of its frontage, say, 2 miles. I have shown that even if this were the law, the public reservations and the unlocated frontage would prevent monopoly of the channel. But it is not the law.

The shore runs from high-water mark down to low-water mark. The owners of the upland, by virtue of the title they have acquired from the Government, do not acquire a vested right of access to the deep water, and have no right or easement to build viaducts or trestles across the flats or wharves along the deep channel which Congress may not regulate or defeat.

The principle of law is settled by the decision of the Supreme Court of the United States in the case of Shively *v.* Bowlby (152 U. S., 1). In that case it was decided that "grants by Congress of portions of the public lands within a territory to settlers thereon, though bordering on or bounded by navigable waters, convey of their own force no title or right below high-water mark" and do not impair the right either of the United States or of the future State, when created, to deal with the tidal land between high and low water mark at pleasure. It was there held that in the State of Oregon a person who took title to land acquired under an act of Congress while Oregon was a Territory, abutting on the tidal water of the Columbia River, could not object to a subsequent grant to another by the State of Oregon of the tidal lands upon which the land of the grantee under the act of Congress abutted.

It follows that no matter what the ownership of the upland abutting on the tidal flats, Congress has complete power to regulate the trestles and wharves which shall be built from the shore to the channel and along it, and to determine their character and the distance along the channel they may occupy, and in the absence of congressional action the abutting lot owners can possibly acquire at best only a revocable license or permit from the War Department to put in such structures as that department will certify do not interfere with navigation.

Is congressional action wanting or has Congress given abutting lot owners any permission or easement of this kind? In only two instances has Congress conferred any such authority.

There is a provision of the act of May 14, 1898 (30 Stat. L., 409), providing a right of way for located railways in Alaska that reads as follows:

> And when such railway shall connect with any navigable stream or tidewater, such company shall have power to construct and maintain necessary piers and wharves for connection with water transportation, subject to the supervision of the Secretary of the Treasury.

But this is not a right incident to, or commensurate with, ownership of abutting land, but it is incident only to the location of a right of way of a railway. It secures to the railway only such trestles or viaducts to the wharves along the deep channel as the Secretary of the Treasury may deem necessary.

In the second place, there is a provision in the same act by which the Secretary of the Interior may permit the extension of piers and the construction of wharves from the 80-rod frontages reserved to the public, to the navigable channel, but such piers and wharves must be open to public use for reasonable tolls to be fixed by the Secretary (30 Stat. L., 413).

There is no provision or intimation in the statute that abutting landowners as such shall have an easement of this kind. The consequence is that even if the Controller Railway & Navigation Co. were to obtain control of the entire frontage on the north shore—which, of course, it can not do because of the 80-rod reservations—it still could not appropriate the channel or exclude anyone from its occupancy.

The whole contention that the Executive order and the opening to settlement of the shore of Controller Bay grants a monopoly to the railway company rests on the claim that it has given an opportunity to persons using scrip to appropriate the control of the only available and practicable parts of the channel by the location of the scrip opposite to those parts. If now the location of the scrip opposite to the harbor gives no right to reach the harbor except as Congress may expressly give it, clearly the Controller Railway & Navigation Co. has not the slightest opportunity for exclusive appropriation of the harbor facilities unless Congress shall by future act deliberately and voluntarily confer it.

I should be lacking in candor if I allowed it to be inferred that this third reason for saying that there is not the slightest danger of this order giving a monopoly of the channel to the Controller Railway & Navigation Co. was present in my mind when I made the order. I was, of course, satisfied because of the other restrictions mentioned that no monopoly of the channel could follow, but I did not examine the law as to this point at that time. But the law is as I have stated it, and the consequences are inevitable.

The owners of the Controller Railway & Navigation Co. realized the difficulty there might be in asserting a right as abutting owners to construct trestles and wharves on the tidal flats to the channel, and without even relying on the express privilege conferred on railway companies to apply to the Secretary of the Treasury for such permission, already quoted, went direct to Congress and secured from Congress an act which gives to the company expressly a right of way 200 feet wide across the tidal flats to the deep water; but this grant of an exclusive easement is carefully drawn and is accompanied and surrounded with every safeguard. Express power to repeal it is reserved to Congress, and the character and extent of the structures on the channels are placed in the control of the War Department upon recommendation of the Chief of Engineers. This easement was granted in an act passed March 4 of this year (36 Stat. at Large, p. 1360), and only after full examination by the Interstate Commerce Committee of the House, after recommendations by the War Department and the Interior Department and a clarifying discussion in the House of Representatives (Exhibits A–40, B–86, B–88, and B–90).

In the records of the War Department will be found one permit to construct a trestle from the Controller Bay shore to the channel, which, by extension, is still in force and will remain so until January 1, 1912 (Exhibit B–78). This was given to the Controller Bay & Bering Coal Railway Co., a different company from the Controller Railway & Navigation Co. It does not appear upon what authority such permit could be given by the War Department. Under the statute, the Secretary of the Treasury is charged with supervision over such a case, and before a lawful license can be granted his consent must be obtained (30 Stat. L., 409).

It follows from what has been said that the question of how the channel of Controller Bay shall be used is wholly in the control of Congress and nothing that has been done by the Executive order or otherwise imperils that control. With the opportunity that any projected railway has to secure access to the harbor by locating its right of way to the line of the shore under supervision of the Secretary of the Treasury, or by application to Congress, the mere private ownership of land abutting on the shore is relatively unimportant. If a railway company thus secures access by trestle and wharf to the deep-water channel, it may conveniently establish its terminal yards, stations, warehouses, and elevators wherever in the eliminated tract it can secure title, and extended frontage on the tidal flats is of no particular advantage. As 12,000 acres in the tract eliminated still remain open to entry, the prospect of a monopoly in one railroad company is most remote. I submit to all fair-minded men who may have been disturbed over the charges made in respect to the Executive order of October 28, 1910, that it has been demonstrated by the foregoing that no public interest has suffered from its issue; that great good may come from it; and that no dishonest or improper motive is needed to explain it. I might, therefore, stop here; but rather for the purpose of the moral to be drawn from them than to vindicate the order, I propose to consider the attacks upon the order that misinformation, hysteria, or rancor has prompted.

The order has been criticized because it was not in form a proclamation instead of an order. This was determined by Mr. Graves, the Forester, who, in letter of March 24, 1910, speaking of the proposed elimination, says to his assistant:

> Action in this instance will be takn by Executive order rather than by proclamation accompanied by diagram.

And he gives the reasons in a note dated July 6, 1911 (Exhibit D–43):

> When a comparatively small area is to be eliminated from a national forest the Executive order is very commonly used instead of the proclamation, especially when other changes in boundaries may be made in a short time. The preparation of the diagrams which accompany a proclamation is necessarily expensive and laborious, and the issuance of repeated proclamations with their diagrams is avoided when an Executive order will serve the purpose. In the present case reports were pending, recommending other changes in boundaries of the Chugach Forest, and since the proposed eliminations would be described without the use of a diagram, the Executive order form of elimination was chosen.

The fact is that in law there is in effect no difference between a proclamation and an Executive order. (Wood *v.* Beach, 156 U. S., 548–550.) In practice the same publicity is given to each. Both are sent to the State Department for record. (See the letter from the Secretary of State—Exhibit A–35.) The custom of the State Department is to advertise neither a proclamation nor an Executive order. Each is merely handed to the representatives of the press after being executed, and is sent to the large mailing list of the State Department. That course was here pursued in respect to the Executive order of October 28, 1910. In accordance with custom, copies were sent to the Interior Department and the Agricultural Department, because they were especially concerned.

The charge has been made that this was a secret order, and that though it was made in October, 1910, no one knew of it until April, 1911. This is utterly unfounded. The statement of Mr. Vernon (Exhibit A–36), the correspondent of the Post-Intelligencer, of Seattle, a newspaper of wide circulation among a people most interested in Alaska, shows that 10 days before the order was made, news of the details of Ryan's application and the probability of its being granted was given wide publicity. It further appears from the records of the Interior Department that the evening the order was signed, October 28, 1910, a full notice of the issue of the order and its details was furnished by the department to all correspondents in the form of a news bulletin (Exhibits A–36 and C–32–C). Finally, the agent of the Associated Press (Exhibit A–39) certifies that at 7.23 p. m., October 28, 1910, there was sent out by that association to all its newspaper clients a telegram taken from a typewritten statement issued by the Interior Department, as follows:

WASHINGTON, *October 28.*

Approximately 12,800 acres of land in the Chugach National Forest, Alaska, have been restored by the President for disposition under appropriate land laws, according to information made public to-day by the Interior Department. These lands are situated on the coast line of Controller Bay in southern Alaska near the Cunningham claims, and have been found upon examination to be of little value for forestry purposes.

It would be difficult to prepare an advertisement more informing to the public or more likely to attract the attention of all likely to desire acquisition of land on Controller Bay. On the 20th the Chief Forester sent a telegram making a similar announcement to his district forester at Portland, Oreg. (Exhibit D–42).

The order has been attacked on the ground that it did not contain a provision delaying its taking effect for 30 days after its local publication as orders restoring land to settlement by homesteaders frequently do. An examination of the record furnishes an explanation of this feature of the order as made. When, in October, the two departments had agreed, with my acquiescence, that the order should be an elimination of only 320 acres, an order describing the 320 acres directing its restoration to settlement and containing the usual provision postponing its taking effect 30 days was prepared in the Forestry Bureau and forwarded to the Interior Department. There it was deemed wiser to spread on the face of the order a specific declaration that it was made to afford terminals for the Controller Railway & Navigation Co., and as no one else was expected to intervene and take up any part of the eliminated tract the restoration was made immediate (Exhibit C–2–J).

The form thus amended was submitted to the Secretary of Agriculture, who expressed his preference for the immediate restoration order through his solicitor's memorandum on the face of the order, as follows:

Mr. CLEMENTS,
[*Assistant Attorney in the Interior Department:*]

We think this O. K. The Secretary says it is the direct way, and appeals to him.

GEO. P. MCCABE.

The idea of the Secretary doubtless was that the short form of order was preferable because on its face it was directly indicative of the purpose to secure an opportunity to the railway company by proper entry to settle on the land eliminated, and as no one else was expected to intervene no postponement was needed. Accordingly when the case came for decision in the Cabinet the order was without any postponement clause. This was the form sent me for my signature by the Acting Secretary of the Interior Department (Exhibit C–2–K).

When I directed the striking out of the reference to the railway company and the enlargement of the area from 320 acres to 12,800 acres the form of the order in its provision for immediate restoration was not changed. I have no doubt that this was the reason why the order issued took the form it did. Had the postponement clause been suggested, I would, doubtless, have directed it to be embodied in the order. But the event has proven that it was really not important in this case, for in now, nearly nine months, only the Controller Railway & Navigation Co. has made any scrip entries on the eliminated tract and this, although 12,000 acres and about 2½ miles of water front still remain open to entry, and there are several different railway companies in addition to the Controller Railway & Navigation Co. that had filed locations for rights of way in the vicinity in the last two years who have had in the last nine months the fullest notice of their opportunity if they wished to enter on this land.

Before closing I desire to allude to a circumstance which the terms of this resolution make apt and relevant. It is a widely published statement attributed to a newspaper correspondent that in an examination of the files of the Interior Department a few weeks ago a postscript was found attached to a letter of July 13, 1910, addressed by Mr. Richard S. Ryan to Secretary Ballinger—and in the present record—urging the elimination of land enough for terminals for the Controller Railway & Navigation Co. The postscript was said to read as follows:

DEAR DICK:

I went to see the President the other day. He asked me who it was I represented. I told him, according to our agreement, that I represented myself. But this didn't seem to satisfy him. So I sent for Charlie Taft and asked him to tell his brother, the President, who it was I really represented. The President made no further objection to my claim.

Yours. DICK.

The postscript is not now on the files of the department. If it were, it would be my duty to transmit it under this resolution. Who is really responsible for its wicked fabrication, if it ever existed, or for the viciously false statement made as to its authenticity, is immaterial for the purposes of this communication. The purport of the alleged postscript is, and the intention of the fabricator was, to make Mr. Richard S. Ryan testify through its words to the public that although I was at first opposed in the public interest to granting the elimination which he requested, nevertheless through the undue influence of my brother, Mr. Charles P. Taft, and the disclosure of the real persons in interest, I was induced improperly and for the promotion of their private gain to make the order.

The statement in so far as my brother is concerned—and that is the chief feature of the postscript—is utterly unfounded. He never wrote to me or spoke to me in reference to Richard S. Ryan or on the subject of Controller Bay or the granting of any privileges or the making of any orders in respect to Alaska. He has no interest in Alaska, never had, and knows nothing of the circumstances connected with this transaction. He does not remember that he ever met Richard S. Ryan. He never heard of the Controller Railway & Navigation Co. until my cablegram of inquiry reached him, which, with his answer, is in the record (Exhibits A–23 and 24).

Mr. Ballinger says in a telegram in answer to my inquiry, both of which are in the record (Exhibits A–25 and 26), that he never received such a postscript and that he was in Seattle on the date of July 13, when it was said to have been written.

Mr. Richard S. Ryan, in a letter which he has sent me without solicitation, and which is in the record (Exhibit A–21), says that he never met my brother, Mr. Charles P. Taft, and that so far as he knows, Mr. Charles P. Taft never had the slightest interest in Controller Bay, in the Controller Railway & Navigation Co., or in any Alaskan company, and he utterly denies writing or signing the alleged postscript. The utter improbability of his writing such a postscript to Mr. Ballinger at Washington, when the latter was away for his vacation for two months, must impress everyone.

The fact is that Mr. Ballinger never saw the letter of July 13, 1910, to which this postscript is said to have been attached. It was sent to me by Mr. Carr, Secretary Ballinger's private secretary, at Beverly, on July 14—the next day (Exhibit C–2–D). I read the letter at Beverly in August with other papers and sent them to the White House. It was placed upon the White House files and remained there until April 22, 1911 (Exhibits A–20 and 29), when it was, by request of Secretary Fisher, for use in connection with his answer to a Senate inquiry, returned to the Interior Department, and it was after this that the correspondent is said to have seen the letter with the postscript attached. Mr. Carr saw no such postscript when he sent the letter to me. I did not see it when I read it. No one saw it in the Executive Office, but it remained to appear as a postscript when it is said that the correspondent saw the letter in April or May on the files of the Interior Department. All others were denied the sight (Exhibits A–29 and 41).

The person upon whose statement the existence of what has been properly characterized as an amazing postscript is based, is a writer for newspapers and magazines, who was given permission by Secretary Fisher, after consultation with me, to examine all the files in respect to the Controller Bay matter—

and this under the supervision of Mr. Brown, then private secretary to the Secretary of the Interior (Exhibit A–29). After the examination, at which it is alleged this postscript was received from the hand of Mr. Brown, the correspondent prepared an elaborate article on the subject of this order and Controller Bay, which was submitted to Mr. Fisher, and which was discussed with Mr. Fisher at length, but never in the conversation between them or in the article submitted did the correspondent mention the existence of the postscript. Mr. Brown states that there was no such postscript in the papers when he showed them to the correspondent and that he never saw such a postscript. Similar evidence is given by Mr. Carr and other custodians of the records in the Interior Department (Exhibit A–29).

Stronger evidence of the falsity and maliciously slanderous character of the alleged postscript could not be had. Its only significance is the light it throws on the bitterness and venom of some of those who take active part in every discussion of Alaskan issues. The intensity of their desire to besmirch all who invest in that District and all who are officially connected with its administration operates upon the minds of weak human instruments and prompts the fabrication of such false testimony as this postscript. I dislike to dwell upon this feature of the case, but it is so full of a lesson that ought to be taken to the heart of every patriotic citizen that I can not pass it over in silence.

When I made this order I was aware that the condition of public opinion in reference to investments in Alaska, fanned by charges of fraud—some well founded and others of an hysterical and unjust or false character—would lead to an attack upon it and to the questioning of my motives in signing it. I remarked this when I made the order, and I was not mistaken. But a public officer, when he conceives it his duty to take affirmative action in the public interest, has no more right to allow fear of unjust criticism and attack to hinder him from taking that action than he would to allow personal and dishonest motives to affect him. It is easy in cases like this to take the course which timidity prompts and to do nothing, but such a course does not inure to the public weal.

I am in full sympathy with the concern of reasonable and patriotic men that the valuable resources of Alaska should not be turned over to be exploited for the profit of greedy, absorbing, and monopolistic corporations or syndicates. Whatever the attempts which have been made, no one, as a matter of fact, has secured in Alaska any undue privilege or franchise not completely under the control of Congress. I am in full agreement with the view that every care, both in administration and in legislation, must be observed to prevent the corrupt or unfair acquisition of undue privilege, franchise, or right from the Government in that District. But everyone must know that the resources of Alaska can never become available either to the people of Alaska or to the public of the United States unless reasonable opportunity is granted to those who would invest their money to secure a return proportionate to the risk run in the investment and reasonable under all the circumstances.

On the other hand, the acrimony of spirit and the intense malice that have been engendered in respect of the administration of the government in Alaska and in the consideration of measures proposed for her relief and the wanton recklessness and eagerness with which attempts have been made to besmirch the characters of high officials having to do with the Alaskan government, and even of persons not in public life, present a condition that calls for condemnation and requires that the public be warned of the demoralization that has been produced by the hysterical suspicions of good people and the unscrupulous and corrupt misrepresentations of the wicked. The helpless state to which the credulity of some and the malevolent scandal mongering of others have brought the people of Alaska in their struggle for its development ought to give the public pause, for until a juster and fairer view be taken, investment in Alaska, which is necessary to its development, will be impossible, and honest administrators and legislators will be embarrassed in the advocacy and putting into operation of those policies in regard to the Territory which are necessary to its progress and prosperity.

WM. H. TAFT.

THE WHITE HOUSE, *July 26, 1911.*

LEAVE OF ABSENCE TO HOMESTEADERS.

Mr. CLARK of Wyoming. From the Committee on Public Lands I report back, with an amendment, in the nature of a substitute, the bill (S. 3052) granting leave of absence to certain homesteaders, and I submit a report (No. 111) thereon. On behalf of my colleague [Mr. WARREN] I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The SECRETARY. The Committee on Public Lands report to strike out all after the enacting clause and to insert:

That all persons who have heretofore made homestead entries in the Lemmon, Timber Lake, Rapid City, Chamberlain, Gregory, and Pierre land districts, in the State of South Dakota; in the Valentine, O'Neill, and Alliance land districts, in the State of Nebraska; in the Dickinson land district, in the State of North Dakota; and in the Cheyenne, Evanston, Sundance, and Douglas land districts, in the State of Wyoming, are hereby relieved from the necessity of residence upon their lands from the date of the approval of this act to April 15, 1912: *Provided*, That the time of actual absence during the period named shall not be deducted from the full time of residence required by law.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. CRAWFORD. Is the Bellefourche land district, South Dakota, included in the bill?

The VICE PRESIDENT. It is not included.

Mr. CRAWFORD. I desire to amend the bill by inserting "Bellefourche" after "Chamberlain."

The VICE PRESIDENT. The Senator from South Dakota offers an amendment, which will be stated.

The SECRETARY. Insert after "Chamberlain," in the State of South Dakota, the word "Bellefourche."

Mr. CLARK of Wyoming. I know of no reason why this amendment should not be made. The reason why it was not inserted in the substitute was that it was not included among those land districts sent to the committee by the Commissioner of the General Land Office, of which he had notice as being in distress. If the Senator himself knows the circumstances, the amendment will be accepted by the committee.

Mr. BORAH. Is there a report accompanying the bill?

The VICE PRESIDENT. There is a written report presented with the bill.

Mr. BORAH. I ask that it be read.

The VICE PRESIDENT. Without objection, the report will be read.

The Secretary read the report this day submitted by Mr. CLARK of Wyoming, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 3052) granting leave of absence to certain homesteaders, referred the same to the Secretary of the Interior for a report thereon, which report is as follows and is made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, July 25, 1911.

Hon. KNUTE NELSON,
Chairman Senate Committee on Public Lands.

SIR: I have the honor to acknowledge receipt of a copy of Senate bill 3052, Sixty-second Congress, first session, entitled "A bill granting leave of absence to certain homesteaders," which was introduced by Senator WARREN on July 18, 1911, and to make a report thereon as follows:

That this bill be amended so as to read:

"*Be it enacted, etc.*, That all persons who have heretofore made homestead entries in the Lemmon, Timber Lake, Rapid City, Chamberlain, Gregory, and Pierre land districts, in the State of South Dakota; in the Valentine, O'Neill, and Alliance land districts, in the State of Nebraska; and in the Cheyenne, Evanston, Sundance, and Douglas land districts, in the State of Wyoming, are hereby relieved from the necessity of residence upon their lands from the date of the approval of this act to April 15, 1912: *Provided*, That the time of actual absence during the period named shall not be deducted from the full time of residence required by law and where any such entryman had abandoned the land embraced in his entry for a period of six months or more immediately preceding the passage of this act, the leave of absence herein granted shall not be available as a defense to any contest brought to enforce the forfeiture of the entry through such abandonment."

The records of this department do not disclose that the other States and Territories mentioned are suffering from a drought to such a degree as to warrant this extension. Correspondence with this office, however, indicates that parts of the Dickinson land district, in North Dakota, are also affected by this drought.

Very respectfully,

SAMUEL ADAMS,
Acting Secretary.

Your committee, having had the bill under consideration, recommends that the same be amended by striking out all after the enacting clause and inserting the following:

"That all persons who have heretofore made homestead entries in the Lemmon, Timber Lake, Rapid City, Chamberlain, Gregory, and Pierre land districts, in the State of South Dakota; in the Valentine, O'Neill, and Alliance land districts, in the State of Nebraska; in the Dickinson land district, in the State of North Dakota; and in the Cheyenne, Evanston, Sundance, and Douglas land districts, in the State of Wyoming, are hereby relieved from the necessity of residence upon their lands from the date of the approval of this act to April 15, 1912: *Provided*, That the time of actual absence during the period named shall not be deducted from the full time of residence required by law."

Your committee further recommends that the bill when so amended do pass.

Mr. NELSON. Mr. President, I desire to make a brief statement. The bill as originally introduced covered a large number of States and the entire area of the States. It was referred to the Interior Department, and they reported that only in certain land districts in particular States did conditions exist which warranted a call for legislation, and hence the committee reported it substantially with the recommendation of the Interior Department. Among other States, for instance, that were included in the original bill was the State of Minnesota. We have

no occasion for such legislation in that State. No drought has existed in that State which has destroyed the crops either last year or this year.

Under the general law a homesteader who has initiated a settlement on his claim can by application to the Land Office secure a leave of absence for six months, but where a settler has not initiated his claim he can not get such leave. The object of this law is to cover those parts of the country where they lost their crops from drought last year altogether, and this year also, and where they have been unable to initiate a settlement on that account. It is for the purpose of allowing those settlers to stay away until next spring, in order that they may earn something for the support of themselves and their families. It is to cover cases where they have not initiated a settlement. Where they have initiated a settlement they can obtain a leave of absence for six months at one time.

The limitation put into the bill limiting it to these particular lands is done at the instance of the Interior Department. Before that report was sent in I had a conversation with the Commissioner of the General Land Office. He said they have on file in their office information from the various land districts so that they could determine in what locality this relief is needed. One district in North Dakota was not included in the amendment he suggested, but he added in his letter that the conditions were such there as in the other localities, and hence we added in the amendment the Dickinson land district, in the State of North Dakota.

Mr. PAGE. Mr. President, I should like to ask the Senator from Minnesota if in passing this bill we are establishing any precedent likely to trouble us in the future?

Mr. NELSON. We are establishing this precedent: If it should happen that they had two years of drought in succession that utterly destroyed the crops, as has been the case in this instance in these localities, it would afford a precedent for relief in those cases.

Mr. PAGE. Is there any precedent in the past for this action?

Mr. NELSON. Not exactly of this kind. We have passed several bills for the relief of settlers, relieving them from occupying the lands during the winter. I recollect that a year or two ago we passed a bill for the benefit of settlers in North Dakota and other Northwestern States on account of the severe winter storms, which prevented them from living on their claims. We excused them from living on them during that stormy period in the winter. Senators will bear in mind that while the bill gives the settlers a leave of absence until the 12th of April next, they have still to live five years on the land before they can get title.

Mr. PAGE. Mr. President, it seems to me it would hardly be possible that this drought is something so unprecedented that relief should be called for at this time, when nothing of the kind has occurred in the past.

Mr. WARREN. Mr. President——

Mr. NELSON. Let me answer that question. The truth of it is that a large share of these lands, especially in South Dakota, to my knowledge, were entered for the first time at the Land Office last year under a system of drawings and allotments. They were Indian lands opened to homestead settlement for the first time. In most of these cases the homestead settlers did not get the land free. They are required to reside on it, as they did in other cases where they got the land free. But in these cases they have to pay a price for the land, and that goes to the benefit of the Indians. Most of these are not what you would call free homesteads. The homestead requirement of the settler has been incorporated in connection with the price that they have to pay to the Indians for the land.

Mr. PAGE. I see that the department does not recommend the passage of this bill; it simply answers the question very briefly. It occurred to me that this was not the first dry time that has occurred in the past. What I wish to know of the Senator from Minnesota is whether there is some precedent for this legislation or whether it is new?

Mr. WARREN. Mr. President, we have precedent for this kind of legislation where there has been great drought in the past. But, if the Senator will permit me, this is more especially necessary now because of the new endeavor, comparatively speaking, of dry farming, so called. Lands that were supposed to be arid and semiarid, where water can not be conducted upon them, are now being brought under cultivation. There have been large numbers of people who have settled upon these lands and by deep plowing and summer fallowing are reclaiming the land, making homes, and through their sturdy efforts they are not only making two blades of grass grow where but one grew before, but are making thousands of blades of grass, thousands of acres of growing crops grow, where none grew before, and where in some cases the land was an absolute desert and in others, at best, only produced short, sparse, wild grasses. They had in many localities a very severe drought all last summer and very little snow in the winter and again drought this last spring and present summer.

There is no class of settlers—in fact, no class of citizens—that deserves better treatment or greater indulgence at the hands of the United States Government than do these hardy, industrious, honest, enterprising pioneers who are forcing the reluctant soil to gather and give up moisture enough to insure, at least every other year, a crop worth harvesting.

This proposed bill does not relieve the settler of any responsibility whatever except that it allows him to live longer on the place before he is obliged to make proof on his claim. The Government loses nothing and the settler gains nothing except that he can make sure proof that he has cultivated so much land and gathered crops where he would be debarred from doing it and lose his land if these two dry summers were allowed to count against him and he was not offered relief.

Mr. PAGE. I was not attempting to debate the proposition, except to inquire if this is legislation absolutely new and unprecedented, because in that case I think we ought to debate it still further. If there are precedents for it, as I understand there are, I have nothing further to say.

Mr. NELSON. Mr. President, I want to say, for the information of the Senator from Vermont, that under the general homestead law a settler is required, if he wants the land for nothing except the Land Office fees, to reside upon the land and cultivate it and make it his home for five years. He can, however, under the general homestead law commute his homestead, as we call it; that is, after living on the land 14 months and improving and cultivating it during that time, he can, at the end of 14 months, prove up and get title by paying for the land a dollar and a quarter an acre.

A considerable portion of these lands are Indian lands. In opening them for settlement the homesteaders were required to pay a specific price for the lands, and in order to prevent their going into the hands of speculators the homestead requirement of settlement and cultivation was incorporated. These settlers have still got to live five years on this land, or they can at the end of 14 months commute, but they must pay the stipulated price. All the relief this bill gives them is that between now and next April they need not live on the land. Otherwise in all respects they are obliged to fulfill the requirements of the law.

Mr. BORAH. Mr. President, I do not propose to interpose any opposition to the passage of this measure, but I want to say, before it does pass, that I think it a very poor kind of land legislation. On May 20, 1862, we passed our homestead law, which requires a homesteader to reside for the term of five years upon his land. That law has become antiquated in its operation and imposes very great hardship on the settler. We are constantly passing laws for the relief of the settler in his distressed condition, because if any unforeseen hardship whatever overtakes him he is already so impoverished by the long years which he must reside upon his homestead before he can have title or utilize it that he must appeal to Congress for relief.

Our sister country, Canada, with which we are so enamored at this time, has provided that a homesteader may acquire title to public land within three years, and that he may have an absence from his home six months out of each year for the purpose of earning that which almost all settlers have to earn in order to enable them to take care of their expenses, which generally can not be earned upon the homestead in the first few years of settlement.

I introduced a bill a year or so ago—some time within which the memory of man runneth not to the contrary—and sent it to the Committee on Public Lands. I have not since heard from it. I think that, in order to relieve the settler, in order to induce immigration in a bona fide way to the public lands, the settlement of the public lands should at this time be placed upon a practical business basis and in accordance with the conditions of the present time; that we should get from under the archaic law of 40 or 50 years ago and give the settler an opportunity to utilize his assets, to utilize his earnings, and to utilize his lands as soon as the bona fide of the settler has been established.

That is as thoroughly established after a period of residence of three years as it is after a period of residence of five years. Instead of administering these temporary reliefs for the distressed condition of the settlers we ought to overhaul the land law and place it in harmony with present conditions and the present time.

Mr. CLARK of Wyoming. Mr. President, I am entirely in harmony with the Senator from Idaho [Mr. BORAH], but in the meantime, while we are overhauling the general land laws, I think we should pass this bill for temporary relief.

One of two things must happen, Mr. President, either these people must be relieved by the passage of a law of this sort or they must lose their effort for the time mentioned by the Senator from Minnesota [Mr. NELSON] and by my colleague from Wyoming [Mr. WARREN]. It is true, as the Senator from Idaho says, that our land laws are archaic; it is further true that every possible obstruction is put in the way at this day of every man who wants to settle upon the public lands of the United States, there to carve out a home. Not only are obstructions put in his way practically, but hardly an entry is made in local land offices that has not the tinge of suspicion cast upon it. No matter how honest may be the settlement, no matter how earnest may be the endeavor, it is almost impossible, Mr. President, for a man in this day to secure, with any reasonable degree of certainty or in any reasonable time, the title to the land which he has occupied.

The conditions at the present time in these particular land districts are known all over the country. It is known that there have been droughts; it is known that the crops have failed; it is known that unless these settlers get this temporary relief they must forfeit whatever right they may have as attached to this land. I hope that we may not wait for general laws in order to relieve a present necessity.

Mr. BORAH. Mr. President, I did not interpose opposition to the passage of the bill, but I rise to say again that there are hundreds of settlers upon the public lands who are suffering from hardships imposed upon them, almost as much so as those who have been peculiarly subjected to hardships by reason of the drought. I can not understand the persistency with which the American Congress refuses to relieve the man who is in good faith trying to make a home upon the public domain. We are quick to act in certain emergencies and under certain conditions, but the lone settler who goes upon the public domain, impoverished generally when he starts, receives but little consideration, even after 10 years of earnest petitioning to this Congress to enable him to acquire a home under conditions which leave him in a position to take care of his family after he has acquired his home. His family is deprived of schooling; his land is mortgaged the day after he acquires his title in order to take care of the expenses which have been necessarily incurred in the long years which he has been upon the land. We are persistently pursuing a course, year after year, of impoverishing the men who, as home builders, are trying to build up and reclaim these unsettled regions.

Mr. NEWLANDS. Mr. President, I favor the passage of the pending bill as a matter of needed relief; but I am in hearty sympathy with the demand of the Senator from Idaho [Mr. BORAH] for immediate and comprehensive amendments to our land laws.

Seven years ago I had occasion to call the attention of the Senate to our misfit land laws, and declared that those laws, whilst originally adapted to the settlement of the agricultural portion of the public domain in the humid regions and guarding carefully against land monopoly, were not well suited to the settlement of the public domain in the arid and mineral regions of the country.

I have several times since taken occasion to comment upon the insufficiency of our land laws to meet the economic requirements of western development, and that this very fact had brought about an evasion of the laws with a view to meeting such economic requirements. These conditions brought about a state of public opinion in the West which regarded with complacency the evasion of the law, and under these conditions of public opinion large areas of timber and coal land drifted into monopolistic control, though the purpose of the law was to avoid it.

RISE OF THE CONSERVATION POLICY.

Under Mr. Roosevelt's administration a vigorous propaganda was urged for the reform of the land laws, and as the Representatives of the Western States in Congress were inert in their response to this demand Mr. Roosevelt's administration started upon a vigorous prosecution of all evasions of and frauds under the law.

The beneficiaries of these evasions and frauds were politically strong, and hence arose a struggle with the administration as to the enforcement of the law, when the entire effort of the Representatives of that region should have been addressed to the reform of the law. Meanwhile there was an increasing public demand in that region that the development of its natural resources should not be checked. The answer of the Roosevelt administration was:

We agree with you that such development should not be checked; but if development can only be secured by evasion of existing laws, we must enforce the laws, and if you wish to secure development you must change the laws, and change them in such way as to prevent monopolistic control.

As a member of the Public Lands Committee I have witnessed the struggle that has been going on for years between two contending thoughts—one that the development of the country is best served by the immediate absorption of its natural resources by private interests and the other that the use and development of these natural resources should be controlled by the interest of the entire people in such way as to protect them against injurious monopoly.

The conservation policy, therefore, was developed, which required:

1. That every part of the public lands should be devoted to the use which would best subserve the interests of the whole people.

2. That the classification of all public lands would be necessary for their administration in the interest of the people.

3. That the timber, the minerals, and the surface of the public lands should be disposed of separately.

4. That the public lands more valuable for conserving water supply, timber, and natural beauties or wonders than for agriculture should be held for the use of the people from all except mineral entry.

5. That the title to the surface of the remaining nonmineral public lands should be granted only to actual homeseekers.

6. That pending the transfer of title to the remaining public lands they should be administered by the Government and their use should be allowed in such way as to prevent or control waste and monopoly.

As this policy developed, it took the form of requiring that, whilst the surface of our coal and oil lands could be granted for agricultural purposes, the title to these minerals themselves should be maintained in the Government, and that these resources should be developed under a leasing or royalty system sufficiently liberal to promote enterprise, but at the same time so guarded as to prevent extortionate charges and monopolistic control.

So also with the timberlands the policy took the form of a retention of the title of our timberlands in the Government and the development of this resource through a sale of stumpage to private individuals in such way as to promote private enterprise and yet under such control as to prevent destruction and waste.

And as to the grazing lands the policy developed, whilst encouraging homestead settlement, resulting in the creation of individual homes in areas sufficient to support a family but not large enough to encourage monopolistic holdings, was that the public grazing lands should be put under the control of the Agricultural Department under a leasing system which, looking to no profit for the Government but simply to the covering of administrative expense, would secure equality of opportunity for the small as well as the large grazer, would protect the grass from too greedy competition among the grazers, would prevent physical might from becoming the dominant factor, and do away with the war of the range, which has been so destructive of human life.

A POLICY OF HOME MAKING.

It will be perceived, therefore, that this policy in no way limits the development of the West. On the contrary, it promotes it by seeing that the home maker is preferred everywhere and that, pending the coming of the home maker, the natural resources of the public domain are developed in such way as to promote private enterprise and at the same time protect against waste and injurious monopoly. The enemies of this policy, however, have been most skillful, particularly in the regions affected, in raising the clamor that the purpose of the conservationists is to lock up the resources of the country and to check western development, and that their purpose is also to substitute socialistic control for individual enterprise. That this is not so is shown by extracts from the utterances of Mr. Roosevelt and Mr. Taft, the reports of Secretaries Hitchcock, Garfield, and Ballinger, the reports of the Commissioners of the Land Office, the reports of the Land Commission appointed by President Roosevelt, the conference of governors at the White House, and the utterances of the National Conservation Commission.

I shall quote from these reports and utterances as follows:

PRESIDENT ROOSEVELT ON THE NECESSITY FOR REVISION OF PUBLIC-LAND LAWS.

President Roosevelt, in his message to the Fifty-eighth Congress, of December 7, 1903, urged the necessity for the revision of public-land laws. Calling attention to the "widespread conviction that certain of the public-land laws and the resulting administrative practice no longer meet the present need," and to the fact that "the rapidly increasing rate of disposal of the

public lands is not followed by a corresponding increase in home building," and that "there is a tendency to mass in large holdings public lands, especially timber and grazing lands, and thereby to retard settlement," he urged that, so far as practicable, "the remaining public land should be held rigidly for the home builder"; and he announced the appointment of a Land Commission, consisting of Mr. Richards, the Commissioner of the Land Office; Mr. Pinchot, and Mr. Newell, to report "what changes in organization, laws, regulations, and practice affecting the public lands are needed to effect the largest practicable disposition of the public lands to actual settlers who will build permanent homes upon them, and to secure in permanence the fullest and most effective use of the resources of the public lands."

ROOSEVELT—WITHDRAWAL OF COAL LANDS.

In his message to the second session of the Fifty-ninth Congress, December 3, 1906, President Roosevelt advised the withdrawal of the coal lands, urging that the ownership should remain in the United States, which should permit them to be worked by private individuals under a royalty system, the Government keeping such control as to prevent the charge of excessive prices to consumers. He said:

The coal, like the forests, should be treated as the property of the public, and its disposal should be under conditions which would inure to the benefit of the public as a whole.

President Roosevelt, on December 16, 1906, sent another message to Congress (S. Doc. No. 141; 59th Cong., 2d sess.) calling attention to the report of the Public Land Commission, and the need to "recast the public-land laws and adapt them to the actual situation."

He called particular attention to the timber and stone act, the desert-land act, and the general unsatisfactoriness of existing laws and the frauds perpetrated under them. He said:

For much of this fraud the present laws are chiefly responsible. * * * The present coal law limiting the individual entry to 160 acres puts a premium on fraud by making it impossible to develop certain types of coal fields and yet comply with the law. It is a scandal to maintain laws which sound well, but which make fraud the key without which great natural resources must remain closed.

Regarding Government control of grazing, he said:

The control of grazing in the national forests is an assured success. * * * The situation on the open Government range is strikingly different. Its carrying capacity has probably been reduced one-half by overgrazing, and is still falling. * * * I recommend that a bill be enacted which will provide for Government control of the public range through the Department of Agriculture, which alone is equipped for that work. * * * The rights of the settler and home maker should be absolutely guaranteed. * * * Reasonable fencing, which promotes the use of the range and yet interferes neither with settlement nor with other range rights, would be thoroughly desirable if it were legal. Yet the law forbids it, and the law must and will be enforced.

Again, during the second session of the Fifty-ninth Congress (S. Doc. 310), President Roosevelt, on the 13th day of February, 1907, in a message, urged the "need of legislation affecting the different phases of the public-land situation."

He recommended to Congress legislation providing for title to and development of the surface lands as separate and distinct from the right to the underlying mineral fuels, "and the disposal of these mineral fuels under a leasing system on conditions which would inure to the benefit of the public as a whole."

Calling attention to the fact that the leasing system prevails in Australia and in all the great coal-producing European countries except Great Britain, and that there, as in other countries, the surface culture and the mining operations are conducted independently of each other, and that in the United States, although conveyance of the mineral rights with the surface has been the common practice, the separate development of the two interests is increasing, he declared that mineral fuels, like the forests and navigable streams, should be treated as public utilities.

Referring to the desire of the people of the Western States for a rapid development of that region, he said:

So far from hindering, I want to further that development. But surely * * * the development shall take place in such way as to leave the children better off, and not worse off, than the fathers. Let us use, but not waste, the national resources.

Also urging Government control of the public pasture lands, President Roosevelt said:

The local control of the range should be in the hands of western men familiar with stock raising, and there should be full local participation in the management of the range; for cooperation between the stockmen and the Government officers is absolutely essential. There is no need at present that the Government should get a net revenue from grazing on the public range, but only enough to pay for administration and improvement, and it may be wise to provide that any surplus shall go to the States and Territories in which the fees are collected. If a law for the control of the range should, as I request, be enacted, such control would not be taken hurriedly, but gradually, as grazing districts can be organized.

Again referring to fencing, and referring to the present illegal fencing, he said:

Much of this fencing is needed; much of it also represents a fraud upon the public. What is needed is not to provide for the continuance of all fencing, whether beneficial or harmful, but a proper discrimination between the two classes; a discrimination to be exercised always with a special care for the interests of the homesteader and the small stockman.

He referred to the opposition to the proposed measure as coming from those "who have already obtained control of great areas of the public land largely through the ownership or leasing of water at what might be called the strategic points of the range, and who object to the proposed law for the very reason that it is in the interest of the actual homesteader and the small stockman, and because it will break the control that these few big men now have over the lands which they do not actually own."

In a message to Congress during the first session of the Sixtieth Congress, December 2, 1907, President Roosevelt again took up the matter of the revision of the public-land laws. He said:

The land-law system which was designed to meet the needs of the fertile and well-watered regions of the Middle West has largely broken down when applied to the drier regions of the Great Plains, the mountains, and much of the Pacific slope, where a farm of 160 acres is inadequate for self-support. In these regions the system lent itself to fraud, and much land passed out of the hands of the Government without passing into the hands of the home maker.

Alluding to the appointment of a Public Lands Commission three years before, he urged that their recommendations are sound and that "they are especially in the interest of the actual home maker; and where the small home maker can not at present utilize the land they provide that the Government shall keep control of it so that it may not be monopolized by a few men. The Congress has not yet acted upon these recommendations."

He again referred to the necessity of grazing control, as follows:

The existing fences are all illegal. Some of them represent the improper exclusion of actual settlers, actual home makers, from territory which is usurped by great cattle companies. Some of them represent what is in itself a proper effort to use the range for those upon the land, and to prevent its use by nomadic outsiders. All these fences, those that are hurtful and those that are beneficial, are alike illegal and must come down. But it is an outrage that the law should necessitate such action on the part of the administration. The unlawful fencing of public lands for private grazing must be stopped, but the necessity which occasioned it must be provided for. The Federal Government should have control of the range, whether by permit or lease, as local necessities may determine. Such control could secure the great benefit of legitimate fencing, while at the same time securing and promoting the settlement of the country.

Again, in a message of January 22, 1909, transmitting the report of the National Conservation Commission, President Roosevelt said:

The remaining public lands should be classified and the arable land disposed of to home makers. In their interest the timber and stone act and the commutation clause of the homestead act should be repealed and the desert-land laws should be modified in accordance with the recommendations of the Public Lands Commission.

The use of the public grazing lands should be regulated in such ways as to improve and conserve their value.

Rights to the surface of public lands should be separate from rights to forests upon it and to minerals beneath it, and these should be subject to separate disposal.

The coal, oil, gas, and phosphate rights still remaining with the Government should be withdrawn from entry and leased under conditions favorable for economical development.

PRESIDENT TAFT.

President Taft, in his message of December 6, 1910, made specific recommendations to the effect that the coal deposits should be leased, in measures not exceeding 2,500 acres, for 50 years, with a minimum rental or royalty, to be readjusted every 10 or 12 years, and with conditions preventing combinations tending to monopoly.

He made similar recommendations regarding phosphate and oil lands and water-power sites. As to water-power sites, his view was that they should be either directly leased by the Federal Government or turned over to the States, to be leased by them upon terms that would prevent monopolistic combination and secure reasonable rates. He said:

Either of these methods would, I think, accomplish the proper public purpose in respect to water-power sites; but one or the other should be promptly adopted.

So much importance did the President attach to the conservation policy that he annexed to his message his address to the National Conservation Congress, an address which was absolutely in harmony with the general conservation policy.

ALASKAN RAILROADS.

As to the railroads in Alaska, President Taft in his message said:

I have been asked to recommend that the credit of the Government be extended to aid the construction of railroads in Alaska. I am not ready now to do so. A great many millions of dollars have already

been expended in the construction of at least two railroads, and if laws be passed providing for the proper development of the resources of Alaska, especially for the opening up of the coal lands, I believe that the capital already invested will induce the investment of more capital, sufficient to complete the railroads building and to furnish cheap coal not only to Alaska, but to the whole Pacific coast. The passage of a law permitting the leasing of Government coal lands in Alaska after public competition, and the appointment of a commission for the government of the Territory, with enabling powers to meet the local needs, will lead to an improvement in Alaska and the development of her resources that is likely to surprise the country.

It will thus be observed that President Taft is substantially in line with Mr. Roosevelt in urging immediate legislation embodying the conservation policies.

REPORTS OF SECRETARIES OF THE INTERIOR.

HITCHCOCK.

Mr. Hitchcock, in his report for the year ending June 30, 1905, urged the adoption of the recommendations of the Public Lands Commission.

And in his report for the year ending June 30, 1906, after urging the revision of the land laws, and that the opportunities afforded for a fraudulent acquisition of public lands should be removed by the repeal or modification of objectionable legislation, Mr. Hitchcock stated that until then—

the Government may expect to expend its money and energy in apprehending and convicting those seeking to defraud it out of its public lands.

GARFIELD.

In his report for the year ending June 30, 1907, Mr. Garfield said:

It is gratifying to notice that there is a growing sentiment in favor of the enforcement of the land laws. Until quite recently evasion of the public-land laws was not uncommon, and in many localities, due both to public sentiment and to the indifference on the part of the Federal officers, many thousands of acres were acquired contrary to law. * * *

The great majority of the citizens of the West now recognize that the resources of land, timber, water, fuel, and forage are not inexhaustible, and that the waste or misuse of those resources must be stopped. * * *

The difficulty the department encounters in the enforcement of laws is that in some instances the laws themselves are not applicable to existing conditions. This difficulty arises especially in connection with the laws affecting coal lands, timber and stone lands, and use of the public range.

After urging the separation of the surface from the coal and the leasing of the latter, and alluding to the beneficial experience of Australia in this particular, Mr. Garfield said:

The use of the Alaska coal is of the utmost importance. The millions of tons there should not be given away simply because they are not now accessible. Within a few years systems of transportation will bring that coal to our furnaces, ships, and locomotives.

It is our duty to so guard those deposits of national wealth as to prevent the consumer from paying an unduly high price when finally they are brought to market. We should not yield to the specious claim that these lands must be given away now in order to develop Alaska. Honest development will come as rapidly as the public need demands. * * *

It is to be hoped that Congress will undertake a careful revision of the land laws. The reports of the Commissioner of the General Land Office and of the Public Lands Commission afford the information necessary upon which to base much-needed legislation.

Mr. Garfield, in his report for the year ending June 30, 1908, said:

Conservation means not only preservation of our resources, but, as well, their wise and immediate use and the prevention of their misuse, whether by way of waste or monopolistic and speculative control.

In this report Mr. Garfield laid down the doctrine of stewardship regarding the public lands as follows:

This stewardship duty of the Executive is most concretely manifest in the care of the specific property known as the public lands and their resources. From the earliest days the Executive has found it necessary in the public interest to take action concerning the public lands by withdrawing areas from entry. There was no specific provision of law for many of those withdrawals, and yet they were made unhesitatingly by the Executive as steward and were approved by Congress in acts granting land for the purpose for which it was withdrawn. These were purely the acts of stewards farsighted enough to foresee and protect the interests of their principal, the people of the United States.

It was this stewardship doctrine which Mr. Ballinger opposed, and his restoration of vast areas to entry would have resulted in the waste of the public domain had it not been that he was checked by President Taft, and that later ample legislation upon the subject was adopted.

BALLINGER.

Whilst it is claimed that the action of Secretary Ballinger was in opposition to the administration of his predecessors, no trace of opposition to the conservation policy can be found in his public reports, for in his report of November 10, 1909, he said:

The liberal and rapid disposition of the public lands under these statutes and the lax methods of administration which for a long time prevailed naturally provoked the feeling that the public domain was legitimate prey for the unscrupulous and that it was no crime to violate or circumvent the land laws. It is to be regretted that we, as a Nation, were so tardy to realize the importance of preventing so large a measure of our natural resources passing into the hands of land pirates and speculators, with no view to development looking to the national welfare. It may be safely said that millions of acres of timber and other lands have been unlawfully obtained, and it is also true that actions to recover such lands have in most instances long since been barred by the statute of limitations. * * *

In this present policy of conserving the natural resources of the public domain, while development is the keynote, the best thought of the day is not that development shall be by national agencies, but that wise utilization shall be secured through private enterprise under national supervision and control. Therefore, if material progress is to be made in securing the best use of our remaining public lands, Congress must be called upon to enact remedial legislation.

Mr. Ballinger then recommended classification and new legislation providing for the separation of the coal, oil, and gas deposits from the surface and for a leasing system under reasonable regulations.

He also urged the classification of all lands useful for water-power development, the reservation of the title in the Federal Government, and the grant only of an easement upon conditions favorable to the public.

In Mr. Ballinger's report, dated December 1, 1910, he said in regard to coal lands and water-power sites:

COAL LANDS.

Respecting the disposition of coal in the public lands, I call attention to what was said on this subject in my last annual report, to the effect that new legislation was desirable and that the most advantageous method of disposal of coal deposits will be found in a measure authorizing the lease or sale thereof, subject to forfeiture for failure to exercise the rights granted, with restrictions on mining operations in order to conserve the deposit as a public utility. * * *

I consider it highly important that Congress take action in giving the department an effective method of disposition of coal lands and deposits, especially in Alaska. The question of whether it should be by a sale of the deposit, or through a leasing method, is one to be determined by Congress. In Alaska it is possible that a leasing system could be adapted to the country with great efficiency and with less complication than in the States. * * *

I am in favor of a general leasing system of oil and gas bearing lands, such a system as will promote legitimate development of this industry, prevent monopoly, and conserve one of the great natural resources of the country. * * *

WATER POWER.

In the various public-land States and Territories containing water-power resources, in so far as there is present market for those powers, the title to areas greater in extent than that remaining in the Government has long since passed into private ownership, and it must be realized that any radical or burdensome restriction imposed by the Federal Government upon this resource will operate as a servitude on the public lands and discourage their development and use. In my last annual report, in order to meet the emergency for a special method of administering this character of the public lands, and in order to retain the ultimate control thereof in the public, it was recommended that supervision be exercised through a leasing system. During the last session of Congress a bill was introduced "authorizing the President to withdraw from all forms of settlement, entry, or other disposition any lands which are or may become chiefly valuable for the development of water power, and providing for the acquisition by any State or Territory, under certain conditions, of any lands so withdrawn, and for other purposes."

The object of this bill is to transfer these sites to the States under limitations which would compel the States to retain title thereto and to secure and supervise their hydroelectrical development in behalf of the public. The bill provides for Federal enforcement of compliance by the States with the terms, conditions, and limitations of the grant by stipulating for a reversion of the lands to the Federal Government upon the failure by the States to comply therewith.

Taking into consideration the fact that the States own the waters in the streams and have police power to supervise and control public utilities, it would seem a direct and effective method of control would be accomplished by conveying the power sites in trust to the States in some such manner as proposed by this bill.

I earnestly advise the adoption of some legislation which will in any event retain the fee title to the lands in the people and effectually vest the power of regulation and control in the State or in the Federal Government, and which will not result in limiting prompt and economical development or permit monopolization or extortion.

THE COMMISSIONERS OF THE LAND OFFICE.

The reports of Mr. Richards for the year 1906, of Mr. Ballinger for the year 1907, and of Mr. Dennett for the years 1908, 1909, and subsequent years all are in harmony with the conservation policy as laid down by Mr. Roosevelt, Mr. Hitchcock, and Mr. Garfield; and whilst much criticism has been made of the actions, views, and real purposes of both Mr. Ballinger and Mr. Dennett, no utterance in contradiction of the conservation policy can be found in any of their reports.

THE PUBLIC LANDS COMMISSION.

President Roosevelt on the 22d day of October, 1903, appointed a commission consisting of Mr. Richards, the Land Commissioner; Mr. Pinchot, the Forester; and Mr. Newell, the Director of the Reclamation Service, to report upon the present land laws and to recommend changes. This commission made, first, a partial report on March 7, 1904, and a second partial report in November, 1905, after which time they were legislated out of existence through the action of Congress in ending all the commissions organized by President Roosevelt for the purpose of aiding him in his power of recommendation.

ANTIQUATED LAND LAWS.

Under the head of "Antiquated land laws," the Land Commission found that "the present land laws do not fit the conditions of the remaining public lands."

The reports of this commission constitute the basis of the conservation policy, and cover:

First. The preservation of the public domain for home seekers.

Second. The conservation of the forests and the sale of stumpage instead of the surface.

Third. The organization of a system of grazing control with a view to the protection and development of the grazing, the protection of the weak against the strong grazers, and the fencing of the public domain where necessary, with a proper regard for the rights of settlers.

Fourth. The separation of the coal and oil deposits from the surface, with a view to the utilization of the surface for agricultural purposes and the development of the coal and oil under a leasing system which, whilst securing proper development, would prevent an oppressive monopoly.

CONFERENCE OF GOVERNORS AT THE WHITE HOUSE.

In May, 1908, President Roosevelt called the governors of the States in conference at the White House, with a view to considering measures relating to the conservation of the natural resources of the country. It was largely attended, the proceedings were harmonious, and the action unanimous.

This conference declared, in part, as follows:

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittingly the attention of the Nation, the States, and the people in earnest cooperation. These natural resources include the land on which we live and which yields our food; the living waters which fertilize the soil, supply power, and form great avenues of commerce; the forests which yield the materials for our homes, prevent erosion of the soil, and conserve the navigation and other uses of the streams; and the minerals which form the basis of our industrial life and supply us with heat, light, and power.

We agree that the land should be so used that erosion and soil wash shall cease, and that there should be reclamation of arid and semiarid regions by means of irrigation and of swamp and overflowed regions by means of drainage; that the waters should be so conserved and used as to promote navigation, to enable the arid regions to be reclaimed by irrigation, and to develop power in the interests of the people; that the forests which regulate our rivers, support our industries, and promote the fertility and productiveness of the soil should be preserved and perpetuated; that the minerals found so abundantly beneath the surface should be so used as to prolong their utility; that the beauty, healthfulness, and habitability of our country should be preserved and increased; that sources of national wealth exist for the benefit of the people, and that monopoly thereof should not be tolerated.

The conference decided also for cooperation of the Nation with the States, as follows:

We agree that further action is advisable to ascertain the present condition of our natural resources and to promote the conservation of the same; and to that end we recommend the appointment by each State of a commission on the conservation of natural resources, to cooperate with each other and with any similar commission of the Federal Government.

THE NATIONAL CONSERVATION COMMISSION.

The National Conservation Commission, appointed by President Roosevelt and composed of many of the most distinguished men from all parts of the country, also held a meeting at Washington and unqualifiedly indorsed the conservation policy in the following words:

Good business sense demands that a definite land policy be formulated. The National Conservation Commission believes that the following will serve as a basis therefor:

1. Every part of the public lands should be devoted to the use which will best subserve the interests of the whole people.
2. The classification of all public lands is necessary for their administration in the interests of the people.
3. The timber, the minerals, and the surface of the public lands should be disposed of separately.
4. Public lands more valuable for conserving water supply, timber, and natural beauties or wonders than for agriculture should be held for the use of the people from all except mineral entry.
5. Title to the surface of the remaining nonmineral public lands should be granted only to actual home makers.
6. Pending the transfer of title to the remaining public lands they should be administered by the Government, and their use should be allowed in a way to prevent or control waste and monopoly.

The present public-land laws as a whole do not subserve the best interests of the Nation. They should be modified so far as may be required to bring them into conformity with the foregoing outline of policy.

We thus find that during the past eight years there has been a continuous expression of two Presidents, of three Secretaries of the Interior, of three Commissioners of the Land Office, of the Land Commission, of the Governors' Conference, and of the National Conservation Commission, all in favor of western development through wise legislation intended to promote the development of the West by private enterprise, and at the same time to protect that development against monopolistic control.

DECLARATIONS OF PARTY PLATFORMS.

Both parties have recognized this public opinion, the Republican Party by the following expression:

We indorse the movement inaugurated by the administration for the conservation of the natural resources. We approve of measures to prevent the waste of timber. We commend the work now going on for the reclamation of arid lands, and reaffirm the Republican policy of the free distribution of the available areas of the public domain to the landless settler. No obligation of the future is more insistent and none will result in greater blessings to posterity.

And the Democratic Party by an utterance even more clear and distinct, as follows:

We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party; and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain for home seekers, the protection of the natural resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation and every other useful purpose, including the irrigation of arid lands, the reclamation of swamp lands, the clarification of streams, the development of water power, and the preservation of electric power generated by this natural force from the control of monopoly; and to such end we urge the exercise of all powers, national, State, and municipal, both separately and in cooperation.

Congress is to-day ready to pass measures upon these subjects, and yet practically nothing has been done beyond the authority to the President to withdraw public lands pending the action of Congress. The fault, therefore, lies with the Public Lands Committee, which thus far has not been able to settle the contest between the two contending lines of thought to which I have referred, namely, one that the public domain should be turned over, practically without conditions, to private interests for development, and the other that the surface of the land should be preserved for the home seekers, and that the natural resources in timber, coal, oil, phosphates, and in water power should be turned over to private enterprise for development under restrictions that will compel reasonable prices and prevent monopolistic control.

The time is now near at hand when if the Public Lands Committee does not make specific reports upon measures affecting these questions it will be necessary for the Senate to take them up by direct action through an instruction to the Public Lands Committee to report, either with or without recommendation, and thus allowing the entire subject to be considered in the open Senate.

THE DEVELOPMENT OF ALASKA.

We all know that Alaska is not being developed as it should be, and the friends of conservation are charged with delaying its development. What do the friends of conservation demand regarding Alaska? Not that its resources should be locked up. On the contrary, they insist that they should be opened up and developed. They simply protest against the archaic land laws which prevent the development of her natural resources and insist upon legislation that will secure such development.

This question must be considered in the large. It involves the question of harbors, the question of railroads from these harbors to the Yukon River with a view to the transportation of coal, copper, and other minerals, as well as of supplies; and it involves also laws which will permit the acquisition, either under grant or lease, of sufficient coal land and land containing other minerals to warrant their development.

It has been impossible in Alaska, under existing law, to get together enough coal land in private ownership or under private control to warrant its development and the construction of the transportation system necessary for it. The result has been that in order to meet the economic requirements of the situation men have been compelled to evade the land laws in order to get possession and control of a sufficient area of land to warrant its development, hence these frauds upon the land laws, which arose out of economic necessity, but which have been the result of unwise and improvident laws.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Washington?

Mr. NEWLANDS. I yield to the Senator.

Mr. POINDEXTER. Is the Senator aware that, under the existing law, 16 claims of 160 acres each can be consolidated? And does the Senator, in view of that condition of the law, claim that that is not a sufficient amount of coal land to justify development? Under the law of 1908 something like 2,560 acres may be combined under one ownership. Of course the law prohibits a combination in the entry of the claims in the first instance, but it allows, after title has been secured, the combining of as many as 16 claims.

Mr. NEWLANDS. I am aware that the rigidity of the old land laws with reference to coal lands has been somewhat relaxed by recent legislation, but, in my judgment, not sufficiently relaxed. I do not believe that the combination of 16 claims of 160 acres each of coal land in many of the regions of this country will warrant a company in incurring the great expense connected with opening up and developing such lands, and the provision which guards against combination before entry is obstructive of the organization, the capitalization, and the unity of purpose necessary to a great enterprise. It may

in some exceptional cases, but I do not believe it would in Alaska, for there it is necessary to construct a railroad under conditions of exceptional difficulty, there being but two passes through which such a railroad can be constructed, accompanied by engineering difficulties which make the cost one of colossal proportions. So satisfied am I that the proper development of Alaska can not be secured without the proper development of a transportation system that, whilst I am as a general proposition opposed to Government ownership and construction of railroad systems, I would think that the exigency of the situation and the development of Alaska warrants the construction of a railroad from the coast to the Yukon River by the National Government, with a view to equality of opportunity to all who seek to develop the mineral resources of that region. I would enter upon that work just as willingly as the Government enters to-day upon the construction of a wagon road in that Territory, or as it has been engaged for years in the construction of telegraph lines in that Territory; for we all know that the United States Government has constructed and is now operating through the Signal Corps of the Army a large mileage of telegraph lines in the Territory of Alaska.

Having thus secured proper transportation, we would then present the proper opportunity for the development of that region by the brain and the energy and the enterprise of Americans; but even then it will be necessary for us to shape laws that will meet the economic requirements of that country, that will enable a sufficient area of land to be secured by one control to permit of full and economical development, accompanied by provisions that will prevent injurious monopolies.

Such measures have been presented in the shape of provisions for leases and provisions for royalty, which would retain in the United States the ultimate control of these natural resources, in order to prevent extortion and monopoly and at the same time encourage private enterprise. These is no difficulty whatever in the situation if the Senate and the House of Representatives will meet the situation in the spirit that animates the American people upon this subject. Public opinion has been made up. You find it expressed in party platforms everywhere; you find it expressed in the meetings of commercial congresses, of irrigation congresses, of water congresses throughout the country, and you hardly hear an expression to the contrary. This is an illustration of the apathy and inertia of Congress, in its legislation always far behind public opinion, so chained by tradition and precedent and courtesy and committee tyranny that the people are unable to obtain the legislation which they desire and in favor of which they have expressed their demand.

PROGRESSIVE LEGISLATION NEEDED.

Mr. President, in the legislative program which I presented at the commencement of the extra session I called for immediate consideration, among other things, of legislation relating to the conservation policy. We have been in session for four months, the Public Lands Committee has been practically unemployed during that entire period, and there is no reason why this subject should not have been taken up and disposed of.

It is true that during the present session the Senate has disposed of six of the questions with reference to which action was called for by the program to which I have referred, namely, the reciprocity treaty, the free list, the reduction of excessive duties in the wool, cotton, and steel schedules, the publicity of campaign expenditures, the popular election of United States Senators, and the admission of Arizona and New Mexico.

I trust that the remaining questions called for by this program, relating to the physical valuation of railroads, the creation of an interstate trade commission, the protection of bank depositors and the prevention of bank panics, the cooperation of the Nation with the States in river regulation, the construction of an auxiliary navy, and the protection of our natural resources in timber, coal, iron, and oil against monopolistic control, will be taken up early in the regular session and placed by a distinct legislative program on the road to final legislation.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. CRAWFORD] to the amendment of the committee, which the Secretary will again state.

The SECRETARY. After the word "Chamberlain," in line 2, it is proposed to insert "Bellefourche."

The amendment to the amendment was agreed to.

Mr. POINDEXTER. I move to amend the bill by inserting, after the word "Wyoming," the words "in the former Spokane Indian Reservation in the State of Washington."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "Wyoming," it is proposed to insert the words "in the former Spokane Indian Reservation in the State of Washington."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. McCUMBER. I move to insert the word "Minot," so that that district in North Dakota will be included.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "Dickinson," it is proposed to insert the word "Minot."

The amendment was agreed to.

Mr. GRONNA. I move to insert the word "Williston."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "Minot," it is proposed to insert the word "Williston."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS FOR COLORADO.

Mr. GUGGENHEIM. I am directed by the Committee on Public Lands, to which was referred the joint resolution (S. J. Res. 34) providing for additional lands for Colorado under the provisions of the Carey Act, to report it favorably without amendment, and I submit a report (No. 110) thereon. As it is a short measure, I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. POMERENE. Mr. President, I had given notice yesterday that I would object to the consideration of matters of this kind. I do not want to be discourteous at all, but I should like an opportunity to bring up the resolution to which I referred yesterday, if it can be done at this morning's session.

The VICE PRESIDENT. Does the Senator from Ohio object to the present consideration of the joint resolution?

Mr. GUGGENHEIM. The joint resolution is a very short one, and I trust the Senator will withhold his objection. It is not new legislation, and I do not think it will lead to any discussion.

Mr. POMERENE. May I ask whether it will take much time?

Mr. GUGGENHEIM. But a few minutes, I hope. If it should lead to discussion, I will withdraw it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that an additional 1,000,000 acres of arid lands within the State of Colorado be made available and subject to the terms of section 4 of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and by amendments thereto, and that the State of Colorado be allowed, under the provisions of those acts, the additional area, or so much thereof as may be necessary for the purposes and under the provisions of those acts.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EX-SOLDIERS IN EMPLOY OF SENATE.

The VICE PRESIDENT. Morning business is closed. The Chair lays before the Senate a resolution coming over from a previous day, which the Secretary will state.

The Secretary read the resolution (S. Res. 111), submitted by Mr. POINDEXTER on the 24th instant, as follows:

Resolved, That Senate resolution 72, of July 14, 1911, be amended by inserting after the word "War," in the fourth line thereof, the words "and the War with Spain."

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Rules.

THE STANDARD OIL AND THE AMERICAN TOBACCO COS.

Mr. POMERENE. Mr. President, I desire to call up Senate concurrent resolution No. 4.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate a resolution, which the Secretary will state.

The SECRETARY. Table Calendar No. 8, Senate concurrent resolution No. 4, a resolution instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co.

Mr. POMERENE. Mr. President, some days ago I discussed at some length my reasons for presenting this resolution. Briefly, it recites the substance of the decisions of the Supreme Court in the case against the Standard Oil Co. and the American Tobacco Co., and recites the fact that they were found to have violated sections 1 and 2 of the Sherman antitrust law.

The resolution further recites that, if this be true, they are amenable to the penalties provided under criminal prosecution. The resolution further recites that no criminal prosecutions have been begun, declares it to be the sense of the Senate that criminal prosecutions should be begun, and instructs the Attorney General to begin them where the evidence may justify.

I should not have introduced this resolution if I had not felt that for many years—in fact, ever since the enactment of the Sherman antitrust law—the Standard Oil Co. had been persistently and continuously violating the sections of the statute referred to. The same may be said of the American Tobacco Co. ever since its first organization.

The Standard Oil Co., by a formal decree of the supreme court of the State of Ohio in 1897, was found to have violated the common law of the land, and was then operating under a trust agreement which was in violation of the common law and in violation of the powers which had been conferred upon the Standard Oil Co. by the franchise which had been given it by the State of Ohio.

Mr. President, if it were not for the fact that the highest court of the land had made a finding based on the overwhelming weight of the testimony which was submitted to it in the records in these two cases, I would not have presumed to have offered this resolution.

But what course is open to the authorities when the Supreme Court says that by the overwhelming weight of the testimony these criminal sections of the statute have been violated? What justification can there be on behalf of the Department of Justice for not beginning these prosecutions? I am not here to find fault with what that department has done in so far as the civil prosecutions are concerned. The department is entitled to all credit in that behalf. But the American people do not understand, they can not understand, why there should be no criminal prosecutions against these defendants, while the department is vigilant in the prosecutions of minor cases.

Mr. President, in order that we may have a slight view of the methods which have been resorted to, I am going to ask the indulgence of the Senate while I read extracts from a letter on this very subject that came to me on Monday from a man whose name I am not now at liberty to give, but whom I have known for at least 10 years as an honorable business man. He says:

> Permit me to give you some pointers of the criminal character of the American Tobacco Co. I am personally 40 years in the tobacco business.

Then he speaks of his firm having to dissolve "12 years ago, after establishing itself to a high credit mark of $100,000."

> Twenty-four other firms here went under during the same time. Some were driven to suicide, some to insane asylums; some went finally to their graves broken hearted, and most of them went through bankruptcy. From the 24 firms which were here in the year 1880 there is not one left.

He afterwards reorganized his firm and worked up a very successful business, "and kept 500 hands steadily busy—

> But the trust came here, started temporary factories, imitated our best salable brands, and ruined our business to a standstill. They took our traveling men from us and picked up our trade with all criminal inducements, until we had to go into liquidation. I am now of an advanced age, with a high cultured and educated family on my hands, hardly able to cope with present conditions."

I do not know what excuse can be made for a failure to prosecute criminals who have been conducting their business under these methods.

It has been hinted that there is no precedent for action of this character by the Senate or by the House. I need only refer on this phase of the case to a resolution which was passed by the Senate and House April 30, 1908, known as Senate resolution No. 48, entitled "A joint resolution instructing the Attorney General to institute certain suits, and so forth." I read just the first portion of the resolution:

> *Resolved, etc.*, That the Attorney General of the United States be, and he hereby is, authorized and directed to institute and prosecute any and all suits in equity, actions at law, and other proceedings which he may deem adequate and appropriate to enforce any and all rights and remedies of the United States of America in any manner arising or growing out of or pertaining to either or any of the following-described acts of Congress.

Mr. President, what objection can there be to this? Daily we are passing statutes requiring certain duties of the executive department and of the judiciary department. It is not contended for one minute that this resolution shall have the force and effect of law. Its force is rather of a moral character. It seems to me that there ought not to be any objection, even technical, on the part of the Department of Justice to the consideration of the resolution. If it is right, it ought to be adopted; if it is wrong, it ought to be defeated.

In one of the most learned discussions of constitutional law which has taken place in this body in many years—I refer to the discussion of the interstate-commerce law of, perhaps, five or six years ago—the question arose whether Congress had the right to restrict the authority of the courts to grant injunctions in matters which had been passed upon by the Interstate Commerce Commission, and after a very learned discussion it was concluded that that power did prevail. It seems to me that it only requires that we pause for a moment and the correctness of that position will be at once recognized. The power to create implies the power to destroy and also the power to put limitations upon the authority which a court may exercise.

The law was passed, providing, in part, the conditions upon which injunctions should be granted in cases involving the acts of the Interstate Commerce Commission. By the statute which was then passed the power to regulate and control the courts in certain matters was recognized. If, then, the power be recognized to control or to regulate the terms and conditions upon which an injunction may be granted by the court, pray tell me why we can not direct action by an official of the executive department who is at the same time an official in the Department of Justice?

Mr. President, it is my desire that this resolution shall either be adopted or that it shall be defeated. I have understood that an effort would be made to have it referred. If there was any question about the facts in this case, that course might be proper. If there was any question as to the law in the case, that course might be proper. But it does seem to me, in the face of the adjudications of these matters in the civil cases, there ought not to be any question in the mind of Senators.

I realize that I have pretty positive convictions upon this subject, but it appears to me that there ought not to be in this Government one rule to control one class of citizens and another rule for another class.

I therefore ask that the resolution be placed before the Senate for passage.

Mr. CLARK of Wyoming. Mr. President, notwithstanding the argument of the Senator from Ohio, I myself have doubts not only as to the propriety but as to the authority of Congress by resolution to direct specific action by the executive department. The Senator from Ohio cites a case where the Congress of the United States sought to point out the procedure as to injunctions. The Senator, of course, would not follow that up to the conclusion which he reaches in this case; that is, he would not contend for a moment that the Congress of the United States should indicate to the courts whether an injunction should be granted or whether it should not.

Because of my views upon this matter, Mr. President, I move that the resolution be referred to the Committee on the Judiciary.

Mr. CULBERSON. Mr. President, I suggest the absence of a quorum in view of that motion.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	McCumber	Reed
Bankhead	Crane	Martin, Va.	Root
Borah	Culberson	Martine, N. J.	Shively
Bourne	Cummins	Myers	Smith, Mich.
Bradley	Davis	Nelson	Smoot
Brandegee	Dixon	Nixon	Stephenson
Briggs	Foster	O'Gorman	Sutherland
Bristow	Gronna	Oliver	Swanson
Brown	Guggenheim	Owen	Taylor
Bryan	Heyburn	Page	Thornton
Burnham	Johnson, Me.	Paynter	Townsend
Burton	Kenyon	Penrose	Warren
Chamberlain	La Follette	Perkins	Wetmore
Chilton	Lippitt	Poindexter	Williams
Clapp	Lodge	Pomerene	Works

Mr. BRYAN. My colleague [Mr. FLETCHER] is absent on business of the Senate.

Mr. TAYLOR. My colleague [Mr. LEA] is absent on account of illness.

Mr. CHILTON. My colleague [Mr. WATSON] is unavoidably detained from the Senate.

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM] in attendance upon the Lorimer investigating committee. I make the announcement for the day.

I was also requested to announce that the Senator from Alabama [Mr. JOHNSTON] is in attendance on the Lorimer investigating committee, and will be absent during the day.

Mr. POINDEXTER. I desire to make the same announcement as that just made, in reference to my colleague [Mr. JONES], who is in attendance on the Lorimer investigation.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Wyoming [Mr. CLARK] to refer the resolution under consideration to the Committee on the Judiciary.

Mr. BORAH. Mr. President, before voting upon this resolution, I desire to say a word in explanation of my vote and the

measure. Being a member of the Judiciary Committee, I would naturally, I presume, be expected to support a motion sending it to the Judiciary Committee.

It was suggested a few days ago, when this matter was up for discussion, that the resolution might be construed as a criticism or reflection upon the Department of Justice. I do not see why the resolution should be so construed. I do not myself vote for it with that idea in mind, but for another reason.

I am aware that it is difficult sometimes and technically objectionable for a legislative body to instruct an executive officer with reference to this class of duties, and that it is difficult to know precisely when such instruction should be given. But I support the resolution, Mr. President, because it suggests a policy, in my judgment, upon the part of the Government and outlines and suggests the position of Congress with reference to that policy. Technically the resolution is objectionable, but I am not willing on account of this technicality to forego an opportunity to declare a policy.

I do not believe that we have ever derived any practical benefit, so far as the masses of the people are concerned, from any of the prosecutions which have been had under the Sherman antitrust law. I say that not from a partisan standpoint, as in my judgment the declaration covers the period covered by the administrations of the two different political parties. We have had lawsuits which as lawsuits have been well conducted and eminently successful, and I presume that, so far as that feature of the matter is concerned, no one would feel like criticizing the action of the department. But outside of the success of the lawsuit as a lawsuit, as a scholastic proposition to determine and settle some particular construction of the statute, it would be very difficult for anyone to determine what real benefit has been derived from these lawsuits to the masses of American people and what has been accomplished in the way of controlling or circumscribing the power of the corporations or combines which we have been prosecuting.

What substantial measure of benefit has been derived thus far by reason of any action upon the part of the Government under the Sherman law? If we go back to the first litigation, which was had some 18 years ago, when the statute was first construed under the Trans-Missouri freight cases and the joint traffic freight cases, we find that, while the Government was successful in its contention before the courts, undoubtedly the precise thing which the parties in interest sought to accomplish was accomplished after the decisions were rendered.

Take the Northern Securities case. I presume it would be admitted from a legal standpoint that those who were desirous of forming the Northern Securities Co. and operating the two or three railroads through that company which they desired thus to operate, accomplished what they desired to accomplish, so far as making charges for freights and the cost of transportation were concerned, in another way.

Mr. President, it has been about 20 years since the enactment of the Sherman law. It was enacted for the purpose of preventing these large combines and trusts and for the purpose of controlling, to some extent, from a national standpoint, contracts and monopolies which would affect interstate trade. The law when it was enacted provided four simple, specific, and complete remedies or methods of procedure. First of all was the injunctive process, by which the Government was given authority to enjoin the formation of such a combine as would be supposed or threatened to be in restraint of trade or a monopoly. The second remedy was that of criminal prosecution for forming or maintaining these combines. The third was the seizure of property in transit; and the fourth was the dissolution of the combine or the monopoly under a decree.

These four simple, specific, direct, and complete remedies were placed in the law 20 years ago. The Government was given unlimited power to check the formation of these monopolies and combines, to punish them after they were found to be in existence, to seize their property when found in the channels of interstate trade, and to dissolve them when it could have the facts with which to proceed.

As I said, it was some 20 years ago when this law with these drastic remedies was placed upon the statute book; and yet, Mr. President, everyone knows that the last 20 years, which have marked the period that this law was upon the statute book have been in the 20 years in which the most remarkable progress has been made by these combinations, in which they have pushed out further than ever before and exercised their jurisdiction in more marvelous ways than ever conceived of before, and not an embarrassment, so far as their ultimate success was concerned, has been placed upon them, although this simple, effective, and drastic law has been upon the statute book during all that time.

We have, in other words, not even restrained the process of formation, and one of the most effective methods found in the law has been practically ignored. Everyone will remember when one of the greatest combinations that we know to exist, exercising a greater jurisdiction in the industrial and financial world than any other corporation or combine in the world, before it was formed advertised in the newspapers for weeks and months ahead that it was going to be formed, and the details to a remarkable extent were given. It was known before the corporation charter was filed and the combines were made that this powerful combination with $700,000,000 of watered stock, supported by the most marvelous banking combine in the world, was going into existence with this law prohibiting it and giving the Government the power to restrain its formation. Notwithstanding the fact that this information was at hand and the remedy known and provided for, notwithstanding the details of the facts to a remarkable extent were laid before the people, the means which were provided for under the law of enjoining its formation were not invoked, and the statute was permitted to remain a dead letter during the time of the formation of this corporation, which has now apparently passed beyond the control of the Government of the United States. A corporation or those promoting it notifies the people in defiance of the law that it would be formed, as to how it would be formed, the extent of its power, has proceeded in the face of the statute, and to-day exercises a most marvelous power in the financial world, in the political world, and in the industrial world, and, if I mistake not, places the stamp of approval or of disapproval upon many an act of legislation in the Congress of the United States. While you are stripping the farm and the farmer the steel schedule remains untouched and sacred.

Either the Sherman law is a failure, wrong in contemplation of law and inexpedient as an economic proposition, or there has been the most remarkable trifling with the execution of the law that has ever been noted since law was placed upon the statute books to be regarded and obeyed by man. What is the result? Some have been of late criticizing the decision of the Supreme Court in the Standard Oil and the Tobacco cases. Mr. President, let us put aside for a moment the question of whether or not the Supreme Court read into the statute a word not placed there by Congress when it said that only "unreasonable restraint" could be inhibited or prohibited or punished; let us put aside the technical proposition as to the construction of the statute and view this statute as it is now construed, with the power under it which the court concedes to be there; and are we ready as a Congress, as a Government, to say that all contracts, monopolies, or combines in unreasonable restraint of trade shall be punished, prohibited, dissolved? In other words, are we prepared to say that the construction of the statute as established—although there might be a controversy as to the proper construction—are we prepared to say, as a Government, that thus, as it is construed, it shall be enforced?

I think it the bounden duty of the Government to do one of two things: To test to the limit its capacity, its power, to enforce this statute or to take it off the staute books and begin to devise some other method to control these corporations. It is certain that for the 20 years it has been on the statute book they have prospered and thrived as they never before did. It has been either due to a deficiency of the law or to its inefficiency of enforcement.

I shall vote for this resolution, therefore, in order to suggest that the Government exhaust all remedies and all powers under this statute to see whether or not it can control or restrain or dissolve, not contracts or combinations in reasonable restraint of trade, but, as we have it now, contracts or combinations in unreasonable restraint of trade, about which there is no controversy among lawyers or laymen.

One of the difficulties which we encounter to-day in controlling these corporations arises from the long delay which we have experienced in enforcing the law. It is a most difficult thing to dissolve a powerful organization after it has extended its power and its influence, especially in a business way, to almost every channel of trade, without bringing on wreck and disaster, which we hesitate to bring on under any conditions or under any circumstances. When the Government, with full notice, watched the formation of the Steel Trust it was practically an approval of its acts.

For instance, what are we going to do, Mr. President, with the carrying into effect of the decree in the tobacco case? It presents a solution which would interest any legal mind, in my judgment, if it would undertake to delve down into that decree and ascertain how, as a practical proposition, we are going to execute that decree and execute it in a way to be of any benefit to the American people. The chief law officer of the Government—and in this I am not criticizing—says that that company

will nevertheless be resolved into three or four or five corporations. Well, Mr. President, suppose the parent tobacco company were resolved into three or four corporations, what would be the difference, so far as the people are concerned, between the existence of one monopoly and four monopolies?

Mr. REED. All directed by one mind.

Mr. BORAH. I thank the Senator from Missouri. What would be the difference if one corporation had control of the cigarette business, another of the smoking-tobacco business, another of the chewing-tobacco business, and another of licorice, and they were all in existence? Who would make them compete or give to the American people any particle of benefit from the dissolution of one corporation into four? It would result, Mr. President, in precisely what happened after the Northern Securities case was decided. They would proceed to do in another way that which they were not permitted to do as a matter of convenience to them in the way which they first chose.

I do not know, I am not myself convinced, that the Sherman law will ever furnish a sufficient or an efficient remedy for this condition of affairs. In my humble judgment, we shall have to add to it to a remarkable extent in order to enable us to receive any benefit from the Sherman law. But one thing must be certain, Mr. President, and that is, if we proceed year after year to have these lawsuits and then just as soon as a decree of the court is entered we run up a white flag and say that the Government is not going to run amuck, which is an invitation for them to proceed, but to proceed with caution, to keep their head under the water, just so long as we *pursue that course* the Sherman law becomes an artificial piece of legalized hypocrisy behind which they are waging their depredations upon the American public.

We must either proceed to enjoin when we have notice of their formation and punish when we have notice of their existence, to confiscate their property when we find it in transit in violation of the law, to dissolve the corporations, to put them in the hands of receivers, and to wipe them out of existence, and not break them up like a joint snake, that they make come back after the enemy has left the scene, or else we are going to find that the Sherman antitrust law is a delusion and a snare.

I shall vote for this resolution, Mr. President, in order that the American Congress may declare its policy for a full and complete and efficient enforcement of every clause and provision of the Sherman antitrust law, and that, if we find it is necessary, we may set ourselves about in a reasonable length of time to provide an efficient and economical means by which to control these great combinations. Legitimate business is entitled not only to protection, but it is entitled to be relieved from the vague presumption now existing that all "large business" is criminal. On the other hand, if the law is not enforced universally against those who violate it, and enforced effectually, it is far better that we repeal the law and adopt some certain method of regulation which will enable legitimate business to proceed in confidence and certainty. If we have indeed passed from the age of competition to the age of regulation and control, which I am very much inclined to believe, let us prepare for it. Perhaps one of the methods of preparation is to test out all the remedies of the Sherman law to see what relief, if any, lies in that direction.

Mr. REED. Mr. President, I want to add a word to what has been said by the Senator from Ohio [Mr. POMERENE] and the Senator from Idaho [Mr. BORAH]. In nothing that I say do I wish to deal unjustly with any officer of the Government.

The Senator from Idaho has clearly expressed the absolute failure of any decision or of all the decisions of all of the courts to give any real relief from the exactions of the trusts. Their march has not been arrested, or even seriously interfered with. The Sherman antitrust act denounces as criminal certain acts. It provides pains and penalties, which, so far as fines are concerned, are largely within the discretion of the court. I know that any criticism of courts is naturally resented in this body and by the American people. I do not wish to place myself in the category with men who assail our judicial tribunals. I know that in the last analysis the court of justice is the temple of American liberty. I know the respect and the almost reverence in which the decisions of our courts should be held; and yet, Mr. President, we can not, as practical and sensible men, escape the knowledge and acknowledgment of the fact that courts, particularly in the application of punishment, are controlled in a large measure by the public conviction or opinion as to the enormity of the acts committed.

The judges of courts are but human beings. They are lawyers who have been selected from the bar. We like to believe that they are of the best class of lawyers, and frequently they are; but they are nevertheless simply men placed in high judicial position. I believe that it is our duty, representing the American people in this body, to express our views with reference to the enforcement of the Sherman law.

Mr. President, it is a singular thing that a man may steal a horse worth not more than $10, and in every State in this Union every court having jurisdiction is willing to send, and does send, the man proven guilty to the penitentiary for a term of years. You can go into the Federal courts of this land and see men who have bought $5 worth of copper pipe in order to set up in their own homes a miserable little still, out of which they produce "white mule" whisky that is not even a commercial article, lined up before the judge, and sentenced to imprisonment and the payment of heavy fines. You can see men who have used the mails for the purpose of perpetrating some fraud, out of which a few hundred or a few thousand dollars has been made, not only fined thousands of dollars, but also locked behind the walls of penitentiaries. You can observe men who have been bankers, and who have, in the stress and struggle and battle of great financial disaster, overreached the mark, believing that they would be able to weather the storm, likewise incarcerated behind prison walls. All this you can see.

The arm of the law is potential, and the hand of power is reached out to grasp the offender. But if a set of men organize a combination, if they do so in the face and teeth of the statute, if they deliberately employ lawyers and instruct them to construct a scheme so cunning as to baffle justice and escape detection, if they do all this with the letter of the law laid before them and with full knowledge of its import, if pursuant to their criminal purposes they gather into their coffers millions of dollars of profits, you can then in any Federal court behold the spectacle of that class of criminals being treated with a consideration which at once indicates they are regarded as composing a special and select variety of criminals. They are placed upon a basis of respectability which distinguishes them from ordinary breakers of the law.

Sir, I put this proposition before you and before Senators who are here: It has been solemnly adjudged that a corporation organized in restraint of trade has prosecuted its nefarious business for 20 long years; it has been condemned not only by one court but by many courts as an organized crime. Finally the day of judgment comes, and this record is solemnly written by the Supreme Court of the United States, first, that it is criminal; second, that it has been criminal for 20 years; third, that it was conceived in crime and brought forth in iniquity. Then the decree solemnly recites that You will have six months more in which to quit violating the law. A penalty is laid which is not a pittance of its profits for one month of time—that does not represent its unlawfully gained wealth for one day of its existence. How long will it take to stop combinations if you say to those who combine: Well and good, make your combination, and after you have made millions by violating the law, if you are so unfortunate as to be caught, we will fine you about one-tenth of 1 per cent of your profits and give you six months' time in which to evolve a new scheme of loot?

You do not deal with the ordinary criminal in that way; you do not deal with the ordinary violator of the law so generously. The trouble is, save one notable exception, the man has not yet held judicial office in the United States who has been able to look a thousand million dollars in the face and not flinch.

Let me read to you from this morning's paper. A lot of wealthy men got together and evolved a scheme of corporate loot. They did it with the statutes of the United States Government lying before them. They did it with eyes open and with ears well attuned to the truth. They made many thousands of dollars of profit—how much I can not say, although if it is possible to ascertain it, I intend to do so. They were finally, after a long period of profit-making, brought to the bar of justice.

Now, behold, this is heralded as a victory for the law. This is painted as a picture of splendid achievement. This is the result which we are told is at once a vindication of the law and the majesty and might of our courts. I read from the Washington Herald of this morning:

> Wire men fined for violations of Sherman Act; 37 indicted officials appear in court; 47 remain; other members of combine may fight their cases.

The headlines read well, Mr. President. They sound like a proclamation of victory, a declaration of the law's invicible force. But let us read on down:

> Thirty-seven of the 84 wire manufacturers and their employees who were indicted by the grand jury here on June 29 on the charge of combining in nine pools to the restraint of trade in the wire business entered pleas of nolo contender before Judge Archbold, in the criminal branch of the United States circuit court to-day, and were fined $1,000 each on the initial count and $100 on every additional count in the indictments.

The total amount of the fines imposed is $42,700, and of this sum $21,000 was paid to Commissioner Shields before he closed his office for the night.

Mr. President, I am not advised by this article what the aggregate capital of those concerns was, but I apprehend that it ran high into the millions. I am not advised as to the amount of profits that they had made, but it is a safe statement that their illegal profits had mounted to an enormous sum. Now, when they are detected, they are fined the miserable pittance of $1,000 each.

A man who deliberately conspired against the law, upon whom a fine of $1,000 would rest as lightly as a fine of 5 cents would rest upon the ordinary man, is let off with a fine of $1,000. A fine of $500 would be levied on the poor, ragged, half-educated fellow who made whisky illicitly; a penitentiary sentence would be visited upon the man who stole from a Government reservation a broncho worth $30; a term in the penitentiary would be imposed upon the banker who had hoped to float his concern, but who had failed, and had accepted a deposit of $10 when the institution was in a failing condition. But when nine great concerns combine to rob the American public, when with their eyes open to all the facts and with full knowledge of the law they make this combination to place in their pockets hundreds of thousands or even millions of dollars, the great penalty is laid of a fine of a thousand dollars apiece. I say, sirs, that as long as we enforce the law in that way we might as well have no law. If you will, say to the men who are willing to conspire to rob the public, "Well and good! Organize your conspiracy, pursue your unholy calling, levy your tribute in every home, thrust your dishonest hands into every pocket, take out millions, and in the end we will fine you a thousand dollars and soundly lecture you into the bargain." So long as you do that a fine amounts to no more than a license, a little tribute collected by the law, a little sop to popular discontent, a legal farce enacted to amuse the wise and satisfy the foolish.

Mr. President, I am for this resolution; and I am for putting some vitality and life into this law, and in that the Senate of the United Staes has its part to play.

Mr. WORKS. Mr. President, I am quite in sympathy with what was so forcibly said by the distinguished Senator from Idaho [Mr. BORAH]. I believe thoroughly in the vigorous prosecution of cases of this kind, not only against the corporations, but against the individuals. Notwithstanding that fact, I am opposed to this resolution for two reasons.

In the first place, I am a firm believer in maintaining the independence of the several departments of the Government. Whether justly or unjustly, great complaint has been made of late of the encroachments of another department of this Government upon the affairs and business of this body. We ought to be consistent about matters of this kind. If we are complaining about the fact that some other department is interfering with the affairs of his body, we should be careful not to do the same thing ourselves with respect to other independent departments of the Government.

The power to prosecute these cases rests with the Department of Justice. The responsibility for their prosecution or non-prosecution rests with that branch of the Government. If the Senate of the United States proposes to interfere with these prosecutions, it ought at least to take upon itself the responsibility that it apparently assumes, but in fact does not assume, by this resolution. That is another objection I have to it, that the resolution itself is entirely ineffectual, as it is presented for consideration. The resolution provides—

First. That it is the sense of the Senate and of the House of Representatives that criminal prosecutions should be begun against any or all of said parties or persons who shall have, in the opinion of the Attorney General, violated the criminal provisions of said statute.

Now, one of two things must be true, Mr. President. We are either saying that the Department of Justice has violated its duty by failing to prosecute when the opinion on its part does exist that the law has been violated, or we are simply leaving the responsibility and the power just exactly where it is now, namely, in the opinion and judgment of the Attorney General. We are either attempting to interfere not only with the power but with the discretion and judgment of that department of the Government, or we are taking the responsibility of saying that the Department of Justice has violated its duty, and has failed to prosecute these cases when, in its opinion, the law has been violated.

For my part I should desire to do one of two things, either leave this power and responsibility where it is, or have the courage of our convictions and say that we believe these prosecutions should be instituted and carried on, and therefore give positive instructions that that thing should be done. We are not doing either the one or the other. We simply leave it, as I have said, to the opinion of the Attorney General as to whether these prosecutions shall be instituted or not.

The second part of the resolution is just as bad, if not worse. It is as follows:

Second. That the Attorney General of the United States be, and he is hereby, instructed to institute criminal prosecutions against said parties or persons for said violations—

If the resolution had stopped there, and if the Senate was willing to take the responsibility of ordering these prosecutions to be instituted, the resolution would be unobjectionable. But it goes on—

if any, where the evidence, in the opinion of the Attorney General, shall justify such proceedings.

Just exactly the same criticism may be passed upon this resolution. It still leaves it to the judgment and discretion of the Attorney General, and simply says to him "if in your judgment these prosecutions should be commenced, then commence them."

It seems to me that if we are going to do anything about this matter, we should, at least, do something that would be effectual. If we are going to say that these prosecutions shall be instituted and carried on, let us say so and have the courage of our convictions. But it is idle to pass a resolution of this kind, which, in my judgment, means absolutely nothing.

Mr. SUTHERLAND. Mr. President, I quite agree with everything which the Senator from California [Mr. WORKS] has so well said. When this Government of ours was divided into three distinct departments it was in order that the exercise of their respective functions might be independent of one another; and, to my mind, it is quite as unseemly for the Senate of the United States, or for the Congress of the United States, to undertake to direct the executive department of the Government to institute a particular prosecution as it would be for the Attorney General to send us a communication directing us to pass some particular law.

The executive department has no business, except in the way in which the Constitution itself provides, to instruct Congress as to its duty of legislation; and Congress has no business to instruct one of the other departments of the Government as to what it shall do, except in the manner pointed out by the Constitution.

When the Congress of the United States has passed a law denouncing certain acts as crimes, that itself constitutes a direction to the Attorney General and to the law officers of the Government to prosecute anybody and everybody who is guilty of violating the statute. That is the only way in which we can in a seemly and decent manner, as it seems to me, instruct the executive officers—by the statutes which we make. We have passed a statute declaring that when individuals or corporations have done certain acts they are guilty of criminal offenses, and that of itself is a direction to the Attorney General, whenever in his opinion anybody, any corporation, or any individual has violated the statute, to institute a prosecution.

Mr. President, either this resolution ought not to have been introduced and ought not to be passed or it should have been a far stronger resolution, and presented in another body. If the Attorney General has evidence and believes that individuals are violating the statutes of the United States, it is his sworn and solemn duty to bring prosecutions; and if he culpably fails to do it, the remedy is the institution of impeachment proceedings by the other House and a trial by this body.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Certainly.

Mr. BORAH. Has the Senator from Utah any doubt that these corporations have violated the law?

Mr. SUTHERLAND. They have violated the law, certainly; and the Supreme Court has passed upon that question.

Mr. BORAH. Has the Senator any doubt from the decisions in the tobacco case that they violated the criminal provision of the statute?

Mr. SUTHERLAND. Probably they have, but that, to my mind, is wholly aside from the question. I may have no doubt that some other individual has committed a crime. I may be quite certain that some individual has committed a murder, in violation of some statute of the United States, and still I would consider it an unseemly thing to introduce a resolution in Congress directing the Attorney General to institute a prosecution against that person for that crime.

Mr. BORAH. What I was trying to get at, by ascertaining the opinion of the Senator from Utah as to the violation of the law, was that we might indirectly arrive at the opinion of any reasonable man who might read that record, and that would apply to the Department of Justice as well as to everyone else.

Mr. SUTHERLAND. That, to my mind, is not the question here. The question is not whether I may be certain, or whether

the Senator from Idaho may be certain about it. I am speaking about what seems to me—and I use the expression with all due respect to the Senator who introduced the resolution—to be the improper character of a resolution directing the executive department to institute a prosecution under the statute in a particular case.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I do.

Mr. WORKS. I should like to ask the Senator from Idaho, if this resolution is to be dependent upon the opinion of Senators here, why is the resolution so worded as to leave it to the opinion and judgment of the Attorney General?

Mr. BORAH. Does the Senator ask me the question?

Mr. WORKS. Yes.

Mr. BORAH. I suppose it is out of courtesy to the Attorney General.

Mr. SUTHERLAND. It seems to me there would have been a great deal more courtesy in leaving the whole matter to the Attorney General. It is to be supposed, and I am myself quite sure, that if in the opinion of the Attorney General either the people who are mentioned, or anybody else, have been guilty of violating the statute a prosecution will be instituted.

Mr. President, it is but a step from this sort of a resolution to another, which seemed to be foreshadowed in the suggestion made by the Senator from Missouri [Mr. REED]. He reads from an article in the public press that certain persons charged with violating the statute have pleaded guilty or have entered a plea of nolo contendere, and he complains that they have been subjected to a fine which he considers unreasonably low. If the Senator thinks that, and if this resolution is to be passed, then we may expect a resolution directing the court that may try these people to fine them a certain amount or to imprison them for a certain term if they are convicted. Would the Senator from Missouri think that was a seemly thing for the Senate or for Congress to do?

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SUTHERLAND. I do.

Mr. REED. I am absolutely in favor of that kind of a resolution, but I want it passed in the form of a law, so that the courts will be compelled to assess and enforce adequate penalties.

Mr. SUTHERLAND. Ah, the Senator——

Mr. REED. But I do not think——

Mr. SUTHERLAND. The Senator would be quite within his right.

Mr. REED. Certainly; I know that.

Mr. SUTHERLAND. And it would be quite within the rights of Congress to do that. But would the Senator be in favor of passing a resolution directing the court that tries these men mentioned in this resolution, if they are found guilty, to impose the maximum penalty upon them?

Mr. REED. Oh, no. I arose for the very purpose of saying that the Senator from Utah was not justified in putting that construction on anything I had said. But what I did say was that I favored this resolution, and I take it that the Attorney General of the United States does not occupy the same position as the courts, or the same relation to this branch of the Government, that the courts occupy to this branch of the Government.

Mr. SUTHERLAND. No; not quite the same position, but the difference is one of degree. The Attorney General belongs to one department of the Government and the Senate of the United States belongs to another department of the Government. The Senate of the United States may pass a law declaring a general rule and that in effect directs the Attorney General when anybody has violated that general rule to institute proceedings. I undertake to say that in my judgment, at least, it is entirely aside from any right of Congress to direct the Attorney General to institute a prosecution against any particular individual or any particular corporation or any particular number of individuals or corporations. That is no part of its function; that is not the exercise of the legislative power at all.

The VICE PRESIDENT. Will the Senator from Utah suspend for a moment? The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which is House bill 11019.

Mr. SUTHERLAND. I have finished what I had to say.

The VICE PRESIDENT. The resolution of the Senator from Ohio will go to the calendar with the pending question on the motion to refer.

TARIFF DUTIES ON WOOL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

Mr. SMITH of Michigan. Mr. President, apropos of the pending bill, I simply desire to say a word and to have read from the desk a letter from the Tariff Board upon the question of their investigation of the present wool industry. I desire to say by way of preface that the incessant agitation during the last year for a revision of this schedule of the Payne tariff law has already cost the people $100,000,000. Seventy-five per cent of this loss has fallen upon labor.

To again destroy through tariff revision the American sheep industry and place the people under the disadvantage of buying our supply of this article from foreigners in the face of the enormous reduction in the wool product of the world is certain to force our people to the payment of higher prices for clothing and dearer prices for mutton in the not distant future, when the sheep of our farmers have been sacrificed in the open market of the world as they were under the free-trade laws of the last Democratic administration of President Cleveland, when our flocks became so unprofitable to their owners that in many instances they were sold for 50 cents a head and butchered by the thousands.

What there is about the American sheep to excite the hostility of our friends upon the other side of the Chamber baffles my comprehension. Our Democratic friends have a consistent and historic hatred of the American sheep which annually manifests itself toward the most inoffensive and lovable of the farmers' herds, and this undue haste to get at them now is little less than criminal, and I protest against it as unwise and unfair to the sheep owners of our country.

Senators were loud in their demands for a Tariff Board at the last session of Congress. The board has been created and are busy with their task. I have asked them how they are progressing and have received a reply which I ask the Secretary to read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *July 24, 1911.*

The TARIFF BOARD,
Treasury Department Building, Washington, D. C.

DEAR SIRS: Will you kindly inform me what work has been done by your board to ascertain from practical investigation the present status of the American wool and woolen trade, and whether you are now prepared to make any specific recommendation for a change in the customs laws and regulations touching this branch of American industry?

You know the Senate is about to vote upon this matter, and a prompt reply to this inquiry will be greatly appreciated.

Very respectfully,

WILLIAM ALDEN SMITH.

—

THE TARIFF BOARD,
Treasury Building, Washington, July 25, 1911.

Hon. WILLIAM ALDEN SMITH,
United States Senate.

DEAR SIR: I beg to acknowledge your letter of July 24, asking what work has been done by the Tariff Board to ascertain, from practical investigation, the present status of the American wool and woolen trade, and whether we are now prepared to make any specific recommendations.

I beg to say that the board is now in the midst of an investigation into the subject of woolgrowing and wool manufacture in this country and the leading competing countries of the world and is collecting on a large scale original data regarding relative prices, wages, labor efficiency, and cost of production. This investigation was planned last year, with a view of reporting to the President at the opening of the first regular session of Congress in December of this year.

In view of the fact that new information is received daily from our agents, both in this country and abroad, and is being tabulated as rapidly as possible, we are unable to report results until all of this material has been considered. It will inevitably take several months more to complete this work. We shall, however, report to the President on Schedule K not later than the first Monday in December, 1911.

Very truly, yours,

HENRY C. EMERY, *Chairman.*

Mr. MYERS. Mr. President, I gave notice that at this time I would make some remarks on the pending measure. I have cheerfully agreed to yield to the Senator from Michigan [Mr. TOWNSEND], who wishes to make a few remarks on the same measure, if I can have the privilege of following him.

Mr. TOWNSEND. Mr. President, I wish to thank the Senator from Montana [Mr. MYERS] for the courtesy he has extended in yielding me a little time now. I assure the Senator and the Senate that I will not abuse that courtesy with a lengthy speech.

I desire at this time to state briefly my attitude on the propositions now pending before the Senate having as their object a revision of the tariff, and at the outset I will say that I am a firm believer in the cardinal doctrine of my party, viz, a duty on imports coming into the United States and which compete with articles which can and ought to be produced here, equal in amount to the reasonable difference in the cost of production

abroad and in this country; and therefore I desire to know the fact of what that difference is. I voted for the Payne tariff bill after exhausting every right and power I had to amend it as to me seemed necessary in order to make it conform to the aforesaid principle; and I so voted for two reasons: First, it was an improvement on the Dingley law, which the evolution of business had made inharmonious with present-day needs. It was, in my judgment, as good a law as could be reasonably expected, having been framed under the old method of revising the tariff. There were many protests against some provisions of all the schedules, but a majority had to be obtained to pass any bill, and the time-honored, but I hope now dishonored, custom of logrolling obtained. If the protestants to that measure had obtained their desires there would have been another class of objectors. Under the old method neglected local and special interests have produced insurgents against tariff revision, and any one of these groups is about as good as another. It was wise, in my judgment, to enact some measure and thus settle the business disturbance which tariff revision always causes, especially when it is made according to past methods. And, secondly, I voted for the Payne bill because it contained a provision, faulty in some particulars, but distinctly progressive in principle, viz, it provided for a Tariff Board, which should be composed of high-grade, well-qualified experts, whose business it should be to investigate the cost of production abroad and at home, and when the facts were disclosed and they showed any schedule of the tariff to be founded on any principle other than the difference in such cost of production, the Congress could by the aid of such facts proceed to revise such schedule, and that without undue and unnecessary disturbance to the business of the country.

I supposed such was to be the policy, at least, of Republicans. I went before the people of Michigan and declared that doctrine. I believe that the people approved it. I now feel that it would be a serious mistake, both politically and industrially, to return to the old methods of revision and in a special session of Congress, in a few days, without hearings and with practically no discussion, and with the Tariff Commission assiduously and intelligently at work securing facts for a report which can not be presented before December; I feel, I say, that it would be a mistake under these conditions to proceed to revise the most complex and far-reaching schedules of the tariff. Does anyone doubt that the logrolling process is to be employed if revision occurs now? What other interpretation can be placed upon the well-founded rumors of secret meetings and attempts at combinations? Are the men who are most strenuous for present revision actuated by the pure and sole motive of benefiting the people? Is it not clear that politics is the mainspring which moves to action now? Will anyone doubt that some Senators are more interested in embarrassing the President than they are in righting tariff wrongs——

Mr. GRONNA. Mr. President——

Mr. TOWNSEND. That some of our Democratic friends are absolutely sincere when their words and actions show that they are looking for political capital?

The VICE PRESIDENT. Will the Senator from Michigan yield to the Senator from North Dakota?

Mr. TOWNSEND. With pleasure.

Mr. GRONNA. I should like to have the Senator from Michigan name the Senators he refers to.

Mr. TOWNSEND. Oh, I do not believe I ought to do that.

The VICE PRESIDENT. The Senator should not do it, under the rule.

Mr. CLAPP. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Minnesota will state it.

Mr. CLAPP. Should the Senator have made a reference which, under the rules, he is precluded from specializing?

The VICE PRESIDENT. No; not a reference that reflects on any Senator.

Mr. TOWNSEND. I made no reference to any Senator. Senators are unduly sensitive, it seems to me. I simply asked the question if anybody doubted that such are the facts. If the Senator has doubts, he can incorporate them in the RECORD with such expressions as he chooses to use.

Mr. CLAPP. I want to assure the Senator that for one I am not at all sensitive. On the other hand, I wish to say, so far as parliamentary usage and law will permit, that I think the Senator's statement is absolutely unwarranted. I do not myself believe that any Senator upon either side of this Chamber wants to frame a tariff bill for the purpose of embarrassing the President of the United States. I am sorry that the Senator has that view of the purpose and motive of his associates.

Mr. TOWNSEND. I am endeavoring, Mr. President, to present to the Senate and to the country some of the views and impressions which have come to me and which, I submit, have occurred to many other Senators and have been given somewhat free expression in many of the papers of the country.

Is this the time and occasion to project hasty and ill-considered tariff legislation upon the country?

I submit, Mr. President, that the people's interests should be of greater importance to statesmen than personal ambitions, or than party success even. I am as ready as any Member of this Senate to proceed to an intelligent revision of any schedule of the tariff when the facts, scientifically and impartially obtained, disclose the need of revision; and so far as the wool schedule is concerned, those facts will be in our hands next December. They can not be obtained before.

I have never heard a Senator on this floor claim that the Tariff Board is incompetent or in any manner unfit. It is doing great work, and we should have the benefit of it before we proceed. The Congress has appropriated $475,000 for this work, and much of it has been expended. I do not believe that all the egotism of the fathers of pending bills and proposed amendments will allow them to claim that they have all the facts necessary for a complete and satisfactory revision of the tariff. If revision occurs now, it unquestionably will be most imperfect when viewed in the light which will be cast by the Tariff Board. Will we revise again in December, or will we leave it imperfect and thus furnish the material for further business disturbance? Either thing would be a calamity. I know that some tariff provisions are inequitable, or at least I think I do, although I would hesitate long before I changed a schedule on my present information. I want the fullest and most reliable information possible. Ignorance and logrolling have been most powerful influences affecting tariff making in the past. Shall we still permit these things to prevail, or shall we do as the country expects us to do, namely, act upon the apportionment and statehood bills and then go home and await the report of the Tariff Board before revising the tariff?

In December Senators will have become cooler; passion and prejudice will have subsided, at least in a measure, and reason and good judgment will have resumed their sway. The defeat of tariff bills at this session will not mean the postponement of desirable tariff revision. On the contrary, it will mean a revision a few months later which will be sane and satisfactory. No man will have occasion to say that I have hesitated to vote against any duty which is clearly shown to be higher than is sufficient to measure the difference in cost of production here and abroad, when such duty is considered by the Senate in the light of facts produced by honest, disinterested, and scientific men.

Why is this undue haste to revise the tariff? It would have waited until December if this extra session had not been called, and no one would have suggested the reconvening of Congress to act upon it. Are Senators afraid to have the facts upon which to base revision disclosed? The country is not. It is praying for relief from the politicians. It asks that tariff laws be scientifically made and that its business be no longer the ball with which men play the game of politics.

Personally, I shall try to keep the faith pledged to the people last fall and shall vote against all hasty, ill-considered tariff legislation by whomsoever proposed at this short session, but I will join hands at the very earliest date with those believers in a revision of all schedules which the facts shall disclose as inharmonious with a tariff which approximately measures the difference in cost of production here and abroad.

What I propose is the wise and logical course for Senators who believe in the principles of a protective tariff to pursue. It will mean an honest, proper adjustment of such a tariff to the needs of the country. It will receive the indorsement of all thoughtful men and will win for the Senate the respect and confidence of American industry.

Mr. MYERS. Mr. President, I desire to submit some remarks before a vote may be had upon the pending measure, the House wool bill. As a general rule, I am a believer in the custom, supposed to be more or less prevalent, of new Members of this body, for a time after having taken their seats herein and until they shall have learned something of the methods of procedure and of the matters under consideration, refraining from active participation in the debates and proceedings of this body. As a rule, subject to some exceptions, I believe there is good reason for such a custom. As a rule, to which there are exceptions—of which I am not one—I believe that new and younger Members of this body, especially those who have not served in the other branch of Congress and who have had no experience in national politics, upon coming here generally have

much to learn about national legislation. I know I had upon my advent into this body and still have much to learn; and I will have much to learn and hope to continue to learn during the entirety of my six-year term of service in this body. Hitherto I have been quite content to remain quiet in this body and to undertake to learn from more experienced and wiser Members something of matters at issue and methods of procedure, and I would prefer to continue for a much longer time so to do. I would not ask at this time to be heard were it not that I feel that conditions of a personal nature demand it and make it appropriate.

My object in now speaking is to explain my motives in casting what might appear to some to be contradictory votes. I desire to give my reason for the vote that on the 21st day of last month I cast upon the motion made by the Senator from Oklahoma [Mr. GORE] to require the Senate Finance Committee to report the House wool bill back to the Senate not later than July 10, 1911; and to give my reasons for the vote that I shall cast on the House wool bill when put upon its final passage, if it may reach that stage, in this body. I believe in the fullest and freest interchange amongst the Members of this body of statements of their motives in voting upon public questions. I want my fellow Senators to fully understand my motives in the casting of every vote that I may cast in this body. I want my constituents to fully understand my motives in the casting of every vote that I may cast in this body. I have nothing of motive to conceal from my fellow Senators. I want them to understand my motives. They may disapprove of my judgment, but I would have their respect for and confidence in my motives. I have nothing of motive to conceal from my constituents. I not only want my constituents to understand my motives, but it is due them that I make known to them the motives of my every act here. They are entitled to know. I am the servant of my constituents and they are entitled to the fullest amount of light upon my conduct here.

As my remarks will involve more or less statement of motive, they will necessarily be, I regret to say, largely of a personal nature; in fact will be, in part, somewhat in the nature of speaking to a question of personal privilege. I am averse to injecting self into remarks made here. Generally speaking, I believe that remarks delivered on the floor of this Chamber should be in the nature of impersonal discussion of issues and principles. However, I recognize that there are times when the exigencies of the occasion require some remarks more or less of a personal nature, and this I deem to be one of those occasions. I trust that this may be the last occasion that I may ever have to inject self into remarks made upon the floor of this Chamber.

As is well known, on the 21st day of last month, when the motion of the Senator from Oklahoma [Mr. GORE] to require the Senate Finance Committee to report the House wool bill back to *the Senate not* later than July 10, 1911, was put to a vote, I voted against the motion, and I was the only Democrat in this body who did so. I will give my reason therefor.

Upon my election, without my solicitation, to this body, I announced that I would at all times during my term of service here endeavor to give fair consideration and justice to every legitimate industry of the State of Montana or of the nation. I also announced that I would stand for the rule of the people and against the rule of special interests. I did not, and I do not now, consider those two declarations inconsistent. Woolgrowing is one of the principal industries of Montana. Montana is the leading woolgrowing State of the Union. In the production of wool it leads all of the States and Territories. Montana has within its borders more sheep than has any other State or any Territory in the Union. According to the last report of the Census Bureau, in 1910 there were in Montana 4,978,963 sheep. I am told that the woolgrowing industry of Montana represents investments of $45,000,000. I simply state facts. No deduction should therefrom be drawn that I favor giving that industry any more than justice or any undue advantage, or giving it anything at the expense of the people.

On the 29th day of March, 1911, a committee of well-known gentlemen and business men of Montana, each engaged in the woolgrowing business, gentlemen whom I esteem to be upright and honorable men, men of probity and standing, comprising both Democrats and Republicans, boarded in Montana the train on which I was traveling en route to this city, and thereon had an interview of several hours' duration with me. They being my constituents and the representatives of a legitimate industry, I was entirely willing to be consulted by them, and I have no apology for the interview. They did not ask me to vote to retain the present duty, or any particular duty, or any duty at all, on wool. In fact, they did not seek to elicit my views on that proposition. They made no argument to me for a protective tariff on wool. They did not seek to influence my views on that subject. They admitted that a revision of the woolen tariff schedule would probably be sooner or later undertaken by the Sixty-second Congress and that it might result in some reduction of the duty on raw wool.

One of their number indicated that, at a proper time and upon a proper showing, there might well be, in some particulars, a readjustment of the woolen tariff schedule. He stated that in Schedule K, the present woolen tariff schedule, there were certain phases of inequality that operated to the detriment of the woolgrower and that should be corrected. However, they stated that they wanted to avoid continual tampering, tinkering, and agitation, as such depressed the price of wool and had a depressing effect upon the business and kept wool buyers in a state of suncertainty. They stated that if there should be a revision by the Sixty-second Congress of the woolen tariff schedule, they wanted it to be a final and permanent revision, or at least to be the last for many years, in order to avoid continual tampering, tinkering, agitation, unrest, and uncertainty. They further stated that, should a revision of the woolen tariff schedule be undertaken by the Sixty-second Congress, they not only wanted it to be a final and permanent revision, but they desired that it be not undertaken until after a full, fair, complete, and thorough hearing could be had and until they could have time in which to make a complete showing of their contentions. They claimed that before a revision of the woolen tariff schedule should be undertaken they were entitled to a fair and complete hearing, to time and opportunity in which to make a showing before the final judgment of Congress should be passed upon them. They claimed that this could best be done through the nonpartisan Tariff Board, by authority of Congress appointed by the President, then and now engaged in that work. They stated that the report of that board would be made in November of this year, and would be before Congress when it should convene in regular session in December of this year. They claimed that through the Tariff Board report they could shed additional light upon the subject of the woolen tariff and upon the woolgrowing industry in all of its phases, its cost and profits in this and all foreign countries, and the relative positions and rights of the woolgrower and the woolen manufacturer. They claimed that the report of the Tariff Board would show certain phases of inequality of Schedule K and the necessity for the correction thereof.

In other words, they claimed the right, as representatives of a legitimate industry, to a complete showing and a fair hearing before ultimate judgment should be by Congress pronounced upon them, and that this could best be done through the medium of the Tariff Board report. They claimed that the whole matter of the woolen tariff schedule had been relegated by the last Congress to a Tariff Board, with the understanding that the Tariff Board should fully and completely investigate the woolgrowing industry in all of its phases, and any inequalities or unjust features of the woolen tariff schedule, and make its report thereon to this, the Sixty-second, Congress next November, before the convening of the regular session thereof in December; and they claimed that, in good faith, they should be allowed to make their showing and present their evidence to the Tariff Board, which, they said, occupied the position of a referee in the case. They claimed that they had been led in good faith to believe that such would be done, and that, in good faith, it should be done.

In conclusion, they made but one request of me: That I oppose the taking up and consideration, for revision, of the duty on raw wool—raw wool only—(no request about manufactured woolen products) at this special session of Congress, and that I favor putting over any revision of the duty on raw wool—raw wool only—until the next regular session of this Congress, to convene next December, in order that they might, meantime, have an opportunity to make a full and complete showing and have a fair hearing at the hands of the Tariff Board, the referee, which is even now at work in my State, taking evidence and inspecting books and records, before Congress should pass final judgment upon them.

I would make clear two distinctions: First, they made no request as to manufactured woolen goods, their request being only in relation to the duty on raw wool, their own product; secondly, they did not seek to elicit from me any pledge or promise as to what my vote would ultimately be upon the merits of the question of a revision of the duty on wool or woolen goods. They did not seek from me any pledge or promise as to how I would vote when a bill for the revision of the duty on wool should be put upon its final passage in the Senate. They did not seek to influence my vote or views upon the merits of the matter. They asked for a slight concession of time only—a short time, a few months—before final judgment of Congress upon a great question. They did not state it

as a dilatory plea, for time only. They gave as a reason for their request their statement that they could within those few months of time make a complete showing and have a fair hearing, and without it that they could not do so. Their request was only for a short extension of time in which to prepare for trial; not as to how I should pass judgment at the trial. I believe in reasonable time for preparation for a hearing; reasonable time in which to have a fair hearing, whether it be to labor or to capital. I have always believed in the right of every litigant, whether the poorest individual or the richest corporation, to adequate time in which to prepare for hearing and to have a fair hearing before the pronouncing of judgment. Inherently, I do not believe in railroading justice, whether it be to labor or to capital.

The request of the gentlemen for a slight concession of time only—a few months—at the time and under the circumstances, appeared to me to be fair and reasonable. They could not have asked less and have asked anything. Whether prudently or imprudently, I promised to grant their request. I promised to oppose the taking up for revision of the duty on raw wool—raw wool only—at this special session of Congress and to favor postponing the consideration thereof until next December, just as it now appears likely that the revision of the duties on cotton, sugar, steel, iron, and other leading schedules will go over to next December, with the aid and consent, possibly, of Democratic votes.

I did not consider, and I do not now consider, that my disposition to grant to the woolgrowers of Montana and, in fact, to every legitimate industry of Montana or of the nation, a fair hearing was inconsistent with my stand for the rule of the people. If my inclination to grant to the woolgrowers of Montana reasonable time in which to make a showing and to have a fair hearing before judgment should be pronounced upon them led me to be too liberal and to promise too much time, it was at most an error of judgment on my part and not an intentional departure from my principle that the people must rule. On that proposition I bow to the superior wisdom of this body. However, if in the opinion of this body I erred in my judgment, I assume that I am not the only man who ever erred in judgment. Doubtless there are living abler men than I, who have erred in judgment. Doubtless Abraham Lincoln, George B. McClellan, Gen. Grant, Gen. Lee, Stonewall Jackson, Napoleon Bonaparte at times erred in judgment. Even newspapers may sometimes err. At least one eminent Democratic authority claims that every Democratic Representative who voted in the House caucus for the House wool bill made a mistake.

We now find plenty of whittlers on dry goods boxes who can tell all about the grave mistakes of Lee and Jackson, the inefficiency of McClellan, the lamentable blunders of Lincoln and Grant, all about how the Confederacy could have succeeded, all about how the Union could have been saved in one-fourth of the time and with one-tenth of the bloodshed that it cost to save it. I sometimes wonder if some of those possessors of superior wisdom had then been alive and in charge of the Confederate Armies and if others of them had then been alive and in charge of the Union Armies what the result of the Civil War would have been. The Confederate Armies would certainly have been invincible and the Union Armies would as certainly have been irresistible, and I am curious to know what would happen if an invincible force should come in contact with an irresistible force. My belief is that there was only one perfect man who ever lived—unless it be my critics—and he was the Great Teacher, who had the greatest charity for the shortcomings of others.

Having, prudently or imprudently, made this promise to the woolgrowers of my State to favor a slight concession of time before the passing of final judgment, when the Senator from Oklahoma [Mr. GORE], whose ability, wisdom, and patriotism I highly esteem, on the 21st day of last month made his motion to require the Senate Finance Committee to almost immediately report to this body for its consideration the House wool bill, I was confronted with the dilemma of voting against my party associates in this body or of breaking my word, and I did not for an instant hesitate as to what course to pursue. I kept my word. I consider my word as good in politics as in business. I put it above every other consideration, regardless of the consequences, political or otherwise, to me. I make it an invariable rule to keep my word, whether doing so be popular or unpopular.

Having kept my word in opposing the almost immediate consideration of revision of the duty on raw wool, and the Senate having decreed that revision of the duty on raw wool would be considered at this special session, I was inclined to think that I had by my vote against consideration thereof at this special session fully discharged my promise, and that I was then free to vote in accordance with my convictions upon the question of the final passage of the House wool bill; and I had intended to communicate, before the bill should come before the Senate for final passage, with the gentlemen to whom I made my promise, and to ascertain if they did not view my promise in the same light. Before I could do so, and the next day after the vote on the Gore motion, without my solicitation, I received from the Montana Woolgrowers' Association a voluntary telegram entirely releasing and absolving me from any further obligation under my promise. Thus any doubt that might have existed about further obligation under my promise was removed by the voluntary action of the Montana Woolgrowers' Association. It has been charged in Montana that this release came in response to an expressed desire therefor on my part. That is not correct. I had not before receiving it expressed any desire to be released. I had intended to communicate, as to the extent of my promise, with the gentlemen to whom it was made, but the release was wholly voluntary and came without any communication or expression of desire from me. In thus acting the gentlemen to whom I made that promise have shown that they are upright and honorable gentlemen, who would scorn to "trap" anybody, and that they only want what they believe to be right and just.

As I have indicated, I have been criticized for my conduct by a few newspapers that assume to speak for the Democratic Party of Montana, and, strange to say, I have been criticized more upon the keeping of my promise than upon the making thereof. Immediately after my arrival last April in Washington City, without any desire for concealment, my promise to the woolgrowers of Montana to favor postponement for a few months of revision of the duty on raw wool was, with my assent, by newspaper correspondents, made public in Montana; yet the making of that promise elicited but scant comment, while the keeping thereof brought forth much criticism, carrying therewith much misstatement of fact.

In comment upon the vote had in the Senate on the Gore motion, reference being made to "the votes of the Montana Senators on the Underwood wool bill, a measure to reduce the tariff on raw wool 50 per cent," it has been published in Montana that I was "the only Democrat to vote with the Republican regulars against reduction." I beg leave to say that upon that occasion I did not vote against the reduction of the tariff on wool. Upon that occasion the question before the Senate and which was voted upon was not, "Shall the tariff on wool be reduced?" The Underwood wool bill was not before the Senate for passage. The question then before the Senate was a preliminary one, not connected with the merits of the bill. It was: "Shall the Underwood wool bill be reported to the Senate for consideration within a few days?" I voted against the almost immediate reporting and consideration of the bill. I voted that the Senate Finance Committee be allowed longer time in which to consider it and that it be reported and acted upon at a later day.

Reference is made to an alleged promise of mine to the woolgrowers at the Miles City conference last winter "to oppose a reduction in the woolen schedule." I was never in my life in Miles City. I was not at any conference of woolgrowers last winter. I never promised any woolgrowers to oppose a reduction in the woolen schedule. I only promised to favor putting the consideration thereof over to December, in order that, as claimed, whether correctly or not, further light might be had upon the proposition. I never promised any woolgrowers how I would vote whenever the question of the revision of the duty on wool should be before the Senate. It was always my intention, with such light as I had upon the subject, whenever the question of a revision of the woolen tariff schedule should come before the Senate, to vote either for free raw wool or for some reduction in the duty on raw wool. The only matter about which I was ever in doubt was as to whether we should at once have free raw wool, as advocated by at least one eminent Democratic authority, or only a reduction, for the present, of the duty on raw wool, as advocated by the Democratic House leaders; and, if the latter, then as to how much of a reduction. It was upon those questions that I thought perhaps further light might be justly had before the passing of final judgment. When such distinguished doctors disagree, is it any wonder that a less learned person may feel that a little further time might possibly shed further light upon contentions so stoutly waged?

Other criticism upon the occasion of the keeping of my word was most scornful and contemptuous, and from a source that I little suspected of harboring such feelings against me. Yet this same source of criticism ought to know full well as anybody in Montana that I always keep my word in politics, no matter how disagreeable to me the results thereof may be; no matter

if it bare my breast to the most scorching criticism and bring down upon my head the most bitter condemnation; no matter if it be utterly destructive of my political future and cast me into the political scrap heap. I once retired from Montana politics, and my retirement was not wholly from choice. I will again retire whenever remaining in politics shall involve the breaking of my word.

It now appears quite likely that revision of the cotton, sugar, steel, iron, and other important schedules will go over until December. Have there been any scorching editorials in Montana against the proposition of permitting revision of cotton, sugar, steel, and iron to go over to December? Not any. Will there be any? I think not. To let revision of cotton, sugar, steel, iron (not produced largely or not produced at all in Montana), and other necessary articles used by the people go over to December would appear, according to my critics, to be orthodox and holy; but a suggestion to let the revision of wool, one of Montana's leading products, now being investigated by the Tariff Board, go over until December is treason—that is, when I suggest it.

Mr. President, so much by way of explanation as to why I voted against the Gore motion. I will now make some remarks in regard to my vote to be cast upon the pending measure, the House wool bill, now and for the first time upon its merits before the Senate for final passage.

Feeling that I have discharged my promise, as well as having been released therefrom, I am now at liberty to vote according to my convictions upon the House wool bill. I intend to vote for the House wool bill. So far as I now have light, it is in accordance with my convictions, my principles, my politics, and my party. I do not believe in always putting party above every other consideration. I do not believe in putting party above right. I do not believe the sole test of a faithful legislator to be that he always vote in accord with his party. I do not believe that test to be the sole test of efficient public service, but I do believe in political parties. I am a Democrat and I am in accord with the political principles of my party. I believe the Democratic Party to be right upon the issues of the day, or I would not belong to it. I am a Democrat from conviction, and I believe in voting with my party when it is right and when vital political principles are at issue. I am a tariff revisionist. I believe in a tariff for revenue only, for the purposes of a government economically administered.

In my opinion tariff protection per se is radically wrong in principle and is legalized robbery.

It is said that the word "tariff" comes from one Tarif, a Moor, who held forth in the eighth century at Tariffa, a place in Spain, and who is said to have been a robber and to have forcibly exacted of merchants and tradesmen, passing his way, a toll, as the price of passing on in peace. Thus the word "tariff" is said to have originated in robbery and bears the name of a robber, who levied the first tariff. Hence, the expression: "The robber tariff." Of course, revenue must be raised, and, in the language of the illustrious John G. Carlisle:

> A tariff for necessary revenue is a legitimate tax; but a tariff for protection is robbery.

In my opinion, protection breeds trusts. I believe protection to be the chief cause of trusts; and trusts produce millionaires and paupers. Trusts stifle competition and cause hundreds of thousands to work in sweatshops at starvation wages. Protection causes an unjust distribution of wealth; unjust distribution of the products of labor.

I favor a more just distribution of wealth, a more just distribution of the products of labor, than exist under our trust-protecting System. I am for a downward revision of the entire tariff system. So far as I now have light, I intend to vote, when afforded an opportunity, at a proper time and in a proper manner, for a reduction of the duties on cotton, sugar, steel, iron, manufactured products, and all other articles of necessity used by the masses of the people. I could not consistently vote for a reduction of all of those duties and yet vote to retain the present protective duty on raw wool and woolen manufactured articles. I do not believe in protecting home products just because they are home products. I do not believe in giving home products an undue advantage over other products. In so doing there would be no principle. I do not believe in levying tribute, exacting bounty, even for home products. With a reduction of the tariff duties upon all other articles in use by the masses of the people, I believe that the reduction of the duty on raw wool, provided for in this bill, will not be unjust or harmful to woolgrowers. So far as I have light, I believe, under those circumstances, it will leave them as well off as now.

Whether we should have free wool or not is not now the question. The Democrats of this Congress have decreed that that issue shall not come before this Congress at this special session. The only question now is: Shall raw wool and woolen manufactured articles stand their proportionate share of tariff reduction along with the other reductions that the Democrats of this Congress purpose making? I believe, with the light at hand, the House wool bill to be a fair and just measure to the woolgrowers as well as, at present, the consumers. I am confirmed in this belief by the fact that an esteemed Republican Member of this body, a protectionist and a woolen manufacturer, the Senator from Utah [Mr. SMOOT], has himself offered in this body a substitute for the pending House wool bill, which, while it does not provide for so much reduction of duty upon woolen manufactures as does the House wool bill, does provide for material reductions; in some instances, I am informed, as much as 50 per cent of present duties. I understand it will be generally supported by the Republican Senators. It seems to me that this is a significant acknowledgment from a protection source that some reduction may be justly made.

I am further confirmed in this belief by the fact that the Democratic House Members from woolgrowing States and districts who generally, as I understand, opposed revision of the woolen tariff schedule at this time, as I did, voted, with one exception, for the House wool bill when put upon its final passage in the House. The three Democratic Representatives from Colorado, a woolgrowing State and a neighbor State of Montana, in the beginning, as I am informed, opposed, as I did, starting in at this time upon wool as the beginning of tariff revision. Yet, when the House wool bill was put upon its final passage in the House, they all voted for it, believing it to be, if followed by other and general reductions, a fair adjustment. I understand they have been supported in their attitude by the entire Democratic press of their State.

Not only do I intend to vote for the House wool bill, but I intend to vote against adjournment of this special session until we shall have voted upon revision of the cotton, sugar, steel, iron, and all other tariffs upon articles of necessity used by the masses of the people. I favor not only the House wool bill but I favor a general tariff revision at this special session of Congress. I favor remaining here until we shall have voted upon reductions of the tariff duties upon all of the leading articles of consumption, and until we shall have had a vote upon revision of all of the leading tariff schedules, and until that time I shall vote an emphatic "no" upon the question of sine die adjournment of this special session.

It has been decreed that we shall take up for consideration and vote upon at this special session the revision of the woolen tariff schedule, and in that decree I acquiesce. But, since we are to consider revision of the woolen schedule, why end there? Why let revision of the cotton, sugar, steel, iron, and other schedules go over to December? Can anybody give a valid reason therefor? The only reason that I have heard given therefor is that of the personal comfort of the Members of this body. Is that a good reason? Why is it that the weather has not been too hot to decide to vote on woolen revision, and then will suddenly become too hot to remain here and vote on revision of cotton, sugar, steel, and iron? What mysterious thermometrical changes are we to have immediately after the vote upon the House wool bill?

Not only will I vote to remain here at our post of duty to revise all of the leading tariff schedules, but I will vote to remain here until we shall have voted upon measures for physical valuation of railroads, efficient amendment of the antitrust laws, regulation of interstate corporations (the latter now advocated by the honorable Attorney General of these United States), and upon all other matters of remedial legislation needed by the people. If there be remedial legislation needed now by the people, why put off granting it until December? When remedial legislation is needed by the people, I have adopted as my political motto: "Do it now." Why put it off? Will any Democratic or progressive Republican Member of this body say that, after the House wool bill shall have been voted upon, the great masses of the toiling people of this country will need no further remedial legislation? Will there then be on our statutes no class legislation, no legislation in favor of predatory interests, no legislation in favor of special interests which will need amending, repealing, or new legislation? We are here to serve the people. The people are our masters, and so long as the people need remedial legislation we should be ever ready to consider and enact it. The plea of personal comfort is not a valid plea. We were not elected to legislate only when the weather may be comfortable. We are not paid our salaries to remain here, in session, only when the weather may be comfortable. Our duty to the people exists just as much in hot weather as in cold weather. Even so, we are more comfortable here and we have here more of the luxuries of life, with electric fans, iced mineral waters, easy chairs and couches, comfortable offices and cloakrooms, pages and messengers, than the

millions of toiling masses in sweat shops, factories, and fields. They toil on in the hottest of weather, under the burdens and unjust conditions imposed upon them. Why should we, because the weather is warm, refuse to remain here and render to them the services due them and expected of us?

I shall vote to remain here so long as the people need legislation, so long as there are wrongs that need righting, so long as there are subjects that may with profit be legislated upon. Why put it off until next winter? Do not the Democrats and progressive Republicans of this body admit that the people are suffering evils which need legislative correction? They may control the actions of this body, if they but will. Then, why not stand to our post of duty and show that we are faithful servants? I have even heard staunch Republicans, termed regulars, admit on the floor of this Senate, at this special session, that there are phases of the present tariff law that need readjustment, regulation, overhauling, and revision, and that the same will likely be done next winter.

If needed now, I ask why wait until next winter? The House of Representatives, I hear, is willing to remain here at its post of duty much longer. Why should the Senators desert their post of duty when there is work to be done? Should the Senators not be as close to the people as are the Members of the House? Should the Senators not be as solicitous of the welfare of the people as are the House Members? Is it possible that the fact that House Members are elected for shorter terms and serve for only two years at a term makes them more solicitous about the welfare of the people? There is no doubt that there is abroad amongst the people popular distrust of the United States Senate. May the Senate not, in large measure, remove that distrust by remaining here at its post of duty so long as the people are in need of remedial legislation? I know full well there are more experienced, abler, and wiser Members of this body than I—doubtless all of the others are—but it seems to me that these propositions are so patent that they are not susceptible of refutation, and that they should appeal to the reason of everyone. I would not object to a short recess next month, as proposed by the Senator from Nevada [Mr. NEWLANDS], but I would much prefer to keep steadily at our duty without intermission.

It may be that there are certain Interests that want adjournment of this special session. But are there any interests superior to those of the people? Are we here to serve The Interests or the people? It may be that the trusts want adjournment. It may be that the trusts recently dissolved by decrees of the United States Supreme Court want adjournment. But were we elected to serve the trusts or to serve the people? Are we the servants of the trusts or of the people? Are we to march under the banner of predatory wealth or the banner of the people? Has anybody heard a demand from the masses of the people that we adjourn immediately after the taking of the vote upon the revision of the woolen schedule? I have not. There is no demand from the masses of the people for adjournment until our work shall have been accomplished. Why end with wool? Why not remain here and next take up the cotton schedule, and then, one after another, in succession, the remaining tariff schedules that need revising? Why now revise wool and not cotton? The woolgrowers were given no time for a hearing. Why make flesh of one and fish of the other? In undertaking the tariff revision of wool, the revision of the duty on one of the principal products of the North is undertaken. Let us be fair, and then undertake the revision of the duty on one of the leading products of the South.

No; after voting upon revision of the woolen schedule much will yet remain to be done in the interest of the people. Not only will remain revision of other tariff schedules, but there are pending in this body bills to amend the antitrust laws, in the interest of the people, in the interest of trade and competition, so as to make those laws efficient in both civil cases and criminal prosecutions; so as to make it possible to put violators of antitrust laws behind the bars, where they belong. Why let those bills lie dormant until next winter? I say, if the antitrust laws need amending, so as to prevent "reasonable" oppression of the people, let us amend them now, so that trusts may not reorganize and proceed with "reasonable" robbery of the people. If a man were sick and in need of medicine, would you give it to him now or wait until next winter? At the last election the people said they were sick, of Republicanitis, and needed medicine. Congress is the doctor. Will you give it now or wait until next winter?

I say, let us do those things now, and do them promptly, without unnecessary prolongation or delay. Is it any wonder that the people exhibit impatience with the United States Senate? Is it any wonder that there is talk of abolishing the United States Senate? We have been here nearly four months, and it appears to me that we have accomplished about as much as a good board of county commissioners would do in a week's time; and much that we do is done under cover of a viva voce vote. One day last week, when the House campaign-publicity bill was before the Senate, the Senator from Oklahoma [Mr. OWEN] offered thereto an amendment designed to limit the expenditure of money in congressional elections by national political committees and congressional campaign committees, and he could not get the required number of Senators—one-fifth of those present—to join him in a demand for a yea-and-nay roll-call vote on the amendment; and the amendment was defeated under cover of a viva voce vote, of which no individual record is made. On the same day the Senator from Missouri [Mr. REED] offered to the same measure an amendment that suffered a like fate. The people complain of these things. I say, that by remaining here at our post of duty and expediting needed legislation we may do much to remove the cause of complaint. Let us put duty above comfort. Let us put patriotism above pleasure. Let us remain at our post of duty until the masses of the people say we have accomplished that which is expected of us; until the toiling masses shall have been given the remedial legislation so often promised them and so often denied them. These are the observations of a new Member of this body, one who claims no superior wisdom and who is not above human imperfection. With these remarks I announce that I will vote for the pending measure—the House wool bill—when put upon its passage.

Mr. DIXON obtained the floor.

CORPORATIONS IN INTERSTATE COMMERCE.

Mr. CLARKE of Arkansas. Mr. President, I ask unanimous consent to submit a report out of order from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. DIXON. I yield to the Senator from Arkansas for that purpose.

Mr. CLARKE of Arkansas. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 98, directing the Committee on Interstate Commerce to investigate and report desirable changes in the law regulating and controlling corporations and persons or firms engaged in interstate commerce, to report it favorably without amendment, and I ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). It will be necessary for the Senator from Montana to yield the floor under the rule.

Mr. DIXON. I yield the floor for that purpose.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the present consideration of the resolution reported by him. The resolution will be read for information.

The Secretary read Senate resolution 98, submitted by Mr. CLAPP on the 7th instant, as follows:

Resolved, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce, and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce; and for this purpose they are authorized to sit during the sessions or recesses of Congress at such times and places as they may deem desirable or practicable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary; and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I should like to ask the Senator from Arkansas whether it is a unanimous report of the committee?

Mr. CLARKE of Arkansas. I understand not. The Senator from New Jersey [Mr. BRIGGS] announced that he was not in favor of its passage. He simply did not indicate that he had further opposition to it. He did not vote for it. I do not know that I disclose anything which may not be made known in making the statement.

Mr. SMOOT. Does the Senator know whether the Senator from New Jersey would like to be heard upon it?

Mr. CLARKE of Arkansas. I think not. He did not indicate any preference of that kind. I would not want to have it pass from under the control of the Senate if there was any doubt on that point. I can only state what he informed us in the course of the running discussion which took place while the resolution was under consideration in the committee.

Mr. SMOOT. I have not any objection to the resolution personally——

The PRESIDING OFFICER. The debate is proceeding by unanimous consent.

Mr. SMOOT. But——

The PRESIDING OFFICER. The question is, Is there objection to the present consideration of the resolution?

Mr. BRANDEGEE. I do not object. I simply rose to give some information to the Senator from Utah.

The PRESIDING OFFICER. There being no objection——

Mr. RAYNER. Mr. President, I should like to have the resolution read.

The PRESIDING OFFICER. The Secretary will again read the resolution.

The resolution was again read.

Mr. BRANDEGEE. I will say to the Senator from Utah that this morning I had a conversation with the chairman of the committee, the Senator from New Jersey [Mr. BRIGGS], in relation to this resolution, and he informed me that while, personally, he would vote against it in committee it would be reported out, and I gathered distinctly from him that he intended to make no opposition to it on the floor. Personally, I hope the resolution will be agreed to.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. By unanimous consent only can the resolution be proceeded with.

Mr. SMOOT. I am not going to object to the consideration of the resolution after the explanation of the Senator from Connecticut.

The PRESIDING OFFICER. There being no objection, the Senate will proceed to the consideration of the resolution. The question is on agreeing to the resolution.

The resolution was agreed to.

ELECTION AND RECALL OF FEDERAL JUDGES.

Mr. OWEN. Mr. President——

Mr. DIXON. I yield to the Senator from Oklahoma.

Mr. OWEN. I wish to give notice that on Monday next, after the morning hour, I shall address the Senate on the election and recall of Federal judges, and for that purpose I introduce a bill, without objection.

The PRESIDING OFFICER. The bill can not be received while the Senator from Montana is occupying the floor in the consideration of the unfinished business.

Mr. DIXON. I will yield the floor to accommodate the urgent necessity of my friend from Oklahoma.

The PRESIDING OFFICER. The bill will be received.

The bill (S. 3112) providing for the election and recall of Federal judges was read twice by its title.

Mr. OWEN. I desire that the bill may lie on the table.

The PRESIDING OFFICER. It will be so ordered.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. DIXON. I do.

Mr. CLARK of Wyoming. I think the Senator from Oklahoma gave notice that he would after the morning hour address the Senate on the bill he introduced. I wish to make a parliamentary inquiry. Would that make the bill the unfinished business?

Mr. OWEN. I think not. I merely propose to speak at the convenience of the Senate, and I do not wish to make it the unfinished business.

Mr. CLARK of Wyoming. Of course, if the Senator speaks at the conclusion of the morning business he can avoid that, at any rate.

Mr. OWEN. I suggested after the routine morning business.

Mr. CLARK of Wyoming. I understood the Senator to say "after the morning hour."

Mr. OWEN. I meant to say "after the routine morning business."

AMENDMENTS OF THE CONSTITUTION.

Mr. OWEN introduced a joint resolution (S. J. Res. 42) proposing a method of amending the Constitution of the United States by establishing constitutional majority rule; which was read twice by its title.

Mr. OWEN. I ask that the joint resolution may lie on the table.

The PRESIDING OFFICER. It will lie on the table.

TARIFF DUTIES ON WOOL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

Mr. DIXON. Mr. President, in view of the many formidable exhibits here to my right, which may dishearten some of my friends who might want to listen to me, I will say that I shall take up but a very few minutes this afternoon. However, in view of the approaching vote on the House wool bill to-morrow, I want this afternoon to tell at least some truths about Schedule K that I believe, without egotism, are misunderstood by 99 per cent of the people of this country. If Senators who are really interested in some of the involved language of Schedule K, that has been severely criticized in the press of this country, would take the pains to listen for a few minutes, I really believe I might throw some light on a much-mooted question, and I might say some things that would be of real intellectual benefit to some of my fellow Senators.

Mr. McCUMBER. Mr. President, I suggest the want of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Myers	Reed
Bourne	Cummins	Nelson	Root
Bradley	Davis	Newlands	Shively
Brandegee	Dixon	Nixon	Smoot
Bristow	Gore	O'Gorman	Stone
Burnham	Gronna	Oliver	Sutherland
Chamberlain	Heyburn	Owen	Swanson
Chilton	La Follette	Page	Warren
Clapp	Lodge	Penrose	Wetmore
Clark, Wyo.	McCumber	Perkins	Williams
Clarke, Ark.	Martin, Va.	Pomerene	
Crawford	Martine, N. J.	Rayner	

Mr. CHAMBERLAIN. The junior Senator from Alabama [Mr. JOHNSTON] requested me to state for him that he is absent from the Senate attending the Lorimer investigation.

Mr. CHILTON. I desire to announce that my colleague [Mr. WATSON] is unavoidably absent from the Senate.

Mr. PAGE. I wish to announce that my colleague [Mr. DILLINGHAM] is detained on the Lorimer investigating committee, and probably will not be with us to-day.

The PRESIDING OFFICER. Forty-six Senators having answered to their names, a quorum of the Senate is present. The Senator from Montana will proceed.

Mr. DIXON. Mr. President, I think it is a duty that I owe to the woolgrowers to try to explain what I believe has always been the great stumbling block in the way of a proper understanding of the wool tariff. It is the one thing on which wool tariffs have been built and the one thing that is not understood by one-tenth of 1 per cent of the people of this country.

The wool-tariff schedule—Schedule K—of the Payne Tariff Act of two years ago is admittedly not basking in the sunlight of popular favor. By common consent Schedule K seems to be doomed to revision.

The Democratic majority in the House have presented their views of Schedule K, and their diagnosis of both the disease and the remedy is contained in the so-called Underwood bill, upon which a vote will be taken to-morrow.

A distinguished Republican Senator [Mr. LA FOLLETTE] has presented his views of the revision of the wool tariff as embodied in the La Follette amendment, while another eminent Republican Senator [Mr. SMOOT] has presented his ideas of the correct solution of the wool tariff in the so-called Smoot amendment.

Briefly, the Underwood bill proposes a 20 per cent duty on all raw wool, with an average duty of 40 per cent on manufactured woolen goods.

The La Follette amendment proposes a 40 per cent duty on raw wools such as are generally produced in this country; a 10 per cent duty on coarse carpet wools, very little of which are produced in this country; and an average duty of about 50 per cent on manufactured woolens.

The Smoot amendment proposes a duty of 9 cents per pound on wools of the first and second class and 3 cents per pound on wool of the third class, with an average duty of about 60 per cent on manufactured woolens.

Each of these three bills professes a lowering of present duties on raw wool and manufactured woolens.

Representing a State that has more sheep and raises more wool than any other State in the Union, and in which industry my people have invested about $40,000,000, I am naturally much interested in the pending measures.

More misinformation is afloat, more prejudice exists, and more injustice is liable to result in trying to remedy the alleged wrongs of Schedule K than any other of the tariff schedules.

Before any action is taken in this matter I want to be heard. I know that rank injustice and inequalities do exist in the present provisions of Schedule K. I know that I have knowledge of these wrongs, and I therefore ask of Senators a patient and careful hearing of what I shall have to say.

Two years ago, during the debate on the Payne-Aldrich tariff schedules I was aware of the gross inequalities of Schedule K. I then conceived it to be my duty, as one of the Senators from the greatest wool-producing State, to go to some of the other Senators from the western woolgrowing States and propose to them that we get together and try and adjust what I at that time conceived to be the inequalities of that schedule as it affected the woolgrowers of the West.

But Senators from that section, older and more experienced in tariff legislation than myself, and with equal responsibilities in the matter, while admitting that my contentions were correct, urged that "it was better to bear the ills we have than to fly to those we know not of," and I reluctantly acquiesced in their more mature judgment.

Subsequent events have demonstrated to my mind, at least, that my judgment was then correct. That if, at the time, we had frankly acknowledged a situation that is patent to all who will take the time to investigate, and had reconstructed and rewritten Schedule K in plain English, leaving out the miserable subterfuge that was first written into it at the instigation of certain wool manufacturers in the McKinley Act of 1890, carried over into the Dingley Act of 1897, and again into the Payne-Aldrich Act of 1909, the woolgrowers, the woolen manufacturers, and the people generally would have been better off and business conditions would not now be upset with another renewal of tariff revision.

The time is now here when we should know the truth about this matter, and to the best of my ability I intend this afternoon to set forth the cold record of actual conditions as they have affected the sheep grower.

I shall demonstrate why, that with a tariff duty that most people have honestly supposed gave the sheep raiser a protection of 11 cents per pound, the industry of growing wool and mutton has not thrived, but in the past 10-year period has not quite held its own. And we might as well acknowledge that fact. I shall show conclusively that the struggling sheep grower has been led to believe, and most of them have believed and the people at large have certainly believed, that he was protected by a duty of 11 cents per pound. He has in reality not had a tariff protection of to exceed 5 cents, certainly not over 6 cents, per pound on the average. I will show why instead of to-day having 100,000,000 sheep in the United States that would produce 600,000,000 pounds of wool, more than enough to supply our own needs, we have to-day only 39,470,312 wool-shearing sheep, with approximately 60,000,000 all told, including lambs of this year's crop.

I think the census returns, with the lamb crop included, only show 50,000,000; but the June and July returns would make the number of sheep and lambs about 58,000,000 to 60,000,000. We have to confess that in the past 10 years we have lost about 1 per cent of the sheep of this country. We have not increased the number of our sheep under the present tariff duties.

People generally have believed that the woolgrower has been protected by a duty of 11 cents per pound. Some of the sheepmen have believed this was true. Many of them have known that the nominal paper duty of 11 cents per pound was in fact a delusion and a snare; that the actual tariff duties has not given the woolgrower to exceed 5 or 6 cents per pound. I doubt even that much.

The truth is the woolgrower has been sacrificed for the benefit of the manufacturer. I will demonstrate that that is the reason the woolgrower has not prospered and the one reason why sheep have not increased in numbers as they should have done.

Mr. NELSON. Mr. President, I do not want to interrupt the Senator, but——

Mr. DIXON. I court interruptions. I want to demonstrate this matter, if I can.

Mr. NELSON. I want to ask the Senator this question: Does he not think that this decrease arose from the fact that a good deal of the range lands have been taken up by homesteaders?

Mr. DIXON. That is the popular theory, and I confess that I labored under the same belief as the Senator from Minnesota; but the returns of the census demonstrate that in the West throughout the old "Territorial" country, the Rocky Mountain region, the public-land region, sheep have increased in the last 10-year period. The decrease has come in the Eastern and Central States.

Mr. WARREN. May I interrupt the Senator for a moment? The facts are that there are more sheep in the Rocky Mountain country than before because, through irrigation and cultivation, material is raised for feeding sheep in the winter and the spring and fall and caring for them, so that the same number of acres now provide for many more sheep than they did when the sheepmen depended entirely upon the grasses of the open range.

Mr. DIXON. The Senator from Wyoming states the situation correctly. The irrigation of the valleys and the growing of alfalfa have made winter feed and winter pasture for the sheep where formerly they depended entirely upon the range.

I will show why this great Nation is to-day dependent on other countries for $100,000,000 of wool and woolen goods yearly imported from foreign countries that should be produced by our own people.

I will show how this Nation can produce its own wool in abundant sufficiency to clothe all its own 90,000,000 people independent of all the nations of the earth.

HISTORY OF THE WOOL TARIFF.

Taught by the stern necessities of the Civil War, when our supply of foreign wools was seriously threatened, that a great Nation to be truly self-supporting must raise the wool for the manufacture of its own clothing, the wise provision of the wool tariffs of 1867 was enacted into law, when a straight duty of 10 cents per pound plus 11 per cent ad valorem was laid on raw wool.

Under the operation of that tariff, with no "skirting-clause" joker in it, the prices for wool were fairly remunerative to the farmer and woolgrower. Sheep increased from 28,477,951 in 1870, producing 100,102,000 pounds of wool, to 50,626,626 sheep in 1884, producing 308,000,000 pounds of wool. In 14 years, under a straight tariff duty of 10 cents per pound, the sheep of this country doubled in numbers, and the wool clip increased from 100,000,000 pounds in 1870 to 308,000,000 pounds in 1884. That was the effect on the sheep-growing industry of this country under a straight-duty tariff, with no joker in it.

Mr. WARREN. I will say to the Senator that during a part of that time we had a compound duty, 10 per cent ad valorem being added.

Mr. DIXON. I say that we had 10 cents specific duty and 10 per cent ad valorem, which made about 11 cents per pound.

Mr. WARREN. I will say that sometimes it reached as high as 13½ cents, of course when wool was highest; but the Senator is right, generally speaking, about the tariff rate during that period.

Mr. DIXON. Then, unfortunately, came the tariff act of 1883 reducing wool duties by leaving off the ad valorem duty on class 1 and class 2 and reducing the duty on class 3 to 2½ cents per pound. Class 3 covers what is known as the coarse carpet wool, and under the provisions of that law a great abundance of foreign wool under the 2½ cents specific duty on what was known as carpet wool came into this country, displacing the American-grown wool.

Now, listen, Senators. Under the 1883 tariff sheep decreased in number from 50,626,626 in 1884 to only 43,431,136 in 1891, producing 285,000,000 pounds of raw wool; in other words, after the cutting down of the duty on wool of the third class to 2½ cents per pound flooded the country with foreign wool the result was that during that seven-year period the sheep decreased from 50,000,000 to 43,000,000, but the duties then existing were far greater, in fact, than those under either the Dingley law or the present law.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. HEYBURN in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. DIXON. Gladly.

Mr. SMOOT. I should like also to call the Senator's attention to the fact that the law of 1883 placed the duty on waste at 10 cents a pound; and millions and millions of pounds of waste were brought into this country. Increased importations of cloth followed and broken wool tops were imported as waste, all of these taking the place of American wool.

Mr. DIXON. The Senator from Utah states the exact truth. Unfortunately the adjustment of the figures on "broken tops," which is the essence of refined wool, at 10 cents per pound, brought in a tremendous importation at that end of the line to supplant the American wool.

THE M'KINLEY LAW OF 1890.

In October, 1890, the McKinley law was passed. It restored the duty to 11 cents per pound on unwashed wool of the first class, 12 cents on the second class, with class 3, the coarse carpet wools, carrying an ad valorem duty of 32 per cent.

Now listen to the result under the McKinley tariff: During the three years it was in force the number of sheep slowly grew, increasing from 43,431,136 to 47,273,553, and producing 348,538,000 pounds of wool, in place of 285,000,000 pounds three years previous.

But the McKinley law was not a success. For the first time, at the instigation of the eastern wool manufacturers, there was

inserted an innocent-looking provision that was fatal, and which since that time has proved to be the famous "joker" of all wool tariffs since enacted.

THE SKIRTING-CLAUSE "JOKER."

Herein lies the secret of the whole trouble of wool tariffs, and in it lies the secret of the wrong and injustice that has been done to the woolgrowers of this country.

When the wool manufacturers by the legerdemain of knowing how to make it appear to congressional Finance Committees, as one eminent authority at that time said, when the full import of the infamous "skirting clause" was made known:

Low duties on wools are made to sound high. It is framed to yield the least return to sheep raisers, without being understood by those who read it.

The New York Weekly Tribune of February 17, 1897, said:

The skirting clause of the act of 1890 was made the means of defeating the plain object of the law to a large extent.

The Tribune was then the great champion of the farmer. Horace Greeley's great influence had not yet entirely waned in its editorial sanctum.

That was before the days of "free trade for farm products" under the guise of reciprocity, sugar coated with "free print paper." But more for the famous skirting-clause joker later on.

WILSON BILL AND FREE WOOL.

I now want to advert to the Wilson bill. Under it raw wool was placed on the free list. Then came the dark days of 1893 to 1897. The theory of the free trader, "free wool and cheap clothes," was heard in the land.

The Wilson bill passed August 28, 1894. We were already in the preliminary stages of the world-wide financial depression of those terrible years. There was no protest then against "high wages," "high prices," and the "high cost of living."

The blow was a staggering one to the sheep raiser. Sheep in Montana sold as low as 75 cents per head and wool as low as 7 cents per pound.

The statement of a distinguished Democratic Senator on this floor the other day that "some Democrats that he knew wanted to kick a sheep every time he saw one" bore bitter fruit. That "free-wool" and "cheap-clothes" demand became a reality. We certainly got "cheap wool," but cheap clothes did not bother us at all, for we were busily engaged just then in trying to find something to put into our empty stomachs, and while thus engaged in that strenuous occupation we were content to wear our old clothes, patched and ragged though they were.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. DIXON. Certainly.

Mr. WARREN. May I ask the Senator whether, in his observation, wool clothing was any cheaper to the consumer during that time than it was before or has been since?

Mr. DIXON. I know in the part of the West where I live everybody was bankrupt and broke, and we were not inquiring very much into price tags in the clothing-store windows during that period.

Mr. WARREN. If I may state what my observation was, I will say that on all wool clothing we got no discount whatever, but paid the same prices. We could buy shoddy clothing, because that tariff law removed the duty on shoddy, and the importations of the free shoddy increased some 20 times. We used 20 times as much of it as before.

Mr. DIXON. The whole country was flooded with shoddy importations from Europe, displacing American pure wool.

Under the beneficent influence of "free wool" the number of sheep diminished from 47,273,553 in 1893 to 36,464,405 in 1896, a decrease of over 9,000,000 in three years. Wool production fell off from 348,538,000 pounds to 270,474,000 pounds.

The value of sheep fell from $125,909,000 in 1893 to $61,989,000 in 1896.

Practically every woolen mill in this country was closed during that period, and the whole wool business, from the sheep raising to the manufacturing, was bankrupt, hopeless, and ruined, and the importations of foreign wool doubled and trebled; the importations of shoddy multiplied, as the Senator from Wyoming has said, 20 times over, and whatever clothes that we were fortunate enough to get hold of were largely made from shoddy imported from Europe.

DINGLEY LAW OF 1897.

In 1897 the Dingley law practically restored the old rates of the McKinley law, but the poor woolgrowers, after their terrible experience with "free wool," knowing full well the cheat and delusion of a nominal duty of 11 cents per pound, with the "skirting clause" again inserted, which in its actual results only gave 4 or 5 cents protection, were willing to accept anything that promised some relief.

McKinley had himself stood for a duty of 8 cents per pound in 1890, with no "skirting clause," but the manufacturers insisted on 11 cents, with the "skirting-clause" joker put in.

THE JOKER.

Now, let us examine into the matter and see how the "skirting clause" really reads and see what it means in actual results.

The language of the McKinley law, copied into the Dingley law and again rewritten into the present Payne-Aldrich tariff law, after providing for a duty of 11 cents per pound for wool in the grease and 12 cents per pound for the wool washed on the sheep's back, not scoured, and after further providing that any wool imported—here is the crux of the whole matter; this is the provision of the present law, of the Dingley law, and of the McKinley law—

which has been sorted or increased in value by the rejection of any part of the original fleece, shall be subject to twice the duty to which it would be otherwise subject.

Here is the proviso that was slipped in in 1890:

Provided that skirted wools as now imported are hereby excepted.

"Now you see it, and now you don't." It is the same as if we enacted a stringent statute against murder in the first degree, providing as a punishment that the one found guilty should be drawn, quartered, and burned, and then at the end should add a proviso that "the maximum penalty shall only be six months in the county jail." That was the joker that was slipped into the law of 1890. Columbus Delano, of Ohio, the great wool expert, got up in the committee room of the House and left it in disgust.

The tariff on raw wool was written on paper for the poor sheep raiser a thousand miles away from the scene of action in language that appeared to him a plain protective duty of 11 cents per pound, but with a string tied to it by the representative of the organized manufacturers that, when gently pulled by him in the actual business of importing foreign wools, only gave the sheepman about 4 or 5 cents per pound actual protection.

Mr. NELSON. Will the Senator be kind enough to explain what the term "skirted wool" means?

Mr. DIXON. I am just approaching it now. In other words, by a bold circumlocution of phrases, the tariff of 11 cents per pound, supposedly for the protection of the sheepman, largely disappeared in the shrewd juggling of the innocent-looking proviso attached to the end of the paragraph.

HOW IT WORKS.

Here is how it works: Theoretically merino wool, known to the trade as "Territory wools," such as constitutes the bulk of the wools grown in Montana, Idaho, Wyoming, Utah, and the other States that were formerly Territories, shrink on an average about 65 per cent from the "wool in the grease" to the "scoured wool" status—from this status [indicating by exhibiting a sample of greasy wool] to that [indicating by exhibiting a sample of scoured wool].

I think I have given the percentage of shrinkage a little high; probably 60 per cent would be better.

Mr. SMOOT. No; 65 per cent.

Mr. DIXON. The Senator from Utah informs me that it is 65 per cent. For this reason the duty on this scoured wool [indicating] was fixed at 33 cents per pound, being, theoretically, the equivalent of the 11 cents per pound duty on 3 pounds of wool in the grease.

I will now say, so that these samples which are here on my desk may be more intelligently understood, that a gentleman from Idaho, Frank Hagenbarth, who, I think, is as well informed about the wool tariff as any man living, at my request went to Boston, visited the wool warehouses, and bought 60 samples of wool from the different wools stored there—some from the West, some from Ohio, some from the Argentine, some from Australia, and some from England. He took those 60 samples and distributed them among four different professional scourers in the city of Boston. The scourers did not know where the wool came from or anything about it. They only knew it by number. He was endeavoring to ascertain by actual test how much imported wools brought into this country under the skirting clause actually shrink. I will get to that later on.

Here on the desk is a letter sent me by Jeremiah Williams & Co., of Boston, at the request of Mr. Hagenbarth, giving the actual figures for wool in all stages of preparation—from the dirty wool in the grease to the skirted, the scoured wool, the tops, and the spun yarn. Here [indicating] are the noils, which are the waste and the burrs, amounting to 2 grams, I think, in those 2 pounds of wool. This [indicating] is skirted wool from Australia. Two pounds of it make one pound of scoured wool; in other words, the shrinkage on this wool is 50 per cent instead of 66⅔ per cent, on which the tariff is based.

Mr. ROOT. What is the process of skirting?

Mr. DIXON. Skirting is simply this: The wool fleece does not shrink in the same proportion. The belly, the legs, and the posterior portion of the animal, where the dirt and filth accumulates, shrink probably 90 per cent. The skirting clause merely permits the importer to take a fleece from Argentina or Australia or New Zealand and clip off the heavy shrinking, dirty, filthy, posterior parts, the belly and the legs, and import only the light-shrinking back and top. Here is the letter to me from Jeremiah Williams & Co., dated Boston, June 29, 1911, written at the request of Mr. Hagenbarth. They give the actual result of the tests with these samples. It shows that 2 pounds of grease wool made 1 pound of scoured wool; 14½ ounces of card sliver—card sliver is the wool as it first comes out of the carding machine—make 12 ounces of tops, which is the finest grade of refined wool before it is carded into roving and then spun into yarn.

Mr. SMOOT. Or a reduction of 25 per cent between the scoured wool and the tops.

Mr. DIXON. Or a reduction of 25 per cent between the scoured wool and the tops. Two pounds of dirty grease wool produced these results, finally yielding 10½ ounces of yarn.

Mr. WARREN. How much of noils?

Mr. DIXON. Two and a quarter ounces of noils. This is noil [indicating]. It is merely waste, the short, stubby, coarse fibers that are taken out in carding and combing. The 2 pounds of grease wool also produced 2¼ drams of card fly and burrs, which is merely refuse.

Mr. WARREN. Mr. President, if the Senator will permit me, we have many inquiries as to what noils are. As I understand, noils come from scoured wool, and they are the short parts of the wool and also whatever impurities are left when the tops have been extracted from the scoured wool.

Mr. DIXON. That is correct.

Mr. SMOOT. The short staple fibers from fine grade of wool.

Mr. WARREN. The short staple, and anything that will not make tops.

Mr. DIXON. All wools do not shrink alike.

Mr. WARREN. Does the Senator expect to follow tops further? There is a little waste in putting tops into yarn and the yarn into the cloth.

Mr. DIXON. The cloth samples are there on the other desk [indicating]. I will take them up a little later, as it will follow in better sequence. All wools do not shrink two-thirds in scouring. Now, remember that tariff duties are all built on the supposed fact that wool shrinks 66⅔ per cent.

Theoretically the importing manufacturer, to get 100 pounds of scoured wool, would import 300 pounds of wool in the grease, paying thereon a duty of $11 per hundred pounds, or $33, the equivalent of 33 cents per pound on the scoured product.

But with the "skirting clause" in active operation, he does no such thing. From all fleeces imported at the place from where they are shipped he first trims off the heavy shrinking legs, belly, and rump portion of the fleece, and only imports the light shrinking back and side portion of the fleece, so that in importing 300 pounds of "skirted wool" from Australia or New Zealand or Argentina, which then shrinks only less than 50 per cent instead of the theoretical 66⅔, the importing manufacturer actually gets from his 300 pounds in the grease, if it only shrinks 50 per cent, 150 pounds of scoured wool, which has cost him just 22 cents per pound in tariff duty on the scoured wool, instead of 33 cents, as contemplated by the tariff section before the "skirting clause" was deftly attached thereto.

In other words, the "protection to the woolgrowers" has then and there shrunk from 11 cents per pound to one-third of 22 cents, which makes 7⅓ cents actual protection instead of the 11 cents as written in the law.

Judge William Lawrence, who was for some years a Republican Member of Congress from Ohio, afterwards Comptroller of the United States Treasury, and who for years was president of the Ohio Wool Growers' Association, and probably the greatest authority in his time on wool tariff—I think the Senator from Utah [Mr. SMOOT] knew him——

Mr. SMOOT. I used to know him very well.

Mr. DIXON. I think he is also known to the Senator from Massachusetts [Mr. LODGE] and the Senator from Wyoming [Mr. WARREN].

Mr. LODGE. Yes; and he is a great authority.

Mr. DIXON. Judge Lawrence gave it as his deliberate opinion, in his annual address before the Ohio Woolgrowers' Association in 1898, after the notorious skirting clause had again been inserted in the Dingley law of 1897, that "the skirting clause was a fatal defect in both the McKinley and the Dingley tariff laws." He gave it as his judgment that under the loophole of the skirting clause and the inadequate duty placed on wools of class 3, the nominal paper duty of 11 cents per pound only "added an average of about 4 cents per pound to the price of unwashed wool to the average American merino wool over the normal world's price and no more."

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. DIXON. Yes.

Mr. SMOOT. In justice to the present situation, I would like to say that at that time they were making a great many coarse goods in this country; and if they were doing it to-day and could use third-class wools, the result would be the same as the judge stated. But it is not to that extent now, because they are not making the coarse goods.

Mr. DIXON. Yes; the Senator from Utah [Mr. SMOOT] states the thing correctly as it was at that time. At that time worsteds had not come into universal use. Cheviot and tweed weaves were largely used. They were importing this coarse class 3 wool, which still further reduced the actual protection to the sheep grower.

Mr. WARREN. For a long time there was no tariff at all, or scarcely any on third class, called carpet wools. To-day about 81 per cent of the carpet wools come in under a tariff of 4 cents. About 19 per cent come in at 7 cents. It is safe to say that pretty much all of the best, and I should think perhaps a quarter or a third of the balance, is used for other purposes than carpets, and it is so stated in various publications.

For instance, the Boston Transcript, in quoting the market every week, speaks of it in nearly every quotation as third class or carpet wool imported for better purposes than carpet manufacture.

Mr. DIXON. Now listen, Senators. Edward A. Greene, of Philadelphia, whom many of the older Senators remember, the eminent wool manufacturer, wool dealer, and wool expert, who was chairman of the commission that arranged the wool samples under the act of 1890 for use in the United States customs, which same classification is still in use, in discussing the actual operation of the law and with reference to the "skirting clause," said:

> The Dingley law is better for the manufacturers than any law they ever had, but worse for the woolgrower than any, except the Wilson law, since 1867.

That was Mr. Greene's testimony on the effect of the skirting clause.

To put the matter of shrinkages of imported wools that had been skirted to the actual test, at considerable trouble, Mr. Frank Hagenbarth some weeks ago went personally to Boston and procured the 60 actual samples from different shipments of wool in the warehouses at Boston and had the wool in the grease scoured by professional scourers.

Here are the results:

	Shrinkage—	
	Lowest.	Highest.
	Per cent.	*Per cent.*
Fine Australian, 64's	44	48
New Zealand, 58's	38	42
New Zealand, 50/56's	35	38
New Zealand, 46's	28	32
New Zealand, 40's	24	28
Montevideo, 58's	40	42
Montevideo, 50/56's	37	39
Buenos Aires, 46's	32	36
Buenos Aires, 40's	28	32
Ohio, Fine Delaine	58	62
Ohio, half-blood	52	55
Ohio, quarter-blood	41	43
Oregon, fine	68	70
Idaho, half blood	60	62
Montana, three-eighths blood	54	57
Idaho, one-quarter blood	50	53
English Kent Wethers, washed	16	18

These are the results from 60 samples actually scoured under the circumstances I have mentioned.

Mr. LODGE. Those foreign wools are all skirted wools.

Mr. DIXON. All skirted wools. The domestic wools are not skirted, because there is no incentive to skirt them. The foreign wools are all skirted before importation. I have the original samples in my office, 60 of them, and if any Senator out of curiosity should care to drop in and see them, I will be glad to exhibit the whole list. I only brought in these that are here on my desk.

Taking these 60 different samples of imported Australian, New Zealand, and Argentine wools, picked indiscriminately from imported wool stocks in Boston awaiting manufacture, we find the average shrinkage to be 36⅔ per cent.

That is, instead of shrinking 66⅔ per cent, as contemplated in the tariff law, the average imported Australian, New Zealand, and Argentine wools shrunk only 36⅔ per cent by this actual test.

In other words, the importer in Boston, in actual experience in importing these skirted foreign wools, paid in tariff duties on 300 pounds the sum of $33. He received therefrom 190 pounds of scoured wool.

Instead of paying the theoretical $33 tariff duty on 100 pounds of scoured wool, he actually paid $33 tariff duty on the resultant 190 pounds of scoured wool, or at the rate of 17.36 cents per pound, for his scoured wool, instead of 33 cents.

In other words, the 190 pounds of scoured wool, from actual results, represented, on the 3-to-1 basis, 570 pounds of unskirted wool in the grease, making the actual duty to the importer at the rate of 5.8 cents per pound on wool in the grease, instead of 11 cents, as provided in the law.

These are the cold facts from the test of actual results.

Mr. CHAMBERLAIN. That was the actual protection.

Mr. DIXON. Yes; that is the actual protection to the American sheep grower—5.8 cents per pound, instead of 11, as popularly supposed.

Mr. WARREN. Will the Senator permit me?

The PRESIDING OFFICER. Will the Senator from Montana yield to the Senator from Wyoming?

Mr. DIXON. Certainly.

Mr. WARREN. The previous reference to Judge Lawrence reminds me that my association with him commenced in the sixties, and usually at least once a year I saw him from that time on. Now, the woolgrowers, aside from the skirting, even if that were eliminated, would not get the 11 cents, of course, because shippers abroad will always ship the lightest fleeces. If you take out the skirted wool, then you will get the light fleeces, which will go a shrinkage of perhaps 48, while ours will go 66⅔, which was originally accorded as the regular rate of shrinkage. Now, those of us who have long known the duty, know that 11 cents and 12 cents has not been the real protection, but that it has been from 5 to 7½ cents per pound.

Mr. DIXON. The truth was they took the old 11 cents duty in the 1867 tariff and added the skirting clause to it, which nullified half of the 11 cents duty written in the body of the law.

Mr. WARREN. I might say further to the Senator that formerly we did not get the light wools that we now get from abroad. Our South American crossbreds are now very largely light wools, which were not in existence then. At that time the wools from Oceanica were all of them of heavier shrinkage than to-day. They were nearer to our shrinkage. So that that change has worked against us year by year in the change in breeding abroad.

Mr. SMOOT. So that Senators will understand also the result just stated——

The PRESIDING OFFICER. Will the Senator from Utah give attention to the Chair for a moment? Senators are indulging in a quiet conversation without addressing the Chair, with the result that other Senators do not hear them. Senators will conform to the rule.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senator from Montana, and also other Senators, to the result that is just announced, and to state that it is not altogether in the skirting clause, from the fact that on class 2 wools under the present law, if they are washed they come in at only 12 cents, and not double the amount of duty for wool in the grease. Therefore the shrinkage upon those washed wools of the second class, coming in at 12 cents—and that was one of the classes that the Senator has alluded to—brings the shrinkage down quite low. In my amendment I have eliminated the skirting clause. I have also provided that wools of the second class coming into this country washed shall bear the rate of twice the amount of wools of the second class in the grease.

Mr. WARREN. The Senator from Utah failed to say what, perhaps, we all know, that he has changed the rate also on the second class, the mutton sheep.

Mr. DIXON. It is all 9 cents per pound.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. DIXON. Yes.

Mr. NELSON. During this discussion it has occurred to me that instead of this complicated schedule between raw and unwashed wool, scoured wool, noils, and all that, would it not be fairer to have an ad valorem rate on the actual value of wools?

Mr. DIXON. I will reach that later on.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oregon?

Mr. DIXON. Yes.

Mr. CHAMBERLAIN. I should like to know from the Senator from Wyoming—and I ask the Senator from Utah the same question—why it was that this disclosure was not made to the Senate when the Payne-Aldrich bill was under discussion? The distinguished Senator from Wyoming [Mr. WARREN] is a large woolgrower, and he must have known it. I do not think the attention of any of the Senators was called to the matter either by the Senator from Utah, who was on the Finance Committee, or by the Senator from Wyoming, who was a Member of the Senate then, and who is a woolgrower.

Mr. WARREN. If the Senator will allow me to answer: There has not been a time, in conversation or public speaking, when the matter has come up to me, when I have not made the statement that on first-class wool the real protection to the sheep grower has not exceeded 7½ cents a pound, and that it is sometimes less since the introduction of light shrinkage crossbred wools.

Now, in the matter of second-class wool, we have for many years understood there was a fault. But I have heard it said often here, and never better than by a former Senator from Missouri, Senator Vest, who one day in a speech stated how long he had served, and stated that there never had been a tariff bill passed that any living man was satisfied with.

I make that assertion on my own account, that there never has been a general tariff bill passed that exactly suited any one person. This wool tariff has never entirely suited the woolgrower, but it has been the best that we have been able to attain so far.

And referring to the matter of second-class wool, I remember that the Senator from Minnesota brought it up two years ago. The second-class wool originally was all the wool that could be combed. At that time the other wools were used for felting, carding, and so forth, but they could not be combed, and there was such an intense feeling on the part of manufacturers that they must have a certain small amount of long luster wool to use with a Lister comb, and besides that, on account of the great friendship for Canada, they left the second class at 12 cents, washed.

The percentage of such wool has never been over 12 per cent of the entire production, and usually only 6 or 7 per cent, so that it has not been so important; but at the present day the French combs, and also the Heilman and Noble and one or two other classes of combs that have been invented in America, comb nearly all of the wool produced. They comb the wools formerly considered too short for combing. Now, I believe, and I want to say to the Senator from Minnesota [Mr. NELSON], who has just arisen in his place, that second-class wools have just as much right to have a dirt, a washed, and a scoured rate on them as any other classes. It is my intention, if I ever get a chance, to help make it that way.

Mr. NELSON. The Senator from Wyoming speaks of the friendship for Canada in connection with wool.

Mr. WARREN. A great many years ago.

Mr. NELSON. But the friendship for Canada was not as great as it has been at this session of Congress.

Mr. WARREN. That is true. But I desire to call the attention of the Senator to the fact that the wool associations of this country, the woolgrowers, and the Senators in this body who represent woolgrowers have not been so insistent on indorsing Canadian reciprocity as have some others.

Mr. NELSON. Another thing, if the Senator from Montana will yield to me.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. DIXON. Certainly.

Mr. NELSON. This occurs to me. We who were very anxious in 1909 to have this woolen schedule revised, were told that it could not be done, that it was the key of protection, that you must not touch it; and now the Senator from Utah and others come in and admit that the tariff was unjust and unfair, and too high, and are ready to reduce it. Why did not you meet us in that spirit at that time, instead of coming now to do it?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. DIXON. Yes.

Mr. SMOOT. I think that if I had time to explain——

Mr. NELSON. Did you not have time two years ago?

Mr. SMOOT. If the Senator will only wait a minute, I will tell him what I was going to. If I had time to explain to the Senator the bill that I have offered, I believe I could convince him that, as far as the woolgrower is concerned, he has just as much protection to-day as he had under the present law. And I think the Senator from Montana will admit it.

Mr. DIXON. Yes.

Mr. SMOOT. I think the Senator from Wyoming [Mr. WARREN] will admit it. I do not want to take the time of the Senator from Montana at this time, but if I have a chance I will explain to the Senate later on.

Mr. WARREN. If the Senator will allow me a moment there. I wish the attention also of the Senator from Minnesota [Mr. NELSON]. The reason which might have existed for these luster wools has passed away largely by invention of the combs; and, on the other hand, there has arisen a greater demand for mutton and mutton sheep, and the supply is short and growing shorter; so that there is every reason to change that tariff now, that did not exist, perhaps, at the time when the tariff was made.

Mr. CHAMBERLAIN. Mr. President, just a moment. I am peculiarly interested in this subject, because I come from a sheep-growing State myself, and the sheep growers in Oregon generally—I mean those who have not the sources of information at hand, as has the distinguished Senator from Wyoming [Mr. WARREN]—all write to me about the 11 cents protection, and insist that a reduction of that will seriously injure the sheep-growing industry of my State.

Now, according to the admission made by the distinguished Senator from Montana, as well as by the Senator from Wyoming, the sheep men in the West have not been getting that at all. As a matter of fact, they have been getting only a little over 5 cents instead of 11.

Mr. WARREN. They have been getting 7 and a fraction at times. Of course it has varied, but I think the Senator from Oregon will ascertain, upon inquiry, that the real wool-growers of his State, as well as others, understand the situation—that under present laws it takes the 11-cent maximum to really produce 5 to 7½ cents in the clear.

Mr. CHAMBERLAIN. The rate which the Senator from Montana fixes is a little over 5 cents; so that I wanted it to get in the RECORD that these people who have been believing all the time that under the Payne-Aldrich bill, as well as under the McKinley bill and under the Dingley bill, they have been getting 11 cents protection, are really getting only a little over 5 cents.

Mr. WARREN. May I ask the Senator if the sheep growers who are writing to him are asking to have the tariff reduced?

Mr. CHAMBERLAIN. They have been buncoed into the belief that Schedule K ought not to be changed at all. Now, the Senators here who are in that industry seem to believe it ought to be changed, and I am inclined to believe they are right.

Mr. DIXON. I want it changed, and put it in plain, ordinary English, so that it can be understood. That is what I urged the western Senators to do two years ago, and I think a fatal mistake was made in not doing it then.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Montana yield to the Senator from Idaho?

Mr. DIXON. Yes.

Mr. HEYBURN. Mr. President, I am in some doubt and darkness as to just the position the Senator desires to be understood as occupying. He has demonstrated that the present duty, while nominally 11 cents, is really only 7 cents or thereabouts. Is he in favor of making it really 11 cents? Does the proposition suggested by the Senator make the duty 11 cents and obviate or do away with the fiction?

Mr. DIXON. I want to eliminate this skirting-clause joker in the present law, that has cheated the woolgrower out of at least half of his supposed protection.

Mr. HEYBURN. It seems to me that is the most important question.

Mr. DIXON. But until you fix a straight wool duty, and give the wool man a little better protection than he has now, the flocks of this country will never increase to the point where we will produce a sufficient supply of our own wool for our own clothing. It could be done very easily. If we had the full 11 cents of protection written in law we would have 125,000,000 sheep in the United States.

Mr. HEYBURN. My object in interrupting the Senator and asking the question was to suggest that I would like very much to participate in such action as would bring about that result. It is the defect, we will admit, that has been discovered. I am not inclined to take issue with the Senator from Montana in that regard. But having discovered it, would it not be better to proceed to find a remedy, to restore a duty which will meet the real necessity of the business?

Mr. DIXON. I would be very happy to cooperate with the Senator from Idaho in accomplishing that result.

Mr. WARREN. Will the Senator allow me there?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. DIXON. Yes.

Mr. WARREN. The Senator has made a statement, in which I thoroughly agree with him, that if we could get what those not interested in the business suppose the sheepman is getting, there would be sheep enough in this country to raise all the wool that we could use and all the mutton that is required in our country for food.

Now, I want to ask the Senator whether he believes that sheep would perish off the face of the earth if this present tariff, faulty as it may be, should be cut down to only a fraction, as is proposed by a certain bill, which is now before us?

Mr. NELSON. Will the Senator from Montana allow me to ask the Senator from Wyoming a question?

Mr. DIXON. Just let me answer the question, and then I will yield. I will say now to the Senators present, without regard to politics and as man to man, that if the tariff on raw wool that the sheepman is getting to-day is reduced in any appreciable degree, you will drive the last remnant of the American sheep from the face of the earth, except a few little isolated bands of the coarse-wool, mutton sheep, raised for mutton for the local market. There is no question about that, Senators, and I say that to my Democratic friends who are going to vote to-morrow for the Underwood House bill, carrying duties that, in the light of past experience, will shut up, in my opinion, practically every woolen mill in the United States and will, I believe, put the finishing touches to the languishing sheep industry of this country. I will be frank enough to say that the Underwood bill, with its 20 per cent duties on raw wool, does not hit the sheep herder as hard as it does the manufacturer.

Now, let me go on a little further with my argument, and then I will be glad to answer any and all kinds of questions.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. DIXON. I do.

Mr. GORE. I should like to ask the Senator what he thinks of this situation: The duty on wool in the United States is 11 or 12 cents a pound on first and second class, and in Canada the duty is 2, 2½, and 3 cents—2 cents as against England, 2½ cents the intermediate rate, and 3 cents is their general rate—and those duties are only on that character of wool which the Canadian produces. All other kinds of wool are on the free list.

Mr. DIXON. Yes.

Mr. GORE. And sheep are worth more in Canada than in the United States.

Mr. DIXON. Oh, no; I think the Senator is certainly mistaken; that is, if he refers to ordinary wool-producing sheep. There may be flocks of high-grade sheep which are raised for breeding purposes that may be worth more, but not the ordinary sheep.

Mr. GORE. Mr. President, I examined the figures last night, and they range from $4.50 to $7; and the average, I think, is $6.50.

Mr. WARREN. Will the Senator permit me? I think the Senator, if he will go further, will see that they have only something over a million sheep, and they are very largely——

Mr. GORE. Over 2,000,000, I think.

Mr. WARREN. I looked at the figures not two hours ago, and they were very largely thoroughbred sheep.

Mr. SMOOT. Thoroughbred sheep.

Mr. WARREN. They are raising thoroughbred and high-grade rams to sell to the United States and other countries. Furthermore, I want to say to the Senator that the woolen manufacturers of Canada are about where the woolen manufacturers of this country were after the passage of the Wilson bill. They are "nit."

Mr. DIXON. Of course the sheep industry in Canada will undoubtedly flourish to a greater extent under the action of the reciprocity law that we have just passed than it has in the past. It has not been a flourishing industry heretofore, because they have no market for their wool. There was no home consumption for Canadian wool, but under Canadian reciprocity the Canadian sheepman will have free entrance for his sheep, with the wool unshorn, to the American market. It will naturally encourage sheep raising in western Canada.

Mr. SMOOT. The largest woolgrower in Australia——

Mr. DIXON. I read in the Senate the other day an article from a Chicago paper which stated that the king of the Australian sheepmen, the forerunner of an army of Australian sheep growers, had landed in Winnipeg, and had already purchased a

ranch of 40,000 acres. Seeing opportunities for an increase in the wool and sheep production of Canada under reciprocity with the United States they are going to engage largely in the sheep business in the western Canadian Provinces.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Missouri?

Mr. DIXON. I do.

Mr. REED. I am going to ask a question, but I want to preface it.

Mr. DIXON. Let me say to the Senator that if it is a theoretical tariff question, I wish he would reserve it until I finish my statement on this subject.

Mr. REED. It is on this matter.

Mr. DIXON. If it is on this particular question, I will gladly yield.

Mr. REED. Canada in its soil, in its climate, and in its geographical situation is exactly where the United States is, except that Canada has more cold weather and the Canadian sheep raisers have to feed longer. The soil is newer and their transportation is not as good as that of the United States. In Canada they have a tariff, as the Senator from Oklahoma [Mr. GORE] says, of 2 or 2½ cents a pound.

Mr. DIXON. I think 3 cents is their general wool tariff.

Mr. REED. We are now told by the Senator that some Australian sheep king is going to immigrate to Canada and bring his flocks and his herds, leaving his favored land, the land with which we can not compete, to come to Canada, and is there going to engage in this business, because he can ship from there into the United States. When he gets into the United States he will not be any better off with his wool than the American producer. Will the Senator kindly enlighten us as to how it is possible for the Canadian or for the Australian to come to Canada and get rich by shipping wool into the United States, when the American sheep raiser, who is already located here, can not hold his own market and can not make a living?

Mr. DIXON. Mr. President, the Australian sheep raiser has been penalized heretofore in getting his wool product into the American market to the extent of 5 or 6 cents per pound under the manipulation of the skirting clause. It can not be figured definitely. Under reciprocity he can engage in the sheep business in western Canada and ship his mutton, with the wool on the sheep's back, over into the American market free of all duty, where he has heretofore been penalized. He will not get rich any more quickly than the rest of the sheepmen in the West. He will be practically on a par with them.

Mr. REED. Mr. President——

Mr. DIXON. I hope the Senator will let me finish my statement.

Mr. REED. Mr. President, I should like to complete this brief statement, by the courtesy of the Senator.

Mr. DIXON. Certainly.

Mr. REED. The Senator must admit that this Australian sheep grower prefers the American market, and prefers to raise his sheep upon Canadian soil, which is no better than ours, and is not as good as ours, and he prefers our market under these conditions to the present great advantages that the Senator says our local sheep raisers can not withstand. Does that not demonstrate to an exact nicety that all this cry for protection is a fraud and a sham raised by the interested men who come to the United States Senate to vote the people's money into their own pockets?

Mr. DIXON. Oh, I think the Senator himself, under any theory of a tariff, must vote for a tariff that will raise $400,000,000 of revenue in order to run this Government, whether he calls it a tariff for protection or a tariff for revenue. The incidental protection under your bill is the same as the direct protection under our bill, so far as that incidental protection goes.

Now, Mr. President, I must finish this statement. I have really broken right into the middle of my speech to allow Senators to make these interruptions. I want to be courteous, but I must conclude what I have to say.

Mr. GORE. Mr. President, just one minute as to the number of Canadian sheep.

Mr. DIXON. I think the Senator from Oklahoma is right. As I remember it, the number is about 2,000,000.

Mr. GORE. Let me quote the figures, please.

Mr. DIXON. I will be glad to have the Senator from Oklahoma give the correct number.

Mr. GORE. I hold in my hand the Canadian Yearbook for 1909. The number of sheep reported is 2,705,390.

Mr. WARREN. Are those shearing sheep, or sheep and lambs?

Mr. GORE. Sheep.

Mr. WARREN. Of course, that figure includes the lambs with the shearing sheep?

Mr. GORE. I presume so.

Mr. WARREN. And the figures quoted here give the number of sheep old enough to shear.

Mr. DIXON. Now, in connection with what I was first trying to say, taking the lowest shrinking New Zealand cargo, that shrinking only 24 per cent, and the actual tariff duty on the unskirted would have been 4.8 cents per pound instead of the nominal duty of 11 cents.

That the nominal tariff duty of 11 cents per pound has at no time added anywhere near that price per pound to the price of American-grown wools, I submit the following table, which I take from the Report to the House of Commons, 1903, as to London prices; the Boston price for "territory" wool at the Boston market during those same years from the Woolen Manufacturers' Bulletin. Here is the result. I was surprised when I went into this:

Under the Wilson bill our wool actually sold for less in the Boston market than the same class of wool in the London market. The market for wool was destroyed. It was brought not only to the level of the London market, but included the difference in transportation from the western ranges across the continent and the ocean and commission charges to London.

The western woolgrower received the London price, less freight and commission charges from the western ranges to the London market.

Here is a comparative table of prices, showing the prices of wool in London and Boston during the seven-year period from 1896 to 1902.

The Australian crossbred is a little superior in quality to our western "Territory" wool, while the Buenos Aires, or Platte, wools are a little inferior in quality to "Territory" wools.

Years.	London price.		Boston price—"Territory."
	Australian cross bred.	Buenos Aires.	
	Cents.	*Cents.*	*Cents.*
1896	18	9	11.33
1897	17.2	9	19
1898	15.2	9.8	16
1899	17	13.8	14.66
1900	16.8	10.6	20
1901	11.8	9.2	16
1902	12.6	10.4	14

Mr. SMOOT. I would like to ask the Senator a question. The prices named at Boston, I suppose, are the quotation of Territorial wool?

Mr. DIXON. Territorial wool.

Mr. SMOOT. I judge the prices named are at the point of shipment; not at Boston.

Mr. DIXON. I took it from the American Wool Manufacturers' Bulletin, and it professes to give the average Boston price.

Mr. SMOOT. I think, if the Senator will look it up, he will find that they are prices at the point of shipment.

Mr. DIXON. It is the Boston price. I think I am correct in that.

I could not get the specific quotations for Australian crossbred and Buenos Aires from 1902 down to the present year, but in Statistics, Worsted and Woolen Trades, issued by the Bradford (London) Chamber of Commerce, I quote:

Years.	London price—average for all wools (grease).	Boston—"Territory" (grease).
	Cents.	*Cents.*
1903	16.52	16
1904	17.40	16
1905	18.58	20
1906	20.36	23.50
1907	20.06	22.65
1908	18.68	22.65
1909	19.06	20

From these tables it is perfectly apparent to any sane man that the tariff on raw wool during the past 15 years has added to the cost price of a suit of men's clothing not to exceed 25

cents. The cry of "free wool and cheap clothes" is ridiculous and absurd.

The much-abused sheep herder, in all due humility, enters a plea of "not guilty" to the indictment of "high-priced clothing."

The patent, automatic "skirting clause" has absolved him from that charge.

Mr. President, just a little divergence here, I think, will prove interesting. These wool samples were sent me by Jeremiah Williams, of Boston, and I have the actual samples here. This is 13-ounce serge cloth made from this class of wool. This first sample is made from fine Australian imported wool, corresponding to the territorial wool. It is pure wool, 56 inches wide, and sells on the market, so Mr. Jeremiah Williams wrote me, at $1.44 per yard net. This is a piece of serge of the same class made from American territorial wool. Here are the two pieces. You can not distinguish them apart.

Here is a coarser grade of serge. It is made from quarter bloods and half bloods American wool, selling wholesale at $1.20 and 95 cents per yard, serges that are worn and out of which tailors make handsome suits of clothes.

Mr. President, it takes 1⅛ pounds of scoured wool to make 1 yard of that fine serge weighing 13 ounces. It takes 2⅝ pounds of greasy wool to make that 1 yard of 13 ounces, $1.44 a yard serge, the highest on the market. Three and one-half yards of that will make a suit of clothes. Nine and a fourth pounds of this wool in the grease, at 20 cents a pound, which is a high market price, would make the total cost of the raw wool in that suit of the highest grade of serge $1.85. Three and one-half yards of that serge, at $1.44 per yard, wholesale price, make the total cost of the wool cloth that goes into the suit $5.04, for which suit the tailor charges you from $45 to $55.

On the cheaper grades of 15-ounce serge made from one-quarter blood, costing at wholesale $1.06 per yard, the total cost of the woolen goods that make up the suit is $3.72. This tailor-made suit is made out of the very finest grade of serge, and is almost exactly the suit of clothes I have on, for which I paid George T. Keen, a local tailor, $55. The wholesale price of that woolen cloth was $5.04. During the past five-year period there has been an average of about 4 cents a pound difference between the London and Boston wool market on the same grade of wool, unless I am totally misled by these figures that I have delved into with patience and perseverance, from every source in the Congressional Library. There is a difference of about 4 cents a pound between Boston and London on account of our tariff. The 9¼ pounds of this wool in the grease make just 37 cents difference in tariff duties on account of the American-grown wool in that suit of clothes, made of that highest priced cloth on the desk.

THE MANUFACTURER.

But after the "skirting clause" has largely dispossessed the woolgrower of his protection let us see what is the result so far as the manufacturer is concerned.

I again call your attention to the statement of Edward A. Greene, the Philadelphia manufacturer, who was chairman of the commission that arranged the wool samples for the custom-house officials under the act of 1890:

> The Dingley law is better for the manufacturers than any law they ever had, but worse for the woolgrowers than any—except the Wilson law—since 1867. (See Woolgrowers Bulletin, Nov., 1897, p. 23.)

The Boston Commercial Bulletin, when the woolen schedule of the Dingley tariff bill was pending, boasted of New England's ascendency in the Senate. Its issue of May 22, 1897, said:

> The Finance Committee of the Senate is Senator Aldrich. The other members are either too infirm for work or absolutely under the domination of the strong-willed man from Rhode Island.

The old Dingley wool schedule was taken over into the present Payne Tariff Act without change, so far as the duty on raw wool is concerned.

Under its provisions the manufacturer has a "compensatory duty" given to him for having theoretically paid 11 cents per pound tariff duty on his raw wool in the grease and is allowed the full theoretical 33 cents that he is supposed to have paid in tariff duty on every pound of weight in yarns and blankets on the cheaper grades, and 44 cents per pound on the better grades, and in addition to this "compensatory duty" on the "raw material" he is also given his ad valorem "protective" duty of from 50 to 60 per cent.

Let us take the case of the actual shrinkages on the 60 samples of "skirted" wools that Mr. Hagenbarth had scoured in Boston from a 300-pound lot of "skirted wool" actually imported, on which the manufacturing importer paid $33 tariff duties. From this 300 pounds of skirted wool he secured 190 pounds of scoured wool in place of the 100 pounds of scoured wool contemplated in the schedule. This 190 pounds of scoured wool represented for a "compensatory duty" 570 pounds of wool in the grease. When the manufacturer spins this into yarn, that same yarn immediately takes a "compensatory duty" of $62.70 on the cheaper grades and $83.60 on the higher grades of manufactured cloth—the importer having only actually paid $33—and the 50 per cent protective duty in addition.

In other words, under the working of this joker of the skirting clause the manufacturer would get the compensatory duty of $62.70 on the lower and cheaper grades of cloth and $82.60 on the finer grades. The ad valorem comes after that.

THE WOOLGROWER.

When you talk about the "inequalities of Schedule K," let no man be so unkind or unjust as to charge up anything to the poor sheepman, living his lonely life, with wife and children, away out in the sagebrush and bad lands, with his faithful dog patiently guarding his band of sheep from the ravages of coyotes, the poisonous loco weed, and rattlesnakes in summer and the freezing storms and blizzards that sweep across his range in winter—half his life isolated from the society of his fellow man and the comforts of civilization, that through his humble toil the American people may be warmly clothed.

The skirting clause in Schedule K has for the past 15 years taken from his lean pockets most of the benefits of his "protection" and by a legerdemain unknown and foreign to his honest nature has transferred the long end of his "protection" to the eastern manufacturer.

The western woolgrower is somewhat discouraged. Between the bounties showered upon him by the operation of the skirting clause and the activities of his friends, the "wool buyers," representing the commission houses of the East, who expend a good portion of their energy in sending out professedly friendly tips in the way of "wool circulars"—instructing him in all the various and mysterious rumors that tend to make a low market around shearing time—he hardly knows the truth about the wool tariff.

I hold in my hand a wool circular sent out on July 15, 1911, by Justice, Bateman & Co., wool commission merchants, Philadelphia. It was sent broadcast to the woolmen of Montana.

The whole trend of the so-called information in this circular is to cause the woolman out West to believe that "there is danger of the Underwood bill passing the Senate." It also contains an open letter addressed "To the President." I quote:

> I must therefore appeal to you, Mr. President, to apply your veto to this destructive bill, if it reaches you.

A prominent wool man in my State, who has not yet sold his wool clip, was greatly alarmed over the impending danger so graphically set forth in Mr. Justice's letter to the President. He sends it to me with the added postscript:

> If the Underwood bill is passed the sheepmen of Montana are broke.

Of course they would be in the event of the happening of such an impossible contingency.

Justice, Bateman & Co. on July 15 knew just as well as every other man in this Chamber knows that there was no possible danger of the Underwood bill passing this body and becoming a law.

I further quote from this circular that naturally tended to cause a stampede among the woolgrowers of the West to sell their wool clip at a ruinous price to the wool commission men's agents who were on the ground ready to take advantage of the fears of the woolgrowers. I read from the circular:

> The voting of the Republican insurgents (so called) at the extra session, however, has upset all confidence in any legislative body, and trade calculations have been deranged by the action of these progressives.

I further quote:

> As these insurgent Congressmen nearly all come from woolgrowing sections, the trade has been rather bewildered, and have lost confidence in price stability, and are pushing the sales of their wools at very little above its London or free-trade value.

I presume he referred to the action of 19 Republican Senators from the West in voting against free trade in farm products under the name of Canadian reciprocity, while still retaining tariff duties for eastern manufacturers.

I am informed by the wool men of Montana that these eastern wool commission houses, by spreading mysterious rumors of the probable passage of the Underwood bill, and "pulling their buyers off the market," did within a week's time force down the price offered by them to the woolgrowers from 18 to 13½ cents per pound.

I think it is probably true that these western Republican Congressmen have the interests of the western woolgrowers about as close to their hearts as these commission men from Philadelphia and Boston. We at least hope so, anyway.

In my mail yesterday morning I had a signed letter from Mr. Theodore Justice, inclosing a marked copy of the Daily Trades Record of July 24, containing an article by "Bronx," who, I apprehend, is undoubtedly Mr. Justice himself, as it contains many of the identical tables and language set forth in the

Justice, Bateman & Co. "wool circular." In a paper slip attached, marked in big printed letters, appeared "Read from here down." I notice a severe attack and arraignment of Senator LA FOLLETTE's wool bill. I notice, however, that LA FOLLETTE's bill does give the woolgrower 40 per cent protection on his wool, with the skirting-clause joker eliminated, which is fully as much real protection as the sheepman is now getting with the skirting-clause joker in the present law. I think myself that Senator LA FOLLETTE has made the duty too low on the coarse carpet wools of class 3 in the present law.

Yet Judge William Lawrence, the great exponent and defender of the wool tariff as applied to the woolgrower, in his historic address as president of the Ohio Woolgrowers' Association in 1898, in discussing the iniquities of the present skirting clause and the inadequate protection to class 3—coarse carpet wools—of the present law, said:

> And yet the wool circular (Justice, Bateman & Co., Feb. 1, 1898) erroneously and absurdly speaks of third-class wools, such as we do not largely produce and such as compete with our own production.

Judge Lawrence added:

> The fact is, these wools injure American woolgrowers more than any other.

In this marked copy of the Daily Trade Record, which Mr. Justice sends me with the special admonition to "read from here down," I have carefully followed his directions. It is very interesting to me. After condemning Senator LA FOLLETTE's bill giving 40 per cent ad valorem to the woolgrowers, with the skirting clause eliminated, the article goes on to approve in glowing terms Senator SMOOT's wool bill, which gives the woolman 9 cents per pound protection, with the skirting clause eliminated. LA FOLLETTE's bill gives the manufacturer about 50 per cent protection; Senator SMOOT's bill gives them about 60 per cent.

The article in question, so highly approved by Mr. Justice, goes on further to say:

> The wool trade generally are hoping that something like the Smoot bill, *with the skirting clause restored*, will be passed and passed quickly.

In his active campaign among western woolmen regarding tariff duties on wool, I want now to inquire, Whose interests does he represent? The manufacturer or the woolgrower?

I think I am safe in saying that the infamous skirting clause will never be reenacted in another tariff wool bill. Certainly not with the aid of western Republican Congressmen and Senators.

There is one provision in the Underwood bill, the La Follette bill, and the Smoot bill that I hope will be eradicated in each of them, and, for that matter, in every other wool-tariff bill that will ever be presented to this body, and that is with reference to the tariff on wool rags and shoddy.

RAGS AND SHODDY.

I appeal to Democratic Senators to listen to what I now state. We want a prohibitive tariff on wool rags and shoddy. Certainly no Senator by his vote wants to either encourage or permit the importation of either rags or shoddy, with their cholera-laden germs, from the refuse heaps and filth of European and Asiatic cities, where they have been picked by the vigilance of the foreign ragpicker. I fully agree with the statement in the last circular issued by Justice, Bateman & Co. regarding the duty on rags.

It is stated that these foreign rags and shoddy always contain more or less germs. Only a few of the mills subject rags to germ-destroying processes. The majority of the mills simply grind them up and remanufacture them into cheap shoddy clothing.

I am glad to say that the present tariff does place a duty of 10 cents per pound on rags, which is in effect prohibitive.

PRESENT CONDITIONS AFFECTING WOOLGROWERS.

Mr. President, if the duties on raw wool were equitable at the time the law was passed in 1897 and as reenacted in the law of 1909, then by all the rules of reason they should not be diminished now.

The woolgrower of to-day faces an entirely different problem than he did in 1897.

The cost of production is far greater now than then.

The free range of that day is gone now. To-day the woolgrower is from necessity obliged to put at least twice the amount of money into his plant and equipment that he did 15 years ago.

He must now own the majority of his range lands, where then he had their free use. He must now pay a grazing tax for the pasture within the forest reserves, which were free then. He must to-day pay to the sheep herder a wage of $50 per month, where he paid $30 15 years ago.

THE TARIFF COMMISSION.

Mr. President, the cold business logic of the present situation demands that no wool tariff revision bill be passed at this extra session of Congress.

Two years ago, as one of the provisions of the Payne-Aldrich Tariff Act, we provided for a Tariff Commission, with powers to investigate and report to us the conditions surrounding production at home and abroad. We then gave our allegiance to the principle as enunciated in the last Republican platform—that tariffs should measure the difference in cost of production at home as compared to the cost of production in foreign countries. On that platform and by that principle I stand. No matter what may be the pressure in some quarters for tariff revision, I believe the people of this country have, irrespective of their party politics, prepared to accept in the future only those tariffs that are made upon that fundamental principle.

THE UNDERWOOD BILL.

The House Underwood wool tariff bill has been hastily prepared, without even a hearing by the House or Senate committees. Nobody knows or dare prophesy its effect on the wool industry in the United States. But we all do know that it has been written not from any accurate information as to conditions affecting either the growing of wool or the manufacture of woolen goods.

It would be hardly less than a crime for this Senate to enact that bill into law when we know that it has been presented purely as a political measure, intended solely for use in the next presidential campaign.

I am broad enough to know that the woolen manufacturer must also have sufficient protection to offset the cost of labor here and in Europe. We all admit that labor here is paid twice, and, in most cases, three times what it is paid in England, France, and Germany.

We know that it costs the woolgrower, paying the wages that he does here, more to produce wool on the ranges of Montana than it does in the Argentine or Australia.

It is known by all men that the Tariff Board has about completed its wide investigation regarding the cost of growing and manufacturing wool here and abroad.

It will be ready to submit to us its findings of fact next December.

We would belie every promise that we have made, prove false to our professed political platform, and act not as wise and conservative men and legislators if we do not await the report of the Tariff Board three months hence.

For that reason I shall vote not only against the pending House Underwood bill, but also against any and all bills proposing to amend the wool tariff at the present extra session.

Mr. President, you ask me what is my solution of the inequalities of Schedule K. I will tell you. Do away with the infamous skirting clause. Write the tariff duties in plain, every-day English that the sheepman in the West can understand the same as the manufacturer can understand it.

Give us 8 cents per pound duty on wools of the first and second class and 4 cents per pound on carpet wools, as McKinley wanted in 1890. Do away with the false and unwarranted "compensatory duty" above that which the manufacturer actually pays on imported wool.

Either do that or give us a duty of 25 cents per pound on the scoured product. There would be no subterfuge then. The woolman would know exactly the measure of his protection. Many of our woolgrowers, who have given the matter intelligent consideration, have arrived at the conclusion that the scoured basis is the sound basis.

I know that Mr. Hagenbarth, of Idaho; Dr. S. W. McClure, who is the secretary of the National Woolgrowers' Association; and A. K. Prescott, president of the Montana woolgrowers, and many others are in favor of the scoured basis.

Give the woolgrowers a tariff of that kind and I guarantee that within 10 years' time we will produce every pound of wool to supply the needs of the American people for clothing. We will restore a languishing industry to its old-time standard. We will retain here at home the $100,000,000 that we are sending every year to foreign countries for the purchase of wool and woolens.

Doing this we will wrong no man. We will encourage trade and industry under the American flag and bring peace and plenty to our own people.

Mr. HEYBURN. Mr. President, I do not desire to enter upon a discussion of this question at any considerable length; but a few days since, when I was presenting some views upon it, I yielded, expecting at a much earlier day to complete the remarks that I was then engaged in making, so now I shall be brief.

Mr. President, the argument which has been made by the Senator from Montana [Mr. DIXON] requires his final statement as to the action that he should take to justify it. I do not believe that the woolgrowers of this country should be compelled to do business under a protective duty of less than 11 cents a pound. If the 11 cents a pound written in the statutes is a fiction, then I would, instead of writing down the 11 cents, write out the fiction.

Mr. DIXON. That has been the whole trend of my argument this afternoon.

Mr. HEYBURN. The woolgrowing and sheep-raising business, for some reason, is not in that prosperous condition at this time that is was expected it would be. I have here from current papers this statement:

Idaho growers are in hard plight—Eastern market quotations on sheep declared ruinously low—Shipments likely to show marked falling off unless change is made—

This is not an article written by somebody for the purpose of affecting votes in the United States Senate, but this is the current statement of the condition of the market in the midst of a very large sheep and cattle producing country. I will not read it at length, but I will simply read a portion of it.

Although up to date an Idaho firm, Le Moyne Bros., of Hagerman—

That is, as I have said, in the midst of a sheep-producing country—

have received the top price on the Chicago market for February lambs, which was $7.30 per hundredweight, the conditions in the eastern mutton markets in general are not at all encouraging to the sheepmen of this State. The consensus of opinion is that present prices on sheep are ruinously low, and a radical change to higher prices must soon set in or Idaho growers will lose heavily this year, as they did the two previous years, according to local authorities.

An examination of the testimony of Mr. Hagenbarth and of that of other sheepgrowers in Idaho will confirm that statement as to existing conditions in regard to the raising of sheep. Mr. A. J. Knollin, a citizen of Idaho, who is one of the large sheep raisers, appeared before the Senate Finance Committee and gave it the benefit of his actual experience on one of the largest sheep ranches in Idaho. He has gone with great exactness and detail into the cost of producing sheep. He has taken a year's business as a basis and given us every item and figure, which discloses the fact that sheepmen in Idaho are not making any money. They are simply continuing in the business in the hope that agitation will cease pretty soon and that the business mind will settle down long enough for stability in prices to be reestablished. Mr. Hagenbarth, the largest sheep raiser in Idaho and a very large cattle raiser, testified before the committee to the same effect. He gave the figures, he gave the cost of every item, and he gave the product of every sale by item. I am going to ask to insert in the RECORD as a part of my remarks these statements which were made before the Senate Committee on Finance, or otherwise I should read them, and I do not care to take the time of the Senate to read them.

I desire first to incorporate Mr. Knollin's tables and statements in this regard in the RECORD as I have prepared them.

The PRESIDING OFFICER. If there be no objection, permission is granted.

The matter referred to is as follows:

I can not better confirm the fallacy of such statements than by submitting for your consideration figures on the operation of a ranch in Idaho for the past decade.

The statement offered by Mr. Knollin follows:

Résumé of operating expense of Knollin & Myrup Ranch, situated in Blaine County, Idaho, near Howe post office, for a period of 10 years, 1899 to 1909, inclusive.

	Monthly average.	Yearly average.	10 years.
Labor:			
Common, employed on ranch	$224.35	$2,692.20	$26,922.98
Technical—			
Blacksmithing	8.70	104.26	1,042.63
Water master	1.80	21.60	216.00
Thrashing expense	9.90	118.74	1,187.45
	20.40	244.60	2,446.08
Skilled—			
Office expense	8.70	104.37	1,043.73
Surveying	1.26	15.15	151.50
Water suit	1.35	16.28	162.87
	11.31	135.80	1,358.10
Total labor	256.06	3,072.71	30,727.16
House expense:			
Provisions	19.02	228.30	2,283.09
Household furnishings	5.70	68.43	684.34
	24.72	296.73	2,967.43

Résumé of operating expense of Knollin & Myrup Ranch, situated in Blaine County, Idaho, near Howe post office, etc.—Continued.

	Monthly average.	Yearly average.	10 years.
Maintenance:			
Equipment, harness and machinery	$25.40	$304.88	$3,048.89
Improvement, fence, etc	2.78	33.37	333.74
	28.18	338.25	3,382.63
Feed, used on ranch (fed to work horses, milch cows, and hogs)	91.71	1,100.58	11,005.87
Seed, used in seeding for crops	30.46	365.50	3,655.00
Interest: 6 per cent on land investment, 8 per cent on other investment	127.67	1,552.03	15,520.38
Taxes	13.09	157.09	1,570.91
Railroad expense:			
Freight	1.64	19.70	197.06
Railroad fare	1.77	21.30	213.08
	3.41	41.00	410.14
Expense of foreman and employees away from ranch on business:			
Meals, lodging, and horse feed	5.21	62.55	625.57
Sundry expenses	3.80	45.67	456.71
Livery	.77	9.28	92.80
	9.78	117.50	1,175.08
Land leases	.38	3.78	37.82
Salt	.43	5.15	51.55
Total expense for 10 years			70,503.97
Average yearly expense			7,050.39
Average monthly expense			587.53

Summary, expenses, and income for 10 years, Knollin & Myrup Ranch.

EXPENSES.

Per itemized statement above		$70,503.97

INCOME.

Crops sold	$59,308.78	
Profit on live stock	7,335.35	
Appreciation on real estate	2,915.00	
		69,559.13
Loss for 10 years		944.84
Average loss per year		94.48

CROPS SOLD.

Wheat, 195,142 pounds, average hundredweight, $1.09	2,131.38	
Oats, 1,040,450 pounds, average hundredweight, $1.06	11,131.69	
Barley, 190,480 pounds, average hundredweight, $1.11	2,111.84	
Hay, 8,681 tons, average, $4.30	37,336.97	
Beets, 133 tons, average, $4.40	585.38	
Peas, 2,740 pounds	41.00	
Pea hay, 1 stack	200.00	
Alfalfa seed, 13,290 pounds, at 15 cents average	2,046.85	
Broom corn, 1,250 pounds, 10 cents average	125.00	
Potatoes	320.69	
Pasture	1,101.80	
Straw	365.00	
Unclassified	1,812.18	
		59,308.78

Profit and loss.

	Loss.	Profit.
1901	$5,865.86	
1902	871.94	
1903		$199.69
1904	646.64	
1905		1,634.89
1906		1,157.89
1907		2,207.40
1908		1,107.36
1909		714.38
1910	582.01	
Balance		944.84
	7,966.45	7,966.45
Net loss	944.84	

Mr. KNOLLIN. I am submitting for your information figures representing the operation for a ranch in the State of Idaho that, in its richness of soil and its general lay for economical irrigation and handling, is far above the average Idaho ranch. The figures and the statement can be verified by bills and vouchers; they are absolutely correct. You will note the monthly average, the yearly average, and the total expense for 10 years. For my illustration, we will use the latter figures. You will note that the largest item is labor, $30,727.16, and the next largest item is interest on the investment, $15,520.38. The next largest item is for feed used on the ranch for ranch horses, for milk cows, and hogs, and, I will add, for the feeding of beef for home consumption. This feed so used was raised on the ranch, credited to crop account, and charged back to expense. The expense for seeds, $3,655, is in part handled the same way.

The ranch produces the greater part of the seed that has been used. We have the item of incidental expense, when our foreman and employees are away from the ranch attending to business connected with the ranch, amounting to $1,175.08. This, you will note, only figures $9.76 per month, being good evidence that the expense

incurred did not include grand opera or long pleasure trips made and charged up to the expense of running the ranch. The taxes amount to $1,570.91; land leases, $37.82; and salt, $51.55. Then we have household expenses amounting to $2,967.43, and equipment amounting to $3,382.63, the total expense of the two being $6,350.06. In explanation of the light household expenses I will say that practically all of the meat and vegetables used on the ranch have been raised; and of the light maintenance expense, that the fences and buildings have been made mostly of poles and logs, so that the large part of the expense of buildings has been in the labor. The total of these two, however, as given—$6,350.06—represents the actual outlay of money, and it is the commodities making up this amount that I presume we might hope to buy at a less cost, in accordance with the theory of people who want lower cost of living. For the purpose of illustration, we will suppose that a saving of 25 per cent could be made on this $6,350.06, which will amount to $1,587.51. You will note the crops we sold amounted to $59,308.78, and there was a profit made on live stock amounting to $7,335.35, making a total income of $66,644.13.

It would require but 2.2 per cent reduction of the income to offset $1,587.51 that we assume we might save. I will ask you if the farmer and the ranchman may expect a difference of 22.8 per cent in the value of the products he sells and the necessities he buys, under the proposed Canadian reciprocity treaty? Is it not more logical to conclude that if by this treaty a saving of 25 per cent could be made on purchases, that a loss of 25 per cent would be sustained on sales? I fail to see how one could look at the proposition in any other light. This being true, we find from the figures we are dealing with that there would be a loss sustained on crops sold of $16,661.03, as against the saving of $1,587.51, or a net loss of $15,073.52. How shall we offset this loss? You will note for the 10 years this ranch has sustained a total loss of $944.85, although during the time the property has appreciated in value $2,915. We have no surplus account from which to take this loss, and if we study the figures carefully it will be seen that the only opportunity for offsetting the depreciation in crops would be to decrease the labor and the interest accounts. It has been my experience that when prices are good and times are prosperous that the interest charges go down, but that when times are hard we are obliged to pay a higher rate of interest for money to operate our ranches on, provided we can get it at all.

Senator GALLINGER. A moment ago you said $1,500 loss. Do you mean to say $15,000?

Mr. KNOLLIN. $1,500 net loss. The statement will show just how that was arrived at. Now, we have our labor accounts, and you will see at a glance that to make up the 25 per cent depreciation in the value of the crops a reduction of 50 per cent would have to be made in labor. The laboring men, which includes the farmer, are the consumers of the country. When you cheapen the cost of living you lower wages.

Does that answer your question with reference to the carpenter and his plane?

Senator MCCUMBER. Yes.

Mr. KNOLLIN. Thank you. Where is it the farmer and his family and the laborers on the farm and ranches spend their money? It is in the towns and cities, if you please. It is there they go to buy their clothes, their shoes, their hats, and for their amusements. Therefore, I am constrained to say out of the fullness of my experience that the leaders in the movement for the cheaper cost of living—honest, undoubtedly, in their opinions—are laboring under an error of mind. In the free-wool period, during Mr. Cleveland's administration, I was slaughtering sheep and lambs in Kansas City. I bought sheep and lambs at times at a little over the transportation and selling charges. I sent this mutton out for sale with instructions to the drivers that they need not replace in coolers mutton that they could not sell, but throw it to the hogs. And during one fall I slaughtered over 7,000 sheep, the carcasses of which were either fed to the hogs or tanked for grease. This mutton was sold from one-half to 5 cents per pound. The retailers and restaurants that bought it of me could not meet their bills, because, they said, they could not collect from the people who consumed the meat, and therefore I quit business with accounts outstanding of between $5,000 and $6,000, which ultimately was a complete loss.

These are facts, and I will leave it to the thinking people of this country as to whether or not a period of cheap living is a beneficent condition. The Master said: "How can one enter into a strong man's house and spoil his goods except he first bind the strong man?"

Are not the words of the one perfect man, who knew no error of mind, of worth to us in the present day? Are they not as true and applicable now as 2,000 years ago?

I wish you would bear that statement in mind, should you refer to the products as shown in the statement. Last year we raised on that ranch 1,800 tons of hay, and, if I remember right, something like 500,000 pounds of grain.

It is 7 miles on the south to a neighbor and 11 miles on the north. The country intervening between these ranches has a productive soil, and would be just as productive as this particular ground were it cultivated, but it requires water, and what is necessary to get the water is capital with which to build reservoirs to store the water as it comes down from the mountains at flood time. That country could be made to produce a thousandfold over what it is producing to-day.

Senator HEYBURN. You produce your grain by dry-farming, do you not?

Mr. KNOLLIN. Partly; mostly by irrigation at that point.

Senator HEYBURN. They had a pretty good crop of dry-farm wheat there this last year, did they not?

Mr. KNOLLIN. Dry-farms are coming in there pretty fast, and they have good crops.

I fully realize that the consumer's interest must be considered, and I make this statement without fear but that I can prove it, that instead of there being an immediate need of our seeking and aiding in the development of new countries and new lands, we will not only feed our own people, but for centuries to come we will be able to materially assist in furnishing food for millions in less favored countries.

That is a little different from the stand that was taken by Mr. Hegenbarth in quoting Mr. Hill, of the Northern Pacific, but I have been out all my life through this great western country, and we are only scratching over it. Here last Sunday I spent the time in the country about Washington, and I was surprised to find a country 300 years old looking so near in its original state. Upon making inquiry, I was told that if I would go down into the timber I would find corn furrows there; that that country had once been cultivated and was productive. Now, it follows that when this country became a little worn the farmer moved to the new country in the West, a virgin soil, more easily worked than the New England hills. The pioneers there built homes and established themselves, and it would be a crying shame if they were driven out of those homes, driven to lose the fruits of their labor by competition from lands north of us that can be had much cheaper and where opportunities for getting hold of those lands are greater.

In my own case, as I will show you, the sheep that we grow in Idaho that I will show you the pictures of are bred up from English stock, the best rams that we could buy, first in Canada and then in England. I have spent a great deal of money—spent all of the money that has come out of the sheep—to improve them. It was my ambition to breed flocks of pure-breed sheep up to the number of 10,000, but now I find myself without room for 3,200 on the national forest, and excepting that we have the mountain feed we can not grow this class of sheep. We have in Idaho, in another way, however, similar conditions that exist in England—green feed the summer through. In July and August, if you go up into these mountains, you will see the lambs playing on long drifts of snow. Below those drifts there will be flowers blooming. They have that succulent feed that produces an abundance of milk from the ewes, and the lambs grow fat.

Now, gentlemen, those conditions are impossible in the East, but the conditions that exist in England, where they sow turnips and have green feed in the summer, owing to their moister climate, those conditions can be worked out in our farming district, so that the sheep industry of the farms can be developed immensely in this country.

The CHAIRMAN. Will you please suspend your remarks for a few minutes, as Senator NELSON is present and has to attend a committee meeting and desires to address the committee for a few moments? If you will suspend now until Senator NELSON finishes, you may resume after he has concluded.

After remarks submitted by Senator KNUTE NELSON—

MR. KNOLLIN RESUMED.

Mr. KNOLLIN. Mr. Chairman, I was submitting a statement of the conditions as affecting the handling of sheep in which I am interested in Idaho. I was stating that it has been my ambition to build this flock of pure-bred sheep up to 10,000 breeding ewes. Senator NELSON, of Minnesota, has just covered very clearly what I have in mind. The opening of the markets of the United States to Canadian products, and with their desire to develop their country, I am confident that I can handle these sheep to much better advantage and handle them cheaper and find a larger market for them by moving those flocks to Canada. But I think to do so would be a real loss to the State of Idaho and to this country.

We have recently passed through a period of high-priced meats—this is especially true of hog products. It is not difficult to locate the reason for this. We had previously passed through a period of low prices. Hog raising was not only unprofitable, but was for some time conducted at a serious loss. This has been true frequently regarding the production of cattle and sheep. Extreme low prices lead to curtailment of breeding operations; extreme high prices stimulate production, and prices are extremely high or low, as the case may be. Neither of these conditions is ideal. A regular supply adequate to the demand, at prices reasonably remunerative to the producer and not burdensome to the consumer, are the desirable conditions. There are many things that enter into the cost of production, such as location as to distance from transportation, distance to market and cost of transportation, droughts and other adverse weather conditions. This is especially true regarding the cost of producing mutton. A hard winter means either enlarged expense for feed or loss of sheep, always a lighter and often a poorer quality of wool. A backward spring causes loss in lambs. I find in raising sheep in New Mexico, over a period of 12 years, my losses have averaged 5.6 per cent, with a maximum loss of 9.5 per cent and a minimum loss of 1.65 per cent; lambs raised has averaged 73.2 per cent, with a maximum of 93.76 per cent and a minimum of 50.2 per cent. The wool clipped has averaged 7.3 pounds—a maximum of 8.6 per cent and a minimum of 6.5 per cent. The wool has averaged to bring 13.7 cents per pound, with a maximum of 20 cents and a minimum of 8.7 cents. I am interested with others in sheep in Idaho—three outfits. About the same variation prevails there. You will readily see that all of these conditions affect the cost of producing mutton. A light loss, a good lambing, a good clip of wool, and a good price for it—mutton will be materially cheaper. Bad conditions, and it will cost higher.

I have brought out these facts to show that it is an absolute impossibility to produce mutton on a basis of a uniform close margin of profit. Averages are of little value, except when covering a period of years.

Our country, however, is so vast and its products so varied that we usually produce a sufficient quantity of meats, grains, vegetables, and fruits to supply our people bountifully at a reasonable average cost. We have, however, in this country a disturbing element, which, for the want of a better term, I will name tariff agitation.

Sheep growing is the most sensitive of all industries to the influence of the tariff for good or ill. Quick to anticipate disaster when threatened with competition from other countries, slow to recover confidence when again recognized as an important industry, and requiring encouragement for its continuance and development.

Under adverse circumstances, products of the factory can be quickly curtailed or cheapened to meet existing conditions, but sheep must be cared for just the same, even when the products are below cost and the investment loses a big percentage of its value. In 1885 there were in the United States 50,360,000 sheep, with a value of $2.14 each, a total value of $107,961,000. Affected by agitation for cheaper wool, followed by the Mills bill of 1884 and continued agitation, culminating in the Wilson bill of 1893 and the free-wool period, our flocks were reduced in 1897 to 36,819,000—a loss of 13,541,000 sheep, with a valuation of $1.82 per head, amounting to $67,021,000; a loss in sheep of 26 per cent; in value, 28 per cent. This was a disastrous period for flockmasters, and had it continued for a decade sheep would have been wiped off the map of the United States.

Mr. Chairman, during that period there was such anxiety on the part of the sheep owners to get rid of their sheep that they actually shipped them to market without expecting to receive any returns for the sheep whatever. The railroads would not accept the sheep for shipment unless the freights were prepaid. I remember one instance on the Kansas City market. Mr. Eugene Rust, then superintendent of the yard at Kansas City, came to me with reference to a shipment that had been in the yard for several days, and said, "What can we do with them?" No commission man would receive them, because they could not afford to assume the responsibility of the charges. I did not feel that I could handle them. The fact of their being cheap was no inducement to me to buy them. Finally, after figuring the thing over, I said, "If you will arrange with the Santa Fe Railway to take off $12.50 freight and you will knock off the yardage of 5 cents a head, I will pay the bal-

ance of the freight and the feed charges and take the sheep," and I got them, Mr. Chairman and gentlemen.

Senator HEYBURN. It is also true that the railroads would not accept wool in the sacks, delivered on the station platforms, unless the freight was guaranteed or prepaid.

Mr. KNOLLIN. That is true; and on shipments of horses, also.

Just at that time the sheepmen of Texas had leased lands, bought lands, and built fences to protect their industry—tied up the most of their capital, borrowing money on their sheep. When these hard times came, with low prices for sheep, they went down like a lot of ninepins. There was not in that whole country a solvent sheepman in three months after the passage of that Wilson bill.

The sheep industry, sick near unto death, was revived immediately upon the election of our honored McKinley, our greatest champion of the sheep industry, and when the Dingley tariff bill was enacted into law, in 1897, our flock masters, who had not entirely given up hope, struggling under burdens of debt, took up again with renewed energy the business they understood and loved. New capital and new men were attracted to the business, anticipating an advance in values.

Mr. Chairman, if during the past 14 years you have heard it said that the profits of sheep husbandry were unduly large, it was because of the legitimate enhancement of values and through speculation during such period.

I cited you to the ruinous loss in numbers and depreciation in value of our flocks during a period of adverse legislation. Consider now, if you please, the effect of following the McKinley and Blaine protective ideas with reference to reciprocal trade agreements. Having in 1897 but 36,818,000 sheep, with a valuation of $1.82 per head, a total value of $67,000,000, we had, in 1910, 57,216,000, with a unit value of $4.08 and a total value of $233,664,000, an increase in number of 50 per cent and in value of 248 per cent. In addition to the 20,398,000 live sheep gained, there were 5,000,000 increase in the number of sheep slaughtered. Gentlemen, these are facts that I trust you will carefully consider before you give your prestige to any bill that opens up a way for displanting our mutton and lambs. Continued protection to this important industry means a further rapid increase in our flocks, and it will be but a short time until we produce in the United States all the wool needed and largely augment our meat supply. The man who has his capital invested, much of it borrowed, knowing the close margin upon which he is working, looks upon the movement for a lowering of prices of his products—mutton and wool—with extreme apprehension; and even now, having a vivid remembrance of the ruin wrought by free wool, he is seeking safety from utter ruin by sale of his sheep. I have absolute knowledge that to-day the majority of the range sheep in the United States could be purchased at a discount of one-third of their value of a year ago. This means for the sheep grower that the profit earned above a very low interest on money invested during our period of prosperity has been wiped out and sheepmen again find themselves burdened with debts and their credit greatly curtailed.

Senator GALLINGER. The suggestion is now being made that the duty on wool should be reduced to 5 cents a pound. What do you think that will result in?

Mr. KNOLLIN. Senator, I think that would result in a rapid decrease in our flocks.

Senator GALLINGER. It would not be quite so bad as free wool; it would make some trouble for the sheepmen, would it?

Mr. KNOLLIN. If we built a fence to confine cattle, and we left off the top board that was necessary to keep those cattle from going over that fence, our fence would be of little value.

Senator HEYBURN. If you take one of the four wheels off a wagon, you would disable the wagon.

Mr. KNOLLIN. Not quite so bad as taking off the fifth wheel, but it is bad enough.

Mr. Chairman, I desire to read a letter addressed to Mr. McClure, secretary of our association—or, rather, it is addressed to the Congress of the United States, through Mr. McClure, our secretary:

To the Congress of the United States:
(Through Hon. W. S. McClure, secretary National Woolgrowers.)

George J. Currin & Sons have the second largest sheep and wool plant in Morrow County, Oreg. We have owned and conducted this plant since 1904; our concern involves 20,000 acres of deeded land and 12,000 sheep. We are in debt about one-third the value of this property. We have put the savings of two generations of pioneer life, since 1845, in here. In the first of these years we were enabled to accumulate some means and add to and make our concern what it is in land and sheep; under ordinary circumstances we ought to be able to make some money now, but with the added expense of summer range, the high price of competent help, and the high price of living, we will be unable to do so. In 1910, a year of ordinary sales—not up to the average—we sold off our place in yearling sheep and wool $30,000 worth. After hiring 15 to 30 men for every day in the year and paying all other expenses of a plant of our kind we barely had a margin of profit. This year, 1911, with prospects of putting wool on the free list and the kindred feeling of the sheep interests, we are compelled now, in April, 1911, to sell yearling mixed sheep for $2 per head, while one year ago the same quality yearlings readily brought $3.50 per head. One year ago the average price of our quality of wool sold here in the fleece for 15 cents.

The prospects to-day are that this year's clip will sell at one-third less in price than last year, and, in fact, there are no buyers in sight at any price.

The Congress can readily see where the sheep and wool business has gone out here in Oregon in one year with the simple agitation of the putting of wool on the free list. If you or any set of living men can calculate how we can stay in the business and live—with high labor (for we can not cut wages when only the very best that money will hire will answer our purpose), high living expense, and high taxes—you can do more than humanity in these parts have been able to do. We are anxiously awaiting the termination of this agitation of the tariff question. Meantime we are offering our lands for sale at the minimum price, and we are willing, with the present prospects in view, to go out of the business. But until such time as we can close out our affairs we, the three of us, with all we have put into this sheep business and the chance of losing it all through this depression, absolutely expect to work for nothing.

Very respectfully, yours,
GEO. J. CURRIN & SONS,
Heppner, Morrow County, Oreg.

APRIL 26, 1911.

Gentlemen, I could fill a volume with just such expressions from men that are engaged in the business.

Sheep growing, having a valuation in 1910 of over $233,000,000, and represented and owned by about 785,000 men, should be of importance enough in itself to make the industry worth preserving. However, if its rights of existence are dependent upon something more than intrinsic value, I can cite to you many reasons of great importance.

From personal experience and knowledge of the West, I do not hesitate to assert that sheep husbandry has advanced that vast domain in wealth a quarter of a century. The men who have been and who are to-day developing the West are the home builders. In the early days, when mining and cattle growing predominated, towns were small and far between. It has been said of the first railroads that were built that they seemed like bridges thousands of miles long, connecting the fertile spots between the Atlantic and Pacific Oceans. The development of this vast region is one of the marvels of all ages. It commenced, as we know, when the man with the plow came. At first progress was slow, discouraging to stay, impossible to leave. There was land everywhere, natural grasses, flowers, and weeds, virtually free for the man who could utilize them. Following the pioneers came the sheep. They for a time subsisted upon the natural grasses and browsed the year round, but it was soon found that it was more profitable to feed during the winter months than to take chances of heavy losses. The sheepmen became the buyers of the products of the farmers, the farmer and the flockmaster working hand in hand, frequently the flockmaster becoming also a cultivator of the soil and the farmer also a flockmaster as well. By this happy alliance grasses that had for ages flourished and died or been consumed by buffaloes and wild horses became converted into money, and so it has continued until the present time. I myself have bought the farmers' product—corn, oats, and hay—in Kansas and Nebraska at from 10 cents to 75 cents per bushel for the grain and from $1.50 to $10 per ton for hay.

When transportation became convenient and cheaper and the East developed her great manufacturing industries and required food supplies, the Middle States were prepared—and sheep husbandry, mind you, had been of untold benefit in this preparation—so when the products of the farm became too valuable for profitable use by the sheepmen they followed on after the man with the plow—westward. The plains lands of Colorado, moistened by the waters of the snow-capped peaks of her mountains and kissed by the warmth of perpetual sunshine, yielded bountifully to the husbandman, and soon he found himself in the same position as were the farmers in the earlier days in Kansas and Nebraska, possessed of surplus products and without a market.

In Colorado, I myself have bought alfalfa hay at from $2 to $8 per ton; wheat and barley at from 55 cents to $1.25 per hundredweight. These extreme low prices prevailed in the latter eighties and early nineties, but with the growth of the sheep-feeding industry in Colorado—for several years past there having been fed in that State about 1,000,000 sheep and lambs a year—the Colorado farmer is insured a stable market for his hay and his grain.

Gentlemen, it is little less than a crime that the feeders of sheep and lambs scattered now throughout the East and West and the Middle States, should make a loss on this last winter's feeding, conservatively estimated at $6,600,000. There is no question but what the agitation for free wool and mutton is largely accountable for this disastrous loss. Do you think—permit me to ask—that these serious losses will encourage and perpetuate the production of mutton? Most surely not.

On the other hand, I know many men who are completely discouraged and who say that as long as they must take chances of ruinous markets, caused by needless and thoughtless agitation, they will never again feed a sheep.

In confirmation of my opinion, I will read a letter from Senator W. H. Drake, of Fort Collins, Colo. Senator Drake has fed a great many lambs and sheep for 20 years. He is a man well posted on affairs and competent to judge of the effect of adverse legislation.

He was State senator for two terms and member of the State board of agriculture for a number of years and has given much of his time and worked hard for the upbuilding of the agricultural resources of Colorado.

FORT COLLINS, COLO., *May 11, 1911.*

Mr. S. W. MCCLURE.

MY DEAR SIR: Your letter received and contents noted. I am very sorry that I can not come and testify before this committee. The truth is that I fed 43,000 lambs this winter and lost so much money that I can not even spare the time.

The thought that the Democrats were going to take the tariff off wool has cost my partners and myself between forty and fifty thousand dollars this winter. If Congress admits frozen meats free it will ruin both the grower and feeder. Our rich Colorado alfalfa lands will depreciate one-half in value in almost no time.

I further believe they are determined to do this and that no amount of argument will do any good. It will be necessary to establish free-soup houses in every block in the United States before people will change their minds. When they do we will have another period of 30 or 40 years of prosperity under Republican rule. That is after they get tired of soup.

Yours, truly,
W. A. DRAKE.

Mr. Chairman, along in January I met Senator Drake and he showed me some pictures. He had just returned from a trip in Canada—through the Province of Alberta—and he had several pictures of steers that he found grazing up there in the open country, and the pictures show, and Senator Drake says it is true, that those steers were in fine condition, almost good enough at that time for export purposes. Senator Drake was so much taken with that country that, having in mind that possibly the markets of the United States would be open to the products of Canada, he bought some land up there, bought it very cheap, land that can be irrigated, that cost him one-fifth of what his lands are worth out at Fort Collins, Colo. He looked up the matter of buying sheep in this country—lambs—and taking them up to that country, feeding them, and returning them to the Chicago market, and he found that he could do this: He could buy lambs in Montana, take them into that country, buy feed to fatten them, and return them to Chicago, with a shorter haul and consequently at a smaller freight rate, at less cost than he handles his business at the present time, going into New Mexico, Idaho, or Oregon and buying his lambs and feeding them in Colorado. He says, "I have my interests up there, and if they don't want me producing food products and employing labor in the United States I can go to Canada and do the work up there," and that bears out the statement that Senator NELSON made and Mr. Hagenbarth has made, and I could go on and name a great number of men I know, not drifters, if you please, but men, who, like Senator NELSON said, in the early days were accustomed to building their cabin out on the Government land with the hope that in time they might afford a more comfortable home. We can not get Government lands here at the present that are situated convenient to transportation, but there are

millions and millions of acres in Canada ripe and ready for the husbandman, and Canada is inviting us to come up there and help in their development.

I stated that civilization had been advanced in the great West by the sheep industry. Had it not been for the sheepman employing at times the ranchmen and their sons and providing them with a market for their hay and grains, it would have been impossible for them to have stayed.

The men with the plow and the men with the shepherd's crook, gentlemen, are the men who believe in founding homes and concerning themselves with the God-given blessings, mothers and children, churches and schools, and I defy any man to point to a considerable area of the great West where the creation of wealth and the advancement of civilizing influences have not been accelerated, if you please, by sheep husbandry. I think it would be true to say the same of New England and the eastern Middle States, for in the early days the pioneers therein were assisted in surrounding themselves with comforts by profits from woolgrowing.

I have still another very important reason to present. We need the sheep, gentlemen, for their industrial habits. They gather, when given the opportunity, from the waste places on our farms, in the fertile valleys of our mountains, from the hills, the rugged mountains, and from the desert, not only sustenance for their own living, but they provide food and raiment for the comfort of mankind and increase the productiveness of the soil on which they graze.

In Utah and Nevada and part of Idaho and Oregon we have what is known as the desert country, land that up until the present time it has not been possible to provide water for irrigation, and there is practically no rainfall in the winter in that country. There is a little rain in the spring that starts the grass, and it grows sparsely, and there are hundreds of thousands of sheep taken out on those deserts in the winter, depending upon the snow in the foothills and the mountains and that which sometimes falls on the desert for water. There is no other animal that can live out on those deserts and gather in the feed that grows there, excepting the sheep.

Following the policy of retaining our home markets for our home products and the protection of our labor, we have outstripped our neighbors on the north and all other countries of the world in the development of our natural resources. Continuing this policy, we will not only be able to continue feeding our own people at reasonable prices, but we will also help, as we have and are now doing, to feed millions of people living under less-favored conditions.

I said the cost of mutton to the consumer had not been burdensome, and in confirmation of that statement I want to introduce into this record the average price of sheep and lamb sold on the Chicago market, and the Chicago market governs prices practically in all other markets, during 1910, as compared with a period covering six years, and I would like to have the tables, as shown on page 73, printed into the record. These tables are compiled by the Chicago Drovers' Journal, and I think when these figures are looked into no man can say that the high cost of living can be accounted for by the high cost of production, nor by the price the producer obtains for his products.

Monthly average prices (per 100 pounds) of sheep and lambs at Chicago during 1910, with yearly comparisons.

[Compiled by the Chicago Farmers' and Drovers' Journal.]

Months.	Native sheep.	Western sheep.	Yearling sheep.	Native lambs.	Western lambs.
January	$5.50	$5.65	$6.75	$8.20	$8.40
February	6.10	6.75	7.70	8.50	8.75
March	7.15	7.65	8.40	9.30	9.50
April	7.10	7.65	8.00	9.00	9.15
May	6.40	6.70	7.25	8.15	8.50
June	5.00	5.15	6.20	7.35	7.65
July	3.95	4.30	5.30	6.80	7.15
August	4.00	4.25	5.45	6.40	6.80
September	4.20	4.25	5.40	6.40	6.85
October	4.00	3.90	5.00	6.55	6.70
November	3.75	3.70	4.90	6.15	6.30
December	3.85	4.00	5.10	6.00	6.20
Average for—					
1910	5.10	5.35	6.30	7.40	7.65
1909	4.95	5.00	6.00	7.30	7.50
1908	4.60	4.65	5.30	6.20	6.45
1907	5.20	5.25	6.00	6.85	7.10
1906	5.15	5.30	6.00	6.80	6.90
1905	5.00	5.05	5.80	6.75	6.90
1904	4.10	4.30	4.90	5.45	5.65
1903	3.85	4.10	4.90	5.40	5.45
1902	4.05	4.30	4.90	5.45	5.50
1901	3.75	3.85	4.30	4.75	4.85
1900	4.55	4.55	5.10	5.80	5.95
1899	4.35	4.30	4.80	5.45	5.50

Monthly average prices (per 100 pounds) for native sheep at Chicago for seven years.

[Compiled by the Chicago Farmers' and Drovers' Journal.]

	1910	1909	1908	1907	1906	1905	1904
January	$5.50	$4.85	$4.75	$5.10	$5.35	$5.10	$3.85
February	6.10	4.85	4.90	5.15	5.00	5.50	3.85
March	7.15	5.30	5.75	5.35	5.20	5.50	4.30
April	7.10	5.50	5.65	5.45	5.35	4.95	4.70
May	6.40	5.90	5.40	5.70	5.45	4.60	4.90
June	5.00	5.25	4.80	5.80	5.30	4.70	4.30
July	3.95	4.65	4.10	5.25	5.15	5.10	3.80
August	4.00	4.40	3.90	5.25	4.90	5.00	3.60
September	4.20	4.55	3.65	5.15	5.10	4.75	3.50
October	4.00	4.40	4.05	4.75	4.80	5.20	3.60
November	3.75	4.50	4.20	4.40	5.00	5.20	4.05
December	3.85	4.90	4.20	4.10	5.00	5.15	4.50
Yearly average	5.10	4.95	4.60	5.20	5.15	5.00	4.10

I have a statement I will file that gives detailed information as to the cost, and also as to the amount of money that is invested to grow a pound of wool, and detailed statement of expenses.

The cost of shipping our wool to Boston and selling it will run from 18 to 22 per cent of the gross proceeds, and about the same on our sheep. That is an expense that the grower of sheep and cattle out in the western countries can not get away from. In the future freights may become reduced as the tonnage becomes heavier over the railroads and they get their roadbeds and equipment in shape to handle it cheaper. Then we may benefit somewhat from that, but it would not lower our cost materially.

I desire, finally, to illustrate the possibilities of sheep growing, and for the purpose we will take the State whose agricultural possibilities have been so thoroughly exploited by the Hon. F. D. Coburn—Kansas.

East of the Missouri and Mississippi Rivers, with the farming States of Kansas and Nebraska added, we have about 19,000,000 sheep, one-third of the entire number in the United States. In this territory Ohio leads, having 3,110,000 sheep, or 76 to the square mile; Florida, one-third larger than Ohio, has 1½ sheep to the square mile, while Kansas, a State well adapted to sheep husbandry and twice the size of Ohio, has less than 3 sheep to the square mile. In this entire district we average 1 sheep to 47 acres. If Kansas, Nebraska, and Iowa had the same number of sheep per square mile as Ohio, they, with Ohio, would contain 19,000,000 sheep, the number now in this entire section.

Illustrating further, by comparison with other countries, France and Spain, each having an area equal to about four-fifths that of Texas, have, respectively, 17,500,000 and 13,750,000 of sheep; Texas has 2,000,000; Bulgaria, with an area a little less than Kentucky, has 3,000,000 sheep; Kentucky has 1,000,000; Greece, that very small country, which we associate with art and literature rather than shepherds and their focks, has 4,500,000 sheep on its 25,000 square miles; West Virginia, having the same area as Greece, has but 625,000; England and Scotland have 304 sheep to the square mile, whereas Kansas, as I have already mentioned, has less than 3 to the square mile.

Now, Mr. Chairman, desiring to stock the State of Kansas with 60 sheep to each one-fourth section, after bringing into that State all the sheep from the other States in this eastern territory, we would be obliged to bring from Texas their 2,000,000 sheep, and assuming that it would be practical to stock Kansas with sheep on the same basis per square mile as Great Britain, having brought all the sheep from east of the Missouri and Mississippi Rivers and from Nebraska and Texas, we have left enough land untrodden by the golden hoof to care for the sheep of Colorado and Wyoming.

Having placed 20,000,000 sheep in Kansas, we need not, I think, feel alarmed about providing for their feed, having 2 acres for every sheep.

In 1909 Kansas produced 147,000,000 bushels of corn, 25,500,000 bushels of oats, besides millions of bushels of other grains that are suitable for feeding sheep; 350,000,000 tons of hay, and as much more sorghum, kaffir corn, milo maize, and corn fodder—twice the quantity necessary for properly feeding the sheep.

If you have held in mind my quotation from the 1910 report of the Secretary of Agriculture that "the value of farm products has increased 186 per cent in 11 years," you will see that sheep have done their part toward making up this great increase in our agricultural wealth.

Gentlemen, if the products of the farms and ranches are reduced so that we can not get a fair profit out of them what will be the result? There will be a still greater flocking to the cities of the people from the farms, and history will repeat itself, and the farmers of the Middle West and the ranchmen of the far West will take up industrial enterprises, as has already been done in the Eastern States. "He is not compelled to dump his crops on the market at time of harvest." Why? Because "he has had a period of prosperity." With profits made, and, mind you, made legitimately, he has not only "paid off mortgages," but by the wealth created "banks have been established," and should prices be lower than cost of production he garners his harvest and holds until he can secure fair returns for his labor. Is it not better by far, Mr. Chairman, for the consumer, as well as for the producer, that this condition obtain? For, mark you, there is no record of successful corners in food supplies when the farmers' granaries and feed lots are full of grain and live stock.

Effect follows cause; and when this desired condition exists, the farmer and ranchman will furnish a regular supply to meet the demand of consumption. On the other hand, when prices are low and times hard, the harvest can not be garnered, but must be sold regardless of price, and this is the speculator's opportunity; he buys at prices so low that he can export enough of the crop to insure him a large profit on the balance by holding until the consumer must have it, and it is under such conditions that corners are successfully run. The bills we have under consideration, gentlemen, propose to place in competition with foreign countries the products of the farmer and ranchman, the only industries of our country impossible to trustify.

Mr. Chairman, I thank you for your attention to the statements that I have made. I have aimed in this preparation to be consistent. I am convinced, as I have stated, that the prosperity of this country depends greatly upon the prosperity of our farmers and ranchmen. If we are going to build, we must lay our plans, we must gather the material about us, and in order to do this and to employ workmen to do it we must have capital, and just to that extent that capital is forced out of the farming and ranch industry the industry will retrogress. As I have said, Mr. Chairman, I have some tables prepared here that will bear out the statements I have made with reference to the percentage of the gross proceeds that we obtain for our products that goes into freight transportation charges and other necessary expense.

(The following tables were here submitted by Mr. Knollin:)

Figures submitted cover actual business handled, covering a period of 12 years 5 months (Mar. 1, 1898, to Aug. 1, 1910, inclusive). Total number of sheep and lambs handled, 332,376 head.

Gross earnings.

	Number.	Amount.
Sheep bought	244,059	$623,458.35
Sheep sold on market	17,401	35,819.75
Sheep on range	59,131	137,785.03
Sheep short	18,423	40,597.92
Sheep inventoried	237,421	592,273.65
Miscellaneous credits		9,326.41
Total	332,376	815,802.76

Gross earnings (increase sheep, 88,317 head)	$192,343.43
Gross earnings, wool, 1,446,966 pounds, at 13.7 cents per pound	197,897.64
Total gross earnings	390,241.07
Total cost of production	448,891.66

NOTE.—Expense of production of sheep and wool is apportioned on basis of relative gain on sheep and wool to total gain, or gross earnings.

Expense on sheep, 49.3 per cent of $448,891.66	$221,303.59
Expense on wool, 50.7 per cent of $448,891.66	227,588.07
Number of sheep raised	88,317
Deduct losses of lambs	1,853
Net gain on sheep	86,464
Cost to raise same	$221,303.59
Cost to raise 1 sheep	$2.56
Cost to produce 1,446,966 pounds of wool	$227,588.07
Cost to produce 1 pound of wool f. o. b. Roswell	$0.1538

Investment and per cent of gain and loss.

Total investment for period	$767,166.25
Total expense for period	448,891.66
Total gross earnings for period	390,242.04

Expense equals 58.51 per cent of investment; gross earnings equal 50.86 per cent of investment; loss, 7.64 per cent on investment.

Sheep raising.

Proportion of investment, 49.3 per cent of $767,166.25	$378,212.96
Proportion of expense, 49.3 per cent of $448,891.66	221,305.59
Gross earnings on sheep	192,344.43

Net number of sheep raised, 86,464.

Investment per head on sheep raised	$3.85
Expense per head on sheep raised	2.56
Gross earnings per head on sheep raised	2.22
Loss per head on sheep raised	.34

Woolgrowing.

Proportion of investment, 50.7 per cent of $767,166.25	$398,953.28
Proportion of expense, 50.7 per cent of $448,891.66	227,588.07
Proceeds of 1,446,966 pounds of wool	197,897.61
Investment to produce 1 pound of wool	.299
Expense to produce 1 pound of wool	.1538
Proceeds of 1 pound of wool	.137
Loss on 1 pound of wool	.0168

Detailed and classified statement of maintenance of flocks.

How classified.	Amount of money.	Per head.	Distribution. Labor. Per cent.	Labor. Amount.	Returns to manufacturers and distributors of supplies. Per cent.	Returns to manufacturers and distributors of supplies. Amount.	Shortage, account of natural death and by animals.
Labor	$121,808.58	$0.55	100	$121,808.58	.....	.....	.....
Provision	29,909.84	.135	50	14,954.92	50	$14,954.92	.....
Sheep short	40,597.92	.182	.....	.....	.....	.....	$40,597.92
Salt	3,782.13	.017	60	2,269.28	40	1,512.85	.....
Sundries	35,734.60	.161	50	17,867.30	50	17,867.30	.....
Interest	64,129.14	.29	.....	.....	.....	.....	64,129.14
Shearing	15,826.19	.071	85	13,452.27	15	2,373.92	.....
Dipping	6,001.81	.027	75	4,501.36	25	1,500.45	.....
Taxes	9,448.37	.042	10	944.83	.....	.....	8,503.54
Feed	12,088.38	.054	75	9,066.29	25	3,022.09	.....
Outfit	10,900.43	.049	50	5,450.21	50	5,450.22	.....
Depreciation	5,354.50	.024	.....	.....	.....	.....	5,354.50
Improvement	16,593.09	.075	50	8,296.55	50	8,296.54	.....
10 per cent earnings on investment	76,716.68	.346	.....	.....	.....	.....	76,716.686
Total	448,891.66	2.02	.....	198,611.59	.....	54,978.29	.....

NOTE.—Based on average number of sheep on hand a full year. During the 12-year-5-months period we handled 332,376 head. Of this number there were inventoried the first of each fiscal year, or bought during the year, 244,059, and the difference represents the lambs raised. Some of these sheep were not on hand a full year, but equaled having on hand for the full period (lambs born not included) 221,142 head, which number is used in arriving at averages.

Summary.

	Amount.	Per head.	Per cent of total expense.
		Cents.	
Labor	$198,611.59	89.8	44.2
Returns to manufacturers, etc.	54,978.29	24.8	12.3
Sheep short	40,597.92	18.3	9.0
Interest	64,129.14	29	14.3
Earnings (10 per cent)	76,716.68	34.6	17.1
Depreciation on real estate	5,354.50	2.4	1.2
Taxes	8,503.54	3.8	1.9
	448,891.66	2.025	

Disposition of increase, 86,464 sheep.

Sold on market:		
5,665 feeder lambs (259,520 pounds, at $3.29 per cwt.)		$8,543.32
4,124 feeder sheep (317,590 pounds, at $5.22 per cwt.)		16,567.80
7,612 fat sheep (694,860 pounds, at $4.75 per cwt.)		33,038.96
Gross proceeds (17,401 head)		58,150.08
Shipping expense	$9,668.76	
Expense and feed at feed lots	12,661.57	
		22,330.33
Net proceeds		35,819.75
Sold on range (59,131 head, at $2.323 each)		137,785.05
Sheep short (16,570 sheep, at $2.45 each)		40,597.92
Miscellaneous credits		9,326.41
Total (93,102 head, at $2.41 each)		223,529.13
Less decrease in flocks from original count and value (6,638 head)		31,184.70
Net disposition (86,464 head)		192,344.43
Gross proceeds (17,401 sheep and lambs sold on market)		35,819.75
Gross proceeds (1 head)		3.34

NOTE.—Of the 17,401 sheep and lambs sold on the market only 7,612 were sold for slaughter, and they had been fed at a cost, for feed and labor, of $12,661.57, or $1.65 per head.

We show that these 7,612 sheep sold for slaughter could be sold by wholesalers in New York City as follows:

7,612 fat sheep, weight 694,860 pounds, cost on market, Chicago, on foot	$33,038.33
Sheep, dressed, 49 per cent, or 340,480 pounds, less pelts at 70 cents each	5,328.40
	27,710.56
Killing expense, 25 cents each	1,903.00
Icing, 5 cents per hundredweight on 340,480 pounds	170.24
Freight to New York City, 45 cents per hundredweight on 340,480 pounds	1,533.78
Selling expense, 50 cents per hundredweight	1,702.40
Total cost of 340,480 pounds to retailer in New York	33,019.98

Cost of 1 pound to retailer in New York, 9.7 cents.

Shipping expenses.

Total expense (17,401 sheep)	$9,668.76

Shipping expense per head, 55.55 cents.

Expense classified.

	Amount.	Per head.
		Cents.
Freight	$7,220.92	41.5
Feed in transit	831.57	4.77
Feed at stockyards	49.52	.02
Yardage	806.75	5.0
Commission	760.00	4.26
Total	9,668.76	55.55

Shipping expense, 16.62 per cent of gross proceeds.

Shipping expense	$9,668.76
Feed and expense at feed lots on 6,197 fed for market	12,661.57
Total expense against shipments to market	22,330.33

Averages.

Average yearly investment	$64,175
Average number of sheep handled yearly	19,665
Average per cent lambs raised	73.2
Average number of men employed	34
Average number of sheep handled per man—head	580
Average yearly wages, men (board included)	$540
Average monthly wages, men (board included)	$45
Average weight of fleece—pounds	7.3
Average selling price, wool (per pound)	$0.137
Average selling price of fleece	$1.00
Average first cost of sheep	$2.55
Average first cost, lambs marked included	$1.87
Average first cost, sheep and lambs, inventoried	$2.51
Average sale, sheep and lambs on market	$2.95
Average sale, sheep and lambs on range	$2.33
Average sale, all sheep and lambs	$2.43
Average loss per head on sheep	$0.34
Average loss per pound on wool	$0.0168

NOTE.—On a basis of what we received for our wool, 13.7 cents per pound f. o. b. Roswell, N. Mex., and a shrinkage of 68 per cent, the clean wool would cost 53.53 cents per pound (plus scouring charges Boston) and on the basis of cost of production, 15.38 cents per pound, it would cost 58.78 cents per pound (plus scouring charge Boston).

Shipping expense on wool.

Freight (per pound)	$1.93
Gross value, freight commission warehouse—per cent	11.2
Charges grading, insurance, etc	$1.50
Gross value—per cent	88
Total gross value to market—do	20

The following statements cover actual business handled covering a period of 10 years, 1900–1910. The business is chiefly raising thoroughbred rams.

Interest at 8 and 10 per cent for profit have been included in cost.

Total number sheep and lambs handled, 80,711.

Gross earnings.

	Number of sheep.	Amount.
Sheep bought	54,991	$270,384.85
Sheep sold on market	5,405	16,562.48
Sheep sold on range	16,655	141,860.65
Sheep short	7,538	23,151.15
Sheep inventoried	51,113	253,296.75
Miscellaneous credits		1,255.91
	80,711	436,126.94
	25,720	165,742.09

Gross earnings (increase sheep, 25,720)	165,742.09
Gross earnings (wool, 259,148 pounds)	46,051.32
Total gross earnings	211,793.41
Total cost production	247,760.32

NOTE.—Expense of production of sheep and wool is apportioned on basis of relative gain on sheep and wool to total gain or gross earnings.

Expense on sheep, 78.25 per cent of $247,760.32	$193,872.46
Expense on wool, 21.75 per cent of $247,760.32	53,887.86
Number of sheep raised	25,720
Deduct losses on lambs	3,203
Net gain on sheep	22,517
Cost to raise same	$193,872.46
Cost to raise 1 sheep	$8.61
Cost to produce 259,148 pounds of wool	$53,857.86
Cost to produce 1 pound of wool f. o. b. Soda Springs, Idaho (cents)	$20.79

Investment and per cent of gain and loss.

Total investment for the period	$301,558.12
Total expense for the period	247,760.32
Total gross earnings for the period	211,793.41

Expense equals 82.16 per cent of investment; gross earnings equal 70.23 per cent of investment; loss equals 11.93 per cent on investment.

Sheep raising.

Proportion of investment, 78.25 per cent of $301,558.12	$235,969.23
Proportion of expense, 78.25 per cent of $247,760.32	193,872.46
Gross earnings on sheep	165,742.09

Net number sheep raised, 22,517 head.

Investment per head on sheep raised	$10.48
Expense per head on sheep raised	8.61
Gross earnings per head on sheep raised	7.36
Loss per head on sheep raised	1.25

Woolgrowing.

Proportion of investment, 21.75 per cent of $301,558.12	$65,558.89
Proportion of expense, 21.75 per cent of $247,760.32	53,887.86
Proceeds of 259,148 pounds of wool	40,051.32
Investment to produce 1 pound of wool (cents)	25.27
Expense to produce 1 pound of wool (cents)	20.79
Proceeds of 1 pound of wool (cents)	17.77
Loss on 1 pound of wool (cents)	3.02

Detailed and classified statement of maintenance of flocks, based on average number of sheep on hand a full year: During the 10-year period we handled 80,711 head. Of this number there were inventoried the first of each fiscal year or bought during the year 51,113 head, and the difference represents the lambs raised. Some of these sheep were not on hand a full year, but equaled having on hand for the full period (lambs born not included) 47,542 head, which number is used in arriving at averages.

Classified expense, distributed.

How classified.	Amount of money.	Per head.	Labor.		Returns to manufacturers and distributers of supplies.		Value of shortage account natural death and loss by predatory animals.
			Per cent.	Amount.	Per cent.	Amount.	
Labor	$57,337.37	$1.206	100	$57,337.37			
Provision	11,412.05	.24	50	5,706.03	50	$5,706.02	
Sheep short	23,151.15	.487					$23,151.15
Salt	1,407.54	.03	60	844.53	40	563.01	
Sundries	18,743.95	.39	50	9,371.98	50	9,371.97	
Interest	24,326.53	.51					24,326.53
Shearing	6,147.97	.129	85	5,225.77	15	922.20	
Dipping	2,757.24	.058	75	2,067.43	25	689.81	
Taxes	2,936.95	.062	10	293.70			2,643.25
Feed	67,185.55	1.413	75	50,389.16	25	16,796.39	
Outfit	2,198.22	.047	50	1,099.11	50	1,099.11	
10 per cent earnings on investment for profit	30,155.80	.634					30,155.80
	247,760.32	5.206		132,335.08		35,148.51	

Summary.

	Amount.	Per head.	Per cent of total expense.
Labor	$132,335.08	$2.78	53.2
Returns to manufacturers and distributors	35,148.51	.74	14.2
Sheep short	23,151.15	.487	9.3
Interest	24,326.53	.51	9.7
10 per cent earnings for profit	30,155.80	.634	12.0
Taxes	2,643.25	.055	1.6
Total	247,760.32	5.206	100.0

Disposition of increase—head	29,598
Lambs lost (not accounted for in sheep short)—do	3,203
	26,395
Sold on market (5,405, at $3.06 each)	$16,562.48
Sold on range, mostly rams (16,655, at $8.52 each)	141,860.65
Short average cost (4,335, at $5.317 each)	23,151.15
Miscellaneous credits	1,255.91
Total (26,395 head)	182,830.19
Less decrease in flocks from original value and number (3,878 head)	17,088.10
Difference (22,517 head)	165,742.09
Per head	7.36

NOTE.—Detailed statement of sheep sold on market not compiled.

Shropshire flock—Statement of sheep and lambs sold on the range.

Periods.	Ewes and lambs.			Rams and ram lambs.		
	Number.	Proceeds.	Average per head.	Number.	Proceeds.	Average per head.
1900-1901	126	$216.90	$1.72	1,020	$6,952.00	$6.81
1901-2	313	553.50	1.77	724	6,094.00	8.42
1902-3	1,026	2,293.25	2.23	430	4,105.00	9.52
1903-4	10	50.00	5.00	711	7,090.00	9.97
1904-5	1,520	4,560.00	3.00	981	13,027.50	14.30
1905-6	243	805.00	3.31	1,445	18,097.00	12.50
1906-7	1,719	11,492.00	6.68	1,199	15,229.00	12.70
1907-8	1,260	5,166.00	4.10	449	5,030.00	11.20
1908-9	1,063	8,879.00	8.35	1,423	19,712.00	13.85
1909-10	262	1,301.50	5.00	731	11,207.00	15.20
Total	7,542	35,317.15	4.64	9,113	106,543.50	11.69

Profit and loss account.

Interest on investment, 8 per cent		$24,326.53
Earnings for profit, 10 per cent		30,155.80
Profit		54,482.33
SHEEP RAISING.		
Total expense	193,872.46	
Gross earnings	165,742.09	
Loss	28,130.37	
WOOLGROWING.		
Total expense	$53,887.86	
Gross earnings	46,051.32	
Loss	7,836.54	
		35,966.91
Net profit		18,515.42
Average investment for period		$30,155.80
Net earnings on investment (no interest)—per cent		6.14
Loss on one sheep		$1.25
Loss on 5.6 pounds wool, at 3.02 cents—cents		16.9
Loss per head, interest and earnings included		$1.419
Gain per head, without interest and earnings (each)—cents		64.34

Averages.

Average yearly investment	$30,155.81
Average number of sheep handled yearly	4,754
Average per cent lambs raised	72.1
Average number of men employed	8
Average number sheep handled to man—head	594
Average yearly wages men, board included	$676.56
Average monthly wages men, board included:	
Labor $44.49	
Board $11.89	
	$56.38
Average weight of fleece—pounds	5.6
Average selling price of wool—cents	17.77
Average selling price of fleece	$1.00
Average first cost of sheep	$4.91
Average first cost of sheep, lambs marked included	$3.34
Average sale sheep and lambs on market	$3.06
Average sale sheep and lambs inventoried	$4.95
Average sale bucks on range (each)	$11.69
Average sale ewes on range	$4.64
Average sale all sheep and lambs sold	$5.62
Loss per head on sheep	$1.25
Loss per pound on wool—cents	3.02

On basis of price we obtained for this wool Soda Springs, Idaho, 17.77 cents per pound, adding freight 2.05 cents per pound, and selling charges 1.5 cents per pound, and on a basis of 58 per cent shrinkage, this wool would cost the manufacturer 50.76 cents per pound clean Boston, plus the cost of scouring.

On a basis of cost of production 20.79 cents per pound, adding freight and selling charges of 3.55 cents per pound, 58 cents per pound Boston clean, plus securing charges in both cases.

Mr. HEYBURN. Mr. President, Mr. Hagenbarth, who is a native son of Idaho and who has developed into one of the largest stock raisers and one of the best business men in the State, has taken pains to bring together every item of cost and every item of income from the sheep-raising business, and I have taken from the testimony which he gave before the Senate committee such parts and such tables as refer to and completely illustrate this question. He says, in summing it up, that they are not making 6 per cent, nor have they done so for some time. It is all attributable to the disturbed condition and to the threatened changes in the schedules. I ask also to insert Mr. Hagenbarth's statement as part of my remarks.

The PRESIDING OFFICER. In the absence of objection, permission to do so is granted.

The statement referred to is as follows:

Now, reciprocity as affecting sheep has got to be, from our standpoint, more or less theoretical; the known facts are all on one side. In the United States the industry is as old as the civilization; we have nearly 57,000,000 sheep—we did have a year ago, but I do not think we have that many by 5,000,000 or 6,000,000 now. Canada at the present time has less than 3,000,000 sheep; but with the conditions of climate, wages, ranging, feeding, transportation, and everything but markets practically the same, and with civilization advanced as our own, why is it that Canada has only 3,000,000 and we have 57,000,000? There must be a cause where there is an effect. Is it because she has not had reciprocity for the past few years? With reciprocity, would the conditions change and would she enter upon the proper development of her ideal condition for the fostering of this industry at our expense? Why, gentlemen, the State of Montana last year had 5,747,000 head of sheep.

What is the difference between Montana and Canada? It is simply an imaginary line, an imaginary line, and that is the only difference in God's world; northern Montana and southern Canada are identical, yet the State of Montana has twice as many sheep as the entire Dominion of Canada. Now, there is the effect; what is the cause? That is for anybody else to answer. We certainly can reason back to the cause without much trouble. Now, in the United States we find, as a matter of fact we claim, not merely as a coincidence as some of our economic opponents will set up, that the industry has thrived or languished just as the tariff was high or low. Now, if this is true, the facts seem to bear it out—it may be a coincidence, but I do not claim that it is—is not it fair to presume if we take the tariff off of mutton, sheep are liable to be low? That is our view as sheepmen.

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Now, I have another statement here showing the annual cost for winter feeding sheep and cattle, and these are simply digests by years taken from our books, and if this committee wants them, I also have them here, or can get them without a great deal of trouble, except they would be compelled to go over every item and every detail that went into this table. They are taken directly from our books, not by myself, but by the bookkeepers—the cost of winter; that is, for winter feeding. Now, the labor was $1.12. Another table here is the average expense per annum per head for grazing, which was $38,000 for a period of five years; taxes, $41,653. The interest which we paid, the interest on the sheep, at 6 per cent, figures $127,615.22, and general expenses, $123,386, making a total of 73 cents per head for these items. We have $1.12, 58 cents, and 73 cents, making a total of $2.43 per head as being our cost here, not including interest on investment, and horses, and lands, and wagons, and all the paraphernalia that we have to have for conducting our business.

Senator CLARK. You have that for a period of five years?

Mr. HAGENBARTH. Yes.

Senator CLARK. I had a letter from an ex-governor of our State a few days ago who was interested in sheep raising, who said that it cost them between two and three times as much per head to run the sheep per annum now as it did five years ago. Has that been your experience up in Idaho?

Mr. HAGENBARTH. Yes; on certain costs. Now, I think I have right here some of these very items and details that go into that. Shall I answer that now?

Senator WILLIAMS. No. I just wanted to know if that was the fact.

Mr. HAGENBARTH. That is a fact, and I will give you some details as briefly as I can. Now, here is another table showing per head cost per annum and the per head receipts per annum, showing that we have received from mutton and wool, over a period of five years, $3.1666; and our total cost, including interest on the investment all the way through, is $3.2884 per head, showing a net loss per annum of $0.1218. Now, that fact is absolute, and I can take an oath to it; but, mind you, that would include 6 per cent interest. We have made almost 6 per cent, and I have often congratulated myself that we have done that well.

Senator WILLIAMS. What is your net gain or net loss?

Mr. HAGENBARTH. How is that?

Senator WILLIAMS. If you take 6 per cent out, what have you gained?

Mr. HAGENBARTH. If you take the charge for interest out, we would not have gained anything at all. We have not quite gained 6 per cent; we could not take the interest out.

Senator WILLIAMS. I know; but you allowed that on that 6 per cent interest on the investment.

Mr. HAGENBARTH. Yes.

Senator WILLIAMS. Take that charge against yourself out, what would you make? What would your net percentage be? Your loss is predicated upon charging 6 per cent as a part of the cost.

Mr. HAGENBARTH. We make 5.62 per cent.

Senator WILLIAMS. That is your former statement?

Mr. HAGENBARTH. Yes.

Senator WILLIAMS. All right. That I understood at the time.

Senator STONE. Did you say that the actual cost for running a sheep ranch, raising sheep, was from two and one-half to three times as much now as it was five years ago?

Mr. HAGENBARTH. No, Senator; not quite. As long as that question is up I will go into it.

Senator STONE. That would be rather remarkable.

Mr. HAGENBARTH. I will give you the exact facts.

Senator STONE. I would like to ask, before you begin, I understood Senator CLARK to say some ex-governor of his State has written that it is now costing from two and one-half to three times as much to raise sheep as it did five years ago.

Senator CLARK. To run the sheep per annum.

Senator STONE. Well, to run the sheep. I will put it in that form. That still narrows it and makes it less confusing—to run the sheep.

Mr. HAGENBARTH. Yes.

Senator STONE. He states that it costs from two and one-half to three times as much per annum as it did five years ago. Now, what are the items that make that increased cost?

Mr. HAGENBARTH. The ordinary herders to-day are costing us around an average of $70 per month. We found it necessary to cut the wages this spring, for good and sufficient reasons—we had to do it.

Senator STONE. What do you pay them?

Mr. HAGENBARTH. $50 a month cash at the end of every month for their labor, and we keep them besides.

Senator STONE. You estimate that at $50?

Mr. HAGENBARTH. Don't estimate at all. I am telling you what it costs.

Senator STONE. Well, the actual cost is $50?

Mr. HAGENBARTH. Yes, sir.

Senator STONE. What did you pay your sheep herders five years ago?

Mr. HAGENBARTH. The cheapest five years ago?

Senator STONE. I am not talking about the cheapest. I am talking about the same kind of herders you are now paying $50.

Mr. HAGENBARTH. There has been a gradual raise. The average would be about $40 five years ago.

Senator STONE. How much difference was there in the actual cost of board per month?

Mr. HAGENBARTH. I can not tell you that exactly. I can, right down to the minutest detail, by taking the time to get the data.

Senator STONE. Now, we have a difference in cost of wages paid to herders of approximately $5 a month more now than five years ago?

Mr. HAGENBARTH. Yes.

Senator STONE. You are not able to state the difference in the cost of board? What other item of cost?

Mr. HAGENBARTH. Well, in order to relieve the Senator on that point I will make a statement. The board will cost us just in the same proportion with the general advance in the cost of living that has taken place, cost us just that much more. Now, that would amount, in my opinion, to about—during five years—perhaps 20 per cent of an increase in five years.

Senator STONE. It costs you 20 per cent more now to board a herder than it did five years ago?

Mr. HAGENBARTH. Yes; that is correct.

Senator STONE. Well, that would be about $4 a month.

Mr. HAGENBARTH. Just around that, between $4 and $5.

Senator STONE. What is that due to, that extra cost?

Mr. HAGENBARTH. One of our principal items of extra cost——

Senator STONE. No; what makes it cost you 20 per cent more now to feed and board a herder than it did five years ago?

Mr. HAGENBARTH. I was just coming to that point. One of the principal items is the higher cost of bacon and lard; that is one of our great items of expense; we use a great deal of bacon and lard.

Senator STONE. On the range?

Mr. HAGENBARTH. On the range. Then there has been an advance in the cost of flour; and then there has been the advanced costs of that sort all along the line. Now, there is only one thing that we get cheaper than formerly, and that is condensed milk; everything else is costing us more.

Senator STONE. Well, the average aggregate increase, then, is approximately 20 per cent, or one-fifth, more?

Mr. HAGENBARTH. During five years.

Senator STONE. Well, comparing the present with five years ago?

Mr. HAGENBARTH. Yes.

Senator STONE. Now, we have got the cost of living and the difference in wages. What else?

Mr. HAGENBARTH. Now, hay. Hay will cost us about 300 per cent more. Hay fed to the sheep for winter feeding to-day will cost us 58 cents per head as against 10 to 12 cents five years ago. Freight on lambs to the market, on mutton products, $182.50 per car as against $137.50.

Senator STONE. Do you exclude that in the running expense of ship?

Mr. HAGENBARTH. You asked me for the higher cost of sheep, why it cost more. We have certainly got to pay the freight the same as every other man who produces.

Senator STONE. Well, to go to the market, but I am talking of the cost of raising sheep on the ranch.

Mr. HAGENBARTH. Well, we have to figure the cost on the haul. We are selling our sheep, for we could not keep them out there forever.

Senator CLARK. My correspondent was speaking about the annual cost upon the range of running the sheep, without reference to the range.

Mr. HAGENBARTH. Well, confined strictly to the range. Well, the herders, the labor, and the hay.

Senator STONE. We have that.

Mr. HAGENBARTH. And the hay.

Senator STONE. We have that and the board.

Mr. HAGENBARTH. Well, they are about the principal items of expense in running the sheep.

Senator STONE. Well, you have not figured that out in your statement to anything like two and a half to three times as great.

Mr. HAGENBARTH. I did not make any statement of that sort.

Senator CLARK. He did not agree with me.

Senator STONE. Then I misunderstood him. I did understand him to say that was correct.

Senator CLARK. He said he would not go that far.

Mr. HAGENBARTH. I can tell you why there is a discrepancy.

Senator STONE. I thought you did say that that was correct.

Mr. HAGENBARTH. If the notes show that I stated that it is from two and a half to three times greater, it was a misapprehension and a mistake, because I have the figures right here to disprove it.

Senator STONE. Well, I do not care to go further into that.

Mr. HAGENBARTH. I won't say about Wyoming; that might be true, because the conditions might be different in Wyoming than they are in Idaho—entirely different. Now, there is another statement here, which is a tabulated statement of the cost of production of wool and mutton for five years, showing the results of handling 454,337 stock sheep, the product of which was 225,807 head of mutton, weighing 16,009,198 pounds and worth $799,478.17; the total production for the five years, 445,850 fleeces of wool, weighing 2,967,127 pounds, worth $622,253.63. The net results of the operation shown by this total was a cost on mutton of $0.0507 per pound, for which was received $0.0497 per pound, showing that mutton production failed to give us a return of 6 per cent interest on the capital investment.

Now, for over a period of years it gives all of the cost in the digest form. I want to explain one thing, however: That the percentage of production of mutton as being 56.3 per cent, and of wool as being 43.7 per cent, on the total production, was based on the respective proportions contributed by either wool or mutton to the total gain in our business; that is the way that was arrived at, and you will observe that, too. That makes it easier to know where that statement was taken from.

I have here a statement which I thought I had taken out, because I did not want to burden the committee with it, but I thought possibly Senator WILLIAMS might be interested in it. It shows our loss and gain by years for five years.

Senator WILLIAMS. That is what I want.

Mr. HAGENBARTH. You want it for 10 years?

Senator WILLIAMS. I want to know your financial condition now, and what it was 10 years ago.

Mr. HAGENBARTH. All right. I misapprehended.

Senator WILLIAMS. Then, I will consider the figures from that with this, showing the losses and gains.

Mr. HAGENBARTH. I submit a general statement of loss and gains, showing a total investment for the five years of $9,070,741.27, or an average annual investment of $1,814,148.25. This statement includes, among other charges, a total of 6 per cent interest on the entire investment in our live-stock business, the final summing up of which shows an annual loss per annum of $5,828.75. In other words, the business failed by that amount to pay the legitimate annual charge of 6 per cent for use of capital invested. Now, in explanation, I want to say these figures may seem large, and for fear we may be thought guilty of the crime of being a large corporation, I want to say that our company, though a corporation, was incorporated for convenience only.

Our company is owned entirely by those who labor on the range, and there are no outside stockholders drawing dividends. My brother and my mother and myself own the business, and have owned it since my father died. We have in addition 8 or 10 of the men who are working for us who have been with us from 15 to 20 years, to whom we have given stock, allowed them to work it out, and given them an interest in the business. My father began the live-stock business 25 years ago in a humble way, putting about $26,000 in the business in the beginning and from time to time invested additional capital, and during the 25 years we have paid but four dividends, and they were small ones, and we have only paid one dividend within the last 10 years. All other earnings from the business have gone back into investment, whatever they were; our 6 per cent, 5 per cent, or 8 per cent, or 4 per cent per annum has gone right back into the business.

At the present time we own in fee simple 28,065 acres of land, the book value it has practically cost us, plus the expenses of such improvements as we have made on it, being $448,716.85. We found it necessary to take money out of our business at other places and put into this land in order that we might continue in the sheep business; there were not men enough in that country at that time raising hay, in the Snake River Valley, where we are located, to provide us with hay, so we could be assured of a supply in the winter, and we found it necessary to put money into land in order to get raising areas and in order to have an assurance in the shape of hay against these hard winters. We had to do that or go out of business. The actual value to-day of those lands and water rights would be considerably higher owing to the unearned increment, the advances in the country, and of course the sheep business gets no credit for that. We have leased for grazing purposes from the States of Idaho and Montana 42,120 acres of land-grazing privileges from the Forest Service, for which we must pay. We feed annually 8,000 to 10,000 tons of hay. This hay requires labor, either on the part of ourselves or others, to produce, and we have an average number of employees on the monthly pay roll of 199 men, whose average wages are $57.77, not including keep.

The salary account for general management for handling this investment and handling this business is $7,200 a year, and in order that you may understand our labor charge is not padded I will state the total drawn by my brother and myself for managing this business is $300 each, and that is more than we have ever drawn until two years ago, and we thought then we would have our salaries raised $50 per month, but I feel that we will have to reduce them this fall. These costs are not estimates; they are taken direct from our books and summarized for the sake of brevity, but there is an unlimited amount of record, down to the canceled checks and the vouchers. As I told you, our accounts are divided in 155 accounts, keeping individually, as nearly as we can, every item that enters into the cost. The net results of these costs I have given you as above.

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Cost of production, wool and mutton.

Years.	Mutton.			Wool.		
	Number of lambs.	Weight in Chicago.	Lamb receipts.	Number of fleeces.	Weight of wool.	Wool receipts.
1906	59,675	4,118,493	$212,897.01	98,467	651,361	$149,339.69
1907	48,359	3,415,648	177,841.98	90,772	617,905	142,118.17
1908	38,775	2,872,998	122,983.71	81,830	554,347	88,958.48
1909	36,985	2,744,440	146,996.68	88,134	601,598	114,375.79
1910	42,013	2,857,610	138,758.79	86,647	541,916	127,461.50
Total	225,807	16,009,189	799,478.17	445,850	2,967,127	622,253.63

Cost of production, wool and mutton—Continued.

Years.	Price received.	Miscellaneous receipts.	Expense.
1906	$0.229	$22,861.60	$260,037.07
1907	.23	46,274.30	306,234.22
1908	.16	34,218.25	212,085.58
1909	.19	99,357.77	274,272.08
1910	.235	76,597.65	329,711.11
Total		279,309.57	1,382,340.06

Total, expense column	$1,382,340.06
Interest on investment not included in expense column	344,168.59
Total operating expense	1,726,508.65
Less receipts from every source other than wool and mutton	279,309.57
Total net cost of all wool and mutton produced	1,447,199.08

	Per pound.
Cost of wool production per pound (allowing 6 per cent on investment)	$0.2131
Average price received for wool for five years was	.2097
Cost of mutton production per pound (allowing 6 per cent on investment)	.0507
Average price received for mutton for five years was	.0497

Percentage of production of mutton is $56\frac{3}{10}$; of wool, $43\frac{7}{10}$ per cent.

Loss and gain by years and average gain from Nov. 30, 1905, to Nov. 30, 1910.

Years.	Capital.			Interest.		
	Capital and surplus.	Borrowed capital.	Total investment.	Interest on investment, 6 per cent.	Interest paid.	Interest unpaid.
1906	$1,145,003.10	$473,223.23	$1,618,226.33	$97,893.58	$58,877.03	$38,216.55
1907	1,250,855.03	552,628.04	1,803,483.17	108,208.99	39,104.11	69,104.88
1908	1,276,462.44	761,357.69	1,865,748.13	111,944.89	32,671.60	79,273.29
1909	1,232,429.25	585,931.76	1,918,361.01	115,101.66	40,244.43	74,857.23
1910	1,374,449.46	490,473.17	1,864,922.63	111,895.36	29,178.72	82,716.64
Total			9,070,741.27			
Average			1,814,148.25			

Years.	Loss and gain.				
	Gross gain.	Gain less unpaid interest.	Net gain.	Net loss.	Per cent of loss or gain.
1906	$107,152.45	$68,935.90	$68,935.90		4.2
1907	105,852.03	36,747.15	36,747.15		2.0
1908	4,033.31			$75,239.98	4.0
1909	55,906.81			18,890.42	1.0
1910	42,020.21			40,096.43	2.1
Total net loss for 5 years				134,826.83	
Total net gain for 5 years				105,683.65	
Average loss per annum				5,828.75	
Per cent total loss per annum				0.321	

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As an evidence that Canada anticipates just such a condition as this, let me quote from page 98 of the secretary's report:

"There were 17 townships along the international boundary line southeast of Wood Mountain, 11 townships southwest of Swiftwater, and between 60 and 70 townships north of the Canadian Pacific Railway set apart for sheep grazing. Quite an area in those districts can yet be leased for sheep."

In Salt Lake City, about a month ago, I found the cards of Messrs. William A. Dryden and W. T. Ritch, both marked "Department of Agriculture, Canadian Government, Ottawa, Canada, Live-Stock Branch." I met these gentlemen in Chicago whilst I was en route to Washington. Upon inquiry, found their mission to be a study of conditions in America and elsewhere, with a view to improving and extending the outlet for an increased production of Canadian mutton.

Now, they were very frank in their statements that they thought it would be a grand thing for the wool industry of Canada if they could come to the United States market, and it would grow and develop by leaps and bounds, and that probably they could successfully grow sheep and cheaply produce them. The thing they lack is a market. Their own population is not one-tenth of what ours is, and there is no inducement for them to grow because they can not compete with the frozen meat themselves up there, but still they can skin us down here, they having a new virgin country.

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Mr. HEYBURN. Here is a suggestion that I find among my papers which is applicable to the statement of both of these men, that the sheep business is not upon a satisfactory basis. That means that men will not continue in the business and that the

country will have to look somewhere else for the commodity which they produce. I read from this memorandum:

DUTIES MUST BE HIGH ENOUGH TO COVER WIDE FLUCTUATION ABROAD.

The wide and severe fluctuations here and abroad must be provided for in tariff schedules, otherwise there would be times when the importations would be so great it would take years to dispose of the products imported, thus displacing our own manufactures for a time too long to recover from. As an illustration, the importation of wool particularly, during the Wilson-bill period, was so great it took us at least four to five years to use up the importation of these wools that flooded the country at that time. The low fluctuation period found wools selling quite low at that time abroad and led to speculation on a wide scale.

I happened to find to-day some figures suggestive of that point. I find here a list of the importations into the United States of shoddy, which is the substitute in hard times for wool. It can be made to look like wool, and yet it is not wool, as we understand the term, or as it is grown upon our ranches.

Under the McKinley law for the three years, 1891 to 1894, the imports of shoddy into the United States were only 908,923 pounds. That is a very small item; it is insignificant as compared with the business. But under the four years of the Wilson law the importations of shoddy—now bear this closely in mind—were 86,263,030 pounds. That is what the Wilson law substituted for the wool of this country.

Not only so, but the evil committed then and there continued until that 86,000,000 pounds of shoddy had been absorbed by manufacture, worn out, and discarded. It was not only that they stopped the production of wool, but they brought in a substitute that sat in the seat of prosperity for years after the Wilson law had been repealed.

The total importation of shoddy in the last 13 years has been only 6,751,000 pounds, as against eighty-six million and odd hundred thousand pounds during the three years of the Wilson law with free trade in wool. That is a very serious consideration. It is the substitution in our market of an inferior article; and I have never seen an item that so completely demonstrated the evil of the substitution of foreign goods in our market as the table of the importations of shoddy.

Mr. President, there is another curious fact in connection with this matter. I have taken the table of the price of raw wool in Boston. In 1896 the price was 16 cents; in 1910 it was 29 cents.

The price has fluctuated, and the table is interesting in that respect, in the light of the suggestion I made a few moments ago as to the necessity of having any legislation sufficiently above and within protective lines to cover fluctuations. Just notice the fluctuations in the Boston market in raw wool—in 1896, 16 cents; in 1900, 34 cents. That shows the effect of the Dingley tariff law on the price of wool. It not only shut off the importations, which had doubled in spite of the importation and substitution of shoddy, but it restored a condition of prosperity in the wool business that enabled those men to get on their feet and to again begin producing wool. You can not put a flock of sheep in the market of production under four or five years.

The sheep did not remain back somewhere where you could go and drive them to the front again. They had gone out of existence. In 1907 the price of wool was 32. In 1908, 30; in 1909, 35; and in 1910, 29.

Now, I take that from Bradstreet's Journal. I have no doubt at all it is absolutely correct. Those are the Boston prices of wool.

Mr. DIXON. What grade of wool is the Senator quoting?

Mr. HEYBURN. Raw wool.

Mr. DIXON. What grade of raw wool?

Mr. HEYBURN. That is the standard quotation.

Mr. DIXON. Higher washed or Western Territory?

Mr. HEYBURN. That is western wool. I am speaking of western wool.

Mr. DIXON. Washed or unwashed?

Mr. HEYBURN. I have that table available, and I can go into it, but at the expense of more time than I care to occupy now. And these arguments are frittered away by such trivialities as that. I am speaking of the standard price of unwashed wool, according to Bradstreet's quotations on the Boston market.

During that same time scoured wool in Boston went from 48 in 1896 to 85 in 1910. Let us see how things move in unison. Take cotton during the same time. See what effect these times had on cotton. In 1896 it was 7.43, and in 1910 it was 14.45. It will be observed that the fluctuations were just about on a par with those of wool. The United States produces about one-eighth of the wool of the world, and the competing countries are those that are not settling up and civilizing as rapidly as our own. They are retaining their ranges and the conveniences of wool production and we are losing them. Of course, with a business made surely profitable, comfortably certain against continual disturbance, we could build up the wool-raising business in this country to the market of our uses or our consumption. But the inducements are not sufficient. There is nothing in the whole commercial world that is so continuously attacked and threatened as wool production. There is not a Congress, there is not a message, there is not a speech, in which some one is not proposing to change the duty or the commercial status of wool.

This argument to which we have listened this afternoon does not please me. It was strongly presented, but the presentation of it was against the wool interests. It was calculated to demonstrate that we could get along as well as we are now getting along, and maintain the boasted prosperity of this time, with an actual protection of only about 7 cents. It is not friendly to the wool interests to urge that doctrine. In my judgment it is not sound. The exception in the wool schedule of skirtings could readily be adjusted by transferring it to another section of the schedule. Why is it necessary to point out these evils, real or imaginary, unless you have a remedy? Is there a man interested in the prosperity of the wool industry, either raw or manufactured, who does not realize that it is running on too slight a margin, and that it is liable to frequent disturbance and in continual danger of destruction? That being the case, why should anyone come in here with an apology for a fraud that has really, according to the argument, reduced the actual duty on wool?

In many instances this question is discussed from an erroneous standpoint. Senators spend time juggling with figures here as to the price of this and that, and lose sight of the real question, which is, Shall the industry remain in the country at all? because if it does not remain no one is interested in whether it is profitable or otherwise. If the sheep industry disappears, and the production of wool shrinks at the rate that it did under the free-trade régime, it is not material to know the relation that the imports bear to the exports, or what would have happened had something else occurred. I am only dealing with it from the standpoint of maintaining and retaining this industry in the country. You can not compel a man to remain in a business by arguing to him that he ought to make a profit. The man himself will be the judge of that. If the Senate were to go in a body and insist that this business would be profitable the man upon whom whose energy and investments it depended for its maintenance would laugh at you. He would say, "Where is your pocketbook? Who is going to be the loser; you or I?" That is what he would say to you; and yet we waste weeks and months here in discussing how tolerable it may be to this man to skirt along the shores of failure and ultimately to be overwhelmed.

You figure that they all can produce wool at one price, and under one condition. My mind goes right to flocks and herds in the country with which I am quite familiar, and I see one man back 30 miles from the railroad. I have his statement here. His wool must be hauled to the railroad on wagons. The provisions consumed by his horses and his employees must be hauled from the railroad. The items of expenses incident to conducting a large business off the railroad are not necessary to be taken into consideration by the man whose sheep pens and shearing places are at the railroad, whose wool is carried upon the grappling hook from where it is baled to the platform by rolling it. You can not make a duty under which the second man can barely live and make what somebody else would call a reasonable profit, and force it upon the man who has extraordinary conditions to confront him. And yet that has been the whole effort here for weeks, not only in regard to wool, but in regard to everything else. You are acting and talking on the assumption that all men can produce commodities at as low a price as the man who is best equipped and located for their production. Someone has said we would compel the factories and mills of the country to come up to the most modern standard of equipment. You would. You would compel every man to be rich enough to do it.

If you had passed that loan-shark bill that we were discussing yesterday he possibly might manage to live. I can think of no other conditions under which anybody would survive except the man who could put in a factory equipped with watch-spring steel and the policy of large expenditures. You are going to make the other men go out of business and tear down their factories, forsooth, because they are not the most expensive that can be maintained. I think not. I would take the other man as the basis, as the criterion. He is the man who needs the protection more than the other man, who can build these magnificent factories and equip them. It is the man who has the one that is builded with his own money and his own effort who is entitled to protection. He owns it. The other man is merely the president of a company, and the stock-

holders are supposed to own the property. To whom are you going to give the first right? Whose rights are you going to give first consideration to? Throughout all this discussion, in my judgment, there has been serious error in apprehension of the standpoint from which we must deal with the people. It is all the people. The poor man is entitled to at least the same consideration as the rich. The wildest mistake I ever saw in a political platform was that in the last Republican platform, which talked about a "reasonable margin of profit." I suppose the man with a highly expensive mill would perhaps manufacture and make a profit where the other man would make none, and that is applicable to this business.

There are a large number of people in the United States engaged in raising wool. The statistics say there are over a million farms upon which sheep raising is one of the industries. There are the people represented by that many farms interested in this business, and yet you spend your time here splitting hairs between the cost of producing fabrics in the mills in New England or elsewhere. They say, "Yes; let the American producer go out of business and we will get our wool from some other quarter." It is rather interesting to see.

There are 347,320,749 pounds of wool produced in North America. We only produce 328,110,749 pounds of it. There is a big margin. These mills suppose they will buy of these other producers, or of the producers of South America, with its 436,000,000, or Europe, with its 804,000,000, or Asia, with its 210,000,000, or Africa, with its 139,000,000, or Oceania, with its 756,000,000. They go on gaily assuming they will buy cheaper than they could buy from our people. Just as soon as those people find that we have no supply of our own they will make the price. They will not only make the price of wool, but they will make the price of cloth and make the cost of living, so far as it is affected by those things. They will make it not for busy, industrious, prosperous people, but they will make the price of those things for the man who lost his job by reason of the business that he had been engaged in being terminated. They will make the price for those people. They will make the price for the American who wears clothes and needs the products of the flocks, and they will make the price of the meat we eat. They will fix the price of his living.

Do you talk about the low cost of living, considered in connection with this question? You are proposing to destroy not only the opportunity of a livelihood through the wage-earning capacity of the person employed, but you are going to destroy the product of his labor.

I am old enough to have seen it accomplished once pretty effectually. I saw men hiring others to drive sheep off their land, because the sheep were worth nothing and were eating up what grew on the land. I saw in one season 35,000 sheep driven by my home camp to hunt pasture, because they were outlawed in the land where they belonged. They were driving them around hunting some place where there was no one at home and they could allow the sheep to eat. You will see it again, too.

Because, forsooth, they juggle figures and perpetrate a fraud in regard to the skirting proviso in the existing law, we must accept that fraud as the standard of our future life. Once get a fraud established and that is the end of it; it stays there; you are not allowed to disturb it. You could not amend, if you are going to amend, by simply transferring that provision to the next section of the bill or eliminating the proviso. No, we have gotten far from home in the discussion of this question. My only sympathy in this hour is with those who are going to follow it. I have listened patiently here, as much so as any Member of this body, for days and weeks to the discussion of this question. I do not suppose that I am going to shed any new light in the minds of those to whom I speak. I do not know that a man ought to say that kind of a thing; I think, perhaps, he should not; but I feel a little that way.

But, nevertheless, it will never be said that when the contest now pending is referred to in the future I sat here like an idiot and did not know any better than to think that the juggling of figures in regard to the technical affairs of weaving cloth constituted the consideration or discussion of this question. I am not speaking for those people. Make the wool industry prosperous, and you will make the woolen mill prosperous.

I have some data here that I found last night in regard to the number of mills that went out of business during that time. They went out of business because there was no market for their commodity.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Idaho yield to the Senator from Ohio?

Mr. HEYBURN. Yes; I yield.

Mr. POMERENE. I am a new Senator in the Chamber. Will the Senator kindly inform the Senate who was responsible for that joker and the peculiar way in which it was drawn?

Mr. HEYBURN. That is another case of frittering away your time in doing a useless thing. What would it avail anybody to know who was responsible for it? I am not here to arraign this man or that who may have perpetrated a wrong, innocently or otherwise. That is no argument. Keep to the facts. The main question here is what are you going to do with one of the great industries of the country, not are you going to convict some man who was in Congress 20 years ago of being either a fool or a knave. You do not have to convict him of it. He has long since gone to his reward, and I hope his average was good.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Ohio?

Mr. HEYBURN. Yes.

Mr. POMERENE. I was simply asking for information, in order that we may be on our guard in the future, if any matters of that kind are to be perpetrated upon the public. That was the purpose of my question.

Mr. HEYBURN. Mr. President, if that was done purposely, it was not as bad as the complete annihilation of the industry. It was doing it some injury, but it was not destroying it. Perhaps the Senator had in his mind the idea of giving his Democratic brethren of that day a little boost for their wisdom and casting some discredit upon the Republicans of that day, or even of this day. That does not affect the right or wrong of the question at all.

Mr. POMERENE. If to seek the truth——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Ohio?

Mr. HEYBURN. I yield.

Mr. POMERENE. If to seek after the truth means what the Senator seems to indicate it does mean, I think we should pursue that inquiry further.

Mr. HEYBURN. Mr. President, there is some truth that is worth seeking after and some that is not. It is not worth while to spend any time to determine the result of two and two, nor is it worth while to spend any time to determine the mistake of those generations that have gone before us. All there is in the consideration of such deeds and such men is the good that they have done; nothing else. I never go beyond it.

Mr. President, I might be led on to open up this question, but I am not going to do it.

Here is another class of men who would go out of business to a large extent. In the State of Idaho we produced last year 1,473,000 tons of hay. Its value on the market was $13,257,000. That was fed to live stock.

Mr. BORAH. We have another hay producer now. Canada will furnish the hay now.

Mr. HEYBURN. Yes; and some of the border States and some of the other States that produce hay will probably realize that. But at this time I would merely call attention to the effect that this law would have upon this class of people. The injury here is twofold, or rather it presents two phases. You first destroy the market for this hay by destroying the flocks, and then, if you did not do that, you destroy the market by opening it to competition with Canada. Canada grows as good hay as we can. We know something about Canada. You can stand with one foot on each side of the line and both feet will rest upon the same character of possibilities.

But I merely called attention to that item. Not only will that hay grower be out of business and all the people who are engaged in it, but there is a large number of them who depend upon it for a livelihood. Hay will keep. I know stacks of hay in my State in preservation to my knowledge 7 and 8 years old; the hay is just as good as it was the day it was put up.

I undertook to count the number of stacks per mile looking out of a car window coming up one of our valleys two or three years ago, and they were so numerous I did not have time to count them between going in and going out of the mile. That is no exaggeration. Just try it some time. There are millions of tons produced. Those people will go out of business, because they will have only a limited market for their hay. There is no use in sending it somewhere else; almost every other State is just in the same condition, the law being of general application.

Live stock of all kinds are attached under the Canadian bill which we passed, and which Canada probably will not pass. Of course we had to set an example to the child. Being a large, full-grown nation, we cheerfully and joyously passed what is called the Canadian reciprocity bill. It looks now as though

they would have to go to the people, as they call it, in Canada. I have heard lots of that kind of talk here, about people who had their ear to the ground and were listening to the voice of the people. The Canadians are doing the same thing. They heard about our doing it and they thought they would do it. When they come back from the people you will not recognize them. They would look like the fabulous picture of the man who had been to see the editor. Those same men probably will not get back from the people; the people will send other men there.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. I yield.

Mr. SMITH of Michigan. If they fail to receive the necessary approval from the people there will be at least one comfort for the champions of the proposition, and that is that the print-paper feature of it will become a law without the consent of Canada.

Mr. HEYBURN. I have not been making war on the print-paper people, because they are making war on themselves. They have been gradually destroying themselves, and I rather hope they will either reform or complete the job before very long. During all the discussion of this question I have not referred to those people at all, because, as I said, they are committing business and personal hari-kari.

Montana has $10,000,000 worth of hay. I expect she will be interested if the flocks disappear. Those stacks will blacken there and wait for Republican prosperity to come along and make a market for them. Idaho, according to the census, averages 3 tons of hay to the acre. So it is pretty good land. I do not know what they will do with that land when it is no longer profitable to raise hay on it. They will raise something else on it. Then they will find that this Canadian treaty or this free-trade party in the country has destroyed their market for it. The only salvation is to keep the old Republican Party in power. When I say that I mean Republicans. I do not mean Republicans who think that the Government did not exist, or if it did exist was on a very uncertain and unsatisfactory basis until they came into power.

When I speak of Republicans I mean men who believe in a protective tariff that protects, men who never give a thought to the prosperity of other nations of the earth until after they have made their own people so prosperous that they can sit comfortably on their broad verandas and look out and survey the world without any feeling of uncertainty in their minds as to what may happen to them. I do not mean Republicans who are always threatening some change of government or change of policy. I say the country will never be safe until you have the Republicans in power and in power to stay and until the people realize that they are there to stay. Then they will commence doing business and they will not be afraid that somebody is going to get up and say, "Well, here we are pretty prosperous; there is not much excitement going on; let us go and bring in the people of some other country to disturb us, to take away our job from us, or to take away our market from us." Let us get rid of those people. Let them make their proclamations from their own cellars.

There is one ranch of which I happen to have the figures. A ranchman, a friend of mine, in Idaho, produced 10,000 tons of hay last year and fed it all to his own stock, and he had to buy some of other people. He told the Committee on Finance that with free wool or insufficiently protected wool he would go out of business, not from choice but from necessity; that he would go out of it because he could not make a living at it or in it.

There is too much temporizing with this proposition to change the wool duties. I do not mean to be harsh or to speak lightly of any man, but it has seemed to me that men were scared too easily. Just because somebody in some other place proposes to reduce the duty they get scared and say, "Oh, do not kill me entirely; only kill me halfway; I will split it with you."

The bill introduced by the Senator from Utah [Mr. SMOOT] which proposes to recede to about 9 cents, and the bill introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] which proposes to recede to about 7 cents, are the result of fright, political fright I mean, of course. They believe these people can do anything they say they are going to do. I hope they will get over it. When somebody tells me that they are going to take away a part of what I have or all of it, I submit the question to arbitration; I appoint myself arbitrator.

That is the condition here to-day. We are confronted with a lot of compromise offers that weaken men who really believe in protection, because you know that instead of counting your whole strength you have only a part of it. That is the trouble.

I had a Senator say to me in very recent hours that he thought we would have to give up something. Why give up something? Why not say to the other fellow "You can not get it. We have got votes enough to keep you from rifling the treasure chest of the people; you can not get it."

Mr. President, there was an old fellow from Wisconsin, Mr. Sterecker, who lives in Manitowoc, who made a statement before the Committee on Finance. I ask that this statement made on behalf of the sheep feeder, showing the condition of the enterprise, containing the statistics as to price and cost, be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

The matter referred to is as follows:

STATEMENT OF ARTHUR STERECKER, OF MANITOWOC, WIS.

Mr. STERECKER. Mr. Chairman and gentlemen of the Senate committee, I would like to read a little data that I have on sheep feeding in this country.

I live at Manitowoc, Wis., and have been engaged in the sheep and sheep-feeding industry for eight years past. During this period I have fed about 200,000 head of sheep and lambs with varying success.

[Statement of the National Woolgrowers' Association.]

General history of sheep feeding: The sheep feeder stands between the grower, or the producer of sheep, and the butcher or packer. His mission is to take the feeder sheep from the range or from the market, properly fit it for slaughter, which process requires peculiar adaptability and close attention to detail, and finally shipping the finished product to the various market centers.

Factors entering into sheep feeding: I find it convenient to make several groups of the principal factors entering into the feeding or fattening of sheep for market, and will divide the subject as follows:

(*a*) *The quality of sheep desirable for feeders:* I have found that the so-called coarse wools or mutton sheep give the largest returns in proportion to the amount of feed consumed, though the investment is perhaps a little larger. We purchase these sheep either by shipment direct from the mountain ranges of the far West or buy them at Omaha, Chicago, St. Paul, or other large markets.

(*b*) *Initial costs:* To the first cost of an animal bought for feeding purposes we might begin to add charges, the first item of which is usually a commission ranging around 5 or 6 cents per head. Secondly, whether bought on the range or the market, the item of freight charges to the point of feeding enters into the calculation. In addition to the above, we have general items of expense for traveling, etc.

(*c*) *Feed required:* The predominant item in the feeding or fattening of sheep or lambs is usually grain, wheat screenings, or some substitute therefor. Hay is a large, indispensable item, and at times we find it profitable to use oil meal.

(*d*) *Miscellaneous expense:* This group includes such items as salt, which is indispensable. The dipping of sheep, required by quarantine regulations of the Government; shearing occasionally necessary; pasture, where sheep are brought to the feeding station before the proper time to feed has arrived; insurance loss and interest on the investment. In addition to these miscellaneous items, we must consider the equipment, consisting of feed barns, yards, lots, feeder mangers, wagons, horses, and tools necessary to carry on the business. These investments are sometimes quite large, and the interest and depreciation or upkeep thereon make a considerable charge per year on the sheep or lambs fed. In my own case my plant represents a cost of about $30,000. A large item to be considered is that of labor.

(*e*) *Marketing:* After the finishing or fattening process is over we go to market. Here again we encounter freight charges from the point of feeding to market, yardage, and commission, and our gross cost is only ascertainable after all these costs have been added.

Concrete illustrations: I have thought the best way to give this committee an exact idea of the costs and hazards met with by the feeder in handling his business would be to give the exact results, in figures, of my own experience in the past year in the feeding of one lot of sheep and one lot of lambs.

About the 15th of October, 1910, I began to feed about 6,000 ewes which I had shipped in from Montana or purchased elsewhere. For convenience in figuring I have reduced the results to a per head basis, taking 1,000 head of sheep for the unit.

EXAMPLE NO. 1.

Cost and result of feeding 1,000 Montana ewes.

First cost per head on range	$1.65
Freight paid and feed en route to Chicago	.67
Total cost in feed yards	2.32
Hay, $13 per ton, one-half pound per day per head for 105 days, or $342.25 per 1,000, or 34 cents per head	.34
Screenings, $11.75 per ton, 2½ pounds per day, for 105 days, or $1,539.25 per 1,000, or	1.54
Corn, 50 cents per bushel, 1 pound per day, 50 days, or $446.50	.45
Salt	.01
Insurance (1¼ per cent on $5 per head)	.02
Loss from death and unavoidable causes	.07
Interest (at 7 per cent on $3.84, average value)	.07
Labor	.24
Interest and depreciation on equipment	.16
Total cost feeding per head	2.90
First cost sheep per head	2.32
Yardage, feed, commissions, etc., Chicago	.12
Total cost per head sold	5.34
Net returns on Chicago market, weighing 109	4.58
Showing loss per head of	.76

And I will state to the committee that those ewes topped the market every day they were in there for that class of ewes—well-fed western ewes——

Senator CLARK of Wyoming. Taking out your interest charge there, would it show a loss or a gain?

Mr. STERECKER. It would show a loss—a considerable loss.

Senator CLARK of Wyoming. It would still show a loss?

Mr. STERECKER. Yes, sir. The interest charges amount to, interest and depreciation, 16 and 7 cents—that is, only 23 cents charged for interest and depreciation for both the sheep and the plant. So that would only bring that down to 53 cents loss per head, regardless of interest and depreciation.

EXAMPLE NO. 2.

On Oct. 1 I began the feeding of 1,000 lambs at Manitowoc. These lambs cost $6.25 per hundredweight, weighing 52 pounds at Chicago, or, each	$3.35
Freight to Manitowoc, Wis., from Chicago	.12
Commission charges	.06
Total, first cost, each	3.53
Feeding cost:	
Clover hay, at $14.50 per ton, ¾ pound per day per head, or $487 per 1,000, or, per head	.487
Screenings bought locally at $11.75 per ton, 2 pounds per head for 40 days, ½ pound for 50 days, $810 per $1,000, or, per head	.81
Corn, 50 cents per bushel, 1 pound per day for 50 days, $366 per 1,000, or, per head	.366
Oil meal, ¼ pound per day per head for 30 days, or $103.75 per 1,000, or, per head	.104
Miscellaneous expense:	
Salt, per head	.001
Labor for 90 days' feed, per head	.21
Insurance, per head (1¼ per cent on $5 per head)	.01⅛
Loss per head, from deaths, etc	.087
Interest, per head (7 per cent on average value, $4.92)	.081
Interest and depreciation equipment, per head	.16
Making a total cost of feeding per head amounting to	2.32⅛
First cost on Chicago market	3.53
Freight, Manitowoc to Chicago, per head	.14
Yardage and selling commission	.12
Total cost, per head, sold	6.11⅛
Jan. 2, 1911, sold 980 lambs, Chicago, at average price, per head, of	5.12
	.995

Thus showing a loss of the difference, or 99⅛ cents per head, or a loss on 1,000 head of lambs fed amounting to $0.995.

On this particular lot of lambs—as you will note, I purchased them weighing 52 pounds—the selling weight was 80 pounds, thus showing a net gain during a 90 days' feed of 28 pounds, the total cost of which was $2.78, or about 10 cents per pound. The finished product weighing 80 pounds should have sold at least for $1.50 per hundredweight higher than was the cost of the original feeder lambs which I purchased. As a matter of fact, I sold them at an advance of only 5 cents per hundredweight over and above the price paid as first cost per hundredweight. This accounts in a large measure for my heavy loss.

I have endeavored to ascertain why the market had declined so seriously during the fall and winter months, and have come to the conclusion that it was owing to the agitation for free meats and a general prediction of lower prices for sheep, owing to the fact that Congress had threatened to remove the protection both from wool and mutton.

The feeding of sheep upon screenings and other by-products of agriculture has grown to be a magnificent industry. It is estimated last year that approximately 6,000,000 sheep were fed in the United States upon such products. It is my judgment that the men engaged in this sheep feeding lost close to $1 per head on each sheep handled.

The feeding of sheep is a matter of importance not only to the sheep feeder but to the general farmer of the Middle West, as it offers him a good market for his products and hundreds of these farmers directly engage in this enterprise themselves.

It appears to us, as sheep feeders, that we are able to furnish all the mutton that this Nation can consume, at fair prices, and it seems to us dangerous to lay down the bars and admit free sheep from Canada and free mutton from the world. Had our sheep feeders and sheep breeders received an unfair price for their products in the past the consumer might be justified in demanding a reduction, but since we have so fully shown that the average price received for sheep by the feeder is small the consumer can not justly have any complaint from this source.

I fully believe that if our markets are given to the sheep breeders of the Canadian Northwest they will develop a sheep industry of approximately 20,000,000 head. With the rapid development of her agricultural lands and her increased production of cereals it necessarily follows that the breeders of Canada will have access to vast quantities of cheap Canadian sheep foods, and if these sheep are to be permitted to enter this country free of duty it surely means that our breeders must sacrifice sheep feeding in this Nation, or else move to Canada and develop the industry there, where feed and other necessaries are obtained at a lower cost. As an evidence that the Canadians are already preparing to take over our feeder market, I wish to quote from Bulletin No. 12 of the Canadian department of agriculture, page 47:

"During the past few years sheep and lamb feeding has been carried on quite extensively at grain-shipping centers in Canada. At Moosejaw, Port Arthur, and other points sheep fattening has become an important industry. At these places very large quantities of elevator screenings, consisting of broken wheat, weed seeds, and short pieces of straw, are cleaned out of wheat prior to reshipping. The value of this material as food for fattening sheep and lambs is very high, producing rapid gains in weight and mutton of excellent quality. Previous to the fall of 1905 large quantities of screenings were annually exported from Fort William and Port Arthur to feeding yards in Minnesota, but since then this by-product has been fed at Port Arthur."

Even in the face of our present tariff the Canadian sheep man has found our markets an important point for the disposal of his sheep.

Quoting again from the above bulletin, on page 93, we have the following:

"In the year ending April 1, 1907, the export of lambs from Ontario to the United States amounted to about 125,000 head."

Every lamb or sheep that is brought from Canada to this Nation displaces one that is raised here. The product of the Canadian sheep breeder, if this treaty is enacted, will come directly in competition with the small sheep farmers of the Middle West and will probably mean that they will have to sacrifice the sheep industry.

The admission of mutton from Australia, New Zealand, South America, and other countries should be strongly condemned, for it must be admitted that meats, on their cheap lands and with their cheap labor, can be produced at a very much smaller amount than can be done by the breeders of the United States. If it were possible that the benefits of the admission of these foreign meats would be accorded to our consumers, there would at least be some argument in its favor, but it is admitted by all authorities that the packing interests of the United States are now in control or will shortly control the dressed meats of all foreign countries, and in order for these meats to reach the consumer of this country they will have to pass through the same hands that have been responsible for the high prices in the past.

Senator LA FOLLETTE. How long have you been engaged in this business?

Mr. STERECKER. About eight years.

Senator LA FOLLETTE. How extensively—how many sheep do you feed annually, on the average?

Mr. STERECKER. I have fed all the way from 15,000 to 25,000, at different points in northern Illinois and Waukesha, Wis., and in Manitowoc, Wis.

Senator LA FOLLETTE. How was the market prior to January of this year?

Mr. STERECKER. It was low in the fall, in October—September, October, November, and December. It was the lowest market we have seen for a good while; that is, the feeding of stock, what we call the feeder end, but it was still lower after January. There has been an unusual marketing of sheep this fall and winter, some say more so than in a good many years.

Senator LA FOLLETTE. That is, more sheep have been marketed?

Mr. STERECKER. Yes, sir.

Senator LA FOLLETTE. Do you think the agitation——

Mr. STERECKER. I think the agitation has had the most to do with it; there is no other apparent reason. It seems to be foolish to carry this stuff and send it on to the market.

Senator CLARK of Wyoming. I was going to ask you if you know—I confess that I do not, although I live in the sheep country and hear constant complaints—I think it is the fact that for the last year, or since the last shearing took place, the wool market has been practically dead.

Mr. STERECKER. It has.

Senator CLARK of Wyoming. In other words, there are many of the sheepmen in the country in which I live—a State which perhaps has as many sheep and as much wool as any other State in the Union—who have been accustomed for years to contract beforehand for the clip for a long while, and I did not know but what during the entire spring they were unable to bring that wool at any figure, and the price of the wool now; that is, the wool on the range, or at a station where it is shipped. Two years ago it was practically from 50 to 75 per cent higher than it is now.

Mr. STERECKER. A year ago you could get for a lot of fat sheep wool—surrounding Chicago, say—you could get from 22 to 25 cents a pound. The price now is from 10 to 18; 18 is an extreme. You might say from 15 to 17.

Senator CLARK of Wyoming. And that discrepancy in price occurs in the mutton sheep, just the same as it does in the wool.

Mr. STERECKER. Oh, yes, sir; the two collectively.

Senator CLARK of Wyoming. So that the loss is heavy all around?

Mr. STERECKER. The loss is very heavy all around. I have met men this winter—I meet probably 20 or 30 every time I go to Chicago—and they all have lost, every one of them. You must have a change of value as well as your gain to pay for feeding. You must change your sheep so that if you buy lamb at 6 or 6½ cents you must change these lambs to at least 7 or 8 cents. You understand what I mean; you must change the value of those sheep to get the value of the lower grade of sheep to get a profit out of them.

This year there has been no change in value, the fat sheep having sold no higher than the feeder at any time during the winter.

Senator KERN. You say wool has been reduced about 10 cents a pound?

Mr. STERECKER. The last year.

Senator KERN. About 10 cents a pound?

Mr. STERECKER. Yes, sir.

Senator KERN. The mutton about the same?

Mr. STERECKER. The mutton more than that—mutton, not lambs especially. A year ago we were selling lambs at from 8½ to 9 cents a pound, clipped lamb.

Mr. HEYBURN. Mr. President, I am going to leave the sheep industry at the mercy of fate. If these people have to stand and mark time in the business world for four years, they can do it; but when the command "forward, march" comes at the end of that time from some great commander who knows what it is to be a Republican, and they advance their foot, it will be to crush out trimmers and those who give in when a fight is put up to them.

Mr. WARREN. Mr. President, a number of others wish to speak on the pending measure from whom the Senate would probably rather hear than from me, as I confess to having been rather prolix on a former occasion when a wool tariff schedule was under discussion.

The speech of the Senator from Montana [Mr. DIXON] has had in it very much with which I agree, although I am not ready to admit that the general ruling wool prices in London are so near the Boston prices as now, or that first-class wool has received never above 5 cents per pound protection.

The 1910 Statistical Abstract shows:

Total production of wool (in grease) in the United States—pounds	321,362,750
Total amount of wool of all kinds imported into the United States, including wool on skins—pounds	263,928,232
Total amount collected on this importation	$21,128,728.74
Showing a revenue collected per pound of, on an average—cents	8+

A small amount of this imported wool was scoured and some washed, both of which took a higher tariff rate than the regular 11 cents per pound on class 1 and 12 cents on class 2; but,

on the other hand, 120,721,019 pounds of wool were of the third class, about 19 per cent of which took a tariff of 7 cents per pound, while about 81 per cent, or nearly 100,000,000 pounds—over one-fourth of our total importation—brought a revenue of but 4 cents per pound.

Thus it is fair to assume, I think, even allowing for the American woolgrowers' loss of percentage of protection through importation of skirted wool and wools of less shrinkage than ours of this country, so fully described by the Senator from Montana, that we have nevertheless received in normal times from 5½ to 8 cents real protection for American growers of No. 1 wool shrinking 66⅔ per cent, and sometimes the full 11 cents, when the woolgrowing industry was not menaced by threats of tariff revision, tariff repeal, and so forth.

I wish to say in explanation of what I alluded to a few moments ago when I interrupted the Senator from Montana, that the importation of skirted wools has been of insidious growth. It was done, in the first place, without permission, done in a sort of fraudulent way, as there was no affirmative law permitting it, and insufficient statutes against it. Finally, in later legislation—the Dingley Act—the woolgrowers, dealers, and all parties concerned, consented to it. The growers, all along, have been cognizant of the fact that they have not been getting constantly the full benefit of the 11 cents per pound rate on first-class, heavy-shrinkage wools. Unfortunately, we have had long periods of abnormal conditions which have depressed the American wool market and greatly reduced the tariff benefit to the grower. During the free-wool period following the passage of the Wilson-Gorman Act, and especially after the elections predicated the reimposition of tariff on wools, several hundred million pounds of wool and immense quantities of woolen goods in excess of current needs were imported free, and for some three years the market was loaded down with this free wool and cloth.

Then we have had, as now, threatened free wool or greatly reduced tariff; mills running on reduced time; trade sluggish, and prices drooping, until at times our wool prices in Boston and New York have been but from 2 to 3 cents higher than those in London.

In fact, the constant nagging at Schedule K, the threat of free wool, and the certainty that the tariff on wool and woolens would be made a political football for the time being and probably for a number of months longer, has had its deadly effect during the past two seasons, and the value of wool in the United States has shrunken to almost the foreign value, and the flockmasters are struggling hard to pay taxes and preserve their herds. It is but the truth to say that nearly all the large woolgrowers of to-day are carrying substantial debt loads caused by the hard winters and drought of the past two years and the low prices on wool due to the continual lambasting of Schedule K and everything and everybody connected with it or giving a good word for it.

This last spring, curiosity to know exactly what our wools would bring in foreign markets caused a shipment of wool to be made from the United States to Bradford, England, which was disposed of with the following results:

Results of sale of United States wool in Bradford, England.

Lot No.	Grade.	Shrinkage.	Grease price, Bradford.	Scoured price, Bradford.	Which netted Philadelphia in grease—	Current Philadelphia price was at the time—
		Per cent.	*Cents per pound.*	*Cents per pound.*	*Cents per pound.*	*Cents per pound.*
98	Half-blood Wyoming	65	15.71	44.88	14.69	18
1890	Wyoming original	71	12.67	43.70	11.71	14
32	Medium Montana	58	16.50	39.24	15.45	19 to 20
7870	No. 1 scoured			45.62	44	48

In the above calculation, freight and insurance at the rate of $\frac{1}{10}$ cent per pound are taken as the cost of delivering wool in Bradford; and in figuring the net price in Philadelphia (sold Bradford), the cost of delivering wool in Bradford and the selling commission are deducted.

In case of the scoured wool, the freight may be higher than on the grease wool, and the net price in Philadelphia proportionately lower.

From this table it will be noted that—

	Cents per pound.
Half-blood Wyoming was worth:	
In Philadelphia	18.00
In Bradford	15.71
A difference of	2.29
Wyoming original (unsorted) was worth:	
In Philadelphia	14.00
In Bradford	12.67
A difference of	1.33
Medium Montana was worth:	
In Philadelphia	19.20
In Bradford	16.50
A difference of	2.70

However, the real difference, if an American woolgrower should seek to sell in a foreign market, would be greater, because of expenses of exportation charges, including freight, insurance, commission, and so forth.

The natural effect of the low prices in this country is to cut down the importations of wool, as will be noticed from the following tables showing the importations at Boston during two successive weeks in this present month:

Transactions in wool at the port of Boston during the week ending Wednesday, July 12, 1911.

ENTERED FOR IMMEDIATE CONSUMPTION.

	Pounds.	Value.
Class 1	30	$7.00
Class 2	12,387	2,869.00
Class 3	54,963	9,937.00

ENTERED FOR WAREHOUSE.

Class 1	None.	None.
Class 2	32,163	$8,308.00
Class 3	627,160	77,946.00

WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION.

	Pounds.	Value.
Class 1	558,973	$114,946.00
Class 2	42,650	11,389.00
Class 3	367,928	47,098.00

Transactions in wool at the port of Boston for the weeking ending July 19, 1911.

ENTERED FOR IMMEDIATE CONSUMPTION.

Class 1	None.	
Class 2	None.	
Class 3	195,606	$31,360

ENTERED FOR WAREHOUSE.

Class 1	229,611	$47,757
Class 2	15,076	3,845
Class 3	13,875	3,402

WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION.

Class 1	362,000	$87,018
Class 2	40,161	9,506
Class 3	121,354	15,424

As some quotations of market prices have been made, I shall ask permission to insert in my remarks at this point in the RECORD a very complete list of prices current July 15, 1911, of domestic wools in Boston and also foreign wools at the same place, the latter being, of course, with duty paid. The reader in examining these figures will be obliged to follow the description carefully as to whether wools are unwashed, washed, or scoured:

Boston wool market, July 15, 1911.

DOMESTIC WOOLS.

Ohio and Pennsylvania Fleeces.

Delaine washed	29	at 30
XX	27	at 28
Fine unmerchantable	21	at 22

One-half blood combing	25	at 26
Three-eighths blood combing	24½	at 25½
One-fourth blood combing	24	at —
One-half, three-eighths, and one-fourth clothing	21	at —
Delaine, unwashed	24	at 25
Fine, unwashed	20	at 21
Michigan, Wisconsin, and New York Fleeces.		
Fine, unwashed	18	at 19
Delaine, unwashed	23½	at 24
One-half blood, unwashed	—	at 25
Three-eighths blood, unwashed	24	at 25
One-fourth blood	23	at 23½
One-half, three-eighths, and one-fourth clothing	19	at 20
Kentucky, Indiana, and Missouri Fleeces.		
Three-eighths blood	—	at 24
One-fourth blood	23	at 24
Braid	21	at 22
Black, burry, and seedy cotts	15	at 16
Georgia	20	at 21
SCOURED BASIS.		
Texas.		
Fine, 12 months	52	at 53
Fine, 6 to 8 months	45	at 46
Fine, fall	42	at 43
California.		
Northern	48	at 50
Middle county	46	at 47
Southern	45	at 46
Fall, free	40	at 42
Fall, defective	32	at 33
Oregon.		
Eastern No. 1, staple	55	at 56
Eastern, clothing	—	at 50
Valley No. 1	46	at 47
Valley No. 2	44	at 45
Valley No. 3	39	at 40
Territory.		
Fine, staple	55	at 57
Fine medium, staple	53	at 55
Fine, clothing	50	at 52
Fine, medium clothing	47	at 49
One-half blood combing	52	at 55
Three-eighths blood combing	50	at 51
One-fourth blood combing	47	at 49
Pulled.		
Extra	52	at 54
Fine, A	50	at 52
A supers	46	at 48
B supers	41	at 44
C supers	36	at 38
Fine combing	50	at 52
Medium combing	48	at 49
Coarse combing	40	at 45
California, finest	48	at 50
California, second	47	at 48
FOREIGN WOOLS.		
CLASSES I AND II—SCOURED BASIS.		
Australian.		
Port Philip combing:		
64s	80	at 81
60s	76	at 78
70s	83	at 84
80s	86	at 88
80s fine clothing	88	at 92
New Zealand.		
Crossbreds:		
36s to 40s	44	at 45
40s to 44s	49	at 50
46s to 48s	52	at 54
50s	62	at 63
56s	66	at 67
Geelong 46s	58	at —
Geelong 50s	64	at 65
Geelong 56s	65	at 67
Geelong 60s	76	at 79
Montevideo.		
Grease:		
Primera	33	at 34
One-half blood	35	at 36
Three-eighths blood	33	at 34
Argentine Crossbreds.		
Lincoln	29	at 30
Straight one-fourth blood	31	at 32
High one-fourth blood	33	at —
English and Irish.		
Lincoln wether	33	at 35
Irish hogs, super	39	at 40
Irish wether	37	at 38
Shropshire hogs	40	at 41
Shropshire wether	39	at 40
CLASS III.		
Aleppo washed	31	at —
Angora	17	at 17½
Bokhara, colors	17	at 17½
Bokhara, white	24	at 25
China combing	20	at 21
China, ordinary	15	at 19
Donskoi, ordinary	30	at 31
Jorias	36	at 37
Kandahar	35	at —
Karadi, choice	27	at 28
Karadi, ordinary	25	at 26
Khorassan, first clip	23	at 24
Khorassan, second clip	22	at 23
Pyranean	17	at 17½
Vickancer	34	at 35
Scotch	23	at 24
Mossul	26	at 28

On a former occasion, when there was some discussion of wool duties in progress in this Chamber, the Senator from Mississippi [Mr. WILLIAMS] sneeringly remarked that he would have the wools raised in foreign countries rather than in our own, because of better conditions in foreign climes than in ours; that it was not necessary for the United States to raise the bananas we eat nor the wool we consume, treating them as baby industries which must be braced up and supported by an outrageous bounty, but that we should turn our lands and our energies toward raising crops of a more stable variety, and let the foreign countries raise the wool, and so forth.

Well, Mr. President, we have to some extent been doing that. The party to which the Senator from Mississippi belongs has on many occasions shown an earnest of its desire to relieve the woolgrower, and to some extent the manufacturer, of all assistance and encouragement, and the other countries have had every opportunity, considering the large amount of wool we have been compelled to buy from them in addition to that we have raised, to cultivate, extend, and enlarge the sheep and woolgrowing industries. But, nevertheless and notwithstanding this fact, the world's supply of wool does not increase with rapidity, does not nearly increase as fast as the population, and the ratio of increase in woolgrowing in the United States compared with the growth in population has been fully as great as that of the most favored nation on earth in the woolgrowing line during all of those periods when we have had uninterrupted benefits from an adequate tariff. We need more wool and use more wool per capita than any other country. In fact, we use nearly one-fifth of the whole world's product, which is less than 3,000,000,000 pounds, notwithstanding our population is only, say, 95,000,000, as compared with 1,520,000,000, the approximate total population of the world.

To show the countries in which the numbers of sheep have increased or decreased during the 15 years between 1894 and 1910, I submit the following table:

The world's production of sheep, 1894–1910.

	1894 (in millions).	1910 (in millions).	Increase. (in millions).	Decrease (in millions).	Increase (per cent).	Decrease (per cent).
Europe	192	178	.....	14	.....	7¼
North America	48	63	15	.....	31¼	.....
South America	101	101	.....	.....	.....	.....
Oceanica (including Australasia)	119	115	.....	4	.....	3⅓

From this it appears that North America is the only continent in which there was an increase, and this increase, amounting to 31¼ per cent, has been due to the protective tariff act passed in 1897, the so-called Dingley law. Europe in the meantime has decreased her number of sheep 7¼ per cent; Oceanica, including Australasia, has decreased hers 3⅓ per cent, while South America has just held her own.

I am aware of the prevailing belief that we are not keeping up with the times in sheep and wool growing; that we are being eclipsed by the great woolgrowing countries of Oceanica and South America; but the cold facts and figures show that North America leads them all—and in this connection the United States may be considered pretty nearly as "North America."

Returning to the matter of proportion of increase in population and sheep, we will go back some years.

In 1880 we had 50,155,000 people and 40,500,000 sheep, or 807 sheep to each 1,000 people, or 45 per cent sheep and 55 per cent population.

After the four succeeding years and in 1884—after which time the effect of the tariff act of 1883 became apparent—we had 55,000,000 people and 50,500,000 sheep, giving figures in round half millions, or an increase of 918 sheep per 1,000 people, or 13½ per cent in proportion, bringing the percentage of sheep up to 48 per cent, as against 52 per cent population.

Under the depressing influence of the tariff act of 1883 we ran down hill again, as follows:

In 1889 we had 61,000,000 people and 42,500,000 sheep, or 697 sheep to each 1,000 people, a decrease of 24 per cent in the proportion, leaving the percentage of sheep 41 per cent and that of population 59 per cent.

Then followed the McKinley Tariff Act and adequate protection, with the result that in 1893 we had 66,000,000 people and 47,000,000 sheep, or 712 sheep to each 1,000 people, an increase of 2 per cent in 4 years, or 42 per cent sheep to 53 per cent population.

Then followed the Wilson law, and in 1897 we had 70,000,000 people and 37,000,000 sheep, or 528 sheep to each 1,000 people, a

decrease of 26 per cent in the proportion, or 35 per cent sheep to 65 per cent population.

Then came the Dingley Act of 1897, continued by the Payne Act of 1909, and in 1910 we had 92,500,000 people and 57,000,000 sheep, or 616 sheep to each 1,000 people, an increase of 16½ per cent in 13 years, making the proportion 38 per cent sheep to 62 per cent population.

These figures show clearly and conclusively that if we would permit an adequate tariff to remain undisturbed in protection of the woolgrowers we would constantly increase our proportion of sheep as compared to population, and would ultimately raise all the sheep we would need for wool to clothe our people and for meat foods such as are furnished by mutton to support our increasing population.

Furthermore, looking at the matter from a revenue viewpoint: Schedule K has brought into the Treasury of the United States since the Dingley law was enacted nearly $400,000,000. Last year the revenues from Schedule K were as follows:

Unmanufactured	$21,128,728.74
Manufactured	20,771,964.26
Total	41,900,693.00

As revenue producers sugar stands first, with returns for 1910 of $53,039,304.17, being an average rate of 52.27 per cent ad valorem.

Wool stands second, with returns for 1910 (as above) of $41,900,693, being an average rate of 44.31 per cent on unmanufactured and 90.12 per cent on manufactured, ad valorem.

Cotton stands third, with returns for 1910 of $38,077,844.04, being an average rate of 56.04 per cent ad valorem.

Tobacco stands fourth, with returns for 1910 of $24,124,239.34, being an average rate of 81.11 per cent on leaf tobacco and 84.30 per cent on unmanufactured tobacco, ad valorem.

So it appears that wool stands second to-day as a revenue producer, and at a lower ad valorem tariff than any one of the other leaders.

The reports of the Census Bureau will show as the number of wage earners in textile industries in 1909, 834,000. Of these, about 300,000 were engaged in wool manufacturers, including hosiery and knit goods of wool or part wool, and nearly 600,000, inclusive, were engaged on wool, if we include the manufacture of hats, caps, clothing, and so forth.

The latest wool figures give the value of the total manufactured wool product in 1909 a trifle over $500,000,000, and the value of the cotton product something over $625,000,000.

Interested in the growing of the wool are more people than there are engaged in manufacturing and working up the material, probably two to one.

The total number of sheep in the world is less than 700,000,000, the number having shrunken in the last 15 years about 40,000,000 head, while the world's increase in population during the same period amounted to nearly or quite 100,000,000. But during the 15 years mentioned, while the world's total number of sheep has shrunken 40,000,000, the sheep of this country have increased from less than 38,000,000 to 57,000,000.

Of the total number of 700,000,000 sheep mentioned, this country raises about one-twelfth; but of the wool raised for market our proportion is more than one-ninth, while our consumption of wool is over one-sixth and nearly one-fifth of the whole, as before stated. The United States, as I have also said before, consumes far more wool than any other nation in the world.

But, Mr. President, the mutton proposition is a most important feature affected by Schedule K. Removal of the duty on wool will put the mutton grower out of business as well as the woolgrower, excepting the growers of small bunches raised and conducted near large centers of population where early lambs and rare cuts bring high prices. The great mutton supply for the millions, that must be raised far away from market in the country where there is only grazing land, which does not ripen the mutton for market, where sheep must be transported by cars or boat from long distances to the corn-growing localities and there finished and then again reshipped and transported to the markets, can not be produced for the returns on mutton alone with wool a mere by-product. With both wool and meat as principal products, we can increase, as I have before remarked, both our wool and mutton supply up to our demands.

Of course the cost of raising beef, mutton, and wool—industries which require vast stretches of land for pasturage and for the raising of forage and grain—must increase rather than decrease as the population becomes denser and higher cultivation and price of land become necessary. But with better care, more liberal feeding, and first-class prices for first-class articles the returns will also be larger.

Again, as land increases in value, so must agricultural crops in all lines pay better returns.

Mr. President, in 1900 there were 10,181,615 persons engaged in agriculture. Of these, 4,410,877 were agricultural laborers, the balance farmers, stock raisers, dairymen, and so forth. Later figures would probably increase the numbers.

Now, Mr. President, are these more than 10,000,000 people, and nearly 5,000,000 laborers in the fields, to be condemned to free trade or a free-raw-material policy for everything they raise, while manufactured products of all kinds which they use and have to buy are the beneficiaries of a protective tariff?

For, even with the measures proposed by the Democratic Party and by those of the Republican Party who believe in lower duties, there remains protection for the manufacturer as against nothing, or nearly nothing, for this great mass of agricultural laborers; for an owner—farmer, stock raiser, or dairyman—is as much a laborer as his hired man, and oftentimes more so, for while the hired man or hired woman puts in the 8 hours a day contracted for, the owner and his family are often engaged 12 to 18 hours a day in order to keep the pot boiling and make both ends meet.

We, as patriotic and progressive Americans, must live and let live, and I can assure my brother Senators, and wish them to believe me when I say it, that less protection for the sheep growers than they now have means the practical wiping out of the woolgrowing interests of the United States.

I was here in this Chamber—I believe I was sitting in the very seat near which I now stand, although I was an ex-Member of the Senate at the time—and talking with the then chairman of the Finance Committee, Mr. Voorhees, and to another prominent member of the Finance Committee, Mr. Jones of Arkansas. It was during President's Cleveland's administration, when the Wilson bill was under consideration, and I then prophesied what would be the effect of free wool. While I do not claim to be a "genuine" prophet, the effect, nevertheless, was as I then stated it would be, and it will be that again.

When the last sundry civil appropriation bill was up there came an amendment from the Democratic side of the aisle, voted for unanimously, I think, by that side, that the Tariff Board should take up the wool proposition and should give us the benefit of its investigation before we met in December; and I beg of Senators upon that side and upon this side to carry out in good faith what was then done, what we have a right to expect, and not undertake to attack an industry that affects the million people directly interested in the woolgrowing interest and auxiliary interests without having better information than we now have. There were no hearings granted at the other end of the Capitol. We have had none here. We have the Tariff Board agents all over the United States now at work on wool and woolens; also in the foreign countries which raise or manufacture wools. It is a mere matter of waiting until next fall; and then, while we are not ready—at least I am not—to say that we are giving more protection to the woolgrower than we should allow, at the same time I believe I speak faithfully for the woolgrowers all when I say that they are ready to meet the issue and ready to take whatever may be your mature judgment, and to try to live under it after the case has been fully and impartially made up on the issues joined and judgment rendered.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. WARREN. Certainly.

Mr. BACON. I think it is extremely unjust to those who are engaged in this attempt to legislate to say that we are proceeding blindly, without any information; and I simply want to ask the Senator from Wyoming if it is not true that two years ago there were most complete, full, and ample hearings, all of which are now in print, available for the information of Congress; information not only now available, but information which all of us two years ago had not only the opportunity to examine but the actual duty, which we performed, of examining that elaborate testimony? Is not that true?

Mr. WARREN. Only a word in reply. The country did not seem to be satisfied with that finding, and certainly the Senator's party was not satisfied. So that in justice I think we should have a second hearing and make a second judgment.

Mr. BACON. I beg the Senator's pardon. I do not think he understood me accurately. My point is this, that we are not proceeding without information. There was then given to us the fullest information by the woolgrowers and the wool manufacturers, and conditions are not now, so far as I know, materially different from what they were then.

Mr. WARREN. Yes; there are differences in conditions. I have never said—at least, if I did, it was a mistake to say—that we are without any information; but certainly we have not the best or latest information. If there is any efficacy in

a Tariff Board that has given many months' work to this, and expects to give many more, this is the opportunity to test that question. And certainly every two years, or whatever time may pass, affects every industry, and we should have in this industry the very latest information before acting so drastically.

Mr. BACON. The Finance Committee of the Senate is composed of a majority of Republicans, and certainly they have had ample opportunity to possess themselves of information since this bill came from the House.

Mr. WARREN. On the contrary, the bill was referred by a vote of the Senate to the Finance Committee with instructions to report it within about 15 days, or not more than 19 at most, without instructions to have hearings, and under the evident assumption that there would be none. As a matter of fact, the time left for the committee was not sufficient to enable its chairman to notify the woolgrowers and have them prepare their briefs and appear before the committee.

The major portion of the wool grown in this country is raised in remote sections from two to three thousand or more miles from Washington, and the sheep owners at this time of the year are generally in the mountains with their sheep at places far away from railroads and post offices, and hence it was out of the question for the committee to secure information from the woolgrowers. Besides that fact, it was pretty well understood on both sides of this Chamber that the majority of those who voted for the hurry-up call on this bill did not desire any information from the woolgrowers nor from the manufacturers of woolens.

Mr. President, this wool bill seems to suit none except those who wish to use it for a political football. The free traders do not like it because it smacks of protection. The tariff-for-revenue-only people are not satisfied, because some think the rate too high and others think it too low. The protectionists are surely dissatisfied with it, because it is unscientific, lopsided, and inapplicable. As an example of the sentiment expressed, I wish to insert at this point an article from the Commercial Bulletin, of Boston—issue of Saturday, June 3, 1911—which is a trade paper that has made a specialty of wool and wool manufactures, along with other lines, for many years. This paper was for years a free-wool paper, advocating protection for the manufactures of wool—like many other papers in New England. It has been clamoring for the reform of Schedule K and the wool tariff for, lo, these many years. But the House bill does not suit even this organ of free wool or lower tariff; and it stoutly maintains, as will be noted in the article quoted, that:

Even the most rabid opponents of protection have discovered that free wool spells "ruin" to the woolgrowing industry of the United States. Free wool and the radically cut duties on woolens that once wrecked the manufacturing as well as the growing of wool in this country also means, as all but the rabid have recently discovered, such a reduction in the revenue as to make such a change out of the question.

And again:

A more contemptible sacrifice of the industries of the country for political effect has seldom been seen in American legislation.

Schedule K in its present form must go. The public will no longer tolerate it. When it does go, let us have something that shall be permanent, scientific, and equitable.

But I shall include the entire editorial. It is a fair specimen of its kind:

BUNCOMBE SCHEDULE K REVISION.

After much cogitation the Democratic members of the Ways and Means Committee have managed to produce a wool bill. This is a purely political bill, intended for political purposes, and while it is likely to pass the House, there is very little likelihood of its passing the Senate.

The essential feature in the bill is a change from the specific duties now imposed on wool to a uniform ad valorem rate of 20 per cent. This ad valorem rate is supposed to be the equivalent of a cut, roughly, of one-half the present duties on the raw material.

As a matter of fact it is a very much greater reduction than it appears to be. The present duties on wool are very much higher than an average rate of 44 per cent, as stated by Chairman UNDERWOOD in another column. Certain varieties of wool are absolutely excluded by prohibitive duties to-day and are unavailable to American manufacturers.

It is very fortunate that at least the foolish error of attempting to establish a sliding scale of duties has been definitely abandoned by all parties concerned. A yearly change in wool duties would mean a long protracted agony for the entire time consumed in the reduction, step by step, to ultimate free wool. Any change in the tariff should take place, once for all, after a reasonable period given to the trade to prepare for the new basis of business. The sliding scale has been tried before, and always with prolonged wretchedness and misery as a result.

It is interesting to note also that the radical program inaugurated by the Democratic Congress in 1893 has also been definitely abandoned. Even the most rabid opponents of protection have discovered that free wool spells "ruin" to the woolgrowing industry of the United States. Free wool and the radically cut duties on woolens, that once wrecked the manufacturing as well as the growing of wool in this country, also means, as all but the rabid have recently discovered, such a reduction in the revenue as to make such a change out of the question.

Of course, it is sheer politics that prompts the introduction of any wool bill at this time. Congress has authorized the employment of a Tariff Commission to investigate the conditions of wool importation and wool production. In utter disregard of its own legislation for scientific tariff revision the present House of Representatives has prepared a revision of the wool schedule, based on guesswork, pure and simple. Even if such a measure passed both Houses and was signed by the President it would again have to be changed in the light of the information to be shed by the Tariff Commission in its coming report.

A more contemptible sacrifice of the industries of the country for political effect has seldom been seen in American legislation.

Schedule K in its present form must go. The public will no longer tolerate it. When it does go, let us have something that shall be permanent, scientific, and equitable. It is idle to substitute for a schedule that with all its faults has at least made wool growing and manufacturing profitable mere crazy-quilt legislation that would benefit neither producer nor consumer and admittedly of so ephemeral a nature as to offer no hope of its continuance as a permanent settlement of the question.

The above differs somewhat from the articles that will be found in the acknowledged free-trade papers of to-day, as will be noted from the following, taken from a publication known as the Free Trade Broadside, edition of the current month:

A revenue tariff means repeated agitation and change incident to the ups and downs of party control. Free trade means a settlement once and for all of this most persistent and most troublesome issue of American politics. Let us build not on the shifting sands of popular impulse, but, basing our structure on the solid rock of equity and of justice, let us construct an industrial system which shall be in harmony with the laws of nature and with the highest aims of civilization and which shall bring increasing progress and well-being to mankind for all time to come.

There are a great many people in this country, including some manufacturers, and more especially those along the Atlantic coast, who, while believing in a protective tariff for themselves, wish everything to be free which they are called upon to buy. This spirit invades the professional men, too, who indulge the fallacious belief that, since their salaries or fees are duly prescribed, with a free-trade arrangement what they have to buy would be cheaper and hence their savings would be increased thereby.

While a superficial survey may indicate such a result, a deeper examination of the subject will develop that to sustain the salaries and fees enjoyed in prosperous times practically all classes of business must be prosperous; and experience has surely shown that general depression is more fatal to wage earners and salaried men than to those who employ labor in carrying on their various industries.

Some of our friends engaged in wool manufacturing, while believing in a tariff upon cloths, are anxious to have free raw material of every kind, and especially free wool. This class of narrow, selfish manufacturers finds various excuses to reach the thing desired without openly declaring for free raw material. A recent article in the New York Journal of Commerce and Commercial Bulletin, reprinted in and indorsed by the Boston Transcript, fairly illustrates this point. "It is to laugh" for the woolgrowers when they read such articles, for they know that, with the fertilizing benefits to the land used for sheep culture, and following the reclamation of vast stretches of arid and semiarid lands by irrigation and the dry-farming or deep-plowing process, great tracts of land, once nothing but sagebrush and sand, are now producing two to five crops of alfalfa and from 1 to 3 tons an acre per cutting, and are also producing other kinds of forage as well as small grains of all varieties, so that as the former "public range" has been taken up the increased productivity of the remaining portion is serving to increase the number of sheep which can be kept in a given county or State, rather than to diminish it.

Give the sheepmen, the woolgrowers, reasonable protection and you will hear nothing about decrease in flocks and shortage of land upon which to maintain them.

I will insert at this point the article I have referred to:

[From Boston Transcript, Mar. 30, 1911.]

NOT A PASTORAL LAND—THE TROUBLE WITH THE WOOLGROWING INDUSTRY OF THE UNITED STATES—THE LOGICAL AND ECONOMIC TENDENCY.

In view of the agitation for the revision of the wool schedule of the tariff the cry is raised in some of the Intermountain States that wool raising is becoming unprofitable. It is said that official figures show that the number of sheep in this country diminished from 45,000,000 in 1894 to 36,800,000 in 1907. That indicates that the sheep-raising or woolgrowing industry has not been greatly fostered by the tariff which had been in effect for 10 years before 1907. Would a removal of the duty on raw wool make any serious difference with it while supplying a sure stimulus to the industry of manufacturing woolen goods?

The trouble with making a flourishing industry of woolgrowing in this country is that it is not a land of shepherds or favorable to a pastoral life. As the land once free and unoccupied comes more and more to be taken up and settled it becomes more valuable for something else than for raising sheep. Other occupations are so attractive and lucrative for labor that sheep raising becomes too expensive, even if cheap land were still available. The fact is that even in Wyoming and Nevada the value of land and the cost of labor is becoming too high to make sheep raising a profitable business, and a tariff on foreign wool will not make it so without at the same time making woolen goods such an expensive luxury that only the rich can have them.

There will be considerable sheep raising on pasture lands as an incident of agricultural life so long as there is a wide demand for mutton for food, and wool will be an important by-product; but as land can be turned to other uses with more profit, and consequently rises in value, and as labor finds more lucrative employment than tending sheep, raising large flocks for the wool as a business is sure to decline. Woolgrowing will not be one of the industries of the country unless in a few restricted areas. There are other lands much better adapted to it

in parts of South America, in Australia and New Zealand, and in other countries that have no better use for a considerable part of their population than to make shepherds of them.

A pastoral life has its attractions, and no doubt it is more wholesome for body and soul than factory life, but it is to be feared that our country is not well adapted to it. We have been seeking industrial and commercial development, and the tariff has been devised to foster manufacturing industries. That was the excuse for adopting it and has long been the excuse for maintaining it, but there is nothing worse for infant or invalid industries than costly raw materials. If we are to have a woolen industry with any vigor or vitality or staying power in it, we must foster it by giving it a chance to get its materials to the best advantage. Then we may get the industry and also be able to wear woolen clothes, while the shepherds of Wyoming may find more profitable employment for their land and their labor.

One of the worst features of depending upon foreign countries for our clothing material, and one lamentably weak feature in the bill before us—in fact, in the propositions of both UNDERWOOD and LA FOLLETTE—is the shoddy question. The existing tariff against shoddy and rags is high enough to prohibit large importations of this disease-breeding, insect-bearing, filthy, cast-off clothing from foreign countries. To illustrate this I desire to quote a few figures.

Under the McKinley law the importations of shoddy were as follows:

	Pounds.
1891	215,714
1892	321,586
1893	229,583
1894 (8 months)	142,040

Under the Wilson law:

1894 (4 months)	4,028,901
1895	20,718,110
1896	17,011,149
1897	44,505,470

displacing this much pure wool and giving the people a fraudulent, inefficient, insanitary substitute.

Now, note the change.

Under the Dingley and Payne laws:

	Pounds.
1898	459,197

only about one one-hundredth part of the amount imported the year before; and since that time it has averaged less than a half million pounds a year, and in 13 years has amounted to only about one-seventh of the amount that was imported in the one year 1897.

As to rags and rags included with shoddy, I quote the following from the Philadelphia Daily Trade Record. This article shows the amount of rags and shoddy used in this country and also in the United Kingdom. It seems that the United Kingdom, with considerably less than one-half, or about 40 per cent, of the population of this country, uses over three times the rags and shoddy used in this country:

EDITOR DAILY TRADE RECORD.

SIR: "The rag-working industry of the United Kingdom consumes about 1,000 tons of foreign rags weekly and probably more than 500 tons weekly of rags of English production." (From the Wool Yearbook, 1911, p. 50, published in Manchester, England.)

The amount of shoddy consumed by woolen and worsted manufacturers in the United States in 1909 was 53,621,000 pounds.

From bulletin of the United States Census Bureau, April 4, 1911, page 4: "United Kingdom, per annum (1910), 166,000,000 pounds; United States, per annum (1909), 53,621,000 pounds."

Very truly, yours,

DOMESTIC WOOLENS.

And the following from a recent issue of the New York Sun gives still further light upon the rag and shoddy business, including the use of cotton with wool as a substitute ingredient:

[From the New York Sun, May 4, 1911.]

SHODDY.

WASHINGTON, *May 3.*

It is frequently asserted that unless we purchase a wickedly overprotected imported material the cloth of which our garments are made is a combination of cotton and shoddy masquerading as "all wool." A companion assertion is that American clothes contain more cotton and shoddy and less wool than formerly. The facts seriously disturb these notions.

In 1899 the mills of the United States used 193,000,000 pounds of scoured wool, 69,000,000 pounds of shoddy, and 40,000,000 pounds of cotton, while in 1909 they used 290,000,000 pounds of wool, 53,000,000 pounds of shoddy, and 20,000,000 pounds of cotton. The cotton and the shoddy are used chiefly in the production of suits the factory cost of which, finished and ready for wear, is $2.50 to $3 for a three-piece suit, and the retailing price of which is from $7 to $10. After a few days' wear they are not remarkable for their shapeliness, but they are strong and durable, as a rule, except in the matters of seams and buttons. The notion that free woolens would enable the purchasers of goods of that class to buy all-wool garments, equally durable and more shapely, at the same price is entirely false. The cloth from which such garments are made sells at about 30 cents a yard, double width, at wholesale. It might be imported and laid down in New York for about 20 cents a yard, duty free, but that would only mean the destruction of a now extensive domestic industry without reducing by even one cent the retail price of the garments.

The figures show that the use of wool in American mills has increased 50 per cent in the last 10 years, that the use of cotton in woolen mills has decreased 50 per cent, and that the use of shoddy has decreased about 23 per cent. This is accounted for mainly by the fact that the use of worsted fabrics has increased enormously, while the use of woolen fabrics in which shoddy is used has actually decreased. The quantity of cotton yarn purchased by the mills shows an increase of 11 per cent, but the net result is a decided decrease in the amount of cotton used as a material by the woolen manufacturers. The value of the product of all woolen mills, as represented by the selling price of the goods at the mills, shows an increase from $239,000,000 in 1899 to $420,000,000 in 1909. The greater part of this increase appears in the record of the last five years, the product value for the intermediate year 1904 having been $303,000,000. In the 1909 product value—$420,000,000—the cost of materials used is reported as $273,000,000, salaries and wages as $79,000,000, and miscellaneous expenses as $21,000,000; a total of $373,000,000. The selling value of the product being $420,000,000, there is left a margin of $47,000,000, or a little over 12 per cent, out of which must come profits and all business expenses not chargeable to cost of production. Just where and how the manufacturers manage to squeeze out of the otherwise unused balance that 100 to 150 per cent profit about which some of our Democratic Congressmen delight to talk is not easily seen.

These are official figures, obtained by impartial investigators.

And it is a fact, largely due to Schedule K, that the American people are wearing less shoddy and more pure wool per capita than any nation in the world, whereas under the Wilson Act we used for a time more shoddy, rags, and other forms of wool adulterants per capita than ever before, and perhaps the equal of or in excess of other nations.

So that we may have it of record here in our files for ready reference, I desire to insert the following table, showing the imports of wool for the fiscal years ending June 30, 1909, 1910, and 1911:

Imports of wool for the years ending June 30, 1909, 1910, and 1911.

Articles and countries.	12 months ending June—					
	1909		1910		1911	
	Quantities.	Values.	Quantities.	Values.	Quantities.	Values.
WOOL, HAIR OF THE CAMEL, GOAT, ALPACA, AND OTHER LIKE ANIMALS.						
Unmanufactured:						
Class 1.—Clothing.....pounds..dutiable..	142,580,993	$29,455,598	111,592,978	$27,231,052	40,041,167	$9,031,751
Imported from—						
United Kingdom	54,606,609	11,809,956	35,647,097	8,629,515	14,628,265	3,458,004
Belgium	4,723,078	998,417	2,259,610	488,272	41,891	9,077
Argentina	41,442,475	6,879,691	23,586,578	5,462,087	13,368,327	2,540,024
Uruguay	4,911,914	990,981	7,152,724	1,779,341	572,955	123,665
Australia and Tasmania	30,617,828	7,547,130	34,574,678	8,861,538	9,119,624	2,387
Other countries	6,279,089	1,229,423	8,372,291	2,009,699	2,310,105	513,616
Class 2.—Combing.....pounds..dutiable..	21,952,259	4,591,559	31,614,235	7,931,145	12,496,468	3,293,253
Imported from—						
United Kingdom	18,384,147	3,851,934	26,907,556	6,746,157	7,153,256	1,865,475
Canada	1,484,641	306,713	1,607,927	425,430	1,071,759	261,475
South America	1,907,693	381,631	2,504,980	628,932	3,109,446	742,688
Other countries	225,778	51,281	593,772	130,626	1,162,050	423,655
Class 3.—Carpet.....pounds..dutiable..	101,876,052	11,124,837	120,721,019	16,058,647	85,086,328	10,903,001
Imported from—						
United Kingdom	31,103,417	3,585,550	28,419,718	4,070,954	21,026,462	3,100,852
Russia in Europe	7,121,774	798,027	15,280,453	2,272,610	12,167,410	1,715,994
Other Europe	9,152,250	1,091,388	13,337,106	1,853,056	8,898,228	1,187,742
Argentina	6,672,175	712,351	3,674,644	411,575	3,780,755	455,888
Chinese Empire	32,272,982	3,119,597	38,061,762	4,463,445	28,089,334	3,070,472
Turkey in Asia	7,017,879	858,810	9,262,975	1,462,644	4,880,512	647,433
East Indies	4,472,166	537,470	6,396,012	825,899	2,043,405	243,789
Other countries	4,063,409	421,644	6,288,349	698,464	4,200,522	480,831
Total unmanufactured.....pounds..	266,409,304	45,171,994	263,928,232	51,220,844	137,623,965	23,228,005

Just a word about the shrinkage of these wools which we import. The shrinkage varies in scouring from 25 per cent in the low crossbreds to 50 per cent in fine crossbreds, and in merino wools from 48 per cent to 55 per cent. We import skirted wools in nearly every instance because they are of superior quality, cleaner, and shrink less.

A very good illustration of the difference between adequate and inadequate protection is shown by conditions in Canada both as to wool growing and manufacturing. In this country, with the tariff undisturbed, both growing and manufacturing progress and increase. But with the 30 per cent protection many of the Canadian woolen mills are closed and the balance are running without profit or satisfaction, while sheep growing is confined almost entirely to the raising of thoroughbred stock for breeding purposes, for which they have heretofore found a profitable market in the United States.

But aside from the growing and manufacturing of wool comes the subject of flesh food for our increasing population. Late statistics from the Department of Commerce and Labor give the startling information that the number of food animals in the United States has decreased by 5,000,000 since 1901, while the number of consumers has increased by about 12,000,000 in the same time, or between 1901 and 1910. The term "food animals" in this instance includes all cattle, sheep, and swine in the United States. This accounts for the increase in values which the late statistics and census reports show, and plainly points the outcome if, by ruinous tariff legislation, we cause the killing off of our sheep by the hundreds of thousands—by the millions, indeed—as occurred after the passage of the Wilson-Gorman bill.

Much is said by those who know little of the wool and woolen business—and the greater proportion of the people are of this class—about the great saving to the consumer that is to be brought about by the proposed reduction of the tariff on wool and woolens. How fallacious this idea is easily shown when we consider that the total amount of money received by the woolgrower for wool enough to make an all-wool suit of clothes is only $1.25 to $2, and the total amount received by a woolen manufacturer for the finished cloth required to make an all-wool suit is but from $3 to $6, notwithstanding the fact that this small sum of $3 to $6 covers all of the tariff complained of. After the farmer has received his $1.25 to $2, the major portion of which goes for labor, the balance that a consumer or wearer pays for a suit of clothes, be it $10 or $75, is expended very largely for labor, the balance being for cost of transportation, distribution, and so forth. In the $3 to $6 paid the manufacturer *for cloth* there has already entered a more than considerable factor of labor, and nearly all, from the price at the manufacturer's to the price on the back of the consumer, is for labor and costs which a change in the tariff on wool and woolens would not in any way minimize or affect, unless a severe reduction of wages and salaries should follow.

There will be no appreciable change in the price of clothing to the ultimate consumer by the passage of this or any reduction-of-tariff bill, and on this we can depend.

I beg my fellow Senators to think again and think seriously before they strike down the great industry of woolgrowing, in which a million farmers are interested, when it is a matter of exact truth that the total income to the farmer from the wool for a suit of clothes is a mere bagatelle, and even the amount paid to the manufacturer of cloth is not one that should be burdensome to the American consumer.

If great reductions are to be made in the price of American-made clothes, they can only be made at the expense of great reductions in the prices paid for labor all along the line, from the man who grows the wool to the final delivery of the made-up product to the consumer.

Mr. BORAH. Mr. President, if I should discuss the wool tariff, I should have to do so from a theoretical standpoint and without very much experience. Therefore, I do not propose to trespass upon the time of the Senate in that discussion, but I desire to insert in the RECORD, by permission, an address by one who has devoted years of his life to sheep raising, a man of extraordinary energy and exceptional ability, an address by ex-Gov. Gooding, of our State, upon this particular question. I ask leave to have the address printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The matter referred to is as follows:

ADDRESS TO ARIZONA WOOLGROWERS BY PRESIDENT F. R. GOODING.

I am glad to be in Flagstaff to-day to meet in convention with the woolgrowers of Arizona and discuss with you the conditions that confront our industry.

Again the sheep industry of America has become the football of the Democratic Party as a political issue, and unless the sheep men of the country wake up to the true situation there is grave danger of the destruction of our industry.

The Democratic Party has already passed two bills through the House of Representatives, one placing meats on the free list and another placing an ad valorem duty of 20 per cent on the value of wool that is imported into this country. When we come to realize that the ad valorem duty will be placed upon the foreign valuation of wool, we must understand that the bill just passed by the Democratic House gives but very little protection to the woolgrowers of this country. A careful estimate based upon the average price of wool in foreign countries for the past 10 years shows that this proposed law will give us a protection of from 2 to 3½ cents per pound on first and second class wool and from 1 cent to 1½ cents per pound protection on third-class wools.

A dangerous situation confronts our industry, for if either of these bills just passed by the Democratic Party through the House of Representatives becomes a law it means the passing of the great sheep industry from America for a number of years. There is but one thing left for the woolgrowers in the United States, and that is to organize and fight these measures to the last ditch.

Since President Taft's attack on Schedule K in his Winona speech, no question has attracted more attention than the revision of this schedule of our tariff law. President Taft believes that Schedule K should be revised, and I agree with him in this. But the questions that are of vital importance to the woolgrowers of this country are: Shall Schedule K be revised by the party which believes in the protection of the American industries? or, Shall it be revised by the party that believes in "free trade" or a "tariff for revenue only"? which we know from past experience means the destruction of our industry.

When President Taft decided that Schedule K ought to be revised, he asked Congress for an appropriation sufficient to make a thorough investigation of the whole matter of the cost of producing wool and cloth in this country and abroad. He selected some of the strongest men of the Nation, naming a nonpartisan board by selecting three Republicans and two Democrats, to make this investigation, and has asked them to report by the 1st of next December.

Let us hope that this is the beginning of a new policy for this Government—that of settling the great questions that affect our business interests through a commission whose duty it shall be to make thorough and impartial investigations, and report the facts to Congress, so that the men who pass our laws may have a better knowledge of the laws they pass and their effect on the business interests of the country.

In my opinion, President Taft's recommendation for a permanent Tariff Commission is the wisest step taken in the interest of our commercial world that America has ever known, for it means the settlement of the business affairs of this country in the broad light of common sense and sound judgment. The settlement of the business interests of this country in this manner should give confidence and stability to our commercial world and bring about a permanent prosperity such as we have never known before. It is time that the American people were saying that no political party shall make a football of the business interests of this country any longer.

But to-day we find the Democratic Party so anxious to play their political game in the revision of Schedule K that they are not willing to wait until the Tariff Board makes it report, although these same gentlemen gave their hearty support to the bill creating a permanent Tariff Commission when that measure was before the House in the last session of Congress. But a national campaign is coming on, and it becomes necessary for the Democratic Party to have an issue, and it must be evident to all those who have watched the movements of the Democrats in the past few months that they are to revive their old issue of "free trade" or "tariff for revenue only."

Let no woolgrower in the United States think for a minute that because the Democrats have placed a duty of 20 per cent ad valorem on foreign wool that it has been done for the protection of the wool industry of the United States.

Let me read to you what Mr. UNDERWOOD, chairman of the Committee on Ways and Means in the House of Representatives, says about this bill. I read from page 26 of the report of this committee:

"It is maintained by a very large number of our best economists and statesmen that the economical situation involved in our rapid progress as a Nation requires that our ports be thrown open to the importation of wool free of duty; and this view, based on the most profound consideration of the public welfare, has found expression in Democratic legislation. It is the constant intent of the Democratic Party to make the burden of the tariff taxes as light as possible for the people and to levy taxes upon a revenue basis as promptly as possible, for the party recognizes no justification whatever for tariff taxes except the necessity of revenue." Mr. UNDERWOOD goes on to say:

"The bill (H. R. 11019) is not to be construed as an abandonment of any Democratic policy, but in view of the Democratic platform for a gradual reduction of the tariff, and of the depleted and depleting condition of the Public Treasury, a result of Republican extravagance, a tariff of 20 per cent ad valorem on raw wool is now proposed as a revenue necessity."

Mr. UNDERWOOD seems to be especially anxious that there should be no misunderstanding in this matter, that there is to be no abandonment of Democratic principles. He has served notice on the woolgrowers of the country that the next step is to be free wool.

Mr. UNDERWOOD goes on to say—again I read from page 26 of the report of the Ways and Means Committee:

"The principal part of our woolgrowing is now in the far western or mountain States, which in 1910 produced about 50 per cent of the domestic clip. For a number of years the raising of sheep for wool has been a comparatively small incident of agriculture in the older and Eastern States. It is evident that the development of agriculture in the West is bringing into more profitable use a great deal of land heretofore used for pasturage, and with the steady increase in our population pasturage must give way more and more to agriculture throughout the continental United States. The raising of large numbers of sheep requires great ranges of suitable grazing land with suitable water and soil conditions. It is therefore evident that in the future, with our rapidly increasing population, if our people are to continue to use wool for clothing to a great extent, a large percentage of the domestic consumption must be imported, as has been the case heretofore. This will not means less demand for our domestic wools, but a greater and better demand for all the domestic wool that can be raised, if unwise restriction discouraging the use of wool can be avoided."

Mr. UNDERWOOD seems to understand only too well the effect of this bill, for he says that a larger percentage of our our domestic consumption of wool must be imported. He goes on to say that it will not mean a less demand for our domestic wools, but a greater and better demand

for all the domestic wools that can be raised, if unwise restrictions discouraging the use of wools can be avoided.

I especially want to call your attention to this part of the committee's report. Mr. UNDERWOOD could not have said anything plainer to the American people if he had tried, that after the sheep industry of this country has been destroyed there will be a greater and better demand for all the domestic wools that are left. A greater and better demand any school boy knows means a higher price for the wools that will be raised after the industry has been practically destroyed. Higher wools must mean higher clothing. So at the best Mr. UNDERWOOD only offers temporary relief in the high price of clothing by removing the duty on wool. So the great sheep industry of America is to be destroyed to give the Democratic Party an issue. Mr. UNDERWOOD seems to be under the impression that sheep can not be grown in America, and that sheep growing in the West, he says, "must soon give way to agriculture."

Those of us who are familiar with the range conditions of the West know that with proper encouragement the sheep industry can be increased in practically all of the Western States. Speaking of my own State—Idaho—I know this to be absolutely true. The great ranges that are used in my State for the grazing of sheep and cattle can not be used for any other purpose. It is too rough and rugged for agriculture. What is true in Idaho is true in most range States of the Union. I say, without fear of successful contradiction, that in most of the range States, with proper encouragement, the sheep industry can be increased, not only on the range but on the farms.

At one time the sheep business was a profitable industry in the East, before the Democratic Party destroyed it with their free-trade policies. It can be made profitable again in every State in the Union if proper protection is given to the industry, and it is a national disaster to drive the sheep from the farm. The Democratic Party is not only proposing to drive the sheep off the farms, but they have threatened the destruction of the great cattle industry by putting meats on the free list. Take the sheep and cattle off the farms in America, or reduce them in any considerable number, and you strike a blow at this Government that will prove to be a national disaster. One of the serious questions that confronts the American people to-day is that of soil exhaustion that is taking place in nearly every State in the Union. The one great struggle of the farmer to-day is to keep up the productiveness of the farm, and it can only be done with any success where live stock is used. You can not continue to take away from the soil and not put anything back. We must have more live stock upon the farms of America, even if it does cost more to grow beef and mutton than it does in foreign countries.

The Democratic Party is made up of great statesmen; but, of course, as a party they must have an issue, and the sheep industry of this country seems to be unfortunate enough to be their political football.

Let me call your attention to some more double-dealing of the Democratic Party, and I read from the CONGRESSIONAL RECORD of the Sixty-second Congress, first session, volume 47, No. 50, page 1866:

Mr. LONGWORTH of Ohio, asks Mr. RANDELL, a Democratic Congressman from Texas and a member of the Ways and Means Committee, this question: "I am asking a member of the majority of the Ways and Means Committee to state how much it is hoped or expected the price of raw wool will be depreciated."

Mr. RANDELL of Texas replies: "I would like to say to the gentleman from Ohio that it is impossible for the committee to know exactly what the changes in the price of wool may be; but, as one of the committee, I know the calculation of at least a large majority of the members of the committee is that the price of wool will be enhanced by this bill. This bill is in favor of the woolen industry by being in favor of the people, and there will be a largely increased demand for wool."

It is going to increase the demand for wool, that is what Mr. UNDERWOOD says also. So in one breath we find the leaders of the Democratic Party telling the woolgrowers of this country that they are going to give them a better demand and a higher price for their wool, and in the next breath they tell the American people they are reducing the tariff on wool to give them cheaper clothing. These great statesmen of the Democratic Party are hard to understand. I think I understand Mr. UNDERWOOD, and I fully agree with him that after the great sheep industry of this country has been destroyed there will be, as he says, a greater and better demand for all of the domestic wools we have left. But if I know anything about cause and effect or supply and demand, this means a higher price for wool, and in return must mean a higher price for clothing.

Now, let me tell you why I am for a revision of Schedule K. Schedule K has practised deception on the woolgrowers for a number of years, for it has not given them the just measure of protection that the framers of it intended they should have. Schedule K has always promised the woolgrowers 11 cents per pound protection in the grease, twice that amount on washed wool, and three times that on scoured wool, but under the manipulation of the importers but little more than half of this duty is now paid on imported wools. When Schedule K was first enacted, in 1867, under what is known as the Morrill bill, it might be said that it was a fair measure, for wools all over the world were very much of the same character at that time.

Certain importers and manufacturers contend that the law never intended to give our woolgrowers an actual protection of 11 cents per pound against foreign wools, but this contention is unsupported by the facts. When Schedule K was first enacted foreign wools shrank on an average of 66⅔ per cent, the same as our wool, and the entire law was constructed upon that fact. It does not require any complex process of reasoning to arrive at this conclusion, for the law says that on Class I wools imported in the grease the duty shall be 11 cents per pound; if imported washed, and washing removes one-half of the dirt, the duty shall be 22 cents; and if imported scoured, and scouring removes all the dirt, the duty shall be 33 cents per pound, thereby proving that the 11 cents duty on the grease pound was based on the assumption that wool shrank 66⅔ per cent. Should this not be evidence enough of the intent of the law. If we examine further, we find that in determining the compensatory duty that the manufacturer should have on imported cloth to compensate him for what the duty on wool had increased the cost of wool to him, we find that the law says the compensatory duty shall be four times the duty assessed upon a pound of wool in the grease, or 44 cents. Now, when wool shrinks 66⅔ per cent, it takes approximately 4 pounds of it to make 1 pound of cloth. Therefore the manufacturer was given his compensatory on this wool shrinking 66⅔ per cent. If the law did not presume that Class I wools in scouring shrank 66⅔ per cent, then it was dishonest to say that the duty on a pound of scoured wool of that class should be 33 cents and the compensatory on a pound of cloth should be 44 cents.

I think the confusion that comes to so many people in a discussion of Schedule K is from the fact that they do not understand what is known as the shrinkage of wools. So I am going to try and make myself plain in this matter. The shrinkage of wools, of course, depends entirely upon the foreign substance that is found in the wool as it comes from the sheep's back; the grease, the dirt, or any other foreign matter that is in the wool must be washed away before it can be manufactured into cloth. We call this scouring. This process of cleaning wool is almost as simple as the old-fashioned washtub. Now, I am sure that we can understand that the only thing of value to the manufacturer in a pound of wool as it comes from a sheep's back is the clean wool or scoured wool it contains. That is the only thing the manufacturer buys, if you please, when he buys wool in the grease. Years of experience have taught him to guess the shrinkage very closely. He always risks his judgment and buys wools in this way from the flockmaster.

Now, let me show you how the importer beats Schedule K. We will buy two lots of 100 pounds each of Class I wool, in the grease, on the London market. We will import the first 100 pounds into this country, and we must pay 11 cents per pound duty, or $11 duty for the 100 pounds of wool. We find that it shrinks 66⅔ per cent. In other words, we find that we have washed away out of this 100 pounds of Class I wool 66⅔ pounds and that we have 33⅓ pounds of scoured wool remaining, just what Schedule K presumes that it will do. Two pounds of dirt and 1 pound of wool. Now, we will import the other 100 pounds of Class I wool that is bought on the London market, and that, too, costs 11 cents per pound duty, or $11 duty for the 100 pounds we import. Now, here is where the importer beats Schedule K. We scour this 100 pounds of Class I wool and find we have only washed away 38 pounds, and we have 62 pounds of clean wool left, ready to be made into cloth. So we find that instead of importing 66⅔ pounds of dirt in the 100 pounds of wool in the grease we have only imported 38 pounds of dirt, and instead of only having 33⅓ pounds of clean wool, as we had in our first 100 pounds, we have 62 pounds of clean wool. We find that we have brought into this country 62 pounds of scoured wool for the same price that the law provides that we shall pay for 33⅓ pounds of scoured wool. Or, in other words, the importer, by buying light-shrinking wools on the London markets, has imported 28⅔ pounds free of duty. Instead of the importer paying 33 cents duty on a pound of scoured wool of the first class, you will find that he is only paying a duty of 17⅓ cents on a pound of scoured wool of that class. So instead of getting 11 cents per pound protection in the grease, as Schedule K says we are, on first-class wools, we are only getting 5⅔ cents per pound on these wools.

A thorough and exhaustive investigation has been made by the officers of the National Wool Growers' Association into the shrinkage of wools imported into this country. After searching the wool lofts of Boston and getting samples of wools and having them scoured, we find that the average shrinkage of the first-class wools imported into this country for 1910 was approximately 38 per cent. So the second 100 pounds of wool that I described to you as having been bought in London and imported in 1910 is a representation of the average importation of Class I wools to-day.

In looking at the provisions of Schedule K covering second-class wools, we find it permits greater deception than in the importation of first-class wools. Here, through a skillful manipulation of words, second-class wools are permitted to be imported into this country either washed or unwashed at a duty of 12 cents per pound. To some this has been known as the "nigger in the woodpile," or the "joker" of Schedule K. Here, again, a careful selection of second-class wools imported into this country in 1910, after having them scoured, shows that the average shrinkage of these wools is only 20 per cent. Or, in other words, the importer brings these wools in on a scoured basis for 15 cents per pound instead of 36 cents per pound, or at a duty of 5 cents per pound in the grease, as against 12 cents, as the law provides. So we find that the man growing second-class wools in America is receiving less protection than the man growing first-class wools. I am sure that we will all agree that when Schedule K is revised it should treat all woolgrowers alike.

Let me describe to you some of the methods that have been employed to beat Schedule K. The whole woolgrowing world has been pitted against Schedule K in its effofts to see how light the shrinkage of wools could be made. So persistent has been this effort that a phrase has grown up in woolgrowing countries of the world "suitable for American trade," meaning that it was an especially light clip, free from dirt, grease, and other foreign matter, and was "fit for America." Not that the wools were any better when this foreign substance was removed, but from the fact of the light shrinkage of these wools more scoured wool could be imported for the 11 or 12 cents in duty. To-day all first-class wools imported into this country are skirted and willowed. "Willowing" means throwing the fleece on a screened table; the wool is shaken so as to throw out all the dirt that is possible to remove in this way. "Skirting" means the taking off of the belly, the short wool around the legs, the dirty wool around the tail, the neck, and the head, leaving nothing but the cleanest part of the fleece to be shipped to America. Only the lightest fleeces out of the same flock of sheep are set aside for the American trade. The importers of wool into this country, of course, have encouraged the growers in foreign countries to handle their wool in this way, and some of the flockmasters in Australia have gone so far as to advertise their rams as "sires fit to produce wool for the American trade." So it is not strange when the whole woolgrowing world has been pitted against Schedule K that it has succeeded in beating the game and has destroyed at least half of the protection that Schedule K has always promised the woolgrowers of this country. The importers have not only destroyed the protection that the flockmasters of this country are entitled to, but this Government, through this method, has lost millions of dollars in duty. So we can understand why wool in this country for a number of years has been selling below the cost of production. Had Schedule K told the truth and given the importers of this country no opportunity to beat the law, and had it given the woolgrowers the full measure of protection that it promised them, and if our industry had not been so unfortunate as to have been the political football of the Democratic Party, the sheep industry of America would have been in a prosperous condition in years past, and we would now be growing ample wool to furnish the domestic demand.

When Schedule K is revised the woolgrowers will insist on a law that places the importation of wool into this country on a scoured basis. The men who want to beat Schedule K will say that this is impracticable; yet it is a well-known fact that every pound of wool purchased by the importers of this country is bought on that basis. Practically all the wools purchased in South America to-day come in on a guaranty that they will shrink a certain per cent. All the wool sold on the London market is sold on a scoured basis. Almost without exception samples are taken of the different lots of wools, and the buyer is assured of their shrinkage. A spirit of fairness to the woolgrowers of

this country and to the Government demands that we shall all know what the actual protection on wool is in the new law.

I do not believe that the American people want to see the great sheep industry of this country destroyed, nor do I believe they want to abandon the great principles of protection to American industries and American labor. And I am satisfied when Schedule K is revised they will be willing to give this industry ample protection to make it a successful and prosperous business.

Believing in the great principles of protection, and knowing from past experience that free wool means destruction to our industry, I am here to appeal to the woolgrowers of Arizona to organize and help save the great sheep industry; and, as president of the National Woolgrowers' Association, I shall call upon the woolgrowers of every State in the Union to do their duty in the great crisis that confronts us. It is our duty as woolgrowers to show the American people that the sheep industry is not responsible for the high cost of clothing, and it is our duty as woolgrowers to show the American people that the sheep industry can not exist in America without protection. This is not a theory, for we had a practical demonstration of free wool under the Wilson bill. The struggle of those four years is still fresh in the memories of the American flockmaster, when more than 10,000,000 head of sheep were driven to the slaughterhouses, and many of them did not pay the expense of transportation. We saw some of the best flocks in the world, upon which a lifetime had been spent in building up to a high standard of perfection of both wool and mutton, turned over to the butcher's knife and passed out of existence forever. To save the industry from total annihilation wages had to be reduced from 20 to 40 per cent, and we were forced to practice the most rigid economy in the cost of living. Only the plainest food was within our reach when we were forced to compete with the cheap wools of foreign countries. The average price of wool in my State (Idaho) was 6⅞ cents per pound.

You would expect the Democratic Party would be satisfied with ruining a great industry once in a generation, but in such a hurry are they to revise Schedule K that for the first time in the history of the country the woolgrowers were not given a hearing when legislation affecting their industry was under consideration.

Let us hope in this great struggle to save the industry there are men in the Democratic Party, in the Senate of the United States, who will be *big enough, strong enough*, and with courage enough to say to their party in no uncertain tones, "The great sheep industry of this country is a blessing to the American people and shall not be destroyed if our votes will prevent it."

If Mr. UNDERWOOD and the Democratic Party had taken the time to make a thorough investigation of the sheep industry in this country, they would have found that it costs 4 cents a pound more to produce wool in the West than it did a few years ago. A good portion of this is paid to the Government for grazing fees on the forest reserves. The balance is paid out in the increased price of labor, the increased cost of living, increased freight rates, and an increased price of everything that enters into the cost of producing a pound of wool.

Here are a few items of expense, if you please, that the American flockmaster must meet before his wool reaches the manufacturer:

In the West, figuring wool on a scoured basis, it costs the woolgrower 3 cents a pound for the privilege of grazing his sheep on the forest reserves for three and one-half months, or at the rate of more than 10 cents a pound, if you please, on the scoured basis, for grazing privileges the year round. We are paying the railroads of this country 6½ cents a pound freight on wool to the eastern markets, figured on the scoured basis. And we must pay the commission merchant in Boston 3½ cents per pound for handling and selling the wool to the manufacturers. These are fixed charges that are not within the power of the woolgrower to change.

We pay labor 20 per cent more than is paid in Australia and 300 per cent more than is paid in Mexico and South America. It is a well-known fact that it costs more to feed the shepherd dog on the ranges of the West than it does to feed the peons who are used for herding in some of the foreign countries, and yet the "free traders" would ask an America citizen to compete with these conditions.

In the protest made by the National Woolgrowers' Association against the free-meat bill before the Senate Finance Committee, Mr. Hagenbarth, of Idaho, and Mr. Knollin, of New Mexico, made a detailed statement showing the cost of every item connected with the sheep industry in the States of Idaho and New Mexico. These two ranches are ideally located for the economical conduction of the sheep industry, and are managed as carefully as any ranches in the United States. Mr. Hagenbarth shows that upon his ranch the average cost of labor for running his sheep for five years was $1.12 per head per year. He shows that the average annual cost for winter feed for each sheep during the same period had been 58 cents per head. He shows the average expense for grazing, taxes, interest, and general expense for five years to have been $1.58 per head, or an average cost of maintaining one sheep each a year, including 6 per cent interest on investment, had been $3.28 per head. He shows that it has cost on an average during this period 21.3 cents to produce a pound of wool, and it has cost 5.7 cents to produce a pound of mutton.

Mr. Knollin shows that on his ranch in New Mexico it is costing in labor for each sheep an average of 89.8 cents per head, and the total cost of running one sheep one year is $2.56 per head. He shows that it has cost on an average to produce one pound of wool 15.3 cents. These are figures that are sustained by vouchers and will be accepted by any court as truly setting forth the facts.

Now, let us look at the conditions that prevail in Australia and South America, the two greatest wool-producing countries in the world. Australia is recognized as one of the best sheep countries in the world. The surface of her land is covered with dense grasses and shrubs that furnish an abundance of year-long feed for sheep. The use of hay is unknown, and, in fact, it is not put up for sheep feed in that country.

The sheep industry of Australia is operated upon an entirely different basis from that obtaining in our own country. The lands, both in Australia and New Zealand, are leased to the sheep men in extremely large bodies for a period of from 5 to 20 years, at prices ranging from 12 cents per section (640 acres) to 10 cents per acre. It is said the average cost of grazing one sheep one year is 6 cents. It is estimated by all authorities that these lands will carry on an average of about one sheep to every acre and a half. This is for the year-long period. These leases range from 10,000 to 350,000 acres each, and are fenced with a wire fence against rabbits and other animals, and are again subdivided into paddocks, containing from 1,500 to 5,000 acres each. The sheep are turned into these paddocks with no one to care for them, except what is known as the fence rider, who goes through the various paddocks each day to see that everything is in proper shape. No herders are required, and at lambing time men on horseback ride through these paddocks and offer such assistance as may be necessary, it being estimated that one fence rider can look after as many as 5,000 sheep during the entire year, except at lambing time and when the sheep are rounded up for shearing, which is done on horseback, the same as cattle are gathered here. In order that you may know more clearly the carrying capacity of these Australian lands, I desire to give a brief description of some of their most important ranches:

In North Queensland, an important sheep district, an Australian correspondent says: "Regarding our sheep business on land from which the Crown draws a rental of from 2 to 4 cents per acre, it works out well, as for many seasons past holdings have been stocked up well, 1½ acres to one sheep for the whole district."

In New South Wales the Bundemar Ranch contains 40,000 acres, and runs from 30,000 to 40,000 sheep per year.

The Red Rock Ranch in New South Wales comprises 20,000 acres, and runs 20,000 merino sheep.

The Middlefield Ranch in New South Wales contains 10,000 acres, and runs 8,000 merino sheep.

In addition to the sheep on these ranches, quite a considerable number of cattle and horses are maintained. Thus it must be apparent to all that the carrying capacity of the New Zealand and Australian land is from four to six times greater than that of the western range land in the United States. It may be wondered at that these ranges are so productive, but this undoubtedly may be accounted for by the fact that the greater part of New Zealand and Australia has an average rainfall of from 18 to 24 inches per annum, and its climate permits grazing the year round.

In order that you may understand that hay is not relied upon as a feed for sheep, I quote some of the large land holdings in Australia and give the number of acres, as well as the number of acres cultivated on each ranch: Murtee Ranch, 343,600 acres, 167 acres cultivated; Marra Ranch, 252,900 acres, 10 acres cultivated; Avenue Ranch, 109,600 acres, 93 acres cultivated; Natillie Ranch, 322,300 acres, 29 acres cultivated.

The conditions of South America are superior to those obtaining in Australia, for we have innumerable Government publications which deal in detail with the great productiveness of the ranges of the Argentina. In that country alfalfa is sown upon the open range and produces a stand as great as that produced on the irrigated lands of this country. As much as 50,000 acres in a tract are seeded to alfalfa in South America and used solely for the grazing of sheep and cattle. You can imagine what the carrying capacity of such ranges would be.

Labor in South America commands an insignificant wage and consists largely of the native Indian and half-bred. These men receive in wages from $12 to $20 per month and board themselves. Sheep there are run largely in pastures, but in the more unpopulated parts herding still obtains.

There can be no doubt but that wool can be produced in Australia, New Zealand, and South America at less than one-half the cost in this country, due largely to the difference in the cost of labor and everything that goes toward the cost of producing a pound of wool. Take it on grazing privileges, the flockmaster of Australia is not paying more than 25 per cent of what the flockmaster who uses the forest reserves pays in America.

The question that the American people must settle is, "Shall the sheep industry be destroyed in this country because wool and mutton can be produced cheaper in foreign countries than in this?" Not only must the American people decide whether the sheep industry of this country shall be destroyed because wool and mutton can be grown cheaper in foreign countries, but they must decide whether the cattle industry shall be destroyed also. For if the free-meat bill becomes a law that has just been passed by the Democratic Party through the House of Representatives, the great cattle industry of this country must also become a thing of the past. For it is just as impossible to grow cattle in this country in competition with Australia and South America as it is to produce wool and mutton in competition with those countries. Free meats and free wool, together with reciprocity with Canada, leaves nothing on the protected list for the American farmer or the live-stock producer.

Let me say to the great manufacturing interests that this country could not endure half slave and half free, and if I judge the temper of the American people rightly, the farmers and live-stock breeders of this country will not submit long to a tariff on manufactured articles while all of their products are on the free list. If there is to be free, unrestricted competition with the world in the products of the soil of his country, then there must be free and unrestricted competition with the manufactured articles. If the labor on the farms and the labor of the live-stock industry is to be placed in competition with the peon labor of foreign countries, then the labor of the factories and mills must come in competition with the cheap labor of foreign countries. If the principle of protection is right, it is right all the way around. Nor is there any raw material produced on the farm. For the wool, the fat sheep, the fat steer, the wheat, oats, and the barley are the finished products of the farmer, as much as the output of the mills and the factories is the finished product of the manufacturer. All represent labor and all should be treated alike. If there is an honest difference in the cost of production of an article in this country, that honest difference should be given by a protective tariff, or else the industry that produces that article can not exist.

It seems to me that every American citizen should be proud of the fact that it does cost more to produce a pound of wool in this country than it does in foreign countries, for wool, like everything else that is produced, is a representation of labor; and who will deny that the high standard wages in this country is responsible for our splendid citizenship, and to reduce labor to the conditions in foreign countries would be a crime against this Government, and it must never be done.

We hear much about the high cost of clothing, and the sheep industry is charged with this responsibility. I deny most emphatically that the sheep industry or the protection placed on wool is responsible for the high cost of clothing, and I charge Mr. UNDERWOOD with knowing this to be true. If Mr. UNDERWOOD and the Democratic Party had made an investigation into the high cost of clothing they would know that the woolgrowers are not responsible for this high cost, and they know, too, that the high cost of clothing in this country can be charged to the corporate greed and an extravagant system of doing business in America.

Now let me show you what the American flockmaster gets for the raw material that is put into a suit of clothes:

The average price of wool in the grease, as it comes from the sheep's back, has been for the past two years 14¾ cents per pound. The average shrinkage of American wool is 61 per cent; that is, after it is washed or scoured, as it is called, 61 per cent of wool is washed away in dirt, grease, and foreign substances that is found in the wool as it comes from the sheep's back.

Now, in making this wool into cloth another loss occurs, so that it takes 19 ounces of scoured wool to make 1 pound of cloth. The average weight of a yard of cloth, taking what is known as the lightweight for

summer and the heavyweight for winter, is 14 ounces, and it takes about 3¾ yards of cloth to make the average suit of clothes, or 9 pounds of wool in the grease, and at the average price that this wool has been selling for the past two years at the railroad stations of this country—for 14¾ cents—we find that the American flockmaster gets the magnificent sum of $1.34 out of an all-wool suit of clothes.

Is there a man in America that this $1.34 that the woolgrower receives for all the wool that goes into a suit of clothes so poor that he has been denied the privilege of wearing an all-wool suit of clothes? I think not. I do not believe that there is a man in America that this $1.34 would be a burden to. One dollar and thirty-four cents, if you please, for all the wool in an all-wool suit of clothes, and don't forget that this is the best. This is cloth made out of what is known as first-class wools—the best wools in the world.

Now let us see what the manufacturer gets for his cloth. I find upon investigation that it is the custom for the great mills of this country to sell their cloth under contract to the great wholesale houses in our large cities at from $1.10 a yard to $1.75 a yard. So I find that the manufacturer receives about $4.40 for the cloth in a suit of clothes. This represents all that the woolgrower receives for a year's labor of growing the wool; all the railroad gets for hauling the wool some thousands of miles; all the commission men get for handling and selling the wool; and all the manufacturer receives for making it into cloth. Four dollars and forty cents, if you please, for the cloth in a suit of clothes, "all wool and a yard wide," ready to be made into a suit.

Now let us follow this cloth to the wholesalers—men who produce nothing at all, who neither spin nor weave—and see what they get for selling the cloth to the merchants of the country. A careful investigation shows that they charge from 80 to 140 per cent for distributing the cloth to the merchants, or, in other words, the great wholesalers get more out of a yard of cloth than the flockmasters, the railroad, the commission man, and the manufacturer all put together. Follow this cloth to your tailor, and you will find he has paid from $2 to $4 a yard for it. Now, let him take your measurement for an all-wool suit, and you will find it will cost you from $30 to $65, depending largely upon the location and reputation of the tailor. Next step into the retail merchant's establishment and ask for a ready-made all-wool suit of clothes, and you must pay from $20 to $30. Will Mr. UNDERWOOD guarantee the American people, if he is allowed to destroy the sheep industry of this country, that they will have cheaper clothing? I have a suspicion that this $1.34—all the woolgrower receives—would go to increase the profits of the wholesales and retailers before it reaches the American consumer.

The flockmasters of this country pay $60,000,000 a year for labor, the best paid labor for the growing of wool in all the world.

Mr. UNDERWOOD tells the people that one reason why they are levying a 20 per cent ad valorem duty on wool is because of the depleted condition of the Treasury; but upon investigation I find there is no truth in this, as the Treasury is not depleted, nor is there any danger of its being depleted under the present laws. The only time we have had a depleted Treasury in this country in time of peace was when the Democratic Party put wool on the free list and tried to operate this country under Democratic principles enacted into laws.

We hear much from the Democratic Party about the efficiency of labor in this country, and we are all proud of the fact that labor generally is more efficient here in this country than in any nation on earth. But the labor is more efficient here because it is better paid, and this gives the laborer a chance for better homes, better food, and better clothing. The home is always better, and the citizenship of the country is better where the wolf is kept away from the door.

Let us not forget that this is the twentieth century, and the whole world is advancing with a rapidity that was never known before. America is taking the lead in this great advancement of efficiency, and the American laborer is largely responsible for this advancement. The shorter hours and better pay he has received has given him a chance for self-improvement and he has become the inventive genius of the world. Let us continue to see that he is better paid than any other laborer on earth, and not throw our ports open, which means placing them in competition with the world.

Let us not become foolish about the efficiency of labor and believe that this is enough to protect him against foreign labor. I am sure that all who have watched the wonderful development of Japan during the last decade must realize that the Japanese are becoming wonderfully efficient in anything they undertake; and then will the "free trader" tell me why the Englishman, the German, the Frenchman, or any other foreigner can not be made just as efficient in his own country as he is in this? We must not forget that during the 50 years that a protective policy has been the law of this country it has built up conditions that can not be ignored. To ignore them would be a crime. You can not bring about a readjustment of business in this country by a reduction of wages, nor an increase in the hours of labor, nor should it be done.

The Democratic Party seems to be under the impression that they have been elected to inaugurate the free-trade policies again; but if they will look at the vote of the country that has given them a temporary control of the House of Representatives they will find that their majority was brought about largely by the Republicans staying at home and not voting. Hundreds of thousands of people in this country have become alarmed at the corporate greed that threatened this form of government, and they are impatient toward any party that is in power that does not regulate this great evil at once.

I sometimes wonder if the American people have forgotten the conditions that existed under the Wilson bill, when for the first time in 30 years the free-trade policies of the Democratic Party were enacted into laws. There can be no better demonstration than that given by President Cleveland's two administrations as President of the United States what free-trade principles mean when enacted into laws. During Grover Cleveland's first administration the Republicans had control of the Senate, so that it was impossible for the Democratic Party to enact any of their free-trade principles into laws. During those four years Grover Cleveland paid off $340,000,000 of the national indebtedness. But Grover Cleveland was elected a second time, and with him a Democratic House and a Democratic Senate, and here we find the free-trade principles enacted into laws, and oh, what a story of misery and suffering they tell. Hundreds of thousands of men were thrown out of employment and free soup houses had to be established in all the large cities to prevent death from starvation. Instead of paying off any of the national indebtedness he was compelled to sell $260,000,000 worth of bonds in time of peace to pay the running expenses of this Government. One hundred and seventy-seven railroads, with mileage enough to reach twice around the earth, could not meet their obligations, and were forced into the hands of a receiver. In those four years of free trade and Democratic rule the country witnessed 60,000 commercial failures, with liabilities amounting to $900,000,000. One hundred and seventy-five national banks closed their doors, and the balance of trade turned ruinously against us. If capital alone had suffered during those fours years it would have been bad enough, but those who suffered the most were the army of men thrown out of employment, many of them with families depending upon them for their daily bread.

Let us hope that the American people have not forgotten those years of depression, and that they will not try again those old policies of the Democratic Party that have always brought ruin and disaster when enacted into laws.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, communicated to the Senate the intelligence of the death of the Hon. GEORGE W. KIPP, late a Representative from the State of Pennsylvania, and transmitted resolutions of the House thereon.

RECESS.

Mr. PENROSE. Mr. President, in order to enable certain Senators to address the Senate on the pending bill, I move that the Senate take a recess until 10 o'clock to-morrow morning. Then the regular session will begin at 12 o'clock.

Mr. LA FOLLETTE. Mr. President, pending that, if the Senator will allow me——

Mr. PENROSE. Certainly.

Mr. LA FOLLETTE. I desire to say that at that time I should like to submit some observations upon the amendment which I shall offer as a substitute for the pending measure.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). The question is on the motion of the Senator from Pennsylvania that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Thursday, July 27, 1911, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 26, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, Father of all souls, we thank Thee for that deep and abiding faith which through all the vicissitudes of life holds us close to Thee; for the star of hope which illumines our way and leads on to nobler life and endeavor; for that subtile, pure, mysterious something which we call "love," which binds us together into families and friendships which time nor space can sever. Once more the angel of death has visited the congressional family and taken from this House a Member who, though modest and unassuming, promised a career of great usefulness to his State and Nation. Comfort his colleagues and friends, and be very near to the bereaved family; inspire them to look forward to a happy reunion somewhere, sometime, where sorrow and death never come. And we will ascribe all praise to Thee, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Saturday, July 22, 1911, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed wtihout amendment bill of the following title:

H. R. 4412. An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

The message from the Senate also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 323. An act for the payment of certain claims for damages to and loss of private property;

S. 943. An act to improve navigation on Black Warrior River, in the State of Alabama;

S. 3024. An act to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts; and

S. J. Res. 21. Joint resolution increasing the membership of the Joint Committee of Congress upon the Library.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3024. An act to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts; to the Committee on Interstate and Foreign Commerce.

S. 943. An act to improve navigation on Black Warrior River, in the State of Alabama; to the Committee on Rivers and Harbors.

S. 323. An act for the payment of certain claims for damages to and loss of private property; to the Committee on Claims.

S. J. Res. 21. Joint resolution increasing the membership of the Joint Committee of Congress upon the Library; to the Committee on the Library.

WITHDRAWAL OF PAPERS—KILLIAN SIMON.

Mr. KONOP, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Killian Simon, Sixty-first Congress, no adverse report having been made thereon.

TREATY OF 1832 WITH RUSSIA.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent that I may have five minutes in which to address the House.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. MANN. Mr. Speaker, I understand an announcement was to be made, and that the House was to adjourn soon. I think it is not desirable to have any other business transacted in the absence of a quorum.

Mr. GOLDFOGLE. May I say to the gentleman from Illinois that I merely rise to present to the House and to have printed in the RECORD a concurrent resolution of the Legislature of the State of New York?

Mr. MANN. The proper way to do that is to present it through the basket. The rules provide a method of doing that.

Mr. GOLDFOGLE. The concurrent resolution favors the abrogation of the treaty of 1832 between the United States and Russia, and I am sure the gentleman from Illinois can have no objection to printing that in the RECORD. I think the gentleman should accord that courtesy to the Legislature of the State of New York as well as to the people affected by the matter involved.

Mr. MANN. The Legislature of the State of New York is entitled to no more courtesy and no less than the legislature of any other State in the Union. The rules of the House provide a method of presenting such things.

Mr. GOLDFOGLE. The Massachusetts resolution was read the other day. I trust that the gentleman from Illinois will allow this resolution to be printed in the RECORD.

Mr. MANN. The gentleman from New York has the floor now. Why does he not use it?

Mr. GOLDFOGLE. Do I understand the gentleman from Illinois to withdraw his objection?

Mr. MANN. Oh, no; not at all. The question has not been submitted for objection yet.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. Does the Chair understand the gentleman from Illinois is objecting?

Mr. MANN. I have not heard any request submitted by the Chair yet.

Mr. GOLDFOGLE. I made the request.

The SPEAKER. The Chair put the question to the House: "Is there objection?"

Mr. MANN. I beg the Chair's pardon. I did not hear the request submitted. I was mistaken. But I do not think it desirable to have any business transacted to-day.

The SPEAKER. The gentleman from Illinois objects.

Mr. RUCKER of Missouri. Mr. Speaker——

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent that the resolution which I now present be printed in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent that the resolution which he sends to the Clerk's desk be printed in the RECORD.

Mr. MANN. Oh, I am not so easily caught as that. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. CANNON. The regular order, Mr. Speaker.

Mr. RUCKER of Missouri. Mr. Speaker, a parliamentary inquiry.

Mr. CANNON. I ask for the regular order.

The SPEAKER. The regular order is to lay before the House two reports from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4412. An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes; and

H. R. 12312. An act to amend paragraph 500 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

Mr. CANNON. I do not raise the point of no quorum. It looks as though there was no quorum, but I do not raise the point.

The SPEAKER. The Chair did not understand what the gentleman from Illinois said.

Mr. CANNON. I made the remark that I doubted if there was a quorum present. If there is not a quorum present, and the point is made, of course no business can be transacted; but I do not care to make the point myself.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 12312. An act to amend paragraph 500 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes"; and

H. R. 4412. An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. RUCKER of Missouri. Mr. Speaker, I ask the Chair to lay before the House the bill (H. R. 2958) which has passed the Senate, known as the publicity bill.

Mr. MANN. Mr. Speaker, if the request is made, I shall make the point of no quorum.

Mr. RUCKER of Missouri. Mr. Speaker, I hope the gentleman will permit me to make a statement and will reserve his point.

Mr. MANN. I understood that an announcement was to be made to the House, and if it is to be made it would be better to have it made now.

Mr. RUCKER of Missouri. Mr. Speaker, I should like to make a statement, if I may.

Mr. MANN. The gentleman can make the statement to-morrow.

The SPEAKER. It can be done by unanimous consent.

Mr. RUCKER of Missouri. I ask unanimous consent for five minutes to make a statement.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent for five minutes to make a statement. Is there objection?

Mr. MANN. At this time I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. RUCKER of Missouri. I object to the gentleman objecting.

DEATH OF REPRESENTATIVE KIPP.

Mr. ROTHERMEL. Mr. Speaker, at the request of his family, I desire to announce the death of Hon. GEORGE WASHINGTON KIPP, late a Member of this House and a Representative from the State of Pennsylvania, and I move the adoption of the following resolutions.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 247.

Resolved, That the House has heard with regret and profound sorrow of the death of GEORGE WASHINGTON KIPP, Representative in this House from the fourteenth congressional district of Pennsylvania.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral, at Towanda, Pa.; and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of these resolutions.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to, and the Speaker appointed as the committee on the part of the House Mr. ROTHERMEL, Mr. MCHENRY, Mr. WILSON of Pennsylvania, Mr. PALMER, Mr. DIFENDERFER, Mr. GREGG of Pennsylvania, Mr. LEE of Pennsylvania, Mr. SHERWOOD, Mr. LAMB, Mr. UNDERHILL, Mr. MCDERMOTT, Mr. OLMSTED, Mr. MCCREARY, Mr. LANGHAM, and Mr. ANDREWS.

Mr. ROTHERMEL. Mr. Speaker, as a further mark of respect, I move that the House do now adjourn.

The resolution was agreed to; accordingly (at 12 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, July 27, 1911, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HEFLIN, from the Committee on Industrial Arts and Expositions, to which was referred the concurrent resolution of the House (H. Con. Res. 11) requesting the President of the United States to invite foreign nations to participate in the celebration of the completion of the Florida East Coast Railway Co.'s line connecting the mainland of Florida with Key West, reported the same with amendments, accompanied by a report (No. 64), which said resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 499) granting an increase of pension to Benjamin F. Ralls, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 12808) to authorize common carriers engaged in interstate commerce to contract with newspapers for publication of schedules, etc., and issue receipts good for payment of transportation; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12809) relating to the regulation and transactions of corporations engaging in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12810) regulating charges for transportation of parcels by express companies engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12811) to provide for the physical valuation of railroad properties and to secure information concerning their stocks and bonds and boards of directors; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD: A bill (H. R. 12812) to reduce the duties on manufactures of cotton; to the Committee on Ways and Means.

By Mr. CURLEY: A bill (H. R. 12813) to refund duties collected on parts and accessories of lace-making and other machines imported prior to January 1, 1911; to the Committee on Ways and Means.

Also, a bill (H. R. 12814) regulating the compensation of watchmen, messengers, and laborers in the Post Office Department; to the Committee on Expenditures in the Post Office Department.

By Mr. TALBOTT of Maryland: A bill (H. R. 12815) requiring the Washington Spa Spring and Gretta Railroad Co. and the Washington Railway & Electric Co. to give mutual transfers; to the Committee on the District of Columbia.

By Mr. WILLIS: A bill (H. R. 12816) to provide for pensions to widows and minor children of soldiers, sailors, and marines who served in the War with Spain; to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 12817) for the erection of a public building at Dayton, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12818) to authorize the Secretary of War to continue and complete the locking and damming of the Cumberland River in Tennessee, above Nashville and to the Kentucky line, and in accordance with the plan heretofore authorized and adopted by river and harbor act of 1886, on or before July 1, 1916, and for other purposes; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12819) appropriating the sum of $60,000 for locking and damming and otherwise improving Richland River between Dayton, Tenn., and where it empties into the Tennessee River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12820) to establish a fish hatchery and biological station in the fourth congressional district of the State of Tennessee; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 12821) to repeal the various acts of Congress relating to the conveyance of the title of the United States to square 1131 and certain other land to Sidney Bieber, and for other purposes; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 12822) to provide a connecting highway between Massachusetts Avenue and R Street NW., along Lovers Lane; to the Committee on the District of Columbia.

By Mr. CAMPBELL: A bill (H. R. 12823) to prevent common carriers from leasing, subletting, or permitting other persons, firms, companies, or corporations to carry for hire, packages, parcels, or merchandise of any character; and requiring common carriers to furnish facilities and promulgate schedules of rates for carrying such parcels, packages, or merchandise on passenger, mail, or express trains, and providing for penalties; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 12824) to provide for the condemnation of land for highway and park purposes to preserve the Klingle Ford Valley; to the Committee on the District of Columbia.

By Mr. FRENCH: A bill (H. R. 12825) to provide for the building of good roads through the cooperation of the Federal Government, the States and Territories, and the counties thereof; to the Committee on Appropriations.

By Mr. STEPHENS of California: A bill (H. R. 12826) providing for the discovery, development, and protection of streams, springs, and water holes in the desert and arid public lands of the United States, for rendering the same more readily accessible, and for the establishment of and maintenance of signboards and monuments locating the same; to the Committee on Irrigation of Arid Lands.

By Mr. ANTHONY: A bill (H. R. 12827) providing for the discontinuance of the grade of post noncommissioned staff officer on the active list of the Army and creating the grade of warrant officer in lieu thereof; to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 12828) to provide for a public building at Sweetwater, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12829) to provide for a public building at Stamford, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. MURDOCK: A bill (H. R. 12830) to establish a fish hatchery in Butler County, Kans.; to the Committee on the Merchant Marine and Fisheries.

By Mr. CANDLER: A bill (H. R. 12831) to repeal sections 3412 and 3413 of the Revised Statutes and parts of sections 19 and 20 of an act amending the customs and internal-revenue laws, approved February 8, 1875; to the Committee on Ways and Means.

Also, a bill (H. R. 12832) authorizing and requiring the Secretary of the Treasury to issue noninterest-bearing Treasury notes in certain contingencies; to the Committee on Ways and Means.

Also, a bill (H. R. 12833) to increase the compensation of rural letter carriers; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 12834) providing for a certain percentage of cancellation of stamps and making an allowance for rents, fuel, and lights, etc., to fourth-class postmasters; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 12835) to prevent corporations engaged in interstate or foreign commerce owning stock in another corporation engaged in interstate or foreign commerce; to forbid them having duplicate directories; and forbidding them, when a trust, the use of the mails; to the Committee on the Judiciary.

Also, a bill (H. R. 12836) to secure depositors in national banks against loss, etc.; to the Committee on Banking and Currency.

Also, a bill (H. R. 12837) to prohibit the receipt, delivery, or transmission of interstate or foreign messages, or other information to be used in connection with, and to prohibit interstate and foreign transactions of every character and description that in any wise depend upon margins as a part thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12838) to extend the limits of Shiloh National Military Park; to the Committee on Military Affairs.

Also, a bill (H. R. 12839) to refund to lawful claimants the cotton tax collected for the years 1863, 1864, 1865, 1866, 1867, and 1868; to the Committee on War Claims.

Also, a bill (R. R. 12840) to grant to the several States all the public lands therein for common-school purposes when the same shall become less than 50,000 acres in such State; to the Committee on the Public Lands.

Also, a bill (H. R. 12841) to prohibit in the District of Columbia the intermarriage of whites with Negroes or Mongolians; to the Committee on the District of Columbia.

By Mr. CURLEY: A bill (H. R. 12842) to regulate the hours of labor of clerks and carriers in offices of the first and second

class in the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of New York: A bill (H. R. 12843) to fix the compensation of rural letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Resolution (H. Res. 248) authorizing certain committees to employ one messenger and janitor to jointly serve such committees; to the Committee on Accounts.

By Mr. ROBERTS of Nevada: Resolution (H. Res. 249) providing for the appointment of a committee to be known as the Committee on Investigators; to the Committee on Rules.

By Mr. RODDENBERY: Resolution (H. Res. 250) authorizing the dismissal of a certain number of the Capitol police force; to the Committee on Accounts.

Also, resolution (H. Res. 251) of confidence in and approval of the services of Dr. H. W. Wiley; to the Committee on Agriculture.

By Mr. CANDLER: Joint resolution (H. J. Res. 134) providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature; to the Committee on the Judiciary.

By Mr. ESTOPINAL: Concurrent resolution (H. Con. Res. 13) requesting the President of the United States to have a fair proportion of our war vessels assigned to New Orleans as their home port, to station defense vessels in the New Orleans Harbor to protect the Passes of the Mississippi River, and for other purposes; to the Committee on Naval Affairs.

By Mr. LENROOT: Memorial from the Legislature of Wisconsin, memorializing Congress to enact a law imposing a suitable license or other fee upon crafts navigating the Great Lakes and contiguous waters; to the Committee on the Merchant Marine and Fisheries.

Also, memorial from the Legislature of Wisconsin, memorializing Congress in regard to the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial from the Legislature of Wisconsin memorializing Congress to initiate or participate in a general world-wide movement for international peace; to the Committee on Foreign Affairs.

Also, memorial from the Legislature of Wisconsin relating to the ownership and operation of railroads, docks, and steamship lines necessary for the opening up of the Alaskan territory and the coastwise trade; to the Committee on the Territories.

Also, memorial from the Legislature of Wisconsin memorializing Congress to take such action as may be necessary to compel all interstate railroads to engage directly in the business of *carrying* and delivering express; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of South Dakota: A bill (H. R. 12844) granting an increase of pension to Lester J. Dack; to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 12845) granting an increase of pension to Jesse W. Dabbs; to the Committee on Pensions.

Also, a bill (H. R. 12846) granting a pension to Emma Boyle; to the Committee on Pensions.

Also, a bill (H. R. 12847) granting a pension to Samuel K. Stillman; to the Committee on Pensions.

Also, a bill (H. R. 12848) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Thomas J. Price, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12849) to carry into effect the findings of the Court of Claims in the case of T. A. Norris, administrator of estate of N. M. Aldridge, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12850) to carry into effect the findings of the Court of Claims in the case of John Wood; to the Committee on War Claims.

Also, a bill (H. R. 12851) in aid of the common schools of Mississippi; to the Committee on the Public Lands.

Also, a bill (H. R. 12852) for the relief of heirs or estate of T. M. D. Coln, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12853) for the relief of the heirs of Louisa Elliott, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12854) for the relief of the heirs of Sarah R. Farmer, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12855) for the relief of the heirs of Jeremiah E. Cunningham, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12856) for the relief of the heirs of Richard E. Holt, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12857) for the relief of the heirs of Gladney, Gardner & Co.; to the Committee on War Claims.

Also, a bill (H. R. 12858) for the relief of the heirs of Nancy Whitfield, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12859) for the relief of heirs of Sylvia Cannon; to the Committee on War Claims.

Also, a bill (H. R. 12860) for the relief of the heirs of M. A. McAnulty, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12861) for the relief of the heirs of George W. Gardner, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12862) for the relief of the heirs of Harriet F. and Robert McPeters; to the Committee on War Claims.

Also, a bill (H. R. 12863) for the relief of the heirs of Mary A. F. Peters, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12864) for the relief of estate of W. F. Young; to the Committee on War Claims.

Also, a bill (H. R. 12865) for the relief of estate of W. R. Smith; to the Committee on War Claims.

Also, a bill (H. R. 12866) for the relief of the estate of Richard Mann, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12867) for the relief of the estate of Mary H. Moore, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12868) for the relief of the estate of J. M. Cumby, heir of M. B. Cumby; to the Committee on War Claims.

Also, a bill (H. R. 12869) for the relief of the estate of Richmond Pace, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12870) for the relief of the estate of Andrew J. Kincaid; to the Committee on War Claims.

Also, a bill (H. R. 12871) for the relief of the estate of William Clement, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12872) for the relief of the estate of J. W. Hopkins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12873) for the relief of the estate of Richard D. Fielder; to the Committee on War Claims.

Also, a bill (H. R. 12874) for the relief of the estate of W. R. Smith, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12875) for the relief of the estate of Milton Crawford, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12876) for the relief of the estate of J. K. Morrison, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12877) for the relief of the estate of Josiah White, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12878) for the relief of the estate of R. C. Bumpass, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12879) for the relief of the estate of John Linton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12880) for the relief of Mrs. Jennie Gaston Henderson, sole and only heir of L. B. Gaston, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12881) for the relief of D. M. Whittaker and heirs of the estate of H. H. Whittaker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12882) for relief of George Kimberley and Sam Kimberley, heirs of M. P. Kimberley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12883) for the relief of Matilda H. Reed; to the Committee on War Claims.

Also, a bill (H. R. 12884) for the relief of Dr. O. R. Early; to the Committee on War Claims.

Also, a bill (H. R. 12885) for the relief of Isabella Rowsey; to the Committee on War Claims.

Also, a bill (H. R. 12886) for the relief of heirs of John Hamilton; to the Committee on War Claims.

Also, a bill (H. R. 12887) for the relief of Susan C. Robinson; to the Committee on War Claims.

Also, a bill (H. R. 12888) for the relief of Francis E. Whitfield and Lucy G. Whitfield; to the Committee on War Claims.

Also, a bill (H. R. 12889) for the relief of Lucretia Lambert; to the Committee on War Claims.

Also, a bill (H. R. 12890) for the relief of the trustees of the Baptist Church of Rienzi, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 12891) for the relief of J. W. Walker; to the Committee on Claims.

Also, a bill (H. R. 12892) for the relief of David Ingram; to the Committee on War Claims.

Also, a bill (H. R. 12893) for the relief of Mrs. E. A. Hubbard; to the Committee on War Claims.

Also, a bill (H. R. 12894) for the relief of B. H. Davis, administrator of the estate of Enos Davis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12895) for the relief of Mary Johnson; to the Committee on War Claims.

Also, a bill (H. R. 12896) for the relief of A. W. McClure; to the Committee on War Claims.

Also, a bill (H. R. 12897) for the relief of J. W. Causey; to the Committee on War Claims.

Also, a bill (H. R. 12898) for the relief of Sallie Sowell; to the Committee on War Claims.

Also, a bill (H. R. 12899) for the relief of J. R. Wilson; to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 12900) granting an increase of pension to Edward C. Blush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12901) granting an increase of pension to John M. Ambrose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12902) granting an increase of pension to James Savage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12903) granting an increase of pension to James M. Weatherford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12904) granting an increase of pension to John O'Brien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12905) granting an increase of pension to John W. Dare; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12906) granting an increase of pension to Peter McDonald, alias Peter Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12907) granting an increase of pension to John Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12908) granting an increase of pension to Joseph Welker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12909) granting an increase of pension to John J. Trimble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12910) granting an increase of pension to John A. Egan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12911) granting an increase of pension to Hudson Watkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12912) granting an increase of pension to Clifford R. Woodward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12913) granting an increase of pension to Frank Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12914) granting an increase of pension to Patrick McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12915) granting an increase of pension to John Atkins; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 12916) granting an increase of pension to Alexander Eakman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12917) granting an increase of pension to Samuel C. Hoover; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 12918) granting a pension to Martha F. Parker; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 12919) granting an increase of pension to Joseph M. Kirby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12920) granting an increase of pension to L. P. Leonard; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 12921) granting a pension to Wilfred W. Phaneuf; to the Committee on Pensions.

Also, A bill (H. R. 12922) granting a pension to Margaret A. Gately; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12923) granting a pension to Annie G. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12924) for the relief of Patrick Murphy; to the Committee on Claims.

Also, a bill (H. R. 12925) for the relief of Herman Hanauer; to the Committee on Claims.

By Mr. DODDS: A bill (H. R. 12926) granting an increase of pension to William W. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12927) granting an increase of pension to Mark Featherly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12928) granting an increase of pension to Alvaro Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12929) granting an increase of pension to William R. Holloway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12930) for the relief of Harrison Berdan; to the Committee on War Claims.

By Mr. DAVIS of West Virginia: A bill (H. R. 12931) granting a pension to Abraham Myers; to the Committee on Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 12932) granting an increase of pension to Carlton N. Willison; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 12933) granting a pension to William R. Chaffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12934) granting a pension to Sallie C. Dowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12935) granting a pension to Henry T. Dawson; to the Committee on Pensions.

Also, a bill (H. R. 12936) granting an increase of pension to Giles Walden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12937) granting an increase of pension to Martha J. McDuffy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12938) granting an increase of pension to Dixon A. Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12939) for the relief of J. K. P. Davis; to the Committee on Claims.

Also, a bill (H. R. 12940) for the relief of Martin L. Loftis; to the Committee on War Claims.

Also, a bill (H. R. 12941) for the relief of R. F. Pippin; to the Committee on War Claims.

Also, a bill (H. R. 12942) for the relief of heirs of Robert Wix, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12943) to remove the charge of desertion against Joseph P. Rollins; to the Committee on Military Affairs.

Also, a bill (H. R. 12944) to carry into effect the findings of the Court of Claims in the matter of the claim of Robert A. Dickson; to the Committee on War Claims.

Also, a bill (H. R. 12945) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Elvina Cunnyngham, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12946) authorizing the Secretary of War to recognize Calvin L. Smith, deceased, as having been a member of Capt. Bryson's company, North Carolina Scouts and Guards, Civil War; to the Committee on Military Affairs.

Also, a bill (H. R. 12947) authorizing the Secretary of War to recognize Richard B. Herrin, deceased, as having been a member of Company C, First Regiment Tennessee Mounted Volunteer Infantry, Civil War; to the Committee on Military Affairs.

Also, a bill (H. R. 12948) authorizing the Secretary of War to recognize John A. Elmore, deceased, as having been a member of Company I, First Regiment Tennessee Mounted Volunteer Infantry, later Fifth Regiment Tennessee Volunteer Cavalry, Civil War; to the Committee on Military Affairs.

By Mr. LENROOT: A bill (H. R. 12949) granting a pension to Joseph Jiles; to the Committee on Pensions.

Also, a bill (H. R. 12950) granting a pension to Louisa Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12951) granting a pension to Mary E. Stannard; to the Committee on Pensions.

Also, a bill (H. R. 12952) granting an increase of pension to Jonas Kyes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12953) granting an increase of pension to William Bold; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 12954) for the relief of the legal representatives of John Symns, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12955) for the relief of the legal representatives of James Dunn, deceased; to the Committee on War Claims.

Also, a bill (H. R. 12956) for the relief of the legal representatives of John H. Hansbarger, deceased; to the Committee on War Claims.

By Mr. McHENRY: A bill (H. R. 12957) granting an increase of pension to John McAlarney; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 12958) granting an increase of pension to Benjamin W. Schenck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12959) granting an increase of pension to Pleasant H. Wilson; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 12960) granting a pension to Wardell Guthrie; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 12961) granting a pension to Hugh Curley; to the Committee on Pensions.

By Mr. MORSE of Wisconsin: A bill (H. R. 12962) granting a pension to James Hotton; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 12963) granting an increase of pension to William J. Forbes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12964) granting an increase of pension to Almond Partridge; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 12965) granting an increase of pension to Patrick F. Harrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12966) granting an increase of pension to Mary E. Ball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12967) granting a pension to Margaret T. Martin; to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 12968) granting an increase of pension to John S. Hufford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12969) granting an increase of pension to John S. Dorshimer; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 12970) granting an increase of pension to Balser Hullihen; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 12971) granting a pension to J. A. McLoskey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12972) granting a pension to Rachel Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12973) granting an increase of pension to James W. Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12974) granting an increase of pension to Michael Fitzpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12975) for the relief of the heirs of Jacob Thomas; to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 12976) granting a pension to William Pace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12977) granting a pension to R. M. Bass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12978) granting an increase of pension to Zachariah T. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12979) granting an increase of pension to Benjamin H. Spurlock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12980) granting an increase of pension to George J. Hurt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12981) granting an increase of pension to Harvey Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12982) granting an increase of pension to James Sparks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12983) granting an increase of pension to John W. Forester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12984) granting an increase of pension to Green Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12985) granting an increase of pension to William Cottengim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12986) granting an increase of pension to Mrs. F. R. Blanton; to the Committee on Invalid Pensions.

Also, a bill (H. R 12987) granting an increase of pension to R. M. Bass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12988) granting a pension to Martha J. Watson; to the Committee on Pensions.

Also, a bill (H. R. 12989) granting an increase of pension to Benjamin H. Spurlock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12990) granting an increase of pension to Martin Lovitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12991) granting an increase of pension to William H. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12992) to remove the charge of desertion from the military record of William B. Estes; to the Committee on Military Affairs.

Also, a bill (H. R. 12993) to remove the charge of desertion from the military record of Charles V. Barber; to the Committee on Military Affairs.

Also, a bill (H. R. 12994) to remove the charge of desertion from the military record of James Brock; to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R. 12995) granting a pension to Frank Boren; to the Committee on Pensions.

By Mr. STONE: A bill (H. R. 12996) granting an increase of pension to William H. Weirick; to the Committee on Invalid Pensions.

By Mr. UTTER: A bill (H. R. 12997) granting an increase of pension to John S. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12998) granting an increase of pension to Sara M. Brown; to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 12999) granting an increase of pension to Handel P. Fisher; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 13000) granting an increase of pension to Samuel A. Moore; to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 13001) correcting the military record of Adolphus Yuncker; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of German-American Alliance of Rhode Island, approving House resolution 166, providing for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Papers to accompany House bill 12435, a bill for the special relief of William F. Crites; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: Resolutions by the Ben Franklin Club, Sioux Falls, S. Dak., approving House joint resolution 97; to the Committee on Appropriations.

By Mr. CALDER: Letter from the San Francisco Labor Council, supporting the resolution of Mr. FOSTER of Illinois, proposing a committee on public health and national quarantine; to the Committee on Rules.

Also, resolution of Kings County Republican general committee, favoring the Canadian reciprocity agreement; to the Committee on Ways and Means.

Also, memorial of Union Central Life Insurance Co., favoring House resolution 114; to the Committee on Rules.

By Mr. CANNON: Petition of Thomas Carmichael, of Vermilion, Ill., praying for the reduction of the duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. DAVIS of West Virginia: Petitions of Leslie Hawker & Co., H. J. Cross, and others, opposing a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Resolutions of Pennsylvania Pharmaceutical Association, indorsing Dr. Wiley, and a resolution opposing the Sherley drug bill; to the Committee on Expenditures in the Department of Agriculture.

By Mr. LEWIS: Memorial of Baltimore Chamber of Commerce, urging an amendment to the corporation-tax law; to the Committee on Ways and Means.

Also, petition from the Three Forks Supply Co., of Chaffee, W. Va., asking for a reduction in the duty on sugar; to the Committee on Ways and Means.

By Mr. MURDOCK: Petition of citizens of Conway Springs, Kans., for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Petition of Frederick W. Andrews, of Providence, R. I., requesting the passage of the parcels-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Brownell & Feild Co., of Providence, R. I., against the present rate of 2 cents per ounce on first-class mail, because it constitutes an unreasonable tax for the benefit of other classes of mail matter and favoring a rate of 1 cent on first-class mail; to the Committee on the Post Office and Post Roads.

By Mr. PALMER: Resolutions of Pennsylvania Pharmaceutical Association, indorsing Dr. Wiley and a resolution opposing the Sherley drug bill; to the Committee on Expenditures in the Department of Agriculture.

By Mr. PLUMLEY: Petition of L. T. Landman and 4 other residents of South Londonderry, Vt., asking for a reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SIMS: Petition of numerous business men of Paris, Tenn., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Resolutions of the Hartford Business Men's Association, in opposition to parcels post; to the Committee on the Post Office and Post Roads.

Also, resolutions of the National Association of Automobile Manufacturers (Inc.), urging upon Congress the imperative need for an amendment of the corporation tax; to the Committee on the Judiciary.

By Mr. UTTER: Resolutions of the Merchants' Association of Pawtucket, R. I., favoring a 30-foot channel for Providence River and Harbor; to the Committee on Rivers and Harbors.

Also, papers to accompany bill granting an increase of pension to Nancy Carolin, and papers to accompany House bill 12602, a bill granting an increase of pension to Jerry B. Foster; to the Committee on Invalid Pensions.

By Mr. WEBB: Petition of citizens of Morganton, N. C., asking for the establishment of a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Gaston County, N. C.; J. W. Wilson, B. F. Davis, I. I. Davis, and B. Bristol, of Morganton, N. C., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WILSON of New York: Letter from Elmer H. Van Nause, president of Local No. 1132, Retail Clerks' International Protective Association, Brooklyn, N. Y., protesting against the removal of Dr. Wiley; to the Committee on Expenditures in the Department of Agriculture.

By Mr. WOOD of New Jersey: Papers to accompany House resolution correcting the military record of Adolphus Yuncker; to the Committee on Military Affairs.

SENATE.

[Continuation of legislative day of Wednesday, July 26, 1911.]

The Senate met, at the expiration of the recess, at 10 o'clock a. m., Thursday, July 27, 1911.

TARIFF DUTIES ON WOOL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

Mr. LA FOLLETTE obtained the floor.

Mr. DAVIS. Will the Senator from Wisconsin yield to me for a moment?

Mr. LA FOLLETTE. I trust the Senator will not make a call for a quorum. I would prefer to go on. I think Senators will come in, and if a call should be made it would compel us to suspend proceedings.

The VICE PRESIDENT. The Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. I yield to the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. Mr. President, the Senator from Wisconsin has kindly yielded for a few minutes to me for the purpose of discussing the pending bill (H. R. 11019) to reduce the duty on wool and manufactures of wool. I did intend to go into this question in detail. I had hoped to have time enough to explain to Senators before the vote upon this bill was taken the working of Schedule K, beginning with the wool in the grease and following it until it was manufactured into clothing. But I am admonished by the Senator from Wisconsin that he would like to begin his speech at 10.30. Therefore, I shall have to content myself with discussing very briefly one or two points, leaving the question of a thorough consideration of Schedule K to some future time, more than likely after the Tariff Board has made its report.

I wish that the Senator from Montana [Mr. DIXON] were present, for, in a spirit of friendship and kindness, I wanted to call attention to some of the statements made by him yesterday, because I believe that he has been misinformed as to the price of wool in London and the price of wool in this country, or as to the grade and classification of the wools compared. On further examination I am positive the Senator would make the correction. If true, his statement proves beyond question that our woolgrowers in this country are in such a disorganized condition or so woefully lack business capacity that a tariff rate of any amount would not help them, for they sell their wool for the price offered them and do not take into consideration the world price, knowing that the manufacturer must import wools and pay the London price plus the duty, whatever it is.

Congress can not legislate a market for wool. That is impossible. It can legislate a duty upon wool in the grease of 11 cents per pound, a duty on washed wool of 22 cents, a duty on scoured wool of 33 cents a pound; but it can not pass a law directing the wool men of this country to sell their wool for 11 cents more in the grease than it is sold in foreign lands, grade, shrinkage, and classification being equal; nor can it say to the manufacturer "You must pay 11 cents per pound more for like wools." Eliminate from the present law the skirting clause and increase the rate on washed wools of the second class to twice that of wools of the second class in the grease and the average shrinkage of foreign wools imported into this country will be about the same as the American wools, grade for grade alike. I know for the last year the American woolgrower has not received much benefit from the tariff, but the reason for that is the fear of the American manufacturer, the only purchaser the woolgrower has, that the revision of Schedule K will place wool on the free list or nearly so. The manufacturer must look ahead at least one year, for it takes at least that length of time after purchasing the wool in the grease before he can convert the wool into finished goods and get returns from the sale of them. He is not like a merchant who can buy a sack of sugar to-day and it is sold to-morrow. One hundred per cent on wools with inadequate protection of the manufactured article would not benefit the woolgrower a penny, for with the American mills closed and woolen goods being furnished the American people by foreign manufacturers the woolgrower would have to look to the foreigner for a market for his wool.

Mr. President, the agitation which has been going on, through the newspapers and magazines of this country, I believe, moderately estimated, has cost the industries covered by Schedule K $150,000,000. It caused the farmers who grow wool to sell the clip of 1910 at $25,000,000 less than they received for the 1909 clip. Prices in the United States have fallen 30 per cent, while everywhere else in the world they have advanced 10 per cent. The prices in the value of wool carried over from 1909 to this year, with the goods made therefrom, has caused another loss of $25,000,000. There has been a shrinkage of $2 per head in the value of 25,000,000 sheep, making another $50,000,000.

But the most disastrous effect of this agitation has been felt by the laborers employed in the mills that manufacture wool. Lack of employment and loss of wages from this cause have been another $50,000,000, and this is the most cruel blow of all. These losses to a great American industry are caused by the fear of radical legislation. What the losses would be in case the House Democratic wool bill became a law no man can tell, but all must admit that it would be appalling.

We do know that to-day not to exceed 33⅓ per cent of the woolen cards of this country are running. The business stands almost paralyzed under the wicked assaults made upon it. All sorts of misrepresentations and falsehoods by individuals and press have been directed at Schedule K. It has been made the basis of criticism of the last tariff act. What has Schedule K done for this country? It has stimulated the manufacture of ready-made clothing, so that a suit in this country, fashionably cut and well tailored, made of an all-wool worsted fabric, can be bought for less money than would have to be paid in Europe for a similar suit made there by a merchant tailor, admitting that his cloth in Europe is only one-half the price of similar cloth in America. So an English laborer coming here could purchase a suit of clothes for one week's pay which he could not get in England for two weeks' pay. A German laborer could purchase a suit of clothes for one week's pay here which he could not buy in Germany for three weeks' pay. An Italian laborer could buy here his suit for one week's pay, which he could not buy in Italy for five weeks' pay. A Chinese or a Japanese laborer could buy here a suit of clothes for one week's pay which he could not buy in China or Japan for 14½ weeks' pay.

So I say, Mr. President, that Schedule K has not been so bad after all, when considering the grade and the price of clothing to the American people.

I wish that every American citizen actually knew what the manufacturer received for the cloth in his suit of clothes. I wish that every American citizen knew that a blue or black worsted serge can be bought by the American clothing manufacturer, he who makes the cloth into clothes, for from $2.90 to $5 per suit. I believe if he understood it there would not be this hue and cry against the woolen manufacturer of this country.

I realize, Mr. President, that while my State is chiefly interested in the development of the sheep industry and the growth of wool, its people must have a home market for that wool, or, no matter what duty is levied upon it, they would get no benefit from it. Therefore I am interested not only in protecting the woolgrower, but I am interested also in protecting the woolen manufacturer, because he is the only purchaser of the product of the woolgrower in this country.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Just for a question, because I have only a few minutes remaining.

The VICE PRESIDENT. The Senator from Utah declines to yield.

Mr. SMOOT. I do not decline to yield for a question.

The VICE PRESIDENT. The Chair misunderstood the Senator.

Mr. STONE. I have just come into the Chamber, and I failed to hear the previous remarks of the Senator. I wish to ask him whether he is defending in his speech the present duties in Schedule K of the Payne law or whether he is presenting reasons why they should be reduced according to his bill?

Mr. SMOOT. I have not the time to-day to discuss any particular bill; I have only a few minutes at my disposal. I am speaking on but one or two points affecting Schedule K.

The production of a woolen mill is sold to the trade six months ahead on samples made and submitted by it. These sample pieces are made by every mill twice a year, one lot called "lightweights" and the other known as "heavyweights." They are first made in blanket form, and the mill designer hardly knows whether the blanket will contain successful patterns or not. A blanket may contain a thousand different designs and but few found, after finishing, worthy of selection as popular sellers. The success of a mill greatly depends upon the designer, for if the samples made by him are not what the trade demands in color, styles, pattern, price, and finish the mill will be idle for want of orders, while if his designs are popular and the trade requirements met as to patterns, fabric, and price, the mill will be crowded with orders. No mill is always successful in this regard, nor always unsuccessful. Every cloth mill has a

designer, makes its own samples, submits them to the trade twice a year. For these reasons it is impossible to form a woolen manufacturers' trust. There is always the sharpest kind of competition.

There have been, Mr. President, statements made in the Senate and a sentiment created in this country that there was a woolen manufacturers' trust or monopoly. Any person who understands the manufacturing of woolen goods would never make such a statement. The plan of converting wool into goods is of such a nature that it is impossible, unless all or the great majority of the mills are actually owned by one corporation.

Mr. President, in the United States we have over a thousand woolen mills. The American Woolen Co., or the so-called trust, owns about thirty of these thousand mills. It has nearly 8,000 looms. In America there are nearly 70,000 looms. There is produced in this country over $450,000,000 in woolen goods. The American Woolen Co. produces between $28,000,000 and $35,000,000 of this amount. Every other mill in this country makes its own goods, submits them to the trade every year, sells its goods upon the samples submitted—there are no two mills with samples just alike—so I say it is impossible under these conditions to form a Woolen Goods Trust.

It has been charged by Senators not once, but a good many times, that the profits in the woolen business are exorbitant, and they claim that it is the result of the tariff that these immense profits are possible. I ask leave to put in the RECORD a table showing the actual profits of some of the leading mills in the different sections of this country. It shows that the average profit of those mills is less than 7 per cent per annum.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Average capitalization, average annual net return after deducting losses from dividends paid, and percentage of return on average capital for 1889–1908.

Companies.	Product.	Capital.	Net return.	Per cent.
Ætna	Wool	$268,750	$14,250	5.3
American Woolen	do	22,375,000	1,566,250	7.0
Amory	Cotton	1,212,647	90,530	7.46
Amoskeag [1]	do	4,143,000	477,880	11.53
Androscoggin	do	1,000,000	86,000	8.6
Appleton	do	[2] 517,500	825	.....
Arlington	Wool and cotton	2,762,438	243,247	8.8
Atlantic	Cotton	1,000,000	33,000	3.3
Bates	do	1,160,000	126,000	10.86
Boott	do	[2] 1,140,000	11,376	.....
Boston Duck	do	350,000	45,400	13.0
Cabot	do	724,000	20,220	2.8
Chicopee	do	[2] 890,625	10,944	.....
Cocheco	do	1,500,000	15,000	1.0
Continental	do	1,500,000	7,500	.5
Dwight	do	1,200,000	142,800	11.9
Edwards	do	1,021,250	72,500	7.1
Everett	do	700,000	34,350	4.9
Fisher	do	472,500	27,100	5.74
Franklin	do	862,500	24,500	2.84
Great Falls	do	1,500,000	149,250	9.95
Hamilton	do	1,800,000	81,900	4.55
Hamilton	Wool and cotton	1,000,000	30,250	3.02
Hill	Cotton	980,000	31,360	3.2
Jackson	do	600,000	36,600	6.1
Laconia	do	([3])	([3])	([3])
Lancaster	do	1,140,000	7,500	.66
Lawrence	do	1,218,750	75,000	6.15
Lockwood	do	1,800,000	92,700	5.15
Lowell Bleachery	do	335,000	1,700	.5
Lyman	do	1,470,000	56,595	3.85
Manchester	Wool and cotton	2,066,180	15,300	.75
Massachusetts	Cotton	1,800,000	101,700	5.65
Merrimack	do	2,930,000	133,813	4.57
Middlesex	Wool	750,000	30,375	4.0
Nashua	Cotton	1,000,000	79,250	7.92
Naumkeag	do	1,500,000	56,250	3.75
Newmarket	do	[2] 745,000	23,800	.....
Otis	do	800,000	79,200	9.9
Pacific	Wool and cotton	2,725,000	362,750	13.3
Pepperell [4]	Cotton	2,419,100	489,862	20.2
Salmon Falls	do	600,000	18,300	3.05
Thorndike	do	529,875	47,138	8.9
Tremont & Suffolk	do	1,672,500	121,600	7.27
York	do	975,000	70,800	7.26
Grand total		77,156,615	5,148,775	6.67

[1] Wool and cotton since purchase of Manchester in 1905.
[2] Loss.
[3] Merged with Pepperell in 1899.
[4] Includes Laconia for entire period.

NOTE.—Operations of Amory and Manchester are for 17 years and American Woolen since organization in 1899.

Mr. SMOOT. Mr. President, I want to briefly call attention to another matter, and that is the question of levying ad valorem duties on woolen goods. Every time that a bill has been passed since 1867 changing the system of specific duties or the plan of specific and ad valorem duties combined in Schedule K it has proved disastrous to the business in this country.

Mr. President, take the act of 1883, called anybody's act, but sired by nobody and damned by everybody, and what do we find? The specific duties were lowered especially upon clothes and wastes. The result was heavy importations and a period of depression in the woolen business. I have here a table showing the years, the rate of duty, the quantity imported in pounds, the value of the product, the duty collected, the average price per unit, and the average ad valorem duty. Take rags, shoddy, and mungo. Under a duty of 10 cents a pound we imported 1,235,360 pounds in 1884, the first year of the act. The importation grew until in 1889 we imported 8,478,984 pounds. Take the importations of the manufactures of wool, or of cloth, or of flannels, and the difference is as great, and in some cases greater. I ask to insert the table in my remarks, without reading.

The table referred to is as follows:

Importations under act of 1883.

RAGS, SHODDY, MUNGO, WASTE, AND FLOCKS.

Year.	Rate of duty.	Quantity.	Value.	Duty collected.	Average.	
		Pounds.			Price.	Ad valorem.
1884..	10 cents per pound.	1,225,360.50	$533,739.00	$122,536.05	$0.436	22.97
1886..	.....do.....	2,696,517.00	919,771.00	269,651.70	.341	29.32
1887..	.....do.....	4,902,381.00	1,855,618.00	490,238.10	.379	26.41
1888..	.....do.....	4,057,731.00	1,576,013.00	405,773.10	.388	25.75
1889..	.....do.....	8,478,984.00	3,339,480.00	847,898.40	.394	25.39
1890..	.....do.....	4,985,266.00	2,037,731.00	498,526.60	.409	24.46

CLOTHS—VALUES NOT EXCEEDING 80 CENTS PER POUND.

1884..	35 cents per pound and 35 per cent..	383,055.83	$242,975.17	$219,110.83	$0.634	90.17
1886..	.....do.....	510,377.80	313,678.81	288,419.83	.615	91.95
1887..	.....do.....	1,117,564.40	713,315.94	640,808.21	.638	89.81
1888..	.....do.....	1,736,705.86	1,072,993.27	983,394.69	.618	91.65
1889..	.....do.....	1,915,138.16	1,124,766.18	1,063,966.68	.587	94.59
1890..	.....do.....	7,715,276.96	5,156,205.19	4,505,018.95	.668	87.37

MANUFACTURES OF WOOL, N. S. P. F.—VALUES NOT EXCEEDING 80 CENTS PER POUND.

1884..	35 cents per pound and 35 per cent..	68,101.25	$41,307.17	$38,292.98	$0.607	92.70
1886..	.....do.....	99,540.50	61,691.78	56,431.30	.608	91.47
1887..	.....do.....	123,783.46	80,510.00	71,502.76	.650	88.81
1888..	.....do.....	109,508.60	62,771.00	60,297.85	.573	96.06
1889..	.....do.....	204,720.72	121,838.00	114,295.60	.595	93.81
1890..	.....do.....	260,636.93	157,133.85	146,219.85	.603	93.05

VALUES ABOVE 80 CENTS PER POUND.

1886..	35 cents per pound and 40 per cent..	574,713.39	$998,955.80	$600,732.02	$1.74	60.14
1887..	.....do.....	993,500.11	1,421,735.00	916,419.10	1.43	64.46
1888..	.....do.....	700,826.43	1,021,284.28	653,803.05	1.46	64.92
1889..	.....do.....	594,417.38	905,833.46	570,379.46	1.52	62.97
1890..	.....do.....	982,690.48	1,458,112.87	929,186.82	1.48	63.59

FLANNELS—VALUES ABOVE 40 AND NOT EXCEEDING 60 CENTS PER POUND.

1886..	18 cents per pound and 35 per cent..	3,890.63	$1,939.00	$1,378.96	$0.498	71.12
1887..	.....do.....	4,653.37	2,653.37	1,796.10	.551	67.69
1888..	.....do.....	310,306.03	158,306.03	111,222.75	.511	70.26
1889..	.....do.....	367,299.50	189,848.00	132,560.71	.517	69.82
1890..	.....do.....	266,344.50	142,121.66	97,684.60	.534	68.73

VALUES ABOVE 60 AND NOT EXCEEDING 80 CENTS PER POUND.

1886..	24 cents per pound and 35 per cent..	8,985.00	$6,216.30	$4,332.10	$0.692	69.69
1887..	.....do.....	136,889.00	100,633.33	68,075.03	.735	67.65
1888..	.....do.....	315,578.13	229,733.65	156,145.53	.728	67.97
1889..	.....do.....	477,648.72	342,697.34	234,579.82	.717	68.45
1890..	.....do.....	461,965.88	335,136.14	228,169.45	.725	68.08

VALUES ABOVE 80 CENTS PER POUND.

1886..	35 cents per pound and 40 per cent..	36,920.44	$39,560.31	$28,746.29	$1.07	72.66
1887..	.....do.....	77,097.15	81,722.45	59,673.03	1.06	73.02
1888..	.....do.....	226,709.60	254,067.83	180,975.50	1.12	71.23
1889..	.....do.....	521,470.48	587,301.13	417,435.21	1.13	71.08
1890..	.....do.....	630,992.30	765,205.77	526,929.68	1.21	68.86

Importations under act of 1883—Continued.

YARNS, WOOLEN AND WORSTED—VALUES ABOVE 30 AND NOT ABOVE 40 CENTS PER POUND.

Year.	Rate of duty.	Quantity.	Value.	Duty collected.	Average.	
1883..	20 cents per pound and 35 per cent [1].	*Pounds.* 2,406.33	$629.51	$701.60	*Price.* $0.262	*Ad valorem.* 111.45
1886..	12 cents per pound and 35 per cent..	1,258,466.38	471,863.05	316,168.03	.375	67.00
1887..	.....do.....	661,086.43	241,074.00	163,706.28	.365	67.90
1888..	.....do.....	500,949.40	182,735.40	124,071.26	.365	67.90
1889..	.....do.....	409,050.00	150,052.00	101,604.21	.364	67.71
1890..	.....do.....	737,762.13	282,054.00	187,130.36	.383	66.35

VALUES ABOVE 40 AND NOT ABOVE 60 CENTS PER POUND.

1883..	30 cents per pound and 35 per cent [1].	1,958.00	$999.35	$939.17	$0.510	93.77
1886..	18 cents per pound and 35 per cent..	1,353,836.75	733,584.41	500,445.20	.542	68.22
1887..	.....do.....	753,993.72	410,264.12	279,311.35	.544	68.08
1888..	.....do.....	1,985,028.48	1,094,621.20	740,422.55	.551	67.64
1889..	.....do.....	2,567,050.06	1,446,064.60	968,193.22	.563	66.95
1890..	.....do.....	1,198,465.87	657,829.15	445,964.15	.549	67.79

VALUES ABOVE 60 AND NOT ABOVE 80 CENTS PER POUND.

1883..	40 cents per pound and 35 per cent [1].	87,467.25	$64,759.15	$64,759.15	$0.740	89.03
1886..	24 cents per pound and 35 per cent..	1,196,202.56	819,258.82	573,829.19	.685	70.04
1887..	.....do.....	1,275,844.79	875,280.12	612,550.81	.686	69.08
1888..	.....do.....	820,656.80	551,819.00	390,094.28	.672	70.69
1889..	.....do.....	726,023.51	475,973.00	340,836.20	.656	71.61
1890..	.....do.....	1,180,144.63	795,064.00	561,507.11	.674	70.62

MANUFACTURES OF WORSTED, THE HAIR OF THE ALPACA, GOAT, OR OTHER ANIMALS, N. S. P. F. (EXCEPT SUCH AS ARE COMPOSED IN PART OF WOOL)—VALUES ABOVE 40 AND NOT EXCEEDING 60 CENTS PER POUND.

1883..	30 cents per pound and 35 per cent [1].	124,096.50	$66,950.00	$60,661.46	$0.539	90.61
1884..	18 cents per pound and 35 per cent..	577,519.25	327,828.00	218,693.31	.568	66.71
1886..	.....do.....	2,057,737.50	1,125,444.00	764,297.97	.547	67.91
1887..	.....do.....	1,588,069.60	859,029.70	586,512.92	.541	68.28
1888..	.....do.....	2,223,739.25	1,231,701.00	831,368.42	.554	67.50
1889..	.....do.....	3,707,698.97	2,047,427.00	1,383,985.28	.552	67.60
1890..	.....do.....	518,723.25	275,626.00	189,839.28	.531	68.88

VALUES ABOVE 60 AND NOT EXCEEDING 80 CENTS PER POUND.

1883..	40 cents per pound and 35 per cent [1].	374,543.25	$272,959.00	$245,352.95	$0.729	89.89
1884..	24 cents per pound and 35 per cent..	777,327.25	560,219.08	382,635.23	.721	68.30
1886..	.....do.....	2,795,244.60	1,992,840.53	1,368,352.89	.713	68.66
1887..	.....do.....	3,785,978.60	2,740,630.00	1,867,855.36	.724	68.15
1888..	.....do.....	4,616,268.85	3,358,232.00	2,283,285.71	.727	67.99
1889..	.....do.....	5,949,772.34	4,202,352.00	2,898,768.55	.707	68.98
1890..	.....do.....	500,278.25	354,331.00	244,082.63	.708	68.89

VALUES ABOVE 80 CENTS PER POUND.

1883..	50 cents per pound and 35 per cent [1].	438,775.77	$608,803.00	$432,468.94	$1.39	71.04
1884..	35 cents per pound and 40 per cent..	1,234,677.25	1,508,724.00	1,035,626.67	1.22	68.64
1886..	.....do.....	1,483,811.38	2,098,553.03	1,358,755.24	1.41	64.75
1887..	.....do.....	1,343,256.80	1,469,661.75	1,058,004.68	1.09	71.90
1888..	.....do.....	1,251,398.58	1,313,851.26	963,530.09	1.05	73.34
1889..	.....do.....	2,298,026.58	2,576,565.50	1,834,935.58	1.12	71.22
1890..	.....do.....	1,191,260.88	1,308,514.41	936,847.13	1.11	71.60

[1] Under act of 1867 rates.

Number of pounds of wool imported in the form of wastes or manufactures.

	1883	1889
Wastes	3,676,080	25,437,952
Cloths	1,187,460	23,462,210
Manufactures of wool n. o. p. f.	2,503,155	4,712,668
Yarns	319,226	14,042,440
Worsteds	1,994,556	38,629,880
Total	9,680,477	106,285,150

Mr. SMOOT. Coming now to the Wilson law, I have here, Mr. President, a statement showing the importation of cloths, woolen or worsted. The Senator from Mississippi [Mr. WILLIAMS] the other day stated that it was not on account of the rates in the Wilson law that the woolen mills in this country were closed, but it was because, he said, the purchasing power of the people was not so great and there was a stagnation of business all over the world. I want to call the attention of Senators to the fact that there was a stagnation of business in America; the purchasing power of the American people was reduced by lack of employment over one-half, and instead of goods being made here by American labor they were made abroad; but, hard as the times were, little money as the people had, the importation of woolen and worsted goods, dress goods, yarns, and wastes actually increased.

Mr. MARTINE of New Jersey. Mr. President, may I ask the Senator——

Mr. SMOOT. I can not yield, because I have only about seven minutes left.

The VICE PRESIDENT. The Senator from Utah declines to yield.

Mr. REED. Mr. President, I do not want to interrupt the Senator, but merely to ask a question. Were those importations of raw wool or cloth I will ask the Senator from Utah?

Mr. SMOOT. Those importations were of manufactured yarns and cloth. Mr. President, if the market for American wool is to be destroyed it makes no difference to the woolgrower whether it is accomplished by a high duty on wool with a low enough duty on woolen goods to close the mills, his only purchaser, or by a law giving inadequate protection on wool. A pound of manufactured cloth imported into this country displaces 4 pounds of American-raised wool in the grease and deprives the American laborer of employment in making the wool into cloth. I want to call the attention of Senators to the fact that shoddies and wastes of all kinds imported into this country for three years and eight months, under the McKinley law beginning in 1891 up to 1894, amounted to 908,923 pounds.

Mr. McCUMBER. For the four years?

Mr. SMOOT. For the three years and eight months. During the three years and four months of the Wilson law the importations increased from 908,923 pounds to 86,263,630 pounds, an increase of not 100 per cent, not 1,000 per cent, but of 9,000 per cent. That was the period when shoddy reigned. We all remember those days when the theory of free raw materials and a duty for revenue only on manufactured goods was put in practice. That was the time the American people were clothed with patched suits or cloth made of rags and shoddy, instead of wool. Mr. President, what does that mean? It means that it would take the State of California 19 years to raise wool enough to equal the importation of shoddy for those 3 years and 4 months; it would take the State of Wisconsin 27 years, under her present production, to produce wool enough to take the place of the shoddy that was imported into this country under the Wilson law during 3 years and 4 months. We find that during the 13 years after the repeal of the Wilson law there have been imported into this country only 6,751,557 pounds of shoddies and wastes.

Mr. President, if the Democratic wool bill passes this Senate and becomes a law, there will be scarcely a woolen mill in this country that can survive. I plead with Senators to save the business, because it is a great one. Senators will notice that even under the rates to-day there is collected in revenue from the importations of manufactured woolen goods something like $20,000,000. It seems to me that the only proper way to handle this question is to wait for the report of the Tariff Board, not particularly to learn what the wages in this country are, not particularly as to what the cost of production of wool in this country is, but more particularly to obtain the cost of production of wool in foreign countries and what the cost of production of cloth in foreign countries is, and especially the wage paid the employees.

Mr. President, an ad valorem duty equaling the difference between the cost of production in this country and a foreign country is never a protective duty, for undervaluation has been and always will be resorted to by the importer and foreign manufacturer; it can not be avoided and has always proven a curse to the protective system and a robbery of the Public Treasury; but a specific duty can not be evaded. It is so much a pound, while an ad valorem duty is based upon the value of the goods at the last port of shipment. What protection would the woolgrower receive under the 20 per cent ad valorem duty? I received a telegram this morning giving the price of wool per pound, unskirted, in Buenos Aires—wool that comes in direct competition with 85 per cent of all the wool grown in the Rocky Mountain States, shrinking 65 per cent. The price named is 13½ cents per pound. Twenty per cent on 13½ cents is 2.6 cents per pound.

Mr. President, I say to the Senate now that if the House bill should become a law, it would be worse in its operation on the

wool industry than the Wilson law, because under the Wilson law the manufacturers were given an average duty upon cloth of from 40 to 50 per cent. It was utterly impossible for the mills with those rates of ad valorem duty to exist with free wool; and under the Underwood bill the manufacturer is taxed 20 per cent on his wool and only given an average ad valorem duty of 35 to 40 per cent. Under such conditions it would be impossible for the manufacturer to exist; and if the manufacturer should cease to run his mill the market of the American woolgrower would be taken from him and it would be impossible for him to raise wool for exportation.

Mr. President, the time allotted to me has expired, but I do wish that I had an hour or so to go into the details of the operation of Schedule K. However, as stated before, I will content myself by taking some other time to show to the Senate the workings of that schedule. It is said that it is a difficult schedule to understand. It is a scientific schedule, and perhaps when a few provisions are taken out of it and the maximum rate is limited, as my amendment proposes to limit it, to 80 per cent, I believe that it will be the best system for maintaining the woolen industry in this country.

Mr. LA FOLLETTE obtained the floor.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Jersey?

Mr. LA FOLLETTE. I yield for a moment.

Mr. MARTINE of New Jersey. The Senator from Utah [Mr. SMOOT] declined to yield for a question. He charged in his address that the woolen mills were closed by the Wilson law. I want to ask the distinguished Senator from Utah what is the cause for the closing of the woolen mills to-day? They are closed in my part of the country, and I was handed a pamphlet to-day containing engravings of several mills that are closed. In figure 4 there is the engraving of the Provo Woolen Mills, Provo, Utah, Hon. REED SMOOT, president; and it is stated that those mills have been idle for several years, being deprived of the raw material by duties from 100 to 700 per cent. Now, I ask the Senator if the present Payne-Aldrich bill will not keep his mills open, in heaven's name what does he want?

The Senator has spoken of the wage earner in the woolen mills. As I said some days ago, in response to the Senator from Idaho, the less said about the wages of the wage earner in the woolen mills of this land the better for the credit of the woolen manufacturer. They are paid a mere pittance, until body and soul can scarce hold together.

Mr. SMOOT. Mr. President, the statement made by the Senator may be——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. I yield for a moment.

Mr. SMOOT. The statement made by the Senator may be satisfactory to him, and if true worthy of an answer. I can not take the time of the Senator from Wisconsin to answer in full the statement made by the Senator from New Jersey, but in answer to the Senator's statement as to wages paid in the woolen mills of America, I want to put in the RECORD a statement showing the wages paid in the different departments of the woolen mills of this country and those paid in England.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The table referred to is as follows:

	Wages in England per report W. A. G. Clark.	Wages in United States (Philadelphia rates).
Wool sorters	$7.00 -$8.00	$14.00-$15.00
Wool washers	4.50 - 5.50	8.00- 10.00
Women combers	3.00 - 4.50	6.00- 7.50
Men combers	4.50 - 6.00	9.00- 10.00
Box minders	3.00 - 3.50	5.50- 8.00
Spinners	1.87½- 2.12½	7.00
Warp dressers	7.50 - 8.50	15.00- 20.00
Warp twisters	8.00	15.00
Weavers, narrow looms	2.00 - 4.00	8.00- 12.00
Weavers, broad looms	4.86 - 6.00	12.00- 18.00
Spinning overlookers	6.50 - 7.50	20.00
Assistant overlookers	5.00 - 6.00	16.00
Loom fixers	(1)	(2)
Weaving overseers	12.50	30.00

[1] 30 to 40 shillings for 24 looms, equivalent to 33½ cents per loom.
[2] $18 for 18 looms.

Mr. SMOOT. In reference to the circular to which the Senator from New Jersey has called my attention, I will say that the Provo Mills are running to-day. The circular was inspired by a lot of disgruntled carded woolen manufacturers who wanted low rates on shoddy and wastes in order that they might import them and displace as many pounds of scoured wool. The falsehoods contained in the circular I have not the time at present to answer.

The Senator wants to know why some of the woolen mills of the country are closed to-day. I will tell the Senator the reason. It is because of the pall cast over the business by the action of the present Democratic House of Representatives, and because of the further fact that the continual agitation for a revision of Schedule K has discouraged the merchant from buying for future wants and the manufacturer finds himself without orders, and it will be so until the question is settled and settled in the right way.

Mr. MARTINE of New Jersey. Mr. President——

The VICE PRESIDENT. One moment. The Senator from New Jersey must not interrupt until the Senator from Wisconsin gives permission.

Mr. LA FOLLETTE. I can not yield for a running debate. I have some——

The VICE PRESIDENT. The Senator from Wisconsin is entitled to the floor, and can not be taken from it without his consent, and that consent he declines to give.

Mr. LA FOLLETTE. I would be very glad to yield to Senators, but it will take me all the time that I can get between now and 12 o'clock to conclude what I have to say on the amendment which I now offer.

Mr. GORE. Mr. President——

The VICE PRESIDENT. The Senator from Wisconsin has declined to yield.

Mr. LA FOLLETTE. Mr. President, I offer an amendment which I will not ask to have read at this time, because it will consume time which I prefer to take in explaining the amendment.

The VICE PRESIDENT. The amendment can be presented now, to be offered later.

Mr. LA FOLLETTE. Very well. I present it now, to be offered later.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I yield for a question.

Mr. GORE. I desire to request the Senator from Utah, in connection with his table showing the wages in England and the United States, to print also a table showing the wages in the woolen mills in free-trade England and in protected Germany.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. SMOOT. The Senator from Oklahoma can print the tables in his own time, I will say.

Mr. GORE. Mr. President, I had hoped that they might go to the country together.

Mr. LA FOLLETTE. Mr. President, the amendment which I have offered as a substitute to the pending bill is substantially the same amendment which I offered to the bill carrying out the President's agreement with Canada. I have made one change in that amendment to which I wish to direct the attention of Senators. I have transferred from the free list to class 2 hair of the goat and alpaca, which under the provisions of my amendment will take a duty of 10 per cent.

Senators will remember a brief two years ago when that gifted man of power, the late Senator Dolliver, was here in all his splendid vigor, striking masterful blows against this particular schedule, and pressing in debate the then Senator from Rhode Island, Mr. Aldrich, the latter made the impassioned declaration that Schedule K was the very citadel of protection. I think he rightly characterized it.

It has been the stronghold of protection, but it has inspired the severest and most unanswerable criticisms that have been leveled against the protective system. The very foundation of the power of Schedule K was laid in a coalition between the woolgrowers and the wool manufacturers. It combined the laborers in the factory with the laborers upon the farm. It had no counterpart in any other schedule of the tariff law. The mill owner and the sheep owner united at that time to construct a schedule which would protect the interests of both.

It is my judgment that there are no more iniquitous, no more indefensible, no more harmful provisions in all the tariff law than those contained in Schedule K. The mill men and the woolgrowers together constructed a law the terms of which are so complicated, so devious and obscure that within its windings and turnings, comprehension and criticism are lost. They contrived a mixture, a blend of duties, compensatory and protective, specific and ad valorem, so compounded with mysterious

proportions, equivalents, and equivocations as to make the logarithms of trigonometry a simple pastime in comparison. They based duties upon false claims as to some of the terms of their formulæ and equations.

The duties on wool were made to appear much higher than they are. The manufacturers' duties were obscured and concealed in the technical terms of the business. The woolgrowers were ignorant of manufacturing. The manufacturers were masters of their craft in all its details. The excessive duties of Schedule K are a product of expert knowledge and misrepresentation regarding it. The public is the victim. It is therefore quite apparent that the manufacturer, and not the woolgrower, was the author of the iniquity of this schedule.

Let us look at it calmly and dispassionately. Two duties are imposed upon manufactures of wool under Schedule K; first, a *compensatory* duty, which is supposed to equal the amount of duty imposed upon the quantity of raw wool contained in a manufactured article. This is levied on the assumption that it is necessary in order to place the American manufacturer, as to his raw material, on a level or equal footing with his foreign competitor, who has free wool.

Second, in addition to this there is the so-called *protective* duty, presumed to measure the difference in the cost of production in this and the competing foreign countries. The compensatory duties are sufficient to give the American manufacturer an equal opportunity with his foreign competitor, who has free wool. The protective duties begin at the point where the compensatory duties are supposed to leave the manufacturer as to his raw material on an absolute equality with the foreign manufacturer who has free wool. And the protective duties are fixed in the law independently of, and additional to, the compensatory duties and profess to be equivalent to the difference in the cost of production here and abroad. The protective duty is supposed in the main to measure the difference in the cost of wages here and abroad, as everybody will agree.

Now, Mr. President, when the manufacturer and the grower came together in agreement, and when Schedule K was first constructed—right at the very outset they agreed upon a false standard by which to measure compensatory duties.

The manufacturers persuaded the Congress that adopted that scheme of legislation that it took 2½ pounds of wool in the grease to make a pound of yarn worth not to exceed 30 cents per pound. That is false. That is not true. We know to-day, if we have cared to look into it, that on the average it does not take to exceed a pound and a half of wool in the grease to make a pound of yarn worth not to exceed 30 cents per pound. They had that false basis incorporated in the law; it was made a part of the statute, that yarn worth 30 cents a pound or less should take a compensatory duty equal to the duty on 2½ pounds of first-class wool. That means it will take a duty, when computed on the 11-cents-a-pound basis, of 27½ cents. They persuaded the Ways and Means Committee to believe that it took 2½ pounds of that kind of grease wool, which paid a duty of 11 cents a pound, to make a pound of yarn of the 30-cent-per-pound grade. It does not. That falsehood, Mr. President, was written into the law, and we have been paying duties on that false basis ever since.

Now, what does it take? Decisions of the Treasury Department on drawback propositions show that on the average it takes a pound and a half of wool in the grease of the first class to make a pound of yarn worth 30 cents per pound.

This "compensatory" duty, therefore, of 27½ cents per pound gives an excess compensatory duty of 11 cents on every single pound of yarn valued at 30 cents—in other words, that duty of 27½ cents levied on all yarn worth 30 cents or less per pound, on the theory that it takes 2½ pounds of wool in the grease to make it, gives an advantage to the wool manufacturer of this country of 11 cents on every pound of that grade of yarn, which, figured on an ad valorem basis, shows the duty to be 40 per cent in excess of what actually measures the difference in the cost of raw material. Then, in addition to that, they secured the protective duty that they contended was necessary to measure the difference in the cost of production in this and competing foreign countries. I hope I make myself understood.

Mr. RAYNER. I should like to ask the Senator——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. LA FOLLETTE. I do.

Mr. RAYNER. And on top of that they got double the amount of the protective duty, as I understand it. How much more did they get for the protective duty, in addition to that for the compensatory duty?

Mr. LA FOLLETTE. It depends on what you are dealing with, I will say to the Senator. Upon yarn worth less than 30 cents per pound added to this excessive compensatory duty they have a protective duty of 35 per cent, and on higher grades a still higher protective duty.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. I will yield for a question. I can not yield for any extended interruption if I am to conclude what I want to say. I desire to explain my amendments before I get through. This is only preliminary to that.

Mr. SMOOT. I realize that, Mr. President, and perhaps I had better not interrupt the Senator. But I was going to ask him, and I will ask him, one question. What is the average shrinkage of wools raised in the United States?

Mr. LA FOLLETTE. Mr. President, the shrinkage varies.

Mr. SMOOT. Well, the average.

Mr. LA FOLLETTE. The shrinkage is very great and the average varies on every lot of wool; there is no question about that. The ad valorem rates of duty which I have provided in my amendment will automatically adjust themselves to every possible condition; that will meet the prices and the shrinkage upon the coarser wools and the prices and the shrinkage upon the finer wools.

And it is for that reason, Mr. President, that I believe, as I shall explain more fully if time permits, that we should adopt ad valorem instead of specific duties, unless we can have our whole tariff system scientifically overhauled and the lines where specific duties should take effect fixed upon a scientific basis and not upon the loose system which has been devised in the committee rooms of Congress.

Mr. SMOOT. Mr. President, I realize that it will take too much time to ask any further questions that will give any enlightenment, so I will not ask them.

Mr. LA FOLLETTE. Now, Mr. President, just a word further on the point I was discussing when interrupted. We have this provision regarding yarns valued at 30 cents per pound and less; and then a further provision written into the tariff law that if the yarn is valued at more than 30 cents a pound the law will presume that it took 3½ pounds of wool in the grease to make that pound of yarn, and therefore the compensatory duty shall be three and one-half times 11 cents a pound, which is the duty on wool in the grease, and this in addition to the protective duty of 40 per cent ad valorem.

It does not take 3½ pounds of that sort of wool to make a pound of that kind of yarn; but, Mr. President and Senators, let me say that you have that same opportunity, that same side door through which is stolen additional protection—and you have had it from the very beginning—not only on the yarn but on cloth. If cloth is worth less than 40 cents per pound, then they made the law say that it takes 3 pounds of wool in the grease to make a pound of cloth. If it is worth more than 40 and less than 70 cents a pound, the men who framed this law originally were led to believe that it took 4 pounds of wool in the grease to make every pound of that class of cloth. That is false, Mr. President. That is not true. But Schedule K says it is true, and on that false basis assesses a compensatory duty of 44 cents a pound on every pound of that cloth and adds to that a protective duty of 50 per cent ad valorem.

Now, I do not simply put my assertion up against the law. Mr. S. S. Dale, of Boston, is the editor of the Textile World Record, the trade paper of the textile industry, and particularly of the woolen industry. He was the manager of great woolen mills and has become familiar through personal experience with everything pertaining to the industry. I have come to know him quite well and to greatly respect him not only for his very accurate knowledge of this whole subject, but as a man of the highest standards of integrity.

Knowing the jugglery that was practiced when the law was originally framed, Mr. Dale, some time ago, conducted a series of experiments to determine whether there were 4 pounds of wool in the grease in every pound of cloth that was assessed upon that basis of a compensatory duty of 44 cents per pound in addition to the protective duty.

Mr. Dale, as superintendent of factories, as a hand in the mills working his way up from the very beginning, knew that that was not true, and he conducted, as I say, a series of experiments to determine the measure of grease wool entering into the manufacture of a large range of woolen cloth. He took 11 typical samples and followed them through the various stages of manufacture from the grease wool, as it came into the factory, to the finished cloth as it was turned out. Then he applied the Payne-Aldrich tariff, in order to settle the question whether there was an excess of duties afforded on the compensatory provision, and he found just this with respect to the 11 samples of cloth; and he made it so thorough that he took 10,000 yards and followed it through as it was manufac-

tured, so that, pound by pound of cloth to grease wool, he knew exactly what there was in it. Then he figured out the compensatory duty allowed under the law on each pound of that finished cloth, and he found that, pound per pound, clear through the 11 samples there was an excess of compensatory duty to be added to what the manufacturers themselves had said was a sufficient protective duty. In the ad valorem duty which they get on these various grades he found that there was an excess of compensatory duty on each one of these various grades and samples: Sample No. 1, 26.5 per cent excess of compensatory duty, which of course was added to the protective duty; sample 2, excess of compensatory duty, 53.8 per cent; sample 3, excess of compensatory duty, 19.2 per cent; sample 4, excess of compensatory duty, 18.7 per cent; sample 5, excess of compensatory duty, 70.2 per cent; sample 6, excess of compensatory duty, 40.4 per cent; sample 7, excess of compensatory duty, 21.2 per cent; sample 8, excess of compensatory duty, 79.1 per cent; sample 9, excess of compensatory duty, 58.7 per cent; sample 10, excess of compensatory duty, four-tenths of 1 per cent; sample 11, excess of compensatory duty, four-tenths of 1 per cent.

On the great range covered by these experiments of Mr. Dale we find that surreptitiously upon this false basis incorporated in the statute in the beginning, there is added, under the guise of a compensatory duty, an additional protective duty.

Mr. BACON. *Without* interrupting the Senator, I should like to have him state on what class of goods is the highest percentage of excess.

Mr. LA FOLLETTE. Mr. President, that varies.

Mr. BACON. I simply wanted to know whether it was on the higher priced goods or on the lower priced goods.

Mr. LA FOLLETTE. In the excessive duties under this complex system of specific and ad valorem rates, as a rule the burden falls upon the cheaper grades of manufacture. It is for that reason that I propose in the redraft of this schedule which I have presented a complete system of ad valorem instead of the present mixed scheme of ad valorem and specific rates.

It will be observed that the amendments which I propose to this schedule contemplate the substitution of a straight ad valorem system of duties for the present confused and hybrid mixture of specific and ad valorem rates. The objection is frequently made that an ad valorem system of levying duties lends itself to fraud upon the revenue of the Government through undervaluation; and that, in view of that fact, it has been the tendency throughout Europe to get away from the ad valorem system and substitute specific rates instead, under which loss of revenue through undervaluation becomes impossible and the collection of customs revenue greatly simplified.

While theoretically this may be true, we are confronted with a condition, not a theory; and the conditions in the United States are vastly different from those prevailing in Europe.

It is pertinent in this connection to ask why of all countries the United States, which has had the highest customs duties and has been most anxious to collect all the revenue that came from its customs, has been slow to follow the example of European nations in this regard? The reason for it is that with our crude tariff classification it is next to impossible to introduce a system of specific duties applicable throughout the tariff. So far as possible we have adopted specific rates. That applies to articles of a more or less staple character in which there are few, if any, grades and varieties. For instance, we have specific rates on iron ore and other ores; also on the cruder forms of iron and steel. We have also specific rates on cereals and most of the food products. The moment, however, you come to adopt specific rates on manufactured goods, or even on comparatively crude articles having numerous grades and kinds, such as raw wool, for instance, the specific system works great injustice if you provide a single specific duty for the entire class of articles. That is the trouble with our uniform duty of 11 cents a pound on most clothing wools. To adopt specific duties for the different kinds would make the tariff exceedingly complicated, and while diminishing the inequalities would never entirely do away with them, as is the case with the ad valorem rate, which automatically adjusts itself to every variety and kind of articles, irrespective of their value or quality.

The adoption of specific rates is one of the principal reasons for the great minuteness with which modern European tariffs have gone into the matter of classification. Whenever we should definitely decide to substitute specific duties for our present ad valorem system it will require a most thorough overhauling of our entire tariff scheme, and is a work that ought to occupy the attention of a tariff commission, or some such body, as only a body of technical experts, each making a specialty of one schedule or part of a schedule, working in conjunction with a body of tariff experts and spending a year, if not years, on this work, would be at all competent to undertake a task of such magnitude.

It certainly is not feasible under any other conditions.

On the other hand, the possibility of undervaluation in the case of raw wool has been greatly exaggerated. It is well known that the world price of raw wool is fixed in London, where wool from all over the world is sold at auction—the auctions taking place four times a year and lasting some three weeks at a time. These auctions are visited by the leading woolen manufacturers or their representatives from all the woolen manufacturing countries of the world, and under this system of open public bidding the difference of one-eighth of a cent a pound will determine the sale of a lot of wool at auction. Under this system of open bidding any attempt to defraud customs officers of the United States would be extremely risky and unlikely to succeed. It would be an easy matter for the Secretary of the Treasury to detail one of the Treasury agents stationed in Europe to attend the London auction sales and issue certificates to every purchaser of wool for exportation to the United States, certifying as to the price at which the wool has been purchased and placing his seal on the wool bales to prevent fraudulent substitutions of more expensive grades of wool for that actually purchased. In the case of wools imported direct from other countries, it would be easy for wool experts in the employ of the Treasury Department to determine the market price of the various grades with sufficient accuracy to prevent undervaluation. The grades of wool are standardized and market prices are quoted daily and published in trade papers. Under these conditions it is next to impossible to undervalue this commodity.

In the case of woolen goods, I have already called attention to the fact that our system of compound duties, consisting of a combination of specific and ad valorem rates, results in great injustice to the consumer. And if undervaluation is feasible it is just as easy to undervalue goods with compound rates of duty as it would be under a straight ad valorem system. The ad valorem, however, offers the advantage of an equitable distribution of the burden of duty in proportion to the value of the article, which the other system does not.

Mr. President, the whole country, I think, understands pretty well the iniquities of this schedule of the tariff law. Everybody knows that it is bad. The question is, How bad is it? Mr. President, its duties are so excessive that it is perfectly safe for Congress to cut them down without fear of crossing the line that measures the difference in the cost of production at home and abroad. Enough has been done in the way of investigation—scientific investigation as complete and thorough as it is possible for man to perform—to teach us that much at least. These duties are enormously excessive, and no protectionist who cares for the principle involved in protection and wants to see that system maintained in this country will hesitate to cut the duties, and to cut them deeply. No legitimate interest will suffer; they will still be safe.

I know how dangerous prophecy is, and it is likely to come back to plague one hereafter, but I venture to say that this will be shown when the Tariff Board reports, if its work is done with thoroughness. Now, it may not be. I have never been satisfied, Mr. President, with the establishment of this so-called Tariff Board. It is not a tariff commission at all. It is not even a Tariff Board. It has no such designation in the law. The law provides merely for the employment of "persons" appointed by the President. They have no fixed terms of office. Their tenure is entirely dependent upon either the will of the President or upon Congress to provide their pay. No authority is conferred, no duties defined, nothing is provided to give weight or character or dignity to any report of the findings of the persons so employed. When they go to a factory the only information they are able to secure is what the owners choose to give them.

Their investigations into the wool and cotton schedules are performed under very great embarrassment, owing to the weakness of the four or five lines in the statute that called them into being. If we are to have anything that is to be characterized a Tariff Board or a Tariff Commission we ought to have, in the first place, a law that should prescribe the qualifications of the men trained to serve on such a board, not "lame ducks," not small politicians. The so-called Tariff Board is on trial. It will be judged by its work. There are one or two men, more perhaps, on that commission who have expert training qualifying them to serve on such a commission.

I know it is shocking to some Senators to hear a statement as plain as that, but I have gotten into the habit of saying on this floor what I know to be true, and I am going to continue it.

We should have, Mr. President, a permanent Tariff Commission with real powers. They should be given authority to compel

the production of books and papers, examine witnesses, value plants, and make all the investigation necessary to determine the difference in the cost of production between this and competing foreign countries. The present so-called board, in undertaking to investigate chemicals, had the doors of the factories shut in their faces at the very beginning of their work. I happen to have heard of that through friends and acquaintances who are in the manufacturing business. They were shut out, these independents tell me, and not permitted to see the books or investigate a thing bearing on the cost.

The paper industry took another tack. They thought they had the paper business so hedged that the Tariff Commission could find out nothing about it. They opened their books and invited investigation; they swung the doors wide, and according to their books they were losing money on their investments. Then it was discovered that there were a lot of holding companies owned by these paper manufacturers controlling the raw material. The holding companies were making enormous profits. That was the way those gentlemen sought to cover up the facts. By accident, as it were, we got the full information with respect to these paper industries. For that reason the Tariff Board was able to lay before the Senate a document of great value in determining whether we in this country can compete with Canada in the manufacture of print paper.

So I say, Mr. President, what we shall get when this so-called Tariff Board reports to the Senate upon the woolen and cotton schedules is somewhat a matter of chance. I do not wish to disparage or discredit their work. My criticism is of the wholly inadequate law from which they derive their feeble powers. I count myself a friend of the men on that board who are honestly seeking for the truth regarding the difference in the cost of manufacture here and abroad. I stand ready here and elsewhere to defend those men, as I stand ready here and elsewhere to denounce any men on that board who seek to cover up the truth.

The document that was submitted to the Senate as the report of that board upon the manufacture of news-print paper imposed upon me an excessive amount of labor in order to get at the truth. I could not but believe, Mr. President—and I hope ultimately to get the facts, and when I have them nothing shall deter me from giving them to the country—that there were influences at work to leave that report in confusion, that the print-paper manufacturers of this country might go on securing excessive profits; that the truth should not be made known to the country and to Congress, or in any event that it should be left obscure. The high tariff had simply operated to lead these industries to go on using ancient machinery. That any good business judgment would have rejected and assess the buyers of print paper enough to pay for their antiquated and inefficient equipment. I get my information from the report itself, and have had to hunt back on the blind trail as best I could. The 139 pages of text showed clearly enough when you came to dig it out what should have been made plain at once to anyone looking at those tables.

So I say, Mr. President, it behooves Congress not to expect too much of the report of the Tariff Board at the next session, but to hope for the best. I am confident that there are several men on that board who are working with the high purpose of serving the public and of laying before Congress the cost of production of American manufacture as compared with competing manufacture abroad.

And, Mr. President, let me say to the Democrats, whether you believe in a tariff for revenue or any other kind of a tariff, the information that can be secured through a commission with real powers will be useful to you in many ways. It will be valuable to you in considering the trust problem. For every reason we should have a commission of experts, a commission fully equipped, a commission authorized to go into these great establishments—whether they desire it or not—that are operating under advantages which this Government has given, and compel them to show their books, to disclose the inmost secrets of their business, not to be given to their competitors, but to be given to this impartial investigating body, that it may communicate to Congress the truth it finds, the facts it finds, and let Congress determine what action shall be taken in the case.

I have never been able to understand why our Democratic brethren have at times heretofore resisted the establishment of a Tariff Commission upon the right basis, with large powers, to get these facts for us. In this day of industrial and commercial development along all lines, we can not intelligently legislate; we can not even begin a proper consideration of these great problems without the information that these expert commissions should lay before us.

Now, Mr. President, I have just exposed one side of the iniquity of Schedule K—the compensatory duties.

Two or three years ago a young man, who had especially equipped himself, was sent abroad to make an investigation for the Bureau of Manufactures as to the difference in the cost of production in this country and competing countries. That was before the passage of the law creating the Tariff Board. He is a son of Chief Justice Clark, of North Carolina—Graham Clark, a very able man, a graduate of Harvard, who had equipped himself especially for this work. After graduating from Harvard, he took courses in several technical textile schools, where he learned all the theories of the business. Then he went into the manufacturing field and there served as superintendent of various factories. He became so well recognized throughout the country among the manufacturers themselves as an eminent expert that they asked the Bureau of Manufactures to appoint him. He was appointed upon the recommendation of the great manufacturing industries of this country as an expert, sufficiently well equipped to be sent abroad to study trade conditions there and to inform the manufacturers of this country as nearly as could be ascertained the inside situation across the water with respect to various lines of manufacture. He made a thorough-going investigation. As a demonstration he took a series of eight typical wool fabrics.

Members of the Senate can get Mr. Clark's report on the wool industry, which he investigated thoroughly. I wish they would. If they gave it the consideration it merits, I venture to say that no Member of this body can then say what the junior Senator from Michigan [Mr. TOWNSEND] said yesterday regarding the revision of Schedule K, that none of us had any information upon which to cast a vote, as I understood him. Any man who will study Mr. Dale's analysis, or the analysis made in a different field by Mr. Clark, will not only be convinced that it is perfectly safe to make a deep cut in the existing duties of Schedule K, but he will feel compelled, in good conscience, if he is a real public servant, to vote for material reductions in this schedule.

I must not take the time to go into Mr. Clark's work further than to say that on the eight different samples Mr. Clark found that the protective duty—I have spoken of Mr. Dale's work on the compensatory duty—Mr. Clark found that the excess of duty on sample 1—and, mark you, these were typical samples of the woolen industry—that on sample 1 there was an excess of duty of 54.5 per cent; on sample 2 an excess of duty of 52.1 per cent; on sample 3 an excess of duty of 54 per cent; on sample 4 an excess of duty of 56 per cent; on sample 5 the excess of duty equaled 49 per cent; on sample 6 the excess of duty equaled 44 per cent; on sample 7 the excess of duty equaled 63 per cent; and on sample 8 the excess of duty equaled 55 per cent.

O, Mr. President, no man who cares to look into the facts, no man who does not sleep at his post, need be in ignorance, or can, it seems to me, excuse himself from voting for making in these extortionate duties in Schedule K a very pronounced reduction.

Mr. President, I now come to discuss the exact amendment which I have proposed. First, I have swept aside——

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I do.

Mr. GORE. At this juncture I think there are certain American and Canadian statistics that ought to go into the Senator's speech. The President in urging reciprocity, stated that the wages of labor and the cost of living were substantially the same in the United States and in Canada. Now, according to a report prepared by an expert of the Treasury on the general classification of the woolen and worsted goods, the ad valorem equivalent on the importations into the United States for 1910 was 144 per cent, in Canada the British preferential was 30 per cent, and the intermediate and general were 35 per cent. On flannels for underwear of the first class the American ad valorem was 91 per cent, on flannels of the second class the American ad valorem was 108 per cent, whereas in Canada the British preferential duty was 22 per cent, the intermediate was 30 per cent, and the general was 35 per cent. On knitted goods of the first class the American ad valorem equivalent was 13 per cent, the British preferential was 22 per cent, the Canadian intermediate was 30 per cent, and the Canadian general was 35 per cent. According to the Canadian Yearbook and our own Consular Reports the Canadian woolen mills are quite as prosperous as are the American woolen mills, which the Senator from Utah [Mr. SMOOT] states have closed because the House of Representatives is Democratic.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. SIMMONS. I wish to ask one question of the Senator from Oklahoma.

Mr. LA FOLLETTE. I yield for it, if it will not prolong the debate.

Mr. SIMMONS. I ask the Senator from Oklahoma if the expert to whom he refers is not the expert who has been assigned to assist the minority members of the Committee on Finance?

Mr. GORE. Yes, sir.

Mr. SIMMONS. I desired to bring that out, Mr. President, if the Senator from Wisconsin will permit me, simply because when I used a table here a few days ago prepared by that same expert there was a disposition to question it.

Mr. LA FOLLETTE. Mr. President, I say now what I shall not have an opportunity to say later before I refer to the character of my amendment, that the average duties of Schedule K under the Payne-Aldrich law are something over 61 per cent, while the average duties of Schedule K, as I propose them in my amendment, are something over 38 per cent. The rate of decrease is much less than would be warranted under the investigations of both Dale and Clark.

I have allowed in every duty which I have proposed, and in any duty which I shall propose I shall allow, a difference of 100 per cent in the labor cost. England, our greatest competitor, manufactures, so far as the labor cost is concerned, at about one-half of that which we expend. I do not take into account the difference in the efficiency of labor. I omit all consideration of the difference in the cost of living, and everything of that kind, and just take the naked wage proposition.

In woolen manufactures Mr. Clarke figures the labor, taking it from the raw wool clear through to the finished product, to be about 21 and a fraction per cent.

The census report shows practically the same result. When you take the total value of the output of the woolen manufacturer in this country and take the total wages paid, it shows practically the same thing, that about 25 per cent, at the very outside, is the full measure of the labor cost. If allowance be made for the differences to which I have directed attention, the duties which would measure the true difference in the cost of production will be found to be far below those I have offered to the Senate, starting with wool at 40 per cent as a base line.

Mr. President, it may be that the people of this country are to be denied at this session any revision of this schedule, which nobody has the courage to defend, which even the President of the United States, who thinks the Payne-Aldrich tariff bill the best ever made, has felt bound to admit is a bad schedule, that ought to be changed.

It is six years ago since the people of this country, starting out to change the tariff, demanded revision. The demand for revision did not come from the protected interests; it came from the people who were paying extravagant prices because of excessive duties. They were denied relief. Have you ever stopped to think that the words "stand pat" came into our political vocabulary within the last five or six years? Do you remember how? It was because the public was pressing for revision of the tariff on a lower basis, and Members of Congress were resisting and saying, "We stand pat," and that added a new phrase to the political vocabulary of the American people.

Mr. President, the stress and strength of the assault of the American people for six years was directed against this very schedule; and it is the very schedule, intrenched in the citadel of protection, that was strong enough, by rallying its support from the agricultural side and the manufacturing side, to resist having a hand laid upon it in the tariff revision of 1909. So I say to you now that there is every reason in the world why the Senate, with the facts that the public has possession of and that we have possession of, should proceed to reduce the duties now.

Now, Mr. President, I am going to go along as rapidly as I can upon the amendments which I have offered. I offer amendments proposing reductions in the duties on woolen goods, the rates upon which have long been recognized as grossly excessive. These reductions, if adopted, will compensate the farmers, at least in part, for the loss which they will suffer as a result of free trade in agricultural products with Canada. They will, in some measure, relieve all of the people of the United States who have been made to pay tribute to the Woolen Trust, long the pampered favorite of the tariff law.

In proposing the reductions of duty which I am about to submit to the Senate, I am mindful of the fact that the Tariff Board is at present at work on an investigation of the cost of production of woolen goods and that we expect to have the report of the board on the woolen schedule possibly at the next session of Congress; but even if it come at the next session of Congress, with the Senate Republican and the House Democratic, you may go on here for years, and you do not know that you will get any tariff revision. Here is the opportunity to get it and give relief on the highest schedule of the tariff, except the schedules on spirits and tobacco. Will you dare to throw over your shoulder the opportunity to lift a little of the burdens from the people of this country?

If that work is done with the thoroughness and care which the subject demands, but which the board will have difficulty in performing, owing to the weakness and imperfections of the law which authorizes its existence, we may perchance be in a position to undertake a more thorough and scientific revision of the woolen schedule based upon a more exact knowledge than we now possess of the difference in the cost of production of woolens in this country and in the competing foreign countries.

Two years ago, at the time we were considering the present tariff act, which left Schedule K practically unchanged, I proposed certain amendments. Those amendments I have modified and offer as an amendment to the pending bill. For reasons which I shall presently explain, I believe that the duties proposed by me on manufactured woolen cloth are greater than are necessary to protect American manufacturers from European competition. However, bearing in mind that this is but a temporary measure, to be followed, as I hope, by a more thoroughgoing revision, and with the purpose of meeting the views of a majority of the Senate to the end that some reduction may be promptly secured, I offer, for the present consideration of Senators, the following changes in the woolen schedule, which I will briefly explain:

The effect of the amendments to Schedule K, which I now propose, are as follows:

	Per cent.
Duty on clothing wools	40
Duty on carpet wools	10
Duty on tops	45
Duty on yarn	50
Duty on carpets	40
Upon cloths and all other manufactures composed entirely of wool or having wool as the component material of chief value	60

Mr. President, that does not recognize a large number of intermediate grades to be fixed by specific valuations, subject to jugglery, the importers seeking to get the duty down, the appraisers seeking to get the duty up, and if it crosses the dividing line, passing at once to a very much higher grade of duties. An ad valorem duty follows the value of the goods. And under the present tariff law, which provides that the guide or standard for valuation shall be the foreign markets, and with all the facilities that our customs department have for ascertaining the values upon these various grades of goods, and the check that that affords against undervaluation, I think we need have no fear. It seems to me that the ad valorem system of fixing duties is the only safe and just one, both for the producer and the consumer. At least that is so until we shall have, as they have in Germany and in the other countries where they have adopted largely the specific system of duties, a thoroughgoing, scientific revision of all tariffs, based upon scientific and expert knowledge.

In this connection I ask the indulgence of the Senate while I go over very briefly some of the reasons for the changes proposed.

The present average duty on raw wool, as shown by the Report on Commerce and Navigation of the Bureau of Statistics for 1910, is a fraction less than 45 per cent. In proposing a duty of 40 per cent ad valorem I make no wide departure from the duties paid to-day on raw wools on the average. It will do away, however, with the gross inequalities and discriminations under which the users of the cheaper wools, which go to make up the poor man's clothing, have to labor under the present specific duties.

A glance at page 1103 of the Report of the Bureau of Statistics on Commerce and Navigation for 1910 will show that the average duty on raw wools of all kinds is forty-four and a fraction per cent, representing a range running from twenty-nine and a fraction per cent to three hundred and thirty-three and a fraction per cent, and 375 per cent on shoddy. Even this figure does not show the extreme height to which our present specific duties on raw wool rise, since the report of the Bureau of Statistics covers only wools actually imported and not those that are kept out by prohibitive rates. An estimate made by Samuel S. Dale, editor of the Textile World Record, based upon actual prices at which wool is sold in the London auction, which fixes the world prices of wool, shows that the duty on raw wool is as high as 550 per cent.

A straight ad valorem duty of 40 per cent will do away with the prohibitive rates such as I have just cited, and will reduce the rates on wools which the manufacturers of woolen goods need to-day for the purpose of blending with our own wools, so that they can not result in any detriment to our woolgrowers,

but would result in great benefit to the consumer. The ad valorem duty will also do away with the present injustice of subjecting wools that contain three-fourths of their weight in grease and dirt to the same duty as the fine, expensive wools, with a shrinkage of, say, 20 per cent.

Passing now to the proposed duties on the intermediate and finished products, the principle underlying them is that in all cases a compensating duty equivalent to the duty on raw wool shall be imposed in addition to a protective duty, which is to cover the difference in the cost of production at home and abroad in the manufactured article.

I want to ask the attention of Senators upon this particular point: The amendment which I offer, starting with a 40 per cent duty on the raw product—the raw wool—as a base line, has been worked out with elaborate care, and with the assistance of the best experts, I believe, in this country.

For whatever I have done in constructive legislation, here or elsewhere, I have done not because I have made conquest of the whole field of knowledge but because I have always been willing to call to my assistance the best expert knowledge of the country, and I think I have done that in the construction of the amendment which I have submitted to the Senate. I say to you that beginning with the 40 per cent base line on raw wools, as you follow the product of raw wool step by step clear through to the finished manufacture, every article takes the duty which it should be given in order to measure the cost of production in the various stages.

Mr. President, I have fixed in this amendment which I have proposed a duty of 45 per cent on tops, which would furnish not only full compensation for the 40 per cent duty on raw wool, but also more than 100 per cent on the cost of labor and other expenses, each of which constitute but a small fraction of the total value of the tops.

The next stage in the process of manufacture is yarns. It is estimated by experts that wool constitutes about 80 per cent of the total value of yarn, the remaining 20 per cent representing labor and other expenses. A compensatory duty of 40 per cent on 80 per cent of the total value of yarns on account of the raw wool equals 32 per cent. Allowing 100 per cent on the labor and other expenses, which constitute 20 per cent of the total value of the yarn, results in a protective duty of 20 per cent, or a total rate of 52 per cent, or, in round numbers, 50 per cent, as I propose.

We now come to the finished cloth. It is estimated that the raw wool constitutes about 65 per cent of the total value of the cloth. This agrees also with the figures just published for the 1910 census. Salaries and wages represent less than 20 per cent of the value of the cloth, and the remainder other expenses, including profits. Allowing 40 per cent on the 65 per cent of the value of the cloth as compensation for the duty on raw wool, we get 26 per cent ad valorem; allowing 100 per cent on the labor and other expenses, will give us 35 per cent ad valorem; making a total compensatory and protective duty of 61 per cent, or, in round numbers, 60 per cent, which is the duty which I propose.

And so up through the different stages of manufacture.

The average ad valorem duty on manufactures of wool during the year 1910 under the existing law was 90 per cent, representing a wide range from 61½ per cent to 154 per cent ad valorem. These duties are mostly prohibitive, and in any event outrageously high, and out of all proportion to the cost of labor and the difference in cost between this and foreign countries. Our total importations of woolen cloths amount to about 3 per cent of our domestic production. If a duty such as I propose, based on a rate of 100 per cent on the total labor cost and other expenses of production, including profits, will not protect the American manufacturer, it is difficult to say where we are going to draw the line of reasonable protection.

We are told that manufacturers in the woolen and worsted industry are barely able to make both ends meet, and, from the wails of the Woolen Trust, one might think it was on its last legs. As against these ex parte statements we have the following comments of the Census Office in its preliminary report on woolens and worsteds for the census of 1910:

> The comparative figures of the above statement clearly indicate the remarkable development that has taken place in the industry since 1899. Although the number of establishments has decreased, denoting a tendency toward concentration, which has been the rule in the wool-manufacturing industry since 1870, on the other hand the amount of capital reported as invested shows an increase from $256,554,000 in 1899 to $415,465,000 in 1909, or 62 per cent during the decade. The cost of materials used increased 85 per cent and the amount paid in salaries and wages 58 per cent. The number of salaried officials and clerks increased but 47 per cent and the number of wage earners only 29 per cent.
>
> The value of products increased from $238,745,000 in 1899 to $419,826,000 in 1909, or 76 per cent. The greater part of this increase took place during the second half of the decade; in fact, the increase of over $100,000,000 in the five years since 1904 is far greater than that of any decade prior to 1900 in the history of the industry.

Mark the figures! While the number of establishments has been continually going down, not less than 308 firms having fallen by the wayside or been absorbed by their stronger rivals, the capital invested in the industry increased during the same decade to the extent of 62 per cent. While our highly protected American labor added to the value of the products 76 per cent during the decade, their wages, in which are included also the salaries of the high-salaried officials and clerks, increased only 58 per cent. With a total labor cost not exceeding 20 per cent of the value of the cloth, we would be justified, if such a revision could be passed at this time, in fixing the duty on the finished material at a lower figure than I propose.

On the basis of the imports during the last six months of 1910 the proposed change in rates would result in a loss of annual revenue under the entire Schedule K of only $12,000,000, or less than 3.7 per cent of the total revenue collected from customs. The ordinary increase in imports which takes place from year to year as a result of the natural increase in population is sufficient to offset this loss, assuming that there will be no increased importations of goods which are to-day entirely shut out from the American market by prohibitive rates.

The amendments proposed by me are as follows:

Paragraph 361 is to be amended so as to include in one class all the clothing wools which are divided under the present act into class 1, enumerated in paragraph 361, and class 2, enumerated in paragraph 362. This will entirely eliminate paragraph 362 of the present act.

The new paragraph 362 is to provide for the so-called carpet wools enumerated in paragraph 363 of the present act, the only change being that they will be known as class 2 instead of class 3, as in the present act, and will also include the hair of the camel, goat, alpaca, and like animals. The present tariff act already provides in paragraph 583 for the free admission of hair of horse, cattle, and other animals, or, in other words, on the only kind of animal hair which the farmers produce in this country. What justification can there be in that case for anything more than a revenue duty on the hair of the camel, goat, and alpaca, and other like animals, of which we have practically none or a negligible quantity in this country, and which, on the other hand, are needed as raw materials by our manufacturers? For these reasons I eliminate the protective feature of the rate and retain a 10 per cent duty on hair for revenue reasons.

Paragraph 365. The change in this paragraph is likewise a mere verbal one, substituting the words "class 1" for the words "class 1 or class 2" in the present act.

Paragraph 366 is to be amended to read as follows:

> The duty on wools of the first class shall be 40 per cent ad valorem.

This requires no further comment, in the light of what I have said in my remarks, except that it may be urged that a specific duty imposed upon the basis of scoured wool would meet the situation just as well, or, as some claim, even better. I quite agree that a specific duty on the basis of scoured wool would do away with one of the glaring injustices of the present system of levying duties on raw wool, namely, the imposition of higher duties on cheap wools of heavy shrinkage as compared with the more expensive wools of light shrinkage. But that is probably as far as it would go by way of ameliorating the present situation, for we would still have the same specific duty applicable to wools of different qualities, and therefore of different values. Unless we adopted a very elaborate scale of duties, with minute subdivisions for wools of different classes and values, we could not do away with the inequalities on that score, and even then the evil would be only mitigated, but not entirely removed, as it will be under a system of ad valorem duties, which automatically adjust themselves to every change in gradation in quality and value. It may be urged, on the other hand, that the ad valorem system will bring in new evils, namely, undervaluation, with its subsequent loss of revenue to the Government. I shall take up that objection later in the course of my remarks.

Paragraph 367 is to be eliminated, since the ad valorem duty does away with the necessity of distinguishing between unwashed, washed, and scoured wools, the increased value of the washed and scoured wool automatically taking care of the duty on the ad valorem basis.

Paragraph 368 (new paragraph 367) is to be amended to read as follows:

> The duty upon all wools of class 2 shall be 10 per cent ad valorem.

The present average duties on wools of this class is about 36 per cent ad valorem. It is not a protective duty, its only effect being to furnish revenue to the Government. The duty is not protective, because we do not produce wools of this kind at the present. Preliminary figures just published by the Census

Office for the census of 1910 on the subject of carpets and rugs show that the carpet and rug establishments of the country purchased in the year 1909 foreign wool to the extent of $11,696,000, while of domestic wool they purchased $57,000, which is but a drop in the bucket. While there is therefore no ground for a protective duty, I believe a moderate duty may be justified as a source of revenue. This duty, however, should not be high, because, being a raw product, it would enter into every successive stage of manufacture, and in that way result in a cumulative burden upon the consumer. For this reason I favor a duty of 10 per cent ad valorem.

Paragraphs 369 and 370 of the present act, providing for the present rates of duty on wools, are to be stricken out, since that has been covered in the paragraphs just quoted.

Paragraph 371 (new paragraph 368) is to be amended so as to provide for a duty on wools on the skin. This is in keeping with the present law, which provides for a duty of 1 cent less on wools on the skin as compared with that on clipped wools of the same class.

Paragraph 372 (new paragraph 369) is to be amended by substituting a duty of 30 per cent ad valorem for the present duty of 30 cents a pound on top waste, slubbing waste, roving waste, ring waste, and garnetted waste.

Paragraph 373 (new paragraph 370) is to be amended by providing for a duty of 30 per cent ad valorem on shoddy, woolen rags, noils, and upon all wastes composed wholly or chiefly of wool.

None of the products enumerated in these two paragraphs are entitled to a protective duty on their own account, since they constitute wastes and by-products of an industry; but in view of the facts that they can be mixed with new wool in the manufacture of cloth and other articles of wool they should be subject to a duty as an indirect protection to wool, but the duty should not be as high as that on the best new wool. I propose a rate of 30 per cent ad valorem, which is 10 per cent ad valorem less than the rate on new clothing wools.

The same consideration applies to other wastes and to mungo and flocks, enumerated in paragraph 374 (new paragraph 371).

Paragraph 375 (new paragraph 372) is to be amended to read as follows:

Combed wool or tops, and all wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not especially provided for in this section, 45 per cent ad valorem.

Paragraph 376 of the present act is to be stricken out as inconsistent with the changes proposed in the preceding paragraph. It should have been stricken out at the time the present tariff was enacted, since the act provided specifically for a duty on tops in paragraph 375. The paragraph had its chief use in the Dingley Act, in that it provided indirectly, as a joker, for a duty on tops as high as that provided for on finished cloth. The scandalous history of its surreptitious smuggling into the tariff act at the time the secretary of the National Association of Wool Manufacturers was serving the Aldrich committee, while receiving his salary from his association, was so fully aired in the hearings before the Ways and Means Committee that I need not take the time of the Senate to repeat it in this connection.

Paragraph 377 (new paragraph 373) is to be amended to read as follows:

On yarns made wholly of wool, or of which wool is the component material of chief value, the duty shall be 50 per cent ad valorem.

I have already given my reasons for fixing the duty at that rate.

Paragraph 378 (new paragraph 374) is to be amended by providing a duty of 60 per cent on cloths, knit fabrics, blankets, dress goods, and other manufactures made wholly or chiefly of wool, not specially provided for in the tariff act.

Paragraph 379, relating to blankets and flannels; paragraphs 380 and 381, relating to women's and children's dress goods, and so forth; paragraph 382, relating to clothing; paragraph 383, relating to trimmings, are to be stricken out, being covered in the proposed version of paragraph 378, which I have just read.

Paragraphs 384, 385, 386, 387, 388, 389, 390, 391, and 392, relating to carpets and rugs (combined in new paragraph 375), are to retain the same phraseology in the amended form as the present act, with the exception that a duty of 40 per cent ad valorem is uniformly substituted for the present compound duties. This duty is determined by the same computation as that I have given in detail with reference to duty on cloth. It is based on an allowance of 100 per cent on the cost of production, which is 35 per cent of the total value and a compensatory duty for the 10 per cent duty on carpet wools.

Paragraph 393 (new paragraph 376) is to be amended by leaving out carpets and mats of cotton or flax, so that, as amended, it will relate exclusively to carpets and carpeting made of wool, and is to be subject to a duty of 40 per cent, which is the same as that on other carpets and represents a reduction of 20 per cent from the present rate. My reason for eliminating carpets and mats of cotton or flax is that we are dealing with the wool schedule, and there is no reason for providing for articles made of flax or cotton outside of the schedules which are devoted to those products.

Paragraph 394 (new paragraph 377) is to be amended by changing the words "wholly or in part of wool" to read "wholly of wool, or of which wool is the component material of chief value."

I have endeavored to carry out this change consistently throughout the schedule, with a view of doing away with the gross injustice of assessing wool duties on articles made chiefly of other fiber than wool. The late Senator Dolliver convulsed the Senate by relating the instance of a chair, having some wool in its upholstering, being assessed under the wool schedule at the rate of 44 cents a pound (upholstery, wood, and all) plus 55 per cent ad valorem, under the provisions of the act which makes all articles made "wholly or in part of wool" dutiable as manufactures of wool.

Numerous instances of this kind were cited during the tariff debate of two years ago, and a mere reference to them should be sufficient to make clear the reason for the proposed change in phraseology.

Paragraph 395 (new paragraph 378) is left unchanged.

Finally a new paragraph (379) is to be added, providing for a duty of 35 per cent ad valorem on all manufactures of hair of the camel, goat, alpaca, and so forth. Since the raw material of which these goods are manufactured is made dutiable at 10 per cent, a duty of 35 per cent on the manufactured product is amply protective. This completes the changes in Schedule K proper.

The proposed change in the system of levying duties on wool will do away with an endless series of provisions which have been a fruitful source of revenue to customs lawyers and a useless burden upon all legitimate business. It will make it possible for anyone who understands the English language to read Schedule K and know what it means. It will do away with the time-honored question as to how many pounds of raw wool it takes to turn out a pound of cloth and how many pounds of raw wool it takes to turn out a pound of blankets. Without attempting to solve this problem, which can not be answered by a single equivalent, it will simply make it unnecessary to consider it and do away with the bounty which the tariff has been placing at the disposal of manufacturers of woolen goods at the expense of the people by granting them a so-called compensatory duty equal to four times the duty on raw wool, on the assumption that every piece of cloth is turned out at the rate of 4 pounds of raw wool to 1 pound of cloth. It is a notorious fact that this represents the rare exception rather than the rule, and that an exceedingly large proportion of all of our so-called woolen and worsted cloths, probably considerably more than half of them, are made in large part of cotton. This means that for every pound of cotton the manufacturer puts into cloth by mixing it with wool he is voted a so-called compensatory duty of nearly 44 cents in addition to the protective duty of 55 per cent ad valorem. The straight ad valorem duty proposed by me will do away with all of these illicit gains and with a surreptitious bounty which has, or should have, no place on the statute books of the United States.

Finally, the ad valorem system of levying duties on woolen goods will do away with the crying injustice inherent in compound duties such as we have in the woolen schedule to-day, which weigh heaviest upon the cheapest cloths, the cloths that go to cover the poor man's back as compared with those used by the rich. Two years ago in discussing the wool schedule I gave numerous instances of this. To-day I could parallel them by citing some instances from the Bureau of Statistics Report for the fiscal year ending June 30, 1910, which was the first year under the Payne-Aldrich Act. One instance may suffice to bring vividly to the minds of Senators the wrong I am trying to do away with by the proposed change. On page 1105 of the Report of the Bureau of Statistics on Commerce and Navigation for 1910 we find that the ad valorem duties on cloths are as follows:

On cloths valued at not more than 40 cents per pound, 144 per cent (disregarding fractions); on cloths valued at from 40 to 70 cents per pound, 123 per cent; valued at above 70 cents a pound, the duty drops to 96 per cent.

One hundred and forty-four per cent for a cloth worth less than 40 cents a pound and only 96 per cent for a cloth worth nearly double that! Striking as this inequality appears to be, it does not give an adequate idea of the real inequalities of duties, and the height to which the duty actually rises on the

poorer cloths and to which it drops on the more expensive ones, for each of the rates given in the Bureau of Statistics report just cited represents an average for a class of cloths in which the extreme high and low rates are merged into one, the duties on the individual cloths rising higher and higher as the value of the cloth declines, greatly exceeding 200 per cent on the cheapest, while being as low as 80 per cent on the most expensive cloths.

To sum up: The ad valorem rates proposed will simplify the schedule in point of phraseology, will automatically do away with whatever fraud there is in the so-called compensatory duty, will abolish the discrimination against the poor man's cloth in favor of that of the rich man, will remove the discrimination against the carded-wool manufacturer in favor of the worsted-goods manufacturer, and, without attempting to draw the line between the compensatory and the protective duty, will automatically provide for both, leaving ample protection for the woolgrower and the manufacturer, without leaving the consumer completely at the mercy of the latter.

The proposed amendments of duties on manufactures of wool would result in a reduction from 89.58 per cent ad valorem under the present law to 56.02 per cent ad valorem, or a reduction of more than 33⅓ per cent ad valorem and more than 37 per cent below the present rate. The change for the wool schedule as a whole would represent a reduction from an average ad valorem of 61.74 per cent under the present law to 38.24 per cent, or a reduction of 23½ per cent ad valorem and over 38 per cent below the present rate.

It is difficult to estimate the effect these reductions would have upon the revenue derived by the Government from these sources. A reduction of duty may result in an increase of importations which will not only offset the reduction in rate, but bring in a larger revenue than the old higher rate did. Of course this is not always the case, since the manufacturers may reduce their price to the consumer, and thereby prevent increased importations from abroad. What usually happens, and what would probably happen if the proposed amendments were adopted, would be a combination of both conditions, and it is impossible to foretell what the ultimate effect upon the revenue would be. The comparative tables, showing the present and proposed rates of duty and estimated revenues under each, were prepared on the same basis that was employed two years ago by the Finance Committee. That is to say, assuming that the imports of commodities will remain the same, the revenues will, of course, fall off in proportion to the reduction of duty. On that assumption—which, I repeat, is purely tentative—the proposed changes would result in a falling off of revenue. From the wool schedule the revenue would decline for the same six months' period from $15,826,000, in round figures, under the present law to $9,803,000 under the proposed rates, or a loss of a little over $6,000,000 for six months, or $12,000,000 annually.

As against this imaginary loss of revenue to the Government, what possible benefit awaits the consumer as a result of the proposed changes in duties? As in the case of revenue, the estimate can be only approximate, although I believe it can be made much more accurate. I estimate the consumption of woolen goods in the United States as follows:

Value of woolen goods produced (exclusive of carpets), census of 1910	$420,000,000
Value of carpets and rugs produced, census of 1910	72,000,000
Total production	492,000,000
Imports entered for consumption of woolen manufactures, fiscal year 1910	23,049,645
Total production and imports	515,049,645
Less manufactures of woolen goods exported, fiscal year 1910	2,369,283
Net consumption of woolen manufactures, 1910	512,680,362
Proposed reduction in tariff on woolen manufactures (per cent ad valorem)	33⅓
Estimated saving to consumer	$170,000,000

We thus have a saving under the wool schedule of $170,000,000 in round figures. The question may be raised as to the accuracy of the assumption that the reduction in duty will be completely reflected in an equal reduction in price. This raises the general question of the extent to which the duty is added to the price of articles to the consumer. No one will dispute the fact that the purpose of a protective duty is to increase the price to the consumer; otherwise there would be no object in manufacturers seeking protective duties. However, competition among producers at home tends to a reduction in price, which prevents the manufacturer from adding the entire duty to the price at which the foreigner would be ready to sell his products under a condition of free trade. To the extent to which domestic competition is reduced this modifying effect is eliminated, and the less there is of domestic competition the greater is the proportion of the duty which is included in the price to the consumer. We know that the Woolen Trust dominates largely the woolen industry, and that independent manufacturers follow its lead largely in their price policy. To what extent the duty under the wool schedules is added to the price it is difficult to say with the data at present available. It is a matter of common knowledge to all who have traveled abroad, as well as to those who have studied the conditions in business, that woolen goods are sold in this country generally at double the price at which they can be purchased in England. This would justify the assumption made in these estimates that the duty enters fully into the price to the consumer. Moreover, it is the basis upon which the estimates were made two years ago by the Finance Committee in arriving at a calculation of the "savings" to the consumer under the high rates of the Payne-Aldrich bill. In any event, they are much nearer the truth than the estimates of the loss in revenue to the Government.

Mr. President, I sought the first opportunity offered since 1909 to redeem the pledge which the Republican administration violated in the tariff revision of that session.

Under the Constitution no tariff bill can originate in the Senate. But when the President's Canadian tariff bill came before us at this session it presented the first chance since the Payne-Aldrich bill passed to move for a reduction of the duties of Schedule K. I promptly offered this same amendment to the so-called reciprocity bill, believing that if it were adopted it would surely receive Executive approval as a part of that bill which the President was sure to sign.

The combined votes of stand-pat Republicans and Democrats defeated its adoption at that time.

I think it should have been made a part of the bill which forced the farmers to sell their products in a free-trade market, because it would have relieved them of some of the burdens of these excessive duties at the same time that the Canadian tariff deprived them of all protection upon the products of their labor.

It was a moral certainty that the President would approve the Canadian bill even though we attached to it my amendment reducing the duties on woolen goods. It would have been a great relief to all consumers throughout the land, but it was defeated then.

It is said now that the President will veto any tariff bill which we may pass. If he should take such a course, in the face of the public demands for the redemption of the broken pledges of 1908, Senators who refused to make this amendment a part of the Canadian tariff bill, as well as the President, will have to answer to the people. The least the Senate can do at this time is to pass that revision of the tariff duties of the woolen schedule which the President will be most likely to sign.

It is certain that he can find less justification for refusing to approve a reduction of Schedule K along protective lines than a bill which can be called a Democratic revision of that schedule. For that reason, if for no other, I believe the Senate should adopt the amendment to this woolen schedule which I offer, and relieve the people of a part of the great burden which the Payne-Aldrich tariff imposes upon them.

Mr. PENROSE. There is a message from the House——

Mr. LA FOLLETTE. I did not understand the Senator.

Mr. PENROSE. There is a message from the House which I should like to have presented to the Senate before the regular session begins at 12 o'clock.

Mr. McCUMBER. Will the Senator yield to me for a question before he concludes?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. I do.

Mr. McCUMBER. If I understand the amendment of the Senator correctly, it gives 9 cents per pound as the protection to the raisers of wool.

Mr. LA FOLLETTE. Well, that depends, of course, upon the price at which one figures the wool. It gives a 40 per cent duty.

Mr. McCUMBER. The Senator's amendment eliminates the whole provision relating to skirting.

Mr. LA FOLLETTE. It does, most emphatically.

Mr. McCUMBER. It was shown in the article that the skirting provision deprived the raiser of wool of about a half of his supposed protection.

Mr. LA FOLLETTE. Yes; that is true.

Mr. McCUMBER. Now, the Senator has another provision, which is in that subdivision relating to noils, card waste, slubbing, and so forth, which he leaves at 30 per cent ad valorem.

Mr. LA FOLLETTE. Yes.

Mr. McCUMBER. I understand that would amount to about 2½ to 3 cents per pound——

Mr. LA FOLLETTE. That would not be true upon the waste product generally.

Mr. McCUMBER. My theory is, I will state to the Senator, that with such a small duty upon woolen rags and material of like character we will merely repeat what we had under the Wilson-Gorman law—that is, an immense importation of woolen rags and shoddy and stuff of that kind, which in effect will cut down the demand for the farmer's product, and therefore deprive him of the full value that would be given by the Senator's amendment.

Mr. LA FOLLETTE. Just let me say to the Senator that he need have no anxiety about that proposition. Rags were free, while mungo and flocks had a 15 per cent duty under the Wilson law. During the period that law was in effect there were large importations of woolen rags, because they were free. No such danger threatens under the amendment I propose, as it imposes a duty of 30 per cent.

The VICE PRESIDENT. May the Chair interrupt the Senator? According to the Chair's understanding of the agreement——

Mr. PENROSE. Mr. President, I hope the Senator from Wisconsin will yield now. There is a message from the House of Representatives, which the Senate ought to hear with some respect, I think. It refers to the death of a Member of the House of Representatives.

Mr. LA FOLLETTE. Very well, Mr. President, I will yield.

DEATH OF REPRESENTATIVE GEORGE W. KIPP.

The VICE PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
July 26, 1911.

Resolved, That the House has heard with regret and profound sorrow of the death of GEORGE WASHINGTON KIPP, Representative in this House from the fourteenth congressional district of Pennsylvania.

Resolved, That a committee of 15 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral at Towanda, Pa., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of these resolutions.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. PENROSE. Mr. President, I ask unanimous consent for the present consideration of the resolutions which I send to the desk.

The VICE PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of the resolutions which the Secretary will read.

The resolutions (S. Res. 117) were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. GEORGE W. KIPP, late a Representative from the State of Pennsylvania.

Resolved, That a committee of five Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The VICE PRESIDENT appointed as the committee on the part of the Senate under the second resolution Mr. PENROSE, Mr. OLIVER, Mr. OVERMAN, Mr. MARTINE of New Jersey, and Mr. POMERENE.

Mr. PENROSE. Mr. President, as a further mark of respect to the memory of the late Representative I move that the Senate adjourn.

The motion was unanimously agreed to, and (at 11 o'clock and 55 minutes a. m.) the Senate adjourned until Thursday, July 27, 1911, at 12 o'clock meridian.

SENATE.

THURSDAY, *July 27, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITION.

Mr. TOWNSEND presented a memorial of Machinists' Union No. 600, of Saginaw, Mich., remonstrating against the so-called Taylor system of shop management in the Government navy yards, etc., which was referred to the Committee on Military Affairs.

MESSENGER TO COMMITTEE ON PUBLIC LANDS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 115, submitted by Mr. NELSON on the 25th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Public Lands be, and it is hereby, authorized to employ a messenger at a salary of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

ADDITIONAL CLERK TO COMMITTEE ON FINANCE.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 105 submitted by the Senator from Pennsylvania [Mr. PENROSE] on the 14th instant, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 2, before the word "additional," to strike out "two" and insert "an"; in the same line, after the word "additional," to strike out "clerks" and insert "clerk"; in line 3, before the word "hundred," to strike out "eight" and insert "six"; and in the same line, after the word "dollars," to strike out "each" and insert "and an additional clerk at an annual salary of $1,440," so as to make the resolution read:

Resolved, That the Committee on Finance be, and it is hereby, authorized to appoint an additional clerk at an annual salary of $1,600, and an additional clerk at an annual salary of $1,440, to be paid from the contingent fund of the Senate until otherwise provided for by law.

The amendments were agreed to.

The resolution as amended was agreed to.

MESSENGERS TO COMMITTEES.

Mr. BRIGGS. I report from the Committee to Audit and Control the Contingent Expenses of the Senate an original resolution, and I ask for its present consideration.

The resolution (S. Res. 118) was read, as follows:

Resolved, That each of the following-named committees is hereby authorized to employ a messenger at a salary of $1,200 per annum: Committees to Audit and Control the Contingent Expenses of the Senate, Canadian Relations, Civil Service and Retrenchment, Coast Defenses, Conference of the Minority, Education and Labor, Expenditures in the Department of the Interior, Expenditures in the Navy Department, Expenditures in the Post Office Department, Expenditures in the Treasury Department, Expenditures in the War Department, Indian Affairs, Industrial Expositions, Interoceanic Canals, Irrigation and Reclamation of Arid Lands, Library, and Patents; that said salaries be paid out of the contingent fund of the Senate until otherwise provided for by law.

Mr. DIXON. This is a resolution giving additional messengers to the committees named?

Mr. BRIGGS. Giving messengers or additional clerical service.

Mr. DIXON. I thought the Republican caucus three weeks ago, and afterwards ratified by the Senate, took action on the report of the committee appointed to investigate the question, and which had recommended that the details should be abolished. I do not understand why half a dozen committees have been singled out for additional clerical hire and why other committees have not been given the same help.

Mr. BRIGGS. Mr. President, if the Senator will allow me, I think I can explain it. The resolution which is submitted from the committee is an omnibus resolution, made up of resolutions which had been offered by the chairmen of committees providing for additional help. In the case of those who have not presented such a resolution r othing has been done; the committee is awaiting the action of the chairmen of the committees.

Mr. DIXON. Mr. President, I can not appreciate at this time the wisdom or the justice of this report. The very thing that has been complained of by Senators heretofore, and which the committee appointed by the Republican caucus sought to obviate, is again being reenacted in a different way. I can not understand why one committee, with the same work as another committee, shall be given additional clerical help and the other committee not.

I shall object to the consideration of the resolution at this time.

The VICE PRESIDENT. The resolution goes over under objection.

Mr. DIXON subsequently said: Mr. President, a parliamentary inquiry. Does the resolution reported this morning providing for clerical help to certain committees, which went over, go on the calendar?

The VICE PRESIDENT. It goes on the calendar.

Mr. DIXON. Will it be on the calendar to-morrow morning for consideration?

The VICE PRESIDENT. Oh, certainly.

Mr. WARREN. Mr. President, before the Senator from New Jersey leaves the Chamber, I ask unanimous consent to make an inquiry. I notice in the resolution that was laid over, as well as in the others, the clause "to be paid from the contingent fund of the Senate, until otherwise provided for by law."

We have endeavored to put all the necessary annual clerks and employees under the regular appropriation law—that is to say, the legislative, executive, and judicial appropriation act. Otherwise, when an appointment is made it goes on interminably, perhaps 1 year and perhaps 30, under the contingent fund.

I wish to ask the Senator whether it is his intention to recommend to the Committee on Appropriations that these clerks be put upon the regular roll when the next appropriation bill comes in?

Mr. BRIGGS. It is.

Mr. WARREN. Then I wish to ask the Senator further, in case the Committee on Appropriations and the Senate should consider the number of employees excessive, and the Senator himself and his committee should so consider it, will he expect to provide otherwise by law in those cases?

Mr. BRIGGS. So far as the Senator from New Jersey is concerned, he expects to be content with the action of the Committee on Appropriations and the Senate upon the matter.

SENATE POST-OFFICE EMPLOYEES.

Mr. BRIGGS. I ask unanimous consent for a reconsideration of Senate resolution No. 75.

The VICE PRESIDENT. The Senator from New Jersey moves a reconsideration of the vote by which the following resolution was passed.

The Secretary read the resolution, as follows:

Resolved, That the clerk in the post office be hereafter designated as "chief clerk of the post office" and receive an annual salary of $1,800, and that the person now holding the office of assistant postmaster be appointed messenger at the card door and receive an annual salary of $1,600.

The VICE PRESIDENT. Without objection, the vote by which the resolution was passed is reconsidered.

Mr. BRIGGS. I move an amendment to the resolution, which is simply to make a correction. In line 6, after the word "dollars," I move to strike out the period and insert a comma and the following words: "to be paid out of the contingent fund of the Senate until otherwise provided for by law," so as to make the resolution read:

Resolved, That the clerk in the post office be hereafter designated as "chief clerk of the post office" and receive an annual salary of $1,800, and that the person now holding the office of assistant postmaster be appointed messenger at the card door and receive an annual salary of $1,600, to be paid out of the contingent fund of the Senate until otherwise provided for by law.

Mr. WARREN. I think it is a bad practice to continue payment of salaries of regular employees from the contingent fund. I assume these employees will probably be taken up and provided for in the regular way.

Mr. LODGE. Mr. President, I wish to say a single word in regard to the resolution. There are two officers. The office of assistant postmaster was abolished. The result was that the officer who held it and the officer who had held it and who are both performing duties for the Senate were left without any pay at all. It is absolutely necessary to bridge them over in the way proposed. They are regular officers of the Senate, and have been.

Mr. WARREN. I wish to say that the Committee on Appropriations has undertaken to provide for these two employees in the joint resolution which is now on the calendar. While on my feet I wish to give notice to the Senate that I shall endeavor, at the close of the consideration of the special order to-day, to bring up House joint resolution 130 and dispose of it this afternoon.

The amendment was agreed to.

The resolution as amended was agreed to.

CHAUFFEUR FOR THE VICE PRESIDENT.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution (S. Res. 121), which was considered by unanimous consent and agreed to:

Resolved, That the Vice President be authorized to appoint for his service a chauffeur, to be paid at the rate of $1,000 per year out of the contingent fund of the Senate until otherwise provided by law.

MESSENGER TO THE COMMITTEE ON NAVAL AFFAIRS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 106, submitted by Mr. PERKINS on the 20th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Naval Affairs be, and it is hereby, authorized to employ a messenger at a salary of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HEYBURN:

A bill (S. 3113) granting an increase of pension to Solomon Baker (with accompanying paper); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3114) to repeal the various acts of Congress relating to the conveyance of the title of the United States to square 1131 and certain other land to Sidney Bieber, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

By Mr. GORE (by request):

A bill (S. 3115) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. WARREN:

A bill (S. 3116) to amend section 1 of the act of Congress of June 22, 1910, entitled "An act to provide for agricultural entries on coal lands," so as to include State land selections, indemnity school and educational lands; to the Committee on Public Lands.

By Mr. GAMBLE (by request):

A bill (S. 3117) for the relief of John G. Mead; to the Committee on Indian Affairs.

ASSISTANT CLERK TO COMMITTEE ON THE CENSUS.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 119), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,200 per annum.

ASSISTANT CLERK TO COMMITTEE ON CONSERVATION OF NATIONAL RESOURCES.

Mr. DIXON submitted the following resolution (S. Res. 120), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Conservation of National Resources be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,200 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

Mr. BRIGGS subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it without amendment, and it was considered by unanimous consent and agreed to.

TARIFF REVISION OF METAL SCHEDULE.

Mr. CUMMINS. I give notice that on Monday next, immediately following the addresses for which notices have been given, I will submit some observations to the Senate upon a proposed revision of the metal schedule, being Schedule C of the present tariff law.

THE FREE LIST.

Mr. BRISTOW. I understand that we are to vote next Tuesday on what is known as the free-list bill, according to the unanimous-consent agreement. Is that correct?

The VICE PRESIDENT. That is the order.

Mr. BRISTOW. I have a number of amendments that I want to offer to that bill. I will offer them to-morrow and let the Senate take action upon them, so as not to have a congestion of business on Monday.

The VICE PRESIDENT. The amendments will be printed and lie on the table.

Mr. NEWLANDS. Mr. President, I give notice that to-morrow, at the close of the morning hour, I will address the Senate on an amendment presented by me to the free-list bill, providing that the duties on all imports which do not equal one-tenth of the total production of the similar articles in the United States shall be gradually reduced at the rate of 10 per cent per annum.

I ask leave to have the amendment which I have offered printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 4413) to place on the free list agricultural implements, etc., viz: Insert at the proper place the following:

That the Tariff Board is hereby authorized, upon the complaint of any importer or upon its own initiative, to inquire as to whether the importations of any dutiable article have been for the year preceding

such inquiry less than one-tenth of the total production of similar articles in the United States; and if it shall appear that such importations do not equal one-tenth of the production of similar articles in the United States, such board shall report the fact to the President of the United States, and thereupon the duty on such article shall be reduced at the rate of 10 per cent per annum until the importations thereof shall for one year equal one-tenth of the production of similar articles in the United States, whereupon any further reduction of such duty hereunder shall cease and the subject matter shall be reported to Congress for its action. But if, after such reduction has ceased, the importations of any dutiable article shall diminish so as to bring such importations below one-tenth of the consumption of similar articles for the period of one year, such annual reduction shall be resumed until the importations thereof shall equal one-tenth of the total annual production of similar articles in the United States, whereupon any further reduction of such duty shall cease and report thereof shall be made to Congress for its action. The President of the United States shall from time to time make proclamation of such reductions.

TARIFF DUTIES ON WOOL.

Mr. NEWLANDS. I also submit an amendment, which I ask to have printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and to be printed in the RECORD, as follows:

That all specific duties authorized by law are hereby changed into ad valorem duties, as of the 1st day of January, 1912, and the President of the United States, with the aid of the Tariff Board and the other statistical forces of the Government, is hereby empowered and directed to ascertain the ad valorem equivalent of the existing specific duties where specific duties alone are levied and the ad valorem equivalent of duties where both specific and ad valorem duties are imposed, as of the 1st day of January, 1912; and as soon thereafter as such ad valorem equivalent duties are ascertained, to announce the same by a public proclamation; and thereafter no specific duties shall be imposed or collected, but in the place thereof such ad valorem equivalent duties shall be collected.

Mr. GORE. I ask unanimous consent to have printed in the RECORD a comparative table showing the rate of duties on wool and the manufactures thereof—Schedule K—in the United States and corresponding rates in the Dominion of Canada.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Comparison of the United States and Canadian customs duties on wool and manufactures thereof.

Articles.	United States duty.	Actual and computed ad valorem, 1910.	Canadian duty.		
			British preferential.	Intermediate.	General.
Wool, hair of the camel, alpaca, goat, or other like animal, unmanufactured:					
Class 1.					
Unwashed wool—					
On the skin	10 cents per pound	57.71	Free [1]	Free [1]	Free.[1]
Not on the skin	11 cents per pound	47.24	Free	Free	Free.
Washed wool—					
On the skin	21 cents per pound	([2])	Free [1]	Free [1]	Free.[1]
Not on the skin	22 cents per pound	159.01	Free	Free	Free.
Scoured wool	33 cents per pound	218.38	15 per cent	17½ per cent	17½ per cent.
Class 2.					
Washed and unwashed wool—					
On the skin	11 cents per pound	44.98	2 cents per pound [1 3]	2½ cents per pound [1 3]	3 cents per pound.[1]
Not on the skin	12 cents per pound	47.52	2 cents per pound [3]	2½ cents per pound [3]	3 cents per pound.[3]
Sorted	24 cents per pound	29.46	do	do	Do.
Scoured wool	36 cents per pound	129.60	do	do	Do.
Camel's hair, washed or unwashed	12 cents per pound	([2])	Free	Free	Free.
Scoured	36 cents per pound	45.61	15 per cent	17½ per cent	17½ per cent.
Hair of the Angora goat, alpaca, and other like animals—					
Washed and unwashed	12 cents per pound	34.61	Free	Free	Free.
Scoured	36 cents per pound	([2])	do	do	Do.
Scoured and sorted	72 cents per pound	333.47	15 per cent	17½ per cent	17½ per cent.
Class 3.					
Valued 12 cents or less per pound—					
Washed or unwashed—					
On the skin	3 cents per pound	82.14	Free [1]	Free [1]	Free.[1]
Not on the skin	4 cents per pound	36.30	Free	Free	Free.
Scoured	12 cents per pound	([2])	15 per cent	17½ per cent	17½ per cent.
Camel's hair, Russian—					
Washed and unwashed	4 cents per pound	34.24	Free	Free	Free.
Valued over 12 cents per pound—					
Washed and unwashed—					
On the skin	6 cents per pound	38.53	Free [1]	Free [1]	Do.
Not on the skin	7 cents per pound	40.53	Free	Free	Do.
Scoured	21 cents per pound	([2])	15 per cent	17½ per cent	17½ per cent.
Manufactures composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals:					
Wool and hair advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for—					
Valued at not more than 40 cents per pound	33 cents per pound and 50 per cent.	252.20	do	do	Do.
Valued at above 40 and not above 70 cents per pound	44 cents per pound and 50 per cent.	112.86	do	do	Do.
Valued at over 70 cents per pound	44 cents per pound and 55 per cent.	77.04	do	do	Do.
Rags, noils, flocks, mungo, shoddy, and waste—					
Top waste, slubbing waste, roving waste, and ring waste.	30 cents per pound	([2])	Free	Free	Free.
Noils	20 cents per pound	32.06	do	do	Do.
Garnetted waste	30 cents per pound	([2])	do	do	Do.
Rags and flocks	10 cents per pound	38.08	do	do	Do.
Shoddy	25 cents per pound	375.00	do	do	Do.
Wastes, not elsewhere specified, and wool extract	20 cents per pound	57.97	do	do	Do.
Combed wool or tops, made wholly or in part of wool or camel's hair—					
Valued at not more than 20 cents per pound	24¾ cents per pound and 30 per cent.	([2])	Classes 1 and 3 free	do	Do.
Valued at more than 20 cents per pound	36¾ cents per pound and 30 per cent.	111.73	Class 2, wool only, 10 per cent.	12½ per cent	15 per cent.
Yarns made wholly or in part of wool—					
Valued at not more than 30 cents per pound	27½ cents per pound and 35 per cent.	159.75	20 per cent	27½ per cent	30 per cent.
Valued at more than 30 cents per pound	38½ cents per pound and 40 per cent.	82.38			
Do	do	82.38	For manufacturing, 12½ per cent.	For manufacturing, 17½ per cent.	For manufacturing, 20 per cent.
Valued at not more than 30 cents per pound	27½ cents per pound and 35 per cent.	159.75	For certain manufacturing, free.	For certain manufacturing, free.	For certain manufacturing, free.
Valued at more than 30 cents per pound	38½ cents per pound and 40 per cent.	82.38			

[1] Canadian duty on sheepskins: British preferential, 12½ per cent; intermediate, 15 per cent; general, 15 per cent.
[2] None imported.
[3] There were no imports into Canada of wool on which duty is imposed in 1910, so no equivalent ad valorem can be obtained. In 1909 there was a small import as follows: Wool, Leicester, etc., 110 pounds; value, $13; duty, $3.30; equivalent ad valorem, 25.38 per cent.

Comparison of the United States and Canadian customs duties on wool and manufactures thereof—Continued.

Articles.	United States duty.	Actual and computed ad valorem, 1910.	Canadian duty.		
			British preferential.	Intermediate.	General.
Manufactures composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, etc.—Continued.					
Blankets—					
Valued at not more than 40 cents per pound	22 cents per pound and 30 per cent.	93.58			
Valued at more than 40 and not more than 50 cents per pound.	33 cents per pound and 35 per cent.	105.50			
Valued at more than 50 cents per pound	33 cents per pound and 40 per cent.	68.19			
More than 3 yards in length—			22½ per cent	30 per cent	35 per cent.
Valued at not more than 40 cents per pound	33 cents per pound and 50 per cent.	136.01			
Valued at above 40 and not above 70 cents per pound.	44 cents per pound and 50 per cent.	122.80			
Valued at over 70 cents per pound	44 cents per pound and 55 per cent.	99.07			
Carpets and carpeting—					
Aubusson, Axminster, moquette, and chenille carpets.	60 cents per square yard and 40 per cent.	62.09			
Brussels carpets	44 cents per square yard and 40 per cent.	76.29			
Carpets woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and other similar rugs.	90 cents per square yard and 40 per cent.	60.57			
Druggets and bockings, printed, colored, or otherwise.	22 cents per square yard and 40 per cent.	66.28			
Felt carpeting	50 per cent	50.00			
Saxony, Wilton, and Tournay velvet carpets	60 cents per square yard and 40 per cent.	70.14			
Tapestry brussels, printed on the warp, or otherwise	28 cents per square yard and 40 per cent.	64.41			
Treble ingrain, 3-ply, and all chain and Venetian carpets.	22 cents per square yard and 40 per cent.	64.34	25 per cent	do	Do.
Velvet and tapestry velvet printed on the warp, or otherwise.	40 cents per square yard and 40 per cent.	62.46			
Wool, Dutch, and two-ply ingrain carpets	18 cents per square yard and 40 per cent.	62.50			
Carpets and carpeting of wool, and flax or cotton, not specially provided for.	50 per cent	50.00			
Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets and carpeting not specially provided for.	44 cents per square yard and 40 per cent.	84.00			
	90 cents per square yard and 40 per cent.	46.9			
	50 per cent	50.00			
Cloths, woolen or worsted—					
Valued at not more than 40 cents per pound	33 cents per pound and 50 per cent.	144.05			
Valued at above 40 and not above 70 cents per pound.	44 cents per pound and 50 per cent.	123.55	30 per cent	35 per cent	Do.
Valued at over 70 cents per pound	44 cents per pound and 55 per cent.	96.02			
Dress goods, women's and children's coat linings, Italian cloths, and goods of similar description—					
The warp consisting wholly of cotton or other vegetable materials, with the remainder of the fabric composed wholly or in part of wool—					
Weighing 4 ounces or less per square yard—					
Valued at not exceeding 15 cents per square yard—					
Not above 70 cents per pound	7 cents per square yard and 50 per cent.	103.73			
Above 70 cents per pound	7 cents per square yard and 55 per cent.	103.92			
Valued at more than 15 cents per square yard—			22½ per cent or 15 per cent.	30 per cent or 22½ per cent.	35 per cent or 25 per cent.
Not above 70 cents per pound	8 cents per square yard and 50 per cent.	97.72			
Above 70 cents per pound	8 cents per square yard and 55 per cent.	94.49			
Weighing over 4 ounces per square yard—					
Valued at above 40 and not above 70 cents per pound.	44 cents per pound and 50 per cent, less 5 per cent.	114.14			
Valued at over 70 cents per pound	44 cents per pound and 55 per cent, less 5 per cent.	98.01			
Composed wholly or in part of wool—					
Weighing 4 ounces or less per square yard—					
Valued not over 70 cents per pound	11 cents per square yard and 50 per cent.	110.68	do	do	Do.
Valued above 70 cents per pound	11 cents per square yard and 55 per cent.	104.69			
Weighing over 4 ounces per square yard—					
Valued at not more than 40 cents per pound.	33 cents per pound and 50 per cent.	154.35			
Valued at above 40 and not above 70 cents per pound.	44 cents per pound and 50 per cent.	120.47			
Valued at over 70 cents per pound	44 cents per pound and 55 per cent.	101.88			
Felts, not woven	44 cents per pound and 60 per cent.	97.01	15 per cent	22½ per cent	25 per cent.
Flannels for underwear:					
Valued at not more than 40 cents per pound	22 cents per pound and 30 per cent.	91.11			
Valued at more than 40 and not more than 50 cents per pound.	33 cents per pound and 35 per cent.	108.00			
Valued at above 50 and not above 70 cents per pound	11 cents per square yard and 50 per cent.	80.60			
Valued above 70 cents per pound	11 cents per square yard and 55 per cent.	87.59	22½ per cent	30 per cent	35 per cent.
Weighing over 4 ounces per square yard—					
Valued at above 50 and not above 70 cents per pound.	44 cents per pound and 50 per cent.	121.62			
Valued at over 70 cents per pound	44 cents per pound and 55 per cent.	105.44			

Comparison of the United States and Canadian customs duties on wool and manufactures thereof—Continued.

Articles.	United States duty.	Actual and computed ad valorem, 1910.	Canadian duty.		
			British preferential.	Intermediate.	General.
Knit fabrics, not wearing apparel:					
Valued at not above 40 cents per pound	33 cents per pound and 50 per cent.	131.40	22½ per cent	30 per cent	35 per cent.
Valued at above 40 and not above 70 cents per pound	44 cents per pound and 50 per cent.	121.93			
Valued at above 70 cents per pound	44 cents per pound and 55 per cent.	94.79			
Plushes, and other pile fabrics:					
Valued at above 40 and not above 70 cents per pound	44 cents per pound and 50 per cent.	123.29	30 per cent	35 per cent	Do.
Valued over 70 cents per pound	44 cents per pound and 55 per cent.	96.32			
Wearing apparel, clothing, ready-made, and articles of wearing apparel, made up or manufactured wholly or in part, not specially provided for:					
Hats of wool	44 cents per pound and 60 per cent.	85.84	22½ per cent	30 per cent	Do.
Knitted articles	do	95.56	22½ per cent	do	Do.
			25 per cent	32½ per cent	Do.
Shawls, knitted or woven	do	96.40	22½ per cent	30 per cent	Do.
Other clothing, ready made, and articles of wearing apparel, made up or manufactured wholly or in part.	44 cents per pound and 60 per cent.	77.09	30 per cent	35 per cent	Do.
			22½ per cent	30 per cent	Do.
Webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries, and all articles embroidered by hand or machinery, head nets, nettings, buttons, or barrel buttons, or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, made of wool or of which wool is a component material, whether containing india rubber or not.	50 cents per pound and 60 per cent.	87.06	30 per cent	35 per cent	Do.
All other manufactures wholly or in part of wool—					
Valued at not more than 40 cents per pound	33 cents per pound and 50 per cent.	151.88	do	do	Do.
Valued above 40 and not above 70 cents per pound	44 cents per pound and 50 per cent.	131.44			
Valued above 70 cents per pound	44 cents per pound and 55 per cent.	86.91			

COMMITTEE SERVICE.

Mr. BAILEY was, on his own request and by unanimous consent, excused from further service upon the Committee on Privileges and Elections.

LAWS OF THE PHILIPPINES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was *read and*, with the accompanying papers, referred to the Committee on the Philippines and ordered to be printed (S. Doc. No. 78):

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith copies of the laws and resolutions enacted during the first session of the second Philippine Legislature and of certain laws enacted by the Philippine Commission.

WM. H. TAFT.

THE WHITE HOUSE, *July 27, 1911.*

TARIFF DUTIES ON WOOL.

The VICE PRESIDENT. The morning business is closed, and the Chair lays before the Senate House bill 11019, in accordance with the unanimous-consent agreement heretofore entered into.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

The VICE PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE] offers an amendment, which the Secretary will read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and in lieu thereof to insert:

SECTION 1. The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

360. All wool, hair of the camel, goat, alpaca, and other like animals, shall be divided, for the purposes of this act, into the two following classes:

361. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool, or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood and usually known by the terms herein used, and all wools not hereinafter included in class 2.

362. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for, the hair of the camel, Angora goat, alpaca, and other like animals.

363. The standard samples of all wools which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they shall be needed.

364. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

365. The duty on wools of the first class shall be 40 per cent ad valorem.

366. The duty upon wools of class 2 shall be 10 per cent ad valorem.

367. The duty on wools on the skin shall be as follows: Class 1, 35 per cent ad valorem; class 2, 10 per cent ad valorem; the quantity and value of the wool to be ascertained under such rules as the Secretary of the Treasury may prescribe.

368. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, 30 per cent ad valorem.

369. Shoddy, noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, 30 per cent ad valorem.

370. Woolen rags, mungo, and flocks, 30 per cent ad valorem.

371. Combed wool or tops, and all wools which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, 45 per cent ad valorem.

372. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 50 per cent ad valorem.

373. On cloths, knit fabrics, blankets, and flannels for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is the component material of chief value, whether containing india rubber or not, 60 per cent ad valorem.

374. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description; tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; treble ingrain, three-ply, and all chain Venetian carpets; wool Dutch and two-ply ingrain carpets; carpets of every description, woven whole for rooms; oriental, Berlin, Aubusson, Axminster, and similar rugs; druggets and bockings, printed, colored, or otherwise; all the foregoing, made of wool, or of which wool is the component material of chief value, 40 per cent ad valorem.

375. Carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section 40 per cent ad valorem.

376. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

377. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by a woolen, worsted, felt, or any other process.

378. All manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 363 form the component material of chief value, shall be subject to a duty of 35 per cent ad valorem.

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and no other duty, upon the entry or the withdrawal thereof.

SEC. 3. That all acts and parts of acts in conflict with the provisions of the act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1912.

Mr. LA FOLLETTE. Upon the adoption of the amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. Mr. President, I offer an amendment to the substitute, to come in on page 4, line 3. The paragraph reads:

Woolen rags, mungo, and flocks, 30 per cent ad valorem.

I move to strike out the word "thirty" and to insert in lieu thereof the word "forty."

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 4, paragraph 370, line 3, before the words "per cent ad valorem," it is proposed to amend the amendment by striking out "thirty" and inserting "forty," so as to read:

370. Woolen rags, mungo, and flocks, 40 per cent ad valorem.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. Upon agreeing to the substitute offered by the Senator from Wisconsin [Mr. LA FOLLETTE], the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the senior Senator from Maine [Mr. FRYE]. I transfer that pair to the junior Senator from Tennessee [Mr. LEA], and shall vote. Before doing so, however, I will say that I do not know how the senior Senator from Maine would vote upon this particular amendment if he were present. I, however, vote "nay."

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence, I withhold my vote. If he were present, and I were at liberty to vote, I should vote "nay."

Mr. DAVIS (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I am not advised how he would vote, if present. I withhold my vote because of his absence, but if permitted to vote, I should vote "nay."

Mr. DILLINGHAM (when his name was called). Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote. If he were present, I should vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to state that my colleague [Mr. GALLINGER] is unavoidably absent. He is paired with the Senator from Arkansas [Mr. DAVIS]. If present and voting, my colleague would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I understand that the Senator from Mississippi, if present, would vote "nay," and I should vote "yea." I prefer therefore to let the pair stand and not to vote.

Mr. RAYNER (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. The senior Senator from Utah [Mr. SMOOT] has authorized me to state that if his colleague were present, he would vote "nay." Therefore I vote "nay."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. I make this announcement, and shall allow it to stand for the day.

The roll call was concluded.

Mr. DAVIS. Mr. President, the announcement of the Senator from New Hampshire [Mr. BURNHAM] that his colleague [Mr. GALLINGER], with whom I am paired, if present would vote "nay," leaves me free to vote. I vote "nay."

Mr. TAYLOR. My colleague [Mr. LEA] is absent on account of illness.

Mr. BACON. Before the vote is announced, I think it due to the Senator from Maine [Mr. FRYE], with whom I am paired, to say that while I have no specific instructions from him as to this particular vote, the general instructions which I have from him lead me to have no doubt that, if present, he would vote "nay."

The result was announced—yeas 14, nays 66, as follows:

YEAS—14.

Borah	Clapp	Gronna	Poindexter
Bourne	Crawford	Kenyon	Works
Bristow	Cummins	La Follette	
Brown	Dixon	Nelson	

NAYS—66.

Bacon	Fletcher	Myers	Simmons
Bailey	Foster	Newlands	Smith, Md.
Bankhead	Gamble	Nixon	Smith, Mich.
Bradley	Gore	O'Gorman	Smith, S. C.
Brandegee	Guggenheim	Oliver	Smoot
Briggs	Heyburn	Overman	Stephenson
Bryan	Hitchcock	Owen	Stone
Burnham	Johnson, Me.	Page	Swanson
Burton	Johnston, Ala.	Paynter	Taylor
Chamberlain	Jones	Penrose	Thornton
Chilton	Kern	Perkins	Townsend
Clark, Wyo.	Lippitt	Pomerene	Warren
Clarke, Ark.	Lodge	Rayner	Watson
Crane	Lorimer	Reed	Wetmore
Cullom	McLean	Richardson	Williams
Curtis	Martin, Va.	Root	
Davis	Martine, N. J.	Shively	

NOT VOTING—10.

Culberson	Frye	McCumber	Tillman
Dillingham	Gallinger	Percy	
du Pont	Lea	Sutherland	

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. Are there further amendments to be offered to the bill as in Committee of the Whole? If not, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The VICE PRESIDENT. The question is on the passage of the bill.

Mr. LA FOLLETTE. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce that I have a general pair with the senior Senator from Maine [Mr. FRYE]. If he were present, he would vote "nay." I transfer that pair to the junior Senator from Tennessee [Mr. LEA], and vote. I vote "yea."

Mr. CULBERSON (when his name was called). I again announce my pair with the Senator from Delaware [Mr. DU PONT]. If I were at liberty to vote, I should vote "yea."

Mr. DAVIS (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. By arrangement with the Senator from North Dakota [Mr. McCUMBER], who is paired with the senior Senator from Mississippi [Mr. PERCY], I transfer my pair to the Senator from Mississippi, so that the Senator from New Hampshire will stand paired with the Senator from Mississippi. This will leave me at liberty to vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN]. Were he present, I should vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague [Mr. GALLINGER], as I have stated, is necessarily absent. If present and voting, he would vote "nay." He is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. As stated by the Senator from Arkansas [Mr. DAVIS], that pair

has been transferred to the Senator from New Hampshire [Mr. GALLINGER], which allows me to vote. I vote "nay."

Mr. RAYNER (when his name was called). I have a general pair with the Senator from Utah [Mr. SUTHERLAND]. If he were present, I should vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND'S name was called). If my colleague [Mr. SUTHERLAND] were present, he would vote "nay."

The roll call having been concluded, the result was announced—yeas 36, nays 44, as follows:

YEAS—36.

Bacon	Fletcher	Myers	Simmons
Bailey	Foster	Newlands	Smith, Md.
Bankhead	Gore	O'Gorman	Smith, S. C.
Brown	Hitchcock	Overman	Stone
Bryan	Johnson, Me.	Owen	Swanson
Chamberlain	Johnston, Ala.	Paynter	Taylor
Chilton	Kern	Pomerene	Thornton
Clarke, Ark.	Martin, Va.	Reed	Watson
Davis	Martine, N. J.	Shively	Williams

NAYS—44.

Borah	Crawford	La Follette	Perkins
Bourne	Cullom	Lippitt	Poindexter
Bradley	Cummins	Lodge	Richardson
Brandegee	Curtis	Lorimer	Root
Briggs	Dixon	McCumber	Smith, Mich.
Bristow	Gamble	McLean	Smoot
Burnham	Gronna	Nelson	Stephenson
Burton	Guggenheim	Nixon	Townsend
Clapp	Heyburn	Oliver	Warren
Clark, Wyo.	Jones	Page	Wetmore
Crane	Kenyon	Penrose	Works

NOT VOTING—10.

Culberson	Frye	Percy	Tillman
Dillingham	Gallinger	Rayner	
du Pont	Lea	Sutherland	

So the bill was rejected.

Mr. LA FOLLETTE. Mr. President, I move to reconsider the vote by which the bill failed to pass.

The VICE PRESIDENT. The Senator from Wisconsin moves to reconsider the vote by which the bill was rejected.

Mr. MARTIN of Virginia. Mr. President, I should have made the motion or seconded it but for the fact that I voted for the passage of the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin that the vote by which the bill was rejected be reconsidered.

Mr. LA FOLLETTE. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I again announce my pair with the Senator from Delaware [Mr. DU PONT]. If I were at liberty to vote, I should vote "yea."

Mr. DAVIS (when his name was called). I have a general pair, as before announced, with the senior Senator from New Hampshire [Mr. GALLINGER]. By arrangement with the Senator from North Dakota [Mr. MCCUMBER], I transfer my pair with the Senator from New Hampshire to the senior Senator from Mississippi [Mr. PERCY], with whom the Senator from North Dakota is paired, and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "nay."

Mr. BURNHAM (when Mr. GALLINGER'S name was called). I make the same statement as before regarding the absence of my colleague [Mr. GALLINGER], and will say that, if present, he would vote "nay."

Mr. RAYNER (when his name was called). I have a general pair with the Senator from Utah [Mr. SUTHERLAND]. If he were present, I should vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND'S name was called). If my colleague [Mr. SUTHERLAND] were present and free to vote, he would vote "nay."

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). I should have announced before casting my vote the transfer of the pair I have with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], and also that if present the Senator from Maine would vote "nay."

The result was announced—yeas 49, nays 31, as follows:

YEAS—49.

Bacon	Chilton	Gronna	Martine, N. J.
Bailey	Clapp	Hitchcock	Myers
Bankhead	Clarke, Ark.	Johnson, Me.	Nelson
Borah	Crawford	Johnston, Ala.	Newlands
Bourne	Cummins	Kenyon	O'Gorman
Bristow	Davis	Kern	Overman
Brown	Fletcher	La Follette	Owen
Bryan	Foster	McCumber	Paynter
Chamberlain	Gore	Martin, Va.	Poindexter
Pomerene	Smith, Md.	Taylor	Works
Reed	Smith, S. C.	Thornton	
Shively	Stone	Watson	
Simmons	Swanson	Williams	

NAYS—31.

Bradley	Curtis	Lorimer	Root
Brandegee	Dixon	McLean	Smith, Mich.
Briggs	Gamble	Nixon	Smoot
Burnham	Guggenheim	Oliver	Stephenson
Burton	Heyburn	Page	Townsend
Clark, Wyo.	Jones	Penrose	Warren
Crane	Lippitt	Perkins	Wetmore
Cullom	Lodge	Richardson	

NOT VOTING—10.

Culberson	Frye	Percy	Tillman
Dillingham	Gallinger	Rayner	
du Pont	Lea	Sutherland	

So the motion to reconsider the vote by which the bill was rejected was agreed to.

Mr. LA FOLLETTE. I move to reconsider the votes by which the bill was ordered to a third reading.

The VICE PRESIDENT. Without objection, the votes by which the bill was ordered to a third reading will be reconsidered. The Chair hears no objection.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LA FOLLETTE. I inquire if the bill is now in the Senate and open to amendment?

The VICE PRESIDENT. It is.

Mr. LA FOLLETTE. I offer an amendment, in the nature of a substitute, which I send to the desk.

The VICE PRESIDENT. The Senator from Wisconsin offers an amendment, in the nature of a substitute, which the Secretary will state.

The SECRETARY. It is proposed to strike out all after the enacting clause, and to insert in lieu——

Mr. LA FOLLETTE. It would save time and it would not be necessary to read the amendment if I could be permitted to state that by it the basic duty on wool is reduced from 40 per cent to 35 per cent, and the other duties are scaled accordingly.

The VICE PRESIDENT. The Chair hardly thinks that could be done according to the agreement. The Secretary will read the amendment, unless unanimous consent be asked to dispense with its reading.

Mr. LA FOLLETTE. I ask, then, that it be read.

The VICE PRESIDENT. The Secretary will read the amendment.

Mr. CLAPP. Unless objection is made, I shall ask unanimous consent that the reading of the amendment be dispensed with.

Mr. STONE. I object.

Mr. PENROSE. Let the amendment be read.

Mr. WARREN. I think the amendment ought to be read.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from Wisconsin.

The SECRETARY. Strike out all after the enacting clause of the bill and in lieu insert:

SECTION 1. The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

360. All wool, hair of the camel, goat, alpaca, and other like animals, shall be divided, for the purposes of this act, into the three following classes:

361. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool, or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood and usually known by the terms herein used, and all wools not hereinafter included in class 2.

362. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for; the hair of the camel, Angora goat, alpaca, and other like animals.

363. The standard samples of all wools which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they shall be needed.

364. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

365. The duty on wools of the first class shall be 35 per cent ad valorem.

366. The duty upon wools of class 2 shall be 10 per cent ad valorem.

367. The duty on wools on the skin shall be as follows: Class 1, 30 per cent ad valorem; class 2, 10 per cent ad valorem; the quantity and value of the wool to be ascertained under such rules as the Secretary of the Treasury may prescribe.

368. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, 30 per cent ad valorem.

369. Shoddy, noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, 25 per cent ad valorem.

370. Woolen rags, mungo, and flocks, 25 per cent ad valorem.

371. Combed wool or tops, and all wools which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, 40 per cent ad valorem.

372. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 45 per cent ad valorem.

373. On cloths, knit fabrics, blankets, and flannels for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, clothing, ready made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is the component material of chief value, whether containing india rubber or not, 55 per cent ad valorem.

374. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description; tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; treble ingrain, three-ply, and all chain Venetian carpets; wool Dutch and two-ply ingrain carpets; carpets of every description, woven whole for rooms; oriental, Berlin, Aubusson, Axminster, and similar rugs; druggets and bockings, printed, colored, or otherwise; all the foregoing, made of wool, or of which wool is the component material of chief value, 35 per cent ad valorem.

375. Carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

376. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

377. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by a woolen, worsted, felt, or any other process.

378. All manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 363 form the component material of chief value, shall be subject to a duty of 30 per cent ad valorem

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act, and no other duty, upon the entry or the withdrawal thereof.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1912.

The VICE PRESIDENT. The question is on agreeing to the substitute offered by the Senator from Wisconsin.

Mr. BORAH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Idaho will state it.

Mr. BORAH. Is it permissible under the agreement under which we are proceeding to ask a question of the Senator from Wisconsin in order to ascertain what we could not hear?

The VICE PRESIDENT. The Chair thinks that any question is in the nature of debate; but if a Senator raises the question that he could not hear the reading, the Chair thinks it would be easier to ask the question than it would be to reread the whole amendment.

Mr. LODGE. The amendment has been read.

Mr. BORAH. The amendment was read, but nobody heard it in this part of the Chamber.

The VICE PRESIDENT. If there be no objection, the amendment, or any portion of it suggested, will be read again. The Secretary will again read the amendment.

Mr. NELSON. I object. It has been read in full.

Mr. CLARKE of Arkansas. It has been read. I object.

The VICE PRESIDENT. Objection has been made.

Mr. McCUMBER. Mr. President, I offer an amendment to the amendment. On page 4, paragraph 371, I move to strike out "twenty-five" and insert in lieu thereof "forty."

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 4, line 3, before the words "per centum ad valorem," it is proposed to strike out "twenty-five", and insert "forty," so that if amended the paragraph will read:

371. Woolen rags, mungo, and flocks, 40 per cent ad valorem.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. LA FOLLETTE. Upon the question of the adoption of the amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce my general pair with the Senator from Maine [Mr. FRYE], who, if present, would vote "nay." I transfer my pair to the Senator from Tennessee [Mr. LEA] and vote. I vote "yea."

Mr. CULBERSON (when his name was called). I announce again my pair with the Senator from Delaware [Mr. DU PONT]. If I were at liberty to vote, I would vote "yea."

Mr. DAVIS (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. By an arrangement with the Senator from North Dakota [Mr. McCUMBER] I transfer that pair to the senior Senator from Mississippi [Mr. PERCY] and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). Owing to the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I am paired, I withhold my vote. Were he present, I would vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague [Mr. GALLINGER] is necessarily absent. He is paired on this vote with the Senator from Mississippi [Mr. PERCY], as has just been announced.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. If he were present, I would vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). If my colleague [Mr. SUTHERLAND] were present, he would vote "nay."

The roll call having been concluded, the result was announced—yeas 48, nays 32, as follows:

YEAS—48.

Bacon	Cummins	McCumber	Reed
Bailey	Davis	Martin, Va.	Shively
Bankhead	Fletcher	Martine, N. J.	Simmons
Bourne	Foster	Myers	Smith, Md.
Bristow	Gore	Nelson	Smith, S. C.
Brown	Gronna	Newlands	Stone
Bryan	Hitchcock	O'Gorman	Swanson
Chamberlain	Johnson, Me.	Overman	Taylor
Chilton	Johnston, Ala.	Owen	Thornton
Clapp	Kenyon	Paynter	Watson
Clarke, Ark.	Kern	Poindexter	Williams
Crawford	La Follette	Pomerene	Works

NAYS—32.

Borah	Cullom	Lodge	Richardson
Bradley	Curtis	Lorimer	Root
Brandegee	Dixon	McLean	Smith, Mich.
Briggs	Gamble	Nixon	Smoot
Burnham	Guggenheim	Oliver	Stephenson
Burton	Heyburn	Page	Townsend
Clark, Wyo.	Jones	Penrose	Warren
Crane	Lippitt	Perkins	Wetmore

NOT VOTING—10.

Culberson	Frye	Percy	Tillman
Dillingham	Gallinger	Rayner	
du Pont	Lea	Sutherland	

So Mr. LA FOLLETTE's amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is on the passage of the bill.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce the transfer of my pair with the senior Senator from Maine [Mr. FRYE] to the junior Senator from Tennessee [Mr. LEA], and the fact that if the Senator from Maine were present he would vote "nay." I vote "yea."

Mr. CULBERSON (when his name was called). In view of my general pair with the Senator from Delaware [Mr. DU PONT], I abstain from voting. If I were at liberty to vote, I would vote "yea."

Mr. DAVIS (when his name was called). I again announce that I have a general pair with the Senator from New Hampshire [Mr. GALLINGER], which is transferred, by an arrangement with the Senator from North Dakota [Mr. MCCUMBER], to the senior Senator from Mississippi [Mr. PERCY]. I vote "yea."

Mr. DILLINGHAM (when his name was called). Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN] I will refrain from voting. If I were at liberty to vote, I would vote "nay."

Mr. RICHARDSON (when Mr. DU PONT's name was called). My colleague [Mr. DU PONT] is necessarily absent. He has a general pair with the Senator from Texas [Mr. CULBERSON]. If my colleague were present, he would vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I make the same announcement as before. My colleague [Mr. GALLINGER] is unavoidably absent. He is paired on this vote with the Senator from Mississippi [Mr. PERCY]. If my colleague were present and voting, he would vote "nay."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. If he were present, I would vote "yea."

The roll call having been concluded, the result was announced—yeas 48, nays 32, as follows:

YEAS—48.

Bacon	Cummins	McCumber	Reed
Bailey	Davis	Martin, Va.	Shively
Bankhead	Fletcher	Martine, N. J.	Simmons
Bourne	Foster	Myers	Smith, Md.
Bristow	Gore	Nelson	Smith, S. C.
Brown	Gronna	Newlands	Stone
Bryan	Hitchcock	O'Gorman	Swanson
Chamberlain	Johnson, Me.	Overman	Taylor
Chilton	Johnston, Ala.	Owen	Thornton
Clapp	Kenyon	Paynter	Watson
Clarke, Ark.	Kern	Poindexter	Williams
Crawford	La Follette	Pomerene	Works

NAYS—32.

Borah	Cullom	Lodge	Richardson
Bradley	Curtis	Lorimer	Root
Brandegee	Dixon	McLean	Smith, Mich.
Briggs	Gamble	Nixon	Smoot
Burnham	Guggenheim	Oliver	Stephenson
Burton	Heyburn	Page	Townsend
Clark, Wyo.	Jones	Penrose	Warren
Crane	Lippitt	Perkins	Wetmore

NOT VOTING—10.

Culberson	Frye	Percy	Tillman
Dillingham	Gallinger	Rayner	
du Pont	Lea	Sutherland	

So the bill was passed.

Mr. LA FOLLETTE. I wish to request a reprint of the bill as passed. There is quite a demand for it and the copies are exhausted.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

DEFICIENCY APPROPRIATIONS.

Mr. WARREN. I desire to call up the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I will not ask to omit the formal reading, as the joint resolution is short.

The Secretary read the joint resolution.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). The amendments of the committee will be stated in their order.

The first amendment of the Committee on Appropriations was, on page 1, after line 5, to insert:

SENATE.

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred during the first session of the Sixty-second Congress for clerk hire and other extra clerical services, $3,695.

The amendment was agreed to.

The next amendment was, at the top of page 2, to insert:

To pay J. H. Jones for extra services in the care of the Senate chronometer and for work in connection therewith, for the first session of the Sixty-second Congress, $100.

The amendment was agreed to.

The next amendment was, on page 2, after line 4, to insert:

The offices of assistant postmaster and mail carrier, at $2,088, and clerk, at $1,600, as provided for in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1912, and for other purposes, approved March 4, 1911, be, and the same are hereby, abolished, and the following offices are hereby created in lieu thereof, to take effect July 14, 1911, namely: Chief clerk of the post office, at $1,800, and messenger at the card door, at $1,600.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to insert:

WAR DEPARTMENT.

The Secretary of War is hereby directed to inquire, and report to Congress for its consideration, what sum or sums of money were actually expended by the State of Texas during the period of time between January 1, 1856, and March 5, 1861, in payment of State volunteers or rangers called into service by authority of the governor of Texas, in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not heretofore been made out of the Treasury of the United States.

The PRESIDING OFFICER. In the absence of objection, the amendment will be agreed to.

Mr. SMITH of Michigan. Mr. President, I should like to ask the chairman of the Committee on Appropriations just what this amendment is intended to do. I do not quite understand it.

Mr. WARREN. Mr. President, at an early date the United States Government authorized the payment of State troops in Texas for service on the frontier to protect that frontier between this country and Mexico. Congress made an appropriation, and an account was rendered a few years ago, of the sum of three hundred and eighty-odd thousand dollars. The accounting was had, the authorization shown, the account was audited, and the sum appropriated in deficiency bills. That was the reason the committee consented to a further inquiry going into this joint resolution. After that settlement it seems that the military ledgers of the State were brought to notice, and it is stated by the officials of that State that there is yet due something like $180,000, I think. This amendment provides that the War Department may examine the books and papers so as to ascertain whether in reality this Government owes the State of Texas such amount, or any amount. The State of Texas claims that it has not only its ledgers and books to sustain the claim, but that it has signed vouchers for every dollar of the amount, and that it has the record of the regular authorization of this Government to that State. The Senator from Texas [Mr. CULBERSON] is in his place, and he will give further explanation of the matter.

Mr. CULBERSON. Mr. President——

Mr. SMITH of Michigan. If the Senator from Texas will permit me to finish my inquiry, I want to ask the Senator from Wyoming, chairman of the committee, whether this matter originally came as a claim from the State of Texas or arose through a voluntary disposition upon the part of the Federal Government to meet these expenses?

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Texas?

Mr. SMITH of Michigan. I do.

Mr. CULBERSON. Mr. President, answering the inquiry of the Senator from Michigan, I will say that between 1859 and February, 1861, during the administration of Gov. Sam Houston, of Texas, a large amount of money, several hundred thousand dollars, was expended by the State to protect its frontier against Mexican invasion and Indian depredations. In 1905, on a deficiency appropriation bill, a paragraph like the present one was adopted, directing the Secretary of War to make inquiry into this expenditure and report to the Congress. In response to that provision of law, the Secretary of War replied that a certain amount of money had been expended, amounting to about $396,000, which was subsequently appropriated for by the United States. In that report the Secretary of War stated that, although in 1860 an appropriation of $300,000 was made by a resolution of the State legislature, about $198,000 of it had not been expended at all. Now, the governor of the State and other authorities have discovered by original vouchers, heretofore hidden in débris recovered from the fire which destroyed the State capitol in 1881, that instead of that money not having been expended $179,000 of this sum was, in fact, expended by the State, and there is on file in the comptroller's office at Austin the original vouchers showing the payment of the money for that purpose by the State of Texas. The remaining sum of about $3,600 was inadvertently omitted in 1905.

The object of this amendment is simply for the Federal authorities to make inquiry and submit to Congress for its consideration the facts in reference to this last suggestion of the governor of the State.

Mr. SMITH of Michigan. Mr. President, if the Senator from Texas will permit me, I should like to ask whether or not the service which is to be compensated for was such service as was rendered in the exercise of the police powers of the State of Texas or not?

Mr. CULBERSON. The service was for protecting the frontier against Cortina and his band of Mexicans and against

Indians, who came in on the northern and eastern sides of Texas. The service was rendered to protect the State against invasion, which it was the duty of the United States primarily to do.

Mr. SMITH of Michigan. This did not grow out of any attempted enforcement of the police powers of the State of Texas?

Mr. CULBERSON. Not at all; it was for the protection of the frontier against outside invasion.

Mr. SMITH of Michigan. Mr. President, I do not care to make a point of order against the amendment, but this is rather an old claim to come in this form. To be sure we appropriate no money, but we lay the foundation for an appropriation; and if any further original entries are discovered hereafter, we may be called upon to make these payments for all time during the life of the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

Mr. McCUMBER. Mr. President——

Mr. WARREN. One moment. Has the Secretary concluded the statement of the amendments proposed by the committee?

The PRESIDING OFFICER. There is one other committee amendment, which will now be stated.

The next amendment of the Committee on Appropriations was, on page 3, after line 21, to insert:

INTERIOR DEPARTMENT.

The Secretary of the Interior is authorized, in his discretion, to use the funds provided in the appropriations for stationery and for contingent expenses of the Department of the Interior for the fiscal year ending June 30, 1912, for the purchase and distribution of supplies for the use of subordinate offices and Indian schools having appropriations available for the purchase of such supplies: *Provided*, That the said appropriations of the department shall be reimbursed from the appropriations for the offices and schools so supplied by the medium of transfer vouchers, which shall be recognized and allowed, when properly executed, by the accounting officers of the Treasury Department, and such vouchers, bearing the approval of the Secretary of the Interior or one of his assistants, shall be accepted by the accounting officers of the Treasury as sufficient evidence that the supplies charged for have been or will be paid for from the said department appropriations.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

GOVERNMENT PRINTING OFFICE.

For payment to Samuel Robinson and William Madden, as messengers to CONGRESSIONAL RECORD, on night duty during the special session of the present Congress, for extra services rendered, $700 each; in all, $1,400.

The PRESIDING OFFICER. In the absence of objection, the amendment will be agreed to.

Mr. REED. Mr. President——

The PRESIDING OFFICER. The joint resolution is still before the Senate as in Committee of the Whole.

Mr. WARREN. The committee have another amendment, which I desire to offer on their behalf.

The PRESIDING OFFICER. The committee amendment will be stated.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri rise to the last amendment?

Mr. REED. I rise to the amendment which was last read. I was on my feet when the Presiding Officer was announcing that if there was no objection to the amendment it would be agreed to.

The PRESIDING OFFICER. The amendment will be regarded as open for consideration.

Mr. REED. Mr. President, before I give consent to increasing the pay roll here, I should like to know why it is to be increased. Almost every day we have a bill brought in to increase the expenditures of the Senate. One was reported, I think, this morning along that line. I should like to know something about these messengers, and, unless I am informed, I am going to object.

Mr. WARREN. Mr. President, has the Senator concluded?

Mr. REED. Yes, sir.

Mr. WARREN. Mr. President, the amendment to which the Senator alludes provides for the payment of the two messengers who take care of the copy for the CONGRESSIONAL RECORD of the House and of the Senate. They are the two men who come to the Senator from Missouri and other Senators and bring the manuscript of their remarks to them at their houses or wherever they may be, and when they have finished with it these messengers carry it to the Printing Office and care for it until it is in the proper hands there. For many years at the end of each session of Congress they have received an amount equal to this. Their pay is small; it is per diem and by the hour; and if they were employed 8 hours every day for 313 days in the year they would receive, as I compute it hurriedly, only $1,001 each. They are not always employed regularly during the recess of Congress. Sometimes, as I am informed, there are long intervals when they receive very little. They are men who are thoroughly versed in their business; they conduce to the convenience of every Senator and every Member of the House of Representatives, and it has been thought heretofore no more than right to pay them this extra compensation, since they must work night and day—mostly at night—in all kinds of weather during sessions.

Mr. REED. Mr. President, may I ask the chairman of the committee are these men on salaries now?

Mr. WARREN. As I have said, they are on a per diem of, I think, 40 cents an hour.

Mr. REED. During what time?

Mr. WARREN. Whatever time the officer in charge of the Printing Office may order them to work.

Mr. REED. They get that anyway?

Mr. WARREN. Yes.

Mr. REED. Now, this is a proposition to pay them something in addition to 40 cents an hour?

Mr. WARREN. It is.

Mr. REED. Well, I object to it.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

Mr. REED. I raise the question of the lack of a quorum.

The PRESIDING OFFICER. Those in favor of adopting the amendment as reported will show their assent by saying "aye"——

Mr. REED. I have raised the question of no quorum. Is that suggestion to be entertained or not?

The PRESIDING OFFICER. It is a committee amendment, and an objection does not send it over.

Mr. REED. I have raised the question of the lack of a quorum of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bourne	Cullom	Lorimer	Pomerene
Bradley	Cummins	McCumber	Reed
Brandegee	Dillingham	McLean	Smith, Md.
Bristow	Dixon	Martin, Va.	Smith, Mich.
Brown	Gamble	Martine, N. J.	Smoot
Bryan	Gore	Nixon	Stephenson
Burnham	Gronna	O'Gorman	Stone
Burton	Guggenheim	Oliver	Swanson
Chamberlain	Heyburn	Page	Taylor
Chilton	Johnson, Me.	Paynter	Townsend
Clapp	Jones	Penrose	Warren
Crane	Kenyon	Perkins	Watson
Culberson	Kern	Poindexter	Wetmore

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. SMITH of Michigan. Mr. President, I hope the Senator from Missouri [Mr. REED] will not press his objection to this item. We who have been in the service of the Government for a long time know that there are no more faithful employees of this Government than the two men named in this paragraph. No matter how stormy the night, or how dark or how late, these men are performing their duties for the convenience of Senators and the accuracy of the public records. For many years they have received this amount. They are in every way deserving of it. I do not know a service that is more important, or that is rewarded so scantily as the service performed by these two men, and I sincerely hope the Senator from Missouri will not press his objection to this item.

Mr. REED. Mr. President, the last thing I should want to do would be to deprive any man of just compensation for his work; and when it comes to matters of economy, I am not in favor of beginning those economies with the men who are drawing the smallest stipends. The only reason, or the main reason, why I objected to this was that there is scarcely a day passes when there is not some bill brought in to increase pay or to employ new men. I think beyond all question, if these men are not receiving sufficient pay on their regular stipend, it ought to be increased rather than to pay them by slipping in an extra appropriation every session. I do not think that is the right system to proceed on; but it is manifestly a thing that has been acquiesced in for some time, and evidently the feeling of Senators here is that they want to make this donation, for that is what it is, and in view of that I shall not insist on a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 2, after line 16, to insert:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $2,500.

The amendment was agreed to.

Mr. McCUMBER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from North Dakota offers an amendment, which the Secretary will state.

The SECRETARY. It is proposed to insert under the heading of "Senate," on page 2, after line 16, the following:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and the House borne on the annual and session rolls on the 1st day of July, 1911, including the Capitol police, the official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the first session of the Sixty-second Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

The amendment was agreed to.

Mr. GUGGENHEIM. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Colorado offers an amendment, which the Secretary will state.

The SECRETARY. It is proposed to insert, after the amendment just agreed to, the following:

To pay to the employees of the Senate Office Buildings now carried on the maintenance roll of the Senate Office Building, for extra services during the first session of the Sixty-second Congress, a sum equal to one month's pay at the compensation now paid them, the same to be immediately available.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "A joint resolution making appropriations for certain expenses of the Senate and House of Representatives incident to the first session of the Sixty-second Congress, and for other purposes."

THE FREE LIST.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (H. R. 4413) to place upon the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WARREN. I assume that there is no Senator ready to proceed at this time, and I therefore move that the Senate adjourn.

Mr. BRYAN. Mr. President, I hope the Senator will withhold that motion, as I gave notice yesterday that I would address the Senate to-day upon Senate resolution No. 100 immediately after the final disposition of the special order.

Mr. WARREN. I was not aware of that notice. I withdraw the motion for adjournment.

Mr. PENROSE. Then let House bill 4413 be temporarily laid aside.

PENSACOLA NAVY YARD.

The VICE PRESIDENT. Pursuant to the notice heretofore given by the Senator from Florida, the Chair lays before the Senate the following resolution.

The SECRETARY. Senate resolution 100, submitted by Mr. FLETCHER July 11, 1911, directing the Secretary of the Navy to report as to certain matters relative to the Pensacola and other navy yards.

Mr. BRYAN. Mr. President, in his annual report for the year 1910 the Secretary of the Navy recommended to Congress that the navy yard at Pensacola, Fla., be abandoned and sold. Congress refused to comply with this recommendation. On July 1, 1911, more than one-half of the 200 workmen employed at this navy yard were discharged upon about two days' notice, and it is reliably stated that the stores located there are being packed for shipment, and that within the next few days the remaining workmen will be discharged and all work, practically, if not completely, abandoned.

Undoubtedly this procedure is in pursuance of orders issued by the Secretary of the Navy. The object of the pending resolution is to ascertain definitely and authoritatively exactly what orders he has issued and has in contemplation; generally, what work, if any, it is his purpose to allow to be done; and specifically, whether it is his intention to do indirectly that which Congress refused to give him authority to do directly.

It is well understood that the Secretary desires to close and abandon this yard and sell the land which the United States have used for navy-yard purposes since 1828.

The views of the present Secretary of the Navy are very different from those which have prevailed generally since the establishment of the yard, as shown by reports of the several former Secretaries of the Navy. In 1833 Secretary Woodbury made the following report:

The continuance of Pensacola as a naval station seems to me judicious. This opinion arises not only from its convenient position as to the whole Gulf of Mexico, but its proximity to the mouths of the Mississippi and Mobile Rivers, whose great and growing commerce is so amply entitled to the best protection. In the depth and size of its bay, in the excellent defenses at its mouth, in its healthy situation, in its easy access to all our vessels except of the two highest classes, Pensacola has no prominent rival in that neighborhood.

In 1866 Secretary Welles, in his report, had this to say:

The yards at Norfolk and at Pensacola are as essential to the Navy and the country as either of the yards at the North, and in the event of a foreign war we could better dispense with one of the yards north of the Chesapeake than with either of these. Our possession of them during the late conflict, even in their dilapidated condition, was of great value to the Union cause. After their recovery the vessels composing the several blockading squadrons were not detached and sent north for ordinary repairs, with loss of service during their absence of vessels and crews, but were retained on their stations. The repairs thus effected were made without many of the required facilities, but notwithstanding great disadvantages considerable saving ensued to the Government, and the blockade was thereby made more efficient. Upon the Pensacola yard, even in its present ruinous state, we must depend for repairs and supplies for any squadron we may employ to guard the ocean outlet of the great central valley of the Union and of our whole coast bordering on the Gulf. To neglect to put that yard in proper condition would be to neglect Iowa, Illinois, and the States north, as well as Louisiana and Mississippi.

In the event of a foreign war with the great maritime powers, our country would labor under serious disadvantages were we without a navy yard or naval station in the Gulf. A naval force of steamers—and all fighting vessels must hereafter be steamers—could not be maintained in the Gulf without frequent repairs and supplies. With no navy yard in the Gulf the disabled vessels would necessarily be withdrawn from their station and compelled to proceed to a northern yard for refitment. Besides the perils incident to a voyage under these circumstances, with an enemy on the coast, the services of the officers and crews, as well as of the vessel itself, would be lost during the time she might be absent in going to and returning from a northern yard. The rebels and the waste of war have devastated the Norfolk and Pensacola yards, but the best interest of the service and the obligations of the Government are not less imperative now, when peace and union are restored, to place them in proper condition. It is to be hoped, therefore, that liberal appropriations will be made for that purpose.

In 1869 Secretary of the Navy Robeson reported:

* * * The yard at Pensacola was so far destroyed during the war as to be now almost wholly useless, and we are without a depot on the Gulf where vessels can be refitted. The station, which includes the West Indies and the Gulf, is one of great and growing importance. In the present condition of things, a vessel on that station needing any repair is obliged to be sent to the navy yards of the North.

Again, in 1873, he reported:

I think it very important that the Pensacola Navy Yard, burnt during the rebellion, but with many of its improvements unharmed, should be in some degree rebuilt. In the event of complications in or near the Gulf of Mexico or West Indies, it would be a station of vast importance.

And again, in 1874:

An appropriation is also needed for the erection of suitable barracks for the marines of the station. It would be difficult to overstate the importance of this navy yard as a rendezvous and repairing yard for our vessels of war in the event of complications in or near the Gulf of Mexico, the West Indies, or the Spanish Main.

And again, in 1875:

While it is not deemed wise to place this yard in condition for building ships, yet it is considered eminently proper that it should possess all requisite facilities for docking and repairing the vessels of the North Atlantic Squadron. * * *

Secretary Thompson, in 1878, among other things, said:

It is an important question to decide whether the improvements of the yard shall be continued beyond what can now be done with the means at the control of the department. It is an important point on account of its location, and undoubtedly possesses great advantages because of its contiguity to the live oak, coal, and iron regions of the South, both for building and repairing vessels. In the event of hostile naval operations in the Gulf it would afford a safe place of rendezvous for our ships, where they could be repaired without having to be taken to the more northern yards. These are questions, however, exclusively for the consideration of Congress.

In 1880 Secretary Thompson reported as follows:

This is a very important yard, being the only one upon the Gulf, and the public interests will be advanced by liberal appropriations to restore it to the condition it was in before the war.

It is true that, in pursuance of an act of Congress of 1882, the navy-yard commission in 1883 recommended the abandonment of the present site; but it is also true that the same commission recommended the selection instead of a site within the lines of Pensacola Bay.

In his report of 1887 Secretary Whitney strongly urged the necessity of maintaining a navy yard in the Gulf of Mexico, and gave it as his opinion that Pensacola Bay combined more advantages for this purpose than any other harbor on the Gulf.

It is true also that another commission in 1889 recommended that the yard be closed and abandoned; upon the sole ground, however, that it would be exposed to attack by a hostile fleet.

But in submitting this report, Secretary Herbert said:

There should, however, be a navy yard at some point on the Gulf where vessels cruising in southern waters can be repaired.

Should the Caribbean Sea at any time be the theater of a naval war, the repairing of ships at points accessible to the Gulf of Mexico would be an absolute necessity.

In 1903, in response to a Senate resolution, Secretary Moody reported as follows:

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate of the United States, dated November 19, requesting that the Secretary of the Navy inform the Senate "whether or not it is desirable in the interest of the Navy that the Government of the United States should construct and own a graving dock, of capacity sufficient to dock the largest battleships of the Navy, at some point on the coast of the United States on the Gulf of Mexico; and if, in his judgment, the same is desirable, to also inform the Senate at what port on said coast such dock should be located and the probable cost of the same when completed," and in reply to state that the Chief of the Bureau of Yards and Docks, to whom the above-mentioned resolution was referred, has submitted the following report, in which the department concurs:

"At the present time there is no dry dock of large capacity upon the Gulf of Mexico which is accessible at all times. The steel floating dry dock at New Orleans naval station has sufficient capacity to receive the largest battleships, but experience has shown that it can not be counted upon as being available at all times for such vessels because of limited depth of water.

"There is at present no other dry dock south of New York of such capacity, and none such is now authorized for any point south of Charleston, S. C. Under this present situation a continuous seven-tenths of the southern and eastern coasts of the United States is without a dry dock of sufficient size and at all times accessible for the docking of a large part of its Navy afloat.

"This is a situation which ought not to exist longer than is absolutely unavoidable. Congress has recognized the desirability of proper docking facilities upon the southern coasts by instituting inquiries through boards of officers as to the most eligible point for the same, which has strongly appreciated such need; and commanding officers of squadrons, in their reports to the Navy Department, have dwelt upon the advantages to be gained by such provisions, having felt their need when cruising in those and adjacent waters. The interests of our Government are rapidly increasing to the south of our own territory, and events are crowding in that part of the world which bid fair to require the continual presence of a considerable naval force. It has already proved inconvenient to repair to the north coast for docking facilities, and it might easily occur that their absence in southern waters would prove a calamity.

"The harbor of Pensacola Bay is the best upon the Gulf of Mexico (indeed, upon the entire southern coast) in which to establish a dry dock of the largest class. The entrance to the harbor is now of sufficient depth, the situation is favorable, and the expanse of water is fine and ample for the assembly of a squadron or fleet. The bureau recommends the graving type of dock. It is better suited to the docking of vessels, safer and more convenient, and should always be adopted, except under local conditions rendering the location or founding impracticable.

"Replying specifically to the inquiries in the resolution of the Senate of the 19th ultimo, the bureau would state that it is desirable to construct a graving dock large enough for the largest battleships of the Navy upon the Gulf of Mexico, and that the navy yard upon the Bay of Pensacola is the point where it should be located. Its probable cost would be $1,300,000."

While concurring in the view of the Bureau of Yards and Docks that the construction of such a dry dock is desirable, I must say, in addition, that many other public works not yet undertaken ought, in the larger interests of the Navy, be given precedence.

Without quoting further from reports of former Secretaries, it is safe to say that the only objection ever urged to Pensacola Bay prior to the present Secretary's report of 1910 has been that the present site might be too much exposed to attack by fleets at sea.

To this criticism, which, as has been shown, has not generally been considered to be tenable, the present Secretary adds an objection that a navy yard at Pensacola or elsewhere in the Gulf of Mexico is strategically unnecessary. This is an objection that has never been urged prior to his report of 1910. It has the merit of novelty, and that is the only merit it does have. It is well to consider this objection first, because if it is well founded it would make no difference how well equipped or fortified or otherwise adapted the site would be for navy-yard purposes.

In his report of 1910, the Secretary states that we have too many navy yards, and upon this statement bases his recommendation that all except three be abandoned and sold. However, he does not designate the three yards which, in his opinion, should be retained, although it is quite clear from his report that he considers the one at Charleston to be unnecessary. There are six first-class yards within the 900 miles of the extreme North Atlantic coast extending from Norfolk, Va., to Portsmouth, N. H. But when he comes to making selection from among these six, the Secretary fails to give us the benefit of his views. He complains in one part of his report that some of the Atlantic coast navy yards have not enough water for modern vessels. He does not and can not make this complaint against the navy yard at Pensacola; and yet the first and only yard which he definitely recommends should be abandoned and sold is the only one south of New York, according to his own report, which has ample water for approach to docks and in whose harbor an entire fleet could be accommodated. He seems to recognize that in time of war the port at Pensacola would be very valuable, for, on page 34 of his report, he says:

It may be confidently predicted that in time of war the cities of the Gulf coast will be, from their natural security, the chief sources of supplies and material, and the probable points from which our troops will embark either for the Isthmus for further transit or for service in the Caribbean, as may be required.

The Secretary has come to this conclusion, that the navy yard at Pensacola would not be necessary, quite suddenly. In his report of 1909 he said it would be unwise to abandon it until the Panama Canal should be completed. At the time of his report of 1909 he was doubtless impressed with the fact that the canal is nearer to Pensacola than to any other navy yard on American soil. Pensacola is 1,300 miles from Panama as against 2,200 miles from New York, approximately 1,600 miles from Norfolk, which latter is the most southern yard contemplated in the Secretary's present scheme.

We would have six navy yards at home to protect 900 miles of the North Atlantic, and no navy yards at home to protect 1,200 miles of the South Atlantic and the whole 1,600 miles of the Gulf coast. He may be right in concluding that we have too many navy yards and that three on the Atlantic and Gulf coast would be sufficient, but if so, it would seem that it would be wiser to place these yards at considerable distances apart instead of having them all congested within a few hundred miles of one part of the coast and leaving the greater part of the coast without a single navy yard.

When he advised against selling the navy yard at Pensacola in his report of 1909, the Secretary also probably had in mind that with the canal completed war ships could be sent from Pensacola to either the Atlantic or Pacific coast of either South America or North America more quickly than from any yard on the Atlantic. Indeed, it is quite apparent that if it should ever become necessary to have fleets on the west coast of South America, the most accessible point for all necessary equipment of ships either now in existence or contemplated would be this navy yard which he now proposes to abolish.

In 1909 he probably was impressed also with the fact that the coal and iron fields of Alabama and Tennessee are within easy reach of, and in direct communication with this port, and this fact, which had impressed all of his predecessors during the more than 80 years of existence of the Pensacola Navy Yard, on account of its accessibility both for material and workmen, must have seemed to him at that time to be of considerable importance. It is probable also that he had in mind in 1909 that at Pensacola the climate is warm enough in winter and cool enough in summer to permit work to be done continuously without undue exposure to either cold or heat.

Since the publication of his report of 1909 the Secretary seems to have been convinced that it is no longer necessary, viewed from a strategic standpoint, to have a navy yard on the Gulf coast. Suddenly he comes to the conclusion that it would be the part of wisdom to abolish old yards located at home, and which have heretofore served all purposes, and establish a new yard upon foreign soil, away from the advantages of easily securing skilled workmen and supplies for the yard and equipment and supplies for warships. The reason is found in the fact that he is impressed with the possibilities of Guantanamo. Guantanamo is 680 miles from the canal and 1,322 miles from Philadelphia, which he shows in his report of 1910 has not enough water for the largest warships. He fails to give the distance from Guantanamo to Pensacola, which is 1,050 miles—nearer than any other home port navy yard.

His reason for abandoning the yard at Pensacola and establishing one at Guantanamo is that in his opinion Guantanamo would be sufficient to protect the South Atlantic and the Gulf. He says that any attacking fleets must come through either the Yucatan Channel or the Straits of Florida, and that these attacking fleets would in all probability be met near Key West and the battle would be fought there. Even this prospective battle ground, it is submitted, can be commanded from Key West and Pensacola better than from Key West and Guantanamo. Pensacola is within 450 miles and Guantanamo is 600 miles away. Pensacola is easily accessible to all necessary equipments and supplies, being, as already shown, within easy reach of both, while, of course, Guantanamo is in a hot climate, inaccessible to supplies, equipment, and skilled workmen; and because it is upon American soil, the navy yard at Pensacola would not require an army to protect it, as would be the case with the navy yard at Guantanamo. It will be remembered that Spain thought it necessary to have an army to defend Santiago against our land forces. So in case of war with a great maritime power, one of the first steps that would naturally be taken by our Government would be to send troops away from home to protect the navy yard at Guantanamo against attack by the enemy, thus unnecessarily augmenting the inconvenience and expense incident thereto.

If the Secretary is correct, and it is quite probable that he is, in his statement that it would be practically impossible for hostile fleets to penetrate the Gulf of Mexico and reach Pensacola, then Pensacola has an additional double advantage over Guantanamo.

First. Injured ships could proceed for repairs in safety to Pensacola, whereas they would have to proceed to Guantanamo in the face of the enemy; and

Second. After repairs were made at Pensacola they could return in safety to the battle, whereas they would probably be blockaded at Guantanamo and be unable to return at all.

It is probably true that we should have a navy yard or naval station at Guantanamo; but certainly that circumstance does not furnish sufficient reason for abandoning a yard already built and for depending solely upon it for the protection of 2,600 miles of seacoast, especially so when there is no necessity for it.

When the Secretary points out that the harbor at Pensacola is sufficiently deep to accommodate any battleships, and when his report further shows that of no other navy yard south of New York, including Guantanamo, can this be truthfully said, and when he further states that the Gulf of Mexico could never be successfully penetrated by an enemy's fleet, but is in a position of "natural security," and when it is further borne in mind that not a single advantage is possessed by any of the six first-class navy yards on the north Atlantic coast over the navy yard at Pensacola—when these facts are remembered—it does seem to me pertinent to inquire why, then, should this yard be selected for sacrifice, and why should the Secretary think it essential to have the only three navy yards to be retained situated within a few hundred miles of each other?

Imagine, now, an enemy's fleet approaching this prospective battle ground near Key West. If it should not be observed, without a navy yard on the Gulf, it could proceed unattacked into the Gulf, free to prey upon the commerce of all the great Mississippi Valley, and free, also, to attack every Gulf port from Tampa to Galveston. On the other hand, if the approach of an enemy's fleet should be discovered at or near Guantanamo, in the event the navy yard should be maintained at Pensacola, and fleets should use that as a home port, the notice of this approach could be quickly sent to Pensacola and our fleet at that point would have less distance to cover to get to the strategic point near Key West.

The site at Guantanamo was leased to the United States in treaty with Cuba—

To maintain the independence of the Island of Cuba and to protect the people thereof as well as for its own defense.

In conceding that it is proper to protect the 3,000,000 Cubans and a few hundred miles of Cuban coast, it seems to me, at the same time, we ought not to forget the 1,600 miles of the Gulf coast, the more than 10,000,000 people living in the States bordering upon it, and the immense commerce of the Mississippi Valley now finding outlet through these Gulf ports.

So therefore if it be conceded that it is proper to maintain a naval station at Guantanamo, it by no means follows that we ought to abandon the only navy yard in the Gulf of Mexico.

Coming, then, to the remaining criticism that the navy yard at Pensacola could probably be bombarded by an enemy's fleet in spite of the fortifications now at that place, it should be borne in mind that it is not contended that the fortifications can not be made effective. The Secretary himself could not take that position, because his argument is that the Gulf of Mexico is practically invulnerable to attack. But a commission has stated that the present site is too much exposed, and therefore this objection will now be considered.

As far back as 1833 Secretary Woodbury, as has already been shown, gave it as his opinion that the defenses at the entrance of the bay were excellent. This entrance can be fortified by Fort McRea on the north and by Fort Pickens on the south. Indeed, it is so fortified now. Fort Pickens is situated on Santa Rosa Island, which extends for miles to the south. In this day of modern fortifications enemies' fleets are rarely known to attack a protected harbor. In our War with Spain Santiago Harbor was protected by old out-of-date fortifications, much inferior to those now at Pensacola, and yet it will be remembered that the whole Atlantic Squadron blockading that harbor was careful to keep beyond possible range of the batteries. If the batteries at Pensacola are not now effective, certainly they can be made so as easily as they can be at Guantanamo. A comparison of the charts of the two ports will show that the Guantanamo yard would have no advantage in this respect over the Pensacola yard. Without fortifications ships can easily come within range from the sea of the yards at both places.

The Secretary says that a fleet of 35 battleships could be accommodated at Guantanamo, yet, as shown by quotations from the reports above, a much larger fleet could be accommodated at Pensacola.

In view of these undisputed facts, it is confidently claimed that neither of the supposed objections are sufficient to justify the recommendation of the Secretary that the Pensacola yard be abandoned and sold.

This much-cited report of 1910, on page 219, contains a statement of appropriations for yards and docks in convenient form. In 1905 Congress appropriated $1,000 for an elevator, and in 1910 appropriated $2,000 for the same purpose, and the report shows that none of the appropriations for 1905 or for 1910 have been used. Also an appropriation of $15,000 for remodeling a building and $5,000 to repair rifle range was made in 1909, but of this $20,000 only $63.42 has been used, according to this report.

While I do not question the Secretary's sincerity of belief as to the necessity for this navy yard, I do contend that he has no right to set up his judgment as to the use of appropriations against that of the Congress of the United States. It is perfectly proper for him to make arguments and suggestions and to appear before committees of Congress and submit his views, but after Congress has acted it is the duty of the Secretary of the Navy to apply the appropriations to the purposes specified.

According to his own report, he has failed to do this, and his purpose is quite evident. He has recommended that Congress close the yard. Congress has refused to follow his recommendation and made appropriations to continue the yard, and then he retaliates by refusing to make the improvements Congress thought necessary. From his own report he has apparently violated in spirit, if not in letter, the expressed wish of Congress.

And he has not done this under any misapprehension. In his report of 1909 he concedes that he has no right without legislative authority to close a navy yard. But the order as to which this resolution seeks information does, to all practical purposes, close this yard. Men are discharged and all work stopped; machinery is to be left idle; stores are to be packed and shipped away. There may be a watchman or two left to guard the property, but the distinction between this action and the closing of the yard is so fine as to make it a distinction without a difference.

If Congress desires to close this yard, it undoubtedly has the right to do it, and if it is not needed, it and all others not needed ought to be closed.

Heretofore this navy yard has been considered necessary. As recently as 1903 it was selected by the Secretary of the Navy as the point at which a graving dock on the Gulf of Mexico should be located. If it is to be maintained at all, it ought to be properly maintained. On the other hand, if it is not to be properly maintained, speaking for the people I am trying to help represent, I would infinitely prefer to see the yard abandoned and closed and the more than 2 miles of valuable water front be made available for some useful purpose. If the yard is to be abandoned in fact, let the name go with it.

But the action taken by the Secretary has not been authorized by the only body with power to act, and if Congress maintains its prerogative, such arbitrary action by the Secretary ought not to be tolerated or permitted to pass unchallenged.

Mr. FLETCHER. I ask for the adoption of the resolution.

The VICE PRESIDENT. The resolution is not before the Senate. The unfinished business is before the Senate.

Mr. FLETCHER. I ask unanimous consent.

The VICE PRESIDENT. The Senator from Florida asks unanimous consent for the present consideration of a resolution which will be read by title.

The Secretary read the resolution (S. Res. 100) as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate as promptly as possible what orders, if any, he has issued respecting the navy yard at Pensacola, Fla.; what work, incident to navy yards, has been done at said navy yard within the last two fiscal years; whether work can be done at said navy yard as economically as at other navy yards; and if not, why not; whether specific appropriations for elevator of March 3, 1905, amounting to $1,000, and for remodeling building of March 3, 1909, amounting to $15,000, have been expended as provided by said acts; and if not, why not; and that he further report whether it is his intention to abandon work at said navy yard.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I have no objection myself to the resolution, but when it was before the Senate a few days ago there was objection at that time. I would suggest to the Senator from Florida that he give notice that he will bring the resolution up for the action of the Senate to-morrow immediately after the morning business.

Mr. FLETCHER. Of course, if there is any objection, I will do that; but I did not suppose there was any objection to the resolution.

Mr. SMOOT. There was an objection before. There are so few Senators present I believe it would be better if the Senator would give the notice so that Senators will be put on notice.

Mr. FLETCHER. I did not understand that there was objection to the resolution. I have heard of no objection to it. I should like action now, because I will have another matter in hand to-morrow. I am engaged on the special committee of investigation and have to be out of the Senate. For that reason I wanted to get the matter disposed of to-day. I did not know there was any objection to the resolution. If the Senator knows of any objection to it, I will not press it; but I should like to have it disposed of.

Mr. SMOOT. I should like very well indeed to accommodate the Senator. I think Senators ought to be here. As they are not, I withdraw my objection.

The VICE PRESIDENT. No objection is heard, and the resolution is before the Senate.

The resolution was agreed to.

LANDS IN MINNESOTA AND ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3069) to amend section 1 of an act of Congress approved May 20, 1908, the same being chapter 181 of the acts of Congress for the year 1908.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That section 1 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908, be, and the same is hereby, amended so as to read as follows:

"That all lands in the States of Minnesota and Arkansas belonging to the United States, and all entered lands therein for which no final certificates have issued, are hereby made and declared to be subject to all the provisions of the laws of said States relating to the drainage of swamp or overflowed lands for agricultural purposes to the same extent and in the same manner in which lands of a like character held in private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entries made under the public-land laws of the United States are accorded all the rights, privileges, and benefits given by said laws to persons holding lands of a like character in private ownership."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 1 of an act entitled 'An act to authorize the drainage of certain lands in the State of Minnesota,' approved May 20, 1908."

UNLAWFUL RESTRAINTS AND MONOPOLIES.

Mr. KENYON. I wish to enter a motion to discharge the Committee on Interstate Commerce from the further consideration of the bill (S. 2158) to protect trade and commerce against unlawful restraints and monopolies. I suppose under the rule the motion will lie over.

The VICE PRESIDENT. The Senator from Iowa enters the motion.

THE FREE LIST.

Mr. BRISTOW. I stated during the morning hour that I would offer amendments to the bill known as the free-list bill, which is now the unfinished business, I understand. I should like to give notice that I hope to have the amendments voted on to-morrow, so that we will not be voting on the last day upon amendments with no opportunity to explain them. I will ask for the disposition of the amendments to-morrow as rapidly as the debate closes on them.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to, and (at 2 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 28, 1911, at 12 oclock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 27, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Blessed be the name of the Lord our God, who lives and reigns in the hearts of men, inspiring to clearer visions, purer motives, broader sympathies, nobler life, and larger attainments. Keep us, we beseech Thee, as individuals and as a people, in the vanguard of the onward march toward the final triumph of good over evil, and glory and honor and praise be Thine forever. Amen.

The SPEAKER. The Clerk will read the Journal of the proceedings of yesterday.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The House will be in order while the Chair counts. [After counting.] One hundred and nineteen Members present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Allen	Foss	Lever	Reyburn
Ames	Francis	Levy	Riordan
Anderson, Ohio	Fuller	Lindsay	Roberts, Mass
Andrus	Gardner, Mass.	Littleton	Rodenberg
Ansberry	Gardner, N. J.	Loud	Rouse
Anthony	Gillett	Loudenslager	Sabath
Barchfeld	Glass	McCreary	Saunders
Barnhart	Goldfogle	McGillicuddy	Scully
Bartlett	Goodwin, Ark.	McGuire, Okla.	Sells
Bates	Gordon	McHenry	Shackleford
Beall, Tex.	Gray	McKenzie	Sheppard
Bingham	Gregg, Pa.	McLaughlin	Sherley
Boehne	Gregg, Tex.	McMorran	Simmons
Broussard	Griest	Madden	Slemp
Brown	Gudger	Madison	Small
Burke, Pa.	Guernsey	Maher	Smith, Samuel W.
Butler	Hamilton, Mich.	Malby	Smith, N. Y.
Calder	Hamilton, W.Va.	Martin, S. Dak.	Smith, Tex.
Cantrill	Hanna	Matthews	Speer
Cary	Harris	Miller	Stanley
Claypool	Hartman	Mondell	Steenerson
Copley	Haugen	Moon, Pa.	Sterling
Cox, Ohio	Hayes	Morse	Stevens, Minn.
Crago	Heald	Mott	Sulloway
Cravens	Henry, Conn.	Murdock	Sulzer
Danforth	Hobson	Needham	Switzer
Davidson	Howell	Nelson	Talbott, Md.
De Forest	Hubbard	Nye	Taylor, Ohio
Donohoe	Hughes, N. J.	Olmsted	Thomas
Doughton	Hughes, W. Va.	O'Shaunessy	Tuttle
Draper	Humphrey, Wash.	Patten, N. Y.	Volstead
Driscoll, D. A.	Jones	Patton, Pa.	Vreeland
Driscoll, M. E.	Kent	Peters	Warburton
Dupre	Kindred	Plumley	Wedemeyer
Ellerbe	Kinkead, N. J.	Porter	White
Esch	Konig	Pou	Wilder
Fairchild	Kopp	Powers	Wilson, Ill.
Faison	Lafean	Pray	Wilson, N. Y.
Fields	Langham	Prince	Wood, N. J.
Focht	Latta	Pujo	Young, Mich.
Fordney	Lawrence	Rainey	Young, Tex.
Fornes	Legare	Ransdell, La.	

Mr. J. M. C. SMITH. Mr. Speaker, Mr. WEDEMEYER is confined to his house with a sprained ankle.

The SPEAKER. Two hundred and nineteen Members are present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move that the House dispense with further proceedings under the call.

The motion was agreed to.

The doors were reopened.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On July 21, 1911:

H. R. 12109. An act to supply a deficiency in the appropriations for contingent expenses of the House of Representatives for the fiscal year 1911, and for other purposes.

On July 26, 1911:

H. R. 4412. An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

On July 27, 1911:

H. R. 12312. An act to amend paragraph 500 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

THE COTTON SCHEDULE.

Mr. UNDERWOOD, chairman of the Committee on Ways and Means, by direction of that committee, reported the bill (H. R. 12812) to reduce the duties on manufactures of cotton, which was read a first and second time and, with the accompanying report (No. 65), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the minority have until Saturday, July 29, 1911, to file their views.

Mr. UNDERWOOD. Mr. Speaker, I will state that the gentleman from New York and myself have agreed on that.

The SPEAKER. The gentleman from New York asks unanimous consent that the minority may have until Saturday next to file their views. Is there objection?

There was no objection, and it was so ordered.

Mr. MANN. Mr. Speaker, will the gentleman from Alabama yield for a moment?

Mr. UNDERWOOD. Certainly.

Mr. MANN. Mr. Speaker, I notice the report which is presented, apparently, is quite a long one, and I would ask whether it is already in print?

Mr. UNDERWOOD. Mr. Speaker, I will state that I simply sent up to the desk the proof sheets of the report. I think it is in print. It can be obtained at the Ways and Means Committee room; that is, a few copies.

Mr. MANN. The purpose of asking the question was to see whether we would be likely to get the report to-morrow.

Mr. UNDERWOOD. Oh, undoubtedly.

Mr. MANN. The gentleman made no announcement as to when this bill would be called up.

Mr. UNDERWOOD. I will announce to the House that I expect to call up the bill for consideration under general debate immediately after the reading of the Journal to-morrow, and the report will be printed by that time. I think by this afternoon there will probably be copies of it ready.

CIVIL GOVERNMENT, PHILIPPINE ISLANDS.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered printed and referred to the Committee on Insular Affairs (S. Doc. No. 78):

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith copies of the laws and resolutions enacted during the first session of the Second Philippine Legislature, and of certain laws enacted by the Philippine Commission.

WM. H. TAFT.

THE WHITE HOUSE, *July 27, 1911.*

PUBLICITY OF CAMPAIGN FUNDS.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. RUCKER of Missouri. Mr. Speaker, some days ago this House passed the bill (H. R. 2958) known as the publicity bill, which went to the Senate and came back to us some days since with various amendments. These amendments are very important, far-reaching, and more or less drastic. A good deal of discussion has occurred among individual Members of the House, and some upon the floor of the House, with reference to the provisions of the Senate amendments. Most of the discussions center around and have to do with Senate amendments 5 and 6. I take it that so far as Senate amendments 1, 2, 3, and 4 are concerned there is no objection to them.

My impression is there is but small objection to any of the amendments, but among those who are the most earnest advocates of the passage of a strict, full, comprehensive, drastic publicity measure, a bill which will accomplish the purposes intended and respond to the demand of the people, there is a well-defined opinion that the measure now pending should be perfected before it is enacted into law. After conference among the friends of the measure on both sides of the aisle, I am sure I am correct when I say it is generally conceded that the Senate amendments 5 and 6 ought to be amended. It is obvious that some of the language ought to be transposed and in some instances slightly enlarged; in no instance do I favor any change which will detract from the efficiency of the bill. Mr. Speaker, the purpose I have in taking the floor this morning is to ask that I may be permitted to file a paper here which presents to the House my views of the amendments which ought to be made either in the House or in conference. If this measure goes to conference I will likely be a member of the conference committee; hence, for the purpose of fully acquainting the House with views I entertain and of the particular amendments which I think should be made to perfect the bill before we act finally upon it, I have prepared and desire to submit, in a tentative way, amendments to Senate amendment No. 5 which I think should be placed in the bill, either in the House or in conference. It will be observed that Senate amendment No. 6, with some slight modifications, is transposed and made a part of Senate amendment No. 5, where it logically belongs.

Mr. Speaker, I ask unanimous consent that the proposed amendments to which I have referred, together with the entire section as it would read if thus perfected, may be printed in bill form for the convenience of the Members of the House.

The SPEAKER. The Chair will inquire of the gentleman if all that is incorporated in the paper which the gentleman holds in his hand?

Mr. RUCKER of Missouri. Yes.

The SPEAKER. The Chair desires to know whether there is any separate question to put to the House?

Mr. RUCKER of Missouri. No.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. That is not all.

Mr. RUCKER of Missouri. I desire to have these proposed amendments printed in bill form so that Members of the House can obtain them in convenient form and that the section as it would be after amended as proposed be printed.

The SPEAKER. The gentleman from Missouri asks unanimous consent to have amendments proposed to Senate amendment No. 5, together with the section as proposed to be amended, printed in bill form. Is there objection?

Mr. MANN. Mr. Speaker, as I understand it, the gentleman desires to have printed certain Senate amendments with certain amendments which the gentleman proposes as a tentative proposition. Why not have them printed in the RECORD and also in bill form?

Mr. RUCKER of Missouri. Well, I have no objection.

The SPEAKER. The gentleman from Missouri modifies his request to include printing not only in bill form but also in the RECORD. Is there objection?

Mr. CANNON. Mr. Speaker, I do not know that I quite understand——

Mr. RUCKER of Missouri. I want to say there seems to be some slight misunderstanding——

Mr. CANNON (continuing). And I want to see if I do understand. As I understand, the Senate amendments have already been printed and the House has disagreed to the Senate amendments?

Mr. RUCKER of Missouri. No; the House has taken no action.

Mr. CANNON. The House has taken no action?

Mr. RUCKER of Missouri. It has not up to date.

Mr. CANNON. And, prior to taking action, the gentleman as a Member of the House and as a member of the committee desires unanimous consent to submit to the House and have them printed in the RECORD and also printed as a document his views as to what ought to be done?

Mr. RUCKER of Missouri. That is substantially correct, Mr. Speaker; that they be printed in bill form.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none, and it is so ordered.

The statement is as follows:

Amendments intended to be proposed by Mr. RUCKER of Missouri to Senate amendments 5 and 6 to the bill (H. R. 2958) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," viz:

Amend Senate amendment 5, on page 4, line 19, by inserting after the words "primary election" the words "or nominating convention"; and on page 4, line 22, by inserting after the words "primary election" the words "or nominating convention"; and on page 4, line 25, by striking out the words "nomination or"; and on page 5, line 15, by inserting after the words "primary election" the words "or nominating convention"; and on page 5, line 16, by striking out the word "before" and inserting the word "by"; and on page 5, line 19, by inserting after the words "primary election" the words "or nominating convention"; and on page 6, line 14, by inserting after the word "election" where it first occurs the words "or nominating convention"; and on page 7, line 9, by striking out the period and inserting a colon; and on pages 7 and 8 by striking out all after line 9 on page 7 down to and including line 2 on page 8; and by inserting at and after the end of line 9, page 7, the following:

"*Provided*, That this section shall not be construed to require any candidate to include in such statements his necessary personal expenses, incurred for himself alone, for traveling and subsistence, for stationery and postage, and for telegraph and telephone service.

"No candidate for Senator of the United States or Representative in Congress shall expend or cause to be expended, in the aggregate, directly or indirectly, in procuring his nomination and election any sum in excess of the amount which he may lawfully expend under the laws of the State in which he resides; nor shall any such candidate promise any office or position to any person or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; nor shall any such candidate for Senator of the United States, directly or indirectly, give, expend, or contribute any money or thing of value to assist in procuring the nomination or election of any member of the legislature of the State in which he resides, but any such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of campaign funds.

"*Provided, however*, That no candidate for Senator of the United States shall, in the aggregate, directly or indirectly, expend or promise any sum exceeding $10,000, and no candidate for Representative in Congress shall, in the aggregate, directly or indirectly, expend or promise

any sum in excess of $5,000 in any campaign for his nomination and election.

"The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election or election by the legislature shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

"The statements required by any of the sections of this act shall give the date of receipt and expenditure of each item contained therein."

So that said section as amended will read as follows:

"SEC. 2. That section 8, as above amended, and sections 9 and 10 of said act be renumbered as sections 9, 10, and 11, and that a new section be inserted after section 7 of the said original act, to read as follows:

"SEC. 8. Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general election, as Representative in the Congress of the United States shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him, or by anyone for him with his knowledge, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value disbursed or used by such candidate, or by his agents or representatives, so far as known or understood by such candidate to have been so disbursed or used, in any manner whatsoever, together with the names of all those to whom any and all such disbursements were made for the purpose of securing his nomination or election.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general election, or election by the legislature of any State, as Senator in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general election at which he is seeking indorsement, and not less 5 nor more than 10 days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as Senator, file with the Secretary of the Senate at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him, or by anyone for him with his knowledge, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value disbursed or used by such candidate, or by his agents or representatives, so far as known or understood by such candidate to have been so disbursed or used, in any manner whatsoever, together with the names of all those to whom any and all such disbursements were made for the purpose of securing his nomination or election.

"Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general election, or for election by the legislature of any State, shall, within 15 days after any such primary election, and within 15 days after any such general election, and within 15 days after the day upon which the legislature shall have elected a Senator, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him, or by anyone for him with his knowledge, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value disbursed or used by such candidate, or by his agents or representatives, so far as known or understood by such candidate to have been disbursed or used, in any manner whatsoever, up to, on, or after the day of such primary election, general election, or election by the legislature, together with the names of all those to whom any and all such disbursements were made for the purpose of securing his nomination, indorsement, or election.

"*Provided*, That this section shall not be construed to require any candidate to include in such statement his necessary personal expenses, incurred for himself alone, for traveling and subsistence, for stationery and postage, and for telegraph and telephone service.

"No candidate for Senator of the United States or Representative in Congress shall expend or cause to be expended, in the aggregate, directly or indirectly, in procuring his nomination and election any sum in excess of the amount which he may lawfully expend under the laws of the State in which he resides; nor shall any such candidate promise any office or position to any person, or to use his influence or to give his support to any person, for any office or position for the purpose of procuring the support of such person or of any person in his candidacy; nor shall any such candidate for Senator of the United States, directly or indirectly, give, expend, or contribute any money or thing of value to assist in procuring the nomination or election of any member of the legislature of the State in which he resides, but any such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of campaign funds.

"*Provided, however*, That no candidate for Senator of the United States shall, in the aggregate, directly or indirectly, expend or promise any sum exceeding $10,000, and no candidate for Representative in Congress shall, in the aggregate, directly or indirectly, expend or promise any sum in excess of $5,000 in any campaign for his nomination and election.

"The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election or election by the legislature shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

"The statements required in any of the sections of this act shall give the date of receipt and expenditure of each item contained therein.

"Every such statement hereinbefore referred to shall be verified by the oath of the candidate, taken before an officer authorized to administer oaths under the law of the State in which he is a candidate, and shall be sworn to by the candidate in the district in which he is a candidate for Representative, or the State in which he is a candidate for Senator, in the Congress of the United States: *Provided*, That if at the time of such primary or general election or election by the State legislature said candidate shall be in attendance upon either House of Congress as a Member thereof he may at his election verify such statement before any officer authorized to administer oaths in the District of Columbia: *Provided further*, That the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, and duly stamped and registered within the time required herein, shall be deemed a sufficient filing of any such statement under any of the provisions of this act."

LEAVE OF ABSENCE.

By unanimous consent,

Mr. YOUNG of Texas was granted leave of absence for an indefinite time, on account of sickness in family.

Mr. STERLING was granted leave of absence until Monday next to attend hearings to be held in New York by committee on investigation of the United States Steel Corporation.

Mr. BEALL of Texas was granted leave of absence for one week, on account of being member of special committee now in session in New York City investigating the Steel Trust.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. RUBEY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 15107, Sixty-first Congress, no adverse report having been made thereon.

He was also granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 8055, Sixty-first Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes) the House adjourned to meet to-morrow, Friday, July 28, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a message from the President, transmitting copies of the laws and resolutions enacted during the first session of the Second Philippine Legislature, and of certain laws enacted by the Philippine Commission (S. Doc. No. 78), was taken from the Speaker's table, referred to the Committee on Insular Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12051) for the relief of the city of Crawford, in the State of Nebraska, reported the same with amendment, accompanied by a report (No. 66), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the resolution of the Senate (S. J. Res. 31) authorizing the Secretary of War to loan certain tents for the use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911, reported the same without amendment, accompanied by a report (No. 67), which said resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 8428) to remove the charge of desertion from the record of Herman Kneofler, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FERRIS: A bill (H. R. 13002) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. WILLIS: A bill (H. R. 13003) to provide for the erection of a public building at Kenton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. OLDFIELD: A bill (H. R. 13004) to declare certain acts in restraint of interstate or foreign commerce to be unlawful and unreasonable; to the Committee on the Judiciary.

By Mr. FRENCH: A bill (H. R. 13005) providing for the granting of certain lands to the various public-land States and Territories of the United States for the purpose of building roads and highways; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 13006) to provide for repairing the U. S. S. *Portsmouth* and stationing her at San Francisco, Cal., and for other purposes; to the Committee on Naval Affairs.

By Mr. BUCHANAN: A bill (H. R. 13007) prohibiting officers of the Government from denying to Government employees the right to petition Congress; to the Committee on the Judiciary.

By Mr. ASHBROOK: A bill (H. R. 13008) to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 13029) granting land for the equipment and maintenance of the University of New Mexico; to the Committee on the Public Lands.

By Mr. SMITH of New York: Joint resolution (H. J. Res. 135) authorizing and empowering the Secretary of the Treasury to compromise, remit, or refund the additional taxes and penalties provided by paragraphs 5 and 8 of section 38 of the act of August 5, 1909; to the Committee on Ways and Means.

By Mr. MORGAN: Joint resolution (H. J. Res. 136) for the relief of purchasers of lands under act approved June 17, 1910; to the Committee on Indian Affairs.

By Mr. FOSTER of Vermont: Joint resolution (H. J. Res. 137) to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity; to the Committee on Foreign Affairs.

By Mr. HILL: Memorial from the General Assembly of Connecticut in favor of a domestic parcels post; to the Committee on the Post Office and Post Roads.

By Mr. GOLDFOGLE: Memorial from the Legislature of New York, favoring the abrogation of the Russian treaty of 1832 and requesting Congress to adopt the Harrison-Goldfogle-Sulzer resolutions (H. J. Res. 5 and H. J. Res. 40); to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ADAIR: A bill (H. R. 13009) granting an increase of pension to William A. Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13010) granting an increase of pension to Jane D. Stone; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 13011) granting an increase of pension to William P. Stevens; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 13012) granting an increase of pension to Jennie Townsend; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 13013) granting a pension to M. M. Mahaney; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 13014) granting a pension to America J. Austin; to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 13015) granting an increase of pension to James M. Bacon; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 13016) for the relief of the West Kentucky Coal Co.; to the Committee on Claims.

By Mr. KINKAID of Nebraska: A bill (H. R. 13017) granting an increase of pension to Jessie W. Bilyen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13018) granting an increase of pension to William F. Jackson; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 13019) granting an increase of pension to Frank A. Van Fleet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13020) for the relief of John G. Mead; to the Committee on Claims.

By Mr. RICHARDSON: A bill (H. R. 13021) to carry out the findings of the Court of Claims in the cases herein enumerated; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 13022) granting a pension to James W. Chaffen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13023) granting an increase of pension to William A. Kerr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13024) granting an increase of pension to Reason Carrico; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 13025) granting an increase of pension to Pierce Teague; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13026) granting a pension to May N. Greene; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 13027) granting a pension to Jennie M. Lowley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13028) granting an increase of pension to William Cook; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 13030) granting an increase of pension to Sarah E. Fanning; to the Committee on Pensions.

By Mr. WHITE: A bill (H. R. 13031) granting an increase of pension to Ford P. Hoff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13032) granting an increase of pension to George E. Willey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13033) granting an increase of pension to Samuel A. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13034) granting an increase of pension to Thomas Whissel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13035) for the relief of Bennett F. Jackson; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of residents of upper New York, in favor of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Petition of Tenth Ward Improvement Association of St. Louis, Mo., in favor of a bill to erect monument to the memory of Gen. Lyon in Lyon Park, St. Louis, Mo.; to the Committee on the Library.

Also, petition of Benjamin Franklin Branch, No. 265, of Workingmen's Sick and Death Benefit Fund, of St. Louis, Mo., remonstrating against the manner of the arrest of McNamara; to the Committee on the Judiciary.

Also, petition of board of directors of St. Louis Merchants' Exchange, remonstrating against House bill 11618 providing for suspension for coastwise laws; to the Committee on the Merchant Marine and Fisheries.

By Mr. BURKE of Wisconsin: Papers accompanying bill granting an increase of pension to William P. Stevens; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Petitions of numerous residents of the State of Washington, protesting against the passage of Senate bill 237; to the Committee on the District of Columbia.

By Mr. HIGGINS: Petition of Edward P. Clarke and others, of Norwich, Conn., in favor of House bill 220; to the Committee on Rules.

Also, resolution of Norwich (Conn.) Business Men's Association, against Sulzer bill for parcels post; to the Committee on the Post Office and Post Roads.

Also, resolutions of Connecticut General Assembly, favoring extension of domestic general parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Resolutions of Ansonia, Derby, Shelton, and Seymour (Conn.) Business Men's Association, and the National Association of Automobile Manufacturers, urging an amendment to the corporation-tax law so as to permit corporations to make their returns as of the end of their fiscal year; to the Committee on Ways and Means.

By Mr. KINDRED: Resolution of Union League Club of Brooklyn, N. Y., favoring Canadian reciprocity; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of Spanish-American War soldiers, residents of Lincoln, Nebr., who served in the Philippines, requesting support of bill by Senator JONES providing for travel pay and allowances; to the Committee on Military Affairs.

Also, resolution of the Socialist Party of North Platte, Nebr., requesting an inquiry into the legality of the arrest of J. J. McNamara; to the Committee on the Judiciary.

By Mr. McCOY: Resolutions of the New England Society, of Orange, N. J., favoring the prompt adoption of arbitration treaties with England, France, and Germany, and with other nations as soon as that result can be accomplished; to the Committee on Foreign Affairs.

Also, resolutions of the Board of Trade of the city of Newark, N. J., urging upon Congress the imperative need for an amendment of the corporation-tax law; to the Committee on the Judiciary.

Also, resolutions of the Workmen's Sick and Death Benefit Fund of the United States, condemning the arrest of the McNamaras; to the Committee on the Judiciary.

Also, resolutions of the Ancient Order of Hibernians of the State of New Jersey and citizens of the eighth congressional district, New Jersey, against arbitration treaty with Great Britain; to the Committee on Foreign Affairs.

Also, resolutions of the New Jersey State Board of Agriculture, urging that the efforts of President Taft and of the State Department to secure justice to American users of potash should be supported in every possible way; to the Committee on Foreign Affairs.

By Mr. TILSON: Resolutions of the Ansonia, Derby, Shelton, and Seymour Business Men's Association, urging upon Congress the imperative need for an amendment of the corporation-tax law; to the Committee on Ways and Means.

By Mr. WHITE: Papers in support of House bills 12008 and 12010; to the Committee on Pensions.

SENATE.

FRIDAY, *July 28, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. DAVIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	McCumber	Shively
Bailey	Cullom	McLean	Simmons
Borah	Cummins	Martin, Va.	Smith, Mich.
Bourne	Curtis	Martine, N. J.	Smoot
Brandegee	Davis	Myers	Stephenson
Bristow	Dixon	Nelson	Stone
Brown	Foster	Newlands	Swanson
Bryan	Gamble	Nixon	Taylor
Burnham	Gore	O'Gorman	Thornton
Burton	Gronna	Overman	Watson
Chamberlain	Guggenheim	Page	Wetmore
Chilton	Heyburn	Penrose	Williams
Clapp	Johnson, Me.	Perkins	Works
Clark, Wyo.	Kenyon	Poindexter	
Clarke, Ark.	Kern	Pomerene	
Crane	La Follette	Reed	

Mr. BRYAN. My colleague [Mr. FLETCHER] is absent on business of the Senate. I make the announcement for the day.

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM], who is in attendance on the Lorimer investigating committee. I wish also to announce that the junior Senator from Alabama [Mr. JOHNSTON] is absent on the same committee. This announcement I will make for the day.

Mr. CHAMBERLAIN. The junior Senator from Alabama [Mr. JOHNSTON] requested me to state that he is detained on the Lorimer investigation.

Mr. POINDEXTER. I make the same statement in reference to my colleague [Mr. JONES], who is attending the Lorimer investigation.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. A quorum of the Senate is present. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of the John Mitchell Club, of Hazelwood, Pa., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Christian Endeavor Society of the Westminster Presbyterian Church of Auburn, N. Y., and a petition of the Christian Endeavor Societies of District No. 11, Boston Christian Endeavor Union, of Massachusetts, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Chicago, Ill., remonstrating against the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

Mr. O'GORMAN presented memorials of the Ancient Order of Hibernians of Mount Kisco, Troy, and Wappingers Falls, all in the State of New York, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the New York Produce Exchange, praying for the ratification of the proposed treaties between the United States and Nicaragua and Honduras, which was referred to the Committee on Foreign Relations.

Mr. BURTON presented memorials of sundry citizens of Spring, Oakwood, Melrose, Grover Hill, and Wellington, all in the State of Ohio, remonstrating against the passage of the so-called Johnston Sunday rest bill, which were ordered to lie on the table.

He also presented a memorial of the Irish Nationalists' Association of Cleveland, Ohio, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BRISTOW presented an affidavit in support of the bill (S. 2966) granting an increase of pension to Lucy E. Culp, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SMITH of Michigan. I am directed by the Committee on Territories, to which was referred the bill (S. 3074) granting land for the equipment and maintenance of the University of New Mexico, introduced by the Senator from Ohio [Mr. POMERENE] on the 21st instant, to ask to be discharged from its further consideration and that it be referred to the Committee on Public Lands.

The VICE PRESIDENT. Without objection, the Committee on Territories will be discharged from the further consideration of the bill and it will be referred to the Committee on Public Lands.

Mr. CHAMBERLAIN, from the Committee on Territories, to which was referred the bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, reported it without amendment and submitted a report (No. 113) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 3118) granting an increase of pension to John Levell; and

A bill (S. 3119) granting an increase of pension to James A. Wood; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3120) granting a pension to Commodore P. White; to the Committee on Pensions.

By Mr. BACON:

A bill (S. 3121) for the relief of the heirs of William Pope, deceased; to the Committee on Claims.

By Mr. CHILTON:

A bill (S. 3122) for the relief of Daniel Nihoof; to the Committee on Claims.

By Mr. PERKINS:

A joint resolution (S. J. Res. 43) for the appointment of a commission to be known as the Panama-Pacific International Exposition Commission; to the Committee on Industrial Expositions.

By Mr. CLARK of Wyoming (for Mr. MCLEAN):

A joint resolution (S. J. Res. 44) to amend an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911; to the Committee on Forest Reservations and the Protection of Game.

THE FREE LIST.

Mr. BAILEY submitted an amendment intended to be proposed by him to the bill (H. R. 4413) to place upon the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, sewing machines, salt, and other articles, which was ordered to lie on the table and be printed.

ASSISTANT CLERK TO COMMITTEE ON INTERSTATE COMMERCE.

Mr. CUMMINS (for Mr. CLAPP) submitted the following resolution (S. Res. 122), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interstate Commerce is hereby authorized to employ an assistant clerk at a salary of $1,200 per annum.

ACCOMMODATIONS FOR WAR DEPARTMENT, ARMY OFFICERS, ETC.

Mr. WORKS. I submit a resolution, and ask unanimous consent for its present consideration.

The Secretary read the resolution (S. Res. 123), as follows:

Resolved, That the Secretary of War is hereby directed to inform the Senate what buildings, rooms, dwelling houses, and offices are

rented, leased, or otherwise acquired in the city of San Francisco, Cal., for the use of the Army or War Department, the amount paid for each, for what purpose the same and each of them are used, and also to inform the Senate what provision is made by the Government or the War Department for residences, offices, and all other uses, for the officers of the Army and other persons employed in the Army and the War Department, in or on the Presidio or other Government-owned property in or near said city of San Francisco, and if homes and offices and other facilities for the use of such officers and employees on or in said Government-owned property are not provided, why the same have not been so provided.

Also to inform the Senate whether dwelling houses, rooms, offices, or other places are being rented or leased in any other city or cities in this country for the use of such officers or employees, and if so, what properties are so rented or leased, the price paid for each, and for what each is used.

Also to inform the Senate what is the total sum per annum now being paid by the Government for rented or leased property for the use of Army officers and employees of the Army and War Department.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I should like to have the resolution go over in order that I may examine it.

The VICE PRESIDENT. The resolution goes over on objection.

Mr. SMOOT subsequently said: Mr. President, I desire to withdraw my objection to the consideration of the resolution offered by the Senator from California [Mr. WORKS]. When I objected to its consideration I had a misapprehension as to the nature of the resolution.

The resolution was considered by unanimous consent and agreed to.

NEW MEXICO AND ARIZONA.

Mr. POINDEXTER. I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. POINDEXTER. I desire to inquire whether House joint resolution 14 for the admission of the Territories of New Mexico and Arizona into the Union as States will be subject to debate on August 7, the day fixed for a vote thereon?

The VICE PRESIDENT. The Chair so understands.

Mr. POINDEXTER. I desire to give notice that immediately following the routine morning business on that day I shall briefly address the Senate on that joint resolution.

ADDRESS OF PRESIDENT TAFT.

Mr. PAGE. I have a copy of an address delivered by President Taft before the Marion (Ind.) Branch of the National Home for Disabled Volunteer Soldiers, July 3, 1911. I move that the address be printed as a Senate document. (S. Doc. No. 79.)

The motion was agreed to.

NATIONAL MONETARY COMMISSION.

Mr. CUMMINS. I ask unanimous consent for the present consideration of Senate bill 854.

The VICE PRESIDENT. The Senator from Iowa asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BURTON. Is that the Monetary Commission bill?

Mr. CUMMINS. It is.

Mr. BURTON. I want to be heard on that bill.

The VICE PRESIDENT. The request is for unanimous consent for the present consideration of the bill. Is there objection?

Mr. BURTON. I ask that the bill go over, Mr. President.

The VICE PRESIDENT. Objection is made.

MESSENGERS TO COMMITTEES.

Mr. BRISTOW. I ask unanimous consent to call up Senate resolution No. 118, authorizing the employment of messengers by certain committees.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GAMBLE. I do not have a copy of the original resolution before me, but I move, as an amendment, to strike out the words "Indian Affairs" where they appear in the resolution.

Mr. BRISTOW. That amendment is satisfactory to the chairman of the committee.

Mr. CLAPP. I suggest that the resolution be read.

Mr. HEYBURN. Yes; I rose to ask that it be read.

The VICE PRESIDENT. Without objection the resolution will be read.

The Secretary read the resolution reported yesterday by Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Senate resolution 118.

Resolved, That each of the following-named committees is hereby authorized to employ a messenger at a salary of $1,200 per annum: Committees to Audit and Control the Contingent Expenses of the Senate, Canadian Relations, Civil Service and Retrenchment, Coast Defenses, Conference of the Minority, Education and Labor, Expenditures in the Department of the Interior, Expenditures in the Navy Department, Expenditures in the Post Office Department, Expenditures in the Treasury Department, Expenditures in the War Department, Indian Affairs, Industrial Expositions, Interoceanic Canals, Irrigation and Reclamation of Arid Lands, Library, and Patents; that said salaries be paid out of the contingent fund of the Senate until otherwise provided for by law.

The VICE PRESIDENT. The Senator from South Dakota moves to strike out the words "Indian Affairs," in lines 10 and 11 of the resolution.

The amendment was agreed to.

Mr. KERN. Mr. President, I do not desire to incur the displeasure of any Member of this body, but there are some of us on this side who were elected last fall under a distinct pledge that we should be in favor of economy and retrenchment in the affairs of the Government. It was stated by a former distinguished Senator from Rhode Island during the last Congress that the expenses of the Government could be reduced, under business management, about $300,000,000 per annum, and it became a very live question in the campaign as to the extravagance which prevails in the various departments of the Government.

I understand that by this resolution a proposition is made very near the close of the session to appoint messengers for various committees, many of which have not met during the session, many of which, perhaps, will not meet during the next session.

There can be but one purpose in the resolution, and that purpose must be to provide places for men and not because the services of men are at all required.

I am opposed to this resolution. I am opposed to any resolution or bill that calls for the expenditure of money when such expenditure is not required by this body for the proper dispatch of its business. I am advised, sir——

Mr. BRISTOW. If the Senator from Indiana will yield, I will state that the resolution does not call for any additional expenditure of money. It does not appoint a single additional employee of the Senate. It reduces the number who are now employed and it reduces the expenditure.

It has been the practice heretofore to detail clerks from the office of the Sergeant at Arms to Senators to help them in their committee work. The resolution changes this system. When a Senator needs additional help in his committee he will apply to the Senate for that help instead of the Sergeant at Arms. All these details are to be abolished. There will be no details of officers of the Senate from the office of the Sergeant at Arms. The resolution simply provides that committees which have had employees heretofore on detail shall now receive them direct from the Senate. It is a matter of economy instead of expenditure, I will say to the Senator.

Mr. KERN. Do I understand the Senator from Kansas to say that the purpose of this resolution is not that messengers shall be furnished to these committees, but that messengers shall be furnished to render services to certain Senators who may be chairmen of those committees?

Mr. BRISTOW. Well, it is the same as a Senator's secretary or his clerk. These employees or clerks serve the committees of which Senators, of course, are chairmen.

Mr. KERN. Let us see. If it be true that the Committee on Canadian Relations, the Committee on Coast Defenses, or the Committee on Expenditures in the Department of the Interior have not met during this session, and probably will not meet during the next session——

Mr. BRISTOW. I am not advised as to that.

Mr. KERN. In other words, that those committees are merely useless appendages to this body, would it not be more businesslike, if the Senate desires to furnish the services of clerks or messengers to Senators, to say so by resolution, and not by this method of indirection? If it can be shown to me that the Committee on Canadian Relations needs a messenger from now on, or that the Committee on Expenditures in the Department of the Interior needs a messenger, then I shall be willing to vote for a resolution that will give to such committees the services of such messengers. I am not, however, willing by any sort of subterfuge like this to vote to certain Senators the services of clerks or messengers under the guise of having the appointment made for the service of a committee. I myself have the honor to serve on a committee known as the Committee on

Disposition of Useless Papers in the Executive Departments. I do not know just what right one department of the Government has to dispose of the useless papers of another. I understand that in some of the executive departments they have a committee on employees. It might be well enough for that committee to look into the question as to the disposition of useless employees on the part of the Senate while the Senate is looking after the disposition of useless papers in those departments. I have referred to that as an illustration. That committee has not met. I understand it has a clerk, an assistant clerk, and a messenger. I do not know any services that have been performed. I know the committee has not met, and that many similar committees have never been called together, yet we are carrying on the pay rolls here the names of employees or attachés of these various committees that never meet—committees for which there is no use—the names of employees who render no service to the committees at all. It is simply a subterfuge, a false pretense.

We have a committee here on the Five Civilized Tribes. We might have a committee on the Lost Tribes of the House of Israel; we might have a committee on Prehistoric Man, or on the Relics of a Paleozoic Age, and all that sort of thing, and I doubt not that we should have it if it were necessary to furnish additional places for some hungry patriots.

I am opposed to the method which is now proposed as a substitute for a worse method in the past, of carrying on the pay roll of this body messengers of committees who perform no services. If their services are needed for some other purpose, then let that purpose be stated in a manly and an open way, and let the services be furnished, but let us not pay out to men here salaries for services which we know they do not perform—services for which there is no call and no need. I am opposed to this resolution or to any resolution which shall undertake to do by indirection that which the Senate will not undertake to do directly.

Mr. BRISTOW. Mr. President, the Senator from Indiana is entirely mistaken about this being an attempt to do by indirection what it is not proposed to do by direction. The criticism which the Senator from Indiana makes might be made against the old system of details. This resolution proposes to abolish the details. It abolishes more employees than it reemploys; it reduces the number of employees of the Senate, the number of employees of committees, and reduces the expenditures of the Senate for that purpose. Why the Senator should object to this resolution I can not understand.

Mr. KERN. I ask the Senator the question if it is not true that in the case of a majority of the committees named in the resolution there has been no meeting of the committees during this session, and that there is no earthly need for a messenger or any other officer at this time to perform service for any such committee?

Mr. BRISTOW. I do not agree with the Senator. I do not think that there are any useless or needless employees provided for in this resolution. If I thought there were, I would favor cutting them out.

Mr. KERN. If this is a reform of some evil that has previously existed, then that evil must indeed have been of glaring proportions.

Mr. BRISTOW. If the Senator from Indiana will pardon me, I will suggest that if this economical spirit had taken possession of him a few days ago, and he had voted against continuing an employee on the Senate rolls who does no work, and does not pretend to do any work, it would come much more fittingly than to object to Senators having help here when they need it in the discharge of their duties and when they ask for it.

Mr. KERN. I have no objection in the world to Senators having all the help they need. The Senator misunderstood or misapprehended what I said. I do have objection, however, to men being carried on the pay roll here as messengers to committees when those committees do not meet and when those messengers do not perform any service at all for which they are paid.

As a matter of sentiment, I voted the other day for the old negro referred to; perhaps I should not have done so. If I did wrong, I am sorry for it, but I probably would do the same thing again. But here, Mr. President, on yesterday this resolution was reported by the chairman of the committee, the Senator from New Jersey [Mr. BRIGGS]; the Senator from Montana [Mr. DIXON] made objection, and on the objection of the Senator from Montana the resolution went over. Later in the day I observe by the RECORD that the Senator from Montana offered this resolution:

> That the Committee on Conservation of National Resources be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,200 per annum.
>
> And so forth.

Whereupon the Senator from New Jersey [Mr. BRIGGS], as chairman of the committee, reported favorably on that resolution, and it was agreed to.

Then on yesterday there were certain extra allowances made here for gentlemen who had agreed to accept, and had accepted, positions at certain fixed salaries. Then came this resolution, and the Senate seems to be threatened now with a sort of inundation of these resolutions as the closing days of the session approach. I am opposed to them.

I want to repeat that I am not opposed to any Senator and every Senator having all the assistance he needs in the discharge of his business, but I want him to get it in a direct, open way. I do not want to have it done under the cover of a messengership to the Committee on the Five Civilized Tribes, for instance, or the Committee on Interoceanic Canals, or the Committee on Arid Lands, or the Committee on Disposition of Useless Papers. I do not want him to have it done by indirection, and that is why I am opposed to this and to all similar resolutions.

Mr. BRISTOW. Mr. President, I desire to say to the Senator that his remarks would mislead the Senate into the belief that this resolution is providing for a number of additional employees. It does not do so. As I stated before, it reduces the number of employees and reduces the amount to be expended. It is not giving to a Senator or to a committee any clerical force that the Committee on Contingent Expenses does not think is needed.

Mr. KERN. It is a matter of indifference to me whether it is a reduction or not. The only question before my mind is, Are these committees in need of the services of these men? I feel quite sure that they are not, because the committees have not met.

Mr. BRISTOW. Mr. President, I will say that, in the opinion of the Committee on Contingent Expenses, the committees do need this help and this service. If that committee did not believe that these committees needed the service, it would not have reported this resolution favorably.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. REED. The Senator from Kansas states that this resolution is in the nature of a retrenchment resolution; that it proposes to accomplish that retrenchment by giving to the several committees certain employees, and that that will reduce the pay roll that already exists. I want to ask the Senator from Kansas at what place in this resolution there is any provision for discharging any of the present employees.

Mr. BRISTOW. Well, for the information of the Senator, I will say that the details from the Sergeant at Arms's office are all to be discontinued on August 1.

Mr. REED. By this resolution?

Mr. BRISTOW. No; not by this resolution, but by a resolution that was passed in a conference of the Republican Senators some weeks ago—six weeks ago.

Mr. REED. Then, I understand that the Senate is to have this sort of guaranty: You propose to have the Senate now create some 15 or 16 new positions, to do that now by action of the Senate, which is to base its action upon the statement that the Republican Members have had a secret meeting and agreed that at some time in some way they will cut off certain other employees.

Mr. President, I will go just as far as the Senator from Kansas, or any other Senator, in cutting off unnecessary men from the pay roll, but, so far as I am concerned, I do not intend to vote to make a dozen new jobs on the theory that a secret Republican caucus has been held which proposes to cut off certain other jobs by way of compensation.

Is the Senator from Kansas simply waiting to answer my interrogatory, or does he desire to proceed? If he does, I will, of course, yield the floor now, and say what I want to say later on.

Mr. BRISTOW. The Senator can proceed if he cares to do so. I was simply waiting until he was through.

Mr. REED. Mr. President, I have not had the time to go through this pay roll as I should like to do. I stated on yesterday, and I say now, that I do not believe in what we may term "picayunish economy," in making a great fuss and great disturbance about one position. I did not believe when I voted with the majority of this body to retain in the service a decrepit old man who had spent many, many years here that I was doing any wrong to the country or to my conscience; but I am surprised to find any man who denounced that as wrong standing here and undertaking to make it a precedent for a wholesale raid on the Treasury, or using it as a text from which to

reprimand any Senator who dares to protest against the creation of new positions.

The fact is this—and we might just as well front it as men ought to front every question—there are a number of committees of the Senate that do no work; they are paper committees. If they meet at all, it is once or twice during a session. They have absolutely no need for a clerk or for a messenger. There are other committees that are busy and that undoubtedly need the services of a clerk. I have had the pleasure of visiting Senators in the committee rooms, where they hibernate, and of seeing a colored gentleman sitting outside the door; a colored gentleman who is there in the capacity of a guard or body servant, or something of that kind, and yet these Senators are chairmen of committees that exist only in theory and not in fact.

Then we have a large number of committees organized but doing no work, yet such a committee has a clerk, who does no work for it, but draws his pay with great regularity. This committee clerk is appointed by the chairman of the committee, and uses the clerk for his own office business and not for committee business. So the result is that a large number of Senators have the usual allowance of a clerk and a stenographer, and then of an additional stenographer, and I am not sure but some of them are fortunate enough to have three or four stenographers. If that were necessary because of their committee work, it would be a different proposition, but when it is not necessary it amounts to a discrimination between the Senators of this body and I believe in a waste of the public moneys, and I protest against it and shall continue to protest against it. If it is desired to give each Senator in this body an additional stenographer because in his capacity as a public servant he needs that additional help, I would not oppose that, for it would be distributed equitably and each Senator would get the benefit and each State would obtain the benefit. But when you create "paper committees," and when it is proposed to give to the chairman of such a "paper committee" a special privilege over other Senators, and to do it by this subterfuge, this indirect method, and when it is now proposed to add to that list and to do so because such is the will of a recent caucus held by the Members who occupy only one side of this Chamber, I protest against it as not only wrong, but as indecent.

To ask the Senate as a body to act upon something that has been determined upon in a Republican caucus is wrong and should not receive the sanction of your votes. I take it that if a Republican caucus or conference had been held upon the House wool bill that was pending here yesterday that caucus, by a majority vote, would have speedily killed the bill, but the Senate of the United States did not take that action, because there were some Republicans on the other side who were acting on their own judgment.

Mr. President, I think it is time to stop these raids. If we are going to right these matters, let us do it like men, by the appointment of a committee to go through the whole pay roll. I will make the prediction that, if you appoint a committee of that kind and it does its work effectively, you will save many tens of thousands of dollars to the people of the United States; and I would like to see it done, and done now.

Mr. CLARK of Wyoming. As I understand the report of the committee, that is exactly what has been done. The Senator is anxious for retrenchment; the Senator is fearful that extravagance is increasing. The report of the Committee to Audit and Control the Contingent Expenses of the Senate is that this resolution will materially reduce the expenditures of the Senate. The Senator says we have no means of knowing whether or not it will effect such a reduction. I have. I have already had served upon me notice that on the 1st day of August one man, at least, will be taken from the committee of which I have the honor of being the chairman.

Mr. REED. May I ask the Senator how many men that committee now has?

Mr. CLARK of Wyoming. It has no more than it needs.

Mr. REED. That is not answering. How many men has it?

Mr. CLARK of Wyoming. It has four.

Mr. REED. Four?

Mr. CLARK of Wyoming. Yes, sir; and it is a committee that meets every week of every session, and is a committee that is always at work.

I resent the idea that Members of this body have more help than they need to properly transact the public business. I do not believe that to be true. The Senator assumes in his argument that the chairmen of the committees which he calls paper committees have the clerks of those committees to do their individual work. They have no other clerks. Every Member of this body is provided with a secretary. A man who is chairman of a committee has no secretary save the clerk of that committee. I think the Senator is laboring under a misapprehension. I think this resolution not only reduces the pay roll of the Senate to a very considerable degree but reduces as well the number of employees. If I am incorrect in that, I should like to be informed by the chairman of the committee.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. CLARK of Wyoming. Yes.

Mr. KERN. I desire to know what employee of the Senate has been discharged or will be discharged by reason of the adoption of this resolution?

Mr. CLARK of Wyoming. I am unable to state.

Mr. KERN. In what respect——

Mr. CLARK of Wyoming. I am not on the Committee on Contingent Expenses; but I am able to state that one employee of the Senate, who is detailed from the Sergeant at Arms' office, has been recalled from detail to a committee of which I have knowledge.

Mr. KERN. Will the Senator, while he is on that subject, tell me what service to a committee which does not meet is rendered by a messenger to that committee?

Mr. CLARK of Wyoming. Oh, I do not know. I suppose he may be employed to run errands, or I suppose he may be employed about the committee room.

Mr. KERN. By whom? By the chairman?

Mr. CLARK of Wyoming. Naturally, by the chairman, if by anybody.

Mr. KERN. Very well. Then, if he renders personal service—that is to say, if he serves the chairman personally—would it not be more manly, more open, to have him detailed?

Mr. CLARK of Wyoming. Oh, he is not detailed for the personal service of the chairman in the sense the Senator indicates.

Mr. KERN. What other service is there if the committee does not meet? There is no other.

Mr. CLARK of Wyoming. There is service about the rooms when committees do not meet. There is service in the Committee on the Judiciary on days when the Committee on the Judiciary is not in session, I will say to the Senator.

Mr. KERN. Certainly; but the Committee on the Judiciary meets frequently. However, there is a number of committees named in this resolution that do not meet at all. If the Senator will inform me why the Senate should appoint and pay a messenger for such a committee——

Mr. CLARK of Wyoming. The Senator is getting rather personal. I will ask the Senator what employees are charged to the Senator from Indiana on the roll of the Senate?

Mr. KERN. There are no employees charged to me except a private secretary and a stenographer, and they are charged as such; not otherwise.

Mr. CLARK of Wyoming. What difference does it make——

Mr. KERN. It makes all the difference in the world.

Mr. CLARK of Wyoming. I have no private secretary. What difference does it make whether the man who acts as my private secretary is classed as the clerk of a committee or the private secretary of a Senator?

Mr. KERN. It is the difference between direction and indirection.

Mr. CLARK of Wyoming. Not at all, because the private secretary of the Senator from Wyoming acts as the clerk of that committee and is the clerk of the committee, and the Senator from Wyoming proposes to use the clerk as his private secretary, as the rules of the Senate allow.

Mr. KERN. But what does the Senator from Wyoming say as to the messenger or clerk of a committee which does not meet at all and which possesses no function here?

Mr. CLARK of Wyoming. It takes the place of the stenographer and the private secretary which the Senator has.

Mr. KERN. Why not call it that, then?

Mr. CLARK of Wyoming. If the Senator chooses, I have no objection to that. What I am speaking of is the complaint the Senator makes that here is an effort to increase the expense of this body.

Mr. KERN. I think it is an effort to increase the expenses of the body in this respect——

Mr. CLARK of Wyoming. Certainly the Senator must have confidence in the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KERN. I think the facts as to the service rendered or to be rendered by an employee should be stated.

Mr. CLARK of Wyoming. They have not acted along the line which I desired, but I have confidence that their desire is to carry on the business of the Senate in a manner as economically as it can be carried on without detriment to the public busi-

ness, and I believe the pending resolution is in line with that idea.

Mr. SMOOT. Mr. President, I want to say to the Senator from Indiana [Mr. KERN], and also to the Senator from Missouri [Mr. REED], that the complaint they are making against detailing men to committees of the Senate must apply to Democratic as well as Republican committees. There are details to minority committees assigned by the Democratic caucus.

Mr. KERN. If the Senator will allow me——

Mr. SMOOT. The Republicans are not objecting as to how the Democratic caucus assigns their detailed employees. I have a list here of the men who are detailed by the minority side of the Chamber and of the committees to which they are assigned.

Mr. KERN. Mr. President——

Mr. SMOOT. Wait until I conclude this statement. The Republican caucus decided it was wrong to allow employees to be longer detailed to Senators or majority committees, but wanted direct action by the Senate. The purpose of the resolution is to give every majority committee what help the Committee to Audit and Control the Contingent Expenses of the Senate thought proper or were entitled to. The Republican caucus has no right to say that the 14 or 15 men who are detailed by the Democratic caucus to the Democratic or minority committees should be abolished. The Republican caucus has not even tried to say that principle, as far as the Democratic caucus is concerned, should be avoided in the future. But the caucus decided that as far as the majority committees of the Senate are concerned it desires an action by the Senate in order that all may know just the number of employees each committee has and the amount paid by them.

Mr. President, I have a list here of all the details. There are 34 men who have been detailed to majority committees in the past. On the 1st day of August every one of those 34 men will cease to be employed as details to Senators. I have not counted the number of messengers provided for in this resolution, but I think there are about 11 or 12 of them. Some of the detailed employees no doubt will remain with the committees if this resolution passes, and instead of the 34 men who have been detailed and paid for in the past the number will be reduced to 16 or 17. If that can be designated a raid on the United States Treasury I think it is a kind which ought to be encouraged.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. I do.

Mr. KERN. Do I understand the Senator from Utah to say that by this arrangement there are 24 men to be discharged from the service of the Senate?

Mr. SMOOT. They will have to be discharged from the service of the Senate or else some Senator must get a position elsewhere for them.

Mr. KERN. Will the Senator inform me how the pay roll of the Senate is to be reduced by the adoption of this resolution?

Mr. SMOOT. The money that has been appropriated for these men will not be paid. It will go back into the Treasury of the United States.

Mr. KERN. What men?

Mr. SMOOT. The men who have been detailed in the past.

Mr. KERN. Are they to be discharged from the service of the Senate?

Mr. SMOOT. They are to be discharged from the service if they are not taken care of in the way the resolution provides for or other places found for them.

Mr. KERN. What does the Senator mean by the phrase "if not taken care of"?

Mr. SMOOT. If they are not employed by the Senate. If the Senator wants to know the names, I have them here and can read them for his information.

Mr. KERN. I will ask the Senator if there is not a pamphlet printed for the benefit of Republican Senators—printed at the Government Printing Office and circulated exclusively among Republican Senators—giving a list of all of the employees of the Senate, the assignments, and the proposed scheme for the redistribution of patronage, and whether he does not hold that pamphlet in his hand?

Mr. SMOOT. That is absolutely true. Not only does it include the names of the Republican employees of the Senate, but it includes the names of the Democratic employees of the Senate detailed by the Democratic caucus of the Senate, and to which I have no objections.

Mr. KERN. Why not have that printed for the benefit of the Democratic as well as the Republican Senators?

Mr. SMOOT. The only purpose was to show each Senator what details he has had in the past, and that from August 1 of this year, as far as the Republican caucus details are concerned, there will be no more.

Mr. CLARKE of Arkansas. Mr. President, the enthusiasm of the Senators who oppose the adoption of the report of the committee is based largely on a misapprehension of the facts and a through misunderstanding of the purpose. It is not designed for the enlargement of the clerical force of Senators and committees, but it has for its purpose, and it has for its effect, the reduction not only of the number but of the salaries of many of them. It is distinctly in the interest of economy, an exhibition of which coming from the Republican side, I commend them for it.

It is an attempt to systematize and equalize the clerical force of Senators. Those older in commission, those belonging to the dominant side of the Chamber, secured for themselves and their committees a service which seemed disproportioned to their work, and it is a desire to equalize not only the number but the expense, which prompted the action reported to the Senate by this committee.

Many of the duties I might denominate as service to the chairman, because, as a matter of fact, in 7 cases out of 10 the clerical force assigned to the committee is for the personal service of the chairman, including such services as are required by the chairman in the discharge of the duties of the position, and such as may be incident to the discharge of his duties as a Senator. There are on the Republican side enough committees to furnish a chairmanship for every Member. There are, in addition to that, enough committees to furnish 10 of the Democrats oldest in commission with a chairmanship, which position carries with it three clerks. There is an additional number of 10, carrying with the position two clerks, recently assigned to the minority by the generosity of the Republican majority. They found that their numbers had been diminished sufficiently to justify them in dispensing with 10 committees; but instead of doing that they generously accorded them to 10 Democrats, with the understanding that they were to be satisfied with an increase of $240 for each clerk, with the privilege, perhaps, hereafter of being equalized if the necessity or justice of the case required.

The Republican caucus took up, as it properly should, and did not interfere with the Democratic side, as it properly could, the matter of readjusting the service to the several committees. The Committee on Contingent Expenses of the Senate thought that it was proper to begin a system that would equalize the clerical force of the Senate, so they started out by allowing, as they had no right to disallow, the private secretaries to the Senators and the clerks of the committees fixed by law, named by law, whose salaries are fixed by law, and are not subject to be altered by them. They dealt with the question of assignments from the Sergeant at Arms' office by preferring to call them assistant clerks. But as the item of appropriation contained in the appropriation bill designated them as messengers, there was no way to pay them as assistant clerks, and so we preserve in our official action the term "messenger."

Mr. KERN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. CLARKE of Arkansas. Certainly.

Mr. KERN. Why not designate them, then, in the bill as assistant clerks?

Mr. CLARKE of Arkansas. This is not a bill. It is a Senate resolution. It does not have the force and effect of law except as it regulates our own force. It does not contemplate the concurrence of the other House and can not have the effect of changing an appropriation made by law. If the Senator from Indiana will inform himself, he will have no difficulty in reaching the result that this is a commendable movement, made in the interest of economy and equality in the clerical force of many Senators occupying seats on this floor. It is distinctly in the interest of economy. We have reduced the number of assignments to the committees, something like a dozen, I think, and we have reduced the salaries of those who formerly drew $1,440 in many cases to $1,200.

Mr. KERN. By the pending resolution?

Mr. CLARKE of Arkansas. Yes, sir.

Mr. KERN. Oh, no.

Mr. CLARKE of Arkansas. There are several of them. There is, for instance, the Committee on Public Lands, where a certain sort of an expert on land laws is required in the dealings with the Land Office, relieving the chairman of a considerable amount of work of a technical character. We thought that was

proper. The same thing is true of the Committee on Indian Affairs. The matter has not come in here at haphazard or without consideration. The whole committee considered it and considered it in a spirit of fairness. It is fair; it is right. We do not propose to make a raid anywhere.

So far as the action of the Republican caucus is concerned, I deem it a proposition in the interest of economy and right; and these agreements of the Senate, whether made by Republicans or by Democrats, are always carried out in good faith, as I have not the slightest doubt that this will be. The committee has proceeded with that understanding, just as every Senate has proceeded with that understanding for the last hundred years, and I have no doubt will proceed for the next hundred years. That is evidence enough it is going to be done; we accept it as an accomplished fact; and I entertain not the slightest doubt but that it will be carried out.

The appropriation act provides for 57 messengers without assigning them to any particular service. Custom has invested the Sergeant at Arms with the authority to assign those messengers to such service in the Senate as responsible agencies in the Senate seemed to make necessary. Sometimes he has not done it with wisdom and discretion. Sometimes he has allowed himself to be overpersuaded. Sometimes he has assigned them where work for the time being required it, but by reason of the flow of time and changes in the business of the Senate the committees have become unimportant. But such things are inevitable. What it is now sought to do is to equalize and reduce the clerical force to somewhere within the limit required for efficient service by the average Senator here. That is to say, it is measured somewhat by the length of the service here, the character of work that comes before his committee, and the character of the work that comes to him by reason of his membership on other committees.

These employees are not used exclusively by the individual Senator. It has come to be understood that these clerks are never selected by the committee, but they are selected by the chairman, and they are considered to be his personal force. After my distinguished friend, the Senator from Indiana [Mr. KERN], has served a few years, he will be assigned to one of these committees, or, as I hope, when the next Congress assembles he will find himself on the majority side of the Chamber and will be entitled to the chairmanship of a first-class committee, and he will get the benefit of these extravagant allowances for clerkships.

The whole matter has been conducted with a high sense of fairness and liberality, and I do not think anybody on this side of the Chamber who thoroughly understands the situation can justly criticize anything that has been proposed. The Senator from Mississippi [Mr. WILLIAMS] and myself are the Democratic members of the Committee on Contingent Expenses. We went through the matter thoroughly and we agreed cordially with this report. We believe it ought to be adopted.

Mr. REED. Mr. President, I think that whether the committee went through this matter with "deliberation and liberality," as stated by the Senator from Arkansas, or not, I can at least agree with that part of his statement. I concede that the committee were inspired by the spirit of "liberality" to themselves. It is now plain that the Senator from Indiana was exactly right when he said that these employees are not working for the committee, but are in the service of the chairman of the committee, just as the secretary of any Senator is in his service. This is made perfectly plain by the statement of the Senator from Arkansas, that if they are so fortunate as to carry the next election the Democrats will have the pleasure the Republicans now enjoy of cutting up these privileges among themselves. That is not an argument which appeals to me, either as an official or individual. The fact that a Republican chairman to-day has four or five employees, or any other number in excess——

Mr. CLARKE of Arkansas. Mr. President, may I correct the Senator from Missouri?

Mr. REED. Certainly; I yield.

Mr. CLARKE of Arkansas. In the case of the Committee on Finance, the Committee on Appropriations, and probably one or two more of the great committees of the Senate, the clerical force, including this alleged messenger, is limited to three.

Mr. REED. I still say that the fact that some Republican chairman of a committee which either meets or does not meet has four or five personal employees does not seem any the less obnoxious to me because some Democratic Senator may have them next year, nor would the possession of them by a Democratic Senator next year in any manner convince me that that was fair or proper treatment of the public or of the minority side.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Will the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. Certainly.

Mr. KERN. I will ask the Senator if he is aware that yesterday, very near the close of the session, a resolution was passed here authorizing the Committee on Finance to employ an additional clerk at an annual salary of $1,600 and an additional clerk at an annual salary of $1,440, to be paid from the contingent fund of the Senate, and whether he knows why those additional clerks were provided for, so near the close of the session, at a time when the Finance Committee will possibly have no further meetings?

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. Certainly.

Mr. BRISTOW. I desire to state that those two clerks were allowed in lieu of four, and that there was a saving of just $3,040 in the expenditures of the Finance Committee by that resolution.

Mr. KERN. Will the Senator give me the names?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. Certainly. I always yield.

Mr. KERN. I have asked the Senator repeatedly to give me the names of the positions or of any men who have been discharged from the service of the Senate.

Mr. BRISTOW. I do not have in mind the names of the men or the positions, but I make this statement as a fact, and I am not used to having a statement of fact which I make upon the floor of the Senate questioned.

Mr. KERN. I have no desire to do that, but this is a matter which has been shrouded in mystery so long as to employees of the Senate it should be cleared up some time. We only know that certain things have been done, but how we do not know. It is not a personal matter; I am not questioning the word of the Senator.

Mr. BRISTOW. It is unfortunate that the Senate has not had the wisdom of the Senator from Indiana and the Senator from Missouri during past years to help it transact its business and to enable it to handle the business of the public as it should be handled. But, of course, since it did not during the years gone by, it is very fortunate to have it now, and we are trying to accommodate ourselves the best we can to their suggestions by reducing the number of employees and reducing salaries.

Mr. REED. If, then, the presence of the Senator from Indiana and the presence of the Senator from Missouri has had the result of introducing this economy which the Senator from Kansas boasts of, I take it the country will conclude we have been equally as useful as the Senator from Kansas.

I desire to say now to the Senator from Kansas that I imagine this poor old country of ours, that ran before Kansas was a State and ran before the Senator from Kansas rose like a sun of intelligence above the horizon of the intellectual light that had enveloped us, will still struggle on when the clouds and snadows gather over the Nation as it stands by his tomb weeping rivers of tears.

I do not propose, as far as I am concerned, to submit to any lectures because I want to know what is becoming of the public money. I do not intend that that Senator who has charged the highest members of his own party in many instances with having betrayed the public, and who made his disclosures with startling rapidity after he began to warm a chair in this Chamber, shall characterize me or the Senator from Indiana as mere upstarts because we venture to ask questions as to what is being done with the people's money.

I say that it is a strange thing in a public body that at the expense of the public a list of the employees of the Senate should be printed to be circulated, not among the Senators but among the members of one party; and I say that it is a strange way to reduce public expenses to bring in a resolution creating 16 new places to be filled and not at the same time abolishing the old places. When the resolution is thus introduced it is a remarkable philosophy which asks us to be content with the statement, "Well, we Republicans had a secret caucus and have agreed to cut out certain places, but we insist the resolution shall not so declare."

And when I say that I do not impugn the honor of Senators. I do not believe there is a Senator here, and I do not believe there is a representative of the committee here, who would deliberately misstate anything upon the floor of this body; but I do say that this is the public business, and if you are going to create 16 new positions by a resolution to take the place of

30 positions that are to be abolished, the thing to do is to do both at the same time and in the same bill. You should abolish the old positions when you create the new.

We seem to be in an extremely courteous mood here this morning. I ventured to ask the Senator from Wyoming how many employees his committee had, and he replied with that suavity of manner and that politeness of demeanor which always distinguish the born gentleman that it had as many as it needed and no more than it needed. Now, Mr. President, I intend to know how many men these committees have employed, and if I can not ascertain it by a question upon this floor, I will try in my poor, weak, inexperienced way to learn it from some other source.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED. Oh, certainly.

Mr. CLARK of Wyoming. The Senator surely must be aware of the fact that I answered the question as to the number of employees of the Judiciary Committee.

Mr. REED. Yes; and the RECORD will show that you answered it when I asked it the second time in a very pointed way.

Mr. CLARK of Wyoming. The Senator from Wyoming, after having answered the question fairly and squarely upon the record, and with no desire to evade, does not consider the fact that he declined to yield to further examination upon the same point as evidence that he has transgressed the rules of the Senate as to courteous treatment.

Mr. REED. Ah, Mr. President, it was the first question that I asked that was avoided. It was the second question that was answered.

Now, Mr. President, I have an amendment which I propose to offer to the resolution. It reads as follows:

Add at the end of the resolution as printed:

"The Sergeant at Arms shall not hereafter detail any person to serve said committees without express authority of the Senate."

The PRESIDING OFFICER. The Senator from Missouri proposes an amendment to the resolution, which will be read.

The SECRETARY. Add at the end of the resolution the following words:

The Sergeant at Arms shall not hereafter detail any person to serve said committees without express authority of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KERN. Mr. President, I commenced the remarks I made this morning by stating that I disliked to introduce any subject here by which I might possibly incur the displeasure of any Member of the Senate. I do not believe that any man who knows me well will believe that I intended a discourtesy to any Senator or to any committee, either, in anything I proposed or in anything I said.

It was suggested by my distinguished friend the Senator from Arkansas [Mr. CLARKE], for whom I have very profound personal regard, that I should inform myself better as to the workings of the administration of the Senate.

Mr. CLARKE of Arkansas. I should have said, if I did not say it, as to the matter that was involved in this particular inquiry——

Mr. KERN. Certainly; I understood the Senator.

Mr. CLARKE of Arkansas. As members of the committee did.

Mr. KERN. I did not understand the Senator to mean any discourtesy at all.

Mr. CLARKE of Arkansas. I did not.

Mr. KERN. I was about to agree with the Senator from Arkansas by saying that from the moment I came here to the present time I have regretted constantly that I have been unable to inform myself as to the affairs of the Senate and as to the employees of the Senate, the method of their employment, and the tenure of their positions. The criticism, if it be a criticism, that the Senator offered to me as to my lack of knowledge I think is equally applicable to all the other new Senators in this body.

When I came here, Mr. President, I found a large number of committees the names of which embraced almost every conceivable subject beneath the sun. I inquired in my innocent way as to the purpose, for instance, of the Committee on Revolutionary Claims, as to the purpose of the Committee on the Five Civilized Tribes. I even inquired of my old friend the distinguished Senator from North Carolina [Mr. OVERMAN], who is chairman of that committee, the real purpose of the Committee on Woman Suffrage. I observed here in print the names of a score of such committees, and upon inquiry as to the purpose of the organization of those committees and the purpose of their continuance, I was informed by old Senators who had experience that they served no purpose in the world.

There has been an air of mystery pervading this whole matter of patronage since I came here. As was stated awhile ago, I saw by accident a secret circular printed at the Government Printing Office, circulated exclusively amongst Republican Senators, giving a list of the names of officers and employees of the Senate, giving the classification, giving the details, and giving the scheme for the proposed new distribution of the Senate patronage. After looking over that secret circular, which by accident fell into my hands, I made up my mind that there was a spoils system prevailing in this body which would not do credit to the ordinary city council or to the ordinary State legislatures throughout the country.

I observe, sir, that by this scheme, of which, I presume, this is a part, all the salaries of the Senate amount to $415,902. If I am not correct, some Senator who is in possession of that printed circular may correct me. I observe that the salaries of the Sergeant at Arms and the Secretary of the Senate amount to $13,840; that the Senate roll in the Secretary's office amounts to $37,150; that the Senate roll, whatever that is, in the Sergeant at Arms' office amounts to $13,534; that the long-service roll in the Secretary's office, whatever that is, amounts to $8,960; that the long-service roll in the Sergeant at Arms' office amounts to $14,888; that the pension roll in the Sergeant at Arms' office amounts to $2,880. Then follow what are called exemptions, by which I take it that the following items now are exempted from the spoils distribution that is provided for in this scheme. Exemptions: Secretary's office, $6,100; Sergeant at Arms' office, laborers, and so forth, $43,080; messengers detailed to the minority, $14,400; details to Republican Senators, $38,335. As the membership here is about as 50 to 41, I thought, when I read that, that in the matter of detail there was something of disproportion. Recommended by Democratic Senators, $3,600; making a total of exemptions of $105,515. Patronage, Secretary's office, $38,000; Sergeant at Arms' office, $180,000; making a total of $219,135. This $219,135 was divided by the civil-service reformers, who lead on the other side, into 50 parts, I think, or 51. That made $4,300 to every Senator.

The proposition is to so divide amongst the Republican Senators this $219,135 worth of spoils that each of such Senators shall receive $4,300 worth of patronage for distribution amongst his faithful followers. So the employees who were not charged to any Senator—that is to say, men who were appointed here by Senator Voorhees or who were recommended by Senator Voorhees 30 years ago, men who were recommended by Senator Fairbanks during his term of service, men who were recommended by my distinguished predecessor, Senator Beveridge, during his term—that all those men were to be discharged, not because they did not render good service but because they had, under this spoils system, no Senator behind them. In this distribution or in this scheme there was a statement——

Mr. DIXON. Mr. President——

Mr. KERN. I do not desire to be interrupted just now.

In this scheme, whether as it now exists or the scheme proposed in order to make things come out even, it became necessary to divide an employee into two or perhaps three parts—a kind of anatomical proposition—so that half a man would be charged to one Republican Senator and the other half—which half was not stated—would be charged to some other Republican Senator. This is the scheme of which I presume this resolution is a part; a scheme I say that is the spoils system run mad. This Senate some years ago aided in the enactment of a civil-service law under which other departments of the Government were to operate. Under that civil-service law merit and efficiency are supposed to be the test; but this Senate, having aided in the passage of that civil-service law for the guidance of other departments of the Government, is now proceeding under the scheme to which I have just alluded, to fall back into the old spoils system, and, as I have already designated it, the spoils system run mad.

I have in mind, sir, a man who is one of the most capable of the Capitol police force. He has been here 34 years. The Sergeant at Arms tells me he is one of the very best men on the pay roll. He is marked for decapitation; he has no other means of support; he is to go forth, not because he has not been faithful and efficient and given the greater number of the years of his life to the service of the Senate, but he is to go forth under the edict of a Republican caucus, which is carrying out, as I suggest, a spoils system which, in my judgment, is not creditable either to its authors or administrators.

Mr. DIXON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. KERN. I do.

Mr. DIXON. I ask the Senator to yield only for a question. In connection with the question I wish to ask, I will first inquire, Has the Senator from Indiana considered the fact that the Democratic House of Representatives, when they organized a few weeks ago, discharged wholesale over 600 old employees over there? I noticed by one of the Washington papers the other day that not a single Republican employee of that House is left at this time.

Mr. KERN. I will answer the Senator.

Mr. DIXON. Is not this, as a matter of real fact, the policy pursued in every legislative body in this country, that the majority party controls the appointment of the ordinary employees? The Democratic House of Representatives discharged the old employees wholesale. I know that doorkeepers over there, who served that House when I was a Member of it years ago, and who had been there for many years, were discharged wholesale as soon as the Democratic majority assumed control. Suppose the Senate, after the next general election, should become Democratic. Would not the Senator from Indiana think it a matter of ordinary administration of affairs that the Democratic Senators should assume the apportionment of the employees of the Senate, except the specialized men, who have been here for years on certain work and who could not be dispensed with?

Mr. KERN. Is the Senator through?

Mr. DIXON. I should like the Senator from Indiana, in this connection, to discuss the recent action of the other House.

Mr. KERN. Mr. President, I should think very much less of myself than I do if I felt that I were actuated by partisan motives in making the suggestions I have made here this morning. If the House of Representatives has done wrong in the matter, if the spoils system prevails there, it would no more have my indorsement than would the spoils system here. I do not indorse wrong in my own party any more readily than I indorse wrong in the other party.

But let us see if there is a difference; and I am not going to apologize for my party, which is in control at the other end of the Capitol. In this body there are certain employees of the Sergeant at Arms. He gives bond; he is a responsible officer; he draws almost as much salary as does a Senator; his is a continuing office so long as the Republican Party remains in power. The Secretary of the Senate is a responsible officer; he gives bond——

Mr. DIXON. Mr. President——

Mr. KERN. I will answer the Senator's question fully before I am through.

The Secretary of the Senate draws a salary almost equal to that of a Senator; he is responsible for the large number of employees upon his pay roll. What I complain of in this scheme is that the majority here do not permit the Sergeant at Arms to name his assistants, to name the men for whom he is responsible under the law; it does not permit the Secretary of the Senate to name his men, for whom he is responsible and for whose acts he is chargeable by law, but all those appointees are put in a bushel basket of patronage, to be distributed at the will and whim of the majority Members here. That is what I complain of, and that is where the difference is, be it much or little.

Mr. DIXON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield further?

Mr. KERN. Yes, sir.

Mr. DIXON. Would the Senator from Indiana apply the civil-service rule to the administration of legislative bodies in the matter of their employees? Suppose the Senate should become Democratic after next election; by that rule would the Senator from Indiana retain the Republican officials in a Democratic body? Would he retain the present Sergeant at Arms, a Republican official, in a Democratic body, which is charged with the administration of the rule of the majority political party in that legislative body? Would the Senator retain the present Secretary of the Senate and the present Sergeant at Arms of the Senate should the Democrats assume control?

Mr. KERN. In the case stated by the Senator, I think the executive officers of the Senate should be, as they always have been, of the same political faith as the majority of the Senate; but when the law provides that the Sergeant at Arms and the Secretary of the Senate, the executive officers of the Senate, shall name and provide employees for whom they are responsible, I think, then, that the civil-service regulations which apply to other departments ought to apply to the Senate, and that those officers should be permitted to name their own men.

Mr. DIXON. Just the same as the Democratic House, when it came into power a few weeks ago, discharged employees of the old Republican House and appointed de novo 500 employees over there.

Mr. KERN. I have already stated to the Senator that I had no thought of injecting politics into this discussion. It is a matter of no consequence, so far as my argument is concerned, what the Democratic House of Representatives has done or may not do. If it has done wrong, if it has gone counter to that which I advocate here, I am opposed to it. I hope I am not so blindly partisan as to denounce wrong in one party and not to denounce the same wrong in another party.

Mr. CLARKE of Arkansas. Mr. President, I am not willing to permit this discussion to close without having given to my very highly esteemed friend from Indiana [Mr. KERN] assurance of the fact that it was not my purpose in the slightest degree to intimate that he had taken an unfair view or that he was not informed about a matter as to which he had a right to suppose that he should be fully informed. I sought to contrast the information of an individual Senator with that of members of the committee who had the matter now pending under consideration and who had joined in the recommendation now embodied in this resolution.

Another circumstance I want to impress upon the Senate is that this resolution is distinctly in the interest of economy and publicity. A number of employees of Senators who are chairmen of committees have been carried as part of the force of the Sergeant at Arms' office under the designation of messengers. A custom that prevailed long before either the Senator from Indiana or myself became Members of this body justified the assignment by the Sergeant at Arms to the several committees, and in some instances to Senators, of a number of messengers provided for by a lump appropriation for 57 messengers and providing a salary of $1,440 for each.

The Republican Members of the Senate concluded to change that system by making such an entry upon the public records as would show just exactly what service each employee of the Senate was engaged in and at what expense. They were no longer to be blindly carried as part of the force of the Sergeant at Arms' office, but were to be carried as employees of the Senate. We could not accomplish that directly on this occasion for the reason that the appropriation out of which current expenses are paid was made last year and will not expire for nearly a year, and so we approximated as nearly as we might the accomplishment of that purpose.

When the matter was under consideration yesterday the chairman of the Committee on Appropriations, the Senator from Wyoming [Mr. WARREN], addressed an interrogatory to the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, the Senator from New Jersey [Mr. BRIGGS]. The Senator from Wyoming said:

> We have endeavored to put all the necessary annual clerks and employees under the regular appropriation law—that is to say, the legislative, executive, and judicial appropriation act. Otherwise, when an appointment is made it goes on interminably, perhaps 1 year and perhaps 30, under the contingent fund.
>
> I wish to ask the Senator whether it is his intention to recommend to the Committee on Appropriations that these clerks be put upon the regular roll when the next appropriation bill comes in?

The answer of the Senator from New Jersey to that question was, "It is."

We are attempting to do now what will be done in plain terms in a statute when a new appropriation bill shall come to be prepared. Nothing would be accomplished by defeating this resolution, because it would remit us to the old system; it would increase the outlay for the same service, and would defeat the very commendable start that has been made toward systematizing and reducing the cost of the clerical force employed by the Senate.

So far as the amendment offered by the Senator from Missouri [Mr. REED] is concerned, I am satisfied that it will be entirely agreeable to the committee to have it adopted; but it is superfluous, in my judgment, for the reason that the very thing that it directs to be done will be done. The reason why the committee did not incorporate some such provision in this resolution was because we did not believe that we could change existing law by a simple resolution of the Senate.

The list of employees that has been exploited here as one of the secret archives of the Republican Party is a matter of public record in the office of Mr. Nixon, the financial clerk of the Senate, and anybody who desires to get a list of those who draw pay from the Senate can get a printed list by a simple application to the office of the financial clerk. It is required not only by the law, but by the Constitution, to be published from time to time, and it is published and, as I have stated, can be obtained.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. CLARKE of Arkansas. Certainly.

Mr. KERN. Is the Senator sure that the pamphlet to which I referred can be obtained?

Mr. CLARKE of Arkansas. No, sir; I am not sure as to that. I spoke of the employees of the Senate. Every dollar that goes out of the Public Treasury must have behind it a receipt from somebody, and those who are diligent enough to look up such matters will find recorded somewhere that is accessible to ordinary investigation a record of that fact.

The question of the broader scheme of the distribution of patronage by the majority is one that is not involved in this discussion. We have nothing to do with that. That will become a live question some time later, I hope; but in the meantime we are dealing with certain enumerated clerkships, and we have dealt with them in a way that makes for fairness and equality in the distribution of the clerical force and for economy in the expenditure of the amount of money that is necessary to pay them. That is all that is involved here.

I hope that the amendment offered by the Senator from Missouri [Mr. REED] will be accepted by the Senator from Kansas [Mr. BRISTOW]. I feel satisfied that it meets the views of the committee, but I want to suggest an amendment by striking out the words "conference of the minority" where they appear in line 6 of the resolution. That is evidently an inadvertence. It was not the intention of the committee to deal with any of the matters that related to this side of the Chamber, but to confine our recommendation to such resolution as had been proposed to carry out the plan arranged by the Senators on the other side. I will move that the words "conference of the minority," where they appear on line 6, be stricken out of the resolution, and I trust that the Senator from Kansas will accept the amendment.

The PRESIDING OFFICER. The Chair will state to the Senator from Arkansas that it would not be in order now to offer a separate amendment, as the Senator from Missouri has an amendment pending. An amendment to another part of the resolution can not be offered until that is disposed of.

Mr. CLARKE of Arkansas. Very well. I will present it now, and offer it later.

Mr. SMOOT. Mr. President, I have before me the amendment offered by the Senator from Missouri, and I hardly think it covers what he really intends. It reads as follows:

> The Sergeant at Arms shall not hereafter detail any person to serve said committees without express authority of the Senate.

That only applies to the committees named in the resolution. So I offer as an amendment to the amendment that which I send to the desk.

The PRESIDING OFFICER. The Senator from Utah proposes an amendment to the amendment proposed by the Senator from Missouri. The Secretary will state the amendment to the amendment.

The SECRETARY. In lieu of the amendment it is proposed to insert:

> That all details made by the Sergeant at Arms are hereby abolished, and no details shall hereafter be made.

Mr. CLARKE of Arkansas. That, Mr. President, is in violation of the plan of adjustment adopted by the other side, because it abolishes the assignments that have been made to 10 of the committees of which Democratic Senators are now chairmen. We have not sought to deal with that question at all; but the Senator from Missouri, in the amendment that he offers, provides that when these new places are created the old places shall be abolished as to those particular committees.

Mr. SMOOT. Mr. President, I am fully aware of what the amendment seeks to accomplish. It is exactly as the Senator from Arkansas states—that all details shall be abolished. I realize that the amendment as offered by me abolishes all details, both as to committees of which Republicans are chairmen and committees of which Democrats are chairmen, but I have no doubt that if the Senator from Arkansas or any other Senator on the other side of the Chamber will offer a resolution providing for clerks to Democratic committees in place of the employees now under assignment to them, the Committee to Audit and Control the Contingent Expenses of the Senate will report it favorably and allow the present help to all the minority committees. From now on let every case be passed upon by the Senate. That is the effect of my amendment.

Mr. CLARKE of Arkansas. The objection to the proposal of the Senator from Utah is that he takes up in reverse order, so far as this side of the Chamber is concerned, the disposition of this matter. The pending resolution deals with certain concrete propositions made in the form of a resolution offered on this floor and referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The propriety of making the change was first passed on by the committee, and the action taken resulted in nominally adding to the force of the committees mentioned. It was entirely proper that there should be an understanding of some kind, either on the face of the resolution or otherwise, that when these apparent additional employees were added to the clerical force of the committees there should be dropped off something to compensate for it.

Whenever a Democratic Senator or any Senator shall offer a resolution that similar treatment shall be had in the case of the Democratic chairmanships, it would be entirely proper for some Senator to offer such an amendment as the Senator from Missouri has offered to this resolution; but I think it is improper, and I think it is in violation of the plan of settlement that has been adopted, to offer it at this stage and to take the employees assigned to those committees out of the service at once. That can be done, and will be done, in its proper time, but I think when the Senator makes such a proposal at this time it is confounding things that ought not to be associated.

Mr. SMOOT. Mr. President, the Senator from Missouri and the Senator from Indiana have criticized the present mode of detailing employees of the Senate, and perhaps, in an indirect way at least, made it appear that it only applied to majority committees of the Senate. I am opposed to details, and made a report to that effect as a member of the subcommittee. The committee did not take up the question of the detailed employees that the Democratic committees now enjoy, but if we are going to abolish details entirely upon this side by a resolution offered by a Democratic Senator, I think it is proper to abolish them all. I will say that I will support with all the enthusiasm that I can command a resolution, if it shall be introduced into the Senate at any time, that will give to the committees of the minority the number of employees they have now by detail.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Yes.

Mr. WILLIAMS. I want to say that the Senator from Utah seems to forget that the only reason why the proposition is made to abolish details with regard to these particular committees is because they have asked for and have received additional help. Now, with the idea that all service shall be known to everybody, so that you can trace it and see who is responsible, it is well enough to abolish details where you have received these requests and complied with them, so that you can make compensation; but no Democratic chairman of any committee has asked for any additional help. Therefore to do away with the detail which constitutes his help now is to leave him without the help that he has had.

Mr. SMOOT. Mr. President, I have no disposition at all to rob any Democratic committee of help for one hour or one minute. Therefore I will ask leave to withdraw the amendment I have offered; but I certainly hope that some Democratic Senator will offer a resolution and ask that the employees now detailed to minority committees be provided for by resolution rather than by detail. In that view of the case, I think the amendment offered by the Senator from Missouri is useless, and I hope the Senate will vote it down.

The PRESIDING OFFICER. The Senator from Utah, without objection, withdraws his amendment to the amendment of the Senator from Missouri.

Mr. HEYBURN. Mr. President, I do not think it would be fair to allow this discussion to close without calling attention to some facts that seem not to have been taken into consideration by those who have criticized the action of this committee.

It seems to have been assumed that the chairman of a committee had no reason for having clerical assistance because his committee did not meet. Senators upon further investigation and experience will learn that that is not the criterion. For instance, take the Committee on the Disposition of Useless Papers in the Executive Departments, to which committee, if my recollection is correct, the Senator from Indiana [Mr. KERN] referred. The chairman of that committee is a member of the most important committees of this body, and as a member of such committees he is continually engaged upon assigned duties from those committees which occupy his time and necessitate such assistance as could not possibly be contemplated under the chairmanship. He has no right to call upon the clerical force of the Committee on Foreign Relations, for instance. When matters are referred to him as a member of that committee he can not call upon the clerical force of the Committee on Foreign Relations to perform the detailed duty with which he is invested by that committee. He is a member of the Judiciary Committee, the Committee on Military Affairs, and the Committee on Interstate Commerce.

Every member of a committee is continually engaged in the performance of assigned duties from the committees of which he is a member, and though the committee of which he is chair-

man may be seemingly unimportant or have no duties assigned to it, he must be provided with that clerical force which enables him to perform his duty as a member of all the committees of which he is a member.

I merely selected that committee. I may take the Committee on Expenditures in the Treasury Department, a chairmanship that probably might be deemed unimportant from the standpoint of the amount of business that is assigned or referred to it by the Senate. Yet that Senator is a member of the Committees on Commerce, on Foreign Relations, on Immigration, and other like important committees; and he must be equipped with an efficient clerical force to enable him to take up the assigned work that comes from those committees.

I could go through the list of committees. The Senator, upon my suggestion, may take up that question. From experience it is safe to say that every Senator who has been here long enough to have assigned duties from committees of which he is a member will bear me out in the statement that his duties are largely directed to the attention of the business of committees of which he is not the chairman.

I merely make this suggestion in order that it may not go out as a fact, because it is not a fact, that clerical assistance is given to Senators merely because of the work which the committee of which they are chairmen may necessitate. Such is not the case. In the assignment of committees among Senators it is endeavored to make such assignments so that every Member of this Senate shall be a member of committees that have real substantial work to perform, and it would be a grave mistake to take into consideration only the matters assigned to the committee of which he is the chairman.

I merely called attention to that in order that the impression may not go out that we have conceded here that because the committee of which a Senator is chairman did not have meetings or have matters referred to it that Senator was not under the necessity of having clerical assistance at least up to the standard he now has it. It is safe to say that no Senator who performs his duty—and all Senators do—has much idle time on his hands. I do not believe that there is any Member of this body who can not, if so inclined, find occupation in the performance of public service that will necessitate all of the assistance that he is given under existing conditions. Senators are just as much under obligation to perform the duties assigned to them by the committees of which they are members as though the matters were referred to the committee of which a Senator is chairman, and they have no other provision in the way of clerical assistance except that which comes to the committee of which a Senator is a chairman.

Mr. CUMMINS. Mr. President, I hope very much the amendment offered by the Senator from Missouri [Mr. REED] will not be adopted.

There are two reasons for my position in this regard—first, it shows the sincerity of purpose on the part of those who have been endeavoring to bring about a better system among the employees of the Senate under the Sergeant at Arms. As a member of the subcommittee which had something to do with introducing the new system, I feel that our desire to really reduce the expenses of the Senate ought not to be questioned in this way.

Second, it is wholly futile; it would not accomplish the purpose its author has in view. It declares that no detail shall be made to the committees named in the resolution. The adoption of that part of the report would not reduce the expenses of the Senate a penny. Certain employees of the Sergeant at Arms have been authorized by the appropriation act, and even if those employees were not detailed to the committees they would not necessarily be discharged from the service of the Sergeant at Arms. They might be detailed to other committees or they might not be detailed at all, and therefore the same employees would remain.

We have undertaken to see that the men who have been detailed heretofore shall not be hereafter detailed, so far as this side of the Chamber is concerned, and that those of them who are not reemployed by the Senate shall leave the service, or if they do not leave the service that they shall be employed otherwise within the limits of the law.

If, therefore, it was desired to accomplish what the Senator from Missouri has in mind, it would be necessary to say that the pay roll of the Senate, or of the Sergeant at Arms, shall, after the 1st day of August, or shall after this time, be reduced by the number of men who are in this resolution employed for the various committees named in it.

I hope the Senator from Missouri will believe, and that the Senator from Indiana will believe, that the plan which we have adopted will be carried out in good faith, and that hereafter there will be no detail from the office or force of the Sergeant at Arms to particular committees or particular Senators, so far as this side of the Chamber is concerned. We do intend to reduce the expenses and we believe that this is the better way in which to do it.

I spent a good deal of time in trying to ascertain just what the facts were with regard to the force employed in the office of the Sergeant at Arms and in the office of the Secretary. We gave the subject the very best thought of which we were capable. We went forward and made certain recommendations which would greatly reduce the expense of the Senate. We were not able to accomplish everything that we tried to accomplish. There were a good many places restored against our desire, but for that we were not in anywise responsible. The Senate is responsible for that.

However, so far as the amendment is concerned, I hope the Senate will disagree to it and will adopt the resolution. If the Republican Members of the Senate can not be trusted to carry out their agreement, their promise, and their plan, I am sure that a disregard of that promise or plan will be made public to the confusion of all of us who have entered into it.

Mr. NEWLANDS. Mr. President, I feel sure that the debate on this subject will be instructive, whatever may be our action. The debate shows conclusively, it seems to me, that there ought to be a rearrangement, a readjustment of the committees of the Senate.

The statement has been made on the floor of the fact, of which I was unaware, that every Member of the majority is chairman of a committee, and that on the Democratic side there are 20 chairmanships, 10 of those having been recently turned over to the Democrats by the action of the majority party.

Mr. President, it is perfectly evident that we do not require 50 or 60 committees to transact the business of the Senate. We must be aware that a great many of these committees, by reason of changed conditions, have become obsolete and ought to be done away with.

The only question that remains is how the clerical assistance Senators have been able to receive from the committee appointments of clerks and messengers can be secured when these committees are done away with. We all realize that many of these committees have been retained simply because of the great increase in the business of Senators, not so much the business done upon the floor as business connected with the Government and required of them by their constituents. It is safe to say that the two Senators from each State are compelled to do as much in the way of public business outside of their work upon the Senate floor as the entire delegation in the House of the State which they represent.

Doubtless we have held on to a great many of these committees, with a view to furnishing the Senators who are chairmen of those committees with a proper clerical force, or, rather, we have been unwilling to do away with these committees because that doing away would deprive Senators of needed clerical assistance. It seems to me that we had better meet that question candidly by providing for each Senator who may not be chairman of a committee proper clerical assistance, consisting of a secretary, with adequate pay, not the inadequate pay which secretaries have hitherto received, but adequate pay, aggregating $2,500 per annum; of a stenographer, whose compensation should be at least $1,500 per annum; and of a messenger, at a moderate salary. The multiplication of committees has really resulted in injury, I think, to the administration of the business of the Senate.

The PRESIDING OFFICER. Will the Senator from Nevada suspend while the Chair lays before the Senate the unfinished business? The Secretary will state it.

The SECRETARY. A bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

Mr. SMOOT. I ask unanimous consent that the unfinished business be temporarily laid aside, with the understanding that it is only to be laid aside for the consideration of the pending resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Nevada will proceed.

Mr. NEWLANDS. It is perfectly apparent we do not require the number of committees which we now have, and that they obstruct public business rather than aid it. Many of these committees have become obsolete by a change of conditions. Many of these committees overlap each other in jurisdiction and create confusion in legislation by reason of that fact. For instance, we have commerce divided into two parts, the Committee on Commerce and the Committee on Interstate Com-

merce. Yet the jurisdiction of the United States is simply over interstate and foreign commerce. That would imply that the creation of the Committee on Interstate Commerce would leave in the hands of the Committee on Commerce only the consideration of matters relating to foreign commerce. Yet we know, as a matter of fact, that the Committee on Commerce has jurisdiction of our navigable rivers, our power over which rests entirely under the interstate-commerce clause of the Constitution.

These are instances of reform which can be made in the consolidation of the active committees. It seems to me the business of the Senate would be much better transacted if our committees were fewer and the membership larger. I hope that some time the appropriate committee will take this matter in hand, and without depriving Senators of the clerical assistance which they have now, the whole matter of committees will be so adjusted that we will have only the live committees in existence, and not obsolete committees.

Mr. REED. Mr. President, I want to say by way of closing that the amendment does not cast any reflection upon the committee. It does not impugn the honor or the integrity of any man who has stated the plan to be that the employees whom we authorize by this resolution are to take the place of details now made by the Sergeant at Arms. It simply states that purpose in the resolution itself and makes it a matter of record.

Let me say to the Senator from Iowa [Mr. CUMMINS], if I can have his attention, that I think there are good reasons for this amendment, which I believe will appeal to his sense of fairness. As a preliminary to stating those reasons let us for a moment glance at the present condition. What is it? It is conceded here that without any authority of law, without any action of the Senate, a custom has grown up by which the Sergeant at Arms details members of his force to permanently serve various committees. It amounts to this, then, that the only authority he can have is the authority which has come from some man on the committee who desires the additional service or from a caucus chairman who may have sanctioned the "detail," so that the details have been made without the knowledge of the Senate and without authority from the Senate.

Now it is proposed for the first time to ask and obtain express authority from the Senate, and we put that in the form of a resolution authorizing for the first time the employment of these men. If you do not add to that a clause saying that there shall be no other details, the old system will reinstate itself, and the same influences which heretofore led the Sergeant at Arms to make details will again lead him to make details; not, of course, as long as the distinguished Senators who have pledged their word here to-day are in control, but the moment they cease to control. The moment your recollection of what has transpired here to-day has been obliterated the system will spring up again.

That is one reason. There is a second reason. We all know how the importunities of men who desire to retain positions constantly operate upon all of us, how hard it is to say to a man who wants to hold position that you individually take the responsibility of saying the position shall be abolished, how hard it will be for the Sergeant at Arms to say to these employees, "Some of you must go." But if the Senate takes this action the answer the Sergeant at Arms will be authorized to make and can make to every employee, and the answer that every Senator can make to every man who clamors to retain his position, is that the Senate has ordered that there shall be no employees of the Sergeant at Arms sent to wait upon these several committees.

So, without impugning the honor of any man, I say this ought to be done in the interest of the public service. Let me say, finally, to the Senator from Iowa, that which I think I need not say, and to the Senator from Kansas, and to all other Senators, that I will take the word of any man who belongs to the Senate upon any question, public or private, so far as it concerns his own opinion or his own act. But this is a matter of public business, and I do maintain that to express plainly in the resolution that which the Senator from Kansas says it is the purpose of the committee to do, or the purpose of the controlling force on the Republican side to do, will do no harm. When it comes to applying a similar rule to the committees the Democrats have, I shall insist upon the same sort of a limitation.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. REED].

Mr. REED. I ask for a roll call.

The VICE PRESIDENT. The Senator from Missouri asks for the yeas and nays.

The yeas and nays were not ordered.

Mr. REED. I raise the question of the lack of a quorum.

The VICE PRESIDENT. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	McCumber	Simmons
Borah	Crawford	McLean	Smith, Mich.
Bourne	Cullom	Martin, Va.	Smith, S. C.
Bradley	Cummins	Martine, N. J.	Smoot
Brandegee	Curtis	Nelson	Stephenson
Bristow	Foster	Nixon	Stone
Brown	Gamble	Overman	Swanson
Burnham	Gore	Owen	Taylor
Burton	Gronna	Page	Thornton
Chamberlain	Guggenheim	Paynter	Townsend
Chilton	Heyburn	Perkins	Watson
Clapp	Johnson, Me.	Poindexter	Wetmore
Clark, Wyo.	Kern	Pomerene	Williams
Clarke, Ark.	La Follette	Reed	Works

The VICE PRESIDENT. Fifty-six Senators have answered the roll call. A quorum of the Senate is present. As many as second the demand of the Senator from Missouri for the yeas and nays will raise their hands.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. CLARKE of Arkansas. I have an amendment pending. I move to amend the resolution, in line 6, by striking out the words "conference of the minority." The resolution deals only with clerkships on the Republican side of the Chamber.

The amendment was agreed to.

Mr. STONE. The Chair is proceeding with a great deal of expedition. There was a request for the yeas and nays on the amendment of my colleague [Mr. REED]. Has that been decided?

The VICE PRESIDENT. It was put before the absence of a quorum was suggested, and not a sufficient number of Senators seconded the request. After a quorum was ascertained to be present, the Chair again put the proposition, and again an insufficient number seconded the demand.

Mr. STONE. I am satisfied that some Senators did not hear the Chair when asked if there was a second to the demand for yeas and nays.

The VICE PRESIDENT. They might have misunderstood the Chair. The Chair can not compel Senators to hear.

Mr. STONE. I did not say that they misunderstood the Chair, but the attention of Senators was diverted for a moment. I believe it was understood that a yea-and-nay vote would be had on the amendment. I should like to have the Chair put it again.

The VICE PRESIDENT. If there be no objection, the Chair will again put the request of the Senator from Missouri [Mr. REED] for the yeas and nays on agreeing to his amendment. The Chair hears no objection.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Missouri [Mr. REED].

Mr. BOURNE. I ask that the amendment be read.

The VICE PRESIDENT. Without objection, the Secretary will again read the amendment.

The SECRETARY. Add at the end of the resolution the following words:

The Sergeant at Arms shall not hereafter detail any person to serve said committees without express authority of the Senate.

Mr. BAILEY. Mr. President, a parliamentary inquiry. Does the amendment confine the prohibition laid on the Sergeant at Arms to the committees for which we are now providing or does it apply to all the committees of the Senate?

The VICE PRESIDENT. The Chair thinks that is a question of construction.

Mr. BAILEY. Then I will ask the Chair to have the resolution read again and I will decide it for myself.

The VICE PRESIDENT. The Secretary will read the resolution as amended, and the amendment of the Senator from Missouri [Mr. REED].

The SECRETARY. The resolution as amended is as follows:

Senate resolution 118.

Resolved, That each of the following-named committees is hereby authorized to employ a messenger at a salary of $1,200 per annum: Committees to Audit and Control the Contingent Expenses of the Senate, Canadian Relations, Civil Service and Retrenchment, Coast Defenses, Education and Labor, Expenditures in the Department of the Interior, Expenditures in the Navy Department, Expenditures in the Post Office Department, Expenditures in the Treasury Department, Expenditures in the War Department, Industrial Expositions, Interoceanic Canals, Irrigation and Reclamation of Arid Lands, Library, and Patents; that said salaries be paid out of the contingent fund of the Senate until otherwise provided for by law.

The SECRETARY. The amendment submitted by the Senator from Missouri is to add the following:

The Sergeant at Arms shall not hereafter detail any person to serve said committees without express authority of the Senate.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Missouri.

The Secretary proceeded to call the roll, and called the name of Mr. BACON.

Mr. PAYNTER. Would it be in order to have read for information a short amendment, which I shall offer after the pending amendment is disposed of, because it would throw some light——

The VICE PRESIDENT. The roll call has been begun.

Mr. PAYNTER. I suppose it could be done by unanimous consent.

The VICE PRESIDENT. The Chair thinks the roll call must be completed before the amendment can be read.

Mr. PAYNTER. I shall offer it after the pending amendment is disposed of.

Mr. BACON. I submit that the roll call had not begun. There had been no response.

The VICE PRESIDENT. The Senator is correct. The Senator from Georgia had not responded. The Secretary will then read the amendment intended to be proposed by the Senator from Kentucky.

Mr. PAYNTER. I will offer it as an amendment to come in on line 12, after the word "Patents."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "Patents," at the end of line 12, insert:

And that each of the committees, the chairmanship of which has been assigned to the minority, shall have a messenger at a salary of $1,200 per annum.

The VICE PRESIDENT. The Secretary will proceed with the roll call on agreeing to the amendment of the Senator from Missouri [Mr. REED].

Mr. CLARKE of Arkansas. Before the Secretary proceeds to call the roll, I want to call attention to the fact that the amendment offered by me to the resolution, in line 6, was not noted by the Secretary when he read the resolution for the information of the Senate.

The VICE PRESIDENT. The amendment of the Senator from Arkansas was adopted, and the resolution should have been so read.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague [Mr. GALLINGER] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY]. As he is absent, I will withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. Therefore I withhold my vote.

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. If he were present, he would vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. He being absent, I withhold my vote.

The roll call was concluded.

Mr. BAILEY. I am paired with the Senator from Massachusetts [Mr. LODGE], and in his absence I withhold my vote.

Mr. PAGE. I wish to announce that my colleague [Mr. DILLINGHAM] is unavoidably detained as a member of the Lorimer investigating committee, but he is paired with the senior Senator from South Carolina [Mr. TILLMAN]. If my colleague were present and voting, he would vote "nay."

Mr. POINDEXTER. I desire to make the announcement that my colleague [Mr. JONES] is necessarily absent in attendance on the Lorimer investigating committee.

Mr. MARTIN of Virginia. I desire to announce that the junior Senator from Maryland [Mr. SMITH] is unavoidably absent, and he is paired with the junior Senator from Rhode Island [Mr. LIPPITT].

Mr. WATSON. I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. Not knowing how he would vote, I withhold my vote.

Mr. CHAMBERLAIN (after having voted in the affirmative). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. I find he is absent; and, having voted myself, I transfer my pair to the junior Senator from Nebraska [Mr. HITCHCOCK].

Mr. BACON (after having voted in the affirmative). I have voted. I desire to announce that, in so doing, I transferred the pair I have with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA].

Mr. MYERS. I am requested to announce that the Senator from Arkansas [Mr. DAVIS], who is out of the Chamber, is paired with the Senator from New Hampshire [Mr. GALLINGER].

The result was announced—yeas 18, nays 33, as follows:

YEAS—18.

Bacon	Kern	Overman	Stone
Chamberlain	La Follette	Owen	Swanson
Chilton	Martine, N. J.	Pomerene	Thornton
Gore	Myers	Reed	
Johnson, Me.	O'Gorman	Shively	

NAYS—33.

Borah	Crane	Heyburn	Smith, Mich.
Bourne	Crawford	McLean	Smoot
Bradley	Cullom	Martin, Va.	Stephenson
Brandegee	Cummins	Nelson	Townsend
Bristow	Curtis	Nixon	Wetmore
Brown	Dixon	Page	Works
Burnham	Gamble	Paynter	
Burton	Gronna	Perkins	
Clark, Wyo.	Guggenheim	Poindexter	

NOT VOTING—39.

Bailey	Fletcher	Lodge	Simmons
Bankhead	Foster	Lorimer	Smith, Md.
Briggs	Frye	McCumber	Smith, S. C.
Bryan	Gallinger	Newlands	Sutherland
Clapp	Hitchcock	Oliver	Taylor
Clarke, Ark.	Johnston, Ala.	Penrose	Tillman
Culberson	Jones	Percy	Warren
Davis	Kenyon	Rayner	Watson
Dillingham	Lea	Richardson	Williams
du Pont	Lippitt	Root	

So Mr. REED's amendment was rejected.

Mr. PAYNTER. In connection with the amendment I have offered, I desire to state that after having it read for information I was informed that some of the detailed messengers are now drawing $1,440 per annum. I have added a proviso that the amendment is not to affect the salaries which detailed messengers are now receiving.

Mr. President, this amendment is so manifestly just that, it seems to me, no Senator who is in favor of assigning messengers to committees should vote against it. Each of the committees of which Senators of the majority are chairmen will have a messenger, as 14 or 15 additional messengers are provided for in the pending resolution. There are 10 committees over which Senators of the minority preside, which have long enjoyed messengers with salaries, I think, most of them, of $1,440. There are only the 10 committees remaining of which members of the minority are chairmen, which will not have any messenger as provided under this resolution and previous resolutions. So I offer the amendment to make the distribution equal and just.

I have the honor of being chairman of the Committee to Examine the Several Branches of the Civil Service. I think that committee is quite as important as the Committee on Expenditures in the Department of War, Expenditures in the Department of the Interior, or the Committee on Disposition of Useless Papers in the Executive Departments. So, it seems to me, the Senate ought to have no difficulty upon this question and should agree to the amendment and let each committee be treated exactly in the same way.

If messengers are needed by the committees designated in the resolution, they are equally needed by the other committees not provided for in the resolution. If it is to be a mere matter of patronage or of favor to Senators who belong to the majority and who are chairmen of the 14 or 15 committees mentioned in the resolution, then the resolution should not pass at all. If messengers are needed by these committees, and if messengers are needed by the 10 committees presided over by members of the minority, then the committees to which the assignment is not provided for in the resolution need them equally with the other committees. I therefore think that this amendment ought to be agreed to.

Mr. CLARKE of Arkansas. Mr. President, I raise the point of order that the amendment is not in order. It proposes an increase of $12,000 to be paid out of the contingent fund of the Senate. It is in violation of the rule which, after providing for the creation of the Committee to Audit and Control the Contingent Expenses of the Senate, to consist of 5 Senators, says:

To which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

The amendment proposed by the Senator from Kentucky has never been considered by that committee, and by a statute of the United States is not in order at this time.

Mr. PAYNTER. Mr. President, I do not understand that that rule would prevent an amendment to the pending resolution——

Mr. CLARKE of Arkansas. It creates a charge on the contingent fund.

Mr. PAYNTER. Because by this resolution—I do not remember the exact number, but I will say 15—committees are provided with messengers to be assigned to them; it also prescribes what their compensation shall be, and how it shall be paid.

What is the difference between assigning messengers to those committees and assigning messengers to other committees and paying them in the same way? I maintain that the point of order is not well taken.

Mr. CLARKE of Arkansas. Mr. President, every item in the resolution pending was referred to the Committee to Audit and Control the Contingent Expenses of the Senate by a separate resolution. Every such item has been referred to the committee and has been considered by it. The amount charged against that particular fund has been defined. It may be increased or it may be enlarged provided new items of charge are not incorporated, but it would be a rule susceptible of evasion if a simple and proper matter could be referred to that committee, and then on the floor unlimited additions might be made to it without the consideration that an investigation by the committee would afford. I think the amendment proposing to add 10 new messengers at a cost of $12,000 is a substantial charge against the fund and ought to be considered in all of its bearings.

There is another objection. We are dealing only with the Republican side of the Chamber on this occasion. That amendment refers to the Democratic side.

The VICE PRESIDENT. That has not anything to do with the parliamentary status.

Mr. CLARKE of Arkansas. Of course that has no weight in a parliamentary sense.

The VICE PRESIDENT. The Chair is inclined to the opinion that the amendment can not be entertained, and unless the Senator from Kentucky desires to call something further to the attenion of the Chair, the Chair will so rule.

Mr. PAYNTER. I, of course, do not want to argue against the judgment of the Chair. I have not studied the question at all; but I see nothing in the language to which the Senator from Arkansas [Mr. CLARKE] has called the attention of the Chair and of the Senate which would suggest such a construction.

The VICE PRESIDENT. The Senator's amendment proposes a charge upon the contingent fund in excess of the statutory limitation, beyond which the Senate can not go without a reference to the committee, and it involves a matter which has not been considered by the committee. That is the impression of the Chair.

Mr. PAYNTER. I desire to make this suggestion: The resolution provides for messengers to certain committees. If there were a statute, I take it, that provided for these messengers, not by detail, but for the messengers themselves, then the objection to that would come with equal force as the objection has to my amendment, because, if there is no law providing for permanent messengers to the committees named, then it is a change of the existing law, just as it is to assign them to these other committees.

The Committee to Audit and Control Contingent Expenses had before it the question of assigning messengers to committees, notwithstanding only certain committees were specified in the resolution. This being true, then, it seems to me, the Chair should hold that the question involved was before the committee. When it decided that the committees named in the resolution should have messengers it determined, in effect, that the 10 committees—not heretofore provided with messengers—presided over by Senators of the minority should not have messengers. The Senate should be permitted to determine this question.

The VICE PRESIDENT. The Chair feels constrained to sustain the point of order. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

ADJOURNMENT TO MONDAY.

Mr. PENROSE. I move that when the Senate adjourns today it adjourn to meet on Monday next.

The motion was agreed to.

THE FREE LIST.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

Mr. SMOOT. I desire to give notice that on Monday, July 31, at the close of the routine morning business, I shall address the Senate on the pending free-list bill.

Mr. NEWLANDS. Mr. President, it is my intention at the proper time to offer to the free-list bill the amendment which I send to the desk. I should like to have it read by the Secretary.

The VICE PRESIDENT. The Secretary will read the amendment intended to be proposed by the Senator from Nevada.

The SECRETARY. It is proposed to add to the bill the following:

That the Tariff Board is hereby authorized, upon the complaint of any importer or upon its own initiative, to inquire as to whether the importations of any dutiable article have been for the year preceding such inquiry less than one-tenth of the total production of similar articles in the United States; and if it shall appear that such importations do not equal one-tenth of the production of similar articles in the United States, such board shall report the fact to the President of the United States, and thereupon the duty on such article shall be reduced at the rate of 10 per cent per annum until the importations thereof shall for one year equal one-tenth of the production of similar articles in the United States, whereupon any further reduction of such duty hereunder shall cease and the subject matter shall be reported to Congress for its action. But if, after such reduction has ceased, the importations of any dutiable article shall diminish so as to bring such importations below one-tenth of the consumption of similar articles for the period of one year, such annual reduction shall be resumed until the importations thereof shall equal one-tenth of the total annual production of similar articles in the United States, whereupon any further reduction of such duty shall cease, and report thereof shall be made to Congress for its action. The President of the United States shall from time to time make proclamation of such reductions.

Mr. NEWLANDS. Mr. President, the purpose of this amendment is to gradually reduce the prohibitory duties of the tariff. We all know that there are many duties imposed not for the purpose of revenue, but simply for the purpose of protection, and that such duties operate in such a way as to exclude foreign competition and to give domestic producers the monopoly of the American market, thus creating the opportunity for them by organizing combinations back of the tariff wall to control the price and to make the domestic price equal to the foreign price plus the duty. I imagine that every member of the Democratic Party will be in sympathy with a general amendment to the tariff act which will correct these abuses, and which, without bringing a flood of foreign importations into this country, will gradually reduce the prohibitory duties to a point where they will be turned into revenue producers.

I have been somewhat embarrassed in framing this amendment by the consideration of the fact that it will be necessary to ascertain in the first place what are the prohibitory duties; and inasmuch as it is impossible for Congress now to take up this subject in all its details and to act upon it, it is necessary to refer to the executive department the ascertainment of the facts and then to declare in the law the legal result. The amendment which I offer utilizes the Tariff Board for the ascertainment of the fact as to whether the importations of any dutiable article equal one-tenth of the total domestic production of similar articles. If those importations do equal one-tenth, then the duty is a revenue duty and the amendment which I have offered does not reach it at all; but if the importations do not equal one-tenth, then the duty is either a prohibitory duty or it is not productive of the amount of revenue which it should produce. My amendment therefore provides for the ascertainment by the Tariff Board whether or not the importations of any dutiable article equal one-tenth of the total domestic production. That fact being ascertained, then the amendment declares that such duties shall be reduced at the rate of 10 per cent per annum until the importations for one year equal one-tenth of the domestic production during the same period, and then that the reduction shall cease and the matter shall be referred to Congress for further action.

I am aware that objection may be made to this by members of my own party on two grounds. One is that it is a recognition of the Tariff Board, to which the majority of the Democratic Party, in Congress at least, thus far seem to be opposed; and the other is, that it is a recognition of protection. As to the latter, I will say that it is not a recognition or indorsement of the principle of protection, but it is a recognition of the fact of protection. The purpose is to change the purely protective duty into a revenue duty, and when it becomes a revenue duty, at that moment the reduction shall cease until the further action of Congress. I do not see how for a moment it can be contended that that is a recognition or an indorsement by the Democratic Party of the principle of protection; but recognizing the fact that all the industries of the country are upon stilts as the result of the protective system, and being on stilts it will not do to knock the stilts entirely from under the domestic industries and throw them upon the ground in the utter confusion of readjustment that will follow, the confessed purpose of the amendment is to feel our way down gradually from a prohibitory and protective duty to a revenue duty, without seriously disturbing production or the business of our country. When that point is reached, reduction does not necessarily cease, but the question is relegated to Congress for its final action by report of the executive department.

Such gradual reduction of the tariff is called for and demanded by the Democratic platform. The great Democratic convention which met at Denver recognized the fact that radical reduction of the tariff might be disastrous to the industries of

the country, and would be prejudicial not only to the country itself, but also to the future of the Democratic Party, which would be charged with wrecking the country. Therefore, as a matter of patriotic consideration and of party prudence, it called in its platform for a gradual reduction of the protective duties of the tariff to a revenue basis.

There are two ways of accomplishing this. One is by a short amendment, such as I have introduced, and the other is by a laborious inquiry by Congress itself, with the aid of its committees and experts, into the question of fact as to whether any of these duties are prohibitory and as to what duties fail to yield revenue. That would necessarily be a long and exhaustive process. I contend that the work of a body like this, of great character and dignity, composed of men who act in a large way, is best performed by calling to its aid a board of experts, who, acting under a rule fixed by Congress and acting as its servant, will ascertain the facts upon which the law will declare a particular result, and that the best way to make a law is not to waste the intellect and the energy and the time of Members of Congress in exhaustive inquiries conducted in our deliberative proceedings, but that the best method is to submit the ascertainment of facts to a board of experts.

Mr. President, so far as the creation of the Tariff Board was concerned, it is true that there was no distinct legislation by Congress stating its jurisdiction, except with reference to the ascertainment of facts under the maximum and minimum clause of the tariff. After a long struggle in Congress upon the Payne-Aldrich bill, the friends of the Tariff Board felt that they had realized a substantial achievement in the amendment put upon that bill in the Senate and sent to conference. That amendment was substantially changed in conference; and when the two leading Senators who took part in that conference, the former Senator from Rhode Island, Mr. Aldrich, and the former Senator from Maine, Mr. Hale, were interrogated regarding it, the former Senator from Rhode Island declared that the conference report gave the Tariff Board a larger jurisdiction, whilst the former Senator from Maine declared that the purpose of the conference committee was to restrict the Tariff Board and to practically deprive it of the jurisdiction which the Senate had sought to give it by reason of its amendment.

However, as the result of the President's insistence, appropriations were secured for the Tariff Board, enabling it to enter upon larger and more extended inquiries, and at the last session of Congess a measure passed both the House and the Senate organizing a nonpartisan Tariff Board. That provision as amended in the Senate, however, was lost as the result of a filibuster in the House of Representatives; and yet, as a matter of fact, both Houses declared unequivocally in favor of a nonpartisan, independent Tariff Board of experts, with full powers of investigation. So, acting upon this declared purpose of Congress, though not taking finally the form of law, the President recommended an enlargement of the appropriation for the Tariff Board with a view to having it make extended inquiries. Congress gave an enlarged appropriation, and I believe in the ensuing year still further increased it.

The Tariff Board, however, has only within the last six or eight months, I believe, entered upon work outside of that contemplated in the maximum and minimum clause of the tariff, and it is not to be wondered at that they have been unable to present full reports upon the various schedules of the tariff. The board did present a report upon wood pulp and print paper, and we have the statement of the Senator from Wisconsin [Mr. LA FOLLETTE] that that report showed no duty whatever was required, even from the protective standpoint, and that therefore even protectionists would be warranted in advocating a total abolition of the duty.

I took it, therefore, as an indication that this board, composed partly of Republicans and partly of Democrats, had acted fairly upon the facts, and I was quite disturbed to find in the remarks of the Senator from Wisconsin yesterday an indication that he had some doubt in that regard. I have no disposition to defend the Tariff Board or any particular body of men, but I should regard it as particularly unfortunate at this stage of the contention for a Tariff Board if in their first report there were grounds for grave suspicion as to the fairness or thoroughness of their inquiry, and I ask the Senator from Wisconsin whether he is prepared now to make a statement as to this matter?

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. NEWLANDS. Yes.

Mr. LA FOLLETTE. Well advised as to my facts, I said yesterday what I had to say and all I have to say upon that subject for the present. I think I was reasonably explicit in my remarks upon yesterday, if the Senator has taken pains to read them, and I do not think that anybody can fall into error regarding what may be termed "my criticism." I may on some other day, by a resolution of inquiry or otherwise, as I shall judge to be in the public interest, go more fully into the subject, but for the present I prefer to have the matter stand just where I left it on yesterday.

Mr. NEWLANDS. Mr. President, I did not read the remarks of the Senator from Wisconsin in the RECORD. I referred entirely to a newspaper report which I saw this morning, indicating that he had some doubt as to the fairness or the accuracy of the report to which I have referred. I do not question, of course, the right of the Senator to choose his own time as to presenting fully the matters to which he refers. My question was—and it was a perfectly courteous question—as to whether he is prepared now to enter into any further statement. I do not question his right, of course.

Mr. LA FOLLETTE. I will say, Mr. President, that I am prepared now to enter much more fully into the subject, but I said on yesterday exactly what, in my judgment, the interests of the public and the future work of the board demanded. With all deference to the wishes of my friend I do not care at this time to add anything to what I then said.

Mr. NEWLANDS. Nor do I question at all the right of the Senator to choose the time, being prepared, as to when he will make his statement. I was simply solicitous that this matter should so far as practicable be cleared up now, because I am urging an amendment which will call upon that board for the exercise of its powers, and if there is any reason gravely to suspect the fairness or accuracy of that board I certainly should not press that amendment. I am at a loss to know to what expert body the ascertainment of the facts as to whether the importations of any given article equal one-tenth of the total domestic production of such article shall be referred, unless it be the Tariff Board, and I should be sorry to have such a matter referred to such a board unless it has the full confidence of Congress.

I am not the champion of the personnel of that particular board. I am, as the Senator from Wisconsin has been, a firm friend of the proposal that a board of experts should be organized, with a view to ascertaining facts regarding the tariff and with a view to making recommendations to Congress. In the absence of any statement which would indicate that the Tariff Board is not fair or accurate, I am justified in believing that it is, and I believe that all the more readily because I know something of the organization of that board.

I know members of my own party frequently object to my advocacy of a Tariff Board upon the ground that such a board will necessarily be partisan, and many of them go so far as to doubt the fairness of any board that can be organized with reference to the consideration of such a question as the tariff, which has a political character. I do not myself share in that doubt. Our experience with the Interstate Commerce Commission has shown that whenever you create a nonpartisan board, composed of both Democrats and Republicans, and impose upon them a function which is quasi judicial in character, such men can be relied upon to sift the facts thoroughly and to declare the facts.

I have too much respect for Americans who are of sufficient intelligence and character to be appointed upon such a commission to believe that when Congress imposes upon it a nonpartisan character and creates it as an independent tribunal, with quasi-judicial functions, that as Americans they will fail to act judicially upon the matter and to act with fairness and justice.

Mr. President, so far as this particular board is concerned, as I have already stated, I have been disposed to place great faith in it, because I personally know some of its members. The chairman of that board is a professor of political economy at Yale, the son of a chief justice of Maine, a gentleman of education and character. I believe that such a man, with such an environment and such traditions will act fairly upon this question. I have but slight knowledge of the two other Republican members of the board. As to the two Democratic members of that board, one is Mr. Howard, of Georgia, with whom I served for many years in the House of Representatives. I do not think that during the long term of service of Mr. Howard in the House there was a man who surpassed him in the estimate of his associates in character and in integrity. He was so eminently of the judicial faculty that in the party conferences the final word was almost always his. He was listened to with a respect that was accorded to but few because of the eminently judicial character of his ability, his ability to see both sides,

his ability to judge fairly between contending factions, and the entire reasonableness and justice of his conclusions.

Another member of that board is Prof. Page, of the University of Virginia, a member of an old family, most honorably connected in every way with the history of that State, selected as the professor of economics in that great university. I can not but believe that such a man will act fairly and justly in the quasi judicial duties imposed upon him as the result of the organization of that board and sought to be imposed upon him by this amendment.

So, Mr. President, I am inclined to leave this amendment just as it stands and to provide that these reductions shall be made upon the ascertainment of the facts by the Tariff Board. If, however, my Democratic associates or others object to the utilization of the board for that purpose, I will be content to provide that the facts shall be ascertained by the President of the United States with such expert aid as he shall bring to his assistance, thus imposing upon the Executive, as we have often done in legislation before, the ascertainment of a fact and then declaring the legal result, after that fact is ascertained, in the law itself. We did this in the maximum and minimum clause of the tariff act, for there the President is empowered to impose the maximum tariff upon foreign countries on the ascertainment of certain facts, and the Tariff Board was created for the purpose of aiding him in ascertaining those facts. Our statutes are full of laws in which this power is exercised, and it does away with the laborious inquiry by Congress itself in the ascertainment of particular facts.

Mr. President, if this amendment goes into effect, the result will be the practical abolition of every prohibitive and purely protective duty, and the establishment in the place of such duties of a revenue duty. Of course, we all know that the revenue duty carries with it a certain degree of incidental protection, which in itself will prevent the impairment or the destruction of the industries affected, and give Congress the opportunity, when the reduction under this amendment cease, of inquiring into the matter further and determining whether further reductions shall take place or that the article itself shall be put upon the free list.

EXECUTIVE SESSION.

Mr. CULLOM. I move the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, July 31, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 28, 1911.

DEPUTY WARDEN, ALASKA SERVICE.

Fred H. Grey, of Alaska, to be deputy warden, Alaska Service, Division of Alaska Fisheries, in the Bureau of Fisheries, Department of Commerce and Labor. Effective August 1, 1911.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from July 25, 1911.

Richard Hayes Davis, of Kentucky.
Arthur St. Clair Morris, of North Dakota.
Cuthbert Powell, of Colorado.
William Senger, of Colorado.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Capt. Charles A. Ragan, Medical Corps, to be major from July 14, 1911, vice Maj. Philip G. Wales, retired from active service July 13, 1911.

CAVALRY ARM.

Capt. John S. Winn, Ninth Cavalry, to be major from July 23, 1911, vice Maj. George W. Goode, Eleventh Cavalry, retired from active service July 22, 1911.

First Lieut. Charles O. Thomas, jr., First Cavalry, to be captain from July 23, 1911, vice Capt. John S. Winn, Ninth Cavalry, promoted.

Second Lieut. Eugene V. Armstrong, Thirteenth Cavalry, to be first lieutenant from July 23, 1911, vice First Lieut. Charles O. Thomas, jr., First Cavalry, promoted.

PROMOTIONS IN THE NAVY.

Commander Frederick L. Chapin to be a captain in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. Commander Harley H. Christy to be a commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. Commander Jay H. Sypher to be a commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) William A. Glassford, jr., to be a lieutenant in the Navy from the 1st day of July, 1911, to fill a vacancy.

Surg. Manley F. Gates to be a medical inspector in the Navy from the 11th day of July, 1911, to fill a vacancy.

Asst. Surg. William Chambers to be a passed assistant surgeon in the Navy from the 19th day of March, 1911, upon the completion of three years' service as an assistant surgeon.

Asst. Surg. Lee W. McGuire to be a passed assistant surgeon in the Navy from the 11th day of April, 1911, upon the completion of three years' service as an assistant surgeon.

The following-named assistant naval constructors to be naval constructors in the Navy from the 28th day of July, 1911, upon the completion of eight years' service as assistant naval constructors:

Ross P. Schlabach, and
George S. Radford.

SUPERVISING INSPECTOR, STEAMBOAT-INSPECTION SERVICE.

Henry M. Seeley, of New York, to be supervising inspector, second district, Steamboat-Inspection Service, vice Ira Harris.

UNITED STATES ATTORNEY.

James H. Wilkerson, of Illinois, to be United States attorney for the northern district of Illinois, vice Edwin W. Sims, whose term has expired.

UNITED STATES MARSHAL.

Luman T. Hoy, of Illinois, to be United States marshal, northern district of Illinois. A reappointment, his term having expired.

POSTMASTERS.

COLORADO.

George L. Coleman to be postmaster at Haxtum, Colo., in place of Frances M. Johnson, resigned.

DELAWARE.

Robert L. Armstrong to be postmaster at Newark, Del., in place of Delaware Clark, deceased.

GEORGIA.

William Fleming to be postmaster at Athens, Ga., in place of William Fleming. Incumbent's commission expired June 29, 1910.

INDIANA.

John E. Clevenger to be postmaster at Parker, Ind., in place of George Clevenger, deceased.

George E. Murray to be postmaster at Rensselaer, Ind., in place of George E. Murray. Incumbent's commission expired February 28, 1911.

MISSOURI.

Grant Stipp to be postmaster at Downing, Mo. Office became presidential January 1, 1911.

Edward H. Waymeyer to be postmaster at Van Buren, Mo. Office became presidential July 1, 1911.

NEW JERSEY.

George H. S. Rowe to be postmaster at Ridgefield, N. J. Office became presidential July 1, 1911.

NORTH CAROLINA.

David F. Conrad to be postmaster at Lexington, N. C., in place of Joseph G. Walser, removed.

Samuel E. Marshall to be postmaster at Mount Airy, N. C., in place of Robert T. Joyce, removed.

OKLAHOMA.

Lee K. Spencer to be postmaster at Vian, Okla. Office became presidential July 1, 1911.

WASHINGTON.

Charles R. Akers to be postmaster at Chewelah, Wash., in place of Cornelius E. Legg, resigned.

Mary A. Ide to be postmaster at Granger, Wash. Office became presidential July 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 28, 1911.

POSTMASTERS.

FLORIDA.

William N. Garner, St. Cloud.

LOUISIANA.

Daniel Crowe, Vivian.
Alexander F. Leonhardt, New Orleans.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 28, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, we thank Thee for that influence which is ever drawing us to Thee, that the Holy of Holies is ever open to Thy children, where they may receive light to guide and strength to uphold and sustain them in right thinking and clean living. So we come in faith and confidence, praying for light to guide and strength to sustain us, that we may be faithful servants unto Thee this day. Be graciously near to the Members of this House who are sick and afflicted, especially unto him whose life seems to be slowly ebbing away. Restore them, we beseech Thee, to us and their loved ones in health and strength, and Thine be the praise, through Jesus Christ our Lord. Amen.

The SPEAKER. The Clerk will read the Journal.

CALL OF THE HOUSE.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of no quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House. I understood the Speaker to announce that there is no quorum present.

Mr. BELL of Georgia. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of no quorum. [After counting.] There are 135 Members present—not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER The gentleman from Alabama moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Clerk will call the roll, and the House will be in order.

The Clerk called the roll, and the following Members failed to answer to their names:

Allen	Francis	Latta	Ransdell, La.
Ames	Fuller	Lawrence	Redfield
Anderson, Ohio	Gardner, Mass.	Lee, Ga.	Reyburn
Andrus	Gardner, N. J.	Legare	Riordan
Ansberry	Garner	Lever	Roberts, Mass.
Anthony	George	Levy	Rodenberg
Barchfeld	Gillett	Lindsay	Rouse
Barnhart	Glass	Littleton	Sabath
Bartlett	Goldfogle	Loud	Saunders
Bates	Goodwin, Ark.	Loudenslager	Scully
Beall, Tex.	Gordon	McCreary	Shackleford
Bingham	Gray	McGillicuddy	Sheppard
Boehne	Gregg, Pa.	McGuire, Okla.	Sherley
Bradley	Gregg, Tex.	McHenry	Simmons
Broussard	Griest	McKenzie	Small
Burke, S. Dak.	Gudger	McLaughlin	Smith, Samuel W.
Butler	Guernsey	McMorran	Smith, N. Y.
Calder	Hamill	Madden	Speer
Cantrill	Hamilton, Mich.	Madison	Stack
Carlin	Hamilton, W. Va.	Maher	Stanley
Cary	Hanna	Malby	Steenerson
Claypool	Harris	Martin, S. Dak.	Stephens, Tex.
Copley	Hartman	Matthews	Sterling
Cox, Ohio	Haugen	Miller	Stevens, Minn.
Crago	Hawley	Mondell	Sulloway
Cravens	Hayes	Moon, Pa.	Sulzer
Curley	Heald	Morse, Wis.	Switzer
Danforth	Henry, Conn.	Mott	Talbott, Md.
Davidson	Hobson	Murdock	Thomas
De Forest	Howell	Nye	Tuttle
Donohoe	Hubbard	Olmsted	Underhill
Doughton	Hughes, N. J.	O'Shaunessy	Volstead
Draper	Hughes, W. Va.	Parran	Vreeland
Driscoll, D. A.	Johnson, S. C.	Patten, N. Y.	Warburton
Driscoll, M. E.	Jones	Patton, Pa.	Wedemeyer
Dupré	Kahn	Peters	White
Ellerbe	Kent	Plumley	Wilder
Fairchild	Kindred	Porter	Wilson, Ill.
Faison	Kinkead, N. J.	Pou	Wilson, N. Y.
Fields	Konig	Powers	Witherspoon
Focht	Lafean	Prince	Wood, N. J.
Fordney	Lafferty	Prouty	Young, Mich.
Fornes	Langham	Pujo	Young, Tex.
Foss	Langley	Rainey	

Mr. J. M. C. SMITH. Mr. Speaker, I would like to announce that Mr. WEDEMEYER is still confined to his room at his hotel.

The SPEAKER. Two hundred and eight Members present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The doors will be reopened, and the Clerk will read the Journal.

The doors were reopened.

The Journal of the proceedings of yesterday, July 27, 1911, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 11019. An act to reduce the duties on wool and manufactures of wool; and

H. J. Res. 130. Joint resolution making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3052. An act granting leave of absence to certain homesteaders;

S. 3069. An act to amend section 1 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908; and

S. J. Res. 34. Joint resolution providing for additional lands for Colorado under the provisions of the Carey Act.

The message also announced that the Senate had passed the following resolutions (S. Res. 117):

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. GEORGE W. KIPP, late a Representative from the State of Pennsylvania.

Resolved, That a committee of five Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing the Vice President had appointed as said committee Mr. PENROSE, Mr. OLIVER, Mr. OVERMAN, Mr. MARTINE of New Jersey, and Mr. POMERENE.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and a joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3052. An act granting leave of absence to certain homesteaders; to the Committee on the Public Lands.

S. 3069. An act to amend section 1 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908; to the Committee on the Public Lands.

S. J. Res. 34. Joint resolution providing for additional lands for Colorado under the provisions of the Carey Act; to the Committee on the Public Lands.

WITHDRAWAL OF PAPERS—SAMUEL MAILHOIT.

Mr. THAYER, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Samuel Mailhoit, Sixty-first Congress, no adverse report having been made thereon.

THE COTTON SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton. And, pending that motion, I first desire to ask unanimous consent that there may be printed 5,000 copies of the report, including the views of the minority, 1,000 copies to go to the Committee on Ways and Means, 1,000 copies to the document room, and 3,000 copies to the folding room, for Members.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider H. R. 12812, a bill to reduce the tariff on cotton goods; and, pending that, he asks unanimous consent that 5,000 copies of the report of the majority, together with the views of the minority, be printed, 1,000 copies to go to the committee, 1,000 to the document room, and 3,000 to the folding room. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, does the gentleman mean to print the appendix, too?

Mr. UNDERWOOD. I do.

Mr. MANN. It is a very long document.

Mr. UNDERWOOD. I am aware of the fact that it is a long document, but when the gentleman realizes that this House has authorized the expenditure of several hundred thousand dollars to accumulate information for the President on the tariff question, it seems to me that a few hundred dollars may well be spent in presenting to the House the information that the committee has gathered together for its benefit.

Mr. MANN. That has already been presented to the House. That has nothing to do with this question. Has the gentleman had an estimate made as to the cost of this?

Mr. UNDERWOOD. No; I have not.

Mr. MANN. The gentleman is familiar with the law which prohibits either House to order printing in more than a certain amount without an estimate of the cost. It strikes me this would come within that prohibition.

Mr. UNDERWOOD. Not at all. The request is for unanimous consent. This has been done repeatedly. I will call the gentleman's attention to the fact that when the Payne bill came before this House, if I recollect right, 10,000 copies of the Payne report and bill were printed for the benefit of the House. There is nothing unusual in this request.

Mr. MANN. I think the gentleman is mistaken about that. My recollection is that the law distinctly provides that when the cost is over a certain amount there must be a report as to the estimate of the cost first.

Mr. UNDERWOOD. I do not think the gentleman is right about the law. The limitation in the law, I think, is $500, and the only cost for the reprint of this report will be the paper. The type has been set and the forms are made up. For the number that I ask to have printed I am satisfied there will not be $500 worth of additional paper required.

Mr. MANN. The gentleman is mistaken in thinking that the only cost is the paper. The composition will not cost anything, but the press work and binding will; and although I may be mistaken, I am inclined to think the cost will be more than 10 cents a volume.

Mr. UNDERWOOD. I think the gentleman is mistaken about that. I am not sure. I do not state that with any degree of certainty.

Mr. MANN. It is so easy to have an estimate of the cost of these things, that as a rule it ought to be done.

The SPEAKER. Is there objection to the request?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, pending the motion to go into the Committee of the Whole, I desire to know whether I can enter into an agreement with the gentleman from New York [Mr. PAYNE] in reference to the debate on this bill, about closing the debate and the control of the time? The suggestion I have to make is that general debate on this bill close on the calendar day of next Wednesday when the House adjourns, and that the time be equally divided between the two sides, the gentleman from New York [Mr. PAYNE] to control the time on that side and myself to control the time on this side.

Mr. PAYNE. I will say to the gentleman that from present indications I think we may well get through with the debate by the adjournment of the House on Wednesday next. That will give us five days. I do not know what may come up. I have not had a very large demand for time so far, although there has been some.

Mr. MANN. Reserving the right to object, I should like to inquire whether the House at this time can dispense with Calendar Wednesday next Wednesday?

Mr. UNDERWOOD. I am satisfied that the House can not dispense with Calendar Wednesday next Wednesday, as it requires a two-thirds vote, unless gentlemen on that side of the House desire to go on with the debate on that day.

Mr. MANN. If the House can not dispense with Calendar Wednesday next Wednesday, it would be an anomalous thing to agree to close general debate at the close of Wednesday's session.

Mr. UNDERWOOD. That would practically close the debate at the end of Tuesday's session, I suppose.

Mr. MANN. For that reason, for the present, I shall object. I have no objection to an arrangement for the control of the time.

The SPEAKER. The question is on the motion to go into Committee of the Whole House on the state of the Union.

Mr. PAYNE. I want to ask the gentleman from Alabama whether he wishes to divide the time? I am not very anxious for a task of that kind, but I will assume it if it is necessary.

Mr. UNDERWOOD. Mr. Speaker, then I ask unanimous consent that the time in this debate be equally divided between the two sides of the House, one-half to be controlled by the gentleman from New York [Mr. PAYNE] and one-half by myself.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the time for general debate be equally divided, he to control one half and the gentleman from New York the other half. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I wish to state to the House that I shall endeavor, if we can not agree on the time, to close this debate in 10 hours on a side, and if it is necessary I may move the previous question at the end of that time.

The SPEAKER. The question is on the motion of the gentleman from Alabama to go into Committee of the Whole.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CULLOP in the chair.

Mr. CULLOP took the chair amid applause.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12812, to reduce the duties on manufactures of cotton, and the Clerk will read the bill.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, the Ways and Means Committee, in presenting this bill to the House, reduces the duties on cotton goods covered by Schedule I of the Payne Tariff Act from 48.12 per cent to 27.06 per cent. This does not include all the cotton goods that come in at the customhouse, as shown by the Treasury statistics.

The revenue derived in 1910 from duties on importations of goods largely cotton, now carried by Schedule J (flax, hemp, and jute, and manufactures thereof), and carpets and carpeting in Schedule K, amounted to $24,687,284, distributed by items as follows:

Laces	$23,250,201
Cotton wearing apparel of lace	1,146,009
Collars and cuffs of cotton	1,493
Corsets of lace	3,976
Waterproof cloth	50,795
Carpets and carpeting	3,857
Handkerchiefs of lace	230,953

Possibly the item of cotton laces, embroideries, and so forth, should be transferred to Schedule I; these articles were in Schedule I of the act of 1883, but were transferred to Schedule J by the act of 1890, and have since been continued in that schedule.

So I desire the Members of the House to understand that the revision of the tariff now presented to them relates to the cotton goods found in Schedule I and the articles that the Payne bill carried into Schedule J, which we have brought back to where they properly belong and placed in Schedule I.

The items actually transferred by the proposed bill from Schedule J to Schedule I are: Collars and cuffs of cotton, waterproof cloth, and bandings, cords, ribbons, tapes, webs, and webbing, and though they may be important in some respects, they are not so in regard to the revenue that they produce.

As I stated, we have reduced the average tariff under this schedule from 48 per cent to 27 per cent. That looks like a very considerable reduction. I have heard it said since this bill was published in the newspapers that it is a radical cut, that the reduction from 48 per cent to 27 per cent is too radical a treatment.

As I have stated before on this floor, I am anxious, if we have the power to do so, to reduce every schedule in the tariff bill to a strictly revenue basis. [Applause on the Democratic side.] But in reaching that point I am not disposed to be radical. I am inclined to recognize existing conditions. When you propose to lower a house there are two ways in which you can do it. It can be done by cutting the underpinning from beneath it with an ax and dropping it down, or you can lower it with a jackscrew. And though I am heartily in favor of lowering the house, I prefer the jackscrew method. [Applause on the Democratic side.]

Mr. HILL. I would like to ask the gentleman a question.

Mr. UNDERWOOD. I will yield.

Mr. HILL. I would like to ask how the gentleman is going to lower the house without taking out the underpinning?

Mr. UNDERWOOD. You can put the jackscrew under it and then take out the underpinning.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. MANN. This jackscrew method means that you will not do it all at one time. Does the gentleman propose shortly to have another lowering of the schedule of the cotton manufactures?

Mr. UNDERWOOD. No; I do not. I will state to the gentleman that if we enact this bill, and it is on a revenue basis—it may be at a high point on the revenue basis—I do not think

that we ought to hastily or unduly agitate the country again with continued revisions; but I do say that, if we can put it on a revenue basis and adopt that principle, probably in years to come the country will realize the value of our work and in the future improve upon it.

Mr. MANN. Yes; but as far as the gentleman proposes to go, to use the illustration which he gave, he proposes to knock the underpinning out with an ax, and not by the jackscrew method.

Mr. UNDERWOOD. Mr. Chairman, I am not surprised that my friend from Illinois should say that, but it grows out of the fact that he has not informed himself in reference to the conditions under which this revision is written, and if the gentleman will allow me——

Mr. MANN. But I am trying to obtain information now.

Mr. UNDERWOOD. I think I can demonstrate to him that this is a very conservative bill, and not at all radical in its features.

Mr. MANN. I was referring to the gentleman's illustration. The gentleman proposes, as far as he goes, or as far as he says he proposes to go, to do it now, not by the jackscrew method, but by the ax method.

Mr. UNDERWOOD. Oh, not at all. I might lower the house with the jackscrew method to-day, and 10 years from now some distinguished gentleman on this side of the House will probably improve upon my work.

Mr. WEEKS. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman if, in his opinion, this revision places Schedule I on a revenue basis?

Mr. UNDERWOOD. I believe it does. I believe in the main it does.

Mr. WEEKS. And that it eliminates protection?

Mr. UNDERWOOD. My view, as stated in this House before, as to the difference between a protective tariff and a revenue tariff is that a revenue tariff can never enter the domain of protecting profits, but must act from that point downward. A protective bill begins to protect small profits, and goes up, as the Payne bill did, until it protects enormous profits. [Applause on the Democratic side.] With that definition in view, I believe that this bill is along the line of a revenue tariff.

Mr. WEEKS. Then the conclusion might be drawn by the country at large that if this is called a revenue basis there will not likely be a further revision of Schedule I, even if the Democratic Party were in full control?

Mr. UNDERWOOD. I will say to the gentleman that this bill was presented to a Democratic caucus, representative of Democratic constituencies and of Democratic principles, and that it was practically agreed to without opposition. If it becomes a law, I take it that until it has stayed upon the statute books and been fairly tried for a number of years there will be no effort on the part of this side of the House to make a revision of Schedule I as enacted by this bill. Of course, if it goes upon the statute books and rates which we to-day think are competitive should turn out to be prohibitive, and we find that we have made a mistake, those rates would naturally be changed; but if this bill is enacted into law, if the Senate of the United States passes it, as it probably will, and the President of the United States signs it, as it is his duty to do, I do not apprehend a change in it very soon.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. COOPER. Mr. Chairman, I understood the language of the gentleman from Alabama to be that this bill is upon a "strictly" revenue basis. That was the word he used—"strictly." Is that correct?

Mr. UNDERWOOD. Well, if I use the word "strictly," I will not confine myself to that definition. I say that I believe the rates in this bill are purely revenue rates.

Mr. COOPER. Purely. Well, that means strictly.

Mr. UNDERWOOD. The gentleman can define it as he desires.

Mr. COOPER. Does it not? I will ask the gentleman from Alabama if it is a purely revenue bill, if it is not then a strictly revenue bill?

Mr. UNDERWOOD. If the gentleman will ask me a question connected with this bill I will be very glad to discuss it, but I have no desire to quibble about the English language with him.

Mr. COOPER. I am talking about the gentleman's language. Mr. Chairman, I wish to ask the gentleman another question. A tariff arranged upon a purely or strictly revenue basis is so arranged as to get the greatest possible amount of revenue, is is not, upon the articles mentioned in the schedule?

Mr. UNDERWOOD. No; I think the gentleman is wrong about that. If I were to define a revenue bill, I would say that a revenue tariff levies the lowest rates that will produce the revenue which the exigencies of the Government require.

Mr. COOPER. Exactly. Well, the lowest rate will involve, necessarily, an increased amount of importations, will it not?

Mr. UNDERWOOD. Not always.

Mr. COOPER. Most of the time. In order to increase the revenues, if the rates are lowered, there must be an increase in the importations.

Mr. UNDERWOOD. Undoubtedly; I do not contest that with the gentleman, and I am coming to that point right now.

Mr. HINDS. May I ask the gentleman—will the gentleman yield?

Mr. UNDERWOOD. I will yield for a question.

Mr. HINDS. The gentleman says that this cotton bill is framed solely to the end of the revenue in view?

Mr. UNDERWOOD. I do not think the gentleman can doubt that proposition.

Mr. HINDS. Therefore, does the gentleman say also that it leaves out entirely the principle of protection?

Mr. UNDERWOOD. Absolutely, so far as my knowledge is concerned. [Applause on the Democratic side.]

Mr. HINDS. It follows absolutely the principle laid down by Robert J. Walker in 1846, and which Richard Cobden, head of the free-trade movement in England, declared was one of the greatest enunciations of free-trade principles. It seems that the gentleman subscribes to that?

Mr. UNDERWOOD. No; I do not subscribe to the gentleman's speech. I think that the Walker tariff was strictly a revenue and not a free-trade tariff.

Mr. HINDS. The gentleman does not agree with Mr. Cobden in that?

Mr. UNDERWOOD. Certainly I do not agree with Mr. Cobden in that. As I have stated on the floor of this House many a time before, I am not a free trader, and I believe the only constitutional power and the only right of Congress to levy a tax is for revenue, and revenue alone. [Applause on the Democratic side.] If some incidental protection happened to grow out of it, that would not be the purpose for which the bill is written.

Mr. HINDS. Then the gentleman, if I understand him, is a free trader for revenue and a protectionist by accident? [Laughter on the Republican side.]

Mr. UNDERWOOD. Oh, the gentleman evidently does not understand my position. I attempted to make it clear to him, and as I can not do so, I will ask him to let me proceed.

Mr. HINDS. I only wished to know whether we were having in this bill free trade by system or protection by accident. [Laughter on the Republican side.]

Mr. UNDERWOOD. Well, I am sorry that the gentleman, who has been for so many years under the shadow of the protection system, can not realize the difference between the levying of a tax of 27 per cent for revenue and the putting of articles on the free list.

Now, Mr. Chairman, I will ask to be allowed to proceed, as I do not wish to take up too much of the time of the House. This bill is not a radical reduction in the sense that it adversely affects the great cotton industry of the United States. It is a radical reduction in the taxes of the American people, because it reduced the taxes levied at the customhouse from 48 per cent to 27 per cent, or nearly one-half. But is it radical in the sense that it will work injury to the manufacturing interests of this country engaged in cotton goods production? Is it radical in the sense that it will injure labor employed in the mills of this country? If not, if it is conservative so far as it affects the industrial interests of the country and yet is radical in its reduction at the customhouse, then I think we have been most successful in presenting this bill to the Congress. [Applause on the Democratic side.] Now, in reducing the tariff, wherein do you say that such reduction hurts the manufacturers of cotton goods of America? Wherein does it injure them if you lower the tariff at the customhouse? No gentleman on that side answers the question, so I will attempt to answer it for you.

Mr. MANN. Oh, no; not for us.

Mr. UNDERWOOD. Well, when I have made my answer, if you are ready to deny it, I will give you the opportunity to do so.

Mr. MANN. Speak for yourself, John; speak for yourself. [Laughter on the Republican side.]

Mr. UNDERWOOD. As I understand, the Republican Party opposes reductions in the interest of the protected manufacturer; not that you care anything about the cost of the goods at the customhouse, but because you say lowering the tariff allows more goods to be imported into the United States, prevents American mills from making those goods, and displaces American labor.

Mr. GREENE of Massachusetts. That is a fact, too.

Mr. UNDERWOOD. Is not that the position that the Republican Party takes, I will ask my friend from Illinois?

Mr. MANN. That is true in part.

Mr. UNDERWOOD. That is as I understand it. Now, if this bill does not close American mills or throw American labor out of employment, will not the gentleman from Illinois agree with me that it is a consummation to be desired—to reduce the taxes if we can get the revenue at the lower rates?

Mr. MANN. Does the gentleman desire an answer?

Mr. UNDERWOOD. Yes; I do.

Mr. MANN. I am very free to say that if this bill or the wool bill or any other tariff bill can be passed lowering the rate of duty, so far as the protection is concerned, without affecting American industries, I would be in favor of it. I hope that one of these bills that the gentleman proposes will be put upon the statute book in some way and thus let us have an illustration; and if it does not close any American establishment and does not paralyze industry, I hope the gentleman will succeed in enacting his bills. But if it does close establishments and paralyze industries, the gentleman will not have much chance to pass his bills hereafter. [Applause on the Republican side.]

Mr. UNDERWOOD. I join sincerely in the good wishes the gentleman proclaims for us. [Applause on the Democratic side.]

Mr. HILL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. UNDERWOOD. I hope that these bills will receive the President's approval.

Mr. MANN. Does the gentleman think that they will receive his approval on the basis that he is talking about.

Mr. UNDERWOOD. I think this one will.

Mr. MANN. Well, the other bill will not. It is a long time in the future to look forward to.

Mr. HILL. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HILL. The first paragraph shows an average under this bill of 14.11 and under the Wilson bill of 37.85. That is a cut of about 60 per cent from the Wilson bill. The second paragraph shows a 15 per cent average under this bill and 53.21 under the Wilson bill, which also shows a reduction of nearly 75 per cent.

Now, then, the question I want to ask—and I ask it in good faith, in perfect good faith, in view of the remarks the gentleman has just made—is, Does he believe that the committee can recommend a reduction of from 60 to 75 per cent on these first two paragraphs below the Wilson bill and still not injure American labor and put American factories out of business?

Mr. UNDERWOOD. I do, most emphatically; and I will give the gentleman further answer when I come to those paragraphs.

What I wished to call to the attention of the House was the question as to whether the reduction made in this bill is going to injure American industry. Now, the gentleman from Illinois and I agree that if that is done it must be done through additional importations coming in at the customhouse under this schedule——

Mr. MANN. Mr. Chairman——

Mr. UNDERWOOD. Does the gentleman desire to ask a question?

Mr. MANN. Yes. It must be through increased importations or a reduction in the cost of production in this country, which would mean a reduction of wages. That is what we are afraid of.

Mr. UNDERWOOD. If the reduction came, due to a large flood of importations, yes. But I will not raise that question with the gentleman. I want to call his attention to this fact: That the cotton imports under the Payne tariff bill in the year 1910 were, in round figures, $28,417,000. The estimated imports under the proposed bill that I hold in my hand are $39,163,000. In other words, the increase of imports brought by this bill, as figured by the statistician, amounts to something in excess of $10,745,000.

Mr. AUSTIN. Then I would like to ask the gentleman this question——

Mr. UNDERWOOD. I will ask my friend to let me finish this argument, if he will. In other words, if the figures of the statisticians are correct, the increased importations under this bill will amount to $10,745,000 in round figures. Possibly they may amount to a little more than that, but, based upon the history of the past, in all probability that will be the amount of the increased imports that will come in under this bill.

Mr. AUSTIN. May I ask the gentleman my question now?

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. UNDERWOOD. To the gentleman from Tennessee.

Mr. AUSTIN. Then, if this proposed legislation becomes a law, you are going to buy for the American consumer $10,745,000 of cotton goods made in Europe that are now made in American mills by American laboring men.

Mr. UNDERWOOD. I differ slightly with the gentleman. We are going to buy $10,745,000 worth of goods in addition to those we buy now; but if the gentleman will be patient with me I think I can show him that those goods are not made by American workmen or laborers to-day.

Mr. MANN. The gentleman refers to the figures of the statistician. Will the gentleman tell us who the statistician is and how he arrives at these figures?

Mr. UNDERWOOD. The statistician is Mr. Parsons, who is acting with the Ways and Means Committee. On the wool bill he acted with Mr. McCoy, of the Treasury Department. He ascertained these figures and this estimate by comparison with the Wilson bill, the Dingley bill, and the McKinley bill in the same way that the estimates were made for the wool bill.

An estimate was made of the probable imports—and duties therefrom—of each of the groups of articles provided for in the bill, which include all the articles provided for in the present Schedule I, together with those transferred from the present Schedule J and included under paragraphs 5, 7, and 13 of the bill. In making the estimates the domestic consumption of each group of the manufactures of cotton was computed—separately in all cases in which separate statistics were available, and otherwise in combination—from the census statistics, including advance statistics from the census of manufactures of 1910, and from the statistics of imports entered for consumption and exports (Bureau of Statistics, Department of Commerce and Labor). Attention was given to the changing proportion of imports to consumption under the high tariff of 1890, as shown in the imports of 1892; the lower Wilson tariff of 1894, as shown in the imports of 1896; and the high tariff of 1909, as shown in the imports of 1910; with consideration, also, of the average imports for a series of years under the tariffs of 1890, 1894, and 1897. The percentages of imports to consumption were studied in connection with former and present industrial conditions and the results applied to the estimated domestic consumption of 1912, which is taken as the first year under the proposed new rates, as the bill H. R. 12812 is to take effect on January 1, 1912. The probable domestic consumption of 1912 was estimated from advance census statistics of 1910, assuming the like continuance from 1910 to 1912 of the progress in recent years in each group of manufactures under consideration.

It is, of course, impossible to forecast future imports and revenue accurately, and many factors have to be carefully considered in making an estimate, but it is believed that the estimates above referred to of probable imports and duties under the bill H. R. 12812 are fair and conservative.

Mr. MANN. I do not wish to pursue the subject, but unfortunately I do not happen to know who Mr. Parsons is.

Mr. UNDERWOOD. He is one of the employees of the Ways and Means Committee.

Mr. MANN. I understand that; but as to his being a statistician——

Mr. UNDERWOOD. Mr. Parsons was engaged in similar and statistical work in Washington when the Wilson bill was written a number of years ago. It is the line of business that he follows. I believe that he was with the Reform Club of New York.

Mr. MANN. What is he in the world?

Mr. UNDERWOOD. He is a statistician; but I do not care to be interrupted in my argument on that question. If the gentleman is not disposed to take these figures, why——

Mr. MANN. I would be much more disposed to take them if I could be informed that a gentleman with information made them. I do not know. I never heard the name of Mr. Parsons before.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that when we made the estimates on the wool bill Mr. Parsons made his estimate and Mr. McCoy, of the Treasury Department, made his estimate, and in the main they conformed. So I suppose the Treasury official knew what he was figuring on, as far as anybody can in these matters.

Mr. PAYNE. May I ask the gentleman a question?

Mr. UNDERWOOD. Certainly.

Mr. PAYNE. This gentleman, Mr. Parsons, lives in New York, does he not?

Mr. UNDERWOOD. He has until recently. He is living in Washington right now.

Mr. PAYNE. He is a member of the Tariff Reform League, of which our old friend, Mr. DeWitt Warner, was the chairman years ago?

Mr. UNDERWOOD. I think so.

Mr. PAYNE. And he is the representative of that league, is he not?

Mr. UNDERWOOD. Oh, I do not think that at all. I do not understand that he is its representative.

Mr. PAYNE. Does he not hold the same tariff views that Mr. Warner held—that is, free trade?

Mr. UNDERWOOD. I do not know anything about that, I will say to the gentleman from New York.

Mr. PAYNE. Did he perform the principal work in the drafting of the bill?

Mr. UNDERWOOD. Not at all.

Mr. PAYNE. Did he not make a draft of this bill?

Mr. UNDERWOOD. No. I will say to the gentleman from New York that the form of this bill in the main follows the language of the Payne bill.

Mr. PAYNE. I am not talking about the language. I am talking about the duties.

Mr. UNDERWOOD. Oh, the gentleman means the rates.

Mr. PAYNE. Yes.

Mr. UNDERWOOD. The gentleman is mistaken. I have heard that gentlemen on that side allowed their statistician to prepare the Payne bill for them. [Applause on the Democratic side.]

Mr. PAYNE. I did not understand the gentleman's remark.

Mr. UNDERWOOD. I will say that the Democratic members of the Ways and Means Committee sat around the table in the consultation room and fixed the rates themselves.

Mr. PAYNE. After the draft of the bill was presented to them by Mr. Parsons?

Mr. UNDERWOOD. Not at all.

Mr. PAYNE. I saw in the newspapers that the committee was to put in several weeks of work. I knew that they were to meet at the committee room, and I took a look in occasionally, and although I looked in a number of times I never was able to find the committee there going through the bill, though I heard they were expected to meet there.

Mr. UNDERWOOD. I am sorry that the gentleman's eyesight is failing him, because the committee was in session after the statistics had been gathered and the rough form of the language of the bill had been prepared. They were some 10 days agreeing to the rates.

Mr. PAYNE. If my eyesight is failing, my hearing must be failing also, because I could not hear them there going through the bill.

Mr. UNDERWOOD. My friend from New York is so accustomed to a free-for-all fight when a tariff committee meets that he can not understand how a Democratic committee can write a tariff bill and agree upon it. [Laughter.]

Mr. PAYNE. I want to say to the gentleman that when a tariff bill is made by the Republican Party everybody has views and expresses them. I judge from what the gentleman said that when the Democratic committee make up a tariff bill nobody has views upon it or expresses them.

Mr. UNDERWOOD. I will say to the gentleman from New York that the people had views in the last election, and this committee is endeavoring to carry out those views. [Laughter and applause on the Democratic side.]

Mr. PAYNE. The gentleman thinks the people had views and he is endeavoring to carry them out, and is banking on the idea that when that reduction is made, whether it is intelligent or otherwise, whether it protects or destroys industries, the people will say, "Oh well, it is a revision of the tariff downward and carries out our views." The gentleman must not fool himself. But, Mr. Chairman, what I rose for——

Mr. UNDERWOOD. I will ask the gentleman from New York not to make a speech in my time; I am ready to yield for a question.

Mr. PAYNE. I am asking a question. The gentleman says the experts or statisticians, Mr. Parsons, and the clerk of the committee, figured these rates, and therefore their figures must be accepted. On what basis did they figure it; on what basis did they say that when the duty was reduced from 48 per cent to 27½ per cent the increase of importations would only amount to 25 per cent on the basis of 1910, while, if you go back to the Dingley bill, you will find the importations larger than what they would be under this proposed law?

Mr. UNDERWOOD. I will ask the gentleman not to make a speech in my time.

Mr. PAYNE. I am trying to ask a question.

Mr. UNDERWOOD. The gentleman wants to give this side of the House a little fatherly advice, to which I have no objection.

Mr. PAYNE. I would like to give that side of the House a little light, incidentally; I acknowledge that.

Mr. UNDERWOOD. I will say to the gentleman from New York what I have said before, that the way of estimating this revenue conforms in general to that used by the Treasury expert, Mr. McCoy, when he estimated the revenues for the wool bill; and on that basis these figures were worked out. Now, I can not stop longer to answer the gentleman's question, because I want to get back to my argument; but if the gentleman will turn to pages 31 to 44 of the report of the Ways and Means Committee, he will find, in addition to what I have already submitted, further information as to the method of securing the results shown in the estimates of imports and duties.

Mr. PAYNE. I want to ask if the Treasury basis was not taken at the suggestion of the committee, and the Treasury simply did the mechanical work of making the figures?

Mr. UNDERWOOD. The gentleman is mistaken in that.

Mr. PAYNE. I think the gentleman's recollection is at fault.

Mr. UNDERWOOD. No; the gentleman is mistaken. We furnished the Treasury expert with the rates that we proposed as a change. He arrived at his conclusions by his own method.

Mr. PAYNE. Yes; but did not he take that basis of the Wilson bill, as you suggest now?

Mr. UNDERWOOD. Not on my suggestion.

Mr. MANN. Mr. Chairman, the gentleman referred to page 44 of the report as the basis, but I find nothing on that page.

Mr. UNDERWOOD. If the gentleman will look at the conclusion of the last paragraph of each chapter from pages 31 to 46 of the report he will find a statement of the committee in reference to revenue for each group.

Mr. MANN. But that does not give the basis of the statistics.

Mr. UNDERWOOD. Well, there is given in each paragraph the estimate of revenue and how it is arrived at. As I said to the gentleman, I can not state the figures, because I did not make them. I have given the method that the statisticians used, which was through a comparison of the Wilson bill with the Dingley bill and the McKinley bill, and it was upon that basis, with the comparison of those bills, that they figured this revenue. I did not make the estimate. As a matter of fact, I believe that the revenue will probably be two or three million dollars in advance of what the statisticians make it. There will be approximately the same amount of importations, but I think the estimate of revenue is conservative and that it will be a few millions more.

Mr. MANN. I thought probably there was some basis used by the statistician which had been given to the committee, and if that is the case, why would it not be proper to give it to the House?

Mr. UNDERWOOD. Mr. Chairman, I am sorry if I can not make the gentleman understand that I did not make the actual figures. The imports under the Wilson bill at lower rates of duty were compared with like imports under the McKinley bill at higher rates, and the relative increases of imports following reductions of duties were computed. From these figures estimates were made of probable percentages of imports to domestic consumption, which percentages were then checked with reference to present business conditions. I will say to the gentleman from Illinois that is the method that they pursued. I did not make the actual calculations myself, and therefore I am unable to tell the gentleman exactly how the figures were made.

Mr. MANN. I did not assume that the gentleman made the figures, but I did assume that possibly the gentleman who did make the figures furnished to the gentleman who has the floor a statement as to how he arrived at the figures and when.

Mr. UNDERWOOD. Oh, I have already stated to the gentleman how he arrived at the figures. At one time the statistician presented to me——

Mr. MANN. I may be unusually dull, but I have not been able to catch it from what the gentleman said.

Mr. UNDERWOOD. The statistician presented his estimates to me. I have not them before me here. I do not know whether they are still in the committee room. If they are, I will be glad to furnish them to the gentleman from Illinois.

Mr. PAYNE. Will the gentleman yield?

Mr. UNDERWOOD. I will; but I started to make a speech, and I have not even reached my first premise.

Mr. PAYNE. Of course I am willing to help the gentleman all I can. [Laughter.] I want to know from the gentleman whether his statisticians took into account the immense falling off in the purchasing power of the people, which we experienced under the Wilson bill, expecting the same falling off during the same number of years under this proposed bill.

Mr. UNDERWOOD. O Mr. Chairman, how could my friend miss considering what the effect of hard times would be on the

country when, under the operation of the Payne bill, hard times are already staring the country in the face?

Mr. PAYNE. The Payne bill stimulated the industries of the country for the first year of its experience, but what you are doing now is closing the factories in spite of the Payne bill or any other bill.

Mr. UNDERWOOD. Mr. Chairman, I will demonstrate what I have in mind to my friend in a minute. I would like to get on with my speech, however.

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I will for a question.

Mr. WEEKS. Was any Treasury official consulted in making up these figures?

Mr. UNDERWOOD. Not in reference to the cotton schedule, but they were in reference to the wool schedule. As I stated, the experts of the committee simply pursued the same general method in making these estimates that were pursued by the Treasury official on the wool schedule. With that as a basis there was no necessity for sending for the expert again, as the same method should produce the same result.

Mr. WEEKS. Has the committee made any inquiry from others who are familiar with the cotton business regarding the probable importations?

Mr. UNDERWOOD. Well, I will say to the gentleman that I have not inquired of the manufacturers as to how much the reduction of rate will bring about importations because I find, with a few exceptions, that they insist, if there is a reduction at all, that it means ruin to business. But I have inquired from the statistical bureaus of this Government, and if the gentleman will allow me to proceed I will be glad to give him that information. Mr. Chairman, I stated that so far as this bill affects the industrial interests of this country, it is a conservative bill. My reasons for stating that are these: In the year 1910 the domestic consumption of manufactures of cotton provided for under this bill, which, of course, does not include laces, lace curtains, and embroideries, amounted to $790,187,000.

In 1900 the American consumption amounted to $410,101,000. This American consumption is determined from the statistics of the Bureau of the Census, which show the amount of American production, to which is added the amount of imports coming into this country and from which is deducted the exports going out. It shows that during the last census decade the increased consumption of cotton goods by the American people amounted to $380,086,000.

Mr. MANN. What were the figures of the gentleman for 1910?

Mr. UNDERWOOD. The figures for 1910, or rather the domestic consumption, was $790,187,000.

Mr. MANN. Of cotton goods?

Mr. UNDERWOOD. The cotton-goods consumption of the American people.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. FOWLER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. The gentleman on the other side, my colleague from Illinois [Mr. MANN], is interrupting the debate even without getting recognition from the Chair. [Laughter and applause on the Democratic side.]

Mr. CANNON. Let it be recorded.

Mr. MANN. I am, at least, not inserting applause after my questions.

The CHAIRMAN. The point of order is well taken. Does the gentleman from Alabama now yield to the gentleman from Illinois [Mr. MANN]?

Mr. UNDERWOOD. I yield.

Mr. MANN. Where does the gentleman get his figures?

Mr. UNDERWOOD. I will state to the gentleman from Illinois that he will find these figures——

Mr. MANN. The cotton consumption for 1905, I will say to the gentleman——

Mr. UNDERWOOD. I say to the gentleman that if he will refer to the appendix to this report he will find that we took the census statistics which were furnished us by the Census Bureau for the year 1910, which I do not believe have yet been generally published.

Mr. MANN. I supposed that. The cotton consumption for 1905 was only $443,000,000, and the gentleman gave such a very large amount——

Mr. UNDERWOOD. I will show the gentleman where he makes his mistake. It is in this, that the cotton consumption, as published, does not include hosiery and knit goods, which are classed under a separate head. On the basis of the cotton material they contained, it is estimated that 87 per cent is cotton goods; and as hosiery and knit goods are in this bill, we added this 87 per cent to the figures given by the Census Bureau, which brings the result I have read.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. UNDERWOOD. Yes.

Mr. MOORE of Pennsylvania. While the gentleman is on that point, I call his attention to page 6 of his report, in which the statement is made that—

> The United States now consumes approximately two-thirds of its cotton crop, which is about equally divided between the mills of the Northern and Southern States—

and then reference is made to schedules on page 484, which are evidently taken from the census report, and which indicate that the United States consumes about one-third of the world's consumption and that the American production of cotton is about two-thirds of the world's production. I attract the gentleman's attention to that, because it is a very important matter.

Mr. UNDERWOOD. I will say to the gentleman that his question, of course, does not relate to what I am discussing. I can not stop now to answer it.

Mr. MOORE of Pennsylvania. It may be a typographical error.

Mr. UNDERWOOD. It has no relation to the subject that I am discussing.

Mr. HILL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. UNDERWOOD. Yes.

Mr. HILL. I want to invite the attention of the gentleman to the apparent discrepancy mentioned by the gentleman from Pennsylvania, where it says "two-thirds of the cotton crop is used abroad."

Mr. UNDERWOOD. There may be a typographical error or a discrepancy about whether cotton to a certain amount is used in America or used abroad; but that is not the question I am discussing, and I will ask the gentleman to wait until I get to that point.

Mr. MOORE of Pennsylvania. Very well. For the present I will not pursue it further.

The CHAIRMAN. The gentleman declines to be interrupted further.

Mr. UNDERWOOD. Now, Mr. Chairman, I desire to be allowed to proceed without further interruption, because it is impossible to make an argument and permit interruptions on points that do not bear on the subject.

As I was stating, the increase in the domestic consumption of cotton manufactures in the last 10 years, according to the census, amounted to $380,086,000. That is 92.68 per cent of the domestic consumption in 1910. In other words, the consumption of cotton manufactures by the American people has increased nearly a hundredfold in the last 10 years.

Now, is it not fair to assume that this increase will continue in the future? It seems to me that if we reduce the cost of goods at the customhouse, certainly it would be an invitation to the American people to consume more goods because they could get them more cheaply. So assuming that the increased consumption will continue, by 1912 the consumption of cotton goods in America will amount to $936,000,000. The estimated imports for 1912 under this bill, which does not take effect until January 1 of that year, is $39,000,000. These estimated imports would be only 4.18 per cent of the estimated consumption of cotton manufactures by the American people at that time. In other words, if this bill becomes a law and the total amount of goods that we say should come in comes into the country as a result of lowering the taxes at the customhouse, the total importation would amount to only 4⅛ per cent of the American consumption.

Now, do you consider that great competition, that the American manufacturer shall have 95⅞ per cent of the American market and the foreigner 4⅛ per cent? Is that destroying American industry and throwing American labor out of employment? But, mark you, we are not responsible for all of that competition. The increase of estimated imports of 1912 over imports of 1910 is $10,746,000, or 1.15 per cent of the estimated consumption of 1912. In other words, the total amount of additional goods that we allow to come into this country is only 1.15 per cent of the consumption of the American people. Does any gentleman on that side say that to increase importations a little over 1 per cent is to destroy American industry? But suppose you double our estimate, and double the revenue from $10,000,000 to $20,000,000. You would have only 2 per cent of additional competition. Do you expect that to destroy the industry?

The increase in domestic consumption, $380,000,000 in 10 years, is at an average rate of $38,000,000 per year. Hence the estimated imports are only about $1,000,000 more than the annual increase in domestic consumption.

What does that mean? It means that if the mills simply remain stationary in the amount of their production, producing only their full capacity for 1910, a thing which they are not doing to-day, and if their present capacity is not increased nor more mills built, then in one year, under the increase that we have added to the bill, the increased consumption will just about equal the entire importation of foreign goods into this country. Does that look like closing down industries or destroying business? The increase in imports involved in the estimated imports for the year 1912 is $10,746,000 for two years, or $5,373,000 per year. We are estimating for 1912, and we give the figures here for 1910. So we divide the amount of increase, and what does it show this annual increase in imports to be? It is only 14.14 per cent of the annual increase in domestic consumption, or sixty-eight one-hundredths of 1 per cent of the consumption of 1910. Less than 1 per cent of the American consumption of goods for 1910 is all that this bill will bring in the way of increased competition with American manufacturers for one year.

Mark this: In 1900, under your own, or the Dingley, law, the imports were 5.14 per cent and the exports were 5.86 per cent of the domestic consumption of that year. In other words, you were exporting a little more cotton goods to foreign markets than you were importing. But in the year 1910 we find that the drastic restrictions of the extremely high rates, *intensified by the* Payne law, have cut the imports down to 3.83 per cent, and it seems to have had a corresponding effect on the export trade, because we find that the exports were only 3.83 per cent of the domestic consumption of that year.

Now, to what conclusion does this lead us? The percentage of the estimated imports to consumption in 1912 under our bill is 4.18 per cent. Under your Dingley bill the imports amounted to 5.14 per cent. In 1900 you allowed 5.14 per cent of the American consumption to come in as imports. Did you destroy the industry? Did you close up the mills? Did you throw labor out of employment? But that is more competition than we produce by this reduction of duty.

Mr. HILL. Is not the gentleman's argument fatally weak in this respect, that in one case he compares the different rates under two systems, both of which are protective, whereas now he is comparing a protective system, under which mills can run, with a purely revenue system, under which they can not run?

Mr. UNDERWOOD. My figures which I have given you do not relate to the tariff at all.

Mr. HILL. No; but they relate to imports, which will be affected very much by the tariff.

Mr. UNDERWOOD. I mean the statistics of the Bureau of the Census, showing what the manufacturers produced, and of the Bureau of Statistics showing what the imports are.

Mr. HILL. Is it not true they were making a comparison in one case between two systems that are protective in their rates, and in this case the gentleman is making comparisons between a protective rate and a rate from which he says protection has been absolutely eliminated?

Mr. UNDERWOOD. What difference does that make?

Mr. HILL. All the difference in the world.

Mr. UNDERWOOD. It depends on the imports. The imports are what I am talking about.

Mr. HILL. Of course. And would not the imports be enormously greater, so that it would be impossible for the mills to run under the system?

Mr. UNDERWOOD. But the mills will not be shut down under the system, and the gentleman from Illinois [Mr. MANN] agrees with me that they will not be shut down unless the imports come in and shut them down; and I say that, according to the estimates of the statistician, the additional imports will only be a little over $10,000,000, or less than 1 per cent. Now, suppose I have made a mistake. If you double it, it will only be 2 per cent. Is that going to endanger your manufacturing interests seriously?

Mr. HILL. I do not agree with the statistician.

Mr. UNDERWOOD. If we double the imports, we would double the revenue, and if the gentleman's theory is correct this bill will produce all the revenue the Government needs before we get through.

As I stated before I was interrupted, the imports under the Payne bill only amounted to 3.83 per cent, and the percentage of estimated imports to consumption in 1912 is 4.18 per cent under our bill. That is, ninety-six one-hundredths of 1 per cent less than the corresponding percentage for 1900, and only thirty-five one-hundredths of 1 per cent more than the corresponding percentage for 1910.

We let in under this bill thirty-five one-hundredths of 1 per cent more goods than you do under your bill to-day. Now, you expect that to destroy the American mills, to destroy American industries?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. UNDERWOOD. For a question.

Mr. MOORE of Pennsylvania. Does not that imply that just that per cent of cotton manufactures is made in foreign countries rather than in the United States?

Mr. UNDERWOOD. As I stated in my argument, the American consumption will within three months catch up with that increased importation. It would only be necessary for the mills not to shut down nor to discharge labor nor to increase their capacity for three months, and the increased consumption of cotton goods, as shown by the statistical rates, would catch up with the increased imports and affect the mills in no way.

If you bring in double the amount of imports that this report says would come in, we would catch up in six months by merely waiting for the increased American consumption. If you multiplied it by four, we would catch up in a year, not through the mills lying idle but simply by not increasing their productive capacity. Multiplying the quantity of imports by four would produce forty millions of revenue.

Mr. MOORE of Pennsylvania. As against the figures the gentleman has just presented, I present the statement that the mills in his own section have not been successful in the last two years and that the business is stagnant.

Mr. UNDERWOOD. I have heard that from those gentlemen; but you must understand that they are doing business under the inquitous Payne bill, which you wrote on the statute book, and not under our bill. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. In the gentleman's own State during the last five years of the Dingley bill the factory establishments increased 81 per cent, from 1,800 in 1904 to 3,400 in 1909.

Mr. UNDERWOOD. I am not responsible for the Republican panic. I recognize that not only cotton mills but woolen mills and iron and steel factories are at a low ebb in this country, that labor is out of employment and the wheels of industry are standing still, but you can not point to this bill—not yet on the statute book—and you can not point to this side of the House as being responsible for it. You have been in control of this Government for 16 years, and if political conditions and the enactment of laws have brought about that result the responsibility rests at your door and not ours. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. But was not all well until the Democratic victory brought fear into the mercantile world?

Mr. UNDERWOOD. Oh, my friend from Pennsylvania is exceedingly humorous sometimes. You would not expect it, but it lies imbedded in his heart and appears on the surface on rare occasions. [Laughter.] Now, the gentleman says that the fear of a Democratic House and the fear of the legislation of a Democratic House, with a Republican Senate and a Republican President, have thrown the people of the United States into a panic. Ah, may the shades of all the great Presidents rest on the White House to-day with that accusation of the gentleman from Pennsylvania. [Laughter and applause on the Democratic side.]

Mr. MOORE of Pennsylvania. The gentleman from Pennsylvania will acknowledge that there has been very clever and wise leadership on the other side of the House up to the present time, but will the gentleman be serious with me for a moment?

Mr. UNDERWOOD. Certainly.

Mr. MOORE of Pennsylvania. On the question of the production of cotton which I raised a moment ago, and referring to the report submitted by the gentleman, is it not true that in the Southern States there is produced fully two-thirds of all the world's production of cotton, and that there is a virtual monopoly of cotton in the United States?

Mr. UNDERWOOD. The census figures show that the Southern States produced about 60 per cent of the world's mill supply of cotton in 1910.

Mr. MOORE of Pennsylvania. Then, is it not a fact that the bulk of all cotton is manufactured in foreign countries to-day, and that while there is no duty on raw cotton, either imported or exported, there is still an advantage to foreign countries in obtaining cotton free from the United States to compete with the higher priced overhead charges and the higher priced wages paid in the cotton factories in the United States?

Mr. UNDERWOOD. I think that has very little to do with it.

Mr. MOORE of Pennsylvania. I think it has all to do with it.

Mr. UNDERWOOD. I will answer the gentleman's first question. So far as the cotton itself is concerned, the foreign buyer certainly gets it no cheaper than the American buyer. He also has to pay the transportation charges abroad, and to that extent is at a disadvantage. Now, as to what effect this has on the world's production, I want to say to the gentleman from Pennsylvania [Mr. MOORE] that I am not in favor of putting manufactures of cotton on the free list. I am in favor of levying a revenue tariff, as we do in this bill; but if we should put cotton manufactures on the free list it could not very greatly increase importations for a number of years, if at all, and there is a reason for it. The world's production of raw cotton for mill consumption in 1910 was 19,171,000 bales of 500 pounds each. The cotton mills of the world consumed that year only 18,321,000 bales.

Mr. MOORE of Pennsylvania. Of which the United States produced how much?

Mr. UNDERWOOD. The United States in 1910 produced 11,483,000 bales net weight. I am referring now to the world's supply. In 1910 the world produced 19,171,000 bales of raw cotton and the mills consumed 18,321,000 bales. In other words, the production in that year was only 850,000 bales more than the quantity consumed by the mills that year. According to census figures, the world's production for the two years of 1909 and 1910 amounted to 35,947,000 bales, net weight, and the quantity of cotton consumed in the mills of the world during the same period was 36,940,000 bales; or, in other words, the mill requirements drew on the reserve stocks during these years to the extent of about 1,000,000 bales. Evidently the requirements for cotton are fully equal to the supply.

I am speaking not of the productive possibilities of the United States or of the world, because under normal weather conditions and with the improved agricultural methods now being generally promulgated the future possibilities of our own country in cotton production are difficult to forecast, but I am using the actual results of the last few years, which are responsible for the prevailing high prices of raw cotton. Under these actual conditions which have prevailed in the years cited I want to ask if you build more mills in the immediate future, can you feel that you are going to get the cotton to manufacture? We produce in this country 60 per cent of the world's supply. The price of cotton since I have been a Member of this House has increased from 4 or 5 cents to 15 or 16 cents and at one time it sold as high as 20 cents a pound. That is an enormous increase in the price to the farmer, brought about by the demand catching up with the supply, and yet the farmer has not been able to materially increase this supply. He can not get it out of the ground—he has been unable to produce it.

Mr. MOORE of Pennsylvania. Has he not restricted it in some instances?

Mr. UNDERWOOD. Oh, there have been efforts in the past to make combinations, but when cotton goes to 15 cents a pound, nothing will restrict its production except nature itself, and in recent years nature has restricted the production of the cotton crop. If you build new mills you can not get cotton to go into them. Therefore, you can not make the people of Asia and Europe and Africa go naked because you want to pour a flood of cotton goods into this country. There is but a restricted amount of goods that you can manufacture. Those people must be clothed, and cotton cloth, because it is the cheapest, is the cloth with which it is done.

As I said before, if you put everything in this schedule on the free list, you could not very greatly increase the importations compared with the American consumption, expressed in percentages, because you can not get the cotton with which to make the goods without depriving the people of Asia, Africa, and Europe of cotton goods. So that all this hue and cry to the effect that lowering the tariff is going to destroy the American industry is merely a scarecrow erected by the manufacturing interests of this country, because at times they want to use this high, protective-tariff wall to exact unreasonable profits from the consumers. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MOORE of Pennsylvania. The gentleman has indulged me, and I thank him. He himself raised the question of transportation, and it is one of the serious questions. He spoke of transportation charges that had to be paid by those foreign countries which take southern cotton. Is it not a fact that it is cheaper to transport cotton over the ocean by way of Savannah than to transport it into Rhode Island or Massachusetts by rail?

Mr. UNDERWOOD. Well, I——

Mr. MOORE of Pennsylvania. And to that extent is not the American manufacturer at a disadvantage?

Mr. UNDERWOOD. If the gentleman will turn to page 442 of the report, he will find the ocean freight-rate figures, and he will see that there is not much difference in the ocean rate from Savannah to Liverpool and from Savannah to New York or Boston. In the main it is in favor of the American cotton mills.

Mr. MOORE of Pennsylvania. I thank the gentleman, but there is one more question I want him to answer before I quit. Would it not be better, especially in view of our difference of opinion in regard to the establishment of factories in the United States, if we actually levied an export duty on cotton with a view of protecting the people of the United States and of building factories here so that we might manufacture for all the world, instead of having the rest of the world manufacture and ship their goods to us?

Mr. UNDERWOOD. I will say to my friend that of course he is well aware that the Constitution of the United States prohibits us from levying export taxes. This side of the House really believes in the Constitution and is not in favor of destroying it. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. I am merely presenting it as a matter of policy in the protection of our own people.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. I do.

Mr. MANN. The gentleman has cited many statistics, many of them for 1910, some of which I supposed are obtained from the Census Bureau in advance of the publication. Are they all included in the report?

Mr. UNDERWOOD. They are included in the report.

Mr. MANN. If they are in the report, I will examine the report and find the figures. I am very much obliged to the gentleman.

Mr. UNDERWOOD. Now, Mr. Chairman, there is one other point upon which I wish to touch before I close and that is the question as to whether the labor of this country is seriously affected by a tariff reduction. In the main, the best way to decide that is by referring to actual pieces of goods and the labor cost—but before I do that I want to call to your attention the amount of wages that the Census Bureau shows in this cotton-goods industry. The wages for 1909, as reported in 1910 in the cotton-goods industry amounts to $129,768,000, in round figures. The value of the product, as shown in the same report, is $616,297,000. Now, dividing the wages into the value of the product, we find the average wage paid to the cotton-goods industry is $349 per workman or workwoman. In other words, the wages, according to this census report, are 21 per cent of the value of the total product. The gentleman will find the figures to which I refer on page 6 of the report. The figures are for 1909, the census of 1910.

Mr. MANN. What were the figures on wages?

Mr. UNDERWOOD. The exact figures?

Mr. MANN. The census of 1910—what were the figures on wages?

Mr. UNDERWOOD. The amount of wages was $129,768,000. That is the total wages.

Mr. MANN. Does that include salaries?

Mr. UNDERWOOD. They do not include salaries.

Mr. MANN. What does it include as to the industries? Of course I have a report from the Census Office estimating the wages and salaries for 1910 at $192,000,000. There is quite a discrepancy between that and the gentleman's figures.

Mr. UNDERWOOD. I will say to the gentleman they cover simply cotton goods as classed by the census. I will say to the gentleman from Illinois these figures embrace some goods not included in Schedule I and exclude others which are in this schedule.

Mr. MANN. That does not include hosiery and knit goods?

Mr. UNDERWOOD. No; it does not.

Now, that is the average wage that the cotton-mill employee gets out of it, and I want to call attention to another fact: The cotton industry during these 10 years enjoyed great prosperity, until my friend from New York [Mr. PAYNE] passed his bill two years ago—one of the most remarkable eras of development and prosperity that the cotton mills ever experienced. But did they give labor any of that profit? I have seen it claimed by employers of labor in cotton mills that they have increased the wages, but somehow or other the census figures do not bear them out. The census of 1880 showed that labor got 21.9 per cent of the value of the product, or nearly 22 per cent. The census of 1890 showed that labor got 24.6 per cent. The census of 1900 showed that labor got 25.6 per cent of the value of the product. But the census of 1910 showed that labor got only 21 per cent of the value of the product. [Applause on the Democratic side.]

Mr. HILL. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. HILL. Would not that be due to the cost of the goods, and the price of the goods, due to the high price of cotton?

Mr. MANN. And the grade of goods?

Mr. UNDERWOOD. Of course, it would depend upon the price of the goods. But I am talking about the percentage they get.

Mr. HILL. It is a question whether it is $1 or $2. The ad valorem for wages would be reduced as the cost went up.

Mr. UNDERWOOD. Oh, no, my friend. You say what per cent they get of the value of the product when you talk about protection, and I am telling you how much of the cost value of these goods goes to labor, and the census report shows an absolute reduction so far as that report is concerned.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman if he thinks the percentage of the cost of goods that goes to labor is the determining factor in the wage paid to labor?

Mr. HILL. Certainly not.

Mr. UNDERWOOD. I want to say it is admitted to be a factor.

Mr. WEEKS. Has it anything to do with it, as a matter of fact?

Mr. UNDERWOOD. Absolutely. It is a guide. When you find a great industry is paying a certain per cent of the cost of production to its labor it goes to show whether the wages are increasing or diminishing.

Mr. WEEKS. But does not the gentleman recognize the fact that improved methods would reduce the cost of production and thus show a less percentage paid in wages?

Mr. UNDERWOOD. That may enter into it to some extent, I agree. But I am not through with that proposition. I want to call the attention of the gentleman to a few selected items of goods, plain goods that everybody uses, in connection with this labor question. Mr. D. A. Tompkins, of Charlotte, N. C., a manufacturer of cotton goods, submitted this proposition, which I will read to the committee: Plain sheeting, 36 inches wide, 6.15 yards to the pound—on that the cost of production, the material cost—that is, cotton—would be 2.86 cents.

The labor cost amounted to 0.73 of a cent and the general cost is 0.71 of a cent. What did that amount to? The total cost of that yard of cloth amounted to 4.3 cents. Of that the material cost, the cotton, amounted to 66.5 per cent. The labor cost amounted to only 17 per cent, and the general cost 16.5 per cent.

Now, I have stated the source of my information—a cotton manufacturer. What protection do they get under the Dingley bill? On that piece of cloth, worth 4⅓ cents, you gave them a protection of 2½ cents under the Dingley bill. On that same piece of cloth you gave them the same 2½ cents protection under the Payne bill. What did that amount to? It amounted to 58 per cent of the general cost, though 66 per cent of the general cost was cotton, and the foreign manufacturer had to pay as much for the cotton as the American manufacturer did. The general cost was only 16 per cent of it. Yet you gave the American manufacturer a protective tariff, levied on the American people, of 58 per cent. That tariff amounted to 342 per cent of the labor cost. In the name of labor you levy this tariff, and then put a tax amounting to 342 per cent of the labor cost on this yard of sheeting, when the labor cost in the sheeting only amounted to 17 per cent, and the balance of the profit that you extract from the American people you put in your pockets. [Applause on the Democratic side.] You do not put it in the pockets of labor.

I will now call your attention to another piece of cloth and show you its cost.

Mr. WEEKS. May I ask the gentleman a question there?

Mr. UNDERWOOD. Yes.

Mr. WEEKS. What was the number of the goods which the gentleman has just referred to?

Mr. UNDERWOOD. Plain sheeting, 36 inches wide, 6.15 yards to the pound. I will say that the figures were transmitted to me on May 30, 1911, by Mr. D. A. Tompkins, a cotton manufacturer of Charlotte, N. C.

Mr. WEEKS. In this case I suppose the cotton manufacturer's figures are to be credited?

Mr. UNDERWOOD. I have no reason to doubt it. Mr. Tompkins does not agree with me, for he belongs to your school of protective tariff, but he would not mislead us on the figures.

Mr. PAGE. I think that side of the House ought to take the figures of Mr. Tompkins. He stands with them on this question of the tariff.

Mr. MANN. That is one southern man who shows his good sense, anyhow.

Mr. UNDERWOOD. I want to call the attention of gentlemen on that side to this piece of blue and white checked gingham, 27 inches wide, 6.33 yards to the pound. It is the gingham that poor people wear—the people who earn their daily bread by daily toil. I take this statement as to the cost of production from the American Wool and Cotton Reporter, which, I believe, agrees with that side of the House on the tariff. The cost of the material in that yard of gingham amounts to 4.95 cents, or 70 per cent of the total cost of the product. The labor cost is 1$\frac{7}{10}$ cents, and is only 16 per cent of the total cost of the product. The general cost is 1.02 cents.

Mr. SIMS. What is the tariff on that?

Mr. UNDERWOOD. The tariff under the Dingley bill was 3.75 cents per square yard.

Mr. SIMS. And what is it under the Payne bill?

Mr. UNDERWOOD. Under the Payne tariff it is the same. That tariff amounts to 53 per cent of the total cost of production, notwithstanding the fact that 70 per cent of the cost of production is the cost of the yarn, and the labor cost is only 16 per cent. There you have 53 per cent tax on the goods and only 16 per cent of the total cost is for labor. If all of that tariff went to labor, it would amount to 341 per cent of the labor cost. Three hundred and forty-one per cent of the labor cost you tax the American people in the name of labor and then give them 16 per cent of it. [Applause on the Democratic side.]

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. MANN. Did Mr. Tompkins furnish information as to what this cloth was sold for by him?

Mr. UNDERWOOD. I do not have it. I have not given the selling figures; I have given the manufacturing cost figures.

Mr. MANN. I noticed that the gentleman did not give the selling figures, and I thought it very strange that the information was furnished as to the cost without information at the same time as to the selling price.

Mr. UNDERWOOD. Well, you gentlemen are fearing the cost abroad.

Mr. MANN. I am trying to get information.

Mr. UNDERWOOD. Of course the productive cost is that with which we should make this comparison. I know you gentlemen like to figure your profits in when you levy a tariff, but if you want to know what share labor is, you want to figure it on the cost of production, and that is what I have given you.

Mr. MANN. I asked the gentleman a simple question, and he has not answered it.

Mr. UNDERWOOD. Oh, yes, I did; I said I did not have the selling price of this cloth.

Mr. WEEKS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Massachusetts?

Mr. UNDERWOOD. I want to say that the last piece of cloth—not the sheeting Mr. Tompkins sent me, but the gingham, the cost of which came from the American Wool and Cotton Reporter—I want to say that the price at which it sells was furnished me. It was 8 cents per yard to the jobber. The price to the consumer was 10 cents per yard, as shown by the report.

Mr. MANN. How much profit did that show for the manufacturer?

Mr. UNDERWOOD. The gentleman from Illinois is able to make the estimate. These figures have nothing to do with my argument. The cost of production, as shown here, amounted to 7.07 cents. He sold it to the jobber for 8 cents per yard.

Mr. MANN. Will the gentleman permit another question?

Mr. UNDERWOOD. Yes.

Mr. MANN. The gentleman said some time ago that the profit the American consumer had to pay was a certain amount, which was three or four times the labor cost, because of the tariff, but under the figures the gentleman has given it does not seem to bear out that assertion.

Mr. UNDERWOOD. As I have said a number of times to gentlemen on that side of the House, when the industry to-day is in the throes of failure produced by the Payne tariff bill, the figures may not do so. You passed a bill here that raised the taxes so high that the American people quit buying, and the merchant was overstocked with high-priced cotton goods a year ago or more. He could not dispose of them, and now he refuses to buy. Of course the prices to-day are at the bottom. I do not contend that they are not. You want this tariff to levy an enormous profit on the American consumer in years like 1907, when they did get high prices from everybody.

Mr. MANN. I understand that the gentleman, when he submits his figures, selects those that are favorable to his side of the case, but pays no attention to those that bear on the other side.

Mr. UNDERWOOD. Nothing at all in what I have said would justify that remark.

Mr. MANN. Then I withdraw the remark. The gentleman however, repudiates or does not take into consideration the

selling price as any basis at all. He offers the figures, and then says they should not be observed.

Mr. UNDERWOOD. I do not blame the gentleman from Illinois for dodging this labor argument.

Mr. MANN. I am not dodging it; I am getting at it.

Mr. UNDERWOOD. The gentleman from Illinois knows that the only basis on which his party has stayed in power with this high protective tariff is an appeal to the labor vote of this country. [Applause on the Democratic side.] And it has never been warranted, has never been justified, by what you have done.

Mr. MANN. The gentleman will find out whether it is false or true. If the gentleman from Alabama ever has his chance, the labor people will understand that he would destroy the wages of labor in this country. [Applause on the Republican side.]

Mr. UNDERWOOD. By increasing the amount of imports coming into this country thirty-five one-hundredths of 1 per cent of the Amercan consumption you would destroy labor! [Laughter and applause on the Democratic side.]

Mr. MANN. The gentleman hangs an effigy himself and then shoots at it.

Mr. UNDERWOOD. I will ask the gentleman to allow me to proceed.

Mr. HILL. I would like to inquire as to the piece of cloth that the gentleman has shown and which he says sold at 8 cents and which cost 7.7 cents according to the figures he has given. That leaves three-tenths of a cent of profit to the manufacturer.

Mr. UNDERWOOD. I was speaking of the manufacturer's cost.

Mr. HILL. Eight cents is the manufacturer's selling price?

Mr. UNDERWOOD. I said the manufacturer's cost of this piece of blue gingham was 7 cents and seven one-hundredths of a cent.

Mr. HILL. Oh, I understood the gentleman to say 7.7 cents.

Mr. UNDERWOOD. No; it is 7 cents and seven-tenths of a mill.

Mr. HILL. I misunderstood the gentleman.

Mr. SIMS. Mr. Chairman, if the gentleman is correct, and I have no doubt of it, the tariff on a yard of cloth is 330 per cent greater than the total labor cost of the yard of cloth. That being true, what use is there in waiting for a Tariff Board or anybody else to ascertain the difference in the cost of labor here and abroad, before we lower such a tariff as that?

Mr. UNDERWOOD. Why, I say to my friend that there are some gentlemen who could not possibly see it, even if the Tariff Board should happen to report in our favor.

Mr. SIMS. Then there is no use of waiting for such a report.

Mr. UNDERWOOD. I agree with the gentleman.

Mr. KENDALL. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. KENDALL. What elements enter into the general cost that the gentleman refers to?

Mr. UNDERWOOD. I can not answer the gentleman's question. These figures are not mine, and I gave my authority. One was from Mr. Tompkins and the other was from the American Wool and Cotton Reporter, both Republican sources, and both connected with the manufacturing interests, and I presume their figures are correct.

I have here a piece of madras shirting. In these madras goods is where you got in your mercerized joker. In this particular piece the Payne rate and the Dingley rate happen to be the same. This is an Austrian madras shirting, 34 inches wide. The material cost amounts to 7.57 cents, which is 63 per cent of the total cost. That is for the material. The labor cost is 2¼ cents, which is 19½ per cent of the total cost. The general cost is 2.06 cents, which is 17.2 per cent of the total cost. The total manufacturer's cost is 11.96 cents or, in round figures, say, 12 cents.

Now, what did you tax that? You taxed it 4¾ cents under the Dingley bill and 4¾ cents under the Payne bill, and what did it amount to? It amounted to 40 per cent of the total mill cost or 204 per cent of your labor cost in that particular piece of goods. There it is. In the name of labor you have levied a 40 per cent tax that is 204 per cent of the total labor cost in that piece of goods, and yet we cut your tax in two. Cutting it in two, there would still be 100 per cent under our bill—100 per cent of the labor cost levied. With this bill levying a tax of 100 per cent of the labor cost, do you think the laboring man at the mills is going to be seriously injured if the manufacturer wants it there to protect labor, as he says he does? That is the whole proposition.

I have a number of other illustrations of this kind which I will put in the RECORD, with the consent of the House, but I will not now take up the time of the House to present them.

The following analyses of the manufacturing cost of cotton cloth, finished, have been secured from the sources stated in each instance and are believed to be representative and reliable. The cost figures are given for running yards in widths as made, while the duties are on the basis of square yards:

Plain sheeting, 36 inches wide, 6.15 yards per pound—unbleached.

[Submitted by Mr. D. A. Tompkins, under date of May 30, 1911.]

	Cents.	Per cent of total cost.
Material cost (cotton)	2.86	66.5
Labor cost	.73	17.0
General cost	.71	16.5
Total	4.30	100.0

Dingley duty, $0.025 per square yard.
Payne duty, $0.025 per square yard.
Payne duty, 58 per cent of total cost.
Payne duty, 342 per cent of labor cost.

Colored stripe voile (plain weave), 26¼ inches wide, 10.6¼ yards per pound.

[American Wool and Cotton Reporter, June 29, 1911, p. 992.]

	Cents.	Per cent of total cost.
Material cost (yarn)	5.92	65.5
Labor cost	1.78	19.7
General cost	1.34	14.8
Total	9.04	100.0

Dingley duty, 35 per cent.
Payne duty, $0.07 per square yard.
Payne duty, 77 per cent of total cost.
Payne duty, 393 per cent of labor cost.
Jobbing price, $0.175 per yard.

Bedford cord, 28 inches wide, 3.99 yards per pound.

[American Wool and Cotton Reporter, June 1, 1911, p. 841.]

	Cents.	Per cent of total cost.
Material cost (yarn)	9.37	58.7
Labor cost	3.28	20.6
General cost	3.30	20.7
Total	15.95	100.0

Dingley duty, 40 per cent.
Payne duty, $0.125 per square yard, but not less than 40 per cent.
Payne duty, 78 per cent of total cost.
Payne duty, 381 per cent of labor cost.
Jobbing price, $0.375 per yard (estimated at 75 per cent of retail price).

Blue mercerized poplin (plain weave), 27½ inches wide, 5.35 yards per pound.

[American Wool and Cotton Reporter, June 15, 1911, p. 912.]

	Cents.	Per cent of total cost.
Material cost (yarn)	7.56	67.3
Labor cost	2.82	25.1
General cost	0.86	7.6
Total	11.24	100.0

Dingley duty, 35 per cent.
Payne duty, $0.09 per square yard, including 1 cent for mercerization.
Payne duty, 80 per cent of total cost.
Payne duty, 319 per cent of labor cost.
Jobbing price, $0.1875 per yard (estimated at 75 per cent of retail price).

Dotted Swiss (plain weave), 27 inches wide, 11.98 yards per pound.

[American Wool and Cotton Reporter, June 29, 1911, p. 995.]

	Cents.	Per cent of total cost.
Material cost (yarn)	3.21	56.5
Labor cost	1.59	28.0
General cost	.88	15.5
Total	5.68	100.0

Dingley duty, $0.0375 per square yard.
Payne duty, $0.0375 per square yard.
Payne duty, 66 per cent of total cost.
Payne duty, 236 per cent of labor cost.
Jobbing price, $0.0938 per yard (estimated at 75 per cent of retail price).

Plain voile (plain weave), 27 inches wide, 6.27 yards per pound, dyed.
[American Wool and Cotton Reporter, June 29, 1911, p. 995.]

	Cents.	Per cent of total cost.
Material cost (yarn)	5.55	61.1
Labor cost	2.75	30.3
General cost	.78	8.6
Total	9.08	100.0

Dingley duty, 30 per cent.
Payne duty, $0.05 per square yard.
Payne duty, 55 per cent of total cost.
Payne duty, 182 per cent of labor cost.
Jobbing price, $0.15 per yard (estimated at 75 per cent of retail price.)

Blue and white checked gingham, 27 inches wide, 6.33 yards per pound.
[American Wool and Cotton Reporter.]

	Cents.	Per cent of total cost.
Material cost (yarn)	4.95	70.0
Labor cost	1.10	15.6
General cost	1.02	14.4
Total	7.07	100.0

Dingley duty, $0.0375 per square yard.
Payne duty, $0.0375 per square yard.
Payne duty, 53 per cent of total cost.
Payne duty, 341 per cent of labor cost.
Jobbing price, $0.08 per yard.

Soisette, 3¼ inches wide, 6.76 yards per pound.
[American Wool and Cotton Reporter.]

	Cents.	Per cent of total cost.
Material cost (yarn)	5.89	56.0
Labor cost	2.98	28.4
General cost	1.64	15.6
Total	10.51	100.0

Dingley duty, 40 per cent.
Payne duty, $0.09 per square yard (including 1 cent for mercerization).
Payne duty, 86 per cent of total cost.
Payne duty, 302 per cent of labor cost.
Jobbing price, $0.1875 per yard.

Austrian madras shirting, 3¼ inches wide, 5.15 yards per pound.
[American Wool and Cotton Reporter.]

	Cents.	Per cent of total cost.
Material cost (yarn)	7.57	63.3
Labor cost	2.33	19.5
General cost	2.06	17.2
Total	11.96	100.0

Dingley duty, $0.0475 per square yard.
Payne duty, $0.0475 per square yard.
Payne duty, 40 per cent of total cost.
Payne duty, 204 per cent of labor cost.

There is case after case of actual goods where the tax you levy varies from 180 to 390 per cent of the labor cost under your bill. There is one other fact to which I desire to call attention before I close. I said that there were certain articles that you transferred from Schedule I to Schedule J. Gentlemen criticize us for making mistakes. I hope that the Ways and Means Committee made a mistake when they made this transfer. Under the Dingley bill banding, belting, binding, cords, ribbons, tapes, webs, and webbing were in Schedule I, taxed at 45 per cent. The Payne report did not say anything about transferring them, but I find that those articles were transferred to Schedule J and showed up there by the change of classification with 60 per cent tax instead of 45. We have now simply transferred them back to Schedule I, where they belong, and put 25 per cent tax on them instead of either the 60 or 45 per cent tax.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. I do.

Mr. MANN. They are under paragraph 349 of the Payne law?

Mr. UNDERWOOD. Yes; and they are in paragraph 13 of this bill.

Mr. MANN. But it does not include the other items under paragraph 349 in this bill, such as laces.

Mr. UNDERWOOD. No. Laces were in that paragraph under the Dingley bill. The Payne bill did not transfer it. We simply bring back those articles which were transferred to Schedule J for the purpose of raising the rate on them.

Mr. MANN. Then, as I understand the gentleman, he takes out of paragraph 349 of the Payne bill those articles which were first put in the paragraph out of old Schedule I.

Mr. UNDERWOOD. That is right. I do not know why it was done. I presume they were those articles which are mainly composed of cotton and rubber, and as the Payne law was largely increasing the tax on rubber goods, I presume those articles were transferred to Schedule J, so that they would be correspondingly increased in accordance with the tax levied.

Mr. MANN. Will the gentleman yield further?

Mr. UNDERWOOD. Yes.

Mr. MANN. In not making any provision in this bill for cotton laces, embroideries, and things of that kind at the same time that you transferred part of these items out of paragraph 349, was it the gentleman's idea to take up this schedule by itself later?

Mr. UNDERWOOD. I will say to the gentleman that laces and embroideries in that schedule are composed of both flax and cotton. I am rather inclined to think the better classification would be under Schedule I, but as they are made of both linen and cotton, they are now in Schedule J, and the committee concluded to leave them there until we reach that schedule. I simply want to say this in conclusion: The total value of cotton goods that are consumed by the American people, including laces, to which I did not refer in the figures I gave awhile ago, amounts to $839,000,000. The claim is, as I understand your position—and if I am wrong, correct me—that you levy a tax at the customhouse to protect the labor and necessarily to maintain the price of the goods. In other words, I understand your position is that to levy a tax at the customhouse is to increase the price of the goods in the home market. If I am mistaken about that, I will be glad for some gentleman on that side to deny it.

Mr. MOORE of Pennsylvania. It is contended that encouragement in the way of duties levied at the customhouse increases domestic production, which creates competition, which reduces prices in the United States.

Mr. UNDERWOOD. If it did not put up the price, why do you object to foreign competition that might put down the price? According to your theory, do you not levy those taxes at the customhouse for the purpose of preventing foreign competition, so that you can put up the price?

Mr. MOORE of Pennsylvania. That certainly is not my understanding of the purpose of levying the tax at the customhouse, and I speak in behalf of an industrial district.

Mr. UNDERWOOD. Then the gentleman denies that levying a tax at the customhouse affects the price? The gentleman has been asking me questions all day. Now let him answer that question. Do you deny this proposition, that levying taxes at the customhouse does affect the price in the American market?

Mr. MOORE of Pennsylvania. It would if we had no competition here and there was an absolute monopoly of the American market. But there are numerous establishments manufacturing cotton goods, and there are numerous establishments manufacturing woolen goods, and the protection at the customhouse encourages not only a higher wage rate here, but competition that results in reducing prices.

Mr. UNDERWOOD. How do you get a higher wage here if you do not get a higher price? Do you pay a higher wage on a lower price?

Mr. MOORE of Pennsylvania. We could give you hosiery at a lower price to-day if you gave us more protection. That would induce competition between home manufacturers, which would reduce prices.

Mr. UNDERWOOD. Oh, I will say to the gentleman everybody will recognize that your tariff policy has bankrupted the people. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. No; the Treasury reports do not indicate it.

Mr. UNDERWOOD. I would like to have the gentleman answer me that one question. Does the tariff that you levy at the customhouse affect the price of the goods in the American market? Does it, or does it not?

Mr. MOORE of Pennsylvania. It may in some instances.

Mr. UNDERWOOD. In the main, does it?

Mr. MOORE of Pennsylvania. It helps us to keep up a higher standard both of wages and production in the United States.

Mr. UNDERWOOD. Will not the gentleman, or some other gentleman, answer me this question: Does the tariff affect the price?

Mr. HILL. I will. I will answer the question in the Yankee way by asking another question. [Laughter.]

Mr. UNDERWOOD. I will not yield to my friend from Connecticut for that purpose. [Laughter.]

Mr. HILL. Does the gentleman think——

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. I decline to yield, Mr. Chairman, to the gentleman from Connecticut who will ask me a question when I am trying to get the gentleman from Pennsylvania to answer one. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. UNDERWOOD. Yes. I would like the gentleman from a mill town in Pennsylvania to tell me whether the tariff affects the price of the American goods or not?

Mr. MOORE of Pennsylvania. To the consumer?

Mr. UNDERWOOD. The price of the American goods. Leave out the word "consumer."

Mr. MOORE of Pennsylvania. I have in my hand a most historical document, the report of the gentleman's committee, one of the most valuable contributions to the history of this country. [Laughter.] On page 5, in describing the trend of cotton development in the United States, it says:

Before the Revolutionary War, England discouraged the manufacture of cotton in the colonies, because it was prejudicial to home manufactures; but now the colonists were free not only to grow cotton, but to manufacture it as well, and they were not slow to avail themselves of the opportunity. The embargo act of 1808 quickened the industry, while the War of 1812, which practically cut off all foreign supplies, still further stimulated it, so that at that early date the industry was firmly established.

That is, before the Revolutionary War, when they were encouraging the development of cotton in this country, they protected themselves against foreign manufacture. We are simply adhering to the rule which the gentleman described so eloquently in his report.

Mr. UNDERWOOD. Then the gentleman does say that it affects the price?

Mr. MOORE of Pennsylvania. I say, it does to this extent, that it affects it for the welfare of the people; that it raises the standard of living; and that competition will follow always, when we are able to manufacture in this country in more factories than one—when they are not controlled by one combination.

Mr. UNDERWOOD. The gentleman has answered my question. It took him some time to get around to it, but I knew when he did he would admit that a tax levied at the custom-house affects the price, and falls on the backs of the American people.

Mr. MOORE of Pennsylvania. I would much rather have the prices of goods high than to have the wages of labor low.

Mr. UNDERWOOD. In conclusion, I want simply to say that under the Payne bill you levy an average of 56 per cent. Now, if only one-half of that 56 per cent of tariff that you levy is effective, and if half of that tariff is not effective, do you not think you had better agree with us and cut that tariff in half? But if not more than half of your present tariff is effective in protecting American labor and American industry, what is the burden you have laid on the American people? Twenty-five per cent of the American consumption, $839,000,000, amounts to $209,810,000. What is the result? In order that you may get, on the entire schedules affecting cotton goods, a revenue of $38,000,000, which of course includes Schedule I and part of Schedule J, you have placed a burden on the American people of at least $209,810,000 for the benefit of the American manufacturer, which he does not return in the way of increased wages to American labor. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. CULLOP). Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I will.

Mr. MANN. Would the gentleman object to discussing the schedules for a short time and giving the reasons for the changes in the schedules? I ask this for information. Of course, the schedules under the Payne law appear to me to be quite complicated.

Mr. UNDERWOOD. If the gentleman desires me to discuss that proposition, I will do so. The changes in this bill conform in the main to that section of the Payne bill, except that we have transferred these articles and that we levy an ad valorem instead of a specific rate. Now, as to cotton cloth, we change the classification entirely.

Mr. MANN. That is what I am asking about.

Mr. UNDERWOOD. I will explain that if the gentleman desires. In the Payne bill the classification is the most complicated in the entire tariff system. It is divided into a classification according to count of threads first, for goods having not exceeding 50 threads to the square inch, then for goods having between 50 and 100 threads to the square inch, and so on, between 100 and 150, between 150 and 200, from 200 to 300, and, finally, for cloth exceeding 300 threads to the square inch—6 classifications. Then each of these classes is subdivided into three—for unbleached goods, bleached goods, and goods that are dyed, colored, stained, painted, or printed. Then there are further subclassifications according to weight and value, and on top of that there is a special provision for mercerization; so that the ordinary citizen can not read the bill and determine how much the taxes are, because they change so much, and because it is all an effort to make a practicable set of specific rates.

We change the classification entirely to an ad valorem rate, and that ad valorem rate rises and falls with the value of the goods. We found that what would be a revenue rate on high-class goods would be a prohibitive rate on certain classes of heavy, coarse goods. When we found that one general, uniform rate on cotton cloth would not accomplish what we desired—revenue rates all the way through the schedule—we determined on a classification of our own. The number of cotton yarn in cotton goods is a fact uniformly known to the trade for 100 years or more. No. 1 cotton yarn is 840 yards in length to the pound. As you increase the number of the yarn, multiply the increased number by 840, which results in the number of yards per pound. For instance, in a pound of No. 400 yarn you get 336,000 yards, or 190 miles long. So that is a fixed fact.

In the examination of the imports and exports there seemed to be a dividing line along about the class that carried from 100 to 150 threads to the square inch, and as these cloths mainly used yarns below No. 100, we fixed the classification there.

We found that there was another distinction according to the unit value of goods and the amount imported in cloths running from 150 to 200 threads to the square inch, and if we fixed our second classification in thread, not on the number to the square inch, but on cloths containing no thread in excess of 100 and above No. 50, we would fall into the second classification.

And then if we provide that all cloth which is made of yarn above 100 shall be in the third classification, we get in that class all the high-grade goods. I have also a comparison of fabrics with regard to the number of threads to the square inch and the number of the yarn, prepared for the Ways and Means Committee by the Bureau of Standards, which I will print in the RECORD as a part of my remarks.

Mr. MANN. Can the gentleman give some one illustration, so that we may have some idea on the subject?

Mr. UNDERWOOD. I will say, if I understand the gentleman's question, that this is a statement sent me by the Bureau of Standards. They state, for example, that cotton duck is made with yarn ranging from 6s to 18s; canton flannels and sheeting, from 8s to 24s. Fine damasks are made with yarn from 24s to 40s; piqué from 24s to 80s; lawns from 30s to 70s; and Swiss muslin from 60s to 140s. There are a number of others in the statement which I will print in the RECORD.

Mr. MANN. Can the gentleman give us a statement as to the number of threads under this bill and the number of threads under the Payne law? Can he give us some statement showing how they run?

Mr. UNDERWOOD. According to the Bureau of Standards, No. 1 yarn would make cloth in which there would be 14 threads to the inch; No. 5 yarn would show 31 to the inch; No. 10 yarn, 44; No. 15 yarn, 54; No. 45 yarn, 94; No. 80 yarn, 125; No. 100 yarn, 140; No. 120 yarn, 153; No. 145 yarn, 169; No. 200 yarn, 198. These, as I understand from the bureau, are not absolute, but only approximations to the actual results.

Yarn counts and equivalent threads per inch in an average cotton fabric of plain weave.

Yarn counts.	Threads per inch.	Yarn counts.	Threads per inch.
1	14	105	143
5	31	110	147
10	44	115	150
15	54	120	153
20	63	125	157
25	70	130	160
30	76	135	162
35	82	140	166
40	88	145	169
45	94	150	171
50	99	155	174
55	104	160	177
60	108	165	180
65	113	170	183
70	117	175	185
75	121	180	188
80	125	185	190
85	129	190	193
90	133	195	195
95	136	200	198
100	140		

Range of threads per inch for which different yarn counts may be used.

Yarn counts.	Range for which they may be used (threads per inch).
1s. to 10s	6 to 60.
10s. to 15s	20 to 80.
15s. to 20s	20 to 100.
20s. to 30s	20 to 120.
30s. to 40s	20 to 140.
40s. to 50s	20 to 160.
45s. to 60s	40 to 180.
50s. to 60s	60 to 180.
60s. to 80s	100 to 180.
80s. to 100	120 to 180 and upward.

This new classification of cloth, I will say to the gentleman, is not a difficult one. The Bureau of Standards has stated that the number of the thread can be easily ascertained by an ordinary expert. More than that, I hold in my hand an advertisement of a machine now used to determine automatically the number of threads by taking a piece of yarn and running the index of the machine out on one side of the balance, hanging the yarn over another on the other side, and moving along until it balances, when you are shown the number of the yarn.

Mr. MANN. That is a machine they now use in ascertaining the number of threads.

Mr. UNDERWOOD. Yes; the only thing is that the threads run in much the same classes, and our classification is merely to determine in what class they come by the highest number of the threads found in the cloth.

Mr. MANN. I wondered what the reason was why you change from the method of counting the number of threads to the inch and fixing it on the number of the thread.

Mr. UNDERWOOD. Because after discussing the question in the committee, consulting the Bureau of Standards, and talking with men in the cotton business, we concluded that it was a much simpler classification than the other.

Mr. MANN. Was that the opinion of the Bureau of Standards?

Mr. UNDERWOOD. Yes. Their letter shows the practicability of this method.

Mr. MANN. I think that they are very high authority myself.

Mr. UNDERWOOD. The letter of the Bureau of Standards will appear in the RECORD:

BUREAU OF STANDARDS,
July 18, 1911.

Hon. O. W. UNDERWOOD,
Chairman Committee on Ways and Means,
Washington, D. C.

DEAR SIR: Complying with the telephone request of Mr. Roper, clerk of your committee, I am pleased to confirm herewith the information furnished him over the telephone by Mr. Douty, of this bureau, in response to questions relative to the analysis of cotton yarns and fabrics:

"1. Can a textile analyst determine the count of the yarn used in the manufacture of a cotton fabric; and if so, with what accuracy can it be determined?"

An analyst can readily determine the count of yarns used in the manufacture of any fabrics. The accuracy with which this can be done depends upon whether the count is to be given for the yarn in the finished condition or in its gray condition previous to weaving. If the count in the finished condition is desired, it can be determined accurately within one-half count for warp yarns and one count for the weft or filling yarns. If it is desired in the gray condition previous to weaving, the possible accuracy will depend largely upon the nature of the fabrics. Fabrics having very slight amounts of loading or finishing materials upon them can be analyzed with an accuracy of one count for the warp yarns and two counts for the weft yarns. Fabrics having large amounts of loading or finishing materials which have to be extracted before they are returned to the gray condition can be analyzed with an accuracy of two counts in the warp yarns and from three to four counts in the weft yarns. The difference in the degree of accuracy attainable in the determination of the counts of the warp and weft yarns is not due to the variation in the method of observation, but to the wider variation and the lack of uniformity in the yarns used as filler or weft yarns.

The lower accuracy attainable in the determination of the counts of the yarn in its original or unwoven condition is due to the difficulty in extracting completely the loading or finishing materials without altering or injuring the nature of the fibers in the yarn. The determination must also be corrected for the "take up" of the yarn in the process of weaving. This introduces another possible source of error. In any case the accuracy attainable is much greater than that demanded by the weaver from the spinner furnishing the yarn for a given fabric. A variation of four counts either way from a specified count is usually accepted in the trade.

"2. Is the process of analysis to determine the yarn counts a difficult one, and does it require a high degree of skill?"

It is not a difficult operation, and can soon be acquired by anyone having a fair knowledge of laboratory operations and sufficient experience to have acquired a fair amount of manipulative skill. To be reliable, it must be performed carefully and under uniform conditions of humidity and temperature, and the results should always be accompanied with a statement of the relative air humidity and temperature at which they were obtained.

"3. Of what does the operation consist, and what apparatus is necessary to perform it?"

The determination is usually made by cutting from the fabric by means of a die or templet a square having its sides coincident with the yarns.

On very uniform fine fabrics a square 1 inch on the side is frequently used, but this is in general considered too small to give very accurate results. The Bureau of Standards used 4 inches square, and upon coarse and uneven fabrics prefers even larger pieces.

After the test piece is cut out the warp and weft yarns are carefully unraveled from the fabric until a definite length is obtained; their combined weights are determined upon an analytical balance, capable of weighing to a tenth of a milligram and, if the count is desired in the English system, the number of hanks (1 hank=7 lays of 80 turns, of 1⅛ yards each=840 yards), which will weigh 1 pound, is computed from these values.

In the metric system the yarn count for cotton is the number of 1,000-meter hanks required to weigh one-half kilogram, or 500 grams.

If the count for the gray yarn is desired, it is necessary to boil the fabric in a solution suitable to remove the loading and finishing material, without injuring, and proceed as above, correcting the results for the change in length due to the "take up" of the yarn in the process of weaving, which, of course, depends upon the nature of the weave.

"4. Would it be difficult to secure the services of men who would be capable of making yarn-count determinations?"

There should be no difficulty in securing reliable assistants, capable, with proper instructions for a short period, to make accurate yarn-count determinations. Graduates from the Lowell Textile School or the Philadelphia Textile School should be available at moderate cost.

"5. Would it be possible to carry on the work at any of the custom-houses?"

It would. The ports of New York, Boston, and Philadelphia have men qualified to make the determination. Any other ports receiving a sufficient number of importations to require the entire services of one analyst could be easily provided with properly qualified assistants. Ports of entry receiving an insufficient number of importations to require the services of an analyst continuously could easily be provided for by requiring the collector to take the requisite samples and forward them to the Bureau of Standards for analysis. The Bureau of Standards is already equipped and has a trained personnel qualified to do the work.

If desired, the Bureau of Standards would undertake to develop standards and forms necessary to secure uniformity in all the custom-houses, supervise the apparatus used to assure its accuracy, and make check tests in the same manner that it is now doing for sugar importations.

"6. Will you furnish a list of ordinary fabrics which are manufactured from yarns within the following ranges of yarn counts:

"(*a*) 1s to 50s.
"(*c*) 102s to 200s.
"(*b*) 52s to 100s.

The limits which you have indicated include so many fabrics which would fall within two classes that it is much clearer to indicate limits of the most common counts used in ordinary commercial fabrics as follows. Those, of course, are only approximations.

Ducks	6s to 18s
Denims, jeans, ticking	8s to 20s
Canton flannel, sheetings	8s to 24s
Coarse ginghams, drills	12s to 24s
Outing flannel	12s to 30s
Damasks	16s to 24s
Chambrays	20s to 40s
Point cloths	24s to 34s
Fine damasks	24s to 40s
Sateen linings	24s to 50s
Piqués	24s to 80s
Lawns	30s to 70s
Fine ginghams	30s to 60s
Coarse organdies	30s to 80s
Soisette	32s to 80s
Voiles, madras shirtings	40s to 80s
Batiste	40s to 90s
Long cloth	40s to 100s
Dimity	40s to 120s
Linons (India)	50s to 120s
Swiss muslin	60s to 140s
Marquisettes	50s to 150s
Organdies	80s to 200s

Any further assistance which we can render you will be gladly supplied.

We shall be glad to have members of the Ways and Means Committee visit our textile laboratories, where we can show the apparatus used and explain more in detail the methods of making analyses and tests.

Respectfully,

E. B. ROSA, *Acting Director.*

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HILL. Mr. Chairman, I was very much interested in the questions which the gentleman from Alabama asked the gentleman from Pennsylvania [Mr. MOORE] as to the effect of the tariff on the increased cost of products. I would like to ask if the committee expect the reduction in the price of cotton goods will be gauged by the reduction of rates of duty in this bill?

Mr. UNDERWOOD. I do not understand the question.

Mr. HILL. Will the future price of manufactured cotton goods be reduced from the present price according to the change in the rates of duty which the committee have provided?

Mr. UNDERWOOD. I will say to my friend from Connecticut that you could not, in the main, reduce the present price of cotton goods in this country, brought about by the panic conditions of to-day, without destroying the industry. I am not contending that under these very low prices, when the American manufacturer is overstocked with goods and has to sell at cost, that this bill can be fairly tested.

Mr. HILL. Then the gentleman does not contend——

Mr. UNDERWOOD. Oh, wait a minute. Let me answer the question. What I contend is that when we get back to normal conditions, and possibly it may require the election of a Democratic President to bring the country back to those conditions [applause on the Democratic side], when we get back to normal conditions and the manufacturers of the country have an oppor-

tunity to really make some profits, then this bill will produce the results we predict for it.

Mr. HILL. As I shook my head affirmatively when the gentleman suggested the election of a Democratic President, I am even willing to concede the impossible to get an answer to my question. The gentleman used a piece of cloth in illustration on which the profit was 10½ per cent to the manufacturer. Does he expect a reduction of 25 per cent by reason of the establishment of this rate of duty? Does he expect a reduction in cost of the products of the cotton manufacturers of the United States proportionate to the changes in duty which his committee has recommended?

Mr. UNDERWOOD. I will say to the gentleman that he must not make his own estimates and then put them into my mouth.

Mr. HILL. I will leave out the estimate, and I will ask this plain question——

Mr. UNDERWOOD. I gave you the manufacturer's cost.

Mr. HILL. Does the gentleman expect a reduction in that cost or in the present selling price of manufactured cotton goods in case the bill which he has recommended goes into effect cutting the duty 25 per cent ad valorem?

Mr. UNDERWOOD. Certainly not in this low-priced class of goods, or goods that are being forced on the market at panic prices to-day. Our purpose in offering this bill is this: I know there is a great reduction in the cotton goods to-day, due to panic conditions, but when we return to normal times you can not use the enormous tariff tax that you have to-day to exact unjust and enormous profits from the American people as you have been doing for years.

Mr. HILL. Taking the question as a whole, and the effect of the reduction of duties by cutting them in two, is the result of that to be a reduction in the cost or in the selling price of manufactured cotton? Now, I have a right to an answer to a fair question.

Mr. UNDERWOOD. Certainly; and you shall have it. It will be in a number of goods.

Mr. HILL. It will be a reduction——

Mr. UNDERWOOD. Oh, wait a minute. I have the floor, and I must answer the question.

Mr. HILL. The gentleman yielded the floor to me in order that I might ask him a question; but it does not make any difference. I would like to have an answer.

Mr. UNDERWOOD. For instance, take your mercerized goods, on which two years ago, by reason of this tax, you increased the cost to the consumer 25 per cent. We will bring that down.

Mr. HILL. Yes.

Mr. UNDERWOOD. Because you erected a wall that forced it up.

Mr. HILL. The gentleman declined to let the gentleman from Pennsylvania [Mr. MOORE] go into details in his questions, and I am asking him a plain, square, business question, which the cotton industry of this country wants to have answered by this committee. Will the effect of cutting these duties in two be to reduce proportionately, not in a particular case, but by and large, the prices of the products of the cotton industry in this country?

Mr. UNDERWOOD. To cut the cotton industry half in two?

Mr. HILL. To cut the duty in two.

Mr. UNDERWOOD. You want to know whether that will cut——

Mr. HILL. I asked, Will it affect proportionately the selling price? Will it have that effect if this bill becomes a law?

Mr. UNDERWOOD. Now, let me see if I get the gentleman's question right. We cut the duty half in two——

Mr. HILL. Yes.

Mr. UNDERWOOD. And you want to know whether the effect will be to cut the selling price in two?

Mr. HILL. No; will it have the effect of cutting the selling price 25 per cent? There is a vast difference between cutting the price in two and cutting the percentage of duty in two. If the reduction is made of 25 per cent on the duty, will it reduce the selling price 25 per cent?

Mr. UNDERWOOD. I will say to the gentleman that the selling price of goods is governed by the law of supply and demand.

Mr. HILL. Under a protective tariff as well as under a revenue tariff.

Mr. UNDERWOOD. To the extent that the protective tariff will let the natural law of supply and demand operate. Of course, a protective tariff can dam up the supply. Now, to the extent that goods will come to this country, I stated in my argument it will affect the price of the highly protected goods that you have shut out, and it may affect the price materially.

Mr. HILL. Proportionately to the rate reduced?

Mr. UNDERWOOD. Not always. I did not say proportionately to the rate reduced. The gentleman knows that.

Mr. HILL. Does it not work one way as it does the other——

Mr. UNDERWOOD. I said in proportion to the supply and demand or the increased importations of goods, and not in proportion to the rate.

Mr. HILL. I understand from the gentleman it will have the effect of lowering the price by reducing the rate of duty?

Mr. UNDERWOOD. It will in a great many cases; in some cases it will not.

Mr. HILL. Let me supplement that question by this: Will it affect the cost of the cotton out of which it is made, or the labor which makes it, or the general expenses under which the two are put together? The gentleman gave us the cost of his samples. Which part of that cost will it affect?

Mr. UNDERWOOD. I will tell the gentleman——

Mr. HILL. It has got to hit somewhere.

Mr. UNDERWOOD. If the gentleman will wait—the place it will affect goods will not be where the prices are very low, due to panic conditions of to-day, but when good times return it will prevent your stockholders from putting the enormous profits, which they would not give to the labor, into their pockets, as they have in the last few years. [Applause on the Democratic side.]

Mr. HILL. That is a fair answer; but when the gentleman says "your stockholders," I desire to say there is not a cotton mill in my district, so that does not apply to me.

Mr. UNDERWOOD. I meant on that side of the House.

Mr. HILL. I want to ask the gentleman fairly: Did the committee consider where the reduction would come, which he says would affect the price in the future, whether it would come on the cotton, or on the labor, or in a reduction in the general expenses?

Mr. UNDERWOOD. I have just explained to the gentleman. And now, Mr. Chairman, I want to yield the floor, having had it for three hours. In my judgment the reduction will come on the swollen profits when we return to prosperity. [Loud applause on the Democratic side.]

Mr. HILL. I am talking about the cost of the goods. Mr. Chairman, I will say that if the gentleman does not give me an opportunity to answer him now I will take the opportunity to answer him later.

Mr. PAYNE. I would like to ask the gentleman a question right now.

Mr. UNDERWOOD. What is that?

Mr. PAYNE. It is about an interruption that I made a few moments ago, where the gentleman from Alabama made a gross error.

Mr. UNDERWOOD. I will correct the manuscript. I have been on my feet now for three hours. I will correct any error I may find in the manuscript when it reaches me.

Mr. MANN. The gentleman from New York was on his feet seven hours on one occasion two years ago, and the gentleman from Alabama is much younger than he. [Laughter on the Republican side.]

Mr. PAYNE. The gentleman made a statement that is absolutely untrue—a statement that was cheered by that side of the House. I want to ask him to strike that out.

Mr. UNDERWOOD. If there is anything that is not correct, of course I would like to correct it.

Mr. PAYNE. In the colloquy I referred to this language occurs:

> Mr. UNDERWOOD. The gentleman is mistaken. I have heard that gentlemen on that side allowed their statistician to prepare the Payne bill for them. [Applause on the Democratic side.]
>
> Mr. PAYNE. I did not understand the gentleman's remark.
>
> Mr. UNDERWOOD. I will say that the Democratic members of the Ways and Means Committee sat around the table in the consultation room and fixed the rates themselves.

Now, of course the gentleman realizes that this is very unfair to me, and gives the opportunity for misguided persons at some time in the future to repeat that story. There is not a word of truth in it.

Mr. UNDERWOOD. Allow me to say to the gentleman that I saw him come in here when the Payne bill was under consideration and say that he had been misled by experts in making the report. I do not mean to imply that the statisticians wrote all the papers, but did not the gentleman come in here, after the Payne bill had been reported, carrying a provision in reference to mercerization?

Mr. PAYNE. In reference to what?

Mr. UNDERWOOD. In reference to mercerization of goods? And did he not come back here and tell the House that he had been deceived by the men who wrote that report?

Mr. PAYNE. Yes. I was deceived by a Member of the House, who was engaged in the manufacture of cotton goods, and who was an expert on the subject, and that gentleman was

mistaken. But that gentleman did not make the bill or the rates. We put a duty of a cent a yard on mercerized goods. Afterwards I found out in regard to it that we should not have put on any such duty, and then the bill was in conference, and the Senate had agreed to a cent a yard.

Mr. UNDERWOOD. Did not the gentleman say at that time that he had made this tax or imposed this duty on mercerization at the suggestion of some expert that he had before his committee?

Mr. PAYNE. Oh, I think the gentleman has gotten onto the question of the tariff on the yarn. It was put in there, not in the House, but in the Senate, and on the conference report the gentleman explained it fully, and the gentleman from Alabama will find that the gentleman from New York did not do it on the suggestion of the expert, but that he himself discovered it on cross-examination of the experts, and cut down the duty proposed by them to the Senate, not proposed to the gentlemen in the House.

Mr. UNDERWOOD. Let me ask the gentleman this question: When this transfer was made of bands and binding and belts out of rubber goods from Schedule I to Schedule J, did not the gentleman from New York make the transfer?

Mr. PAYNE. I think that matter was dealt with on a Senate amendment.

Mr. UNDERWOOD. No; the gentleman is mistaken. That change or transfer was made in the House bill. I want to know if the gentleman made the transfer or whether the experts on the committee made it?

Mr. PAYNE. The gentleman never said the experts on the committee made it.

Mr. UNDERWOOD. Then the gentleman was himself responsible for the transfer?

Mr. PAYNE. On the evidence presented, yes. The gentleman from New York acted on evidence, not like the gentleman from Alabama, who acts without evidence. [Applause on the Republican side.]

APPENDIX.

The following tabular statement showing a comparison of tariff rates under the act of 1909, with labor and manufacturing costs for selected cotton fabrics, has been compiled from data taken from actual mill-cost records:

Comparison of tariff rates under the act of 1909 with labor and manufacturing costs of selected cotton fabrics.

Fabrics.	Construction.			Yards per pound.	Approximate average price per yard.	Duty per yard.
	Warp and filling threads.	Threads per square inch.	Width.			
Print cloths	*Number.*	*Number.*	*Inches.*		*Cents.*	*Cents.*
Plain	60 x 52	112	38½	6.40	3.93	2.50
Do	72 x 60	132	36	10.00	5.00	2.75
Twill	64 x 64	128	39	5.55	5.06	2.00
Do	68 x 76	144	39½	4.40	6.02	2.00
Pajama check:						
Unbleached	72 x 74	146	38½	4.90	5.87	2.00
Bleached	72 x 74	146	38½	4.90	7.51	3.00
Fancy:						
Unbleached	76 x 76	152	27	6.80	7.32	3.50
Bleached	76 x 76	152	27	6.80	9.32	4.00
Double beam cord:						
Unbleached	81 x 76	157	38	4.75	6.16	3.00
Bleached	81 x 76	157	38	4.75	7.82	4.00
Colored striped:						
Unbleached	82 x 76	158	37½	4.70	7.18	4.75
Bleached	82 x 76	158	37½	4.70	9.10	8.75

Fabrics.	Maximum import invoice price per yard.	Per cent duty of import invoice price.	Labor cost per yard.	Per cent duty of labor cost.	Manufacturing cost per yard, exclusive of cotton.	Per cent duty of production cost.
Print cloths:	*Cents.*		*Cents.*		*Cents.*	
Plain	1.43	174.82	0.83	301.21	1.62	154.32
Do	2.25	122.22	1.08	254.63	2.42	113.64
Twill	3.06	65.36	.96	208.33	1.87	106.95
Do	4.02	49.75	1.21	165.28	2.36	84.74
Pajama check:						
Unbleached	3.87	51.68	1.07	186.92	1.91	104.71
Bleached	4.51	66.52	1.62	185.18	2.46	121.95
Fancy:						
Unbleached	3.82	91.62	2.17	161.29	3.32	105.42
Bleached	5.32	75.19	2.94	136.05	4.08	97.79
Double beam cord:						
Unbleached	3.16	94.94	1.09	272.72	1.83	163.04
Bleached	3.82	104.71	1.65	242.42	2.39	167.36
Colored striped:						
Unbleached	2.43	195.47	1.87	254.01	2.77	171.48
Bleached	3.50	250.00	2.77	315.88	3.67	238.42

Mr. PAYNE. I yield, Mr. Chairman, an hour to the gentleman from Nevada [Mr. ROBERTS].

The CHAIRMAN. The gentleman from Nevada [Mr. ROBERTS] is recognized for an hour.

Mr. ROBERTS of Nevada. Mr. Chairman, the tariff question is now, ever has been, and ever will be—until Congress proceeds to establish the various schedules along scientific lines, based upon the reports of an able, unbiased, unprejudiced, and nonpartisan Tariff Board—simply a question of "you tickle me and I'll tickle you." From the very foundation of this great Government down to the present time a close study of the history of the tariff reveals that, as a whole, it represents the wants of the people of the various sections of the United States only in so far as the Representatives of the various localities are able to give and take in its final completion.

A decent respect for the great statesmen whose leadership has marked the advancement of this Nation impels me to state that, with no disrespect for their personality, their honor, or their patriotism, do I take issue with their legislation, but with the methods by which this legislation was attained—the faults and frailties of a "system"—in which, to beat the game, the special interests "have played both ends against the middle." [Applause.] Many of the gentlemen of the Southern States wax eloquent over free trade and tariff for revenue only, and denounce most venomously the very thoughts of a tariff for protection, and plead with briny tears for free wool and a general reduction of the tariff on everything produced elsewhere than in the South, but throw up their hands in holy horror when it is even suggested that some of the staple products of the South, as well as lemons and other citrus fruit, be placed upon the free list. Why, my friends, a wail goes up from Florida to California, from Democrats and Republicans alike, that shakes this very building when such a suggestion is even offered. Some of the Representatives of the New England States will plead just as zealously for free wool and free hides, but when it comes to removing or reducing the tariff on manufactured goods, such as are important to the life of their respective localities, they will walk up and down the aisles of this House and shout of the disaster that will surely follow such action.

The lumbermen from the East, the West, the North, and the South, regardless of party affiliations, suddenly become protectionists when you mention to them the lumber schedule. They will stand for free trade or a tariff for revenue only on any product, raw or manufactured, just as long as you protect their individual interests. The shoe man will cheerfully swallow free hides, but he can not "stomach" free shoes. The fishman will vote for free beef and free seines, but he will not stand for free cod. The machine man is willing to vote for free oil, but he will not stand for free machinery; and so it is and will continue to be just so long as the present system of tariff "tinkering" is in vogue. For my part I am a protectionist, and firmly believe that the principles of protection are symbolic with progress and prosperity, but at the same time I can not close my eyes to the fact that in our rapid strides as a commercial and industrial Nation we have signally failed to maintain a just and equitable system of tariff legislation. The principles of a protective tariff are all right, but in our wholesale system of revision the question of "give and take" has been worked to such an extent that the more powerful influences have secured for themselves protection at the expense of their less fortunate brethren. Many industries in our country have been protected from infancy and they have prospered, until now they have become giants in strength and more powerful—in some respects, at least—than the Government that created them. I am a firm believer in competition, whether domestic or foreign, but believe that foreign competition should only begin where our domestic competition ends. The present high cost of living, to some extent, may be directly traced to the stifling of competition under the protective policy which has been carried on according to political preferment. A tariff should be based upon reason and logic, rather than upon a haphazard, "go-as-you-please" proposition of "you protect my industries and I'll protect yours." The tariff should be based upon the difference between the cost of production at home and abroad. It should be so devised as not only to protect us against foreign competition, but to protect us against home "robbery."

The tariff in principle is intended and calculated to mean higher wages for the laboring men of this country. Without it it simply means the bringing into competition of our workingmen at the prices they receive with the competition of foreign workingmen at the prices they receive, and it does not take much of a philosopher to tell how disastrous to our workingmen the result would be. I have heard in this Chamber men closely affiliated with labor organizations claim that a protective tariff does not benefit the workingmen at all and never has protected

them. I take issue with anyone who takes that position. It does not stand to reason that our manufacturers can by paying higher wages to their employees compete with foreign manufacturers who pay less. If we want to open up our industries in competition with the established industries of foreign countries we must expect in the final analysis for the price of labor to seek its level. It certainly will not be contended by any reasonable man that such action will increase wages. If it were not for the demands of the people of this Nation for higher wages and a higher standard of living than are enjoyed abroad, we might then seriously consider free trade or tariff for revenue only. I am frank to admit that the people of this Government are becoming restless, and well they might, because in the scale of civilization they hold a high place and are beginning to think and act for themselves. It was this restless, unsatisfied, and independent spirit that made itself manifest at the recent election and resulted in a complete change in the political complexion of this House. They knew that something was wrong, and while they had no reason for believing that the Democratic Party would better the general condition of things, or remedy the defects, they certainly gave a rebuke to the "tariff makers" in whose hands the guidance of national affairs had rested for many years. Is it any wonder that the people, the common people, "the men behind the guns," the people who do things in times of peace as well as in times of war, should become restless when they see on all sides of them the inequalities of existence—rich men becoming richer day by day, wealthy men becoming wealthier day by day, and the poor man, be he producer or consumer, becoming poorer day by day.

When firms are becoming companies, and companies becoming corporations and associations, and corporations and associations are becoming monopolies and trusts, and competition, the very life of business and so essential to progress, becoming throttled and stifled under unlawful combinations in restraint of trade, while the cost of living soars skyward; when millionaires and multimillionaires are building palaces, furnishing them with the finest tapestries of foreign manufacture, decorating their walls with the costliest paintings of foreign artists, building theaters in their mansions for foreign operas, and purchasing outright in the open market dukes and other high-titled "bipeds" for their daughters, while men, women, and children by the thousands, crowded together in tenement houses and hovels in our great congested centers, piteously beg and cry for coal, bread, and raiment during the cold, chill spells of winter, and plead for food and ice water during the scorching summer season; when millionaire women, dressed in foreign-made custumes worth thousands upon thousands of dollars and adorned by jewels of costly make, give "pink teas" to foreign-bred poodle dogs, and squander thousands of dollars for their entertainment and comfort; when thousands of children of tender years, without proper sustenance, are toiling their young lives away in the workshops, bake ovens, and "sweatshops" of our great manufacturing establishments for starvation wages, and in the meantime neglecting the educational opportunities the Government affords. [Applause.] When each incoming ship is laden with the pauper labor of foreign lands to take the places of our own workingmen on the farms and in the mines, mills, and factories at still cheaper wages. And watch, if you will, this foreign element on "pay day" stand in line for hours at the banks and post offices, climbing all over each other in their efforts to send their money home. The trouble is that many of our great monopolies ask protection from foreign competition ostensibly that they may be able to pay higher wages to the workingmen, and then, after obtaining protection, import foreign laborers by "hook and crook" and bring them into competition with our own laborers on our own shores. [Applause.]

In other words, they "double shoot the turn." It is these inequalities, fellow Members of this House, which make the American people restless. Our wholesale tariff revision has resulted in such protection to the favored few as has made possible unlawful combinations of all sorts of commercial and industrial enterprises in restraint of trade. We are a commercially mad Nation. We have grown with such rapidity and to such proportions that we have not stopped to contemplate the havoc and ruin that is being wrought along our paths of progress. A protective tariff is all right; without it conditions would be worse than they are at the present time; but as a sane, enlightened, and progressive people, we must stop long enough to contemplate the madness of our folly. Let us deal with the tariff fairly, impartially, and from a nonpartisan standpoint, and have in mind only the question of the greatest good to the greatest number. This can be done, and done in such a way as not to check our material advancement. Let us pass laws or, rather, enforce the laws that are now upon our statute books, and bring into our business life once more and for all time to come competition in our industrial and commercial life. Let our flag be emblematic of our Nation's greatness. There is nothing in the flag itself. It is a mere piece of cloth, bearing on it certain stars, stripes, and colors; but there is much in what it represents. It is emblematic of our Nation's history, a Nation conceived in the purest thoughts of our forefathers, who came to these shores from a foreign country to escape the tyranny of a foreign Government conceived in the royal rights of kings. Let us with unfaltering faith pledge our time and talents to the institution of that form of government for which it stands. Let us equalize and systematize the burdens of taxation that we may jointly enjoy and experience the objects for which we are taxed. I would not favor the taking away of any of the good things of life from the more fortunate, but rather would I add unto the less fortunate the good things they have not. I repeat, sirs, our principles of government concerning the tariff are the ones that have made this Nation great; are the ones that have built up within our own lands industries that challenge the admiration of foreign powers; are the ones that have crossed the seas and awakened the spirit of progress in foreign lands, whose people have long been held in servile bondage; are the ones that have made America the Mecca for the oppressed of all nations.

But, let us now that we have builded well and become safely intrenched, under these principles, not permit the exaction of too high a toll by the "special interests" which thrive and grow fat under a preferential tariff measure. What then would I remedy in our tariff system, you ask? I would simply hold the schedules down to the pledges of the Republican Party and be guided by the report of an unbiased, unprejudiced, impartial, and scientific Tariff Board, and when the difference in the cost of production at home and abroad was in favor of reducing the tariff the reduction would be made, and when the difference was against a reduction and in favor of raising the tariff the raise would be made. We can not do any other way and accomplish practical and common-sense results. Many of our Democratic brethren on the other side of the House some months ago favored this particular mode of dealing with the tariff, and are so recorded in the records of the House. But now, presumably acting upon the assumption that the President of the United States, backed up by his party, would carry out the wishes and demands of the people in regard to tariff revision and do it along the lines suggested, they hold a secret caucus, and after adopting a code of rules for their guidance, turn loose the "steam roller" and begin to roll down the so-called tariff wall without a survey and without chart or compass, hoping in this way to merit the confidence of the people who placed them in power of this branch of Congress. They act upon the idea that the people have confidence in their statesmanship and will accept any old kind of "tariff tinkering" as a solution of the situation. Not so; the people of the United States want a tariff, and a tariff for protection, but one that operates as beneficially to one man as another, and one in which all the people share in proportion to what they give, be it brains, brawn, or capital. We can not forget that only a few years ago the people became restless, elected a Democratic President and a Democratic Congress. Free trade was resorted to in many commodities, and the restless masses soon found themselves divided into Coxey's armies marching toward Washington appealing for work, food, and raiment.

The newly elected President and Congress started out to do what this Democratic House is doing to-day: To work out a tariff measure without a chart or compass and to appease the people by a "makeshift" of a measure without "head or tail." Home industries were paralyzed. The wheels of progress suddenly stopped; the smoke from the chimneys of great factories was no longer to be seen; the furnaces cooled off; the mills and factories closed down in our country, and our workingmen tramped the streets; the mills and factories of foreign countries increased their employees and worked overtime. What was the trouble? It was the result of an ill-advised and ill-prepared tariff bill. [Applause.] We need protection, and the people of the country demand it, but ask that it be made uniform in its operation, and that no favoritism be shown. If the Tariff Board, when once it reports, can show that a reduction in every imported article can be made, and the scale of wages and our mode of living be preserved, then will I cast my vote for each reduction. Until that board reports and the majority continue to urge promiscuous reductions without reliable data, I reserve the right to vote for the protection of those industries of my own section, and, like modern Puck, exclaim: "Everybody for himself, and the Devil take the hindmost."

The great trouble with our protected industries has been that as soon as they are once safely protected and the wheels

of machinery are set in motion, and the producer and consumer begin to exchange their products, raw or manufactured, certain "special interests" begin their work of cornering and combining and fixing their own scale of wages and our standard of living, without regard to the profits they make under a preferential system of protection. Not only do they combine and choke out competition and horde up millions on watered stock, but they pay inadequate wages to the men, women, and children whose labor makes the "wheels go round," and thus lower our standard of citizenship.

Mr. MANN. Mr. Chairman, I think we ought to have a quorum to hear this speech, which is a very interesting one, and I make the point of order that there is no quorum present.

Mr. ROBERTS of Nevada. Mr. Chairman, I have nothing to say about it, but I would rather speak to a few men who appreciate my remarks than to a large number who do not. [Laughter.]

Mr. MANN. The gentleman's speech is very interesting, and I think it ought to be heard by more Members on the other side of the House.

Mr. ROBERTS of Nevada. I intended to give it to the leader to take home with him.

The CHAIRMAN (Mr. Cox of Indiana). Does the gentleman from Illinois make the point of no quroum present?

Mr. MANN. I do.

The CHAIRMAN. The Chair will count. [After counting.] Fifty-six Members present; not a quorum. Under the rule the Clerk will call the roll.

The Clerk proceeded to call the roll.

The committee rose, and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had found itself without a quorum, caused the roll to be called, found 161 Members present, and he reported the following as the names of the absentees:

Adair	Fitzgerald	Latta	Rainey
Akin, N. Y.	Focht	Lawrence	Ransdell, La.
Allen	Fordney	Lee, Ga.	Redfield
Ames	Fornes	Legare	Reilly
Anderson, Ohio	Foss	Lenroot	Reyburn
Andrus	Francis	Lever	Riordan
Ansberry	Fuller	Levy	Roberts, Mass.
Anthony	Gardner, Mass.	Lindsay	Rodenberg
Ayres	Gardner, N. J.	Linthicum	Rouse
Barchfeld	George	Littlepage	Rucker, Colo.
Barnhart	Gillett	Littleton	Sabath
Bartlett	Glass	Longworth	Saunders
Bates	Goldfogle	Loud	Scully
Beall, Tex.	Goodwin, Ark.	Loudenslager	Sells
Bingham	Gordon	McCall	Shackleford
Boehne	Graham	McCreary	Sheppard
Bradley	Gray	McDermott	Sherley
Broussard	Gregg, Pa.	McGillicuddy	Simmons
Bulkley	Gregg, Tex.	McGuire, Okla.	Sisson
Burke, Pa.	Griest	McHenry	Small
Burke, S. Dak.	Gudger	McKenzie	S. W. Smith
Butler	Guernsey	McKinley	Smith, N. Y.
Calder	Hamill	McKinney	Smith, Tex.
Carlin	Hamilton, Mich.	McLaughlin	Speer
Cary	Hamilton, W. Va.	McMorran	Stanley
Clark, Fla.	Hanna	Madden	Steenerson
Claypool	Harris	Madison	Sterling
Cline	Hartman	Maher	Stevens, Minn.
Cooper	Haugen	Malby	Sulloway
Copley	Hawley	Martin, S. Dak.	Sulzer
Cox, Ohio	Hay	Matthews	Switzer
Crago	Heald	Miller	Talbott, Md.
Cravens	Henry, Conn.	Mondell	Thomas
Crumpacker	Hobson	Moon, Pa.	Turnbull
Curley	Holland	Moore, Tex.	Tuttle
Dalzell	Howard	Morse	Underhill
Danforth	Howell	Mott	Volstead
Davidson	Howland	Murdock	Vreeland
De Forest	Hubbard	Nye	Warburton
Dickson, Miss.	Hughes, N. J.	Olmsted	Webb
Difenderfer	Hughes, W. Va.	O'Shaunessy	Wedemeyer
Donohoe	Humphrey, Wash.	Padgett	Weeks
Doughton	Johnson, S. C.	Patten, N. Y.	Whitacre
Draper	Jones	Patton, Pa.	White
D. A. Driscoll	Kahn	Peters	Wickliffe
M. E. Driscoll	Kendall	Plumley	Wilder
Dupre	Kindred	Porter	Wilson, Ill.
Ellerbe	Kinkead, N. J.	Post	Wilson, N. Y.
Estopinal	Konig	Pou	Witherspoon
Fairchild	Lafean	Powers	Wood, N. J.
Ferris	La Follette	Prince	Young, Kans.
Fields	Langham	Prouty	Young, Mich.
Finley	Langley	Pujo	Young, Tex.

The SPEAKER. A quorum being present, the committee will resume its session.

Mr. ROBERTS of Nevada. Mr. Chairman, diverting one moment from my remarks, I desire to say that I feel very grateful to these gentlemen who have voluntarily come in here to hear havoc and ruin that is being wrought along paths of. progbe guided by a report of an unbiased, unprejudiced, impartial, the closing portion of my speech. [Laughter.] It is certainly a high tribute.

Whenever a scheme is devised whereby the whole people can share in the profits of our industrial and commercial enterprises, proportionately to what they contribute to the success of the enterprise, and when competition can not be unlawfully stifled, then could we raise the tariff to high heaven and not worry much over what might happen? Until then we must meet conditions as they exist and studiously and industriously strive to better them. My study of this question leads me to the conclusion that the so-called Payne-Aldrich "tariff wall," while it may and doubtless does preferentially benefit certain industries, is not so much to blame for the conditions that exist as what goes on within that wall. Let the Government pass laws sufficiently strong to prevent unlawful combinations of capital in restraint of trade; laws that will prevent the stifling of competition; laws that will equalize the burdens of taxation; laws that uniformly act upon all the people regardless of their station in life; laws that will give to the poor man the same consideration that is given to his more fortunate brother; laws that will protect the men, women, and children who work at hazardous callings, and compensate them for loss of life and limb; laws that will compel sanitary surroundings for the ones who are obliged to labor; laws that will regulate transportation; and last, but not least, gentlemen, give us judges who will enforce and uphold these laws and make their application uniform to all people regardless of race, color, or previous condition of servitude, then will the spirit of discontent disappear and the people unite as never before in a record-making era of peace and prosperity.

The tariff question is a great big question. It has many dips, spurs, and angles. Whether you view it from the standpoint of the gentleman from New York, Mr. GEORGE; the gentleman from Alabama, Mr. UNDERWOOD; or the gentleman from New York, Mr. PAYNE, you will find that the viewpoint of each is the basis of his own best thought predicated upon his study and experience, and voicing what he honestly believes to be the best interests of his countrymen. One believes in free trade, one in tariff for revenue only, one in a protective tariff, but the fact remains that with a population of over 90,000,000 of people, with a history of less than seven score years, the United States ranks at the head of the great world powers. It has had a protective tariff, a touch of tariff for revenue only, and a touch of free trade, but the greatest strides the Nation has ever made has been under the protective system. I repeat, a protective tariff is all right, but it is the abuses that grow out of the protection thus afforded to which we most object. We need spend more time in passing laws that will effectually curb and hold in check some of these "old infants" we have nursed with zealous care these long years. We hear much said about our being able to successfully cope in our various lines of industry with all nations. True, we can, but we can not hope to do so and maintain our scale of wages and our standard of living. We would be obliged to go out of business or else sooner or later come down to their scale of wages and their standard of living, but God forbid that we are ever obliged so to do! [Applause.]

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nevada yield to the gentleman from Texas?

Mr. ROBERTS of Nevada. I will yield to the gentleman.

Mr. CALLAWAY. The gentleman's statement was that the tariff raises the general wage rate. I do not understand how a tariff can raise the general wage rate. I understand how a tariff can stimulate a certain business.

Mr. ROBERTS of Nevada. The gentleman is evidently one of those who came in voluntarily to hear the closing portion of my speech, and I do not feel like spending so much time on one in harmony with what I am saying.

Mr. CALLAWAY. I only wanted to understand the gentleman's proposition.

Mr. ROBERTS of Nevada. What is the gentleman's question?

Mr. CALLAWAY. How can a tariff raise the general wage rate or protect it?

Mr. ROBERTS of Nevada. It raises it in the same way; it protects the labor of men in this country far above the wages of the laboring men of any other country on earth ever since it has been upon the statute books.

Mr. CALLAWAY. That does not answer my question.

Mr. ROBERTS of Nevada. It raises the wages and protects them by keeping out of this country the goods and manufactured articles that are produced by foreign labor and foreign laborers.

Mr. CALLAWAY. How does the gentleman explain the fact that Germany has about the same wage rate with a protective tariff as England has under free trade?

Mr. ROBERTS of Nevada. That is owing to the geographical position of the two countries. England at the outset had a protective tariff in reference to many manufactured goods which are now in competition with other countries and was one of the first to place protection upon cotton products.

Mr. CALLAWAY. How does the gentleman explain that the wage rate of England did not shrink when it went on to a free-trade basis?

Mr. ROBERTS of Nevada. That is a question which is open to debate. I think the gentleman is wrong. I am talking with reference to American labor, and if the gentleman will listen patiently I will take up that question later. Now I decline to yield further at this time.

One of the most promising signs of the times is the independent spirit which manifests itself in the deliberations of our legislative bodies, especially on this side of the House. I am sorry I can not say as much for the other side of this Chamber. On that side the Ways and Means Committee represents with wondrous unanimity the views of the various Members. It is sometimes difficult to tell which is the greater, the Democratic caucus or the Committee on Ways and Means. Sometimes one dictates the business of this House and sometimes the other. There is little or no individuality or independence noticeable in the deliberations on their side. If it manifests itself at all, it does so in secret caucus or in committee meetings, and the world will never know the nature of those humane manifestations. Perhaps it is a good thing for the country that it does not. Nor is the independence and individuality of the members of the Republican Party confined entirely to the manifestations of its Congressmen. It is signally manifest in the President of the United States, the honorable William Howard Taft, who during the first two years of his administration has done more to advance the moral and material conditions of the Nation than any other President has ever accomplished in a full term of office.

His term has thus far been characterized as an administration of actual accomplishments along the lines of broad, patriotic statesmanship, and the lead he has taken in his work for good government, progress in trade, world-wide peace, and the restoration to the whole people regardless of sect, creed, or color, their rights as American citizens, marks him as a leader whose leadership inspires confidence and whose policies are worthy of our most serious consideration. His administration has been simple and unostentatious. As a President he has shown the courage of his convictions, and when the future historian records his work it will stand out as one of the strongest, sanest, and most progressive administrations in the annals of American history. [Applause.] We realize that as conditions change from time to time it becomes necessary to revise the various schedules of the tariff, but we do believe that it is foolhardy for us to attempt a revision without adequate and reliable data upon which to base our revision. A revision when made should be made upon conditions as they exist and not be made simply for political expediency. [Applause.]

Mr. SIMS. Will the gentleman yield?

Mr. ROBERTS of Nevada. No, Mr. Chairman; I can not yield further.

Now, gentlemen, and especially my friends of the Democratic persuasion, you have introduced a bill here that affects cotton and the cotton industry, and before you have done with it you may regret your action. You make a reduction from 48 per cent to 27 per cent. Cotton is the most widely used staple in the world to-day. Its culture is as old as Phœnicia, and the Chinese, Japanese, Arabs, Saracens, Hebrews, and Phœnicians all knew of its textile value and uses. It is cultivated over a wide expanse of territory. The Southern States of the United States, all of British India, Egypt, Asiatic Russia, central China and Japan, Brazil, Mexico, Peru, Paraguay, Colombia, Venezuela, and Central America. Cotton was grown on American soil in the year 1653. In the seventeenth century England found cotton a strong competitor of a strongly intrenched woolen industry, and its manufacture being made highly profitable through various inventions it received protection and encouragement from the British Government. It might well be noted here that Great Britain, as far back as 1870, with an annual crush of only 200,000 tons, took the lead in producing cottonseed oil. Since that time, however, the demand for the products of cotton seed has increased, until, according to the census of 1910, there were in the United States alone 810 establishments engaged in producing cottonseed oil. It has been contended that the United States, because of its vast area adapted to the production of cotton and the quality of the cotton itself, is in a class by itself, and needs no protection of whatever kind or nature for the cotton industries. Let me call your attention to the fact that the area of foreign lands adapted to the growth of cotton is on the increase, and that when those areas with increased facilities for handling cotton and its products are once awakened, and modern machinery is installed, the effect will be felt to such an extent that the principles of protection will sound mighty good to the genlemen who now urge this measure.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS of Nevada. I will say to my insistent friend that I will be glad to talk the matter over at my office, but I must decline to yield now.

Mr. CALLAWAY. I live in a cotton country. I want to ask how a tariff would protect us cotton growers?

Mr. ROBERTS of Nevada. I must decline to yield.

The cotton factories of the South, as well as those of New England, will feel the sad awakening. Time was when the grain-growing sections of the United States stood in a class by themselves, and when the ships of traffic were laden with the products of American farms bound for foreign ports. What has happened? Our population and its needs have grown. Other great agricultural sections have been opened up in various parts of the world and bid for recognition. Our grain-growing sections have found that while the home consumption was growing greater, the fields of production in other lands were being developed and that the foreign markets were being supplied by other competitors. High prices for consumed articles inevitably results in a general broadening of the field of production, and when that field is broadened beyond the borders of our own country, it means that we must either protect our own industries and thus fix our own standard of wages and living or compete with the conditions that exist abroad and accept their scale of wages and standard of living. It was that one question more than any other that gave me some concern over the question of the reciprocal agreement with Canada, but we find that country is so nearly like our own, and so situated geographically, that it will not result in any change in our standard of living or in our wage scale, while it will enlarge our supply of natural resources and especially of our food products and the other necessities of life without substantial injury to any of our producing and manufacturing classes.

A careful perusal of the columns of the papers during the past year shows that at the present time there is a marked depression in the cotton industry. Various factories have suspended operation, and many of them have reduced their output. It is a serious question to be considered. Any question that affects a million and a quarter of people, directly or indirectly, must needs cause us to be cautious. In fixing the cotton schedule, gentlemen, we should have at hand all the data to be had. We have, as I have said before, in no far-distant future, great foreign territories of cotton-producing lands to bid for recognition and cotton mills to enter into competition. The South has made rapid strides of progress during the last few years. It was a protective tariff that made the Southern States what they are to-day, and, in fact, I firmly believe that the great masses of the South, if all other questions could be eliminated and forgotten, would vote for protection almost to a unit. Remember, my friends, that every dollar's worth of manufactured goods shipped to a foreign country is a direct benefit to American workingmen, and that every dollar's worth of foreign-made goods imported into this country is a direct injury to American labor.

Mr. RANDELL of Texas. Will the gentleman yield?

Mr. ROBERTS of Nevada. Mr. Chairman, I must respectfully decline to yield at this time.

You reply that we do not import very much from foreign countries. We can see imported articles everywhere. Why, my friends, every day while this House is in session you can see Members on that side of the House—when not talking free trade—lounging in the Democratic cloakroom, dressed in imported goods, smoking imported cigars, and lighting them with imported matches. I hold in my hand now a box of matches handed me by one of my Democratic friends and colleagues. It is labeled "Made in Sweden." Every such match that is scratched on the seat of an imported pair of pants is a blow struck at American labor. [Applause and laughter.]

The immensity of our cotton crop, according to the Department of Agriculture, is simply astounding. For many years cotton ranked fourth in value among crops, being exceeded usually by corn, wheat, and hay. But in those days the price of cotton was very low. The crop of cotton for 1910 was probably worth in lint and seed $900,000,000 at the farm, or more than the corn crop was worth in any year prior to 1901, or more than the wheat crop was ever worth. The cotton crop, including seed, was worth more in 1910 by $129,000,000 than the crop of 1909. Now, only one farm product outranks cotton, and that is corn. Just think of that. Ranking next to corn, and the Department of Agriculture states that the value of the corn crop for 1910 can not be reckoned at less than $1,600,000,000, a sum

sufficient to cancel the interest-bearing debt of the United States, buy all the gold and silver mined in all of the countries of the earth in 1909, and still leave the farmer a little pocket money. A serious matter, gentlemen. Do you not think it would be wise to wait the report of the Tariff Board? Remember this board is working diligently and intelligently and will be ready to give us reliable data by the time the regular session convenes. And I have yet to see the first man on either side of this House to point to one thing against the personnel of the board. All will acknowledge that individually and collectively they are a high-class set of men, with reputation and character beyond reproach. For my part I would like to have reliable data at hand now. Data not gleaned from some campaign textbook, or from every Tom, Dick, and Harry who has an ax to grind, but data that can be verified by facts and figures and which is indisputable. The Democratic Party is on record as regards the tariff. It stands for a tariff for revenue only. Those are the words of your great leader, the estimable gentleman from Alabama [Mr. UNDERWOOD]. In other words, if it were not for the revenue derived from a tariff measure, the Democratic Party would unhesitatingly declare in favor of free trade. How do you like this free-trade business, laboring men? How do you like the Democratic proposition of bringing into competition with you the laboring hordes of the entire world? Do you want to compete with the pauper, "coolie," and convict labor of Europe and Asia? I think not. You have about enough of that sort of competition at home now. You would rather push off the gangplanks and protect yourself against their immigration into this country. Yes; you would rather vote also for a policy that will protect you against their competition both at home and abroad. For my part I shall vote for more stringent immigration laws whenever I have the opportunity, and shall also vote against their entering into competition with American labor anywhere or in any manner or at any time.

In establishing the various schedules with regard to revenue the Democratic Party proposes to do so by the old "give-and-take" process of tariff making, which has been the curse of every tariff measure ever passed in Congress. As a party it refuses to vote for a permanent Tariff Board, and thus take the tariff out of politics. It is high time for the American people to rid themselves of their hysteria and settle down to sound, safe, and sane business methods in national affairs. The Republican Party proposes to revise the Payne-Aldrich tariff bill, but at the same time in its revision to maintain a protective tariff sufficiently high to protect its industrial and commercial industries, and to maintain a wall, if you please, high enough and broad enough to prevent the laboring men of this country from being brought into competition with the coolie labor of Asia and the cheap pauper labor of Europe.

Mr. BERGER. Will the gentleman yield?

Mr. ROBERTS of Nevada. I can not now.

Our laboring men, while underpaid to-day in many of our great manufacturing centers, are much better paid than the foreign laborers of any country on earth, but I would be untrue to the people of the State I represent if I did not conscientiously cast my votes for what I believe to be their best interests. [Applause.] The Republican Party proposes to protect them not only from foreign competition, but from injustice at home. Our laboring men are the ones in whom the perpetuity of our institutions rests. They are entitled to better compensation and safer and more sanitary surroundings in which to work, and stronger laws to compensate them for loss of health, life, and limb. They are entitled to shorter hours of labor, that they may receive and enjoy some of the blessings that flow from a free government. They are the ones that multiply, rear children, and make a race of people worth while. Pay them for their work better wages and give them shorter hours, and they will raise not only more children, but the standard of our citizenship. [Applause.] I know of no better place to begin bettering the conditions of our working people than in the various departments of the Government. Members of Congress, you know what it costs to live in this city, and tell me, anyone who can, how the subordinate Government employees in this city are able to exist upon the salaries they receive. They are wholly inadequate for the time employed and the labor they perform. Yes, go, if you will, to some of the great Government buildings in this Capitol City, and you will find young women—mere girls—and women of mature age working for the Government, the greatest Republic that ever flourished since the birth of time, for wages that are inadequate in these days of high living, to scarcely hold body and soul together, huddled together in insanitary surroundings like so many sheep, and forced to stand upon their feet during long tedious hours, and for a compensation not much in excess of that paid to the humble charwoman in the "Bowery" district of New York. I hope during this term of Congress to see wages raised throughout the various departments of the Government, especially in the subordinate positions. I hope to see the employees in the different departments given more commodious quarters and more sanitary surroundings in which to labor. Some of our buildings are a disgrace to the Nation.

I have pointed out these appalling conditions and inequalities of existence to show some of the reasons that impel the American people to seek redress. But one thing is certain, and that is there will be no material progress, local or national, along any line until conditions settle down once more to a normal basis. No one knows what may happen next. Capital has sought its hiding place. The country has been upside down long enough. Let us by our legislation inspire confidence so that every public man will not be looked upon as a thief and a scoundrel, and every rich man as a mercenary rascal and a wretch, and justice as a purchasable commodity. Great wealth honestly amassed if properly directed, as is done in many cases by our richest men, may be the means of accomplishing for the welfare of the entire people that which otherwise they never would have known. Great railroads thread and interlace this country; telegraph and telephone lines defy the elements, annihilate distance, and bring into closer relations the people of the entire world. Encourage all such enterprises, but so legislate that the great benefits they offer shall not become a means by which their power is used to stamp out and forever crush our individuality. One trouble with our great aggregations of wealth is found in their artificial parentage. Corporations are made up of individuals, but the individuals act collectively and thus become the acts of an artificial person, whose methods lack the guidance of an individual conscience, and whose ultimate aim is too often simply the attainment of great wealth.

It takes something more than wealth and splendor to make a nation great. A great nation is one in which the light of truth, knowledge, and liberty shines as brightly through the chinks and crevices of the poor man's cottage as through the windows of the rich man's palace. [Applause.] It is one in which patriotism, that natural passion which leads men onward in their lofty aims to serve their country, issues in unison from the hearthstones of an enlightened and united people.

Let us pave the way for the restoration of that confidence. Let us obtain proper data from the Tariff Board, revise the tariff bill wherever it is necessary, and let it stand for awhile. No government can long prosper where its policies are changed with every breeze that is wafted in. Time comes and goes. Men come and go. Times change as well as measures. Men change. Principles never change. The principles of this great Republic are founded upon truth, equality, and eternal justice. Let us adhere to those principles and so legislate for the whole people as to forever perpetuate our boasted institutions. Let us with an unfaltering faith renew our allegiance to them, and prove our allegiance by deeds rather than words, so that when our opportunities for the initiative shall have ended we may feel that we have at least accomplished something worth while. [Applause.]

Mr. FOWLER. Mr. Chairman, will the gentleman yield now?

The CHAIRMAN. Does the gentleman from Nevada yield to the gentleman from Illinois?

Mr. ROBERTS of Nevada. Mr. Chairman, if I have any time left, I would be very glad now to answer any question as long as the House desires to ask them.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. FOWLER. Mr. Chairman, I take it from the gentleman's speech that he does not want any tariff reductions or changes until after the report of the Tariff Commission. Is that true?

Mr. ROBERTS of Nevada. That is absolutely true, understanding, as I do, that the Tariff Board will be prepared to give us the data when we meet at the regular session, and inasmuch as the bills that have been introduced affecting the tariff by the Democratic Party do not go into effect until after that board reports. You have not drawn a bill on that side that goes into effect until January, 1912, and the Tariff Board meets and reports, according to themselves, before that time.

Mr. FOWLER. I desire to ask the gentleman if he voted for the reciprocity bill?

Mr. ROBERTS of Nevada. I did.

Mr. FOWLER. I want to know why he did not wait until the Tariff Board furnished him information regarding the farmers' product in this country before he voted for that measure? [Applause on the Democratic side.]

Mr. ROBERTS of Nevada. I was satisfied with the investigation that was carried on by the President and those in charge of the Government affairs of this Nation. I was satisfied with their leadership, and I believe I was right. [Applause on the Republican side.]

Mr. UNDERWOOD. Does the gentleman from New York desire to use any more time at this time?

Mr. PAYNE. I will say to the gentleman from Alabama, I have only one gentleman on my list who is prepared to speak either to-day or to-morrow, and I should prefer to let it go over until to-morrow.

Mr. UNDERWOOD. Well, I would like for the gentleman to be able to even up the time on the two sides of the House to-morrow, and I will yield some time at this time.

Mr. PAYNE. The gentleman will only desire one hour, and the gentleman can have the rest of the time to-morrow.

Mr. UNDERWOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, after the weighty discussion of the tariff to which we have just listened I am not going to attempt to throw any light upon that great economic question. The few minutes assigned to me I intend to devote, under the latitude of general debate, to some views in regard to the proposed memorial to Abraham Lincoln. In the closing days of the last session provision was made for an expenditure of $2,000,000 for such a memorial. The law is limited in its scope to a memorial or monument in the city of Washington. I understand that a number of propositions have been presented to the commission embracing various locations and designs for the proposed memorial. To my mind the most sane and appropriate suggestion is one that unfortunately does not come within the scope of the law—that is, a memorial national highway from the city of Washington to the battle field of Gettysburg. I have therefore to-day introduced a bill to amend the law by providing that the commission might consider and report upon such a plan, together with such negotiations as may be necessary to secure consent of the States of Maryland and Pennsylvania and their respective subdivisions if required, and the design for beautifying the highway with proper memorial arches, ornamental bridges, and so forth.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. BORLAND. If I have the time I will be glad to do so.

Mr. NORRIS. Does the gentleman understand that the selection of this memorial is going to be settled soon—prior to the convening of Congress, let me say, in its regular session?

Mr. BORLAND. Yes.

Mr. NORRIS. Does the gentleman expect to have his bill, or would he like to have his bill, enacted into law at this session?

Mr. BORLAND. I will answer that question in this way. It has been announced through the press that the Fine Arts Commission has recommended to the memorial committee, of which President Taft is chairman, a location on the Potomac Drive. It is further announced in the press that the President proposes to convene the committee next week to consider this report. The report must, when agreed upon by the committee, be submitted to Congress for its final ratification. It is not important, in my mind, whether this bill of mine is considered at this session or not. The purpose of introducing it and speaking to it at this time is to get the matter in some form before the people and before the committee, in order that they may know that some plan of that kind might be added to their duties.

Mr. NORRIS. As the gentleman says his particular proposition is outside of the limits of the law, this committee could not follow his suggestion unless Congress enacted that into law. Now, if they are going to decide before the next regular session, it will be necessary to enact the bill into law at this special session.

Mr. BORLAND. Yes; I recognize all those difficulties.

Mr. NORRIS. The difficulty comes right here, it seems to me. The Democratic Congress has laid out a legislative program, and they have not included this, so the gentleman should rather make his argument before the caucus than before the House.

Mr. BORLAND. I recognize all these difficulties, I will say to the gentleman from Nebraska, but in the limited time I have I can not attempt to straighten them all out. I can only call attention to the main plan.

Mr. MANN. In that connection, I have no opportunity to participate in a Democratic caucus.

Mr. COX of Ohio. Oh, yes; we will let you in.

Mr. MANN. Well, I may apply. Would gentlemen on that side object to informing us, so we may know what let-down there has been in reference to legislative propositions for this session?

Mr. BORLAND. Mr. Chairman, I only requested 10 minutes of the leader upon this side of the House——

Mr. MANN. I will ask the gentleman from New York to give you 10 minutes more to answer——

Mr. BORLAND. And I will leave that question to the leader of the Democratic side when he is on the floor. I wish I had the time to discuss those matters. If I had I would be glad to do it.

Mr. MANN. I understand, if the gentleman will yield, that it is proposed to pass or consider certain bills that are ordinarily considered to be unobjectionable bills. Now, may we have any information on that subject?

Mr. BORLAND. I am sorry that the gentleman can have none from me. Of course, having introduced a bill, I should be glad to see it urged upon the committee and considered and passed at this session.

Mr. NORRIS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Nebraska?

Mr. BORLAND. Yes.

Mr. NORRIS. I would like to ask the gentleman a question right there. Will the gentleman from Missouri vote to take this bill up unless he gets consent from the Democratic caucus?

Mr. BORLAND. Certainly not.

Mr. NORRIS. Then I understand the gentleman would vote against his own bill—vote against taking it up at this session?

Mr. BORLAND. Oh, no; but of course the gentleman would not vote to take up his own bill to the exclusion of other bills offered by Members on this side of the House. But an agreement must be reached for that class of legislation.

Now, Mr. Chairman, resuming the few remarks that I want to make to the House at this time, the piles of stone that have been suggested by these various proposals will add to the city of Washington some more monuments—monuments to dead men; monuments that are absolutely useless; in some cases beautiful and ornamental, and in some cases, according to the Fine Arts Commission, neither beautiful nor ornamental, but in no case useful.

I want to remind the Members of this House how many monuments have been completed and unveiled since I have been here in Washington, less than three years: Monuments to Kosciuszko, Pulaski, Von Steuben, Stevenson, Sheridan, Witherspoon, Longfellow, and Shepherd—eight in three years. Now we are to have Christopher Columbus, Alexander Hamilton, and Thomas Jefferson, and no one knows how many more.

Mr. FITZGERALD. One to Abraham Lincoln.

Mr. BORLAND. Yes. The city of Washington will be covered from one end to the other with these monuments. One unfortunate thing about it is that no matter how much money is expended upon them or what artists are employed upon them, in another generation a new school of artists will come along and say they are not true art and should be torn down. If $2,000,000 of the people's money is to be expended for a memorial to Abraham Lincoln, it strikes me that it is wholly inconsistent with his character that it should savor of the pomp of kings. It is entirely out of keeping with our idea of the man. A $2,000,000 pile of stones can neither increase his fame nor exemplify his character. Would it not be a much more appropriate memorial to build a highway from the city of Washington to the battle field of Gettysburg, that field which is immortalized by his burning words as well as by the dauntless heroism of the citizen soldiers of America? Would it not be more in consonance with the character of Abraham Lincoln that a memorial should be built for the use of the people now living than to erect one that would be costly and at the same time useless? Shall we make one that is as dead as his own mortal clay, or as vital as his immortal spirit?

Why, over in Italy, in the city of Rome, they are building a memorial to Victor Emanuel, probably costing $5,000,000. They are tearing down some of the priceless monuments of classic times in order to build this structure, which is intended to be a representation of modern art and architecture. It does not make one think less of the deathless fame of Victor Emanuel, but it does make one think less of the Italian Parliament and its membership when it authorizes an expenditure of the people's money for a purpose of that kind, when the whole country needs a commercial and an industrial regeneration.

What we need is a monument that will be of some use to the people now living on earth. If we could have the views on the subject of the great commoner, Abraham Lincoln, himself, I am satisfied he would be in favor of such a tribute. It is said there is no monument so enduring as a highway. Human history can point to no memorial—not even the Pyramids of Egypt, with all the slave labor that went into them—that is so absolutely indestructible as the simplest highway along which the feet of commerce and of love and affection have trod. Not only can this highway be used for the purposes of commerce and of pleasure, it can be crowned with greater purposes of art and of beauty by the terminal arches and the ornamental bridges in its course. It can be made a thing of beauty that will attract visitors to this country, as some of the works of art of the old countries attract to them tourists who spend their money, their time, and their thought in studying the institutions and beauties of the country.

I hope appropriate means may be found in the near future for the establishment of this national highway. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I yield 30 minutes to the gentleman from Ohio [Mr. BATHRICK].

Mr. BATHRICK. Mr. Chairman, in 1798 the first successful cotton mill became established in the United States, not only by reason of the aid of tariff protection, but also of money given from the Public Treasury. Numerous attempts to manufacture cotton had been made prior to this, but without success.

The people of this country were then founding the great industry of raising cotton, but they needed the assistance of the Government before they could make the much-needed cotton cloth.

Under a protective duty the single mill of that date had increased in 1809 to 62, with continued increases and prosperity following thereafter.

Thomas Jefferson and James Madison were among the prominent and enthusiastic advocates of a protective tariff then, but in justice to their memory it should be said that they had to deal with genuine and not sham infant industries.

It is very palpable to the unbiased investigator that the history of the American tariff is replete with numerous instances which reveal beyond question the fact that tariff under some circumstances has been a beneficent institution. I believe that the American tariff was born in the spirit of patriotism and the love of country. Its purpose was to nourish and strengthen our weak and struggling commerce, and the best minds of our greatest men and most honored citizens have sought to make it the implement of material prosperity and blessing to our whole people. Under past conditions in many respects it has fulfilled this purpose. But conditions of other days have not their counterpart in the present. The influence of nature and art upon our industries has brought us face to face with new facts of to-day, wherein tariff benefits, particularly those of high tariff, are extremely questionable. I believe that the high-tariff method of producing prosperity has been degraded to a means whereby a few have become very rich and many materially have suffered.

There is now a new day and a new condition, yet the time has not come for the total abolition of tariff. We need revenue for the Government and should have a decent regard for those who honestly, perforce, have built their hopes upon tariff. These facts, if no other, compel us to treat the evil side of protective tariff with a degree of reluctant tolerance that no unnecessary injustice shall be done and no precipitant revolution in commerce shall ensue.

The greatest evils of high tariff justly may be summed under the one head—combination. It must not be forgotten, however, that we have many manufacturers who are honestly competing, who are unrestrained by any trade agreement, who have no control in their buying or selling markets, but still are benefited by the tariff. No man can show that the abolition of the tariff might not seriously injure or wreck some of these. They have, to a large extent, predicated their commercial hopes upon it. Tariff may have been for them a shifting sand upon which they built their business structures; it only may have complicated the tortuous course of competition, none the less keen because of it. The sole guiding star of a world-wide application of the natural law of supply and demand might have been more productive of permanent prosperity, but government made the rule and they were obliged to live by it. In the light of this long-prevailing condition I deem it a part of intelligent and conservative legislation that government should not suddenly change this rule and leave behind a trail of disorganized and disrupted business.

Legislation of to-day must face conditions of to-day as a safer course than to follow the faults of the dead past or the theories of an uncertain future. All that we may do in this brief era in the way of tariff revision must be changed again in an era not far distant, if we would pay heed to the required balancing of the rights of production with those of consumption and their relation to foreign commerce. This tariff ghost will not down now nor in the future. So long as other countries legislate to secure advantages for their people so long must America legislate for Americans.

We have threaded the devious ways of government for more than a century since a tariff first was placed upon the imports of this country. In all these years there never has been a time when there were not some industries to which tariff should be applied. There never was a time when there were not dissensions as to the method by which the tariff should be applied; there never will be such a time, and at no period yet have the viewpoints been so diversified as at present.

In listening to the general discussion in this House I am constrained to believe that in our endeavor to make rational tariff legislation we are confronting a complication of opinions and a dearth of facts which leave the question wholly beyond and outside of scientific solution. We may lean toward high tariff, low tariff, tariff for revenue, or no tariff, and yet the ramifications of the question are so complex that the theories present no precise rule by which legislation can be accomplished. There may be some who feel secure in their theoretical premises, but I doubt if any tariff theory advanced in this House will bear the fine test of the detail of operation. I am anxious to state that I profess no distinction in this respect, and I shall not attempt an exact and definite rule for revision, deeming it impossible to do so. But there seems to be one way out of the dilemma, namely, to lower tariffs in compliance with the demand of the outraged people of this country. [Applause on the Democratic side.]

Mr. ROBERTS of Nevada. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Nevada?

Mr. BATHRICK. I do.

Mr. ROBERTS of Nevada. I raise the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Nevada raises the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-five Members present—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee found itself without a quorum; that on a roll call there were found to be present 167 Members; and that he reported to the House the names of the following absentees:

Allen	Fordney	Langham	Pujo
Ames	Fornes	Langley	Rainey
Anderson, Ohio	Foss	Latta	Ransdell, La.
Andrus	Francis	Lawrence	Redfield
Ansberry	Fuller	Lee, Ga.	Reilly
Anthony	Gardner, Mass.	Legare	Reyburn
Ayres	Gardner, N. J.	Lever	Riordan
Barchfeld	George	Levy	Roberts, Mass.
Barnhart	Gillett	Lindsay	Rodenberg
Bartholdt	Glass	Linthicum	Rothermel
Bartlett	Goldfogle	Littlepage	Rouse
Bates	Goodwin, Ark.	Littleton	Rucker, Colo.
Beall, Tex.	Gordon	Longworth	Sabath
Bingham	Graham	Loud	Saunders
Boehne	Gray	Loudenslager	Scully
Bradley	Gregg, Pa.	McCall	Sells
Broussard	Gregg, Tex.	McCreary	Shackleford
Bulkley	Griest	McDermott	Sheppard
Burke, Pa.	Gudger	McGillicuddy	Sherley
Burke, S. Dak.	Guernsey	McGuire, Okla.	Simmons
Butler	Hamill	McHenry	Small
Calder	Hamilton, Mich.	McKenzie	Smith, Samuel W.
Candler	Hamilton, W. Va.	McKinley	Smith, N. Y.
Cantrill	Hanna	McKinney	Smith, Tex.
Carlin	Hardwick	McLaughlin	Speer
Cary	Harris	McMorran	Stanley
Claypool	Hartman	Madden	Steenerson
Cooper	Haugen	Madison	Stephens, Tex.
Copley	Hawley	Maher	Sterling
Cox, Ohio	Hay	Malby	Stevens, Minn.
Crago	Hayes	Martin, S. Dak.	Sulloway
Cravens	Heald	Matthews	Sulzer
Crumpacker	Helgesen	Miller	Switzer
Curley	Henry, Conn.	Mondell	Talbott, Md.
Dalzell	Hensley	Moon, Pa.	Taylor, Colo.
Danforth	Hobson	Moore, Tex.	Thomas
Davidson	Holland	Morse, Wis.	Townsend
De Forest	Howard	Mott	Tuttle
Dickson, Miss.	Howland	Murdock	Underhill
Difenderfer	Hubbard	Needham	Volstead
Donohoe	Hughes, N. J.	Nelson	Vreeland
Doughton	Hughes, W. Va.	Nye	Warburton
Draper	Humphrey, Wash.	Olmsted	Webb
Driscoll, D. A.	Johnson, S. C.	O'Shaunessy	Wedemeyer
Driscoll, M. E.	Jones	Padgett	Weeks
Dupre	Kahn	Patten, N. Y.	White
Ellerbe	Kendall	Patton, Pa.	Wilder
Esch	Kindred	Peters	Wilson, Ill
Estopinal	Kinkead, N. J.	Plumley	Wilson, N. Y.
Fairchild	Knowland	Porter	Witherspoon
Faison	Konig	Post	Wood, N. J.
Ferris	Kopp	Pou	Young, Kans.
Fields	Lafean	Powers	Young, Mich.
Finley	Lafferty	Prince	Young, Tex.
Focht	La Follette	Prouty	

The SPEAKER. One hundred and sixty-seven Members. A quorum having answered to their names, the committee will resume its sitting.

Mr. BATHRICK. Mr. Chairman, I believe the Democratic Party, in charge of this legislation, is faithfully endeavoring to obey this demand, and, although compromise and approximation can not be avoided, a surer revenue to meet necessary expenses of government will result without serious disruption of all business.

There may be some who will feel the long-delayed sting of just retribution. They may be awakened from their long siesta

of special privilege, but whatever disturbance this may create with a few will result in good to the many.

Gentlemen have thought it pertinent to resurrect the convention platforms of half a century as a guide to what method shall prevail in the revision now in process; but, Mr. Chairman, tariff knows no creed, no rule. No men empowered to draft resolutions for a party convention ever came near to settling the tariff question. Definite commission to reduce or abolish tariff may be given by the people to their representatives, but to perform the demanded service without doing violence to justice for some and injury to the whole country is a task complicated beyond any absolute control of detail in the performance.

That part of the question relating to high tariff and prohibitive tariff is most easily dealt with because of the utter and unqualified repudiation by the people of this country. Any tariff which generally prohibits the exchange of commodities between this and foreign countries is justly entitled to be relegated to the graveyard of rejected politics.

I freely will admit that there has been a time when it sounded very good to me to say that the tariff should be revised on a basis of the difference in cost of production between this and foreign countries. I would like to see it adjusted upon that basis now, but a more intimate acquaintance with the details of putting this theory into operation points clearly to an absence of facts as to what these differences are. If we agree that the tariff should be based upon this competitive level, who can point out where the level is? It may be found in some few particulars to-day, but it is not there to-morrow. We are informed that the Tariff Board will tell us in December what the difference is in the cost of production of wool between this and foreign countries; but by the time their conclusions are drawn nature will have changed crop conditions, some one will have invented a new machine, and their deductions will have no force. We may discover what the approximate difference in the cost of production is between this country and England on cotton manufactures; but what is the difference in cost of this product between the United States and Germany or France? After we have discovered the difference in cost of production between this country and Japan, we ascertain that the difference is greater or less between this country and others. How are we to adjust our competitive level, under those circumstances, to all countries?

We have listened to discussion of factory equipment and management, and were made intimately acquainted with the multitude of conditions which would operate in one factory or another in this country to produce a difference in cost of production. How are we to reconcile the methods of production in all the factories of Europe with the methods of production in all the factories in the United States? If we select as a basis of calculation a factory possessing superlative facilities, what will become of the larger number which possess only average facilities and yet occupy a more important relative position in our whole commerce? If we take the conditions of to-day and observe, beyond question, that the superior equipment, efficiency of the employees, and wisdom of management of an American manufactory enable it to produce as cheaply as a foreign manufacturer does, even though labor is cheaper abroad, how long will it be before that foreign manufacturer, alive to the situation, and, as a matter of self-protection, will be employing equally efficient management and equipment in his own factory?

No human intelligence, no system of investigation, not even a tariff board can discover what the competitive level is of American production as compared with the foreign production to-day. Even if this were possible, time rapidly works its wondrous changes in all the facts, and it would be but a few months or, at the most, but a few years before their deductions would fall.

The elements of nature, the exigencies of a changing population, the process of war, and transformations of government are shifting tariff facts faster than human agency can gather them together. It would be, of course, the limit of folly to refuse any information in this great game of tariff guessing, but it is conclusively apparent that all information is open to suspicion and deserving of rigid scrutiny.

In the straining for facts to point the way through the labyrinth of difference in cost of production I, in this connection, must deprecate a tendency to enlarge upon the efficiency of American labor as a thing to be thrown into the scale to outweigh the lower cost of European labor. I join in a justifiable pride in the intelligence, skill, and energy of American labor, but these qualities have a decided limitation as an argument in favor of any radical reduction of the tariff. I beg to emphasize that labor is not a machine made of steel and brass. Labor is human flesh and blood, and when we go too far in our speculation upon the amount of work it can do we are dealing with tired muscles and aching bones.

The high standard of American labor is not how much it may produce, but how well it enjoys its production.

In most of our production the machine leads and the quick eyes and nimble fingers of labor must follow.

Reduce the size of a small wheel of a machine, the machine will run faster, labor must keep up, the efficiency of labor will increase, but the strain upon the human machine also will increase.

The limit of efficiency seems to be considered as the limit of human endurance, but to call upon this in a supreme performance is to decrease our standard of labor to broken health, impoverished, homeless families, and children devoid of the full measure of the boasted vigor of our race. Go into the mills and factories of this country and ask of the employees about this kind of efficiency. You will learn of the "pace that kills," with victims physically wrecked easily found as wretched witnesses to the fact.

A laborer or mechanic caught in this mill of efficiency and system of speeding is not so useful a citizen as one who is allowed some leisure and strength to enjoy it, although having accomplished less for his employer in a given number of hours. The generations following that where the limit of efficiency is secured at the expense of mind and body will degenerate to the serfdom of the mill. It will be incapable of understanding or performing the functions of true American citizenship. In fact, in many of our mills and factories to-day the race for this kind of efficiency is deplenishing the vitality of manhood and womanhood, stunting the physique and mentality of childhood, and all for the sake of what? Profit—dollars. [Applause on the Democratic side.]

Mr. Chairman, if we must depend upon this kind of efficiency to replace the tariff, I would rather have the tariff with all its perverse influence.

I desire in this discussion to have it made plain that my attitude upon the tariff is, that there are industries which should be protected to some extent, and that this protection would be to the best interests of both producer and consumer. But in this statement I make a wide division between high tariff and low tariff. The evils of high tariff visited upon the people of this country have been so numerous that it is almost impossible to analyze them, but the greatest wrong which ensued from prohibitive or high tariff was that which aided and abetted the centralization of industries, money, and all character of wealth.

Scarcely a decade had passed with the advent of a high tariff when the previous tendency toward combination became rapidly accelerated and expressed in the most extensive association of industries which any nation of the world ever beheld. Our "infant industries" had become swollen to proportions of domineering power in politics as well as commerce.

The loss of a large proportion of our market to foreign mills having curtailed their output, their workingmen, thus deprived of employment, came to America, and our immigration was enormously stimulated. Under these competitive unprotected conditions, our workingmen sold their labor subject to an unhampered supply and demand, while the products of their labor were sold back to them under protective, noncompetitive conditions. Manufacturers had not yet cornered natural resources, which is the limit of combination control, but large profits in various lines of production induced a stupendous outlay in new competitive industries. An open market for labor and a high-tariff closed market for labor's products was an ideal bait for capital, which was quick to enter the field. Under such conditions the result soon was recorded in a domestic war of competition. The effects of the tariff then had been twofold and contrary; first, it had secured unusual profit for those who were in business at the outset; second, domestic competition was incited by unusual prosperity and large profits were thus reduced to a point far below the safe and stable average which would have maintained had our tariff been nearer to a basis of European competition. Capital fought capital in America and became also involved in a war with labor. Laws prohibiting contracts with foreign labor were laxly observed, and labor suffered in this war most of all. The boasted high standard of American labor, which had been used as a fallacious argument to procure excessive tariff, became by these means plainly in conflict with the effects of high tariff.

Under a ballooning system of industry the banks had loaned large sums for commercial ventures. Prior to a general collapse, these loans were sometimes actuated by hope of personal profit to bank officials, and often issued on the doubtful assurance of prospective earnings and stocks and bonds of embryo industries. A period of price cutting left little surplus for wise maintenance charges and improved equipment. Every financial nerve was strained by competitors to keep in the race.

At the time of the full flood of the combination era every incentive to listen to the blandishments of the promoters of trusts and concentration was present in the minds of owners of factories, of the borrowers, and those of whom they borrowed. In fact, many banks, finding their loans at hazard by the collapse of their securities, virtually became partners in the fate of the industries owing them the money, and for that reason assisted in unlawful combination as their only hope of pulling out of the mire.

This stage had been well set for combination by high tariff and no one gave the Sherman antitrust law more than a complacent side glance, although engaged in palpable and flagrant violations of it. The big speculators and trustees of the peoples' savings used their opportunity to the limit and milked the industries of many hundreds of millions of dollars. Rarely were these combinations brought about by those directly interested as a mere matter of self-salvation, but the joining together was engineered mostly by the financier in charge of bank funds belonging to the people and with the aid of banks having bad loans. Their work also was largely supplemented by the bellwethers of the various industries, who usually got for themselves a share of the secret promotion profits and remunerative offices in the new combination as pay for leading others into the scheme. Doubtful assets of shaky concerns thus banded together often were bonded for twice or thrice their value and the bonds sold to an overconfiding public, not only for the purpose of paying debts, but for paying enormous promotion fees, commissions for fiscal agents, big fees to attorneys employed to steer them through and around the law, and gratuities to influential members of the constituent companies. Fictitious values were scheduled of bankrupt plants, real estate, worn-out machinery, unoperated and obsolete patents, unmined and unsurveyed doubtful mineral deposits, while dilapidated buildings and all kinds of junk were thrown together to produce a false appearance of stability for these excessive issues of bonds and stocks. And then, after all this was done, an era of enlarged recapitalization ensued, giving opportunity for more oceans of water to be pumped into bonds, preferred and common stock, and new flotations of this class of three-shell green-goods securities were foisted upon the public. To assist in mollifying the public these manipulations were covered by the specious pretense that great economy of production would be accomplished. It was glibly claimed that savings would be made in labor, management, and maintenance.

But when the services of managers of subsidiary concerns were dispensed with their combined salaries were usually more than doubled, and that sum paid to the management and assistants of the new combination. For every dollar saved in the discharge of labor, in the concentration of equipment, there were more than $2 anchored to the new combination in an annual charge for interest on bonds and dividends on promotion stock of the increased capitalization.

It even was claimed that proposed economies would cheapen the price to consumers and increase wages to labor, but the concentration of the employment in the hands of one or a very few men simply increased the power to depress the price which would be paid to labor and to charge greater prices for their products. Centralization of every form ensued. Railroads combined and, controlling avenues of transportation, outdid all the other Dick Turpins of finance in exacting toll from the people in the way of excessive freight rates and favoritism, to the detriment of legitimate business, and the sale of more doubtful securities to the innocent public at prices far in excess of the physical value of the property represented. The big speculators, having made large sums, plunged into spectacular stock transactions which attracted money from country banks to our big money centers. There the very men at the head and front of this scheme of commercial hari kari thus controlled more money with which to do more combining and work their scheme in a circle ever widening to a greater control of both money and industry. Banks, too, were consolidated, and the system of pooling our money into the control of the few not only swelled the aggregate of stock gambling, but aided in the cornering of our foodstuffs and other necessities of life. In fact, the great, thrifty American public poured their savings into the laps of these speculators, who used it to exact high prices from the savers.

Mr. Chairman, at no distant day a plan of currency reform will be presented for the consideration of this House. I do not wish unjustly to anticipate its provisions, but I confidently expect to find therein included some means of further concentrating the savings of the people in the hands of our large banking centers, where it may be used by alleged financial patriots with which to make big bets.

It may have been that the centralization of industries and all other forms of combination, which have passed like a blight over this country, were more the logical sequence of conditions than the culpable initiative of individuals. But in an analysis of the primary reason for this condition we find prominently set forth as the main and principally blamable cause, high tariff.

Now, when we seek to lower these tariffs the men who profited by this class of deception, and even fraud, come to us with an air of suffering honesty and present their overcapitalization to us as a basis upon which, they contend, we should found a tariff that will make them a profit.

They bring their tanks of aqua pura down here and ask us to pass laws to make them dividends upon it.

Most of these men are not entitled to the honored name of "captains of industry," but bear the just stigma of "captains of piracy." Many of them are not business men at all. They are merely stock gamblers. They look upon industry not as a legitimate means of production and distribution, but as a mere basis of stock exploitation.

This class of commercial Aladdins has been industriously circulating the fallacy that combinations typify an economic condition of the age, and that they therefore have come to stay. They inform us that, having secured an advantageous position by their financial jugglery, accomplished in defiance of the law, they should be allowed to retain that position to the continued detriment of the people and that the law should not be executed upon them. They tell us, in effect, that their greed and defiance of law must not only be tolerated, but allowed to grow still more weeds in the garden of government. They have intimated that the remedy for their fraud should be a legalization of their watered stocks and bonds, which will be thus sanctioned, revitalized, and made more valuable by a system of Government regulation. Hitherto they have been defiant of the Sherman antitrust law, brazenly denying that they restrained trade while enjoying immunity from criminal prosecution through the complacent inertia of pliant executives.

Now, after many years of uncurbed lawlessness, they seek recognition from the Government in the form of regulation instead of getting their just deserts—of suppression and restitution. They strive to convince us that their brand of restraint of trade is "reasonable"—very reasonable, indeed. When we demanded dissolution of their illegal combinations they held the fluctuating stock market before our eyes as a warning of great injury to business and pretended tearful love for the "widows and orphans" to whom they had sold their depreciated, water-soaked securities. Up to date they uniformly have escaped the criminal penalties prescribed by the Sherman antitrust law, and the aggregate of fines they have paid for conviction thus far secured is about as incidental and unimportant as their annual banquet and wine bills.

Mr. Chairman, is it safe to conjecture what will be the result following upon the recent Supreme Court decree commanding the dissolution of the Standard Oil Co. and the American Tobacco Co.? After the highest court in our land has delivered an opinion that those companies have operated in restraint of trade and has ordered their dissolution, who has heard the whirr of the swift wings of justice in our Attorney General's department in the direction of these two companies? What is he doing in these cases? What move has he made in the performance of his duty to enforce the criminal statute in a case where the infraction thereof has been proven and established by the main court of the land? Is he waiting for the statute of limitations to apply? Only recently the Attorney General semiofficially announced that no criminal prosecutions would be instituted until after the time fixed by the Supreme Court for compliance with its decrees. What explanation has he to make for this delay? Every day in this country men who have been ground beneath the wheels of this great money *juggernaut* are being arrested and imprisoned for stealing enough to stay hunger. There is little procrastination, no statute of limitations, and no plausible, specious pleas made in their behalf. The majesty of the law must be upheld when a man steals a loaf of bread, but when these great criminals have been convicted before the Supreme Court of this land our Attorney General, sworn to do his duty by the people, sits supinely by and says he will wait until some convenient time to institute proceedings for the enforcement of law and order.

It is reported in the press that the Attorney General suggests a Government commission to regulate great industrial organizations. He does not propose as yet to prosecute under the criminal statute those two convicted great corporations, but seems to desire to establish another commission to regulate them. What would this regulation mean? It would mean more boards, more commissions, more bureaus at the expense of the Government, with the sole result of establishing a surer value and an advanced price for the watered stocks and overcapitalized securities of the combines. Would the decisions of a commission appointed to regulate combinations in prices of their products and the wages of their labor be amenable to the

long delay of appeal to the Supreme Court of the United States? This proposition seems to be only a further expression of the theory of high tariff that, instead of leaving the regulation of trade to the natural law of supply and demand and swift punishment for those who disobey our laws forbidding combination, we are to give more Government aid to help make more money for the malefactors.

I wish to be fair and just in my criticism, but the recently displayed activity in the Attorney General's office in the direction of less important prosecutions seems more a diversion to cover the escape of the officials of the American Tobacco Co. and the Standard Oil Co. than anything else. Proof of guilt in these two cases is plain. Why go into the byways and out-of-the-way places at this time to hunt other cases for prosecution?

I say to you, Mr. Chairman, if combinations, with all their power of enlargement and centralization, have come to stay, representative government confesses its weakness and is packing up to move out. If combinations which exist to-day are allowed to proceed with their ever-widening circle of control of production, natural resources, and transportation, it will be but a short time when an absolute monopoly will be said to have come to stay also. That will be another economic condition, presumably, and will be termed progressive and beneficent. If combinations operating under the advantage of the great natural resources of America are allowed to continue, how long will it be before they become strengthened by international cooperation, and then what will be the remedy for high prices of the necessities of life? Neither tariff nor no tariff could give relief to our consumers under such circumstances.

The great question is, Will Government permanently surrender its right to suppress these combinations and fail to bring the force of law to bear upon our powerful delinquents?

The answer of the president of the Steel Trust and the ditto of the Attorney General is, We will not suppress crime, but we will appoint a commission to regulate it.

Mr. AUSTIN. Will the gentleman yield for an interruption?

Mr. BATHRICK. I will.

Mr. AUSTIN. This afternoon's Washington Star contains a statement of the Attorney General's activity in carrying out in good faith the decree of the Supreme Court in the cases mentioned by the gentleman.

Mr. BATHRICK. Is the Attorney General doing anything in the direction of a criminal prosecution?

Mr. AUSTIN. I think if the gentleman from Ohio will content himself and be patient about the matter the Attorney General will do his full duty under the law.

Mr. BATHRICK. I am asked to content myself and be patient under the statement of the gentleman asking the question, and I think he can as readily content himself on the statement that I am making.

Mr. AUSTIN. The Attorney General of the United States is pursuing a course in relation to the enforcement of this law under the decision of the Supreme Court of the United States, and will be prepared to give a good account of his conduct.

Mr. BATHRICK. All of the Attorneys General for the last several years have been prepared to give a good account of their conduct, but what have they done under this criminal statute?

Mr. AUSTIN. The gentleman just cited the decision of the Supreme Court of the United States.

Mr. BATHRICK. What of that? That is not supposed to be a partisan institution.

Mr. AUSTIN. The proceedings in the Standard Oil and Tobacco cases were instituted by a Repbulican Attorney General.

Mr. BATHRICK. What has the Supreme Court to do in a partisan way with a Republican Attorney General? Why does not the Attorney General file criminal charges against these culprits?

Mr. AUSTIN. As I just stated, these cases were carried to the Supreme Court by a Republican Attorney General of the United States.

Mr. BATHRICK. But why does not he commence criminal proceedings?

Mr. AUSTIN. Because the question has just been settled by the highest court in the land, and the Attorney General is now engaged in following up said decisions with the proper legal proceedings.

Mr. BATHRICK. And the highest court in the land has said plainly that these companies operated in restraint of trade, which is a crime under the statute.

Mr. AUSTIN. And the Attorney General has given notice in a speech and in an interview that he proposes to proceed against every illegal combination——

Mr. BATHRICK. Certainly. Why has he not proceeded before?

Mr. AUSTIN. That is his intention.

Mr. BATHRICK. It is the old story, that hell is paved with good intentions, and I guess that applies to this.

Mr. AUSTIN. The gentleman from Ohio ought to be fair enough and just enough to the Attorney General, who asserts publicly in speeches and press interviews that he is performing his duty in this matter.

Mr. BATHRICK. Events proving this true, I hope to be the first to commend him for it, but we have been many years under that kind of policy by Republican Attorneys General, and I have not yet seen any criminal prosecution resulting in imprisonment. [Applause on the Democratic side.]

Mr. AUSTIN. You had an Attorney General from Ohio in the person of Mr. Harmon. Is his record any better than that of the present Republican Attorney General?

A Member on that side, a Representative from North Carolina [Mr. SMALL], has introduced a bill to make violations of the Sherman antitrust law a criminal offense.

Mr. BATHRICK. And will the gentleman from Tennessee support it?

Mr. AUSTIN. Certainly, I will.

Mr. BATHRICK. Is there not a criminal-offense provision in the Sherman antitrust law now? It provides for imprisonment for violations.

Mr. AUSTIN. Your Attorney General Olney decided there was not.

Mr. BATHRICK. Suppose he did; if he were wrong, must the present Attorney General also be wrong?

Mr. AUSTIN. Mr. Wickersham has found a way when your Attorney General Olney failed to find one.

Mr. BATHRICK. Attorney General Harmon won the trans-Missouri case and caused the word "reasonable" to be excluded. He won the first two cases that sustained the Sherman antitrust law.

Mr. AUSTIN. Your own Democratic Attorney General Olney failed to make good under this law.

Mr. BATHRICK. I will say this——

Mr. AUSTIN. And Mr. Wickersham, a Republican Attorney General, has made good.

Mr. BATHRICK. I wish to say this, that in the matter of executing the laws of the Government of the United States I can not look upon it from a partisan viewpoint. I do not care whether a Republican or Democrat executes the law, providing it is done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BATHRICK. Mr. Chairman, I will ask the gentleman from Alabama to grant me five minutes more.

Mr. UNDERWOOD. I will say to the gentleman that I have limited my time, but I will grant him five minutes more.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes more.

Mr. BATHRICK. I believe, Mr. Chairman, that in this battle of the people's government against intrenched privilege we are balancing upon the edge of a precipice. The crisis is close upon us when it is to be determined whether Government will punish wealthy malefactors or not. The test of our executive Government is near at hand, and even though the opinion of our court was a qualification or a modification of the statute, it established beyond question that certain combinations in restraint of trade did exist, reasonable or unreasonable though they may have been.

Mr. Chairman, I can not help but fear that our recent Supreme Court opinion has granted at least a partial concession to this class of lawbreakers and established a precedent upon which future litigants can base an argument that their particular restraint of trade is not "unreasonable."

I am content that the abstruse problems of our primary and statutory law should be interpreted by others more competent than myself, but it seems that the certainty of these interpretations never has been established even in our chief tribunal, for it is recorded that this court upon sundry occasions has reversed its own opinions. I am forced, therefore, to conclude that the deductions made by our Supreme Court are decidedly human and not superhuman. But admitting their supreme fitness for the honored and lofty positions they hold in Government and in the minds of a generally law-abiding people, I still respectfully dissent from an opinion which places in the statute a word which I can not find there when I read it.

The people of this Nation are awaiting to hear judgment pronounced and punishment meted out to those from whom they have suffered so long. If this be surely and expeditiously done, a great moral effect for good will sweep over this country and give greater confidence in the stability of our Government. If carping delay ensue, or it be not done at all, it will bring further discouragement and dissatisfaction to millions of patriots

who love their country, but who have sometimes vainly sought to believe implicitly in and live honestly by the theory of equality before the law.

We are charged in this session, as well as in that to come, with the duty of enacting a class of legislation which is by far the most important that has, in recurring periods, been brought before the Congress of the United States. We have been obliged in order to secure the best obtainable to compromise and approximate legislation with various sectional interests and various honest viewpoints that these should be finally merged into the best results possible.

I have voted in this House for a minimum of evil that I might obtain the maximum of good. I have voted against a minimum of good that I might help to prevent what I was pleased to think was a maximum of evil.

Mr. Chairman, I deplore the effects which high tariff has brought upon my country, and I also deplore the tendency of a growing sentiment in this House to reach far to the other extreme when conditions can not possibly warrant it. The legislative pendulum has swung far up into the realm of high tariff, and now that it is falling it is the duty of a rational conservatism to prevent its swinging too far to the other side. Excessive tariff has brought its evils upon us, but it is the penalty of overindulgence and not because of any inherent weakness of a means of self-protection which like action of other nations forces us to retain. There are now, and as long as we continue to make tariffs always will be, certain products which belong upon the free list as logically as the others belong upon the protected list. Upon the advent of the income tax or other shifting of the burden of Government expenses, this free list should be materially augmented, not merely because the necessity of raising revenue by means of import duties has been lessened by newer and better revenue measures, but because the character of the product and conditions of its production automatically have removed the necessity or advisability of protection. But this in no sense can be employed as a reason for the total abolition of tariff from all production.

Ours is the greatest per capita consumption and the greatest market in all the world; and this very fact would furnish an incentive to every country on the globe to gain the advantage of getting our market and keeping their own markets excluded from us.

Tariff has been and is still a great weapon of international trade offense and defense.

The millenium may come when the lion will lie down with the lamb and the brotherhood of nations shall dwell in peace and amity, but to-day there is upon us a great world-wide combat for trade, and we can no more be the first to lay down our means of defense in commerce than we can afford to be the first, in the fear of sanguinary conflict, to scuttle our battleships and demolish our coast fortifications. [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Chairman, the bill under consideration revising the cotton schedule is one of the most important bills presented to the House in many years. It is in line with the promises and pledges of the Democratic Party, and as its effect will be to reduce the cost of living by giving the people cheaper cotton goods I shall give it my hearty and enthusiastic support.

But, Mr. Chairman, I have not taken the floor this afternoon to discuss in detail the pending bill, but for the purpose of correcting the many misrepresentations which recently have been made concerning pension legislation. During this special session of Congress, and since the House became Democratic, certain gentlemen on the Republican side and many Republican newspapers throughout the country, purely for political purposes, have been busy in an effort to mislead and deceive soldiers regarding what could and should be done at this extra session on the subject of pensions. They well know that this special session was called for a special purpose and that it was not the intention to take up all kinds of general legislation. They well know that no pension legislation was ever passed at an extra session of Congress in the history of the country.

Two years ago when an extra session of Congress was convened on the 15th day of March, and continued until the 6th day of August, at a time when the House was overwhelmingly Republican, no Republican Member asked for or even suggested pension legislation at that time. But now that the House is Democratic you are attempting to make a grand-stand play before the soldiers of the country by pretending to favor pension legislation at this extra session, when you know a bill passed by the House at this session could not be made effective, as I will later on show. And the ridiculous feature of this pretense is the fact that it comes from those of you who heretofore have opposed pension legislation, and from many who voted and worked against the Sulloway bill. [Applause on the Democratic side.]

Mr. Chairman, for 14 years both branches of Congress have been Republican by large majorities, and you have had a golden opportunity to reward the heroes of the Civil War for their loyalty, their bravery, their self-sacrifice, and their great service to the country; but during all this time you have fed them on promises and pledges, and year after year refused them the pensions they rightfully deserved. When the campaign was on you were liberal in your words of praise, and promises were made without limit, but when the campaign was over you came here and sat quietly in your seats and never raised your voices in their behalf. You were long on promises, but mighty short on performances. [Applause.]

Why, during the last campaign you went about the country telling soldiers that if a Democratic House should be elected they could expect no pension legislation, for the reason that the majority of the Democratic Members would come from the South, and they would not vote for pension legislation. What right or what authority did you have for making such a statement? I answer absolutely none. An examination of the RECORD discloses the fact that southern Democratic Members never have opposed or voted against pension legislation. During the past 10 years over 20,000 pension bills, private and general, have passed this House, and I challenge anyone to show when or where southern Members ever opposed or voted against these bills.

Two years ago when we passed the widows' pension bill, placing all widows of soldiers on the rolls at $12 per month, adding $13,000,000 to the pension roll, every Democratic Member who was present, from both the South and the North, voted for the bill, and it became a law. In view of these facts you gentlemen on that side of the House owe an apology to these big-hearted Representatives from the South, whose fairness and sense of justice prompted them to vote for these 20,000 pension bills for the benefit of the Union soldiers. [Applause.]

Why, Mr. Chairman, in my own campaign last fall a certain United States Senator went over my district telling the soldiers that I had introduced a dollar-a-day pension bill, but that I had done so to fool the soldier, that I was not sincere, when at the same time this Senator had occupied a seat in the Senate for nearly 12 years and had never introduced a general bill to increase soldiers' pensions nor, so far as I know, made a speech on the subject.

Mr. Chairman, for five years I have stood upon this floor pleading for more liberal pensions and have done everything in my power to secure them. My record is an open book upon this question, and no man has the right and no honest man will question my loyalty to the old soldier or my devotion to the flag. [Applause.] The RECORD will show that practically all the speeches made in the House during the past five years in favor of more liberal pensions have been made by Democratic Members, and it is a well-known fact that it was our work that forced the Sulloway bill out of the committee last winter.

I well remember one year ago, when Mr. SULLOWAY, the then chairman of the Invalid Pensions Committee, gave notice to all Members of the House that on a certain day the committee would hear all Members who favored a dollar-a-day pension, and on that day every man who appeared before the committee and spoke in favor of a dollar-a-day pension was a Democrat. Not a single Republican Member appeared and spoke for such a bill. The only one of you on that side of the House who appeared and spoke was the gentleman from Nebraska [Mr. NORRIS], and he discussed another matter. These facts the country has a right to know, as they show the lack of interest that side of the House has heretofore taken in pension legislation, and will help the soldier to figure out how much sincerity there is in your grand-stand play at this time.

Mr. Chairman, when the Sulloway bill was before the House last winter, who opposed it? The opposition did not come from the Democratic side, but it came from that side of the House. The gentleman from New York, the Hon. SERENO E. PAYNE, the Republican floor leader, turned his back on the old soldier, made a vigorous speech against the bill, and voted against it, while the Democratic floor leader, the Hon. CHAMP CLARK, now Speaker of the House, voted for it. [Applause.] Also, the gentleman from Massachusetts [Mr. WEEKS], the Republican chairman of the Post Office Committee and one of the leading Members on that side of the House close to the administration, also spoke and voted against the bill, as did also the distinguished gentleman from Ohio, the Hon. NICHOLAS LONGWORTH.

I shall not take the time to enumerate the long list of Republican leaders who spoke and voted against the Sulloway bill, but simply want to call your attention to the fact that practically all the opposition to the bill came from that side of the

House, But notwithstanding the Republican opposition we passed the bill by a nice majority, and sent it over to the Senate, where it died in that Republican body without any consideration. And now at a time when you know it is impossible for the House to pass a bill and put it in operation, without the aid of the Senate, you are seeking to tie up pension legislation in such a way that nothing can be done at the regular session, soon to convene, and at the same time covering up your real purpose by pretending to favor pension legislation.

Only a few days ago the chairman of the Invalid Pensions Committee, the old soldier of the House, Gen. SHERWOOD, asked unanimous consent to speak for 40 minutes in order that he might explain to the soldiers of the country the present status of pension legislation, but you on that side of the House objected and would not allow him to speak. Why did you object? You objected because you did not want soldiers to know the true situation, and because you knew your hypocrisy would be exposed. The old saying that "murder will out" is as true to-day as it was 100 years ago. You tried to cover up your real purpose, but in that you have failed, and you can no longer mislead and deceive the heroes of the Civil War.

During the last campaign you went over the country telling soldiers that every line of pension legislation ever placed on the statute books was placed there by a Republican Congress, when at the same time you knew the statement was false. The Democratic Party has been in control of legislation several times since the war, and we are proud of our record on the subject of pensions. I have here a list of 24 general bills compiled by the gentleman from Indiana [Mr. DIXON] showing our record on the pension question. Look at the bills or laws passed by a Democratic House and approved by a Democratic President. A Democratic House passed—

(1) Act of August 15, 1876, providing for the issuance of artificial limbs, or commutation therefor, to disabled soldiers and seamen, and providing transportation for the purpose of having the same properly fitted.

(2) Act of February 28, 1877, increasing the pension of those who lost both an arm and a leg.

(3) Act of March 9, 1878, granting pensions on account of service in the War of 1812 and the Revolutionary War, requiring a service of but 14 instead of 60 days on the part of the survivors of the War of 1812, and granting pensions to widows regardless of the date of marriage to soldiers of this war. It also granted pensions to widows of soldiers of the Revolutionary War on a service of 14 days. Former laws required a marriage prior to the treaty of peace in the case of widows of the War of 1812.

(4) Act of June 17, 1878, increasing to $72 per month the pensions of those who lost both hands, both feet, or the sight of both eyes incident to the service.

(5) Act of March 3, 1879, increasing to $37.50 all pensions on account of amputation at the hip joint. This sum was afterwards increased to $45 per month by a Democratic House.

(6) Acts of January 25 and March 3, 1879, granting arrears of pensions from the date of discharge, generous measures which benefited more than 225,000 pensioners at once and caused the annual pension rate to leap from $33,780,526.19 to $57,240,540.14. The Republican Party had control of both Houses of Congress for more than 10 years after the close of the war, but passed no legislation of this character.

(7) Act of June 21, 1879, abolishing biennial medical examinations and providing that in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony.

(8) Act of June 16, 1880, giving $72 per month to all those who became totally helpless for any cause incident to the service.

(9) Act of February 26, 1881, for the protection of pensioners in the soldiers' home.

(10) Act of July 4, 1884, which established the proper relations which should exist between attorneys and clients and fixed by law the fees to be allowed in pension cases. By this act a Democratic Congress placed the strong arm of the law between the helpless applicant and the rapacious agent.

(11) Act of July 14, 1892, establishing an intermediate rate of pensions between $30 and $72 per month and fixing the rate at $50 for all who require frequent and periodical, though not regular and constant, personal aid and attention.

(12) Act of August 5, 1892, granting pensions to Army nurses and forbidding the demanding of a fee by claim agents for prosecuting this class of cases. This was a generous recognition of the noble heroines, who, leaving home and loved ones behind, in self-sacrifice braved pestilence and hardships to minister to the sick in the hospitals of the Army.

(13) Act of December 21, 1893, making a pension a vested right.

Here are some other contributions to the pension laws which were either approved by a Democratic President or passed by a Democratic House of Representatives.

(14) Act of April 18, 1884, making it a felony for any person to falsely or fraudulently represent himself to be an officer of the United States.

(15) Act of March 19, 1886, from $8 to $12 per month the pensions of 79,989 widows and dependents on the roll at the time, as well as tens of thousands who have since been placed there. These certificates were issued by a Democratic Commissioner of Pensions without any expense or unnecessary delay to those deserving beneficiaries.

(16) Act of May 17, 1886, amending the reports of the War Department, which discriminated against a large and worthy class of soldiers, relieving thousands of unfortunate veterans of the hardships worked by the resting of charges against them based upon technical errors in the records.

(17) Act of August 4, 1886, increasing the pensions of 10,030 cripples—armless and legless veterans.

(18) Act of January 29, 1887, benefiting about 30,000 survivors and widows of the Mexican War.

(19) Act of June 7, 1888, granting arrears to widows from the date of the death of the husband and providing that all United States officials authorized to administer oaths should administer all oaths required to be made in pension cases in the execution of vouchers for pensions free of charge. This arrearage act benefited at once more than 200,000 soldiers' widows.

(20) Act of August 27, 1888, increasing pensions on account of deafness.

(21) Act of February 12, 1889, granting an increase in pensions from $72 to $100 per month to all persons who lost both hands in the service and line of duty.

(22) Act of March 1, 1889, relating to the payment of pensions to the widows or dependent heirs where subsequent to the issuance of the check the pensioner dies.

(23) Act of March 2, 1889, removing certain technical charges in the record and relieving a large and meritorious class of soldiers.

(24) Act of March 2, 1895, which abolished the rates of $2 and $4 and fixed the lowest rate of pension at $6 per month.

Mr. Chairman, with such a record as this on the pension question and the continuous and persistent effort some of us have made during the past five years for more liberal pensions, who could say that the Democratic Party has not been mindful and appreciative of the heroic efforts and sacrifices made by the Union soldier for the preservation of the States? Every Member of this House understands why it is impossible for the House to pass a pension bill and put it in operation at this time, but in order that the soldiers of the country may understand it I will state the reasons as fully and as clearly as possible.

In the first place, I desire to say that the Sherwood bill—a bill bearing the name of that gallant old soldier who gave four years of the best part of his life to the service of his country—which the Invalid Pension Committee of the House has agreed upon, and which it will pass early in the regular session of Congress, will add about $40,000,000 to the pension roll, and if that bill were passed at this time, there would be no money available to pay pensions under it, as the appropriation for pension purposes for the fiscal year ending on June 30, 1912, was passed at the last regular session and was based upon the law as it now exists, and as the Senate refuses to consider an additional appropriation at this extra session, a new law could not go into effect until the next regular session, at which time Congress will pass the regular pension appropriation bill making money available to pay pensions under both the old and the new law.

Therefore absolutely nothing could be gained by passing a bill at this time, even if it were possible to do so, but, Mr. Chairman, it is not possible to do so, for the reason that the Senate absolutely refuses to take up pension matters at this extra session. The committee of the House, of which I am a member, took this matter up with the pension committee of the Senate, and we have a letter from the chairman of the Senate Pension Committee, over his own signature, telling us that the Senate will not act on pension legislation at this extra session of Congress. Therefore it is impossible to pass a bill at this session on account of the refusal of the Senate to join the House in doing so.

Mr. RUSSELL. Is that chairman of the Senate Committee on Pensions a Republican or a Democrat?

Mr. ADAIR. A Republican chairman.

Mr. AUSTIN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Tennessee?

Mr. ADAIR. It is getting late, Mr. Chairman, and I decline to be interrupted.

The CHAIRMAN. The gentleman from Indiana declines to yield.

Mr. ADAIR. When the regular session convenes in December we will pass our bill and send it over to the Senate, and then if you Republicans who voted against the Sulloway bill, and who are now trying to work a bunco game on the soldier, should in the meantime repent of your sins, I would advise you to go over to the Senate and insist on your Republican brothers in that body, who killed the Sulloway bill last winter, showing their conviction and conversion to the cause of right by passing the Sherwood bill. [Applause.]

But you gentlemen on that side of the House have not repented. You are still the enemies of pension legislation, the same as you were when you voted against the Sulloway bill. Now you are trying to prevent pension legislation by insisting on the passage by the House of the Anderson bill, which you know, and every Member of the House knows, the Senate will neither consider nor pass. The Anderson bill is an age bill, practically the same as the Sulloway bill, and the Senate has been canvassed on the subject, and it is known to a certainty that such a bill will get no consideration in that body. And that is the reason you favor the Anderson bill. You want to pass and send over to the Senate a bill that will die in that body so that nothing will be done. Why do you not come out openly and

oppose pension legislation instead of trying to kill it in an underhand way, while at the same time you are pretending to be the friends of the soldier? If there is anything on earth I despise it is hypocrisy, misrepresentation, and fraud, and all of these are embodied in your methods to prevent pension legislation. [Applause.]

But, Mr. Chairman, we on this side of the House, who have been fighting the battles of the old soldier during the past five years, understand your methods and purposes, and while you may have been able to fool some of the soldiers temporarily, you have not fooled us, and we are not going to allow you to tie up pension legislation in that way. Neither are we disturbed by political newspapers constantly misrepresenting the facts on the subject of pensions and criticizing the House because it is Democratic and at the same time saying nothing about the Senate because it is Republican. Only a few days ago a prominent newspaper, circulating largely among soldiers, made the statement that pension legislation must originate in the House, when the editor of that paper knew full well his statement was false. The last general pension bill passed increasing the pensions of soldiers, known as the McCumber bill, originated in the Senate and passed that body before the House had anything to do with it. A bill can originate in the Senate as well as in the House; and if these newspapers want to criticize, why do not they say something about the Senate for killing the Sulloway bill and refusing at this time to consider pension legislation?

Mr. Chairman, the Invalid Pensions Committee of the House has given the matter careful consideration, has studied the situation from every different standpoint, and we are proceeding along a line that will bring results at the earliest possible moment. No pension bill was ever passed in the history of the country that was not backed by the committee, and if you want to accomplish something for the relief of the old soldier stand with the committee and it will be done. The bill we have agreed upon may not suit all of you; in fact, it does not entirely meet the wishes of a single member of the committee, but like all legislation it is the result of compromise. When our committee got together to consider the 48 bills before us, there were as many different opinions as there were different members of the committee, and, like a jury reaching a verdict, we had to give and take, compromise our differences, and get together. Personally I favored my own bill—a straight dollar-a-day bill—but we knew the Senate would not pass a dollar-a-day bill; neither would it pass the Anderson bill nor the Sulloway bill; but as Members of that body had agreed to consider a bill based upon service, we thought it best to report that kind of a bill, although several of us preferred a different bill. Now, we ask all Members of the House to join us in securing the passage of the bill we have agreed upon, known as the Sherwood bill, which provides pensions as follows: Ninety days' service, $15 per month; six months' service, $20 per month; nine months' service, $25 per month; one year's service or more, $30 per month; and a provision that where a soldier is incapacitated from performing manual labor by reason of his service, he will be entitled to $30 per month, regardless of the length of time he served. This will at once put at least 75 per cent of all soldiers on the roll at $30 per month, and the balance will receive a like amount before long.

Mr. Chairman, there are two ways of opposing pension legislation. One is to be openly against it, and that is the honest way. The other is to pretend to be for something you know you can not get, and that is the dishonest way. Every Member of the House who refuses to follow the committee and insists on something he knows can not be done is an enemy to the interests of the soldier and indirectly opposed to pension legislation. I am just as ambitious to have a pension law bear my name as is Mr. ANDERSON or any other Member of the House, but when we know that neither his bill nor mine can be passed in the Senate, then it is the duty of each of us to lay aside our individual preference and support a bill which we have reason to believe the Senate will agree upon. To pass the Anderson age bill or the Adair dollar-a-day bill and send either to the Senate would result in no legislation at all. What I want is liberal pension legislation, and I am willing to support any bill, no matter whose name it bears, that will bring relief to the men who endured hardships and privations that we of this generation might enjoy a united country.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from California?

Mr. ADAIR. I do.

Mr. RAKER. There has been considerable said in the newspapers about this Democratic House being opposed to pension legislation, and as evidence of that it has for the last six weeks kept the Anderson pension bill from coming before the House. It has been stated further—I do not know whether there is anything in it or not—that there is a combination engaged in sending this information over the country. Does the gentleman know anything about that?

Mr. ADAIR. Yes; I have heard it a great many times. The real purpose behind the Anderson bill is to send it to the Senate, knowing that that body will not pass it, in order that no legislation may be enacted. Every Member of this House who has the interest of the old soldier at heart should vote against sending to the Senate such a bill, when it is known to a certainty that it would get no consideration in that body. Every Member of this House who votes against sending such a bill to the Senate is the true friend of the old soldier, and is proceeding along the right line to bring results in the end. [Applause on the Democratic side.]

Now, Mr. Chairman, I do not care to take up any more time of the House, but in conclusion want to say that I am willing to stay here in this uncomfortable and almost unbearable heat, with the temperature at times reaching 110° in the shade, to prevent the enemies of pension legislation from sending over to the Senate a bill which it is known can not be passed and would result in no legislation at all, and then when the regular session convenes in December, about four months hence, you will find me here again, using my voice and vote in passing the most liberal pension bill ever passed by Congress in the history of the country. [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12812, to reduce duties on manufactures of cotton, and had directed him to report that the committee had come to no resolution thereon.

MINORITY VIEWS ON THE COTTON SCHEDULE.

Mr. MANN. Mr. Speaker, at the request of the gentleman from New York [Mr. PAYNE] I present the views of the minority of the Committee on Ways and Means (H. Rept. 65, pt. 2), on the bill H. R. 12812, to reduce the duties on the manufactures of cotton.

LEAVE OF ABSENCE.

Mr. HAWLEY, by unanimous consent, was given leave of absence for July 29 and 31, August 1, 2, 3, and 4, on account of inspecting lands offered to the National Forest Reservation Commission as a House member of the said commission.

Mr. WITHERSPOON was granted leave of absence for four days on account of being confined to his room by sickness.

Mr. GOODWIN of Arkansas, by unanimous consent, obtained leave of absence indefinitely, on account of illness in his family.

AMENDMENTS TO HOUSE JOINT RESOLUTION 130.

The SPEAKER. Without objection, amendments to House joint resolution 130 will be printed for the use of the House.

There was no objection.

EXTENSION OF REMARKS.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken and who hereafter may speak on the bill H. R. 12812, the bill to reduce the duties on manufactures of cotton, may have leave to extend remarks in the RECORD.

The SPEAKER. For how long?

Mr. UNDERWOOD. Five days after the bill is passed.

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman's request is not confined to those who speak in reference to the bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all Members who have spoken or who shall hereafter speak on House bill 12812, the cotton schedule, shall have five days after the passage of the bill in which to extend remarks in the RECORD. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to say to the gentleman from Alabama that I have no objection to gentlemen who make speeches extending remarks in the RECORD, and I have no objection in this case to gentlemen who speak on this subject; but under the form of his request the gentleman from Alabama might be imposed upon to yield half a minute to a Member who would print a book in the RECORD on some extraneous subject entirely.

Mr. UNDERWOOD. I will say to the gentleman that I do not expect, and it is not my intention, to yield a half minute to anybody except to make remarks on this bill.

Mr. MANN. It is a common thing for gentlemen to apply for recognition simply to extend remarks in the RECORD. The gentleman in charge at the time is not usually very critical about that.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I really see no reason why a gentleman should not extend his remarks in the RECORD if he wants an opportunity to state to his constituents what his views are on public questions.

Mr. MANN. And I will say to the gentleman that I have no objection to extending his remarks in the RECORD which he has prepared himself, but it is a decided nuisance, not to say anything further, when you examine the RECORD and turn over page after page, to find printed in small type something that some gentleman has taken out of somebody else's work and inserted in the RECORD as a part of his own remarks. I think it very decidedly ruins the value of the RECORD to do this in any large number of pages, as it frequently is done.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that I have no desire that that should be done, but if the gentleman has any suggestion to make about my request, I would be glad to hear it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 6 o'clock and 2 minutes p. m.), the House adjourned until Saturday, July 29, 1911, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2495) to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia, reported the same with amendment, accompanied by a report (No. 70), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 816) to provide for plans and specifications for two high schools in the District of Columbia, reported the same without amendment, accompanied by a report (No. 71), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 1704) relieving and exempting lot No. 53 in Ann S. Parker's subdivision of lots, in square No. 140, of the city of Washington, D. C., from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, reported the same without amendment, accompanied by a report (No. 72)), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 12738) to amend the Code of Law for the District of Columbia regarding insurance, reported the same without amendment, accompanied by a report (No. 68), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1785) to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies, reported the same with amendment, accompanied by a report (No. 69), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3705) granting an increase of pension to James Noble; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12189) granting a pension to Benjamin F. Tye; committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOLLAND: A bill (H. R. 13036) to erect a post-office building in the town of Smithfield, Isle of Wight County, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13037) to provide for the erection of a public building in Franklin, in the county of Southampton, Va.; to the Committee on Public Buildings and Grounds.

By Mr. TALCOTT of New York: A bill (H. R. 13038) to promote the safety of passengers and others upon railroads by compelling common carriers engaged in interstate commerce to use cars constructed of steel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 13039) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States certain of the funds of the Kiowa, Comanche, Apache, Choctaw, Chickasaw, and Seminole Indians in Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. SLAYDEN: A bill (H. R. 13040) to create a bureau of harbors and waterways under the Department of Commerce and Labor; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia; to the Committee on the District of Columbia.

By Mr. JACKSON: A bill (H. R. 13042) to restrict the shipment of intoxicating liquors; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: A bill (H. R. 13043) to prohibit the employment of children under the age of 16 years by the Federal Government; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of South Dakota: A bill (H. R. 13044) extending the time of payment to certain homesteaders in the Rosebud and other Indian reservations in South and North Dakota; to the Committee on Indian Affairs.

By Mr. BORLAND. A bill (H. R. 13045) empowering commission to secure plans and designs for a memorial highway in memory of Abraham Lincoln from the city of Washington to the battle field of Gettysburg, in the State of Pennsylvania; to the Committee on Appropriations.

By Mr. RUCKER of Colorado: A bill (H. R. 13046) to provide for the purchase of a site and the erection of a public building thereon at Sterling, in the State of Colorado; to the Committee on Public Buildings and Grounds.

By Mr. WATKINS: Resolution (H. Res. 252) to authorize the Clerk of the House of Representatives to pay the index clerk for completing the index of the House Journal for the third session of the Sixty-first Congress; to the Committee on Accounts.

By Mr. CARTER: Resolution (H. Res. 253) authorizing a per capita distribution of the tribal funds of the Choctaw and Chickasaw Indians; to the Committee on Indian Affairs.

Also, resolution (H. Res. 254) requesting the Secretary of the Interior to furnish information regarding the appointment or nomination of a mining trustee of the Choctaw Nation in the State of Oklahoma; to the Committee on Indian Affairs.

By Mr. BURLESON: Resolution (H. Res. 255) requesting the President to direct the State Department to enter into negotiations looking to freer commerce between the United States and Mexico; to the Committee on Ways and Means.

By Mr. PARRAN: Resolution (H. Res. 256) for the relief of the heirs of Robert H. Key, late an employee of the House; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BROWN: A bill (H. R. 13047) granting an increase of pension to John F. Bennett; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 13048) granting a pension to Senobio Cordova; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13049) granting a pension to Elbert W. McLaughlin; to the Committee on Pensions.

Also, a bill (H R. 13050) granting a pension to Frank J. Cook; to the Committee on Pensions.

Also, a bill (H. R. 13051) granting a pension to Rebecca Horn; to the Committee on Pensions.

Also, a bill (H. R. 13052) granting a pension to Merejildo Grijalva; to the Committee on Pensions.

Also, a bill (H. R. 13053) granting a pension to Sylvia Call; to the Committee on Pensions.

Also, a bill (H. R. 13054) to authorize the President to appoint Capt. Edward O. C. Ord to the grade of major in the United States Army and place him on the retired list; to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 13055) granting an increase of pension to Edward L. Holladay; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R 13056) for the relief of Capt. Henry Catley, United States Army, retired; to the Committee on War Claims.

Also, a bill (H. R. 13057) for the relief of John M. Wilson, United States Army, retired; to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R 13058) for the relief of the legal representatives of George W. Soule; to the Committee on Claims.

By Mr. FOSTER of Illinois: A bill (H. R 13059) granting an increase of pension to Moses Hensley; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 13060) granting an increase of pension to Don C. Van Brocklin; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 13061) granting an increase of pension to Winfield S. Creighton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13062) to recompense the heirs of Edward Maher; to the Committee on Claims.

By Mr. HELM: A bill (H. R. 13063) for the relief of Henry S. Branaman; to the Committee on War Claims.

By Mr. HOLLAND: A bill (H. R. 13064) granting a pension to Edna C. Weston; to the Committee on Pensions.

By Mr. JACKSON: A bill (H. R 13065) granting a pension to Mary E. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13066) granting a pension to William S. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13067) granting a pension to Horace E. Hagar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13068) granting a pension to Martha A. James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13069) granting an increase of pension to John Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13070) granting a pension to Cordelia B. Miracle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13071) granting an increase of pension to Samuel Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13072) granting a pension to Isabell C. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13073) granting an increase of pension to Robert H. Wynne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13074) granting an increase of pension to John W. Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13075) granting an increase of pension to Frank W. McCauley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13076) granting an increase of pension to William F. M. Lacey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13077) granting an increase of pension to John N. Raley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13078) granting an increase of pension to Robert E. Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13079) granting an increase of pension to George W. Downing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13080) granting an increase of pension to George W. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13081) granting an increase of pension to Duane L. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13082) granting an increase of pension to Edward W. Stephens; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13083) granting an increase of pension to Johanna McCarty; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13084) granting an increase of pension to John Gwaltney; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 13085) granting an increase of pension to Henry Barber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13086) granting an increase of pension to Claudius N. Martin; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 13087) for the relief of Jeanie G. Lyles; to the Committee on Claims.

Also, a bill (H. R. 13088) for the correction of the naval record of John S. W. Carr; to the Committee on Naval Affairs.

By Mr. RUCKER of Missouri: A bill (H. R. 13089) granting a pension to Mattie S. Wright; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 13090) for the relief of Samuel Carpenter; to the Committee on Military Affairs.

Also, a bill (H. R. 13091) for the relief of Elisha A. Smothers; to the Committee on Military Affairs.

By Mr. STEPHENS of California: A bill (H. R. 13092) granting a pension to James T. L. Harris; to the Committee on Pensions.

By Mr. YOUNG of Kansas: A bill (H. R. 13093) to remove the charge of desertion from the military record of Morris R. Tidrick and grant him an honorable discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 13094) granting a pension to Joseph A. McElroy; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of citizens of the Bronx, in favor of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CLARK of Florida: Statement to accompany bill for relief of Capt. Henry Catley; to the Committee on War Claims.

By Mr. MICHAEL E. DRISCOLL: Petitions of Mrs. Emil Kempf and others, of Syracuse, N. Y., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

By Mr. FOCHT: Petition from Hubert A. Allison, Selinsgrove, Pa., asking for a reduction of the duties on raw and refined sugars, etc.; to the Committee on Ways and Means.

Also, evidence in support of bill (H. R. 12653) for the relief of Joseph B. Hamilton; to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Memorials of numerous residents of St. Albans, Vt., protesting against legislation for the establishment of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the American Medical Association, for amendment of the pure food and drug act as recommended by the President; to the Committee on Interstate and Foreign Commerce.

Also, petitions of John Vidano, Carbon Hill, Ill., and Domenico Benedetto, Coal City, Ill., for a reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. HINDS: Memorials of the granges of Bridgeton, Brunswick, Cornish, Mount Etna, Naples, Pomona, Sweden, and York Village, Me., praying for legislation for the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. JACKSON: Petitions of numerous citizens of Kansas, asking for the reduction of duties on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of numerous citizens of Lyon County, Kans., asking for the enactment of a law prohibiting the shipment of intoxicating liquors; to the Committee on Alcoholic Liquor Traffic.

By Mr. KINDRED: Petition of Paul V. Vandwelde, B. A. Worrell, and Seth W. Kelly, citizens of Queens Borough, N. Y., urging congressional action for the betterment of United States Soldiers' and Sailors' Homes; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: Resolution by the New England Association of the Federal Immigration and Naturalization Service, Boston, Mass., recording itself in favor of legislation based upon the Austin bill (H. R. 729) for increasing the salaries and for the retirement of employees in the classified civil service; to the Committee on Reform in the Civil Service.

Also, resolutions by the executive committee of the Pawtucket Merchants' Association, that it is necessary for the proper development and improvement of the harbor in Providence, R. I., that the channel be deepened to a depth of 30 feet; to the Committee on Rivers and Harbors.

By Mr. PADGETT: Papers to accompany bill granting an increase of pension to John Gwaltney; to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of 27 farmers in Cook County, Ill., urging the passage of House bill 12311; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 29, 1911.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

O Thou who art the life and light of men, the giver of every good gift, the inspiration of all our longings, hopes, and aspirations, the God of our salvation, pour down upon us, we beseech Thee, Thy spiritual gifts and grant us every blessing which makes for righteousness, that we may be true to our better self and grow day by day into the likeness of our Maker, until we all come unto the measure of the stature of the fullness of Christ. For thine is the kingdom and the power and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. MANN. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-seven Members present—not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The question is on the motion of the gentleman from Alabama that there be a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The Chair desires to state that the reason so many gentlemen have to arise in order to get the RECORD straightened out is because when the roll is called the uproar is such that it is impossible for the Members either to hear their names or the Clerk to hear the responses. [Applause.] The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Allen	Fornes	Levy	Riordan
Ames	Foss	Lindsay	Roberts, Mass.
Anderson, Ohio	Francis	Linthicum	Rodenberg
Andrus	Fuller	Littleton	Rouse
Ansberry	Gardner, Mass.	Loud	Rucker, Mo.
Anthony	Gardner, N. J.	Loudenslager	Sabath
Barchfeld	George	McCreary	Saunders
Barnhart	Gillett	McGillicuddy	Scully
Bartlett	Glass	McGuire, Okla.	Shackleford
Bates	Goldfogle	McHenry	Sharp
Beall, Tex.	Goodwin, Ark.	McKenzie	Sheppard
Bingham	Gordon	McKinley	Simmons
Boehne	Graham	McLaughlin	Slemp
Broussard	Gray	McMorran	Smith, Saml. W.
Buchanan	Greene, Mass.	Madden	Smith, N. Y.
Burke, Pa.	Gregg, Pa.	Madison	Speer
Burleson	Gregg, Tex.	Maher	Stanley
Butler	Griest	Malby	Steenerson
Calder	Gudger	Martin, S. Dak.	Sterling
Cantrill	Guernsey	Matthews	Stevens, Minn.
Carlin	Hamilton, Mich.	Miller	Sulloway
Cary	Hamilton, W. Va.	Mondell	Sulzer
Claypool	Hanna	Moon, Pa.	Switzer
Cline	Harris	Morse	Talbott, Md.
Copley	Hartman	Mott	Thistlewood
Cox, Ohio	Haugen	Murdock	Thomas
Crago	Hawley	Murray	Tuttle
Cravens	Hayes	Needham	Underhill
Curley	Heald	Nye	Utter
Dalzell	Henry, Conn.	Olmsted	Volstead
Danforth	Hobson	O'Shaunessy	Vreeland
Davidson	Howell	Parran	Warburton
De Forest	Hughes, N. J.	Patten, N. Y.	Wedemeyer
Difenderfer	Hughes, W. Va.	Patton, Pa.	Weeks
Doughton	Jones	Peters	White
Draper	Kindred	Plumley	Wilder
Driscoll, M. E.	Kinkead, N. J.	Porter	Wilson, Ill.
Dupre	Konig	Pou	Wilson, N. Y.
Ellerbe	Lafean	Powers	Witherspoon
Fairchild	Langham	Prince	Wood, N. J.
Faison	Langley	Pujo	Young, Mich.
Fields	Latta	Rainey	Young, Tex.
Focht	Lawrence	Ransdell, La.	
Fordney	Legare	Redfield	

Mr. STEPHENS of California. Mr. Speaker, Mr. NEEDHAM, my colleague, has been sick for two or three days. He answered to two roll calls on yesterday, but was obliged to leave, and is sick at home this morning.

The SPEAKER. The Chair would suggest to the gentleman that he get one of these written slips and ask for leave of absence. Two hundred and twelve Members are present—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will reopen the doors.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DOUGHTON, for one week, on account of sickness in his family.

To Mr. WEDEMEYER, indefinitely, on account of illness.

To Mr. SMITH of Texas, indefinitely, on account of sickness.

To Mr. SHARP, for two days, on account of important business.

To Mr. NEEDHAM, indefinitely, on account of illness.

Mr. HOWARD. Mr. Speaker, I ask leave of absence for my colleague, Mr. BARTLETT, who is absent from the House on account of official business, being engaged in the steel investigation in the city of New York.

The SPEAKER. The gentleman from Georgia [Mr. HOWARD] asks unanimous consent for leave of absence for his colleague [Mr. BARTLETT] because of his being engaged on an investigating committee. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I shall object to any indefinite leave of absence. Several gentlemen on that committee have obtained leave of absence for a few days. It may be necessary for the gentleman to be here soon.

Mr. HOWARD. Mr. Speaker, I ask leave of absence for my colleague for one week.

The SPEAKER. The gentleman from Georgia asks for leave of absence for his colleague [Mr. BARTLETT] for one week on account of the absence of the latter with one of the investigating committees. Is there objection? [After a pause.] The Chair hears none.

AMENDMENTS TO HOUSE JOINT RESOLUTION 130.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House joint resolution 130, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the House disagree to the Senate amendments to House joint resolution 130 and ask for a conference.

Mr. MANN. I think there are some amendments there that may require a vote in the House, and therefore I object.

Mr. FITZGERALD. I did not catch what the gentleman from Illinois said.

Mr. MANN. I said that there are some amendments there that may need a vote in the House.

Mr. CANNON. Mr. Speaker, what is the title of the resolution? I failed to understand it.

The SPEAKER. The Clerk will report the resolution by title.

The Clerk read as follows:

House joint resolution 130, making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress.

Mr. FITZGERALD. We might arrange to take a vote at present on any amendments the gentleman suggests. I do not know of any amendments that are likely to be agreed to by the conferees.

Mr. MANN. We might want to have a vote on whether the House does agree to the amendments or not. I suggest to the gentleman that he ask that the resolution with amendments be printed for the benefit of the House, so that we may have the amendments before the House.

Mr. FITZGERALD. It will not be necessary if the gentleman objects. They will be printed without argument.

Mr. MANN. Very well, then, I will object.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I do.

The SPEAKER. Then, under the rule, it is referred to the Committee on Appropriations.

THE COTTON SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. AUSTIN. Mr. Speaker, I desire to ask the gentleman from Alabama to withhold his motion until I can ask unanimous consent that the Committee on Expenditures in the Post Office Department may be excused from further attendance during to-day's session.

Mr. UNDERWOOD. Mr. Speaker, I would say to the gentleman that these committees already have the leave of the House to sit during the sessions of the House, and, as the question of no quorum is being raised continually in the House, I do not think I could yield for that purpose. If there is a call of the House, the committees certainly ought to be here.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on

the state of the Union for the further consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton, Mr. CULLOP in the chair.

Mr. CULLOP was greeted with applause on assuming the chair.

The CHAIRMAN. The committee will be in order. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12812. The Clerk will report the bill.

The Clerk read the bill by title.

Mr. UNDERWOOD. Mr. Chairman, I yield one hour to the gentleman from Tennessee [Mr. HULL]. [Applause.]

The CHAIRMAN. The gentleman from Tennessee [Mr. HULL] is recognized for one hour.

Mr. HULL. Mr. Chairman, it is my purpose to discuss the pretended and the real attitude of the Republican Party toward a Tariff Board or commission and toward tariff revision, with special reference to the present conditions.

Until recently it has been the boast of the Republican Party that it possessed the most thorough knowledge of the tariff and that all the tax laws enacted by it contained the very essence of fiscal wisdom. The McKinley and the Dingley tariffs were heralded over the country as the most scientific and perfect tariff laws ever enacted. President Taft and most of his party followers strove for a time to fasten the same label of fiscal and scientific perfection on the Payne tariff. But, Mr. Chairman, these vainglorious utterances, these boastful encomiums, these extravagant expressions of laudation, are no longer heard. Instead, we daily hear open confessions among Republican statesmen that the high system of tariff rates contained in the McKinley law, carried into the Dingley law, and sought to be perpetuated in the Payne law are not what they should be and that material changes are necessary, if not imperative. Their confession is accompanied by the astounding declaration that the Republican Party in Congress, together with its President, have not now sufficient wisdom and intelligence to legislate upon the tariff; but that they are reduced to the humiliating strait of appealing to a so-called Tariff Board to supply them with the capacity and intelligence necessary to enact a tariff law that the country will tolerate. During its checkered career this party has resorted to every other art of deception to maintain an intolerable system of high taxation, but only once before in its history has political necessity impelled it to offer the plea of downright ignorance and incapacity as an excuse for its failure to discharge a plain duty to the people by an honest reduction of their taxes. [Applause on the Democratic side.] Confronted by a grave political crisis, seeing the people in open revolt against the high and grossly exorbitant rates in the Payne and preceding tariff laws, the Republican Party, shamelessly and with a countenance every feature of which betrays intent to deceive, now comes forward again with that old dodge, that miserable sham, that worse than no pretense—the sinister plea that only a Tariff Board knows how to subtract. [Applause on the Democratic side.] By this last desperate expedient that partly faintly hopes to appease the people's wrath and again to baffle and, if possible, defeat tariff reduction. Its loyalty to the special interests is equaled only by the shrewd cunningness with which it serves them. [Applause on the Democratic side.]

Mr. Chairman, I desire to brand this latest Tariff Board device as premeditated hypocrisy and aggravated false pretense. [Applause on the Democratic side.] I shall recount certain facts, proving beyond controversy, first, that the Republican Party never has given the people material and genuine tariff reduction, and never will do so, and, second, that this same party has always bluntly, sneeringly, and contemptuously dismissed the suggestion of the creation of a Tariff Board or commission, save at such times as it sought to delay honest tariff revision and at the same time to avert impending political disaster. Frenzied by the fear of certain defeat, seeing itself about to be overwhelmed by the rising tide of popular condemnation, this party has once again thrown out this Tariff Board life line. By this ruse the Republicans fooled nearly all of the people once. In making the second attempt they will not even fool all of themselves. [Applause on the Democratic side.]

Mr. Chairman, the necessity for reducing the tariff has been strongly urged upon the Republican Party since the early seventies, but it has persistently and steadfastly declined to do so to any appreciable extent. The reason is obvious; that party has always comprised the beneficiaries of the high tariff and the trusts, and these latter have always composed, as they yet do, the ruling, dominating element of the Republican Party. When high protection dies, the sole remaining mission of that party will have ended. [Applause on the Democratic side.] It will have lost its only asset.

But, Mr. Chairman, what is now and what has been the pretended and the real attitude of this party toward a Tariff Board or commission? Why this sudden clamor for a Tariff Board? Is it in good faith, or is it history merely repeating itself? Let us see whether Republicans, in their extremity, have not engaged in the same "about-face," somersault performance before. In 1872 the Democratic Party commenced the battle for tariff reform. It insisted that, the war being long since over, the country should return to the just and honest tariff-for-revenue system existing prior thereto.

The Republicans then, as now, in a hard and fast alliance with the high-tariff beneficiaries, declined to make reasonable reductions. Prior to 1883 they made no permanent change in the war tariff as it related to protective duties. They only reduced or repealed direct taxes and such import duties as those on tea, coffee, and other articles we do not produce. By 1882 the people were ripe for revolt against the party in power on account of the burdensome tariff exactions, just as they are today. Then it was that the Republican Congress created a Tariff Commission or board as the only alleged scientific cure for existing tariff ills. Loud proclamation everywhere was made by Republican soothsayers of this scientific relief speedily coming. The Tariff Commission was to prescribe, and an eager Republican Congress was to administer, the dose that would bring permanent relief from all tariff ailments. What was the result? Instead of a specific, they gave the country an opiate. It was worse than a Barmecide feast; worse than the fabled Dead Sea fruit that turns to ashes on one's lips. [Applause on the Democratic side.] The Tariff Commission of 1883 was composed of gentlemen who—though all were protectionists—in ability would compare favorably with any commission that might to-day be selected. That commission traveled over 7,000 miles, visited 29 cities, examined more than 600 witnesses, taking testimony filling 2,625 pages, and, to the surprise of the Republicans, felt obliged to recommend a substantial reduction of duties amounting from 20 to 25 per cent. Their bill was offered in the House and referred to the Ways and Means Committee, which reported a different bill; the House debated this in amended form. In the meantime the Senate took up a purely internal-revenue bill previously sent over from the House, and, disregarding the report of the Tariff Commission entirely, attached to it the principal part of what was afterwards known as the tariff act of 1883, and the balance of it was added in the conference committee. This law, instead of responding to the facts and recommendations of the Tariff Board, reduced some rates, increased others, substituted specific for ad valorem duties, and thus cunningly revised the tariff so as to impose higher average duties than before—47.10 per cent for the year 1887 as compared with an average rate of 42.5 per cent for the 10-year period prior to the so-called revision of 1883.

Mr. John L. Hayes, long secretary of the American Wool Association, was president of the Tariff Commission, and he exposed Republican perfidy when, shortly after the passage of this act, he wrote as follows:

> Reduction in itself was by no means desirable to us; it was a concession to public sentiment, a bending of the top and branches to the wind of public opinion to save the trunk of the protective system.

Mr. Chairman, this utterance clearly defines the real attitude of the Republican Party both then and now relative to the removal of our unjust tax burdens. Then, as now, the popular demand for tariff reform had become acute. Then, as now, the Republican Party could foresee disaster, both to itself and the high protective system, unless the people could be appeased. Then, as now, the real friends of tariff reduction insisted that the way to revise the tariff was to revise it, and that Congress should bring immediate relief to the country through revision of duties, while Republicans, through the agency of a commission, sought to postpone revision and to preserve the unequal and oppressive system of taxes. How well they succeeded by this tariff-commission dodge I have just detailed. From its inception Democrats in and out of Congress denounced this entire move of the Republicans as bad faith and sham revision. Such it was. Mr. Chairman, will history now repeat itself? Can the Republican Party bunco the American people a second time by precisely the same method and under similar political and economic conditions? [Applause on the Democratic side.] "We shall see what we shall behold." [Laughter on the Democratic side.]

Mr. HARDY. Will the gentleman yield right there for an interruption?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. HULL. Yes.

Mr. HARDY. Will the gentleman state to the House just how many years the Republican Party under that former commission succeeded in delaying any action at all with reference to a revision of the tariff?

Mr. HULL. If the gentleman will bear with me just a few moments, I am briefly tracing the record up to that time.

Mr. HARDY. I thought the gentleman was leaving that part of his discussion.

Mr. HULL. Mr. Chairman, the House now has under consideration the cotton schedule. I assume that the Republicans, as they recently did with the woolen schedule, will move to recommit it to the Ways and Means Committee, there to await a report from the so-called Tariff Board, with a view to administering their emergency scientific treatment. [Laughter and applause on the Democratic side.] Mr. Chairman, we can best judge the outcome of this proposed application of science by recalling the method and experience of the Republicans and their nonpartisan scientific Tariff Commission in dealing with this same cotton schedule in 1883. Senator William B. Allison, long the Republican leader of the Senate, spoke in that body on February 3, 1883, as follows:

Now, I want to say one word in regard to the Tariff Commission report upon the cotton schedule. The truth is that the Tariff Commission did not examine this cotton matter at all, it may as well be said on the floor of the Senate; nor did they make this schedule that is called the Tariff Commission report schedule. It was made by a cotton manufacturer from Boston, with an expert appraiser in New York, and the Tariff Commission accepted it.

[Applause on the Democratic side.]

When the knowledge of that fact came to me, I had no particular faith in the Tariff Commission report on this cotton schedule, and therefore I examined it as best I could for myself, hearing the witnesses, reading the testimony, and hearing people who I supposed knew something about it, and in whom I had faith.

Mr. Chairman, is the present administration endeavoring to repeat this burlesque performance? Do Republicans imagine that the American people can be thus flimflammed and goldbricked a second time? Does this exhibition of tariff science, described by Senator Allison, inspire the present professed Republican confidence in a Tariff Board to such wonderful extent as to move Republicans in Congress to postpone all tariff-reform measures until the board informs Congress just how to proceed? Blind and credulous, indeed, must be the citizen who fails to detect the shallow pretense and the transparent subterfuge in this latest Republican movement to evade and postpone tax revision. [Applause on the Democratic side.]

For 40 years Republicans have had only two controlling purposes, namely, the maintenance of party supremacy and the high protective-tariff system. Instead of lowering this system as the war left it, they have constantly raised it. In 1888, when a Democratic House sent the Mills bill to a Republican Senate, did that body urge a tariff commission or attempt to lower the tariff? No. Believing that the immense contributions of the high-tariff beneficiaries to their campaign fund would enable them to carry the election soon to follow, the Republicans in the Senate offered a substitute that largely increased the already high war-tariff rates. Besides, the tariff commission fiasco of 1883 was still fresh in the public mind. One lone Republican Senator offered a tariff commission amendment to the Senate substitute. The attitude of Republicans generally toward a commission at that time, as well as recently, is best explained by Senator Aldrich in a statement made in another body in July, 1909, in reference to this commission amendment, as follows:

There was not a member of the Senate Finance Committee in 1888 for it, and I do not believe that a member of the committee would now be for it.

Mr. Aldrich, it is seen, was also speaking for his colleagues while the Payne-Aldrich bill was under consideration. We thus behold the Republican Party in 1882, while under the stress of threatened political adversity, proclaiming a tariff commission as a paramount necessity, and in 1888, when hope of success ran high, spurning it as a useless appendage. [Applause on the Democratic side.]

Mr. Chairman, emboldened by success in the general elections of 1888, the Republicans in Congress turned up their noses and smiled in contemptuous derision whenever a tariff commission was mentioned. They threw off all disguise and, in flagrant disregard of the recommendations of the commission in 1883 for 20 to 25 per cent reduction, enacted the McKinley law in 1890, which raised the protective rates to an average of 48.50 per cent—far in excess of those in existence during the Civil War, they being 37.75 per cent. Republicans in Congress then patted each other on the back and solemnly pronounced themselves the greatest scientific tariff experts of that or any age.

For tariff reasons, most obvious to everyone save the average Republican, that party was overwhelmingly defeated in 1892. It was powerless to do or seriously suggest anything until 1897. In that year the freebooting manufacturers, who had furnished the swag with which the Republicans won in 1896, as in 1888, insolently demanded that all tariff rates, wherever the slightest competition might occur, should at once be made as nearly prohibitory as possible. The Republican Party meekly and pusillanimously complied by enacting the Dingley law. The rates were raised to Alpine heights, reaching 52.07 per cent in 1899. That party still retained its professed practical and comprehensive scientific knowledge of the tariff in all its details, and promptly proclaimed its Members of Congress more than capable of drafting a completely logical and scientific tariff law. No superfluous tariff commissions or boards for them. The sole power and duty of enacting revenue laws was vested in Congress by the Constitution.

Mr. Fowler, of New Jersey, and Mr. Stone, of Pennsylvania, each offered tariff-commission bills in the House. Their Republican colleagues at once classed them as impractical dreamers. The Republican Party had completely mastered the science of tariff taxation and written its very essence in the Dingley law. Cursed be the Republican who dared to impeach the scientific tariff knowledge of his party by urging the assistance of a Tariff Board. The Democratic Party, unfortunately, was powerless at that time to come to the relief of the people. That intellectual giant, Thomas B. Reed, in a magazine article clearly expressed the ridicule and aversion with which Republicans generally looked upon a Tariff Board, or commission, in the following language:

But can we not have, sitting in perpetual session, a body of men nonpartisan, judicious, wise, and incorruptible? Yes; in your mind. You can have anything in your mind. Imagination is unlimited, and it is very delightful to wander round among possible impossibilities. Just think of a nonpartisan free trader sitting on a tariff tax! Of course he would be above any prejudice except his own. I saw one Tariff Commission sit in 1882, and its report was not enacted into a law. All its mistakes were, and the result was, satisfactory to nobody.

Mr. Chairman, the Dingley rates prohibited almost all competitive importations, save luxuries. The American manufacturer was given a complete monopoly of the American market. Trusts sprang up like mushrooms. The people began to groan and loudly complain under these tax burdens soon after 1900. But Theodore Roosevelt, who was a master hand at throwing blazing fagots into the air, so as to attract the people's attention away from those that were falling on their heads, managed to divert attention from the destructive tariff laws until 1908. By this time the tariff burdens were fast becoming unbearable. The people were in open rebellion. Republican insurgency was breaking out in many sections. Republican leaders in Congress sought to quiet the rising anger of the masses by suggesting that they would revise the tariff at the short session of the Sixtieth Congress. Such vague assurances but increased the demand for early revision. The country well knew that if the party crisis should pass the Republicans, like Pharaoh, would soon repent of their promises. Whereupon it was officially announced in Congress that the Republicans would revise the tariff a year later at an extra session.

Now, Mr. Chairman, let us see whether Republicans regarded a Tariff Board, or commission, as an extreme necessity, as an essential prerequisite to tariff revision. Their conduct during 1908 and 1909 sheds much light upon their real motives now. Let us see whether they trifled with the public conscience then or are attempting to do so now.

Mr. RUCKER of Missouri. Both.

Mr. HULL. A Republican Congress was in session from December, 1907, until in June, 1908. Its leaders had promised tariff revision during 1909. Did this Congress create a Tariff Board and put it to work a year in advance? Nay, verily. As early as January, 1908, Senator Beveridge introduced and urged a tariff-commission bill in another body, but he failed to muster a "corporal's guard" on his side of the Chamber in its support. On February 6, 1908, about 30 representatives of the National Association of Manufacturers called on President Roosevelt and asked him to send a special message asking for a tariff commission. Strange to say, he enjoined secrecy as to the conference. Later in the day it was given out at the White House that no such special message would be sent to Congress by the President.

On February 26, 1908, the gentleman from Pennsylvania, Mr. DALZELL, one of the "big five" who then absolutely dominated legislation in the House, in a speech on this floor said:

There will in no event be any Tariff Commission. [Renewed applause on the Republican side.] The men who made the Constitution intrusted to the representatives of the people, elected every two years, the exclusive prerogative of initiating revenue measures. During all our history the House of Representatives has jealously guarded that prerogative, never surrendered it, and both Democratic and Republican Representatives in this respect, standing on a common platform, never will. [Applause.]

On the 4th day of February, 1908, a large delegation of leading business men from over the country waited on the gentleman from Illinois [Mr. CANNON], then Speaker, and the gentleman from New York [Mr. PAYNE], then chairman of the Ways and Means Committee, and pleaded in speech after speech for a Tariff Board of some kind to assist Congress in revising the tariff 14 months later. Speaker CANNON replied, in part, as follows:

We had a Tariff Commission once, composed of very able men. They performed in the early eighties. We revised the tariff. I am told, Brother PAYNE, by those who were in that Congress, that they heard all the industries, and the report of the Tariff Commission was so voluminous that they did not even read it. * * * I fear greatly that you would turn into a debating school, just as we do in the House, and that there would be liable to be a majority and a minority report—maybe not; I should hope not—if this commission is constituted. * * * You say that Congress is not fully informed. Let me tell you something. I want to say that I do not believe there is a man in the United States who knows as much of the schedules and who is as well equipped for that work as the gentleman upon whose shoulder I lay my hand [Mr. PAYNE].

[Applause on the Democratic side.]

The gentleman from New York [Mr. PAYNE] replied, in part, as follows:

I think the signs of the times are that next winter this committee will be forming a tariff bill. Now, the question is whether the committee should receive the aid of a Tariff Commission. That is one of the questions. We shall invite in all the aid we can get, all the information we can get—and our power is great to send out and get information. We know where to get the Government experts for information about all the intricacies of the operations of the various schedules of the tariff. We know where to get the various decisions as to what the language means in the different schedules. We know where to get the information from manufacturers, or merchants, or mechanics, the country over. Shall we get this information at first hand, confronting the men who present it, cross-examining them, and using our endeavors to get at the facts, or shall we delegate that power to another body of men appointed as a Tariff Commission? Speaking for one, and from what I have seen in the formation of tariff bills, the committee, no matter what the Tariff Commission might report, would seek its information at first hand.

[Applause on the Democratic side.]

* * * You probably have gathered from the tone of my remarks that I am not able to see the wisdom of a Tariff Commission.

The decided opposition of Senator Aldrich and other standpat leaders in another body was equally well known.

Deliberately rejecting the remotest idea of a Tariff Board to assist in the coming tariff revision as "fantastic, futile, chimerical, impracticable, and impossible," we find both Republican Houses of Congress in May, 1908, in lieu of a tariff board, passing resolutions authorizing the Ways and Means and the Finance Committees to sit during recess and to gather all essential facts and data looking toward the preparation of a bill for revision. Their hearings commenced early in November, 1908.

Mr. Chairman, during the Republican national convention in June, 1908, a tariff-commission plank was urged before the committee on resolutions, but it declined to report on that subject.

Mr. Chairman, what was Candidate Taft saying and doing at this crucial time about a commission—he who now demands that the entire legislative machinery of the Government shall come to a standstill to await the pleasure of a roving, junketing, irresponsible Tariff Board? [Applause on the Democratic side.] In his speech of acceptance June 28, 1908, he favored revision the next spring, based upon "the preliminary investigations already begun by the appropriate committees of the House and Senate." [Applause on the Democratic side.] We next find him conferring with the Republican members of the Ways and Means Committee December 9, 1908, and later in the day he gave out a statement in part as follows:

From my conversation with them and the discussion which followed as to the examination which they are now conducting and expect to conduct, I have every reason to be confident that they have taken three times as much evidence as has ever been taken in the preparation of other tariffs. * * * Not only from conversation with the members together, but with the members individually, I am quite convinced that they are in good faith going to prepare a bill which will be a thorough revision in accordance with the platform of the Republican Party.

In his inaugural address March 4, 1909, and in his message to the Congress called to revise the tariff, March 16, 1909, he was as silent as to the need of a tariff board as he will be 100 years hence.

Here is another echo from the gentleman from New York [Mr. PAYNE], November 27, 1908, in a letter to John Van Cleave, he says:

The present committee will have more complete information at its disposal than has any previous committee, even when the former Tariff Commission reported in 1883.

He amplified this very much in a speech on this floor on March 23, 1909.

In January, 1909, Mr. Taft, in letters written to three or four gentlemen, expressed views favoring a permanent board of tariff experts, but he was careful not to suggest that Congress should have its aid in making the coming revision. On the contrary, the New York Tribune of February 18, 1909, states that in a conference between him, Speaker CANNON, and Senator Aldrich, Mr. Taft indicated that the method by which Congress arrived at its conclusions was a legislative matter, and he did not propose to interfere. This is in striking contrast with his present attitude. The paper further states that these two leaders, who had assured Mr. Taft that Congress would not have a Tariff Board, "seemed pleased with Mr. Taft's attitude." Furthermore, Mr. Chairman, this same paper, dated February 27, 1909, states that a delegation from the National Association of Manufacturers called on President-elect Taft in New York and strongly urged a Tariff Commission "which would give the country an honest and intelligent tariff," and that Mr. Taft replied that he favored immediate revision of the tariff; that the impending tariff revision was the most important matter to be attended to; that the appointment of the commission would only retard the speedy revision of the tariff. [Applause on the Democratic side.] He then added that he had no objection to a commission or to its appointment at a later day to gather facts about the tariff after it was revised. The New York Herald of the same date quoted Mr. Taft's attitude, in part, as follows:

The one advantage of appointing a commission with power to revise the schedules would be that it would postpone action, thus giving the country time to fully recover from the effects of the recent depression. On the other hand, the existence of such a commission would keep the business community on tenter hooks all the time and would be a perpetually disturbing influence. Better to have the matter up before Congress in extra session and settle it one way or the other for a term of years. This seems to be the view of Mr. Taft.

It is thus seen that when pressed the President-elect expressly declined to favor a Tariff Board to aid in the proposed revision of 1909.

Mr. Chairman, what followed? The extra session convened. The lobbyists of the manufacturers thronged the Capitol and in great glee wrote their respective schedules. Senator Aldrich piloted the old hulk of high protection safely through Congress and past the Chief Executive. The result was that abominable iniquity, that ghastly abortion—the Payne-Aldrich law. [Applause on the Democratic side.] It was found that existing high rates had been made still higher, being an average increase of 1.71 per cent. Each lobbyist, in a state of ecstatic delight, departed, singing—

I care not for the stars that shine,
I only know that I've got mine.

[Applause and laughter on the Democratic side.]

The Republican Party heaved a sigh of relief that sounded like the voice of many waters. The President was bewildered but buoyant. He had gotten lost in the tariff mirror-maze constructed by the Senator from Rhode Island [Mr. Aldrich], and, in the reflection, mistook "revision upward" for "revision downward." [Applause on the Democratic side.] The country was thunderstruck. Trusts and combines, in ghoulish glee, shouted, "On with the dance." [Applause on the Democratic side.] There never was such bigotry and insolence in the camp of high protection since the world began. The doctrine of passive obedience had been reestablished. Prices of most necessaries immediately took up their abode with the stars. [Applause and laughter on the Democratic side.]

But, Mr. Chairman, anticipation was not realization. What had been a sporadic insurrection among the masses soon became a nation-wide revolution. It is now on. [Applause on the Democratic side.] A Tariff Board which, to Republicans, previously had been lunatic nonsense became "their hearts' delight" as the acme of scientific economic sanity. [Applause on the Democratic side.] To them the tariff thenceforth became shrouded in darkness and mystery. Republican statesmanship and infallibility in the construction of scientific tariffs suddenly collapsed. [Applause on the Democratic side.] A Tariff Board was the only touchstone for its revision. Republicans, brass-throated and leather-lunged, who had formerly denounced it gradually proceeded in dulcet tones to praise it. [Applause on the Democratic side.] Their friendship for this board soon became as warm as that David had for Jonathan. With some of that unreasoning hope that made Micawber's life so beautiful, they imagine that somehow this board may be the means of saving the life of their party and the high protective tariff. Since the last election, in which the Payne law was so overwhelmingly condemned, Republicans in loud lamentation have cried out, "O Lord, what shall we do to be saved?" [Applause on the Democratic side.] But since the prayers of the wicked are not answered, they have again embraced a Tariff Board, or commission, as a device to quell popular indignation.

Ah, Mr. Chairman, this conversion is too sudden. It is not even deathbed repentance. It is patently insincere. [Applause on the Democratic side.] The situation, therefore, is that the minority in this House, inspired by the President, has asked

that Congress adjourn in order that the various tariff bills passed by this House shall be first reviewed and approved by the so-called Tariff Board before becoming a law. Until now, Mr. Chairman, no earthly tribunal, save the American people and the great Supreme Court of the United States, has exercised the high prerogative of reviewing the action of Congress. I brand this as Tariff-Board referendum pure and simple. [Applause on the Democratic side.] Even the President has only the veto power.

Mr. Chairman, I never expect to witness a more grotesque and at the same time a more humiliating scene than that when the gentleman from New York [Mr. PAYNE], who has grown gray as an expert student of the tariff, arose in his place some weeks ago and at the behest of his party solemnly moved that the woolen bill be recommitted to await the review of a Tariff Board. Here was Roderick blowing through the wrong end of his bugle. It was doubtless galling to him, as it must have been to every Member on that side, that a once great political party found itself in such extremities as to oblige it to make the pusillanimous suggestion that this House's action on a great legislative matter affecting 90,000,000 freemen must be reviewed by an irresponsible Tariff Board before either branch of Congress could proceed further. [Applause on the Democratic side.]

Mr. Chairman, how did this so-called Tariff Board happen? What was the prime source of its origin? From what fountain of tariff wisdom has it been drinking? What is the real scope and significance of its existence? In the first place, as far back as 1907, when it became apparent that public sentiment would soon compel a revision of the abnormally high tariff rates, their chief beneficiaries, the manufacturers, originated a propaganda for a Tariff Commission. They feared that the people, through their Representatives in Congress, would cut out some of their protection graft when they came to revise the tariff, and they judged that a protectionist commission might gather enough one-sided facts to ward off this threatened result. I defy contradiction when I say that their propaganda conducted since 1907 was with the sole view of securing a commission of protectionists, which would urge such nominal revision as would retain inviolate all, or most all, of their protection graft. [Applause on the Democratic side.] This is admitted, in effect, by Mr. Miles, one of the heads of that movement, at the time he conferred with President Taft in New York in February, 1909, relative to a Tariff Commission. He wanted the high protective system strictly preserved, and considered a commission the safest means of so doing. No one has denied this fact. Mr. James W. Van Cleave, another of its promoters, said:

> Revision means neither reduction nor increase. It means adjustment to the conditions that exist at the time the revision is made.

Mr. COOPER. Mr. Chairman, will the gentleman permit an interruption there?

Mr. HULL. Yes.

Mr. COOPER. The gentleman said he defied contradiction. Mr. Miles is a resident of my city of Racine. He is a manufacturer of agricultural implements. The tariff on agricultural implements is 15 per cent only—a low rate—and agricultural implements are now on the free list under the Payne tariff law to all countries which will let our implements into their territory free. That low tariff met with the approbation of Mr. Miles.

Not only that, but he and those whom he represents are very anxious indeed to have free trade in agricultural implements between this country and Canada, and between this country and any other country that will let our agricultural implements go into its territory free. They say that they do not want tariff legislation hereafter to be the result of logrolling in Congress, but that it be firmly established until an impartial commission, after investigation, shall present the facts to the American people.

Mr. HULL. If the gentleman will pardon me——

Mr. COOPER. In other words, the manufacturers of implements are in favor of taking the tariff absolutely out of politics. [Applause on the Republican side.]

Mr. HULL. I am, to some extent, familiar with the hearings three years ago, when Mr. Van Cleave had a long discussion with the members of the Ways and Means Committee. Some accusation was made then that he was not a high protectionist—but without going into the minutiæ, Mr. Chairman, against the impression and statement of my friend from Wisconsin, relative to the real purpose of this propaganda that has been conducted since 1907 by this National Association of Manufacturers, I wish to read the resolutions adopted by this national association in annual convention in 1909, which lay bare the whole secret of this insidious clamor for a Tariff Commission, as follows:

> We reaffirm our unqualified indorsement of the American policy of protection. * * * As the most effective means of insuring the continuance of this policy, etc., we heartily favor the creation of a board, etc., for the use of Congress and the Executive.

A wayfaring man, though a fool, can read the object of a Republican commission. [Applause on the Democratic side.]

When the Payne law was enacted, article 718, section 2, provided as follows:

> To secure information to assist the President in the discharge of the duties imposed upon him by this section—that is, relating to the application of the maximum and minimum rates—and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

The present board yet hangs by this slender thread. It now has no additional power.

Another Republican body had just previously voted down Senator LA FOLLETTE'S amendment providing for a full-fledged tariff commission upon the ground that Republicans did not want further tariff agitation for many years. They thought the people would wear the Payne tariff yoke for a great length of time. The real purpose of this provision in the Payne law is best explained by Senator Hale in another body on August 4, 1909, as follows:

> When this subject came up, Mr. President, as it does in the urgent deficiency bill, I went over this whole question with the President as to his scope of duties. I showed to him that it was not intended to keep this subject open, but to confine him to the question of discriminations, discriminating duties, and discriminating processes by other powers. In framing the language of the item of appropriation that gives the President the amount of money that he asked, it has been confined strictly to the language I have recited as a part of the tariff act. I have no fear the President will undertake to exceed that. I do not believe that he will.

Again, he says:

> But the Senate conferees found the House conferees a rock against any form, not only of tariff commission, but of any authority, that should be given for any officer of the Government to keep this subject open. * * * What is the business of the President under the maximum and minimum provisions? It is not to inquire into the condition of labor in other countries—the relative cost of labor there and here. He is limited to an inquiry as to the discrimination that is made by other countries against the United States. He so understands it. I understand that he so understands it. I do not believe and I do not expect and I do not fear that the President would seek to amplify this authority.

But, Mr. Chairman, he has done so.

Speaking further, relative to possible changes of the Payne law, he said:

> * * * It is not any tariff commission that will settle this question in the future. It will be Congress that will settle it; it will be the House primarily and the Senate secondarily; and no tariff commission will add 1 ounce of weight to the deliberations of the two bodies which must at last settle all these questions.

[Applause on the Democratic side.]

Mr. Chairman, had I the time I could quote numerous other Republican leaders in the same strain. Suffice it to say that these utterances of Senator Hale reflected the views of the large majority of the Republican Party. But I must add as the crowning, crushing fact in this argument the statement of President Taft made at Winona in September, 1909. It is almost cruel to do so, in view of his present changed attitude. Now, Congress is helpless to proceed without the enlightening facts and conclusions of this Tariff Board. Then, in referring to these same facts, the President said:

> I do not intend, unless compelled or directed by Congress, to submit the results of these investigations, but to treat them merely as incidental facts brought out officially from time to time, etc.

He proposed to use them only in his department as a basis for a recommendation at some far-off time in the future. Then, the facts gathered by this board were so valueless that the President would deposit them in a musty pigeonhole in his office. Now, while the American people are playing on the thick cranium of the Republican Party with a trip hammer [applause on the Democratic side] the President would prorogue Congress until his beneficent board in its own good time allows its effulgent rays of tariff light to shine on the benighted minds of the membership of the great legislative department of this Government. [Applause on the Democratic side.]

Mr. Chairman, in the spring of 1910, within a few months after the President had pronounced the Payne law the best tariff law that had ever been enacted, we see him clamoring at the door of Congress for $250,000 with which to make his Tariff Board permanent. Of course, he did not expect his party to again revise the tariff—so perfect—for many years. Then why did he desire to perpetuate his board? He, in February, 1909, had stated to Van Cleave and Miles in New York that he would be willing to have a board after the coming revision to gather facts relative to the working of the new law. Mr. Chairman, he desired a permanent board of three Republicans merely to

gather facts that would sustain and perpetuate the Payne law and sustain intact the so-called principle of high protection as embraced in that law. This is beyond controversy. Republican leaders in Congress, though skeptical as to the board's necessity just then, reluctantly complied with the President's request, but for the additional purpose, as the organ of the Protective Tariff League stated—

of placating the insurgents and putting a stop to their criticisms of the tariff of 1909.

Besides they considered this board more harmless than a tariff commission with greater powers, which insurgents were then urging. I may say here that these insurgents are not wholly blind. They have discovered that the pretended zeal of their stand-pat element for a commission is a subterfuge to obtain delay and they now show a partial willingness to proceed with tariff reduction.

Mr. Chairman, I am justified, from all the conduct and utterances of Republicans most potential in their party's councils, in making the charge that, prior to last fall, the present administration and its Congress had not harbored the thought of touching the tariff for years to come. The President's board was to constitute a buffer sufficient to evade, placate, and postpone. But while the last autumn leaves were falling, a confused sound, like "the wreck of matter and the crash of worlds," suddenly broke upon Republican ears. [Applause on the Democratic side.] An election had occurred. And lo and behold, "Ichabod" was written all over the Payne law. [Renewed applause.]

Mr. Chairman, a few weeks later the President and his party leaders in Congress returned to Washington, and, with faces shining like that of John on the Isle of Patmos, hastened to proclaim the speedy creation of a permanent tariff commission as the supreme duty of the hour. [Applause on the Democratic side.] Something of this kind became necessary, in the language of President Taft, "for the purpose of more nearly conforming to the party promise." Their perfidious game of tariff revision by a permanent commission must now be worked overtime. This claptrap must be belched forth from the throats of every Republican in a tone of sincerity. Protectionist Cæsar calls for Tariff Commission Cassius to help him or he sinks. [Applause on the Democratic side.] The fortress of high protection is seriously threatened. The permanent tariff commission bill was beaten at the last moment, but the President yet clings to his original board as a substitute. We are now confronted with the paradox of a presidential board securing and furnishing facts and conclusions, gathered to sustain a high protective tariff, to a Democratic House with which to revise the tariff down to a strict revenue basis. This is a ridiculous absurdity. This board, under the direction of the President, is the sole judge of what facts are needed. Only the President, not Congress, directs the board. Its members gather only such facts as the President suggests, ignoring or suppressing those not desired. The documents supplementary to the President's message of June 20, 1911, recite that—

the functions of the Tariff Board are administrative and judicial; that the highest function of the board will consist in weighing the evidence gathered, in reaching sound conclusions thereon, and in embodying all essential facts in its reports. * * * Thus far the final decisions of the board have in every case been unanimous.

Mr. Chairman, this statement shows that the board will send its "judicial conclusions" to Congress accompanied by only such facts as the judgment of the board may deem essential. These "judicial conclusions" are expected to have a controlling influence over the deliberations of Congress in revising the tariff, otherwise the board would be useless save as a scheme of delay. The board, not Congress, is to be the judge of the "essential facts." The Republican requirement is a tariff that will equal the difference in the cost of production here and abroad plus a reasonable profit. How much will the board allow for a reasonable profit? Will its profit allowance be niggardly, or full and ample? What will be the board's basis of the cost of production? Suppose the difference should be 100, 200, 300, or even 500 per cent, where would the board stop? What will be its basis upon which it computes "a reasonable profit"? What will be its "conclusions" and "essential facts" relative to articles sold abroad cheaper than at home? In what order will the President direct his board to report on the remaining 11 tariff schedules? Which of them will he postpone until after the election, thereby tying the hands of Congress indefinitely? Does not this plan vest the time and manner of revising the tariff exclusively in the President? [Applause on the Democratic side.] Suppose, Mr. Chairman, Congress should differ with the board and with the President upon these important propositions? Suppose Congress should differ with the board as to what principles shall govern us in revising the tariff? In levying a tariff for revenue, of what concern to Congress would be the "judicial conclusions" and "essential facts" of the Tariff Board relative to a "reasonable profit"? Of what value and concern to Congress would be its "judicial conclusions" and "essential facts" in support of a tariff for protection? The board evidently keeps the doctrine of protection carefully in mind, for on page 17 of the President's message and supplement of June 20 I find this authorized statement:

The producer who believes that he needs and should have protection should be willing to furnish facts in support of this plea.

[Applause on the Democratic side.]

Aye, Mr. Chairman, this board has already invited the cohorts of "predatory wealth" to come on. How much protection will be recommended for the United States Steel Trust? How much for the Sugar Trust? How much for the Woolen Trust? How much for the Agricultural Implement Trust? How much for the Shoe-machine Trust? How much for the beef and hundreds of other trusts? Finally, Mr. Chairman, what amounts will the board recommend as a "reasonable profit" to this immense horde of hungry trusts? Or, will these trusts fix their own "reasonable profits," as heretofore? [Applause on the Democratic side.] How can Republicans be serious in urging a program so farcical and ludicrous? Is a Tariff Board necessary to inform Congress that the present tariff rate of 91 per cent on cheap cotton stockings is too high; that 100 per cent on cotton underwear, 63 per cent on sugar, 136 per cent on woolen blankets, 154 per cent on women's dress goods, 121 per cent on flannels, 96 per cent on shawls, and rates in like proportion on other necessaries are too high and should be reduced at once? The Republican plan would require the masses of the American people to shiver and go hungry through many more winters—awaiting the pleasure of the board—before reducing all these unconscionable rates and thereby giving the people cheaper food and clothing. [Applause on the Democratic side.] At the present rate this board will require several years in which to report on all the tariff schedules. In the meantime Congress will be idle; the American people will continue to pay $2,000,000,000 annually as tribute to protectionist greed; hunger, cold, thirst, and untimely death will stalk abroad in the land; and high protection—the "sum of all villainies"—will continue to flourish like a green bay tree. [Applause on the Democratic side.]

But it is said that Germany and France have commissions. True, but they are composed exclusively of high protectionists. It required six to eight years for these commissions to make their first report. Most of their time was devoted to the questions of a safe margin of protection, "reasonable profits," classifications and subdivisions of articles to be taxed, and so forth. Theirs was a work of making stronger the high protective system, of fastening increased burdens of taxes on the great middle and poorer classes, of so scientifically adjusting the high-tariff yoke to the necks of the masses as to secure the maximum of protection, including "reasonable profits," to the manufacturers, with the minimum of complaint from the plundered taxpayers. Do we need to imitate their "scientific" example? [Applause on the Democratic side.] Republicans are no longer content merely to plunder the people, but they now curiously desire to plunder them "scientifically." [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. RANDELL of Texas. Mr. Chairman, I yield to the gentleman such time as he desires in which to conclude his remarks. [Applause.]

Mr. HULL. Mr. Chairman, my contention is that 483 Representatives of the American people, clothed with the power, duty, and responsibility of legislating for their welfare, know more about the tariff than five gentlemen comprising a Tariff Board. [Applause on the Democratic side.] Congress has available all the avenues of information that the board has, and others in addition. It is futile to talk about taking the tariff out of politics so long as high protection is advocated. The tariff went out of politics from 1846 to 1861, but not through a commission. Protection was virtually destroyed, and along with it its champion, the Whig Party. Should history thus repeat itself, the funeral of the Republican Party will be near at hand. [Applause on the Democratic side.]

Mr. Chairman, Congress always welcomes valuable facts in connection with proposed legislation from whatever source. But I have long contended that neither a presidential board nor a congressional commission was the wise policy. The practical course would be for Congress to authorize the appropriate committees of the two Houses permanently to employ experts to gather and compile tariff facts under their direction, extending this right to the minority as well as the majority. The best possible results would be thereby obtained.

Mr. Chairman, I have spoken impersonally concerning the present board, for I know little about its personnel. This board is acting under the direction of the President. I criticize the policy, the plan, and the purpose of the Republican Party, not the individual membership of the board. I make the further point that even though the board should make highly valuable and sound recommendations as to reduction, they would be brushed aside by a Republican Congress just as heretofore. Grant and Arthur made earnest appeals for a radical reduction of protective duties, but they fell upon deaf Republican ears. In no event could the report of this board—prepared along protective tariff lines—be of particular value to the Democratic House. [Applause on the Democratic side.] The difference between the two party doctrines of taxation is as wide as that between good and evil. It is historic and fundamental.

On March 3, 1911, Hon. Thomas H. Carter, speaking in another body concerning the probability that the Democratic House at a coming extra session might be asked to await the report of a Tariff Board, said:

> In times gone by a tariff board has reported and Congress has acted without much reference to the report. I believe that in due course that will occur again. So the embarrassment apprehended is after all of a vague and shadowy nature.

This great Republican spoke in words of candor and true prophecy.

Mr. Chairman, the Republican excuse for revision by the aid of a Tariff Board is a false one. This crafty scheme is a Trojan horse with which to deceive and betray well-meaning tariff reformers into the hands of the stand-pat protectionists. [Applause on the Democratic side.] Just now many standpatters are posing as ardent downward revisionists through a Tariff Board. They are "plain-clothes" standpatters, searching for aid and recruits in the camp of tariff reform. They wear no longer the uniform of organized greed that used to gag at the very word "Tariff Commission." As the popular demand for relief from tax burdens becomes stronger, Republican promises of downward revision will grow correspondingly louder. With much show and flourish they will, in words, consign the trusts to "outer darkness." Next winter, with a great parade of words and figures, they will, if hard pressed, vow that the country must have real reduction immediately. Then will we witness a great mimic battle for tariff reform. Doubtless the ex-Senator from Rhode Island, Mr. Aldrich, will be called from his retirement, Cincinnatus-like, to command the stand-pat hosts that will wage destructive war on the forces of rapacity and greed. All the other nimble tariff jugglers will be called into service. Every tariff magician, conjurer, enchanter, sorcerer, and necromancer will be in great demand. The result will be that the American people will receive a tremendous dose of soporifics, narcotics, opiates, and anodynes. There will be "much sound and fury, signifying nothing." It will be the old tariff-juggling story of 1883 over again. It will again be the "bending of the top and branches to the wind of public opinion to save the trunk of the protective system." [Applause on the Democratic side.] They will probably consent to a number of reductions; they may even propose such.

But such action, like reciprocity, will be only "a tub to the whale," "a sop to Cerberus." A cunning purpose will be behind every tariff step they take. Wherever they can raise a rate or leave one undisturbed they will mark all the beneficiaries under it for their own in the coming election. Where they reduce a rate or rates, they will give assurance to the manufacturers affected that these are forced reductions, and they will promise them that if they shall contribute liberally to enable the old party of standpat protection to win at the polls, theirs and all other tariff rates will again be promptly restored, as they were written in the McKinley, Dingley, and Payne laws. [Applause on the Democratic side.] The result, Mr. Chairman, will be that, with this certain knowledge held out before the manufacturers of the country, there will be the greatest fat frying next year in the country's history. Republican promises to reraise the tariff, if restored to power, will again be made a pawn for enough millions to buy the American electorate, if possible. [Applause on the Democratic side.] The tariff to-day is higher than it was prior to the revision upward in 1909. Therefore, there was better excuse for asking the extra session of 1909 to adjourn without action than can be offered in support of adjournment now without action. [Applause on the Democratic side.]

Mr. Chairman, Democrats may well ask, in the language of the Prince of Wales in the midst of carnage on the field of Shrewsbury, "Is it a time to jest or dally now?" We are admonished from on high to "be not weary in well doing." Our manufacturers lazily recline in the hothouse of protection and refuse to get out into the crisp, invigorating atmosphere of reasonable and fair competition. They well know that Democratic success next year means a tariff for revenue only. [Applause on the Democratic side.] All their energies and resources will be used to encompass our defeat. But an aroused public sentiment and a quickened public conscience will bring to our support millions of citizens who have hitherto been indifferent or antagonistic to the reduction of taxation. [Applause on the Democratic side.] The great independent press of the country, for whose benefit, in part, Democracy has just placed wood pulp and print paper on the free list, would be selfish and treacherous indeed if it should now desert us and retire from the conflict or go over to the enemy. [Applause on the Democratic side.] I predict that it will loyally stand by us until the entire battle is won. I predict that it will not hesitate to continue to warn the people against the perils of the Scylla of high protection on the one hand and the Charybdis of a presidential Tariff Board on the other. [Applause on the Democratic side.]

Then, Mr. Chairman, with these immense recruits, with Republicans trailing after the black flag of standpattism, and with Democrats in solid column marching shoulder to shoulder under the banner of honest tariff reform, how can we fail to win in the great battle of ballots in 1912? [Prolonged applause.]

VIEWS OF THE MINORITY.

Mr. PAYNE. Mr. Speaker, before yielding time I want to call attention to a mistake in the minority report, on page 3, where the word "majority" appears in print, and should be "minority." In order to emphasize the correction, I will extend these short remarks by printing a copy of the corrected views of the minority in the RECORD.

The corrected paper is as follows:

This schedule represents one of the most important industries in the United States in the way of manufacturing. Cotton factories are found in all sections, although they may predominate in New England. They spread over the Southern States and have been making their way westward. The products have been steadily improved by advanced methods of manufacturing, and the markets for raw cotton, of which the United States is the principal producer of the world, have been rapidly enlarged. The consideration of this schedule should be entered upon with careful study and thought, even from the standpoint of a tariff for revenue only. The domestic productions are so vast in amount and the labor employed furnishes a livelihood to so many of our people that no sudden change can be made without a general disturbance of business. That great Democrat from Kentucky, in those days when there were giants in the Democracy, on his first inauguration as Speaker, free trader though he was, laid down the rule that reductions should be made gradually, avoiding so far as possible the disturbance of established business. In these days, however, a sort of hysteria seems to have seized the dominant party in the House, and they come out boldly and assert that they are ready to report bills and pass them, so far as they have the power, whose only purpose is revenue; that they will not knowingly insert any provision that is in any way protective of any industry, and they are following out their professions.

It is reasonable to suppose that from the lesson given them in the debate on the wool bill, and subsequent developments emphasizing the minority's position in that debate, they have finally learned that there was a surplus of $15,806,323.94 June 30, 1910, and that the surplus as corrected to date, for the year ending June 30, 1911, is $47,240,466.23. (The revenue is some five or six millions greater for the fiscal year just ended than was predicted in that debate by the minority, owing to the fact that between five and six millions of dollars more from corporation taxes was paid during the month of June, 1911, than during the corresponding period of 1910.) But it is evident that the majority have finally found out that the present law produces ample revenue. However, this fact does not excuse them for the enormous increase in revenue which will result if the present bill should become a law.

An ingenious statement was prepared and printed for the use of the caucus showing a loss in duties of about $3,000,000 from a comparative basis of the actual imports for the year 1910, but a careful examination of the caucus bill compared with the tables in the report of the committee shows that the estimated results for a 12 months' period under the proposed act are not much larger than under the last three years of the Dingley Act, when the average duty was not much less than under the present law. As this bill cuts the present duty on an average of 50 per cent, or nearly that, it is fair to assume that the imports will be greatly increased, and to such an extent as to increase the revenues under its provisions.

Of course there is no time for the minority to make tables showing exactly what the difference would be. Some cotton experts have given it as their opinion that the imports of cotton goods under the proposed bill will exceed $200,000,000 in value, instead of the $68,000,000 in value imported last year. If we eliminate from this the imports of laces and lace window curtains, the duties on which are not changed in this bill, it would show a still more enormous increase in the imports of dutiable goods where the duties have been changed in this bill, as the value of such laces and curtains imported amounts to some $39,500,000, leaving an importation of only $28,500,000 in value imported under the items embraced in the present law for the year 1910. In other words, the increase would be from $28,500,000 to $164,500,000. This would make more than five times as much goods imported under the proposed bill as under the present law, and the duty being about one-half, the revenue would necessarily be two and one-half times as great as under the present law. This guess of cotton manufactures may not be a correct one, but we submit that it is more likely to be correct than that given by the representative of the Tariff Reform Club of New York who furnished the figures upon which this bill was drawn.

Of course, there are other factors which might and probably would enter into it if the Democratic program is followed out by the introduction of other bills. There is no doubt but that the stagnation in business, which is uniformly affecting the woolen industry and is affecting the cotton industry to an extent increasing day by day, will also affect other industries. The purchasing power of the people will be greatly lowered or wholly destroyed, and hence th imports will be less. The re-

sult might be like that under the Wilson law, under which there was a deficit of revenue. The people will again wear their dilapidated and patched garments instead of buying new ones, and, as under previous Democratic tariffs, we will have a deficit in the revenue which may even be equal to the sum estimated by the present chairman of the Ways and Means Committee in his speech on the wool bill—namely, $50,000,000—instead of the splendid surplus of almost $50,000,000 which we had under the present law for the last fiscal year.

Less than a year ago the Ways and Means Committee of the House, of which the present honored Speaker of the House and the present chairman, the gentleman from Alabama, were members, voted unanimously in the committee in favor of a bill to create a Tariff Commission. This bill was simply putting into permanent law what had been enacted in an appropriation bill, and which is now embodied in the sundry civil appropriation bill. The bill as reported by the Ways and Means Committee passed the House by a large majority, both parties voting in its favor. It also passed the Senate later, but failed on the final day of the session last March because of a filibuster conducted by a very small number of the then minority. This legislation was taken in view of the insistent demand of parties who wished to have a permanent Tariff Board whose duty it should be to gather information and present the same to Congress as a foundation for subsequent tariff legislation. Many yielded to this demand because, with the increased business of the country, it was very difficult for a committee designated only for a congressional term of two years to cover the entire field of investigation in time to legislate during the term of Congress for which they had been appointed. It was admitted on all hands that all future tariff legislation changing the schedules should be based upon information to be gathered by this commission, and such other information as the committees of Congress might use or obtain through their own investigations.

It is a well-known fact that the present Tariff Board is considering the cotton and woolen schedules in all their bearings, and that they have many agents at work, both in this country and abroad; that in the United States the manufacturers have opened up their books and allowed the board to have full information in all the workings of their business, while they have met with unexpected success abroad. This information is now being gathered and tabulated as fast as received, but it will not be in shape to present to Congress until it is tabulated and in such form as to aid Congress in its work of preparing new tariff schedules. The members of the board have publicly stated that such information will be ready to transmit to Congress on the 1st of December next. With that information before them the present Committee on Ways and Means might proceed with some degree of intelligence in the formation of a cotton schedule, but as it is they are at work in the dark.

No majority member of the Ways and Means Committee is able to give an intelligent answer as to the effect of any of these duties upon the business of any factory now engaged in the manufacture of cotton, or to cite any evidence on which he can base that calculation. On the contrary, the evidence already obtained before the former Ways and Means Committee would show that these duties are grossly inadequate. They would tend to close the factories all over the United States. This statement comes from no particular section of the country, but from the whole country. Indeed, the representatives of southern manufactories, where labor conditions show a lower wage paid the workmen, are loudest in their protest against this kind of legislation.

But this proposed bill is not put forward as a protective measure, or as furnishing sufficient duty to allow the factories to continue their work. We are told it is a revenue matter pure and simple. It is not even this. No tariff bill will be a good revenue producer that simply cuts down the duties to the last notch with a view to increasing importations and compelling our people to buy wholly or largely abroad, for such a condition paralyzes industry, destroys credit and business confidence, and cuts down importations even to a greater extent than it reduces the customs duties. To get revenue we must have importations. Paralyze business, deprive people of labor and wages, and importations are reduced. The revenue is reduced or destroyed.

The majority have evidently mistaken the voice of the people. That voice may have been for a lower tariff duty, but it was far from demanding free trade. A reasonable reduction in some instances would have satisfied the voice even of the extremists, but the great majority will never follow the lead of the Democratic Party for free trade.

We oppose the proposed legislation—

First. Because it does not furnish protective duties for a great American industry, and it is frankly admitted that it is not intended to do so.

Second. Because on its face it proposes greatly to decrease the duty, and therefore unduly increase the importations, if the country should maintain a sound and prosperous condition.

Third. Because its inevitable tendency will be to destroy the business confidence of the country.

Fourth. Because there is no demand for such legislation at this time, but, on the contrary, the country appreciates the sound reasoning that asks the postponement of the revision of Schedule I until after the report of the Tariff Board has been received.

Fifth. Because the duties under this bill are ad valorem duties, in disregard of the judgment of every Democratic or Republican Secretary of the Treasury who has spoken upon this subject, except Robert J. Walker. All the others have strongly advocated specific duties. The experience not only in this country, but in all foreign countries, has been against ad valorem duties. The simple reason is that they furnish a method for cheating and defrauding the Government of its revenue, which has never yet been successfully met. An attempt to meet this was made in the present law, and while it has worked with some measure of success by its deterrent influences, it is doubtful if it would be successful against the onslaughts that have been made by importers in a schedule like the cotton schedule, so open to fraud by undervaluation and purposely made ad valorem in every particular.

SERENO E. PAYNE.
JOHN DALZELL.
S. W. MCCALL.
E. J. HILL.
J. C. NEEDHAM.
J. W. FORDNEY.
NICHOLAS LONGWORTH.

Mr. PAYNE. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. TAYLOR].

Mr. MANN. Mr. Chairman, before the gentleman proceeds, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty Members present—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll.

The committee rose; and the Speaker having resumed the Chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had found itself without a quorum, caused the roll to be called, and found 192 Members present, and he reported to the House the following as the names of the absentees:

Allen	Fields	Latta	Redfield
Ames	Focht	Lawrence	Reyburn
Anderson, Ohio	Fordney	Lee, Ga.	Riordan
Andrus	Fornes	Legare	Roberts, Mass.
Ansberry	Foss	Lever	Rodenberg
Anthony	Francis	Levy	Rothermel
Barchfeld	Fuller	Lindbergh	Rouse
Barnhart	Gardner, Mass.	Lindsay	Sabath
Bartholdt	Gardner, N. J.	Linthicum	Saunders
Bartlett	George	Littleton	Scully
Bates	Gillett	Longworth	Sells
Beall, Tex.	Glass	Loud	Shackleford
Berger	Goldfogle	Loudenslager	Sharp
Bingham	Goodwin, Ark.	McCreary	Sheppard
Boehne	Gordon	McGillicuddy	Sherley
Booher	Graham	McGuire, Okla.	Simmons
Bradley	Gray	McHenry	Sisson
Broussard	Gregg, Pa.	McKenzie	Smith, S. W.
Buchanan	Gregg, Tex.	McKinley	Smith, N. Y.
Burke, Pa.	Griest	McLaughlin	Smith, Tex.
Burke, Wis.	Gudger	McMorran	Speer
Burleson	Guernsey	Madden	Stanley
Butler	Hamilton, Mich.	Madison	Steenerson
Calder	Hamilton, W. Va.	Maher	Stephens, Tex.
Cantrill	Hamlin	Malby	Sterling
Carlin	Hanna	Martin, S. Dak.	Stevens, Minn.
Cary	Harris	Matthews	Sulloway
Claypool	Hartman	Miller	Sulzer
Conry	Haugen	Mondell	Switzer
Cooper	Hawley	Moon, Pa.	Talbott, Md.
Copley	Heald	Morse, Wis.	Thomas
Covington	Henry, Conn.	Mott	Tuttle
Cox, Ind.	Hobson	Murdock	Underhill
Cox, Ohio	Howell	Murray	Utter
Crago	Hubbard	Needham	Volstead
Cravens	Hughes, N. J.	Nye	Vreeland
Curley	Hughes, W. Va.	Olmsted	Warburton
Danforth	Humphrey, Wash.	O'Shaunessy	Wedemeyer
Davidson	Jackson	Parran	Weeks
De Forest	Johnson, S. C.	Patten, N. Y.	White
Difenderfer	Jones	Patton, Pa.	Wilder
Doughton	Kent	Peters	Wilson, Ill.
Draper	Kindred	Plumley	Wilson, N. Y.
Driscoll, D. A.	Kinkead, N. J.	Porter	Witherspoon
Driscoll, M. E.	Konig	Pou	Wood, N. J.
Dupre	Lafean	Powers	Young, Kans.
Ellerbe	Lafferty	Prince	Young, Mich.
Estopinal	La Follette	Pujo	
Fairchild	Langham	Rainey	
Faison	Langley	Ransdell, La.	

The SPEAKER. A quorum being present, the committee will resume its session.

The committee resumed its session.

Mr. TAYLOR of Ohio. Mr. Chairman, I would hesitate to take up the time of this committee in addressing it upon a subject foreign to the bill now under consideration, except for the fact that the matters about which I will speak pertain to the investigation of the affairs of the District of Columbia now being conducted by the special subcommittee of the Committee on the District of Columbia. It is with the single desire to throw some light upon one of the matters covered by the resolution authorizing this investigation that I feel justified in taking up the time of this committee at this special session and not waiting until the regular session, because I feel that the House and the committee conducting this investigation should have before it all of the laws authorizing the payment by the Government of its proportionate share of the 3.65 bonds of the District of Columbia.

A few weeks ago Mr. JOHNSON of Kentucky, as chairman of the Committee on the District of Columbia, introduced a resolution to investigate the affairs of the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. OLDFIELD introduced it.

Mr. TAYLOR of Ohio. I am corrected by Mr. JOHNSON; Mr. OLDFIELD introduced it.

This resolution was in due time presented to the Committee on Rules, and the gentleman from Kentucky appeared before this committee and urged its favorable report. The Washington papers, a short time thereafter, published what purported to be portions of the statement made by the chairman before the Committee on Rules. He is quoted as having said:

And it is further my opinion that an investigation will disclose that the United States Government has not received credit on the half and half plan for the several million dollars that it has paid toward the retirement of the 3.65 bonds. As I understand it, the organic law binds the Government to the payment of one-half of the current expenses, or the running expenses, of the government, and that the United States Government has not only paid one-half of the current expenses, but that it has paid one-half of the entire expenses of the District government, whether it be current or not, except a few small items specifically chargeable by law to the District government,

and in addition to that, while the United States Government was only guarantor for the interest upon these 3.65 bonds that she has, through a number of years, paid one-half of that interest without ever having gotten credit for it in the 50 per cent which she is obliged to pay. I have gone back just 40 years and I do not find anything that is in full explanation of the matter.

He then goes on and recites other reasons why an investigation of the affairs of the District of Columbia should be had. On the 6th day of June Mr. JOHNSON, in speaking in support of a resolution reported by the Committee on Rules to provide for an investigation of the affairs of the District, among other things said:

While this matter was up before the Committee on Rules I had occasion to say that I had been informed reliably, as I believed, that the Federal Government had paid more than one-half, and I cited one instance of the interest upon the 3.65 bonds and on the bonds themselves, contending that the Government was not bound to pay any interest whatever on these bonds, but that the Government had bound itself to have taxes levied in the District of Columbia which would produce sufficient revenue that the District might pay the interest on those bonds.

Speaking further, he said:

Now, my contention that the Government is bound only as a guarantor of this interest and is not in any sense bound to pay this interest can be found in an act passed in 1877, which reads as follows:

"That the Secretary of the Treasury shall reserve of any of the revenues of the District of Columbia not required for the actual current expenses of schools, the police, and the fire department a sum sufficient to meet the interest accruing on the 3.65 bonds of the District during the fiscal year beginning July 1, 1877, and apply the same to that purpose; and in case there shall not be a sufficient sum of said revenues in the Treasury of the United States at such time as said interest may be due, then the Secretary of the Treasury is authorized and directed to advance, from any money in the Treasury not otherwise appropriated a sum sufficient to pay said interest, and the same shall be reimbursed to the Treasury of the United States from time to time as said revenues may be paid into said Treasury until the full amount shall have been refunded."

Now, as I said, I am advised that this refunding from time to time, as contemplated by this act, has not been made.

Further along in his remarks, he again states, referring to certain statements in the newspapers:

They say that I said that these bonds were fraudulent. I have never said that, because I know these bonds are good and binding, but what I have said is that perhaps year after year for nearly a third of a century *you have been paying half of the interest on these bonds, when it was never your debt. You perhaps have been paying half of the principal of these millions of bonds, when it was never your debt.* To go into that, and to go into other things of equal importance, this resolution has been introduced, and I earnestly hope it will be adopted.

It is to endeavor to throw some light upon this claim of Mr. JOHNSON and correct what, in my judgment, appears to be a misunderstanding governing the issuance and payment of these bonds that I desire to address the House. In the first place, for fear that my motives may be misunderstood, let me say that this is not the only thing that will be investigated. The question of taxes and other important matters will be, as I am informed, thoroughly inquired into by the subcommittee in charge of this investigation. I do not speak as one opposed to, but rather as one who approves of, a most rigid and searching investigation of the affairs of the District, in its every department. I agree with the chairman of the District Committee that if there is anything wrong we should know it, and if the District is being governed properly, economically, and honestly, that should be given equal publicity, and stop, if possible, the constant insinuations which arise against the management of its affairs.

I have absolute faith that the committee will act fairly and will bring in at the conclusion of its labor an unbiased report. I know they are not searching for something to criticize, but are giving their time and attention to investigating, without bias or prejudice, every department of the District government, in order that Congress may know just what are the methods of administering the business of this great community. Personally I have every faith in the integrity of the board of commissioners. I believe that they will give every assistance toward bringing to light anything that the committee may desire in the way of facts governing the scope of this investigation. But while, as I said in the beginning, the question of the Government's assumption of one-half of the principal and interest of the 3.65 bonds is not the only important matter suggested in the resolution of investigation, it seems to have impressed the chairman as being one of the very important matters, because he cites these payments, and these alone, as justification enough for the expense and trouble of investigating the entire District affairs. So earnestly did he insist that no law existed for these payments that my curiosity as a Member of this House, and as a citizen of the country which helps support this District, was aroused. I had personal knowledge from my long experience on the Committee on the District of Columbia, and from my investigations as a member of the Appropriations Committee, that the Government was not only paying one-half of the interest on these bonds, but it was also paying one-half of the principal.

The gentleman from Kentucky did not state that this was positively being done; in fact, he disclaims personal knowledge and says that he speaks from "reliable information." He seems absolutely positive on the question of the Government's nonliability for the payment of this principal and interest. He positively asserts that no law exists authorizing the payment of either the principal or interest by the Government, but he seems somewhat dubious as to whether the Government really had paid the principal and interest. He could have cleared up this latter by asking any member of the Appropriations Committee or its very able clerk, Mr. Courts, because an item has been annually carried since 1879, appropriating out of the joint revenues of the District and the United States Government a sum sufficient to pay the interest and to create a sinking fund to meet the funded debt. With my knowledge of these facts, I could not bring myself to believe that the gentleman was correctly advised as to the law in this case.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman permit a question right there?

Mr. TAYLOR of Ohio. Certainly.

Mr. JOHNSON of Kentucky. Is is not a fact that the act of 1874, which authorized the issue of these bonds, required that whenever the Government makes an appropriation to pay half the expenses of the District of Columbia that the money advanced to pay the interest on these bonds of which the gentleman speaks shall be deducted from that 50 per cent?

Mr. TAYLOR of Ohio. That is in the act of 1878.

Mr. JOHNSON of Kentucky. I mean the act of 1874, and repeated in the act of 1878.

Mr. TAYLOR of Ohio. The act of 1878 contains such a clause. I will come to that in the regular course of my remarks, and I will be glad to take that up when I reach it.

If the business of the District was so run, and the Treasury Department was so careless in its disbursing of public moneys as to pay out millions of dollars on obligations for which they were not liable, I proposed first to verify the statements of the chairman and then demand an explanation. With that in view I have myself, following the course pursued by the gentleman from Kentucky, gone back through all of the legislation, reports of committees, and debates on the floor of the House and Senate which might have bearing upon this subject. The gentleman from Kentucky bases his entire contention, in so far as his statements on the floor of the House are concerned, that the Government is not liable for any part of the principal or interest on these bonds, upon an act of Congress passed in the sundry civil appropriation bill of 1877, which I have cited.

The gentleman seems to have overlooked one very essential thing, to wit, that the organic act under which this District is now operating, and which for the first time in the history of the District provides for a 50 per cent participation in the expenses of the District by the Government, was not passed until one year after the statute which he cites.

Mr. JOHNSON of Kentucky. Mr. Chairman, does the gentleman——

Mr. TAYLOR of Ohio. I prefer, Mr. Chairman, if the gentleman from Kentucky will allow, that my remarks go along together, and I will be glad to give such time when I get through, as I have quite a lot of manuscript here. I do not wish to be discourteous to the gentleman.

Mr. JOHNSON of Kentucky. I understand the gentleman does not wish to be interrupted at all during his remarks?

Mr. TAYLOR of Ohio. I do not for the present.

Mr. JOHNSON of Kentucky. Then please intimate when I may.

Mr. TAYLOR of Ohio. Yes.

The CHAIRMAN. The gentleman from Ohio refuses to yield.

Mr. TAYLOR of Ohio. He seems to have stopped short of the very meat of this case by citing legislation enacted prior to the time the Government assumed one-half of the District expenses. The gentleman states that he has gone back 40 years in a vain attempt to find any authority for these expenditures. If he had gone forward two years from the act of 1877, which he cites in support of his contention, he would have found explicit authority for the Government's participation in meeting the principal and interest on these bonds. This act of 1877 has nothing to do with the validity of these bonds or the Government's interest in the same. This act was one simply providing the necessary money to meet the interest on these bonds, because, as I stated, the interest fell due at a time when the taxes had not been collected, and therefore there would have been always a default on the part of the District in its interest, except that the Government met the interest and had the money refunded when the taxes were collected. The authority for the issuance and payment of and the responsibility for payment of the bonds known as the 3.65 bonds will be found in the

act of June 20, 1874, Eighteenth Statutes, 116; in the act of June 11, 1878, Twentieth Statutes, 102; in the act of March 3, 1879, Twentieth Statutes, 410; and in the act of March 3, 1881, Twenty-first Statutes, 466.

Prior to 1874 Washington had what may be termed a Territorial form of government. I will not tire the House with a description of the form of government or the manner in which eventually the District became hopelessly and utterly bankrupt. It is not germane to this case how this debt was created, or to what extent, if any, it was tainted with fraud or corruption. Suffice it that prior to 1874 conditions had become so bad that Congress, seeing the absolute necessity of some step being taken to adjust the affairs of the District, appointed a special joint committee to inquire into the affairs of the District of Columbia.

And this committee on June 16, 1874, made an elaborate report showing the financial condition of the District, recommending the abolishment of the then existing form of government and proposing a commission plan of government, to operate the affairs of the District until a permanent form of government should be worked out. This committee was nonpartisan, being divided between the two parties. It had for its membership Hon. William B. Allison, Hon. Allen G. Thurman, Hon. William M. Stewart, Hon. J. M. Wilson, Hon. Jay A. Hubble, Hon. Lyman K. Bass, Hon. H. J. Jewett, and Hon. Robert Hamilton. This report can be found in reports of committees for the first session of the Forty-third Congress, the volume containing reports Nos. 612 to 770 and numbered report No. 647. The bill reported by this committee was enacted into law, and can be found in volume 18, United States Statutes at Large, page 116, and in section 7 of this act the sinking-fund commissioners of the District were continued in office, and by virtue of this legislation it became their duty to cause to be prepared bonds of the District of Columbia in the sums of $50 and $500, bearing date of August 1, 1874, payable 50 years after date, bearing interest at the rate of 3.65 per cent per annum, payable semiannually, and the same to be signed by the secretary and treasurer of the sinking-fund commissioners, countersigned by the comptroller of the said District, and sealed as the board may direct. These bonds were exempt from taxation by Federal, State, or municipal authority. The statute goes on further and says:

> And the faith of the United States is hereby pledged by *proper proportional appropriations* as contemplated in this act *and* by causing to be levied upon the property within said District such taxes as will provide revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereon at maturity.

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question just there?

Mr. TAYLOR of Ohio. Yes.

Mr. JOHNSON of Kentucky. You are now reading from the act——

Mr. TAYLOR of Ohio. Of 1874.

Mr. JOHNSON of Kentucky (continuing). Of June 20, 1874?

Mr. TAYLOR of Ohio. Yes.

Mr. JOHNSON of Kentucky. Which provides for a temporary form of government, which lasted four years, until 1878.

Mr. TAYLOR of Ohio. I understand that; I know that.

Mr. JOHNSON of Kentucky. Now, I wish to ask the gentleman if the permanent form of government established in 1878, in making provision that the United States Government should contribute 50 per cent toward the operation of the District Government, did not provide specifically that the interest on those bonds should be paid by the District and not by the Government?

Mr. TAYLOR of Ohio. I will soon reach that act, and I would like for the gentleman to point out that language when I come to it.

Mr. JOHNSON of Kentucky. I will say to the gentleman right there, if I had known he was going to speak I would have had those acts here. I am now speaking from memory, but I am quite confident——

Mr. TAYLOR of Ohio. The gentleman will have an opportunity to correct me if I am wrong. I am only presenting my views.

Mr. JOHNSON of Kentucky. I wish the gentleman would present them in the light of full information, however.

Mr. TAYLOR of Ohio. Yes; I am trying to do so.

These bonds were authorized for the purpose of taking up the indebtedness of the District, and the commissioners of the sinking fund were authorized to exchange said bonds at par for like sums of any class of indebtedness named in the preceding section, including sewer taxes or assessments paid, provided for in this act.

Mr. JOHNSON of Kentucky. I wish the gentleman would allow me to interrupt him there——

Mr. TAYLOR of Ohio. Mr. Chairman, I must decline to yield——

Mr. JOHNSON of Kentucky. They must be retired at par.

Mr. TAYLOR of Ohio. That is not correct. The language of the act of March 3, 1881 (21 Stat., 466), makes provision for their purchase above par if necessary, and the gentleman has anticipated me. I am leading up through the various acts in order that the House may form its own opinion as to whether it will accept or reject my views.

This act further provided for an auditing board, whose duty it was to audit the debts of the District and when they were allowed, to take them up with the bonds which I have just described. No provision was made in this act for a joint responsibility of the District and the Government for the expenses of the District, but a special subcommittee was provided, in section 5 of the act, consisting of two Senators and two Members of the House, to be appointed by the presiding officer of the Senate and by the Speaker of the House, and it was charged with the duty of preparing—

> A suitable frame of government for the District of Columbia, and appropriate drafts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses respectively on the first day of the next session thereof, and they shall also prepare and submit to Congress a *statement of the proper proportion of the expenses of said Government, or any branch thereof, including interest on the funded debt, which should be borne by the said District and the United States, respectively, together with the reasons upon which their conclusions may be based.*

Thus it was clearly indicated in this act that Congress recognized the necessity and justice of the Government participating to some extent in the payment of the expenses of this District. And in section 7, before quoted, there can be no other meaning to the language—"and the faith of the United States is hereby pledged that the United States will by proper proportional appropriations as contemplated in this act," and so forth—than that the purpose of Congress was to get a report from this special committee provided in section 5 as to just what part of the District's expenses the Government should assume, and then when the permanent form of government contemplated through the appointment of this committee should go into effect, the Government would, in just such proportion as Congress determined was just, pay its share of the interest and principal on these bonds, as well as its full share of the other governmental expenses necessary to the management of the business affairs of the said District.

Much debate has been had in Congress subsequent to the passage of this act as to what the language of section 7 meant. Many able men contended that the Government only agreed that it would pay the interest, and was not liable for the principal. And others equally as able contended that the Government's pledge covered both the interest and the principal at maturity; but none, however, went so far as does the gentleman from Kentucky in claiming that no part of the principal or interest should be paid by the Federal Government.

Later on legislation, which I will cite later, cleared up any question of doubt by specifically providing that the Government must pay its full share of the entire principal and interest. However, I contend that this language in the act of 1874 can be susceptible of no other construction than that the Government was obligated to see that the principal and interest were paid by doing two things—first, paying its proportional share toward the same, and, second, seeing that the District collected enough taxes to meet its proportional share.

The act does not say that the faith of the United States is pledged that it will cause to be levied upon property within the District such taxes as will provide the revenues necessary to pay the interest on said bonds when the same became due and payable and create a sinking fund, but it does say:

> And the faith of the United States is hereby pledged that the United States will by proper proportional appropriations, as contemplated in this act (as contemplated in section 5), and by causing to be levied upon the property within the District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

In other words, the Government pledges its faith to raise the necessary money to meet the interest when due and create a sinking fund to meet the principal when due, by a proper proportional appropriation, and to see to it that the District raises its proportional share to meet its proportion of the payments of principal and interest, by taxing the property within the District. It guarantees a supervision over the taxing power of the District to see that the District taxes itself sufficiently to pay its proportional share of this funded debt.

Complying with section 5 of the act of 1874, there was appointed a special subcommittee of four members, two Senators and two Representatives, who, in December, 1874, filed a report. Without going into the details of the report, which may be found in the following, Senate Report No. 1, Report No. 479, this committee went into an elaborate discussion of the legal necessity and right of the Government to participate in paying a part of the District's expenses. They held that owing to the fact that this is the Capital of the Nation and by the special provisions of the Constitution and the clauses contained in the land grant the Government must pay its proper proportion of all the expenses of the District. They do not come to a final conclusion as to just what that proportion should be; in fact, they content themselves with stating that there should be a division of expenses, and that they do not consider it important in their report to determine the exact proportion.

The House of Representatives in the meantime had passed a resolution instructing the Committee on the Judiciary to inquire into and report to the House—

the legal relations between the Federal Government and the local government of the District of Columbia, and the extent and character of the mutual obligations in regard to municipal expenses; and further to inquire and report whether some accurately defined basis of expenditure can not be prescribed and maintained by law.

This committee, on the 1st day of June, 1874, had made an elaborate report, going into the legal status of the relations between the Government and the District completely and holding that the District was subject to Federal control. After quoting clause 17, section 8, Article I of the Constitution, which is as follows:

To exercise exclusive legislation in all cases whatsoever over such District (not exceeding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings.

They further state:

Your committee understand this clause of the Constitution to vest in the Congress of the United States absolute legislative authority over every rightful subject of legislation within the District, without any reservation whatever to any State or States or to the people within the District itself. This absolute control by Congress is a question no longer admitting of doubt, if any ever existed.

After clearly holding that it was the duty of the Government to pay its proportional share of the expenses of the District, they go into an elaborate statement of the Government's holdings within the District, which are free from taxation, and mock at the idea that the people of the District should be taxed to keep up the Government's property and the Government in no way share the expense. They wind up their report on this question as follows:

A very large proportion of this population are temporary residents, and only are here to serve the Government in various capacities. They acquire no permanent interest and generally hold but little property. The remaining portion of the population is made up chiefly by persons engaged in minor traffic and in supplying the wants of the Government, of themselves, and of the temporary residents referred to, so that there is absolutely no source of revenue which can be looked to as a permanent support for the necessary expenditures of this city. Aside, then, from all question of sentiment or patriotism or pride in the National Capital, your committee are impressed with the belief that the Federal Government sustains at least such relation toward the citizens and the local government as would require it to contribute to municipal expenses an amount bearing the relation to the whole amount required which the interest of the Federal Government here bears to the interest of the local government, *and this they believe to be at least one-half.*

These two reports indicate clearly that at that time the general impression prevailed that some permanent law fixing a stated proportion of expenses to be borne by the Government and the District should be enacted. However, nothing in the way of legislation was enacted until what is known as the organic act, passed in 1878, became a law. The act of 1877, upon which the chairman seems to rely, was, as I have stated, clearly enacted for the purpose of meeting the interest on the 3.65 bonds when due, the same to be refunded out of the District taxes when collected. This because of the fact that there was at that time no legislation providing that the Government should pay any of the expenses of the District, and it was not until the following year, when the act of 1878 became a law, that the entire relations between the District and the United States Government underwent a change.

The act of 1878, passed June 11, 1878, and found in volume 20, United States Statutes at Large, page 102, provided a new form of Government, and is the law under which the government of the District operates to-day. For the first time, in section 3 of this act, Congress enacted a half-and-half clause, which from that day compelled Congress to pay one-half of the expenses of the District.

Mr. JOHNSON of Kentucky. Will the gentleman please read that act there?

Mr. TAYLOR of Ohio. I am going to read it now.

The CHAIRMAN. The gentleman from Ohio declines to yield.

Mr. TAYLOR of Ohio. I shall read it. I am going to read them all. This section provides that the—

Said commissioners shall submit to the Secretary of the Treasury in the fiscal year ending June 30, 1878, and annually thereafter for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof; also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River, within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or the District of Columbia; and also the expenses of the Washington Aqueduct and its appurtenances; and also an itemized statement and estimate of the amount necessary to defray *the expenses* of the government of the District of Columbia for the next fiscal year. * * *

I have some stars here, indicating where I omit some things that are unimportant.

Mr. JOHNSON of Kentucky. I hope the gentleman will not omit that part of it.

Mr. TAYLOR of Ohio. If I do, I will ask the gentleman to call it to my attention.

Mr. JOHNSON of Kentucky. I mean the part in reference to the 3.65 bonds.

Mr. TAYLOR of Ohio. I do not think I have omitted it.

* * * The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit the same to Congress. To the extent of which Congress shall approve of said estimates, Congress shall appropriate the amount of 50 per cent thereof; and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia. * * *

And in the next section we find the following:

Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia, issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable, and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

Mr. JOHNSON of Kentucky. That is what I had reference to.

Mr. TAYLOR of Ohio. I think I have all the statutes.

In other words, as an illustration, if the Government's 50 per cent amounted to a million dollars and the District's share to a million dollars and the interest was $500,000, the Secretary of the Treasury would pay the interest, and there would only be available for the expenses of the District a million dollars secured by taxation and the half-million-dollar balance left after paying the interest. This legislation alone certainly would refute the claim of the gentleman from Kentucky that the Government was in no sense liable to pay the interest.

It should be noted that the act of 1878, which imposed the half-and-half division of expenditures for the support of the District government out of the local revenues and from the Treasury of the United States, originated in and was passed by a Democratic House of Representatives presided over by that notable Democrat and foremost of economists of his time, Samuel J. Randall.

It is interesting at this point to call attention to a few of the debates running through the general debate on the act of 1878, as indicating the understanding of the then Members of the House as to the responsibility of the Government under the language which I have heretofore quoted, set forth in the act of 1874, wherein the Government of the United States pledges its credit to the payment of the interest and principal of the bonds.

On March 18, 1878, Mr. Eden, in discussing whether House bill No. 2917, authorizing the Commissioners of the District to audit certain claims against the District, should be considered in the House or in the Committee of the Whole, entered into a discussion of the act of June 20, 1874, in which he says, on page 1841 of the RECORD:

Section 7 of the act of June 20, 1874, provides that the sinking-fund commissioners of said District are hereby continued and that it shall be the duty of said sinking-fund commissioners to cause the bonds of the District of Columbia to be prepared in sums of $50 and $500, bearing date 1st of August, 1874, and payable 50 years after date, and bearing interest at the rate of 3.65 per cent per annum, payable semi-annually, etc., going on to describe the bonds——

Mr. JOHNSON of Kentucky. Will the gentleman yield just there?

Mr. TAYLOR of Ohio. I can not yield just at this time.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Kentucky?

Mr. TAYLOR of Ohio. I can not yield at this time—

and then it further provides that the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied on property within the District such tax as will provide revenue to pay the interest on said bonds as the same may become due, and for payment of the principal thereof at maturity. It will be seen that the Government of the United States is pledged to *pay a proportional part of the bonds* which are provided for in the act of June, 1870, and that is the act which is referred to in this bill, under which the additional bonds are to be issued. If those bonds are issued, the law pledges the faith of the Government to make the necessary appropriations to pay them. Consequently, it comes directly within the rule.

The Speaker sustained this point and the bill was placed on the Union Calendar.

Later on, when the act of 1878 was up for discussion, there were those who disclaimed the Government's liability for the bonds and interest, and the debate on this subject ran to some length. In the running debate, Mr. Cox of Ohio, who opposed the payment of either the principal or the interest, made the following statement, on page 3223 of the RECORD of May 6, 1878, in referring to the language which I have heretofore quoted:

The language of that section demonstrates the fact that I was stating. It provides that the amount so paid by the Government of the United States on the interest of the debt of the District "shall be credited as part of the appropriation for the year by the United States toward the expenses of the District." It thereby recognizes the fact that this bill makes the interest on the debt of the District a part of the *current expenses* of the District, of which the Government of the United States is to pay 50 per cent. There is no way of getting from it. If gentlemen of the Committee for the District of Columbia did not intend that, then they should have used other language in the bill.

J. C. S. Blackburn, of Kentucky, was the second member of the District of Columbia Committee at the time the act of 1878 was discussed and passed, and became its chairman in December, 1878, on the death of the former chairman, Alpheus S. Williams, of Michigan.

Mr. Blackburn, during this colloquy, in which both Mr. Cox of Ohio and Mr. Cox of New York opposed this section, in reply to their arguments, said as follows:

Will the gentleman allow me to read a single sentence in the act approved June 20, 1874, in order to let the House see whether he and the gentleman from Ohio are right when they say that the Government is under no obligation whatever in this regard? I read from page 120 of the United States Statutes at Large, volume 18: "And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof, at maturity."

Mr. COX of New York. That does not bear out the gentleman's position.

Mr. BLACKBURN. I simply desire to ask in the face of that proposition whether there was to be no proportionate assessment of expenses between the Government and the District?

Mr. COX of New York. If that were so understood, I would vote to repeal the statute. I do not believe such was the intention when it was passed.

Mr. BLACKBURN. Let the gentleman introduce his bill to that effect, but he should not deny the responsibility of the Government while the statute stands unrepealed.

It might be stated at this point that the gentleman from Kentucky, Mr. Blackburn, argued throughout the entire debate that by the act of 1874 the Government was absolutely bound to pay the interest, but did not concede that the principal was guaranteed by the Government or that the Government was bound at any time to pay it. In respect to the interest, he did not entertain the same views as does the gentleman from Kentucky [Mr. JOHNSON]. No one reading the act could possibly differentiate between the principal and the interest, but Mr. Blackburn later on, in making the same arguments, lost his fight in the House at the time the act of 1879, upon which I will dwell later, became a law. Mr. Buckner, who was a Democrat from Missouri and chairman of the District of Columbia Committee of the House in the preceding Congress, further along in the debate offered an amendment in an effort to create a sinking fund to take care of the principal and interest. This amendment was not passed, but is interesting. It reads:

Provided, That one-half of 1 per cent of the 3.65 bonded debt shall be annually set apart from the taxes and appropriations provided for in the sixth section to create a sinking fund for the purchase of said 3.65 per cent debt of the District.

In speaking on his amendment, he says:

I will state to the gentleman what I desire this Congress to do. My amendment provides that the Government of the United States shall comply with the obligations which it incurred by the act of 1874. The Committee for the District of Columbia by this bill provides for complying with that obligation only in part. It provides that the Secretary of the Treasury shall pay the interest on this debt, amounting to one-half million dollars a year. That, however, is only a part compliance with the obligations which this Government entered into with these bond holders. That obligation was that by appropriations and by taxation the Government would provide a sinking fund whereby to liquidate this debt. Now, what is proposed by this bill in regard to this debt which will become due 45 years hence? This bill proposes to pay the interest on that debt, and so far it is a compliance with the obligations of the act of 1874. But what is to be done with the principal of the debt at the end of that time? Would you repudiate it? Is that the point? I have been charged with others with being willing to repudiate the obligations of the Government. But I am for maintaining its obligations, and for that purpose I have moved an amendment requiring a certain percentage to be set aside to make a sinking fund.

Further on he was interrupted by Mr. Eden, who said:

If my friend from Missouri [Mr. Buckner] will allow me, I will say that his amendment commits the Government of the United States to the payment of the principal of the 3.65 bonds, and if it prevails, it is in the nature of a contract with the holders of those bonds that Congress will pay the principal of the debt.

Mr. BUCKNER. I will say to my friend from Illinois [Mr. Eden] that the Government of the United States is already committed.

Mr. EDEN. It is committed only so far as to see that the proper tax is levied upon the District of Columbia to pay the interest on these bonds.

Mr. BUCKNER. More than that.

Mr. EDEN. Not as to the principal.

Mr. BUCKNER. The act of 1874 pledges the faith of the Government—— [Time expired.]

Thus the act of 1878 became a law without having fully settled the question of providing for a sinking fund to meet the principal of these bonds when due, although, as well stated by the gentleman from Missouri, Mr. Buckner, they had provided for the interest, and to that extent only had complied with the pledges of the act of 1874.

At the time this act became a law the government of the District of Columbia had a debt on the 1st day of July, 1878, of $22,106,650. They had issued $13,000,000 worth of 3.65 bonds, and the balance of the debt represented other forms of bonded indebtedness. The auditing board, provided for in the act of 1874, had been by legislation stopped in its further issuance of bonds. A glance at the debates indicates that Congress felt that it was settling claims and running up the bonded indebtedness entirely too fast, and for several years there was no additional bonds allowed to be issued.

This is not germane to the case, as the bonds are admittedly bona fide, and the transactions of the District prior to 1874 are not a subject of inquiry. Since that time there has been a reduction in the bonded indebtedness of $13,218,250. There are outstanding to-day $8,888,400 in 3.65 bonds. Half of this debt and interest has been paid by the Government.

Mr. Buckner, of Missouri, was entirely right when he tried to create a sinking fund by the act of 1878, and Congress recognized the justice of his contention the following year, and in doing so worked a great economy and saved millions of dollars in interest. To illustrate, the interest charge on the debt of the District July 1, 1878, was $1,015,758.12. The interest charge March 3, 1911, was only $324,426.60, a net reduction per annum of $691,332.52. Of the 3.65 bonds, there have been issued altogether $14,997,300, the law limiting the issue to fifteen million. Of these there have been retired $6,108,900. All the bonds outstanding are 3.65 bonds, and in the year just passed the sinking fund has retired $603,700 worth of these bonds and reduced the annual interest charge in the year in the sum of $22,035.05. So that, as I say, the Government has paid one-half of all this reduction, and there is no question that it has done so legally. All doubt must be removed by the passage of the act of March 3, 1879, which I desire to discuss briefly.

The act of June 11, 1878, providing a permanent form of government, in section 7 thereof, provided:

That the offices of the sinking-fund commissioners are hereby abolished, and all the duties and powers possessed by said commissioners are transferred to and shall be exercised by the Treasurer of the United States, who shall perform the same in accordance with the provision of existing laws.

The Treasurer of the United States assumed this duty on the 1st day of July, 1878. In all legislation authorizing loans, still outstanding at that time, either passed by Congress or the legislative assembly, some sort of a provision was made for a sinking fund for the gradual redemption and retirement of various bonds, taking up the entire debt at maturity. These laws had not worked satisfactorily, and the Treasurer in his first report recommended that in lieu of all existing provisions for various sinking funds Congress make a permanent annual appropriation of $1,155,583.55 to meet the interest on all outstanding funded debt and maintain a sinking fund. He estimated that this would be sufficient to extinguish the debt of the District in 1924.

Congress adopted this suggestion in the sundry civil bill passed March 3, 1879, United States Statutes at Large, Forty-fifth Congress, October 15, 1877, to March 3, 1879, page 410, in the following language:

For the interest and sinking fund on the funded debt, $1,155,583.55—

and appropriated this sum in the years 1879, 1880, and 1881. In 1879, in the sundry civil appropriation bill, which then car-

ried the District appropriation, on the 3d day of March of that year, the Twentieth Statutes at Large, page 410, a sinking fund was created for the 3.65 loan, and the following is the language of the law authorizing the same:

And there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter, such sums as will, with the interest thereon, at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia, issued under the act of Congress approved June 30, 1874, at maturity; which said sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof; and all bonds so redeemed shall cease to bear interest and shall be canceled and destroyed in the same manner that the United States bonds are canceled and destroyed.

In the act of June 16, 1880 (21 Stat. L., 284), authority was given for the issuance of additional 3.65 bonds. At that time there was a reestimate of the amount required to pay interest and maintain the sinking fund to meet the funded indebtedness of the District, and in 1882 Congress appropriated for that purpose $1,213,947.97, and this amount was annually appropriated by Congress for the interest and sinking fund on the funded debt up to and including the appropriation act of 1903. In 1904 the total amount appropriated for interest and the sinking fund was $975,408, and this amount has continuously been appropriated up to and including the fiscal year 1912.

It is interesting to read the debates preceding the passage of the act of 1879, before quoted. Mr. Blackburn, of Kentucky, who had vigorously advocated the 50 per cent division of expenses between the Government and the District during the debates on the act of 1878, with equal vigor denounced this proposed legislation, claiming that it immediately made the Government responsible for the $22,000,000 of funded debt then in existence. Other gentlemen favored the bill, among them Abram S. Hewitt, of New York, the close friend and adviser of Samuel J. Tilden and at that time chairman of the Democratic national committee, insisting that the language of the act of 1874, pledging the faith of the United States to a proper proportional appropriation to provide the necessary revenue to pay the interest and create a sinking fund, bound the United States absolutely for the whole debt, and that it should not hesitate to have paid out as part of the expenses of the District money sufficient to retire the debt at its maturity. These debates will be found in the CONGRESSIONAL RECORD of March 3, 1879, pages 2357 to 2361. And at their conclusion this legislation was agreed to, a yea-and-nay vote being taken, in which the yeas were 148 and the nays 107 and not voting 35. Several of the speakers urged the adoption of this legislation, not only on the ground that the Government was legally obligated but that unless the sinking fund was created the Government would be compelled to pay the whole debt at its maturity; that it was better and more economical to reduce the debt, and thus reduce the interest charge of more than a million dollars, than to merely provide for the interest, as was being done, and allow the principal on the 3.65 bonds to mature all at the same time; that some several million dollars in interest alone would be saved, because if the bonds were not retired there would be a constant payment of practically the amount of the interest charge of the debt of the District as it was July 1, 1878, to wit, $1,015,759.12, whereas by the operation of this sinking fund this charge has been reduced so that on March 3, 1911, it was only $324,426.60, a reduction of more than two-thirds in interest charge alone. Subsequently, to wit, on March 3, 1881, Twenty-first Statutes at Large, page 466, Congress enacted further legislation permitting the Treasurer, as sinking fund commissioner, to purchase the funded indebtedness of the District at any price he thought to be to the best advantage of the District. This in effect amends that portion of the act of March 3, 1879, which fixes the purchase price of bonds at not exceeding the par value thereof. Since that time the Treasurer has purchased the funded debt of the District at the best price he could get, they being quoted at above par. In 1904 it was found that it was very difficult to purchase the bonds of the District at a fair price, and in the District of Columbia appropriation bill for 1904 there was enacted the following:

Any excess of said sum or of sums hereafter appropriated for this purpose over and above the amount required for the payment of the interest on the funded debt of the District of Columbia shall be applied by the Treasurer of the United States to the purchase and redemption of the bonds of the District of Columbia: *Provided*, That should the Treasurer of the United States at any time be unable to secure bonds of the District of Columbia at a price which he may deem advantageous, he is hereby authorized to invest the amount available for the said sinking fund in the bonds of the United States, the bonds so purchased to be registered in the name of the Treasurer of the United States, trustee for the sinking fund of the District of Columbia, and it shall be the duty of the Treasurer of the United States to collect the interest when due on the bonds so held and to invest the same for account of said sinking fund: *Provided further*, That the Treasurer of the United States is hereby authorized, by exchange or by sale and reinvestment, to substitute bonds of the District of Columbia for the bonds of the United States so held when he shall deem it to be to the interest of the said sinking fund to do so.

This legislation was enacted for the purpose of compelling the holders of the bonds to part with them at a reasonable price, or, in event of their failure to do so, the money of the sinking fund to be kept active by the purchase of Government bonds which could be exchanged for District bonds whenever the price became proper and just.

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question there?

Mr. TAYLOR of Ohio. Certainly.

Mr. JOHNSON of Kentucky. Was not the Treasurer, in purchasing these bonds for retirement, limited by the different acts you have quoted to purchase them at par?

Mr. TAYLOR of Ohio. I have just read that act, and I have read a subsequent act, which has been construed to give him the right to buy at the most advantageous terms. That is the claim of the Treasurer.

Mr. JOHNSON of Kentucky. But he has retired those bonds as high as 108.

Mr. TAYLOR of Ohio. They are above par. I think I asked the clerk of the sinking fund, and he said 108.

Mr. JOHNSON of Kentucky. They are 106 right now.

Mr. TAYLOR of Ohio. I know they are above par.

I have gone to some length in connecting these various pieces of legislation. What I have said I mean as no reflection on the investigations being pursued by the District Committee, but, as a Member of the House, interested in the work of this body, when I began my personal investigation of the claims of the chairman, Mr. JOHNSON, that the Government of the United States was in no way obligated for either the interest or the principal of the 3.65 bonds, I felt it incumbent upon me to lay before the House the various acts of Congress, together with my views as to what was intended by Congress, as to what authority was vested in the Treasurer of the United States to expend the joint funds of the District and Government for the creation of a sinking fund for the purchase of District bonds. Those who give this matter consideration, study this legislation, can come to but one conclusion: First, that the 3.65 bonds were issued under authority of law as set forth in the act of 1874; second, that the faith and credit of the United States was by the same act pledged, by a proper proportional appropriation and by a just taxation of the residents of the District, to pay the interest and create a sinking fund to meet the principal when due; third, that the act of 1878 legalized for the first time a joint partnership between the Government and the District of Columbia on a 50 per cent basis as to all of the expenses of the District of Columbia, that the sinking fund and interest of the District of Columbia were as much part of the current expenses as were any of the expenses of the District; fourth, the act of 1879 specifically provided that out of the joint fund of the District and the United States Government there should be set aside a sum sufficient to meet the interest and to reduce the principal by the creation of a sinking fund on the 3.65 bonds, which are now the only bonds outstanding against the District.

I have taken up the time of this committee with no other intention than to let the different Members who are interested in District matters—the chairman of the committee who has greater interest than anyone else, the gentleman from Tennessee [Mr. SIMS], and others—gain an idea of such facts as I have been able to glean by reading the statutes and forming my own conclusions as to their interpretation. I believe these bonds are absolutely valid obligations against the Government and the District, and they should be and are being properly met. Whether or not they should have been paid by the Government does not enter into my contention, but Congress in 1878 or 1879 determined they should be paid, and Congress determined that from 1879 on there should be a permanent annual appropriation and sinking fund for the retirement of bonds and payment of the interest. [Applause.]

Mr. JOHNSON of Kentucky. Will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Kentucky?

Mr. TAYLOR of Ohio. Certainly.

Mr. JOHNSON of Kentucky. The gentleman has just read from the act of 1874, which says in substance that the United States Government pledges its faith to pay, according to its proportion, half the expenses of the District of Columbia by such proportionate contributions as Congress may hereafter make. Now, if I understand the gentleman correctly, he means to say by that that Congress then and there agreed to contribute toward the payment of these 3.65 bonds by act of Congress thereafter to be passed?

Mr. TAYLOR of Ohio. I say that that pledge bound the United States Government; bound the Government, not Congress. A great many men more able than myself, and greater lawyers, said the same thing, among them being J. C. S. Blackburn, of the gentleman's own State.

Mr. JOHNSON of Kentucky. The gentleman did refer to the act of 1874?

Mr. TAYLOR of Ohio. That is the one I was talking about.

Mr. JOHNSON of Kentucky. Yes; by which these bonds were to be paid by the District and the Federal Government to such an extent as the Federal Government might thereafter make appropriations to do so.

Mr. TAYLOR of Ohio. By whatever proportional appropriations the Government agreed to make, it not having at that time made any specific arrangement.

Mr. JOHNSON of Kentucky. By a proper proportional contribution?

Mr. TAYLOR of Ohio. Yes.

Mr. JOHNSON of Kentucky. Now, then, that was only a contemplation; but when they came to form the permanent agreement between the District and the Federal Government, in 1878, they used this language:

Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia——

Mr. TAYLOR of Ohio. I read that language——

Mr. JOHNSON of Kentucky (continuing):

issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

Mr. TAYLOR of Ohio. Yes; I read that.

Mr. JOHNSON of Kentucky. Showing most conclusively that when Congress came to make the appropriation——

Mr. TAYLOR of Ohio. I yielded to the gentleman for a question, not for a speech. I am perfectly willing that he shall have time, but let him use his own time.

Mr. JOHNSON of Kentucky. Then, does the gentleman mean to contend that by the act of 1878—the act which I read—Congress refused to pay its share of one-half on these bonds?

Mr. TAYLOR of Ohio. They say the United States Treasurer shall pay it.

Mr. JOHNSON of Kentucky. But they say when it is paid by the United States Treasurer it shall be deducted from the appropriation.

Mr. TAYLOR of Ohio. Further on, in 1879, they changed the law and the entire scheme, and made a permanent annual appropriation for the sinking fund; and that undoubtedly does away with the act of 1878.

Mr. JOHNSON of Kentucky. Does not that act almost repeat the same language and say that this interest and principal shall come out of the half which the United States Government appropriates?

Mr. TAYLOR of Ohio. Oh, no.

Mr. JOHNSON of Kentucky. I beg your pardon. If you will turn to your own notes, you will find that statement there.

Mr. TAYLOR of Ohio. I read that statement repeatedly from the notes.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Illinois?

Mr. ADAMSON. If the gentleman from Alabama [Mr. UNDERWOOD] is not here, I will yield.

Mr. TAYLOR of Ohio. I yield, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio has not used up all his time yet.

Mr. MANN. May I ask the gentleman from Ohio if he is able to inform the House, in view of the difference of opinion as to the meaning of the language of the acts of 1878 and 1879, what was the construction of the acts by Congress at that time, so far as refers to the appropriation?

Mr. TAYLOR of Ohio. It construed it to mean that every year, beginning with the year 1879, they were to appropriate a sum sufficient to pay the interest on the bonds and to create a sinking fund for the absorption of the principal; and they did so, and have done so every year since 1879, up to and including the present fiscal year, 1912.

Mr. JOHNSON of Kentucky. Will the gentleman please read that section there about the refunding act of 1879? He will find himself contradicted.

Mr. TAYLOR of Ohio. If I am, the gentleman will have plenty of time in which to point it out.

Mr. BORLAND. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. TAYLOR of Ohio. I will first yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. In the method of appropriation pursued at present as to the District, so much is appropriated with a provision that part of it is to be paid out of the Treasury and part of it out of the revenues of the District.

Mr. TAYLOR of Ohio. Yes.

Mr. MANN. How long that has been the practice I do not know.

Mr. TAYLOR of Ohio. That is correct, since 1878.

Mr. MANN. Was that sort of a form, or something substantially similar to it, showing the construction or opinion of Congress that they would appropriate part of this interest out of the general fund in the Treasury and part out of the District revenues, carried in the appropriations at the time, or following the time of the passage of these acts?

Mr. TAYLOR of Ohio. Certainly. Now I will yield to the gentleman from Missouri.

Mr. BORLAND. I understand the gentleman has cited, in his very able speech, the law justifying the commissioners or the Secretary of the Treasury in paying principal and interest out of the joint revenues of the District and the General Government.

Mr. TAYLOR of Ohio. The Secretary of the Treasury.

Mr. BORLAND. The Secretary of the Treasury; and the purpose of the gentleman's speech was principally to prove that warrant of law existed for such a method of payment.

Mr. TAYLOR of Ohio. That is my idea. I wanted to present the debate, the statutes, and the facts. If I am not correct, and I am sure I am, gentlemen can correct me.

Mr. BORLAND. Does the gentleman contend that the faith of the United States is pledged to the holders of the bonds for the payment?

Mr. TAYLOR of Ohio. I do not think there is any question about it. The law so provides, and I think it is written right into the bond.

Mr. BORLAND. That the United States is pledged to pay the holders of the bonds?

Mr. TAYLOR of Ohio. I think under the moral pledge of the act of 1874 the Government of the United States could be held for the whole amount of the bonds if the District was bankrupt, as it was rapidly becoming in 1874. Of course, that is all a matter of the past now.

Mr. BORLAND. That is, because at the time the bonds were issued in 1874 the United States had formed a provisional government and was practically in charge of the District as receiver.

Mr. TAYLOR of Ohio. Under the act of 1874 Congress created a temporary form of government and began readjusting the finances of the District.

Mr. BORLAND. Now, the United States, subsequent to that time, formed a permanent government for the District.

Mr. TAYLOR of Ohio. Yes; in 1878.

Mr. BORLAND. Subsequent to the issue of these bonds.

Mr. TAYLOR of Ohio. Four years afterwards.

Mr. BORLAND. And undertook then to form a permanent government and put certain burdens upon the property of the District.

Mr. TAYLOR of Ohio. Yes; and fixed the tax rate.

Mr. BORLAND. Is it the gentleman's contention that the United States is estopped in any way from compelling the District to pay its indebtedness?

Mr. TAYLOR of Ohio. No; I think not. I think that the United States can do pretty nearly anything it wants to with reference to this District.

Mr. BORLAND. And no right on the part of the bondholders to look to the Government of the United States?

Mr. TAYLOR of Ohio. No. As I am informed by people who were here in those days, and who know something about it, at the time this agitation was going on with reference to the liability of the Government, before the bonds became subject to a permanent annual appropriation and before the Government, as I claim, acknowledged its liability to pay half of the principal and interest, these bonds were away below par. I understand that after the sinking fund was created, for some little time, they were still below par, but subsequently, the minute the Government said, "We will pay half of the bond," or, in other words, complied with its pledge of 1874, they went up, and they have been above par most of the time since.

Mr. BORLAND. We are not able to say at this time how much of that debt was inflated.

Mr. TAYLOR of Ohio. No; I imagine it would be very difficult.

Mr. BORLAND. The gentleman has served on the District Committee in the course of his career in the House?

Mr. TAYLOR of Ohio. Yes.

Mr. BORLAND. And also on the appropriations subcommittee for the District. Does the gentleman know anything about the course of dealing under the former commissioners of the District, by which the floating debt was allowed to increase——

Mr. TAYLOR of Ohio. I do, indeed.

Mr. BORLAND. With the idea that it would be subsequently turned into bonds?

Mr. TAYLOR of Ohio. Yes.

Mr. BORLAND. And half of it saddled on the Government.

Mr. TAYLOR of Ohio. I do; and I was one of the Members who helped to put a stop to that by the passage of a law so they could not do it any more.

Mr. BORLAND. I think the gentleman was one of the men that tried to stop it and succeeded.

Mr. TAYLOR of Ohio. And succeeded, and the debt is pretty nearly wiped out. Three years more will see the end of it, and it is being paid out of the District revenues entirely.

Mr. BORLAND. The District decided to increase the floating debt, and the District turned it into bonds.

Mr. TAYLOR of Ohio. They did not say what they would do; they were getting on the books of the United States Government, and were getting mighty close to $3,000,000, when it was discovered that some time or other, if the District did not pay it back, it would have to issue bonds, and Congress stopped the commissioners doing this kind of business, but that was not this board of commissioners. No bonds were ever issued on this debt.

Mr. MANN. And no bonds were ever issued on that.

Mr. TAYLOR of Ohio. No.

Mr. DAVIS of Minnesota. Will the gentleman yield?

Mr. TAYLOR of Ohio. Certainly.

Mr. DAVIS of Minnesota. I observe that the gentleman read various provisions of law in which the faith and credit of the Government is pledged toward the payment of these bonds and a portion of the interest. Does it not occur to the gentleman's mind that possibly the Government, in the somewhat obscure language which admits of two or three constructions, has placed itself in about the position of an indorser on a promissory note?

Mr. TAYLOR of Ohio. In the position of a guarantor at first, but subsequently acknowledging itself bound equally with the District to retire these bonds.

Mr. DAVIS of Minnesota. In the position of a guarantor, and in case they were not obliged, which possibly and probably they are, in various laws to pay, if the principal defaults, does that still leave the Government in the position not to receive any reimbursement from the principal debtor?

Mr. TAYLOR of Ohio. I think not. If the District did not pay its half, the Government could make it pay, because by the Constitution and laws the Government, through its Congress, has exclusive jurisdiction over the District.

Mr. DAVIS of Minnesota. Merely pledging the faith of the Government for half-and-half payment of principal and interest, and making the appropriation therefor, does the gentleman consider that that obligates the Government to pay them and seek no compensation from the debtor?

Mr. TAYLOR of Ohio. I do not think the gentleman understands my position. The law I base my contention on is one in which the Government agrees to pay half. The payments have been made legally. I do not need to dwell on the justification of the Government in assuming the debt, yet I firmly believe that it ought to pay one-half the District expenses. If Congress wants to change the law, it can do so.

Mr. DAVIS of Minnesota. The law, as I have heard it read, simply pledges its faith that this will be paid.

Mr. TAYLOR of Ohio. That is the act of 1874.

Mr. DAVIS of Minnesota. Does it say that we will pay it without recourse?

Mr. TAYLOR of Ohio. The act of 1879 says that the Government will pay 50 per cent of the principal and interest.

Mr. DAVIS of Minnesota. The gentleman thinks that the language that the Government pledges its faith and credit for the payment of it means an absolute payment without recourse?

Mr. TAYLOR of Ohio. That is the act of 1879.

Mr. SIMS. Was it not a mere gratuity, with no consideration given to the Government, the District of Columbia having suffered nothing but gained something? How can it complain?

Mr. TAYLOR of Ohio. They are not complaining, but I deny that it was a mere gratuity. The Government should bear a just proportion of the expenses of the District government.

Mr. SIMS. Suppose the Government took it back, would not that affect them?

Mr. TAYLOR of Ohio. I do not think the Government could. The Government could not say we agree to do a thing and then 35 years later say it had changed its mind.

Mr. SIMS. I do not say that they would ever do it, but what law is there in the way of it?

Mr. UNDERWOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Chairman, I had no idea whatever of saying anything on this occasion concerning the 3.65 per cent bonds until I saw in an afternoon paper the headline, "TAYLOR answers JOHNSON'S charge against the District." I left the Office Building and came over here to hear Mr. TAYLOR make his speech, which has already been published in the afternoon papers. [Laughter.]

Mr. TAYLOR of Ohio. That shows how eager the newspapers are to get a good speech. [Laughter.]

Mr. JOHNSON of Kentucky. I came over here in order to correct before this audience some wrong impression which the gentleman has attempted to make. Now, he read from the act of 1874 this language:

> And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

Now, that act of 1874 contemplated such future action as Congress might take in contributing toward the payment of the interest and principal of these 3.65 bonds; but when Congress came four years thereafter for the first time to treat of these 3.65 bonds, instead of making "the proper proportion," as contemplated in the act of 1874, Congress positively refused to do so, and passed this act of 1878:

> Hereafter the Secretary of the Treasury shall pay the interest on the 3.65 bonds of the District of Columbia issued in pursuance of the act of Congress approved June 20, 1874, when the same shall become due and payable, *and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia as hereinbefore provided.*

Now, that means, in my opinion, that the United States Government has not been given credit out of that 50 per cent appropriation each and every year; and, in consequence thereof, the District owes to the Federal Government several millions of dollars. The gentleman from Ohio [Mr. TAYLOR] has read another act, known as the refunding act of 1879, and there he says that by that act the United States Government did then agree to pay half of both principal and interest. I have in my hand one sheet from the speech which the gentleman from Ohio just read, and I wish to read from his own speech, quoting the act:

> And there is hereby appropriated, *out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia, in pursuance of the act of Congress approved June 11, 1878, for the fiscal year ending June 30, 1879, and annually thereafter,* such sums as will, with the interest thereon at the rate of 3.65 per cent per annum, be sufficient to pay the principal of the 3.65 bonds of the District of Columbia issued under the act of Congress approved June 30, 1874, at maturity.

Does not that act just read by the gentleman from Ohio say that these advances made by the United States Government shall be appropriated "*out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia*"? That is as plain as the English language can make it; but, Mr. Chairman, there is this: In 1874 Congress authorized the issue of these 3.65 bonds to pay the debts of the District of Columbia, then amounting to about $22,000,000, and in 1878, four years after, it was discovered that all kinds of debts were being paid by these 3.65 bonds. An old bond issue of 1828, to pay a lottery debt of the city of Washington, was paid by these bonds. Then, in 1876, on March 11, Congress passed an act saying that no more of these bonds should be issued, and no more of them were issued until years afterwards, when, by but little more than implication from another act, the sinking fund commissioners did issue more bonds; and under this sinking-fund act of 1879, to which the gentleman from Ohio has just alluded, it was specifically and emphatically set forth that in the retirement of these bonds they should be retired at par. Yet, in the face of the law, they have been continually retired at a premium. They have been retired as high as 128; and only during this week, in defiance of this law, some of these bonds have been retired at 105.

Under the act of 1895, I believe it is—and I am speaking only from memory—a million and a quarter of these bonds were issued in denominations of $5,000 and $1,000 each, when the act specifically said that they shall be issued in denominations of $50 and $500 each. Consequently, I say there is grave and serious doubt as to the validity of a $1,000 bond, as to the validity of a $5,000 bond, when the act says they shall be issued only in denominations of $50 and $500.

Mr. KAHN. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman.

Mr. KAHN. Will the gentleman kindly inform the committee whether these bonds that have been retired were retired before maturity?

Mr. JOHNSON of Kentucky. They were all retired before *maturity*, because none of them will be due until 1924.

Mr. KAHN. Then does not the gentleman think that the purpose of paying the premium was in reality to save interest?

Mr. JOHNSON of Kentucky. No matter what the object was, I say that it was in open defiance of law. There is no law for their retirement at a premium. I can find no law for the issue of a $1,000 bond or of a $5,000 bond; yet, not by authority of Congress, but by the acts of executive officers the United States Government is to-day being compelled to pay one-half of the interest and one-half of the principal upon the bonded indebtedness of the District of Columbia created as far back as 1828, when she has positively and emphatically refused to do so by statute.

Mr. SIMS. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Does the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. I do.

Mr. SIMS. If it had been the purpose and object of Congress to absolutely assume one-half of the debt and interest, and there was to be no recourse on the District, does it not stand to reason the debt would have been divided and the Government issued its bonds for its half and the District had nothing to do with it?

Mr. JOHNSON of Kentucky. Yes; and before these bonds were actually engraved the commissioners laid before the Attorney General of the United States the question as to whether or not they should engrave upon these bonds that they were guaranteed by the United States; and, in a written opinion, the Attorney General told those commissioners that they could not write that on these bonds; but, instead of that, they quoted the act of 1874, and that appears upon these bonds, making it plain that Congress never intended for the United States Government to pay a cent of either the principal or interest upon those bonds. The act authorizing their issue compelled the District of Columbia to even pay for the printing and engraving of them.

Mr. TAYLOR of Ohio. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Ohio?

Mr. JOHNSON of Kentucky. I do.

Mr. TAYLOR of Ohio. When I was looking up this matter *I myself* was put to some trouble to try to find some authority for the purchase of these bonds at above par when the act of 1878 specifically stated that they should be retired at par. I found they were being purchased and destroyed at a price above par. After a good deal of trouble I called upon the comptroller, and I find that he had rendered an opinion based upon this statute, with which I think the gentleman is probably familiar.

Mr. JOHNSON of Kentucky. I am perfectly familiar with it.

Mr. TAYLOR of Ohio. Without going into it, a statute was passed in 1881 stating—

That hereafter the said Treasurer, as ex officio sinking-fund commissioner as aforesaid, with the approval of the Secretary of the Treasury, is hereby authorized and empowered to purchase any of the funded indebtedness of said District of Columbia for the sinking fund authorized to be created for the redemption and payment of the indebtedness of said District of Columbia as in his opinion may be for the best interests of said District of Columbia.

Now, Comptroller Tracewell, I find, rendered an opinion that allowed the Treasurer to buy the bonds known as the 3.65 bonds at prices above par if he saw fit——

Mr. JOHNSON of Kentucky. Yes; and if the gentleman would only have——

Mr. TAYLOR of Ohio. I cite that as the authority——

Mr. JOHNSON of Kentucky. If the gentleman had only given close attention to that which he was reading, he would have found that that opinion says the sinking-fund commissioners and Treasurer may purchase at their option, leaving undisturbed the statute which says the price when purchased shall be at par. And, in addition to that, the opinion which the gentleman has just read from the Comptroller of the Treasury goes way back about 50 years, when the District had a municipal council, and undertakes to prove by an act of the municipal council of the city of Washington that they now have a right to purchase those bonds at a premium, when those bonds had not then been issued, and, in addition to that, when the act which the gentleman cites had been repealed for a quarter of a century.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. KAHN. Is the gentleman aware that under that decision of the comptroller and under the method that has been employed in the retirement of those bonds the annual interest has been reduced from $1,015,000 to $324,000 per annum, saving that much?

Mr. JOHNSON of Kentucky. By an illegal accounting of public funds by the executive authorities of this District, submitted to by the Treasury, in taking from the United States millions of dollars to which it was entitled, to do the very thing which you say. Now, as I said, Mr. Chairman, I had no sort of idea when I came upon the floor that I would have one word to say concerning this subject, hoping to address the House at some future day upon this subject, but when I heard the gentleman from Ohio undertake to argue from a standpoint untenable even if his own language be taken, then I felt I should say something before this audience, which perhaps will not be present when I come to address this House upon this subject, which I intend to do at some future day.

Mr. COOPER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kentucky [Mr. JOHNSON] yield to the gentleman from Wisconsin?

Mr. JOHNSON of Kentucky. I do.

Mr. COOPER. One of the most striking statements made by the gentleman embodies a quotation from the law. The gentleman said that the law specifically provided that the bonds should be in denominations of $50 and $500.

Mr. JOHNSON of Kentucky. Yes, sir; that is the law, by act of June 20, 1874.

Mr. COOPER. The gentleman says that they were issued in denominations of $1,000 and $5,000?

Mr. JOHNSON of Kentucky. Yes, sir; some of them were.

Mr. COOPER. Now, that is a most extraordinary thing.

Mr. JOHNSON of Kentucky. Nevertheless that is true, and those $1,000 bonds and $5,000 bonds have been issued in the last 10 or 12 years, if I mistake not.

Mr. COOPER. Well, what explanation has ever been given for that nonobservance of the law?

Mr. JOHNSON of Kentucky. I do not know that any has ever been given.

Mr. COOPER. How are these bonds disposed of? How were they issued and to whom, and under what terms?

Mr. JOHNSON of Kentucky. These bonds were issued by the District of Columbia and were used in paying the old indebtedness of the District of Columbia prior to 1874.

Mr. COOPER. Who were the first purchasers? Who got them?

Mr. JOHNSON of Kentucky. I have no record as to that, but they were paid to the contractors——

Mr. COOPER. They were purchased at par, were they?

Mr. JOHNSON of Kentucky. They were issued to the contractors at par for District scrip and certificates that were then selling for 50 cents on the dollar.

Mr. LOBECK. Even 40 cents.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. UNDERWOOD. Unless the gentlemen on that side of the House desire to consume more time——

Mr. DALZELL. The gentleman from New York [Mr. PAYNE] is obliged to be absent from the Chamber, and he has asked me to represent him. There is no other gentleman on this side of the House who desires to be heard at this time.

Mr. UNDERWOOD. Then, Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. SHERWOOD]. [Applause.]

Mr. SHERWOOD. In discussing proposed pension legislation I propose a nonpartisan debate. No pension legislation or any pension bill has ever been discussed in any Democratic caucus since the organization of the Sixty-second Congress, and as chairman of the Committee on Invalid Pensions, or as an individual member, I shall ask for no caucus, but propose to submit a pension bill on its merits, based upon patriotic considerations and the necessity for adequate legislation for meritorious and needy veterans.

I am here to-day advocating the same measure, modified and somewhat liberalized, that I have been contending for on this floor and in the country ever since I introduced the dollar-a-day pension bill in the Sixtieth Congress in December, 1907. Ever since, amid all kinds of opposition and discouragements, I have advocated this measure of justice to the men who stood behind the guns strictly and always on nonpartisan lines. [Applause on the Democratic side.]

It was stated on the floor of this House by Gen. Keifer, of Ohio, in an elaborate speech against the dollar-a-day pension bill, that I introduced the measure as a political asset, as a vote getter. In my campaign for Congress in 1908 this speech of Gen. Keifer's, which was really a protest against any more pension legislation at that time, was printed in the National Tribune, a weekly Republican organ printed in Washington,

D. C., devoted, first, to the interests of the Republican Party, and, second, to holding the soldier vote solid for that party. When I protested to Gen. Keifer, during the delivery of his speech, that I never mentioned any pension legislation during my campaign for Congress, he still refused to correct his statement, and the National Tribune, after printing Keifer's attack, refused to make any corrections, not because of any personal animosity toward me, as I was informed, but because they would not stand for a Democrat taking any lead in pension legislation. Hence, this villainous libel was published in the National Tribune in order to nullify and discredit my efforts in behalf of the veterans of the rank and file. [Applause on the Democratic side.]

Lo, what a change has four years wrought in the purpose of that brood of mercenaries. In 1907 my pension bill for veterans who had served 18 months was treated with a profound sneer. And yet this bill did not propose to pension a single soldier whose service was less than 18 months. And now, I desire to explain why I first introduced the dollar-a-day pension bill. In February, 1907, the Fifty-ninth Congress passed the first age pension bill that ever passed Congress since the birth of the Republic. It is the first age pension bill that ever passed any parliamentary or deliberative body in any country around the world since civilization was evolved out of the womb of the dead centuries. This bill pensioned a soldier in proportion to his age, with no regard whatever to his service to his country or to his State. It pensioned a soldier who served 90 days in a home camp in thousands of cases more than the soldier who served in 40 battles and at the front through the whole four years' war. Right here and now I want to call the attention of every Member on this floor, and on both sides of the House, that the charge against me that I started or inaugurated the agitation among the rank and file is not true. It was the age pension bill of 1907 that first fomented this dissatisfaction with pension legislation. And this bill passed Congress three months after my election to Congress in 1906, and five or six months before I conceived the idea of a dollar a day for veterans, and over nine months before I took my seat in this House. I can explain to the satisfaction of every reasonable gentleman on this floor why I introduced the dollar-a-day bill in December, 1907.

In the autumn of 1907 I attended, as has been my custom for over 35 years, the reunions of many of the veteran regiments of Ohio. I mean by veteran regiments those that were mustered in for three years or during the war. I remember attending the Fourteenth, Sixty-seventh, Sixty-eighth, One hundredth, and One hundred and eleventh Ohio regimental reunions, all veteran regiments, and there was general dissatisfaction and discontent over the age-pension bill that in hundreds of noted cases pensioned the 90-day men from five to eight dollars per month more than the men who stood behind the guns in the serried battle lines for four terrible years. I was appealed to pathetically by these old veterans to try and remedy this outrageous inequality. I took the first opportunity to study the various pension laws of Congress since the Civil War, and I found there was not a line of legislation especially in the interest of the men who bore the brunt of battle. The dollar-a-day pension bill for veterans was the result. Because I happened to be a Democrat and happened to be the first Member of Congress to introduce a pension bill, based on service and sacrifice, the National Tribune has, for over four years, used its best endeavors to misrepresent and discredit all my efforts in behalf of the veterans.

I want to call attention to and emphasize the fact that no age-pension law, civil or military, in any country, civilized, pagan, or Mohammedan, was ever passed, either before or since this pension law of 1907, based solely on age. No such law can be successfully defended either on moral, economical, or patriotic grounds. In fact, I have failed up to date to hear or read one valid argument in support of such special class legislation.

Count Bismarck, the ablest practical statesman of the nineteenth century on either continent, inaugurated old-age pensions in the German Empire in 1889 as a humane movement among the workers to check the growth of socialism, but no laboring man or wageworker was available for the old-age pension who had not previously contributed to the pension fund for 20 years. England has recently enacted an age-pension law, based upon service, with the age limit fixed at a period when the beneficiary is no longer able to perform manual labor. Sweden has an old-age pension law on a similar basis. So has Australia and New Zealand—all on the merit or service basis. In New Zealand a wageworker who has served the State for 25 years is pensioned for life at the rate of $90 a year, provided he has no other income. The Chicago & Northwestern Railroad inaugurated an old-age pension in 1900, pensioning employees of 30 years' service who reach the age of 70 years. This pension is 1 per cent of the average monthly pay.

They, however, do not pension men who served the company 90 days. The Lake Shore, the Pennsylvania, and other trunk lines have adopted service pensions for faithful employees when their days of usefulness are past. All based on long service. Conductors or engineers who serve but 90 days are excluded. We have bills before Congress that are meritorious, pensioning the old and faithful clerks who have served the Government for a quarter of a century, but no Congressman has yet made himself ridiculous by proposing to pension a 90-day clerk the same as the veteran clerk with the record of a quarter of a century.

In this connection let me say that House bill No. 1, approved by the Committee on Invalid Pensions, and the only bill that has any show to become a law, makes liberal and ample provisions for the short-term soldiers. It pensions a soldier who served 90 days, at $15 per month; six months, at $20; the nine months' soldier gets $25 and the soldier who served one year or over receives $30 a month. The dollar-a-day rate is the same as in my dollar-a-day bill of 1909, which required a service of one year or more to secure any increase over prevailing rates. I want to call particular attention to some vital features of House bill No. 1 that are wanting in the so-called Sulloway bill, recently smothered and killed in the Senate.

House bill No. 1 provides a maximum pension of $30 per month for all who were either wounded or disabled in the service, even if they did not serve 90 days. A brigade of Sherman's army on the Atlanta campaign, known as Gen. Hovey's brigade, came to that army fresh from the mustering officers. Their first charge was at Resaca, Ga., May 15, 1864, and they were in the charge on Kenesaw Mountain and all the battles up to Atlanta. Over one-fourth were wounded or disabled and mustered out before they had served 90 days. Not one of these "old boys" can get a dollar of pension under any of the age-pension bills, because they did not serve 90 days. The emergency men who in the terrible crisis that confronted the Union arms in the decisive battle of Gettysburg can not get a dollar of pension under the 90-day age-pension bills, and there are thousands of worthy and needy and deserving soldiers who did valuable emergency service and were disabled in that service, who will be paid pensions by House bill No. 1 at $30 per month, who are barred out by all the so-called age-pension bills.

The House Committee on Invalid Pensions carefully considered all the conditions in which the old soldiers of to-day are environed and have inserted a disability section in the dollar-a-day service bill. A majority of the committee believe that any pension bill like the Sulloway bill or the Anderson bill, which provides a pension of $36 per month for a soldier who served only 90 days and is 75 years old, and allows a three-year veteran, who served all through the war, to draw only $15 per month, because he went to the war when a mere boy, is neither charity, justice, nor patriotism. Here is another very valuable consideration: Last year the Government paid out over $701,000 for medical examiners. Under House bill No. 1 nearly all these boards can be abolished without detriment to the service, as under House bill No. 1 there will be no occasion for a medical examination, as every soldier will be paid on his service, with the exception of only one section of the bill.

We also paid out last year over $300,000 for special pension examiners, making in all considerably over $1,000,000, nearly all of which can be saved and the money paid direct to the soldiers, because there will be no necessity whatever for examining boards, as the exact status of every soldier is fixed by this law; it is fixed on his service and can not be either raised or reduced by the action of any medical board or special pension examiners. This is an important feature, as a million dollars now spent on useless boards can be paid direct to the old soldiers.

Many prosperous and well-to-do soldiers have written me seriously objecting to the section which bars a soldier with a net income of $1,000 a year or over from the benefits of this act. I will say that this amendment was suggested by one of my Republican friends, the gentleman from Massachusetts [Mr. WEEKS], and after full debate in the committee was voted into the bill, with only two dissenting votes. So far as I am concerned, I favor giving the whole House the opportunity for a separate vote on this section.

I am in receipt of a large number of letters from representative soldiers on the outrageous inequality of pension laws based on age. Under date of June 19, 1911, Comrade W. S. Sellers, of Xenia, Ohio, writes as follows:

Your service bill will do away with medical boards and special examiners and pension attorneys. We have been fed on chaff and promises long enough. What we want is action. Just recently here several pensions have been granted at $24 per month to men who enlisted in the

same company that I belonged to, men who did not serve at the front at all, and those of us who stood through thick and thin during the whole war are getting $12 a month, and another getting $24 who was never in line of battle. I can give you the names of at least 20 such.

The universal discontent among the veterans over the age pension law of February, 1907, was in active evidence from ocean to ocean as soon as the telegraph flashed the news that my dollar-a-day bill had been introduced in Congress in December, 1907. It was the most active, spontaneous, and universal movement among the veterans of the Civil War ever before witnessed in all of the 42 years since the war. When I addressed the House on this bill on February 26, 1908, I had the honor to present the greatest array of petitions from veteran soldiers ever seen on this floor. I quote from the RECORD just what I said on that occasion, and the claim has never been disputed:

I have here now seven great rolls of petitions, each 500 feet long, from soldiers who fought the battles of the war. I have strung these local petitions together, and I will ask my friends to assist me in unrolling only one of them. You can see they are all headed differently and all prepared at home. Many of them are on cheap paper, written by trembling hands, in pencil. Many of them are written on both sides. No two are alike. This, you see, is only one of seven of these great petitions. It has been unrolled and stretched up the aisle here to the back of the Hall, around the railing, and back down another aisle.

It took three stout men to carry these rolls of petitions from the House Office Building to the Capitol. Besides, I presented the indorsements of some 3,000 Grand Army posts and soldier organizations, representing, all told, some 150,000 soldiers, including 7,000 inmates of State and National Soldiers' Homes. But, notwithstanding this tremendous array of petitions, and nearly 7,000 appealing letters from veterans besides, I could not even get a vote on my bill in the Committee on Invalid Pensions.

And now I beg leave to inquire, seriously and earnestly, what has become of these seven rolls of soldier petitions in favor of my dollar-a-day bill that were referred to the Invalid Pensions Committee. These petitions should be still alive and strident, as the committee never would allow a vote on the bill—not one in all these four aggravating and anxious years. These petitions have disappeared. They can not be found. Is it possible that the timid statesmen of the committee who refused me a vote on my dollar-a-day pension bill because they thought it would bankrupt the Treasury are the same statesmen who are now clamoring for an impossible pension bill that is conceded will take over $25,000,000 more out of the Treasury than my dollar-a-day bill for veterans?

What was the editor of the National Tribune, the pretended organ for soldiers, doing and saying all these four years? He was doing all in his power to discredit my dollar-a-day bill. He did not even make a mild request of the Invalid Pensions Committee to give this beneficent and universally demanded measure a vote. And when the National Encampment of the Grand Army met in my home town—Toledo, Ohio—the same year, 1908, the program fixers of that encampment left me off the program at all the camp fires, and went out of their way to humiliate me by inviting Gen. Keifer to speak at two camp fires, because he had attacked me and my dollar-a-day pension bill on the floor of Congress.

What was the result? In the following November election I was elected to Congress by 2,327 majority, over a Republican who four years before carried the same district by 18,648 majority.

In the following year in the State encampment at Newark, Ohio, the State commander, Gen. Hall, aided by the organization, suppressed all resolutions of the Grand Army posts of Ohio indorsing my dollar-a-day bill, and under the rules adopted these resolutions passed by the men of the rank were not even allowed to be read. When I attempted to be heard I was rapped down by the chairman's gavel. As a result of this, Mark Armstrong Post, of Lima, Ohio, one of the big Grand Army of the Republic posts of Ohio—112 strong—called a meeting and by formal resolution indorsed my dollar-a-day bill and also denounced State Commander Hall, a citizen of Lima and a member of the post, who was present. The resolution denouncing State Commander Hall in his own post was adopted with only 2 dissenting votes, 1 of which was cast by Gen. Hall. [Laughter and applause on the Democratic side.] Gen. Hall did not win his stars as a brigadier general in the war, but by gallant conduct in the G. O. P. 40 years afterwards. [Laughter and applause on the Democratic side.] I give you this record to prove that what happens at a State or national encampment may be one thing, and what happens in a Grand Army post, where the men who stood behind the guns are in evidence, may be a far-away different proposition.

Before that great national encampment in Toledo adjourned, on the last day, when nearly all the rank and file had left for their homes, the "house of lords," high officials who are delegates for life (usually the dominating force), adopted a resolution declaring that the Grand Army of the Republic would ask for no more pension legislation for three years. This was done to effectually squelch the humble soldier Congressman, the author of the dollar-a-day bill. This was not done because of personal animosity toward me, as many of my best friends are members of the "house of lords" [laughter], but simply because they are Republicans and could not afford to give any recognition to a Democrat in pension legislation. [Laughter.] The editor of the National Tribune was there, active in that turndown of the author of the dollar-a-day bill—the same editor that is now howling week after week, like a yellow dog with the rabies, in favor of an impossible pension bill [laughter], a bill that he knows would not even be considered in the Senate; a bill carrying from five to seven million dollars more money than the Sulloway bill, that was smothered and killed in the Senate in the last Congress; a bill without a disability clause to take care of those wounded or disabled in battle or in line of duty; a bill pensioning a soldier who served 90 days $36 per month at 75 years of age, while the four-year veteran of 30 battles, who went into the Army as a patriotic boy of 16 or 17 years, would get $15, or less than one-half as much; a bill that proposes to pension a soldier's widow who "cohabits" with an old soldier (cohabits is the language of the bill) for three years previous to his death, for life, at $12 per month. For instance, a young girl of 18 marries an old soldier at 67, and he dies at 70; this young woman is pensioned for life, and is liable to be on the pension roll for 50 years unless she remarries.

I am in favor of liberal pensions for soldiers' widows, and of extending the marriage limit, but a bill of this character should be carefully considered in committee and reported separately. All the old soldiers I hear from say, "Take care of the worthy and needy old veterans first." I quote extracts from a letter from a representative soldier, one out of many of the same import. It is from a veteran now 82 years old, Comrade A. B. Cherry, of Alva, Okla., late of Battery D, Third New York Artillery. This letter is addressed to John McElroy, of the National Tribune, with request that it be published:

I think if I wanted to defeat all pension legislation I would solicit your support in favor of it. I am sure this Government (Congress) will not allow a few thousand spring pullets to be foisted on the pension rolls for 50 years.

[Laughter.]

I don't think you do either. Your equipment has helped the sale of Si Klegg and Brady pictures and your soldier colony scheme, but very many old soldiers begin to think it is more John McElroy than interest in the old comrades. In fact, Mr. McElroy, your extreme demand has certainly prejudiced some of the best friends of the Union soldiers against the whole pension system. Do you mean this taffy to deceive the poor, credulous, and ignorant, and thusly increase your opportunities to speculate off of them?

This reference to pensioning spring pullets for life refers to young girls marrying old soldiers on their last legs. [Laughter.] A real soldier's widow is graphically described by our Ohio poet, Thomas Buchanan Read:

The wife who girds her husband's sword,
Mid little ones who weep and wonder,
And bravely speaks the cheering word,
What though her heart be rent asunder,
Doomed nightly in her dreams to hear
The bolts of death around him rattle,
Has shed as sacred blood as e'er
Was poured upon the field of battle.

[Applause.]

A baby born 26 years after the war, and who marries an old soldier 46 years after the war, is hardly in this class so touchingly described by our Ohio poet. [Laughter and applause on the Democratic side.]

In a letter addressed to the chairman of the Invalid Pensions Committee, from W. D. McLaughlin, a veteran of the Third Wisconsin Volunteer Infantry, dated at Oswego, Kans., May 15, 1911, a representative soldier of Kansas, was inclosed to me a copy of a communication sent to the editor of the National Tribune, which he evidently never printed. The National Tribune has been calling upon the chairman of the Invalid Pensions Committee to state what was said about pension legislation in the Democratic caucus, when he knows, of course, that pension legislation was not mentioned in that caucus, either by myself or by any other Democrat, and should not have been, as it is not a party measure. Here I quote extracts from Comrade McLaughlin's letter addressed to the National Tribune:

It seems to me that much of your present criticism of Gen. SHERWOOD is uncalled for. * * * In sharp contrast to your present demand for immediate action, I can but remember the degree of patience and moderation you displayed during the first regular session of the Sixty-first Congress. Just previous to its convening you had given some sledge-hammer strokes, urging the great injustice of further delay, but when it became apparent that Congress was hostile to any general pension legislation, urging then, as now, the impoverished condition of the Treasury, you abandoned your aggressive attitude. In

proof of this statement I refer the reader to an article which appeared in the National Tribune February, 1910, entitled, "A plain talk with comrades." Also to a reply in the Tribune of February 24, 1910, by Comrade George E. Place, in which he says:

"Your editorial, 'A plain talk with comrades,' was read with amazement. It is not in line with your past serious work for the soldiers."

Which reminds me of another comrade who read your article, threw down the paper, and exclaimed, "McElroy has laid down." Reverting back to the work of the Sixty-first Congress—it was in session about seven months—Mr. SULLOWAY was chairman of the Invalid Pensions Committee, and though pension bills galore were introduced not one of them was reported out of the committee; and it was only after the dominant party was hopelessly beaten in the election last fall that the lower House of Congress, like Paul on his journey to Damascus, saw a great light and suddenly awoke from its Rip Van Winkle sleep to the terrible injustice of further delay in relieving the wants of our destitute comrades. The principle to which Gen. SHERWOOD has steadily adhered, of granting pensions according to length of service, is, I believe, correct. * * * In conclusion I would say I would be glad to see every honorably discharged soldier and sailor of the Civil War get a pension of $30 a month. But such a bill could not pass either House of Congress or receive the sanction of the President. So that it is not altogether a question of what ought to be done, but rather what can be done. I fully believe the House Invalid Pensions Committee is wise enough and patriotic enough to form and report a measure that will give all the relief that can possibly be obtained under present conditions, and a careful reading of Gen. SHERWOOD'S letters of April 27 and May 11 leads me to believe that this will be done in the near future. In the meantime let us not indulge in any unnecessary criticism.

W. D. MCLAUGHLIN,
Company B, Third Wisconsin Volunteer Infantry,
Oswego, Kans.

In a letter addressed to the chairman of the Invalid Pensions Committee, of the same date, Comrade McLaughlin writes:

Yours is the only bill that gives any preference to the men who really did the work. While it will not take so much money as the Sulloway or Anderson bills, it puts it where it is needed the worst and will do the greatest good. Many of the comrades here are disgusted with McElroy's everlasting criticism upon every point in your bill, and every move you make. It is done for political purposes, and that only. Where the Tribune a few years ago had a large list of subscribers here, they can now all be counted on the fingers of one hand.

[Laughter and applause on the Democratic side.]

Comrade John D. Wood, of St. Paul, Minn., said to be a high-class citizen and record soldier, writes a very interesting letter on the pension question. It is in line with hundreds of other letters from veterans, and reflects the average view of all fair-minded and intelligent soldiers. I quote an extract from Comrade Wood's letter:

I congratulate the Invalid Pensions Committee on the indorsement of your bill as against the Sulloway or Anderson bills, so highly lauded by John McElroy and his discredited gang of stand-pat Republicans. Your bill deals more justly with the old soldiers, the taxpayers, and the Government than either of the others. The commendable feature of your bill is it recognizes service. Another consideration is that it conforms more nearly to the recommendation of the last national encampment of the Grand Army as to cost than the Sulloway bill, which the Senate turned down and killed, or the Anderson bill, which meets with so much favor at the hands of McElroy and his gang of coconspirators.

[Laughter.]

I think your bill should be reported out from the committee, and as soon as its provisions are generally known it would be so universally indorsed as to discourage any attempt to revive the Sulloway bill or any other bill of that character. At the same time it would very effectually dispose of the opposition of McElroy and his gang.

Capt. J. W. Gilges, of Leavenworth, Kans., a three and one-half year veteran, who served as private, lieutenant, and captain, a prominent representative citizen and soldier, now the commander of the Loyal Legion of the State of Kansas, writes as follows, under date of July 14, 1911:

I take the National Tribune, and have noticed its very unjust attack upon your pension bill. It seems to be a 90-day man's pension with him or none. For my part, I think your bill the most equitable and fair of all bills on pensions. I was a Union soldier for nearly four years—private, first lieutenant, and captain. Since the war I have been many times commander of the G. A. R. post here, and at the present time commander of the Kansas Commandery of the Loyal Legion.

If by expressing my opinion of your bill and sympathy for you while under this unjust attack can be of any benefit to you, which I hope it may, I will be amply paid for my trouble.

Yours, very respectfully, J. W. GILGES.

I am in receipt of hundreds of letters from representative soldiers of the Middle West of like tone and import. I quote an extract from Comrade John W. Lanley, of St. Louis, Mo., dated July 16, 1911:

I note the National Tribune is getting real ugly and very unfair in criticizing your pension bill. John McElroy is doing the old soldiers who served two, three, or more years a great injustice. The man who enlisted in 1861 and served three years and endured all the hardships of camp life gets less under the McElroy-Anderson bill than the man who stayed at home until the last year of the war and then went out under the 100-day call and served in a home camp 90 days, and drew a big State and county bounty. He gets double the pension under this age-pension system of McElroy's, because he was 30 or 35 years old when he enlisted. In other words, the boys who did the fighting at the front get $12 per month and the stay-at-home gets $20, and $25, and $36. I do not blame this Congress for not taking up pension legislation at this session. Those who read know better. John McElroy's teachings don't take. He had better keep quiet, as he is creating more trouble than is necessary.

[Laughter.]

Pass House bill No. 1, based on sacrifice, on service, and on merit, and no Cabinet officer would dare to go over to Philadelphia, or any other city, and say the pension roll is no longer a roll of honor. Why did Secretary of the Treasury MacVeagh say that in Philadelphia? Why did he depart from the text of his address in Philadelphia to make such a startling and terrible statement? It is because of such legislation as I have referred to. No such damaging charge was ever before made by a Cabinet officer since the close of the great war. Suppose a Democratic Cabinet officer, or Senator, or Congressman, had made such a statement; does anyone suppose the National Tribune would have been silent? The Sulloway bill was passed on the 10th of January, 1911. It was held up in the Senate Pensions Committee for 52 days before reported out. The National Tribune editorially apologized for this remarkable and unprecedented action, which, as we all know, killed the bill.

And the National Tribune resorted to a transparent falsehood in a statement that all pension legislation must originate in the House. Of course, the Tribune knows that the last general pension law which passed Congress, the McCumber bill, originated in the Senate. While the Invalid Pensions Committee of the House has repeatedly met and has framed a pension bill and approved it, and authorized the chairman to report it out for the earliest possible action, the Senate Pensions Committee has never met, has never been called together, and official notice has been given that there will be no pension bills even considered during this extra session. And the National Tribune editor has no harsh words of criticism for this nonaction, but is devoting all his recently engendered animosity, born of disappointed hopes, in making false statements and vilifying the chairman of the Invalid Pensions Committee. [Applause.]

This is because the chairman happens to be a Democrat who has been trying to do something reasonable and patriotic to alleviate his old comrades in distress and want during the past four years and is now about to succeed. [Applause.] The best informed soldiers in and out of the Grand Army do not believe the editor of the National Tribune wants any satisfactory legislation. He wants agitation, but not action. The dollar-a-day bill, if enacted, will practically settle all pension legislation for five years or more. This the editor of the National Tribune does not want. The circulation of his newspaper depends upon having pension legislation pending. He desires to further exploit himself as a parasite on the credulous old soldiers. [Applause and laughter on the Democratic side.] The value of his newspaper plant depends upon his circulation. With the pension question settled, he could not command a big contribution from either any State or national Republican executive committee for the influence of his paper to fool the old soldiers into voting wrong with promises of liberal pension legislation. [Applause on the Democratic side.] In the Ohio campaign when Gov. Pattison, a Democratic soldier with a splendid record, ran against Myron T. Herrick, a citizen Republican, the National Tribune supported Herrick.

As I was reliably informed at the time, over 75,000 copies of the National Tribune were circulated weekly in that campaign—mailed to the soldiers of Ohio. It is generally conceded that the fight made against that gallant soldier, Pattison, by the National Tribune aided greatly in his triumphant election. [Laughter and applause.] Again, in 1910, the National Tribune made a strong and vigorous contest to elect Gen. J. Kent Hamilton in my district, the ninth Ohio. Gen. Hamilton was a fine soldier during the war and is a high-class citizen, and was at that time, 1910, the vice commander in chief of the Grand Army of the Republic of all the States. Besides the National Tribune he had the strong backing of very wealthy friends. He is also wealthy. A campaign fund of $27,000 (as a prominent Republican tells me) was raised and a systematic effort was made to array the short-term soldiers against the long-service soldiers in my district, which is usually more than 10,000 Republican. The November election showed the biggest Democratic majority for Congressman ever before given in that district, by over 2,300. [Applause on the Democratic side.] Gen. Hamilton is a brilliant orator and campaigner, but the National Tribune handicap was too much for him.

Let me show you by official figures that can not be made to lie just what the soldiers and the voters think of the two pension systems. In the Springfield, Ohio, district the veteran soldier and Congressman, Gen. Keifer, ran against a civilian in the campaign of 1910. He stood on a platform which he wrote himself, denouncing my dollar-a-day pension bill for veterans as demagogery, and he defended the age pension law of 1907. He was beaten by over 3,000 in a strong Republican district, running, as I learn, 6,000 behind his ticket. In the Toledo district, which was formerly Republican by 10,000, and which was Republican on eight State officers last November on

an average of over 3,000, notwithstanding the tremendous Republican slump my majority over one of the most popular Republican soldiers in the district was 2,317.

I commend a careful study and consideration of these statistics by all members of this House who are scanning the political heavens to discern the better way and avoid the pitfalls and mistakes which wrecked Gen. Keifer, Ohio's most distinguished Republican soldier.

I simply quote these facts to show the popularity of the two systems of pensions. [Laughter.] I commend a careful study and consideration of these statistics by all Members of this House who are scanning the political heavens to discern the better way and avoid the pitfalls and mistakes which wrecked Gen. Keifer, Ohio's most distinguished Republican soldier.

I had no campaign treasurer, no campaign secretary, and no campaign fund, and never wrote a letter to a soldier asking him to vote for me, neither did I ever in person ask any soldier for either his support or his vote. And no man, Democrat or Republican, ever gave me one dollar to aid in my campaign. Two of the leading Grand Army men of the United States, both of them long-service and conspicuous soldiers, both of them having held high positions in the Grand Army, told me quite recently that Mr. McElroy of the National Tribune did not want any permanent pension law passed, as it would hurt the circulation of his paper.

The Grand Army bill, adopted by the national encampment, which met at Atlantic City last year, is a very moderate bill, with practically the same disability section that is found in House bill No. 1. This was agreed to after a full debate. It is also stated to me on reliable authority that Mr. McElroy of the National Tribune agreed to support that bill, and did support it editorially some weeks after the close of the encampment. Then suddenly he dropped the Grand Army bill and commenced the advocacy of another bill of his own—a bill that he knew was impossible to pass. And when Congress met in extra session April 4, 1911, and for a month thereafter, the Grand Army bill was not even introduced. It is conceded now that if the Grand Army bill had been reported out for passage on January 10, 1911, instead of the Sulloway bill, it would have passed both Houses of Congress, and would now be a law.

Corporal Tanner, the legless soldier, possibly the most influential and popular soldier of the Grand Army now living, told me quite recently that there never was any chance for the Sulloway bill to pass the Senate. And this opinion is generally held by every intelligent soldier. And the charge is made, and is being made by high authority, that the action of the National Tribune in abandoning the Grand Army bill at a critical time and substituting an impossible bill is responsible for the fact that the Republican Party, in the last days of its authority in Congress, failed to pass any pension legislation whatever.

Why did the National Tribune repudiate the official bill of the Grand Army of the Republic and substitute another and entirely different bill on the lines of the Sulloway bill? It was because the editor knew that the Grand Army bill, being a moderate bill, and with a humane provision to take care of the wounded and disabled, was reasonably sure to pass Congress, and with the pension question settled his occupation as a disturber, as an agitator, and as an alms seeker before the Republican executive committees would be gone. [Applause and laughter on the Democratic side.]

The old veterans, thousands of whom are tottering to a nearby grave, all worthy, all needy, can charge the failure of pension legislation in the last Congress to this self-exploiting editor, who, for considerations entirely mercenary, aided in defeating the only possible hope of immediate relief by the passage of the Grand Army bill. In further and full verification of this statement I call attention to the fact that at a public hearing before the Committee on Invalid Pensions, on May 5, 1911, Gen. S. S. Burdett, chairman of the national committee on pensions of the Grand Army of the Republic, said. I quote from the official report of that hearing:

When asked why it was that the National Tribune, which was the official organ of the Grand Army of the Republic, had indorsed the encampment bill immediately after the encampment, and asked all comrades to work for it, that this organ very shortly got behind a bill prepared by the editor and dropped the encampment bill, Gen. Burdett said that the National Tribune was not the organ of the Grand Army of the Republic, and that the editor of the National Tribune had apparently not been faithful to his comrades in the Grand Army, because he had advocated and asked the comrades to advocate the Grand Army bill, and very shortly took up another bill, evidently with the intention of creating confusion among the old soldiers.

On being asked by Mr. RUSSELL, of the Invalid Pensions Committee, what he thought of House bill No. 1, he said it was certainly the sort of legislation he had stood for for the past 35 years. He said, "I am here as the mouthpiece of the Grand Army of the Republic; therefore, speaking officially, I can say nothing for any bill except the one I am sent here to represent. Speaking as an individual, I will say that I am in favor of the principle of the Sherwood bill or any bill based on service.

He further stated during the course of his remarks that it was well known to the pension committee of the Grand Army of the Republic that the Sulloway bill would never pass the Senate when it was introduced, and that the author of the bill was so advised and was well aware of the fact. He also said that previous to the introduction of the Sulloway bill he had received some 900 individual letters indorsing the Grand Army bill and petitions from 60 posts indorsing the bill, but that when the Sulloway bill was introduced and copies of it sent broadcast over the country, and it was boosted by the National Tribune, that the same men who had originally indorsed the Grand Army bill then indorsed the Sulloway bill because it was more liberal, and that if any member of the Invalid Pensions Committee or any Member of Congress were to introduce a bill carrying twice or three times the amount even of the Sulloway bill, it would receive greater indorsement than any other bill ever introduced.

Gen. Burdett's statement that Editor McElroy abandoned the Grand Army bill after promising to support it and substituted a bill of his own fully verifies all I have said—that the editor of the National Tribune is acting in bad faith; that he is seeking to create a division among the old soldiers in order to defeat all pension legislation in this Congress. [Applause.]

Gen. S. S. Burdett is an ex-Republican Member of Congress from Illinois, a high-class soldier with a record, formerly commander in chief of the Grand Army of the Republic and now a high-class citizen. At the same hearing Gen. Burdett said:

If you send over to the Senate a bill like the Sulloway bill or the Anderson bill it will mean that there will be no pension legislation, because no such bill can be passed. If you really want to do something to help the old soldiers, give them a reasonable bill.

Gen. Burdett, when he made this statement, looked straight at the supposed author of the Anderson bill. Why did not that gentleman, who claims to favor liberal pension legislation now, ask Gen. Burdett the reason for his official opinion? He knew that Gen. Burdett was the best-informed official on the pension situation, in the Senate and in the White House, in the United States. The gentleman from Ohio, who is known to be in league with the Republican editor of the National Tribune to embarrass the party that has honored him with two elections to Congress and to discredit the majority of the committee of which he is a member and to worry and insult the chairman of that committee, did not care to have Gen. Burdett tell him that he was engaged in a movement to divide and disrupt the Grand Army comrades in order to defeat all reasonable pension legislation. But I am not done with these discredited fomenters of trouble. I have other evidence of their despicable duplicity. [Laughter and applause on the Democratic side.]

I have in my hand a letter from Gen. John E. Gilman, the present commander in chief of the Grand Army of the Republic. He is one of the foremost Republicans of Massachusetts and one of the most conspicuous and revered soldiers in New England. He was wounded at Chancellorsville and lost his good right arm in the great Battle of Gettysburg. Before I decided to use this letter I consulted Corpl. Tanner, formerly commander in chief of the Grand Army and probably the best-known soldier in the United States. I showed him the letter and asked him if there would be any impropriety in using it for the benefit of all the comrades. He advised me to use it.

Here is the letter. You see it is written on the letter head of the national organization of the Grand Army and addressed to me as a Member of Congress and signed by J. E. Gilman, commander in chief. Let me read you what he says:

HEADQUARTERS GRAND ARMY OF THE REPUBLIC,
OFFICE OF COMMANDER IN CHIEF,
State House, Boston, Mass., April 20, 1911.

Hon. ISAAC R. SHERWOOD,
House of Representatives, Washington, D. C.:

It is with more than usual interest that I read your views on the pension possibilities in Congress. They are in such accord with my own opinions that I read them with some surprise, for I thought you were pledged to a large but impracticable pension bill.

I agree with you, and Gen. Burdett will agree with you, that it is absurd to put through a pension bill in the House that will call for such a large appropriation that it will not pass the Senate. By doing that we are scattering our influence and are preventing the passage of a moderate bill which would have some show to become a law.

I have no control of the National Tribune. If I had, the views expressed in your letter would be spread in its columns rather than the present unreasonable demands for an impossible pension bill. I shall ask Gen. Burdett, chairman of the national pension committee, to consult with you, and I know you will receive him in the proper spirit.

With kind regards, I am,
Fraternally yours, in F., C., and L.,
J. E. GILMAN,
Commander in Chief.

[Applause.]

You can not fail to see that he agrees absolutely with Gen. Burdett, that it would be fatal to all legislation in this Congress for the House to pass a bill like the Anderson or Sulloway bill. I call your attention to another vital paragraph in this letter wherein Gen. Gilman states that if he had control of the National Tribune the views expressed in my letter to Gen. Gilman would be spread in its columns. What was the letter I wrote Gen. Gilman? It was a letter inclosing a copy of my bill, House bill No. 1, and saying I was going to try to pass that bill on

one that had the best show to become a law. I also invited him to come before our committee and give his views on pension legislation as the authorized representative and commander in chief of the Grand Army of the Republic.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ASHBROOK. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

The CHAIRMAN. The control of the time is in the hands of the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from New York [Mr. PAYNE].

Mr. SHERWOOD. I think I can conclude in about eight minutes.

Mr. UNDERWOOD. I yield to the gentleman from Ohio 10 minutes.

Mr. FOSTER of Vermont. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Vermont?

Mr. SHERWOOD. Yes.

Mr. FOSTER of Vermont. I hope the gentleman, before he finishes, will give us some figures and estimates.

Mr. SHERWOOD. I have those estimates, and I will print them. I want to say that the estimates for the 1st of July, 1911, are not yet in. Three or four districts are yet wanting, and I want to get the figures as complete as possible before I print. I have given that matter a good deal of attention.

Mr. KENDALL. Will the gentleman yield?

Mr. SHERWOOD. I fear I shall not have time to finish my speech.

The CHAIRMAN. The gentleman declines to yield.

Mr. SHERWOOD. In the last Congress I voted and worked for the Sulloway bill. But before it was introduced I appealed to the chairman of the Invalid Pensions Committee to insert the disability section of the Grand Army bill, indorsed by the national encampment in 1910, giving $1 a day to the maimed, crippled, or disabled veterans. This appeal was refused. I still supported the bill because it would, if enacted, succor thousands of worthy and deserving veterans, even if the relief involved rank inequality. But now, knowing, as every Member on this floor knows, that no such bill as the Sulloway bill can pass either the Senate or the White House, I am for a bill based upon merit and service and patriotic considerations and one that has a reasonable chance of becoming a law. It is due the Members of this House, as well as the old soldiers, to know the history of House bill No. 1, now the bill of the Invalid Pensions Committee, and ready to be placed on the Calendar for the earliest possible vote. As the number indicates, this is the first general bill introduced in this Congress. The same week this bill was introduced I sent a signed communication to the National Tribune, asking for a general expression on proposed legislation from all soldiers of the Civil War. I said also in that article that any bill the majority of the committee approved I would support. At the first informal meeting of the committee, on April 28, I made an open statement to all the members of the committee present that every member, Democrat and Republican, would have an equal vote and voice in framing a general pension bill. [Applause on the Democratic side.] The next meeting of the committee was on the 5th of May, a regular called meeting, of which every member of the committee was notified by letter. In the meantime, that no charge of party bias could be made, I employed a well-known Republican, late secretary of a leading Republican Congressman, to sort and classify the hundreds of letters daily received by the committee from old soldiers.

This gentleman classified and placed these letters in separate files for the information and scrutiny of every member of the committee. Do not fail to remember that no appeals, no circulars, no letters were sent to one single soldier in the United States asking for support of the dollar-a-day bill, known as House bill No. 1. And do not fail to remember also that the only letter or communication sent to any newspaper in the United States was the one sent to the National Tribune, a newspaper that for four years has been hostile to the dollar-a-day bill. The result was, as every member of the committee must admit, that the letters indorsing House bill No. 1 outnumbered all the other indorsements of other bills more than three to one. After a general debate, in which every member of the committee was free to participate, a formal vote was taken, resulting in 2 votes for the Adair bill, 1 for the Sulloway bill, 1 for the Anderson bill, and 7 for the dollar-a-day bill, known as House bill No. 1. Thus the dollar-a-day bill became the duly approved bill of the Invalid Pensions Committee.

I appeal to every honorable gentleman on this floor whether there could have possibly been a fairer method. The gentleman from Ohio [Mr. ANDERSON], who is a member of the committee and who is now seeking to discredit the chairman of the committee and to embarrass the Democratic majority of this House by tactics unfair and futile and discreditable, knows that not one single Republican voted or would vote for his bill in committee. He has formed an alliance with the editor of the National Tribune, and organized a publicity bureau to criticize and malign the chairman of the committee and embarrass and injure his own party, which has twice elected him to Congress. The editor of the National Tribune sought to dictate to the Ways and Means Committee of this House the chairman of the Invalid Pensions Committee, but failed, as his choice was the bottom man on the committee and not the soldier of any war. My over-ambitious colleague [Mr. ANDERSON] was born 16 years after Fort Sumter fell, and the Ways and Means Committee doubtless thought he would do better to tarry awhile in Jericho. [Laughter.] However, as was suggested in the National Monthly Magazine, he will be mature enough for chairman after the next war. [Renewed laughter.]

I confess that I favored very earnestly the passage of a general pension bill during this extra session. I desired to escape the responsibility for a pending bill and the worry of delay; but the statement of the chairman of the Pension Committee of the Senate that the Senate would not take up pension legislation during the extra session, and that no soldier would get a dollar of pension any sooner even if both the House and Senate should pass the bill, as there was no money to pay any increased pensions, and could not possibly be this year, I became reconciled to the delay. No money is available now to pay increased pensions, and none will be available until the pension appropriation bill of next year becomes law. And still another and more vital consideration appealed strongly to my better judgment, that the delay might prove of great value to the old soldiers. I was told by a high official of this administration, a gentleman close to the President, that the nearer we got to the election of 1912 the more liberal pension law could be passed through the White House. [Laughter and applause on the Democratic side.]

Mr. MANN. And through this House.

Mr. SHERWOOD. Members on this floor who propose to vote for a bill like the McElroy-Anderson bill or the Sulloway bill, which pensions a 90-days man at $36 per month because of his age and pensions a 3-years veteran of 30 battles at $15 per month because he entered the Army young, will subject themselves to just and severe criticism not only by the veterans but by all patriotic citizens of both parties who believe in fair play and even justice. I have several letters from prominent record soldiers on this point—one from a leading citizen of Chicago, a member of both the Loyal Legion and the Grand Army. This soldier writes as follows:

> The passage of the Sulloway bill in the House has already done more to injure and discredit the whole pension business with the people than any other public act for a quarter of a century. Not one single leading newspaper—Republican, Democratic, or independent—from the Atlantic to the Pacific approved the Sulloway bill; and not one magazine or any of the magazine writers or reformers had a kind word for it. The New York Tribune, the leading Republican journal in the United States, was among the first daily newspapers to attack the bill and attack it savagely; and Collier's Weekly, one of the ablest independent journals in the United States, attacked this bill unmercifully as not framed on patriotic lines.

By authority of the House caucus (only one dissenting vote) the pension bill, known as House bill No. 1, will be reported from the Invalid Pensions Committee and placed on the calendar before the end of this session. The so-called Anderson bill was repudiated almost unanimously in the committee, not one Republican nor a single Democrat voting for it, except the putative author. [Laughter and applause.]

Mr. MANN. Mr. Chairman, I call the gentleman from Ohio to order.

Mr. SHERWOOD. I decline to be interrupted.

Mr. MANN. The gentleman will have to be interrupted. I call the gentleman to order for stating how the vote stood in the committee. The gentleman from Ohio has had a long enough service in this House to know that that is not proper.

Mr. SHERWOOD. I understand the rule, but the gentleman from Ohio [Mr. ANDERSON] himself has been sending out information, and sending it out incorrectly, and for that reason I feel justified in making the correction.

Mr. MANN. The gentleman has no right to state what the vote was in committee, and especially in the absence of his colleague.

Mr. SHERWOOD. Neither is this bill on the Discharge Calendar legally. Motion to discharge a committee from the further consideration of a bill can only be made after the bill has been referred to a committee 15 days prior thereto. Even then such motion does not discharge the committee. The committees of this House were not appointed until April 11. The motion to

discharge the committee in this case, as the records show, was filed April 25, or only 14 days after the bill could possibly have been referred to the committee. Again, the spirit and purpose of this rule is to prevent committees from smothering bills in committee. The record shows that Congressman ANDERSON filed his motion on April 25, and that the first meeting of the committee was on April 28, or three days after the motion to discharge was filed. And I want to say here and now that I never knew of the Anderson bill until the committee met. Mr. ANDERSON never notified the chairman, even, that he had any bill for consideration. He never requested the chairman to call the committee together. Hence, his action was in bad faith to the committee of which he is a member. It was not in good faith, as every Member of this House must concede when the record is shown.

When a motion is made to discharge a committee from the consideration of a bill, the bill is read by title only, and the motion is not submitted to the House unless such motion is seconded by a majority vote by tellers. If the motion fails of second, it is struck from the calendar. If seconded by a majority vote by tellers, the motion is then pending before the House, and is subject to debate for 20 minutes—one half of said time to be used by those favoring the motion, the remaining half by those opposed. After the 20 minutes' debate is exhausted the House shall vote on motion to discharge the committee, and for it to prevail it must receive an affirmative vote of a majority of the whole House, or at least 196 votes. If the motion prevails, the bill thus taken from the consideration of the committee is not privileged to be considered by the House then, but is simply referred to the appropriate calendar of the House, just as it would be if the committee had reported it. It can then only be considered under the general rules, just like bills reported by the other committees, and has no priority over other bills, except it would have priority for consideration over bills reported by the discharged committee subsequent to such discharge.

Hence the conclusion is absolute that the Anderson bill is not legally on any calendar. It is equally conclusive that the Invalid Pensions Committee is not discharged from the consideration of the bill. It is equally certain that the bill will be stricken from the calendar whenever the other 68 bills on the Discharge Calendar are taken up for consideration. It is equally clear to every fair-minded Member of this House that this motion to discharge the committee was not made in good faith, but solely to enable the author to misrepresent and embarrass and discredit the Democratic majority in this House before the country. This is further evident from the fact that a publicity bureau was organized and prepared matter sent to all such newspapers as would handle fake and false news. Many newspapers printed this false and malignant stuff, thinking it was true. And the National Tribune was the chief instrument, in order to rally the old soldiers against the majority of this House, proclaiming weekly that the Anderson bill was regularly on the calendar and that, in order to avoid voting against it, the Democratic majority had forced adjournments of the House.

And four-fifths, probably, of the old soldiers have been stirred to animosity on account of these malignant falsehoods. The House is working under an order of business adopted at the beginning of the session, which does not include general legislation. There are 69 bills on the so-called Discharge Calendar, all of which, under the rules, will go over to the December session. The so-called Anderson bill is not legally on the calendar, as every Member of this House knows. House bill 1, or the dollar-a-day bill, will go on the regular calendar before the close of this session by an order already agreed upon as the only authorized general pension bill of this Congress.

This is a bill based upon merit, upon service, upon sacrifice. It is a bill which appeals to every representative soldier of the war as a bill based upon justice. It is a bill that can and will be defended by every patriotic citizen of all political parties who believes that a pension roll should be a roll of honor; by every citizen in whose heart the virile spirit of a valiant patriotism is alive and vibrant. [Prolonged applause on the Democratic side.]

APPENDIX.

Here is a letter from an old comrade on the Pacific Slope, a veteran of the Fifty-third Ohio Infantry, Company B, under date of July, 1911:

DEAR COMRADE SHERWOOD: We feel we have a true and able friend in you; that you are doing for the best and will be successful next session of Congress. Every comrade with common sense sees plainly Congress did not intend to and will not pass any pension bill at this session, and don't let old McElroy's lies bother you one bit. Any man can read between his lines and see his contemptible intentions. His paper is killing him fast. Press your bill next session and you will do the greatest good of any man in modern times.

W. A. CONE.

ROY, WASH.

CRAWFORDSVILLE, IND., *July 4, 1911.*

Gen. SHERWOOD, *Washington, D. C.*

DEAR SIR: I write to thank you for your prompt answer to my letter and for a copy of the Sherwood pension bill. I note that the third section is not as I thought it was, "annual net income" is the language. While that will probably not allow me benefit under this law, yet I believe that the principle in this bill is the correct one. Where the pension is not for disability length of service ought to cut a big figure in grading the amount. Wishing you success and hoping that this bill will pass, I remain,

Yours, respectfully, M. W. BRUNER.

PHILADELPHIA, PA., *June 19, 1911.*

Gen. ISAAC R. SHERWOOD,
Washington, D. C.

DEAR SIR: I thank you cordially for the circular explaining general pension bill No. 1, and I want to say to you that I regard it as the most commendable measure that has been submitted to Congress in behalf of the Civil War soldiers. Its conditions and provisions are as liberal and fair as any soldier justly disposed can expect, and it eliminates the evils of the pension system relative to the State and national homes. In fact, it eliminated all the fair and unfair objections to a service-pension bill. It leaves nothing for the pension pickers in Congress, or out of it, to use against the just claims of the Civil War veterans. I cordially wish and hope that your life and health may be preserved that you can fully represent and press the bill before the next session of Congress.

Very cordially, yours, JOHN H. MACCREARY, M. D.

BLOOMFIELD, IOWA, *June 12, 1911.*

Gen. ISAAC R. SHERWOOD.

MY DEAR COMRADE: House bill No. 1 approved by Pension Committee is O. K. Soldiers with net incomes of a thousand or more dollars are not needy and should not swell appropriations and thus discommode needy comrades.

There is no necessity of soldiers who draw $25 or $30 a month remaining in soldiers' homes.

"Latter-day" soldiers who remained home until the last months of the war, then received a big bounty and went for 90 days, should not expect the same recognition as long-time veterans, unless they were wounded or disabled in the service, but, of course, the Grand Army of the Republic committee and the National Tribune will "kick."

I regret to say it, but sometimes I think both the Grand Army and the National Tribune are proving themselves boomerangs to the men who did the hard service.

Yours, very truly, JAMES REAGIN,
Lieutenant, G Company, Second Iowa Veterans.

By unanimous vote of William Perrott Post, No. 22, Department of Michigan, Grand Army of the Republic, Comrade Graham offered a resolution asking your indorsement and earnest support of the pension bill presented by Gen. I. R. SHERWOOD, of the ninth Ohio district, that it may become a law, believing, as we do, this to be one of the fairest and most just bills yet offered for action in Congress.

Respectfully,

JOHN C. DICK, *Commander.*
O. F. RICHARD, *Adjutant.*

G. W. Wheeler, Boon, Mich., writes:

Your bill is more than just and reasonable. There is rank injustice in granting pensions. I know a man who enlisted in 1864; got a big bounty; stayed in the hospital until he was discharged; never fired a gun or did a day's duty at the front; came home, was examined, was pensioned at $12 per month for last stages of consumption, and is living yet. I, who served at the front, was with Sherman in all his marches and battles, including the famous march to the sea, never drew a dollar of pension.

Jonas B. Kauffman, Fifty-fourth Pennsylvania, Johnstown, Pa., writes:

The Sherwood bill is the only bill of true merit. It is the only bill looking after the interest of the veterans who fought and won the great battles of the war. The age pension may be all right for paupers, but has no business with soldiers.

C. Weatherwax, Lockport, N. Y., writes as follows:

After reading your pension bill, recently introduced in the Congress, as a veteran volunteer bill I will say that, in my estimation, it is the best bill ever introduced in the House of Representatives from the honor standpoint. Under former bills enacted into laws all the dead beats and tramp soldiers are equally well provided for with those who did the actual work, without any apparent distinction. Dear General, I wish to thank you for this mark of justice.

At a called meeting of veterans, held at Wauseon, Ohio, under a published call for a meeting of all soldiers and members of Losure Post, the Sherwood bill was discussed and a rising vote taken, every soldier rising to be counted. One hundred and twenty-five veterans were present, and all voted aye.

Hon. I. R. SHERWOOD.

OLD COMRADE: Allow me to congratulate you on being the only Representative to Congress in over 42 years that has ever seen the difference between a veteran soldier of the Civil War and a so-called veteran of to-day. I am 70 years old, served 4 years 7 months and 16 days, and receive $20 per month for injuries and rheumatism received in the service. My neighbor, who is 75 and served 100 days, receives $20, and he told me he never was sick a day in his life. God bless you for your efforts, but I do not believe you will be able to convince the rest of your colleagues in time for the resurrection.

J. C. ARMSTRONG,
Thirteenth Ohio Veteran Volunteer Infantry.

Chris C. Layman, Twentieth Ohio Volunteer Infantry, writes from Woodville, Ohio, as follows:

Yours is the only bill that provides for those that did the work. The law (McCumber law) that places do-nothing soldiers on an equality with workers is a disgrace to the Nation.

Mrs. Anna E. Wiltsie, of Toledo, Ohio, a prominent worker in soldiers' charity, writes:

Some time ago I visited the National Soldiers' Home at Marion, Ind., and I was surprised and shocked at the similarity in it to our asylums, penitentiaries, and prisons. What little difference there is between them! It is true they have more liberties than are allowed the criminals and insane, but otherwise the similarity exists. What home comforts do the old veterans have in these soldiers' homes? A space 8 feet square, a single iron bed, a small locker, and one hard-bottom wood chair. And do you not think, General, that if the money expended in these homes to keep them up was added to an amount sufficient to pay a pension of, say, $1 a day to the old veterans, would it not be a better way of caring for them? Every old soldier that stood about me that day said if the Government would give them $25 or $30 per month they would go home and never set a foot inside a soldiers' home again.

Martin Rienour, of Peru, Kans., writes:

I thank you for introducing your bill. It has the ring and spirit of Gen. John A. Logan to us old vets. We are tired of the conditions of the McCumber bill, which is a promise that if we live to be very old we will get enough for funeral expenses. It is up to Congress now to fulfill the promises made by dear old Uncle Abe on the Battlefield of Gettysburg.

Andrew Jackson Hill, New York Soldiers' Home:

Pass the Sherwood bill and you will have the everlasting gratitude of the men who did the work of putting down the rebellion. I was in the Army of the Potomac, and in every battle from Antietam until Lee surrendered, and never saw a 90-day man, and yet they have the bulk of legislation in their behalf.

Horace G. O'Dell, writing in the Soldiers' Home, Napa, Cal., says:

I would be only too glad to take the $1 per day and remain out of the home, for it is a prison to me, and I voice the sentiment of the old boys of this home and am writing this at their request. The boys that would be benefited by this bill are honest, sober men.

William Watson, of Pineglen, Pa., writes:

The Sherwood pension bill is the only one ever introduced that was not a pauper bill. Now, in many instances, the 90-day man gets more pension than the veteran who served from 1861 to 1865.

John Emerson, of Morrow, Ohio:

Your bill is based on merit and service, and is just what I have always advocated. All the soldiers in Morrow County are in favor of it. It will save the Government lots of money.

A. W. Carnahan, National Soldiers' Home, of Kansas:

Your bill is just the thing. It helps those who were too game, when sick, to go to the hospital, while those who flunked and got a hospital record have been blessed with big pensions.

John W. Gilson, of Anna, Ill., writes 11 pages of a closely written letter, of which the following is a brief extract:

As you are a real friend of the old soldier, I desire to write you fully. I served the whole four years in Goodspeed's battery, except a 30-day furlough, when we veteranized. I get $12 per month, and had a long fight to get that. Now I am a financial and physical wreck and have to live in a soldiers' home. I know another soldier who served three months and never saw an armed enemy who was recently raised to $24 per month.

Twenty-three soldiers of Clairmore, Okla.:

We desire to show how heartily we approve your bill. Every soldier here in this vicinity is for your bill, except one, and he was a deserter. We protest against the act of February 6, 1907, for the following reasons: Not that we disapprove of the giving pensions at the ages of 62, 70, and 75, but that it is an injustice that any soldier drawing a pension for wounds should be deprived of the age benefits also. All the old soldiers here thank you and feel grateful for the interest you are taking in them.

Robert Blackburn, a soldier, an attorney of Decatur, Ind., writes:

I have carefully watched and felt the pulse of the pensioners, and believe the bill introduced by you in a general way would come nearer meeting the indorsement of the soldiers, except a few three-months men, some of them never being out of the State they enlisted in.

ROBERT BLACKBURN,
Company H, Eighty-ninth Indiana Volunteer Infantry.

H. C. Bugbee, of Tullahoma, Tenn., under date of May 29, writes as follows:

Hon. Mr. SHERWOOD, *Washington, D. C.:*

The majority of the soldiers are old, and most of them very poor, too. A moderate increase of pension now will do them more good than millions after they inhabit the heavenly mansions. You are on the ground and know the situation better than we do. We can't help feeling that the great weakness of the Sulloway bill was the amount it called for. We all pray that you may be successful with your bill.

A. G. Jones, quartermaster Forest City Post, Cleveland Ohio, says:

I desire to press upon your attention the fact that the great and growing opposition to the pension system is based upon the fact that the rewards are in a large measure distributed without regard to the service rendered. Under the Sulloway and other similar bills a great many thousand 90-day and other short-term men get the highest pensions, because they happen to be older. It is a well-known fact that a great many thousand 90-day men never fired a hostile shot, yet the pension howlers fix the laws so they get more than the soldier who served four years at the front. I beg of you to change the system and relieve it from the charge of graft.

The following is an extract from a letter from Comrade J. M. Beach, of Danville, Ill., July 15, 1911:

The short-time men, enlisted with the distinct understanding that they were not to go to the front, and those men now constitute the Grand Army of the Republic, being younger and better able to attend meetings, and are pulling for what was never right. I was told in Cincinnati a short time ago that President Taft would no doubt sign a bill like yours.

Here is a specimen opinion from an Ohio veteran:

NORWALK, OHIO, *May 30, 1911.*

DEAR GENERAL: I want to thank you for your efforts in pushing your pension bill. As I read it, I think it by far the best of all the pension bills. The Anderson and Sulloway bills seem to me to be out of proportion. I have always up to the last two years been one of the straight Republican voters, but I have to go back on some things of late. Conditions remind me of conditions in 1856, when the G. O. P. was a bornin', and I think I am fully justified in at least insurging all I want to. A full enlistment served in the Army, lasting from the start in 1861 to the finish, should give me at least freedom of thought, and I propose to exercise it from this out. Your bill meets fully the views of all the soldiers with whom I have talked, and that is a lot of them. Thanking you again and wishing you full success,

Fraternally, yours,

L. B. DENNIS.

Comrade Felix Deflin writes as follows from Elkhorn, Wyo.:

I take the liberty to write you to tell you your pension bill is the only just bill that was ever before Congress.

Here is a letter from Comrade J. T. Ingram, of Salem, Iowa, dated July 22, 1911:

MY DEAR COMRADE: While there is being so much said about pension legislation I thought that I would like to say a word. I served four years in the Army in the Civil War in the Second Iowa Battery. The State of Iowa sent one regiment under an enlistment of 100 days. Those fellows would receive as much benefit from the Sulloway bill as I would. They went in the Army in the summer time, did guard duty, but were not in any battles. I sacrificed the four years in the Army when I should have been in school, while the men who served three or four months in the summer did not sacrifice anything.

Comrade James C. Connell, of Mount Sterling, Ky., writes:

MY DEAR COMRADE: I deem it my duty to commend you for your efforts in behalf of patriotism by supporting a measure that will bring about economy in the Pension Department and deal justly with the soldiers who saved the Nation from the perils of a divided country.

Here is an interesting letter from a veteran captain:

ROCKFORD, ILL., *June 26, 1911.*

DEAR SIR AND COMRADE: Both the "Tribune bill" and the "Anderson bill" savor more of charity than of justice, as these both make the age limit of 62 years before they are entitled to be pensioned under their bills.

Your bill is far ahead of these because service and not age is considered in your bill. This is right and just. There are thousands of veterans who served faithfully through the entire four years of the war who are not entitled to the pension in the Anderson and Tribune bills, simply because they are under 70 years of age, when those who served but a few months or one year, but are 70 years old, will get the pensions.

We do not want charity, but justice, and your bill meets this. I hope your bill will become law.

Respectfully, yours,

J. AUGUST SMITH,
Late Captain Company F,
Fifty-fifth Illinois Volunteer Infantry.

Texas holds more Union soldiers than any State south of the Ohio River:

HEADQUARTERS DEPARTMENT OF TEXAS,
GRAND ARMY OF THE REPUBLIC.

Resolved by this encampment, Department of Texas, Grand Army of the Republic, this 21st day of April, 1909, assembled at Denison, Tex., That we petition our commander in chief to do all in his power to give aid and assistance to Comrade SHERWOOD in his noble and patriotic effort to do justice to our comrades while living, and that they take such action as will assist in the passage of this bill as amended and advocated by Gen. SHERWOOD.

Resolved, That the sincerest and most heartfelt thanks of this department, by a unanimous and rising vote, be extended our grand comrade, Hon. ISAAC R. SHERWOOD, for his noble, fraternal, charitable, and loyal advocacy of the welfare of his comrades.

Capt. F. W. Wild, secretary of the Maryland State Association of Veterans, writes from Baltimore as follows:

I read your pension bill Saturday last and was favorably impressed with it as being more just and equitable than the Sulloway bill, in that it bars men whose income is such that they would not need a pension, and makes a distinction as to time of service, and yet looks out for the man who was crippled or wounded, no matter how short his service, and hope that you may be successful in having it put through.

Comrade Earl W. Sopher, a long-service veteran, writes from Dunkirk, Ind., June 8, 1911, as follows:

I have talked with several old soldiers about your bill and they all expressed a wish to have it passed immediately, that it was the best that had been offered in Congress yet for the soldiers who had fought the battles of the war, but it seems to us as though the Congress always tries to see how little they could give the soldiers who fought the battles of the war, and how much they could give the men who never saw the armies in the front, or short-timers who were scraped up at the latter end of the war who had refused to respond to the calls of the President in 1863 for volunteers. I hope you will push it through immediately. Please do this if you can.

Respectfully,

EARL W. SOPHER,
Late Companies M and H, Eighth New York Cavalry,
Second Brigade, Third Division, Cavalry Corps.

The following is an extract from an editorial in the Wapakoneta (Ohio) Daily News:

In order to satiate his thirst for notoriety and fame, Congressman CARL ANDERSON violated an agreement entered into by the Democratic congressional caucus, whereby he seeks to place his fellow Democratic Members in a bad light with the old soldiers of the country. It is

small business, and ANDERSON will arouse to the fact one of these days that he has made a mistake. It is not his love for the old soldier that actuated him into taking the stand he has, but his love for floating around in the limelight for applause and for selfish reasons. He made a sneaking attempt to forestall the action that was agreed upon by the Democratic caucus to hold off in pension legislation until the convening of the regular session of the new Congress, at which time the Democratic majority will give support to a measure that will be the product of that old veteran soldier and patriotic citizen, Congressman and Gen. ISAAC R. SHERWOOD, of Toledo. Gen. SHERWOOD not only has the interests of all the old soldiers and their widows at heart, but he has had the confidence of a large majority of the people of his district.

The following letter is from a four-year veteran:

PARSONS, CAL., *July 17, 1911.*

Hon. Mr. UNDERWOOD,
Leader House of Representatives,
Washington, D. C.

MY DEAR SIR: I am an ex-soldier of nearly four years' very strenuous service and a Republican who voted for Abraham Lincoln, and have kept up the habit ever since, but I want to say to you, after having read in the telegraphic news from Washington that the pension bill your party will bring in next winter will not include "soldiers who were never within 500 miles of a battle field," you have the right idea.

If your committee will take the trouble to take volume 8 of the adjutant general of Illinois report and look over the Sixth, Seventh, and Ninth Illinois Cavalry, which were brigaded together, they will see that in the three regiments, all of whom enlisted in 1861 for three years, 944 reenlisted in the spring of 1864 as veterans for three years or more. They will also see that in the spring of 1865, after the Nashville campaign was over—which was their last campaign—there came to these three regiments a total of 2,529 recruits, every one of whom enlisted in January, February, and March, 1865, after our campaigns were over, and under the impetus of large local as well as Government bounties, and no one of these men ever saw an enemy with a gun or endured *any* hardship.

Very truly,

F. W. LIPPINCOTT.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12812) to reduce the duties on manufactures of cotton, and had instructed him to report that it had come to no resolution thereon.

ADJOURNMENT.

Thereupon, on motion of Mr. UNDERWOOD (at 4 o'clock and 55 minutes p. m.), the House adjourned until 12 o'clock noon, Monday, July 31, 1911.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting copy of report of the board of engineers appointed to raise the wreck of the battleship *Maine* in Habana Harbor, and calling attention to the necessity for additional funds to complete the work (S. Doc. No. 80), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. COVINGTON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4682) authorizing the construction of a railroad, tramroad, conveyor, wagon or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va., reported the same with amendment, accompanied by a report (No. 73), which said bill and report were referred to the House Calendar.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7690) to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg., reported the same with amendment, accompanied by a report (No. 74), which said bill and report were referred to the House Calendar.

Mr. GOULD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11852) to authorize the Providence, Warren & Bristol Railroad Co. and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers or Warren River, in the State of Rhode Island, reported the same without amendment, accompanied by a report (No. 75), which said bill and report were referred to the House Calendar.

Mr. MICHAEL E. DRISCOLL, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6747) to authorize the Wisconsin Central Railway Co. to construct a bridge across the St. Croix River between Wisconsin and Minnesota, reported the same with amendment, accompanied by a report (No. 76), which said bill and report were referred to the House Calendar.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 2954) to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes, reported the same without amendment, accompanied by a report (No. 77), which said bill and report were referred to the House Calendar.

Mr. GOLDFOGLE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11021) to authorize the Levitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark., reported the same without amendment, accompanied by a report (No. 78), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6738) to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of St. Charles, Mo., reported the same with amendment, accompanied by a report (No. 81), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 7263) to authorize the counties of Bradley and McMinn, Tenn., by authority of their county courts, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said counties, reported the same with amendment, accompanied by a report (No. 82), which said bill and report were referred to the House Calendar.

Mr. RANDELL of Texas, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 2925) to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex., reported the same with amendment, accompanied by a report (No. 90), which said bill and report were referred to the House Calendar.

Mr. SABATH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6098) to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark., reported the same without amendment, accompanied by a report (No. 89), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11321) to authorize the Twin City & Lake Superior Railway Co. to construct a bridge across the St. Croix River between Wisconsin and Minnesota, reported the same without amendment, accompanied by a report (No. 87), which said bill and report were referred to the House Calendar.

Mr. MARTIN of Colorado, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11660) to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo., reported the same with amendment, accompanied by a report (No. 84), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11723) permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota, reported the same with amendment, accompanied by a report (No. 88), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7693) to authorize the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn., reported the same without amendment, accompanied by a report (No. 83), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5138) permitting the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota, reported the same without amendment, accompanied by a report (No. 86), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11022) to authorize the bridge directors of the Jefferson County bridge district to construct a bridge

across the Arkansas River at Pine Bluff, Ark., reported the same without amendment, accompanied by a report (No. 80), which said bill and report were referred to the House Calendar.

Mr. CALDER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 11477) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va., reported the same with amendment, accompanied by a report (No. 79), which said bill and report were referred to the House Calendar.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 8146) to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois, reported the same without amendment, accompanied by a report (No. 85), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11303) for the relief of Eliza Choteau Roscamp, reported the same without amendment, accompanied by a report (No. 91), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 488) granting a pension to John Moore; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 557) granting a pension to Louis Seeberger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 559) granting a pension to Martin L. Van Buren; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of California: A bill (H. R. 13095) to provide for a preliminary examination of San Gabriel and Los Angeles Rivers, Cal.; to the Committee on Rivers and Harbors.

By Mr. LINTHICUM: A bill (H. R. 13096) to deepen and widen the York Spit Channel leading to the port of Baltimore; to the Committee on Rivers and Harbors.

By Mr. KENDALL: A bill (H. R. 13097) for the erection of a public building at Grinnell, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. BELL of Georgia: Resolution (H. Res. 257) to pay H. W. Ketron $25 for services as pair clerk; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. COX of Ohio: A bill (H. R. 13098) granting an increase of pension to Mary F. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13099) granting an increase of pension to Thomas L. Starkweather; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: A bill (H. R. 13100) authorizing the Secretary of the Treasury to refund to Henry A. V. Post, individually, and as liquidating partner of the firm of Clark, Post & Martin, excess duties paid on certain importations of steel blooms; to the Committee on Claims.

By Mr. HOWELL: A bill (H. R. 13101) for the relief of R. B. Quay; to the Committee on Claims.

By Mr. LAFFERTY: A bill (H. R. 13102) granting a pension to John W. Avis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13103) granting a pension to John E. Smith; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 13104) to correct the military record of John Boh; to the Committee on Military Affairs.

By Mr. SISSON: A bill (H. R. 13105) granting a pension to Mary E. Downs; to the Committee on Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 13106) granting an increase of pension to Jerome B. Hartwell; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13107) granting a pension to Calvin Champlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13108) granting an increase of pension to T. H. Wilder; to the Committee on Pensions.

Also, a bill (H. R. 13109) granting an increase of pension to James N. Collins; to the Committee on Pensions.

Also, a bill (H. R. 13110) granting an increase of pension to William A. Miller; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 13111) granting an increase of pension to David Y. Hale; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AYRES: Petition of citizens of the Bronx, in favor of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Resolutions of the American Medical Association, urging amendment to the pure food and drug law; to the Committee on Agriculture.

By Mr. KINDRED: Resolutions of Group 6 of New York State Bankers' Association, approving the general scope of the Aldrich proposal for currency reform, and favoring the creation of proper discount market in the United States; to the Committee on Banking and Currency.

By Mr. KINKEAD of New Jersey: Petition of Aug. Lang, of Jersey City, N. J., in favor of a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolution of the Sick and Death Benefit Fund of the United States of America, condemning the methods pursued in the arrest of the McNamaras and indorsing the Berger resolution for an investigation of the same; to the Committee on the Judiciary.

By Mr. LAFEAN: Resolutions of Pennsylvania Pharmaceutical Association, protesting against Sherley bill, providing for a tax on patent medicine; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Resolution by the National Team Owners' Association of America, indorsing the efforts of the President of the United States to bring about a reciprocity arrangement between this country and Canada; to the Committee on Foreign Affairs.

By Mr. J. M. C. SMITH: Papers accompanying bill granting an increase of pension to Jerome B. Hartwell; to the Committee on Invalid Pensions.

SENATE.

MONDAY, *July 31, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Friday last was read and approved.

WRECK OF UNITED STATES BATTLESHIP "MAINE."

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, by direction of the President, a letter from the Acting Chief of Engineers, together with a report from Col. W. M. Black, Corps of Engineers, relative to the progress of the work of the raising or removal of the wreck of the battleship *Maine* in Habana Harbor, and the necessity for additional funds to complete the work, which, with the accompanying papers and illustrations, was referred to the Committee on Military Affairs and ordered to be printed. (H. Doc. 96.)

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted at a meeting of the citizens of Chicago, Ill., remonstrating against any further action by the Senate in the investigation of WILLIAM LORIMER, as a Senator from the State of Illinois, which were referred to the Committee on Privileges and Elections.

Mr. CULLOM presented a petition of Typographical Union No. 63, of Toledo, Ohio, praying for the adoption of the proposed constitution of the Territory of Arizona, which was ordered to lie on the table.

Mr. BRISTOW presented a memorial of sundry citizens of Kingman, Kans., remonstrating against the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a memorial of John A. Logan Post, No. 3, Grand Army of the Republic, Department of Indiana, of Lafayette, Ind., remonstrating against the removal of Dr. Harvey W. Wiley as Chief of the Bureau of Chemistry, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

TERRITORIAL INDEBTEDNESS.

Mr. BRISTOW, from the Committee on Territories, to which was referred the bill (S. 2541) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," reported it without amendment and submitted a report (No. 114) thereon.

APPORTIONMENT OF REPRESENTATIVES.

Mr. LA FOLLETTE. For the Senator from Delaware [Mr. DU PONT], the Senator from Connecticut [Mr. MCLEAN], the Senator from Michigan [Mr. TOWNSEND], and myself, from the Committee on the Census, I submit the views of the minority on the bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census. I ask that the report be printed.

The VICE PRESIDENT. Without objection, the views submitted by the Senator from Wisconsin will be printed. (Rept. No. 94, pt. 2.)

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. DIXON:

A bill (S. 3123) granting a pension to Vee Aiken (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 3124) to provide for the leasing of coal and coal lands in the Territory of Alaska; to the Committee on Public Lands.

By Mr. BORAH:

A bill (S. 3125) granting an increase of pension to James M. Hopper (with accompanying papers);

A bill (S. 3126) granting an increase of pension to John Barker (with accompanying papers); and

A bill (S. 3127) granting an increase of pension to Hiram F. Reel (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 3128) granting an extension of time of payment to homestead entrymen of lands within the Rosebud and other Indian reservations in South Dakota and North Dakota, and specifying the conditions upon which the extension may be granted; to the Committee on Public Lands.

By Mr. WARREN:

A bill (S. 3129) extending the provisions of section 20 of the act of Congress of March 3, 1899, to include expenditures in connection with the raising of the wreck of the battleship *Maine;* to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 3130) to authorize the Secretary of the Interior to permit the Conrad-Stanford Co. to use certain lands (with accompanying paper); to the Committee on Public Lands.

By Mr. BURNHAM:

Joint resolution (S. J. Res. 45) authorizing the selection of a site and the erection of a statue of Gen. Robert Anderson; to the Committee on the Library.

APPORTIONMENT OF REPRESENTATIVES.

Mr. BURTON submitted two amendments intended to be proposed by him to the bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census, which were ordered to lie on the table and be printed.

THE FREE LIST.

Mr. JOHNSON of Maine submitted an amendment intended to be proposed by him to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, which was ordered to lie on the table and be printed.

Mr. GORE submitted two amendments intended to be proposed by him to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, which were ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, viz: On page —, line —, insert the following:

SEC. —. That whenever it shall be duly certified to the President of the United States that the Government or Governments of any or of all nations of the American hemisphere have declared a desire to establish commercial union with the United States, having a uniform revenue system, like internal taxes to be collected, and like import duties to be imposed on articles brought into either country from other nations, with no duties or with uniform duties upon trade between the United States and such nations, he shall appoint three commissioners to meet those who may be likewise designated to represent such Government or Governments, to prepare a plan for the assimilation of the import duties and internal-revenue taxes of such countries, and an equitable division of receipts, in a commercial union; and said commissioners shall report to the President, who shall lay the report before Congress.

Amendment intended to be proposed by Mr. GORE to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, viz: Insert the following:

"SEC. 2. That all the articles enumerated in this section, the growth, product, or manufacture of the Dominion of Canada, when imported therefrom into the United States or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila) shall be exempt from duty whenever the President shall have satisfactory evidence and shall make proclamation that all the said articles enumerated in this section, the growth, product, or manufacture of the United States or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila) are admitted into the Dominion of Canada free of duty, namely:

"Fresh meats—beef, veal, mutton, lamb, pork, and all other fresh or refrigerated meats, excepting game.

"Bacon and hams, not in tins or jars.

"Meats of all kinds, dried, smoked, salted, in brine, or prepared or preserved in any manner.

"Canned meats and canned poultry.

"Extract of meat, fluid or not.

"Lard and compounds thereof, cottolene and cotton stearin, and animal stearin.

"Tallow.

"Wheat flour and semolina, and rye flour.

"Oatmeal and rolled oats.

"Corn meal.

"Plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, threshing machines, including wind stackers, baggers, weighers, and self-feeders therefor, and finished parts thereof imported for repair of the foregoing.

"Portable engines with boilers, in combination, horsepower and traction engines for farm purposes, hay loaders, potato diggers, fodder or feed cutters, grain crushers, fanning mills, hay tedders, farm or field rollers, manure spreaders, weeders, and windmills, and finished parts thereof imported for repair of the foregoing, except shafting."

Mr. SHIVELY. I submit an amendment which I intend to propose to the free-list bill. I ask that it lie on the table and be printed.

Mr. President, as there will be no opportunity for explanation to-morrow under the special order, permit me to say that this amendment simply adds the words "and binders," after the word "harvesters," in line 6. It is very doubtful whether the word "harvesters" would cover the machine known as the self-binder. The better opinion is that it would not. In legal documents, where the proper description of this particular machine is important, the words I supply are those commonly used.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

Amendment intended to be proposed by Mr. SHIVELY to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, viz:

On page 1, before the comma at the end of line 6, insert the words "and binders."

THE CONGRESSIONAL RECORD.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 124), which was read and referred to the Committee on Printing:

Resolved, That it is the sense of the Senate that hereafter the proceedings of the Senate and of the House of Representatives shall be printed beginning on the first page of the CONGRESSIONAL RECORD and continuing to the end of such proceedings, and that all speeches withheld for revision shall be printed in the CONGRESSIONAL RECORD immediately following the printing of such daily proceedings.

ORDER OF BUSINESS.

The VICE PRESIDENT. The morning business is closed.

Mr. BRISTOW. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DAVIS. I desire to state that the Democratic Members of the Senate are in caucus, and they are absent for that reason. I do not see why the Senator from Kansas wants to have the roll called. He knows that they are in caucus.

The VICE PRESIDENT. The Secretary will continue the roll call.

The roll call was resumed and concluded, the following Senators having answered to their names:

Bacon	Cullom	McCumber	Pomerene
Bankhead	Cummins	McLean	Reed
Bourne	Curtis	Martin, Va.	Shively
Bradley	Davis	Martine, N. J.	Smith, Mich.
Brandegee	Dillingham	Myers	Smoot
Bristow	Dixon	Nelson	Stephenson
Brown	Foster	Nixon	Stone
Bryan	Gamble	O'Gorman	Taylor
Burnham	Gronna	Oliver	Townsend
Burton	Guggenheim	Overman	Warren
Chamberlain	Heyburn	Owen	Watson
Chilton	Johnson, Me.	Page	Wetmore
Clapp	Kern	Paynter	Works
Clark, Wyo.	La Follette	Penrose	
Clarke, Ark.	Lippitt	Perkins	
Crane	Lodge	Poindexter	

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is absent on business of the Senate. I will let this announcement stand for the day.

Mr. POINDEXTER. I desire to state that my colleague [Mr. JONES] is engaged in the Lorimer investigation.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. A quorum of the Senate is present. The calendar is in order under Rule VIII.

Mr. SMOOT. I observe that the Senator from Oklahoma [Mr. OWEN] gave notice that he would desire to speak immediately after the conclusion of the routine business this morning. Does the Senator from Oklahoma desire to go on now before taking up the calendar under Rule VIII?

Mr. OWEN. I would be glad to do so unless there is some special matter that some Senator wishes to bring up. In that case I shall be very glad to defer my remarks.

Mr. SMOOT. The Senator had better go on now. There is nothing special to take up on the calendar. I move that the Senate proceed to the consideration of the unfinished business, House bill 4413.

The motion was agreed to.

ELECTION AND RECALL OF FEDERAL JUDGES.

Mr. OWEN. Pursuant to the notice heretofore given by me, I wish to call up Senate bill 3112, providing for the election and recall of Federal judges, for the purpose of addressing the Senate thereon.

The VICE PRESIDENT. The Chair lays the bill before the Senate.

Mr. OWEN. Mr. President, in delivering a formal argument in favor of the election and recall of Federal judges as well as of State judges, I shall ask the courtesy of the Senate that I be not interrupted with questions which will break the continuity of the observations I wish to present to the RECORD, but that Senators desiring to ask any question of me will withhold the question until I shall have concluded the body of this argument. I will then take great pleasure in answering any or all questions that I am able to answer to the best of my limited ability.

Mr. President, I have submitted to the Senate of the United States the following bill, providing for the election and recall of Federal judges, in order that it may be considered by the Senate and by the public opinion of the country:

A bill providing for the election and recall of Federal judges.

Be it enacted, etc., That any justice of the Supreme Court of the United States and any judge of a United States circuit or district court, or of any other court of the United States, is subject to recall by a resolution of the Congress of the United States; that upon the passage of a resolution requesting the President of the United States to nominate a successor to such justice or judge the tenure of office of any such justice or judge shall immediately terminate.

SEC. 2. All district judges and circuit judges of the United States shall hereafter be elected by the qualified electors of the district or circuit over which such judge may have lawful jurisdiction, their names to appear on the same ballot as the presidential electors, the vote to be declared by the same authorities; and such judges shall be elected every four years, on the same day as the presidential electors, thereafter holding their offices for the period of four years and until their successors are duly qualified.

I am moved to offer this bill, and to discuss it, in connection with the Arizona constitution.

The people of that State propose the right to elect and recall all officials, including judges, by a vote of the electorate.

ABSTRACT OF ARGUMENT.

I shall endeavor to show the justification of the right of election and recall of judges—

First. By precedents, showing that many States do elect their judges and that all of the 46 States do have the explicit right to recall their judges, or automatically recall by a short or fixed tenure of office.

Second. That the election and recall of judges is justified by sound reason and common sense.

Third. That the recall of judges is justified in a peculiar sense in this Republic at this time, for the reasons—first, the Federal courts have unlawfully assumed the right to declare acts of Congress unconstitutional; second, have undertaken to invade the legislative function of Congress by judicial legislation; third, have overridden the rights of State laws in a similar manner, either on the charge that such State laws were unconstitutional or that such State laws were invalid on grounds of policy; fourth, such courts have become tyrannical by denying jury trial in contempt cases, inconsiderate in injunction cases, and so forth, and that the reason of this bad behavior is due to the fact that the judiciary is not responsible to the people either by election or recall.

The election and recall of Federal judges would abate the present jealousy felt by the States against the Federal Government and bring into harmonious relation the States and Nation.

I shall examine the argument of judicial infallibility and answer it.

I shall endeavor to show that the Constitution of the United States abundantly justifies Congress to follow the example of the States and provide both the election and the recall of Federal judges.

I shall endeavor to show that the time has come when the liberties of the American people require the exercise of this constitutional power, or if it be deemed unconstitutional by Congress, then that Congress should submit an amendment to the Constitution to provide for this and other relief by establishing an easy means of amending the Constitution.

THE ARGUMENT.

Mr. President, in what I have to say I desire it to go upon the record that I have a reverence for the judicial branch of the Government and a very great respect for many of the individuals who serve the Republic as judges, and what I have to say is said in a truly impersonal sense, without any desire and without any intention to reflect upon individuals, or to deal with individuals, at all, except as they illustrate a bad system.

Mr. President, the bill which I now submit proposes to put the recall of Federal judges in the hands of the Congress of the United States, while the Arizona constitution proposes to put the recall of judges in the hands of the electorate of that State. They are the sovereign power, they are the governing power, and if the court has a bias against the interest of the people and the people wish to recall for that purpose, that bias need not be named as a ground for such action. It need not be mentioned. No reason is necessary to be assigned why the sovereign power of the people of this country should be exercised in recalling any public servant. It has a right to be exercised without assigning reasons.

To assign reasons is to discredit the incumbent, while removal without assignment of reasons is the mildest method of dealing with a public servant whose service is no longer desired. And self-governing people govern themselves without apology or need to assign reasons in the exercise of the right of self-government. The mere fact that the people do not like a judge and do not desire him to serve them justifies recall. He has no function, no public office, or public dignity except as it is bestowed upon him by the people themselves, yet the Tory argument is constantly advanced—that judges ought not to be recalled, that they ought to be *independent of the people*, that they ought to have office for life whether their service is acceptable to the people or not. There is no sound sense and no good reason in this contention, and it impairs the right of self-government and liberties of a free people. Such a policy can only result in a judicial oligarchy.

THE PEOPLE ARE CONSERVATIVE.

It will be contended by some that the recall of judges might safely be left to the National Legislature or to the State legislatures, but should not be left to the electorate, because the electorate would not be so conservative in the exercise of the power to recall a judge as their representatives in the legislature.

The answer to this is that the electorate of an American State and of any of the American States is abundantly conservative and moves very slowly, more slowly than their progressive representatives would move.

A political party is controlled by caucus and in convention, and is easily moved by passion or impulse. The people in their peaceful homes or in the quiet seclusion of a voting booth are not so easily moved.

It is harder to persuade a majority of the electorate of a State than to move a legislature. The people have been trained to give the benefit of the doubt to anyone who is assailed, either in public or before a jury, and when in doubt they will always vote no.

They have had the right of recall in Oregon for 10 years and have never used it against a judge, although there is one case pending there now, which, undoubtedly, will be decided wisely by the people, or at least they recently tried to get a case against a judge, but they failed to get a sufficient number of people to sign the petition to initiate the case, as I am informed by the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. President, in England the conservatives recently appealed to the people against the progressive leaders because the people were recognized as more conservative than their leaders. Where the people have had full power—in Australia and New Zealand and in Switzerland—they have not abused their power. They have been just, conservative, and slow to act.

It is true, of course, that among the people there are some extremists who are very radical and very excitable, but they are offset by a like number who are very phlegmatic and who can not be moved at all. The judgment of the people represents the judgment of the mass, and not the judgment of the fractional part that may be extreme either in one direction or another direction.

The reactionary argument that the people are turbulent, unduly excitable, that they are wild and visionary, that they are unduly passionate, that they comprise an irresponsible mob unworthy to be trusted with power, comes with poor grace from those who hold their honors, their dignities, and their salaries from these same people.

The long-suffering patience of the people is best evidenced by the forbearance with which the people permit men in public service to give currency and approval to these unfounded and absurd criticisms of the great American electorate.

IF PEOPLE ARE INTELLIGENT ENOUGH TO ELECT AND RECALL SENATORS, WHY ARE THEY NOT INTELLIGENT ENOUGH TO ELECT AND RECALL JUDGES?

It is the common judgment of the people of the United States, evidenced by the act of 37 States and by the expression of opinion of a majority of the inhabitants of the remaining 9 States, that Senators should be elected by direct vote of the people. That is the view of the Senate of the United States itself, as expressed by the recent vote. Even those who voted against this proposal in many cases believed in the right of the people to nominate and elect their own Senators, so that the Senate of the United States by more than three-fourths really believes in the election of Senators by direct vote of the people.

Every Member of Congress is elected by direct vote of the people. Have the people intelligence enough to elect Senators and Members of the House, and yet do they lack intelligence to elect or to recall a judge? Would they recall a Senator or a Member of the House who performed his duty faithfully and truly represented his constituency?

The experience of Switzerland shows that members of the legislature whose proposals were turned down by the people of Switzerland were nevertheless returned to the legislature with honor, because the people had no doubt of the integrity of such representatives, although they did not agree with their opinions in some particulars. I say that under modern conditions the people of the United States, who are the best informed electorate perhaps in the world, would be more conservative and stable in the recall of a judge than their representatives would be, and that the constitution of Arizona is a more conservative proposition than that which I now submit for the recall of Federal judges by Congress, although the argument otherwise is substantially the same.

Congress may easily be controlled by party caucus to recall a judge, but not so the people of the country. The people are much harder to move than Congress, and when in doubt they will vote "no," as they have universally done where the initiative, the referendum, and the recall is in force.

THE CHIEF VALUE OF THE RECALL WILL BE FOUND IN MAKING ITS USE UNNECESSARY.

Mr. President, the chief value of the recall will not be the exercise of this power in actually recalling judges, but the contrary. If the power of recall exists, the conduct of judges will be so exemplary, so satisfactory to the people of the United States, that no recall of any Federal judge would ever be necessary. The moment the recall went into effect the courts would promptly discontinue their unauthorized, unconstitutional, and grossly improper conduct of declaring an act of Congress unconstitutional. The Federal courts would no longer, because of their views of public policy, amend acts of Congress by inserting words in important statutes which Congress had refused to insert, as the Supreme Court, in substance, did in its opinion in the Standard Oil case and in the Tobacco Trust case. The courts would no longer deal with undue severity in contempt cases, and government by injunction would cease. The right of recall and the power of recall would make the recall itself unnecessary.

PRECEDENTS—NEARLY ALL THE STATES DO ELECT THEIR JUDGES.

Mr. President, when our Federal Constitution was adopted in 1787 none of the judges were elected by the people, although there was a greatly restricted suffrage; but since that time, although the suffrage has been greatly enlarged, so that we have almost universal manhood suffrage and in five States woman's suffrage, yet with the growth of modern Democracy or progressive Republicanism very many of the States have adopted the doctrine of electing judges and giving them fixed terms of office. For example:

ALABAMA.

1901 (sec. 152, art. 6): "Elected by the qualified electors of the State." Term of five years.

ARKANSAS.

1874 (sec. 6, art. 7): "The judges of the supreme court shall be elected by the qualified electors of the State and shall hold their offices during the term of eight years."

CALIFORNIA.

1879 (sec. 3, art. 6): "The chief justice and the associate justices shall be elected by the qualified electors of the State at large * * * two of them shall go out of office at the end of 4 years, two of them at the end of 8 years, and two of them at the end of 12 years."

COLORADO.

1876 (sec. 6, art. 6): "The judges of the supreme court shall be elected by electors of the State at large." Term of nine years.

CONNECTICUT.

1818 (sec. 3, art. 5): "The judges of the supreme court of errors, of the superior and inferior courts * * * shall be appointed *by the general assembly* * * *. The judges of the supreme court and the superior court shall hold their offices during good behavior." Amendment 1856: "The judges of the supreme court of errors and of the superior court appointed in the year 1855 and thereafter shall hold their offices for the *term of eight years.*"

DELAWARE.

1897 (sec. 3, art. 4): "The chancellor, chief justice, and associate judges shall be *appointed by the governor*, by and with the consent of the majority of all the members elected to the senate, for the term of 12 years."

FLORIDA.

1885 (sec. 2, art. 5): "The supreme court shall consist of three justices, who shall be elected by the qualified electors of the State * * * and shall hold their office for the term of six years."

GEORGIA.

1877 (par. 4, art. 6): Elected by the general assembly for a term of six years.

IDAHO.

1889 (sec. 6, art. 5): "The justices of the supreme court shall be elected by the electors of the State at large." Term of six years.

ILLINOIS.

1870 (sec. 6, art. 6): Members of the supreme court shall "be elected by the electors thereof in each district * * * for the term of nine years."

INDIANA.

1851 (sec. 3, art. 7): The judges of the supreme court "shall be elected by the electors of the State at large" and (sec. 2, art. 7) "shall hold their offices for six years, if they so long behave well."

IOWA.

1857 (sec. 3, art. 5): "The judges of the supreme court shall be elected by the qualified electors of the State. * * * The term of each judge shall be six years."

KANSAS.

1859 (sec. 2, art. 3): "The supreme court * * * shall be chosen by the electors of the State." "The term of office * * * shall be six years."

KENTUCKY.

1890 (sec 116): "The judges of the court of appeals shall be elected by districts" and (sec. 112) "shall hold their offices for the term of eight years."

LOUISIANA, TENTH AMENDMENT.

1904 (art. 86): "They" (the chief justice and associate justices) "shall each be elected for a term of 12 years."

MAINE.

1819 (sec. 8, art. 5): "He" (the *governor*) "*shall nominate*, and, with the advice and consent of the council, appoint all judicial officers." (Sec. 4, art. 6): "All judicial officers * * * shall * * * hold their offices for the term of seven years."

MARYLAND.

1867 (sec. 3, art. 4): "The judges of the said several courts shall be elected by the qualified voters in their respective judicial circuits * * * for the term of 15 years."

MASSACHUSETTS.

1780 (art. 9, chap. 2): "All judicial officers * * * shall be nominated and *appointed by the governor*, by and with the advice and consent of the council." (Art. 1, ch. 3): "All judicial officers * * * shall hold their offices during good behavior."

MICHIGAN.

1850 (sec. 2, art. 6): "A supreme court, * * * to consist of one chief justice and three associate justices, to be chosen by the electors of the State. * * * The term of office shall be eight years."

MINNESOTA.

1857 (sec. 3, art. 6): "The judges of the supreme court shall be elected by the electors of the State at large, and their term of office shall be six years."

MISSISSIPPI.

1890 (sec. 145, art. 6): "The legislature shall divide the State into three supreme court districts, and *the governor*, by and with the advice and consent of the senate, *shall appoint* one judge for and from each district." (Sec. 149, art. 6.) "The term of office of the judges of the supreme court shall be nine years.

MISSOURI.

1875 (sec. 4, art. 6): "The judges of the supreme court shall hold office for the term of 10 years," and (sec. 8) "one judge shall be elected at the general election in 1876, and one every two years thereafter."

MONTANA.

1889 (sec. 6, art. 8): "The justices of the supreme court shall be elected by electors of the State at large." (Sec. 7.) "The term of office * * * shall be six years."

NEBRASKA.

1875 (sec. 4, art. 6): "The judges of the supreme court shall be elected by the electors of the State at large, and their terms of office * * * shall be six years."

NEVADA.

1864 (sec. 3, art. 6): "The justices of the supreme court shall be elected by the qualified electors of the State * * * and shall hold office for the term of six years."

NEW HAMPSHIRE.

1902 (art. 45): "All judicial officers * * * shall be nominated and *appointed by the governor and council;* * * * and no appointment shall take place unless a majority of the council agree thereto." (Art. 72.) "All judicial officers * * * shall hold their offices during good behavior."

NEW JERSEY.

1844 (par. 1, sec. 2, art. 7): "Justices of the court of errors and appeals * * * shall be *nominated by the governor,* and appointed by him, with the advice and consent of the senate, * * * and * * * shall hold their offices for the term of seven years."

NEW YORK.

1894: The justices of the supreme court are (secs. 1 and 5, art. 6) chosen "by the electors of the judicial districts." (Sec. 4.) "The official terms of the justices of the supreme court shall be 14 years."

NORTH CAROLINA.

1876 (sec. 21, art. 4): "The justices of the supreme court shall be elected by the qualified voters of the State. * * * They shall hold their offices for eight years."

NORTH DAKOTA.

1899 (sec. 90, art. 4): "The judges of the supreme court shall be elected by the qualified voters of the State at large." (Sec. 91.) "The term of office * * * shall be six years."

OHIO.

1851 (sec. 2, art. 4): "The judges of the supreme court shall be elected by the electors of the State at large, for such term, not less than five years, as the general assembly may prescribe."

OKLAHOMA.

1907 (sec. 3, art. 7): "The State shall be divided into * * * supreme court judicial districts. * * * From each of said districts candidates for justices of the supreme court shall be nominated by political parties, or by petitioners of the respective districts, and such candidates shall be voted for by the qualified voters of the State at large. * * * The candidate from each district receiving the highest number of votes cast in the State * * * shall be declared the justice-elect in said district. * * * The term of office of the justices of the supreme court shall be six years."

OREGON.

1857 (sec. 2, art. 7): "The supreme court shall consist of four justices, to be chosen in districts by the electors thereof." (Sec. 3.) "One or more shall be chosen every two years, to serve for the term of six years."

PENNSYLVANIA.

1873 (sec 2, art. 5): "The supreme court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of 21 years."

RHODE ISLAND.

1842 (sec. 4, art. 10): "The judges of the supreme court shall be elected *by the two houses in grand committee.* Each judge shall hold his office until his place be declared vacant by a resolution of the general assembly to that effect; which resolution shall be voted for by a majority of all the members elected to the house in which it may originate, and be concurred in by the same majority of the other house."

SOUTH CAROLINA.

1895 (sec. 2, art. 5): "They" (the chief justice and associate justices of the supreme court) "shall be elected by a joint *viva voce vote of the general assembly* for the term of eight years."

SOUTH DAKOTA.

1889 (sec. 5, art. 5): "The supreme court shall consist of three judges, to be chosen from districts by qualified electors of the State at large." (Sec. 8.) "The term of said judges shall be six years."

TENNESSEE.

1870 (sec. 3, art. 6): "The judges of the supreme court shall be elected by the qualified voters of the State. * * * His term shall be eight years."

TEXAS.

Amendment adopted Sept. 22, 1891, sec. 2: "Chief justice and associate justices shal be elected by the qualified voters of the State at a general election; shall hold their offices six years."

UTAH.

1895 (sec. 2, art. 8): "The judges of the supreme court shall be elected by the electors of the State at large. The term of office * * * shall be six years."

VERMONT.

Amendment of 1870, art. 26: "The judges of the supreme court shall be elected biennially, and their term of office shall be two years." Article 10 of amendments: "Elected by the *senate and house of representatives,* in joint assembly."

VIRGINIA.

1902 (sec. 91, art. 6): "The judges of the supreme court of appeals shall be chosen by the *joint vote of the two houses* of the general assembly. * * * They shall be elected for the term of 12 years."

WASHINGTON.

1889 (sec. 3, art. 4): "The judges of the supreme court shall be elected by the qualified electors of the State at large. * * * The terms of judges elected shall be for six years."

WEST VIRGINIA.

1872 (sec. 2, art. 8): "They [the judges of the supreme court of appeals] shall be elected by the voters of the State and hold their offices for the term of 12 years."

WISCONSIN.

Amendment of 1877, sec. 4: "The supreme court * * * shall be elected by the qualified electors of the State * * * and hold their offices * * * for the term of 10 years.

WYOMING.

1889 (sec. 4, art. 5): "The supreme court * * * shall be elected by the qualified voters of the State, * * * and their term of office shall be eight years."

It will thus be seen that 36 States elect the judges by popular vote; Connecticut, Georgia, Rhode Island, Vermont, and Virginia *elect* by the general assembly; and Delaware, Maine, Mississippi, New Hampshire, and New Jersey appoint. All of the States have the recall by fixed tenure, except Massachusetts, New Hampshire, and Rhode Island, all of which recall by the legislature. Thirty-two of the States provide by constitution for recall of judges by the legislature.

It is therefore substantially the unanimous opinion of all the States that judges should hold by fixed tenure and be subject to the automatic recall of short terms or by resolution of the legislature.

When the Constitution of the United States was adopted, in many States the legislatures directly elected the judiciary, as in Connecticut, Rhode Island, New York, Delaware, New Jersey, Virginia, North Carolina, and Georgia, and they exercised control over the judges by fixing their term of office "during good behavior," as was done in New Hampshire, Massachusetts, New York, Maryland, North Carolina, South Carolina, and Virginia, and by a short tenure of office of one year, as in Rhode Island, Connecticut, and Georgia, and by the right of recall by an address of the legislature, as in Massachusetts, New Hampshire, Maryland, Delaware, South Carolina, and Pennsylvania.

THE RECALL OF JUDGES BY STATES.

Many of the States have exercised and now exercise the right of recall of the judiciary by the address of the legislatures, for example:

[NOTE.—The volumes and pages enumerated herein refer to Thorp's "American Charters, Constitutions, and Organic Laws."]

ALABAMA.

1819: "The judges of the several courts in this State shall hold their offices *during good behavior;* and *for willful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment,* the governor shall remove any of them on the address of two-thirds of each house of the general assembly." (Sec. 12, art. 5, vol. 1, p. 107.)

"The judges of the several courts of this State shall hold their offices for the term of six years, and for willful neglect of duty, *or other reasonable cause,* which shall not be sufficient ground for impeachment, *the governor shall remove any of them on the address of two-thirds of each house of the general assembly.*" (Amendment to the constitution of 1819, p. 115; first adopted Jan., 1830.)

1865: "The judges of the several courts of this State shall hold their offices for the term of six years; * * * *but for any willful neglect of duty, or any other reasonable cause, which shall not be a sufficient ground of impeachment, the governor shall remove any judge on the address of two-thirds of each house of the assembly.*" (Sec. 12, art. 6, vol. 1, p. 129.)

1867: "The judges of the several courts of this State shall hold their offices for the term of six years; * * * *but for any willful neglect of duty or any other reasonable cause which shall not be sufficient ground of impeachment, the governor shall remove any judge on the address of two-thirds of each house of the general assembly.*" (Sec. 12, art. 6, vol. 1, p. 143.)

1875: "The chancellors, judges of the circuit courts, judges of the probate courts, solicitors of the circuit, and judges of inferior courts from which an appeal may be taken directly to the supreme court *may be removed from office for any of the causes specified*" (habitual drunkenness, incompetency, or any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith) "*by the supreme court,* under such regulations as may be prescribed by law." (Sec. 2, art. 7, vol. 1, p. 171.)

1901: Same as section preceding. (Sec. 174, art. 7, vol. 1, p. 208.)

ARKANSAS.

No express provision relating to recall of judges, except impeachment.

CALIFORNIA.

1879: "Justices of the supreme court and judges of the superior courts may be removed by concurrent resolution of both houses of the legislature, adopted by a two-thirds vote of each house." (Sec. 10, Art. VI.)

Popular recall has passed legislature overwhelmingly.

COLORADO.

No express provision relating to recall of judges, except impeachment.

CONNECTICUT.

1818: "The judges of the supreme court of errors, of the superior and inferior courts, and all justices of the peace shall be appointed by the general assembly, * * * and the superior court shall hold their offices during good behavior, but may be removed by impeachment; and *the governor shall also remove them on the address of two-thirds of the members of each house of the general assembly.*" (Sec. 3, art. 5, vol. 1, p. 543.)

DELAWARE.

1792: "The chancellor and the judges of the supreme court and of the court of common pleas shall hold their offices *during good behavior; but, for any reasonable cause which shall not be a sufficient ground for an impeachment, the governor may, in his discretion, remove any of them on the address of two-thirds of all the members of each branch of the legislature.*" (Sec. 2, art. 6, vol. 1, p. 575.)

FLORIDA.

1838: "The justices of the supreme court and the judges of the circuit courts shall be elected for the term of and *during their good behavior; and for willful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them on the address of two-thirds of each house of the general assembly.*" (Sec. 12, art. 5, vol. 2, p. 672.)

1865: "There shall be appointed by the governor, by and with the advice and consent of the senate, a chief justice and two associate justices of the supreme court of this State, * * * for the term of *six years* * * * unless sooner removed under the provisions of this constitution for the removal of judges by address or impeachment; *and for willful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them on the address of two-thirds of the general assembly.*" (Sec. 10, art. 5, vol. 2, p. 693.)

GEORGIA.

1798: "The judges of the superior court shall be elected for the term of *three years, removable by the governor, on the address of two-thirds of both houses for that purpose,* or by impeachment and conviction thereon." (Sec. 1, art. 3, vol. 2, p. 798.)

1819: "The judges of the superior courts shall be elected for the term of *three years* and shall continue in office until their successors shall be elected and qualified; *removable by the governor, on the address of two-thirds of both branches of the general assembly for that purpose,* or by impeachment and conviction thereon." (Sec. 1, art. 3, vol. 2, p. 804.)

1840: "The supreme court shall consist of three judges, * * * for such term of years as shall be prescribed by law, and shall continue in office until their successors shall be elected and qualified, *removable by the governor, on the address of two-thirds of both branches of the general assembly for that purpose,* or by impeachment and conviction thereon." (Sec. 1, art. 3, vol. 2, p. 806.)

1865: "The supreme court shall consist of three judges, who shall be elected by the general assembly for such term of years, *not less than six,* as shall be prescribed by law, and shall continue in office until their successors shall be elected and qualified; *removable by the governor, on the address of two-thirds of each branch of the general assembly, or by impeachment and conviction thereon.*" (Sec. 1, art. 4, vol. 2, p. 818.)

IDAHO.

No express provision relating to recall of judges, except impeachment.

ILLINOIS.

1870: "The general assembly may, for cause entered on the journals, upon due notice and opportunity of defense, remove from office any judge upon concurrence of three-fourths of all members elected of each house. All other officers in this article mentioned shall be removed from office on prosecution and final conviction for misdemeanor in office." (P. 1033.)

INDIANA.

1816: "The judges of the supreme court, the circuit, and other inferior courts shall hold their offices during the term of seven years, if they shall so long behave well." (Sec. 4, art. 5, vol. 2, p. 1066.)

1851: "The supreme court shall consist of not less than three nor more than five judges. * * * They shall hold their offices for *six years, if they so long behave well.*" (Sec. 2, art. 7, vol. 2, p. 1084.)

1851: "Any judge or prosecuting attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the supreme court, or in such manner as may be prescribed by law." (Sec. 12, art. 7, vol. 2, p. 1085.)

IOWA.

No express provision relating to recall of judges, except impeachment.

KANSAS.

1859: "Justices of the supreme court and judges of the district courts may be removed from office by resolution of both houses, if two-thirds of the members of each house concur, but no such removal shall be made except upon complaint the substance of which shall be entered on the journal, nor until the party charged shall have had notice and opportunity to be heard." (Sec. 15, art. 3, vol. 2, p. 1250.)

KENTUCKY.

1792: "The judges of both the supreme and inferior courts shall hold their offices during good behavior; *but for any reasonable cause which shall not be sufficient ground for impeachment, the governor may remove any of them on the address of two-thirds of each branch of the legislature.*" (Sec. 2, art. 5, vol. 3, p. 1270.)

1799: Same as section preceding. (Sec. 3, art. 4, vol. 3, p. 1284.)

1850: "The judges * * * shall * * * hold their offices for *eight years,* * * * *but for any reasonable cause the governor shall remove any of them on the address of two-thirds of each house of the general assembly.*" (Sec. 3, art. 4, vol. 3, p. 1300.)

1890: Same as preceding section. (Sec. 112, art. 13, p. 1331.)

LOUISIANA.

1812: "The judges both of the supreme and inferior courts shall hold their offices during good behavior; *but for any reasonable cause which shall not be sufficient ground for impeachment, the governor shall remove any of them on the address of three-fourths of each house of the general assembly.*" (Sec. 5, art. 4, vol. 3, p. 1337.)

1845: "The judges of all courts shall be liable to impeachment; *but for any reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any of them on the address of three-fourths of the members present of each house of the general assembly.*" (Art. 73, title 4, p. 1401.)

1852: Same as the section preceding. (Art. 73, title 3, p. 1420.)

1864: "The judges of all courts shall be liable to impeachment; *but for any reasonable cause, which shall not be sufficient cause for impeachment, the governor shall remove any of them on the address of a majority of the members elected to each house of the general assembly.*" (Art. 77, title 5, vol. 3, p. 1439.)

1868: "The judges of all courts shall be liable to impeachment for crimes and misdemeanors. *For any reasonable cause the governor shall remove any of them on the address of two-thirds of the members elected to the general assembly.*" (Art. 81, title 4, vol. 3, p. 1459.)

1879: Same as section preceding. (Art. 93, vol. 3, p. 1485.)

1898: "For any reasonable cause, whether sufficient for impeachment or not, the governor shall remove any officer on the address of two-thirds of the members elected to each house of the general assembly." (Art. 220, vol. 3, p. 1568.)

MAINE.

1819: "All judicial officers * * * hold their offices for the term of *seven years* from the time of their respective appointments (*unless sooner removed* by impeachment *or by address of both branches of the legislature to the executive.*)" (Sec. 4, art. 6, vol. 3, p. 1659.) "Every person holding any civil office under this State may be removed by impeachment for misdemeanor in office; *and every person holding any office may be removed by the governor, with the advice of the council, on the address of both branches of the legislature.*" (Sec. 5, art. 9, vol. 3, p. 1662.)

MARYLAND.

1851: "And one person * * * shall be elected from each of said districts * * * as a judge * * * *subject to removal for incompetency, willful neglect of duty, or misbehavior in office, on conviction in a court of law, or by the governor upon the address of the general assembly, two-thirds of the members of each house concurring in such address.*" (Sec. 4, art. 4, vol. 3, p. 1727.)

——: "*Any judge shall be removed from office by the governor on conviction, in a court of law, of incompetency, of willful neglect of duty, of misbehavior in office, or any other crime;* or on impeachment, according to this constitution or the laws of the State; *or on the address of the general assembly, two-thirds of each house concurring in such address.*" (Sec. 4, art. 4, vol. 3, p. 1760.)

1867: "Any judge shall be removed from office by the governor on conviction, in a court of law, of incompetency, of willful neglect of duty, misbehavior in office, or any other crime; or on impeachment, according to this constitution or the laws of the State; *or on the address of the general assembly, two-thirds of each house concurring in such address.*" (Sec. 4, art. 4, vol. 3, p. 1799.)

MASSACHUSETTS.

1780: Judiciary power.—All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: *Provided, nevertheless,* The governor, with consent of the council, may remove them upon the address of both house of the legislature.

MICHIGAN.

1860: "For reasonable cause, which shall not be sufficient ground for the impeachment of a judge, the governor shall remove him on a concurrent resolution of two-thirds of the members elected to each house of the legislature." (Sec. 6, art. 12, vol. 4, p. 1960.)

MINNESOTA.

No express provision relating to recall of judges, except impeachment.

MISSISSIPPI.

1817: "The judges of the several courts of this State shall hold their offices *during good behavior. And for willful neglect of duty, or other reasonable cause, which shall not be sufficient ground for an impeachment, the governor shall remove any of them on the address of two-thirds of each house of the general assembly.*" (Sec. 9, art. 5, vol. 4, p. 2042.)

1832: "The judges of the several courts of this State, *for willful neglect of duty or other reasonable cause, shall be removed by the governor on the address of two-thirds of both houses of the legislature.*" (Sec. 27, art. 4, vol. 4, p. 2057.)

MISSOURI.

1875: "In case of the inability of any judge of a court of record to discharge the duties of his office with efficiency, it shall be in the power of the general assembly, two-thirds of the members of each house concurring, with the approval of the governor, to remove such judge from office." (Sec. 41, art. 6, vol. 4, p. 2252.)

MONTANA.

No express provision relating to recall of judges, except impeachment.

NEBRASKA.

No express provision relating to recall of judges, except impeachment.

NEVADA.

1864: "For any reasonable cause, to be entered on the journals of each house, *which may or may not be sufficient grounds for impeachment, the chief justice and associate justices of the supreme court and judges of the district courts shall be removed from office on the vote of two-thirds of the members elected to each branch of the legislature.*" (Sec. 3, art. 7, vol. 4, p. 2416.)

NEW HAMPSHIRE.

1784: "All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices *during good behavior,* excepting those concerning whom there is a different provision made in this constitution: *Provided nevertheless, The president, with the consent of council, may remove them upon the address of both houses of the legislature.*" (P. 2466.)

1792: "The president, with consent of the council, may remove them (all judicial officers) upon the address of both houses of the legislature." (Sec. 73, p. 2486.) "*The governor, with consent of council, may remove them (all judicial officers) upon the address of both houses of the legislature.*" (Art. 72, vol. 4, p. 2509.)

NEW JERSEY.

No express provision relating to recall of judges, except impeachment.

NEW YORK.

1846: "Justices of the supreme court and judges of the court of appeals may be removed from office by concurrent resolution of both houses of the legislature, if two-thirds of all members elected to the assembly and a majority of all members elected to the senate concur therein." (Sec. 11, art. 6, vol. 5, p. 2664.)

1894: "Judges of the court of appeals and justices of the supreme court may be removed by concurrent resolution of both houses of the legislature, if two-thirds of all the members elected to each house concur therein." (Sec. 11, art. 6, vol. 5, p. 2719.)

NORTH CAROLINA.

1876: "Any judge of the supreme court or of the superior courts, and the presiding officer of such courts inferior to the supreme court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both houses of the general assembly." (Sec. 31, art. 4, vol. 5, p. 2833.)

NORTH DAKOTA.

No express provision relating to recall of judges, except impeachment.

OHIO.

1851: "*Judges may be removed from office by concurrent resolutions of both houses of the general assembly if two-thirds of the members elected to each house concur therein.*" (Sec. 17, art. 4, vol. 5, p. 2923.)

OKLAHOMA.

No express provision relating to recall of judges, except impeachment.

OREGON.

1857: "*The governor may remove* from office *a judge of the supreme court,* or prosecuting attorney, *upon the joint resolution of the legislative assembly, in which two-thirds of the members elected to each house shall concur, for incompetency, corruption, malfeasance,* or *delinquency in office,* or other sufficient cause, stated in such resolution." (Sec. 20, art. 7, vol. 5, p. 3010.)

Article 2, section 18, of the Oregon constitution provides:

"*Every public officer in Oregon is subject, as herein provided, to recall by the legal voters of the State or of the electoral district from which he is elected.* There may be required 25 per cent, but not more, of the number of electors who voted in his district at the preceding election for justice of the supreme court to file their petition demanding his recall by the people. They shall set forth in said petition the reasons for said demand. If he shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If he shall not resign within 5 days after the petition is filed, a special election shall be ordered to be held within 20 days in his said electoral district to determine whether the people will recall said officer. On the sample ballot at said election shall be printed in not more than 200 words the reasons for demanding the recall of said officer as set forth in the recall petition, and in not more than 200 words the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said special election shall be officially declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed or another. The recall petition shall be filed with the officer with whom a petition for nomination to such office should be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated against any officer until he has actually held his office 6 months, save and except that it may be filed against a senator or representative in the legislative assembly at any time after 5 days from the beginning of the first session after his election. After one such petition and special election no further recall petition shall be filed against the same officer during the term for which he was elected unless such further petitioners shall first pay into the public treasury which has paid such special-election expenses the whole amount of its expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by the legislative assembly, including provision for payment by the public treasury of the reasonable special-election campaign expenses of such officer. But the words 'the legislative assembly shall provide,' or any similar or equivalent words in this constitution or any amendment thereto, shall not be construed to grant to the legislative assembly any exclusive power of law making nor in any way to limit the initiative and referendum powers reserved by the people."

PENNSYLVANIA.

1790: "*The judges of the supreme court, and of the several courts of common pleas,* shall hold their offices *during good behavior. But for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them on the address of two-thirds of each branch of the legislature.*" (Sec. 2, art. 5, vol. 5, p. 2097.)

"*Justices of the peace* * * * shall be commissioned *during good behavior,* but *may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of both houses of the legislature.*" (Sec. 10, art. 5, vol. 5, p. 3098.)

"The judges of the supreme court shall hold their offices for the term of *15 years if they so long behave themselves well.* The *present judges of the several courts of common pleas,* and *of such other courts of record,* * * * *shall hold their offices* for a term of *10 years, if they so long behave themselves well. The associate judges of the courts of common pleas,* shall hold their offices for the term of *5 years, if they shall so long behave themselves well, but for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them on the address of two-thirds of each branch of the legislature.*" (Sec. 2, art. 5, vol. 5, p. 3109.)

1873: "*The supreme court* shall consist of seven judges. They *shall hold* their offices for the term of *21 years, if they so long behave themselves well.*" (Sec. 2, art. 5, vol. 5, p. 3133.)

"*All judges* shall hold their offices for the period of *10 years, if they shall so long behave themselves well; but for reasonable cause, which shall not be sufficient ground for impeachment, the governor may remove any of them on the address of two-thirds of each house of the general assembly.*" (Sec. 15, art. 5, vol. 5, p. 3135.)

RHODE ISLAND.

1842: "*Each judge shall hold his office until his place be declared vacant by a resolution of the general assembly to that effect;* which resolution shall be voted for *by a majority of all members elected to the house in which it may originate and be concurred in by the same majority of the other house.*" (Sec. 4, art. 10, vol. 6, p. 3232.)

SOUTH CAROLINA.

1778: "That *all other judicial officers,* excepting officers of the peace, *shall be chosen* by ballot jointly *by the senate and house of representatives,* and, *except the judges of the court of chancery, commissioned by the governor and commander in chief during good behavior,* but *shall be removed on the address of the senate and house of representatives.*" (Sec 27, vol. 6, p. 3254.)

1868: "*For any willful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any executive or judicial officer on the address of two-thirds of each house of the general assembly.*" (Sec. 4, art. 7, vol. 6, p. 3297.)

1895: Same as preceding section. (Sec. 4, art. 15, vol. 6, p. 3342.)

SOUTH DAKOTA.

No express provision relating to recall of judges, except impeachment.

TENNESSEE.

1834: "*Judges and attorneys for the State may be removed from office by a concurrent vote of both houses of the general assembly, each house voting separately; but two-thirds of all members elected to each house must concur in such vote.*" (Sec 6, art. 6, vol. 6, p. 3435.)

1870: Same as section preceding. (Sec. 6, art. 6, vol. 6, p. 3462.)

TEXAS.

1845: "*The judges of the supreme court and district shall be removed by the governor, on the address of two-thirds of each house of the legislature, for willful neglect of duty or other reasonable cause which shall not be sufficient grounds for impeachment.*" (Sec. 8, art. 4, vol. 6, p. 3554.)

UTAH.

1895: "*Judges may be removed from office by the concurrent vote of both houses of the legislature, each voting separately; but two-thirds of the members to which each house may be entitled must concur in such vote.*" (Sec. 11, art 8, vol. 6, p. 3716.)

VERMONT.

No express provision relating to recall of judges, except impeachment.

VIRGINIA.

1830: "*Judges may be removed from office by a concurrent vote of both houses of the general assembly; but two-thirds of the members present must concur in such vote, and the cause of removal shall be entered on the journals of each.*" (Sec. 7, art. 5, vol. 7, p. 3828.)

1864: "*Judges may be removed from office by a concurrent vote of both houses of the general assembly, but a majority of all members elected to each house must concur in such vote;* and the cause of removal shall be entered of the journal of each." (Sec. 16, art. 6, vol. 7, p. 3868.)

1870: "*Judges shall be removed from office by a concurrent vote of both houses of the general assembly, but a majority of all the members elected to each house must concur in such vote, and the cause of removal entered on the journal of each house.*" (Sec. 23, art. 6, vol. —, p. 3890.)

1902: Same as preceding section. (Sec. 104, vol. 7, p. 3925.)

WASHINGTON.

1889: "*Any judge of any court of record, the attorney general, or any prosecuting attorney may be removed from office by joint resolution of the legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution.*" (Sec. 9, art. 4, vol. 7, p. 3985.)

WEST VIRGINIA.

1863: "*Judges may be removed from office for misconduct, incompetence, or neglect of duty, or on conviction of an infamous offense, by the concurrent vote of a majority of all the members elected to each branch of the legislature, and the cause of removal shall be entered on the journals.*" (Sec. 13, art. 6, vol. 7, p. 4025.)

1872: "*Judges may be removed* from office *by a concurrent vote of both houses of the legislature, when from age, disease, mental or bodily infirmity,* or *intemperance, they are incapable of discharging the duties of their office. But two-thirds of all the members elected to each house must concur in such vote and the cause of removal shall be entered upon the journal of each house.*" (Sec. 17, art, 8, vol. 7, p. 4052.)

WISCONSIN.

1848: "*Any judge of the supreme or circuit court may be removed from office, by address of both houses of the legislature, if two-thirds of all members elected to each house concur therein.*" (Sec. 13, art. 7, vol. 7, p. 4088).

WYOMING.

No express provision relating to recall of judges, except impeachment.

In many of the States the language is used in the constitution that where the offense charged is not sufficient ground for impeachment that judges may be recalled or removed by address of the legislature.

IMPEACHMENT IS MERELY A FORM OF RECALL.

It is not denied that judges should be impeached when guilty of high crimes. All the State constitutions, and the United States Constitution also, provide for this, and it is justified by reason. But impeachment is far more serious than recall. Impeachments involve the conviction for criminal conduct. The recall is a much more benign remedy, and can be invoked where the fault of the judge or the reason for removal is not so great as in the case of impeachment and may be invoked with honor to the judge who has become infirm and who may for his own good be retired on a pension. All of the States provide for recalling judges by impeachment, but this recall carries disgrace.

THE SHORT TENURE OF OFFICE OF A JUDGE IS A FORM OF RECALL.

Mr. President, the short tenure of office is a form of recall, by virtue of which the people who elect judges or have them elected by the legislature, or appointed by the governor, prevent them from becoming a judicial oligarchy, prevent them from becoming tyrannical, and prevent them from becoming judicial rulers or indulging any unseemly exercise of power by recalling them with a short tenure of office.

As I pointed out, three of the States when the Constitution was framed elected judges only for 12 months. It is wonderful, when a careful examination is made, to see how universally the people of this country have provided against judicial oligarchy in the States by a fixed tenure of office. I call attention to this record, giving all of the States in order, the number of years for which the higher State judges are elected, and how elected or appointed, and the number of these States which at the same time, in addition to the short tenure, exercise the right of recall directly through the legislature.

Thirty-four of the States elect judges by the qualified electors, six others elect judges by the general assembly, and only six States appoint by the governor and council. Forty-three States exercise automatic recall by the fixed or short tenure of office and 32 States recall directly by the legislature; and no State

fails to have the right of recall either by the short or fixed tenure or by the legislature.

TENURE OF OFFICE OF STATE JUDGES, ETC.

Alabama, 5 years. Recall by legislature. Elected by qualified electors of State.
Arkansas, 8 years. Elected by qualified electors of State.
California, 12 years. Recall by legislature. Recall by people's vote (pending). Elected by qualified electors of State.
Colorado, 9 years. Elected by qualified electors of State.
Connecticut, 8 years. Recall by legislature. Appointed by general assembly.
Delaware, 12 years. Recall by legislature. Appointed by governor.
Florida, 6 years. Recall by legislature. Elected by qualified electors of State.
Georgia, 6 years. Recall by legislature. Elected by general assembly.
Idaho, 6 years. Elected by qualified electors of State.
Illinois, 9 years. Recall by legislature. Elected by electors of each district.
Indiana, 6 years. Recall as by law. Elected by electors of State at large.
Iowa, 6 years. Elected by qualified electors of State.
Kansas, 6 years. Recall by legislature. Elected by qualified electors of State.
Kentucky, 8 years. Recall by legislature. Elected by districts.
Louisiana, 12 years. Recall by legislature. Elected by electors of State.
Maine, 7 years. Recall by legislature. Appointed by governor.
Maryland, 15 years. Recall by legislature. Elected by electors of districts.
Massachusetts, during good behavior. Recall by legislature. Appointed by governor.
Michigan, 8 years. Recall by legislature. Elected by electors of State.
Minnesota, 6 years. Elected by electors of State.
Mississippi, 9 years. Recall by legislature. Appointed by governor.
Missouri, 10 years. Recall by legislature. Elected by electors of State.
Montana, 6 years. Elected by electors of State at large.
Nebraska, 6 years. Elected by electors of State at large.
Nevada, 6 years. Recall by legislature. Elected by qualified electors of State.
New Hampshire, during good behavior. Recall by legislature. Appointed by governor and council.
New Jersey, 7 years. Appointed by governor.
New York, 14 years. Recall by legislature. Elected by electors of judicial districts.
North Carolina, 8 years. Recall by legislature. Elected by qualified voters of State.
North Dakota, 6 years. Elected by qualified voters of State.
Ohio, 5 years. Recall by legislature. Elected by electors of the State at large.
Oklahoma, 6 years. Elected by electors of judicial districts.
Oregon, 6 years. Recall by people's vote. Elected by qualified electors of State.
Pennsylvania, 21 years. Recall by legislature. Elected by qualified electors of State.
Rhode Island, subject to resolution of general assembly. Recall by legislature. Elected by the two houses in grand committee.
South Carolina, 8 years. Recall by legislature. Elected by joint assembly.
South Dakota, 6 years. Elected from districts by electors of State at large.
Tennessee, 8 years. Recall by legislature. Elected by qualified voters of the State.
Texas, 6 years. Recall by legislature. Elected by qualified voters of the State.
Utah, 6 years. Recall by legislature. Elected by qualified voters of the State.
Vermont, 2 years. Elected by senate and house of representatives in joint assembly.
Virginia, 12 years. Recall by legislature. Elected by general assembly.
Washington, 6 years. Recall by legislature. Elected by qualified electors of State at large.
West Virginia, 12 years. Recall by legislature. Elected by voters of State.
Wisconsin, 10 years. Recall by legislature. Elected by qualified electors of State.
Wyoming, 8 years. Elected by qualified voters of the State.

It will thus be seen that all of the States have an automatic recall of judges by a short tenure of office, excepting Rhode Island, New Hampshire, and Massachusetts, all three of which expressly provide in their constitutions for the recall of judges by the legislature.

New Hampshire has recalled her judges four times, and I understand on grounds of policy. Rhode Island recalled her judiciary—by dropping them at the end of the short tenure—which declared an act of the Rhode Island Legislature unconstitutional.

ALL THE STATE CONSTITUTIONS ARE DEMOCRATIC.

All the State constitutions are Democratic in providing for the recall of the judiciary—by the short tenure, by the recall of the legislature, or by both—and the recall by the vote of the people is used in Oregon, proposed in Arizona, and submitted to the people by the Legislature of California by an overwhelming vote. The senate of California voted in favor of this method of popular recall of judges by 35 to 4 and the house of representatives voted in favor of it by 75 to 0. They had reason, too, in California for this action, because the courts of California had obviously long been the servants of the Southern Pacific Railroad. It was the recall of judges in California, which was threatened by the people of California, that made the court reconsider their action in the case of Abe Reuf and send Abe Reuf to the penitentiary, where he belonged. I should, however, like to say on behalf of Abe Reuf that he has in him, after all, the elements of a man and is rendering good service now in the prison where he is incarcerated in educating, instructing, and uplifting those who are in prison with him.

When I say the constitutions of the States are democratic I use the term "democratic" in a broad sense, for the word "democratic" and the word "republican" are, in reality, the same. The democratic followers of Thomas Jefferson, who stood for the principle of government of the people and by the people, called themselves Republicans, and then they called themselves Democratic-Republicans, and then they called themselves Democrats; while Abraham Lincoln, who favored the initiative and referendum explicitly, and his followers, who believed in the government of the people and by the people, called themselves Republicans. The terms "democratic" and "republican" mean the same thing—a government in which the governing power rests in the hands of the people; a government where the people are sovereign; a government where there is no political "boss," where there is no ruling power handing down to the people the blessings of government, but where all public officials are public servants, trusted by the people with temporary power as public servants and not as rulers of the people.

THE ELECTION AND RECALL OF JUDGES IS JUSTIFIED BY SOUND REASON AND COMMON SENSE.

The election and recall of judges, which I have shown thus to prevail in all of the States of the Union, has been adopted by the various States after discussion and consideration by the best people in the United States, and their action in regard to this matter is justified by sound reason and common sense. Since the establishment of common schools, of high schools, of university privileges—since the establishment of the modern newspapers which penetrate every nook and cranny of the land—since the growth of universal intelligence—why should not the American people elect judges who are to serve them on the bench? If citizens have a civil dispute, do they not naturally arbitrate their differences and choose their own arbiters? And if they are satisfied, who should complain?

If citizens of a village wish to choose their own justice of the peace, why should they not have the right to elect such an official? If the citizens of a county desire to elect the county judge, what sensible reason can be assigned that those whose lives and property are subject to the jurisdiction should not elect the citizen who is a candidate for county judge? Do they not pay him his salary? Are they not self-governing people? Are they not entitled to the unqualified rights of self-government recognized in the Declaration of Independence and in the various bills of rights in the several States? Or have we forgotten the source of authority in this country, and that it springs from the people and does not descend to the people from a governing class? It seems to be necessary, Mr. President, to recall to the Congress of the United States and to the country the principles laid down by the Declaration of Independence, in which it was set forth that the right to govern came from the people and not from the King.

A JUDICIAL OLIGARCHY, OR JUDICIAL RULERS, INDEPENDENT OF THE PEOPLE, NOT CONSISTENT WITH LIBERTY AND SELF-GOVERNMENT AS SET FORTH IN DECLARATION OF INDEPENDENCE AND BILLS OF RIGHTS—THE PEOPLE ARE SOVEREIGN, NOT THE JUDICIARY—THE SOVEREIGN POWER IN THE PEOPLE MUST BE EXERCISED FOR THE WELFARE OF THE PEOPLE.

"The Unanimous Declaration of the Thirteen United States of America," issued July 4, 1776, said:

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends *it is the right of the people to alter or abolish it* and *to institute new government, laying its foundation on such principles* and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

This declaration is a declaration in effect that all powers of government emanate directly from the people. And this right is reiterated in the constitutions of almost every State in the Union, declaring in various forms that all powers of government spring directly from the people. For example:

ALABAMA.

1819: "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and therefore they have at all times an inalienable and indefeasible right to alter, reform, or abolish their form of government in such manner as they may deem expedient."

ARKANSAS.

1836: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends they have, at all times, an unqualified right to alter, reform, or abolish their government in such manner as they may think proper."

CALIFORNIA.

1849: "All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and

they have the right to alter or reform the same whenever the public good may require it."

COLORADO.

1876: "That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."

CONNECTICUT.

1818: "That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and they have at all times an undeniable and indefeasible right to alter their form of government in such a manner as they may think expedient."

DELAWARE.

1792: "All just authority in the institutions of political society is derived from the people and established with their consent to advance their happiness, and they may for this end as circumstances require, from time to time, alter their constitution of government."

FLORIDA.

1838: "That all political power is inherent in the people, and free governments are founded on their authority and established for their benefit, and therefore they have at all times an inalienable and indefeasible right to alter or abolish their form of government in such manner as they may deem expedient."

GEORGIA.

1777: "We, therefore, the representatives of the people, from whom all power originates and for whose benefit all government is intended, by virtue of the power delegated to us, do ordain and declare, and it is hereby ordained and declared, that the following rules and regulations be adopted for the future government of this State."

IDAHO.

1889: "All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same whenever they may deem it necessary, and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature."

ILLINOIS.

1818: "That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness."

INDIANA.

1816: "That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and well being. For the advancement of these ends the people have at all times an unalienable and indefeasible right to alter and reform their government in such manner as they may think proper."

IOWA.

1846: "That all political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same whenever the public good may require it."

KANSAS.

1855: "All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same whenever they may deem it necessary, and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the general assembly."

KENTUCKY.

1792: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper."

LOUISIANA.

1868: "All men are created free and equal and have certain inalienable rights; among these are life, liberty, and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

MAINE.

1819: "All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have, therefore, an unalienable and indefeasible right to institute government and to alter, reform, or totally change the same, when their safety and happiness require it."

MARYLAND.

1776: "That all government of right originates from the people, is founded in compact only and instituted solely for the good of the whole."

MASSACHUSETTS.

The first constitution submitted in Massachusetts was rejected by the people by direct vote at town meetings in the spring of 1779, because it contained no bill of rights, and for other reasons. The next constitution submitted, that of 1780, the people adopted by direct vote at town meetings and by more than two-thirds of all who voted. The bill of rights declares:

BILL OF RIGHTS.

1780: "ARTICLE I. All men are born free and equal, and have certain natural, essential, and inalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

"ART. IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever shall, exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

"ART. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are their substitutes and agents and are at all times accountable to them."

MICHIGAN.

1835: "All political power is inherent in the people.

"Government is instituted for the protection, security, and benefit of the people; and they have the right at all times to alter or reform the same and to abolish one form of government and establish another, whenever the public good requires it."

MINNESOTA.

1857: "Government is instituted for the security, benefit, and protection of the people, in whom all political power is inherent, together with the right to alter, modify, or reform such government whenever the public good may require it."

MISSISSIPPI.

1817: "That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and therefore they have at all times an unalienable and indefeasible right to alter or abolish their form of government in such manner as they may think expedient."

MISSOURI.

1820: "That all political power is vested in and derived from the people."

MONTANA.

1889: "All political power is vested in and derived from the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole."

NEBRASKA.

1866–67: "All men are born equally free and independent and have certain inherent rights; among these are life, liberty, and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

NEVADA.

1864: "All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it."

NEW HAMPSHIRE.

In New Hampshire four constitutions were submitted to the people, who voted directly upon them at town meetings. The first three were rejected (American Political Science Review, Vol. II, p. 549) largely because there were no express limitations upon the power of the legislature—no bill of rights. The bill of rights of the fourth one, that of 1784, declares:

1784: "VII. The people of this State have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled."

NEW JERSEY.

The New Jersey constitution of 1776 declares:

1776: "Whereas all the constitutional authority ever possessed by the Kings of Great Britain over these Colonies or their other dominions was, by compact, derived from the people and held of them for the common interest of the whole society, allegiance and protection are, in the nature of things, reciprocal ties, each equally depending upon the other and liable to be dissolved by the others being refused or withdrawn. And whereas George III, King of Great Britain, has refused protection to the good people of these Colonies, and, by assenting to sundry acts of the British Parliament, attempted to subject them to the absolute dominion of that body, and has also made war upon them in the most cruel and unnatural manner for no other cause than asserting their just rights, all civil authority under him is necessarily at an end and a dissolution of government in each Colony has consequently taken place."

NEW YORK.

The New York bill of rights of 1777 declares:

1777: "I. This convention, therefore, in the name and by the authority of the good people of this State, doth ordain, determine, and declare that no authority shall, on any pretense whatever, be exercised over the people or members of this State but such as shall be derived from and granted by them."

NORTH CAROLINA.

1776: "That all political power is vested in and derived from the people only."

NORTH DAKOTA.

1889: "All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have a right to alter or reform the same when the public good may require."

OHIO.

1802: "That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights * * * and every free republican government being founded on their sole authority, and organized for the great purpose of protecting their rights and liberties and securing their independence; to effect these ends, they have at all times a complete power to alter, reform, or abolish their government whenever they may deem it necessary."

OKLAHOMA.

1907: "All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and they have the right to alter or reform the same whenever the public good may require it."

OREGON.

1857: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness, and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper."

PENNSYLVANIA.

1776: "That the people of this State have the sole, exclusive, and inherent right of governing and regulating the internal police of the same.

"That all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them."

RHODE ISLAND.

1842: "The basis of our political systems is the right of the people to make and alter their constitutions of government."

SOUTH CAROLINA.

1790: "All power is originally vested in the people; and all free governments are founded on their authority, and are instituted for their peace, safety, and happiness."

SOUTH DAKOTA.

1889: "All men are born equally free and independent and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property, and a pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

TENNESSEE.

1796: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper."

TEXAS (REPUBLIC).

1836: "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times an unalienable right to alter their government in such manner as they may think proper."

TEXAS (STATE).

1845: "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times the unalienable right to alter, reform, or abolish their form of government in such manner as they may think expedient."

UTAH.

1895: "All political power is inherent in the people, and free governments are founded on their authority for all their protection and benefit; and they have the right to alter or reform their government as the public welfare may require."

VERMONT.

1777: "That all power being originally inherent in, and consequently derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

* * * * * * *

"* * * and that the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish government in such manner as shall be, by that community, judged most conducive to the public weal."

VIRGINIA.

1776: "That all power is vested in, and consequently derived from, the people."

WASHINGTON.

1889: "All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights."

WEST VIRGINIA.

1861–1863: "The powers of government reside in all the citizens of the State, and can be rightfully exercised only in accordance with their will and appointment."

WISCONSIN.

1848: "All men are born equally free and independent and have certain inherent rights; among these are life, liberty, and the pursuit of happiness; to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

WYOMING.

1889: "All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness; for the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper."

Mr. President, undoubtedly all governing powers spring from the people, and this fundamental fact is recognized universally. One of the most important of the governing powers is the right to elect judges and to recall them when they cease to be satisfactory to the people for any reason whatever, *or without any reason whatever. The people are not called upon to assign any reason in exercising this right of self-government.*

IF JUDGES SHOULD BE APPOINTED FOR LIFE, WHY NOT HAVE SENATORS AND CONGRESSMEN APPOINTED BY THE PRESIDENT FOR LIFE?

If judges for life, why not Senators and Congressmen for life? Why not prosecuting attorneys for life? Why not a President for life? Would it not make them more *independent* of "*popular clamor*"? Would it not thus enable them to be free from the influence of the *prejudices*, *passions*, and *immature views* of the *vulgar populace*? Would they not, under such favorable conditions, make better *rulers* of the people?

But, Mr. President, it is not *rulers of the vulgar populace* we seek. We demand *public servants*, not *rulers*, and we wish these servants to respect the will of the people, and not despise the people, or view them as a "vulgar populace." Let us hear no more of "*popular clamor*"; of the "*turbulence of the democracy*"; of the "*vulgar populace*." The people have more wisdom, more dignity, and more justice than those of their paid servants who indulge such sentiments or voice such views. No man has the right to hold public office and thus offend the confidence of those who trust him with their powers and dignities.

THE RIGHT OF RECALL OF JUDGES IS JUSTIFIED BY REASON AND COMMON SENSE AS WELL AS BY PRECEDENT.

The recall, which has been provided for in so many of the States, as I have heretofore pointed out, is certainly justified by sound reason and common sense. Why should anyone contend that a judge who for any reason is incapacitated to properly serve the people should not be recalled, except by impeachment? Why should anyone insist that a judge who is infirm, disabled, feeble, decrepit, and worn out should not be recalled, except by impeachment?

Should a judge who becomes imbecile, weak of intellect, or a neurotic, retain power to pass upon the life and property of citizens, upon the liberty of citizens, without the possibility of recall except by impeachment? Impeachment is too severe in such a case. The recall may be applied with honor. Such a judge having been faithful might well be recalled and placed upon a pension roll by virtue of his past services. Suppose a judge becomes personally malicious, detestable, and hateful to the people and continually guilty of petty tyrannies, shall they have no relief except by impeachment?

Shall a judge who is a victim of paresis or of a permanent malignant disease continue to wear the ermine and oppress those who have honored him, and they have no remedy? Shall his incompetency, his unfitness, his inefficiency have no remedy except by impeachment? The recall is a much milder system than impeachment. It operates benignly, and may remove a judge who becomes infirm, disabled, or inefficient without disgrace, and it may be exercised with honor to the judge.

I think an honorable judge who has rendered faithful service and who becomes disqualified physically or mentally should be put upon an honorable pension roll, but I do not believe a Supreme Court judge should remain on the bench determining the issues affecting the national life long after his vital forces have departed. I do not see how a man with integrity of mind can insist upon life tenure and no recall when he considers this contingency.

Mr. President, a judge upon the bench is only a human being after all, and he might become intemperate, not sufficiently to justify impeachment, perhaps, but sufficiently to justify recall. He might become mentally incapable or physically incapable, not sufficiently, perhaps, to justify impeachment, but quite sufficiently to justify recall for the benefit of the service.

Such a judge might become corrupt and be so skillful in his corrupt judgments that it would be impossible to impeach; and yet the wisdom of his removal by recall might be beyond doubt.

He might become neglectful, remiss in duty, indifferent, or careless—not sufficiently, perhaps, to justify impeachment, but yet, for the good of the service, sufficiently to justify recall.

He might acquire immoral habits, overbearing manners, insolent behavior—not sufficiently, perhaps, to justify impeachment, but quite sufficiently to justify recall.

Mr. President, there are many degrees of malfeasance and of misfeasance justifying recall which would not justify impeachment. Mr. President, a judge upon the bench is merely a lawyer employed by the people, at a salary, to interpret the law. He does so in the light of his environment, influenced by his education, by his previous political and judicial predilections, influenced by his long practice at the bar. Perhaps he may have been the valued attorney of various powerful corporations, whom he has long served and whose interest in him has led to his preferment on the bench by the skilled influences of commercial interests brought to bear upon the appointing power. Suppose such a judge in a series of decisions uniformly decided cases against the interests of the people, whose servant he had become, and uniformly decided such cases in favor of special privilege, whose paid servant he formerly was. Should the people have no right to recall him except by impeachment? Such a judge may be perfectly conscientious; but will that suffice to justify his continuance in office under such circumstances?

Mr. President, the right of recall of judges is all the more important when we recognize the fact that the big interests of this country have taken infinite pains to bring about the nomination and promotion as Federal judges of those whose opinions and bias of mind were known to be favorable to their point of view.

Whenever a vacancy occurs on the Federal bench, immediately the most lively and active pressure is brought to bear by various business interests in favor of candidates desired by them, and I pause to remark that it is quite immaterial whether such candidate has previously been regarded as a Democrat or as a Republican.

I do not mean to suggest that candidates thus urged are in any degree dishonest or corrupt, although that is always a possibility; but I do mean to say that they are merely human beings. That such candidates have been practicing lawyers, some good lawyers and some not so good, gives them no divine unction of infallibility. That they are influenced and controlled in their opinions by their education and their environment and by the arguments which they have previously been engaged in making is absolutely certain. I do mean to say that corporate interests do seek to place upon the Federal bench and in the State courts those candidates who are known to favor the point of view of the special interests as against the interests of the people, and that I do believe such appointments on the Federal bench are the rule and not the exception.

A short time ago I had the honor of calling the attention of the Senate to an illuminating instance of how judges appointed to discharge the most important work are influenced by their previous environment. This was illustrated by the record of the Electoral Commission of 1877, appointed to determine who should be President of the United States—whether Mr. Tilden, of New York, or Mr. Hayes, of Ohio.

That commission was composed of five Justices of the Supreme Court of the United States—Hon. Joseph P. Bradley, Hon. Nathan Clifford, Hon. Samuel F. Miller, Hon. Stephen J. Field, and Hon. W. Strong; five distinguished United States Senators—Edmunds, Morton, Frelinghuysen, Thurman, and Bayard; and five great leaders of the House of Representatives—Mr. Payne, Mr. Hunton, Mr. Abbott, Mr. Garfield, and Mr. Hoar. This distinguished commission passed upon four contested-electoral cases involving the electoral vote of Oregon, of South Carolina, of Louisiana, and of Florida, a voluminous record, involving many difficult questions, and the remarkable result followed that every one of the 15 followed his previous political predilection, and by a decision of 8 to 7 decided every point of importance in that case and decided the result in each of the four cases in the strictest accord with the previous political opinion of each of these 15 judges sitting upon that electoral commission to determine the Presidency of the United States in the Tilden and Hayes controversy.

It is not necessary to question the integrity of purpose or the sincerity of judgment of any one of the seven great Democrats who sat on that Electoral Commission or of the eight distinguished Republicans who sat on it, but it taught a lesson to this country that men are profoundly influenced by their previous environment and partisan prejudices. These illustrations could be multiplied indefinitely.

Mr. President, this peculiar characteristic of mortal man to be influenced by his previous opinions must not be ignored by prudent statesmen in determining the conduct of government. If the Supreme Bench, consisting of nine excellent gentlemen, should be composed of nine loyal and patriotic Irishmen, they would be unanimously in favor of "home rule" for Ireland, and give most learned reasons for the opinion. Or if this excellent tribunal should consist of nine loyal and faithful Tories, they would conscientiously decide "home rule" to be a dangerous heresy, and give overwhelming arguments why it should be denied. Nor would it be fair or decent to charge them with bad faith for their decisions or opinions. It is a question of previous predilection, of previous fixed opinion, of the point of view which has molded itself in the personal experience of the judge and become a part of him.

A President who could be persuaded to appoint a majority of Irishmen on the Supreme Bench need not be astonished at home-rule decisions. Nor should he be shocked if a Tory bench decide against home rule.

This psychological fact gives a sound reason for the active interest of big business in the appointment of Federal judges. Big business men understand perfectly well the importance of engineering the nomination of judges. Yes, Mr. President, and they understand perfectly well the importance of engineering the nomination of a President of the United States whose honest sympathies and views are in harmony with their point of view, so that such an Executive should be expected to listen with respect and with conviction to the convincing arguments in favor of candidates for the ermine "who are the right kind of people." These amiable gentlemen who engineer nominations "know exactly what they want." As Abraham Lincoln once remarked, "for the kind of people that like that kind of thing, it is the very kind of thing that that kind of people like."

I venture to believe, Mr. President, that the people of the United States have slowly learned to know exactly what they want, and the people will acquire it by peaceful processes, by progressive processes, and, among other agencies, by the right of election and of recall of judges.

THE RECALL JUSTIFIED AS A MEANS OF CONTROLLING A JUDICIAL RULING POWER THAT HAS VIOLATED THE CONSTITUTION OF THE UNITED STATES, VIOLATED THE RIGHTS OF THE STATES, INVADED THE LEGISLATIVE FUNCTION, AND BECOME AN INSTRUMENT OF OPPRESSION THROUGH JUDICIAL LEGISLATION.

The Federal courts have invaded the Constitution and invaded the rights of the States and invaded the legislative function of Congress and of the States, and have become an instrument through which the special interests have been enabled to block all progressive legislation of recent years. The manner in which this has been done has been well explained by James Allen Smith, Ph. D., professor of political science, University of Washington, in The Spirit of American Government; by Hon. Walter Clark, chief justice of the Supreme Court of North Carolina, in his address before the law department of the University of Pennsylvania, April 27, 1906 (Exhibit B); by Gilbert E. Roe, under the title of "Our Judicial Oligarchy," in La Follette's, June 17, 1911, to July 15, 1911; and by other able lawyers and students of government.

I ask permission to add the paper to my remarks as an exhibit and to have it printed as a Senate document.

The PRESIDING OFFICER (Mr. CLAPP in the chair). Without objection, it is so ordered.

Mr. OWEN. The Constitutional Convention, secret and reactionary though it was, four times refused to provide that the Supreme Court should pass upon the constitutionality of acts of Congress, to wit: On June 5, 1787, the proposal received the vote of two States only; on June 6, July 21, and August 15 the proposal was renewed, and at no time received the votes of more than three States.

The eighth resolution, proposed by Mr. Edmund Randolph, of Virginia, to the convention May 29, 1787, was as follows:

Resolved, That the Executive *and a convenient number of the national judiciary* ought to compose a council of revision, *with authority to examine every act of the National Legislature before it shall operate*, and every act of a particular legislature, before a negative thereon shall be final; and *that the dissent of the said council shall amount to a rejection, unless the act of the National Legislature be again passed* or that of a particular legislature be again negatived by —— of the members of each branch. (Elliot's Debates, vol. 1, p. 144.)

Its passage was refused on June 4, 1787 (Elliot's Debates, vol. 1, p. 159), and was rejected on June 6, 1787 (ibid., 164), and in substance was again rejected on July 21, 1787, only receiving the support of three States. (Ibid., 214.)

On August 5, 1787, in another form, the following proposal was made, which was rejected, only receiving three votes:

Every bill which shall have passed the two Houses shall, *before it become a law*, be severally presented to the President of the United States *and to the judges of the Supreme Court for the revision of each*. If, upon such revision, they shall approve of it, they shall respectfully signify their approbation by signing it; but if, upon such revision, *it shall appear improper to either, or both*, to be passed into a law, *it shall be returned*, with the objections against it, *to that House* in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider the bill; but if, after such reconsideration, two-thirds of that House, when either the President or a majority of the judges shall object, or three-fourths where both shall object, shall agree to pass it, it shall, together with the objections, be sent to the other House, by which it shall likewise be reconsidered; and, if approved by two-thirds or three-fourths of the other House, as the case may be, *it shall become a law*. (Elliot's Debates, vol. 1, p. 243.) (The Supreme Court to the contrary notwithstanding.)

This mild provision for *disapproving a law before passage*, which still might pass by a two-thirds vote of Congress, even if disapproved by the Supreme Court was overwhelmingly rejected.

The court now vetoes an act of Congress after it is passed, and a unanimous Congress can not make it constitutional or valid *if the court's action is constitutional*.

Such a provision in the Constitution would have defeated it before the States, yet by slow degrees the Supreme Court has assumed, without constitutional warrant, to declare acts of Congress unconstitutional. The Constitution is one of delegated powers, and it does not delegate the right to declare statutes unconstitutional.

The courts of no republic have such authority. In the great Republics of New Zealand, Australia, Switzerland, and France, and even in the Empires of Great Britain and Germany, Austria, and of Denmark, the courts exercise no such right.

I understand the constitution of Mexico, our great neighbor on the south, directly forbids the courts to declare unconstitutional an act of the Congress of Mexico.

To declare an act unconstitutional passed by Congress is, in effect, to charge the Senators and Congressmen who pass the act on their solemn oaths to observe the Constitution and the President with having violated their oaths of office by passing unconstitutional laws.

Some power must determine the constitutionality of an act. Why not the House and Senate and President, the immediate representatives chosen by the people? They are subject to quick recall, by short tenure of office, if they violate their 483 several oaths to obey the Constitution.

Is it better to place this imperial power in the hands of nine lawyers not elected by the people and holding office for life and not responsible to the sovereign people?

In England the declaring invalid of an act of Parliament was a contributing cause to the hanging of Chief Justice Tresilian for high treason and banishing his associates. Declaring acts of Parliament invalid in 1688 led to the arrest of Chief Justice Jeffreys, the flight of James II, and the revolution, and the act of settlement of 1701, which established the right of recall of judges in the hands of Parliament.

George Jeffreys, chief justice of England in 1683, *aided* in *destroying popular government* in London by pushing on the quo warranto proceedings which deprived London of its charter.

Although chief justice of England he was a bloodthirsty villian of the deepest dye, and in 1685, on the western circuit in

his bloody assize, he condemned hundreds of people to death; he assigned 800 persons to his favorites to be sold as slaves, and imprisoned and maimed hundreds more; yet James II made him lord chancellor and keeper of the great seal. The people rose against him. His master, James II, fled, and Jeffreys was taken to the Tower, where he died.

His great intellectual ability only made more damnable his vicious conduct as chief justice.

The revolution of 1688 led to the act of settlement of 1701, since which time Parliament has exercised the right of recall of English judges.

Thomas Jefferson, in his letter to Mr. Jarvis, in 1820, wisely said:

> You seem to consider the judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine, indeed, and one that would place us under the despotism of an oligarchy.

John Marshall, the famous Chief Justice of the Supreme Court, before he became Chief Justice, declared in the presence of the Supreme Court:

> The legislative authority of any country can only be restrained by its own municipal constitution; this is a principle that springs from the very nature of society, and the judicial authority can have no right to question the validity of a law, unless such a jurisdiction is *expressly* given by the Constitution. (Ware *v.* Hylton, 3 Dall., 211.)

No one pretends that the jurisdiction is *expressly* given by the Constitution, and John Marshall ought to have known it was expressly refused.

In all of the great Governments of Great Britain, Germany, France, Switzerland, and so forth, the Parliament decides the constitutionality of its own acts, being responsible to the suffrage of the people. The Congress of the United States, consisting of 483 elected representatives of the people in the Senate and House, who took a solemn oath of office before Almighty God that they would faithfully observe the Constitution and the President are naturally better qualified and fitted to determine the constitutionality of their own acts, being immediately responsible to their people at home, than any other power. They are better qualified to do this than the nine lawyers comprising the Supreme Court, who are appointed for life, and who are not responsible to the people and who are not elected by the people. The Supreme Court is appointed by the President, the President being nominated by a national convention consisting of delegates three degrees removed from the people, and elected by electors several times removed from the people.

Those who are directly responsible to the people, those who have by constitutional authority the right to make the laws, are charged by the Constitution with the duty of observing the Constitution in making such laws, and they take a solemn oath to perform this very function.

To allow their decisions to be set aside by any tribunal not responsible to the people, not elected by the people, not subject to the recall of the people, or of the people's representatives, is to establish a judicial oligarchy and to overthrow the Republic. It very nearly overthrew the Republic under the Dred Scott decision attempting to nationalize slavery.

To permit the Supreme Court to nullify acts of Congress, declared by Congress to be constitutional, is to permit the judicial branch to overthrow the legislative branch, as it has overthrown the antitrust law without declaring it unconstitutional. No such power was intended by the Constitution to be granted to the judiciary branch. This doctrine was most emphatically denied by President Jackson in the case of the United States Bank, which the Supreme Court attempted to uphold against his policy. Jackson did not permit it, and received the approval of the people of the country.

THE JUDICIAL RULING POWER HAS BECOME A BULWARK OF SPECIAL PRIVILEGE.

> Up to 1887 20 Federal statutes and 185 State statutes had been held invalid by the Supreme Court of the United States alone. This does not include the innumerable State statutes which the lower Federal courts have nullified under the shield of the Supreme Court decisions. This list will be found in One hundred and thirty-first United States Reports, Appendix CCXXXV, and since that time this list has been greatly increased, and the decisions have been most objectionable since 1887. These decisions have usually been made by a divided court, but in some cases the change of a single vote would have completely changed the result. The legislation thus destroyed was practically all carefully devised to meet existing and recognized evils, and enacted in response to an overwhelming demand of the people. (Gilbert E. Roe.)

These various decisions have not only nullified statutes of the greatest importance, passed for the protection of the people, but other decisions have been made, which are, in effect, judicial legislation.

THE GREAT INDUSTRIAL CORPORATIONS HAVE BEEN SHIELDED UNDER THESE DECISIONS, THE CONTROL OF RAILWAYS AND MONOPOLIES OBSTRUCTED, COMPENSATION FOR INDUSTRIAL ACCIDENTS DEFEATED, AND THE ARBITRATION OF INDUSTRIAL DISPUTES STRUCK DOWN, AND VARIOUS STATE STATUTES VETOED AND ABOLISHED.

Out of the great multitude I submit a few instances as illustrations. For example:

In *ex parte* Young, 209 U. S., 123, the attorney general of Minnesota is punished for contempt for performing his duty in obedience to the statute of the State of Minnesota regulating the rates of public-service corporations.

The *statute of Texas* was set aside as unconstitutional in the case of Galveston, Harrisburg & San Antonio Railroad Co. versus the State of Texas (210 U. S., 217), taxing the gross receipts of railroad companies within the State.

The *statute of Kansas* taxing the Western Union Telegraph Co. was set aside in like manner. (216 U. S., 1.)

The *Oklahoma constitution* establishing a corporation commission was declared invalid under the Constitution of the United States by the decision of Justice Hook, March 29, 1911.

Judge Sanborn's decision in the case of Sheppard versus Northern Pacific Railway Co. on April 11 practically destroyed the Minnesota statute providing for the regulation of rates of public-service corporations.

The fourteenth amendment, intended to protect the negro, has been twisted from its purpose to protect the trusts and monopolies in imposing long hours of labor on employees on the absurd theory that to deny the employee the right to work long hours is a denial of his constitutional "privileges."

> Everyone knows that the sole intent and purpose of the people in adding this amendment to the Constitution was to protect the then recently emancipated negroes in their rights of citizenship. The courts, however, have made this amendment include all manner of trusts and corporations and of contracts and practices, none of which were even in the thoughts of the people when they adopted the amendment. In the hands of the courts this amendment has become a shield to protect corporations and combinations of wealth from the legislation aimed at them by an indignant public and also a sword by which statute after statute has been cut down, enacted by the lawmaking branch of the Government in the public interest. (Roe.)

The employers' liability act, for the protection of employees, was held unconstitutional by 5 to 4. (39 Cong. Rec., 11, 1904; 40 Cong. Rec., 93, 1905.)

The compulsory arbitration act, passed as the result of the great strike at Chicago in 1894 and intended to prevent the recurrence of such unfortunate difficulties, was destroyed by the Supreme Court. (Adair *v.* U. S., 208 U. S., 164.)

The workmen's compensation law of New York was, in like manner, destroyed by the New York courts. (Ives *v.* So. Buffalo Ry. Co., 201 N. Y., 271.)

The income tax law was struck down in like manner by the Supreme Court. The serious error of the Supreme Court in this case I heretofore pointed out on the floor of the Senate, where the inhibition of a direct tax on a State was absurdly construed to inhibit a direct tax on a citizen of the United States. (May 7, 1909, Rec., 1821, and May 17, 1909, Rec., 2104.) The decision in this case, by the change of the vote of one judge—of one lawyer in this court, appointed at whose instance we do not know—has cost the mass of the people of the United States a hundred million a year for over 16 years, $1,600,000,000 in all, and relieved those best able to bear the tax of a like amount.

One billion six hundred millions of dollars by the vote of one man, appointed by what influence? We do not know and can not say. No such power ought to be put in the hands of any man. No man not responsible to the people or the representatives of the people ought to have the power to control the fiscal policy of this Nation contrary to the law of the people of the Nation and contrary to the will of the Senate of the United States and the Congress of the United States. No such unconstitutional decision would have been rendered if the court had been subject to recall.

What better evidence could be afforded of the patience, forbearance, and conservatism of the people than that they have so long borne patiently with such a decision?

Mr. Justice Field, in his opinion in this case, spoke of the income tax as "*the present assault upon capital*," and suggested that, if the court allowed it to stand, the time would come when the limitation on the tax on incomes might be designated by "a board of walking delegates." This insolent reference would have justified his impeachment by Congress.

Justice Jackson, on this court, declared this decision "*the most disastrous blow ever struck at the constitutional power of Congress.*"

It must be remembered that Justice Jackson was not a radical nor a Populist.

Justice Brown expressed the fear that the decision, in some moment of national peril, would rise up to "*frustrate the will and paralyze the arm*" of Congress. He said:

> I hope it may not prove *the first step toward the despotism of wealth.* As I can not escape the conviction that the decision of the court in this great case is fraught with *immeasurable danger to the future* of the country, and that *it approaches the proportions of a national calamity*, I feel it my duty to enter my protest against it.

Justice Brown, of the Supreme Court, can not be waived aside as a radical. He was a member of the Supreme Court and an associate of the majority which rendered this decision.

Justice Harlan said it was to be "deeply deplored" "as a disaster to the country," and said:

I can not assent to an interpretation of the Constitution that *impairs and cripples the just powers of the National Government in the essential matter of taxation* and at the same time *discriminates against the greater part* of the people of our country.

Justice Harlan is not a "radical." Justice Jackson, Justice Brown, and Justice Harlan are all conservatives and patriots, and they deserve the thanks of the country for pointing out the dangerous character of the decisions of the Supreme Court in this and other cases.

The most serious feature of this decision was that the real question in the minds of the judges was not its conflict with the Constitution, but *their view of the expediency of the income tax. They thought it bad policy,* and *for that reason found it unconstitutional by an intellectual legerdemain to set aside the unbroken precedents of the Supreme Court itself of this same court for over a hundred years.*

The courts of the country have indeed been in large measure the bulwarks of law and order, and they deserve great praise for their good works, but this does not abate the fact that they also have shown a bias in favor of special privilege, which is highly dangerous to the best interests of the country. The good features should be preserved and the weaknesses of the Federal judiciary should be eliminated.

Mr. President, I am of opinion that the Federal judiciary is the bulwark of special privilege, and therefore anticipate that every organ of special privilege in the country will vigorously denounce the recall of Federal judges. They will say it is radical—that it is revolutionary, that it is populistic, socialistic—even anarchistic. Very well, Mr. President, what have they to say about electing and recalling the judges in the various States of the Union? Are these States to be charged with being anarchistic?

Nearly all the States in the Union elect their judges, and nearly all the States of the Union—43 of the 46—elect them for comparatively short terms, which thus provides for automatic recall by short tenure of office, in addition to which 32 of the States provide the further safeguard of recall through the general assembly, and all 46 States provide for recall by impeachment. It will not do to charge all these States with being radical, extreme, or unsound. They compose the backbone, the brain, and the brawn of this Republic, and their judgment is far more worthy to be relied on than the selfish criticisms of the organs and advocates of special interests concerned in maintaining a bulwark of special privilege.

I know, Mr. President, that I will be denounced for demanding the recall of Federal judges, and I am willing to yield myself to be publicly abused by the organs of privilege if I may to some extent promote the truth and establish the right of the mass of men to their full powers of self-government, which is so essential and necessary before we can hope for a restoration of equality of opportunity, which I regard as the great problem in modern life. I have been a business man and a banker. I believe in stimulating men by encouraging the acquisition of property, by promoting the stability of property. I believe in these things, and for that very reason I am opposed to the gigantic organizations which are slowly undermining the stability of property, which are slowly taking away the opportunity for the mass of men to acquire a reasonable competence, while they promote a policy which permits a few men to appropriate to selfish uses the great volumes of wealth created by the honest labor of the body of the people. I am a conservative, and I am not a radical. It is far better, in my opinion, to urge a fair deal now, before this Republic has gone too far upon the wrong road, as it did do under the Dred Scott decision and the unamendable Constitution in 1861. If the present evils are not corrected we may reach the point where human passion may explode and property rights be subjected to sudden and extreme readjustment.

THE INTERSTATE COMMERCE ACT.

The interstate commerce act has been emasculated by the Supreme Court. Memoranda of the decisions I hereto attach as an exhibit, demonstrating the manner in which it has been steadily depleted and weakened. [Exhibit A.]

THE WHOLESALE LIQUOR INTEREST WAS PROTECTED BY THE SO-CALLED "ORIGINAL-PACKAGE DECISION."

The Declaration of Independence and the principles laid down therein were ignored and reversed in the insular cases, in which this Republic was held to have the imperial power of governing and controlling other people as "*subjects*" to the imperial power of this Republic, not entitled to the rights set forth in the Declaration of Independence and the Bills of Rights of the 46 States.

THE ANTITRUST ACT.

The *Sherman antitrust law has*, by the recent decisions of the Supreme Court in the Standard Oil case and in the Tobacco Trust case by writing in the word "unreasonable," *been effectually destroyed.*

It was loudly proclaimed that the Standard Oil monopoly had been dissolved by this decision. The fact is that the Standard Oil stock immediately went up, instead of down, after this decision was rendered. On May 15, 1911, the day of the decision, it was 679; and on May 19, four days later, it was 686, after the owners of this stock had had time to digest the opinion.

The packers who had been indicted as guilty of a crime, under this statute—Sherman antitrust—immediately offered the defense that their restraint of trade had been reasonable, and as they are entitled to a reasonable doubt, *the criminal part of this statute is made nugatory by the Supreme Court of the United States.* The court has, in effect, vetoed the act of Congress by judicial legislation.

Mr. President, the constant tendency of the Federal courts has been to sustain property rights as against human rights. This has been exhibited not only in recent days but in times long gone by, as in the Dred Scott decision, when the Supreme Court, appointed by the slave-holding interests, nationalized slavery and declared the sacred right of property, under the Constitution, in human beings—a decision which led to war. This Dred Scott decision was to be expected, considering the frailty of human beings, because, with the greatest respect for the attorneys who are appointed as the public servants on the bench, they, too, are but human, being controlled by their environment and by their previous predilections, and if their appointment is obtained by big business the country may be assured that their judgments will be conscientiously delivered in favor of the interests of big business. It would be, in my opinion, an error to impute to the President of the United States, who appoints the judges, any purpose to do wrong in the appointments. He doubtless does what he believes to be conscientious and right under the advice which he receives as to the fitness of men who are appointed. He doubtless listens to "the right kind of people," and they urge "the right kind" of candidates, and obtain "the right kind of judges." "For people who like that kind of thing, it is the very kind of thing that that kind of people like."

Doubtless the high intelligences in control of great commercial enterprises of the country who know their friends urge those for judicial appointment and preferment in whose point of view or in whose bias they know they can confide. We never hear anything about the dishonesty of the Federal judges. They are never charged with bribery or corruption. The danger in the Federal judiciary and in the State judiciary is not that corrupt men will wear the ermine, but that honest men will be put on the bench whose honest convictions are those of Judge Field, *who regarded the income tax as an assault on wealth*, and who believe they have a constitutional duty to paralyze the legislative branch of the Government by declaring its acts unconstitutional or "unreasonable." It is this intellectual strabismus, this perverted sense, conscientiously and sincerely entertained, that has established a judicial oligarchy under a system of appointment for life and the nomination of such persons by artful subterfuge, sophisticated pleading, and occult political tricks.

William J. Bryan, in the July North American Review (p. 13), well says:

Opinion on the trust question is largely a matter of bias; *it is a question for the heart as well as the head. It is a poor head that can not find reasons for doing what the heart wants to do.* It is a fundamental "rule of reason" that a man can generally find a reason—not always conclusive and sometimes not even plausible, but a reason sufficient for himself—for doing anything upon which his heart is really set. If bias is admitted—bias in the President as well as in the judge—it is entirely possible that a President might unconsciously select judges who would, without any previous pledge, agree quite naturally with those who represent their side of the great fundamental issues that divide society. If it *"just happened"* that in the selection of eight judges *all* should take the view of Justice White, and if it is *not* accounted for by bias on great subjects, then it shows what a lottery is conducted at the White House when the President blindfolds himself and picks judges at random, only to find that all the prizes have gone to those who do not fear "reasonable" trusts and none to those who oppose all restraint of trade.

I suppose nobody will deny that President Grant appointed additional judges on the Supreme Court of known opinions for the express purpose of declaring greenbacks constitutional in the legal-tender cases. Indeed, under our system of party government, where a court has been appointed with a bias against the interests of the people, the party representing the people would be justified, if necessary, in enlarging that court by putting on additional judges who believe in the policy of the full and free right of Congress to protect the people against

monopoly, and who do not believe in judicial legislation or in the control of the national policies by a life-appointed judiciary.

THE THEORY OF JUDICIAL INFALLIBILITY.

It has always been the habit of kings and potentates to surround themselves with pomp and ceremony to impress the mass of men with their sacred function. They have claimed to receive the right to rule from God himself, and to rule by divine right. The judge in ancient times wore a huge horsehair wig, silk gown, and ermine. It impressed the people with the enormous dignity of the individual so attired. It raised the presumption of his infallibility. It excited the reverence of men, and so *those who have found their shelter behind a judicial oligarchy have impressed tremendously upon the people of this country the idea of judicial infallibility.* We are taught that we should reverence the courts; that we should not question their judgments, and when the Supreme Court of the United States has spoken it should no more be questioned than we should question the word of God.

I believe that the people should be taught to reverence the judicial branch of the Government, and I believe the judicial branch of the Government should be so framed as to merit reverence. I have a reverence for government. I have a reverence for the judiciary. I have a great respect for the judges on the bench, yet I should not hesitate to vote for the impeachment of a corrupt judge, nor would I hesitate to vote for the recall of a judge who merited recall or a judge who regarded an income tax as an assault on wealth. The theory of judicial infallibility has the same meritorious foundation of truth as Santa Claus. It is a pleasing fiction suitable for very young children.

Four out of five of these distinguished justices and five out of four are constantly assuring the country, with great gravity and decorum, in their various opinions of the honorable and distinguished fallibility of their brethren on the bench. If we take a series of cases, each judge in turn will be found in the minority and will be discovered in the interesting situation of having the majority of the Supreme Court declaring his fallibility. Each judge in turn is proven to be fallible by the Supreme Court of the United States, until not a single justice is left whose fallibility has not been judicially ascertained by a majority of the Supreme Bench of the United States. This is interesting but not surprising, for nobody ever imagined in the first case that the justices on the bench were anything but fallible. In the Legal Tender cases did they not reverse themselves? And was not the court packed by President Grant, with the connivance of Congress, who first reduced the court and then added to it for this very purpose? In the Standard Oil case and the Tobacco Trust case did not the Supreme Court reverse itself and its own decisions in the Inter-Missouri Freight case of 1897 and in the Joint Traffic case in 1898, in which the court expressly refused to write the word "unreasonable" before "restraint of trade"? This fiction of judicial infallibility might as well be abandoned by thinking men.

THE ELECTION AND RECALL OF FEDERAL JUDGES WOULD ELIMINATE STATE JEALOUSY AND BRING INTO MORE HARMONIOUS RELATION THE STATES AND THE NATION.

At present the citizens of the States, because of the aggression of the Federal judiciary, are extremely jealous and impatient because of the power exercised by these Federal officers. They are impatient because these officials are not subject to any control by public opinion. Citizens of the States submit that they are citizens of the United States at the same time, and regard the Federal judges as officers of a quasi alien power, contemptuous and indifferent to the rights of the States.

It is obviously of great importance that the officials of the Nation should be regarded by the people of the Nation as their public servants. If the Federal judges are elected and subject to recall one of the potent causes of friction and suspicion between the States and the Nation would be abated and probably terminated.

THE CONSTITUTIONAL AUTHORITY FOR RECALL.

The Constitution of the United States abundantly justifies both the election and recall of judges. Article II, section 4, provides flatly as follows:

> The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

It is not denied that impeachment can be resorted to as a means of removing any judge by impeachment tried by the Senate. Article I, section 3, paragraphs 6 and 7, requires a concurrence of two-thirds and is a difficult and impracticable method.

The deep disgrace of impeachment is, indeed, made mandatory by the Constitution on the conviction of "high crimes and misdemeanors," but the Constitution provides otherwise for "punishment according to law," which may be more benign for lesser faults or shortcomings. The Constitution says:

> But the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

The law, of course, is to be passed by Congress, so that Congress may pass a law under the Constitution for the punishment of any misconduct or misbehavior, which is a punishment to be inflicted in addition to the right of impeachment.

The Constitution provides both for impeachment and punishment otherwise. It provides for indictment, trial, judgment, and punishment, and obviously contemplates that all civil officers of the United States may be removed from office on impeachment or may be otherwise subject to indictment, trial, judgment, and punishment according to law, or both to impeachment and trial otherwise. Congress is charged with all the legislative power of the United States, and under the Constitution has provided for the recall of other civil officers of the United States, and can do so as to the judges.

The Congress of the United States was authorized to ordain and establish one Supreme Court and such inferior courts as it might find suitable, in which should be vested the judicial power of the United States.

Article III, section 1:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

It is to be observed that the judges hold office "during good behavior," and not during bad behavior; that they receive for their services a compensation which shall not be diminished "during their continuance in office" nor paid beyond their "continuance in office." If they are discontinued, the compensation ceases, but while they continue their compensation shall not be diminished. They hold office "during good behavior," not during bad behavior. In Massachusetts and New Hampshire judges hold *likewise* "*during good behavior*," and are recalled by the legislature or general assembly of the people.

With this understanding, which is fairly interpreted by the like stipulations of the various State constitutions, there should be no doubt of what the States intended when they ratified this Constitution providing for "the continuance in office" "during good behavior."

Many of the States at that time had the provision that the judges should hold office "during good behavior," subject to recall by the legislature, while Connecticut, Rhode Island, New York, Delaware, New Jersey, Virginia, North Carolina, and Georgia elected the judges by the legislature, and Rhode Island, Connecticut, and Georgia only permitted them to hold office for one year at a time, when they were automatically recalled by the short tenure. Massachusetts, New Hampshire, Maryland, Delaware, South Carolina, and Pennsylvania expressly provided for the right of recall by an address of the legislature.

In the original States, which provided for the holding of office "during good behavior," New Hampshire provided by its constitution (1784 and 1792) for the removal of judges *without expressed cause* by address of the legislature, and has recalled them four times during its history.

In New York judges can be removed by address of the legislature *without assigning cause.*

In Maryland, where they hold office "during good behavior," they are removable by an address of the legislature of the general assembly.

In North Carolina, where they hold office "during good behavior," they are removable by an address of the general assembly.

In South Carolina, where they hold office "during good behavior," they are removable by an address of the legislature, and in Virginia, where they hold office "during good behavior," they can be removed by an address of the general assembly, and so forth. Thirty-two States so recall their judges.

Who is responsible for the theory that judges can not be removed *except by impeachment?* Certainly they can be removed by impeachment, but who will maintain that they may not be removed under an act of Congress providing a suitable method?

Congress is authorized by the Constitution (Art. III, sec. 1) to ordain and establish the Supreme Court and the inferior courts. By the judiciary act of September 24, 1789 (1 Stat., 73), it did ordain and establish these courts, designating how many judges should be on the court, providing them with suitable conveniences, fixed the time when they should hold office and the place where they should hold office, providing their salary, and annually thereafter made the appropriation to keep them in office and compensate them for their services.

Congress has, since then, increased the number of judges of the Supreme Court. It has diminished the number of the

Supreme Court, as it did in the Legal Tender cases, to 7 judges, and thereafter increased the number again to 9 judges (Apr. 10, 1869), and obviously under the law could provide for 25 judges on this bench or 75 or diminish it to 3 judges. It certainly has the *legal power* to refuse to appropriate its salaries if it wants to do so.

The exercise of such powers as I have enumerated—the power of impeachment, the power to ordain and establish the court, to determine the number of judges on the bench, the power to pay or withhold salaries, to determine when it shall sit and where it shall sit—certainly carries with it the smaller and lesser power of recalling judges from the bench for bad behavior and to determine what bad behavior is.

WHO SHALL DETERMINE THE TENURE "DURING GOOD BEHAVIOR."

Mr. President, who is to determine "good behavior"? Is the court to do it? This would be absurd. Yet the power to determine "good behavior" must be somewhere. Does the Constitution not contemplate that the legislative branch, which ordains and establishes the court, which may increase or diminish the number of these judges, should have the right of determining what the "good behavior" is of these public servants, whose salaries are provided for by Congress annually? The Constitution put abundant power in the hands of the legislative branch, and the Legislature, consisting of 483 sworn Members of the House of Representatives and of the Senate, directly elected by the 90,000,000 of people of the United States, has the power to determine the "good behavior" of these judicial officers, and ought to declare it in terms most explicit, and when the right of removal for bad behavior is declared we shall have no more trouble with the conduct of the courts.

Recall would be more dignified than putting a sufficient number of new judges on the Supreme Bench (an undenied constitutional power) to reverse offensive unconstitutional decisions.

We are considering the question of *power in Congress*, not the wisdom of its possible exercise.

Congress, having power to establish this court, to provide for the appointment of judges during good behavior, and to pay them during their continuance in office, has a right, in my judgment, to recall them for bad behavior and discontinue their office and terminate their pay, and, in my judgment, the time has come to declare the right to exercise this authority.

When the right to exercise this power has been declared the need to exercise the power will immediately cease.

PUBLIC OPINION OF JUDICIAL ABUSE.

Mr. President, the country has been profoundly disturbed by the aggression of the courts, by the nullification of acts of Congress on alleged constitutional grounds, by judicial legislation, even where the constitutionality of the act was conceded, and by the other judicial aggressions I have pointed out.

The Republican platform of 1908, representing the great political party, declares against certain injunctions by the court.

The Democratic platform (1908) protests against the government by injunction.

The Independence Party (1908) condemns the arbitrary use of injunctions and contempt proceedings by the courts as a violation of the fundamental American right of trial by jury.

The People's Party of 1908 emphatically condemned the unjust assumption of authority by inferior Federal courts into nullifying by injunction the laws of the State and demanding its prohibition, and so forth.

The Socialist Party, casting half a million votes and representing two and a half million people in 1908, said "our courts are in the hands of the ruling classes."

But what difference does it make, Mr. President, whether the Republican Party protest or not; whether the Democratic Party, the Independence Party, the People's Party, and the Socialist Party protest against the aggression of the Federal judiciary, if these judges are appointed for life and can not be recalled? This court and its judicial dominance will long outlive any of these parties if this court, uncontrolled, can declare acts of Congress unconstitutional; if this court can, by judicial legislation, veto acts which are conceded to be unconstitutional, unless Congress has the right of recall. The remedy for the complaints of these five great political parties is the right of recall. It is a benign remedy; it is a constitutional remedy; it is the remedy of common sense and sound reason; it is a remedy, the example for which we have in all the States of the Union, either by short or fixed tenure or the right of recall. The whole court procedure, the manner in which difficulties are interposed in the way of obtaining justice, has practically made justice almost impossible to be obtained in the United States, and it is largely the fault of the judiciary and of the striking fact that they are not subject to the power of public opinion. Mr. President, they do not willingly permit free criticism. The jail is easily open to any man who ventures to express an opinion unfavorable to the courts. A jury trial is denied in such cases, and tyranny is thus exercised by judges on the bench, under color of protecting the bench.

Mr. Roosevelt, before the Colorado Legislature, pointed out the grave danger in recent court decisions in defeating humane laws, and stated:

If such decisions as these two indicated the court's permanent attitude, there would be really grave cause for alarm, for such decisions, if consistently followed up, would upset the whole system of popular government—

And he referred to such decisions as—

flagrant and direct contradictions to the spirit and needs of the time.

Miss Jane Addams, the great sociological authority, points out that—

The workingmen's growing distrust of the integrity of the court, the belief that the present judge had been a corporation attorney, that his sympathies and experience, and his whole view of life is on the corporation's side.

President Taft, in his speech of September 16, 1909, is reported by the press of the city in which he spoke to have said:

Of all the questions that are before the American people I regard no one as more important than this, to wit, the improvement of the administration of justice. We must make it so that the poor man will have as nearly as possible an equal opportunity in litigating as the rich man; and under the present conditions, ashamed as we may be of it, this is not the fact.

Gilbert E. Roe, in a series of cases, demonstrates that the poor man is not on an equality with the rich man under the law expounding the "assumption of risk" by the poor employee and the rule of negligence of a fellow servant, and so forth. (La Follette's, July 29, 1911.)

The Hon. Walter L. Clark, chief justice of the Supreme Court of North Carolina, recently said (Arena, November, 1907):

At the present time the supreme power is not in the hands of the people, but in the power of the judges, who can set aside at will any expression of the people's will, made through an act of Congress or a State legislature. These judges are not chosen by the people nor subject to review by them. This is arbitrary power, and the corporations have taken possession of it by simply naming a majority of the judges.

Justice Clark also said, in his address at the University of Pennsylvania April 27, 1906, in referring to the Supreme Court:

A more complete denial of popular control of this Government could not have been conceived than the placing of such unreviewable power in the hands of men not elected by the people and holding office for life.

The Hon. William J. Bryan, in commenting on the Standard Oil case and the judicial legislation of the court, says:

If the Supreme Court is to become a legislative body, what reason can be given for not making it elective also? The people would submit much more willingly to judicial legislation if they had a chance to elect the judges for fixed terms. Will they consent to legislation on important questions by a court whose members are not only appointed by the President but appointed for life?

Justice Harlan, in the Standard Oil and Tobacco Trust cases, said:

Nobody can tell what will happen. When the American people come to the conclusion that the judiciary of this land is usurping to itself the functions of the legislative department of the Government, and by judicial construction only is declaring what is the public policy of the United States, we will find trouble. Ninety millions of people—all sorts of people with all sorts of opinions—are not going to submit to the usurpation by the judiciary of the functions of other departments of the Government and the power on its part to declare what is the public policy of the United States.

Mr. President, the Hon. Peter S. Grosscup, judge of the United States circuit court of appeals since 1899, says (North American Review, July, p. 9), in speaking of the Supreme Court in the Standard Oil and Tobacco Trust cases and of the Sherman Act:

As a weapon it will look dismantled. As a mere weapon it is dismantled. * * * But it was a gun that, whatever the terror of the explosion, never fired anything other than blank cartridges. And in the development of ways to secure to the ordinary man his rights in the world in which he lives, this formidable looking weapon, dismantled and abandoned, is of infinitely greater service than when in fruitless action, for though it accomplished for the ordinary man nothing that really counted, it kept him and those who have his interest in mind from looking elsewhere for immediate needs against existing wrongs.

This is magnificent. It is exceeding judicial frankness. I agree with the Hon. Peter S. Grosscup "that this decision is an event—a turning event in the life of the Nation."

Mr. President, in considering *the life tenure* and *freedom from control* of the Supreme Court I remind the Senate of the language of the Republican national platform when it criticized the Supreme Court of the United States on the Dred Scott decision, as follows:

The new dogma, that the Constitution, of its own force, carries slavery into all of the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent; is revolutionary in its tendency and subvertive of the peace and harmony of the country. (National Conventions, McKee, 114.)

The great Lincoln, who ran on this platform, in his famous speech in Chicago July 10, 1858, severely criticized this decision, this fatal decision, which brought on the great war.

The sacredness that Judge Douglas throws around this decision is a degree of sacredness that has never been before thrown around any other decision. I have never heard of such a thing. Why, decisions apparently contrary to that decision, or that good lawyers thought were contrary to that decision, have been made by the very court before. It is the first of its kind; *it is an astonisher* in legal history. *It is a new wonder of the world. It is based upon falsehood*, in the main, as to the facts—allegations of facts upon which it stands are not facts at all in many instances—and no decision made on any question—the first instance of a decision made under so many unfavorable circumstances—thus placed, *has ever been held by the profession as law*, and it has always needed confirmation before the lawyers regarded it as settled law. But Judge Douglas will have it that all hands must take this extraordinary decision, made under these extraordinary circumstances, and give their vote in Congress in accordance with it, *yield to it and obey it in every possible sense. Circumstances alter cases.* Do not gentlemen here remember the case of *that same Supreme Court*, some 25 or 30 years ago, *deciding that a national bank was constitutional.* I ask if somebody does not remember that a national bank was declared to be constitutional? Such is the truth, whether it be remembered or not. The bank charter ran out and a recharter was granted by Congress. That recharter was laid before Gen. Jackson. *It was urged upon him, when he denied the constitutionality of the bank, that the Supreme Court had decided that it was constitutional;* and Gen. Jackson then said the Supreme Court *had no right to lay down a rule to govern a coordinate branch of the Government*, the members of which had sworn to support the Constitution; that each member had sworn to support that Constitution as he understood it. I will venture here to say that I have heard Judge Douglas say that he approved of Gen. Jackson for that act. What has now become of all his tirade against *resistance to the Supreme Court?*

And this opinion of Lincoln was prophesy. The decision did not stand. The decision could not stand, although made by judges holding for life and who were never held responsible to the people or by the people for the fatal issues of their conduct. No; the judges dropped out of sight. People forgot them in the dust and blood and excitement of the battle field. But they were the honorable and irresponsible gentlemen who conscientiously threw the switch and ditched the national express train. All hail to the irresponsible power that can wreck the Nation without personal responsibility! The question is: Shall this irresponsible power continue?

Hon. Peter S. Grosscup, United States circuit judge, of Chicago, referring to the late Standard Oil decision, says of the antitrust act of 1890: "*As a mere weapon* it is dismantled; but it was a gun that "*never fired anything other than blank cartridges*"; and Judge Grosscup knows, for he was one of the gunners. Why was the grand jury not instructed by the Federal judges to indict the trust criminals, among others the beef packers of Chicago, who, in conspiracy, for 21 years during the life of this statute, have been stealing millions from the farmers and cattle producers. The trusts have not been afraid of the gun, because they knew the gunners "never fired anything other than blank cartridges." Such gunners ought to be subject to election and recall.

THERE MUST BE A FINAL TRIBUNAL TO SETTLE DISPUTED QUESTIONS; AND WHY NOT THE SUPREME COURT?

This is the narrow argument which persuades many thoughtful, good citizens that the Supreme Court ought to have the right of finally determining all disputed questions.

The answer to this is that so long as the Supreme Court is merely passing upon titles to property or the meaning of the law affecting common rights, but not determining national policies, the Supreme Court is a convenient tribunal for final determination of such disputes; but when it is necessary to determine a national policy such as an income tax or whether monopoly shall control the people of the United States or be controlled *by* the people of the United States, the final power in that case is vested in the people of the United States, who are sovereign and who declare the national policies through their lawmaking Representatives elected by them and sent to Congress for that purpose.

The people of the United States have never delegated to the Supreme Court of the United States the determination of national policies, and when that court, by the Dred Scott decision, nationalized slavery, under a Constitution not amendable, the question of policy was settled by the people of the United States on the battle field in the blood and tears and grief and disaster of the Nation.

I agree, Mr. President, that there must be some final power to determine disputed questions, but I assert without fear of successful contradiction that the final power on national policies is vested in the sovereign people and their elected representatives.

I assert that the final power is vested where the constitution of every State in the Union has placed it, as I have abundantly shown by the various bills of rights of the 46 States, which uniformly declare that the sovereign power is in the people.

It ought not to be left, as a matter of policy, in the hands of a few lawyers on the supreme bench, who are not elected by the people, who are not nominated by the people, but who are nominated at the instance, perhaps, of big business by an Executive officer—the President, who himself, by the Constitution of the United States and by the practice of political parties, is twice removed from the people in his election and four times removed from the people in his nomination.

All men who are informed with regard to the strenuous struggle, to the skillful lobbying, and ingenious pressure brought to bear in the scramble to nominate judges for the Supreme Bench will know that these nominations are brought about by great pressure and by the strenuous activity of persons interested. It is true that this lobbying and pressure is given little or no publicity, but secrecy is no virtue in a self-governing republic. If the final sovereign power of this Republic is to vest in a judicial oligarchy, then the science of Government is reduced to the skillful nomination and selection of these judges, who will be thus made the final ruling power.

When the people of the United States, who are the sovereign power, demanded an income tax, and the Congress of the United States, consisting of over 480 Senators and Members of the House, on their oaths of office declared the act was constitutional, and when the President of the United States declared the act was constitutional, the Supreme Court, consisting of a few lawyers nominated in this way, declared that it was unconstitutional, by a divided court. Three of the judges on that court at least declared in effect that the decision of their associates was a national disaster. The people of the United States, who were the SOVEREIGN POWER, had their will vetoed by this court, which, in my opinion, had no right to declare unconstitutional this act of Congress. Congress is responsible to the people of the United States if it violates or appears to violate the written Constitution, which it is solemnly sworn to observe.

I believe in the sovereignty of the people of the United States and not in the sovereignty of any judicial tribunal appointed for life. I therefore believe that they should be subject to recall, as the Constitution authorizes.

THE CASE OF WILLIAM MARBURY V. JAMES MADISON.

In this case the court held that an act of Congress repugnant to the Constitution can not become a law; yet John Marshall, in this case, although declaring that the mandamus was the proper remedy to compel the Secretary of State to deliver a commission to which the party was entitled, refused to issue the mandamus to the Secretary of State on the ground that the Supreme Court of the United States could not exercise an original jurisdiction not warranted by the Constitution. The court rests its decision in this case on the ground that the Constitution, being the paramount and supreme law, the court is bound by it; that the courts can not close their eyes to the Constitution; and that such a doctrine would subvert the foundation of all written constitutions.

In delivering the opinion, Marshall said:

Those, then, who controvert the principle that the Constitution is to be considered in court as the paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law.

This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, according to the principles and theory of our Government, is entirely void is yet in practice completely obligatory. It would declare that if the legislature shall do what is expressly forbidden such act, notwithstanding the express prohibition, is in reality effectual. *It would be giving to the legislature a practical and real omnipotence*, with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits and declaring that those limits may be passed at pleasure.

That it thus reduces to nothing what we have deemed the greatest improvement on political institutions, a written constitution would of itself be sufficient in America, where written constitutions have been viewed with so much reverence, for rejecting the construction. (1 Cranch., 178.)

The court obviously believes it would be *dangerous and* would *give a practical and real omnipotence to the legislature* to allow the legislature, consisting of the directly elected representatives of the people, directly responsible to the people on their oaths to obey the Constitution, to determine the constitutionality of their own act. *Somebody must have* what the court calls "*the practical and real omnipotence*" of determining the constitutionality of an act, and therefore *the court took the "practical and real omnipotence" out of the hands of Congress and appropriated it as an attribute of itself.*

That the court has arrogated this power to itself has been observed by many able men in recent years. Perhaps no one has more clearly expressed this than Prof. Smith in The Spirit of American Government:

Through the sole right to exercise this power (to interpret the Constitution) *our Federal judiciary has become in reality the controlling branch of our Government.* * * * Our Supreme Court thus has what virtually amounts to the power to enact as well as the power to annul. Congress can legislate only with the consent of the Federal judiciary; but the latter, through its control over the interpretation of the Constitution, may in effect legislate without the consent of the other branches of the Government, and even in opposition to them. Under the guise of an independent judiciary we have in reality an in-

dependent legislature, or rather an independent legislative and judicial body combined. This union of sovereign legislative authority and ordinary judicial functions in the same independent body is a significant and dangerous innovation in government.

President Hadley, of Yale, asks the startling question whether the work of the courts is to be undone by constitutional amendment, by the courts themselves overturning their own decisions, or by a revolution?

Mr. President, the remedy for this condition which the country faces—of a judicial oligarchy—*is not revolution.* The remedy may not be expected from the Federal judiciary itself, holding by life tenure and subject to no controlling power at the hands of the people. They will not under such circumstances reverse their own decisions. They will not cease to be nominated, and proposed, and urged, and appointed through the influence of special interests. Their decisions will continue to reflect their honest previous predilections and bias by virtue of which they were nominated.

Amending the Constitution would afford a remedy, and it is of the greatest importance that the Constitution of the United States should be amended, and should be made fundamentally and thoroughly democratic in the amendment.

And upon this remedy I hope at an early day to present to the Senate reasons justifying the constitutional amendment which I have already submitted for the consideration of the Senate.

But we have an immediate remedy against the aggression of the judicial oligarchy which has slowly grown up in this country, and that remedy I have proposed—the right of election and recall of the Federal judiciary. This reform will make the Federal system harmonious with the various States of the Union, all of whom, as I have abundantly shown, elect for short terms of office, subject to recall. The Federal Government, consisting as it does of the powers of the several States, may well follow the opinions of the people of the several States in the control of the judiciary by short tenure and by recall.

But, Mr. President, *the great substantial remedy which this country needs to protect the people against the dangerous menace of accumulated wealth in a few hands,* which in the history of the world has always been the precursor of revolution, *is a prompt return to the fundamentals of democracy, to a government of the people, by the people, and for the people; to a government by majorities, and not a government of minorities,* against which I have justly complained. To restore a government of the people, by the people, and for the people, *the people themselves, outside of constitutional amendment,* and outside of revolution, as suggested by President Hadley, *have found a peaceful path through the initiative, referendum, and recall; through the direct primary; the direct election of Senators; through the corrupt-practices act; through the commission form of government for cities and the local initiative, referendum, and recall;* and *through the direct control and instruction of party delegates.*

Political parties make declarations of principle in national conventions by party platforms which they are unable to carry out because of an iron-bound Federal Constitution which never permits of any one party having a majority to govern or make good its promises, any and all parties being always capable of being defeated under the minority rule provided by the Constitution itself.

It is the rule of the minority which we must put an end to, and the fraudulent methods by which the minority has always ruled must be terminated, as they soon will be by the gigantic, progressive movement that is sweeping the country; that has inspired the Democracy; and which is penetrating the inner councils of the Republican Party itself.

The remedy which is acknowledged by all of enlarging the Supreme Court to any number and putting judges on that bench who are harmonious with the latest expression of the will of the people of the United States is confessedly available under the Constitution, but such a remedy by a self-governing nation I should regard as undignified and not to be adopted until all other remedies were exhausted.

It is not necessary to wait for constitutional amendment to obtain relief against the aggression of the Federal bench. That can be accomplished, as I have shown, under the authority of the Constitution and in accordance with the principles of government laid down by all of the States of the Union, which obviously would approve a system applied to the Federal bench which they have enacted for the control of the State bench within their own borders. The people of the United States, in 43 States, have shown their views by actually providing in their constitutions for the election of the State judges for fixed terms of office, usually short terms, from two to six years.

In addition to the automatic recall by short tenure of 43 States, 32 States provide for the recall of judges by the legislatures, as Alabama, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nevada, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin; and Oregon recalls by the vote of the people, which is also proposed by California and Arizona.

In the States where the judges are appointed by the governor—Delaware, Maine, Massachusetts, Mississippi, New Hampshire, and New Jersey—all provide for the recall by the legislature except New Jersey, and New Jersey has a short tenure. In Connecticut, Georgia, Rhode Island, South Carolina, Virginia, and Vermont, where they are elected by the legislatures, they are subject to recall by the legislature, except in Vermont, where their tenure of office is only two years.

Is it possible that all of the States of the Union are wrong in their view of the necessity of controlling the judiciary by the popular vote? And if they be right, Mr. President, by what reasoning do the Senators on this floor representing those States disregard or lightly set aside the ascertained views of policy of the people of their own States?

EXHIBIT A.

INTERSTATE COMMERCE CASES IN THE UNITED STATES SUPREME COURT—DECISIONS OF THE UNITED STATES SUPREME COURT ADVERSE TO THE INTERSTATE COMMERCE COMMISSION; CASES HAVING TENDENCY TO NARROW AUTHORITY OF THE COMMISSION, OR HAVING TENDENCY TO WEAKEN ACT TO REGULATE COMMERCE.

[NOTE.—Reference is made to ruling of commission where it has been deemed advisable for a clearer understanding of the court's decision. The commission's ruling is placed in parentheses.]

I. C. C. v. B. & O. R. R. Co., 145 U. S., 263 (May, 1892).

(In P. C. & St. L. Ry. Co. v. B. & O. R. R. Co., 3 I. C. C., 465, the commission held party rates were unlawful and discriminatory.)

The Supreme Court held that party rates were not unlawful. The court said that while section 22 provided that discrimination in favor of certain persons named should not be deemed unjust, it did not forbid discriminations in favor of others under circumstances so substantially alike as to justify the same treatment.

C., N. O. & T. P. Ry. Co. v. I. C. C., 162 U. S., 184 (March, 1896).

The Supreme Court held that the commission was not empowered to fix rates in advance.

T. & P. Ry. Co. v. I. C. C., 162 U. S., 197 (March, 1896).

(In New York Board of Trade v. P. R. R. Co., 4 I. C. C., 447, the commission held that it was unjust discrimination not to accord equal rates and equal facilities to domestic traffic as accorded to foreign traffic between ports of entry and place of destination in the United States.)

The Supreme Court held that there was no undue discrimination.

I. C. C. v. C., N. O. & T. P. Ry. Co., 167 U. S., 479 (May, 1897).

The Supreme Court held that the commission had no power to prescribe rates, either maximum, minimum, or absolute.

I. C. C. v. D., G. H. & M. Ry. Co., 167 U. S., 633 (May, 1897).

(In Stone & Carten v. D., G. H. & M. Ry. Co., 3 I. C. C., 613, the commission held it unlawful, as in the nature of a rebate, to grant free cartage without tariff authority; it was also held a violation of section 4 to grant free cartage at the farther-distance point where the rate to the shorter-distance point, together with the cartage charge, amounted to more than the rate to the farther-distance point where free cartage was granted.)

The Supreme Court held that the failure to publish the free-cartage privilege was not a violation of the act, and that there was no violation of section 4.

I. C. C. v. Ala. Mid. Ry. Co., 168 U. S., 144 (November, 1897).

(In Board of Trade of Troy v. Ala. Mid. Ry. Co., 6 I. C. C., 1, the commission held that the greater charge to the shorter distance point was discriminatory and in violation of sec. 4.)

The Supreme Court held that there was no violation of the act because of competition of rival carriers. It was also held that the commission had no power to prescribe rates, either maximum, minimum, or absolute.

L. & N. R. R. Co. v. Behlmer, 175 U. S., 648 (January, 1900).

(In Behlmer v. M. & C. R. R. Co., 6 I. C. C., 257, the commission held that competition of carriers and of markets did not justify greater charge to shorter distance point. The rate adjustment was held to be in violation of sec. 4.)

The Supreme Court held that material competition arising from carriers subject to the act can be taken into consideration for the purpose of determining the dissimilarity of circumstances and conditions.

E. T., V. & G. Ry. Co. v. I. C. C., 181 U. S., 1 (April, 1901).

(In Chattanooga Board of Trade v. E. T. V. & G. Ry. Co., 5 I. C. C., 546, the commission held that there was no such competition as to justify greater charge to shorter distance point. The rate adjustment was held to be in violation of sec. 4.)

The Supreme Court held that competition between rival carriers justified greater charge to shorter distance point.

I. C. C. v. C., B. & Q. R. R. Co., 186 U. S., 320 (June, 1902).

(In Cattle Raisers' Associatioin of Texas v. Ft. W. & D. C. Ry. Co., 7 I. C. C., 513, a terminal switching charge of $2 per car on live stock at Chicago was held by the commission to be unreasonable to the extent that it exceeded $1.)

The Supreme Court held that the terminal switching charge was not unlawful.

I. C. C. v. L. & N. R. R. Co., 190 U. S., 273 (May, 1903).

(In Calloway v. L. & N. R. R. Co., 7 I. C. C., 431, the commission held the rate adjustment unreasonably high and in violation of sec. 4.)

The Supreme Court held that competition justified the greater charge to the shorter distance point.

S. P. Co. v. I. C. C., 200 U. S., 536 (February, 1906).

(In Consolidated Forwarding Co. *v.* S. P. Co., 9 I. C. C., 182, the commission held that the reservation by initial lines of the right to dictate the routing beyond their lines was unlawful.)

The Supreme Court held that such reservation did not amount to a pooling of freight in violation of section 5. It was further held that there was no unjust discrimination.

Penn Refining Co. v. W. N. Y. & P. R. R. Co., 208 U. S., 208 (January, 1908).

(In Independent Refiners' Asso. *v.* W. N. Y. & P. R. R. Co., 4 I. C. C., 415; 6 I. C. C., 52; and 6 I. C. C., 378, the commission held that unjust discrimination resulted from the imposition of higher charges on shipments of oil in barrels, where the use of tank cars was practically limited to one class of shippers. Reparation was awarded.)

The Supreme Court held that there was no unjust discrimination.

I. C. C. v. C. G. W. Ry. Co., 209 U. S., 108 (March, 1908).

(In Chicago Live Stock Exchange *v.* C. G. W. Ry Co., 10 I. C. C., 428, the commission held that it was unduly discriminatory to charge higher rates for the transportation of cattle and hogs than for the transportation of live-stock products.)

The Supreme Court held that there was no unjust discrimination.

Harriman v. I. C. C., 211 U. S., 407 (December, 1908).

The Supreme Court held that the power to require testimony was limited to investigations concerning a specific breach of existing law; and that this power did not extend to mere investigations by provisions in any of the amendatory acts in regard to annual reports of interstate carriers, or of the commission, or for the purpose of recommending legislation.

U. S. v. D. & H. Co., 213 U. S., 366 (May, 1909).

The Supreme Court held that the commodities clause did not prohibit a railway company from moving commodities in interstate commerce because the company had manufactured, mined, or produced them, or owned them in whole or in part, or had an interest, direct or indirect, in them, wholly irrespective of the relation or connection of the carrier with the commodities at the time of transportation.

S. Ry. Co. v. St. Louis Hay & Grain Co., 214 U. S., 297 (June, 1909).

(In St. Louis Hay & Grain Co. *v.* M. & O. R. R. Co., 11 I. C. C., 90, a reconsignment charge on hay was held by the commission to be unreasonable to the extent that it exceeded the cost of service.)

The Supreme Court held that the carriers were entitled to a profit over and above the cost of service.

I. C. C. v. Stickney, 215 U. S., 98 (November, 1909).

(In Cattle Raisers' Association of Texas *v.* C., B. & Q. R. R. Co., 12 I. C. C., 507, a $2 switching charge at Chicago was held by the commission to be unreasonable to the extent that it exceeded $1.)

The Supreme Court held that such switching charge was not unlawful.

I. C. C. v. D., L. & W. R. R. Co., 216 U. S., 531 (March, 1910).

The Supreme Court held that the commission had no power to compel switch connections with lateral branch lines upon the application of a branch road, but only upon the application of a shipper.

I. C. C. v. N. P. Ry. Co., 216 U. S., 538 (March, 1910).

The Supreme Court held that the existence of one reasonable and satisfactory through route precluded the commission from establishing another through route. It was also held that the existence of such route may be inquired into by the courts, notwithstanding a finding by the commission.

Penn Refining Co. v. W. N. Y. & P. R. R. Co., 208 U. S., 208 (January, 1908).

(In Western Oregon Lumber Mfrs.' Asso. *v.* S. P. Co., 14 I. C. C., 61, the commission held that a sudden high advance in rates was unreasonable to the extent named, where the lower rate had been maintained for a long period and upon the strength of which the lumber industry had been built up.)

The Supreme Court reversed the commission, holding that an order of the commission made in consequence of an assumption of powers not granted is void.

EXHIBIT B.

SOME DEFECTS IN THE CONSTITUTION OF THE UNITED STATES—AN ADDRESS TO THE LAW DEPARTMENT OF THE UNIVERSITY OF PENNSYLVANIA, APRIL 27, 1906.

[By Walter Clark, chief justice of North Carolina.]

Philadelphia is one of the great cities of the world. To the student of history who remembers that Nineveh and Palmyra, Carthage and Thebes, and many another, have been great, populous, and wealthy, and then have passed entirely away from the thoughts and lips of men, Philadelphia has yet a glory that shall live always. Mohammedanism has its Mecca, the cradle and the acme of its hopes. Jew and Christian alike turn to Jerusalem. But to the utmost verge of earth, and to the last syllable of recorded time, in whatever language liberty and freedom shall be honored among men, in whatever accents government "of the people, by the people, and for the people" shall be asserted, there Philadelphia shall be remembered as the cradle of its birth. Her streets at some far distant day may be overgrown with grass and her ruined and tottering buildings may become the home of bats and birds of night; but around her name will linger a luster that shall never depart.

Here, on July 4, 1776, was proclaimed "Liberty throughout all the land and to all the inhabitants thereof." And here, too, 11 years later, was another notable event, when on September 17, 1787, was issued to the world the Constitution of these United States. It is of the latter—"its defects and the necessity for its revision"—that I shall speak to you to-night.

Just here it is well to call to mind the radical difference between these two conventions. That which met in 1776 was frankly democratic. Success in its great and perilous undertaking was only possible with the support of the people. The great Declaration was an appeal to the masses. It declared that all men were created equal and endowed with certain inalienable rights—among them life, liberty, and the pursuit of happiness—to secure which rights governments are instituted, deriving their just powers from the consent of the governed; and that when government becomes destructive of these ends it is the right of the people to alter or abolish it and institute a new government in such form as shall seem most likely to effect their safety and happiness. Never was the right of revolution more clearly asserted or that government existed for the sole benefit of the people, who were declared to be equal and endowed with the right to change their government at will when it did not subserve their welfare or obey their wishes. Not a word about property. Everything was about the people. The man was more than the dollar then. And the convention was in earnest. Every member signed the Declaration, which was unanimously voted. As Dr. Franklin pertinently observed, it behooved them "to hang together, or they would hang separately."

The convention which met in 1787 was as reactionary as the other had been revolutionary and democratic. It had its beginning in commercial negotiations between the States. Wearied with a long war, enthusiasm for liberty somewhat relaxed by the pressing need to earn the comforts and necessities of life whose stores had been diminished and oppressed by the ban upon prosperity caused by the uncertainties and impotence of the existing government of the Confederacy, the convention of 1787 came together. Ignoring the maxim that government should exist only by the consent of the governed, it sat with closed doors, that no breath of the popular will should affect their decisions. To free the members from all responsibility, members were prohibited to make copies of any resolution or to correspond with constituents or others about matters pending before the convention. Any record of yeas and nays was forbidden, but one was kept without the knowledge of the convention. The journal was kept secret, a vote to destroy it fortunately failed, and Mr. Madison's copy was published only after the lapse of 49 years, when every member had passed beyond human accountability. Only 12 States were ever represented, and one of these withdrew before the final result was reached. Of its 65 members, only 55 ever attended, and so far from being unanimous, only 39 signed the Constitution, and some actively opposed its ratification by their own States.

That the Constitution thus framed was reactionary was a matter of course. There was, as we know, some talk of a royal government, with Frederick, Duke of York, second son of George the Third, as King. Hamilton, whose subsequent great services as Secretary of the Treasury have crowned him with a halo, and whose tragic death has obliterated the memory of his faults, declared himself in favor of the English form of government, with its hereditary Executive and its House of Lords, which he denominated "a most noble institution." Failing in that, he advocated an Executive elected by Congress for life, Senators and judges for life, and governors of States to be appointed by the President. Of these he secured, as it has proved, the most important from his standpoint, the creation of judges for life. The convention was aware that a Constitution on Hamilton's lines could not secure ratification by the several States. But the Constitution adopted was made as undemocratic as possible, and was very far from responding to the condition, laid down in the Declaration of 1776, that all governments derive their just powers from the consent of the governed. Hamilton, in a speech to the convention, stated that the members were agreed that "we need to be rescued from the democracy." They were rescued. Thomas Jefferson unfortunately was absent as our minister to France and took no part in the convention, though we owe largely to him the compromise by which the first 10 amendments were agreed to be adopted in exchange for ratification by several States which otherwise would have been withheld.

In truth, the consent of the governed was not to be asked. In the new government the will of the people was not to control and was little to be consulted. Of the three great departments of the Government—legislative, executive, and judiciary—the people were intrusted with the election only of the House of Representatives, to wit, only one-sixth of the Government, even if that House had been made equal in authority and power with the Senate, which was very far from being the case. The Declaration of 1776 was concerned with the rights of man. The Convention of 1787 entirely ignored them. There was no Bill of Rights and the guaranties of the great rights of freedom of speech and of the press, freedom of religion, liberty of the people to assemble, and right of petition, the right to bear arms, exemption from soldiers being quartered upon the people, exemption from general warrants, the right of trial by jury and a grand jury, protection of the law of the land, and protection from seizure of private property for other than public use, and then only upon just compensation; the prohibition of excessive bail or cruel and unusual punishment, and the reservation to the people and the States of all rights not granted by the Constitution—all these matters of the utmost importance to the rights of the people were omitted, and were inserted by the first 10 amendments only because it became imperatively necessary to give assurances that such amendments would be adopted in order to secure the ratification of the Constitution by the several States.

The Constitution was so far from being deemed satisfactory, even to the people and in the circumstances of the time for which it was framed, that, as already stated, only 11 States voted for its adoption by the convention, and only 39 members out of 55 attending signed it, some members subsequently opposing its ratification. Its ratification by the conventions in the several States was carried with the greatest difficulty, and in no State was it submitted to a vote of the people themselves. Massachusetts ratified only after a close vote and with a demand for amendments; South Carolina and New Hampshire also demanded amendments, as also did Virginia and New York, both of which voted ratification by the narrowest majorities and reserving to themselves the right to withdraw; and two States (North Carolina and Rhode Island) rejected the Constitution, and subsequently ratified only after Washington had been elected and inaugurated—matters in which they had thus no share.

George Washington was president of the convention, it is true, but as such was debarred from sharing in the debates. His services, great as they were, had been military, not civil, and he left no impress upon the instrument of union, so far as known. Yet it was admitted that but for his popularity and influence the Constitution would have failed of ratication by the several States, especially in Virginia. Indeed, but for his great influence the convention would have adjourned without putting its final hand to the Constitution, as it came very near doing. Even his great influence would not have availed but for the overwhelming necessity for some form of government as a substitute for the rickety Articles of Confederation, which were utterly inefficient and whose longer retention threatened civil war.

An instrument so framed, adopted with such difficulty and ratified after such efforts and by such narrow margins, could not have been a fair and full expression of the consent of the governed. The men that made it did not deem it perfect. Its friends agreed to sundry amendments, 10 in number, which were adopted by the first Congress that met. The assumption by the new Supreme Court of a power not contemplated, even by the framers of the Constitution, to drag a State before it as defendant in an action by a citizen of another State, caused the enactment of the eleventh amendment. The unfortunate method prescribed for the election of President nearly caused a civil war in 1801 and forced the adoption of the twelfth amendment, and three others were brought about as the result of the great Civil War. The Convention of

1787 recognized itself that the defects innate in the Constitution, and which would be developed by experience and the lapse of time, would require amendments, and that instrument prescribed two different methods by which amendments could be made.

Our Federal Constitution was adopted nearly a century and a quarter ago. In that time every State has radically revised its constitution and most of them several times. Indeed, the constitution of New York requires that the question of a constitutional convention shall be submitted to its people at least once every 20 years. The object is that the organic law shall keep abreast of the needs and wants of the people and shall represent the will and progress of to-day and shall not, as is the case with the Federal Constitution, be hampered by provisions deemed best by the divided counsels of a small handful of men in providing for the wants of the Government considerably more than 100 years ago. Had those men been gifted with divine foresight and created a Constitution fit for this day and its development, it would have been unsuited for the needs of the times in which it was fashioned.

When the Constitution was adopted, in 1787, it was intended for 3,000,000 of people, scattered along the Atlantic slope from Massachusetts to the southern boundary of Georgia. We are now trying to make it do duty for very nearly 100,000,000, from Maine to Manila, from Panama and Porto Rico to the Pole. Then our population was mostly rural, for three years later, at the First Census, in 1790, we had but five towns in the whole Union which had as many as 6,500 inhabitants each, and only two others had over 4,000. Now we have the second largest city on the globe, with over 4,000,000 of inhabitants, and many that have passed the half-million mark, some of them of over a million population. Three years later, in 1790, we had 75 post offices, with $37,000 annual post-office expenditures. Now we have 75,000 post offices, 35,000 rural-delivery routes, and a post-office appropriation of nearly $200,000,000.

During the first 10 years the total expenditures of the Federal Government, including payments on the Revolutionary debts, and including even the pensions, averaged $10,000,000 annually. Now the expenditures are 75 times as much. When the Constitution was adopted Virginia was easily the first State in influence, population, and wealth, having one-fourth the population of the entire Union. North Carolina was third, and New York, which then stood fifth, now has double the population of the whole country at that date, and several other States have now a population greater than the original Union, whose very names were then unheard and over whose soil the savage and the buffalo roamed unmolested. Steamboats, railroads, gas, electricity (except as a toy in Franklin's hands), coal mines, petroleum, and a thousand other things which are a part of our lives to-day were undiscovered.

Corporations, which now control the country and its Government, were then so few that not till four years later, in 1791, was the first bank incorporated (in New York), and the charter for the second bank was only obtained by the subtlety of Aaron Burr, who concealed the banking privileges in an act incorporating a water company—and corporations have had an affinity for water ever since.

Had the Constitution been perfectly adapted to the needs and wishes of the people of that day, we would still have outgrown it. Time has revealed flaws in the original instrument, and it was, as might be expected, wholly without safeguards against that enormous growth of corporations, and even of individuals, in wealth and power, which has subverted the control of the Government.

The glaring defect in the Constitution was that it was not democratic. It gave, as already pointed out, to the people—to the governed—the selection of only one-sixth of the government, to wit, one half—by far the weaker half—of the legislative department. The other half, the Senate, was made elective at second hand by the State legislatures, and the Senators were given not only longer terms, but greater power, for all presidential appointments and treaties were subjected to confirmation by the Senate.

The President was intended to be elected at a still further remove from the people, by being chosen by electors, who, it was expected, would be selected by the State legislatures. The President thus was to be selected at third hand, as it were. In fact, down till after the memorable contest between Adams, Clay, Crawford, and Jackson, in 1824, in the majority of the States the presidential electors were chosen by the State legislatures, and they were so chosen by South Carolina till after the Civil War, and, in fact, by Colorado in 1876. The intention was that the electors should make independent choice, but public opinion forced the transfer of the choice of electors from the legislatures to the ballot box, and then made of them mere figureheads, with no power but to voice the will of the people, who thus captured the executive department. That department, with the House of Representatives, marks to-day the extent of the share of the people in this Government.

The judiciary were placed a step still further removed from the popular choice. The judges were to be selected at fourth hand by a President (intended to be selected at third hand) and subject to confirmation by a Senate chosen at second hand. And to make the judiciary absolutely impervious to any consideration of the "consent of the governed," they are appointed for life.

It will be seen at a glance that a constitution so devised was intended not to express, but to suppress, or at least disregard, the wishes and the consent of the governed. It was admirably adapted for what has come to pass—the absolute domination of the Government by the "business interests," which, controlling vast amounts of capital and intent on more, can secure the election of Senators by the small constituencies, the legislatures which elect them, and can dictate the appointment of the judges, and if they fail in that, the Senate, chosen under their auspices, can defeat the nomination. Should the President favor legislation and the House of Representatives pass the bill, the Senate, with its majority chosen by corporation influences, can defeat it; and if, by any chance, it shall yield to the popular will and pass the bill, as was the case with the income tax, there remains the judiciary, who have assumed, without any warrant, express or implied, in the Constitution, the power to declare any act unconstitutional at their own will and without responsibility to anyone.

The people's part in the Government in the choice of the House of Representatives, even when reenforced by the Executive, whose election they have captured, is an absolute nullity in the face of the Senate and the judiciary, in whose selection the people have no voice. This, therefore, is the Government of the United States—a government by Senate and judges—that is to say, frankly, by whatever power can control the selection of Senators and judges. What is that power? We know that it is not the American people.

Let us not be deceived by forms, but look at the substance. Government rests not upon forms, but upon a true reply to the question, "Where does the governing power reside?" The Roman legions bore to the last day of the Empire upon their standards the words, "The Senate and the Roman people," long centuries after the real power had passed from the curia and the comitia to the barracks of the Pretorian Guards, and when there was no will in Rome save that of their master. There were still tribunes of the people, and consuls, and a senate, and the title of a republic, but the real share of the people in the Roman Government was the donation to them of "bread and circuses" by their tyrants.

Years after the victor of Marengo had been crowned Emperor and the sword of Austerlitz had become the one power in France, the French coins and official documents still bore the inscription of "French Republic"—"République Francaise."

In England to-day there is a monarchy in form, but we know that in truth the real government of England is vested in a single House of Parliament, elected by the people, under a restricted suffrage; that the real executive is not the King, but the prime minister and his cabinet, practically elected by the House of Commons and holding office at the will of the majority in that House; that the King has not even the veto power, except nominally, since it has not been exercised in a single instance for more than 200 years, and that the sole function of the House of Lords—a club of rich men representing great vested interests—is in the exercise of a suspensive veto (of which the King has been deprived), which is exercised only till the Commons make up their mind the bill shall pass—when the House of Lords always gives way, as the condition upon which their continued existence rests. So in this country we retain the forms of a Republic. We still choose our President and the House of Representatives by the people; but the real power does not reside in them or in the people. It rests with those great "interests" which select the majority of the Senate and the judges.

This being the situation, the sole remedy possible is by amendment of the Constitution to make it democratic and place the selection of these preponderating bodies in the hands of the people.

First, the election of Senators should be given to the people. Even then consolidated wealth will secure some of the Senators; but it would not be able, as now, at all times to count with absolute certainty upon a majority of the Senate as its creatures. Five times has a bill proposing such amendment to the Constitution passed the House of Representatives by a practically unanimous vote, and each time it has been lost in the Senate; but never by a direct vote. It has always been disposed of by the chloroform process of referring the bill to a committee, which never reports it back, and never will. It is too much to expect that the great corporations which control a majority of the Senate will ever voluntarily transfer to the people their profitable and secure hold upon supreme power by permitting the passage of an amendment to elect Senators by the people. The only hope is in the alternative plan of amendment, authorized by the Constitution, to wit, the call of a constitutional convention upon the application of two-thirds of the States, to wit, 30 States. More than that number have already instructed in favor of an amendment to elect Senators by the people.

It may be recalled here that in the Convention of 1787 Pennsylvania did vote for the election of Senators by the people. A strong argument used against this was that the farming interests, being the largest, would control the House and that the Senate could only be given to the commercial interests by making its members elective by the legislatures—which was prophetic—though the deciding influence was the fear of the small States that if the Senate was elected by the people its membership would be based on population.

It is high time that we had a constitutional convention, after the lapse of near a century and a score of years. The same reasons which have time and again caused the individual States to amend their constitutions imperatively require a convention to adjust the Constitution of the Union to the changed conditions of the times and to transfer to the people themselves that control of the Government which is now exercised for the profit and benefit of the "interests." Those interests, with all the power of their money and the large part of the press which they own or control, will resist the call of such a convention. They will be aided, doubtless, by some of the smaller States who may fear a loss of their equal representation in the Senate. But in truth and justice it may be that there might be some modification now in that respect without injury to the smaller States. There is no longer any reason why Delaware or Nevada or Rhode Island should have as many Senators as New York or Pennsylvania or Illinois. It would be enough to grant to every State having 1,000,000 inhabitants or less one Senator, and to allot to each State having over 1,000,000 inhabitants an additional Senator for every million above 1,000,000 and for a fractional part if over three-quarters of a million. This, while not putting the Senate frankly on the basis of population, would remove the dissatisfaction with the present unjust ratio and would quiet the opposition to the admission of the new States whose area and development entitle them to self-government, but whose population does not entitle them to two Senators.

The election of President is now made by the people, who have captured it, though the Constitution did not intend the people should have any choice in naming the Executive. The dangerous and unsafe plan adopted in 1787 was changed in consequence of the narrowly averted disaster in 1801. But the method in force still leaves much to be desired. It readily lends itself to the choice of a minority candidate. It is an anomaly that 1,100 votes in New York (as in 1884) should swing 70 electoral votes (35 from one candidate to the other) and thus decide the result. The consequence is that while, nominally, any citizen of the Republic is eligible to the Presidency, only citizens of two or three of the larger States, with doubtful electoral votes, are in fact eligible. All others are barred. For proof of this look at the history of our presidential elections. For the first 40 years of the Union the Presidents came from two States—Virginia and Massachusetts. Then there followed a period when, the growing West requiring recognition, Tennessee, Ohio, and New York commanded the situation for the next 16 years. The Mexican War gave us a soldier who practically represented no State, and was succeeded by a New Yorker. Then for the only time in our history "off States" had a showing, and Pennsylvania and New Hampshire had their innings. Since then the successful candidates have been again strictly limited to "pivotal States"—New York in the East and Illinois, Indiana, and Ohio in the West.

This condition is unsatisfactory. The magnetic Blaine, from Maine, was defeated, as was Bryan, from Nebraska. Had the former hailed from New York and the latter from Illinois, the electoral votes and influence of those States might have secured their election.

It would be dangerous, and almost a certain provocation of civil war, to change the election of President to a per capita vote by the whole of the Union. Then a charge of a fraudulent vote at any precinct or voting place, however remote, might affect the result; and as frauds would most likely occur in those States where the majorities

are largest—as in Pennsylvania or Texas, Ohio or Georgia—a contest would always be certain. Whereas now frauds in States giving large majorities, unless of great enough magnitude to change the electoral vote of the whole State, can have no effect. The remedy is, preserving the electoral-vote system as now, and giving the smaller States, as now, the advantage of electoral votes to represent their Senators, to divide the electoral vote of each State according to the popular vote for each candidate, giving each his pro rata of the electoral vote on that basis, the odd elector being apportioned to the candidate having the largest fraction. Thus, in New York, Mr. Blaine would have gotten 17 electoral votes and Mr. Cleveland 18. Other States would have also divided, more or less evenly; but the result would be that the choice of President would no longer be restricted to two or three States, as in our past history, and is likely to be always the case as long as the whole electoral vote of two or three large pivotal States must swing to one side or other and determine the result. This change would avoid the present evil of large sums being spent to carry the solid electoral vote of "pivotal" States, for there would cease to be "pivotal" States. At the same time this would avoid the open gulf into which a per capita ballot by the whole Union would lead us. While the electoral vote of a State should be divided pro rata, according to the popular vote for each candidate, it is essential that each State should vote as one district, since its boundaries are unchangeable. To permit the legislature of each State to divide it into electoral districts would simply open up competition in the art of gerrymandering.

By the Convention of 1787 the term of the President was originally fixed at seven years and he was made ineligible for reelection. This was reduced to four years by a compromise that he could be relected without limitation. This was done in the interest of those who favored a strong Government and a long tenure. Washington imposed a limitation by his example which will not always be binding. An amendment making the term six years and the President ineligible to reelection has long been desired by a large portion of the public. Indeed, when the Constitutional Convention of the Union shall assemble, as it must do some day, to remodel our Constitution to fit it to face the dangers and conform to the views of the people of this age, with the aid of our experience, in the past, it is more than probable that the powers of the Executive will be more restricted. His powers are now greater than those of any sovereign in Europe. The real restrictions upon executive power at present are not in constitutional provisions, but in the Senate and judiciary, which often negative the popular will, which he represents more accurately than they.

And now we come to the most important of the changes necessary to place the Government of the Union in the hands of the people. By far the most serious defect and danger in the Constitution is the appointment of judges for life, subject to confirmation by the Senate. It is a far more serious matter than it was when the Convention of 1787 framed the Constitution. A proposition was made in the convention—as we now know from Mr. Madison's Journal—that the judges should pass upon the constitutionality of acts of Congress. This was defeated June 5, receiving the vote of only two States. It was renewed no less than three times, i. e., on June 6, July 21, and finally again for the fourth time on August 15; and though it had the powerful support of Mr. Madison and Mr. James Wilson, at no time did it receive the votes of more than three States. On this last occasion (August 15 Mr. Mercer thus summed up the thought of the convention: He disapproved of the doctrine that the judges, as expositors of the Constitution, should have authority to declare a law void. He thought laws ought to be well and cautiously made, and then to be incontrovertible.

Prior to the convention, the courts of four States—New Jersey, Rhode Island, Virginia, and North Carolina—had expressed an opinion that they could hold acts of the legislature unconstitutional. This was a new doctrine never held before (nor in any other country since) and met with strong disapproval. In Rhode Island the movement to remove the offending judges was stopped only on a suggestion that they could be "dropped" by the legislature at the annual election, which was done. The decisions of these four State courts were recent and well known to the convention. Mr. Madison and Mr. Wilson favored the new doctrine of the paramount judiciary, doubtless deeming it a safe check upon legislation, since it was to be operated only by lawyers. They attempted to get it into the Federal Constitution in its least objectionable shape—the judicial veto before final passage of an act, which would thus save time and besides would enable the legislature to avoid the objections raised. But even in this diluted form, and though four times presented by these two very able and influential members, this suggestion of a judicial veto at no time received the votes of more than one-fourth of the States.

The subsequent action of the Supreme Court in assuming the power to declare acts of Congress unconstitutional was without a line in the Constitution to authorize it, either expressly or by implication. The Constitution recited carefully and fully the matters over which the courts should have jurisdiction, and there is nothing, and after the above vote four times refusing jurisdiction there could be nothing, indicating any power to declare an act of Congress unconstitutional and void.

Had the convention given such power to the courts, it certainly would not have left its exercise final and unreviewable. It gave the Congress power to override the veto of the President, though that veto was expressly given, thus showing that in the last analysis the will of the people, speaking through the legislative power, should govern. Had the convention supposed the courts would assume such power, it would certainly have given Congress some review over judicial action and certainly would not have placed the judges irretrievably beyond "the consent of the governed" and regardless of the popular will by making them appointive, and further clothing them with the undemocratic prerogative of tenure for life.

Such power does not exist in any other country, and never has. It is therefore not essential to our security. It is not conferred by the Constitution; but, on the contrary, the convention, as we have seen, after the fullest debate, four times, on four several days, refused by a decisive vote to confer such power. The judges not only have never exercised such power in England, where there is no written constitution, but they do not exercise it in France, Germany, Austria, Denmark, or in any other country which, like them, has a written constitution.

A more complete denial of popular control of this Government could not have been conceived than the placing of such unreviewable power in the hands of men not elected by the people and holding office for life. The legal-tender act, the financial policy of the Government, was invalidated by one court and then validated by another, after a change in its personnel. Then the income tax, which had been held constitutional by the court for a hundred years, was again so held, and then by a sudden change of vote by one judge it was held unconstitutional, nullified, and set at naught, though it had passed by a nearly unanimous vote both Houses of Congress, containing many lawyers who were the equals, if not the superiors, of the vacillating judge, and had been approved by the President and voiced the will of the people. This was all negatived (without any warrant in the Constitution for the court to set aside an act of Congress) by the vote of one judge; and thus $100,000,000 and more of annual taxation was transferred from those most able to bear it and placed upon the backs of those who already carried more than their fair share of the burdens of government. Under an untrue assumption of authority given by 39 dead men one man nullified the action of Congress and the President and the will of 75,000,000 of living people, and in the 13 years since has taxed the property and labor of the country, by his sole vote, $1,300,000,000, which Congress, in compliance with the public will and relying on previous decisions of the court, had decreed should be paid out of the excessive incomes of the rich.

In England one-third of the revenue is derived from the superfluities of the very wealthy by the levy of a graduated income tax and a graduated inheritance tax, increasing the per cent with the size of the income. The same system is in force in all other civilized countries. In not one of them would the hereditary monarch venture to veto or declare null such a tax. In this country alone the people, speaking through their Congress and with the approval of their Executive, can not put in force a single measure of any nature whatever with assurance that it shall meet with the approval of the courts; and its failure to receive such approval is fatal, for, unlike the veto of the Executive, the unanimous vote of Congress (and the income tax came near receiving such vote) can not prevail against it. Of what avail shall it be if Congress shall conform to the popular demand and enact a "rate-regulation" bill and the President shall approve it if five lawyers, holding office for life and not elected by the people, shall see fit to destroy it, as they did the income-tax law? Is such a government a reasonable one, and can it be longer tolerated after 120 years of experience have demonstrated the capacity of the people for self-government? If five lawyers can negative the will of 100,000,000 of men, then the art of government is reduced to the selection of those five lawyers.

A power without limit, except in the shifting views of the court, lies in the construction placed upon the fourteenth amendment, which passed, as everyone knows, solely to prevent discrimination against the colored race, has been construed by the court to confer upon it jurisdiction to hold any provision of any statute whatever "not due process of law." This draws the whole body of the reserved rights of the States into the maelstrom of the Federal courts, subject only to such forbearance as the Federal Supreme Court of the day, or in any particular case, may see fit to exercise. The limits between State and Federal jurisdiction depend upon the views of five men at any given time; and we have a government of men and not a government of laws, prescribed beforehand.

At first the court generously exempted from its veto the police power of the several States. But since then it has proceeded to set aside an act of the Legislature of New York restricting excessive hours of labor, which act had been sustained by the highest court in that great State. Thus labor can obtain no benefit from the growing humanity of the age, expressed by the popular will in any State if such statute does not meet the views of five elderly lawyers, selected by influences naturally antagonistic to the laboring classes and whose training and daily associations certainly can not incline them in favor of restrictions upon the power of the employer.

The preservation of the autonomy of the several States and of local self-government is essential to the maintenance of our liberties, which would expire in the grasp of a consolidated despotism. Nothing can save us from this centripetal force but the speedy repeal of the fourteenth amendment or a recasting of its language in terms that no future court can misinterpret it.

The vast political power now asserted and exercised by the court to set aside public policies, after their full determination by Congress, can not safely be left in the hands of any body of men without supervision or control by any other authority whatever. If the President errs, his mandate expires in four years, and his party as well as himself is accountable to the people at the ballot box for his stewardship. If Members of Congress err, they, too, must account to their constituents. But the Federal judiciary hold for life, and though popular sentiment should change the entire personnel of the other two great departments of government, a whole generation must pass away before the people could get control of the judiciary, which possesses an irresponsible and unrestricted veto upon the action of the other departments—irresponsible because impeachment has become impossible, and if it were possible it could not be invoked as to erroneous decisions unless corruption were shown.

The control of the policy of government is thus not in the hands of the people, but in the power of a small body of men not chosen by the people, and holding for life. In many cases which might be mentioned, had the court been elective, men not biased in favor of colossal wealth would have filled more seats upon the bench, and if there had been such decision as in the income-tax case, long ere this, under the tenure of a term of years, new incumbents would have been chosen, who, returning to the former line of decisions, would have upheld the right of Congress to control the financial policy of the Government in accordance with the will of the people of this day and age, and not according to the shifting views which the court has imputed to language used by the majority of the 55 men who met in Philadelphia in 1787. Such methods of controlling the policy of a government are no whit more tolerable than the conduct of the augurs of old who gave the permission for peace or war, for battle or other public movements, by declaring from the flight of birds, the inspection of the entrails of fowls, or other equally wise devices, that the omens were lucky or unlucky—the rules of such divination being in their own breasts and hence their decisions beyond remedy.

It may be that this power in the courts, however illegally grasped originally, has been too long acquiesced in to be now questioned. If so, the only remedy which can be applied is to make the judges elective, and for a term of years, for no people can permit its will to be denied, and its destinies shaped, by men it did not choose, and over whose conduct it has no control, by reason of its having no power to change them and select other agents at the close of a fixed term.

Every Federal judgship below the Supreme Court can be abolished by an act of Congress, since the power which creates a Federal district or circuit can abolish it at will. If Congress can abolish one, it can abolish all. Several districts have from time to time been abolished, notably two in 1801; and we know that the 16 circuit judges created by the judiciary act of 1801 were abolished 18 months later.

It is true that under the stress of a great public sentiment every United States district and circuit judge can be legislated out of office by a simple act of Congress and a new system recreated with new

judges. It is also true, as has been pointed out by distinguished lawyers, that while the Supreme Court can not be thus abolished, it exercises its appellate functions "with such exceptions and under such regulations as Congress shall make" (Const., Art. III, sec. 2), and as Congress enacted the judiciary act of 1789, it has often amended it and can repeal it. Judge Marshall recognized this in Marbury *v.* Madison, in which case in an obiter opinion he had asserted the power to declare an act of Congress unconstitutional, for he wound up by refusing the logical result, the issuing of the mandamus sought, because Congress had not conferred jurisdiction upon the Supreme Court to issue it.

In 1831 the attempt was made to repeal section 25 of the judiciary act of 1789, by virtue of which writs of error lay to the State supreme courts in certain cases. Though the section was not repealed, the repeal was supported and voted for by both Henry Clay, James K. Polk, and other leaders of both of the great parties of that day. But what is needed is not the exercise of these powers which Congress undoubtedly possesses and in an emergency will exercise, but a constitutional revision by which the Federal judges, like other public servants, shall be chosen by the people for a term of years.

It may be said that the Federal judges are now in office for life and it would be unjust to dispossess them. So it was with the State judges in each State when it changed from life judges to judges elected by the people; but that did not stay the hand of a much needed reform.

It must be remembered that when our Federal Constitution was adopted in 1787, in only one State was the governor elected by the people, and the judges in none, and that in most, if not all, the States the legislature, especially the senate branch, was chosen by a restricted suffrage. The schoolmaster was not abroad in the land, the masses were illiterate and government by the people was a new experiment and property holders were afraid of it. The danger to property rights did not come then, as now, from the other direction—from the corporations and others holding vast accumulations of capital and by their power crushing or threatening to crush out all those owning modest estates.

In the State governments the conditions existing in 1787 have long since been changed. In all the States the governor and the members of both branches of the legislature have long since been made elective by manhood suffrage. In all the 45 States save 4—Delaware, Massachusetts, New Hampshire, and Rhode Island—the judges now hold for a term of years, and in three of these they are removable, as in England, upon a majority vote of the legislature, thus preserving a supervision of their conduct, which is utterly lacking as to the Federal judiciary. In Rhode Island the judges were thus dropped summarily once when they had held an act of the legislature invalid. In 33 States the judges are elected by the people, in 5 States by the legislature, and in 7 States they are appointed by the governor, with the consent of the senate. Even in England the judges hold office subject to removal upon the vote of a bare majority in Parliament—though there the judges have never asserted any power to set aside an act of Parliament. There the will of the people, when expressed through their representatives in Parliament, is final. The King can not veto it, and no judge has ever dreamed he had power to set it aside.

There are those who believe and have asserted that corporate wealth can exert such influence that even if judges are not actually selected by the great corporations, no judge can take his seat upon the Federal bench if his nomination and confirmation are opposed by the allied plutocracy. It has never been charged that such judges are corruptly influenced. But the passage of a judge from the bar to the bench does not necessarily destroy his prejudices or his predilections. If they go upon the bench knowing that this potent influence, if not used for them, at least withheld its opposition to their appointment or their confirmation, and usually with a natural and perhaps unconscious bias from having spent their lives at the bar in advocacy of corporate claims, this will unconsciously, but effectively, be reflected in the decisions they make. Having attempted as lawyers to persuade courts to view debated questions from the standpoint of aggregated wealth, they often end by believing sincerely in the correctness of such views, and not unnaturally put them in force when in turn they themselves ascend the bench. This trend in Federal decisions has been pronounced. Then, too, incumbents of seats upon the Federal circuit and district bench can not be oblivious to the influence which procures promotion; and how fatal to confirmation by the plutocratic majority in the Senate will be the expression of any judicial views not in accordance with the "safe, sane, and sound" predominance of wealth.

As far back as 1820, Mr. Jefferson had discovered the "sapping and mining," as he termed it, of the life-tenure, appointive Federal judiciary, owing no gratitude to the people for their appointment and fearing no inconvenience from their conduct, however arbitrary, in the discharge of such office. In short, they possess the autocratic power of absolute irresponsibility. "Step by step, one goes very far," says the French proverb. This is true of the Federal judiciary. Compare their jurisdiction in 1801, when Marshall ascended the bench, and their jurisdiction in 1906. The Constitution has been remade and rewritten by the judicial glosses put upon it. Had it been understood in 1787 to mean what it is construed to mean to-day, it is safe to say not a single State would have ratified it.

An elective judiciary is less partisan, for in many States half the judges are habitually taken from each party, and very often in other States the same men are nominated by both parties, as notably the recent selection by a Republican convention of a Democratic successor to Judge Parker. The organs of plutocracy have asserted that in one State the elective judges are selected by the party boss. But they forget that, if that is true, he must, in such a condition of affairs, name the governor too, and through the governor he would select the appointive judges. If the people are to be trusted to select the executive and the legislature, they are fit to select the judges. The people are wiser than the appointing power which, viewing judgeships as patronage, has with scarcely an exception filled the Federal bench with appointees of its own party. Public opinion, which is the corner stone of free government, has no place in the selection or supervision of the judicial augurs, who assume power to set aside the will of the people when declared by Congress and the Executive. Whatever their method of divination, equally with the augurs of old, they are a law to themselves and control events.

As was said by a great lawyer lately deceased, Judge Seymour D. Thompson, in 1891 (25 Am. Law Review, 288): "If the proposition to make the Federal judiciary elective instead of appointive is once seriously discussed before the people, nothing can stay the growth of that sentiment, and it is almost certain that every session of the Federal Supreme Court will furnish material to stimulate that growth."

Great aggregations of wealth know their own interests, and it is very certain that there is no reform and no constitutional amendment that they will oppose more bitterly than this. What, then, is the interest of all others in regard to it?

Another undemocratic feature of the Constitution is that which requires all Federal officials to be appointed by the President or heads of departments. This is a great evil. Overwhelming necessity has compelled the enactment of the civil-service law, which has protected many thousands of minor officials. But there has been no relief as to the 75,000 postmasters. When the Constitution was adopted there were only 75 postmasters, and it was contemplated that the President or Postmaster General would really appoint. But this constitutional provision is a dead letter. The selection of this army of 75,000 postmasters, in a large majority of cases, is made by neither, but in the unconstitutional mode of selection by Senator, Member of the House, or a political boss. There is no reason why Congress should not be empowered by amendment to authorize the department to lay off the territory patronizing each post office as a district in which an election shall be held once in four years, at the time a Member of Congress is chosen, and by the same machinery, the officer giving bond and being subject to the same supervision as now. Thus the people of each locality will get the postmaster they prefer, irrespective of the general result in the Union, relieving the department at Washington of much call upon its time, which can be used for the public interest in some better way; and, besides, it will remove from the election of President and Members of Congress considerations of public patronage. Elections will then more largely turn upon the great issues as to matters of public policy.

Another obstruction to the effective operation of the popular will is the fact that, though Congressmen are elected in November, they do not take their seats (unless there is a called session) for 13 months, and in the meantime the old Congress, whose policy may have been repudiated at the polls, sits and legislates, in any event, till March 4 following. This surely needs amendment, which fortunately can be done by statute. In England, France, and other countries the old Parliament ceases before the election, and the new Assembly meets at once and puts the popular will into law.

In thus discussing the defects of the Federal Constitution I have but exercised the right of the humblest citizen. Few will deny that defects exist. I have indicated what, in my opinion, are the remedies. As to this, many will differ. If better can be found, let us adopt them. But could the matter be more appropriately discussed than on the spot where the original Constitution was debated?

For my part, I believe in popular government. The remedy for the halting, halfway popular government which we have is more democracy. When some one observed to Mr. Gladstone that the "people are not always right," he replied, "No; but they are rarely wrong." When they are wrong their intelligence and their interests combine to make them correct the wrong. But when rulers, whether kings or life judges or great corporations, commit an error against the interest of the masses there is no such certainty of correction.

The growth of this country in population and in material wealth has made it the marvel of the ages.

"But what avail the plow or sail,
Or land or life, if freedom fail?"

The government and the destinies of a great people should always be kept in their own hands.

Mr. HEYBURN. Will the Senator from Oklahoma, before he takes his seat, permit me to make an inquiry?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I do with pleasure.

Mr. HEYBURN. I have been much interested in this proposition. In scanning the bill under consideration I find no designation of the cause or the manner of ascertaining the cause for the removal of the judges. Did the Senator intend to leave that question open without saying for what reason they might be recalled?

Mr. OWEN. Assuredly.

Mr. CLAPP. Just as the appointing power does not have to assign any cause.

Mr. OWEN. The power that appoints the judges does not have to give any reason for the appointment, and the power that recalls can exercise the same discretion. Many of the States provide for the recall without designating any cause, and it is more creditable to the judge not to assign any cause, but simply to exercise the power of setting him aside. I should set him aside and put him on a pension roll and treat him with respect and dignity. I believe that the bench deserves respect, and I think it ought to be accorded by Congress and by individuals in Congress.

The VICE PRESIDENT. Does the Senator from Oklahoma desire to have the bill referred?

Mr. OWEN. Yes; I desire to have it referred to the Judiciary Committee.

The VICE PRESIDENT. Without objection the bill will be referred to the Committee on the Judiciary.

THE FREE LIST.

The Senate, as in Committee of Whole, resumed the consideration of the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

Mr. SMOOT. Mr. President, I desire the attention of the Senate for a few moments to discuss briefly a proposed amendment by the Senator from Kansas [Mr. BRISTOW] to the free-list bill, providing for the elimination of the Dutch standard and a reduction of the present rates of duty on sugar. It seems to me there is a misunderstanding among Senators as to the real effect of the Dutch standard as a protection to the sugar manufacturers of the United States.

THE DUTCH STANDARD OF COLOR—ORIGIN AND APPLICATION.

The Dutch standard of color for testing sugar was devised and put into operation by the Dutchmen long before the discovery of the centrifugal machine and the polariscope.

At the time this color standard was devised and adopted sugar was manufactured only by what is known as the "open kettle" process. The cane juice was subjected to numerous boilings over open fires, during which time various crude processes of clarification were employed, and when, through evaporation of the water contained in the liquid, it had reached a certain stage of density, it was run into hogsheads to cool and crystallize, after which holes in the bottom of the hogsheads were opened and the noncrystallizable molasses was allowed to drain off, leaving a brownish-colored mass of raw sugar known as "muscavados."

This process of manufacture still is employed to some extent in the more backward portions of the Tropics.

Sugars of a given color, made by the process described, approximate each other in sucrose content, and hence the Dutch standard of color test gauges them fairly well, and it was the only raw sugar test employed by our customhouses from 1861 to 1883.

For many years the only way of judging the sugar content of these moist masses was by the color, and the Dutchmen, being interested in the production of raw sugar in their colonies and in the refining of sugar at home, devised what came to be known throughout the sugar world as the "Dutch standard of color."

This standard consists of 18 square, 4 ounce, wide-mouthed, clear, glass bottles numbered from 8 to 25, which are filled, respectively, with sugar of various shades. The sugar in No. 8 is very dark, being scarcely above a molasses; No. 9 is a trifle lighter than No. 8; No. 10 is a shade lighter than No. 9, and so on up to No. 25, which is not quite as white as refined sugar. No. 16 is several shades darker than the average manila paper.

The bottles are filled and sealed by an association of sugar brokers in Amsterdam, packed in a neat wooden case having a compartment for each of the 18 bottles, and they are supplied to the sugar world at $20 per set. This is a sample [exhibiting] sized bottle I hold in my hand.

For sugar-testing purposes these sets are renewed each year because of the slight changes of color which are brought about by age, but each new set is identical in color not only with the other sets sent out at the same time, but with all the sets which have been sent out since this standard was devised and put into use.

Testing sugar with the Dutch standard means matching the color of the sugar to be tested with the sugar contained in some one of the 18 sealed bottles.

With the advent of the centrifugal machine and its employment in separating the molasses from the sugar it was found that the sugar mills could turn out not only a whiter raw sugar than could be secured by the muscovado process, but that they could regulate the color to a very considerable extent. In fact, the producer of raw centrifugal sugar has no trouble in making a high-grade dark-colored sugar, or a comparatively low-grade light-colored sugar.

The interior of a sugar crystal being pure white sugar, the impurities consist of the dark-colored molasses which adheres to the exterior of the crystals. With a coating of a given thickness it necessarily follows that the smaller the crystals the greater the proportion of impurities, and vice versa. If the sugar maker desires to produce a high-grade dark-colored sugar he makes large crystals and allows the sugar to cool off so that the molasses will thoroughly set to the crystals before he puts it through the centrifugal machines to remove the surplus molasses. If, on the other hand, he wishes to make a low-grade light-colored sugar he makes small crystals and runs the sugar into the centrifugals hot, before much molasses has set on the crystals. If he wishes to make a high-grade sugar, almost white in color, he makes large crystals, purges the sugar hot, and squirts a delicate stream of water or steam into the centrifugals in order to wash off the molasses as thoroughly as possible.

The sugar trade did not remain long in ignorance of these possible manipulations of raw sugar, and with the adoption of the centrifugal machines in the sugar mills of the world came the adoption of the polariscope in the customhouses of the world.

By the aid of the polariscope the exact purity of the sugar can be determined, regardless of color or other conditions, and from 1883 to date our customhouses have used the polariscope to determine the duty on dark-colored sugars and the Dutch standard of color to classify the light-colored sugars for a higher rate of duty, regardless of purity.

In adopting the polariscopic test our tariff law was so framed as to take advantage of this scientific method of testing sugar. This was done by providing that on all sugars testing not above 75° a certain rate of duty should be paid, and that for each additional degree of sugar shown by the polariscopic test an additional rate of duty should be paid. Under the present law sugars testing not above 75° by the polariscope pay a duty of 95 cents per 100 pounds and the increasing unit for each additional degree is 3½ cents per 100 pounds. Under this schedule 76° sugars pay 98½ cents per 100; 77°, $1.02; 78°, $1.05½; and so on up, which brings the duty to $1.68½ per 100 on 96° sugar and $1.82½ on 100° of pure raw sugar. The unit of 3½ cents per 100 pounds which is added for each extra degree of sugar was determined upon after a long series of scientific experiments and was embodied in the law for the purpose of equalizing the duty and the refining value of the various grades of "raw material" from which to produce the finished product. To obtain 100 pounds of granulated sugar requires 106½ pounds of 96° raw sugar, the loss in remelting being practically 2½ pounds of sugar and 4 pounds of dirt, on all of which full duty is paid. In addition to this, while 106½ pounds of 96° sugar yields 100 pounds of refined, 107½ pounds of 95° does not yield 100 pounds of refined, hence the increasing unit of 3½ cents per degree.

To further protect the public from imposition and the home producers of refined sugar from what was considered an unjust competition, Congress provided that, irrespective of the per cent of sugar it contained, a raw sugar that was white enough to masquerade as refined sugar (in other words, which was above No. 16 Dutch standard of color) should pay the same duty as was exacted on refined sugar, or $1.90 per 100 pounds. It was $1.95 under the Dingley bill. Under present conditions the consumer has no concern as to the purity of his purchase. With white unrefined sugar on the market the consumers would have no means of telling what percentage of their purchase was sugar and what percentage impurities.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I would very much prefer to submit my remarks in regular order, and then I will be glad to answer any question the Senator may ask me.

WOULD MAKE NO TARIFF DISTINCTION BETWEEN A "RAW MATERIAL" AND A "FINISHED PRODUCT."

It is contended that as long as we have a differential or extra duty on refined sugar and a graded tariff on raw sugar, both are protected and we do not need the Dutch standard color restriction. While American consumers do not seem to care for high-grade raw sugars, sugars "above No. 16 Dutch standard" should be considered as "refined sugar," for the reason that both can be used as "finished products" for "direct consumption." The term "refined sugar" and "above No. 16 Dutch standard of color" as used in our tariff law are meant to be synonymous as describing a "finished product" as distinguished from a "raw product," and not as the Senator from Kansas stated in his speech the other day, in which he says:

Mr. BRISTOW. If the Senator will allow me, let me state exactly what I did say. I said the customs officials in assessing the duty interpreted the word "refining" to refer only to that process of refining used by American refiners, who use the bone-black process.

The contention of those who advocate the removal of the color restriction from the sugar schedule means that, in their judgment, a "finished product," ready for "direct consumption" can enter our ports by paying only the duty prescribed for a "raw product," and they missed the whole purpose, intent, and theory of every schedule of the bill, which is to levy a higher duty on a "finished product" than on a "raw product," in order that the manufacturers of both a "raw product" and a "finished product" may be accorded a due measure of protection.

As all of our beet-sugar factories turn out a "finished product" for "direct consumption," this color restriction is for their protection primarily rather than for the protection of our seaboard refineries. For years we have been building up a home sugar industry, which makes sugar instead of merely refining an imported raw material. The duty on the raw product protects our farmers, who are producers of the raw material, while the duty on the finished product protects the beet-sugar manufacturers and, incidentally, the seaboard refineries. With a duty on the finished product and no duty on the raw product, the latter would be furnished by tropical and European planters, where labor is cheap, instead of by American farmers, where labor is dear. On the other hand, unless we afford a full measure of protection to our beet-sugar producers on the finished product, be it refined sugar or washed unrefined sugar,

for direct consumption, they will cease to operate and the farmers will have no market for their beets.

PRECEDENT FOR EMPLOYING TWO STANDARDS IN TESTING SUGAR IMPORTS.

It has been contended that the Dutch standard of color as a means for testing sugar became obsolete with the advent of the polariscope and that we should not have two methods for testing the same commodity. The purpose of a protective tariff is to protect home industry, and it is not limited as to the number of methods employed to accomplish the desired result. In the cotton-goods schedule the rates of duty are regulated by the fact of the goods being bleached or unbleached, dyed or uncolored, the twisting of a given number of yarns into a thread, as well as by other provisions which are deemed to be effective. So with various other schedules throughout the act, and hence there is abundant precedent for using both the polariscope and the color test in the sugar schedule.

The amendment offered two years ago providing for the elimination of the words "No. 16 Dutch standard of color" and substituting therefor the words "bleached sugars" would have been ineffective, inasmuch as if we were to eliminate "Dutch standard" and substitute "bleaching" we would come back to the matter of color (but without an established gauge of color), for bleaching is whitening, secured by the use of sulphur, strontium, sulphuric acid, or other substances. And who would determine the amount which could be used before the sugar should be declared "bleached" sugar, and how could it be determined how much bleaching material had been used except each cargo be traced to its origin—an endless and all but impossible undertaking.

DUTCH STANDARD NOT IN USE BY ALL EUROPEAN COUNTRIES.

Inasmuch as many foreign governments are not using the Dutch color standard, it is claimed that it should be abandoned by the United States Government.

I think the Senator from Kansas was unfair in his statement to the Senate in relation to the abandonment of the Dutch standard by foreign countries, because of the fact but half of the story was told by him. The fact that the color test is not now in use in some of the foreign sugar-producing countries affords no reason for our abandoning it, for the *reason that the tariff rates on sugar imports into those countries are already prohibitive, and as they import no sugar the use or nonuse of the "Dutch standard" of color would in no wise affect them other than to cumber up their statutes.*

I have here Senate Document No. 7 of the Sixty-first Congress, first session. It is a message of the President of the United States transmitting a report by the Secretary of State with an accompanying statement in response to Senate resolution of April 8, 1909, requesting information as to duties, taxes, and concessions on sugar in certain foreign countries.

I will call the attention of Senators to what that report shows in order to prove what I say, that some of the countries which have abandoned the Dutch standard are to-day imposing a duty upon sugar that is considered prohibitive, and the leading foreign countries, with the exception of England, impose a duty that is absolutely prohibitive.

Under the terms of the Brussels convention, which was signed March 5, 1902, and went into effect September 1, 1903, Austria-Hungary, Belgium, France, Germany, Spain, the United Kingdom, Italy, Holland, and Sweden agreed to make their surtax (that is, the amount of import duty in excess of the internal duty) 6 francs per 100 kilograms on refined sugar and 5 francs 50 centimes on other sugar. On refined sugar the surtax amounts to about 50 cents per 100 pounds, and is amply sufficient to prevent the importation of sugar. Inasmuch as Spain, Italy, and Sweden were not exporters of sugar, it was agreed that they should be exempt from this stipulation concerning the amount of surtax. The convention was made for five years and has been renewed. Under it the sugar bounties of Europe were abolished. Russia did not become a member of the convention, but an arrangement with Russia since has been entered into, whereby that country is allowed to export, I believe, 200,000 tons of sugar.

I find in this report that in Austria-Hungary on refined sugar, as well as kinds of sugar of polariscopic test of 98 per cent and above, the duty is $4.03 per 100 pounds. I find that France imposes a duty on 98 per cent sugar of $2.89 per hundred. I find that Germany imposes a duty upon sugar refined of $2.03 a hundred. I find that Italy imposes a duty upon first-class sugar refined of $8.68½ a hundred. I find that the Netherlands impose a duty upon sugar of $4.93 a hundred. I find that Russia imposes a duty upon sugar of $8.56 a hundred. I find that Spain imposes a duty upon sugar of $7.46 a hundred.

Is it any wonder that the Dutch standard has been abolished by those Governments? Is there any need of it? The rate is so high that it is absolutely prohibitive.

I call attention to the fact that in England a duty is imposed on sugars exceeding 98 per cent saccharine of only 39.6 cents per hundred. I want Senators to follow me and I will show them what the effect of this low duty has been upon the business of refining sugar in England.

DUTCH STANDARD NOT IN USE BY GREAT BRITAIN.

Great Britain is cited as one of the progressive countries which does not use the Dutch standard. The sugar tariff of Great Britain, the only other large importer of sugar among the progressive nations of the world, furnishes no guide for us, unless it be to force the conclusion home that the "Dutch standard" of color restriction is necessary to one branch of the home industry, namely, that of producing finished sugar, ready for direct consumption, be it home-produced beet sugar or refined sugar made from imported raws. Great Britain has no home sugar-producing industry to foster or protect, and her sugar tariff is levied as a revenue measure, pure and simple. The arranging of her sugar schedule, though on a lower rate of duty, is much like our own, except that the "Dutch standard of color" is not employed and there is no differential on refined sugar. Beginning with 17.9 cents per 100 pounds on 76° sugar, the duty gradually rises with each degree until it reaches 39.6 cents per 100 pounds on 98° sugar.

The effect of the British tariff not only has been to discourage the establishment of a home beet sugar industry, for which her soil and climate are admirably adapted, but to ruin and drive out of business her sugar refiners and transfer a large portion of that industry to continental Europe.

In 1860 Great Britain refined 96 per cent of the sugar she imported; in 1892 but 60 per cent, and in 1909 only 43 per cent; and while her sugar consumption has increased amazingly, her refiners handle less sugar to-day than they did 20 years ago.

I say now if the amendment of the Senator from Kansas is adopted it will have the same effect in this country.

The Dingley law also provided for a flat duty of $1.95 per 100 on all sugars which had passed through a process of refining, and this 12½ cents difference in duty between 100° raw sugar paying $1.82½, and refined sugar paying $1.95, has come to be termed the "refiner's differential." Under the Payne bill the duty on refined sugar has been reduced to $1.90, thus lowering the differential to 7½ cents per 100 pounds. Had the levying of duty on sugar been confined to these two regulations—the polariscopic test on raw sugar and the differential on "refined sugar"—the building up of the home beet-sugar industry would have depended upon a customs ruling as to what constitutes "refined sugar."

We are told here upon the floor of the Senate that refined sugar is the only sugar that has passed through a refining process known as the bone-black process.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Will the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. If the Senator will let me finish this sentence, then I will yield to him.

The VICE PRESIDENT. The Senator from Utah will continue his remarks.

Mr. SMOOT. Known as the bone-black process, and also a centrifugal process.

The original method of refining sugar, which is still employed universally in the refining of cane sugar, includes the passing of the remelted raw sugar through animal charcoal or bone-black filters, and the standard definitions of "refined sugar" embody the two features, "remelting" and the use of "bone black." It is less difficult to remove the alkaline impurities from beet sugar than it is to remove the gums from cane sugar, and some years ago a German scientist developed a successful process for producing pure beet sugar without the use of bone-black and without remelting. This process is being adopted more and more extensively in Europe and is employed by all the American beet-sugar factories. While these sugars are perfectly pure sucrose, a product identical in every way with so-called "refined sugar," it is a question, technically speaking, as to whether or not they would be classed as "refined sugars"—and if the Senator from Kansas is correct they would not be classed as refined sugars—since they have not been passed through "bone-black" filters, and, second, because they have not been "remelted," the process being continuous from the time the beets enter one end of the factory until the pure sugar comes out at the other.

WHAT IS "REFINED SUGAR"?

To eliminate the Dutch standard color test would mean either the elimination of the extra duty on so-called "refined sugar" or an endless amount of confusion and trouble in our customhouses, for the reason that "refined sugar" is more or less a relative term. The Standard Dictionary has this to say about refining sugar (p. 1797, 1909 edition):

The crude product, called raw or muscovado sugar, is sent to the refinery, where it is further purified by solution and filtration through animal charcoal, and boiled down in a vacuum pan to recrystallization, yielding a refined sugar, which is dried in a centrifugal machine.

If it should be held that only such sugar as had been purified by being passed over boneblack or animal charcoal was "refined sugar," then the perfectly pure, white, lustrous beet sugars turned out in Germany, France, Austria, and elsewhere on the continent of Europe could not be taxed as refined sugar, for many of those refineries use no animal charcoal whatever any more than our American beet-sugar factories use it.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah now yield to the Senator from Kansas?

Mr. SMOOT. I yield to the Senator.

Mr. BRISTOW. The Senator, of course, does not mean that only muscovado sugars are refined by the refiners. The definition which he read indicates that only the muscovado sugars are refined by being filtered through bone black.

Mr. SMOOT. I had no intention of conveying that idea. Not only muscovado sugars are refined, but other sugars are refined in the United States.

Mr. BRISTOW. The definition which the Senator read is not accurate, of course.

Mr. SMOOT. I think it is.

Mr. BRISTOW. The Senator does not mean that only muscovado sugars are refined. That is what the definition says, as he will see if he reads it again.

Mr. SMOOT. The Senator is speaking of the definition given by the dictionary?

Mr. BRISTOW. Given by the dictionary.

Mr. SMOOT. I simply say that is one definition which is given. It does not cover the whole subject, nor did I say it did.

Mr. BRISTOW. Well, that is what I suggested.

Mr. SMOOT. If, on the other hand, it were held that the use of animal charcoal is not necessary in order to constitute "refining," where would the line be drawn? After the juice is secured from the beet or cane the whole process is one of purification by repeated boilings, limings, etc. To what extent can this process be termed "refining"?

If it were held that a given number of boilings should constitute "refining," what would there be about the sugar to indicate to the customhouse officials whether it had been "refined" or not? To-day anyone who is not color blind can determine which sugars shall pay the extra 7½ cents per hundred and which shall not, for the simple reason that the so-called "refined sugars" are white, and with the "16 Dutch standard of color" in the law, all sugars whiter than No. 16 Dutch standard pay the 7½ cents extra duty, no matter to what extent the process of purification may or may not have been carried.

To remove the "No. 16 Dutch standard" from our tariff laws and still levy an extra duty on refined sugar would put our customhouses in a chaotic condition.

In a speech delivered by the Senator from Kansas the other day we find this statement:

But in answer to the Senator from Virginia, I will speak for a moment of the high-grade centrifugal sugars, which are sugars that have been refined at the factory by the centrifugal process, which is a rotary process, exactly similar to the process that is now used in separating cream from milk on the farm. The sugar is thrown into a whirling vat, and the molasses, which is the heavier, is thrown out by a rotary motion of some 1,500 revolutions a minute. So the sugar in the center of the receptacle gradually whitens as the molasses is thrown out of it by the momentum, the molasses being the heavier, just like cream gathers in the center because it is the lighter, and the milk which is the heavier gets onto the outer side of the separator.

That process, which is a modern process, has been improved, so that there is a great deal of very fine sugar that is produced by these centrifugal factories that will grade 98 and 99 and be 18 and 20 and 22 in color.

Now, that could find a market if it could be offered to the American people at a cheaper price than is our refined granulated sugar. There is no one in the Senate who does not remember years ago that we had different grades of sugar before the Dutch-standard monopoly was perfected. We had what were known as coffee sugars. I remember when I was a boy there was a coffee A and a coffee C. They were light-brown sugars; they had a little molasses in them, and they had a better flavor, indeed, than our refined sugars, because they had the molasses flavor.

Mr. SMITH of Michigan. Does the Senator remember how much they cost?

Mr. BRISTOW. They were much cheaper, probably 50 cents a hundred pounds, and sometimes 75 cents a hundred less than the refined. There was then a market for those sugars, and they would find a market now if the duty was assessed on the purity and not on the color, but they are lighter than 16, and so when a 17 sugar comes in—a sample of which I now hold in my hand—it pays just as high a duty as this granulated sugar [indicating] pays. So there is a penalty against this light-brown sugar coming in at all, a penalty of almost 20 cents a hundred pounds, and that keeps it out. Take that penalty off, and these sugars will find a market with the American public and the Sugar Trust will not get to handle them and add 75 cents a hundred to the price that the American people pay. That is the reason I am contending for taking the Dutch standard out of the sugar tariff.

Here it is claimed by the Senator from Kansas that the American people desire and would consume large quantities of high testing unrefined sugar if only they were able to get it at a slight reduction from the price of refined sugar, but that with the retention of the "Dutch standard" clause in the tariff bill, which clause imposes the same rate of duty on high colored unrefined sugar as on refined sugar, all of these sugars must be kept below a certain color (No. 16 Dutch standard), that anything below this color is not marketable for direct consumption, and thereby necessarily is forced into the refineries to the great detriment of the American people and the enrichment of the refiners, and if this Dutch color restriction were removed the tropical planters would hot purge and wash their sugars and turn out a high testing, light colored unrefined sugar, such as the American people want but are unable to get. The fallacy of this argument lies in the fact that on American soil, without any restrictions as to color and without any duty to pay, we are producing in Louisiana, Hawaii, and Porto Rico nearly 1,000,000 tons a year of light colored 96° to 99° sugar and the direct market for it is so small that practically all of it has to be sold to the refiners and be refined before it becomes marketable for direct consumption. There isn't a sugar maker in the world so ignorant as not to know that he could raise the color of his sugar by washing it, and to contend that if we would remove the "Dutch standard of color" restriction the foreign tropical planters could wash their sugars, pay full duty, and find a great American market waiting for them is to brand as fools every producer of raw sugar in Louisiana, Hawaii, and Porto Rico for failing to grasp such a golden opportunity.

I hold, Mr. President, a sample of those sugars in my hand. This [indicating] is a cane sugar. It tests only 92.2°, and yet it is almost white. Here is one [indicating] the color of coffee C sugar, and it tests only 91.8°. Without the Dutch standard that sugar could be made white, brought into this country, and sold to the American people as pure refined sugar. Referring to the colored sugar the American people would like to buy, as stated by the Senator from Kansas, here is a sample [indicating] of that kind of sugar, made in Louisiana. That grade of sugar can be purchased in any quantities desired or demanded by the American people, yet not to exceed 20 per cent of the sugar raised in Louisiana is sold in that condition. As I say, nearly 1,000,000 tons are produced in Hawaii, Porto Rico, and Louisiana, and could all be sold to the American people without ever passing through a sugar refinery, if the American people should demand this grade of sugar that is so much sweeter than the refined sugar, according to the testimony of the Senator from Kansas [Mr. BRISTOW].

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I do.

Mr. CUMMINS. Does the Senator from Utah mean to imply that the people who buy the 20 per cent Louisiana sugar, such as the sample before him, are defrauded, and that the people who sell the sugar are committing a crime against business morality?

Mr. SMOOT. Mr. President, I did not so intimate or state such a proposition. I said that the Senator from Kansas had stated in his recent speech on this subject that if the American people could get this grade of sugar they would buy it, but that the American people were forced to take refined sugars because of the fact that the cane-sugar producer is compelled to send his sugar to the refiner to be refined, and——

Mr. CUMMINS. If I understand the argument of the Senator from Utah, it is——

Mr. SMOOT. And in further answer to the question which the Senator has asked is this: Here is a sugar [indicating] which tests 92.2°. That sugar is not 100 per cent pure, but there is 7.8 per cent of impurities in it, consisting of molasses and water; yet it is bleached white. If the Dutch standard were not in the law, that sugar could be imported and pay duty only on a basis of 92.2 per cent saccharine and be sold to the American people for 100 per cent pure sugar.

Mr. CUMMINS. I understood that; but if there is any strength in the argument of the Senator from Utah, it is that

the Dutch standard is necessary in order to protect the consumers of sugar in this country from imposition. That is the only purpose which the Senator says it now really serves.

Of course as to the sugar produced in Louisiana, there is no Dutch standard of color, and the sugar manufacturers there can impose upon the American people in just the same way as the Senator from Utah says the imported sugar might impose upon them if we should remove the Dutch standard. My question is: Do the sugar manufacturers of Louisiana commit that fraud upon the American people, or is their sugar honestly sold? If it is honestly sold, why does the Senator from Utah think that the same kind of sugar coming in from abroad would be dishonestly sold?

Mr. SMOOT. Mr. President, I am referring to the sugar of which this is a sample [indicating] produced in Louisiana. That is a sugar that comes directly from the centrifugal. No one in Louisiana sells that for pure, white sugar, but if it were bleached, the people of the United States would not know whether it was 100° sugar or 96 per cent.

In further answer to the Senator I will also say that I know of no attempt on the part of Louisiana sugar producers to sell as pure sugar bleached or whitened sugar.

Mr. CUMMINS. If the sugar manufacturers of Louisiana have not so attempted, what reason has the Senator from Utah to think that sugar coming from Cuba or the Philippines would be sold upon the market in such a way as would be dishonest?

Mr. SMOOT. Mr. President, I think so from the very fact that it has been done in the past by other countries. A duty is imposed upon sugars from Cuba and other foreign countries, but Louisiana sugars pay no duty no matter in what shape they are placed upon the market.

Mr. CUMMINS. Then, why do not the Louisiana sugar makers do it?

Mr. SMOOT. I am not authorized to speak for the Louisiana sugar planters. I have never heard them say why they do not do it; but I know that sugars are bleached in Scotland, that they are sold in different countries as white sugars, and they could be so sold in this country if it were not for the Dutch standard.

Mr. CUMMINS. But it is not done by those who have the opportunity to sell that sort of sugar.

Mr. SMOOT. No; not by the cane planters of this country.

Mr. CUMMINS. Well, I say it is not availed of in this country.

Mr. SMOOT. Not that I am aware of.

Mr. CUMMINS. But the Senator from Utah is perfectly sure, is he, that the only reason for maintaining the Dutch standard of color is to prevent the sale of white sugar to the people of this country upon the supposition that it is pure sugar, when, as a matter of fact, it is of less saccharine strength?

Mr. SMOOT. Not the only reason, Mr. President.

Mr. CUMMINS. What other reason is there?

Mr. SMOOT. I have already gone over that ground while the Senator was out of the Chamber, and if he will take time to read my speech he will see that I have done so.

Mr. CUMMINS. I was compelled to be out of the Chamber for a few moments, and I am rather curious and anxious to know what the other reason is.

SUGAR TARIFFS AND THE DUTCH STANDARD—"BLEACHED SUGARS."

Mr. SMOOT. Mr. President, in years gone by Scotch and other bleached sugars, high in color and low in sucrose, have invaded our market, to the great loss of our customs revenues as well as to our consumers, who had no means of knowing how pure the sugar was.

Inasmuch as nearly 1,000,000 tons of raw sugar a year is produced in the United States and its possessions, none of which pays any duty and all of which can be washed and marketed as readily as can other tropical sugar, and yet practically none of it is handled in this manner, a fair conclusion would seem to be that the foreign tropical planters who have urged persistently the removal of the Dutch standard of color test have in view the flooding of our market with high-colored, low-grade bleached sugars.

Mr. CUMMINS. Might I ask another question, Mr. President, at this point?

The VICE PRESIDENT. Does the Senator from Utah further yield?

Mr. CUMMINS. Just for a question.

Mr. SMOOT. I yield.

Mr. CUMMINS. Would it not be entirely practicable to compel the manufacturers and sellers of sugar to put such a stamp or label on it as would indicate its saccharine strength?

Mr. SMOOT. Mr. President, I have heretofore stated, in discussing this subject, that it would be practicable, but the law does not compel it at this time.

Mr. CUMMINS. Precisely; but, Mr. President, I only suggest that if we can save the people of the country something in the price of sugar it would be quite easy to supplement our present pure-food laws by such a requirement.

Mr. SMOOT. If an amendment to the pure-food law were an accomplished fact, then I do not see why it would be necessary to maintain the Dutch standard, but until that is done it certainly is necessary, in my judgment.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. For a question only.

Mr. BRISTOW. I should like to inquire if the Senator thinks the foreign refiners are any more dishonest than are the American refiners?

Mr. SMOOT. That has nothing to do with the question under discussion. I do not know that the refiners of America are any more honest than the refiners of foreign countries; but the refiners in foreign countries may have a process of bleaching sugars, as they have in Scotland to-day, that the refiners in this country have not. I do not think that any of the refiners in a foreign country or in this country, or men in other avocations of life, are endowed with too much honesty.

Mr. President, speaking upon the question of refiners, it is charged that the only thing that the Dutch standard accomplishes is to benefit the refiners. I have before me——

Mr. NELSON. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Just for a question.

Mr. NELSON. Would it not be well in the sugar schedule to put in a proviso that no company that has been guilty of defrauding the Government by false weights shall have the benefit of this tariff law?

Mr. SMOOT. If the Congress of the United States desires to enact such a provision, it is in their power to do so. I have no excuse to offer for any person or company defrauding or attempting to defraud the Government.

Mr. President, it has been charged, as I have stated, that the Dutch standard is put into our law for the purpose of benefiting the refiners; and yet, Mr. President, I find the refiners of this country working and pleading for free sugar, sending broadcast over this country this kind of circular advertisement [exhibiting], and signed "Committee of Wholesale Grocers", formed to assist in obtaining cheap sugar for consumers through reduction of duties on raw and refined sugars, 138 Front Street, New York. I understand that this circular is being distributed at the instigation of Mr. C. A. Spreckels, president of the Federal Sugar Refinery Co. This has already been proved before the committee of the House investigating the Sugar Trust. In the circular it is stated:

> For years it has been the claim of the promoters of our domestic beet-sugar industry that our infamous sugar tariff, equal to an ad valorem rate of 78.87 per cent, must be continued so as to protect the "high-priced laboring man."

Mr. President, that is falsehood number one. The ad valorem duty on sugar is 52.76 per cent, instead of 78.87 per cent as stated in the circular. The circular contains illustrations showing that the laborers in the sugar industry in Germany all dress for their work as if they were going to a coronation ceremony, and that all who are employed in raising sugar beets in this country are foreigners of the lowest type. This is falsehood number two, and I shall not take the time of the Senate longer to point out other equally as flagrant falsehoods. I wish to say that if the refiners could only secure free sugar they would have the sugar business of this country absolutely in their hands, controlling, as I believe they do, most of the sugar lands in Cuba, Porto Rico, and Hawaii.

I support a duty upon sugar for two purposes. In the first place, for the revenue derived from that source. Many of the leading countries of the world raise a great share of the necessary revenue for maintaining their governments from the collection of import duties or an excise tax upon sugar.

I have a statement showing the amount of excise taxes collected on sugar for the year 1907 by eight foreign Governments, amounting in all to $188,359,720. The names of the Governments and amounts collected by each are as follows:

Russia	$52,255,640
Germany	35,118,408
Austria-Hungary	38,191,500
France	30,020,055

Italy	$14,745,691
Little Holland	9,902,250
Spain	4,618,531
Belgium	3,507,645

I support a protective duty upon sugar because it enables the home manufacturers of sugar to produce at least a part of the sugar consumed by the people of this country. I believe that if it were understood that for 20 years the rate of duty on sugar would remain the same as it is to-day there would be produced in America, long before the expiration of that time, beet and cane sugar enough to supply the American people. Men do not want to invest their money in beet-sugar factories so long as there is an agitation every year or two for free sugar, for it is impossible to make sugar in this country in competition with Germany, Russia, Holland, France, and other countries where wages are so low.

In the speech of the Senator from Kansas the other day he said:

By the Cuban treaty this differential was increased by a 20 per cent reduction of the duty on Cuban sugars, thereby reducing the maximum duty on raw sugar from Cuba from $1.82½ to $1.46, making the differential 49 cents per hundred pounds. When the Payne-Aldrich bill became a law the duty on refined sugar was reduced from $1.95 to $1.90, leaving the differential on Cuban sugar since that date 44 cents per hundred. I have shown, however, that the differentials, based upon actual importations was, prior to that time, 25 cents—not 12½ cents—and since that time it is the difference between $1.348, the duty actually paid upon importations, and $1.90, or about 55 cents per hundred pounds. That 60 cents a hundred pounds is a great deal more than the entire cost of refining. There is no evidence that it costs as much as 60 cents a hundred pounds to refine sugar, except a statement at one time made by Mr. Havemeyer. The result has been that this 20 per cent reduction in duty has enabled the sugar refiners to buy their sugar in Cuba for about 34 cents a hundred less—that is, the amount of the 20 per cent reduction in duty—than they did before. They have gotten the advantage of the reduction of the duty; the Cuban has not received any more for his sugar; and the American consuming public has not received the advantage of that reduction. I make that statement and challenge any man to contradict it.

I do not claim, nor never have, that the Cuban planter gets all the benefit of the 20 per cent reduction as provided for in the Cuban treaty, but I do claim that at times they get a large portion of it and at other times but very little of it. I also claim that the quotations on sugars at times in this country, as compared with the price of foreign sugars, prove that the American people get some advantage in lower price sugars on account of the Cuban preferential.

The difference between the New York price of raw and refined sugar, as given in Table No. 1, represents the margin the refiners secured for the cost of refining and for profit. It will be observed that during the free raw sugar period it was much greater than at present, or just prior. The result was reflected in the dividends of the American Sugar Refining Co., on its common stock, which have been as follows:

	Per cent.
1891	4
1892	10½
1893	21½
1894	12
1895	12
1896	12
1897	12
1898	12
1899	12
1900	7½
Since 1900	7

Table No. 2 shows how much the New York price of 96° sugar has been below the New York parity of the Hamburg price since 1901.

Table No. 3 shows how much less or how much in excess of Hamburg export prices the American people have paid for refined sugar.

The fact of the matter is that with the impetus given to raw-sugar production through the annexation of Hawaii, free sugar from Porto Rico, and 20 per cent reduction to Cuba the American markets have been flooded with raw sugar and the market greatly depressed.

The refiners have paid the New York market price of raw, have maintained a difference of 76 to 90 cents per 100 for their labor and profit, and where the prices of raw have been excessively low the excess has gone to the people in a cost of sugar lower than the Hamburg parity.

It seems to be true that whatever the price of raw sugar is in New York, the Cubans get 34 cents a hundred more for their sugar than do the producers of nonpreferential sugar.

I have, Mr. President, these tables, but will not take the time of the Senate to read them, but will ask permission to have them inserted in the RECORD without reading.

The PRESIDING OFFICER (Mr. NELSON in the chair). Without objection, permission is granted.

The tables referred to are as follows:

New York prices of sugar.

[Cents per pound.]

Years.	Average New York price of 96° sugar.	Average New York wholesale price of standard granulated.	Difference between New York price of raw and refined.
1889	6.57	7.89	1.32
1890	5.57	6.27	.70
1891	3.92	4.65	.73
1892	3.32	4.35	1.03
1893	3.69	4.84	1.15
1894	3.24	4.12	.88
1895	3.23	4.12	.89
1896	3.62	4.53	.91
1897	3.56	4.50	.94
1898	4.24	4.97	.73
1899	4.42	4.92	.50
1900	4.57	5.32	.75
1901	4.05	5.05	1.00
1902	3.54	4.46	.92
1903	3.72	4.64	.92
1904	3.97	4.77	.80
1905	4.28	5.26	.98
1906	3.69	4.52	.83
1907	3.76	4.65	.89
1908	4.07	4.96	.89
1909	4.00	4.76	.76
1910	4.19	4.97	.78

Prices of sugar.

[Cents per pound.]

Years.	Average New York price of 96° raw sugar.	Average New York parity of Hamburg of 96° raw sugar.	Difference—New York price below New York parity of Hamburg.
1901	4.05	4.05	0.00
1902	3.54	3.65	.11
1903	3.72	3.94	.22
1904	3.97	4.15	.18
1905	4.28	4.41	.13
1906	3.69	3.80	.11
1907	3.76	3.99	.23
1908	4.07	4.21	.14
1909	4.00	4.32	.32
1910	4.19	4.72	.53

Years.	Average New York price of granulated sugar.	Average New York parity of Hamburg price "First-marks" granulated sugar.	Difference.
1901	5.05	4.87	[1] 0.18
1902	4.46	4.40	[1] .06
1903	4.64	4.74	[2] .10
1904	4.77	4.85	[2] .08
1905	5.26	5.17	[1] .09
1906	4.52	4.54	[2] .02
1907	4.65	4.65	.00
1908	4.96	4.90	[1] .06
1909	4.76	5.04	[2] .28
1910	4.97	5.46	[2] .49

[1] New York above Hamburg. [2] New York below Hamburg.

NOTE.—The intrinsic value of German-Austrian granulated is one-eighth to one-fourth cent per pound less than New York standard granulated. In the above figures 15 cents per 100 pounds has been added to the quoted New York parity of Hamburg "First-marks" in order to equalize the difference in value of the two sugars.

Mr. SMOOT. Again, Mr. President, in the report issued by the Czarnikow-Rionda Co., of New York, dated April 28, 1911, quotations of sugar are given. The costs, including freight, are as follows:

Centrifugals, Cuba, 96° test, is $2.66 a hundred; centrifugals, 96° test, not preferential, $2.22; muscovados, 89° test, $1.97.

And in their circular of July 21, 1911, the quotations are as follows:

Centrifugals, Cuba, 96° test, $3 to $3.12; centrifugals, 96° test, nonpreferential, $2.66 to $2.78; and muscovados, 89° test, $2.41 to $2.53.

So, Mr. President, the quotations upon the market in New York in April and in July of this year show that there was a difference in favor of the Cuban sugars.

I was somewhat astonished the other day when I heard the Senator from Kansas say that he did not know a Mr. Bass.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Certainly, I yield.

Mr. BRISTOW. I think the Senator is mistaken as to what I said. I did say that I had heard of Mr. Bass a few years ago during the sugar controversy, and I think I got some circulars from him. I do not remember saying that I did not know Mr. Bass.

Mr. SMOOT. Then, Mr. President, I certainly was mistaken, because, as I remembered, the Senator made that statement, but I shall certainly take the Senator's word if he now says that he did not say that he did not know Mr. Bass.

Mr. BRISTOW. I supposed the Senator and everybody understood that Mr. Bass was here and that he sent voluminous letters to a number of Senators two years ago; but I know nothing about Mr. Bass except concerning his relations to the controversy two years ago. I do not know whether he is from Porto Rico or where he is from, and I know nothing about his responsibility.

Mr. SMOOT. He is generally known as the father of this movement. He once had a testing plant in an office building in Washington, and he tried to get nearly every Senator to visit his office for the purpose of explaining in his own way the Dutch standard. He has issued more circulars and made more statements through the public press than any man I know of supporting the elimination of the Dutch standard. I do not care to take up the time of the Senate now by going into the history of Mr. Bass and letting the Senate know what kind of a man he is, but I ask permission to include in my remarks certain circulars, issued in English and in Spanish, numbered A, B, C, D, E, and F, issued by Mr. Bass, and first signed "Fiscus." I shall not ask to have his photograph appearing in Circular "D" included in the RECORD. Up to that time he was not known, but he thought in issuing Circular "D" that it was about time to let the American people know who he was, and so he put his photograph in Circular "D."

I also have here a book signed "Fiscus No. 1," dated New York, December 1, 1907, which gives in his own language a description of what a wonderful character he is. I should like, Mr. President, to insert the English portion of these publications also as a part of my remarks. These precious documents should be preserved, showing what a remarkable man the "father of the Dutch standard" is.

The PRESIDING OFFICER. In the absence of objection, permission is granted to insert the matter indicated by the Senator from Utah.

The matter referred to is as follows:

"FISCUS."

I, the undersigned, give my solemn word and promise not to reveal to anyone the contents and subject matter of all such communications as I may become acquainted with in connection with the word "Fiscus," relating to the secret work being carried on in an effort to place sugar and other products of this country, with a material saving of import duty, upon the markets of the United States, and the products of the United States imported into this country with a minimum amount of duty, and that in any correspondence upon the subject I shall not use my name, but only the numbers assigned to me.

I am connected with the enterprise ———.
In the capacity of ———.
My age is ———. My nationality is ———.
I speak the following languages ———.
My signature and address is ———.
Date ——— ——, 1907. Number ———.
Mr. ——— ———, whose address is ———; Mr. ——— ———, whose address is ———; Mr. ——— ———, whose address is ———; Mr. ——— ———, whose address is ———; Mr. ——— ———, whose address is ——— may also, in my judgment, be similarly pledged.

(Signature) ——— ———.

Date ———.

Your name has been submitted in confidence with the suggestion that one of the inclosed pledges be sent to you.

Kindly send the names of several other parties who you are confident will be interested in the subject, preserve the pledge of secrecy, and not take any steps to embarrass the movement.

With the close of the United States Congress on March 4, 1907, the Cuban situation remains still in the hands of the Executive branch of the American Government. Care must be taken in order not to conflict with the program of campaign carried on by the members of the "Fiscus" movement; that you are not identified, publicly or privately, with any movement that purports to bring about reciprocity, a protectorate, or annexation.

Having given your pledge of secrecy, you are relied upon to have confidence in such as have in hand the "Fiscus" movement, and only act upon suitable instructions and when so instructed. Kindly write, stating how your interests may be benefited by a realization of the "Fiscus" movement, and briefly outline what your interests are.

This information will be appreciated by the management of the "Fiscus" movement, and will facilitate the early instructing you upon the details of the plan of campaign, as you will understand that until each member pledged has demonstrated his loyalty, secrecy, and interest in the movement, every particle of information must be kept back in order not to permit the enemies of the movement from creating obstacles to its early and complete accomplishment.

Under no circumstances submit the names of any parties unless you are confident they will preserve the secrets. The movement will gain nothing by having a great number of supporters. *It requires a limited number of intelligent men,* sufficiently interested to prompt them to realize the value of secrecy.

Up to the present no outsider has any idea of the movement. Already it has the support of the leading proprietors, exporters, and importers in every locality on the island of Cuba, and, as you will observe, the press as yet is silent upon the subject. That is as it should be. The Cuban press will be suitably instructed at the opportune moment. Meanwhile the work of organization is going on at a rapid rate. There is no necessity to enlarge upon the individual advantages that will accrue to the members of the "Fiscus" movement when its aim is accomplished. Each member is sufficiently intelligent to recognize that when he signed the pledge of secrecy.

Recollect the "Fiscus" movement does not want *everybody* to be connected with it. Its members, therefore, should be interested in not giving the names of any indiscreet parties or such as are inclined to indulge in liquor enough to make them loquacious. There *is too much* at stake. There are too many sincere men interested in the movement.

It is believed that you are interested in the subject hereinafter indicated, and that is the reason why the inclosed is sent to you.

The "Fiscus" movement has for its primary object to get several thousand interested individuals in Cuba in communication with one leading individual. Later an attempt will be made to get all to think alike upon a certain subject, which is: The urgency of properly increasing the existing 20 per cent Cuban-American reciprocity.

The originators of the "Fiscus" movement believe that, without in any way injecting politics into the subject, the attainable limit of Cuban-American tariff reduction is 99 per cent; and that the one-hundredth per cent may be properly left to represent the continuance of the Cuban flag, and with which Cuban flag the "Fiscus" movement is in no manner concerned. It is believed that no effort should be spared by interested parties to attain, as near as possible, to the limit of 99 per cent; and, furthermore, that by preconcerted action the same may soon be brought about.

You are asked to fill out the inclosed blank, which will not compromise nor in any manner make you liable for anything. By so doing it will be known to the manager (and to no one else) that you are interested in the subject, and additional printed matter will be sent to you; otherwise it will be taken for granted that you are not interested.

Many have stated that it would be impossible to *organize* those who would be immediately benefited by a larger than 20 per cent Cuban-American tariff reduction. It is assumed that such is the case, and consequently no attempt will be made to *organize* any number of Cubans. An effort will be made to get in communication with several thousand individuals interested in the subject and to later submit certain ideas for their consideration. Meanwhile it is hoped that they will exercise a little patience and not become unduly or prematurely agitated upon the subject.

It has, furthermore, been stated that the principal reason why no one could deal with the Cubans to the latter's advantage was because the Cubans were suspicious of one another, and that this feature permitted their becoming a ready prey to the designs of their industrial opponents. The "Fiscus" movement will endeavor to get the Cubans to cease being suspicious of one another and to direct and concentrate their suspicions against certain parties who will be later indicated.

In the deal of 1903 the Cubans in general (and the sugar planters particularly) were deceived; that is, their cause was actually sacrificed because they did not know enough about the subject to prompt them to see that their interests were intrusted to competent individuals.

Gradually the entire matter will be explained in order that by next spring (1908) the Cuban industrials will not be again improperly represented either before the Cuban or the American Governments.

Someone, in the article in the New York Herald of May 9, 1907, has fired the first shot in the coming struggle and against the interests of the Cuban sugar estates.

What will be communicated to the "Fiscus" correspondents will not be read in the newspapers or other publications for some time to come. Therefore, if you desire to keep informed upon that which will be later distributed, kindly fill out the inclosed blank and return it at an early date to the address indicated on the inclosed envelope, as it is a considerable task to send out over 3,000 sealed circulars—some of them needlessly. If you are interested in the subject (and every planter, merchant, banker, or other in the island of Cuba is interested), the least you can do is to see that your name and address is properly recorded.

Mr. Bass is the originator and present head of the "Fiscus" movement. In 1902 he went to Washington for the fixed purpose of securing a Cuban-American reciprocity treaty that did not make any reference to any such restraining clause as the "16 Dutch standard in color." He, individually, sustained all the expenses of the campaign successfully carried on by the Cuban-American reciprocity bureau, at a cost of *over $50,000, and which lasted over a period of more than 15 months.*

Mr. Bass's work in 1902 and 1903 should be justly considered as a complete success. Although he did not succeed in securing a large enough reduction of American import duty to admit of the *Cubans making white unrefined sugar for direct sale to the American public* (the same as the American beet-sugar producers), he did succeed in keeping the "16 Dutch standard" clause out of the *primary* or actual treaty. This objectionable clause he kept out of the treaty by overcoming tremendous odds: (1) The Cuban planters' delegation approved of its insertion in the treaty; (2) the resolutions adopted at the meetings held throughout Cuba, under the auspices of the Provisional American Government, were later secretly presented to the United States Senators, and these resolutions approved of the insertion of the 16 Dutch standard clause in the treaty; (3) the American Beet-Sugar Association, and (4) the Louisiana Planters' Association, (5) together with the delegates from Hawaii, and (6) Porto Rico also urged the insertion of the 16 Dutch standard clause; (7) many *"paid-for"* articles at the time appeared in the American periodicals urging the insertion of the clause. The subject finally provoked a scandal and prompted a senatorial investigation, headed by Senator Teller, of Colorado. Against the foregoing open influences and (8) powerful secret work, the Cuban-American reciprocity bureau nevertheless succeeded in keeping the 16 Dutch standard clause out of the treaty.

In the coming campaign there remains to be secured not only a *greater than 20 per cent reduction* of American import duty, but particular care must be taken that the "16 Dutch standard" clause is not inserted in any Cuban-American arrangement. It is firmly believed that the "Fiscus" movement will triumphantly accomplish the desired results.

The "Fiscus" movement counts upon the loyalty of the Cuban planters, merchants, and bankers to no *other interest than their own.* What is that which they most desire? *Is it not a material reduction of American import duty upon Cuban products shipped from Cuba to the United States?* And to secure this is what the "Fiscus" movement was originated and is being carried on for.

You will recall that the existing Cuban-American reciprocity arrangements began to take effect in 1903, and were to last for five years. The coming session of the United States Congress will be the long session, as it will begin the early part of December, 1907, and continue until May or June, 1908.

The Cuban-American reciprocity arrangement will be brought up for consideration at that time. It is hoped that history will have served to teach a lesson to the Cuban sugar planters.

In 1903 the Cubans petitioned for that which they were instructed to ask for by *some one.* Who that "some one" was need not be referred to here. The general petition was for a reduction of American import duty *on sugars not lighter than 16 Dutch standard in color.*

It was no fault of the Circulo de Hacendados, or the delegation that they sent to Washington, that the existing reciprocity arrangements do not specifically limit the existing (20 per cent) reduction to sugars *not lighter than 16 Dutch standard in color.*

What the Cuban sugar industry actually requires is a greater than 20 per cent reduction of American import duty, and the reduction must not be *confined to any particular color of sugar.*

As long as any reduction is operative only on sugars *not lighter than 16 Dutch standard in color,* or the reduction is not large enough to prompt and permit the Cuban producer to *make white unrefined sugar,* the advantages of any Cuban-American reciprocity are, to all intents and purposes, mythical and of no tangible benefits to the Cuban sugar producer. *When the reduction of American import duty becomes 30 per cent or 40 per cent on all grades of unrefined sugar,* then the Cubans will get every cent of the reduction. Under such conditions the American refiners will have to give the Cubans the same price as they would have to give for European beet sugar or American beet sugar laid down at the Atlantic seaboard where the refineries are located. Should the refiners attempt to absorb, as they do at present, the benefits of a 30 per cent or 40 per cent tariff concession, *the Cuban planters will only have to purge hot after sulphuring the juice prior to defecation, and send the hot purged bleached sugars direct to any United States port for local consumption. They would then get the same prices that the American beet-sugar producers get for their current product, which is 10 cents per hundred pounds less than the local market price for ordinary refined sugar such as is not made up into "Cubes," "Cut-loaf," or "Domino-crystal."*

The Cuban sugar planters did not know this five years ago, or, if they did, the parties they sent to Washington to represent them either did not know it or they failed to take advantage of it. That is a matter of historical record and does not admit of any denial; future circulars will enlarge on this subject.

It was indeed a cruel wrong to have the entire interests of the Cuban sugar planters in 1903 become bottled up in the hands of their enemies. That is what happened, and unless a great deal of care is taken it is liable to happen again; particularly if the Cuban planters are not careful as to in whose hands they intrust their cause next time. Powerful influences are already working to capture the Cuban planters' *confidence,* and have history repeat itself.

As the American refiners make no attempt to disguise the fact that the Cubans are not getting the 33 cents a hundred pounds, *or any part thereof,* the American beet-sugar producers' representatives in Washington have a strong argument for petitioning the United States Congress not to extend the Cuban-American reciprocity arrangement of 20 per cent. The Cubans must bear in mind that since they have been for the past five years delivering 1,000,000 tons annually at 33 cents per 100 pounds less than they should to the refiners, the American beet-sugar producers have had to sell their sugars just 33 cents less than if the Cubans got the 33 cents from the refiners. The beet people should not be blamed if they spare no effort to put a stop to such a condition of affairs adverse to their interests. It may be that at an early date an announcement will be made to the effect that the American Beet Sugar Association favors the present 20 per cent Cuban-American reduction. The reason why such an announcement may be made will be explained in a later "Fiscus" circular.

The "Fiscus" movement has for one of its purposes to keep the 20 per cent in force and to increase that 20 per cent. And the "Fiscus" adherents recognize no limit short of 99 per cent reduction as the proper thing to strive for. And furthermore, the management of the "Fiscus" movement does not intend to advocate any greater reduction than 20 per cent *upon sugars not lighter than 16 Dutch standard only.* That is what the former Cuban delegation did, and thus played directly into the hands of the American refiners.

The reduction which the management of the "Fiscus" movement will urge will be *upon and for all grades of unrefined* sugar coming from Cuba to the United States, whether consigned to the refiners or the consumers, and whether such sugars are raw, cooked, baked, roasted, fried, or broiled.

Cuba really needs this increased reduction of import duty into the United States, because after 1908 the United States Supreme Court can be counted upon to declare that Philippine sugars will be entitled to free entry into the United States. Cuba must either secure a timely heavy reduction of American import duty or be ready to accept the consequences. Annexation is a theme that the management of the "Fiscus" movement prefers to leave to some one else to handle and work upon. The Cuban politician has no objection to the sugar planters getting more money by paying less import duty into the United States Treasury, but the Cuban politicians require the Cuban flag.

What will the Cuban planter do if this coming long session of the United States Congress goes by, in 1907–8, and that 20 per cent is not made 75 per cent or at least 50 per cent?

Better think it over now.

The Cuban planters had better keep clear of anyone who proposes to urge a protectorate—because a protectorate is liable to delay the Cuban presidential election, and that may make for a shortage of Cuban crops. The hidden advocates of a protectorate are hoping that by delaying the elections in the spring of 1908 the Cuban planters will be too busy to petition the United States Congress for an increase of United States tariff reduction. Besides, if Cuba has no president, who is going to negotiate for a new Cuban-American treaty other than the provisional American governor? Therefore the Cuban planters should petition for themselves. The "Fiscus" movement has for its object the unification of the planters for that purpose and to advocate strictly as herein set forth.

It is unfortunate for the Cuban sugar industry in general that many leading interested individuals are secretly yet keenly desirous that annexation may take place. They desire annexation so earnestly that they sincerely believe that it is a feasible accomplishment without being able to indicate how it may be brought about. Those that entertain such ideas are inclined to be reluctant to occupy themselves with any movement which has for its purpose petitioning for greater Cuban-American tariff reductions. This in turn greatly weakens the cause of the Cuban sugar planters in general. Let such as believe that annexation is more feasible to bring about than an increase of Cuban-American tariff reduction begin a corresponding propaganda. Then there will be in the field three movements: (1) For greater Cuban-American tariff reduction; (2) one for a protectorate; and (3) one for annexation.

[Extract taken from treaty of peace, signed in Paris, between Spain and United States.]

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her august son, Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as plenipotentiaries:

The President of the United States—William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States; and Her Majesty the Queen of Spain—

Don Eugenio Montero Rios, President of the Senate; Don Buenaventura de Abarzursa, Don Jose Garnica, Don Wenceslao Ramirez de Villa Urrutia, and Don Rafael Cerero;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper forms, have, after discussions of the matters before them, agreed on the following articles:

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may, under international law, result from the fact of its occupation for the protection of life and property.

ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following lines:

* * * * * * *

The United States to pay $20,000,000 within three months of evacuation of Philippines.

* * * * * * *

ARTICLE VIII.

In conformity with the provisions of Articles I, II, and III, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippines Archipelago, all the buildings, wharves, barracks, forts, structures, public highways, and other immovable property which, in conformity with law, belongs to the public domain, and as such belongs to the Crown of Spain.

* * * * * * *

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will, upon the termination of such occupancy, advise any government established in the island to assume the same obligations.

As a tropical cane-sugar planter of some 22 years' experience I have repeatedly seen fire devastate my fields; succored the sick; helped the outlaw; interposed at quarrels between my laborers; known mechanical breakdowns; been once incarcerated amongst the lowest of criminals; stood over a battery of boilers blowing off the fires freshly charged with wood, and known that somebody had opened the cock and run off the boiler feed-water supply; suffered polite exile; experienced the ill favor of the leading authorities of three Governments for urging the cause of the industries of the Antilles; had the tubes of three locomotives burnt in one night in the crop; seen crowbars pass through my mills; paid exactions not creditable to the high functionaries who imposed them; experienced financial difficulties with refracciosistas; had prolonged legal entanglements with colonos breaking contracts; plead before a United States Congressional committee to apply local taxes to Cuba as referred to. Had some experience as the sole manager of the Cuban-American reciprocity bureau in Washington in 1902 and 1903. Under the circumstances I believe I have some claim to be rated as a sugar planter and confèrer of the Cuban sugar producers, and hope I may enjoy their confidence in the future as I have in the past.—(Fiscus No. 1. New York, Dec. 1, 1907.)

Mr. SMOOT. I am informed that Mr. Bass inherited from his father a sugar estate on the south side of the island of Santo Domingo. The estate consisted of some 16,000 acres of land and was equipped with a sugar mill, the whole being known as the "Consuelo estate." He has been associated in some local revolutions to such an extent that he was compelled to flee the island.

During the Cuban reciprocity contest in 1902–3, Mr. Bass maintained headquarters at the Fairfax Hotel in Washington for the purpose of urging the elimination of the No. 16 Dutch standard of color restriction from the Cuban reciprocity treaty, his theory being that whatever treaty might be negotiated with Cuba would perhaps be duplicated at a later date with Santo Domingo.

In 1907 Mr. Bass opened up what was known as the Cuban-American reciprocity bureau, with headquarters in the Star Building. He issued a great deal of literature, but it was next to impossible to determine just what he expected to accomplish for himself. He circularizes the planters of Cuba soliciting subscriptions for carrying on his propaganda, and in one of these circulars stated that in the 15 months' contest in 1902–3 he had spent $50,000 of his own money.

In another circular, issued at about the same time and sent to the same people, he stated that the purpose of securing the elimination of the "16 Dutch standard" of color was to enable the Cuban planters to find a direct market for their sulphured, hot purged, bleached sugars.

Mr. President, I have little more to say upon this subject at this time, but I do hope that, until the pure-food law has been amended so as to require sugars sold in the United States to be marked as to the quantity of saccharine they contain, we will not allow the 16 Dutch standard to be eliminated from our sugar schedule. I know what it means, Mr. President, to the sugar producers of this country; and you might just as well, if you intend to eliminate it, tell the sugar producer that there is to be a reduction of duty upon his product.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Yes; I yield.

Mr. HEYBURN. I should like to ask the Senator from Utah if he is quite sure that the present pure-food law does not cover the case?

Mr. SMOOT. I have asked a number of parties at the Treasury Department, and I am told that it does not.

Mr. HEYBURN. The Treasury Department would not determine that question. That is for the court to determine under the pure-food law.

Mr. SMOOT. Then I will say the courts have never yet determined it.

Mr. HEYBURN. No. I think perhaps the statement I have heard made several times is true, that it is because no test has been made of that question in the courts. It is quite certain that the language of the pure-food law could reasonably be interpreted so as to cover it. In other words, packages of sugar, in whatever form, that were denominated as pure sugar, which in fact were not, would clearly come within the pure-food law.

Mr. SMITH of Michigan. Would that be true if the sugars were not deleterious?

Mr. HEYBURN. Yes; because it is a case of misbranding. You see the pure-food law is dual in character.

Mr. BRISTOW. Mr. President, the Senator from Utah [Mr. SMOOT] requested that he be not interrupted any more than was necessary during his address, and so I deferred asking a number of questions that I otherwise would have asked until he concluded, and to make some corrections of statements, from my point of view, that I desired to make.

The Senator from Utah stated that the Dutch standard protected the public from impure sugars, and the trend of his argument was——

Mr. SMOOT. Not impure sugars. I said sugars that were not 100 per cent saccharine—that is, sugars that were white, but would test by the polariscope only 94, 95, or 96 per cent instead of 100 per cent.

Mr. BRISTOW. Of course what is meant, as I understand it, by impure sugar is a sugar that does not test a hundred—a sugar that has in it some foreign substance, molasses or moisture of some kind. A pure sugar, a 100 per cent sugar, is absolutely pure. It has no foreign substance in it, as I understand.

The Senator claims that light-colored sugar might have 1, 2, 3, 4, 5, 6, or 8 degrees of foreign substance. It might be simply the molasses or the moisture; still it is not pure sugar, because it has water in it and it has molasses in it.

The difference between the saccharine substance in the molasses and in the sugar is that the sugar crystallizes and the molasses does not. It is not an impurity in the sense that it would be unwholesome, but it is an impurity in the sense that it is not the crystallization, or it is not sugar. It is another substance.

The Senator's desire is to protect the American consumer from this impure sugar that would be imported into the United States. But the Dutch standard does not protect the American consumer from the impure sugars that might be put upon the market by the producers of Porto Rico, Hawaii, the Philippines, up to 300,000 tons from there, or by the Louisiana producers.

If it is possible to bleach a sugar white by a cheap process and put it on the market, does the Senator think that the manufacturers who produce, as he says, over a million tons of cane sugar every year within the boundaries of the United States territory would not be utilizing such a method?

Mr. SMOOT. I stated before, I think, to the Senator from Iowa [Mr. CUMMINS] once or twice that I do not believe they would, for the reason that they have not done so in the past.

Mr. BRISTOW. The Senator also stated that there had been a large quantity of impure sugar imported from Scotland, to the detriment of American producers. Will the Senator please specify when and the amount?

Mr. SMOOT. Before the Dutch standard was put into our law. I have not the amount here, but if the Senator wants to find out I suppose there is plenty of history on the subject.

Mr. BRISTOW. There is a great deal of sugar literature. I should like to have the Senator cite an instance, giving the amounts and the dates, when Scottish importers imported here large quantities of white sugar that was impure to the detriment of American producers.

Mr. SMOOT. I have not the figures with me, but I have no doubt I can secure from the records of the Treasury Department when it was.

Mr. BRISTOW. I would be glad if the Senator would do so at some future time.

The Senator referred to the duties levied by foreign countries that do not use the Dutch standard, and stated that they were exporters of sugar, and therefore the Dutch standard would have been of no use to them; that they did not import sugar, and it was, therefore, of no consequence whether the light-brown sugars were imported into that country or not.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Yes.

Mr. SMOOT. I stated that the rates of duty imposed upon sugar by foreign countries—the ones I named, the great civilized countries of this world—that do not have the Dutch standard, are so high that they are absolutely prohibitive. Therefore it is not right for the Senator to say that I think they imported sugar under a prohibitive rate. Germany imposes a duty of over $6 a hundred on imported sugar. And then there are the other countries to which I called attention. There is no need of the Dutch standard or any test other than the polariscopic test if a duty is imposed of $6 a hundred.

Mr. BRISTOW. Well, I should think if they paid $6 a hundred there would be no use for the polariscopic test.

But I did not misunderstand the Senator. He has simply repeated what he said in his address. But he does not refer to England.

Mr. SMOOT. But I did refer to England.

Mr. BRISTOW. The Senator referred to England, but not in the argument that he was then making.

Mr. SMOOT. Absolutely. I delivered my argument, leaving England out for later mention, but called particular attention to the fact that England is the only great country that does not have a prohibitive duty, as her duty is only 39.6 cents per hundred pounds.

Mr. BRISTOW. True.

Mr. SMOOT. And then I went on and stated what the result of the elimination of the Dutch standard was to the refineries of England——

Mr. BRISTOW. True.

Mr. SMOOT. And made it a part of my argument.

Mr. BRISTOW. True; but England, which imports sugars, has not found it necessary, in order to protect her people, to use the Dutch standard.

Mr. SMOOT. No; because she is not a producer of beet sugar or cane sugar. She does not produce a pound.

Mr. BRISTOW. Certainly not.

Mr. SMOOT. To protect the American sugar producer is why we want the Dutch standard.

Mr. BRISTOW. If the Senator will give me time, I will make myself plain.

The PRESIDING OFFICER. The Chair will call the attention of Senators to the fact that in these unlimited interruptions without addressing the Chair they are violating the rule which was invoked the other day. The Senator from Kansas will proceed.

Mr. BRISTOW. I will suggest to the Senator from Utah that while a Dutch-standard provision would not be necessary in Germany to protect the German people from the importations of impure sugar, because Germany does not import sugar for consumption, but exports sugar to other countries, England does import sugar for consumption; and if the Senator's argument was good England ought to have a color test to protect her sugar consumers. But she does not. She abandoned the color test, which she formerly had, when the polariscopic test was invented. Although she is the second largest consumer of sugar among the nations of the earth, she does not find it necessary to have any color test to protect her people from imposition because of the importations of impure sugars that are of a light color.

There is not a nation upon the earth, with the exception of China, which uses a color test that does not use a graduation of that test in fixing the duty, raising it as the sugar becomes purer or lighter. That is, the duty in Japan on sugar testing 16 is not as much as upon sugar testing 22.

In Canada 16 is the standard of color, but the polariscopic test is used in fixing the duties, as the purity of the sugar advances above 88 when it is above 16 in color. I will illustrate: Sugar can be imported into Canada testing 88 in purity and 16 in color for $1.08—the general tariff duty. If it tests more than 88 in purity—90, for instance—there is a cent and a half added for each degree; so that the duty on 90 sugar above 16 instead of being 1.08 would be 1.11, while if Canada used the same system we do in the United States, the duty instead of being 1.11 would be 1.26—the maximum rate the same as if it was 100 per cent pure.

China fixes the standard at No. 10, a black sugar, because her people largely use that kind. But there is not another country that uses the color test which follows the system of charging the maximum duty for all light sugars regardless of their saccharine purity except the United States.

As I said the other day, and I want to say it again with all the emphasis I can command, this Dutch standard is not intended to protect the American people from impure sugar, but to protect the sugar refiners from competition in the purchase of raw sugar by keeping it so dark that it can not find any other purchaser except the refiner, unless it pays the full duty—the full protection which the refiner has for the refined sugar he puts on the market. That is, a light-brown sugar that would be used by the American people in their homes can not be imported unless it pays the full duty on refined sugar, while other countries permit it to come in and determine the duty by the polariscope test—the accurate test as to its purity. Canada uses both a double standard after it reaches No. 16 in color, while we use but one, the color test, and abandon the polariscope when it reaches 16.

I am sorry that the Senator from Utah is not more frank in this discussion, because I had hoped he was interested in the protection of the beet-sugar industry, and he knows that the only competitor the beet sugar has is the American refiner who refines tropical sugars—cane sugars from the Tropics.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. I do.

Mr. SMITH of Michigan. It may be interesting to the Senator from Kansas to know, if he does not already know it, that the State of Michigan, which I in part represent, is now the first in the production of beet sugar in the United States. The production of beet sugar in the State of Michigan retains among our people $20,000,000 every year. It is a very important industry. They take these sugar beets in at one end of the factory and turn them out at the other as refined sugar in competition with the great refineries of cane sugar; and anything that is calculated to discourage the development and growth of that industry or to imperil its permanency as a part of our American policy ought to be opposed by every patriotic American.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. I wanted to ask the Senator from Michigan a question, as doubtless he has given a good deal of attention to it, his State being a large producer of beet sugar. What effect would the abolishing of the Dutch standard have upon the beet-sugar industry?

Mr. SMITH of Michigan. I think one effect would be to give the great refiners of sugar cheaper sugar than they get now.

Mr. BRISTOW. May I ask the Senator from Michigan how it would help the refiner to get cheaper sugar?

Mr. SMITH of Michigan. I have an impression upon my mind that they will bring these tropical sugars to a higher state than they do now, but having them brought to that high state they will still be obliged to put them through the refinery in order to compete with the beet sugar that is being produced in the United States. As such I think the refiner would be the gainer.

Now, anything which will tend to discourage or thwart the further development of the beet-sugar industry of the United States would be a calamity. Everybody must admit that who is at all familiar with that industry, and I do not wish to see any experiments made with that industry which may be detrimental.

I opposed Cuban reciprocity years ago as a Member of the House of Representatives, because I felt we were paving the way for the ultimate annihilation of our domestic sugar industry.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Michigan to the fact that the Senator from Kansas has the floor and that the Senator from Michigan is only entitled to the floor for the purpose of asking questions.

Mr. SMITH of Michigan. Mr. President, I think I have finished my question.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. I wanted to ask the Senator from Michigan a question, but I suppose I can not.

Mr. SMITH of Michigan. I am very sorry.

Mr. BRISTOW. The Senator from Michigan is entirely in error when he thinks that the abolition of the Dutch standard would give the refiners a cheaper raw sugar, for the reason that the refiners would be compelled to pay much more for a high-grade light centrifugal sugar than they pay for a sugar 16 in color and 96 in purity. It would increase the price which the refiners would have to pay for high-grade raw sugars, because the sugar would be of a purer and better quality, and they would have to pay more for it.

The refiners would not buy that sugar because they could not pay the price and melt it over again and make a profit by refining it. It is too good to put through the process of refining because the expense of refining would be added to the price, and they would not buy it for that purpose. They do not buy it. But that light-brown, wholesome sugar would find a market to the American public at a price less than refined and at a price more than the refiner for the raw sugar pays, so that the sugars which the American people formerly used, which are the light-brown sugars known to commerce, would find a market with the public because they would be of that purity of color as well as saccharine strength that would make them useful and desirable.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. I do.

Mr. SMITH of Michigan. The Senator from Kansas is evidently laboring under the impression that the American people desire a white unrefined sugar. Am I correct about that?

Mr. BRISTOW. They may and they may not. If they desire it, I think they ought to have an opportunity to buy it.

Mr. SMITH of Michigan. They can buy it, and every pound that is produced in Louisiana is free from tariff and is as brown or as golden brown or as light as the best sugars that are made, and about as pure.

Mr. BRISTOW. I want to say to the Senator, in reply, that a great deal of the Louisiana sugar of this pure quality finds a market to the American public, but all that is produced in Louisiana, about 250,000 tons last year, is a very small quantity as compared with what the American people use, they having consumed last year 3,350,000 tons, in round numbers.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. I do.

Mr. SMITH of Michigan. The thing I am seeking to avoid, if the Senator will indulge me, is the further exploitation of the sugar industry of Cuba particularly. Cuba has a productive sugar capacity of 5,000,000 tons, more than twice the ability of the United States to consume, and if we make it easy for the American people to get sugar from Cuba, refined or unrefined, we will annihilate the domestic sugar industry and turn the millions of American acres that are now under beet cultivation over to other products of the soil, of which we already have a surplus.

Mr. BRISTOW. If the Senator from Michigan will just give me an opportunity, I will save him a great deal of trouble.

The Senator knows that the maximum duty which the Cuban sugar pays is $1.46, does he not—20 per cent less than the general tariff on sugar?

Mr. SMITH of Michigan. They have a preferential.

Mr. BRISTOW. A preferential, which reduces the duty on pure sugar, 100 per cent sugar, from $1.82½, the rate which countries that do not have the preferential pay, to $1.46. Therefore the only protection that the Michigan beet-sugar factories now have, as against Cuba, is $1.46, for that is the maximum duty that the Cuban raw sugar pays.

Does the Senator think that reducing the duty on refined sugar from $1.90 to $1.75, which I propose, would therefore open

the American market to Cuban sugar any more than it is at the present?

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. I do.

Mr. SMITH of Michigan. When this slight preferential was given to the Cuban sugar producer I argued in the House of Representatives that it would not lessen the cost of sugar to the consumer; that the owners of the sugar crop in Cuba, largely American citizens, would get the benefit, and that the benefit would neither go to those who labored in the Cuban sugar fields nor to the consumer of sugar in America.

Now, then, what was its effect? Slight as it was, it arrested the development of the sugar industry of America. Slight as it was, it drove the individual citizen who had put his money into the sugar industry of our country out of the business. Slight as it was, it drove factory after factory in my own State into the hands of the Sugar Trust, and if we still have an American sugar industry, and if the State I represent has a sugar industry of gigantic proportions, worth this year to the people of our State more than $20,000,000, it is due to the remaining confidence, not altogether destroyed, but threatened and partially destroyed by the preferential extended to Cuba a few years ago, which I stoutly resisted, because I do not believe it to be wise governmental policy to have our people dependent upon any foreign State for any great article of necessity.

Mr. BRISTOW. In reply I will say that the Senator from Michigan is mistaken when he says that the Cuban reciprocity agreement seriously retarded the development of the beet-sugar industry.

Mr. SMITH of Michigan. I know personally of scores of people who sold their holdings.

Mr. BRISTOW. It may be true that in the State of Michigan, where there is less profit in the production of the sugar than in any other State in the United States, so I am advised, and where there is a large production of beet sugar, the reduction of the protective duty from $1.82½ on Cuban sugar to $1.46 had some detrimental effect on the Michigan factories, because they are closer to the Atlantic seaboard and come more nearly in contact, more nearly in direct competition, with the cane sugars from Cuba. Michigan would have suffered more than the States farther west, as the freight rate is more to the advantage of the western refiner than it is to the Michigan refiner.

Mr. SMITH of Michigan. I think the Senator is right about that.

Mr. BRISTOW. But I want to call the attention of the Senator to the fact that this Cuban treaty, which I do not defend——

Mr. SMITH of Michigan. I should like to ask the Senator——

Mr. BRISTOW. Just wait a moment until I get through, and I will be glad to answer any question the Senator may ask.

The Cuban treaty, which I do not defend, did not retard the development of beet sugar materially, because in 1900 there were produced in the United States 81,000 tons of beet sugar; in 1901, 86,000 tons; in 1902, 184,000 tons; in 1903, the year that the Cuban treaty was agreed to, 218,000 tons; in 1904, 240,000 tons; in 1905, 242,000 tons; in 1906, 312,000 tons, an increase every year.

Mr. SMITH of Michigan. The Senator is correct. I will call his attention to the fact that the second year following the ratification of that preferential with Cuba the relative increase in production fell off very materially.

But I come to the question I wanted to ask the Senator, for I have the highest respect for my honored friend from Kansas, and I believe he is animated by the purest motives in the course he is taking in this matter. I compliment him upon the degree of thoroughness he has manifested. I desire to ask the Senator from Kansas the straight, plain question, whether he believes that the preferential extended to Cuba was intended to be in the interest of our domestic sugar production or not.

Mr. BRISTOW. Not by the organization that promoted it? I think a great many men supported the Cuban reciprocity treaty who were absolutely honest and thought it would be the best thing for the American people to have that treaty entered into, but as far as the sugar duty is concerned it amounted to taking from the United States Treasury $10,000,000 of revenue and turning it over to the American sugar refiners. That is what it did.

The Senator from Utah [Mr. SMOOT] is entirely mistaken when he undertakes to prove that the Cuban planter received material advantage as a result of that treaty. He did not. He is mistaken when he says that the American consumer received any material advantage from the treaty. He did not. The truth is that refined sugar—granulated sugar—was reduced in price in the United States about 1.7 cents per hundred pounds as a result of the Cuban treaty. That was the average reduction in the five years following the treaty as compared with the five years preceding the treaty. This result was obtained by comparing the Hamburg and New York price, as set forth in detail when I addressed the Senate last week.

The sugar refiners themselves do not claim that the sugar planter of Cuba received any more money for his sugar than he did before. Since the Senator from Utah undertook to prove that he did, I want to read from the testimony given by Mr. Gilmore, of the Arbuckle's Refining Co., directly upon this point in a hearing before the House committee recently.

The chairman of the committee asked:

What effect, if any, did it have on the market price of raw sugar at New York?

Referring to the Cuban treaty.

Mr. GILMORE. Well, we had cheaper raw sugar from Cuba.

Mr. Gilmore is a refiner.

The CHAIRMAN. Cheaper by the amount of the reduction in duty?

Mr. GILMORE. Well, I do not know that it was that amount fully, and yet I think it was, too.

The CHAIRMAN. You think it was?

Mr. GILMORE. I do; yes.

The CHAIRMAN. That concession was 34.5 cents, was it not?

Mr. GILMORE. Yes, sir.

The CHAIRMAN. And you think it reduced the price of raw sugar that much in New York?

Mr. GILMORE. I believe it did. We commonly believed that the Cubans had not benefited at all, because they had given away the benefit.

This is a purchaser of sugar himself, representing the Arbuckle's refinery.

The CHAIRMAN. To whom did they give it?

Mr. GILMORE. To the refiners.

This ought to be pretty good testimony. To whom did the Cuban planters give it? Mr. Gilmore's answer was:

To the refiners; and the refiners, of course, gave it to the public.

But the statistics show that the refiners did not give it to the public, for while they got a reduction of 34½ cents per hundred in the duty, it reduced the price of their product only 1.7 cents a hundred to the American public.

The CHAIRMAN. Did the consumer of refined sugar in the United States get the benefit of that concession, in your judgment?

Mr. GILMORE. I believe he did get the full benefit of it.

The statistics show that he got but 1.7 cents a hundred covering a period of five years.

That is the testimony of Mr. Gilmore, of the Arbuckle Refining Co.

Now, I refer to the testimony of Mr. Atkins, of the Sugar Trust, or the American Sugar Refining Co., the largest purchaser of raw sugars in the world.

Mr. SMITH of Michigan. And I suppose the largest owner of Cuban sugar land.

Mr. BRISTOW. That may be.

Mr. ATKINS. You asked me another question that I wanted to explain a little further. That was, what advantage the Cuban has out of this—

That is, the reciprocity treaty—

if he makes no dollars and cents out of it. He has the advantage of the United States market against all the world. He can undersell every country in the world in the United States market to the extent of that differential. Porto Rico or any of the free sugars that come in can undersell Cuba to the extent of $1.34 and still get the same money for the sugar that Cuba gets. Now, that is the very greatest advantage—for Cuba to be able to have the control of the United States market.

To-day—and when I say "to-day" I mean at this period—the foreign imports from all other parts of the world have practically disappeared. The rate of duty under the Dingley Act of $1.68½ is a dead letter, and $1.34 is the revenue rate of duty on sugars, because Cuban sugars supply nearly all the demand for foreign imports.

So the protection to-day which the American beet-sugar producer has is not 1.82½ on 100 per cent sugar, but 1.46, the Cuban duty, and, in my judgment, you can reduce the duty on refined sugar to 1.46 without injuring the American beet-sugar industry.

I am just as much interested in preserving that great industry and aiding its development as the Senator from Michigan is. In the amendment I have offered I do not propose to reduce it as much as I think it could be reduced, but I want to reduce it somewhat and leave to the future the other reductions which in time should come.

I invite the attention of the Senator from Michigan to this fact: I do not in the amendment reduce the duty on raw sugar beginning at 95 degrees of purity and running up the scale, because if I did the Cuban differential would apply to such a reduction, but I begin at the top of the scale. You can grade down from the top of the scale to 1.46 before the Cuban gets any advantage of the reduction. The controversy which will come in time before this legislation is perfected, in my judgment, will be for a reduction of all raw sugars, beginning at

75 degrees and scaling up, because that is what the sugar refiners want; they want the Cuban differential to apply to every reduction that is made, and instead of having the opposition of the beet-sugar factories against the amendment that I have offered I should have their support, for it is in their interest and against the refiners who exploited them as a result of the Cuban treaty.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from California?

Mr. BRISTOW. I do.

Mr. PERKINS. I will say to the Senator from Kansas that the beet-sugar producers want an opportunity of being heard before the Committee on Finance in relation to the duty on sugar.

We have in California 12 sugar factories. In 1887 they produced 3,700,000 pounds; in 1910 they produced 265,000,000 pounds of sugar. Challenging the claim made by my friend the Senator from Michigan [Mr. SMITH], I think that is more beet sugar than Michigan produced. In other words, taking the last census of California, with a population of 2,277,000, we produced 116.03 pounds of sugar per capita. We are thriving under the present law, and we do not want to see it changed until this great industry has an opportunity to present its claims before the Committee on Finance.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. I do.

Mr. McCUMBER. Will the Senator allow me simply to suggest to the Senator from California that if the beet-sugar farmers of California do not get any greater consideration after their hearing before Congress than the cereal raisers got on their hearing, they might as well stay at home, and we might as well settle the matter without them.

Mr. PERKINS. In the pioneer days of California we used to hang people sometimes for stealing horses, but we always gave them an opportunity of being heard. These people do not want to be executed until they have had an opportunity of presenting their case. Certainly, for weeks and months, I think, our friends in the Northwest, from the Dakotas and elsewhere, had an opportunity to present their claims, and two-thirds of the Senate thought they were in error and voted for the reciprocal trade agreement with Canada.

Mr. McCUMBER. If the Senator from Kansas will allow me again, the farmers proved their absolute innocence in the matter, but notwithstanding there was no evidence against them, they were convicted.

Mr. PERKINS. They may hope for Executive clemency hereafter.

Mr. BRISTOW. Mr. President, in response to the suggestion of the Senator from California [Mr. PERKINS], I desire to say that in the last two months I had a number of interviews with gentlemen interested in the beet-sugar production, and not a single one has said to me that he believed this amendment would injure the beet-sugar producer, but he always qualified it with the statement that he did not know what position he would have to take when the legislation was before Congress. It is well known that the opponents of reduction in the sugar duty two years ago appealed to the Senate on the ground that it would injure the beet-sugar producers, and it was alleged then that the Sugar Trust had gotten its hand in on the beet-sugar business, and that the beet-sugar men were responding to a demand made by the powerful Sugar Trust. That was denied on this floor time and again, but it has been admitted since by Mr. Warren, from the Senator's own State, that the Sugar Trust owned an interest in the Michigan Beet Sugar Co.'s plant at the time, and that his action was in response to the Sugar Trust's demand. It has been admitted before the same committee that Mr. Havemeyer controlled a half interest in the sugar factories of Utah, which his estate does to-day, and a contract was entered into and discussed before the committee that of every beet-sugar factory which should be established in the future in Utah, Mr. Havemeyer should have the opportunity of acquiring one-half control.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SMOOT. I suppose I am within my right in making a correction?

Mr. BRISTOW. Certainly.

Mr. SMOOT. I want to say to the Senator that he is wrong. Mr. Havemeyer, or the Sugar Trust, owns a half interest in the Utah-Idaho Sugar Co., and as the company has increased its plant he has taken his regular pro rata of stock. But there is the Lewiston Sugar Co. that Mr. Havemeyer has no controlling interest in. We have the sugar plant at Ogden—Mr. David Eccles is its president—that is not controlled by the Sugar Trust. But in the Utah-Idaho Sugar Co. Mr. Havemeyer did own a controlling interest.

Mr. BRISTOW. And the Utah-Idaho Co. is the large sugar-producing company in Utah and Idaho, is it not? It produces very much more in its various plants than all the rest of the companies do?

Mr. SMOOT. Mr. Eccles controls two plants in Utah, one at Ogden and one at Logan. The Lewiston plant is in Cache County, controlled also by Mr. Eccles. I believe most of the sugar produced in Utah is produced by companies that Mr. Havemeyer does not control.

Mr. BRISTOW. But the Senator, I think, is aware of the fact that the larger part of the sugar produced in Idaho and Utah is produced by the company in which the Havemeyers have a half interest.

Mr. SMOOT. I simply rose for the purpose of making a correction. The Senator made a statement that was not correct, and I thought he would like to have me correct it.

I will say further that as far as the sugar plants of Idaho are concerned, I know that a majority of them in Idaho are controlled by Mr. Havemeyer's company but the majority of the factories in the State of Utah are not.

Mr. REED. Mr. President——

Mr. BRISTOW. Of course, I am very glad to have the correction. The statement I made may have been too broad when I said all. I had in mind the Utah-Idaho Co. which is the large and dominating company in that region.

Mr. HEYBURN. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. REED. The Senator from Kansas has given this question great study. I want to say that for once the Senator from Kansas and I are in agreement, I think. But I wanted to ask him to what extent, in his opinion, after his investigation, the market of these sugar-producing States is controlled by those factories which are dominated by the Havemeyer interests, or what we commonly call the Sugar Trust? I mean the market for the raw material.

Mr. BRISTOW. I think that in the States of Michigan and Utah and Idaho what we might term the Havemeyer interests largely dominate the business, and I think that the sugar refiners that cooperate—I believe, possibly, the Federal Refinery is not one of them; I am not clear as to that—dominate the sugar market of the United States very largely.

Mr. REED. You mean for the raw material, the beets that are bought?

Mr. BRISTOW. No; not for the raw material, but the finished material, the refined product.

Mr. REED. I think the Senator did not apprehend my question.

Mr. BRISTOW. As to the raw material, each factory has its own supply. When a beet-sugar factory is established, it must have contracts or guaranties that a certain amount of beets will be produced, in order to keep the factory going. They make long-time contracts; and usually the companies buy lands and have a certain amount of their own production, supplemented by purchases they make from farmers.

Mr. REED. Then I understand——

Mr. BRISTOW. I do not think any company can be said to dominate the market for beets except in its immediate vicinity, because the transportation of the beets any great distance would be impracticable; the cost would be so great.

Mr. REED. I may be unfortunate in the way I am trying to ask the questions. I want to get the Senator's idea as to the extent the Havemeyer interests are able to control the markets in this country for the raw material used in the refineries, and particularly sugar beets.

Mr. BRISTOW. I do not think the Havemeyers could control the price of sugar beets.

Mr. REED. If their factory is the only place to sell, if they are the only buyers or dominate the market, would not the man who had to sell have to sell to them?

Mr. BRISTOW. Of course that is true; but the difficulty that the sugar-beet factories have had is to get farmers to produce the beets.

Mr. SMOOT. Mr. President——

Mr. BRISTOW. They have to raise the price as high as they can in order to induce the production. Of course, the control of the market for the beet itself depends absolutely upon the factory in the community where the beet is raised. But there is a

standard price fixed in each community, and that varies somewhat, dependent upon the saccharine strength of the beets.

Mr. REED. But——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. As soon as I make clear, if I can, my answer to the Senator from Missouri. I will add that the price of sugar beets, the raw material of a sugar-beet factory, can not be handled as the raw material of a sugar refinery, the raw cane sugar, because that is put on the sea and can be delivered anywhere at a small freight rate as compared to its value. But there is so much waste in beets, it being about 85 per cent, that the beets can not be shipped a great distance to a beet-sugar factory without very great expense.

Mr. REED. I do not want to interrupt the Senator and take his time, but if I can clear this up it will at least be of service to myself.

As I understand the situation outlined by the Senator from Kansas in this speech and in a former speech it amounts to this, that the sugar refineries of this country which produce the great bulk of the refined sugar sold in the United States are controlled by what we call the Sugar Trust, and in the opinion of the Senator they control the price largely of the raw sugar which is shipped here from abroad. I understand the Senator to say, in addition to that, that in the three great beet-sugar producing States these same interests control the factories that manufacture sugar from the beets which the farmer must sell, and that they themselves promote beet-sugar production and make long contracts with the raiser of beets.

If I am correct in that, I want to follow it with the further question whether, as a matter of fact, then, the farmer, the agriculturist, is not completely at their mercy, and why it is that a tariff of a protective nature, after all, does not inure to the benefit of these factories or, rather, of the Sugar Trust. I should like to know how we get a benefit from it.

Mr. BRISTOW. In answer to the Senator, I will state that the farmer who raises sugar beets has had no difficulty in selling his beets. The difficulty has been on the side of the beet-sugar factory to induce him to raise a sufficient number of beets. The truth is the beet-sugar industry has been established in States, with the exception of Michigan, that are more or less sparsely settled, and the labor problem has been a very grave one.

Mr. HEYBURN. If the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. HEYBURN. I should like to suggest that it is the sugar factory that is at the mercy of the farmer. We had one very large factory that stood practically still for a year because the farmers would not raise beets for them, and they were too far from any field of production to ship them. The farmer does not plant beets until he knows he has a market and knows how much he is going to get for them. The mill, that represents a very large investment, is of necessity absolutely at the mercy of the farmers, and the farmers dictate the conditions upon which the mill shall exist.

Mr. BRISTOW. It is an element of human nature that every man who has anything to sell wants to sell it for as much as he can get. There is no exception to the rule in any vocation of life. Under that rule, in my judgment, the beet-sugar factory has had difficulty in many places in securing enough beets to permit it to run at a profit, which must be what they call a full campaign—all the beets that they can get to run the mill at full capacity. The farmers in some places have combined to fix the price for a small area. They will get together and agree not to raise beets, except at a certain price. The sugar factory has to have the beets or it can not make any money, and it will have to go out of business and close up. So most of the factories now have purchased certain quantities of land so that they can raise a certain quantity of beets to help out. When this controversy comes up it is usually settled by a system of arbitration. Then the company contracts with farmers for a certain figure. If the population is dense and large numbers of people are seeking employment on farms, the beets would be lower in price, because there is a larger surplus of labor and beets can be produced in larger quantities; that is, the market will be glutted.

But, as it is now, the factory has developed beyond the producing capacity in many places, and it has offered all the inducement it can afford to get farmers to raise beets in order to keep the factory going. That is an economic fact which exists in the best beet-producing parts of our country, in Colorado and Utah, and through all the irrigated regions.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SMOOT. I do not believe the Senator from Missouri understands yet that the sugar refiners have nothing to do with the handling of the product of the beet the same as they do the product of the cane. Beet sugar is made in the factory. The refiners do not touch it. Cane sugar is refined to a certain degree by the centrifugal process and is then sold to the American Refining Co. or the other refining companies of the country and refined. But that is not the case with beet sugar. Sugar from beets is made by one process.

Mr. WARREN. Fully refined?

Mr. SMOOT. Fully refined sugar.

Mr. REED. With the consent of the Senator from Kansas——

The PRESIDING OFFICER. Does the Senator from Kansas yield further to the Senator from Missouri?

Mr. BRISTOW. Certainly.

Mr. REED. I have not misunderstood that fact. I am not a manufacturer myself. I am not here trying to protect any of my stock in manufactures or any of my private interests. I belong to no associations, ecclesiastical or otherwise, that are interested in the manufacturing business. But what I am trying to get at is this: I understand that one Havemeyer and divers and sundry other gentlemen associated with him control the sugar refineries and fix, because they have practically the sole market, the price that is to be paid in this country for raw sugar shipped from abroad. I understand those same gentlemen have established beet-sugar mills in certain States and that they own a controlling interest in those mills, and that in addition to that they are now buying or leasing large tracts of land, so as to be independent of the farmers.

If that is true, Mr. President, then the only reason which can be assigned for maintaining a tariff on sugar for the purpose of protecting the beet-sugar industry is that we shall protect this Sugar Trust against its own local institutions.

One thing further, and I thank the Senator for yielding this far. If the sugar mills, as distinguished from the refineries, can not get enough beets to run their mills, then it follows as the day follows the night that there is one of two reasons for it; first, being in absolute control of the market, there being no other place to sell beets, they fix the price; second, they fix that price so low that farmers prefer to do nothing or to raise some other crop which is more profitable, because, to conclude what I was going to say, as the Senator says, we are all selfish, and there is not a man on earth who will not raise beets on his farm if he can make more money raising the beets at the price he is offered than he can make raising corn or potatoes or something else.

Mr. BRISTOW. The Senator does not fully appreciate the situation, in my judgment. First, the Sugar Trust does not control the beet-sugar business. It simply controls it in two or three States—in Michigan and Utah and Idaho.

Mr. SMOOT. Mr. President——

Mr. BRISTOW. If the Senator will pardon me for a moment, I will then yield. But the truth is that these sugar factories have developed a region of our country that would have remained undeveloped. If the Senator from Missouri is especially interested in this subject and travels throughout the West, I think he would enjoy very much visiting some of the communities where beet-sugar factories have been located, because they have developed very thriving communities where a few years ago there was a desert.

They have added very largely to the wealth and the comfort of the people of those communities, because they are producing out of soil, barren heretofore, a very large amount of marketable product, namely, pure refined sugars. I think it is for the interest of our country that these developments should be encouraged. The Sugar Trust—the Havemeyer interests—did not establish any beet-sugar factories. Havemeyer was always hostile to the establishment and development of the beet-sugar business, because he was a refiner of cane sugar, and the beet-sugar factories produced a sugar that came in direct competition with his product; but when the beet-sugar companies developed and became competitors, then, through a very ingenious system, Havemeyer started out to acquire control of the industry that was established, and he acquired control, as I have stated, in a number of instances; but there are many factories which manufacture the larger part of the sugar production of the United States which are not controlled by the trust. This industry represents a very substantial and desirable development of the resources of our country. My contention is not for a reduction of the tariff which would injure that development, but for a

reduction of the tariff that would take from the refiners of cane sugar the advantage which they now have over the domestic producers of beet sugar, and that advantage which they have heretofore had was greatly increased when the reduction was made on Cuban sugar, from which the American consumer received practically no corresponding benefit.

Now, I will yield to the Senator from Utah.

Mr. SMOOT. Mr. President, for the information of the Senator from Missouri [Mr. REED], I will suggest that, according to the testimony of Atkins and Thomas—and they are members of the Sugar Trust—15 per cent of the refined sugar consumed in the United States is beet sugar, of which the trust owns 3½ per cent.

Mr. REED. That does not agree with the statement of the Senator from Kansas, then.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from California?

Mr. BRISTOW. I do.

Mr. PERKINS. With the consent of the Senator from Kansas, bearing on this same subject matter of the beet-sugar industry of the country, with his permission, I ask to have read three telegrams.

Mr. BRISTOW. I have no objection.

Mr. PERKINS. They are samples of several hundred I have received. They indicate that it is the farmers, not the combination of corporate owners or the trusts.

The PRESIDING OFFICER. Does the Senator from California desire to have the telegrams read?

Mr. BRISTOW. I should be glad to have them read after I have concluded, if that will satisfy the Senator from California just as well.

Mr. PERKINS. Certainly. They bear upon the same subject matter of which the Senator from Kansas has been speaking.

Mr. BRISTOW. They may be read after I have concluded. I do not desire to remain standing while the telegrams are being read.

I want to say, in regard to those telegrams, that I have some of them here. They are inspired not by the interests of the farmer and raiser of beets, because this amendment of mine will not affect him in the slightest degree, as he knows, if he is informed; but those telegrams are inspired by the men who control the sugar-refining business of the United States, or the Sugar Trust. The beet-sugar producer and the beet-sugar factory are afraid to meet in the open the hostility of this tremendous financial and industrial organization. The sugar market of the United States has been dominated by this powerful trust. It does not fix the price of the raw sugar which is imported; because that is a world price, a tremendous world production. The American sugar refiners go into the world's market and buy sugar for importation the same as do other refiners, but a duty of $1.90 on the refined product is entirely more than is needed. It gives an unnecessary protection, a protection far in excess of what they are entitled to. The reduction should be made, and the Dutch-standard provision should be taken out.

Right on that point I will answer the Senator from Utah [Mr. SMOOT], who stated that if the American people wanted the light-brown sugars we used to have, they could get them from Louisiana.

I want to read the testimony taken before the House committee from a Louisiana planter. I would say that I would read the testimony taken two years ago, but I have been unable to find the exact part that I want, so I will read from this year's testimony. It is along the same line, and gives the percentage of the Louisiana production which is sold in the open market. The question is asked by Mr. MADISON, of the committee:

Mr. MADISON. Do you produce a good deal of this kind of sugar in Louisiana?

That is, sugar above 16 Dutch standard.

Mr. WILKINSON. Oh, yes. I went over that before. We produce probably one-third of the production of the State, sugar that is some a little better than that and some perhaps not quite so good, but sugar that goes into consumption.

Mr. MADISON. To whom do you sell this sugar?

Mr. WILKINSON. We sell that to the little towns all over the country. Some of that sugar I have known to be sold as high as Minnesota. One planter west of Baton Rouge told me that. I have known some to go up to Minnesota, to St. Paul, and into Mississippi and Georgia and Alabama and Missouri and Kentucky and Tennessee and Illinois.

Mr. MADISON. Do you have any idea what this sugar would test under the polariscope?

Mr. WILKINSON. I think about 99 or 98.5.

Mr. Colcock, I think it was, of Louisiana, testified two years ago before the Ways and Means Committee of the other House that they sold—if I remember rightly, for I am now speaking from memory—about 100,000 tons of the approximately 300,000 tons of production in the open market for consumption, but 100,000 tons is only about one thirty-third of the consumption of the United States. So it is insignificant.

Mr. HEYBURN. What do they call that sugar?

Mr. BRISTOW. That is centrifugal——

Mr. HEYBURN. C sugar?

Mr. BRISTOW. I do not know what they call it now, but formerly it was C sugar. It is now known as centrifugal.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. I do.

Mr. SMITH of Michigan. Is it not true that if the American people wanted this raw sugar at the polariscopic test stated by the Senator from Kansas they could get a million tons of it without any duty at all?

Mr. BRISTOW. Not at all. There are no million tons of sugar above 16 Dutch standard produced in this country that could be had.

Then I want to say in regard to that—the Senator from Utah referred to it—the Sugar Trust practically controls the refining in Louisiana. The American refiners control the production in Porto Rico and Hawaii very largely; they have a contract, as the Senators from Michigan and Utah both know, with the American Hawaiian Steamship Co., which brings the sugar from Hawaii to New York, taking the entire production of very large plantations there. This contract gives the sugar delivered to them in New York at a cent a hundred pounds, I think it is, below the market quotation for the day that it is delivered, the planters thereby receiving a direct and immediate market for their entire production and the trust getting that advantage over the market price because it furnishes that market. So, as a matter of fact, the trust practically controls the production of Hawaii, with the exception of some of the interests of Mr. C. A. Spreckels, I believe, which are quite large there, and he is a refiner who has no interest in the Sugar Trust. The planters have established a refinery, and it is quite a successful industry, too, I believe.

Mr. SMITH of Michigan. I am glad of that.

Mr. BRISTOW. If we had more of them, we would not have this controversy with the trust that has exploited the sugar market of the United States.

Mr. PERKINS. The beet-sugar factories are also refineries, you might say.

Mr. BRISTOW. Well, it is a centrifugal process. I am contending, if the distinguished Senator from California will permit me, that every factory should have the opportunity to sell its product in the American market, without restriction, upon equal terms, for what it is worth, paying the duty that they ought to pay upon its saccharine purity, just as the sugar refiner does. The sugar refinery pays the duty on the saccharine strength of the sugar which it refines. But when the color is above the No. 16 Dutch standard the American consumer is not permitted to buy and pay a duty based on the saccharine strength, but he has to pay as much for a 96° sugar or a 92° sugar, if it is above 16 in color, as he would have to pay for a 100 per cent sugar.

The difference between 100 and 92 is molasses and water. Such a sugar is as good for family use as is the refined sugar. What I am contending for is against legislation that hampers the American market as a selling place for a pure, wholesome food. I can not understand how Senators here who are interested in the beet-sugar development can contend against the taking out of this law a provision that contributes to the benefit of their greatest competitors.

As I said the other day, the German beet-sugar producer is not a menace to the American beet-sugar producer at all. The beet-sugar man, if he talks with you privately, so that none of the emissaries of the trust will hear what he says, will tell you that.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. HEYBURN. I should like to ask the Senator a question. Would it reduce the cost of the German or other imported sugar in this country to change the phraseology of the act?

Mr. BRISTOW. To change the phraseology would not reduce the cost of the refined sugar.

Mr. HEYBURN. Then the reduction would come from the difference in the figures proposed by the Senator's amendment and the existing law.

Mr. BRISTOW. That is exactly right. The reduction in the price of refined sugar would be measured by the reduction of the duty on refined sugar.

Mr. HEYBURN. Would not any change that would result in sugar coming into this country at a lower price affect the beet-sugar grower in the way of competition?

Mr. BRISTOW. I think not. That question has been previously asked me; and I will give the Senator from Idaho the reasons why I think it would not. I am now speaking of beet-sugar producers. The competitor of the beet-sugar producer and the beet-sugar factory is the American refiner. They both make refined or granulated sugar. The American refiner gets the raw material for his refinery from the Tropics; it is the raw cane sugar.

Mr. HEYBURN. It does not apply to beet sugar at all.

Mr. BRISTOW. Well, the American refiner refines the raw sugar and produces refined cane sugar, that sells in competition in the interior of the country with the product of the beet-sugar factory, which is refined beet sugar. The beet-sugar refiner must struggle in competition with the refiner of cane sugar. Anything that cheapens the cost to the refinery of its raw material gives the refinery an advantage in its competition with the beet-sugar producer. So the Cuban duty, when it was reduced 20 per cent, gave the American cane-sugar refiners a 20 per cent advantage over the beet-sugar producers.

Mr. HEYBURN. Now, Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield further to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. HEYBURN. As I understand now, the Senator proposes to reduce the duty on other sugar than Cuban sugar. Would that not give an additional advantage to cane sugar as against beet sugar?

Mr. BRISTOW. No; I do not propose to reduce the duty on the raw sugar which the cane refinery would buy, because that comes from Cuba. One dollar and thirty-four and one-half cents for 96 sugar, or $1.46 on pure sugar, is the rate from Cuba. This amendment of mine does not touch that duty at all.

Mr. HEYBURN. No; because that is already below what might be called the average; that is, it is already below the price at which sugar from other countries than Cuba can come in by virtue of the preference to Cuban sugar.

Mr. BRISTOW. That is the protection which the beet-sugar producer has against the cane-sugar refiner of the United States.

Mr. HEYBURN. Is it not true that that makes it more essential that the beet-sugar producer should not be exposed to other competition, being already exposed to the preferential duty from Cuba? Is it not piling the burden on him just one layer heavier?

Mr. BRISTOW. I will say to the Senator from Idaho that the reduction of the duty on refined sugar will not affect the beet-sugar factory, because its competitor is not the foreign refiner.

Mr. HEYBURN. Its competitor is Cuba.

Mr. BRISTOW. Its competitor is Cuba, through the American refiner.

Mr. HEYBURN. But the foreign refiner would be a competitor if you give the foreign refiner as good rates as has Cuba.

Mr. BRISTOW. But I do not want to do that, and I do not propose to do that.

Mr. HEYBURN. It approaches that.

Mr. BRISTOW. It does not approach it in any degree that would be dangerous.

Mr. HEYBURN. To the extent that the burden of the foreign refiner is lifted, he becomes more nearly a competitor.

Mr. BRISTOW. But, if the Senator will permit me, the German beet-sugar refiner, who is the largest exporter of beet sugar, can not possibly reach this market and seriously menace the American beet-sugar producer with a duty of $1.75.

Mr. HEYBURN. To what extent do they reach this market now?

Mr. BRISTOW. They do not reach it at all, practically.

Mr. HEYBURN. Then, we have just Cuba as a competitor?

Mr. BRISTOW. Practically.

Mr. HEYBURN. Then, how is this to meet the situation?

Mr. BRISTOW. I want to reduce the price of refined sugar to the American consumer.

Mr. HEYBURN. But until you get down to Cuba's basis how can it affect it? Cuba can produce all the sugar we use.

Mr. BRISTOW. But Cuban sugar goes to the refiner, and the refiner has a monopoly of the purchase because of the phraseology of the law; and light-colored sugars can not go direct to the people.

Mr. HEYBURN. I see that.

Mr. BRISTOW. The American refiner puts the refined sugar on the market, and he therefore prevents the American consumer from getting the advantage of the Cuban reduction of duty.

Mr. HEYBURN. Is this not rather a bill directed at the punishment of the refiners than one calculated either to hold at its present status or to reduce the cost of sugar to the American consumer? It strikes rather at the refiner, does it not?

Mr. BRISTOW. It reduces the protection of the refiner rather than that of the producer.

Mr. HEYBURN. That is really the purpose?

Mr. BRISTOW. It will also reduce the price to the consumer.

Mr. HEYBURN. We do not buy that sugar.

Mr. BRISTOW. We do buy sugar which the cane refiner produces, and he has got to reduce his price or he might have foreign competition.

Mr. HEYBURN. But why do we want to reduce the price of our own domestic cane product when we can not reduce the price of the Cuban sugar, because it is already so far below the average by reason of the preferential that it does not compete with the sugar of any other country?

Mr. BRISTOW. The American cane product is an insignificant quantity of sugar.

Mr. HEYBURN. I was trying to get at the purpose sought to be accomplished by the proposed reduction of the duty. I can readily realize that it might make it a little more difficult for the refiners to continue in business; but how would the American consumer benefit by it when he is not dependent upon the refiner's product? He is dependent, first, upon our own production of cane sugar in the sections where it is produced, and of beet sugar in other sections. On that market he draws so long as there is anything to draw against. Then he draws against the next cheapest market, the Cuban market; and, to such extent as is available, the Hawaiian and the Philippine Islands and Porto Rico; but he does not begin to draw at all against this production to which the Senator's amendment is directed. He does not need to draw against it. The only person that would be affected by the proposed amendment, as I understand, and if I am mistaken, of course I am seeking for light, is the refiner. He would be affected by it, and his burden would be made greater; but——

Mr. BRISTOW. His profit would be made less.

Mr. HEYBURN. Well, but he can have no profits if we do not consume his product.

Mr. BRISTOW. We consume all of his product.

Mr. HEYBURN. Well the market consumes it, but——

Mr. BRISTOW. The American people consume it. He does not export much; he exports a little more than is imported, but very little more.

Mr. HEYBURN. We consume sugar from four parts of the world.

Mr. BRISTOW. But the American cane-sugar refiner furnishes us the larger part of the sugar we consume.

Mr. HEYBURN. The American cane producer?

Mr. BRISTOW. Not the American producer, but the cane-sugar refiner.

Mr. HEYBURN. He buys his raw material, or a very large quantity of it, of course, from our own possessions.

Mr. BRISTOW. He buys large quantities, but nothing like half of it—about one-third of it.

Mr. HEYBURN. No; he buys about one-third of what we consume.

Mr. BRISTOW. Less than a third.

Mr. HEYBURN. About one-third of the raw sugar that we consume comes from our own dependencies, and that comes in free of duty.

Mr. BRISTOW. Yes; it comes in free.

Mr. HEYBURN. Then, about another third of it comes from our own production of cane and beet sugar in this country.

Mr. BRISTOW. Not a third; no.

Mr. HEYBURN. Very close to it.

Mr. BRISTOW. About one-fourth.

Mr. HEYBURN. Leaving about a third, or perhaps a little more, to come from Cuba. Now, from what other countries do we draw considerable quantities of sugar?

Mr. BRISTOW. I will give the Senator, if he will permit me, in round numbers, about the quantities. We consumed last year about 250,000 tons of our own cane production; we imported about 555,000 tons from Hawaii, 285,000 tons from Porto Rico, about 84,000 tons from the Philippines, 1,730,000 tons from Cuba, and about 213,000 tons from other countries. Cuba furnishes us about half, or a little more than half, of our consumption.

Mr. HEYBURN. Those figures show that outside of the Cuban production it is divided practically into thirds.

Mr. BRISTOW. No; not into thirds.

Mr. HEYBURN. But I have not been able to see this other stranger coming in with his cargo, the one to whom this duty would apply.

Mr. BRISTOW. He can not get in because the duty is so high that he can not pay it and sell in this market.

Mr. HEYBURN. Well, do we want him in?

Mr. BRISTOW. No.

Mr. HEYBURN. Then why change the duty, or why spend out time over it?

Mr. BRISTOW. Because the American sugar refiners are charging more to the American people for the product of their refineries than they ought to charge; they have a monopoly, and I want to reduce the duty so that they will be threatened with competition from abroad when they charge an excessive price, which they can do because of the monopoly they have of the market.

Mr. HEYBURN. Is it not a fact that this bill is directed against the refiners for the purpose of disciplining them?

Mr. BRISTOW. Not at all. I think many of them ought to be sent to the penitentiary, but this amendment is not for that purpose. It is for the purpose of giving the American people their sugar at less cost.

Mr. HEYBURN. But we do not want to sell it to them for less than we are selling it. We are large producers in our country, and we do not want to have to sell sugar for less than we are selling it, because if we should do so we would have to pay smaller wages.

Mr. BRISTOW. I do not think so.

Mr. HEYBURN. And the farms would be less valuable.

Mr. BRISTOW. Of course, I disagree with the Senator altogether as to that. I think the duties can be reduced on refined sugar much more than I suggest without the slightest harm to the American sugar producer.

Mr. HEYBURN. We have to employ Indians to handle our sugar in recent years, because white men will not work for the wages that can be paid.

Mr. BRISTOW. I am glad the Indians out in Idaho have found a useful employment.

Mr. HEYBURN. The Indians make very efficient workmen, but that is in northern Idaho. There the beets are sent to the Waverly beet-sugar factory, which is in the State of Washington, just over the line, so that the business is in the two States there now. Various conditions—I do not want to take up the Senator's time——

Mr. BRISTOW. Go ahead.

Mr. HEYBURN. Various conditions exist that compel accommodation to them whether or no. The beets are not of the same value in all sections of the country, even in Idaho. The sugar beet does not to any extent whatever depend upon the soil in which it grows. Every bit of saccharine in a sugar beet comes from the atmosphere and is taken in through the leaves; and it is a question of how good a leaf or top you can grow on a sugar beet rather than how good a bottom you can grow on it. The leaf is where it gets its saccharine.

There are sections of the State of Idaho where you can grow magnificent tops upon your sugar beets, and then you have a large fund against which to charge your labor and expenses, and we have other sections of the State in which the tops grow small. It does not do to get down to too close a margin, or else you will have no margin for the different conditions.

Mr. BRISTOW. I want to state in connection with the light-brown sugars that are sold upon the market from Louisiana, that Mr. Colcock two years ago in his testimony made this statement:

> At present we are making, I should say, about 70 per cent of the crop into 96 sugar, fit ohly for refining, not fit to eat.

That is, 70 per cent of the Louisiana production is not fit for the general market, and that goes to the refineries, but sugar above 96, that which is 97, 98, and 99, is fit for the American market, and that is sold direct to the people. All I ask is that other countries may have the right to sell direct a good, wholesome, pure sugar which the American people would buy, by paying a duty which is a fair duty on the article that they offer for sale, and not be barred from that opportunity.

I have consumed much more time than I expected. The Senator from Utah laid great emphasis upon the fact that it was necessary for us to have the Dutch standard in order to prevent some impure sugars, samples of which he presented, being sold to the American people. That [indicating] is a light-brown sugar, and according to his statement, there is about 8 per cent of molasses and moisture in it; but it is just as wholesome as if the molasses and moisture were all taken out. There is not so much saccharine strength in 100 pounds of it as there would be if they were taken out, and it would not sell for as much. It never did sell for as much as did pure refined sugar, but it is just as wholesome, and it would pay a duty on every degree of saccharine strength that it contained. There is not any possible way of defrauding the American people or defrauding the revenue. The people get exactly what they buy. The Senator from Utah has said there is nothing unwholesome in it; and I am contending that they ought to have the opportunity to purchase it, paying the duty on what it is worth, the same as the refiners pay on that which they buy, which is of a darker color.

The Senator from Utah also emphasized the fact that the refiners wanted free sugar, which is true. The cane-sugar refiners are not afraid of any competitors in the refining of sugar. The American sugar refiner can compete with any refiner on earth and put him out of business; and so, if we have free sugar, then the beet-sugar industry would be destroyed. That industry is a competitor of the cane-sugar refinery, because the beet-sugar factories produce a refined sugar. Last year we produced 512,000 tons of it in the United States. Fourteen years ago, when the Dingley law was enacted, we were producing but 45,000 tons. The production of beet sugar in the United States has increased during that 14 years from 45,000 tons to 512,000 tons per annum, and that is a direct competitor to the American cane-sugar refiner. Naturally the cane-sugar refiner is against such a formidable and growing competitor and would like to put him out of business.

Mr. WARREN. Mr. President——

Mr. BRISTOW. Just a moment. Give us free sugar, and our beet factories can not possibly compete with the sugar producer in Cuba, because the beet-sugar producer buys his raw material, his beets, from American farmers, who live as Americans live and support their families as Americans support their families, while the sugar growers in Cuba employ coolies, formerly from Hindustan, of the lowest type of natives, who live in hovels. I should like to invite some Senator who is contending for free sugar to go to the Tropics, where cane sugar is produced, examine into the conditions of the laborers who produce the cane crops of those tropical regions, and then tell me whether he would like to bring the American producer of beets, the American farmer, in direct competition with that laborer. The result of free sugar would be that the American farmer could not compete and he would be driven out of the beet-producing business. We would have 500,000 tons less sugar here at home than we have now and would be driven into the markets of the world for that enormous amount; the market price would increase, as everybody knows, and we would pay more for sugar than we otherwise would pay.

I am contending not for free sugar; on the contrary, I am fighting against it; but I am declaring here that the duty that we have now is not needed and ought to be reduced, because it imposes too great a burden on the American consumer who purchases sugar. The duty is more than it ought to be. Now I shall be glad to yield to the Senator from Wyoming.

Mr. WARREN. I thank the Senator from Kansas, but he has brought out exactly what I desired to ask him about. The great growth of the beet-sugar industry, which has increased something like ten or eleven fold, has been the direct result of properly protecting the farmers who were raising beets for beet sugar.

Mr. SMITH of Michigan. And the investors who put their money in the business.

Mr. WARREN. And the investors as well, of course.

Mr. BRISTOW. Oh, yes. There are $100,000,000 now invested in beet-sugar factories in the United States, and they produced last year $50,000,000 worth of sugar.

Mr. WARREN. And I presume the Senator from Kansas will agree with me that there is no reason why we should not go on increasing in the same progression until we can perhaps raise all of the sugar that we use.

Mr. BRISTOW. I think the time will come when we can produce in this country every pound of sugar we consume; but still I am contending just as earnestly for a reduction in the duty to the very minimum that is necessary properly to protect the beet-sugar factories. I desire to say—and I am saying this to protectionists and Republicans—that the enemies of the protective system are not the men in this country who are declaring for free trade. We can go before the great American jury in any campaign, in a controversy between protection and free trade, and win if we keep protection clean from favoritism, graft, corruption, and dishonesty; and unless the protective system is clear of graft and favoritism, and corruption is rooted out of it, the American people will destroy it, even if in doing so they destroy some of their industries. The enemies of the protective system are on this side of the Chamber and not on the other. I wish I could make every protectionist in the United States hear my words, because they are the truth.

Mr. WARREN. Mr. President, I take it the Senator from Kansas does not mean that in the broadest sense. His state-

ment might be understood as meaning that the enemies of protection were all on this side—the Republican side of this Chamber—and that the friends of protection were all on the other, or Democratic, side.

Mr. BRISTOW. I should qualify that statement by saying "the most dangerous enemies."

Mr. WARREN. I felt sure the Senator's remarks were rather broader than he meant them to be.

Mr. BRISTOW. That is true. I should say the most dangerous enemies of protection are on this side—the men who tenaciously insist upon excessive duties, duties that permit trusts and combinations to exploit the market.

Mr. President, I have occupied much more time than I had expected to do. I desire to offer this sugar amendment to some of the tariff bills that come over from the House. I am perfectly willing to offer it to the free list or the cotton bill or to any other tariff measure. I am not particular as to which measure, but I want to offer this amendment to some tariff bill, because I want to do everything I can to put the protective duty on sugar upon an honest basis, so that every friend of protection can stand by it and defend it. It is not on that basis now; and if I fail now, I will keep up the effort at every opportunity as long as I am a Member of this body.

Mr. PERKINS. Mr. President, if the Senator from Kansas has concluded, I ask if he will object to having the telegrams which I sent to the desk sometime ago read at this time?

Mr. BRISTOW. The Senator from California asks that the telegrams which he sent to the desk be read. I am through, and I will yield for that purpose.

The PRESIDING OFFICER. The Senator from California asks to have certain telegrams read.

Mr. PERKINS. They are very short and bear directly on the subject under discussion.

The PRESIDING OFFICER. Without objection, the Secretary will read the telegrams.

The Secretary read the telegrams referred to, as follows:

[Night letter.]

SANTA ANA, CAL., *July 29–30, 1911.*

Senator GEO. C. PERKINS,
Washington, D. C.:

Directors Southern California Sugar Co. request delay all action on sugar schedule until beet-sugar interests have had an opportunity to present their case; sugar-beet growing and attendant manufacturing largest industry in Orange County. The abolition of sugar tariff will destroy them to benefit eastern refiners.

SOUTHERN CALIFORNIA SUGAR CO.

[Night letter.]

SAN FRANCISCO, CAL., *July 29, 1911.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

We urge you to oppose action until regular session on Bristow amendment to sugar schedule. This matter is of most vital importance to beet-sugar industry. We believe that Congress has not sufficient information on the matter to act with due consideration to its effects on this important industry.

SPRECKELS SUGAR CO.

[Night letter.]

SAN FRANCISCO, CAL., *July 29, 1911.*

Hon. GEORGE C. PERKINS,
Washington, D. C.:

We earnestly urge that action on Senator BRISTOW'S sugar bill be postponed until the next regular session of Congress, and meantime the information gathered by Congress will enable it to intelligently deal with this important subject.

ALAMEDA SUGAR CO.,
UNION SUGAR CO.,
By JOHN L. HOWARD, *President.*

[Day letter.]

SANTA ANA, *Cal., July 29, 1911.*

Senator GEORGE C. PERKINS,
Washington, D. C.:

Generally believed here, and is, we understand, admitted by eastern refiners that the removal or lowering of present tariff on sugar would destroy the industry in California. Orange County has four sugar factories in operation, with another to commence within the year. Growing of sugar beets and their manufacture into sugar is now Orange County's chief industry. Sentiment here is practically unanimous for retention of duty.

THE EVENING BLADE.

Mr. CURTIS. I ask unanimous consent to have printed in the RECORD a telegram sent to me from Garden City, Kans.

The PRESIDING OFFICER. Without objection, the telegram will be printed in the RECORD.

The telegram referred to is as follows:

[Telegram.]

GARDEN CITY, KANS., *July 31, 1911.*

Senator CURTIS, *Washington, D. C.:*

Understanding that Senator BRISTOW'S amendment for removing duties is planned to be acted upon to-day, we sincerely hope that no action will be taken on this matter until the regular session.

THE S. SUGAR & LAND CO.

Mr. CUMMINS. Mr. President, I desire to withdraw the notice which I gave a few days ago respecting an address upon the proposed revision of the metal schedule. I do this because I have concluded that I will not offer it as an amendment to the free-list bill. I am persuaded from all the evidence at hand that there will shortly come from the House of Representatives a bill revising the cotton schedule, and I assume very soon after it comes over it will be laid before the Senate for action. I believe that the amendment which I shall offer, revising the metal schedule, ought to be attached rather to an amendment of the cotton schedule than to the free list, and therefore I intend to defer the amendment until the Senate has under consideration, or is about to have under consideration for disposition, the revision of the cotton schedule. I would much rather submit my views with regard to the subject at a time approximate at least to the day upon which action will be had. I felt that this explanation was due the Senate, inasmuch as I had given notice to speak upon the subject to-day.

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 1, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 31, 1911.

MEDICAL CORPS, UNITED STATES ARMY.

First Lieut. Edgar D. Craft, Medical Corps, United States Army, for appointment as first lieutenant in said corps, with rank from March 18, 1911.

On June 29, 1911, Lieut. Craft, then a first lieutenant in the Medical Reserve Corps, was nominated to the Senate for appointment as first lieutenant in the Medical Corps, with rank from February 17, 1911, and his nomination was confirmed by the Senate on July 6, 1911.

This is for the purpose of correcting an error in the date of the rank of the nominee.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps, with rank from July 28, 1911.

William Gregg Gill, of Mississippi.
Thomas Wyatt Grice, of Texas.
Chester Raymond Haig, of New Jersey.
Robert Morris Hardaway, of Missouri.
Thomas Everett Harwood, jr., of Tennessee.
Howard Lane Hull, of Pennsylvania.
Charles Peter Kennedy, of Ohio.
Harry Rex McKellar, of Pennsylvania.
Alvin Charles Miller, of Ohio.
Henry Chilton Osborn, of Kentucky.
Thomas Ewing Scott, of Tennessee.
Charles Moore Walson, of Missouri.
William Francis Wild, of Louisiana.
Neal Naramore Wood, of Michigan.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns (subject to the examinations required by law):

August C. Wilhelm,
Hugh Allen,
Russell Willson,
Milo F. Draemel,
Pierre L. Wilson,
Stephen Doherty,
Garrett K. Davis,
Claude B. Mayo, and
Herndon B. Kelly.

Ensign James J. Manning to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1911, upon the completion of three years' service as an ensign (subject to the examinations required by law).

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of September, 1911, upon the completion of three years' service as ensigns (subject to the examinations required by law):

Gardner L. Caskey,
John B. Rhodes,

Albert C. Read,
George H. Bowdey,
Robert A. Theobald,
Richard Hill,
Fletcher C. Starr,
William L. Beck,
Garret L. Schuyler,
Alfred W. Brown, jr.,
Frank Russell,
Guy E. Baker,
John A. Monroe,
William F. Newton,
David A. Scott,
Willis W. Bradley, jr.,
Miles A. Libbey,
Raymond A. Spruance,
Calvin P. Page,
Earle F. Johnson,
Henry K. Hewitt,
Felix X. Gygax,
Guy E. Davis,
Weyman P. Beehler,
Lemuel M. Stevens,
Joseph S. Evans,
Warren C. Nixon,
John W. W. Cumming,
Charles R. Clark,
Roy Le C. Stover,
Chester H. J. Keppler,
Charles A. Dunn,
John W. Lewis,
Frederick W. Milner,
Charles G. Davy,
Horace T. Dyer,
Charles C. Gill,
Rufus W. Mathewson,
Augustin T. Beauregard,
Damon E. Cummings,
Russell S. Crenshaw,
Warren G. Child,
Herbert S. Babbitt,
William H. Lee,
Bryson Bruce,
William P. Williamson,
Randall Jacobs,
Vaughn V. Woodward,
Richard S. Edwards,
Robert T. S. Lowell,
Clyde R. Robinson,
Richard T. Keiran,
Ralph C. Needham,
James B. Howell,
Willis W. Lawrence,
Charles C. Slayton,
Irving H. Mayfield,
John H. Hoover,
Louis H. Maxfield,
Raymond F. Frellsen,
William H. Walsh,
Alfred W. Atkins,
Philip H. Hammond,
Claud A. Jones,
Harry Campbell,
George W. Kenyon,
Allan S. Farquhar,
Lucien F. Kimball,
Harvey W. McCormack,
Harold M. Bemis,
Ernest D. McWhorter,
John M. Schelling, and
Bert B. Taylor.

Asst. Surg. George W. Shepard to be a passed assistant surgeon in the Navy from the 25th day of October, 1910 (subject to the examinations required by law), upon the completion of three years' service as an assistant surgeon.

Asst. Surgs. Ernest W. Brown and Alfred J. Toulon to be passed assistant surgeons in the Navy from the 29th day of November, 1910, upon the completion of three years' service as assistant surgeons (subject to the examinations required by law).

Asst. Surg. James T. Duhigg to be a passed assistant surgeon in the Navy from the 20th day of December, 1910, upon the completion of three years' service plus service of one year during suspension from promotion after failure at examination as an assistant surgeon (subject to the examinations required by law).

Asst. Surg. Charles F. Sterne to be a passed assistant surgeon in the Navy from the 19th day of March, 1911, upon the completion of three years' service as an assistant surgeon (subject to the examinations required by law).

Asst. Surgs. Sankey Bacon and Kent C. Melhorn to be passed assistant surgeons in the Navy from the 11th day of April, 1911, upon the completion of three years' service as assistant surgeons (subject to the examinations required by law).

Asst. Surg. Harry H. Lane to be a passed assistant surgeon in the Navy from the 5th day of May, 1911, upon the completion of three years' service as an assistant surgeon (subject to the examinations required by law).

Asst. Surgs. David G. Allen and Chandler W. Smith, to be passed assistant surgeons in the Navy from the 15th day of June, 1911, upon the completion of three years' service as assistant surgeons (subject to the examinations required by law).

Asst. Surg. Micajah Boland to be a passed assistant surgeon in the Navy from the 12th day of July, 1911, upon the completion of three years' service plus service of one year during suspension from promotion after failure at examination, as an assistant surgeon (subject to the examinations required by law).

Asst. Surgs. Joseph R. Phelps, George B. Crow, and Alfred L. Clifton, to be passed assistant surgeons in the Navy from the 15th day of July, 1911, upon the completion of three years' service as assistant surgeons (subject to the examinations required by law).

Asst. Surg. Harry W. B. Turner to be a passed assistant surgeon in the Navy from the 30th day of July, 1911, upon the completion of three years' service as an assistant surgeon (subject to the examinations required by law).

Asst. Surgs. Reginald B. Henry and Harry A. Giltner to be passed assistant surgeons in the Navy from the 10th day of September, 1911, upon the completion of three years' service as assistant surgeons (subject to the examinations required by law).

Asst. Surg. Lucius W. Johnson to be a passed assistant surgeon in the Navy from the 17th day of September, 1911, upon the completion of three years' service as an assistant surgeon (subject to the examinations required by law).

Asst. Surgs. John B. Pollard, Arthur H. Dodge, George F. Cottle, and William L. Mann, jr., to be passed assistant surgeons in the Navy from the 3d day of October, 1911, upon the completion of three years' service as assistant surgeons (subject to the examinations required by law).

Asst. Surgs. Roy Cuthbertson, George B. Whitmore, John A. B. Sinclair, and Donald H. Noble to be passed assistant surgeons in the Navy from the 12th day of October, 1911, upon the completion of three years' service as assistant surgeons (subject to the examinations required by law).

Asst. Naval Constructor Frank D. Hall to be a naval constructor in the Navy from the 28th day of July, 1911, upon the completion of eight years' service as an assistant naval constructor (subject to the examinations required by law).

Asst. Naval Constructors James L. Ackerson, Donald R. Battles, and Richard D. Gatewood to be naval constructors in the Navy from the 1st day of December, 1911, upon the completion of eight years' service as assistant naval constructors (subject to the examinations required by law).

Boatswain Frank Bresnan to be a chief boatswain in the Navy from the 30th day of July, 1909, upon the completion of six years' service as a boatswain (subject to the examinations required by law).

Boatswain Henry H. Richards to be a chief boatswain in the Navy from the 16th day of May, 1910, upon the completion of six years' service as a boatswain (subject to the examinations required by law).

Machinist John I. Ballinger to be a chief machinist in the Navy from the 20th day of December, 1909, upon the completion of six years' service as a machinist (subject to the examinations required by law).

Machinist James H. McDonough to be a chief machinist in the Navy from the 29th day of December, 1910, upon the completion of six years' service as a machinist (subject to the examinations required by law).

Machinists George W. Byrne, Henry Lobitz, and Frank R. Barker to be chief machinists in the Navy from the 1st day of January, 1911, upon the completion of six years' service as machinists (subject to the examinations required by law).

Carpenter Francis X. Maher to be a chief carpenter in the Navy from the 7th day of March, 1911, upon the completion of six years' service as a carpenter (subject to the examinations required by law).

POSTMASTERS.

INDIANA.

William R. Zion to be postmaster at Knightstown, Ind., in place of Ernest M. Sherburne, resigned.

MICHIGAN.

Allison I. Miller to be postmaster at Fremont, Mich., in place of George E. Hilton, deceased.

Walter H. Witt to be postmaster at Brown City, Mich., in place of George W. Dafoe, resigned.

NEW YORK.

Charles A. Post to be postmaster at Farmingdale, N. Y., in place of William H. Allen, resigned.

TEXAS.

Jules E. Muchert to be postmaster at Sherman, Tex., in place of Tom Richards, deceased.

WEST VIRGINIA.

J. W. P. St. Clair to be postmaster at Macdonald, W. Va., in place of James Faulkner, removed.

WISCONSIN.

Frank E. Shults to be postmaster at Baraboo, Wis., in place of Arthur P. Cheek. Incumbent's commission expired February 28, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 31, 1911.

CALIFORNIA DÉBRIS COMMISSIONER.

Lieut. Col. Thomas H. Rees, for appointment as a member of the California Débris Commission.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. Harry F. Hodges to be colonel.
Maj. Francis R. Shunk to be lieutenant colonel.
Capt. Lytle Brown to be major.
First Lieut. Lewis M. Adams to be captain.
Second Lieut. Richard T. Coiner to be first lieutenant.

COAST ARTILLERY CORPS.

Capt. Arthur S. Conklin to be major.
First Lieut. Charles H. Patterson to be captain.

CAVALRY ARM.

Maj. J. F. Reynolds Landis to be lieutenant colonel from June 29, 1911.
Capt. Alonzo Gray to be major.
Capt. Alexander L. Dade to be major.
Capt. John S. Winn to be major.
First Lieut. Henry Gibbins to be captain.
First Lieut. Charles O. Thomas, jr., to be captain.
Second Lieut. Henry R. Adair to be first lieutenant.
Second Lieut. James S. Greene to be first lieutenant.
Second Lieut. Eugene V. Armstrong to be first lieutenant.
Second Lieut. Gerald C. Brant to be first lieutenant.

FIELD ARTILLERY ARM.

Second Lieut. Leonard C. Sparks to be first lieutenant.
Second Lieut. John A. Crane to be first lieutenant.

SUBSISTENCE DEPARTMENT.

Capt. Jacob E. Bloom to be commissary with the rank of major.

MEDICAL CORPS.

Capt. Charles A. Ragan to be major.

CHAPLAIN.

Chaplain George C. Stull to be chaplain with the rank of major.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

Second Lieut. John R. Lynch to be second lieutenant.

FIELD ARTILLERY ARM.

Second Lieut. Robert C. F. Goetz to be second lieutenant.
Second Lieut. Harvey M. Hobbs to be second lieutenant.
Second Lieut. Joseph Andrews to be second lieutenant.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants.

Sergt. Douglas B. Netherwood.
Corpl. Arnold Heinrich.
Pvt. Roy T. Cunningham.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Harry Dohm Kneedler.
Lucius Edward Burch.
Albert Paul Condon.
Walter Gellhorn.
Marion Sims Souchon.
James Clinton Willis.
William John Stapleton, jr.
Samuel Meredith Strong.
Benjamin Oscar Thrasher.
Leon Mitchell Wilbor.
Harry Thomas Southworth.
Cecil Corydon Kellam.
William Crosby Riddell.
William Alexander Newman Dorland.
Edward Henry Higbee, jr.
German Alexander Jordan.
Robert Ernst Schlueter.
Cleveland Hendricks Shutt.
Selden Spencer.
Ernest Coniston Waterhouse.
William Cott Hobdy.
James Robert Judd.
Holmes Fielding Troutman.
Clifford Brown Wood.
Richard Hayes Davis.
Arthur St. Clair Morris.
Cuthbert Powell.
William Senger.

POSTMASTERS.

KANSAS.

Charles S. Finch, Lawrence.

NORTH DAKOTA.

Otis Beardsley, Underwood.

OHIO.

George H. Riley, Ashley.

SOUTH CAROLINA.

J. Frank Kneece, Batesburg.

SOUTH DAKOTA.

Henry D. Lehmberg, Colome.
Albert G. Richards, Morristown.

TEXAS.

D. G. Hunt, Eastland.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 31, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, author of our existence, the inspiration of every great and good thought, of every high resolve and noble aspiration which leads on to the betterment of our social, political, and religious conditions, empty us, we beseech Thee, of all selfish and ignoble desires, that we may climb higher yet higher day by day, that Thy kingdom may come and Thy will be done in all our hearts. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday was read and approved.

CALL OF THE HOUSE.

Mr. BELL of Georgia. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-nine Members are present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ames	Bradley	Covington	Doughton
Andrus	Broussard	Cox, Ohio	Draper
Ansberry	Burke, Pa.	Crago	Driscoll, D. A.
Anthony	Butler	Cravens	Driscoll, M. E.
Barchfeld	Calder	Curley	Dupre
Bates	Cantrill	Danforth	Ellerbe
Bingham	Cary	Davidson	Estopinal
Boehne	Copley	De Forest	Fairchild

Faison	Howell	Miller	Simmons
Fields	Hughes, N. J.	Mondell	Small
Focht	Hughes, W. Va.	Moon, Pa.	Smith, S. W.
Fordney	Jackson	Moore, Pa.	Smith, N. Y.
Fornes	Johnson, S. C.	Mott	Smith, Tex.
Francis	Jones	Murdock	Sparkman
Fuller	Kindred	Murray	Speer
Gardner, Mass.	Kinkead, N. J.	Needham	Stanley
Gardner, N. J.	Lafean	Nye	Steenerson
Gillett	Langham	Olmsted	Stevens, Minn.
Glass	Langley	O'Shaunessy	Sulloway
Goldfogle	Latta	Parran	Sulzer
Goodwin, Ark.	Lawrence	Patten, N. Y.	Switzer
Gordon	Legare	Peters	Talbott, Md.
Gray	Lever	Plumley	Taylor, Ala.
Gregg, Pa.	Levy	Porter	Taylor, Ohio
Griest	Lindsay	Powers	Tuttle
Gudger	Linthicum	Pray	Underhill
Guernsey	Loud	Prince	Volstead
Hamilton, Mich.	Loudenslager	Pujo	Vreeland
Hamilton, W. Va.	McCreary	Rainey	Webb
Hammond	McDermott	Ransdell, La.	Wedemeyer
Hanna	McGuire, Okla.	Riordan	Weeks
Hardy	McHenry	Rodenberg	White
Harris	McKenzie	Rouse	Wilson, Ill.
Hartman	McLaughlin	Sabath	Wilson, N. Y.
Haugen	McMorran	Saunders	Witherspoon
Hawley	Madden	Scully	Wood, N. J.
Heald	Maher	Shackleford	Young, Mich.
Henry, Conn.	Malby	Sharp	Young, Tex.
Hobson	Martin, S. D.	Sheppard	
Holland	Matthews	Sherley	

The SPEAKER. Two hundred and twenty-nine Members are present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

QUESTION OF PERSONAL PRIVILEGE.

Mr. ANDERSON of Ohio. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON of Ohio. Mr. Speaker, a number of newspapers during the past two or three weeks have carried stories purporting to come from various Members of the House, and, I am sorry to say, from our side, the Democratic side, in which it is stated that my motion to discharge the Committee on Invalid Pensions from further consideration of the bill which I introduced—H. R. 767—was made in a "sneaky, foxy-like" manner. The story is of some length. It goes ahead and states that my motion did not come within the rules, and that I had to "sneak in" and file my motion. Now, for the time being we will concede it may be, as some Member of the House has said, that I filed my motion in a "sneaky" manner, but when my motion was called for hearing or when the House moved to adjourn over the day on which my motion was to be considered I can not be called a "cotton-foot," for I did not "sneak" into the cloakroom and fail to vote. I stood upon this side of the House and voted my convictions.

Mr. GARRETT. Mr. Speaker, I make the point of order that the remarks of the gentleman are not a matter of personal privilege.

The SPEAKER. The gentleman has proceeded hardly far enough for the Chair to make a ruling upon that point. As I understand, the gentleman from Ohio is endeavoring now to lay the basis for his question of personal privilege.

Mr. ANDERSON of Ohio. Mr. Speaker——

The SPEAKER. The Chair will recognize the gentleman from Tennessee at present.

Mr. GARRETT. The gentleman from Ohio has had read nothing as a basis for his question of personal privilege, nor has he stated anything that forms a basis for a question of personal privilege. If the gentleman has something to read, or that he desires to have read from the desk——

Mr. ANDERSON of Ohio. Oh, the gentleman from Tennessee will find that I have enough.

The SPEAKER. The gentleman from Ohio stated, up to the present juncture, that certain newspapers had said that his motion to discharge the committee was out of order, and that he "sneaked it in."

Now, that is the sum and substance of what the gentleman has said up to the present time. Whether or not that is the whole of his case the Chair can not determine now, and, technically, the motion is overruled.

Mr. ANDERSON of Ohio. Mr. Speaker, if I am not interrupted, I believe I will be able to convince the House I am a Democrat and proud of it, but I am not proud of all Democrats. [Applause on the Republican side.]

Now, there are several points of personal privilege which you will observe if you will let me proceed. One is this, that the Toledo News-Bee carried the story that Gen. Burdett, chairman of the national pension committee, had appeared before our committee and had indorsed Gen. SHERWOOD'S dollar-a-day pension bill. Now, Mr. Speaker, this interview was supposed to be given by my colleague from Ohio [Mr. SHERWOOD], whom I have always admired and whom I have always eulogized throughout his district and throughout my own and other districts. But I want to say to you that this statement is false.

The SPEAKER. If the gentleman from Ohio [Mr. ANDERSON] will read that statement, the Chair will know whether the point of order of the gentleman from Tennessee [Mr. GARRETT] is well taken.

Mr. ANDERSON of Ohio. I will read it, and I will also read a letter of Gen. Burdett, in which he states he did not indorse this bill, showing the statement to be false. It is as follows:

JULY 10, 1911.

Hon. C. C. ANDERSON, M. C.

MY DEAR SIR: I am in receipt of your favor of the 8th instant in which, among other things, you write:

"I notice an article carried in several Ohio papers stating that Gen. SHERWOOD claims you indorsed his pension bill (H. R. 1) at a meeting of the Invalid Pensions Committee which was held at Gen. SHERWOOD'S office in the Capitol about six weeks ago. I was present at this meeting and remember one of the committee asking you if you indorsed SHERWOOD'S bill, and you made it very clear that you did not and stated that you thought the Grand Army of the Republic would indorse a bill similar to the Sulloway bill, which is practically the same as mine."

In reply, I beg to say that my appearance before the Committee on Invalid Pensions on the occasion to which you refer, was in my capacity as chairman of the committee on pensions of the National Encampment, Grand Army of the Republic, and that my sole purpose and duty was to present and urge the adoption of the pension measure approved by that body at its last encampment, held at Atlantic City; that whilst acknowledging the generous purposes of other bills and of their authors, including that of Comrade SHERWOOD, I refrained with care from any discussion on their merits. I think perhaps there was a little trespass on this self-imposed rule when, in answer to a question from a member of the committee as to the attitude of the comrades toward other bills (the Sulloway or your own), I said, in substance, that a good many of the comrades would always be found on the side of the latest and largest proposals. It was probably from this remark that you drew the inference "that you (I) thought the Grand Army of the Republic would indorse a bill similar to the Sulloway bill." And, when answering a question (not, I think, naming the Sherwood bill), but inquiring as to the attitude of the Grand Army of the Republic on the question of grading amounts of pensions by length of service, I replied that the proceedings of the national encampments showed opposition to such course of enactment.

I recall with pleasure the very courteous and attentive hearing which the committee gave me on the occasion referred to.

Very truly, yours,

S. S. BURDETT,
Chairman Committee on Pensions,
Grand Army of the Republic.

Mr. GARRETT. Mr. Speaker, I make the point of order that the question presented by the gentleman is not a question of personal privilege.

The SPEAKER. The point of order is sustained. [Applause on the Democratic side.]

Mr. ANDERSON of Ohio. Mr. Speaker, if the House cares to hear the status of pension legislation at this time, I ask unanimous consent to address the House for one hour, in order to explain my side.

Mr. GARRETT. Mr. Speaker, I object.

Mr. CANNON. Mr. Speaker——

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, one word upon the point of order. Of course, the statement of the gentleman from Ohio [Mr. ANDERSON], without reading the article to the effect that it had been said that he had in a sneaking, underhanded way placed the motion upon the calendar, seems to me would present a question of privilege.

The SPEAKER. There is no question in the world but that the statement of the gentleman from Illinois [Mr. CANNON] is absolutely true. The Chair stated to the gentleman from Ohio [Mr. ANDERSON] that if he had any newspaper article of that kind he might read it, but he did not read it, but read a private letter.

Does the gentleman from Illinois [Mr. CANNON] wish to say anything else on the matter?

Mr. CANNON. One query. If the newspaper article is truly stated in effect, I submit to the Chair as to whether that would not be sufficient, without reading the article? I agree it would be better to have the article read.

Mr. ANDERSON of Ohio. Mr. Speaker, I have not been permitted to continue. I have not reached the newspapers as yet.

The SPEAKER. If the gentleman from Ohio will suspend for a moment I will put the question. The gentleman from Ohio [Mr. ANDERSON] asks unanimous consent——

Mr. ANDERSON of Ohio. I withdraw that, Mr. Speaker.

Mr. HARDWICK. Regular order, Mr. Speaker.

The SPEAKER. If the gentleman from Ohio has anything in the way of publications that constitute a matter of personal privilege he ought to present them to the House, and the

Chair will recognize him for that purpose. He may send them to the Clerk's desk and let the Clerk read them.

Mr. ANDERSON of Ohio. It will take some time to read this article.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

One result of the Sherwood speech may be a congressional investigation of the entire pension question, with particular reference to political and mercenary activity, as charged. Directly in this connection Gen. SHERWOOD hotly heaped up accusations against Representative CARL C. ANDERSON, of the thirteenth Ohio district. ANDERSON is the sponsor for the resurrected Sulloway bill, which would add over $50,000,000 to the pension rolls. It is the bill now supported by Editor McElroy, of the National Tribune, the bill which the Senate has refused even to receive and the measure which President Taft says he will veto if it should ever reach him.

The SPEAKER. The Chair would inquire what newspaper that is from?

Mr. ANDERSON of Ohio. The Cleveland Plain Dealer.

The SPEAKER. There is not any question of personal privilege in that paragraph, in the judgment of the Chair.

Mr. ANDERSON of Ohio. Mr. Speaker, I have here another newspaper, the Cincinnati Enquirer, which I submit.

The SPEAKER. The gentleman from Ohio submits another paper. The House will be in order. The Clerk will read. The Clerk will first state what paper he reads from, and then read the article. There is not any mark in the paper submitted which indicates what statement shall be read.

Mr. ANDERSON of Ohio. Mr. Speaker, I am not ashamed to have the entire article read.

Mr. JAMES. There is a reading room here for that sort of business.

Mr. GARRETT. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is a matter of privilege that the gentleman from Ohio is trying to make clear.

Mr. JAMES. I think he has lost it.

Mr. ANDERSON of Ohio. Mr. Speaker, I think this part of the Cleveland Plain Dealer reflects on my honor and my integrity and honesty.

The SPEAKER. Is that the paragraph that was read?

Mr. ANDERSON of Ohio. No; the one before that. Mr. Speaker, there has been so many rumors of graft in the State of Ohio that this accuses McElroy——

Mr. GARRETT. Mr. Speaker, I make the point of order that the graft in the State of Ohio does not involve a question of personal privilege on the part of the gentleman.

Mr. ANDERSON of Ohio. It does when it connects me with it and when you know that old soldiers do not pay for legislation.

Mr. HENRY of Texas. Mr. Speaker, this proposition ought to be reached in an easy way. If a Member of Congress believes that he has a question of personal privilege, he has a right to present it to the House. I think the gentleman from Ohio can state in a brief way what the matter of privilege is, so that the House can determine it, and I suggest that the House do him the courtesy to allow him to state it.

Mr. HAY. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the statement of the gentleman from Ohio.

Mr. ANDERSON of Ohio. Mr. Speaker, I thought I had a copy of the Toledo News-Bee here, but I find that it is missing from my seat. It contains two columns assailing me. I have here also an article in the Indianapolis Star, containing an interview from Congressman BARNHART——

The SPEAKER. If the gentleman from Ohio has those papers, the Chair will inform him that he must present them as a basis of personal privilege, and the Chair will then hear him, and the House will hear him.

Mr. ANDERSON of Ohio. I will present them in due form to-morrow morning, Mr. Speaker.

DEFICIENCY APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report back House joint resolution 130 (H. Rept. 92), making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress, with certain Senate amendments, with the recommendation that the amendments be nonconcurred in.

The SPEAKER. The Clerk will report the resolution by title.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the Senate amendments to the resolution be disagreed to and that a conference be asked.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read as follows:

House joint resolution 130, making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress.

Mr. MANN. What is the request, Mr. Speaker?

The SPEAKER. The gentleman from New York [Mr. FITZGERALD], chairman of the Committee on Appropriations, by authority of the committee, reports back the joint resolution with certain Senate amendments, with the recommendation that the amendments be disagreed to; and he asks unanimous consent that the House disagree to the Senate amendments and ask for a conference. Is there objection?

Mr. MANN. I have to object to that in that form.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to consider the Senate amendments as in Committee of the Whole.

Mr. UNDERWOOD. I should like to ask the gentleman from New York what length of time the consideration of this bill will probably take?

Mr. FITZGERALD. I do not believe it will take much time. There are just a few amendments, and I understand that there is a desire to have a vote on one or two.

The SPEAKER. The gentleman from New York asks unanimous consent that the Senate amendments be considered in the House as in Committee of the Whole.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I should like to find out from gentlemen on both sides of the House as to whether this will give rise to any extended debate. If it does, I desire to proceed with the consideration of the cotton bill, to get it out of the House at an early day. If it will not take any extended debate, I will yield, as this is a matter of the business of the House. Can the gentleman from Illinois [Mr. MANN] inform me about how long this will probably take?

Mr. MANN. There will probably be some little debate on the bill, I do not know how much. I do not think anyone can guess on a thing of that sort. I think when the times comes I shall move to concur in the Senate amendment providing for an extra month's salary for the employees of the House and the Senate.

Mr. UNDERWOOD. I desire to ask the gentleman how much debate he wants on that proposition.

Mr. MANN. As far as I am concerned, I have no desire for any extended debate, but whether it will lead to debate I do not know.

Mr. UNDERWOOD. With the understanding that there will not be any very long debate I will withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. SHERWOOD. Mr. Chairman, I rise to a question of personal privilege for the purpose of correcting some statements.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] rises to a question of personal privilege and he will state it.

Mr. SHERWOOD. I want to correct some misstatements made by the gentleman from Ohio [Mr. ANDERSON] in regard to the attitude of Gen. S. S. Burdett, chairman of the pensions committee of the Grand Army of the Republic.

Mr. FITZGERALD. I make the point of order that the correction of statements made by other Members is not a matter of personal privilege.

The SPEAKER. The point of order is well taken. The Chair will state that Gen. Burdett's letter to the gentleman from Ohio does not raise any question of personal privilege.

Mr. SHERWOOD. The question of personal privilege is a statement of what transpired in the committee at a public hearing of that committee, not Gen. Burdett's letter at all, and I have the documents here to prove it. I have Gen. Burdett's speech before that committee.

The SPEAKER. The Chair will state to the gentleman from Ohio that the other gentleman from Ohio [Mr. ANDERSON] never got far enough along to raise a question of personal privilege, and therefore there is nothing to answer.

Mr. SHERWOOD. All right.

CHANGE OF REFERENCE.

Mr. MACON. Mr. Speaker, I ask unanimous consent that the Committee on Pensions be discharged from the further consideration of the bill (H. R. 7343) granting an increase of pension to Matthew Pork, and that the same be referred to the Committee on Invalid Pensions.

There was no objection.

DEFICIENCY APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask the Clerk to report the first Senate amendment to House joint resolution No. 130,

making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress.

The Clerk read as follows:

SENATE.

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred during the first session of the Sixty-second Congress, for clerk hire and other extra clerical services, $3,695.

Mr. FITZGERALD. Mr. Speaker, I move to nonconcur in the Senate amendment.

Mr. CANNON. Mr. Speaker, I move to concur in the Senate amendment with an amendment which I send to the Clerk's desk.

The Clerk read as follows:

That the House concur in the Senate amendment No. 2 with an amendment as follows:

"To reimburse the official reporters of debates and stenographers of committees of the House of Representatives for moneys actually expended by them for clerical assistance from March 4 to August 4, 1911, on account of the first session of the Sixty-second Congress, $400 each, $4,000."

Mr. FITZGERALD. And to that I reserve the point of order. This item refers exclusively to the Senate. If we include this amendment at this point, we shall then have confused items between the House and the Senate. I believe the Committee on Accounts will take care of the official reporters of the House out of the contingent fund.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. Of course all of these Senate amendments come under a general head of the Senate. I suppose that is what the gentleman refers to. But the very next amendment after this one refers both to the Senate and to the House. Now, the amendment offered by my colleague expressly refers to the reporters of the House and the stenographers of committees of the House of Representatives, and is just as proper at this point as the other proposition under the third amendment. The gentleman will find, I think, that the contingent fund of the House will have such very heavy drafts upon it that it is not desirable to put anything on the contingent fund that does not ordinarily come out of it.

Mr. GARNER. Mr. Speaker, this amendment is submitted on the floor of the House at this time without any estimate. How can we arrive at a correct amount of it? It seems to me that unless the Committee on Appropriations offers it as an amendment we have not sufficient information in regard to it.

Mr. FITZGERALD. If the gentleman will permit me, the official reporters of the House and the committee stenographers are paid a certain compensation. They employ their own amanuenses and pay them and then are reimbursed each year by Congress. The attention of the committee was called to this situation after the bill left the House. The statement is made that by the middle of August they will have paid out $400 each. There are 6 reporters and 4 stenographers to committees, making 10 in all, amounting to $4,000. I do not believe there is any question but that the money is due and should be paid.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Texas.

Mr. GARNER. Who is to judge as to the amount that they should pay for their amanuenses? Who is to judge the amount of compensation to be allowed to these House and committee reporters for the extra work they have to get done?

Mr. FITZGERALD. This is not for extra work.

Mr. GARNER. This is the regular salary that has been allowed?

Mr. FITZGERALD. This is paid to the people who do the typewriting. When these official reporters leave the floor they dictate from their notes into the machines, and the typewriters transcribe the dictation. This is to reimburse the stenographers for what they pay these typists.

Mr. GARNER. Then, as I understand the gentleman from New York, it has been the custom heretofore to appropriate a certain amount for each reporter for an amanuensis?

Mr. FITZGERALD. Yes.

Mr. GARNER. To the extent of about $750?

Mr. FITZGERALD. Seven hundred and fifty dollars. The reporters state now that they will have expended by the middle of August about $400 each. That is what they ask to have reimbursed to them.

Mr. GARNER. Would it not be advisable to carry in the general appropriation bill for these reporters a sufficient sum to pay them in bulk, simply in the way of salary, to employ their own amanuenses?

Mr. FITZGERALD. It all depends on the amount of work that is done during the Congress as to how much will be expended for this purpose.

Mr. GARNER. And the only difference is whether this shall be taken out in this way or paid out of the contingent fund?

Mr. FITZGERALD. That is the only question. I believe the money should be paid.

Mr. GARNER. Well, we better let it go here, as we have no money in the contingent fund.

Mr. CANNON. Mr. Speaker, I do not believe the point of order which the gentleman from New York has made is well taken.

Mr. FITZGERALD. Mr. Speaker, I will withdraw the point of order.

Mr. CANNON. Mr. Speaker, the Senate in conference ordinarily insists that whatever pertains to the Senate, necessary for the transaction of its business, shall be paid, and whatever pertains to the House shall be paid, and neither body shall question the other. In practice where it is insisted upon, that is the result. The Senate in this amendment No. 2 has provided for the reimbursement of the official reporters of the Senate for expenses, and so forth, $3,695, and there is nothing in the resolution which carries anything for the reimbursement of the reporters of the House and of the committees. There has been exceedingly strenuous service, especially on the part of the committee reporters, so far during this special session, and it is true, after inquiry, that the reporters have to keep the force of typewriters, skilled for this special kind of work, upon their pay roll to meet any emergency. Some days there is nothing and some days there is something, and the work has to be promptly done. Unless we put an amendment here at this point, the gentleman withdrawing his point of order, the matter would not be in conference as to the House and committee official reporters. The motion to concur in the Senate amendment with an amendment which has just been read would place the whole matter in conference. That is the reason I offered the amendment. I think it would be well to agree to the amendment here and dispose of it, and yet I am not here to make any factious opposition. If the Committee on Accounts, represented by the gentleman from Missouri [Mr. LLOYD], and also the chairman of the Committee on Appropriations [Mr. FITZGERALD] are satisfied that this money would be provided from the contingent fund by a resolution of the House, I am perfectly willing to take their judgment in the premises.

Mr. FITZGERALD. Mr. Speaker, we have no objection to this going into conference.

Mr. CANNON. Then I am ready for a vote.

The SPEAKER. The question is on the amendment of the gentleman from Illinois to concur in amendment No. 2 with an amendment.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of July, 1911, including the Capitol police, the official reporters of the Senate and House, and W. A. Smith, Congressional Record clerk, for extra services during the first session of the Sixty-second Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

Mr. FITZGERALD. Mr. Speaker, I move to nonconcur in the Senate amendment.

Mr. GARNER. Do not you think we had better have a vote?

Mr. MANN. Mr. Speaker, I move to concur in the Senate amendment.

The SPEAKER. The question is on the motion of the gentleman from Illinois——

Mr. FITZGERALD. I just wish to say this, Mr. Speaker. It adds about $140,000 to the appropriations to be made by the Congress.

Mr. MANN. Where does the gentleman get his figures of $140,000?

Mr. FITZGERALD. I get them from the clerk of the Committee on Appropriations, and they were taken from the Treasury Digest. It adds seventy-one thousand and odd dollars for the House and sixty-nine thousand and odd dollars for the Senate.

Mr. MANN. Yet we had a report from the gentleman himself the other day practically stating that the annual pay rolls of the House per month only amounted to about $52,000. How do you get the $70,000?

Mr. FITZGERALD. Amounts to what?

Mr. MANN. To $52,000. Where do you get the $72,000?

Mr. FITZGERALD. No; the gentleman is mistaken; I made no such statement. I said the pay rolls of the House per month were from $8,000 to $9,000 at present less than they were the last session of Congress.

Mr. MANN. They never have amounted to $70,000.

Mr. FITZGERALD. The figures are $71,000 for the House and $69,000 for the Senate, which would make the amount to be appropriated, if this amendment were concurred in, $140,000.

Mr. MANN. The pay rolls of the House never have amounted to $71,000 nor $70,000.

Mr. FITZGERALD. Oh, the gentleman is mistaken; they have.

Mr. MANN. The pay rolls of the House, as reported here the other day—I have the figures in my desk—claimed at that time——

Mr. FITZGERALD. These figures included the Capitol police.

Mr. THAYER. Mr. Speaker, I desire to offer the following amendment.

Mr. AUSTIN. Mr. Speaker, I wish to ask the chairman of the Committee on Appropriations——

Mr. THAYER. Mr. Speaker, I move to concur in Senate amendment No. 3 with an amendment.

The SPEAKER. The gentleman from Massachusetts moves to concur in Senate amendment No. 3 with an amendment, which the Clerk will report.

The Clerk read as follows:

After the words "Sixty-second Congress," on page 2 of the amendment, insert "And to enable the Secretary of the Treasury to pay to each Senator and Congressman for extra services of his secretary."

Mr. FITZGERALD. Mr. Speaker, I make the point of order against the amendment that it is not germane.

The SPEAKER. The point of order is sustained.

Mr. AUSTIN. Mr. Speaker, I wish to ask the chairman of the Committee on Appropriations a question in reference to this proposed amendment, and that is, if it has not been customary in this House, both under Republican and Democratic control, to vote this extra month's pay.

Mr. FITZGERALD. The practice has been in vogue for some years. I do not know from personal knowledge whether it has been in vogue in a Democratic House, as this is the first Democratic House I have had the pleasure of serving in; but the practice has existed for a great many years of voting some sum in addition to the regular compensation to the employees of the two Houses.

Mr. AUSTIN. Then I would ask the gentleman if there was any Democratic opposition to this item when it passed in a Republican Congress?

Mr. FITZGERALD. There was some. I started, myself, that way, but was overwhelmed with importunities by those interested in the employees.

Mr. MANN. Mr. Speaker, I offered the motion to concur in the Senate amendment in order to bring the matter before the House. It has not been always customary to pay an extra month's salary at an extraordinary session called for the consideration of tariff legislation, though my recollection is that it was done two years ago. I am not sure whether it was done in 1897 or not. I am under the impression it was not done in 1897, but I do not remember.

It has been the practice of Congress for years to give an extra month's salary at the regular sessions of Congress to its employees. The Members of Congress themselves, as a part of their compensation, draw 40 cents a mile as mileage between their homes and Washington, in order to enable them, presumably, to pay their traveling expenses. The employees of the House, presumably, under the political patronage system which has prevailed for years, are largely brought from the home districts of the Members.

Mr. GARNER. Will the gentleman yield for a question?

Mr. MANN. In just a moment. I am inclined myself to think that there ought to be in some way an additional amount provided for employees of the House in order to enable them to go home and come from home. However that may be, it has become the practice of Congress. This item when I first came to Congress usually went into the appropriation bills in the Senate. It is always subject to a point of order when offered in the House. That point of order has not been made in the House, so far as I recall, in years. Gentlemen on that side of the aisle, who now insist that the extra month's pay shall not be paid to Democratic employees, show a discriminating mind, because they sat silent in their seats when any one of them could have prevented the extra month's pay to Republican employees. Perhaps they value their employees on a lower plane than they did ours, and yet I hope that in course of time, after experience, their employees may develop into as good employees as the Republican employees. And pending that time, as far as I am concerned, having seen this amendment adopted when an objection would stop it, year after year, in a Republican House, without making an objection on my part and without hearing the objection made by anyone else in the House, I am bold enough to say that I permitted the item to go into the bill before, because I thought it was right then, and I shall vote for it now for the same reason. It is just as right now as it was two years ago when that side of the House, without objection, permitted it to go into the bill.

Mr. GARNER and Mr. SISSON rose.

The SPEAKER. To whom does the gentleman from Illinois [Mr. MANN] yield?

Mr. MANN. I yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Do I understand the gentleman's ground for favoring this appropriation is that the employees may have mileage home? In that connection I want to ask the gentleman if he does not believe it would be more equitable to change the law with reference to the mileage of Congress to that of a basis of expense to their homes and return for each Congress, and that, if it is placed on that ground, the employees should not be placed in the same attitude as the Members of Congress?

The SPEAKER. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. In the very limited time I desire to occupy I do not propose, even at the request of the gentleman from Texas, to give my views on the subject of mileage of Members of Congress or my views on the subject of mileage for employees of the House further than I have already done.

Mr. SISSON. Mr. Speaker, I want to say to the gentleman in reference to his statement that no objection was made at the last session of Congress that I objected to the matter prior to that time, but the amendment was promptly put on in the Senate, and therefore I did not want to go again through the useless motion of objecting to it in the House.

Mr. MANN. The gentleman undertakes to explain a dereliction of duty on his part, but the information does not appeal to me. If the gentleman was right once he should have had the pertinacity to be right twice.

Mr. SISSON. I did not desire to do a vain thing, Mr. Speaker.

Mr. SIMS. I think the gentleman will remember that the gentleman from Indiana made a point of order against each and every one of them, and that they all went out during the last session of the last Congress.

Mr. MANN. I do not remember that. I think the gentleman is mistaken. The gentleman made a point of order——

Mr. SIMS. As to the extra month's pay.

Mr. MANN. I will put my memory against the gentleman's. The gentleman made a point of order against a certain extra pay to clerks of committees, because his clerk was not included.

Mr. SIMS. I did not hear that assigned as the reason for the point of order, which was sustained.

Mr. MANN. Oh, it was publicly stated by the gentleman at the time, and those items went back into the bill in the Senate.

Now, the gentlemen understand perfectly well what the situation has been in the past. If the gentlemen propose that the extra month's pay shall not be paid to the Democratic employees of the House because they are not as valuable in the service of the House as were the Republican employees whom they formerly voted to pay, why I am perfectly willing that that shall go into the RECORD and out to the country, and hereafter I am willing to stand with the gentlemen, so long as they keep these less valuable employees of the House. [Laughter on the Republican side.]

But there is one class of employees of the House, Mr. Speaker, that probably are not entitled to this extra month's pay. The committee clerks of the House, outside of one or two, have had practically no work to perform at this session of Congress. Of course they would get this extra month's pay, with the committees idling, refusing to transact business, declining to enter upon hearings, failing to attend to the business which has been committed to them.

Mr. SISSON. Mr. Speaker——

Mr. MANN. Some excuse might be given for not paying those clerks.

Mr. SISSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. MANN. Oh, certainly.

Mr. SISSON. I would like to ask the gentleman this question: At the tariff session, called by the President in March,

1909, were not the clerks who were employed under the Republican House paid an extra month, although the committees at that session were not appointed until the close of the session?

Mr. MANN. Mr. Speaker, it will be a long time before the gentleman from Mississippi will be able to make the proper differentiation. This is considered to be a part of the pay of the old employees of the House. The old employees of the House were here at the time of the extra month's pay, given at the tariff session. These new clerks to committees have never done any work of any kind, at any time. That is the distinction. The others had been working for a long time and serving the House.

Mr. SISSON. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield?

Mr. MANN. Oh, certainly.

Mr. SISSON. Mr. Speaker, these clerks to committees could not be appointed, could they, until the chairmen were appointed and the committee themselves appointed? And is it not a fact that the committees were appointed the very last thing in the tariff session of 1909?

Mr. MANN. Then there were no clerks appointed.

Mr. SISSON. But they were paid, nevertheless.

Mr. MANN. Oh, they were held over. The gentleman is not familiar with the facts. All the employees held over except the session clerks, and the session clerks did not receive the extra month's pay.

Mr. SISSON. Then those clerks were hanging around and doing no work, and yet they received the extra month's pay?

Mr. MANN. They were familiar with their work and familiar with the work of the committees.

Mr. GARNER. Has the gentleman heard any complaint on the part of the employees about their not receiving this extra month's salary?

Mr. MANN. Oh, I have heard plenty of complaints. [Laughter.] The gentleman does not have to go far. Of course I understand that the Democratic employees appointed by the gentlemen are afraid to go to the gentlemen for fear their heads will be cut off. [Laughter.] But they have no such fear in coming to us. They come to us and pray for support from our side, that they may have the extra month's pay, in order that they may be able to go home at the close of the session without being compelled to "touch" their Members of Congress for the necessary mileage home. [Laughter.]

The SPEAKER. The time of the gentleman from Illinois has again expired.

Mr. AUSTIN. Mr. Speaker, I am going to give this amendment my support, and I think I would be unfair to myself as a Member of this House, after formerly voting a month's extra pay to the Republican employees, to decline or refuse to do the same thing now for the Democratic employees. And as long as I am a Member of this House I propose to vote for an extra month's pay until we reach that point where we equalize the salaries of the House officers with those of the corresponding officers of the Senate. I was an employee of this House 29 years ago when this very question of a month's extra pay was up, and we were compelled to get around the gentleman from Indiana, Mr. Holman; and it was given at that time in this House with a view to equalizing or increasing the pay of the employees of the House in order that it would correspond with the pay then received by the employees of the Senate. Then after we gave them a month's extra pay, or passed the amendment in the House, the Senate, in addition to the higher salaries that they were then paying their employees, added an extra month's pay for the Senate employees.

There is no more just ground or reason why there should be a difference in the pay of corresponding offices and services in the two Houses than why there should be a difference in the pay of Senators and Members of the House. Our salaries are equal to those of the Members of the Senate, and it is an injustice to our employees, and it is a reflection upon our fairness to vote at every session of Congress money out of the Treasury for a higher and larger scale for the salaries of employees of the Senate than we do for the honest, faithful, and deserving employees of our own House.

I submit the following statement as a part of my remarks on the subject:

LEGISLATION ON EXTRA MONTH'S PAY.

This statement shows that extra pay has been appropriated for the employees of the House since the Twenty-eighth Congress, and even before that time extra pay had been paid. Up to 1879 this extra pay was paid in divers ways—sometimes in lump sums of $100 to $300 and more, and at other times 20 per cent of the employees' salaries, and at other times 15 per cent, and sometimes as high as 25 per cent for those whose pay was less than $1,200 per annum. Since 1879 it has been a straight extra month's pay for each employee. The following Congresses voted extra pay:

Congress.	Years.	Party.
Twenty-eighth	1844	Democratic.
Twenty-ninth	1846–47	Do.
Thirtieth	1848–49	Whig.
Thirty-first	1850–51	Democratic.
Thirty-second	1852–53	Do.
Thirty-third	1854–55	Do.
Thirty-fourth	1856–57	Republican.
Thirty-eighth	1864	Do.
Thirty-ninth	1866	Do.
Forty-sixth	1879–1881	Democratic.
Forty-seventh	1882–83	Republican.
Forty-eighth	1884–85	Democratic.
Fiftieth	1889	Do.
Fifty-first	1891	Republican.
Fifty-second	1893	Democratic.
Fifty-third	1893–1895	Do.
Fifty-fifth	1897–98	Republican.
Fifty-sixth	1900–1901	Do.
Fifty-seventh	1902–3	Do.
Fifty-eighth	1904–5	Do.
Fifty-ninth	1906–7	Do.
Sixtieth	1908–9	Do.
Sixty-first	1909–10–11	Do.

Mr. PALMER. Mr. Speaker, I want, first of all, to say, for the information particularly of the Members on this side of the House, that the question which is now before the House raises fairly and squarely the question of whether we are going to keep faith with ourselves, in view of the action at the caucus before the opening of this Congress, when we went on record for strict economy, and even frugality, in the expenditures of the Government. [Applause.]

Mr. GARNER. Will the gentleman yield just there?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. PALMER. Yes.

Mr. GARNER. Is there an employee of the House at the present time who has not accepted employment knowing that this Democratic caucus had passed this rule?

Mr. PALMER. I will get to that in a minute. The Democratic Party in this House on the 1st of April, before the Congress opened and before a single man had been appointed to any place in the service of the House, passed a resolution, with practical unanimity, deciding that hereafter this extravagance should be lopped off and that we would not give the extra month's salary to any employee of the House; and so far as we could also, it was the sentiment of that caucus that we would fight the same extravagance in the other Chamber of Congress.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Florida?

Mr. PALMER. I will yield.

Mr. CLARK of Florida. Just for a question. I want to ask the gentleman if the caucus that he refers to passed any resolution specifically naming this month's extra pay?

Mr. PALMER. Yes, it did.

Mr. CLARK of Florida. That is not my recollection.

Mr. PALMER. The gentleman is mistaken. I drafted the resolution myself. I offered it in the caucus. I explained it to the caucus and it was adopted almost unanimously by the caucus, and the minutes of the caucus show that the resolution included this very provision against the extra month's pay. Now, Mr. Speaker, that caucus was held before the House convened in extraordinary session, and every man who has gone upon the pay rolls of this House since then has gone there with the full knowledge and understanding that the salary which the law gives him is the salary he would get and which he would accept. [Applause.] And no Democrat who is now upon the rolls in the service of the House has either asked or expects to receive this tip or gratuity from this House.

This practice began about 30 years ago, away back in 1879. I put the full record of these appropriations in the CONGRESSIONAL RECORD on the 11th of May last, and I will not repeat them now. It is sufficient to say at first the appropriation was for a single month's salary in an entire congressional term. Then, on the very plea that is now made by the gentleman from Illinois, that of precedent, the following Congress, which was a Republican Congress, passed the same kind of a provision for each session, so the effect was to give them an extra month's pay in each year.

When a Congress came around which had an extraordinary session in it the same rule was in vogue, so that an employee of the House got 3 months' salary in addition to the 24 months' salary for his two years' term.

This practice was followed also in the Sixty-first Congress. The only defense of the proposition of the gentleman from Illinois now offered is that because it has been done in the past, because we on this side were in the minority and unable to prevent this extravagance, it ought to be done now. If such a rule is to prevail it will be impossible for any succeeding Congress to wipe out extravagance fastened on the Government by an earlier Congress.

The fact is it was attacked on the floor, but we knew that the sentiment in favor of this extravagance of previous Congresses was so strong that we could not succeed in wiping it out. It was almost the first thing we went out after when we took up the question of economy in the management of the House. Mr. Speaker, especially is it true in a special session, at an extraordinary session, that this allowance ought not to be made, because an extraordinary session like this is generally devoted to a particular line of business and a large number of committees and a large number of the officers of the House are practically idle. You may walk the Halls of this Capitol to-day and you will not find more than two or three out of ten employees of the House who have enough to do to keep them busy. It would not be fair, and it would not be just, at the expense of the Government, to make these men a present of one-twelfth of their entire annual salary.

There are other extravagances in operation connected with the House which we did not catch in this plan of ours for economy. I notice, however, that the Senate is carrying them with a little more boldness than they had been carried here in the past, for we were unable to find them, because they were not carried on the rolls under their true names. One of these Senate amendments proposes an addition of $100 as extra compensation for the man who is in charge of the Senate chronometer. Over here in the House, I am informed by several committee chairmen, although I did not know it on the 1st of April, we have at least one man, and perhaps two, drawing $1,200 a year whose sole function and duty is to go about from committee room to committee room and wind the clocks.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. FOSTER of Illinois. Mr. Speaker, at the close of the last session of Congress there was paid to the employees of the House as extra money $71,056.29. In the Senate there was paid as extra compensation $69,739.30, making a total of $140,795.59.

At the close of the last session of Congress the House voted an extra month's salary to all employees of the House, and then, in addition to that, passed in the deficiency bill, put on in the Senate—I think it went out in the House on a point of order—an extra compensation to a number of employees of this House amounting to as high as $850 an individual, making the compensation for employees of the House something over $8,000 in addition to the month's salary, making a total amount paid in the House of over $80,000.

It is true that this has been paid in the past, but there is no excuse because a thing has been done in the past, when it is wrong, that it should be continued in the future.

The country has asked that we should practice economy in governmental affairs, and we can not go to the other departments of this Government and demand that they shall be economical in the administration of their departments unless we are first economical in the affairs of our own legislative business. [Applause on the Democratic side.]

I hope the time will come when the practice of paying the extra compensation shall be stopped. If these employees of the House and Senate are not receiving an adequate salary, we should meet it like men and increase their salaries and not attempt to do it in this roundabout way. [Applause.]

It has been said here that we have not practiced economy and have not saved this large amount of money, as claimed we would do. I desire to say that the figures of the disbursing officer of the House show that there will be saved, if this reform is carried into effect and the extra compensation of the officers of the House and Senate are not allowed—the pay roll will be cut down and the saving will amount, in all, to almost $300,000 per annum.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. FOSTER of Illinois. Certainly.

Mr. MANN. Mr. Speaker, it has not been possible to hear quite all that the gentleman has said as far away as I sit from him, but I would like to ask the gentleman, if I may, when it is his intention to avail himself of the privilege granted to him some time ago to publish in the RECORD certain tables to which he referred respecting the saving that has been accomplished?

Mr. FOSTER of Illinois. Mr. Speaker, I desire to say that I shall print these tables in the RECORD, so that every Member may see them for himself, in due time.

Mr. MANN. I understood the gentleman to have the privilege granted to him some time ago, and the gentleman has not availed himself of the permission I obtained for him, and I also understood that when he got the figures he would submit a copy to me.

Mr. FOSTER of Illinois. I want to state, Mr. Speaker, that I shall submit to the minority leader [Mr. MANN] a copy of these figures, which I told him I would do, before they are printed. I expect to do so. I want to be fair to him.

Mr. Speaker, I believe that it is our duty, fulfilling, as we do, with this demand of the country that we should be economical, to stop here and now paying these extra amounts, and to go on record as saying that we propose in the future, if any employee of the House is not receiving a sufficient sum of money to pay him for his services, to increase his salary to a proper amount in the proper way and not as is attempted to do here by this amendment.

Mr. FITZGERALD. Mr. Speaker, just a brief word. It was understood when the employees of the House were appointed in this Congress that they were to receive the compensation fixed by law. They were all very glad to obtain the places. For the present fiscal year the Congress appropriated $1,026,000,000. It authorized $40,000,000 additional for contracts and $32,000,000 additional was paid out to redeem national-bank notes, although not estimated in the estimates of permanent appropriations, bringing the total appropriations and authorizations for the present fiscal year up to the enormous sum of $1,098,000,000. If the Democratic Congress is to economize and to reduce expenditures, it can not afford to accept the position that because in previous Congresses certain items were allowed they should be appropriated again. In order to impress not only on the Members of the House itself, but upon everybody connected with the Government that our professions of economy were sincere, I believe this amendment should not be agreed to.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. CLARK of Florida. I just want to get some information. I am with the gentleman on this proposition, but I want to ask if the gentleman thinks that the House ought to consent to the appropriation of a month's extra pay for the Senate employees when it is proposed to strike out our own employees?

Mr. FITZGERALD. Mr. Speaker, the motion made by myself is to nonconcur in the Senate amendment which proposes to give a month's extra compensation to the employees of the Senate and of the House. So far as I am concerned, if the House will support me, this joint resolution will never become a law if it carries this provision for the employees either of the Senate or of the House. [Applause on the Democratic side.]

During the last 10 or 12 years during my service in the House the compensation of the great majority of the employees has been substantially increased, and an investigation discloses that wherever an employee is upon the pay rolls of either body of the two Houses it seems to be the invariable practice to give him some gratuity whenever he performs any service. I believe the practice should be abolished, and, as the gentleman from Illinois [Mr. FOSTER] has pointed out, the result of the work recommended so far by the House will be to save in the operation of the two Houses of Congress in the neighborhood of $200,000 a year. My good friend, the gentleman from Illinois [Mr. MANN], complained that the committees of the House are not doing any business. The other day he objected to a subcommittee of one of the committees sitting, or one of the committees acting through a subcommittee, because, apparently, it was doing too much work to satisfy gentlemen upon that side of the House.

Mr. MANN. What I objected to was appointing a small subcommittee of a small committee to do the business, and the committee not doing any business.

Mr. FITZGERALD. It is immaterial, so long as the minority was represented, whether it was large or small; but it seems to me that the gentleman complains one day because a committee is divided into subcommittees, and is therefore able to do more work than ordinarily it would be able to do by sitting in full membership, and now he complains because the committees are not doing any work at all. But I wish to assure the gentleman from Illinois and those who are associated with him that I believe that before this Congress has ended the country will be satisfied that all the committees of this House have rendered splendid and efficient service in the interest of the people. [Applause on the Democratic side.] Mr. Speaker, I ask for a vote.

Mr. CANNON. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. CANNON. Mr. Speaker, I desire a minute or two.

Mr. FITZGERALD. I yield.

The SPEAKER. The time of the gentleman from New York has expired. The gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, this amendment of the Senate applies to both Senate and House employees. It is a considerable sum of money in the event it is enacted. I listened with much interest to my colleague from Illinois [Mr. FOSTER] and also with much interest to the gentleman from Pennsylvania [Mr. PALMER], and also with much interest to the statement of the chairman of the Committee on Appropriations that if you would include all that was authorized by contract and all that was appropriated, I believe he stated it would be in the neighborhood of eleven hundred million dollars for the public services for the current fiscal year. Appropriations are one thing; expenditures are another. I think in all probability for the current fiscal year there will be expended something in the neighborhood of $900,000,000. I am not speaking with exact accuracy. It is a great sum to expend. If I recollect aright, there are $150,000,000 for the Navy; $100,000,000 for the Army, and the sundry civil bill carries $150,000,000, if I recall aright; but I am only speaking in round numbers. For pensions there are $150,000,000. Those are great sums. I think ours is the most expensive Government on the face of the earth, and very properly so. The scale of compensation, the manner of living, are all upon a different grade from the expenditures elsewhere in the world. Why, we spend for education in the United States in the aggregate substantially one-half of all that is spent for education on this round earth. I have been sometimes amused to hear the eloquent gentleman from Pennsylvania [Mr. PALMER] and my friend and colleague from Illinois [Mr. FOSTER] talk about economy. I am sometimes amused again to see the House haggle and quarrel about a little expenditure to the employees of the House, as though they were going to amount to much, and I have seen every session of Congress since I have been a Member provisions go through for hundreds of millions without any economist from Illinois or Pennsylvania saying a word. Perhaps it is good enough for home consumption, gentlemen, but it will not amount materially in affecting appropriations or the expenditures in pursuance thereof for the whole country.

Now, the gentleman says these employees accepted the places. Why, good heavens, I will say to the gentleman from Pennsylvania and my colleague from Illinois, if you had advertised for volunteers you could have gotten services for one-half, if not for one-third, of the amount. The question is, Is this too much? If so, do not give it. If it is not enough, it ought to be given. It has been given substantially for 30 years, and I am not sure but what the employee thought he would get it. But, after all——

Mr. AUSTIN. Will the gentleman yield?

Mr. CANNON. One moment. But after all, you are in the majority. Have it your own way, but I just wanted to make this statement, that I do not believe, sizing up the business of this extra session and the business of the coming session that the gentleman from Pennsylvania and my honorable colleague from Illinois are going to receive popular approval alone upon this item and this expenditure. I now yield to the gentleman from Tennessee.

Mr. AUSTIN. I just simply wanted to call the gentleman's attention to the fact that the official record shows that they began voting this extra month's pay in 1844 and continued it both under Republican and Democratic administrations.

Mr. CANNON. That is still back further—1844. That was, I believe, under the reign of James K. Polk and a Democratic Congress.

The SPEAKER. Does the gentleman from Illinois [Mr. CANNON] yield to the gentleman from Texas [Mr. RANDELL]?

Mr. CANNON. Certainly.

Mr. RANDELL of Texas. I thought the gentleman from Illinois had finished.

Mr. CANNON. I have finished.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that debate on the pending section and amendments close in five minutes.

The SPEAKER. The gentleman from New York asks that debate on the pending section and amendments close in five minutes.

Mr. MANN. Does the gentleman mean on this paragraph?

Mr. FITZGERALD. The Senate amendment and the pending motion.

The SPEAKER. Is there objection?

Mr. FOWLER. I object, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, I move that the debate on this section and the pending motion close in five minutes.

The motion was agreed to.

The SPEAKER. The gentleman from Texas [Mr. RANDELL] is recognized for five minutes.

Mr. RANDELL of Texas. Mr. Speaker, as a Democrat it does not occur to my mind that any matter should be considered here except to follow the behest of the Democratic caucus. I take it that any party man should be bound by the action of the caucus, and if we desire to change the rule, we should go into the caucus to do it. I am not terrified by the statement of the gentleman on the other side that the public will not approve our action. It seems to me that this policy of extra compensation, which has been adopted by previous Republican Congresses, is not the way that we should pay our employees. They should get a proper salary and be paid according to law, and it seems to me it comes with bad grace from the gentleman from Illinois [Mr. CANNON] to lecture this side of the House for pursuing this course of economy because we did not succeed in preventing the continued and increasing extravagances of the Republican Party which grew under his iron hand when he was Speaker of this House.

Mr. Speaker, when the time comes for this body to consider the appropriation bills for the Army, for the Navy, and for every other department of this Government, I say to the gentleman it will then be proper to consider what is best, what is economical, and what is our duty in respect to those appropriations. I now state that every Democrat should vote in accordance with the action of the caucus and continue to manage the affairs of this House with wisdom and economy. [Applause on the Democratic side.]

Mr. FOWLER. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] is recognized for the remaining two minutes.

Mr. FOWLER. Mr. Speaker, I understand, and did understand at the beginning of this session of Congress, that there was a disposition on the majority side to economize. I thought that had been made plain to the gentlemen on the other side of this House. It does not come with very good grace from my colleague from Illinois [Mr. MANN] to come here and demand of the Deomcrats that they follow his unwritten rule and try to legislate 13 months into the year, because of the fact that it has been clearly understood at the beginning, and was understood at the election last fall, that the Democratic Party would not stand for a billion-dollar appropriation for each year for the next two years to come. That we were pledged to the people of this country to that kind of economy which would conform to the principles of right and not to the principles which have been laid down by the unwritten law which my colleague from Illinois has tried to invoke and to inject into this question. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Illinois has expired. Debate is closed on the section, and the vote is on the motion of the gentleman from Illinois, to concur in the Senate amendment No. 3.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 25, noes 110.

The SPEAKER. One hundred and ten Members have voted in the negative, so that the motion to concur in the Senate amendment is lost.

Mr. MANN. I make the point of order that there is no quorum present.

The SPEAKER. Under the rule, the doors will be closed, and——

Mr. FITZGERALD. Mr. Speaker, I ask the Chair to count. Evidently, there is a quorum present.

Mr. MANN. Evidently there is not a quorum present.

Mr. SHERLEY. A great many Members did not vote upon the question.

The SPEAKER. The Chair did not hear what the gentleman from Kentucky said.

Mr. SHERLEY. I said a great many of the Members did not vote upon the question, and therefore the vote does not indicate whether there is or is not a quorum present.

The SPEAKER. There are two clauses to the rule applicable in this case; one providing for a case where a quorum fails to vote on any question, which is the case here, and the other where a quorum is not present. The request is made under that clause. The Chair will count. Gentlemen will take their seats. [After counting.] One hundred and seventy Members are present—not a quorum. The doors will be closed, and the Clerk will call the roll. The vote will be on the motion of the gen-

tleman from Illinois [Mr. MANN] to concur in the Senate amendment. As many as favor it will say "yea" when their names are called, and those opposed will say "nay."

The question was taken; and there were—yeas 6, nays 181, answered "present" 23, not voting 177, as follows:

YEAS—6.

Austin	McKinley	Sells	Thistlewood
Hinds	Mann		

NAYS—181.

Adair	Dies	Jackson	Raker
Aiken, S. C.	Difenderfer	Jacoway	Randell, Tex.
Alexander	Dixon, Ind.	Johnson, Ky.	Rauch
Allen	Donohoe	Kahn	Redfield
Anderson, Minn.	Dyer	Kendall	Rees
Anderson, Ohio	Edwards	Kennedy	Reilly
Ashbrook	Esch	Kent	Richardson
Ayers	Evans	Kinkaid, Nebr.	Roberts, Nev.
Bathrick	Farr	Kitchin	Robinson
Beall, Tex.	Ferris	Knowland	Roddenbery
Bell, Ga.	Finley	Konig	Rubey
Berger	Fitzgerald	Konop	Rucker, Colo.
Blackmon	Flood, Va.	Kopp	Russell
Booher	Foss	Korbly	Shackleford
Borland	Foster, Ill.	La Follette	Sherley
Bowman	Foster, Vt.	Lamb	Sherwood
Brantley	Fowler	Lee, Ga.	Sims
Brown	French	Lee, Pa.	Sisson
Buchanan	Gallagher	Lenroot	Sloan
Bulkley	Garner	Lewis	Smith, J. M. C.
Burke, S. Dak.	Garrett	Lindbergh	Stedman
Burke, Wis.	George	Littlepage	Steenerson
Burleson	Godwin, N. C.	Lloyd	Stephens, Cal.
Burnett	Goeke	Lobeck	Stephens, Miss.
Byrnes, S. C.	Good	Longworth	Stephens, Tex.
Byrns, Tenn.	Gould	McCoy	Stone
Callaway	Graham	McKinney	Sweet
Candler	Green, Iowa	Macon	Talcott, N. Y.
Carlin	Hamill	Maguire, Nebr.	Taylor, Colo.
Carter	Hamlin	Mays	Tilson
Catlin	Hanna	Moore, Tex.	Towner
Cline	Harrison, Miss.	Morgan	Townsend
Collier	Harrison, N. Y.	Morrison	Tribble
Connell	Hay	Morse, Wis.	Turnbull
Conry	Hayes	Moss, Ind.	Underwood
Cooper	Heflin	Murray	Utter
Cox, Ind.	Helgesen	Nelson	Watkins
Crumpacker	Helm	Norris	Whitacre
Cullop	Hensley	Oldfield	Wickliffe
Dalzell	Hill	Page	Willis
Daugherty	Holland	Palmer	Wilson, Pa.
Davenport	Howard	Patton, Pa.	Woods, Iowa
Dent	Hubbard	Pepper	Young, Kans.
Denver	Hughes, Ga.	Pickett	
Dickinson	Hull	Post	
Dickson, Miss.	Humphreys, Miss.	Prouty	

ANSWERED "PRESENT"—23.

Adamson	Clark, Fla.	James	Reyburn
Barnhart	Currier	McCall	Slayden
Bartholdt	Doremus	Martin, Colo.	Slemp
Bartlett	Dwight	Moon, Tenn.	Stack
Campbell	Greene, Mass.	Padgett	Wilder
Cannon	Gregg, Tex.	Pou	

NOT VOTING—177.

Akin, N. Y.	Francis	Legare	Riordan
Ames	Fuller	Lever	Roberts, Mass.
Andrus	Gardner, Mass.	Levy	Rodenberg
Ansberry	Gardner, N. J.	Lindsay	Rothermel
Anthony	Gillett	Linthicum	Rouse
Barchfeld	Glass	Littleton	Rucker, Mo.
Bates	Goldfogle	Loud	Sabath
Bingham	Goodwin, Ark.	Loudenslager	Saunders
Boehne	Gordon	McCreary	Scully
Bradley	Gray	McDermott	Sharp
Broussard	Gregg, Pa.	McGillicuddy	Sheppard
Burke, Pa.	Griest	McGuire, Okla.	Simmons
Butler	Gudger	McHenry	Small
Calder	Guernsey	McKenzie	Smith, Saml. W.
Cantrill	Hamilton, Mich.	McLaughlin	Smith, N. Y.
Cary	Hamilton, W. Va.	McMorran	Smith, Tex.
Claypool	Hammond	Madden	Sparkman
Clayton	Hardwick	Madison	Speer
Copley	Hardy	Maher	Stanley
Covington	Harris	Malby	Sterling
Cox, Ohio	Hartman	Martin, S. Dak.	Stevens, Minn.
Crago	Haugen	Matthews	Sulloway
Cravens	Hawley	Miller	Sulzer
Curley	Heald	Mondell	Switzer
Danforth	Henry, Conn.	Moon, Pa.	Talbott, Md.
Davidson	Henry, Tex.	Moore, Pa.	Taylor, Ala.
Davis, Minn.	Higgins	Mott	Taylor, Ohio
Davis, W. Va.	Hobson	Murdock	Thayer
De Forest	Houston	Needham	Thomas
Dodds	Howell	Nye	Tuttle
Doughton	Howland	Olmsted	Underhill
Draper	Hughes, N. J.	O'Shaunessy	Volstead
Driscoll, D. A.	Hughes, W. Va.	Parran	Vreeland
Driscoll, M. E.	Humphrey, Wash.	Patten, N. Y.	Warburton
Dupre	Johnson, S. C.	Payne	Webb
Ellerbe	Jones	Peters	Wedemeyer
Estopinal	Kindred	Plumley	Weeks
Fairchild	Kinkead, N. J.	Porter	White
Faison	Lafean	Powers	Wilson, Ill.
Fields	Lafferty	Pray	Wilson, N. Y.
Floyd, Ark.	Langham	Prince	Witherspoon
Focht	Langley	Pujo	Wood, N. J.
Fordney	Latta	Rainey	Young, Mich.
Fornes	Lawrence	Ransdell, La.	Young, Tex.

So the motion to concur in the amendment was rejected.

The Clerk announced the following pairs:

For the session:

Mr. RAINEY with Mr. HOWELL.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. PUJO with Mr. MCMORRAN.

Mr. LEVER with Mr. SULLOWAY.

From June 21 to the end of the session:

Mr. MAHER with Mr. CALDER.

Until further notice:

Mr. GOODWIN of Arkansas with Mr. HIGGINS.

Mr. ROUSE with Mr. PRAY.

Mr. TUTTLE with Mr. YOUNG of Michigan.

Mr. UNDERHILL with Mr. VOLSTEAD.

Mr. WEBB with Mr. WEEKS.

Mr. WITHERSPOON with Mr. VREELAND.

Mr. TAYLOR of Alabama with Mr. SWITZER.

Mr. STANLEY with Mr. PRINCE.

Mr. SMITH of Texas with Mr. SPEER.

Mr. SMITH of New York with Mr. RODENBERG.

Mr. SHARP with Mr. ROBERTS of Massachusetts.

Mr. SCULLY with Mr. NEEDHAM.

Mr. SAUNDERS with Mr. PORTER.

Mr. SABATH with Mr. MURDOCK.

Mr. RUCKER of Missouri with Mr. TAYLOR of Ohio.

Mr. ROTHERMEL with Mr. MILLER.

Mr. RANSDELL of Louisiana with Mr. MATTHEWS.

Mr. CLARK of Florida with Mr. NYE.

Mr. PETERS with Mr. MARTIN of South Dakota.

Mr. PATTEN of New York with Mr. PLUMLEY.

Mr. O'SHAUNESSY with Mr. HUGHES of West Virginia.

Mr. MCHENRY with Mr. LAWRENCE.

Mr. MCDERMOTT with Mr. LANGHAM.

Mr. LINTHICUM with Mr. MCLAUGHLIN.

Mr. LATTA with Mr. MADDEN.

Mr. KINKEAD of New Jersey with Mr. WOOD of New Jersey.

Mr. LEVY with Mr. PAYNE.

Mr. HAMMOND with Mr. OLMSTED.

Mr. JOHNSON of South Carolina with Mr. HUMPHREY of Washington.

Mr. HUGHES of New Jersey with Mr. LAFEAN.

Mr. HARDY with Mr. GUERNSEY.

Mr. GUDGER with Mr. HAUGEN.

Mr. GREGG of Pennsylvania with Mr. HEALD.

Mr. GRAY with Mr. HARRIS.

Mr. GOLDFOGLE with Mr. FULLER.

Mr. GLASS with Mr. DODDS.

Mr. FRANCIS with Mr. DAVIS of Minnesota.

Mr. FAISON with Mr. CRAGO.

Mr. ESTOPINAL with Mr. HOWLAND.

Mr. ELLERBE with Mr. GILLETT.

Mr. DUPRE with Mr. COPLEY.

Mr. D. A. DRISCOLL with Mr. M. E. DRISCOLL.

Mr. DAVIS of West Virginia with Mr. GRIEST.

Mr. CURLEY with Mr. DANFORTH.

Mr. CLAYTON with Mr. FORDNEY.

Mr. COX of Ohio with Mr. GARDNER of Massachusetts.

Mr. CLAYPOOL with Mr. BATES.

Mr. BROUSSARD with Mr. AMES.

Mr. ANSBERRY with Mr. BURKE of Pennsylvania.

Mr. SIMMONS with Mr. BARNHART.

Mr. BARTLETT with Mr. BUTLER.

Mr. LITTLETON with Mr. DWIGHT.

Mr. MOON of Tennessee with Mr. FOCHT.

Mr. HOUSTON with Mr. CARY.

Mr. TALBOTT of Maryland with Mr. MCCREARY.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. KINDRED with Mr. MCGUIRE of Oklahoma.

Mr. COVINGTON with Mr. PARRAN.

Mr. DOREMUS with Mr. WEDEMEYER.

Mr. SMALL with Mr. MOORE of Pennsylvania.

Mr. YOUNG of Texas with Mr. MALBY.

Mr. MOORE of Texas with Mr. HAYES (transferable).

Mr. SULZER with Mr. MCKENZIE.

Mr. FLOYD with Mr. LOUDENSLAGER.

Mr. GORDON with Mr. BINGHAM.

Mr. JAMES with Mr. HAMILTON of Michigan.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. GREGG of Texas with Mr. DRAPER.

Mr. JONES with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD (transferable).

From June 24 until further notice:

Mr. SLAYDEN with Mr. ANTHONY.

Mr. MARTIN of Colorado with Mr. MONDELL.

From June 20 until further notice:
Mr. LEGARE with Mr. LOUD (transferable).
From June 21 until further notice:
Mr. PADGETT with Mr. GARDNER of New Jersey.
Mr. CANTRILL with Mr. DE FOREST.
From June 22 until further notice:
Mr. HAMILTON of West Virginia with Mr. BARCHFELD.
From July 14 until further notice:
Mr. FIELDS with Mr. LANGLEY.
For July 29, 30, and August 1, 2, 3, and 4:
Mr. DICKSON of Mississippi with Mr. HAWLEY.
From June 22 until vote on cotton schedule:
Mr. BOEHNE with Mr. BARTHOLDT.
Until cotton vote:
Mr. DOUGHTON with Mr. HENRY of Connecticut.
From June 27 until next tariff bill:
Mr. WILSON of Illinois with Mr. POU.
After vote on woolen bill until consideration of cotton bill:
Mr. WILSON of New York with Mr. SAMUEL W. SMITH.
Until August 2:
Mr. THOMAS with Mr. MOTT.
Until August 3:
Mr. SHEPPARD with Mr. HARTMAN.
Until Monday, August 7:
Mr. MCGILLICUDDY with Mr. STERLING.

Mr. JAMES. Mr. Speaker, I desire to inquire if the gentleman from Michigan, Mr. HAMILTON, has voted?

The SPEAKER. He has not.

Mr. JAMES. I voted in the negative. I have a general pair with the gentleman from Michigan. I desire to withdraw my vote and to answer "present."

Mr. GREGG of Texas. Mr. Speaker, I voted "no," but I am paired with the gentleman from New York, Mr. DRAPER. I wish to change my vote from "no" to "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The House refuses to concur in Senate amendment No. 3, which is equivalent to a nonconcurrence. There being a quorum present, the Doorkeeper will open the doors, and all further proceedings under the call will be dispensed with.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to nonconcur in the remainder of the Senate amendments.

The SPEAKER. The gentleman from New York asks unanimous consent to nonconcur in the remaining Senate amendments. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I move that the House ask for a conference with the Senate.

The motion was agreed to, and the Speaker announced as conferees on the part of the House Mr. FITZGERALD, Mr. BARTLETT, and Mr. CANNON.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—
To Mr. HARDY, on account of sickness.
To Mr. GORDON, on account of ill health.

Unanimous consent was asked for leave of absence for Mr. SMALL, for 10 days from July 31, on account of important business.

Mr. MANN. Mr. Speaker, reserving the right to object, I desire to object to all requests for leave of absence on account of important public business. The most important public business that I know of for a Member of Congress is to be here during the next 10 days or two weeks.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I do not object to requests for absence on account of ill health, whether real or fancied, but I object to any request for leave of absence on account of important business, unless the nature of the public business is disclosed.

The SPEAKER. The gentleman from Illinois objects to the request of the gentleman from North Carolina [Mr. SMALL] for leave of absence on account of important public business.

Mr. BARTHOLDT. Mr. Speaker, I am just about to present a request for leave of absence for the remainder of this session after next Saturday, on account of important public business. I ask unanimous consent for two minutes in which to address the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, I should like to present a request for leave of absence from Saturday next, for the remainder of this session, because I have been appointed by the President to perform a certain mission abroad.

Mr. SHACKLEFORD. Mr. Speaker, a parliamentary inquiry. Is it in order to move that the gentleman from Missouri [Mr. BARTHOLDT] and the gentleman from North Carolina [Mr. SMALL] be given leave of absence, and that their requests be granted?

The SPEAKER. Of course it is.

Mr. SHACKLEFORD. I make that motion.

Mr. CANNON. Will the gentleman answer a question?

Mr. BARTHOLDT. With great pleasure.

Mr. CANNON. Can not the gentleman get the business on the other side postponed? [Laughter.]

Mr. UNDERWOOD. Mr. Speaker, I ask that the matter go over, to be presented to the House later, and I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the cotton schedule, H. R. 12812.

Mr. SHACKLEFORD. Will the gentleman from Alabama allow my motion to be put first?

Mr. UNDERWOOD. If the gentleman insists; but I will say to both gentlemen from Missouri that it is evident that it is very difficult to get a quorum. I agree entirely with the gentleman from Illinois that the most important thing for a Member of Congress to do at this time is to stay here and attend to the business and wind up the business. [Applause.]

Mr. SHACKLEFORD. Mr. Speaker, I withdraw my motion.

THE COTTON SCHEDULE.

The SPEAKER. The gentleman from Missouri withdraws his motion, and the gentleman from Alabama moves that the House go into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12812) to reduce the duties on the manufactures of cotton.

The question was taken, and the motion was agreed to; accordingly, the committee resolved itself into Committee of the Whole House on the state of the Union, with Mr. CULLOP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will read the title.

The Clerk read as follows:

The bill (H. R. 12812) to reduce the duties on the manufactures of cotton.

Mr. UNDERWOOD. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, it is not my purpose to enter into any detailed discussion of this bill at the present time. I desire simply at this time to present for printing in the RECORD a letter to myself from Mr. G. Gunby Jordan, a prominent cotton manufacturer in my State, upon the subject of cotton manufactures, with certain suggestions. While I may not be entirely in accord with the suggestions he makes as to the tariff, yet I desire to have the letter published in the RECORD. They are the statement of facts from a gentleman fully qualified by reason of his experience and intelligence to give information on the subject of cotton manufacturing in the South. Later on I shall take the liberty to further extend my remarks. The following is the letter referred to:

COLUMBUS, GA., *July 10, 1911.*

Hon. CHARLES L. BARTLETT,
House of Representatives, Washington, D. C.

DEAR SIR: I cheerfully embrace the opportunity to write upon the subject outlined in your letter.

Being a manufacturer, and conversant with, to some extent, the difficulties under which the textile interests are struggling, and the heavy outlay necessary to equip and start a mill in the United States, I am in favor of a substantial duty on imported cotton-mill products. It is true the United States is the most important factor in the growing of cotton and the export of this agricultural product in its raw state is greater in value than any other export, raw or manufactured, and cotton contributes more to give this country a balance in trade, yet domestic conditions prevent our mills from competing successfully with foreign mills, and the obstacles have multiplied so rapidly that we are confronted with grave doubts whether cotton manufacturing can be successfully conducted in the future in the United States unless there is a decided reduction in the items going to make up the cotton mill and its equipment and supplies, or unless duties on imported cotton products are increased from the present proportion.

The Yearbook of the Department of Agriculture, 1910, says:

"In the exports of 1910 the principal item was cotton with value of $450,447,243; oil and oil-cake meal, $19,251,012; total, $469,698,255.

"Other exports came next in the following order: Packing-house products, $135,959,373; grain and grain products, $133,320,418; tobacco, $38,115,386."

You will see that I have included oil and oil-cake meal under the head of cotton, as it is properly a product of cotton.

It seems absolutely astonishing that the greatest product of the United States should be the basis of England's most important industry, and though prosperity should attend cotton manufacturing in this country, the industry has faced the most depressed conditions since the fall of 1907—four years of disappointment and loss. Many of these mills that have been equipped are now idle; practically all of them have had to heroically curtail. The industry has reached a crisis suggesting exhaustive inquiry into the causes of the distressing conditions and the prompt enforcement of the statutes in regulating certain forces operating to the serious detriment of the success of the cotton mills.

While the capital invested in cotton manufacturing vastly exceeds the investments in industries supplying the mills their equipments, still it is

quite apparent up to the present time, possibly through lack of proper organization on the part of the mills and a willingness to abide by conditions, the builders of cotton-mill machinery and cotton-mill supplies and their influence has dominated the mills to a very large extent.

These influences permeate the entire cotton-mill industry to such an extent as to make it difficult to find exponents of any cause which does not directly benefit those who control the situation, even though this control has been misapplied and misdirected.

These burdens, particularly in the matter of high cost of machinery, are probably the most serious which American mills must contend with. Practically the direct effect of the high cost of machinery makes it necessary to employ almost double the capital needed in establishing foreign mills, and American mills must earn from 60 to 80 per cent more per spindle in order to secure a fair return on the investment over European mills.

While the American cotton manufacturer is absorbed in an effort to eke out a scant dividend for his stockholders on the excessive capital required to establish and operate his mill, he seems oblivious to the fact that beginning with the cotton planter—now possibly the most independent farmer on earth—ably assisted by conscienceless speculators under the cloak of cotton exchanges, and every interest supplying his demands, are requiring toll, maintaining price agreements, trade combinations, are the beneficiaries of high duties, and in many instances have reduced the quality of articles furnished.

Unfortunately these interests have large holdings in many mills; they own more stock in mills than any other class of investors; their representatives are on the board of directors, and their agents circulate among the mills and keep posted on every change of condition.

Primarily very many cotton mills have been established—especially in the South—on the wrong principle; it has been rather a patriotic move on the part of a few progressive, public-spirited men, who imagined that a cotton mill would be a valuable adjunct for the local bank to exploit—to increase the population of the city—so that at census taking they might have a little cheap glory and that the retail trade might benefit by the cash pay rolls on Saturday, and that the real-estate holders would get the benefit of a sale of adjacent property; and so these mills were established by a community of interests, who began by getting a donation of land, retaining all the adjacent property for a possible advance; the brickmaker takes stock and so does the lumberman, possibly the coal dealer, and the local bank and its directors, and so a mill is gotten together, so far as relates to the building and possibly the power; then the machine builder is anxious to sell machinery at high prices, so he comes in as shareholder for a certain extent of the cost of machinery, and sells the balance on time so as to insure the building being filled up; then comes the pinch, and possibly the commission merchant may fall heir to this property. And it is true that the machinery and supply houses have very much to do with its operation in selecting the commission merchants.

The builders of machinery, the supply houses, the dyestuff importers, and others have protégés in a large number of mills, and managers, superintendents, and lesser operative men, directly or indirectly, controlling the mills, are nominated, selected, and supported by these interests as their requirements seem to suggest.

I am informed that nearly all of the large consolidations of mills and important movement or large mill to be established has identified with it some factor in the cotton-mill machinery industry. In fact, I have heard of widely advertised cotton-mill meetings, called for the purpose of formulating resolutions relating to the tariff on cotton goods where the machinery builders displayed much nervousness, which resulted in the leading attendants upon the meetings being protégés of cotton-machinery manufacturers, who had practically been caused to attend the meeting for the purpose of preventing any mention made of the tariff on cotton machinery. In fact, in about 15 or more years past, having kept up with the gatherings of cotton-mill men, I fail to remember any effort to reduce the duty on cotton-mill machinery. It is a little mortifying to say so, but the associations of cotton manufacturers have been of limited value to this immense interest, except in a technical way. The increase of the sale of cotton-mill products, especially in extending the trade to foreign lands, has made little headway.

The cotton-mill industry utterly lacks in organization. Its millions of looms and spindles are scattered from Maine to Mexico and from Plymouth to the Golden Gate. So far effective organization seems to be impractical, and it is the duty of the Federal Government to inquire promptly not only into the excessive prosperity of any industry, but with equal vigilance to inquire into the distress of others. What should be America's greatest industry totters on the verge of insolvency at the moment. The causes should be determined and, if possible, corrected.

High cost of raw material and labor of operation in this country could both be successfully withstood if earning capacity can be kept within reasonable proportion with capital invested in plants and employed in operating them. American mills, if they can not successfully compete with foreign ones, must confine this industry to domestic requirements.

As to the items going into the cost of the mills proper and the cost of manufacture, approximately 50 per cent of the cost of the average mill is represented in textile machinery alone, exclusive of engines, boilers, transmission and auxiliary mechanical equipment. Textile machinery is protected with a 45 per cent duty, and the builders of such machinery are barely underselling the foreign machine builders, and then only when necessary, which is not frequent, owing to conditions narrated above. From the best information I can gather, the American textile machine builders demand, in normal times, a profit of 20 per cent and 10 per cent for fixed charges above the cost of manufacture. By improved processes, superior labor, and changes in design they have steadily reduced their cost of manufacture, giving actually less value, and not only increased their prices on machinery proper, but the prices of repair parts, which the mills must purchase from them to a very considerable extent

During normal and inflated times the leading builders of cotton-mill machinery appear to have successfully maintained uniformity of price, and, we believe, have used uniform price books, containing practically all the articles of agreement. In any event, there seems to be a great community of interest in their dealings, for one law firm, it seems, handles all of their legal matters, and I have found in buying machinery that the competition is rather amusing, if not totally lacking; it is public property that in very recent times there has been a combination of these interests, and wherever there was any friction or lack of harmony, it has been made entirely harmless by the process of absorption. I remember that during a very depressed period a few years ago, a syndicate of cotton-mill machinery builders bought at a rather extravagant price the entire stock of another machine shop or two, and have operated these purchased plants through their attorney, acting as president. I remember that one of these was building picker machinery at the time, and as soon as it purchased, the combination ceased to build this, and I know of no competitor now, except one, a branch of an English concern, which also seems to be complaisant and amenable to this syndicate.

One of the most expensive items used by cotton mills is card clothing, which is protected by a heavy duty. Recent developments seem to indicate that the "cotton-machinery syndicates" have become interested in the plant of Ashworth Bros., Fall River, Mass., and whereas for several years the several builders of cotton-mill machinery have used large quantities of superior English clothing, they are now insisting on the mills allowing them to furnish the cheaper Ashworth clothing, and when imported clothing is insisted upon a higher price is asked.

Probably no more effective means of obtaining abnormal prices for the product of cotton-mill machinery builders is in evidence than through the manipulation of patents, principally through the Draper Co., of Hopedale, Mass. This is a sort of clearing house, at least for some patents on cotton-mill machinery. For many years the prices paid by mills for spinning and twisting machinery included heavy royalties on spindles, which were paid into the Sawyer Spindle Co., a department of the Draper Co.

I have heard it stated that the various builders furnishing such spindles under these patents received a rebate on the amounts paid, and contracts with foreign builders of machinery for the use of spindle patents prevented the importation of foreign-built machines using such spindles. The expiration of the patents on spindles in common use in the mills had no effect on the price of spinning machinery, and about that time the price of twisting machinery advanced.

The Draper Co. have been most ably assisted by the machine builders to prolong royalties on patented articles by insisting on the popularization of patented articles to prevent the importation of foreign machinery.

The automatic-loom situation is controlled by the Draper Co. through patents, and so far its brains and wealth have prevented any serious competition.

The automatic loom is a practical necessity in this age.

Mr. William Firth, Mr. E. A. Leigh, Mr. Stephen Lowe, and other Boston machinery importers would be competent to testify as to the prices of foreign-built machinery and the method employed by American textile-machinery builders.

All of the above is simply to point out one of the serious elements contributing to the excessive cost of American mills, and I will now undertake to explain some of the effects:

COST OF MACHINERY.

As you will see in the foregoing, the cost of cotton-mill machinery is about 50 per cent of the cost of the plant. The duty on this is 45 per cent, and builders expect a profit of 25 to 30 per cent. The cost of building the mill depends somewhat upon local conditions and mainly upon the product to be manufactured. The textile machinery proper for a 10,000-spindle sheeting mill in this territory will vary from $10 to $15 per spindle, depending upon the weight of the goods and the kind of looms used. Freight cost is quite an important item, and boxing charges and erection figure to a certain extent. The total cost of a 10,000-spindle sheeting mill complete will vary from $25 to $32 per spindle, dependent upon the items referred to previously, as well as the character of auxiliary machinery and equipment. A yarn mill usually costs more than a plain-cloth mill, owing to the expensive machinery necessary to put the yarn into marketable form, if one is to get the best results. So it is practically impossible to build any kind or size of a mill for less than about $20 per spindle, and the average mill built in the South in recent years has cost from $25 to $30 per spindle.

Mills to make colored goods cost from $32 to $40 per spindle, while mills for duck, cordage, and other heavy goods cost from $35 to $50 per spindle.

An examination into the testimony of some of the experts of the Department of Commerce and Labor, who have been abroad examining into the cotton-goods situation, discloses—

And, primarily, let it be remembered that 95 per cent of the American cotton mills are built by what is known as "slow-burning mill construction."

William Whittam, jr., special agent, says: "Lancashire mills are built from a combination of steel, iron, brick, and concrete, known as fireproof construction."

"A mule spinning mill on, say, 50s carded, which formerly cost $5.20 per spindle, now costs $7.30 per spindle. The capital stock of a 100,000-spindle mill was fixed at $500,000."

Now, using the cheaper mill construction in vogue in America, no one would attempt to build a mill here on 50s carded mule spun yarn for less than $20 per spindle, and an American mill having 100,000 spindles would surely capitalize from two and one-half to three million dollars. It is true that an English mill is superior to American mills, but they are not so complete as to auxiliary equipment; for instance, land, tenement houses, and such are not included in the cost of building a mill. So, comparing them more accurately, English mills appear to cost, complete, about $14 per spindle, as against, say, $25 to $27 in America.

W. A. Graham Clark, special agent, in writing as to the cost of mills in Germany, and referring to a mill of 30,000 spindles on 33s warp and 84s filling, states that the cost of construction, without the ground itself, will range from $11.90 to $14.28 per spindle, complete.

Taking the average of, say, $13.09 per spindle, this amount would ordinarily be made up as follows:

Spinning machinery	$5.95
Cans, belting, etc	1.19
Steam engines, lighting and heating equipment	2.142
Buildings and sheds	2.856
Miscellaneous	.952
Total cost per spindle	13.09

Such a mill in this country certainly could not be built for less than $25 per spindle.

Clark gives the cost of building a mill in India at $15.38 per spindle. He gives schedule of English cotton-mill machinery prices, for instance, revolving top flat cards (probably 45 inches), $414 c. i. f. Bombay, 10 per cent off for cash. The American price at the same time was $735 f. o. b. New England points.

Clark, in writing in regard to cotton-mill machinery in Japan, states: "Of the $818,586 worth for 1905, there was shipped from the United States only $14,613 of cotton spinning and $22,512 of cotton weaving machinery.

"There is a prejudice among Japanese mill managers against American textile machinery. They assert that it is higher in price, lighter in construction, and takes more repairs."

Clark, in writing in Mexico about the price of 45-inch revolving flat cards, gives: "Five cards at Liverpool, $2,635; packing, $330; freight, duty, erecting etc., $1,167; total, $4,132, or $826 per card ready to start in mill."

The cost of a 45-inch revolving flat card f. o. b. New England points in 1910 would be $685; practically no packing required; freight to common southern points, $40; erecting in mill, common and expert labor, $15; total, $740.

You will note that the price of the card delivered in Liverpool was $527. American prices on these cards vary from about $685 to $735 from normal to inflated conditions.

The American machine builders deliver machinery f. o. b. New England mills and make no charge for erecting machinery in such mills. Mills in the South, on the contrary, pay the freight and $4 per day per man while erecting the machinery, which amounts to about 75 cents per spindle in the cost of building mills in the South.

CHEMICALS.

In reference to chemicals and dyestuffs: On these there are heavy duties, and it seems to be admitted that particularly the dyestuffs, anilines, and coal-tar products properly belong to Germany, and, aside from needed tariff for revenue, these items should be placed on the free list or some reciprocity agreement reached which would operate to the advantage of cotton mills.

American manufacturers have had ample opportunity to develop dyestuff industry, and the few attempts which have been made are mainly failures.

It seems that American labor is disinclined to this class of disagreeable work, and we have not yet progressed far enough in technical affairs to have that vast army of practical chemists which will work for small wages, coupled with the hope of a bonus when a discovery is made of something commercially valuable, which Germany has such a great advantage of us in, and in which Switzerland, France, and even England are superior. Hence the removal of the duty on dyestuffs and chemicals would be a helping contribution to American mills. This, accompanied by a good, reasonable reduction of the duty on textile machinery, would go far toward correcting the great troubles now manifest.

American mills are finding it supreme difficult to compete with foreign mills for the reasons given above on the cheaper grades of goods sold to China and other oriental markets, and hence they are forced to make finished products, requiring dyestuffs for colored goods and chemicals for bleaching and finishing in order to try to dispose of their goods in the domestic market. Mills formerly making goods for exports have changed to colored and bleached goods. So we can reasonably believe that a large increase in the import of chemicals and dyestuffs will occur in the future.

In the matter of findings and supplies consumed by cotton mills, which enter largely in the cost of producing goods, will say that it would be a difficult matter to enumerate the large number of articles used by the average mills. There are a great number of them. A mere mention will suggest, even to the laymen, what these mills contend with—lubricating oils, starch, paper, leather belting, lumber, wire goods, steel, iron, burlap, jute and sisal rope, bobbins, shuttles, spools, and a host of other articles.

It would be superfluous to elaborate upon the increased cost of such items. Let us individualize and take leather belting:

The price of this article has greatly increased, and we regret to say that the quality has generally decreased. The packing-house interests control the hides, and the leading manufacturers of leather belting have so complete a gentlemen's understanding that they can detect the brand of belting referred to by the price quoted on it.

In a general way, it is sufficient to say that in the cost of manufactured cotton goods all the items have steadily increased and the cost of raw cotton has almost doubled. Prices of goods have not responded, the export trade has dwindled, domestic consumption has been curtailed, buyers are taking only immediate demands, and the mills carrying double burden of stocks of high-priced cotton and practically all the goods that it manufactures, and for its owners it receives practically no profit. Financial interests, alarmed by the numerous failures among cotton mills, are restricting their lines of credits and stockholders have sacrificed their shares, in many instances, where no dividends were received. Inability to use stock as collateral and a general uneasiness has disturbed investment in this quarter. During all of this terrible depression, which has so long existed, while no material advances in wages have been made in order to retain help to maintain organization, mills have been compelled to remunerate help beyond the returns from their work, and, being forced to operate at a loss to retain their labor, the labor cost has been found to be materially higher and so these enforced reduced hours of work have, in turn, caused many operators to seek work in other industries where employment is more certain and steady, and thus it appears that, though the mills on an average are operating at probably 60 per cent capacity, there is an actual scarcity of labor for causes above alluded to.

In reference to prices beyond those sent you, I would respectfully refer you to the Textile World Record, of Boston. Mr. Frank Nagle, the publisher, has been giving copies of charts for several years, and he would be the best authority that I know of to give you reliable information in this regard.

Pardon me for digressing, but when one recalls many facts which have come under observation and experience detracting from the possibility of success in cotton manufacture, and especially in the United States, one can but be astonished at the realization of the situation. This tremendous industry, the rightful heritage of the Nation and in which the South should participate largely, has allowed the price of its establishment and maintenance to be almost doubled when compared to competing countries by interests insignificant in comparative importance. Furthermore, it has allowed conditions to grow up about it which impairs its success, and all without any evidence of resistance on the part of the imposed-on manufacturers or appeal to authorities which guarantee it a fair opportunity.

The interests largely responsible for the burden of American mills have amassed much wealth. This, in turn, has enabled them to become important competitors of the very consumers of their own product by owning interests in rival mills. This influence is so extended as to dominate to a degree the textile industry, and in the exercise of their influence they have departed from legitimate lines and are regularly adding more to the burden of the mills. The high tariff protecting the machinery builders could be so adjusted at least as to cause them to operate along legitimate lines, and this, in turn, would give new impetus to that industry by making improvements and reducing cost, and I doubt not give them equal business for what they now have, and it would be entirely possible, then, to sell some of the machinery abroad, meeting foreign competition, which has been done only to a very limited extent in the recent past, simply because there was a large demand at higher prices, this being secured by the tariff.

America is now demanding a very large variety of machinery for fancy goods, laces, trimmings, and special fabrics, which is made on machinery manufactured abroad almost solely. So far American textile-machine builders will not manufacture such machinery, being content with the kinds that they are building. At the same time the duty applies to all textile machinery, and the party with small capital and desiring to manufacture the above-named specialties can not afford to pay the duty on imported machinery. Europeans manufacture machines that Americans do not, and such machinery was needed here to make goods to compete with imported goods on the domestic market. As we will have to confine ourselves more and more to domestic trade, if the conditions that exist continue, it seems that it would be proper to encourage the manufacturers of these things which now we import, because the duty on imported machinery is too high. In other words, why keep out foreign machinery for the benefit of a limited number of machine builders, when they will adjust themselves to new conditions if they have to, and cheaper machinery will require less profit to make fair returns on investments and in the end do good to the greatest number of people?

Cheaper machinery will place this country nearer on a parity with foreign competitors and enable us to better compete with them in the struggle for foreign trade. Cotton is our greatest money crop, but England makes more out of it than we do. Is there anything we get from England that we make more out of than England?

American cotton is adding more to the wealth of England than the founders of the Nation ever expected to avoid contributing in taxes.

I am taking the liberty of attaching to this a very sensible circular concerning mill depression.

Respectfully,

G. GUNBY JORDAN.

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MILL DEPRESSION—SEEKING EFFICIENCY—CROPS—BUSINESS—THE MARKET.

For the week beginning with July 3, 17,000,000 spindles out of a total of 28,000,000 in the United States had stopped turning. This cotton-manufacturing business is perhaps the most despondent of any class in the country, and its depression has been growing for nearly two years. The man at the other end, the consumer, refusing to buy except at the lowest price takes the place in the cotton trade of the Interstate Commerce Commission in the railroad business forbidding rates to be raised. The laborer, for instance, who buys overalls will not pay over 50 cents a piece for them—has not paid more for a long time. These overalls are made of the 2.40-weight denim. It takes 40 yards of denim to make a dozen overalls. The mills sell this at

10 cents a yard	$4.00
It costs to manufacture	1.30
	5.30
The manufacturer sells to the dealer for	5.50

If the retailer sells to the laborer at 50 cents, he gets $6 for his dozen; but this 50 cents profit is not net, because insurance, freight, store expense, etc., almost, if not entirely, eat up the 50 cents.

And the mill comes out with an equally close margin on its 10 cents per yard. At that figure, with the cotton price as it is now, there is absolutely no profit. Some mills have cut to 9½, but it is only to get out of the goods they have and close down. We have seen the following from one of the mills to its traveling man:

"At this writing we have before us a telegram from a cotton man, offering strict middling at 15 1/16. If you can tell us how any mill can make a first-class 2.40 denim such as we are producing out of cotton at this price and sell it for 9½ cents without showing a loss that spells ruination, we would like to hear from you."

The country's cotton-mill operations are curtailed about 60 per cent. The business that is done, except in a few specialties, is without a dollar of profit. Money and labor wash back and forth, but there are no earnings. The worst of it is that the look ahead is not cheering. Stocks may be reduced by shutdowns, and these certainly are drastic, because at no time ever before in this business has there been so much machinery idle. But low prices for cotton in the future—the big cotton crop which seems to be coming will not help, because goods prices will themselves be lowered and the mills still be deprived of the margin of profit.

[From G. Gunby Jordan, Columbus, Ga.]

Pounds goods produced.

	Pounds.
1908–9	5,808,482
1909–10	5,819,928
1910–11	5,355,024
Total	16,982,434

Yearly average, $56,608.11.

Value goods sold.

1909	$2,007,869.22
1910	1,977,003.57
1911	1,737,409.44
Total	5,722,282.23

Yearly average, $1,907,427.41.

Cost of dyestuffs and chemicals.

1908–9	$66,051.69
1909–10	61,743.26
1910–11	57,049.97
Total	184,844.92

Yearly average, $61,814.97.

Prices appearing in Journal of Commerce.

	July 1, 1901.	July 1, 1911.
Spot cotton, middling uplands	0.08 11/16	14.80
Brown sheetings:		
4-yard, 56 by 60	4½	6½, 6¾
3-yard	5 to 5⅝	7½, 7¾
Print cloth:		
28-inch	2⅜	3⅜
38½-inch	4 cents.	5 to 5 1/16
Yarns:		
Southern 2-ply, 18s to 20s	14	23½
30s	15½, 16	26
Southern single hard twist:		
18s to 20s	14	23½
26s	14½	25
8-ounce ticking	10 to 10½	13½

On July 5, 1911: Freight rates on cotton piece goods from Liverpool to Shanghai, 45 shillings per 40 cubic feet, say $11 per ton.

Freight rates on cotton piece goods from New York to Shanghai, 50 cents per 100 pounds if they are shipped in bales; if they are shipped in cases, 30 shillings per 40 cubic feet.

Forty cubic feet in shipping circles, as you no doubt know, is the measurement ton, the steamship companies having the option of quoting ocean freight rates per measurement ton of 40 cubic feet or weight ton of 2,240 pounds, according to the class of goods handled.

Mr. UNDERWOOD. Mr. Chairman, I understand that on this side we are 4 hours and 15 minutes ahead in the consumption of time, and I will ask the gentleman from New York if he will now even up the time to some extent?

Mr. PAYNE. Mr. Chairman, I yield one hour to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I believe that all serious, thoughtful American citizens who are interested in the development and prosperity of their country are fast reaching the conclusion that political parties should no longer make a political football of the tariff, which affects every manufacturing plant and every wage earner in the Republic. We should remove it from the sole consideration of a Congress composed of a membership of two-thirds of lawyers. The present bill and report is signed by 14 lawyers, 10 of whom never served a day on the Ways and Means Committee before this special session was called.

How many of the lawyers in this legislative body ever had a day's practical experience in the management of a manufacturing plant? How many of the men who are seeking by this proposed ruinous legislation to change our laws that affect the wage earners of America ever spent an hour in a cotton factory, except to pass through it and look upon its matchless machinery or listen to the music made by its operation?

Are we not fast reaching that point where the American people of capital will hesitate, if not refuse, to invest their hard-earned dollars in manufacturing plants, where legislation is to be manipulated and carried forward, not in the interest and for the protection of the investment or the wage earners, but in the interest of the political fortunes of a party?

This wonderful region of the Southland, stretching from the Potomac to the far-off Rio Grande, no longer believes in a tariff for revenue only; it believes in the American protective tariff system, under which this country has become the richest and most powerful on the face of the earth. [Applause on the Republican side.] And I predict that if our southern Members do not cease their hostility to the manufacturing interests of the South many of them will soon be retired to private life. We were purely an agricultural section prior to the Civil War. Cotton was king. The labor of the South was slave labor, but with the passage of the American protective tariff laws, especially beginning with the Dingley Act, we have gone into our mountains of coal and iron ore, we have invaded the broad fields of marble, we have entered our matchless forests of undeveloped hardwood, and we are now annually producing more from our manufacturing plants than we are from our farms by $90,000,000. [Applause.]

Mr. SHACKLEFORD. I would like to ask the gentleman a question.

Mr. AUSTIN. I will yield.

Mr. SHACKLEFORD. I would like to ask the gentleman if, under the statement he has made, the southern farmer ought not to have some consideration at the hands of the southern Representative, rather than the manufacturer?

Mr. AUSTIN. Yes; I will stand for the southern farmer, and when I plead here for the southern cotton manufacturer, with more than 850 mills, employing 200,000 operatives, I am standing for a local cash market for the produce of the southern farmer. [Applause.] And in this connection I will further add that the high price the southern farmer receives for his cotton as a result of the establishment of these southern mills proves conclusively that the farmers of the South are vitally interested in the measure now under consideration.

You can not injure or strike down the southern cotton mills without doing the greatest possible injury to every cotton planter in the South. It seems idle to discuss a bill that has absolutely no hope of becoming a law. I know that a political caucus made up of 150 lawyers on a bill reported by 14 lawyers will pass this body without a single amendment, and you may be so fortunate in the other end of the Capitol as to make a combination there as in the case of the woolen schedule; but there is in the White House a President with wisdom and patriotism and backbone enough to prevent you from destroying American interests and American manufacturing plants and reducing the wages of the American workingmen. [Applause on the Republican side.]

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. HEFLIN). Does the gentleman yield?

Mr. AUSTIN. Certainly.

Mr. GARRETT. The gentleman thinks that this bill has no chance of becoming a law?

Mr. AUSTIN. Absolutely none; and I glory in the fact that we have a President who firmly believes no tariff bill should receive his approval until a Tariff Board thoroughly studies and considers and reports upon the question of the difference in the cost of production here and abroad. [Applause on the Republican side.]

Mr. GARRETT. Yes. Has the gentleman that statement in writing? [Laughter.]

Mr. AUSTIN. No; but being the gentleman's colleague from the volunteer State of Tennessee, I hope he will take my verbal statement for it.

Mr. GARRETT. Well, I will take any statement the gentleman would make, and therefore I ask if the President has made that statement?

Mr. AUSTIN. If the gentleman has any doubts about what I say, let him and his colleagues on that side send one of their pop-gun tariff bills to the other end of the Avenue and see what becomes of it.

Mr. GARRETT. Of course that is a very courteous way of answering my question——

Mr. AUSTIN. I think it is pretty generally understood; it was so published in the local press; it is talked in the cloakrooms and published throughout the United States that the President will do his full duty when one of these tariff bills, prepared without thorough consideration and in the absence of information that we ought to have, reaches him, if it ever does.

Mr. GARRETT. Yes; and it has also been stated, of course, in the newspapers that the President had not made that statement.

Mr. AUSTIN. Well, try him out on the proposition.

Mr. GARRETT. Well, that is precisely what is going to be done.

Mr. AUSTIN. I am certainly glad to hear it. I would be delighted to see your bills go to the White House and be vetoed by that great President, so that we may make an issue in this country of whether we will maintain the American protective tariff system or pass your tariff-for-revenue bills, which do not mean protection for our manufacturers and the wage earners. [Applause on the Republican side.]

Had our friends on the other side of this Chamber passed the reciprocity bill, provided an increased pension for the hundreds of thousands of deserving heroes who saved the Republic, and who are passing away at the rate of 100 per day, and enacted a law for the restriction of undesirable foreign immigration, they would have swept this country and the opening of campaign headquarters would have been unnecessary. This is especially true if you would have placed at the head of your ticket that great man who presides with dignity and impartiality over this body as your candidate. [Applause.]

Mr. RUCKER of Missouri. Mr. Chairman, does the gentleman from Tennessee have reference now to the present occupant of the chair, the distinguished gentleman from Alabama [Mr. HEFLIN]?

Mr. AUSTIN. Oh, I intended to put up the present occupant of the chair as the running mate to the gentleman from Missouri, Speaker CLARK. [Applause.]

Mr. Chairman, every effort made on the part of the majority of this House in the way of tearing up and unsettling the business conditions of this country in passing tariff bills in the absence of reports from the Tariff Commission means loss of the good will and confidence on the part of the country, placed with the Democratic Party at the last November election.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Oh, Mr. Chairman, I will let the gentleman from Illinois discuss all of these questions with his colleague from Illinois [Mr. MANN]. I must hurry one. I must decline to yield.

The CHAIRMAN. The gentleman from Tennessee declines to yield.

Mr. AUSTIN. Mr. Chairman, this country has never been as *prosperous as it has* during the last 12 months ending with June 30, under the operations of the much-abused Payne-Aldrich tariff law. The year closing on the 30th of June showed a surplus of $47,240,466.23 in the National Treasury, $1,800,000,000 of cash in the vaults of the Treasury, and over $2,057,000,000 in exports. The amount of money now in the Treasury of the United States is the largest sum ever held there under any administration, and the comptroller's reports show $1,478,140,975 reserves in 7,277 national banks, being $121,870,815 more than required by law. Our exports last year exceeded the previous year by $313,000,000.

The largest amount of exports known in the history of our land, and yet, with practically all mills running, with our business growing by leaps and bounds, here we have the opposition party, through a caucus, attempting to tear asunder the schedules of the tariff, disturb, halt, and injure business. What is the purpose of this bill? Do we need any more revenue for the National Treasury when we have a surplus of more than $47,000,000? The only effect that this bill will bring about in this country is this: It will increase the sale of foreign-made goods in America. So the Democratic Party is committed in this bill to an increase of the imports or sales in this country of cotton goods made by our competitors in Europe and Japan. There are 850 cotton mills in the South, and every Member on that side from Dixie who votes for this bill votes to take from the cotton manufacturers of the South in annual sales, in my judgment, $100,000,000, if not $200,000,000, worth of cotton goods. What does this bill propose to do? To reduce the present duties from 48 to 21 per cent, lower than they were under the Wilson tariff bill, that closed down hundreds of cotton mills and turned loose in the streets a great army of American wage earners, living at the soup houses conducted by public charity. What were our cotton exports last year? Why are many of the southern cotton mills to-day idle or running on reduced time? We exported last year in American cotton goods to the value of $33,397,097. What is the value of foreign cotton goods imported from abroad last year? Sixty-seven million nine hundred and forty-eight thousand five hundred and ninety-three dollars. We imported more than we exported, $35,551,496 worth, and here comes the opposition party, composed of a majority of the Representatives from the Southern States, that are manufacturing more than half the American output of cotton goods, and they propose to increase the amount of goods that we buy from foreign countries. I would be untrue to the people of the South—the people I love—to the land of my birth, if I did not enter my solemn protest against this unwise, unjust, and unfair legislation. Why, Mr. Chairman, in 1906 we sold to the Chinese people alone $29,814,000 worth of American-made cotton goods, largely made in southern mills. How many dollars' worth did we sell last year? Five million eight hundred and forty-seven thousand dollars. We lost in our cotton trade in this one country alone in the Orient $23,967,000. How did we lose it? Why, we lost that trade because that wonderful people of Japan are now our competitors in the manufacture and sale of cotton goods in the Orient, and their mills are the best equipped made in the English workshops, and their labor the cheapest on the face of this earth—10 cents for boys and girls, 15 cents for women, and 22 cents for men per day.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. AUSTIN. In a moment. They have not only driven the southern cotton mills from their best eastern market, but they have actually driven the English manufacturers of cotton goods from many portions of the Chinese Empire. The labor scale of wages in England is lower than here and far lower in Japan than in England or Germany or France or Belgium.

Mr. RUCKER of Colorado. The gentleman has spoken of the great interest that he has in the southern farmer and the southern cotton grower. Is it not a fact that most of this cotton that is manufactured in China and Japan comes from the Southern States?

Mr. AUSTIN. Why, certainly; we sell to the Japanese a portion of their supply of raw cotton and then they make it into the finished article, and not only take from our southern mills their far eastern market, but even invade the Pacific States. I stated a few minutes ago that in 1906 we were selling in China more than $29,000,000 worth of cotton goods made in the southern cotton mills, and that since the Japanese people have gone into the manufacture of cotton goods they have driven us from that market until our sales have fallen from $29,000,000 to $5,000,000 a year.

Mr. RUCKER of Colorado. One more question, and that is, Is not it true that though the cotton manufacturers are deprived of the benefit, the farmers do get the benefit of it? Is not that true?

Mr. AUSTIN. Oh, no. You shut down a cotton mill in a southern town or run it on half time and its operatives do not purchase as many goods from the merchant or as much produce from the farmer.

Mr. KENDALL. If the gentleman will permit, is not the most important fact in connection with what you have stated this, that in losing our market in China for manufactured cotton we have deprived the American workman of the opportunity to earn wages in the manufacture of that commodity?

Mr. AUSTIN. Most assuredly.

Now, gentlemen, let me call your attention to another matter. Take this report submitted by the Ways and Means Committee and notice how the importations or sale of cotton goods from Japan in America have increased in the last two years.

I want to say that the importation on the Pacific coast of Japanese-made cotton goods increased from $10,470 in 1890 to $71,066 in 1900, and last year they went to $292,951, and if this bill should become a law there is not a cotton mill in a single Southern State that will ever sell a yard of calico on the Pacific coast or in the far western States in competition with calico made in the mills of Japan.

Mr. GARRETT. Will it be agreeable for the gentleman to yield?

Mr. AUSTIN. Gladly.

Mr. GARRETT. The gentleman laid down a proposition awhile ago, and, I understand, took his ground purely on the Republican platform in the difference of the cost of production here and abroad.

Mr. AUSTIN. With a reasonable profit for the man who invests his money and takes his chances.

Mr. GARRETT. I meant really to give the advantage of cutting out the reasonable profit.

Mr. AUSTIN. No sane man will engage in the manufacturing business without it.

Mr. GARRETT. I do not think so myself. Now, let me ask the gentleman that if we were making up a tariff bill based on that, what basis of production would the gentleman use?

Mr. AUSTIN. I would do this: I am so intense an American——

Mr. GARRETT. You would take the lowest?

Mr. AUSTIN. I would manufacture everything in America that could be made here and never buy a dollar's worth of anything from a foreign workshop and made by a foreign mechanic when I had one at home to trade with. [Applause on the Republican side.]

Mr. GARRETT. That is a thoroughly logical answer. If I were a protectionist, I would do that. But the gentleman awhile ago planted himself on a different proposition, that is, of making up a tariff bill based on the difference in the cost of production here and abroad, and I simply wanted to ask the gentleman what he would take as the basis of cost of production abroad. Would he take Japan, England, or Germany?

Mr. AUSTIN. I will answer the gentleman if he will content himself. I would not take, as you have done, a single expert. I would prefer what the President of the United States prefers, and what the Republican Party prefers, and what the manufacturers of this country prefer, namely, a Tariff Board composed of able men, such as the present one, with three Republicans and two Democrats, and I would put them to work. They are at work now, and if that side will possess its soul in patience and not be in such a hurry to do something whether it is wise or unwise, it would get all of that information in December.

Now, inasmuch as I have been interrupted so much, please let me go along.

Mr. GARRETT. The gentleman really, then, does not care to answer the question I asked?

Mr. AUSTIN. I think I have answered it.

Mr. GARRETT. Might I not put it again in order to give the gentleman another guess?

Mr. AUSTIN. Go on. If it will please my colleague, I will take pleasure in making him happy.

Mr. GARRETT. What would the gentleman take as the basis in the cost of production here and abroad? Would the gentleman take the highest known or the lowest known cost? Would he go into and investigate the various manufactories abroad and take into consideration the ability of the superintendents, the ability of labor, and all that, or just what would the gentleman do?

Mr. AUSTIN. Is the gentleman through?

Mr. GARRETT. Yes.

Mr. AUSTIN. If the gentleman will sit down now, I will answer him. [Laughter.]

Mr. GARRETT. Of course, if I can be answered by the gentleman by sitting down, I will sit down. [Laughter.]

Mr. AUSTIN. I am very much like my colleague. What both of us absolutely know about a complete tariff bill and how in every manner it affects every industry in a multitude of ways would fill an immense volume; so that if I were responsible for the enactment of tariff legislation I would turn over the investigation of those subjects to a board of able, impartial men, who had the interests of this country always in mind, and not the interests of a foreign country, and I would fix the duties so high that the foreign manufacturers could not come here and deprive the Tennessee manufacturers of the American market. [Applause on the Republican side.]

Mr. GARRETT. May I get up now? [Laughter.]

Mr. AUSTIN. I prefer finishing my speech now. If that answer is not satisfactory to the gentleman I can not make it so.

Mr. FOWLER rose.

Mr. AUSTIN. Now, Mr. FOWLER, I am not going to yield to you, so that you need not get up. [Laughter.] I yielded to my colleague because he is a Tennesseean. I never say "No" to a gentleman from that State.

Mr. BOWMAN. Before the gentleman leaves that point, as to the present law and the sentiment of the cotton manufacturers of the South, I would like to ask the gentleman if he knows what effect the consideration of the cotton schedule is now having on the coal mines of the South, and also upon the manufacturers who are making cotton machinery?

Mr. AUSTIN. It not only has its effect on the maker of cotton-mill machinery, the farmer, and on the merchant, and on the railroad company that transports the fuel and raw material and the finished product, but it also has its effect, of course, on every miner and mine operator that has to supply the fuel to run the plants at their full capacity.

Mr. BOWMAN. Does the gentleman know that the mines in the South are running only one or two days in a week, largely because they can not get orders from these cotton mills in the South?

Mr. AUSTIN. Many of them are running on short time. If Congress would adjourn and leave the tariff question alone and permit business men to go forward, there would be an era of prosperity all over the land that would be a marvel to every person in America, as well as the people across the sea.

Now, let me see what effect this will have on the South.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. FOWLER. Mr. Chairman, I would like to ask the gentleman one question, and one question only.

Mr. AUSTIN. Put your question, and I will answer.

Mr. FOWLER. I would like to ask the gentleman if a former Congress did not appoint a commission for the purpose of investigating the cost of wood pulp in this country and in Canada, and whether it did not make a report that the cost in Canada was about $2 a ton less than in this country? And I want to know further if the Tariff Commission has not made an investigation of the same subject and if it has not made a report on it as costing $4 a ton more here than in Canada? And, if so, I want to ask the gentleman how reliable the reports of the Tariff Board are going to be?

Mr. AUSTIN. I want to say to my good-natured friend from Illinois that I am endeavoring to discuss this cotton schedule; but the man in this House of all men who understands the wood-pulp and paper business as no man in the world understands it is the gentleman's colleague just across the aisle, Mr. MANN, and I respectfully refer the gentleman to him for an answer to his question. [Applause on the Republican side.]

Now, Mr. Chairman, there is an organization in the Southern States known as the American Cotton Manufacturers' Association. It has a committee on tariff legislation. R. M. Miller, jr., of Charlotte, N. C., is its chairman. If there are any Members present now from these various States I would esteem it as a favor if they would indicate the politics of these gentlemen who compose the committee as we go along.

Mr. PAGE. If the gentleman will allow me, I will fix the politics of the first. He is a Republican. [Laughter on the Democratic side.]

Mr. AUSTIN. Well, I talked with one of the gentleman's colleagues from North Carolina this morning, and he told me he thought Mr. Miller was a Democrat, because he knew he had voted for him every time he was a candidate for Congress. The next member of that committee is A. H. Bahnson, from Virginia. Is there anybody here from Virginia? If not, they are missing a mighty good speech. [Laughter.] The next is D. Y. Cooper, of North Carolina. What is he, Mr. PAGE?

Mr. PAGE. He is a Democrat.

Mr. AUSTIN. The next is Stuart W. Cramer, of North Carolina. Does the gentleman know his politics?

Mr. PAGE. I am inclined to think he is a Republican.

Mr. HILL. Mr. Chairman, if the gentleman will pardon me, I am inclined to think it does not make any difference what their politics now may be. They will all be Republicans after this bill passes, if this should pass. [Laughter and applause on the Republican side.]

Mr. AUSTIN. The next is James D. Hammett, of South Carolina. Then come J. H. Morgan, of South Carolina; Charles D. Tuller, of Georgia; Scott Maxwell, of Alabama; T. L. Wainwright, of Mississippi; A. W. McLellan, of Louisiana; T. C. Saunders, of Texas; Col. L. D. Tyson, of Tennessee, whom I know to be a true and tried Democrat; and, lastly, Paul T. Marrs, of Kentucky.

This organization, representing 850 southern cotton mills, with an output in valuation of about $300,000,000, and giving employment to 200,000 people who are aiding in the support of 1,000,000 people, asked Democratic members of the Ways and Means Committee of this House, all 14 of whom are lawyers, to give them a day in court and a hearing, in order that they might present their side of this important question affecting their present, their future, their families, their invested millions, and their great army of deserving employees; but not a day, an hour, or a minute was given to them in the way of a personal hearing. Name 850 men or organizations doing more for the development, growth, and prosperity of the South than the men who represent the cotton-manufacturing interests of the States south of the Potomac River. They were not given a day, and yet they assured the chairman of the Ways and Means Committee that conditions had changed since the hearing before the Republican Ways and Means Committee of the Sixty-first Congress.

I telegraphed Mr. Miller, the chairman of that committee, to know what effect this bill would have on the southern cotton mills, and here is his reply:

CHARLOTTE, N. C., *July 31.*

Hon. R. W. AUSTIN,
Washington, D. C.:

In reply to your message, the best that I can figure, to meet the reduction in the proposed tariff on cotton yarns and cloth, it will require a cut of somewhere between 25 and 50 per cent in wages of our mill operatives.

R. A. MILLER, Jr.

If there were 850 cotton-mill men here in convention, or if they were making laws in this House, what would you think of their fairness if they framed up a bill affecting every one of the 150 lawyers on that side of this Chamber, including the 14 lawyers on the Ways and Means Committee, without giving you a hearing, if the measure of legislation that they were going to enact meant everything to you in the practice of your profession? Would you not rebel at the idea of 850 men unacquainted with your profession and its needs passing laws vitally affecting you and yours without giving you a moment to be heard? Yet that is what you are doing here. You have raised your hands against the interests of the cotton-mill men of this land, and in order to carry out a political advantage, as you imagine, you are going to attempt to crucify them and their interests and the people that they employ.

Mr. GARRETT. Will the gentleman yield?

Mr. AUSTIN. I would prefer getting a little further along just now. Later on, perhaps, I can yield.

Mr. GARRETT. I would be very glad to ask the gentleman a question now, if he will yield.

Mr. AUSTIN. If the gentleman will really consult my convenience and pleasure about it, I would prefer yielding a little later on.

Mr. GARRETT. Certainly.

Mr. AUSTIN. Last year we produced in this country—in the Southern States—11,965,962 bales of cotton. We produced 60 per cent of the entire world's output of cotton, and we are manufacturing to-day one-third. What else are we doing? We are shipping cotton across the Atlantic and Pacific Oceans to England, Germany, Japan, and other foreign countries, where it is made up into the finished article, rushed back to America and sold after paying a tariff duty of 48 per cent, which, I believe, is the average in the Payne-Aldrich bill, and we bought last year of those goods, upon which we paid the freight both ways and for which we left our money in foreign lands, to be paid to foreign working people, $67,000,000. If I had my way, I would not send a dollar of American money to any foreign

country if there was a cotton mill in Tennessee or North Carolina that could supply me. [Applause.]

Two-thirds of our cotton crop is sold abroad. We should by legislation in this country build up the cotton industry until we used practically our entire cotton crop and supplied the world with cotton goods. Here is Great Britain. Its exports in cottons last year were $558,269,108. Although we produced 60 per cent of the raw material of the world, our exports of cotton manufactured goods last year were only $33,397,097. Germany, which does not produce a bale of cotton, and must look to us or some other foreign country for her mill supplies, exported $95,524,870.

Take Japan. At one time we supplied that country. Their cotton exports last year amounted to $29,260,000—almost equal to that of our own.

Read the statistics contained in this report and what is the story? Our exports have fallen off in four or five years one-half; we only increased them to any extent to Chile, Canada, and the Philippine Islands; and yet our greatest increase, $1,800,000 in the Philippine Islands, and you want to turn those islands loose so that we would have no trade advantage there. Then Japan, with her cheap cotton goods, would take that market away from us almost in a day. Why, the cotton manufacturers of Lancashire, England, had a monopoly a few years ago in the cotton yarns in certain parts of China. Japan was not in the market, but to-day they have actually driven our strongest and most successful European competitor out of that market.

Now, gentlemen, look at this Southland of ours. None of us fail to feel an interest in everything that attaches to and affects its material growth and development. If we are to keep these 850 mills busy, if we are to continue to develop, to expand our manufacturing interests in cotton lines, then we must reserve the entire American market—the best market in all this world—for the American cotton mills and operatives, and we must invade the foreign market with our own merchant vessels—put to good use the great Panama Canal when completed. We are far from getting what we are entitled to in South America, for we should own the markets of that continent. We have been practically driven out of China, and now will Japan next force us to give up Mexico and the South American countries bordering on the Pacific? You do not even attempt to secure anything in the way of new markets for our cotton manufacturers in exchange for reducing the tariff duties and permitting the increase in the sale of foreign cotton goods here. You get absolutely nothing in return.

Mr. RANDELL of Texas. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. RANDELL of Texas. I want to ask the gentleman if he attributes the loss of trade in China, such as it is, to the lack of a protective tariff in the United States, and if he does, will he tell us how the tariff on the manufactures in this country, on imports, would help the market in China for American manufacturers?

Mr. AUSTIN. I will ask the gentleman how he expects to help us at home or abroad by reducing the tariff duties 27 per cent and flooding our country with the cheap, pauper-made goods of Europe and Japan?

Mr. RANDELL of Texas. I will answer in this way. We have at present a prohibitive tariff, and the bill suggested by the committee and pending before the House is, in our opinion, a revenue bill, or if a tariff, not prohibitive. I do not understand how the question of a tariff on imports to this country can be used in any way to affect the trade in China.

Mr. AUSTIN. The gentleman talks about the revenue features of this bill and protective duties. I understood the chairman of the Ways and Means Committee, Mr. UNDERWOOD of Alabama, to state that there was no protection in this bill.

Mr. RANDELL of Texas. The gentleman stated that it was a bill with protection only incidentally.

Mr. AUSTIN. I will answer the gentleman if he will permit me to do it in my own way.

Mr. RANDELL of Texas. Yes; I want to know how a tariff on importations into this country will open up the markets of China?

Mr. AUSTIN. Now, here are over 90,000,000 of people, the most extravagant, the most wasteful, the greatest consumers in the world. All admit it is the best market in the world. I would frame a tariff bill that would keep forever this market for the American cotton-mill men. You bring a bill in here that takes a part of this market away from our mills and turns it over to our foreign competitors. The chairman of your committee, in reporting the bill, estimates it will increase the sale of foreign cotton goods in this country $13,000,000 per annum, and able and experienced cotton-mill men say these sales will be nearer $100,000,000 than $13,000,000. We can only maintain our mills by preserving our market for our own people. I doubt whether the time will ever come when we can successfully compete in China with the cheap Japanese labor unless the Democratic Party should come into complete power—which Heaven forbid—and puts such bills as this through, and then we could only have a part of any market by putting our standard of wages down, down, down to the level of that of the cheap labor of Japan.

Mr. JAMES. Will the gentleman yield?

Mr. AUSTIN. I could not resist the coming Senator from the blue-grass State of Kentucky. [Laughter.]

Mr. JAMES. I am much obliged to the gentleman. The question I desire to ask is, if his statement is one by which he would regulate the affairs of the Government—that is, that the tariff should be so high that it will keep out all importations—where would we get the revenue sufficient to run the Government?

Mr. AUSTIN. I would stand here for the same thing that the gentleman stands for—an internal-revenue and an income tax.

Mr. JAMES. Mr. Chairman, I am in accord with the gentleman's idea of an income tax, but that would not raise the revenue sufficient to run the Government—where would we get the revenue necessary to defray the expenses of the Government?

Mr. AUSTIN. I would find a way that would not ruin the great manufacturing industries of the country or reduce the wages of our laboring people. [Applause on the Republican side.] If there are not enough wise and patriotic statesmen in Congress to bring about that kind of a result, they ought to resign and go home.

Mr. JAMES. If the position of the gentleman is correct—that no goods ought to be imported into this country—why cavil about the rate or the duty? Why not pass a law providing that nothing shall be imported here at all?

Mr. AUSTIN. I would cast a thousand votes, if necessary, to make the duties high enough on articles we can successfully produce here that would give our mills and workingmen a chance to supply every want of the American consumer. America is good enough for me, and my choice and preference is for American goods, made in American workshops by American laboring men. I would rather pay something more for goods than to send the money out of my country to build up foreign lands and pay foreign labor at the expense of our own.

Mr. JAMES. Then the gentleman would rewrite the Republican platform, which declares that the tariff shall be the difference between the cost of production here and abroad, together with a reasonable profit to the manufacturer. The gentleman would write in its stead a provision that no goods shall be imported into the United States at all.

Mr. AUSTIN. None that can be produced here. Yes, I would write that kind of a platform.

Mr. JAMES. Well, the Republican platform ought to be rewritten then.

Mr. AUSTIN. I am mighty glad to know that the gentleman from Kentucky reads the Republican platform. There is hope for him yet.

Mr. Chairman, while discussing the tariff there has been some criticism on the floor of this House about the creation of the Tariff Board. I want to say, in justice to the gentleman who heads the Ways and Means Committee, Mr. UNDERWOOD, of Alabama, that he never did a wiser or a more patriotic thing for his country than when he recorded his vote in favor of a Tariff Board or commission.

Mr. JAMES. Will the gentleman yield right there? I appreciate the compliment that he has paid to the chairman of the Committee on Ways and Means; but why have a Tariff Board, why have that commission, to ascertain the difference in the cost of production here and abroad, if the gentleman's position is right that nothing ought to be imported here at all?

Mr. AUSTIN. I have to deal with the untried and unterrified Democracy on these questions, hence it is not wholly up to me. [Laughter.]

Mr. GARRETT. Mr. Chairman, will the gentleman yield to me there?

The CHAIRMAN. Does the gentleman yield?

Mr. AUSTIN. Certainly.

Mr. GARRETT. A little while ago the gentleman referred to the absence of hearings. I want to ask the gentleman if there has been any change in conditions within the last two years with respect to the cotton industry?

Mr. AUSTIN. All I know is that the American Cotton Manufacturers' Association, made up of the leading cotton manufacturers of the country, stated in a letter over their signatures to Mr. UNDERWOOD that there had been.

Mr. GARRETT. Does not the gentleman know, and does he not believe, that the gentleman from New York [Mr. PAYNE] stated here when that bill came in that there had been held a most elaborate and comprehensive hearing on every schedule that had ever been had?

Mr. AUSTIN. Why, certainly. The Republican Party never attempts to enact legislation affecting the invested capital of this country and the wages of our great army of producers without giving them all a day in court and a hearing.

Mr. GARRETT. Precisely so, and that is why I understood that the President of the United States denounced the wool schedule as being indefensible, because the Republican Party had investigated it. Now, let me ask the gentleman, What is the change within the last two years?

Mr. AUSTIN. Well, as I want to go on with my speech, I will just pass this publication of the American Cotton Manufacturers' Association over to the gentleman for his examination.

Mr. PAYNE. O Mr. Chairman, I think the gentleman from Tennessee ought to answer all of these questions. It is the only evidence of any attempt on that side of the House to get any information. [Laughter on the Republican side.]

Mr. GARRETT. This publication makes no statement of change.

Mr. AUSTIN. There is a statement in that publication, issued, as I said, by the leading manufacturers of the South, that there had been a great change in the condition of the cotton manufactures of this country since the public hearings of two or three years ago, and they gave that as a reason why they wanted a personal hearing, which was denied them.

Mr. GARRETT. Does not the gentleman know that the Committee on Ways and Means gave notice to the gentlemen who wrote asking a hearing that if there was anything new to present that had not been presented to the Payne committee two years ago that they would hear them?

Mr. AUSTIN. In response to that I will publish the correspondence as a part of my remarks.

Mr. GARRETT. Could the gentleman give the gist of it now?

Mr. AUSTIN. I should prefer to occupy my time with something else, but I will put it in the RECORD as an appendix to my speech. I started to say something in reference not only as to how the Japanese had driven us out of the markets of the Orient but how they are beginning to sell pig iron in this country. The southern mills are no longer shipping pig iron in large quantities to the Pacific coast. Why? Because they are purchasing Chinese pig iron made 800 miles in the interior of China on the Yangtse River, where they employ Chinamen at a dollar a week in American money working 12 hours a day. This pig iron is brought to our shores in Japanese vessels.

Mr. HILL. And if the gentleman will pardon me a moment, a gentleman called at my room night before last and told me that within 200 miles of this Capital he had just completed an order made of Chinese pig iron amounting to several thousand tons.

Mr. AUSTIN. Now, the Japanese are driving us from the Orient, they have invaded the Pacific coast with their cotton goods, and now they are meeting us with cheap Chinese pig iron. Our duty on pig iron is $2.50 per ton. They ship it 8,000 to 10,000 miles to our Pacific coast towns, pay this duty, and sell it at a profit. Last year a cargo of Chinese pig iron made in the interior of China was boated down the river, transferred to a Japanese vessel, which sailed down the Pacific around South America, up the Atlantic Ocean—14,000 miles—landed in New York or Brooklyn, paid our duty of $2.50 a ton, and they sold it for $2.50 or $3 a ton cheaper than Mr. UNDERWOOD's constituents can make pig iron and deliver it to Brooklyn consumers. It costs $10 a ton to make pig iron in the district I represent. It costs $4.50 a ton to ship it to Brooklyn. This Chinese pig iron was sold in Brooklyn for $12.50, yet a manufacturer stood on that side of the House and told us that there is practically no difference in wages or earning capacity, and so forth, in this country and in foreign lands.

Can we make pig iron in this country by paying our labor a dollar a week? Can we make cotton goods in the cotton mills of the South and pay our girls and boys 10 cents a day and grown men and women 20 to 25 cents a day? No. I have lived abroad. Did you ever go into a foreign land, not on a flying trip or a tour? Have you been in the sections of their great cities where the work people live and noticed the sad and unhappy condition of the laboring people? I have. God knows it was one of the saddest days of my life when I took a stroll in a section of a great foreign manufacturing city where the laboring people live, and yet I heard a man on that side of the House the other day appeal for a tariff system in this country similar to that of Great Britain. I could not realize the greatness and glory of our Republic until I had lived abroad and witnessed the unhappy and unfortunate condition of their working people. I saw more crippled and deformed, hungry children in one day there than I have seen in all my life in this country. I saw the bones in their little legs as crooked as a rope of sand and little bodies thin, pale, and emaciated, all for the want of something to eat. They found on examination that thousands of these children entered the public schools in the morning without having a bite to eat before leaving home. One winter, with the snow flying and cold, chilly winds sweeping through the streets of that city, I saw gray-headed women, 65 to 70 years of age, walking the streets hungry—bareheaded and barefooted—sad pictures of want, misery, and unhappiness, in a land where they have had on their books for many years a "tariff for revenue only," such as our friends on the other side of the Chamber are attempting to put through this House.

There never could be a greater or more effective school to teach men the lessons of tariff legislation than to go and remain in foreign lands long enough to study the actual condition of the laboring people. If you would do this, I would risk my salvation that there is no man on that side of the Chamber who would ever cast a vote to place the American working people on the same level as that of the foreign wage earner.

Ninety-two per cent of the laborers in the cotton mills of Massachusetts are of foreign birth—came here for better wages. Ninety-eight per cent of those in the southern mills are native Americans. Anyone who thinks that with short hours of labor, working with the same tools and the same machinery, there is something in the American atmosphere that gives our workingman more muscle, more capacity, than the man beyond the seas is mistaken. Why is it that they make merchant vessels and warships cheaper than we do? It is largely a matter of labor. Why does not the American workingman in the American shipyards do twice or three times as much as the strong-armed Scotchman on the banks of the Clyde? Why is it? Why, gentlemen, they pay carpenters in Great Britain $1.25 and never higher than $1.75 a day. They pay bricklayers and plasterers about the same.

I advised a Scotch carpenter to come to America, and he wrote that he earned more wages here at his trade in one week than he earned in four weeks in Great Britain.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PAYNE. Mr. Chairman, I yield to the gentleman 20 minutes more.

Mr. AUSTIN. The gentleman from New York [Mr. PAYNE] is as generous as he is handsome. [Laughter.]

I induced three plumbers to go to San Francisco. They found employment in 2 days, and they wrote back that they made more wages in 6 days in America than they made in 25 days in Great Britain, and they said:

> We are living an entire month on what we made the first week, and our profits or savings are our other three weeks' wages.

I met at a meeting in Glasgow, where we celebrated the opening of the Jamestown Exposition, a Scotch mother, who said:

> I have four boys in America, and they are working at Newport News, in Virginia, in the shipyards.

She said:

> Mr. AUSTIN, they are all prosperous and send me back a certain portion of their wages every month. They make more there in a week than they received here in a month.

We had three American students in the shipbuilding department of the Glasgow University—one from Georgia, one from Pennsylvania, and one from the State of Washington. During the vacation one of these students secured a place as an apprentice in a shipbuilding yard in order to get practical experience. His wages as an apprentice were a shilling, or 24 cents and a fraction, a week. Apprentices' wages are 75 cents a day in the railroad shops of my town. He worked alongside of a Scotch mechanic who had served a five years' apprenticeship, and who had worked for this firm seven years. That Scotch mechanic was receiving as a skilled mechanic $7 a week during the long days of summer and $6 during the short days of winter. He said, "I am supporting myself, wife, and 11 children on those wages." The same mechanic at Newport News receives $25 a week. And yet, in the debate on the woolen schedule, we were told here that there was practically no difference in the standard of wages and earning capacity and output, and so forth, of American and foreign workingmen.

I went into one of the largest hotels in Europe. In that country not only do the men work at low wages, but every member of the family must work—women and children. The little girls deliver the morning papers in the great cities. They deliver the milk and baker's supplies. They all work. There

stood behind the counter of that hotel, the third largest in a city with almost a million population, a young girl who was clerk. She kept the books, assigned the guests to the rooms, and she told me her hours of labor were from 8.30 in the morning until midnight. She said, "When we have a public function or a banquet in this hotel I retire at 2 o'clock in the morning." Her wages were $150 a year.

In my town, the best town in America—Knoxville, Tenn.—with 80,000 people, the leading hotel there has two men doing the work that this one girl does across the ocean, and they pay these two men more for a month's work than that girl is paid for 12 months' work. And yet Members tell us that conditions are such that we can compete in the markets of the world with the poorer-paid and half-starved workingmen in Europe and the Orient. It is not true. [Applause on the Republican side.]

Mr. REDFIELD. Mr. Chairman, will the gentleman yield?

Mr. BARTHOLDT. Will my friend from Tennessee allow me to make a contribution to his chapter of experiences?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Missouri?

Mr. AUSTIN. With pleasure.

Mr. BARTHOLDT. Last year I came to a little town in the central part of Germany and found an advertisement in one of the papers to this effect: "Wanted, a carpenter; wages, 29 pfennigs an hour." That is German pfennigs, one-quarter of an American cent. Twenty-nine pfennigs an hour! That means 7¼ cents an hour; while our carpenters are on strike now in several large cities of the country, demanding 60 cents an hour, which is nearly eight times as much as that advertisement. And that advertisement must have offered exceptionally large wages in order to secure a man quickly; at least, that was my supposition.

Then I went into a metal factory there, and learned that the metal workers employed there were receiving from 8 to 10 marks a week, which is from $2 to $2.50, while American laboring men employed in the same industry are receiving for the same work, but working fewer hours, from ten to fifteen dollars a week.

Mr. AUSTIN. I thank the gentleman from Missouri. Now, I will yield to the genial Member from New York [Mr. REDFIELD].

Mr. REDFIELD. I am particularly interested in what my valued friend from Tennessee said about the shipyard at Newport News. I am particularly glad that he mentioned the high wages that are paid at Newport News, because the general manager of the Newport News Shipbuilding & Dry Dock Co. told me within two years that he could build war ships there as cheaply as any yard in Europe. [Applause on the Democratic side.]

Mr. AUSTIN. He said he could; but the fact is they are not building ships at Newport News or anywhere else in America as cheaply as they are in Europe and Japan. The Democratic Members of this House have for years attempted to put through bills admitting free entry of ships built abroad, giving as a reason that the cost of construction was so much less in foreign countries than in America. I believe it was the gentleman from New York [Mr. REDFIELD] who said in a recent tariff speech that we could make goods as cheaply in this country as in foreign lands, and yet the Japanese have driven our cotton manufacturers out of China and taken from us in that country alone orders for cotton goods amounting to $24,000,000 or $25,000,000 per annum.

Mr. REDFIELD. And yet our exports of cotton manufactured goods increased 20 per cent last year.

Mr. AUSTIN. Our exports of cotton manufactured goods last year fell below our cotton exports for the year 1906 $19,546,936. Our exports last year over the year before were only $518,531, and $1,800,000 increase in our exports last year resulted in the Republican tariff law passed by the Sixty-first Congress for the Philippine Islands. Not counting the increase of sales in the Philippine Islands, which belong to our country, the records show that our exports to foreign countries last year fell below those of the previous year by $800,000, and hence the gentleman from New York is in error in stating that they showed an increase of 20 per cent.

Now, I was visited during a year and four months as our consul at Glasgow, Scotland, by 114 stranded American citizens. I gave an order to the clerks to admit every man who desired to see me. They said, "You do not mean stranded Americans—hoboes and cattlemen?" I said, "Yes; they are the very men I want to see. They are in a foreign land, in distress, and they want to see their representative. If they do not see him, they will think they have a mean country and a very poor consul." So I came into personal contact with 114, and by patience, work, and the expenditure of personal funds I succeeded in getting every one of them back to God's country. [Applause on the Republican side.]

The story of every one of these men, some of whom were students—and one of whom was a negro cattleman from North Carolina—was that they could not procure an hour's work in that country. And it was literally true.

President Abraham Lincoln said—and his statement has been quoted here in debate—that he did not know anything about the tariff. When we look back at that great figure in our history, how large does he loom up before us as a wise statesman and as a devoted patriot. In his trying days in handling the great and complicated affairs of this country, in its greatest crisis, he admitted that he knew nothing about the tariff. I doubt if we could find a man on that side of the Chamber who would make such an admission to-day. The great Lincoln said he knew nothing about the tariff, but he did know that if we bought steel rails in Europe, we had the rails and they had the money, but that if we bought American steel rails, we had the rails and we had the money. [Applause on the Republican side.]

Let me tell you the most striking evidence of the fact that wages are better here; that conditions for the laboring people are more desirable here than elsewhere; that opportunities are more boundless; that there is more happiness and prosperity and contentment beneath our starry flag than in all other countries. The evidence is that they are flocking here from every known land and clime at the rate of a million a year. [Applause.] Is there any immigration to Great Britain, whose cities are teeming with idle working people, where, in order to keep them from starving they must vote pensions out of the national treasury? Are the artisans, the mechanics, and the laboring men facing toward Great Britain, where they have a tariff for revenue only? No; America is attracting the sons of men all around the globe. Let us continue to keep our fair land for the American workingman and make his standard higher, his condition better, his happiness more extended and secure than that of the people of any other land. This ought to be the inspiring object and aim of every man who sits in this House of Representatives. Oh, let us forget partisanship and remember our common country, its destiny, its future, and the happiness of all its people. [Applause on the Republican side.]

APPENDIX.

LETTER OF SUBMITTAL.

CHARLOTTE, N. C., *July 18, 1911.*

SIR: For the information of all concerned, the official correspondence of the tariff committee, following the presentment of its brief to Chairman O. W. UNDERWOOD, of the Ways and Means Committee of the House of Representatives, is herewith submitted.

Many letters acknowledging receipt of our tariff bulletins, Nos. 1 and 2, from Senators and Congressmen are not included, although the form of our letter transmitting bulletins to them is given.

Respectfully,

STUART W. CRAMER.

To Mr. R. M. MILLER, Jr., *Chairman.*

CHAIRMAN MILLER'S CORRESPONDENCE WITH MR. UNDERWOOD.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 10, 1911.

Mr. R. M. MILLER, Jr.,
Chairman Tariff Committee, Charlotte, N. C.

DEAR SIR: I acknowledge receipt of the brief which you have submitted to this committee on behalf of the joint tariff committee of the Arkwright Club, the American Cotton Manufacturers' Association, and of the National Association of Cotton Manufacturers, urging that a revision of Schedule I be not undertaken at this time, and requesting in the event that this schedule is taken up that your committee be granted a hearing.

In reply, I have to assure you that your brief, as well as your request, will be brought to the attention of this committee and the same will have consideration at the proper time.

Very truly, yours,

O. W. UNDERWOOD, *Chairman.*

[Telegram.]

CHARLOTTE, N. C., *June 30, 1911.*

Hon. O. W. UNDERWOOD,
Chairman Ways and Means Committee, Washington, D. C.:

Please do not overlook the fact that our committee is hoping for the hearing about which you wrote me on the 10th instant. We can appear at any time you say on three or four days' notice by wire, as some of our members live far south. As we have been holding ourselves in readiness to go, awaiting your advices for two to three weeks, we would now esteem it a great favor if you could indicate by telegram, collect, about when you would like us to appear.

R. M. MILLER, Jr., *Chairman.*

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 1, 1911.

Mr. R. M. MILLER, Jr.,
Charlotte, N. C.

MY DEAR SIR: Your night telegram reached me yesterday.

It will be some time next week before there is another meeting of the Ways and Means Committee. I will then let you know at what time it will be advisable for your committee to come to Washington.

Yours, truly,

O. W. UNDERWOOD, *Chairman.*

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 6, 1911.

Mr. R. M. MILLER, Jr.,
Charlotte, N. C.

MY DEAR SIR: The Democratic members of the Ways and Means Committee had its first meeting on the cotton schedule this morning. After looking over the facts before us and the briefs, they concluded not to go into general hearings on the subject.

I am in receipt of the brief you have already filed with the committee, and it will receive careful attention. Should you desire to place further facts before us, I will be glad to receive them personally, or by letter, as you desire. We will probably be at work on the cotton schedule for the next 10 days before reaching any final conclusion in reference to the matter.

Yours, very truly, O. W. UNDERWOOD, *Chairman.*

CHARLOTTE, N. C., *July 8, 1911.*

Hon. O. W. UNDERWOOD,
Chairman Committee on Ways and Means, Washington, D. C.

MY DEAR SIR: I beg to own the receipt of your favor of the 6th and to express my regret, personally and on behalf of our committee, at the decision of the Democratic members of the Ways and Means Committee not to allow any general hearings on the cotton schedule. I shall acquaint my committee at once of your decision.

The industry we represent is of such vast importance to our country—the invested interest involved is so large—the thousands of wage earners are so dependent—that the results might prove disastrous to us, and the decision of our Representatives not to hear us in defense of our industry seems unfortunate and very much to be regretted.

Yours, very truly,

R. M. MILLER, Jr., *Chairman.*

CHARLOTTE, N. C., *July 10, 1911.*

Hon. O. W. UNDERWOOD,
Chairman Committee on Ways and Means, Washington, D. C.

DEAR SIR: Referring further to your favor of 6th instant, we have recently prepared a couple of tariff bulletins, one of which has already been presented to you and the other is ready for your committee.

While thanking you for the opportunity to discuss the matter with you personally, we prefer to accept your alternative offer to receive what we have to say by letter. We feel that it is to the interest of all parties concerned to let it become a matter of record.

We therefore hand you our tariff bulletin No. 2 and an extra copy of tariff bulletin No. 1, copies of which we will to-morrow mail to the other members of your committee. As we have not had time to discuss your letter among ourselves, we awaiting the hearing, and each of us planning to speak for himself, it will of necessity take some little further time to decide what more we wish to say as a committee. We will therefore supplement this with other communications from time to time, and beg to remain,

Yours, very truly,

R. M. MILLER, Jr., *Chairman.*

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 11, 1911.

R. M. MILLER, Jr.,
Chairman Tariff Committee, Charlotte, N. C.

DEAR SIR: This will acknowledge receipt of your letter of the 10th instant, transmitting one copy each of your tariff bulletins Nos. 1 and 2, which will receive the careful attention and consideration of myself and of the Ways and Means Committee.

Very truly, yours,

O. W. UNDERWOOD, *Chairman.*

THE TARIFF COMMITTEE'S REPLY TO CHAIRMAN UNDERWOOD.

Resolutions adopted by the tariff committee of the American Cotton Manufacturers' Association at its meeting in Charlotte, N. C., Tuesday, July 18, 1911, called by the chairman to consider communications from Chairman UNDERWOOD relating to a revision of the tariff on cotton manufactures:

"*Resolved*, That this committee indorses the communications of its chairman to Chairman UNDERWOOD and to other Congressmen and Senators.

"That the chairman is instructed to reply further to Chairman UNDERWOOD as per the appended letter.

"That this committee indorses tariff bulletins Nos. 1 and 2, and instructs that bulletin No. 3 be issued comprising the official correspondence with Mr. UNDERWOOD and a copy of these resolutions.

"And that all three tariff bulletins be sent to the President of the United States, to the Vice President, to all Members of the Senate and House of Representatives, to the press, and to all cotton mills in the United States."

CHARLOTTE, N. C., *July 18, 1911.*

Mr. O. W. UNDERWOOD,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

SIR: As instructed by the tariff committee of the American Cotton Manufacturers' Association, which met here in Charlotte to-day, I have the honor to reply further to your favor of the 6th instant, stating our position on proposed legislation relating to Schedule I, cotton manufactures, as follows:

(1) We are opposed to any revision that will increase the percentage of importations to total United States cotton manufactures that now exists.

In figuring percentages of importations to manufactures we call attention to the fact that importations under the cotton-manufactures schedule were 17¼ per cent of the total cotton manufactures for the year 1910, including laces and other such luxuries that are not as yet made in great quantity in this country, although it is interesting to note that the manufacture of laces in the United States increased in value from $3,500,000 in 1900 to nearly $10,000,000 in 1910.

We believe that any way it may be considered that the present importations are sufficient to protect the consumer by regulating prices, for there is no monopoly or restraint of trade, but, on the contrary, the keenest competition among cotton manufacturers of the United States.

We do not believe that anything more regulative of prices can be secured, however much importations may be increased, for American manufacturers are already down to cost, and without radical cutting of wages, which is not believed could or should be effected, the chief result of legislating more foreign goods into this country would be only to transfer that work to foreigners, for the importers do not usually undersell a local market, except enough to bring in their goods.

We believe that the cotton schedule bears its share of the customs revenue for the support of the Government and that there is no call for increasing the amount collected under it.

(2) We are opposed to revision without adequate data.

(3) We offer our assistance in obtaining such data.

(4) We are in favor of such revision as will protect all classifications under the schedule primarily in proportion to their labor costs, and are especially in favor of simplification of the schedule.

(5) We are opposed to any revision that does not take into account differences in other conditions as well as labor costs, particularly on account of southern mill conditions.

(6) We are opposed to reductions of duty on machinery and other items entering into the cost of mills, except such as will keep them on a parity with our own industry as to labor and other costs at home and abroad. We do not want our property depreciated, nor do we want broadly to injure other industries to help our own. Let each case rest on its merits and benefit equally.

(7) We are opposed to personal hearings; too often it has been alleged that unfair advantage has been taken that way in making the tariffs of the past.

(8) We are in favor of publicity and record, and of the freest and most open discussion and consideration of everything relating to tariff making.

(9) We demand that the data upon which revision is based be made public and a matter of record, except with such concealment of names that good faith dictates with those furnishing data. If publicity is good for other things, and we believe it is, it certainly is desirable in such a vitally important matter as the tariff.

We also demand a definite statement as to just what it is intended by its makers that the revision shall accomplish:

(*a*) What measure of protection is it intended to afford to American cotton manufacturers—equality in labor cost only, equality in cost of production, or what?

(*b*) How much relative increase or decrease is intended in importations, which means how much more or less competition is it intended to impose upon us?

(*c*) If more competition, how are we expected to meet it?

(*d*) If we are expected to cut labor, how is that labor to be compensated for the reduction, and what can it definitely expect in lesser cost of living to offset the cut?

(*e*) What amount of revenue is the new tariff on cotton manufactures expected to yield?

(*f*) What reduction is expected, if any, in the cost of articles of cotton manufacture to the consumer at retail stores?

We ask consideration of the above in the spirit in which it is offered. We intend no reflection; we merely ask to have our way pointed out by those who make the way.

We beg to have it borne in mind that our industry directly concerns 2,000,000 people, and indirectly many more; that we are not simply manufacturers and employees asking protection for our property and our labor, but that we are consumers and that we are citizens, most of whom voted for the party proposing this revision and who expected not only that any revisions would be made with as much prudence as would be exercised in private business matters, but also that they would be conducted with all the publicity that was generally promised among other reforms.

We beg to remain, respectfully, yours,

R. M. MILLER, Jr., *Chairman.*

FORM OF LETTER SENT TO ALL SENATORS AND CONGRESSMEN.

CHARLOTTE, N. C., *July 11, 1911.*

DEAR SIR: We earnestly invite your attention to the two inclosed pamphlets, entitled "Tariff Bulletins, Nos. 1 and 2."

They were hastily prepared by the tariff committee of the American Cotton Manufacturers' Association in anticipation of a hearing before the Ways and Means Committee of the House of Representatives, at which time it was intended that they should be presented with the individual statements of our members.

We have just been advised, however, by Chairman UNDERWOOD that the Democratic members of his committee have concluded not to hold any general hearings, and that we must either present our views to him personally or by correspondence. We chose the latter alternative and forwarded copies of these bulletins to him.

We feel that the interests of stockholders, officers, employees, and their families, numbering nearly 2,000,000, and the interests of so many more indirectly concerned will be better served by open discussion rather than by personal conferences, even with our friends.

Without comment, we wish also to submit these bulletins to you and others, with the request that you give to our case whatever consideration that in your judgment it merits.

We take the liberty of requesting that you preserve these bulletins, as they are but the first of a series that we contemplate issuing, as we are all deeply concerned in this matter and mean to do all in our power during the next few years to remove from politics the welfare of this great industry, by full and free discussion of the tariff question and of all others so vitally affecting it.

Yours, very truly, R. M. MILLER, Jr., *Chairman.*

A FEW SAMPLE QUESTIONS.

To members of the American Cotton Manufacturers' Association:

Why should the cotton industry be selected for tariff revision among the first, when its products have advanced least of all the great commodities during the past 10 years?

How many members of the Ways and Means Committee would risk a decision based upon the actual knowledge they now possess with which to revise the cotton schedule were it private business and in which were concerned their all, whether it be property or employment?

Is it any more unreasonable that all the facts upon which to base a revision of the cotton tariff be published than that a court makes public record of the testimony upon which it bases its findings in dealing with property or the employment rights of citizens?

"Those thousands of pages of hearings taken two years ago?" Would that kind of testimony be considered competent in any court? Is that adequate investigation? And was its sufficiency and kind admitted then by the minority, the present majority? Are they prepared to now indorse it, even when it is two years out of date?

Is the cotton industry really suffering? Is it really depressed as never before in its history? No one disputes that, but some legislators tell us that the present depression in cotton manufacturing is due to overproduction—too much supply, too little demand. How will letting in more foreign-made goods help that condition? Will it enable us to manufacture at a profit? Will it give regular employment to our operatives who now suffer on account of shutdowns and curtailment? If not, who will benefit by it? Will it not be the foreign manufacturers and the foreign operatives?

Is the situation going to be saved by the expected bumper cotton crop? It may be for a while, if cotton goes down and goods do not follow it; but would it not be temporary if many workers leave the mills and go back to the farms, more cotton crops becoming bumper crops and the old level of low-priced cotton reached? But again, who will profit? Will the farmer by having the price of his staple crop revised downward? Will the merchant by having the purchasing power of so many of his customers revised downward? Will not those operatives who remain in the mills and accept the revision downward in their wages want to know why it should be deemed legislatively necessary, when, as a class, the manufacturers themselves have operated for the past two years with no profit, and many at a loss, without cutting wages?

COMMITTEE.

Mr. PAYNE. I yield 10 minutes to the gentleman from California [Mr. STEPHENS].

Mr. STEPHENS of California. Mr. Chairman and gentlemen, on last Saturday afternoon this House was entertained for an hour with the discussion of a pension bill by the chairman of the Committee on Invalid Pensions [Mr. SHERWOOD]. I take it that that gentleman would not have taken that hour, nor would I take this time now to talk of pension legislation, if the Democratic majority would allow any other time for the discussion of pension legislation or would allow any time whatever for definite action thereon.

On last Saturday afternoon the honored chairman of the Committee on Invalid Pensions, Mr. SHERWOOD, of Ohio, addressed the House; and in passing let me say there is no man desirous of paying higher honor to the chairman of that committee than I am. I recognize his signal ability and his splendid record in civil life and in the military affairs of this Government. [Applause.]

Gentlemen, I do not rise to discuss the merits of the several pension bills introduced, but I do rise to emphasize my belief and my desire that some pension legislation should be had in behalf of the old soldiers at this session of Congress.

During the address of the gentleman from Ohio [Mr. SHERWOOD] he made a number of statements, some of which I would like to quote at this time.

Referring to the Committee on Invalid Pensions, he said:

The next meeting of the committee was on the 5th of May, a regular, called meeting, of which every member of the committee was notified by letter.

And a few lines further on he said:

After a general debate, in which every member of the committee was free to participate, a formal vote was taken, resulting in 2 votes for the Adair bill, 1 for the Sulloway bill, 1 for the Anderson bill, and 7 for the dollar-a-day bill, known as House bill No. 1. Thus the dollar-a-day bill became the duly approved bill of the Invalid Pensions Committee.

I desire to call the attention of the Democratic majority at this time to the fact that that action was taken by the Committee on Invalid Pensions almost three months ago. The chairman himself said the committee met May 5 and agreed to report House bill No. 1, and yet three months have passed without anything being done. Eighty-six days have gone by since the committee was first ready with its report. No action has been taken, and the report has not been permitted to see the light of any legislative day.

Further on he says:

By authority of the House caucus (only one dissenting vote) the pension bill known as House bill No. 1 will be reported from the Invalid Pensions Committee and placed on the calendar before the end of this session.

This will be done, probably, very near the end of this session, and perhaps with the very particular purpose of avoiding any pension legislation during this session of Congress.

I would also call the attention of this House to the fact that there are more than 3,000 soldiers of the Civil War passing away each month; that every 30 days there are more than thirty hundred of these old soldiers that are placed beyond earthly relief. In the 87 days during which the majority has kept this House from acting on any pension bill, about 9,000 veterans have departed this life, without having had the comforts this extra relief would have furnished. If you wait, as you are preparing to do, until next session of Congress to pass this bill, one year will have passed after this promised relief was agreed upon, and thirty-five to forty thousand men, heroes every one, will have gone to "fame's eternal camping ground," but without the promised and expected extra care. There are approximately 550,000 men on the Civil War pension rolls, the honor rolls of our country, and every day's delay in promised pension legislation—which your Committee on Invalid Pensions is ready to report—means the withholding of so much additional comfort from 550,000 old but brave and deserving men for their declining days.

Gentlemen, there is nothing to me in the argument that the Senate will not do one thing or another. It is the responsibility that this House has that I am concerned in. I want to do my manifest duty and I ask you to do yours. If you mean what you have said then let this bill be brought forth now that it may be acted upon. I believe this House should do everything it can to bring about at this session such pension legislation as has been promised—such legislation as should be passed for the relief of the soldiers of the sixties. When the House shall have passed a bill the responsibility is with the Senate; until then the responsibility is almost wholly yours. Gentlemen, in the name of every man that ever wore his country's uniform, in the name of every man who desires justice done I appeal to you for legislative action at this session. Pension legislation should be had now. [Applause.]

Mr. PAYNE. Mr. Chairman, I yield one hour to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Chairman, I listened with a great deal of interest to the statements made by the gentleman from Alabama [Mr. UNDERWOOD], the chairman of the Committee on Ways and Means, when he attempted to plead a justification for the presentation of H. R. 12812.

While his statements attacking the existing law won the plaudits of his partisan adherents, his auditors were so mystified by the puzzling figures with which he endeavored to enforce his arguments I fear that very few, if any, of them would be able to repeat the conclusions he adduced, without having the official copy of his remarks before them.

The district which honors me with its confidence contains more than one-fourth of the cotton spindles in the United States, and the city of Fall River, Mass., where I reside, has more than one-seventh of the nearly 28,000,000 cotton spindles in the country.

One hundred years ago the first cotton mill was erected there, and from June 19 to June 24 the hundredth anniversary of the erection of the first cotton mill was there celebrated.

There are 111 cotton mills in that city to-day, containing, to be exact, 3,936,944 spindles. There were, in 1910, in the United States 1,713 cotton mills, containing 27,978,732 spindles, 910 of which are in the Northern States, 803 in the Southern States, 706 in New England, and, as before stated, 111 in Fall River, Mass. Consequently any legislation affecting this great industry must be far-reaching in its results to the 270,000 persons whom I have the honor to represent on this floor.

My father and mother were married in Natchez, Miss. I am a native of the State of Illinois, but I have lived in Fall River since 1844. My father was induced to locate there because it was believed by his friends and relatives that it was destined to be a great cotton manufacturing center and it is the largest cotton manufacturing city in the country to-day.

It then had a population of about 8,000 and now it has a population of 120,000. There are 34,000 operatives employed in the mills of Fall River, Mass., and over 30,000 employed in New Bedford, Mass., each of whom are vitally interested in the continuous operation and prosperous condition of the mills in which they are employed, and I hardly think they would applaud the sentiments so flippantly expressed by the gentleman from Alabama when he disposed of some of the questions propounded to him, by the promise that while there might be a depression in the cotton industry at this time, there was an intimation of sunshine and promise in the days which are to come when normal conditions are to be reached.

These operatives are not calling for a reduction of duties on cotton goods in order to furnish more employment for the mill operatives in Great Britain, Continental Europe, India, Japan, or China; and no amount of argument put forth by gentlemen on the other side of the aisle regarding the cheapness with which goods can be produced abroad and sent to the markets of the United States will prove effective with them for they realize that the greater amount of goods manufactured abroad and passing through the customhouses of this country means so much less employment to them and so much less purchasing power to them to provide the necessities and comforts of life produced by the farmer or the artisans and mechanics in other lines of industry.

I am competent to speak upon broad lines on this subject, for I do not own a single share of stock in a single cotton mill. The glowing statements of the enormous profits in the cotton industry sounded like fairy tales to me.

The price of print cloths, 64 by 64, which are largely manufactured in the city where I reside, are quoted at 3§ cents per yard; market dull.

The highest price of print cloth during the year 1910 was 4¼ cents per yard, and the lowest price was 3¾ cents per yard, and the price of cotton per pound varied from 14.95 cents per pound to 15.90 cents per pound during that period. The margin for profit, I believe, would be hard to discover, even with the most improved Democratic magnifying glasses.

That there have been profits in the manufacture of cotton goods it would be folly to deny, and I certainly hope there may be prosperous times to be enjoyed in the future. But we have been told by the gentlemen on the other side of the aisle that the tariff does not create prosperity, but that the prosperity which has been enjoyed since the passage of the Dingley Tariff Act was not the result of legislation, but the prosperity was due to the enormous crops and the purchasing power of the farmer made it possible for the country to enjoy a large measure of business success during the past 12 years. We have the promise of a great cotton crop. Wheat, corn, oats, and barley and other products of the soil promise good results, but the people are not demanding cotton goods to cover their nakedness, and the spindles do not continually hum, and in many cases would be entirely silent but for the fact that the number of cotton operatives are not in excess of the ordinary demand, and the manufacturer is compelled to keep his plant running in order that his operatives may not become too widely scattered in case there should be a future demand for the goods, which at this time are being stored for the future market because they can not be sold to-day.

It is very evident to me that the chairman of the Committee on Ways and Means is not a cotton-mill owner, and possibly few, if any, of his associates are who helped to formulate this bill, which is so framed as to provide work for those in other lands, in order that the beauties of a tariff for revenue may be exemplified. These gentlemen have no other than a theoretical idea of the great cotton-manufacturing industry, which, I may add, requires skill, patience, and ability to guide it safely over the financial shoals and panics which frequently confront those who devote their lives to the upbuilding of communities and to the securing of reasonable and proper return for the moneys invested by stockholders who confide in the judgment and experience of managers of mill corporations.

Mr. Chairman, when I consider the glowing promises of my friend from Alabama as to the future prospects for the cotton-manufacturing industry of America, and his suggestion that the consumers would receive benefits to the value of more than $200,000,000 by the enactment of the pending bill, not to-day or to-morrow, but in the dim and distant future, when the wages and methods of living produce the normal conditions which exist in the countries beyond the ocean blue, from which our forefathers came to seek the better conditions afforded by the great country to which they swore allegiance and fidelity, there comes to my mind a sign which once adorned the place of business of one of my constituents. He was a son of the Emerald Isle, who left the land of his fathers and settled in the city where I reside. The sign reads as follows: "Something for nothing to-morrow at Michael Rafferty's."

That is a more distinctive promise than that made by my colleague from Alabama, and furthermore it is not clouded by the abundance of platitudes or the conglomeration of figures with which the latter gentleman regaled this body when he presented his conclusions on the pending bill.

I recall the fact that in the presidential election of 1852 the Democratic Party won a notable victory at the polls. Franklin Pierce, of New Hampshire, was elected President, and the Democratic Party was in full control of the administration.

I assume that the conditions were normal during the period of four years from March 4, 1853, to March 4, 1857.

I presume that but few Members of this body can recall the conditions which existed in this country in the year 1856, excepting when their memories are enlightened by historical research.

I doubt not my colleague from Illinois, ex-Speaker CANNON, realized those conditions more vividly than even I did by experience. I was then a youth, looking out hopefully upon the business world, ambitious to become one of the business men in the community. In October of that year I sought employment in a store. My hours were from 7 o'clock in the morning until 6 o'clock at night two days in the week and until 9 o'clock at night three days in the week and 10.30 o'clock at night on Saturdays. My wages were $1 per week. I lived with my parents.

That was the prevailing wages for beginners in the business world, and conditions were normal. Whether these normal conditions are the conditions which our friend from Alabama promises we shall enjoy, I know not; but I recall that as the result of the presidential election in November of that year James Buchanan became President of the United States and we had a full-fledged Democratic administration, a calamity that did not again occur in its entirety until the presidential election of 1892, after which time, for a period of four years, the Democratic Party controlled the executive and legislative branches of the Government. Early in 1857 there was a money panic the like of which I can not recall to my memory. All industry was paralyzed, especially the cotton industry, and for nine long months not a single spindle in Fall River, Mass., furnished employment to any of the operatives of the city. The prevailing wages for unskilled laborers was 50 and 60 cents per day, and employment was so limited that the city was compelled to furnish employment upon public works and payments were made by orders on storekeepers, through the poor department, because of the scarcity of money, and soup houses were established to feed the starving population.

The merchant by whom I was employed failed in business, and I was thrown out of employment and became a farmer, working upon an acre of land belonging to my father, and was unable to obtain employment for wages again until 1858, when I again engaged in another line of business, but at the prevailing rate of wages under normal conditions which continued to exist under the administration of President Buchanan, viz, $1 per week. I sincerely hope that while we are awaiting the resumption of normal conditions, which we are promised by our Democratic leader will only arrive in the dim and distant future, the date of which he does not even predict, no young man will be compelled to accept the scale or standard of wages which existed from 1856 to 1858.

I will not recall the troubles, trials, and disappointments of the Democratic administration from 1857 to 1861.

With the advent of the Republican Party in power in 1861 the protective tariff was enacted, and it has been largely effective since that date.

Mr. Chairman, I have never known of such a scale of wages prevailing as marked the period from March 4, 1857, to March 4, 1861, or of such a long period of lack of employment as marked the history of that memorable Democratic administration.

Mr. Chairman, for the first time since 1861 the cotton manufacturing industry has been singled out for attack by the Democratic majority in the Sixty-second Congress.

There is no other industry in the country which can show as small a margin of profit in a general sense as the cotton industry. That there have been phenomenal cases where conditions in the purchase of raw material, ability in management of the plant, and fortunate conditions have prevailed in disposing of the product at limited periods where the business has been profitable, but those conditions have been the exception and not the inflexible rule. Foreign competition will make the conditions in the United States disastrous to the ordinary manufacturer and injurious to the more successful and prosperous manufacturer.

It has frequently been the experience of the cotton operative that long-continued depression and disastrous conditions to the manufacturer result in a reduction in the wage scale, for that is an element of cost that is most easily attackable when competition becomes so keen that profits are eliminated.

The competition is, and has been, so keen for a long period in the cotton industry in our own country that prices of cloth and yarn, except in particular and especial lines, show but a small margin of profit, and nearly all the cotton mills in New England are running short time because of continued tariff agitation and unscientific methods used in preparing the pending bill and the failure to hold any hearings thereon.

When the Wilson tariff law was enacted the Committee on Ways and Means gave patient hearings to manufacturers and operatives, and they gladly accepted information from a committee sent from the city where I reside, which enabled them to report a tariff schedule which properly and sufficiently protected the manufacturer and operative in this important industry, and the industry prospered under that portion of the Wilson tariff law. If the Democratic Party had displayed the same wisdom and care in the preparation of other schedules of the Wilson bill, they would have come much nearer toward retaining the confidence of the country.

In addition to the errors shown in many schedules of the Wilson bill, their vagaries on the currency question brought to them overwhelming defeat in the election of 1896, and from that date until the election of 1910 the country has expressed a lack of confidence in its ability to solve the problems of government which arise through the changing conditions which confront the people of this country to a greater extent than any other or all other nations of the earth are called upon to endure.

The Dingley tariff law in its relation to the cotton schedules was the same as were the cotton schedules contained in the

Wilson law, and at no time in the history of the cotton industry has there been such continued success and prosperity in that industry as marked the period to which I have alluded.

The cotton-goods schedules prepared by the Committee on Ways and Means of this House in the Payne Tariff Act were practically unchanged when that bill was sent from this body to the north end of the Capitol.

In another body it was deemed wise to make many important changes in the bill to meet the changing conditions in the industry and to provide for checkmating and reducing the competition from the fine cotton-goods industry in foreign countries. I listened to the debates that took place at that time, and certainly from samples of goods shown and facts given as to the construction of the law by appraisers and decisions of the courts there appeared to me to be ample reason for a more specific and definite tariff to be determined in order that the fine goods industry in this country might receive more ample and definite protection from the competition of the manufacturers from abroad.

Amendments were offered and were finally considered in a conference between the committees of the two Houses, and the Payne-Aldrich Act was enacted into law.

The principal objections to the cotton schedules of that measure came from the interests of the importers, wholesalers, and the large department stores of the country. The newspapers, on account of dissatisfaction arising from the wood-pulp and print-paper schedules, very largely joined hands with the importing interests in attacks upon the bill. The importers are an important aggregation of business men in New York and other large business centers. They have no interest or sympathy with those who toil for their daily bread, nor are they engaged in promoting or encouraging the manufacturing industries of the United States, because they find their most profitable occupation to discredit the tariff laws of the United States and also to make it easier to bring into our seaports the products of other countries where the wages paid the employees are smaller and the cost of maintenance and fixed charges of the manufacturing plants are less than those of similar establishments in the United States.

These men are alert, sharp, and naturally they endeavor to provide for their own households, and they do not give consideration to American interest preferentially over the interests of the foreigner, and therefore they become powerful allies with the free traders, tariff reformers, and incidentally they naturally gravitate to the Democratic Party in its present efforts to destroy the tariff wall which has for so long a period defended the interests of American industries and American labor. I have read the earnest appeals of the American Cotton Manufacturers' Association, whose headquarters are at Charlotte, N. C., addressed to the chairman and members of the Committee on Ways and Means asking that they would give heed to their demand that the cotton schedule should not be subject to a radical revision without granting to these important factors in the development of the southern cotton industry an opportunity to appear before the committee and present facts for their consideration. If I am correctly informed this request was denied.

One of the most prominent and successful manufacturers in the district which I have the honor to represent is Mr. Walter H. Langshaw, president and agent of the Dartmouth & Bristol Mills, of New Bedford, Mass., who expressed some criticisms of the Payne-Aldrich Tariff Act, and it was quite natural that Chairman UNDERWOOD, of the Committee on Ways and Means, should look to him for aid and assistance in destroying the effectiveness of that act.

Mr. Langshaw wrote to Mr. UNDERWOOD expressing his inability to aid in preparing the schedules of the pending bill, because of the complex nature of the work and lack of time to properly prepare for such an important undertaking. Mr. Langshaw further expresses his regret that men connected with the dry goods committee, comprised largely of importers, had been engaged for the purpose of assisting in making a new cotton schedule, and he informs Mr. UNDERWOOD that he would not wish to be identified with men whose interests lie so diametrically opposed to those of investors in this country, and whose statements are the best evidence of their ignorance on the subject. As for a revision by politicians, Mr. Langshaw states he has no patience with that. Mr. Langshaw also further adds that he esteems the time too limited at the present session of Congress to do the work justice, and he further states that he does not want, either directly or indirectly, to be identified with such bungling as has been done in the past or with any action for which political expediency is a dominating factor. This plain language from a successful manufacturer ought to be carefully considered.

I also quote the following interview with Mr. John Hobin, secretary of the Textile Council of the City of New Bedford, Mass., as taken from the New Bedford Evening Standard of July 26, 1911:

OPERATIVES INTERESTED—FEAR RADICAL REDUCTION IN TARIFF ON COTTONS—NOT OPPOSED, HOWEVER, TO SLIGHT LOWERING OF RATES TO LEVEL OF THE DINGLEY BILL—INCREASES NOT ASKED FOR HAVE PROVED DETRIMENTAL TO THE MILL WORKERS.

That the textile operatives of this city and of other cotton manufacturing centers strenuously object to the proposed radical reductions in the cotton schedule, although they insist that some reductions should be made, is the opinion of John Hobin, secretary of the textile council of this city. While cotton manufacturers, converters, finishers, importers, and politicians are quarreling over what should be done with the cotton schedule—which was presumably framed to protect the wage earner in American cotton mills—this expression of opinion from a prominent official of the labor men themselves ought to have interest:

"When the Payne-Aldrich tariff bill was under discussion," Mr. Hobin said yesterday, "the textile unions joined with the manufacturers in a petition that the cotton schedules be retained at the existing level. That was all they wanted, and, through the delegation that the United Textile Workers sent down to Washington, all they asked. They certainly did not want the duties pushed up higher, as was done. So they are consistent when they ask that the cotton schedules be reduced.

"We feel that the raising of the duties is as injurious to the wage earner as would be a serious reduction in them. By the undue elevation of the duties, the converters and retailers have been permitted to charge prices for the cloth so high as to place them comparatively out of reach of a large part of the consumers. We believe that the retention of the present abnormally high duties can not fail to produce such high prices for cloth as to limit the market and force curtailment in the industry.

"But, on the other hand," Mr. Hobin continued, "we protest against the reduction of duties to the extent proposed by the Democrats. In saying this I am not raising a party issue nor talking from a political standpoint. I believe that the textile operatives as a whole feel the same way, irrespective of politics. We are very much afraid that the party in power at Washington is going to injure us as seriously by reductions in the tariff as the other party did by undue elevations of it.

"Personally, I favor very much President Taft's scheme of submitting this matter to a Tariff Commission. The cotton schedule ought to be capable of scientific adjustment, and in my opinion this is the best solution of the problem."

The depressed condition of the cotton industry must be apparent to anyone who makes only a cursory examination at any cotton-manufacturing center. I will not weary this committee with many statements on this subject. I will, however, state that nearly every mill throughout New England has been curtailing their products for many months because of inability to dispose of the same.

The owner of seven of the largest and most modern mills in my own city, who can produce print cloths at the lowest actual cost of any manufacturer and who is himself a large buyer in the open market in order that he may procure a sufficient supply for the use of his own cloth-printing establishment and who has never heretofore felt compelled to run his cotton mills upon short time, announced about two months ago that owing to the purchase of immense supply of print cloths at prices below even his cost of manufacture his seven mills would work but half time until further notice.

The effect of this action I will not attempt to describe, but if any member of this body thinks that the action of the Democratic caucus in indorsing the pending bill is an efficient remedy for the depression in the cotton industry a frank expression of opinion to that effect would certainly be illuminating.

The pending bill proposes to benefit the consumer by creating greater competition for the American manufacturer by reducing the tariff on imports to such an extent that the American manufacturer will be compelled to lower his cost of production to enable him to meet this new element of competition. As previously stated, there were, in 1910, 1,713 cotton mills, all constructed at high cost of labor, material, and machinery; very much higher in cost than our foreign competitors are called upon to pay. These mills are too costly and are built of too heavy material to be removed from their present locations, even if more favorable locations could be obtained, and these facts ought to receive consideration when new elements of competition are to be suddenly forced upon the investor by the proposed radical reduction of the tariff.

The proposed revision of the tariff affects every one of these 1,713 cotton mills in the United States and every one of the vast number of operatives in the different mills in many States of the Union, but it more directly and unfavorably affects the finer grades of yarns and finer qualites of cotton cloth than any other product of the industry, for the importations have been in the past, and will continue to be in the future, on the finer qualities of production, and the amount of the importations will, in the judgment of every manufacturer and operative whose views I have seen quoted, exceed by manyfold the estimate quoted by the chairman of the committee in presenting the proposed bill.

New Bedford, Mass., is the center of the fine-yarn and fine-goods industry in the United States, and although Fall River, Mass., exceeds it in number of cotton spindles, it ranks second in the production of fine yarns and fine goods. These two great cotton centers will be called upon to bear the greater burden

which the reduction of the tariff proposed in this bill will impose upon any community in the United States. I protest against this proposed iniquitous legislation in the name of and in behalf of every man, woman, and child in the district which I have the honor to represent on this floor.

Mr. BARTLETT. Will the gentleman yield

Mr. GREENE of Massachusetts. I will yield to the gentleman.

Mr. BARTLETT. Does not the gentleman think that the industry would be benefited very materially if the tariff of 45 per cent on cotton-mill machinery was reduced?

Mr. GREENE of Massachusetts. I am not going to discuss that question.

Mr. BARTLETT. Is it not a fact that 50 per cent of the cost of the erection of a cotton mill is the expense of the cotton-mill machinery?

Mr. GREENE of Massachusetts. I am not going to discuss that. If the gentleman wants to go down to the level of other countries, he can drop the price of machinery and cloth and every other industry in this country.

Mr. BARTLETT. I do not desire to drop the prices, but I do not desire, by legislation, to add to the improper price of the article, whether it is manufactured or not.

Mr. GREENE of Massachusetts. I am glad to have the gentleman's views. I know what they were beforehand.

During the year 1909 more than $10,000,000 additional capital was invested in the fine yarn and fine goods industry in the city of New Bedford, and more than $6,000,000 was invested in that city during the year 1910. More than 16 mills in number were added to the number that the city formerly contained. They use the finer grades of sea-island and Egyptian cotton and the better grades of American cotton, and their product is very largely of the quality heretofore imported. The reduction of the tariff proposed in this bill will cause a much greater quantity of similar products to pass the customhouses and enter into active and severe competition with the individuals who have massed their contributions in taking stock in the various corporations which have been organized to promote and extend this important industry.

During the past 10 years the city of New Bedford increased in population 54.6 per cent and now contains more than 100,000 people.

No adequate reason for the vicious attack made upon the principal industry of this thriving community by the proposed bill has been advanced, nor is there any valid reason why the special industry located in the district which I have the honor to represent should be called upon to meet the great burden proposed to be inflicted upon it by the radical conditions contained in the bill presented in this House, and which it is proposed to enact into law as far as this House can, by a decree of the caucus of the Democratic Party, produce that result, without granting a hearing to either the owners of the mills or the operatives who earn their daily bread by the sweat of their brows.

Before the special session of the Congress had been called after the adjournment of the last session of the Sixty-first Congress, during conversation which took place between myself and a leading cotton manufacturer of fine goods of my own city, he related to me an interesting fact, which I desire to bring to the attention of the members of this committee.

He stated a short time previously he had made up a grade of goods that he thought he could find a ready market for at the price of 8¼ cents per yard. He placed the samples in the hands of his New York brokers, but owing to the depressed condition of the cotton industry no buyer could be found. He therefore placed the samples with a Boston broker, who received an offer of 8¼ cents per yard. This offer was finally accepted.

After filling the first order and the same being duplicated and further demand seeming in prospect, the manufacturer stated that he journeyed to Boston and visited the large department store which had purchased the goods and sauntered around the great establishment until he arrived in that portion of the store where the goods were being sold to the consumer, and he found that the customers were buying these goods which he had sold at 8¼ cents at 25 cents per yard.

Mr. Chairman, if the gentlemen on the other side of the aisle desire to benefit the consumer by the legislation which they enact, it is very clear to my mind, as I doubt not it is to yours and to the minds of those who listen to me to-day, that the point of attack should not be at the customhouse, but at some point to be determined by careful study and deliberation of the conditions which prevail between the manufacturer and the ultimate consumer. As this cotton schedule was not taken up for consideration by the Committee on Ways and Means until July 6, 1911, and the bill was presented in this House July 28, 1911, this fact clearly shows that practically no consideration was given to this important schedule.

The great advance and growth of the cotton-manufacturing industry in the Southern States is but a natural and welcome feature of the prosperity of the Nation itself. The northern manufacturer welcomes this new factor in the Nation's life. They recognize that the more modern factories and the former abundance of native help were advantages which, added to the close proximity to the raw material, were important factors in the competitive line of production to which they were compelled to adapt themselves.

The South has produced very largely the coarser grades of yarn and cloth. With the lapse of time and the benefit of experience and improvements in methods and machinery, the southern manufacturer at this time is seeking to produce the finer grades of yarn and cloth; but this condition arouses no feeling of indignation or dissatisfaction with their northern competitors.

The competition of the foreign manufacturer, who is not bound by American regulations, American standards of living, American wages, nor hampered by the larger capital required to construct and maintain his plant, is the competition to which neither the northern nor southern manufacturer have heretofore been subjected; and by the granting of reductions at the customhouse to the foreign manufacturers, who have long sought the American market—the best market in the world—the provisions of the pending bill will make it a great deal easier for them to flood the American market with the products of their capital and labor to the detriment of American industries and American labor.

The Commonwealth of Massachusetts, realizing that education has been one of the greatest factors in its advancement to the higher standards of excellence since the Pilgrim Fathers nearly 300 years ago landed on Plymouth Rock, several years ago entered upon the policy of establishing textile schools, in order that the rising generation might be the better equipped with the requisite knowledge in the production of higher grades of textile manufacturing. Builders of modern, improved machinery contributed liberally to each of three textile schools established in that Commonwealth. The State appropriated the money necessary for their construction, and the city of Lowell, where my colleague, Representative BUTLER AMES, resides, and the cities of Fall River and New Bedford, in the congressional district which I have the honor to represent, cooperated with the State in providing money for their maintenance in order to provide for the free education of its people.

The purpose of this higher education was to equip with experimental knowledge the rising generations, in order that they might produce the higher grades of textile manufacture in America, instead of buying the same abroad. No foreign manufacturer contributes to this enterprise, but by the provisions of the pending bill the foreign manufacturer finds encouragement at American customhouses to neutralize the efforts of the Commonwealth of Massachusetts to improve its methods of textile manufactures and advance the interests of its citizens. I am one of the trustees of the textile school in Fall River and was the first signer of the petition for its establishment.

In the matter of hours of labor in the cotton manufacturing establishments Massachusetts takes the foremost rank. They were the first to enact the 10-hour law. By acts of legislation since that time they have reduced the hours of labor to 58 hours and to 56 hours, and the Legislature of Massachusetts, at its session for 1911, which ended on Friday, the 28th instant, enacted the 54-hour law for cotton operatives, and it will go into effect January 1, 1912.

Massachusetts has now a Democratic governor, but the Republican Party has always had a majority in its legislature since the party was formed in 1854, a period of 57 years.

Massachusetts is a manufacturing State. She produces none of the raw materials which her artisans, mechanics, and operatives by their labor, skill, and intelligence prepare for the use of the American people. She does not want the pending bill enacted into law, and I, as a Representative from that State, ask that more deliberate and careful consideration be given to the bill now pending in the committee.

In all probability it will not be enacted into law at this special session. At the present time the United States Government experts are gathering information as to cost of cotton goods in the district which I represent. The manufacturers are aiding them by having their books and establishments open to inspection. These experts, I am informed, will have information to present as to costs and conditions abroad, so that no harm could possibly come by delaying action upon this important schedule until the next regular session, and then much more definite and reliable information will be available.

If I were to be governed wholly by political considerations, I would gladly welcome the passage of the pending bill. But, Mr. Chairman, viewing the proposition upon the broader lines which should govern a subject of such great importance I sincerely hope the bill may not be enacted into law. [Loud applause on the Republican side.]

Mr. Chairman, availing myself of the privilege to extend my remarks in the RECORD, I append hereto an article written by F. W. Coburn in the Boston Transcript, in review of the British Government's inquiry regarding wages and cost of living in American cities:

WAGES, OURS AND BRITAIN'S—A REVIEW OF THE BRITISH GOVERNMENT'S INQUIRY—THE EXHAUSTIVE MANNER IN WHICH THEIR INVESTIGATORS WENT INTO OUR EXCELLENT CONDITIONS—LIVING FOUND MORE COSTLY HERE, BUT WAGES MUCH HIGHER STILL—WHAT THE EXAMINERS SAW IN BOSTON—SOME STRIKING LESSONS TO US, AS WELL AS TO ENGLAND, IN THE FIGURES THEY PRESENT.

The British board of trade's inquiry into the cost of living in American towns, the document which, with its frank admission of the better estate of American workmen, at least one Tory organ has declared to have dealt a death blow to free trade, has just reached these shores. Press dispatches this past fortnight have told of excitement caused in the tight little island by its findings. John Bull has long hugged the delusion that while 'Arry and Hobbs were paid smaller wages than those received by working people in Brother Jonathan's realm, the situations, at least, were essentially evened up by the much higher cost of living in "the States."

Now comes the relentless statistician of the labor department of the board of trade to prove, after an exhaustive study of 28 cities of the United States, that the English workman who emigrates and successfully reestablishes himself in an American community gets wages that are about 130 per cent better than he had received, while his expenditures for food and rent are advanced only by about 52 per cent. He makes by removing his Lares and Penates.

At the risk of sounding a Home Market Club homily, let us undertake a fragmentary exposition of this vast and truly British document of more than 500 pages. A big book and, to a certain extent, a big bore. Anglo-Saxon accuracy as regards detail is stuffed into the very title. It is a "Report of an Enquiry by the Board of Trade into Working Class Rents, Housing, and Retail Prices, Together with the Rates of Wages in Certain Occupations in the Principal Industrial Towns of the United States of America, with an Introductory memorandum and a comparison of conditions in the United States and the United Kingdom. Presented to Parliament by command of His Majesty."

This monumental inquiry one learns was begun in February, 1909. It investigated 28 cities, all but two of them lying east of the Mississippi. These American towns were as follows:

New York.

New England towns: Boston, Brockton, Fall River, Lawrence, Lowell, Providence.

Other eastern towns: Baltimore, Newark, Paterson, Philadelphia.

Central towns: Cincinnati, Cleveland, Detroit, Louisville, Muncie, Pittsburg.

Middle West towns: Chicago, Duluth, Milwaukee, Minneapolis-St. Paul, St. Louis.

Southern towns: Atlanta, Augusta, Birmingham, Memphis, New Orleans, Savannah.

The collectors of information apparently gathered all those statistical marvels that have made the Massachusetts commission's report on the high cost of living one of the extraordinary masterpieces of the new century, and then went these energetic compilers some better. The Briton who reads carefully in the report what is said about Boston knows things which not one Bostonian in twenty carries in memory. Lawrence and Lowell and Brockton are minutely described, down to the differences in their three-deckers and the relative number of cigar and cigarette stubs in the gutters. Technically, the inquiries included "the collection of statistical data as regards wages and hours of labor, rents, prices, and family expenditures on food."

It is the generalizing summaries, of course, which have disturbed British complacency. The results of the international comparison show that the ratio of the weekly wages for certain occupations in the United States and England and Wales, respectively, at the dates of the two inquiries was 243 to 100 in the building trades, 213 to 100 in the engineering trades, 246 to 100 in the printing trades, and 232 to 100 in all the trades altogether. Allowing for a slight advance in wages in England and Wales between the dates of the two inquiries, the combined ratio would be 230 to 100.

Not only do American workmen receive much higher wages, the British investigators are obliged to admit, they work shorter hours. The weekly hours of labor of this side were found to be 11 per cent shorter in the building trades, 7 per cent shorter in the printing trades, and 6 per cent longer in the engineering trade, the combined ratio showing up as 96 to 100 in this country's favor.

As regards rent, it was found that the American workman pays a little more than twice as much as the English workman for the same sort of housing. The actual ratio is 207 to 100. The difference between the two countries is much less marked in the retail prices of food, exhibiting a ratio of 138 to 100.

Almost interminable family budget studies lead to the conclusion, which might have been expected a priori, that "the consumption of meat is much larger in the United States, and the consumption of vegetables is also larger. The budgets indicate in general that the dietary of American working-class families is more liberal and more varied than that of corresponding families in the United Kingdom.

The use of a New York statistical base gives some interesting results when the reports of comparative study of wages and costs in American towns are considered. Englishmen and others now learn that if the Gothamite wage index for skilled workmen in the building trades is 100 the compensation received by similarly skilled craftsmen at Boston is marked 91; at Brockton, 88; Fall River, 83; Lawrence, 76; Lowell, 77; and Providence, 79. Augusta, Ga., with 73, shows the lowest index mark for skilled labor of this class.

The rent indices, naturally, indicate a generally higher scale of prices for workingmen's domiciles in the metropolis. St. Louis, at 101, is the only municipality whose rent index surpasses that of Greater New York. The descending scale runs: Pittsburg, 94; Memphis, 93; Cincinnati, 93; Brockton, 83; Boston, 82; and so on down to Munice, at 44. Food prices, on the other hand, are comparatively low in the metropolis. They were found to be highest in Atlanta, at 109. Brockton, 106; Boston, 105; Lawrence, 105; Lowell, 102; and Fall River, 101, are all places in which it is relatively expensive to buy eatables. Below New York, on the other hand, come Providence and several cities of the Middle States and Middle West.

The English investigators learned that where food and rent indices are combined only one American city, Atlanta, is more expensive for the wage earner to live in than New York. Brockton and Pittsburg are at precisely the same level. Boston stands at 99, Lawrence at 95, Fall River 90, Lowell 90, and Providence 88. Many similar informational figures are given concerning our cities.

That underfeeding is a vice of British industrial communities is very generally known. Miss Margaret Bondfield, the shopgirl orator, who was in Boston last summer, specially commented on the better diet of American working families and deplored the almost universal use of the frying pan among needy Britishers.

BRITISH AND YANKEE FOOD BILLS.

Among the interesting comparisons in a great mass of family budget statistics is one which shows the average food bill per capita in different classes of families of the two nations. Twenty-five shillings a week is taken as the lowest limit of a weekly family income in England. Each individual in such a family eats food in seven days that is valued at 2s. 9¾d. In an English family whose weekly income is 40s., the food bill per capita runs to 4s. 7¾d. This is less than the expenditure for food in an American family with a weekly income under £2, where the per capita average will be 4s. 10¾d. It is reckoned that a weekly family income of between two and three pounds in this country implies an average food bill per capita of 5s. 11¾d., and that in the household of the well-paid laborer, who gets £8 a week and over, the food expenditures will average 9s. 2¾d. per person.

Sojourners in Great Britain outside the laboring class, find it economical to buy clothing in London. Whether for the wage earner there is any great advantage in the English over the American dry-goods emporium is more doubtful. Mr. Asquith's document says: "The item of clothing raises wider and more difficult questions of comparison, and particulars that have been obtained go to show that while higher prices have, as a rule, to be paid in the United States than in the United Kingdom for woolen and worsted fabrics of similar quality, a very large domestic supply of articles of wearing apparel of most descriptions is available there of standard sizes that are, for the most part, on sale at prices either not much higher or not higher than in this country, although often less durable. It is evident, however, that the practice of buying clothes that are expected and intended to last for a single season only, and not for two or more, is much more common than in this country. In this respect an analogy may be traced to a national characteristic, noticeable not only in respect to clothing, but also as regards houses in their inferior durability, and as regards machinery in the greater rapidity with which it is either worn out or discarded. In all these directions there appears to be a half-conscious discernment of what is regarded as economy 'in spending' which, while savoring sometimes of extravagance, tends at the same time as regards machinery to secure the maximum of at least temporary efficiency and as regards clothing, as also of food, the maximum freshness and satisfaction."

Comparison of the national habits of expenditure for the little luxuries that are, in most families, regarded as necessities is made in several passages of the report. It is alleged, for instance, of American homes that "in connection with the consumption of beverages other than coffee, tea, and alcoholic drinks the great quantity of iced drinks of various descriptions may be mentioned, and ice itself, mainly for the preservation of foods, is a weekly item of expenditure in the summer months in practically every household, while an ice box is a common possession and an ice-cream freezer by no means rare in working-class homes. While, therefore, ice ranks as a small, distinctive charge on income, it affords one of the numerous illustrations of an expenditure that, regarded as necessary, secures at the same time its own return in comfort and satisfaction. Much tobacco is consumed, and the number of cigar ends thrown away, which no one takes the trouble to pick up, is one of the trifles that is noticeable."

Statistical expositions of the well-known fact that, although Americans are great spenders they are also great savers, are apparently beyond the limits of the British board of trade report. The circumstance is mentioned, however, in a concluding comparison of the standards of living in the two countries. In working-class conditions, it is stated, "more money is spent as a matter of course in the latter country, and to some extent, as has been suggested, this higher expenditure, apart from any differences in price or rent levels, is almost, if not quite, obligatory, but on the other hand in various material ways greater satisfaction and more comforts are secured. Thus the habit of spending is more active than in this country, and while the national characteristic of a greater extravagance and even of a greater wastefulness sometimes emerges, the correlative fact must be also noticed that for those who desire it and exercise the necessary strength of will and foresight saving is also easier because of the larger income at disposal."

BRITISH PRAISE FOR BOSTON.

The thoroughness with which the facts and figures about each of the cities studied have been collated is well-nigh appalling. About Boston the report gives 17 solid pages, starting with its settlement in 1630 and ending, chronologically speaking, with the year 1915, when, according to general belief, this is to be a nearly ideal town. The current agitations about the port of Boston, the schoolhouse and housing problems, the plans of the Metropolitan Improvements Commission and the Metropolitan Improvement League, the rate of speed of the elevated trains, the ends and aims of the Boston-1915 movement, and many other projects of the uplifters receive brief though sympathetic mention, the only serious oversight, perhaps, being the failure to mention Mayor Fitzgerald, the new zoo, or the new aquarium.

The discussion of housing and rent in Boston is duly voluminous—perhaps one might say almost as interminable as a series now running in an admirable weekly publication. One of the conclusions is that "a few attempts off the lines of ordinary commercial enterprise have been made to meet the housing requirements of the working classes in Boston, but recent enterprise in this direction has been unimportant. The chief significance of the attempts that have been made in the past consist not so much in the superior character of the accommodation now offered as in the recognition of the social importance of the housing question and in the endeavor made to raise the standard of the normal relationship between the landlord and tenant, and by so doing to make each interpret more widely the nature of his responsibilities."

In the discussion of Boston retail prices the effectiveness and attractiveness of the large department stores is commended, though it is maintained that these have less effect upon the general marketing of

foodstuffs than the so-called "multiple shops" or "chain stores." Of the latter class it is said: "This type of shop is of comparatively recent growth, and the particular firm referred to has sprung up during the last 14 years." Prevalent appeal to the desire of the average Bostonian to get something for nothing is hit off in the statement that trading stamps are a good deal used, with a view to securing and retaining custom, but they are probably a device that will not prove lasting.

A bouquet easily recognizable is this: "Cooperative stores are not found, but the principle of industrial copartnership is in successful operation in one of the best-known drapery establishments, and is now attracting favorable attention."

The studies of Brockton, Lawrence, Lowell, Providence, and other cities are almost equally thoroughgoing with that of Boston. Nearly 150 pages toward the end of the report are given over to statistical tables, amplifying all that was found in the individual investigations of the cities, and including appendixes concerning wages, agreements, and arbitration provisions, apprenticeship regulations, factory benefit funds, mutual provident funds and associated charities, building and lodging-house regulations, workingmen's building societies, house agreements, laws and regulations relative to the preparation and sale of food, a crusade against tuberculosis in New York, racial classification of immigrants, the employment of negroes in unskilled trade, the national negro business league, and unemployment in the United States.

This volume is only one of a series of the same kind. Reports on the cost of living have been issued by the board of trade for the United Kingdom in 1908, for Germany in the same year, for France in 1909, and for Belgium in 1910. Clearly, if the British workingman does not know just how badly off he is, it will not be the Government's fault.

Below you will find statistics in regard to cotton mills, Fall River, Mass.:

Pay days of the several corporations in Fall River, Mass.

Corporations.	Number of hands employed.	Weekly pay roll.	Pay day.
American Linen Co	850	$6,500	Thursday.
Ancona Co	325	2,400	Friday.
Arkwright Mills	525	4,000	Saturday.
Barnaby Manufacturing Co	600	5,000	Friday.
Barnard Manufacturing Co	600	5,000	Thursday.
Border City Manufacturing Co	900	7,500	Do.
Bourne Mills	700	5,500	Friday.
Chace Mills	1,000	7,000	Do.
Conanicut Mills	300	$2,800	Friday.
Cornell Mills	400	3,000	Saturday.
Davis Mills	900	7,350	Thursday.
Davol Mills	450	3,500	Saturday.
Durfee Mills	1,150	9,400	Wednesday.
Estes Mills	410	3,000	Saturday.
F. R. Iron Works Co	5,000	35,000	Thursday and Friday.
Flint Mills	900	7,000	Thursday.
Globe Yarn Mills	750	6,000	Do.
Granite Mills	1,150	9,200	Friday.
Hargraves Mills	900	7,500	Saturday.
Kerr Thread Co	1,100	8,800	Friday.
King Philip Mills	1,100	8,800	Do.
Laurel Lake Mills	500	4,000	Thursday.
Lincoln Manufacturing Co	500	4,000	Friday.
Luther Manufacturing Co	450	3,500	Saturday.
Massasoit Manufacturing Co	350	2,500	Thursday.
Mechanics Mills	550	4,000	Do.
Merchants Manufacturing Co	1,250	9,000	Do.
Narragansett Mills	420	3,300	Wednesday.
Osborn Mills	650	5,000	Friday.
Parker Mills	900	7,000	Saturday.
Pocasset Manufacturing Co	1,000	8,000	Wednesday and Thursday.
R. Borden Manufacturing Co	775	6,000	Thursday.
Sagamore Manufacturing Co	1,200	9,000	Do.
Sanford Spinning Co	550	4,900	Do.
Seaconnet Mills	550	4,500	Friday.
Shove Mills	750	5,000	Do.
Stafford Mills	850	7,000	Thursday.
Stevens Manufacturing Co	700	6,500	Saturday.
Tecumseh Mills	600	4,700	Friday.
Troy Cotton and Woolen Manufactory	425	3,100	Thursday.
Union Cotton Manufacturing Co	900	7,300	Do.
Wampanoag Mills	750	5,500	Do.
Weetamoe Mills	400	3,100	Friday.
	35,030	271,150	

Statistics of cotton manufactories in Fall River, Mass.

Corporations.	Treasurer.	Incorporated.	Capital.	Spindles.		Looms.	
				Mule.	Frame.	32 inches and under.	Over 32 inches.
1. American Linen Co	James E. Osborn	1852	$800,000	.....	94,528	1,299	1,310
2. Ancona Co	Philip E. Tripp	1903	[1] 300,000	.....	40,080	647	425
3. Arkwright Mills	John P. Bodge	1897	450,000	.....	68,432	428	1,023
4. Barnaby Manufacturing Co	William N. McLane	1882	350,000	.....	25,424	.....	1,040
5. Barnard Manufacturing Co	Nathaniel B. Borden, jr	1874	500,000	.....	80,304	.....	1,740
6. Border City Manufacturing Co	Edward L. Anthony	1880	1,000,000	37,836	83,392	727	2,261
7. Bourne Mills	George Delano	1881	1,000,000	.....	91,258	.....	2,700
8. Chace Mills	Joseph A. Baker	1871	1,200,000	.....	116,688	.....	2,647
9. Charlton Mills	James Sinclair	1910	800,000	20,352	31,648	.....	1,200
10. Conanicut Mills	Clarence A. Brown	1880	300,000	.....	23,616	.....	776
11. Cornell Mills	Robert W. Zuill	1889	400,000	.....	45,040	300	812
12. Davis Mills	Frank L. Carpenter	1903	1,250,000	.....	127,504	288	2,154
13. Davol Mills	George H. Hills	1867	500,000	11,008	33,664	146	1,222
14. Durfee Mills	David A. Brayton, jr	1866	500,000	.....	143,952	1,967	1,926
15. Estes Mills	J. Edmund Estes	1905	300,000	.....	7,000	371	Cards.
16. F. R. Iron Works Co	H. S. Borden, New York	1825	2,000,000	.....	488,000	13,931	.....
17. Flint Mills	Edward Barker	1872	1,160,000	.....	107,000	.....	2,460
18. Globe Yarn Mills	New England Cotton Yarn Co	(2)	(2)	15,328	58,080	25,778	T. Sp.
19. Granite Mills	Charles M. Shove	1863	1,000,000	22,400	99,648	1,552	1,538
20. Hargraves Mills	Seth A. Borden	1888	800,000	34,298	77,392	.....	2,842
21. Kerr Thread Co	American Thread Co	1898	12,000,000	44,076	61,656	.....	.....
22. King Philip Mills	Simeon B. Chase	1871	1,500,000	44,816	90,416	.....	3,089
23. Laurel Lake Mills	Abbott E. Slade	1881	600,000	.....	59,808	1,010	618
24. Lincoln Manufacturing Co	Benj. B. Read, jr	1907	700,000	.....	62,800	.....	1,226
25. Luther Manufacturing Co	Charles B. Luther	1903	350,000	.....	51,616	262	940
26. Massasoit Manufacturing Co	Wendell E. Turner	1882	500,000	.....	.....	125	Cards.
27. Mechanics' Mills	Edward L. Anthony	1868	750,000	.....	60,512	974	576
28. Merchants' Manufacturing Co	James E. Osborn	1867	1,200,000	6,912	127,424	1,396	1,965
29. Narragansett Mills	Isaac A. Brown	1871	400,000	14,688	29,056	649	586
30. Osborn Mills	James T. Milne	1871	750,000	21,420	48,912	968	936
31. Parker Mills	Seth A. Borden	1895	800,000	44,772	66,912	.....	2,512
32. Pilgrim Mills	Danforth H. Hathaway	1910	[3] 1,050,000	.....	59,000	.....	1,200
33. Pocasset Manufacturing Co	W. Frank Shove	1822	1,200,000	.....	120,016	523	2,351
34. Richard Borden Manufacturing Co	Charles N. Borden	1871	1,000,000	15,360	85,658	692	1,970
35. Sagamore Manufacturing Co	Wm. L. S. Brayton	1879	1,200,000	.....	141,728	1,502	2,071
36. Sanford Spinning Co	New England Cotton Yarn Co	(4)	(4)	37,336	20,160	.....	.....
37. Seaconnet Mills	William N. McLane	1884	600,000	.....	68,384	683	1,028
38. Shove Mills	Cyrus C. Rounseville	1872	550,000	.....	77,728	1,000	1,102
39. Stafford Mills	Samuel W. Wilkinson	1871	1,000,000	.....	114,584	1,871	950
40. Stevens Manufacturing Co	George H. Hills	1892	700,000	[5] 16,764	.....	136	314
41. Tecumseh Mills	Simeon B. Chase	1866	750,000	.....	78,960	336	1,360
42. Troy C. & W. Manufactory	Herbert H. Horton	1814	300,000	21,744	28,560	.....	1,098
43. Union Cotton Manufacturing Co	Thos. E. Brayton	1879	1,200,000	24,640	85,680	779	2,075
44. Wampanoag Mills	W. Frank Shove	1871	750,000	3,336	81,424	814	1,254
45. Weetamoe Mills	Enoch J. French	1871	500,000	13,200	32,034	983	248
			32,960,000	450,286	3,486,678	36,359	57,545

[1] Preferred, $100,000; common, $200,000. [2] Dept. 15 and 16. [3] Preferred, $350,000; common, $700,000. [4] Dept. 17 and 18. [5] Equivalent to 63,000 P. C. spindles.

Total spindles, 3,936,944. Total looms, 93,904.

Statistics of New Bedford (Mass.) cotton mills.

Names.	Number of mills.	Capital.	Spindles.	Looms.	Employees.
Acushnet Mills	3	$1,000,000	105,336	3,700	1,050
Anderson Textile Manufacturing Co	1	18,100	2,400		20
Beacon Manufacturing Co., common	1	237,000	6,528	200	350
Beacon Manufacturing Co., preferred		250,000			
Booth Manufacturing Co., common [1]	2	500,000	50,000	1,300	500
Booth Manufacturing Co., preferred		750,000			
Bristol Manufacturing Co	1	1,000,000	67,040	1,954	820
Butler Mill	1	1,500,000	100,000	2,050	850
City Manufacturing Co	2	750,000	65,312	(2)	650
Crescent Manufacturing Co. (silk)	1	65,000		107	75
Crescent Manufacturing Co., preferred		35,000			
Dartmouth Manufacturing Corporation	3	1,200,000	200,000	5,700	2,200
Dartmouth Manufacturing Corporation, preferred		600,000			
Gosnold Mills Co., common	2	825,000	82,232	3,200	1,100
Gosnold Mills Co., preferred		825,000			
Grinnell Manufacturing Co	3	1,000,000	128,000	3,135	1,100
Hathaway Manufacturing Co	2	800,000	108,328	3,700	1,020
Holmes Manufacturing Co., common	1	600,000	63,000	(3)	600
Holmes Manufacturing Co., preferred		600,000			
Kilburn Mills	2	1,500,000	115,000	(3)	1,200
Manomet Mills	2	2,000,000	126,288	(3)	1,400
Nashawena Mills	2	2,500,000	125,000	4,000	1,600
N. B. Cotton Mill Corporation	1	350,000	65,000	1,200	600
N. B. Cotton Mill Corporation, preferred		750,000			
Nelld Manufacturing Co.[1]	2	800,000	55,000	1,500	500
N. E. Cotton Yarn Co	9		[3] 307,436	(2)	[3] 3,360
Nonquitt Spinning Co	2	2,400,000	130,000	(2)	1,400
Page Manufacturing Co	1	1,000,000	63,000	1,748	600
Pierce Manufacturing Co	2	600,000	116,008	3,164	1,200
Pierce Bros. (Ltd.)	1	700,000	53,000	1,200	500
Potomska Mills	3	1,200,000	109,600	2,600	1,200
Quissett Mill [1]	1	1,000,000	80,000	(2)	700
Sharp Manufacturing Co., common [1]	1	1,200,000	80,000	(2)	650
Sharp Manufacturing Co., preferred		300,000			
Soule Mill	1	1,260,000	93,000	2,300	850
Taber Mill	2	1,300,000	70,720	1,600	700
Wamsutta Mills	9	3,000,000	228,836	4,300	2,200
Whitman Mills	3	2,000,000	139,200	4,222	2,000
Total	67	36,415,100	2,935,264	52,880	30,995

[1] When mill now in course of construction is in operation. [2] Yarn. [3] In mills located in New Bedford.

Mr. PAYNE. Mr. Chairman, I yield 45 minutes to the gentleman from Rhode Island [Mr. UTTER].

Mr. UTTER. Mr. Chairman, there is an oriental legend that, it seems to me, the American Congress at a time like this might well listen to, and perhaps from its moral find something that will help it. The legend runs like this: A father had three sons, and when the time came for the boys to start out in the world to make their own way he gave unto each of them a peculiar gift. He gave to one an all-seeing eye, an eye by which its possessor could see everywhere, everything, at all times. To another he gave a carpet which would carry instantly, on the owner's wish, whoever owned it to any place that he might desire. To the third he gave a cure-all that was warranted to cure all the ills to which flesh is heir. The boys chanced to come together one time, when he with the all-seeing eye discovered that the father was sick. With the carpet which the second boy had the three hastened to the father's bedside, and with the cure-all they saved their father's life. When the story is told in the Orient, the question always asked is: "Which saved the father's life?" And no man can tell.

It seems to me that when the American Congress, composed of Representatives from various sections, yet all meeting here as Americans and not as sectionalists, comes to consider a question of the importance that this one is admitted to be, a question that is fundamental to our common concern, it has a duty to ask of itself whether it is right to strike even a single factor that is powerful in the saving of the common good with so little thought as has been given to this proposition.

It requires no particularly patriotic spirit for a man to recognize some of the things that it means to be an American citizen. It is no idle thing for a man to be an American citizen, it is no empty opportunity. With the opportunity, however, comes responsibility, and any man who finds in citizenship only the opportunity which it affords loses the true American idea, because opportunity always brings responsibility, and more especially to those who assemble in a place like this. One thing has astonished me not a little in the time that I have been here, and that is to see how almost universally we run back to the thought of what our public action may possibly mean to us personally, when the thing we ought to bear in mind is the effect that the action is to have, not upon ourselves personally, which is a small matter, but the effect of the action on the Government as a whole, which is an important matter. We stand here as Americans, and, Mr. Chairman, think what it means at the present time! We have a country that is in the forefront of the nations of the world. It makes no difference whether it is the North or the South or the East or the West, it is all American. What has put us where we are? Not simply the vigor and the strength that comes from the North. Not simply the vigor and the strength that comes from the South, the East, or the West. Wherever there is strength and vigor there is American progress, whether it is in one section or another. Therefore we should consider these great questions with a purpose single to American progress.

Did you ever think of this, and some of you must have, because it has been so plain that you must have noticed it, that there is no nation on God's footstool to-day that has the degree of general education that we have? Do you know that of all the money that is contributed from public sources toward public-school systems in the whole world more than four-tenths comes from the American people? Do you recognize that we have a national credit to-day that is the equal, if not the superior, of that of any other country on earth? If we should take the figures at the time of the recent sale of Panama bonds, we would find that we could claim the first credit of any nation in the world. Do you realize that through this country, from north to south, our savings banks are the wonder of the rest of the world? We have savings banks, wherever we go, that furnish the funds for all of these industries; and whose money is it? It is not the money of the rich man, not the money of the large holder, for the figures show that in such banks the deposits run very rarely over three or four hundred dollars to the individual, and the highest aveage in any State is only a little over $500. It is common money, it is the money of the people, and from wherever we may chance to come we have a duty, in considering a matter of this importance, to consider what this great financial resource means for us as a people.

No man, it seems to me, ought to claim that all of this has come from the protective tariff. I am a protectionist from the top of my head to the soles of my feet, but I would not claim that all of this prosperity is the result of the protective tariff alone. We have had immense resources; we have had immense gifts from nature; and we have had what counts for more than anything else, and which we so many times forget—the inspiration of the American ideal of what life should be. Men, therefore, have not been considered as machines.

I saw not long ago that some chemist in Harvard University had undertaken to demonstrate by a test tube the amount of food on which a man could live, and the answer made—and a complete answer it was, too—was that men are not test tubes; they are human beings. And so the American ideal presses us forward. We are not test tubes or machines, but there is an ideal back of our life, an ideal of which American manhood is a product.

Now, I assert, notwithstanding the fact that I do not claim that all this prosperity has come from the protective tariff—I can not shut my eyes to the fact—that during the last 50 years, when this progress has been so marked and great, that the protective tariff has prevailed in this country, and feel that it has worked for the advantage of the North, the South, the East, and the West. It has not been for the advantage of one State or one section. It has been for the advantage of the country as a whole. And therefore, when we come to a question like that which is now presented to the American Congress, a question striking at one of the very fundamentals of this common prosperity, is it not wise that we should stop and look and think what such a blow may mean?

The question that has before and is now presenting itself to this special session is fundamental. We have been told repeatedly by those in authority that the changes that are now proposed in the tariff law are fundamental changes; that they involve not simply changes in rates, but a change of principle. They are not simply to cut down or to raise; they are to strike at the fundamental principle from the very start. That I may sustain myself in that assertion, I would like to read to you for just a few minutes a few extracts from speeches that have been made by leading Democrats during this session.

Mr. UNDERWOOD, of Alabama, on May 2, 1911, as reported in the CONGRESSIONAL RECORD, page 793, said:

Our position is that the taxes levied at the customhouse are for the sole purpose of producing revenue to support the Government of the United States, and that we are not justified in levying taxes for any other purpose.

Mr. ADAMSON, of Georgia, on April 25, 1911, as reported in the CONGRESSIONAL RECORD, page 568, said:

A Democratic tariff system, constructed upon proper Democratic principles, would contain no rate higher than was adjudged to be the best revenue-producing rate, and the range would be from that down to nothing.

Mr. CANTRILL, of Kentucky, on April 28, 1911, as reported in the CONGRESSIONAL RECORD, page 696, said:

Levy no tax save for revenue only.

Mr. BARTLETT, of Georgia, on May 16, 1911, as reported in the CONGRESSIONAL RECORD, page 1232, said:

The principles which guide me, Mr. Chairman, in my determination are briefly as follows: * * * That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

Mr. HARDWICK, of Georgia, on May 16, 1911, as reported in the CONGRESSIONAL RECORD, page 1245, said:

My construction of the time-worn battle cry of our party, "A tariff for revenue only," may not be the conventional one, but it is, I believe, the one that sound statesmanship suggests. As I interpret that phrase, "only" is not an adverb of purpose but is an adverb of effect, and duties should be laid not only for the sole purpose of obtaining revenue, but so as to have no other effect except to raise revenue.

Mr. HULL, of Tennessee, on June 10, 1911, as reported in the CONGRESSIONAL RECORD, page 1895, said:

The sole purpose of Democrats in imposing duties on imports is to secure necessary revenue for the Government.

After reading these extracts it is only fair to say that these gentlemen are carrying out the policy which they believe to be the policy of their party, and that they are carrying it out in the true faith of their ideas. But what excuse can you make, what excuse are you making, to the public for bringing in this bill at this time? It has been said on this floor that the majority is doing it at the command of the American people; but it seems to me that any man who will read the newspapers of last year will discover that the command was not to change a fundamental policy. What command there was received was only to change certain conditions which could be affected but little by the tariff. The condition vital to the people at that time more than anything else was the high cost of living, and that high cost was not the result of the tariff. The condition that aroused the feeling was not a desire for a change of principle, but only a change in certain schedule rates.

Ah, gentlemen, as I look at your position I think of one event in ancient history. Away back in early Jewish days, we are told, there was a young man whose name was Absalom. He longed for rule and for control. Day after day he stood by the gates of the city and said to every man who passed, "Put me in power and I will give you the right in every case, no matter what you may imagine the wrong to be." But I would like to warn you. The end of that young man was that his hair was caught in the branches of a tree while he was riding on a mule, and he lost his life. [Laughter.]

As I said before, I stand as a protectionist, and, being a protectionist, of course you would not expect me to favor a bill that contained anything but protection principles. I am a protectionist because of what I have seen and observed, because I believe that the protective policy has built us up as a people, and because I have noticed that whenever that policy has been abandoned during the last 50 years there have come periods of want. And no man can deny it. It is not a theory, but an actual, living fact, that every man who reads knows, and every man who lived during those unfortunate times knows. Yet, while I am opposed to the pending bill on principle, and refuse absolutely to vote for it because of that, I have some things I want to say that I think at this particular time the gentlemen who sit on the opposite side of the aisle, as well as those on this side, should consider, and having considered, not favor a bill of this kind.

In the first place, this bill is ill timed. There is no public call for a bill of this sort—a bill that strikes at the foundation of one of the chief industries of the country. There has been no call coming up from the people; there has been no evidence of existing trouble. No man ever made the accusation that in the cotton industry there was a trust. Some men may have said that in the thread line there is a trust, but I am not sure that even the great thread corporation is a trust, but rather that it is a world-wide industry controlled by one firm. But so far as the cotton industry in general is concerned, it has an open field. In my own State there are 106 mills, according to the last census report, showing that in that State surely there is no combine. Rhode Island is interested in this great industry because of the people who are employed in it, not simply because of the manufacturers, and Rhode Islanders are depending on the stability the American Congress can give to an industry like that. Too many times we talk about the American manufacturer as though he were the whole thing. Rhode Island's 106 mills employ 656 salaried men and clerks, and have some 29,000 persons employed as wage earners in the industry, who, with four to a family, would represent a total of nearly 119,000 people dependent upon that industry alone. If there has been no call for this legislation, if there has been no demand for it, if there has been no general demand for it, why should it be advanced at this time?

In the second place, this bill has been ill prepared. Anybody who reads it knows that is the fact. You can not frame a bill of this sort with justice to the interests involved without giving it more attention than has been given to this one by the Ways and Means Committee. Has there ever been a time before when a matter of this importance has been brought before the American Congress without giving the people who are largely interested an opportunity to express their opinions or when their request to be heard has been denied? I remember that something was said this afternoon about a committee representing the American Cotton Manufacturers' Association, with headquarters at Charlotte, N. C., being told that they might present a statement to the Ways and Means Committee. I would like to read a copy of the letter sent in reply to their request:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 6, 1911.

Mr. R. M. MILLER, JR., *Charlotte, N. C.*

MY DEAR SIR: The Democratic members of the Ways and Means Committee had its first meeting on the cotton schedule this morning. After looking over the facts before us and the briefs, they concluded not to go into general hearings on the subject.

I am in receipt of the brief you have already filed with the committee, and it will receive careful attention. Should you desire to place further facts before us, I will be glad to receive them personally, or by letter, as you desire. We will probably be at work on the cotton schedule for the next 10 days before reaching any final conclusion in reference to the matter.

Yours, very truly, O. W. UNDERWOOD, *Chairman.*

But it was not always so. It was not always recognized, even by the gentleman who signed that letter, that ignorance might be bliss in a matter like this. There was a time when he, too, was willing to confess that men who framed a bill of this kind needed accurate knowledge. Let me read to you what appears in the CONGRESSIONAL RECORD of January 30, 1911, page 1752. The gentleman from Alabama [Mr. UNDERWOOD] said:

I have tried to render faithful service to my country and my party on that committee [the Committee on Ways and Means]; and I say to you candidly that there is no proposition that I have ever had to face that has confronted me with more difficulties than to attempt properly to adjust the tariff rates in conformity to the principles of my party without having sufficient information on which I could base my judgment.

After an interruption he continued:

Now—

Referring to the legislation authorizing the appointment of a Tariff Board—

there is no doubt that the sole purpose of this legislation is for a board to be appointed to gather facts, not to reach conclusions, and to lay those facts before this House; not facts that the board wants to lay before this House, but facts that this House shall order the Tariff Board to bring before it. You know, and every Democrat here knows, that one of the greatest difficulties we have had to face is, that when the Ways and Means Committee goes into session to ascertain the facts upon

which they can write a tariff bill, the only men that are sufficiently interested to come before us and give us the facts are the protected industries of the United States. And yet to-day you would vote to continue that condition, to continue to place us absolutely in the hands of the protected interests of this country for the information on which we are to write a tariff bill, and refuse to give us the board that will be composed of men who, by law, are authorized and directed to investigate under our direction and to ascertain facts on which we can base an honest tariff legislation.

Now, that is the issue. My friend from Tennessee—

Because it was the gentleman from Tennessee who interrupted him—

wants to know why we should want information in reference to a bill written for revenue, and revenue only. Why, my friend, of all the bills that require information, the man who is writing a tariff bill for revenue needs information the most.

[Applause on the Republican side.]

Then Mr. SIMS, of Tennessee, broke in:

Mr. SIMS. I beg the gentleman's pardon. I said the difference in wages abroad and here, so as to ascertain what rates were to be levied to equalize.

Mr. UNDERWOOD. That is only one of the incidents. If you are writing a bill for protection, you can put it higher and higher—high enough to keep out competition—and you have a good bill for protection.

Then Mr. CLAYTON, of Alabama, spoke:

Mr. CLAYTON. If the gentleman will pardon me, if you want it for the support of the Government, can you not keep writing it lower and lower, so as to lessen the tax on the people?

To that question Mr. UNDERWOOD replied:

Mr. UNDERWOOD. That is true if you could afford to play hide and seek with the Treasury of the United States, but it is our duty, my fellow Democrats, not only to write a tariff bill solely for revenue, but also to write one that is capable of raising sufficient revenue to run this Government, and we must know what we are doing, and not guess at it.

It strikes me, Mr. Chairman, that in the framing of this bill there has been a deal of "guessing." When you take a bill of this kind, and admit that the first time the Ways and Means Committee met to consider it was on July 6—a fact admitted over the signature of the committee's chairman—you must admit one of two things: Either that you are "guessing" at what you are doing, or that you are accepting the figures and conclusions of somebody other than yourselves. [Applause on the Republican side.]

It was said here this afternoon that of the 14 Democratic members of this Committee on Ways and Means 10 are new to that committee. What right had they to say that because the committee had hearings two years ago they were therefore sufficiently equipped with information? It is only to beg the question and to acknowledge to this American Congress that they are untrue to their promises of faithful service and untrue to the American people. [Applause on the Republican side.]

Now, in the third place, there is a peculiarity about this bill which I think should bar it from serious consideration, and that is the peculiarity whereby it provides for a change from specific and ad valorem duties to purely ad valorem duties, a method that has been approved by no Secretary of the Treasury except Robert J. Walker. We have proven by experience that with a combination of ad valorem and specific duties we are able in a fair measure to regulate tariff duties.

But we can never control these duties, so long as human nature remains as it is to-day, by the ad valorem system only. That is the unanimous testimony of all men who have had charge of collections, and the testimony of all men who have watched the tariff laws in operation. Just so long as human nature is open to temptations to undervaluations, just so long you will have trouble with that system. It has been the history of the past and it will be the history of the future.

Let us see what some people in the past, who have had experience on this matter, have said. James D. Power, a special agent of the Treasury, at the time the Mills bill was under consideration, made this statement:

Ad valorem rates of duty afford temptations and opportunities for fraud which can not be guarded against, even by the most rigid rules and vigilant watchfulness. The assessment of values under this system is based upon expert knowledge of values, the most uncertain and arbitrary method that could be devised. Under the ad valorem system fraud has prospered and demoralized the importing trade, which has passed from the hands of American citizens into the control of men who have taken advantage of our high import duties to enrich themselves at the expense of the revenue and the ruined trade of American wholesale firms. Fraud of this nature is difficult to detect and more difficult still to establish. In the absence of documentary proof it resolves itself into a mere difference of opinion between experts; and the owner of the suspected goods can at all times procure experts who will maintain the correctness of his invoice prices, or he may select an easier and more convincing and efficacious line of defense by procuring affidavits from his buyer or partner abroad to the effect that the invoice cost was the actual price paid for the goods.

And now listen. In the debate on the Mills bill on this floor William McKinley said:

Now, Mr. Chairman, there is one leading feature of this bill, which is not by any means the most objectionable feature, but which, if it stood alone, ought to defeat this entire measure; and that is the introduction of the ad valorem system of assessment to take the place of the specific system now generally in force. You all know the difference between the ad valorem system and the specific mode of levying duties. One is based upon value, the other upon quantity. One is based upon the foreign value, difficult of ascertainment, resting in the judgment of experts, all the time offering a bribe to undervaluation; the other rests upon quantity, fixed and well known the world over, always determinable and always uniform. The one is assessed by the yardstick, the ton, and the pound weight of commerce, and the other is assessed by the foreign value, fixed by the foreign importer or his agent in New York or elsewhere; fixed by the producer, fixed by anybody at any price to escape the payment of full duties.

But listen again, you gentlemen on the other side of the aisle. Secretary Manning, a man who was a sound Democrat, a man whose life and whose record shed honor on the Democratic party, said this:

Whatever successful contrivances are in operation to-day to evade the revenue by false invoices, or by undervaluations, or by any other means, under an ad valorem system, will not cease even if the ad valorem rates shall have been largely reduced. They are incontestably, they are even notoriously, inherent in that system.

And yet our Democratic friends come here and propose in the name of reform, propose in behalf of the "dear people," propose in behalf of the American Nation, to introduce again into our tariff laws a system that has been condemned in the past and which, if adopted now, will be condemned again in the future!

And now, in the fourth place, there is no one who can dispute that the passage of this bill will strike at the very foundation of one of America's great industries. There is nobody who can dispute that the change of method proposed will not only work a temporary injury, but an injury that will be lasting, if it should be enacted into law.

What is the condition of the cotton industry to-day? The cotton industry is dull, partly because of the high price of cotton during the last two or three years, and also because since last November it has been known that a Democratic Congress sooner or later would be tinkering at this tariff. This knowledge has had a serious result on business affairs.

I am willing to admit that in the lower grades of cotton goods we are, perhaps, able to hold our own with small protection. I think that is true. I think the figures that have been brought in here indicate that; but when it comes to the better classes of cottons, when it comes to the classes of cottons into which American labor enters, when it comes to the classes of cottons that every American ought to be proud that we can make in this country, we have trouble in that line.

Now, I am not particularly strong on figures. I do not know very much about percentages. My predecessor once remarked in public that he had a high opinion of percentages so long as he, Adin B. Capron, stood 100 per cent; but by and by, when he took a wife, there were two in the family, and yet he was only 50 per cent. A little later, when the little Caprons came along, his proportion went down, although the family continued to increase. [Laughter.] So I think, when we deal with percentages, we are apt sometimes to find ourselves lost between the percentage and the whole number, and we better, therefore, speak in a much more general way.

I have here two samples of cotton goods, such as are made in some Rhode Island mills. These particular samples were not made there, but they are samples of what the Rhode Island mills seek to equal and to meet in competition. I want to show you in figures, not percentages, just what it means.

Here are three samples of Anderson's ginghams, made in Scotland, probably the best line of ginghams of which the world knows. Any woman who buys ginghams knows what Anderson's ginghams are. We have in the State of Rhode Island a mill that has been undertaking to get into the market in competition with these. Now, this piece of goods sells across the water at wholesale for 14 to 16 cents, depending upon the raw material cost—say an average of 15 cents. When you add to that the brokerage, the commissions, the transportation, and the duty, you land it in New York for 21 cents. The very lowest price for which an up-to-date, absolutely efficient, modern-machinery mill in Rhode Island can make and sell that cloth is 20 cents, 1 cent less than it can be laid down in the city of New York by a Scotch manufacturer under the present tariff rates. Remember one thing, the wholesaler is subject to certain conditions that the retailer feels. An American man, like an American woman, for some reason or other, will pay more for goods that are made across the water than for those made in this country, even if they be no better. Nobody can tell why that is. If you should undertake to find an explanation you would fail; and perhaps you would fail if you should try to explain why it is that the "friends from home," when they return from Washington, are always glad to tell their neighbors that they shook hands with their Congressman. Somehow or other it is inbred. It can not be overcome. Yet that is one of the things that the American manufacturer has to contend with. If you change your tariff rates, as you

propose here to-day, the Englishman will lay these cotton goods in the port of New York at 18 cents, and they can not be made in America for that price.

Now, here are some other samples of a similar line that I want to confer with you about. These also are samples of English make, representative of what American manufacturers are competing with. I have some American goods here also which I may show to you before long, but I am showing you these English samples because I think they will carry my point a little better. These are English goods brought across the water and sold here for about 15½ cents. We can not meet these goods at more than a half a cent or a cent less, on a 5 per cent profit. Why is it? Is it because of the American wage, about which so much has been said? It is because of the American wage in part, but also because of the American investment. No man can measure the tariff by the figures you may write out as drawn only from wages paid. Every man knows who knows anything about it that you have to take into this the rate at which the investment can be secured. You can build and equip a mill in Europe for at least 75 per cent less than in the United States. That includes the machinery. This difference is an item that must be taken into consideration; and is it any wonder, then, that the American manufacturers are worried over this bill? And, gentlemen, do not take my word as one that comes from the State of Rhode Island alone. I want to read an extract from a newspaper whose editor is familiar with the textile business, the Fiber and Fabric, published in Boston, of July 8, 1911. I read from an editorial:

TIME TO WAKE UP.

The effects of continued dullness in cotton manufacturing is shown in the passing of dividends and depreciation in the values of mill shares, and primarily the trouble and the losses result from the action of Congress and its apparent tariff policy, as under the proposed tariff changes it will be an impossibility to carry on a successful business in the manufacture of cotton unless pronounced changes are made in, first, the price of raw material, and, second, the wage now paid the cotton-mill operative.

If American manufacturers could operate their mills upon the wage basis in force in England, Germany, and France there would be no objection to a low tariff or even to absolute free trade. But experience teaches that American labor does not propose to place itself upon the foreign level, and consequently a tariff revision downward is bound to bring industrial strife that will menace the industry and generally disturb the peace of the manufacturing communities.

There are no ifs or ands about this fact. It is as sure as anything is sure, and in addition to the labor friction there are two features to a low tariff that have been overlooked, and perhaps their seriousness misunderstood. In the first place, the millions of investors' money tied up in textile securities will not have the same earning power as under a protective tariff, and as a result dividends will be reduced or passed indefinitely, and in New England alone more than 100,000 people will have their income reduced. In our textile communities we have thousands of merchants and professional men who depend almost entirely upon the mill people for their existence. If the earning power of mill hands is reduced 50 per cent, the trade of these merchants is correspondingly reduced, and many of them will be forced out of business or have their incomes greatly reduced. Already, owing to agitation on the tariff, all factors in the textile industry have had a bitter taste of what is coming under the proposed Underwood tariff, which is neither sensible nor sufficiently revenue producing to meet requirements. If the measure is passed, and receives the signature of the President, it is a case of "Cheer up, the worst is yet to come."

Now, let me say one word further on this fourth point. There is nobody, no matter on which side of the aisle he sits, nobody engaged in public or private affairs of this country, who does not know that striking at the foundation of an industry like cotton, striking at the foundation of an industry the way this bill does, is sure to endanger things seriously.

Now, in the fifth and last place. I have already told you how the men in charge of some of these matters have felt the necessity for information. I have already read to you how the chairman of the Ways and Means Committee put into the RECORD what we all believe to be true, that the work of the Tariff Board, soon to be forthcoming, is to be an impartial dealing with facts. Nobody on the floor might advise passing the authority of making rates over to a board independent of Congress, whatever the legality of so doing; but this Congress ought to welcome information obtained in a nonpartisan way. True it is that men who have appeared before other committees have sometimes come with their own axes to grind. True it has been that no matter whether they ask for free raw material or a tax on goods they have come sometimes with a proposition affecting their own pockets. Now, for the first time, however, we have inaugurated a system of obtaining information from a Government source, and its reliableness will compare favorably with that received from other Government sources. How foolish and reckless it would be for an American Congress to hustle through here, only four months before the report from that board is to come in, a bill that will strike at the foundations and disturb the industries of the American people. [Applause on the Republican side.]

Now, Mr. Chairman, of course what I have said has not been said with the thought of moving members on the other side of the aisle. For them the king has spoken, and the king is Caucus. But the men on this side of the aisle, the men who still believe in the policy of protection to American industries, I ask them to oppose this bill, and not, perchance because they feel a little hungry and weary, sell their birthright for a mess of pottage. [Applause on the Republican side.]

Mr. PAYNE. I now yield 30 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, this is the third tariff bill of this session. A few important facts are disclosed in its record to which attention has been called, but until recently the public has been given little consideration.

The great Northwest last fall alone stood for Republicanism and sound economic principles. It is now receiving its punishment. First, the so-called farmers' free-list bill came into being from the majority caucus over night without evidence, hearing, or consideration. The farmers of the Northwest were told that "meats and cereals," the large sources of their annual wealth, were to be placed on a parity in the great markets of the United States with the products of the fields and pastures of the Argentine, Canada, Mexico, and the world, while our meats, with the exception of England, must pay tribute at practically every port of the world. In this case the tariff was reduced 100 per cent.

Then came wool. This being more distributed and reaching lower latitudes was given some consideration and investigation. A reduction of from 55 to 60 per cent of the duty on wool was made. This was considered for a few short weeks.

Now comes cotton, confined in its production to low latitudes. The time was long and the consideration protracted before a bill was drawn, the reduction being about 43 per cent of the present duty. A Member of the majority has suggested that with this system of reduction, as the various schedules are taken up, by the time the furnaces of Birmingham, citrus fields, and the mica hills are reached the term is liable to expire or the revision become upward. As to the present bill, I look over the membership of this House from where cotton is produced and conclude that they all want cotton prices reduced. Looking through the Carolinas and New England, where the cotton mills are, it will be noticed in the reduced Republican vote and the increased Democratic membership here, that the mill workers want less wages or closed factories. Might it not be well to give them what they have deliberately asked for after you have compelled us to take that against which we protested?

I should not have spoken at this time had it not been for the delivery of two remarkably intense partisan pension speeches which have recently been printed in the RECORD. One was by the gentleman from Indiana [Mr. ADAIR], and which speech is found on page 3432 of the CONGRESSIONAL RECORD; the other by Gen. SHERWOOD, of Ohio, found on page 3451 of the same highly interesting publication. Of course it is not unusual for cotton to cover many irregular procedures, and that may be why they took advantage of this situation.

Each of these speeches relate largely to personal and political fortunes; that is, to the personal and political fortunes of the speakers. But their burden is to excuse themselves and the majority of the House for neglecting to report a general pension bill. The committee was organized on the 11th of April; bills had been promptly filed at the beginning of the session. The whole pension plan had recently been fully discussed, and the Sulloway bill passed near the close of the last session; it was not acted upon owing to the crowded condition of the Senate Calendar.

The old soldiers looked confidently to the new chairman of the Invalid Pensions Committee for prompt action. There was no congressional power to stop him in reporting his own or some other general bill, but no bill was reported. The people noted his votes on May 12, page 1182, and June 2, page 1722. Then they took the other slant and began to think he might not be able to prevent a bill being reported. They looked with interest upon recurring Mondays for action, but those days were avoided by the majority as if they were days of recurring pestilence. The majority leader some time ago announced that there would be no pension legislation this session.

Three defenses are submitted: First, they have a letter. It is said the chairman of the Senate Pensions Committee wrote to them that there would be no pension legislation this session. Since when did this House begin to take orders from any man or body of men? True, the President told the majority to vote for reciprocity, and they obeyed. Now the senatorial chairman tells them "no pension legislation," and marked obedience follows. I wonder why the new chairman of Finance at the other end of the Capitol did not write a letter to Chairman UNDERWOOD saying there would be no tariff legislation, which would have sent us home to our families

long ago. If it would not prevent our worthy Speaker from running for the Presidency and being beaten, I would suggest to our national chairman that he write a letter to the Democratic chairman telling him to see to it that no Democratic nomination be made. [Laughter.]

Second. But if Republican command is powerful, how much more powerful does the gentleman from Indiana make Republican precedent. He says "in an extra session two years ago the Republican Congress being called in extraordinary session for tariff revision did not pass any general pension legislation." That body kept within the scope of the subject for which it was called and did practically nothing else, while this session, ignoring the scope of the presidential call, organized all committees with secretaries, assistant secretaries, doorkeepers, and messengers, who, with few exceptions, slumber and sleep, waking only on the monthly terminals to draw their salaries, which they are given little opportunity to earn.

If Republican precedent should govern in pension matters it ought to govern in tariff and other legislation, and following precedent by leaving the tariff alone or revising it along protective lines. You had time to put meats and cereals on the free list and call it part of the farmers' free list by handing the subject to a butcher and allowing him to cut the bill out with a meat ax, then handing it to one of the pages to correct the spelling, and sealing it with caucus approval, passing it without dotting an "i" or crossing a "t." [Laughter on the Republican side.]

You took weeks to prepare your wool schedule and months for your cotton schedule, but no time for pension legislation.

The three tariff bills are new legislation. There is a special reason why pension legislation should have been considered at this session and the others not. In the hurry of the closing days of last Congress the following bills passed the House, but failed in the Senate for the lack of time to dispose of them:

Apportionment, statehood, publicity, reciprocity, and a general pension bill. In all reason, if any legislation should have precedence, this should have come first. Each of these, with the sole exception of the pension bill, has been taken up by this House and passed. Pension legislation alone of the unfinished business has been denied a hearing by the majority of this House.

When the gentleman from Indiana has the assurance to charge the Republicans with hypocracy on pension legislation he asserts that he does not like hypocracy. That reflects good taste, but his taste should be discriminating. When it is seasoned with assurance and garnished with gall, it seems to him to be a palatable morsel. On page 3433 he says:

> For five years I have stood upon this floor pleading for more liberal pensions and have done everything in my power to secure them.

I assume that his statement is correct, but I am compelled to add that no part of that five years is included in the last four months. And why? He plead with whom? He must have plead with his political opponents. Why? He must have considered them friends of pension legislation. He now ceases to stand and plead with his own political associates who are in power because he knows it is useless, as they are not and never have been the friends of liberal pension legislation. He modestly states on page 3433 that—

> It is a well-known fact that it was our work that forced the Sulloway bill out of the committee last winter.

The thought occurs to the country, why, if he is so powerful with the opposition, he does not train his persuasive and hypnotic powers now upon his friends. More than this, on Mondays, when the Anderson or Sherwood bill could have been called up, we waited to hear the pleading of the gentleman from Indiana for liberal pension legislation. I find his pleadings to have been turned into a protest. We find that in the list of those whose votes are recorded, in effect, against the consideration of pension legislation—I call your attention especially to June 19, at page 2268—and on that roll call the name of ABOU M. ADAIR "leads all the rest." [Laughter.] Our friend might well be described as among those—

> And many there are who could if they would,
> Do that which they ought to do, can do, and should.
> But halting in purpose, and idle in mood,
> Excuse themselves, saying, "I would if I could."

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. I do.

Mr. GARRETT. I get the idea from the gentleman's remarks that he is very strong for pension legislation. Is that correct?

Mr. SLOAN. I am in favor of pension legislation; yes. The gentleman's guess was right the first time.

Mr. GARRETT. I am very glad to have guessed right.

Mr. SLOAN. Well, I am very glad that the gentleman is glad.

Mr. GARRETT. Then we are both satisfied.

Mr. SLOAN. I hope so.

Mr. GARRETT. Will the gentleman give us the details now of the bill that he would prefer?

Mr. SLOAN. I express that later on in my discussion, and I will express myself as being in favor of a bill, the best bill that a majority of the men in this House will vote for, and I care not whether it bears the name of Gen. SHERWOOD or Mr. ANDERSON or Mr. ADAIR. All we ask for is a bill, and that you have denied.

Mr. GARRETT. I remember very well that I was induced by the remarks of the gentleman from Ohio [Mr. LONGWORTH], who studies detail very much, and the gentleman from Massachusetts [Mr. GILLETT], when the Sulloway bill was under consideration and it was being discussed, to vote against it because those gentlemen had studied the details. Now, what is the detail that the gentleman wishes the House to vote on—the detail of the bill?

Mr. SLOAN. I shall favor either bill that is presented here, or I should have favored either the Anderson bill or the Sherwood bill had it been presented during the last four months. I would have been in favor of the Sulloway bill. I am in favor of any liberal pension bill, be it presented from the Democratic side or the Republican side. All that the old soldiers of this country want is a liberal general pension bill, and the details may be fixed by the House; and if your caucus will only give your Members—and they can act with us—free rein, a bill will be sent to the country that will satisfy the old soldiers.

Mr. GARRETT. Yes; but that does not, however, answer my question. What sort of a pension bill does the gentleman favor?

Mr. SLOAN. A general pension bill I shall favor. Now, I yielded to a question and I think I have answered fairly, and I did not yield for the purpose of drafting a bill while yet on my feet.

The CHAIRMAN. Does the gentleman from Nebraska decline to yield further?

Mr. SLOAN. Oh, no.

Mr. GARRETT. In view of the elaborate statement the gentleman had made I had no doubt the gentleman had prepared in his own mind a pension bill.

Mr. SLOAN. The gentleman has no such doubt?

Mr. GARRETT. I am very much interested in it. I have never been opposed to pensions. Has the gentleman a pension bill to suggest?

Mr. SLOAN. I have not. I am not a member of the Pension Committee, but I am prepared to support the best bill that will be presented by this side of the House or the best bill that will be presented by the other side of the House. Is the gentleman, and is he now?

Mr. GARRETT. Yes.

Mr. SLOAN. Very well.

Mr. GARRETT. I am ready to vote for a reasonable pension bill and I have always been.

Mr. SLOAN. Then the gentleman and I will vote together and that at the first opportunity.

Mr. GARRETT. Will the gentleman state now what a reasonable pension bill is?

Mr. SLOAN. The Anderson pension bill.

Mr. GARRETT. The gentleman thinks that is a very reasonable bill?

Mr. SLOAN. Or the Sherwood bill, if you prefer.

Mr. GOEKE. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Certainly.

Mr. GOEKE. Does the gentleman think it makes very much difference whether the pension bill be passed now or deferred to the regular session, as to the time that the benefit will go to the soldier?

Mr. SLOAN. It makes a great deal of difference.

Mr. GOEKE. In what way?

Mr. SLOAN. If we vote it now, we can register that much progress and force it to its final passage that much sooner.

Mr. GOEKE. Well, no appropriation could be made providing for the payment of the pensions until the regular session——

Mr. SLOAN. They could get the benefit of what will be allowed them and the money can be appropriated so that it will take effect just as soon as this Congress sees fit to give it effect, although they might have to wait a little time for their actual payment.

The third defense pleaded is a list of 24 pension bills, with the following somewhat equivocal statements: "Showing our record on the pension question," "Look at the bills or laws passed by a Democratic House and approved by a Democratic President," "A Democratic House passed."

An analysis of these 24 bills shows that only one bill was passed by a Democratic House, Senate, and President,

A further analysis of the pension legislation since the Civil War discloses that only three great pension bills have been passed by Congress.

The first was in 1887. It was passed by a Republican Senate and Democratic House and vetoed by a Democratic President.

Second, the disability act of 1890. This was passed by a Republican House, Republican Senate, and signed by a Republican President.

Third, the age pension of 1907. It was passed by a Republican House and a Republican Senate and signed by a Republican President.

These last two bills grant the large amount of pensions to the overwhelming majority of pensioners. The amounts paid and the number of pensioners under other bills, while being substantial, in comparison with those coming under these three bills are inconsiderable. Of the 24 bills, all of minor importance, for which the gentleman from Indiana claims his party's credit, practically all were passed with the assistance of only one Democratic branch of Congress, while the President and the other branch of Congress were Republican.

One bill alone, as I have heretofore said, among the 24 was passed by a Democratic House and Senate and signed by a Democratic President. That bill related to increasing a few low pensions of $2 and $4 to a minimum of $6.

Upon the shelf of probably every Member of this House is a compilation of the pension laws. It is also within the reach of every citizen. An examination of that will reveal that at least 50 bills, more or less general in their character, have been passed since the Civil War, increasing ratings, granting valuable privileges, and liberal amendments to the statutes at the particular periods in force. The large majority of these bills were passed by Republican Congresses, signed by Republican Presidents, and, with but few exceptions, the Republicans contributed the action of one branch of Congress and the presidential approval to the enactment of all the others.

Attention is called to the special pension legislation. The following table shows special bills passed by the last 11 Congresses:

	House.	Senate.	President.	Bills.
Fifty-first (1889–1891)	Republican.	Republican.	Republican.	1,388
Fifty-second (1891–1893)	Democratic.	do.	do.	217
Fifty-third (1893–1895)	do.	Democratic.	Democratic.	119
Fifty-fourth (1895–1897)	Republican.	do.	Republican.	378
Fifty-fifth (1897–1899)	do.	Republican.	do.	694
Fifty-sixth (1899–1901)	do.	do.	do.	1,391
Fifty-seventh (1901–1903)	do.	do.	do.	2,171
Fifty-eighth (1903–1905)	do.	do.	do.	3,355
Fifty-ninth (1905–1907)	do.	do.	do.	6,030
Sixtieth (1907–1909)	do.	do.	do.	6,600
Sixty-first	do.	do.	do.	9,623
Total				31,966

This table, carefully scanned with reference to the responsible parties in power, is an eloquent tribute to Republican pension liberality and a powerful contradiction of the partisan claims of the gentleman from Indiana.

Mr. GOEKE. Will the gentleman yield further?

Mr. SLOAN. For a question material to that which I am particularly discussing, as my time is going on.

Mr. GOEKE. The Anderson bill is much along the line of the Sulloway bill.

Mr. SLOAN. I so understand.

Mr. GOEKE. Only a little more liberal, perhaps.

Mr. SLOAN. I should not object to the liberality.

Mr. GOEKE. The Senate declined and failed to pass that bill.

Mr. SLOAN. The Senate, I understand, did not decline——

Mr. SHERWOOD. It failed——

Mr. SLOAN. It failed, yes; as did these other matters of legislation, all of which have been renewed in this House, save and except the pension bill, and passed by the House at the dictation of a Democratic caucus of this House. If all the pension bills passed by a Republican House and Senate and signed by a Republican President were to be carried by the gentleman from Indiana, it would have made him as bowlegged physically as was the logic of his recent effort. [Laughter.] He gives his colleague [Mr. DIXON] the blame or credit of compiling the list. One might wonder what the gentleman from Indiana [Mr. DIXON] had against his colleague [Mr. ADAIR]. That record, like that of a person with a "past," had better never have been referred to. It is a record which had better be labeled "A conviction of dereliction and not a basis of boast."

With these defenses submitted, the American people will have little patience. Many will think that instead of these special and specious pleas you would better have followed the senior Weller's advice and tried to prove an "alibi." I find no fault with Gen. SHERWOOD's desire to have his name at the head of a general pension bill. His ill feeling expressed against so many in his own State and elsewhere throughout the country outside of this House and the vaunting of his own martyrdom perhaps work to the prejudice of his proposed bill. But if his martyrdom in his home State, so graphically described, is of a kind and character like that here claimed by him to have been suffered in this House, we can not accept it at par. Some of his comrades might like to see his name head the general pension bill, but the proper figures on their quarterly pension vouchers would please them better.

With all that has been said of the excellent record of Gen. SHERWOOD, I am pleased to accord; but this is a living age and not a period confined to reminiscence.

Mr. SHERWOOD. Will the gentleman allow an interruption? I want to say to the gentleman that in my speech which I made on the 26th of February, 1908, the first general speech I made on my dollar-a-day bill, I said I had no personal pride, and if the leader, mentioning Mr. PAYNE on the Republican side, would assume my bill and take charge of it I would never mention in public I had introduced such a bill. That shows whether I was ambitious to have my name at the head of a bill. [Applause on the Democratic side.]

Mr. SLOAN. I think it would be a decidedly laudable ambition.

Mr. SHERWOOD. But you misrepresented me in that respect and I desire to correct it. I have no ambition of that kind.

Mr. SLOAN. I accept the gentleman's statement and consider it with the other statements and facts, and each one can draw his own conclusion.

Between 1861 and 1865 was a time when his high courage carried him with life at stake against the enemies of his country. Then, and for a long time thereafter, his judgment guided him in the support of Republican policies. But this is a day when his lack of judgment makes him a Democrat and lack of courage while he holds the master-key of pension legislation affecting his former comrades in arms makes him cringe before the political lash of those whose ability makes it sting. It compels him to wear the clanking caucus chains making, instead of the militant hero of former years, a crushed victim of the new Washington system of "white slavery," the "Democratic caucus," over the outer door of which is written, "Who enters here leaves political independence behind," while over the inner portal is inscribed the threat, "Who departs herefrom leaves political hope behind." [Applause.]

Mr. SHERWOOD. Will the gentleman allow an interruption right there?

Mr. SLOAN. For a question; yes—for a material question.

Mr. SHERWOOD. In regard to my bill being a nonpartisan bill——

Mr. SLOAN. That is not the purpose for which I yielded, Mr. Chairman; and, Mr. Chairman, I desire that I have order.

Mr. SHERWOOD. I supposed you wanted the facts.

Mr. SLOAN. No, sir. I yielded for a question, and the gentleman knew it.

How times and measures change. Less than a year ago independence on the part of individual Members of the then majority of this House was lauded and heralded as the highest type of citizenship and public service. But in a few short months political independence of thought or action in the membership of the now majority has become an unpardonable political sin. Were we but individuals and our own masters, we might properly surrender to the absolute dictates of a caucus. But if we do surrender we carry with us the rights and privileges of the 200,000 people at home whom we represent. After all it is better while being partisan to wear your individual rights as "royal robes, your manhood as a crown." [Applause.]

It is not a question of which bill; it is the question of a bill. I think the Sulloway bill or its equivalent, the Anderson bill, the best measure which has received serious recent consideration. Gen. SHERWOOD should not keep his bill in hiding. He should have given us an opportunity to examine it. If it is worthy of its author's description, many of us would be ready to vote for it. Why should its mother and midwife prevent its birth? Let it be born. Following the lead of Gen. SHERWOOD and using a chicken metaphore, we say, "Produce." "We can endure your cackle if you will only lay the egg." [Laughter and applause.] It should have been passed and sent to the Senate long ago. One really creditable act might be placed in the list of achievements of this long and weary session.

You say Republicans should have acted before. You can never act earlier than now. Every day brings 540,000 ex-Union soldiers "one day nearer home." Every day's delay 100 are no more. While the roll is being called from week to week, by which you on that side prevent the Anderson or the Sherwood bill from being passed upon, two comrades fall by the way. While the gentleman from Indiana and the gentleman from Ohio spoke eight of those who wore the blue stepped into the ranks of the final majority.

Mr. SHERWOOD. Will the gentleman allow an interruption right there?

Mr. SLOAN. The gentleman heard what the gentleman from New York said about my time——

The CHAIRMAN. Does the gentleman from Nebraska yield?

Mr. SHERWOOD. I desire to call attention to the fact——

The CHAIRMAN. The gentleman from Nebraska declines to yield.

Mr. SHERWOOD. I want to call attention to the fact——

Mr. SLOAN. Does or does not the gentleman obey the gavel?

Mr. SHERWOOD. I did not hear it.

The CHAIRMAN. The gentleman from Nebraska declines to yield.

Mr. SLOAN. I always thought the gentleman was a good soldier and obeyed a command.

During the span of this session three veterans for whom I hoped to obtain special bills have turned their longing eyes from the Nation's Capitol to life's sunset, and earth's light to them is gone. I had hoped through special bills or general legislation to have had them provided some food, raiment, shelter, and medicine, and to so have eased their final moments that among their closing sentiments might have been gratitude to a generous Government which they once saved. These soldiers gave their youth, their strength, their opportunities; they risked their lives to reweld the Union and keep Old Glory in the heavens. They went against as brave and strong as they. The best and bravest in blue met the best and bravest in gray; valor met valor; strength met strength. Roman could not teach one nobility. Greek could give no lessons of grandeur to the other. The martial might of right met the inspiration of a fearful conviction, and that conviction a mistake.

These veterans for whom I plead were right. Let us be just, and that speedily, rather than generous, with too much delay. [Applause.]

Mr. PAYNE. Mr. Chairman, I do not desire to yield any further time this evening.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that the House had had under consideration the bill (H. R. 12812) to reduce the duties on the manufactures of cotton and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. SMALL, by unanimous consent, was granted leave of absence for 10 days on account of important business.

Mr. BARTHOLDT, by unanimous consent, was granted leave of absence for the balance of the session on account of important business.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until Tuesday, August 1, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate for an appropriation for the purpose of carrying into effect a special agreement for the submission and arbitration of pecuniary claims outstanding between the United States and Great Britain (H. Doc. No. 97), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13103) granting a pension to John E. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11870) granting an increase of pension to Stephen House; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11343) granting a pension to Livingston D. Smith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3790) for the relief of the estate of Samuel Very, jr., Committee on the Library discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUGHES of West Virginia: A bill (H. R. 13112) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge and approaches thereto across the Tug Fork of Big Sandy River at or near the mouth of the Williamson Branch in the city of Williamson, Mingo County, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON: A bill (H. R. 13113) to provide for the leasing of coal and coal lands in the Territory of Alaska; to the Committee on the Public Lands.

By Mr. BERGER: A bill (H. R. 13114) to provide old-age pensions; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 13115) to amend section 91 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. HULL: A bill (H. R. 13116) authorizing the Secretary of War to donate to the city of Lebanon, Tenn., four bronze or brass fieldpieces; to the Committee on Military Affairs.

By Mr. GRAHAM: A bill (H. R. 13117) for the erection of a public building at Carlinsville, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. AYRES: A bill (H. R. 13118) to create two new grades in the Post Office Department, applicable to clerks and carriers in cities of more than 1,000,000 population; to the Committee on the Post Office and Post Roads.

By Mr. LITTLEPAGE: A bill (H. R. 13119) to relieve certain corporations from the penalties provided by the act of August 5, 1909, that failed to make returns of their earnings for the years ending December 31, 1909, and December 31, 1910, within the time provided by law; to the Committee on Ways and Means.

By Mr. GARNER: A bill (H. R. 13120) to transfer a portion of Fort Clark Military Reservation to the State of Texas for a tuberculosis sanitarium; to the Committee on Military Affairs.

By Mr. CLARK of Florida: Resolution (H. Res. 258) asking information of the War Department; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: Joint resolution (H. J. Res. 138) for the appointment of a commission to investigate the matter of old-age pensions; to the Committee on Rules.

By Mr. BURLESON: Joint resolution (H. J. Res. 139) directing the Secretary of War to deliver possession and control over a part of Fort Clark Military Reservation to the State of Texas, to be used as a sanitarium for the treatment of tuberculosis; to the Committee on Military Affairs.

Also, concurrent resolution (H. C. Res. 14) directing the Secretary of Commerce and Labor to submit certain estimates; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 13121) granting an increase of pension to Mary A. Wildasin; to the Committee on Invalid Pensions.

By Mr. AKIN of New York: A bill (H. R. 13122) granting a pension to Lida E. McQuade; to the Committee on Pensions.

By Mr. ALEXANDER: A bill (H. R. 13123) granting an increase of pension to Charles Ferry; to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 13124) granting an increase of pension to Randolph Tompkins; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 13125) granting an increase of pension to Edward T. Smith; to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 13126) granting an increase of pension to James Kenney; to the Committee on Pensions.

Also, a bill (H. R. 13127) granting an increase of pension to Isaac Smith; to the Committee on Pensions.

Also, a bill (H. R. 13128) granting an increase of pension to Frank W. Petmecky; to the Committee on Pensions.

Also, a bill (H. R. 13129) granting an increase of pension to Major C. Hungate; to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 13130) granting an increase of pension to Joseph E. Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13131) granting an increase of pension to James R. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13132) granting a pension to Charles Augustus Cline; to the Committee on Pensions.

By Mr. CULLOP: A bill (H. R. 13133) granting an increase of pension to Alfred E. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13134) granting a pension to Woodson O. Angel; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 13135) for the relief of the heirs of James Childers, deceased; to the Committee on War Claims.

By Mr. EDWARDS: A bill (H. R. 13136) for the relief of the estate of Mrs. L. W. Davis; to the Committee on War Claims.

Also, a bill (H. R. 13137) for the relief of the estate of T. W. Quarterman; to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 13138) for the relief of Pierson Bros. & Co.; to the Committee on Claims.

By Mr. GRAHAM: A bill (H. R. 13139) granting an increase of pension to Henrietta Van Deusen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13140) granting an increase of pension to Herman Bohlmann; to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 13141) for the relief of the heirs of William T. Perkins; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 13142) granting an increase of pension to Mary Macombs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13143) granting an increase of pension to Patrick Conners; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13144) granting an increase of pension to Mary Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13145) granting an increase of pension to William S. Webb; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 13146) granting an increase of pension to Asa G. Canfield; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 13147) granting a pension to George W. Lusk; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 13148) for the relief of James Carroll; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 13149) granting a pension to Joe Griffin; to the Committee on Pensions.

Also, a bill (H. R. 13150) granting a pension to Squire Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13151) granting a pension to George A. Taylor; to the Committee on Pensions.

Also, a bill (H. R. 13152) granting a pension to Edward T. Crouch; to the Committee on Pensions.

Also, a bill (H. R. 13153) granting an increase of pension to Sherman G. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13154) granting an increase of pension to Daniel H. Parrott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13155) for the relief of William Gardner; to the Committee on Military Affairs.

Also, a bill (H. R. 13156) for the relief of Robert H. Donnelly; to the Committee on War Claims.

Also, a bill (H. R. 13157) for the relief of John W. Williams; to the Committee on Military Affairs.

Also, a bill (H. R. 13158) for the relief of Arthur Allen; to the Committee on Claims.

Also, a bill (H. R. 13159) to correct the military record of Frederick F. Loftis; to the Committee on Military Affairs.

By Mr. WOOD of New Jersey: A bill (H. R. 13160) granting an increase of pension to Rebecca M. Clark; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CANNON: Petition of Keith Spalding and sundry other citizens of Tinley Park, Ill., praying for the enactment of legislation to provide for the inspection of nursery stock; to the Committee on Ways and Means.

By Mr. KAHN: Petition of Walter H. Fearn, M. D., in favor of House resolution 220; to the Committee on Rules.

Also, petition of San Francisco Branch, United States Civil Service Retirement Association, against House bills 1696 and 1713, etc.; to the Committee on Military Affairs.

By Mr. KINDRED: Resolution of American Medical Association, relating to the food and drugs act; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Union, Nebr., requesting a reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. WHITE: Papers to accompany House bill 13031, granting an increase of pension to Ford P. Hoff; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13032, granting an increase of pension to George E. Willey; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13033, granting an increase of pension to Samuel A. Gibson; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13034, granting an increase of pension to Thomas Whissell; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13035, for the relief of Bennett F. Jackson; to the Committee on Military Affairs.

By Mr. WOOD of New Jersey: Papers to accompany House bill 13160, granting an increase of pension to Rebecca M. Clark; to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *August 1, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

EMPLOYEES IN IRON AND STEEL INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in partial compliance with a resolution of the Senate of June 23, 1910, a report dealing with the wages and hours of labor in the principal occupations in the iron and steel industry in the United States, which, with the accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate No. 1 to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress; agrees to the amendment of the Senate No. 2 with an amendment, in which it requested the concurrence of the Senate; disagrees to the residue of the amendments of the Senate to the joint resolution; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. FITZGERALD, Mr. BARTLETT and Mr. CANNON managers at the conference on the part of the House.

LEMON INDUSTRY IN CALIFORNIA.

Mr. PERKINS. Mr. President, a few minutes before adjournment last evening the junior Senator from Maine [Mr. JOHNSON] offered an amendment to the pending House free-list bill placing lemons on the free list. The amendment has not been considered by the Ways and Means Committee of the House nor by the Finance Committee of the Senate. It seems to me an unfair advantage that the representatives of this great industry should not have an opportunity of being heard upon it.

As under the agreement we are debarred from speaking upon questions of amendment to-day, I ask permission of the Senate to insert in the RECORD the following letter addressed to me, with accompanying data, giving the imports and value of lemons during the last two years, the amount of revenue to the Government therefrom, and also the present status of the supply of lemons from California.

The VICE PRESIDENT. If there be no objection, the letter and accompanying data will be printed in the RECORD. The Chair hears none.

The matter referred to is as follows:

AUGUST 1, 1911.

Hon. GEORGE C. PERKINS,
United States Senate.

DEAR SENATOR: As representing the citrus-fruit growers of California, I beg to submit for your information the following:

The producers of California citrus fruit desire an opportunity of being heard before any action is taken by the present session of Congress on the schedule affecting citrus fruit. They are now causing to be tabulated data statistics covering all features and phases of the lemon industry, in both California and Sicily, and from the ground to the consumer. To get this vast amount of data in succinct and intelligent form requires the expenditure of a good deal of time and a large amount of labor, and we respectfully submit that full hearing of all pertinent facts should be accorded the domestic producers.

The output of California citrus fruits this year is the greatest in its history, a total of about forty-odd thousand carloads of oranges and about 7,000 carloads of lemons being shipped. The amount of capital invested in the citrus-fruit industry in California is approximately

$166,800,000. One hundred and fifty thousand citizens of the United States and residents of the State of California are directly dependent on that industry for a livelihood.

Regarding California lemons specifically, will say that the production has increased about 25 per cent since the Payne-Aldrich Act took effect, with also an increase in planting since the same date of 30 per cent. Before the tariff of 1½ cents per pound on foreign lemons went into effect California was producing about 40 per cent of the lemons consumed in the United States, and since that time about 50 per cent of the entire consumption.

FOREIGN LEMONS.

The records of the United States Treasury Department will show that the increase in imports of foreign lemons was about 25,000,000 pounds for the year immediately following the passage of the Payne-Aldrich Act, as compared with the year immediately preceding. But to bring it down to the present time, will note from the records of the New York Fruit Exchange:

	Boxes.
Receipts of foreign lemons at port of New York, June, 1909	238,500
Receipts of foreign lemons at port of New York, June, 1910	307,000
Receipts of foreign lemons at port of New York, June, 1911	359,000
Receipts of foreign lemons July 1 to 28, 1910	265,920
Receipts of foreign lemons July 1 to 28, 1911	387,525

By reference to these figures it will readily be seen that imports have greatly increased under the duty of 1½ cents per pound.

REVENUE.

The revenue collected on imported lemons during the fiscal year 1909 was $1,350,738.88, and in 1910 (which comprehended 11 months after the passage of the Payne-Aldrich Act) the duty collected amounted to $2,233,526.87, the largest revenue ever collected in any one fiscal year on imported lemons.

PRICE.

Without going into this feature extensively, I just wish to call to your attention prices which each and every Member of Congress can himself readily verify. In the city of Washington, D. C., in the immediate neighborhood of Seventh Street and Pennsylvania Avenue NW., good quality, 300 and 360 sizes, lemons have at no time for many months past been higher than 15 cents per dozen, frequently at 10 cents per dozen, but a general average price would be 12 cents per dozen. These low prices to the consumer have prevailed only since the Payne-Aldrich Act went into effect. The yield of apples in the United States last year was 23,825,000 barrels, and, with no import duty on this variety of fruit, they have practically for many months been selling for 5 cents an individual fruit; or, in other words, the cost of two to three apples equals the cost of a dozen lemons. In further confirmation of low prices of lemons since the Payne-Aldrich Act became effective, will note that the selling price of lemons during the week preceding the 4th of July is generally one of the highest of the summer, and for that week, ending July 1, 1911 (duty 1½ cents per pound), the average f. o. b. price per box for California lemons was $1.47 less than the average f. o. b. during the same period in 1909 (duty 1 cent per pound).

Very truly, yours,

W. L. MOULTON.

COMPARATIVE STATEMENT OF VISIBLE SUPPLY OF LEMONS AND RANGE OF PRICES JUNE 24, 1911, NEW YORK.

This table shows that lemons have decreased in cost to the consumer during a period of four years, the last two years being under the Payne-Aldrich tariff rate of 1½ cents per pound. Note the price of $4.40 per box in 1907 for choice firsts as compared with $3.87½ in 1911.

Also note the increased product of California—only 39,680 boxes on the New York market June 24, 1907, as against 97,600 June 24, 1911.

	1911	1910	1909	1908	1907
Sicily: Available for sale next 3 weeks.	248,000	175,000	174,550	214,000	302,250
California: Shipments 7 days ending Wednesday, 305 cars	97,600	64,640	65,600	32,640	39,680
Total	347,600	239,640	240,150	246,640	341,930

Carloads of California lemons taken as of 320 boxes each.

Range of prices for Sicily lemons at closing sale of week ending June 24, 1911, and corresponding weeks in previous years.

	1911	1910	1909	1908	1907
First choice, 300s	$3.87½–$5.00	$5.75 –$7.12½	$3.40–$5.05	$2.60–$3.50	$4.40–$5.00
Second choice, 300s	3.00 – 4.37½	4.87½– 6.00	2.60– 3.65	2.05– 2.50	3.35– 4.40
First choice, 360s	4.37½– 5.50	5.50 – 6.75	3.40– 5.05	2.50– 3.25	4.20– 5.00
Second choice, 360s	3.25 – 4.37½	4.62½– 5.62½	2.90– 3.90	2.05– 2.40	3.15– 4.30
Fair to best, small sizes	3.12½– 5.00	4.50 – 6.25	3.00– 5.00	2.10– 3.25	.....
Wasty lots down to	1.87½	3.00	.....	1.30	.....

Shipments of lemons from southern California from 1897 to 1910, inclusive.

Years.	Cars.	Estimated number of boxes (312 per car).	Estimated number of pounds (84 pounds per box).
1897–98	1,166	363,792	30,558,528
1898–99	903	281,736	23,665,824
1899–1900	1,447	451,464	37,922,976
1900–1901	2,924	912,288	76,632,192
1901–2	2,816	878,592	73,801,728
1902–3	2,649	826,488	69,424,992
1903–4	2,782	867,984	72,910,656
1904–5	4,274	1,333,488	112,012,992
1905–6	3,789	1,182,168	99,302,112
1906–7	3,507	1,094,184	91,911,456
1907–8	4,959	1,547,208	129,965,472
1908–9	6,196	1,933,152	162,384,768
1909–10	4,782	.....	.....

A BRIEF RECAPITULATION OF THE LEMON INDUSTRY IN CALIFORNIA, WITH REFERENCE TO ACREAGE PLANTED AND AVAILABLE FOR LEMON GROWING IN THAT STATE.

The lemon industry was established in California about 20 years ago. In the course of 10 years 6,500 acres were planted in the southern portion of the State. The Dingley Tariff Act encouraged development, and the acreage amounted in 1892 to 15,000 acres. It was then found that the tariff rate of 1 cent per pound was not sufficient protection and the acreage decreased until in 1904 there were only about 9,200 acres.

At this point in the history of the lemon industry the transcontinental railroads awoke to the fact that it was but a question of time until the cultivation of lemons in California would cease; and they reduced the rate on this product from $1.25 to $1 per pound from points in California to points in the United States and Canada. With this incentive, the acreage increased until in 1909 we had 16,700 acres, with an annual output of 1,585,000 boxes. Since the passage of the Payne-Aldrich tariff bill, which increased the duty on lemons to 1½ cents per pound, the increased output of California lemons has been 25 per cent, and the acreage planted has been increased 30 per cent; and instead of supplying only about 30 per cent of the demand in the United States, California now supplies nearly 50 per cent.

The following statement of lemon plantings in California in 1909–10 and of available acreage suitable for the production of lemons, shows the progress that has been made under proper protection.

Counties.	Plantings last two years.	Plantings arranged for next spring.	Total.	Dec. 31, 1910—Available land for lemon growing on which water is or can be developed.
	Acres.	*Acres.*	*Acres.*	*Acres.*
San Diego	100	300	400	8,000
Santa Barbara	30	150	180	1,000
Tulare	200	500	700	(1)
Riverside	500	1,000	1,500	5,000
San Bernardino	100	200	300	2,000
Orange	250	500	750	10,000
Los Angeles	1,200	2,000	3,200	10,000
Ventura	1,000	500	1,500	20,000
Total	3,380	5,150	8,530	56,000

[1] The lemons in Tulare County are produced almost entirely in one crop in the fall. There is practically unlimited land there, no great proportion of which will probably ever be set out on account of the comparatively small consumption of lemons at that season of the year. When the plantings now being made in that section come into bearing, we will have a solution of the problem of the high prices that have heretofore prevailed in the period between the old and new crops of southern California and Sicily.

Table showing comparative monthly consumption of domestic and foreign lemons.

Months.	Imported lemons.		California lemons.		Total consumption.	
	Per cent imports.	Carloads, crop 1908.	Per cent sold.	Carloads, crop.	Total cars each month.	Per cent of year's supply for month.
January	4	280	9	450	730	6.08
February	4.7	329	9	450	779	6.49
March	8.1	567	7.5	375	942	7.85
April	11.2	784	7.5	375	1,159	9.65
May	14	980	11.5	575	1,555	12.96
June	18	1,200	12.5	625	1,885	15.71
July	16.4	1,148	13.5	675	1,823	15.20
August	9.5	665	4.5	225	890	7.43
September	4	280	3.5	175	455	3.80
October	2.8	196	7	350	546	4.55
November	4	280	8.5	425	705	5.85
December	3.3	231	6	300	531	4.43
Total	100.0	7,000	100.0	5,000	12,000	100.00

THE COTTON SCHEDULE.

Mr. LIPPITT. I give notice that to-morrow, after the routine morning business, I shall submit some remarks on the proposed amendments to the cotton schedule.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted at a meeting of American and British residents of Honolulu, Hawaii, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. WARREN presented a resolution adopted by the Arizona Wool Growers' Association July 7, 1911, remonstrating against the enactment of any legislation proposing to reduce the tariff on wool and meats until the Tariff Commission shall make its report upon these subjects, which was ordered to lie on the table.

Mr. O'GORMAN presented the petitions of J. E. Butler, of North White Plains; M. M. Josephs, of Rochester; of Dr. J. F. Halley, F. Beyer, S. Jacobs, H. Geller, C. L. Perillo, M. Cohen, M. H. Brown, A. A. Greene, M. Stembler, Charles W. Massey, G. A. Ellison, P. Hogan, R. M. Drew, I. Nadel, G. Baker, W. Cooke, H. Wehl, J. Frank, E. S. Fleisser, J. J. Zeller, E. A. Marks, M. Golomb, E. J. Maloney, J. Smith, H. J Lloyd, and A. Cohen, of Brooklyn; of J. G. Bentz, P. Henry, P. J.

Quinn, J. A. McEntyre, W. B. Wilson, J. J. Fraley, J. C. Jack, M. Levin, M. Rose, W. J. Harber, J. J. Zieger, J. Sweeney, B. Cohen, R. Levin, F. Nevins, J. Hughes, T. J. Barry, P. Gray, J. O. Murphy, J. J. Lee, J. J. Siegel, C. M. Boyle, Joseph White, H. T. Miller, D. Weil, F. Kohler, E. Roth, S. E. Allen, J. Bail, J. Spencer, R. Johnson, S. Witt, and F. Schaefer, of New York City, all in the State of New York, praying for the repeal of the duty on lemons, which were referred to the Committee on Finance.

Mr. GAMBLE presented the memorial of E. M. Hamlin and sundry other citizens of Bellefourche, S. Dak., remonstrating against the passage of the so-called Johnston Sunday-rest bill, which was ordered to lie on the table.

Mr. PERKINS presented a memorial of the Alameda County Pharmaceutical Society, of California, remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

Mr. SHIVELY presented resolutions adopted at a convention of the Middle States Textile Manufacturers' Association, held at French Lick Springs, Ind., praying for the establishment of a permanent Tariff Commission, which were ordered to lie on the table.

Mr. ROOT presented 96 petitions of citizens of Brooklyn, N. Y., and 133 petitions of citizens of New York City, N. Y., praying for the repeal of the duty on lemons, which were referred to the Committee on Finance.

ASSISTANT CLERK TO COMMITTEE ON THE CENSUS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 119, submitted by Mr. LA FOLLETTE on the 27th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,200 per annum.

MESSENGER TO COMMITTEE ON INDIAN AFFAIRS.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 70, submitted by Mr. GAMBLE on the 16th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized to employ a messenger at a salary of $1,440 per annum.

ASSISTANT CLERK TO COMMITTEE ON INTERSTATE COMMERCE.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 122, submitted by Mr. CUMMINS (for Mr. CLAPP) on the 28th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Interstate Commerce is hereby authorized to employ an assistant clerk at a salary of $1,200 per annum.

BILLS AND A JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 3131) granting an increase of pension to Ira Flagg (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 3132) granting a pension to Deborah B. Roman; and

A bill (S. 3133) granting an increase of pension to Samuel Osborne (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 3134) granting an increase of pension to Myron Richards;

A bill (S. 3135) granting an increase of pension to Samuel R. Vose; and

A bill (S. 3136) granting an increase of pension to Harrison Presson; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 3137) granting an increase of pension to John H. Mumaw;

A bill (S. 3138) granting an increase of pension to Charles Ball;

A bill (S. 3139) granting an increase of pension to Pauline G. Murphy;

A bill (S. 3140) granting an increase of pension to George McCrea;

A bill (S. 3141) granting an increase of pension to Emily B. Smith;

A bill (S. 3142) granting an increase of pension to Joseph B. Hill; and

A bill (S. 3143) granting a pension to Sarah McLean (with accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 3144) granting an increase of pension to William Boyd (with accompanying papers); to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 3145) for the relief of W. J. Vanhoose, heir of Felt Vanhoose (with accompanying paper); to the Committee on Claims.

A bill (S. 3146) granting a pension to John Burke (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3147) granting an increase of pension to Charles Blair (with accompanying papers); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 3148) granting an increase of pension to Horace H. Warren; to the Committee on Pensions.

(By request.) A bill (S. 3149) providing for the retirement of enlisted men of the Army, Navy, and Marine Corps of the United States; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 3150) to extend time of payment of balance due for lands sold under act of Congress approved June 17, 1910; to the Committee on Indian Affairs.

By Mr. GORE:

A bill (S. 3151) to extend time of payment of balance due for lands sold under act of Congress approved June 17, 1910 (with accompanying papers); to the Committee on Indian Affairs.

By Mr. OWEN:

A joint resolution (S. J. Res. 46) authorizing a per capita distribution of the tribal funds of the Choctaw, Chickasaw, Cherokee, and Seminole Indians; to the Committee on Indian Affairs.

MESSENGERS TO COMMITTEES.

Mr. PAYNTER submitted the following resolution (S. Res. 125), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That each of the following-named committees is hereby authorized to employ a messenger at a salary of $1,200 per annum: Standards, Weights, and Measures; on the Mississippi River and its Tributaries; on Railroads; on the University of the United States; on Pacific Railroads; to Examine the Several Branches of the Civil Service; on Indian Depredations; to Investigate Trespassers upon Indian Lands; on Transportation Routes to the Seaboard; and on the Geological Survey; and that said salaries be paid out of the contingent fund of the Senate until otherwise provided for by law.

TARIFF DUTIES ON WOOL.

Mr. GORE. I ask unanimous consent to have printed as a public document (S. Doc. No. 82) a comparative table respecting the duties on wool in Canada and the United States. It has been already printed in the RECORD.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma?

Mr. SMOOT. I did not hear the request of the Senator. I should like to have him repeat it.

Mr. GORE. I ask to have printed as a public document the comparative table which I had inserted in the CONGRESSIONAL RECORD a few days ago.

The VICE PRESIDENT. As a Senate document. Is there objection? The Chair hears none. The order is entered.

DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate No. 1, agreeing to the amendment of the Senate No. 2 with an amendment, disagreeing to the residue of the amendments of the Senate to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate disagree to the amendment of the House of Representatives to the amendment of the Senate No. 2; insist upon its amendments to the joint resolution; agree to the conference asked for by the House on the disagreeing votes of the two Houses thereon; and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. GAMBLE, and Mr. CULBERSON conferees on the part of the Senate.

PROPOSED REDUCTION OF DUTIES.

Mr. NEWLANDS. Mr. President, it was my intention to offer as an amendment to the free-list bill, which is to be voted upon to-day, the amendment which I submitted on July 25,

providing for the reduction at the rate of one-tenth per annum of all duties the importations under which do not equal one-tenth of the total domestic production of the United States, but yielding to the general sentiment upon this side of the Senate that the free-list bill should not be embarrassed by amendments relating to other schedules or general amendments, I have concluded to reserve the amendment to be offered later on upon the cotton bill or such other legislation as may be presented to the Senate by the House.

Mr. HEYBURN. Mr. President, I ask if the morning business has closed?

The VICE PRESIDENT. It has not. Is there other morning business? The morning business is closed and the Chair lays before the Senate House bill 4413.

THE FREE LIST.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

The VICE PRESIDENT. The bill will be read.

Mr. MARTIN of Virginia. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Lodge	Rayner
Bailey	Curtis	Lorimer	Reed
Bankhead	Davis	McCumber	Richardson
Borah	Dillingham	McLean	Root
Bourne	Dixon	Martin, Va.	Shively
Brandegee	Fletcher	Martine, N. J.	Simmons
Briggs	Foster	Myers	Smith, Md.
Bristow	Gamble	Nelson	Smith, Mich.
Brown	Gore	Newlands	Smoot
Bryan	Gronna	Nixon	Stephenson
Burnham	Guggenheim	O'Gorman	Stone
Burton	Heyburn	Oliver	Swanson
Chamberlain	Hitchcock	Overman	Taylor
Chilton	Johnson, Me.	Owen	Thornton
Clapp	Johnston, Ala.	Page	Townsend
Clark, Wyo.	Jones	Paynter	Warren
Clarke, Ark.	Kenyon	Penrose	Watson
Crane	Kern	Perkins	Wetmore
Crawford	La Follette	Poindexter	Works
Cullom	Lippitt	Pomerene	

Mr. TAYLOR. My colleague [Mr. LEA] is absent from the city on account of illness.

The VICE PRESIDENT. Seventy-nine Senators have answered to the roll call. A quorum of the Senate is present. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That on and after the day following the passage of this act the following articles shall be exempt from duty when imported into the United States:

Plows, tooth and disk harrows, headers, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, threshing machines and cotton gins, farm wagons and farm carts, and all other agricultural implements of any kind and description, whether specifically mentioned herein or not, whether in whole or in parts, including repair parts.

Bagging for cotton, gunny cloth, and all similar fabrics, materials, or coverings, suitable for covering and baling cotton, composed in whole or in part of jute, jute butts, hemp, flax, seg, Russian seg, New Zealand tow, Norwegian tow, aloe, mill waste, cotton tares, or any other materials or fibers suitable for covering cotton; and burlaps and bags or sacks composed wholly or in part of jute or burlaps or other material suitable for bagging or sacking agricultural products.

Hoop or band iron, or hoop or band steel, cut to lengths, punched or not punched, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity; and wire for baling hay, straw, and other agricultural products.

Grain, buff, split, rough and sole leather, band, bend, or belting leather, boots and shoes made wholly or in chief value of leather made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calfskins; and harness, saddles, and saddlery, in sets or in parts, finished or unfinished, composed wholly or in chief value of leather; and leather cut into shoe uppers or vamps or other forms suitable for conversion into manufactured articles.

Barbed fence wire, wire rods, wire strands or wire rope, wire woven or manufactured for wire fencing, and other kinds of wire suitable for fencing, including wire staples.

Beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner; bacon, hams, shoulders, lard, lard compounds and lard substitutes; and sausage and sausage meats.

Buckwheat flour, corn meal, wheat flour and semolina, rye flour, bran, middlings, and other offals of grain, oatmeal and rolled oats, and all prepared cereal foods; and biscuits, bread, wafers, and similar articles not sweetened.

Timber, hewn, sided, or squared, round timber used for spars or in building wharves, shingles, laths, fencing posts, sawed boards, planks, deals, and other lumber, rough or dressed, except boards, planks, deals, and other lumber, of lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods.

Sewing machines, and all parts thereof.

Salt, whether in bulk or in bags, sacks, barrels, or other packages.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. GRONNA. I offer the following amendment and ask that it may lie on the table. I wish to have it read. I will call it up later.

The VICE PRESIDENT. Then the Senator does not now offer the amendment? The Chair thinks it is not in order, under the unanimous-consent agreement, to offer amendments to be laid over.

Mr. GRONNA. I offer it now, and I ask that it be read.

The VICE PRESIDENT. The Senator from North Dakota offers an amendment, which the Secretary will read.

The SECRETARY. On page 3, line 9, after the word "articles," strike out the words "not sweetened," so as to make the paragraph read:

Buckwheat flour, corn meal, wheat flour and semolina, rye flour, bran, middlings, and other offals of grain, oatmeal and rolled oats, and all prepared cereal foods; and biscuits, bread, wafers, and similar articles.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was rejected.

Mr. GRONNA. I offer the following amendment.

The SECRETARY. On page 2, after the word "shoes," in line 16, strike out the words "made wholly or in chief value of leather made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calfskins, and," so as to read:

Grain, buff, split, rough and sole leather, band, bend, or belting leather, boots and shoes; harness, saddles, and saddlery, etc.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GRONNA. At the bottom of page 3, I move to add:

Roman, Portland, and other hydraulic cement, and lime.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from North Dakota. [Putting the question.] The noes seem to have it.

Mr. GRONNA. I ask for the yeas and nays on agreeing to the amendment.

Mr. BAILEY. Mr. President, I ask that the amendment be again stated.

The Secretary again stated the amendment.

The VICE PRESIDENT. The Senator from North Dakota asks for the yeas and nays on the amendment.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment proposed by the Senator from North Dakota [Mr. GRONNA].

The SECRETARY. On page 3, after line 18, it is proposed to add the following:

Coal and coke of all kinds, including coal slack and compositions used for fuel in which coal or coal dust is the component material of chief value.

Mr. GRONNA. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. REED. Mr. President, the Secretary read the amendment very hurriedly. I ask that it be again read.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment.

The Secretary again stated the amendment.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the senior Senator from Maine [Mr. FRYE]. I transfer that pair to the junior Senator from Tennessee [Mr. LEA] and vote. I vote "nay."

Mr. DAVIS (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. By arrangement with the senior Senator from North Dakota [Mr. MCCUMBER], who is paired with the senior Senator from Mississippi [Mr. PERCY], I transfer my pair with the Senator from New Hampshire to the Senator from Mississippi and will vote. I vote "nay." I make this announcement for the day.

Mr. DILLINGHAM (when his name was called). Because of my general pair with the senior Senator from South Carolina [Mr. TILLMAN] I am unable to vote upon this amendment or upon any other amendment that may be offered to the bill or on the question of the final passage of the bill. I make this announcement at this time for the day. I will add that if the Senator from South Carolina were present, and I were at liberty to vote, I should vote against this amendment, and I should also vote against the final passage of the bill.

Mr. RICHARDSON (when Mr. DU PONT's name was called). My colleague [Mr. DU PONT] is necessarily absent from the Chamber. He has a general pair with the senior Senator from Texas [Mr. CULBERSON]. If my colleague were present, he would vote "nay." I make this announcement for the day.

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague [Mr. GALLINGER] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS], which pair, I understand, has been transferred to the Senator from Mississippi [Mr. PERCY]. If my colleague were present, he would vote "nay."

Mr. PENROSE (when his name was called). I am paired on all votes to-day with the junior Senator from Mississippi [Mr. WILLIAMS]. I make this announcement for the day.

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] received notice of the death of his father yesterday and left for home yesterday evening. He has a general pair with the senior Senator from Maryland [Mr. RAYNER]. I shall allow this notice to stand for the day.

The roll call was concluded.

Mr. RAYNER (after having voted in the negative). I voted by mistake, as I am paired with the junior Senator from Utah [Mr. SUTHERLAND].

Mr. BACON. I am requested to announce that the senior Senator from Texas [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT].

The result was announced—yeas 24, nays 52, as follows:

YEAS—24.

Bailey	Crawford	Gronna	Martine, N. J.
Borah	Cummins	Hitchcock	Nelson
Bristow	Dixon	Johnson, Me.	O'Gorman
Brown	Fletcher	Kenyon	Owen
Bryan	Gamble	La Follette	Pomerene
Clapp	Gore	McCumber	Watson

NAYS—52.

Bacon	Cullom	Myers	Simmons
Bankhead	Curtis	Newlands	Smith, Md.
Bourne	Davis	Nixon	Smith, Mich.
Bradley	Foster	Oliver	Smith, S. C.
Brandegee	Guggenheim	Overman	Smoot
Briggs	Heyburn	Page	Stone
Burnham	Johnston, Ala.	Paynter	Swanson
Burton	Jones	Perkins	Taylor
Chamberlain	Lippitt	Poindexter	Thornton
Chilton	Lodge	Reed	Townsend
Clark, Wyo.	Lorimer	Richardson	Warren
Clarke, Ark.	McLean	Root	Wetmore
Crane	Martin, Va.	Shively	Works

NOT VOTING—14.

Culberson	Gallinger	Percy	Tillman
Dillingham	Kern	Rayner	Williams
du Pont	Lea	Stephenson	
Frye	Penrose	Sutherland	

So Mr. GRONNA's amendment was rejected.

Mr. GRONNA. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, after line 9, it is propsed to insert:

Apples, peaches, quinces, cherries, plums, pears, berries, cranberries, and pineapples, in their natural condition.
Lemons, oranges, limes, grapefruit, and shaddocks, or pomelos.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. Are there other amendments to be offered?

Mr. BAILEY. Mr. President, I move, beginning with the word "beef," in line 1, on page 3, to strike out all down to and including the word "meats," in line 5 of page 3.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Beginning at the top of page 3, it is proposed to strike out the following paragraph:

Beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner; bacon, hams, shoulders, lard, lard compounds and lard substitutes; and sausage and sausage meats.

Mr. BAILEY. Mr. President, on that amendment I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the senior Senator from Maine [Mr. FRYE] to the junior Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I make the same announcement as before regarding my colleague [Mr. GALLINGER], and will state that if he were present, he would vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained. I therefore withhold my vote.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND], but I understand he would vote "nay" if present. Therefore I vote "nay."

The roll call having been concluded, the result was announced—yeas 14, nays 63, as follows:

YEAS—14.

Bailey	Clapp	Gamble	La Follette
Borah	Crawford	Heyburn	Townsend
Bourne	Cummins	Jones	
Bristow	Dixon	Kenyon	

NAYS—63.

Bacon	Davis	Myers	Shively
Bankhead	Fletcher	Nelson	Simmons
Bradley	Foster	Newlands	Smith, Md.
Brandegee	Gore	Nixon	Smith, Mich.
Briggs	Gronna	O'Gorman	Smith, S. C.
Brown	Hitchcock	Oliver	Smoot
Bryan	Johnson, Me	Overman	Stephenson
Burnham	Johnston, Ala.	Owen	Stone
Burton	Kern	Page	Swanson
Chamberlain	Lippitt	Perkins	Taylor
Chilton	Lodge	Poindexter	Thornton
Clark, Wyo.	Lorimer	Pomerene	Warren
Clarke, Ark.	McCumber	Rayner	Watson
Crane	McLean	Reed	Wetmore
Cullom	Martin, Va.	Richardson	Works
Curtis	Martine, N. J.	Root	

NOT VOTING—13.

Culberson	Gallinger	Penrose	Williams
Dillingham	Guggenheim	Percy	
du Pont	Lea	Sutherland	
Frye	Paynter	Tillman	

So Mr. BAILEY's amendment was rejected.

Mr. BAILEY. Mr. President, I move to strike out, beginning with the word "buckwheat," in line 6, down to and including the word "sweetened," in line 9, on page 2.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, beginning with line 6, it is proposed to strike out the following paragraph:

Buckwheat flour, corn meal, wheat flour and semolina, rye flour, bran, middlings, and other offals of grain, oatmeal and rolled oats, and all prepared cereal foods; and biscuits, bread, wafers, and similar articles not sweetened.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Texas. [Putting the question.] By the sound the "noes" appear to have it.

Mr. BAILEY. In view of the other vote, I will not ask for the yeas and nays on this question.

The amendment was rejected.

Mr. BAILEY. I move to strike out the period after the word "sweetened," in line 9, page 3, and insert a comma and the words "and lemons," so as to put lemons on the free list.

The VICE PRESIDENT. The Senator from Texas offers an amendment, which the Secretary will report.

The SECRETARY. On page 3, line 9, after the word "sweetened," insert the words "and lemons."

Mr. BAILEY. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the senior Senator from Maine [Mr. FRYE] to the junior Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I make the same announcement in regard to my colleague.

Mr. GUGGENHEIM (when his name was called). In the absence of my general pair with the Senator from Kentucky [Mr. PAYNTER], I withhold my vote.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND], and withhold my vote.

The roll call was concluded.

Mr. BACON. I again announce, and will let it stand for all subsequent votes, the pair between the senior Senator from Texas [Mr. CULBERSON] and the senior Senator from Delaware [Mr. DU PONT].

The result was announced—yeas 15, nays 59, as follows:

YEAS—15.

Bailey	Clapp	Johnson, Me.	O'Gorman
Borah	Crawford	McCumber	Owen
Bourne	Curtis	Martine, N. J.	Pomerene
Brown	Gronna	Nelson	

NAYS—59.

Bacon	Burnham	Cummins	Heyburn
Bankhead	Burton	Davis	Hitchcock
Bradley	Chamberlain	Dixon	Johnston, Ala.
Brandegee	Chilton	Fletcher	Jones
Briggs	Clark, Wyo.	Foster	Kern
Bristow	Crane	Gamble	La Follette
Bryan	Cullom	Gore	Lippitt

Lodge	Overman	Simmons	Taylor
Lorimer	Page	Smith, Md.	Thornton
McLean	Perkins	Smith, Mich.	Townsend
Martin, Va.	Poindexter	Smith, S. C.	Warren
Myers	Reed	Smoot	Watson
Newlands	Richardson	Stephenson	Wetmore
Nixon	Root	Stone	Works
Oliver	Shively	Swanson	

NOT VOTING—16.

Clarke, Ark.	Frye	Lea	Rayner
Culberson	Gallinger	Paynter	Sutherland
Dillingham	Guggenheim	Penrose	Tillman
du Pont	Kenyon	Percy	Williams

So Mr. BAILEY's amendment was rejected.

Mr. HEYBURN. I move to amend by striking out all of lines 10, 11, 12, 13, 14, and 15, on page 3.

The VICE PRESIDENT. The Senator from Idaho offers an amendment, which the Secretary will report.

The SECRETARY. On page 3, beginning with line 10, it is proposed to strike out the following paragraph:

Timber, hewn, sided, or squared, round timber used for spars or in building wharves, shingles, laths, fencing posts, sawed boards, planks, deals, and other lumber, rough or dressed, except boards, planks, deals, and other lumber, of lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was rejected.

Mr. JONES. On page 3, line 11, I move to strike out the word "shingles."

The VICE PRESIDENT. The Senator from Washington offers an amendment, which the Secretary will report.

The SECRETARY. On page 3, line 11, strike out the word "shingles."

Mr. JONES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the senior Senator from Maine [Mr. FRYE] to the junior Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I make the same announcement in regard to my colleague.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND], and withhold my vote.

The roll call was concluded.

Mr. MARTIN of Virginia. I desire to announce as applicable to all votes taken to-day that the junior Senator from Mississippi [Mr. WILLIAMS] is paired with the senior Senator from Pennsylvania [Mr. PENROSE], and that the senior Senator from Mississippi [Mr. PERCY] is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

The result was announced—yeas 6, nays 72, as follows:

YEAS—6.

Borah	Heyburn	Lorimer	Oliver
Bourne	Jones		

NAYS—72.

Bacon	Cullom	Lodge	Richardson
Bailey	Cummins	McCumber	Root
Bankhead	Curtis	McLean	Shively
Bradley	Davis	Martin, Va.	Simmons
Brandegee	Dixon	Martine, N. J.	Smith, Md.
Briggs	Fletcher	Myers	Smith, Mich.
Bristow	Foster	Nelson	Smith, S. C.
Brown	Gamble	Newlands	Smoot
Bryan	Gore	Nixon	Stephenson
Burnham	Gronna	O'Gorman	Stone
Burton	Guggenheim	Overman	Swanson
Chamberlain	Hitchcock	Owen	Taylor
Chilton	Johnson, Me.	Page	Thornton
Clapp	Johnston, Ala.	Paynter	Townsend
Clark, Wyo.	Kenyon	Perkins	Warren
Clarke, Ark.	Kern	Poindexter	Watson
Crane	La Follette	Pomerene	Wetmore
Crawford	Lippitt	Reed	Works

NOT VOTING—12.

Culberson	Frye	Penrose	Sutherland
Dillingham	Gallinger	Percy	Tillman
du Pont	Lea	Rayner	Williams

So the amendment of Mr. JONES was rejected.

Mr. HEYBURN. I move to amend by striking out, on page 3, commencing with the word "sawed," in line 12, down to and including the word "except," in line 13.

The VICE PRESIDENT. The Secretary will report the amendment.

The SECRETARY. On page 3, line 12, after the word "posts," strike out the following words: "sawed boards, planks, deals, and other lumber, rough or dressed, except," so as to read:

Timber, hewn, sided, or squared, round timber used for spars or in building wharves, shingles, laths, fencing posts, boards, planks, deals, and other lumber, of lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was rejected.

The VICE PRESIDENT. If there are no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, and it was read the third time.

The VICE PRESIDENT. Shall the bill pass?

Mr. BAILEY. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], I vote "yea."

Mr. RICHARDSON (when Mr. DU PONT's name was called). I again announce the pair of my colleague [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON]. If my colleague were present, he would vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to state that my colleague [Mr. GALLINGER], if present, would vote "nay." He is paired, as has been stated, with the Senator from Mississippi [Mr. PERCY].

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. If he were present, I would vote "yea."

The roll call having been concluded, it resulted—yeas 39, nays 39, as follows:

YEAS—39.

Bacon	Gore	Nelson	Simmons
Bankhead	Gronna	Newlands	Smith, Md.
Brown	Hitchcock	O'Gorman	Smith, S. C.
Bryan	Johnson, Me.	Overman	Stone
Chamberlain	Johnston, Ala.	Owen	Swanson
Chilton	Kern	Paynter	Taylor
Clarke, Ark.	McCumber	Poindexter	Thornton
Davis	Martin, Va.	Pomerene	Watson
Fletcher	Martine, N. J.	Reed	Works
Foster	Myers	Shively	

NAYS—39.

Bailey	Clark, Wyo.	Jones	Perkins
Borah	Crane	Kenyon	Richardson
Bourne	Crawford	La Follette	Root
Bradley	Cullom	Lippitt	Smith, Mich.
Brandegee	Cummins	Lodge	Smoot
Briggs	Curtis	Lorimer	Stephenson
Bristow	Dixon	McLean	Townsend
Burnham	Gamble	Nixon	Warren
Burton	Guggenheim	Oliver	Wetmore
Clapp	Heyburn	Page	

NOT VOTING—12.

Culberson	Frye	Penrose	Sutherland
Dillingham	Gallinger	Percy	Tillman
du Pont	Lea	Rayner	Williams

The VICE PRESIDENT. On the passage of the bill the yeas are 39, the nays are 39. The nays have it, and the bill fails to pass.

Mr. GRONNA. I move to reconsider the vote by which the bill was rejected.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota can not make that motion, he not having voted on the prevailing side.

Mr. LA FOLLETTE. I move to reconsider the vote whereby the Senate decided against the passage of the bill.

The VICE PRESIDENT. The Senator from Wisconsin moves to reconsider the vote by which the bill failed to pass.

The motion to reconsider was agreed to.

Mr. KERN. I desire to offer the following amendment.

The VICE PRESIDENT. Is there objection to reconsidering the vote by which the bill was ordered to a third reading? The Chair hears none, and the vote by which the third reading was ordered is reconsidered. The Senator from Indiana [Mr. KERN] offers an amendment, which will be stated.

The SECRETARY. On page 3, in lieu of the paragraph contained in lines 1, 2, 3, 4, 5, insert:

Beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner; bacon, hams, shoulders, lard, lard compounds and lard substitutes, sausage and sausage meats, coming from any foreign country with which the United States has a reciprocal trade agreement and which shall admit from the United States, free of duty, cotton, corn, wheat, oats, horses, cattle, and hogs.

Mr. KERN. Mr. President, the Secretary has not read my amendment. I wish he would read the language in which I offered it.

The Secretary read as follows:

Mr. President, I move to amend House bill 4413 as follows:

By repunctuating the clause commencing with the word "beef," in the first line of page 3 of the printed bill, and ending with the word "meats," in line 5 on said page, and adding thereto the following

words: "coming from any foreign country which shall admit from the United States, free of duty, cotton, corn, wheat, oats, horses, cattle, and hogs;" so that said clause when so amended shall read as follows:

"Beef, veal, mutton, lamb——

Mr. HEYBURN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. HEYBURN. I will inquire as to whether this is an amendment in an amendment proposed to the pending bill or not.

The VICE PRESIDENT. The Chair so understands.

Mr. HEYBURN. I do not think it is so intended to be. The amendment has already been read, and I understand that this is something that is being offered elsewhere.

The VICE PRESIDENT. It is an amendment to the pending bill, offered as such, the Chair understands. The Secretary will continue reading the amendment.

Mr. HEYBURN. Is it being read again? It was read once.

The VICE PRESIDENT. The Senator who offered the amendment thought the Clerk had not reported it as it had been presented, and asked that it be read in full just as presented, which the Clerk is now doing.

Mr. KERN. I noticed a clerical error that the words interpolated in the clause as it would read if amended are not interpolated in the amendment itself. So I asked that it might be read again.

The VICE PRESIDENT. The reading will be continued.

The Secretary read as follows:

Mr. President, I move to amend House bill 4413, as follows:

By repunctuating the clause commencing with the word "beef," in the first line of page 3 of the printed bill, and ending with the word "meats," in line 5 on said page, and adding thereto the following words: "coming from any foreign country with which the United States has a reciprocal trade agreement and which shall admit from the United States free of duty cotton, corn, wheat, oats, horses, cattle, and hogs"; so that that clause when so amended will read as follows:

"Beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner; bacon, hams, shoulders, lard, lard compounds and lard substitutes, sausage and sausage meats, coming from any country with which the United States has a reciprocal trade agreement and which shall admit from the United States free of duty cotton, corn, wheat, oats, horses, cattle, and hogs."

Also, by repunctuating the clause commencing with the word "buckwheat," in line 6 on page 3 of the printed bill, and ending with the word "sweetened," in line 9 on said page, and adding thereto the following words: "coming from any foreign country with which the United States has a reciprocal trade agreement and which shall admit from the United States free of duty cotton, corn, wheat, oats, horses, cattle, and hogs"; so that said clause, when so amended, shall read as follows:

"Buckwheat flour, corn meal, wheat flour and semolina, rye flour, bran, middlings, and other offals of grain, oatmeal and rolled oats, and all prepared cereal foods, and buscuits, bread, wafers, and similar articles, not sweetened, coming from any foreign country with which the United States has a reciprocal trade agreement and which shall admit from the United States free of duty cotton, corn, wheat, oats, horses, cattle, and hogs."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Indiana [Mr. KERN].

Mr. CRAWFORD, Mr. LA FOLLETTE, and others called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], I vote "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague [Mr. GALLINGER], if present and voting, would vote "nay." He is paired with the Senator from Mississippi [Mr. PERCY].

Mr. RAYNER (when his name was called). I again announce my pair with the junior Senator from Utah [Mr. SUTHERLAND]. I would vote "yea" if the junior Senator from Utah were present.

The roll call having been concluded, the result was announced—yeas 49, nays 29, as follows:

YEAS—49.

Bacon	Cummins	La Follette	Shively
Bailey	Davis	McCumber	Simmons
Bankhead	Dixon	Martin, Va.	Smith, Md.
Borah	Fletcher	Martine, N. J.	Stone
Bourne	Foster	Myers	Swanson
Bristow	Gamble	Nelson	Taylor
Brown	Gronna	Newlands	Thornton
Bryan	Hitchcock	O'Gorman	Townsend
Chamberlain	Johnson, Ala.	Overman	Watson
Chilton	Johnston, Me.	Owen	Works
Clapp	Jones	Paynter	
Clarke, Ark.	Kenyon	Pomerene	
Crawford	Kern	Reed	

NAYS—29.

Bradley	Curtis	Nixon	Smith, S. C.
Brandegee	Gore	Oliver	Smoot
Briggs	Guggenheim	Page	Stephenson
Burnham	Heyburn	Perkins	Warren
Burton	Lippitt	Poindexter	Wetmore
Clark, Wyo.	Lodge	Richardson	
Crane	Lorimer	Root	
Cullom	McLean	Smith, Mich.	

NOT VOTING—12.

Culberson	Frye	Penrose	Sutherland
Dillingham	Gallinger	Percy	Tillman
du Pont	Lea	Rayner	Williams

So Mr. KERN's amendment was agreed to.

Mr. SHIVELY. I move to amend, on page 1, before the comma at the end of line 6, by inserting the words "and binders."

The VICE PRESIDENT. The amendment submitted by the Senator from Indiana will be stated.

The SECRETARY. On page 1, line 6, after the word "harvesters" and before the comma, insert the words "and binders."

The amendment was agreed to.

Mr. GRONNA. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. At the end of the bill it is proposed to insert:

Roman, Portland, and other hydraulic cement, and lime.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the Senator from North Dakota [Mr. GRONNA] will be stated.

The SECRETARY. It is proposed, on page 2, after the word "shoes," in line 16, to strike out the words "made wholly or in chief value of leather made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calf skins; and"

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Dakota.

The amendment was agreed to.

Mr. GORE. I offer the amendment which I send to the desk.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. One moment, if the Senator from Oklahoma will excuse the Chair. The Senator from Texas.

Mr. BAILEY. Mr. President, I move to reconsider the vote by which my amendment to put lemons on the free list was defeated. As the Senate now seems willing to amend the bill, I am sure it will be glad——

The VICE PRESIDENT. The Senator from Oklahoma [Mr. GORE] had been recognized for an amendment. The Chair thought the Senator from Texas [Mr. BAILEY] had risen to say something in reference to the vote just taken.

Mr. BAILEY. No.

The VICE PRESIDENT. The amendment proposed by the Senator from Oklahoma [Mr. GORE] will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following paragraph:

Pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news-print paper and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored, and valued at not more than 4 cents per pound, not including printed or decorated wall paper.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BAILEY. I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. REED. I ask that the amendment may be again stated.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment.

The Secretary again stated the amendment proposed by Mr. GORE.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when Mr. GALLINGER's name was called). I desire to again make the same announcement previously made by me in reference to the pair of my colleague [Mr. GALLINGER] with the Senator from Arkansas [Mr. DAVIS], having been transferred to the Senator from Mississippi [Mr. PERCY].

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND], and therefore withhold my vote.

The roll call was concluded.

Mr. BACON. Again announcing the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], I vote "nay."

The result was announced—yeas 25, nays 53, as follows:

YEAS—25.

Bristow	Dixon	La Follette	Reed
Brown	Fletcher	Martine, N. J.	Swanson
Bryan	Gore	Myers	Taylor
Clapp	Gronna	Newlands	Watson
Crawford	Johnson, Me.	O'Gorman	
Cummins	Kenyon	Owen	
Davis	Kern	Pomerene	

NAYS—53.

Bacon	Crane	McLean	Smith, Md.
Bailey	Cullom	Martin, Va.	Smith, Mich.
Bankhead	Curtis	Nelson	Smith, S. C.
Borah	Foster	Nixon	Smoot
Bourne	Gamble	Oliver	Stephenson
Bradley	Guggenheim	Overman	Stone
Brandegee	Heyburn	Page	Thornton
Briggs	Hitchcock	Paynter	Townsend
Burnham	Johnston, Ala.	Perkins	Warren
Burton	Jones	Poindexter	Wetmore
Chamberlain	Lippitt	Richardson	Works
Chilton	Lodge	Root	
Clark, Wyo.	Lorimer	Shively	
Clarke, Ark.	McCumber	Simmons	

NOT VOTING—12.

Culberson	Frye	Penrose	Sutherland
Dillingham	Gallinger	Percy	Tillman
du Pont	Lea	Rayner	Williams

So Mr. GORE's amendment was rejected.

Mr. GORE. I offer another amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

Type, linotype and typesetting machines, and printing presses.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oklahoma.

The amendment was rejected.

Mr. GORE. Mr. President, on yesterday I submitted two amendments to the pending bill, one of which I shall not call up to-day because it has been substantially covered. It relates to Canada. The other amendment I ask to have read, and I desire now to submit it as an amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

Mr. GORE. I offer the amendment relating to commercial union between the nations of the Western Hemisphere.

Mr. LODGE. What question is pending, Mr. President?

The VICE PRESIDENT. The Senator from Oklahoma has offered an amendment which the Secretary is about to state.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. That whenever it shall be duly certified to the President of the United States that the Government or Governments of any or all nations of the American hemisphere have declared a desire to establish commercial union with the United States, having a uniform revenue system, like internal taxes to be collected, and like import duties to be imposed on articles brought into either country from other nations, with no duties or with uniform duties upon trade between the United States and such nations, he shall appoint three commissioners to meet those who may be likewise designated to represent such Government or Governments, to prepare a plan for the assimilation of the import duties and internal-revenue taxes of such countries, and an equitable division of receipts, in a commercial union; and said commissioners shall report to the President, who shall lay the report before Congress.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BAILEY. I submit that that amendment is not germane to the pending proposition and is not in order under the rule.

The VICE PRESIDENT. The question of germaneness must be submitted to the Senate. Senators who think the amendment is germane will say "aye" and those opposed "no." [Putting the question.] The "noes" have it.

Mr. GORE. Mr. President, I rise to withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn, and it is also ruled out of order by the Senate. Does the Senator desire to offer his other amendment?

Mr. GORE. No.

Mr. BAILEY. Mr. President, I recall that it was a record vote which was taken when I moved to insert "lemons"; and, as I voted with the losing side, I can not move to reconsider.

The VICE PRESIDENT. At another stage of the proceedings the Senator need not move to reconsider.

Mr. BAILEY. I need not move to reconsider, but I can move the amendment at this time in the Senate. I move, on page 3, line 9, to insert, after the word "sweetened," the words "and lemons," and a comma instead of a period.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 9, after the word "sweetened," it is proposed to insert a comma and the words "and lemons."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was rejected.

Mr. LODGE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 3, line 6, after the words "buckwheat flour," it is proposed to insert:

Rice, cleaned; uncleaned rice, or rice free of the outer hull and still having the inner cuticle on; rice flour, rice meal, and broken rice; paddy, or rice having the outer hull on.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. CLARKE of Arkansas. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POINDEXTER. Mr. President, if there is no objection, I should like to have the amendment again stated.

The VICE PRESIDENT. Without objection, the Secretary will again state the amendment.

The Secretary again stated the amendment of Mr. LODGE.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. RAYNER (when his name was called). On this question I am paired with the Senator from Utah [Mr. SUTHERLAND], and therefore withhold my vote.

The roll call was concluded.

Mr. KERN (after having voted in the affirmative). I desire to change my vote. I vote "nay."

Mr. JONES (after having voted in the affirmative). I desire to change my vote. I vote "nay."

Mr. DAVIS (after having voted in the affirmative). I desire to change my vote. I vote "nay."

Mr. MARTINE of New Jersey (after having voted in the affirmative). I desire to change my vote. I vote "nay."

The result was announced—yeas 30, nays 45, as follows:

YEAS—30.

Bailey	Cullom	Kenyon	Paynter
Borah	Cummins	La Follette	Pomerene
Bourne	Curtis	Lodge	Reed
Bristow	Dixon	Myers	Root
Brown	Gamble	Nelson	Warren
Burton	Gore	Newlands	Wetmore
Clark, Wyo.	Gronna	O'Gorman	
Crawford	Johnson, Me.	Owen	

NAYS—45.

Bacon	Fletcher	Martine, N. J.	Smoot
Bankhead	Foster	Oliver	Stephenson
Bradley	Heyburn	Overman	Stone
Brandegee	Hitchcock	Page	Swanson
Bryan	Johnston, Ala.	Perkins	Taylor
Burnham	Jones	Poindexter	Thornton
Chamberlain	Kern	Richardson	Townsend
Chilton	Lippitt	Shively	Watson
Clapp	Lorimer	Simmons	Works
Clarke, Ark.	McCumber	Smith, Md.	
Crane	McLean	Smith, Mich.	
Davis	Martin, Va.	Smith, S. C.	

NOT VOTING—15.

Briggs	Frye	Nixon	Sutherland
Culberson	Gallinger	Penrose	Tillman
Dillingham	Guggenheim	Percy	Williams.
du Pont	Lea	Rayner	

So Mr. LODGE's amendment was rejected.

Mr. DAVIS. In lieu of the amendment suggested by the Senator from Massachusetts [Mr. LODGE], and at the same place in the bill, I offer the following amendment.

The VICE PRESIDENT. The Senator from Arkansas offers an amendment which the Secretary will report.

The SECRETARY. On page 3, line 6, after the words "buckwheat flour," it is proposed to insert the following:

Boston baked beans, black beans, string beans, and all other beans, raw, dried, split, or parched; also codfish, skinned or unskinned, fresh, salted, or served in balls.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was rejected.

The VICE PRESIDENT. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. BAILEY. On that I ask for the yeas and nays.

Mr. LA FOLLETTE. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the senior Senator from Maine [Mr. FRYE] to the junior Senator from Tennessee [Mr. LEA], I vote "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague is necessarily absent. He is paired with the Sena-

tor from Mississippi [Mr. PERCY]. If present, my colleague would vote "nay."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. RICHARDSON. I desire to announce the pair of my colleague [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON]. If present, my colleague would vote "nay."

The result was announced—yeas 48, nays 30, as follows:

YEAS—48.

Bacon	Cummins	La Follette	Pomerene
Bailey	Davis	McCumber	Reed
Bankhead	Dixon	Martin, Va.	Shively
Borah	Fletcher	Martine, N. J.	Simmons
Bristow	Foster	Myers	Smith, Md.
Brown	Gore	Nelson	Smith, S. C.
Bryan	Gronna	Newlands	Stone
Chamberlain	Hitchcock	O'Gorman	Swanson
Chilton	Johnson, Me.	Overman	Taylor
Clapp	Johnston, Ala.	Owen	Thornton
Clarke, Ark.	Kenyon	Paynter	Watson
Crawford	Kern	Poindexter	Works

NAYS—30.

Bourne	Cullom	Lorimer	Smith, Mich.
Bradley	Curtis	McLean	Smoot
Brandegee	Gamble	Nixon	Stephenson
Briggs	Guggenheim	Oliver	Townsend
Burnham	Heyburn	Page	Warren
Burton	Jones	Perkins	Wetmore
Clark, Wyo.	Lippitt	Richardson	
Crane	Lodge	Root	

NOT VOTING—12.

Culberson	Frye	Penrose	Sutherland
Dillingham	Gallinger	Percy	Tillman
du Pont	Lea	Rayner	Williams

So the bill was passed.

APPORTIONMENT OF REPRESENTATIVES.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HEYBURN. I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Idaho will state it.

Mr. HEYBURN. Whether or not it is in order, the Senate having by unanimous consent determined upon the time when that measure shall be taken up, to change the order at this time.

The VICE PRESIDENT. The Chair thinks this does not change the order. The Senate has determined to take it up for final disposition at a particular time, but the Chair thinks that it can be taken up meantime for consideration, not for disposal.

Mr. HEYBURN. Frequently, when the question of fixing a time for a vote has been before the Senate, one of the reasons that has been urged is that Senators may safely be absent, if their business requires it, with the assurance that the measure will not come up. That has often had much to do with the reaching of unanimous-consent agreements. This is the first time I have ever known this departure from that rule. It has always been understood that when we fixed a time to take up a measure for final determination Senators might safely be absent. I have no objection to taking it up except that I do not like to see a departure from a good rule.

The VICE PRESIDENT. It was understood at the time the order was entered that the then unfinished business should continue to be the unfinished business, and be considered just as this is being considered, and precisely as the bill which has just been passed was considered.

Mr. HEYBURN. Of course we can not vote upon it.

The VICE PRESIDENT. Certainly not.

Mr. PENROSE. It was also distinctly understood that amendments might be voted upon at any time up to the day fixed for the final disposition of the bill.

The VICE PRESIDENT. Oh, yes; amendments in Committee of the Whole.

Mr. CUMMINS. Mr. President, I hope the Senator from Pennsylvania will either himself or through some one else, if he is not here, lay this bill aside from time to time, in order that we may do other business. Of course, if anyone desires to debate the bill it ought to have the right of way. I recognize that. But I do not want the bill used for the purpose of preventing a vote upon some other measure in the meanwhile.

I make the suggestion to the Senator from Pennsylvania in order that we may have that understanding now.

The VICE PRESIDENT. May the Chair suggest that it could not in any event do away with the morning hour, which is two hours?

Mr. CUMMINS. But we have met more than once a situation in which no one desired to debate the unfinished business, but rather than to lay it aside adjournment has been suggested, and that has accomplished delay in some very much needed legislation. I hope the Senator from Pennsylvania will have this in mind between now and the day we vote upon the reapportionment bill.

Mr. PENROSE. Of course, as far as I am concerned, I am not in charge of this particular bill. The unfinished business would be laid aside, I assume, at the request of a Senator, or the Senate can at any time drop the consideration of a measure and proceed to the consideration of any other bill. It is always in the hands of the Senate.

Mr. BURTON. Mr. President, I should like briefly to explain two amendments which I have introduced to the pending bill.

Mr. BACON. Before the Senator from Ohio goes on with that, I desire to ask attention to what the Senator from Pennsylvania said as to an alleged understanding. I understood—there was a good deal of noise, and I may not have understood it correctly—the Senator from Pennsylvania to say that while Thursday was set for the day for voting upon pending amendments, there was an understanding that that would not prevent in the meantime voting upon other amendments to the bill.

Mr. PENROSE. My understanding is, and the Senator from Kansas [Mr. BRISTOW], I believe, expressly raised the point at the time, that amendments can be voted upon at any time, but not the bill.

Mr. BACON. I did not know that fact. Of course, if it is, the Senator is correct. But I want to make this suggestion——

Mr. PENROSE. And as a matter of fact, we have been voting on amendments right along every day.

Mr. BACON. I will not try to interfere with that understanding, but I want to make this suggestion: I understand the amendments which have been offered were not amendments really to the apportionment bill, but as to other matters which were sought to be engrafted upon it, to which I have no objection.

The apportionment bill itself, I think, is a matter of such importance that whenever amendments to it proper are to be voted upon there should be such notice to the Senate as would enable Senators to be present. It is a matter of such importance and reaches every nook and corner of the country to such an extent as, in my opinion, to make it proper that the Senate should be upon notice whenever there is going to be a vote upon an amendment to the bill proper. That is the only suggestion I would make in regard to it. So far as concerns the offering of other amendments which do not relate to the matter of apportionment, I have no objection to that at any time.

Mr. BRISTOW. Mr. President, the request I made when the matter was up for consideration was that amendments might be offered in the intermediate days, so that there would not be a congestion on the day when the vote was to be taken, when debate could not be had, and one of the very purposes was to serve notice upon the Senate that amendments were likely to be voted upon any day, so that the Senate would not be practically abandoned on these intervening days.

Mr. BACON. I think the Senate will certainly recognize the fact that if the apportionment bill is to be amended without any regard to the final test voting, that is, if it can be done before that day, we will certainly have to have the Senate present all the time. These amendments are too important to be taken up informally when sometimes not more than a dozen Members of the Senate are present.

Mr. BRISTOW. I entirely agree with the Senator as to that.

Mr. BURTON. I desire to state that I shall not at this time ask for a vote on my amendments. I should decidedly prefer that neither the vote upon them nor upon any other amendment should be taken until day after to-morrow, the day fixed by the unanimous-consent agreement. It is only fair to Members of the Senate that everyone should be here when the vote is taken. Again, it is not probable that there will be so many amendments proposed as to create any embarrassment. We can readily vote upon all of them on that day.

The first amendment to which I desire to call the attention of the Senate consists of the addition of a new section, to be known as section 5; on page 4, after line 19, to insert the following:

SEC. 5. That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

The last section of the bill as reported—that is, section 4—contains this provision:

That in case of an increase in the number of Representatives in any State under this apportionment, such additional Representative or Representatives shall be elected by the State at large.

The bill as introduced and reported provides for choosing Representatives at large at the general election—that is, if a State has 21 Members under the old apportionment and 22 under the new bill or if the number of Members allotted to any State is increased and no reapportionment or redistricting is made by the State before the election of November, 1912, then such new Members shall be elected at large.

But I desire especially to call the attention of the Senate to the fact that while the election of additional Members apportioned to any State is provided for by this bill, yet in some States no machinery is provided for a nomination at large, and it is desirable that such a section should be added. I have examined the statutes of the State of Ohio and regard it as doubtful whether under the present laws of that State they could nominate a Congressman at large. The same is true of other States. This section is proposed to meet that contingency. It is to the effect that the Member of Congress shall be nominated in the same manner as the governor unless otherwise provided by law. After some consideration and consultation by correspondence with the attorneys general of a couple of the States interested, this seemed the simplest and the best provision to meet this situation.

I may desire to make some further remarks on this amendment to-morrow.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Ohio yield to his colleague?

Mr. BURTON. Certainly.

Mr. POMERENE. I have not had time to examine the question, and I ask simply for information. In view of the provision of the Federal Constitution which provides that the legislature shall prescribe the time, place, and manner of the election of Representatives, I should like the opinion of my colleague as to whether his proposed amendment would come within the power of Congress?

Mr. BURTON. Mr. President, I think it would. The right to fix the times, places, and manner of elections rests with the individual States. Congress may make or alter such regulations. That provision of the Constitution would be especially salutary when a State has failed to make any provision. Nomination is a part of the election, an essential step in choosing a representative; and if the laws of any State should lack a provision governing nominations, it is certainly entirely proper for Congress to supply that omission. Indeed, it might alter the regulation of a State, although that question is not raised here.

I want to say further in this connection that this subject was considered at some length in the discussion of the so-called publicity bill. The Senate has passed a bill providing that requirements relating to filing statements of expenses shall apply to contests for nomination as well as to contests in the election proper. If we can pass a bill making the provision of the Constitution referred to applicable to the conduct and to the expenses of candidates for election to the House and Senate, we certainly can pass a law pertaining to nominations. Thus, so far as the action of the Senate is concerned, an affirmative decision upon this question was certainly reached in the enactment of the publicity bill. Independently of that, however, I think this is clearly within the power of Congress.

Furthermore, Mr. President, this provision is so desirable in order to avoid complications, that the probabilities are altogether against any opposition or question being raised. This is not a controverted subject where a statute might inure to the benefit of one party or the other. It would benefit both parties alike in providing for a situation where there might be serious embarrassment.

The other amendment which I have proposed requires perhaps a somewhat more extended explanation. It is this: On page 4, line 15, after the word "redistricted," strike out the words "by the legislature thereof in the manner herein prescribed," and insert in lieu thereof the words:

In the manner provided by the laws thereof and in accordance with the rules enumerated in section 3 of this act.

This amendment pertains to the dividing of the several States into districts and to the manner in which this shall be done. Section 3 contains this clause:

That in each State entitled under this apportionment to more than one Representative, the Representatives to the Sixty-third and each subsequent Congress shall be elected by districts composed of a contiguous and compact territory, and containing as nearly as practicable an equal number of inhabitants.

The next section—section 4—provides that Representatives "shall be elected from the districts now prescribed by law until such State shall be redistricted by the legislatures thereof in the manner herein prescribed." "The manner herein prescribed" means that the district shall be composed of contiguous and compact territory and contain as nearly as practicable an equal number of inhabitants, as expressed in the prior section.

I desire to call attention to the fact that as the bill passed the House in the preceding Congress it did not contain this clause or expression, "by the legislature thereof."

Mr. President, whatever our views may be on the subject of the initiative or referendum we can not ignore the existence of statutes in divers States of the Union under which they are the recognized methods of enacting laws. Under such circumstances what is the effect of this expression, "by the legislature thereof"? It is a distinct and unequivocal condemnation of any legislation by referendum or by initiative. It is a mandate to the States to this intent: Whatever your laws may be for the enactment of statutes, yet in the division of the State into congressional districts you must act by the legislature alone, even if under the laws a trivial question can be submitted to the whole electorate, nevertheless in this very important matter of dividing the State into districts the legislature alone shall have full authority.

At first sight, in reading this section and finding the words "by the legislature thereof," it would seem to be an oversight. Whether it is or not, I am unable to say; but in any event it does not belong here. A due respect to the rights, to the established methods, and to the laws of the respective States requires us to allow them to establish congressional districts in whatever way they may have provided by their constitution and by their statutes.

I call attention to the exceptional importance of a districting law. Mr. President, we all know there have been most unjust—yes, I may say, shameful—instances of gerrymanders in some of the States. In one State of the Union last autumn the candidates of one party for judge of the supreme court and several other State offices received a majority of 3,000 or 4,000. Nevertheless in that same State, at the same election, out of 16 Congressmen 13 were chosen by the other, or minority, party in the State.

If there is anything which is clearly a distinct denial of the rights of popular government it is a gerrymander. It is possible to so adjust a State by shoestring districts, by including in one district remote portions of the State and connecting them by a narrow line, as to absolutely defeat the will of the people. I can not understand how the Senate can refuse to adopt this amendment.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. BURTON. Certainly.

Mr. SHIVELY. I agree with the Senator from Ohio in his view as to the iniquity of some of the gerrymanders. But in a general statement he might very easily be mistaken as to inferences to be drawn from the returns at an election. Take the instance of my own State. President Taft carried it in 1908, as I recall, by some 12,000 plurality, yet 11 out of the 13 Representatives were returned by the Democratic Party on an apportionment made by a Republican legislature.

On the face of the returns of an election you may conclude that there must have been a vile gerrymander. But, though our Republican friends had redistricted the State, and though the Republican candidate for President carried the State by 12,000, 11 out of the 13 districts returned Democrats.

I only say that local conditions in many States bring these things to pass. You can not always infer that they are the results of unfair apportionments.

Mr. BURTON. I concede to my friend from Indiana that under exceptional circumstances results of that kind may ensue. It is to be said that in the State of Indiana, in the election referred to, in 1908 a Democratic governor was elected and a Democratic legislature. I think I can call attention to another instance in Indiana which is even more striking than the one which the senior Senator from that State has mentioned.

Under a districting made by the Democrats in accordance with the census of 1890 there was a gross disproportion in the majorities in the respective districts. There were very large majorities under normal conditions in two or three districts which it was anticipated would go Republican, while in the others there was a small but apparently safe Democratic majority.

After 1892 and 1893 there was a nation-wide political reaction which extended to Indiana, and as a result in 1894 the Repub-

licans carried every district in the State, sending a solid delegation to Congress.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield further to the Senator from Indiana?

Mr. BURTON. Certainly.

Mr. SHIVELY. Does the Senator infer that the result of the election in 1894 was due to a redistricting act passed by the Indiana Legislature?

Mr. BURTON. The solid Republican delegation was due, in a measure, to a lack of calculation on the part of those who framed the districts. The majorities which were relied upon to carry them for the Democrats did not prove reliable; the rather narrow margins by which it was expected many districts would be carried were entirely wiped out.

Mr. SHIVELY. Of course, the Democracy of Indiana that year went down with the general tide. In the Nation we elected only 12 Representatives in Congress north of Mason and Dixon's line. That can hardly be attributed to a so-called gerrymander. If the Senator means that political parties are apt to overreach themselves when they make unfair apportionments I agree with him. But if he wants to infer that his own party is exempt from that abuse of power, I think he is utterly mistaken.

Mr. BURTON. Oh, I do not claim that. If I were to make any comparison I would say that your party had been guilty of a larger number of transgressions, but I will not say that my own party has been entirely free from considerations of party advantage.

Mr. SHIVELY. There the Senator is woefully mistaken.

Mr. BURTON. If the Senator desires to go into that subject, I can give him some figures on the question which I think will establish it, but I do not desire to do so at this time, though I may later discuss this from a partisan standpoint.

I can entirely agree with the Senator from Indiana in the statement that local conditions may affect an election to such an extent that we may not be sure that it was an unjust division which caused the returns to show exceptional results. But my argument goes far beyond that. It is not a question of chance illustrations; it is a matter of principle.

If you have a referendum in a State the object of which is to submit to the people at large the question of whether or no a statute shall stand, the question whether it is just or unjust, that provision ought especially to apply to a law dividing a State into districts, where there is such an opportunity for monstrous injustice. If there is any case in the whole list of laws where you should apply your referendum, it is to a districting bill.

Senators on the other side, and on this side as well, have of late addressed the Senate ardently advocating the principle of the referendum and the initiative. I shall be interested to know whether they will permit the restriction, "by the legislature thereof," to remain in this statute. If you believe in the principle, stand by the principle and do not take that very inconsistent and absurd position, "We are for the rule, but we are against the application thereof."

I take it the object sought by the amendment I have proposed could be secured by merely striking out the words "by the legislature thereof," but if it is to be amended I think it is desirable to make both the substituted and the following words more definite. So I have suggested that the Senate strike out the words "by the legislature thereof in the manner herein prescribed," and insert in lieu thereof, first, the words "in the manner provided by the laws thereof." This gives to each State full authority to employ in the creation of congressional districts its own laws and regulations. What objection can be made to a provision of that kind? Pass this amendment, and you will transmit to each State the message "Proceed and district your State in accordance with your laws." This act does not do that. It sends the message, "Do it in only one specified way; that is, by your legislature." Then I think——

Mr. SHIVELY. Mr. President——

Mr. BURTON. I will yield to the Senator from Indiana in just a moment. I think it best to add a few words more—"and in accordance with the rules enumerated by section 3 of this act." The rules enumerated in section 3 are, as already stated, that the districts shall be "composed of contiguous and compact territory, containing as nearly as practicable an equal number of inhabitants."

Mr. President, there have been instances in which one district has contained two, or even three, times as many inhabitants as the adjoining district.

If we adopt as the basis of representation a population test, which is in accordance with the Constitution and laws of the United States, districts should be as nearly as possible equal in the number of their inhabitants. The courts in passing on provisions like this, requiring contiguous and compact territory, and as nearly as possible an equal population, have been averse to any interference. It therefore seemed best to set forth in section 4 the language "in accordance with the rules enumerated in section 3 of this act," so as to bring home to each legislature or to the electorate of any State when they vote under the provisions of an initiative or referendum the requirement that the districts must be symmetrical in form, contiguous, compact, and that gross violations of law in the way of inequality of population should not be tolerated.

Now, I shall be glad to yield to the Senator from Indiana [Mr. SHIVELY]. I think otherwise I have said all that I care to at this time.

I wish to give notice, Mr. President, that I shall introduce other amendments before the vote is taken on the pending bill, and I may then desire to address the Senate at some length.

Mr. ROOT. I give notice of my intention to offer the following amendment, which I ask to have printed and laid on the table.

Mr. BURTON. In order to familiarize ourselves as nearly as possible with the question to be discussed, may I ask unanimous consent that the amendment submitted by the Senator from New York be read?

The PRESIDING OFFICER. The Senator from New York gives notice that at the proper time he will offer an amendment, which the Secretary will read.

The SECRETARY. Strike out from and including line 5 on page 1 to and including line 15 on page 3, and insert the following:

Three hundred and ninety-one Members, to be apportioned among the several States as follows: Alabama, 9; Arkansas, 7; California, 10; Colorado, 3; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 11; Idaho, 1; Illinois, 24; Indiana, 12; Iowa, 10; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 14; Michigan, 12; Minnesota, 9; Mississippi, 8; Missouri, 14; Montana, 2; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 11; New York, 39; North Carolina, 9; North Dakota, 2; Ohio, 20; Oklahoma, 7; Oregon, 3; Pennsylvania, 33; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 9; Texas, 17; Utah, 2; Vermont, 2; Virginia, 9; Washington, 5; West Virginia, 5; Wisconsin, 10; Wyoming, 1.

The PRESIDING OFFICER. The Senator from New York asks that his amendment may lie on the table and be printed. Without objection, the order will be entered.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 2 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 2, 1911, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 1, 1911.

REGISTER OF LAND OFFICE.

Lawrence N. Houston, of Oklahoma, to be register of the land office at Guthrie, Okla., his term having expired February 11, 1911. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Hugh Scott, of Waukomis, Okla., to be receiver of public moneys at Guthrie, Okla., vice William B. Hodge, jr., resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 1, 1911.

SUPERVISING INSPECTOR.

Henry M. Seeley to be supervising inspector, second district, Steamboat-Inspection Service.

UNITED STATES ATTORNEY.

James H. Wilkerson to be United States attorney for the northern district of Illinois.

UNITED STATES MARSHAL.

Luman T. Hoy to be United States marshal, northern district of Illinois.

PROMOTIONS IN THE NAVY.

Commander Frederick L. Chapin to be a captain.

Lieut. Commander Harley H. Christy to be a commander.

Lieut. Commander Jay H. Sypher to be a commander.

Lieut. (Junior Grade) William A. Glassford, jr., to be a lieutenant.

Surg. Manley F. Gates to be a medical inspector.

Asst. Surg. William Chambers to be a passed assistant surgeon.

Asst. Surg. Lee W. McGuire to be a passed assistant surgeon.

The following-named assistant naval constructors to be naval constructors:

Ross P. Schlabach, and
George S. Radford.

The following-named ensigns to be lieutenants (junior grade):

August C. Wilhelm,
Hugh Allen,
Russell Willson,
Milo F. Draemel,
Pierre L. Wilson,
Stephen Doherty,
Garrett K. Davis,
Claude B. Mayo,
Herndon B. Kelly, and
James J. Manning.
Gardner L. Caskey,
John B. Rhodes,
Albert C. Read,
George H. Bowdey,
Robert A. Theobald,
Richard Hill,
Fletcher C. Starr,
William L. Beck,
Garret L. Schuyler,
Alfred W. Brown, jr.,
Frank Russell,
Guy E. Baker,
John A. Monroe,
William F. Newton,
David A. Scott,
Willis W. Bradley, jr.,
Miles A. Libbey,
Raymond A. Spruance,
Calvin P. Page,
Earle F. Johnson,
Henry K. Hewitt,
Felix X. Gygax,
Guy E. Davis,
Weyman P. Beehler,
Lemuel M. Stevens,
Joseph S. Evans,
Warren C. Nixon,
John W. W. Cumming,
Charles R. Clark,
Roy Le C. Stover,
Chester H. J. Keppler,
Charles A. Dunn,
John W. Lewis,
Frederick W. Milner,
Charles G. Davy,
Horace T. Dyer,
Charles C. Gill,
Rufus W. Mathewson,
Augustin T. Beauregard,
Damon E. Cummings,
Russell S. Crenshaw,
Warren G. Child,
Herbert S. Babbitt,
William H. Lee,
Bryson Bruce,
William P. Williamson,
Randall Jacobs,
Vaughn V. Woodward,
Richard S. Edwards,
Robert T. S. Lowell,
Clyde R. Robinson,
Richard T. Keiran,
Ralph C. Needham,
James B. Howell,
Willis W. Lawrence,
Charles C. Slayton,
Irving H. Mayfield,
John H. Hoover,
Louis H. Maxfield,
Raymond F. Frellsen,
William H. Walsh,
Alfred W. Atkins,
Philip H. Hammond,
Claud A. Jones,
Harry Campbell,
George W. Kenyon,
Allan S. Farquhar,
Lucien F. Kimball,
Harvey W. McCormack,
Harold M. Bemis,
Ernest D. McWhorter,
John M. Schelling, and
Bert B. Taylor.

Asst. Surg. George W. Shepard to be a passed assistant surgeon.

Asst. Surgs. Ernest W. Brown and Alfred J. Toulon to be passed assistant surgeons.

Asst. Surg. James T. Duhigg to be a passed assistant surgeon.

Asst. Surg. Charles F. Sterne to be a passed assistant surgeon.

Asst. Surgs. Sankey Bacon and Kent C. Melhorn to be passed assistant surgeons.

Asst. Surg. Harry H. Lane to be a passed assistant surgeon.

Asst. Surgs. David G. Allen and Chandler W. Smith to be passed assistant surgeons.

Asst. Surg. Micajah Boland to be a passed assistant surgeon.

Asst. Surgs. Joseph R. Phelps, George B. Crow, and Alfred L. Clifton to be passed assistant surgeons.

Asst. Surg. Harry W. B. Turner to be a passed assistant surgeon.

Asst. Surgs. Reginald B. Henry and Harry A. Giltner to be passed assistant surgeons.

Asst. Surg. Lucius W. Johnson to be a passed assistant surgeon.

Asst. Surgs. John B. Pollard, Arthur H. Dodge, George F. Cottle, and William L. Mann, jr., to be passed assistant surgeons.

Asst. Surgs. Roy Cuthbertson, George B. Whitmore, John A. B. Sinclair, and Donald H. Noble to be passed assistant surgeons.

Asst. Naval Constructor Frank D. Hall to be a naval constructor.

Asst. Naval Constructors James L. Ackerson, Donald R. Battles, and Richard D. Gatewood to be naval constructors.

Boatswain Frank Bresnan to be a chief boatswain.

Boatswain Henry H. Richards to be a chief boatswain.

Machinist John I. Ballinger to be a chief machinist.

Machinist James H. McDonough to be a chief machinist.

Machinists George W. Byrne, Henry Lobitz, and Frank R. Barker to be chief machinists.

Carpenter Francis X. Maher to be a chief carpenter.

POSTMASTERS.

ALABAMA.

J. H. Mason, Columbiana.

COLORADO.

George L. Coleman, Haxtum.

INDIANA.

John E. Clevenger, Parker.
George E. Murray, Rensselaer.

MISSOURI.

Patti B. McAdow, Lemar.

OKLAHOMA.

Carl Huffaker, Fairfax.

WASHINGTON.

Mary A. Ide, Granger.

WEST VIRGINIA.

Zephaniah J. Martin, Fairview (late Amos).
J. W. P. Saint Clair, Macdonald.
James P. Staton, Oak Hill.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 1, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

O Thou great Jehovah, King of Kings and Lord of Lords, mighty to deliver, come Thou and reign in all our hearts that the work of this day may be acceptable in Thy sight and redound therefore to the good of the people here represented. And Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE WOOLEN SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent to take from the Speaker's table the bill H. R. 11019, an act to reduce the duties on wool and manufactures of wool, for the consideration of the House. And I desire to state to the House that my purpose in doing so is to move to disagree to the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to take from the Speaker's table the bill H. R. 11019, an act to reduce the tariff on wool and manufactures of wool.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Would it then require consideration in the Committee of the Whole or not? I am not sure.

Mr. UNDERWOOD. I will state to the gentleman that I think it will, and I would like to ask unanimous consent, if there is any consideration, that we may consider it in the House as in the Committee of the Whole. Therefore I ask unanimous consent to take the bill from the Speaker's table and that it may be so considered.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to take the bill H. R. 11019 from the Speaker's table and consider it in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 11019. An act to reduce the duties on wool and manufactures of wool.

Mr. UNDERWOOD. Mr. Speaker, I move to disagree to the Senate amendment to H. R. 11019 and ask for a conference. I do not desire to go into a discussion of the question at this time.

Mr. MANN. Would not the Senate amendment have to be read?

The SPEAKER. The Clerk will read the amendment.

Mr. UNDERWOOD. Unless the gentleman from Illinois desires the amendment to be read as printed, I will ask unanimous consent to dispense with the reading of it. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Senate amendment.

The SPEAKER. The gentleman from Alabama asks unanimous consent to dispense with the reading of the Senate amendment. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I ask for a vote.

Mr. MANN. I do not know whether anybody on our side desires time or not.

Mr. HILL. I would like about two minutes, perhaps five.

Mr. UNDERWOOD. I understand, under the rules of the House, that when we consider a bill in the House as in the Committee of the Whole it is under the five-minute rule, and the gentleman can be recognized for five minutes.

The SPEAKER. The gentleman from Connecticut [Mr. HILL] is recognized for five minutes, and in the meantime the House will be in order.

Mr. HILL. Mr. Speaker, this is the first time that I have seen this amendment. I take it that it does not vary much from the amendment offered by the Senator from Wisconsin originally, which was voted down in the Senate. I understand it differs from that something like 5 per cent.

It is another illustration of the manner in which tariff bills are now being made, the ball being thrown by some Member and the legislative body hitting it if it can, making a home run if possible in one case, and going out at the bat in another case—without judgment, without reason, without intelligence, and without knowledge.

Now, so far as the original Underwood woolen bill is concerned, I think the woolen industry of the United States would just as soon have one bill as the other; just exactly. They are equally destructive. It is only a question whether the industry shall be killed by a bullet or stabbed to death. That is all there is to it. The Wilson bill gave free wool and 50 per cent duty on woolen cloth such as is used for men's and women's dress goods. That is the largest item of importation. The Underwood bill gives a duty of 20 per cent on wool and 40 per cent on cloth, leaving a net duty of 27 per cent on manufactured woolen fabrics. That is 23 per cent ad valorem less than the Wilson bill, which closed most of the factories in the United States. My understanding of the La Follette bill, which is now offered as an amendment, is that it is substantially the same in its ultimate effect. I figured it up the other day in another place when it was being acted upon, and found that, instead of 23 per cent less than the Wilson bill, it was 17¾ per cent less than the Wilson bill, so that you see either bill is absolutely destructive to the woolen industry.

I suppose one of these propositions is to be passed by Congress, and I suppose the cotton bill, which is equally destructive to the cotton industry, will be passed also. I am very glad to see the Members from the South taking a little of their own medicine, and I hope that all this talk which is going on now around the Capitol to the effect that it is not the intention of the Democratic Party to force to an ultimate conclusion the cotton bill may, for its own credit, be mere rumors, because I can conceive of no greater political advantage that could come to the Republican Party than to have the free-list bill passed and to have the wool bill passed, but to have the cotton bill held up. And if that is done, gentlemen, if that is done, you will not be here after the next election. [Applause on the Republican side.]

It must all go together, and, as I say, there being practically no difference between the La Follette bill and the Underwood bill, so far as the woolen industry is concerned, I rise simply to call attention to the fact that both are destructive to the woolen industry of the United States——

Mr. KITCHIN. And to the Republican Party.

Mr. HILL. We will take our chances on that.

Mr. UNDERWOOD. Mr. Speaker——

Mr. HILL. Will the gentleman pardon me just one word? I want to add my profound conviction that the revision of some of the rates of the cotton schedule, notwithstanding all the articles from muckraking magazines in the past two years, is as desirable as the revision of the rates in the woolen schedule.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Connecticut speaks of rumors going about the Capitol. I do not believe that any man can justly say that the Representatives on this side of the House have hesitated for one moment to revise the schedules that affect their own people any more than they have hesitated in revising the schedules that affect other people. [Applause on the Democratic side.]

Mr. HILL. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. HILL. I want to compliment here and now the chairman of the committee for his honesty of purpose and the straightforward way in which he has conducted his business since this session began. [Applause.] I believe that he honestly believes in a tariff for revenue only and is doing the best he can to carry it out, but he must admit that the rumors are going around the Capitol in regard to what is intended to be done concerning the cotton schedule.

Mr. UNDERWOOD. I thank the gentleman from Connecticut for the kindly words he has said in reference to myself. We can not answer rumors, but I can assure the gentleman that if any of these bills go to the President of the United States, and he signs them, that we will finish the work at this session of Congress. [Applause on the Democratic side.] If the President of the United States refuses to let us legislate, then we will prepare our additional bills during the summer vacation and present them at an early date in the winter session of Congress. [Applause on the Democratic side.]

Now, as to the cotton bill, we intend to push that bill so far as we are concerned as vigorously as we intend to push the woolen bill. We are going to vote on it as soon as we can this week. As to whether it will pass the Senate before the adjournment of Congress will depend on the action of a Republican Senate and the action of a Republican President and not upon our action on this side of the House. [Applause on the Democratic side.]

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. MANN. We are all interested in knowing somebody's estimate as to how long we shall stay here, and the estimate of the gentleman from Alabama is certainly more valuable than the estimate of anybody else. The gentleman gives us information in reference to the continuation of the session if the President does not veto a bill, and an early adjournment if he does. What I want to ascertain from the gentleman is an estimate as to the continuation of the session if the bills do not get to the President. Are the working lines now between the gentlemen on that side of the aisle and their fellow Democrats at the other end of the Capitol, and certain other gentlemen, in such a condition that this bill is likely to get to the President?

Mr. UNDERWOOD. I can not answer the gentleman's question at this time. As to the working lines, I will say to the gentleman that that has not been as yet perfected. [Laughter.] But I have hopes that it will be, and that we can present the bill to the President.

Mr. MANN. The gentleman a moment ago talked as though it was certain that the bill would go to the President, and the natural inference from that is that the gentleman is prepared to yield to the working lines at the other end of the Capitol in order that the bill may go to the President. We are all interested in knowing whether it is the House that has something to say about tariff legislation, or whether we act pro forma in order that the Senate may actually pass a tariff bill.

Mr. FITZGERALD. We found that out in the last Congress. [Laughter.]

Mr. UNDERWOOD. I will say to my friend that I will take pleasure in answering his question when the conference report

on the bill comes back to the House. As to what my friend from Connecticut said about these being drastic bills, I want to say, in the first place, that my friend is entirely mistaken about the incidental protection under the original bill that passed the House being only 27 per cent.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the time of the gentleman from Alabama be extended five minutes? Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, the incidental protection that grows out of this wool bill to the woolen manufacturer certainly, in my judgment, amounts to 30 per cent, and in my judgment there is no question but that with that amount of incidental protection to the woolen industry it should make it a thriving and successful business in this country.

As I stated the other day in reference to the cotton bill, I believe that that bill, although there is a greater reduction in rate than in the woolen bill, I believe it is the most conservative bill so far as its effect on the industry will be, because, as I said the other day, our estimate of increased importations is only $10,700,000, less than one-half of 1 per cent of the amount of cotton goods consumed in this country, and one-half of 1 per cent increased importation could not possibly injure the great cotton industry in this country.

But if we are mistaken in our estimate of the importation, and it is twice as much as we estimate, then the increased importation and increased competition will only amount to 1 per cent more by reason of the passage of this bill; and when we have got a great cotton industry that is exporting its goods to the Orient and which increased its exportations last year, I say it is utter folly for any man to claim that a bill that only increases the importation less than one-half of 1 per cent is a serious menace to any business industry in the United States. [Applause on the Democratic side.]

Mr. HILL. Mr. Speaker, I would like the privilege of five minutes more in which to reply to the gentleman from Alabama. His time was extended for five minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker, the gentleman from Alabama [Mr. UNDERWOOD] says that the incidental protection under the Underwood woolen bill is 30 per cent. There is no incidental protection on any rate of duty less than the difference in the cost of production, because such competition is unequal and unfair, and if it was 5 per cent less than the difference in the cost of production the revenue tariff would not carry that incidental protection, because the industry would be impossible. But the gentleman makes this serious mistake when he says there is 30 per cent protection under his bill, for he is only counting withdrawing from the rate of duty on the fabric the compensatory rate on the wool, whereas he makes no provision whatever for the duty which the manufacturer has to pay on all the other materials aside from wool that enter into the cost of the fabric. Now, Canada tried it at 27½ per cent preferential tariff with Great Britain and absolutely failed, as we failed under the Wilson bill. Canada had to raise her duty from 27½ per cent to 30 per cent, with free wool, with a very much lower duty on everything entering into the production of wool and fabrics, and to-day the industry in Canada is practically nil, for I am informed by those who know that at least half of the woolen mills of Canada are idle, even under a 30 per cent preferential duty with Great Britain and very much lower duties on everything else that enters into the fabric.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield?

Mr. HILL. Certainly.

Mr. UNDERWOOD. I would like to ask the gentleman from Connecticut if a large number of woolen mills in this country to-day under a 90 per cent tariff are not idle?

Mr. HILL. They are, and cotton mills, too; and they will continue to be idle just so long as the shadow of a Democratic tariff for revenue only hangs over them. [Applause on the Republican side.]

Mr. Speaker, in justification of my statement in regard to rumors concerning the cotton industry I submit for printing in the RECORD an editorial from the Washington Post of this morning upon the South's influence in Congress and ask that it be printed in the RECORD. I will not ask to have it read at this time.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The editorial is as follows:

SOUTH'S INFLUENCE IN CONGRESS.

The attitude of the delegations from the cotton States on the tariff question is challenged by the Manufacturers' Record, which has superior facilities for sounding the business sentiment of that section. According to the Record, the South has grown away from its politicians, and they no longer respond to the spirit of the times. The South has changed from a wholly agricultural community to one whose factories have a productive capacity greater than the combined output of the farms and mines, but some of the politicians have not changed with it. They cling to the South of tradition, and while they are essentially honest the attitude of some of them in tariff legislation and discussion gives evidence that they must arouse themselves and learn if they would be of value to their section.

This severe arraignment of the statesmen of the South by a usually well-informed and conservative southern publication is impressive, but really it is not altogether deserved. The work of the extra session in the House, if fairly indicative of the statesmanlike qualities of these men, does not show that they are proceeding regardless of the interests of their section. Search the legislative record in vain for a single instance where the South has not been excepted from the ruinous workings of cut tariff rates. Scan the farmers' free-list bill, if you will, for one among the hundred articles of manufacture affected that is made to any extent in the South. Just how the southerners hypnotized their party colleagues from the North into voting for that monumental piece of sectional discrimination has never been explained. The wool revision hits Texas growers; but can not the South make a small sacrifice, seeing that the blow falls elsewhere with hundredfold force?

Now comes the cotton schedule, which on its face has the aspect of a square deal at last. But really how much does the coarse cotton-goods business of the South suffer in comparison with the handicap the bill puts on the North? Is it not worth while to hand New England a lemon of such acidity, even though it does do some hurt to northern capital doing business in the South?

And doubtless the remaining schedules will be taken care of with the same religious fidelity to detail that has marked the policy of revision up to date. The Record, we apprehend, has taken its cue from the public utterances of the men it pillories, whereas a truer appreciation of their services might have been gained by a study of their work in the privacy of the Committee on Ways and Means and the caucus room.

Mr. BARNHART. Mr. Speaker, before the gentleman takes his seat I would like to ask him if all of the Democrats in the United States were dead whether all of these mills that are now standing idle would at once start up? [Laughter on the Democratic side.]

Mr. HILL. Oh, Mr. Speaker, I yielded to answer reasonable questions. I will state that I think as it goes on there will be less and less Democrats living, but I expect there will always be some—just such as the gentleman who asks the question.

Mr. BARNHART. It does not look that way now.

Mr. BATHRICK. Mr. Speaker, will the gentleman yield?

Mr. HILL. Certainly.

Mr. BATHRICK. Mr. Speaker, the last consular report from Barcelona sets forth an extraordinary depression in the cotton manufacturing business in that city. Is the Democratic Party responsible for that?

Mr. HILL. I have not read that report yet; but I shall read it, and be prepared to answer the question when I have.

The SPEAKER. The question is on the motion of the gentleman from Alabama, to disagree to the Senate amendment and ask for a conference.

The question was taken, and the motion was agreed to.

The Chair announced the following conferees:

Mr. UNDERWOOD, Mr. RANDELL of Texas, Mr. HARRISON of New York, Mr. PAYNE, and Mr. DALZELL.

CAMPAIGN PUBLICITY BILL.

The SPEAKER laid before the House the bill (H. R. 2958) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected."

Mr. RUCKER of Missouri. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The question is on the motion of the gentleman from Missouri that the House disagree to the Senate amendments and ask for a conference.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield?

Mr. RUCKER of Missouri. Certainly.

Mr. OLMSTED. Mr. Speaker, I desire to ask the gentleman from Missouri if he will state his purpose in asking this disagreement? I will ask him first if he will agree to couple with his motion this: That in the adjustment of the differences between the two Houses on the said bill the House conferees shall yield to the Senate conferees so far as to agree that the following three propositions shall be retained in the bill:

1. That there shall be the same publicity of contributions and expenditures concerning primary elections and indorsements at general elections as in the case of general elections.

2. That the same publicity shall be required of contributions and disbursements for the nomination, indorsement, or election of Senators as in the case of Representatives in Congress.

3. That there shall be a limitation upon the amount which may be expended to secure the nomination, indorsement, or election as Senator or Representative in Congress.

Mr. RUCKER of Missouri. Mr. Speaker, in reply to the inquiry of the gentleman from Pennsylvania [Mr. OLMSTED], I will say to him frankly I will not couple the motion he has just read with the motion I have made to disagree to the Senate amendments and ask for a conference. I do not believe that the conferees ought to be instructed by the House, in the first instance, because I fear an instruction would have a tendency to destroy a free conference between the two bodies and might be objectionable to the Senate. Let me say to the gentleman, however, that he may rest in perfect contentment. If the motion which I have made prevails, I think I am warranted in saying the gentleman will be one of the conferees. I will never yield one iota from every suggestion contained in the paper which you have just read sooner than you do, and if you yield, then I assure you I will still be found fighting for those principles, every one of them. [Applause on the Democratic side.]

Mr. Speaker, the gentleman asks the purpose of my motion. I want to say to the House very briefly and frankly that I regard the amendments added to this bill by the Senate as very valuable additions to it. I have, however, after carefully studying the amendments, discovered what I think are obvious errors and obvious mistakes, matters that I believe ought to be reformed and perfected during this session of Congress in order that the bill, when it is enacted, may be such that no one who advocates the principle of publicity will be ashamed to go to his constituents and confess that he helped make it. My only purpose is to perfect the bill. I disclaim any purpose whatever to detract in the least from it. I do not want to destroy it, but I want to inject into it life, vigor, and efficiency, and nothing more, and I have every reason to believe that with the gentleman's able assistance as a conferee we will have no trouble whatever in reporting such a bill to this House that every Member who favors publicity will readily agree to the conference report, which, I assure the House, will retain the primary feature. That is one of my hobbies, I will say to the gentleman. I think this answers the gentleman's question.

Mr. OLMSTED. Mr. Speaker, if I may have a few minutes, four or five minutes?

Mr. RUCKER of Missouri. Certainly, Mr. Speaker, I yield to the gentleman five minutes.

Mr. OLMSTED. Mr. Speaker, the last Democratic convention adopted as part of its platform a plank demanding greater publicity for election expenses. A bill was brought in here in this Democratic House which improved very little, if any, the bill passed by the Republican Party at the last session of Congress. It did have in it a provision requiring the publicity of expenses before the election. My friend from Missouri says that his hobby is requiring publicity of primary election expenses, but it is to be observed that he voted against his hobby when such a proposition was offered upon the floor as an original amendment to this bill. The Senate has put in certain amendments which embody that feature and the others to which I have already called attention, and which we on this side think are very important features. Now, we did not know just what we were going to face this morning. A week ago the gentleman from Missouri informed us while the gentleman from New York [Mr. PAYNE] was speaking that if he lived until to-morrow he would have an opportunity to vote to concur in the Senate amendments, but last night our Democratic friends held a secret caucus upon this subject. I find in the Washington Herald of this morning this statement:

> More than 150 Democrats attended the caucus last night until 12.30 a. m. in the Hall of the House of Representatives, which was called to decide upon the policy of the majority party of the body with reference to the Senate amendments to the campaign publicity bill.
>
> Right off the bat the caucus adopted a stringent resolution forbidding any Member to reveal anything that might happen during the continuance of the caucus, and threatening the instant discharge of any employee discovered giving out information on the subject.

[Laughter on the Republican side.]

In other words, they were opposed to publicity of their own actions on the publicity bill. [Applause on the Republican side.] Therefore I say we did not know what we might be up against this morning. Now, I am free to confess that the Senate amendments—and I would rather see them adopted in toto than see them fail—do need some improvement, some smoothing out. For instance, there is a provision in one of them that no candidate shall expend in the aggregate more than 10 cents for each voter in his district.

Now, a voter is a man who votes. Differently construed he might be a man who is entitled to vote, but no man on earth can tell before election who is going to vote, how many are going to vote, or how many are entitled to vote. Therefore that provision in the bill as it now stands is inoperative. Nobody could be convicted for a violation of that provision. If you took it in the State of Mississippi, say, in the first three districts, the votes at the last congressional election were so few they have failed to record them at all in the Congressional Directory, I take it, therefore, that candidates in those districts could not spend anything. In the sixth district there were cast 4,070 votes. A man could spend $407 there. I notice that my friend from Missouri [Mr. RUCKER] has left that entirely out of his proposed amendment, which he printed in the RECORD the other day. I hoped the gentleman from Missouri would consent to instructions to conferees such as I suggested. I do not think such instructions would prevent a full and free conference, because they do not ask that the Senate conferees yield to the House conferees in any particular, but merely that the House accept.

But I have entire confidence in the gentleman from Missouri and in his statement. If he and I are conferees, as he suggests, and he votes in harmony with my suggestions, as he says he will, we shall finally have a pretty good bill. I take it that he will be the chairman of the conferees of the House; at least, the first member on the conference. I am willing to accept his statement. As some of the Senate amendments were made on the floor of the Senate, some of them without previous consideration, they can be improved, and therefore I am entirely content, Mr. Speaker, so far as I am concerned, that the motion of the gentleman from Missouri shall prevail.

The SPEAKER. The question is on the motion of the gentleman from Missouri——

Mr. RUCKER of Missouri. Mr. Speaker, permit me just one moment more to make an additional statement. The gentleman from Pennsylvania [Mr. OLMSTED] read from some newspaper an article concerning the caucus of the Democrats last night. In some respects, I take it, although I could not hear the reading very well, the article recites facts and in some respects it does not recite facts.

Mr. MANN. Tell us what the facts are.

Mr. RUCKER of Missouri. Come over on this side and get acquainted. I will say, Mr. Chairman, there was no action taken in caucus that binds anybody to vote for this measure or against it when it comes back from conference—none whatever. When it comes back it is going to be so harmonious and so perfectly in accord with public sentiment that I think everybody, without caucus action, will be for it. I hope so, at least.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. RUCKER], to disagree to the Senate amendments and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees:

Mr. RUCKER of Missouri, Mr. CONRY, and Mr. OLMSTED.

THE COTTON SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12812, a bill to reduce the duties on manufactures of cotton.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12812, with Mr. CULLOP in the chair.

Mr. PAYNE. Mr. Chairman, I had promised to yield the first hour to the gentleman from Massachusetts [Mr. MCCALL] this morning, but he has yielded half of his time to his colleague [Mr. WILDER]. Therefore, I yield 30 minutes to the latter.

Mr. WILDER. Mr. Chairman, I wish to acknowledge my indebtedness to the distinguished statesman from Massachusetts, my friend and colleague [Mr. MCCALL], for the privilege of speaking first this morning. I trust what I have to say may not be entirely unworthy of the favor.

I shall speak upon this bill from the standpoint of the business man or from the standpoint of its practical workings. I am quite aware that laws must be made by lawyers. No less true is it that business must be transacted by business men. About one-half of my life I have given to the rank and file; a large portion of the other half I have given to manufacturing, incidentally knowing something about the law. I have found, however, by experience that the lawyer knows about as much concerning the practical workings of the business man as the business man knows about the intricacies of the law. Each has a general knowledge of the other, but the science of business is an exact science, while the workings of law are not exact.

This we understand well by the various important decisions that are rendered from time to time. As to the last two decisions from the United States Supreme Court, none knew what they were to be, whereas when we come to the affairs of business, it is an exact science. The business that is legitimate, that is well managed, will succeed. The business that is not well managed will fail.

And so as to the tariff. I wish to speak upon it from the standpoint of the business with which it has to do. Certainly it is the largest problem connected with our business affairs. We well know the line of business activity from the man who handles his own farm and raises his own crops from which he takes his living, then to the transactions that he has with his neighbor and the market and next to his town, and next his State; then with his nation, each of which is larger and more complex than before. Still, when we come to the question of our business activities with the world, we are in the realm of the largest business transactions that exist.

The tariff, to my mind, seems something like a tree, with one common root and many branches. Perhaps all of our national activities would center in this same common root. The tariff divides itself, as we hear it spoken of very many times, into five different lines of activities—free trade, tariff for revenue, protection, regulation, and reciprocity. They are all related, and when we come to organize a tariff on the basis of any one of them, we overlook others just as important and perhaps more so than the one we consider. For instance, when we come to advance the idea of tariff along the lines of revenue only, we leave out other more important features than the element of revenue. Free trade, surely from a Democratic standpoint, is nothing. I say "nothing" because if we had no laws whatever, that would be free trade. We need no law to trade freely. Then we come to a tariff for revenue only. A tariff for revenue only is wholly mercenary when considered alone, and it may be cruel. For instance, 45 per cent tariff on women and children's clothing, provided in the Underwood wool bill when considered alone, is cruel, but when it has involved with it the question whether or not it insures additional work for those very people, you have brought in another element which may rescue it from its discreditable position as a tariff for revenue only. One can not be used wisely alone. They all ought to be operated together. And when we come to revise the cotton schedule for revenue purposes, we leave out matters of more importance for those of less importance; we leave out those more honorable for those of less credit, for certainly to live alone for money, as an individual, is not the highest ideal of life. Most certainly such can not be the fact with a country so great as ours.

I wish, then, to go a little further than I went in a previous speech made in this House on the question of labor and its relation to the tariff. I said then that the goods that we used from abroad or imported, or the question of tariff regulation, was from 50 to 75 per cent labor. I wish to increase that ratio to from 75 to 90 per cent labor. I will try and make that clear if I have time. The reason I say this is a question of labor is for the same reason that Abraham Lincoln advanced when he was speaking about one of the great questions of the day in his time, that "the evil so far transcends the good that I shall speak of it only as an evil."

So I say that in our matters of tariff and our matters of manufacture the question of labor so far exceeds all other things that I am constrained to say that it is almost wholly a question of labor. It is more than 75 per cent a question of labor, and I wish to address myself to the subject from that standpoint.

I wish, then, to state that the vital test of a correctly regulated tariff, from the standpoint of our business interests, as a whole, is the question of the balance of trade. I make the statement that the times of the greatest depression in this country have been the times when the balance of trade stood most largely against us for a considerable period and that the times of the greatest prosperity in this country were those times when the balance of trade was most largely in our favor for a considerable period.

It is exactly the same as in our individual affairs. If my outgoes are greater than my incomes, it is not long before I am in bad shape financially. If, on the other hand, my income is greater than my outgo, I am constantly improving financially. If we sell abroad more than we buy from abroad, we are increasing our foreign balance and our prosperity; and it makes no difference how much we may argue, or how far we go hither or yon, we can not get away from this proposition. It starts with our individual affairs and goes through every business avenue of life, and it assuredly does not cease in our national affairs. The real or practical test is the size of the imports. For every million dollars worth of goods we buy from abroad, that we can make here, we put out of employment more than $750,000 worth of labor in this country. This may be worked out from any standpoint from which you may approach it, and the net result must be the same.

Many times the question is overlooked of the great relation that our tariff affairs have to the question of finance. Here comes up a very important matter that I do not often see mentioned, and that is the relation of our tariff affairs to panics. Many people do not appear to observe a material difference between the panic of 1907 and the panic of 1892–3. The panic of 1892–3 was a chronic panic, the panic of 1907 was an acute panic. One came about when there were normal adequate cumulative reasons for it. The panic of 1907 came about when there was no normal or cumulative reason for it. What was the difference? In 1892–3 and previous and succeeding we were buying goods largely from abroad and our mills at home were shut down or abnormally so. Our debts were growing largely abroad, and our income from abroad was slight, until the trade balance was against us, and consequently the financial balance was against us, and the foundation was laid for those distressing times which I know something about, from 1892 to 1897. That was a chronic panic followed as always by a depression brought about by the balance of trade running largely against us, or in other words by our imports being large and our exports being small; by our buying more abroad than we sold abroad.

The causes of this depression are not far to find. They have been analyzed so many times in this House that it is not necessary for me to analyze them again. In the cotton schedule before us, however, the average tariff levied is substantially less than it was in the law that made those awful times possible or induced such a disastrous culmination.

In the fall of 1907 the panic we had was acute. There was no normal, adequate, or cumulative reason for it. A combination of sharp, quick circumstances brought about a state of affairs acute and severe at the time, yet from which we quickly recovered, because the foundation elements were not such as would make a long depression inevitable. Those elements were the long-continued large balance of trade in our favor; that is, our large exports and our comparatively smaller imports. We gain or lose gold or credits from abroad exactly in propotion to our trade balances, and it does not follow that because this country is large it can not be harmed, nor does it follow because it can not be harmed in a moment that it can not be harmed at all. Of course, as we grow larger we may take in more millions of foreign goods and not notice it to any large extent, as we might when we were smaller.

I suppose as the country grows large and wealthy to that extent we may take in foreign goods; but still the law stands, that every million dollars' worth of foreign goods imported throws out $750,000 worth of American labor. We can not get away from that proposition. We may not be able to find at first the people who are out of work, because it does not put out of work specific individuals. But it does, just the same, put out of work that amount of labor—not necessarily all in one factory, but distributed all along the line. Our affairs are becoming so stupendous and so inextricably interwoven that it is difficult to state just where the ultimate comes, but that it comes is something that must be admitted. The mere statement of the fact makes it apparent that there can be no wage scale for us in goods coming into this country from abroad. Any wage scale, however poor, is better than no wage scale at all.

Many times it is stated that the free-trade bills, or those bills lowering duties, like the cotton schedule and the wool schedule and others, are like or similar to the trade relations we have had, like reciprocity with Cuba and like free trade with the Philippines or some other bills of that sort. Is there no difference between our trade relations that we are near making with Canada, with 8,000,000 people, the nearest like ourselves of any people on the face of the earth, and such an arrangement as the free-list bill that deals with the peoples of all the earth with its 1,000,000,000 inhabitants? Is there no difference in the exchange of some or even all supplies with Canada on an even basis and the proposition to give up our markets regardless to the pauper labor of the earth? They can not be compared. I get out of patience sometimes at these calamity howlers about the harm that will come from reciprocity with Canada and Cuba and yet are in favor of the farmers' free-list bill that gives our markets to all the world when they do not give us anything in exchange, whereas reciprocity is an exchanging of products, like reciprocity with Canada, in which she gives us some of her products and we give her some of ours in return on some fair basis. If Canada was commercially annexed to our country, is there anyone who thinks that that would materially

harm us—8,000,000 people like our own, merely adding another State like New York or Pennsylvania? It might be glorious, but scarcely calamitous. It is wholly unlike the question relating to other bills, one of which we are considering at the present time. Hundreds and thousands of people are molested by one and not harmed by the other.

I again refer to those beautiful times between 1892 and 1897, the only time when we have had a Democratic tariff law since I remember, for I have heard it stated in this House several times that President Taft remarked that Schedule K of the Payne tariff bill is indefensible. Quite likely that is true, but where was it ever written that he stated that the Underwood bill was defensible? Where has he ever stated that the Underwood revision of the cotton schedule now before us was defensible? Give him a chance at them and see what he will say about them. [Applause on the Republican side.]

Again, when you are quoting Presidents, why not quote your own President? What did he say about the Wilson-Gorman bill? He did not take out one schedule that he thought was indefensible. Did not he say that the bill was a piece of party perfidy and dishonor? Why not quote this for a change? But the late President Cleveland, you must remember, was half Republican; that is why he was elected. [Laughter.] You say, Wherein? I say on the matter of finance one of the greatest and most important of all our affairs. I may have more to say on this subject when it comes up in the winter. Was not he squarely on the Republican platform on finance? I say that no man can ever be elected President of this great Republic who is an out and out Democrat; and, gentlemen, if you want to elect a President a year from next fall you must be sure and take one that is partly Republican. [Laughter and applause on the Republican side.]

That celebrated Wilson law of 1893 to 1897, we are informed by competent authority, carried an average tariff of 44 per cent ad valorem on the cotton schedule. The Payne law, which is now in vogue, we are informed carries an average of 48 per cent on the cotton schedule. The present bill that we have before us, we are informed by the same authority, carries an average of 27 per cent on the cotton schedule. By what token or rule was it ever established that in the Democratic experience we had from 1893 to 1897 under a 44 per cent average tariff on a cotton schedule that we can now live with an average of 27 per cent?

The Wilson bill is out-Wilsoned in this affair. It is also stated by the same source that the estimated imports under this proposed bill will be something like $11,000,000 more than under the present law. It has been stated this morning that this was a very small amount of the whole—that is, of our entire cotton commerce. Granted. Just the same, from the time we start, all along through the line of these manufactures not only the labor in the yarn and weaving mill, but the labor of building the factories, machinery, and the administration, and overhead charges, the selling expenses, and the railroad employees, and every other affair that enters into or is connected with the handling of the goods, all goes into the question of labor, it can be very easily established that at least $8,000,000 of labor is represented by $11,000,000 of imports. Now, it is thought to be a light thing, $11,000,000 increase in our imports, but it is admitted that such is the expectation, and if such is the realization it is easy to discover that about $8,000,000 of labor would be put out of work annually, allowing $500 each, then 16,000 people will be thrown out of work by these increased imports. This bill is wrongly labeled. This bill ought to be labeled a bill to throw 16,000 people out of work, because that is exactly what is is admitted that it will do. How can we escape from the proposition that where goods come in from abroad they carry with them no labor, and so all is lost.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. WILDER. Certainly.

Mr. BUCHANAN. The gentleman is figuring on labor at $500 a year.

Mr. WILDER. In the cotton mills, men, women, and some children.

Mr. BUCHANAN. Is it not a fact that the reports from the Department of Commerce and Labor give it at less than $5 a week as the average, and will that make $500 a year?

Mr. WILDER. I do not object in the least to my Democratic friend arguing for me. I wanted to be fair, and I put it at $500. If he wants to put it at $5 a week, then he must throw 32,000 people out of work. I like it if he does.

Mr. BUCHANAN. I want to get the right information, and if the gentleman wants to sustain a tariff and claim that it has succeeded and accomplished something while it is getting that kind of conditions for labor, he is welcome to the credit for doing it.

Mr. WILDER. I would only make one point in reply to that. The labor even then is better than no labor at all, as they had from 1893 to 1897, with Gen. Coxey and his army and soup houses galore. Does the gentleman want some more of that? This bill looks like an effort in that direction.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield further?

Mr. WILDER. Certainly.

Mr. BUCHANAN. Does the gentleman think with 40 per cent of children under the age of 16 at work, where labor is crushing the lives out of the children at a tender age, and also out of women, that that is a condition that is acceptable in preference to hardly anything?

Mr. WILDER. I am not arguing for that. I am not in favor of women and children operating in our factories. I would like to see them all up to this $500 basis, to which the gentleman from Illinois appears to object. I am certainly making this proposition fair for his side.

Mr. BUCHANAN. I was just asking for the facts. I wanted to know whether my information is correct or not.

Mr. WILDER. I will not raise the question of whether or not it is. I shall contend, however, that even if true in some cases and under some circumstances, that a small wage is better than no wage and Government soup.

Mr. BUCHANAN. My efforts have always been for high wages, and if I can do anything to get them, I will be glad to do it.

Mr. WILDER. Then, the gentleman will have to vote against this bill. Mr. Chairman, I wish to follow a little further the question of cheap wages raised by the gentleman from Illinois. I stated before that I had spent nearly half of my life in manufacturing. No tariff is necessary, let me say in the first place, to protect anything in any of the factories with which I am connected. We are a peculiar set of American ducks out our way, and we believe very strictly in Americanism. We welcome all of these people who come to us from the other side, a million of them a year, and are willing to do all we can to help them be Americans, in the real sense, whether born here or adopted here; but when it comes to a question of relative wages, these affairs adjust themselves, and when we come to a thoroughly expert American proposition, whether it be in manufacturing or anything else, the world can not compete with us.

When many of these cheap wage people come over from Europe, Asia, and Africa, they are not in any sense Americans, and those who don't want to be, or don't try to be, as with the Chinese, we don't want them here, for this is America, the "land of the free and the home of the brave." Many insist on their Old World methods and living and don't get into the spirit at all, or only in a small way. We believe in "American wages for American workmen," and would frame our tariff bills accordingly. Witness the splendid prosperity of the last 10 years. The world never knew the like of it regardless of all its human shortcomings. But it takes time to become a true American. It is not easy perhaps to come to Congress through the bridge-building-blacksmith-steeple-jack route, especially when you have to escape from perilous positions via the hand-over-hand cable route à la the Apostle Paul from the Damascus wall, but like Booker Washington's remark about the negro, we are coming up, some head first, some heels first, some end over end, but we are coming up.

And there are many similar experiences in this country, also many lines of manufacture so developed that the old country simply can not compete. It has been stated, however, and misused in my estimation to some extent in the shoe industry where one party stated that the tariff was not material with his particular business and some have tried to use it as meaning that it was not material in the shoe business generally. Nothing of the sort. The facts are this party makes a specialty by which he has built up a trade along special lines and people call for that thing and want nothing else and the question of competition is not in it, but when you come to the cotton, or worsted, or woolen schedules the mills abroad are as well equipped as our mills here and the labor as skilled and perhaps more so. Those are old industries built up from time immemorial. Now, the real question after all is said and done is, Do we want American wages paid to American workmen? We may say they are miserable in some cases; that is, those paid near-Americans and far-Americans. We hope they will all become more Americanized later.

We are aware that the prices in many of these cases are too low, but wherein will it remedy matters to make them still lower; wherein will it help to buy the goods abroad and shut down the mills altogether? Will we pursue our course along

those lines? Do those who are in favor of this bill and think that American wages are not high enough at the present time think matters will be benefited by taking labor away altogether and giving it to them on the other side of the river. It occurs to me that is rather an unfortunate method with which to accomplish anything good. I should think it was going down hill backward. Now I want to put up one point in regard to the awful profits which manufacturers make on their goods. I judge that some speakers are not entirely informed along these lines, and I want to make an illustration to show what is apparent on its face and ask if on the whole it looks like an enormous profit, and yet it is what often happens when you find these large profits from the big concerns or maybe trusts. Suppose the concern has a capital of $100,000, is in good credit, as any quantity of our large concerns are, and can borrow $100,000 more. They would not pay exceeding 5 per cent for that additional $100,000.

Mr. BOWMAN. They would now pay 6 per cent.

Mr. WILDER. An average of 5 per cent for a concern in good credit. I do not mean all over the country, but I mean where our large manufacturing industries are, but I do not wish even to be confined to 5 per cent. You can take 6 per cent, it makes no difference. So they have a working capital of $200,000, and with that working capital of $200,000 there are many mills in this country which do $1,000,000 worth of business. Now would any of you think that 5 per cent profit was too much after the labor and the materials are paid for, after the overhead is paid for, selling expenses paid for, salaries are paid for; would you think that 5 per cent was too large a net profit? I do not believe anyone here would for a moment suggest that they were not willing to pay a profit of 5 per cent on goods they purchase; but are you aware that under such circumstances the net profit of that concern would be $44,000 a year on $100,000 capital? These big concerns and trusts of which we speak at the present time are doing an enormous business, with a profit so small you can hardly find it specifically. I am going to give some little details of what the margin is and——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PAYNE. I yield 15 minutes additional time to the gentleman.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 15 minutes additional.

Mr. WILDER. I propose to show on some goods I have here made in the fourth Massachusetts district, which I know about, that I am sure you will not find any fault with the profits that are made on them, and at the same time I do not know how we can cut them out of it, because when we cut out much we cut out the whole. I do not think anyone questions the proposition which I stated in reference to $100,000 capital and $100,000 borrowed capital doing $1,000,000 worth of business and earning honorably and fairly $44,000. I do not say that all of the concerns in the country are doing that. But, if you apply this principle to the much-hated Standard Oil Co., and no one has any reason to hate them more than I, and yet, I suppose, even the devil is entitled to his due. And you come to figure up the business this concern does, I doubt if the profit will exceed 10 per cent, perhaps not more than 5. They are located in every hamlet, everywhere. They make a little rake-off here and there and everywhere, but the total amounts to $40,000,000 dividends. I am aware of it. I want it distinctly understood that I am not talking for that crowd, and yet the late Henry H. Rogers once made the statement that there never was a time when water could be hauled 100 miles and sold cheaper than oil is sold for to-day. Poland water, just pure spring water, comes from Poland, Me., and we pay 25 cents or more per quart, which would be a dollar or more a gallon, while kerosene sells for 10 cents a gallon.

I do not wish to defend these people, but it is generally admitted to be the best-managed concern that there is on earth to-day, and upon that fact depends much of the profit. They have been ripped up the back and the front for being a trust and have been dissolved by the United States Supreme Court. Now let us see what we have gained or if the price of their goods is any cheaper. These fellows know how to manage their affairs profitably under any circumstances. But here is another concern that makes a profit of only 7½ per cent on fabrics. If any of you object to that profit, hold up your hands. I am talking about these things because a reduction of 7½ per cent will wipe out all there is. A reduction of 10 per cent will ruin any quantity of industries in this country. When we talk of these things in a flippant fashion we do not know what we are talking about. We are talking theory and not fact.

I have here some gingham made by the big Parkhill mills, of Fitchburg, Mass., possibly some of them by the big Lancaster mills, of Clinton, Mass. I have also here two pieces of worsted. The same story in regard to both of them. This piece of worsted [exhibiting] is not exactly like the worsted which I have on, but those near by me can see that there is not much difference between them. It can be bought for $1.50 a yard. It takes 3½ yards to make a suit of clothes, making the total cost of enough for a suit $5.25. That piece of worsted [exhibiting] comes from the Sherriffs Worsted Mills, and the yarn was made by the Star Worsted Co., of Fitchburg, the mills which made the inaugural suit of President Taft. I do not say that the cloth for his inaugural suit did not cost more than $5.25, for that was a finely woven double cloth, but this piece of cloth here [exhibiting] costs $1.50 per yard. That is the wholesale price, and it is good enough for any gentleman, and the manufacturers are not responsible for the fact that the tailor charges you $40 or $50 for the suit, the price which they charge me. You are not going to attack the manufacturers and their workmen in my district and I not say a word, when, as a matter of fact, the manufacturer is not asking an exorbitant price for such a piece of goods.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WILDER. Certainly.

Mr. MOORE of Pennsylvania. Will not the gentleman explain if that had been an imported article what the tariff would have been upon it?

Mr. WILDER. I have not that exact information.

Mr. MOORE of Pennsylvania. Then will the gentleman answer this: The $5.25 for which that cloth was laid down to the man who made it up into the suit costing $40 or $50 included every possible tariff charge, did it not? I am assuming it is foreign made.

Mr. WILDER. I am not quite in sympathy with the tariff being a tax. But that piece of goods is made and sold in this country against foreign goods, tariff and all.

Mr. MOORE of Pennsylvania. That is to say, these goods at $5.25 for 3½ yards had the benefit of the barrier levied against imported articles at the customhouse?

Mr. WILDER. Quite right.

Mr. MOORE of Pennsylvania. Hence all the tariff is responsible for is to be found in that $5.25?

Mr. WILDER. Quite right. Let me follow that a little further, which will clinch that matter. That piece of worsted, I am informed by Mr. Sherriffs, can be purchased for one or one hundred suits. If anybody wants it they can have 3½ yards for $5.25. If they want to go along through other lines and pay more, well and good, but the manufacturer is not responsible for it, and yet the tariff protects the manufacturer and his men and the industry all along the line.

Mr. MOORE of Pennsylvania. Assuming that the tariff is paid upon that $5.25 worth of cloth, and the tailor sells you the suit for $40, will you please explain wherein the tariff is responsible for the increase in the cost price between $5.25 and the $40?

Mr. WILDER. Well, I could if I had time.

Mr. MOORE of Pennsylvania. Then there is no tariff exaction in any of that large increase in the price?

Mr. WILDER. No tariff on the cloth outside of the $5.25.

Mr. MOORE of Pennsylvania. Let me ask further: Is the increase given to labor?

Mr. WILDER. Certainly everything is given to labor. Let some one on the other side of the House show to the contrary if they can.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Texas?

Mr. WILDER. Yes.

Mr. HARDY. Does not the gentleman's argument tend to indicate that the next remedy will be, and must be, to reduce the tariff on the final suit of clothes, the completed manufactured article? Must you not reduce that also?

Mr. WILDER. That is all domestic. The tariff does not touch it. How are you to get a "to-order" suit from abroad?

Mr. HARDY. But if your clothing—if your suits were put on the free list or the tax placed very low on them, that would bring down all these intermediate additions to the cost, would it not?

Mr. WILDER. Yes; but these intermediate additions are labor. I think the concern that made this suit of clothes is doing an honorable business under modern conditions, and I think if you would cut down the tariff on the completed goods it would harm the ready-made suit makers.

Mr. HARDY. Then you think that——
Mr. WILDER. The remedy is not to lower the tariff.
Mr. HARDY. What is it then?
Mr. WILDER. That is not the point I am making. It is not the tariff, excepting as the workmen get it through some route or other.
Mr. HARDY. The point I make is that if you reduce the tariff on a suit of clothes and the manufacturer's product and the tailor's product, all along the line, then the people would get some benefit of it.
Mr. CAMPBELL. If I may be allowed to answer that question I would say that we would probably be buying $8 suits of clothes all along the line.
Mr. HARDY. And of the same quality.
Mr. CAMPBELL. Not at all.
Mr. BUCHANAN. Will the gentleman yield?
The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Illinois?
Mr. WILDER. Yes.
Mr. BUCHANAN. Would it not be better for these workingmen who work for $5 a week to be able to buy a suit of clothes for $8? They can not pay any more.
Mr. WILDER. Well, sir, I do not know of any men who are working for $5 a week. There are not any in my town, or in my vicinity. There is no use in mincing matters of that kind, and furthermore you can buy plenty of $8 ready-made suits now, and the man who wants "to order" suits takes them of choice, hence there is no hardship.
Mr. BUCHANAN. If the gentleman will look at the reports of the Department of Commerce and Labor he will find those figures there.
Mr. WILDER. I am talking and living in actual life to-day. I am not getting my ideas from printed reports.
Now, Mr. Chairman, I have better figures on the worsted business than on the cotton business, but it illustrates the workings of the tariff. Now notice that the mill that makes that piece of worsted, as I have stated, does not make the yarn. There is 89 cents of actual cost (purchase price) in the yarn in that piece of goods per yard. There is 33 cents of labor in that piece of goods, and there is 9 cents of overhead charges in it, and 8 cents of selling expenses, and 11 cents profit, which is, as you will see, less than 7½ per cent profit on that piece of goods which is worth $1.50 a yard. That is the regular price of that piece of goods, wholesale, to-day.
Now, let us not expect to find the solution of the difficulty in the manufacturer, for $5.25 for that piece of goods is not a high price. Now, how much can you lower the tariff—answer me this question, now—how much can you lower the tariff on that particular article and not at the same time put some one out of business? You can not lower it without selling that piece of goods for less than $1.50 a yard. How much can you take out of the profit of 7½ per cent. Does anybody wish to reduce that? There is 8 cents for selling, about 5 per cent. Does anybody want or expect a man to go on the road or elsewhere and sell goods for less than 5 per cent commission? Does any gentleman on that side of the House want to reduce the labor item of 33 cents? Can the overhead charge be reduced that covers the cost of the maintenance of the factory?
It is all well enough to say that we should be able to buy our goods abroad, overlooking entirely the loss of the whole labor in this country, in machinery and the factories and every other thing. Do you think it would make no difference if our goods were made on machines and in factories made abroad and so lose only the machines and factory building? Is not that a strange thought? And yet do we realize what this labor means? Labor means, on metal, from the time it starts from the mines along up through the transportation companies to the furnaces, to the mills, to the factories where it is made up; and what is one man's supply is another man's finished material. The same is true with respect to the farms. Why, over across the way, one gentleman—I think it was the distinguished Senator from Idaho, Mr. HEYBURN—gave a description recently of a ranch where the total expense of running the place for 10 years was $70,000, and the sales were $69,000; $15,000 of the sales, however, was to themselves for fodder, etc. And so we reduce the proposition to a $55,000 proposition, and $30,000 of it was for labor, while $15,000 of it was for interest money, as he apparently borrowed the most of his capital and did not own his whole farm. That made $15,000 more. That cuts it down to a margin of $10,0000 for his living and for every other affair for 10 years. A great deal of the living is labor. I say the whole thing is labor from beginning to end.
I said 89 cents was for yarn in this piece of cloth. Yes; but I go back to the yarn mill, and I have the figures here. I will not try to give them, as the time is getting so short.

On necessities that can be made in this country the tariff should be so low as to insure a sharp competition; on luxuries the highest compatible with a fair competition. Necessities that can not be made in this country should be free, and on luxuries that can not be made in this country there should be levied the highest collectible rates.
There is much to be said along these lines, and it all argues to this same end. How much labor is there in this yarn? Probably 25 per cent. And then the overhead charge is labor. And then for buildings, machines, and affairs of that sort. The salesmen represent labor. When you come to the question, "What is labor?" it is all labor, including the wool growing.
Even the large income of any man goes right back into labor, for, indeed, the stocks and bonds he buys are issued to pay for labor. When a millionaire builds his fine house it all goes into labor. Indeed, the closer you follow it the more nearly all our activities are sure to turn up as labor.
I remember a story which I read when I was quite young. I guess you have all heard of it. It is the story of a celebrated gentleman in a saddle, who rode from Winchester, 20 miles away; and he came up to the boys and saw them in confusion and defeat and rout and said, "Come on, boys; we will sleep in our own tents to-night."
How would you divide up the pay for what that crowd did? Would it be too much to give that distinguished general one-quarter or one-half of the glory? I use this as an illustration of what goes to make up labor. Are you going to say, because I have not sawed wood to any extent for 10, 15, 25, or 30 years, that I do not labor? I am the one man in our concern who does the most labor, for the longest hours, and bears the biggest burden. I am glad to bear them; I have learned how to bear them. That is what every man should aim for—to bear burdens; but when he comes to do that he has become something of an American, and he certainly is not going to work for $2.50 or $5 a week. He is going along up the line somewhere.
A great railroad has recently been looking for a president at a salary of $100,000 per annum. You say large? Do you think that a salary of $2,000 per annum large for a man who is competent to manage a business of $1,000,000—only one-fifth of 1 per cent—but the total business of that railroad is over $50,000,000 per annum and the salary less than one-fifth of 1 per cent. Do not you suppose that the difference between good and mediocre or bad management would amount to more than one-fifth of 1 per cent? Try it on your own affairs, however large or small, and see. So I say it is all labor, each man being paid the reasonable price that our civilization and progress in Americanism determines.
Now, there is not much politics in this speech, is there? I am just talking about the practical facts of manufacture. It is not my business when I am talking before this House to be a politician. I want to state frankly and clearly that I am a Republican because I believe in the policies, the principles, and the practices of the Republican party. The Republican party intends to stand for that which is right and good and best, and when you gentlemen on the other side of the aisle get anything that we deem to be good, we at once appropriate it. That has been shown in the past. You say we take your platforms. We do not. We simply take that which is *good* in them and which was probably put there by mistake. [Applause on the Republican side.]
The CHAIRMAN. The time of the gentleman has expired.
Mr. PAYNE. I yield five minutes more to the gentleman.
Mr. WILDER. This bill will admittedly lessen the revenue about $3,000,000 and increase the imports about $11,000,000. In other words, runs at "both spigot and bung" at the same time. The money runs out of the spigot (Treasury) by the lessening revenue and out of the bunghole by the extra money from the country generally to pay for the increased imports. Who ever saw such folly launched as a good business proposition? While it is claimed to be a tariff for revenue only, it admitedly raises some rates and allows others to remain already prohibitive. Hence no revenue whatever, and strange as it may seem, these low-grade cotton cloths, used so largely by the people whom the sponsors for this monstrosity claim to serve and expect it to be overlooked, that in addition to this this grade of goods are largely made by the South, from whence these patriotic gentlemen come. They say the country wants the tariff reduced, presumably regardless of consequences, and that they were ordered to do it last fall, but ask any manufacturer if he wants the tariff reduced on the goods he makes, and he will answer, in no uncertain way, no. Ask the workman if he wants the wages reduced on the specific goods that he makes, and he will cry, no. What, then, they expect that it will be reduced only on the goods that they buy; this is, of course, impossible, for what they buy some one else sells. Where is the trouble, then?

Simply the people have been deceived, and if the framers of this cotton schedule do not know it they might recall that they have not had much experience in tariff making, and that it is no hop, skip, and jump affair when the question might suggest itself to them, if they were sure that they knew enough to make a good bill without more care. In short, would it not be the part of wisdom to await the report of the tariff board, and even then take more time.

I can not end what I have to say better than by quoting that much-loved man of whom we have all heard so many times, Abraham Lincoln. Whatever he says must be good. So I will close with a favorite quotation from him:

I am not bound to win, but I am bound to stand true. I am not bound to succeed, but I must live up to the light I have. I must stand with anyone who stands right, stand with him so long as he stands right, and when he goes wrong, part.

I am not in favor of taking from American labor anything good that it now has or reducing its price. I am in favor of maintaining and increasing it. I am not in favor of the conditions spoken of by the gentleman from Illinois, and do not know where men are working at that price. I would not tolerate them in any factory with which I was connected. If I could not do better than that I would get out of that business. Yet I am aware that there are certain kinds of business in our country where these near-Americans are working, but we hope they will come out of those conditions and be better and larger and bigger at some later time. I will certainly turn in and try to help them. Will you, gentlemen on the other side of the aisle? [Applause on the Republican side.]

Mr. PAYNE. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Chairman, the schedule to which this bill relates is one of two of the most complicated schedules in the tariff. It is one upon which only an expert is qualified to speak, and an expert I do not claim in any sense to be. But there are certain obvious things about this schedule and about this bill which a novice may see, and some of these things I shall attempt to bring to your attention.

In the first place, the business of manufacturing cotton is a great national industry; it is not in any sense a sectional industry. There was a time when the manufacture of cotton was confined largely to the New England States, but it is now an important industry in, I think, 16 States of the Union; and in the States of the South, where in 1880 it had developed only to a very slight extent, it has since that time increased more than 1,000 per cent; and they to-day make into cotton manufactures more than 200,000 bales of cotton each year, more than all the New England States combined. That shows that however well adapted the soil of the South is to the raising of the cotton plant—and it has a practical monopoly in raising cotton in all the world—yet it is no more adapted to that than are the industry and genius of her people to the manufacture of that plant into cotton goods. There is a tendency for gain there which we have seen for 30 years, which is still continuing, and it is no idle dream to look two or three generations ahead and see made on the southern soil nearly all the cotton that is raised there; and, as I say, in the raising of cotton they have a practical monopoly.

So there was no necessity, Mr. Chairman, even if gentlemen wanted to be sectional, for them in revising the cotton manufacturing schedule to temper the bill so much to the present condition of the industry in the South, for they have not yet developed in the South the manufacture of the higher grades as they have in the North, but there is a constant improvement; and if the authors of this bill were considering merely the South and had looked to the future, they would not have written in the bill the sectional lines that I shall point out before I close.

This report, which has the appearance of a very learned document, says that the cotton-manufacturing duties cost the American people some $200,000,000 a year. That I think is a pure assumption; it is a pure guess; but it is interesting for another purpose to consider the reasoning which the committee adopted in reaching that conclusion. They say that the average ad valorem of the cotton schedule is 56 per cent, and then they assume that only one-half of that percentage is effective, and they generously figure that half at 25 per cent, and they say 25 per cent of the cotton duties are effective and the rest are surplusage. Now, that is an interesting admission, coming from the greatest aggregation of free-trade statesmen at present performing on the Continent of North America [laughter]—that you can not add the duty in fixing the price to a domestic consumer. For they very generously throw out 31 per cent of this duty which they say is not effective and should not be added to the price.

But follow them one step further and see what they do. Having decided that all above 25 per cent is surplusage and should not count, they say they are going to relieve the people from robbery and from extortion and from the greed that we have heard about on this floor. How? Why, they are going to leave the schedule at 27 per cent; they are going to leave the 25 per cent and then add 2 per cent more for the robbers to come and go on to be sure that they get it all. [Laughter and applause on the Republican side.]

This estimate, as I said, of the cost of the schedule at two hundred millions is nothing more than a guess. I think that the same thing may be said of the estimate of the committee, that the duties under the proposed bill will stimulate importations only to the extent of $10,000,000 a year. I question very much whether that is true. I do not know whether that estimate is any nearer the truth than one I heard a few days ago by one of the greatest cotton manufacturers in the country, who said that the duty in this bill would stimulate importations to the amount of $200,000,000 a year.

I think both are guesses, but with millions of idle spindles in Europe, with only half of the labor cost which we have in this country, with the duties upon the Payne bill where you reduced them at a point where there are millions of importations into this country, it seems to me that if you cut those duties absolutely in two you will stimulate importations many, many times over $10,000,000 a year. I do not believe there is any escape from that conclusion.

But I said that this bill was drawn upon sectional lines. It is put forth here as a general revision of the cotton schedule. The first paragraph of the section relating to cloth fixes the duty upon the low-grade cotton cloth at 15 per cent. Let us see how that compares with the Payne bill. The Payne bill fixes the duty upon cotton cloth up to 7 cents a yard at 1 cent a yard. That is, upon cloth worth 7 cents a yard the Payne duty would be 14⅔ per cent. Under this bill it would be 15 per cent. As to the grades lower than 7 cents, let me show you how you would get an increase of duty by the difference between the operation of a specific and an ad valorem duty. Upon these lower grades of cotton, heavy in weight, often the value of the raw material is the great cost of production. Nearly two-thirds in some cases of the cost of goods, I understand, is represented by the cost of the cotton. At 12 cents a pound upon these lower grades you would get substantially the same rate as you do upon the Payne bill. But suppose cotton goes to 15 cents a pound, and the tendency is for a constant increase in the price of cotton; you will get an increase in the duty over the rate in the Payne bill. Then take the next step. The cotton goods that are valued at 9 cents a yard under the Payne bill, unbleached, carry a duty of 1¼ cents a yard.

Under this bill the duty is 15 per cent ad valorem, which will be 1.35 cents a yard, still an increase. Advance one step further and get to the goods that are bleached, dyed, painted, printed, and so forth, where up to 12 cents the Payne bill is 2 cents per yard, or 16⅔ per cent ad valorem. Your duty is 20 per cent, which is an increase of about 20 per cent over the Payne bill duty. Get to the upper grades of cotton, where the value of the raw material is a very slight element in the cost of manufacture, where, perhaps, it is not over 4 per cent of the cost of manufacture, where they have two and three and four hundred threads to the inch, and where the great cost is labor, goods that are manufactured for the wealthy people and that are luxuries, and you give those consumers relief to the extent of 50 per cent.

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Will the gentleman yield?

Mr. McCALL. Certainly.

Mr. UNDERWOOD. I will challenge the gentleman to show from the returns of last year, published by the Treasury Department, where the ad valorem rate in the Payne bill on the same class of goods, the lower class of goods, is anywhere lower than the rate fixed in this bill.

Mr. McCALL. Mr. Chairman, if the gentleman has been paying attention to what I have been saying, he will know that I have quoted from the Payne law, as it is contained in the gentleman's report, and from his bill, and if he will look over the instances that I have cited he will find no reason to doubt what I have said.

Mr. UNDERWOOD. I will say to the gentleman that the lowest rate in this bill is 20 per cent on the low class of goods, and I would like to have the gentleman point out any class of low goods—I do not mean to take one particular item—where it is in the Payne bill anything like as low as that.

Mr. McCALL. What I have said will be printed in the RECORD to-morrow morning, and I think if the gentleman will examine it he will find that I have stated the exact truth, and taken it from his bill and his version of the Payne bill.

Mr. UNDERWOOD. I would state to the gentleman that I am satisfied that in this low class of goods he will not find anywhere where the reduction in this bill is not very much greater than the same class of goods in the Payne bill.

Mr. McCALL. If the gentleman will read his own report——

Mr. HILL. Mr. Chairman, will the gentleman pardon me just for a moment?

Mr. McCALL. Certainly.

Mr. HILL. I turned to this book incidentally—I have not studied the question, and refer to the 9 cents a yard with a duty at a cent and a quarter, and I find the ad valorem is 10.92 last year——

Mr. McCALL. Well, I cited the cost to the House.

Mr. HILL. Six and thirty-six one-hundredths in 1909 and 9.17 the year before that.

Mr. McCALL. I cited three distinct instances to the House.

Mr. UNDERWOOD. I stated to the gentleman from Massachusetts I did not refer to particular items, but to the general class of goods proposed to be covered by the law. We must take the class together. I am not talking about a particular item.

Mr. HILL. This refers to bleached goods, value not over 9 cents per square yard, and not exceeding 50 threads to the square inch, and which, I understand the gentleman, is 15 per cent in his bill and 10 under the Payne bill.

Mr. McCALL. Painted and bleached is 20 per cent on the 12-cent grade. In the Payne bill it was 16⅔. That is, you have increased the duty on some of these cheap goods 20 per cent.

Mr. UNDERWOOD. The gentleman can take an item here and there where for some particular reason it may have been brought in at a very low rate, but I say the class of lower goods fixed in this bill is materially lower than the Payne bill and lower than the upper ones as fixed in that bill. The gentleman can not sustain his proposition.

Mr. McCALL. I am not imitating the method of reasoning that gentlemen on the other side have adopted in treating what is called the stepladder specifics, so as to show the great increase of duty in the Payne bill, and the great mass of speeches on the other side are built upon just such instances. I assert that there is no substantial decrease on those lower kinds of cotton goods and there are some very substantial increases, and I am willing to stand upon that statement. Now, I am going to follow that a step further. Here is a bill drawn avowedly, as the authors say, in the interest of the masses of the people, and they take the low-cost goods, the goods that are consumed by the poor people, by the working people of the country, and they either do not materially decrease the duties or they increase the duties, and they take these luxurious fabrics in which labor is the great cost, which are near silks, which are deemed luxuries and which are consumed by wealthy people, and to those people they give a reduction to the extent of nearly 50 per cent. That is, this bill is drawn in the interest of the wealthy class and is drawn in defiance of the interest of the great mass of the poor people of the country. Now, why is this done? If you will look over the statistics of manufactures you will find that the goods to which I have been referring are manufactured chiefly in the Southern States, and the goods to which the schedule applies which are made in the South have very little reduction made upon them, and some of them have increases made upon them. That is, your bill draws a class line and it draws a sectional line. Now, we know that a great many of these cotton goods that are being made in the northern mills to-day are very high-priced and that the chief cost in the production is the cost of labor. Suppose we cut down the duties—and there are now millions of importations of such goods under this schedule—suppose we cut down the duties, why, obviously, with duties at the importing point, the foreign goods will come in in greater volume, and the only way in which our manufacturers can meet them is to cut down the cost of production. They can not reduce the price of cotton. The price of cotton is not very material in the production of those goods, but, even if it were material, they can not reduce it, but their great item in the cost of production is the cost of labor, the wages of labor, and it is inevitable, if our mills desire to keep running under this drastic cut that you have here, that the wage cost of the goods should be reduced.

I am not able to see upon just what theory this bill is drawn. If you look at the importations you will find that in those paragraphs where there are now practically no importations, where we have no foreign competitor, where the duty is prohibitive, they keep the duties where they are or they increase them. Certainly they can not be upon a revenue basis. And upon the other goods, where we have free importations, they make a still further cut.

Now, gentlemen talk about the principle of tariff for revenue only. You would think from the way they argue about that sacred dogma that it was contained in the Constitution of the United States. But Congress has the power to levy taxes and duties and imposts without any limitation, and it can exercise its high sovereign prerogative and discretion in any way that it thinks would be for the benefit of the country. But gentlemen contend that they are to exercise this taxing power without reference to the consequences upon the condition of the country or upon production. Why, in that way you would impose upon a given industry a tax which might prevent it from growing. It might prevent it from reaching that stage where it would be a great revenue producer, where it would add to the wealth of the country and to the efficiency of the taxing power of the country. It is a very narrow view to take that in drawing a revenue bill you are to proceed with regard to revenue only and that you are not to consider in the exercise of your discretion its incidental and most far-reaching effects.

Now, there is the wool bill, which the House has just sent back to the Senate and upon which it has asked for a conference. Let me call your attention to the progress of this bill through the House. When it first appeared here there were a large number of gentlemen upon that side of the House in favor of the ancient Democratic doctrine of free wool.

A candidate of that party three times for the Presidency and its leader declared himself in favor of free wool; and, after a great effort, helped along and seconded by the Democratic caucus, they finally decided to impose a revenue duty of 20 per cent upon wool, a result much at variance with the recent practices and professions of the party and with the belief of its leaders. And but a little while ago we saw all the Democratic Members of another legislative body in this country voting unanimously in favor of the duty of 35 per cent upon raw wool, a percentage which in times when wool was high and when we specially would want to get it into the country at as low a rate as possible would give an equivalent specific rate equal to the rate in the present Payne law. And that is the bill that has been sent back to the House and which the House to-day has complaisantly asked for a conference upon. Now, I remember hearing read in this House on a somewhat parallel occasion, when the Wilson bill was returned here with some 640 amendments, a letter from the Democratic President of the United States denouncing that measure as one of "party perfidy and party dishonor," and yet, after the pretense of a struggle, I saw the Democratic House of Representatives accept every amendment proposed by the Senate. I do not know what you gentlemen propose to-day. I do not know how far the alliance has progressed, but I am wondering if you are going to imitate your predecessors in the Fifty-third Congress, when you will perhaps not even get a tariff bill, but when you will have the pleasure of surrendering your principles and of committing an act of party perfidy and party dishonor.

Mr. SHERLEY. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Massachusetts yield to the gentleman from Kentucky?

Mr. McCALL. Yes.

Mr. SHERLEY. While the gentleman is trying to anticipate the future, could he tell us what the Republican President would be likely to do with the bill when it came up to him?

Mr. McCALL. I will give my guess at it. I do not pretend to know what the President will do. I see what the newspapers are saying, which is that he will veto the bill. And I am wondering if that should happen if the gentlemen on the other side will be seen to go down with their ship of tariff reform or whether they will be upon a protective bark. [Applause on the Republican side].

Now, this industry is one of the great industries in the United States. It is a great American industry, and I believe can be made a distinctive American industry. We have, as I said, a monopoly of the raising of the cotton plant, and I believe that, ultimately, under wise laws, we will approach a monopoly in the manufacture of cottons.

Mr. COOPER. Will the gentleman yield?

Mr. McCALL. I will.

Mr. COOPER. The gentleman left his statement as to the rate of duty under the Wilson bill. The Wilson law put wool on the free list, did it not?

Mr. McCALL. Yes. Even that measure of "party perfidy and party dishonor" had wool on the free list. They had some Democratic features left in their bill.

Mr. COOPER. As I heard the gentleman, it seemed he left it where we would understand that it was 20 per cent.

Mr. McCALL. No; I did not mean that. The Wilson bill provided for free wool.

Mr. COOPER. It made wool free, but put 70 per cent tax on rice. [Laughter and applause on the Republican side.]

Mr. McCALL. The total production of our cotton manufacturers to-day is close to the billion mark. They employ more than half a million people, and the wages of that industry give sustenance and support probably to 2,000,000 people. It is a great industry, and it deserves fair treatment. It deserves fairer treatment than it is likely to get upon the bill based upon this voluminous report containing crude assumptions and mutually destructive theories and undigested statistics that make this great volume bulge from one end to the other with inaccuracies. [Applause on the Republican side.]

If we are to deal with this industry, let us deal with it intelligently. Let us at least pass a bill, in the passing of which we can maintain serious countenances. If we are going to lead it to the slaughter, let us carve it into a dish fit for the gods and not hew it into a carcass fit for the hounds. [Applause on the Republican side.] And for my part, I do not propose to join in a night assault which may be destructive of one of the fairest of American industries.

It has been well known, Mr. Chairman, that the Tariff Board is investigating this question. There could not be an abler tribunal for the consideration of an economic question than is the Tariff Board. It has at the head of it Prof. Emery, who was at the head of the department of economics in Yale University. It has one of the leading members of the faculty of the University of Virginia. It has men who are expert in economic lines. And they have been investigating this question, and have promised a report to this Congress by the 1st of December next.

Your own bill, by its terms, does not take effect until the 1st of January, and why should we not wait until we can avail ourselves of the studies of that board and have the evidence which they are gathering, so that it may help us in what we are about to do? I think this bill is emphatically a leap in the dark. It may be that some of these duties should be decreased. I should be willing to vote that they should be decreased, but I think that before I so vote I am justified in awaiting the evidence of this board, for the principle of which—that of a Tariff Commission—so many eminent gentlemen on that side of the House voted only last winter.

Now, I had in view to say a few words upon the general result of the Payne bill during its operation.

Mr. PAYNE. We will give you more time.

Mr. McCALL. I have heard gentlemen on the other side claim that the Payne bill increased duties. We have in this very report a statement that the duties in the cotton schedule were increased from 25 to 460 per cent, and yet in another place they say the average increase of duties was from 54 to 56 per cent. That is 2 per cent. They do not mention the fact that by reason of a decision of the courts separating a proviso from the paragraph which the authors of the Dingley bill intended to have it apply to and in connection with which it was enforced for four years that the duties on luxurious cotton fabrics were reduced from 60 per cent to 4 and 5 per cent. There was an increase in those instances in the Payne bill, and the justice of making them is shown in this very bill, because you increase those duties at least 500 per cent over what they were in the Dingley bill. And it would be a gross distortion of the idea of Democracy for anyone to stand for the theory that the low-priced goods should pay 15 or 20 or 25 per cent on coming into this country while the luxurious fabrics should come in for only 5 per cent.

I was going to say a word about the general operation of the Payne bill. The gentleman from Connecticut [Mr. HILL] has handed me a letter which he received from the Department of Commerce and Labor, responding to a request by him for a statement showing the average ad valorem rate of duties on imports during the fiscal year just ended. From that it appears that the free imports into the United States during the year ending on June 30 last were $777,000,000; that the dutiable imports were $749,000,000—that is, that more than half of all the goods coming into this country came in under the Payne bill free of all duty—and that the customs receipts were $313,000,000, showing an average ad valorem duty upon all goods of 20.54 per cent, which is lower than the rate under the Dingley law, lower than the rate under the Democratic Wilson law, and lower than that under the McKinley law.

If you will look at the figures showing the operation of the Wilson bill, of the Dingley bill, and of the McKinley bill during the full period when they were in force you will find that the Payne law shows a lower ad valorem upon dutiable goods than any of them. It shows a lower ad valorem upon all goods coming into the country than any of them, and especially for the year 1910, which was the last full year that I had when I made the comparison. It shows a reduction from the Dingley duties averaging 17 per cent upon dutiable goods. And yet gentlemen say that this was a revision upward.

And not merely did it reduce the duty upon dutiable goods from the Dingley bill 17 per cent, but it has put great items like hides upon the free list entirely, which do not appear at all in that calculation.

For the first time in the history of the country during the last year the total exports from this country to other countries exceeded $2,000,000,000. We had the greatest foreign trade that we have ever had.

Mr. Chairman, when we come to consider these simple facts, first that under the Payne bill we have the greatest exports that we ever had and for the first time more than $2,000,000,000; that we have the greatest foreign trade that we ever had; that we have a less average ad valorem on dutiable goods than under any of the last four great tariff bills; and that we have a less ad valorem upon all goods than under any of the last great tariff bills, including even the Democratic Wilson bill, it seems to me if these facts can be made known, the clamor, the prejudice, and the misinformation that have been scattered abroad about this bill will be dispelled, and that it will be seen to accomplish some of the great objects for which a revenue bill is established.

And then let me call your attention to one other matter. During the two years before the Payne bill took effect we had a deficit of about $80,000,000, or about $40,000,000 a year.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PAYNE. I yield to the gentleman 10 minutes more.

Mr. McCALL. We were not at liberty to throw away revenue. We had to address ourselves to the problem of providing money to meet the running expenses of the Government. What was the result? Although in the two years preceding the operation of this bill the average deficit was $40,000,000, in the first year in which this bill was in operation the surplus was $15,000,000 and in the second year it was $47,000,000. [Applause on the Republican side.] We had an average surplus in the two years of $30,000,000; and if gentlemen on the other side of the House want to study a way by which they may create a system for revenue only or a system that will benefit the country or that will extend its foreign trade or that will increase its domestic industry, I commend them to the study of the provisions of the Payne law. [Applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. BURLESON having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to joint resolution (H. J. Res. 130) making appropriations of certain expenses of the House of Representatives, incident to the first session of the Sixty-second Congress, disagreed to by the House of Representatives, had disagreed to the amendment of the House to the amendment of the Senate No. 2, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. GAMBLE, and Mr. CULBERSON as the conferees on the part of the Senate.

THE COTTON SCHEDULE.

The committee resumed its session.

Mr. HARRISON of New York. I yield 20 minutes to the gentleman from South Carolina [Mr. AIKEN].

Mr. AIKEN of South Carolina. Mr. Chairman, the Democratic Party, in control of the lower House, has undertaken revision downward of certain tariff schedules that are notoriously oppressive.

In so far as the Senate is concerned no revision would be possible but for the indignant cry of the people, who had repudiated the Payne-Aldrich monstrosity. Even a Republican President, whose signature made this act a law, admits that many of the schedules are indefensible, particularly the wool schedule.

Under the present high tariff rates, which have existed with few changes during a long period of unbroken Republican rule, monopolies and combines have sprung up a hundred times greater in number than during any like period of this country's history. So bold, so oppressive, so shamelessly corrupt and corrupting have been these creatures of Republican misrule that even the fostering mother, the Republican Party, would gladly repudiate the relationship were her hands not stained with part of the plunder. [Applause on the Democratic side.] She can not wipe out the campaign contributions exacted of these her wayward children. Prosecutions of the Standard Oil Trust, the Tobacco Trust, and others by the present administration are to be commended in so far as the executive officers are concerned, but as to the party the act reminds me of an old negro

in my town who had made a good Sunday dinner on a chicken that his boy had stolen, and when the theft was brought home to him, thought it ample satisfaction that he whip the boy soundly. [Laughter.]

Whether or not I am entirely orthodox on the question of Government taxation, it is my belief that a well-regulated tariff next to an income tax is the most equitable method and is attended with less friction than any plan that can be devised for raising revenue. The complaint of the people is not with the tariff, but with tariff abuses. I can vote consistently for an income tax, a corporation tax, or an inheritance tax, in the conviction that many of those who are liable have robbed the people under Government sanction, and it is a maxim of law that the owners of stolen goods have the right to take them wherever found. If the Government can be brought to this view, with the purpose of evening up things, no harm is done.

We hear much of high tariff and high wages going hand in hand. To quote the words of a leading manufacturer in my own State, Mr. Lewis W. Parker, for whose ability and integrity I have the greatest respect, "the wages of cotton-mill employees are already low and below the basis of a majority of industries." Bulletin 57 of the Census Bureau, page 93, shows that 44,452 youths and men, 24,552 girls and women, and 3,743 children under 16 years of age employed in the manufacture of woolen goods receive a weekly average of $7.61. Employees of the steel mills of Pittsburg, Chicago, and Milwaukee, all strong, healthy men, receive $1.75 for 12 hours a day 7 days in the week—$12.25. In these averages are included the wages of skilled mechanics and head men. And let it ever be remembered that these are high-tariff prices. It would seem then that under the highest tariff rates operatives' wages are abnormally low. The workingman in highly protected Germany has somewhat the advantage in wages and hours over the workingman in highly protected France. The workingman in free-trade England has a shade the advantage over the workingman in highly protected Germany.

Mr. RANDELL of Texas. Mr. Chairman, so much has been said in Republican speeches here about the tremendous cost of labor that I should like to ask the gentleman if he has statistics with reference to the cost of labor in the South, in New England, and in England?

Mr. AIKEN of South Carolina. The average weekly wage paid in cotton mills in England is $6.37. The average weekly wage in New England is $7. The average weekly wage in the southern mills is $4.10.

Mr. BOWMAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Pennsylvania?

Mr. AIKEN of South Carolina. I do.

Mr. BOWMAN. I should like to ask if the gentleman has any information tending to show the difference in efficiency of the labor, and whether the price paid to the labor is not somewhat dependent upon efficiency?

Mr. AIKEN of South Carolina. My information and understanding is that the labor employed in southern mills is just as efficient and well disciplined as the labor in New England mills or in the mills of old England.

Mr. BUCHANAN. I should like to ask the gentleman if the average wage scale that he just spoke of applies exclusively to the cotton mills?

Mr. AIKEN of South Carolina. Yes. Admitting that high tariff and prosperity for many years have gone hand in hand, it has been a tariff paid by the masses and absorbed by a select few. One-tenth of the population of the United States owns more than four-fifths of its entire wealth.

Now, it is a fact that the American laborer is paid more per day than is the European laborer, but it is admitted that, as a whole, improved machinery, improved methods of business, and the greater skill of the American laborer give him nearly twice the earning capacity. Not the rate of wages, but the output, is the governing standard of measurement. And then, too, the price of labor is controlled in large measure by the supply. In the congested populations of Europe labor is more than ample, while here it is inadequate. I was impressed by a statement made in a recent speech by the gentleman from New York [Mr. REDFIELD], in which he spoke of a friend of his getting a contract recently for several million dollars' worth of locomotives in open competition with Germany and England. The contract was awarded in Japan. While there he was told by a master mechanic of the Imperial Railways shops that locomotives could be manufactured cheaper in Japan than in America, because, said he, "we only pay one-fifth the wages to our men that you pay yours." A comparison of their cost books on the same specifications showed that the labor cost on the Japanese locomotive was three and one-half times as great as that of the American locomotive.

Another interesting statement by this gentleman, who is himself a manufacturer, was to the effect that he had proposed to a manufacturer of certain staple articles in Birmingham, England, that he manufacture the same articles for him in America, lay them down for him at his shop, and allow the Birmingham man a profit of 10 per cent above the American charges and carriage.

American locomotives to the number of 720 may be found in Japan. Americans are selling yarn in China; they are selling electrical machinery in Calcutta, and they are selling shoes there at $3.85 that cost the home consumer $5; they are selling goods in every country in Europe, and are furnishing bridge material and railroad supplies even in darkest Africa. When American goods are being sold in every extensive market of the world, it is folly to speak of the foreign manufacturer invading the home market. Here are a few American-made articles advertised in one foreign journal, and being sold in open competition with Germany and England: Ironmongery, fine tools, bicycles, sporting goods, lamps, razors, firearms, carriage makers' supplies, sanitary goods, lighting systems, dry goods, men's furnishings, office devices, stationery, typewriters, filing cabinets, printers' supplies, paper, machine tools, boilers, lubricants, electrical material, valves, woodworking machinery, belting, shafting, pulleys, packing, furniture, kitchen ware, and hundreds of other articles from a protected market to the open markets of the world. And yet we are told that we can not compete in foreign markets.

Perhaps there was a time when the wage earner of America was dependent upon high tariffs for the higher price of his labor, but that was in the days of infant industries, long since passed.

Under conditions foisted on the public by Republican misrule the question of tariff revision must be approached with a twofold care. Rates must be sufficient to raise revenue adequate for the needs of an extravagant Government, and they should not be lowered so as to cripple any American industry that is not fully equipped to meet foreign competition. Whether or not many of our industries have been created and maintained artificially by protection we will not discuss. The fact is, they are here, and they are American industries. In this spirit the Democrats have taken the initiative in revising the rates on wool, an article as necessary to rich and poor alike as the food they eat. Can any man honestly justify a duty of 95.57 per cent on expensive blankets and 105.5 per cent on the cheaper grades, which was the actual duty paid on these articles of common consumption during the past year? The duty on cheap clothes is prohibitive. Clothes valued at 40 cents per pound carry a duty of 144.05 per cent; those between 40 and 70 cents per pound carry a duty of 123.55 per cent. Clothes that may be bought by the wealthier people, valued at 70 cents per pound and over, carry a duty of 96.02 per cent. It is evidently the policy of the Republican Party to make the burden lightest where it is easiest borne.

I have not treated this subject from the standpoint of the millions of American people, something like 85 per cent of the whole, who have no direct or indirect interest in high tariffs, but must pay tariff-made prices to enrich a few capitalists, perhaps 2 per cent of the population. The man who drives the plow or stands behind the counter or works at the carpenter's trade, the lawyer, doctor, teacher—in fact, everybody except those directly interested in manufacturing—by what right are they taxed to the limit for the enrichment of a few?

What I have had to say on the general subject of tariff reduction is by way of preface to the subject that I desire to discuss. South Carolina is the second State in the Union in the manufacture of cotton goods, and the district that I have the honor to represent is one of the principal manufacturing districts. Believing that the people of the United States as a whole have reached the limit of endurance, I have advocated a reduction of tariff affecting other sections, and I can not consistently shut my eyes to some of the prohibitive rates on cotton goods. Raw cotton does not enter into the discussion, for the demand for it is world-wide; our exports alone exceed the total amount raised outside of this country, and the price is made in Liverpool.

To demonstrate that the rates on cotton goods are prohibitive, we have but to note that only 4.17 per cent of the revenue of this Government raised under the Payne-Aldrich Act during the past year was for cotton goods imported. I do not believe, however, that England would flood this country with cotton goods even if the tariff wall were razed entirely, so great is our advantage of location in the home of raw cotton. I would not favor the removal of the tariff, but I do favor a reduction that will give the American manufacturer a reasonable advantage, and which would add to the revenue from this source.

It is a fact that for two years cotton manufacturers in this country have been running on small profit, and in many in-

stances at a loss. It is evident, then, that something more than a prohibitive tariff is necessary to insure permanent and continuous success. As long as the demands of our local market exceeded our local supply of cotton goods cotton mills flourished, many of them doubling their capacity and laying up large surpluses. The habit of depending on a protected home market has become so fixed that now, when the supply far exceeds the demand and goods are piled up in warehouses for want of local buyers, the industry is paralyzed. Like a child that has fed too long at the mother's pantry, they are afraid of the competition of the world. While the cotton manufacturers of the United States have been taking waning profits from a protected and now glutted home market, England has been reaching out for the oriental trade. I can not recall the exact figures, but as I remember, in a statement published something like a year ago, it appeared that England sold 10 yards of cloth in China for every yard sold by this country; and yet both of these countries combined have scarcely touched the trade that may be opened up there. The hope of the cotton industry in this country is not in a tariff that will keep out moderate competition, but in concerted effort to cultivate new fields for the output. A few mills combined and put an agent in the vicinity of the Red Sea, with the result that American-made cotton goods were sold in the ascendant there. Every section of the civilized world should have an agent, not of a particular mill, nor of a particular kind of cloth, but to establish friendly commercial relations with the people and incidentally to place American goods. The idea should be to stimulate consumption in foreign countries where the use of cotton goods is scant, rather than curtail output and depend solely upon an uncertain market at home.

I touched on this subject in a recent newspaper interview. I believe that I would go further than any suggestion that I have heard and say that I would vote for a measure looking to the establishment of a trades department of this Government that would put an agent of American-made products in every inviting market of the world at the Government's expense. Find a market for the goods and I will show you expanded investment and higher rates of wages, tariff or no tariff. Depend wholly on a circumscribed market and the minute your supply oversteps local demand you will have that stagnation which has characterized the cotton-fabric market of the United States for the past four years. [Applause on the Democratic side.]

A committee of cotton manufacturers memorialized Congress in behalf of present rates on cotton goods, and said: "The cotton schedule is now on a competitive basis as far as the majority of it is concerned." Let us inquire how misleading and how wide of the truth is this statement. Our facts are taken from a statement made by Mr. L. W. Parker to the Committee on Ways and Means. Mr. Parker is one of the largest and one of the most successful manufacturers of cotton goods in the United States, and his frankness in contraversion of certain statements made by certain other manufacturers are not only deserving of serious consideration but are a worthy example for all manufacturers who would ask concessions of Congress. Realizing that Congress will deal fairly when fairly dealt with, he advocates reduction now rather than meet the storm when it has swept further and has broadened its track. He believes that settled conditions and expanded trade will be worth more than prohibitive tariffs that are now impotent to protect against an overtopping and ever-increasing surplus of manufactured goods. Referring to a class of goods known as lawns and domestics, after figuring every possible cost, he shows that the duty on this class of goods is one and one-half times the entire manufacturing cost. Referring to print cloth, such as is used for underwear, printed for percales, and bleached for cambrics and muslins, he shows that the duty thereon is more than 100 per cent of the entire cost of manufacture. On a still finer texture, lawns and like goods, the duty is over 100 per cent. On a corded effect, used for making shirts, the duty is one and three-fourths times the entire cost of manufacture. A colored stripe, bleached, he finds carries a duty of two and one-half times the total manufacturers' cost.

I have not reproduced the elaborate and interesting deductions made by Mr. Parker, nor have I stated all the instances in his report. I have left out several classes of goods where the rate of duty is the same as some of those that I have mentioned, but I have given the lowest rates as well as some of the highest. He very properly concludes that with prohibitive rates the cotton manufacturing industry in this country has gone through two years of the greatest depression known in its history, and the time has come to look for something else besides high tariff for relief.

Mr. Parker's suggestion as to new rates, placing all classes of goods on an ad valorem basis, is technical in its nature, but it seems from a study of it that the rates suggested would afford the American manufacturer ample protection. There is no question of his ability as a manufacturer; there is absolutely no question of his sincerity. It is not likely that he would recommend a reduction that would prove disastrous to the trade; and when he thinks a duty apportioned according to the grade of cloth and ranging from 20 to 40 per cent will not cripple the trade we are disposed to accept it. It seems to me that even a Republican might accept this in good faith and be in strict accord with his last platform declaration. We quote that declaration, following the facts just stated, to show what elasticity the Republicans have given the words "reasonable profits":

> In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

Mr. Chairman, I would not cripple the cotton-mill industry. Next to steel, cotton is more extensively used in industrial development than any other commodity, and many millions of yards of cotton cloth are annually used for purposes other than clothing. Perhaps it would be safe to say that a million bales of cotton are annually manufactured into cloth to be used in the industrial arts.

In the strength of the cotton-manufacturing industry my State has risen from the ashes of war to the second place in the picture. All through what is known as the Piedmont section of South Carolina may be seen the towering smokestack, like so many giant exclamations of progress. When agricultural products were at a discount in the markets, and each year added to the mortgage debt until it swept away the farm, many of our people, bone of our bone and flesh of our flesh, turned to the mill and found there employment and with it food and clothing for their children. I regret exceedingly that tariff rates no longer assure a profitable business in cotton manufacturing; I sympathize to the fullest with those good men and women who during the past two years have had their wages or time reduced or have been turned out of employment; but this is only a note of warning to our captains of industry to establish additional trade relations in the markets of the world to absorb the increasing surplus of manufactured goods. Assuming that Mr. Parker is correct that the new tariff rates suggested by him will not cripple the industry or cause the reduction of wages, recent legislation by Congress taking the tariff off of the necessaries of life and bringing the cost of living down will make for the betterment of all our people. We all know how nearly the earnings of the laborer are adjusted now to the necessaries of life and how few, with the help of the entire family, ever lay up a surplus. Is there not here a study for the mill owners? It does seem that the practice of shutting down the mills, threatening a reduction of wages, cutting out a large per cent of wage earners, so unsatisfactory to the mill owners and so disastrous to the operatives, could be avoided by a little more scientific study of the problem. I repeat, in conclusion, that I believe the solution lies not in curtailed output, not in reduced wages, but in an expanded market. [Loud applause on the Democratic side.]

Mr. HARRISON of New York. Mr. Chairman, Schedule I, the cotton schedule, which this bill revises, deals with some of the commonest articles of clothing and household use. There is hardly one among our 90,000,000 people who does not wear cotton in some form or other. All are interested in this revision. The Democratic bill now before the committee proposes to reduce the average rate of taxation of the Payne-Aldrich bill on those articles from 56 per cent ad valorem to a little more than 27 per cent ad valorem. And in this process of reduction it is believed by our committee that the revenue will not be materially disturbed, the burden of taxation upon the American people will be lifted in the amount of $200,000,000, and that at the same time the wages of industry will not be unfavorably affected, nor will the cotton-manufacturing concerns of the United States suffer any hardship.

One of the features of the Payne-Aldrich bill which has provoked the greatest indignation in our country has been the series of raises in the cotton schedule, and the history of those raises is the history of an extraordinary conspiracy by special privilege.

The cotton spinners of New England selected as their agents to appear here in the last Congress two gentlemen, named HENRY F. LIPPITT and James R. McColl. They were instructed by those who sent them down here to see that the rates of the cotton schedule were not changed. These two gentlemen charged with that mission came to Washington, and one at least, I think both of them, appeared before the Ways and Means Committee of the House and advocated that the rates in the cotton bill be not changed. But thereafter, by some curious process of intrigue, they contrived that the report by the Ways and Means Committee to the House should contain a series of mysterious

reclassifications which raised the rates of duty in some cases 25 per cent, and in some cases many times 25 per cent, without an ordinary man being able to ascertain just what had happened.

The chairman of the Ways and Means Committee, upon discovering the effect of these proposed changes in classification, arose on the floor and declared that he had been tricked and misled and struck those changes from the bill. They reappeared in the Senate, they stayed in the bill, and they became the law. Those are the rates which we are now reducing downward.

Upon the actual importation under those rates in the last current year, it is found that the effect of this reclassification was to raise the rates on cotton cloth from 37 to 42 per cent ad valorem, and to raise the rates on stockings from 60 to 71 per cent ad valorem.

Now, the work was done in the dark and in secret, and it was done at the behest of the two men whom I have named, and supposedly at the request of the interests which they represented down here. But the cotton spinners of New England were aghast when they discovered what had been accomplished. They said, "Boys, you have killed the goose which lays the golden egg." Because they saw plainly that the result of this raise in rates would be to arouse the American people in revolt, and they reaped the whirlwind in the last November election. [Applause on the Democratic side.]

Now, these same interests in New England are instigating a propagandum to the effect that the Democratic cotton bill will shut down the mills of the United States, throw the working people out of employment in some cases, and reduce wages in all. That is the kind of argument to which those of us who have served some terms in this House have been familiar with, lo, these many years, but to-day it rings an unresponsive note in the ears of the American people. [Applause on the Democratic side.]

But the manufacturers of New England have to put down wages when the tariff is high; they claim they have to put down wages when the tariff is low. They put down wages when they are prosperous and they put down wages when times are hard. Their only aim and purpose in politics seems to be to create the idea that if there is any tariff reduction labor has to suffer.

Now, of course, I do not mean to assert that all the manufacturers in the United States are content with the proposed cotton bill. Nor do I mean to assert that some of them are not alarmed at these proposed rates, but I think that for generations past many of these manufacturers have been nursing ghosts, for the tariff makes cowards of us all.

It is conceivable that the approach of a reduction in duties might alarm some of them in the same way that the rumor of the death of some great plunger on the New York stock market might throw the market temporarily into despair, although the removal of that speculator from the scene of his mundane activities might be the best thing that ever happened to the New York stock market. But I do deny that any cotton mill in the United States will close down and remain closed on account of this bill. The closing of a factory is one of the most brutal political weapons of the high protectionists. Many a time during campaigns they have coerced their employees with threats of closing down in the event of Democratic victory. Some of them are even capable now of carrying that threat into effect, but, unfortunately for their logic, the depression in the cotton trade has been going on since the Roosevelt panic of 1907. Since February, 1910, it has been acute.

I do not believe that the honest and sincere manufacturer can maintain that the increased importations of one-half of 1 per cent which will follow the establishment of these rates will subject him to a competition which will cause him to shut down his plant. But they say some of the plants are now shut down. Some of them have been shut down off and on for the last three or four years. The cotton manufacturing industry is already in some places in extremis. Why, gentlemen on the other side of the House and the gentleman from Connecticut [Mr. HILL] in particular maintain that it was the threat of Democratic tariff legislation which did this. I have here the Textile Manufacturers Journal of September 10, 1910, published two months before the election of the Democratic House of Representatives, in which it is shown that all over the United States textile manufacturing plants were then being shut down.

KNITTING MILLS IDLE.

The Oswego (N. Y.) Knitting Co. has closed its plant for three weeks. About 150 operatives are employed by the company.

The machinery and equipment in the plant of the Reading (Pa.) Glove and Mitten Manufacturing Co. will be sold at auction on the premises. The sale will take place October 12.

The Williamsburg (Va.) Knitting Mill Co. became a voluntary bankrupt in the Norfolk Federal court on September * * *. The high cost of cotton was given by the company as causing the failure.

Creditors of the Aken Knitting Co., Philmont, N. Y., will hold a meeting on September 16 to consider the sale of the property. * * * Operations have not been carried on at the Philmont plant for some time.

The Henrietta (N. C.) Mills have closed for a week to give the operatives a vacation.

After an idleness of 10 days or more the Tremont and Suffolk Mills and the Massachusetts Cotton Mills, of Lowell, Mass., resumed operations on Tuesday.

The Everett Mills and Pacific Mills, of Lawrence, which shut down on August 1, will resume work on Tuesday.

Five hundred operatives of the Empress Mills, of Augusta, Ga., will welcome September 12, as the mill will open on that date after a two months shutting down. The high price of cotton was the cause of closing the mill.

Many other items could be given of the same nature covering every month of the last few years. In view of that unfortunate state of affairs in the cotton trade, it is unlikely that even the most audacious high protectionists will lay at the doors of the Democratic Party any responsibility for the depression.

Just about this time of the year it is the custom in cotton manufacturing to shut down the plants. They shut them down sometimes for a few days, sometimes for a few weeks. They do it partly to curtail production and keep prices up, and partly to overhaul the machinery that is in their mills. There are other parts of the country to-day where the cotton mills are suffering from a genuine depression, but there is no single one of those manufacturers who will honestly maintain that the fear of Democratic tariff revision has made idle the spindles in their mills. The spindles in Europe are idle. The spindles in Canada are idle. The spindles in many of our southern cotton mills are idle, because, as we read in the morning papers of to-day, there has been a great drought on the Catawba River, which took away the motor power of the mills in North and South Carolina and caused them to shut down for lack of power. Is that Democratic tariff revision?

However, to offset that, the morning papers also announced that all through New England a general reopening of the mills, textile and otherwise, is now under way. Many of them reopened yesterday, and many more are to come. [Applause.]

To every self-respecting American it must have caused a feeling of disgust to learn from Republican orators of recent years of our helpless incapacity in all lines of business. According to them there has been nothing that any American could do as well as a foreigner. All lines of trade and manufacturing could not survive any competition from abroad. Whatever prosperity we had came from making our taxes higher, and no American could retain his employment for a moment if a foreign article was sold in competition with that which he produced. And through all this chorus of hypocritical pretense their chief concern has been for the wages of the laboring man. Even now certain cotton manufacturers are announcing that under our bill they must shut down their plants and throw their labor out of employment because they can not afford to operate with 0.53 of 1 per cent of additional competition from abroad. It is the old legacy that we received from the Wilson tariff law. I think the greatest curse that came to the American people as a result of the hard times in 1892 and 1893 was the refastening upon our neck of the yoke of a high protective tariff. In those days of depression, when men in all lines of business were suffering from causes already in operation long before the passage of the Wilson Act, the high-protected manufacturer of the McKinley law came to the front and asserted that it was the fault of the Wilson tariff, and succeeded in persuading enough voters that that was the cause of their hardships, so that they were able to refasten on our necks the tariff burden which we have ever since endured. The workingman has believed this. He has believed his wages came out of the tariff. He has voted for a high protection every four years. If he had not so voted, it is not possible that the manufacturers could have succeeded in prolonging their long lease of high protection beyond the term of its natural life. But it does seem to-day that the workingman of the country is beginning to realize that he is the chief sufferer from a high tariff protective system, that to tax him higher is not to make him more prosperous, and that a tariff system that takes his wages out of his pockets does not make him any richer; that he has to buy as many of the commodities of life as the rich man, and that therefore the tariff bears more heavily upon him than the man of unlimited income.

But our Republican friends across the aisle have asserted day after day, and some of the manufacturers are now asserting in the public prints, that the first effect of the Democratic bill will be to put down wages, that they can not operate and pay these magnificent American wages to the employees of the cotton mills if the present Underwood bill becomes a law. That opens up

one of the most extraordinary instances of political buncombe with which the American people have ever been deluded. An examination of the condition of the cotton-manufacturing industry in New England discloses one fact more luminous in that record than all others in the history of manufacturing. It establishes beyond peradventure of a doubt just exactly where the tariff plunder goes. It does not go to the American workingman, but it goes in dividends to the highly protected manufacturers. [Applause on the Democratic side.] According to the twenty-second report of the industrial statistics of Rhode Island, the average weekly earnings in cotton-goods mills vary from $7 to $8 a week. How is that for a magnificent American wage! For 12,000 men employed the average wage is from $8 to $9, and for women it is $6 to $7, and for children $3 to $4.

There are 53,000 persons employed in Rhode Island in the manufacture of textiles, and 72 per cent of the working children of Rhode Island are in the textile mills. In New Hampshire the story is almost the same; in the manufacture of cotton cloth the average number of male employees is 12,167; the average number of females 12,901. The average wage of the male is $11.67; the average wage of the female $8.11 per week; and there are 330 children under 16 who are employed at an average of $5.27 a week. In the manufacture of cotton yarn in New Hampshire the general average is somewhat lower than cotton cloth, being only $7.52 instead of $9.01 for cotton cloth.

In Maine in 1906 the average number of males employed was 5,323; females, 6,400; children under 16 years of age, 590; making a general average of $6.27. Now, we heard the gentleman from Tennessee [Mr. AUSTIN] on yesterday describe how the working people of England were coming to our country in great numbers to take advantage of the magnificent wages which American workmen receive at the hands of a high protective tariff, but if he would examine the figures which are reported, he would see that the average wages paid in the cotton mills of England per week is $6.37, actually higher in free-trade England, with her pauper labor, about which we have heard so much, than the American workman receives in the highly-protected State of Maine. In Massachusetts the weekly wage now averages in the vicinity of $9. Now, what is the result of the payment of these miserable, starvation wages in the cotton mills of the United States? The result is inevitable—that a wage of $8 or $9 a week is not a living wage, and that the husband and father takes his wife and children into the mills to eke out his miserable existence. The immediate result of it all is a system of industrial slavery which excites the commiseration of all benevolent people throughout our country. High infant mortality inevitably follows. I do not desire to dwell on these unhappy conditions, and I refer to them only to answer the preposterous and hypocritical pretense of the Republicans that a high protective tariff gives these workmen in the textile mills their share of protection; that their wages are raised by a high protective tariff. Of course, if the manufacturers had been willing to give their share to the operatives in the New England mills, there would not have been such an outcry of discontent. But those people up there understand the situation. They are not going to be beguiled by statements such as we heard yesterday from the gentleman from Rhode Island [Mr. UTTER], describing the magnificent condition of the mill workers to-day.

I believe that if you could put in the hands of every workingman in New England as he casts his ballot on election day a statement of the contrast between the wages that he receives and the dividends paid in the mills in which he is employed, every one of them would go into the booth and vote the Democratic ticket for the sole purpose of getting rid of this tariff incubus.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. HARRISON of New York. I yield with pleasure.

Mr. MOORE of Pennsylvania. Will the gentleman explain why, if conditions in this country are as bad as he claims them to be, there is such a large number of foreign-born workingmen constantly seeking admittance into the United States?

Mr. HARRISON of New York. Well, the gentleman is too good an American not to know that those people come here because they want to live in a democracy and get out of a monarchy.

Mr. MOORE of Pennsylvania. Well, is not it true that most of them come here because they have a better opportunity to secure a better living by receiving a higher wage than they received on the other side?

Mr. HARRISON of New York. The gentleman from Pennsylvania has just listened to my statement that the operatives in the textile mills in England receive higher weekly wages than the operatives in the textile mills in Maine under all these years of high protection.

Mr. MOORE of Pennsylvania. Then I wish to ask the gentleman to listen to me, as I believe I am to follow him, when I present the figures showing that wages are about one-half as large in all the textile industries of England as they are in the United States.

Mr. HARRISON of New York. The gentleman must be a necromancer if he produces those figures.

Mr. MOORE of Pennsylvania. The figures can be found in the British Trade Report.

Mr. HARRISON of New York. Mr. Chairman, the fact is the wages paid in the cotton industry of the United States are lower than those paid in any other textile industry in our country. They are lower than those paid in the manufacture of woolens; they are lower than those paid in the manufacture of silk goods; and they are lower than those paid in the manufacture of jute and hemp goods.

Mr. BOWMAN. Will the gentleman yield for one question?

Mr. HARRISON of New York. With pleasure.

Mr. BOWMAN. I would like to ask the gentleman if he knows the character of the work that the English mechanic is employed upon, and whether it is a higher class of work than that upon which the workmen in New England are employed?

Mr. HARRISON of New York. I think there are some employees in the English mills who do a higher grade of work, and the result is shown in the fact that England produces a higher grade of cotton goods, on the average, than the United States does.

During these recent highly protected years in New England mills the poorly organized employees have been fighting for a living wage. In Rhode Island in the cotton mills there were 12 strikes in 1901, 7 strikes in 1902, 10 strikes in 1903, 5 strikes in 1904, and 2 strikes in 1905. If the high tariff has been operating so beneficently as Messrs. Whitman, LIPPITT, and McColl allege, why these strikes? And these strikes do not mark the only periods of discontent. Sometimes the mill owners are too quick for them. When the operatives hear by chance of the enormous profits of their employer and decide to demand a mere crumb more from his table, the owners many a time shut down the mills and cast their operatives out of employment. Hunger is a wonderful remedy for discontent.

The Report on Statistics of Labor in Massachusetts for 1907 says, at page 476:

> The predominant cause of strikes, as measured by the number of disputes, was for increase in wages. This cause alone produced 38.29 per cent of the 1,003 strikes that occurred during the five-year period from 1903 to 1907.

And at page 481:

> So far as the number of strikes is concerned, the leading industries were cotton goods, with 2,223, or 14.77 per cent, of all the strikers.

The whole matter may be summed up in the statement that the average wages per capita in the cotton industry are lower than in any of the textile trades in our country. The census of 1905 showed that the average wage in cotton manufactures was $304.31 per annum; in wool manufactures, $393.37; in silk and silk goods, $336.28; in flax, hemp, and jute products, $350.12; and in dyeing and finishing textiles, $434.96.

Look on that picture, then on this. Consider the effect of high protection on the industry which pays the lowest wages. Look well and you may see distinctly where all the tariff plunder has gone. The question may be excellently understood from the dividend returns of New England cotton mills in recent years.

The year 1908 was not a satisfactory one to the average stockholder in the United States. Although the panic started in 1907 its full effect was not felt until the following year. Thousands of corporations passed their dividends; many of the most prosperous were compelled to reduce their dividends. The cotton manufacturers in Massachusetts were remarkably prosperous at a time when other industries were facing either bankruptcy or curtailment in every possible direction. A review of the dividends paid by the cotton mills of Massachusetts in that year of depression is a fair illustration of the ability of that industry to weather any financial storm without disappointing the stockholders, who have grown accustomed to abnormal profits.

Take the Acushnet Mill, of New Bedford, for instance. Prior to 1907 that mill had been paying 16 per cent on a capitalization of $1,000,000. In the panic year a dividend of 66 per cent was paid. In 1908, when other industries were passing dividends, the Acushnet was able to pay its normal rate of 16 per cent. That it might have paid a much higher rate is indicated by the fact that last year it declared a stock dividend of 100 per cent.

A more striking illustration is to be found in the financial history of Dartmouth mill, also of New Bedford. This mill had been paying dividends ranging from 8 per cent to 26 per cent. In the panic year, the dividend jumped to 66 per cent.

The year in which the panic actually started, and the year in which the depression was felt most, had no effect whatever on the Dartmouth mills. In 1908, the year of depression, the Dartmouth stockholders were again given a 66 per cent dividend. But this does not begin to tell the wonderful story of cotton-mill prosperity. One would suppose that stockholders and directors who had been paid 66 per cent on their investment in a year when their neighbors received nothing from their investments in other industries, would feel contented. Sixty-six per cent did not satisfy the Dartmouth people, however. The Christmas holidays of 1908 came around and on Christmas eve the board of directors of the Dartmouth mills assembled in the board room to see what they could do to make their stockholders happy when they awoke on Christmas morning. [Applause on the Democratic side.] They glanced at the profits for the year, concluded that a 66 per cent cash dividend was totally inadequate to compensate their stockholders for risking their money in such a hazardous industry and thereupon declared a stock dividend of 100 per cent.

It is a curious coincident that during 1908 in Massachusetts the wages were reduced to 83,403 employees of cotton mills, the total reduction aggregating $89,972.78 a week.

Even the 100 per cent Christmas present to the Dartmouth cotton barons does not tell the whole story. The cotton schedule in the Payne-Aldrich bill had increased the duties on the fine cotton goods manufactured in the Dartmouth mills. With these prohibitive duties in effect there was more business ahead than could be cared for by the equipment then being operated. The directors therefore decided to build another mill, to install the machinery necessary to manufacture the finer grades of cotton goods on which the rates had been increased. These improvements were to cost approximately $3,000,000. The entire cost was paid out of the surplus, after dividends of 66 per cent had been paid in two preceding years, and after a stock dividend of 100 per cent had been declared. After this enormous outlay of cash had been made for dividends and improvements, the Dartmouth mills were able to pay 13 per cent on their doubled capitalization in 1909 and 16 per cent in 1910.

The policy of declaring big stock dividends is not peculiar to the Dartmouth corporation. It was done by other mills before the panic, during the panic, and since the panic. Here are a few illustrations:

The Butler Mills, of New Bedford, declared a stock dividend of 20 per cent in 1910, and goes right on paying approximately the same rate of dividend which was paid before the increase in capitalization.

A 20 per cent stock dividend was paid in 1909 by the Pierce Mill of New Bedford. The dividend rate before the company made this gift to its stockholders was 8 per cent. The company continues to pay 8 per cent on the stock for which it was paid and on the stock which it gave away.

The Whitman cotton mills in New Bedford pays its dividends regularly, and following the custom in that city, occasionally makes its stockholders a present. This mill paid a cash dividend of 33⅓ per cent in 1909. This particular mill is worthy of more than passing attention. It is owned by William Whitman, who has boasted that he has helped make every Republican tariff bill for more than 40 years. Whitman is the man who has repeatedly warned Congress that a reduction of duties in the cotton and woolen mills would paralyze these industries. Mr. Whitman's activities in the making of tariff schedules have been remunerative, which fact is illustrated in his payment of a cash dividend by his cotton mill in 1909 of 33⅓ per cent.

The Kilburn Mill, of New Bedford, is another corporation which has found it possible to make handsome presents to its stockholders without disturbing its regular dividend rate. This mill made a 100 per cent increase in its stock in 1910; in the same year it declared a cash dividend of 33⅓ per cent, and it goes right on paying its 6 per cent dividend.

While the New Bedford cotton-mill corporations are notorious for their enormous profits, the Fall River mills, making a lower grade of cotton goods, are not far behind.

The Bourne Mill paid a stock dividend of 40 per cent in 1903.

The Chace Mills paid a stock dividend of 20 per cent in 1905, a stock dividend of 33⅓ per cent in 1907, and despite this increase of 50 per cent in its capitalization for which it received no money, it is paying a higher rate of interest on its stock to-day than it did before the stock was presented to the stockholders.

The Davis Mill was paying 6 per cent to its stockholders for a number of years. In 1909 the company declared a stock dividend of 25 per cent. Apparently this increase in capitalization had not the slightest effect on the earning capacity of the Davis Mill, for the same rate of dividend has been since maintained.

The same situation prevails in the Davol Mills. This mill had been paying 6 per cent. In 1907, the panic year, a stock dividend of 25 per cent was declared without affecting the rate of the dividends in the succeeding years.

The King Phillip Mill is another which had been paying 6 per cent. Manifestly this rate did not represent the real earnings of this corporation, for in 1906 the stockholders were given an opportunity to take a stock dividend of 50 per cent or a cash dividend of the same amount. This did not disturb the dividend rate.

The Laurel Lake Mills were more generous. In 1907, the panic year mind you, a stock dividend of 100 per cent was declared, and on the doubled capitalization the mills are now paying 8 per cent, 3½ per cent more than in 1905 and 1906, two years generally recognized in the cotton trade as normal years.

Another evidence of the prosperity of the Fall River mills in the panic year is to be found in the Merchants Mills. In that year, 1907, the Merchants declared a stock dividend of 50 per cent. In the following year its dividends were 6 per cent on the increased capitalization, 1½ per cent greater than in 1907 and 2 per cent greater than in 1906, a normal year, and 4 per cent greater than in 1905, also a normal year in the cotton trade.

The Pocasset Mills furnish another illustration of the fact that the cotton-manufacturing industry is immune from panics. In 1907, a year of distress in other branches of business, the Pocasset declared a stock dividend of 100 per cent. The doubled capitalization caused no fluctuation in the dividends, for the corporation has gone right on paying 6 per cent, just as it did for years before the stockholders were allowed to double their holdings without the expenditure of a penny. It is reasonable to expect that the monotony of these 6 per cent dividends will be broken in the near future by another stock dividend.

The year 1907 was a happy one also for the stockholders in the Richard Borden Mills. In that year there was a stock dividend of 25 per cent. On this increased capitalization the mills are now paying 10 per cent, which is 4½ per cent greater than the dividend rates in the normal years of 1905 and 1906.

In 1906 the Tecumseh Mills paid a stock dividend of 50 per cent. Several times since the capitalization was increased the dividends have exceeded those prior to the date of the increased capitalization, and at no time has it gone below the rates paid prior to 1906.

The Troy mills varied the monotony of cash and stock dividends by presenting their stockholders with a bond dividend of 100 per cent in 1909. This enables them to continue paying from 12 to 67 per cent on its $300,000 of common stock.

Mr. AIKEN of South Carolina. Has the gentleman any information of the market value of the stock in those mills?

Mr. HARRISON of New York. The gentleman asks me for the market value of the stock in those mills. I have the figures here which will answer that question precisely, but I can say in general terms that the market value of almost all the New England mills is above par, and in many cases a premium of 200 or 300 or 400 per cent.

Now, of course, the gold mine that the New England manufacturers have discovered in the tariff probably does not seem to them excessive. We had some testimony before the Ways and Means Committee during the Payne-Aldrich revision which gave an illuminating impression to the people of this country as to just what New Englanders did expect to make out of the tariff. I quote from the printed hearings of the committee——

Mr. DICKINSON. Mr. Chairman, will the gentleman from New York permit an interruption?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. HARRISON of New York. With pleasure.

Mr. DICKINSON. I notice that you have been reading about the large profits to the New England manufacturers in 1908 and other years. It has frequently been stated here in this Chamber that there is a great depression now in the cotton industry, and particularly among the southern cotton mills. Can you state to the House what is the cause of that depression and the reason for no profits coming now, when they did come two years ago, if that be the fact? Is there a real depression and no profit, or is it due, in part, to the increased price in cotton? Or what are the real facts, and what is your explanation?

Mr. HARRISON of New York. Well, I will say to the gentleman from Missouri that so far as the southern mills are concerned, and some of the northern mills, I believe that the depression now existing is in large part due to the high price of cotton. But the southern mills, in addition, as I stated a few minutes ago, are suffering from a momentary loss of their motive power. They are also suffering from a partial loss of their oriental market. Now, mark you, I do not mean to say

that our cotton goods exports have gone off because we do not sell as many goods in China as before. Our general exports of cotton goods have increased, but we do not sell as many goods in China as we did.

Mr. DICKINSON. May I inquire further of the gentleman from New York?

Mr. HARRISON of New York. With pleasure.

Mr. DICKINSON. I understand, and I am informed, that there is a great demand for, and difficulty among the manufacturing establishments to get, at this time, sufficient raw cotton to meet demands of the industry. Is not the present condition of depression which exists, both in the South and in New England, due to the fact that there has been overproduction?

Mr. HARRISON of New York. I think unquestionably.

Mr. DICKINSON. And that there is not sufficient market to make a demand for their goods?

Mr. HARRISON of New York. I think the gentleman is unquestionably right, and I think that contains an expensive lesson for the American manufacturers. If they would only consider the effect of the high protective tariff on their trade relations with the rest of the world, they would see that England, that has twice as many cotton spindles as the United States, is catering to a market of perhaps 900,000,000 people and American cotton manufacturers are catering to a home market of only one-tenth as many people, although their export trade has begun to improve. Now, they can not go out to the world's markets with a piece of cotton goods in one hand and a club in the other hand and expect to do business with other peoples. But the ultimate improvement in the cotton trade is to be looked for in our export trade. Our manufacturers have got the home market and they have overcapitalized and overproduced, and they have given our home market about all it could absorb since the time of depression in 1908.

Mr. DICKINSON. Just one other question, if I may be permitted.

Mr. HARRISON of New York. With pleasure.

Mr. DICKINSON. Do I understand the gentleman to say or mean that if we had freer trade and more active commerce with all nations those industries are liable to revive, instead of suffer continued depression?

Mr. HARRISON of New York. Unquestionably; and American labor will be better employed and American wages will be higher in the cotton mills.

Now, Mr. Chairman, I have just two more matters which I wish to touch on briefly. I have been describing to the committee the state of affairs in the Dartmouth mill, where in the years of depression—in 1908, for example—they paid 166 per cent in dividends; and I would like to have the committee consider whether this Tariff Board, which is expected to bring relief to the American people, in endeavoring to ascertain the difference in cost of production here and abroad, and a reasonable profit, as the Republican platform demands, is going to adopt New England standards and to follow the advice of the Republican tariff prophets, Mr. HENRY F. LIPPITT and James R. McColl, who wrote these tariff rates. Here is a little colloquy that occurred before the Committee on Ways and Means in the last revision, when Mr. LIPPITT appeared before the Ways and Means Committee. I read from page 4535:

Mr. LONGWORTH. I do not know whether I understood Mr. LIPPITT correctly to say that no large fortunes have ever been made in this business in New England?

Mr. LIPPITT. I think so.

Mr. LONGWORTH. My impression is that most of the large New England fortunes have been made in it.

Mr. LIPPITT. We are not accustomed to very large fortunes in New England.

Mr. LONGWORTH. Then, may I ask you what you call a large fortune?

Mr. LIPPITT. I would regard a fortune of three-quarters of a billion as a large fortune.

* * * * * * *

Mr. MCCALL. You mean there are no manufacturers of very great wealth in New England?

Mr. LIPPITT. Yes; I mean to say if you compare the cotton industry with others.

There, Mr. Chairman, is where the "reasonable profit" goes. There is where the benefits of the high protective tariff go. They do not go to the workingmen. Do you suppose that the men employed in Mr. LIPPITT's cotton mill at $6, $7, or $8 a week would share his opinion that it takes three-quarters of a billion dollars to make a large fortune?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

Mr. HARRISON of New York. In deference to the gentleman, I yield to myself five minutes more.

The CHAIRMAN. The gentleman from New York is recognized for five minutes additional.

Mr. HARRISON of New York. Mr. Chairman, out of consideration for the feelings of the committee I will not detain them further than to make a few closing observations.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. HARRISON of New York. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman repeat the figures he gave as being Mr. LIPPITT's estimate of a large fortune?

Mr. HARRISON of New York. Three-quarters of a billion dollars.

Mr. MOORE of Pennsylvania. Is it possible for any one man to have three-quarters of a billion dollars?

Mr. HARRISON of New York. Mr. LIPPITT evidently believed that if he could get the tariff up on cotton he could get that much. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. May I ask the gentleman does he believe that Mr. LIPPITT has any such amount of money, or that it would be possible for Mr. LIPPITT to have any such amount of money in his own possession?

Mr. HARRISON of New York. No; but he is looking for it.

Mr. MOORE of Pennsylvania. If the gentleman will permit me one more question: Is it possible for any man in this country or any other country to have in his possession so large an amount of money, taken away from the public, by whom it would be used in labor and in other industrial purposes?

Mr. HARRISON of New York. I suppose that Mr. LIPPITT had in mind the extraordinary fortune that Mr. Carnegie made out of the tariff on steel, but his purpose was to get the cotton rates up so that he could equal Mr. Carnegie, and he pretty nearly succeeded.

Mr. UTTER. In all good faith I should like to ask the gentleman from New York if, after reading the hearing from which he has read, he took the answer of Mr. LIPPITT in a serious way?

Mr. HARRISON of New York. I was very much alarmed when I heard that he proposed to mulct the American people in three-quarters of a billion dollars if he got the rate that he asked for.

Mr. UTTER. I am glad to have the gentleman say that, because it strikes me that very many other statements have been taken in the same way, and things said as a joke have been taken in all seriousness,

Mr. HARRISON of New York. In view of the stupendous dividends of which I have given you a brief idea, Messrs. LIPPITT and McColl came down here to get the tariff rates on manufactured cotton goods raised. Mr. LIPPITT stated to the Ways and Means Committee that the industry was not a bonanza, but he said it is one of narrow margins and that success in it can only be obtained by most careful management. Now, the most careful management that these extraordinary men in New England have been exercising has been yielding them 100 or 200 per cent dividends for some years, but they were only able to pay the labor in their mills $5, $6, and $7 a week. These men have perfectly solved the riddle of how to get something for nothing, and I do not wonder that they are not willing to let go of it. These are the corporations which tremble at the threat of tariff reduction. Swollen with tariff profits, they are unwilling to leave the banquet table.

Had their marvelous achievements at money making been conducted on an economically honest basis, all Americans would approve. Had they not the stigma of paying the lowest wages of any of the textile trades, all men would bid them Godspeed. But when, rich beyond the flights of the most eager imagination, loaded down with tariff plunder taken from all Americans, rich and poor alike, built up with the sweat and toil of underpaid employees, they announce that tariff reduction means reduction in wages, all Americans must cry them down in shame. [Prolonged applause on the Democratic side.]

Mr. Chairman, I yield one hour to my colleague from New York [Mr. REDFIELD].

Mr. JACKSON. Mr. Chairman, will the gentleman from New York yield for a question?

Mr. HARRISON of New York. If the gentleman from Kansas will excuse me, I think the committee would prefer to hear from my colleague.

The CHAIRMAN. The gentleman declines to yield.

Mr. REDFIELD. Mr. Chairman, on the way from India to this extra session, and while crossing the Arabian Sea, I strolled one afternoon to the afterpart of the ship to a little shop in which the steamship company allows certain small articles to be sold. The vessel was one belonging to the Peninsula & Oriental Steam Navigation Co. I need only mention the name of this famous line to have you know that it is a peculiarly British line. It is heavily subsidized by the English Government, and is also under contract with the Australian Government and the Government of India. It is the British steamship company par excellence of this world.

There in the little shop at the afterpart of the ship were sold some very attractive small clocks—little travelers' clocks. I call your attention to the fact that they were the "Line" clock; they bore on their face the English flag beautifully intertwined with the flag of the steamship company. I bought one of the clocks and took it with me to my stateroom and showed it to my wife, and in my enthusiasm took it out of its case and discovered on it an inscription I had not theretofore seen: "Made in Connecticut, U. S. A." [Laughter and applause.]

Mr. Chairman, I wish to discuss to-day some salient features of three public statements, viz, a pamphlet, "Wool Manufacture in America and Europe," sent each Member of this House by the National Association of Wool Manufacturers; an address before this House on June 17 by the gentleman from Massachusetts, Mr. AMES; papers sent with the message of the President of the United States, dated May 17, 1911, Senate document 31; and with these some letters from the National Association of Wool Manufacturers to me. Before doing so it is well to suggest certain principles and to make certain facts and their relations clear. And in using figures I recall that in a New England city, famous for its municipal statistics, appeared the statement that 300 per cent of its Turkish population was criminal. A sudent, whose attention this fact aroused, investigated it and found that the Turkish population consisted of one Turk who had been locked up three times. In studying manufacturing costs it is necessary to go behind the returns.

Let us stand before a great factory and think who are interested in it. At the office door enters the man in control. Often he is not the owner, but one among many owners chosen to act in their behalf. In a true sense he is a trustee for those whose money made the mill. Upon its success his livelihood and their profits depend. Among these owners often are women and children. Their capital is at risk and is largely locked up in buildings, machinery, and material. The proportion of their assets that is liquid is small. The demand for dividends is imperative. The risk is large. The men who run that mill and by their skill, wisdom, and experience provide employment for workers and profit for owners should be well paid. The owners, because their property is tied up in assets not easily convertible and at a serious business risk, are entitled to more return than would be the case were the money invested in prime securities quickly turned into cash or secured by mortgages and subject to less risk. Money in a textile or paper mill should therefore earn more than in Government or State or city bonds or in quickly convertible stocks. It is natural that those whose money is so invested should shrink from any change in their conditions. This alone accounts for much of the opposition to tariff changes.

At the large mill gate enters the throng of workers. What they use in that mill is often not their own. They, in a sense, are trustees for the use of materials and machinery belonging to others. Their property is not at risk, but their living is. So far as livelihood is concerned, they have at stake what the mill manager has at stake. Upon their faithful doing of the daily task the owners' profit depends. Upon the wisdom and strength of the management the homes, the comfort, the health, perhaps the lives of the workers depend. The mill is the common ground. It should be the servant of them all; often it is the master. As the money of the owners is at risk in the mill, so the homes of the workers are at risk, and the margin of safety for those homes and families is less for the worker than for the manager and for the owners. As the business risk of the owners should have consideration, so the home risk of the worker is entitled to care.

Without the mill, distant perhaps from it, is the third and the greater party in interest, the public—the people who buy the goods that are made there. Out of the great mill gate go cars of goods to this public and those consumers of the mill's product are interested in the design, the quality, the cheapness of those goods and in the promptness and regularity with which they are supplied. The right of the consumer to standard goods at a reasonable price is real and must be considered. [Applause.]

In Soerabaya, Java, I saw dredging and filling done in a strange way. Naked men with small baskets dived from boats in midstream, scraping the sandy mud from the bottom in these baskets, from which they loaded the boats. These then were rowed ashore and again with baskets the mud was dumped upon the marshy spots where the building was to be erected. When a suction dredge is substituted for such a crude process all parties gain, the owner of the dredge, the workers on the dredge, and the customer for the dredge. The owner receives more, the worker is paid more, and the cost is less.

Whether they will or not, these three parties in interest in that mill can not be separated. They are united by bands not less strong that they are unseen, nor less potent that at times one or another of these parties seek to break or ignore them. A mill will not permanently prosper if the owner seeks his profit at the expense of the worker, whether it be the expense of the worker's pocket or health or brains, nor will it long prosper if the owners seek profits without regard to the consumer, nor will the worker or consumer profit long if the goods are sold more cheaply than they can be made. Loss to the mill owner means, ultimately, loss to the mill worker and loss to the consumer, too. Nor will the worker long profit if, thinking of himself alone, he demands an undue share, more than can justly be had, of what that mill produces. These three must get along together. How can it best be done?

It should be clear, Mr. Chairman, from what has been said that the thoughts to be presented are offered in no partisan or destructive spirit. The Democratic Party has been charged with being a destroyer of our industries, of being heedless alike of their right to earn profits and their duty to pay righteous wages. Perhaps we may charge our opponents with insufficient care for the interest of the consuming public in our industries, but above and beyond political and financial considerations rises the human interest in our theme, for we deal with the homes and lives of men. If into dark places light may come, if for penury plenty may be had, if for sickness we may have health, if for anxiety we may substitute peace, surely it is worth doing. Not, indeed, that we may do these things all at once, but rather open the way so that as time passes the clearer light of a better day may dawn. Can we translate into terms of human happiness the laws of business and of taxation? No less than this is what needs doing, and is what we seek to begin to do. [Applause on the Democratic side.]

In a recent book I read:

> What workmen want from their employers beyond anything else is high wages, and what employers want from their workmen most of all is a low labor cost of manufacture. These two conditions are not opposed to one another, as would appear at first glance. On the contrary, they can be made to go together in all classes of work without exception.

The writer proceeds to say that he speaks—

> with the object of advocating high wages and low labor cost as the foundation of the best management.

A prominent manufacturer states—

> to insure the best results the organization of productive labor must be direct and controlled by persons having not only executive ability and possessing the practical familiarity of a mechanic or engineer with the goods produced and the processes employed, but having also an equally practical knowledge of how to observe, record, analyze, and compare essential facts in relation to wages, supplies, expense accounts, and all else that enters into or affects the economy of production and the cost of the product.

Another American manufacturer in a different line says:

> The American manufacturer to be successful must be an economist, know exact costs, and have the courage to abandon slipshod ways of product.

A third manufacturer in still another line says:

> When the time comes, and I think its approach is near, that as much thought and study and as big brains are devoted to the problem of labor as have heretofore been devoted to and absorbed by the problems of financing, selling, and equipment, when we study the man behind the machine as closely as we do the machine, we shall see ways of making the one fit the other more closely than we do now.

All about great mills are instruments regulating machinery, providing that machines are not overstrained, that their product shall be within their power regularly to produce without damage to the machine; we even care lest machines get overheated and, in a true sense, lest they get overtired, for we know that a tired machine gives out and its life is not as long as it should be, and its product neither as large nor as good as it ought to be. We protect it against dust, we lubricate it, we even let it rest, yet that machine is dead and of itself inert. When shall we learn that to be most productive a living and responsive man needs also not to be overtired or overstrained, that he needs rest, that his product shall be always within and not beyond his power? Until the course we take with our machinery is recognized as of equal application to our men and women workers we shall not have solved the problem of production. So long as we extract from men and women the most possible for the least return to them we are working against the deepest laws of nature and of finance, our sight is short, we are but blind leaders of the blind. [Applause on the Democratic side.] The normal resistance of a working force to pressure under conditions of a narrow wage and long hours is not an element that leads to profit.

And here once for all let me say that believing strongly in scientific management, no management is scientific or sound which promotes or permits human overstrain or which taxes the future of women and children to make profits.

In a former address it was stated as a principle of production that high wages, combined with the best equipment of machinery and tools, with the best factory conditions, and the best management, means always low labor cost per unit of prod-

uct, and also that a diminishing cost per unit of product was not inconsistent with but was normal to an increasing rate of wage, provided the conditions of modern equipment and tools, good working conditions, and proper management were had. These laws apply to every industry; it can never be claimed respecting general laws that they are of limited application. Human nature is the same force in a paper mill as in an army; antagonism to injustice, resistance to narrow conditions, righteous desire for a living wage, are the same in the factory, the family, and the mine. It was written of old, "A house divided against itself shall not stand." It is the commonplace of every baseball field that teamwork wins. If we establish the law of the increasing wage and the diminishing labor cost, when conditions are as they ought to be, then we shall see the beginning of the end of the sweatshop and of child labor.

Mr. HILL. Mr. Chairman, will the gentleman yield for a question right there?

The CHAIRMAN. Does the gentleman yield?

Mr. REDFIELD. Yes.

Mr. HILL. Mr. Chairman, I appreciate very much the line of argument which the gentleman is making, and I would like, for further information, to have him elucidate this problem. A month ago I was in a mill connected with the cotton industry, and I saw a woman who four months ago was winding bobbins in Dresden, Germany. She got 12 marks a week. I saw her winding bobbins on the same machine, running at the same speed, getting $12 a week, or a little over four times as much. Right alongside of her I saw 26 looms. The weavers were from Nottingham. The machines were from Nottingham. The men six months ago were running the same machines in Nottingham at the same speed, getting $12.50 a week, and I saw them getting $30 to $32 a week. Now, how can there be an equal cost?

Mr. REDFIELD. I am very glad, Mr. Chairman, that the gentleman has asked that question——

Mr. HILL. And I ask the question in good faith, in view of the gentleman's large experience.

Mr. REDFIELD. And I will answer it in good faith by saying at once that a large lace manufacturer in Nottingham, England, told me on the 2d or 3d day of May that if we would take off our tariff bars that would drive him out of business. [Applause on the Democratic side.]

Mr. HILL. Does the gentleman mean that we could do it paying the same wages?

Mr. REDFIELD. Pardon me. I will not listen to the gentleman until he will give me a chance to answer his question. The answer to the first half of the gentleman's question is that if the manufacturer who was employing the woman at a higher wage knew his business and had his proper management his goods would have cost him less at the higher wage than more, and if you will pardon me I will give you testimony in a very short time of one of your former Republican Members, himself a large cotton manufacturer.

Mr. HILL. Will the gentleman pardon me just one word?

Mr. REDFIELD. Certainly.

Mr. HILL. It was the identical same management in Connecticut owned by the same people that are operating the mill in Germany.

Mr. REDFIELD. I am very sorry to hear it. It should have been very much better. [Laughter.] And right there I will say without any question of hesitation that a large number of your textile mills keep no costs at all. They do not know what their goods cost them now, and I will give you an example, if you will be a little patient with me, of what scientific management did in one case, and I will be very much pleased to do it.

Mr. HILL. But the gentleman has not answered my question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Connecticut?

Mr. REDFIELD. No; I must go on with my argument.

The CHAIRMAN. The gentleman declines to yield.

Mr. REDFIELD. It is perhaps right to add something respecting low labor cost per unit resulting from a higher wage under better conditions. No one questions that within the last 50 years, taken as a whole, the rate of wages paid in our industries advanced; yet if the total wages paid are compared with the total product in all our industries, it is found that whereas in the year 1860 the proportion of wages to product was 20.1 per cent, in 1905 the proportion of wages to product was but 18.4 per cent. Think you this a small difference? If the labor ratio in cost in 1860 had been maintained in 1905, our total manufactures that year would have cost two hundred and eighty million more than they did. It means also that while the wage itself has gone upward the labor cost of product has gone downward, for in this very period 1860–1905 wages advanced 69.5 per cent, but product grew 132.3 per cent. This is true also of the woolen industry. The ratio of total wages and salaries to total productions in 1889 was 20.6 per cent; in 1904, 19.8 per cent; and the ratio of the same factors to one another in 1909 was 18.8 per cent. I am not discussing now what the actual cost is, but merely showing the downward course of labor cost side by side with the upward course of wages, and I take an extended period of years in order to get a true average.

Said the superintendent of a southern cotton mill to his employer only a few months ago—and the employer told me—"Boss," said he, "I have cut down my labor cost." "How much did you reduce the cost of wages?" said the man. "Nothing," he said, "I added to them, but I got more work." [Applause on the Democratic side.]

In a letter to me of June 23 the president of the Pennsylvania Railroad Co. says that while the item of wages for locomotive-engine men and firemen per mile run shows for 1910 9.52 cents as compared with 4.38 cents in 1860, the tractive power of their locomotives in freight service to-day is almost exactly four times that of 1860, and the other locomotives have increased in power somewhat in proportion, hence it is easy to see that while the wage element is a little more than double per mile run, the work done is four times, and therefore the labor cost per unit of work done per ton-mile or per passenger mile is about one-half to-day, despite the increased wage, because conditions exist which brings the law of highly paid labor making low labor cost into operation.

Mr. NORRIS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Nebraska?

Mr. REDFIELD. I do.

Mr. NORRIS. I want to get the source of the gentleman's information. Was that information contained in the letter from the president of the Pennsylvania Railroad? I do not question it at all, but——

Mr. REDFIELD. Yes [tendering the original letter].

Mr. NORRIS. I did not know whether it was the language read from the letter of the president or whether that was the gentleman's own statement of the language of the letter.

Mr. REDFIELD. The statement was made by him, and I drew the deduction that four times the work done at twice the cost is one-half.

Perhaps one may pause here to state certain further facts respecting the proportion of the labor cost to the total cost of production which appears in statistics recently collected. It is important in all this discussion to keep in mind that in discussing labor cost we are dealing not with a major but a minor factor in production.

I have already shown that in our total manufactures in 1905 wages form not over 18.4 per cent of the total value, and in the woolen industry wages and salaries form 18.8 per cent of the value of production in 1909. This is confirmed by the report of the United States Steel Corporation for 1905, showing a total expenditure for wages and salaries of 22½ per cent of their product. The wage cost of the product of the manufacturers of this country did not in 1905 exceed 20 per cent of the value of that product. These figures do not show the actual cost of production or the ratio of wages to that cost, as I have said, merely the ratio of wages to the value of product. Mr. Forstmann, to whose pamphlet I refer, told me, however, that in his worsted mills the labor cost was 25 per cent of the total cost. I have been furnished cost sheets from a large tin-plate plant which show a labor cost of $124 out of a total of $957, or 13 per cent of the total factory cost. Page 27 of Senate Document No. 31, the Tariff Board report on pulp and news-print paper industry, gives some facts on this point, also chiefly remarkable, however, for the variations of cost which I have already shown to this House to be usual and ordinary.

Mr. WEEKS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. REDFIELD. In a few moments.

That report shows labor cost to be sometimes as low as 10 per cent of the total cost. The Boston News Bureau for July 4, 1911, says:

> On cotton yarns, for example, raw materials cost is 19 cents; cost of manufacturing, 4 cents; and selling charges, 1 cent; making total net cost of 24 cents. This proportion of material is excessive, because of high price of cotton; but the small amount of labor cost is to be noted.

Now I yield to the gentleman.

Mr. WEEKS. I wish to ask, Mr. Chairman, the gentleman's opinion as to what bearing the labor cost to the manufacturer has on the individual wage paid to the labor?

Mr. REDFIELD. The bearing the labor cost has on the individual wage is just this: That in proportion as equipment is modern, conditions good, and management wise, that high wages brings always a low labor cost, inevitably and always.

Mr. WEEKS. I asked that question because in making the opening statement the other day the chairman of the Committee on Ways and Means used the argument that labor was not get-

ting a suitable reward because labor cost was decreasing. It seemed to me fallacious reasoning.

Mr. REDFIELD. I am not concerned with that statement.

Mr. WEEKS. I think the gentleman agrees with me.

Mr. REDFIELD. I think I do.

Mr. HILL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Connecticut?

Mr. REDFIELD. When I have finished my statement.

Mr. HILL. It is right on that point.

Mr. REDFIELD. Returning again to the facts illustrating the law of high wages and low labor cost per unit under proper conditions, the records of our railways are significant because through the sworn data of the Interstate Commerce Commission exact comparisons can be made with foreign costs which are in this great industry available.

Between 1889 and 1909 the wages of all kinds of labor and the prices of most commodities used by the railways and their taxes as well increased. Yet 27 per cent more service was rendered by the railways per dollar of earnings to the public in 1909 than in 1889, and 66 per cent more service per dollar of capitalization. Every dollar of capital invested in American railways rendered four and a half times as much as in Great Britain, three times as much as in France, two and a quarter times as much as in Switzerland, and one and a half times as much as in Germany. For every dollar of net earnings the railways of the United States rendered two and a half times as much service to our public as did those of the United Kingdom and twice as much as did those of France, and, as compared with the Swiss and German railways, those of the United States rendered from one and a quarter to one and a half times as much service to the public. In other words, paying much higher wages in this country than elsewhere the cost per unit of product which, in the case of railways, is ton-miles, is vastly less than is the cost for like services in any European country, whether under private or State management. A railway company manufactures ton-miles. Those are its units of product, and here and now they are with higher wages but with modern methods more than meeting the competition of foreigners in producing the same goods, and their low cost per unit of product has been worked out simultaneously with an increasing average rate of wage.

Mr. HILL. Right on that point. How will the gentleman explain this fact, that piecework, identical with that on the other side—and much of our manufacturing processes are being carried on by piecework—the piecework wages are from two and a half to four times as high in the United States on identically the same proposition. How does the efficiency of labor and the high wage affect the output under such circumstances where the work and the whole industry is carried on by piecework?

Mr. REDFIELD. The gentleman has opened up a very large subject. It is impossible to answer that question in a——

Mr. HILL. Just a moment—if the gentleman will pardon me, because I know he can have all the time he wants and I think gentlemen want to have this question elucidated and the gentleman is perfectly capable of doing it—I have in my office in the office building the trade-union agreement in England with manufacturers in a certain line of industry, signed and sealed by both parties, so there is no question about the rates of wages that are paid. It is an industry which is done entirely by piecework, a work that is done in the United States, in England, and in Germany by piecework, and those prices are from two and a half to four times as high in Dedham, England, as they are in the United States.

Mr. REDFIELD. You mean the reverse, do you not?

Mr. HILL. Yes. How will the gentleman explain the equal cost in the first place?

Mr. REDFIELD. In the first place, the manufacturer who carried on his business that way did not know it. No one could tell what the limiting conditions are, because that would be limited by its machinery, power, space, and a hundred elements that you can not describe offhand. But I have made goods in America by piecework for years and have sold them in Birmingham and Berlin against English and German competition. [Applause on the Democratic side.]

Mr. HILL. I can cite a case in the very business the gentleman is engaged in.

Mr. REDFIELD. I am glad you can, but you will do it in your time and not in mine. I simply say this, that I took the order myself in Germany for sewing-machine parts to be finished up there by a German sewing-machine manufacturer, and made them in Brooklyn and shipped them to Germany right along. And I took occasion the other day to ask the concern, with which I severed my connection some time ago, how they were doing in their export trade, and they said that they were doing better than ever. [Applause on the Democratic side.] I can not be responsible for the ignorance, bad location, and bad equipment of manufacturers. I am not dealing with that, nor do I favor a law which puts a premium upon those things because they look to Washington for their help. [Applause on the Democratic side.]

Let us turn now to what the textile manufacturers say for themselves and see whither that leads us, for to use the words of the American Cotton Manufacturers' Association in the Tariff Bulletin No. 2, dated June 24, 1911:

> The effect of general agitation and discussion of the subject must be both wholesome and effective.

On June 22 the secretary of the National Association of Wool Manufacturers mailed me the pamphlet written by Mr. Forstmann, to whom I have already referred, saying:

> You will note that Mr. Forstmann gives specific figures, showing that the labor cost of production is considerably greater in this country than in Germany. Are you prepared to affirm out of your own knowledge of the textile industry that the factor of labor cost is no higher in this country than in Europe?

I replied in part:

> Two statements made by Mr. Forstmann impress me. One is when he says that American textile machinery is inferior or unavailable. I had not supposed he would put it so strongly. If the facts are as he states them, it constitutes a serious handicap to the industry. It would seem to be mechanically backward.
>
> I am also impressed by what Mr. Forstmann says about the poor quality of labor in American woolen industry. This, if true, is so unlike labor conditions in other American industries as to arouse wonder. Why is it that after many decades of development there is no large supply of high-grade American labor in the woolen industry? Is it possibly because our woolen manufacturers have sought the cheap rather than the economical and have been looking for a low wage rate, supposing that meant low labor cost per unit of product?
>
> I think Mr. Forstmann has made a serious indictment of our woolen industry, and that our woolen manufacturers are chargeable with having to remedy these defects or explain them away before they can rightly call upon the people of the United States to pay taxes to support them. Public opinion will not sustain stretching the protective theory to make it cover negligent or incompetent management. It forms no righteous part of the tariff law that it indemnifies errors of location, faults in equipment, or the lack of scientific management.

I asked him also to—

> give a full and clear statement of the costs of labor in each of, say, 10 different woolen or worsted mills which keep accurate and continuing scientific costs of the labor, material, burden, and selling expenses as related to each process of manufacture. Let it appear what the actual cost per unit of product is for each of the four classes of cost named in each department of each of these mills. Your statement also should show these same items of unit cost at periods for two or three years, that the tendency of cost may appear. Costs should, of course, be taken on goods of the same kind and weight, and on like quantities of each.

I asked him also to—

> state the cost in a like number of English or German mills making the same goods in the same weight and in like quantities and to reckon it the same way; that is, against the labor, material, burden, and selling costs as apportioned to the one operation of weaving in an American mill, place the same information respecting foreign mills. As against the like costs found to exist in the operation of spinning in an American mill, place the information from an English or German mill, in each case comparing like with like in kind, weight, quality, and quantity, and so proceed throughout the manufacturing process. Unless and until this is done there can be no comparison. A mere statement of estimated cost is as absurd for purposes of taxation as it is for purposes of economy.

I asked:

> How many woolen and worsted mills keep an accurate and scientific statement of costs, continued from month to month, for unless such cost records exist no statement predicated on cost has serious value.

Mr. WEEKS. Mr. Chairman, I would like to inquire if the gentleman has found in his investigation that scientific management has made greater advances in Europe than it has in the United States?

Mr. REDFIELD. I believe not. I believe it has advanced more here than there.

Mr. WEEKS. I am quite in accord with the gentleman in regard to the benefit to be obtained from scientific management.

Mr. REDFIELD. That it is advancing here more rapidly than in Europe is my understanding.

I pointed out to him that—

> textile manufacturers have combined in a thorough and continuous study of fire insurance, so that in 60 years the cost of it has been reduced 90 per cent, being in 1910 less than one-tenth of what it was in the decade 1850–1860. Has it ever occurred to the woolen and worsted industries to put a like searching and continuous study upon their costs of production, and if not, why not?

To this last question no answer was made.

His reply I summarize as follows:

> At this very time the agents of the Tariff Board in Washington, with the active cooperation of many manufacturers, are securing full and clear statements of costs of production in representative American woolen and worsted mills. I can not give you these statements now, because they are not completed. They are particularly valuable because they are being made up according to a harmonious plan in every establishment. These memoranda are being drawn up for exact comparison with costs of production in English or German mills. European manu-

facturers have been exceedingly secretive about their labor costs, and we on this side have never been able to secure satisfactory statements from them. However, much of the information of this kind which we have lacked may now be forthcoming in the official reports of the Tariff Board.

A great many woolen and worsted mills keep an accurate statement of costs, but there is naturally a lack of uniformity among them as to methods. This question of costs has been receiving increased attention from woolen and worsted manufacturers in the past few years.

The wool manufacture, as you know, is a very complex industry, unlike many other industries in that under one roof are often carried on all the processes of preparation, beginning with the raw, unwashed wool and going up to the most costly finished fabrics. Manifestly it is very much more difficult to keep an exact record of costs in such an establishment than it is in a factory where virtually only one process is carried out. Nevertheless the woolen and worsted manufacturers have been alert to modern needs and have made great, satisfactory progress in this direction. The agents of the Tariff Board express their gratification with the completeness and precision of the information which the woolen and worsted mills are being able to furnish.

I know and rejoice in the achievements of some lines of American manufactures in the export trade. But you are doubtless aware of the fact that only a very small fraction of our total manufactured product is exported, and that many of our greatest industries have almost no share in export commerce at all. Our cotton-goods market abroad is very small and precarious, and there is practically no export of woolen goods, except small quantities of ready-made American clothes, and chiefly to Canada and Mexico, and sold there to young men and women who like to dress in the American style.

He attributes the relatively low wages to operatives in the wool manufacture to the special severity of English competition, and, referring me to Mr. Forstmann's comparative wage scale, says that American manufacturers are presumably paying all they can afford. He asserts that they have made the same careful study of their industry that others have made; and if they have not been able to develop an export trade, it is a fair assumption they have had to meet difficult conditions. He points out that some American textile machinery is used in Europe and suggests that the reason for the inferior development of our textile machinery may be due to the fact that the wool industry has been the special target of political attack, and that men of business have hesitated to pursue it on that account. He states that the wool men "believe with apparent good reason that their management on the whole is the best in the world," and closes with a statement from a New York importer complimentary to our woolen manufacturers, but having nothing to do with their mechanical equipment or their factory management, and adds:

The Democratic attack upon American wool manufacture is being delivered against one of the most modern and efficient of our national industries.

He corrects a mistake in my letter to him as to the date when the wool schedules under the Wilson bill went into effect, and adds:

The list of industries in which a notable export trade has been built up is still a relatively brief one.

And mentions machine tools, agricultural implements, building hardware, railway material and equipment, sewing machines, kerosene oil, and musical instruments of a few kinds.

I have summarized this correspondence to bring its essential points before you. It is all available to any inquirer.

We may be able to judge the accuracy of all the statements made by what is said about export trade. Referring to the statement that our cotton-goods market abroad is small and precarious, I find our export shipments of cotton manufactures in the year ending June 30, 1911, were $40,800,000, an increase of $7,400,000 over the previous two years, or over 20 per cent, much larger than in 1908 and 1907, and exceeded only in substantial amount by the two years 1905 and 1906, prior to which time there were no years in which exports of cotton manufactures were as large as in 1911. Some days ago, watching a civic procession in New England, I saw a sign upon the float of a maker of paper-mill machinery, reading:

We make no noise, but our machinery is now running in all parts of the world—China, Japan, Russia, Sweden, Denmark, Norway, Germany, France, England, all over the United States of America and Canada.

The official statistics of the American Iron & Steel Association for the year 1909 showed exports of iron and steel products amounting to $157,670,000, exceeding 1908 by $6,500,000. Those for the year ending June 30, 1911, were nearly $200,000,000, of which machinery forms a large part. Included in this item in 1909 were 13,800 stationary engines, 295 locomotives, 64 fire engines, 5,800 safes, 30,000 cash registers, 56,000 car wheels, 800 traction engines, and so forth.

I have a copy of the American Exporter in which are 174 pages occupied by advertisements of American manufacturers selling their goods abroad, and the publishers write:

Our service is an asset to 600 manufacturers, who use it to broaden their trade in other countries.

An editorial from Printers' Ink is so pertinent that I quote it:

What happens when American manufacturers with spunk stub their toes against a domestic setback and turn their eyes on foreign lines is illustrated by the automobile export record of the last few years. In 1908 only 2,477 cars were exported, whereas cars are at present moving outside of this country at the rate of 1,000 per month.

How can it be possible that this is true of England, France, and Germany, when they are large makers of automobiles and pay such low wages? [Applause.] But the statement of the Bureau of Statistics issued July 21 is conclusive on this matter. For the fiscal year just closed our exports increased $304,000,000; of this increase manufactures were $140,000,000. The bureau adds:

The increase in manufactures is apparent in a large number of articles. Agricultural implements as a whole show an increase of about $8,000,000; mowers and reapers alone about $5,000,000; plows and cultivators about two and one-half millions; iron and steel manufactures as a whole an increase of about $47,000,000, while the details of iron and steel show for sheets and plates about $4,000,000 increase; structural iron and steel about $3,000,000; metal-working machinery about $5,000,000; wire about $2,000,000; electrical machinery about $2,000,000; mining machinery nearly $2,000,000; locomotives over a million; traction engines more than a million; automobiles show a gain of about $3,000,000; railway cars about $4,000,000; electrical appliances about $2,000,000.

Of our total exports, manufactured goods form in all 44.16 per cent, being taken as a whole—the largest item of export. The next is "crude materials for use in manufacturing," which is 36.58 per cent. These two make 80 per cent of our exports, foodstuffs being 19 per cent. So recently as 1880 our exports of manufacture were but 15 per cent of all. They are three times that now and growing. Their aggregate amount in the year just ended was over $827,000,000. Surely, how much our factories need protection. [Applause on the Republican side.] Against whom? Our own customers? [Applause on the Democratic side.]

A house in New York specializes in wearing apparel and furnishing goods for men and women for export, including such lines for men as negligee and work shirts, neckwear, belts and suspenders, collars, underwear, hosiery, caps, and overalls, and for women, hats, skirts, blouses, petticoats, and so forth, with a line of children's dresses. The proprietor says he has been able to demonstrate to foreign buyers that the lines enumerated are the equals, if not the superiors, of any similar goods made in Europe, and "when opportunity has been had to submit prices orders have resulted in spite of the strongest kind of competition."

In the month of April I was dining with a man, who was an American and manager of some large English interests, at the Hotel Langham, London, and he told me a good joke upon himself. He is interested in some Chilean railways, and when the question of material and supplies for the road arose shortly he made a strong bid to get half of the goods to be bought in America, and he succeeded in this respect, that they got the equipment and the supplies bought in America, but the English people insisted that the rails should be bought in England, and he had to yield. He received a report from the receiving department in Chile, however, a few months later, to the effect that the rails that were thus bought in London were marked "Pittsburg, Pa." [Applause.]

From the advertisements of Thos. Potter, Sons & Co., oilcloth manufacturers—protected 3 cents per square yard plus 20 per cent—I read:

April, 1908: A considerable shipment of Potter's table oilcloth to Amsterdam, Holland, in the face of the established English competition, illustrates that business for American goods can be had in any market. Practically the same situation exists in Australia, which buys annually a large yardage of Potter's table oilcloth.

September, 1908: Enamel goods of the Potter brand are the subject of numerous inquiries from carriage and automobile makers in various parts of the country and abroad.

A larger consignment than usual was shipped to Buenos Aires, Argentina, a few weeks ago.

October, 1908: The demand for Potter goods in Mexico, Panama, Hawaiian Islands, Australia, and India this season far exceeds that of any previous year.

November, 1908: Given a product that *justifies its reputation*, American goods find a market in any part of the world.

Potter goods have a steady and growing market in England and her dependencies, the shipments including all items of the Potter line.

It is a very interesting fact to me to know that in Worcester, Mass., there is a factory making corsets—I shall refer to that factory later on—which advertises openly that its goods are sold in 50 different countries.

In the Exporters and Importers' Journal for April 15, 1911, are 45 pages of 3 columns each devoted to detailed prices with illustrations of American goods for export, among which are neckwear, ladies' and misses' wash suits, trunks, furniture, cutlery, desks, cut glass, gasoline engines, lanterns, and other lines. The secretary of the wool association does not accurately express the facts respecting American export trade, and it is reaffirmed that this showing of American export manufacturers is a further evidence that not in few, but in many and increasing lines, American makers are in the markets of the world able to hold their own.

It is a great satisfaction to me to know that on the cotton gin manufactured by friends in Texas and operating on the Czar of Russia's private plantation in the heart of Turkestan are

certain fans and boilers of my own manufacture which are transporting cotton. [Applause on the Democratic side.] This is in spite of the heavy handicap imposed upon American manufacturers by our tariff in raising prices of their materials. With this removed our exports could be doubled.

That statement is not my own. It is a statement made to me within a fortnight by one of the largest manufacturers of machinery. It is not labor costs which hold our exports back but material costs. The lines in which our splendid export trade exist are, many of them, those on which the rate of wages is relatively high.

Before discussing the reference made by the National Association of Wool Manufacturers to the Tariff Board and the results to be expected from the latter, let us look at our wool industries as they are described by two others of its exponents. Referring again to the pamphlet entitled "The Wool Manufacture in America and Europe," I quote from page 6:

When establishing our enterprise we were obliged, in order to be able to compete, not only as to price but also with respect to quality and technical perfection, with the best European mills, to import most of our machinery, because a great deal of American spinning, weaving, dyeing, and finishing machinery is not yet so highly developed as the European. This is especially true of the machinery used in what is known as the French system of worsted spinning, which is being adopted more and more each year. Also our entire woolen spinning machinery had to be imported.

A great part of our looms could be bought here, while others had to be imported on account of special requirements; but those purchased in this country were nearly as expensive as the imported ones, so that in buying them we had to bear our share of the protection of the textile machinery of this country.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HARRISON of New York. Mr. Chairman, I yield to my colleague another hour.

The CHAIRMAN. The gentleman from New York [Mr. REDFIELD] is recognized for another hour.

Mr. REDFIELD. But those purchased in this country were nearly as expensive as the imported ones. I quote further:

Dyeing and finishing machinery used in our mill also had to be imported. In general, American manufacturers can buy domestic woolen and worsted machinery somewhat, but not very much, cheaper than imported machinery; but as the manufacture of woolen and worsted machinery, like the woolen industry itself, is younger and very much less developed in this country than Europe, such domestic machinery, especially that used for the production of finer goods, has not the same efficiency as the European, and consequently proves more costly in the long run.

I also quote from page 9:

The operatives in American woolen mills, in spite of the very much higher wages paid, are largely drawn from the ranks of unskilled labor. And whence does this unskilled labor come? There is little of it among native-born Americans. It is taken from the steady flow of immigrants into this country.

This same complaint about inefficient help comes from Philadelphia and from the southern mills. They should go to Worcester, Mass., to a corset factory employing 1,500 hands, mostly girls, of which a recent writer says:

One notices that all the employees—even the very youngest girls—show unusual intelligence, and the thought automatically suggests itself that this must be an unusually desirable place in which to work, a place workers would seek, a place which would not need to hunt for help when needed. On inquiry, we learn that there is usually a "waiting list" of applicants for work in the factory, and these the most desirable workers in a city of nearly 150,000 inhabitants.

The girls in that mill earn from $9 to $15 a week. That is the mill which I mentioned before as exporting its products to 50 different countries. And it is located only 40 to 50 miles from woolen mills that complain that they can not get sufficient help in America. [Applause on the Democratic side.]

On page 2711 of the CONGRESSIONAL RECORD for July 1, in the speech of the gentleman from Massachusetts [Mr. AMES], I find the statement:

Nine-tenths of the worsted-spinning machinery is imported, because there is only one manufacturer of that class of machinery in this country.

And also the following statements:

In the woolen industry in Massachusetts there are 38,000 men and women, of whom 5,000 have native fathers, 33,000 have foreign fathers, so that 87 per cent are of foreign parentage or foreign born.

They come from Ireland, Canada, England, Germany, Scandinavia, Italy, Poland, Russia, Australia, and Scotland.

In the cotton business there are 89,000 men and women employed. Of these 7,000 had native fathers, while 82,000 were of foreign parentage. In other words, 92 per cent were foreign born or of foreign parentage.

Both these authorities admit that the American supply of textile machinery is not sufficient and not of the best quality. It would seem desirable, therefore, to remove the duty on such machinery, since it has failed to produce the manufacture of it in this country and is a heavy burden on our textile mills. Both these authorities also concede that the labor in our woolen mills is not American in its composition, but foreign, and that it is inefficient and therefore costly.

Mr. WEEKS rose.

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Massachusetts?

Mr. REDFIELD. Yes.

Mr. WEEKS. Does that statement as to textile material apply to cotton machinery?

Mr. REDFIELD. Not to so great a degree.

Mr. WEEKS. Does it apply at all to cotton machinery?

Mr. REDFIELD. Not to so great a degree; not by any means. I shall be glad to go into that later on. It seems to me, on the statement of the woolen manufacturers themselves, that their industry is mechanically backward. It is, to use a colloquial phrase, 30 years behind the day, mechanically.

The gentleman from Massachusetts [Mr. AMES] asks in his speech: "Is it not absurd to suppose that crossing the water changes a man's efficiency." Surely; but methods differ. And that reminds me of a story. On this steamer that I mentioned coming from India was a large manufacturer of leather goods from the city of Philadelphia. He related the incident that on one occasion two young men who were leather finishers, we will say—I am not sure about the process, but it was a hand process in the manufacture of leather—two young Englishmen applied to him for employment, and he happened to go with them out in the mill where the work was done. He said he would be glad to take them on if they could do the regular stint of work. "Well," they said, "how many is that?" He said, "One hundred and twenty a day." "No, no," they said; "no man could do that and live." They had been accustomed to doing 50 a day in England, and that is all they could do, and all they thought any man could do. "Well," said the proprietor, "I am a practical leather man, and I will show you." And he took his brush there and worked an hour to illustrate, and when he had got done he found he had been working at the rate of 150 a day, and the two young men left because they were not willing to work up to the American standard of production.

I had the pleasure of spending the 14th instant in the mill managed by Mr. Forstmann, from whose pamphlet I have quoted. It is a large well-arranged mill, with modern equipment, good supervision, and, apparently, a good system of cost keeping. It is sharply differentiated from other worsted industries in making a class of goods of exceptionally high quality for men's and women's wear. Mr. Forstmann was told he could not succeed in making that class of goods in this country. He established his first mill in 1905 and has succeeded so well that about 18 months ago he put a second large mill in operation. He could not find American machinery suited for the peculiarly high class of goods, of which he seems to be the only, or almost the only, maker in the country, and his machines therefore chiefly are of German manufacture, some of English and French. In the purchase of these machines the tariff hit him hard, for he has paid over $500,000 in duties upon machinery alone. He says such machinery could not be bought here at all. He is handicapped also as compared with his German competitors, for he has few, if any, competitors in this country, by having to pay about 40 per cent more for his raw material than the Germans do. He said to me repeatedly that a most serious handicap was the prejudice on the part of customers for high-class goods in favor of imported goods; that he found it difficult, sometimes impossible, to overcome this prejudice. That Mr. Forstmann has succeeded under these handicaps is a tribute to his exceptional skill and power. His particular industry is not typical of the worsted industry, because he makes a more expensive type of goods, and he has been established but a short time, not long enough even to have a firm market for his products, because of the prejudice stated. He complained of his inefficient labor. It is almost all foreign-born and certainly not efficient. If I were to criticize a courteous host and an able man, I should say the weak spot in his management was on the labor side. If this were brought up to the high level of equipment and arrangement I think his need of a tariff would be small. I told him that what he needed in his business was less tariff and more Forstmann. [Laughter.]

While he could probably do nothing else at the start under his conditions than purchase foreign machinery, I told him, and believe it is true, that our machinery makers would agree, if given an opportunity and a fair chance at all his business, to equip him as time went on with American machinery, designed and manufactured for his service, equal or superior to the best foreign make, and finally I pointed out to Mr. Forstmann that I believed he was being used by other woolen manufacturers differently circumstanced to cover their inefficiency behind his exceptional circumstances and difficulties. It is fair to say that Mr. Forstmann did not come here for his health, but undoubtedly established his mill because the tariff permitted him to make a profit, and that his success is evinced by the erection

recently of his second large mill. It is also right to say that other woolen manufacturers not far from him take a pride in the very high quality of labor, which Mr. Forstmann says he can not obtain. But it is an extraordinary condition of our law that it promotes such price for cloth to use as clothing as will permit a manufacturer to pay (as he says) 55 per cent more for his buildings, $500,000 more for his plant, 40 per cent more for his raw material than is the case in Germany, and with inefficient labor to boot, to still make a profit out of us.

The gentleman from Massachusetts, whom I have quoted above, stated in his address that—

a woolen manufacturer, whom he cites as having a prosperous mill, made but 3¼ per cent, without counting in a charge for interest on the money invested in the plant—

And states that this is true of 99 out of 100 mills engaged in that industry. He says—

that if their money had been placed in a savings bank those manufacturers could have sat idly by and twirled their thumbs and gotten more out of their investment than by working every day in the year.

It is a great pity that the Nation should be taxed that those woolen manufacturers should suffer in this way. [Laughter and applause on the Democratic side.] If the net result of 50 years of high protection has been the absence of adequate and sufficient American machinery, the presence of an inefficient foreign labor force, and earnings of 3 to 18 per cent, then on the statement of the wool manufacturers themselves, protection has failed. [Applause on the Democratic side.] If this is to continue, they might indeed better close their mills, let their people seek more lucrative employment, allow us to buy our woolen goods where we can get them most cheaply, and profit themselves by putting their money in the savings bank, as the gentleman from Massachusetts suggests. [Applause on the Democratic side.] Yet I note discords in this sad harmony. Mr. Forstmann built a large new mill, and in the speech of the gentleman from Massachusetts it is admitted that the American Woolen Co. claim to earn 9 per cent, and they have built two large new mills. Yet taking the statements made on this floor as a manufacturer by the gentleman from Massachusetts, and by the exponent of the Wool Association from New Jersey, it is conceded both that their industry has not built up an efficient working force and has not been able to develop a supply of adequate apparatus made at home. In this respect, and apparently in its earning power, it differs from other great manufacturing interests of the country. At the very time when our exports of manufactures have reached a point hitherto unknown and are still expanding, when the products of our factories are found around the wide earth, here rises up one of our oldest industries, nurtured by the law from our earliest days, for a bounty of 25 per cent was paid on textiles in Massachusetts as long ago as 1640, to say that it, and almost it alone, is feeble and needs the strong arm of taxation to support it.

But the record of all our textiles is not as bad as that of the worsted and woolen manufacturers.

I intended at this point to state the dividends, surpluses, and replacement values of some of our cotton-manufacturing companies.

That question of replacement values is very interesting. You will find a number of cotton plants in New England showing, let us say, a valuation on machinery of half a million dollars, and a statement made by their bankers here that the replacement value is two and a half million dollars. Somebody has been putting away a hidden reserve. Somebody has been making low valuations on machinery. There are several very interesting cases of that kind. It is a perfectly proper proceeding, so far as I know.

But I find a statement in the July circular of bankers dealing in industrial stocks that expresses the situation so sweetly that I prefer to use their words:

The past year has been a period of great financial uncertainty and of great depression in the manufacturing industries of the country. When we look back over the record of the stocks which we have offered to investors during this time it is very gratifying to see how their dividends have been maintained, and in many cases additions made to surplus accounts, while in a few instances the stocks have advanced to the highest prices at which they have sold in their history, and this record has been made in the face of falling prices for other securities.

At the present time investors are looking carefully into the dividend record of their investments and the safety of principal. We feel that the record of the mills we advise for investment this month is unique, and we especially wish to call attention to the date of the formation of each company. When you stop to think that mills which have paid dividends continuously for 35 to 40 years, have been through periods of panic and great stress many times, you must realize why we consider their stocks the most seasoned of securities. (Tefft & Co., New York City, N. Y.)

[Laughter on the Democratic side.]

There is here no evidence of poverty, nor is the mechanical end of the cotton industry as backward as that of the woolen mills is said to be.

From Cotton Chats, published by the Draper Co., I take the statement that in one mill with over 1,500 looms the weavers run from 16 to 32 looms each of the Northrop automatic type; in another mill, having both the Northrop and the common looms, the following facts exist:

They have 500 common looms, operated by 50 weavers; production, 87 per cent. On practically the same number of Northrop looms they had but 20 weavers; production, 97 per cent. There were three and one-half times as many seconds made on the common looms as on the Northrop.

Now, the Northrop loom is only adapted to certain kinds of goods, but I point out to you that where it is in use, in the same mill, the product is 97 per cent of the theoretical capacity of the loom, and with much fewer defective goods; whereas on the common loom the product is 87 per cent, with three and one-half times as many defective goods. And I say to you, gentlemen of the Democratic Party, that it ought to be shown here, when a cotton mill claims protection, whether it is in the 87 per cent and the bad class or whether it is in the 97 per cent and the good class, for it is no part of your duty to make good deficiencies in equipment. [Applause on the Democratic side.]

Mr. Forstmann said that in his worsted mills the production was but 65 per cent of the theoretical loom capacity, but in German mills it was 85 per cent. The difference lay in the inefficient labor.

Another cotton mill claimed to be getting a production of 104 to 108 per cent of the theoretical capacity of their looms by running the automatic looms through the noon hour. In another mill 9 weavers were running 36 looms each. In another "a weaver on one common loom" made a cut of cloth at a weaving cost of $1.50; on improved looms, they were "getting better goods for 15 cents per cut," and, finally, it is stated that by reason of the greater efficiency of the more modern loom over the common type "this additional product either reduces the labor cost of weaving or increases the weaver's pay, or both." The words are those of the Draper Co., large makers of textile machinery.

On the subject of efficiency of labor in cotton mills, Gen. William F. Draper, himself a large manufacturer of cotton machinery and owner in cotton mills, once a Member of this House, tells the following story: When in England he asked a cotton manufacturer there why he did not use the Northrop looms, which Gen. Draper's concern makes. The Englishman asked him to go with him to his mill. He did so, and the English manufacturer showed him some cloth on the inspection board and asked Gen. Draper if they made cloth of as good quality on the Northrop looms. Gen. Draper said they did not, and to the question "Why?" replied, "Because we have not the mill discipline."

Mr. H. L. Gantt, in his recent book, Work, Wages, and Profits, tells his experience in a cotton mill. After establishing an accurate cost system and training the workers in their duties, it was found that the average wages of the workers increased 40 per cent. The product increased 80 per cent, and the labor cost per piece was but 60 per cent of what it had been, and there were other savings. On the whole, it would seem that the cotton industry is not in that low state the wool men by their own statements occupy, and that by supplying that mill discipline which Gen. Draper said was lacking and which in one mill Mr. Gantt established, they should be able to get along profitably with a much smaller tax upon the public.

Perhaps our textile people want more self-help and less boosting. In Denmark farmers raise an average of 42 bushels of wheat per acre on soil cultivated for 1,000 years. We, I think, hardly reach half that, yet no one believes the Dane an abler and better farmer than the American can be, or thinks that when the latter is aroused to the need of intensive farming he will not excel. The remedy would not be to tax American food on the basis of Danish cost, but to grow more here. [Applause on the Democratic side.]

Now, let us turn to the Tariff Board. The American Protective Tariff League does not think well of it. On January 26 last it said:

We are unable to discover any valid reason for the existence of a permanent tariff board or commission. The effort to obtain facts as to production cost has signally failed, and in the nature of things must fail. This fact stands virtually admitted by the most ardent supporters of the tariff-commission scheme. Production cost in our own country is so widely variant as to be of little value, even if it could be accurately ascertained, while the impossibility of either inducing or compelling foreign competitors to disclose the truth as to their production cost is so entirely obvious that any effort in that direction would be time and money wasted.

One notices here the conflict between the Republican platform of 1908 and the Protective Tariff League. One urges the difference in cost as the basis for the tariff; the other says production cost is of little value, "even if it could be accurately ascertained." So let us inquire about the Tariff Board, who

compose it, what its scope is, what has been done, and what are its limitations? We may then learn the value to be placed upon it.

The board is composed of 5 eminent gentlemen—2 of them economists, 1 a publisher of an agricultural journal, 1 a former officer in the Treasury, familar with tariffs, and 1 for 14 years a Member of this House and in the last Congress a member of its Foreign Relations Committee. The two economists were professors in Yale University and in the University of Virginia, respectively. It does not reflect upon the ability or character of these gentlemen to say that none of them seem to have had practical manufacturing experience. It is one thing to know a great deal about a subject, but it is another and a very different thing to have lived for years in the very handling of that subject, and to have learned by daily contact with it not so much things about it as the life of the subject itself, thus becoming able to grasp not merely the statistics concerning the subject but the deeper facts that lie behind figures and give rise to statistics. The Tariff Board can not speak from personal knowledge of the facts it presents. It must transmit what it receives. It must learn from others both facts and their relations, and this will be a limitation upon its work so long as its organization is of the present character.

The scope of the work of this board covers nothing else than an examination into the details of all American industries. They are charged to make "investigation of the cost of production of commodities covering cost of material, fabrication, and every other element of such cost of production." This is a large order, the word "commodities" itself is rather comprehensive, and to "investigate every element of the cost of production" is a serious task. A modern authority says:

No one man in the space of life allowed to him for preparatory work can assimilate complete knowledge of all the functions of a business.

Many an able man in the limited scope of his own business has for years striven to investigate "every element of the cost of production" without full success. There were 533,000 American factories in 1905, with a capital of about $14,000,000,000, and 6,700,000 employees paid over $3,600,000,000, making a yearly product of over $16,000,000,000. The task of the Interstate Commerce Commission is small compared with that of the Tariff Board, for though the railways have almost as much capital as the industries, they have but 1,500,000 employees and, compared to the infinite variety of products and processes in manufactures, the railroads' business is simple. The secretary of the National Association of Wool Manufacturers says "the wool manufacture, as you know, is a very complex industry," and there are others, but the scope of our Tariff Board covers them all.

Yet this is but half the task. Comparison must be made with the industries of all great industrial nations. Three times in one year I went the length and breadth of Great Britain among its manufacturing districts. It would be a serious task to study and report on the industries of that one nation, but that alone is not sufficient, for Germany and France, at least, must be investigated ere the work of the Tariff Board is complete. There is some reasonableness in what the American Protective Tariff League said in the quotation just made.

But not only is a colossal task set for the Tariff Board, but it must be done with peculiar care. The taxation of 90,000,000 people is to be based on it. The revenue of our Government is involved. Some say the prosperity of our manufacturers and the wages of our workingmen are dependent on it. The necessity, therefore, for accuracy and clearness is imperative and also the need for freedom from interested influences, from guidance by those who are to be beneficiaries, perhaps, of the taxes to follow. Here is no place for partiality, incompleteness, or approximations. The sincerity of the gentlemen forming the Tariff Board is not questioned, nor their ability nor their desire to serve the public. Indeed it may possibly do good to have their inquiries proceed, but it is too much to expect that their reports shall have serious value as a basis for taxation, for this is against the very nature of things. The cost of production is not a thing on which a tariff tax can be based. I do not wish to do the Tariff Board an injustice or to minimize their work. I think, however, more is expected from them than it is humanly possible to supply and that their very name is a misnomer.

But the Tariff Board is indorsed by the President of the United States in a message to this House, and the National Tariff Commission Association, comprised in large part of manufacturers, has approved it. The National Association of Wool Manufacturers refer me to it for information, yet with this limiting clause:

European manufacturers have been exceedingly secretive about their labor costs and we on our side have never been able to secure satisfactory statements from them. However, much of the information of this kind which we lack may now be forthcoming in the official reports of the Tariff Board.

The naive confession in the quotation that our woolen manufacturers have not known European costs is amusing, but why the reference to labor cost alone?

We are told manufacturers are cooperating with the Tariff Board, and that the latter have expressed gratification at "the completeness and precision of the information which the woolen and worsted mills are being able to furnish." Our hopes are not quickened by this harmony among the manufacturers. [Laughter and applause on the Democratic side.] They are little likely to do themselves harm, and after their experience in fooling committees of Congress in the past the Tariff Board must indeed be wily and acute to steer its course straight. And here I remind the Tariff Board that figures are but the expression of facts and the statistical results in a mill may or may not be conclusive about that mill. The real facts lie behind and often can not be revealed, because the mill management is itself unconscious of them. Yet they may be, and often are, controlling facts as well as removable or manageable facts. For example, as a recent writer truly says:

Many industrial plants are seriously handicapped through the fact that the arrangement of their departments and equipment imposes operating expenses that are almost prohibitive.

We do not want to base a tariff on costs like that. Let us know, then, the conditions of cost, the causes of cost, that Congress may discriminate. If a tariff is to be based on costs, the prime factors operating to make costs must be made clear, else the cost itself merely misleads.

We are glad to know the Tariff Board are not undertaking all their duties at once. They are, papers sent by the President assure us, confining themselves to Schedules M, paper and pulp; A, chemicals; I, cotton manufactures; and K, woolens and worsteds; or 4 out of 14 schedules, together with a glossary covering 12 schedules, which, the President says, "will be a mine of information for Congress and the people on all statistical subjects relating to the tariff." We are glad the Tariff Board is undertaking no more now, and as respects the glossary, which will translate the tariff into plain English, this will be as welcome to the Democratic Party as it may prove inconvenient to some manufacturers. [Laughter.]

We can, however, judge the services of the Tariff Board in their relations to taxation by their report entitled the "Pulp and News-print Paper Industry" (S. Doc. No. 31), of which the report sent by the President says it "can properly be regarded as a specimen of the work which the board can accomplish." Let us look at this pamphlet. The papers sent by the President say:

The essence of it is contained in Tables 4 and 5, on page 28, and in Table 17, on page 52.

And that—

the facts contained in these tables afford a sounder basis for intelligent action by Congress than has ever heretofore been available, although the report is replete from beginning to end with useful and enlightening data.

Recalling that the American Protective Tariff League said, on January 26 last, "production cost in our own country is so widely variant as to be of little value," we note with interest the further statement that "one of the significant facts brought out is the wide discrepancy in plant efficiency." But how can it be said that this discrepancy in plant efficiency is brought out by this report when the American Protective Tariff League four months earlier pointed out the variation in cost, a commonplace fact known to every cost keeper and thoughtful manufacturer. The report sent us by the President suggests that—

this should have a wholesome influence in stimulating all owners of plants of low efficiency to secure the obvious benefits to be obtained by conforming them to the best modern practice.

This is true, but the manufacturers knew it before, and every manufacturer with sense has known it for years. The manufacturer having a plant of low efficiency who does not know that the benefits of modern practice were obvious would be a curiosity. The stimulus to improve his plant are his own high costs and consequent lack of sales or profits. Technical papers have for years been full in almost every line of industry of the importance of modern and efficient equipment and the need of watching and reducing costs. There are publications devoted to the science of costs. The statement which the President sends us is the merest truism, and the facts behind it neither were brought out for the first time by the Tariff Board nor are confined to the particular industry of which it has treated, nor are they clear now. We are not told the causes of these facts and the cause is the essential thing. What is here said has been as obvious and as well known in the manufacturing world as that 2 and 2 make 4.

The report through the President would have been more accurate had he said that this particular report made it clear that

it will be impossible to base a tariff upon such facts. [Applause on the Democratic side.]

Four of the tables which are said to contain the "essence of this report" show that in making ground wood pulp manufacturing labor varies in cost per ton of product from 98 cents to $5.90; that what are called "other costs" vary from 30 cents per ton to $6.83 per ton; and that material cost—that is, wood—varies per ton from $6.90 to $13.33. Similar facts are shown about sulphite fiber and news-print paper, and while labor in making sulphite fiber varies in cost from $2.09 a ton to $6.51 a ton, in making news-print paper it varies from $2.19 a ton to $7.26 a ton, in both cases showing a variation in the single item of labor cost of over 300 per cent. An average is shown in the tables, but what use is it? You can not fix a tax on an average, for in so doing you pay a bonus on all below it, and if protection be sought you do not get it for those above the average. How in the name of common sense are these facts available as a basis for taxation? Will you base your tax on the lowest cost? Then what becomes of your protective theory for those working at the higher cost? For it may well be that your element of lowest cost comes in some one mill well located, equipped, and managed, and to take its cost as the basis might, from the protective theory, close up the other mills, force them to sell out, and create a trust. Contrariwise, if you base your tax upon the highest cost, you may be putting a premium on inefficiency and taxing the Nation for incompetency. In all sincerity, I can not see that the table named takes the least step toward enlightening Congress as to how to base a tariff tax on the country. It seems to me to show plainly that a tariff tax based on the cost of production is ridiculous. [Applause on the Democratic side.] It is an interesting piece of clerical work; it is no more. It contributes nothing to the science of costs.

Turn now to Table 5, to which the report from the President refers. In it the lowest cost of ground wood pulp (under $10 per ton) is confined to two establishments, while 22 operate at a cost of from $16 to $20 a ton. Similar facts appear respecting sulphite fiber and news-print paper. Table 6 deals with the labor cost, and the minimum of 98 cents per ton in ground wood pulp appears in but one establishment, while 16 operate at a labor cost from $1.50 to $2, and 11 have a labor cost of $2.50 to $3, and others higher. Similar facts exist in sulphite fiber and news-print paper. The report shows that the variations in labor cost are principally due to change in available water power, and in this and other respects may make clearer, perhaps, to the country what the Democratic Party urges, viz, that the cost of production has so many varying, conflicting, and complex elements that it is an absurdity to make it a basis of a tariff tax.

Mr. LENROOT. Will the gentleman yield?

Mr. REDFIELD. I will yield to the gentleman.

Mr. LENROOT. I will ask the gentleman whether the amount of revenue to be derived from any given duty does not depend to a large extent upon the domestic cost of the production of that commodity?

Mr. REDFIELD. I do not know why it should necessarily; it may or it may not.

Mr. LENROOT. In other words, if the revenue duty be in excess of the difference in the cost of production between foreign and domestic, does it not become prohibitive?

Mr. REDFIELD. Yes.

Nor does the table on page 17, to which the report from the President refers, help. It shows the "efficiency of labor by paper machines of given sizes and capacities" and these vary from 82 cents per ton minimum to $1.84 per ton maximum, or over 120 per cent on a single operation in the manufacture of paper. What does this do but emphasize the absurdity of a fixed tariff on a variable cost? Truly one begins to realize why the American Protective Tariff League is not interested in production cost, because the more that is known about it the more candid men see that the only logical basis of tariff taxation is one that takes into account chiefly the revenue to be derived from it. If the papers sent us by the President indorse the Tariff Board in showing the tariff plank of the Republican platform of 1908 to be absurd, then we concur with him, for it has done just that.

But the Tariff Board do not know and can not show certain fundamental facts going deeper than their figures. Every one of the costs they have given must change. Any one of them may have changed before their report was printed; there is no assurance that the facts are to-day as they were on May 15. To one backward mill has come an able manager perhaps and its costs have gone down; the skillful head of an efficient mill has died and its costs have gone up. Management is a controlling factor in industries. In another mill a master mechanic has invented something, and by its use the costs are altered. It is altogether probable that in the most efficient mill the costs are lower than they were because their present efficiency is a measure of their ability to add to that efficiency. The whole thing is and must be in a state of flux, and one or more of the different classes shown in the tables may already have ceased to exist.

Take a simple illustration: Let each of the costs ascertained by the Tariff Board be represented by a little block such as children use to play with; set these blocks in a row upon the table in the Ways and Means Committee room in the order they occupy in the Tariff Board's report; gather about the table and proceed to base your tariff tax upon them. But wait, for while you are taking your seats the blocks commence to move among themselves and by the time you have discussed No. 1 it has moved in between Nos. 3 and 4, and No. 5 has become No. 1, and Nos. 10 and 12 have ceased to exist at all, or a new number has come in at the farther end, and you have before you a dancing series of costs, so to speak. "Where are you at?" This represents what the American Protective Tariff League meant when they said, "Cost is widely variant." To take an example from current business: Would a cost on cotton yarn taken from a Tariff Board report based on costs to-day be fair with cotton at its recent price, or would you take your cost next year based on a bumper crop, and would either have value unless you knew conditions?

At best the report of the Tariff Board can only be a preliminary one of progress—rather like one scene in a vitagraph show. A worsted manufacturer who has furnished them data told me that to make the report exhaustive would require five years. I have looked over the blank forms used by the Tariff Board in its investigation of the wool and worsted and the cotton industries; they are complete so far as to show the facts of record, but lack precisely the element which it is essential to have and which the Tariff Board can not get, viz, those controlling factors which are not and can not be recorded. In any industry the personality of the management is felt all through the mills; its prejudices, its weakness, its strength, are reflected through the enterprise. There are cases where personal power has made good defects in equipment and methods; but in several mills reported by the Tariff Board how can they show the action of this force? It may be the chief factor, but it is not a factor of record. I know of two such cases. In one a man who had accomplished great results was for other reasons allowed to go, and the costs of those two mills sprang upward with his going. In the other the man went to another large works, and with his advent the costs began going down.

Take some examples from life:

Two woolen mills are located not far apart. One takes pride in the character and efficiency of its working force, speaks of it with enthusiasm, but keeps no costs and is badly equipped; the other has an accurate system of costs and fine equipment, but complains it is seriously handicapped by the inefficiency of the working force. One mill is scientifically planned; the other is an accident. Again, two large mills pursue one of their leading processes in different ways; from it one saves a large by-product, paying the entire cost of the process; the other says it does not pay to do so. In another shop the policy is adopted of a man to two machines, running same slowly to save repairs and keep down labor; in its competitive shop on the same work two men are running one machine, which is designed and made as perfectly as possible and speeded to full limit. Here is a radical difference in policy of carrying on the same process.

If the cost of production is to be made the basis for the tariff, then the tendency of that cost should appear. Suppose the labor cost of a yard of cloth is stated at 50 cents; that means one thing if it is the upward end of a series reading 40, 45, 50, and another thing if it is the downward end of the series, 60, 55, 50, and still another thing if it has run along for one or more years at just 50 cents. It is an axiom that "Costs can not be charged on a basis of a short period." Therefore the Tariff Board, to give an intelligent picture of an industry, should show its past as well as its present and in some practical way indicate it future. This they have not done, and I doubt if it is feasible to do it.

It is essential also that in judging of costs one should know what the relative efficiency of the management is, as shown, for example, in such matter as stoppages of machinery. In a southern cotton mill they got as high as 104 and 108 per cent of the theoretical capacity of an automatic loom; in a northern mill they got 87 per cent. The owner of a large woolen mill told me that the best his business permitted was 65 per cent. From the point of view of taxation it should be shown not so

much whether 65 per cent was the fact, as it doubtless was, but whether that fact could not be improved, for we have no business to base a tariff on a policy which may be inefficient. I do not find in the blank forms used by the Tariff Board anything that covers factors of this character.

Nor do I find in their forms any call for facts from the second and third parties in interest of whom I spoke at first, viz, the workers and consumers. And I submit that no industry can be fairly judged on statements made by the owners and managers alone. There have been mills and times where and when the workers' point of view did not at all agree with that of the owners, and the workers have as intimate knowledge of many details of mill operation as anyone. I think it is a defect of the report upon the pulp and news-print-paper industry that no one speaks in or through it for the workers in those mills. What they have to say might alter the looks of things or change the relations of facts, and if the Tariff Board shall report upon the wool and worsted industries without reflecting facts submitted by those who represent the workers in the mills, or those who buy the goods made by the mills, it will be partial and perhaps misleading. It is the owner's business by means of the worker to supply the consumer, and no true picture of the industry can omit the viewpoint of each. A tax based upon any one of the changing items of cost might sadly affect the consumer, and it may be found that another of the statements of cost was inconsistent with the health or the reasonable comfort of the worker. Congress should know all that, and it all forms part of the charge upon the Tariff Board to consider "every element of production."

I do not find in the blank forms of the Tariff Board any provision whereby it can be shown whether separate departments or processes in a textile mill pay a profit or make a loss, yet to this very end does modern accounting point. Nor do I see how a manufacturer can direct his economies with the best intelligence until this is known. If in a mill four operations pay and two do not, clearly attention should be put on the two. If one does not know that these two exist in this condition, he can not directly economize on them. Yet we should not want to pay a tariff tax based on his costs if the latter by proper accounting could be corrected.

This leads to the one service the Tariff Board have rendered, viz, that of teaching manufacturers the necessity of keeping costs and how to keep them, for they have discovered that many manufacturers have no cost system and that their statements of cost have been guesses. Their eyes are opened by the forms the Tariff Board use, and they have in some measure adopted these forms for future use. This has real value to industry, but it is a far step from it to basing a tariff tax upon what these costs shall come to be when the manufacturers learn how to keep them. Meanwhile, how shall the Tariff Board convey to you and me that which the manufacturers do not know themselves? Again, among the factors affecting costs are such matters as location, the character and arrangement of buildings, their lighting, the proper routing within the mill, methods of transporting goods, and so forth. The report of the Tariff Board will be incomplete unless accompanied by explanations as to how far in actual cases these factors have influence. A company had two mills on opposite sides of a river. It cost a good deal to haul the goods back and forth. One day a trolley overhead conveyer was erected, and this cost nearly disappeared. We do not want to base tariffs on elements of cost that may be or have been evolved out of existence.

Nor will it be sufficient that the Tariff Board show to us that goods of the same weight, width, and character cost so much made in this country and so much abroad. It will be necessary to show that the quantities made at the time these costs were taken were alike, and also that the mills were alike in equipment, management, and other conditions affecting cost. A comparison made between an American mill badly located as respects power, transportation, with poor equipment and inefficient labor, can not properly be compared with a foreign mill superior in these respects, unless it is shown that none of these conditions are alterable. And if the conditions in the foreign and domestic mills, whose goods are thus compared, are unlike as to burden costs, this should also be shown. It is customary in our factories to distribute burden cost so as to place it where it is most easily borne. Conditions frequently make it impracticable to charge its full share of burden to one line of goods, so the burden is apportioned, and a lighter share is put upon one line and a heavier elsewhere. The report of the Tariff Board should, of course, determine where such factors exist and to what extent, else a tariff based upon a relative cost might be misleading and even avoided possibly by simply changing the method of accounting.

It must be clear that there is not, and in the nature of things can not be, any fixed line of domestic costs or any fixed difference between foreign and domestic costs on which a finger can be laid. Cost is so essentially variable in time and in other conditions that the very data on which a report is based will alter before it is printed. On page 25 of the pulp and news-print paper industry report the Tariff Board says:

> It appears that the costs in a single mill vary greatly from month to month of a given year; if the margin between selling price and manufacturing costs were taken on the basis of the best month it would give an entirely wrong impression of the facts.

It is unfair to say goods cost so much without saying the conditions under which these costs prevail. Nor is a total or average statement of any kind accurate. It must be resolved into elements and their relations shown. To say that in England the labor cost on certain goods is 50 cents per yard and in America 80 cents per yard may mean little or nothing. Before anything can be inferred from it further facts are needed. Are the goods standard or special? Are they alike in material, character, and weight? Is the quantity made at one time the same? Is the machine on which it is made the same, and, if not, how does it differ? Does it run at the same speed and with the same percentage of stoppages? What are the methods of handling goods in each case? What is the proportion of "seconds" in each case? What is the relation of the management to the worker in each case? What are the conditions of light and power, of space and arrangement, of sanitation and ventilation? What are the relative charges for repairs and other elements of burden?

You can not offset a well-disciplined German against an ill-disciplined American mill until you have shown that good discipline is impossible here. The Tariff Board may perhaps render a service by establishing standards to which our industries may gradually approach, but when this shall have been done and our industries developed to the fullest output with the most perfect apparatus and arrangement there will remain small need for protective tariffs.

As a final suggestion of certain unseen but important elements in the cost of production, I suggest that the Tariff Board should give us such facts as these: What is done by the mills in the way of time study; that is, to learn and teach the easiest and quickest way of doing the work? Do they determine the personal characteristics of their workers as to eyesight or quickness of perception or action, for one person moves more slowly than another, one person sees more quickly than another. Do they take care that their operatives are selected by their special fitness for their line of work? What is the amount of absence for sickness? How frequently do the workers change? What variation exists as to the loss of time? Among different mills what amount of time is lost in accidents? What are the deductions from wages, and how are they made? What is the percentage of defective goods made? Can they show the daily history of, say, 100 looms of each, say, 10 textile mills? What is done in the way of well-directed effort toward a definite result, or is it merely a matter of surpassing previous achievements?

I have said little about the relative rate of wages per operative, because what this rate of pay is per person or per day affects the inquiry only in a minor degree. We all agree in believing this rate of daily pay per person to be larger in America than elsewhere. We wish to keep it so; but the Tariff Board is concerned rather in what the labor cost is per unit of product; and if the higher wage paid here does not appear greater in efficiency and productiveness, a field is opened for searching study. It will not suffice to report merely that labor is paid more per person and leave the crude and ignorant inference to be wrongfully drawn that it therefore costs more per unit of product, for this is known not to be so in many, perhaps in most, industries. And they are chargeable with the duty of finding whether it is so in textiles and, if so, of saying why. And it is because of the direct bearing of other matters than the wage rate on this labor cost that I have gone so fully into them. Are we then to have no inquiry into the costs of production? Why do we need it at the hands of a public body? If the National Association of Woolen Manufacturers, or similar body, would appoint with broad powers a permanent committee on the reduction of costs consisting of practical commercial and mechanical experts in their line, assisted by any well-known firm of certified public accountants, their annual verified reports, if made full and clear, would convey more than that of any nonexpert body could.

Neither in this or in any other form do I object to the fullest inquiry. All knowledge is helpful. But to predicate in advance the purpose for which the knowledge is to be used be-

fore the knowledge itself is gained seems to me absurd, and to make our study of costs a basis for taxation is, I think, to found our financial house upon the sand.

And now, gentlemen, as I began with the human interest I close with it. Both sides of this House agree in the patriotic desire for the welfare of our people. Beside this no tariff tax, no investigation, has serious relative importance. I believe it is clear that a tariff can not be placed upon a supposed difference in production costs, and that logically a tariff for revenue is the only practicable thing; but no one, and least of all the Democratic Party, intend that the lot of the worker shall be worse; nay it must be better, else we have all sadly failed. Better I mean as a general and permanent growth and condition rather than worse as a result of the scare and caprice of some frightened employers. As I also said, can we translate into terms of human happiness the laws of business and of taxation? I believe we can, for if our industries shall learn that when well equipped, well housed, well managed, the higher wage is the only course productive of low labor expense, then shall we be cutting away the very roots of poverty. Therefore I would have the Democratic Party take strong and affirmative ground; would have it to say to manufacturers: You shall have no more special privilege, you shall equip your mills with the best apparatus, you shall house your workers in the best way, you shall manage your labor by the most scientific methods, conserving your men better than you do your machines, and you shall pay them and treat them justly and wisely because it is sane and profitable so to do. And to the worker we shall say: Do your best, for where that is done under the best conditions and with the best tools and equipment the result will be a higher wage for you and a lower cost for you and your fellow workman. And to the consumer we shall say: You will profit as the owner and the worker profit by the combination of good equipment, proper buildings, wise management, and high pay. One of the first acts of creation in the oldest of books is said to be the great command "Let there be light," and if the great Democratic Party can throw the light of this industrial truth into the dark industrial places there shall be in very truth a new creation. [Prolonged applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12812 and had directed him to report that it had come to no resolution thereon.

EVENING SESSION.

Mr. UNDERWOOD. Mr. Speaker, by unanimous consent, I would like to make a suggestion to the gentleman from New York [Mr. PAYNE]. I would like to close general debate when we adjourn to-morrow. I understood from the gentleman from Illinois [Mr. MANN] that there would be no objection to dispensing with Calendar Wednesday to-morrow. I ask unanimous consent to close debate to-morrow; and if it is agreeable to the gentleman from New York, I will now ask unanimous consent to take a recess until 7.30 o'clock this evening, for debate only, and to meet to-morrow morning at 11 o'clock.

The SPEAKER. The Chair would suggest to the gentleman from Alabama, if he will permit, that the hour of meeting to-night better be made 8 o'clock.

Mr. PAYNE. I have no objection to that program, Mr. Speaker, but I do not want to be caught in this way by some Member raising an objection to-morrow to dispensing with Calendar Wednesday. I think in that event the debate ought to close on Thursday.

Mr. UNDERWOOD. Then we will let that portion of the request go over until to-morrow.

Mr. PAYNE. Very well.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the regular order fixing 12 o'clock for the hour of meeting be changed so that the House will meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the order that the House meet at 12 o'clock noon be changed to-morrow, Wednesday, August 2, 1911, so that the House will meet at 11 o'clock. Is there objection?

There was no objection, and it was so ordered.

Mr. UNDERWOOD. Mr. Speaker, I now move that the House take a recess until 8 o'clock to-night.

Mr. PAYNE. One moment, Mr. Speaker. I suggest to the gentleman from Alabama that he embody in the agreement that there be no other business transacted this evening except debate on this bill in Committee of the Whole.

Mr. UNDERWOOD. I will ask to make it a unanimous-consent order. I ask unanimous consent, Mr. Speaker, that the House take a recess until 8 o'clock to-night for the purpose of general debate on the cotton bill, and that no other business be transacted except general debate upon that bill.

Mr. PAYNE. I do not know but that it would be a good thing, if we could make it effective, to have included in that an agreement that the point of no quorum may not be raised.

Mr. UNDERWOOD. That would not be effective, I think.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House take a recess until 8 o'clock to-night, and that the session to-night be for general debate only upon the cotton bill. Is there objection?

There was no objection, and it was so ordered.

Accordingly, at 5 o'clock and 12 minutes p. m., the House stood in recess until 8 o'clock p. m.

AFTER RECESS.

The recess having expired the House was called to order by the Speaker.

COTTON SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12812) to reduce the duties on the manufactures of cotton.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton, with Mr. CULLOP in the chair.

Mr. UNDERWOOD. Mr. Chairman, I understood the gentleman from New York desired to consume some time first this evening and intended to yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, by virtue of the authority vested in me by the ranking member of the minority of the Committee on Ways and Means I should like, if possible, to come to some understanding with the chairman of the Ways and Means Committee as to the division of time. I know of no one upon this side who desires to speak except the gentleman from Pennsylvania.

Mr. UNDERWOOD. My understanding with the gentleman from New York was that he intended to yield to the gentleman from Pennsylvania, but I do not know what time he intended to yield, but if the gentleman will state the time——

Mr. MOORE of Pennsylvania. He intended to yield one hour, and upon his departure he observed that he wished the gentleman from Pennsylvania would look out for the interests of this side of the House, and that is the reason I ventured to see if we could come to some understanding.

Mr. UNDERWOOD. The order of the House was that the time shall be equally divided. When the gentleman has concluded we will probably have some one to speak on this side.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized for one hour.

Mr. MOORE of Pennsylvania. Mr. Chairman, we have proceeded far enough into this extraordinary session of Congress to have it made perfectly plain to every citizen who has money to invest in industrial enterprises, and to every workman who obtains his livelihood in industrial occupations, as to what they may expect if the Democrats, who have obtained control of this House, succeed in controlling the country. If the plans of the Democratic leaders do not miscarry there is to be a complete change of our tariff policy to a revenue basis, and, in the language of the distinguished gentleman from Alabama [Mr. UNDERWOOD], coming fresh from the Democratic caucus, "there is to be no protection in it." It is not sufficient that spectacular investigations after "malefactors of great wealth" are to harass and annoy the general business interests, we are to have such a revision of the tariff "from top to bottom" as will bring every American enterprise to a European basis, notwithstanding the great disparsity in the cost of production and the scale of wages at home and abroad.

Evidently, as the situation is viewed by our Democratic brethren, we have gone forward with too rapid strides in our Republican desire to make the United States the most progressive and prosperous of all the countries of the world, and must now submit to a lowering of the gates, which will permit our splendid markets to become the chosen field of our European competitors. Viewed solely from the standpoint of the cotton grower, who has a virtual monopoly of his product, it may not seem so serious a problem as it does to the great mass of the people who are dependent upon the industries for their support.

EASY TO FIND FAULT.

It is true that a great wave of misrepresentation as to industrial conditions has swept over the country in recent campaigns, and that there has been a growing tendency to criticize the existing order and to find fault with the party in power. It is easy for the gentleman from Alabama [Mr. UNDERWOOD], as he did in presenting his cotton bill on Friday last, to declare that "the Republican Party has bankrupted the country." The statement is politically alluring, and finds easy access to the press of the country, but it is not so easy after the sensation has done its deadly work to catch up to the legion of readers with the simple truth that at the close of business on July 1 last there was in the Treasury for the fiscal year 1911 an actual excess of receipts over disbursements of $45,859,673.59. Anyone who takes the trouble to examine the statement of the United States Treasury can satisfy himself as to the accuracy of these figures, notwithstanding all the maledictions that have been hurled at the Payne tariff bill and the Republican Party.

CUTTING DOWN THE REVENUE.

Although this extra session of Congress was called for the specific purpose of considering reciprocity with Canada, and might well have ended with that, the eagerness of the Democratic leaders to make known their purposes with regard to tariff legislation has been emphasized from day to day. In no instance have we heard a word in favor of constructive legislation. On the contrary, distrust of prevailing conditions, the desire for investigation at Federal expense, and a general tendency toward oppressive and destructive legislation have been the rule. With an enthusiasm bordering upon exuberance, the Democratic leaders, intrenched behind their bales of cotton, and far removed from the borderland of Canada, gloried in the prospect of Republican dissension and the loss of $5,000,000 of revenue in the reciprocity bargain. Then they came forward with their farmers' free-list bill, proposing a direct slap at the manufacturing industries, with an incidental loss of $10,000,000 of revenue, saved chiefly upon factory products made by cheap labor in India and essential to the packing and shipment of southern cotton into foreign lands.

CLEVER MOVES TO EMBARRASS REPUBLICANS.

And then, with a cleverness that does credit to a leadership intent upon the acquisition of national control, they came forward with their bill for the revision of the wool schedule, hoping further to rend Republicans asunder by drawing the line between the farmer and the manufacturer, with the incidental thought of reducing the latter to the level of his European competitors. By the adjustment of the duties in the wool bill it was proposed to cut down the revenue about $1,300,000. And now, as the very acme of Democratic complacency, we have the bill for the revision of the cotton schedule, proposing a further reduction of revenue to the extent of $3,000,000. Should this extraordinary session continue at much greater length and these measures evincing Democratic intent upon a helpless country continue to be presented, it certainly would not be very long before we would be reduced from a protective to "a revenue basis," with the complete elimination of the Republican surplus of $45,000,000, reported to be in the Treasury on July 1 last. But even so, we shall not despair, for it is possible the people, who have been the chief sufferers during the progress of this remarkable Democratic program, will sooner or later awaken to a full understanding of its significance, and shake off the burden of direct taxation which, in lieu of the tariff, it is proposed to place upon them.

REPORT A REMARKABLE DOCUMENT.

It was a remarkable report which accompanied the cotton bill submitted by the gentleman from Alabama, a report evincing much historical and statistical research, covering no less than 539 printed pages, a credit to the industry of the committee and its compiler; but one will search in vain through its many pages for testimony from the mills and the men who work in them as to the wisdom or effect of a reduction of duties in the cotton schedule. Indeed, we are informed that although numerous appeals for a hearing were made to the chairman of the committee by the vast army of American citizens who have their money invested in cotton mills and allied industries, and from workingmen and working women who obtain their livelihood in these American establishments, there was no heed to the call—nothing but history, statistics, and theory behind the closed doors of the committee room.

Even the committee of the American Cotton Manufacturers' Association, made up largely of southern men, and Democrats at that, were denied a hearing. Bulletins have been published by this association, inclosing the correspondence between its officers and the chairman of the Ways and Means Committee, and are now in the possession of the Members of Congress. The following letter from the chairman of the Ways and Means Committee best describes the attitude and conclusion of the committee with regard to public hearings:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 6, 1911.

Mr. R. M. MILLER, Jr., *Charlotte, N. C.*

MY DEAR SIR: The Democratic members of the Ways and Means Committee had its first meeting on the cotton schedule this morning. After looking over the facts before us and the briefs, they concluded not to go into general hearings on the subject.

I am in receipt of the brief you have already filed with the committee, and it will receive careful attention. Should you desire to place further facts before us, I will be glad to receive them personally, or by letter, as you desire. We will probably be at work on the cotton schedule for the next 10 days before reaching any final conclusion in reference to the matter.

Yours, very truly, O. W. UNDERWOOD, *Chairman.*

HEARINGS BY BRIEF.

Failing to be heard, the Manufacturers' Association submitted its protest and argument in writing. It is important that this statement should be preserved, as bearing upon the attitude of the committee, and I incorporate it herewith as a part of my remarks:

CHARLOTTE, N. C., *July 18, 1911.*

Mr. O. W. UNDERWOOD,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

SIR: As instructed by the tariff committee of the American Cotton Manufacturers' Association, which met here in Charlotte to-day, I have the honor to reply further to your favor of the 6th instant, stating our position on proposed legislation relating to Schedule I, cotton manufactures, as follows:

(1) We are opposed to any revision that will increase the percentage of importations to total United States cotton manufactures that now exists.

In figuring percentages of importations to manufactures we call attention to the fact that importations under the cotton manufactures schedule were 17½ per cent of the total cotton manufactures for the year 1910, including laces and other such luxuries that are not as yet made in great quantity in this country, although it is interesting to note that the manufacture of laces in the United States increased in value from three and one-half millions in 1900 to nearly ten millions in 1910.

We believe that any way it may be considered, that the present importations are sufficient to protect the consumer by regulating prices, for there is no monopoly or restraint of trade, but, on the contrary, the keenest competition among cotton manufacturers of the United States.

We do not believe that anything more regulative of prices can be secured, however much importations may be increased, for American manufacturers are already down to cost; and without radical cutting of wages which is not believed could or should be effected, the chief result of legislating more foreign goods into this country would be only to transfer that work to foreigners, for the importers do not usually undersell a local market except enough to bring in their goods.

We believe that the cotton schedule bears its share of the customs revenue for the support of the Government, and that there is no call for increasing the amount collected under it.

(2) We are opposed to revision without adequate data.

(3) We offer our assistance in obtaining such data.

(4) We are in favor of such revision as will protect all classifications under the schedule primarily in proportion to their labor costs, and are especially in favor of simplification of the schedule.

(5) We are opposed to any revision that does not take into account differences in other conditions as well as labor costs, particularly on account of southern mill conditions.

(6) We are opposed to reductions of duty on machinery and other items entering into the cost of mills, except such as will keep them on a parity with our own industry as to labor and other costs at home and abroad. We do not want our property depreciated, *nor* do we want broadly to injure other industries to help our own. Let each case rest on its merits and benefit equally.

(7) We are opposed to personal hearings; too often it has been alleged that unfair advantage has been taken that way in making the tariffs of the past.

(8) We are in favor of publicity and record and of the freest and most open discussion and consideration of everything relating to tariff making.

(9) We demand that the data upon which revision is based be made public and a matter of record, except with such concealment of names that good faith dictates with those furnishing data. If publicity is good for other things, and we believe it is, it certainly is desirable in such a vitally important matter as the tariff.

We also demand a definite statement as to just what it is intended by its makers that the revision shall accomplish:

(*a*) What measure of protection is it intended to afford to American cotton manufacturers—equality in labor cost only, equality in cost of production, or what?

(*b*) How much relative increase or decrease is intended in importations, which means how much more or less competition is it intended to impose upon us?

(*c*) If more competition, how are we expected to meet it?

(*d*) If we are expected to cut labor, how is that labor to be compensated for the reduction, and what can it definitely expect in lesser cost of living to offset the cut?

(*e*) What amount of revenue is the new tariff on cotton manufactures expected to yield?

(*f*) What reduction is expected, if any, in the cost of articles of cotton manufacture to the consumer at retail stores?

We ask consideration of the above in the spirit in which it is offered.

We intend no reflection; we merely ask to have our way pointed out by those who make the way.

We beg to have it borne in mind that our industry directly concerns 2,000,000 people, and indirectly many more; that we are not simply manufacturers and employees asking protection for our property and our labor, but that we are consumers and that we are citizens, most of whom voted for the party proposing this revision and who expected not only that any revisions would be made with as much prudence as would be exercised in private business matters, but also that they would be

conducted with all the publicity that was generally promised among other reforms.

We beg to remain, respectfully, yours,

R. M. MILLER, Jr., *Chairman.*

MANY SOUGHT TO BE HEARD.

Not only the associated manufacturers sought to be heard, but a large number of individuals acting upon their own responsibility implored a hearing. They wanted to show that there was no good reason for a reduction of tariff duties on cotton manufactures, and that the advantage of such a reduction, while it would operate against American industries, would be wholly in the interest of the foreigner. They wanted to show that the man who invested his money in industrial establishments, as well as the man who made his wages therein, was not responsible for the increase in the cost of living, but that if the prices were high, they were due to middlemen or importers, and not to the protective-tariff system. Here is a copy of a letter forwarded from New Orleans which serves to elucidate this question:

ALDEN MILLS,
New Orleans, La., June 20, 1911.

Hon. O. W. UNDERWOOD,
Chairman Ways and Means Committee,
House of Representatives, Washington, D. C.

DEAR SIR: I have taken the liberty to submit to you, under separate cover, samples of a cotton sock and stocking manufactured by us, and which are commonly known as "10 centers."

The figures attached to these hose tell their own story. At the present time there is over 100 per cent profit to the jobber and retailer.

When we first commenced to manufacture these goods, some 10 or 12 years ago, we received 27½ per cent more than the present price. This 27½ per cent has been absorbed by the people who were most active in the last campaign against the hosiery tariff, and who have absorbed this 25 per cent from the American manufacturer and have not given any portion of the benefit of the same to the consumer, as the price on this hosiery to the consumer is the same to-day, namely, 10 per pair.

"Will a further profit for the middleman reduce the price of the article to the consumer?"

Yours, truly,

W. H. MCLELLAN, *Manager.*

WROTE TO SOUTHERN REPRESENTATIVES.

To his Representative in Congress the writer of the above letter, W. H. McLellan, wrote more fully and more earnestly, as follows:

ALDEN MILLS,
New Orleans, La., June 20, 1911.

DEAR SIR: Under separate cover I have taken the liberty of forwarding you prepaid samples of what is known as 10-cent hosiery; these socks and stockings are sold to the consumer at 10 cents per pair. We are at the present time delivering these to the various jobbers throughout the country at 4.98 cents per pair for the hose and 4.69 cents for the socks, leaving a profit of over 100 per cent to be divided by the jobber and retailer.

For your information would say that we commenced to manufacture this particular line in 1901, at which time we received 27½ per cent more for this identical stocking and sock than we are getting at the present time. Prices to consumer at this time was 10 cents, the same as it is now.

We have been able to absorb this 25 per cent loss in two methods; first, the increase of our business, the volume of which reducing the overhead charges. The second, by the installation of the most modern and improved machines at an outlay of several hundred thousand dollars.

Should the tariff affecting the low end of hosiery, which is a necessity to the working people, be changed I fail to see where it will reduce the price to the consumer, for a reduction of over 25 per cent has not had the desired effect of benefiting the consumer.

I therefore trust that you will consider this matter wisely before plunging and consider the effect of your act upon the 400 to 500 hands employed by our factory in New Orleans as well as the large amount of money invested.

Please bear in mind that the last active campaign against the tariff on the domestic hosiery was engineered and financed by two of the largest jobbers and retailers in this country, who, from the figures on the hosiery submitted to you by me, show that, notwithstanding the fact that they have forced a 25 per cent reduction on the price of these articles, they are still levying the same money from the consumer.

Yours, truly,

W. H. MCLELLAN, *Manager.*

THE PLODDER AND THE MIDDLEMAN.

Speaking for another mill doing busines in Meridian, Miss., the same writer makes the following statement, which ought to appeal to those who believe it commendable to start enterprises in the South and give them a chance to live:

PRISCILLA MILLS,
Meridian, Miss., June 20, 1911.

DEAR SIR: As suggested by our esteemed favor of May 4, I have taken the liberty of submitting prepaid under separate cover a sample of the sock and stocking manufactured by our concern. The sock we manufacture in New Orleans and the hose is made exclusively at the Meridian mill.

The figures attached to these stockings tell their own story.

For your information would say that we have been manufacturing this line for some 15 to 20 years, these particular numbers for 12 years. When we first commenced to manufacture these numbers our price to the jobber was 27½ per cent above the present figure, at which time the consumer purchased the stockings at the same price they pay to-day, namely, 10 cents per pair.

Notwithstanding the fact that the middle man has obtained a reduction from the manufacturer of 27½ per cent, the price to the consumer has remained the same.

This readily explains why the last campaign which was so actively waged against the reduction of the tariff on hosiery was engineered and financed by two of the largest jobbers and retailers in the United States. Having forced a profit of 27½ per cent from the manufacturers these jobbers realize how easy under the cloak of free trade an additional amount of profit can be obtained.

But at whose expense? The consumer will hardly receive the benefit of it if up to the present time he has not received any benefit from the 27½ per cent reduction which American manufacturers have been able to make on the price of their goods through the installation of the most modern and improved machines which represents an enormous amount of money; in our case very near $500,000.

Now, if you will stop to think that this little plant at Meridian employing some 150 people and manufacturing 1,200 dozen pairs of ladies' stockings daily (which are being placed on the sidewalk of the jobber at a cost of 4.98 cents per pair), each dozen of these stockings consuming 1½ pounds of cotton what chance is there for the American manufacturer should the cheap labor of Europe and Asia be brought in close competition?

For your information would say that our pay roll at the Meridian mill (and by pay roll I mean money paid to people living in Meridian) amounts to from $44,000 to $45,000 a year. Our local bills paid in the city of Meridian runs to very near $10,000 a year, and aside from the business done with Marks Rothenberg and Winner, Klein & Co. this entire amount of money is brought from north of the Ohio River, from sources which never before entered into Meridian.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. KINKEAD of New Jersey). Does the gentleman yield?

Mr. MOORE of Pennsylvania. I do.

Mr. BUCHANAN. I would like to ask the gentleman if those manufacturers who have been writing here are the same ones who pay their labor an average weekly pay of $4.10 per week in this era of high protection?

Mr. MOORE of Pennsylvania. Will the gentleman kindly tell me where he gets the figures $4.10 a week?

Mr. BUCHANAN. The gentleman from South Carolina [Mr. AIKEN] makes the statement, and I suppose, being from that part of the country, he knows what he is talking about.

Mr. MOORE of Pennsylvania. I do not like to discuss haphazard figures which come forward in that way, which I fear can not be substantiated.

Mr. BUCHANAN. I have a statement from the Department of Commerce and Labor of North Carolina saying that the average wage scale is $4.90, and in South Carolina it is $4.60, and the cotton-mill scale is still lower than that.

HARKING BACK TO CLEVELAND.

Mr. MOORE of Pennsylvania. If the wage scale in those States is as the gentleman says, I can only express my regret that higher wages are not paid there. But if the gentleman will wait a little while I propose to take up the wage question, and I will be delighted to discuss it with him on any line he proposes.

Mr. BUCHANAN. I wish to state that if the charges made there that the leader on this side of the House will not allow the manufacturers to write this tariff bill were made in my district, it would result in strong support in favor of the gentleman from Alabama [Mr. UNDERWOOD] for President.

Mr. MOORE of Pennsylvania. I would like to make the argument to the workingmen of the gentleman's district on that basis, and will go if the gentleman will extend me an invitation to do so.

The gentleman, writing from the Priscilla Mills, in Mississippi, said further:

My experience in the Cleveland administration was most bitter, and I sincerely trust that the present Democratic House will not repeat and force the country to experience any such period as we had at that time.

Those are pleasant recollections for those who like to discuss the labor questions as of now and then.

In conclusion, he wrote:

I trust you will pardon the length of this letter, but I feel confident that you will give the matter serious consideration and will not jeopardize the interest of your city "by a grand-stand play to the galleries," and that the blame for the high cost of living will be squarely put on the shoulders of those who should carry the burden.

Thanking you for your kindness in this matter, I remain,

Yours, truly,

W. H. MCLELLAN, *Manager.*

THE MANUFACTURER TAKES THE RISK.

I also desire to introduce a voice from South Carolina. There is an appeal in this letter which seems to say, "We invested our money in good faith; we are losing upon our investment; we merely ask that we be permitted to do business and that the bread and butter be not taken out of our mouths:"

HETRICK HOSIERY MILLS,
Walhalla, S. C., June 30, 1911.

Mr. GARNETTE ANDREWS,
Care of Richmond Hosiery Mills, Chattanooga, Tenn.

DEAR SIR: We trust that you will pardon the liberty that we are taking in writing you in reference to the tariff on hosiery and the necessity of maintaining the present tariff rate in event of a new cotton schedule being framed at the present or any future session of Congress. Being engaged in the manufacture of hosiery, even though in a comparatively small way, yet the experience we have had in the matter enables us to say without hesitation that the manufacture of hosiery in America needs the small modicum of help and protection which it obtains in the present schedule. We can scarcely live as it is, and if you will study the manufacture of hosiery in South Carolina, or, for

that matter, in any portion of the United States, you will readily perceive that there is no great margin of profit in the business of manufacture. In our own State it is estimated that not more than one mill in five of the several that we have started in the last 10 or 15 years is now running. One of the four mills in the State has recently closed, and at present there are only three mills in active operation, to wit, one at Union, one at Spartanburg, and one at Walhalla. We learned that the mill at Landrum suspended indefinitely last week.

Under the present schedule the tariff rate barely suffices to prevent the large importers in Chicago and New York from flooding the country with foreign hosiery, principally the product of cheap and underpaid European labor.

As you doubtless know, our Mr. Jaynes has been connected with the hosiery plant here in a financial way ever since the old Oconee Mill was started in 1904. Instead of his investment proving profitable, his loss has been at least 50 per cent of the total amount invested in the old plant. And such has been, in the main, the history of the manufacture of hosiery, not only in South Carolina, but throughout the South, in the last 10 years. This fact alone should invite serious investigation before making any change in the present schedule.

We believe that every Member of Congress wants to do right and promote the general welfare not only of its individual constituents, but of the whole body of American people. When you come to study this question carefully, we are sure that you will become convinced beyond the shadow of a doubt that the principal profit in the hosiery business in the United States to-day is going into the pockets of the importers and jobbers, and a very small per cent into the pockets of the bona fide manufacturer, and it is the manufacturer who will be hurt by the reduction of the rate. He is to-day practically between the upper and the nether millstone, and being ground to pieces. The high price of cotton yarn and other raw material that go into the manufacture of a pair of stockings, plus the labor cost, very nearly equals the price at the best goods can be sold for to-day. We invite your careful study of this matter, and wish you and your associate Congressmen and the Senators from our State to be correctly and fully informed upon the matter before you allow any reduction of the present rate on hosiery.

NEED HELP IN THE SOUTH.

This is one of the infant industries of the South, and it certainly needs help. We also believe that it is to the vital interest of the whole South to insure the hosiery manufacturers the reasonable protection which it now obtains. While the South has the monopoly of the cotton plant, yet a pound of new lint cotton to-day is worth only 15 cents, and it has been ranging for the last five years from about 10 to 15 cents per pound. But we can readily see the great advantage the South would enjoy if the cotton grown by it could be converted into the finished article here. The hosiery that we put on the market to-day makes this pound of cotton worth from 75 cents to $1.75. The ideal condition industrially would be to foster the enterprises which converts this raw material into the finished product, and, instead of getting 15 cents for it and shipping it out of the South, keep it at home and manufacture it into a product that would make that pound of cotton worth from 5 to 15 times the price of the raw material. For this reason, in the main, it seems to us at the present time the South is more interested than any other section of the country in maintaining the present tariff rate on hosiery.

If we are wrong in this view we would be pleased to have you set us right. You doubtless know that the manufacture of hosiery enjoys a very high reputation for clean, healthy, and desirable work for girls and women. At present fair wages only can be paid. We certainly wish we could pay more, and live, for we really desire to pay our help more if we could; but under the prevailing price of the finished product and the price of the raw material the labor cost can not be increased. A fair daily wage for operatives is now about $1 to $1.25 per day. You know this is not too much, and we think you will agree with us that if the tariff rate should be reduced this wage scarcely could be maintained and the manufacturers continue in business. This is putting it to you plain and is an honest confession, but it is so.

We beg to submit that the present tariff rate on hosiery is not inconsistent with the time-honored Democratic principle of a tariff revenue only. It is certainly necessary to raise money to defray the necessary expense of the Government, and there is no better or easier way to raise the revenue than by a reasonable hosiery tariff, and more especially so when it is protecting home products.

In this connection it is well to bear in mind that a reduction of the rate on hosiery would not benefit the consumer. There would be no reduction in the retail price of a pair of stockings. Such was the experience in the German-American agreement signed by President Roosevelt a few years ago. The result of that agreement was the excessive importation of foreign hosiery by the importers, who still maintain the market price of hosiery, and the retail price was maintained. The effect of the agreement was to drive the American manufacturer out of the business legally and to transfer the manufacture of hosiery to foreign countries, thus depriving our own people of a legitimate business. If the person who buys and wears a pair of stockings would be benefited by a reduction of a tariff rate there would be some reasonable ground for asking a reduction, but in the light of past experience we know this would not be the case.

AMERICANS MAKE GOOD HOSIERY.

The American manufacturer is now putting on the market as fine and durable a class of stockings as can be made out of cotton yarn, and the consumer is getting full value of his money. We flatter ourselves that we now have here at Walhalla and in the Piedmont section of South Carolina a hosiery plant that to-day is turning out as fine a grade of hosiery as can be made from cotton yarn. While a portion of the loss which our Mr. Jaynes sustained on the old Oconee plant was doubtless due to the lack of technical manufacturing skill of the persons in charge of the plant at first, yet two years ago he formed a connection with William A. Hetrick and Charles F. Hetrick, of the city of Philadelphia, Pa., who were brought up in the knitting business in the best mills of that city, which may be reckoned as the home of the knitting industry in the United States. They removed their plant from Philadelphia to unite with the plant already here and have made it over into a practically new mill. The Hetrick brothers are expert manufacturers, and yet with their technical skill it was a struggle to keep our heads above the water and make buckle and tongue meet. We earnestly desire not to be driven out of the business. Somebody had to be pioneer in the manufacture of hosiery in this section of the South, and it fell to the lot of our Mr. Jaynes to assume the roll of such a pioneer. It can be safely said that the existence of the mill here to-day has been due to his nerve and grit in standing by the plant and maintaining it, even though it involved at one time a financial loss of $50,000. It is doubtful whether any other man in Oconee County would have stood by the enterprise year in and year out while it continued to lose money, but he firmly believed it to be legitimate business with the proper men at the head of the manufacturing department. He believes that a kind Providence guided his steps, and that at last the right men were found in the Hetrick brothers, of Philadelphia. They have been induced to leave their homes and kindred and friends in the "City of Brotherly Love" and make their home with the people of South Carolina, believing that in time they could achieve a reasonable success in the manufacture of hosiery at Walhalla; but we realize that it is still going to take a long time to secure the success of the enterprise, and that so far as our individual fortunes are concerned, and not ours alone, but also the welfare of the operatives in our mill, any reduction in the rate would be extremely hurtful. For these reasons we appeal to you to stand between us and disaster, believing that we have in you a strong champion to our rights.

Please let us hear from you with full expression of your views, because we wish to talk this matter to a finish and have a thorough understanding of the situation.

Awaiting your early advice, we beg to remain,

Yours, very truly,

HETRICK HOSIERY MILLS.

PROTECTION ASKED IN KNOXVILLE, TENN.

I do not intend to prolong the argument as to whether or not the Ways and Means Committee acted considerately in refusing to hear the American citizens mostly concerned in a revision of the cotton schedule, but I think it is fair to the House that we should have a few more extracts from letters which show the widespread interest in this Democratic measure and the fear that holds in the business mind with regard to it.

I quote from a letter on behalf of the Knoxville Knitting Mills Co., of Knoxville, Tenn.:

We are vitally interested in the cotton schedule affecting hosiery and other cotton products. You will appreciate the fact that the South is now becoming the center for the manufacture of cotton goods, and especially has it grown very rapidly in the manufacture of cotton hosiery.

We are using our home products, which are raised in the South and are giving employment to our southern people, which adds greatly to the development of the country and works for the good of all.

Without protection on cotton hosiery the southern mills can not compete with the foreign goods, which are made with labor which does not cost one-third as much as ours and under different conditions entirely, where living is on a different basis.

You will appreciate the fact that since a tariff has been in force the retail price on hosiery has not been advanced to the consumer in a single instance. You can still buy a 25-cent hose for 25 cents, or a 50-cent hose for 50 cents, and a 10-cent hose for 10 cents, and when you compare the value with the price you pay for same you will concede that every wearer and every user is getting his money's worth on the goods that are being offered to-day over the retail counters. In fact, a better quality of goods is to-day being given for the price than were ever offered before.

The margin of profit to the mills on hosiery is very small, and we now must have a very large production to make any profit on the business.

If foreign hosiery is allowed to come in and compete with ours, it simply gives the field to foreign goods, benefits foreign labor and foreign conditions, causing serious injury to our home people and bankrupts our home trade.

Inasmuch as it is necessary to raise a revenue, is there any better or easier way to do this than by protecting the hosiery business? In doing this you do not in any way affect the retail price of the goods to the users, but simply preserve a living margin for the manufacturers, enabling us to give employment to our home people, which, we believe you will agree, works for the good of all.

But what is the use? The chairman of the Committee on Ways and Means would not listen to these gentlemen when they wanted to present the facts to the committee to prevent the striking down of this industry, which has been developing so rapidly in the South.

STARTED IN A SMALL WAY.

Here is a copy of a letter addressed to the gentleman from Alabama [Mr. UNDERWOOD] by the Richmond Hosiery Mills, of Rossville, Ga., June 13, 1911:

I have taken the liberty of wiring you as per the inclosed copy of telegram, as I understand a subcommittee is now at work drafting a new cotton schedule.

As manager and stockholder in four knitting mills situated as Rossville, Ga., Clinton, Tenn., Rockwood, Tenn., and Chattanooga, Tenn., I am very vitally interested in this subject. Fifteen years ago we started with $5,000 in Chattanooga in a small way in the hosiery business. We have gradually secured additional capital, nearly every dollar of which is local capital, until now we give employment to over 2,000 persons.

Our strongest and hardest competition is from Germany, and to give you an idea of how strong this competition is we have a man in our mill from Germany whom we employ as boss dyer and to whom we pay $50 per week, while in Germany the highest he ever received was $10 per week. These are facts. We have knitters in our mills who earn as high as $2 per day, while some earn as high as $2.50. This latter figure is an exception, however. On finer work than what we make knitters earn as high as $6 and $7 per day, according to their skill and ability.

When we started in we made the very coarsest and cheapest grade of goods, and people said fine goods could not be made in the South; but our help has gradually evoluted with the line of merchandise that we wanted to manufacture, and to-day we make as fine-gauge goods as are found in the North and East. We only started 15 years ago, and it is only a course of time when we can equal any country in the world making hosiery. Remember, we have only been in business 15 years and are one of the oldest mills in the South, whereas in Germany they have been in business for generations, and this is the competition that we are up against.

The present rates in the hosiery schedule are in reality not high enough, but we will take our chances with them. You can see the revenue that is being derived by the Treasury Department on the hosiery schedule is quite an important feature in the revenues of the Government.

WHEN ONE'S OX IS GORED.

If it would do you or your committee men any good, I should be pleased to send you samples or boxes of our merchandise, with prices at which we sell to the jobber, and if your committee desires it we will give you an itemized cost sheet, sworn to, showing you the cost of these goods. I do not believe anything could be fairer than that. We have nothing to hide; we are perfectly willing to give you any information that you may desire regarding the hosiery business, so far as in my personal power.

For the past 15 years there have been hundreds of little hosiery mills springing up all over the South, and especially in the Piedmont region. They have given employment to that class of people who heretofore have been unable to get steady work, and it would be a calamity to have this means of employment taken away from them or their wages reduced.

I have been raised in the South; born in Georgia; my father was a law partner of JOHN SHARP WILLIAMS, and I ought to have nothing but low-tariff ideas in my head; but my neck is being gored now, and the anticipation of the goring is anything but pleasant, and for that reason I necessarily come before you seeking the protection that we require. We are no longer an agricultural community per se, but conditions have changed here in the South, and we are gradually becoming as much a manufacturing section as any other part of the country.

And I wish the gentleman from New York [Mr. REDFIELD], who made his speech here a little while ago, giving us picturesque experiences of his travels around the world, were here to listen to this statement with regard to the cost of labor at home and abroad.

$50 A WEEK HERE; $10 IN GERMANY.

You will note that the writer says:

We have in our mill a man from Germany, whom we employ as boss dyer and to whom we pay $50 per week, while in Germany the highest he ever received was $10 per week.

The cost of labor equalized between this and foreign countries! The cost of labor higher in foreign countries than it is here! Here is the testimony of men who are endeavoring to build up industries in your own environment and who are obliged to pay $50 a week for labor that was content in Germany to work for $10 a week.

Mr. HARRISON of New York. Does the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. HARRISON of New York. Do you class an expert chemist as a laborer?

Mr. MOORE of Pennsylvania. This employee is a boss dyer. I suppose he is a specialist, but he is a workman in the mill.

Mr. HARRISON of New York. He is an expert chemist from Germany. I know the very case the gentleman refers to.

Mr. MOORE of Pennsylvania. I am glad the gentleman knows it, because it does not confirm the statement made by the gentleman a little while ago in his own speech in regard to the cost of labor at home and abroad. If he knew that this boss dyer received $10 a week in Germany and receives $50 a week in America, he must have known there was something awry when he indicated that the cost of labor was no higher in the United States than it was in foreign countries.

Now, we will get away from the boss dyer and will take up something closer to the labor end.

You will note they say further:

We have knitters in our mills who earn as high as $2 per day, while some earn as high as $2.50.

These wages are paid in the mills in Georgia and Tennessee that I have just referred to.

Somebody has been fooling the House with regard to the cost of labor in the cotton mills of the country. Somebody has just been upon the outskirts listening to those who know nothing of the business. They have not gone in to examine the books, to ascertain the prices at first hand.

SOUTHERN MILLS SPEAK OUT.

The Marietta Knitting Co., of Marietta, Ga., despairing of a hearing before the Ways and Means Committee, wrote as follows:

We have written the members of the Ways and Means Committee. Most of them make the usual promise of "due consideration." The Republican members, as a rule, tell us to put in our work on the Democrats, who are wholly in control of the Ways and Means Committee work. * * *

To the Democrats we are saying, Why reduce the tariff on hosiery when the Government is in need of the revenue and the people don't want cheaper hosiery, as they are now buying most freely hosiery that is high in price and poor in wearing quality? We refer to the sheer silks that are so popular at this time. We don't object to people buying this class of stuff if they want to, but we insist that they could get hosiery that would wear better at a cheaper price, which would be much more economical. On the idea of reducing the cost of living there certainly is no occasion for a reduction in the tariff on hosiery.

From the Orion Knitting Mills, of Kingston, N. C., I submit the following:

We agree with you that there should be no reduction, as there are too many foreign goods coming into this country already under the present schedule. The importations are so heavy that our own mills have been making very little, if any, profits for the last year or two on account of the overproduction; or, rather, the secret of it is that the consumption is too largely of foreign goods, which importers are able to bring in, even under the present schedule. To put our business on a profitable basis again there should be a slight advance in the tariff on the medium-priced goods.

UNDERWOOD BILL FAVORS THE RICH.

The gentleman from New York [Mr. HARRISON], in his address this afternoon, referred to 150 mills that were closed down in North Carolina yesterday because of the drought. I am presenting to you mills that are closing down because of competitive conditions, not because of an act of God such as prevailed yesterday in the Catawba country.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. CULLOP). Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE of Pennsylvania. I do.

Mr. FOWLER. I desire to ask the gentleman from Pennsylvania if he does not think there ought to be a revision of the cotton schedule, so far as hose is concerned, as a matter of fact?

Mr. MOORE of Pennsylvania. I do not think there should be any reduction in the hosiery schedule.

Mr. FOWLER. I will ask the gentleman from Pennsylvania if it is not a fact that during the year 1910 the poorest people of this land paid 91.23 per cent duty on their stockings, while the richest people of this country paid only 55 per cent during the year 1910? [Applause on the Democratic side.] I will ask the gentleman now if he does not think that that is so unfair to the poor people of this country that it ought to be changed?

Mr. MOORE of Pennsylvania. The gentleman does not come from a hosiery-manufacturing district, evidently.

Mr. FOWLER. I will ask the gentleman if my figures are not correct?

Mr. MOORE of Pennsylvania. I shall not attempt to confirm the gentleman's figures, nor shall I undertake to deny them, because I do not know whether his figures are correct or not. But I will say this to the gentleman: That this attempt to revise the hosiery schedule by the Ways and Means Committee is in its comparative results in favor of the man who manufactures the silk stockings as against the man in the South who has been making the 10-cent stockings for the poor. [Applause on the Republican side.]

Mr. FOWLER. I desire, Mr. Chairman, to say to the gentleman from Pennsylvania that the poor people do pay 91.23 per cent.

DO NOT WEAR SILK STOCKINGS.

Mr. MOORE of Pennsylvania. I am one of the poor people who has not paid more than 25 cents for any pair of stockings he has worn within his recollection. [Laughter and applause on the Republican side.]

Mr. FOWLER. I am not talking about 91 cents. I am talking about a duty of 91.23 per cent.

Mr. MOORE of Pennsylvania. And I do not think I shall ever desire to wear stockings at 91 cents. However, if the gentleman, coming, as he does, from an aristocratic section of Illinois, wants to wear stockings at 91 cents, evidently he has advanced to the silk-stocking class. [Laughter and applause on the Republican side.]

Mr. BLACKMON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Alabama?

Mr. MOORE of Pennsylvania. I regret I can not yield. I have gone thus far and covered the 91-cent proposition [laughter], and I desire in the time allotted to me to go forward and make progress. The gentleman from Illinois, I know, is going to come at me later on, and I am trying to reserve my time and my strength in order to cope with him. [Laughter.]

Mr. HARRISON of New York rose.

Mr. MOORE of Pennsylvania. Later I shall be glad to yield to the gentleman from New York.

Now, I will read a message from the Richmond Spinning Co., of Chattanooga, Tenn.:

If these conditions keep up as they are, we could not make an honest dollar in a thousand years, and if the tariff is reduced on cotton goods, we believe it will put at least one-half of the cotton industry out of business.

Listen to this from Augusta, Ga.:

THE AUGUSTA FACTORY,
Augusta, Ga., July 31, 1911.

Mr. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: Kindly use your influence as to letting the tariff on cotton goods stay just at it is, for God knows it is hard enough on the mills without any changes to their disadvantage. It is impossible for any mill in the United States to compete with the English mills in the manufacture of cotton goods, for the following reasons: Money is cheaper in England, labor is cheaper, machinery is cheaper, and the hours of labor are longer. The country using their goods is subject to secret adulteration as to the manufacturing. The Government subsidizes ships carrying the goods to their own colonies or territories. Cotton mills are losing money every day, being less protected by the tariff than any other manufacturing industry in the United States, and the only salvation for this large industry, in my opinion, is an export duty on every bale of cotton that leaves the United States. This

idea may not be popular with the farmers, but is, nevertheless, a fact.

Yours, very truly,

STEWART PHINIZY, *President.*

And to this from Rock Hill, S. C.:

WYMOJO YARN MILLS,
Rock Hill, S. C., July 31, 1911.

Hon. J. HAMPTON MOORE, M. C.,
Philadelphia, Pa.

DEAR SIR: We respectfully invite your attention to Bulletins Nos. 1, 2, and 3, recently sent out by the committee on tariff and legislation of the American Cotton Manufacturers' Association, of Charlotte, N. C.

The movement to reduce the tariff on cotton goods at this time is a most inopportune affair, for we are just now in the midst of a depression that has existed for more than two years and which bids fair to last until the consumption of American-made goods catches up with production. We can not conceive of how a reduction can be reasonably made under present conditions.

It is our honest opinion that a reduction in the tariff at this time would mean financial ruin to our mills, for we have not made any money for over two years.

Thanking you for your attention, we are,

Yours, truly, WYMOJO YARN MILLS.

From Carrollton, Ga., I have this:

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: As you no doubt know, the cotton mills of this country have traveled a rough and rocky road for several years, and this year has been the worst of all. Cotton has been very high, with yarn and cloth low in comparison. The mills are perfectly willing to pay high prices for cotton if they can make a legitimate profit on their finished product. Labor is much higher and harder to get than ever before. Several times during the past 12 months we have considered shutting down our two mills, but would not do so on account of the men, women, and children who are looking to us for a living. If the tariff on cotton goods is reduced, it will hurt not only the manufacturer, but the laborer as well.

Yours, very sincerely,

MANDEVILLE MILLS.
J. A. MANDEVILLE,
Division Manager.

And from the Echota Cotton Mills, Calhoun, Ga., this:

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: If the cotton bill now pending to reduce the duties on cotton goods passes, what do you think will become of the cotton mills in the United States? What do you think will become of the several million people that are employed in the cotton mills? We can not compete with foreign labor; we do not feel that we pay our help what they should have now; but if other countries are allowed to ship their cloth into the United States at a reduced duty, what can we do but reduce wages?

The mills have had a hard pull for several years; we have been forced to run short time. Why? Because there was no demand for our goods at even money. How much cloth do we ship to Canada? Very little. How much will Canada ship us if her duty is reduced? Who of us will it hurt if we pay double the price that we now pay for cotton goods? Will it break any of us? I think not. Will it hurt the cotton-mill help if Congress forces us to reduce their pay? Will it break the mills to force them to close down?

My dear sir, I think we need more protection. We should not cause several millions of people who are depending on the mills for their bread and meat to suffer to benefit a few. I have been in the mills for 19 years, and up to a very few years ago our wages were so low that we could hardly live. Now that mill help are able to make an honest living, if this bill passes, the mills are going to be forced to cut pay.

For heaven's sake, give the poor cotton-mill help a chance to make an honest living and the mills a chance to at least play even by voting that bill down. I am a southern man, but I know what that bill will mean to the cotton mills of the United States and to her people.

Look at the wealth that is tied up in the cotton mills; look at the people that are employed by the mills.

Very truly, yours,

ECHOTA COTTON MILLS,
J. F. CLARK,
Manager and Superintendent.

A DEMOCRATIC PROTECTIONIST.

My attention, Mr. Chairman, has been called to numerous other appeals from the Southern States, but I know of none more characteristically expressive than this. Here is an extract from the copy of a letter written by a prominent Georgian to his Congressman:

I am a Democrat, but I can not afford to sit up and watch my business disappear without a strong protest * * * so you can see that sometimes we Democrats get a protection bee buzzing in our bonnet out of necessity.

Our country is developing very rapidly from a strictly agricultural country to where the manufacturing interests form quite a large and component part of our wealth, and we have reached the point where we need the same impetus to our prosperity that the New Englanders had before us. We hope you can see it in your way to safeguard our interests in the Ways and Means Committee. * * *

We don't ask you to follow the Republican doctrine of protection to equalize foreign wages and a reasonable profit. Just leave out the reasonable profit and give us the protection we need to equal foreign wages, Germany and Japan being the principal offenders—Germany right now and Japan in the future.

I know and highly respect the distinguished Member from Georgia to whom that letter was written, and I firmly believe that if free from the obligations of the Democratic caucus he would have been only too glad to respond to the call of his constituent, voicing, as he knows it does, a firm and permanent development of the Southern States.

PROFIT NOT MORE THAN 10 PER CENT.

Mr. WARBURTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. I do.

Mr. WARBURTON. I should just like to ask the gentleman if he believes that the whole labor cost in the mills is equal to 25 per cent of the selling price of the manufactured cotton?

Mr. MOORE of Pennsylvania. I do, and having posted myself somewhat on the hosiery end of the cotton business, I will say to the gentleman that so far as the manufacturing side of it is concerned, it can safely be stated that the profit does not exceed 10 per cent.

Mr. WARBURTON. The gentleman does not quite get my question. I will try and make it plainer: Will the labor cost of manufacturing cotton goods in the mills equal 25 per cent of the price that the manufacturer receives at the mill?

Mr. MOORE of Pennsylvania. I have no definite statistics upon that subject, but I will say to the gentleman, having analyzed the cost of a suit of clothes that cost $40, that labor gets the major portion of the entire cost of the suit.

Mr. WARBURTON. That is not quite an answer to my question. What I want to know is if all of the labor in the mill costs 25 per cent of the selling price of the finished garment at the mill?

Mr. UTTER. That depends upon the style of cloth.

Mr. MOORE of Pennsylvania. I should like to have the gentleman amplify his question to this extent, that when he asks for the proportion of labor cost, he should include also the cost of labor from the time of production to the finished garment, and then I would say yes, that the proportion of the labor cost is much in excess of half the value.

NO DUTY ON RAW COTTON.

Mr. WARBURTON. The gentleman understands that there is no tariff on raw cotton.

Mr. MOORE of Pennsylvania. There is no tariff on raw cotton.

Mr. WARBURTON. The cotton is landed at the mill at home as cheaply as at the mill abroad.

Mr. MOORE of Pennsylvania. I think it is safe to say that our friends in the South can ship their cotton to Germany or to England more cheaply by vessel than they can send it by rail to New England.

Mr. WARBURTON. But there is no tariff on the cotton itself.

Mr. MOORE of Pennsylvania. There is no tariff on cotton.

Mr. WARBURTON. Then the labor cost would be confined solely to the labor cost at the mills, would it not?

Mr. MOORE of Pennsylvania. If you are discussing simply the labor cost at the mill, I presume so; but I am going to deal with the labor question in a moment or two. I do not care to have the gentleman divert me from my argument just now. I am coming to that as soon as I get through with these communications.

SHORT MESSAGES FROM THE NORTH.

A few more extracts from the expressions of those who could not obtain a hearing before the Democratic Ways and Means Committee before I proceed.

George F. Hoffman, of Hoffman-Corr Manufacturing Co., Philadelphia, New York, and Boston, writes:

Every cotton mill in the South has lost money for the last two years. Cotton can be shipped from the South to England as cheap as it can be shipped to New England and can be made into goods cheaper there than it can here. There must be protection. It is a question of labor.

There is an answer to the gentleman's question now.

Joseph Feldenheimer, of Philadelphia, chairman knitted cotton underwear tariff committee:

Our particular industry (knitted cotton underwear) is not a large one and can not be regarded as a factor as a revenue producer, but the rates which we enjoy at the present time under the Payne law, and which are exactly the same as the Dingley rates, are absolutely essential to the continued existence and progress of manufacturers engaged in our particular line.

The largest manufacturers of our class of goods are located in Massachusetts, but knitted cotton underwear is manufactured in more than one-half of the States of the Union. It is just now beginning to obtain a strong foothold in the South; as an instance, the Mayo Mills, Mayodan, N. C., are erecting at this time a mill with a capacity of 2,000 dozen underwear daily.

Brown-Aberle Co., Philadelphia:

Should the tariff be reduced on hosiery it would cause a stagnation in this business, resulting in great loss to the employer and employee alike.

Chipman Knitting Mill, Easton, Pa.:

During the last agitation of this schedule the hosiery manufacturers declared that should we be given the advance in tariff that it would not affect the price to the consumer. This declaration has been made absolutely good, as at the present time the consumers can buy better hosiery and cheaper hosiery than they have ever been able to do in the history of the business.

German-American Hosiery Co., Philadelphia:

We know how familiar you are with conditions in the hosiery industry, and that you realize the necessity of such action as much as anyone else, without going into further details on our side. The hosiery import statistics alone furnish sufficient proof how urgently our industry is in need of all the protection we now have.

Harry C. Aberle & Co., Philadelphia:

Rates of duty on hosiery in the Underwood bill will destroy the hosiery industry in this country.

Brown Knitting Co., Philadelphia:

Business on staple goods is dead and all mills are complaining since the cotton bill was reported; it is getting worse; no jobber will buy, only what he has to.

—

E. SUTRO & SON CO.,
Philadelphia, August 1, 1911.

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: We wired you this morning the rates of duty on hosiery in the Underwood bill will entirely destroy the hosiery industry in this country.

We can not make our statement any stronger, so only repeat what was stated in our telegram—this undoubtedly means destruction for all of the hosiery manufactories in this country.

Very truly, yours, E. SUTRO & SON CO.

AN EXPRESSION FROM NEW YORK.

I think it well also at this time to introduce the following letter from Hinchman, Vezin & Co., of New York, representatives of a number of concerns in Pennsylvania and elsewhere:

HINCHMAN, VEZIN & CO.,
New York, July 29, 1911.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: I wish to say that you can state without the slightest danger of refutation that the effect would be not less disastrous than the following state of things: The closing down of three-quarters of the hosiery mills in the United States and the ruin of the owners of such mills, for their machinery and general outfit would be so much junk. If any mills at all managed to survive it would only be after a most radical cut in the wages of the operatives. The above would be the direct results. You can imagine the indirect results, how this would affect dyers, yarn spinners, makers of all the trimmings, machinery, etc., going into the manufacture of hosiery, also the indirect effects on business in general by the paralysis of this single industry.

This proposition is so obviously intended to put Mr. Taft in a hole by forcing him to give it a veto that it is a most transparent political trick, but it is a trick that works untold injury to a great industry on account of the distrust that it creates as to what may come next.

Very respectfully,

CHARLES VEZIN.

ADVANTAGES TO THE IMPORTER.

Here is a manufacturer's view of certain advantages to the importer in the matter of foreign-made goods:

THE KILBOURN KNITTING MACHINE CO.,
New Brunswick, N. J., July 31, 1911.

DEAR SIR: One advantage the importer has over the domestic manufacturer, which may not have been pointed out to you, is due to the Government bonded-warehousing arrangement, through the operation of which, we are informed, the importer may delay paying his duty for a period not exceeding three years, in addition to which he gets cheap storage for this product.

For example, the domestic manufacturer whose business requires a stock of 100,000 dozens, costing $150,000, has the latter amount tied up in capital requirements for stock alone. The importer, however, who carries the same amount of stock, costing him, duty paid, the same amount of money, pays out less than $1 a dozen to the German manufacturer and conducts his business on less than $100,000 of capital. He does not pay the duty until he takes the goods out of bonded warehouse for delivery to his customers, which, of course, is not until they are sold, and his capital requirements are consequently considerably less to do the same amount of business—a somewhat hidden advantage in favor of the German manufacturers. Even with a duty of 50 per cent, he would only require approximately two-thirds the capital that would be required by the American manufacturer to conduct the same business on goods of the same value in this country, as you will see from the above.

Very truly, yours, JOHN WYCKOFF METTLER,
Vice President.

THE WEST HEARD FROM.

Here are resolutions passed by the Middle States Textile Manufacturers' Association, Cannelton, Ind.:

MIDDLE STATES TEXTILE MANUFACTURERS' ASSOCIATION,
Cannelton, Ind., July 26, 1911.

In convention assembled at French Lick Springs, July 19, 1911, the Middle States Textile Manufacturers' Association passed the following resolution:

"First. The continued agitation of the tariff question is detrimental to the interests of all manufacturers and merchants.

"Second. That Congress should appoint a permanent tariff commission and leave the adjustment of rates entirely in the hands of this commission."

The textile interests of the United States have enough troubles to contend with without being made the goat in the revision of the tariff merely to gratify the personal ambitions of professional politicians. It is up to every manufacturer to do his part in securing a reasonable and sensible handling of tariff questions.

Yours, for action, LEE RODMAN, *Secretary.*

NO APPLAUSE FOR THE INVESTORS.

These quotations and letters, Mr. Chairman, might be extended by the hundreds. They fairly represent the feeling of that great body of industrialists who have undertaken in the United States to utilize the chief staple of the South. In the census reports it appears that these men represent a combined investment, in establishments and machinery, of approximately $800,000,000, which establishments in the various branches of cotton manufacture give employment to 370,000 wage earners, a large proportion of whom are residents of the cotton-growing district. And while the Ways and Means Committee's report traces with pride the development of cotton production in the United States and glows with description of the process of manufacture and the growth of allied industries, there is no response to the appeals of those active and progressive forces in our industrial life who purchase the raw material and for wages and for profit fashion it into the form which brings it back to the consumer. There is, indeed, on page 5 a recital of the struggles of the Colonies to manufacture cotton and of the methods subsequently employed to protect the Colonies against England's rapacious eye for cotton and the right to knit it, but there is nowhere a sign of recognition for the Democrats and the Republicans alike, who were venturesome enough to invest their money and encourage labor in these commendable American enterprises.

WHO IS FOOLING THE WORKINGMAN?

And perhaps the reason for all this may be traced to the Democratic caucus, that caucus which has agreed to act as one man for the overthrow of the "robber baron" of industry and for the election of a nonprotection Democrat to the Executive chair. I can not quote him literally, for his speech has not been printed, but the House will recall the gallant charge of the gentleman from Alabama [Mr. UNDERWOOD] upon the breastworks of the Republican Party when he asserted that it was only "by fooling the workingman" with the pretense of protection that we had been able to maintain political supremacy in the United States. Have we been fooling the workingman by enacting legislation that has aided in providing employment? In the report presented by the gentleman from Alabama [Mr. UNDERWOOD], on page 6, there is an interesting table, which gives a comparative summary of cotton goods in the United States for the 30 years from 1879 to 1909. With the exception of the Wilson-Gorman period, these were protective-tariff years. Says the report:

This table indicates a remarkable increase in the capital invested, the number of wage earners, the amount of wages paid, value of products, the number of spindles, and the amount of cotton consumed—all combining to show the actual progress of the industry. The steady and continuous increase in the number of wage earners, spindles operated, and the quantity of cotton consumed are the best indices to the progress of the industry and especially worthy of notice. The United States now consumes approximately two-thirds of its cotton crop, which is about equally divided between the mills of the Northern and the Southern States.

A TELLTALE TABLE.

The summary is so interesting that I reproduce it in full. It is a Democratic confession that under a protective tariff system the manufacture of cotton has developed successfully both North and South; that capital invested has quadrupled in 30 years; and that the number of wage earners has doubled:

TABLE 3.—*Comparative summary of cotton goods in the United States, by decades, 1879 to 1909.*

Items.	Census—			
	1879	1889	1899	1909
Capital	$208,280,346	$354,020,843	$460,842,772	$808,287,938
Wages	$42,040,510	$66,024,538	$85,126,310	$129,768,088
Average number of wage earners	174,659	218,876	297,929	371,120
Value of product	$192,090,110	$267,981,724	$332,806,156	$616,297,000
Active spindles	10,653,435	14,188,103	19,008,352	27,383,912
Cotton consumed....pounds	750,343,981	1,117,945,776	1,814,002,512	2,332,569,000
Cotton consumed.....bales	1,570,344	2,261,000	3,639,495	4,824,000
Looms	225,759	324,866	450,682	632,715
Average price upland middling cotton (cents per pound)	12.0	11.5	7.6	[1] 14.3
Average wage per operative	$240.70	$301.65	$285.73	$349.67
Average value of product per operative	$1,099.80	$1,224.35	$1,117.07	$1,661.25
Per cent of wages paid to value of product	21.9	24.6	25.6	21.0
Per cent of value of cotton consumed to value of product	46.9	48.0	41.4	54.1

[1] Average price of upland cotton for crop.

FOURFOLD INCREASE SOUTH.

And I am sure every Republican will rejoice at the additional committee statement that in the Southern States there has been a great proportional increase in manufactures, which is conceded by this report to be 657 establishments in 1909 as against 161 establishments in 1879. The capital invested in these southern enterprises in 1879 was $17,000,000, and the capital invested in 1909 was $350,000,000. The gentleman from Alabama in his report shows some degree of pride in this southern development, notwithstanding the drastic action of the Democratic caucus in refusing a hearing to the cotton manufacturers, for on page 8 he says:

To show the almost incredible increase which has taken place in the industry in the Southern States it may be stated that the figures of this table indicate that the capital invested has increased more than 1,900 per cent since 1879, the spindles more than 1,750 per cent, looms

at about the same rate, the value of products more than 1,300 per cent, and the quantity of cotton consumed about 1,200 per cent.

Prior to 1880 there was relatively little cotton manufacturing south of the city of Washington, but that year a cotton exposition at Atlanta gave it a great impetus, which has continued almost uninterrupted to the present time. For example, in the three decades from 1879 to 1909 the increase in raw-cotton consumption for the world was about 150 per cent, that of the United States more than 200 per cent, while that of the Southern States increased more than 1,200 per cent. During the decade ending with 1909 the capital invested in the industry in these States increased about 185 per cent, the number of spindles about 142 per cent, looms over 500 per cent, the quantity of cotton consumed 66 per cent, and the value of products 143 per cent. The marvelous progress in recent years is the most striking feature of this great industry in America.

SOUTHERN DEVELOPMENT SURE.

Mr. Chairman, no man in this House desires more than I do to see the South develop both industrially and in the matter of agriculture. The resources of that section of our common country are rich and practically unlimited, and the surface of its wealth has only been scratched. That it is developing, and in spite of all traditions and handicaps, will continue to develop is best shown by the wonderful progress of industrial establishments in every one of the Southern States during the five years between 1904 and 1909. I append herewith extracts from such recent census reports as I have been able to obtain, showing the increase in the number of establishments and the increase in capital invested in various Southern States:

States.	Years.	Establishments.	Capital.	Number of wage earners employed.
Alabama	1909	3,401	$173,479,000	72,255
	1904	1,882	105,383,000	62,173
Arkansas	1909	2,908	70,139,000	44 912
	1904	1,907	46,306,000	33,089
Florida	1909	2,156	65,128,000	57,443
	1904	1,413	32,972,000	42,091
Georgia	1909	4,792	202,913,000	104,582
	1904	3,219	135,212,000	92,749
Louisiana	1909	2,516	221,806,000	76,135
	1904	2,091	150,811,000	55,859
Maryland	1909	4,827	251,237,000	106,898
	1904	3,852	201,878,000	94,174
Missouri	1909	8,372	442,847,000	152,870
	1904	6,464	379,369,000	133,167
North Carolina	1909	4,930	217,183,000	121,470
	1904	3,272	141,001,000	85,339
New Mexico	1909	310	7,396,000	3,903
	1904	199	4,638,000	3,478
Oklahoma	1909	2,310	38,873,000	13,143
	1904	1,123	16,124,000	5,456
South Carolina	1909	1,854	173 221,000	73,046
	1904	1,399	113,422,000	59,441
Tennessee	1909	4,609	167,924,000	73,841
	1904	3,175	102,439,000	60,572

THEIR OWN FUNERAL.

Mr. AKIN of New York. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. AKIN of New York. I notice in the quotation of letters from various portions of the United States you did not quote any from Amsterdam or from Albany, N. Y.

Mr. MOORE of Pennsylvania. No; I had a private conversation with the gentleman from New York, in which he told me that the mills of that section had no interest in the coming bill.

Mr. AKIN of New York. And the gentleman did not quote any letters from there upon that point?

Mr. MOORE of Pennsylvania. No; I did not seek any.

Mr. AKIN of New York. And the gentleman has not got any?

Mr. MOORE of Pennsylvania. No; I presumed they have no concern about it, and it is their own funeral.

THE SUPPLY OF RAW COTTON.

So it is admitted that the cotton fields of the Southern States were attractive to both capital and labor, which gradually moved down from the old manufacturing centers of New England and the Middle States to be the better enabled, through proximity with the supply of raw material, to compete in the American market and for the world's trade.

The world's production of raw cotton is shown by diagrams to depend chiefly upon the production of the United States. That is to say, the world's production of raw cotton for mill consumption in 1910 was in excess of 19,000,000 bales of 500 pounds, of which the United States produced approximately 11,500,000 bales. Another census table in the report shows that of the total supply of cotton produced in the United States for the six-months period ending February 28, 1911, 49 per cent was exported, 19 per cent was consumed in the United States, and 32 per cent remained for export and domestic consumption. For the year ending August, 1910, the proportion of the total cotton production consumed in the United States was only 39 per cent, while 52 per cent was exported and 9 per cent remained for export or local consumption. Our exports of raw cotton to be fabricated in foreign countries vastly exceeds the raw cotton sold in the United States for domestic use, but our imports of foreign raw cotton are insignificant, being for the six months period ending February 28, 1911, only 136,000 bales.

From this hurried perusal of the committee's statistics, it may be set down as definite, first, that the Southern States which grow cotton, having a monopoly of the domestic market, are disposed to maintain their trade relations with foreign manufacturers by reducing tariff duties so that manufactures of American cotton in foreign mills may profitably return to the United States market. These are material factors which may help to determine the attitude of the Democratic Ways and Means Committee toward the American manufacturer who has had the temerity to invest his money and employ labor in the hope that he might rival his foreign competitors at least in his own country.

SPINDLES INCREASING; ALSO KNOCKS.

And yet on page 4 the Ways and Means Committee, with some degree of satisfaction, tells of the success of the American manufacturer in pushing himself into the competition. True, he does not begin to equal the foreigner in the extent of his output, but in 1900, the report says, the number of spindles in the United States was 19,472,000. This number had increased in 1911 to 29,189,000, and yet, with a virtual monopoly of raw material at our own door and with the American industrialist endeavoring to draw closer to the market for raw material, the number of spindles in the United Kingdom had grown to 53,000,000 in 1910, while in Continental Europe they had increased to 40,700,000. The proportional increase in the number of spindles was greater in the United States than it was in Great Britain or in Europe, showing an evident desire upon the part of the American worker to take the product of the South and to work it up under American conditions for both the home and the foreign market. The committee reports this progress of the hustling American industrialist, but lays in wait for the "robber baron" with a "tariff-for-revenue" club that proposes to hit every spindle in the United States and discourage every man who has gone into the race for the cotton-goods trade.

ARE WE HEADED BACKWARDS?

Now, Mr. Chairman, it is inconceivable that Representatives of the cotton-growing section should seek to choke off the domestic industries that tend to create a wider market for raw cotton. Surely we are not going backward, nor is the spirit of unrest which sometimes gives occasion for doubt as to the perpetuity of our institutions, headed toward the confiscation or destruction of property. Nor can it be our purpose, no matter what our national advantages in certain sections, that we shall labor for those whose allegiance is elsewhere, as against the interests and welfare of our own citizenship. The Democratic leaders contend that protection has served to fool the workingman. With raw cotton sure of a market, they have denied a hearing to those who are vitally interested in the cotton schedule. They have acted in seeming disregard of the workers in the mills, boldly asserting that their revision of the tariff is not for the protection of anybody, but is solely for the purpose of raising revenue. As I understand it, the revenue which runs a government comes from the body of the people, and is contributed alike by the rich and poor. By levying duties at the customhouse against foreign-made luxuries and commodities, Republicans have promoted employment for American workingmen and placed the burden of taxation, not upon the poor, but upon those who preferred to spend their money in foreign countries rather than in the United States. [Applause on the Republican side.]

WHEN HEARINGS WERE OPEN.

When the Republican Ways and Means Committee had its hearings in 1908, there were many spokesmen from cotton-growing States who appeared in favor of a duty upon cotton. They sought, in particular, to have a duty levied upon foreign imports of cotton with the view of developing sea-island cotton. They told the country of the deplorable wage conditions that prevailed in the cotton fields, and they pleaded for the retention of such duties as would widen both the demand for cotton and cotton manufactures. Now, in spite of all the progress that has been made and of the protection sentiment that has been attracting capital and industry into the Southern States, we are told by the Democratic leaders that we must have more imports of foreign commodities and less domestic manufactures.

WORKINGMEN DEMANDED INCREASE.

I well recall a meeting in my own district when the effort was made to increase the Dingley law rates upon hosiery. We had undertaken to rival the German and British makers, but owing to their cheap and superior facilities for manufacture and partly because of an existing trade agreement in which they had the best of it, the American market was being flooded with hosiery from abroad. Our mills were running upon half time, and at the meeting referred to no less than 2,000 working men and women appeared, many of them coming as representatives from the mills in New England and the South. They asked then that the rates of duty be increased so that the difference in overhead charges and labor cost might be covered and the American workman put in a fair way to compete with the foreign workman. Their sentiments were subsequently embodied in a petition which bore 10,000 signatures, which they brought to Washington as a demand for protection against wage reduction and slack work.

But the gentleman from Alabama declares that the Republican Party has kept itself in power by deceiving the American workingman. We have insisted that the protective system has advanced the wage of the American worker and has given him a better standard of living than his foreign competitors enjoy. The taunt of the gentleman from Alabama has been echoed by many speakers upon the other side, who demand the overthrow of protection. It is therefore fair to present to the House some facts which the gentlemen upon the other side do not apparently desire to present to the workingman of the country.

SOME SERIOUS LABOR FACTS.

In the bulletin of the Bureau of Labor for March, 1911, is an abstract of the British Board of Trade report to the Government. It gives the predominant range of weekly wages in certain selected trades in England and Wales, Germany, France, Belgium, and Great Britain. A perusal of these figures will help to explain the reason for sending American cotton abroad to be made up into cheap garments to be returned for consumption in the United States. I append them herewith:

Predominant range of weekly wages in certain occupations in specified industries, by countries.

[Compiled from reports of an inquiry by the board of trade into working-class rents, housing, and retail prices, together with rates of wages in certain occupations in the principal industrial towns of the United Kingdom, 1908; Germany, 1908; France, 1909; Belgium, 1910; United States, 1911.]

Countries.	Predominant range of weekly wages.			
	Building trades.			
	Bricklayers.	Stonemasons.	Carpenters.	Joiners.
England and Wales (excluding London)	$9.12–$9.85	$9.04–$9.57	$8.80–$9.57	$8.80–$9.57
Germany (excluding Berlin)	[1] 6.55–7.00	[2]	6.55–7.00	
France	5.25–7.02	5.25–7.02	5.84–7.36	5.78–6.43
Belgium	[1] 5.05–5.84	[2]	4.91–6.14	4.97–5.70
United States	26.77–30.42	23.42–26.77	16.73–21.90	16.73–21.90

Countries.	Building trades.			
	Plasterers.	Plumbers.	Painters.	Hod carriers and bricklayers' laborers.
England and Wales (excluding London)	$8.88–$10.14	$8.60–$9.67	$7.66–$9.12	$5.92–$6.57
Germany (excluding Berlin)		5.84–6.93	5.84–7.22	4.74–5.84
France	5.78–7.06	5.84–7.02	5.21–6.43	3.85–4.83
Belgium	5.01–5.96	4.91–5.70	4.56–5.25	3.65–4.38
United States	24.33–29.00	21.29–27.37	15.82–20.68	12.17–16.73

Countries.	Engineering trades.			
	Fitters.	Turners.	Smiths.	Pattern makers.
England and Wales (excluding London)	$7.79–$8.76	$7.79–$8.76	$7.79–$8.76	$8.27–$9.25
Germany (excluding Berlin)	6.33–7.79	6.57–8.03	6.93–8.03	6.20–7.30
France	5.84–7.02	5.84–7.42	6.12–7.73	6.20–7.24
Belgium	4.81–5.56	4.99–5.92	4.89–5.96	4.77–5.84
United States	15.41–18.13	15.41–18.13	16.47–20.76	18.13–22.30

[1] Including stonemasons. [2] Included in bricklayers.

Predominant range of weekly wages, etc.—Continued.

Countries.	Engineering trades.	Printing trade: Hand compositors (job work).
	Laborers.	
England and Wales (excluding London)	$4.38–$5.35	$6.81–$8.03
Germany (excluding Berlin)	4.38–5.35	6.02–6.31
France	3.79–4.66	5.56–7.02
Belgium	3.14–3.95	4.68–5.56
United States	9.12–10.65	16.73–19.77

Reduced to plain English which every one of us may readily understand, this compilation means that on the average the workingman who receives $2.43 in the building trades in the United States receives $1 abroad; that the man who receives $2.13 in the engineering trades in the United States, receives $1 abroad, and that the man who receives $2.46 as a printer or compositor in the United States, receives but $1 abroad.

COMPARISONS CARRIED FURTHER.

These figures which come from official British sources are so plainly indicative of the necessity for an American barrier to protect labor "that he who runs may read." But this British board of trade report goes into the relative cost of living, and the housing conditions of the working people of the several countries specified, and what the London Times had to say upon this phase of the question is illuminating. I quote the Times as follows:

The broad upshot of the reports dealing with European countries, including our own, has been to show that in regard to the conditions investigated the artisan in this country has, in a varying degree, the advantage over his fellows in Germany, France, or Belgium. He earns somewhat higher wages, works somewhat shorter hours, and pays somewhat less for the necessaries of life. Without going into qualifying details or minor distinctions we may accept that as the broad result. But when we come to the United States the picture is turned almost completely around. From the abstract which we publish to-day the reader will see that the workman in America enjoys an enormous advantage over his fellow in England, an advantage far greater than the latter enjoys over the German or the Frenchman. He earns more than two and a quarter times as much money and works shorter hours for it; so that his hourly rate of earnings is as 240 to 100, or pretty nearly twice and a half as much. Against that enormous difference in wages there is something to be set in the way of expenditure. Rent is twice as high and food is about one-third higher than in England, but the cost of living altogether is only as 152 to 100, or about half as much again.

Now, these facts completely dispose of two widely current misconceptions or misstatements. One is that the higher wages admittedly paid in America are all swallowed up and more by the higher cost of living, which is believed to surpass the standard of this country in regard to the necessaries of life by an enormous amount, and to constitute an intolerable burden. The present report explicitly states the contrary at the conclusion of a long, elaborate, and extremely careful comparison of the two countries. In the United States, it says, a much greater margin of earnings over cost of living is available, even when allowance has been made for the increased expenditure on food and rent. "The margin is clearly large, making possible a command of the necessaries and conveniences and minor luxuries of life that is both nominally and really greater than that enjoyed by the corresponding class in this country."

WHICH WOULD YOU HAVE?

Which would you rather have, my friends on the Democratic side, the English, French, or German system? These are authentic figures carefully compiled by a great nation. Supplementing this official statement, I challenge a denial from any man in this House who has been in England and observed for himself. I never have seen in the streets of New York, Philadelphia, or Savannah conditions of the human kind so deplorable as those I have seen in London, Liverpool, and Manchester. Choose for yourself. The workingman is able to choose for himself, and it is the secret of his desire to leave the old country and come to this.

Mr. RANDELL of Texas. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will, although my time has nearly expired.

LABOR CONDITIONS IN TEXAS.

Mr. RANDELL of Texas. I understand the gentleman to take the position that laborers in the industries not protected are doing as well as those in the industries that are protected. Does not that show that protection does not favor the laborers to any extent?

Mr. MOORE of Pennsylvania. Our contention is that everyone is benefited by protection. When we have protection, we benefit the Democrat in spite of himself, and also the Socialist.

Mr. RANDELL of Texas. It is easy to contend that; but is it not a fact that the laborers in the industries not protected are in a better condition than those in the classes that are protected?

Mr. MOORE of Pennsylvania. In some trades, yes; in some trades, no. In the building trades, if you say they are not protected, I say to you they are better paid. If you will take up the cotton fields, where they have no protection upon raw cotton, I will say they are not so well paid.

Mr. RANDELL of Texas. Is it not a fact that the trouble with the cotton mills in the South is the labor is so much better paid on the plantation than in the cotton mills that they can not keep their employees?

Mr. MOORE of Pennsylvania. Mr. Chairman, so long as the gentleman has raised the question, I will take occasion, although I had not intended to do it, to read from the hearings of the old Ways and Means Committee, page 4455, a statement by Mr. John C. Cawlfield, of Stockdale, Tex., asking for a tariff upon cotton. He said:

We see by the tariff that almost every branch of industry but the cotton raiser is protected against pauper labor. Those engaged in producing cotton consist of millionaires—

MILLIONAIRES DOWN SOUTH.

Mr. Chairman, I am sorry to say this and have it repeated in this House, because the inference has always been—and these are my own words—that the only millionaires were the men engaged in the industries, but here is a gentleman who actually observes that—

those engaged in producing cotton consist of millionaires, who own thousands of acres of land, down to the man who is so poor that he does not own a weeding hoe.

Mr. RANDELL of Texas. Is it not a fact then——

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman does not want me to read this I will cease reading, because I had not any desire to read it.

Mr. RANDELL of Texas. I judge from what the gentleman has read that the witness states that those who produce cotton are some of them millionaires and some of them so poor they hardly own a hoe.

Mr. MOORE of Pennsylvania. That is the way I interpret it.

Mr. RANDELL OF Texas. All classes, so far as wealth is concerned, are engaged in cotton raising.

Mr. MOORE of Pennsylvania. I so interpret it. I understand the witness to say that——

The CHAIRMAN. The time of the gentleman has expired.

Mr. J. M. C. SMITH. Mr. Chairman, I ask unanimous consent that his time be extended.

The CHAIRMAN. That would not be in order.

Mr. MOORE of Pennsylvania. Mr. Chairman, being in control of the time on this side of the House, as I understand it, I will extend the time of the gentleman from Pennsylvania for an indefinite period, and I hope he will not be too long. [Laughter.]

Mr. HARRISON of New York. Mr. Chairman, I think the gentleman from Pennsylvania will understand that we would be very glad to stay here and listen indefinitely to him, but there are gentlemen on this side who desire to be heard to-night.

Mr. MOORE of Pennsylvania. I endeavored to get an agreement from the gentlemen on the other side before we began this discussion, but was utterly unable to do so, and so I proceeded ex parte.

Mr. HARRISON of New York. I will inform the gentleman that we ask for only one hour on this side this evening.

Mr. MOORE of Pennsylvania. The gentleman surely would not close me off on a discussion about so important a matter as this when we have just reached the cotton fields of Texas.

Mr. HARRISON of New York. I would not do it if I had the power, but I hope the gentleman will remember that there are gentlemen on this side who desire to be heard and that he will not be too lenient in extending time to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Much of my time has been taken by questions which I tried to answer, although I did not answer the gentleman from New York on one occasion when he asked me to yield. I will try to get through in half an hour.

I was saying to the gentleman from Texas that it was a surprising statement to those of us who come from the northern tier—and I say that, of course, without sectional feeling—to find that there were in the South, which so belabors certain other sections of the country where men acquire wealth, certain people who were classed as millionaires.

Mr. RANDELL of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

KNOWS BUT ONE RICH MAN.

Mr. RANDELL of Texas. I know of but one millionaire cotton raiser in Texas—there may be others—and he is the distinguished brother of the President, and he does not live in Texas.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am delighted that the brother of the President has the good judgment to go down to a fertile country and work his way up in it. I am endeavoring to get other men to go there, and all that I ask is that they be properly protected when they go there. I do not think I shall pursue this discussion about millionaires, but I will quote a little further from the testimony of this gentleman who came up from Stockdale, Tex., asking protection for cotton. Now, getting away from the millionaire question, he said, and it is only fair, since the question has been raised, that this should go into the RECORD:

The laborers who actually produce the cotton do not receive on an average more than 75 cents per day for men; women and children, 37½ cents per day.

WOMEN IN THE FIELDS.

Now, we hear a great deal about women and children working in the mills, but it now appears that they work in the cotton fields and get 37½ cents a day. The witness further says:

The children of these families in scholastic age do not attend school, on an average, more than two months in the year, which the enrollment and daily-attendance roll will show.

Mr. RANDELL of Texas. As a matter of fact I am a farmer myself and I know that statement in reference to wages is entirely false. The fact of the matter is the cotton fields take the labor away from the cotton mills in my district. They take away the workmen from the mills in the spring and fall when they chop and pick cotton. The labor is taken away from these mills and that is the main trouble.

Mr. MOORE of Pennsylvania. I have hesitated to bring this statement forward, but the gentleman raised the question himself. If the gentleman tells me that the statement is false I accept it, but I expect him to accept my statement that much of this talk in regard to poverty wages paid in the North is also false. Let us be fair with one another. [Applause on the Republican side.] Now, let us go on.

I was beginning to quote from the Bureau of Labor showing the increase of wages in the United States and the reduction in the hours of labor. I know some men who preach the labor doctrine, some men who claim to be the best friends of the working men, some men who stand out always in the limelight and have an awful time lifting the "iron heel of the tyrant from the neck of the wretched," may dispute these figures, but I think the sensible, everyday working man, whether he belongs to the union or whether he does not, will accept the statement as it comes from the Bureau of Labor with regard to the improved conditions which prevail in this country over those that prevail in others.

ALL CLASSES BENEFITED BY PROTECTION.

Nor is this all there is to be said upon the subject. The Republican Party has not deceived the working man, but has closely watched his interests in every protective measure. The bulletin of the Bureau of Labor for July, 1908, presents an article showing the gradual increase in wages in the United States and the gradual reduction of hours of labor from the average rate paid in the decade between 1890 and 1899, and the year 1907. These were all protection years and it will be noted in the table presented herewith that so-called nonprotected trades shared proportionately with the so-called protected trades, thus demonstrating the general benefits and advantages of protection:

Per cent of increase or decrease in wages per hour and in hours of labor per week in 1907 as compared with the average for 1890–1899, by industries.

Industries.	Wages per hour.		Hours per week.	
	Per cent of increase.	Per cent of decrease.	Per cent of increase.	Per cent of decrease.
Agricultural implements	30.9			3.7
Bakery, bread	28.9			8.4
Blacksmithing and horseshoeing	26.4			5.9
Boots and shoes	24.3			4.0
Brick	22.7			1.5
Building trades	44.6			9.4
Candy	24.4		(1)	(1)
Carpets	17.1			1.4
Carriages and wagons	18.3			4.0
Cars, steam railroad	24.4			4.1
Clothing, factory product	15.8			3.3
Cotton goods	57.5			3.2
Dyeing, finishing, and printing textiles	11.3			.7
Electrical apparatus and supplies	22.6			6.7
Flour	16.0			3.3
Foundry and machine shop	21.4			5.4
Furniture	27.1			4.3
Gas	7.7			3.9
Glass	29.4			1.4
Harness	23.5			4.1
Hats, fur	26.4			8.4
Hosiery and knit goods	33.4			2.3
Iron and steel, bar	40.4			2.1
Iron and steel, Bessemer converting	32.6			9.5
Iron and steel, blast furnace	19.8		0.6	
Leather	11.8			.1
Liquors, malt	32.9			13.0

[1] No change.

Per cent of increase or decrease in wages, etc.—Continued.

Industries.	Wages per hour.		Hours per week.	
	Per cent of increase.	Per cent of decrease.	Per cent of increase.	Per cent of decrease.
Lumber	27.6			3.1
Marble and stone work	25.7			6.4
Paper and wood pulp	33.3			10.2
Planing mill	24.6			3.6
Pottery	13.8			.2
Printing and binding, book and job	31.0			9.9
Printing, newspaper	22.6			5.2
Shipbuilding	20.9			4.3
Silk goods	16.9			2.4
Slaughtering and meat packing	16.0		(1)	(1)
Streets and sewers, contract work	45.7			7.3
Streets and sewers, municipal work	21.6			9.5
Tobacco, cigars	32.4			.5
Woolen and worsted goods	31.9			2.0
All industries	28.8			5.0

[1] Not reported.

ADVANCE IN LABOR'S WAGE.

This is a long list of specified occupations which have been beneficiaries of improved labor conditions in the United States, due to the operation of the protective tariff system, due to the influence of the labor unions, due to the consideration of the lawmaking bodies, and due to the tolerance and the consideration of the employer of labor, and the average increase in wages in all these trades during this period of years was 28.8 and the average reduction in hours was just 5 hours per week. Is there such a condition, may I ask, Democrats or even Republicans, prevailing in any country in the world as prevails in the labor field in the United States? And these conditions are the product of protective-tariff years.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to his colleague?

Mr. MOORE of Pennsylvania. I do.

Mr. WILSON of Pennsylvania. I understand that the gentleman takes these figures from the report of the Bureau of Statistics relative to wages during the past 10 years?

Mr. MOORE of Pennsylvania. Bureau of Labor, July, 1908. Wages increased, hours of labor decreased during the average as between the decade from 1890 and 1899 and 1907—substantially a period of 17 years.

Mr. WILSON of Pennsylvania. Did the gentleman at the same time take from the same source the average increase in the cost of living? [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. I am very glad some one on that side applauds that statement, because I have just quoted the British Board of Trade report showing that there is an increase in the cost of living on that side. I am sufficiently informed upon current events to say that the increase in the cost of living has not been special to the United States, but has been world-wide and every country has been equally affected. [Applause on the Republican side.]

INFLUENCE OF LABOR UNIONS.

Mr. WILSON of Pennsylvania. But the gentleman knows that the same report he quotes from in regard to the average increase of wages also makes statements relative to the average increased cost of living during the same period of time.

Mr. MOORE of Pennsylvania. I understand the gentleman's question, and I think I have answered it. I say that the increase in the cost of living has not been special to the United States, but has been world-wide. But I will say to the gentleman that while I intend to say a little more about the cost of living before long, there is no country in the world where the people have been buying such fine hosiery, such luxuries, such good clothing, and where they have been living so well, and where they have been using up so many automobiles as in the United States.

Mr. WILSON of Pennsylvania. The gentleman also quotes the average increase in wages and the average reduction in hours in various trades in the United States. Does the gentleman know of any trade in this country where the hours of labor have been reduced, whether a protected trade or otherwise, where a labor organization has not been responsible for the decrease in the hours of labor?

Mr. MOORE of Pennsylvania. I would like to ask the gentleman, before I answer his question, how many working people there are in the United States?

Mr. WILSON of Pennsylvania. Do you mean wageworkers?

Mr. MOORE of Pennsylvania. I mean people who earn their living by the sweat of their brow. How many of them are there altogether? We have 92,000,000 of population; how many of them earn a living?

Mr. WILSON of Pennsylvania. I have not the figures exact as to the number that earn a living.

WORKERS ORGANIZED AND UNORGANIZED.

Mr. MOORE of Pennsylvania. But the gentleman is an expert in labor matters, and I respect his opinion. I appreciate all he is doing for labor. I would like to know, because he ought to know, how many men and women there are in the United States who work for a living.

Mr. BERGER. Thirty-one million.

Mr. MOORE of Pennsylvania. Does the gentleman from Pennsylvania accept those figures?

Mr. WILSON of Pennsylvania. I do not know how many men and women work for a living, but I do know that the great bulk of men and women and children over 12 years of age work for a living in the United States.

Mr. MOORE of Pennsylvania. Suppose we accept 30,000,000 as the actual number who work for a living in the United States and use that as the basis, will you tell me how many people are enlisted under the banner of organized labor in the United States?

Mr. WILSON of Pennsylvania. There are somewhere in the neighborhood of 3,000,000 wage earners who are in labor organizations.

Mr. BERGER. Two and one-half millions.

Mr. WILSON of Pennsylvania. There are over 2,000,000 who are affiliated with the American Federation of Labor, and then there are, in addition to that, a number of trade unionists that are not affiliated with the American Federation of Labor, such as the railroad employees. There are about 3,000,000 of them. The point I ask the gentleman is this: Does he know of any trade in this country where the hours of labor have been reduced except through the efforts of a labor organization?

LABOR'S RIGHT TO ORGANIZE.

Mr. MOORE of Pennsylvania. I will say to the gentleman, because I am as much a friend of the labor unions as he is, although he is much more active, that his answer to my question answers his own. If there are but 3,000,000 organized laborers in the United States and there are 30,000,000 laborers, it does not follow that the increase in the wages or the decrease in the hours of labor have been wholly due to the influence of the 3,000,000. But I will say this to the gentleman, that wherever the 3,000,000 have had their influence, and wherever they have been wisely organized and kept within proper bounds, observing the law, following out those principles for which they were organized, going about it upon a reasonable basis, they have contributed to the reduction of the hours of labor and they have contributed to the increase in wages. And I will say more to the gentleman; if self-respecting laborers, organized for the purpose of mutual benefit and advancement, were to organize more thoroughly and stand together more compactly, which they have an equal right to do, with the manufacturers or employers in the land, and proceed in order, they would succeed in further improving the labor conditions in the United States, in increasing the wages, and in reducing the hours. But the gentleman knows as well as any man upon this floor that it is because of lack of organization, it is because of leadership that often becomes selfish and arrogant, it is because after an advantage has been obtained by one separate union, or for one man in a union, and the dues begin to fall off, the union falls back and loses its power. The gentleman knows full well that where the union goes forward and conducts itself in lawful manner and acts with reason it can improve and does improve labor conditions.

Mr. WILSON of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield further to his colleague from Pennsylvania, Mr. WILSON?

Mr. MOORE of Pennsylvania. I do.

ATTITUDE OF EMPLOYERS.

Mr. WILSON of Pennsylvania. Is it not a fact that manufacturers as a rule, or employers as a rule, will not pay any higher wages or give any better conditions of employment than the market conditions of labor compel them to give?

Mr. MOORE of Pennsylvania. That may be conceded, but I have had a long-standing belief that organized labor sometimes fixes at a minimum the earning capacity of a member of the union, because it prevents his individuality and incentive from making itself known to the employer, and instead of the union being a real factor in enabling him to advance and improve his condition, he is by reason of his very environment and his obligation to the union, making himself a mere cog in the wheel, and establishing a low standard, from which by his union he is prevented from rising, except as all rise in a body—this especially as to unskilled labor.

Mr. WILSON of Pennsylvania. The gentleman knows from personal experience that in any large industrial establishment, even where there is no labor organization in existence, the employer himself makes a uniform standard for the different grades of workingmen, irrespective of what the capacity of the individual workingman may be, and the union has to deal with that uniform standard when it comes to make a wage scale with the employer.

Mr. MOORE of Pennsylvania. Not always. I think that where the representatives of the union confer with the employer, the committee stands for the body of the workingmen and fixes the terms, and thus the workingman accepts them with the knowledge of the union, and each individual becomes part of the machine, subject to the committee, and thereby sinks his individuality to that extent.

TARIFF HELPS THE EMPLOYED.

Mr. WILSON of Pennsylvania. If the gentleman knows anything about the making of wage agreements, he must know that the labor organizations do not insist upon a uniform rate for the men, but that they do stand for a minimum rate and do not care how much above that the employer pays.

Mr. MOORE of Pennsylvania. And I presume by the same token that the committee representing the union stands for the maximum and then accepts a compromise.

Now, I think, as my time is passing rapidly, I had better proceed. I want to say, however, just one more word to my friend from Pennsylvania, and that is that while the labor conditions in the United States are better than they are abroad, due to the tariff, the unions, and other conditions, still, laboring men, so far as the influence of the union to improve their conditions is concerned, are better organized in Great Britain than in the United States. Hence I ask, Why is not their condition better in Great Britain than it is here?

Mr. WILSON of Pennsylvania. Does the gentleman want me to answer his question?

The CHAIRMAN. Does the gentleman yield to his colleague from Pennsylvania?

Mr. WILSON of Pennsylvania. If the gentleman desires an answer I will give it to him.

ENGLISH LABOR ORGANIZED BUT POORLY PAID.

Mr. MOORE of Pennsylvania. I must go on if I am to get through in the 10 minutes that are left to me. If the gentleman will reply to my question in a single answer, I will yield to him. Is it not a fact that in proportion to population the men organized in the unions of Great Britain are better organized than those in the United States?

Mr. WILSON of Pennsylvania. There are two parts to the question. They are better organized in England than in the United States.

Mr. MOORE of Pennsylvania. Then why is their condition not better there than it is here?

Mr. WILSON of Pennsylvania. Because in the United States the average productivity of the workingman is $2,400 per annum, while in England the average productivity of the workingman is $556 per annum. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. I thank the gentleman for that statement, because it refutes statements and assertions repeatedly made by gentlemen on the other side with regard to the relative efficiency of European and American workingmen. I call on gentlemen to witness the testimony of a half dozen Members who have spoken on the other side, who have asserted that the skill of workingmen abroad was of a higher grade than that of workingmen in the United States. I thank the gentleman, because he speaks with authority, from the standpoint of the union man.

Mr. WILSON of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield further to his colleague?

Mr. MOORE of Pennsylvania. I regret that I must hurry along.

AMERICAN WAGES SWORN TO.

And while we are considering the action of the Democratic Ways and Means Committee in refusing hearings to interested parties, let us recall the many months of public hearings accorded in 1908 by the Ways and Means Committee of which the Republican, Mr. PAYNE, was chairman. Hundreds of witnesses appeared and thousands of communications and petitions were considered before the committee framed its report. Among other important data to be found in those proceedings are a series of affidavits, not mere petitions, but sworn statements, as to the cost of labor in the hosiery trade in the United States. It is not necessary to reproduce all of these affidavits—they may be found in volume 32 of the Tariff Hearings of 1908—but I shall present two of them which show the American standard of wages, which is twice that of England and two-thirds more than that in Germany. Let these affidavits speak for themselves:

STATE OF PENNSYLVANIA,
County of Philadelphia, ss:

Personally appeared before me, a notary public, residing at Philadelphia, in and for said county and State, Reinhard Huettig, secretary and manager of the German-American Hosiery Co., a corporation of Philadelphia, Pa., who, being duly sworn according to law, says that the following list of wages paid at the present time at the hosiery mill of the above corporation at Philadelphia, Pa., was copied from the weekly pay roll of the said German-American Hosiery Co., and are true and correct both as to the weekly averages and piecework earned by the different classes of operators; that to the best of his knowledge and belief there is no material difference between the wages paid for the same kind of work in the different sections of the United States, and that the following schedule of rates for piecework and the list of weekly averages constitute a fair basis for calculating the cost in the hosiery factories of the United States of such lines of goods as are coming in most direct competition with foreign, and especially German, goods:

(1) Average weekly wages paid:

Knitters (men)—	
Legging machines	$30.00
Footing machines	23.00
Toppers (women)	8.50
Seamers (women)	12.50
Loopers (women)	11.00
Menders (women)	9.50
Finishers (men)	16.00
Finishers (women)	8.50

(2) *Rates paid for piecework.*

	Ladies' hose.	
	For 33 gauge.	For 36 gauge.
Knitting legs	$0.19	$0.22
Knitting feet	.10	.11
Topping	.06	.06
Looping	.065	.065
Seaming	.07	.08
Mending	.04	.04
Boarding	.04	.05
Pressing	.01	.01
Pairing and folding	.04	.04
Other wages and salaries	.125	.125
Total	.74	.80

That the foregoing facts are true and correct to the best of his knowledge, information, and belief.

REINHARD HUETTIG.

Sworn and subscribed before me this 24th day of November, A. D. 1908.

[SEAL.] WILLIAM J. GEGGIS,
Notary Public.

STATE OF PENNSYLVANIA,
County of Philadelphia, ss:

Personally appeared before me, a notary public, residing at Philadelphia, in and for said county and State, Thomas E. Brown, president of the Brown Knitting Co., a corporation of Philadelphia, Pa., who, being duly sworn according to law, says: That the following list of wages paid at the present time at the hosiery mill of the above corporation at Philadelphia, Pa., was copied from the weekly pay roll of the said Brown Knitting Co., and are true and correct, both as to the rates paid for piecework and as to the weekly averages earned by the different classes of operators; that the rates have been in force since April, 1907, and have not been reduced since then; that to the best of his knowledge and belief there is no material difference between the wages paid for the same kind of work in the different sections of the United States, and that the following schedule of the rates for piecework and the list of weekly averages constitute a fair basis for calculating the cost in the hosiery factories of the United States of such lines of goods as are coming in most direct competition with foreign, and especially German, goods:

(1) Average weekly wages paid:

Knitters (men)	$31.00
Toppers (women)	8.00
Loopers (women)	9.50
Seamers (women)	10.00
Menders (women)	10.00
Finishers (women)	9.00
Finishers (men)	14.50

(2) Rates paid for piecework for 39-gauge ladies' hose:

Knitting legs	.26
Knitting feet	.14
Topping feet	.08
Looping	.07
Seaming	.075
Examining and mending	.04
Boarding	.06
Pairing and packing	.075
Other wages and salaries	.15
Total wages per dozen	.95

That the foregoing facts are true and correct to the best of his knowledge, information, and belief.

THOS. E. BROWN.

Sworn and subscribed before me this 24th day of November, A. D. 1908.

[SEAL.] GEO. E. GRIFFIN, *Notary Public.*

That is enough to show the average, and I am going to ask the gentlemen upon the other side who worry about the wages paid in the mills to compare those wages paid to women work-

ing in the mills with the wages of school-teachers in the common schools, who have to acquire an education to teach the young idea of this country its duties in citizenship.

DECLINED TO VISIT THE MILLS.

So far as the hosiery branch of the cotton business is concerned, I desire to say that, notwithstanding the special assaults that have been made upon the Payne rates, even an invitation to members of the Ways and Means Committee to investigate the cost of production at the mills was not accepted. The Knitted Cotton Underwear Association was equally desirous of being heard, and, if need be, investigated. I submit a brief which this association laid before the committee:

Hon. OSCAR W. UNDERWOOD,
Chairman Ways and Means Committee, Washington, D. C.

SIR: The knitted cotton underwear manufacturers' tariff committee of the National Association of Hosiery and Underwear Manufacturers submit for the consideration of the Ways and Means Committee the following pertaining to their industry:

The present tariff rate under the Payne-Aldrich law is exactly the same as under the Dingley law, there having been no change or increase of rates whatsoever.

At the time of the tariff hearing before the Committee of Ways and Means in the House of Representatives, Sixtieth Congress, our committee stated the following facts, which we deem worthy of repetition.

"There has never been a trust or combination formed by the manufacturers of knitted cotton underwear for the purpose of controlling either output or selling price, the nature of the business being such that it can be engaged in by small manufacturers with limited means in almost any community.

"The average rate of wages paid to skilled women sewing-machine operators in the United States varies from $1.50 to $2 per day. The same class of labor in France, Germany, and Switzerland receives from 30 cents to 50 cents per day.

"Wages paid winders or spoolers in the United States varies from $1.50 to $1.75 per day. The same class of labor in the countries named receives from 35 cents to 40 cents per day.

"Wages paid knitters in the United States varies from $1.25 to $2 per day. The same class of labor in the countries named receives from 35 cents to 75 cents per day.

"The items of labor entering into the manufacture of cotton knitted underwear, over and above the actual cost of the staple, represents fully 75 per cent of the total."

For some years past the bulk of imports of knitted cotton underwear has been comparatively small, owing to the rapid development of the industry in the United States as well as the steady improvement of the domestic product.

The number of concerns engaged in the making of knitted cotton underwear having practically doubled in the past 10 years, has brought about the keenest and strongest possible competition, and as a result the consumer has been enabled to buy superior domestic-made garments and has never suffered to the slightest extent as a result of the existing tariff rates, which we believe are as low as they should be with the existing American standard of wages.

As an example, we cite the chief item of import, which is represented by a garment sold to the consumer at 50 cents each. These goods are sold in France at 12½ francs, or $2.50 per dozen, and can be landed and sold at any eastern port of entry in the United States at $4 per dozen. Similar goods made in the United States are sold, plus a profit of 7½ per cent, at about $3.85 per dozen, illustrating the small factor of safety left to the domestic manufacturer.

This committee is in a position to demonstrate that the difference in the cost of labor between the foreign and domestic articles mentioned is at least $1.35 per dozen, whereas the protection afforded by the present tariff law amounts to $1.45 per dozen.

It is our firm belief that it will be to the best interest of the consumer and the wage earners employed in our industry, and to the knitted-goods manufacturers in the United States, as well as those engaged in the spinning of cotton yarns in the South, and other dependent industries representing nearly every State in the Union, that the present schedule of duties should be maintained.

Respectfully submitted.

C. B. BAKER,
EDWARD H. CLIFT,
ANDREW FREY,
LINCOLN CROMWELL,
GEORGE W. KAVANAUGH,
JOHN C. VAN DE WATER,
P. H. HANES, Jr.,
JOS. FELDENHEIMER,
Chairman.

RESOLUTIONS FROM COTTON STATES.

To this plain statement of the inequalities of foreign and domestic manufactures and wages may be added the following resolution, which comes up from the Carolinas and Virginia:

CAROLINAS AND VIRGINIA HOSIERY ASSOCIATION,
Raleigh, N. C., June 30, 1911.

At a meeting, held June 24 at the Monticello Hotel, of the Hosiery Manufacturers of North Carolina, Virginia, and Tennessee, the following resolutions were adopted:

"*Resolved*, That a reduction in rates of duty on hosiery would add another burden to those we now have to contend with, such as high price of cotton, strong home competition, and depression resulting from tariff agitation.

"It is the sense of this convention, composed of hosiery manufacturers in North Carolina and Virginia, that cotton should be used in our mills instead of going abroad to provide employment for foreign workers, which would be the case if duties were lowered.

"For these reasons we respectfully request the Members of Congress and of the Ways and Means Committee especially not to disturb the rates of duty on hosiery."

C. McL. CARR, *President.*
ERNEST MARTIN, *Secretary.*

THE HOSIERY TRADE AFFECTED.

In the hosiery trade, to which the foregoing communication applies and to which I shall direct the attention of the House for a few moments, we find upon consulting the report of the Ways and Means Committee (p. 55) that the imports of the popular makes amounted, under the Payne bill, up to June 30, 1910, to over $6,000,000. The duties exceeded $4,300,000. The chairman of the committee insists that the rate of duty, which was equivalent to 71.57 per cent, was too high, and yet, in spite of the fact that on certain grades of hosiery the unit foreign value per dozen was 87 cents, the labor value alone in the United States would have been 74 cents. To prevent the American manufacturer from making any profit between his labor cost of 74 cents—to say nothing of all the other charges—and the 87 cents of foreign selling value, the gentleman from Alabama proposes to lower the duty from 71.57 per cent to 35 and 40 per cent ad valorem, so that importations may be increased and the duties reduced. In other words, the Underwood bill proposes to cut off $3,000,000 of revenue on the entire cotton schedule by increasing the importation of foreign hosiery from $6,000,000 to nearly $8,000,000 of value; and, on hosiery alone, to reduce the revenue from $4,300,000 to $3,100,000, a net reduction on this item of $1,200,000.

SUPPRESSING THE HOSIERY MAN.

I append the Democratic plan of suppressing the American manufacturer, and commend it most heartily to the careful consideration of the American workingman as well as to the American taxpayer:

On stockings, hose and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half-hose, and clocked stockings, hose and half-hose, on all of the above composed of cotton or other vegetable fiber, finished or unfinished, 40 per cent ad valorem. On men's and boys' cotton gloves, knitted or woven, 35 per cent ad valorem.

Item.	Present act—Results for year ending June 30, 1910.	Proposed act—Estimated results for a 12-month period.
Imports	$6,059,663.64	$7,972,500.00
Duties	$4,336,858.86	$3,168,800.00
Equivalent ad valorem rate.....per cent..	71.57	40 and 35

CONSUMERS' PRICES DO NOT CHANGE.

It is commonly stated in the trade, and I believe it to be true, that there is little variation in the price of hosiery to the consumer at any time, tariff or no tariff, so that there is no warrant in attacking this item because of increased living cost. In fact, it is asserted that the 1911 prices are somewhat lower than they were in 1901, notwithstanding the increase of about 100 per cent in the cost of yarn and a general advance in wages. The accompanying statement is intended to show the relationship of the manufacturer of hosiery to the jobber and consumer with respect to price:

Prices at which seamless hose are sold to the consumer, per dozen:

$1.20	$1.50	$1.80	$3.00

Manufacturers' selling prices to the wholesaler or jobber, per dozen:

Dingley law—1901—			
$0.62	$1.00	$1.05	$1.35
			1.50
			1.60
			1.80
			1.83
Payne law—1911—			
.62	.82½	.95	1.35
	.92½	.97½	1.50
	.95		1.60
	1.00		1.71
			1.75

Prices at which fashioned hose are sold to the consumer, per dozen:

$3.00	$4.20	$6.00	$9.00	$12.00

Manufacturers' selling prices to the wholesaler or jobber, per dozen:

1901—				
$1.85	$2.37½	$3.25		$6.00
1.88	2.40	3.50		6.50
1.87½				
1.95				
2.00				
1911—				
1.70	2.35	3.10	$4.50	6.50
1.77		3.35		
1.82½		3.40		
		3.50		

The selling prices of the retailer never change, always being 25 cents, 35 cents, 50 cents, 75 cents, and $1 for fashioned hose, and 10 cents, 12½ cents, 15 cents, 20 cents, and 25 cents for seamless hose.

GERMAN INROADS CHECKED.

Without attempting or desiring to confuse the House with regard to the technicalities of the hosiery schedule, I shall explain, in the plainest possible language, one or two features of the transition from the Dingley bill to the Payne bill which the country ought to understand. In the first place it was contended by manufacturers and workingmen alike that the Dingley rates were not sufficient to protect this country against

the manufactories of Chemnitz and other foreign hosiery manufacturing centers. On certain popular grades which were largely imported under the Dingley law a barrier of 50 cents per dozen, with an ad valorem duty of 15 per cent, was raised at the customhouse. This barrier, taken for purposes of illustration, was not sufficient to check foreign imports enough to enable the American mills to run full time. Our workmen were given half time, or slack work, under this law. The Payne law raised the barrier from 50 cents per dozen plus 15 per cent ad valorem to 70 cents per dozen plus 15 per cent ad valorem; that is, the barrier was raised just 20 cents per dozen on these popular grades.

Mr. FOWLER. Mr. Chairman——

Mr. MOORE of Pennsylvania. I do not wish the gentleman to interrupt me until I finish this illustration, and then I will yield.

Mr. FOWLER. All right.

Mr. MOORE of Pennsylvania. The German cost of overhead charges being about one-half of those of the United States, and the labor cost being about one-third, we could not make hosiery upon this side of the water without a corresponding reduction in the cost of production. Under the Dingley law the unit foreign value of the popular grade of hosiery to which I now refer was 95 cents per dozen. The tariff barrier raised the value of those goods when imported into this country to $1.59 per dozen on their arrival here.

That is to those of you who do not wear silk stockings, and to myself. [Laughter.]

It goes without saying, therefore, that if the German manufacturer could make these goods and deliver them on the other side for 95 cents per dozen, and the importer could pay the duty, bringing the value up to $1.59 per dozen, when they came into competition with American makes on this side of the water it would not be long before every American manufacturer and every workman employed by him would be out of business and the American market would be given over to those who can the more readily make cheap hosiery upon the other side. Now that was the reason for the insistent demand for an increase in the rates upon hosiery.

BUT THE GERMAN KEPT GOING.

Because of the inroads German-made goods were making upon American mill productions, and in response to the demand of the American mill workers, the Payne law gave the additional barrier of 20 cents, raising the duty as it now is to 70 cents per dozen plus 15 per cent ad valorem. Now, let us see how it affected the situation. Did the German manufacturer cease to send his goods into the United States? No; he did nothing of the sort. Still keen for the American market, and fully aware of his advantages over the American manufacturer, he reduced his own cost of production and incidentally the already miserable wages paid his employees in order to meet the new tariff conditions.

He met us when our prices went up by putting his prices down. He met us when we tried to pay our help more by reducing his labor pay, and through the connivance of the great importers of this country he still continues to get his goods in, and that is the reason why under the Payne law the hosiery mills have not been doing much more business than they did under the Dingley law. We attempted to protect, but we did not protect enough.

BARRIER NOT HIGH ENOUGH.

The barrier was not sufficiently high. They met us upon our own ground. They came in under the fence, and they are here to-day, and the rates under the Payne law, which you call iniquitous, are still insufficient to bar the ill-paid foreign-made hosiery. Customhouse figures, which I now have before me and which I shall insert in the RECORD, clearly indicate that the moment the Payne law became effective the foreign manufacturer at once prepared to meet the new American conditions, and that on the particular grade of hosiery which we are using for the purpose of illustration, he cut down the foreign selling value from 95 cents, as it was under the Dingley law, to 87 cents. At least, this was the price to which he had gone down in June, 1911. And it is an interesting fact that while he cut the foreign selling value from 95 cents under the Dingley law to 87 cents under the Payne law, cutting his profits 8 cents on the dozen, the importer who paid the duty and brought the goods into this country to compete with American-made goods brought them in at $1.59 under the Dingley law and rose only to $1.65 per dozen under the Payne law. In other words, while the foreign value was cut 8 cents a dozen the importer's value was cut only 6 cents a dozen, while the price to the consumer in the United States remains at exactly the same figures under the Payne law as it was under the Dingley law.

Mr. FOWLER rose.

The CHAIRMAN. Does the gentleman from Pennsylvania now yield to the gentleman from Illinois [Mr. FOWLER]?

Mr. MOORE of Pennsylvania. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has control of the time.

Mr. MOORE of Pennsylvania. I want to keep my agreement with the gentleman from New York [Mr. HARRISON].

The CHAIRMAN. The gentleman has used and hour and thirty minutes.

Mr. MOORE of Pennsylvania. I yield for one question.

MORE ABOUT HOSIERY.

Mr. FOWLER. Mr. Chairman, I understand that the gentleman from Pennsylvania [Mr. MOORE] says that the Payne law raised the tariff on hosiery as it was fixed in the Dingley law. I ask him now if it is not a fact that that raise was made on the first three grades of stockings, and if on the first of them, which cost not above a dollar a dozen, that raise was not made 20 cents a dozen; on those that did not cost above $1.50 a dozen, if that raise was not made 25 cents a dozen; and on those which cost over $1.50 and not over $2 a dozen, if the raise was not made 20 cents; and on the other three grades, the rich grades, there was no raise made at all?

Mr. MOORE of Pennsylvania. I will say to the gentleman that the duty was raised upon these grades that go into competition with the manufacturers of the United States; the duty was raised with a view of enabling the American manufacturers to compete with the cheap-made goods from other countries.

Mr. FOWLER. That was on the poor grades?

Mr. MOORE of Pennsylvania. No; the poor grades have been taxed by the Underwood bill and the higher grades lowered.

Mr. FOWLER. I am not talking about the Underwood bill. I desire to be honest with the gentleman about the matter. I want to know if it is not a fact now that these three poor grades of stockings were not raised in duty, as I have indicated?

Mr. MOORE of Pennsylvania. I say the raise was made on the grades wherein the Germans had the advantage of us in competition; wherein our workmen were being put out of employment and our mills prevented from operating on that grade of goods. We raised the duty so as to make the terms equal, and so that the American manufacturer could compete with the other countries.

Mr. FOWLER. I want to say one thing and then I am done.

Mr. MOORE of Pennsylvania. I shall have to ask the gentleman to excuse me. I am cutting this materially in order to be fair to gentlemen on the other side.

PROFIT PER DOZEN EXPLAINED.

It is obvious, therefore, that the Payne law did not increase the price to the consumer, although it did bring increased revenue to the Government, and gave additional impetus to American capital and industry. And to this statement should be added the further information that, because of the reduction of the cost of production in German mills and the threat of a Democratic revision of tariff, the American mills have not been able to work to their full capacity at any time since the Payne law was enacted. Before leaving this subject I should also say that, whereas on the popular grade of hosiery to which I have referred, the German manufacturer can produce and deliver in Germany, at 87 cents a dozen, the labor cost alone to the American manufacturer making similar goods is 74 cents. It does not require a great stretch of imagination nor much mathematical calculation to understand why a manufacturer employing labor in this country at 74 cents demands the protection of a tariff barrier against a foreign manufacturer who can build his mill, buy his machinery, provide the raw material, work up the yarn into the finished product, pay his labor and provide for pensions—as they do in Germany—all within the limit of 87 cents.

PRICE OF RAW COTTON COUNTS.

It is said that 1¾ pounds of cotton will make a dozen pairs of hosiery such as I have described. If cotton is worth 15 cents a pound, 26 cents is at once to be charged to the American price for a dozen pairs of hosiery. But raw cotton, like raw wool, must necessarily be treated and spun into yarn before it is available for knitting. All this requires outlay for plant, machinery, and labor. American manufacturers have gone forth in good faith to provide American consumers with an American-made article. They have appealed to the Ways and Means Committee to be allowed to continue their business on terms that will enable them to compete with foreign manufacturers. They have more than $800,000,000 invested in the various industries allied with cotton production, and in the manufacturing branch have employed more than 370,000 men and women. These are considerations which an American Congress ought not to deliberately ignore.

PAYNE AND DINGLEY IMPORTS COMPARED.

Imports of cotton hosiery for the month of June, 1911, at the ports of New York, Boston, Philadelphia, Baltimore, and Chicago.

Payne Law rates.	Dozens.	Foreign value.	Unit foreign value.	Duty.	Unit landing value.
30 per cent	17,898.08	$9,229.00	$0.515	$2,758.70	$0.669
70-15 per cent	44,016.00	38,727.75	.879	34,257.96	1.658
85-15 per cent	36,502.57	49,412.75	1.350	38,439.11	2.400
90-15 per cent	39,783.32	75,730.00	1.900	47,164.50	3.089
1.20-15 per cent	1,311.45	3,517.75	2.680	2,101.37	4.280
2.00-15 per cent	303.00	1,145.25	3.779	777.79	6.346
55 per cent	147.00	1,115.00	7.560	618.75	11.790
Total	139,961.42	178,877.50	1.278	126,118.18	2.179

Unit values August 5, 1909, Dingley law.

Rates.	Foreign.	Landing.
30 per cent	$0.56	$0.74
50-15 per cent	.95	1.59
60-15 per cent	1.36	2.12
70-15 per cent	1.91	2.89
1.20-15 per cent	2.70	4.30
2.00-15 per cent	3.86	6.44
55 per cent	6.46	10.02

NO MARKET FOR KNIT GOODS IN CANADA.

Mr. Chairman, we ought to hold the American market for hosiery and knit goods. We have little chance to compete with Germany or with England in the European market, and Japan is rapidly preparing to take care of the market in the Orient. We have done little in the way of expansion in the Latin-American Republics, and we have practically no chance to compete with Canada. The Ways and Means Committee is slightly concerned about our prospects in the territory "adjacent to the Red Sea" (p. 10), but upon this subject I believe the House will be content, as the committee is not, to await the report of the much ignored but busily occupied Tariff Board. The Canadian condition, however, is worthy of comment. Here is a report from the American vice consul general at Halifax, Nova Scotia, which shows clearly why we are denied the Canadian market. They have a tariff there and know how to use it against us, despite reciprocity in other things.

NO MARKET FOR KNIT GOODS IN CANADA.

There is practically no trade in American knit goods in Halifax. This is accounted for by the fact that the Canadian tariff on such articles is high, and the dealers consequently find it cheaper to buy from Canadian and English manufacturers.

The only knit goods from the United States that are sold in any quantity are novelties. However, when a demand for these novelties has been created, Canadian manufacturers soon produce a similar article and capture the market. American knit goods are not well known in this territory, as representatives rarely call and the American houses do not advertise their goods or in any way endeavor to get in touch with the local dealers.

On the other hand, representatives of Canadian and English manufacturers frequently confer personally with their prospective customers. Some Canadian concerns furnish the stores with placards for window displays, car advertising, and the like. Since the withdrawal of the surtax on goods of German origin last spring, more German salesmen are entering Canada. One dealer who has handled some American knit goods states that English manufacturers pack their wares more carefully than American manufacturers do, although the English concerns invariably charge for the boxing.

In order to establish themselves in this country, American manufacturers of knit goods must overcome the obstacle of a high tariff. Persistent personal representation, backed by goods of a high quality, is also a factor of prime importance in extending their trade here. Knitted goods of every description imported into Canada for the four months ended July, 1910, amounted to $2,269 from the United Kingdom and $1,214 from the United States.

WHY REDUCE WAGES?

In the correspondence heretofore submitted it is patent, I think, that increased importations are not calculated to reduce the cost of living in the United States, especially if those importations mean a curtailment of American enterprise and a displacement of American labor. I have never heard a Representative of a wheat-growing State demand lower prices for wheat, and I am equally sure I have never heard a loyal Representative of the South demand lower prices for cotton. We are great consumers of both wheat and cotton in the thickly populated districts, and we must have a purchasing power, which comes in the form of wages, to buy these commodities. If cotton goods which we manufacture are manufactured at one-third the cost in foreign countries, how can we continue to make the wage necessary to pay the existing prices for cotton or for wheat, and why should we have lower wages anyhow? The answer of the gentleman from Alabama, that we are deceiving the workingman, or that the manufacturer unduly profits by the tariff, is not convincing. The gentleman knows that the importer and the middle man are always between the manufacturer and the consumer. The high prices of which the people complain are due not to the wage earner nor, generally, to the manufacturer, but to methods and expenses of manipulation and distribution. Take the Southern Wholesale Grocers' Association, which for a long time made its headquarters in Birmingham, Ala. Wherein did the tariff have anything to do with "the gentlemen's agreement," which prevented the consumer of foodstuffs from obtaining his necessary supplies, except at such prices as were fixed by the association? That the tariff had nothing to do with this method of increasing the actual cost of living and that the manufacturer of the foodstuffs was also out of it is best shown by the two suits for damages, one of which, in Birmingham, resulted in a financial settlement which involved a thousand dealers who were neither wage earners nor manufacturers directly protected by a tariff.

WHO IS TO BLAME FOR LIVING COST?

And that this subject of the increased cost of living in its relation to the tariff may be better understood, I append this extract from the personal letter of an official of the Government, who has been making some experiments of his own with regard to prices here and abroad. If the shoe pinches in any particular, I regret it, but this simple communication throws a great ray of light upon the maladroitness of the Democratic orators in charging up to the tariff the modern increase in the cost of living. My correspondent, whose name is reserved for personal reasons, writes as follows:

When I lived in Washington I saw at ——— an Austrian linen tablecloth and 12 napkins for it, which I fancied very much. This firm asked me $40 for the tablecloth and napkins. Later I was in New York, and I found that the same articles could be purchased at ——— for $33. I then corresponded with ———, of Oxford Street, London, and from him I purchased identically the same articles, and after paying a duty of 50 per cent they cost me $26.64. ———, however, is on the west side of London, and I am informed that the tradespeople there charge from 25 to 33⅓ per cent on the wholesale price of the article. Last January I purchased from ———, in London, a dozen towels, and after paying duty and postage they cost me $13.32. The price of these towels in Boston is $18. I bought at the same time three towels to complete a set, and after paying ———, the customs duty, and the postage these towels cost me at the rate of $16.20 per dozen. The retail price of these towels in New York and Boston is $24 per dozen.

I was lately in London and I went into an establishment and bought a dozen handkerchiefs. I told them I wanted the same quality as the handkerchief I had in my possession, which cost me $9 per dozen at ———, in Philadelphia. The cost of these hankerchiefs was so low that after paying duty I find the total cost to be $4.90 per dozen, or slightly more than half price. As the house I went into was a linen house, I presume that they gave me the same quality as ——— sold me. At the time I bought the hankerchiefs I bought a tablecloth, and after paying duty on it the cost was $14.72. The price of identically the same tablecloth at ———, on Chestnut Street, was $21, and the price in New York at ——— was $20. I have also purchased abroad underwear, and after paying duty the cost is about $2 per garment. The same articles cost in Philadelphia $2.50 each.

When I represent these facts to my friends they simply can not understand the situation since ———, of Philadelphia, and ———, of Washington, buy at the wholesale prices abroad and the duty is calculated at these wholesale prices, whereas I buy at the retail prices abroad and I am obliged to pay duty on such prices. I confess that I do not understand why the retail prices on these articles should be so high here. I know that Washington is an extortionate place, and I have found out that ———, on F Street, Washington, charge $20 for a set of glassware which I can purchase from ———, of Philadelphia, at $13.50.

I am sure you will agree with me that the retail merchants are charging the consumer too much profit on imported articles.

THOSE WHO REQUIRE SERVICE PAY.

I have another letter which will help us to a better understanding of this problem:

SCHRACK & SHERWOOD,
Philadelphia, July 11, 1911.

Hon. J. HAMPTON MOORE,
Philadelphia, Pa.

DEAR SIR: The textile interests of Philadelphia and, in fact, the whole country, are in a very bad condition, as you know and appreciate, owing to the tariff agitation, and I have read with interest your speeches in the House of Representatives in favor of the present Republican tariff, especially one of June 20, 1911, entitled "The tariff on a suit of clothes."

In connection with this subject I wish to hand you the inclosed advertisement and to supplement your arguments. In this case you will note the retailer (who is probably a strong supporter of Democratic tariff revision) buys a suit at $16.75 and sells it to the consumer at $30, making a gross profit of 79.1 per cent. Mr. W. H. Dixon, whose letter you read on June 20, gives in same an itemized statement of cost, which, in merchant tailoring, I think is a fair one, and he figures a gross profit of 21.5 per cent. He further states that a department store will not try to do business on less than 25 to 33⅓ per cent gross profit, and the above is an instance of where they have made 79.1 per cent on a suit of clothes, and, I warrant you, were that same suit, sold for $30, dissected and tabulated down to the mill that made the cloth that the manufacturer was glad to get a gross profit of even 20 per cent, if he got that.

It is the manufacturer of yarns and cloth who will suffer, and not only he himself, but the thousands dependent on his investment for their daily bread. For example, we will suppose that the tariff on cloth is reduced so as to give the foreign manufacturers an even chance of selling in this market. Would such a condition benefit the consumer? I say positively no. The cloth would be bought in England. The suit would be made in England, sold wholesale for $16.75, and resold in Philadelphia for $30 just the same. The result to the consumer would be the same. To the manufacturer of the suit and his labor it would be the same. But as to the manufacturer of the cloth and his labor, the business would go to England, and he is out of business and thousands of mill operators are out of work. The money

which should have been kept in this country and paid to the weavers, winders, and spinners goes to pay that labor in another country.

Most people believe that to cheapen an article, such as clothing, the proper way is to get after the manufacturer of the cloth, mainly because foreigners with cheaper labor conditions can sell cloth in the United States duty free cheaper than the home manufacturer. The manufacturer stands as an exposed target to all guns, his business with its territorial extent is subject to foreign (outside United States) competition and needs protection, while the retailer's business is local and not subject to foreign competition. Take one item alone in the past year, that of the so-called hobble skirt; this has meant a reduction of at least 25 per cent in the demand for dress goods, and the manufacturer who has money invested in his business must stand the loss, and the consumer pays just as much for a skirt with 5 yards of goods in it as she does with 8 yards in it.

It is a mistaken idea, from any business man's standpoint, to try to down the manufacturers of this country by taking off the tariff; they should realize that the more money kept right here on our shores means business for everybody, but if you send money away the people do not have it to spend.

Mr. FOWLER. Will the gentleman yield right there?

Mr. MOORE of Pennsylvania. I will yield to the gentleman, although I did not know I was trespassing on his territory when I referred to the hobble skirt. [Laughter.]

Mr. HEFLIN. I want to ask the gentleman a question. Yesterday the gentleman from Tennessee [Mr. AUSTIN], if I recollect correctly, said that 90 per cent of the laborers in the New England mills were foreigners. Is that true?

Mr. MOORE of Pennsylvania. For the sake of the argument I will admit that that is true, and I will explain it by saying that it is the best tribute in the world to the wages paid in the United States, since if these foreigners could not get better wages in the United States they would have remained in the countries from which they came.

Mr. HEFLIN. If that is true, is it not a fact that the southern mills are the only ones that furnish full employment to American labor?

Mr. MOORE of Pennsylvania. If that is true, I regret to have heard it said on that side of the House during this discussion that the poorest-paid labor in the mills of the country was in the South. God help the Anglo-Saxon of the South! I do not want free trade to bear him down. I want to help improve his condition.

Mr. HEFLIN. The New England mills manufacture a finer grade and a more costly grade of goods than do our southern mills. You pretend to protect the American laborer's product from competition with the product of foreign labor. Let me ask what are you doing to protect the American laborer in his right to occupy a place in the American mills and not be driven out by the cheap labor of Europe?

Mr. MOORE of Pennsylvania. We are attempting to prevent the Democratic Ways and Means Committee from putting into a law that which will create an influx of foreign commodities and labor, that will displace the labor to which you refer. [Applause on the Republican side.]

Mr. HEFLIN. That is not an answer to my question.

Mr. MOORE of Pennsylvania. I think it is.

Mr. Chairman, I am coming now to a point which I thought the gentleman from Alabama [Mr. HEFLIN] was about to inquire into. I continue to read from the letter of Mr. Albert G. Sherwood, of Philadelphia, which has in it some references which I desire to apply now to my distinguished and handsome friend on the other side, and I hope it will receive that consideration which it merits.

Mr. FOWLER. Mr. Chairman, I desire to know——

Mr. MOORE of Pennsylvania. O, Mr. Chairman, I speak now of my handsome friend from Alabama [Mr. HEFLIN]. [Laughter.]

Mr. FOWLER. I desire to know whether the gentleman withdraws his charge that I am an expert in hobble skirts?

Mr. MOORE of Pennsylvania. Oh, I do now.

Mr. FOWLER. If he does not, I wanted to deny that proposition.

Mr. MOORE of Pennsylvania. Since the arrival of the gentleman from Alabama I withdraw everything I said about the gentleman from Illinois.

Mr. Sherwood's letter continues:

Now, a word as to the consumer. He feels that he is the one and only one who is oppressed. In one sense of the word he is, but only in certain cases, like the one above, where he has to pay $30 for a suit that cost wholesale $16.75, or where a monopoly is formed to restrain trade. The consumers do not realize that for the most part manufactured articles of all kinds are sold at a less profit and at a cheaper price to-day than they were 10 to 15 years ago. They do not realize that the farm productions—the things they eat—have not kept pace with the enormous growth of the cities. This naturally makes the demand greater than the supply and the prices higher. The States as well as the National Government know this, for they all are at great expense trying to increase farm production and efficiency.

Now, I invite the attention of the good-natured gentleman from Alabama [Mr. HEFLIN].

The trouble—

Says Mr. Sherwood—

as far as I can see, is not with the tariff; it is the enormous growth and lack of economy. There are about twice as many inducements to catch the dollars of to-day as there were 15 years ago. Many a man to-day owns an automobile with a mortgage on his house, and of course it goes hard to buy clothes or any other necessity when he puts the money into luxuries.

Of course, Mr. Chairman, that does not refer to the gentleman from Alabama. [Laughter.]

A few years ago if a person wanted to buy anything, it was necessary to go to the stores and buy it, while now a man can sit at home, with a telephone on one side and an electric fan on the other and bring a hundred comforts to his very feet, but it all costs money, and that money should not be considered a part of the market value of the goods he buys, and if the people must have service, they are paying for service and not for the goods, and they should not blame the manufacturer for the high price of service.

There is a lot in this letter that does not pertain to tariff, but in closing I want, as a manufacturer, to commend you for your fight.

To take the tariff off, will injure all.

To leave it on, will injure no one.

Let us straighten out our internal questions of labor and economy before we let in foreign manufacturers and their products to further complicate the conditions.

Very truly, yours, ALBERT G. SHERWOOD.

TRIBUTE TO KING COTTON.

And now, Mr. Chairman, I want to return to King Cotton. I have listened to the graceful eloquence of our southern friends, who have a just pride in the supremacy and world-wide influence of their great staple. They have watched it in their rich climate as nature brought it into bloom, and they have extolled it in prose and in poetry. It has been their treasured asset, and every true American has rejoiced with them in their proud possession. It has been of great commercial value to them and has stood by them in their hour of need. They have found it agreeable to market much of this great product abroad; some of them have encouraged the advance of American manufactures into the cotton field; and as encouragement has been given, capital has come forward and labor has been employed in shaping the fiber into artistic and useful articles of apparel. Tremendous expenditure of American money, earned by American enterprise and labor, is now so engaged. If proper encouragement against foreign competition were not denied, there is good reason to believe that the spirit of progress and enterprise would continue until the great new South shall no longer be a cotton-producing or agricultural country only, but a thriving, busy, prosperous manufacturing center as well.

SOME MAY BE SATISFIED.

It may be that, because of local conditions, some of our Democratic brethren are content that the South shall depend upon its cotton and its field labor, and that it shall be satisfied with the British and German gold which comes back into its banks from cotton sold abroad; but the more natural, if not the more patriotic view would suggest a closer alliance with capital and labor at home and a maintenance here of a higher standard of life and order. No American workingman, whether he labors in the field or in the factory, will be content to receive less than his modern wage, nor will any statesman deliberately strive to lower the standards or ideals of American life. If foreign wages be low, and we continue to encourage them by sending our raw material to be manufactured abroad, we must necessarily depress our own labor at home. If we had assurance that the encouragement of foreign manufactures would tend to advance the wages or standard of living in foreign countries, there would be some satisfaction in the thought that we were contributing to the general welfare of humanity, but there is no such assurance, and so long as foreign industrial conditions remain as they are, we can only depress the higher wage standards of the United States by forcing our workingmen into competition with low-priced labor abroad; or, worse than that, displace it altogether.

COURTIERS AT THE THRONE.

And after all it should be remembered that King Cotton is only one of the great American kings, all of whom pay tribute to him and some of whom, in the more rigorous regions of our country, pay him greater tribute than do those in the balmier climate where he reigns supreme. His subjects are as widespread as civilization and should not be oppressed by him where civilization has reached its highest standard. As in Holy Writ we are told that he is worse than an infidel "who provideth not for his own house," so we may say of King Cotton that he is unjust if he persisteth in providing for the competitors of his own house and bringeth distress upon those who sustain him. I do not believe King Cotton, that great allegorical figure that stands out so proudly with King Coal, King Wheat, King Corn, King Iron, and other towering giants in American progress, would give his official sanction to the bill

we are now considering if he understood the havoc it would work upon his loyal subjects; but as it is in humankind, so it may be figuratively, Mr. Chairman; the courtiers reaching out for political dominion, seeking favors at the foot of the throne, play upon the susceptibilities of the monarch and inconsiderately sweep the masses into subjection. In the dim distance loom up the rich political possessions of 1912, and it may be that some of the flatterers of the mighty King Cotton are laying plans to profit at the expense of his benign and better judgment. Let us hope it is not so—that no cabal of the courtiers lurks behind the measure for which the support of the king is sought. If it does, Mr. Chairman, let us hope that it may be detected and overthrown before disaster follows in the wake of progress. [Prolonged applause on the Republican side.]

Mr. HARRISON of New York. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. HUGHES].

Mr. HUGHES of Georgia. Mr. Chairman, at the very outset of my remarks I want to say that the pending bill commands my unqualified and most earnest support, not only because it is the product of a Democratic Committee on Ways and Means, not only because it has the indorsement of a Democratic caucus, not only because it is strictly in the line of pledges in the platforms of our party and in harmony with the best traditions of that party, but because I conceive it to be a measure that is democratic in the broadest significance of that term—working the largest good to the largest number. [Applause on the Democratic side.]

If I did not firmly believe that its ultimate effect will be to benefit the cotton producer, as well as the cotton manufacturer, if I did not feel sure that the consumer of cotton goods will be benefited by it, if I were not convinced that it will be a long step in the direction of giving us new markets for our wares, I would not appear in advocacy of it.

Being a cotton grower in the State of Georgia, living on my plantation, operating and directing it, I feel that I am justified—nay, that it is my duty—to speak to this House in behalf of my fellow farmers all over this country, but especially those of the South; to plead, not for special privileges, but for equity and justice in dealing with this greatest of all industries, the fountain head, the very source from which flows the material prosperity of the Nation. It is more than a trite saying—it is a monumental fact—that agriculture is the foundation rock upon which a nation's wealth is built. [Applause.]

The farmer's prosperity is the electric motor that sends the life-giving current into every nerve and artery of the business community. When the farmer flourishes, all flourish; when his pocketbook is empty, there is decided ebb in those of other pursuits. Agriculture in its highest, in its best estate sets a people as a mark upon a hill. That has been its history since first the command went forth, "Let the earth bring forth fruit!" From the day when the first plow was a stick with a nail at the end of it to scratch the soil it has held this undisputed sway; and in our own time and generation it is the truest exponent, as it is the clearest result of brawn and brain and science. It is the creator of wealth. [Applause.]

So important a factor in the economic life of the people has a right to demand that in the matter of legislation it be treated with absolute fairness. The greatest glory of the farmer is that he has never asked for special privileges or favors. [Applause.] He requires none. He asks nothing except that, in the adjustment of economic relations, he be not discriminated against. When tariff bills have been in the course of incubation no delegations of farmers have thronged the committee rooms, nor have farmers sent high-priced lawyers to Washington to make specious arguments for special concessions. "The square deal" has been his shibboleth always. [Applause on the Democratic side.]

If that is true—and it is true—of the farmer in general, it is markedly so in respect of the southern farmer. It was strikingly illustrated in word and action by Representatives of southern agricultural districts during the consideration of the Canadian reciprocity bill in this House. [Applause on the Democratic side.]

I am serving, Mr. Chairman, one of the most important and prosperous districts not only in Georgia, but in the South. Georgia is properly rated the Empire State of the South—first in peach production, second only to Texas in cotton production, high among the leaders in all fruits and all cereals, second only to Alabama in iron ore, among the first in all minerals, leading all in general variety of all the sources of wealth and the elements of progressiveness.

My district is second to no district in Georgia as to cotton and cereals. From this great agricultural district there did not come to me a single plea to oppose the Canadian reciprocity bill; on the contrary, I received many earnest requests that I give it my cordial support.

That bill, though emanating from a Republican President and urged in the Senate of the United States by "stand-pat" Republicans with such good grace as they could command, was supported in this House and in the Senate by the Democrats, because it represented a vindication of economic principles for which Democrats had pleaded for years in State and national platforms. It was the actual manifestation of "a Democratic principle and a Republican conversion. [Applause on the Democratic side.]

It was amusing, Mr. Chairman, almost to the point of pathos, to hear on the floor of this House the plaintive appeals that came from our friends on the other side in behalf of the farmers—a class whom Republican legislation has insistently discriminated against by granting special aid and comfort to infant industries of corporation maturity with accumulated millions in their coffers. [Applause.] During all the years that the Republican Party has been in power in every department of the Government it has never given much consideration to the needs of the farmer, but rather has ignored him throughout. Instead of guarding his birthright of fair-dealing, it has sought to keep him quiet with such a mess of pottage as import duties on corn and wheat and cabbage—agricultural products in which we lead all the world.

The farmer needs no protection; certainly the southern farmer does not. He not only raises that which sustains life, but also that which clothes the bodies of nearly 70 per cent of the people of the world. Next to the corn crop the cotton crop is the largest item in the money value of the products of the farm. The southern farmer needs no protection other than that of "a fair field and no favors." He is more than willing to have the price of his products regulated by the law of supply and demand. [Applause on the Democratic side.]

The farmer only demands that his cotton shall no longer be the gamblers' sport and stake. He demands that this great staple no longer be permitted to be the shuttlecock in the hands of speculators and manipulators, who for years have saddled it with fictitious values below the actual market value. I am tempted to quote briefly right here from a report of the commissioner of corporations, made a few years ago, on the subject of cotton "futures":

> The matter may be summed up as follows: The abnormal depression of the future contract price, caused by improper exchange regulation, taken with the system of "buying limits," frequently draws down with it and away from the standard of true values the prices which the farmers receive for their cotton. The mental effect of these erroneous quotations serves to mislead the farmer to his injury in setting his crop. The disturbance of the hedging function by improper exchange conditions has placed an added cost on the merchant, which must necessarily fall, at least in part, upon the producer. The basic defect of the fixed difference system is that it inevitably causes the promulgation and practical use of false quotations of a great staple. "Future" contracts should truly represent actual cotton. If they do not, if the two lines of prices are divorced, the two chief functions of the exchange, the hedging system and the quoting of standard prices, are nullified, and the exchange loses the prime characteristics which distinguish a real market from a gambling place.

I am glad, Mr. Chairman, that this House has set the stamp of its approval upon the kind of protection the cotton growers need by passing in the second session of the last Congress a bill, H. R. 24073, prohibiting gambling in futures, and I regret that that meritorious measure failed of favorable action in the Senate. But I confidently look forward to a renewed attack upon these cormorants, who feed upon the life blood of the thrifty farmer, and trust that the next one may be carried to a successful conclusion. If it should fail to be carried into enactment, it will surely become an issue before the people in the presidential election of 1912, and the great army of tillers of the soil will have no difficulty in placing the responsibility where it belongs and vote accordingly.

In some quarters it is objected that the lower rates of duty on imports of manufactures of cotton which this bill proposes will cause a flood of importations of cotton goods made by Europe's cheaper labor that will enter into disastrous competition with the products of our mills. Such apprehensions I regard as not based upon existing facts. The very comprehensive report of the Committee on Ways and Means accompanying this bill states:

> It is estimated that in 1910 the imports of all manufactures of cotton were only about 8 per cent of the domestic consumption.

There is no doubt about that, as the report says:

> Our manufacturers are well equipped to supply the domestic market, and should gradually become better equipped to supply foreign markets.

These last few words point to the really important feature for the manufacturer of cotton goods in this country to consider. His home market is practically secure to him. He will have no difficulty in holding his own there; in the future he will sup-

ply, as he has supplied in the past, our own people with practically all they require in the way of manufactured cotton goods.

In dealing with this subject it is not amiss to turn for a moment from generalization to specific facts. While pretty nearly everybody knows that the United States leads the world in cotton growing, it is of interest to note that we produce 59.9 per cent, or three-fifths of the world's supply. British India is next with 18.3 per cent; then Egypt with 8; Russia is fourth with 4.7 per cent; China fifth with 3.8; Brazil sixth with 1.9; and all other countries supply the balance of 3.4 per cent. These figures are taken from Census Bulletin No. 111.

Our cotton crop has grown from a few thousand bales in 1800 to the present enormous figure of more than 12,000,000 bales. The average annual production of cotton in the United States for the past five years has been 12,175,867 bales, of which Georgia has about 15 per cent to her credit. Georgia's largest crop was in 1908—1,980,610 bales. In 1910 the South produced 12,005,888 bales of 480 pounds each. The average value of lint per pound, upland, was 14.7 per cent. In 1909 we produced 10,315,382 bales of an average weight of 475 pounds, and it was sold at an average price of 14.3. We consumed 4,559,002 and exported 6,491,843 bales. We imported only 151,395 bales, or 1.47 per cent of our home production—truly an almost negligible quantity.

The cotton-manufacturing industry of the country has forged ahead with enormous strides. A preliminary report of the Census Bureau shows the following percentages of increase from 1899 to 1909: In number of establishments, 63.8; capital invested, 184.5; spindles, 141.8; looms, 508; bales of cotton consumed, 66.1; value of products, 143.1.

On the other hand, let us glance at the statistics bearing upon the importation of cotton cloth and wearing apparel. The Government publication called Commerce and Navigation of the United States, 1910, issued by the Bureau of Statistics, makes this showing, pages 546 to 550:

	1907	1908	1909	1910
Cloths, unbleached	$11,496,734	$6,930,007	$12,381,384	$10,098,985
Cloths, bleached	2,240,431	1,529,057	2,146,117	1,351,040
Cloths, dyed, colored, or printed	7,502,082	5,809,019	7,165,579	8,521,466
Clothing and other wearing apparel—knit goods	(1)	1,482,751	1,016,325	1,175,147
All other	4,794,226	3,218,728	3,230,342	4,549,921
Total	26,033,478	18,969,562	25,939,947	25,696,559

[1] Clothing and wearing apparel was included in "all other" prior to 1908.

While the United States grows nearly 60 per cent of the world's cotton, we manufacture only a little over 25 per cent of the world's supply of manufactures of cotton.

Right here is where the ingenuity of the American manufacturer of cotton goods must stand the test. His home market is safe; but if he would expand his business, if he would consume more raw cotton, so that less may be shipped abroad, he must find ways to push more energetically into the world's markets. He must contend with British and German manufacturers for the trade in countries where little else than cotton goods are worn by the natives. He can not afford to sit supine and allow these markets to be practically monopolized by foreigners. I shall make bold right here to say to our American manufacturers that if they will but cater to the notions of the Chinese or South Americans or Africans in regard to the manner of putting up his wares instead of consulting merely his own tastes, he will have taken a long step forward toward getting his proper share of their trade. Feeling superior to these customers—and our people are superior in many ways—our manufacturers have failed to respect their views and desires as do the European manufacturers. We must sell them what they want; not what we think they should have. We must pack it or fix it up like they want it; not to suit our own pleasure or convenience. The reports of our consuls to foreign countries continually emphasize the advantage won by Europeans over Americans in competition for foreign trade by catering to the customs, notions, and desires of the purchasers. That our merchants and manufacturers will soon learn this, I do not doubt.

I repeat, Mr. Chairman, the American manufacturer has nothing to fear ultimately from the legislation which we are now considering, for in the end it will stimulate trade and increase the large total of his profits. Nothing is more certain than that lower prices will increase consumption, and the greater the demand for his goods the greater the number of his employees.

Best of all, Mr. Chairman—and I shall take no pains to conceal my pleasurable anticipation—best of all is this, that the increasing demand for cotton goods must work to the benefit of the cotton planter. Nor shall I hesitate to express intense satisfaction at the prospect of seeing more and more of New England's cotton manufacturers transplanting their mills to the South, near the fields where their staple grows.

Mr. Chairman, this bill is the logical concomitant of the revised woolen schedule which I hope to see coming forth from conference unscathed and submitted to the President for his approval. They say he will veto it. So much the worse for him and his party if he does. For he himself has said:

That Schedule K of the Payne-Aldrich Act is indefensible.

How, then, would he justify before the people of the United States his veto of a measure that aims at remedying, in some degree at least, the legislative crimes in the act upon which the President himself has set the seal of his condemnation? Pardon the digression.

This bill is not the hasty product of undigested material handled by careless or nonobservant legislators. Every detail has been carefully considered. It commends itself to the "common man" by its simplicity. It does away with the confusing compound duties. Every man can understand the ad valorem method of laying import taxes. Any schoolboy will know that if a given article costs a dollar and the tax is 25 per cent, the duty to be paid on that article is 25 cents.

Under the previous arrangement of the cotton schedule, with its ramifications as to so many threads to the square inch and sundry and diverse other complications, it takes a Philadelphia lawyer or a tariff expert to say what import duty a given article must pay. This is an additional reason why I favor this bill, though its chiefest merit, of course, is the cutting down of the iniquitously high rates of the Payne-Aldrich tariff. Why, Mr. Chairman, if this bill becomes a law we need not be afraid lest our socks wear out too soon, for it will not take a small fortune to buy more.

I experience especial satisfaction also in the passage of the farmers' free-list bill. If that is placed on the statute book it will give our farmers what they have desired and deserved for years and years—ever, in fact, since the Republican Party joined hands with the International Harvester Co.—which means the Agricultural Implement Trust. They will get cheaper plows, cheaper reapers, cheaper binders, cheaper farming machinery of every kind.

Farming can not be carried on to-day without improved machinery. The mountainous tariff that is now laid on such machinery practically prohibits its importation. The worst of it all is—and that is what galls our farmers, Mr. Chairman—that while they have to pay these exactions to the trust the manufacturers ship these same implements abroad and sell them to the farmers of foreign countries at prices lower than are paid on this side of the water. So the American farmer is mulcted for the benefit of the foreigner. The farmers' free-list bill will go far toward doing away with these discriminations and injustices.

The protection the farmers need is against the gross injustice perpetrated upon them by and under the sanction of the Government, which compels them, through high-tariff exactions, to pay millions every year, not to augment the revenues of the Government, but to pile upon and over the already bursting coffers of greedy monopolies. I am unable to understand, Mr. Chairman, how any Representative can justify himself before his people in opposing by speech or vote legislation like this bill designed to make up for these inequalities.

Mr. Chairman, the farmer has already been the "goat" too long. While to others have been given the soft places, he has been riding on the rocks. It is high time that he should have a change of treatment. Long enough has he been in the uncomfortable position between the upper and the nether millstones.

According to the National Grange, the farmer gets about 35 cents for every dollar's worth he produces and the middlemen get the 65 cents. Might it not be well if the farmer got the 65 cents and left the 35 cents for the middlemen? The Independent gives other examples:

During the fall of 1910 apples were largely purchased from the farmer in the orchard at $1.50 a barrel; but these very apples were sold in our city markets at $6.50 per barrel and were retailed for over $9 per barrel. During this same fall the orange crop of Florida was bought up for 85 cents per box, but in the market was scarce at $2.50 to $3 for the common grades. The egg case is just as one-sided, when the producer gets but 20 cents while the consumer pays 40. Of course, the farmer who has cold storage of his own can command the highest prices, provided he also be prepared to directly reach the consumer.

The farmer has been whipped with the scourges of an outrageous tariff and tortured with the scorpions of an equally outrageous system of "futures." He has been the football of the New York and New Orleans Cotton Exchanges, and when they got through with him he would have given up the ghost if he had not been a farmer, and an American farmer at that. His

grit saved him, and that is why he has not been wiped out altogether.

To show that in the expression of my own views I am reflecting the views held generally by the good people from whom I come, I quote a brief editorial from a Georgia country weekly:

[McDuffie Progress, published at Thomson, Ga.]

WHO IS SELLING THE COTTON?

If Attorney General Wickersham desires to do a real service to his country, the southern people as well as the Nation at large, he will now direct his attention to the New York Cotton Exchange, where more cotton has been sold in the last 10 days than the crop of 1911 will aggregate. It may be that no national law has been violated, but the Attorney General could find out that a great damage was being done to the financial interests of his country and he could recommend to Congress such legislation as would put to an end forever the nefarious practice of people selling in enormous quantities that which they do not possess nor for which they have any contract, right, or title.

As a matter of fact, it is well known the world over that the cotton exchanges have been maintained and are still being maintained for two purposes, viz, to afford a place for gambling in futures; and secondly, to afford a place where the bear element, representing the spinners of the world, can fix the prices of cotton at the lowest possible point.

There might be some inducement for the Attorney General to desire the price of cotton to go low and remain low were it not for the fact that the cotton crop is the principal crop that brings the gold of Europe to America and keeps the balance of the trade on this side of the waters. Cut it out and in a few short years the gold coin of the American Government must be turned in a steady stream across the Atlantic, there to remain. This is known to the Attorney General, and it is also known to the Southern Members of Congress, and if they expect to take any action to suppress this national as well as sectional evil now is the time for them to do it.

We call special attention to the Attorney General for the simple reason that a little more than 12 months ago, when the cotton bulls were putting forth as heroic efforts to put up the price of cotton as the bears are now putting forth to put down the price of cotton, the Attorney General was the most active and vigorous man in the American Union to thwart their plans, even though it brought the gold of Europe and the rest of the world to the American shore.

Let our Congressmen and our Senators get busy and enact a law not extinguishing the exchanges entirely, but simply providing that a man must have what he sells. If this was done the sales of the New York Cotton Exchange would be valid sales and the price of cotton would forever remain at such a figure that the southern people would have a reasonable return for their labor and efforts in furnishing clothing for the world.

In all I have said, Mr. Chairman, I have been moved only by the solicitude I feel for the class to which I belong—the farmers. It is their welfare, their claim to consideration, their title to equity and to justice that stirs my sympathies and fashions my language. They do not belong to the "special interests" of which we hear so much. They send no special pleaders either to the White House or to the Capitol. But they are tired of being humbugged. They are weary of this three-card monte game which the Republican Party has been playing upon them so long. They are tired of being told again, as they have been told so often, that they must possess their souls in patience until the Tariff Board can conduct some more investigations into rates, cost of manufacture, and so on.

I think the situation, so far as tariff revision by the Republican Party is concerned, has been concisely and correctly stated by the Committee on Ways and Means in its report on this bill. On page 30 of that report we find this paragraph:

The attitude of the Republican administration indicates that the Republican platform statements of 1908 about differences in the cost of production at home and abroad are not to be taken too seriously when rates of duty can be put higher for the advantage of special interests; and later events indicate that investigations and compilations of statistical data, made by a Tariff Board under the exclusive control of the President, concerning the ever-varying and constantly fluctuation costs of production, are to be used principally for the purpose of delaying and, if possible, defeating legislation to make duties lower for the welfare of the people.

The course of the Democratic Party on this bill, Mr. Chairman, as in all the legislation that has been enacted, or attempted to be enacted, on these important subjects this session, has its source in even-handed justice to all the people. We have not sought to conserve or advance the interests of a class or a section, but we have striven to deal justly and fairly by all. [Applause on the Democratic side.]

When the first session of the Sixty-second Congress closes the Democrats can look back upon their work in serene contentment, conscious of having redeemed at least a portion of the promises on the strength of which the people put them in power. In a few months more the Senate of the United States will also take on a Democratic complexion [applause on the Democratic side], and in November, 1912, the people of the United States will, I feel confident, "make it unanimous" by electing a Democrat to the Chief Magistracy of the Nation. [Applause on the Democratic side.]

And when we are in control of the three branches of the Government—the House, the Senate, and the Presidency—whereby the political policy of the country is shaped and its legislation written, I am proudly confident, Mr. Chairman, that we will hold aloft the beautiful banner bearing the noble inscription of "Equal rights to all and special privileges to none," and that we will place that blessed doctrine upon the statute books in the interest of all the people. [Applause on the Democratic side.]

Mr. HARRISON of New York. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. HAMLIN]. [Applause on the Democratic side.]

Mr. HAMLIN. Mr Chairman, I am not insensible to the lateness of the hour and I shall try not to delay the House any longer than it is possible to complete what I have to say. There are two important ways, I think, for us to serve our people. One is in legislating to impose the burdens of taxation as lightly as possible upon the people of the country. That a Democratic House has endeavored very diligently to do this session and is succeeding admirably, I think. [Applause on the Democratic side.] Another is to conserve the expenditures of the Government, and it seems to me that this is of no less importance than the other which I have just mentioned. In the early history of our Government there were provided, for the purpose of guarding sacredly the expenditures of the public money by the Congress or by the different departments of Government, certain committees charged with the duty of investigating annually the manner in which the money was expended by the different executive departments of the Government. For the last 30 years under Republican rule in this country these committees have done practically nothing. This year with the House Democratic, it was concluded, and I think wisely, by those in charge that these expenditure committees should become live, active committees and perform the duties imposed upon them by the law and the rules of this House. I speak to-night particularly of one of those committees. I have the honor to be chairman of the Committee on Expenditures in the State Department. Our committee went early to work and and we have worked honestly and diligently and have developed one situation which I desire to speak of for a few moments. Almost every transaction that has been called to our attention so far that had the appearance of not being perhaps, well what it ought to be, led directly to what is known in the State Department, as the emergency or secret fund. This fund is peculiar to the State Department. Each year we appropriated a certain amount of money to be used by the President and the Secretary of State for so-called emergency purposes, or for "intercourse or treaty with foreign nations." This last year this appropriation amounted to $90,000. For the last several years it has been about $75,000 a year, but is now gradually increasing. The President and Secretary of State claim under the law that they can not be compelled to account to Congress or to any committee thereof or to any living person for the expenditure of this money. They claim it was given to them for secret purposes, and therefore they are not required to account, and they have positively declined to account, to a committee appointed by this House especially charged with an investigation of that department.

Mr. WILLIS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Ohio?

Mr. HAMLIN. Mr. Chairman, I am just informed that there was an agreement made this afternoon in my absence that debate hereafter would be confined to the cotton schedule.

Mr. MOORE of Pennsylvania. To-night. That was the understanding. I did not understand the gentleman was going to talk on anything but the cotton schedule.

Mr. HAMLIN. I understood there was an agreement in regard to general debate, but I was not here this afternoon.

The CHAIRMAN. The Chair does not so understand the order, but understood that the business this evening should be confined to debate only, and not on any particular subject, as the Chair understood it. The Clerk informs the Chair that is the order that was made.

Mr. MOORE of Pennsylvania. Mr. Chairman, I merely desire to say I overheard the understanding between the gentleman from Alabama and the gentleman from New York, and it was that the discussion to-night should be confined to the cotton bill. I did not want to raise the point, and for that reason brought it to the attention of the gentleman from New York [Mr. HARRISON] who is in charge upon the other side. I do not care to make the point, because it has been brought up in an amicable way, but I submit to the Chair that was the understanding.

Mr. HARRISON of New York. Mr. Chairman, I heard the colloquy this afternoon between the gentleman from New York [Mr. PAYNE] and the majority floor leader. The gentleman from New York speaks very low and indistinctly at times, but my general impression is, as stated by the gentleman from Pennsylvania, that the debate this evening was to be confined to the cotton bill.

Mr. HAMLIN. Mr. Chairman, if that is true, I have no inclination in the world to violate the agreement. I did not know that that was the agreement.

The CHAIRMAN. The understanding of the Chair is that it was to be confined solely to debate.

Mr. HAMLIN. On no particular subject?

The CHAIRMAN. No particular subject, as I understand from the Clerk was mentioned. The Chair does not know what any outside agreement may have been.

Mr. HAMLIN. If I am in order, of course I would like now to proceed, but I do not wish to proceed if there is any gentleman thinks I am out of order.

The CHAIRMAN. I will say that just as soon as the Clerk returns to the desk the Chair will find out if there was anything different stated.

Mr. HEFLIN. Mr. Chairman, I heard the agreement, and I feel sure that the only thing the gentleman from New York [Mr. PAYNE] had in mind was that there would be no votes taken in order to dispose of other matters. I do not think he mentioned there would be no speeches made on other subjects. Always on occasions like this, of general debate, Members have been allowed to speak about anything they wished to speak about. I really think that was what he meant, although I do not know.

Mr. ADAIR. Mr. Chairman, I would ask unanimous consent that the gentleman from Missouri may be permitted to proceed upon any subject he desires to speak upon.

The CHAIRMAN. The Chair does not understand the order prohibits the gentleman from discussing any subject. The order, as it appears at the Clerk's desk, was that the proceedings of the evening were to be confined solely to debate. Of what took place between the gentlemen outside the Chair has no knowledge, nor have the clerks at the desk any knowledge of it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have every desire to hear the gentleman from Missouri [Mr. HAMLIN], and would not for a moment make the point of order except there was a distinct understanding, and the gentleman from New York [Mr. PAYNE], who expressed to me his inability to be here to-night and asked me to represent this side of the House, did say that the understanding was that the discussion was to be confined to the cotton bill. With that statement I submit the matter to the chairman and the committee. I do not desire to make the point of order, but that was the understanding and I am quite sure it would be confirmed by the gentleman from Alabama [Mr. UNDERWOOD] if he were here.

Mr. COX of Indiana. Mr. Chairman, with all due deference, did the gentleman from Pennsylvania [Mr. MOORE] hear that agreement this evening?

Mr. MOORE of Pennsylvania. There was a colloquy between the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from New York [Mr. PAYNE]. As the gentleman from New York [Mr. HARRISON] observes, the gentleman from New York [Mr. PAYNE] speaks lowly and sometimes does not hear well, but there was a slight difference of opinion as to what the recess should be for, and there was also a question as to whether the point of no quorum should be raised. I remember that. That was not pressed, but the gentleman from New York [Mr. PAYNE] did say to me upon retiring that the understanding was that the debate should be confined to the cotton schedule, and I understood that the gentleman from Alabama [Mr. UNDERWOOD] had acquiesced in that agreement.

Mr. COX of Indiana. Mr. Chairman, I suppose the reporter's notes would show exactly what the agreement was, but I was standing nearly between the gentleman from New York [Mr. PAYNE] and the gentleman from Alabama [Mr. UNDERWOOD] when the agreement was made.

The CHAIRMAN. The order will be here in one moment.

Mr. COX of Indiana. I wish to state emphatically that there was no agreement made between the gentleman from New York [Mr. PAYNE] and the gentleman from Alabama [Mr. UNDERWOOD] that the debate should be confined exclusively to the cotton schedule. The agreement was that no business should be transacted except the business of general debate.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to suggest that the gentleman from Pennsylvania [Mr. BOWMAN] recalls the incident and conversation, and may be called upon to verify my statement.

Mr. BOWMAN. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] has the floor.

Mr. HAMLIN. Mr. Chairman, I do not desire at all to embarrass the gentlemen here or embarrass myself by seemingly attempting to discuss something that some gentlemen thought was not to be discussed to-night, and I believe under those circumstances I would prefer to yield back my time and risk getting recognition at some other time.

Mr. HARRISON of New York. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12812, and had come to no resolution thereon.

ADJOURNMENT.

Mr. HARRISON of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 26 minutes p. m.) the House adjourned until 11 o'clock a. m., August 2, 1911.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13002) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes, reported the same with amendments, accompanied by a report (No. 94), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNSEND, from the Committee on the Library, to which was referred the bill of the House (H. R. 1671) to provide a suitable memorial to the memory of the North American Indian, reported the same with amendment, accompanied by a report (No. 93), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 144) to legalize a bridge across the Pend Oreille River, in Stevens County, Wash., reported the same without amendment, accompanied by a report (No. 101), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1149) permitting the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota, reported the same without amendment, accompanied by a report (No. 102), which said bill and report were referred to the House Calendar.

Mr. GOULD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2732) to authorize the Providence, Warren & Bristol Railroad Co. and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers or Warren River, in the State of Rhode Island, reported the same without amendment, accompanied by a report (No. 99), which said bill and report were referred to the House Calendar.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1627) to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes, reported the same without amendment, accompanied by a report (No. 100), which said bill and report were referred to the House Calendar.

Mr. DOREMUS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2766) to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River, in the State of Arkansas, and for other purposes, reported the same without amendment, accompanied by a report (No. 97), which said bill and report were referred to the House Calendar.

Mr. MARTIN of Colorado, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2768) to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo., reported the same without amendment, accompanied by a report (No. 98), which said bill and report were referred to the House Calendar.

Mr. MARTIN of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill

of the Senate (S. 850) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874, reported the same without amendment, accompanied by a report (No. 95), which said bill and report were referred to the House Calendar.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2878) to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River in the State of Indiana, reported the same without amendment, accompanied by a report (No. 96), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 13161) for the enlargement of the Federal building at Kansas City, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. WHITACRE: A bill (H. R. 13162) to provide for the construction of a military and post road through Columbiana and Stark Counties, in the State of Ohio; to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: A bill (H. R. 13163) to amend sections 4438, 4439, and 4440 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 13164) to amend section 5 of an act of Congress approved June 9, 1910, entitled "An act to amend the laws for preventing collision of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States"; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 13165) to amend section 4477 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEENERSON: Resolution (H. Res. 259) to print additional copies of document entitled "Drainage survey of certain lands in Minnesota"; to the Committee on Printing.

By Mr. ROBINSON: Joint resolution (H. J. Res. 140) making an appropriation of $3,000 to pay the cost of printing a connected map of the United States, showing the routes of the principal explorers and early roads and highways; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 13166) granting an increase of pension to Samuel P. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13167) granting an increase of pension to Le Roy Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13168) granting an increase of pension to Andrew Strayer; to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 13169) granting a pension to Mary Ann Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13170) granting a pension to Lillian Griffith; to the Committee on Pensions.

Also, a bill (H. R. 13171) granting a pension to Nathan O. Haines; to the Committee on Pensions.

Also, a bill (H. R. 13172) granting a pension to Carrie Trump; to the Committee on Pensions.

Also, a bill (H. R. 13173) granting an increase of pension to Samuel Gano; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13174) granting an increase of pension to Nancy Stowers; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 13175) granting a pension to Catherine Werner; to the Committee on Pensions.

By Mr. HAYES: A bill (H. R. 13176) granting an increase of pension to John J. Nichols; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13177) granting a pension to Nancy J. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13178) granting a pension to Joe Griffin; to the Committee on Pensions.

Also, a bill (H. R. 13179) granting a pension to George A. Taylor; to the Committee on Pensions.

Also, a bill (H. R. 13180) granting a pension to Jesse K. Drinnen; to the Committee on Pensions.

Also, a bill (H. R. 13181) granting an increase of pension to William H. Boley; to the Committee on Pensions.

Also, a bill (H. R. 13182) granting an increase of pension to John R. Holt; to the Committee on Pensions.

Also, a bill (H. R. 13183) for the relief of Thomas Colyer; to the Committee on Military Affairs.

Also, a bill (H. R. 13184) for the relief of Levi Viles; to the Committee on Military Affairs.

Also, a bill (H. R. 13185) to correct the military record of Samuel Thomas; to the Committee on Military Affairs.

Also, a bill (H. R. 13186) to correct the military record of J. B. Mitchell; to the Committee on Military Affairs.

Also, a bill (H. R. 13187) to correct the military record of Nelson Stover; to the Committee on Military Affairs.

By Mr. STEPHENS of California: A bill (H. R. 13188) granting an increase of pension to Edward C. Blackford; to the Committee of Invalid Pensions.

Also, a bill (H. R. 13189) granting an increase of pension to Isaac Newton Strickler; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 13190) granting a pension to Cornelia Ewing; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 13191) granting an increase of pension to Harriet E. Donns; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Resolutions passed by Cincinnati Seed Leaf Tobacco Board of Trade, protesting against passage of bill requiring leaf dealers to specify and report exact type of tobacco on hand, etc.; to the Committee on Ways and Means.

By Mr. HAYES: Resolution of the Alameda County Pharmaceutical Society, of Oakland, Cal., in opposition to House bill 8887, providing for a stamp tax on proprietary medicines; to the Committee on Ways and Means.

Also, petitions of numerous citizens of California, asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. KINDRED: Petition for the preservation of Niagara Falls, N. Y.; to the Committee on Foreign Affairs.

By Mr. SAMUEL W. SMITH: Petition of Rev. E. Wooley and others of Highland, Mich., protesting against the passage of the Johnston Sunday bill (S. 237); to the Committee on the District of Columbia.

By Mr. TUTTLE: Resolutions of the Workmen's Sick and Death Benefit Fund, condemning the manner of the arrest of the McNamaras and indorsing the Berger resolution; to the Committee on the Judiciary.

By Mr. UTTER: Petitions of numerous citizens of Woonsocket, R. I., favoring the bill to establish a department of public health; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *August 2, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

DELIVERY OF MAIL FROM MOVING TRAINS.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of May 23, 1911, certain information relative to the causes of injuries to persons and damage and destruction of mail and mail equipment from accidents resulting from delivering and receiving mail to and from moving trains, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed. (S. Doc. No. 81.)

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. UNDERWOOD, Mr. RANDELL of Texas, Mr. HARRISON of New York, Mr. PAYNE, and Mr. DALZELL managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2958) to

amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUCKER of Missouri, Mr. CONRY, and Mr. OLMSTED managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Mississippi State Department of Archives and History, of the Alabama State Department of Archives and History, and of the Rhode Island Historical Society, praying for the erection of a national archives building for the concentration and preservation of the public records, which was referred to the Committee on Public Buildings and Grounds.

Mr. KERN presented a memorial of John A. Logan Post, No. 3, Grand Army of the Republic, Department of Indiana, of La Fayette, Ind., remonstrating against the removal of Dr. Harvey W. Wiley as Chief of the Bureau of Chemistry, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. OLIVER presented a memorial of the Union County Medical Society, of Lewisburg, Pa., remonstrating against the removal of Dr. Harvey W. Wiley as Chief of the Bureau of Chemistry, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. GORE presented a petition of sundry citizens of Oklahoma, former members of the Cherokee Nation, Indian Territory, praying for the enactment of legislation providing for the immediate payment of all moneys due them, which was referred to the Committee on Indian Affairs.

Mr. PERKINS presented a memorial of the H. N. Cook Belting Co., of San Francisco, Cal., remonstrating against any reduction being made in the sugar schedule, which was referred to the Committee on Finance.

Mr. LODGE presented a petition of the Religious Society of Friends, of Boston, Mass., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GAMBLE:

A bill (S. 3152) extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota; to the Committee on Indian Affairs.

By Mr. WETMORE:

A bill (S. 3153) granting an increase of pension to Samuel A. Pearce (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 3154) granting an increase of pension to Edward R. Hutchens (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 3155) to regulate the payment of the purchase price for lands embraced in homestead and desert-land entries; to the Committee on Public Lands.

By Mr. POMERENE:

A bill (S. 3156) granting an increase of pension to John Daly; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 3157) granting a pension to Watson Nickelson (with accompanying papers); and

A bill (S. 3158) granting a pension to Rose A. Doyle (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 3159) for the relief of John W. Cupp; to the Committee on Claims.

By Mr. JOHNSON of Maine:

A bill (S. 3160) to establish Holeb, Me., a subport of entry in the customs collection district of Bangor, Me., and for other purposes; to the Committee on Commerce.

By Mr. BOURNE:

A bill (S. 3161) to provide for the erection of a public building on site already acquired at Portland, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. GORE:

A joint resolution (S. J. Res. 47) authorizing the appointment of commissioners with a view to the establishment of a commercial union among the nations of the Western Hemisphere; to the Committee on Finance.

By Mr. JONES:

A joint resolution (S. J. Res. 48) to declare and make certain the authority of the Attorney General to begin and maintain and of the circuit court to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation in the State of Washington," approved June 4, 1898; to the Committee on the Judiciary.

NEW MEXICO AND ARIZONA.

Mr. OWEN submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 14) approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona, which was ordered to lie on the table and be printed.

MESSENGER TO COMMITTEE ON RAILROADS.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 126), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Railroads be, and it is hereby, authorized to employ a messenger at a salary of $1,200 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

TARIFF DUTIES ON WOOL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate insist upon its amendments to the bill and comply with the request of the House of Representatives for a conference and that five conferees be appointed to represent the Senate.

The motion was agreed to; and the Vice President appointed Mr. PENROSE, Mr. CULLOM, Mr. LA FOLLETTE, Mr. BAILEY, and Mr. SIMMONS conferees on the part of the Senate.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 2958) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DILLINGHAM. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. DILLINGHAM, Mr. GAMBLE, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

AUTHORSHIP OF THE SHERMAN LAW OF JULY 2, 1890.

Mr. CLAPP. I should like to ask that the following letter from Mr. Walker be printed in the RECORD, and read if any Senator desires to hear it.

The VICE PRESIDENT. Is there objection to printing the letter in the RECORD? The Chair hears none and the order is entered.

The letter referred to is as follows:

WASHINGTON, *July 21, 1911.*

Hon. MOSES E. CLAPP.

DEAR SENATOR: In pursuance of your request, I submit the following report of the results of my investigations in the office of the Secretary of the Senate and in the room of the Senate Judiciary Committee, relevant to the authorship of the Sherman law of July 2, 1890.

That statute was drawn in the Judiciary Committee in the latter part of March and the first part of April, 1890. It was based on the bill which Senator Sherman introduced as Senate bill 1, early in December, 1889, but Senator Sherman took no part in framing the substitute, which was drawn by the Judiciary Committee. That committee was composed of Senators Edmunds, Ingalls, Hoar, Wilson of Iowa, Evarts, Coke, Vest, George, and Pugh. All of its members participated in the consideration of the framing of the statute as it was reported by the Judiciary Committee, which is the exact form in which it was enacted and was approved by President Harrison July 2, 1890.

The eight sections of the statute were written by the following Senators, in the following proportions:

Senator Edmunds wrote all of sections 1, 2, 3, 5, and 6, except seven words in section 1, which seven words were written by Senator Evarts. Those are the words, "In the form of trust or otherwise."

Senator George wrote all of section 4. Senator Hoar wrote all of section 7, and Senator Ingalls was the author of section 8.

The statements of chapter 2 of Walker's History of the Sherman Law, relevant to the authorship of that statute, were based on all the published information which had ever been printed when that book was written by me in 1910. But my personal investigation of the original records of the Senate has resulted in ascertaining that the credit of the authorship of that historic statute should be distributed as it is distributed in this communication.

ALBERT H. WALKER.

ASSISTANT CLERK TO COMMITTEE ON INTERSTATE COMMERCE.

Mr. CLAPP. I enter a motion to reconsider the vote by which Senate resolution 122, providing for an additional clerk to the Committee on Interstate Commerce, was passed. If there is unanimous consent given, I will move now that the motion by which the resolution was passed be reconsidered.

The VICE PRESIDENT. The Senator from Minnesota moves to reconsider the vote by which Senate resolution 122 was passed yesterday, and asks unanimous consent for the present consideration of the motion. Is there objection? The Chair hears none. Without objection, the motion prevails, and the vote by which the resolution was passed is reconsidered.

Mr. CLAPP. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. CLAPP. I move to amend the resolution by inserting the words "fourteen hundred and forty dollars" where the words "twelve hundred dollars" appear, and by adding at the end of the resolution:

Said salary to be paid out of the contingent fund of the Senate until otherwise provided by law.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. The Secretary will first state the amendment.

The SECRETARY. The resolution passed by the Senate reads as follows:

Resolved, That the Committee on Interstate Commerce be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,200 per annum.

It is proposed to strike out the words "twelve hundred" and insert in lieu thereof "fourteen hundred and forty," and at the end of the resolution to add the words:

Said salary to be paid out of the contingent fund of the Senate until otherwise provided by law.

Mr. KERN. I should like to inquire of the Senator from Minnesota whether this is a new position.

Mr. CLAPP. No, sir; it is the position which, by the action of the Senate some time ago, terminated yesterday. When the other resolution was up the other day it read: "For assistant clerk to this committee, $1,200." That provided for nominal committees, and, supposing that that was the rule, I myself wrote $1,200 in the resolution. I find that on the working committees, and certainly the Interstate Commerce Committee would rank as such, the assistant clerks are receiving $1,440. The object is to correct that mistake.

Mr. BRIGGS. Mr. President, I wish to state in partial explanation of the position of the committee that the Committee to Audit and Control the Contingent Expenses of the Senate considered all the resolutions at once, and with the exception of one or two of the large committees fixed a regular sum for the additional men who were to take the place of detailed men whose duties ceased July 31. It was the decision of the committee that it was better that the amount should remain uniform at $1,200.

Mr. CLAPP. Was not the salary of the assistant clerk to the Committee on Indian Affairs fixed at $1,440?

Mr. BRIGGS. That was done by the Senate. The resolution was reported at $1,200, and it was fixed by the action of the Senate at $1,440. I simply wish to correct any idea that the Committee on Interstate Commerce was discriminated against by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLAPP. I did not intimate that that was the case.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. HEYBURN. Mr. President, I have felt some hesitation in participating in the consideration of the report of the committee. I have not been able to determine to my own satisfaction upon what rule they acted. They seem to have acted on the assumption that all committees have the same amount of business, and that the clerical force provided was for the use of the committee in connection with the matters that were referred to it, and only for that purpose. I think a little further consideration would have convinced them that that was not the proper basis.

I am speaking now from what might be termed a personal standpoint. The Committee on Manufactures made application for an additional clerk. The Committee on Manufactures is probably as constantly a working committee as there is in this body. I have made no special plea to the committee having charge of this matter. My experience here has taught me that it is better, as a rule, to allow these questions to develop themselves. There is one thing very certain. A committee to which is referred matters of importance, desiring to perform its duty, must have sufficient help in the way of clerical force; and if help is not furnished, the committee can not perform the work. That committee has been hearing testimony under the authority of the Senate for weeks and months. The chairman of the committee has been at the same time engaged constantly in other duties connected with other committees. He is trying to perform all of this work with a very meager force.

If the rule suggested by the Senator from Indiana were the true rule, there are committees here having exactly the duplicate force of that of the Committee on Manufactures to which no matter has ever been referred. I do not believe that is the correct rule. I believe consideration should be given to the amount of work that is devolved upon the chairman of the committee. No other member of the committee except the chairman has the use of or, candidly speaking, has the right to call upon the clerical force of a committee because he is a member of it. He has a force that is assigned to his own committee, which force he is supposed to use in connection with all of his senatorial duties.

We have a large amount of testimony, some of which has come before the committee within the last two or three days. It all has to be organized and indexed and prepared in proper form, and in connection with it a report for the consideration of the Senate takes a great deal of constant work. There is no one connected with that committee who pretends to recognize any hours of limitation, or ever has done so. It has been a hard-working committee for the last eight years, during which time I have been chairman of it. Some of the most important legislation that has been enacted by Congress has come from that committee; it originated there and has been in charge of the chairman of the committee on the floor session after session, meeting the most strenuous opposition, requiring a vast amount of clerical force in connection with correspondence from responsible persons and parts of the Government that were entitled to be heard in the matter. No sooner is one measure disposed of than another takes its place.

Mr. President, if anyone will take the trouble to inspect the calendar he will, of course, see at once that that committee can not perform the duties for which it is absolutely responsible with the clerical force that has been allowed it. The denial of an extra clerk to that committee simply means that the chairman of the committee must employ a clerk and pay him out of his own pocket. During a very considerable portion of the time, since I have been in the Senate, I have been obliged to do that, because the committee to which the matter was referred have, without giving any reason, simply reported adversely or not reported at all. If that is to go on, well and good; we will understand it, but inasmuch as the question is up for consideration here, and notwithstanding the suggestion of the Senator from Minnesota to me that Senators are desiring to talk on other subjects and there is no time for me to present my grievances, if they may be called grievances, I have taken the liberty of presenting them.

I hope the members of the committee who are present will take some note of it. If they do not, I will try to live through it. But there is a spirit of fairness involved in it that, it seems to me, it is proper to call to their attention once in a while. It may stir their conscience. During the last Congress a resolution of this kind, asking for additional help for this committee right in the midst of the hearings on the cold-storage and food products and various other matters, rested somewhere in the dust of the committee room, and I never heard of it, although it was there during the entire Congress.

Now, again, I have introduced that resolution. The committee comes in here and gaily passes it by as though it were a matter of no consequence. I shall not pass the work of the Senate by. I shall perform my duty. It will be an additional burden to me, but I intend that the conscience of the committee shall be reminded of it once in a while.

Mr. CLARKE of Arkansas. Mr. President, I deem that a word from the Committee to Audit and Control the Contingent Expenses on this side should be said at this point. Acting upon the initiative of the majority of this Chamber, an effort has

been made by that committee to establish some system by which the clerical force of Senators and committees is to be employed. The suggestion originated with the other side that a clerk, an assistant clerk, and a stenographer were probably a sufficient force for the ordinary committees of the Senate. Resolutions covering that proposition were referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and after due deliberation and some investigation it was determined that one clerk, at a salary fixed by law, an assistant clerk or messenger at $1,440 a year, and another one at $1,200 would about supply fairly such clerical force as the official service to be performed by a Senator requires, and we made a report accordingly. That report went through the Senate.

As is usual in such cases, and in all cases in fact, some appeals which went beyond the justice and propriety of the action we were not at liberty to disregard. Some Senators found themselves unfortunately in a condition of health where the greater part of the service to be rendered devolved upon the clerical force. Yielding as we all do to those considerations we made an exception in one or two cases. In another case, that of the Committee on Public Lands, the application for an additional $240 salary for their man was made on the ground that he was required to possess a technical knowledge of the land laws of the country in order that he might render proper aid to the chairman of the committee, that being one of the active committees of the Senate. Upon those exceptions being recognized, we were met with the proposition that the Committee on Indian Affairs should be considered as being in a position like that of the Committee on Public Lands. Thinking that that was the end of it, or probably that we would have our recommendation substantially recognized, we yielded to that.

The Senator from Minnesota [Mr. CLAPP], who is the very honored and efficient chairman of the Committee on Interstate Commerce, had introduced a resolution asking for additional assistance in the way of an assistant clerk at $1,200 a year. He was perfectly satisfied with it, and his contemplated employee was perfectly satisfied with it, but finding himself belonging to the group of committees where exceptions had been made, he felt that that amount was a discrimination against his proposed employee. We found ourselves confronted with the force of that bad precedent and yielded again, thinking that was the end of it, and as far as I am concerned we have gone about as far as we are going.

Mr. CLAPP. Will the Senator allow me? The committee did not yield as to the Interstate Commerce Committee resolution. It was passed at $1,200, and my action now is to have it put at $1,440.

Mr. CLARKE of Arkansas. The Senator's resolution, as I read it, called for an additional employee at $1,200.

Mr. CLAPP. That is the way it was first drawn.

Mr. CLARKE of Arkansas. Now the Senator desires to have his own resolution amended by inserting $1,440 in lieu of $1,200. His committee is one of the important committees, and just at this time it is growing more important, and it will become still more important in future, because there is much work for it to do. But I trust that the committee may be permitted to effectuate the policy announced by the majority of limiting the clerical force to the absolute requirements of the committee, and wherever an exception is asked there ought to be made manifest to some responsible agency of the Senate the fact that such a demand exists.

I am not going to antagonize the proposition to increase the allowance of the additional employee of the Committee on Interstate Commerce to $1,440; but I do think the committee will not do itself justice if it does not require that there shall be a substantial showing of the distinction between committees which hereafter seek additional employees or additional compensation for recognized employees before it makes a favorable recommendation in that behalf. The committee is proceeding in good faith in an effort to eliminate the discriminations and the unfairness that have heretofore inevitably grown up, as they will grow up inevitably in every body composed as this one is.

The VICE PRESIDENT. Without objection, the resolution as amended is agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That the Committee on Interstate Commerce be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,440 per annum, to be paid out of the contingent fund of the Senate until otherwise provided by law.

APPORTIONMENT OF REPRESENTATIVES.

Mr. SHIVELY. I move that the Senate proceed to the consideration of the unfinished business, being House bill 2983.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

Mr. O'GORMAN. Mr. President, I favor the passage of the pending bill. It has been passed in substantially the same terms by two sessions of the House of Representatives, once in the Sixty-first and now in the Sixty-second Congress. The Senate did not vote upon the bill in the Sixty-first Congress.

The bill provides that the number of Representatives be increased from 391 to 433, and in case New Mexico and Arizona are admitted to the Union as States, provision is made to grant their constitutional right to one Member each. This would bring the total in that event to 435.

The population of the United States, according to the present census report, has increased by 15,000,000 since the census of 1900. This increase in 10 years is almost four times greater than the total population of the country in 1793. There were 105 Representatives in Congress at that time, with a population of less than 4,000,000. It is proposed by this bill to recognize these 15,000,000 people by 42 new Representatives in the House. The House itself on two occasions has recommended that this be done.

In my judgment, the Senate would not be justified in defeating this measure, first, because the House is the best judge of its own size, and in the absence of controlling circumstances should not be interfered with by the Senate, and, second, the principle of the selection of Representatives has always been that each be elected by a relatively small number of people.

Only once in all the history of the Republic has the Senate ventured to interfere with the action of the House in the matter of its Representatives. Peculiar and exceptional conditions growing out of the question of slavery induced the Senate to take a position antagonistic to the House in 1842, when the number of Representatives instead of being enlarged was actually decreased by 17. No such necessity or condition prevails now. The action of the Senate in 1842 has never been regarded as a precedent. It has not been followed. On the contrary, there has been an increase after each census since that time.

The House has twice certified by the votes of its Members that in its judgment it is for the best interests of the country that this proposed increase be allowed. What extraordinary reason now exists that this recommendation should be disregarded by this body?

We have heard much in recent years about Federal usurpation. The charge has been made more than once that the Senate has been guilty of usurping the authority of the House. If you defeat this measure, so earnestly demanded by the House, may you not justify the charge of usurpation? It will not be claimed that the House is unfit to serve the people to-day on account of its numbers, for I am sure that it enjoys in a larger degree than ever before the confidence of the country. The opponents of this measure are not in accord as to the ground upon which the bill should be defeated. Some assert that the increase of membership in the House from 391 to 433 may make the body unwieldy for efficient legislative work. Others claim that it will have the effect of enlarging the electoral college, and they appear to find that objectionable. It is also claimed that if this bill were now passed there might be danger of gerrymandering. This fear would probably not exist if the political complexion of certain States had not undergone a change at the last election.

I have no sympathy with those who resort to the methods of the gerrymander. I believe it is a dishonest, lawless, and criminal practice, which can not be vindicated by any standard of morals or justice. It offends and violates the language and spirit of the law and strikes a blow at the foundation of representative government. I do not care whether the offender be a Democrat or a Republican, he should be condemned at the bar of public opinion.

But the opportunity for gerrymandering would not be overcome if the Senate refused to permit an increase in the membership of the House of Representatives. It would be the duty of the States, even if the membership were left at its present number, to redistrict in order to provide for the increases in population since the last census and the shifting of the residences of the people since that time. In some States there has been a movement from the cities to the farms and villages, and in others a contrary tendency. This must be met by a redistricting of each State, so as to conform its representation to the spirit of an apportionment act. But this does not exhaust the objections to the measure. The last is an extremely novel one, and perhaps as weighty as any of the others. This valued recommendation from the minority of the Census Committee is that apportionment acts should be submitted to a referen-

dum vote of the electorate of the States. While there have been 12 apportionments fixed by congressional action, the referendum was never invoked before to defeat or unduly delay an apportionment after the taking of a census, or, in fact, to defeat any measure.

It has been urged by a few, after every census, that the size of the House should not be enlarged. It is so urged now, with a suggestion that the number remain at 391.

The House should be a deliberative body; but, equally important, it should be a representative body. The Members represent the people. The Senators represent the States, and are supposed to be further removed from the people than the Representatives. It is objected that the House is not a deliberative body to-day on account of its size; that its speakers can not be heard on account of the noise and confusion; that it is in the control of a few men; and that an addition to the number will decrease the power of individual Members and increase the powers of its officers.

It is asserted by experienced Members of the House that a few changes in the seating arrangements can easily bring the Members closer together; and if the order of the House interferes with debate, strict enforcement of proper rules would seem to offer an effective remedy. If order be preserved in the House, the debates can be heard as well with 433 Members as with 391 or a smaller number.

The House will not be in any great danger of falling into the power of committees if its size should be slightly increased. The same danger in a great degree confronts every legislature in the country, large or small. Small bodies as well as large bodies, under bad procedure and evil influences, have been dominated by a few, and we are not required to go far for an illustration. The question of deliberation is one which concerns each Member's brain and conscience and vote. He can deliberate alone and in unison with others if he attends to his duties, keeps up with the debates, discusses subjects with his fellows, and strives for a procedure under which he is not deprived of an opportunity to cast an honest vote.

The assertion that there is danger of the House falling into the control of its committees has nothing to support it. There are 59 standing committees in the House, but there are 74 standing committees in this Senate, almost one for each Member. In addition, subcommittees are frequently appointed. We are passing judgment on the House and its capacity for legislative work. Perhaps its Members believe that there is less fear of rule by committees in the House than in the Senate. We need not look far back into history to find the record of the time when this body was not only in the control of its committees, but largely in the control of one or two Senators. The rapid growth of the so-called insurgents in the Senate, the constant protests of this side of the body, the relentless criticism of the press, the dissatisfaction of the people, and the voluntary and involuntary retirement of many former Members of this body offer abundant proof that the Senate was quite recently in the control of a few men, and the country may well rejoice that their reactionary influence and control is ended—I hope for all time.

Procedure is the key to the proper relationship between individual Members and their officers and committees. This rule can be urged with equal force in regard to both small and large legislatures. In the last Congress, yielding to their own revived sense of pride and to the urgent demand of the Nation, the Republicans revolted against the one-man rule which they created, and to which for a time they so submissively yielded. In this Congress, with the precedent of the power of his predecessor before him to lure him to seek similar control, but with his own conscience and his party and the people against it, the present Speaker led the fight for a procedure which secures the independence of each Member, and freely permits the presentation of the problems of the Nation to the House. I confess that, in my opinion, it would be unwise to extend the membership of the House, if the conditions which prevailed in the Fifty-ninth and Sixtieth Congresses were to be permanent. But the conditions have changed. Has the present House failed to record the will of the people? Have obstacles been interposed to wholesome legislation? The present House initiated every measure which has come before the Senate this session. Neither corruption nor demagogy, political partisanship nor corporate influence, has had a voice in its deliberations. Its record gives it a clear title to the respect of the people, and by its deeds it will be known in the history of legislation as a body truly responsive to the needs and instructions of the Nation.

It is true that an increase in the number of Representatives will result in an increase in the electoral college; but in what respect is this result objectionable? Four hundred and eighty-three votes are cast for the election of a President under the present apportionment; 525 will be cast if the proposed law takes effect; and 531 if New Mexico and Arizona are accepted as States. This is an increase of 48 electors. They are scattered throughout the country and are assigned on a fair basis of population. These votes should represent the people in the choice of the highest officer in the land. This effect on the electoral college should not have weight with us in this discussion. It does not benefit any political party; it does not make the electoral college unwieldy; it simply furnishes a means for the people of the country to express their choice for President.

Nor should we allow ourselves to be influenced in our action on this bill because indirectly it will enlarge the delegation to the national conventions in 1912.

It has always been the custom of the American people to elect their Representatives to the House from relatively small districts. The district, according to the Constitution, should not have less than 30,000 people. The size of these districts varies to-day. Legislatures, in carrying out their duty to fix the district lines according to fair rules, have often failed under the pressure of political partisanship. This is to be regretted, but it has nothing to do with the merit of the custom and practice of the people in asking for an apportionment by districts equal in population and compact and contiguous. This bill, like many other apportionment bills, recommends that this be done. It is the simplest way and produces the best results. This bill also recognizes the right of the State to elect its Representatives at large in providing that where an increase is allowed the added number of Representatives apportioned to a State be elected at large until the legislature redistricts the State.

The number, 433, is the lowest, according to the estimates, at which the apportionment can be made without depriving any State of its present representation. Twenty-five States gain one or more Members. If the number 391 is to be retained, 13 States, it is said, will lose Members if the apportionment is to be made on the basis of an equal population for each Member—equal to the quotient of the total population divided by 391. Those States so affected would have to elect their entire delegations at large unless special sessions were called to redistrict the States, or else to provide election laws to put Representatives on State ballots, for none of them are provided with laws for such a contingency. And I call the attention of the Senate to the fact that in the amendment submitted yesterday by my distinguished colleague, the Senator from New York [Mr. ROOT], providing that the membership should be retained at 391, there is no provision—nor is there in the bill—for the necessary redistricting of the States on a basis of 391.

Twenty-five States under the proposed apportionment would have to provide election laws for the election at large of their additional Representatives, if they have no such laws at present, or would have to redistrict their States or default in the election of the added Congressmen.

I would regard it as a great wrong to deprive the people of the increased representation to which they are clearly entitled.

I have not received a single protest from the people of New York, which has a greater population than any other State. In recognition of almost 2,000,000 more people than it had in 1900, it is to be given 6 more Representatives, if this measure becomes a law. In a single district in the city of New York there are a half million people.

Foreign countries, with smaller populations, have larger Parliaments. The United Kingdom has a population of 41,458,721, with a membership of 670. Austria has a population of 26,150,708, with a membership of 516. France has a population of 39,252,245, with a membership of 584; and Italy has a population of 32,475,253, with a membership of 508. I have never heard it claimed that these bodies are too large for effective work. The comparison made by the opponents of this bill in this respect is not complimentary to the American people. If a Parliament in France, with a membership of 584, can discharge its legislative functions efficiently and with fidelity to the people, I resent the suggestion that an equal number of American legislators are incapable of rendering efficient service.

At present a Member of the House represents 194,181. Under the proposed bill he will represent 211,877. If the number is kept at 391, with the latest census he will represent 233,016. It is true that some Members now represent districts with double this number. It is the judgment of the House that its membership is better informed about the condition of the country when each Member comes from a different section as the elect of different people. In my judgment there should be as many Representatives in the House as is consistent with the honest expression of the will of the American people.

Between its deliberative and its representative character, perhaps, the people value its representative quality more highly.

You strike a blow at its representative quality if you defeat this bill. We should hesitate to declare it unwieldy and nondeliberative until its changed procedure has been fully tested. From its present record it seems to possess both qualities in the highest degree.

The census was compiled by an office created by act of Congress and under the executive branch of the Government. Its report has been made. It is scientific and able. The work of the bureau deserves the commendation of all.

The method of apportioning Representatives is simple, fair, and proper. A ratio was found by calculating the average constituency of each Representative. This was divided into the total population. The quotient was 433, and is used for the total number of Representatives. The ratio is then divided into the population of each State, and a Representative is assigned for each integer and major fraction thereof. There is no politics, favoritism, or objectionable feature in this. It is a novel and satisfactory method.

It has been urged that this measure should be defeated on the ground of economy. The cost of the new Members will total five or six hundred thousand dollars. If this money were appropriated for useless and unnecessary officials, the argument should be given grave consideration. However, 15,000,000 people have been added to our Nation. Their right to representation should be heeded as long as this Government remains unchanged. The new Representatives will be called upon to perform important functions, and the dollars which are spent in their behalf will be amply repaid if they heed the command of 15,000,000 people, united with 75,000,000 other people, to make a strong effort to force this Government to economize. Money spent necessarily to further the principle that this is a representative government is not squandered.

It has not been established that the House, with a membership of 391, is unwieldy or inefficient. It does not appear that on account of its numbers it has fallen into the hands of a few or is controlled by committees. It can fall into the hands of a few only when its Members surrender their rights and submit weakly to dictatorship. When its manhood and courage are aroused the House has shown that on account of its numbers it is stronger and more powerful than any ruler or set of rulers. Its procedure can protect and insure the rights of each Member and guarantee that the deliberative character of the House will not be lost. An increase in its membership will secure a proper representation for the great increase in the population of the country during the past decade. It can not be asserted that 42 more Members will materially alter the present character of the House. The adoption of this bill will be a faithful fulfillment of the constitutional duty of this body. Its defeat will be a betrayal of public confidence. It is not disputed that the power and duty of the Senate is more than passive in this matter; but the Senate should strive to help the House to maintain its representative character, and it would be remiss in its duty if it defeated this resolution despite the approval of the House and the persuasive reasons demanding its adoption. The plain intendment of the Constitution requires the prompt and speedy passage of this measure, so that the House will adequately represent 91,000,000 of American freemen.

THE COTTON SCHEDULE.

Mr. LIPPITT. Mr. President, there have been two amendments proposed to the cotton schedule of the present tariff law. One by the senior Senator from Wisconsin, proposing a system of duties based upon a 20 per cent ad valorem rate for gray cotton yarn and cloth. Another by the Ways and Means Committee of the House based upon an ad valorem rate from 10 per cent to 25 per cent on gray yarn and cloth, the general average of which would be materially lower than the other amendment. Because it is the more moderate of the two, I propose to consider some of the features of this first amendment and of the results which might be expected from it, all of which I think would be even more pronounced if the more extreme bill of the Ways and Means Committee should become a law.

The Senator from Wisconsin, in his statement given to the press in regard to his proposed amendments to the textile schedule, has this to say of the cotton schedule:

> I believe the duties proposed in the amendments are greater than necessary to protect our manufacturers from European competition. However, as this is a temporary measure, I prefer to err on the safe side and make sure that no legitimate American industry can possibly be injured by any of the proposed changes.
>
> The cotton schedule I propose provides for the following duties: On yarns and thread, 20 per cent ad valorem; on cloth unbleached, 20 per cent; on cloth bleached, 25 per cent; on cloth dyed, printed, or stained, 30 per cent; on all manufactures of cotton cloth, 35 per cent; on cotton laces, embroideries, and ornamental trimmings, 35 per cent; on hosiery, 30 and 35 per cent.
>
> The present average rate on cotton yarns and threads is a fraction over 33 per cent.
>
> The average duty under the present law on cotton cloth is 42 per cent. The adoption of the proposed amendment would eliminate the complex cotton schedule and would simplify and expedite the collection of duties.
>
> Summing up the proposed changes, the average ad valorem rate on cotton goods, including artificial silk, is to be reduced under the proposed amendments from 55.59 per cent under the present act to 29.45 per cent, representing a reduction of over 26 per cent ad valorem, and over 47 per cent below the present rate.
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> The effect of this proposed change to the consumers of the country is of supreme importance. In the case of cotton, take the figures for the production of this country as secured by the census of 1910. Add to these imports of cotton manufactures for that year and deduct from this total our exports of manufactures of cotton, and it is ascertained that the total consumption of cotton fabrics in the United States for the year 1910 amounted to $651,000,000. The proposed reduction of duty under the cotton schedule is 26 per cent, and assuming that the price to the consumer will be reduced to the same extent, this would give a reduction to the consumers upon cotton alone under the proposed duties of over $169,000,000.
>
> This is an estimate which must be reduced to the extent to which domestic competition modifies the effect of the tariff in cases where the total duty is not added to the cost. The less there is of domestic competition the greater the proportion of the duty which is added to the price to the consumer. The Woolen Trust dominates the woolen industry, and independent manufacturers follow its lead in their price policy. The same is true to a very large extent of the cotton schedule. I believe it is safe in these two industries to assume that the total duty is added to the price to the consumer.
>
> As against this saving to the consumers of the country I have estimated the loss of revenue to the Government upon these two schedules—that is, cotton and woolen—to be in the neighborhood of $30,000,000.

The effect of such a reduction as is here proposed of $169,000,000 in the gross receipts of the cotton industry of this country is certainly of supreme importance to the people engaged in that industry. That such a saving can be made by any manipulation of the tariff in an industry constituted as this one is, is a remarkable statement, but that it can be done without injury to any legitimate industry makes it startling. I certainly presume that the author of this amendment would not deny that the cotton industry is a legitimate one, and therefore ought not to be injured by these proposed changes. The statistics of the cotton industry for the year 1909, as shown by the last census report, shows that it has an invested capital of $808,289,000, that the total value of its products was $616,524,000, that the cost of materials was $361,330,000 and of wages $129,768,000. Of the proposed saving of $169,000,000, $9,039,996 come from the changes of duties on the importations. This leaves practically $160,000,000 to be obtained from the domestic industry. It is plain, I think, that none of this can come from the cost of materials. There are no tariff changes that can affect the cost of cotton. It must come, therefore, from profits and wages. If we assume that the average earnings of capital have been 10 per cent, which is a much higher rate than the actual facts, in my opinion, and that all of this is to go to the consumer as a saving, it would amount to $80,000,000 that can be derived from this source, which leaves another $80,000,000 still to be accounted for. That can only come from the wages, which amount to $129,000,000. Eighty million dollars taken from this would leave to the mill operatives of the North and South $49,000,000, where they are now receiving $129,000,000, or a reduction of 62.01 per cent as their contribution toward national economy.

If some one is disposed to say that these earnings of 10 per cent allowed for capital are too little, that the capital engaged in the cotton industry on the average earns more than this, and there have been those in times not long past who, taking the exceptional dividends of exceptional mills in years of exceptional prosperity, have satisfied themselves that marvelous profits went to those engaged in this industry, let us look at these census figures from another standpoint. They show that the total cost of materials is $361,330,000; the total wages paid, $129,768,000; and the sum of these two is $491,098,000. The total value of the output was $616,524,000, and, deducting this cost of wages and materials, we have $125,426,000 as the only possible source from which all profits and all expenses, except labor and materials, such as depreciation, taxes, insurance, salaries, and all miscellaneous items must come. If we assume, now, that by the use of some magic wand all of these expenses can be done away with and capital can be found to conduct this great industry for the benefit of the consumer without a reward of any kind, even then to produce this $169,000,000 saving the wage earner must contribute $44,000,000, or 33.90 per cent, to round out this magnificent economy that is to be brought about without injury to anybody by the simple device of changing the duties on importations to a reduced ad valorem basis. I confess as I have studied over these figures I look at them with more and more astonishment. I can well understand the doctrine of a free trader who admits the injury to the industry by foreign competition, but believes it is made up by the benefit to

the consumer. I can not understand, however, how such a change as is proposed by this amendment can be seriously advanced and joined with the statement that "no legitimate American industry can possibly be injured." Certainly to take away from the wage earner 33.90 per cent to 62.01 per cent of his wages can not be regarded as a benefit, or, if the other alternative is considered, to deprive the many thousands of stockholders in this great industry of all participation in its profits would seem an injury to most people.

But, after all, this is a somewhat academical discussion, for there is no reason to suppose that the changes which this amendment proposes could possibly produce the result of saving to the consumers of the country so large a sum as $169,000,000. A very casual examination of the method by which these figures have been obtained shows, it seems to me, that they are based upon a fundamental error. The cotton schedule consists, in the first place, of a system of duties upon cotton yarns, then of a system of duties upon cotton cloth, then of a variety of duties upon miscellaneous articles. Under these divisions, according to the figures in the table presented by the Senator from Wisconsin, for the six months ending December 31, 1910, there was imported yarn to the value of $3,747,000, at an average duty of 30 per cent, and cloth to the value of $4,123,000, at an average duty of 43.08 per cent. Under the miscellaneous divisions the most important, measured by the amount of importations, are the paragraphs covering laces, embroideries, and a number of similar articles, the total importations of which were more than $20,000,000, at rates from 60 to 70 per cent. The total importations of cotton fabrics under all these divisions amounted to $34,852,000, and the average rate of duty on these importations was 55.59 per cent. The average rate of duty on these importations under the amendment proposed by the Senator from Wisconsin is 29.45 per cent, making a difference in the rate on actual importations under the present law and the proposed amendments of 26 per cent.

The total consumption of cotton fabrics for the year 1909, as reported by the Census Bureau, and with an allowance made for the difference between the imports and exports of cotton fabrics, was $561,000,000. Twenty-six per cent of this is the $169,000,000 that is proposed to be saved by the amendment. It must be evident to the most casual student of these figures that this estimated result could only be correct provided the proportion of imports of each variety of articles bears the same relation to the total imports as the consumption of each article bears to the total consumption of the country. The rates of duty from which the average rate is figured vary from 15 per cent to more than 70 per cent. The average of them all depends upon whether the high-priced article or the low-priced article is imported in the larger quantity. If a large proportion of the imports happens to be at the high rate of duty and the large quantity of the domestic production happens to fall under the schedules where the duties are low, it is plain that the average duty of the importations can not possibly be a correct basis for figuring the result of the change in the duties. Now, this is exactly what has happened. The high duties of 60 per cent and 70 per cent on laces, embroideries, and so forth, the importation of which is relatively very large and the domestic production very small, have been used to largely increase the duties of the yarn and cloth divisions, the importations of which are relatively very small and the domestic production very large, with the result that duties of 30 per cent on yarn and 43 per cent on cloth have become an average duty of 55.59 per cent for the whole schedule. The importations of yarn and cloth together were only some $7,863,000, or about 22.04 per cent of the total importations. The importations of laces and similar articles were over $20,000,000, or 57.04 per cent of the whole importations. Now, the proposed estimate of saving can only be correct provided there is the same percentage of high and low duty articles in the total consumption of the country as exists in the importations, and this is not the fact.

It is well known to everyone conversant with the subject that laces, with the exception of lace curtains, which is an entirely distinct fabric, are almost entirely imported. During the year 1909 the total number of lace machines in this country did not exceed 120, and their total production did not exceed a million and a half dollars. On the other hand the preliminary census report on cotton goods shows the production for 1909 to have been $616,297,000, and an examination of the subdivisions of this product shows that about $548,000,000 of this total would, if imported, come in under the regular yarn or cloth paragraphs of the tariff law, leaving $68,000,000 which might have come in under the miscellaneous paragraphs, but some of which, if we knew exactly what they were, would probably have come in under the other paragraphs. The domestic production of the goods coming under these low-duty paragraphs was some 89 per cent of the total production, while there were imported but 22 per cent of the total importations. The domestic production under the miscellaneous paragraphs was about 11 per cent of the domestic production, but the importations were 57 per cent. The proper way to figure the saving on this $548,000,000 is not to take an average of the duties on laces and cloths, but is to take the actual difference between the duties on cloths under the present law of 43.08 per cent and the proposed change of 28.38 per cent, or 14.77 per cent—practically 15 per cent. Using the actual percentages and not averages makes a difference in the amount claimed to be saved of nearly $60,000,000. The fact is that a duty on laces made in Calais, France, has no connection with a duty on print cloth made in Fall River; a duty on embroideries has nothing to do with a duty on ginghams. Trying to arrive at correct results by the system of averages is like trying to add six apples to eight oranges and expecting the result to be either apples or oranges.

I have called attention to this error partially because of its magnitude and because to spread broadcast an exaggerated statement of the result of the proposed changes is extremely misleading. It implies a result that can not be obtained. I am also calling attention to it for another and entirely different reason. And that is because it is such an apt illustration of the mistaken and dangerous consequences into which one can be led by using a system of averages in dealing with such a very complex situation as is the relation between cotton duties and cotton manufactures. The articles covered by this cotton schedule are of the most varied and diverse character, running from delicate laces which can be drawn through a finger ring to cotton cloths so heavy and solid that they can scarcely be bent between the two hands; from a spool of thread consisting of but a single strand to the highly ornamented cloth that makes the evening dress of the woman of fashion. In fact, it includes articles whose only relation to each other is that they are made out of cotton and that labor goes into their cost and, therefore, for convenience of classification, they are included in a common schedule.

Now, there is nothing more deceptive than averages in dealing with a question of this kind. If it could be shown that the product of a certain industry needed, on an average, a duty of 25 per cent for its exact protection and such a duty was put in force, it is evident that only one-half of the industry would have the required protection. To make an average one-half must be above the average and the other half below. The proposed duty is based, apparently, upon the theory of averages. It is assumed that an average of the products of the cotton industry can be protected by a duty of 20, 25, and 30 per cent, as their difference may be gray, bleached, or colored, and it is proposed, therefore, to adopt such a duty. The inevitable effect, it seems to me, of this proposition is that all products of that industry whose needs for protection are below the general average will have ample protection, and even excess protection, and that all products of that industry whose needs for protection are above the general average will not receive the protection they need, and must either find some method to reduce cost, as compared with those products on the other side of the average or they will be displaced by the products of foreign countries.

This is exactly what would seem to be the result of applying the proposed ad valorem duty at the same rate to all products of the cotton industry. It is proposed that there shall be a 20 per cent ad valorem duty alike on all numbers of cotton yarn and on all kinds of gray cotton cloth. This on its face undoubtedly seems like a very equitable proposition. It is apparently giving exactly the same measure of protection to every product, and therefore commends itself to those without technical knowledge of the industry as extraordinarily equitable and fair. It appears simple, as it has been claimed to be, and something that anyone can understand. If the elements that make up the cost of cotton fabrics bore in all cases the same relations to each other, no doubt this would be the result, or if all the elements that make up the cost needed protection in the same degree it would be equitable. But that is not the case. In fact, there is an extraordinary variation in the proportions in which labor, cotton, and other items of cost come together in different fabrics to produce the final cost. We are dealing with a product of raw material which has substantially the same price here and abroad, but in which the other items of cost have for the most part entirely different values, and these come together in different kinds of cotton fabrics to form the final cost in very diverse relations. To take this in its most extreme form, I think it can be safely said that the fabrics that

would be subject to this duty of 20 per cent from cloth in which the cotton cost is as high as 75 per cent of the total to cloths where it does not exceed 25 per cent. Take, for instance, the cost of cotton yarn, from 20's and below, with cotton at about 15 cents a pound, as it has been recently. The selling price of many of these would be in the neighborhood of 22 cents a pound. The cost of the cotton in such an article, with allowance made for waste, would probably be about 17 cents a pound, leaving 5 cents a pound for the other items of cost, including labor. The duty at 20 per cent would be 4.4 cents a pound, or nearly 90 per cent of the elements of cost other than cotton. On the other hand, take some of the high-grade fabrics in which the proportion of cotton to the other elements of value are reversed. Suppose we have a fabric the total cost of which is $1 a pound, 25 per cent of which is due to cotton. The duty at 20 per cent on such a fabric would be 20 cents a pound, and it would be equivalent to a protection on the items of cost outside of cotton of only 26⅔ per cent.

It seems to me that the mere statement of this is enough to show the impracticability of applying a single ad valorem rate to this schedule. Its effect would be not to protect equally in all fabrics the labor which enters into it, but to give it a most unequal protection. Under this system the greater the proportion of labor expended in producing the different numbers of yarn and the different varieties of cloth the less the protection that labor would receive. On the coarsest common fabrics, used for ordinary purposes and by those who can only afford to buy the cheaper grades, the protection for the labor involved in its manufacture under this proposed duty is much greater than the protection for the labor employed in the manufacture of the fine high-quality fabric which is used by those who can afford to pay for the best qualities.

The greater the relative proportion of labor in any fabric under this method of assessing duties the less protection that labor will receive. In the manufacture of the coarsest grades the mechanical skill required on the part of the operative is naturally less than that required in the manufacture of the better qualities. This duty so arranges it that the greater the skill of the operative, the longer time that has been required for him to learn his trade, the less will be the protection that he is to receive. What possible justice can there be in a tariff that produces such results? Certainly the skilled artisan is entitled to as much protection as the unskilled. The present cotton schedule is based upon a principle that has been followed in the making of its immediate predecessors and is designed to so arrange duties that as the proportion of labor increases, as compared with the raw material, the amount of protection shall be increased, thus aiming to produce as nearly as possible a uniform system of protection for the labor involved in the different varieties of cloth from low to high. The bill proposed is a direct reversal of this system. It would almost seem as if it was designed to protect cotton instead of labor.

What must be the inevitable result of a tariff which proportions its protection in this manner it seems to me easy to forecast. Of late years the progress of the industry in beautifying and ornamenting their fabrics has been remarkable. Their products have improved, both in the technical quality of smoothness and evenness of the yarn and cloth and in the artistic quality of designing new and attractive fabrics and seasonable patterns that have given to the spindles and looms of the country a new market for their product.

It is in this direction that skill and intelligence have their peculiar field of operation. The same pound of cotton that in the low-grade sheeting is converted into cloth with a minimum percentage of labor cost as compared with cotton in these higher-grade fabrics in many cases has two or three, or even four times, the amount of labor cost put upon it as the original cotton itself cost, and this labor, both of management and operation, is high-grade labor. That field of activity, the one which I should think any sensible nation would like to particularly encourage for the employment of her citizens, will be passed over to our foreign competitors. What the result will be when the whole 28,000,000 of spindles employed in this industry have to compete with each other for the lower one-half or two-thirds of a business, the whole volume of which they can more than supply, is easily imagined.

In addition to the reduction proposed for cotton cloths and yarns, it is also proposed by this amendment that the articles enumerated in paragraphs 349 and 350, commonly known as the lace paragraph, both of which, however, include a large number of other miscellaneous fabrics, such as embroideries, bindings, ribbons, and so forth, requiring for the most part a large relative amount of labor and skill in their production, shall be reduced from the present duties of 60 and 70 per cent to 35. The articles covered by these paragraphs comprise what may be called the luxuries of the cotton schedule. They are largely used by those who have a little money to spare for personal or house decoration. They are in no sense necessities. Some of them are produced in considerable quantities in this country. Some of them, and particularly laces, are almost entirely imported.

There have been for some ten or a dozen years persistent efforts made to establish the cotton-lace industry in this country, and with very variable results. It is the only large textile product a substantial part of the consumption of which has not heretofore been produced in the United States. Under the present tariff bill a step was taken looking to the encouragement of this industry which, so far as this country is concerned, is essentially an infant industry. This consisted in allowing the free importation of lace-making machinery from the passage of the bill to the 1st of January, 1911. At the time of the passage of the present tariff bill there were probably not to exceed 100 lace-making machines in this country, but even with this small number a knowledge of the industry and its very difficult requirements was gradually being acquired. Stimulated by this provision of free entry for the machines several people in different parts of the country have endeavored to start the manufacture of lace, and there are now said to be in the neighborhood of 450 machines here, either already in operation or preparing to start. It is probable that there is used in this country in the neighborhood of $30,000,000 or $40,000,000 worth of laces, such as these machines are capable of manufacturing. The machines now here are capable of producing, perhaps, some $4,000,000 or $5,000,000 worth of laces. It would seem, therefore, that after some dozen years of study and experiment that this industry was in a position where it might reasonably be expected to have a substantial further growth.

The duty collected from laces in the past has been regarded as a revenue duty assessed upon an article of luxury. To-day it has become not only a revenue duty, but a protective duty as well, which there is every reason to believe will lead to the gradual establishment of a large and important American industry, employing labor of a very high degree of technical and artistic skill—an industry that means new opportunities for the skilled artisan—in every way the kind of an industry that encourages among us a valuable class of citizens, people who add to the general average of the intelligence of our population, and therefore a desirable industry. The slowness of its progress heretofore shows the difficulty of starting a business in a community not accustomed to it. Why, then, should the believers in the principles of protection want to cut this duty in half at the very time when in the long years of our life as a nation there exists a chance for its establishment here?

Considering the general facts of this proposed change in the duties applying to cotton manufactures, it at once becomes evident that it is most radical and drastic. I doubt if any change has been made in the whole history of tariff legislation in any important schedule that is of as extreme a nature as the proposition now under consideration. In the first place, the amount of the proposed reduction is very great. To reduce duties on any article of importance at one step to the amount of 50 per cent, which in a general way is what is here proposed, can not be considered a small change. In addition to this great reduction in actual rates, it is also an entire change in the method of applying rates—from specific to ad valorem—and in addition to this change of basic method it makes a uniform rate apply to every article, whereas heretofore the specific duties and the ad valorem upon which they were based have divided the products of the cotton mills into classes and applied varying rates of duty in accordance with the varying proportions of the items that constitute the cost of manufacture.

The present general principle upon which cotton cloths have been divided into classes has existed in every cotton schedule since the Civil War. It was in the Wilson bill of 1894, as it has been in all the Republican tariff measures. For the first time in 50 years a measure is now proposed that not merely aims to change the rate of protection, but changes the entire system of applying those rates. And this change is not the well-considered result of an extended study on the part of experts who might reasonably be expected to foresee its results, but it is proposed by people who at the best have but a theoretical knowledge of the result to be expected from such a change when applied to such a diversified industry as this. And, more important than any of these features of the amendments, it is proposed to make this great change in the rates of protection and the method of protection without at the same

time making any change in the duties upon other important and related branches of manufacture. If what I have already said in regard to the effect of this measure upon the wages of the operatives in the cotton industry is correct, and I think it is, then to carry on the cotton industry in this country in anything like its present volume it would be necessary not merely to reduce the scale of wages now prevailing, but that reduction would take place at a time when no similar reductions were being made in the wages paid in other lines of employment. It would be necessary to carry on this industry under these new conditions of foreign competition without any compensatory measures being taken to lower the prices of any of the miscellaneous supplies outside of cotton which are used in the industry.

It is inconceivable that such a reduction as this in the wages of cotton weavers and spinners and other employees could be brought about when the remuneration of American labor in other lines of employment was unaffected. It must result in the wage earners now getting their livelihood in the manufacture of all those branches of cotton yarn and cloth that would be particularly affected by this change gradually drifting to the other lines of employment in which there had been no change made, and in the consequent closing of many factories. It is surprising that such a radical step could be proposed, without any effort being made to get the most full and complete information of its probable effect by consulting with those engaged in the industry whose knowledge of its extremely varied products is such as to make them competent to give information, and to put their information in such form that it would be easily accessible to the public. No hearings have been held where the affected parties, whether the owners of the capital invested or the vitally interested wage earner, could be represented. Certainly a step of the importance of this one, affecting many hundreds of thousands of our citizens and many hundreds of millions of capital, is entitled to receive most careful consideration. Why should this one industry, out of all the other thousands of forms in which American capital and American labor find their occupation, be selected for this radical step? There is no other manufacturing industry that more naturally, if we are to be a manufacturing nation at all, should be desired to be carried on in this country. We are the greatest producers of cotton in the world. I believe it would be intolerable to the spirit of the American people that the cotton grown on our own soil should be shipped across the Atlantic to another country and returned to us as a finished product, giving thereby employment and profit to the citizens of foreign countries, instead of our own.

I presume, Mr. President, this proposed action is based upon the impression that exorbitant and unreasonable profits accrue to the people engaged in this particular industry. Such statements have been frequently made of late, both on the floor of this Chamber and in the campaign speeches in various sections of the country, particularly where agriculture is the predominant interest and whose people, therefore, are the consumers rather than the producers of this particular article. That it is not true the history of the industry and the present condition of it amply demonstrates. This matter was gone into in a most thorough and complete manner in the speech delivered by the senior Senator from Massachusetts when the present Payne-Aldrich bill was under discussion in this Chamber. He then had prepared numerous statements covering the results of a very large proportion of the total important establishments engaged in this industry in New England. They show conclusively what are the facts of the case, that, taking the New England part of the industry as a whole, comparing the particularly fortunate with those who have been less so, the profits made in the cotton mills of that section do not exceed on the average from 6 to 8 per cent. These statistics consist of a table showing the dividends of some 40 representative mills for the 10 years from 1882 to 1892, prepared by Gen. Draper, of Massachusetts, which shows that the average dividends of those concerns for that decade was 6.5 per cent. Another table shows the dividends of Fall River mills for the 14 years from 1895 to 1908, showing that the average dividends those paid were 5.99 per cent. A third statement shows that the average of 26 mills north of Boston was 5.88 per cent. Another shows the dividends of 44 companies for 20 years, with an average dividend of 6.66 per cent. He gives, also, a statement of the 10 leading mills in New Bedford—probably the most prosperous in the country—including the Dartmouth, whose exceptional profits have been the romance of the cotton trade and has almost made its envious competitors think that its management must have discovered the pot of gold at the end of the rainbow, showing an average for 10 years of 10.45 per cent. These tables are very elaborate and very carefully prepared, and thoroughly represent what I know of my own knowledge to be the case in regard to this industry; and, without objection, I will submit them in detail as part of my remarks, to be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, permission is granted.

Mr. LIPPITT. Mr. President, in addition to this statement of selected New Bedford mills for 10 years, I have a statement of the result of all the mills in New Bedford for 20 years, which is as follows:

Average capital New Bedford cotton mills past 20 years, $13,426,000; average spindles New Bedford cotton mills past 20 years, 1,260,000; average dividends paid (including stock dividends) 20 years, $22,280,000; average per cent dividends (including stock dividends), 8.37 per cent; average per cent dividends based on $20 per spindle, 4.42 per cent.

In addition to the mistaken belief that exists in some sections in regard to the profits of this industry, it has also been believed that the cotton schedule of the Payne-Aldrich bill is a radical advance in rates as compared with its predecessor, the Dingley law. This idea has been carefully and laboriously fostered by most strenuous efforts from many quarters. It is very easy to make assertions and very difficult to get together the facts in connection with a great and varied industry of this kind to prove or disprove them; and with reference to this schedule, with all the controversies that have arisen in regard to it, the controlling fact that must settle it could not be obtained until we had the reports of the customhouse showing the actual value of the importations and the actual duties collected thereon for the first year of the operation of this law. The controversy which went on on the floor of this Senate, and from here spread over the country, was based upon whether or not the statement made by the then chairman of the Finance Committee, Mr. Aldrich, that the average ad valorem duty on the importations of cotton cloth under the new schedule would not exceed the average ad valorem duty on the importations during the first years of the Dingley law, was or was not correct. He stated and amply demonstrated that, owing to various legal interpretations of the wording of different schedules of the cotton tariff, there had been very material reductions made in the duties being collected on a variety of articles amounting as a total to a very considerable proportion of the importations, and claimed that the average duties under the new schedule would not exceed the average duties during the first years of the Dingley law.

For the benefit of those not familiar with these schedules, I would say that the duties under them are partly specific and partly ad valorem. It is the custom of the Treasury Department at the end of each fiscal year to add together all the duties collected, of whatever kind, and the value of all the material imported, whether under the specific or the ad valorem duties, and from this data to figure what would be the percentage of ad valorem duty provided it had all been collected as ad valorem. This resultant figure is known as the "equivalent ad valorem," and is the measure of the rate of the total duties collected. It shows whether as a whole the rate of duties goes up or down. These figures are made up in each case for the fiscal year ending June 30. I have here a table, which I ask permission to print as part of my remarks, showing this equivalent ad valorem for each year from 1898, the first year of the operation of the Dingley law, up to and including 1910, the first year of the operation of the Payne-Aldrich law, and it shows that this equivalent ad valorem for the first three years of the Dingley law was 43.71 per cent, 44.10 per cent, and 43.76 per cent, respectively, and that the corresponding figure for the year 1910, the first year of the present law, was 42.12 per cent.

The PRESIDING OFFICER. Without objection, permission is granted to print the table in the RECORD.

The table referred to is as follows:

Table showing equivalent ad valorem on cotton cloth.

Years.	Values.	Duties.	Actual and computed ad valorem rate.
1898	$5,301,748.61	$2,319,092.12	43.74
1899	6,909,518.36	3,047,214.50	44.10
1900	7,992,789.04	3,497,825.86	43.76
1901	6,419,905.83	2,635,919.64	41.05
1902	7,229,170.04	2,915,320.66	40.32
1903	9,141,772.24	3,527,596.10	38.58
1904	8,032,861.14	3,050,034.82	37.96
1905	8,209,699.77	3,164,730.74	38.54
1906	11,307,821.09	4,367,621.68	38.62
1907	13,043,188.35	4,978,945.00	38.17
1908	12,147,103.35	4,563,472.73	37.75
1909	10,100,280.61	3,788,933.66	37.51
1910	9,681,845.89	4,078,033.96	42.12

Mr. LIPPITT. These are the figures for the importations of cotton cloth alone, for it is this part of the duties of the cotton schedule that has been particularly claimed to be the subject of enormous advances. Interested parties have circulated statements implying that extreme advances existed in this particular schedule of 50 per cent, 60 per cent, and 75 per cent or more. If that was the case to any material extent, it certainly must show in the duties collected on the actual importations of cloth, the volume of which has not materially changed from the importations of the preceding year. An examination, moreover, of the details of this volume shows that the relative proportion of these different classes of importations has not materially changed, so that the comparison is a fair one. Here we have, then, the final measure of the great and burdensome increase in tariff duties that this new law is supposed to have brought about: From an average of 43.86 per cent, when the duties of the Dingley law were collected as they were intended to be collected, to 42.12 per cent under the present law, or, instead of this enormous increase that has been heralded from one end of the country to the other, an actual decrease of nearly 2 per cent. Further than that, it was claimed by the supporters of the schedule that when trade had adjusted itself to some of the new methods of classification that were introduced for the purpose of making the duties consistent with each other there would be a reduction, probably, even from the duties as at first collected. Fortunately, we have evidence on this point, for in the very elaborate table prepared by the Senator from Wisconsin, showing the results of these duties on cloth for the first six months of its operation, the equivalent ad valorem on cotton cloth is 43.08 per cent, whereas the equivalent figure for the whole year is 42.12 per cent, showing that the rate for the last six months must have been about 41 per cent to obtain this average. It shows that the expected readjustment was taking place and that a still further reduction, instead of an advance, in this figure, that decisively measures the rates of duty, might be looked for in the succeeding year.

The essence of this whole question in regard to advances in the cotton schedule is really this, that on 90 per cent of the total manufactures of cotton cloth there was absolutely no change in the duty whatever, and that therefore all the changes that were made, whether up or down, applied to such a small proportion of the actual products of cotton goods of this country that their effect was unimportant. In addition to the belief that the cotton schedule had been radically advanced, and as a consequence of this advance, it has also been believed by the general public that there had occurred a radical advance in the price of cotton fabrics. The impression prevailed that, sheltered behind some new and lofty stone slyly put upon the top of the existing wall of protection, the cotton manufacturers were exacting a so-called tribute from the consumers of their products. The actual facts, as shown by the prices of to-day, are as conclusive proof of the falsity of statements to produce this impression as is this equivalent ad valorem duty proof of the fact that the rates themselves have not been materially raised. It is well known that during the last two years there has been a very radical advance in the price of cotton. During March, April, and May of 1909, when the cotton would have been purchased for goods to be marketed in July and August of that year, the time of the passage of the Payne-Aldrich law, the price of cotton in New York varied from 9.6 cents, as the lowest, to 10.9 as the highest, and in a general way may be said to have been 10 cents a pound. During the past winter and early spring the price of cotton has been not far from 15 cents a pound, an advance of about 50 per cent, or an actual increase of 5 cents a pound, and, with the usual allowance made for waste, equivalent to an increased cost of cotton in the goods of some 6 cents a pound.

In view of such a radical change in the price of raw material it would not be surprising if there had also been a radical advance to compensate for it in the price of cotton goods. Instead of this being the case the actual facts are that cotton goods of most kinds are selling to-day all over the country so far as manufacturers' prices are concerned for less than they were at the time this law went into effect. In some very heavy fabrics, where cotton is the chief element of cost, there has been an advance, but in no case, so far as I know, has the advance been equal to the increased cost of the cotton and in most cases the reduction in actual prices is so radical in spite of the increased cost of cotton that no fair-minded man can doubt that the mills selling at such figures must be doing so at an actual loss. The cotton-manufacturing trade of this country as a whole is to-day, I believe, not only not making a profit but is wearing out its machinery at an actual loss, hoping that this condition will not be of long continuance and believing that it is better to keep its organizations together for a time at least than to suffer the perhaps equal losses caused by idle factories. The principal trade paper of New York, in a summary of the cotton goods situation on July 22, has this to say of the situation:

> The mills have their backs to the wall and, while many of them have made preparations for a larger business than has come forward, they are not going to put cloths into process unless buyers give some hints of the amounts they will take. Two years of high cotton and one year and six months of dull trade has served to milk the surplus of most concerns and the condition to-day is that mills must close more freely if they can not secure a more profitable outlet for their product.

In support of the statement that prices are lower I have here a list of a number of fabrics representing the great bulk of the ordinary cloths that are commonly made in large quantities by the mills of New England and the South. These prices are taken from the public price list of C. H. Pope & Co., well known cotton cloth brokers of New York, of August, 1909, and of June, of this year. I will not read this entire list, but, without objection, will print it in the RECORD in connection with my remarks.

Prices of standard cotton cloths from lists of C. H. Pope & Co., 1909–1911.

Description.	August, 1909.	May, 1911.
	Cents.	*Cents.*
Plain, narrow:		
64 by 64, 28 inches, 7 yards	3⅜	3⅜
56 by 44, 25 inches, 10.55 yards	2.525	2.475
Plain, wide:		
56 by 44, 39 inches, 6.60 yards	4	3¹⁵⁄₁₆
64 by 64, 38½ inches, 5.15 yards	5⅛	5⅛
68 by 72, 39 inches, 4.75 yards	5¼	5⅛
80 by 80, 39 inches, 4 yards	7⅛–7⅜	6¾
80 by 88, 39 inches, 5 yards	7⅛	7
96 by 100, 39 inches, 5 yards	9¼	8½
56 by 60, 44 inches, 5.25 yards	5¼	5⅛
Drills:		
30 inches, 4 yards	5½	5½, 3 per cent.
30 inches, 3 yards	6⅜	7½, 3 per cent.
30 inches, 2.50 yards	8¼	9, 3 per cent.
Warp sateens:		
96 by 64, 43 inches, 3.75 yards	8	7
112 by 64, 43 inches, 3.50 yards	8⅜	8⅜
120 by 84, 43 inches, 3.50 yards	11	9½
Sateens:		
64 by 88, 28 inches, 5.85 yards	5¼–5½	5
64 by 124, 31½ inches, 5.50 yards	6½	6½
64 by 112, 36 inches, 4.50 yards	7½	7
64 by 112, 39 inches, 4 yards	7½	7½
84 by 124, 39 inches, 3.75 yards	10	9⅝
84 by 124, 43 inches, 3.35 yards	11½	10½
Twills, 3-leaf:		
68 by 76, 39 inches, 4.50 yards	6½	6⅝
80 by 80, 39 inches, 3.90 yards	7½	7½
80 by 92, 39 inches, 3.65 yards	8¼	8¼
68 by 76, 43 inches, 3.55 yards	8	7¼
80 by 92, 43 inches, 3.25 yards	9	9¼

As a representative fabric, take the price of 39-inch 80 by 80, weighing 4 yards to the pound, a style that is made in large quantities both North and South. The price in 1909 was 7¼ cents; this year, 6⅞—a reduction of three-eighths cent a yard—although the increased price of the cotton in this fabric would have increased the cost of the cloth 1½ cents a yard. In some cases the actual prices of the goods are higher, as in the case of the 30-inch 2½-yard drill, which was 8¼ cents in 1909 and 9 cents to-day—an increase of three-fourths cent a yard—but the rise in cotton prices increased the cost of this fabric 2¼ cents, so that, based upon the cost of production, the cloth is still selling at 1½ cents a yard lower margin, and 1 cent a yard would probably be a handsome profit on this particular fabric. Most of the fabrics are materially lower; for instance, the 96 by 100, 5-yard goods. The price in 1909 was 9¼ cents a yard. To-day it is 8½ cents a yard. Wherever the price is higher it represents but a small proportion of the advanced cost in raw material. I also submit the prices of a few standard styles of fine-yarn fabrics, reported to me by D. O. Tatum, another well-known cotton-goods broker in New York, for August, 1909, and May of this year:

Prices of standard cotton cloths, as reported by D. O. Tatum, 1909–1911.

Description.	August, 1909.	May, 1911.
	Cents.	*Cents.*
88 by 80, 30 inches, 11.35 yards	5¾	5⅝
72 by 68, 40 inches, 9.50 yards	6¾	6½
76 by 72, 40 inches, 9 yards	7¼	6⅞
88 by 80, 40 inches, 8.50 yards	8	7⅞
96 by 100, 40 inches, 7 yards	10	9⅝
96 by 100, 40 inches, 9 yards	10	9¼
84 by 80, 40 inches, 10.50 yards	8½	7½
96 by 100, 40 inches, 11 yards	10½	10

These are all goods made out of the extra staple Allen seed, or sea-island cotton, the advance in the prices of which, as is well known, has increased in even larger proportion than the prices of the ordinary cottons during the last two years. On different styles these show prices of to-day of 6¼ as against 6¾, of 6½ as against 7½, of 7½ as against 8½, of 9¼ as against 10, and so on. What is true in these instances, which in their variety represent a very large percentage of the total cotton cloth manufactured, is equally true in others. For instance, soisettes, one of the best known and most attractive mercerized fabrics in the market, was selling at the time of the passage of the Payne-Aldrich bill at 14½ cents. Its price to-day is 14 cents. "Fruit of the Loom," the well-known brand of bleached goods, which has been a standard cloth for nearly half a century, was selling in August, 1909, at 9¼ cents. The price to-day is 8 cents. Now, what I understand and believe to be true about this subject of cotton manufacturing is just about this, that the industry is one in which domestic competition is, and always has been, very keen. There are no units of production, or so-called trusts, large enough to control or dominate it. Nobody has any control over the raw material or over any necessary ingredient of manufacture in such a way as to prevent any individual, or group of individuals, who feel like it, from going into the business.

The technical knowledge in regard to it is widely disseminated. There is nothing secret about it. The result is that when two or three good seasons come along they immediately bring about a rapid increase in machinery, and prices fall back again, the average of the good and bad seasons being a normal profit of from 6 to 8 per cent. The instant the demand for any fabric makes its manufacture disproportionately profitable, there is immediately a rush of looms to produce it. Hundreds of manufacturers in widely separated localities every day, week, and month are watching the prices of the different fabrics to see on which one they can run their looms to the best advantage, and they are all the time changing to meet market conditions, and in this way prices are relative. This being so, I do not believe it would make the slightest difference in the prices of goods in this country if the present rates in the cotton schedule were increased. Domestic competition would absolutely limit domestic prices to about the present rate. On the other hand, I do not question that in the enormous variety of cotton fabrics, which are divided into classes for the sake of simplicity, there are many on which the duty could be reduced without reducing their price in this country. But it is to be remembered—and it seems to me from a common-sense standpoint this is the essence of the whole question—that there is nothing to be gained by anybody in reducing the tariff unless you thereby reduce the price to the consumer of the article it covers; and if you reduce the price and the industry is to continue, one of two conditions must exist—either capital must be earning in that industry such a large profit that it will continue in the industry at a reduced compensation or the labor employed must work for less wages. I have tried to demonstrate, and I believe it to be a fact, that capital is not getting excessive returns in this industry. On the other hand, I do not believe that the labor employed in this industry is paid an undue price as compared with other American industries. Therefore there is no possible way in which the consumers of this country can have American-made cotton goods at a lower price unless conditions are to be brought around that will reduce the wages not of cotton-mill labor alone but of American labor as a body.

The apparent belief of some people that in some way the consumers of American-made cotton goods are to be able to obtain them at a materially lower price and that still labor is to get its present compensation and capital to receive such reasonable returns as will keep it employed in the business, is an absolute fallacy. No such results can possibly be brought about. American consumers can have cheaper cotton goods, but they will be made in England and Germany, and there is no manipulation of this cotton schedule in my belief that can possibly be made that at one and the same time will cheapen the cost of cotton goods to the consumer and retain the industry in the United States.

What we would like to know for the present discussion is what would be the result of the changes proposed by the Senator from Wisconsin, who, in effect, establishes a uniform rate of 20 per cent, or of the still more drastic proposition of the Ways and Means Committee, who think 15 per cent measures all the benefits that an industry of this magnitude is to the United States. The Senator from Wisconsin says that with a 20 per cent duty the consumers would save $169,000,000 and that the producers would not be injured. The Ways and Means Committee say that the effect of a 15 per cent duty would simply be to increase the importations from $28,000,000 to $39,000,000.

If either of these propositions is correct, certainly no one should object to their being put in force. If there is some way by which such an enormous sum of money as $169,000,000 can be saved to the consumers of this country without American labor having their wages reduced, I am for it. Or if a 15 per cent duty on cotton cloth will only increase the importations $11,000,000 I can see no reason for objection to the change. But I certainly have not yet been able to convince myself that either of these results could possibly be attained. I believe that either one of these measures would very shortly result in the importation of anywhere from 30 per cent to 50 per cent of the United States consumption of cotton cloth, and perhaps more even than the highest figure, and that means from $200,000,000 to $300,000,000. How to demonstrate the correctness of this belief I confess is puzzling. I know of no statistics sufficiently definite to prove it. Taking 10 or 15 or 20 different fabrics here and there in an industry as large as this is too indefinite. But there has been a great deal of talk lately about Canada, and it did occur to me that the condition of the Canadian cotton industry was perhaps some indication of the result we might expect. There have been many statements lately that Canadian labor conditions are similar to ours. There have been many statements that labor there was on a lower basis than ours. Nobody has claimed that it was higher.

For years Canadian citizens have come to New England to work in her textile trade, and it is to be presumed that is a conclusive indication that they can do better here than at home, so that labor can be considered not higher in Canada than with us. Moreover, the profits of capital in that Canadian industry are not high. It was not very long ago that a very large number of Canadian cotton manufacturers were obliged to make a very drastic financial reorganization. Now, the Canadian duty on cotton manufactures, under the British preferential rate, runs from 15 per cent to 30 per cent and is an ad valorem duty. Here, therefore, we have figures that certainly would seem to be a reasonable indication of the results we might expect. Here is what they are: The total value of the cotton manufactures of Canada, including hosiery and thread, was $21,900,000 for 1906. The importations of cotton manufactures last year was $17,700,000, and the duty collected was $4,196,764, which makes an average rate of 23.7 per cent. Now, then, with a duty of practically 24 per cent, Canada imports 44.7 per cent of her consumption of cotton fabrics. If the United States imported 44.7 per cent of the $800,000,000 of her cotton manufactures, including hosiery, she would import $357,000,000. This would mean the destruction, or diversion, of 44.7 per cent of the $970,000,000 now employed in this industry, amounting to $433,000,000. It would mean the throwing out of employment of 44.7 per cent of the 500,000 wage earners now employed in this industry, amounting to 223,000 people, and, with those dependent upon them also, perhaps 800,000 people. The American Nation is composed of people of common sense. Are they ready to face such a proposition? I say nothing of the injustice to those stockholders and wage earners whose livelihood depends upon this industry to be destroyed, although they are as much American citizens as the consumers of their product and are large consumers of the product of those consumers. I simply ask: Is it common sense to destroy, or to take the chance of destroying, for an economic experiment, one-half of an industry that this country has been a hundred years in building up?

Taking all these considerations into view, I believe that if this amendment prevails it means the destruction of a very considerable part of our cotton-manufacturing industry. We undoubtedly can keep some of it, but an important part of it will be transferred to England, France, and Switzerland. The effect will not be confined to any one section of the country. North and South alike will share the burden. We know something of ruined industries in New England. I have been in the harbor of New Bedford when her whaling fleet had been driven from the seas and seen the decaying ships of a lost industry fastened to her falling wharves. As a boy I have walked through the silent streets of Nantucket between the closed and deserted houses of her whaling captains and seen the grass growing between her pavements. In my own little State, which was once a self-supporting agricultural community, you can go for miles through forests that are almost primeval, where 75 years ago were prosperous farms. Industries come and go. They prosper when conditions are right. They wither and decay when the conditions change. Under a protective policy the United States has built up a great cotton industry. Pass this amendment and let it remain on the statute books a few years, and as New Bedford has seen a great sea industry pass away so she may see a great manufacturing industry pass and the roofs of her mills decay and fall as the wharves of her whaling fleet decayed and fell.

Recently the President of the United States joined the people of Fall River in rejoicing at the centennial of the establishment

of the cotton industry in that city. If this new policy in regard to this tariff is to prevail, it is apt to be a century plant that blooms but once.

The matter previously referred to is as follows:

[Extract from speech of Hon. HENRY CABOT LODGE, of Massachusetts, on cotton schedule, from CONGRESSIONAL RECORD of June 2, 1909.]

I found, in looking for statistics, that Gen. Draper, who is known to many in the Senate, and who served in the House of Representatives and afterwards as ambassador to Italy, made a very careful table some years ago showing the dividends of a number of mills from 1882 to 1892. I will print it as it stands:

List of companies whose capital has not changed during the 10 years from 1882 to 1892.

Companies.	Par value.	Jan. 1, 1882.	Jan. 1, 1892.	10 years' dividends.
Appleton	$600,000	$717,000	$345,000	$138,000
Boott	1,200,000	2,580,000	1,620,000	924,000
Boston	800,000	1,000,000	848,000	520,000
Boston Belting	700,000	1,225,000	1,422,750	749,000
Boston Duck	350,000	525,000	562,500	325,500
Chicopee	1,000,000	1,900,000	900,000	600,000
Dwight	1,200,000	1,920,000	1,800,000	1,068,000
Flint Mill	580,000	406,000	609,000	342,200
Hamilton Cotton	1,800,000	2,196,000	1,800,000	648,000
Lancaster	1,200,000	2,700,000	1,866,000	1,020,000
Lawrence	1,500,000	2,700,000	2,250,000	1,365,000
Lowell	2,000,000	2,101,775	1,833,333	803,023
Lowell Machine	900,000	2,277,000	1,305,000	810,000
Lyman	1,470,000	1,719,900	970,200	558,600
Massachusetts	1,800,000	2,520,000	1,890,000	1,026,000
Merrimack	2,500,000	4,600,000	2,625,000	1,600,000
Middlesex	750,000	1,875,000	975,000	765,000
Naumkeag	1,500,000	1,890,000	1,590,000	802,500
Otis	800,000	1,040,000	1,480,000	800,000
Pacific	2,500,000	4,750,000	4,187,500	2,125,000
Tremont and Suffolk	1,200,000	2,103,000	1,464,000	738,000
Thorndike	450,000	495,000	540,000	342,000
Chace Mills	500,000	535,000	500,000	285,000
Crescent Mills	500,000	400,000	175,000	167,500
Fall River Manufactory	180,000	315,000	216,000	59,400
Granite Mills	400,000	1,310,800	960,000	612,000
King Philip	1,000,000	1,200,000	1,150,000	490,000
Laurel Lake	400,000	376,000	448,000	216,000
Mechanics	750,000	862,500	637,500	397,500
Merchants	800,000	1,000,000	960,000	480,000
Metacomet	288,000	288,000	201,600	44,640

List of companies whose capital has not changed during the 10 years from 1882 to 1892—Continued.

Companies.	Par value.	Jan. 1, 1882.	Jan. 1, 1892.	10 years' dividends.
Narragansett	$400,000	$400,000	$388,000	$230,000
Pocasset	800,000	480,000	1,088,000	264,000
Richard Borden	800,000	680,000	780,000	368,000
Robeson	260,000	234,000	221,000	105,300
Shove	550,000	577,500	632,500	294,250
Slade	550,000	495,000	330,000	178,750
Tecumseh	500,000	660,000	512,500	322,500
Troy Cotton Mill	300,000	540,000	585,000	300,000
Union Cotton	750,000	1,374,375	1,575,000	1,357,500
Weetamoe	550,000	467,500	247,500	178,750
Total	37,078,000	55,496,350	44,490,883	24,420,913

"I find the total dividends, $24,420,913 for 10 years (which would be an average dividend of $2,442,091.13 per year), to be 6.58 per cent per annum of the par value of the stocks of the above companies.

"I also find the above annual dividend to be 4.88 per cent of the average selling price for 1882 and 1892, which is $49,993,616."

In the letter which Gen. Draper sent to me, he says:

"As to profits during the past 10 years, I am quite a large owner, for me, in two concerns, one in the North, at Burlington, Vt., and the other in the South, at Charlotte, N. C. Neither of these concerns has paid continuously 6 per cent, either on the capital stock or on the money actually invested, during the last 10 years, though they might have averaged about that figure, but for the bad year just past, during which one of them actually lost money."

I have not gone into the returns of the southern mills of which Gen. Draper speaks, but I think, on the whole, they have probably done somewhat better on an average than the New England mills.

Thirty-two Fall River mills, omitting the Troy Co., which draws its dividends in part from real estate, and omitting two new mills, which have as yet paid small or no dividends, show an average dividend during the last 10 years of 5.99 per cent, say, 6 per cent. The capital, however, in the Fall River mills represents $10.20 per spindle, whereas the cost of building the mills is from $16 to $20 a spindle, probably much nearer the latter figure. A fairer way of figuring the profits is to show how much has been paid per spindle, and on the list which I submit herewith it appears that the average return per spindle per year was 76 cents, or just about 5 per cent, on the lowest cost that anybody could claim that a mill could be produced for.

I will ask that the list, which is a broker's list, conveniently arranged, from Fall River, be printed with the statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list referred to is as follows:

Statistics of Fall River (Mass.) manufacturing corporations.

Corporations.	Par.	October, 1908.				Book value per spindle.	Dividends paid during past 14 years.												Extra dividend during past 14 years.	Average annual dividend including extras.	Present market prices.	Market value per spindle.
		Capital.	Debt.	Surplus.	Spindles.		1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908				
American Linen Co	100	$800,000		$191,792.00	91,372	$6.65	7	2½	1	1	4½	6½	5	8	7½	5½	3	6	11	6		5.304	125	8.84
Ancona Co	100	300,000	$115,535.39		39,136	10.61									(1)		3	6	12	6				
Arkwright Mills	100	450,000	153,418.01		68,432	8.82						4½	5½	5	6	5½	3	4½	6	6			106	9.21
Barnard Manufacturing Co.	100	495,000	68,622.71		72,992	7.72	7	7	1		3½	8	5½	6	4½		2	4½	7	7		4.48	116	8.81
Bourne Mills	100	1,000,000	218,795.89		91,258	13.35	24	12	18	8	10	14	6½	12½	9½	3½	3	4	5	4½	40	12.46	100	13.35
Border City Manufacturing Co	100	1,000,000		107,266.54	119,812	7.45	17½	6½	4	4	6	8	6½	6	6	3½	3½	9½	27½	6	50	11.46	150	11.62
Chace Mills	100	1,200,000		234,837.77	116,688	8.28	6	6½	3½		6	6	6	6	6	3	4½	6	6½	8	53½	9.11	140	12.38
Cornell Mills	100	400,000		233,578.76	45,040	3.69	6	8	7	5	12½	13	6½	7	6½	4	4½	12½	16	11		8.55	180	10.79
Conanicut Mills	100	300,000	47,625.00		29,136	11.93	6½	3½			6	8	8	8	7	5	1	4½	6	5		4.91	100	11.93
Davis Mills	100	500,000		250,810.07	53,856	4.62								(1)			1½	6	6	6			132	7.59
Davol Mills	100	500,000		105,042.56	44,672	8.84	6½	8	4½	4	5½	8	6½	6	6	4	1	6	6	6	25	7.36	102	9.51
Flint Mills	100	580,000		139,804.03	50,816	8.66	8	8	6½	4	6	8	7	6	6	4	4	6½	12	8		6.71	108	9.57
Granite Mills	100	1,000,000		361,857.02	118,984	5.36	6½	7	2	1	6	8	8	8	8	6	4½	8½	10	8		6.54	150	9.56
Hargraves Mills	100	800,000	117,344.92		111,690	8.21	6½	6	6	6	6	6	6	6	5½	2		1	5½	6		4.89	105	8.57
King Philip Mills	100	1,500,000		871,083.91	135,072	4.65	6	6	6	4½	7½	6	6	16	6	6	6	6	6	6	100	13.86	175	12.98
Laurel Lake Mills	100	600,000		250,927.37	59,808	5.84	6	5½			3½	6	4½	6	8	5½	5½	11	14	13	100	13.20	165	12.35
Lincoln Manufacturing Co.	100	600,000	297,799.26		50,000	17.95													(1)				90	16.75
Luther Manufacturing Co.	100	350,000	84,084.77		51,616	8.41									(2)					3			125	10.10
Merchants Manufacturing Co	100	1,200,000		111,305.08	131,820	8.26	7	6	2		1	6	2½	4	4	2	2	4	5½	6	50	7.30	118	9.89
Mechanics Mills	100	750,000		288,967.38	57,856	7.96	6½	7	3		5	6	5	4½	4	3	1	4	7	6½		4.46	116	10.04
Narragansett Mills	100	400,000		142,220.35	43,744	5.89	7	6½	5	1	5	8	5½	6	6	5	4	8	11½	8		6.18	135	9.09
Osborn Mills	100	750,000		218,939.32	70,332	7.55	7	7	4		5	8½	3½	4	4	3	2	4	5½	6	25	6.32	115	9.15
Parker Mills	100	800,000	199,284.62		111,684	8.94		3½	3½	5	5½	6½	8	8	7	3		1	5½	6		4.50	100	8.94
Pocasset Manufacturing Co.	100	1,200,000		188,716.86	125,016	8.09	6	4½	1		4½	6	6	6	6	4½	6	6	6	6	100	12.04	125	10.48
Richard Borden Manufacturing Co	100	1,000,000		468,024.67	96,720	5.50	7	5½	3	3	7½	9	6½	6	6	5½	5½	6½	20	13	25	9.21	180	13.77
Sagamore Manufacturing Co	100	900,000		348,763.57	91,552	6.02	25½	5	1		5½	9	5	7½	4½	4	5	20	30	12		9.44	180	13.88
Seaconnet Mills	100	600,000	153,252.29		68,384	11.01	6½	6½	5½	3½	6	7	5	5	5	1			1½	4½		4.07	95	10.57
Shove Mills	100	550,000	98,000.78		73,552	8.81	7	7	3½		2½	4½	1½	4	3			4	4½	6	25	5.18	97	8.58
Stafford Mills	100	1,000,000		72,186.32	100,576	9.22	8	8	6	4	14	8	3	4	4		1	4	5½	6		5.29	116	10.81
Stevens Manufacturing Co.	100	700,000	176,384.23		(3)		4	8	8	8	8	8	8	8	8	6	4½	5	5½	1½		6.50	93	
Tecumseh Mills	100	750,000		249,188.02	78,512	6.38	6½	6½	4		5	7½	5	6	6	5½	4½	6	11½	9½	50	9.75	150	11.15
Troy Cotton and Woolen Manufactory	500	300,000		366,529.28	47,520		28	27	15	11	18	27	17	20	16	11	11	20	67	21	75	27.04	1,650	13.12
Union Cotton Manufacturing Co	100	1,200,000		572,544.66	110,128	5.70	11	9	6½	6	8½	10	6½	6	6	4½	6	18½	35½	6		15.38	195	16.04
Wampanoag Mills	100	750,000	99,331.28		85,440	9.94	8	7	3		6	7	2½	4	3	1		2	4	4		3.61	105	10.37
Weetamoe Mills	100	500,000	1,211.93		45,504	11.02	5½	2½			4½	6	3½	4	4	2	2	4½	6½	6½		3.71	100	11.01
Total		27,125,000			2,658,380																			

[1] Organized. [2] Reorganized. [3] Specialties.

Mr. LODGE. I have here a statement of the New Bedford dividends. It shows that the average dividend for 10 mills for 10 and 11 years was 10.45 per cent.

New Bedford dividends.

Names of mills.	Average.	Years.
	Per cent.	
Acushnet	15.86	11
Bristol	3.57	10
City	10.79	11
Dartmouth	17.85	10
Grinnell	16.22	11
Hathaway	10.36	11
Pierce	10.45	11
Potomska	5.90	10
Wamsutta	6.31	11
Whitman	7.45	10
Average dividend for 10 mills for 10 and 11 years	10.45	.....

The average for Fall River and New Bedford mills is 8.22 per cent for the last 10 years, but the New Bedford average is above the general average, and brings up the average of southern Massachusetts mills to a point above that of New England generally. In the Lowell, Lawrence, Salem, and Waltham mills the average is between 5 per cent and 6 per cent. The average of 26 mills north of Boston last year was 5.88 per cent. Exceptional profits are usually confined to short periods and are due to fortunate purchases of cotton or some special product which hits the fancy.

Here are the dividends of the New Bedford mills, which I ask to have printed, and also a letter from New Bedford giving some further figures, which I shall be glad to have printed without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Dividends of New Bedford (Mass.) cotton mills in 1908.

Names of mills.	Capital.	Number of spindles.	Rate of dividend.	Amount earned.	Dividend per spindle.
			Per cent.		*Per cent.*
Acushnet	$500,000	105,336	16	$80,000	0.759
Bristol	800,000	67,000	[1] 6	45,000	.671
Butler	1,250,000	97,344	8	100,000	1.027
City	750,000	65,312	18	135,000	2.067
Dartmouth	600,000	126,592	[2] 66	396,000	3.128
Gosnold	[3] 550,000 / [4] 550,000	82,232	6	33,000	.401
Grinnell	1,000,000	128,000	8	80,000	.625
Hathaway	800,000	108,328	10	80,000	.738
Kilburn	750,000	74,768	6	45,060	.601
Manomet	2,000,000	125,000	8	160,000	1.28
Nonquitt	1,200,000	60,000	[5] 6 (4½)	54,000	.9
Page	750,000	50,376	5 (1¼)	9,375	.185
Pierce	600,000	116,008	16	96,000	.827
Potomska	1,200,000	108,000	6	72,000	.666
Soule	1,050,000	92,000	8	84,000	.913
Taber	950,000	60,000	.....	.....	.....
Wamsutta	3,000,000	228,836	6	180,000	.786
Whitman	1,500,000	139,200	8	120,000	.862
Total	.....	1,834,332	.....	1,769,375	[6] .964

[1] 3 per cent on $700,000; 3 per cent on $800,000.
[2] Dartmouth now $1,200,000, paying 12 per cent.
[3] Common.
[4] Preferred.
[5] Nonquitt now paying 8 per cent.
[6] Average per spindle.

"In further reply to yours of the 15th, I am inclosing a copy of a communication in answer to an editorial published in one of our local papers, together with some figures we have compiled.

"First. The mills in New Bedford are capitalized on an exceedingly low basis, of $10.76 per spindle, and the average cost per spindle of the new mills erected here during the past 10 years would figure practically $25.

"To be conservative, the total capital of our mills figured on a basis of $20 per spindle would be $36,783,100, instead of $19,800,000, amount as at present.

"The average dividends paid during the year 1908 was 8.94 per cent on a total capital of $19,800,000; but if figured on a capital of $36,783,100, and on a $20 per spindle cost, the rate would be 4.89 per cent.

"The mills that have been running for the 10 years ending December 31, 1908, together with the capital of each, average rate of dividend paid, also rate of dividend paid if figured on a basis of $20 per spindle, are as follows:

Names of mills.	Capital.	Rate of dividend.	Rate of dividend per spindle.[1]
		Per cent.	*Per cent.*
Acushnet	$500,000	21.4	5.079
Bristol	800,000	3.725	2.254
City	750,000	11.575	6.646
Grinnell	1,000,000	9.56	4.51
Hathaway	800,000	13.25	4.892
Pierce	600,000	13.1	4.679
Potomska	1,200,000	5.9	3.278
Wamsutta	3,000,000	6.5	4.281
Dartmouth	600,000	22.85	[2] 6.34

[1] Figured on basis of $20 per spindle cost.
[2] Not including stock dividend.

"It might also be of interest to you to know that the rates of dividends of the above nine corporations are figured on a capitalization of $8.78 per spindle. The mills built during the past 10 years are capitalized at the rate of $14 per spindle, and the average amount of capital of all our mills, as previously stated, is $10.76 per spindle.

"You having called my attention particularly to the dividends paid by the Acushnet and Dartmouth corporations, the above schedule, I think, answers your inquiry as to dividend paid by the mill first mentioned. The Dartmouth figures out, including the 100 per cent stock dividend, declared early in December last, as follows: They have been incorporated 15 years, and the average rate of dividend paid, based on the $20 per spindle, including all extra cash and stock dividends, figures 6.964 per cent per annum. The extra dividend of both these corporations has been declared, as you readily understand, from surplus earnings of many years.

"It might be asked why we still continue to invest money in an industry that does not pay any larger returns. In answer, as you know in Massachusetts especially, our local industries being free from taxation makes our plants attractive to resident investors, and also in the history of this industry the dividends paid have been, as a whole, most uniform.

"Any further information or inquiries that you might desire to make it will give me great pleasure to answer; and trusting that Mr. LODGE will be able to help us somewhat on the slight increase we have asked for our tracing cloth, I remain, with kind regards,

"Yours, very truly, ——— ———."

NEW BEDFORD MILLS AND THE TARIFF—FURTHER CONTROVERSY OVER MERCURY'S EDITORIAL.

To the Editor of the Mercury:

Referring to your editorial in Wednesday's Mercury to the effect that cotton goods are overprotected in the present tariff, I trust that what I may say as a manufacturer may be placed before your readers, because the subject is of vital interest to New Bedford.

How can it be that we have more protection than is necessary, when the importation of cotton goods in the last fiscal year before the panic was as follows:

Cloths, bleached or dyed	$12,727,769
Clothing, except knit	3,771,188
Knit cottons	3,671,848
Laces, edgings, etc	39,756,502
Thread yarn, not spooled	6,940,261
Total cotton goods imported	73,704,636

This import was as much as the total production of Fall River, Lowell, and New Bedford, and if the demand of the whole market had not been at that time very great, owing to general prosperity, these foreign goods would have displaced home goods to a great extent or compel such reductions in price as to result in unemployment or heavy cuts in wages. Since hard times set in nothing but the tariff has prevented foreign competition from crippling every cotton mill in this city.

I and other manufacturers of fine goods are curious to know your authority for the statement that we are now able to compete with English goods without a duty. The cost of their plants has been a third lower than ours and their labor cost of production is a third lower, while the freight on their cloth to our markets is in some cases lower than ours. By reason of combined ocean and rail rates they have been able to reach Chicago, St. Louis, and other points in the interior of our country at a lower freight charge than we have to pay.

A detail report published in Lancashire for the year 1908 gives operations of 68 joint-stock cotton-spinning companies, as follows:

Paid-up share capital, £2,469,469, equal to $2.09 per spindle.

Loan capital, £849,906.

Share and loan capital, equal to $2.80 per spindle.

Net profits for 1908, after providing for interest and depreciation, £374,942, equal to 31⅛ cents per spindle and 15.18 per cent on share capital.

Year 1907, profits 33.86 per cent on share capital.

Book value of plant, £3,025,412, equal to $2.56 per spindle.

Number of spindles, 5,900,972.

Earnings of 31⅛ cents per spindle gives Lancashire 15.2 per cent on share capital. Earnings of 31⅛ cents per spindle gives New Bedford 3¼ per cent on share capital.

Earnings of $2 per spindle gives Lancashire 100 per cent on share capital.

Earnings of $2 per spindle gives New Bedford 21 per cent on share capital, or, in other words, the same earnings per spindle gives Lancashire $5 to New Bedford's $1.

Now, if the fair value of New Bedford mills, as per your editorial some days ago, is $20 a spindle, earnings based on this value, our mills would show as follows:

Thirty-one and one-third cents per spindle would give New Bedford 1.57 per cent.

Two dollars per spindle would give New Bedford 10 per cent.

Besides, there are other countries than Great Britain to be protected from. The manufacture of cotton goods on the Continent of Europe has been increasing in recent years, and there the labor cost is still lower. In Italy, for example, an operative turns out as much for 20 cents as a New Bedford operator turns out for 80 cents, and in Japan the difference is still greater. Since it costs less than half a cent a yard to bring cloth from there here, how long can we keep our mills running at a living profit with this competition? Your intimation that before long we may be able to export fine cloth to Manchester, England, is pure imagination. It would be like "carrying coals to Newcastle."

The Mercury repeats, "It is safe to say that there are mills in New Bedford making fine goods of plain construction that are able now to compete with England, with all freight paid." This statement is absurd. There is not a mill in this city that can compete with England in fine yarns; in fact, we could not hold our own, say nothing about profits, on a free-trade basis. I have been a cotton manufacturer for 50 years, and am still active and in touch with the markets and cost of production and know my assertion is correct.

I should like to know your authority for saying that "the pressure for a real tariff reduction is greater than is commonly supposed." The evidence that is being taken by the congressional committee at Washington does not show it. On the contrary, there is a heavy preponderance of evidence from all parts of the country in favor of preserving adequate protection, and in most cases this calls for the retention of present duties or for more increases than reductions.

We manufacturers are at a loss to understand how a New Bedford paper can take such interest in damaging our principal industry by advocating a reduction of the tariff on fine cotton fabrics. I am,

Respectfully, yours,

A COTTON MANUFACTURER.

NEW BEDFORD, MASS., *January 22, 1909.*

Mr. LODGE. I now give the average dividends for the past 20 years of 44 companies, and for the past 10 years of 1 company. The list comprises 38 engaged in cotton, 3 engaged in wool, and 4 engaged in wool and cotton together. This shows an average dividend of 44 companies for 20 years of 6.67 per cent. That is a fair presentation of the average earnings of New England manufacturing districts. The list is printed in the Tariff Hearings, page 5505, and I ask to have it printed, with what I have marked in that book.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

BOSTON, MASS., *December 19, 1908.*

Mr. WILLIAM WHITMAN,
President National Association of Woolen Manufacturers, Boston, Mass.

DEAR SIR: Herewith I hand you condensed and detailed statistics covering the financial operations and stock market fluctuations for the past 20 years of 44 companies and for the past 10 years of 1 company, the list comprising 38 engaged in cotton, 3 engaged in wool, and 4 engaged in wool and cotton together.

This list of companies includes all of those whose stocks have been bought and sold with reasonable frequency in the Boston market over a period of 20 years.

Accompanying this letter are three compilations, marked "A," "B," and "C," and 45 separate sheets covering in detail the record of each company by single years, giving capitalization, par value of stock, dividends paid, and record of public sales of stock for each year, the high and low quotations being taken.

Common stock which has been issued as a bonus with preferred stock is omitted from these compilations.

Schedule A covers the operations of all the companies for the period from January 1, 1899, to December 10, 1908, and gives the average capitalization for the period, the average annual net return after deducting losses in capital from dividends paid, and the percentage of net return on the average capital stock.

From Schedule A we derive the following results:

Forty-five companies, with an average capitalization of $77,156,615, have shown an average net return for 20 years of $5,148,775 per annum, or 6.67 per cent on the average capital stock.

Five of these companies, 3 engaged in cotton, 1 in wool, and 1 in wool and cotton together, with an average capitalization of $31,662,100, have shown an average net return for the 20 years of $2,896,742 per annum, or 9.10 per cent on the average capital stock.

Excluding these 5 companies, the remaining 40 companies, with an average capitalization of $45,494,515, have shown an average net return for the 20 years of $2,252,033 per annum, or 4.95 per cent on the average capital stock.

Thirty-eight cotton companies, with an average capitalization of $45,209,247, have shown an average net return for 20 years of $2,886,353 per annum, or 6.38 per cent on the average capital stock.

Seven companies, all engaged in wool or wool and cotton together, with an average capitalization of $31,947,368, have shown an average net return for 20 years of $2,262,422 per annum, or 7.08 per cent on the average capital stock.

Schedule B supplements Schedule A by giving the operations of all the companies in two decades separately, the first from 1889 to 1898 and the second from 1899 to date.

From Schedule B we derive the following results:

Forty-four companies, with an average capitalization of $53,022,875, during the decade 1889–1898 showed an average net return of $3,243,573 per annum, or 6.12 per cent on the average capital stock.

Thirty-eight companies engaged in cotton, with an average capitalization of $44,548,000, during the decade 1889–1898 showed an average net return of $2,613,330 per annum, or 5.87 per cent on the average capital stock.

Six companies, all engaged in wool or wool and cotton together, with an average capitalization of $8,474,875, during the decade 1889–1898 showed an average net return of $630,243 per annum, or 7.44 per cent on the average capital stock.

Forty-five companies, with an average capitalization of $78,883,830, during the decade 1899–1908 have shown an average net return of $5,341,485 per annum, or 6.77 per cent on the average capital stock.

Thirty-eight companies engaged in cotton, with an average capitalization of $45,810,630, during the decade 1899–1908 have shown an average net return of $3,068,435 per annum, or 6.70 per cent on the average capital stock.

Seven companies, all engaged in wool or wool and cotton together, with an average capitalization of $33,073,200, during the decade 1899–1908 have shown an average net return of $2,273,050 per annum, or 6.87 per cent on the average capital stock.

Schedule C shows the market selling value of the stocks of all the companies on January 1, 1889, July 1, 1899, and December 10, 1908, based on quotations recorded at public-auction sale in Boston, the offerings in practically every case consisting of a few shares. The schedule also includes additional capital invested during the period and the total dividends paid.

From Schedule C we derive the following results:

The market value of the stocks of 44 companies on January 1, 1889, was $62,798,850, and on July 1, 1899, it was $61,389,950, showing a depreciation of $1,408,900. There was invested in these companies during that period $2,270,000 of additional capital, so that the total depreciation for the 10 years was $3,678,900.

The market value of the stocks of 42 companies on July 1, 1899, was $67,775,450, and on December 10, 1908, it was $117,683,200, showing an appreciation of $49,907,750. There was invested in these companies during that period $35,940,000 of additional capital, so that the net appreciation was $13,967,750.

Excluding from this last compilation the stocks of 4 companies, 2 engaged in wool and cotton together and 2 engaged in cotton, the market value of the stock of the remaining 38 companies on July 1, 1899, was $46,996,650, and on December 10, 1908, it was $76,625,000, showing an appreciation of $29,628,350. There was invested in these companies during that period $29,820,000 of additional capital, so that the comparison actually shows a depreciation for the period of $191,650.

The market value of the stocks of 42 companies on January 1, 1889, was $58,306,350, and on December 10, 1908, it was $84,433,200, showing an appreciation of $26,126,850. There was invested in these companies during that period $13,210,000 of additional capital, so that the net appreciation has been $12,916,850, an average of $645,840 per annum, or about 1¼ per cent per annum appreciation on the selling price January 1, 1889.

Excluding from this last compilation the stocks of 5 companies, 3 engaged in cotton and 2 in wool and cotton together, the remaining 37 companies had a market valuation of $41,392,850 on January 1, 1889, and of $43,375,000 on December 10, 1908, showing an appreciation for the period of $1,982,150. There was invested in these companies during that period $6,190,000 of additional capital, so that there has been a net depreciation in the market value of these 37 companies during the past 20 years of $4,207,850.

Respectfully submitted.

FRANK A. RUGGLES, *Statistician.*

EXHIBIT A.

Average capitalization, average annual net return after deducting losses from dividends paid, and percentage of return on average capital, 1889–1908.

Companies.	Product.	Capital.	Net return.	Per cent.
Aetna	Wool	$268,750	$14,250	5.3
American Woolen	do	22,375,000	1,566,250	7
Amory	Cotton	1,212,647	90,530	7.46
Amoskeag [1]	do	4,143,000	477,880	11.53
Androscoggin	do	1,000,000	86,000	8.6
Appleton	do	517,500	[2] 825	.....
Arlington	Wool and cotton	2,762,438	243,247	8.8
Atlantic	Cotton	1,000,000	33,000	3.3
Bates	do	1,160,000	126,000	10.86
Boott	do	1,140,000	[2] 11,376	.....
Boston Duck	do	350,000	45,400	13
Cabot	do	724,000	20,220	2.8
Chicopee	do	890,625	[2] 10,944	.....
Cocheco	do	1,500,000	15,000	1
Continental	do	1,500,000	7,500	.5
Dwight	do	1,200,000	142,800	11.9
Edwards	do	1,021,250	72,500	7.1
Everett	do	700,000	34,350	4.9
Fisher	do	472,500	27,100	5.74
Franklin	do	862,500	24,500	2.84
Great Falls	do	1,500,000	149,250	9.95
Hamilton	do	1,800,000	81,900	4.55
Do	Wool and cotton	1,000,000	30,250	3.02
Hill	Cotton	980,000	31,360	3.2
Jackson	do	600,000	36,600	6.1
Laconia	do	([3])	([3])	([3])
Lancaster	do	1,140,000	7,500	.66
Lawrence	do	1,218,750	75,000	6.15
Lockwood	do	1,800,000	92,700	5.15
Lowell Bleachery	do	335,000	[1] 1,700	.5
Lyman	do	1,470,000	56,595	3.85
Manchester	Wool and cotton	2,066,180	15,300	.75
Massachusetts	Cotton	1,800,000	101,700	5.65
Merrimack	do	2,930,000	133,813	4.57
Middlesex	Wool	750,000	30,375	4
Nashua	Cotton	1,000,000	79,250	7.92
Naumkeag	do	1,500,000	56,250	3.75
Newmarket	do	745,000	[2] 23,800	.....
Otis	do	800,000	79,200	9.9
Pacific	Wool and cotton	2,725,000	362,750	13.3
Pepperell [4]	Cotton	2,419,100	489,862	20.2
Salmon Falls	do	600,000	18,300	3.05
Thorndike	do	529,875	47,138	8.9
Tremont and Suffolk	do	1,672,500	121,600	7.27
York	do	975,000	70,800	7.26
Grand total		77,156,615	5,148,775	6.67

[1] Wool and cotton since purchase of Manchester in 1905.
[2] Loss.
[3] Merged with Pepperell in 1899.
[4] Includes Laconia for entire period.

NOTE.—Operations of Amory and Manchester are for 17 years and American Woolen since organization in 1899.

EXHIBIT B.

Average capitalization and average annual net return after deducting losses from dividends paid, 1889–1898 and 1899–1908.

Companies.	1889–1898.		1899–1908.	
	Capital.	Net return.	Capital.	Net return.
Aetna	$250,000	$9,000	$287,500	$19,500
American Woolen	.....	.....	22,375,000	1,566,250
Amory	1,350,000	98,550	1,016,430	79,070
Amoskeag	4,000,000	306,000	4,286,000	649,760
Androscoggin	1,000,000	79,000	1,000,000	93,000
Appleton	585,000	[1] 34,050	450,000	32,400
Arlington	1,974,875	122,493	3,550,000	364,000
Atlantic	1,000,000	39,000	1,000,000	27,000
Bates	1,120,000	82,800	1,200,000	169,200
Boott	1,200,000	64,200	1,080,000	[1] 86,952
Boston Duck	350,000	56,500	350,000	34,300
Cabot	648,000	12,040	800,000	28,400
Chicopee	1,000,000	45,000	781,250	[1] 66,887
Cocheco	1,500,000	30,000	1,500,000	.....
Continental	1,500,000	.....	1,500,000	15,000
Dwight	1,200,000	134,400	1,200,600	151,200
Edwards	942,500	72,400	1,100,000	72,600
Everett	700,000	27,400	700,000	41,300
Fisher	445,000	25,700	500,000	29,500
Franklin	1,000,000	60,000	725,000	[1] 11,000
Great Falls	1,500,000	118,500	1,500,000	180,000
Hamilton (C.)	1,800,000	75,600	1,800,000	88,200
Hamilton (W.)	1,000,000	35,000	1,000,000	25,500
Hill	980,000	31,360	980,000	31,360
Jackson	600,000	33,600	600,000	39,600

[1] Loss.

Average capitalization and average annual net return after deducting losses from dividends paid, 1889–1898 and 1899–1908—Continued.

Companies.	1889-1898.		1899-1908.	
	Capital.	Net return.	Capital.	Net return.
Laconia	$1,000,000	$71,500	[1]	[1]
Lancaster	1,200,000	64,800	$1,080,000	[2] $49,800
Lawrence	1,312,500	21,750	1,125,000	125,250
Lockwood	1,800,000	88,200	1,800,000	97,200
Lowell Bleachery	400,000	22,800	270,000	[2] 19,400
Lyman	1,470,000	49,980	1,470,000	63,210
Manchester	2,000,000	144,000	2,160,700	[2] 168,700
Massachusetts	1,800,000	95,400	1,800,000	108,000
Merrimack	2,500,000	140,000	3,360,000	127,625
Middlesex	750,000	47,250	750,000	13,500
Nashua	1,600,000	69,500	1,000,000	89,000
Naumkeag	1,500,000	55,500	1,500,000	57,000
Newmarket	800,000	24,400	690,000	[2] 72,000
Otis	800,000	78,400	800,000	80,000
Pacific	2,500,000	272,500	2,950,000	453,000
Pepperell [3]	1,200,000	222,000	2,638,200	597,724
Salmon Falls	600,000	25,800	600,000	10,800
Thorndike	450,000	41,400	608,750	52,875
Tremont and Suffolk	1,395,000	128,700	1,950,000	114,500
York	900,000	52,200	1,050,000	89,400
Total	53,022,875	3,243,573	78,883,830	5,341,485

[1] Merged with Pepperell.
[2] Loss.
[3] Includes Laconia in the second decade.

NOTE.—American Woolen was organized in 1899. Amory and Manchester figures for second decade cover seven years to purchase by Amoskeag.

EXHIBIT C.

Selling value of stock Jan. 1, 1889, July 1, 1899, and Dec. 10, 1908, based on market quotations, additional capital invested, and dividends paid.

Companies.	Market selling value of stock.			Additional capital.	Dividends.
	Jan. 1, 1889.	July 1, 1899.	Dec. 10, 1908.		
Aetna	$227,500	$162,500	$375,000	$125,000	$285,000
American Woolen		10,000,000	33,250,000	25,000,000	15,662,500
Amory	1,552,500	1,714,500	Sold.		1,776,200
Amoskeag	7,560,000	7,000,000	16,128,000	3,520,000	9,557,600
Androscoggin	1,300,000	1,160,000	1,550,000		1,720,000
Appleton	420,000	461,750	607,500	300,000	433,500
Arlington	1,380,000	2,625,000	8,400,000	3,500,000	4,864,925
Atlantic	1,000,000	600,000	650,000		660,000
Bates	1,130,000	1,560,000	2,700,000	200,000	2,520,000
Boott	1,602,000	960,000	1,000,000	1,000,000	972,480
Boston Duck	580,000	487,500	650,000		908,000
Cabot	420,000	440,000	640,000	320,000	524,400
Chicopee	1,000,000	900,000	475,000	400,000	681,125
Cocheco	1,260,000	681,000	600,000		300,000
Continental	450,000	330,000	900,000		150,000
Dwight	1,716,000	2,064,000	2,424,000		2,856,000
Edwards	772,500	1,881,000	1,265,000	350,000	1,450,000
Everett	700,000	588,000	980,000		687,000
Fisher	520,000	500,000	500,000	100,000	542,000
Franklin	940,000	1,030,000	550,000		990,000
Great Falls	1,500,000	2,295,000	2,700,000		2,985,000
Hamilton (C.)	1,620,000	1,380,600	1,440,000		1,638,000
Hamilton (W.)	970,000	510,000	650,000		605,000
Hill	818,300	401,800	588,000		638,400
Jackson	594,000	597,000	582,000		732,000
Laconia	1,212,500	[1]	[1]	[1]	[1]
Lancaster	1,680,000	1,350,000	810,000	300,000	1,050,000
Lawrence	2,287,500	945,000	1,812,500		2,250,000
Lockwood	1,764,000	1,314,000	1,890,000		1,854,000
Lowell Bleachery	532,000	312,000	280,000	100,000	334,000
Lyman	940,800	955,500	1,543,500		1,131,900
Manchester	2,940,000	1,900,000	[2]	2,000,000	1,897,000
Massachusetts	2,070,000	1,800,000	2,160,000		2,034,000
Merrimack	2,950,000	2,800,000	2,502,500	1,650,000	2,676,250
Middlesex	1,125,000	862,500	262,500		607,500
Nashua	1,180,000	1,270,000	1,220,000		1,585,000
Naumkeag	1,485,000	1,020,000	1,575,000		1,125,000
Newmarket	560,000	240,000	300,000	520,000	244,000
Otis	1,480,000	1,360,000	1,440,000		1,584,000
Pacific	3,875,000	5,275,000	9,000,000		7,255,000
Pepperell [3]	2,886,000	5,878,800	7,530,200		9,797,240
Salmon Falls	460,000	350,000	220,000		366,000
Thorndike	542,250	472,500	1,012,500	225,000	940,275
Tremont and Suffolk	1,536,000	2,055,000	2,000,000		2,432,000
York	1,260,000	900,000	2,520,000	600,000	1,416,000
Total	62,798,850	71,389,950	117,683,200	38,210,000	94,718,295

[1] Included in Pepperell. [2] Sold.
[3] Includes Laconia, except as to market value Jan. 1, 1889.

NOTE.—Losses: Appleton, $450,000; Boott, $1,200,000; Cabot, $120,000; Chicopee, $900,000; Franklin, $500,000; Lancaster, $900,000; Lawrence, $750,000; Lowell Bleachery, $300,000; Manchester, $1,500,000; Newmarket, $720,000; total, $7,340,000.

ROCK CREEK PARK.

Mr. WETMORE. I ask unanimous consent that the Senate take up for consideration the bill (S. 2366) to acquire land along the course of Rock Creek for the purpose of preventing the pollution and obstruction thereof and of connecting Potomac Park with the Zoological Park and Rock Creek Park and providing a new location for the United States Botanic Garden.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the word "otherwise," to strike out "the land" and insert "such land and premises as are not now the property of the United States," and on page 2, line 6, after the word "including," to strike out "the creek bed" and insert "such portion of the creek bed as may be in private ownership," so as to make the section read:

That for the purpose of preventing the pollution and obstruction of Rock Creek and of connecting Potomac Park with the Zoological Park and Rock Creek Park, and providing a new location for the United States Botanic Garden, a commission, to be composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such land and premises as are not now the property of the United States in the District of Columbia shown on the map on file in the office of the Engineer Commissioner of the District of Columbia, dated May 17, 1911, and lying on both sides of Rock Creek, including such portion of the creek bed as may be in private ownership, between the Zoological Park and Potomac Park, at a total cost not to exceed $2,300,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSENGER TO COMMITTEE ON INDIAN AFFAIRS.

Mr. BRIGGS. I move to reconsider the vote by which the Senate yesterday agreed to Senate resolution 70.

The motion to reconsider was agreed to.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to offer the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the resolution "to be paid out of the contingent fund of the Senate until otherwise provided for by law," so as to make the resolution read:

Resolved, That the Committee on Indian Affairs be, and it is hereby, authorized to employ a messenger at a salary of $1,440 per annum, to be paid out of the contingent fund of the Senate until otherwise provided for by law.

The amendment was agreed to.

The resolution as amended was agreed to.

ASSISTANT CLERK TO THE COMMITTEE ON THE CENSUS.

Mr. BRIGGS. I move to reconsider the vote by which the Senate yesterday agreed to Senate resolution 119.

The motion to reconsider was agreed to.

Mr. BRIGGS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to offer an amendment to the resolution.

The SECRETARY. It is proposed to add at the end of the resolution "to be paid out of the contingent fund of the Senate until otherwise provided for by law," so as to make the resolution read:

Resolved, That the Committee on the Census be, and it is hereby, authorized to employ an assistant clerk at a salary of $1,200 per annum, to be paid out of the contingent fund of the Senate until otherwise provided for by law.

The amendment was agreed to.

The resolution as amended was agreed to.

APPORTIONMENT OF REPRESENTATIVES.

Mr. SHIVELY. I move that the Senate proceed to the consideration of the unfinished business, House bill 29S3.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 29S3) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

Mr. ROOT. Mr. President, I wish to make a few remarks by way of explanation of an amendment, of which I have given notice, to House bill 29S3, for the apportionment of Representatives in Congress among the several States under the Thirteenth Census. In the present condition of affairs, with the Senate wearied by the long and tedious session under the great heat of this summer and with very few Members present at any time during the day, there is no justification for making a very extended argument upon a matter which is to be decided, and decided once for all, within the next 24 or 36 hours, and my remarks will therefore be rather by way of explanation for the RECORD.

The amendment of which I have given notice and which I intend to offer to-morrow relates entirely to the number of Members of the House of Representatives under the new apportionment. The Constitution requires an enumeration of the people of the United States to be taken every 10 years, and it requires the Representatives to be apportioned in accordance with population as shown by the successive enumerations. The House has passed a bill which provides for a reapportionment of Representatives in accordance with the last census, taken in 1910. The bill as passed by the House provides for an increase of 42 in the number of the House of Representatives, increasing that number from 391, as it is now, to 433, without taking into consideration the Representatives who will come from the States of Arizona and New Mexico when the present Territories have been admitted as States. After that representation has been admitted the number of the House would be, under the bill, 435. The amendment which I propose is to leave the number of the House precisely the same as it is now, 391, and when Arizona and New Mexico are admitted it would be 393.

Mr. CULLOM. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from New York yield to the Senator from Illinois?

Mr. ROOT. Certainly.

Mr. CULLOM. I desire to call the Senator's attention to the fact that his amendment gives Illinois 24 Representatives instead of 25, the number we have now. We do not want to have our representation cut down.

Mr. ROOT. That would be the effect. Illinois would have precisely the same proportion of representation, but it would have one less Representative.

Mr. President, the prevailing consideration in determining the number fixed in the bill by the House is shown very frankly by the reports—the report of the Senate committee and the report of the House committee, which it incorporates, in substance—to be the avoidance of any loss of representation on the part of any State, so that no State under the new enumeration will have a smaller number of Representatives than it has at present, and so that all the increases of population which have taken place in certain of the States will be provided for not by a readjustment as between those States and the others, but by an addition to the number of Representatives, giving the increase to the States which have increased in population.

Mr. President, it seems to me that it is inadvisable and unwise, and would be injurious, to increase the number of the House of Representatives. That increase can not fail to accentuate and to add to the embarrassments which have already been experienced in the working of the House of Representatives with the present number of 391. It is plain that the larger a deliberative body is, the more acute is that continual struggle which is going on in every popular government and in every branch of every representative system between efficiency and individual liberty. Where a deliberative assembly is small in number it is easy for each member to have his say, to have consideration for his views, to have the measures that he offers passed upon without preventing effective action by the body. But when a deliberative assembly grows great in number, then any such freedom of action on the part of the individual is impossible, except at the cost of effective action on the part of the body. It is necessary to devise rules adapted to cut off debate, to prevent individual members from being heard, to suppress individuality on the part of the members of the body, in order that any result shall be reached at all. The pendulum swings to and fro in such a body, a body great in number, between the lack of rules, under which there is but a mob, which can accomplish nothing, and arbitrary and tyrannical rules, under which a few men constitute an oligarchy, suppressing the independence and the representation of the people on the part of the common members of the body.

We have seen but a short time ago a rebellion in the House of Representatives and on the part of a great many of the people of the country in their votes at the polls against rules so devised as to produce effective action on the part of the House by means of giving control over the action of the House to a few men; and the larger you make the House the more certain you will make it that its effectiveness will always be purchased by the surrender of individual representation on the part of the great body of the Members of the House.

Mr. President, either way that dilemma is solved the result is unfortunate for a republic. It is unfortunate to have an ineffective legislative body which reaches no conclusions, and it is unfortunate to have a body in which the representatives of the people and of all the people and of every district of the people can not be heard to express the opinions and the wishes and assert the rights of their constituents. But step by step in the history of the House of Representatives, with one exception, we have been proceeding to increase with each decennial period the number of Members of the House until we have already reached a point where efficiency is in irreconcilable conflict with freedom of expression on the part of Representatives.

The course, Mr. President, has been this: Under the Constitution as it was adopted in 1789 the number of Representatives was 65; under the First Census in 1790 it was 105; under the Second Census of 1800 it was 141; under the census of 1810 it was 181; under the census of 1820 it was 213; under the census of 1830 it was 240. Under the census of 1840 the Senate stepped in and refused to agree to the bill passed by the House and undertook then to check the growing evil of an increase in number, and brought the number down to 233. Then the increase began again. Under the census of 1850 it was increased to 233; under the census of 1860, 10 more, to 243; under the census of 1870 it was increased 50, to 293; under the census of 1880 it was increased to 325; under the census of 1900 it was increased to 386, and since brought up to 391 by new States coming in.

It is now proposed to make an addition of 42 to this number, and why, Mr. President? For what reason? For none whatever except to subserve the convenience of gentlemen in the House, the convenience of the politicians of the States who do not want to have their congressional districts interfered with, and who hold the question whether their States shall have one more or one less Representative, although their proportional representation is not changed, as more important than the discharge of their duty to so legislate that we shall have the most effective and truly representative House of Representatives to perform the great functions of that House in our Government.

I say, sir, there is no other argument, there is none of any substance in the report of the committee, there has been none of any substance mentioned in the debate in the House. Is it possible, Mr. President, that Senators of the United States are willing to subordinate their honest judgment as to what is the best interest of their country in framing the machinery of this great Government to a consideration of the local political convenience of a few legislative districts, or to the convenience of a few gentlemen who do not want to have the lines of their districts changed, or who do not want to have their States send one less Representative lest they be left out?

Mr. President, the suggestion has been made that this is something in which the Senate should as a matter of courtesy yield to the House of Representatives. Then, sir, why is it here? Why does the Constitution impose upon us the duty of legislating upon the number of Members of the House if we are to yield as a matter of courtesy to the House? What right have we to abdicate our function and refuse to perform our duty under the Constitution as a matter of courtesy to the House, a courtesy which leaves to the House alone the performance of a duty that we have sworn to perform?

Mr. President, I venture to say, upon extended conversations with many Members of the Senate, that four-fifths of the Members of the Senate are satisfied that it will be an injury to the efficiency and the true representative character of the House of Representatives to have their number increased. I undertake to say that four-fifths of the Members of the Senate believe, and do not hesitate to say in private conversation, that it will be a bad, an injurious, an unwise thing to increase the number of the House of Representatives.

Mr. President, is it possible that they will not vote in accordance with their convictions?

There is one precedent; there are two. I have never known the House of Representatives to refrain from voting upon a proposal to amend the Constitution of the United States in respect of the election of Senators, and we have at this session voted upon a proposal to amend the Constitution regarding our election passed by the House and sent to us. I never heard anybody suggest that there was any lack of courtesy in that, and there was not, because the duty of proposing amendments to the Constitution was imposed by the Constitution as much on the House as on the Senate, and they were performing their duty as we shall be performing our duty if we put into this law what we really believe to be wise.

The other precedent is the action of the Senate in 1842 in acting upon the apportionment bill under the census of 1840. The Senate then refused to accept the number which the House had inserted in the bill for the very same reason that they now propose to increase their number by 42—that is to say, for the reason that it would be convenient for them not to have a redistribution without an increase.

With the permission of the Senate, I will ask that the Secretary read an extract from the Congressional Globe of May 26, 1842, containing a statement of Mr. Calhoun's remarks upon that subject.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Mr. Calhoun said, without discussing the question as to any particular number, the first thing they ought to consider was whether they should have a large or a small number of Representatives. To take the question upon each number proposed would be attended with considerable difficulty. He (Mr. Calhoun) cared nothing about fractions, but a great deal about the ratio. He thought that the expedient of enlarging the House of Representatives, instead of increasing its weight and giving it respectability, would have a contrary tendency. At the time when the House consisted of not more than 140 Members it was as orderly as the Senate is at present in its legislative proceedings; and it was the opinion of the most intelligent men with whom he had conversed upon this subject that every increase of its numbers produced only a deterioration. Many persons, he was aware, entertained a different view of the matter; but it was his opinion that such persons labored under a profound error. By its increase business must be protracted and the sessions drawn out to such an intolerable length as to be a reasonable cause of complaint. He believed the country would be unanimous upon this point, and, being of this opinion, he would be in favor of the larger ratio. He (Mr. Calhoun), as far as his own constituents were concerned, and his own individual preference, would prefer to have a small House sooner than to secure to that State the smallest possible fraction. He knew that many would say that a numerous House of Representatives would be more democratic. He was of a directly opposite opinion. He believed it would have the effect of lessening the weight of that body and bringing it into disrepute. He believed that every true friend of the people ought to watch vigilantly and, if possible, prevent an undue extension of that branch of the Government. Under these impressions he would vote for the highest ratio.

Mr. ROOT. Mr. President, that is a statement of the reasons why the Senate, in 1842, refused to permit an increase in the number of Members of the House. I submit that the reasons then given by that great authority—and there could be none greater upon any question relating to the effective and wise arrangement of our governmental system—should control the action of the Senate now.

It has been suggested, Mr. President, that we should follow the example of foreign countries who have large legislative assemblies. But, sir, there is no similarity between the methods of procedure of those countries and our own. It is said that Great Britain has in her House of Commons 670 members, but go into the House of Commons and how many do you find there? There are not seats in the House of Commons sufficient for two-thirds of that body of 670. They are not expected there. They are sent for when there is an important division to pass between tellers and be counted. That is because the Government of Great Britain is conducted by a responsible ministry which is virtually a committee in the House of Commons. That is true generally of the constitutional governments of the European powers whose names are mentioned in the committee report upon this bill as having large legislative assemblies. The ministry is responsible for the bills that are introduced, for framing them, for settling them, for conducting the proceedings relating to them, and if the ministry can not carry the body the ministry goes out. That is an entirely different method of procedure, and it makes the number of the body comparatively unimportant.

But, Mr. President, we know our own conditions, and there is no reason why we should reverse the course of history, so that instead of the rest of the world taking lessons in representative government from us we should undertake to reverse our methods upon the authority of nations which are in the early stages of their new experiments.

Mr. President, the right of every district in the United States to be heard through its Representative meets here no government with authority to take control of legislation; and it is only by means of such a process of enlargement of the House of Representatives as I am now endeavoring to avert that we are forcing ourselves into a position where there must be a government to take control and exclude the Representatives of all the districts which do not happen to have their men in the little controlling oligarchy from a voice.

The amendment which I have proposed is taken from the very full and fair statement of facts contained in the committee report. That statement of facts gives an apportionment of each number of Representatives between 390 and 440, inclusive, by the method which is called the method of major fractions; that is to say, giving to each State the number of Representatives her population entitles her to when divided by the ratio, and giving any unassigned Representatives to the fractions left over after the division in the order of their size until the whole number is assigned.

The amendment follows the same method as the bill, only, instead of taking the apportionment which is reported for the number 433, it takes the apportionment which is reported by the committee for the number 391, or, including New Mexico and Arizona, 393. That is to say, instead of taking the apportionment reported by the committee on page 30, it takes the apportionment reported by the committee on page 10 of the committee report, leaving no opportunity for question as to the assignment to the different States of the number of 391 Representatives; or, to put it in another form, the amendment gives the apportionment of 391 Representatives, which is reported by the committee as the proper apportionment for that number of Representatives. The only question which there is upon this amendment for the Senate to pass upon is the question whether the Senate will consent to an increase of the House of Representatives from 391 to 433. I sincerely trust the Senate will not consent to that.

Mr. SHIVELY. Mr. President, I want to call the attention of the Senator from New York to his amendment. It is an amendment to the bill as reported by the committee. I invite his attention particularly to what the situation would be if the amendment were adopted and the bill were to go through in that way. What would be the situation in those States in which there is a decrease of the present representation?

Mr. ROOT. The situation, if the amendment were to be adopted, in those States could be provided for exactly as the increase is provided for by the present bill; or, if the Senate chose, it could postpone the taking effect of this provision until the States have had an opportunity to redistrict. There is no trouble about that. The rule has been that these apportionment acts have not taken effect until a considerably later period; the rule has been that they have not been put in operation until the third year after the taking of the census, which in this case would be 1913. Thus the Eleventh Census was not put into effect until 1893, the Tenth Census until 1883, the Ninth Census until 1873, the Eighth Census until 1863, the Seventh Census until 1853, the Sixth Census until 1843, the Fifth Census until 1833, and so on. Following the ordinary rule, this bill would be made to take effect in 1913. Either of those ways would dispose, without embarrassment and without difficulty, of the suggestion which the Senator from Indiana makes.

Mr. SHIVELY. The Senator dismisses the suggestion as if it were of no importance. I still invite his attention to the fact that the situation suggested can not be disposed of in the way he contends and that he is mistaken. The bill, as reported, is drawn on the theory that there is to be no reduction in representation in any of the States. Therefore the bill contains no provision to meet the emergency of a reduction in representation, nor does the amendment submitted by the Senator from New York. In all former acts, where the reapportionment operated to produce a reduction of representation, there have always been provisions to meet that situation. There was no occasion to put such a provision in this bill for the patent reason that the theory of the bill was and is that there is to be no reduction in representation in any State.

Mr. ROOT. Mr. President, I am well aware that the bill does not contain such a provision. It ought to contain such a provision; and if this amendment be adopted, it is my purpose to offer a further amendment containing such a provision, for which there is, as the Senator from Indiana indicates, ample and repeated precedent.

Mr. BURTON. Mr. President, I desire, first to discuss the contention that the Senate has no right to intervene in a bill for the apportionment of Representatives. I shall endeavor to show that this contention is entirely without foundation.

The Constitution specifically defines the distinct or separate functions of the House and of the Senate. For example, it provides that revenue bills must originate in the House and, by reason of the close association between revenue and expenditure, the custom has also become established that appropriation bills must have their origin in that body. The House of Representatives may institute proceedings for impeachment, while the Senate acts as a court to hear evidence and pass judgment. The House of Representatives elects a President in case of the failure of the electoral college to make a choice, while the Senate in the analagous case elects a Vice President. Another power granted exclusively to the Senate is the confirmation of Executive appointments and the ratification of treaties. Each House adopts its own rules to determine the election, returns, and qualifications of its Members. Beyond these specific, well-defined provisions of the Constitution, neither fundamental law nor sound considerations of public policy justify the control of legislation by one body to the exclusion of the other.

Of course there are matters of trivial importance, such as determining the number of employees and their salaries, and the arrangement of the Halls in which sessions are to be held, which naturally are left to each individual body, but even upon questions of this nature the House of Representatives in the

later seventies took the liberty to criticize, and rather severely, the number of employees and officers of the Senate. So much for the general principles relating to the respective spheres of the Senate and the House of Representatives. Our whole system of government rests upon the idea that to enact any legislation, independent action and the concurrence of both Houses is necessary.

There are considerations equally decisive in favor of the right of the Senate to take an equal part with the House in determining the number of Representatives. The aggregate membership of the two Houses determines the number of the electoral college. If a free hand should be given to the other House, or, in fact, to either body, to increase its number, the strength of the States of less population would be minimized in the selection of a President and Vice President. Suppose two or three, or even one, of the States of largest population were reliably of one political complexion, such an increase in the number of Members of the other House could be created as to determine the choice of a President in a close election.

There are further considerations of a more immediate and practical nature. The quality of legislation adopted, the degree of deliberation bestowed, the orderly expression of individual judgment, all require that neither House should be unwieldy in size or subject to the control of ruling cliques.

All legislation is the product of the efforts of the two Houses, and it is for each House to determine, so far as it may, the size and field of the other. All these salutary objects are in a measure defeated by an undue enlargement of the membership of the House. When we examine the debates on this question, it appears that when the subject was most carefully considered in 1843 the right of the Senate to participate in determining the size of the House was asserted and was successfully maintained. The House bill enacted after the census of 1840 provided a membership of 306; the Senate insisted upon 223, a reduction of 83 members, and succeeded in its contention. In the discussion in the Senate on that occasion three distinct views were presented. The first was that of Senator Silas Wright, of New York, to the effect that it was for the House to determine the number of its membership. The second was that of Senator Calhoun, of South Carolina, to the effect that the judgment of the House should have the greatest weight, but that the Senate might review that judgment. In the earlier discussion of the subject he virtually advocated the adoption in our Congress of the relation which existed between the House of Commons and the House of Lords—that is, that one body might pass a bill, and the other after taking it up for consideration might suggest modifications and send it back for further consideration. I will read briefly from the debates on this subject in May, 1842. In the Congressional Globe of that day the substance of what the speakers said is usually reported in the third person.

Mr. Calhoun said it was not the first occasion on which a disagreement had taken place between the two branches of Congress in reference to the subject of apportionment. Under the census of 1810 the House fixed upon a ratio and the Senate altered it. He agreed with the gentleman from New York, that in fixing a ratio of apportionment they ought to have very great respect for the decision of the House, if they were assured that the House had deliberately resolved upon a particular ratio, but he had strong reasons to believe that the number fixed upon by the present bill, as it came from the House, was not satisfactory to all who voted for it, and if any Senator would trace, in his own mind, the progress of taking the vote upon the various numbers proposed—which, according to the parliamentary rule, was by beginning with the highest number—it would be perfectly evident that those who were in favor of the highest numbers, not having succeeded in carrying the particular number they desired, were willing, nevertheless, to take the highest they could get, and so voted for a number which they would still desire to alter, and they would therefore be glad of an opportunity to review their vote. He thought then that he would be acting with a due regard to the wishes of that body by giving them an opportunity to review and reconsider this matter. His own opinion was that the number of Members of that House should be reduced.

Mr. President, I do not believe I am the only one present who has ascertained, as a result of numerous interviews with Members of the other House, that many who voted for a membership of 433 did so expecting the Senate to modify that action. From an inquiry made some months ago, I think it not erroneous to conclude that a sufficient number of the House membership desire a smaller number and would be willing to agree upon a membership of 391.

The third view, taken in this discussion in 1842-43, was that advocated by Mr. Buchanan, afterwards President of the United States. Whatever may be said of James Buchanan, though he was required to solve a most difficult problem, it must be said of him that he possessed the experience and qualifications requisite for the great office of President. Thus, whatever he says is entitled to the very greatest respect.

Mr. Buchanan said he had waited for some other Senator to raise his voice against what he considered to be a new and dangerous doctrine upon this floor.

That is, that it was not the right of the Senate to change the membership as fixed in the House bill.

He very rarely differed in opinion from his friend from New York Mr. Wright, and it was with reluctance he felt himself compelled to do so upon the present occasion; but yet he must protest against any and every attempt to influence the independent judgment of the Senate, by bringing the opinions of the House to bear upon it * * *.

Upon all legislative questions, the Senate ought not only to act independently of the House, but to act without bringing into the debate the opinions of its Members, whether individually or collectively, to bear upon their judgment. The Constitution had made them an independent branch of the National Legislature; and they ought not to be influenced either by what had been done heretofore, or might, in the opinion of its Members, be done hereafter, by the House.

* * * * * * *

The Senate—

Said Mr. Buchanan—

is the body in which the sovereign States of this Union are represented, and the Constitution of the United States has conferred upon us equal legislative powers with the House; and we are equally bound to discharge our duty independently, upon this as upon any other question which may be brought before Congress.

If there should be a difference between the opinions of the two Houses—if the one should adopt a high ratio and the other a low one—both will then be bound to act in that spirit of compromise to which our institutions owe their existence, and, through the agency of a committee of conference, agree upon a middle course.

That which follows is especially pertinent:

Although I freely admit—

He says—

a perfect equality between the two Houses upon this and all other legislative questions, yet if any preference ought to be given to the opinion of the one over that of the other, on account of the peculiarity of the present question, perhaps arguments might be adduced to prove that the judgment of the Senate ought to have an influence superior to that of the House. The Members of the House are all honorable men—men of the highest character; yet it can not be denied that they have been engaged upon a question in which they are directly interested. The Senate can have no other feeling upon the subject but a desire to do what is best for the country, unless, indeed, our personal partiality for our friends in the other House might be supposed to influence our judgment. If our calm, deliberate, and impartial conviction should be favorable to a reduction in the number of the House, I have no doubt this will have its just influence. Whilst, therefore, I would yield to the House a full and perfect equality on this and on all other questions, yet, if there were to be any difference in favor of the Senate under any circumstances, it ought to be on a question so immediately affecting the Members of the House. Even the purest and the wisest of men are not the best judges in their own cause.

Thus, this distinguished leader declared in no uncertain language that if there was any preference given to either House in fixing the number of Members of Congress it should vest in the Senate.

What are the disadvantages of a large membership? Mr. President, if I have any right to speak on this occasion it is because, with but one exception, I served for a longer period in the House of Representatives than any other Member of this Senate. I was a Member of the House when the total number was 325; again when it was 356, subsequently increased by one Member on the admission of another State, and again when the membership was 386, a number which was later increased to 391 by the admission of Oklahoma.

In judging of the efficiency of the House, it is not a question of the mathematical proportion between 325 and 356, or between 325 and 386. The decrease in efficiency can best be compared with what would result if into a room that is already filled when there are 325 present additional persons sought admission. Any considerable increase would render unwieldy and less efficient the membership of the whole body. Three hundred and ninety-one Members of the House, I have no hesitancy in stating, is too large a number, but this proposition is to increase that number by 42 more, making 433, for which there is absolutely no defense.

As stated by the Senator from New York [Mr. ROOT] in his very able address, the one predominant reason which has caused this attempted increase is that no State may lose a Representative. In the bill as it passed the House last winter there was a clause to the effect that hereafter apportionments should be made by the Secretary of Commerce and Labor, and that the number should not be increased. That was certainly a frank confession that it was not desirable to increase the membership of the House.

Where will we eventuate by the adoption of the principle that no State shall lose a Representative? We must all recognize the shifting character of our population, the unequal increase, in different portions of the country, and even the occasional decrease of the population of a State. Under the census of 1900, with a retention of the same number of Representatives as under the census of 1890, namely, 357, three States, as I recall it, would have lost a Representative—the States of Maine, Virginia, and Nebraska.

Under the census of 1910, with the more pronounced changes in centers of population, 12 States would lose a Representative should the present number be retained. We may expect that

this disproportion will be accentuated rather than diminished in the future; so that when the census of 1920 is taken more than 12 States would lose a Representative under an apportionment providing for the same number of Representatives as is proposed in the pending bill, and at that time it will be necessary to still further enlarge the House.

The increase based upon the census of 1900, as compared with the census of 1890, was not so large as that which is here provided under the census of 1910, and we may anticipate that under the census of 1920, the increase will be still greater.

What validity is there in the provision that was inserted in the bill last winter to the effect that there should be no increase under the next census and that the Secretary of Commerce and Labor should hereafter determine the apportionment? It is nothing but a declaratory resolution which will not be binding 10 years hence. It is a virtual admission that a mistake is being made in this bill; but that when the next apportionment is made the bad example now set shall not be followed. I have little regard for such a provision. It is unnatural; it seeks to bind future action, and there is every probability that it will be altogether ineffective.

Mr. President, I maintain that this method of procedure, which allows each State to retain its membership after each census, is altogether erroneous. Legislative bodies do not exist for the sake of preventing the representation of every State from falling below a certain maximum. The guiding principle should be one of efficiency, of quality; and if you adopt the rule exemplified in this bill you violate both those principles. I know there is a certain sentimental objection to seeing the State of Maine or any other State lose its former number of Representatives, but the influence of a Commonwealth in this Congress does not depend upon the number of its Representatives; it depends rather upon the men it sends here. My own State, under the contention which I favor, would lose one Member. Its representation would be reduced from 21 to 20, but I am satisfied that my constituents would be altogether satisfied if not pleased with that change. Twenty men among 391 may wield just as great an influence as 21 among 433; and they may wield that influence under circumstances altogether more favorable to the influence and standing of the individual Member. Whether the number be increased or diminished, the proportion remains the same, and full justice is done to every State.

I began to mention some of the disadvantages that accrue from large numbers. I will not dwell upon the objection of additional expense resulting from the increase of membership. It was estimated in the discussion in the House that the added cost of 42 Members would be about $1,000,000. While this consideration is worthy of the most serious attention, it is not the main argument against enlarging the size of the House.

In the first place, it gives greater opportunity for machine domination. There is no fallacy more apparent than the idea that the people are more perfectly represented in proportion as you increase the size of a representative body. With each increase the personal responsibility and opportunity of each individual Member is diminished.

On this subject I desire to read from the words of James Madison in the Federalist, a quotation not only worthy of attention because of the sound judgment which it displays, but also for the excellent literary style which it manifests. He is speaking of the number of Representatives to be chosen.

> One observation, however, I must be permitted to add on this subject as claiming, in my judgment, a very serious attention. It is that in all legislative assemblies the greater the number composing them may be the fewer will be the men who will in fact direct their proceedings. In the first place, the more numerous an assembly may be, of whatever characters composed, the greater is known to be the ascendancy of passion over reason. In the next place, the larger the number the greater will be the proportion of Members of limited information and of weak capacities. Now, it is precisely on characters of this description that the eloquence and address of the few are known to act with all their force. In the ancient republics, where the whole body of the people assembled in person, a single orator or an artful statesman was generally seen to rule with as complete a sway as if a sceptre had been placed in his single hand. On the same principle, the more multitudinous a representative assembly may be rendered, the more it will partake of the infirmities incident to collective meetings of the people. Ignorance will be the dupe of cunning and passion the slave of sophistry and declamation. The people can never err more than in supposing that by multiplying their representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their representatives. The countenance of the government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.

I trust every Member of the Senate, whether in his political views he agrees with Madison or not, will read and consider carefully this paragraph, for I do not believe there is anywhere a more succinct yet complete statement of the disadvantages which arise from increasing the membership of a legislative body.

In another number of The Federalist, which I think sounds more like Hamilton, though it is sometimes ascribed to Madison, we find another reference to this same subject:

> Nothing can be more fallacious than to found our political calculations on arithmetical principles. Sixty or seventy men may be more properly trusted with a given degree of power than six or seven. But it does not follow that six or seven hundred would be proportionately a better depositary. And if we carry on the supposition to six or seven thousand the whole reasoning ought to be reversed. The truth is that, in all cases, a certain number at least seems to be necessary to secure the benefits of free consultation and discussion and to guard against too easy a combination for improper purposes; as, on the other hand, the number ought at most to be kept within a certain limit in order to avoid the confusion and intemperance of a multitude. In all very numerous assemblies, of whatever character composed, passion never fails to wrest the scepter from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. PAGE in the chair). Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. Yes.

Mr. REED. Not to interrupt the Senator from Ohio, I should like to ask him if he agrees with the statement that if every Athenian citizen had been a Socrates the Athenian assembly would, nevertheless, have been a mob, or if he does not think it is a bit of literary extravagance?

Mr. BURTON. That is probably tinged somewhat by a disposition to use a very rhetorical expression at the close of the paragraph, but oftentimes those expressions state the truth much better than when less picturesquely expressed.

Mr. REED. Does the Senator mean they express the truth better than the fact?

Mr. BURTON. The general truth.

Mr. President, the larger the size of the House of Representatives the greater the disposition to assert local interests and to increase the size of the "pork barrel." If there is one demoralizing tendency in our legislation, it is the pressure which is so often brought to bear upon a Member of the Senate or of the House to respond to the demands of some locality or of some special interest. As you increase the number of Representatives you more closely identify each Member with certain towns and localities. The question of his election or defeat is determined by his ability to obtain appropriations for rivers and harbors or for public buildings. With each increase in the size of the House you necessarily diminish the regard for the general welfare and emphasize the necessity that the Representative should be a mere local agent for his own district.

Again, every increase will augment the present tendency to confusion. With a House of 433 Members, it would be more difficult to conduct legislative business in an orderly manner. The mere question of vocal power would assume importance.

I understand a plan has been agreed upon to remove the desks and remodel the present House Chamber, with a view to making the House a more deliberative body. Mr. President, that was tried once before and abandoned. No appreciable influence upon the general course of procedure will result from such a course. Take out all the desks; take out the pillars, if there are any, and, nevertheless, with 433 Members moving to and fro, there will be disorder and inattention, which will diminish the working capacity of that body.

Again, it will require nearly an hour to merely call the yeas and nays. It will be more difficult to maintain a quorum and easier to conduct a filibuster. The temptation to be absent will be increased, and the attendance of the Members will be less regular than it is now.

Again, it makes the committees more unwieldy. Mr. President, I think our system of legislation has been very justly criticized because too great responsibility is lodged in committees. One reason for this responsibility is incident to the nature of our legislation, the great variety of subjects which are treated, and the number of laws which are proposed.

But there is another objection to this method of preparing legislation, namely, that only a comparatively small share of the Members are disposed to give study and attention to all the varied subjects which arise. The larger you make the committee, the more difficult it becomes to frame measures wisely. The larger the legislative body to which that committee reports, the more difficult it is for the individual Member to understand all pending legislation and bring his influence to bear in framing our laws.

There is one further point, of which I speak with some hesitancy. A substantial objection to increasing the membership of the House is that by adding to the total number you diminish the distinction which belongs to membership. A man who

might stand out prominently in a body of 300 or 350 would be eclipsed in one of 450. The message which his speeches might carry to the country is lost in a great degree if he is but one of an indistinguishable mass of Members and not personally well known to the country at large.

Again, the confusion and the difficulty of obtaining recognition would diminish the ambition of many competent men to be elected.

In the session ending on the 4th of March last it was computed that after you omit the amount of time consumed by points of order, necessary discussions upon procedure, and roll calls, an average of 20 minutes was left to each Member in which to address the House. That does not state the whole case, because chairmen of committees and others who occupy positions of prominence must take much more than their average share. The result is to diminish the opportunity and to almost destroy the influence of the Member unless by some lucky chance he is brought to the front; and if there is any one thing which I believe is taught by experience in a legislative body, it is that brilliant qualities alone do not give a substantial foothold in any body of legislators. He can not rely upon chance. He must rather depend upon hard work, upon his ability to master some great question, and upon the possession of that character which will commend him for honesty of purpose and gain for him the confidence of his associates. The opportunity for distinction or preferment in any of these respects is diminished almost in geometrical ratio as the membership of the House is increased.

I want to read briefly from an article by Mr. Marriott Brosius, who was for years a Member of the House of Representatives. He says:

> Story, in speaking of the constitutional provision limiting the representation to 1 for every 30,000 inhabitants, says in his Commentaries: "The danger was that, from the natural impulses of the popular will and desire of ambitious candidates to attain office, the number would be soon swollen to an unreasonable size, so that it would generate factions, obstruct deliberation, introduce and perpetuate turbulent and rash counsels."

And in continuing after the quotation—and he speaks from the standpoint of a Member—Mr. Brosius says:

> The virtue of the average Member of Congress will be found not quite equal to the task of resisting the solicitations of State pride to maintain the numerical integrity of his delegation. If he is a man of heroic mould and can rise above such considerations, he may still encounter a condition quite too much for him in the fact that his own seat is in peril. Situations which invite such conflicts in the arena of legislation between private interest and public duty ought to be avoided whenever possible. Into such temptations the Constitution ought not to lead us, and from the evil of yielding to them it ought to deliver us.
>
> The objects of the framers of the Constitution in regard to the size of the House are as follows:
>
> 1. A body large enough to be a safe custodian of the interests with which it is charged, and to secure the benefits of free consultation and discussion, as well as immunity from too easy combinations for improper purposes.
>
> 2. A body small enough to avoid the confusion and feebleness resulting from the turbulence of numbers.
>
> 3. Congressional districts as large as is compatible with the Representative's knowledge of the local circumstances of his constituents and his means of keeping up the necessary touch with them in sentiment and sympathy.
>
> The law of "diminishing returns" works as surely in the House as in economics.
>
> The body must be large enough to secure the benefits of consultation as well as immunity from too easy combinations for improper purposes, and no larger. The House has been on certain occasions a "cave of Æolus," with every wind let loose. * * * Any comprehensive survey of the evils of an unduly numerous House must include the obvious source of weakness arising from the diminished responsibility of Members, as well as from the large number of inferior men likely to enter into its composition.
>
> The chaos in the House of Commons was likened by an Englishman to a "cataract in a thunderstorm." Gladstone refused the consideration of an increase in the house, saying that "it is big enough." Surely we do not want to so increase our lower House to such proportions.

It was a favorite expression of Napoleon—and I quote this as illustrating the growing lack of responsibility as a legislative body increases in numbers—that collective crimes are impossible. He referred to the Directory, in which, under the wild impulses of the time, each individual was swept on by passion, and no one of them could be held responsible for the action which was being taken.

In the same connection I have heard disappointed lawyers remark that a jury of 12 men might bring in a verdict lacking in wise conclusions to an extent that would have been impossible had any one of them been acting alone. I do not quote this as in any way indicating a preference for absolute power; but in considering this question we are confronted with the fact that the most common origin of despotism, of the rule of tyrants, has been the inefficiency of the multitude. A powerful reaction occurs after a large body has failed to meet expectations, and the people are apt to turn to one man who is able to assume control.

On this same subject Mr. Buchanan, in the discussion from which I have already quoted, said:

> Whilst I am up I shall make a few observations in reply to other Senators on the question of Executive influence. Is it probable that this would act with greater effect upon a House composed of 200 than upon one of 400 Members? This is the true practical question, because, as to driving the Members from their Hall at the point of the bayonet, after the example of Cromwell and Bonaparte, I suppose no person entertains any serious apprehension on that subject.
>
> Now, what is the most perfect idea—the beau ideal of a system of representation? It is that there shall be as many districts of equal population in the several States as there are Members of the House, and that each of those districts shall elect one Member. Each one of these Representatives ought to speak the sentiments, act upon the opinions, and reflect the wishes of his own particular constituency so far as this may be possible. As the people of the respective congressional districts enjoy equal rights, their Representatives ought to meet and deliberate on terms of perfect equality, and they ought individually to be subjected to an equal responsibility to those by whom they were elected. Any organization of the House of Representatives which would necessarily in practice destroy these principles ought to be most carefully avoided. But would not this be the result, if, as has been admitted by the Senators from Kentucky and Missouri (Messrs. Crittenden and Benton), it would become necessary, in a House of 400 Members to abridge the freedom of debate and put speakers down by all sorts of discordant noises?
>
> This the Senators call the irregular action of the body, which is necessary to the dispatch of the business; and they believe that the House ought to consist of 300 or 400 Members, in order that a sufficient corps of disorderly members may be formed to put down disorder. Such conduct may be tolerated in the House of Commons or the Chamber of Deputies, but it will never be sanctioned by the people of the United States. Their Representatives hold their right to speak the voice of their constituents from the people themselves, and not by the permission of a corps of those "thundering boys" who silence all whom they are unwilling to hear by shouting, by scraping, and by mock applause. When you arrive at this point, where is the influence of the whole body concentrated? Is it not in the hands of those party leaders who are the favorites of the mobocracy among the members? Thus, it is in the House of Commons and in the Chamber of Deputies, and thus it will be in the House of Representatives. The entire control over the business of the House will then devolve upon some 40 or 50 members, and the remainder must become mere counters, ceasing to exercise their own independent judgment or to represent fairly and faithfully their own constituents. Whereas, on the other hand, if you have a legislative body of a reasonable size, each member who so desires can be heard and can exercise his legitimate influence; and in this manner you will best guard against executive and every other improper influence.
>
> The Senators from Kentucky and Missouri [Messrs. Crittenden and Benton] have both urged strongly that a House of 400 Members would be more free from Executive influence than a House of 200, because, say they, it would be more difficult to influence or corrupt a large body than a small one. But if, from the very number of the House, it follows as a necessary consequence that a few prominent Members and party leaders must transact the whole of the important business, then, in order to influence a majority of the House it will only be necessary to influence or corrupt these leaders. Whenever the body shall become so numerous that it will be impossible for all the Members individually to represent their own constituents, then the power of the House will necessarily devolve upon those who conduct the business, and the remainder must become comparatively ciphers. The House will then be governed by an oligarchy, and if the Executive can seduce the leaders upon any great question the rank and file will follow as a matter of habit. Although the House may be numerous, the influence will then be confined to a few Members, and the very number will shield these few from a just responsibility. It is therefore my opinion that a House composed of 200 Members, in which each will feel his individual responsibility and each be able to represent his own constituents independently, without being compelled to follow in the wake of some party leader, will present a more powerful barrier against Executive influence than would be presented by a House of 400 Members.

He then quotes from Mr. Madison the expression on this subject from which I have previously read.

In 1889 the House had become so large that it was possible by dilatory tactics, such as by diminishing the attendance below a quorum, by refusing to answer when the roll was called, by frequent motions to adjourn, and by similar other methods, to defeat the objects for which the House was created. It was even possible to prevent entirely the transaction of business. This was the natural outcome of increasing the membership of that body. These practices became so prevalent that it was necessary to adopt the very drastic Reed rules, as they are called, under which the Speaker could refuse to entertain a dilatory motion. In determining a quorum, he could count a Member as present whether he answered to his name or not, provided he were in the Chamber; and contemporaneously with that the custom, already existing in part, was definitely established of limiting debate by bringing in a rule that a vote should be taken at a fixed time.

I remember very clearly the discussion on the McKinley bill. Many criticized the action of the House of Representatives because it only considered in Committee of the Whole by paragraphs a part of the chemical schedule, which was the first schedule in the bill. But with the great number of Members, the great diversity of their opinions, and their desire to speak upon a multitude of subjects, it became necessary to bring in a rule that all debate should cease at a certain time and then a vote be taken on all amendments and the final passage of the bill.

The old way represents one extreme, in which the membership is so considerable that business could not readily be transacted in an orderly manner. The new régime threatens the

suppression of debate, and as a consequence the restraint upon the individual Member and the adoption of legislation without any general or adequate discussion.

You must adopt one dilemma or the other—either virtually fail to transact any business at all where strenuous and well-organized opposition exists or frame laws and pass measures by means of the partial suppression of debate and, as I have *said, the* restraint of the individual Member. Every increase in membership intensifies this situation and gives greater emphasis to the undesirability of a large legislative body.

Attention has been called to the fact that under the Constitution of the United States the unit for representation was 30,000 inhabitants, and it is said we need not be afraid to have a representative for 211,000, because that number is seven times as great as that originally fixed. But, Mr. President, no one is so careless as to overlook the progress of 122 years. The mail system was hardly originated when the Constitution was framed. During these years it has been extended and enlarged to its present colossal proportions. Then began communication by steamboats and by packet boats on the canals, followed by the railroads; then the telegraph; and finally the telephone, to which must be added perhaps the most powerful factor of all—the newspapers, which give information concerning the events of each day whether transpiring in the Western or in the Eastern Hemisphere. So in this year of 1911 it is much easier to keep in touch with 300,000 people and to judge of their various interests and opinions than it was in 1789 to keep in touch with 30,000.

Attention was called this morning to the size of foreign legislative bodies, and this is used as an argument for increasing the membership of our House. The real ground of distinction between their legislative bodies and ours has been already stated by the Senator from New York [Mr. ROOT], but I wish to add a few considerations to what he has already said. In the House of Commons, with its 670 members, 40 constitute a quorum to transact business—that is, general business. If it be private business, 20 out of the 670 constitute a quorum. Let us for a moment consider what might be the result if for the consideration of private legislation—bills relating to claims and bills not having a distinctively national character—it were possible for the House of Representatives to enact laws with only 20 Members present.

Again, the members of the House of Commons have not received pay. Their object is to finish the business as soon as they can. The members of the chamber of deputies, of the German Reichstag, and others, either receive no pay at all, or, in any event, a much less compensation than that given to the Members of the Senate and House of Representatives.

That does not mean, Mr. President, that the Members of this Congress are favored by the Nation. It has a deeper and more significant meaning, namely, that in this country a greater responsibility is placed upon them. But the one vital difference is that all those countries have either a responsible ministry or an imperial council, and in nearly all cases legislation on all general matters is framed by that ministry and by them presented to the legislative bodies. When an appropriation bill comes into the House of Commons it may be discussed and a motion made to strike out an item, though the rule does not work the other way. No motion to insert an item can be entertained.

Now, let us consider what a difference it would make in the Senate or in the House if our rules of procedure forbade an amendment increasing an appropriation bill. As Mr. Gladstone once remarked, the function of the Commons is not to increase but to diminish public expenditures.

Mr. Bryce, in an address delivered before the New York State Bar Association, declared that if a public building were to be located in the borough or territory represented by a member of the House of Commons he would have had no more to do with it than any other one of the 670 members. So these matters, which impose a responsibility upon us and occupy so much of our time, are not a burden upon members of foreign legislative bodies.

This originated in the day of the boroughs and the growing communities in England, when the membership of the House of Commons was increased so as to keep the Government at Westminster in touch with the whole Kingdom. It was a species of assemblage not altogether legislative in its earlier days, though it had legislative power.

I might refer to instances of extreme disorder in some of the legislative bodies in Europe, but I believe that is not desirable. That disorder has been so pronounced that it has occasionally been necessary to end the session. So the argument that we need not fear the development of disorderly proceedings because none exist abroad is altogether without foundation. They do occasionally have turbulence of a most serious nature.

There is another point which distinguishes the foreign legislative assembly from ours. It is true that our Congress has authority over a great variety of subjects pertaining to communities, but many laws passed by their legislative bodies refer to particular localities in much the same way as does the legislation in our States. But while the individual Member may have his duty to perform to his locality in framing that legislation, in such countries as Austria and Hungary there is such a variety of race and language in their separate legislative bodies that it is very desirable and, in fact, it is necessary to have a large representation. But nevertheless the main duty of the individual member is to approve or disapprove the action of the ministry.

In the House of Commons, for example, an individual member does not bring in an appropriation bill. Neither does he bring in a bill to revise the tariff.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him for a moment?

Mr. BURTON. Certainly.

Mr. NELSON. In connection with what was said by the Senator about the British Parliament, I suggest to him the further fact—and the statements the Senator has made are very instructive—that the members of the English House of Commons need not be residents of the districts they represent.

Mr. BURTON. That is another point.

Mr. NELSON. They may be elected from any locality in England. An Englishman can stand for a borough or district in Scotland or a district in Ireland, and a great majority of the members never reside in the districts they represent.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Ohio yield to the Senator from Indiana?

Mr. BURTON. Certainly.

Mr. SHIVELY. The same thing is true in some of our States.

Mr. BURTON. They must reside in the State.

Mr. SHIVELY. In the State of New York they are not required to be residents of the district in which they are elected.

Mr. BURTON. I will say, in answer to that suggestion——

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Minnesota?

Mr. BURTON. Certainly.

Mr. NELSON. They must be residents of the State they represent, however.

Mr. BACON. One of our States is as big as the whole of England.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BACON. I beg the Senator's pardon; I simply added that one of our States is as big as the territory of England.

Mr. BURTON. No one State has as many inhabitants though, and no such contrariety of interests.

Mr. BACON. That is true; but the Senator was speaking of the diversity of territory from which one could be elected. It so happens that the square mileage of England is about exactly the same as the square mileage of my own State.

Mr. BURTON. The statement of the Senator from Minnesota shows that there is a lack of the distinctive local responsibility which belongs to our system. I will say in answer to the suggestion of the Senator from Indiana [Mr. SHIVELY] that while in communities like the city of New York a man may live out in the suburbs or elsewhere and yet be elected from what is called a downtown district, instances even of that nature are not frequent. Such is the demand of the constituency in a district that the Member be one of them and move around among them, that if a person were nominated from an outside locality it would be a safe gamble that the argument of nonresidence would be raised against him and he would be defeated.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. BURTON. Certainly.

Mr. SHIVELY. I was not suggesting anything bearing on the wisdom of the practice. I say that simply as a matter of law a man can be elected from any district in New York if the people are willing to elect him. There is nothing in the law to prevent it; the law authorizes it.

Mr. BURTON. The instances, however, are very rare.

Mr. SHIVELY. The instances where men outside the districts are elected are rare, as they naturally would be. But

the right to so elect exists in nearly all the States of the Union.

Mr. BURTON. I understand it is the general rule.

The difference between the member of a foreign legislative body and our Congressman, as I have already stated, is that the former is but one unit to oppose or favor the ministry, while our Members of the House of Representatives occupy an entirely different position. You may say of each that he is like a prince in his independence and responsibility. He not merely represents a constituency. He is entitled to as much right in debate and to as many privileges in initiating legislation as any other Member on the floor of the House of Representatives. There is absolute equality. The laws of the body to which he belongs are not framed by a ministry that is half executive and half legislative. Any Member of the House of Representatives may introduce a bill on any subject. He or any other Member has unlimited right to oppose, to favor, or move to amend. That gives an entirely different position to our Representatives from that occupied by members of foreign legislatures.

Mr. President, I can not too strongly express my opposition to this increase of membership. There are other important considerations, such as the possibility of gerrymanders. I should like very much to see my own State of Ohio have its 21 Members, but I am willing to see the bill go through, even with some objectionable features engrafted upon it, if the Senate and the House of Representatives will restrict the number to 391.

I have been long associated with the Members of the House of Representatives, as well as of the Senate, and in each body and to the very latest day I can vouch for their patriotism, for their honesty, for their eagerness to serve our country. But there are existing circumstances which diminish their efficiency, destroy independence, and render a congressional career unsatisfactory.

Nothing threatens the body at the other end of the Capitol so seriously as the increase in numbers which many are now advocating. It is idle to say that 10 years hence the number will be restricted to 433 and that here we will reach the maximum. That is not the general course of legislation. If you now recognize and establish the rule that no State shall lose a Representative, that same rule will be adopted 10 years hence, and in a little time the House will be expanded to such a size as to endanger its usefulness and, I might almost say, destroy its working capacity.

The tendency, which Mr. Madison pointed out, would be to cause their deliberations and the results of all their action to come more and more under the domination of a few. The boss does not exist among a hundred so successfully as among a thousand, nor yet among a thousand so well as among 5,000, where more and more the independent action of each individual is destroyed and the necessity is recognized for some leader to represent them all.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. Certainly.

Mr. BACON. I wanted to make one suggestion, and since I addressed the Chair something which has fallen from the lips of the learned Senator is directly upon the line of it. The functions of the Federal Government have been very greatly enlarged within the past few decades. During the time when the discussions were had in which the utterances were made by the fathers, Mr. Madison and others who have been quoted here, and some of a later date, Mr. Calhoun, whom the Senator from New York quoted, the functions of the Federal Government were extremely limited. They have been expanded almost beyond realization to those of us upon whom it has grown gradually. Since the Senator himself has been in Congress, since he entered the other House and since I have entered this body, I think it may be safely said that the functions of the Federal Government, so far as they devolve duties upon Representatives and Senators, have more than doubled.

The fact is not, as I suggested, so very strongly appreciated by those of us upon whom this development has grown gradually, but Senators who have gone out since I have been here and who have come back into the Senate have expressed surprise at the very great increase of duties which now devolves upon Senators and Representatives over and above what devolved upon them during their former service. In what was quoted from these learned fathers in the construction of their utterances and their application to the present conditions, there is to be taken a realization of that fact.

I think, Mr. President, if I am not intruding upon the Senator unduly——

Mr. BURTON. Certainly not.

Mr. BACON. I will not discuss it at large. I merely want to suggest the point that it is important in view of the very greatly enlarged functions of the Federal Government, in which the citizen is brought very much nearer to the direct operations of the Government than he formerly was, that the number of those who shall be dependent upon one Representative shall not be unduly increased. Judging by the amount of work which is to be done the Representatives have now, under the present representation, just as much as any one man can properly perform. I judge by the amount of assistance that the Members of this body have to render to the Representatives in the other body in the carrying on of their detail work that it is very large. If it were restricted, as suggested by Mr. Madison and Mr. Calhoun, so that the number of Representatives should be limited in any degree, the number of the constituency represented by each Representative would make it impossible for him properly to discharge his duties as a Representative regarding the various things which devolve upon him to look after.

Mr. BURTON. I accept the generalization of the Senator from Georgia, and I really thank him for bringing attention to that fact, namely, that the scope of operations of the Federal Government has very greatly increased. But I reach a conclusion diametrically opposite to that which he reaches. It is true the Federal Government does a great many things which it did not formerly do. It improves harbors more fully, builds more buildings, establishes rural free-delivery routes, exercises a degree of supervision over corporations engaged in interstate commerce, at any rate over interstate railroads, and looks after the purity of food; but that very fact makes it supremely important that the Representative here should represent the whole country and not a limited part of it; that he should stand for the whole United States and the welfare of the whole people, and not for the third or fourth district of some State, because the more you increase numbers the more you increase the temptation for each Member to merely look after matters of local concern and turn his back upon things which belong to the Nation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. Most assuredly.

Mr. BORAH. The remark of the Senator suggests to me the proposition that if the Federal Government would confine its operation to things which are general and which are national the rule of the Senator from Ohio would be a perfect rule and one which we should observe; but the National Government is continually proposing to deal with those things which are purely local in their nature and of local concern, and about which Senators and Congressmen from other parts of the country can know nothing. If the Senator is going to adopt his rule, which I think is the proper one, we ought to confine the National Government to operations concerning which the National Government as a whole is interested, and not the running of business of local concern.

Mr. BURTON. I find I am between two opposing ideas. The Senator from Georgia [Mr. BACON] commends apparently, at any rate he lays emphasis upon, the enlargement of the scope of the Federal Government, and the Senator from Idaho [Mr. BORAH] deplores it. One says that it requires the accession of a larger number of Members, in order to keep up with the widening jurisdiction of the Federal Government, and the other says that it requires more Members to keep the Government within the bounds where it belongs.

Mr. BORAH. No.

Mr. BURTON. I do not really think those two ideas interfere at all with the view I have undertaken to state.

Mr. BORAH. I do not know that they do. I stated that I was inclined to agree with the general proposition. But, Mr. President, when we invoke the rule here, as we constantly do, when it does not apply to a Member who is invoking it, that we should legislate on broad national grounds and not be controlled by local affairs, we ought to be willing to accept the proposition by confining the National Government to those things which are national.

Mr. BURTON. If I may ask the Senator from Idaho a question: Does he not think that as you increase the number of Members you increase the demand for new forms of Federal interposition or the demand for the greater exercise of existing activities of the Government, and would not the tendency be to increase both to an undue extent?

Mr. BORAH. That may be true, but I am satisfied that if we continue to extend the power of the Federal Government to matters which are purely of local concern we are not going to succeed in applying on this floor or in the other body the rule

which the Senator has invoked, that we should legislate for the whole country instead of looking after matters of local concern.

We impose upon Senators and impose upon Congressmen the duty of looking after local concerns and local matters when the Government takes up those matters, because the other Senators and the other Congressmen can not know concerning those matters which are purely local. For that reason we ought to go back to the old rule which the fathers supposed sufficient and placed in the Constitution, and that is that the States shall attend to local affairs and the National Government to national affairs. We have wandered far from that proposition.

Mr. BURTON. I do not know, Mr. President, just where the Senator from Idaho will draw the line between the different jurisdictions, but I should be very glad to coincide with him in his general view. I did oppose here a measure providing for the establishment by the Federal Government of forest reserves in several States. I regret to state that I was unsuccessful in that effort.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. In just a moment. I notice that propositions are pending here for the Federal Government to build ordinary highways in different States. At some time I may speak against that proposition, for it seems to me if the Federal Government should ever undertake the building of an ordinary highway from a county seat to a leading town in the county we might as well admit that State lines are mere vanishing traces on the map, and that all the activities of our people are being concentrated in one colossal bureaucracy here in Washington.

Again, we would be saying to communities, "You need take no responsibility; we will act for those who neglect their own affairs; we will give no reward to those who show independence and a disposition to do the things which they ought to do, but our fostering care will be extended to those who do nothing for themselves."

This is a digression, Mr. President, but I am not certain but that it comes in here appropriately. It is at least in response to questions which have been asked.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. I shall be glad to yield to the Senator from Georgia in a moment. One other point I want to make in regard to the increase in the scope of Federal activities.

Mr. BACON. Shall I proceed now, Mr. President?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. Certainly.

Mr. BACON. Mr. President, I want to correct the statement made by the Senator from Ohio, in which he stated that I had said anything which approved of these enlarged activities of the Federal Government.

Mr. BURTON. I will say to the Senator that I limited my statement in that regard.

Mr. BACON. I certainly said nothing of the kind, and I wish to say that, on the contrary, I not only do not approve of them, but I very seriously deprecate them. But, Mr. President, we are dealing not with what we might like to be, but we are dealing with an existing condition. The fact is that there has been this enlargement and there has been this tremendous increase of direct duties devolving upon Senators and Representatives by reason of this enlargement. However fully we may agree with the Senator from Ohio in his recent admirable utterance upon what should be the functions of the Federal Government and the separate functions of the States, the fact is that those views are not regarded and that this Congress and every other Congress is loaded down with propositions which enlarge the functions of the General Government. Even if we stood for the future upon the line indicated by the Senator from Idaho and the Senator from Ohio, that would not change the fact that the development has already been had, and no man can hope that any back track will be taken; that any functions which have already been devolved upon the Federal Government are going to be withdrawn.

They are certainly going to be continued to their present full extent, and there is every probability, and almost a certainty, that they will be still more largely increased. Taking it at its present development, I again suggest the fact that the utterances of a former day as to what would be a sufficient representation could not be applied with any degree of satisfaction or accuracy to present conditions.

This is a representative Government, and there ought to be such a representation for a given number of people as will enable that given number of people to be efficiently served. As to the suggestion of the Senator that the enlargement of the representation makes one of those Representatives less likely to take a broad view of the condition of the general welfare, and make him more likely to limit himself to a contracted view of his own locality, I do not think it would have that effect in any manner whatsoever. My experience is that the larger the body the more apt it is to be a body which will be responsive to the general view of the public.

Mr. BURTON. Mr. President, I am glad to understand the Senator from Georgia more perfectly. I know that he does not favor the increased scope of Federal operations, but it seems to me his conclusion is a singular one. He states that while this is a dangerous and injurious tendency, he would nevertheless recognize that tendency, admit it is here, and by voting to increase the membership of the House of Representatives inevitably foster and aid its development. Are we to frame a law fixing the membership of the House of Representatives under the influences of developments which, it is admitted, point in the wrong direction? Ought we not rather to say that if this is all contrary to the general spirit of our institutions and the welfare of the people, we will take every step within our power to stay its course? I can not agree for a moment with the Senator from Georgia in his view that the larger membership will be just as efficient and as thoroughly representative of the people.

Mr. President, if there has been any one line of political activity in our country which has been marked by disastrous failures it is our municipal governments. What has been the tendency wherever intelligent consideration has been given to the subject? It has been to cut down the number of representatives. In a city not 500 miles from here they multiplied their legislative body as the result of annexation or the creation of additional wards, so that I believe there were, in all, 139 members. One morning the people of the city woke up to the fact that their councilmanic representatives had been receiving bribes. You could not place the responsibility for legislation among those 139. Corruption was rife, but you could not put your finger on the man who started it—there were too many of them—until suddenly there was an upheaval and a general disposition to confess. That cumbrous body was dissolved, and in its place was substituted, I believe, seven, or, at least, not more than nine, members.

The Senator from Iowa [Mr. CUMMINS] has, as I understand, drawn one of the most progressive charters in the country for his own city, restricting the number who control the city government not to 50, not even to 25, but to 5, these 5 having all legislative and executive authority.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. CUMMINS. The Senator from Ohio does me altogether too much credit. I bore a very humble part in what I regard as a great reform in municipal administration, but I do not want to assume the credit of having done that very wise thing alone.

Mr. BURTON. The Senator certainly had something to do with drawing the charter.

Mr. CUMMINS. I had something to do with it; yes.

Mr. BURTON. Certainly; the directing part, as I understood; and no doubt whatever was done was done very thoroughly and very well.

The tendency is apparent in municipal governments all over the country to diminish the size of legislative bodies, thereby affording greater efficiency and greater responsibility; and the universal conclusion has been that these lesser numbers respond more readily to the wishes of the people.

I recall that Grover Cleveland, in some lectures which he wrote, stated that the President of the United States was the one man upon whom all the people of the country felt they might rely, recognizing that he was responsible to them and that he could act in their interest. So it is not by a multitude that you give responsiveness to public opinion or to the wishes of the people; it is not by large numbers that you can create responsibility, but it is by such a number as will make an orderly body and one that can work with efficiency and readiness.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. CUMMINS. Mr. President, upon a moment's reflection, it seems to me that I ought to say one word more. The plan of municipal government to which the Senator from Ohio refers had its origin in Texas and is largely patterned after the plan that was devised for the government of Galveston after its dis-

aster a few years ago. I think the history of the working of that plan in Galveston is what gave the reform its start. The Senator from Ohio, however, ought to remember—and I say this because I do not expect to vote for a diminution of the membership of the House of Representatives—that the purpose of the change in the method of municipal administration was not so much to reduce the number of those intrusted with power as it was to concentrate in the same men legislative and administrative powers.

Mr. BURTON. Was there not another point equally sought—to concentrate responsibility?

Mr. CUMMINS. Precisely; because in municipal affairs it is necessary, in order to fasten responsibility upon the right person, that whatever legislative power the city may have and the executive power shall be found in the same person or in the same persons. I mention this, because I think it is due to Texas that it shall have the credit for the origination of this plan, and that it is also due to myself, because I would not want to have it thought that there was any inconsistency between a vote for a membership of the House of Representatives of 433 and an entire belief in the wisdom of the change in municipal affairs.

Mr. BURTON. Nevertheless, Mr. President, the object—and there is a widespread movement for this reform—is to diminish the number of a legislative or a legislative and executive body and to impose a larger degree of responsibility, to increase the efficiency of the service; and that purpose is defeated by increasing the number.

Now, again, in regard to the tendencies mentioned by the Senator from Georgia [Mr. BACON], what is the effect of this multiplication of functions? Do the respective Members, when you increase their numbers, perform any larger duties than they did before? No, Mr. President; not unless it is as advocates of the interests of some special locality, the very thing which they should not be. The upshot of all this is to place greater reliance upon the executive officers of the Government. This increase in the scope of Federal operations has shown its effects in no way more decidedly than in the lesser degree in which the legislators solve these problems and the greater degree in which they are attended to by the executive department.

We constantly refer many bills to the War Department or to the Navy Department or to the Interior Department, and, with an occasional exception, in case such a bill comes back with a recommendation for or against it, that determines whether it shall pass or be rejected. So, the increase in the enterprises, if you may call them such, undertaken by the Federal Government creates no call for an increase in the number of Representatives. Instead of that, it is an argument against such an increase.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. Certainly.

Mr. HEYBURN. I should like to inquire of the Senator whether it would not be a much better system to call the officers of the executive departments before the committees, rather than to submit matters to them for an ex parte opinion?

Mr. BURTON. I think it would in some cases. These are, of course, largely matters of detail, such as the building of a bridge over a river or the question as to whether a certain quarter section of land can be sold without prejudice to the interests of the Government.

Mr. HEYBURN. I do not refer to those minor matters so much as to those which involve a change in the system of government.

Mr. BURTON. Without any disparagement to either, I think there should be the fullest communication between the executive and the legislative departments.

Mr. President, I do not wish to occupy much more time, as possibly others may wish to speak, but I do desire to say a few words in support of the argument presented by the Senator from New York [Mr. ROOT]. The question was very aptly raised by the Senator from Indiana [Mr. SHIVELY], How are you going to provide for the representation of States where the number of Representatives is diminished? In the first place, in a matter of such vital importance it seems to me that the question of method and of the time of making the change is of minor importance. I wish, however, to suggest several methods. The first would be to provide that this act shall not go into effect until the election of 1914, and that for the election of 1912 each State of the Union shall have the same representation as now. That method, as I understand, is not without precedent.

The suggestion has been made that you might assign to the States gaining increased representation under the new apportionment the added number which they would have under its adopted ratio and retain until the election of 1914 for States losing Members the number to which they would be entitled under the old or former apportionment. I question very much the validity of such a provision, because it would be giving to some States a representation beyond that to which their population entitled them, and if you could do that for one Congress—that is, give them an unequal representation—you could do it for five Congresses, or until the end of the decade.

Another method suggested for those States whose legislatures do not meet again before the next election is to authorize the governor or some executive board to redistrict the State for the one election prior to the final division of the State into districts.

A little more than 20 years ago I introduced a bill, which perhaps has become only of academic interest now, prescribing an entirely new plan for dividing States into districts. That plan provided that the governor of each State should appoint a nonpartisan board of four, two members from each party, which should proceed to divide the State into districts according to certain well-defined rules, which were set forth. If that board could not agree, or if there should be a failure to appoint such a board in any State, a national board was to be created, consisting of five members. The fifth member should be a judge of the Supreme Court or of some other court. I believe now in some such method as this for dividing the States into districts in order to avoid the scandal and the injustice which have so frequently attended gerrymanders.

As I said yesterday, there is nothing that strikes so nearly to the root of the whole system of popular government as a gerrymander. It overturns the great principle that the majority may rule, and substitutes the rule of the minority. The gerrymander gives sanction to trickery, to fraud, and to dishonesty. It gives a reward to the unscrupulous, and power to those who gain it by robbery, so that you can say of the party or the individual who accomplishes a gerrymander what Hamlet said of his uncle:

> A cutpurse of the empire and the rule,
> That from a shelf the precious diadem stole,
> And put it in his pocket!

The gerrymander deprives the people of their rights, and I am ready to stand here for any regulation which prevents its continuance.

I also desire to repeat briefly the arguments for the first amendment that I proposed yesterday, namely, to strike out the words "by the legislature thereof in the manner herein prescribed," as a method for districting States, and to insert in lieu thereof the words:

> In the manner provided by the laws thereof and in accordance with the rules enumerated in section 3 of this act.

What right have we, Mr. President, in the face of different methods and laws pertaining to the enactment of legislation—some States acting by the legislature, others acting by the legislature but subject to a referendum—to fix one inflexible way and require that every State shall be divided into congressional districts in that manner?

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. BURTON. Certainly.

Mr. SHIVELY. In that respect is it not a fact that this bill repeats substantially the language that has been employed in all reapportionment acts in all these years? And if the Senator will permit me further, is not the language sufficient to allow, whatever the law of the State may be, the people of that State to control the matter? If they have arranged that legislative action shall be submitted to a referendum, the phraseology of the pending bill does not interfere with that procedure.

Mr. BURTON. Answering the last suggestion first, that if a State sanctions the use of the referendum this provision has no effect, I will ask why leave it in, then? I think it does have effect. Congress may determine the time, place, and manner of electing Members of the House of Representatives.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Indiana?

Mr. BURTON. Certainly.

Mr. SHIVELY. The Senator asks why leave it in. It is just the kind of a provision that has been placed in every apportionment act, at least since 1850. I have examined the record in that respect, and there is nothing unusual about the provision.

Mr. BURTON. Mr. President, it would seem that the Senator from Indiana has failed to keep in touch with the times. It was a very natural provision in 1840, because then the referendum had never been heard of in the United States. It was

also natural until 40 or 50 years after that; but, whether we favor the referendum and initiative or not, we can not close our eyes to the fact that there has been a widespread agitation for their adoption, and, further, that that agitation has not stopped with mere advocacy. In several States—I was about to say in numerous States—the referendum has been adopted. It was very natural in 1890, and even in 1900, that a provision should be incorporated that the State should be redistricted "by the legislature thereof," because that was the only law-making power; but since then a new method of making laws has been devised, and we can not afford to cling either to obsolete phraseology or, in our dealing with the States, to adhere to obsolete methods—that is, to ignore their methods of enacting laws.

Mr. SHIVELY. Mr. President, it is not a matter of adhering to obsolete methods or dealing with obsolete phraseology. I am entirely willing that a State shall determine what shall be the rule of apportionment within that State, but I still insist that the language of this bill does not prohibit the legislature from arranging the districts by referendum of the act to the people.

Mr. BURTON. That is, the legislature might assemble and say, under the provision now in the bill, "We leave this to a referendum"; but suppose the law in that State already provides for a referendum as well as for an act of the legislature?

Mr. SHIVELY. In which event it would be mandatory on that legislature to submit the act to a referendum.

Mr. BURTON. I can not agree with the Senator from Indiana in regard to that.

Mr. SHIVELY. Of course, a court might not mandamus it to do so, but certainly public duty would require it to be done.

Mr. BURTON. In view of the very serious evils arising from gerrymanders, it behooves us not to take any chances in a matter of this kind and not to leave any question to the uncertainties of phraseology. I will say to the Senator from Indiana—and it is a point of some importance in this connection—that the bill which passed the House of Representatives last winter and came over to the Senate did not contain the phraseology "by the legislature thereof." Those words have been inserted since. It was determined last winter that the question should be left open to the laws and regulations of the respective States. Why, after it had been once passed by the House, was it thought best to put in this phraseologly "by the legislature thereof"?

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Indiana?

Mr. BURTON. Certainly.

Mr. SHIVELY. If the Senator will observe the apportionment acts which have been passed following the decennial censuses of 1880, 1890, and 1900, he will find that substantially the same language was employed.

Mr. BURTON. I concede that.

Mr. SHIVELY. And there is no reason why, in the enactment of this legislation, different language should be used.

The Senator seems to insinuate—I will not say that—but he seems to indicate that there was some motive in changing this language. I can not see that.

Mr. BURTON. Whenever a change is deliberately made in phraseology it is usually made with an object, and I do not understand that the words "by the legislature thereof" were employed, although considered, in connection with the previous bill.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further?

Mr. BURTON. Certainly.

Mr. SHIVELY. If the Senator will examine the series of apportionment acts I think he will find that in this bill precisely the same end is sought, and probably with the use of four or five lines less of language. The sense is compressed into fewer words. There is no motive or intention whatever to change the general purpose from that of former acts providing for an apportionment of representation in the House. Fewer words have been used, but the idea to be expressed and to be enacted into legislation is the same in all cases.

Mr. BURTON. I really can not agree at all with my friend the Senator from Indiana in that regard. It is not always best to use fewer words. While unnecessary verbiage should be avoided, you need to use just enough to express what you mean.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I am glad to yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, I want to suggest to the Senator from Ohio, in response to the suggestion of the Senator from Indiana, that a legislature in a State where the initiative and referendum is in vogue would be derelict if it did not submit a matter to the referendum that, so far as my knowledge of the law relating to the initiative and referendum is concerned, the legislature absolutely has nothing to do with.

Mr. BURTON. I am inclined to think that is the case in several States.

Mr. CLAPP. I know that is the case in some States. There is no question about that.

Mr. SHIVELY. In which event it could have nothing to do with this.

Mr. CLAPP. That is just the object of the amendment of the Senator from Ohio.

Mr. SHIVELY. No.

Mr. CLAPP. To put it wherever it would be under the law of that State.

Mr. SHIVELY. If you have a referendum in the State that applies to general legislation adopted by the legislature of that State, and the law of that State requires that such legislation shall be submitted to a referendum, of course it applies here.

Mr. BURTON. No.

Mr. CLAPP. The law of the State——

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. BURTON. I will be glad to yield to either Senator.

Mr. CLAPP. The law of the State in that case does not require the legislature to submit anything to the people. The right of the people under the initiative and referendum—at least, I know this to be the case in some States—is absolutely independent of the legislature.

Now, if it was something which the law of the State required the legislature upon certain action to submit, then the position of the Senator from Indiana would perhaps be correct—that Congress authorizing the legislature, the legislature would be morally, if not legally, bound to act under the law of that State. But there is no relation between the two, so far as the initiative and referendum depending upon the action of the legislature, except that the people could not exercise the referendum except where there had been some legislation which they might affirm or veto by the referendum.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. BURTON. I am glad to yield.

Mr. SHIVELY. Of course, I understand that there is no occasion to discuss the initiative. I do not suppose any Senator contends that the initiative is involved in this legislation, either on the amendment or the bill as reported by the committee.

Mr. CLAPP. I can readily understand how it might be involved. In a State that had the initiative and referendum, unless it excepted this, and I do not think they do, all subjects of legislation would be in the hands of the people under the initiative. That is my understanding.

Mr. BURTON. It simply leaves the question to the laws and methods of the States. If they include initiative, it is included.

Mr. SHIVELY. That is all on the theory——

The PRESIDING OFFICER. The Senator from Ohio has the floor. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. BURTON. I should be glad to yield further to the Senator from Indiana and perhaps——

Mr. SHIVELY. That is all on the theory that all legislation in the States is absolutely and unqualifiedly subject to the initiative.

Mr. BURTON. Oh, no; not necessarily. It depends on whether the laws of the States provide for the passing of laws by the initiative.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. I shall be glad to yield.

Mr. WORKS. The right of referendum in the people does not come from the legislature at all. The legislature has no power over it. They can not delegate it to the people. It must come from a constitutional provision; and the same is true with respect to the initiative. Legislative power in the hands of the people could only be given by a constitutional provision. Therefore, so far as the referendum is concerned, it is entirely independent of any action by the legislature, and if this provision is made in the way it appears in the bill at the present time, then as a matter of course the power would be given directly to the legislature.

Mr. BURTON. And no other regulation or law could be utilized.

Mr. WORKS. I will say to the Senator from Indiana that if he really desires that this right shall be given to the people, by way of referendum, he is taking some chances in allowing the bill to be passed in its present form.

Mr. BURTON. The Senator from California has clearly stated the case as I understand it. Of course there are cases where the legislature has the option of leaving the question to the people to be voted upon by a quasi referendum, but that is not the usual method.

Now, I again call attention to the impression which would be conveyed if we were to retain these words "by the legislature thereof." The bill as it passed the House last winter omitted them. The bill as it passed the House at this session included them. That is not without meaning. And under the power which Congress has to determine the time, place, and manner of holding congressional elections, I understand it could divide a State into districts. It could deputize that right, perhaps, to the governor or to an executive board, and it could give over that right to the legislature. So I regard this provision as an infringement on the rights of the States, and one which we should strike out, leaving them to their own methods and laws.

In conclusion I appeal to the Members of the Senate. I am satisfied that if the individual Members of this body vote in accordance with their own independent judgment there will be a large majority against increasing the size of the House of Representatives; and I especially appeal to those Senators whose States will lose one or more Members not, on that account, to stand out in favor of increasing the membership. Not only in the long run, but also in the very next House to be selected, they can not be the gainers, because emphasis will always be placed upon quality rather than numbers, and in any event their States will have their proportionate share.

I also ask that Members vote against the bill if this amendment can not be adopted. I do not believe any serious injury would be done if it was allowed to go over until next winter, when it can be taken up in a regular session.

Mr. SHIVELY. Mr. President, the last observation submitted by the senior Senator from Ohio [Mr. BURTON] is very suggestive. I regret if it indicates a purpose behind the various amendments offered to this bill to delay its final passage and postpone apportionment legislation to the next session of Congress.

What is the history of the proposed legislation? A bill was reported by the Committee on the Census of the last House of Representatives fixing the membership of the House on the Thirteenth Decennial Census at 391. That bill was made the subject of consideration by a caucus of the Republican Members of the House. I speak of this in no partisan sense, nor for a partisan purpose. What was then done is last winter's snow, but it shows very distinctly the real attitude of the House on the question of the number of its own membership. Notwithstanding that determination by a Republican caucus, when the bill came before the House the number 391 was set aside by a Republican House and the number 433 was substituted instead. In that form and with that number the bill was passed by the House and came to the Senate. The Senate Committee on the Census of that Congress, Republican in both branches, reported that bill at 433. In the hurry and confusion of legislation at the close of the last Congress that bill died on the Senate calendar.

At the meeting of the new Congress in the present extraordinary session several bills were introduced in the House providing for apportionment of Representatives among the several States. Again the issue between 433 and the smaller number was made. The House committee reported favorably the bill providing for a membership of 433. The House passed that bill. It came to the Senate and was referred to the Committee on the Census. At the first meeting of that committee the bill as passed by the House was favorably reported to the Senate and is now the unfinished business before the Senate.

So the issue between 391 and 433 is not a new one. It was thoroughly threshed out in both a Republican House and a Democratic House. This fixes the attitude of the House. Privately expressed opinions, coming from individual Members of the House, are not to be given undue weight. Mental reservations are not to count heavily against the record deliberately and repeatedly made.

I do not propose to enter on a philosophic discussion of the relative advantages and efficiency of a larger and smaller representation in the other branch of Congress. In this field there is vast latitude for honest differences of opinion. The smaller body may be more susceptible to the pressure of powerful interests. The larger body may be more responsive to the energy of first principles. There evidently is a golden mean. I am unwilling to contend that no case could arise wherein it would not be the duty of the Senate to challenge the figure fixed by the House. I do say that while we have the undoubted constitutional right to raise the question and make the issue, there is no subject within the authority of the Senate on which we should proceed with more caution and less presumption.

The one lone precedent has been invoked this afternoon by the Senator from Ohio [Mr. BURTON] and the Senator from New York [Mr. ROOT]. That precedent was made some 60 or 70 years ago. In that case not only was the number fixed in the bill as it came from the House reduced by the Senate, but the then representation of the House was reduced. I understood the Senator from New York [Mr. ROOT] to fix the date of that action by the Senate in 1843. Was it not in 1842?

Mr. ROOT. The discussion was in 1842.

Mr. SHIVELY. The date is consequential only as it connects us with certain contemporary influences then at work in American politics that should not be overlooked in appraising the value of the precedent. The Senator quotes from John C. Calhoun in support of this precedent. Calhoun had rare equipment for an expression of opinion on any question of statesmanship or political philosophy. But it should not be forgotten that probably the bitterest passage in Calhoun's political life was when, by reason of his quarrel with President Jackson, he was thrown out of line for the Presidency and Martin Van Buren came into line as successor to Jackson. From that time Calhoun politics was anti-Van Buren politics. If, without recent review of the subject, I interpret history aright, the same politics that underlay the insurrection in the Senate against the apportionment bill of the House in 1842 worked the two-thirds rule on the Democratic national convention in 1844. It is well known that then, for the first time, the two-thirds rule was adopted, and that it was adopted for the purpose of defeating Van Buren, who had, or was certain of having, a majority in the convention. Representation in the Senate as reflected in national political conventions is a fixed quantity, while the representation reflected in conventions from the membership in the House from the several States may change with each decennial census and the apportionment made on such census. The smallest State of the Union is bound to have three Members of Congress—that is, two Senators and one Representative—however meager may be or stationary may remain the population. It follows that the influence in national conventions derived from senatorial representation is reduced by increase in the membership of the House. At the period of history of which I am speaking certain States were making rapid increase in population. This increase was in quarters that made it a live question in the politics of the time. It was at such a time and under such influences that the precedent quoted to-day was made. I am willing that it shall be used for what it is worth, but unwilling that it shall be allowed a persuasive force which does not belong to it. Certain it is that it has never been successfully invoked to determine the action of the Senate since that time.

Moreover, Mr. President, as the Senator from Georgia [Mr. BACON] wisely suggests, we are operating under changed conditions. We are multiplying and augmenting Federal establishments at Washington. Federal expenditure has risen from fifty and one hundred million dollars to over one billion dollars per annum. This widening scope of Federal activity increases the duties falling on the individual Member of the House. The Senator from Ohio [Mr. BURTON] says the facilities for communication are increasing. This fact only increases the labor of the Representative, as the increasing volume of his mail will attest. Under this bill the average Member of the House will have over 17,000 more constituents in his district than did the Representative under the last apportionment at the time it was made.

Much has been said in this debate about the crowded condition of the Hall of the House. The House report and the Senate report on this bill point out that certain improvements are to be made in the arrangement of the House that will tend to correct this difficulty. Much depends on the function that the Hall is to serve. If the House and Senate are to become emporiums of all kinds of goods, wares, and merchandise, both will require more space. If this Government is to be resolved into the universal functions of national industrialism, it may be necessary to arrange stalls for the exhibition of the products of every kind of industry as a step in the process of determining just what the attitude of the Government shall be toward such industry. On the other hand, if we recognize that neither House is the proper place from which to conduct correspondence

and distribute horse books and pumpkin seed, the question of suitable compact space within which to transact the parliamentary business of the House will occasion little trouble.

The House can be so arranged that a membership of 500 can transact the public business and each Member be heard. Of course, with undue increase the body would become unwieldy, turbulent, and ineffective, but the menace of such mischiefs does not attach to this bill.

Mr. President, this bill has been impressed with the favor of a Republican House and a Democratic House. There is nothing partisan about it. Its language is in substance the same employed in all the apportionment acts of the last 50 years. The amendments offered must tend to delay and endanger the passage of the bill. The legislatures of several States are now in session. Apportionment on the census under the Constitution involves change in the number of Representatives in some of these States. We owe it to the people of those States to act promptly, to the end that they may have assigned to them the representation to which they are entitled. To engraft on the bill at this stage of the present session the amendments proposed is to endanger its passage and serve no useful purpose.

DEFICIENCY APPROPRIATIONS.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 7, 8, and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, and 6, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Insert the matter proposed to be added by said House amendment on page 2, after line 10, of the joint resolution; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Government Printing Office: To enable the Public Printer to pay messengers to CONGRESSIONAL RECORD and work of committees, on night duty during the special session of the present Congress, for extra services rendered, $400 each, $1,200."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate amending the title of the bill, and agree to the same.

F. E. WARREN,
ROBERT J. GAMBLE,
Managers on the part of the Senate.
JOHN J. FITZGERALD,
J. G. CANNON,
Managers on the part of the House.

The report was agreed to.

NEW MEXICO AND ARIZONA.

Mr. ROOT. Mr. President, I wish to give notice that with the consent of the Senate I will, on Monday, the 7th of August, following the remarks of the Senator from Idaho [Mr. BORAH], of which he has given notice, make some remarks on the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

APPORTIONMENT OF REPRESENTATIVES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

Mr. PENROSE. I assume that the Senator from Indiana [Mr. SHIVELY] does not want to have a vote taken on the amendments to-day?

Mr. SHIVELY. I do not, Mr. President. It seems to me that in justice to all Senators we should not take a vote this evening. It appears to be generally understood that the voting on these propositions is to occur to-morrow.

Mr. PENROSE. Then, if it is agreeable to the Senator from Indiana, I will move that the Senate adjourn.

Mr. SHIVELY. I have no objection.

Mr. PENROSE. I make that motion.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 3, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 2, 1911.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, source of every blessing, we thank Thee for the preservation of our lives, for the hopes and possibilities of this new day. Strengthen us for its duties; purify us, we beseech Thee, from all guile; imbue us plenteously with heavenly gifts, that we hallow Thy name in all that we undertake. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum here. There is no use in wasting time to count.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ames	Fields	Lawrence	Prouty
Anderson, Minn.	Focht	Legare	Pujo
Anderson, Ohio	Fordney	Lever	Rainey
Andrus	Fornes	Lindsay	Ransdell, La.
Ansberry	Francis	Littleton	Reyburn
Anthony	Fuller	Lloyd	Riordan
Barchfeld	Gardner, Mass.	Longworth	Roberts, Mass.
Bartholdt	Gardner, N. J.	Loud	Rodenberg
Bartlett	Gillett	Loudenslager	Rouse
Bates	Glass	McCreary	Rucker, Colo.
Beall, Tex.	Goldfogle	McDermott	Saunders
Bingham	Goodwin, Ark.	McGillicuddy	Sheppard
Boehne	Gordon	McGuire, Okla.	Simmons
Bradley	Griest	McHenry	Sisson
Broussard	Gudger	McKenzie	Small
Burke, Pa.	Hamill	McLaughlin	Smith, N. Y.
Butler	Hamilton, Mich.	McMorran	Smith, Tex.
Cantrill	Hamilton, W. Va.	Madden	Sparkman
Carlin	Hardwick	Madison	Speer
Cary	Hawley	Maher	Stack
Clayton	Hayes	Malby	Stanley
Copley	Heald	Martin, S. Dak.	Sterling
Covington	Henry, Conn.	Matthews	Sullowny
Cox, Ohio	Hill	Moon, Pa.	Switzer
Crago	Hobson	Moore, Pa.	Talbott, Md.
Cravens	Howell	Mott	Taylor, Ohio
Dalzell	Hughes, N. J.	Murdock	Thomas
Davidson	Hughes, W. Va.	Murray	Underhill
Davis, Minn.	Johnson, S. C.	Needham	Vreeland
De Forest	Jones	Page	Warburton
Dies	Kahn	Parran	Watkins
Draper	Kindred	Patten, N. Y.	Wedemeyer
Driscoll, D. A.	Konig	Peters	White
Dupré	Konop	Plumley	Wilson, Ill.
Ellerbe	Lafean	Porter	Wood, N. J.
Estopinal	Lafferty	Pou	Young, Mich.
Fairchild	La Follette	Powers	Young, Tex.
Faison	Latta	Prince	

The SPEAKER. Two hundred and thirty-three Members are present—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will reopen the doors.

The doors were reopened.

QUESTION OF PERSONAL PRIVILEGE.

Mr. UNDERWOOD rose, and was greeted with general applause.

The SPEAKER. The gentleman from Alabama is recognized.

Mr. UNDERWOOD. Mr. Speaker [applause], I thank my friends for the confidence they express in me.

I rise, Mr. Speaker, to a question of personal privilege. [Applause on the Democratic side.] I send to the Clerk's desk an article which appeared this morning in the Washington Herald and other papers, and ask the Clerk to read it.

The SPEAKER. The Clerk will read the article.

The Clerk read as follows:

BRYAN ASSAILS EFFORTS TO BLOCK TARIFF CHANGE—COMMONER AUTHORIZES STATEMENT DENOUNCING REPRESENTATIVE UNDERWOOD FOR ACTIVITY IN DEFEATING STEEL AND IRON SCHEDULE REDUCTION.

LINCOLN, NEBR., *August 1.*

The recent activity of Representative UNDERWOOD in defeating an attempt by CHAMP CLARK and others to reduce the steel and iron schedule has met with the disapproval of W. J. Bryan.

To-day Bryan authorizes the following statement: "The action of Chairman UNDERWOOD in opposing an immediate effort to reduce the iron and steel schedule reveals the real UNDERWOOD. Speaker CLARK and other tariff reformers tried to secure the passage of a resolution instructing the Ways and Means Committee to take up other schedules, including the iron and steel schedule, but UNDERWOOD and FITZGERALD, of New York, the FITZGERALD who saved CANNON in the last Congress, succeeded in defeating the resolution.

"Mr. KITCHIN, a member of the committee, reminded Mr. UNDERWOOD that he had told the country that all his worldly goods were tied up in the iron and steel industry and that a failure to report a bill covering that schedule must be attributed to his connection with the business, but even this did not move him.

"Some of the Democrats thought Mr. Bryan did Mr. UNDERWOOD an injustice when he charged him with being tainted with protection. What do these Democrats think now, since Mr. UNDERWOOD has put himself at the head of the opposition to Speaker CLARK'S tariff-reduction program.

"The tariff on wool was the camel's nose. The animal is trying to enter the tent.

"The unmasking of Chairman UNDERWOOD will serve a useful purpose if it arouses the Democrats to an understanding of the mistake made in putting Mr. UNDERWOOD at the head of the committee, if he solidifies his policy of delay.

"The most effective way to shear him of his power is to change the caucus rules so as to require a public record vote on every question affecting the party's policy. Protection is a nocturnal animal; it shuns the light."

[Applause on the Democratic side.]

"A record vote open to the newspapers would have enabled CLARK to have carried his resolution. The caucus rules ought to be changed at once."

Mr. UNDERWOOD. Mr. Speaker, the statements that are contained in that article are absolutely false. [Loud and prolonged applause on the Democratic side.]

Mr. Speaker, if the reflections which that paper contains rested only on myself I would not attempt to take the time of this House to answer them. [Applause on the Democratic side.] But the statements contained in that article are a reflection on the only body of Democracy that is in control of this Government [applause on the Democratic side], and as the representative leader on the floor of this House of this majority I would be untrue to myself and untrue to my party if I did not arise here this morning and stamp those utterances with the brand of falsehood, which you know they are. [Loud and continued applause on the Democratic side.]

Now, Mr. Speaker, as to the facts. The gentleman who has issued that statement, Mr. William Jennings Bryan, of Nebraska [laughter on the Republican side], charges that the chairman of the Ways and Means Committee, standing in the interest of a protective tariff, has led this House into lines that were unworthy of any Democrat in the land. [Applause on the Democratic side.]

I know it is false, Mr. Speaker. You know it is false, and so do the Democracy on this side of the House. [Applause on the Democratic side.] But we must let the country know it is false.

The gentleman from Nebraska says that my leadership of this side of the House could not stand in the open. There is not a Democratic Member here that does not know that if for one moment I misrepresented the Democracy of this House in bearing their commission I would send my resignation to the Speaker's desk. [Applause on the Democratic side.]

The gentleman from Nebraska, Mr. Bryan, insinuates that I have attempted to prevent a consideration of the iron and steel schedule by this House at this session of Congress. I do not know from what source the gentleman has obtained his facts, but that that statement is false I intend to prove to you and to the country this morning. [Applause on the Democratic side.] When the Ways and Means Committee was first organized to prepare tariff legislation for the consideration of this House, as its chairman I stated to the committee that I was willing to take up any schedule, for consideration first, that the committee desired to consider; but, coming from an iron and steel district, and being personally interested in the manufacture of pig iron, I stated that the committee would relieve me from embarrassment if they would first take up for consideration the iron and steel schedule. [Loud and continued applause on the Democratic side.]

My colleagues on the committee are now on the floor of the House. They are here to sustain me in that statement.

Mr. PAYNE. Mr. Speaker, will the gentleman allow me?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from New York?

Mr. UNDERWOOD. With pleasure.

Mr. PAYNE. When the gentleman refers to the committee he refers only to the majority members, of course, not to the full committee.

Mr. UNDERWOOD. Of course; I did not mean the full committee. I meant the majority members in their caucus.

Mr. PAYNE. The gentleman spoke of the full committee.

Mr. UNDERWOOD. I did not refer to the full committee, of course. It was a party question, and was determined by the Democratic members.

The reason why the committee did not take up the iron and steel schedule was that the country was demanding a revision of the textile schedule, Schedule K, in relation to wool and manufactures of wool, bearing an average duty of 90 per cent, which had not been revised for many years.

Schedule I, the cotton schedule, bore a duty of 53 per cent, covering all cotton goods, and was proportionately equally high.

The iron and steel schedule had been cut by the Wilson bill, cut by the Dingley bill, cut again by the Payne bill; and although it needs, and will have, further revision [applause on the Democratic side], the committee, in its wisdom, not myself, decided that it was wiser to consider these other schedules first.

Mr. Speaker, we went into the consideration of the woolen schedule; but during the writing of the woolen bill by the majority members of the committee it was suggested—not by myself, but by another member of the committee—that the woolen schedule related largely to manufacturers in the North, and that, if we brought in a woolen schedule, in justice to ourselves we must follow it with a schedule that affected southern manufacturing interests. Therefore, during the consideration of the woolen schedule a resolution was passed in the meeting of the majority members of the Committee on Ways and Means, directing the chairman to prepare the data for the consideration of the cotton schedule. [Applause on the Democratic side.] That was prepared, and when we disposed of the woolen schedule I laid the data in reference to the cotton schedule before the committee, not by my suggestion, but by the order of the committee itself. [Applause on the Democratic side.]

When it was first taken up for consideration the suggestion was made by some of the members of the committee that the tax on cotton machinery being high, if we intended to lower the tax on cotton goods we should first take up the reduction of cotton-mill machinery. When that question came before the committee, at the very inception of the consideration of the cotton schedule, I said to the members of the committee: "I will be glad if you will take up the iron and steel schedule now [applause on the Democratic side] and lay aside the consideration of the cotton schedule until you have revised the iron and steel schedule down to an honest revenue basis." [Applause on the Democratic side.]

My colleagues on the committee sit before me in this House at this moment. I see the gentleman from New York [Mr. HARRISON]; I see the gentleman from Pennsylvania [Mr. PALMER]; I see the gentleman from Indiana [Mr. DIXON]; I see the gentleman from Minnesota [Mr. HAMMOND]; I see the gentleman from North Carolina [Mr. KITCHIN]; I see the gentleman from Texas [Mr. RANDELL]; I see the gentleman from Missouri [Mr. SHACKLEFORD]; I see the gentleman from Tennessee [Mr. HULL]; and other members of the committee here who heard me make that statement, and they will sustain the fact. [Applause on the Democratic side.] And yet "the gentleman from Nebraska" proclaims to the people of the United States that this committee is being led by me in dishonest directions.

Now, Mr. Speaker, as to the caucus. When we took up the cotton schedule in the Democratic caucus I had no notice and no idea that a resolution would be offered directing the Ways and Means Committee to prepare other schedules. A resolution was offered stating that before we adjourned we should revise the iron and steel schedule, the sugar schedule, and the paragraph in the sundry schedule relating to rubber, and also the schedule relating to chemicals and dyestuffs.

I opposed the consideration of that resolution at that time. I stated to the caucus that I had no objection to the revision of the iron and steel schedule. I had already stated to the public press of the country that I desired the iron and steel schedule to be considered next by the committee. It had gone out in the daily press. I simply stated in the caucus that at that time the Senate had not acted on the wool bill. It had not acted on the free-list bill.

Mr. MANN. It had acted on the wool bill.

Mr. UNDERWOOD. I beg the gentleman's pardon. It had not acted on the wool bill on that day. It did act on it the next day. It had not acted on the free-list bill. I stated to the caucus that, not knowing what action would be taken by the Senate in reference to our bills or what action would be

taken by the President, I thought it was unwise for the Democratic Party to pledge itself to the course it intended to pursue the balance of this session until we could first have an opportunity to ascertain what action the Senate was going to take in reference to our bills and what action the President was going to take. I stated to the caucus that before an adjournment resolution was passed I would bring the matter of adjournment and the consideration of other schedules back to the Democratic caucus for them to determine in the light of the facts that they would have as to the action of the Senate and the President of the United States. [Applause on the Democratic side.]

It was not an effort to sidetrack any schedule; it was an effort to have the caucus of my party act with all the facts before it. I thought it the part of wisdom, and the caucus sustained the position I took. [Applause.] The gentleman from Nebraska refers to my friend from North Carolina [Mr. KITCHIN] to sustain him in the statement contained in that paper. Mr. Speaker, I want to pause in my remarks for the moment and ask my friend from North Carolina to take the floor and make a statement as to whether the facts I have stated are true or not. [Applause on the Democratic side.]

Mr. KITCHIN. Mr. Speaker, I regret exceedingly that this controversy and misunderstanding has arisen between the gentleman from Nebraska, Mr. Bryan, and the gentleman from Alabama [Mr. UNDERWOOD]. I am sure that the gentleman from Nebraska has been misinformed. [Applause on the Democratic side.] While he expresses a desire to have publicity of caucus action, it would certainly redound to a more perfect understanding of the truth of the situation if he would give publicity to the name of his informant and the details of his information. [Applause on the Democratic side.]

I feel quite sure that not a member of the Democratic caucus could have given Mr. Bryan the information upon which the interview is based, and it must have been given by some one outside of the Democratic caucus, for, as the gentleman from Alabama says, there is no truth in the statement [great applause on the Democratic side] except the statement that I in the caucus reminded it that the gentleman from Alabama [Mr. UNDERWOOD] had, in a speech in the House, said that practically all the property he owned, except his house and home, was in the iron and steel business.

I did remind the caucus of that. I took the position that not only was it right for the Democrats to revise the steel schedule before adjournment, but it would be wise policy for us to revise this schedule especially, as that candid, courageous, and manly statement of the chairman of the Ways and Means Committee might be taken as an occasion by our opponents to slander and libel the gentleman from Alabama, and to slander and libel the position of the Democratic membership of the Ways and Means Committee and this Democratic House, but I never dreamed that any Democrat in this country would seize upon the incidents to misrepresent the position of the gentleman from Alabama [Mr. UNDERWOOD], or that of the Democracy of the House, or to impugn the motives of either. [Applause on the Democratic side.]

I want to say that the statement just made by the distinguished chairman of the committee [Mr. UNDERWOOD] is in exact accordance with the facts. He did state before the committee, at the organization of the majority of the committee—you Republicans were not in it, because the country had taken you out of it—that as he was interested in the steel and iron business it would relieve him of embarrassment if the committee would take up that schedule at once and get rid of it. [Applause on the Democratic side.] But after the disposal of the reciprocity measure and the free-list bill, it was the judgment of the committee that the woolen schedule, the most iniquitous schedule that had ever been put on the statute books, ought first to be revised. [Applause on the Democratic side.] And then it was the judgment of the committee that the cotton schedule should follow the woolen schedule in the revision of the tariff on textiles.

Mr. Speaker, we have effected these revisions to the satisfaction of the Democrats, and of many Republican patriots of the House, and to the great satisfaction of a large majority of the American people. [Applause on the Democratic side.] We intend, as the chairman says, to revise the iron and steel schedule, but we do not want it to be understood that such interviews as has been read here to-day are spurring us to undertake the job. [Applause on the Democratic side.] We decided to do it months before that interview. In the caucus I took the position that we should notify the country; that we should notify the Republican Senate, the President, and the Republicans of the House that before the adjournment of this Congress we intended to revise the steel schedule, the rubber schedule, and the sugar schedule. But Mr. UNDERWOOD and a large majority of the Democrats in caucus thought it unwise for us at that time to notify the Senate of our tariff program, because it might affect its action as to the beneficent measures which we had sent to it. I submitted to the will of the majority of the caucus. I now believe, in view of the action of the Senate on the woolen bill and on the free-list bill, that my judgment was wrong [applause on the Democratic side], and that the judgment of Mr. UNDERWOOD and a large majority of my colleagues of the caucus was right. [Applause and cheers on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I will detain the House but a few minutes more. I want now to say a few words that are personal to myself. In the first place, that article charges that there is a difference and has been a difference between the Speaker of the House and myself with reference to the legislation that has been brought before the House. That statement is absolutely false. [Applause on the Democratic side.] We have been in accord from the beginning, we are in accord now, and I predict without hesitation we will be in accord at the end. [Renewed applause.]

As to my connection with the iron and steel business, I am a stockholder in the Woodward Iron Co., located near Birmingham, Ala. It produces nothing but pig iron. It makes no other commodity. My brother-in-law, who is the vice president and general manager of that company, stated to me a very short time ago that the company was making pig iron as cheap as or a little below $7.50 a ton, including all costs of every nature and description. In times past they have made pig iron as cheap as $6 a ton. That was some years ago when the labor costs were cheaper than they are now. I say, without expectation of contradiction, that the furnace company in which I am interested can make pig iron cheaper than it can be made anywhere in the world. [Applause on Democratic side.] Yet the gentleman from Nebraska, Mr. Bryan, says that my personal interests are influencing my position on this question. He may say that if I am not personally interested it is my constituents that are influencing me. Mr. Speaker, when the free-list bill was presented to this House by the Democratic Party, I presented it. I sustained it in the caucus and I sustained it on the floor of this House, and what did it do? One of the greatest industries in my district is the manufacture of cotton gins. The free-list bill placed cotton gins on the free list. [Applause on the Democratic side.]

The greatest industrial plant in my entire district is built for the manufacture of wire. The free-list bill placed wire on the free list. Adjacent to the county in which I live, having its offices in my home town is a manufactory of cotton ties. The manufacturer protested to me against any reduction in the rates. I did not believe that they needed the protective tariff. I brought in the bill that was passed by the Senate yesterday placing cotton ties on the free list [applause on the Democratic side], and when that bill came before this House, when a great industrial corporation in my district shut down its plant to coerce me into voting against that bill and I refused to be coerced, this same gentleman from Nebraska, Mr. Bryan, sent the telegram that I hold in my hand, which was handed me by Mr. JAMES on the day it was sent, and which I send to the desk and ask to have read.

The Clerk read as follows:

McKENZIE, TENN., *April 23.*

Hon. OLLIE JAMES,
House of Representatives, Washington, D. C.:

Convey my congratulations to UNDERWOOD. Action of Steel Trust gives him great opportunity. Good time to investigate and to pass law punishing suspension of business when made to canvass Congress; also to punish corporation officials where they attempt to influence employees during campaigns. You are doing great work.

W. J. BRYAN.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Nebraska, Mr. Bryan, did not think I was "protectionizing" the Democratic Party when I brought in the free-list bill, when I entered upon the program that the Democrats of that committee outlined. Not until I differed with him on the woolen schedule did he have one word of criticism, so far as my conduct was concerned. [Applause on the Democratic side.] I have not a sheep in my district. There are few in Alabama; there is not a woolen mill in Alabama that I know of. I had to write a woolen schedule that would protect the revenues of this Government, and because I did so and did not obey the command of the gentleman from Nebraska, Mr. Bryan [cries of "Good! Good!"], he is endeavoring to try and make the country believe that I am not an honest Democrat in favor of an honest revenue tariff. What have we done? A number of years ago Mr. Bryan was a member of the Ways and Means Committee of this House. He joined with his committee in passing a bill in reference to

the woolen schedule that put an average tax of 47.84 per cent on the American people. We brought into this House and passed a bill putting an average tax in our bill of 42.55 per cent, 5 per cent lower than the tax that the gentleman from Nebraska stood for himself. Is that "protectionizing" the Democratic Party? In that same Wilson bill the gentleman from Nebraska stood and advocated a tax of 43.76 per cent on an average on the cotton schedule, a tax that was so high that when our Republican friends on the other side of the aisle came to pass the Dingley law they did not increase it materially, but left the Dingley law and the Wilson law upon about the same basis of taxation in that respect.

Yet when we reported the cotton bill to this House—and mark you I have cotton mills in my district and many cotton mills in my State—we reported a bill to this House fixing the tax on cotton goods on the average of 27.6 [applause on the Democratic side], reducing the tax to nearly half of what the gentleman from Nebraska, Mr. Bryan, stood for. [Applause on the Democratic side.] And yet he says that as the leader on this side of the House I am trying to lead the Democratic Party into the ranks of protection.

My friends, I would not have occupied your time, I would not have occupied the time of the country in this statement, but we are entitled to have the truth [applause on the Democratic side], the whole truth, and nothing but the truth [applause on the Democratic side] placed before the American people. It has been done; you know the facts. The facts now stand in the RECORD. The statements I have made have been sustained by the members of my committee. I leave to the country to say whether I am more in favor of honest tariff revision than the gentleman from Nebraska or not. [Applause on the Democratic side.]

Mr. Speaker, in conclusion I only have this word to say. The statement issued by the gentleman from Nebraska is false. [Applause on the Democratic side.] It has been proven false here to-day. I hope that the gentleman from Nebraska made the statement by being misinformed by other persons, and that the responsibility for the falseness of the statement does not rest upon the shoulders of the gentleman from Nebraska; but if that is so, then I say, Mr. Speaker, it is due to the gentleman from Nebraska, Mr. Bryan, it is due to myself, it is due to this great Democratic Party that sits here to-day that Mr. Bryan should come out in the open, give his informant, investigate the facts, and when he finds the statement is false, brand it as it ought to be branded before the American people. [Loud and continued applause on the Democratic side.]

Mr. MANN. Mr. Speaker, while the entertainment is going on I move that the House dispense with the proceedings under the rule providing for Calendar Wednesday.

The SPEAKER. The gentleman from Illinois moves that the House dispense with the proceedings under Calendar Wednesday.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the proceedings under Calendar Wednesday were dispensed with.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 4413. An act to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

COTTON SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton, with Mr. CULLOP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12812) to reduce the duty on manufactures of cotton, and the Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12812) to reduce the duty on manufactures of cotton.

Mr. PAYNE. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, in the press of the country on last Sunday there was a statement, said to have come from one W. C. Barnes, of the Forestry Service, and incidentally connected with the President's Tariff Commission, making the statement that the profit per head on sheep in the arid country of the Great Basin amounted to $1.81 per annum. This statement, to the best of my knowledge and belief, and I have a familiarity with the conditions and the business, is entirely erroneous, and lest, in the consideration of the woolen schedule in this House, these figures alleged to have come from this expert should be taken seriously, I wish herewith to submit tables of cost relating to wool and mutton in the arid country, and request that these remarks be extended and these tables be printed in the RECORD.

The CHAIRMAN. The gentleman has that permission under the order.

The statement is as follows:

[From the Washington (D. C.) Herald.]

TARIFF BOARD AGENT SEES PROFIT IN SHEEP—W. C. BARNES SAYS THEY CAN BE RAISED TO PAY $1.81 PER HEAD.

OGDEN, UTAH, *July 29.*

W. C. Barnes, representing President Taft and the Tariff Board, in checking up the information gathered by special agents of the Government on wool and sheep industries, arrived in Ogden this morning after visiting four of the largest sheep States of the West.

His figures follow.

Cost a head to raise sheep, all expenses incident to grazing, herding, shearing, dipping, lambing, freight on wool and mutton, interest on money invested, etc., $1.50.

WOOL WORTH 91 CENTS.

Average clip of wool per head, 7 pounds, at an average of 13 cents per pound delivered, 91 cents.

Average price of lambs, $3; average increase being figured at about 80 per cent, placed on market, $2.40.

Total receipts, $3.31.

Total net receipts per head, $1.81.

Mr. Barnes says that there may be slight variation by States in the cost of raising sheep and in marketable value as to the wool clip, lambs, and mutton, but that the figures show the average in the territory over which he has traveled. He suggested that the cost of raising sheep might be reduced considerably by better business methods.

A STATEMENT OF THE COSTS AND RETURNS FROM SHEEP IN NEVADA—AUGUST 1, 1911.

The recent statement in the press, said to emanate from Mr. W. C. Barnes, connected with the Forest Service, and alluded to as one making investigations in behalf of the Tariff Commission, places an estimate of the profits per head of sheep in the Great Basin at $1.81 per annum.

This statement is obviously erroneous, inasmuch as it considers the increase from a flock of sheep at 80 per cent.

It is well known that the increase from a band of breeding ewes is considered a good average if it amounts to 80 per cent. I have taken 75 per cent after weaning. A typical flock must contain, in addition to breeding ewes, lambs, yearlings, 2-year-old wethers, and bucks at the ratio of about 1 to 50 ewes. Needless to say, these animals are not all producing lambs. Flocks consisting solely of breeding ewes and bucks, together with the lambs raised to an age for slaughter, are much more profitable than mixed flocks, but at the same time some one must be raising other grades of sheep less profitable else there would be no ewes to reproduce the species. This is the first fallacy in the so-called Barnes statement. The second fallacy is in the selling prices of mutton sheep and cull ewes.

Now, to consider what we may properly call an average case, we should take as a unit the smallest number of sheep that can be economically handled. Experience would lead me to believe that such a unit is found in the flock of 5,000, the census being taken after shearing and before lambing. The heavier losses of winter will then have reduced the flock to the lowest point.

TABLE 1.—*5,000 sheep in arid States—2 bands, 2,500 each.*

Capital invested, 5,000 head at $3.32	$16,600
Horses, harness, pack saddles, burros, dishes, utensils, wagon, etc.	2,500
250 acres of hay land yielding 1 ton per acre or less if in alfalfa	2,500
Range land to control water	5,000
	26,600

TABLE 2.—*Typical mutton flock, selling 2-year-old wethers.*

	Head.
Ewes	2,420
Yearlings	1,715
2-year-old wethers	815
Bucks	50
	5,000

OUTPUT FROM TABLE 2.—*Losses calculated at 5 per cent per annum.*

7 pounds wool per head, 35,000 pounds, at 13 cents	$4,550.00
2-year-old wethers, 815, at $3	2,445.00
435 ewe lambs, at $2.50	1,087.50
300 old ewes, at $2.50	750.00
	8,832.50

TABLE 3.—*Expense of running 5,000 sheep, owner hiring all help and merely superintending. Maximum herd, 2,500.*

Herders for extra band during surplus time in summer and fall, 3 for 10 months, 2 for 2 months, at $45 per month	$1,530.00
1 camp tender, at $50 per month	600.00
4 extra men, lambing, 6 weeks, at $50 per month	300.00
Shearing, per head, 9 cents	450.00
Wear and tear of equipment	300.00
Dipping	150.00
Hay for lambs and as insurance against storms, 250 tons, at $6	1,500.00
Taxes, 1 per cent on investment of $26,600	266.00
Hauling wool, sacks, marketing, etc	200.00
Grass rent in forest reserve	350.00
Grub, at 45 cents per man per day	675.00
Renewing bucks, 15 per year, at $10	150.00
	6,471.00

TABLE 4.

Cost of running typical flock of 5,000 sheep, minimum, without allowance for interest or management or office expense	$6,471.00
Interest at 6 per cent on $26,600	1,596.00
Management and office	1,200.00
	9,267.00
Output	8,832.50
Loss	434.50
Profit, ignoring interest and cost of management	2,361.50

TABLE 5.

Minimum cost with interest, per head per year	$1.61
Minimum cost with management expense at $1,200	1.85
Output per head	1.76
Output in mutton	.856
Output in wool	.91
Loss per head	.087
Loss on 7 pounds wool, at 13 cents, at present mutton price, per head	.09 to .10
Cost of wool, per pound	.145

These estimates do not provide for any wages for superintendence, to the owner, or for any office expenses. While the calculation for loss is adequate to meet ordinary years, it does not cover the extreme cases where upwards of 70 per cent of the sheep have been lost.

A study of the table of expenses will show the enormous proportion of expense that goes to labor, which, of course, includes the grub furnished the men. Anyone familiar with the business must realize that both expenses and losses are extravagantly high under existing conditions, and necessarily so, on account of the land laws now on the statute books. No provision is made by law for fencing the range under lease. The result is, as shown by careful investigation, that the range is steadily being depleted, sheep have to go farther for feed, more labor is thereby entailed, and less reproduction of animals as well as less wool. Experiments with fencing in the forest reserves have definitely proven that in the arid country the same conditions exist as in other places where sheep are allowed to pasture rather than to be herded. First, there is great saving of destruction of grazing, as sheep do not naturally eat the forage close unless forced to do so; that they rest better, gain more weight, produce more wool, and breed better than when continually close herded and driven. Moreover, the uncertainties of obtaining feed and the lack of established rights to grazing grounds cause invasion of the grazing lands before the grass is sufficiently mature either to be of value as forage or to stand the grief of being trampled. By fencing the great danger of attack by carnivorous animals, especially coyotes, may be largely eliminated, and the labor of herding, together with the expense of supplying herders, is reduced almost a third. Under existing conditions, as shown by careful examination reported in a Senate document, the range is being destroyed. In my opinion, the cost of producing wool in the arid regions will be reduced at least 25 per cent through saving of labor cost and prevention of losses and the forage greatly benefited by the enactment of a law to segregate lands not fit for settlement and to permit the leasing of such lands for a period of from 10 to 20 years, with the right to fence.

The most economical unit, as has been suggested, is that of 5,000 head, where the owner may do part of the work in addition to superintending. There is no question but what the average Portuguese herder is entirely correct in his attitude that he does not propose to be shot or beaten up while drawing $45 a month, and the losses on the range from feuds are a serious economic proposition.

A telegram just received since the compilation of these figures, from an experienced stockman in Nevada, places the losses in average years to run from 5 to 10 per cent, and the cost of running sheep from $1.50 to $2.25. The output figures are based on prices received this year for wool and on present market prices of stock to be sold for mutton. These tables are submitted for information.

Anyone believing either in tariff for revenue, with its inevitable incidental protection, or in protection, or in a gradual attempt to do away with both, should see the unfairness of a plea for protected manufactures when coupled with a howl for free raw materials. It makes no difference whether the protection comes avowedly or under a revenue tariff.

Mr. PAYNE. Mr. Chairman, I yield 45 minutes to the gentleman from Maine [Mr. HINDS].

Mr. HINDS. Mr. Chairman, those of us who have heretofore stood, and propose to continue to stand, by the economic principle of a reasonable protection for all producers, whether in the factory or the mine, on the farm or on the sea, may not reasonably quarrel with other Members who likewise propose to stand by the principles professed by them when they sought election by the people.

This, however, does not preclude us from the inquiry as to the reasonableness of the principles of action proposed by the majority party in this House, or the judiciousness or injudiciousness with which those principles are being applied to the existing economic adjustment of the Nation.

RADICAL NATURE OF THE PENDING BILL.

The particular bill before us deals with one of the greatest of American industries. Two millions of people may be said to depend on it directly for a livelihood, and its indirect relations with the industrial life of the Nation are very widely extended. It is true that more than one-half of those directly employed and directly interested in the cotton manufactures are living in New England, that the remainder live in the Carolinas and neighboring Southern States, and that the great mass of the American people know the industry only as they use its marvelous product. Yet no American, however far he may live from the seat of this industry, may contemplate with indifference a proposition to deal recklessly or unjustly with it. No plea that the American people have given a mandate to the Democratic majority in this Hall can excuse either haste or injustice in dealing with any industry. The American people never have and never will give deliberately a mandate of injustice or recklessness. Yet to-day those who claim to speak for them have brought out of the precincts of the Ways and Means mysteries, a more revolutionary regulation than has been proposed for the cotton industry by any responsible statesmen, Democratic or Republican, since the foundation of the Government. Sixty-five years ago the school of statesmen who contemplated the economic destiny of America to be the raising of cotton by slave labor for exchange into manufactured goods in free-trade markets gave to manufactures of cotton a duty of 25 per cent ad valorem, a rate of duty reached in this bill only on the finest grades, for which it is entirely inadequate.

NO CAREFUL INQUIRY IN FRAMING THE BILL.

No person whose livelihood or fortune may be imperiled by a disaster to the industry has been permitted to be heard; none of the careful, scientific inquiry that modern statesmanship in other lands has called in to safeguard the process of making tariffs has been attempted or awaited. Those who are responsible for this bill could not have spent even one short half hour inspecting in yonder library those large and illuminating volumes in which the scholars of England set forth the conditions of her industry as the indispensable preliminary of radical tariff changes. Had they done so, I am convinced that even the onward rush of their great majority could not have carried them to the lengths of this extraordinary bill.

Had they examined that recent report of the British Board of Trade, which may be obtained in the document room of this House, they would have learned from its illuminating pages the great salient fact that the wages of the laborers of the United States are as 230 to 100 when compared with the wages of the British workingman, while the comparative excess of the American cost of living is only as 138 to 100. Before that great fact, how could any body of men have proceeded, behind closed doors, to evolve out of their own inner consciousness so revolutionary a modification of basic conditions?

The criticism that some of the most thoughtful of the American people have brought against our tariff legislation is that it has proceeded without adequate inquiry as to the conditions and needs of the industries with which it has proposed to deal, and that it has given to some of those industries advantages inconsistent with the interests of the remainder of the American people. Even the long-continued, free, and full hearings on the schedules of the present Payne law were condemned as not sufficient for enlightened tariff legislation; and in the last compaign the people were excited against the Republican party for its supposed lack of information before it proceeded to tariff revision.

WAYS AND MEANS COMMITTEE'S SOURCES OF INFORMATION.

Were it not for the frankness of the chairman of Ways and Means, we should be utterly ignorant as to the sources from

which that great committee received its light in framing this bill. He has told us that, so far as the wisdom of mortal man is concerned, the 14 nonpartisan Democratic members were permitted to commune with a gentleman from New York who is the master of many figures relating to the industry. But, so far as the industry itself is concerned, it may be said of him, as was said of the lilies of the field, that he toils not, neither does he spin. [Applause on the Republican side.]

We are given to understand, however, that the pathway of the feet of the 14 Members was principally lighted by the effulgence of the principle that a tariff should be laid solely for the production of revenue, and that all theories as to the protection of American industry should be rigidly excluded.

On this theory are to rest the actions of the Democratic Party in readjusting the economic conditions of 90,000,000 people, for we know that cotton is only one of many industries to be treated. For 50 years we have proceeded on the idea that our tariffs should be so framed as to encourage home production instead of foreign production, to help the home laborer instead of the foreign laborer, to build up the American community instead of the foreign community. To-day we are invited to throw that idea aside and to move the economics of the Nation over to another theory—the theory that home production, home labor, home communities, may take care of themselves, and that the statesmanship of America, as expressed by the Democratic majority in this House, has no further concern in a tariff bill than to get revenue for the Government.

Mr. HARRISON of New York. Will the gentleman yield for a question?

The CHAIRMAN (Mr. DIXON of Indiana). Will the gentleman from Maine [Mr. HINDS] yield to the gentleman from New York [Mr. HARRISON]?

Mr. HINDS. If the gentleman will excuse me, I have a line of argument that I would like to carry through. After I have completed it, if I have gone beyond what seems to be the reasonable limit of truth, I will be glad to give such satisfaction as I am able.

For one, I confess to have felt a great curiosity as to this theory that has during this session been dominating the processes of the House, with the ruthlessness of youth and the wariness of age; that is so all-sufficient in itself that it dispenses not only with the scientific inquiry approved by the example of modern nations but discards all inquiry of any kind, except such as can be made by 14 Democratic members of the Ways and Means Committee, administering questions in a locked room to a gentleman from New York City.

WHAT OF THE THEORY OF TARIFF FOR REVENUE ONLY?

What is the theory of tariff for revenue only—this theory of no protection for anyone, unless some may fall accidentally on an innocent bystander during the process of getting revenue? [Applause on the Republican side.] It is a theory put forward in its most dignified form by Robert J. Walker, Secretary of the Treasury, in 1846. In that old United States, where cotton was the king of commerce and slavery was the mistress of statesmanship, it was accepted, until a great business panic and a portentious social upheaval ushered in the Republican Party, Abraham Lincoln, Civil War, emancipation of slaves, the protective tariff. [Applause on the Republican side.] The theory of Robert J. Walker—tariff for revenue only—escaped from the general confusion to hide itself for 50 years in neglected corners of Democratic platforms.

It is this venerable refugee, this emigre of the old régime, that the gentleman from Alabama, chairman of the Ways and Means, is leading back that it may pass its hands over the industries of a twentieth-century nation.

No thoughtful man will say that communities or governments may not profitably return at times to old theories and policies. It may be that the doctrines of Robert J. Walker will be as grateful to the great, free, rich, busy, and populous United States of 1910 as they were to the antique economics of 1846. That is what we must examine.

THE GREAT PRESUMPTIONS AGAINST FREE TRADE.

Let us first examine the great presumptions. I know that presumptions are not conclusive; but in the affairs of men certain presumptions are given great weight. The record of an upright life creates a presumption of innocence that only the strongest evidence can overturn. Our free institutions rest largely on the presumption that in the long run a majority is right. How, then, does the theory of Robert J. Walker stand as to the great presumptions?

In 1846 the sentiment of the civilized world was tending toward free trade. Richard Cobden, in England, was leading his enthusiastic followers toward the goal which they were to reach a few years later. In Germany there was the same movement to free trade. And nowhere was there a more brilliant leader of this movement than Robert J. Walker. Speaking before the electors of Manchester on January 15, 1846, Richard Cobden held up the pamphlet copy of the Walker report and said:

I have never read a better digest of the arguments in favor of free trade than that put forth by Mr. Secretary Walker.

And on the 9th of June, 1911, on the floor of this House, the chairman of the Ways and Means Committee exhibited again that famous report, and, voicing the creed of the Democratic caucus, said:

It should always guide Democrats in the preparation of tariff laws.

One might almost think that the enthusiastic prophecy of Secretary Walker had, after 65 years, come true:

Let us with revenue duties only open our ports to all the world, and nation after nation will follow our example.

But the nations have not followed. Germany saw that free trade would paralyze her manufactures, destroy her agriculture, and drive to the wall those small farmers who to-day own and cultivate three-quarters of her agricultural surface and whose numbers have increased under a system of protection for all. France, Austria, the Scandinavian States, all Europe, have coincided with the conclusions of the brave and studious statesmen of Germany. The principle of protection as applied to tariffs rules from the land of the Norseman to the isles of Greece. One nation alone stands out. England, with less unanimity than ever before, still practices the principles of free trade. Her great colonies, Canada in the lead, have discarded her example. All her brilliant economists, from Adam Smith to Stuart Mill and Thorold Rogers, have not been able to keep these splendid ornaments of the Empire within the economic admonitions of the mother. Alone, England stands for free trade.

What is the presumption? Evidently there must be some reason that differentiates her from other nations. The reason is plain. Only 12 per cent of her people are engaged in agriculture, against 35 per cent in the United States and Germany and 40 per cent in France. Like no other nation, England has shriveled her agriculture to conquer the markets of the world for her manufactures. She can live only by exchanging her manufactures for food. Thirty days of blockade would starve her people and destroy her empire. The United States, with its happy balance between agriculture and manufactures, as established in 50 years of the Republican doctrine of protection, could stand 30 years of blockade. [Applause on the Republican side.]

And yet the Democratic majority of this House propose to lay heavy hands on this delicate economic adjustment, with no more investigation than arises from the putting of questions to a gentleman from New York City shut up in a room. [Applause on the Republican side.]

Where, then, are the great presumptions? Are they in favor of the theory of Robert J. Walker, or are they in favor of the protective theories of Hamilton, Clay, Blaine, Reed, McKinley, and Dingley? Manifestly the sentiment of the world is against the theories of Robert J. Walker.

REASON FOR GENERAL REJECTION OF THE REVENUE-TARIFF THEORY.

If all the nations of the world but one have turned against the theory to which the Ways and Means Committee proposes to subject our industrial life, there must be a reason for it.

That reason is found in the economic development of modern times—in the use of machinery and the cheapening of transportation.

SIGNIFICANCE OF TRANSPORTATION COST.

The significance of transportation cost on the tariff problems of a nation is not given the attention it should receive in our usual discussions. In 1844 in the House of Commons Richard Cobden, arguing for the removal of the corn duties, called attention to the fact that it cost 30 cents a bushel to bring wheat from the German port of Dantzig to England, and he commented on this as a "natural protection," which legislation could not remove. In those days "natural protection" was understood. The long glories of Pittsburg, with its pillar of cloud by day and its pillar of fire by night, began under that natural protection. The free-trade memorial of 1831, drawn by the hand of Albert Gallatin, minor prophet who went before Robert J. Walker, recognized this fully:

The iron works of west Pennsylvania were, and still continue to be, protected against foreign iron and that made within 100 miles of the seashore by the expense of transportation, which is still $40 a ton.

Gallatin computed the natural protection of ocean freight, insurance, and so forth, on imported articles at from 10 to 20 per cent ad valorem, and conditions were substantially the same when Walker wrote his report.

This "natural protection" was understood by all the free traders of the era of Robert J. Walker. Cobden understood it, and his faith in its advantages was not misplaced, for the price

of wheat did not essentially fall on the repeal of the corn laws. It is a surprising fact, vouched for in the statistics of the British tariff commission, that the price of wheat in England did not begin to fall until the advent of cheap ocean transportation and the American self-binding reaper in the years from 1876 to 1884.

The theories of Robert J. Walker which we are invited to apply to the highly developed condition of the United States to-day were then predicated upon a condition of "natural protection," which does not exist now.

GREAT CHANGES IN TRANSPORTATION COST.

Are we fully alive to the great changes that culminated in the decade of the eighties? A British scientist and statesman, Sir Lyon Playfair, speaking before the National Liberal Club in 1888, said:

Every ton of coal now carries thirty-two times more cargo than it did a few years since. In the best compound locomotives 2 ounces of coal will move a ton of cargo a mile, and half that quantity will move in our best steamers a ton of cargo and its proportion of the ship for 2 miles. Take an instance of the effect of this on commerce. A sack of flour can be moved from Minneapolis in the United States down to the seaboard 1,400 miles away, be sent by steamer to Liverpool, at a total cost for transport of less than 9 pence (18 cents) upon the bushel of wheat. The British workingman, when he buys a 4-pound quartern loaf made of American flour, may reflect with astonishment that it has been brought four or five thousand miles at a cost for transit of one-half penny (1 cent).

In the days of Robert J. Walker it was found by Richard Cobden that the 800 miles' ocean transport from Dantzig to England was 30 cents for a bushel of wheat, and this did not include the other great cost from the wheat fields to the wharves of Dantzig.

The profound change since those days, destroying the "natural protection," was thus commented on by Sir Lyon Playfair:

The whole system of markets has been altered; to a great extent local markets have been destroyed, for the world itself has become the one market for all nations.

CONDITIONS IN THE DAYS OF ROBERT J. WALKER.

Have we measured what this world market signifies to us as compared with conditions in the days of Robert J. Walker? In 1846 the railroads were just beginning. The Pennsylvania had not reached Pittsburg; the Baltimore & Ohio was only at Cumberland, Md. Only in the North, where one might go from Portland, Me., to Buffalo, N. Y., by continuous rail route, and in the South, from Richmond through the Carolinas, could there be said to be effective railroad development. The great bulk of the transportation of the United States was by draft animals. In the world of 1846 carts and horses did nearly all the transportation by land, as from the days of antiquity. Sir Lyon Playfair estimated that if the railways of England were annihilated it would require 75,000,000 men and 12,000,000 horses to carry on the traffic. It is a fair estimate that it would require 150,000,000 men and 25,000,000 horses to carry on the present transportation of the United States under the conditions of Robert J. Walker's time.

And yet in a tariff question, where transportation is a vital condition, it is thought to be perfectly safe to bring the tariff-for-revenue principles of Robert J. Walker out of 50 years of retirement and apply them without hearing or scientific inquiry to the business of twentieth-century United States.

CHEAPNESS OF OCEAN TRANSPORT.

If land transportation has been revolutionized since 1846, ocean transportation has also experienced marvelous changes. In 1850, four years after Robert J. Walker enunciated his theory of tariff for revenue, the fine steamer *Persia* carried a cargo across the Atlantic at an expenditure of 14,500 pounds of coal to a ton of freight. Thirty years ago, when the great fall of ocean freight rates took place, a cube of coal that could pass through a ring the size of a quarter of a dollar would drive a ton of cargo 2 miles. To say that the improvements in ocean transportation, supplemented by the electric telegraph, have made the world one-half smaller, so far as the economics of tariffs are concerned, is to make a conservative estimate.

In the recent coronation of the English King, which the British boast was the greatest world spectacle since the days of Trajan or Aurelian, the venerable jurist and philosopher, Frederick Harrison, viewed the wonderful procession of the Empire and for the columns of the London Times contrasted it with the coronation procession of Queen Victoria, which he had also seen as a boy in 1838.

In 1838—

He writes—

the idea of bringing Indian troopers, cavalry from Canada, Australia, New Zealand, would have seemed absurd. To bring soldiers from the Punjab or from Australia would have cost a million and required a year for the double journey.

I wish there might be some man, famous enough as jurist and philosopher and venerable enough in years, to have secured admission within the locked doors of that Ways and Means room, and there to have convinced the 14 Democrats and the free-trade gentleman from New York that the United States and the world have changed since 1846. [Applause on the Republican side.]

EFFECT OF THE PANAMA CANAL.

One great change is coming within the next five years, the opening of the Panama Canal. [Applause on the Republican side.] That will, in an economic sense, move the teeming Orient up to the very doorway of the Western World. And in that sense Yokohama and Hongkong will be nearer to New York than Pittsburg was to Philadelphia in the days of Robert J. Walker. Our consular reports show that the people of the Orient are awake to this, even if we in this Hall are not awake. In an age when Asia is equipping her cheap but efficient labor with machinery it becomes us to examine approaching conditions with the greatest care, in order that the flood of great advantages which we expect from the canal may not disarrange our economic conditions to the distress and misery of many people in this generation.

LOW PRICES AND FAIR PRICES.

The free-trader will of course attack at this point, and, bringing up the brilliant argument of Bastiat, will say that from a protectionist standpoint it would be better that the canal had not been dug and that the horse and cart had not been superseded as the means of transportation. If the economic destiny of a nation of people were the mere acquisition of cheap commodities, if the first consideration for a people be that they shall purchase at a low price instead of a fair price, if the people of a nation could without suffering and loss seek new occupations continually as revolutions in transportation occur and abnormal surpluses of goods are dumped into their markets, there could be no answer to the argument of Bastiat. If the cotton spinners of Japan or China, working with the latest improved machinery and at 10 or 20 cents a day, can send cotton cloth through the Panama Canal in a subsidized Japanese steamer and land it at New York at less per yard than it can be made for in Biddeford, Lowell, or Atlanta, there is a great gain if the theory of a tariff for revenue only is correct. But there is a great loss if American cotton spinners are thereby forced to lower their standard of living to the Asiatic standard. [Applause on the Republican side.]

THE MODERN PHENOMENON OF SURPLUSES.

Under modern facilities of transportation, in the great world market an inconvenient surplus of commodities anywhere communicates the consequent disarrangements everywhere. And at the same time the possibilities of such inconvenient surpluses have been vastly increased. There was a time, and not so many years ago, when the labor of the United States could secure only the bare necessities for the mass of the people. Other nations were in the same condition. Cobden prophesied that the repeal of the corn laws would not disastrously reduce the price of wheat, because there was no great store of wheat among the nations. And the issue proved that Cobden was right. In the days of Cobden and Robert J. Walker the people of all the nations lived from hand to mouth. Wheat was reaped with the sickle, as in the days of the patriarchs, and a good reaper could do a quarter of an acre in a day. Everyone here has often read that beautiful picture of the barley field of Boaz and the labors of Ruth, the blooming maiden of 5,000 years ago. He has read of the little store of barley she carried home to her mother-in-law, Naomi, at the end of the day's labor, and he may have reflected that as labor was then and as it was in the days of Robert J. Walker no laborer in a barley field could garner a much larger store than he could carry home with him at night. In all the years from Boaz to Robert J. Walker no nation could dump an inordinate quantity of wheat upon another. So the repeal of the corn laws did not, as Cobden had foreseen, lower essentially the price of wheat in England. It was only in the decade of 1880 that the price of wheat took its great fall in the world's markets. Wonderful machinery had been invented, so that a fair-haired Ruth in North Dakota, driving a team of horses and a self-binding harvester, might reap in a day 20 acres of barley. And if she should appear before her mother with her modest gleanings, as Ruth of old appeared before Naomi, she would take to the maternal presence 300 bushels of barley. [Applause on the Republican side.]

What has happened in the production of wheat has happened in all other productions. England can clothe herself with cotton cloth and still have four times as much more to sell. Free trade was one thing then, in 1846, when markets were segregated and production limited. It is another thing to-day, when one nation has an enormous surplus of one article and the next nation as large a surplus of another, both ready to dump into the one great world market under conditions of cheap transportation. The great surpluses of commodities

overwhelm the fragile enterprises of individuals as the bursting of a reservoir makes a stored-up blessing an agency of destruction. The ruin of individuals, the blighting of their hopes and aspirations, is what makes economic disarrangements terrible. The shutting down of a large cotton mill is like a great flood or a great fire in its results on human interests. And in our highly specialized modern society the refugees do not easily find comfort. It is for this reason that we plead for full inquiry, for scientific investigation, before the hand of power is raised against any industry.

THE MODERN OBJECTIVE OF GOOD GOVERNMENT.

We believe that the great economic objective of a modern nation should be so to adjust its policy as to encourage the proper distribution of wealth. Man no longer lives so close to starvation as he did. Machinery has so increased the power of his arm that he may reasonably feel that there will be enough of commodities for his support if he can only get his share. And the greatest assistance to that proper division is a fair price for both labor and commodities. For that the Republican Party has stood. And when only the other day the British board of trade investigators found that our wages, as compared to England's, were as 230 to 100, while our cost of living, as compared to England's, was as 138 to 100, I felt that the old Republican idea of a higher standard of living, a greater opportunity, and a broader outlook for all the people was something more than an idle theory.

THE PRODUCING PEOPLE AND THE NATIONAL INTEREST.

The Republican Party has always been careful not to sacrifice the producer, because it has realized that in a democratic nation, where there are no permanent and privileged class of the idle, the great mass of the people are producing, and that with their prosperity comes the prosperity of all. The Democratic Party has in times past struck at that class of producers who are most vulnerable to foreign competition, only to find that the misfortune of one class is the misfortune of all. It is not proven that the producing people get the high prices that make living dear. The cotton-cloth producers say—and what they say ought to be investigated before we smash the industry:

The recent agitation and prejudice that exists against the textile schedules is largely due to misapprehension on the part of the public. It is popularly supposed that the mills receive by far the larger part of the retail price for the goods that enter into an article of clothing or other use. There never was a greater mistake. The fact is, there are few textiles that reach the consumer without the addition of approximately 75 per cent to the price paid to the mills.

To-day the Democratic Party is again striking at the producing people, excusing their action on the plea that the efficiency of American labor is so high that it can compete with the confessedly lower paid labor of Europe. The Ways and Means Committee have made no careful examination on this point; they have waited for no Tariff Board report, but, fortified by the tales of returned travelers, they are marching on to lower duties than Robert J. Walker dreamed of in the days when there was a natural protection of from 10 to 20 per cent ad valorem.

THE EFFICIENCY OF LABOR AS RELATED TO MACHINERY.

I believe in the efficiency of American labor; but when there is a question of competition, I think of the old soldier who had fought the Indians. "A white man," he said, "can equal the Indian in warfare if he will live as the Indian lives."

The superiority of one nation over another as to efficiency is within general limits likely to be a matter of temporary organization and leadership. I once saw a picture of the capitulation of Louis Napoleon after Sedan. With humiliation and abasement written on their countenances, the French Emperor and his staff appeared in the presence of the proud and victorious soldiers of Germany. But out of a portrait on the wall a face looked down on that scene—the stern and classic face of the Great Napoleon, he who had given law to Germany from the palaces of her kings. What moral was intended by that picture I do not know, but it seemed to teach that manhood, valor, and efficiency are not the monopoly of any nation.

I notice that those who speak of the efficiency of labor as a counterpoise to lower wages of competitors are quite apt to compare the man in this country equipped with the machine with a man in another country not equipped with a machine, or poorly equipped. There is no doubt of the superior efficiency of the machine-equipped laborer. England, shielded by her insular position from the ravages of the continental wars, got a start of 50 years in machinery equipment, and that start was worth to her the markets of the world.

In 1824 Henry Clay, coming down from the Speaker's chair, told this House how Asia, in consequence of the density of her population and the lowness of her wages, had dominated the markets of Europe with many of her fabrics. But England equipped herself with machinery that gave to her 21,000,000 of people the potentiality of 200,000,000, turned the tide of commerce, and took the markets of Asia.

Twenty years later England still had the lead in machinery equipment, and Robert J. Walker, believing it to be our destiny to be an agricultural nation solely, was not inclined to disturb her. Forty years after Robert J. Walker, England still led in machinery equipment, and Sir Lyon Playfair, speaking in 1888, explained the higher wages of England as compared with the Continent of Europe by superior efficiency of labor, caused by the fact that the use of steam machinery in England was 117 per cent greater than on the Continent. The present magnificent equipment of Germany was then a development of the future.

THE AGE OF GENERAL EQUIPMENT WITH MACHINERY.

Twenty-five years more have rolled by, and as we review that period the one conspicuous economic development has been the general movement in all the nations, great and small, to equip their laborers with machinery. Every consular report tells it; every journal proclaims it; even the report of the Ways and Means Committee on this bill unconsciously proves it when it shows the great increases of spindles in the cotton mills of Japan, China, India, Brazil, and the uttermost parts of the earth. In the first six months of this year English firms sold $17,000,000 worth of textile machinery for this world equipment. England finds her peculiar advantages slipping away, especially as in many lines she has not kept her machinery up to the times. The machine-equipped laborers of Germany are able to improve their own wages while they press their wares in England's markets. American shoe machinery sold abroad is raising up competitors for us all over the world at the very moment when the Democratic Party is proceeding to take all tariff off shoes.

MODERN DEVELOPMENT AND OLD THEORY.

With these developments in that great world market, where all people have been made constructive neighbors by low transportation, we are to-day proposing to return to the political theories that prevailed when the oxcart was a conspicuous feature of our economic system. We are taking this great backward move on the strength of the lucubrations of 14 men locked up with a free-trade gentleman from the city of New York. [Applause on the Republican side.]

Can not gentlemen on the Democratic side of this House see how, with all the diversity of life on this globe, diversity of habits, tastes, burdens, wants, and conditions, the moving up of all humanity into one field of effort and one market will tear down our high standard of living and work unending friction and hardships unless by wise laws we equalize conditions? I speak of the world as it is. And our doctrine of just protection for all must last as long as these inequalities exist. When they cease, those who shall succeed us on this side may meet the successors of gentlemen on the other side, and together they may realize the dream of theorists and humanitarians—free trade for the world. But it may be that day will come only when human selfishness shall have melted, when contention shall have ceased in this Hall, when "the wolf shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf and the young lion and the fatling together; and a little child shall lead them." [Loud applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HARRISON of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. CULLOM, Mr. LA FOLLETTE, Mr. BAILEY, and Mr. SIMMONS as the said conferees on the part of the Senate.

THE COTTON SCHEDULE.

The committee resumed its session.

Mr. LONGWORTH. Mr. Chairman, I have been requested by the gentleman from New York [Mr. PAYNE] to assume control of the time on this side temporarily. I will ask the gentleman from New York [Mr. HARRISON] if he is in control of the time on his side?

Mr. HARRISON of New York. Yes.

Mr. LONGWORTH. Does the gentleman desire to occupy some of it now?

Mr. HARRISON of New York. I yield 40 minutes to the gentleman from Mississippi [Mr. WITHERSPOON].

Mr. WITHERSPOON. Mr. Chairman, the provisions of the pending bill reduce the rate of tariff duties on cotton goods from 50 per cent, as fixed by the present law, to an average of 25 per cent, and on account of this large reduction I shall vote

for it. If the bill had proposed a greater reduction I would more gladly vote for it, and if it had put all cotton goods and all other products on the free list my support of it would be still more cordial.

The power of taxation was surrendered by the people to the Government solely to enable it to collect the revenues necessary to defray the public expenses, and not to enable the Government to distribute the wealth of the country among the people, or to transfer by the taxing power any part of the wealth produced by one citizen, class, or section to another citizen, class, or section, and therefore, in my judgment, a tariff levied on foreign goods when the same kind of goods is produced at home is, even when the rate is 1 per cent, not only unfair and unjust, but is positively dishonest, unconstitutional, and since it is collected by the force of legislative power it falls within the definition of legal robbery. [Applause on the Democratic side.]

Entertaining this view of a protective tariff, I support the pending bill only because it is in the nature of a repeal, in part, of the existing law and largely removes an intolerable injustice and wrong.

In supporting the bill I do not propose to discuss the reasons which impel me to vote for it. I fully realize that the long-continued practice of this iniquitous system of taxation has so dulled and deadened the moral perceptions with which it is viewed that it is now futile to discuss the question whether a tax which the citizen is forced to pay, not into the Treasury of the Government, but into the pockets of the Republican pets, is right or wrong, just or unjust, honest or dishonest; for all the moral qualities of the law were long since buried in the grave of Republican partisanship, and the only question now open for practical argument is whether the tariff is a financial benefit or injury? [Applause on the Democratic side.]

Much learning and great ability have been displayed in the discussion of this subject on both sides of the aisle, and if any feature of the tariff has escaped the thorough investigation and exhaustive research which has made the debate at this session so brilliant, it is the subject which I propose to make the basis of my remarks, and which is the economic effect of the tariff on the protected cotton mill. While Democratic orators have described with accuracy the evil effects of protection on the consumer, the laborer, and the country in general, yet little, if anything, has been said to show how its operation affects the protected industry, and there has seemed to be silent acquiesence in the claim that the tariff benefits the factory. On the other hand, the Republicans have asserted over and over again that the removal or reduction of the tariff duties would ruin the protected industry and would compel our manufacturers to locate in other lands and our people to buy their goods from foreigners.

These assertions are founded in the false assumption that nothing can be profitably produced in our country, and that being naturally unprofitable, every American industry must depend for its existence upon the exercise of the taxing power in its favor, and the issue formed between this position and the proposition in the bill to reduce the tariff on cotton goods is whether such reduction will destroy or even injure the cotton-mill industry.

If, as alleged by Republicans, this reduction will put the cotton mills of America out of business, then the people of the South and of my own State will be by far the greatest sufferers. We have in the South 550 cotton mills, more than half of all the cotton mills in America. In these mills is invested capital to the amount of $288,000,000, and the laborers who operate them number many thousands. This is the capital and labor whose interests are involved in this reduction. But this is not all. A million farmers are engaged in the South in the production of cotton, and the price of that great staple is wholly dependent on the success and prosperity of the cotton mills. These factories in which cotton is manufactured into cloth and other articles of use are the only real purchasers of cotton, and the competition among them fixes the demand and controls the price. If the capacity of all the cotton mills of the world is greater than the annual crop, then the demand exceeds the supply and the price of cotton goes up, but if all the cotton mills of the world can not consume all the cotton produced, then there is a surplus for which there is no demand and the price is depressed. The reason why cotton is now selling at such a high price is that the annual supply is 2,000,000 bales less than the capacity of the mills. With this view of the relation of cotton mills to the price of the great product of the southern farmer, I believe that any injury which a reduction of the tariff on cotton goods would bring to the cotton mills would be shared by the southern cotton farmer.

And I may be pardoned for referring to the fact that about one-third of all I possess, which is not much except to me, is invested in cotton-mill stock, and therefore when I vote for the reduction proposed by the bill, it will be a vote to injure the great cotton industry of the South, the cotton farmers, who compose 80 per cent of the people of my district, and my own private interests, if the reduction causes any injury. [Applause on the Democratic side.]

The economic effect of the tariff system upon the cotton mills is therefore a matter of deep concern to me and my people and is the subject which I desire to discuss.

According to my understanding of the so-called protection, its effect upon the cotton-mill industry is entirely harmful, and it is wholly responsible for the deplorable condition in which we find the manufacturer of cotton goods to-day. [Applause on the Democratic side.]

To me it seems self-evident that the success of a cotton mill depends upon the cost of producing the cotton cloth and the price at which it sells. The difference between the cost of production and the selling price is the profit of the mill. If the mill can produce a yard of cloth at a cost of 5 cents and sell it for 10 cents, its profit is, of course, 5 cents. Whatever lowers the cost of production or increases the selling price benefits the industry, and whatever increases the cost of production or lowers the price injures it.

And I affirm, in the first place, that the tariff injures the cotton mills because it increases the cost of production. It does this in two ways.

First, it at least doubles the amount of capital necessary to produce a given amount of cloth. In the construction of a cotton factory the amount of capital required is twice as great as it would be if we had no tariff. On every foot of lumber and every brick that goes into the building of the factory there is wrapped in the price of it an enormous tariff tax. Every pane of glass embraces in its price the amount of the tariff tax. Every rubber band conceals in its value the amount of this iniquitous tax. Every piece of machinery has an artificial value legislated into it by the tariff law. The tools with which the laborers build it are all highly taxed, and the food, clothing, and shelter of every man engaged in the construction increase its cost on account of the tariff. If the owner of the factory has bought his materials from foreigners, he pays these taxes into the Treasury of the Government and adds them to the cost of construction. If he buys them in the home market he pays the same tax in the price of the materials to the domestic producer, and in both cases his outlay of capital is largely increased by the legislation which injects an artificial value into every constituent of his mill.

The enhanced cost of a cotton mill fixed upon it by the tariff is the burden of its existence, and constitutes the chief obstacle to its success. If the cotton mill, without the innumerable tariff taxes embraced in the cost of its construction, could be built for $200,000, then its success depends upon selling its product for enough to defray the expenses of its operation and a reasonable interest upon the sum invested, but when the tariff increases the cost from $200,000 to $400,000, then its success depends upon the sale of its product for a sum twice as great.

If the sale of its product is a sum sufficient to pay 8 per cent on a cost of $200,000, the same sum would, of course, pay only 4 per cent on a cost of $400,000. This artificial cost of the mill becomes in the outset the sum on which the owner must struggle to earn his profits, and the artificial part of it continues to burden the industry throughout its existence. The factory to be successful must earn a profit on all the tariff taxes embraced in the cost of its construction in periods of depression as well as in times of prosperity, and this unnatural burden, fastened upon the mill in its very infancy, which protection hypocritically professes to love, must be borne through all the vicissitudes and difficulties of its life.

But this obstacle is only the beginning of the difficulties which the protective tariff makes it necessary for the cotton mill to overcome in order to achieve success. A large part of the cost of the operation of a mill is the purchase of coal, oil, fuel, chemicals, dyes, and other mill supplies, and on all of these it must not only pay the real value, but the tariff tax of 40 to 50 per cent of its value. If the mill buys a bill of these supplies worth $1,000 the tariff forces it to pay $1,500, and this great burden is a daily expenditure, adding, of course, to the cost of production. But the success of every cotton mill depends upon the almost constant replacement of its machinery with new and better inventions. It can not compete with other mills unless it has the latest improvements in spindles, looms, and all other machinery. It is compelled to consign vast quantities of machinery to the scrap pile long before it is worn out, and every time it buys new machinery to take the place of the old, this ever-present tariff is there compelling the expenditure of twice as much money as would otherwise be necessary. In

1905 the total capital of American mills, invested in lands, buildings, machinery, and so forth, was in round numbers, $605,000,000, and of this sum the machinery amounted to $245,000,000, or nearly one-half.

The average life of cotton-mill machinery on account of breakage, wear and tear, and the necessity of replacement with the latest improvements is, I believe, about 10 years, and therefore the reinvestment of this vast amount of capital is a matter of periodical repetition. It follows, therefore, that with every renewal of the machinery in whose prices are wrapped up the enormous taxes of the tariff there is a constantly increasing addition to the original outlay of capital, and an artificial cost to the cotton mill for which there is no corresponding actual value in its property. To escape failure it must struggle to sell its product for prices that will bear an income on this mythical artificial value, which the tariff has injected into the construction and operation of the plant. These expenditures on account of the tariff ever increases the cost of every yard of cloth, and makes it impossible for the mill to compete with other factories which are not burdened by such hostile legislation.

How much the tariff laws add to the requirements of capital, and the consequent increase in the cost of cotton cloth, no imagination can picture, and no bookkeeper or expert can figure out with accuracy, but the best and highest evidence on this point is found in the testimony of Republican protectionists, who are undoubtedly the most learned and skillful experts in all the iniquities of the tariff. [Applause on the Democratic side.] The first of these witnesses I call is David A. Wells, the special commissioner of the revenue from 1865 to 1870, a Republican and a protectionist. He spent four years in the investigation of the industrial conditions of the country, including every phase of the public revenues, the cost, failures, and success of manufactures, the relation of taxation to the development of factories, and the comparison of the effects of free trade and protection upon the prosperity of the country. His annual reports to the Secretary of the Treasury embodies the results of a personal examination in every manufacturing center of this country, and in many parts of Europe, and displays a wealth of learning, an accurate statement of economic truth, and a number of irresistible conclusions sufficient to destroy the Republican Party, if the American people knew all that these reports contain. [Applause on the Democratic side.] On the point under discussion, after portraying the folly of taxing the life out of manufactures, he says on page 53 of his report of January, 1869:

> But vicious as this system is upon its face, its effect, especially in a national point of view, can not be realized until we take into consideration the fact that the capital required in the United States to build a cotton mill is about double the amount required for a similar purpose in Great Britain.

Here is the conclusion of a Republican protectionist who had spent four years in the investigation of the subject, and, notwithstanding his protection prejudices, the facts forced him to the conclusion that this tariff system instead of fostering and benefiting the factory, required it to expend twice as much capital as an English cotton mill is required to spend under their laws. [Applause on the Democratic side.]

How much the multiplication and increase of tariff taxes into every constituent of our cotton mills has added to the cost I again permit Republican protectionists to tell. On page 4541 of Tariff Hearings before the Ways and Means Committee of the Sixty-first Congress I find this testimony given by Mr. Ross, from the very center of cotton manufacturing in Massachusetts:

> Mr. POU. Senator, are you acquainted with the price of cotton-mill machinery abroad as compared with the price in this country?
> Mr. ROSS. I am not, sir. I understand our mills have cost about three or four times more than they do in England. Of course lots of our machinery is English make.
> Mr. POU. Your understanding is that it cost, did you say, three or four times as much?
> Mr. ROSS. Yes; three or four times as much.
> Mr. POU. To build a mill in America as it would to build the same mill in England?
> Mr. ROSS. Yes, sir; that is my understanding.

That is the testimony of a Republican witness who was before the Ways and Means Committee in order to tell the committee how much it should tax the American people to enrich him and his kind. [Applause on the Democratic side.]

Again, on page 4596 of the same hearings, Mr. William L. Waring and many others, in their brief to the committee, made this statement:

> The cost of equipment of an American hosiery mill is double that of a German hosiery mill.

If this policy of levying enormous taxes on everything that goes into the construction and operation of the cotton mill and thereby doubling, tripling, and quadrupling the capital necessary to produce a given amount of cotton cloth is good for the industry, and if it fosters and builds up the cotton mills, as Republicans allege, then the policy of a great many State governments, which exempt the factories from all State, county, and city taxes, is a mistake. In Mississippi there are constitutional and statutory provisions exempting for a period of years factories from all kinds of taxes, and these laws are based on the idea that the exemption from taxation will lessen the cost of production and thereby encourage, foster, and build up the industry. But this is a great mistake, if the Republican contention that to burden with intolerable taxes everything that the cotton mill buys is the way to build it up and that to remove these burdens of taxation will ruin the business. But if the way to help an infant industry, if the way to foster it and build it up and put it upon its feet, is to levy such enormous taxes that you double and treble and quadruple the capital necessary for it to acquire, then this policy of the States is all wrong, and they ought to join the Federal Government in burdening the factories with every sort of taxation that they can devise. [Applause on the Democratic side.] And if the policy of protection which doubles and quadruples the amount of capital required to manufacture cotton cloth fosters and benefits the business, then the statesmen of Great Britain are utterly mistaken, because they pursue the opposite course. They not only do not compel the cotton mills in their construction, maintenance, and operation to pay any sort of tax to the pets and favorites of the Government, as we do, but, like many of the American State governments, Great Britain does not require them to aid but a little in the support of the Government.

A small tax is levied on the rental value of the buildings of the mill, but all the capital, machinery, and so forth, are exempted from taxation. The laws of Great Britain are such that in 1869, after eight years of Republican protection, it required in England just half as much capital, according to Mr. Wells, and in 1909, after 49 years of Republican protection, just one-third or one-fourth as much capital to erect, maintain, and operate a cotton mill as in the United States. The laws of Great Britain are such that the cost of producing cotton cloth is so much less than the costs in our country that we can not compete with her in any other market of the world. The result of the two policies is that Great Britain manufactures the cotton goods with which her own people are supplied and exports and sells in the markets of the world nearly a half billion dollars worth of cotton goods, while we, with all the advantages in our favor, with the free raw material at the doors of our mills, with superior machinery, with the superior genius of our manufacturers, with the much greater productive capacity of our laborers, manage to export and sell in foreign markets the pitiful sum of $33,000,000, or about one-fifteenth as much as Great Britain. The probative force of these facts must convince any fair mind which is not afflicted with the insane delusion that a government can tax prosperity into the people and foster an industry by increasing the cost of production.

And if anyone thinks that the conditions in England and the United States are so different that the comparison is unfair, then I ask them to compare our exports under free trade and protection. In 1860, the end of our free-trade period, our cotton-goods exports were more than twice as great as they were in 1875, after 15 years of protection, and were greater than they were in 1890, after 30 years of protection, and in 1910 our exports of cotton goods were $19,546,936 less than they were in 1906. This is true because the hostile hand of the Government has been laid with crushing effect upon the industry, and so increased the cost of production that our cotton mills are rapidly being driven out of every foreign market.

The effect of the artificial or legislative increase of the cost of production upon a cotton mill finds a striking illustration in Daily Consular Reports of November 10, 1908, which the Ways and Means Committee incorporated in its hearings on page 4597. In this report the consul general at Calcutta, Mr. William H. Michael, states that from 1902 to 1907 the exports of cotton goods from Japan to India increased from thirty-six thousand to more than a million, showing that Japan can import her cotton from India and America, manufacture it into cotton goods, and crush out competition among the cotton mills of the country where the cotton is grown, and the reason given is the effective economy in the equipment of the Japanese cotton mill, which costs one-fourth as much as that of the Indian mill. On this account a large mill at Bombay was compelled to close its business and confess its inability to compete with Japanese prices. If American statesmen do not possess as much intelligence a those of England and Japan they should not be criticized on that account, for no one should be blamed because he has not as much sense as other people; but when English and Japanese statesmen have pointed out the way of success and we behold the results of their superior intelligence, the

want of common sense is a very poor excuse for repudiating their example.

SECOND—THE INCREASED COST OF LABOR TO THE COTTON MILLS.

The second way in which the tariff increases the cost of production is that it compels the cotton mill to spend a great deal more for its labor than would otherwise be necessary. It not only, as I have shown, requires twice as much capital, but it also necessitates a large increase in the cost of labor. It must be manifest to one who thinks that the minimum of wages which every cotton mill must pay its laborers is the sum of money necessary to purchase sufficient food, clothing, and shelter to maintain the laborers in strength and health.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWEET. Mr. Chairman, I would ask unanimous consent that his time be extended.

The CHAIRMAN. That can not be done, as the time is under the control of the gentleman from Alabama [Mr. UNDERWOOD].

Mr. WITHERSPOON. Mr. Chairman, the gentleman from Alabama has notified me that he has no more time, and I will ask the privilege of extending my remarks in the RECORD. [Applause on the Democratic side.]

If the money wages received will not purchase this subsistence, then physical weakness and incapacity to do the work will follow. Now, when the tariff system fastens upon all that the laborer eats and wears, upon all his kitchen, table, and household goods, and the very shelter in which he lays down his weary body to sleep, an enormous tax which doubles the cost of living, it becomes a necessity to the existence of the cotton mill that it should pay in wages twice as much money as it would be necessary to pay if the tariff had not doubled the cost of living. In other words, if without any tariff the subsistence of a laborer for a week cost $10, then that is the minimum of wages which the mill must pay; but if by taxing everything the laborer uses the cost of his subsistence for a week is increased to $20, then the cost of his labor to the mill has been doubled.

It is also manifest that this increased cost of labor to the cotton mill does not mean that the laborer receives any increase in his real wages, though his money wages may become much larger; but whether he receives the minimum of wages, which is a bare subsistence, or something over and above, it is plain that the burden of the cotton mill increases in proportion as the taxes on all he uses increases the cost of his living. The failure to distinguish between the money wages and the real wages, between the cost of labor to the mill and the real compensation which the laborer receives for his services, grows out of the confusion of confounding the number of dollars paid to the laborer, which is the mere medium of exchanging his labor for his subsistence, for his real wages, which is the living purchasable with the money he receives. That the wages of laborers may be greatly increased in dollars and yet the real wages, on account of the higher cost of living, may at the same time be reduced, becomes apparent by comparison of American wages at different periods of our country. The money wages of American laborers in 1867, under the necessities of the first seven years of protection and increased cost of living, was about 33 per cent higher than in 1860, when the cost of subsistence was not artificially increased to any great extent by the tariff, but the real wages of laborers were much lower in 1867 than in 1860. This fact is clearly demonstrated by the learned and able report of David A. Wells, under date of January, 1869, to the Secretary of the Treasury; and here I wish to incorporate in my remarks the result of his researches as it appears on pages 16 and 17:

Table showing the average weekly expenditure of families of varying numbers in the manufacturing towns of the United States for the years 1860 and 1867.

Size of families.	Average weekly wages—		Average weekly expenditures—		Surplus in 1860.
	In 1867.	In 1860.	In 1867.	In 1860.	
Parents and 1 child	$17.00	$12.17	$17.00	$9.96	$2.21
Three adults	17.52	12.00	17.52	10.31	1.69
Parents and 2 children	18.75	11.50	18.75	10.79	.71
Parents and 3 children	19.50	12.41	19.50	11.33	1.08
Parents and 4 children	23.33	14.15	23.33	13.18	.97
Parents and 5 children	17.11	10.37	17.11	9.46	.91
Parents and 6 children	13.50	9.50	13.50	7.67	1.83
Parents and 7 children	25.00	15.17	25.00	14.09	1.08
General average of the above	18.96	12.16	18.96	10.85	1.31

In constructing the above table it has been assumed for purposes of comparison (and so expressed in the third column of the table) that the total average weekly wages obtained in 1867, viz: $18.96 were entirely expended, and in the following proportions: $14.29 for provisions, rent, fuel, and so forth, and the balance, $4.67, for clothing, domestic dry goods, housekeeping articles, luxuries, and so forth. Now the same quantities and qualities of provisions, groceries, clothing, rent, fuel, and housekeeping articles could have been obtained in 1860 and 1861 for the respective sums indicated in the fourth column, showing an average weekly cost of $10.85 in 1860, as compared with $18.96 in 1867; and leaving a balance in the former years of $1.31 (gold) per week in favor of the operative, as against no accruing surplus whatever in 1867–8; or, in other words, supposing the requirements for food, clothing, and shelter to have been the same in 1867 as in 1860, the operatives referred to in the table, who received in 1867 an average of $18.96 per week, obtained in that year only sufficient to give them the actual necessities and comforts of life; while the same men, whose average weekly wages in 1860–1 were only $12.16, obtained with such earnings at that time the same articles of comfort or necessity, and had in addition a surplus of $1.31 (gold) per week, or $68.12 (gold) per annum.

As has already been stated, it has been assumed in this comparison that the wages received by the operatives in question during the year 1867 were wholly consumed in their living. To a very considerable extent it has been found that this assumption is justified by facts, but if, in view of the constant increase of deposits in savings banks and other evidences of accumulation, it should appear that a margin on an average has been saved, the figures presented show with equal certainty that on the same scale of living, the margin in 1860 must have exceeded that of 1867 in the proportions indicated. The fact, therefore, is established by incontrovertible evidence that the condition of working men and women in a majority of the manufacturing towns of the United States is not as good at the present time as it was previous to the war, notwithstanding that their wages are greater, measured in gold, in 1867–68 than they were in 1860–61.

Here is the demonstration made by a learned expert, a Republican and a protectionist, that while seven years of protection forced the manufacturers to increase the money wages of laborers from $12.16 in 1860 to $18.96 in 1867, yet that its increase of the cost of living was such that the real wages of the laborer were reduced to the extent of $1.31 per week, or $68.12 per annum. If, in addition to the fact that while protection increases the cost of labor to the manufacturer, it reduces the real wages of the laborers, we add the consideration that the productive capacity of the American laborer is so much greater than that of any other in the world, it becomes apparent that he is the poorest-paid laborer on earth. In 1900, 546,000 English cotton-mill operatives produced cotton goods to the amount of $472,000,000, or $864 to each laborer, while at the same time 661,451 American cotton-mill operatives produced cotton goods to the amount of $931,494,566, or $1,408 per laborer. In other words, the American laborer produced $544 more per annum than the English laborer, and therefore if the American cotton-mill operatives were paid according to what they produce there would be not only a great increase in his money wages but also in his real wages.

The fact, as I have shown from Republican testimony, that he is not so paid is not because the American manufacturer is not as liberal and considerate of his employees as foreigners, but it is because, after he has paid the enormous taxes which Republican legislation has forced into the price of all he buys, there is not enough left to pay dividends and full compensation to the American laborer. To exculpate the American manufacturer from the charge of dealing unfairly with his laborers it becomes necessary to admit, what I have attempted to prove, that Republican legislation has placed upon the industry such intolerable burdens that it is impossible for the cotton-mill employer to do justice to his employees.

And this impossibility is the cause and origin of the strife between capital and labor. As is so well explained and emphasized in the learned and able speech of the gentleman from Maine [Mr. HINDS], the very object and aim of corporate existence is dividends for the stockholders, and to this all other considerations are subordinate. When out of the sale of the mill's product it has paid 80 per cent of the price of its product for material, its operating expenses, and highly taxed machinery and supplies, and the other 20 per cent of the price becomes necessary to purchase enormously taxed subsistence of its laborers, it is then reduced to the necessity of a surrender of dividends or a reduction of wages below the minimum limit of a bare subsistence, and the struggle between capital and labor is on. This struggle is the direct and inevitable result of the enormous taxes which have been levied by the

protective tariff on all that the mill buys and on all that the laborers consume.

There are two methods for the settlement of the controversy. If the mill undertakes to settle the question by reserving enough of the 20 per cent to pay dividends and the laborers refuse to yield to the necessary reduction in wages, then the method of settlement is a lockout; but if the laborers demand a maintenance or increase of wages and the mill will not consent, then the method of settlement is a strike. And whether we have the lockout or the strike, the cessation of the production while it continues and the millions of dollars expended in its conduct measure the amount of the damage which protection inflicts upon the industry. As the accumulating and ever-increasing burdens of protection, both upon the capital and labor of the industry, have from year to year resulted in a more desperate struggle, the number and extent of strikes and lockouts have multiplied with frightful rapidity. In 1881 the number of strikes in which the laborers of the United States attempted to enforce the payment a second time of what their employers had already paid out in tariff taxes were only 471, but as the burdens of protection, both on capital and labor, became each year more intolerable, the number of strikes multiplied, until in 1905 there were 2,077, aggregating for the 24 years 36,757 strikes. The number of manufacturing establishments in which the strikes occurred was in 1881 only 2,928, but the number involved increased yearly until they exceeded 20,000 in one year and aggregated in 24 years 181,407. The number of strikers in 1881 was only 129,521, but they increased until one year saw more than half a million of men on strike, and the period of 24 years shows 8,703,824 who ceased to work and went on a strike because protection had made it impossible for the factories to pay them more and for them to purchase a subsistence at the prices fixed by the tariff.

While the laborers of the country were engaged in this gigantic effort to get enough wages to pay the protected prices of what they consume, the factories were not idle in their efforts to take from their laborers a larger share of the output in order to pay dividends, and so the lockouts, which in 1881 were only 6 in number and involved only 9 establishments and 655 employees, had increased in the year 1905 to 109 lockouts, involving 1,255 establishments and 80,748 employees thrown out of employment, and during the 24 years there were 1,546 lockouts, involving 18,547 establishments and 825,610 employees. These lockouts are the unintentional but eloquent protests of the protected industries against their own inability to pay dividends to the stockholders after the output of the factory has been exhausted in paying the protected prices of the subsistence of labor and the protected prices of the capital necessary to the business. The gentleman from Maine [Mr. HINDS] has described this condition when the corporation shuts down and closes its doors because it can not pay dividends as "waiting for better times to come," but he did not define those "better times" to mean when the sale of the output would be sufficient to pay the high tariff cost of the living of the laborers and the protected prices of all the factory buys.

What the cost of all these lockouts and strikes were, how much the production of wealth was reduced while all these mills were idle and all their laborers were unemployed, and what the magnitude of the damage to the cotton-mill industry was, it is impossible to describe and difficult to imagine. But when we remember that the British tariff commission estimates the cost of one strike at $27,000,000 in the loss of wages alone, when we remember that the great strike in the cotton mills of Fall River lasted, I believe, nearly a year, and when we remember that the expense of maintaining the multitude of labor unions, and the immense sums of money that these unions have to keep on hand in order to be ready for a strike, it becomes manifest that the cost of these lockouts and strikes extends into the hundreds of millions of dollars, and coming, as it does, out of the product of the industry, constitutes an intolerable burden which protection has entailed upon it.

The evil and injurious effect of the great increase in the cost of the capital and labor required in the cotton industry imposed by the tariff, and the inevitable disturbances incident to the levy of these enormous taxes and manifested in all these lockouts and strikes, will be made plain by a comparison of the industry during the period of free trade and that of protection.

Under the comparatively low tariffs in force up to 1860, tariffs, too, whose practical effects were nullified by the auction system, and other devices resorted to to overcome the evils of protection, the number of establishments for the manufacture of cotton goods increased to 1,094 in 1850, and was practically the same in 1860. In 1870, under the burden of 10 years of a protective tariff, these establishments had decreased in number to 956. In other words, 135 of these establishments had gone down in failure and disappeared from the records of the census in the first decade of a Republican tariff. In 1880 the number of these establishments had decreased in number from 956, in 1870, to 756 in 1880. In other words, during the second decade of a Republican tariff 200 more cotton mills, under the increased strain of doubling the cost of capital and labor, were buried in the graves of failure and bankruptcy. In other words, it only took a protective tariff 20 years to destroy 335 of the 1,094 cotton manufacturing establishments which free trade had built up in 30 years.

By 1880 the difficulty of manufacturing cotton cloth at a profit had become so great and so many mills had gone down in failure that some of the mills, to overcome the evils of protection, were removed to the South, where cheaper labor could be procured and where freights on the raw cotton could be saved, and in the meantime protection, having legislated the profits out of the culture of cotton, an immense amount of southern capital and labor was forced from cotton farming into the manufacture of cotton goods. The consequence was that southern cotton mills, which were very few in 1880, became in number 550 in 1905. With this great addition of southern cotton mills, the total number of these establishments in the United States in 1905 was 14 less than in 1860. And if we exclude the cotton mills of the South, then the 1,091 cotton mills existing, mostly in New England, in 1860 had been reduced, under the benign influence of protection, to 527. It is against this flagrant and criminal destruction of American industries that free trade enters her indignant protest, and while with the instinct of a mother she grieves and mourns and laments the death of her cruelly treated children, protection, mad with greed, has never once paused to cast a look of pity on the ruin he has wrought or to lay a flower of regret on the graves he has dug.

The great damage of the protective tariff in increasing the cost of production was clearly seen and forcibly pointed out in the reports of David A. Wells, a Republican protectionist, who, as I have said, spent four years, from 1865 to 1870, in the investigation of the subject, and on pages 108 to 114, inclusive, of his report of December 17, 1869, we find seven pages in which Mr. Wells, in order to relieve manufacturers from the burdens of protection, recommends the total removal of all duties on a vast number of articles and a radical reduction of the duties on many others. Mr. Wells and his assistants were the first tariff board the Republican Party ever had, and he is by far the best one they ever will have. He was wise enough to discover that the great increase in the cost of production which protection imposes upon manufactures renders success impossible, and he was brave enough to recommend the abolition and reduction of the tariff. He told the truth in his reports, and hence what he said was ignored and repudiated in the same way that the report of the present Tariff Board will be ignored and repudiated, if it should happen to discover and report the truth about the tariff.

THE EFFECT OF THE TARIFF ON THE PRICE OF COTTON GOODS.

Having shown that the tariff greatly increases the cost of production, then it must be an injury to the cotton mills, unless it enables them to sell their goods at such prices as to make the difference between the cost and the selling price the same or greater than it would be without the tariff. If the natural cost of producing a yard of cloth is 5 cents, and the tariff doubles the cost of the capital and labor so that the cost of the cloth is 10 cents a yard, then the mill is injured unless the selling price of the goods is also increased 5 cents per yard. In other words, the theory of protection, as it is called, is to increase the cost of production by levying enormous taxes on all that the cotton mills buy and on all that its operatives consume, and then, as a compensation to the overburdened mill, it proposes to rob the American farmer, laborer, professional, and other classes of the consuming public to the extent of making its profits as large or larger.

The Republican platform declares that the tariff should be high enough to cover the difference between the cost of production at home and abroad. It thus recognizes the existence of that very difference in the cost of production which I have discussed, and also recognizes it as an economic evil which legislation should overcome. But the Republican platform is very careful to conceal from the American people the cause of that increased cost of production. It nowhere states that the protective tariff itself is what has created this difference in the cost of production at home and abroad, which it proposes to counteract by enormous taxes upon the American people. Tariff creates a confessed evil and then seeks to counteract its effect by perpetrating a still greater outrage upon the people by increasing the prices of what they have to buy.

If the tariff system of taxation increases the cost of production, as I have shown, and as the Republican platform virtually

admits, then the only sensible, logical deduction is that all the taxes on what the mills buy and on what its laborers consume should be abolished if the purpose is to foster and benefit the cotton mills; but, assuming for the sake of argument that it is equitable and just to impose these burdens upon the mills and then to tax the American people enough to compensate the mills for the wrongs heaped upon them, I ask how and to what extent does the tariff accomplish this purpose?

That the levy of duties upon imported goods does enable the mills to make profits at times, I admit; and that it does at other times, I deny. There are periods in the history of the industry when its profits, as the effect of the tariff, are enormous, and other periods when the mills have made no profits, but sustained losses. The tariff, with the folly of a glutton, sometimes gives the cotton mills more than they need, and at other times leaves them to starve. The process by which this is accomplished I wish to explain.

The prices of goods are at all times determined by the law of supply and demand. If the supply and demand are both increased and decreased in the same proportion, the price is not affected. If the supply is decreased and the demand is increased, the price is raised; and if the supply remains the same and the demand is decreased, the price is lessened. The tariff does not nullify or change this law, but its effects are produced by decreasing the supply and the demand.

When duties on foreign goods are levied so high as to prohibit in whole or part their importation, the consumer is limited in his purchases to the home market, and thus the supply, which had consisted of both the home and foreign market, is decreased, and the price of the goods is increased. If in this case the demand is equal to the supply of the domestic mills the increase of price will be equal to the full amount of the tariff, and will so remain as long as the demand equals the supply. And it is under these conditions that the tariff produces abnormal profits for the mills. As long as the economic demand for the goods is equal to or greater than the supply the mills can levy the full amount of the tribute fixed by the tariff upon the consumer. During such periods American manufacturers make a profit of 20 per cent, and in their tariff bulletin No. 2, presented to the Ways and Means Committee on June 6, 1911, they call these periods, on page 40, extra good years. This profit of 20 per cent means that much clear, after paying out of the prices paid by the consumer all the tariff taxes embraced in the prices of the machinery and supplies which the mill has bought, and of all the subsistence which the operatives have consumed. It is a profit of 20 per cent on the artificial capital of American cotton mills, amounting to $613,000,000, but as I have shown that the tariff doubles the cost of that capital, and that one-half of it is an artificial value legislated into the prices of it, it follows that the American consumer pays to the cotton mills in these extra good years prices sufficient to make their profits 40 per cent on the real value of their capital.

However, the total amount of their profits in these periods, whether we calculate it at 20 per cent on the tariff-fixed values of the capital, or 40 per cent on the real value, is, in round numbers, $122,000,000 annually, and here is the explanation of the great fortunes accumulated by the stockholders of protected industries. What these fortunes amount to I do not know. One of the witnesses before the Ways and Means Committee in 1909 testified that these fortunes were not large, but he explained that he did not consider a fortune large until it became three-quarters of a billion dollars. This testimony reminds me of the last will and testament of a great millionaire, who left the principal part of the estate to one son and a very insignificant portion to the youngest boy. This led some newspapers to exclaim, in pity: "Think of this poor fatherless boy wandering around the streets of New York with only $3,000,000 in the bank to his credit." But it does seem that these fortunes are so big that the stockholders of the protected industries can in automobiles traverse the highways of the land at a speed unknown before the days of protection; that they can rush through the billows of the sea in palatial yachts, and that they could even cleave the vaults of heaven in flying machines made of gold and studded with diamonds if the problem of perfect safety could be solved. These fortunes do seem to be so big that the wearied limbs of the millionaire can rest during the night and according to taste in a mansion on some silk-stocking street, or in a palace by the sea, or in the mountains, either at home or in foreign lands. They do seem to be so big that they can not be spent, and therefore many millions have to be spent in a benevolent effort to buy international peace, to establish a library in every town as a monument of gratitude to the protective tariff, and to secure the services of medical experts commissioned to discover and capture the invisible hookworm in every corner of our country.

To one who considers this period of excessive profits from an economic standpoint, from the standpoint of benefit to the cotton mills, it is impossible to perceive any good in it, for whether the dividends of the stockholder enables him to live in the palace or the hut, to spend his days in the peaceful enjoyment of the necessities and comforts of life, or in the worry and anxiety of devising schemes to get rid of his surplus millions, the hum of the loom and spindle, the industry and skill of the operative, and the product of the mill are just the same.

But, in addition to the splendid and luxurious life of the stockholder, we find from the records of the census that from 1860 to 1905, the period of high protection, the capital of American cotton mills increased, in round numbers, five hundred and seven millions, and, if Mr. Wells and other Republican witnesses are to be believed, the same lands, buildings, machinery, and supplies constituting this increase could have been purchased with half the money if it had not been for the protective tariff. If in 45 years a protective tariff has, as I have shown, doubled the amount of capital needed to enlarge and extend the manufacture of cotton, increasing it from $253,000,000 to $507,000,000, and has enabled the cotton mills to sell their goods for prices sufficient to acquire the whole amount of $507,000,000, then the protective tariff has not done the industry any good, unless you will assume that under free trade the cotton mills could not have sold their goods for sufficient prices to increase their capital to the amount of $253,000,000.

But if the tariff could give to the cotton mills the power to continue these excessive profits and make the period of high profits permanent, I would admit that it is a benefit to the industry; but the whole history of the business shows that these periods of prosperity do not continue under the burdens of protection. The difference between these periods of high profits and the periods of smaller profits, no profits, and losses, is so marked that the manufacturers themselves distinguish them by the title of "extra good years." When these high profits begin to disappear and are reduced to 15 per cent, then the title of the period loses the word "extra," and on page 40 of the bulletin already referred to the manufacturers call the period "good years," and when the profits are reduced to 10 per cent they call the period "fair years," and when the profits dwindle to 5 per cent they call it "poor years," and when the profits entirely disappear they call the period "extra poor years," and when the burdens of protection have substituted immense losses for profits, as it did from 1860 to 1880, and 335 cotton mills go down in bankruptcy and failure, then the manufacturers never breathe it to a human soul.

The industrial phenomena of high profits, no profits, and losses, which characterize the various periods of the cotton-mill business, are matters whose explanation will illustrate how the tariff affects the industry. These changing conditions can not result from any effect which the tariff has on the supply, for it precludes the purchaser from the foreign market and limits him to the home market in one period as well as in the others, and, therefore, they must result from its influence on the demand. When the supply remains the same the demand must be decreased in order to lower the prices of goods, and this is what the tariff does. The economic demand which affects prices is not only the desire and need for goods which can vary only with the increase or decrease of population, but also includes the ability to pay for them. The purchasing power of the people is the chief element of the demand for goods, and this the tariff continually reduces. The concentration of the wealth of the country in the hands of a few, which is the inevitable effect of the tariff, lessens every day the number of those who are able to pay for the goods they need and thereby decreases the economic demand for them.

The statement made on the floor of the House that one-half of all the people of the United States own no property may not be accurate but it is certainly true that millions of them are unable to pay for goods at present prices, and this fact, which is the result largely of the protective tariff, is what changes the period of high profits into a period of no profits and losses. This self-destructive process, by which the tariff abstracts the wealth of the country from those who produce it and concentrates it in the hands of a few millionaires is what causes the present deplorable condition of the American cotton mills. They can not sell their products at prices that will pay dividends because the tariff has doubled the cost of the production, and exhausted the purchasing power of the people, thus destroying the demand, and forcing the mills to run on short time, and to limit the production to the consumption of the wealthier classes of the people. This is the condition that confronts us to-day. The manufacturers themselves describe it as deplorable.

From much information and some personal knowledge, I state that the American cotton mills are making no profits, and many

of them are sustaining heavy losses. This condition has continued for four years and it is growing worse. We are passing through a period far worse for the manufacturers of cotton than the first two decades of Republican tariff, and if the present destructive, criminal policy is not abandoned there will be more than 335 cotton mills go down in failure and bankruptcy. Many of them have already failed. A leading manufacturer of the South writes me that nine cotton mills in the State of Georgia have lately failed, and many others are in a failing condition. The continuance of the present policy means the destruction of every cotton mill which is financially weak, and the survival of those only which are rich enough to wait for better times to come. A protective tariff, whether high or low, can not save them. It can not decrease the cost of production, because it has the opposite effect. It can not increase the demand, because it constantly reduces the purchasing power of the people. The only salvation for cotton mills is absolute free trade.

If we could repeal every tariff which forces the cotton mills to pay twice as much for what it buys as the real value thereof; if we could repeal every tariff which forces the cotton mills to pay such wages as will enable the operatives to pay twice as much for their subsistence as it is worth and thereby lessen the cost of producing cotton cloth; if we could in some way gather up the $253,000,000 which the present tariff has forced the mills to pay for their present capital more than it was worth, the untold millions which has been paid for the subsistence of their operatives in excess of what it was worth, the billions which constitute the present fortunes of its stockholders, the vast sums which have been wasted in the lockouts and strikes brought about by the protective tariff, the huge losses to the production of wealth, while ten millions were wandering through the streets unemployed and hungry, the great values represented in the 335 mills which went down in 20 years under the burden of protection; if we could not only reduce one-half the cost of cotton-cloth production, but in some way gather up all this wealth and redistribute it among the people who produced it, every cotton mill in America would be able to run on full time, to pay its laborers living wages, and to sell its product at such prices as would produce fair profits.

The two great productive industries of the country are manufactures and agriculture. The men engaged in one are the consumers and purchasers of the products of the other, and therefore the prosperity of the one is dependent on the prosperity of the other. When, by legislative power, the wealth produced by one is abstracted and transferred to the other the economic equilibrium between the two is destroyed and both are injured. For many years the protective tariff has forced the farmer to pay enormous tax in the price of all he buys to the manufacturers. It has forced the American farmer to pay such prices for cotton goods that the manufacturer could pay enormous dividends on twice as much capital as was necessary and twice as much for the subsistence of the operatives as was necessary. The farmer has been compelled to pay such prices for his cotton goods as to create in the cotton-mill stockholders fortunes somewhat less than three-quarters of a billion dollars. The farmer has been compelled to pay such prices for his goods as to make up to the manufacturer the immense losses involved in all the lockouts and strikes which have marked the history of the protective system.

On the shoulders of the poor farmer has been placed the burden of replacing the great loss in the production of wealth while 10,000,000 laborers were unemployed and idle. The inevitable result of all this has been the legislation of profits out of agriculture and this result is manifest to anyone who knows anything about agriculture in the South. For five decades the southern cotton farmer has been accustomed to sell his cotton crops for sums which did not equal the artificially fixed prices of what he used in the production of his crop; and his losses have been represented in the mortgages on his home, by which he pledged the future earnings of his toil to enrich the favored pets of the Government. In the days when he could buy his supplies in the cheapest markets of the world, he prospered and continually bettered his condition. Up to 1860, when almost the entire capital and labor of the South was devoted to the culture of cotton, the section grew rich year by year, although the annual production did not exceed 3,000,000 bales, because the amount of its sales so far exceeded the cost of production as to leave handsome profits. Southern cotton farmers not only made many large fortunes, but even in the least fertile sections of the South could be seen the evidences of comfort and luxury. The southern planter was the synonym for financial standing and credit. His home was never invaded by hardships and want. His wife and daughters moved in a style which was the envy of those who lived in town.

But all this is changed now. The mention of a southern farmer now suggests to the mind the idea of debts and mortgages. He now produces four times as much as he did before the war, but his condition does not improve because the Government has legislated the profits out of his business. The production of 12,000,000 bales of cotton does not improve his condition, though the production of 3,000,000 bales made him rich. A common wagon drawn by mules has been substituted for the carriage and horses which once conveyed him to the house of religious worship. The cheapest cotton cloth now takes the place of the silks that once rustled on his wife and daughter. Her tender hands have been hardened by the touch of toil, but the beauty of her face has never faded, and the still greater beauty of her soul we worship with an idolatrous love.

The farmer has been oppressed. He has been impoverished. He has been robbed. And our iniquitous system of taxation has promised that this would make cotton mills and other protected industries prosper. The result of this criminal folly, tested for a half century, is that all the manufacturers tell us that the cotton mills are in a deplorable condition. Many of them have failed and hundreds more will fail. This is the poor, pitful, senseless excuse for the ruin of agriculture.

But, Mr. Chairman, in conclusion, if it will not be regarded as presumption, I would like to make one short appeal to the Republican side of the House. I know full well that my weak logic can never shake the convictions of a lifetime. No argument of mine can ever change the well-fixed delusions that the Government can tax prosperity into the people, and by taking the wealth of one to give to another make them all richer. I have within the framework of my mind no intellectual battleships with which to assault and take the Gibraltar of your bias and prejudice against the South. The unkind feelings which have so often found expression in the debates of this session toward my people preclude any appeal to either your reason or the sympathies of your hearts.

But even when human minds are so separated by the clouds of ill will and the dark fogs of prejudice that neither the sunlight of reason nor the softer moonlight of human sympathy can penetrate through the gloom from one to the other, there is a power divine whose influence knows no limit. It is the still, small voice whose musical echo is always sweet to the human soul. Charles Dickens says that in the music of the wild waves can be heard the voice of the Great Creator, which speaks to the heart alone; and it was one of your own great poets—I do not venture to say our—once wrote:

> To him who in the love of Nature holds
> Communion with her visible forms, she speaks
> A various language.

It is the divine voice coming from the lips of nature upon which I depend for my appeal. Go with me in thought to the cotton farm. As we pass the humble unpainted home, you will find the doors closed and the windows down. There is no laughter or prattle of children in the yard, and the footfalls of the mother do not break the silence within. Passing on down to the cotton field you will see the farmer with his cotton sack swung to his shoulder, bending over the row. By his side works the ever-faithful wife, under whose sunbonnet you will see a face whose charm no adversity can destroy. And still next there is a blue-eyed rose-lipped girl whose tender fingers with the beauty of a flower and the grace of a queen gather that wonderful fiber in which the human race is clad. And all through that cotton field among the bending limbs and green leaves of the cotton stalk you will see a great multitude of cotton blossoms as white and spotless as your own snowflakes on the way from heaven. These are the tongues of nature, and they murmur with a mute but more than mortal eloquence how the manhood, the womanhood, and even the sweet childhood of the South is consecrated to the service of humanity.

And go with me again next day and you will find these same white blossoms have changed to red. They are about to fall. They are now the bleeding tongues of nature, and they mutter its last dying declaration that the lifeblood of the great cotton industry of the South is being shed to satiate the thirst of protected greed.

If argument has lost its power, if logic is no longer potent, if human sympathy and pity are forever dead, still listen to the sweet voice of truth as it finds its expression divine in the living and the dying flowers of the cotton field.

Mr. LONGWORTH. Mr. Chiarman, I yield 30 minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Chairman, before taking up the matters to which I especially wish to refer I would like to call attention to two or three statements which have been made by speakers on the other side during the debate of yesterday and to-day. First,

I will call the attention of those present to an example of the careless statement which is frequently made in general debate by speakers when they deal in generalities rather than in facts. The gentleman who has just taken his seat [Mr. WITHERSPOON], as he was closing his remarks, stated that owing to certain conditions which he had been describing our cotton-manufacturing industry was rapidly losing its foreign markets. This statement would indicate that the gentleman had not even taken the trouble to examine census reports or the statements issued by the Bureau of Statistics. If he had done so, he would have found that our exports of cotton goods in the past year were the largest in our history, with the exception of two years, and this notwithstanding the comparative depression in all industries—certainly a complete and conclusive answer to his statement.

I wish also to call attention to some of the statements made by the gentleman from New York [Mr. REDFIELD] during his discussion of this subject yesterday. He called our attention to some very well-known facts. First, that this is an age for developing scientific management, and with much that he said along those lines I am fully in accord. We have not kept pace with some European countries, especially Germany, in this respect, and we must continue to develop scientific management if we are going to increase our manufacturing industries at the same rate we have been in the past. With the conclusions which the gentleman from New York drew from this statement, however, I am not in accord.

I am not quite sure whether he contended that labor in this country is more efficient or less efficient than that abroad. He gave instances which would sustain both contentions. My opinion is that, generally speaking, labor in this country is more efficient than it is abroad, but in some industries, like the woolen industry, where generation after generation has been employed in it, there has been developed a deftness and aptness which can not be found elsewhere, so that the labor connected with that industry, especially in England, is perhaps more efficient than in this country.

The gentleman from New York [Mr. REDFIELD] also complains that we have not developed our textile machinery, and especially the machinery connected with the woolen or worsted industry, and implies that the tariff is responsible for this. I think he will agree with me that the cotton machinery produced in this country is as efficient as the cotton machinery built anywhere in the world; that the machinery which is used in our woolen mills, as woolen mills are differentiated from worsted mills, is also made in this country, and is equally efficient, but that the machinery used in our worsted mills very largely comes from the other side.

I do not agree with him in his conclusion as to the reason for this condition. The tariff, in my opinion, has nothing to do with it. The reason is that the worsted industry in this country is comparatively new. It is not more than 15 years old—practically speaking, not more than 10 years old. The people who first took up the worsted industry in this country came from the other side, Englishmen and Frenchmen largely, who were wedded to the machinery with which they had been brought up, with which they were familiar, and which they believed was better than any other; therefore, naturally they brought foreign machinery here and installed it in the factories which they built and put in operation. We are rapidly developing the worsted industry in this country, and, as a result, the manufacture of worsted machinery. We are now making good looms, perhaps as efficient as those which come from abroad. We are making practically as good cards as can be bought abroad, but I am informed that our spinning machinery up to this time has not been equal to the spinning machinery which we could purchase on the other side. In my opinion, that part of the industry is coming rapidly; the Lowell Machine Co. is probably turning out to-day spinning machinery which is as efficient, if not better, than that obtainable elsewhere. [Applause on the Republican side.]

In fact, one of the main reasons why we have succeeded so marvelously in our manufacturing industries in this country is because we have, through the operation of our patent laws and the protective tariff, developed machinery far beyond the capacity of that which has been developed by our friends on the other side, and we are getting more efficiency from labor because labor is connected with the machinery in such a way that it produces better results than labor in Europe. Therefore I do not agree with the gentlemen to whom I have been referring, either as to the relative efficiency of our textile manufactures or to the reasons therefor in cases where our machinery is less effective than that made abroad.

Now, the gentleman from New York [Mr. REDFIELD] also calls to our attention the well-known fact that we exported more manufactured goods last year than ever before, and he draws from that the conclusion that we do not need protection. That our exports are increasing is true, and it is one of the results of our system in which a Republican takes great pride. We have always contended that if we could build up our industries in this country so that they might be run at their full capacity, we not only could supply our own needs, but we could supply the needs of the world; and the authors of the Payne-Aldrich bill must find great satisfaction in the fact that as a result of that legislation our export trade has reached a point beyond anything known before. I certainly believe that this is the direct result of the protective policy.

Now, what are the elements which enter into a manufacturing industry? I refer to this question because the gentleman from New York discussed it as being evidence why cotton manufacturers or managers in this country were not able to compete more effectively in the world's cotton-goods trade, contending that they were not up to date and they did not know their costs. There are four elements which go to make up a manufacturing industry—one is the stockholder; another is the management; another is labor; another is the efficiency of the mill and its equipment. With all of these things every management has to deal. The stockholder wants suitable returns on his investment. Generally speaking, the management of the mill is not a controlling stockholder and in many cases not a large stockholder. The continuance of the management or any particular manager depends on the returns which he is able to make. The result of inefficiency is that when the manager wishes to extend his operations he can not raise the capital to do it. If he is efficient, is producing dividends for his stockholders, and he wishes to extend his plant, he can always get capital to do it. Therefore it is of prime importance to every management to be efficient, to install the most efficient machinery, to have the most efficient labor which the market affords, and to pay the high price he must pay in order to get that labor. To charge that those who are directing the cotton industry are not doing this is simply charging a degree of inefficiency which must mean a short business life.

And I further want to call to the attention of the gentleman from New York, because I understand he is familiar with matters relating to manufacturing, this fact—and this applies to what I have said about the results of the protective policy—that mills in small localities, where labor is not easily obtained, are to-day not the mills that are paying large returns on the investment, unless there is some particular or peculiar quality relating to that locality or their product. The mills that are making the larger returns are in the big centers, where labor is easily obtained, and where labor is skilled to such a degree that it receives high wages. The largest wages paid to any employee in any manufacturing industry are in those centers where the industry is developed to a high degree both in labor and efficiency. And I call especially to the attention of the gentleman from New York [Mr. HARRISON], who referred to the wages paid by New England factories yesterday, that the wages in the cotton mills of New England are the largest per capita paid in any cotton-manufacturing center in the world, and the hours of labor are shorter in New England than in any other part of the world. Further, I believe, that in Massachusetts they are shorter than in any other place in this country. And this is especially true of the limitations placed on the hours of employment of women and children.

Mr. HARRISON of New York. Is it not true that in the last few years the New England States have been put on a 56-hour basis?

Mr. WEEKS. Most of the New England States are on that basis, and Massachusetts has just passed a law putting women and children on a 54-hour basis.

Mr. HARRISON of New York. In the figures which I gave yesterday it is shown that Massachusetts does not pay the highest wages in the cotton manufacturing industry in New England, but that New Hampshire does.

Mr. WEEKS. Mr. Chairman, I am referring to New England as a whole when I refer to the highest wages, and ask the gentleman from New York to turn to the wage scale published in the report which he has signed as to the pay of labor for different periods in this country and the wages paid to labor in Great Britain, also published in that report, page 488. If he does this, he will find that the wages paid in Great Britain are not 60 per cent as high as those paid in this country.

Mr. HARRISON of New York. Mr. Chairman, if the gentleman will permit me, in response to that I will say I gave yesterday figures bearing on the wages paid to operatives in the cotton mills in Maine, as compared to those of Great Britain. Those in Great Britain were higher than those in the State of Maine.

Mr. WEEKS. I will put in the RECORD the figures, which I will take from the report signed by the gentleman himself and

which will show that the wage paid in Great Britain is not over 60 per cent of the wage paid in this country, and that the wage paid in New England is higher than in any other section of this country, at least 60 per cent higher than in the southern section, which is the other great cotton manufacturing section in the United States.

I also want to call to the attention of those present what the chairman of the Ways and Means Committee stated the other day as to labor not receiving its proper recompense because the per cent which is paid to labor in the cotton manufacturing business is lower than it was 5, 10, 15, or 20 years ago. This per cent is lower, and it is lower in every other industry, than in former years. I know of industries where the per cent of labor cost in manufacturing is not more than one-third what it was 20 years ago, and I have no doubt the gentleman from New York can recall similar instances. The cost, by using labor-saving devices, has been reduced to such an extent that it has no relation to the wage paid to the individual laborer. I am surprised that the chairman of the Ways and Means Committee should advance an argument that the ratio of proportional cost of labor in manufacturing has anything to do with the rate which is paid to the individual laborer.

Now, I wish to particularly address myself to two questions——

Mr. REDFIELD. Will the gentleman yield?

Mr. WEEKS. Yes; I yield.

Mr. REDFIELD. I simply want to express my pleasure at so fair, so courteous, and so accurate a statement of facts presented from the other side of the House. I would be glad at another time to discuss further the inferences to be drawn from the facts upon which we largely agree, and I call especial attention, in the industry of which the gentleman has spoken, to a case which I mentioned briefly, I think, yesterday, where the introduction of a different type of machine reduced the labor cost instantly by 90 per cent, or from $1.15 a cut to 15 cents a cut—a very striking example of how the labor cost is varied and can not be predicated as the basis for anything.

Mr. WEEKS. I doubt, Mr. Chairman, if the gentleman from New York and I would agree as to the inferences to be drawn from the general statement which I have made as to which we do agree pretty generally. But, in my judgment, no more definite and conclusive argument has been made in favor of a protective tariff than the statement made by the gentleman that we made last year the largest exportation of manufactured goods in our history. [Applause on the Republican side.]

The gentleman knows, just as does every other man who knows anything about this question, that when you run a mill at full capacity the cost is reduced, so that we are able to enter the markets of the world. On the other hand, when a mill is run at a lower proportion of its capacity, we can not either get into the markets of other people or continue to hold our own market, for the good reason that the relative cost of production is increased. If we can run our industries at their full capacity, we can hold our own markets and get other markets; but if we are going to have this kind of legislation sprung upon us, proposed as it is for political purposes, the kind we are now threatened with, we not only will not be able to secure other markets, but we will lose our own. [Applause on the Republican side.]

Now, Mr. Chairman, we can sometimes reason as to what we ought to do ourselves when we consider what our rivals have accomplished on the same subject. My idea is that there never has been, and never will be, a bill introduced into this Congress which may do greater damage to an industry than this cotton bill which we are now considering. I believe it will bring about the closing down—temporarily at least—of most of the cotton mills of this country. Eventually many of them will adjust themselves to the new conditions as they find them; but this must mean that labor rates will be readjusted, and the readjustment will mean a lower wage scale.

Now, I wish to call attention to what has happened in Canada since 1897, as an indication of what may happen here. On August 1, 1897, the Canadians granted to Great Britain and the colonies of Great Britain a 12½ per cent preferential duty. On August 1, 1898, they increased it to 25 per cent. On July 1, 1900, they further increased it to 33⅓ per cent. So that, if the duty charged against other countries is 15 per cent, the duties charged on the ordinary goods imported into Canada from Great Britain is 10 per cent. Before this preferential went into effect Canada had developed some very good manufacturing textile industries, considering the newness of the country and its generally undeveloped condition. They were not large, to be sure, as compared with ours, but they were vigorous and prosperous.

Now, let us see what has happened since that time, and let us see whether there is any other reason for its having happened than the fact of the granting of this preferential duty. I can honestly say that I have not been able to find any such reasons. When the preferential was granted, in 1897, the imports of cotton goods from all countries into Canada—and "cotton goods" includes cotton—were $7,609,000. In the year 1910 the imports from all countries were $28,080,654, an increase in 13 years of nearly 400 per cent in importations.

I am taking the figures which I give from the Canadian Textile Directory, which is the only source of information I could find on this subject. In the year 1900 the production of Canadian cotton mills was $12,033,000. The value of the product in 1905 was $14,223,000. In 1910 an estimate made by our consul general at Montreal—there being no official figures published—gives the production at about $15,000,000, showing an increase in the production of Canadian cotton mills in 10 years of about 20 per cent. During that time our cotton mills increased their production more than 80 per cent; and, as I have pointed out to you, in the 13 years including 3 years before 1900 the importations of cotton goods into Canada increased about 400 per cent. During the same time the exportation of Canadian cotton goods decreased from $960,000 a year to $517,000 a year, a decrease of about 55 per cent. Let me recapitulate: Increase in production, about 20 per cent; increase in importations, about 400 per cent; decrease in exports, about 55 per cent.

The woolen industry has been more seriously affected even than the cotton industry. Since the preferential tariff went into effect the number of mills of all kinds has decreased from 270 to 217. Many of these are small affairs. The number of looms has decreased from 2,645 to 2,034; the number of spindles from 194,000 to 188,000.

There were 59 mills idle on the last date that I can find in the Canadian Textile Record, which refers to this subject on October 8, 1908.

The woolen goods manufactured by Canadian mills in 1900, the nearest date I can get to the beginning of the preferential, amounted to $7,359,541. In 1905, or five years later, the product had decreased to $5,764,000, a decrease of more than 20 per cent.

The capital employed in this industry had decreased from $10,486,000 to $6,938,000, while the wages and salaries paid had decreased from $2,000,000 to $1,500,000, in round numbers.

Let us see where they have been getting their goods. Of course they have been buying them from foreign countries. The importations from all other countries than the United Kingdom and the United States have increased in that time—that is, from 1897 to 1910—from $258,000 to $2,030,000.

In 1897 the total importations from all countries were $8,056,000. In 1900 the importations from the United States and the United Kingdom alone had increased to $9,353,000. In 1910 the importations from all countries had increased to $24,624,000, an increase of 300 per cent in the importations, while the industry itself in Canada had declined more than 30 per cent, both in the capital employed, in wages, and in salaries paid to employees, as well as in the value of the product.

Now, if these figures are any criterion as to what our course should be—and I submit to you that it is the best possible one we can have, because their conditions are nearer ours than are the conditions in other countries—then any such drastic cut as has been made in this cotton schedule is liable to produce similar results in this country. I will put other figures connected with this matter in my printed remarks, so that they may be at the disposal of the House.

The growth of the industry in this country during the last three decades is shown by the statistics of the following table:

Items.	Census—			
	1879	1889	1899	1909
Capital	$208,280,346	$354,020,843	$460,842,772	$808,287,938
Wages	$42,040,510	$66,024,538	$85,126,310	$129,768,088
Average number of wage earners	174,659	218,876	297,929	371,120
Value of product	$192,090,110	$267,981,724	$332,806,156	$616,297,000
Active spindles	10,653,435	14,188,103	19,008,352	27,383,912
Cotton consumed ....lbs..	750,343,981	1,117,945,776	1,814,002,512	2,332,569,000
Cotton consumed ...bales..	1,570,344	2,261,600	3,639,495	4,824,000
Looms	225,759	324,866	450,682	632,716
Average price upland middling cotton (cents per pound)	12.0	11.5	7.6	[1] 14.3
Average wage per operator	$240.70	$301.65	$285.73	$349.67
Average value of product per operative	$1,099.80	$1,224.35	$1,117.07	$1,661.25
Per cent of wages paid to value of product	21.9	24.6	25.6	21.0
Per cent of value of cotton consumed to value of product	46.9	48.0	41.4	54.1

[1] Average price of upland cotton for crop.

A better conception of the development of the industry in the United Kingdom will be secured from the following table:

Production and labor costs of cotton yarns and cloths in the United Kingdom for specified years, 1856, 1880, 1905, and 1907.

[Statistics for 1856, 1880, and 1905 compiled from "Textiles," by A. F. Barker, and those for 1907 from Reports of the British Census.]

Items.	1856	1880	1905	1907
Raw cotton imports, pounds	1,023,800,000	1,629,200,000	2,203,500,000	2,386,901,000
Raw cotton exports, pounds	146,600,000	224,600,000	283,100,000	330,352,000
Yarn production for sale, average counts,[1] pounds	745,600,000	1,194,000,000	1,632,300,000	1,826,000,000
Yarn exported..pounds	182,000,000	215,700,000	205,000,000	241,077,000
Yarn retained for consumption, average counts.....pounds	563,600,000	987,301,000	1,432,260,000	1,595,489,000
Cloth production, average width.....yards	3,600,000,000	7,737,000,000	11,550,000,000	[2]7,029,622,000
Cloth exported.....do	2,006,500,000	4,496,300,000	6,196,784,000	6,297,708,000
Number of spindles	28,000,000	42,000,000	50,000,000	50,680,000
Number of looms	300,000	550,000	700,000	[3]
Number of operatives in weaving mills	175,000	246,000	[4]306,000	572,869
Number of operatives in spinning mills	205,000	240,000	[4]211,000	
Working hours per week	60	56½	55½	55½
Average weekly wages, 17 classes of operatives	$3.53	$4.82	$6.37	[3]
Operatives per 1,000 spindles	7.3	5.7	4.2	[3]
Production of yarn per operative per year, pounds	3,637	4,975	7,736	[3]
Production of cloth per operative per year, yards	20,580	31,860	37,740	46,332

[1] Taking an average of 15 per cent waste. Stocks not taken into account.
[2] Piece goods.
[3] Not reported.
[4] From latest published Blue Books, 1903.

Production and labor costs of cotton yarns and cloths, etc.—Continued.

Items.	1856	1880	1905	1907
Production of yarn per spindle per year, average counts.....pounds	27.0	28.5	32.6	36.0
Production of cloth per loom per year, average width.....yards	12,000	14,250	16,500	[1]
Labor cost per pound of yarn, average counts	$0.05	$0.04	$0.02	[1]
Labor cost per yard of cloth, average width	$0.01	$0.009	$0.008	[1]

[1] Not reported.

The average wages paid in the cotton mills of this country in 1905 were as follows, namely:

All operatives:	
United States	$303
New England	362
Middle States	359
Southern States	213
Western States	295
Males over 16:	
United States	358
New England	407
Middle States	460
Southern States	263
Western States	448
Females over 16:	
United States	287
New England	332
Middle States	301
Southern States	200
Western States	240
Children under 16:	
United States	157
New England	222
Middle States	170
Southern States	133
Western States	150

Aggregate and annual wages, average number of wage earners per week, and average weekly earnings, by sex or by age, with per cent of each class to number of wage earners reported in the textile industries of the United Kingdom in 1906.

[Compiled from the Board of Trade Report on the Textile Trades of the United Kingdom.]

Items.	Cotton and small-wares industries.	Woolen and worsted industry.	Linen, jute, and hemp industries.	Silk industry.	Hosiery industry.	Bleaching, printing, etc.
Aggregate wages for year	$50,428,059	$21,503,064	$10,378,632	$2,343,461	$3,675,930	$14,894,496
Average number of wage earners per week	218,137	110,554	68,138	13,920	19,555	55,925
Average annual wage per wage earner	$231	$195	$152	$168	$188	$266
Men, 20 years and over:						
Average weekly earnings [1]	$7.17	$6.54	$5.51	$6.24	$7.64	$6.73
Per cent to total number of wage earners [1]	28.01	25.78	19.64	20.06	18.61	59.17
Women, 18 years and over:						
Average weekly earnings [1]	$4.49	$3.37	$2.78	$2.72	$3.46	$3.00
Per cent to total number of wage earners [1]	44.59	47.16	57.86	57.67	57.57	18.30
Children (boys under 20 and girls under 18):						
Average weekly earnings [1]	$2.41	$1.28	$1.90	$1.67	$1.97	[2]$2.44
Per cent to total number of wage earners [1]	27.40	27.06	22.50	22.27	23.82	22.53

[1] Based on full time.
[2] Including apprentices.

One other matter I wish to consider and that I find in the report made by the majority members of the Committee on Ways and Means, which states substantially that the burden placed on the American people as a result of the duties on cotton goods is something like $200,000,000 a year.

I have not had time to investigate all of this voluminous report, but if all the statements contained in it are as carelessly prepared as this and as incorrect in their conclusions, then I submit that the report itself is not one which is entitled to any consideration whatever from a reasoning man.

The total consumption of cotton goods in this country is $839,000,000. I take these figures from the report of the Committee on Ways and Means. The labor and cost of the material used amounts to $630,000,000. I am taking the actual costs from the committee's report for other goods than knit goods and hosiery, and the same proportional figures for those industries. So that a balance of about $209,000,000 after paying for labor and material will remain, which is about the amount which the report charges is the burden borne by the American people as a result of the protective policy in this industry.

You can not regulate the price of material, because supply and demand takes care of that. The question of labor is dependent on the conditions as they exist in various localities. No saving can be made in these items unless we cut wages. We therefore have left $209,000,000 in the value of the goods consumed after paying for the material used and paying for the labor employed. Labor does not include salaries, and taking the average ratio between labor and salaries would require $45,000,000 to pay salaries. That would leave $163,000,000 to go and come on.

Nothing has been charged for depreciation.

The capital employed is something like $1,000,000,000. Six-tenths of this is a fair proportion in mills and fixtures, and a 5 per cent charge for depreciation I do not think is too much. That would require $30,000,000 more to be charged off each year, which would reduce the balance to $133,000,000. It costs about 5 per cent to sell goods, even when the market is established and the goods are sold in this country. I think the average manufacturer pays more than that. The gentleman from New York [Mr. REDFIELD] shakes his head, because he knows it costs more than that to sell goods, especially where you have to go to a foreign field. But for this purpose I am only charging 5 per cent. Taking that out, $42,000,000 brings the balance down to $91,000,000. We have not taken anything yet for power, for the normal overhead charges, which everybody knows about, such as insurance, and so forth, and all other incidentals. Nobody would think of investing capital in a manufacturing industry if he was not sure of getting 6 per cent. Six per cent on the capital invested will leave $43,000,000 to pay for power and all overhead charges.

How does that correspond with the statement of the committee that the people are paying to the protected interests $200,000,000 for the sake of protection? Gentlemen, there is absolutely nothing in it.

On the whole, year in and year out, this industry is only earning a fair return on the actual capital invested. It is

possible that changes should be made in the cotton schedules. My own impression is there are items in the cotton schedule on which the duty is prohibitive.

I do not believe in prohibitive duties. In the first place such duties do not produce the desired results from protection which I believe in, and they do not produce results in revenue which we must have. If there is a prohibitive duty anywhere, I would eliminate it, but the reduction of some item in the cotton schedule does not mean to cut a whole schedule in half.

Mr. Chairman, I will vote for any well-digested change in the tariff which demonstrates to me that duties are prohibitive. I will vote for any change in any schedule in the tariff, whether the industry is in Massachusetts or in the South, where such a condition exists, but I submit to you that as a reasonable man I should have some evidence that a duty is prohibitive, that somebody has made an investigation based on the conditions as they exist, not an investigation made by 14 men behind closed doors, advised by a theorist who has had no manufacturing experience, especially at a time when the majority of the Ways and Means Committee had only recently refused to give the manufacturers of the country a hearing.

The estimate made by the committee that the increase of importations under this proposed bill will be $10,600,000 is in my opinion far from the facts. My judgment is that the importations will be $100,000,000 at least, and they may reach $200,000,000. If only the former figure is reached it will mean that $125,000,000 of capital now employed in this industry will be idle and that 50,000 people now employed in this industry will be obliged to seek some other employment if they can find it.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. FLOYD of Arkansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 29588) to amend an act entitled "An act providing for publicity on contributions made for the purpose of influencing elections at which Representatives in Congress are elected," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DILLINGHAM, Mr. GAMBLE, and Mr. JOHNSON of Maine as the conferees on the part of the Senate.

THE COTTON SCHEDULE.

The committee resumed its session.

Mr. HARRISON of New York. Mr. Chairman, I yield 30 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I shall vote for this bill. [Applause on the Democratic side.] I shall do so not because I am convinced that it can be sustained from a protective standpoint in all of its items, for I do not know whether it can or not. I shall support it upon two grounds:

1. That even though it should not prove to be fully protective in all particulars, as between the excessive duties in the cotton schedule of the present law and the duties proposed in this bill, I believe that this bill will work less injustice upon the American people as a whole than does the present law.

2. That so long as a Republican President and a large number of Republican Senators and Representatives insist upon free trade in the products of the farm regardless of differences in costs of production, I shall not inquire too closely into the question of whether proposed duties upon manufactured articles which the farmer must buy are amply protective or not.

Briefly discussing this last proposition, first, I wish to say that those of us who take this position are not actuated by any spirit of revenge as is so often charged, but are only applying the principle of equal justice to all. Upon a former occasion I said upon this floor that the farmers of this country would insist, and rightly so, upon a uniform application of whatever tariff policy shall be adopted. If the protective principle is not broad enough to cover agricultural products upon the same basis as manufactured products, then it will be discarded entirely in the near future. The farmers of this country are not ignorant; they are not easily fooled; they are the best read and most widely informed of any class of our population; they will not stand for any policy which compels them to sell their entire product in a free-trade market and buy their necessities in a highly protected market. By the passage of the Canadian reciprocity bill, assuming that it will be approved by Canada, that is exactly the state of affairs which now exists. Under present conditions there is no possibility of restoring to them their protective market in the immediate future, and their only opportunity of obtaining some measure of justice is to insist upon a sharp reduction in the duties upon manufactured articles, enabling them to better meet their competitors in the free-trade market which has been created for them. They are none the less Republicans for doing this, for when the time shall come when a spirit of justice shall again prevail and a willingness to apply the same principle to farmers as to manufacturers, then and not until then will the farmer be found fighting for protective duties upon manufactured articles.

So far as I am concerned, so long as we have a Republican President and a Democratic House both violating the platform promises of their respective parties and enacting legislation discriminating against our agricultural population, I shall do what I can to afford them some compensation by voting for lower duties upon manufactured products, thus lessening the cost to them of the things they must buy.

I believe the pending bill is a fairly protective measure, though it may be possible that as to certain items the protection afforded may not be sufficient to prevent excessive competition from abroad.

Some Republicans have seized upon a statement made by the chairman of the Ways and Means Committee to the effect that this was purely a revenue measure, containing no protective features, as a reason why this bill should not receive the support of any Republican.

Mr. Chairman, nothing that the gentleman from Alabama may say about this bill, and nothing that any other gentleman may say about it, can change its character. Whether it is protective or not depends upon the bill itself, and not upon what any man may say of it.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Ohio?

Mr. LENROOT. Mr. Chairman, the gentleman knows I am always glad to yield when I have the time at my disposal, but I have only 30 minutes, and I must decline at this time.

This bill is protective to American manufacturers to exactly the extent of the duties found in it. No tariff duties can be laid upon any competitive product without protecting the American product to the amount of the duties imposed.

True, duties may not be sufficient to give the American manufacturer the home market, or, possibly, any considerable portion of it, but that only goes to the extent of the protection afforded and not the principle.

Whenever we levy a duty of 10 per cent or any other percentage upon a competitive product, call it a revenue duty or what you will, we thereby raise a tariff wall which the foreigner must climb over before he can enter our markets.

Therefore every tariff rate found in this bill is a protective rate to the extent of the duty, although it may have been prepared solely for the purpose of revenue. Whether this bill contains protective rates by accident or protective rates by design is absolutely immaterial so far as the results are concerned.

Taking the bill as a whole, I assert that it is not only protective in principle, but affords that measure of protection pledged by the platform of the Republican Party.

The price of raw cotton ranges a little higher in England and Germany than in the United States, so that the raw material costs the foreign manufacturer a little more than it does our own manufacturers.

The average annual wage paid those engaged in the cotton industry in this country in 1909, according to the Census Bureau, was $349.67. The percentage of wages to value of products was 21.

In 1906, according to the report of the English board of trade upon the textile trades of the United Kingdom, the average annual wage paid in the cotton industry in Great Britain was $231.

And, Mr. Chairman, let me say, in passing, that I was glad to hear the gentleman from Massachusetts [Mr. WEEKS] state this afternoon that, in his opinion, generally speaking, labor was at least as efficient in this country, if not more so, and I want to remind the committee that the day before yesterday the gentleman from Tennessee [Mr. AUSTIN], in giving us some of his personal observations abroad, painted a very vivid picture of the wretched condition of the laboring men of England and Scotland. You remember how he painted that picture of the ill-clothed and half-starved laboring man of Great Britain. I am not going to take the time to argue that the well-clothed and well-fed laboring man of the United States is more efficient than the ill-clothed and half-starved laboring man of Great Britain. [Applause on the Democratic side.]

Assuming that the wages there were the same in 1909 as in 1906, although the fact is, I believe, that they were a little higher in 1909, we have wages in this country in the cotton industry 51 per cent higher than in Great Britain. Upon $100 worth of cotton manufactured in this country, applying the average of 21 per cent found by the Census Bureau, the labor

cost would be $21. In England upon the same production, assuming there is no difference in efficiency, the labor cost would be $13.91, a difference of $7.09. So that, upon the average, a tariff rate of 8 per cent ad valorem will more than cover the difference in labor cost of production between this country and Great Britain.

The lowest rate in this bill is 10 per cent ad valorem (except as to cotton waste, which is 5 per cent), the highest 40 per cent. The average is 27.06 per cent ad valorem.

This average of 27.06 per cent will not only cover the difference in labor cost at home and abroad but will cover the entire labor cost in the cotton industry. I feel satisfied that taking the bill as a whole the rates imposed will fully cover the difference in cost of production at home and abroad, and even that reasonable profit to the manufacturer spoken of in the Republican platform.

Corroborative evidence of this is found in the fact that in 1910 our exports of manufactures of cotton amounted to over $33,000,000—that is to say, we sold abroad over $33,000,000 worth of cotton manufactures in competition with all the world. Of this amount, $2,800,000 worth went to Great Britain and nearly $900,000 to Germany, the two great cotton manufacturing countries of the world besides our own. In view of these facts I am convinced that an average rate of 27.06 per cent ad valorem is ample protection to the cotton manufacturers, and if there be any injustice in this bill it is not that the average rate is not sufficiently high, but in the relation of rates in the different classes.

I therefore assert that no Republican need withhold his vote in favor of this measure upon the ground that it is not protective. Indeed, the only defense that can be made of this measure is that it is protective.

If I were a Democrat, and believed that all protection was wrong, I would be a free trader. The policy of a tariff upon imports for revenue only, so far as competitive products are concerned, if the theory of protection to American producers is to be discarded, is unjust oppression of the American people. With protection discarded, a tariff for revenue only, upon competitive products, is the most burdensome form of taxation upon the American people that can be devised. As I have already stated, such duties do afford protection to the American manufacturer, whether by design or accident, and it can not be said to be by accident when that is the inevitable effect. Now, if that protection be wrong, as our Democratic friends claim, for every dollar collected at the customhouses upon competitive products under this bill, if it becomes a law, they give the American manufacturer, without any consideration, a license to collect an equal percentage upon his product from the consumer at the gate of his factory.

It is claimed by the Democratic majority of the Committee on Ways and Means in their report upon this bill that the American people pay annually about $200,000,000 more for their cotton goods by reason of the present tariff rates, although only $38,000,000 of this amount found its way into the United States Treasury, the balance of it going to the cotton manufacturers. I am inclined to agree with that statement, but let us see what this bill does upon the Democratic theory of a tariff for revenue only. The rates are a reduction of 43.8 per cent from the present law, the average rate imposed being 27.06 in the pending bill, as against 48.12 per cent in the present law. The committee estimates the revenue to be derived under this bill at $10,599,000, as against $13,673,801 under the present law, a reduction of about $3,000,000.

Now, applying the same method of computation to this bill as the Democratic majority have applied to the present law, although this bill in fact affects less than one-half of the present cotton importations, the balance coming in under paragraph 349 of Schedule J, we find that the rates imposed will reduce the burdens of the American people in their purchases of cotton manufactures $87,600,000. That is 43.8 per cent, which is the reduction in this bill of tariff rates. The American people will still be compelled to pay $112,400,000 more for their cotton goods by reason of the rates imposed in the bill, although of this $112,400,000 only $35,077,844 will find its way into the United States Treasury, the balance of the tax, viz, $77,322,156, the people will pay to the cotton manufacturers of this country.

What statesmanship is this if the protective system is to be wholly discarded? They propose to take from the people $112,000,000, but $77,000,000 of that amount will go into the pockets of private individuals and corporations and only $35,000,000 in the Public Treasury. Republicans believing in a protective system can defend this, but for Democrats, who condemn the principle of a protective tariff, it can not be defended for a moment. If the protective tariff system is wrong in principle, then the revenue of the country should be raised wholly by duties upon luxuries, noncompetitive products, and other forms of taxation, but never upon competitive products necessary to the masses of the American people.

Upon some future occasion when my time is not so limited I hope to more fully discuss this question.

Having devoted some time to the report of the Democratic majority upon this bill, I wish to make a few observations upon the report of the Republican minority.

First, as to the criticism of ad valorem rates: They object to ad valorem rates upon the ground that they furnish a method for cheating and defrauding the Government of its revenue.

I have not the time to go into a discussion of the merits of this question, but will only say that if this be a just criticism it is equally applicable to the rates in the present law, which law has been so often and so eloquently defended by the distinguished gentleman from New York [Mr. PAYNE] and his Republican colleagues upon the committee. Turning to the cotton schedule of the present law, we find in every paragraph but one either straight ad valorem rates or specific rates based upon value. Specific rates based upon value are certainly subject to greater criticism than straight ad valorem rates, for the temptation to under value is greater. In the cotton schedule of the present law I find 21 straight ad valorem rates, and nearly all of the others are specific rates based upon value which, as I have said, is at least equally objectionable if ad valorem rates are an evil, which I deny.

I can not refrain, in passing, from calling attention to the outrageous and unwarranted increase in the rates in the cotton schedule in the Payne-Aldrich law over those contained in the Dingley law. No greater injustice has been perpetrated upon the American people since Schedule K was first framed in its present form. [Applause on the Democratic side.] It will be remembered that it was at first denied by those responsible for it that there were any increases. Driven from that position, they then took the ground that the increases were only upon luxuries, and they prepared a table attempting to demonstrate the correctness of their position. I hold a copy in my hand. It is issued from the Government Printing Office and is entitled "Estimated revenues. Prepared under direction of Finance Committee, Sixty-first Congress, first session." It is no doubt familiar to most of you, but I wish to call attention to a few items in it. In this table, whenever the committee deemed an article a luxury, and therefore justifying an increase in rate, they placed preceding the name of the article a capital "L," in black-faced type, signifying luxury. Turning to Schedule I—the cotton schedule—we find these "luxuries" on page 74: Cotton cloth valued at over 7 cents per square yard—not a running yard, such as our wives buy in the retail stores, but a square yard. Had it occurred to you that cotton cloth valued at 7½ cents per square yard was a luxury in the United States? [Applause and laughter on the Democratic side.] On page 78 we find sleeve linings composed of cotton or other vegetable fiber and silk, although valued at less than 30 cents per square yard, termed a luxury. On page 84 we find stockings valued at from 12½ to 16⅔ cents per pair a luxury, and upon the same page we find underwear valued at from 41⅔ cents to 58⅓ cents per garment denominated a luxury. When we consider some of these things and the leadership responsible for them, it is not surprising that there is a majority on the other side of the aisle at this session. [Applause on the Democratic side.]

But to return to the minority report of the Republican members upon this bill. Their chief argument is that no action should be taken at this time; that this schedule should not be revised until the Tariff Board shall have made its report upon the subject.

Mr. Chairman, I have been an earnest advocate of the creation of an independent, nonpartisan Tariff Commission, with ample powers of investigation. I believe that tariff duties should be imposed with more knowledge of costs of production than we have heretofore possessed, and that facts as to costs of production should be taken into consideration, whether the tariff be laid from a Republican or a Democratic standpoint. I believe that we will never have a law that will be absolutely fair until that is done. I have not changed my position in the least in this regard, and I now have a Tariff Commission bill pending before the Committee on Ways and Means.

But, Mr. Chairman, I can not be unmindful of the actual condition which confronts us at the present time.

In the first place, before the findings of a Tariff Board can be applied to any bill we must have a uniform policy to which we can apply the facts found by the Tariff Board. That we have not to-day. Our Republican President and a large number of Republican Senators and Representatives stand for a policy of free trade in agricultural products, without regard to facts concerning costs of production, but for a high tariff upon manufactured products.

The Democratic majority stand for free trade in agricultural products and a tariff for revenue only upon manufactured products. So long as this condition prevails no facts found by any Tariff Board will be of great value in framing tariff bills, for the preliminary battle that must be fought—and it will be fought—is to fix upon a policy that will apply to all interests alike, and I assert here and now that when that battle is fought to a conclusion we will have one uniform tariff policy and it will be one of these three. Either—

1. A protective system, the principle of which shall apply to all classes.
2. A tariff for revenue only, applying to all classes.
3. Free trade.

If the last shall be the policy adopted, we shall have no occasion for a Tariff Board. If either of the other two be adopted, a Tariff Board is necessary, and the facts found by it should be applied to tariff bills.

But aside from the fact that there is no settled tariff policy in either of the parties we have confronting us another state of facts, and that is that most of those who are now pleading that action upon this bill await the report of the Tariff Board have themselves been the first to ignore the findings of that board and discredit it. [Applause on the Democratic side.]

In the Canadian reciprocity bill we received the President's message transmitting it to Congress last January, and in that message he stated, in substance, that there was no substantial difference in the cost of production of agricultural products between Canada and the United States. Early in March the Tariff Board transmitted its report to Congress, and that report shows conclusively that the board found that the cost of production of agricultural products was very much less in Canada than the United States. We had not simply the conclusions of the board upon the subject, but they discussed in detail every element that enters into costs of production, and every one of those elements upon practically all agricultural products showed a less cost of production in Canada than in the United States.

On April 5 the President transmitted the Canadian agreement to this Congress with a message. You will search in vain in that document for any reference to these findings of his own Tariff Board. He not only ignores the findings of his own board, but has in a number of speeches since its report was made, repeated that there was no substantial difference in costs of production of agricultural products between this country and Canada, thereby becoming the first to discredit the findings of his own Tariff Board. [Applause on the Democratic side.]

But how is it as to the Members of this body making this minority report, pleading for postponement of action until the Tariff Board shall report?

We find that the distinguished ranking Member of the minority [Mr. PAYNE] and Mr. MCCALL, Mr. HILL, Mr. NEEDHAM, and Mr. LONGWORTH, five members out of seven composing the minority, have ignored the findings of the Tariff Board on the Canadian reciprocity bill and voted for a bill which, according to Republican doctrine, should not have passed if the findings of that board were correct. So, Mr. Chairman, we have a Republican President ignoring and discrediting this Tariff Board, we have five out of the seven Republican members of the Ways and Means Committee ignoring and repudiating it; we have the distinguished leader of the minority [Mr. MANN] ignoring it; we have practically the solid Democratic majority ignoring and repudiating it.

Mr. MCCALL. Mr. Chairman, will the gentleman permit an interruption there?

Mr. LENROOT. If I have the time; I will be through in a moment.

For the reasons I have given, I can see no good to be accomplished by postponing action and I am ready to vote for the bill now.

Now, Mr. Chairman, I shall be very glad to yield to the gentleman from Massachusetts if I have the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON of New York. Mr. Chairman, I yield 40 minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I think in the closing days of this extra session some one ought to say a few words in defense of the President. It seems that in his own party he can find no defender in either House of Congress, and as a Democrat I feel that he has done many things worthy of praise from our party, and, in fact from the people of the whole country. The most important of these is he has made the success of the Democratic Party in the next election a certainty. [Applause on the Democratic side.] This statement I should make with some modification. There were other lesser lights that played an important part in bringing about the success of our party last fall and in assuring a repetition of that success in the election to come next year. Among these were the late lamented Speaker, and the gentleman from New York, whose name shares the odium of the bill which is perhaps the most execrated legislation ever enacted by the American Congress. [Applause on the Democratic side.]

In the campaign of 1908 the President assured the people that the revision of the tariff meant revision downward. He knew that no man could be elected who did not make that promise. I am one who believes that the President meant what he said when he proclaimed this policy from every platform on which he spoke. He was a great lawyer and had been an upright judge and had the confidence of the American people. As soon as he was elected he was besieged by wicked counselors, and in an evil hour he listened to their siren tongues and fell. He was master of the situation and could have made his party invincible, but those who made him believe that he owed his election to the "system" whispered in his ear that the former Speaker must continue his despotic sway, and he dallied and was doomed.

During his campaign speeches he realized that Cannonism was a millstone about his party's neck, and mentioned the Speaker's name with bated breath. But as a guileless judge on the bench, he was unskilled in fencing with the forces of greed, and their decoy ducks led him unwittingly into "ways that were dark" and to "tricks that were vain." [Applause on the Democratic side.] This was his first step to ruin. Along with this was another. These same emissaries of evil urged upon him the names of some whom they needed in the President's political family. Again he listened, and again he fell. Perhaps no honest man, as I believe Mr. Taft to be, was ever afflicted with such miserable comforters since the days of righteous Job. [Applause on the Democratic side.] The difference is that Job was able to throw off his wicked advisers, while the President's, with the exception of Ballinger, still hang like barnacles about him. I have no doubt that his daily prayer now is that Wickersham and Hitchcock, and probably some of the others, would go and do as Ballinger did, even if he has to give them a certificate of good character, as he did Ballinger. [Applause on the Democratic side.] But go they do not. This is another thing for which the Democrats, and in fact all the people, have the President to thank. "When the wicked rule, the people mourn," and sometimes the very wickedness of the rulers turns mourning into joy, because it causes the scales to fall from the eyes of the people, and they drive the money changers from their temples and thus regain their power. [Applause on the Democratic side.] So the Democratic Party and the whole people, in contemplation of the revolution being wrought by the advisers with whom he has surrounded himself, have occasion for thankfulness to the President for the very blunders he has made. [Applause on the Democratic side.] Like Job, he can say to these miserable comforters, "Thou hast filled me with wrinkles which is a witness against me, and my leanness rising up in me beareth witness to my face." [Applause on the Democratic side.]

It is a sad plight, indeed, to see a man whom we believe to be honest pulled down by bad advisers whom he can not shake off. Of one of these a Republican Senator who, next to President Taft, is perhaps in the limelight more than any other living American, recently said:

> The congressional investigation of the Alaskan coal scandal resulted in many startling revelations. It confirmed the public opinion, which had early reached the stage of conviction, that Ballinger was using his official power to aid the Morgan-Guggenheim interests in wrongfully acquiring control of the Alaskan coal fields.
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> For weeks before the close of the investigation it was manifest that important disclosures would be forthcoming, but no one was quite prepared for the shocking discoveries finally made.
>
> THE CHEATING LETTERS.
>
> It was proved that the President's letter exonerating Ballinger and dismissing Glavis was not, in fact, written by the President, but was prepared under the direction of and approved by Ballinger himself, and then signed by the President. It was proved further that the letter of Attorney General Wickersham, upon which the President stated he had based his decision, was not written by Wickersham until two months after the President's decision had been rendered and given to the public, and that it was then prepared and dated back in order that it might be made to appear as the opinion of the Attorney General upon which the President had based his decision in the matter.
>
> These facts were established beyond contradiction, and finally admitted in the closing days of the congressional investigation. No act of any President ever caused the American people greater regret and mortification for the unfortunate position in which their Chief Executive had placed himself.

What a terrific arraignment is this by a distinguished Republican of the President who was elected by the party of the accuser and even supported by the accuser himself!

Mr. Chairman, does it not seem strange that not a Republican in this House—and, so far as I know, not one in the Senate—has risen to defend the President against such attacks by

leaders of his own party, and that I, a Democrat, am forced to the duty of repelling the assaults of a Republican Senator on his party chief? I do not challenge the charge of corruption made by this great Republican against Ballinger and Wickersham, nor do I question the truthfulness of the charges, so far as these Cabinet officers are concerned; but I do not believe that the President was an intentional party to this conspiracy. I think he confided too much in wicked counselors, and allowed them to lead him into a trap set by the "malefactors of great wealth."

One trouble with the President is that, being honest himself, he is too credulous of the honesty of others, and easily falls a prey to men who, like Ballinger, Hitchcock, and Wickersham, are—

With smooth dissimulation skilled to grace
A devil's nature with an angel's face.

[Applause on the Democratic side.]

Only within the last few days we have had another illustration of the credulity of the good-hearted President when the Remsen Board and the Attorney General and the food poisoners almost compassed the destruction of Dr. Wiley, a man who has so often stood between the murderer and his innocent, unsuspecting victim. [Applause on the Democratic side.] Even the Secretary of Agriculture, another good man, has fallen a victim to the wiles of those who do not regard human life when balanced against gold, and through the Remsen Board and McCabe have to a great extent nullified the beneficent effects of our pure-food laws. I have often had occasion to laud the Secretary of Agriculture and his good work for the farmer, and the fact that the poisoners of food and the adulterators of whisky and conspirators in his own household have enmeshed him in their toils shows that even the very elect are sometimes deceived.

In the beginning of his administration the President showed that he desired to fulfill the pledges made during his campaign for election, and at once called an extra session of Congress. He had heard the cries of starving women and children; he had seen the long lines of human beings, gaunt and hungry, during the Roosevelt panic marching to the soup stands; he had heard the clanking of the chains forged by soulless trusts, and he knew that these barbarities were the natural offspring of the Dingley bill. In regard to these monstrous combinations, a distinguished Republican Senator, in the speech from which I have just quoted, said:

Within three years following the enactment of the Dingley law 149 trusts were organized, with a total stock and bond capitalization of $3,784,000,000. Four years later trust control had extended to 8,864 plants, with a total capitalization of $20,379,000,000. By January 1, 1908, the increase in trust consolidation embraced 10,220 plants, with outstanding stocks and bonds aggregating $31,672,000,000 of paper capitalization.

COST OF LIVING INCREASED.

The Dingley law excluded foreign competition. The trusts strangled home competition. The American consumer was completely at the mercy of the overprotected manufacturers of the country. Prices were advanced. The cost of living increased from 40 to 60, 70, and 80 per cent.

The mutterings of discontent had increased until they threatened a revolution against the Republican Party. Roosevelt had been so busy writing to "Dear Harriman," carrying placards on his forehead with the device "I am honest," and recruiting his Ananias Club that he had failed to hear the rumblings that grew louder all through his administration.

Roosevelt had been tried and found wanting, and the malefactors knew that they could not elect him, but must hunt a man whom the people believed to be really and not merely self-confessedly honest, and they found Mr. Taft. He went before them with the promise of real tariff revision downward. The people demanded this, and he, no doubt in good faith, promised them that they should have it.

The same Republican that I have just quoted said, in regard to this demand, in the speech I have referred to:

The demand for tariff revision was inevitable. It came from almost every home in the land. It increased in volume year by year preceding 1908. Congress was flooded with petitions. Republican county and State conventions adopted resolutions demanding tariff revision. Session after session these appeals were pigeonholed. In Congress after Congress the Committee on Ways and Means was organized to suppress every effort for a revision of the Dingley law. The people demanded a reduction of duty. The trusts resisted, and the answer of Congress to all appeals was: "We stand pat on the present tariff."

But by the year 1908 standpat Republicans well understood and openly admitted that tariff revision could no longer be resisted. Upon this subject the political situation was acute. Political managers realized that no obscure generalization regarding tariff revision would be safe. If the Republican Party was to succeed in 1908 it was imperative that its platform should declare for tariff revision that would meet the demand in clear and specific terms.

Did the people get what Mr. Taft promised them? Their answer is found in the 63 Democratic majority elected last fall. Further answer is found in an article by a distinguished Republican United States Senator in the Saturday Evening Post of July 8. Referring to the President's connection with that monstrosity, the Payne-Aldrich bill, he says:

When the tariff bill passed the House it was condemned the country over as a betrayal of platform pledges. It violated platform pledges; nevertheless it received his approval. Not only so, but in his Winona speech he lauded it as the "best ever."

This assertion I think the President had been led by his evil advisers to believe to be true. It shows how the high ideals of a good man may be destroyed by evil surroundings. In this same article in the Saturday Evening Post this Republican Senator, in explaining the President's violation of his preelection promises, says:

"Cannonism," Mr. Taft said to many progressives in the presidential campaign, was the greatest load he had to carry, and yet at the outset of his administration he gave his support to CANNON—not passively, but actively. He elected CANNON to the Speakership when he was certain of defeat; he stifled the attempt to modify the House rules.

Those are not my words, but are words of a prominent Republican Senator.

Mr. NORRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Nebraska?

Mr. BURNETT. Yes.

Mr. NORRIS. I want to ask the gentleman a question in connection with his attack on the President——

Mr. BURNETT. I am defending the President, not attacking

Mr. NORRIS. Well, defending him. I want to ask why the gentleman did not jump on some one near his size? [Laughter.] him.

Mr. BURNETT. I think, Mr. Chairman, that by the time this Congress gets through with the President he will have shriveled up to much less than my size. [Laughter and applause.]

I believe much of this criticism of the President is too harsh. While the Senator states facts, yet in almost every sentence he seems to impute personal dishonesty to the President, and does not make that allowance for the duress of environment which I believe Christian charity demands. Perhaps the Senator has never been surrounded by wicked advisers who constantly reminded him that he owed his election to protection-made trusts. Perhaps he has never had a political family foisted upon him by those who care nothing for the man who toils. Perhaps he has never been as impressionable as the President, and does not know how importunate are the heartless demands of those who grind the faces of the poor. Perhaps he has never had to listen to the Jeremiads of those who have fattened on the sweat of human beings driven by a master's lash. Perhaps he has never heard that Nabob's threat that if he withheld the lash the slaves should starve. Perhaps he has not been impressed by the petition of the slave himself wrung from his unwilling hand by the tyrant who said: "Sign it, or see your loved ones die."

All these our benign President has had thundered in his ear. Then is it a wonder that having heard, he wavered, and to his ruin fell? Again I quote from this same distinguished Republican Senator to show how harsh and uncharitable even a man's political supporters may grow toward him, and how little allowance they sometimes make for the evil surroundings that so often make him err:

Is it to be wondered at that the Republican voter in 1910 felt that he had several scores to settle? A President whom he had elected, believing him to be the custodian of the Roosevelt policies, had dismissed the Roosevelt Cabinet and appointed in their places men, in the main, of known hostility to those policies.

With the promises of Candidate Taft for downward revision still sounding in his ears, he had seen President Taft use all the power of his administration to save from defeat a stand-pat Speaker, who appointed a Committee on Ways and Means in deadly opposition to any revision of the tariff in the interest of the ultimate consumer.

And then he had witnessed that same President, on March 16, 1909, transmit his first message to Congress on this all-important subject, a message so brief and so perfunctory that it had not room for an explicit word or suggestion for downward revision of the tariff.

VOTERS BETRAYED IN TARIFF BILL.

And, finally, after having been baffled in his struggle to secure tariff revision by a stand-pat Congress, and after having at last secured the promise of tariff revision downward by a national convention, and elected a President and a Congress pledged to such revision, the voter had seen his Representatives in Congress and his President sign a tariff bill that increased his burdens and left him even more completely at the mercy of the overprotected trusts and combinations.

But, more than this. So completely had the successor of Roosevelt abandoned the progressive principles committed to his keeping that he had selected as his legislative counselor and guide and in public speech extolled in the most extravagant terms the patriotism and statesmanship of the greatest opponent of all progressive policies, and hence the greatest champion of privilege in the United States Senate, Senator Aldrich.

Following this he journeyed from coast to coast to speak in defense of stand-pat Senators and Congressmen, who were the bitterest opponents of the progressive policies of his predecessor and the very men who were chiefly responsible for revision of the tariff upward.

Then, to still further show his disregard for the great body of progressive Republicans, he proclaimed the Payne-Aldrich monstrosity to be the best tariff bill ever enacted by the Republican Party.

Here again we see how association with the great champion of trusts, Senator Aldrich, caused an honest Chief Executive to be swayed from the path of duty which he had blazed for himself. In its effects the Payne-Aldrich bill was a crime as dark and damning as the hinges of night, but in his blame of the President this eminent Republican again fails to make due allowance for the baneful influence of the company the President was forced to keep. As one example of the oppression of the tariff-made trusts on my people in the South I offer the following letter:

HOUSTON, TEX., *July 28, 1911.*

To United States Senators and Congressmen, Washington, D. C.

SIRS: The South will probably make 14,000,000 bales of cotton this year. It will require approximately 100,000,000 yards of bagging to cover this crop. The duty on bagging enables the trust (so called) to tax the cotton industry, say, $750,000 on this crop alone. The Government gets very little revenue from this duty, as hardly one-tenth of this amount is imported. The South needs factories. There was a bagging mill at Galveston. It was bought by the American Manufacturing Co. and dismantled, and is now used as a warehouse, and Texas farmers get their bagging from New York.

We understand no duty is paid on jute butts. The trust imports butts through the port of Galveston, which they ship to St. Louis, via one line of railway, on the ridiculously low rate of about 7½ cents, where they have another factory. These facts may interest you.

Respectfully,

STREET & GRAVES.

The moral of the whole proposition is that no Republican can be elected without the support of tariff-pampered trusts, and when elected they make him bow his neck to wear their yoke. This has ever been so since the Republican leaders became the sycophantic slaves of greed; and no matter how the yoke may gall good men like Mr. Taft, they have to wear it or quit the job. [Applause on the Democratic side.] The people last fall saw that "Ephraim is joined to his idols," and decided from that time on to "let him alone." There are thousands of honest Republican voters all over the land, and many of them are joining the multitude demanding relief from their party.

Another benefaction that the President has bestowed on the Democratic Party and on the struggling masses is the proof that even an honest President can not lead a party with corrupt leaders in a straight and narrow way. [Applause on the Democratic side.] The people at the ballot box last fall said in thunder tones, "We want reduction of the tariff, and we want it now," and I doubt not that the President in his great, good heart wanted to give it now. But again the tempter whispered wait, and a Tariff Board was made the pretext for delay. Nero fiddled while Rome burned, and temporizing leaders advise the President to a like course. [Applause on the Democratic side.]

A board to determine the difference in the cost of production at home and abroad! A board organized under the pretext of protecting American labor from the pauper labor of the Old World, and yet we have only to turn to free-trade England to find labor receiving higher wages than in tariff-ridden Italy, Germany, and France. Trusts, the friends of labor, indeed! when every year they bring a million souls from Europe to beat down the wages of men who toil.

The President will soon have another chance to show whether he can cut loose from the tyranny of those who lord it over men of high degree. He has secured the passage of the reciprocity bill, which in his Indianapolis speech he admitted would not materially reduce the cost of living. Even to get this pitiful concession, he had to secure Democratic votes. A majority of his party, both in the House and Senate, repudiated his bill, and the Democrats saved the day. He was honest and fair enough to give Democrats the credit they deserved. Such a thing has never happened before in the history of our Government, as a President elected by one party giving credit to the other party for the passage of a bill rejected by those of his own household.

Had the advisers who have led him into so many troubles known that he contemplated this gracious act, no doubt they would have forced him to desist.

In a few days he will have the opportunity to sign a bill that will help those whom fortune has visited with a scanty hand. The bill to reduce the tariff on wool and woolen goods will soon reach his desk. The shivering forms of those exposed to winter's chilly blasts will no doubt pass in review before his tender heart, but by their side will swagger the bloated forms of those bedecked with dollar marks, and they will hiss "Beware of November, 1912!" [Applause on the Democratic side.] Which voice will he heed? I believe he wants to heed the weak and feeble voice of those who remind him of the trust-priced blanket with a duty of 150 per cent. But will those who answer the call for campaign funds let him do it? We shall see. Already the voice of the slanderer is heard in the land saying that he made an unholy bargain with the minions of greed to veto any tariff bill passed at this session in return for Republican votes for reciprocity.

Surely this can not be true. Surely no such intrigue as this could ever be countenanced by a man who holds the weal or woe of 90,000,000 human beings in his hands. I stand here to defend him against such wicked imputations on his personal and official integrity, and to say that while some of his advisers would lead him to any depth of infamy, he could never be a party to such a betrayal of those who trusted him to lead them into better ways.

His traducers say that in his veto of the woolen and other tariff bills he will say, "Wait till the Tariff Board reports." This can not be true. In his message urging reciprocity he says not a word about waiting on the Tariff Board. How can he expect anyone to trust this board when, in a report that they have already made, they cast such a shadow over their conclusions as to show them crude and unworthy of belief? [Applause on the Democratic side.] Ex-Speaker CANNON showed this in his speech of April 24, when, in regard to the difference between the cost of production of wood pulp in the United States and Canada, he said:

In this connection allow me to call the attention of the House to the difference between the Tariff Board and the Mann special committee on the matter. The Mann committee reported that $2 would represent the difference, whereas the Tariff Board said that $4.14 represented the difference.

We all know that the Mann committee was composed of able, painstaking, conscientious men; that they made a long and careful investigation, and that their report was worthy the utmost respect, and yet we have the Tariff Board in positive conflict with that committee. When such a clash as this appears in the very first report they make, how can anyone believe a word they say?

Senator SMOOT has already introduced a bill to revise the woolen schedule. Did he wait for the report of the Tariff Board? Yet he is the one man whom the papers say has given out the assurance that the President will veto any tariff bill till the board reports. If it takes the Tariff Board two years to report on one or two schedules, how many thousand years before their illuminating information will shed light on the hundreds of items in the Payne-Aldrich bill? When can they tell us how much to raise the tariff on silks and diamonds and rubber and scores of other things which the Payne bill lets in free? In showing the enormity of some of these articles the Republican leader, Mr. MANN, stated on the floor of this House on the 8th of June of this year that—

Each year under the Payne-Aldrich bill india rubber to the extent of $106,000,000 comes in free; raw silk and silk to the extent of $67,000,000 come in free; chemicals to the extent of $50,000,000 come in free; copper to the extent of $45,000,000 comes in free; oils (mainly vegetable) to the extent of $16,000,000 come in free; cabinet woods, and so forth, to the extent of $15,000,000 come in free; diamonds and other precious stones to the extent of $10,000,000 come in free; all of which could be properly taxed as a revenue proposition.

How long will it take the Tariff Board to determine how much more it will take to make corset covers in this than in other countries? When they strike hosiery, how long will they linger before they decide that stockings are too high and must come down? [Laughter and applause on the Democratic side.]

The Payne bill puts acorns on the free list. How long will it take your Tariff Board to decide how much more it costs to grow acorns in this country than in the Old World? You have apatite on your Payne free list. In looking up the derivation of the word I find it meant, in the original, "deceit; to deceive," being a mineral often mistaken for other minerals. Your board need waste no time in determining how much more it costs to produce this article here than abroad, for your party has the full monopoly of deceit and need never fear competition in this product. [Applause on the Democratic side.] Divi-divi is on the Payne free list, and in that commodity you have a monopoly also, for in every campaign you have forced the trusts to "divi" up their loot, and in return you pledge them that no trust magnate shall ever wear stripes. [Applause on the Democratic side.] This promise your Attorney General is observing with perfect loyalty, and your board need waste no time with divi-divi. You let in ipecac and leeches free, and, commenting on that part of the Payne bill in a speech on this floor while the Payne-Aldrich steal was being debated, I said:

You put ipecac on the free list. This you need not have done, for when the poor man sees his child's bare feet, made bare because of your iniquitous tax on shoes, it will require no ipecac to cause him to spew you out from the very nauseau your tainted schedules bring. [Laughter and applause on the Democratic side.] Besides, after two years' trial of this bill, should it become a law in its present form, the sight of any man who supports it will act as an emetic more powerful than all the ipecac in the land.

[Applause on the Democratic side.]

You let leeches in free. This again was "love's labor lost;" for no leeches were needed to help Republicans and their bloated favorites suck the lifeblood of an outraged people.

Mr. Chairman, how near a prophet did I prove to be then? And now I venture another. I have stood here defending your Republican President as best I could. During my speech I have felt that some of you gentlemen on the Republican side have not appreciated my efforts as I think you should, but I have not been aggrieved, for I believe that it was because you are conscience-stung that you had not gone to his defense as I have. [Applause on the Democratic side.] I felt that my party owed him this defense, as your leaders have said that his reciprocity bill was playing into the hands of the Democracy. If so, the people owe him much, and I believe in paying what we owe.

I have done what I could to defend him and angels could do no more. [Applause on the Democratic side.] Now, Mr. Chairman, permit another prophecy, as my reputation in that line is well assured. When the long line of American voters, Democrats and Republicans, march to the polls in November, 1912, they will say, as I have said, "Mr. Taft is an honest man and we like him. But he is at the head of a party whose leaders are bound hand and foot to the chariot wheels of dishonest greed. [Applause on the Democratic side.] He is surrounded by the emissaries of corrupt monopoly and can not free himself from their gilded chains. Therefore the only hope for us and our loved ones is to put a Democrat in his seat."

Democracy has the leaders, the people have the votes. Our leaders who are spoken of for President are all great and good men. As the peer of the best, Alabama names her favorite son, bigger to-day than ever before, and, like that of Abou Ben Adhem, North and South and East and West, the name of UNDERWOOD leads all the rest. [Loud applause.]

Mr. PAYNE. Mr. Chairman, I yield 30 minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, I am in favor of the revision of the wool schedule and the cotton schedule and the metal schedule and all the other important schedules in the existing tariff in accordance with the standard fixed by the platform of the last Republican national convention, but I am opposed to the pending bill and all the tariff-revision bills that have been introduced at the present session of Congress, because it is an absolute impossibility to adjust the schedules according to that standard at this time. I will not vote for the cotton bill even if the President did initiate and Congress did enact the Canadian reciprocity measure. I do not believe the Canadian bill in any sense violated the letter or spirit of the last Republican platform in relation to tariff revision. The purpose of tariff revision is not simply to change the schedules for the sake of change, but it is to put the tariff upon an equitable business basis. The people of the country understand the situation.

Any effort on the part of our friends across the main aisle to take advantage of the fact that Congress is called together in special session for a special purpose and put through tariff bills before the Tariff Board has had time to properly investigate and report to Congress and the country trustworthy facts showing the difference in the cost of production of competitive articles here and abroad, will not deceive anybody. The country expects Congress to put the tariff on a business basis and keep it there, and this can only be done through the aid of an able expert nonpartisan tariff commission or board. The Tariff Board investigated conditions in this country and Canada, and Congress had the assistance of the report thereon before enacting the reciprocity law. If we shall pass the tariff bills now pending, at this session of Congress, it will amount to a practical abandonment of the commission method of revising the tariff. It will destroy the hope of the country to establish the tariff upon a scientific business basis, and the periodical agitations and business disturbances will continue to be a feature of our revenue system.

If the tariff is once established on the right basis, schedules can be corrected and amended from time to time to conform to changes that may occur respecting the cost of production of commodities, without exciting any fear or fury among producers or consumers. I believe in the policy of protection, and I feel confident that three out of four of the voters of the United States are believers in that policy. But if the policy shall become permanent the tariff must be modernized and rationalized. It must be adjusted with the view of promoting the common good and not be employed as a means of bestowing favors upon special interests. No industry has a vested or even a moral right to be protected against competition from abroad. The question in every instance should be considered solely from the standpoint of the general welfare. Wherever the interests of the country, considered as a whole, will be advanced by protective duties they should be imposed, and wherever the common interests will be retarded by protective duties they should be withheld or withdrawn.

A wise protective policy will foster industrial growth and promote economic independence. Duties that do not tend to promote those aims should not be levied, except for purposes of revenue. If protective duties were justified as special favors to particular industries, then, by the rule of equality, every industry in the land could justly claim equal treatment, regardless of the effect it might have upon the social welfare. But the policy of protection can not be defended upon that principle. It can only be defended from the standpoint of the general public interest, and only to the extent that it advances that interest. If the protection of a given industry will greatly increase the opportunities for capital and labor, and thereby advance the common welfare, it affords no reason for the protection of another industry when the only result will be to increase the profits of those engaged in it at the expense of the public. These suggestions may seem somewhat idealistic in view of the selfishness and the spirit of jealousy among sections and industries, but they embody the true philosophy of protection, which should always be kept in mind in its consideration and application. In times past our tariff has been applied altogether too often under the rule of favor and upon the principle that if protection of one class of industries will operate beneficently, every other industry must receive the same consideration, regardless of what its effect might be upon the general welfare.

The Democratic Party need not congratulate itself upon the fact that it was successful at the polls in 1910, because that result was not a Democratic victory; it was a Republican reprimand. The vote does not signify that the people of the country have confidence in the Democratic Party or in its policies, but the voters used that party as a sort of cat-o-nine-tails with which to chastise the Republican Party because they were not satisfied with what it did in the revision of the tariff in 1909.

Here we have a bill proposing to reduce the duty upon cotton manufactures substantially 50 per cent. The cotton mills in the United States employ capital aggregating over $800,000,000. Their annual output is over $600,000,000, mill value, and they employ 375,000 laborers annually and pay them an annual wage aggregating $130,000,000. The elaborate historical and somewhat technical report submitted by the Committee on Ways and Means in support of the bill, refers to the remarkable growth of the cotton industry in the United States since 1879 with commendable pride. And the report refers particularly to the magnificent and the unparalleled development of this industry in the Southern States.

It is asserted in the report that cotton manufacturing in the South during these years has increased over 1,900 per cent. The author of the report says it is almost incredible and is unparalleled in the industrial history of this or any other country. Mr. Chairman, it must be borne in mind that during all these years the cotton industry in the South as well as in the North has been fostered by a substantial protective tariff. Under the influence and operation of the policy of protection it has made this magnificent growth, and now by the rule of guess, without knowing what its effect will be upon the cotton mills, it is proposed to reduce the duties on cotton fabrics substantially 50 per cent. It occurs to me that this great industry is too important, that it involves too many interests, to justify Congress in making such a radical reduction as a mere matter of experiment or hazard. Suppose the guess should be wrong? Suppose the rate shall be 5 or 10 per cent too low to afford reasonable protection to our cotton mills? At one stroke of the pen, if I may use that figure, the legislative branch of the Government will have paralyzed, nay, destroyed one of the most important industries in the land. We can not afford to do it.

We should wait, Mr. Chairman, until we are in possession of reliable facts, until we are furnished with evidence showing with practical certainty the difference in the cost of production here and in foreign countries, so we may adjust the duties accordingly. I am speaking from the Republican standpoint. Our Democratic friends boast of the fact that the element of protection is entirely eliminated and is altogether absent from this bill. What does that mean? The withdrawing of protection altogether from the cotton manufactures of the United States under existing conditions, if gentlemen are correct in their analysis and interpretation of their own measure, can not mean anything less than the absolute destruction of this great industry.

They boast of the fact that in imposing duties under this bill no discrimination is made with a view of industrial development, with a view of encouraging capital to further engage in

cotton manufacturing; they give no regard whatever to the 375,000 men and women who are employed in the cotton mills of the country. It was said by the gentleman from Wisconsin [Mr. LENROOT] this afternoon in his very excellent speech that any duty upon a competitive article is, pro tanto, protective. I do agree with him at all. A tariff for revenue only may be levied upon competitive commodities in such a manner as to entirely destroy the protective element of the measure and yet bring the largest possible revenue.

Suppose there is an average difference in the cost of producing cotton fabrics in this country and in foreign countries of 30 per cent in favor of the foreigners. A tariff for revenue might be levied of 20 or 25 per cent, not enough to cover the difference in cost of production, and immediately there would be disastrous—yes, destructive—competition. Every cotton mill in America would close down, and foreign cotton mills would have a monopoly of our markets, notwithstanding the 25 per cent duty. Would that be protection? It would not. Any rate that falls short of putting the producers in this country on an equal footing, at least, with the producers in foreign countries is not protective; but from the standpoint of revenue only it would be a decided success. If the duty is 5 per cent below the difference in cost of production, the effect will be to close every cotton mill in the United States and to deprive of work the 375,000 laborers employed in them. Our people would be compelled to import all the cotton fabrics they used, and the revenue receipts from the cotton tariff would be greatly augmented, provided, of course, the people had the means with which to buy. That would be the very highest type of a tariff for revenue only, a tariff with the principle of protection entirely eliminated, a virtue which Democrats are claiming for the pending measure.

Will this bill accomplish that result? Is it the purpose and intention of the Democratic majority in the House that it shall do so? They say to us that it contains no protection; that it is designed entirely for revenue. It is true the report asserts and the leader of the Democratic side declares that the reductions are only moderate.

The report accompanying the bill states that under the Payne tariff, averaging about 50 per cent on cotton fabrics, only 25 per cent is effectively protective, that only half of the present tariff is operative; and it is claimed that the reduction proposed in the pending bill will save to the people the enormous sum of $200,000,000 a year, which they are now compelled to pay to the cotton manufacturers as a bonus on account of the duty. This bill fixes the average duties on cotton fabrics at about 27 per cent. The bill is so framed that it will repeal only the 25 per cent of effective duty, as my friend from Massachusetts [Mr. MCCALL] so well said yesterday in his very able speech, and will leave the nonprotective part, amounting to 27 per cent, for revenue purposes only. It required genius to originate that idea. It is predicated on the theory that the effective part of the tariff, by the law of gravity, will settle to the bottom, and it is proposed to take the 25 per cent of effective duty off the bottom and leave the 27 per cent of ineffective duty on stilts, so high above the heads of the "robber tariff barons" that they can not reach it. The beneficence of this proposition is only equaled by the brilliance of the thought it embodies.

On the other hand, we are told that only a duty of 25 per cent on cotton can be effective for protection to our cotton mills, and the bill proposes to leave a duty of over 27 per cent on cotton fabrics. I would not accuse the distinguished leader of the majority of the House of having been bitten by that malignant nocturnal creature which the "peerless leader" labels "protection," but I can not but wonder why he takes so much pains to assure the country that the reduction is very moderate, and that the cotton mills under the proposed tariff will flourish like a green bay tree and will prosper fully as well as they have prospered under the existing tariff. Does it really make any difference, then, whether the reduction is taken from the top or from the bottom? A Democrat, in making a campaign speech in an industrial center, where there are cotton mills, can say, "We reduced the tariff on cotton fabrics from 50 per cent down to 27 per cent, and that is 2 per cent more than is effective under the Payne law. We simply blew the foam off the top and left all that is substantial in the present tariff." When he speaks in the country where there are no cotton mills, and where the question of stockings and other cotton fabrics has only one aspect, the same orator could and doubtless would show to the voters that since only 25 per cent under the Payne tariff is effective for protective purposes, and that the proposed bill makes a reduction of 25 per cent, so arranged as to abolish every vestige of protection, it will save cotton consumers the snug sum of $200,000,000 a year, which has been going into the coffers of the Cotton Trust.

I confess I am afraid of such a double-barreled scheme. I fear the duty that is left by the bill might in some way settle down to the bottom and become effective. But I am a Republican, and I believe in duties high enough to cover the difference in the cost of production of competitive commodities here and abroad, and no higher, plus a reasonable profit to American producers. I am not going to run away from the "reasonable profit" provision. If American producers are put on an absolute equality with foreign producers in our own market, it is safe to assume that at least one-half of the commodities we consume and that might be made at home will be made abroad by foreign capital and foreign labor, and the opportunities for American capital and American labor will be correspondingly lessened. I believe in giving the American producer a sufficient advantage in our own markets to enable him to supply the home demand chiefly, limited, however, by adequate safeguards so he can not monopolize the home market and impose unjust prices upon consumers. This is the philosophy of the Republican protective policy.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. CRUMPACKER. I yield for a question.

Mr. FOWLER. The question I want to ask is, What per cent does the gentleman regard as a reasonable profit for the manufacturer?

Mr. CRUMPACKER. We will settle that when we take up tariff revision under the report of the commission and do it in an intelligent way. I do not care to go into the "reasonable-profit" question further just now than to defend the principle. And another thing bearing upon the reasonable-profit provision is the well-known custom of every great industrial country in the world of making prices for export below domestic prices; the practice of dumping surplus goods into other markets, of selling them abroad even without any direct profit at all, and doing it advantageously. We must have some safeguards against practices of that kind, practices that are within the knowledge of every intelligent man in this country. [Applause on the Republican side.]

So the "reasonable-profit" provision of our platform is one of its beneficent features, and one that can not be lost sight of from the standpoint of protection. We proposed in 1908 to make a scientific business tariff. In 1909 we undertook to do it, and we discovered that we did not have the necessary tools to accomplish the task.

The Payne tariff contains a great many good provisions, and is a much better tariff than we have had in recent years. There are schedules in that law that individually I did not approve.

I had the honor of being a member of the Ways and Means Committee that prepared the Payne bill, and I think I am betraying no secret when I say that I did what I could to bring about reductions and changes in some of the schedules that were left practically untouched, notably wool. But it was absolutely impossible for the Sixty-first Congress, under existing conditions, to have made a tariff that would have been satisfactory to the country. Why? Because Congress did not have facts at hand to enable it to adjust the duties according to the standard the party fixed. It had no satisfactory evidence showing the differences in cost of production here and abroad. There was a great amount of evidence taken, but it was mainly furnished by manufacturers and importers, and it was discredited by the country without knowing what it was. We must not overlook the important fact, in determining matters of legislation, that the country looks upon Congress—I will not say with discredit, but with a little bit of allowance. Congress is regarded as an aggregation of statesmen with a tendency to operate politics on the side. [Laughter.]

Mr. Chairman, there is so much politics in the tariff question that any measure worked out through committees of the House and Senate will be more or less discredited, even if it is as nearly perfect and just as it is possible to make it. Therefore whatever the virtues and faults of the Payne tariff, it did demonstrate to Congress and to the country the absolute necessity of a Tariff Commission, an expert Tariff Commission divorced from politics, a commission so constituted and organized that the people will have faith in it and its work. Commissions exist in the Government service at the present time.

We have the Civil Service Commission. We never hear its work criticized because of politics, although it is criticized sometimes by politicians. We have the Interstate Commerce Commission, a magnificent tribunal, which deals with some of the most vital problems involved in the social and the economic

life of the country. Who ever heard that great commission criticized on account of politics? Why can we not have a tariff commission? We can have one, and we will. We already have a commission, which we call the "Tariff Board," that is made up of able, honest, scientific men, who place country welfare and social good above party politics, a commission that will seek and find the honest truth as nearly as it is possible, and one that has the respect and confidence of the country.

Gentlemen have asked why we did not create a tariff commission before undertaking a revision of the schedules. It was an impossibility to do it. There was very little sentiment for a tariff commission in this country until after we had entered upon the consideration of the Payne bill. The proposition could not have secured any considerable support in either House of Congress. Democrats were practically solid against it, and perhaps four-fifths of the Republicans thought it was unnecessary.

The method by which we undertook to revise the tariff in 1909 was one that had been employed for tariff revision ever since the organization of the Government. Mr. Chairman, it requires time and endeavor; it requires a campaign of education to bring about the abandonment of a method that has the sanction of a century of experience, with practically no criticism.

The Republican Party in 1908, by necessary implication, declared for a Tariff Commission, because it is an absolute impossibility to put the tariff of the country on a business basis, to so adjust the schedules as to nicely cover the difference in the cost of production here and abroad, without the agency of an expert commission. Congress can not secure the necessary information; but even if it could and did do so, its work would be discredited by the people, for many of them are educated to believe that politics enters more or less in all tariff legislation. By the aid of a commission Congress can adjust the schedules so as to cover the difference in cost here and in foreign countries, and thus afford proper protection to our industries and prevent the evils of monopolization. The people will be content with such a tariff and all honest manufacturers will be satisfied with it. It will avoid the periodical agitation and industrial disturbance that comes under the old method of tariff making.

There is some psychology even in manufacturing. The producers in the United States know that in the absence of trustworthy information Congress may do what the Democratic majority is seeking to do now—that is, revise the tariff by a hap-hazard method in the hope that some of its work may be right. It is impossible to demonstrate that a single item in any schedule made by the guesswork method is right until after it has been put in operation, and then great injury may ensue before mistakes can be corrected.

Let me ask, where is there, in connection with this bill, any evidence showing with reasonable certainty the difference in cost of manufacturing cotton here and in foreign countries? There is none. The bill is a random proposition, a shot in the thicket in hope of hitting the game if it is a deer, and missing it if it is a calf. How can there be intelligent and wise tariff legislation under such a plan?

Is it any wonder that legitimate industries are more or less anxious every time there is serious agitation for tariff revision under the guess rule? But when the country comes to know that Congress will always maintain a tariff high enough to cover the legitimate difference in the cost of production here and abroad, there will be no concern on the part of manufacturers, no mills will close down, no stocks or bonds will be discredited in the markets, the consumers will feel an abiding contentment, and there will be industrial peace and stability such as is impossible under the menace of the kind of legislation that is proposed in this session of Congress. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. PAYNE. Mr. Chairman, I yield to the gentleman 10 minutes more.

Mr. CRUMPACKER. We have a Tariff Board or commission already in operation, created by the Payne tariff law, but its powers were greatly enlarged by the laws appropriating money for its maintenance. It is composed of three thoroughly competent members, authorized to employ industrial experts to investigate every factor entering into the cost of production in all civilized countries. Its experts are now engaged in making the investigation and in ascertaining the difference in the cost of production of competitive commodities, here and elsewhere. It will be ready to make a full and complete report upon the wool schedule and upon the cotton schedule by the 1st of next December, only four months away, and probably upon other important schedules by the 1st of next January.

We will then know, Mr. Chairman, the relative conditions of production here and in foreign countries. We will be able to levy duties sufficiently high to protect American industries and not so high as to permit combinations to impose upon American consumers. That policy carries protection both ways, protection not only to legitimate industries, but protection to consumers as well. Practically all of the people of the United States believe in a tariff high enough to foster and protect legitimate industries, provided that the duties are not so high as to permit trusts and monopolies to extort unjust prices from the people.

When that report is made Congress will be able to put the tariff upon a business basis, and not until then. We have appropriated upward of $400,000 to pay the expenses of the investigation, and it seems most unwise, indeed, to rush through important legislation of this kind in advance of the report. The impression seems to prevail that the people desire an early tariff revision, and politicians seem to vie with each other to see who will get to it first, with little regard to the character of legislation they would enact. Such methods of handling the public business tend to discredit the character and capacity of Congress.

It is my judgment that while the people desire a revision of the tariff, they want that revision to be intelligent and wise. I am earnestly in favor once for all of establishing the commission method of revising the tariff for the future. It is of infinitely greater importance that we establish the method of correct and righteous revision, though we may have to wait a few months to do so, than that we change the schedules by the haphazard method, one at this time, another one next week, and another one the week after. If we pass the pending bills and others that are to be proposed, shall we do the work all over next winter in conformity with the facts reported by the Tariff Board?

This is not a bill to reduce the tariff in the interest of the people. It is a generator of campaign thunder for 1912. [Applause on the Republican side.] Some see in it a move to foster the waning political fortunes of certain ambitious statesmen who may aspire to the Presidency in 1912. President Taft has clearly outlined the policy of the Republican Party upon the subject of tariff revision. He is an earnest advocate of the commission method, and he appreciates the importance of firmly establishing it. While I have no authority to speak for him upon this subject, I have no doubt that he regards it of much greater wisdom to await the report of the Tariff Board and then make a wise and intelligent revision, than to make what can only be a slipshod revision at this time. By all means wait until the facts are laid before Congress and the country. When the Tariff Board furnishes the country with reliable information respecting conditions of production in the great industrial countries, our work can and will be intelligent and defensible. It is true that Congress will not be bound by the facts reported by the board. They will doubtless be summarized in the form of tables easily interpreted and understood. Those tables will be published in every newspaper and magazine and carried to every fireside in the country.

The plain citizens will be able to know whether the schedules conform to the facts, and if they do not Congress will be in greater haste to make them conform than some Members seem to be at this time to do some revising before the winter snow flies. One of the chief virtues of a tariff commission is to furnish the people trustworthy information, to enlighten public sentiment until it comes to be a directing factor in tariff legislation. That is impossible under the old method of revision. It is a mere matter of speculation, of conjecture, of inference, and prejudice now. I repeat, if these tariff bills shall go through now it means the repudiation of the commission method, the abandonment of the purpose to put our tariff on a business basis. It will destroy the hope of industrial peace and stability for the future.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. CRUMPACKER. Certainly.

Mr. SIMS. Is there any requirement in the law that the report of the Tariff Board shall be given to the newspapers and made public?

Mr. CRUMPACKER. No.

Mr. SIMS. What assurance have we that it will be made public?

Mr. CRUMPACKER. I am discussing the general tariff-commission policy. The House passed a tariff-commission bill last Congress and the Senate agreed to it with an amendment, and the gentleman knows it was defeated by artifice at the last moment. That is the kind of commission I favor; but this board will report the facts soon, and those facts of necessity must be given to the public. I am not satisfied with the board, because it has no permanent statutory status. It is not perma-

nent. It lives only while it has food—lives upon appropriations. But while it does exist its work will be thorough and reliable. I want to say now with all of the emphasis I can command that we can never have a business tariff, a scientific tariff, under the present method of making tariffs. We must modernize our methods and frame our tariff upon a broad, just, and enlightened industrial and economic foundation. [Applause on the Republican side.]

Mr. HARRISON of New York. Mr. Chairman, I yield 30 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, the pending bill proposes to materially reduce the tariff tax on cotton clothing, one of the prime necessities of life. It is in line with Democratic policies and the promises made to the people by the Democratic Party to revise and lower the tariff tax upon the necessaries of life, thereby reducing their cost to the American people. I shall give the bill my hearty and cordial support. It is not my purpose, however, to attempt to add anything to what has been said on this great economic question. I rise rather for the purpose of taking advantage of the latitude allowed under general debate to call attention to a resolution which I introduced in this House and which is pending before the Committee on the Judiciary, which greatly concerns a great portion of the people I have the honor to represent and thousands of tobacco growers in 20 different States of this Union, and also, in my judgment, millions of consumers, who have for so many years been paying tribute not only to the Tobacco Trust but to the other great trusts and combinations of the country in the increased price of practically everything they use. [Applause on Democratic side.]

Mr. Chairman, on May 29, 1911, the Supreme Court of the United States adjudicated and declared that the American Tobacco Co. and 64 codefendant accessory and subsidiary corporations and 29 individual defendants had entered into a conspiracy and formed and were maintaining a combination in restraint of trade in tobacco and the products of tobacco and were attempting to monopolize, and were monopolizing, such trade in violation of the provisions of what is known as the Sherman antitrust law, approved July 2, 1890. That act not only authorizes a civil suit for the dissolution of the combination, but also contains a provision making those responsible for the formation and maintenance of the combination subject to criminal prosecution and punishable by a fine or imprisonment. On the very next day, therefore, after the decision was rendered I introduced the following resolution of inquiry:

Resolved, That the Attorney General of the United States be, and he is hereby, directed to inform the House of Representatives whether or not any criminal prosecutions have been begun, and whether any are now pending against the American Tobacco Co. and its constituent companies and all or any one of the 29 individual defendants in the case of the American Tobacco Co. against The United States, decided by the Supreme Court of the United States on May 29, 1911, to wit, James B. Duke, Caleb C. Dule, Percival S. Hill, George Arents, Paul Brown, Robert B. Dule, George A. Helme, Robert D. Lewis, Thomas J. Maloney, Oliver H. Payne, Thomas F. Ryan, Robert K. Smith, George W. Watts, George G. Allen, John B. Cobb, William R. Harris, William H. McAllister, Anthony M. Brady, Benjamin N. Duke, H. M. Hannah, Herbert D. Kingsbury, Pierre Lorillard, Rufus L. Patterson, Frank H. Ray, Grant B. Schley, Charles Strotz, Peter A. B. Widener, Welford C. Reed, and Williamson W. Fuller, for violations of sections 1 or 2 of the Sherman antitrust law, and if not, whether any such criminal prosecutions will be begun at an early date.

This resolution, which was privileged, under the rules, was referred to the Judiciary Committee, and that committee promptly reported a resolution calling for the information, and the House unanimously adopted it. The Attorney General in his answer stated in substance that in 1906 criminal prosecutions were entered in the Federal court in the State of New York against the MacAndrews & Forbes Co. and the J. S. Young Co., known as the Licorice Trust, resulting in fines of $10,000 and $8,000, respectively, both of which were paid, and that no other criminal prosecutions had been commenced at any time against any of the other companies or individuals composing what is commonly called the Tobacco Trust. He further stated that, in his opinion, it was not compatible with the public interests to state whether or not any further criminal prosecutions were contemplated. It is a matter of some significance, Mr. Chairman, that at the time the prosecutions just mentioned were commenced those two companies were not a part of what is called the Tobacco Trust. As a matter of fact, they did not become a part of it until 1902. They controlled more than 95 per cent of the manufacture of licorice paste in this country. Licorice paste is largely used in the manufacture of plug tobacco, and it can be readily seen, therefore, that its monopolization at that time was hurtful to the Tobacco Trust as well as to the independent manufacturer of tobacco.

The Attorney General did not vouchsafe any explanation as to why the Department of Justice under this and the preceding administration had contented itself with these two criminal prosecutions, or why the main corporation, the chief and dominant factor of the trust, and the individuals whose brains and whose money wrung from the pockets of the producers and consumers of tobacco had given the combination life and power, had been allowed to escape the penalty expressly provided for in said statute. And let me call your attention just here to the fact that the resolution did not ask the Attorney General to give away his case or disclose any evidence upon which a criminal prosecution might be founded, but simply to inform Congress and the country as to whether or not it was his intention to proceed, under his oath of office, to enforce the statute in all of its provisions. Under such circumstances I can not understand how an expression of his intention could in any way militate against or prove incompatible with the public interests. Certainly the people, whose servant and law officer he is supposed to be, have a right to know whether he intends to proceed under the law and enforce its penalties, or whether he is to assume the right to decide when and where the law shall be applied. I can construe his answer in no other way than as an intimation, to say the least, that the Department of Justice intends to permit those who have built up this gigantic trust, and in doing so have flagrantly violated the law, to escape the just consequences of their acts. I immediately, therefore, introduced the following resolution:

Whereas the Supreme Court of the United States, in the case of The United States of America against The American Tobacco Co. and others, and in the case of The American Tobacco Co. and others against The United States of America, adjudged and decreed in effect that the said the American Tobacco Co. and 64 other corporation codefendants, commonly called the Tobacco Trust, and 29 individual defendants have formed and maintained a combination in restraint of trade, and have conspired to monopolize, have monopolized, and are continuing to monopolize a part of the commerce among the States and Territories and with foreign nations in restraint of interstate trade and commerce, in violations of the provisions of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; and

Whereas under the provisions of said act if the said parties or persons, or any of them, or anyone for them, or anyone aiding or abetting them, have entered into or continued any contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, in the Territories, or with foreign nations, or have monopolized, or attempted to monopolize or combine or conspire with any person or persons to monopolize, any part of the trade or commerce as aforesaid, they are amenable to criminal prosecution; and

Whereas no criminal prosecutions have been begun against the said parties or persons: Therefore be it

Resolved by the House of Representatives (the Senate concurring), First. That it is the sense of the House of Representatives and the Senate that criminal prosecutions should be begun against any or all of said parties or persons who shall have violated the criminal provisions of said statute.

Second. That the Attorney General of the United States be, and he is hereby, instructed to institute criminal prosecutions against said parties or persons for said violations, if any, where the evidence, in the opinion of the Attorney General, shall justify such proceedings.

This resolution is now pending before the Judiciary Committee, and I believe it will be favorably reported out, and I trust that it will be adopted by this House.

HOLDING OF SUPREME COURT AND EFFECT.

The Supreme Court has declared that the Tobacco Trust must dissolve. It is true that six, and possibly eight, months was allowed it in order to work out its dissolution—a time much too long in the opinion of those of us who are familiar with the manner in which it has used its power to oppress both the producer and the consumer, and who do not believe that it was either worthy or deserving of such extraordinary consideration at the hands of the court which adjudged it to be a violator of the law. It is also true that everyone believes that the time allowed will be consumed by highly paid and skillful attorneys, not so much in an effort to evolve a plan whereby there may be a complete and honest dissolution of the trust, but rather in devising a scheme whereby the trust may be continued in some other form or manner, thus evading the plain mandate of the court. It is not to be believed that these men, who years ago set about to form this great combination in defiance of the law, and who, by virtue of such action, have built up colossal fortunes, will be suddenly seized with such a respect and reverence for the law which they have heretofore trampled upon that they will bow in humble submission to the court's decree, so long as they understand that the legal department will make no effort to hold them personally responsible for their acts. What matters it if eventually, and after a period of investigation, another civil suit shall be brought to dissolve the new concern? It must drag its weary way through the courts for possibly another four years before it will reach the court of last resort.

The most that can be then expected from such a proceeding will be another order of dissolution, and in the meantime the fortunes of those interested will have become even more enormous, while the producer, by the reduction of a few cents per

pound in the selling price of his tobacco, and the consumer, by the increase of price in the tobacco products, are made to bear the expense of the attorneys employed to protect the trust in its business and all other costs involved in its effort to perpetuate itself at the expense of the people. Such a proceeding has no terror for the trust magnate, for he knows that nothing is more certain than the fact that he has it in his power to make the people foot the bills. But let him once understand that his "guilt is personal" and that our Government proposes to so regard and treat it; let him understand that our Government will inexorably hold to as rigid an account the man of wealth and of power who breaks the law as it will the petty offender; let him understand that the Government's law officer will no more think of assuming a power which neither exists in him or in his office and waive criminal prosecution in the one case than he would think of doing so in the other, and, Mr. Chairman, you will quickly see the end of the monopolistic combines of this country. That, sir, in my judgment, is the only real and effective way to deal with the trusts, which have used their power to destroy competition and monopolize trade. One real, honest, and earnest criminal prosecution against those responsible for the trusts of this country will do more to cause their disintegration and prevent the formation of new ones than all the civil suits which have been instituted by the Department of Justice.

And, Mr. Chairman, if the administration is as sincere as it professes to be in its purpose to destroy the trusts and relieve the great masses of the people from their exactions, I can not understand why it has not sought to apply the criminal portion of the statute to those responsible for them, but has contented itself, when forced by public sentiment, with bringing civil suits for dissolution, knowing full well that, after all, the trusts will make the people pay the cost to which they are subjected by reason of such suits.

Mr. Chairman, just here I want to call attention to an article which appeared in a daily paper in this city only a day or two ago in the form of a dispatch from the city of New York concerning the proposed reorganization plans of the Tobacco Trust, as follows:

TOBACCO TRUST STARTS REORGANIZATION PLAN.

NEW YORK, *July 28.*

Highly pleased over the discovery that two, at least, of the judges of the United States circuit court favor the application of the "rule of reason," the officials of the Tobacco Trust and the big bankers who represent the bondholders got busy with the reorganization plan to-day.

The financial interests, who want to continue the Tobacco Trust on lines as close as possible to those now used, but still within the law, wondered just how far they could go.

They are satisfied since yesterday's decision, and it is likely that when the reorganization plan is announced soon it will provide for "competition" that will not particularly curtail the earning powers of the component parts of the trust.

Mr. Chairman, if it be true as reported that the reorganization of this trust is to be effected according to the letter but not according to the spirit of the decision of the Supreme Court, if it be true that it is to be effected so as to maintain competition in form and not in reality, then I submit that the money which the Government has expended in prosecuting the civil suit just decided in the Supreme Court has been a waste of public money. [Applause on the Democratic side.] If it be true, as it has been charged, that this reorganization is to be brought about by breaking up the dominant company, the American Tobacco Co., into four companies—one to control the cigarette business, another to control the plug-tobacco and smoking-tobacco business, another to control the snuff-manufacturing business, and still another to control the cigar-manufacturing business—all presumably to be conducted under one master mind, maintaining their high profits for the benefit of the individuals who now control the trust and will hereafter control these different companies, then I submit that the suit just decided in the Supreme Court might as well have not been brought. [Applause on the Democratic side.]

HISTORY OF THE TRUST.

In order that we may see whether or not the interest of the people has been neglected by a failure to proceed at an earlier date and in a more forcible manner against the Tobacco Trust, let us, for a moment, inquire concerning the history of its formation. In the limited time at my disposal only the most essential facts can be stated. Tobacco is grown in many sections of the country, having diversity of soil and climate and producing, therefore, tobacco of various kinds and quality. As evidencing this fact, I call attention to the following tables which, at my request, were furnished me by Dr. W. W. Garner, of the Agricultural Department, showing the production of tobacco by States in 1909 and 1910, and also the average annual production of tobacco in the United States by types. I shall not read them, but ask permission to insert them in the RECORD.

Production of tobacco by States, 1909 and 1910.

States.	Acreage.		Production.		Yield per acre.	
	1909	1910	1909	1910	1909	1910
			Pounds.	*Pounds.*	*Lbs.*	*Lbs.*
Massachusetts	4,400	4,400	7,040,000	7,612,000	1,600	1,730
Connecticut	13,400	13,400	22,110,000	23,182,000	1,650	1,730
New York	6,000	5,900	7,050,000	7,375,000	1,175	1,250
Pennsylvania	31,200	33,000	30,732,000	49,500,000	985	1,500
Maryland	25,000	28,500	17,750,000	19,665,000	710	690
Virginia	155,000	160,000	120,125,000	124,800,000	775	780
West Virginia	14,400	20,000	12,600,000	12,800,000	875	640
North Carolina	240,000	216,000	144,000,000	129,600,000	600	600
South Carolina	40,000	30,000	32,000,000	18,900,000	800	630
Georgia	2,100	1,600	1,470,000	1,088,000	700	680
Florida	4,500	3,500	3,195,000	2,380,000	710	680
Ohio	90,000	92,700	83,250,000	75,087,000	925	810
Indiana	20,000	27,000	19,000,000	23,700,000	950	880
Illinois	1,500	1,600	1,125,000	1,264,000	750	790
Wisconsin	31,500	30,200	37,170,000	31,710,000	1,180	1,050
Missouri	5,000	7,500	4,425,000	7,875,000	885	1,050
Kentucky	420,000	470,700	350,700,000	381,024,000	835	810
Tennessee	73,000	85,000	53,290,000	64,600,000	730	760
Louisiana	400	500	220,000	275,000	550	550
Texas	1,000	700	650,000	420,000	650	600
Average United States					804	798

Estimated average annual production of tobacco in the United States by export and manufacturing types.

	Pounds.
Burley	215,000,000
Virginia dark-fired	52,000,000
Clarksville and Hopkinsville	70,000,000
Paducah	60,000,000
Henderson or Stemming	35,000,000
Green River	35,000,000
One Sucker (including southern Kentucky or upper Green River, upper Cumberland, and southern Indiana)	30,000,000
Virginia sun-cured	10,000,000
Maryland and eastern Ohio export	21,000,000
Flue-cured (old belt)	120,000,000
Flue-cured (new belt)	95,000,000
Perique	200,000
Total export and manufacturing types	741,200,000
Add cigar types (average production)	156,800,000
Normal production of tobacco (all types) in country at present time	900,000,000

The demand for raw tobacco of all qualities prior to 1890, when the American Tobacco Co. first came into existence, was widespread not only in this country, but also in foreign countries, and the producers were therefore enabled to sell their products in a large competitive market and under the most advantageous conditions. Many factories scattered over the country were engaged in the manufacture of tobacco in all of its forms. In the language of the Supreme Court—

There is no doubt that these factories were competitors in the purchase of the raw products which they manufactured and in the distribution and sale of the manufactured products. Indeed, it is shown that prior to 1890 not only had the normal and ordinary competition existed between the factories in question, but that the competition had been fierce and abnormal.

Such was the condition of the industry when, in 1890, the American Tobacco Co. was organized under the laws of New Jersey with a capital stock of $25,000,000. According to the report on the prices of tobacco submitted to the Senate June 5, 1909, it quickly took in all the principal cigarette manufacturers, and from the outset controlled substantially 90 per cent of the cigarette business in this country. The same report shows that while it issued $25,000,000 of capital stock its tangible assets amounted to only $3,545,108.02, and the balance of $21,454,891.98, while called "good will," really represented overcapitalization or watered stock. This company branched out and soon built up a considerable business in plug tobacco and smoking tobacco, which was transferred to the Continental Tobacco Co., organized in December, 1898, with a capital stock ultimately increased to $100,000,000. No one has ever denied that at least the entire amount of its common stock, amounting to $48,846,100, represented overcapitalization or watered stock. In the year 1899 and thereafter the American Tobacco Co. and the Continental Tobacco Co., acting in concert, bought and closed up 30 competing corporations and partnerships.

In March, 1900, the American Snuff Co. was organized. It took over the snuff business of the American and Continental companies, and also bought up and closed down other leading snuff-manufacturing concerns. In January, 1901, the American Cigar Co. was formed, and it took over the cigar business of the American and Continental companies. In June following the Consolidated Tobacco Co. was organized as a holding com-

pany, and in 1904 this company merged with the American and Continental Tobacco companies into one corporation under the name of the American Tobacco Co., with a capitalization of $180,000,000. By buying out and closing down the independent manufacturers this great combination soon acquired a monopoly of all the manufactured products of tobacco, and curtailed, if not entirely destroyed, competition in the buying of raw tobacco and the sale of the manufactured product. Governed by the law of selfishness and greed, rather than by the just law of supply and demand, its annual profit rapidly increased until it was able to pay more than 30 per cent annually on a capital stock, the greater part of which was watered and represented no tangible assets. The profits of the American Tobacco Co. in 1890 were $2,511,180.12. In 1899 the profits of the combination were $7,204,550.92, and in 1907 they had increased to the enormous amount of $36,000,155.75. Can there be any doubt but what this great and steadily increasing profit is the result of stifling competition in the purchase of raw tobacco from the producer and the sale of the manufactured product to the consumer? It is not necessary to relate how this trust, having monopolized our home markets, entered foreign lands and by a combination with the Imperial Tobacco Co. parceled out and divided the foreign markets between the two companies. I have stated sufficient facts to show how this trust has operated at the expense of the many thousands of producers and consumers of tobacco in this country.

PROOF BEFORE THE COURT.

Proof was taken in the civil suit referred to showing the methods resorted to by the trusts to force independent manufacturers of tobacco to sell their plants and quit business. Discussing this feature, the Supreme Court says:

The record indisputably discloses that after this merger the same methods which were used from the beginning continued to be employed. Thus, it is beyond dispute: First, that since the organization of the new American Tobacco Co. that company has acquired four large tobacco concerns; that restrictive covenants against engaging in the tobacco business were taken from the sellers, and that the plants were not continued in operation, but were at once abandoned. Second, that the new company has, besides, acquired control of eight additional concerns, the business of such concerns being now carried on by four separate corporations, all absolutely controlled by the American Tobacco Co., although the connection as to two of these companies with that corporation was long and persistently denied.

* * * That situation and the vast power which the principal and accessory corporate defendants and the small number of individuals who own a majority of the common stock of the new American Tobacco Co. exert over the marketing of tobacco as a raw product, its manufacture, its marketing when manufactured, and its consequent movement in the channels of interstate commerce, indeed relatively over foreign commerce, and the commerce of the whole world in the raw and manufactured products stand out in such bold relief from the undisputed facts which have been stated as to lead us to pass at once to the second fundamental proposition which we are required to consider.

Mr. Chairman, no effort was made in that case to show the manner in which the trust had manipulated and reduced the price of tobacco in the hands of the producer. I do not refer to this as a criticism of the manner in which said case was conducted by the Attorney General and, more particularly, the very able special counsel employed in the case, who was formerly a resident of the splendid city where I reside, and upon whom the burden of the Government's case really rested. He has added luster to what was already an enviable career as an able, painstaking, and successful lawyer. But, sir, if it had been thought necessary, proof could have been taken showing that the trust from its inception used every device and resorted to every possible method to lower the price of tobacco to the producer. I have the honor to represent a district where tobacco is one of the chief farm products, and I know how the tobacco producer in my country suffered during many of these years. The trust went down into my country, where dark tobacco is produced, and it actually fixed the price at which the farmer must sell his tobacco. It monopolized and organized the competitive buyers and divided the country among them. It said to one buyer, "You must buy on this side of the road, but you must not go on that side of the road." To another it said, "You can go this road, but you must not go that." And so it destroyed competitive buying and reduced the price of tobacco from $10 and $12 per hundred to $3 and $4 per hundred. The people were oppressed and children were made to go ragged by its operations, while the profits of their honest toil went to swell the immense dividends and build up the enormous fortunes of those who organized and controlled it.

But, Mr. Chairman, it is not at this time necessary to pursue that subject further. Let us see what the Supreme Court, in its calm and sober judgment, has had to say concerning the object and the intent of the combination and the individuals composing it. The court said:

Considering, then, the undisputed facts which we have previously stated, it remains only to determine whether they establish that the acts, contracts, agreements, combinations, etc., which were assailed were of such an unusual and wrongful character as to bring them within the prohibitions of the law. That they were, in our opinion, so overwhelmingly results from the undisputed facts that it seems only necessary to refer to the facts as we have stated them to demonstrate the correctness of this conclusion. Indeed, the history of the combination is so replete with the doing of acts which it was the obvious purpose of the statute to forbid, so demonstrative of the existence from the beginning of a purpose to acquire dominion and control of the tobacco trade, not by the mere exertion of the ordinary right to contract and to trade, but by methods devised in order to monopolize the trade by driving competitors out of business, which were ruthlessly carried out upon the assumption that to work upon the fears or play upon the cupidity of competitors would make success possible. We say these conclusions are inevitable, not because of the vast amount of property aggregated by the combination, not because alone of the many corporations which the proof shows were united by resort to one device or another. Again, not alone because of the dominion and control over the tobacco trade which actually exists, but because we think the conclusion of wrongful purpose and illegal combination is overwhelmingly established by the following considerations:

(*a*) By the fact that the very first organization or combination was impelled by a previously existing fierce trade war, evidently inspired by one or more of the minds which brought about and became parties to that combination.

(*b*) Because, immediately after that combination and the increase of capital which followed, the acts which ensued justify the inference that the intention existed to use the power of the combination as a vantage ground to further monopolize the trade in tobacco by means of trade conflicts designed to injure others, either by driving competitors out of the business or compelling them to become parties to a combination—a purpose whose execution was illustrated by the plug war which ensued and its results, by the snuff war which followed and its results, and by the conflict which immediately followed the entry of the combination in England and the division of the world's business by the two foreign contracts which ensued.

(*c*) By the ever-present manifestation which is exhibited of a conscious wrongdoing by the form in which the various transactions were embodied from the beginning, ever changing but ever in substance the same. Now the organization of a new company, now the control exerted by the taking of stock in one or another or in several, so as to obscure the result actually attained, nevertheless uniform, in their manifestations of the purpose to restrain others and to monopolize and retain power in the hands of the few who, it would seem, from the beginning contemplated the mastery of the trade which practically followed.

(*d*) By the gradual absorption of control over all the elements essential to the successful manufacture of tobacco products, and placing such control in the hands of seemingly independent corporations serving as perpetual barriers to the entry of others into the tobacco trade.

(*e*) By persistent expenditure of millions upon millions of dollars in buying out plants, not for the purpose of utilizing them, but in order to close them up and render them useless for the purposes of trade.

(*f*) By the constantly recurring stipulations, whose legality, isolatedly viewed, we are not considering, by which numbers of persons, whether manufacturers, stockholders, or employees, were required to bind themselves, generally for long periods, not to compete in the future. Indeed, when the results of the undisputed proof which we have stated are fully apprehended and the wrongful acts which they exhibit are considered there comes inevitably to the mind the conviction that it was the danger which it was deemed would arise to individual liberty and the public well-being from acts like those which this record exhibits, which led the legislative mind to conceive and to enact the antitrust act, considerations which also serve to clearly demonstrate that the combination here assailed is within the law as to leave no doubt that it is our plain duty to apply its prohibitions.

THE CRIMINAL PROVISIONS OF STATUTE SHOULD BE ENFORCED.

It then becomes pertinent to inquire why the statute should not be enforced against those whom the Supreme Court has held to have been guilty of "a wrongful purpose and an illegal combination." Why should the Attorney General stop the fight in the very moment of victory, in the first skirmish, and before the victory is made complete by an enforcement of all the penalties of the statute? A good general, intent upon following up a victory and preventing his opposition from regaining its advantage, does not call off his forces at the very moment when he has won a great battle. In the eyes of the law, one man stands no higher than another. The moonshiner who, yielding to his environments, distills the "mountain dew" in violation of the law, is made to feel its heavy hand—and that is right. The smuggler who smuggles the smallest trifle of merchandise into this country is justly and properly punished. The petty thief who rifles the mails is sent to jail, as he should be. This is done not so much to visit revenge upon or punish the offender as it is to serve as a warning to others who might be so inclined. Is it, therefore, unreasonable to ask why those who have illegally extorted millions of dollars from the pockets of thousands of citizens in this land should not also be brought before the bar of an impartial court? [Applause on the Democratic side.] The law is plain. There can be no doubt as to its meaning, or as to the intent of those who framed and passed it. I am aware that unlawful intent is the gist of all criminal actions. If there ever was any doubt in the mind of any person as to the unlawful intent, that question has been finally and forever settled by the Supreme Court. The Attorney General recognized this fact in a speech which he delivered at Battle Creek, Mich., on July 6, 1911, where, in discussing the decision of the Supreme Court in this very case, he is reported to have used the following language:

The area of uncertainty in the law has been greatly narrowed, and its scope and effect have been pretty clearly defined. The school of

literal interpretation has been repudiated and the application of a rule of reasonable construction declared. There will always be a field of uncertainty in so far as an investigation of facts is required, particularly when intent becomes a necessary consideration; but this surely may now be said to be beyond controversy.

If the officials of the trust have been guilty of violating the law—and no one can deny that fact since the Supreme Court has so found; if the intent necessary in all criminal cases has been and can be shown—and the Attorney General concedes as much in the speech referred to—then what just reason can be given for a failure to proceed criminally under the statute? Certainly no official should show any distinction among persons in the performance of his duty. Our Government should be fair and honest in the administration of its laws. They are not to be administered in the interest of the rich man or in favor of the poor man. Above all things, they should be administered honestly and justly, uninfluenced by wealth, power, or position. [Applause on the Democratic side.] No immunity should be given the willful violator, be he rich or be he poor. The absolute impartiality of the law is its chief strength and bulwark. Every public servant is under an obligation to see that its impartiality is strictly maintained. No public servant should arrogate to himself the power to suspend its enforcement in favor of any particular individual or set of individuals.

Congress believed when the Sherman antitrust law was passed that its greatest potentiality was in the provision for a criminal prosecution of those who violated it. In the debate prior to its passage Senator Turpie, of Indiana, who advocated it, said:

> The moment we denounce these trusts penally, the moment we declare these fraudulent trust combinations to be conspiracies, to be felonies or misdemeanors, that moment, under their own maxim, the courts are bound to carry out the intention and purpose of the legislation, and even to favor that purpose and intention, that the will of the people may prevail and not perish.

I need not repeat that one personal criminal prosecution is more feared by those who have formed these trust combinations than any number of civil suits to dissolve them. In the one case the individual offender must pay the penalty, while in the other the people are made to foot the bills.

RECORD OF DEPARTMENT OF JUSTICE.

The preceding, as well as the present, administration boasted much of what was being accomplished toward breaking up the trusts. The words "malefactors of great wealth" and "predatory interests" became common terms during the administration of Theodore Roosevelt, and we heard much from him concerning a fair, honest, and impartial enforcement of our criminal laws. But, Mr. Chairman, it is a truth worthy of a maxim that a man's sincerity can be best tested by his actions, rather than by his words. During the more than seven years of the administration of Roosevelt 25 indictments were found under the antitrust law. But it is a singular fact that none of the larger trusts were made to feel the heavy hand of the criminal law. The Standard Oil, the Sugar Trust, the Tobacco Trust, the Harvester Trust, and other trusts of like size and character are strangely missing from the list of those against which criminal prosecutions were sought. Of those indicted, six were given small fines on a plea of guilty, six were dismissed, two were acquitted, only three convicted after a trial, while eight are now pending, notwithstanding the fact that some of the indictments were returned as long ago as 1906 and 1907.

I submit that this record does not measure up to the fanfaronade and the magniloquence with which we became so familiar during the administration of Roosevelt. It is not a record to which the legal department of his administration or of the present can point with pride. During the present administration there have been 16 indictments returned for a violation of the Sherman antitrust law. The only one of these that has been pushed to a trial and conviction was an indictment returned last year against 12 farmers in the State of Kentucky. These farmers had seen the price of their tobacco, the product of their toil and the support of their families, reduced until it would not even pay for the labor employed in its cultivation. Finding that the Government did not intend to put forth a staying hand to protect them from the greed and avarice of the trust, they joined an association which had for its sole purpose the holding of their raw product until such time as the trust would be forced to pay a fair and honest price for it, and they were alleged to have been engaged in an effort to secure the cooperation of a neighbor to that end. The Department of Justice lost no time in securing indictments against them, after having sent Government detectives into the territory. Neither did it lose any time in vigorously pushing the case to a speedy trial and conviction. I do not refer to this case for the purpose of offering the slightest criticism of the vigorous and speedy manner in which it was disposed of. I wish simply to contrast the action of the Department of Justice against these farmers, who were only trying to secure an honest price for the product of their own toil and not to unfairly take that which belonged to others, with its action in delaying to even seek an indictment against the Tobacco Trust and the individuals controlling the same, who, not content with a fair and honest profit, have for 21 years been throttling competition in defiance of the law in order to take as profit that which neither justly or morally belonged to them. It is in strong contrast with the delay in bringing to trial the Sugar Refining Co. and the individuals composing it under the indictment returned against them more than two years ago.

It would, indeed, be interesting to know why it was that the Attorney General selected the 12 farmers of Kentucky, organized in opposition to the trust, for prosecution under the criminal provisions of the statute, while the trusts are permitted to go unwhipped of justice. [Applause on the Democratic side.] Why, Mr. Chairman, it has been disclosed by one of the Democratic investigating committees that the administration from March 5, 1909, to May 31, 1911, paid out to special attorneys employed to proceed against the trusts the sum of $845,184.56, in addition to the sum of possibly $300,000 annually paid the United States district attorneys and the regular force of Assistant Attorneys General, whose duty it was to prosecute these cases. This vast sum was paid to only 19 attorneys, who were the happy recipients of the Attorney General's favor. The efforts of these overpaid special attorneys were heralded over the country as an evidence that the administration was earnestly engaged in a Titanic effort to destroy and break up the trusts. And yet the Department of Justice seems to have shut its eyes to the fact that the antitrust law is a criminal statute providing for a criminal prosecution as well as for a civil suit for dissolution and damages. A crusade against these combinations predicated solely on a basis of dissolution and civil damages would appear to be a mere waste of the people's money, for, as I have said, the hapless consumer is made to bear the burden by the merest fractional increase in the market price of the commodity involved. The Attorney General is now engaged in making speeches, more or less spectacular, over the country, in which he deplores the fact that prices are no longer fixed by the law of supply and demand, but that they are being fixed by the combinations. He is reported as urging Federal control, and has suggested a possibility that it may become necessary to provide a commission with power to regulate and fix prices. It is evident that this would mean a further delay, which is in itself a most valuable asset for the trusts. The Supreme Court has declared the present antitrust law valid. Why not exhaust every remedy under that statute in the effort to correct the evils of which he complains? The people can neither be deceived nor misled. They would take more kindly to such a suggestion if they were convinced that the antitrust law was being enforced as it should be.

Mr. Chairman, it is not my purpose to unduly or harshly criticize the Attorney General. However much he may have neglected up to this time to enforce the provisions of this statute, it is not my purpose to declare that he does not in the future intend to perform his duty in accordance with his oath of office. The record which he shall make will speak for itself. But, sir, this law has been on the statute books for more than 20 years. It is a surprising fact that, notwithstanding it has been sustained by the Supreme Court, the trusts have increased and prospered since its passage as never before. It is evident, therefore, that either the law is deficient or that some one has been lax and inefficient in its enforcement. No one should declare that it is deficient until an earnest and sincere effort has been made to enforce all of its provisions and penalties, and the Government has exhausted every remedy provided by law for the purpose of breaking up the trusts.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, may I ask the gentleman from New York that I may have three minutes additional?

Mr. HARRISON of New York. How much time?

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent that the gentleman may have three minutes.

Mr. HARRISON of New York. I yield the gentleman three minutes additional.

Mr. BYRNS of Tennessee. The law provides four methods of procedure. First, an injunctive process to restrain the formation of a combination intended to monopolize and restrain trade; second, a criminal prosecution of those responsible for the combination; third, a seizure of merchandise in transit; and, fourth, a civil suit for dissolution. In the case of the Tobacco Trust, as is also true in the case of the Standard Oil, the Department of Justice has chosen to apply only the least dras-

tic of these four remedies. Although more than two months have elapsed since the Supreme Court has decided that both of these trusts and the individuals composing same have been guilty of a violation of the criminal provisions of the statute, no disposition is being shown, and, so far as the public knows, no effort is to be made to apply the more drastic remedy of a criminal prosecution. But these men are to be permitted to break the law and escape a punishment which would surely be meted out to a small offender. Criminal prosecutions should not be confined to the minor offenders, but these greater and more powerful offenders should be proceeded against under every provision of the law, in order to test to the fullest its effectiveness. If it should then be found to be deficient, some other method of dealing with the trusts must be devised.

THE DUTY OF CONGRESS.

Mr. Chairman, it is the right and duty of Congress to declare that the Government should exhaust every remedy and use all the powers conferred by this statute to destroy the trusts. Congress should declare that every faithful effort at enforcement will be sustained and will have its support and approval. It is for this reason that I advocate the passage of this resolution, and not because it is aimed at men of wealth. Honest wealth is to be desired by all. I would willingly place no obstacle in the way of any man to obtain it. I rejoice that our country affords such splendid opportunities to the industrious and enterprising citizen in the pursuit of an honest fortune. But, sir, it is the duty of our Government to protect the masses of the people from the man or the set of men who would plunder them for personal gain. [Applause on the Democratic side.] The perpetuity of our institutions, the success of our form of government, depends upon the broad principle of equality before the law. I pray that the time will never come when the representatives of a great and a free people shall silently acquiesce in a discrimination in favor of one class against another. [Loud applause.]

Mr. PAYNE. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I have read statistics until I am befogged; I have heard statistics quoted until I am lost; I have heard the people of this country apparently divided into three classes, farmers, manufacturers, and stockholders. I have always been a Republican. I have always been a protectionist, but from the habit of my life I have been accustomed to face my trials with the issues clearly defined. It has been my habit not to go to trial until I knew something about what the other side had to present and what my own case was, and now I want to say a word, first, in regard to my attitude upon this bill. I will speak upon that as plainly as my friend [Mr. LENROOT] did. I propose to vote against it. I want to state why. After reading all the literature that I could absorb and listening to all the speeches I am satisfied that the great body of this House is in the same position I am, and that is that it is not in a condition to pass at this time a just and wise measure and be sure that it is a just and wise measure. [Applause on the Republican side.] It would have been well for this country long ago if we had had a scientific board to pass upon this question of tariff revision. I welcomed the approach of such a board at the last election; I want to wait for it now so that I may act intelligently and honestly upon accurate information. We hear much about the wages in mills. We hear a denial that a man who has to pay something because of the duties on imported goods gets anything by way of consideration for that, and that is one of my protectionist ideas or rather that is an idea which I as a protectionist would oppose.

It is well enough for a man who comes from an agricultural section of the country where the Lord has been good enough to give them a great natural monopoly of cotton to say that he does not want protection and does not need it. I come from a section of the country where we have no great natural monopoly, except the brains in our head and the vigor in our hands [applause on the Republican side], and we have got to find some way to use them. It has been from other sections besides that favored section that the brains and the genius have come to use that which God gives the Southern States. The spinning machinery and the cotton machinery and the roller and the saw gin did not come from the South. They came from the men who were looking for a method to make a living and to utilize that which was grown in another section. But for every man who works in one of these mills we have got other people who are, as one of the gentlemen said yesterday, nonprotected laborers; I have alluded to that once before upon the floor of the House, and I want to insist upon it again that the man who works or who has the labor to sell is protected in the industry in which he can put his labor that was protected to encourage it that capital may seek an outlet in carrying on that industry. I have in my district two cities that are perfectly typical of my ideas of the benefits of protection. I have two communities, each one, in our homely country phrase, having its eggs in one basket. One is wholly dependent upon the production of a necessity of life, and the other is wholly interested in the production of purely frivolous luxuries of life.

And yet those two communities are absolutely dependent on those industries, which are both protected. The communities have grown up around them, and every other sort of a trade and occupation that can be carried on by men in this country, and which have no tariff, is carried on in those communities, and when those industries languish the communities languish. Both of them nearly died in 1892, and I do not want to see that happen again.

We hear about the average reductions of duty. I have learned enough in this discussion and from the reading of the tariff literature of how misleading a statement of average duties or average reductions is. It may be well enough to say to the wife of the shoemaker that you have reduced the duty on cotton goods and stockings 27 per cent, but it does not do her much good if he comes home and says, "My dear, I have lost my job in the shoe factory, because it has shut down." [Applause on the Republican side.] It does not do the wife much good by saying she can buy her calico dress a little cheaper when her husband, who works in the wool mill, says, "I have nothing to buy it with." And under the guise of a reduction of tariff, which comes in as a general average, you may work grave injustice to the best part of your whole industry. I want to wait until a scientific board can tell me what items and what subschedules in the great schedules can be reduced with safety and what can not be reduced.

Now, the cry is that all these things are taxes upon the community. What do we spend money to support foreign consular agents and consulates for except to find out the conditions of trade in the countries abroad, in order that we may know what is going on? We pay it out of taxes. Why do our communities ask that rivers and harbors be improved and paid for out of taxes? Why do States and cities spend their own money to build highways, to remove grade crossings, to build wharves, and do all things, as in my section of the country, where we may receive and discharge the surplus of the West and send it to Europe, and receive those things we may buy abroad and distribute them throughout the West? We do that by taxation. We do it with labor that does not work in mills and factories, that is not used in tariff-protected industries, and yet directly reaps the benefit of the tariff. We do it because we have faith in this country and believe that we are not going to depart from a policy which shall forever encourage men to offer opportunities for other men to labor profitably with their hands.

Now, I want to say just a word more on another thing. I hear of free trade and protection, and when I am going to the country on the issue by and by—for I take it that this session is but the opening of a trial—I want to go on a fair issue and I do not want to go on a false one, with a pseudo free trade against a genuine protection. I think I am Yankee enough to understand what trade means, and I think I am Yankee enough to understand what free trade means, and when this House can resolve itself into the parliament of man and the congress of the world, and legislate for the whole world, we may talk about free trade. But when we talk about nothing except that which is to make this the free market for the world, in which to bring its goods against our labor, when every other market but one in the world keeps its walls up, there is no free trade. [Applause on the Republican side.] Therefore, if it was not that I am convinced that the leader of the majority side is absolutely sincere in his expressions as to free trade, and so forth, I should be impelled to say that his expression was arrant humbug, because free trade is not any such thing as they are offering to this country as free trade.

We have the beautiful expression of "a tariff for revenue only," and that comes well from a section and from people who have natural monopolies of certain things, who have profitable crops of other things, but upon which so much of revenue is to be raised that incidentally they are protected. Who bears the burden of the duties on rice, tobacco, and sugar? What compensation do we get for that? We get no chance to give labor in return. And so if we are going to have a discussion on free trade and protection, let us take the true protection, which believes, by encouraging an industry, in giving men opportunity to labor for fair wage and with a high standard of living, and a free trade, on the other hand, which is the real free trade, which means no barrier anywhere, but a trade to flow as the waters of the ocean flow, untrammeled and unruffled, going

whither they will, and not a false free trade and one which is a mere mockery upon the name.

Now, something also has been said, very ably, by Mr. REDFIELD as to the efficiency of labor. If I understand my protection book at all, it has always been the theory of the protectionist that with a high-paid, well-encouraged labor, who would, in return for his extra privilege among the ranks of laboring men, be more efficient, it would tend to offset the large disadvantage the employer or manufacturer has of keeping his labor up and yet reducing the cost of the unit of his product. And I contend to-day that that protection idea has been most magnificently demonstrated, and that our difficulty to-day is not that this country is tired of protection, but that protection has been successful; and some men living under the old duties have become so efficient that they are making inordinate and unreasonable profits, and that the country is asking to-day, not an abandonment of protection, but a revision of the duties where a revision may fairly be made.

Efficiency has been the cry. It will be the cry, and you can go through our manufacturing sections and find lots of instances—in my own district I know of some—where the manufacturers themselves say that they have outlived their period of protection; that their competition among themselves and with the foreigners has worked the thing down to the point where they do not care a rap whether there is a duty or not. There are others who have not said so, because they have not yet arrived to that point. I want the information of the Tariff Board, at least the information of somebody who is competent to pass upon those things, so that I may finally, as a Member charged with the duty of doing my best for the people of this whole country, vote intelligently and honestly.

Now, I believe that this cotton schedule, so far as our brethren of the South go, is uneconomical and to their own disadvantage. They have talked some on the floor of this House about the hardships of having to sell their surplus cotton in the markets of the world at the prices of the world. I would like to know at which end of a manufacturing or business season a man reckons his surplus—at the beginning, or at the close? I would like to know when you have got in this country an industry which consumes one-fifth of the cotton of the world and 45 per cent of the cotton of this country, if it is so discouraged that it ceases to become a large consumer of the domestic cotton, whether or not the adding of that amount to the surplus of the world will raise or will lower the general average of prices of cotton?

Now, this is the advance skirmish for next year. We have got, in all our States, to go to the people this fall and we have got to go again next year. I want to go with my position understood and with the position of my party understood. I take the position of a protectionist, not opposed to fair reductions, but favoring them when fair and in the interests of all the people, including those who earn their living in protected industry. I shall oppose the abandonment of a policy that has stood for so many years and going back to the one that has always brought us disaster when it has been even partially adopted. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. May I have two minutes more?

Mr. PAYNE. Mr. Chairman, I yield two minutes more to the gentleman.

The CHAIRMAN. The gentleman from Massachusetts is recognized for two minutes more.

Mr. HARRIS. Now, my brethren on the other side are opposed to the policy of waiting for the report of the Tariff Commission. I ask, Why? Are they afraid to wait until the regular session, when we shall have information? Do they desire to put through a bill now which the country shall again demand a revision of within six months or a year? Are they afraid to go to the country on the issue that is sought to be made? All I say to the gentlemen as to that is, if you are sincere in your belief as to the soundness of your doctrine and your position, then wait until you can fairly try it out. Remember the lines concerning him who—

Either fears his fate too much,
Or his deserts are small,
Who fears to put it to the touch,
To win or lose it all.

[Applause on the Republican side.]

Mr. PAYNE. Mr. Chairman, I desire to yield one minute to the gentleman from Oregon [Mr. LAFFERTY].

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] is recognized for one minute.

Mr. LAFFERTY. Mr. Chairman, I ask leave to print in the RECORD a letter bearing on the Oregon & California Railroad land grant, written to me recently by Hon. Thomas Fitch, who was a Member of this House at the time the grant was made.

The CHAIRMAN. The gentleman can extend by order of the House.

Following is the letter referred to:

3445 EAST SEVENTH STREET,
Los Angeles, July 26, 1911.

Hon. A. W. LAFFERTY, M. C.

DEAR SIR: I have read your able speech reported in the RECORD July 20. I was a Member of the Forty-first Congress from Nevada and a member of the Committee on Public Lands. Hon. G. W. Julian, of Indiana, the chairman of the committee, referred the act of April 10, 1869, and the act of May 4, 1870, to a subcommittee composed of Mr. Smythe, of Iowa; Mr. Townsend, of Pennsylvania; and myself. The provision that the land granted should be sold to actual settlers only in quantities not greater than one-quarter section to one purchaser and for a price not exceeding $2.50 per acre was the offspring of Mr. Julian, who insisted upon its being attached to all railroad land grants and to all revivals or renewals of grants.

The gentlemen who represented the applicants for the grant to the McMinnville road labored with the committee to have this restriction eliminated. They claimed that its effect would be to deprive the grantee of the increased value that would be imparted to the lands by the building of the road, and would make it difficult to market the bonds of the railroad company. Against this it was urged that the large number of settlers that would be secured by this clause would make traffic for the road. As a result of the discussions the applicants were told frankly that unless the committee reported the bill with the Julian restriction it would report adversely to its passage, or not report it at all. When the bill passed it was perfectly understood that a settler might, without asking permission of the railroad company, or notifying the company, go upon any quarter section of land and build upon and improve it as if he were a settler upon Government land under the preemption law then in force. It was understood by the applicants, by the committee, and by the House that the only difference between the lands granted and any other surveyed unoccupied lands on the public domain was that the settler could not homestead the land or preempt it at $1.25 per acre. He was obliged, after becoming an actual settler, to pay the company $2.50 per acre for it.

I quite agree with you that the grant was not of an estate upon condition, but a conveyance in trust. The company was made a trustee for the sale of the lands in conformity with the express terms of the trust. For its services as such trustee and to aid it in building the road it was allowed to keep the trust money.

I take the liberty of suggesting to you that it is in the power of Congress to now enact a law making a legislative construction of the acts of 1869 and 1870, defining specifically what was meant by the term "actual settler," and providing that upon proof of actual settlement and tender of the purchase money the company must execute a deed. The courts would then administer the law as interpreted by Congress, and the settler would be protected.

There are other suggestions I might make in this connection, but I have already sufficiently trespassed upon your attention.

I have no personal interest in the matter, but I was in a way the father of the law and did much to secure its passage, and I sympathize with your efforts to secure to actual settlers the benefits to which they are entitled.

Very truly, yours, THOMAS FITCH.

Mr. PAYNE. I yield to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Chairman, I desire to submit, to be printed in the RECORD, a table prepared by the Department of Commerce and Labor, showing the imports, customs receipts, and average ad valorem rates of duty on imports during the fiscal years 1907 to 1911, inclusive.

The table is as follows:

Imports, customs receipts, and average ad valorem rates of duty on imports during the fiscal years 1907 to 1911, inclusive.

Year ending June 30—	Imports.			Per cent free.	Customs receipts.	Average ad valorem rate on—	
	Free.	Dutiable.	Total.			Dutiable.	Total.
1907	$644,029,761	$790,391,664	$1,434,421,425	44.90	$332,233,363	42.04	23.16
1908	525,603,308	668,738,484	1,194,341,792	44.01	286,113,130	42.79	23.95
1909	599,556,639	712,363,585	1,311,920,224	45.70	300,711,934	42.22	22.92
1910	755,311,396	801,636,034	1,556,947,430	48.51	333,683,445	41.63	21.43
1911	777,972,459	749,993,646	1,527,966,105	50.92	313,841,209	41.85	20.54

NOTE.—Imports refer to general imports, and not imports for consumption, not yet available for 1911. Figures of customs receipts are from data of the Treasury Department.

Mr. PAYNE. I yield to the gentleman from Michigan [Mr. J. M. C. SMITH].

Mr. J. M. C. SMITH. Mr. Chairman, were I to consult my own inclinations at the present time, possibly because in my State we are not particularly engaged in the manufacture of this important American product, and were I simply trying here to cut some political figure, I might not arise at this time to explain my position and my vote upon this bill; but owing to the particular circumstances, and the shortness of the time for this debate, and knowing that there are others who desire to speak, I wish to thank the gentleman from New York [Mr. PAYNE] for yielding time to me, in order that I may say that I shall cast my vote on this question upon principle, and not for the furtherance of any political scheme.

You all remember how we stood here for days, those of us from the northern border of the United States, and contended against the reciprocity treaty. We did not believe it was right then, and we do not believe it is right now. We asked the votes of loyal, patriotic Members to protect the great agricultural interests of this country against the enactment of that unjust treaty.

Now that it has passed I bear no ill will and have no feeling of revenge. I am ready as a plain American citizen to do my duty to the people and to my party, having the welfare of the people of this great Commonwealth at heart. I shall cast my vote in favor of what I believe to be for their welfare and best interests. In the short time allowed me I shall endeavor to explain the position that I take.

I have listened with deep interest to the remarks of the various gentlemen as each expressed his opinion as to the merits or demerits of the pending measure, and I only desire time enough to explain my own position and vote.

Now, I am in favor of a revision of the tariff and of this particular cotton schedule upon proper consideration and intelligent information. But I am not in favor of entirely eliminating the element of protection in such revision, and would have it comply with the rule that the rate of duty should equal the difference in the cost of production in this country and in foreign countries. In presenting this bill to the House the eminent gentleman, chairman of the Ways and Means Committee, stated that the reduction was a conservative one, equivalent to a cut from 48.12 per cent ad valorem, the present rate, to 27.06 per cent, as against 43.76 per cent under the Wilson bill of 1894, the last Democratic tariff act, and you all remember what happened then. It is estimated that under this bill imports of manufactured cotton will increase from $28,417,441 worth in 1910 to $39,163,800 in 1912. This means that $39,163,000 worth of goods that might be produced by American labor will be made by foreign pauper labor and imported into this country. Not only will these millions of dollars' worth of goods be imported, and deprive the American workingman of so much labor, but the millions of dollars in gold, or its equivalent, paying for them will be sent to other countries to enrich their treasuries. This vast sum might better be kept at home, to be spent for other American-made products, or for reinvestment. This great industry is represented by the following figures, taken from the report of the committee, which I ask to have incorporated in my remarks:

Comparative summary of cotton manufacturing in the United States, by decades, 1879 to 1909.

Items.	Census of—			
	1879	1889	1899	1909
Capital	$208,280,346	$354,020,843	$460,842,772	$808,287,938
Wages	$42,040,510	$66,024,538	$85,126,310	$129,768,088
Average number of wage earners	174,659	218,876	297,929	371,120
Value of product	$192,090,110	$267,981,724	$332,806,156	$616,297,000
Active spindles	10,653,435	14,188,103	19,008,352	27,383,912
Cotton consumed, pounds	750,343,981	1,117,945,776	1,814,002,512	2,332,569,000
Cotton consumed...bales	1,570,344	2,261,600	3,639,495	4,824,000
Looms	225,759	324,866	450,682	632,716
Average price upland middling cotton (cents per pound)	12.0	11.5	7.6	[1] 14.3
Average wage per operative	$240.70	$301.65	$285.73	$349.67
Average value of product per operative	$1,099.80	$1,224.35	$1,117.07	$1,661.25
Per cent of wages paid to value of product	21.9	24.6	25.6	21.0
Per cent of value of cotton consumed to value of product	46.9	48.0	41.4	54.1

[1] Average price of upland cotton for crop.

This bill was reported to the House last Friday afternoon, July 28, with the statement of the leader of the majority that the previous question would be moved after 10 hours' debate. Just think of it—this whole cotton schedule, containing more different classes and grades and prices than any other, and comprising 16 sections in the bill, and changing 19 sections of the law, acknowledged to be one of the most intricate of all the schedules, involving upward of 1,000 separate items, and a cash transaction of nearly $40,000,000 worth of commodities to be purchased by our people. To show the great intricacy of the subject under consideration and to note the changes from a specific to an ad valorem duty, I will incorporate the first section of the present tariff law and the first section of the bill revising it.

In all common fairness, is that an intelligent business transaction? Is there a man here who would in his own affairs employ such business methods? I ask unanimous consent to insert this single section of the present tariff law to show the items and the nature of the items to be acted upon and the large number of specific and technical items to be considered in the short space of 10 hours' debate and consideration in this House. Ten weeks would not be too long or unreasonable.

SCHEDULE I.—COTTON MANUFACTURES.

313. Cotton thread and carded yarn, warps or warp yarn, in singles, whether on beams or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, not colored, bleached, dyed, or advanced beyond the condition of singles by grouping or twisting two or more single yarns together, 2½ cents per pound on all numbers up to and including No. 15, one-sixth of a cent per number per pound on all numbers exceeding No. 15 and up to and including No. 30, and one-fifth of a cent per number per pound on all numbers exceeding No. 30: *Provided*, That none of the foregoing shall pay a less rate of duty than 15 per cent ad valorem; colored, bleached, dyed, combed, or advanced beyond the condition of singles by grouping or twisting two or more single yarns together, whether on beams, or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, 6 cents per pound on all numbers up to and including No. 24, and on all numbers exceeding No. 24 and up to No. 80, one-fourth of 1 cent per number per pound; on No. 80 and up to No. 200, three-tenths of 1 cent per number per pound; on No. 200 and above, 60 cents per pound, and one-tenth of 1 cent per number per pound additional for every number in excess of No. 200; cable-laid yarns or threads, made by grouping or twisting two or more grouped or twisted yarns or threads together, not colored, bleached, or dyed, four-tenths of 1 cent per number per pound; colored, bleached, or dyed, nine-twentieths of 1 cent per number per pound: *Provided further*, That said threads and yarns, colored, bleached, dyed, combed, advanced beyond the condition of singles, and cable-laid yarns or threads, as hereinbefore provided, except those (other than cable-laid threads and yarns) finer than No. 140 shall not pay a less rate of duty than 20 per cent ad valorem: *And provided further*, That all the foregoing threads and yarns as hereinbefore provided, when mercerized or subjected to any similar process, shall pay, in addition to the foregoing specific rates of duty, one-fortieth of 1 cent per number per pound; cotton card laps, roping, sliver, or roving, 35 per cent ad valorem. Cotton waste and flocks, manufactured or otherwise advanced in value, 20 per cent ad valorem.

As a substitute for the foregoing, the following is now brought in:

A bill to reduce the duties on manufactures of cotton.

1. On cotton thread and carded yarn, combed yarn, warps or warp yarn, whether on beams or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, on all numbers up to and including No. 50, 10 per cent ad valorem; on all numbers above No. 50 and up to and including No. 100, 15 per cent ad valorem; on all numbers above No. 100, 20 per cent ad valorem. On cotton card laps, roping, sliver, or roving, 10 per cent ad valorem. On cotton waste and flocks, manufactured or otherwise advanced in value, 5 per cent ad valorem.

In this case no public hearings were had and we are asked to vote blindly. Are the people who have their millions invested in these great industrial plants to be deprived of a hearing? Are the rights of thousands of wage earners who are so vitally interested to be ignored? It is admitted that the price to the consumer will not be perceptibly reduced for an indefinite time and until conditions have adapted themselves to the new schedule. Then why not wait until the Tariff Board can make a report? For the purpose of showing that the people owning the factories and engaged in manufacturing cotton have not been given a hearing, I wish to publish some of the correspondence had with the chairman of the Ways and Means Committee by Mr. R. M. Miller, chairman of the American Cotton Manufacturers' Association, of Charlotte, N. C., and representing a number of factories:

CHARLOTTE, N. C., *July 8, 1911.*

Hon. O. W. UNDERWOOD,
Chairman Committee on Ways and Means,
Washington, D. C.

MY DEAR SIR: I beg to own the receipt of your favor of the 6th and to express my regret, personally and on behalf of our committee, at the decision of the Democratic members of the Ways and Means Committee not to allow any general hearings on the cotton schedule. I shall acquaint my committee at once of your decision.

The industry we represent is of such vast importance to our country, the invested interest involved is so large, the thousands of wage earners are so dependent, that the results might prove disastrous to us, and the decision of our Representatives not to hear us in defense of our industry seems unfortunate and very much to be regretted.

Yours, very truly,

R. M. MILLER, Jr., *Chairman.*

Such proceedings are calculated to destroy the confidence of the manufacturers in our lawmaking bodies, if not the manufacturing establishments in this country, and deprive the workman of his labor without even a chance to be heard. One of our Democratic friends stated that the tariff had been discussed for many years by Congress. But there are many new Members in this Congress—74 of them Democrats, 43 of them Republicans, and 1 Socialist—almost one-third new Members. The Republicans wish to be guided by intelligent, independent action based upon some knowledge of the subject matter; the Democratic Members are guided by the action of their caucus and are bound to vote as a unit whenever two-thirds of the Members in caucus so decide, unless, forsooth, they can extricate themselves by some prior party pledge or platform. So it is that

two-thirds of the Democratic Members of this House, merely by caucus action lasting an hour, more or less, can dictate the laws and the policy of the legislation of our country. From this caucus are reported bills and measures to this House to be enacted into law without change, even to the crossing of a "t" or the dotting of an "i."

This may be all right, but it seems to me there is a more intelligent way to pursue.

Now, the consensus of opinion throughout the country is that action should not be taken upon the tariff schedules during the present extra session of Congress and that we ought to adjourn and go home and give the country a rest.

By a very great majority of the people of this country (and I think they are right) it is desired that we should wait until the report of the Tariff Board, which is now working upon these important schedules, can be made. The country will not agree with those who are of the opinion that these important schedules can be revised hastily by Congress, many of the Members of which have had little or no experience either in the manufacture of cotton or in dealing with this important question. For one I would not want to set my judgment hastily against that of a person who has had technical training and long experience in the manufacture of cotton. The Tariff Board, composed, admittedly, of men especially qualified for this duty, and having all the resources for making a thorough investigation, can perform a superior service as compared with those having neither opportunity nor means at their command for fixing the proper rate.

In 1909 there was passed by this House a bill making an appropriation of $75,000, available for the fiscal year 1910, "To enable the President to secure information and to assist the officers of the Government in the administration of the customs laws." For the fiscal year ending June 30, 1911, there was appropriated:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, $250,000.

And for a like purpose an additional sum of $225,000, together with the unexpended balance of the appropriation formerly made, for the fiscal year ending June 30, 1912:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, or if a Tariff Board be established by law then for the purpose of meeting the expenditures authorized by the law, $225,000, together with the balance unexpended July 1 next of the appropriation made for these purposes for the fiscal year 1911.

Making, in all, the sum of $550,000 which the President might expend in arriving at a true knowledge for the proper administration of the customs laws of our country. It can not be said that as good customs laws can be fixed by this Congress, with inexperienced Members and with limited means, in the 10 hours' debate upon the floor of this House, as by the board of tariff experts with its help and machinery and means for investigation. Indeed, the information that such money had been appropriated was well received by the people of the country. A majority of them are now in favor of this action. This board stands in favor with the people generally. It will be of vast service in fixing the proper duty upon imports. The information it gathers and imparts will be of great value to the country. It will report in December next. This cotton schedule does not go into effect by the terms of the bill until January 1, 1912, or one month after the time the regular session of Congress convenes, when this Tariff Board will have filed its report. The President will have an opportunity to send in a message upon its finding, giving Congress time to act upon this bill intelligently even before a bill passed by this body would go into effect, should it be enacted into law. I am in favor of a highly proficient, nonpartisan Tariff Board, fully authorized to assemble information for the use of Congress in enacting these important measures and to aid it in fixing a duty that will be best for the people and the country at large, and represent a duty that will provide for the difference in the cost of production here and abroad. I was much interested in the position taken by the excellent gentleman, Mr. UNDERWOOD, chairman of the Ways and Means Committee, who submitted the bill to this House for its consideration, in giving his views of the manner in which the tariff can be revised downward. He stated that it was like lowering a house and that there were two ways by which the house could be lowered—one by letting it down gradually by jackscrews and another by chopping down the supports.

If this was the way the bill was prepared, we may expect a crash, for he certainly chopped the props out from under it. I doubt if there is anyone here who will agree that chopping the props out from under a building is a proper method of lowering it. In the first place, there must be a well-laid foundation for the building to rest upon and the building must be lowered gradually. By cutting down the supports with an ax you disregard the foundation the building is to rest upon and you destroy the building. In fact, there is no attention paid to the foundation and you do not expect to save the building. If it is intended that the policy of protection is to be destroyed and the whole tariff system fall and there is to be no protection to American industries or American labor, then the quickest way would be to chop out the supports from under the whole thing, let it all go down together, and thus destroy the structure. Our independence sprang from a desire on the part of England to enact our laws and to furnish manufactured goods to this country and prohibit manufacturing by the colonists. The colonies resented this imposition, and many of them passed prohibitive acts against English imports; and manufacturing industries sprang up with such regularity that in a short time our country was able to provide its own wants without being dependent upon other countries, and general prosperity prevailed. We are still able to do our own manufacturing.

The present bill is a bill for revenue only, and is devoid of every element of protection. I am not in favor of free trade or its running mate, a tariff for revenue only. I am for having the mills of the United States open in preference to opening up the mills of foreign countries. Indeed, I can see but little difference between importing the laborers themselves and importing free of duty articles made by foreign labor. I am opposed to the importation of foreign pauper laborers, who come to this country with no conception of the rights or duties of citizenship, and who pay little respect and less regard to our laws and our customs, who live in squallor and send their earnings back to their native land. I am also opposed to the importation of foreign products made by cheap peon or pauper labor in competition with the products of the intelligent workingmen of the United States. I am in favor of protection to American labor and allowing the workingman of the United States such a sum as will permit him to live as becomes an American citizen, maintain his citizenship, educate his family, and permit him to own his home, and by his industry to accumulate enough for his declining years. Instead of giving him a pension give him an opportunity to earn his own living, and then old-age pensions will be relegated to countries paying little or nothing to their laborers in the years of their usefulness. But there is another kind of pension which will receive my hearty support.

There is some question over the passage at this extra session of a liberal pension bill to pay possibly a dollar a day to the veteran soldiers of our country. I am in favor of the payment of a liberal pension to the men who fought our battles in war, who offered their lives to their country, who saved this Union, and carried to a successful issue by their patriotism and bravery great questions of state against an enemy who was in some instances of their own flesh and blood, and always a worthy foeman. The pension to the veterans will encourage patriotism and pay a just debt that is the soldier's due. It will contribute to the welfare of those who in their early years lost an opportunity of accumulating wealth or entering into business while serving their country; and I am pleased to note in this body the favorable disposition and large sentiment in favor of a liberal pension to those who served their country in the days of peril and adversity, and I will record my vote for any pension bill, whether it be called the Sherwood, Anderson, or the Sulloway bill, carrying a liberal pension.

The country would approve such a law, and I understand the committee is ready to report out such a bill. If we are to be kept here and remain longer in session, let us enact this legislation, which is in favor with the people and the immediate necessity of which is shown by the death every day of more than 100 veterans.

Free trade has never brought prosperity, but prosperity has always been assured with factories running and plenty of employment at good wages. Let us keep the wheels turning and labor employed. [Applause on the Republican side.]

Mr. PAYNE. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. Mr. Chairman, if we have learned anything during this extra session, it is that we know comparatively little about the tariff question, and that, as the gentleman from Tennessee [Mr. AUSTIN] stated the other night, we are making a political football of the industrial system of this, the greatest manufacturing country in the world. [Applause on the Republican side.]

We are doing that regardless of the effect on the $15,000,000,000 invested in these great industries and the more than 6,000,000 people who get their living from them. I have no thought of reflecting on the intelligence and ability of the Members of this House, but the many duties and responsibilities and the short term of service of most Members preclude the possibility of expert knowledge on a question of the great scope of the tariff, including, as it does, every phase of industry and business in the 4,000 separate items in the present Payne law. Tariff agitation and tariff tinkering have demoralized industry and business time and again because of lack of scientific treatment based on the knowledge of the facts. I am in favor of the Tariff Commission. In the platform that I submitted to the voters in the district I have the honor to represent, I stated that I was opposed to the general reopening of the tariff question, but that I favored its revision, schedule by schedule, based on knowledge of the facts showing the conditions and cost of production here and abroad as secured by a commission of nonpartisan experts.

I conceded that imperfections existed in the Payne law. How could it be otherwise? Any tariff measure considered without exact information as to each schedule will contain mistakes and be liable to selfish impositions and inequalities. As President Taft has truly said, the present method of considering the tariff is "antiquated and rife with abuse." Congress, with all its responsibilities, can not give the tariff the thorough treatment that so vital a question deserves.

We have four propositions on the wool and woolen schedule before us. First, the existing law, the Payne measure; second, the Underwood bill; third, Mr. LA FOLLETTE'S original proposition; fourth, Mr. LA FOLLETTE'S compromise, which was adopted by the Senate. Each of these measures is drawn from a different viewpoint and based on a different rate of duty, some of them differing radically. All of these can not be right. I do not think one of them is correct, because we lack the information that should be known and can only be gained through a commission of trained tariff experts, whose time and energy shall be given to the study of the industrial conditions here and abroad and to get all the facts as to cost of production, and so forth, here and there, so that we shall know what rates are necessary to protect our labor and our industries against the low-waged competition of foreign countries and at the same time not to do injury to the consumer. Mr. LA FOLLETTE, the distinguished and able Senator from Wisconsin, stated in effect that he was not certain as to results from his own figures, and if the report of the Tariff Commission in December furnished data showing mistakes changes could be made.

The wool bill, if enacted, will not go into effect until January 1 next, and we shall have the report of the Tariff Commission on this schedule at the regular session in December, preceding January 1. Why is it not the part of wisdom to wait for facts and to act more intelligently on a matter of such vital concern to every man, woman, and child in our country? Too long the tariff has been made a political football, to the great injury of the country. It is not a political question in the sense of partisanship, but a business and economic proposition that concerns everybody, regardless of political affiliations, and should be treated in a thorough, scientific, nonpolitical way, no matter what our individual views of the tariff may be. It is a crime against the best interests and welfare of the people of this country to consider the tariff question in the haphazard, give-and-take way it has been done for many years; but there will be compensation to the people for this long drawn out extra session, in which we have talked of nothing but the tariff, and that is in strengthening their convictions against a superficial and partisan treatment of the question. It will awaken a sentiment that will demand and command the expert and scientific consideration that foreign countries give it, and thus avoid the unsettling of industry and business by constant tariff agitation and threatened tariff tinkering.

Of course no one knows what the President is going to do if the bill should reach him. I believe that he will veto it. If he signed it, he might get some temporary benefit; he might possibly please a lot of people who have been angered against certain schedules in the Payne bill; he may perhaps help himself politically temporarily, but it will redound to his credit if he vetoes it and takes his stand on the proposition that we ought to wait, and must wait, until we get the right facts bearing on this great question. [Applause on the Republican side.]

It may not reelect Mr. Taft, but he will be greater in defeat in winning for the people of this country the right to a scientific consideration of the tariff question. [Loud applause on the Republican side.]

It is not necessary to submit an argument in favor of the system of protection and what it has done for the development of the industries of our country. The results speak for themselves. We have become the greatest manufacturing country in the world, with investments of about $15,000,000,000 in our 550,000 factories and industries, the annual product of which is valued at $16,000,000,000 and the wages paid three and a half billions annually. More than 6,000,000 people are given employment at the highest wages paid in the world. The American workman receives nearly two and a half times more wages than the workman in free-trade England. The cost of living, based on the respective standards of living in this country and in England, is only 38 per cent more in this country than in England. I emphasize the statement as to the different standards of living because that of the American workman is higher than that in England, and if the workman in England could live as the American does, there would be slight, if any, difference in the cost of living, so the American gets not only two and one-half times more for his labor than the workingman in Great Britain gets, but that if he were content to live as does his brother across the ocean his cost of living would be but slightly, if any, greater.

Mr. Samuel Gompers, president of the American Federation of Labor, in his report, as published, of his trip abroad, admits that fact, and says:

> Living is cheap to the wageworker in Europe only because he does without what in America soon becomes a necessity to him. Food in good quantity and quality, presentable clothes among his aspiring fellow workmen and their families, and a comfortably furnished home in quarters responding to his awakened desires for equality with his American neighbors, and, in general, a large and freer life.
>
> I believe I may assert—

Continues Mr. Gompers—

> that whether the cost of living in Europe or America is greater to the workingman depends entirely upon the standard of living they adopt while in America. If he voluntarily lives the life of self-denial in America that he compulsorily lived in his native land, his outlay of money will remain about the same. Even then he will hardly be able to escape gaining something from the superior supply of the good things in life in America.

Speaking of the cost of meat, Mr. Gompers said:

> Meat in foreign countries is usually from 25 per cent to 100 per cent higher than in the United States.

The direct advantages of the system of a protective tariff to the American workingman and the disadvantages to the English workman is in itself an unanswerable argument in favor of the American system of protection. Neither can it be claimed that organized labor in this country is responsible for the great advantage the American enjoys in higher wages, because in England workmen are equally well organized, and in some respects occupy a more advanced position in labor matters than we do.

In both countries much benefit has resulted to the workman because of organized labor, and wages are higher in both countries for that reason. But the fact that American workingmen get nearly two and a half times more for their labor than those in England proves the great difference in material conditions in a country where its industries are protected by a tariff against foreign importations and where its workmen get the direct benefits of that system, rather than in a country like England where free trade prevails and the workmen have not the benefit of a system of protection. In this connection, I desire to read an editorial from the London Times showing the tremendous advantages the protected American has in wages over those employed in free-trade England:

> [From the London Times.]
>
> WAGES AND COST OF LIVING IN THE UNITED STATES.
>
> LONDON, *Friday, April 14, 1911.*
>
> The report issued on Tuesday by the board of trade on wages, cost of living, and other conditions of industrial life in the United States, supplements the valuable series of similar inquiries already published into the same conditions in several European countries. It supplements the previous inquiries and corrects them, or rather corrects the inferences to be drawn from them, and for the serious student of social and economic conditions that is its chief value. It corrects the previous inquiries because it tells a very different tale and thereby puts the relations of cause and effect in a truer light. The broad upshot of the reports dealing with European countries, including our own, has been to show that in regard to the conditions investigated the artisan in this country has, in a varying degree, the advantage over his fellows in Germany, France, or Belgium. He earns somewhat higher wages, works somewhat shorter hours, and pays somewhat less for the necessaries of life. Without going into qualifying details or minor distinctions we may accept that as the broad result.

But when we come to the United States the picture is turned almost completely round. From the abstract which we publish the reader will see that *the workman in America enjoys an enormous advantage over his fellow in England*, an advantage far greater than the latter enjoys over the German or the Frenchman. He earns more than two and a quarter times as much money and works shorter hours for it; so that his hourly rate of earnings is as 240 to 100, or pretty nearly twice and a half as much. Against that enormous difference in wages there is something to be set in the way of expenditure. Rent is twice as high and food is about one-third higher than in England, but the cost of living altogether is only as 152 to 100, or about half as much again.

Now, these facts completely dispose of two widely current misconceptions or misstatements. One is that the higher wages admittedly paid in America are all swallowed up and more by the higher cost of living, which is believed to surpass the standard of this country in regard to the necessaries of life by an enormous amount, and to constitute an intolerable burden. The present report explicitly states the contrary at the conclusion of a long, elaborate, and extremely careful comparison of the two countries. In the United States, it says, a much greater margin of earnings over cost of living is available, even when allowance has been made for the increased expenditure on food and rent. *"The margin is clearly large, making possible a command of the necessaries and conveniences and minor luxuries of life that is both nominally and really greater than that enjoyed by the corresponding class in this country."* It further appears from the report that the advantage enjoyed by this country in regard to the cost of food is even less than it looks in the summary comparison. *A workman living on the American scale only pays 25 per cent more for his food in the United States than he would in England. Most men would cheerfully accept the condition of paying 25 or even 33 per cent more for their food in order to get 130 per cent more pay.* And when the food items are scrutinized the difference is seen to be even less in regard to important articles.

British beef and mutton are actually dearer than American, and pork is much dearer. The items in which the American prices are really much higher are potatoes and bread; but that means baker's bread bought in the loaf, which is little eaten by working-class families in the United States, as the report points out. The bread on which they chiefly live is made at home, and flour only costs 3d. a stone more. That is not a ruinous difference, and therefore, so far as bread and meat are concerned, the British housewife has but small advantage. These results, we must confess, are a little surprising; but there is no doubt about the care and accuracy with which the data have been collected. It is clear that prices have not risen so much in recent years in the United States as we have been led to suppose, and that wages have risen far more rapidly.

Mr. Chairman, as a further bearing on the difference in conditions in the United States and Great Britain I submit for your consideration a research made by J. Ellis Barker, an expert, of London:

AMERICA'S PROSPERITY COMPARED WITH GREAT BRITAIN'S.

The wealth of a nation consists in the main not in cash and securities, but in wealth-creating undertakings, such as farms, factories, mines, forests, fisheries, etc., and the productivity of these has increased in the United States in the most remarkable manner. A short time ago the Census Bureau issued preliminary estimates which show the following progress:

Years.	Value of the—	
	Production of farms.	Production of factories.
1880	$2,212,540,927	$5,369,579,199
1890	2,460,107,454	9,372,437,283
1900	3,764,177,706	13,014,287,498
1910	8,760,000,000	20,000,000,000

Between 1880 and 1910 the population of the United States has grown from 50,155,783 to 93,402,151, or by 86 per cent. During the same time the yearly output of factories has grown by 271 per cent and that of the yearly harvest by 296 per cent.

American production has increased three times as fast as American population, and as the bulk of the agricultural produce and manufactured articles raised in the United States is consumed in the country, it is clear that the average citizen obtains now more and infinitely better food, clothing, furniture, etc., than he did 30 or even 10 years ago. Incidentally, the foregoing table shows that the complaints about the increased cost of living are very well founded.

Of late years the economic policy of all nations has rather encouraged manufacturing than agriculture. The insufficient output of agricultural produce the world over has during the last decade raised very greatly the price of all foodstuffs and of wool, cotton, leather, etc., while the ample production of manufactured articles has kept their prices comparatively low.

The increased value of farm produce of all kinds is largely due to its scarcity. During the last 10 years the production of the farms has increased in value by no less than 133 per cent, while that of the factories has increased by only 47 per cent.

Between 1880 and 1900 the townspeople enjoyed good times, largely at the expense of the farmers, who, owing to overproduction, had to sell their produce cheaply. Now the position has been reversed. During the last decade the farmers have had the advantage over the townspeople, and a large portion of the increased earnings of the latter have gone into the pockets of the former.

Great and small are terms of comparison. The wealth and material progress of the United States can best be measured by comparing it with that of Great Britain. In 1907 the two countries compared agriculturally as follows:

	Acreage under grain crops.	Acreage under forests.
In United States	186,780,300	652,000,000
In Great Britain	8,317,413	3,030,000

	Wheat.	Cattle.
	Tons.	
In United States	16,803,300	72,533,996
In Great Britain	1,518,200	11,630,142

	Sheep.	Pigs.	Horses.
In United States	53,240,282	54,794,439	19,746,583
In Great Britain	30,011,823	3,907,103	2,080,027

The acreage under grain crops is 22 times and that under forests 215 times as large in the United States as in Great Britain. In 1907 the United States produced 11 times as much wheat as did Great Britain.

They had twice as many sheep—a comparatively valueless kind of live stock—6 times as many head of cattle, 10 times as many horses, and 14 times as many pigs as the United Kingdom; and if we add to the comparable items the noncomparable ones, such as the American cotton crop, which is worth $750,000,000 a year, or twice as much as the entire British wheat crop, and the American timber crop, which is worth another $750,000,000, it appears that America's rural wealth is probably at least 10 times as great as that of Great Britain.

The amazing progress of the wealth of America, if compared with that of Great Britain, is apparent from the following extraordinary figures:

Years.	Value of mineral productions in the—	
	United States.	United Kingdom.
1880	$364,928,298	$419,889,575
1890	606,476,380	504,013,285
1900	1,107,031,392	803,025,720
1907	2,071,607,964	797,743,405

In 1880 the United States produced $55,000,000 less minerals than Great Britain. In 1907 they produced $1,274,000,000 more minerals than Great Britain.

In the course of seven years, 1900–1907, British mineral production decreased by $5,000,000. During the same period American mineral production increased by the colossal sum of $965,000,000.

These figures show irresistible expansion in the one country and stagnation and slow decay in the other. As the most important mineral in both countries is coal, we may conclude from these figures that the manufacturing industries have been rapidly expanding in the United States and stagnating in Great Britain.

The fact that the unprecedented industrial progress of the United States has benefited not only the wealthy few but the broad masses of the people can clearly be seen by the surprising increase in the consumption of popular luxuries, of which the following somewhat unsatisfactory figures give merely an indication:

Consumption per head of population.

Years.	Coffee.	Sugar.	Beer.	Spirits.
	Pounds.	*Pounds.*	*Gallons.*	*Gallons.*
1880	8.78	42.9	8.26	1.27
1890	7.83	52.8	13.66	1.40
1900	9.81	65.2	16.01	1.28
1909	11.74	82.2	19.79	1.37

The masses of the people spend much more than they used to not only on the luxuries of the table, but also on the luxuries of the person and of the home. This is evident from the following figures, which go only to 1905, as the figures for 1910 have not yet been published:

Years.	Production of—		
	Furniture.	Millinery.	Women's clothing.
1880	$77,845,725	$9,577,840	$32,004,794
1890	$111,743,080	$18,047,067	$168,164,019
1900	$125,315,986	$29,469,406	$159,339,539
1905	$170,446,825	$50,777,768	$247,661,560
Per cent increase	125	450	700

As the United States export very little furniture, millinery, and women's clothing, we may say that practically the entire increase in the production of these has been caused by increased purchases on the part of the American people. While between 1880 and 1905 the population of the United States has increased by 66 per cent, the people have spent 125 per cent more on furniture, 450 per cent more on millinery, and 700 per cent more on women's clothing in 1905 than they did in 1880. They have increased their expenditure to the largest extent on the more flimsy luxuries.

It may be argued that the foregoing figures only prove that the American people have become more lavish or more wasteful in their expenditure, but that they are not better off than they used to be; that the money which in former years was put by in the form of savings is now spent in ornament and ostentation.

This view, which is frequently expressed, is erroneous, for the statistics of the savings banks clearly show that, notwithstanding the enormous increase in their expenditure on luxuries, the American people save far more now than they used to save. This is proved by the savings banks' statistics, and the true meaning of the American sav-

ings banks' statistics can best be ascertained by comparing them with the figures relating to Great Britain. Such a comparison yields the following surprising results:

Savings-Bank Deposits.

	United States.	New York State.	Great Britain.
1880	$819,106,973	$319,258,501	$388,605,420
1890	1,550,023,956	550,066,657	556,426,795
1900	2,389,719,954	922,081,596	935,027,810
1910	4,070,486,247	1,526,935,582	1,097,618,145

In 1880 the savings-bank deposits in the United States were only twice as large as those in Great Britain, but now they are four times as large, and the savings-bank deposits in New York State alone, with 9,113,279 inhabitants, are 50 per cent larger than are those in the United Kingdom, with 45,000,000 inhabitants. Per head of population, New York State has $168 in the savings banks, while Great Britain has only $24 in the savings banks.

The foregoing figures prove clearly the wonderful prosperity of the United States and of the American people, and they have every reason to be proud of their country and of their statesmen and business men who have brought about these magnificent results.

Mr. Chairman, in view of these striking facts, showing the unparalleled development of our country, the great opportunities afforded, and the direct benefit of the protective-tariff system to the people, are we ready to put down the barriers and open our markets of $29,000,000,000 worth of products to the much lower-waged competition of foreign countries? Are we willing to stop the wheels of our industries to start the wheels of industries in foreign countries, and take from American labor the opportunity of employment at the highest wages paid in the world? [Great applause on the Republican side.]

Mr. HARRISON. Mr. Chairman, I yield to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, a Washington morning paper, under the head of "Democrats and insurgents vote together in the Senate," uses the following language:

The "unholy alliance" in the United States Senate obtained its second victory yesterday. The farmers' free-list bill was passed, not exactly as agreed upon in the House, but without material amendment. The vote was 48 to 30. There is little doubt that the difference between the two Houses will be reconciled in conference and the President confronted with a free-list and a wool-revision tariff bill.

Representative UNDERWOOD, House leader, said last night that if the President vetoes these bills Congress will adjourn promptly and renew the fight at the next regular session. If the President permits either of them to become law, Congress will remain and perfect its tariff-revision program.

The same paper further says:

The President will veto both bills.

There is pressed upon the attention of the House and the country the thought that no tariff revision should be had until the Tariff Board has reported, and apparently the promise is made that the President will veto all tariff measures passed at this extra session by what is termed an unholy alliance.

I live in a section where this alliance will not be considered unholy, but will be approved, and, in my judgment, will be approved by a majority of the American people; and I hope that this alliance will help to bring about a just revision of the tariff laws.

The country is progressive in thought, and is ready and anxious for a change in many of its laws, so it can be progressive in fact. It is anxious for a change in the methods of administration of government and of its laws, but it wants in control a progressive and constructive party. It will not be satisfied with a mere change of party government. It does not insist upon the enactment of radical legislation, but desires progressive conservatism rather than radical conservatism. The country has grown not only weary but hostile to further domination of party and country by selfish interests, and demands not the destruction of healthy and legitimate business, but a change radical enough to bring relief to the unselfish masses of the American people. [Applause on the Democratic side.]

The country grows less partisan, more patriotic, caring less for party and more for country, less for the effect of legislation upon party success and more for results beneficial to all the people. It matters not so much from what source legislation comes as it does that the legislation is enacted. A party that stands in the way of fair legislation and just laws will suffer and deserves to suffer at the hands of the American people. Let the best thought in the Nation on the great public questions be enacted into law by the united forces representing the whole people as against special interests. Conditions exist in the land that have become intolerable and should be remedied by the passage of laws strong and explicit enough to be made effective and by strict enforcement of such laws, to the end that these intolerable conditions may cease for all time. The country will reward those political forces that bring about substantial relief and will rebuke the party that stands in the way of remedial legislation. [Applause.]

Great wrongs have been perpetrated and extortionate prices exacted in order that great profits might be enjoyed by the few protected interests who have been shielded by unjust laws and by the nonenforcement of laws against those who have violated the laws with impunity.

For better laws and the enforcement of law a strong sentiment prevails in the land, and the progressive forces have recently won before the country a signal victory at the polls, and to-day in both Houses of Congress a majority exists, desirous of and ready for the enactment of laws responsive to this progressive spirit now dominant in the land. An effort is being made by the Democratic Party to revise the tariff downward schedule by schedule, and substantial progress has been made in the Democratic House and the progressive majority of the Senate, composed of Democrats and insurgent Republicans, acting together, are responding to the popular desire for a revision of the tariff downward; and if these forces will continue to act together, putting aside partisanship and mere effort for party credit, the relief will come and the country will give credit to those to whom credit is due. The country wants results. What party will be bold enough or stubborn enough to stand in the way? The people will not longer brook delay, but will run over or push aside the party that obstructs progress along lines of remedial legislation. The stalwart Republican will resist, backed and sustained, as it is and has been, by protected, selfish interests, and plead for delay, and ask that Congress and the country wait for reports from the so-called Tariff Board, in order that scientific revision may be had. No such cry or plea was heard when the special interests were preparing the schedules that entered into the Payne-Aldrich tariff measure. The stalwarts were not then advocates of a tariff board or commission; the necessity for a so-called scientific revision, based upon a report of facts returned by a Tariff Board was not then apparent when they were in the majority and had full control. And the cry now for delay is the cry of a political and discredited minority, seeking for some party benefit and longer enjoyment of large profits by selfish interests. If Congress, responding to the overwhelming sentiment of the country, shall pass laws substantially revising the tariff downward schedule by schedule, without waiting for the delayed reports of uncertain value of a Tariff Board, what will the President do? Will he veto or approve? He put his seal of approval upon the Payne-Aldrich tariff measure. Will he permit to become a law the tariff measures enacted by Democrats and insurgent or progressive Republicans? If not, what excuse will he offer the country in justification of his veto? Will it be for delay, till a Tariff Board can furnish the information deemed necessary to formulate a scientific tariff measure? What assurance has Congress or the country that a report will be made in a reasonable time, and, when made, that it will not be partisan and valueless? A partisan board, with limited powers under a narrow, partisan law. The country desired a broad law, with full power to gather and force information from protected interests, who refuse to give information. These same interests could furnish schedules prepared for their benefit and cause them to be written in high tariff measures heretofore enacted.

If the President should veto a bill revising the woolen schedule after having denounced that schedule as indefensible, he may find great difficulty in defending his action before the country. In his message to Congress in December, 1910, President Taft used the following language:

Whether or not the protective policy is to be continued and the degree of protection is to be accorded to our home industries are questions which the people must decide through their chosen representatives.

The President can hardly afford to veto the woolen bill, the free-list bill, and the other measures passed by Congress for mere partisan reasons. He was glad of the support given by Democrats to the reciprocity treaty, and his public utterance upon its passage gave evidence of his gratitude to the Democratic majority given in support of that measure, so earnestly advocated by him. I do not believe the President will be able to justify a veto of the woolen bill and the free-list bill and the cotton bill, if they should finally pass both Houses of Congress. If he should veto these bills, passed by large majorities of Democrats and progressive Republicans voting together, he will give evidence to the country that the same influence that caused him to approve the Payne-Aldrich tariff measure—written in defiance of his promise to the American people that a law would be enacted by a Republican Congress in an extra session substantially revising the tariff downward—still dominates and controls his action when he vetoes a tariff measure substantially revising downward the indefensible woolen schedule and other measures passed by the House and the Senate. The coun-

try hopes for an early passage by Congress of a law substantially revising downward the iniquitous woolen schedule, and will await with interest the action of the President in reference to this bill, the free-list bill, and other bills passed when passed by Congress.

The so-called "unholy alliance" that enabled these bills to pass both Houses of Congress by substantial majorities meets my hearty approval, and the country is distinctly indebted to the progressive elements in both parties for substantial progress toward better conditions.

I do not desire to be understood as being opposed to a tariff board or commission, but such a tariff board or commission should be nonpartisan or bipartisan, appointed under a law broad and strong enough to compel information, making its reports to Congress whenever called upon by Congress, the lawmaking body, the body responsible for tariff legislation, and not merely to the President, who may withhold all or any part of any report made—may control the action of the Tariff Board and delay reports and legislation for party advantage. Congress, and not the President, is the lawmaking body required under the Constitution to make and revise the laws. Let no party advantage be written in any law.

And let not the tariff laws of the land be written to furnish unreasonable profits to special interests which seek to levy tribute upon all the people by virtue of high protection. Let no law guarantee profits to any interest. The country will approve an alliance that will speedily enact new tariff laws more favorable to the consuming public.

Let me insert here a table taken from Hampton's Magazine of August, 1911, giving the names, capital, surplus, earning per $100 share, and so forth, showing enormous profits of certain New England cotton industries for the year 1907, when the Dingley tariff was in force:

Names.	Capital.	Surplus.	Earnings per $100 share 1907.	Total dividends 8 years ending 1907.	Book surplus per share.
Amoskeag	$5,760,000	$3,720,691	$21.30	126	$64.59
Androscoggin	1,000,000	1,128,864	24.91	75	112.38
Bates	1,200,000	1,376,361	41.87	130	114.61
Border City	1,000,000	333,598	37.50	100	33.35
Richard Borden	1,000,000	502,174	32.62	[1]101	50.21
King Philip	1,500,000	851,765	25.65	168	56.78
Dartmouth	600,000	685,105	82.50	158	114.18
Dwight	1,200,000	1,299,219	20.78	100	[2]108.26
Great Falls	1,500,000	960,000	21.33	117	64.00
Laurel Lake	600,000	184,251	28.24	[3]190	37.08
Massachusetts	1,800,000	1,431,690	41.30	50	79.53
Lawrence	1,250,000	787,000	25.57	122	62.96
Pacific	3,000,000	6,332,854	55.60	124	[4]2,110.95
Pepperell	2,556,000	1,628,487	.....	158	63.71
Sagamore	900,000	355,693	48.53	85	39.52
Troy	300,000	474,294	67.00	189	[2]794.90
Union	1,200,000	584,044	46.00	183	48.67
Whitman	1,500,000	945,411	29.76	58	63.02

[1] In addition to which a 25 per cent dividend was paid.
[2] Par value of shares $500.
[3] In addition to which a 100 per cent dividend was paid.
[4] Par value of shares $1,000.

In other years under that high-tariff law similar profits were gathered in by the owners of these New England cotton mills.

Under the Dingley tariff law the duties collected at the customhouses on cotton goods imported amounted to 53.38 per cent. This protection instead of measuring the difference between cost of labor at home and abroad amounted to more than two and one-half times the cost of labor at home. The census of 1880 showed that labor got 21.9 per cent of the value of the product of the cotton mills, or nearly 22 per cent. The census of 1890 showed that labor got 24.6 per cent. The census of 1900 showed that labor got 25.6 per cent of the value of the product. But the census of 1910 showed that labor got only 21 per cent of the value of the product. This high protection remained under the Payne-Aldrich tariff law enacted in 1909.

The average per cent under the proposed law will be 27.06 per cent, and it is estimated by Mr. UNDERWOOD, chairman of the Ways and Means Committee, that over $200,000,000 will be saved thereby to the American consumer by such a revision of the cotton schedules. Shall the high rates of protection remain or shall they be sought to be reduced now, so that the law will not be a further shield for exorbitant profits?

It is asserted by the opposition that the passage of this bill, now pending in this House, and seeking to reduce the duties on the manufactures of cotton, will bankrupt the cotton industries and close the cotton mills; that these mills, especially in the South, that manufacture the cheaper grades of cotton goods, are now running with little or no profits; that the profits have disappeared. If that be true under the existing high-tariff laws, what excuse is there for longer retaining these laws on the statutes of the Nation, when the raw material is raised in this country and millions of dollars' worth of cotton goods manufactured in American mills are annually exported and sold abroad at a profit in competition with all the world? The charge that the proposed reduction will do injury to these cotton industries or to the country will not be given credit by the majority membership of this House or of the Senate or of the country or, I hope, by the President, whose veto is promised as a rebuke to an unholy alliance, And the unprotected masses of the country will have little patience with those who cry out against a so-called unholy alliance of Democrats and progressive Republicans seeking by legislation at this extra session to bring relief where relief is needed and demanded.

Mr. HARRISON of New York. Mr. Chairman, I yield to the gentleman from Colorado [Mr. TAYLOR].

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. HARRISON of New York. Mr. Chairman, I yield 20 minutes to the gentleman from New Jersey [Mr. KINKEAD]. [Applause.]

Mr. KINKEAD of New Jersey. Mr. Chairman and gentlemen of the caucus [laughter]: Yes, caucus; because we are all together on these remarks that I intend to make. Following in the footsteps of our leader on this side of the House, I rise to a question of personal privilege. There are some Members on the opposite side of the Chamber who have been accusing me for the past few days of being a party to what they term a "steal," a kind of bunko game. They state that I advertised a baseball game, took their money, and then did not hold the game. Now, if this is not a matter of personal privilege, then what Mr. Bryan said about the gentleman from Alabama [Mr. UNDERWOOD] was not a marker to what has been said about me upon the opposite side of the Chamber. [Laughter.]

Mr. NORRIS. It is a matter of personal profit, perhaps. [Laughter.]

Mr. KINKEAD of New Jersey. Well, coming from Nebraska the gentleman is well qualified to talk on that subject. [Laughter.] But this time the proceeds go to the Washington playgrounds. Of course, personally, I prefer that Jersey City should get them. Now, there is going to be a ball game, notwithstanding the efforts that have been made by the gentlemen of the opposition to prevent it, because we not only have a nine on our side, but we went over this afternoon and dug up nine live Republicans that we are going to play on Monday. [Applause.]

Mr. COX of Indiana. What is the price of admission?

Mr. KINKEAD of New Jersey. The gentleman from Indiana wants to know what the admission is. I am not going to tell him. He knows. He did not send in his dollar yet, either. [Laughter.] I am peculiarly unfortunate in the time that has been allotted to me. It is along toward half past 5 o'clock, and I ought to be out getting some pointers from the Washington team, and for the benefit of those who remain I want to say that the Nationals won the first game to-day, 3 to 1. [Applause.] Now, in order to be sure that the game will be properly conducted, and that our opponents will have at least a chance to win, knowing the superiority, as manifested in the past, of the Democrats in the national game, we have concluded to leave the choice of umpires with our Republican brethren.

You understand now why I addressed you as gentlemen of the caucus. However, we stipulated that one umpire should be a former Member of the House, a man who was qualified to lead the Republican forces on a memorable occasion two years ago to defeat. He has since had further honors thrust upon him and is now governor of the State of Pennsylvania, John K. Tener. He is coming down here to umpire the game, and if a Republican from Pennsylvania is not good enough for the Members on that side of the House, why we will take a Democrat from Texas. [Laughter.] He was our choice. We selected him ourselves, and then we left to the Republicans the selection of the other umpire. They wisely concluded that in order to be absolutely sure that we would get a square deal on the bases they would select the Hon. VICTOR BERGER, of Wisconsin. Mayhap this is a subtle bid for the Socialist vote. That is all that I have got to say about this matter of personal privilege, except that the game starts at 3.30 on Monday next at Georgetown oval and we want your presence and your coin.

Mr. Chairman, about two weeks ago I introduced a resolution, in compliance with a pledge made during the last campaign, to investigate a trust which finds its home in the city which sends to us the minority leader. I am not very good at adjectives, but I believe that this trust is the most iniquitous of all that have been formed and fostered under Republican rule. I introduced a resolution to investigate the Beef Trust,

and I hope that the Rules Committee, to which this resolution has been referred, will find an opportunity to meet and report the measure to the House. I base my charge primarily on the establishment in the State in which I have the honor to reside of a National Packing Co., among the directors of which are one Armour, one Swift, and one Morris; and the purpose of the National Packing Co., if we are to judge by its conduct, has been to drive out of the American market any competitor that may attempt to enter the trade against it. Now, I realize that this is a serious charge, which would come back to haunt the Democratic Party unless I am able to prove it; but I am prepared to prove it. It remained for an honest Republican——

Mr. COX of Indiana. Who was he?

Mr. CLARK of Florida. Name him.

Mr. KINKEAD of New Jersey. The Hon. Pierre Garven, prosecuting attorney in the county of Hudson, in the State of New Jersey, to ferret out the information on which the Federal Government has indicted all three of the men whom I have mentioned this afternoon. I have no fault to find with the men in charge of the investigation of the Beef Trust nor the work that has been done by these men up to date. I know that the Attorney General's office is overcrowded at this time with work, and in order to give them the assistance and the aid to which I believe they are absolutely entitled I introduced this resolution, and I have every hope that if it is presented to this House that not a single man upon that side of the Chamber will rise in his place and object to its going to work at once. It may be we have enough investigations going on at the present time, and I am not going to quarrel with the members of the Rules Committee if they, in their judgment, decide that the time is not opportune; but I would like to feel that during the next session of Congress the men who are members of this committee will give a free and open hearing on the question. Now, I will be perfectly fair about this matter. I have not any disposition whatever to induce six, seven, eight, or nine men to sit here during the hot weather. We are all tired of being in Washington as long as we have been. [Applause.]

Mr. MANN. I notice no one has resigned.

Mr. KINKEAD of New Jersey. No; nor no Republican is apt to do so apropos of this hot weather. I must tell you this story before I forget it. An insurgent from the State of the gentleman who broke into my remarks so abruptly at the outset, the gentleman from Nebraska—no; this insurgent is from Kansas—five weeks ago came up here to talk to a school at the graduation of some of our boys and girls. Modesty forbids my saying that the principal of the school made a wise choice in the gentleman whom he asked to present the gentleman from Kansas. I introduced him by stating to the audience that I had to apologize for his appearance and my own. We were harnessed up in dress suits and the night was hotter than it is here, much hotter, with these fans going. I called up in the afternoon and asked the principal how he wanted us to dress. "Well," he said, "if you do not mind, I wish you would get on your dress suit." So I dug mine out and I told MURDOCK he had better get on his. It was very hot there and I kind of threw open my vest. I remember there was a boy who lived on the street near me who had gone out in the country, and this little chap was something of an aristocrat; he had always worn pajamas when he went to bed. [Laughter.] He got out into the country, and his aunt told him it was time for him to retire, and he said, "All right, Aunt Mary; will you get me my pajamas?" and she said, "Why, Willie, we have not a boy in the house, they are all girls; I'm sorry I can't give you any pajamas."

And little Willie put up an awful cry. She said, "What can I do? Great Scott, we haven't got any pajamas! There are no boys in the house, and you have got to wear Cousin Anna's nightgown." "Well, I'll tell you," he said, "before I'll wear Cousin Anna's nighty, I am going to go to bed raw." [Laughter.]

Now, I am not going to embarrass the gentleman from Kansas, because he is not here, and I want him to defend himself. I will tell the rest of it when he is on the floor.

Now listen. This is the important part of my talk to-day. We are going to have this investigation. I have voted for a good many good Republican measures in my day, and very seldom have I ever had to ask a Republican to vote for any measure of mine. I want to ask the men who are gathered here to-day to vote for this measure. They are the right kind of Republicans. Any man who will sit here during the session to-day, when there is a double-header being played, is entitled to reelection, and I do not care if he is a Republican. [Applause and laughter.]

Now, this is going to come before the Rules Committee——

Mr. OLMSTED. Could you not get it to a vote now right here?

Mr. KINKEAD of New Jersey. I would like to ask the gentleman, Mr. Chairman, if we could suspend the rules? I do not believe we will ever get as many good Republicans and as many Democrats as we have here to-day. [Laughter.]

Now, I am perfectly willing to share the credit of this resolution with them. And my parliamentary inquiry is whether it is possible for us to-day to suspend the rules and report in this resolution.

The CHAIRMAN. A motion of that kind will not be in order.

Mr. KINKEAD of New Jersey. It is suggested that I take an appeal from the Chair. [Laughter.]

The CHAIRMAN. The Chair will say to the gentleman that that will be ruled out of order as dilatory.

Mr. KINKEAD of New Jersey. I was not going to do it anyway; I am regular in all things, particularly in politics, Mr. Chairman. The gentleman who got us into trouble on the 17th of March two years ago says that you are worse than the czar that was in the chair then. [Laughter.]

Now, I wish to be serious for a moment. I see I have only 10 minutes left. I do ask for, and I feel that I am going to get, the support of all right-thinking Republicans on this question. Now, it is really a matter that concerns the American public more closely than the cost of steel rails. Meat goes into every home, so does sugar; and I am glad that they are investigating the Sugar Trust; but I will stake my political future that I can prove that the Beef Trust has taken dishonestly more from the pockets of the American workman than even the steel kings or sugar barons.

The papers spell my name wrong at times. They spell it K-I-N-K-A-I-D, and they print a picture of my illustrious namesake for my own. The Judge and I understand each other. When I was married two years ago, in one of the farm journals that is published in the State of Nebraska they printed his picture for mine and said that he had been married in New York, and the Judge has been busy from that time to this denying the allegation. [Laughter.]

I want to say that I do not think that all of the men that have been named in my resolution are guilty in the eyes of the law. I am not saying that they are not guilty. I do not believe that the Cudahys nor do I believe that the firm of Schwartschild & Sulzberger are guilty in the eyes of the law; but I do insist that since they have been named so often in the days gone by on the Republican side, as well as on this side, as being parties to that combination they should welcome the investigation in order to show the American people that they are clean.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINKEAD of New Jersey. I make it out that I have three minutes remaining, and I ask unanimous consent that the three minutes that I think are coming to me be allowed me. [Laughter.]

The CHAIRMAN. The Chair can not extend the gentleman's time, because the time is under the control of the gentleman from New York [Mr. HARRISON].

Mr. HARRISON of New York. Mr. Chairman, I yield three minutes additional to the gentleman from New Jersey.

The CHAIRMAN. The gentleman from New Jersey is recognized for three minutes longer.

Mr. KINKEAD of New Jersey. I do say, gentlemen, that we have every right to go into the affairs of all of the firms that we believe are in any way connected with this infamous trust. It is not my purpose to do an injustice to any man who has raised the packing interests of this Nation to the position that they occupy in this country to-day. I have the highest respect for the business ability of an Armour and for the business sagacity of a Morris and for the business wisdom of a Swift, but I say that our duty to our people in our districts is to go into this matter fully, and if we find that there has been a conspiracy against the Sherman antitrust law, indictment should only precede a term of imprisonment; and I pledge you my word that just as soon as one of these men has undergone a term of imprisonment, from that moment the price of meats and meat products in this Nation will fall. [Applause.]

I have no desire to make political capital out of this inquiry. I believe that these men are guilty. I believe that I can prove that these men are guilty. I want the opportunity. If the committee of investigation is appointed, I will endeavor to name Mr. Garven, the honest Republican who has fought the trust, as our attorney for the committee. Our policy will be to protect the innocent and to punish the guilty. No honest packer need fear the investigation, and no dishonest one need hope for quarter. I have no respect for the beef baron who will add to his millions the dime stolen from the emaciated hand of Amer-

ican motherhood. I hate a thief, but I detest the rich thief who steals from the poor.

Gentlemen, this is American; we are Americans. Here is one issue on which we can all unite. Let us deal with the thieves among the packers as we would with ordinary thieves. Let us deal with the Beef Trust—the National Packing Co.—as it should be dealt with. If they are guilty—and I believe I can prove they are—put them in prison. That is the only thing they fear. Fines fall on the heads of the stockholders directly or on the heads of the great consuming mass of Americans indirectly. They do not fear fines, but they do fear jail. The square deal I ask for—the same law for all men; its application to the rich and the poor alike. That is the very essence of the Constitution—equality of rights before the law. Do not allow the directors of the National Packing Co. to use their misgotten wealth to defeat the ends of justice. Let us square our actions with the gospel preached by the founders of the Republic. Let us encourage the millions of American workmen by sending forth the message to them that while wealth honestly acquired has our respect the dishonest dollar is no more powerful to-day than it was when Jefferson set down the whole Democratic doctrine—equal rights to all; special privileges to none. [Applause.]

The CHAIRMAN. The gentleman from New York is recognized.

Mr. HARRISON of New York. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. FOWLER].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. FOWLER. Mr. Chairman and gentlemen of the committee, we are told by the reactionary Members of this Chamber that there is no hope of this bill becoming a law, even though it may receive the sanction of both branches of Congress. The leaders of the old guard insinuate in their speeches that the President will veto all tariff bills passed during this session. On the passage of the reciprocity bill we are informed by the Sun Bureau that Andrew Carnegie, from Skibo Castle, sent to the President the following telegram of congratulation:

Cordial congratulations upon deserved success your noble neighborly policy. Now for the treaties. Secure these; then rest. No other worlds to conquer.

This ironmaster, in this telegram, not only congratulates the President, but tells him just what work to do and when to quit, as though he were the master of the President. Why did he not content himself with cordial words of congratulation? Was he afraid that the President would do something during his absence from America for the substantial relief of the people from the high cost of living, and did he take the advantage which this opportunity afforded to remind the President that he should permit no tariff legislation until after the Tariff Commission makes its report? Did he mean to tell the President that there are really no worlds in America to conquer; that the annual ravages of the rich upon the earnings of the poor are just and proper and should not be restrained by wholesome laws?

The next day after the Senate passed the Canadian reciprocity bill one of the leading papers of this city, in commenting upon it, said:

It—

Meaning the reciprocity bill—

will be the only completed legislation of this session.

On the 31st day of July, 1911, the same paper, over the heading, "Weary of Congress," said:

One would suppose, after watching the maneuvers of certain statesmen in Congress and listening to their debates, that there was a feverish excitement among the people over Schedule K, but there is not. Instead a suspicion is encountered that the hullabaloo raised in Washington is inspired rather by selfish political motives than by genuinely patriotic considerations. * * * One of the several reasons that Congress is no longer attracting attention is the existence of this very suspicion, now rapidly developing into a conviction, that certain public men are purposely dragging the session along to attain political advantage over rivals.

These quotations are typical of what is going on all over the land by organized capital to prevent any tariff legislation during this session of Congress.

Are the masters of predatory wealth in partnership with the executive department of this Government to such extent that they can dictate veto messages of important legislation and herald the news thereof to the world through the columns of the subsidized press long in advance of the passage of such bills? Or are they trying to frighten the President away from the pledges which he made to the people both before and after his election by daily holding up before him imaginary injury to the country, resulting from the passage of such bills as the farmers' free-list bill, the wool and woolen bill, and the cotton bill, now under consideration?

For my own part, I attach but little importance to these pretended mouthpieces for presidential vetoes. In my judgment they are neither the agents of the President to forecast his official acts nor of the people to slander the Members of Congress who are trying to perform their duty under their oaths, but they are calamity howlers with a hope to frighten Congress and the President away from their plain duty to the people in the fulfillment of antielection pledges.

Mr. Chairman, in the light of the President's public utterances, both before and after his election, upon the question of tariff revision, I can not believe that he will veto any of these bills which have passed, and this bill now under consideration, which will soon pass. To do so would be a repudiation of the principles upon which he was elected and place him in the attitude of a pretended friend of the people before his election for the purpose of securing their support, and an enemy to them after his election in order that he may the better serve the interests of the trusts. No man, not even his enemies, can charge him with inconsistency.

Let us examine some of his public utterances and see what was his position on the tariff while a candidate and what has been his position on that question since his election:

QUOTATIONS FROM THE SPEECHES OF THE PRESIDENT IN HIS CAMPAIGN IN 1908.

In the President's speech, delivered September 22, 1908, at Cincinnati, Ohio, he said:

Another thing the Republican Party pledges itself to, fixes the date when it will do it, and tells you how it will do it, is the revision of the tariff.

The Dingley tariff has served the country well, but its rates have become generally excessive. They have become excessive because conditions have changed since its passage in 1896.

Farther on he says:

Every schedule ought to be arranged so that the tariff on the products, of the factory, farm, and mine, shall be equal to the differential between the cost of their production in this country and the cost of material, the cost of labor, and the manufacturer's interest and profit.

It is not an easy thing, of course, to reach this difference. The examination to be made should be fair and impartial between the manufacturer and the consumer.

Now, Mr. Bryan is greatly concerned and says that no such tariff revision can be made in view of the fact that the protective industries control the Republican party. I deny this. * * *

The movement in favor of revision has arisen within the Republican Party and is pressed forward by members of the Republican Party.

The revision which they desire is a revision which shall reduce excessive rates and at the same time preserve the industries of the country. It took some time, as it always does in a party, to crystallize this sentiment.

It has been crystallized, and the party is determined to see that this revision shall go on by fixing the date when it is to begin and prescribing the rule by which it is to be carried on.

I wish there to be no doubt in respect to the revision of the tariff. I am a tariff revisionist, and have been one since the question has been mooted.

The Members of Congress who are elected this time are to be elected by constituencies that, we may infer from the action of the Republican convention, are strongly in favor of a reexamination and a revision of the tariff.

Under those circumstances we have a right to say that the revision will be made upon just and fair lines, and that the plighted faith of the party will be carried out as formulated in the platform. (Cincinnati Enquirer, Sept. 23, 1908.)

Here the President tells us that he is a "tariff revisionist" and denies Mr. Bryan's proposition "that the protective industries control the Republican Party." While he does not quote from his party platform as to the tariff, which reads, in part, as follows:

The Republican Party declares unequivocally for a revision of the tariff by a special session of Congress immediately following the inauguration of the next President.

Yet, in construing this plank, he says that his party is pledged to a genuine revision made upon just and fair lines, and that the revision which he stands for is a revision which "shall reduce excessive rates." He tells the people just what are excessive rates. Listen to his own words:

But its rates, meaning the rates of the Dingley law, have become generally excessive. They have become excessive because conditions have changed since its passage in 1896.

We agree with the President, they have become excessive, and the Sixty-first Congress failed to reduce any of them in the wool and woolen schedule, although the rates on raw wool are, and have been for more than 15 years, nearly 45 per cent, and on the finished product of wool the excessive rates are, and have been for more than 15 years, nearly 100 per cent, being the same rates which were in the Dingley law at the time he made this speech. The rates on cotton goods are, in some cases, the same as fixed in the Dingley law, and in many instances they are much higher, being raised by the Payne law in violation of the pledges in the party platform and the principles enunciated by the President in this speech. Now, if these rates were "generally excessive" when the President made this speech and if they have been raised higher and made more excessive, then the reason for a reduction is even greater now than when the President declared to us that they were generally excessive and ought to be reduced.

In his second speech, delivered at Milwaukee September 24, 1908, he said:

But it is asked why it is necessary to change the Dingley tariff. The Dingley tariff has been in operation now more than 10 years. That is a period longer, I think, than the operation of any protective tariff that we have had.

It is intended under the protective system, by judicious encouragement, to build up industries as the natural conditions of the country justify to a point where they can stand alone and fight their own battles in competition with the world.

Improved machinery and training, due to our inventive genius, together with our extending home market, certainly reduce the cost of production.

Farther on he says:

I can say that our party is pledged to a genuine revision, and as a temporary head of that party and President of the United States, if it be successful in November, I expect to use all the influence that I have by calling immediately a special session and by recommendation to Congress to secure a genuine and honest revision of the tariff in accordance with the principles of protection laid down in the platform, based upon the examination of appropriate evidence and impartial as between the consumer and the manufacturer.

Farther on he says:

It is my judgment that a revision of the tariff in accordance with the pledge of the Republican platform will be, on the whole, a substantial revision downward, though there probably will be a few exceptions in this regard. (Milwaukee Sentinel, Sept. 25, 1908.)

In this speech the President not only reiterates the principles which he enunciated in his Cincinnati speech, but he goes further and tells the people that, if elected, he will "immediately call a special session of Congress" and use "all the influence" of which he was possessed "to secure a genuine and honest revision of the tariff," which "will be, on the whole, a substantial revision downward." Now, if the wool and woolen and cotton schedules have not been revised genuinely and honestly and the excessive rates reduced substantially, there is now a greater reason why they should be reduced, because the people have borne the unjust burdens nearly three years longer than they had when the President declared in unmistakable terms that they were excessive. Why should the President veto bills which have been carefully framed to secure an honest and genuine revision of excessive rates substantially downward now, when he pledged himself to stand for such reductions of excessive rates nearly three years ago? Such vetoes can not be justified unless it can be shown conclusively that these excessive rates have become reasonable because of changes in conditions which will justify their retention. This can not be done, because the changes which have been made have made the rates more excessive, and the conditions are no more favorable to excessive rates now than they were when the President made this speech.

The President goes still further and interprets the object of the protective system to be intended "to build up the industries as the natural conditions of the country justify to a point where they can stand alone and fight their own battles in competition with the world." This is the doctrine of protection to infant industries during their struggle for development, and if protection can be justified at all the application of its principles to encourage new industries and enable them to become self-sustaining may have some foundation in justice and reason, but the President says in substance that when they have become full-grown they should stand alone and fight their own battles in competition with the world—free trade for the strong, protection for the weak.

In his speech at Des Moines, Iowa, on September 25, 1908, the President said:

The party is pledged to a genuine revision, and as the temporary head of that party and President of the United States, if it be successful in November, I expect to use all the influence that I have by calling immediately a special session and by recommendations to Congress to secure a genuine and honest revision of the tariff in accordance with the principles of protection laid down in the platform, based upon the examination of appropriate evidence and impartial as between the consumer and manufacturer. * * *

It is my judgment that a revision of the tariff in accordance with the pledge of the Republican Party will be, on the whole, a substantial revision downward, though there probably will be a few exceptions in this regard

As the temporary leader of the party I do not hesitate to say, with all the emphasis of which I am capable, that if the party is given the mandate of power in November it will perform its promises in good faith. (Des Moines Register and Leader, September 26, 1908.)

Here the President reiterates his Milwaukee speech almost verbatim, and in doing so we may take it that he was in deep earnest and wanted the people to understand that he was laying down a policy which would be carried out in good faith for the relief of the people. Listen to the additional solemn statement which seals forever the question of his sincerity of purpose:

As the temporary leader of the party I do not hesitate to say with all the emphasis of which I am capable that if the party is given the mandate of power in November it will perform its promises in good faith.

The President not only pledges himself to stand for the substantial reduction of the Dingley excessive rates, but he pledges that if given the mandate of power in November, 1908, his party would, in good faith, stand for an honest, genuine revision of the Dingley excessive rates substantially downward. Now, if the Sixty-first Congress failed to carry out this pledge of the President on account of the differences between the leaders of that Congress and the President, and instead of lowering the excessive rates increased them in many instances, and in others allowed them to remain excessive without change, will the President now refuse to stand for a substantial reduction of these excessive rates because a Democratic House and a coalition Senate have honestly framed and passed bills for a substantial reduction, which is what the President tried to get his party in Congress to do? Would he have signed such bills had they been passed by the Sixty-first Congress? If so, then he certainly should not hesitate to sign them now, for the necessity is more urgent now than then. He did not hesitate to approve the Canadian reciprocity bill when passed by a Democratic House and a coalition Senate. I have the confidence in the President that he will deal with these bills as fairly as he did with the reciprocity bill.

In his speech at Topeka, Kans., October 3, 1908, the President said:

The principle of protection is that all industries that need it shall be protected by a customs tax equal to the difference between the cost of production here and the cost of production abroad.

The cost of production is determined by three elements—the cost of material, the cost of labor, and the interest on capital, or what is known as the "manufacturer's profit."

The normal operation of protection where competition has free scope is to lower the cost of producing and so to reduce prices to the public. As a consequence, after 10 years' operation of a particular schedule it ought to result that the cost of production in this country is made less, and therefore that the difference between the cost of production in this country and abroad is less, and therefore that the duty ought to be reduced.

If I am elected, as I expect, I shall exercise all the legitimate influence that the President or head of the Republican Party can to see to it that the plighted faith of the party on this subject, in letter and spirit, is observed.

In this speech he emphasized his former propositions by repeating them, and, in addition, he gives a very wholesome reason why the Dingley rates should be reduced, and that is, that they have been on the statute books for 10 years, affording the manufacturer a long period of ample protection, thereby giving him an opportunity to permanently establish and equip his business on modern and scientific methods, enabling him to reduce the cost of production. All of which makes the difference between the cost of production in this country and the cost of production abroad less, and for that reason the duty ought to be reduced.

In his inaugural address, the President said:

A matter of most pressing importance is the revision of the tariff. In accordance with the promises of the platform upon which I was elected, I shall call Congress into extra session to meet on the 15th day of March, in order that consideration may be at once given to a bill revising the Dingley Act.

Further on he says:

It is thought that there has been such a change in conditions since the enactment of the Dingley Act, drafted on a similarly protective principle, that the measure of the tariff above stated will permit the reduction of rates in certain schedules and will require the advancement of few, if any.

Mark you his words on this memorable occasion:

The measure of the tariff above stated will permit the reduction of rates in certain schedules and will require the advancement of few, if any.

Who will doubt that the President stood for an honest, genuine revision of the woolen and cotton schedules, with a substantial reduction in the rates, in this inaugural address?

MESSAGE OF THE PRESIDENT OF THE UNITED STATES COMMUNICATED TO THE TWO HOUSES OF CONGRESS AT THE BEGINNING OF THE FIRST SESSION OF THE SIXTY-FIRST CONGRESS.

To the Senate and House of Representatives:

I have convened the Congress in this extra session in order to enable it to give immediate consideration to the revision of the Dingley Tariff Act. Conditions affecting production, manufacture, and business generally have so changed in the last 12 years as to require a readjustment and revision of the import duties imposed by that act. More than this, the present tariff act, with the other sources of Government revenue, does not furnish income enough to pay the authorized expenditures. By July 1 next the excess of expenses over receipts for the current fiscal year will equal $100,000,000.

The successful party in the late election is pledged to a revision of the tariff. The country, and the business community especially, expect it. The prospect of a change in the rates of import duties always causes a suspension or halt in business because of the uncertainty as to the changes to be made and their effect. It is therefore of the highest importance that the new bill should be agreed upon and passed with as much speed as possible consistent with its due and thorough consideration. For these reasons I have deemed the present to be an extraordinary occasion, within the meaning of the Constitution, justifying and requiring the calling of an extra session.

In my inaugural address I stated in a summary way the principles upon which, in my judgment, the revision of the tariff should proceed, and indicated at least one new source of revenue that might be properly resorted to in order to avoid a future deficit. It is not necessary for me to repeat what I then said.

I venture to suggest that the vital business interests of the country require that the attention of the Congress in this session be chiefly devoted to the consideration of the new tariff bill, and that the less time given to other subjects of legislation in this session, the better for the country.

WM. H. TAFT.

THE WHITE HOUSE, *March 16, 1909.*

While this message is very short, yet it speaks in no uncertain terms. What does the President mean by this language?—

The successful party in the last election is pledged to a revision of the tariff. The country, and the business community especially, expect it.

This was a warning to the Sixty-first Congress that the people expected that the party pledges would be carried out "in good faith." Listen to the last sentence of this message:

I venture to suggest that the vital business interests of the country require that the attention of the Congress in this session be chiefly devoted to the consideration of the new tariff bill, and that the less time given to other subjects of legislation in this session the better for the country.

So urgent were the needs of relief from the excessive rates of the Dingley law that a special session was called within 11 days after the inauguration of the President, for one purpose, and one purpose only, and that was to make a genuine, honest revision of the Dingley rates, with a substantial reduction downward.

Who will deny the sincerity of the President in these public utterances, and who will say that he has changed his mind since his election and his inauguration? Certainly none. Then by what authority do you say that he will veto these bills which make a substantial downward reduction of excessive Dingley rates, made more excessive by the Payne law? Who will deny that the Payne law is a betrayal of the confidence of the people and imposes upon the consumer heavier burdens *than* those of the Dingley law? And who will say that if the rates imposed by the Dingley law were excessive, that the rates imposed by the Payne law are not more excessive? Certainly no one. Then who will say that the necessity for a substantial downward reduction is not more urgent now than it was in 1909? If so, why should the President veto these bills?

Had the special session of the Sixty-first Congress given us a genuine, honest revision of the tariff, with a substantial downward reduction, with "few advances, if any," our labor and toil in this special session, through heat and sweat, to get an honest, genuine revision of the woolen and cotton schedules, with a substantial downward reduction, would not have been necessary. But instead of meeting the issue according to pre-election pledges, the majority of the special session of the Sixty-first Congress seems to have fallen into the hands of a few shrewd corporation lawyers, who called together the owners, managers, and representatives of the corporations and trusts and permitted them to dictate the terms of the Payne bill, contrary to the pledges of the President that the revision should be "based upon the examination of appropriate evidence and impartial as between the consumer and the manufacturer."

These learned gentlemen declared with much emphasis that the party platform declared only for a revision of the tariff. Here they employed an ingenious trick, which is the real joker in the Payne law, by resorting to the etymology of the word "revise." They said it came from the Latin and was divided into two parts—"re," meaning again, and "videre," to see—literally, to see again—and that it was just as much a compliance with the party platform to revise the Dingley rates upward as to revise them downward; that the only thing the party platform required them to do was to revise the tariff, regardless of which direction the revision was made. In this way they succeeded in passing the Payne bill, which increased the burdens upon the consumer instead of reducing them.

It was so cruel, arbitrary, and unjust in its terms that it collapsed of its own weight. Then these heroes of the Payne triumph undertook to give it some semblance of strength by public indorsement by the President on the stump; so, at Winona, the President said it was the voice of Jacob, but the people last November declared it to be the hand of Esau.

Now, these representatives of predatory wealth seek to keep and maintain this repudiated law upon the statute books by a trick equally as shrewd as that employed by them to secure its enactment. They have lately discovered that the tariff is a very delicate thing, too delicate for Congress and the President to handle without the aid of science. They have discovered that the people are fools and must have scientific education and must wait for the report of a Tariff Commission before beginning the scientific study of tariff revision. This is the big pistol swinging from the belt of every defender of the Payne rates. Thus armed, these servants of predatory wealth boldly march into this Chamber and flourish this big pistol in our faces in an effort to frighten us out of the passage of this bill.

By the use of this same big pistol they expect to frighten the President away from his plain duty to the people. It is the net in which they hope to bag presidential vetoes to every tariff bill passed this session.

It did not require scientific evidence from tariff commissions to build a tariff wall high above the wants of the people around every manufacturing industry in the country—so high that we can not see the top of it. Any old Jake was smart enough to take an active part in the construction of that wall; and that, too, without criticism from the subsidized press; but now we are confronted with the startling news that there is no living man who is smart enough to act as a Moses to lead us out from under the bondage of our cruel commercial taskmasters. That our only hope depends upon the future success of the big pistol in securing information for us; that we must wait until it does secure the proper information for a report, and that if it never reports we are never to get any relief. Wormwood!

This scientific business is nothing but a joker, invented by the enemies of honest tariff revision, with which to fool the people again. Scientific experts often make bigger blunders than the everyday common-sense man. The jury system is the most satisfactory way of trying a lawsuit, yet the members composing the jury usually come from the rank and file of the common people, and as jurors they are required to pass upon the facts and the law. The evidence of a lay witness is usually to be preferred to that of an expert scientific witness, and, as a rule, such evidence is much more satisfactory and convincing.

On the trial of a man (Lutgurt) a few years ago in Chicago, charged with the murder of his wife and the destruction of her body by throwing it in a soap vat, expert doctors were called to identify some small pieces of bones taken out of the soap vat, with a view on the part of the prosecution to prove that they were parts of human bones. On cross-examination it is said one of these expert doctors identified the bone of the leg of an ape as the femur bone of a woman.

Henry Ward Beecher is said to have told a story on himself which illustrates scientific methods in doing common-sense things. He had a farmer friend living in the country, where fishing and hunting were good. On receiving an invitation to visit his friend for an outing, he provided himself with a scientific outfit for scientific fishing. On the next day after his arrival he and the farmer appeared side by side on the banks of the big swimming hole to try their luck—Beecher with a scientific pole scientifically constructed in scientific sections, provided with a scientific reel scientifically attached to the scientific pole of scientific sections; to this scientific pole and scientific reel was scientifically attached a scientific line made solely for scientific fishing; the scientific line was provided with scientific sinkers scientifically fastened on the scientific line; a scientific float scientifically constructed and scientifically fastened on the scientific line, and scientific hooks scientifically arranged in groups and scientifically fastened on the end of the scientific line and scientifically baited with a scientific bait; the farmer with a hazel bush for a pole, a common piece of cotton staging for a line, supplied with a rifle ball for a sinker, the end of a corncob for a float, and a common fishhook baited with a common earthworm. As they cast in their lines Beecher said: "Now, I'll show you the difference between scientific fishing and common fishing." The farmer replied: "Very well, we'll see." Soon the farmer began to throw out sunfish, and then came a big trout more than a foot long. Beecher lost his temper and cried out: "That's not scientific fishing!" The farmer replied: "I know it's not scientific fishing, but it's fishing."

Mr. Chairman, the President did not need the assistance of an expert Tariff Commission in shaping the reciprocity treaty with Canada, neither did he have cause to wait for the report of such commission before urging Congress to enact this treaty into law, yet by its terms the entire product of the farm is placed on the free list. I submit an extract from his message to Congress last January, which reads as follows:

TAFT'S FIRST RECIPROCITY MESSAGE.

* * * * * * * * *

Since becoming a nation, Canada has been our good neighbor, immediately contiguous across a wide continent, without artificial or natural barrier except navigable waters used in common.

She has cost us nothing in the way of preparations for defense against her possible assault, and she never will. She has sought to agree with us quickly when differences have disturbed our relations. She shares with us common traditions and aspirations. I feel I have correctly interpreted the wish of the American people by expressing in the arrangement now submitted to Congress for its approval their desire for a more intimate and cordial relationship with Canada. I therefore earnestly hope that the measure will be promptly enacted into law.

WM. H. TAFT.

THE WHITE HOUSE, *January 26, 1911.*

The last sentence of this message shows how well the President was prepared to act in the matter affecting the entire product of the American farm. "I therefore earnestly hope that the measure will be promptly enacted into law." And when the Sixty-first Congress failed to pass the bill he was prepared to urge its passage again, and immediately called the Sixty-second Congress in special session for that purpose. The product of the factory is no more important to the people than the product of the farm and requires no more scientific information to regulate tariff duties imposed thereon than does the

product of the farm. When this treaty was enacted into law by this Congress the President did not have a veto message prepared for its reception, but he promptly signed it and did everything within his power to make it effective.

His public utterances in favor of Canadian reciprocity are no more earnest and urgent than those made both before and after his election favoring an honest, genuine revision of the excessive rates of the Dingley law substantially downward, with an increase of the duty on but few articles, if any. If there is a just reason for the Canadian treaty, there is a double reason for the reduction of the cotton schedule.

THE PAYNE LAW DISCRIMINATES IN FAVOR OF THE RICH AND IMPOSES THE HIGHEST TAXATION ON THE POOR.

In revising the cotton schedule, justice demands that the goods usually worn by the poor people should be taxed lower than those worn by the rich. This is on the theory that the rich are more able to pay, and if there is a discrimination made, it ought to be in favor of those least able to bear the burden of taxation. At all events, it is plain that there should be no discrimination made against the poor and in favor of the rich. That is, the poor should not be taxed on the goods which they wear at a greater per cent than that placed on the goods worn by the rich. But that is just what the Payne law does in many instances. On cotton underwear, which costs more than $15 per dozen, the rate of duty paid was 50 per cent, and on the lower grades the rate ranged from 57 to 63 per cent.

STOCKINGS.

Ever since this bill was reported out on the floor of this House by the Ways and Means Committee, I have been telling my protection friends that the Payne law deals very harshly with the stockings of the poor, and on each occasion I have been told by them that the stockings of the poor are taxed at 30 per cent. I am aware that there is one kind of stockings taxed at that rate, but it is the kind that has no shape to it except that of a gunny sack. You can call it all leg or you can call it all foot. It is the same size from the top to the toe. The leg acts very generous. It will stay up for a while if tied hard and fast. But however you adjust it you soon find it down over your foot, and often it acts as a sole for your shoe. It is so loosely constructed that it will stretch large enough to hold a bushel of potatoes, and if the puppy or cat should chance to find it at night and see fit to make a plaything out of it, it is quite probable that the owner would find a bunch of ravelings the next morning instead of a pair of socks. The best that can be said of the owner of such stockings is that he is not quite sockless. No one would contend for a minute that the poor should be compelled to wear this stocking on Sunday to church, neither would anyone contend that they should be taxed out of the right to buy the more convenient grades, selvedged to prevent raveling, and shaped so as to fit the foot and leg. But that is just what the Payne law seeks to do.

STOCKINGS WITH SELVAGE AND CONVENIENT SHAPE.

The Dingley law divided this stocking into six grades:

First. Stockings which are valued at not more than $1 per dozen.

Second. Stockings valued at more than $1 per dozen and not more than $1.50 per dozen.

Third. Stockings valued at more than $1.50 per dozen and not more than $2 per dozen.

Fourth. Stockings valued at more than $2 per dozen and not more than $3 per dozen.

Fifth. Stockings valued at more than $3 per dozen and not more than $5 per dozen.

Sixth. Stockings valued at more than $5 per dozen.

The average tariff paid on the first five grades for the year 1908, under the Dingley law, is more than 60 per cent, and the rate paid on the sixth grade, or stockings valued at more than $5 per dozen for the same year, is only 55 per cent. With cotton on the free list this rate is excessive, and can not be justified on any other theory than that of robbery. Yet the Payne law did not reduce any of them, but, on the contrary, the first, second, and third grades—the poor people's stocking—the rates were outrageously increased, while the last three grades were allowed to remain the same as the rates in the Dingley law. The increase on the first three grades was raised so that the average rate paid last year was 87.06 per cent, and the average rate paid on the last three grades for the same year averaged 60.27 per cent. This is charity for the poor indeed. The poor people paid into the Treasury of the Government on the first three grades the sum of $3,149,782 to help defray the expenses of the Government last year. The rich people paid into the Treasury of the Government last year the sum of $159,807 to help pay the expenses of the Government. The sum paid by the poor people is more than 1,907 per cent of what the rich people paid.

The poorest grade of stockings, to wit, stockings costing not over $1 per dozen, were taxed at 91.23 per cent for last year, and paid into the Treasury the sum of $1,187,565 to assist in paying current expenses. The best grade, to wit, those valued at more than $5 per dozen, were taxed at the rate of 55 per cent, and paid into the Treasury the sum of $17,235 last year. Thus we see that the stocking of the poorest class of people were taxed nearly twice as much as those of the richest people, and that these poor people paid into the Treasury a sum equal to 6,890 per cent of what the richest class paid for the privilege of wearing stockings, while the poor used the coarse, rough grades and the rich used the finest mercerized grades. Is it any wonder that the people repudiated the action of Congress in the passage of a law which so unjustly discriminated against them and their children?

On last Christmas morning 10,000,000 children in America awoke, crying because of heels made sore by reason of holes in the heels of their stockings. The Payne-Aldrich law did it. Their mothers had no money to buy Christmas presents. The Payne-Aldrich law took the family savings and turned them over to the rich trusts as the manufacturer's profit. Do any of you believe that the President will veto a bill to relieve these children and their careworn and half-famished parents? Do you believe that it is right to allow this law to stay on the statute books to continue such punishment on helpless children and their mothers? Do you think more of the manufacturer's profit than you do of human happiness? Do you need scientific evidence to aid you in determining the injustice of this law? Do you not believe the plea of delay for scientific evidence was born in wickedness and sin and has no place in heaven?

Here is a sample of what the manufacturer of cotton goods thinks of profits. Read it carefully, and then tell me whether you think more of making him and his kind richer in profits than you do in relieving the toiling masses from the unjust taxation in this schedule. Tell me what you think of these fabulous sums as the manufacturer's profit, collected by a law at the expense of sore heels of helpless children.

Mr. H. F. LIPPITT, of Providence, R. I., now the successor of Senator Aldrich in the United States Senate, appeared before the Committee on Ways and Means on December 1, 1908, and testified with reference to the cotton-cloth schedules, among other things, as follows:

Mr. LONGWORTH. I do not know whether I understood Mr. LIPPITT correctly to say that no large fortunes have ever been made in this business in New England?

Mr. LIPPITT. I think so.

Mr. LONGWORTH. My impression is that most of the large New England fortunes have been made in it.

Mr. LIPPITT. We are not accustomed to very large fortunes in New England.

Mr. LONGWORTH. Then may I ask you what you call a large fortune?

Mr. LIPPITT. I would regard a fortune of three-quarters of a billion as a large fortune.

Mr. HILL. That would be quite a moderate one for an Ohio man, would it not?

Mr. LONGWORTH. I only asked the question because I thought it was rather an exaggerated statement.

Mr. LIPPITT. I do not think so.

* * * * * * *

Mr. CLARK. How much did you say you would regard as a comfortable fortune, three-quarters of a million or three-quarters of a billion?

Mr. LIPPITT. The gentleman asked me what I considered was a large fortune. I said I thought three-quarters of a billion was a large fortune.

Mr. CLARK. A billion?

Mr. LIPPITT. Yes, sir.

What is true as to the rates on stockings in the Payne law is true to a greater or less extent as to the whole of Schedule I. I insert the Payne and Dingley laws on the grade of stockings which I have dealt with so that the reader can see for himself the injustice of the discrimination against the poor. I also append tables of imports so that the rates of tariff in both of these laws can be compared with a view of determining whether the Payne bill on the revision is a "genuine, honest revision" of excessive Dingley rates made upon "just and fair lines" with a "substantial downward reduction":

1909. PAYNE LAW.	1897. DINGLEY LAW.
328. Stockings, hose and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half-hose, and clocked stockings, hose and half-hose, all of the above composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than $1 per dozen pairs, 70 cents per dozen pairs; valued at more than $1 per dozen pairs, and not more than $1.50 per dozen pairs, 85	318. Stockings, hose and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half-hose, and clocked stockings, hose or half-hose, all of the above composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than $1 per dozen pairs, 50 cents per dozen pairs; valued at more than $1 per dozen pairs, and not more than $1.50 per dozen pairs, 60

cents per dozen pairs; valued at more than $1.50 per dozen pairs, and not more than $2 per dozen pairs, 90 cents per dozen pairs; valued at more than $2 per dozen pairs, and not more than $3 per dozen pairs, $1.20 per dozen pairs; valued at more than $3 per dozen pairs, and not more than $5 per dozen pairs, $2 per dozen pairs; and in addition thereto, upon all the foregoing, 15 per cent ad valorem; valued at more than $5 per dozen pairs, 55 per cent ad valorem. Men's and boys' cotton gloves, knitted or woven, valued at not more than $6 per dozen pairs, 50 cents per dozen pairs and 40 per cent ad valorem; valued at more than $6 per dozen pairs, 50 per cent ad valorem.

SCHEDULE I.

Stockings, hose, and half hose—Selvaged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless or clocked stockings, hose, or half hose, finished or unfinished.

NO. 7.—VALUED NOT MORE THAN $1 PER DOZEN PAIRS.

[Acts of 1897 and 1909.]

Fiscal year ended June 30—	Rate of duty.	Quantity.	Value.	Duty collected.	Average. Value per unit of quantity.	Average. Ad valorem rate of duty.
		Dozen pairs.	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
1898....	50 cents per dozen and 15 per cent.	1,729,160	1,533,152.65	1,094,551.72	0.887	71.40
1899....	.....do.....	2,115,098.57	1,922,589.10	1,345,937.64	.909	70.01
1900....	.....do.....	2,138,003.23	1,977,320.98	1,365,599.90	.925	69.06
1901....	.....do.....	1,642,888.80	1,576,356.00	1,057,898.06	.959	67.11
1902....	.....do.....	1,841,672.22	1,749,592.16	1,183,275.00	.95	67.63
1903....	.....do.....	1,992,685.33	1,893,047.95	1,280,299.69	.95	67.63
1904....	.....do.....	2,231,380.28	2,142,013.33	1,436,992.22	.959	67.09
1905....	.....do.....	2,342,901.19	2,236,114.31	1,506,867.93	.954	67.39
1906....	.....do.....	2,501,678.56	2,342,844.41	1,602,266.16	.936	68.39
1907....	.....do.....	2,449,277.67	2,350,249.77	1,577,176.36	.96	67.11
1908....	.....do.....	1,879,988.42	1,817,304.75	1,212,590.03	.967	66.72
1909....	.....do.....	2,914,982.33	2,777,714.52	1,874,148.34	.953	67.47
1910....	.....do.....	628,801	599,364.90	404,305.29	.953	67.46
	70 cents per dozen and 15 per cent.	1,417,574.50	1,301,755.79	1,187,565.47	.918	91.23

NO. 8.—VALUED MORE THAN $1 AND NOT MORE THAN $1.50 PER DOZEN PAIRS.

		Dozen pairs.	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
1898....	60 cents per dozen and 15 per cent.	586,875	754,992.19	465,375.22	1.28	61.64
1899....	.....do.....	696,627.44	902,420.24	553,339.58	1.30	61.32
1900....	.....do.....	744,074.34	948,215.23	588,676.80	1.27	62.08
1901....	.....do.....	957,950.82	1,255,348.75	763,072.87	1.31	60.78
1902....	.....do.....	706,676.65	940,668.41	565,106.14	1.31	60.08
1903....	.....do.....	698,668.37	929,922.69	558,689.53	1.33	60.08
1904....	.....do.....	[1] 2	[1] 2.00	1.50	1.00	75.00
		910,993.13	1,249,312.29	733,992.84	1.37	58.72
1905....	.....do.....	955,114.61	1,312,550.68	769,950.34	1.37	58.66
1906....	.....do.....	1,052,835.10	1,463,286.25	851,194.30	1.39	58.17
1907....	.....do.....	1,155,693.75	1,600,634.75	933,511.51	1.37	58.32
1908....	.....do.....	1,347,873.25	1,852,202.84	1,086,563.53	1.37	58.66
1909....	.....do.....	1,056,005.33	1,475,472.45	854,924.01	1.40	57.94
1910....	.....do.....	279,084.83	380,081.77	224,463.19	1.36	59.06
	85 cents per dozen and 15 per cent.	827,531.17	1,146,173.62	875,327.54	1.39	76.37

NO. 9.—VALUED MORE THAN $1.50 AND NOT MORE THAN $2 PER DOZEN PAIRS.

[Under general tariff.]

		Dozen pairs.	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
1898....	70 cents per dozen and 15 per cent.	341,014	633,124.53	333,679.42	1.86	52.70
1899....	.....do.....	392,847.04	731,371.07	384,698.85	1.86	52.60
1900....	.....do.....	481,149.68	898,179.00	471,531.66	1.87	52.50
1901....	.....do.....	743,661.48	1,412,656.00	732,461.46	1.89	51.85
1902....	.....do.....	747,328.43	1,432,185.85	737,957.80	1.92	51.53
1903....	.....do.....	871,434.65	1,665,880.03	859,886.32	1.91	51.62
1904....	.....do.....	[1] 1	[1] 2.00	1.00	2.00	50.00
		803,202.15	1,535,955.26	792,634.89	1.90	51.60
1905....	.....do.....	802,148.60	1,511,903.25	788,289.71	1.88	52.14
1906....	.....do.....	965,348.54	1,865,237.53	955,529.82	1.93	51.23
1907....	.....do.....	1,330,226.67	2,557,341.40	1,314,759.94	1.92	51.41
1908....	.....do.....	1,423,546.17	2,701,165.84	1,401,657.17	1.90	51.89
1909....	.....do.....	995,821.75	1,881,514.77	979,302.52	1.89	52.05
1910....	.....do.....	182,385.42	347,628.90	179,814.14	1.91	51.73
	90 cents per dozen and 15 per cent.	922,800.08	1,709,130.40	1,086,889.84	1.85	63.59

[1] Via Philippines from other countries.

From Cuba. (Reciprocity treaty, Dec. 27, 1903.)

Stockings, hose, and half hose—Continued.

NO. 10.—VALUED MORE THAN $2 AND NOT MORE THAN $3 PER DOZEN PAIRS.

[Under general tariff.]

Fiscal year ended June 30—	Rate of duty.	Quantity.	Value.	Duty collected.	Average. Value per unit of quantity.	Average. Ad valorem rate of duty.
		Dozen pairs.	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
1898....	$1.20 per dozen and 15 per cent.	66,413	168,970.55	105,040.23	2.54	62.16
1899....	.....do.....	72,956.82	187,075.93	115,609.57	2.56	61.80
1900....	.....do.....	82,223.31	215,556.35	131,001.43	2.62	60.77
1901....	.....do.....	118,128.96	317,152.96	189,327.79	2.68	59.69
1902....	.....do.....	144,533.42	388,780.74	231,757.26	2.69	59.61
1903....	.....do.....	165,332.68	450,837.36	266,024.88	2.73	59.01
1904....	.....do.....	108,630.38	292,741.13	174,267.60	2.69	59.52
1905....	.....do.....	90,961.90	244,982.18	145,901.64	2.69	59.56
1906....	.....do.....	107,541.30	288,184.59	172,277.32	2.68	59.78
1907....	.....do.....	131,433.33	354,188.55	210,848.31	2.69	59.53
1908....	.....do.....	111,282.33	291,829.72	177,313.25	2.62	60.75
1909....	.....do.....	58,314.75	153,215.27	92,960.00	2.63	60.67
1910....	.....do.....	65,226.83	173,516.84	104,299.69	2.66	60.11

NO. 11.—VALUED MORE THAN $3 AND NOT MORE THAN $5 PER DOZEN PAIRS.

		Dozen pairs.	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
1898....	$2 per dozen and 15 per cent.	22,329	87,224.00	57,736.06	3.90	66.19
1899....	.....do.....	21,102.82	81,493.00	54,429.75	3.86	66.79
1900....	.....do.....	22,765.85	88,794.00	58,850.87	3.90	66.28
1901....	.....do.....	33,041.22	133,935.00	86,172.68	4.05	64.33
1902....	.....do.....	38,605.62	153,806.52	100,282.28	3.98	65.20
1903....	.....do.....	45,376.16	181,232.44	117,937.16	3.99	65.08
1904....	.....do.....	[1] .50	[1] 2.00	1.30	4.00	65.00
		32,574.30	132,393.26	85,007.61	4.06	64.21
1905....	.....do.....	22,508.04	89,380.75	58,423.39	3.97	65.36
1906....	.....do.....	26,134.53	104,013.99	67,871.21	3.98	65.26
1907....	.....do.....	28,578	114,625.56	74,349.81	4.01	64.86
1908....	.....do.....	34,214.42	132,716.25	88,336.29	3.88	66.56
1909....	.....do.....	14,951.33	58,087.59	38,615.85	3.89	66.48
1910....	.....do.....	14,807.33	57,727.17	38,273.83	3.90	66.30

NO. 12.—VALUED MORE THAN $5 PER DOZEN PAIRS.

		Dozen pairs.	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
1898....	55 per cent.....	8,230	51,935.00	28,564.25	6.31	55.00
1899....	.....do.....	8,521.28	57,924.00	31,858.20	6.80	55.00
1900....	.....do.....	11,270.40	74,580.00	41,019.00	6.62	55.00
1901....	.....do.....	17,084.83	100,618.71	55,340.29	5.89	55.00
1902....	.....do.....	17,917.73	109,893.83	60,441.00	6.13	55.00
1903....	.....do.....	17,622.16	116,336.72	63,985.19	6.60	55.00
1904....	.....do.....	10,787.53	70,566.80	38,811.74	6.54	55.00
1905....	.....do.....	4,237.73	28,997.00	15,948.35	6.84	55.00
1906....	.....do.....	5,784.83	40,009.42	22,005.13	6.92	55.00
1907....	.....do.....	6,379.67	42,356.17	23,295.90	6.64	55.00
1908....	.....do.....	6,428.25	41,703.50	22,936.93	6.49	55.00
1909....	.....do.....	3,993.92	27,969.25	15,383.09	7.00	55.00
1910....	.....do.....	4,680.50	31,337.25	17,235.49	6.69	55.00

[1] Via Philippines from other countries.

Mr. HARRISON of New York. Mr. Chairman, we have concluded all our remarks on this side.

Mr. PAYNE. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MANN] such time as he desires.

Mr. MANN. Mr. Chairman, I had prepared a little data, partly upon this bill and partly upon the general question of the tariff, which I will not submit at this time, but which I may desire later to print in the RECORD, and I may desire a longer time to put it in shape than was granted by the House. I therefore ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks leave to extend his remarks in the RECORD. Is there objection?

Mr. FITZGERALD. Mr. Chairman, does the gentleman from Illinois intend to print his remarks before Congress adjourns?

Mr. MANN. That will depend somewhat upon when Congress adjourns. I may never print them.

Mr. FITZGERALD. I suppose the gentleman has no intention of withholding them until after Congress adjourns?

Mr. MANN. Of course I can proceed with the speech, having the floor.

The CHAIRMAN. The Chair hears no objection, and leave is granted.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12812) to

reduce the duties on manufactures of cotton, and had come to no resolution thereon.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that all general debate on H. R. 12812, to reduce the duties on manufactures of cotton, be now closed.

The SPEAKER. The gentleman from Alabama asks unanimous consent that general debate on the bill H. R. 12812 be now closed. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Thursday, August 3, 1911, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real-estate brokers in the District of Columbia, reported the same with amendment, accompanied by a report (No. 112), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5618) to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 113), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8622) to amend section 4 of "An act for the preservation of the public peace and the protection of property within the District of Columbia," approved July 29, 1892, as to the flying of fire balloons or fire parachutes, reported the same with amendment, accompanied by a report (No. 110), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1081) to provide for punishment of larceny of public property from the workhouse and the reformatory of the District of Columbia, reported the same with amendment, accompanied by a report (No. 111), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8619) to amend an "Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, reported the same without amendment, accompanied by a report (No. 108), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10649) to regulate the assignment of wages, salaries, and earnings in the District of Columbia, reported the same with amendments, accompanied by a report (No. 109), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12737) to amend the Code of Law for the District of Columbia regarding insurance, reported the same with amendment, accompanied by a report (No. 103), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8653) to give the District of Columbia a right of appeal to the Supreme Court of the United States in patent cases, reported the same without amendment, accompanied by a report (No. 106), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1618) amending paragraph 6 of the act relating to the Metropolitan police force, reported the same with amendment, accompanied by a report (No. 104), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 13041) to provide for the support and maintenance of bastards in the District of Columbia, reported the same without amendment, accompanied by a report (No. 105), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 11545) to authorize and direct the Commissioners of the District of Columbia to place the name of Annie M. Matthews on the pension roll of the police and firemen's pension fund, reported the same without amendment, accompanied by a report (No. 107), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4274) granting a pension to Joseph Charlston, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KENT: A bill (H. R. 13192) to authorize a survey of Belvedere Cove, Marin County, Cal.; to the Committee on Rivers and Harbors.

By Mr. ANDREWS: A bill (H. R. 13193) to appropriate the sum of $200,000 for the construction of a bridge across the Gila River in Grant County, N. Mex.; to the Committee on Appropriations.

By Mr. REILLY: A bill (H. R. 13194) to define the hours of labor of watchmen in Federal buildings; to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON: A bill (H. R. 13195) to increase the pensions of Mexican War survivors in certain cases; to the Committee on Pensions.

By Mr. CLAYTON: A bill (H. R. 13196) to amend section 3 of the act of Congress approved March 7, 1908, entitled "An act to provide for circuit and district courts of the United States at Dothan, Ala."; to the Committee on the Judiciary.

By Mr. RICHARDSON: A bill (H. R. 13233) to increase the pensions of Indian War survivors in certain cases; to the Committee on Pensions.

By Mr. ROBINSON: Resolution (H. Res. 260) providing for an investigation of the management and conduct of the United States prison at Leavenworth, Kans.; to the Committee on the Judiciary.

By Mr. CARTER (by request): Joint resolution (H. J. Res. 141) to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Five Civilized Tribes entitled to share in the fund of said tribes; to the Committee on Indian Affairs.

By Mr. ROBINSON: Joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain, and of the circuit court to entertain and decide, a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 13197) granting an increase of pension to Joseph Funk; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 13198) granting an increase of pension to Albert Bocklet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13199) granting a pension to Julius E. Coger; to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 13200) granting an increase of pension to Andrew Cronin; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 13201) granting a pension to Frank J. Harner; to the Committee on Pensions.

By Mr. CATLIN: A bill (H. R. 13202) for the relief of Charles A. Coulson; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 13203) granting an increase of pension to Mary E. Hughes; to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 13204) granting an increase of pension to George W. Currier; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 13205) for the relief of L. B. Burcham; to the Committee on Military Affairs.

Also, a bill (H. R. 13206) granting an increase of pension to James C. Williams; to the Committee on Pensions.

Also, a bill (H. R. 13207) granting an increase of pension to George W. Walter; to the Committee on Pensions.

Also, a bill (H. R. 13208) granting an increase of pension to John R. Purinton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13209) granting a pension to S. E. Weaver; to the Committee on Pensions.

Also, a bill (H. R. 13210) granting a pension to E. Ross Smith; to the Committee on Pensions.

Also, a bill (H. R. 13211) granting a pension to Isaac Johnson; to the Committee on Pensions.

Also, a bill (H. R. 13212) granting a pension to Edward S. Brenner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13213) granting an increase of pension to Albion Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13214) granting an increase of pension to Milton Michael; to the Committee on Pensions.

Also, a bill (H. R. 13215) granting an increase of pension to Manville M. Palmer; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 13216) granting an increase of pension to Timothy Crowley; to the Committee on Pensions.

Also, a bill (H. R. 13217) granting a pension to John H. Leslie; to the Committee on Pensions.

By Mr. DRAPER: A bill (H. R. 13218) to reimburse Le Grand C. Cramer for amount of damages to his motor launch *Winninish* by the United States launch *Gunedmertrix* at Morris Heights, N. Y., on March 31, 1911; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 13219) for the relief of the estate of Martha E. Trowell; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 13220) granting an increase of pension to Calvin Seebold; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 13221) granting an increase of pension to Henry Collins; to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 13222) granting an increase of pension to Joseph Springer; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 13223) granting an increase of pension to William B. Sims; to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 13224) granting a pension to John W. Ferris; to the Committee on Pensions.

By Mr. MILLER: A bill (H. R. 13225) granting an increase of pension to John Goodspeed; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 13226) granting an increase of pension to James Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13227) granting an increase of pension to George Peckham; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 13228) granting an increase of pension to Jaenette Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13229) granting an increase of pension to Peter Fleming; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 13230) granting a pension to Philip F. F. Lacourcier; to the Committee on Pensions.

By Mr. REYBURN: A bill (H. R. 13231) granting a pension to Ryan Smith; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 13232) granting an increase of pension to Levi North; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13234) for the relief of William R. Young; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDER: Petition of numerous residents of Brooklyn, N. Y., in opposition to House bill 8887, providing for a tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. DAVIS of West Virginia: Petitions of numerous citizens of West Virginia, favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DRAPER: Resolution of the Arizona Woolgrowers' Association, protesting against the passage by Congress of any of the several bills now pending changing and reducing the tariff on wool and meats until such time as the Tariff Commission shall be able to report on the subjects involved; to the Committee on Ways and Means.

Also, resolution of the American Medical Association, requesting that the pure food and drug law be amended so that false statements of any kind appearing upon the labels, circulars, etc., of foods and drugs be made unlawful; to the Committee on Agriculture.

By Mr. FOCHT: Resolution of the Union County Medical Society, of Lewisburg, Pa., favoring the retention of Dr. H. W. Wiley, chemist and Chief of Bureau of Chemistry, Department of Agriculture; to the Committee on Agriculture.

By Mr. FULLER: Resolutions of the Ben Franklin Club, of Chicago, Ill., favoring House Joint Resolution No. 97, for the investigation of fire-insurance rates, etc.; to the Committee on Appropriations.

Also, resolutions of the Illinois Manufacturers' Association, for amendment of the corporation-tax law so as to permit reports to be made at the end of the several individual fiscal years of corporations; to the Committee on Ways and Means.

Also, resolutions of the Illinois Grain Dealers' Association, for mail privileges for trade journals; to the committee on the Post Office and Post Roads.

Also, petition of H. H. Pimstein, of Plano, Ill., in opposition to a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Petitions of Michael O'Malley, of Long Island City, N. Y., and many others, urging the establishment of a national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: Petitions of Rust Parker Martin Co. and five other firms, asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SULZER: Resolution of Lake Grange, No. 362, of New York, favoring a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of National Team Owners' Association, indorsing the Canadian reciprocity agreement; to the Committee on Ways and Means.

Also, resolution of the Vincennes (Ind.) Branch of the Alliance of German Societies of the State of Indiana, approving House resolution No. 166; to the Committee on Immigration and Naturalization.

Also, resolutions of the Workmen's Sick and Death Benefit Fund of the United States of America, condemning the manner of the arrest of the McNamaras and favoring the Berger resolution; to the Committee on the Judiciary.

Also, resolution of the Central Labor Union of the District of Columbia, protesting against the proposed arbitration treaty with England; to the Committee on Foreign Affairs.

Also, resolution of National Automobile Manufacturers' Association, favoring legislation so as to permit corporations and companies to make their returns as of the close of their fiscal years; to the Committee on Ways and Means.

SENATE.

THURSDAY, *August 3, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a memorial of the Union County Medical Society, of Lewisburg, Pa., remonstrating against the removal of Dr. Harvey W. Wiley as Chief of the Bureau of Chemistry, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the adoption of an amendment to the so-called corporation-tax law permitting corporations to make returns at the end of their fiscal years, which was referred to the Committee on Finance.

ROSEBUD INDIAN RESERVATION LANDS.

Mr. GAMBLE. I am directed by the Committee on Indian Affairs to report back favorably with amendments the bill (S. 3152) extending the time of payment to certain homesteaders in the Rosebud Indian Reservation in the State of South Dakota, and I submit a report (No. 115) thereon. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 12, before the word "payment," to strike out the word "such" and insert "and," and in line 14, after the word "manner," to insert "and on payment of interest annually in advance as aforesaid: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment is due; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands," so as to make the bill read:

Be it enacted, etc., That any person who has heretofore made a homestead entry for land in what was formerly a part of the Rosebud Indian Reservation, in the State of South Dakota, authorized by the act approved March 2, 1907, may apply to the register and receiver of the land office in the district in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, and payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner, and on payment of interest annually in advance as aforesaid: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment is due, that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERN:

A bill (S. 3162) granting an increase of pension to Stephen Jarvis (with accompanying papers); to the Committee on Pensions.

By Mr. TAYLOR:

A bill (S. 3163) granting an increase of pension to Henry McMann (with accompanying paper); to the Committee on Pensions.

A bill (S. 3164) for the relief of the heirs or estate of William Chambers, deceased (with accompanying paper); and

A bill (S. 3165) for the relief of the heirs of James H. Robinson, deceased; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 3166) to authorize the Commissioners of the District of Columbia to collect an annual rental for vault privileges granted in public space (with accompanying paper); to the Committee on the District of Columbia.

By Mr. OLIVER:

A bill (S. 3167) granting an increase of pension to William H. Hotham (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3168) to appropriate the sum of $200,000 for the construction of a bridge across the Gila River, in Grant County, N. Mex.; to the Committee on Commerce.

By Mr. OWEN:

A joint resolution (S. J. Res. 49) to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Five Civilized Tribes entitled to share in the funds of said tribes; to the Committee on Indian Affairs.

WITHDRAWAL OF PAPERS—FRED C. AND C. HELEN FISHER.

On motion of Mr. WARREN, it was

Ordered, That on the application of Fred C. and C. Helen Fisher they are authorized to withdraw from the files of the Senate all papers accompanying the bill (S. 2016, 62d Cong., 1st sess.) entitled "A bill for the relief of Fred C. and C. Helen Fisher," no adverse report having been made thereon.

APPORTIONMENT OF REPRESENTATIVES.

The VICE PRESIDENT. The morning business is closed. The Chair lays before the Senate House bill 2983, in accordance with its unanimous-consent agreement heretofore entered into.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. MARTIN of Virginia. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Culberson	Lodge	Root
Bailey	Cullom	McLean	Shively
Bankhead	Cummins	Martin, Va.	Simmons
Borah	Curtis	Martine, N. J.	Smith, Md.
Bourne	Dillingham	Myers	Smith, Mich.
Bradley	Dixon	Nelson	Smoot
Brandegee	Fletcher	Newlands	Stephenson
Briggs	Foster	Nixon	Stone
Bristow	Gamble	O'Gorman	Swanson
Brown	Gronna	Oliver	Taylor
Bryan	Heyburn	Overman	Thornton
Burnham	Hitchcock	Owen	Townsend
Burton	Johnson, Me.	Page	Warren
Chilton	Johnston, Ala.	Penrose	Watson
Clapp	Jones	Perkins	Wetmore
Clark, Wyo.	Kenyon	Poindexter	Works
Clarke, Ark.	Kern	Pomerene	
Crane	La Follette	Reed	
Crawford	Lippitt	Richardson	

The VICE PRESIDENT. Seventy-three Senators have answered to the roll call. A quorum of the Senate is present. Are there amendments to be offered to the bill?

Mr. BURTON. I desire to offer an amendment.

The VICE PRESIDENT. The Senator from Ohio offers the following amendment, which the Secretary will report.

The SECRETARY. On page 4, lines 15 and 16, strike out the words "by the legislature thereof in the manner herein prescribed," and insert in lieu thereof the words "in the manner provided by the laws thereof and in accordance with the rules enumerated in section 3 of this act," so that if amended the section will read:

SEC. 4. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws thereof and in accordance with the rules enumerated in section 3 of this act, etc.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. BURTON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Mr. President, a parliamentary inquiry. Are we voting on both amendments at one time?

The VICE PRESIDENT. It is proposed as one amendment, striking out and inserting.

Mr. BACON. Very well. I have a general pair with the senior Senator from Maine [Mr. FRYE], which I transfer to the junior Senator from Tennessee [Mr. LEA]. I vote "nay."

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. MYERS (when Mr. DAVIS's name was called). I was requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I make this announcement for the day.

Mr. DILLINGHAM (when his name was called). I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. It is a general pair; therefore I can not vote. If he were present, I would vote "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague [Mr. GALLINGER] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS]. If my colleague were present, he would vote "yea." I desire this statement to remain for the day.

Mr. CURTIS (when Mr. GUGGENHEIM's name was called). I was requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] has a general pair with the senior Senator from Kentucky [Mr. PAYNTER].

Mr. NELSON (when Mr. MCCUMBER's name was called). The Senator from North Dakota [Mr. MCCUMBER] is paired with the senior Senator from Mississippi [Mr. PERCY]. If the Senator from North Dakota were present, he would vote "yea" on this question.

Mr. McLEAN (when his name was called). I desire to announce that I have a general pair with the junior Senator from Oklahoma [Mr. GORE]. If he were present, he would vote "nay" and I would vote "yea."

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. If he were present, I would vote "yea."

Mr. PENROSE (when his name was called). I am paired on this and all other votes to-day with the junior Senator from

Mississippi [Mr. WILLIAMS]. I will let this announcement stand for the remaining votes.

Mr. MARTIN of Virginia (when Mr. PERCY's name was called). The Senator from Mississippi [Mr. PERCY] is paired with the Senator from North Dakota [Mr. MCCUMBER]. I desire that this statement may apply to all votes taken to-day.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. If he were present, I would vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Maryland [Mr. RAYNER].

The roll call having been concluded, the result was announced—yeas 39, nays 28, as follows:

YEAS—39.

Borah	Clark, Wyo.	Heyburn	Poindexter
Bourne	Clarke, Ark.	Jones	Root
Bradley	Crane	Kenyon	Smith, Mich.
Brandegee	Crawford	La Follette	Smoot
Briggs	Cullom	Lippitt	Stephenson
Bristow	Cummins	Lodge	Townsend
Brown	Curtis	Nelson	Warren
Burnham	Dixon	Nixon	Wetmore
Burton	Gamble	Page	Works
Clapp	Gronna	Perkins	

NAYS—28.

Bacon	Hitchcock	Newlands	Simmons
Bailey	Johnson, Me.	O'Gorman	Smith, Md.
Bankhead	Johnston, Ala.	Overman	Stone
Bryan	Kern	Owen	Swanson
Chilton	Martin, Va.	Pomerene	Taylor
Fletcher	Martine, N. J.	Reed	Thornton
Foster	Myers	Shively	Watson

NOT VOTING—23.

Chamberlain	Gallinger	McLean	Richardson
Culberson	Gore	Oliver	Smith, S. C.
Davis	Guggenheim	Paynter	Sutherland
Dillingham	Lea	Penrose	Tillman
du Pont	Lorimer	Percy	Williams
Frye	McCumber	Rayner	

So Mr. BURTON's amendment was agreed to.

Mr. REED. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to strike out all of section 4 and in lieu of said section to insert:

SEC. 4. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted by the legislature thereof, or by the people thereof, in the manner herein prescribed; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed.

Mr. LODGE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state his question of order.

Mr. LODGE. Is the amendment which has been read offered to replace the amendment just adopted by striking out and inserting?

The VICE PRESIDENT. It is offered as a substitute for the entire section—for the amendment and the remainder of the section.

Mr. BURTON. Mr. President, I make the point of order on that amendment, because the insertion of the words "by the people" would be the exact equivalent of an amendment to the amendment just adopted, and it is out of order; in other words, it practically restores the words just stricken out.

The VICE PRESIDENT. The Chair thinks that in the way in which the amendment is presented it is proper to receive it. In the one case the Senate acted upon the words "by the legislature thereof," and in the case presented by the Senator from Missouri the Senate is asked to pass upon the insertion of the words "or by the people thereof," which are additional words. The question is on agreeing to the substitute. [Putting the question.] The "noes" appear to have it.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BURTON. I ask unanimous consent that the portion of the section affected by this amendment be again read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The SECRETARY. The original text of section 4 reads:

That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted by the legislature thereof.

The only new words which appear in the amended section are after the words "legislature thereof," the words inserted being "or by the people thereof."

The VICE PRESIDENT. The Secretary will call the roll.

Mr. CUMMINS. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. CUMMINS. Is the substitute offered by the Senator from Missouri [Mr. REED] for the section a substitute for the section as amended on the motion of the Senator from Ohio [Mr. BURTON]?

The VICE PRESIDENT. Yes; certainly.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], and vote. I vote "yea."

Mr. CULBERSON (when his name was called). In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withhold my vote.

Mr. DILLINGHAM (when his name was called). I again announce my general pair with the Senator from South Carolina [Mr. TILLMAN], and withhold my vote. If he were present, I should vote "nay."

Mr. OLIVER (when his name was called). I again announce my general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I make this announcement to stand for the day on all succeeding votes.

Mr. RICHARDSON (when his name was called). I again announce my pair with the junior Senator from South Carolina [Mr. SMITH], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 29, nays 38, as follows:

YEAS—29.

Bacon	Hitchcock	O'Gorman	Stone
Bankhead	Johnson, Me.	Overman	Swanson
Bourne	Johnston, Ala.	Owen	Taylor
Bryan	Kern	Pomerene	Thornton
Chilton	Martin, Va.	Reed	Watson
Clarke, Ark.	Martine, N. J.	Shively	
Fletcher	Myers	Simmons	
Foster	Newlands	Smith, Md.	

NAYS—38.

Borah	Crane	Kenyon	Root
Bradley	Crawford	La Follette	Smith, Mich.
Brandegee	Cullom	Lippitt	Smoot
Briggs	Cummins	Lodge	Stephenson
Bristow	Curtis	Lorimer	Townsend
Brown	Dixon	Nelson	Warren
Burnham	Gamble	Nixon	Wetmore
Burton	Gronna	Page	Works
Clapp	Heyburn	Perkins	
Clark, Wyo.	Jones	Poindexter	

NOT VOTING—23.

Bailey	Frye	McLean	Richardson
Chamberlain	Gallinger	Oliver	Smith, S. C.
Culberson	Gore	Paynter	Sutherland
Davis	Guggenheim	Penrose	Tillman
Dillingham	Lea	Percy	Williams
du Pont	McCumber	Rayner	

So Mr. REED's amendment was rejected.

Mr. BURTON. Mr. President, I have another amendment which I desire to offer.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following as a new section:

SEC. 5. That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound the "ayes" have it, and the amendment is agreed to.

Mr. BACON. Did I understand the Chair to declare that the amendment was carried?

The VICE PRESIDENT. The Chair so declared.

Mr. ROOT. I offer the amendment I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out from and including line 5, on page 1, down to and including line 15, on page 3, and in lieu thereof to insert the following:

Three hundred and ninety-one Members to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 7; California, 10; Colorado, 3; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 11; Idaho, 1; Illinois, 24; Indiana, 12; Iowa, 10; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 14; Michigan, 12; Minnesota, 9; Mississippi, 8; Missouri, 14; Montana, 2; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 11; New York, 39; North Carolina, 9; North Dakota, 2; Ohio, 20; Oklahoma, 7; Oregon, 3; Pennsylvania, 33; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 9; Texas, 17; Utah, 2; Vermont, 2; Virginia, 9; Washington, 5; West Virginia, 5; Wisconsin, 10; Wyoming, 1.

Mr. SHIVELY. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. CULBERSON (when his name was called). I again announce that in the absence of my pair, the Senator from Delaware [Mr. DU PONT], I withhold my vote.

Mr. DILLINGHAM (when his name was called). As I have already announced, I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I am informed by the Senator from Virginia [Mr. MARTIN] that if the Senator from South Carolina were present he would vote against this amendment. I am therefore released, as I shall vote the same way. I vote "nay."

The roll call was concluded.

Mr. NELSON. I desire to state that the senior Senator from North Dakota [Mr. MCCUMBER] is paired with the senior Senator from Mississippi [Mr. PERCY]. If the Senator from North Dakota were present, he would, on this amendment, vote "nay."

Mr. CULBERSON. I transfer my pair to the Senator from South Carolina [Mr. TILLMAN], and vote. I vote "nay."

The result was announced—yeas 23, nays 46, as follows:

YEAS—23.

Bourne	Clark, Wyo.	La Follette	Smith, Mich.
Brandegee	Clarke, Ark.	Lodge	Smoot
Briggs	Crane	Nelson	Townsend
Bristow	Dixon	Nixon	Warren
Burnham	Jones	Poindexter	Works
Burton	Kenyon	Root	

NAYS—46.

Bacon	Curtis	Lorimer	Shively
Bailey	Dillingham	Martin, Va.	Simmons
Bankhead	Fletcher	Martine, N. J.	Smith, Md.
Borah	Foster	Myers	Stephenson
Bradley	Gamble	Newlands	Stone
Brown	Gronna	O'Gorman	Swanson
Bryan	Heyburn	Overman	Taylor
Chilton	Hitchcock	Owen	Thornton
Clapp	Johnson, Me.	Page	Watson
Culberson	Johnston, Ala.	Perkins	Wetmore
Cullom	Kern	Pomerene	
Cummins	Lippitt	Reed	

NOT VOTING—21.

Chamberlain	Gore	Paynter	Sutherland
Crawford	Guggenheim	Penrose	Tillman
Davis	Lea	Percy	Williams
du Pont	McCumber	Rayner	
Frye	McLean	Richardson	
Gallinger	Oliver	Smith, S. C.	

So Mr. ROOT's amendment was rejected.

Mr. GRONNA. At the requst of my colleague [Mr. MCCUMBER] I present the following amendment. He is necessarily absent from the city. In connection with it I ask unanimous consent to have printed in the RECORD a short statement made by him. It contains only about a dozen lines.

The VICE PRESIDENT. Is there objection?

Mr. LODGE. Does that conform to the unanimous-consent agreement?

The VICE PRESIDENT. It would require unanimous consent. The Chair was in doubt even whether it ought to be put for unanimous consent.

Mr. LODGE. I do not see how we can modify a unanimous-consent agreement.

The VICE PRESIDENT. The Senator from Massachusetts objects, anyway.

Mr. PENROSE. The statement can be inserted in the RECORD after this matter is disposed of.

The VICE PRESIDENT. Afterwards; certainly.

Mr. GRONNA. That was my request.

Mr. LODGE (to Mr. GRONNA). Make the request after the bill is disposed of.

The VICE PRESIDENT. The Senator can make the request after the matter is disposed of, not now.

The Senator from North Dakota, on behalf of his colleague [Mr. MCCUMBER], offers an amendment, which the Secretary will report.

The SECRETARY. It is proposed to strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

That after the 3d day of March——

The VICE PRESIDENT. One moment. The Chair thinks that is not in order at the present time. There has been one motion to strike out and insert.

Mr. GRONNA. This amendment was offered in the Senate by my colleague on the 18th day of July. It was ordered to be printed and to lie on the table.

The VICE PRESIDENT. The Chair understands this is a different proposition. The Secretary will report the amendment.

The SECRETARY. It is proposed to strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

That after the 3d day of March, 1913, the House of Representatives shall be composed of 405 Members, to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 7; California, 10; Colorado, 4; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 11; Idaho, 1; Illinois, 25; Indiana, 12; Iowa, 10; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 15; Michigan, 12; Minnesota, 9; Mississippi, 8; Missouri, 15; Montana, 2; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 11; New York, 40; North Carolina, 10; North Dakota, 3; Ohio, 21; Oklahoma, 7; Oregon, 3; Pennsylvania, 34; Rhode Island, 2; South Carolina, 7; South Dakota, 3; Tennessee, 10; Texas, 17; Utah, 2; Vermont, 2; Virginia, 9; Washington, 5; West Virginia, 5; Wisconsin, 10; Wyoming, 1.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Dakota in behalf of his colleague.

Mr. HEYBURN. I desire to suggest a point of order. We have already voted upon a motion to strike out and insert these items with the exception probably of half a dozen. I do not understand, under the rules, that those States that were included in the former motion to strike out and insert can be again——

The VICE PRESIDENT. That was the Chair's notion at the first reading, and it is the Chair's notion now that it can not be offered at this stage of the proceeding. The Chair sustains the point of order raised by the Senator from Idaho.

Mr. HEYBURN. We have voted on that.

The VICE PRESIDENT. Are there other amendments? If not, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. GRONNA. On behalf of my colleague I offer the amendment which I sent to the desk a few moments ago.

The VICE PRESIDENT. The Senator from North Dakota, on behalf of his colleague, offers the amendment which has just been read. If there be no objection, the amendment will not be read again.

The question first is on concurring in the amendments made as in Committee of the Whole.

Mr. ROOT. May there be read the first three lines of the amendment, which will state the present number?

The VICE PRESIDENT. Without objection, the Secretary will read again.

The SECRETARY. In section 1 strike out all after the enacting clause and insert:

That after the 3d day of March, 1913, the House of Representatives shall be composed of 405 Members.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Dakota on behalf of his colleague.

Mr. REED. A parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. REED. Is not this the amendment which was just ruled out of order?

The VICE PRESIDENT. In the Committee of the Whole. The bill is now in the Senate.

The question is on agreeing to the amendment. [Putting the question.] By the sound the noes appear to have it.

Mr. ROOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. DILLINGHAM (when his name was called). On this question I am released from my general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I vote "nay."

The roll call was concluded.

Mr. OWEN. I should like to announce the pair of my colleague [Mr. GORE] with the Senator from Connecticut [Mr. MCLEAN].

Mr. CULBERSON. I transfer my pair to the senior Senator from South Carolina [Mr. TILLMAN], and will vote. I vote "nay."

The result was announced—yeas 22, nays 47, as follows:

YEAS—22.

Brandegee	Crawford	Lodge	Smoot
Bristow	Cullom	Lorimer	Townsend
Burnham	Dixon	Nelson	Warren
Burton	Gronna	Nixon	Works
Clark, Wyo.	Jones	Poindexter	
Crane	La Follette	Root	

NAYS—47.

Bacon	Cummins	Lippitt	Shively
Bailey	Curtis	Martin, Va.	Simmons
Bankhead	Dillingham	Martine, N. J.	Smith, Md.
Borah	Fletcher	Myers	Smith, Mich.
Bourne	Foster	Newlands	Stephenson
Bradley	Gamble	O'Gorman	Stone
Brown	Heyburn	Overman	Swanson
Bryan	Hitchcock	Owen	Taylor
Chilton	Johnson, Me.	Page	Thornton
Clapp	Johnston, Ala.	Perkins	Watson
Clarke, Ark.	Kenyon	Pomerene	Wetmore
Culberson	Kern	Reed	

NOT VOTING—21.

Briggs	Gore	Paynter	Sutherland
Chamberlain	Guggenheim	Penrose	Tillman
Davis	Lea	Percy	Williams
du Pont	McCumber	Rayner	
Frye	McLean	Richardson	
Gallinger	Oliver	Smith, S. C.	

So Mr. MCCUMBER's amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The statement prepared by Mr. MCCUMBER and presented by Mr. GRONNA, with respect to the amendment offered by Mr. GRONNA on behalf of Mr. MCCUMBER, is as follows:

Under this amendment 9 States would lose 1 Member each from their present apportionment. These States are Indiana, Iowa, Kansas, Kentucky, Maine, Missouri, Nebraska, Virginia, and Wisconsin, and 10 States would gain 1 Representative each, namely, Colorado, Georgia, Massachusetts, Montana, New Jersey, North Dakota, Oregon, South Dakota, Texas, and Utah; 4 States would gain 2 Representatives, namely, California, Oklahoma, Pennsylvania, and Washington, while the State of New York would gain 3.

This would increase the membership of the House 12 Members, until such time as Arizona or New Mexico would be admitted, and in that event the membership would be increased 2 more, 1 for each of those States.

NEW MEXICO AND ARIZONA.

Mr. SMITH of Michigan. I move that the Senate proceed to the consideration of the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

The motion was agreed to.

Mr. SMITH of Michigan. I move to make the joint resolution the unfinished business.

The VICE PRESIDENT. That can not be done now; it is the unfinished business at 2 o'clock.

IRRIGATION DISTRICTS UNDER TERRITORIAL LAWS.

Mr. BRISTOW. I ask unanimous consent to call up the bill (S. 2541) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes."

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

Mr. HEYBURN. Mr. President, I rise for information. I would inquire what disposition was made of the motion of the Senator from Michigan to proceed to the consideration of the statehood resolution?

The VICE PRESIDENT. That motion prevailed. Pending further action upon the joint resolution, the Senator from Kansas asks unanimous consent for the present consideration of the bill which is about to be read. The Senator from Michigan moved that the joint resolution which had been taken up be made the unfinished business, but the Chair did not entertain the motion because it was not in order.

Mr. HEYBURN. My difficulty was that I did not hear the Secretary read the joint resolution that was taken up.

The VICE PRESIDENT. It is now under consideration, and the Senator from Kansas asks unanimous consent for the present consideration of Senate bill 2541, which will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4 of the act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," approved July 30, 1886, by adding to that section the following proviso:

Provided, That the prohibitions and limitations contained in this section shall not be construed to apply to irrigation districts heretofore or hereafter organized in accordance with Territorial laws.

The bill was reported to the Senate without amendment.

Mr. BACON. Mr. President, I should like to make an inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BACON. It is whether or not the bill has the approval of the Committee on Territories.

The VICE PRESIDENT. It was reported by the Committee on Territories.

Mr. BACON. With a recommendation for its passage?

The VICE PRESIDENT. It was favorably reported.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). The joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States is before the Senate as in Committee of the Whole.

Mr. NEWLANDS. Mr. President, I understand that the joint resolution will come up at 2 o'clock.

The PRESIDING OFFICER. It is now before the Senate.

Mr. SMITH of Michigan. I ask that the joint resolution be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Michigan asks that the pending business be temporarily laid aside. Is there unanimous consent? The Chair hears no objection, and the pending business is laid aside.

Mr. NEWLANDS. I ask unanimous consent that Senate resolution 109 be taken up for consideration.

Mr. BURTON. May I ask what the number is on the calendar?

Mr. NEWLANDS. The calendar number is 94. It is the resolution relating to a legislative program. It has already been considered in part and amended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada that the Senate proceed to the consideration of Senate resolution 109?

Mr. SMOOT. I should like to ask the Senator from Nevada if he calls up the resolution for the purpose of speaking upon it or for the purpose of having a vote upon it to-day?

Mr. NEWLANDS. I call it up for the purpose of having a vote.

Mr. SMOOT. There are a number of Senators away at this time who are interested in this matter. I shall object to its consideration. I ask that it may go over.

The PRESIDING OFFICER. Objection is made.

Mr. NEWLANDS. I move that Senate resolution 109 be taken up.

The PRESIDING OFFICER. The Senator from Nevada moves that, notwithstanding the objection of the Senator from Utah, the Senate proceed to the consideration of Senate resolution No. 109.

The motion was not agreed to.

Mr. SMOOT. I move that the Senate proceed to the consideration of the calendar under Rule VIII.

The PRESIDING OFFICER. It requires no motion. The Senate will proceed to the consideration of the calendar under Rule VIII.

The bill (S. 25) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real estate brokers in the District of Columbia was announced as first in order on the calendar.

Mr. HEYBURN. I ask that the bill may go over.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The bill will go over under the objection of the Senator from Idaho.

Mr. CURTIS. I move that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of the bill, the objection of the Senator from Idaho to the contrary notwithstanding.

Mr. HEYBURN. I would suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Martine, N. J.	Smith, Md.
Bankhead	Clarke, Ark.	O'Gorman	Smith, Mich.
Borah	Crane	Overman	Smoot
Bourne	Curtis	Page	Stephenson
Bradley	Gronna	Penrose	Swanson
Brandegee	Heyburn	Perkins	Taylor
Briggs	Hitchcock	Poindexter	Thornton
Bristow	Johnson, Me.	Pomerene	Townsend
Brown	Jones	Reed	Warren
Burnham	Kern	Root	Watson
Burton	Lodge	Shively	Wetmore
Chilton	Martin, Va.	Simmons	

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum of the Senate is present.

Mr. SMOOT obtained the floor.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield.

Mr. SIMMONS. I desire to ask unanimous consent to call up from the table Senate bill 2846, for the improvement of rural-delivery roads, and have it referred to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that the pending question is upon the motion of the Senator from Kansas [Mr. CURTIS] to proceed to the consideration of Senate bill 25, the first bill on the calendar, and pending that motion the absence of a quorum was suggested by the Senator from Idaho. A quorum having been developed, the Chair considers himself obliged to place the motion of the Senator from Kansas before the Senate, and it is not debatable.

Mr. BACON. I understand——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I yield to the Senator.

Mr. BACON. I understand that a motion to take up is not debatable. A parliamentary inquiry, however, I think, is in order?

The PRESIDING OFFICER. It is.

Mr. BACON. It is this: The Senate is now under a unanimous-consent agreement with reference to the joint resolution which is now the unfinished business, and to displace it would undoubtedly be a violation of that unanimous-consent agreement.

The PRESIDING OFFICER. The unfinished business under the unanimous-consent agreement will not come before the Senate until the hour of 2 o'clock, in the opinion of the Chair, and pending the time before that hour the Senator from Kansas moves that the Senate proceed to the consideration of the first order of business on the calendar.

Mr. BACON. Then I make the parliamentary inquiry, whether, in the opinion of the Chair, the motion relates only to business being in order until 2 o'clock?

The PRESIDING OFFICER. Only until then.

Mr. BACON. Very well.

The PRESIDING OFFICER. When the hour of 2 o'clock arrives the Chair will lay before the Senate House joint resolution 14 as the unfinished business, whether the motion of the Senator from Kansas is carried or not. The question is on agreeing to the motion of the Senator from Kansas. [Putting the question.] In the opinion of the Chair the ayes have it.

Mr. REED. I ask for a roll call.

The PRESIDING OFFICER. The Senator from Missouri demands the yeas and nays.

The yeas and nays were not ordered.

Mr. HEYBURN. I ask for information upon what the vote is to be taken.

The PRESIDING OFFICER. Upon the motion of the Senator from Kansas that the Senate proceed to the consideration of Senate bill 25, the first bill on the calendar.

Mr. SMOOT. If the motion prevails, it will not displace the statehood resolution, which has been temporarily laid aside?

The PRESIDING OFFICER. As the Chair understands, the statehood resolution being the unfinished business, it will be laid before the Senate at 2 o'clock, and before that time it is competent for the Senate to consider any other measure.

Mr. PENROSE. I move that the Senate adjourn.

Mr. HEYBURN. I wish the Senator from Pennsylvania would withhold the motion.

Mr. PENROSE. Very well; I withhold the motion.

The PRESIDING OFFICER. The Senator from Pennsylvania withholds the motion.

Mr. HEYBURN. I do not want to discuss a motion to adjourn, but I desire to make a statement before a motion to adjourn is put, a motion to adjourn not being debatable. There is pending a demand for the yeas and nays on the motion of the Senator from Kansas.

The PRESIDING OFFICER. The Chair overruled the demand because there was not a second to the call.

Mr. HEYBURN. Very well; then there is nothing pending.

The PRESIDING OFFICER. The motion of the Senator from Kansas [Mr. CURTIS] is pending, and pending that the Senator from Pennsylvania moved that the Senate adjourn.

Mr. HEYBURN. That motion not being debatable, I sincerely hope that no motion to adjourn will be pressed, because notice has been given by Senators who desire to speak upon the statehood resolution which will occupy all of Monday, and more, too. There remain only to-day and to-morrow and Saturday to discuss the statehood resolution.

Some Senators may be better advised than I in regard to the situation of the joint resolution before this body. I desire to see developed something that will enable us to form a more accurate and better judgment as to the kind of support or opposition that is to be given to that measure. I deem it as very important. I am not at all inclined to allow it to go by default, so far as I am concerned. If we were going to take up another matter that would occupy the Senate until 2 o'clock—and I am speaking now by unanimous consent—then at 2 o'clock we would know very well what to do; but in the meantime I think the Senate should continue in session until 2 o'clock in order that we may have as a basis of our action the status of the existing unfinished business.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. The Chair desires to state that the colloquy or running debate at present is proceeding by unanimous consent. There is a motion pending before the Senate which is not debatable. Does the Senator from Michigan rise to a parliamentary inquiry?

Mr. SMITH of Michigan. I do not.

Mr. HEYBURN. I asked for unanimous consent, and I received it.

Mr. REED. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state it.

Mr. REED. Is the motion of the Senator from Kansas [Mr. CURTIS] still before the Senate?

The PRESIDING OFFICER. It is, and it is the only motion before the Senate.

Mr. REED. Has a motion been made to adjourn?

The PRESIDING OFFICER. A motion to adjourn was made by the Senator from Pennsylvania [Mr. PENROSE]; it then was withheld, and is now held in abeyance.

Mr. REED. I make the point of no quorum, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Martine, N. J.	Root
Bankhead	Crane	Nelson	Simmons
Bourne	Crawford	O'Gorman	Smith, Mich.
Bradley	Curtis	Oliver	Smoot
Brandegee	Gamble	Owen	Stephenson
Briggs	Heyburn	Page	Taylor
Bristow	Johnson, Me.	Penrose	Thornton
Brown	Jones	Perkins	Warren
Burnham	La Follette	Poindexter	Watson
Burton	Lodge	Pomerene	Wetmore
Chilton	Martin, Va.	Reed	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. A quorum of the Senate is not present.

Mr. PENROSE. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 4, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 3, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven help us to live strong, pure, noble, brave, generous-hearted Christian lives in all the complicated relationships of this existence. We pray, Our Father, and then forget that we are brothers, and sometimes the strong oppress the weak, the rich grind the poor, the ambitious traduces and smirches the character of a brother to blast his reputation. Forgive us, Oh we beseech Thee, for that; we pray hallowed be Thy name, and then take that holy name in profanity upon our lips. Forgive us, we beseech Thee, for that. We pray let Thy kingdom come and Thy will be done in earth, as it is in heaven, then go about sowing the seeds of discord. Forgive us, we beseech Thee, for that. Help us to pray gold and live golden lives; to pray righteously and live righteous lives, after the similitude of the world's great exemplar. Amen.

CALL OF THE HOUSE.

Mr. BELL of Georgia. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Georgia makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and seventy-nine Members present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER directed the doors to be closed and the Clerk to call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson, Ohio	Gillett	Langley	Pujo
Andrus	Glass	Latta	Rainey
Barchfeld	Goodwin, Ark.	Legare	Ransdell, La.
Bartlett	Gordon	Lever	Riordan
Bates	Gregg, Pa.	Lindsay	Rodenberg
Beall, Tex.	Gudger	Littleton	Rothermel
Boehne	Guernsey	Loud	Rouse
Broussard	Hamilton, W. Va.	Loudenslager	Small
Burke, Pa.	Hardy	McCreary	Smith, N. Y.
Cantrill	Haugen	McGillicuddy	Smith, Tex.
Cary	Hawley	McHenry	Stack
Crago	Henry, Conn.	McKenzie	Stanley
Cravens	Hobson	Maher	Stephens, Miss.
Danforth	Howell	Martin, S. Dak.	Stephens, Tex.
Davidson	Hubbard	Matthews	Stevens, Minn.
De Forest	Hughes, N. J.	Moon, Pa.	Sulloway
Dies	Hughes, W. Va.	Moore, Pa.	Switzer
Difenderfer	Humphrey, Wash.	Murdock	Talbott, Md.
Ellerbe	Humphreys, Miss.	Needham	Taylor, Ala.
Estopinal	Jones	Palmer	Underhill
Faison	Kennedy	Parran	Vreeland
Fields	Kinkaid, Nebr.	Patten, N. Y.	Webb
Fordney	Konig	Plumley	White
Fornes	Konop	Porter	Wilson, Pa.
Francis	Lamb	Powers	Young, Mich.
Gardner, Mass.	Langham	Prince	Young, Tex.

The SPEAKER pro tempore (Mr. CLAYTON). The call discloses the fact that there are 282 Members present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were reopened.

The Journal of the proceedings of yesterday was approved.

ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, there are a number of bills on the calendar put there by unanimous consent, all with the approval of the Committee on the District of Columbia. I therefore ask unanimous consent that next Saturday be set apart for their consideration.

The SPEAKER. The gentleman from Kentucky asks that next Saturday be set aside for the consideration of District of Columbia bills. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kentucky when the next District day comes regularly?

Mr. JOHNSON of Kentucky. Next Monday week.

Mr. MANN. It seems to me that there is plenty of time to pass on the bills.

Mr. JOHNSON of Kentucky. There is plenty of time if Congress does not adjourn before then. It is that possibility that I wish to anticipate.

Mr. MANN. If there is any prospect of Congress adjourning before then, we will learn it in due time. I think at present I shall have to object.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following applications for leave of absence:

Mr. HARDY, indefinitely, on account of illness.

Mr. GUERNSEY, indefinitely, on account of death in his family.

Mr. REDFIELD, for two weeks, commencing the 4th instant, because of business of an imperative nature.

The SPEAKER. Is there objection to these requests?

Mr. MANN. Mr. Speaker, I shall not object to the requests for leave of absence on account of illness or death in family, but to all others I shall for the present object.

The SPEAKER. The gentleman from Illinois objects to the leave of absence for the gentleman from New York [Mr. REDFIELD] on account of business, but does not object to those that are asked on account of sickness, and it will be so ordered.

THE COTTON SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton, with Mr. CULLOP in the chair.

The CHAIRMAN. By order of the House, general debate is closed. The bill will now be considered under the five-minute rule, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That on and after the 1st day of January, 1912, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be subject to the payment of duties at the rates hereinafter provided; that is to say:

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I shall offer no other amendment to this bill, not because I do not think the bill could be improved, for perhaps the most substantial improvement that could be made to it would be a motion to strike out the enacting clause. I could suggest other amendments that would improve it all along the line; but, Mr. Chairman, what is the use? In the first place, we have an eminent statistician at work upon the cotton schedule. He happens to represent the Tariff Reform League of the city of New York. He is Mr. Parsons, of that league. That tariff-reform league is a free-trade institution, and it always has been, headed by our old friend John De Witt Warner, who used to be a Member of the House and who proclaimed free trade here when it was not quite so popular among the Democracy as it is at the present time.

I do not believe that my genial friend from Alabama [Mr. UNDERWOOD], if he were a free moral agent here, would allow any amendments to this bill unless he got statistics from Mr. Parsons which would justify the amendment in the opinion of the gentleman from Alabama and also the gentleman from New York, Mr. Parsons. But, Mr. Chairman, even though I got the consent of the gentleman from Alabama, still the bill could not be amended, because there are some two hundred and odd gentlemen on the other side who have become slaves to the caucus of the Democratic Party, and they vote whichever way the majority of that party say. They have adopted this bill without amendment from beginning to end and without consideration of amendment to the bill. They did it on a one-sided hearing. They had the information for the purpose of defending the bill contained in the print of the bill that was laid before the caucus, and it does not appear that they had any other information on the subject. They spent some of their time in deliberating whether they would take up the cotton schedule or the iron schedule, but that does not seem to have taken much time, because the iron schedule was brushed aside at an early stage of the proceedings, against the protest of my genial friend from Alabama [Mr. UNDERWOOD]. They have agreed on this bill, and what is the use of spending your breath offering an amendment to it. Why, they had the wool bill here under the same conditions. They had a free-list bill under the same conditions. We offered amendments on this side. Most of the sensible men on that side were convinced that the amendments, many of them, ought to be adopted in order to make the bill intelligible, let alone improving it as a revenue measure, but they did not dare to vote for them. Those amendments were voted down by a solid vote, because the caucus, without information on this subject and without a suggestion from any gentleman in the caucus as to the improvement of the bill, had voted that it should pass as it passed the caucus.

Mr. Chairman, all of this matter will get before the country in due time. The people will understand the methods of you gentlemen on that side. You will not be able to cry "czarism" and shake your fingers at us. That issue is played out. Even the muckrake magazines can not raise it against us. They may take hold of it and expose you. What a nice bit of sensational business that would be—just to give the facts in regard to your action in caucus and your action on great tariff bills.

What matter if these cotton schedules affect the production of over $800,000,000 worth of goods and over a half a million laborers employed in that industry? What difference does it make? You have given your conscience over to the keeping of the Democratic end of the Committee on Ways and Means——

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield——

Mr. PAYNE (continuing). And they have given theirs over to the chairman of the committee, and whether the gentleman from New York, Mr. Parsons, has the keeping of the chairman's conscience, I am not able to inform you.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to his colleague?

Mr. PAYNE. Why, certainly.

Mr. FITZGERALD. The gentleman prepared a tariff bill——

Mr. PAYNE. Yes.

Mr. FITZGERALD (continuing). Which was passed, and under the rule which was adopted not only could no amendment be offered in the House, but the gentleman did not even submit his bill to a Republican caucus. What is he complaining about now?

Mr. PAYNE. The gentleman is acting apparently on misinformation——

Mr. FITZGERALD. Oh, no.

Mr. PAYNE (continuing). He was present here and he ought to know better.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PAYNE. Mr. Chairman, I ask for an additional five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Amendments were offered to what?

Mr. PAYNE. The House adopted a rule by which the committee amendments were given the preference, but individuals did offer amendments to that bill.

Mr. FITZGERALD. To what part of that bill?

Mr. PAYNE. The barley schedule, for instance, and I could name others.

Mr. KENDALL. The lumber schedule also.

Mr. PAYNE. And oil.

Mr. KENDALL. And hides.

Mr. PAYNE. I do not know the number of things, but they are so numerous I can not enumerate them in the five minutes I have.

Mr. WILSON of Illinois. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. PAYNE. I do.

Mr. WILSON of Illinois. May I suggest to the gentleman that the Republican Party is not in the habit of legislating by caucus?

Mr. PAYNE. Of course the House did it. I supposed my friend from New York understood that and it was not necessary to mention it. The House passed upon these amendments and nobody was bound to vote either way. Gentlemen on this side did not follow me on all of them and they voted as they pleased, some with the Democratic Party, and they were privileged to do so. We did not ask them to go into a Republican caucus and bind themselves in advance. But it is different over there. You have created a body unknown to the Constitution, unknown to legislation in regard to a tariff bill, to pass upon these bills affecting the great interests of this country, a caucus, a one-sided affair. Nobody but the gentleman from Alabama occupied the floor for the most part, and according to what we got out of it he was all over the floor pretty much all the time. The people representing the southern cotton mills sat here speechless. Your constituents wanted to be heard before the committee, and they plead with the chairman for a hearing in regard to their business. Oh, no; he was turned down; he was turned down—the southern cotton-mill representative. One of these days he will turn about and do something on his own hook, because he had a right to be heard. [Applause on the Republican side.] They will demand their right to be heard of the American people, and they will put a party in here that will hear the people. What are you passing this bill for; do you expect it to become a law? You are trying to put the President in a hole, are you? Why, Mr. Chairman, if you sent bills there from now until the 1st day of December it will not be a marker in the direction of putting the President in a hole.

That gentleman, statesman, man of brains, and man of character has certain settled convictions, and one of them is in favor of a Tariff Board for collecting evidence and using it in the making up of schedules. Do you suppose it is going to embarrass him to send these crude, ill-examined, uninformed bills to him for a veto? Why, he has the greatest opportunity that a President has had in years to stand up to the convictions which he has so long espoused, and veto these bills one after another, until you have considered the information which my dear friend from Alabama so much wanted when the question of a Tariff Board was up for discussion in the House less than six months ago. Oh, how he pleaded with you with tears in his eyes! If it is necessary in making a protective tariff, how much more necessary will it be when we come to make a tariff for revenue only? [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from New York [Mr. PAYNE] has again expired.

Mr. PAYNE. I will not trespass further now. I will try and strike out another word at some other time, Mr. Chairman.

However, under the leave to print I will add now a letter printed in the New York Sun of August 3, 1911, as follows:

THE COTTON INDUSTRY.

WASHINGTON, *August 2.*

A preliminary statement issued by the Bureau of the Census shows the product value of the cotton manufactures of the country in 1909 as $828,270,364, including cloth, small wares, hosiery, and knit goods. The capital represented by these industries is $983,963,497, and the average number of wage earners exceeds 500,000. The cost of the materials used in that year was $477,496,880, and the pay rolls, not including salaried officials and the clerical force, amounted to $171,109,253. The payments to officials and clerks are not reported in the statement, but from reports of earlier years it may be assumed that they were not far from $15,000,000.

The output value being $828,000,000 and payments for materials, wages, and salaries amounting to approximately $663,000,000, to which may be added 7 per cent of output value, or about $60,000,000 for rent, taxes, insurance, interest, and other sundry expenses, approximately $100,000,000 is left to cover the cost of selling, packing, distribution, business losses, and all else, including profits. It is evident that the net profits of the industry as a whole are not and can not be more than 7 or 8 per cent at the most on either the cost of the merchandise or the capital actually invested. The fallacy of enormous profits in the industry, because there are mills that pay from 20 to 40 per cent dividends on a capitalization that represents only a quarter or a half of the actual investment or physical valuation, has been fully shown. A badly managed mill is almost certain to fail, and a well-conducted enterprise makes no more than a reasonable profit.

The division of the total output value of the industry is:

Cotton goods	$616,524,665
Small wares	13,174,111
Hosiery and knit goods	198,571,568

The development of the industry can not be shown on a basis of output value, for the reason that in the census year 1899 the average price of raw cotton was 6.88 cents a pound, while in 1909 the price averaged 12.68 cents. Measured in terms of raw cotton used in American mills and factories, it appears that there was a gain of about 25 per cent. Measured in yards, there was an increase of 54 per cent in the production of plain cloths for printing or converting, of 8 per cent in brown or bleached sheetings and shirtings, of 93 per cent in ginghams, of 80 per cent in fancy woven fabrics; of 148 per cent in corduroy, cotton velvet, and plush; of 126 per cent in lace and lace curtains; of 22 per cent in cotton twine; and gains large or small in other lines. Measured by capital, the industry nearly doubled, the increase having been:

	Cotton goods.	Small wares.	Hosiery and knit goods.
1899	$460,842,772	$6,397,385	$81,860,604
1909	808,287,933	12,820,772	162,854,787

These various evidences of the growth of the industry demonstrate the increase in domestic consumption and in the purchasing power of the people. Broadly viewed, there appears to have been an increase of perhaps a little more than 25 per cent in production, measured in quantity, but there was an increase of nearly 100 per cent in output value, due principally to much higher cost of raw material and in part to increased wages to employees. The present high cost of cotton goods is attributable far more to the high cost of raw cotton than to the influences of the tariff. The growth of the industry in the different sections of the country is interesting. While there has been a particularly notable expansion in the South, the older centers of manufacture have not been standing still.

The increase is measurable in consumption of raw cotton and in the number of active spindles. In 1900 the mills of the cotton-growing States operating 4,367,688 spindles, used 1,523,168 bales of cotton; in 1910, with 10,801,494 spindles, they used 2,292,333 bales. The mills of New England, with 13,171,377 spindles, in 1900 used 1,909,498 bales of raw cotton, and in 1910, with 16,112,496 spindles, used 2,016,386 bales. The fact that the cotton-growing States used more cotton than was used in New England is explained by the transfer to the South of a very large part of the trade in coarse and heavy goods, while the New England mills have given their attention mainly to the finer weaves, requiring more and better labor and less raw material. In a 500-pound bale of cotton there may be 2,000 yards or less of a coarse and heavy cloth or 10,000 yards or more of fine fabric. The figures for 1909 are not yet at hand, but the point may be illustrated by the figures for 1905. In that year these products are reported for the respective sections in yards:

	New England.	Southern States.
Brown or bleached shirtings and sheetings	373,000,000	737,000,000
Duck	23,000,000	81,000,000
Drills	30,000,000	164,000,000
Ticks, denims, and stripes	109,000,000	139,000,000
Yarns for sale (pounds)	113,000,000	204,000,000

These products represent quantity of raw material rather than quality of product. How much can be shaved from the present tariff on cotton goods without serious danger to the mills, northern or southern, remains to be seen. At least it does not appear, as far as the mills are concerned, that the profits of the industry are criminally swollen by Schedule I.

Mr. UNDERWOOD. Mr. Chairman, just a word in opposition to the gentleman. The gentleman from New York states that this side of the House legislates by caucus. It legislates with a unanimous party. [Applause on the Democratic side.] There is no way that I know of that the party's position can be ascertained until they meet in caucus. On the other hand, I say it is to the discredit of the gentlemen on that side of the House that when the Payne bill came before the last Congress the Republican Party desired to present it to this House under a rule that would prevent any amendment being offered, and it was only by the coercion of the gentleman then from Minnesota, Mr. Tawney, and other Members on that side of the House, that your party was forced to bring in a rule that allowed 5 amendments. [Applause on the Democratic side.] It allowed the House to consider 5 items in the bill carrying, as I believe was estimated, in the neighborhood of 4,000 items. You allowed the House to vote on 5 propositions, and then

ordered it to swallow the bill as a whole or none. [Applause on the Democratic side.]

That is the difference between the two parties. There is not a man on this side of the House that is bound against his conscience or is bound against the will of his constituency, even if it requires a two-thirds vote in the Democratic caucus to make a proposition binding as a party measure, but has a right to exempt himself from that caucus rule, and that right has been availed of a number of times since these matters have been brought before the House. So that to come here and claim that we are shackled is to try and make the country believe a statement that the real facts do not justify.

Now, the gentleman from New York [Mr. PAYNE] himself knows, and every man on that side of the House knows, that with the various bills we have considered here men have arisen in the caucus and said that a bill was not in accord with their promises to their constituents or their consciences, exempted themselves from the caucus rule and voted as they pleased, without any criticism from anyone on this side of the House. The difference is that we bring a bill before this House—the only time in the history of this House for many years and never in the history of the Republican Party—and throw it wide open. [Applause on the Democratic side.] We allow any man on that side of the House to offer his amendment, make his argument, and present his case to the American people. But when the Payne bill was under consideration we were not only not allowed to offer any amendments, but we could not speak in the Committee of the Whole except to the five amendments that you permitted because the other amendments were not germane to the bill. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. Debate on this amendment under the rule has closed, and without objection the pro forma amendment of the gentleman from New York [Mr. PAYNE] will be withdrawn. [After a pause.] The Chair hears no objection.

Mr. MANN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD] taunts this side of the House because of its division. Yesterday we witnessed a remarkable scene in this House in the tribute which was paid to the gentleman from Alabama [Mr. UNDERWOOD] by the Democratic side of the House. [Applause on the Democratic side.]

In the last 30 years we have had three different persons as candidates of the Democratic Party for President. I remember hearing the gentleman who occupies the Speaker's chair in this House say on the floor of this House that the greatest calamity that had befallen the human race since the crucifixion of Christ was the second election of the Democratic candidate, Grover Cleveland, as President of the United States. [Applause on the Republican side.] And yesterday we witnessed the distinguished gentleman from Alabama [Mr. UNDERWOOD] in parliamentary language calling the gentleman from Nebraska, Mr. Bryan, a *liar*. The man who was candidate for President three times on the Democratic ticket could not be honored by a single gentleman on the Democratic side rising to defend him. [Applause on the Republican side.] And yet they throw stones at us for the divisions in our ranks, forgetting that all of their house is thin glass.

The gentleman from Alabama [Mr. UNDERWOOD] yesterday stated that the iron and steel schedule was not considered first by the Democratic members of the Ways and Means Committee despite his request or suggestion to the contrary, and we might be led to assume from the modesty of the statement of the gentleman from Alabama that he was least of all on the Democratic side. Why, Mr. Chairman, the gentleman from Alabama, OSCAR UNDERWOOD, is not only the leader of the Democratic majority in the House, but he is the Democratic majority. [Applause and laughter.] He is not only the chairman of the Ways and Means Committee, but he is the Ways and Means Committee. [Laughter and applause.]

In the old days they used to honor the Speaker of the House as being the Grand Chief Mogul, the man of power. The Speaker of the House to-day is the servant, not the master, of the gentleman from Alabama. [Laughter on the Republican side.] And when our friend from Alabama describes how he was overridden by the Democratic members of his committee he is too modest. He is "It," in the language of to-day, and I can foresee, conceding some divisions on our side, the beautiful harmony that will exist among the Democrats of the country, with OSCAR UNDERWOOD on one side and the gentleman from Nebraska, Mr. Bryan, on the other, pulling hair and calling each other liars. [Laughter and applause on the Republican side.]

Mr. Chairman, it is not my intention to discuss to any extent the pending bill, but I make it a rule each day to find at least some one funny thing at which I may enjoy laughter, and I have seldom read a funnier joke than is a part of the report upon this bill. The gentleman from Alabama, aided by the great statistician he is permitted to employ, undertakes on page 46 of his report to figure out the extra cost to the American people by reason of the tariff upon cotton goods.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to speak for five minutes more. Is there objection?

Mr. REDFIELD. I object.

Mr. FITZGERALD rose.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, the versatility of the gentleman from Illinois [Mr. MANN] was never better exemplified than to-day. The gentleman from New York started out to complain that it was futile to offer amendments to this bill. No one would expect the gentleman from New York to expect that anybody would adopt the amendments he might propose to tariff bills in this session of Congress after the way in which the people in the last election treated the bill that bears his name. [Applause on the Democratic side.]

From the standpoint of practical results, of course, it is futile for the gentleman from New York to offer amendments to this bill, because his ideas upon tariff legislation have been repudiated by the people of the country. [Applause on the Democratic side.] In the first session of the Sixty-first Congress, in which the Payne tariff bill was considered in this House, a special rule was adopted for the consideration of the bill, which provided that the bill, immediately after the adoption of the rule on the 5th of April, should be considered under the five-minute rule, but that committee amendments to any part of the bill should have preference, and that amendments should be permitted to be offered only to paragraphs 196, 197, 708, 581, 447½, 227, and 228; also an amendment to paragraph 647, and to insert a new paragraph, No. 36½. There were 718 paragraphs in the first section of the Payne bill, and there were 42 sections in all; and the House was given the privilege of offering amendments to only 9 paragraphs out of 718 in the bill. On the 9th of April the previous question was to be considered as ordered on the bill and all pending amendments, and during the entire four days not a single line of the bill was read excepting amendments offered by the committee under the rule and amendments offered to the particular paragraphs enumerated.

The gentleman from New York [Mr. PAYNE] supported that rule. Let me suggest the manner in which it was prepared. There was no caucus of the Republican Party to consider the manner in which that bill should be considered in the House, but "gum-shoe methods" were adopted, and a member of the majority went about from delegation to delegation to find out just how little must be yielded in order to get a majority to support the rule.

Let me read what one gentleman said about it.

Mr. FORDNEY. Mr. Speaker and gentlemen of the House, as much as I dislike the wording of this rule, I am going to vote for it. I want to say to the gentlemen on this side of the House who have been for several days demanding that certain provisions should be put into this rule before they would vote for it—I say to you, gentlemen, some of you from the States of Minnesota, and Iowa, and from Kansas, that you are not good Republicans. [Laughter.] You are not good protectionists. [Applause.] You are demanding protection for an industry directly in your representative district, and demanding free trade on the products of another State, your neighbor.

Not good Republicans because these gentlemen insisted upon an opportunity to offer and vote upon some amendments to that infamous tariff law.

The gentleman from New York [Mr. PAYNE] spoke on this rule, and what did he say?

Gentlemen, there has never been a moment since I have had a seat in this House that I did not believe that the wisdom of a majority of the Republican Party, after full consideration of a question, was better than my own, and I was willing to follow, no matter who led the great mass of Republicans and blazed the way. [Applause on the Republican side.]

So, gentlemen, we should surrender our individual opinions, we should surrender for the good of our party, we should surrender for the good of the country. This is the way all great measures are passed in the House of Representatives, and with the Democratic Party carping and criticising and ready to do mischief in any way they can. There are a few dissatisfied gentlemen on this side, but I want them to stop and think how many industries they might destroy for want of proper knowledge and information. How many industries might you destroy not only in the whole country, but even in your own congressional district?

We had our full consideration in a caucus; you had yours in the hallways and the corridors of the Capitol, where nobody could speak in the open. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. Does the gentleman desire more time? If so, I hope he may have it.

Mr. FITZGERALD. I do not like to intrude on the courtesy of the Committee of the Whole.

Mr. LONGWORTH. I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from New York [Mr. FITZGERALD] may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I desire to express my gratitude to the House.

Why should the gentleman from New York [Mr. PAYNE] complain because the Democrats in the House are willing to adopt his theory of party management and to hold caucuses, and to thrash out whatever differences they may have upon legislation, and after a full and free conference have the minority of our party acquiesce in the will of the majority? That is the Democratic doctrine, and although it seems to be the only Democratic theory ever adopted by my colleague from New York [Mr. PAYNE], I am sure that we desire to congratulate him that he should feel that sense of party responsibility.

The gentleman from New York [Mr. PAYNE] in that same speech pointed out that responsibility for tariff legislation was upon that side of the House in the last Congress, and that it would accept the responsibility and abide by the result after the people had an opportunity to pass upon it. The people have had that opportunity. The result has not been as satisfactory as the gentleman from New York [Mr. PAYNE] would have preferred, and it ill becomes him in a "carping spirit," to use an expression of his own, to criticize this side of the House for assuming responsibility and inviting the judgment of the people upon their action. If the gentleman from New York believes that the paragraph just read, or any other paragraph in this bill, is not the best from the standpoint either of his own peculiar tariff views or of any other gentleman, let him submit his amendment. If it be good, I am sure it will receive at least the united support of that side of the House in this Congress, although it did not even receive such support in the last Congress. It could not be expected that this side of the House would now acquiesce in the leadership of my colleague from New York [Mr. PAYNE] on tariff matters, because we came here commissioned by the people to follow a different leadership in tariff matters, and not to accept the views of my colleague [Mr. PAYNE].

Mr. PAYNE. If the gentleman is afraid that his side of the House will not vote for any amendment I offer, why, under the name of Heaven, did he bind the other side not to vote for any amendments?

Mr. FITZGERALD. Mr. Chairman, why was the gentleman from New York willing to enter a Republican caucus and to acquiesce in the will of the majority in that caucus if he is not willing that we should do the same? It is unfortunate, of course, that he happens to be a member of a party at present that is unable to caucus upon any question whatever. [Laughter on the Democratic side.] A party that is unable to unite even in the selection of their distinguished leader in this body, and unable to fill an important position in another body unmentionable here. [Laughter on the Democratic side.]

It is unfortunate that this difference does exist, but the gentleman can not complain of us on that account. But let me say this, Mr. Chairman, some gentlemen on that side have frequently inquired as to what transpired in the Democratic caucus; they have shown great anxiety to know the reasons that induced members of the Democratic caucus to take action along certain lines. They can very readily obtain the information they want if they are unable to bring themselves to that state of mind where they are willing to enter a Republican caucus and to abide by the action of the caucus; they can enter a Democratic caucus, and if they are willing to be bound by the rules of a Democratic caucus they can participate in its deliberations as to legislation.

Mr. COOPER. Will the gentleman yield for an interruption?

Mr. FITZGERALD. Yes.

Mr. COOPER. Does the gentleman's party recognize a distinction between a caucus and a conference?

Mr. FITZGERALD. I do; the difference is this: In a caucus men are willing to enter and have full and free deliberation, and if they are in a minority, to acquiesce in the will of the majority. In a conference they are willing to go in and confer, and if a majority is against them they refuse to be bound. I prefer the caucus to the conference.

Mr. COOPER. Mr. Chairman, the speech just made by the gentleman from New York [Mr. FITZGERALD] will soon, in my judgment, create a national political issue, and if he stands on the side which he has now indicated he will stand upon when that issue comes before the American electorate, he will be, or ought to be, defeated.

When a man announces in advance that, upon a bill proposed to be enacted into a law for this Republic, he will enter a secret meeting, pledged in advance to permit that meeting to control his vote on that bill on this floor, he in my judgment—and I say it with all respect for him—violates the oath which he takes in this House. [Applause on the Republican side.]

No Representative in Congress, I care not who he may be, can justify himself for agreeing in advance that in helping to make laws for the people of the United States his vote shall be controlled by a party caucus.

A conference differs from a caucus. I will go into a conference interested in the welfare of the Nation, interested in the welfare of my party, but I will leave that conference free to vote as my deliberate judgment says is right, for my oath is not to support my party at the expense of the country. [Applause on the Republican side.] The oath of a Representative in Congress is that he will discharge the duties of his office to the best of his ability, and that oath will not permit him to surrender his judgment and his conscience into the keeping of a caucus.

Legislation by secret caucus is defended by some good men, but it opens the way for mediocrity and cowardice, shrinking from duty, to go before the people and say, "It was not what I wanted at all, nor what I thought right, but the caucus told me to vote for it and I obeyed." It makes the oath read like this: I solemnly swear to support the Constitution of the United States, and discharge the duties of my office to the best of my ability, "provided, of course, that I shall vote as the caucus dictates." That is the proviso in every Democrat's oath in this House if the gentleman from New York is correct. [Applause on the Republican side.]

A Representative entering a caucus pledged in advance to obey its commands, and failing to do so, is taunted with having violated his word and with being a traitor to his party. Not only this, but he is punished by being deprived of patronage.

Mr. FITZGERALD. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. FITZGERALD. Did not the gentleman himself enter a conference in which he pledged himself to abide by the action of the conference?

Mr. COOPER. I have refused to attend meetings called as caucuses to consider legislation, and have walked out of caucuses because unwilling to be bound by them.

Mr. FITZGERALD. In relation to the Speakership, did not the gentleman go into a conference and bind himself to be bound in the last Congress?

Mr. COOPER. No, sir. The gentleman means the time that the gentleman from Illinois was elected?

Mr. FITZGERALD. I think it was somebody from that section of the country. [Laughter.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER. Mr. Chairman, the gentleman from Alabama [Mr. UNDERWOOD], in opening the debate on the pending bill, said that it was strictly a revenue bill—that is, one imposing a tariff for revenue only. A tariff for revenue only means a tariff to secure revenue, without regard to anything else. The bill is one of great importance. On January 30 last the gentleman from Alabama said, in speaking of the House Tariff Board—I read from the CONGRESSIONAL RECORD of that date:

> I would rather have it (the Tariff Commission) appointed by the House, if I could; but if I can not, I will take a board appointed by the President, if it shall be a board only to gather facts.

Congress has directed this Tariff Board to present its facts at the meeting of Congress next December. Then the gentleman from Alabama proceeded:

> You know, and every Democrat here knows, that one of the greatest difficulties we have had to face is that when the Ways and Means Committee goes into session to ascertain the facts upon which they can write a tariff bill the only men that are sufficiently interested to come before us and give us the facts are the protected industries of the United States. And yet to-day you would vote to continue that condition, to continue to place us absolutely in the hands of these protected interests of this country for the information on which we are to write a tariff bill, and refuse to give us the board that will be composed of men who, by law, are authorized and directed to investigate under our direction, and to ascertain facts on which we can base an honest tariff legislation.

He then went on to say a little later:

That is true, if you can afford to play hide and seek with the Treasury of the United States, but it is my duty, my fellow Democrats, not only to write a tariff bill solely for revenue, but also to write one that is capable of raising sufficient revenue to run this Government, and we must know what we are doing and not guess at it. [Applause.]

Mr. Chairman, in the report which the gentleman from Alabama has submitted there are 539 pages, as I remember. There were no public hearings. None of the parties interested in this legislation were heard in open session. Here is the report. What do we know as to the accuracy of the conclusions embodied in this voluminous document? The gentleman from Alabama wrote the following letter, which I shall place in the RECORD, with the permission of the committee:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 6, 1911.

Mr. R. M. MILLER, Jr., *Charlotte, N. C.*

MY DEAR SIR: The Democratic members of the Ways and Means Committee had their first meeting on the cotton schedule this morning. After looking over the facts before us and the briefs, they concluded not to go into general hearings on the subject.

I am in receipt of the brief you have already filed with the committee, and it will receive careful attention. Should you desire to place further facts before us, I will be glad to receive them personally, or by letter, as you desire. We will probably be at work on the cotton schedule for the next 10 days before reaching any final conclusion in reference to the matter.

Yours, very truly, O. W. UNDERWOOD, *Chairman.*

In other words, 10 days were given to the preparation of this measure—all in secret meetings. I am opposed to legislating in that manner. [Applause on the Republican side.]

Mr. SHERLEY. Mr. Chairman, I sympathize with the distinguished gentleman from Wisconsin. I realize how unfortunate it is for one to be in such a position that he considers acquiescence in the will of the majority of his party more or less treason to his country's good. [Applause and laughter on the Democratic side.] Of course, all of us are not so unfortunately situated. I also appreciate the gentleman's tenderness over having patronage taken from him as a result of following his convictions, but I can not but believe that his position really represents the notion of individualism run mad. He would attempt in this world of events, where every single event is both the child and the parent of dozens of others, to so segregate it as to enable him to express his individual will as to that particular event. Legislation on those terms has been impossible from the beginning of time and will be to the close. The only way the gentleman will find it possible to continue his functions properly in that way is to imitate the example of his colleague from Wisconsin [Mr. BERGER] and formulate a party of his own, where he can go into a conference with the calm assurance that whatever the result may be he will be in entire accord with it. [Laughter.]

The Democratic Party has never undertaken by caucus to stifle the conscience of its membership. The rules of that caucus expressly provide that any man may exempt himself either when he considers in conscience he is bound to vote otherwise or when he considers the mandate of his people compels him to vote otherwise.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. SHERLEY. Oh, yes.

Mr. COOPER. Mr. Chairman, may I ask the gentleman from Kentucky if the gentleman from New York in response to my question did not say that one entering a Democratic caucus was understood to pledge himself in advance to abide its decision in his vote?

Mr. SHERLEY. If the gentleman from New York made that statement, he made a statement that was not complete, as the gentleman himself would be perfectly willing to say. The statement——

Mr. COOPER. One moment——

Mr. SHERLEY. Let me answer your question. The caucus rules provide where a proposition is carried by two-thirds that it shall be binding upon those participating in the caucus, unless they shall be instructed by or have promised their constituency to the contrary or have constitutional objections to abiding by the decision of the caucus.

Now, the proposition that I want in all seriousness to suggest to the House, because the gentleman and some of those of like thinking are constantly assuming a virtue superior to that of the membership on that side of the House, or even the membership of this, are constantly impugning the motives and the patriotism of the regular members of the two great parties, because they believe that conference and agreement is necessary to progress in legislation—I want to suggest that this is the true test, in my judgment, that should regulate men's conduct as Members of the House. Of course, the man who comes here and surrenders what he believes to be a fundamental conviction, what he believes to be essential to the very highest interest of his Government, has shown cowardice and a willingness to submit to party will that is not to be commended, but, on the other hand, a man who has such an exalted opinion of his own ideas of government that he is not willing to acquiesce in the judgment of a majority of his party on matters of ordinary legislation by that very fact disqualifies himself for efficient service in the House of Representatives. [Applause on the Democratic side.] Most questions that come before this body do not represent such fundamental principles that a man can not afford to acquiesce in the wisdom of a majority of his colleagues.

Mr. COOPER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Wisconsin?

Mr. SHERLEY. I do.

Mr. COOPER. Mr. Chairman, I want to suggest to the gentleman that I have entered conferences, called as conferences, and abided by the decision of the majority many times.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to continue for five minutes. I will probably not use that much time.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to continue for five minutes longer. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER. I want to call the attention of the gentleman from Kentucky to the trouble there is in this case. I have attended party conferences. I have gone with the majority as it has decided frequently, and I have often differed with the party conference and so voted. The trouble with your definition of a caucus is that a man entering it has pledged himself in advance to do what it dictates regardless of what that may be.

Mr. SHERLEY. The gentleman simply states what is not the rule of the Democratic caucus.

Mr. COOPER. That is exactly what the gentleman from New York [Mr. FITZGERALD] said in regard to the Democratic caucus.

Mr. FITZGERALD. Oh, Mr. Chairman——

Mr. SHERLEY. I answer that that statement is not accurate.

Mr. COOPER. Mr. Chairman——

Mr. SHERLEY. Just a moment. The real trouble with the gentleman from Wisconsin is more fundamental than the reasons he states. The real trouble is that he is bearing a party label when he is not in harmony with that party. That is the trouble, and it is the trouble with those who think like him. I have no criticism of the gentleman and his views. I do not agree with many of them. I have no criticism of his political coterie. But the trouble is that they are undertaking the impossible; they are undertaking to keep the name, to keep the uniform, to keep all of the insignia that point to party identity while traveling in an entirely different direction from which that party travels.

Mr. GARRETT. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GARRETT. In line with the remarks that the gentleman is making, I want to call the gentleman's attention to the remarks of the gentleman from Wisconsin, made at the beginning of the Sixtieth Congress, in the discussion of the resolution to adopt the rules of that Congress. At the conclusion of his speech, after he had summed up the objections he had, the gentleman from Wisconsin [Mr. COOPER] made this statement:

I think it is also unfair to adopt the pending resolution, because there are about 100 new Members and they have not seen the working of the rules and know little about them. But of course the caucus having adopted what it did adopt the other night, it does not become me to vote against the resolution.

[Laughter and applause on the Democratic side.]

I may say that I can not consistently, as a Republican—for I understand that the Republicans of the House by unanimous vote adopted this rule in caucus, and that the caucus was properly called, although I did not know it—I can not, as I say, consistently vote against the adoption of this resolution.

[Applause on the Democratic side.]

Mr. SHERLEY. I want to say, in justice to the gentleman from Wisconsin [Mr. COOPER], that I have no doubt that at that time he did not find that irreconcilable conflict between his own political convictions and those of his party, and so he did not have the difficulty that now confronts him in regard to caucus action.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. SHERLEY. Yes.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. SHERLEY] has expired.

Mr. COOPER. Mr. Chairman, I ask unanimous consent that the gentleman from Kentucky [Mr. SHERLEY] have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER. Will the gentleman permit me to say that that same extract has been read against me on the stump by men presumably as alert as the gentleman from Tennessee [Mr. GARRETT] and had no effect then, and does not have any effect with anybody now who understands the situation. That was a caucus decree. I was not here, and it was only as to the adoption of the rules. It did not go to any constitutional question. I had no opportunity to present my views to the caucus. I did protest that the rules gave more power to the Speaker than ought to be given to any man, but it was not a matter of legislation. It was simply one of procedure, of the conduct of the House of Representatives, and, not having been notified, as I was on the cars and the notice went to me at my home in Racine, I knew nothing about the caucus. I came here and found it had been called, and so I did not oppose the adoption of the rules.

Mr. SHERLEY. Mr. Chairman, the gentleman's explanation is more remarkable than his action. As I understand the explanation, it is that his first excuse for abiding by his party caucus was that he did not attend the caucus. In other words—and he may be justified in this—he had rather take a Republican caucus blind than knowingly. His second explanation is that it related only to the question of rules. Now, if there has been any gentleman who has entertained the House and the country with a dissertation on the importance of rules and how the adoption of rules control legislation in the primary aspect, how it went to the very essence of government, and how we were shackling ourselves, delivering up our birthright as freemen by the adoption of rules, it is the distinguished gentleman from Wisconsin [Mr. COOPER]. [Applause on the Democratic side.] And yet he tells you that his position as to going into a caucus or into a conference is dependent upon two things: First, that he shall not know what the caucus does by attending it; and, second, it shall only relate to a question of procedure. Now, underneath it all does not his very attempt to make this distinction show this vital thing, that, as I said in the beginning, acts in life everywhere, as well as legislative acts, are never segregated; they never stand alone. They always bear relation to the past and to the future.

The wise man is the man who is able to answer the question—and on that depends always the willingness of Members to go into a caucus—to answer the question whether a particular thing is so vital as to require an expression of one's own views, irrespective of consequences or of party position, or whether it is not, because all of us know that all civilization is dependent upon the willingness of men to act in concert. That is the intelligent test, and it was with an eye to that test that we have given to men in the Democratic caucus the right to come out of it when they believe the matter is of such importance as that if they do not vote their conviction rather than the caucus conviction they would be violating their duties as Members here. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, does the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Illinois?

Mr. SHERLEY. Yes.

Mr. MANN. I do not know how far the gentleman would feel at liberty to disclose the rules of the Democratic caucus. I do not happen to have a copy of the Democratic caucus rules in my desk, although I thought I had. As I recollect, your caucus excuses a man from abiding by the caucus; first, on constitutional grounds; and, second, on the ground that he is pledged otherwise to his constituents.

Mr. CLAYTON. With the indulgence of the two gentlemen——

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Alabama?

Mr. SHERLEY. Yes; I yield.

Mr. CLAYTON. I have the caucus rules here. I intended to have them read for information, and I think it would be well for our Republican brethren to have a copy of these rules and adopt them as the rules of their caucus. [Applause and laughter on the Democratic side.]

Mr. MANN. As for that, we are quite as likely to do that as we are to copy your legislation. [Laughter on the Republican side.]

Mr. CLAYTON. I send the copy up to the Clerk's desk and ask that it be read.

The CHAIRMAN. The Clerk will read the preamble and rules as part of the remarks of the gentleman from Alabama.

Mr. SHERLEY. Mr. Chairman, I have yielded the floor for the purpose of permitting the reading of the resolution.

The CHAIRMAN. The time of the gentleman from Kentucky has now expired.

Mr. CLAYTON. Mr. Chairman, I move to strike out the last four words.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. CLAYTON. Now, Mr. Chairman, as a part of my remarks, I request that the Clerk read the preamble and rules of the Democratic caucus, adopted March 22, 1909.

The Clerk read as follows:

PREAMBLE AND RULES ADOPTED BY THE DEMOCRATIC CAUCUS.

Preamble.—In adopting the following rules for the Democratic caucus we affirm and declare that the following cardinal principles should control Democratic action:

(*a*) In essentials of Democratic principles and doctrine, unity.

(*b*) In nonessentials, and in all things not involving fidelity to party principles, entire individual independence.

(*c*) Party alignment only upon matters of party faith or party policy.

(*d*) Friendly conference and, whenever reasonably possible, party cooperation.

Democratic caucus rules.—1. All Democratic Members of the House of Representatives shall be prima facie members of the Democratic caucus.

2. Any member of the Democratic caucus of the House of Representatives failing to abide by the rules governing the same shall thereby automatically cease to be a member of the caucus.

3. Meetings of the Democratic caucus may be called by the chairman upon his own motion, and shall be called by him whenever requested in writing by 25 members of the caucus.

4. A quorum of the caucus shall consist of a majority of the Democratic Members of the House.

5. General parliamentary law, with such special rules as may be adopted, shall govern the meetings of the caucus.

6. In the election of officers and in the nomination of candidates for office in the House a majority of those present and voting shall bind the membership of the caucus.

7. In deciding upon action in the House involving party policy or principle a two-thirds vote of those present and voting at a caucus meeting shall bind all members of the caucus: *Provided*, The said two-thirds vote is a majority of the full Democratic membership of the House: *And provided further*, That no Member shall be bound upon questions involving a construction of the Constitution of the United States, or upon which he made contrary pledges to his constituents prior to his election, or received contrary instructions by resolutions or platform from his nominating authority.

8. Whenever any member of the caucus shall determine, by reason of either of the exceptions provided for in the above paragraph, not to be bound by the action of the caucus on those questions, it shall be his duty, if present, so to advise the caucus before the adjournment of the meeting, or, if not present at the meeting, to promptly notify the Democratic leader in writing, so that the party may be advised before the matter comes to issue upon the floor of the House.

9. That the five-minute rule that governs the House of Representatives shall govern debate in the Democratic caucus unless suspended by a vote of the caucus.

The foregoing preamble and rules were adopted by the Democratic caucus of the House of Representatives on this date, March 22, 1909.

HENRY D. CLAYTON, *Chairman.*
W. A. ASHBROOK, *Assistant Secretary.*

Mr. CLAYTON. Now, Mr. Chairman, I desire to say that, prior to the adoption of these rules defining the purpose of a caucus and its limitations, and the individual rights of a Member participating in that caucus, we had some trouble in the Democratc Party, but we have had none since these sensible and fair rules were adopted. No man is now compelled to sacrifice his conscience on a constitutional question by any caucus action, nor is he compelled to go contrary to the wishes of his constituents because of any caucus action. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. CLAYTON. I do.

Mr. MANN. Just to make the record complete, I wish to make an inquiry. The rules which the gentleman has read were adopted in 1909. Do I understand these rules have been readopted by the Democratic caucus of the present Congress?

Mr. CLAYTON. Mr. Chairman, the gentleman's understanding is correct. They are the existing rules governing the Democratic caucus. I commend to the gentleman, as the minority leader here, that he formulate similar rules and have his caucus adopt them [applause and laughter on the Democratic side], and then, perhaps, he can have a united party. And in that connection, if he will permit me, I will say that prior to the adoption of these fair and sensible rules we used to have a divided party and the same trouble that he has on his side now. The Democratic Party here is now coherent, forceful, and united, and is doing business in behalf of the best interests of the people.

Mr. MANN. Will the gentleman again yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. CLAYTON. I do.

Mr. MANN. I will say to the gentleman from Alabama that I have studied these rules, and the more I study them the less use I have for them. [Laughter and applause on the Republican side.]

Mr. CLAYTON. Of course, the gentleman from Illinois is still obstinate in his adherence to Republican wrongdoing. [Laughter and applause on the Democratic side.] You ought to get right once in a while. Of course, the more nearly right you become the more Democratic you become. [Applause on the Democratic side.]

Now, Mr. Chairman, that is all I desire to say. I wanted to have these rules read into the RECORD simply in view of the prophecy of my friend the gentleman from Wisconsin [Mr. COOPER].

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADISON. Mr. Chairman, gentlemen on the other side may talk and reason and explain. They may enter into long and complex explanations and reasons and theories as to how the caucus rules and caucus actions of the Democratic Party work, but the fact of the matter is that real consideration and discussion of measures in the House of Representatives under the present system have ended. Sooner or later that fact will become apparent to the people of this country. It is a condition bound in time to work evil results to the rights and interests of the American people. We all understand that general debate, outside of the few explanatory speeches made by the leaders on each side, is a senseless and a useless thing, that nobody listens to it, that nobody is convinced by it, that no vote is influenced by it. Now, to-day, we have the remarkable object lesson of the ranking minority member of the Ways and Means Committee rising here in this House and saying in substance, "I have no amendments to offer to this bill, because this matter has been concluded in a secret caucus of the Democratic Members, and the offering of amendments and the discussion of them would be futile."

Mr. POU. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from North Carolina?

Mr. MADISON. Not now.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADISON. And there is not a man who sits upon the other side of this House but knows that the statement made by the gentleman from New York [Mr. PAYNE] is absolutely true. [Applause on the Republican side.]

I would not now presume for one moment as a Member of the House of Representatives to offer an amendment to this bill, and I know of some amendments that gentlemen on the other side, if they had free will, if they had opportunity to act, would be glad to adopt; and so do you, every one of you. Every man who sits in this House understands that ever since the convening of this Congress every measure of importance has been determined in a secret caucus, and that the offering of amendments or the discussion of one was a futile, an idle, and a senseless thing. Why, you passed upon the publicity bill in your caucus. A gentleman from my State [Mr. JACKSON] offered an amendment before you had your system working to perfection. Some Members on that side responded to their own wills and consciences and voted for the right. Immediately the cry went up, "It is contrary to the party decision in caucus," and every one of those men, according to my recollection, came back into line. You talk about it not shackling the consciences and minds of Members. We had an absolute, practical demonstration of it here in the House of Representatives. Talk about comparison with the old system. Everyone understands that that was bad enough, but when the Payne-Aldrich tariff bill was here before us there was an opportunity given us at least to express our opinion, unshackled, upon some of the most important items in that bill, and as a result the gentleman from Nebraska [Mr. NORRIS] offered an amendment putting petroleum and its products upon the free list, something that the American people had contended for for years, and he was appealing to a free, unshackled House; and as a result his amendment was adopted. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. POU. Mr. Chairman, after all there is a good deal of play to the gallery in all this talk about men being bound by a caucus to violate their oaths or surrender their convictions.

When this Congress assembled our Republican friends thought they were going to see this side split up into warring factions. They said when it came to revising the tariff we never could agree. That was a prediction often made. Now, on the contrary, they see this side of the Chamber united, passing one bill after another with hardly a break in our ranks, and that, Mr. Chairman, is the "nigger in the woodpile." The truth is, we are making good, and some of our friends on the other side of the aisle would gladly divert the attention of the people of the Nation from the record of this Democratic House. [Applause on the Democratic side.]

Now, these caucus rules, they say, are bad, infamous, very outrageous; but I have risen here to call the attention of the other side of this Chamber and the people of the Nation to the fact that at least three of the bills indorsed by this infamous Democratic caucus have already been passed by a Republican Senate with very few changes. If these bills are so bad, if the action of our Democratic caucuses have been so outrageous, how is it that when these bills go to the other end of this Capitol they receive a majority in a Republican Senate? [Applause on the Democratic side.]

Mr. RUSSELL. A lot of Republicans voted for them here.

Mr. POU. Yes; quite a number of Republicans here voted for these bills.

Mr. RUSSELL. One bill passed unanimously.

Mr. POU. I believe the gentleman from Kansas [Mr. MADISON] voted for nearly every bill that has so far been indorsed by a Democratic caucus. [Applause on the Democratic side.]

Mr. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. POU. I will yield to the gentleman.

Mr. CLAYTON. I desire to ask the gentleman if he does not think that it is better that the action of the party in control of the House be guided by that majority party in caucus rather than it be guided by the action of the Speaker and a little coterie of Rules Committee of his appointment?

Mr. POU. I most certainly do.

Mr. CLAYTON. In the present House the whole Democratic Party decides what the Democratic Party ought to do, whereas in Republican Congresses the Speaker and his own little select Rules Committee decided what the Republican Party ought to do. [Applause on the Democratic side.]

Mr. POU. Yes. That is what we saw here for 10 years under Republican rule, until the House of Representatives got to be a laughing stock throughout the Nation.

Mr. JACKSON. Will the gentleman yield?

Mr. POU. I will.

Mr. JACKSON. Does the gentleman know of any bills which have come from a Democratic caucus, passed this House, and passed the Republican Senate without amendment? Were not most of the amendments that were proposed voted down in this House at the behest of the Democratic caucus?

Mr. POU. I believe the reciprocity bill was passed without any amendments; that came out of a Democratic caucus, and there have been at least two other bills passed by a Republican Senate with immaterial changes.

Mr. JACKSON. Of course the gentleman will use his judgment and we will use ours about what is material and what is immaterial. Does the gentleman mean to characterize the reciprocity measure as a Democratic measure?

Mr. POU. It would have never seen daylight without the Democratic support that it got, and your President has said so. He publicly acknowledged this support. [Applause on the Democratic side.] If I am not mistaken, a majority of the Republican Party voted against the reciprocity bill. It would not be a law to-day but for the Democratic support that it got, and it would not be on the statute books to-day but for the indorsement of the Democratic caucus.

Mr. NORRIS. That ought to be enough to condemn it.

Mr. LENROOT. Will the gentleman yield?

Mr. POU. Yes.

Mr. LENROOT. The gentleman referred to two other bills passed by the Senate. I would like to ask him if the woolen bill is one of them?

Mr. POU. It is.

Mr. LENROOT. I am glad to know that the gentleman considers the amendments to the woolen bill immaterial. It will no doubt make it easy to agree to the conference.

Mr. POU. I did not mean to say the amendments were immaterial, except by way of comparison. I say now the amendments can not be regarded as of great importance when compared with the bills themselves that have been passed by the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POU. I ask for three minutes more.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that he may proceed for three minutes. Is there objection?

There was no objection.

Mr. POU. Now, Mr. Chairman, I merely rose to throw out this suggestion, and I believe I am indicating what it is that is troubling our friends on the other side. We are standing shoulder to shoulder over here, and our Republican friends on the other side are alarmed about it, because you know what that means. [Applause on the Democratic side.] But we are going to continue to stand shoulder to shoulder, and we are not going to be deterred by suggestions that anybody has violated his oath,

because that is absolutely without foundation. The Democratic caucus does not require any man to violate his oath; it never has and never will.

Mr. FITZGERALD. Will the gentleman yield?

Mr. POU. Certainly.

Mr. FITZGERALD. Did I understand the gentleman to say that the gentleman from Kansas [Mr. MADISON] had voted practically for every bill thus far indorsed by the Democratic caucus?

Mr. POU. I understand it is so.

Mr. FITZGERALD. And has he been complaining about the character of those bills?

Mr. POU. I have not heard any complaint made by the gentleman from Kansas.

Mr. JAMES. Will the gentleman yield?

Mr. POU. Yes.

Mr. JAMES. The gentleman from Kansas makes this complaint, that the Democratic caucus has such a bad effect on him that he knows of a good amendment that ought to be adopted, but he is going to refuse to offer it. Does not the gentleman think it is the gentleman's duty to the Republican State of Kansas, which he in part represents, to offer it, and show to the country what bad Democrats we are not to take such a good amendment offered by him? [Laughter.] How can he refuse to offer that amendment? It is evident, if he does not, that the bad action of a Democratic caucus has had a horrible effect on a Republican when it makes him lie down and quit when he has a good thing. [Laughter on the Democratic side.]

Mr. MADISON. Mr. Chairman, I want to say to my friend from Kentucky that if the gentleman will agree to unshackle the minds and release all the Members on the Democratic side, I will gladly offer it, but until he does it would be futile.

Mr. JAMES. And there is this suggestion I wanted to make, where the gentleman would fail to give to his constituency the advantage of this information.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. MANN. Mr. Chairman, just a moment, to contribute a little to the gaiety of nations. If the will and power of the Democratic caucus has ever been exemplified, it is in the docility displayed by the gentleman from North Carolina [Mr. POU] in the defense which he makes of the Democratic caucus. In prior Congresses he was a member of the great Committee on Ways and Means, and when the Democratic caucus met it took him off that committee, and yet he kisses the hand that smote him for fear it will smite harder in the future. The power of the Democratic caucus over the minds of gentlemen on that side of the House is well shown when the gentleman from North Carolina, kicked off the Committee on Ways and Means because of his convictions, thrown out because of his beliefs, rises and attempts to defend and does defend the attitude of the caucus in throwing him onto the waste heap. [Laughter on the Republican side.]

Mr. CONNELL. Mr. Chairman, the gentleman from North Carolina [Mr. POU] a moment ago observed that he thought there is a good deal of gallery play in all this talk about caucus rule. I have sat in every Democratic caucus that has been held here, and I have felt, individually, that I was absolutely free to act according to my own conscience, and I have now heard the rules read. The gentleman from Wisconsin [Mr. COOPER], in his brilliant speech a moment ago, observed that when Democrats entered their caucus and abided by it they broke the oath which they took as Members of this House. Now, after having heard the rules read and having heard all that has been said about the freedom of Members in that caucus, I want to ask the gentleman from Wisconsin if he still sticks to that statement in the presence of this House? When the gentleman has answered that, I want to ask him——

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Wisconsin?

Mr. CONNELL. I decline to yield. [Laughter.] I want to give him an opportunity to answer a further question. I want to ask if he believes that there is ever a possibility that men who have found it impossible to abide by a Republican caucus because of its tyranny, and who have disrupted that party, will ever understand that there is a difference between the tyrannical caucus in the Republican Party, which wrought disaster, and this majestic Democratic majority which has put forth legislation in this Congress? I want to ask the gentleman to answer those two questions, and then let him get together with himself, and if he can not find some intellectual or moral or Republican reason for getting out of his own councils, let him not tell this body of Democratic Representatives, direct from the people, that because they have the courage, the wisdom, and the ability to carry out the mission for which they were sent here, they therefore violate their oaths in abiding by the magnificent American work of this Democratic majority in Congress. [Applause on the Democratic side.]

Mr. COOPER. Mr. Chairman, I rise to reply to the interrogatories of the distinguished gentleman from New York [Mr. CONNELL], who spoke of the "majestic" Democratic majority. [Laughter and applause on the Republican side.] I never have seen anything else so "majestic." [Laughter on the Republican side.] Think of a majority of a caucus being "majestic," especially a majority of a Democratic caucus on a tariff bill. [Laughter.] The gentleman is a scholar, a rhetorician, an eloquent orator, but really he ought to consult his thesaurus and hunt up something besides "majestic" for a Democratic caucus. [Laughter and applause on the Republican side.]

Now, I will say to the gentleman that I predicated my criticism of the caucus and of the action of the Democratic majority upon the reply made to my question by the distinguished gentleman from New York [Mr. FITZGERALD]. I asked him if a Representative who entered a Democratic caucus did so bound in advance to abide its decree. He said, in effect, yes. His answer was complete. He did not interrupt me to say that his answer was not complete. But when the character of the answer was made plain to the conscience and intelligence of the "majestic" majority [laughter] his distinguished friend, the gentleman from Kentucky [Mr. SHERLEY], seeing the point, took the floor and announced what the gentleman from New York himself did not know—that the answer of the gentleman from New York was not complete. So he added a proviso and some addenda which made it quite a different thing from that first enunciated by the gentleman from New York. But I am still as much as ever opposed to having such power given to a Democratic caucus. I would not give it to a Republican caucus.

It is only an attempt, in principle, to embody here what the Republican Party in its famous convention of 1880 forever banished from its councils. I refer to the unit rule for State delegations. A few men in New York and a few in Illinois in that famous year sought to have the unit rule established and the delegates representing congressional districts bound by a majority vote of the respective State delegations. Under such a unit rule if 31 delegates of a State delegation were in favor of a proposition and 29 were opposed, the 31 delegates would vote the whole 60 in the convention. After a struggle the Republican Party forever abolished the unit rule from its conventions. The unit rule in a convention is in principle no worse than the majority or two-thirds rule in a secret caucus is in Congress. Only conferences, not caucuses, should be called to consider legislative measures. Most men, and I am one of them, are interested in their party, its traditions, and its prospects.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. Mr. Chairman, I ask for five minutes.

Mr. UNDERWOOD. Do some other gentlemen on that side desire to speak?

Mr. CANNON. I would like to have five minutes.

Mr. NORRIS. I would like to have five minutes.

Mr. UNDERWOOD. I understand there are three gentlemen on that side.

Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto be closed in 30 minutes, and that 20 minutes may go to that side of the House and 10 minutes to this, as I understand four gentlemen over there desire to speak.

Mr. CANNON. That is as to this paragraph; of course, that is all you could ask for.

Mr. UNDERWOOD. Yes; this paragraph.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this paragraph and all amendments thereto be closed in 30 minutes. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. COOPER. Mr. Chairman, replying to the inquiry of the gentleman from New York, let me call the gentleman's attention to the fact that his caucus rule provides that a Representative is excused from obeying the caucus if he declares that there is involved a constitutional question, or any other question concerning which he has pledged his constituency or upon which he was by them instructed. As to every other question than those, he must yield to the caucus. But the gentleman from New York must know that there are many questions of the greatest importance to the people of the United States that do not involve any possible infraction of the Constitution.

Some important and wrongful bills which have been proposed in the House of Representatives have not involved any constitutional question. I remember that in the Fifty-third Congress a bill was reported to extend for 50 years at 3 per cent the debts of the Pacific railroads. Had the bill gone before a

caucus it would have been approved. But when it came up for debate upon the floor it took but a plain, detailed analysis of the evidence to defeat the majority of the Committee on Pacific Railroads and for the first time in 30 years defeat the men who were back of the scheme. If the policy which the gentleman now defends had then obtained, the funding bill would have been forced into a caucus. I could not have attended without agreeing in advance that I would be bound by its decree, because there was no constitutional question involved. My constituents knew nothing about the subject. I never had heard of it until appointed upon the committee. Now, I would not have attended the caucus, and so I could not have presented the argument to the caucus which I, in common with others, presented on this floor and which resulted in the defeat of the measure.

This is an illustration which overwhelmingly demonstrates the wrongful character of buck-and-gag caucus rule.

No Representative has a right thus to surrender his convictions. What is our oath? It is as follows:

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion.

And mark this:

And that I will well and faithfully discharge the duties of the office on which I am about to enter.

Not only "support and defend the Constitution," but also "well and faithfully discharge the duties of the office." The duties of the office include the absolute mastery of my own vote under all circumstances. [Applause.] It does not mean that I am bound only when some question of the violation of the Constitution of the United States may be involved, but that I retain the control of my vote regardless of what the question may be. I will not in advance pledge myself absolutely to abide by the decree of a caucus on questions of legislation. No gentleman can justify that. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. CANNON. Mr. Chairman, the bill pending before the House provides for a reduction of the duties on manufactures of cotton, and, I apprehend, will be voted upon to-day. A decided majority, I think I can safely prophesy, will vote for this bill. A decided minority will vote solidly against it, or, at least, a decided majority of the minority. This is a government by a majority, and the majority can only act through organization, and the majority called a party is responsible for legislation. I do not criticize the Democratic majority for going into caucus and presenting a substantially solid front. Nay, nay. If this bill is to pass, destructive to a great industry, as I believe it will be if enacted into law, and calculated to vex and harm all the people, I am glad that you are going to be responsible for it.

Several bills changing the tariff schedules have been passed at this session. Those bills may become laws. I do not know. I voted against one that has become a law, but the Democratic majority voting for it passed it. I did not agree with those Republicans on this side who voted with you Democrats to pass that bill. You did not need one of their votes. You said it was a Democratic measure, covering Democratic doctrine. You passed it, and in the Senate, substantially, Democratic votes passed it, although a minority of Republicans voted for it, and the President approved it. I did not then, and I do not now, approve it, because, I confess, it was along the lines of your platform. You claim it as your own, and you may have all the credit for it if you so desire, so far as I am concerned.

The wool bill and the free-list bill you have passed, and now you pass the cotton bill, or will before the sun goes down. I do not know whether the wool bill and the free-list bill and this bill will become laws or not. The wool bill and the free-list bill have both passed the Senate, and, if the President approves them, they will become laws.

The CHAIRMAN (Mr. GRAHAM). The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I will ask a few minutes outside of the half hour allotted for debate on this paragraph.

Mr. MANN. How much time will the gentleman require?

Mr. CANNON. Not exceeding 10 minutes more.

Mr. MANN. Mr. Chairman, I ask unanimous consent that my colleague have 10 minutes more and that the time allotted for debate be extended by 10 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time of his colleague [Mr. CANNON] be extended 10 minutes and that the time allotted for debate be extended 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, does it behoove me to try to put my head on the shoulders of any gentleman who was elected as a Republican who sees proper to vote for this bill? He is responsible to his constituency. If they do not reckon with him, I have not the power to do so.

I wish that this side, the minority, could be a unit against this bill. Ah, gentlemen say the foundation of protection was ruptured and one-third of it was wiped out of existence when you passed the reciprocity bill, "and therefore," they say, "we will pay back now and touch the Republicans in both House and Senate who voted for that bill." Well, as for me, I will keep the Republican faith.

If I have a window to protect my house, to let in the light and shut out the cold, and somebody on the outside, or perhaps one or two or a few on the inside, break one-third of it, shall I take a club and smash the other two-thirds of the window? Nay, nay; because that would leave my house completely at the mercy of the wind and the cold. I would much rather keep the protective system, or any part of it, than to destroy it entirely.

After all, in a country where the people vote every two years, and where in four years a majority can change the policy of the Government, as they have done in the past and no doubt will do in the future, we may have to face a penalty, and the only question is the size of the penalty—what is going to be the cost? Whatever it costs, the people of the United States will have to pay it, and then, having paid the penalty, they will get back on safe and solid ground.

As a mere politician, I would welcome the enactment of all these bills. You Democrats think that would be glorious; that it would float you "on flowery beds of ease" during all your lives. Now, I am of a different opinion. The proof of the pudding is the eating of it; and sometimes I have thought that the sooner you can have a free hand and eat your pudding, the sooner you will find that it is made of sawdust and that you can not fool the people.

Oh, you say, you were indorsed, and you have 60 majority in this House. Yes. I will not quarrel with you on the ground that you cooperate. If I held your views, I would agree with you in all save one thing. If I believed with you in a tariff for revenue only, I would go into caucus and cooperate. Then I would be consistent. But I would not pretend, when I set about destroying the industries of the country by reducing tariff duties below a protective rate, that I was retaining a little protection as an incident, and still say that I was for a tariff for revenue only. You do not cheat yourselves when you do that. I expect you had to do it for the sake of unanimity. We will see what becomes of this cotton bill in the Senate, when Senators from some of the cotton-manufacturing States of the South, sitting in a body where they have no previous question, have a chance to run and glorify. [Applause on the Republican side.]

I think I have said about all I desire to say at this time. I shall vote against this bill. It has already been demonstrated by speeches of the gentleman from Massachusetts [Mr. WEEKS] and other gentlemen that it will absolutely shut down permanently the 50 per cent of textile spindles that are now silent because of apprehension. What the reality will be, if the bill should become a law, you can judge for yourselves. In my opinion, it would shut down substantially the remainder of the spindles, and we would buy, in diminished quantity, the products of cotton mills which would be supplied by other countries than our own.

But nothing will convince you, and nothing will convince the people who sent you here, I apprehend, except experience. Two or three times in a generation, with the old crossing over and the new coming in, with the demagogue abounding, under the lead of the college professor, there comes a great cry of "cheaper cost of living," and so forth, forgetting that if the cost of living were ever so cheap you could not live unless, as the product of your industry and labor, you had the wherewithal to buy. [Applause on the Republican side.]

Mr. RUCKER of Colorado. Mr. Chairman, this very interesting debate, having drifted to the subject of party caucuses generally, and to our own late Democratic caucuses in particular, would be eminently incomplete unless there was some expression from one whose recent experiences are a living refutation of much that has been said against it. As is perhaps well known, I have been an everlasting kicker at some of its proceedings. I enjoy the distinction of being the ebony sheep in the fold on this side of the Chamber, but I am also a living exemplification of what can be accomplished by a kicker and an independent thinker, despite the caucus determination, because, availing myself of the liberal rules, clothing one with exemption, and coming out of the caucus thus equipped, through the courtesy of our honored and distinguished leader, I had no

difficulty in saying all I ever wanted to say against the determination of the caucus, its proceedings, and the legislation outlined by it. Had I been read out of the party—which I was not—in consequence of my temerity, I should have been promptly read back into it by the indorsement of my position by every Democrat at the other end of the Capitol.

It will be remembered that I offered an amendment to the farmers' free-list bill which provided for eliminating the meat clause, and that I was the only Member on this side of the House who voted for it. I offered that amendment, Mr. Chairman, because it was in the interest of the home farmer and stock raiser and against the undue advantage which the bill gave to the foreign farmer and stock grower. Every Democratic Senator agreed with me, as was demonstrated by their recorded votes.

Mr. HILL. May I ask the gentleman a question?

Mr. RUCKER of Colorado. I yield to the gentleman from Connecticut.

Mr. HILL. I do not know that I quite understand the amendment to which the gentleman refers. I wish he would explain it. As I understand it, it puts the Democratic Party on record as being opposed to the free meat from anywhere except Canada. Is that right? I refer to the Senate amendment.

Mr. RUCKER of Colorado. Yes; from anywhere except Canada, and it does put the Democratic Party, as represented at the other end of the forum, on record with me.

Mr. HILL. That is right.

Mr. RUCKER of Colorado. Yes; that was the action of the Democrats in the Senate.

Mr. MANN. From Canada also, when you come to examine the amendment carefully.

Mr. RUCKER of Colorado. Well, at most it is confined at present to Canada. The gentleman from Illinois may be correct. If he is, so much the better.

Mr. NORRIS. I think the gentleman did not intend to say that he was the only Member here who voted for his amendment in the House. The gentleman means he was the only one of the Democrats.

Mr. RUCKER of Colorado. Yes; I was the only one on our side. It was my amendment, and I cast the only vote for it. I thought I made that clear. I know that my intelligent and good friend from Nebraska and many others of judgment and discretion on that side of the aisle voted with me for the amendment, and I am convinced that many on this side would have done so had they, as I, invoked the rule of the caucus and been privileged to do so. But, thanks to the action of the Senate, the light is not out, and they will all return to the fold of the hitherto lone black sheep.

Mr. TAYLOR of Colorado. Is it not true that every Democrat in the Senate, excepting one from Texas, voted for our bill exactly as it left the House, including free meats, and was it not a compromise vote to which my colleague refers, only after the bill had failed, and was it not the vote of Senator BAILEY that forced that compromise?

Mr. HILL. It is the final result that the people will look at.

Mr. RUCKER of Colorado. Yes; that is what we must depend upon, the final results, and I will say to the gentleman from Connecticut, and to my colleague from Colorado, that the final results are what I am anticipating with some confidence when the bill is returned to the House, and I will say further to my colleague from Colorado that he is partly right and partly wrong. But as I have just said to the gentleman from Connecticut [Mr. HILL], that was the final vote of the Senate. I desire to say further to my distinguished colleague that he need not be so sensitive, because it behooves him no more to make the best defense he can for having voted against my amendment than all the other Democrats around me. All of you were as amply justified from your viewpoint as you were wrong from my viewpoint. Nevertheless it is a source of great gratification to me to know that when the bill returns to this House my Democratic associates will be prompt to follow the lone black sheep and vote for his amendment, thus placing me with the majority of my party as represented at both ends of the Capitol.

And then, Mr. Chairman, with reference to the wool bill, it will be recalled that my amendment fixed the same duties on raw wool as did the bill in the Senate, receiving over there the votes of every Democratic Senator, whereas over here my amendment received only my own vote on this side of the aisle. Now, when that bill comes back you truant Democrats will again have an opportunity to agree with me, which, under the circumstances, I know you will avail of, and the black sheep will resume his duties as sentinel, proud of his accomplishment and hopeful for the future that you will not again stray.

My vote against the reciprocity bill was one of the very few on the Democratic side, and notwithstanding the fair majority with which the bill was passed, I confidently look to the country to justify me in that vote, and I predict now that when it is officially heard from the expression of approval will be nearly unanimous. I am equally satisfied that I will be justified by the individual voters of my State on the proposition.

It is interesting in this connection to refer to the resolution offered by the distinguished gentleman from Texas [Mr. BURLESON], who is the honored chairman of our caucus, calling upon the President to open negotiations with Mexico for a reciprocal trade relation, such as that entered into with Canada, and it is of still further interest to witness the almost unanimous protest of the farmers of the State of Texas. I prophesy that that wave of discontent at the drift of present-day legislation against the toiling farmers of our great country will extend from the south toward the north, just as the wave of discontent at the Canadian agreement extended from the north toward the south, and the impact of the meeting of these two vigorous waves will produce a cataclysm that will be felt throughout the length and breadth of the country in 1912.

It is a piece of the irony of fate that the speech I delivered against reciprocity, and which fell as a thud upon deaf ears here, is being broadcasted in Canada by the advocates of reciprocity to convince the people over there that what I said was true—that Canada had the best part of the trade. And the frowns upon the faces of you who supported the agreement when I made that speech are changed to a broad smile at this unexpected course of events. I thus proved the angel in disguise to your fond hopes.

Right in this connection I want to add a word with respect to my position upon the wool features of Schedule K. The testimony, since this bill passed this House, has been climbing mountain high in demonstration of the cheapness with which wool can be produced abroad, thus accentuating my position that under the rates fixed by the bill as it left the House it is impossible for the American sheep grower to compete with the foreigner. The very latest testimony upon that subject comes from our consul at Uruguay, appearing in the Daily Consular and Trade Reports of this date. He says:

COST OF FEEDING FARM HELP.

An estimate of $4.65 in United States currency as the daily cost of feeding 20 peons, used as farm hands, is made by an estanciero who employs many. The items are: Meat, $2.58; coffee, 9 cents; sugar, 17 cents; biscuits, 74 cents; yerba mate (tea), 56 cents; macaroni, 25 cents; farina, 7 cents; lard, salt, etc., 19 cents. The average cost per man is thus 23½ cents, or $85 per year.

This is $7.02 per month, showing that the cost of provisions alone is only about the same sum per year as the cost for wages is here per month. It will be up to the American people to say whether we shall degrade the wage earners in this country to the level of the people in that semicivilized section of the world.

And in this same report it is shown that from January 1 to May 31, 1911, there were exported from that country to London 167,815 quarters of frozen mutton and 46,099 quarters of frozen beef.

It is further shown in this same report that the American Beef Trust Co. has now a full footing there, and it is estimated it will slaughter 200,000 head of cattle annually, at least.

It is further shown that there are 26,286,296 sheep there—about half the number we have in this country; that only 2,010,025 acres are devoted to agriculture, and 37,500,000 acres of natural pasture lands.

If further confirmatory testimony were needed along these lines it would be afforded by the widespread dissatisfaction that exists throughout the agricultural areas at the drift of present discriminating legislation in these halls. The farmers and stock growers are thoroughly united. They realize that their rights are seriously menaced. They recognize the fact, as Congress would if it paused to reflect, that in the history of all countries the soil is the mother not only of civilization itself, but of everything that civilization has brought—"Mother Earth," as it has been affectionately and truthfully termed, and the care and conservation of her bounties should be our first and most enduring concern.

It may be considered something of a digression, Mr. Chairman, but in this connection let me briefly refer to one form of neglect of a magnificent product of "Mother Earth," which confronts almost daily every Member of this House—that grand and time-honored elm that stands like a faithful but tired sentinel at the corner of Fourteenth Street and Pennsylvania Avenue, at the corner of the Willard Hotel. For over a hundred summers has it cast its beneficent shade over the heat-oppressed wayfarer. Associated with the pioneer days of the Nation's capital, rich in interesting history, the lone survivor of the monarchs of past ages on that world-renowned avenue, it stands to-day with blighted foliage and decadent trunk, a living monu-

ment to neglect, "quite chapfallen," with scarce 8 square feet of surrounding earth at its base, not covered by the stones of the sidewalk and the asphalt of the street, from which to draw its nourishment. In this day of progress and enterprise how easy it would be to afford this grand old friend the means of prolonging its life full another century by drilling vents or small water holes in the rock and asphalt covering its cramped and dying roots.

This suggestion, Mr. Chairman, may seem a sentimental departure in my remarks, but it has, nevertheless, in its simple way, a direct bearing upon the point I urge, namely, that we owe much to the agricultural industry and to the expectant farmer, whose whole interest and livelihood are involved in its preservation. This, I affirm, is not a mere sentimental outburst, but an appeal for the performance of a manifest duty.

Mr. Chairman, we may indulge here as much as we may in fine-spun tariff theories, quoting opinions of those long dead, and applauding to the echo the sentiments of the living on this vital subject, but, after all, remember that one-third of the voting population of this country is engaged in agricultural pursuits. Barring the short life of the Wilson tariff bill, there has never been any serious assault made upon this foundation stone and bulwark of our greatness, and in my judgment those who are responsible for this attack will be more famed in history for temerity than for wisdom.

I sometimes wonder, Mr. Chairman, if there is not a gentlemen's agreement, or understanding, between the cotton, wool, and other manufacturers, seeing that there must be some bricks taken out of the tariff wall, so far as their product is concerned, to recoup losses thus sustained by them by bringing all the raw product to a free basis. This belief I find to be quite general since the Senators representating the manufacturing States, regardless of party at times, touch each other's shoulders when there is a suggestion looking to the reduction of duties upon the raw material, or the making of them absolutely free, and at the same time giving ample protection to the manufactured product. As a representative of the agricultural interests, personally I will welcome the issue.

I did not intend, Mr. Chairman, to go so far afield of the discussion in interim, and will now direct my wandering footsteps again to the subject of the caucus.

The chief difficulty is not with the caucus as an entity, but the great difficulty has reference to the practice in the caucus; in other words, theoretically it may be right, but practically it is wrong. If gentlemen who belong to the party holding the caucus would but exercise the right accorded them, and which is amply and clearly provided for by our caucus rules, and invoke their privilege, there would be greater independence and more likelihood of arriving at correct conclusions as a result of the free and open discussions thus afforded.

I ventilated my views upon this subject when the woolen schedule was before the House, and if the House will indulge me in a brief repetition, I will repeat what I said at that time:

I am not an absolute unbeliever in the principle and policy of caucus action, but I am unalterably opposed to the principle and propriety of a caucus determination, unless it is the outcome of a full, fair, and free discussion of the merits, as well as demerits, of any measure which it is proposed to enact into a law, and after ample opportunity has been afforded individual Members to give expression to their views upon the subject. It is manifestly impossible, in the consideration of a measure of such far-reaching and vital importance to such a large class of people, to accord it the full consideration it merits within the restricted space of 10½ hours for debate, especially when such debate is confined to the members of the committee presenting the measure for caucus action. Such a time limit and such withholding of opportunity for an intelligent understanding of the character and import of the proposed measure renders it impossible for any unbiased Member of this House conscientiously and under his oath to give his support to the resolution of the caucus.

Mr. Chairman, aside from the members of the Ways and Means Committee, previous to the assembling of the caucus, it is doubtful if there is a Member of this body who knew just what rates were to be incorporated in this bill. It was an open secret that it was the purpose of the committee to carefully withhold the information, both from the Members of the House and the public at large—a species of unjustifiable cloture policy that I confess it is utterly beyond me to sympathize with. It would be a direct reflection upon the intelligence of the constituency which elected me to membership in this body to suppose that they would believe me capable of blindly acquiescing in a decision upon such an important matter and without an opportunity for its proper consideration. What I have said should not be construed as an arraignment of the Committee on Ways and Means, for I believe they were inspired by a disposition to conserve the interests of the country and the party as well; but, I repeat, I can not give my sanction and approval to any legislation the propriety of and the necessity for which I have been unable, through lack of opportunity afforded by the caucus of my party, to understand and discuss.

I desire to call attention to the fact, in passing, that there is a misprint in the matter I have just quoted. I said there were 10½ hours allowed for debate. It should have been only eight and one-half.

Something has been said, especially by the gentleman from Wisconsin [Mr. COOPER] to the effect that one did not dare oppose the caucus determination for fear of being politically punished by the powers, and therefore there was coercion and stifling of independent thought and action. I have made it plain that, personally, I was not coerced. My voice was not stifled. I gave voice to my independent thought and followed it with an independent vote. If there has been any insidious design on the part of the powers to inflict punishment upon me for the course I pursued I am unaware of the contemplated drubbing, and whoever imagined that I was being punished has doubtless suffered some disappointment.

Mr. Chairman, I am reluctant to believe that there is on the great Ways and Means Committee a man so narrow-minded and self-centered as to be unwilling to accord to an associate in his own party that degree of independence of thought and action which should characterize every member of any deliberative body. Similarly, I hesitate to admit that there are in every legislative body some drones as well as cowards, who willingly shelter their impotency and timidity under the protecting cloak of the caucus rules. I can never subscribe to this ignominious surrender of manhood and individuality while I remain a Member of this House, for if I should ever, however slightly, follow their example I should instantly realize that my usefulness in congressional life will have ceased.

In conclusion, Mr. Chairman, it is a pleasure to know that I am in accord with my party upon the present bill. The cotton manufacturer of the South especially is in an exceedingly favorable position. He is blest with a climate peculiarly adapted to the manufacturing process. He has cheap labor, cheap fuel, and has the cotton in the field behind his factory, and it would seem that he can easily compete with the Japanese manufacturer, who buys his cotton from the same field, ships it to Japan, manufactures it into cloth, and exports the cloth to all countries, three-quarters around the globe, and where it gathers a profit to itself at every stopping place.

Contrast the cotton farmer with the woolgrower. The former has not only a market at his very door free of freight cost, but has a monopoly of the home market and for his surplus all Europe and all the Orient, and he has such a monopoly abroad that the very cotton he sells from his fields goes to Europe, and much of it is brought back in cloth, whereas our wool men, most of them are from a thousand to fifteen hundred, and in some cases as much as 2,000, miles or more away from their markets—Boston, Philadelphia, and New York, having no home manufacturers—and their product being burdened by the long haul and excessive freight rates, subject to further curtailment of profit at the hands of the commission men and always a ready prey of the unconscionable speculator.

Therefore, Mr. Chairman, I am heartily in favor of the pending bill, and my supreme regret is that my good friends on this side could not consistently have joined me in support of my attitude on the reciprocity bill as well as my amendment to the free-list bill and my amendment to the wool bill. [Applause on the Democratic side.]

Mr. NORRIS. Mr. Chairman, without impugning the motives or questioning the honesty or wisdom of any Member on this question, I want to offer a few observations against the caucus rule and caucus control on legislative propositions. I believe that we have had illustrations here during this Congress that exemplify the proposition that in a legislative assembly such as this there should never be a caucus on any concrete proposition of legislation.

From the very nature of our duties it is, it seems to me, contrary to their conscientious fulfillment. We are elected as Members of the House of Representatives. The law provides for an open discussion; the Constitution provides even for a record vote when one-fifth of the Members present shall demand it. It is intended that our work should be open and aboveboard before all our countrymen. But what is the practice at the present time? We find the majority party meeting in caucus, taking up a bill that, if understood and intelligently considered, should take a week and deciding upon that important measure in all its details at one sitting in one evening. The doors are closed, the curtains are drawn, the public is excluded, and everything is done in secret.

Then these men take the measure that they have considered in this secret caucus, bring it before the country, and go through the silly formula of permitting men to offer amendments, and the Members who are pledged by that secret caucus vote down every proposition regardless of whether it appeals to them favorably or otherwise. Thus has the caucus been able to control the action of officials of the Government. An unofficial organization in secret controlling the official action of official men!

I want to say to you, gentlemen, that this is wrong in principle and the American people will not stand for it indefinitely. When they realize and understand that their Representatives'

hands are tied and their Representatives' votes are controlled by a secret caucus, by unofficial action of that caucus, they will rise in their might and condemn any party that stands for it.

You have said that you want to get rid of the czar. You have renounced the czar and sworn allegiance to a king. You have jumped out of the frying pan into the fire. Hold up your manacled, wounded, bleeding, shackled hands and let the country see your parliamentary slavery! Why do you not renounce your allegiance to king caucus and give your consciences an opportunity to act?

We have in this House a membership of 391. We have 228 Democrats, and a majority of that majority would be 115. One hundred and fifteen men can control the caucus, and that caucus can control the House. As a matter of fact, less than 115 men have controlled every caucus that you have ever held. So we have 115 men in secret unofficial caucus controlling the action of 391 men, and through them enact laws for the control of 90,000,000 people.

Mr. FOWLER. Will the gentleman yield?

Mr. NORRIS. Not now. If I have more time I will.

Mr. FOWLER. Just one word.

Mr. NORRIS. Well, I have one word myself. Let me make my speech in my own way. I have stood for these principles when my party was in power the same as I stand for them now. It will be no answer for you to say that the other party did the same thing when it was in power, and it will be no answer to the American people to say that. You can not prove that you ought to go to heaven by proving that I ought to go to hell.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I stated in reply to an inquiry by the gentleman from Wisconsin that the difference, in my opinion, between a caucus and a conference was that—

in a caucus men are willing to enter and have full and free deliberation, and if they are in the minority, to acquiesce in the will of the majority, and in a conference they are willing to go in and confer, and if a majority is against them, they refuse to be bound.

The gentleman from Wisconsin imagines that that is a violation of a man's oath of office. He overlooked entirely the fact that if a Representative knows in advance that he has certain fundamental convictions upon some question which he can not yield, then he should remain out of the caucus and he would not be bound by it. It is somewhat amusing to me to-day to find the gentleman from Wisconsin [Mr. COOPER], the gentleman from Nebraska [Mr. NORRIS], the gentleman from Kansas [Mr. MADISON] at least inferentially condemning me for being willing to enter a caucus of the Democratic Party and abide by its results, because my memory is not so short that I do not recall that they were quite instrumental in excoriating me during the past two years because I refused to be bound by a caucus upon a matter upon which I had firm convictions and which happened to be a matter upon which they insisted the entire Democratic membership should be bound because in accordance with their ideas. Now they complain that we are willing to caucus upon matters that they think are not so important.

Mr. NORRIS. As I understood the gentleman, he states that I was one of the men who condemned him for not following the caucus.

Mr. FITZGERALD. The gentleman was one of that group.

Mr. NORRIS. I thought the gentleman was wrong, and I have condemned him on occasion many times, but never have I condemned him for refusing to follow the caucus rule.

Mr. FITZGERALD. Oh, well, that was the only ground of condemnation, because I was right as far as the suggestions I made for the modification of the rules were concerned, because so far as I am aware all of the regular Republicans voted for my modifications in the last Congress, and all of the gentleman's friends, as well as the Democrats, voted for them in this Congress, so that they have been unanimously indorsed by the two sides of the House, and the only condemnation that could have been invoked upon me was that I did not follow the caucus rule. It ill becomes the gentleman now to make this charge.

What is the fact? Here is a bill to revise rates upon certain items affected by the tariff law. Some gentlemen think the duty should be 25 per cent, some think it should be 20 per cent, and some think it should be 15. Each individual can not have the particular rate that in his opinion is accurate, and so it is necessary for them to accommodate their differences and to agree upon some rate in which all will acquiesce. The Republicans now protest because the Democrats are not willing to permit them to unite in their conferences and keep the rate up to such figures as will again meet the condemnation of the people. Members on this side of the House have come together in caucus, not in some secret caucus; they met in this Hall, and the actions of the caucus and the proceedings were very fully published; and after considerable discussion and interchange of views they agreed upon the precise rates that they are willing shall be fixed, and the Democrats at this time are willing to stand by such rates and to defend their action.

Gentlemen have complained about these so-called secret caucuses and what they have done. The gentleman from Nebraska [Mr. NORRIS], the gentleman from Kansas [Mr. MADISON], and, if I be not mistaken, the gentleman from Wisconsin [Mr. COOPER] have all found the result of these Democratic caucuses so very excellent during this Congress that my recollection is that they have voted for every single measure indorsed by a Democratic caucus. They could not do that when the Republicans caucused or when the Republicans agreed on legislation without caucus. What complaint can they have when the legislation is so beneficial that they are compelled to vote for it? It must meet their views, or they are surrendering their convictions in so voting. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired. Without objection the pro forma amendment will be considered as withdrawn. [After a pause.] The Chair hears no objection. The Clerk will read the bill.

The Clerk read as follows:

2. On spool thread of cotton, crochet, darning, and embroidery cottons, on spools, reels, or balls, or in skeins, cones, or tubes, or in any other form, 15 per cent ad valorem.

Mr. POU. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am not willing to let go unchallenged the very personal statement which Mr. MANN, the distinguished leader of the minority, saw fit to make respecting myself. I want to say to him right here that having known him as long as I have I hardly expected that statement from him. Now, it is not true that I have ever been kicked off any committee of this House. It is not true that I was kicked off the Committee on Ways and Means. Mr. CLARK, the Speaker, would verify that fact if he were in the Chamber. Before I ever knew how the committees were to be chosen, and at a time when I thought the Speaker was going to name the committees, I had a conference with Mr. CLARK, and I will state furthermore that before there was ever a suggestion of opposition to my remaining on the committee I said to the Speaker that I would prefer to go off the Ways and Means Committee—that I really preferred other assignments. He has verified that statement in the press. I suppose the verification did not attract the attention of the distinguished leader on the other side, and I will ask unanimous consent to put my own statement, together with what Mr. CLARK said about it, in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

[From the Raleigh News and Observer of Jan. 17, 1911.]

WASHINGTON, *January 16.*

Congressman POU to-day issued the following statement:

"Before the holiday recess and before there was any suggestion of opposition to the Democratic members of the Ways and Means Committee who voted against free lumber, it was agreed between Mr. CLARK and myself that I would probably go off the Ways and Means Committee, if he gave me certain assignments which he had in view and which were very much preferred by me. The suggestion that I ought to go off the committee in that event came from me. When it was announced that no man who voted as I did could remain on the committee, I thought we might as well fight out the difference. I know that this announcement did not receive the approval of Mr. CLARK or Mr. UNDERWOOD, and I know also that Mr. CLARK would have insisted on my remaining on the committee if the fight along this line had been kept up, and I have an idea that his wishes would have prevailed.

"NOTHING TO FIGHT FOR.

"It is now understood perfectly that there is to be no discrimination against anyone on account of any vote heretofore cast, and it is also understood that as far as possible all differences are to be held in abeyance during the Sixty-second Congress. So far as I am concerned, I can not see that anything is left to fight for, and I think it would be puerile for me to continue to fight for a place I had already voluntarily agreed to give up and to decline to accept assignments which my friends know I very much prefer because some report sent out from Washington has said I could not again be elected on the Ways and Means Committee. I shall accept the places which Mr. CLARK and Mr. UNDERWOOD ask me to accept. I have made no campaign for any position, have not solicited support from my colleagues, and have only written two letters about committee assignments in response to letters written by colleagues to me.

"From the day I came to Washington, before Congress met, I have done what I could, absolutely regardless of any personal ambition, to help settle in a proper and honorable manner all differences which were calculated to divide the Democrats of the House. I believe both Mr. CLARK and Mr. UNDERWOOD will very cheerfully indorse this statement. The prospects for Democratic victory in 1912 are so bright that I would feel like a criminal if I had pursued any other course. I would gladly serve on the Committee on Ventilation and Acoustics, if by so doing I can help elect a Democratic President in 1912.

"WILL SUPPORT KITCHIN.

"The tentative agreement reached is entirely agreeable to me. I could not be better satisfied, even if I had made a fight from a selfish standpoint. I think the country will see the Democrats of the next

House more united, if possible, under the leadership of Mr. CLARK and Mr. UNDERWOOD than we have ever been before. North Carolina will have representation on a larger number of the great committees which formulate and control legislation than ever before. I shall very gladly support Mr. KITCHIN in the caucus for a place on the Ways and Means Committee. His services deserve the very highest recognition.

"If I have done what is best to promote the success of my party without surrendering one iota of the principles in which I believe; if I have done what is best for the interest of my colleagues from North Carolina; if the result shall enable me to show my gratitude to some of those who for years have so loyally supported me, it would seem that I have some reason to be content."

Hon. CHAMP CLARK read Mr. POU's statement before it was given to the press, and said:

"Every word of Mr. POU's statement respecting what took place between him and me is the exact truth. His course from the beginning is deserving of the highest commendation."

Mr. POU. Now, I will say furthermore to the gentleman from Illinois, that I got the assignments I wanted, particularly one. I was in the beginning and am now perfectly satisfied with my committee assignments. The caucus did more for me than I have ever deserved, and I stood up in the caucus and put in nomination the gentleman from my own State, who is now on the Committee on Ways and Means. [Applause on the Democratic side.] I was willing then and would be now to make any reasonable sacrifice consistent with honor and dignity to aid the great party to which I belong, because under God I believe its principles are right. [Applause on the Democratic side.] Now those are the facts about this matter, and in order to settle the facts for all time to come, if anybody wants to challenge the statement I have made, I shall ask the Speaker to say whether I have correctly stated what occurred. I do not see him in the Chamber, but he has already done this in the press, and I know he would not hesitate to do so again. Now, having said this much, I am sure the gentleman from Illinois will be willing to correct his statement that I was kicked off a committee. If the statement had been true, does not the gentleman think it is a blow just a little below the belt? [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, I rarely indulge in any personal reflections in the House, and I should not have made the reference I did to the gentleman from North Carolina, but I thought that he was striking below the belt in referring to the gentleman from Kansas; that he delivered a foul blow, and I thought it was perfectly proper for me to refer to what I did. I am glad to know from the gentleman from North Carolina [Mr. POU] that he was not kicked off the Ways and Means Committee. I have always had profound respect for the gentleman from North Carolina, and I still entertain that respect. I think it was a great mistake for the Democratic caucus to take or leave the gentleman from North Carolina, who has been for years a prominent and respected member of the Committee on Ways and Means, off the committee. The gentleman says that it was done at his request. I accept the statement of the gentleman. Even he in advance recognized the march of coming events, and knew that it was the intention of the Democratic caucus to leave off the Ways and Means Committee those Members on the Democratic side who did not agree in advance to be bound hand and foot by the gentleman from Alabama [Mr. UNDERWOOD].

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2366. An act to acquire land along the course of Rock Creek for the purpose of preventing the pollution and obstruction thereof and of connecting Potomac Park with the Zoological Park and Rock Creek Park and providing a new location for the United States Botanic Garden.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress.

THE COTTON SCHEDULE.

The committee resumed its session.

The Clerk read as follows:

3. On cotton cloth, not bleached, dyed, colored, stained, painted, printed, or mercerized, containing yarn the highest number of which shall not exceed No. 50, 15 per cent ad valorem; containing yarn the highest number of which shall exceed No. 50 and shall not exceed No. 100, 20 per cent ad valorem; containing yarn the highest number of which shall exceed No. 100, 25 per cent ad valorem. On cotton cloth, when bleached, dyed, colored, stained, painted, printed, or mercerized, containing yarn the highest number of which shall not exceed No. 50, 20 per cent ad valorem; containing yarn the highest number of which shall exceed No. 50 and shall not exceed No. 100, 25 per cent ad valorem; containing yarn the highest number of which shall exceed No. 100, 30 per cent ad valorem.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

When I was interrupted this morning by the extreme courtesy of a gentleman on that side of the House objecting to my proceeding for five minutes, a courtesy which is appreciated by other Members as well as by myself, and without any feeling on my part, I was calling attention to a statement on page 46 of the report which undertakes to show that the tariff cotton schedule costs the people of this country $200,000,000. I do not propose to discuss that except as to the method of arriving at the result.

The gentleman from Alabama [Mr. UNDERWOOD] reports that the total cotton goods consumed in the United States amounts to $839,241,675 in mill value, and says that this is increased 25 per cent by reason of the tariff schedule, and then figures up how much the increase is. He figures the increased cost to the American people at $209,593,673. I was curious when I looked at these to ascertain how the gentleman arrived at his last figures. And it is apparent that the eminent statistician employed by the gentleman from Alabama took 25 per cent, or endeavored to take 25 per cent, of the total value of the goods consumed. In other words, claiming that the goods were increased in value 25 per cent, he endeavored to divide $839,241,675 by 4, in order to get the 25 per cent advance. Even in that the gentleman was not able to make a correct computation. Even in dividing a sum by 4 the gentleman is unable to arrive at a correct result, because if you divide the sum which he gives by 4 in order to get 25 per cent, instead of making $209,593,673, it would make $209,810,418.75. If he had said $209,000,000 was 25 per cent of the total sum, I should have been perfectly agreeable to that, but when he figures it down to $3 at the end, and his computation is several hundred thousand dollars out of the way, as a mere matter of arithmetical division by 4, I should have supposed that the gentleman's great statistician at least had gone far enough to be able to divide by 4.

But take the theory of the computation. If these goods had a certain value at the mills, and 25 per cent was added to that value, it would make a total value of 125 per cent of the cost. The 25 per cent which the gentleman says is added is not added to the selling cost; it is added to the producing cost. And in order to get the correct figures of a 25 per cent advance on the goods, it would be necessary to take 100 per cent, based upon 125 per cent, and instead of dividing the cost of the goods when consumed and after the 25 per cent is advanced by 4, it should be divided by 5 or divided by 125, and thereby get 1 per cent, and take 100 times that.

Here we have a computation which the grammar-school boys and girls in the sixth or seventh grades will understand. Every school child knows that when you add 25 per cent to a fixed sum you make then a total of 125 per cent. The gentleman arrives at a result of $209,593,000, but if the school children of the land were to compute this, they would make it $167,848,335, a mere trifling difference of $41,745,338 of an error.

But what is $41,000,000 to a Democratic caucus or a Democratic program, or the chairman of the Ways and Means Committee of the Democratic side, if they can come within $41,000,000 of being correct? That is nearer than they usually get.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Pennsylvania [Mr. DONOHOE] is recognized.

Mr. DONOHOE. Mr. Chairman, before this bill came before the House for consideration I felt that the conditions in my district, as well as the pledges which I had made in my campaign, justified my being in a position to vote for or against it, according as my constituents might desire, and therefore I took steps to exempt myself from caucus action.

In the six congressional districts comprising the city of Philadelphia we have upward of 200 cotton mills, one-half of which I understand are in my district. In order to test the sentiment of those most interested and best informed in the textile industry I sent the following letter to a gentleman whom I have known for many years as an honest labor leader and one of the most active in promoting the well-being of his fellow workers:

JULY 29, 1911.

Mr. FRANK MCCUSKER,
Kensington Labor Lyceum Hall, Philadelphia, Pa.

MY DEAR SIR: Inclosed please find copy of the Underwood cotton bill, which is now before the House. I wish you would have a talk with a number of your friends—both manufacturers and workers—as early as possible and advise me as to how they regard the proposed measure. In such matters I feel that as their Representative in Congress I should be governed by the wishes of the people, and so if those who know the textile business better than I do declare that the bill would be injurious to the textile industries, I will not only vote against it but, regardless of my personal opinion, do whatever is in my power in opposition to its passage.

The favor of an early reply will be appreciated.

Very truly, yours,

(Signed) MICH'L DONOHOE.

In answer to that letter I received this morning a telegram which reads:

PHILADELPHIA, PA., *August 3, 1911.*

Mr. MICHAEL DONOHOE, *Washington, D. C.:*

Vote for Underwood bill; instruction from Upholstery Weavers No. 25.

FRANK MCCUSKER.

[Applause on the Democratic side.]

Having received this request from faithful representatives of the operatives in the cotton mills of my district, and having received no contrary word from anyone in that district, I will gladly vote in favor of the bill. [Applause on the Democratic side.]

Mr. HEFLIN. Mr. Chairman, the Democratic Party is no longer composed of divided and discordant elements. To-day we present a solid front to the divided, broken, and shattered elements of the Republican Party. Democratic unity, Democratic harmony, and Democratic enthusiasm now mark the conduct of the Democratic Party. [Applause on the Democratic side.]

"In the multitude of counsel," the Good Book tells us, "there is wisdom." The Democratic caucus is the place where we have this multitude of full and free Democratic counsel. [Applause on the Democratic side.] And, Mr. Chairman, when we come forth from that Democratic caucus and present our measures to the Congress and the country we have been fortunate enough, so far, to have not only the Democratic people of the country indorse those measures, but thousands of patriotic Republicans have done so. [Applause on the Democratic side.]

Mr. Chairman, behold to-day the ridiculous attitude of the Republican Party in this House. Gentlemen of the minority—and you know it pleases me more than I can tell you to call you the minority. [Applause and laughter on the Democratic side.] Gentlemen who have been lashed with the whip of public opinion, lashed until you were driven from power, now consume hours at great cost to the people in discussing the Democratic caucus instead of discussing and offering measures that will tend to relieve the people of the burdens that you have put upon them during all the years that you have been in power. [Applause on the Democratic side.]

But, Mr. Chairman, there is method in their madness. Their purpose is clearly disclosed. When I was a boy I used to fox-hunt a great deal, and the yelping of a pack of hounds is still sweet music to my ears. I used to go out into the woods in the springtime when the mother fox had her young hid away in a hollow log or in a hole in the ground, and the minute that she heard the sound of my horn calling my dogs for the chase she would come between her young and the dogs, and with this foxy performance she would lead the dogs off in another direction, away from where her young were. She did it to protect her treasures. Mr. Chairman, under the splendid leadership of the able and distinguished gentleman from Alabama [Mr. UNDERWOOD] [prolonged applause on the Democratic side] the Democratic Party in this House has been storming the citadel of high-tariff protection, and day after day we are dismantling this infamous stronghold of the Republican Party. [Applause on the Democratic side.] Like the old fox, you Republicans are trying to turn the attention of the country from just tariff legislation to a discussion of a Democratic caucus and other things with which you hope to deceive the public. [Applause on the Democratic side.]

The Good Book tells us that "by their fruits ye shall know them." What are the fruits of our Democratic caucus? A reciprocity agreement with Canada [applause on the Democratic side], a woolen schedule, against which you voted, and a farmers' free-list bill have all passed this House. [Applause on the Democratic side.] And when the people of the country learn of your attack on our Democratic caucus and recall that these measures are the fruits of a Democratic caucus they will say, "Long live the Democratic caucus." [Prolonged applause on the Democratic side.]

Mr. GREEN of Iowa. Mr. Chairman, after listening to the discussion which has just proceeded, and which has been going on for several hours, I wish, at the risk of being considered out of order, to say a few words with reference to the provisions of the bill before the House. [Laughter.]

Mr. Chairman, I find in the report which is given to this House as an excuse for presenting to it this bill, a statement on page 27 which, while it perhaps may be technically accurate, is in fact so misleading and, as generally understood, so utterly incorrect, that I can not let it pass unchallenged. Upon that page I find the following:

In paragraph 328, including the bulk of imports of stockings, hose, and half hose, the act of 1909 increased the rates of duty on the cheapest class, valued at not more than $1 per dozen pairs, from 50 cents per dozen pairs and 15 per cent to 70 cents per dozen and 15 per cent.

On the same page I also find this:

The increases, affecting the cheaper grades, were heavy and of serious concern to the people of moderate means, and hence to the greater part of our population.

Then, on the same page also:

On the cheapest class of goods affected, those valued at not more than $1 per dozen pairs, the average ad valorem rate on the imports of 1910 under the increased duties was 91.23 per cent.

And based, as I suppose, upon this statement contained in this report the gentleman from Illinois [Mr. FOWLER] a few days ago rose in his seat and inquired of one of the speakers upon this side if he was not aware that the rate of duty upon the hosiery which the poor man purchased was fixed under the Payne bill at 91 per cent, and that the percentage decreased as it went into the higher values.

The fact is, Mr. Chairman, that paragraph 328 does not apply to the cheapest class of hose at all and that the rate of duty upon the cheapest class of hose was not increased by the Payne bill. On the contrary, the rate of duty imposed upon the poor man's hose by the Payne bill is exactly the same as it was in the Wilson bill, with no difference whatever. The present bill reduces it to 20 per cent. Instead of 91.23 per cent upon the hose which the poor man buys, the duty in the Payne bill is, in fact, only 30 per cent. Paragraph 328 of the Payne bill refers by its terms to stockings and hose which are selvaged and seamless.

All hosiery, both under the Payne bill and under the one now under consideration, is divided into two great classes—those that are selvaged and seamless and those that are not. Those referred to in paragraph 328, namely, those that are selvaged and seamless, are not the cheaper grades, but are the more expensive hose, such as gentlemen in this House wear, if any of them actually wear seamless hose, as I think very few of them do, for many hose sold at 25 cents per pair are not seamless. These hose cost, in the cheaper grades, in Europe over 90 cents per dozen; that is, over 7½ cents per pair. Will any gentleman explain to me how it would be possible to bring these hose over into this country and add a duty which, under the Payne law was 70 cents per dozen and 15 per cent ad valorem, amounting to a little over 6 cents per pair, and then to sell them for 10 cents per pair? The poor man's hose is sold at from 5 to 10 cents per pair, and a well-wearing pair can be bought for the latter figure. Such hose does not come under this classification, and could not, for the reason that it is not seamless, and there is none imported under section 328.

They cost in Europe only from 40 to 60 cents per dozen. The importation of them here is not great; but if the duty on these cheap stockings is reduced in accordance with this bill, it would make so little difference, only about half a cent a pair—less than what the workingman pays for his evening paper and then throws away—that nobody would know the difference in the retail price.

Now, I went into a store this morning and bought over the counter a pair of hose for 5 cents, and a fairly good and quite smooth pair it is, as anyone can see. [Producing the hose.] Does any gentleman say that upon that poor man's hose which you could buy for 5 cents, that under the provisions of the Payne bill it pays a duty of 6 cents per pair? Why, this must be the sort of figures from which this report obtains the $200,000,000 which it alleges the American people pay in addition to what they ought under the Payne bill.

Mr. Chairman, while cotton has advanced nearly 100 per cent, the skill of the American workman and ingenuity of the American manufacturer, developed under the protective system, furnish to-day to the American workman a cheaper and better hose than he ever purchased before. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, the gentleman from Iowa labors under the general mistake that the most of his party do in considering the report on a tariff bill. The very cheapest class of goods, the very common 5-cent goods, as he expresses it, are not worn by the poor people of this country, I am glad to say. They are not imported to any extent and not used to any extent. The report very naturally referred to the goods that are really worn by the poorer people of the United States that come in this first class of the second section of hosiery. I hold in my hand a copy of the Treasury report, and I find that the hosiery valued at not more than $1 a dozen pairs for the year 1910 the ad vlorem rate was 91.23 per cent. Now, those are the goods that the people who labor wear.

The next grade of goods valued at more than $1 and not more than $1.50, as shown by the Treasury's report, the ad valorem duty on that class of goods for 1910 was 76.37 per cent. But for hosiery of the grade of goods fixed by the Payne bill that is valued at more than $1.50 and not more than $2, the average ad valorem duty was 63.59.

So that the rate, if the gentleman will examine the figures of that class of hosiery, runs from 25 to 30 per cent higher on the class of hosiery that is used by the people of means as against that which is actually used and worn by the laboring people in this country.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. GREEN of Iowa. I will say that I inquired of one of the largest department houses in the city and was informed that these selvage and seamless hose were not sold in the city for less than 25 cents. Does the gentleman say that the American laboring man wears hose at that price?

Mr. UNDERWOOD. If the gentleman will look at the report of production, he will find very few of such grade hose as are used by anybody that the American people have got to put shoes on.

Mr. GREEN of Iowa. I want to say that the gentleman is entirely in error. He is correct in saying that there are very few imported, but there is an enormous amount made to-day by American mills, which will be closed up by the bill which the gentleman has prepared. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman is mistaken. I recognize that the duty on that class of hosiery in the Payne bill was a prohibitive duty and that they could not import any, and it put those poorer class of goods absolutely in the hands of the manufacturers. But the gentleman will find that there is comparatively little of the lower grade of hosiery worn in this country and that the class pointed out in the report in the second paragraph is the hosiery that the poor people in this country wear.

Mr. PAYNE. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. PAYNE. Is the gentleman aware of the fact that since the passage of the present law all hosiery, and especially that on which the duty was increased, has been selling at a much lower price than ever before?

Mr. UNDERWOOD. Certainly, and I explained that—that the panic caused by the gentleman's bill brought to the American people demoralization of all business, and they had to throw their goods away. [Laughter and applause on the Democratic side.]

Mr. PAYNE. No; but the prices dropped before you had your election, when things were booming here the price of hosiery went down all over the United States. The gentleman can not get out of it that way. [Applause on the Republican side.]

Mr. FOWLER. Mr. Chairman, on yesterday my friend from Pennsylvania [Mr. MOORE], in discussing the hosiery schedule, characterized me with wearing silk stockings. [Laughter.] I want to deny that proposition. I never saw a pair of silk stockings in my life, much less wear such things. [Prolonged laughter.] I have had enough trouble in supplying myself and family with the cheaper cotton grades. Mr. Chairman——

Mr. CLAYTON. I would like to interrupt the gentleman.

The CHAIRMAN. Will the gentleman yield?

Mr. FOWLER. With pleasure.

Mr. CLAYTON. I want to express the hope that after my friend from Illinois has served two or three terms in Congress he may be able still to say truthfully that he never saw a pair of silk stockings. [Laughter.]

Mr. FOWLER. Mr. Chairman, if I should have the good fortune to serve a second or a third term in Congress, I want to say to my distinguished friend from Alabama [Mr. CLAYTON] that I still do not expect to be able to wear a pair of silk stockings. [Prolonged laughter.]

While it is true that I have not had the pleasure of using any of these high-grade stockings, I have had a great deal of trouble in possessing some of the lower grades of stockings, because of the high duty of 91 per cent which has been placed upon that grade which I wear. [Laughter and applause.] The Dingley bill divided stockings into six grades. The Payne-Aldrich bill retained these six grades. The first three of these grades are the grades that the poor people of this country wear. Instead of keeping the tariff on these grades as it was fixed in the Dingley bill, the Payne bill raised the tariff on every one of these cheap grades of stockings; but, Mr. Chairman, when they came to the higher grades, approaching the silk-stocking grade, they kept the old duty of the Dingley bill, and never dared to increase the rates upon a single one of the stockings worn by the rich in this country. Mr. Chairman, when we analyze the amount of revenue paid into the Treasury of this country last year from the sale of these three cheap grades, it is more than $3,000,000. The amount paid into the Treasury from the sale of the three higher grades is less than $105,000. From these figures we see that the poor people of this country paid to the Government nearly 25 times as much money as the rich people for the right to wear stockings, and at the same time the poor people wore the coarse, rough grades and the rich people wore the fine mercerized goods.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the time of my colleague may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, for the once I bow my head to my distinguished colleague from Illinois. [Laughter.] Mr. Chairman, the lowest grade of stockings, those which do not cost more than $1 per dozen, paid into the Treasury of this country last year more than $1,000,000 to help defray the expenses of this Government. These are the stockings worn by the poorest people, yet they are taxed with a duty of 91.23 per cent. The finest grade of stocking, that grade which is worth more than $5 a dozen, paid into the Treasury of this Government the enormous sum of $17,000 to help defray the expenses of the Government. This grade, the rich people's stocking, is taxed with a duty of 55 per cent. This shows that the poorest people paid a sum equal to 6,890 per cent of what the richest people paid, yet my distinguished friends on the other side stand here and tell us that we ought to keep up the high tariff upon the poor people of this country and cause them to suffer for another long 12 months waiting for the Tariff Commission to make its report. This commission has now been at work about two years, and it has made a report on but one article, and that is wood pulp for newspapers. At this rate it will require 8,000 years to make its report upon the 4,000 dutiable articles in the Payne law.

Mr. Chairman, when I see my distinguished progressive Republican friends on the other side freely and voluntarily joining us in our efforts to relieve the masses from the burdens of unjust discrimination, I feel exceedingly happy. They have been and now are doing a noble work. I can gladly splice hands with them and call them brothers. It was their influence, combined with the influence of the Democratic Party, which gave me a seat here in this Congress. To the Republicans of my district I owe much for their support. While I am grateful to them as well as to my Democratic friends, yet I owe my allegiance to all and not a part of the people of my district.

Mr. Chairman, when I find these gentlemen almost with us, and then when I hear them trying to pick a flaw in the rules of the Democratic caucus, I am reminded of a story of a law firm consisting of an atheist and a Christian, in which the atheist had made a contract for $1,000 as a fee for winding up an estate. The Christian made another contract for $1,500 and settled up the estate, after which he came into the office and said to the atheist, "I have settled up the affairs of that estate and collected the fee." The atheist replied, "Suppose you give me my part." "What is your part?" "I think I ought to have $500." "Very well," said the Christian, and wrote out a check for $500. Then he said, "After I took charge of that case I made a new contract." "You did?" "Yes." "What was the contract?" "I made a contract for $1,500." The atheist then said, "Almost thou persuadest me to be a Christian." [Laughter and applause.] And that is the way with my distinguished progressive Republican friends. They say to us by their conduct in voting with us here, "Almost thou persuadest us to be Democrats." [Applause on the Democratic side.] Come along, gentlemen, we will take you with us and march on to victory with you in 1912 and share the honors with you. [Applause on the Democratic side.]

Mr. BOWMAN. Mr. Chairman——

Mr. UNDERWOOD. Mr. Chairman, I would like to get along with the bill, and I would like to ask the gentleman to wait until the next paragraph is reached.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn, without objection. [After a pause.]. The Chair hears no objection.

The Clerk read as follows:

8. On plushes, velvets, velvetcens, corduroys, and all pile fabrics, cut or uncut, whether or not the pile covers the entire surface; any of the foregoing composed of cotton or other vegetable fiber, except flax, and on manufactures or articles in any form, including such as are commonly known as bias dress facings or skirt bindings, made or cut from plushes, velvets, velveteens, corduroys, or other pile fabrics composed of cotton or other vegetable fiber, 30 per cent ad valorem.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do not expect to say anything again upon this bill. I want to make a few observations at this time. I never have taken the cotton-schedule revision seriously——

Mr. GARNER. It is time the gentleman was getting serious.

Mr. MANN. There is no expectation on the part of anybody, I think, except the manufacturers who are scared, that this bill will become a law. It affects southern industries. It will break down the great manufacturing industries in the South. It receives the Democratic support in the House, but it is never expected that it will receive the solid Democratic support at the other end of the Capitol. It takes more than one party at the other end of the Capitol to pass a bill. There is no expectation that this bill will pass the Senate of the United States. It makes not a great deal of difference to me what the cotton-schedule bill is, except as a threat to the industries of the country which holds an uncertainty over the manufacturing establishments, but nothing but the proof at the end can make me believe that the distinguished Senators representing the States of North Carolina and South Carolina and Georgia and the States of the South will not only strike down the industries of their State, but strike down the price of the great crop of the South. It is easy to bring this bill in as a counterpart of the wool bill, which seeks in the main to destroy northern industries. It is offered as a counterpart before the public, but it is a game of buncombe, in my opinion. [Applause on the Republican side.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn——

Mr. BOWMAN. Mr. Chairman——

The CHAIRMAN. The Chair did not see the gentleman from Pennsylvania on his feet. The Chair recognizes the gentleman from Pennsylvania.

Mr. BOWMAN. Mr. Chairman, I had not intended to say a word upon this bill, but it is a duty which I owe to the district which I represent, and also to the State in which that district is located, and also, I believe, it is due to the country as a whole.

A manufacturer of cotton fabrics in my district asked me to keep him advised as to the progress upon this bill. I wrote him a letter, and, by the way, I should not refer to it or his response if it had not been that a letter was read to you by my esteemed friend the Representative from Philadelphia [Mr. DONOHOE].

Now, I will read his response to my letter, as follows:

THE FRANKLIN MILL,
Pittston, Pa., August 3, 1911.

Hon. C. C. BOWMAN, *Washington D. C.*

MY DEAR SIR: In the matter of reduction of duties on cotton goods, beg to advise that we, in common with every factory in the United States, protest against any reduction at this time, and request that you aid us in every way possible.

Even the threatened reduction has caused an entire stoppage of work this summer among the mills in Pennsylvania who consume cotton.

Thanking you in advance for any effort you can make in maintaining the present rates at least, we remain,

Respectfully, yours,

THE FRANKLIN MILL,
W. H. RUTLEDGE, *Secretary and Treasurer.*

I read the letter which I wrote him in accordance with my promise, as follows:

AUGUST 2, 1911.

Mr. W. H. RUTLEDGE,
Secretary and Treasurer Franklin Mill, Pittston, Pa.

MY DEAR FRIEND: Debate closes to-day on the cotton schedule. There have only been a few days allotted to the subject; not enough time for a tithe of the men who want to speak upon it to be heard. However, there have been some good, strong arguments put up against what I consider an ill-advised change in the law, until we have more information from a Tariff Board as to just how to proceed. It is the general opinion here that if this bill passes the Senate that the President will veto it; however, do not believe it will pass the Senate. The southern Members are beginning to appreciate the effect it will have upon the mills in their section of the country, and yet I understand the change from specific to ad valorem duties has in some instances resulted in giving greater protection on low-grade goods.

Yours, truly,

C. C. B.

Mr. DONOHOE. Will the gentleman from Pennsylvania yield?

Mr. BOWMAN. In just one moment. I may add that the gentleman, W. H. Rutledge, is an ex-Representative of the State of Pennsylvania and a Democrat in good standing. I may say further that that mill is supported by stockholders of limited means; that they are dependent—at least some of them—on what they get from that mill for their income. That mill has lately only been working limited time under the present law, owing to the agitation over this measure. I fully and firmly believe there can be no settled conviction and desire by the Members of this House that this bill shall pass, and it was never proposed excepting to make political capital.

Mr. COOPER. Mr. Chairman, I feel that I owe an apology to the House for again trespassing upon its patience, yet I deem myself in a measure justified because of the dangerous character of the precedent sought to be established here through legislation by caucus. We are now to decide this question or the American people are to decide it. If caucus here is to control, then it may control also in the Senate. Therefore, the question is, Shall the legislation of the American Congress be done in secret?

I am just interrupted by a gentleman in front who says that Col. William J. Bryan has asked the same question. I did not know that until this moment.

The gentleman from Alabama [Mr. HEFLIN], my friend, whose ability I admire, made a speech in which he declared that we who criticize the caucus are doing it simply because being in the minority we desire to attack the majority. The gentleman forgets that the gentlemen who are now opposing caucus on this floor opposed it also when they were members of the majority here. And they did it with just as much determination to have the House and the country understand the wrongful character of legislation in secret.

Now, let me give an illustration. It is utterly immaterial as to what may be brought out on this floor by such gentlemen as the gentleman from Massachusetts [Mr. MCCALL], one of the ablest Representatives I have known during my service in the House, one of the highest-minded patriots. [Applause on the Republican side.]

He criticized this bill yesterday, and defied contradiction of a successful character of his assertion that in certain particulars the pending measure increases the tariff above the Payne rates. An attempted contradiction was made, but it was not very successful. But when a man of the character and the learning, and reputation as a statesman, of the gentleman from Massachusetts makes a declaration of that kind it ought to have weight, even with the majority. But did it? Not at all. Legislation in secret is the rule. The caucus had issued its orders, and a defect in the proposition, disclosed in debate on the floor of this Chamber, did not signify. Now, let me give an illustration, which discloses one of the reasons why I have opposed legislation by caucus. I was in a Democratic House when I first came here, the distinguished gentleman from Georgia, Mr. Crisp, being Speaker, one of the most delightful gentlemen I have ever known, and one of the ablest Speakers in the history of the House. I was put on the Committee on Pacific Railroads.

A bill was reported involving 4,000 or 5,000 miles of railroad—the Union Pacific, the Central Pacific, the Kansas Pacific, and the Oregon Extension—and the collection of about $120,000,000 due the Treasury of the United States. In committee we took testimony for the better part of a year—yes; more than a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for five minutes more. Is there objection? The Chair hears none.

Mr. UNDERWOOD. I do not object to the gentleman's request, Mr. Chairman, but I make the motion that all debate on this paragraph end in five minutes.

The CHAIRMAN. The gentleman from Alabama moves that all debate on this paragraph shall close in five minutes. Is there objection?

There was no objection.

Mr. COOPER. We took testimony up to the last week in January, and Congress was to adjourn on the 4th of March. There was not very much time. Friends of the bill urged that it was very important to the Government that the funding bill should be hurried through, because, as we were informed, the Government would not collect $10,000,000 in 100 years if we did not pass it. I knew that that statement was not true. The committee was composed of 15 members. The majority was Democratic. Eleven members of the committee voted to pass the refunding bill extending those debts for 50 years at 3 per cent. Two Democrats, Boatner and Snodgrass; one Populist, Mr. Harris, of Kansas, afterwards a Senator from that State; and myself were in the minority. I was the only Republican. A rule was brought in limiting the general debate to three hours, to be followed by a five-minute debate of one day, and then a vote on its passage. We made such a protest that the time was extended for one day, and with the facts before a House not gagged by a caucus the bill was defeated.

Now, suppose that a caucus had been called. Unquestionably that caucus would have followed the majority of the Committee on Pacific Railroads, which stood 11 to 4. The caucus, trusting to the judgment of a majority of the committee, would have ordered the bill to be passed. That would have been legislation by caucus, and also legislation by committee. Caucus legislation often is committee legislation. The caucus with practical unanimity would have declared for the extension of that debt for 50 years at 3 per cent interest. But, fortunately, that was before legislation by caucus was customary here. The bill was defeated, and the Government in consequence collected

$56,850,000 in cash from the Union Pacific, the Kansas Pacific's debt was cleaned up, and the Central Pacific a year or two later took up a second mortgage, gave the Government a first mortgage, providing for the payment of principal and interest in installments. All has been paid, and approximately $120,000,000 turned into the Treasury of the United States. And yet a caucus, after a hurried debate of two or three hours, would, as I have said, unquestionably and with practical unanimity have indorsed that refunding bill.

Now, then, you can take a good bill into a caucus, but the serious fact is that you can take a bad bill into a caucus and that cunning men can get weak-minded followers to agree to it in a caucus. Under such caucus domination what becomes of the public discussion which is understood to be provided for by the Constitution of the United States? What becomes of the yea-and-nay vote that records, or ought to record, the honest conviction of every legislator in this Chamber?

As I said awhile ago, suppose there were here 95 Republicans and 100 Democrats and 51 of the Democrats believed in a measure and 49 were against it. The 51 would vote the other 49 and your 100 would come in here and defeat 95 Republicans and 49 Democrats. Fifty-one would defeat 135. Legislation in secret is utterly wrong. It is incapable of intelligent defense. Legislation by caucus is very frequently nothing but legislation by a majority of a party, which is a minority compared with the votes which, if untrammeled, would be cast in opposition. It is not American. And, remember, the people of the United States will have this pressed home upon them by men who believe that their oaths to legislate in the interest of the people will not permit them to submit their votes to the domination of a majority in a party caucus held in secret. [Applause on the Republican side.]

The CHAIRMAN. Debate on this paragraph is exhausted. Without objection, the pro forma amendment will be considered as withdrawn. The Clerk will read.

The Clerk read as follows:

9. On curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value, tapestries, and other Jacquard figured upholstery goods, composed wholly or in chief value of cotton or other vegetable fiber; on any of the foregoing, in the piece or otherwise, 35 per cent ad valorem.

Mr. DIES. Mr. Chairman, I move to strike out the last word.

I think the greatest exhibition of hypocrisy in the political history of this country has been the performances of the Republican Party during this extra session of Congress. When it was known to them that the Democratic Party would have a majority in this body, they began to prophesy anarchy and disunion. They said the Democratic Party could not march in solid phalanx. They said the Democratic Party had no defined policy or concerted idea of running the Federal Government. All the newspaper organs and leaders of that party every morning before breakfast were gleeful in the prophecy that we would split into factions, and that nothing would be accomplished. Think of the monumental hypocrisy of their leaders in complaining to-day that we yield to and abide by the decision of the caucus. Heretofore they have expressed the hypocritical fear that we would separate into factions. To-day, with the hypocrisy of a Uriah Heep, with dissembling countenances, they say we are standing together and abiding by King Caucus. [Applause on the Democratic side.] This modern party of hypocrisy, no longer to be known in American history as the party of cupidity, but henceforward to go down bearing the semblance of a Uriah Heep—this party of hypocrisy says we ought not to revise the tariff, because, perforce, a Tariff Board of their own hypocritical making in the last Congress has not made its report. In the light of history, what must the verdict be? In 1909 they essayed to frame a tariff bill. No Tariff Board had reported to them. So recently as the beginning of this Congress their President proposed a pact with Canada, and no board had made its report. Now this party of hypocrisy says we are proceeding immaturely, because the Tariff Board have not reported. My Democratic friends, henceforward in your debates about the Republican Party I implore you no longer to refer to it as the party of greed, no longer refer to it as the party of organized wealth in the United States. Tell the people that in all the political history of our country the record of the Republican Party in the Sixty-first Congress is preeminent for supreme and monumental hypocrisy. [Applause on the Democratic side.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

13. On bandings, beltings, bindings, bone casings, cords, garters, ribbons, tire fabric or fabric suitable for use in pneumatic tires, suspenders and braces, tapes, tubing, and webs or webbing, any of the foregoing made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, whether composed in part of india rubber or otherwise, and not embroidered by hand or machinery, spindle banding, woven, braided, or twisted lamp, stove, or candle wicking made of cotton or other vegetable fiber, loom harness, healds, or collets made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, boot, shoe, and corset lacings made of cotton or other vegetable fiber, and labels, for garments or other articles, composed of cotton or other vegetable fiber, 25 per cent ad valorem; on belting for machinery made of cotton or other vegetable fiber and india rubber, or of which cotton or other vegetable fiber is the component material of chief value, 15 per cent ad valorem.

Mr. PROUTY. Mr. Chairman, I move to strike out the last word.

I had reached the conclusion in my own mind that I would vote for this measure, on the theory that I believed that it would furnish cheaper clothing and cheaper products to the masses of the people of this country. [Applause on the Democratic side.]

I was extremely gratified when I found that the gentlemen representing the large southern interests were willing to come into the House and reduce, as I understood, the tariff on the products of their own section and their own factories. [Applause on the Democratic side.]

But I have been using my pencil for the last 15 or 20 minutes, and, unless I am mistaken in my figures, the bill that the gentleman brings here raises the duty on cheaper articles, which are manufactured largely in the southern mills of this country. [Applause on the Republican side.]

I had sincerely hoped that there would be no sectionalism cropping out in this bill. When I came to Congress I hoped that I would have the opportunity of voting for some tariff measures that would do away with some of the inequalities of the Payne-Aldrich tariff bill.

My judgment of that measure was that it was unfair—unfair, if you please—to the great agricultural West, of which the State I have the honor in part to represent forms the center. But up to the present time no measure has been proposed or presented by that side of the House that even tended to remove that unfairness, but, on the contrary, every one seemed to me to accentuate it.

In all these measures the gentleman from Alabama has been the presenter, if not the author. At least they have come through a caucus in which the Representatives of the Southern States have held a large and controlling majority. It seems to me in every one of these bills which they have thus far proposed, through their caucus, they have been unfair to the great agricultural West.

They first gave their indorsement to the reciprocity agreement, knowing full well that it put upon the free list all the agricultural products of the great Northwest and did not put upon the free list anything that would come in competition with the agricultural products of the South.

In supporting that measure they seemed to be conscious that Canada did not produce cotton, rice, or cane, and they seemed to be perfectly willing to let the reciprocity agreement go through, as it did not affect them.

The next measure that came along was called the farmers' free-list bill. That, at first flush, was disposed to create the impression that it was for the benefit of the farmers, and was introduced professedly to compensate the farmers for the injustice that had been done them by the reciprocity compact.

But a careful examination of the bill soon revealed the fact that it put on the free list the staple products of the northern farm, mainly cattle, sheep, wheat, meats, and provisions, and opened them up to competition, not merely from Canada, but from the countries of the whole world.

This would force the western farmer to compete in production with the Argentine Republic and the countries of South America, where cattle and sheep are produced at one-half the cost for which they are raised in the United States.

As this was unfair to the great West, I was compelled to vote against the measure.

The next measure presented by that side of the House was known as the wool schedule.

Now, everyone knows that wool is raised in the North. It is not hard to see that such a measure would not have much difficulty in passing a Democratic caucus, a majority of whose members come from a country that neither raises sheep nor manufactures woolen cloth.

I voted against that bill because I believed that it made the tariff on wool too low; that this reduction would cripple the sheep industries; that it would prevent the raising of wool sheep on the high-priced lands in the United States in successful competition with those raised in the Argentine Republic and other southern countries.

Up to the time that the cotton schedule was brought in, I felt that all of the legislation had a sectional bent and a terri-

torial application, and I had begun to think that no measure would be proposed that would affect the industries of the South. I confess I was agreeably surprised when this cotton schedule was presented with the statement that it reduced the general average duty from 48 per cent to 27 per cent. It indeed looked like the majority of the majority was going to be fair.

After listening to the able presentation of the schedule by the distinguished leader of the majority I concluded that I would support that measure.

I had long felt that the masses of the people, and especially the poorer people, were entitled to cheaper clothing and cheaper bedding, and I was more than pleased to give my support to such a measure.

I have always advocated that the tariff ought to be low on the goods used by the poor people and that if we are to have high tariff it should be on articles used by the wealthier classes.

It is not demagogy to say that the burdens of taxation should fall heaviest upon those that are most able to bear them and should fall lightest upon those least able to bear them.

During the discussion of this measure I heard it intimated that there were some schedules in this new bill that by transferring from the specific to the ad valorem duty increased the duty over that in the McKinley, Dingley, or Payne-Aldrich bill.

This statement was so feebly denied on that side of the House that I began to scan the bill, first, to find out if this was true; second, to what class it applied.

Now, I admit that I am a novice in technical tariff schedules, and do not reach conclusions as quickly as some of those experts. Now, my examination shows that it is true, and that the increase is on the low-priced goods.

While I was willing to vote for this measure 30 minutes ago, I am not willing to vote for it now unless some one on that side of the House can explain to me the schedules contained in this bill and the report which indicate to me that this bill raises the duty on cotton goods in all classes of 12 cents a yard or under and lowers the duty above that price.

Now, if that is true, I can not vote for this measure, because it reverses my whole theory of a just tariff law. It has a tendency to increase the price on cheap goods and lower the price on high-priced goods. Now, that is not fair.

If you will turn to the table on page 306 of the report submitted by Mr. UNDERWOOD with this measure you will find under the Payne-Aldrich bill of 1909 this statement:

Cotton cloth, not bleached, dyed, colored, stained, valued at not over 7 cents, duty 1 cent per square yard.

Now, this is the lowest-priced goods contained in the Payne-Aldrich bill, and the duty on it is 1 cent per square yard. If you will turn to page 2, section 3, of the present bill, you will find—

Cotton cloth, not bleached, dyed, colored, stained, 15 per cent ad valorem.

Now, 15 per cent of 7 cents is 1.05; that is to say, the duty on that class of goods under the Underwood bill is increased 5 per cent, taking the Payne-Aldrich bill as a basis.

The next classification is 9 cents and under. In the same report and on the same page, you will find, under the Payne-Aldrich bill—

Cotton cloth, not bleached, etc., valued at not over 9 cents, duty of 1.25 per cent per square yard.

If you will turn to page 2, section 3, of the present bill, you will find—

Cotton cloth, not bleached, etc., 20 per cent ad valorem.

Now, figuring cloth at 9 cents a yard ad valorem, a duty of 20 per cent would be 1.80.

That is to say, while under the McKinley, Dingley, and Payne-Aldrich bills the duty on this class of goods was 1.25, under the present bill it is now 1.80.

If that is not raising the duty, figures lie, and should join the Ananias Club along with the distinguished gentleman from Nebraska.

Again, if you will turn to the same page of the same report, you will find—

Cotton cloth, not bleached, etc., costing more than 9 cents and not over 12 cents a yard, duty of 2 cents a yard.

While there is a slightly different grouping under the present bill, it seems that that class of goods would come under the 25 per cent ad valorem duty in this bill. If it did, and costs 12 cents, the tariff duty would be 3 cents per yard, an increase of exactly 50 per cent over the Payne-Aldrich bill.

But I will be frank and say that in examining this bill somewhat carefully I am inclined to think that some of this third classification in the bill would fall under the second classification in the table, so that the average would probably be about 2½ cents under this bill as against 2 cents under the Payne-Aldrich bill.

Now, if these figures are correct—and I assume they are correct, because they are in the report that bears the signature of the honored leader of that side of the House—it shows that the duty has been raised on the very items that enter into general use by the masses for clothing and bedding, the very items that I think ought to be made cheaper instead of higher. After you pass 12 cents a yard the duty falls very rapidly, and while I have not been able to verify the figures of Mr. UNDERWOOD, I accept them as being substantially correct. If they are correct, there is a large reduction on the schedule as a whole. But it is unfair, gentlemen, to so adjust this tariff that it will lighten the burdens of the wealthy and increase the burdens of the people of moderate circumstances, and unless the gentlemen on that side of the House can explain this matter to my satisfaction I will be compelled to withhold my support of the measure.

Now, everyone knows that it is the cheaper class of goods that is principally manufactured in the southern mills. If my analysis of this bill is correct, you have not only preserved but have increased the protection that the southern cotton mills already have. You have made only the northern mills to feel the sting of foreign competition.

You seem to be perfectly willing to admit of competition in the North, even though it might destroy northern manufacturers, if you can preserve your own industries.

Gentlemen, I do not like this. It is too much like a patriotism that is willing to sacrifice your wife's relation on the field of battle if you can only remain at home and enjoy your comfort.

I once before said upon the floor of this House that "what is sauce for the goose is sauce for the gander." If the tariff on goods manufactured by northern mills is to be reduced, why should not the class of goods manufactured by the cotton mills of the South be also reduced? Will some gentleman on that side of the House tell me? [Applause on the Republican side.]

If I am not correct, I ask some gentleman on that side of the House to rise and tell me so.

Mr. UNDERWOOD. The very first item that the gentleman refers to, if he will look at the book of imported mercerized for the year ending June 20, 1909, referring to the first article that he referred to—bleached cloth valued at not more than 7 cents—he will see that the ad valorem rate was 54 per cent.

Mr. PROUTY. What book is the gentleman quoting from?

Mr. UNDERWOOD. The imports of merchandise entered for consumption in the United States and duties collected thereon for the years 1909 and 1910.

Mr. MANN. Is that book for the last fiscal year?

Mr. UNDERWOOD. Yes.

Mr. MANN. The gentleman will find that it is for the last fiscal year and the items relate to mercerized cotton cloth.

Mr. UNDERWOOD. No; it is not mercerized. Now, the gentleman from Iowa was mistaken.

Mr. PROUTY. When the gentleman convinces me of it, I will vote with him. I am not caviling. In fact, up to 20 minutes ago I expected to vote for this bill—until I had made these figures. I do not know what the book is the gentleman holds in his hand. I hold in my hand the report of this committee, and as it bears the signature of the distinguished gentleman I assume it is correct.

I am not discussing mercerized cloth. I am discussing cloth of the cheaper varieties, of 12 cents and under, and the figures the gentleman calls my attention to refer to imports on mercerized.

Mr. HILL. If the gentleman from Iowa will turn to page 133 of the report which he has in his hand, he will find that the duty on 9-cent cloth for the last six years has been 10.92, 6.36, 9.13, 7.63, 7.85, and 8.47. That is raised to 15 per cent, and the gentleman from Massachusetts called attention to it in his remarks the other day. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. PROUTY. Mr. Chairman, I should like five minutes more.

The CHAIRMAN. The gentleman from Iowa asks that his time be extended five minutes. Is there objection? The Chair hears none.

Mr. PROUTY. Everybody acquainted with me knows that I am in favor of a reduction on tariff. Everybody knows that I believe that some of the schedules of the present tarff measure are too high. [Applause on the Republican side.]

I confess I was extremely pleased when the gentlemen from the South, after having stricken down everything my section produces and everything in which it is interested, announced their willingness to reduce the tariff on things manufactured in the South.

Their chivalry and fairness challenged my admiration, and when the distinguished gentleman from Alabama made his speech, calling attention to the fact that the South was willing to have its schedules reduced, just like they had reduced the schedules of the products of the North, he captured me, and I made up my mind I would vote for his bill. But when I came to unravel this thing, when I came to dig clear down to the bottom of it, I find that the cotton cloth which the South mostly manufactures not only has all the protection it had under the Payne-Aldrich bill but has more. When I discovered this I felt just a little bit like the fellow who has been buncoed. [Laughter and applause on the Republican side.]

I am quite familiar with the South. I love her and I love her people. Most of my property investments are there. I do not want to hurt her, but she should be fair and wield her sudden power with prudence. I know that the goods manufactured in the southern mills are confined very largely to those described in the three classes to which I have called the attention of the House.

No wonder the distinguished gentleman from Alabama can smile so blandly while the House is putting through this great revision measure. His ox is not gored. [Laughter and applause on the Republican side.]

I have failed so far to be convinced by the distinguished gentleman from Alabama that the report which I hold in my hand and that bears his name is not correct.

I am convinced it is correct and that my analysis of this bill is unanswerable, and that being true I can not give my support to this measure.

The only possible answer that can be made controverting the conclusion drawn from this schedule is suggested by Mr. LENROOT, of Wisconsin. He suggests that while the highest price contained in these classifications—that is to say, 7 cents, 9 cents, and 12 cents—show the results I have arrived at, yet the lower-priced goods in these several classes would cut down the general average to a less figure than that contained in the proposed measure.

I concede that if all of these goods would come in at the very lowest price possible the gentleman is correct. But, applying that test to the second and third cases, to which I have called attention, it is not possible, because even the very lowest figures make a rate as high or higher than the Payne-Aldrich bill.

For instance, take the second class. The next price above 7 cents is 8 cents. Twenty per cent of 8 cents is 1.60, and under the Payne law it is 1.25. Take the third class. Goods which cost 10 cents, and the tariff at 20 per cent would be 2 cents, exactly what it is under the Payne bill. At 11 it would be 2.20 and at 12 it would be 2.40. If the different amounts were equal the average would be 2.20 under this bill as against 2 under the Payne-Aldrich bill.

But we do not need to be guessing about this matter. The Government reports show just what has been imported in these classes of goods. If you will turn to page 130 of the same report, from which I have been quoting, under the heading "Valued at not over 7 cents," and under the column transforming the specific into the ad valorem duty for the last six years, you will find as follows:

	Ad valorem.
1905	12.93
1906	10.10
1907	11.75
1908	10.89
1909	11.45
1910	16.06

If you will add that up and divide by 6 you will find that the average ad valorem duty on all goods imported into the United States of 7 cents a yard and less during the last six years was 12.52. Under this tariff these goods can not be brought in without paying 15 per cent. If that is not raising the duties, I am wholly unable to understand figures.

If the gentleman will turn to page 133 of the same report, under the table of "Bleached, valued at not more than 9 cents per yard," he will find, in the column in which the Government has transformed the specific into the ad valorem duty, the average was:

	Ad valorem.
1905	8.47
1906	7.85
1907	7.63
1908	9.17
1909	6.36
1910	10.92

If he will add this up and divide by 6 he will find that the average ad valorem paid on this class of goods for the last six years has been 8.40 per cent. Under the present tariff bill it is made 20 per cent. In other words, the tariff on this class of goods under this new measure is increased practically 250 per cent.

It is not so easy to find the figures exactly corresponding to the third classification, since the designations in the Payne-Aldrich bill and the one contained in this bill do not parallel each other. But as near as I can figure it out from page 134 of the report, the average duty paid on the third class during the last six years was about 19.73 per cent, while the present bill on most of that division charges a duty of 25 per cent.

I can now understand why the gentleman from Alabama smiled so placidly when he was saying that they were reducing the tariff on goods manufactured in the South as well as in the North.

The gentleman from Alabama says that, conceding the accuracy of my figures, they are immaterial; that the amount imported is so small that it cuts no figure.

The gentleman admits that the tariff under the Payne-Aldrich bill on this class of goods is practically prohibitive of importation.

That is to say, the present tariff is so high it affords not merely protection, but is prohibitive of commercial competition; and it seems that he is not satisfied with that.

He wants to raise the tariff wall still higher—so high, if you please, that there will be no danger of any foreign competition.

That is what makes domestic monopoly possible.

That is what makes it possible for the manufacturer to practice extortion.

You talk about this being a revenue measure, and yet, so far as the South is concerned, it is made so high as to absolutely prevent any revenue from being derived from it. As applied to those particular industries in the South, it is the most complete protection that has ever been afforded to any industry. Do I wonder that the gentleman from Alabama placidly smiles while saying that he was reducing the tariff on the goods manufactured in the South as well as in the North?

I say frankly to the gentleman from Alabama that he can not put through his caucus a measure that will materially reduce tariff on the class of goods manufactured by his southern mills. The southern Representatives would vote down such a bill in the caucus. I will be equally frank in saying that he would not have much difficulty in putting through his Democratic caucus, as now constituted, any tariff bill that will injure nothing but the industries of the North.

The gentleman fully understands that of the 227 Democratic Members in this House 124 come from the South, that they constitute the majority of the Democratic caucus, and that any measure that the South favors can be put through that caucus and any measure that the South disapproves can not be put through.

The gentleman from New York [Mr. HARRISON] upbraids me for intimating that this is a sectional measure.

Well, I have only given the facts. To say the least, it is a strange coincidence that under the Underwood bill the tariff should be raised on the goods that are principally manufactured in the South and is lowered on the goods manufactured almost exclusively in the North.

Gentlemen, you must present a fairer measure than this before I can support it. You must leave out your sectional "jokers." We have had too many of them already. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Chairman, my friend from Iowa in discussing this proposition before the committee, which the House has been discussing for the last five days, in five minutes convinces himself that he is wrong by figuring these rates with his pencil. I will say, to be perfectly candid with the gentleman, that as to the goods covered by this first paragraph of 15 per cent that he states relates to the low class of goods, a large part of them are made in the South. Some of them are made in the North:

On cotton cloth, not bleached, dyed, colored, stained, painted, printed, or mercerized, containing yarn the highest number of which shall not exceed No. 50, 15 per cent ad valorem.

That includes yarns up to the point in the Payne bill where there are 150 threads to the square inch. Up to that point in the Payne bill comes in that classification. I think there is one item of cloth as shown by these reports that is below that 15 per cent, and but one.

Mr. McCALL. Will the gentleman yield?

Mr. UNDERWOOD. I was trying to convince the gentleman from Iowa [Mr. PROUTY]. He wanted information, but I see he is not listening.

Mr. McCALL. I will permit the gentleman to convince the gentleman from Iowa, but I understood the gentleman from Alabama to say there was only one item of increase. I want to call his attention to a very important item in which the increase is 100 per cent, and there is no possible answer to it.

Mr. UNDERWOOD. I, of course, admit, Mr. Chairman, that when you adopt an ad valorem system you have to take the average. Gentlemen on that side of the House would condemn us the more if in fixing an ad valorem rate we went to the bottom basis and the cheapest rate in anything to fix our entire classification. I said to the gentleman from Massachusetts the other day, and I say to him again, that if he will average this pending bill on all articles under 150 threads to the square inch, which come within this classification, he will find that we are from 15 to 20 per cent below the taxes levied in the Payne-Aldrich bill.

Mr. McCALL. Will the gentleman yield right on that point?

Mr. UNDERWOOD. Yes.

Mr. McCALL. I will call the gentleman's attention to page 133 of his report. First I would ask him what the lowest rate in his bill is upon bleached cotton cloth?

Mr. UNDERWOOD. It is 15 per cent on unbleached cotton cloth.

Mr. McCALL. On bleached cotton cloth the lowest rate is 20 per cent.

Mr. UNDERWOOD. Yes.

Mr. McCALL. I want to call the gentleman's attention to the figures on the bottom of page 133, that show that for the last six years the average rate of duty upon bleached cotton cloth, 9 cents or under in value, is only 8.40 per cent.

Mr. UNDERWOOD. Oh, the gentleman is mistaken.

Mr. McCALL. While in the gentleman's bill it is 20.

Mr. UNDERWOOD. It is 10.92.

Mr. McCALL. What is the average for the last six years? The gentleman speaks of averages, and I would ask him to state what the average has been for the last six years upon bleached cotton cloth valued at 9 cents or under?

Mr. UNDERWOOD. If the gentleman wants averages, why does he not average back 10 years, and then he will raise it above 20 per cent?

Mr. McCALL. I will average for the gentleman, and I will say that the increase of his bill on bleached cotton cloth under 9 cents a yard is 250 per cent over the average duty for the last six years. [Applause on the Republican side.]

Mr. KENDALL. Are not these goods made in the South?

Mr. McCALL. Of course, we know they are made chiefly in the South.

Mr. UNDERWOOD. Mr. Chairman, I am not surprised at the gentleman from Iowa, but for my friend from Massachusetts to make the insinuation that this class of goods is made chiefly in the South, when in his own district, or close to his own district, a large portion of them are made.

Mr. McCALL. There is no cotton mill in my district.

Mr. UNDERWOOD. I do not mean in your district proper, but close to your district. Mr. Chairman, I do not want to take a great deal of time on this proposition——

Mr. KENDALL. Go on.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. UNDERWOOD. Mr. Chairman, I ask for five minutes additional.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KENDALL. Mr. Chairman, will the gentleman yield for a question?

Mr. UNDERWOOD. I will yield when I get through making my statement, if the gentleman will wait.

Mr. KENDALL. It is related to this table on page 133.

Mr. UNDERWOOD. I will say to the gentleman from Iowa that I am trying to answer a statement of his colleague from Iowa. I can not answer both gentlemen from Iowa at the same time.

Mr. KENDALL. All right.

Mr. UNDERWOOD. Now, on cotton cloth not exceeding 100 threads a square inch, bleached, and not exceeding 9 square yards to the pound, the average ad valorem duty for 1910 was 27 per cent. We make it 20 per cent. On the next page, in the same classification—it is page 134 I am reading from—now on page 135 of the report, valued not over 9 cents per square yard for 1910, the cloth bears an average rate of duty of 35 per cent. The next paragraph, valued at over 9 cents per square yard, same classification for 1910, it is 25 per cent. On cotton cloth not exceeding 100 threads to the square inch, dyed, colored, stained, or printed, not exceeding 6 yards to the pound, on page 137, it is 29.83. The same classification, on page 138, falling in the same paragraph, exceeding 6 and not exceeding 9 square yards to the pound, the rate under the Payne bill for 1910 was 40.93. Right underneath, exceeding 9 yards to the pound, for 1910 the rate was 33.21, and so on through. Now, to say that when we fixed the classification embracing all of these every article under 150 threads to the square inch as covered in the Payne bill and under No. 50 as carried by our bill—because they are synonymous terms—when you find one item, or maybe two items, as my distinguished friend from Massachusetts has been able to find, and when you find a large amount of importations here coming in at 33, 35, and 40 per cent, then to make such a charge as this shows that the gentlemen on that side are not willing to face this bill on its merits, but are trying to appeal to the prejudice of sections. [Applause on the Democratic side.]

Mr. HILL. Mr. Chairman, "the chickens have come home to roost." For two years the American people have been dealing with averages on the Payne bill. Instead of specifically naming certain items which they criticized, our Democratic friends have been condemning the Payne bill on general averages of schedules, when they know that if like criticisms, which are now being made of this measure, had been fairly considered with reference to the other, the country would have approved the Payne bill as a whole instead of condemning it. [Applause on the Republican side.]

Now, Mr. Chairman, just a moment ago we had a speech from a gentleman from Alabama, not the leader of the majority, but his colleague, in which he said:

Under the splendid leadership of the gentleman from Alabama.

And I stand here with him acknowledging that splendid leadership, so far as the making of an absolute revenue tariff bill without a particle of protection in it is concerned.

But I call his attention to the fact that I remember another scene only a few months ago when the "splendid leadership" of the gentleman from Alabama [Mr. UNDERWOOD] and the splendid leadership of the Speaker of this House was turned down by the same radical element in the Democratic Party that is now making a tariff for revenue only. I remember when every man on the Ways and Means Committee of his own volition, without pressure, absolutely approved in eight minutes the organization of a Tariff Board, and every man of them made a speech in favor of it on this floor. And the same radical element that is now in control turned them down by the overwhelming majority of 93 to 33 on the Democratic side.

I remember more than that—and it comes in very bad faith now, when it is discovered that a southern product is increased 150, yes 250, per cent, when the gentleman who now admits it in a single instance then said on the floor of the House:

My friend from Tennessee wants to know why we should want information in reference to a bill written for revenue and revenue only. Why, my friend, of all the bills—

And this comes from the present Democratic leadership—

of all the bills that require information the man who is writing a tariff bill for revenue only needs information most.

That is what the gentleman said.

Mr. LONGWORTH. Will the gentleman yield?

Mr. HILL. I will.

Mr. LONGWORTH. Was that speech made on the occasion of discussion of the Tariff Board in the House?

Mr. HILL. It absolutely was made by the gentleman from Alabama [Mr. UNDERWOOD], who now admits his mistake, and I commend——

Mr. UNDERWOOD. Will the gentleman allow me to answer him?

Mr. HILL. Certainly.

Mr. UNDERWOOD. "The gentleman from Alabama" stated on the floor last winter that he desired the information, and would like to have a Tariff Board that would furnish information, but since that time "the gentleman from Alabama" has discovered that the board will not furnish it.

Mr. HILL. At that time the gentleman's party was in the minority, and now it is in the majority, and they absolutely ignore the declaration made by themselves six months ago, just as I think the people of the United States will ignore them when they have put this reduction into effect. [Applause on the Republican side.]

Mr. BUTLER. Will the gentleman yield?

Mr. HILL. I will.

Mr. BUTLER. I know the gentleman is an expert in this matter, and I want to know whether I shall vote for this bill. If it raises duties, I am ready to vote for it.

Mr. HILL. Are you asking "the gentleman from Connecticut" or the gentleman from Alabama?

Mr. BUTLER. The gentleman from Connecticut. Does the gentleman know why this one particular item in this bill should be raised?

Mr. HILL. If the gentleman from Pennsylvania wants to see the Democratic side of the House half vacated and then filled by Republicans two years hence, he will vote for this bill and let it be in operation until the next election. If he

wants to see the industries of this country cared for and preserved, he will vote against it. [Applause on the Republican side.]

Mr. BUTLER. Will the gentleman let me ask him another question? Could this bill have been made and its symmetry preserved by lowering the duty upon bleached cotton cloth? Will the gentleman answer me that question?

Mr. HILL. No trouble about it whatever.

Mr. HARRISON of New York. Mr. Chairman, the charge is *now made* against our committee that under the guise of fairness we have brought in a bill which in reality favors the southern cotton manufacturers and cuts more deeply into the rates of the northern cotton manufacturers. As a member of the committee I utterly repudiate that charge.

Mr. McCALL. Mr. Chairman——

The CHAIRMAN. Will the gentleman from New York yield to the gentleman from Massachusetts?

Mr. McCALL. I do not wish to ask a question. I simply wish to disavow making any charge affecting the motives of the committee. I simply say that it is a coincidence, however, that goods produced in certain parts of the country have the duty increased by this bill some 250 per cent.

Mr. HARRISON of New York. Mr. Chairman, the gentleman can name only one item of that kind of goods. The gentleman from Massachusetts does not impugn our motives, as he is too fair a man. But other Members on that side have impugned our motives. I am not a southern man, but I am a member of that committee, and I sat there all through the deliberations, and I absolutely repudiate the insinuations that any sectionalism or favor has been shown in the composition of this bill. [Applause on the Democratic side.]

It struck me with extreme surprise that the gentleman from Massachusetts [Mr. McCALL] and the gentleman from Connecticut [Mr. HILL], who have served on the Committee on Ways and Means for years and have been through a recent tariff revision themselves, should descend to such picayune and contemptible arguments as these. [Applause on the Democratic side.]

When you are making up a tariff bill affecting a great industry in this country, you are dealing with matters that involve the importation of goods upon which millions of dollars of revenue are levied, and yet if you examine the committee report, which embodies the returns of the Treasury Department for years past on these matters—if you will examine the point on which the gentleman from Massachusetts [Mr. McCALL] and other Republicans have based their arguments—you will find that the importations of this cheap kind of common cloth, upon which they say we have raised the duty, amounted to only $2.50 or $4.50 or $121—a ridiculous sum for serious members of the Ways and Means Committee to use as an argument upon which to base the charge of sectionalism.

Now, Mr. Chairman, the fact is that it would be difficult, if not impossible, to select any ad valorem rates covering a whole class of cotton goods of this sort which as to certain cheaper grades would not be prohibitive. These importations are only fanciful, freak things, little bits of matters involving only a few dollars or a few cents. It is upon the big classes of importations, involving millions of dollars, that we have reduced the rates of taxation from 56 per cent down to 27 per cent. [Applause on the Democratic side.]

Mr. McCALL. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. HARRISON of New York. With pleasure.

Mr. McCALL. I understood the gentleman to say——

Mr. KENDALL. I appealed to the gentleman because I recognized him as an authority on the subject. Has there been an increase in the rates in any part of this schedule?

Mr. HARRISON of New York. There has been an apparent increase.

Mr. KENDALL. I mean a genuine increase.

Mr. HARRISON of New York. An increase upon goods of a certain kind upon which there is no importation at all. Does the gentleman know that we are selling abroad $41,000,000 worth of this cheap product? And if we can do that, how can you expect foreigners to ship goods of that same class over here and sell them in our market? The whole argument is ridiculous and unworthy the consideration of serious men.

Mr. KENDALL. If that is true, why was there an increase made in the rate?

Mr. HARRISON of New York. Because you can not select an ad valorem rate in figuring upon these apparent importations without making a rate that may be prohibitive in a certain class of goods.

Mr. KENDALL. Why was a southern product the chief one selected as the subject of an increase?

Mr. HARRISON of New York. It was not selected. It is in the reclassification that the apparent increase comes.

Mr. KENDALL. Is it an actual increase in a broad provision of the tariff to which the gentleman is referring?

Mr. HARRISON of New York. Not at all. It is an enormous decrease in every effective rate in every paragraph of the bill.

Mr. KENDALL. Is it only an apparent increase?

Mr. HARRISON of New York. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McCALL. Mr. Chairman, I ask unanimous consent that the time of the gentleman from New York [Mr. HARRISON] be extended for five minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. McCALL] asks unanimous consent that the time of the gentleman from New York [Mr. HARRISON] be extended five minutes. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Chairman, I would like to inquire how long gentlemen on that side expect to run the debate? When is a vote expected? If it is the intention to vote to-night, the gentlemen should realize that there can not be much more debate.

Mr. UNDERWOOD. I will say, Mr. Chairman, that we expect to have a vote to-night, even if we have to stay here late.

Mr. MANN. I do not say that because I want to cut off debate.

Mr. UNDERWOOD. I do not want to limit the debate unduly, Mr. Chairman, but I hope that gentlemen will confine themselves strictly to the bill from now on, without too much latitude of debate.

Mr. KENDALL. Why not continue the debate on the bill to-morrow?

Mr. FITZGERALD. We can not pass this bill on Friday.

Mr. PROUTY. Mr. Chairman, I would like to ask the gentleman——

The CHAIRMAN. The gentleman from Massachusetts [Mr. McCALL] is now recognized to propound an inquiry to the gentleman from New York [Mr. HARRISON].

Mr. McCALL. The gentleman from New York admits that this bill increases the duties of the Payne bill.

Mr. FITZGERALD. Mr. Chairman, just a moment——

Mr. McCALL (continuing). He says that the duties have been increased.

Mr. FITZGERALD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FITZGERALD. Was objection made to the request that the time of my colleague [Mr. HARRISON] be extended?

Mr. McCALL. No.

The CHAIRMAN. There was no objection. The gentleman from Illinois reserved the right to object, but did not make the objection. The gentleman from New York [Mr. HARRISON] took his seat, and then the gentleman from Massachusetts [Mr. McCALL] was recognized. That is the parliamentary situation.

Mr. FITZGERALD. Mr. Chairman, the Chair never stated whether objection was made to the request.

The CHAIRMAN. There was no objection made. The gentleman from Illinois reserved the right to object.

Mr. FITZGERALD. But the Chair made no statement. He merely stated that the gentleman had reserved the right to object.

Mr. McCALL. I wish it distinctly understood that I want the gentleman from New York to have his five minutes, and I have no desire to take him from the floor.

Mr. MANN. I ask the gentleman from Alabama to ask unanimous consent to close all debate on this paragraph in 10 minutes.

SEVERAL MEMBERS. Oh, no.

Mr. MANN. There are other paragraphs following this.

Mr. UNDERWOOD. Gentlemen are attacking the paragraph in the bill, and although I am anxious to get along, I want them to have full opportunity to be heard.

The CHAIRMAN. Is there objection to the request that the gentleman from New York [Mr. HARRISON] proceed for five minutes, the request being made by the gentleman from Massachusetts [Mr. McCALL]? [After a pause.] The Chair hears no objection, and the gentleman from New York [Mr. HARRISON] is recognized for five minutes.

Mr. HARRISON of New York. Mr. Chairman, I do not desire to detain the committee with this argument any longer. I was about to take my seat when the gentleman from Massachusetts [Mr. McCALL] did me the courtesy of asking for an extension of time, and I have now taken the floor again for the purpose of answering a question by the gentleman from Iowa [Mr. PROUTY], but if he will give me a moment before he

asks his question, I think perhaps I can clear up some misapprehension which seems to exist on the other side of the Hall. Gentlemen over there seem to believe, or else they insinuate, that certain articles were picked out for an apparent raise in rate, and that these are articles which are made in the South.

The cheaper grades of cotton goods are made in the South. They are made in the North also, but they are the goods that we ship into all the markets of the world; and any tariff rate which could be fixed to catch only those goods and none of those of a little higher class, which do come in in some quantity, would have the apparent effect of raising rates on the lower grades of goods. But if those goods are not imported, never have been imported, never will be imported, and never can be imported, the raise is only apparent and not real, and should not be the basis for serious, sincere, straight-forward Members of this House to frame an attack against the Democratic Party.

Mr. PROUTY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Iowa?

Mr. HARRISON of New York. With pleasure.

Mr. PROUTY. On page 306 of this report, under the heading "cotton cloth," are the words "not bleached, dyed, colored, stained, 1 cent per square yard."

That is under the Payne bill. Now, let me ask the gentleman what will be the rate under this bill?

Mr. HARRISON of New York. Now, the gentleman seems to have greatly confused the purpose of the table from which he is quoting. These are the rates of all preceding tariff laws for years back. If he will turn to the earlier pages in the committee report he will not have to ask me my opinion of what the rates are or sit down and work out his opinion. He will find the committee has reported exactly what the rates have been in practice.

Mr. PROUTY. As we lawyers say, please answer my question: What is the duty on that class of goods?

Mr. HARRISON of New York. If the gentleman proposes to try to stop me with a proposition in arithmetic, I decline to fall into his trap. He can turn to the correct page of the committee report and find an answer to his question.

Mr. PROUTY. It is 15 per cent, is it not?

Mr. HARRISON of New York. It is 15 per cent in our bill.

Mr. PROUTY. And 15 per cent of 7 is 1.05.

Mr. HARRISON of New York. If the gentleman will turn to the page in the committee report, he will find exactly what it is.

Mr. PROUTY. Now, on bleached cloth not exceeding 9 cents in value a yard, under the Payne bill the duty is 1¼ cents, and what is it under this bill?

Mr. HARRISON of New York. Twenty per cent.

Mr. PROUTY. And 20 per cent of 9 is 1.80, as against 1.25 in the Payne bill.

Mr. HARRISON of New York. Yes; one and eight-tenths.

Mr. PROUTY. Let me ask you the third question. Coming down to the same class of goods, valued at over 12 cents, the rate under the Payne bill is 2 cents a yard. What would it be under this bill?

Mr. HARRISON of New York. Mr. Chairman, this seems to be exactly the same series of questions that the gentleman asked the gentleman from Alabama. I have devoted seven or eight minutes, and the committee has given up its valuable time to listening to a complete answer to all these questions.

Mr. PROUTY. As chairman of the committee, will the gentleman answer?

Mr. HARRISON of New York. The gentleman flatters me too much; I am only an humble member of the committee. The reason why the gentleman's arithmetic is of no account is because there are no importations under this rate.

Mr. PROUTY. Then, why do you increase them? [Applause on the Republican side.]

Mr. HARRISON of New York. Because, fixing any ad valorem rate in a reclassification you can not select any rate, even 1 per cent, that would not be prohibitive.

Mr. LONGWORTH. Will the gentleman yield?

Mr. HARRISON of New York. Certainly.

Mr. LONGWORTH. Does the gentleman state that under the ad valorem system, which now seems to be the policy of your party, it would not be possible to put bleached cotton cloth, valued at less than 9 cents a yard, at a different rate from bleached cotton cloth?

Mr. HARRISON of New York. It would not be impossible, but it would be ridiculous, because there is none imported, and the gentleman knows it as well as I do.

Mr. McCALL. Mr. Chairman, I regret very much to have disturbed the serenity of my friend from New York by simply referring to some incontestible rates that were named in his bill. He thought that was a very disreputable retort, a very disreputable kind of an argument for a gentleman to use. [Laughter on the Republican side.] He proceeded to say that they had increased certain rates, but those rates were all prohibitive. That is the only excuse and the only thing that could be construed to be the reason that he has seen fit to give to the House. [Applause on the Republican side.] As the gentleman himself told us during the Payne debate, it does not so much depend on what the amount of importations is as it does on the amount of domestic consumption. I submit that the rates upon which this bill gives great and substantial increases are upon those cloths that are mainly used by the poor people of the country and I stated simply as a coincidence, and not reflecting upon the motives of gentlemen on the other side, that these are the products of the South. [Applause on the Republican side.]

Mr. HARRISON of New York. Will the gentleman yield?

Mr. McCALL. Certainly.

Mr. HARRISON of New York. Does not the gentleman believe that a rate of 1 mill, or one-tenth of 1 per cent ad valorem, would be practically prohibitive as to the class of goods where we ship $40,000,000 annually abroad?

Mr. McCALL. If I had a rate of 1 mill and that was prohibitive on an article of necessary consumption in this country, I should not increase that rate. [Laughter and applause on the Republican side.] Now, the gentleman from Alabama [Mr. UNDERWOOD] has not done himself justice in the way in which he attempted to make the point that has been made. He attempted to carry the computation up into high numbers, and even got into mercerized cloths.

The working people of this country do not use mercerized goods for their sheets and their shirtings and for the many uses to which cotton cloth is put by them. I understand that those three paragraphs—to wit, the unbleached cloths not containing more than 50 threads to the inch and not of a value of more than 7 cents per yard, unbleached cloths of a value of not more than 9 cents, and cloths which are bleached, printed, and stained of a value of not more than 12 cents—form a great part of the consumption of the American working people. [Applause on the Republican side.] I assert, and it can not be contradicted, that upon nearly all those grades of goods this bill makes increases. Upon a very few of them it makes very slight decreases, but upon the great bulk of those goods it makes increases, and upon some of them it makes increases to the amount of nearly 250 per cent of the Payne and Dingley tariffs. [Applause on the Republican side.]

You take painted and dyed and bleached cloths of a value of 12 cents a yard, and that means a foreign value of 12 cents a yard. Then you add to that the duty of 2 cents under the Payne bill and that makes the goods after they have been entered at the New York customhouse 14 cents a yard after duty is paid at the customhouse. When you take into account the expense of the jobber and the profit of the wholesaler and the retailer those goods would not go to the people for less than 20 cents a yard, and probably would go to them for 25 cents a yard. It is the rare exception for any man who works for wages in this country to buy cotton goods that costs over 25 cents a yard. When gentlemen on the other side of the House bring in this magnificent measure for the relief of the American people, they are imposing still heavier burdens upon the backs of the American workingmen, and they are giving the relief to the rich people of the country who should pay the high revenue tax upon these luxurious cotton fabrics which rank by the side of silk. [Applause on the Republican side.] I say that the gentleman from Iowa [Mr. PROUTY], in his research to-day, has got upon the vital question at issue in this bill, and if the Members on the other side of the House had not forestalled themselves by caucus action, had not taken merely ex parte statements before they committed themselves to vote for this measure, I believe this bill would not command the majority of the votes of the members of the House of Representatives. [Applause on the Republican side.]

Mr. LENROOT. Mr. Chairman, I am somewhat surprised at the situation in which we seem to find ourselves at the present time. Certain gentlemen seem to think that a great discovery has been made, that a great mare's-nest has been uncovered with reference to this bill. I had supposed that what has been disclosed during the last hour was familiar to every student of this bill, and yesterday, in discussing this bill upon the floor, I stated that I would not attempt to sustain every item in it, and I certainly hold no commission to attempt to sustain the Committee on Ways and Means upon every item in this bill. But, Mr. Chairman, fairness ought to characterize our conduct in the consideration of a measure of this kind. [Applause on the Democratic side.] I realize that the gentleman from Iowa [Mr. PROUTY], in raising the question that he has, has been entirely honest in asking for information, and I am sorry that

it has not been made as clear up to this time as I think it can be, and I shall only speak of the two items to which he has called the attention of the committee.

Mr. PROUTY. Three items.

Mr. LENROOT. Three. The first item is cotton cloth not exceeding 50 threads, not bleached, valued at not more than 7 cents a yard. The gentleman from Iowa thinks that, comparing the rate found in the pending bill and the rate imposed under the present law as to this item, this bill creates an increase. Mr. Chairman, it is not so. [Applause on the Democratic side.] The present bill, so far as this item is concerned, decreases the tariff, and I think I can demonstrate it to every Member of this House.

This item relates to all cloth not exceeding 50 threads to the inch and valued at not over 7 cents per square yard, and that means that it relates to all cloths in that classification valued at less than 7 cents per square yard. Now, it is true, as the gentleman says, that when you come to the very maximum—7 cents per square yard—it is 1.05 cents a yard as against 1 cent under the present law. That is an increase as to that 7-cent cotton——

Mr. HILL. Will the gentleman permit an interruption? If the gentleman will refer to page 133, which gives the import duties——

Mr. LENROOT. I am coming to that a little later.

Mr. HILL. And it shows an increase of 250 per cent——

Mr. LENROOT. I will get to that, if I have the time, a little later. I am discussing now not the matter of importations, but exactly what the bill upon its face does, and let me repeat: As to the 7-cent cotton, it is 1.05 cents, five one-hundredths of a cent greater than the present law; but I want to ask the gentleman from Iowa to take cotton cloth valued at 4 cents a yard. The duty under the present law will still be 1 cent a yard, and that is 25 per cent ad valorem as against 15 per cent in the present bill. [Applause on the Democratic side.] Cloth valued at 5 cents per yard still comes in under that item. That is 20 per cent ad valorem as against 15 per cent ad valorem in the present bill. Cloth valued at 6 cents per square yard still comes in under that same item, and the duty there is 0.9 cent a yard under this bill as against 1 cent under the present act. [Applause on the Democratic side.] Now, in all fairness, will any gentleman—will the gentleman from Massachusetts, if you choose—undertake to say upon this floor that that item increases the rate over that class of lower-grade cotton? [Applause on the Democratic side.] Now, the gentleman referred to importations. It is true that if you turn to page 133 of the report the average percentage that is upon the higher values after the——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. I will just ask for two minutes additional.

Mr. FOSTER of Illinois. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LENROOT. Now, the gentleman speaks of importations. It is true that the average is lower than this, but it is because we had in the law a specific rate and all importations that came in under that item are at the highest rate and so all importations are on the one class, as in the case of this item I speak of, 7-cent goods, because whenever you get cotton valued at less than that the rate in the present law is prohibitive and there are no importations. Mr. Chairman, there can not be any question in my mind as to the correctness of that. Now, it is true as to one item here, of bleached cloth not exceeding 50 threads and valued at over 9 cents per square yard, that as to a portion of that there is an increase over the present law, but that is as between 7 cents and 9 cents, that narrow margin, that imposing a duty of 25 per cent ad valorem increases it, provided it is not mercerized, but I want to call the attention of the gentleman from Iowa to the fact that whenever this cloth is mercerized, and a very large portion of it is mercerized, that the duty under this law instead of being 1¼ cents per square yard, is 2½ cents per square yard, and as to every yard of cloth that is mercerized the ad valorem in this pending bill is lower than the rate imposed by the present law. [Applause on the Democratic side.]

Mr. PROUTY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. LENROOT. I yield to the gentleman.

Mr. PROUTY. What does the gentleman say as to the cost between the price of 9 and 12 cents per yard? Does it increase or decrease?

Mr. LENROOT. I have not looked at that. Now, what is your question?

Mr. PROUTY. Does the Underwood bill increase or decrease the tariff on goods that are over 9 cents and less than 12?

Mr. LENROOT. Just give me the rate.

Mr. PROUTY. Under the present bill it is 20 per cent, which would be 2.4, and under the Payne bill it is 2.

Mr. LENROOT. Between 7 and 9?

Mr. PROUTY. Between 9 and 12.

Mr. LENROOT. I will be very glad to answer the question. As to some portion of it it will be under.

Mr. PROUTY. I am not speaking of mercerized.

Mr. LENROOT. If it is 9, it is less.

Mr. PROUTY. Have you any means of knowing whether the average will be more or less? I assume it might be less.

Mr. LENROOT. As to that item, I am frank to say I do not know. As to mercerized, it is less. Concerning which this contention has been made, the first point which the gentleman from Iowa made, the pending bill is very clearly a reduction from the present law.

Mr. PROUTY. I made the point on the whole three items.

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from Iowa to turn to page 139 and see the report of cloth not exceeding 100 threads to the square inch. The gentleman asks about cloth within this classification valued over 12 cents per square yard.

Mr. PROUTY. Under 12 cents a square yard.

Mr. UNDERWOOD. What I had here was over 12 cents a square yard.

Mr. PROUTY. That is where the line is, if I catch it correctly, at that point.

Mr. UNDERWOOD. It would be 30 cents ad valorem as shown by the Treasury report. Valued at not over 12 cents per square yard—if you will look on page 137—not exceeding 50 threads to the square inch, 21 per cent; not exceeding 6 square yards to the pound—another classification—29 per cent; exceeding 6 and not exceeding 9 square yards to the pound, 40 per cent; exceeding 9 square yards to the pound—that same valuation—33 per cent. So the gentleman can readily see, as I stated to the gentleman from Massachusetts several days ago and also to-day, that the average of this classification that he complains about is way below the rates in the Payne bill. The gentleman has but one item of this classification that he points to as lower, and the importations under that item amounted to $1,040.

Mr. PAYNE. How much was the consumption?

Mr. UNDERWOOD. I have not the figures as to the consumption. I have no doubt that like all the other items in this bill this item was largely prohibitive, and the imports did not fairly represent the consumption, but there is one thing sure, that if you leave the Payne bill on the statute books you only prevent the American people from the use of $1,040 worth of goods, if this is an increase in this rate. One thousand and forty dollars is all that is involved on a schedule that covers over $7,000,000 of consumption.

Mr. HILL. The gentleman says that if you leave the Payne bill on the statute books you only prevent them from having the use of $1,000 worth?

Mr. UNDERWOOD. I mean as to consumption.

Mr. HILL. As to his own argument as made of the value, does not he increase the value of the whole domestic production precisely according to the amount he increases the tariff?

Mr. UNDERWOOD. I agree with the gentleman thoroughly, but he was not so candid with me the other day as to agree with me.

Mr. HILL. I did not agree with you on your own argument.

Mr. UNDERWOOD. I admit it increases the price, but I say there is just one item. When we made a general classification we had to embrace all between two lines, the top and the bottom, for an ad valorem rate between the high point and the low point, and cover this classification, and of necessity we could not write a fair rate by taking the lowest rate on the lowest classification.

We are writing this bill for revenue, but the gentlemen have been unable to find more than one single item in this classification that is below the rate we have fixed, amounting to only $1,040, and, on the average, the classification of this lower class of goods is a reduction of between 15 and 20 per cent below the rates of the Payne bill. I challenge any gentleman on that side to show otherwise.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MANN. Mr. Chairman, I would like to call the attention of the gentleman from Alabama to Table No. 40, on page 137, to which he referred a moment ago. I understood the gentleman to say that there was only one item among all those that the gentleman from Iowa had referred to where the rate of

duty was raised. The gentleman referred to Table No. 40. He said that under Table No. 40 the rate was 31.31 per cent.

Mr. UNDERWOOD. That is right.

Mr. MANN. That is correct for the year 1910, but for the year 1905 the average ad valorem rate on the same class of goods was 13.41, which shows that some of the goods pay a higher rate than 15 and 20 per cent, and some of the goods pay a lower rate. Is not that perfectly evident?

Mr. UNDERWOOD. No. The gentleman understands that 1910 is under the Payne bill and 1905 was under the Dingley bill.

Mr. MANN. Oh, there is no difference in the rates between the two bills, I believe.

Mr. UNDERWOOD. I agree with the gentleman in this—that the change of the unit value of the goods changes the rate. But in the same way, if the gentleman wants to make that argument——

Mr. MANN. No; I was trying to get a result here that would settle this question. I asked the question, and I want to see if we can have an understanding about it. The gentleman said there was only one item. I wish the gentleman to retract the statement that there is only one item, and show, in order that we can have the matter settled, that in some of the ad valorem rates there would be an increase. But generally he is correct in his opinion; there is undoubtedly a decrease in the rate. I would be glad if we could get through talking about it and then go ahead and pass the bill.

Mr. UNDERWOOD. I will state to the gentleman that in my remarks I was, of course, referring to the tax under the Payne bill—the tax in 1910—and the item that the gentleman points out as being a lower item than in 1910 was 20 per cent.

Mr. MANN. The same identical rate was in existence in 1909, when the ad valorem rate was 13.41 per cent, which proves that some rates were less than 15 per cent on some goods, and some were higher, depending upon the price. The ad valorem rate, of course, constantly varies under a specific duty.

Mr. UNDERWOOD. Unquestionably; I do not deny that. But my statement was that last year there was one of these items that was higher. If you take the same item that the gentleman from Massachusetts [Mr. McCALL] referred to awhile ago, and go back a few years, you will see that it ran up to 23 and 24 per cent. I agree with the gentleman, and we make no contention about it that there are a few of these items in this lower classification that may be a little higher. But the general average of this class of goods is over 15 per cent below what it is in the Payne bill.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. McCALL. Mr. Chairman, I move to strike out the last word. I did not hear the remarks of the gentleman from Wisconsin [Mr. LENROOT], in which he denied the accuracy of my statement, but the matter has been called to my attention, and I simply want to put in the RECORD, from page 130 of the preliminary paper or report issued by the committee, the first table, to show that on all goods of that first classification, not exceeding 7 cents in value, the average rate of duty on all goods brought in at the 1-cent rate, which has been in force since the Dingley bill went into effect, has been 12.52 per cent for the past six years, and under this bill it is 15 per cent. So, when gentlemen talk of averages and accuse one of misrepresentation by taking a simple number, I want to call attention to the general average under that classification.

Then, on page 133, at the bottom of the page, bleached goods, valued not over 9 cents per square yard, not exceeding 50 threads to the square inch, which was the second classification to which I called attention, to show that my observation did not simply apply to the goods valued at 9 cents under that classification, you will see that the average rate upon importations in the last six years is 8.41 per cent.

Under the present bill the rate under that classification would be 20 per cent, which is about 250 per cent of the rate in the Dingley and Payne bills. These figures, I think, can not be denied.

Mr. LENROOT. Has the gentleman any information as to the value per square yard of those importations?

Mr. McCALL. In the one case the classification is of bleached goods valued at not over 9 cents per square yard, and in the other case valued at not over 7 cents per square yard; and they would include in each case any of these goods of which gentlemen have spoken. I do not know whether the gentleman from Wisconsin spoke of them or not, where the value was only 4 cents a yard.

Mr. LONGWORTH. In the column just before the one the gentleman is reading it gives the average value per square yard of these importations, which shows that it was less than 9 cents.

Mr. McCALL. Yes; the gentleman can easily figure that up, and he can find the average value if he will indulge in a mathematical calculation; but in view of the method of argument that has been adopted against the Payne bill, in selecting a certain rate and then taking a quarter of a cent above that rate, at which importers never would bring in goods, in order to distort the Payne rate and make it as high as possible, which is a familiar argument that has been used against the Payne bill on the other side of the House, I was entirely justified in planting myself simply upon the 7, 9, and 12 cent rates. But what I have said is correct as to the averages of all importations under the classification of 7 cents and of 9 cents.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. McCALL. Certainly.

Mr. MADDEN. The ad valorem percentage rate stated by the gentleman from Massachusetts includes the rate on the lower valued goods as well as upon the higher values, does it not?

Mr. McCALL. It includes all kinds, up to 7 cents in value per yard, to which that paragraph was applicable.

Mr. MADDEN. So that the average of 8 per cent and some fraction ad valorem covers the ad valorem rate on the 4 cents, 5 cents, 6 cents, 7 cents, 8 cents, and 9 cents?

Mr. McCALL. Why, it took the average at the customhouse of all goods.

Mr. MADDEN. The argument has been made here that it did not include the lower rates.

Mr. McCALL. If the gentleman will study the report he will see the fallacy of it.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. UNDERWOOD. Mr. Chairman, I move that the committee do now rise and report the bill back to the House without amendment, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CULLOP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12812) to reduce the duties on the manufactures of cotton, and had directed him to report the bill back to the House without amendment, with the recommendation that the bill do pass.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the bill to its final passage.

The motion was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time.

Mr. PAYNE. Mr. Speaker, I make the motion which I send to the Clerk's desk.

The Clerk read as follows:

Mr. PAYNE moves to recommit the bill H. R. 12812 to the Committee on Ways and Means, with instructions to that committee to hold the bill in committee until the Tariff Board makes report to Congress of the information secured by the special and complete investigation now being made by said Tariff Board in regard to the production, manufacture, use, and consumption of cotton goods, and especially covering every element of the cost of production, and to report said bill back to the House with such provisions and amendments as it may deem proper after examination and consideration of the information so reported by the Tariff Board.

[Applause on the Republican side.]

Mr. GARRETT. Mr. Speaker, I make the point of order that the motion is not in order.

The SPEAKER. What is the gentleman's point of order?

Mr. GARRETT. That the gentleman does not present a motion to recommit under the rule.

The SPEAKER. The point of order is overruled. The question is on the motion of the gentleman from New York to recommit.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 106, nays 186, answered "present" 6, not voting 87, as follows:

YEAS—106.

Akin, N. Y.	Dalzell	Green, Iowa	Kahn
Ames	Dodds	Greene, Mass.	Kendall
Anthony	Draper	Griest	Kennedy
Austin	Driscoll, M. E.	Hamilton, Mich.	Kinkaid, Nebr.
Bartholdt	Dwight	Hanna	Knowland
Bingham	Dyer	Harris	Kopp
Bowman	Esch	Hartman	Lafean
Bradley	Fairchild	Haugen	La Follette
Burke, S. Dak.	Farr	Hayes	Lawrence
Campbell	Focht	Heald	Longworth
Cannon	Foss	Higgins	McCall
Catlin	Foster, Vt.	Hill	McKinley
Cooper	French	Hinds	McKinney
Copley	Fuller	Howland	McLaughlin
Crumpacker	Gardner, N. J.	Humphrey, Wash.	McMorran
Currier	Good	Jackson	Madden

Madison	Parran	Simmons	Towner
Malby	Patton, Pa.	Slemp	Utter
Mann	Payne	Sloan	Wedemeyer
Miller	Pickett	Smith, J. M. C.	Weeks
Mondell	Pray	Smith, Saml. W.	Wilder
Moon, Pa.	Rees	Speer	Willis
Morgan	Reyburn	Stephens, Cal.	Wilson, Ill.
Morse, Wis.	Roberts, Mass.	Stevens, Minn.	Wood, N. J.
Mott	Roberts, Nev.	Taylor, Ohio	Young, Kans.
Nye	Rodenberg	Thistlewood	
Olmsted	Sells	Tilson	

NAYS—186.

Adair	Denver	Hughes, Ga.	Rauch
Adamson	Dickinson	Hull	Redfield
Aiken, S. C.	Dickson, Miss.	Humphreys, Miss.	Reilly
Alexander	Dies	Jacoway	Richardson
Allen	Dixon, Ind.	James	Robinson
Anderson, Minn.	Donohoe	Johnson, Ky.	Roddenbery
Ansberry	Doremus	Johnson, S. C.	Rubey
Ashbrook	Doughton	Kent	Rucker, Colo.
Ayres	Driscoll, D. A.	Kindred	Rucker, Mo.
Barnhart	Edwards	Kinkead, N. J.	Russell
Bathrick	Estopinal	Kitchin	Sabath
Bell, Ga.	Evans	Korbly	Scully
Berger	Ferris	Lafferty	Shackleford
Blackmon	Finley	Lee, Ga.	Sharp
Boehne	Fitzgerald	Lee, Pa.	Sheppard
Booher	Flood, Va.	Lenroot	Sherwood
Borland	Floyd, Ark.	Levy	Sims
Brantley	Fornes	Lewis	Sisson
Brown	Foster, Ill.	Lindbergh	Slayden
Buchanan	Fowler	Linthicum	Stack
Bulkley	Gallagher	Littlepage	Stedman
Burke, Wis.	Garner	Lloyd	Steenerson
Burleson	Garrett	Lobeck	Stephens, Miss.
Burnett	George	McCoy	Stephens, Tex.
Byrnes, S. C.	Godwin, N. C.	McDermott	Stone
Byrns, Tenn.	Goeke	Macon	Sulzer
Callaway	Goldfogle	Maguire, Nebr.	Sweet
Candler	Gould	Martin, Colo.	Taylor, Ala.
Carlin	Graham	Mays	Taylor, Colo.
Carter	Gray	Moon, Tenn.	Thayer
Clark, Fla.	Gregg, Tex.	Moore, Tex.	Thomas
Claypool	Hamill	Morrison	Townsend
Clayton	Hamlin	Moss, Ind.	Tribble
Cline	Hammond	Murray	Turnbull
Collier	Hardwick	Nelson	Tuttle
Connell	Harrison, Miss.	Norris	Underwood
Conry	Harrison, N. Y.	Oldfield	Volstead
Covington	Hay	O'Shaunessy	Warburton
Cox, Ind.	Heflin	Padgett	Watkins
Cox, Ohio	Helgesen	Page	Whitacre
Cullop	Helm	Pepper	White
Curley	Henry, Tex.	Peters	Wickliffe
Daugherty	Hensley	Post	Wilson, N. Y.
Davenport	Holland	Pou	Witherspoon
Davis, Minn.	Houston	Prouty	Woods, Iowa
Davis, W. Va.	Howard	Raker	
Dent	Hubbard	Randell, Tex.	

ANSWERED "PRESENT"—6.

Butler	De Forest	Sparkman	Talbott, Md.
Calder	Sherley		

NOT VOTING—87.

Anderson, Ohio	Gillett	Legare	Prince
Andrus	Glass	Lever	Pujo
Barchfeld	Goodwin, Ark.	Lindsay	Rainey
Bartlett	Gordon	Littleton	Ransdell, La.
Bates	Gregg, Pa.	Loud	Riordan
Beall, Tex.	Gudger	Loudenslager	Rothermel
Broussard	Guernsey	McCreary	Rouse
Burke, Pa.	Hamilton, W. Va.	McGillicuddy	Saunders
Cantrill	Hardy	McGuire, Okla.	Small
Cary	Hawley	McHenry	Smith, N. Y.
Crago	Henry, Conn.	McKenzie	Smith, Tex.
Cravens	Hobson	Maher	Stanley
Danforth	Howell	Martin, S. Dak.	Sterling
Davidson	Hughes, N. J.	Matthews	Sulloway
Difenderfer	Hughes, W. Va.	Moore, Pa.	Switzer
Dupre	Jones	Murdock	Talcott, N. Y.
Ellerbe	Konig	Needham	Underhill
Faison	Konop	Palmer	Vreeland
Fields	Lamb	Patten, N. Y.	Webb
Fordney	Langham	Plumley	Wilson, Pa.
Francis	Langley	Porter	Young, Tex.
Gardner, Mass.	Latta	Powers	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. DIFENDERFER (against) with Mr. NEEDHAM (to recommit).

Mr. GREGG of Pennsylvania (against) with Mr. PLUMLEY (to recommit).

Mr. WILSON of Pennsylvania (against) with Mr. LANGHAM (to recommit).

Mr. GLASS (against) with Mr. HENRY of Connecticut (to recommit).

Mr. PALMER (against) with Mr. MCGUIRE of Oklahoma (to recommit).

Mr. GOODWIN of Arkansas (against) with Mr. CRAGO (to recommit).

Mr. JONES (against) with Mr. PRINCE (to recommit).

Mr. MCHENRY (against) with Mr. SWITZER (to recommit).

Mr. STANLEY (for the bill) with Mr. FORDNEY (against).

Mr. HOBSON with Mr. BATES.

Mr. ELLERBE with Mr. MCKENZIE.

Until further notice:

Mr. FRANCIS with Mr. DANFORTH.

Mr. LAMB with Mr. GILLETT.

Mr. DUPRE with Mr. PORTER.

Mr. WEBB with Mr. VREELAND.

Mr. CANTRILL with Mr. DE FOREST (commencing June 21).

Mr. HAMILTON of West Virginia with Mr. BARCHFELD (commencing June 22).

Mr. BEALL of Texas with Mr. YOUNG of Michigan.

Mr. SHERLEY with Mr. GARDNER of Massachusetts.

Mr. BARTLETT with Mr. BUTLER.

Mr. TALBOTT of Maryland with Mr. MCCREARY.

Mr. LEGARE with Mr. LOUD (from June 20 and transferable).

Mr. CRAVENS with Mr. LOUDENSLAGER.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. PUJO with Mr. HUGHES of West Virginia.

Mr. FAISON with Mr. GUERNSEY.

Mr. SMALL with Mr. MOORE of Pennsylvania.

Mr. ROTHERMEL with Mr. MARTIN of South Dakota.

Mr. HUGHES of New Jersey with Mr. MATTHEWS.

Mr. SMITH of New York with Mr. BURKE of Pennsylvania.

Mr. SMITH of Texas with Mr. CARY.

For the session:

Mr. LEVER with Mr. SULLOWAY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. RAINEY with Mr. HOWELL.

For July 29 and 31 and August 1, 2, 3, and 4:

Mr. DICKSON of Mississippi with Mr. HAWLEY.

Ending August 6:

Mr. FIELDS with Mr. LANGLEY.

Ending Monday, August 7:

Mr. MCGILLICUDDY with Mr. STERLING.

Commencing June 21 to end of session:

Mr. MAHER with Mr. CALDER.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. PAYNE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 90, answered "present" 7, not voting 88, as follows:

YEAS—202.

Adair	Dixon, Ind.	Jacoway	Rees
Adamson	Donohoe	James	Reilly
Aiken, S. C.	Doremus	Johnson, Ky.	Richardson
Akin, N. Y.	Doughton	Johnson, S. C.	Robinson
Alexander	Driscoll, D. A.	Kent	Roddenbery
Allen	Edwards	Kindred	Rubey
Anderson, Minn.	Esch	Kinkaid, Nebr.	Rucker, Colo.
Ansberry	Estopinal	Kinkead, N. J.	Rucker, Mo.
Ashbrook	Evans	Kitchin	Russell
Ayres	Ferris	Kopp	Sabath
Barnhart	Finley	Korbly	Scully
Bathrick	Fitzgerald	Lafferty	Shackleford
Bell, Ga.	Flood, Va.	La Follette	Sharp
Berger	Floyd, Ark.	Lee, Ga.	Sheppard
Blackmon	Fornes	Lee, Pa.	Sherwood
Boehne	Foster, Ill.	Lenroot	Sims
Booher	Fowler	Levy	Sisson
Borland	French	Lewis	Slayden
Brantley	Gallagher	Lindbergh	Sloan
Brown	Garner	Linthicum	Stack
Buchanan	Garrett	Littlepage	Stanley
Bulkley	George	Lloyd	Stedman
Burke, Wis.	Godwin, N. C.	Lobeck	Steenerson
Burleson	Goeke	McCoy	Stephens, Cal.
Burnett	Goldfogle	McDermott	Stephens, Miss.
Byrnes, S. C.	Gould	Macon	Stephens, Tex.
Byrns, Tenn.	Graham	Madison	Stone
Callaway	Gray	Maguire, Nebr.	Sulzer
Candler	Gregg, Tex.	Martin, Colo.	Sweet
Carlin	Hamill	Mays	Taylor, Ala.
Carter	Hamlin	Miller	Taylor, Colo.
Clark, Fla.	Hammond	Moon, Tenn.	Thayer
Claypool	Hanna	Moore, Tex.	Thomas
Clayton	Hardwick	Morrison	Townsend
Cline	Harrison, Miss.	Morse, Wis.	Tribble
Collier	Harrison, N. Y.	Moss, Ind.	Turnbull
Connell	Haugen	Murray	Tuttle
Conry	Hay	Nelson	Underwood
Covington	Heflin	Norris	Volstead
Cox, Ind.	Helgesen	Oldfield	Warburton
Cox, Ohio	Helm	O'Shaunessy	Watkins
Cullop	Henry, Tex.	Padgett	Whitacre
Curley	Hensley	Page	White
Daugherty	Holland	Pepper	Wickliffe
Davenport	Houston	Peters	Wilson, N. Y.
Davis, Minn.	Howard	Post	Witherspoon
Davis, W. Va.	Hubbard	Pou	Woods, Iowa
Dent	Hughes, Ga.	Raker	Young, Kans.
Denver	Hull	Randell, Tex.	The Speaker
Dickinson	Humphreys, Miss.	Rauch	
Dies	Jackson	Redfield	

NAYS—90.

Ames	Bowman	Catlin	Dalzell
Anthony	Bradley	Cooper	Dodds
Austin	Burke, S. Dak.	Copley	Draper
Bartholdt	Campbell	Crumpacker	Driscoll, M. E.
Bingham	Cannon	Currier	Dwight

Dyer	Hill	Mann	Slemp
Fairchild	Hinds	Mondell	Smith, J. M. C.
Farr	Howland	Moon, Pa.	Smith, Saml. W.
Focht	Humphrey, Wash.	Morgan	Speer
Foss	Kahn	Mott	Stevens, Minn.
Foster, Vt.	Kendall	Nye	Taylor, Ohio
Fuller	Kennedy	Olmsted	Thistlewood
Gardner, N. J.	Knowland	Parran	Tilson
Good	Lafean	Patton, Pa.	Towner
Green, Iowa	Lawrence	Payne	Utter
Greene, Mass.	Longworth	Pickett	Wedemeyer
Griest	McCall	Pray	Weeks
Hamilton, Mich.	McKinley	Prouty	Wilder
Harris	McKinney	Reyburn	Willis
Hartman	McLaughlin	Roberts, Mass.	Wilson, Ill.
Hayes	McMorran	Roberts, Nev.	Wood, N. J.
Heald	Madden	Sells	
Higgins	Malby	Simmons	

ANSWERED "PRESENT"—7.

Butler	De Forest	Sherley	Talbott, Md.
Calder	Dickson, Miss.	Sparkman	

NOT VOTING—88.

Anderson, Ohio	Gillett	Legare	Prince
Andrus	Glass	Lever	Pujo
Barchfeld	Goodwin, Ark.	Lindsay	Rainey
Bartlett	Gordon	Littleton	Ransdell, La.
Bates	Gregg, Pa.	Loud	Riordan
Beall, Tex.	Gudger	Loudenslager	Rodenberg
Broussard	Guernsey	McCreary	Rothermel
Burke, Pa.	Hamilton, W. Va.	McGillicuddy	Rouse
Cantrill	Hardy	McGuire, Okla.	Saunders
Cary	Hawley	McHenry	Small
Crago	Henry, Conn.	McKenzie	Smith, N. Y.
Cravens	Hobson	Maher	Smith, Tex.
Danforth	Howell	Martin, S. Dak.	Sterling
Davidson	Hughes, N. J.	Matthews	Sulloway
Difenderfer	Hughes, W. Va.	Moore, Pa.	Switzer
Dupre	Jones	Murdock	Talcott, N. Y.
Ellerbe	Konig	Needham	Underhill
Faison	Konop	Palmer	Vreeland
Fields	Lamb	Patten, N. Y.	Webb
Fordney	Langham	Plumley	Wilson, Pa.
Francis	Langley	Porter	Young, Mich.
Gardner, Mass.	Latta	Powers	Young, Tex.

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. McHENRY (for the bill) with Mr. SWITZER (against).

Mr. ELLERBE with Mr. McKENZIE.

Mr. DIFENDERFER (for the bill) with Mr. NEEDHAM (against).

Mr. GREGG of Pennsylvania (for the bill) with Mr. PLUMLEY (against).

Mr. GLASS (for the bill) with Mr. HENRY of Connecticut (against).

Mr. GOODWIN of Arkansas (for the bill) with Mr. CRAGO (against).

Mr. JONES (for the bill) with Mr. PRINCE (against).

Until Friday:

Mr. WILSON of Pennsylvania (for the bill) with Mr. LANGHAM (against).

Until further notice:

Mr. HOBSON with Mr. BATES.

Mr. PALMER (for the bill) with Mr. McGUIRE of Oklahoma (against).

The result of the vote was announced as above recorded. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I move to reconsider the last vote and to lay that motion on the table.

The question was taken, and the motion was agreed to.

Mr. SHERLEY. Mr. Speaker, on the roll call to recommit I voted "present," being paired with the gentleman from Massachusetts, Mr. GARDNER. I understand that the roll does not show my having voted "present." I did vote "present," and desire the RECORD to so state.

The SPEAKER. The Clerk will make the change.

FREE-LIST BILL.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent to take from the Speaker's table the bill (H. R. 4413) to place on the free list agricultural implements and other articles, and to consider the bill and Senate amendments in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bill H. R. 4413, with Senate amendments, and to consider the bill and amendments in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama, being late in the evening now, whether it is his intention to ask a disagreement to the Senate amendments and send the bill to conference, or endeavor to dispose of each amendment upon its merits this afternoon?

Mr. UNDERWOOD. I propose to move to concur in Senate amendment No. 8, relating to Portland cement and other articles, with an amendment, and to move to disagree to the other amendments and send the bill to conference.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Speaker, I would ask the Clerk to report the amendments.

The SPEAKER. The Clerk will report the amendments.

Senate amendments Nos. 1 to 7, inclusive, were read.

Senate amendment No. 8 was read, as follows:

Amendment No. 8, page 3, after line 16, insert, "Roman, Portland, and other hydraulic cement, and lime."

Mr. UNDERWOOD. Mr. Speaker, I move to disagree to Senate amendments Nos. 1 to 7, inclusive.

The SPEAKER. The gentleman from Alabama moves to disagree to Senate amendments 1 to 7, inclusive.

Mr. FRENCH. Mr. Speaker, I want to offer a motion as a substitute, which I think is privileged, that we concur in all the Senate amendments.

The SPEAKER. The gentleman from Idaho makes a preferential motion that the House concur in the Senate amendments.

Mr. UNDERWOOD. Mr. Speaker, I desire to concur in one amendment with an amendment, and I believe that is preferential at this stage. Does the gentleman from Idaho mean the first seven amendments?

Mr. FRENCH. My motion was intended to apply to all the amendments. However, in view of the statement of the gentleman from Alabama [Mr. UNDERWOOD], I make the motion to the first seven amendments.

The SPEAKER. The gentleman from Idaho [Mr. FRENCH] moves to concur in the first seven amendments. That is a preferential motion, and the vote is on that motion.

The question was taken, and the motion was rejected.

The SPEAKER. That is equivalent to nonconcurrence in the Senate amendments.

Mr. UNDERWOOD. Mr. Speaker, I now move to concur in amendment No. 8 with an amendment, by striking out the period and adding after the last word the words "and lemons."

The SPEAKER. The gentleman from Alabama moves to concur in the Senate amendment No. 8 with an amendment by striking out the period and adding the words "and lemons."

Mr. STEPHENS of California. Mr. Speaker, under the parliamentary rules have I a right to be heard at this time?

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] has the floor.

Mr. UNDERWOOD. Mr. Speaker, I yield to the gentleman. I understand the bill is being considered under the five-minute rule in the House as in the Committee of the Whole, and I will yield to the gentleman from California first.

Mr. STEPHENS of California. Mr. Speaker, I am very much interested in lemons, but I am not here asking for a duty on them that is not right. I have stood here on this floor voting my sentiments upon the tariff question, and I ask that lemons be given proper consideration by the Committee on Ways and Means and by this House. We have had no notice whatever on this question; we are not prepared to advance our arguments now, and this seems to be taking snap judgment on an important proposition.

Gentlemen, the lemon industry of California and Florida has sent its experts into Italy and along the Mediterranean shores to investigate this question, and they are prepared, or will be prepared, they say, to present the result of their investigation to the committee for full discussion and consideration. When they do so, whatever the determination, whatever the right figures may be, I will be willing to stand for, but I am not ready to stand for a snap judgment. Therefore, Mr. Speaker, I protest against the amendment being considered now, and I ask that this part of the amendment be not adopted now.

Mr. COLLIER. Will the gentleman yield?

Mr. STEPHENS of California. I will.

Mr. COLLIER. The gentleman has probably made a deep study of this question, and I would like to ask him, for information, if the lemon crop of California and Florida is sufficient to supply the demand in the United States?

Mr. STEPHENS of California. Mr. Speaker, I will answer the gentleman's question by saying that there are not enough lemons produced in the United States to-day to supply the demand, but with the proper amount of tariff on lemons there will be sufficient raised gradually to supply the demand.

Now, Mr. Speaker, I make the point of order that the amendment offered to the amendment is not in order at this time.

Mr. UNDERWOOD. That is too late, Mr. Speaker.

The SPEAKER. The point of order comes too late.

Mr. HARRISON of New York. Mr. Speaker, the purpose of this amendment is to place lemons on the free list. The raise in the rates on lemons was one of the most indefensible raises in the Payne-Aldrich tariff law. The rate before that law had been 1 cent a pound. In the House bill it was raised to 1¼ cents a pound, and in the Senate to 1½ cents a pound, which rate became the law. The former rate had been 53 per cent ad valorem, and the rate of 1½ cents a pound, 78 per cent ad valorem.

Mr. LENROOT. If the gentleman is correct about this rate being so outrageous, I should like to ask him why his committee did not include lemons in the original free-list bill?

Mr. HARRISON of New York. I will say to the gentleman frankly that I think it was an oversight. It should have gone into the original bill, and I am glad of this opportunity to repair that oversight and to offer the amendment in the House now. [Applause on the Democratic side.] Opposition to the adoption of an amendment of this kind——

Mr. MADDEN. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. HARRISON of New York. I do.

Mr. MADDEN. I wish to ask a question for information. The gentleman from Alabama moves to concur in the amendment of the Senate, with an amendment. Now, the query I wish to make is whether, if this amendment is adopted with an amendment, it will not still be in conference, even if we adopt the Senate amendment?

Mr. HARRISON of New York. I will say to the gentleman that I understand not; that all the other amendments will be subject to conference, if the bill is subsequently sent to conference.

Mr. FITZGERALD. Oh, this amendment will go to conference.

Mr. HARRISON of New York. I am informed that this will go to conference also.

Mr. MADDEN. This controversy will never end.

Mr. MADISON. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. HARRISON of New York. I do.

Mr. MADISON. I rose to a parliamentary inquiry. I thought the gentleman from New York had concluded.

The SPEAKER. The gentleman will state it.

Mr. MADISON. Is it now in order to amend further by adding other articles to the free list?

Mr. HARRISON of New York. Mr. Speaker, I have the floor.

The SPEAKER. The gentleman from New York has the floor and is entitled to finish his statement.

Mr. HARRISON of New York. The immediate result of the Payne-Aldrich tariff raise in lemons was that the importations of lemons for the last fiscal year decreased over 10,000,000 pounds and the price of lemons in the markets of the East appreciably increased.

Now, this increase was put in at the demand of the California Lemon Trust, and the people of the East are thereby forced to pay the freight rate of the California lemon growers. It is just about as clear an example of the giving of special privileges by tariff rates as it is possible to obtain. Lemons, to many people of foreign birth and descent, are a necessary of life. The only purpose of the increase in the Payne-Aldrich tariff law was to raise the price of lemons in the markets of the East and increase the profits of the California Lemon Trust.

Now, Mr. Speaker, I move the previous question on the motion to concur with the amendment.

The SPEAKER. The gentleman from New York [Mr. HARRISON] moves the previous question on the motion to concur with an amendment.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD] to concur in Senate amendment No. 8 with an amendment.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois.

Mr. CANNON. If the previous question is voted down, then this motion would be amendable, I assume, by adding other articles, either directly or by way of substitute?

The SPEAKER. There is no question but that the position of the gentleman from Illinois is correct, except his assumption that the previous question has not been ordered.

Mr. JAMES. It has already been ordered.

Mr. CANNON. I did not so understand it.

Mr. BURLESON. Oh, yes.

The SPEAKER. If any Member had offered an amendment before the previous question was ordered, if the amendment was germane, the Chair would have had to hold the motion in order, but that was not done. The question is——

Mr. CANNON. Mr. Speaker, I move to reconsider the motion by which the previous question was ordered.

Mr. JAMES. How did the gentleman vote?

The SPEAKER. There being no record, there can be no way of finding out how the gentleman voted except to take his word for it.

Mr. JAMES. We will take his word for it.

Mr. CANNON. I did not vote. I was not in the Chamber when the question was taken ordering the previous question.

Mr. JAMES. Mr. Speaker, I make the point of order that under the circumstances the gentleman can not make the motion to reconsider.

Mr. CANNON. There being no record——

Mr. HAY. Mr. Speaker, I make the point of order that it is not in order to make the motion to reconsider.

Mr. CANNON. One word, Mr. Speaker. As I understand the rule, the same result can be arrived at by a motion to recommit with instructions.

The SPEAKER. There is no question but what that position is correct.

Mr. JAMES. Mr. Speaker, can you recommit a conference report?

Mr. CANNON. I withdraw my motion to reconsider, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Alabama, to concur in Senate amendment No. 8 with an amendment, the amendment being to strike out the period at the end of the amendment and add the words "and lemons."

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, I move that the House ask the Senate for a conference on this bill.

The SPEAKER. The gentleman from Alabama moves that the House ask for a conference with the Senate. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. UNDERWOOD, Mr. RANDELL of Texas, Mr. HARRISON of New York, Mr. PAYNE, and Mr. DALZELL.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Indian Affairs was discharged from further consideration of House joint resolution 142, and the same was referred to the Committee on Public Lands.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2366. An act to acquire land along the course of Rock Creek for the purpose of preventing the pollution and obstruction thereof and of connecting Potomac Park with the Zoological Park and Rock Creek Park and providing a new location for the United States Botanic Garden; to the Committee on Public Buildings and Grounds.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request:

The Clerk read as follows:

Mr. BEALL of Texas requests leave of absence for one week on account of being a member of a special committee now in session at New York City.

The SPEAKER. Without objection, the request will be granted.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Friday, August 4, 1911, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 13044) extending the time of payment to certain homesteaders in the Rosebud and other Indian Reservations in South and

North Dakota, reported the same with amendment, accompanied by a report (No. 115), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3052) granting leave of absence to certain homesteaders, reported the same with amendment, accompanied by a report (No. 116), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 13235) to authorize the Commissioners of the District of Columbia to collect an annual rental for vault privileges granted in public space; to the Committee on the District of Columbia.

By Mr. BARNHART: A bill (H. R. 13236) to provide for the purchase of a site and the erection of a public building thereon at Rochester, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. GRIEST: A bill (H. R. 13237) for the establishment of a fish-cultural station in the State of Pennsylvania; to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD: A bill (H. R. 13238) to repeal certain laws relating to permanent and indefinite appropriations; to the Committee on Appropriations.

Also, a bill (H. R. 13239) to provide for the construction of an intercepting sewer for the relief of the United States navy yard at Brooklyn, N. Y.; to the Committee on Naval Affairs.

By Mr. JACKSON (by request): A bill (H. R. 13240) to promote an international phonetic conference; to the Committee on Foreign Affairs.

By Mr. GOOD: A bill (H. R. 13241) to amend section 5278 of the Revised Statutes of the United States, relating to the process of extradition; to the Committee on the Judiciary.

By Mr. SHEPPARD: A bill (H. R. 13242) to constitute intoxicating liquors a special class of commodities and to regulate the interstate-commerce shipments of such liquors; to the Committee on the Judiciary.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 261) setting a time for District of Columbia legislation; to the Committee on Rules.

By Mr. FOWLER: Resolution (H. Res. 262) calling upon the Secretary of the Treasury for certain information; to the Committee on Expenditures in the Treasury Department.

By Mr. RAKER: Resolution (H. Res. 263) for an investigation by the Committee on the Public Lands of the administration of the public-land laws; to the Committee on Rules.

By Mr. DAVENPORT: Joint resolution (H. J. Res. 143) to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Cherokee, Creek, and Seminole Tribes of Indians entitled to share in the funds of said tribes; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 13243) for the relief of Elm Street Methodist Episcopal Church South, of Nashville, Tenn., successor to Mulberry Street Methodist Episcopal Church South; to the Committee on War Claims.

By Mr. COOPER: A bill (H. R. 13244) granting an increase of pension to Elihu W. Gray; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 13245) granting an increase of pension to William H. Robinson; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 13246) granting an increase of pension to John J. Moran, alias Jean J. Malcolm; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 13247) granting an increase of pension to William Fetterer; to the Committee on Pensions.

Also, a bill (H. R. 13248) granting an increase of pension to Patrick F. Morey; to the Committee on Pensions.

Also, a bill (H. R. 13249) granting an increase of pension to William H. Peck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13250) granting an increase of pension to William H. Alden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13251) granting an increase of pension to Henry Scully; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13252) granting an increase of pension to John Fay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13253) granting an increase of pension to William H. Foley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13254) granting an increase of pension to James E. Reilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13255) granting an increase of pension to Charles Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13256) granting an increase of pension to John McCarthy, alias George Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13257) granting an increase of pension to Peter Ali; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13258) granting a pension to Thomas A. M. Chambers; to the Committee on Pensions.

Also, a bill (H. R. 13259) granting a pension to Peter A. Fitzpatrick; to the Committee on Pensions.

Also, a bill (H. R. 13260) granting a pension to Daniel Williams; to the Committee on Pensions.

Also, a bill (H. R. 13261) for the relief of the heirs of Catharine Gillen; to the Committee on War Claims.

Also, a bill (H. R. 13262) for the relief of the heirs at law of P. H. Doyle, assignee of William M. Shimmins and George H. McPherson; to the Committee on Claims.

Also, a bill (H. R. 13263) to remove the charge of desertion from the record of Edward Whiteside; to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 13264) granting an increase of pension to Daniel Mason; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 13265) granting an increase of pension to Henry C. Beswick; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 13266) granting an increase of pension to William Zimmerman; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 13267) granting an increase of pension to Isaac Comer; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 13268) granting an increase of pension to Cornelius Cain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13269) granting an increase of pension to James A. Johnson; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 13270) granting a pension to Sarah E. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13271) granting a pension to John M. Reddick; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 13272) granting an increase of pension to William W. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13273) for the relief of Paschal A. Weeks; to the Committee on Military Affairs.

By Mr. WEDEMEYER: A bill (H. R. 13274) granting an increase of pension to Peter Clark; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BUTLER: Resolutions of the Royersford and Spring City Trades Council, of Spring City, Pa., favoring House resolution 114, amending Rules X and XI; to the Committee on Rules.

By Mr. BYRNS of Tennessee: Paper to accompany bill for relief of Elm Street Church, successor to Mulberry Street Church; to the Committee on War Claims.

By Mr. COX of Ohio: Resolutions of the Ohio Leaf Tobacco Packers' Association, against certain proposed legislation requiring leaf dealers to specify and report the exact type of tobacco on hand, etc.; to the Committee on Ways and Means.

Also, resolution of Encampment No. 145, Union Veterans' Legion, Dayton, Ohio, favoring certain pension legislation; to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Camden, Ohio, in opposition to a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. CRAVENS: Petitions of numerous citizens of Ashdown, Booneville, De Queen, Mansfield, Mena, Nashville, and Texarkana, Ark., favoring regulation of the rates of express companies; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Local Union 1199, Union Mine Workers of America, of Bonanza, Ark., and citizens of Scott County, Ark., favoring an investigation of the McNamara case; to the Committee on the Judiciary.

By Mr. DYER: Memorial of Street & Graves, of Houston, Tex., calling attention to the duty on cotton bagging; to the Committee on Ways and Means.

Also, resolution of the Arizona Woolgrowers' Association, protesting against the passage by Congress of any of the several bills now pending changing and reducing the tariff on wool and meats until such time as the Tariff Commission shall be able to report on the subjects involved; to the Committee on Ways and Means.

Also, petition of Van Calvert Paint Co. against changing the present sugar schedule of the tariff laws; to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolution of the Arizona Woolgrowers' Association, protesting against the passage by Congress of any of the several bills now pending changing and reducing the tariff on wool and meats until such time as the Tariff Commission shall be able to report on the subjects involved; to the Committee on Ways and Means.

By Mr. FOCHT: Papers to accompany House bill 13220, a bill for the relief of Calvin Seebold; to the Committee on Invalid Pensions.

By Mr. FULLER: Papers to accompany a bill for the relief of Daniel Mason; to the Committee on Invalid Pensions.

Also, petition of Keith Spalding and 26 others, of Tinley Park, Ill., favoring the passage of House bill 8611, to regulate the importation of nursery stock, etc.; to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany House bill 12046, for the relief of James Trevillian; to the Committee on Invalid Pensions.

Also, petitions of D. C. Murray & Co., of Streator, Ill.; D. J. Stewart & Co., of Rockford, Ill.; and H. H. Wagner, of De Kalb, Ill., in opposition to a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Resolution adopted by the Lancaster (Pa.) Live Stock Exchange, indorsing the passage of the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. KINDRED: Petition of Walter F. Fischer, of New York, N. Y., urging the passage of a bill increasing the pay of second lieutenants and chief musicians of regiments in the United States Cavalry; to the Committee on Military Affairs.

Also, petition of Mr. August Schneckenburger, of 118 Hunter Avenue, Long Island City, N. Y., urging legislation for the betterment of homes for United States soldiers and sailors; to the Committee on Military Affairs.

By Mr. SAMUEL W. SMITH: Petitions of numerous citizens of Michigan in favor of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Resolutions adopted by the Los Angeles (Cal.) Wholesalers' Board of Trade, relating to proposed legislation affecting the cold-storage industry; to the Committee on Agriculture.

Also, resolutions of the Los Angeles (Cal.) Chamber of Commerce, favoring legislation so as to permit corporations and companies to make their returns as of the close of their fiscal years; to the Committee on Ways and Means.

By Mr. SULZER: Resolutions of the Union League Club of Brooklyn, N. Y., indorsing the reciprocity bill; to the Committee on Ways and Means.

Also, petition of Louisville Branch, German-American Alliance, favoring an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Resolutions of district captains of Fifth Assembly District Republican Organization of Brooklyn, N. Y., protesting against inadequate mail service in Brooklyn; to the Committee on the Post Office and Post Roads.

Also, petitions of National Consumers' League, protesting against the removal of Dr. Wiley; to the Committee on Agriculture.

SENATE.

FRIDAY, *August 4, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate No. 8 to the bill (H. R. 4413) to place upon the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, with an amendment, in which it requested the concurrence of the Senate; disagrees to the residue of the amendments of the Senate to the bill; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. UNDERWOOD, Mr. RANDELL of Texas, Mr. HARRISON of New York, Mr. PAYNE, and Mr. DALZELL managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 12812) to reduce the duties on manufactures of cotton, in which it requested the concurrence of the Senate.

THE FREE LIST.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate No. 8 to the bill (H. R. 4413) to place upon the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, with an amendment, disagreeing to the residue of the amendments of the Senate to the bill, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PENROSE. I move that the Senate disagree to the amendment of the House to amendment No. 8, and further insist upon its amendments, and comply with the request of the House for a conference, and that five conferees be appointed on the part of the Senate, to be selected by the Chair.

The motion was agreed to, and the Vice President appointed Mr. PENROSE, Mr. CULLOM, Mr. LA FOLLETTE, Mr. BAILEY, and Mr. SIMMONS conferees on the part of the Senate.

THE COTTON SCHEDULE.

H. R. 12812, an act to reduce the duties on manufactures of cotton, was read twice by its title.

Mr. MARTIN of Virginia. I move that the bill be referred to the Committee on Finance, with instructions to report to the Senate not later than the 10th day of August.

Mr. OVERMAN. Mr. President, I move as an amendment that the committee be instructed to report back the bill not later than the 24th of August. That would give the same time, I understand, that was given on the wool bill, and I want to have the cotton manufacturers treated in the same manner. If the committee chooses to report back the bill the next day, we can not help that; but the people of my State want to be heard on this measure, and they ought to be heard.

I represent a State, Mr. President, that has 300 cotton mills, with a capital of $100,000,000, and in their behalf, on behalf of the 50,000 laborers who receive $15,000,000 in wages annually, I ask this simple justice, that they may be heard. I doubt whether in 10 days they can get here. This is the 4th, to-morrow is the 5th, Sunday is the 6th. It would give them only 4 days, if the committee should meet on Monday and Tuesday and Wednesday. They want a sufficient time for a hearing.

I understand that this bill, in some respects at least, ought to be amended. I see that in the debate in the House of Representatives it was admitted that there is an increase in the tariff of 250 per cent on some of the goods which are made in my own State, and I will protest against that. My people do not want any increase; they want a revision; but they want a fair and a just revision of this schedule. They want to be heard, and the people of this country ought to be heard upon this subject. The men who are particularly interested as well as all the people ought to be heard upon this subject, and especially ought the manufacturers to be heard.

There is a good deal of difference between this bill and some other bills here. So far as a trust in cotton or cotton goods is concerned, I stand here to say that there is no trust and never has been a trust. There have been attempts in my State to form a trust of the cotton mills, but they have not succeeded. The mills have been suffering. Many of them have been running on half time, and some of them have gone into the hands of a receiver. They have not been declaring dividends. They want to know and I want to know what there is in this bill. They want to be heard. They ask for a revision, but they ask for a just revision. All that I ask is that these people be given time to be heard, and four days is not sufficient time.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. OVERMAN. Certainly.

Mr. SMITH of Michigan. I simply want to suggest to the Senator from North Carolina that this somewhat belated plea for a hearing upon the question of a reduction of duties on the products of the South comes with very poor grace from the other side of the Chamber, which but a day or two ago, where more than a million men were directly affected in their employment, pushed a free-trade bill through the Senate without even so much as an apology or a word of warning to the industries affected, although entire communities were harmfully involved.

Mr. OVERMAN. Yes; but when we did that we were standing upon the Democratic platform, which declares that there

be an immediate revision in those schedules, whereas in other schedules it provides that there should be a gradual revision.

Mr. SMITH of Michigan. No; Mr. President——

The VICE PRESIDENT. One moment. Does the Senator from North Carolina yield further to the Senator from Michigan?

Mr. OVERMAN. I do.

Mr. SMITH of Michigan. The Senator from North Carolina says that was a vastly different situation from the one which we confront this morning. But the unblushing truth is that the honorable Senator from North Carolina has been gored by his own horn, and the southern industry that demands from him protection at the hands of the American Congress has greater claims upon his patience and consideration and demands that different methods of procedure be pursued by the Senator from North Carolina and his associates on that side of the Chamber than in the case of industries in the North which were similarly affected a few days ago.

Mr. OVERMAN. Not at all, Mr. President. Our people are not demanding high protection. They are demanding a revision of these schedules themselves. They ask for it, but they want complete justice.

I want to say to the Senator that I voted to refer the wool bill to the Committee on Finance and give them 20 days for a hearing and a report. All I ask is that the cotton schedule be treated in the same manner. I ask no more and no less. I ask for fairness and justice.

Mr. WARREN. Mr. President——

Mr. OVERMAN. I yield to the Senator from Wyoming.

Mr. WARREN. I do not wish to antagonize the Senator's motion, but when he speaks of reference of the wool bill to the Committee on Finance with instructions to report it almost immediately he perhaps remembers that when we had the sundry civil appropriation bill under consideration the motion came from the other side of the House, and it was supported and unanimously agreed by the Democratic side of the Senate that a Tariff Board should take up the matter of the wool schedule and report next December. That was impliedly, at least, a direction, and I might almost say an agreement, that it should not be taken up until we had the benefit of a report from the Tariff Board.

Mr. OVERMAN. It is true, I think, that the Senator from Texas [Mr. CULBERSON] introduced an amendment requiring the Tariff Board to report not later than the 1st of December, but there was no agreement and no understanding as to the time when the revision of the tariff should begin.

Mr. WARREN. Furthermore, the Senator speaks of the cotton industry not being governed by trusts. I will not antagonize him in that statement, but I desire to say that the wool business has never been, is not now, and, in my opinion, never can be, controlled by a trust or trusts.

Mr. OVERMAN. Mr. President, all I ask is that the same proceeding be taken with this bill that was taken on the wool bill.

Mr. CUMMINS. Mr. President, I should like to ask the Senator from North Carolina a question. Can he give us absolute assurance that Congress will be in session August 24?

Mr. OVERMAN. I can not, but I notice from the newspapers that the President is going to veto the wool bill. If he will veto the wool bill on account of not having a report from the Tariff Board, he will do the same thing with the cotton bill. If that is so, I will ask the Senator why we should go on and pass this bill? Believing it to be true, as everybody does believe, that the President is going to veto the wool bill, and will veto the cotton bill, why should we go on and debate this bill when we know that will be the result?

Mr. CUMMINS. I do not think we have any right to take into consideration what the President of the United States may do or may not do upon the wool bill or any other bill. It is his function to approve or disapprove acts in Congress. It is our function to pass acts or refuse to pass them, as it may be, and we ought to consider only the merits of the proposition.

Now, we have at this session put upon the free list the agricultural products of the United States, which I think last year amounted in value to nearly $9,000,000,000, representing the greatest interest in the United States. It seems to me we will be false to our duty if we do not before Congress adjourns reduce the duties upon those things which the farmer must buy.

I would have no particular objection to a postponement until the time mentioned by the Senator from North Carolina if I were sure that in the meantime some action would not be taken looking toward the adjournment of Congress prior to that date.

We adopted a motion directing the Finance Committee to report the wool bill and the free-list bill, giving the committee upon each of those bills 10 days, or something like that, for the investigation, the time suggested by the Senator from North Carolina. But the committee did not avail itself of a single hour or a single day for such investigation, and we have no reason to believe that if this bill were sent to the Committee on Finance it would attempt to make any investigation of its merits. On the other hand, if we are to be guided by precedent, we might expect that to-morrow morning the Finance Committee would, for the reasons stated before, report this bill.

For one, unless the chairman of the Finance Committee will say that within the time limited he expects to enter upon the investigation of the merits of the bill, I would be in favor of putting it upon the calendar without any reference whatsoever to the Finance Committee, and let us consider it as we can from the sources of information which are open to us.

I do not know whether the bill is such a bill as we ought to pass or not. I am just as earnest and anxious to see that no harm or injury shall come to the cotton mills, either North or South, as is the Senator from North Carolina. But I want the Congress of the United States to vote upon this measure and such other amendments to the tariff as may be added to it before adjournment, and I am opposed to any proceeding that by any possibility will permit Congress to adjourn until we have voted upon this bill.

Mr. OVERMAN. Does the Senator want to vote for it without understanding its provisions?

Mr. CUMMINS. I do not think——

Mr. OVERMAN. Has the Senator investigated the bill?

Mr. CUMMINS. The investigation through the Finance Committee would, in my opinion, be of little value in determining what I ought to do with respect to my vote upon it.

Mr. OVERMAN. I understand that the Senator has been very diligent.

Mr. CUMMINS. I think we may follow the course we followed with regard to the wool bill. I have investigated the general subject. I have not, however, examined with care this bill that has just passed the House of Representatives. I expect, however, to be as well qualified as I can be to vote upon the bill which is finally submitted to the Senate.

Mr. OVERMAN. The Senator is very fair and very just; he is always very diligent to get information unless he understands the provisions of a bill. Now, this is a very intricate bill. Does the Senator think he can investigate this bill by the 10th of August sufficiently to understand it?

Mr. CUMMINS. Mr. President, I do not want to vaunt my powers of investigation, but this is not a new subject with me. I gave it a good deal of time and a good deal of thought two years ago, and I have some rather decided convictions upon the matter. Bearing in mind that it is not altogether new, I answer the Senator from North Carolina by saying that I believe if the bill is reported from the committee by next Wednesday and we then fix a time somewhat in advance for voting upon it, with full opportunity for discussion upon the floor of the Senate before the time comes to vote, I shall be able to express my real convictions upon the subject.

Mr. OVERMAN. Well, the Senator voted for 20 days' delay, I think, on the wool bill. Would he not treat the cotton mills of the South and of the North in the same way that he treated the wool business? If the committee fails to report the bill, the responsibility will be on the committee.

Mr. CUMMINS. I voted for, it seems to me, 10 days' delay on the wool bill; but I am not sure about that.

Mr. OVERMAN. I think it was 20 days.

Mr. PENROSE. It was 20 days.

Mr. CUMMINS. Twenty days. I had forgotten the exact time. I believe in giving the Finance Committee a reasonable time in which to investigate and consider the bill, but I know, and the Senator from North Carolina knows, that if we were to extend the time as suggested the Finance Committee would follow the same course as it followed with regard to the wool bill and the free-list bill. More than that, if it comes to a choice between voting upon this bill with such information as we have and can get independently of the work of the Finance Committee and not voting upon it at all, I am in favor of voting upon it with such information as the Members of the Senate can get independently of the Finance Committee.

I do not want to incur any risk whatsoever of the adjournment of Congress until we revise the cotton schedule, the metal schedule, the sugar schedule, and some others that, in my opinion, contain indefensibly high duties; and I am sure the Senator from North Carolina is in sympathy with me in that desire.

Mr. OVERMAN. Mr. President, I am in full sympathy with the Senator; but I want to ask him a question. It is generally understood that the President will veto the wool bill if it is sent to him early next week. I do not know whether that is

so or not; but if he should veto that bill and put his veto upon the ground that Congress had passed a bill requiring the Tariff Board to report by the 1st of December, and that he would not approve any legislation upon the tariff until the Tariff Board made its report, would the Senator then, after such a message had been sent in, be in favor of going into these other schedules?

Mr. CUMMINS. I would. I do not believe that the President of the United States will or ought to say to Congress what he will do upon certain proposed acts of Congress. It would be in the highest degree improper, and I can not conceive that it will be done. The President might put his veto, if he does veto the wool bill, and I do not believe he will veto it; I believe it is a good bill; I believe the President will see that it is a good bill when he comes to examine it; and I assume that he will do what is right; and if he does what is right, he will sign the bill and not veto it; but if he does veto the wool bill, he might put his veto upon the ground that we have asked for further information with respect to the production of wool; but we have not as yet asked for any information, as I understand, with regard to the manufacture of cotton or the manufacture of iron or steel or the production of sugar. It could hardly be said that because he might disapprove one bill which did not meet his views, therefore he would veto every bill, no matter what its merits might be, that should come to him in the ordinary proceedings of Congress.

Mr. OVERMAN. Mr. President, I know that the Tariff Board is now investigating the cotton schedule, and has some 50 or 100 agents here and abroad; but that does not interest me. The Senator and I fully agree as to the revision of the tariff. If the President signs the wool bill—and I believe he ought to sign it; I believe it is a good bill—I am willing to stay here until next December and take up all these schedules; but I see no use in staying here if the President is going to veto that bill upon that ground. It would be useless to do so. It is only four months until Congress will meet again, and why all this haste? We are all tired; we are all worn out. I think we can come back here in December and revise all these schedules in the interest of the 90,000,000 people of this country.

Mr. President, what I ask is that we be treated in the same way that others have been treated in regard to the wool bill.

Mr. MARTIN of Virginia. I regret exceedingly that the Senator from North Carolina should be making a plea for delay in the revision of the tariff. We are charged with duties of our own here, and I think we discharge those duties poorly when we govern ourselves in respect to them by any supposed action the President may take.

Revenue bills, under the Constitution, must originate in the House of Representatives. The House of Representatives have given careful, tedious, and protracted consideration to the revision of the cotton schedule; they have sent us a bill making radical reductions in the duties on cotton products, and the question now confronts the Senate as to whether it will adjourn without acting on that bill or will take decisive steps for its consideration. I am exceedingly unwilling, so far as I am personally concerned, to see the Senate adjourn without voting on the cotton-schedule bill which has been sent to us from the House of Representatives. It is manifest that the Senator from North Carolina is making his motion, contemplating that, if it carries, it will delay matters so that we will get no action until next December.

Mr. OVERMAN. Mr. President, why does the Senator assume that? There is a difference of only 10 days in time between his motion and mine.

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from North Carolina?

Mr. MARTIN of Virginia. Certainly, I yield.

Mr. OVERMAN. Why does the Senator assume that? Does the Senator assume that we are going to adjourn next week?

Mr. MARTIN of Virginia. I do not assume anything. The Senator from North Carolina argued that a wise solution of the matter would be to let the bill go over until December; and I thought that was his real object in making the motion, for he argued that that was the wise course to take.

Mr. OVERMAN. I said if we were not going to have any legislation, it would be a wise course. I made the same motion that he supported in regard to the wool bill. Now, why does he say that I am trying to delay?

Mr. MARTIN of Virginia. Because time is more precious now than it was then.

Mr. OVERMAN. Not at all. If the Senator will stand here with me, I am willing to revise the whole tariff. I am willing to revise the cotton schedule as much as he is; but when he says that I am in favor of delay, he is stating that which he ought not to state in regard to my motion, as he knows my motion was only for a 10 days' delay.

Mr. MARTIN of Virginia. Of course, the Senator can construe his own motives and his own purposes; but I construed the argument he made to be an argument against action at the present session. I understood the Senator to argue that no harm would be done if this matter went over until December; that it was only a few months away, and we would then have ample time to give it more careful consideration.

Mr. OVERMAN. I am afraid the Senator——

The VICE PRESIDENT. Does the Senator from Virginia yield further to the Senator from North Carolina?

Mr. MARTIN of Virginia. I yield.

Mr. OVERMAN. I am afraid the Senator did not listen to me. In my colloquy with the Senator from Iowa [Mr. CUMMINS] I said, putting a hypothetical question, that in the event the wool-schedule bill was vetoed it would be a useless thing for us to go on and vote on this bill and have it vetoed, as we know it will be if the President should base his action upon the ground that he wanted a report from the Tariff Board. That was my reason for that statement, and that was the only reason. I am afraid the Senator did not listen to what I said.

Mr. MARTIN of Virginia. I listened to every word the Senator said. I may not have understood his meaning as he intended it, but I understood that his argument was that, as the President was going to veto these bills anyhow, it would not make any difference if they went over until next December. It may not have been the Senator's purpose to convey that meaning, but I say I so understood his argument. I may have misunderstood him; but I certainly listened and put a construction on his words that I thought was just. I may have been mistaken; but, in any event, it matters not what the meaning of the Senator was, the adoption of his motion would probably result in the adjournment of Congress without having a vote on the cotton-schedule bill.

Mr. OVERMAN. Did the Senator make his motion for 10 days because he thought the Senate would adjourn within 10 days?

Mr. MARTIN of Virginia. I made my motion giving six days, because I believed that such consideration as was necessary might be given in six days. I felt that the Senate and the country wanted speed in these matters, wanted action, and quick action; and I thought that satisfactory action could be had within those six days.

Mr. OVERMAN. But the Senator has not answered my question. I asked the Senator if he made that motion because he believed Congress would adjourn within 10 days. I ask the Senator if that was the moving cause?

Mr. MARTIN of Virginia. I do not believe Congress will adjourn in 10 days, but I know Congress is exceedingly anxious to adjourn and the country, I believe, is exceedingly anxious for it to adjourn, and I want to speed adjournment by dispatching business as quickly as possible.

Mr. OVERMAN. The Senator has not yet answered my question. I asked him if that was the moving cause in his asking that the bill be reported back here in six days. I ask him now if that was not the reason? I ask him to treat me as candidly as I have treated him.

Mr. MARTIN of Virginia. I have treated the Senator from North Carolina with absolute candor, and nobody who has heard my words can construe them in any other way than as being candid. I say the Senate is anxious to adjourn, and they want these matters to be speeded and want them acted on. I do not know what the Senate thinks about it, but I think we have had hearings enough. I think there are printed hearings taken at other periods that are available now, that can be seen and read and considered, and I do not believe it is necessary to have any more extended hearings than can be had within the six days afforded by the motion I have made.

Mr. OVERMAN. The Senator has not yet answered my question.

Mr. MARTIN of Virginia. Well, Mr. President, I decline to yield for any such repetition of a question that I can not possibly answer. I do not know when the Senate will adjourn——

The VICE PRESIDENT. The Senator from Virginia declines to yield.

Mr. MARTIN of Virginia. But I do not intend, if I can avoid it, to see any time wasted about this matter. I think six days ample time, and I believe that the Finance Committee will do with this bill as it did with the wool bill, and will report it to-morrow morning. There is no necessity, in my judgment, for hearings. We have had hearings; they have been printed, and they are available. There has been no such change of conditions as to require elaborate hearings in respect to this bill. We have revised the woolen schedule, and there is no reason why we should make an exception of the cotton schedule bill. I want these products treated alike. I want the Southern States to come up to the rack and give to the consuming public that

same measure of justice which was given to them in respect to woolen fabrics. I see no reason to differentiate the cotton products from the woolen products. I want the cotton schedule revised. There is no time for hearings and no necessity for hearings, as we have had sufficient hearings, which have been printed and can be resorted to by all who desire information.

I hope my motion will prevail, and I hope the Finance Committee will report the bill to-morrow morning, so that we may go along, consider it, pass it, and reduce the duties on cotton fabrics as we have attempted to do on woolen fabrics.

Mr. OVERMAN. I should like to ask the Senator if he is willing to pass this bill as it comes from the House? Is he willing to increase the tariff 250 per cent on goods made in the South?

Mr. MARTIN of Virginia. Mr. President, I have not scrutinized the items of this bill. I expect to do so in the next six days; and if there is any provision in it which my judgment does not approve, I shall vote against that provision; but I will be glad to vote on it as quickly as possible, and I want the Finance Committee to bring it before the Senate within the six days, as provided by my motion.

Mr. OVERMAN. Well, if the Senator has read the RECORD this morning, he will have seen that Mr. UNDERWOOD practically admits that there is an increase in several items in the bill. I am not here to vote for an increase in tariff duties for our southern people. I want the cotton schedule revised as much as the Senator does, but I want it revised in the right way. I want to say I understand that the increase resulted from a clerical error and was not intended by the Ways and Means Committee of the House, but it is in the bill, and therefore the bill should receive consideration by the Committee on Finance in order that they may correct that inequality. Although it is a clerical error, it is in the bill, and it makes an increase in one item of 250 per cent and in another of 20 per cent, affecting the lower classes of goods which are manufactured in the South. We of the South do not want any such high protection; we do not want any protection at all. We want a just and equal revision of the tariff, as the Senator from Virginia has said. And that is all I claim for my people.

Mr. MARTIN of Virginia. Mr. President, the Senator from North Carolina can hardly contend in any serious way that it will take more than six days to correct an error which is admitted to be a clerical error. If there are any errors in this bill let them be corrected and let the Senator from North Carolina, and all Senators, if clerical errors or errors of judgment exist in the bill, endeavor to remove them. I simply say, give us a hearing; let us have this bill back in the Senate; let us vote on it; and let us make sure that we do not adjourn until we treat the cotton schedule just as we have treated the woolen schedule. Let us proceed with the execution of our duties in this respect regardless of the way in which we may theorize as to the probable course the President may take. Even in case the President should veto the woolen schedule bill, that does not indicate that he will also veto the cotton schedule bill. Let us send to the President equitable, fair, and proper bills providing for a just downward revision of the tariff in the interest of the great body of the American people, and let him deal with those bills when they are laid before him. We should not halt or hesitate on the theory that the President will do less than his duty or more than his duty. Let us do our duty by sending him these bills, and let him then take the responsibility which devolves on him under the Constitution.

I hope, Mr. President, that my motion will be adopted and that we shall have an opportunity speedily to take up this bill, consider it, and vote upon it.

Mr. PENROSE. Mr. President, the conferees on the part of the Senate on the wool bill met this morning. They will have to meet to-morrow. Monday has been agreed on by unanimous consent to vote upon the statehood resolution. It is not unlikely that a recess will be taken late on Monday afternoon or in the evening, and that the statehood resolution will not be finally disposed of until Tuesday. It will be impossible to call a meeting of the Committee on Finance on the cotton measure until Wednesday of next week, and that would leave the time for hearing or consideration so short, under the original motion or the amendment, as to render the proposition of holding hearings absolutely out of the question. It would certainly be unfair for the committee to hear the constituents of the Senator from North Carolina and be unable to grant hearings to the hundreds of persons from all over the United States who have made requests of the chairman of the committee for hearings upon the very complicated schedules of this measure. Therefore if haste is the purpose of the majority in the Senate, and not deliberation and intelligent consideration and discussion, I am absolutely in sympathy with the Senator from Virginia and shall do all I can to expedite the measure in the committee by having it reported the next morning should this motion or the amendment be adopted. If the matter were to be taken up as it should be taken up, there ought, of course, to be no limitation, and the measure ought to go over until the next regular session of Congress when the report of the Tariff Board may be here, a method of tariff revision which has been clamored for by many all over the country for years and which is in practical and effective operation.

But if it is simply speed to pass some kind of a bill, I am in earnest sympathy with the purpose of expedition, and will endeavor to have the bill promptly reported, so that this Congress may adjourn at an early date and relieve the business interests of the country of the uncertainty and the menace under which they are now conducting business. Neither the motion nor the amendment, in my opinion, should be adopted, but if either is, I will use every effort to comply with the spirit of it by securing immediate action.

Mr. SIMMONS. Mr. President, it is well known that the House did not give hearings either to those interested in the manufacture of wool or in the manufacture of cotton. When the wool bill was referred to the Committee on Finance, as I remember it—and if I am not correct about that I hope the chairman of the committee will correct me—nobody appeared before the committee asking to be heard. I assume if anyone interested in the wool schedule had appeared before the committee and asked for hearings, the committee would have accorded them hearings to the extent of the time allowed in the resolution.

Mr. PENROSE. Will the Senator permit me?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. Certainly.

Mr. PENROSE. In reference to hearings, it was expressly stated, I believe, by the Senator from Utah [Mr. SMOOT] and others that it was a physical impossibility to notify the very many persons wanting hearings on the wool bill, many of whom were absent with the herds and could not have been reached for some time, and to have them here within the limit fixed by the resolution offered by the Senator from Oklahoma.

Mr. SIMMONS. The Committee on Finance would not have refused those interested in wool an opportunity to be heard if the committee had supposed that it had sufficient time to give them adequate hearings.

Mr. PENROSE. Had there been sufficient time, the committee would have been only too glad to take the bill up intelligently and considerately and to have gone into it.

Mr. SIMMONS. Then the reason the committee acted at once was, first, there was nobody present representing the wool interests asking to be heard, and there was not sufficient time to get those interested before the committee.

Mr. PENROSE. It was considered to be unfair and impossible to grant hearings to a few without granting hearings to the majority of substantial and responsible persons who desired a hearing.

In connection with the reciprocity bill, as the Senator from North Carolina, who is a member of the committee, knows, the committee sat patiently for nearly a month and heard over 100 persons. But to go into extensive hearings in an industry which covers the continent in its various phases and to say to one person he shall be heard and to another that he shall not is unfair and impracticable.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Wyoming?

Mr. SIMMONS. In just one moment. Then the Senator from Pennsylvania, as I understand, says substantially what I stated at first, that there was no disposition on the part of the Committee on Finance to deny hearings to those interested in wool had the condition been such as to allow adequate hearings.

Mr. PENROSE. The committee would have welcomed hearings to show the inherent defects in that measure had it been in any way possible to bring the proper persons to Washington within the time set by the limitation.

Mr. SIMMONS. Now, I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, it is perfectly evident, when we remember the time that was given, that so far as the woolgrowers were concerned, they had not time to get here. We could not get a letter or summons to them and have them reach here until after the date set for the Finance Committee to report the bill. The majority of the wool grown in this country is grown in localities distant from railroad points and far distant from this point. It was absolutely impossible for woolgrowers to appear within the time given. Perhaps it was made so purposely. I do not make that accusation. But when 18 or

19 days only are given for the consideration of a subject of that kind you can not, by letters, reach men 2,000 miles away from here, and, perhaps, 100 or 200 miles away from post offices or railroads, as some of them are, and have them appear here. It was perfectly understood that they could not come.

Mr. SIMMONS. I agree entirely with the Senator from Wyoming. The time was not sufficient for full hearings.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. Certainly.

Mr. NELSON. Mr. President, it is perfectly evident that hearings before the Finance Committee can result in no good. Nearly all the testimony taken before the Finance Committee on Canadian reciprocity was in opposition to that project, and yet the majority of the Finance Committee were entirely oblivious to that testimony. Judging by what they did in that case, what is the good of having hearings in this case? You can pile testimony upon testimony mountain high, and it may make no more impression than it did in the matter of Canadian reciprocity. So what is the good of having a reference to the committee at all? It did no good in that case. We got no help from the committee in that case. We from the Northwest who were so vitally affected had to fight our battles without any help from that committee, and the whole testimony was as though it had been dropped in the Potomac River and had sunk out of sight.

Mr. SIMMONS. What the Senator says is doubtless true in reference to the Canadian reciprocity hearings. But that is no reason why persons interested in these great subjects about which we are legislating should not be given a reasonable opportunity to present their views to the Congress. If the Congress, having light, refuses to see, that is the fault of Congress.

Mr. President, my understanding is that the cotton-mill people—certainly in my State, and I think it is so elsewhere—are very anxious to have an opportunity to present to Congress before final action their views about this matter. They have complained to me most bitterly because they were not permitted to go before the Committee on Ways and Means in the House, and they have asked me as a member of the Finance Committee to use my influence to try to get them a hearing before that committee.

I certainly do not desire any more time than is reasonably necessary to give them an opportunity to come before the committee and make such presentation of their cause as they may see proper. But I do think there is no such urgency as requires that we should cut these people off and give them no opportunity to be heard at all in either branch of Congress.

I know we are all very anxious to get away from here; that we feel the pressure of time very much. I suggest to my colleague that he amend his motion so as to require the committee to report on the 20th instead of the 24th.

Mr. OVERMAN. I have no objection. I will make that amendment. All I want is that people who are demanding to be heard shall be heard. Every man in this country who wants to be heard ought to have a hearing.

The VICE PRESIDENT. The Senator from North Carolina [Mr. OVERMAN] amends his amendment to provide for the 20th rather than the 24th instant.

Mr. OVERMAN. I suggest to my colleague also that the people living in the cotton-mill section of this country can arrive here within 48 hours.

Mr. SIMMONS. They can get here somewhat earlier than the woolgrowers could, and therefore less time will do. The Senator from Georgia [Mr. BACON] suggests the 15th, but I think the 20th would be about as little time as would reasonably be required.

Mr. BACON. Mr. President, I suggest to make it the 15th. I think that would be agreeable to all parties.

Mr. OVERMAN. Just to show that I am not moving for delay, as suggested by my friend the Senator from Virginia [Mr. MARTIN], I will accept the suggestion and make it the 15th.

The VICE PRESIDENT. The Senator from North Carolina modifies his amendment.

Mr. MARTIN of Virginia. I simply desire to say that I do not believe hearings of any value can be had or any complete or satisfactory hearings—new ones—can be had between now and the 10th or between now and the 15th either; and I sincerely hope that my motion will prevail and that it will not be amended, and that this bill shall be reported back to the Senate on or before the 10th day of August.

Mr. SIMMONS. If the Senator from Virginia will permit me, I want to assure him that the cotton-mill people who have talked to me, some from New England as well as from North Carolina, have assured me that they had no purpose to bring about delay; that they honestly desired an opportunity to state their case and only that. The 15th would hardly give ample time, but as a matter of compromise I am willing to agree to that.

Mr. PENROSE. I call for the yeas and nays on the motion.

The VICE PRESIDENT. The Senator from Virginia moves that the bill be referred to the Committee on Finance with instructions to report it back on or before August 10. The Senator from North Carolina offers an amendment, making the date August 15. Upon the amendment the Senator from Pennsylvania asks for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I understand the vote is upon the question of fixing the 15th.

The VICE PRESIDENT. That is the motion.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce that I have transferred my general pair with the Senator from Maine [Mr. FRYE] to the junior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence, I withhold my vote.

Mr. MYERS (when the name of Mr. DAVIS was called). I have been requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I will let this announcement stand for the day.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. In his absence, I withhold my vote.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS]. Were he present, and I permitted to vote, I should vote "nay." In his absence, I withhold my vote.

The roll call was concluded.

Mr. BURNHAM. I wish to state that my colleague [Mr. GALLINGER] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. SMOOT. I desire to announce that my colleague [Mr. SUTHERLAND] is out of the city. He is paired with the Senator from Maryland [Mr. RAYNER]. I will let this announcement stand on all votes that may be had to-day.

Mr. PAGE. I desire to announce that my colleague [Mr. DILLINGHAM] is absent, engaged on the Lorimer committee. He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. NELSON. I desire to state that the senior Senator from North Dakota [Mr. MCCUMBER] is paired with the senior Senator from Mississippi [Mr. PERCY]. If the senior Senator from North Dakota were present, he would vote "nay" on this question.

Mr. CLARK of Wyoming (after having voted in the negative). I have a general pair with the Senator from Missouri [Mr. STONE]. I notice he has not voted. I therefore withdraw my vote.

The result was announced—yeas 12, nays 51, as follows:

YEAS—12.

Bacon	Foster	Newlands	Simmons
Bryan	Johnston, Ala.	Overman	Thornton
Dixon	Martine, N. J.	Owen	Warren

NAYS—51.

Bankhead	Clarke, Ark.	Kern	Reed
Borah	Crane	La Follette	Root
Bourne	Crawford	Lippitt	Shively
Bradley	Cummins	Martin, Va.	Smith, Mich.
Brandegee	Curtis	Myers	Smoot
Briggs	Fletcher	Nelson	Stephenson
Bristow	Gamble	Nixon	Swanson
Brown	Gronna	O'Gorman	Taylor
Burnham	Heyburn	Oliver	Townsend
Burton	Hitchcock	Page	Watson
Chamberlain	Johnson, Me.	Perkins	Wetmore
Chilton	Jones	Poindexter	Works
Clapp	Kenyon	Pomerene	

NOT VOTING—27.

Bailey	Frye	McCumber	Smith, Md.
Clark, Wyo.	Gallinger	McLean	Smith, S. C.
Culberson	Gore	Paynter	Stone
Cullom	Guggenheim	Penrose	Sutherland
Davis	Lea	Percy	Tillman
Dillingham	Lodge	Rayner	Williams
du Pont	Lorimer	Richardson	

So Mr. OVERMAN'S amendment to the motion of Mr. MARTIN of Virginia was rejected.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Virginia [Mr. MARTIN] that the bill be referred to the Committee on Finance, with instructions to report to the Senate not later than the 10th day of August.

Mr. PENROSE. On that motion I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. GUGGENHEIM (when his name was called). I again announce my general pair with the senior Senator from Kentucky [Mr. PAYNTER]. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. CULBERSON. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Maryland [Mr. SMITH], and vote "yea."

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Massachusetts [Mr. LODGE], and vote. I vote "nay."

Mr. BACON. I transfer my general pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], and vote "yea."

Mr. SMOOT. I desire to state that my colleague [Mr. SUTHERLAND] has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were here, he would vote "nay."

The result was announced—yeas 38, nays 26, as follows:

YEAS—38.

Bacon	Clapp	Johnston, Ala.	Pomerene
Bailey	Clarke, Ark.	Kern	Reed
Bankhead	Crawford	La Follette	Shively
Borah	Culberson	Martin, Va.	Swanson
Bourne	Cummins	Martine, N. J.	Taylor
Bristow	Dixon	Myers	Thornton
Brown	Fletcher	Newlands	Watson
Bryan	Gronna	O'Gorman	Works
Chamberlain	Hitchcock	Owen	
Chilton	Johnson, Me.	Poindexter	

NAYS—26.

Bradley	Dillingham	Oliver	Smoot
Brandegee	Gamble	Overman	Stephenson
Briggs	Heyburn	Page	Townsend
Burnham	Jones	Perkins	Warren
Burton	Kenyon	Root	Wetmore
Crane	Lippitt	Simmons	
Curtis	Nelson	Smith, Mich.	

NOT VOTING—26.

Clark, Wyo.	Gore	Nixon	Smith, S. C.
Cullom	Guggenheim	Paynter	Stone
Davis	Lea	Penrose	Sutherland
du Pont	Lodge	Percy	Tillman
Foster	Lorimer	Rayner	Williams
Frye	McCumber	Richardson	
Gallinger	McLean	Smith, Md.	

So the motion of Mr. MARTIN of Virginia was agreed to.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the International Longshoremen's Association, praying that the hours of labor for dredge operators engaged on Government work be limited to eight hours a day, which was referred to the Committee on Education and Labor.

Mr. SHIVELY presented petitions of the Retail Merchants' Association, of Connersville; the Chamber of Commerce, of South Bend; and the Business Men's Association, of Evansville, all in the State of Indiana, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. WETMORE presented a petition of the Business Men's Association, of Pawtucket, R. I., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a petition of the Commercial Club, of Brainerd, Minn., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Mankato District of the National League of Postmasters, of Mankato, Minn., praying for the establishment of a parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

LOANS IN THE DISTRICT OF COLUMBIA.

Mr. CURTIS. I ask unanimous consent to have printed in the RECORD a part of an editorial from the Washington Times on the loan-shark bill.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

THE LOAN SHARKS AND THEIR METHODS.

The new Massachusetts law governing the business of loan sharks could well be studied by our District guardians, who seem unaccountably slow getting some protective legislation for this city.

Massachusetts' act takes effect this week, and is the culmination of careful consideration and considerable legislative experience with this business. It is the demonstration that legislation on this subject is no wild experiment in an unknown field. It is no foolish interference with legitimate business. It is simply the effort to make usury laws efficient, to give the poor man a decent chance, to stop one of the worst kinds of oppression that is exercised in our cities *against* the needy and the ignorant.

The business is falling rapidly into control of "chains" of agencies in cities. If a borrower moves from one town to another, the agency in his new town is promptly on his trail. Interest rates actually earned are found in some agencies to have run to 300 per cent a year. The heavy risks are found much exaggerated; losses are really very few.

Most of the loan companies extend credit for amounts ranging from $5 to $50. For a loan of $5 one pays in several companies $1 per week for 7 weeks; for a $10 loan the payments are $1 per week for 15 weeks, or $1.50 for 10 weeks; for a $15 loan $2 per week is exacted for 10 weeks, and for a $20 loan, $2.50 per week for 10 weeks. The favored patron whose credit is good for $25 pays $1.80 for 20 weeks, or $2 per week for 18 weeks. A $50 loan, which is not often made, calls for three monthly payments of $21.60.

The new Massachusetts law establishes a supervisor of loan agencies, and gives him plenary power. After careful investigation it was found that the rate of interest could not be fixed by the law, so provision was made that its maximum should be 3 per cent a month, but the State supervisor has authority to regulate it. No assignment of wages by a married man is legal unless indorsed by his wife, and in no case is an assignment good unless accepted in writing by the employer of the borrower.

A common practice among the Massachusetts companies, it was discovered, is to have the borrower make his note for a larger sum than he actually gets. Then the companies claim that they are not technically loaning money, but "buying notes!" This sort of procedure is not to be countenanced. In order to prevent it the supervisor is given full power to investigate all books, papers, and accounts of the agencies whenever he wishes, so that he may know whether such transactions are going on.

It is a standing reproach to the government of Washington that our legislative authority seems unable or incapable of dealing intelligently with these problems of the modern, complex life of cities. Congress contains few experts in municipal affairs. It ought to make the best use of those it has. It ought to seek the experience and guidance of outside experts in city administration. These things it notoriously does not do.

* * * * *

This affair of the loan-shark legislation has developed a very similar situation. The Senate's debate the other day showed how innocent of any real, useful information are most of the men whose votes will decide what sort of a law on this loan question Washington will get, or whether it will get any.

This sort of government is bad for the city and a discredit to the system under which it is imposed.

HON. ROBERT J. WALKER.

Mr. MARTINE of New Jersey. Mr. President, in view of the reference made to the history, political and otherwise, of Hon. Robert J. Walker by the Senator from Texas [Mr. BAILEY], I hold in my hand a letter from a loving and loyal son of Robert J. Walker, which I desire may be read and printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the letter.

The Secretary read the letter.

Mr. BAILEY. Mr. President, although I regarded it as an indecent performance in the beginning for any Senator to bring to this Chamber the reply of a private citizen to what a Senator had said in the course of a debate, I made no objection to the reading of that document; and had it been a decent attempt to set his father's record right, I would not now object to its appearing in the RECORD; but it is offensive in more than one respect and untruthful in several respects. The writer undertakes to quote a statement I made, and quotes only part of it. For instance, he declares that I charged that his father was then holding a public office under a Republican administration, while the RECORD shows that I said his father "was holding or had held." In view of its offensive character, I move that the communication be excluded from the RECORD.

Mr. MARTINE of New Jersey. Mr. President, I trust that the Senator's motion will not prevail. I insist, in all fairness, that the letter read is not only a touching and forcible tribute from a loyal and loving son, but a splendid defense of a loving father. I insist that the sheer statement of the Senator from Texas that it is untrue is not adequate. These assertions are made by a gentleman responsible for all he says, who is an honored and dignified son of the Commonwealth from which I come. I submit further, Mr. President, that I thought the distinguished Senator went out of his way to traduce and make small the memory of that great Democrat and public servant, the Hon. Robert J. Walker, when he came in the day after his first speech on reciprocity and offered further data in the way of a pamphlet to prove that this gentleman, who had done honored service to his country, was not a Democrat. The question

was not a partisan one; it was not whether Robert J. Walker was a Democrat or whether he was not. The controversy at issue at the time the Senator offered the pamphlet regarding Robert J. Walker was upon the great, broad, moral question of reciprocity, not as to what was the politics of Robert J. Walker. I trust in all sincerity, I trust in all earnestness and deference, that you, Senators, as fair-minded, liberal, honorable, and brave men, will not now move further to traduce and belittle the memory of the honored citizen and splendid Democrat, Robert J. Walker.

Mr. BAILEY. Mr. President, I am no more inclined to reply to the Senator from New Jersey than I am to that private citizen.

I ask the yeas and nays on my motion to exclude that communication from the RECORD.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Chair desires to ask the Senator from New Jersey, the present occupant of the chair not having been present at the time he made his request, did the Senator from New Jersey ask unanimous consent for the insertion of this document in the RECORD?

Mr. MARTINE of New Jersey. I did, sir; and it was declared granted by the Vice President.

The PRESIDING OFFICER. The Senator from Texas objects.

Mr. BAILEY. No, Mr. President, the Senator from Texas does not object. The Senator from Texas moved, after the communication had been read, in view of its offensive character, to exclude it from the CONGRESSIONAL RECORD.

Mr. MARTINE of New Jersey. I trust that motion will not prevail.

The PRESIDING OFFICER. The matter having been read is now in the RECORD, but the Senator from Texas moves that it be excluded from the RECORD, and on that motion demands the yeas and nays.

The yeas and nays were ordered.

Mr. THORNTON. Mr. President——

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll and called the name of Mr. BACON.

Mr. BACON. Mr. President, before my name was called the Senator from Louisiana——

Mr. THORNTON. Mr. President, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Georgia [Mr. BACON] is recognized.

Mr. BACON. I want to say that I did not respond to my name because before my name was called the Senator from Louisiana had twice addressed the Chair.

The PRESIDING OFFICER. The Chair did not see the Senator from Louisiana.

Mr. BACON. I have not responded to my name.

The PRESIDING OFFICER. Under the circumstances the Chair will revoke the order that the Secretary proceed with the roll call, and will hear what the Senator from Louisiana has to say.

Mr. THORNTON. Mr. President, I wish to inquire of the Senator from Texas whether, under the circumstances, he would consider the publication of this letter in the RECORD as being personally offensive to him? Is that the ground upon which he objects?

Mr. BAILEY. Mr. President, I think it would be offensive to the Senate for a citizen to undertake to answer a Senator's speech and to assert that the Senator had misrepresented the facts in any case. I believe that would be offensive to any Senator in this body, and I know it is offensive to me.

Mr. POINDEXTER. Mr. President, I make the point of order that unanimous consent has already been given that this letter be read and be printed in the RECORD, and it can not be revoked in view of that.

The PRESIDING OFFICER. The Chair will state that, in the opinion of the Chair, the point of order is not well taken. The matter was read by the Secretary from the desk. Hence it is already a part of the RECORD. The Senator from Texas moves that it be excluded from the RECORD.

Mr. POINDEXTER. The point that I make, however, is that unanimous consent of the Senate has been given that the letter be printed in the RECORD, and that a motion in contravention of that unanimous consent, or action taken under it, is not in order.

The PRESIDING OFFICER. The Chair is constrained to overrule the point of order raised by the Senator from Washington. The Senate has given unanimous consent to have the letter printed in the RECORD to-day, and then to-morrow it may by a majority vote decide otherwise. The matter is in the power of the Senate.

Mr. POINDEXTER. My understanding was that the Senate had, since the brief time I have been here, made several rulings to the effect that the Senate could not overrule a unanimous-consent agreement and take contrary action to the action which had been previously taken by unanimous consent.

The PRESIDING OFFICER. The Chair does not consider that the granting of unanimous consent for the printing of matter in the RECORD is in the nature of a unanimous-consent agreement such as the Senator from Washington refers to.

Mr. MARTINE of New Jersey. Mr. President, I desire to state to the Senate, particularly to the distinguished Senator from Texas [Mr. BAILEY], that it is very far from me to pursue or venture a word or thought that might justly be offensive to any Senator on this floor. I feel that I am too big for such narrowness. I had no thought of doing an ungenerous or an unkind thing. In fact, sir, I had this communication two days ago.

I desired to present it, for I felt that in justice it should be associated beside the charges that were made against this man's father; but I desisted for the reason that I felt that sheer manhood demanded that I should await the presence of the Senator, and I have waited until the Senator might be present. I say that with no just reason can the distinguished Senator from Texas or any other Senator charge or claim my intention was to be offensive.

Mr. SMOOT. Mr. President, I do not understand that unanimous consent was given. The letter was presented and read to the Senate, but I myself intended to object to its going into the RECORD, and it was not on account of the unanimous consent that it has gone into the RECORD. It has gone into the RECORD now on account of having been read. The motion to strike out is certainly in order, and if the Senator from Texas had not made it, I myself would have made the motion, because I do not believe that the RECORD is the place where a controversial statement outside of the Chamber, made by a private individual, should be recorded as against a Senator of the United States.

The PRESIDING OFFICER. The Chair has so ruled.

Mr. POINDEXTER. Mr. President, I only desire to make the RECORD clear, in order that the ruling of the Presiding Officer upon the point of order that I have made may appear as a precedent of this body. I contend that the RECORD shows that the Senate did give unanimous consent not only for the reading of the letter, but for its printing in the RECORD. I say that in view of the different opinion held and expressed by the Senator from Utah [Mr. SMOOT]. The Senator from New Jersey [Mr. MARTINE] expressly requested that the document be read and be printed.

Mr. MARTINE of New Jersey. I would say, Mr. President, if I may be permitted——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. MARTINE of New Jersey. Before I——

The PRESIDING OFFICER. The Senator from New Jersey is out of order. Does the Senator from Washington yield?

Mr. POINDEXTER. I yield.

Mr. MARTINE of New Jersey. I say, before I presented the paper and before the consent was given, I consulted with the President of this body, Vice President SHERMAN, and stated to him that I had a letter from Mr. Duncan Walker, the son of Robert J. Walker, and asked that I might present it.

Mr. POINDEXTER. Mr. President, it is only in view of the statement made by the Senator from Utah that I rise again to refer to the matter. I understood that the Presiding Officer ruled squarely upon the point and upon the RECORD, as I understood it to be, notwithstanding the fact that unanimous consent had been given. The question of the RECORD is now raised by the Senator from Utah; but the RECORD itself undoubtedly will show that the Senator from Utah is mistaken as to what took place when the Senator from New Jersey offered the document.

Mr. BACON. Mr. President, I want to call the attention of the Senator from Washington and of the Senate to the distinction between the consent which was assumed to have been given in this case and what we generally understand by "unanimous consent." There is a kind of unanimous consent which we have when debate is proceeding out of order, and the Chair announces that it is proceeding by unanimous consent; in other words, it is proceeding in the absence of objection; but it is a very different thing when the Senate, in order to regulate its proceedings, determines by unanimous consent upon a certain course, that it will vote at a certain time, for instance, or anything of that kind. That is of peculiar importance; it is not a slight matter to vary it in any way, and our rule is not to vary it in any way, even by subsequent

unanimous consent; but in this instance there was no submission of the question to the Senate by the Chair, and there was no call for a submission to the Senate by the Chair. Therefore no unanimous consent was given, and when the proposition was submitted by the Senator from New Jersey it was only a unanimous consent in the sense that I have indicated, just as the Chair frequently announces that debate is out of order but is proceeding by unanimous consent. It has a dignity, but it is not to be considered in the same light at all as the unanimous-consent agreements which we formally make in order to control our method of procedure.

Mr. CLARK of Wyoming. Mr. President, I think there is little need to split hairs as to whether unanimous consent was given or otherwise, because I think the matter is in another way disposed of. If unanimous consent were given, the fact of the matter is that that unanimous consent was carried out, that its full purpose was fulfilled, and that the matter is now in the RECORD. So the former unanimous consent falls, and we are confronted with a bare record of this matter, and the question is now whether it shall be stricken out on the motion of the Senator from Texas. I do not think the question of unanimous consent enters into it at this moment in any way whatever.

Mr. POINDEXTER. I am perfectly willing, Mr. President, to submit to the ruling of the Chair upon this proposition. I desire to say, however, that I am unable to see any distinction between one unanimous consent and another unanimous consent. The Chair announced that there was no objection, and must have so announced before the reading could have been proceeded with. Whether or not he formally asked the question if there was objection, it must be assumed that he asked it, otherwise he would have had no authority to announce that there was unanimous consent.

I do not propose to argue now the soundness of the parliamentary rule under which it has been held the Senate can not, even by unanimous consent, revoke what has been done by unanimous consent. It has always seemed to me to be a sound proposition that the Senate ought to be able to govern its action at all times, at least by unanimous consent, and that certainly by unanimous consent, at least, it should be able to modify or revoke a previous unanimous consent; but nevertheless it is a ruling, it is a precedent of the Senate, which I have seen put in practice at various times, that it can not interfere, even by unanimous consent, with what it has done by unanimous consent.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Chair desires to state——

Mr. MARTINE of New Jersey. One moment, if you please.

The PRESIDING OFFICER. The Chair is about to make a statement on a parliamentary question.

The Chair desires to state that, whether unanimous consent was given or not, the matter is in the RECORD, the paper having been read by the Secretary from the desk. The motion of the Senator from Texas is that it be excluded from the RECORD.

Mr. MARTINE of New Jersey. Mr. President, in view of the rolling up that seems to have been incurred by the offering of an innocent letter from an old gentleman who is 75 years of age, defending the memory of an honored father, and as it has touched the quick to such an extent, I desire to withdraw it.

Mr. BAILEY. Mr. President, I object to the withdrawal of it. I want that matter passed upon.

Mr. BORAH. I object.

The PRESIDING OFFICER. Objection is made.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BORAH. I rose to the point which has just been made.

The PRESIDING OFFICER. The yeas and nays have been ordered upon the motion of the Senator from Texas, which is that the matter be excluded from the RECORD. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In his absence I withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I transfer my pair with the senior Senator from Missouri [Mr. STONE] to the senior Senator from Rhode Island [Mr. WETMORE], and will vote. I vote "yea."

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Massachusetts [Mr. LODGE], and will vote "yea."

The result was announced—yeas 49, nays 0, as follows:

YEAS—49.

Bacon	Clark, Wyo.	Martin, Va.	Smith, Mich.
Bankhead	Crane	Martine, N. J.	Smoot
Borah	Cummins	Nelson	Stephenson
Bourne	Curtis	Newlands	Swanson
Bradley	Dillingham	O'Gorman	Taylor
Brandegee	Dixon	Oliver	Thornton
Briggs	Gamble	Overman	Townsend
Brown	Gronna	Owen	Warren
Bryan	Heyburn	Page	Watson
Burnham	Johnson, Me.	Perkins	Works
Burton	Jones	Poindexter	
Chamberlain	Kenyon	Pomerene	
Chilton	Lippitt	Root	

NOT VOTING—41.

Bailey	Frye	McCumber	Simmons
Bristow	Gallinger	McLean	Smith, Md.
Clapp	Gore	Myers	Smith, S. C.
Clarke, Ark.	Guggenheim	Nixon	Stone
Crawford	Hitchcock	Paynter	Sutherland
Culberson	Johnston, Ala.	Penrose	Tillman
Cullom	Kern	Percy	Wetmore
Davis	La Follette	Rayner	Williams
du Pont	Lea	Reed	
Fletcher	Lodge	Richardson	
Foster	Lorimer	Shively	

So Mr. BAILEY's motion was agreed to.

The PRESIDING OFFICER. The Chair desires to ask the indulgence of the Senate, referring to the ruling of the Chair on the distinction between a unanimous-consent agreement and a unanimous consent granted in the ordinary routine business, to call attention of the Senate to the note on page 492 of the Precedents of the Senate, by Henry H. Gilfry, and asks the Secretary to read the note to the Senate.

The Secretary read the note, as follows:

There is no rule of the Senate covering unanimous-consent agreements. Unanimous consent is frequently given in the routine business of the Senate, but a unanimous-consent agreement is a more formal matter. It is alone governed by custom. It is always stated in specific terms by the Presiding Officer, and, if given in reference to action to be taken on a subsequent day, is noted upon the title page of the Calendar of Business. Such consents, although not enforceable by the Chair, are never violated.

REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 304) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H. (Rept. No. 116); and

A bill (S. 305) for the erection of a statue of Maj. Gen. John Stark in the city of Manchester, N. H. (Rept. No. 117).

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 38) permitting the Sons of Veterans, United States of America, to place a bronze tablet in the Washington Monument, submitted an adverse report thereon (No. 118), which was agreed to, and the joint resolution was postponed indefinitely.

Mr. ROOT, from the Committee on the Library, to which was referred the bill (S. 125) to permit the American Academy in Rome to enlarge its purposes, and for other purposes, reported it without amendment and submitted a report (No. 119) thereon.

He also, from the same committee, to which was referred the bill (S. 1327) to provide for the selection and purchase of a site for and erection of a monument or memorial to the memory of Gen. George Rogers Clark, reported it with amendments and submitted a report (No. 120) thereon.

Mr. BRIGGS, from the Committee on the Library, to which was referred the bill (S. 1655) appropriating $10,000 to aid in the erection of a monument in memory of the late President James A. Garfield at Long Branch, N. J., reported it with amendments and submitted a report (No. 121) thereon.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 295) to adjust the claims of certain settlers in Sherman County, Oreg., reported it with an amendment and submitted a report (No. 122) thereon.

MONUMENT TO GEN. WILLIAM CAMPBELL.

Mr. SWANSON. I am directed by the Committee on the Library, to which was referred the bill (S. 1098) for the erection of a monument to the memory of Gen. William Campbell, to report it without amendment, and I submit a report (No. 123) thereon.

Mr. MARTIN of Virginia. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. HEYBURN. Let the bill go over.

Mr. WATSON. I object.

The PRESIDING OFFICER. Objection is made, and the bill will go to the calendar.

THE THIRD DEGREE.

Mr. BORAH. I submit a report (S. Rept. 128) of a select committee of the Senate, appointed under a resolution of the Senate adopted April 30, 1910, "to inquire into and report to the Senate the facts as to the alleged practice of administering what is known as the 'third degree' ordeal by officers or employees of the United States for the purpose of extorting from those charged with crime statements and confessions, and also as to any other practices tending to prevent or impair the fair and impartial administration of the criminal law," which committee was continued after the 4th of March, 1911, and during this session of Congress by Senate resolution adopted February 21, 1911. I ask that the report be printed and that the select committee be discharged from the further consideration of the matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF CERTAIN INDIANS.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 49) to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Five Civilized Tribes entitled to share in the funds of said tribes, to report it without amendment, and I submit a report (No. 124) thereon.

The joint resolution is proposed on account of three successive crop failures, as shown by the report of the Secretary of the Interior. I ask for its present consideration.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. Yes.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if it is a report from the Indian Affairs Committee?

Mr. OWEN. It is a report from the Committee on Indian Affairs, based upon a report of the Secretary of the Interior, recommending this particular item.

Mr. HEYBURN. I ask that it go over.

The PRESIDING OFFICER. Objection is made, and the joint resolution will go to the calendar.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (S. 3115) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes, to report it with amendments, and I submit a report (No. 125) thereon.

This bill also is based upon the recommendation of the Interior Department for a like provision for the Kiowa, Comanche, and Apache Indians. I ask that the report of the Secretary of the Interior be printed as a part of the report of the committee. I ask for the present consideration of the bill.

The PRESIDING OFFICER. The report of the Secretary of the Interior will be incorporated in the report of the committee. The Senator from Oklahoma asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. HEYBURN. Let the bill go to the calendar.

The PRESIDING OFFICER. The Senator from Idaho asks that the bill go to the calendar. Objection is made to present consideration, and the bill will go to the calendar.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (S. 3151) to extend time of payment of balance due for lands sold under act of Congress approved June 17, 1910, to report it with an amendment, and I submit a report (No. 126) thereon.

This report is based upon the same condition of drought in that country. In view of the objection of the Senator from Idaho [Mr. HEYBURN], I ask that it go to the calendar.

The PRESIDING OFFICER. It will go to the calendar.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, to report it without amendment, and I submit a report (No. 127) thereon.

I ask that it go to the calendar.

The PRESIDING OFFICER. The bill will go to the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROWN:

A bill (S. 3169) granting an increase of pension to Thomas E. Ellis; to the Committee on Pensions.

A bill (S. 3170) to correct the military record of W. J. Kingsbury (with accompanying paper); to the Committee on Military Affairs.

By Mr. WORKS:

A bill (S. 3171) granting an increase of pension to Stephen J. F. Ruter (with accompanying paper); and

A bill (S. 3172) granting an increase of pension to Michael Crane (with accompanying paper); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 3173) granting an increase of pension to Helen Louise Scott (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A joint resolution (S. J. Res. 50) to provide for installing throughout the United States for 1912 and subsequent years many of the epoch-making improvements in the machinery of party government.

Mr. OWEN. I ask that the joint resolution may lie on the table.

The PRESIDING OFFICER. Without objection, the joint resolution will lie on the table.

MILEAGE TO CERTAIN SENATE EMPLOYEES.

Mr. GRONNA submitted the following resolution (S. Res. 127), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That those officers, clerks, and other employees of the Senate who return to the homes in the States of the respective Senators in connection with their official duties shall be entitled to mileage at the close of each session at the rate of 10 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from their homes; to be paid out of the contingent fund of the Senate, until otherwise provided by law, upon vouchers approved by the chairman of the committee or the Senator with whom such person is employed.

THE SHERMAN ACT—ADDRESS OF THE ATTORNEY GENERAL.

Mr. KENYON. I ask unanimous consent to have printed as a public document an address of the Attorney General of the United States, delivered July 6, 1911, before the Michigan State Bar Association, on the subject of the recent interpretation of the Sherman Act. (S. Doc. No. 83.)

There has been a very large demand for it, and it is impossible to secure copies of this address. The subject is one of very great public interest.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent for the printing as a public document of the pamphlet he sends to the desk.

Mr. SMOOT. I should like to ask the Senator if that has not already been made a public document?

Mr. KENYON. It has not.

Mr. SMOOT. The junior Senator from Utah [Mr. SUTHERLAND] asked that one speech which was delivered by the Attorney General be made a public document, but I forget whether it was this one or not.

Mr. KENYON. This is the speech delivered before the Michigan State Bar Association July 6. It has not been made a public document.

The PRESIDING OFFICER. Without objection, the request is granted.

Mr. JONES subsequently said: I desire to ask that the address of the Attorney General which has just been ordered printed as a public document may also be ordered printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington? The Chair hears none, and the address will be printed in the RECORD.

The address is as follows:

RECENT INTERPRETATION OF THE SHERMAN ACT.

The only legitimate end and object of all government is the greatest good of the greatest number of the people. The means by which this end is attained vary in accordance with the experience and the temperament of the people. Government is necessarily more or less of an experiment at all times, but as men have been making similar experiments ever since the dawn of recorded history, the waste of repeating unsuccessful experiments of the past may be avoided by studying the records of the results of earlier effort; and, other things being equal, all thoughtful persons will agree that the probabilities of success will be greater if action be taken along lines which in the past, under similar conditions, has been attended with resulting benefit to the common weal. All history demonstrates the fact that the greatest prosperity to the State has resulted from allowing to individual effort in trade and commerce the utmost freedom consistent with the protection of society at large.

Yet the experience of the remote as well as of the recent past demonstrates the necessity of some governmental regulation of private enterprise, in order that the fruits of industry may not be entirely garnered into a few hands and that the freedom of individual effort may not be unduly restrained.

We need look no further than to the history of England, from which we derive most of our conceptions of civil liberty, for evidence of the character of evils affecting trade and commerce which commercial prosperity tends to develop and of the methods which have proved most effective in restricting those evils.

The first statute enacted in England, in 1436, against agreements in restraint of trade (15 Henry VI, reenacted 1503, 19 Henry VI, c. 7.) was directed against regulations made "by persons in confederacy for their 'singular profit and the common damage of the people.'" Note that even at that early date the action of the legislature was directed at curbing the selfish exercise of power by a few for their own benefit but to the common damage of the people.

The considerations upon which contracts in restraint of trade were held void at common law, as our Supreme Court has often pointed out, were (1) the injury to the public by being deprived of the restricted party's industry, and (2) the injury to the party himself by being precluded from pursuing his occupation, thus tending to make him more or less of a public charge. (Gibbs *v.* Baltimore Gas Co., 130 U. S., 396, 409.) In the case of a corporation chartered by a State to carry on a particular business, any agreement entered into voluntarily by it which impaired or restricted in any material degree its power to discharge the functions conferred upon it by the State was necessarily contrary to the public policy and void. (People *v.* N. River Sugar. Ref. Co., 54 Hun., 354.)

Monopolies in trade have been at all times, under all forms of government, regarded as obnoxious to the general welfare. They were early declared to be contrary to the law of England, and the outburst of popular resentment to the grant by Queen Elizabeth to certain of her favorites of the exclusive right of dealing in particular commodities compelled even that powerful monarch to disclaim any intention to offend against the popular sense of right and justice of her subjects and to blame her advisers for the acts, which she formally disavowed:

"There are no patents now of force (declared Cecil, speaking to the House of Commons concerning the various grants of monopoly) which shall not presently be revoked, for what patent soever is granted there shall be left to the overthrow of that patent a liberty agreeable to the law. There is no patent, if it be malum in se, but the Queen was ill apprised in her grant. But all to the generality be unacceptable. I take it there is no patent whereof the execution hath not been injurious. Would that they had never been granted. I hope there shall never be more. (All the House said Amen.)" (D'Ewes Journal of the Parliaments of Elizabeth, p. 652.)

The vice of monopoly was recognized in England to be the power acquired by the monopolist to control prices by excluding competition. With the tremendous development of the marvelous natural resources of a new country, and the unprecedented powers conferred by State legislation throughout the United States upon associations of individuals under corporate form, the opportunity and the machinery for the centralization of control over great industries proved so tempting to cupidity that twenty-odd years ago, even so busy, self-satisfied a people as the prosperous citizens of these United States were aroused to the necessity of checking the rapid tendency to the concentration of control of great industries into a few hands. While the State courts and legislatures attempted to deal with the subject, it was soon recognized that only the National Government could adequately grapple with an evil which had become national in its extent. The simple but unlimited power vested in Congress "to regulate commerce with foreign nations and among the several States and with the Indian tribes," furnished the General Government with sufficient jurisdiction to protect the commerce of the Nation from undue restraints and monopolization.

So the act of July 2, 1890, was passed, declaring in terms so comprehensive yet so simple that it has required two decades of judicial exposition to bring their meaning home to the people with living force, that "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of commerce among the States, or with foreign nations," is illegal, and that every person who shall monopolize or attempt to monopolize any part of such trade or commerce is guilty of a misdemeanor; and that the United States circuit courts sitting in equity shall have jurisdiction, at the suit of the United States, to prevent and restrain all violations of the act. Very slowly indeed has a full consciousness of the meaning of this law come over the intelligence of the American people. The first effort to apply it, in the Knight case (158 U. S., 1), proved abortive, partly because of an imperfect recognition of the remedies which should have been sought; partly because of a too narrow conception of the extent of congressional power over interstate commerce.

It was then successfully directed in the Trans-Missouri (166 U. S., 290) and the Joint Traffic Association (171 U. S., 506) cases against agreements between interstate railroads made to control rates of interstate transportation; but an extreme statement of the meaning of the phrase "restraint of trade," enunciated in the opinions of the court in those cases, became the basis of a school of literal interpretation which seemed bent upon reducing the law to an absurdity and thus creating a public sentiment which would make impossible its enforcement. Yet the author of those opinions in the second of them rejected, with some sarcasm, the interpretation sought to be placed upon his language in the earlier one. Observing at the outset that no contract of the nature described by counsel as those which he suggested would be invalidated by the application of the meaning given by the court to the words of the act was before the court in the case under consideration, and that there was therefore some embarrassment in assuming to decide just how far the act might go in the direction claimed, Justice Peckham said:

"Nevertheless, we might say that the formation of corporations for business or manufacturing purposes has never, to our knowledge, been regarded in the nature of a contract in restraint of trade or commerce. The same may be said of a contract of partnership. It might also be difficult to show that the appointment by two or more producers of the same person to sell their goods on commission was a matter in any degree in restraint of trade. We are not aware that it has ever been claimed that a lease or purchase by a farmer, manufacturer, or merchant of an additional farm, manufactory, or shop, or the withdrawal from business of any farmer, merchant, or manufacturer, restrained commerce or trade within any legal definition of that term; and the sale of a good will of a business, with an accompanying agreement not to engage in a similar business, was instanced in the Trans-Missouri case as a contract not within the meaning of the act, and it was said that such a contract was collateral to the main contract of sale and was entered into for the purpose of enhancing the price at which the vender sells his business."

In the Addyston Pipe case (175 U. S., 227) it was held that the act operated to invalidate an agreement between members of an association of corporate manufacturers of iron pipe, made for the purpose of controlling prices by suppressing competition among themselves. Montague *v.* Lowry (193 U. S., 38), was to the same effect.

In the Northern Securities case it was held that control of two competing lines of interstate railway could not be acquired by vesting a majority of the stock of each in a corporation organized under the laws of New Jersey without violating the act. In the Swift case (196 U. S., 375) a combination between competitors in the business of buying and shipping live stock and converting it into fresh meats for human consumption, suppressing bidding against each other, and arbitrarily, from time to time, raising, lowering, and fixing prices, and combining to make uniform charges to the public, was also held within the prohibition of the statute.

In the Danbury Hat case (Loewe *v.* Lawler, 218 U. S., 274), a combination of individuals to prevent defendants (manufacturers of hats) from manufacturing and shipping hats in interstate commerce was condemned; and in the Continental Wallpaper case (212 U. S., 227) a combination of manufacturers of wall paper, fixing prices and providing against sales except under agreements between members of the combination, was held to violate the law.

In the meantime certain of the decisions had drawn a line of differentiation by holding that the act was not intended to affect contracts which have only a remote and indirect bearing upon commerce between the States (Field *v.* Barber Asphalt Co., 194 U. S., 618; Hopkins *v.* United States, 171 U. S., 578) and that a covenant by the vendor of an interstate business to protect the purchaser from competition for a reasonable period, made as a part of the sale of the business and not as a device to control commerce, was neither within the letter nor the spirit of the act. (Cincinnati Packet Co. *v.* Bay, 200 U. S., 179.)

While the intent of parties entering into a particular agreement or combination, etc., was held to be immaterial where the necessary inference from the facts was that the direct and necessary result of the agreement was to restrain trade, yet in the Swift case Justice Holmes pointed out that intent was almost essential to a combination in restraint of commerce among the States and was essential to an attempt to monopolize the same:

"Where acts are not sufficient in themselves to produce a result which the law seeks to give them—for instance, the monopoly—but require further acts in addition to the mere forces of nature to bring that result to pass, an intent to bring it to pass is necessary in order to produce a dangerous probability that it will happen. * * * But when that intent and the consequent dangerous probability exist this statute, like many others and like the common law in some cases, directs itself against thaf dangerous probability as well as against the completed result." (Swift & Co. *v.* United States, 196 U. S., 396.)

The proceeding against the American Tobacco combination brought before the court for the first time the question of the full interpretation of the statute in its application to attempts to monopolize, and in deciding the case in the circuit court Judge Lacombe expressed the extreme view of the school of literal interpretation by asserting that the act prohibited every contract which to any extent operated to restrain competition in interstate commerce.

"Size [he said] is not made the test. Two individuals who have been driving rival express wagons between villages in contiguous States, who enter into a combination to join forces and operate a single line, restrain an existing competition; and it would seem to make little difference whether they make such combination more effective by forming a partnership or not. (164 Fed., 702.)

On the other hand, Circuit Judge Hook, in the Standard Oil case, decided in the eighth circuit, after the decision in the Tobacco case, said:

"The construction of the act should not be so narrow or technical as to belittle the work of Congress, but, on the contrary, it should accord with the great importance of the subject of the legislation and the broad lines upon which the act was framed. The language employed in the act is as comprehensive as the power of Congress in the premises, and the purpose was not to hamper business fairly conducted, but adequately to promote the common interest in freedom of competition and to remove improper obstacles from the channels of commerce that all may enter and enjoy them. The wisdom of the law lies in its spirit as well as in its letter, and unless they go together in its construction and application justice goes astray."

Speaking of the application of the second section of the act, he added that the modern doctrine with respect to monopoly "is but a recognition of the obvious truth that what a government should not grant, because injurious to public welfare, the individual should not be allowed to secure and hold by wrongful means."

This being the state of the law, the four decisions involving a construction of the act rendered by the Supreme Court during the term just closed are of especial interest. The first case decided came up on writ of error brought by the United States to reverse a judgment of the circuit court in New York sustaining pleas in bar to an indictment for conspiracy to restrain interstate commerce in violation of the first section of the act. (United States *v.* Kissel, 218 U. S., 601.) The facts stated in the plea showed that the conspiracy had been originally entered into more than three years before the finding of the indictment. The circuit court had held that the crime was completed as soon as the conspiracy was formed, but the indictment charged a continuing conspiracy to eliminate competition. The court said:

"A conspiracy to restrain or monopolize trade by improperly excluding a competitor from business contemplates that the conspirators will remain in business and will continue their combined efforts to drive the competitor out until they succeed. If they do continue such efforts in pursuance of the plan, the conspiracy continues up to the time of abandonment or success."

The facts set forth in the indictment as the means by which the alleged purpose was to be accomplished showed that the acts committed by the defendants were for the purpose of preventing a competing company from engaging in business; that this prevention continued and could only be terminated by the affirmative act of the defendants, which act had not been performed. The plea was therefore held bad.

"A conspiracy in restraint of trade [said Mr. Justice Holmes] is different from and more than a contract in restraint of trade. A conspiracy is constituted by an agreement, it is true, but it is the result of the agreement rather than the agreement itself; just as a partnership, although constituted by a contract, is not the contract but is a result of it. The contract is instantaneous; the partnership may endure as one and the same partnership for years. A conspiracy is a partnership in criminal purposes. That as such it may have continuation in time is shown by the rule that an overt act of one partner may be the act of all without any new agreement specifically directed to that act." * * *

The next case decided was that of Dr. Miles Medical Co. *v.* John D. Parks & Sons Co. That was a suit in equity brought by a manufacturer of proprietary medicines prepared in accordance with secret formulæ, to prevent dealings in them by third parties in violation of a system of contracts with its purchasers, denominated as agents (wholesale distributing agents and retail distributing agents), to main-

tain certain prices fixed by it for all sales of its products at wholesale or retail. The court held that the evidence showed that complainant had created "a system of interlocking restrictions by which the complainant seeks to control not merely the prices at which its agents may sell its products, but the prices for all sales by all dealers at wholesale or retail, whether purchasers or subpurchasers, and thus to fix the amount which the consumer shall pay, eliminating all competition."

The court quoted the description of the essential features of the system given by Mr. Justice Lurton in his opinion in the circuit court of appeals, as follows:

"The contracting wholesalers or jobbers covenant that they will sell to no one who does not come with complainant's license to buy, and that they will not sell below a minimum price dictated by complainant. Next, all competition between retailers is destroyed, for each such retailer can obtain his supply only by signing one of the uniform contracts prepared for retailers, whereby he covenants not to sell to anyone who proposes to sell again unless the buyer is authorized in writing by the complainant, and not to sell at less than a standard price named in the agreement. Thus all room for competition between retailers, who supply the public, is made impossible. If these contracts leave any room at any point of the line for the usual play of competition between the dealers in the product marketed by complainant, it is not discoverable. Thus a combination between the manufacturer, the wholesalers, and the retailers to maintain prices and stifle competition has been brought about."

That these agreements restrained trade the court held to be obvious. That having been made as the bill alleged with most of the jobbers and wholesale druggists and a majority of the retail druggists of the country, and having for their purpose the control of the entire trade, they related directly to interstate as well as intrastate trade, and operated to restrain commerce among the several States, was also stated to be clear. The court analyzed and dismissed the contention that the restraints were valid because they related to proprietary medicines manufactured under a secret process. It further held that a manufacturer can not by rule and notice, in the absence of contract or statutory right, even though the restriction be known to purchasers, fix prices for future sales. Reference was made in this regard to the decision by the Supreme Court in the case of Bobbs-Merrill Co. *v.* Strauss (210 U. S., 339) that no such privilege exists under the copyright statutes, although the owner of a copyright has the sole right to vend copies of the copyrighted production, and it was said that the manufacturer of an article of commerce not protected by any statutory grant was not in any better case. The agreements in the case at bar were obviously designed to maintain prices after the complainant had parted with title to the articles, and to prevent competition among those who traded in them, and for that reason they were held to be void. The court cited a long line of cases by which it had been adjudged that agreements or combinations between dealers, having for their sole purpose the destruction of competition and the fixing of prices are injurious to the public interests and void.

"They are not saved by the advantages which the participants expect to derive from the enhanced price to the consumer * * *. And where commodities have passed into the channels of trade and are owned by dealers, the validity of agreements to prevent competition and to maintain prices is not to be determined by the circumstance whether they were produced by several manufacturers or by one, or whether they were previously owned by one or by many. The complainant having sold its product at prices satisfactory to itself, the public is entitled to whatever advantage may be derived from competition in the subsequent traffic." (220 U. S., 373, 408.)

Following these two cases, the Supreme Court next addressed itself to the decision of the case of the two great monopolistic combinations—the Standard Oil and the American Tobacco.

In the Standard Oil case the Supreme Court affirmed a decree of the circuit court which adjudged that the individual and corporate defendants had entered into and were carrying out a combination or conspiracy in restraint of interstate and foreign commerce in petroleum and its products, such as was prohibited by the first section of the act; and that by means of this combination those defendants had combined and conspired to monopolize, had monopolized, and were continuing to monopolize a substantial part of the commerce among the States, in the Territories, and with foreign nations, in violation of section 2 of the act.

This conclusion was based on the following considerations, viz:

"1. Because the unification of power and control over petroleum and its products, which was the inevitable result of the combining in the New Jersey corporation by the increase of its stock and the transfer to it of the stocks of so many other corporations, aggregating so vast a capital, gave rise, in and of itself, in the absence of countervailing circumstances, to say the least, to the prima facie presumption of intent and purpose to maintain the dominancy over the oil industry, not as a result of normal methods of industrial development, but by new means of combination which were resorted to in order that greater power might be added than would otherwise have arisen had normal methods been followed, the whole with the purpose of excluding others from the trade and thus centralizing in the combination a perpetual control of the movements of petroleum and its products in the channels of interstate commerce."

2. Because this prima facie presumption was made conclusive by considering the conduct of the persons and corporations who were mainly instrumental in bringing about the acquisition by the New Jersey corporation of the stocks of the large number of corporations which it acquired, as well as the modes in which the power vested in the New Jersey corporation had been exerted and the results which had arisen from it.

The acts of the defendants preceding the transfers to the New Jersey company of the shares of stock of a large number of other corporations were held by the court to evidence "an intent and purpose to exclude others which was frequently manifested by acts and dealings wholly inconsistent with the theory that they were made with the single conception of advancing the development of business power by usual methods, but which, on the contrary, necessarily involved the intent to drive others from the field and to exclude them from their right to trade, and thus accomplish the mastery which was the end in view."

Confirmation of the finding of a continuous intent in the defendants to exclude others from the field and themselves to dominate it was found in an examination of the exercise of its power by the combination after it was formed.

"* * * The acquisition here and there which ensued of every efficient means by which competition could have been asserted, the slow but resistless methods which followed, by which means of transportation were absorbed and brought under control, the system of marketing which was adopted, by which the country was divided into districts, and trade in each district in oil was turned over to a designated corporation within the combination, and all others, were excluded, all lead the mind up to a conviction of a purpose and intent which we think is so certain as practically to cause the subject not to be within the domain of reasonable contention."

Briefly, therefore, the decision of the court was put upon the ground that the defendant, by vesting in a New Jersey corporation the stocks of a large number of other corporations engaged in various branches of the production, refining, transportation, and marketing of petroleum and its products, which but for such control would or might have been engaged in competition with each other in interstate and foreign commerce in those commodities, had acquired the control of that commerce; and that such control was acquired and had been and was exercised with the intent and purpose of maintaining it—not as a result of normal methods of business, but by new means of combination, resorted to in order to secure greater power than would have been acquired by normal methods, and of driving out and excluding, so far as possible, all competitors in the business, thus centralizing in the combination a perpetual control of the movements of petroleum and its products in the channels of interstate commerce.

It was not alone the acquisition of a large share of commerce among the States and with foreign countries upon which the court predicated the conclusion of unlawful combination and monopolization, but the attainment of dominion over a substantial part of that commerce by means of intercorporate stock holdings in actually or potentially competing corporations, accompanied by the exclusion of competitors, and attended with continued acts evidencing an intent and purpose to retain controlling power over the business and to exclude and suppress all competition with it.

In reaching the conclusions stated the Chief Justice reviewed the history of the English law on the subject of monopolies and restraints of trade, and held that the Sherman Act "was drawn in the light of the existing practical conception of the law of restraint of trade," and that "in view of the many new forms of contracts and combinations which were being evolved from existing economic conditions, it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute, under this view, evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint."

The Chief Justice further said that as the act had not defined contracts in restraint of trade, the standard of reason, which had been applied at the common law and in this country in dealing with subjects of the character embraced in the statute, was intended to be the measure used for determining whether in a given case a particular act had or had not brought about the wrong against which the statute provided. He rejected the idea that the use of the words "every contract, etc., in restraint of trade" in the statute leaves no room for the exercise of judgment, "but simply imposes the plain duty of applying its prohibitions to every case within its literal language." This, he said, would be to make the statute "destructive of all right to contract or agree or combine in any respect whatever as to subjects embraced in interstate trade or commerce." He cited the language of Justice Peckham in writing the opinion of the court in Hopkins *v.* United States. (171 U. S., 578, 592.)

"To treat as condemned by the act all agreements under which, as a result the cost of conducting an interstate commercial business may be increased, would enlarge the application of the act far beyond the fair meaning of the language used. There must be some direct and immediate effect upon interstate commerce in order to come within the act."

And he observed—

"If the criterion by which it is to be determined in all cases whether every contract, combination, etc., is a restraint of trade within the intendment of the law is the direct or indirect effect of the acts involved, then, of course, the rule of reason becomes the guide * * *."

A consideration of the text of the second section, he said, serves to establish that it was intended to supplement the first and to make sure that by no possible guise could the public policy embodied in the first section be frustrated or evaded.

"In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibition of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section—that is, restraints of trade by any attempt to monopolize, or monopolization thereof, even although the acts by which such results are attempted to be brought about, or are brought about, are not embraced within the enumeration of the first section." (Hopkins *v.* U. S., 171 U. S., 578, 592.)

Mr. Justice Harlan, in a separate opinion, while concurring in the main with the decision of the court, interpreted the majority opinion as amounting to a reading into the statute of the word "unreasonable" before the words "restraint of trade," and vigorously protested that such interpretation was in substance the reversing of the previous deliberate judgments of the court to the effect "that the act, interpreting its words in their ordinary acceptation, prohibits all restraints of interstate commerce by combinations, in whatever form, and whether reasonable or unreasonable."

Two weeks after the decision in the Standard Oil case the court rendered its decision in the case against the tobacco combination. In his opinion, which was concurred in by all the associate justices but Harlan, the Chief Justice interpreted the opinion in the former case and answered the criticisms of Mr. Justice Harlan and those who had expressed views as to the meaning of the Standard Oil decision similar to his.

"In that case [said the Chief Justice] it was held without departing from any previous decision of the court that as the statute had not defined the words 'restraint of trade' it became necessary to construe those words, a duty which could only be discharged by a resort to reason."

He quoted the language of Justice Peckham in the Joint Traffic case. (171 U. S., 568.)

"The act of Congress must have a reasonable construction, or else there would scarcely be an agreement or contract among business men that could not be said to have, indirectly or remotely, some bearing upon interstate commerce, and possibly to restrain it.

"Applying [said the Chief Justice] the rule of reason to the construction of the statute, it was held in the Standard Oil case that, as the

words 'restraint of trade' at common law and in the law of this country at the time of the adoption of the antitrust act, only embraced acts or contracts or agreements or combinations which operated to the prejudice of the public interest by unduly restricting competition or unduly obstructing the due course of trade, or which, either because of their inherent nature or effect or because of the evident purpose of the acts, etc., injuriously restrained trade, that the words as used in the statute were designed to have and did have but a like significance. It was therefore pointed out that the statute did not forbid or restrain the power to make normal and usual contracts to further trade by resorting to all normal methods, whether by agreement or otherwise, to accomplish such purpose. In other words, it was held not that acts which the statute prohibited could be removed from the control of its prohibitions by a finding that they were unreasonable, but that the duty to interpret which inevitably arose from the general character of the term 'restraint of trade' required that the words 'restraint of trade' should be given a meaning which would not destroy the individual right to contract and render difficult, if not impossible, any movement of trade in the channels of interstate commerce—the free movement of which it was the purpose of the statute to protect." (U. S. *v.* American Tobacco Co. et al.)

The facts presented in the Tobacco case were more intricate and involved than those in the Standard Oil case. Not only was the American Tobacco Co. the holder of stocks in other companies, but it was itself a consolidated company formed by the merger under the laws of New Jersey of three preexisting companies. The combination of many previously competing companies was created first by the transfer of shares of stock from one to the other, afterwards cemented by absolute conveyances of land, plants, and other property and business. The nucleus of the combination was the original American Tobacco Co., organized in January, 1890, and to which was at once conveyed by deed and transfer the plants and business of five different concerns, competitors in the purchase of the raw product which they manufactured and in the distribution and sale of the manufactured products. The result of this combination was to give to the new company immediately on its organization a practical monopoly of the cigarette business of the United States, and that accomplishment colored all subsequent proceedings in the widening sweep of the combination, the progress of which was noted by the Supreme Court as being attended with the constant acquisition of competing concerns, buttressed by covenants on the part of all their officers and principal stockholders not to engage in business in competition with the purchaser; and in the acquisition of many competitors, not for the purpose of continuing their operation but of closing them down and putting them permanently out of business. A summary of the salient facts dwelt on by the court as the basis for its decision was made in this language:

"Thus, it is beyond dispute: First, that since the organization of the new American Tobacco Co. that company has acquired four large tobacco concerns, that restrictive covenants against engaging in the tobacco business were taken from the sellers, and that the plants were not continued in operation but were at once abandoned. Second, that the new company has besides acquired control of eight additional concerns, the business of such concerns being now carried on by four separate corporations, all absolutely controlled by the American Tobacco Co., although the connection as to two of these companies with that corporation was long and persistently denied.

"Thus, reaching the end of the second period and coming to the time of the bringing of the suit, brevity prevents us from stopping to portray the difference between the condition in 1890, when the (old) American Tobacco Co. was organized by the consolidation of five competing cigarette concerns, and that which existed at the commencement of the suit. That situation and the vast power which the principal and accessory corporate defendants and the small number of individuals who own a majority of the common stock of the new American Tobacco Co. exert over the marketing of tobacco as a raw product, its manufacture, its marketing when manufactured, and its consequent movement in the channels of interstate commerce—indeed, relatively, over foreign commerce and the commerce of the whole world, in the raw and manufactured products—stand out in such bold relief from the undisputed facts which have been stated * * *." (U. S. *v.* American Tobacco Co. et al.)

These undisputed facts, the court well said, involved questions as to the operation of the antitrust law not hitherto presented in any case. They clearly demonstrated that the acts, contracts, agreements, combinations, etc., which were assailed were of such an unusual and wrongful character as to bring them within the prohibitions of the law.

"Indeed," said the Chief Justice, "the history of the combination is so replete with the doing of acts which it was the obvious purpose of the statute to forbid, so demonstrative of the existence from the beginning of a purpose to acquire dominion and control of the tobacco trade, not by the mere exertion of the ordinary right to contract and to trade, but by methods devised in order to monopolize the trade by driving competitors out of business, which were ruthlessly carried out upon the assumption that to work upon the fears or play upon the cupidity of competitors would make success possible." (U. S. *v.* American Tobacco Co. et al.)

These conclusions were stated to be inevitable, not because of the vast amount of property aggregated by the combination, not because alone of the many corporations which the proof showed were united by resort to one device or another, not alone because of the dominion and control over the tobacco trade which actually existed, but because the court was of opinion that the conclusion of wrongful purpose and illegal combination was overwhelmingly established by the following considerations:

1. The fact that the first organization or combination was impelled by a previously existing fierce trade war, evidently inspired by one or more of the minds which brought about and became parties to the combination.

2. Because, immediately after that combination, the acts which ensued justified the inference that the intention existed to use the power of the combination as a vantage ground to further monopolize the trade in tobacco by means of trade conflicts designed to injure, either by driving competitors out of the business or compelling them to become parties to the combination.

3. By the ever-present manifestation of a conscious wrongdoing by the form in which the various transactions were embodied from the beginning—now the organization of a new company, now the control exerted through taking up stock in one or another or in several, so as to obscure the result actually attained, evidencing a constant purpose to restrain others and to monopolize and retain power in the hands of the few who, from the beginning, contemplated the mastery of the trade which followed.

4. By the absorption of control of all the elements essential to the manufacture of tobacco and its products, and placing such control in the hands of seemingly independent corporations serving as perpetual barriers against others in the trade.

5. By persistent expenditure of large sums in buying out plants, not to utilize but to close up, rendering them useless for the purposes of trade.

6. By the constantly recurring stipulations exacted from manufacturers, stockholders, or employees, binding themselves generally for long periods not to compete in the future.

From all of these acts the court deduced the conclusion that the defendants had been engaged in a largely successful effort, extending over a period of years, to monopolize (that is, wrongfully to acquire to themselves) the dominion over the manufacture and marketing of tobacco and its products and accessories, not by normal methods of business, but by unfair and subtle methods of combination, resorted to in order to secure greater power than they could have acquired by normal methods of business, and with the intention of driving out and excluding so far as possible all other competitors and centralizing in the combination a perpetual control of the movements of tobacco and its products and accessories in the channels of interstate and foreign commerce.

The remedy to be applied in the Standard Oil case was comparatively simple and obvious, and the decree of the circuit court which, with slight modifications, was affirmed by the Supreme Court, to use the language of that court, "commanded the dissolution of the combination, and therefore, in effect, directed the transfer by the New Jersey corporation back to the stockholders of the various subsidiary corporations entitled to the same, of the stock which had been turned over to the New Jersey corporation in exchange for its stock, and enjoined the stockholders of the corporations after the dissolution of the combination from by any device whatever recreating directly or indirectly the illegal combination which the decree dissolved."

A far more intricate problem was presented in the Tobacco case, as was frankly recognized by the court. Conveyances, consolidations, and mergers, and the dissolution of previously existing corporations whose stocks and properties had been acquired, had so blended the whole combination into new form as to make it impossible to effect a dissolution by the simple method applicable to the Standard Oil case, and therefore the Supreme Court said that, in determining the relief proper to be given, it might not model its action upon that granted by the court below, but in order to award relief coterminous with the ultimate redress of the wrongs which the court found to exist, it must approach the subject of relief from an original point of view. In considering the subject from that aspect, the court said that three dominant influences must guide its action:

"1. The duty of giving complete and efficacious effect to the prohibitions of the statute; 2, the accomplishment of this result with as little injury as possible to the interest of the general public; and, 3, a proper regard for the vast interests of private property which may have become vested in many persons * * * without any guilty knowledge or intent in any way to become actors or participants in the wrongs which we find to have inspired and dominated the combination from the beginning."

For the purpose of meeting that situation the court declared that it might at once resort to one or the other of two general remedies:

"(*a*) The allowance of a permanent injunction restraining the combination as a universality and the individuals and corporations which form a part of or cooperate in it in any manner or form from continuing to engage in interstate commerce until the illegal situation be cured * * * ; or, (*b*) to direct the appointment of a receiver to take charge of the assets and property in this country of the combination in all its ramifications for the purpose of preventing a continued violation of the law, and thus working out by a sale of the property of the combination or otherwise a condition of things which would not be repugnant to the prohibitions of the act."

The court, however, in consideration of the public interests and that of innocent participants, determined to send the case back to the circuit court, with directions to endeavor to ascertain and determine upon some plan or method of dissolving the combination and working out a lawful condition of things, if that could be done within a period of six months, with a possible extension of two months longer; but that in the event that such condition of disintegration in conformity with the law should not be brought about within that time, it should be the duty of the court "either by way of an injunction restraining the movement of the products of the combination in the channels of interstate or foreign commerce or by the appointment of a receiver to give effect to the requirements of the statute."

Probably no more drastic decree has ever been entered by the Supreme Court than this. The court remits to the circuit court the execution of a decree of dissolution of a combination of 67 corporations and 29 individuals, with assets amounting to upward of $400,000,000 book value and net earnings exceeding $36,000,000 per annum; which had acquired 77 per cent of the entire business of the United States in manufactured tobacco, plug and smoking tobacco; 96 per cent of snuff; 77 per cent of cigarettes; 91 per cent of little cigars, and 14 per cent of cigars and stogies, and which has acquired probably the most extensive monopoly of interstate and foreign commerce ever created in the world. This combination was ordered to be resolved into, not necessarily its original elements, but, in effect, to be divided up into a number of separate and distinct integers, no one of which should threaten monopoly, and which should not either by reason of their organization and business or in their relation to each other constitute combinations in restraint of interstate or foreign commerce. The Supreme Court not only empowered but directed the circuit court, in case this lawful condition should not be brought about within a period of six or eight months, to either appoint a receiver of this vast property for the purpose of, by sale or otherwise, working out the ordered disintegration, or by injunction to paralyze and end its conduct of interstate business. Those who have thoughtlessly yielded to the superficial conclusion resulting from the application by the Chief Justice of the rule of reason to the interpretation of the Sherman law, can find but little to justify the idea that the Sherman law has been rendered ineffective by those two decisions, for precisely the contrary is clearly established by these great judgments. The most cursory examination of the decree in the tobacco case, the most casual consideration of the drastic and far-reaching remedy imposed, makes it perfectly apparent that the Sherman law, perhaps for the first time, has been demonstrated to be an actual, effective weapon to the accomplishment of the purpose for which it was primarily enacted, namely, the destruction of the great combinations familiarly known as trusts.

The main reliance of the defendants in both the Standard Oil and the Tobacco cases was the decision in United States *v.* Knight (156 U. S., 1) to the effect that the acquisition of a number of manufacturing plants in one State by a corporation of another State was not within the intent of the Sherman law, even though the purchaser

thereby acquired upward of 90 per cent of all the refineries of sugar in the United States, because manufacture alone and not commerce was involved. The Knight case had been distinguished in subsequent cases as not involving any questions of interstate commerce. In the Standard Oil case the court dismissed it with scant consideration, saying—

"The view, however, which the argument takes of that case and the arguments based upon that view have been so repeatedly pressed upon this court in connection with the interpretation and enforcement of the antitrust act, and have been so necessarily and expressly decided to be unsound, as to cause the contentions to be plainly foreclosed and to require no express notice."

The court cited as illustrative of this point the cases of United States *v.* Northern Securities Co. (193 U. S., 334), Loewe *v.* Lawler (208 U. S., 274), United States *v.* Swift & Co. (196 U. S., 375), Montague *v.* Lowry (193 U. S., 38), Shawnee Compress Co. *v.* Anderson (209 U. S., 423).

But the decision in the case of West, Attorney General, *v.* Kansas Natural Gas Co., rendered May 15, 1911, goes further in overthrowing the doctrine of the Knight case than any of those cited by the Chief Justice in the Standard Oil case, or than the obvious disregard of its authority in the latter case. In the Knight case, the facts presented in the evidence were taken by the court as involving merely the acquisition by one corporation of manufactories wholly within the State, and it was held that such acquisition was not within the power of the Congress of the United States to regulate commerce among the States and with foreign countries.

"Doubtless (said Chief Justice Fuller) the power to control the manufacture of a given thing involves in a certain sense the control of its disposition, but this is a secondary and not a primary sense. * * * Commerce succeeds to manufacture and is not a part of it.

"* * * The regulation of commerce applies to the subject of commerce and not to matters of internal police. Contracts to buy, sell, or exchange goods to be transported among the several States, the transportation and its instrumentalities and articles bought, sold, or exchanged for the purpose of such transit among the States, or put in the way of transit, may be regulated, but this is because they form part of interstate trade or commerce. The fact that an article is manufactured for export to another State does not of itself make it an article of interstate commerce, and the intent of the manufacturer does not determine the time when the article or product passes from the control of the State and belongs to commerce."

The cases of Coe *v.* Errol (116 U. S., 517) and Kidd *v.* Pearson (128 U. S., 1) were cited in support of the proposition that functions of manufacture and commerce were different; that to hold otherwise would be to invest Congress, "to the exclusion of States, with the power to regulate not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry." That contracts, combinations, or conspiracies to control domestic enterprises in manufactures, agriculture, mining, production in all its forms, or to raise or lower prices or wages, might unquestionably tend to restrain external as well as domestic trade, the court conceded, but it said that such restraint would be an indirect result, however inevitable and whatever its extent, and such result would not necessarily determine the object of the contract, combination, or conspiracy. So it was held in Kidd *v.* Pearson, that the refusal of a State to allow articles to be manufactured within her borders, even for export, did not directly affect external commerce and did not trench upon the congressional control over interstate commerce.

In the case of West, Attorney General, *v.* Kansas Natural Gas Co., the Supreme Court reviewed decisions of the United States Circuit Court in suits having for their common purpose an attack upon the constitutional validity of a statute of Oklahoma, framed for the purpose of prohibiting the transportation or transmission of natural gas from points within that State to points in other States, this prohibition sought to be accomplished by various provisions in the statute under review. The statute was held to be prohibitive of interstate commerce in natural gas, and consequently a violation of the commerce clause of the Constitution of the United States. Mr. Justice McKenna, writing the opinion of the court, said that the act presented no embarrassing questions of interpretation.

"It was manifestly enacted in the confident belief that the State has the power to confine commerce in natural gas between points within the State. * * * And the State having such power, it is contended, if its exercise affects interstate commerce it affects such commerce only incidentally; in other words, affects it only, as it is contended, by the exertion of lawful rights and only because it can not acquire the means for its exercise."

The results of the contention, the court held, repel its acceptance.

"Gas, when reduced to possession, is a commodity; it belongs to the owner of the land, and, when reduced to possession, is his individual property subject to sale by him, and may be a subject of intrastate commerce and interstate commerce. The statute of Oklahoma recognizes it to be a subject of intrastate commerce, but seeks to prohibit it from being the subject of interstate commerce, and this is the purpose of its conservation. In other words, the purpose of its conservation is in a sense commercial—the business welfare of the State, as coal might be, or timber. Both of these products may be limited in amount, and the same consideration of the public welfare which would confine gas to the use of the inhabitants of a State would confine them to the inhabitants of the State. If the States have such power, a singular situation might result. Pennsylvania might keep its coal, the Northwest its timber, the mining States their minerals. And why may not the products of the field be brought within the principle? Thus enlarged, or without that enlargement, its influence on interstate commerce need not be pointed out. To what consequences does such power tend? If one State has it, all States have it; embargo may be retaliated by embargo, and commerce will be halted at State lines. And yet we have said that 'in matters of foreign and interstate commerce there are no State lines.' In such commerce, instead of the States, a new power appears and a new welfare, a welfare which transcends that of any State. But rather let us say it is constituted of the welfare of all of the States and that of each State is made the greater by a division of its resources, natural and created, with every other State, and those of every other State with it. This was the purpose, as it is the result, of the interstate commerce clause of the Constitution of the United States. If there is to be a turning backward, it must be done by the authority of another instrumentality than a court. * * * At this late day it is not necessary to cite cases to show that the right to engage in interstate commerce is not the gift of a State, and that it can not be regulated or restrained by a State, or that a State can not exclude from its limits a corporation engaged in such commerce."

If, therefore, the State can not control the transmission of natural gas produced within its borders to other States, because to concede that control would be in effect to empower it to cut off at its source all of the objects of interstate commerce, how can it retain the right to prohibit the manufacture within its limits of commodities intended to be shipped in interstate commerce? Commodities when so manufactured are precisely like natural gas reduced to the possession of the owner; that is, a commodity which belongs to him as his individual property is subject to sale by him, and may be the subject of interstate and intrastate commerce. It is true the statute did not deal with the production of the gas, and to that extent, possibly, it is not in conflict with Kidd *v.* Pearson and Coe *v.* Errol. Yet if the constitutional right of Congress to regulate interstate commerce attaches to the commodity the moment it is in existence in the hands of the owner, so that the State may not prohibit its shipment in interstate commerce, does it not apply as well from that moment to prevent the owner from himself, by combination or agreement, imposing an undue restraint upon its shipment in such commerce? What the State is prohibited from doing the citizen may not do, and the Sherman Act attaches from the moment the commodity comes into existence to prevent any impediment being laid upon its possible passage into the ordinary and usual currents of commerce among the States.

Summing up the results of these late decisions, therefore, it will be seen that the area of uncertainty in the law has been greatly narrowed and that its scope and effect have been pretty clearly defined; the school of literal interpretation has been repudiated, and the application of a rule of reasonable construction declared. There will be always, of course, a field of uncertainty in so far as an investigation of facts, particularly when intent becomes a necessary consideration, is required. But this much may surely be said to be now beyond controversy.

That ordinary agreements of purchase and sale, of partnership, or of corporate organization do not violate the first section of the Sherman Act, even though incidentally and to a limited degree they may operate to restrain competition in interstate or foreign commerce between the parties to such agreements.

But any contract, combination, or association the direct object and effect of which is to control prices, restrict output, divide territory, refrain from competition, or exclude or prevent others from competing in any particular field of enterprise, imposes an undue restraint upon trade and commerce and is in violation of the first section of the act. This principle applies to all associations of competitors of the character usually known as pools; to agreements with so-called wholesale or retail agents whereby the manufacturer of an article, even though made according to some secret process or formula, seeks to control the price at which it may be sold by purchasers directly or indirectly from the manufacturer. It applies also to attempts to control competition between independent concerns by means of a stockholding trust, whether individual or corporation holder.

Size alone does not constitute monopoly. The attainment of a dominant position in a business acquired as the result of honest enterprise and normal methods of business development is not a violation of the law. But unfair methods of trade, by destroying and excluding competitors by means of intercorporate stockholdings, or by means of agreements between actual or potential competitors, whereby the control of commerce among the States or with foreign countries in any particular line of industry is secured or threatened, expose those who are concerned in such efforts to the penalties prescribed in the second section of the act, because they are engaged in monopolizing or attempting to monopolize such commerce.

It is also now settled that no form of corporate organization, merger, or consolidation, no species of transfer of title, whether by sale, conveyance, or mortgage, and no lapse of time from the date of the original contract, conspiracy, or combination can bar a Federal court of equity from terminating an unlawful restraint or compelling the disintegration of a monopolistic combination. The maxim nullum tempus occurrit regi is applicable to any continuing combination or conspiracy which the antitrust act of 1890 condemns.

Speaking of the conscious development of institutions in America, Prof. Woodrow Wilson, in his work on the State, writes:

"It is one of the distinguishing characteristics of the English race, whose political habit has been transmitted to us through the sagacious generation by whom this Government was erected, that they have never felt themselves bound by the logic of laws, but only by a practical understanding of them, based upon slow precedent. For this race the law under which they live is at any particular time what it is then understood to be, and this understanding of it is compounded of the circumstances of the time. Absolute theories of legal consequence they have never cared to follow out to their conclusions. Their laws have always been used as parts of the practical running machinery of their politics—parts to be fitted from time to time, by interpretation, to existing opinion and social condition."

If this law, designed to protect the people of this country from the evils of monopoly and to preserve the liberty of the individual to trade freely, shall now be clearly understood; if its true purpose shall be recognized and its beneficent consequences realized, the 20 years of slowly developed interpretation and widening precedent will not have been without great value. For the law will henceforth be used, to employ Dr. Wilson's language, as a part of the running machinery of our political system, adapted to the needs of our social condition.

COAL AND ASPHALT ON CERTAIN INDIAN LANDS.

Mr. GAMBLE. I ask unanimous consent to have printed as a Senate document three letters from the Secretary of the Interior, the first on the bill (S. 2350) providing for the valuation of the segregated coal and asphalt lands in the Choctaw and Chickasaw Nations in the State of Oklahoma, and for the sale of the surface and the disposition of the mineral rights therein; the next on the bill (S. 2831) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations in Oklahoma; and the third on the bill (S. 2998) authorizing and directing the Secretary of the Interior to sell the surface of the segregated coal and asphalt lands belonging to the Chickasaw and Choctaw Tribes of Indians. (S. Doc. No. 85.)

It is a very important subject, and the Committee on Indian Affairs has ordered a hearing thereon. It will facilitate the hearing very much if the papers can be printed as a document.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the request is granted.

ADDRESS OF PRESIDENT TAFT.

Mr. SMOOT. I ask that the address of President Taft to the Philadelphia Medical Club, at the Bellevue-Stratford, Philadelphia, Pa., May 4, 1911, be printed as a public document. (S. Doc. No. 84.)

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CONSIDERATION OF PROPOSED LEGISLATION.

The PRESIDING OFFICER. The morning business is closed.

Mr. NEWLANDS. I ask unanimous consent for the present consideration of Senate resolution No. 109, providing for a certain program of legislation and for a recess of Congress.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. SMITH of Michigan. In view of the fact that we have only a few minutes before the unfinished business will come up automatically I object.

Mr. NEWLANDS. I think there will be no debate upon it. I simply want to have a vote.

Mr. SMITH of Michigan. I do not want to take any chances.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Nevada.

NEW MEXICO AND ARIZONA.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States, which had been reported from the Committee on Territories with amendments.

Mr. SMITH of Michigan. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Chamberlain	La Follette	Pomerene
Bailey	Chilton	Lippitt	Root
Bankhead	Clark, Wyo.	Martin, Va.	Shively
Borah	Clarke, Ark.	Martine, N. J.	Simmons
Bourne	Crane	Nelson	Smith, Mich.
Bradley	Crawford	Newlands	Smoot
Brandegee	Cullom	Oliver	Stephenson
Briggs	Cummins	Overman	Swanson
Bristow	Foster	Owen	Taylor
Bryan	Gamble	Page	Wetmore
Burnham	Gronna	Perkins	Works
Burton	Heyburn	Poindexter	

Mr. BRYAN. My colleague [Mr. FLETCHER] is absent on business of the Senate. I will let this announcement stand for the day.

Mr. CHAMBERLAIN. The junior Senator from Alabama [Mr. JOHNSTON] requested me to state that he is absent on business of the Senate in the Lorimer investigation. I make this announcement for the day.

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum of the Senate is present.

Mr. HEYBURN. Mr. President, it is not my intention to speak at any length upon this occasion, but I will at least outline one or two points in a very brief time.

I do not know whether Senators realize that this proposed constitution for the State of Arizona affects the Senate of the United States or not. I have not heard it suggested that it does. But section 5 of article 8, which deals with the question of the election of members of the legislature of the new State, will affect the title of the Members of this body. It is provided in section 5 that—

> No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except—

Now, here is the provision—

> except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election.

It is not difficult to see how you could disseminate a legislature if you did not desire that the legislature should elect a United States Senator. It would be all planned beforehand. The petitions could be circulated and would be ready at hand, so that before the time fixed by law for the election of a Senator the members of the legislature, or a sufficient number of them, could be recalled, either to break a quorum or to recall the adverse members of the legislature. A man who wanted to get rid of an opponent in the legislature would simply have the petitions there for the recall of the members opposed to him, because it requires only 25 per cent of the vote to recall, and it would be very easy to get the 25 per cent.

I wonder if that crept in or was put in for a purpose. If the Senate of the United States were to concur in that provision as a part of the constitution of a State, the creation of which is by Congress, I should be very much surprised. I am not going to discuss that question at length. It is obvious on the face of the constitution.

This recall provision also authorizes the recall of judges.

To recur to the other question, the statute does not require that any special ground shall be made the basis of the recall. You can recall a man because you do not like the color of his hair. That under this provision would be quite sufficient. You could describe your dislike to his complexion in 200 words, get the petition signed, and he is recalled. When the petition is filed he is recalled, not when it is acted upon, because it does not require that the petition shall be acted upon. He is recalled by the filing of the petition. It says so. So you would recall all the members of the legislature who were going to support the other candidate. Probably it would be a mutual affair and would result in the recalling of every member of the legislature.

Now, that is a nice provision to be placed in the organic law of a State.

Following that, the election does not have to occur for 30 days after the member of the legislature is recalled. During that interval the time might expire in which a United States Senator could be elected, because if the legislature expired, say, on the 1st day of March, and the recall petition was filed on the 2d day of February, or the 1st day even of February, the election need not occur until after the expiration of the session of the legislature at which a Senator was to be elected.

Then, again, you may repeat this recall as often as a new man is elected. New members of the legislature being elected in lieu of those who were recalled, the recall petition might be filed against the new member at any time within the limitation, and so on. You could destroy a legislature, and what men can do or are authorized to do the law presumes they will do. There could be repeated withdrawals as fast as new men are elected. There would be no difficulty in defeating a United States Senator, and that affects this body; it affects the Congress of the United States. It is our duty to see to it that no such provision as that is put in the organic law of any State, because through it this body might be destroyed. If the wave of political insanity is going to sweep on and overtake other States, tempting them to adopt such constitutional provisions as that found in section 5 of article 8, we might destroy utterly this body.

They have used loose language in section 1 of article 8. While it is susceptible of a construction that would probably remove the objection, yet it is not quite certain why they used the word "in," in the first line, instead of the word "of." They say, "Every public officer in the State holding an elective office, either by election or appointment, is subject to recall." I assume that when men use an unusual term or word they would have a purpose in doing it. Is a Member of Congress within the scope of that provision? A Member of Congress is not a national officer; he is an officer of the State or the congressional district that elects him. That is what the courts say. Does he come within that provision? Can they recall a Member of Congress, or can they raise the question——

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. I do.

Mr. WORKS. Does the Senator believe that if any such provision were made it would be effective or could be enforced; that is, if it could be given that construction?

Mr. HEYBURN. I do not need to go that far. I do not need to go beyond the consideration of the question as to whether or not it might be contended——

Mr. WORKS. That is not an answer to my question.

Mr. HEYBURN. I think neither the Senator from California nor myself would want to give a final judgment in that matter. But why did they use the unusual language?

Mr. WORKS. Does the Senator say he is not willing to give an opinion upon that question?

Mr. HEYBURN. At the proper time I should not shrink from giving an opinion.

Mr. WORKS. The Senator declines to do it now.

Mr. HEYBURN. But it is not necessary to do it. It is not necessary to arrive at an ultimate conclusion at this time. I think the Senator was not in the Chamber when I was discussing the provisions of section 5 of article 8 with reference to the election of members of the legislature.

Mr. WORKS. I am very sorry that I was not in, for I should have been very glad to have heard what the Senator had to say about it.

Mr. HEYBURN. I did not make that remark to draw from the Senator from California a regret that he was absent, but merely to explain that he had not heard all the story.

Now, I shall content myself with just pointing out a few of these as texts for consideration, and later, before a vote is taken upon this question, I shall discuss it.

Under the provisions of this article a judge may be recalled after he has been in office six months; and when the judge is recalled the question that the people vote upon is, Was there sufficient reason existing for recalling him? In that question would be involved the righteousness of his decision; and the people at the polls would have to sit as an appellate tribunal upon the decisions of the judge that had been made the subject of attack. Instead of trying those cases in the court and rendering a judgment and abiding by it, no judgment would be final until at least six months after it had been rendered, and the people would have to pass upon it.

I happen to be possessed of one of these Populist, no, Socialist ballots. There is the ballot [exhibiting] in one of the States of the United States at the last election, upon which is printed the questions that the people were to pass upon at that election. There it is [exhibiting]. It is printed in small type, quite small, something smaller than pica. Of course I have no doubt that any Senator here could comprehend the questions involved that were submitted at that election, but I will undertake to say that not one person in five thousand outside of this Chamber could do it. I wonder if Senators have had an opportunity to see the practical working of this thing. That is an actual ballot in one of the States at the last election.

In order that Senators in reading the RECORD may be prepared for a further consideration of this question, I am going to call their attention to another instance of the practical operation of the recall. I have here the proceedings in a city that has a Socialist mayor and city government, and these proceedings were June 6, 1911. Dr. Woods was elected mayor of the city. The local organization of Socialists took action on the 5th or 4th of June of this year in regard to that mayor. I read:

The Socialist local—

That is what they call their organization—

The Socialist local Sunday afternoon gave Dr. J. T. Woods, mayor of Coeur d'Alene, the alternative of presenting his resignation to the council as mayor, stepping down and out, or following out the wishes of the present Socialist local and heeding the mandates already imposed at a recent meeting.

I am reading real history now of facts occurring within a month. This was done on Sunday. They hold their meetings preferably on Sunday. If the Senator from Alabama [Mr. JOHNSTON] were present, he probably would be interested in that question. This is what they do:

It is understood that these orders to the mayor are briefly comprised in the following, although couched in different, language:

But I have the official check-up on this. This is really the statement. First, they demand:

1. The removal of George Evans as acting chief of police.

That is, this local board demands of the mayor the removal of George Evans as acting chief of police.

2. The temporary appointment of John Flemming as chief of police.
3. Removal of City Gardener William Degner.
4. The appointment of C. A. Waters in place of Degner.
5. The appointment of B. F. Huggins for sanitary police officer.
6. The appointment of A. D. Brown to take the place of Flemming on the police force.

The skirmish that was anticipated was a very tame affair, the vote being 30 to 9—

That is, in this local—

in favor of giving Dr. Wood the alternative.

The local members resent the report published in a Spokane paper intimating that the local demands the appointment of H. A. Barton as chief of police. They brand this as false. They demand Flemming's promotion, so they claim.

The resolution embodying the local's demand is briefly summed up as follows:

"If Mayor Wood does not comply with the demands of the Socialist local before the next council meeting, that the secretary be ordered to hand in his (Wood's) resignation."

After it was moved and seconded it was carried by a referendum vote.

Those political principles and schemes seem to be so interwoven that you do not know just when you are on one side of the line or the other.

It is claimed the State organizer will be here in the near future, and then things will be doing and the stillness of the Potomac will be a mere dream.

The local indorsed the publication of a paper in the city and wished it Godspeed in the field.

This mayor had been in office but seven weeks when this action was taken against him.

That merely gives you a very accurate and correct knowledge of the kind of government that these Socialists propose. One of the most prominent features which it claims "is its right to discipline and control the official actions of its officers, agents, committees, and elected representatives in all matters wherein the integrity and obligations of the party is at stake, whether on strictly party matters or matters relating to the fulfillment of the party's obligations or pledges to the public."

That is the kind of government that is threatened. That was on June 6. July 28, a few days ago, they took final action:

Mayor Wood is expelled from the Socialist Party by a solid vote of the local—He fails to attend meeting—Twenty-five pass upon charges against doctor—Principal charge is willful declaration and refusal to comply with the imperative mandates of local.

It is not often that we are favored with so candid an expression of the policy which they pursue when they have the power. I should have read, before the Senator from the State of Washington left the Chamber, the proceedings in Spokane, an adjoining section of the country, in which substantially the same things are ordered and sought to be accomplished.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. I do.

Mr. OLIVER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. CHAMBERLAIN responded to his name.

Mr. OLIVER. I ask unanimous consent to withdraw the suggestion.

Mr. HEYBURN. I would not object, but that is not within the power of the Senate.

The PRESIDING OFFICER. The Chair is in doubt whether unanimous consent can be given to dispense with a roll call after there has been an answer to a name.

Mr. HEYBURN. I wish it could be done, but it can not be done.

The PRESIDING OFFICER. The Secretary will proceed with the roll call.

The roll call was resumed and concluded, the following Senators having answered to their names:

Brandegee	Gronna	O'Gorman	Shively
Burnham	Heyburn	Oliver	Simmons
Burton	Johnson, Me.	Page	Smith, Mich.
Chamberlain	Martine, N. J.	Perkins	Smoot
Clark, Wyo.	Myers	Reed	Warren
Curtis	Nelson	Root	

The PRESIDING OFFICER. Only 23 Senators have answered to their names. A quorum of the Senate is not present.

Mr. SMOOT. I ask that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the list of the absentees.

The Secretary called the names of absent Senators.

Mr. BRISTOW, Mr. BORAH, Mr. BRIGGS, Mr. BOURNE, Mr. BRYAN, Mr. CUMMINS, Mr. CHILTON, Mr. MARTIN of Virginia, and Mr. SWANSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Only 32 Senators having answered to their names, a quorum of the Senate is not present.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to, and (at 2 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 5, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 4, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we lift up our hearts in gratitude to Thee for the advanced movement toward the higher and better civilization, witnessed by the peace pact of three great nations looking to the abolishment of war with all its horrors and to the establishment of a world-wide peace. God grant that the remaining nations may speedily follow the glorious example; that all the peoples of all the earth may join the angelic chorus which has been sounding down the ages, "Glory to God in the highest, and on earth peace, good will toward men," and æons of praise we will give to Thee. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE CONGRESSIONAL RECORD.

Mr. FOWLER. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. Is any matter which takes place on the floor of this House by a Member who has not received recognition from the Chair a proper matter to be incorporated in the RECORD?

The SPEAKER. The rule has been that if the gentleman from Illinois, for instance, is addressing the House, and some other Member asks leave to interrupt him, and the gentleman from Illinois declines to be interrupted, and the other Member persists in talking, the Speaker has the right to strike out what the interrupting Member said after he had been notified that interruptions were not desired. But it takes all of that to get it out.

Mr. FOWLER. The reason I inquired was that my distinguished colleague from Illinois [Mr. MANN] is in the habit of injecting matter of that character into this RECORD. [Laughter.]

Mr. CANNON. Mr. Speaker, touching the parliamentary inquiry of the gentleman from Illinois [Mr. FOWLER] touching my other colleague from Illinois [Mr. MANN] yesterday, as I recollect it, although I have not yet examined the RECORD, my colleague [Mr. MANN] did ask for an extension of five minutes from my other colleague.

Mr. RANDELL of Texas. Regular order, Mr. Speaker.

The SPEAKER. Does the gentleman from Illinois desire five minutes in which to address the House?

Mr. CANNON. Oh, no. It is touching the practice of the House governing interruptions. I do not know, not having examined the RECORD, whether my colleague [Mr. MANN] addressed the Speaker and was recognized or not. Does my other colleague [Mr. FOWLER] desire that recognition to be stricken out?

Mr. FOWLER. Mr. Speaker, that is not the matter to which I referred, because my distinguished colleague [Mr. MANN] received recognition from the Chair on that occasion. That is not the source of my objection, and I do not wish that to be stricken out at all.

THE PEACE TREATIES.

Mr. COVINGTON. Mr. Speaker, the whole country to-day has had the information flashed to the people that the President yesterday signed general arbitration treaties between the United States and Great Britain and between the United States and France. They have been transmitted to the Senate, and with their ratification a remarkable step toward complete international peace will have been taken. In aid of that universally hoped-for world policy I ask unanimous consent to insert in the RECORD an address upon arbitration between the United States and Great Britain delivered at the recent Peace Congress at Baltimore by that eminent American prelate, Cardinal Gibbons:

ARBITRATION BETWEEN GREAT BRITAIN AND THE UNITED STATES.

[An address delivered at the Third National Peace Congress held at Baltimore, May 4, 1911, by his eminence James Cardinal Gibbons, archbishop of Baltimore.]

I was asked to open these exercises with prayer, but I thought that a formal invocation was unnecessary on the present occasion, for every discourse uttered to-day will be a prayer in the sacred cause of peace.

I presume that the principal object of this distinguished assemblage is to advocate closer and more amicable relations between England and this country. I am persuaded that the signing of a treaty of arbitration between Great Britain and the United States would not only be a source of incalculable blessings to these two great powers, but would go far toward the maintenance of a permanent international peace throughout the civilized world.

Both of these great nations have many things in common. We speak the same noble tongue, and the English language is more universally used to-day than any other language on the face of the earth. The classic writers of England, from Chaucer to Newman, and the classic authors of America are also claimed by Great Britain. The literature of both countries is a common heritage to both nations.

We also live under practically the same form of Government. The head of one nation is a King, the head of the other nation is a President. England is governed by a constitutional monarchy, the United States isruled by a constitutional Republic. And I believe that both of these nations have been more successful in adjusting and reconciling legitimate authority with personal liberty than any other country of the world.

England is mistress of the ocean. Her ships ply through every sea on our globe. Her flag floats over every harbor of the world. Her Empire embraces a territory comprising 10,000,000 square miles, or about one-fifth of the whole globe. Great was the Roman Empire in the days of imperial splendor. It extended into Europe as far as the River Danube, into Asia as far as the Tigris and Euphrates, and into Africa as far as Mauritania. And yet the Roman Empire was scarcely one-sixth of the extent of the British Empire of to-day. Daniel Webster, in a speech delivered in the American Senate some 70 years ago, thus describes the extent of the British possessions: "A power," he says, "which has dotted the surface of the whole globe with her possessions and military posts, whose morning drumbeat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England."

The United States rules nearly 100,000,000 of happy and contented people. Our Government exercises a dominant and salutary influence over the American continent. Our influence is not to destroy, but to save; not to dismember, but to preserve the peace and automony of our sister Republics.

If England and Americo were to enter into an alliance of permanent arbitration with each other, such a bond of friendship and amity would be a blessing not only to those two great powers, but to all the nations of the civilized world.

When the waters receded from the earth after the deluge, Almighty God made a colemn convenant with Noah and his posterity, that the earth should never again be destroyed by water, and as a sign of this covenant, He placed a bow in the heavens. Let Brittania and Columbia join hands across the Atlantic and their outstretched arms will form a sacred arch of peace, a rainbow of hope, which will excite the admiration of the nations and will proclaim to the world that with God's help, the earth shall never more be deluged with bloodshed in fratricidal war.

The time seems to be most auspicious for the consumption of this alliance. It meets with the approval of the President of the United States, who honors this meeting by his presence. I earnestly hope that it will have the sanction of Congress now in session. It meets with the approval of Sir Edward Grey, English minister of foreign affairs. It has the cordial sympathy of the distinguished gentlemen assembled here to-day, the President of the United States, Mr. Andrew Carnegie, and many others too numerous to mention, and I pray that these gentlemen may receive the title promised by the Prince of Peace to all who walk in His footsteps: "Blessed are the peacemakers, for they shall be called the children of God."

CERTAIN EXPENSES OF THE HOUSE OF REPRESENTATIVES.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on House joint resolution 130, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on House joint resolution 130 and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement (No. 114) are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 7, 8, and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, and 6, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Insert the matter proposed to be added by said House amendment on page 2, after line 10, of the joint resolution; and the House agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Government Printing Office. To enable the Public Printer to pay messengers to CONGRESSIONAL RECORD and work of committees, on night duty during the special session of the present Congress, for extra services rendered, $400 each, $1,200.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate amending the title of the bill and agree to the same.

JOHN J. FITZGERALD,
J. G. CANNON,
Managers on the part of the House.

F. E. WARREN,
ROBERT J. GAMBLE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report:

On amendments Nos. 1 and 2: Appropriates $3,695 to reimburse the official reporters of the Senate for clerk hire and other extra clerical services and transposes to its proper place in the resolution, under the caption "House of Representatives," the provision reimbursing the official reporters of the House for clerk hire and other extra clerical services.

On amendment No. 3: Strikes out the provision, proposed by the Senate, paying one month's extra pay to officers and employees of the Senate and House.

On amendment No. 4: Strikes out the appropriation of $100, proposed by the Senate, to pay J. H. Jones for extra services for the care of the Senate chronometer.

On amendment No. 5: Inserts the provision, proposed by the Senate, with reference to two employees in the Senate post office, the net result of which is to reduce the salary of one of said employees $288.

On amendment No. 6: Appropriates $2,500, as proposed by the Senate, for folding speeches and pamphlets for the Senate.

On amendment No. 7: Strikes out the provision to pay certain employees in the Senate Office Building one month's extra pay.

On amendment No. 8: Strikes out the provision, proposed by the Senate, directing the Secretary of War to inquire and report as to certain expenditures made by the State of Texas during the period from 1856 to 1861.

On amendment No. 9: Strikes out the provision, proposed by the Senate, with reference to the Interior Department, concerning the use of funds provided for said department for the purchase and distribution of supplies for subordinate offices and Indian schools.

On amendment No. 10: Appropriates $1,200, intsead of $1,400, for extra services of messengers to the Congressional Record and work of committees on night duty at the Government Printing Office.

It is recommended that the amendment of the Senate changing the title of the joint resolution be agreed to.

JOHN J. FITZGERALD,
J. G. CANNON,
Managers on the part of the House.

Mr. GARNER. Mr. Speaker, I would like to ask the gentleman from New York a question.

Mr. FITZGERALD. I will yield to the gentleman.

Mr. GARNER. As to amendment No. 8, I understand that the purport of that was to secure certain information from the War Department, and what I gather is that that information can be secured without the passage of this amendment put on by the Senate.

Mr. FITZGERALD. Inquiry was made at the War Department, and Gen. Ainsworth, who is familiar with the entire matter, expressed the opinion that the War Department has all the authority necessary to transmit to Congress the information called for in the amendment proposed by the Senate.

Mr. Speaker, I simply wish to say that the absence of the name of Mr. BARTLETT, of Georgia, one of the managers on the part of the House in this report and statement, is due to the fact that he is detained in the city of New York on the committee investigating the Steel Corporation. I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

APPORTIONMENT OF REPRESENTATIVES.

The SPEAKER laid before the House the bill H. R. 2983, an act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census, with Senate amendments.

The Senate amendments were read.

Mr. HOUSTON. Mr. Speaker, I move to concur in the Senate amendments. The bill as it comes to the House is substantially the same as the one that passed the House. The first amendment spoken of changes the phraseology in section 4 so as to provide for the conditions that may exist in some States according to the views of some parties.

This amendment, while it is somewhat similar to one voted down by the House, is not of such a character as to interfere with the passage of this bill, and ought not to be considered in connection with the importance of passing an apportionment bill.

The second amendment is a provision as to how candidates shall be nominated and elected by the State at large, providing that it shall be done in the same manner as candidates are nominated for governor in such State, unless otherwise provided by law of the State.

Considering these amendments, members of the Committee on the Census have been in consultation, and also with other Representatives, and we think that the House ought to concur in the amendments, in view of the importance of passing an apportionment bill at this session. Before I yield the floor I desire to say that I ask for the previous question.

The SPEAKER. The gentleman from Tennessee moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

On motion of Mr. HOUSTON, a motion to reconsider the vote whereby the Senate amendments were agreed to was laid on the table.

Mr. HENRY of Texas. Mr. Speaker, I desire to ask unanimous consent that the gentleman from Florida [Mr. CLARK] be allowed to address the House for one hour.

Mr. LLOYD. Mr. Speaker, if the gentleman from Texas will withhold his request for a short time, I desire to present two little resolutions from the Committee on Accounts.

The SPEAKER. The gentleman from Missouri presents a privileged matter.

HAROLD W. KETRON.

Mr. LLOYD. Mr. Speaker, I present the privileged report (H. Rept. 117), House resolution 257.

The Clerk read as follows:

House resolution 257.

Resolved, That Harold W. Ketron, Democratic pair clerk, be paid $25 out of the contingent fund of the House of Representatives, for five days' services, from April 4 to April 10, 1911, inclusive.

Mr. MANN. Mr. Speaker, I would like to hear a statement from the gentleman.

Mr. LLOYD. Mr. Speaker, Mr. Ketron performed the duties of assistant pair clerk between the 4th day of April and the 10 day of April, before he was sworn in. He did not receive his appointment because of the illness of the Sergeant at Arms, whose duty it was to make the appointment, and he was therefore not sworn in. He performed the duties of that office, however, during those six days.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ASSISTANT ENROLLING CLERK.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read. (H. Rept. 118).

The Clerk read as follows:

House resolution 122.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an assistant clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day during the remainder of the present session.

Mr. LLOYD. Mr. Speaker, the Committee on Enrolled Bills has one clerk. Heretofore they have had an assistant clerk. We have not provided the assistant clerk during this session, but from now on the probabilities are there will be several private bills that will be passed and the enrolling clerk will have quite a lot of work to do. It is necessary to have an assistant. This resolution simply provides a session clerk for the remainder of this session.

Mr. MADDEN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. LLOYD. Certainly.

Mr. MADDEN. How many bills have we had enrolled during this session of Congress?

Mr. LLOYD. There have not been many bills enrolled thus far.

Mr. MADDEN. How many bills are there likely to be enrolled?

Mr. LLOYD. There are likely to be quite a number.

Mr. MADDEN. How long does it take a man to enroll a bill?

Mr. LLOYD. I can not answer that question.

Mr. MADDEN. Why does the clerk there need any assistant clerk when there is nothing for him to do?

Mr. LLOYD. An assistant is needed in enrolling bills, to compare the bills.

Mr. MADDEN. I thought the gentleman from Missouri recommended a system of economy when we first organized the Sixty-second Congress, and now he is beginning to recommend a system of extravagance.

Mr. LLOYD. Mr. Speaker, I did recommend, with this side of the House, a system of economy, and we have saved the expense of an assistant clerk in that committee. We are now asking nothing but what has always been done just at the close of the session, and that is to authorize additional assistance to complete the work.

Mr. MADDEN. Does not the gentleman from Missouri know that the House has not been in session except about every other

day since the special session began? We have been adjourning three days at a time, and there has been nothing to do for the regular clerk who is there.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. LLOYD. Certainly.

Mr. MANN. Is this assistant Journal clerk one of the places abolished by the resolution which passed the House some time ago following the action of the Democratic caucus?

Mr. LLOYD. No. The annual clerk was the one that was abolished.

Mr. MANN. I say the assistant Journal clerk.

Mr. LLOYD. This is the clerk to the Committee on Enrolled Bills.

Mr. MANN. Well, was there not an assistant clerk in the enrolling room whose office was abolished by that resolution?

Mr. LLOYD. Yes.

Mr. MANN. Now, does the gentleman say that after having abolished the assistant in the enrolling clerk's office, with the business so far transacted by the House at this session, they need an assistant clerk to the Committee on Enrolled Bills there now?

Mr. LLOYD. We need an assistant clerk only for the remainder of the session on account of the special bills that are likely to be passed in the next few days.

Mr. MANN. No bills have been passed yet; and if we need an assistant in the enrolling clerk's office for the next few days, does that not mean that we will need one during the entire next session?

Mr. LLOYD. This bill provides only for the remainder of this session.

Mr. MANN. Will the gentleman yield to me for four or five minutes?

Mr. LLOYD. Mr. Speaker, I yield the gentleman five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, I think it is quite likely that there ought to be an assistant enrolling clerk appointed. It is certain that there ought to be some one appointed who knows something about enrolling bills. The other day we just agreed to a conference report on a House joint resolution in reference to making an appropriation for pages in the House and some employees of the Senate. We passed that resolution in reference to pages of the House and it went to the Senate. The Senate added on some amendments, and when the resolution came back to the House on amendment No. 2 my colleague from Illinois [Mr. CANNON] moved to concur, with an amendment. Now, every one who has ever been in a legislative body knows that the two branches of the legislative body communicate to each other by resolutions as to the action taken in the respective bodies; but in this case, with no one connected with the administration of the House who was familiar enough with ordinary legislative procedure to do the thing properly, what did they do? They took the little paper upon which was written the amendment offered by my colleague from Illinois [Mr. CANNON] and pasted it on to the Senate engrossed copy of the Senate amendment, and sent it back to the Senate in that shape in order to inform the Senate what the House had done.

The veriest tyro in legislative procedure should have known better, and, of course, the employees of the House were informed better by the employees of the Senate. It probably never would have been known outside of the persons connected with it, but I happened to see the original paper with the scrap of paper pasted on in order that the House might tell the Senate what the House had done; and it was not until it was sent back to the House that the proper resolution was prepared and sent to the Senate.

Mr. JAMES. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. MANN. I do.

Mr. JAMES. I understand the gentleman criticizes the enrolling clerk of the Democratic House. Is not it true that the enrolling clerks in the last House, which was Republican, made a mistake of several million dollars, and we had to correct it the first thing when this session came into existence? Now, the gentleman might devote some of his time in defense of the Republican enrolling clerks who made a mistake of several million dollars at the expense of the people. [Applause on the Democratic side.]

Mr. MANN. Oh, I might; and the gentleman might defend this. The gentleman from New York [Mr. FITZGERALD] himself exonerated the enrolling clerks under the last House for the mistakes which were made in the enrolled bills, and which were not chargeable either to lack of knowledge or lack of diligence on the part of the enrolling clerks——

Mr. JAMES. Who made the mistake?

Mr. MANN (continuing). This mistake is chargeable both to lack of knowledge and lack of diligence.

Mr. JAMES. Who made the mistake of these several million dollars?

Mr. MANN. Oh, the gentleman wants to go on something else. I am——

Mr. JAMES. No; I want to discuss the question, and I want the gentleman to answer my question.

Mr. MANN. I often notice when we try to discuss something that the gentlemen on that side are doing that the gentlemen want to back out and discuss something else. The question here is in reference——

Mr. JAMES. I want the gentleman to simply answer a plain question which I asked him.

Mr. MANN. If the gentleman will ask a question about this or get my time extended, I will be glad to answer any questions.

Mr. JAMES. We will give you all the time you want. I want the gentleman to answer the question as to whose fault it was that that error crept into an appropriation bill of several million dollars, which we had to correct when we met in special session?

Mr. MANN. It was the fault of that side of the House that held up the appropriation bills by filibustering tactics until the very hour of adjournment [applause on the Republican side], and everybody here knows it.

Mr. JAMES. Why, they were held up in the Senate, were they not?

Mr. MANN. They were held up here by that side of the House filibustering until the hour of 20 minutes to 12 arrived, and they were not yet agreed to in the conference report. [Applause on the Republican side.]

Mr. JAMES. They were held up in the Senate.

Mr. MANN. I know where they were held up. I informed the House at the time, and it is in the RECORD, that if that side of the House——

The SPEAKER. The time of the gentleman has expired.

Mr. LLOYD. Mr. Speaker, I yield five minutes more to the gentleman from Illinois [Mr. MANN].

Mr. MANN. That is through with, so far as I am concerned. I would like to ask the gentleman from Missouri now whether there is anyone now connected with the enrolling clerk's room or the Journal clerk's room detailed from the Printing Office and paid at the expense of the Printing Office appropriation in order to help out this work?

Mr. LLOYD. Mr. Speaker, as far as I have knowledge, there has been no such detail, but if the detail has been made it has been made by the administration and not by this House.

Mr. MANN. Well, I am informed, and I believe the information is correct, that there has been a detail from the Public Printing Office, at the request of the Democratic side of this House or its officials, in order to aid in the enrolling room, in order to do the work of the printing and bill clerk, which office was abolished by the Democratic side of the House, at the expense and being paid for at 65 cents an hour out of the appropriation for public printing, in order to make up the deficiency which you have created in the clerical force of the House under a pretense of economy. [Applause on the Republican side.] I may say that I have been waiting patiently for some days for my distinguished friend from Illinois [Mr. FOSTER] to publish in the RECORD the statement which was to go in a number of days ago to show the comparative expense of the Republican administration and the Democratic administration of the House. I want to say, now, that when the money paid out of the contingent fund is considered, together with these grossly extravagant investigations being carried on by committees, some of them expenditure committees, over subjects concerning which they have no jurisdiction, it will be found that the Democratic House is not so diligent or so efficient, but is more extravagant than the Republican House ever was. [Applause on the Republican side.]

Mr. LLOYD. The gentleman from Illinois [Mr. MANN], nearly every time a bill has been presented to this House that suggests an appropriation out of the Treasury, takes occasion to say that the employees of the Democratic House are incompetent. I want to say that there never has been, so far as I know, a more competent body of officials than are found in this House at the present time. [Applause on the Democratic side.] And the gentleman from Illinois is belittling himself when he constantly draws attention in this House to the little mistakes that men may make. [Applause on the Democratic side.] You may go back during the 14 years that the Republicans had

charge of this House, and you will not find from this side of the House any complaint of the employees on the Republican side

There is no man but that sometimes makes mistakes. We have not inquired into the conduct of the individuals on the Republican side, but in the last three or four months this side of the House has come into possession of information which would astound the country with reference to the character and action of some employees that remained in office for numbers of years on the Republican side. [Applause on the Democratic side.] I do not believe it is fair, I do not believe it is just, I do not believe it is right to reflect upon a man that is appointed to office, and who has come here to discharge these duties as faithfully as he can, who may, before he has learned fully to discharge those duties, make some mistake.

Now I want to say again, in conclusion, at this point, that the officials are discharging their duties admirably; that they are men of character, men of standing, men of good morals; and I am pleased to note that, as far as the information has come to us, that we have no employees but what anybody might be proud of. [Applause on the Democratic side.]

Mr. GARNER. Will my colleague yield to a question?

The SPEAKER. Does the gentleman from Missouri [Mr. LLOYD] yield to the gentleman from Texas?

Mr. LLOYD. Yes.

Mr. GARNER. I want to ask my colleague what information he has, if any, with reference to the information received from employees of the Republican House by those of the Democratic House or what assistance, if any, the employees who took charge have had from those employees who quit?

Mr. LLOYD. In some instances the employees have been remarkably kind and have been exceedingly helpful. I take pleasure in referring especially to employees Hoyt and Browning. They did everything apparently that they could do to assist those who came into their offices. There were other Republican employees——

Mr. FITZGERALD. What positions do they hold?

Mr. LLOYD. Positions in the disbursing office. There were other employees who rendered like assistance, but numbers of employees on the Republican side—numbers of those who went out—refused to render any assistance whatever. And not only that, but they took out the papers and records, some of which we believe belong to the House of Representatives. [Applause on the Democratic side.]

Mr. MANN. Was the gentleman referring to an official of the House whom the gentleman's side of the House appointed to a place?

Mr. LLOYD. No, sir. He is one, but I did not refer to him alone because there are numbers of them.

Mr. MANN. This side of the House is not responsible for men appointed by the other side of the House over our protest.

Mr. LLOYD. Now, Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] is recognized for five minutes.

Mr. FITZGERALD. Mr. Speaker, the errors in the enrollment of the appropriation bills in the last session of Congress were not due to any filibustering tactics on the part of this side of the House. A request was made to pass the sundry civil appropriation bill, carrying over $140,000,000 and providing for every service in the Government, under a suspension of the rules, without opportunity to examine or to consider the bill, and I was one of those who opposed any such procedure and insisted that the bill be considered in an orderly way under the rules of the House. If it took some additional time—though thereby more thorough consideration was given to the legislation—that delay was not due to any fault of Members on this side, but was due to conditions which were, if at all to be complained of, the fault of the majority in control of the House.

The gentleman from Illinois [Mr. MANN] has referred to a matter to which I wish to call the attention of the House. There has been detailed, at the request of the Clerk of the House, by the Public Printer a proof reader to assist certain employees here. Yesterday I was speaking with the Public Printer about the matter. This man was detailed at the request of the Clerk of the House to aid the new officials of the House in properly preparing copy, which must be sent continuously to the Government Printing Office, and the Public Printer stated that he had inquired what this man had been doing, and had found that he had been engaged in such work heretofore, and that as the session was nearing a close he would permit him to continue for the short time remaining instead of asking that he be sent back now. I know of no just ground of criticism, when it is considered how important it is that copy be properly prepared for the Public Printer, that a man familiar with that work be detailed to assist men who are new to the work.

The pending resolution provides for the employment of an assistant clerk in the Committee on Enrolled Bills for the remainder of this session. It is the program to have considered between now and the adjournment of Congress a number of bills affecting the District of Columbia and a number of local emergency bills, to which there will be slight, if any, objection. When these bills commence to go to the enrolling room there will be need for more than one clerk there. Gentlemen on that side should not find fault with a proposition to provide for such assistants, because at the extra session of the Sixty-first Congress, when the only legislation enacted was the tariff bill and an appropriation bill, not only did the enrolling clerks have two assistants instead of one, as at present, but on the 27th day of July, 1909, the House passed a resolution authorizing the payment of $100 upon the certificate of the chairman of the Committee on Enrolled Bills for additional clerical assistance during the balance of that session.

No fault was found, no criticism was made, because it is a notorious fact that such additional assistance is required during the closing days of a session if there are to be any bills enrolled.

I suggest, in view of the program which has been arranged, and inasmuch as the House will be called upon to consider legislation, and the fact that there is absolute necessity for the aid of more than one clerk in the enrolling room, that it is proper that this resolution be passed. The criticism reflecting upon men new to the service for making immaterial errors should not have any force and should not, in fact, be made.

So far as I am aware, the present employees of the House have done remarkably well. Our party, unfortunately, has been out of control for more than 16 years, and it could not reasonably be expected that new men could be taken and put into any of these positions and serve as efficiently at first as men who have been here during that long period.

I am quite satisfied that the business of the House will be conducted just as efficiently as the legislation of the House is popular with the country. [Laughter and applause.]

Mr. LLOYD. I would like to ask the gentleman from New York if he knows who it was that made the mistake in enrolling the appropriation laws at the last session.

Mr. FITZGERALD. As I stated when I presented the joint resolution to correct the enrolling of the appropriation bill, during the last week of the Congress both Houses were in session daily, I think, from 10 or 11 o'clock in the morning until midnight. The House went into session Friday morning at 9 o'clock and continued in session, except one hour between 6.15 and 7.15 Saturday morning, until after 12 o'clock Saturday. The result was that the employees who were engaged in enrolling bills, suffering from fatigue naturally, were not as alert as they otherwise would have been. Four or five of the large appropriation bills were sent into the enrolling room during the night of the 3d of March, and in an attempt to have the bills properly enrolled errors were made by which certain items were included which should have been excluded. I would not find fault with men laboring under such conditions no more than I would criticize the men called upon to discharge the duties with which they are not familiar. I would not find fault with them for committing errors easily corrected and which result in no harm in any way. [Applause on the Democratic side.]

Mr. LLOYD. I will now yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, I desire to say to my distinguished colleague the minority leader on the other side that the tables he refers to it is true have not yet been printed. But I want to say to him that these tables will be printed. He requested me to give him a copy, which I thought was fair and right that he should have. But the gentleman talks loud, talks earnestly, of the peculiar conditions that exist and of the enormous expenditures in this Congress. I invite my friend to visit the disbursing office of this House and examine some of the peculiar expenditures that he will find during the last session of Congress. For instance—and I do not say it is wrong; it may have been necessary—he will find over $300 paid to the Terminal Taxicab Co. of Washington. I do not know who used the cabs, but I suppose the money was expended in a proper way. He will find there expenditures for special committees traveling over the country amounting to thousands upon thousands of dollars. He will find money paid to some single stenographer to the amount of nearly $5,000 per year. So if you want to go and investigate the expenditures under the Republican administration, I am sure that you will find the expenditure larger and made more freely to all people who were employed by the Government.

You will also find in these expenditures that men traveling over the country gave liberal tips to porters. I suppose that the man who gave the tip each time said that it was a tip

allowed by the United States Government. All these things occur in the reports made to the disbursing officer, and when the gentleman from Illinois undertakes every time when a matter of this kind is brought up on the floor to belittle the things connected with new employees of the House, saying that they are incompetent, that we are spending money lavishly, that our report of saving expenses by cutting out offices is not true, I want to say that the gentleman is mistaken; and if he will examine the reports, he will find that it is true a large saving has been made.

Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD, and I want to say to the gentleman from Illinois in this connection that the reason I do that is in order to print the tables in the RECORD where he may see them.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none.

The following are the tables referred to:

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 19, 1911.

Hon. M. D. FOSTER,
House of Representatives.

DEAR SIR: In response to your request for a comparative statement of sums of money paid by the disbursing officer under the Clerk of the House, I beg to submit the following statement of facts, as reflected by the books of this office:

Total of all pay rolls for month of March, 1911, for all persons employed by the House as officers and employees	$63,730.55	
Total of all pay rolls for month of June, 1911, for all persons employed by the House as officers and employees (this amount includes the salaries for this month of the bill clerk and assistants and session clerks to committees placed on the rolls in lieu of all other clerks dispensed with)	55,599.44	
Total difference per month		8,131.11
Total difference per year		97,573.32
If police force is reduced, as proposed, by dropping 1 lieutenant and 34 privates, it will reduce the roll		39,000.00
If the usual extra month's pay to officers and employees is omitted for the fiscal year, it will further reduce it		55,599.44
Making a total saving of, per year		192,172.76
The amount of the extra month, salaries for March, 1911, amounted to		71,056.29
There was also expended for extra services during fiscal year of 1911		8,987.50
Total		80,043.79

Very truly, yours,

SAMUEL J. FOLEY,
Disbursing Clerk.

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 20, 1911.

Hon. M. D. FOSTER,
House of Representatives.

DEAR SIR: In response to your request for a comparative statement of sums of money paid by the disbursing office under the Clerk of the House, I beg to submit the following statement of facts as reflected by the books of this office:

Total of all pay rolls for the month of February, 1911, for all persons employed by the House as officers and employees	$64,886.38	
Total of all pay rolls for month of June, 1911, for all persons employed by the House as officers and employees (this amount includes the salaries for this month of the bill clerk and assistants and session clerks to committees placed on the rolls in lieu of all other clerks dispensed with)	55,599.44	
Difference		9,286.94
Total difference per year		111,443.28
If police force is reduced as proposed, by dropping 1 lieutenant and 34 privates, it will reduce the roll		39,000.00
If the usual extra month's pay to officers and employees is omitted for the fiscal year, it will further reduce the roll		55,599.44
Which would make a total saving of		206,042.72

Trusting that this information will answer your inquiry, I am,
Very respectfully,

SAMUEL J. FOLEY,
Disbursing Clerk.

It would appear that the comparison should be made between the months of February and June, 1911, for the reason that they typify normal expenditures for salaries of officers and employees of the House both under the organization of the last Congress and the organization of the present Congress. The pay rolls for neither month contain any payments for extra services, additional compensation, or other unusual purposes.

The pay rolls for March, 1911, were abnormal in that they carried short payments as well as unusual payments. Some salaries paid in that month terminated on the fourth day thereof, other payments made have been for extra services or additional compensation carried in the deficiency act passed on the 4th day of March.

The difference between the monthly average of the salaries of the places abolished at this session and the pay rolls for the months in question must be accounted for by the difference between the monthly pay of persons on the roll by resolutions in February, 1911, and those similarly authorized at this session.

Why should not the credit for saving on account of the extra month's pay be on the basis of the last one actually paid instead of on the basis of the present diminished roll? If the roll had not been diminished, and an extra month's pay was voted according to the former custom, the payments from the Treasury would be greater than they will be for the year by the sum of $221,499.57 in the House alone.

There is printed a comparison between both the months of February and June and of March and June, 1911, and in each case shows the larger increase from the time when the House was organized and under full control of the party in the minority and the party of the majority. I think it but fair that this difference should be noted in these reports. It will also be noted there is an apparent discrepancy between the extra month's pay, amounting to $71,056.29, which is the correct amount as shown by the books of the disbursing officer and by the Treasury digest, and the pay rolls for February and March, 1911.

The Senate paid the extra month's allowance at the close of the long session of the Sixty-first Congress to the Capitol police, and, according to the arrangement of alternating payment by the Senate and House, the extra month allowed for the police force was paid by the disbursing officer of the House at the close of the session on March 4, 1911; so this explains the apparent discrepancy between the larger month's pay roll and the extra month's pay at the close of the last session.

It is not difficult to figure that a saving has been made in the House by the offices that have been abolished, and the extra month's pay in the House and Senate will show there has been a saving accomplished, when this entire reform is carried out, something like $300,000 a year.

Mr. MANN. Will the gentleman yield to me?

Mr. LLOYD. Mr. Speaker, I yield to the gentleman from Illinois three minutes.

Mr. MANN. Mr. Speaker, I was not endeavoring to make any undue criticism of the employees of the House. I recognize their greenness in reference to some matters. My criticism is of the majority of the House, which undertakes to place in the control of men without experience important legislative affairs of the House, instead of doing what always has been done, keeping enough experienced old employees of the House to teach the new men. That is what you did not do.

The gentleman from Illinois refers to a taxicab bill. It is easy to criticize these bills. I know what the taxicab bill was for. I have frequently examined the accounts in the office of the disbursing clerk, and by the courtesy of the Clerk of the House I expect to continue to do it.

The taxicab bill was to bring into the House Democratic Members—and some Republicans [laughter]—during the days when the gentlemen on that side of the House were seeking to pass over my dead or living body a lot of infamous claims which did not go through. [Applause on the Republican side.] The taxicab bill was a very small amount to pay for the service rendered to the Government at that time.

Mr. FOSTER of Illinois. A lot of those were for visits to the White House, too.

Mr. MANN. The taxicab bill was for the 17th and 18th of February, I think.

Mr. FOSTER of Illinois. I will state to my colleague that there was an expenditure for taxicabs of $112 during two days, and the balance of it was scattered along during the term.

Mr. JAMES. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. MANN. Yes.

Mr. JAMES. I should like to know if the gentleman can tell us how much of this taxicab bill was for the purpose of bringing Republicans here during the famous fight on the rules when all of you fled to the hotels to break a quorum on that night?

Mr. MANN. The statement the gentleman makes is absolutely without foundation of fact when he says we all fled to the hotels to escape making a quorum. The gentleman knows that he is exaggerating when he makes that statement.

Mr. JAMES. I may be exaggerating, because the gentleman may have been here, but practically all of you did leave the Hall of the House.

Mr. MANN. Practically all were in the House all the time during that fight.

Mr. GARNER. They went away at night. They did not stay here 48 hours on a stretch.

Mr. JAMES. When the gentleman from Illinois makes the statement that practically all of them were in the House all the time does he not know that the roll calls will disclose that his statement is without foundation?

Mr. MANN. I know better.

Mr. JAMES. The roll calls will refute that statement which the gentleman makes.

Mr. MANN. I was here and the gentleman was not here.

Mr. JAMES. I was here all the time, and the RECORD will show it.

Mr. MANN. I was here every moment of the time. I did not leave the Capitol building at all the night of that fight.

Mr. JAMES. I think the gentleman is mistaken. I do not believe he was here all the time.

Mr. MANN. The gentleman's recollection on that subject is just as valuable as it is on anything else.

Mr. JAMES. My information is accurate upon this question, and valuable upon all things on which I speak, and that is something I can not say for the gentleman.

The SPEAKER. The House will be in order. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. LLOYD. I ask for a vote.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 2983. An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2541. An act to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes"; and

S. 3152. An act extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2541. An act to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes; to the Committee on the Territories.

OVERSEAS RAILWAY, FLORIDA.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CLARK] be permitted to address the House for one hour.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Florida [Mr. CLARK] be allowed to address the House for one hour. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, several Members seem to want to know upon what subject the gentleman will address the House. I will state that he desires to speak upon the celebration of the completion of the overseas railway in Florida, and the gentleman has a resolution which he wishes to talk about for a little while. I hope that no one will object to this request.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say that if the gentleman from Florida wishes to discuss for an hour the subject of lemons, I would not object. I understand the gentleman from Texas proposes to report in a resolution providing for the consideration of another proposition and debate for four or five hours upon that subject.

Mr. HENRY of Texas. Oh, not so long as that.

Mr. MANN. Well, how long?

Mr. HENRY of Texas. Three hours and a half.

Mr. MANN. For general debate?

Mr. HENRY of Texas. Three hours for general debate and 30 minutes under the 5-minute rule.

Mr. MANN. And several roll calls, and that will take us until about 7 o'clock. I have great sympathy and respect for the gentleman from Florida, and am willing to listen to him at any time, but I do not think it is fair to the House to keep the House here until 6 or 7 o'clock in order that the gentleman from Florida may now consume the time of the House. After the disposition of this other matter, I shall not object to the gentleman from Florida having such time as he desires.

Mr. HENRY of Texas. I suggest to the gentleman that there is no necessity for remaining after 5 o'clock. We can adjourn over until to-morrow and complete the matter then.

Mr. MANN. But our experience with that side of the House is that they never do adjourn over when they have anything going on.

Mr. HENRY of Texas. I do not think there will be any desire to keep in session this afternoon after 5 o'clock. We have plenty of time.

Mr. MANN. The gentleman will have an opportunity to-morrow.

Mr. HENRY of Texas. We have another matter for to-morrow that will take two or three hours.

Mr. CANNON. Mr. Speaker, if the gentleman will permit, I will be very glad, and am quite anxious, to hear the speech of the gentleman from Florida; but if the matter indicated is to be brought to the attention of the House by the gentleman from Texas to-day, I believe it ought to be brought now, when the House is fairly well represented by the presence of Members, before the hour for baseball arrives, because this is an important matter which the gentleman is to bring in, as I am informed, and there ought to be a full attendance. I have no objection to his bringing this up to-morrow morning.

Mr. HENRY of Texas. Of course the gentleman from Illinois does not mean to infer that the gentleman from Florida [Mr. CLARK] would empty the House. I rather think his eloquence would invite the Members to remain.

Mr. CANNON. I have no desire to make any such insinuation; but I do suggest that when the hour for baseball arrives, that will empty the House double-quick. [Laughter.] I have no objection, if the gentleman will allow his matter to go over until to-morrow, or Monday, or some other day, to the gentleman from Florida proceeding at this time.

Mr. HENRY of Texas. We could hardly agree to let the other matter go over.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. Mr. Speaker, I have to object at this time.

THE PEACE TREATIES.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent that in addition to the privilege granted for the publication in the RECORD of the speech delivered by Cardinal Gibbons, at the request of the gentleman from Maryland [Mr. COVINGTON], the same privilege be granted for the publication in the RECORD of the speeches delivered upon the same occasion by President Taft, Hon. CHAMP CLARK, ex-President Roosevelt, Andrew Carnegie, and others.

Mr. CLARK of Florida. Mr. Speaker, I object.

The SPEAKER. The gentleman from Florida objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, disagreed to by the House of Representatives, disagreed to the amendment of the House numbered 8, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PENROSE, Mr. CULLOM, Mr. LA FOLLETTE, Mr. BAILEY, and Mr. SIMMONS as the conferees on the part of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 130. Joint resolution making appropriations for certain expenses of the Senate and House of Representatives incident to the first session of the Sixty-second Congress, and for other purposes.

PORTRAIT AND FRAME OF FORMER SECRETARY OF STATE WILLIAM R. DAY.

Mr. HENRY of Texas. Mr. Speaker, I desire to present a privileged report (No. 121) from the Committee on Rules.

The SPEAKER. The gentleman from Texas submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

House resolution 266.

The Committee on Rules, to whom was referred House resolution 244, providing for the consideration of House resolution 246, report in lieu thereof the following resolution and recommend its adoption:

"*Resolved*, That immediately upon the adoption of this resolution the House shall proceed to consider House resolution 246; that there shall be three hours of general debate on said resolution, one half of the time to be controlled by the gentleman from Missouri [Mr. HAMLIN] and the other half by the gentleman from Michigan [Mr. WEDE-

MEYER]. After the expiration of general debate, there shall be 30 minutes' additional debate under the 5-minute rule. At the close of debate under the 5-minute rule the previous question shall be considered as ordered on the resolution and pending amendments thereto to final passage. The House shall immediately vote on the resolution and all pending amendments."

Mr. CANNON. Mr. Speaker, let us have the resolution reported.

Mr. HENRY of Texas. Mr. Speaker, I ask that resolution 246 be reported for the information of the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 246.

Resolved, That the findings contained in the report of the Committee on Expenditures in the State Department, presented to the House on the 5th day of July, 1911, and known as Report No. 59, be concurred in and adopted.

Mr. HENRY of Texas. Mr. Speaker, I would like to ask the gentlemen on the other side how much time they desire for the discussion of the special rule?

Mr. DALZELL. How much time does the gentleman propose?

Mr. HENRY of Texas. It seems to me 20 minutes on each side would be sufficient.

Mr. DALZELL. That is satisfactory to me.

Mr. HENRY of Texas. Then, Mr. Speaker, that will be the understanding, if there is no objection.

The SPEAKER. What is the understanding?

Mr. HENRY of Texas. That the special rule be discussed for 40 minutes, and then that the previous question be considered as ordered and a vote be taken on the special rule, and that the time be equally divided between the two sides of the House. I make that request.

The SPEAKER. The gentleman from Texas submits a request that debate on the special rule be had for 40 minutes, the time to be divided between the gentleman——

Mr. MANN. The gentleman need not provide for the previous question; the rule provides for that.

Mr. HENRY of Texas. Yes; we can do that; but the Committee on Rules thought that we could arrive at it this way and agree to it.

The SPEAKER. The gentleman from Texas submits a request, agreed to by the gentleman from Pennsylvania [Mr. DALZELL], that debate on this special rule continue for 40 minutes; that the gentleman from Texas control one half of that time and the gentleman from Pennsylvania [Mr. DALZELL] the other half, and at the end of the 40 minutes the previous question shall be considered as ordered. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, reserving the right to object, who is to control the time?

Mr. HENRY of Texas. The gentleman from Pennsylvania is to have 20 minutes and the "gentleman from Texas" 20 minutes.

Mr. CLARK of Florida. Mr. Speaker——

Mr. HENRY of Texas. We can arrive at it another way——

Mr. CLARK of Florida. I understand. I was going to say I shall object unless I shall be given a little time to discuss this question.

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution.

The question was taken, and the previous question was ordered.

The SPEAKER. The gentleman from Texas is recognized for 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, there is very little that need be said to the House in regard to this resolution. The Committee on Expenditures in the State Department have made a report and brought before the House certain facts in regard to matters under investigation by that committee. The resolution which was read to the House a moment ago, resolution 246, has been reported to the House with the recommendation, and it is well enough that it be read in order that we may understand exactly the issue before the House. It provides:

Resolved, That the findings contained in the report of the Committee on Expenditures in the State Department, presented to the House on the 5th day of July, 1911, and known as Report No. 59, be concurred in and adopted.

I have the report in my hand, as well as the views of the minority as filed with the House. First the House votes on the adoption of the special rule, which simply brings before the House resolution 246, approving the findings of the Committee on Expenditures in the State Department, and provides for consideration of their report.

When this rule, brought from the Committee on Rules, is adopted, if it should be adopted, the Committee on Expenditures in the State Department simply have their matter before the House, with a day in court to present their report, their resolution, and their argument in favor thereof. That is all that is before the House at this time. I believe there is nothing else that I should say to the House just at this particular juncture, and therefore reserve the balance of my time.

Mr. MANN. Will the gentleman yield for a question?

Mr. HENRY of Texas. I will.

Mr. MANN. Why could not this come up in the regular order?

Mr. HENRY of Texas. The committee have arrived at the conclusion that it could not be reached upon a call of the committees and have determined upon this course, and I will state that the gentleman from Georgia [Mr. HARDWICK] and the gentleman from Illinois [Mr. FOSTER] will discuss in detail that proposition, if it should be raised by your side of the House.

Mr. MANN. I raise it now. I would like to have somebody discuss it so that we may have the reasons why it could not be considered under the call of committees.

Mr. HENRY of Texas. Then the gentleman from Georgia [Mr. HARDWICK] will discuss it at this time. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I was not here when the gentleman propounded his question, but I think I understand it. Of course we are not obliged to carry any such burden as that in presenting this rule. Even if we could under the regular order and by the call of committees reach this proposition, that by no means precludes us from adopting the other plan and presenting a special rule, as no man would be quicker to concede, I think, than my friend from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, if the gentleman will pardon me, I think in all my experience in the House the Committee on Rules has never reported a rule for a small matter like this.

Mr. HARDWICK. The gentleman might disagree with the members of this committee and the members of the standing committee as to the importance of the matter, but the gentleman could hardly disagree with the statement I have just made, that even if this matter might be reached in regular order under the call of committees, still that would be no reason why, if the majority and the Committee on Rules wanted to do it, and the House approved their conduct, that we could not also take it up in this way.

Mr. MANN. There is no reason why you can not do it, because you can do it.

Mr. HARDWICK. I disagree with the gentleman that we can do it under the regular rules.

Mr. MANN. There is no reason why you can not do it, because you can do it. There might be a good reason for not doing it.

Mr. HARDWICK. I do not agree with the gentlemon on the proposition that it is free from doubt anyway that we can do it under the regular rules of the House.

Mr. HUMPHREYS of Mississippi. Will the gentleman allow me to ask him a question?

Mr. HARDWICK. Certainly.

Mr. HUMPHREYS of Mississippi. I am interested in this matter and I am asking purely for information. Is there any precedent for the action which is proposed by this resolution?

Mr. HARDWICK. Yes.

Mr. HUMPHREYS of Mississippi. Will the gentleman mind stating what the precedents are?

Mr. DALZELL. What did the gentleman say?

Mr. HUMPHREYS of Mississippi. I ask if there is any precedent in previous history for the resolution which is proposed here?

Mr. HARDWICK. The gentleman from Illinois [Mr. MANN] raises a different question than the one raised by the gentleman from Mississippi [Mr. HUMPHREYS], but if I have time I will address myself to both propositions before I conclude. In the first place, the gentleman is aware that Rule XIII, which provides what the calendars of the House shall be and how the business of the House shall be worked through the calendars, uses everywhere the word "bills" in reference to what shall go on these several calendars. Now, I concede that the word "bills" is a generic term. It would include certainly a joint resolution, and probably a concurrent resolution, under the precedents, so far as I have been able to examine them, but I doubt whether a resolution which does not propose anything that is equivalent to legislative action or looks to legislative action could be included under the word "bills."

Mr. MANN. Will the gentleman yield?

Mr. HARDWICK. Certainly.

Mr. MANN. This resolution has been put upon the calendar, has it not?

Mr. HARDWICK. I think so; yes.

Mr. MANN. Under what authority?

Mr. HARDWICK. I suppose it was done from the Speaker's desk.

Mr. MANN. It is under the authority of the rule providing for the putting of bills on calendars?

Mr. HARDWICK. Will the gentleman refer me to the rule to which he refers? Is it Rule XIII?

Mr. MANN. Yes. Rule XIII provides for three calendars——

Mr. HARDWICK. Yes——

Mr. MANN. The Union Calendar, the House Calendar, and the Calendar of the Committee of the Whole House.

Mr. HARDWICK. That is the rule to which the gentleman refers.

Mr. MANN. Under that rule this resolution has been placed on the House Calendar.

Mr. HARDWICK. Of course, the resolution has, so far as the fact is concerned, been put upon that calendar.

Mr. MANN. And it is on the calendar until a point of order is made and it is taken off by the Speaker of the House.

Mr. HARDWICK. Does not the gentleman believe that the point of order would lie against it?

Mr. MANN. No. I did not say I believed it would.

Mr. HARDWICK. By Rule XIII it is provided that these calendars shall be as follows:

First. A Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.

Second. A House Calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property.

Third. A Calendar of the Committee of the Whole House, to which shall be referred all bills of a private character.

Now, the second clause under that provides that—

All reports of committees, except as provided in clause 56 of Rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker, in accordance with the foregoing clause—

So that it looks to me as though only "bills" are provided for, and the term can not be stretched further than to mean, in generic sense, "legislative action."

Now I will yield to the gentleman.

Mr. MANN. I prefer that the gentleman shall take his own time.

Mr. HARDWICK. There are precedents, of course, which include, as I said, any proper matters to be referred, under this rule, to the proper calendars of the House; not only bills, but if my recollection is right, joint and concurrent resolutions.

Mr. LENROOT. Will the gentleman yield?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Wisconsin?

Mr. HARDWICK. Yes.

Mr. LENROOT. Simple resolutions such as this?

Mr. HARDWICK. The gentleman refers, of course, to the precedent connected with the contested-election case about which we talked this morning. I am not sure that that precedent applies to this matter, because we could get jurisdiction of a contested-election case in an entirely different manner.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has consumed 12 minutes. He has remaining 8 minutes.

Mr. HENRY of Texas. I yield four minutes more to the gentleman from Georgia [Mr. HARDWICK].

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized for four minutes more.

Mr. COOPER. I would like to inquire what is the number of the resolution?

Mr. HARDWICK. No. 246. The gentleman from Wisconsin [Mr. LENROOT] has found some precedents which he seems to think are conclusive on this question. I must confess, though I have the greatest respect for his judgment, that I have not had the time to go into it sufficiently, and the one which he cited to me this morning before we took up this matter in the House does not seem to me to be conclusive. At any rate I do not see why we should have to run the risk of having a point of order made and sustained when we can dispose of it more easily by an appeal to this special rule. The gentleman can not contend that there is any objection to getting it up under a special rule rather than by calling it from the calendar, if it is properly on the calendar.

The gentleman from Mississippi [Mr. HUMPHREYS] has called my attention to a new feature of this proposition. The gentleman wants to know if there is any precedent whatever for the action proposed by this rule. The action proposed by this rule is that a certain resolution, to wit, House resolution 246, shall be submitted to this House for its consideration and for such action as the House thinks proper thereon. The resolution itself, in my judgment, as originally drawn is absolutely without a precedent in the whole history of this Government. That, however, would not necessarily be a controlling reason against its adoption, because I am not a slave, and I am sure the gentleman from Mississippi is not a slave, to precedents, although when we find that precedents are all against such action—and when I say "precedents" I mean precedents established by Houses of all sorts of political complexions—it is enough to make us pause. The original resolution, No. 246, if the House had agreed to it, would have committed us to an indorsement of findings of fact in a more or less voluminous report of a committee which had undertaken an investigation.

Mr. DALZELL. Is that the resolution?

Mr. HARDWICK. That is the resolution, but I think I am authorized to say, in behalf of the Committee on Rules as well as on behalf of the committee at whose instance this resolution was offered—the investigating committee—that that latter committee has agreed that the resolution be modified. The rule that we present provides for amendment and modification during the progress of the debate and on through it until the previous question is ordered. It would simply present to the House this concrete proposition, as to whether or not the House of Representatives in the exercise of its undoubted rights and in accordance with more than one precedent that can be cited, will recommend to the President of the United States that certain officers in one of the executive departments shall be discharged from the public service. There is precedent for that.

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. I suggest that the gentleman from Pennsylvania [Mr. DALZELL] use some of his time.

Mr. DALZELL. Mr. Speaker, I had a notice this morning of the meeting of the Committee on Rules, but was unable to attend——

Mr. MANN. Mr. Speaker, this is a very important matter, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently the point of order is well taken.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Ames	Faison	Langley	Pujo
Anderson, Ohio	Fields	Latta	Rainey
Andrus	Focht	Lee, Pa.	Ransdell, La.
Anthony	Fordney	Legare	Riordan
Ayres	Francis	Lever	Rodenberg
Barchfeld	Gardner, Mass.	Lindsay	Rouse
Bartholdt	Gillett	Linthicum	Saunders
Bartlett	Glass	Littleton	Sells
Bates	Godwin, N. C.	Loud	Small
Beall, Tex.	Goldfogle	Loudenslager	Smith, N. Y.
Berger	Goodwin, Ark.	McCreary	Smith, Tex.
Bingham	Gordon	McDermott	Sparkman
Boehne	Gould	McGillicuddy	Stack
Broussard	Green, Iowa	McGuire, Okla.	Stanley
Burke, Pa.	Griest	McHenry	Sterling
Butler	Gudger	McKenzie	Sulloway
Calder	Guernsey	McKinley	Talbott, Md.
Cantrill	Henry, Conn.	Maher	Taylor, Ala.
Cary	Hobson	Martin, S. D.	Thayer
Cline	Holland	Mattheys	Vreeland
Connell	Howell	Miller	Whitacre
Covington	Howland	Moore, Pa.	Wilson, Ill.
Cravens	Hughes, N. J.	Murdock	Wilson, N. Y.
Curley	Hughes, W. Va.	Needham	Wilson, Pa.
Danforth	Jackson	Palmer	Young, Kans.
Davidson	Johnson, S. C.	Patten, N. Y.	Young, Mich.
Davis, Minn.	Jones	Patton, Pa.	Young, Tex.
Draper	Kahn	Plumley	
Dupre	Kindred	Porter	
Estopinal	Lafean	Powers	
Fairchild	Langham	Prince	

The SPEAKER. Two hundred and sixty-nine Members have answered to their names—a quorum.

Mr. HENRY of Texas. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were reopened.

Mr. DALZELL. Mr. Speaker, although I had notice of a meeting of the Committee on Rules this morning, I was unable to attend on account of engagements elsewhere with another committee appointed by this House. Had I been present at the meeting of the committee, I should certainly have voted against the reporting of this resolution. I should have voted against it for several reasons. First, because of the extraordinary character of the resolution itself; and secondly, because of the extraordinary character of everything connected

with this investigation leading up to the resolution from the time of its inception down to the present moment.

The Committee on Expenditures in the Department of State consists of seven Members, and when the House ordered that committee to investigate matters connected with the administration of the State Department it expected those seven Members to devote their energies to that purpose. Instead of that, they appointed a small subcommittee for the express purpose, as will appear to anyone who gives the subject any thought, of having on the committee as few Republicans as possible.

In the course of their investigations they made a report on the 12th day of July, 1911. Instead of pursuing the ordinary course and submitting a report to go upon the calendar of the House, to be open to examination by all the Members of the House, the recommendation was made by the committee that this report should lie on the table. It is lying on the table to-day, beyond the reach of this House by any motion known to us in our parliamentary procedure.

I apprehend that the reason why these gentlemen took this course with respect to the report was because they cared very little about the effect the report should have upon the House of Representatives if only they could secure a sensation in the newspapers of the United States. Because we find that a very few days before the report was submitted, the report having been submitted July 5, 1911, the Washington Herald of June 29, 1911, published the following, apparently by authority:

According to the present plan, no resolution calling upon the President to comply with the recommendation of the committee will be introduced immediately. The report will be printed as a public document, and Chairman HAMLIN, it is understood, will ask that it lie on the table. If, however, after a reasonable time has elapsed, President Taft fails to instruct Secretary Knox to dismiss Mr. Morrison and Col. Michael, a resolution intended to bring such action to pass will be introduced. In the event that the House passes this resolution and that President Taft still refuses to comply with the request, impeachment proceedings will be instituted at once.

Now, what is this resolution that we are asked to consider? It is that the findings contained in the report of the committee to investigate the State Department, presented to the House on July 5, 1911, and known as Report No. 59, be concurred in and adopted. That is to say, this report, substantially covering I do not know how many hundreds of pages of testimony and covering five or six pages of report, is asked to be adopted and concurred in by this House without any further examination than can be given by a limited debate of two or three hours in the House. It embodies findings of fact; it embodies findings of law; it embodies, above all things, an infamous attack upon the memory of John Hay, the greatest American diplomatist of our generation [applause on the Republican side], as pure a man as ever occupied public office, as cultured and scholarly and as able a man as ever was known to American literature or American diplomacy. [Applause on the Republican side.] In this resolution, over the heads of two men who are simply made dummies for the purpose, this man is accused virtually of having stolen from the Treasury of the United States $1,600!

In the course of their investigation these gentlemen found away back in 1904 that John Hay, Secretary of State, authorized the issue of a voucher for $2,450 without specifying in particular the objects for which the money was to be used, as he had a right to do, and as is customary oftentimes under the law in the administration of the Department of State. The uncontradicted testimony—and I challenge denial—is that that $2,450 was paid into the hands of John Hay; that $850 of that money, in his presence, was devoted to the payment for a portrait of ex-Secretary of State Day.

That the balance of the $2,450—$1,600—went into the custody of John Hay, Secretary of State, and that the $850 memorandum that was placed upon that voucher, as it was submitted to the committee on investigation, was placed there by Mr. Morrison, the disbursing clerk of the State Department, after the money had been paid, after it was in the hands of the Secretary of State, and after the $850 had been assigned for this purpose. Now, upon those undisputed facts, upon that uncontradicted testimony, the committee comes in here, and because not even partisan malice, not even the contemptible littleness of the members of that committee, gave them courage to assail the character of John Hay, they come in and recommend that Mr. Michael, who was the chief clerk of the State Department, and Mr. Morrison, who was the disbursing clerk of the State Department, shall be dismissed by the President of the United States.

Mr. Speaker, I have not the time to dwell upon this matter as I would like to. My fellow members upon the committee desire some time, but that I may express myself upon the RECORD I want to adopt here and now as my language some of the language of the report of the minority of the committee, to this effect:

"The report of the majority of the committee is a weak, partisan effort to make scandal. It is an attempt to besmirch the memory of one of our greatest Secretaries of State, the late John Hay, whose shining character and unfailing fairness are in marked contrast with the report of the committee, but whose probity stands too high to be reached by partisan prejudice.

"The effort to condemn Michael without a chance to be heard is itself a scandal. It reaches the lowest depths of unfairness. It shows a biased mind which is not seeking justice. It is assassination of character from behind.

"Nor is there a particle of evidence of wrongdoing on the part of Morrison."

In fact, I consider "the report of the majority a greater reflection upon the fairness and intellectual integrity of those who made it than it is upon the honesty of those whom it condemns."

I take it "that the majority report is only an evidence of a partisan intention to accuse officials under Republican administration of dishonest conduct, regardless of facts and evidence. The intention is to make mud and throw it, hoping that some will stick." I protest "against the methods of carrying on the investigation and pronounce the report as subversive of common fairness and the ordinary rights of persons accused of crime."

Mr. Speaker, to what the majority report say of the present Secretary of State I pay no attention. His character and standing and efficiency and record are beyond the assaults of any member of the investigating committee making that report. [Applause on the Republican side.]

Mr. HENRY of Texas. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, I shall not attempt to answer the gentleman upon the merits of this matter at this time, because if the resolution be adopted there will be time given for the discussion of the merits of the case. I only want to say in reply to some statements he made criticizing us because there was a subcommittee appointed that that side of the House had the same representation upon that subcommittee that it has upon the general committee. The general committee is composed of four Democrats and three Republicans, giving us only one majority. The subcommittee that investigated this particular matter was composed of two Democrats and one Republican, the ranking Republican on the committee. In answer to this being a partisan report from the committee, I think it is sufficient for me to say that the report was unanimous, so far as the subcommittee was concerned. The Republican, than whom there is none better in this House, I undertake to say, fully concurred in the majority report, and is concurring in it to-day. One other thing I want to say, Mr. Speaker, and that is that I am not suprised to see the gentleman from Pennsylvania feel the smart of these investigations; I am not surprised that he becomes wrought up; but I am surprised that the gentleman, with the report before him, will absolutely misstate the facts, as he surely has done this morning. He talks about this committee attempting to besmirch the character of the late Secretary of State Hay. I am sure he has not read the report, or he would not have made the statement he did make. The committee made this statement in reference to the late Secretary of State Hay:

Fifth. Your committee think it incredible that the late Secretary Hay either appropriated this $1,600 to his own use, or that he personally, and without the knowledge or assistance of some subordinate in the State Department, used the same in payment for some matter relating to intercourse or treaty with foreign nations, either of which he must have done if the said $1,600 is to be accounted for as having been actually handled by Secretary Hay. The only intimation tending to reflect upon Secretary Hay comes from the letter of Michael, and this we do not believe, for, apart from Secretary Hay's high character, he could easily have signed a voucher for this sum to be expended in foreign relations.

[Applause on the Democratic side.]

Yet the gentleman stood up and said that we are attempting to besmirch the character of the late Secretary of State Hay, when, if any such statements are in the RECORD at all, they come from this fellow Michael, who said that he turned over that $600 to Secretary of State Hay, and makes that statement after the lips of Secretary of State Hay are closed in death. We do not believe it. All the facts and circumstances dispute the proposition, and on behalf of the committee I want to resent the statement made by the gentleman from Pennsylvania that we are attempting to besmirch the character of Mr. Hay. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has seven minutes remaining, and the gentleman from Texas five minutes remaining.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum of the House present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present, and it is evident that his point of order is well taken.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. HENRY of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 169, answered "present" 4, not voting 128, as follows:

YEAS—86.

Anderson, Minn.	Good	Lafferty	Reyburn
Berger	Green, Iowa	La Follette	Roberts, Mass.
Bingham	Greene, Mass.	Lenroot	Roberts, Nev.
Bradley	Hamilton, Mich.	Longworth	Simmons
Burke, S. Dak.	Hanna	McCall	Sloan
Campbell	Haugen	McKinney	Speer
Cannon	Hawley	McMorran	Steenerson
Catlin	Hayes	Madden	Stephens, Cal.
Crumpacker	Heald	Madison	Stevens, Minn.
Currier	Higgins	Malby	Switzer
Dalzell	Hill	Mann	Taylor, Ohio
De Forest	Hinds	Mondell	Tilson
Dodds	Howland	Moon, Pa.	Towner
Driscoll, M. E.	Hubbard	Morgan	Utter
Dwight	Humphrey, Wash.	Mott	Volstead
Fairchild	Jackson	Nye	Warburton
Focht	Kendall	Olmsted	Wilder
Foss	Kennedy	Patton, Pa.	Wood, N. J.
Foster, Vt.	Kinkaid, Nebr.	Payne	Woods, Iowa
French	Knowland	Pickett	Young, Kans.
Fuller	Kopp	Prouty	
Gardner, N. J.	Lafean	Rees	

NAYS—169.

Adair	Dixon, Ind.	Houston	Rubey
Adamson	Donohoe	Howard	Rucker, Colo.
Aiken, S. C.	Doremus	Hughes, Ga.	Rucker, Mo.
Alexander	Doughton	Humphreys, Miss.	Russell
Ansberry	Driscoll, D. A.	Jacoway	Sabath
Ashbrook	Dyer	James	Scully
Austin	Edwards	Kindred	Shackleford
Barnhart	Esch	Kinkead, N. J.	Sharp
Bathrick	Evans	Konop	Sheppard
Bell, Ga.	Faison	Korbly	Sherwood
Blackmon	Farr	Lamb	Sims
Boehne	Ferris	Lawrence	Sisson
Booher	Finley	Lewis	Slayden
Borland	Fitzgerald	Lindbergh	Slemp
Bowman	Flood, Va.	Lloyd	Smith, J. M. C.
Brantley	Floyd, Ark.	McCoy	Smith, Saml. W.
Buchanan	Fornes	McLaughlin	Stedman
Bulkley	Foster, Ill.	Macon	Stephens, Miss.
Burke, Wis.	Fowler	Maguire, Nebr.	Stephens, Tex.
Burnett	Gallagher	Martin, Colo.	Stone
Byrnes, S. C.	Garner	Mays	Sulzer
Byrns, Tenn.	Godwin, N. C.	Moon, Tenn.	Sweet
Callaway	Goeke	Moore, Tex.	Talcott, N. Y.
Carlin	Goldfogle	Morrison	Taylor, Ala.
Claypool	Gould	Moss, Ind.	Taylor, Colo.
Clayton	Graham	Murray	Thomas
Cline	Gray	Oldfield	Townsend
Collier	Gregg, Pa.	O'Shaunessy	Tribble
Conry	Hamill	Padgett	Turnbull
Cooper	Hamilton, W. Va.	Page	Underhill
Cox, Ind.	Hamlin	Pepper	Underwood
Cox, Ohio	Hammond	Peters	Watkins
Cullop	Hardwick	Post	Webb
Danforth	Hardy	Pou	Wedemeyer
Daugherty	Harris	Raker	White
Davenport	Harrison, Miss.	Randell, Tex.	Wickliffe
Davis, W. Va.	Harrison, N. Y.	Rauch	Willis
Dent	Heflin	Redfield	Wilson, Pa.
Denver	Helgesen	Reilly	Witherspoon
Dickinson	Helm	Richardson	The Speaker
Dickson, Miss.	Henry, Tex.	Robinson	
Dies	Hensley	Roddenbery	
Difenderfer	Holland	Rothermel	

ANSWERED "PRESENT"—4.

Burleson	Carter	Sherley	Whitacre

NOT VOTING—128.

Akin, N. Y.	Crago	Hay	Littlepage
Allen	Cravens	Henry, Conn.	Littleton
Ames	Curley	Hobson	Lobeck
Anderson, Ohio	Davidson	Howell	Loud
Andrus	Davis, Minn.	Hughes, N. J.	Loudenslager
Anthony	Draper	Hughes, W. Va.	McCreary
Ayers	Dupre	Hull	McDermott
Barchfeld	Ellerbe	Johnson, Ky.	McGillicuddy
Bartholdt	Estopinal	Johnson, S. C.	McGuire, Okla.
Bartlett	Fields	Jones	McHenry
Bates	Fordney	Kahn	McKenzie
Beall, Tex.	Francis	Kent	McKinley
Broussard	Gardner, Mass.	Kitchin	Maher
Brown	Garrett	Konig	Martin, S. Dak.
Burke, Pa.	George	Langham	Matthews
Butler	Gillett	Langley	Miller
Calder	Glass	Latta	Moore, Pa.
Candler	Goodwin, Ark.	Lee, Ga.	Morse, Wis.
Cantrill	Gordon	Lee, Pa.	Murdock
Cary	Gregg, Tex.	Legare	Needham
Clark, Fla.	Griest	Lever	Nelson
Connell	Gudger	Levy	Norris
Copley	Guernsey	Lindsay	Palmer
Covington	Hartman	Linthicum	Parran
Patten, N. Y.	Ransdell, La.	Smith, Tex.	Thistlewood
Plumley	Riordan	Sparkman	Tuttle
Porter	Rodenberg	Stack	Vreeland
Powers	Rouse	Stanley	Weeks
Pray	Saunders	Sterling	Wilson, Ill.
Prince	Sells	Sulloway	Wilson, N. Y.
Pujo	Small	Talbott, Md.	Young, Mich.
Rainey	Smith, N. Y.	Thayer	Young, Tex.

So the House refused to adjourn.

The Clerk announced the following pairs:

Balance of day:

Mr. LEE of Pennsylvania with Mr. ANTHONY.

Until August 6:

Mr. FIELDS with Mr. LANGLEY.

Until Monday noon:

Mr. CARTER with Mr. KAHN.

Until Monday, August 7:

Mr. MCGILLICUDDY with Mr. STERLING.

From August 4 to August 8:

Mr. SMALL with Mr. MOORE of Pennsylvania.

Until further notice:

Mr. WILSON of New York with Mr. SELLS.

Mr. THAYER with Mr. MORSE of Wisconsin.

Mr. LOBECK with Mr. PRAY.

Mr. TUTTLE with Mr. BARTHOLDT.

Mr. MCDERMOTT with Mr. MILLER.

Mr. LEVY with Mr. THISTLEWOOD.

Mr. LEE of Georgia with Mr. MARTIN of South Dakota.

Mr. JOHNSON of South Carolina with Mr. WILDER.

Mr. JOHNSON of Kentucky with Mr. MCKINLEY.

Mr. KITCHIN with Mr. WEEKS.

Mr. HULL with Mr. VREELAND.

Mr. HAY with Mr. NELSON.

Mr. GREGG of Texas with Mr. MURDOCK.

Mr. GEORGE with Mr. WILSON of Illinois.

Mr. GARRETT with Mr. COPLEY.

Mr. CLARK of Florida with Mr. PLUMLEY.

Mr. CANTRILL with Mr. GILLETT.

Mr. BROWN with Mr. BARCHFELD.

Mr. CANDLER with Mr. GRIEST.

Mr. AYRES with Mr. AKIN of New York.

Mr. PALMER with Mr. AMES.

Mr. ELLERBE with Mr. PORTER.

Mr. STANLEY with Mr. FORDNEY.

Mr. FRANCIS with Mr. DANFORTH.

Mr. GLASS with Mr. HENRY of Connecticut.

Mr. GOODWIN of Arkansas with Mr. DRAPER.

Mr. JONES with Mr. PRINCE.

Mr. BURLESON with Mr. KENT.

Mr. SAUNDERS with Mr. LANGHAM.

Mr. ROUSE with Mr. SWITZER.

Mr. LITTLETON with Mr. MCKENZIE.

Mr. CURLEY with Mr. NEEDHAM.

Mr. DUPRE with Mr. RODENBERG.

Mr. COVINGTON with Mr. PARRAN.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. PUJO with Mr. HUGHES of West Virginia.

Mr. CRAVENS with Mr. LOUDENSLAGER.

Mr. LEGARE with Mr. LOUD (transferable).

Mr. TALBOTT of Maryland with Mr. MCCREARY.

Mr. SHERLEY with Mr. GARDNER of Massachusetts.

Mr. BARTLETT with Mr. BUTLER.

Mr. BEALL of Texas with Mr. YOUNG of Michigan.

Mr. SMITH of Texas with Mr. CARY.

Mr. SMITH of New York with Mr. BURKE of Pennsylvania.

Mr. HUGHES of New Jersey with Mr. MATTHEWS.

Mr. HOBSON with Mr. BATES.

Mr. GORDON with Mr. GUERNSEY.

For the session:

Mr. RAINEY with Mr. HOWELL.

Mr. RIORDAN with Mr. ANDRUS.

Mr. LEVER with Mr. SULLOWAY.

Mr. MAHER with Mr. CALDER.

Mr. BARTHOLDT. Mr. Speaker, I should like to cast my vote on this proposition.

The SPEAKER. Was the gentleman inside the Hall listening when his name was called?

Mr. BARTHOLDT. No.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. BARTHOLDT. All right.

Mr. CLARK of Florida. Mr. Speaker, I came in while the roll was being called, and my name had just been called when I came in and——

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Mr. HENRY of Texas. Mr. Speaker, a quorum being present I desire to withdraw the motion for a call of the House.

The SPEAKER. The gentleman from Texas withdraws his motion for a call of the House. The gentleman from Pennsylvania [Mr. DALZELL] has nine minutes remaining and the gentleman from Texas [Mr. HENRY] five minutes.

Mr. DALZELL. Does the gentleman from Texas have but one speech?

Mr. HENRY of Texas. Just one. I think I will conclude.

Mr. DALZELL. Then I yield four minutes and a half to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I do not propose to discuss the merits of the original resolution, which the pending resolution seeks to bring before the House for consideration. I am opposed to the pending resolution, because I do not believe that the Committee on Rules should be used for any such purpose as is being attempted in this resolution. Mr. Speaker, this original resolution is now upon the calendar, and I think I shall be able to show that it is properly there. It can be reached in the regular and orderly procedure of this House, and, that being so, we ought not to make the precedent of adopting a special rule in a case of this kind.

The gentleman from Georgia [Mr. HARDWICK] undertook to show that this resolution was not properly upon the calendar, and could not be considered by the House except through the adoption of such a resolution as this. I stated at the time that he was upon his feet that I had some precedents to the contrary, and I wish to call attention to them now.

On April 22, 1892, the House was considering a contested-election case, and growing out of that case a simple resolution was reported to the House, and upon that resolution Mr. William J. Bryan, of Nebraska, submitted the question of order:

Whether it would be in order at this stage to move to recommit the report to the Committee on Elections.

The Speaker, Mr. Crisp, being in the Chair, said:

The Chair thinks that motion is not in order at this time. The rule provides that a motion to recommit may be made either before or after the previous question is ordered upon the passage of a bill. It has been frequently held by presiding officers that the word "bill" in this case is used as a generic term, applying to and including all legislative propositions which can properly come before the House.

And he held, with reference to the motion that was then pending, although the rules provided that the motion to recommit could only be made as to the bill, that it applied to a simple resolution. And that is exactly the situation we have here.

Rule XIII provides:

There shall be three calendars, to which all business reported from the committees shall be referred.

Mr. HARDWICK. Will the gentleman yield?

Mr. LENROOT. I will have to decline, inasmuch as I have not the time.

Rule XIII says:

There shall be three calendars, to which all business reported from committees shall be referred—

And then uses the general term "bills." In paragraph 2 it provides that all reports of committees shall be placed upon the calendars.

Now, Mr. Speaker, there can not be any question but what this rule is intended to afford a means of bringing all business that may be reported by committees before the House, and it has been held in a number of precedents—I have not the time to refer to them—that a report from a committee without a resolution accompanying it is properly called up under the calendar and subject to debate, and a motion may be made under the rule.

Now, Mr. Speaker, that being so, this subject can be properly called up any day at the morning hour under the general rules of this House, and there is no occasion for adopting a special rule. And if we do adopt this rule, I believe it will come back to plague this House a great many times hereafter and the Committee on Rules as well.

Mr. DENT rose.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Alabama?

Mr. LENROOT. I do.

Mr. DENT. I want to ask the gentleman, if that is true, what objection can there be found to-day, when the House has nothing whatever to do, to hearing the report of the Committee on Expenditures in the State Department?

Mr. LENROOT. My objection, Mr. Speaker, is just this, that if we adopt this precedent to-day of bringing in a special rule upon a matter of this kind, when it is wholly unnecessary, when this calendar becomes crowded at the regular session during next winter and the years following, we will be occupying the time of the House upon matters of this kind to the exclusion of legislation really in the interest of the whole country, which this is not. [Applause on the Republican side.]

The SPEAKER. The gentleman from Pennsylvania has four and one-half minutes remaining.

Mr. DALZELL. Mr. Speaker, I yield four and one-half minutes to the gentleman from Kansas [Mr. MADISON].

The SPEAKER. The gentleman from Kansas [Mr. MADISON] is recognized for four and one-half minutes.

Mr. MADISON. Mr. Speaker, the resolution that it is now proposed to bring before the House provides for the adoption of the report of the committee investigating expenditures in the State Department. But that is not the question that will be before the House when the matter finally comes before it for consideration.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield to the gentleman from Texas?

Mr. MADISON. No; I regret that I have not sufficient time.

Mr. HENRY of Texas. I think the gentleman made a mistake in his statement of the case.

Mr. MADISON. Mr. HARDWICK, of Georgia, stated that the resolution that would be offered as a substitute to this would be something to this effect:

Resolved, That the dismissal of Michael and Morrison be recommended to the President of the United States.

Now, if that is not to be the situation I want to know it.

Mr. HENRY of Texas. That is to be the situation, but we have not got to that yet.

Mr. MADISON. Exactly.

Mr. HENRY of Texas. The proposition is now a certain rule.

Mr. MADISON. Yes; certainly. Mr. Speaker, I hope this interruption will not be taken out of my time.

The question before us will be this: Will one House of the Congress of the United States, a portion of the legislative department of the Government, recommend to the executive department the dismissal of one of the executive department's employees? That is what it will amount to.

If the President of the United States should write to us that we ought to dismiss the Reading Clerk of the House of Representatives, for example, and he therefore recommended it, he would be just as much within his rights as we are in making a recommendation of this sort. [Applause on the Republican side.]

And what would we do? We would refuse to do it.

It is true that Congresses in the past have recommended the dismissal of executive officers—recommended it to the executive department. I do not know what disposition was made of them, but the Congresses that made them, unless they involved matters of supreme importance, were clearly acting beyond their rights.

Gentlemen, this resolution ought to be worded this way: "Resolved, that we proceed to sit as triers of W. H. Michael in his absence on the other side of the world; and in his absence, without opportunity to be heard, that we condemn him and recommend his dismissal from the public service."

Michael has never been heard in his own defense, except by a letter written years ago. He is not here to-day. The resolution that will be offered will institute an original proceeding, whereby we—391 men—will be the triers of the facts and the judges of the law, and will determine the result upon the speeches of Members, supported only, if you please, by the report of this committee, which nobody has had the time or opportunity to examine. We will be the judges to determine whether or not we will recommend that he be driven from the public service in disgrace. It is a matter of the utmost importance to him and to Morrison.

John Hay's fame is secure.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Nebraska?

Mr. MADISON. I regret that I can not in the minute that is left to me. John Hay's fame is secure. No man now, in the light of his magnificent career, can besmirch it. The darts of slander can not reach that pure character. But the obscure individual on the other side of the world, who will have no opportunity to say one word in his own defense, is the man for whom I plead to-day, and I appeal to the sense of justice and fairness upon the part of gentlemen on the other side not to put upon his trial a man who has not had an opportunity and will not now have opportunity to appear and make his own defense. [Applause on the Republican side.]

Mr. HENRY of Texas. Mr. Speaker, the gentleman from Kansas [Mr. MADISON] and the gentleman from Pennsylvania [Mr. DALZELL] in their speeches have gone beyond the question now before this House. The gentleman from Pennsylvania

stated that the Committee on Expenditures in the State Department in a contemptible way had criticized the lamented John Hay. Mr. Speaker, he did not state the case in accordance with the facts. Those gentleman exonerated Mr. Hay, but they did criticize the officials in his department, as they had a right to criticize them if they have committed a wrong.

Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT] refers to the fact that we have brought in a special rule instead of getting up this proposition on a call of committees. I challenge his statement that there is any way to bring a simple resolution up on a call of committees. You may call up a bill or a joint resolution that has the effect of law, but under no precedent can you consider a simple resolution in that way.

Mr. Speaker, I am familiar with the precedent to which the gentleman from Wisconsin [Mr. LENROOT] alluded, and it was this sort of a case: It was a contested-election case, brought into the House as a privileged report from the Committee on Elections, and Mr. Speaker Crisp decided that the adoption of the report was legislative and had legislative effect, and that was the reason for his decision.

Mr. Speaker, we all understand that this House is near adjournment, that in a short while this special session will close. [Applause on the Republican side.] You gentlemen may applaud, but we will be back here early in the winter and continue to pass good laws that the American people will approve. [Applause on the Democratic side.] Now, Mr. Speaker, we chose this method of bringing the matter in; to-morrow we will take up some other matters of importance, different from this, and the next day something else, and the next day something different, whatever the Democratic Party see proper to bring before the House for consideration.

Mr. Speaker, the plain proposition is, Shall this special rule be adopted and give these gentlemen an opportunity to try their issue? If they can not sustain their case, then it is with the committee; it is for the Democratic majority to say whether they can do so or not.

Mr. TRIBBLE. Will the gentleman yield?

Mr. HENRY of Texas. Yes.

Mr. TRIBBLE. Has the committee the legal right to try a man and impeach him?

Mr. HENRY of Texas. That is a question that we will decide when we get to it. The proposition now is whether we shall adopt this special rule and consider the case. Some gentlemen say there is no precedent for calling on the President to remove an officer or an employee of the Government in such a case as this. Will the gentlemen accept precedents made by their own party?

Mr. HINDS. Will the gentleman yield?

Mr. HENRY of Texas. No; I have not the time to yield. Let me cite three precedents for the edification of gentlemen on that side and see what they have to say in reply. Here is one where this House, on March 27, 1867, called on the President to remove the collector of the port of New York, Henry A. Smythe, and adopted the resolution. Here is a case where this House, upon the motion of John A. Logan, called upon the President to remove a commander of the United States Navy, John H. Upshur, and adopted the report. [Applause on the Democratic side.]

And I submit a case where the House, by resolution, called for the removal of "an examiner in the Patent Office"—Gen. A. Schoepi. Talk about precedents! This House has the authority to originate investigations, and whenever it unearths fraud and corruption, we have the right to call on the executive department to remove the guilty culprits. This rule should be adopted. The country is entitled to a public trial of the issues here in this forum.

The SPEAKER. The time of the gentleman from Texas has expired; all time has expired. The question is, Shall this rule be adopted?

The question was taken; and on a division (demanded by Mr. MANN) there were—141 ayes and 101 noes.

Mr. MANN. Mr. Speaker, I ask for tellers.

Mr. HENRY of Texas. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 146, nays 107, answered "present" 9, not voting 123, as follows:

YEAS—146.

Adair	Boehne	Byrnes, S. C.	Cox, Ohio
Aiken, S. C.	Booher	Byrns, Tenn.	Cullop
Alexander	Borland	Clark, Fla.	Daugherty
Allen	Brantley	Claypool	Davenport
Ansberry	Brown	Clayton	Davis, W. Va.
Ashbrook	Buchanan	Cline	Dent
Bathrick	Bulkley	Collier	Denver
Bell, Ga.	Burke, Wis.	Conry	Dickinson
Blackmon	Burnett	Cox, Ind.	Dickson, Miss.
Dies	Hardwick	Martin, Colo.	Sabath
Difenderfer	Hardy	Mays	Scully
Dixon, Ind.	Harrison, N. Y.	Moon, Tenn.	Shackleford
Donohoe	Heflin	Moore, Tex.	Sheppard
Doremus	Helm	Morrison	Sherwood
Doughton	Henry, Tex.	Moss, Ind.	Sims
Driscoll, D. A.	Hensley	Murray	Sisson
Edwards	Holland	Oldfield	Slayden
Ellerbe	Houston	O'Shaunessy	Stedman
Evans	Howard	Padgett	Stephens, Miss.
Faison	Hughes, Ga.	Page	Stephens, Tex.
Ferris	Hull	Pepper	Stone
Finley	Humphreys, Miss.	Peters	Sweet
Fitzgerald	Jacoway	Post	Talcott, N. Y.
Flood, Va.	James	Pou	Taylor, Ala.
Floyd, Ark.	Kindred	Raker	Taylor, Colo.
Fornes	Kinkead, N. J.	Randell, Tex.	Thomas
Foster, Ill.	Konig	Rauch	Townsend
Fowler	Korbly	Redfield	Tribble
Gallagher	Lamb	Reilly	Underhill
Garner	Levy	Richardson	Underwood
George	Lewis	Robinson	Watkins
Godwin, N. C.	Linthicum	Roddenbery	White
Goeke	Littlepage	Rothermel	Wickliffe
Graham	Lobeck	Rubey	Wilson, Pa.
Gregg, Pa.	McCoy	Rucker, Colo.	Witherspoon
Hamilton, W. Va.	Macon	Rucker, Mo.	
Hamlin	Maguire, Nebr.	Russell	

NAYS—107.

Akin, N. Y.	Fuller	La Follette	Roberts, Nev.
Ames	Gardner, N. J.	Lawrence	Sharp
Anderson, Minn.	Good	Lenroot	Simmons
Austin	Green, Iowa	Lindbergh	Slemp
Bartholdt	Greene, Mass.	McCall	Sloan
Berger	Griest	McKinney	Smith, J. M. C.
Bowman	Hamilton, Mich.	McLaughlin	Smith, Saml. W.
Bradley	Hammond	McMorran	Speer
Burke, S. Dak.	Hanna	Madden	Steenerson
Campbell	Harris	Madison	Stephens, Cal.
Cannon	Haugen	Malby	Switzer
Catlin	Hayes	Mann	Taylor, Ohio
Cooper	Heald	Miller	Thistlewood
Crago	Helgesen	Mondell	Tilson
Currier	Higgins	Moon, Pa.	Towner
Dalzell	Hill	Morgan	Turnbull
De Forest	Hinds	Mott	Utter
Dodds	Howland	Nelson	Volstead
Driscoll, M. E.	Hubbard	Norris	Warburton
Dwight	Humphrey, Wash.	Nye	Wedemeyer
Dyer	Kendall	Olmsted	Weeks
Esch	Kennedy	Patton, Pa.	Wilder
Fairchild	Kinkaid, Nebr.	Payne	Willis
Farr	Konop	Pickett	Wood, N. J.
Foss	Kopp	Prouty	Woods, Iowa.
Foster, Vt.	Lafean	Rees	Young, Kans.
French	Lafferty	Reyburn	

ANSWERED "PRESENT"—9.

Barnhart	Carter	Gray	Longworth
Burleson	Garrett	Harrison, Miss.	Sherley
Callaway			

NOT VOTING—123.

Anderson, Ohio	Fordney	Latta	Prince
Andrus	Francis	Lee, Ga.	Pujo
Anthony	Gardner, Mass.	Lee, Pa.	Rainey
Ayres	Gillett	Legare	Ransdell, La.
Barchfeld	Glass	Lever	Riordan
Bartlett	Goldfogle	Lindsay	Roberts, Mass.
Bates	Goodwin, Ark.	Littleton	Rodenberg
Beall, Tex.	Gordon	Lloyd	Rouse
Bingham	Gould	Loud	Saunders
Broussard	Gregg, Tex.	Loudenslager	Sells
Burke, Pa.	Gudger	McCreary	Small
Butler	Guernsey	McDermott	Smith, N. Y.
Calder	Hamill	McGillicuddy	Smith, Tex.
Candler	Hartman	McGuire, Okla.	Sparkman
Cantrill	Hawley	McHenry	Stack
Carlin	Hay	McKenzie	Stanley
Cary	Henry, Conn.	McKinley	Sterling
Connell	Hobson	Maher	Stevens, Minn.
Copley	Howell	Martin, S. Dak.	Sulloway
Covington	Hughes, N. J.	Matthews	Sulzer
Cravens	Hughes, W. Va.	Moore, Pa.	Talbott, Md.
Crumpacker	Jackson	Morse, Wis.	Thayer
Curley	Johnson, Ky.	Murdock	Tuttle
Danforth	Johnson, S. C.	Needham	Vreeland
Davidson	Jones	Palmer	Webb
Davis, Minn.	Kahn	Parran	Whitacre
Draper	Kent	Patten, N. Y.	Wilson, Ill.
Dupre	Kitchin	Plumley	Wilson, N. Y.
Estopinal	Knowland	Porter	Young, Mich.
Fields	Langham	Powers	Young, Tex.
Focht	Langley	Pray	

So the resolution reported by the Committee on Rules was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. LLOYD with Mr. BINGHAM.

Mr. MCDERMOTT (in favor) with Mr. LONGWORTH (against).

Mr. AYRES with Mr. BARCHFELD.

Mr. CANDLER with Mr. ANDERSON of Minnesota.

Mr. CANTRILL with Mr. DAVIS of Minnesota.

Mr. CARLIN with Mr. GILLETT.

Mr. CURLEY with Mr. COPLEY.

Mr. DUPRE with Mr. GUERNSEY.

Mr. GOLDFOGLE with Mr. FOCHT.

Mr. KITCHIN with Mr. CRUMPACKER.

Mr. JOHNSON of Kentucky with Mr. ROBERTS of Massachusetts.
Mr. LEE of Georgia with Mr. WILSON of Illinois.
Mr. LEE of Pennsylvania with Mr. VREELAND.
Mr. JOHNSON of South Carolina with Mr. PRAY.
Mr. HUGHES of New Jersey with Mr. PRINCE.
Mr. SULZER with Mr. HARTMAN.
Mr. WEBB with Mr. HAWLEY.
Mr. GREGG of Texas with Mr. JACKSON.
Mr. GUDGER with Mr. KNOWLAND.
Mr. ROUSE with Mr. MORSE of Wisconsin.
Mr. DAY with Mr. PORTER.
Mr. HAMILL with Mr. PLUMLEY.
Mr. TUTTLE with Mr. MURDOCK.
Mr. THAYER with Mr. MARTIN of South Dakota.
Mr. CONNELL with Mr. SELLS.
Mr. STACK with Mr. ANTHONY.

Mr. LONGWORTH. Mr. Speaker, I wish to ask if the gentleman from Illinois, Mr. MCDERMOTT, is recorded?

The SPEAKER. He is not recorded.

Mr. LONGWORTH. Then I desire to withdraw my vote and to vote present.

The result of the vote was announced as above recorded.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that where the words "from Michigan, Mr. WEDEMEYER," appear, they be stricken out and the words "from Connecticut, Mr. TILSON," be substituted, for the reason that Mr. TILSON is the senior member of the committee on his side of the House, and he is now present. He was absent when the original resolution was brought in.

The SPEAKER. The gentleman from Texas asks unanimous consent that the name of Mr. TILSON, of Connecticut, be substituted in this resolution for the name of Mr. WEDEMEYER, of Michigan. Is there objection?

There was no objection.

Mr. HAMLIN. Mr. Speaker, under the rule, I call up resolution No. 246 for consideration.

The SPEAKER. The resolution is before the House.

Mr. HAMLIN. In order to have the amendment pending, I offer the following as a substitute for resolution 246.

The substitute is as follows:

Resolved, That it is the sense of the House that the State Department was not authorized to pay for the portrait of an ex-Secretary of State out of the secret or emergency fund to be expended under the provisions of section 291 of the Revised Statutes of the United States, and the House recommends the dismissal from the public service of W. H. Michael, now consul general of the United States, and Thomas Morrison, as disbursing clerk of the State Department.

The SPEAKER. The gentleman from Missouri offers a substitute resolution, which the Clerk will report for the purpose of having it pending.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. The gentleman offers an amendment to a resolution which is on the calendar and which was reported from his committee. Is it possible to obtain a copy of the reported resolution to which he proposes to offer an amendment?

The SPEAKER. The Chair hardly thinks that is a parliamentary inquiry. If any gentleman has a copy of this report, if there is any——

Mr. MANN. There is a report. The calendar says there is a reported resolution. The rules require——

The SPEAKER. The Chair will ask the gentleman from Texas whether there is a report on this resolution?

Mr. HENRY of Texas. I understand the report has been made and is on file and has been printed—that is, the report on resolution 246.

Mr. MANN. But where is the printed reported resolution 246?

Mr. HENRY of Texas. I did not make the report. The gentleman from Missouri [Mr. HAMLIN] made the report.

The SPEAKER. The Doorkeeper will cause copies of the report to be circulated among Members.

Mr. MANN. The rules require that when a report is made it shall be printed. It has been held that that means a reprint of the bill or resolution.

Mr. HENRY of Texas. Here is a printed copy of resolution 246.

Mr. MANN. Yes; that is the original resolution as introduced, but I want a copy of the resolution as reported from the committee.

The SPEAKER. What is the request of the gentleman from Illinois?

Mr. MANN. I should like to inquire whether there is at the Clerk's desk a copy of the resolution as reported, with a reprint, as required under the rules of the House?

The SPEAKER. Such a resolution is in the hands of the Clerk.

Mr. MANN. I think if the Speaker will look at it, he will find that the original resolution is in the hands of the Clerk and not the reprint required by the rule.

Mr. FITZGERALD. That is not necessary, if the original resolution is there.

Mr. HAMLIN. The resolution was reported from our committee and has been printed. I think the Clerk has a copy of it.

Mr. MANN. What resolution?

The SPEAKER. The Chair will ask the gentleman from Texas [Mr. HENRY] if the resolution which the Clerk has is the resolution reported by the Committee on Rules?

Mr. HENRY of Texas. The Committee on Rules did not report that resolution. The gentleman from Illinois [Mr. MANN], as I understand it, has called for a copy of the reprinted resolution which came from the Committee on Expenditures in the State Department and for the report accompanying the same.

The SPEAKER. The Chair will ask the gentleman from Missouri [Mr. HAMLIN], chairman of the committee which investigated this matter, if the resolution which the Clerk has in his hands is the resolution reported from his committee?

Mr. HAMLIN. It is; and the report is there.

The SPEAKER. And it is printed?

Mr. HAMLIN. Yes; and the report is there.

Mr. MANN. Mr. Speaker, we are entitled to have the resolution that is printed, and when a reprint is made of a resolution it shows on the face of the resolution. If the Clerk has such a resolution, very well. When the House by resolution orders the consideration of a bill or a resolution which has been reported in, it means the resolution which has been reported in to the House, not the resolution as it was originally introduced, and that is shown by the paper itself. Under the rules, when a resolution or a bill is reported from a committee, it is reprinted, and so marked on the bill, showing it is reported from a committee on such a date.

Mr. HAMLIN. Mr. Speaker, I would ask that the report be read.

The SPEAKER. The Clerk will read the resolution and every word on both sides of it, and then read the report, so that everyone may understand the situation.

The Clerk read as follows:

Sixty-second Congress, first session. House resolution 246. In the House of Representatives, July 19, 1911. Mr. DENT submitted the following resolution, which was referred to the Committee on Expenditures in the State Department and ordered to be printed:

"Resolution.

"*Resolved*, That the findings contained in the report of the Committee on Expenditures in the State Department, presented to the House on the 5th day of July, 1911, and known as Report No. 59, be concurred in and adopted."

Calendar No. 12. Sixty-second Congress, first session. House of Representatives. Report No. 63. Concurrence in House resolution 246. July 22, 1911, referred to the House calendar and ordered to be printed.

Mr. HAMLIN, from the Committee on Expenditures in the State Department, submitted the following report to accompany House resolution 246:

"The committee having had under consideration House resolution 246, which was referred to this committee, recommend that the same do pass without amendment."

The SPEAKER. That which the Clerk has just read is the document before the House.

Mr. MANN. Mr. Speaker, what the Clerk has read is the report. The rules require that when a bill is reported to the House it shall be printed as reported, and it shows that it is printed, and it is the reprinted bill or resolution which is up for consideration by the House.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. The resolution up for consideration is the original resolution reported back from the committee. That is what the Clerk read, and that is all the gentleman is entitled to.

Mr. MANN. Well, the original resolution is never reported back from the committee.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry. What is before the House?

Mr. MANN. That is what we are trying to find out.

Mr. FITZGERALD. Has the Clerk reported the resolution?

The SPEAKER. The Clerk has reported the resolution that is before the House.

Mr. HARDWICK. Mr. Speaker, I demand the regular order.

Mr. HENRY of Texas. Mr. Speaker, I desire to suggest that the special rule which we have just adopted provides for the consideration of resolution 246, which resolution has been reported to the House from the regular committee, and the Clerk

has reported it from the desk, and, under the rule, the House should proceed to consider it, since the rule has been adopted.

The SPEAKER. That is exactly what the House will proceed to do.

Mr. MANN. The question is whether that is the paper that the House is to consider. The gentleman introduced a resolution, which the House has just adopted, providing for the consideration of House resolution 246. Does that mean House resolution 246 as it was introduced or House resolution 246 as it is reported under the rule of the House and printed under the Rules of the House, so that Members may know what it is? I think it has always been conceded that where a rule was brought in for the consideration of a bill which had been reported it meant the consideration of the bill as reported.

The SPEAKER. The gentleman from Texas, as chairman of the Committee on Rules, reported a rule to take up and consider House resolution 246, and the Clerk has reported it, and the gentleman from Missouri [Mr. HAMLIN] is recognized. [Applause on the Democratic side.]

Mr. MANN. I just wanted to show how inefficient the help is, that they did not know enough to reprint a resolution.

Mr. RANDELL of Texas. Mr. Speaker, I demand the regular order.

Mr. HAMLIN. Mr. Speaker, I am very sorry that gentlemen on the other side of the Chamber have felt inclined to filibuster and delay the consideration of this matter. If the matter could have had its regular course to-day we could have been well-nigh through the consideration of it by this time.

Now, Mr. Speaker, I understand that it is the purpose of every Member of this House, especially upon this side, and I am inclined to indulge the belief upon that side, that no person shall occupy any position in this Government whose record is not such as to lead the people generally to believe they are worthy of the trust that must necessarily be imposed in them in occupying those positions. Your Committee on Expenditures in the State Department in the prosecution of its work, with no malice to any living man, with no friends to reward or enemies to punish, developed, not as the choice of ourselves, but developed a set of facts which we believe warrants the dismissal of two men who are now holding important public positions. Before I get into a discussion of this matter consecutively I want to reply to the remarks made by the gentleman from Kansas [Mr. MADISON] a moment ago, which seems to be the keynote of the opposition to the recommendations made by this committee, and that is this—that this man Michael, whom we recommend for dismissal from the public service and who is now consul general at Calcutta, India, has not had an opportunity to be heard in this matter, and that if we adopt this resolution we will therefore be rendering judgment against him without his having had his day in court. I think that I would be as far as anyone from passing judgment upon any man, whether it involved a serious offense or a slight one without first giving that party accused an opportunity to be heard, but I want to say in defense of the action which the committee took that Mr. Michael has had an opportunity to be heard and that he had that opportunity during this investigation. To go back a little, in 1906, when this discrepancy in the Rosenthal voucher was first discovered, an investigation was ordered in the State Department, at which time the now United States Senator ROOT was then Secretary of State.

Mr. Michael's attention was called to the discrepancy, and he was asked to make an explanation. He did so in writing, and that statement is embodied in these hearings; and after we commenced this investigation and after we had proceeded for some time, Secretary Knox sent to Mr. Michael the following cablegram, and I would be glad for every Member to hear it:

DEPARTMENT OF STATE,
Washington, May 20, 1911.

AMERICAN CONSUL, *Calcutta:*

Testimony before the House Committee on Expenditures is to the effect that while you were chief clerk one Albert Rosenthal received your personal check for $850, the actual amount of his bill for portrait Secretary Day, while voucher signed in blank by Rosenthal indicates payment of $2,450. Mail immediately full report of the facts and of the disposition of the remainder of the amount of the voucher. Cable substance of report.

KNOX.

Now, this brought to this man Michael's attention specifically the very thing which had been presented before our committee. Mr. Knox came before the committee afterwards and testified. I asked him, as chairman of the committee, this question. I quote:

The CHAIRMAN. Since this matter commenced to be investigated did you communicate with Mr. Michael in relation to it?

Secretary KNOX. Yes.

The CHAIRMAN. Did you inquire of him as to his knowledge of the whereabouts of the voucher?

Secretary KNOX. Yes; and it is all in that letter attached; there is his original letter in answer to Mr. ROOT's.

The CHAIRMAN. I mean, did you inquire of him?

Secretary KNOX. Yes; and he telegraphed he knew nothing except what was contained in the letter he had written to Mr. ROOT on the subject some years ago, when the matter was under investigation.

Now, I submit to a candid House if that be true, if he had stated all the facts within his knowledge to Secretary Root in writing in 1906, and when his attention was specifically called to what the evidence had developed before our committee at the present time he wires back to his chief that all that he knew about the transaction was embodied in his letter to Secretary Root in 1906, and that letter is embodied in these hearings, to be read by any gentleman, would our committee have been warranted in bringing him around the globe, at great expense to the Government, when he states that he knows nothing except what is embodied in his letter to Secretary Root?

Mr. TRIBBLE. Did you have that telegram before the committee?

Mr. HAMLIN. Yes, sir.

Mr. TRIBBLE. And the committee inspected it?

Mr. HAMLIN. To which telegram does the gentleman refer?

Mr. TRIBBLE. The one that Mr. Knox referred to.

Mr. HAMLIN. Mr. Knox did not deliver that telegram to the committee, but testified he received it and testified to the contents of it.

Mr. TRIBBLE. Would that be legal testimony in a court of competent jurisdiction in the United States?

Mr. HAMLIN. I want to say to the gentleman that we are not trying Mr. Michael with the power to impose a punishment upon him for criminal conduct. I want to suggest to my good friend this, however: I do not believe that in order to remove me, you, or any other gentleman from a public office it is necessary to prove that either of us is guilty of grand larceny, murder, or any other crime before a court. If your conduct or my conduct is such as to forfeit the confidence of the people whom we serve—in other words, if our escutcheons are not absolutely clean—we ought to step down and out, and let some man in whom the people have confidence occupy these positions. I believe, however, this, and I think you will agree with me, if you will be patient.

Mr. TRIBBLE. I am trying to be patient.

Mr. HAMLIN. I believe you will agree with me that you can take the circumstances and the facts connected with this matter and convict Michael before any jury in the United States. [Applause on the Democratic side.]

Mr. TRIBBLE. One more question. Is there any way legally provided to try him and impeach him?

Mr. HAMLIN. Why, Mr. Speaker, I believe that this House has power to prefer impeachment charges, but we are proceeding with the hope that when the facts are presented before the Chief Executive of this Nation that he will have the good of the public sufficiently at heart and have the good judgment to say to Mr. Michaels, "You must step down and out."

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. HUMPHREYS of Mississippi. The gentleman states that he believes on the evidence the committee has that this gentleman could be convicted before any jury in the United States. Is the offense now barred by the statute of limitations?

Mr. HAMLIN. I am inclined to think it is.

Mr. HUMPHREYS of Mississippi. Does the gentleman know it is?

Mr. DENT. May I interrupt the gentleman?

Mr. HUMPHREYS of Mississippi. Just let me get through with this.

Mr. DENT. I ask that I may interrupt the gentleman in order to answer the question.

Mr. HUMPHREYS of Mississippi. Yes. I would like very much to have an answer to the question.

Mr. DENT. The statute of limitations barring this offense is three years, and this occurred in 1904.

Mr. HUMPHREYS of Mississippi. The offense is then barred by the statute of limitations?

Mr. DENT. It is.

Mr. HAMLIN. I have no doubt that the offense is barred by the statute of limitations.

Mr. OLMSTED. Will the gentleman from Missouri yield for a question?

Mr. HAMLIN. Just for a question. My time is limited.

Mr. OLMSTED. In the report of your committee you say Mr. Michael reported that he reported the money that he received from Morrison to Secretary of State Hay?

Mr. HAMLIN. Yes, sir.

Mr. OLMSTED. Have you any evidence whatever that that statement was untrue?

Mr. HAMLIN. I think we have overwhelming evidence that it is not true, and if the gentleman will be patient he will hear of it in a very few moments.

Mr. OLMSTED. I shall be very glad to hear it.

Mr. HAMLIN. The committee was put right up, if you will permit the expression, against this proposition. He said he turned over the $1,600 to Secretary Hay. If that be true, then that is the explanation, and he could not be charged with anything wrong. But considering all the evidence and all the circumstances, your committee did not believe that story, and it does not believe it now.

Mr. NORRIS. Mr. Speaker, will the gentleman yield there?

Mr. HAMLIN. Yes. And I will come to the evidence directly.

Mr. OLMSTED. Mr. Michael had no opportunity to meet that other evidence, did he?

Mr. HAMLIN. Which other evidence?

Mr. OLMSTED. These other circumstances which you say caused you to disbelieve the report made by Michael in his letter.

Mr. HAMLIN. Oh, yes. The circumstances I speak of were just his own natural conduct and actions and statements. I can not permit the gentleman to interrupt me now at this point, because I am coming to that pretty soon in the line of my argument.

Mr. OLMSTED. Has Mr. Michael had any notice of the evidence you speak of?

Mr. HAMLIN. Yes.

Mr. OLMSTED. Has he had any notice of the later evidence which you say came into your hands?

Mr. HAMLIN. Yes.

Mr. Speaker, in order that there may be no misunderstanding as to the good faith of the committee investigating this matter, I want to say that we were not seeking to find these irregularities unless they actually existed. What I mean by that is we were not going around "smelling" for them. This matter came to me in a statement by a gentleman in whom I had confidence, and before I even mentioned it to a member of the committee, much less attempted an investigation, I went to Philadelphia, the home of Rosenthal, to have him first verify the story which had been told to me. It seems to me that the idea of gentlemen on the other side is that my only purpose, or the only purpose of the Democratic members of the committee, is to seek to get something on the administration. If that had been the purpose, I would certainly not have waited until I could go all the way over to Philadelphia to verify the story before I attempted to make it public. But that is exactly what I did. If the facts do not condemn the administration, then I do not want to condemn it.

Now, the facts in this case, briefly stated, are these: In 1903 Michael was chief clerk of the State Department and had been chief clerk for some time. Justice Day, now of the United States Supreme Court, as you all know, was at one time Secretary of State, under President McKinley. Michael wrote a letter to Justice Day and invited him to have his portrait painted, in order to hang it in the gallery at the State Department.

Mr. Justice Day made a contract with Albert Rosenthal, a portrait painter in the city of Philadelphia, to paint his portrait for $850, including the frame. Mr. Rosenthal painted that portrait. It was presented and was accepted by Justice Day and by the State Department. Rosenthal then presented his bill for $850 to Michael. Michael handed him or sent him a blank voucher, telling him to execute that voucher and return it, and saying that he would send him his money. Rosenthal signed that voucher in blank.

Mr. TILSON. Mr. Speaker, may I interrupt the gentleman there?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Connecticut?

Mr. HAMLIN. Yes.

Mr. TILSON. Did not Mr. Rosenthal at the same time sign a receipt for the true amount—$850—less $60 for the frame, and that proper receipt accompanied the voucher that the gentleman speaks of?

Mr. HAMLIN. No, sir.

Mr. TILSON. Were they not found together?

Mr. HAMLIN. No, sir.

Mr. TILSON. Is not such a receipt printed in the hearings?

Mr. HAMLIN. I am going to speak about that presently.

Mr. TILSON. Is it not a fact that the receipt is in the hearings?

Mr. HAMLIN. The receipt to which the gentleman from Connecticut refers bears upon its face suspicion, and that suspicion, added to the many other circumstances, will convince any unprejudiced mind that there has been a great deal of juggling about this matter in the State Department. Why? That so-called receipt bears no date whatever. It recites this: "Received, on the 18th day of January, 1904, $790," and so forth. It is signed Albert Rosenthal, and it is absolutely, according to the undisputed testimony of Rosenthal, false, because he did not receive his money until about the 22d day of March, 1904, and not on January 18, 1904, as the pretended receipt recites.

But the receipt does not pretend to bear a date. It simply recites that Rosenthal received the money on the 18th of January, whereas Rosenthal swears that he did not receive it at that time, and did not sign the receipt at that time, and could not have signed it at that time, because he did not receive his money until the 22d day of March, and, of course, would not have signed the receipt until he got the money.

Mr. TILSON. Mr. Speaker, will the gentleman again yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Connecticut?

Mr. HAMLIN. No; I regret I can not yield at this moment. I am not through with that receipt. That receipt never appeared in any statement made by any living man until after that voucher was so mysteriously found. The voucher, another letter accompanying it, and Michael's statement—all the papers connected with that voucher, gentlemen, bore the filing stamp of the State Department, and you gentlemen who know anything about the methods of business pursued in the State Department know that whenever the State Department receives a paper they stamp it with a filing stamp, showing date of filing, and so forth. All these other papers bear the filing stamp of the State Department on the day they were received.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Connecticut?

Mr. HAMLIN. I will yield just for a question.

Mr. TILSON. Was this not a bona fide, genuine receipt, signed by Rosenthal?

Mr. HAMLIN. I think so.

Mr. TILSON. Did not Mr. Rosenthal testify it was, and did he not testify that it was his handwriting upon it?

Mr. HAMLIN. I have no doubt about its being genuine. I believe it is genuine, and I believed so the first time I saw it. But it was not signed on the 18th day of January, 1904. It was evidently an afterthought. Mr. Rosenthal says he does not know when he signed it, only he knows he did not sign it on the day when it purports to have been signed, for he did not receive his money for over two months after the receipt recites that he did receive it.

My idea is that that was signed in 1906, when this matter was being investigated by the then Secretary of State, Mr. ELIHU ROOT.

Now, Mr. Speaker, I want to go just a little bit further.

Mr. CANNON. Mr. Speaker, will the gentleman from Missouri yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. HAMLIN. I do.

Mr. CANNON. To throw light on this matter, let me ask on what date was the voucher signed?

Mr. HAMLIN. It was signed on January 18, 1904.

Mr. CANNON. What was the date of receipt?

Mr. HAMLIN. The 18th of January, 1904.

Mr. CANNON. Would it not be the natural thing that the receipt would be signed at the same time that the voucher was, and both practically in the same transaction?

Mr. HAMLIN. No, sir, for another reason. There would be no necessity for signing that receipt after having signed the voucher if it was all one transaction. But the undisputed testimony is that he did not get his money on the 18th day of January. He did not receive that $790 until the 22d of March. Then why would he sign a receipt——

Mr. CANNON. Precisely, because in payments by the Government it is quite frequent, if not universal, that the voucher is transmitted before the money is received.

Mr. HAMLIN. I thought the gentleman wanted to ask me a question.

Mr. CANNON. Yes.

Mr. HAMLIN. What is the gentleman's question?

Mr. CANNON. I just wanted to make that suggestion.

Mr. HAMLIN. The gentleman can make that in his own time.

Mr. CANNON. I am not a partisan in this matter. I am trying to get at the truth.

Mr. HAMLIN. I am satisfied the gentleman is not a partisan. I never saw him show any evidence of partisanship in my life.

Mr. CANNON. I am a partisan and a very decided one touching political matters, but when I try a man who is alleged to be a thief, I am sitting as a juror or a judge. [Applause on the Republican side.]

Mr. HAMILTON of Michigan. May I ask the gentleman from Missouri a question?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Michigan [Mr. HAMILTON]?

Mr. HAMLIN. Yes.

Mr. HAMILTON of Michigan. When does Rosenthal say he signed this receipt?

Mr. HAMLIN. He says that he could not possibly have signed the receipt until after he received the money, which was not until the 22d of March, 1904.

Mr. HAMILTON of Michigan. Does he have any distinct recollection as to when he signed the receipt?

Mr. HAMLIN. He did not. He did not remember the circumstance of signing it; but let me call the attention of my friend from Michigan to this further fact: The sum of $850 was to be paid for the painting of the portrait and the frame. Rosenthal bought the frame of the Fisher Art Co. here in Washington, and he told Michael to pay the Fisher Art Co. $60 for the frame and the remainder—$790—to himself, Rosenthal.

Now, at the time that he signed that receipt he receipted for $790, and then added in his own handwriting, as a postscript at the bottom of the receipt, which was typewritten, the statement that $60 had been paid to the Fisher Art Co., of Washington, D. C., for the frame, indicating that that receipt was signed, as he said it was, after he received his money.

Mr. TILSON. Just on that point, did not Mr. Rosenthal say that he did not know when the money was paid to the Fisher Art Co., but he received his and supposed that the Fisher Art Co. had received theirs, and therefore that was the reason that he made this memorandum on the receipt? Is not that a part of the hearing?

Mr. HAMLIN. That only goes to corroborate what I say—that he did not sign that receipt before the 22d day of March, for he did not get his money until that date.

Now, Mr. Speaker, there is another point I want to call to the attention of the House——

Mr. MOON of Pennsylvania. Will the gentleman answer one question?

Mr. HAMLIN. I very much dislike to refuse, but my time is going on.

Mr. MOON of Pennsylvania. I think it is a question of great importance.

The SPEAKER. Does the gentleman from Missouri yield?

Mr. HAMLIN. For one question.

Mr. MOON of Pennsylvania. In whose handwriting is the date of that Rosenthal receipt?

Mr. HAMLIN. I am glad the gentleman mentioned that. It bears no date. It simply recites in the body of the receipt, in typewriting, that he received $790 on January 18, 1904. But Rosenthal swears he did not get his money until March 22, 1904.

Mr. OLMSTED. Will the genleman yield for a question?

Mr. HAMLIN. I am sorry, but I can not do it. My time is too limited.

Mr. OLMSTED. Just for a short question.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. HAMLIN. I can not do it.

The SPEAKER. The gentleman declines to yield.

Mr. HAMLIN. Here is another strong circumstance which it seems to me ought to appeal to the reason of every man here, and that is that on the 16th day of January, 1904, the undisputed evidence is that this fellow Michael went to Morrison, the disbursing clerk of the department, and told him, just orally, to go and get $2,450 out of the Treasury without telling him what he wanted with it, and Morrison went to the Treasury and drew out $2,450 on the 16th of the month. Morrison admits that and his records show it. He kept the money until the 18th of January, when he turned it over to Michael and took up the voucher signed by Rosenthal. Rosenthal swears that he did not get the money then because Michael told him he would have to wait for an appropriation to become available, but Michael had the money in his pocket the very time he told Rosenthal that. Does that comport with the right kind of conduct for an official of the United States? Is there a man here that believes one word of Michael's statement that he turned the $1,600 over to Secretary Hay when he made that statement after Secretary Hay's lips were closed in death?

Mr. NORRIS. Will the gentleman yield?

Mr. HAMLIN. I have not the time.

Mr. NORRIS. Just a question.

Mr. HAMLIN. No; I can not yield. Another thing, Morrison swears that he paid Michael that money on the 18th of January, the day the voucher was signed. Michael—let us take his own story now and see how that pans out. Michael says Secretary Hay took $1,600 out of the $2,450 that was in the envelope and let him retain $850 to pay for the portrait and frame.

Let us grant, for the sake of argument, that that is true. What did he do? Did he go and pay for the portrait and frame? No. Admitting that he had that money in his pocket, he made Rosenthal wait and kept the public funds in his pocket from the 18th of January to the 22d of the following March. With the $60, the amount that was due the Fisher Art Co. for the frame, he carried that money around in his pocket until the following June before he paid them. Is there a man here whose partisan prejudice is so strong that will say that there is no evidence to convict this man of wrongdoing in his official capacity? If this man Michael were fit to hold a public office, he would have paid Rosenthal and the Fisher Art Co. at once.

Mr. TILSON. Will the gentleman yield right there?

Mr. HAMLIN. I have not the time. The gentleman will have his own time.

Mr. McCALL. I would like to ask the gentleman if Michael denied——

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Massachusetts?

Mr. HAMLIN. No; I decline to yield. I have not the time. Now, they say in the minority views that this matter has been investigated by Secretary Root, and we ought to be satisfied with his decision in the matter. Just a moment. Senator ROOT came before our committee. That was before this voucher was found—you know, it was lost for five years. He testified that he had seen that voucher. He said it was in two separate pieces of paper, one for $2,450, approved by Secretary Hay, and the other for $850, signed and receipted for by Rosenthal.

A few days after that the voucher was found, and when it was found it was discovered that it was not in two pieces of paper, but was only in one piece, and the whole $2,450 was receipted for by Albert Rosenthal.

Again, he said that the voucher did not show what it was for, and yet there was written across both the face and the back of the voucher that it was to pay for a "portrait of William Day, ex-Secretary of State."

Mr. MADDEN. Will the gentleman yield for one question?

Mr. HAMLIN. I can not yield, for I have not the time.

Mr. MADDEN. I just wanted to ask the gentleman——

The SPEAKER. The gentleman from Missouri declines to yield, and the gentleman has the floor.

Mr. MADDEN. I realize that.

Mr. HAMLIN. Mr. Speaker, I would like to yield to all gentlemen. Of course, I understand they are only seeking to take up my time and keep me from developing my argument. Now, I want to call the attention of the House to another significant fact. Senator ROOT said that he was satisfied, yet he testified that the only evidence he had of this matter was Michael's own individual statement.

I want to call your attention to a man connected with the Root investigation who was not satisfied. That man was Mr. Denby, the then chief clerk and now consul general at Vienna, Austria. If I am correctly informed, he is a brother of one of our recent colleagues here. He was commissioned by Secretary ROOT, as testified to by Senator ROOT, and so states himself, to investigate this matter in 1906. Let us see what he said. Secretary Knox cabled him as follows:

DEPARTMENT OF STATE,
Washington, May 29, 1911.

AMERICAN CONSUL, *Vienna:*

Confidential. Testimony before House Committee on Expenditure is to the effect that while Michael was chief clerk one Albert Rosenthal received Michael's personal check for $850, the actual amount of his bill for portrait of Secretary Day, while voucher signed in blank by Rosenthal indicated payment of $2,450.

Mail immediately full report of investigation of transaction made while you were chief clerk. Telegraph if you can indicate whereabouts of papers in the case.

KNOX.

Here is the answer by cable, and I submit to any man in this House that it is exceedingly significant:

VIENNA, *May 30, 1911, 11 a. m.*

SECRETARY OF STATE, *Washington:*

Telegram 29th received. No written report was made. Careful preliminary investigation failed to convince the department that criminal charges could be sustained. My report by next mail.

DENBY.

"Careful preliminary investigation failed to convince the department that criminal charges could be sustained!" Why? The man to whom Michael claimed he paid the $1,600 was dead, and no man could dispute it. Mr. Root may have been

satisfied that everything was all right, but unquestionably Denby was not.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. HAMLIN. I can not yield.

Mr. TILSON. I would ask the gentleman to be fair and to give Mr. Denby's report.

The SPEAKER. The gentleman declines to yield.

Mr. HAMLIN. I read the entire message. The inevitable conclusion drawn from that statement is this, that a crime had been committed, but the evidence was not available to secure the conviction, because Secretary Hay was not living. Mr. Denby, in his letter, does not claim they stopped this investigation because they were satisfied no wrong had been committed, but, on the contrary, said to pursue the investigation would inevitably bring criticism upon the administration of an honored man who had recently died, and the incident thereupon was passed over and no official action taken.

Mr. TILSON. Read the whole paragraph.

Mr. HAMLIN. I am reading now from some of my notes. Read it, if you have it there——

Mr. TILSON. May I read the paragraph?

Mr. HAMLIN. In your own time; yes. [Laughter and applause on the Democratic side.]

The SPEAKER. The gentleman from Connecticut is out of order. The gentleman from Missouri will proceed.

Mr. HAMLIN. Mr. Speaker, in desperation to find some plausible objection to the majority report, they complain, and I repeat that now, that we did not give Mr. Michael a chance to be fully heard. I want to repeat that once more. In 1906, when this matter was fresh on his mind, if not on his conscience, he wrote what he claimed to be all that he knew about this transaction to Senator ROOT, and that letter is embodied in these hearings. The committee has absolutely concealed nothing. We do not believe Michael's statement. You ask me why? I answer, in the first place, and I believe that my reason will appeal to every fair-minded man here this afternoon, that the circumstances, as well as the facts, all contradict his statement. I want to say to my friend from Pennsylvania [Mr. DALZELL], who to-day charged that we were seeking to besmirch and cast aspersions upon the character of an honored man who is dead, Secretary Hay, that he is entirely wrong. I agree with him in all that he said in praise of the late Secretary, and the committee does not for one moment believe that a single suspicion ought to be cast upon the name of Secretary Hay, because we do not believe that he knew anything about this transaction, and that Michael's statement is absolutely false. The high character and standing of Secretary Hay will not permit me to believe that he would resort to the contemptible and reprehensible conduct of drawing money out of the Treasury by the fraudulent use of the signature of a stranger, who knew nothing of the transaction whatever, placing that stranger in the position of receipting for money which he never received or knew anything about, and which would, in effect, be nothing short of absolute forgery. Is there a man over there on that side who believes that Secretary Hay was guilty of that crime? If so, let him stand up.

Mr. TILSON. Mr. Speaker, I believe if there was any man in this case guilty it must have been Secretary Hay, but I do not believe that he was guilty.

Mr. HAMLIN. Mr. Speaker, I am sorry that the gentleman from Connecticut has the temerity to seek to put a crime upon a man who has "crossed over the river and resting under the shade" in order to protect the man who happens to be living and holding office under a Republican administration. [Applause and cheers on the Democratic side.]

Mr. TILSON. May I interrupt the gentleman?

Mr. HEFLIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HEFLIN. Gentlemen can not interrupt the gentleman from Missouri without asking permission of the Chair.

The SPEAKER. That is the rule of the House which is frequently violated in the heat of debate. It would contribute very much to order and decorum if the rule was strictly observed.

Mr. HAMLIN. Mr. Speaker, it does not disturb me, except that it takes up my time. Listen. And yet that is exactly what you must believe Secretary Hay did do if you believe Michael's story, and you can not get away from it.

To my mind you can only find one of the following three theories correct, and you must find one of the three to be the true one. I desire to say there is no question about the fact of the voucher bearing the approval of Secretary Hay.

First, that Secretary Hay approved that voucher in the regular routine of business, as he was compelled to sign his name to numerous papers and letters each day, without inquiring or knowing what it contained or what it was for. In other words, as Secretary Knox says he must do once in awhile, he must have unfortunately trusted his subordinates. That is one theory that may be the true one. Second, that when he approved the voucher he understood and believed and thought that all the money mentioned therein was to go to the payment of the Day portrait, as this, I am inclined to think is the true theory. Or, third, that he deliberately used the signature of a private citizen to whom the Government happened to owe $850 to draw out of the Treasury $2,450 without the knowledge or consent of this private citizen. In other words, to make that private citizen receipt for $2,450 when he thought he was receipting for only $850. Then to place that receipt among the archives of the department and years afterwards, perhaps after he is dead and gone, when he had told his wife and children that he had received only $850 for the painting of the portrait of Secretary of State Day, the evidence and record in the archives of the State Department would demonstrate that he had in fact received $2,450, with the result that they must always believe that the husband and father had told them a falsehood. I do not believe that Secretary Hay was a party to anything of that kind, yet I submit in all candor that you have got to believe that he was, if you believe Michael's story to be true. I do not believe a word of it, not one single solitary word of it. If Secretary Hay needed $1,600 to be used in some way for the Diplomatic Service all he had to do was to send an order over to the Treasury and the money would have been forthcoming. He did not need to resort to such questionable tactics. I do not believe Secretary Hay would have required you to sign a blank voucher and then write over your signature three times as much money as you thought you were receipting for or knew anything about.

Mr. Speaker, this whole matter has been shrouded in mystery. The minority views congratulate the department on the reorganization and modernization of the methods of doing business down in the State Department; that things are done different down there now under the Knox-Wilson régime. This voucher had been lost for five long years. They had ransacked every place and could not find it, and said they knew nothing of its whereabouts. Secretary Knox had cabled to India, he had cabled to Austria, in search of information about the lost voucher. Finally it accidentally came out in the committee that the voucher had been found on the floor of the disbursing officer among the waste papers within 6 feet of his chair. [Laughter.] That was according to the modernized, reorganized Knox-Wilson system in vogue in the State Department, I presume. Mr. Morrison testified that the office was cleaned every day, and yet the voucher was picked up, after being lost for five years, picked up from the floor among the waste papers, and no living man could tell how it got there.

Of course, that was the Knox-Wilson modernized way of finding lost vouchers.

I have no doubt under the old antiquated system theretofore in vogue in the department the voucher would have been found in the wrong pigeonhole or among the wrong files, but not so under the new modernized system in vogue there now. It is just picked up off the floor from among the waste papers. A wonderful system, this.

I asked Mr. Morrison if he knew how the voucher got there on the floor and he said that he did not have the remotest idea. "Did you ask anybody about it?" "I asked the fellow who handed it to me," and I said, "Where did you find it?" And he said, "On the floor." I asked him how many employees there were in his department, and he said six. I asked him if he called each one up and asked them if they knew how the voucher got there, and he said that he had not asked any of them at all about it. He came before the committee a few days after that. I thought perhaps he might have made some inquiries in the meantime. I asked him again if he had heard anything more about how that voucher got on the floor, and he said he had not. I asked him if he had made any further inquiries of anybody about it, and he said that he had asked one or two boys in the office. I asked him why he had not asked all of them, and he said he was told not to do so. I asked him by whom he was so told, and he said he had been told by the State Department. I informed him that that was too general, and asked him who in the State Department had told him not to do so, and he said, "Mr. Carr, the Director of the Bureau of Consular Service." He was told not to even inquire how the voucher got on the floor of his office after being lost for five years. They concealed from the committee the fact of the voucher being found for about 10 days. Do you mean to tell me that transaction has been free, open, and aboveboard? Was the department trying to aid the committee to ferret out this matter? I tell you that the whole matter smacks of fraud from the very beginning, and the State Department has sought to conceal the fact from the people of this country.

I have a certified copy of that voucher here, and I want to call the attention of the House to it just for a moment. The voucher is only made out for $2,400.50. Everybody understands that the voucher is for $2,450. Morrison said that he paid Michael $2,450, and I believe that is true; but here is the certified copy. I have seen the original copy, but this is certified under the law. These are the recitals:

Received this 18th day of January, 1904, from Thomas Morrison, Chief Bureau of Accounts, and Disbursing Clerk, Department of State, the sum of two thousand four hundred and 50/100 dollars, in full payment of the above account.

ALBERT ROSENTHAL.

$2,450.

That, of course, was written in the voucher after Rosenthal had signed it. Rosenthal signed the voucher in blank. I think it is nothing but a mistake. I have not any doubt but there was $2,450 paid, but it shows an inexcusable carelessness upon the part of the disbursing clerk, a man who is handling millions of dollars of the Government money each year.

How much time have I occupied, Mr. Speaker?

The SPEAKER. The gentleman has occupied 45 minutes.

Mr. HAMLIN. I will get through just as quickly as I can. I want to pass on to Morrison, and I want to say that for Mr. Morrison I have nothing but the very kindliest feelings.

I do not hesitate to say—I think I can truthfully say—that when I believed a man to be a good man, I would not withhold from him that testimony, regardless of politics. I care nothing about his politics. I care not what Mr. Morrison's politics are. I believe that Morrison at heart is an honest man. But I believe, *further, that* he is wholly incompetent to fill the position that he is now filling. A disbursing officer who handles all the money of a department is the only man who stands between the creditors and the Treasury, and he ought to be strong enough and have force enough before he pays a claim to know that it is both a just and a legal demand. He is also the custodian of all the vouchers and all of the papers on file in his office, and he should therefore guard those sacredly.

Mr. Morrison does not measure up to this standard anywhere along the line. The undisputed evidence before our committee is that he is weak and has been but a tool in the hands of the State Department officials; that he will go, that he has gone, on the verbal request of even the chief clerk to the Treasury, not with a voucher, but knowing nothing about the voucher, and drawn out large sums of money without making any inquiry as to the purpose for which the money is to be used.

This is the evidence in the Day portrait matter, and I call your attention to the evidence on page 182 of the hearings. I quote from the examination of Mr. Morrison on page 182, referring to the Rosenthal voucher:

The CHAIRMAN. Did you know anything about the voucher until you came to pay it?

Mr. MORRISON. No, sir; I never saw or heard of it.

The CHAIRMAN. How did you know you were to draw $2,450 out of the Treasury two days before you ever saw or heard of the voucher?

Mr. MORRISON. I was instructed to get that amount of money.

The CHAIRMAN. By whom?

Mr. MORRISON. The chief clerk.

The CHAIRMAN. By the chief clerk? What was his name?

Mr. MORRISON. Col. Michael.

The CHAIRMAN. I understood you to say the other day that you only paid out money on the order of the Secretary of State?

Mr. MORRISON. Well, that came from the Secretary of State through the chief clerk.

The CHAIRMAN. But you had gone and drawn the money out of the Treasury two days in advance of that?

Mr. MORRISON. Precisely, I did; he told me to do it; I did not know what for at the time; I knew no more about it than you.

The CHAIRMAN. Do you make it a custom to draw large sums out of the Treasury and carry the money with you for days?

Mr. MORRISON. No, sir.

The CHAIRMAN. What did you do with that money on the 16th of January, when you drew it out of the Treasury?

Mr. MORRISON. I held it until it was called for.

The CHAIRMAN. How did you keep it?

Mr. MORRISON. I kept it in the safe.

The CHAIRMAN. In the safe in your office?

Mr. MORRISON. Yes, sir.

The CHAIRMAN. Do you make a practice of drawing money out of the Treasury and depositing it in the safe and keeping it there for days?

Mr. MORRISON. Only as it is needed. We are paying out every day in the week.

The CHAIRMAN. Did Chief Clerk Michael tell you what he wanted you to get this $2,450 for on the 16th?

Mr. MORRISON. No; I knew nothing about what it was for.

The CHAIRMAN. Do you draw a check on the Treasury and take out without presenting any legal voucher or approved voucher or order money whenever any of the employees tell you they want you to do so, for it?

Mr. MORRISON. No; I draw the money out as it is needed.

The CHAIRMAN. Do you ever in your life remember drawing money properly approved by the Secretary, as you did in this case? out of the Treasury in advance of the presentation to you of a voucher,

Mr. MORRISON. No, sir.

The CHAIRMAN. Have you ever done it since?

Mr. MORRISON. I can not recall that I have.

The CHAIRMAN. How did you happen to do it in this particular case?

Mr. MORRISON. Because, as I said, I was instructed by the chief clerk to draw out that amount of money.

The CHAIRMAN. How were you instructed—orally or in writing?

Mr. MORRISON. Orally.

The CHAIRMAN. Did you ask Mr. Michael why he wanted you to do that?

Mr. MORRISON. No; I did not question it.

The CHAIRMAN. You did not question it?

Mr. MORRISON. No.

The CHAIRMAN. Did you ask him if he had a voucher for you to pay?

Mr. MORRISON. I assumed he had.

The CHAIRMAN. I did not ask you what you assumed. Did you ask him?

Mr. MORRISON. No; I did not ask him, because I did not know what was coming. I thought perhaps the Secretary of State had instructed him to do it.

Now, there, my associates, you have a man who handles millions of dollars of the public money every year confessing that he drew out of the Treasury $2,450 on the verbal request of a man conceded not to have the authority to direct him, even in writing, and says he did not know any more about what it was wanted for than I did, and I, of course, knew nothing whatever about it.

Do you tell me that that man is competent to handle the people's money? I want to call the attention of the House just here to one fund alone that he has handled during the last five and a half years, a fund covered with the blanket of secrecy under section 291, the items of which the Secretary of State and the President refuses to give to your committee, which amounts to the appalling sum of $719,475.80, to say nothing of the amount of money that is handled by this man Morrison out of other funds.

Another thing before I forget it. A large majority of those present here are lawyers. Let me make this suggestion to you. You know as well as I do that the only authority that Morrison had for paying one cent of this $2,450 to anybody was the voucher presented to him signed by Albert Rosenthal. That voucher directed the payment of the money to Rosenthal, and not to Michael. Here is the voucher:

(Form No. 217.)

The United States to Albert Rosenthal, Dr.

On account of the appropriation for emergencies arising in the Diplomatic and Consular Service. 1903.

Date. 1903.	Amount. Dollars.	Cents.
Dec. 17. For expenses incurred and to be paid out of the emergency fund appropriated for 1903 (for portrait of Judge Day, late Secretary of State)----------	$2,450	

Approved.

JOHN HAY.

Received this 18' day of January, 1904, from Thomas Morrison, Chief Bureau of Accounts, and disbursing clerk, Department of State, the sum of two thousand four hundred and 50/100 dollars, in full payment of the above account.

ALBERT ROSENTHAL.

2,450.

Now, the only authority that Morrison had to pay that money to anybody was this receipt of Rosenthal, and his authority was to pay that to Rosenthal, was it not? Why did he pay it to William H. Michael? Michael was not named in the transaction. He had no more right to any of that money than you or I have. Morrison was asked a question as to why he paid this money to Michael. He said he did it because Michael asked him to. Is that the kind of man you want to disburse millions of dollars of the people's money each year?

You can not say that this was the practice down there, for there was another case developed before the committee where $5,000 was paid to Frederick Hale in a way that created some suspicion and inquiry, and which, by the way, is not satisfactory to the committee yet. That voucher was made out just like the Rosenthal voucher. "The United States, debtor, to Frederick Hale, $5,000," and signed by Frederick Hale. Morrison paid that voucher by sending that $5,000 direct to Frederick Hale. He did not pay that to the chief clerk, or to anybody else except Hale. But the money in this particular Rosenthal transaction was paid to a man who had no authority to receive it, and to the man who told Rosenthal, to whom $790 was going, that he would have to wait for his money until an appropriation became available, when the facts were he had the money in his pocket at the time. Now, I submit in all candor, and I say it kindly, that if he lied about that, would he hesitate to lie about what became of the other $1,600? Especially when he could claim to have paid it to a man who is dead?

Another thing that shows Mr. Morrison's incompetency is this. The Hale voucher for $5,000 nowhere bears the approval of the Secretary of State or any other official of the department. There was an itemized statement pinned to the voucher that bore the approval of Secretary Knox, but the voucher itself nowhere bore the approval of Secretary Knox or any other

man connected with the department. Yet Mr. Morrison paid it. On the face of that voucher and all others is printed this certificate:

I certify that the foregoing account is correct, and that the prices charged are just and reasonable, and in accordance with the agreement.

(*Official designation.*)

Now, Morrison could not have overlooked that certificate. Yet he paid out $5,000 of the public money on a voucher that does not bear the approval of any man connected with the department in any way. Do you tell me that he is competent to handle the public funds for the great Department of State?

But that is not all. There were other vouchers that appeared in evidence before the committee, not aproved by the Secretary of State or any one acting as Secretary, but by the Third Assistant Secretary of State, a man not authorized by law to approve them. Yet he paid those vouchers without question.

Mr. AUSTIN. I should like to ask the gentleman what bond does the disbursing officer of the State Department give?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Tennessee?

Mr. HAMLIN. Yes. I understand he gives a bond of $50,000.

Do you know the amount of money handled each year by him? It amounts to millions of dollars. I do not know just the amount.

I want to say in conclusion that I have no feeling in this matter. I never saw this man Michael. The gentleman from New York [Mr. PAYNE] turns around and laughs. These little irregularities, such as juggling with the public moneys, do not seem to disturb him. But you can not say that it is a partisan report that we have brought in here, because the gentleman from Minnesota [Mr. DAVIS], who has been in this House for eight years or more, perhaps, a man that is as good a Republican and better than a whole lot of you fellows on that side, a man whom I have known intimately for a number of years, for I have been on several committees with him, and if he is not a good man from the ground up he has got me wonderfully deceived, is on our committee and concurs fully in this majority report. He is a man of courage, a man of convictions, and he does not have to go to the gentleman from Illinois [Mr. MANN] or some other Republican before he knows how he is going to vote on any proposition. He does his own thinking. He is a good enough Republican that he was the first one named on the committee. I repeat that he concurred fully in our report. He was present when the testimony was taken, he participated in the examination of the witnesses, he saw the witnesses on the stand, and I say he has concurred in the majority report in this case, and when you come to consider all the testimony, it seems to me that there can only be one conclusion reached, and that is that this resolution ought to be adopted and that these men are not the kind of men that we want to fill the public offices of this country.

Permit me to say, especially to this side of the House, and to the other, for that matter, that if these investigating committees are to serve any purpose at all they are to get at the facts, and if in developing the facts they develop a condition that requires action by the House to bring it to the attention of the Executive for the interest of the public good, it seems to me that they ought to be sustained as we are asking you to sustain us to-day.

These minority views do not pretend to controvert the facts which we have set up, but they go out of the way to attack the majority members of the committee. They say we have made a weak partisan effort to make a scandal. I think I answered that when I said that the leading Republican member on the committee joined us in the report, and if it was a partisan attempt to create a scandal, he is a party to it. No, gentlemen, our report and this resolution are fully sustained by the overwhelming evidence in the case.

Then they say that it is an attempt to besmirch the memory of one of our greatest Secretaries of State, the late John Hay. That statement is as false as false can be. The report and what I have said absolutely vindicate the character of John Hay.

They say that we have shown a biased mind which is not seeking justice. I submit to every man here, if the facts are as I have detailed them, if the facts are as we have reported them, that that charge is absolutely unwarranted.

They say it is an assassination of character from behind. I would not descend to attempt to answer that scurrilous statement in kind. I have a kindly feeling for my friends on the other side, and I want now, of my own motion, to absolve my friend from Connecticut and my friend from Michigan from any responsibility for the authorship of these scurrilous minority views. It bears on its face the evidence of its paternalism. It was born down in the State Department. I think the only connection that my good friend from Michigan had with it was in a capacity of wet nurse, and he has performed that rôle most admirably. [Applause on the Democratic side.]

I have examined this diplomatic child with some care, but I have been unable to determine its gender. I think it is undeterminable. I do not know when it was born, but I am convinced that it barely missed being stillborn.

It simply resolves itself to this, they could not controvert our facts and they seek to divert attention by abusing the majority members of the committee.

Now, my friends, all we ask in this case is a careful consideration of the testimony. When you have done that, we are entirely satisfied. If you want to uphold the committee, all right; and if you want to turn us down, of course we will construe that to mean that you do not want crookedness and graft uncovered and we will naturally conclude that our commission is at an end. We have attempted to perform our duty fairly and conscientiously under the law and the rules of this House. We have developed a state of facts that certainly would warrant the dismissal of these men. We are not asking you to brand these men as criminals. As I said before, I believe that old man Morrison is an honest man; but we say that here is a state of facts that shows that here are men holding positions in the service who ought to be relieved. Whatever decision may be made here, the American people will agree that the report we make is warranted by the facts, and that there are too many men among the 90,000,000 of American citizens whose reputations are such that it would not be questioned to fill these positions, instead of keeping in office men whose conduct is, to say the least, not without suspicion. [Applause on the Democratic side.]

Mr. TILSON. Mr. Chairman, I now yield 45 minutes to the gentleman from Michigan [Mr. WEDEMEYER]. [Applause on the Republican side.]

Mr. WEDEMEYER. Mr. Speaker, the reference to the gentleman from Connecticut [Mr. TILSON], as well as to myself, is absolutely consistent with the whole conduct of this matter, as I will show before I am through. I want to say to the gentleman from Missouri [Mr. HAMLIN] that in the absence of the gentleman from Connecticut [Mr. TILSON], owing to illness, and because of the fact that the gentleman from Minnesota [Mr. DAVIS] agreed with the gentleman from Missouri [Mr. HAMLIN], I was the only Representative left upon the committee to protect the administration and the State Department as best I knew. And I want to say now that, although this House adjourned for considerable periods, for three days at a time, from day to day I stayed here during much of the hot weather and went over all of this testimony, investigated the records of the State Department, and I prepared the report, that I am proud of, to which the gentleman refers, and which is the minority report. [Applause on the Republican side.] It is true that I received suggestions from others. I did not attempt to do everything upon my own initiative. I did consult with others. I consulted with the minority leader. I asked for information from the State Department.

I have been confined to my hotel for two weeks owing to an unfortunate accident, and I am out here to-day only because I think it is my duty to say something on this occasion. Yesterday for the first time I hobbled out to vote on the cotton bill. If you gentlemen, no matter what your political affiliations, will follow my remarks to the end I do not believe there is a man here who will vote to besmirch the character of Mr. Michael, Mr. Morrison, or the late John Hay, and I ask you to give me your attention. At the outset let me say this—and it was well developed by the gentleman from Pennsylvania—that though there are only seven members of the Committee on Expenditures in the State Department, nevertheless the hearings in the Day portrait matter were held before a little subcommittee of three, consisting of the gentleman from Missouri [Mr. HAMLIN], the gentleman from Minnesota [Mr. DAVIS], whose eulogy the gentleman from Missouri [Mr. HAMLIN] has just now pronounced, and the gentleman from Alabama [Mr. DENT]. Mr. Speaker, I have said this to some of my friends on the other side, and they could hardly believe it, but no attempt has been made to deny it. We of the minority had no opportunity even to know when the meetings of the subcommittee were to be held, and usually learned of them only through the public press, when long accounts of the testimony of the various witnesses appeared, including, among others, Secretary of State Knox and former Secretary of State, now Senator, ROOT.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Missouri?

Mr. WEDEMEYER. Yes; but just for a question. I can not yield longer, for I have a great deal I want to say.

Mr. HAMLIN. Was not the gentleman present at the meeting when the chairman was authorized to appoint the subcommittee?

Mr. WEDEMEYER. Mr. Chairman, I never knew that these hearings were before a subcommittee, and the gentleman knows I did not, because I called him up over the telephone and asked how it was that these meetings were held and that we knew nothing about it. [Applause on the Republican side]. I decline to yield further.

The SPEAKER. The gentleman declines to yield.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

Mr. WEDEMEYER. And when I did call the gentleman up, he notified me over the phone that I would be notified only of the full committee hearings, and that these hearings at which I wanted to be present, those that were discussed in the public press, would be held before the subcommittee.

Mr. DENT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Alabama?

Mr. WEDEMEYER. I do not. I decline to yield.

Accordingly, although I found out indirectly the date of some of the subcommittee hearings and attended some of them, still in general we had to content ourselves with whatever information we could get from the newspapers and printed hearings that were sent, we believe, to all Members of Congress.

It is true that some of my work on other committees did conflict with the work of the Committee on Expenditures in the State Department, and some of the meetings I was unable to attend, but I had no notice of the Day portrait meetings. We had no opportunity to cross-examine witnesses, and, as has been said by the gentleman from Missouri [Mr. HAMLIN], the gentleman from Minnesota [Mr. DAVIS], the only Republican on the subcommittee, agreed entirely with the gentleman from Missouri [Mr. HAMLIN] and the gentleman from Alabama [Mr. DENT], and therefore there was not a man there to represent the administration, and I will call attention to some of the testimony a little later.

Mr. DENT. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Alabama?

Mr. WEDEMEYER. I said that I would not, but the gentleman is so persistent that I will yield.

Mr. DENT. I understood the gentleman to say that there was not a Member present to represent the administration. Do I understand that the administration is backing up Michael and Morrison in this transaction? [Applause on the Democratic side.]

Mr. WEDEMEYER. Mr. Speaker, I understand that the administration of the great State Department of this country has a right to a defense in this body and anywhere else when it is being maligned and slandered, when meetings are held, attended by only a small committee of three, all of them of one way of thinking, and no notice sent to any man who might represent the administration. [Applause on the Republican side.]

Mr. DENT. Mr. Speaker——

The SPEAKER. Does the gentleman from Michigan yield further?

Mr. WEDEMEYER. No; I do not yield further.

The SPEAKER. The gentleman declines to yield.

Mr. WEDEMEYER. I desire now to enter my protest against the practice observed in this matter of appointing a small subcommittee to conduct investigations of this kind. If it happens that the subcommittee consists of men all of one mind, then there is no possibility of getting anything but one side before the public. It is unfair in the extreme, and ought not to be tolerated in a great body like this. No one can rightly have any objection to conducting a full, open investigation, to which all members of the committee may be invited. Of course, I understand that there are some details that are attended to by subcommittees, but I do not understand that it is the custom to hold important hearings before a small subcommittee when the entire committee might be and ought to be present—at least ought to be invited.

It so happened that the work of another committee on which I served conflicted with some of the earlier meetings of this committee when other matters were being considered, though I attended the same as faithfully as possible, and was astonished when I learned from newspapers that leading officials of the Nation were being examined by a little group of three men, without so much as notice being given to the rest of us.

The majority report finds that the $850 for the Day portrait and frame was a misappropriation.

The distinguished gentleman from Missouri said there was no doubt but that the paper in question bore John Hay's name; there is no doubt that John Hay authorized the expenditure of $850 for the portrait. That is admitted by everybody. They say that they have as high respect for him as anyone, and yet they charge that the payment of $850 for the portrait and frame was a misappropriation of funds. Still, they say they do not attack John Hay.

As stated in minority views, which I ask to have printed in the RECORD and made a part of my remarks, unless there is objection, but which I will not read now, we agree that no voucher is required when either the President or the Secretary of State, acting under the President, desires to use some money for the purpose of intercourse or treaty with other nations, and deems it advisable that the expenditure ought not to be disclosed to the public.

The amount of $2,450 could have been paid into Secretary Hay's hands without any voucher whatever. Had that been done, of course, this matter would not be before us.

And that is exactly what was done, much of the time at least, under the Democratic administration of state affairs.

In President Cleveland's administration, during part of the time at least, no vouchers at all were kept for similar expenditures.

The majority apparently does not distinguish between the "emergency fund" and section 291, Revised Statutes.

Section 291 does not appropriate money, but was enacted in 1793 as a recognition by the founders of this Government that this Government, like any other, must be able to expend money in connection with foreign relations without a detrimental publicity. Section 291 reads as follows:

> Whenever any sum of money has been or shall be issued from the Treasury for the purpose of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the proper accounting officer of the Treasury by causing the same to be accounted for specifically, if the expenditure may in his judgment be made public, and by making, or causing the Secretary of State to make, a certificate of the amount of such expenditure as he may think advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

It is to be observed that this section is general in its terms and applicable alike to any appropriation for foreign intercourse.

Why should it be confused with the "emergency fund" appropriation? That fund was first provided when Mr. Bayard was Secretary of State in 1886. The language of the appropriation is as follows, and I want you to follow it:

> To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirements of section 291 of the Revised Statutes, $90,000.

Then, too, the "emergency fund" is of Democratic origin. It is interesting to note what probably led to the establishment of this fund:

> In 1881, 1882, and 1885 the department purchased several portraits of former Secretaries of State, and paid for them from the appropriation for "Stationery, furniture, etc."; on February 6, 1885, and on July 4, 1885, the portraits of Secretary Blaine and Secretary Frelinghuysen were so purchased.
>
> Comptroller Durham made strenuous objections to regarding portraits as "furniture," and finally declined to do so, in spite of the department's arguments to the contrary; but, as a compromise, he consented to pass the disbursing clerk's account for the purchase of Mr. Frelinghuysen's portrait upon the provision that no other should be similarly paid for.

Apparently it was to avoid the possibility of such trouble in the future that Mr. Bayard—wisely, as I think—made provision for this "emergency fund."

How unfair is the suggestion that this $850 for the portrait of Secretary Day was misappropriated is evident from the language of the appropriation for this fund, as established by the Democratic Secretary of State, Mr. Bayard, in 1886. Note the language:

> To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, etc.

The Democratic and Republican administrations alike secured portraits to be hung in the room where foreign representatives were received. And it was not a misappropriation under either Democratic or Republican administrations. Surely we must have a proper room to receive ambassadors if we are to "extend the commercial and other interests of the United States." If the upkeep of that room is an indispensable accessory to foreign intercourse, the purpose of which is to "extend the commercial and other interests of the United States," then surely it is a reasonable argument that to keep up to date a collection of the diplomatic portraits, for which no other fund is specifically available, is an entirely proper charge upon the "emergency fund."

That it has been so used for many years was the testimony of Secretary ROOT before the committee. He said:

It has been a custom existing for a great many years, time out of mind, both in the State Department and other departments, followed by whatever party has been in control, to secure for the departments the portraits of the heads of departments. You will find on the walls of the State Department the portraits of every Secretary of State the United States has had, and I think you will find in the Department of Justice the portraits of every Attorney General, and so of every Secretary of War and every Secretary of the Navy and every Secretary of the Treasury. The subject is one which has been before Congress a great many times; it has been perfectly understood that the custom existed, and that the portraits were secured and the payments were made out of the general funds which were at the disposal of the heads of departments; and Mr. Hay undoubtedly followed that custom in securing the portrait of his predecessor, Mr. Day; and, while I can not be certain, I presume the same custom was followed in securing the portrait of Mr. Hay in my time.

That it had been used since 1890 was the testimony of Secretary Knox, page 95 of hearings. He said:

I am told that since 1890 the portraits of the retiring Secretaries of State have been paid for out of the emergency fund; that has been the invariable rule since 1890; that is all I know about it.

It is true that on September 8, 1890, the portraits of John Q. Adams and Henry Clay were purchased from a special appropriation made by Congress for that purpose. With that exception, since 1890 all portraits have been paid for out of the emergency fund.

We find that on March 6, 1890, the portrait of John Forsythe was purchased at a cost of $300 and paid from the emergency fund. This was no doubt done for the reason that under the comptroller's decision the department could not pay for the same from the "stationery, furniture, and so forth," appropriation. No other appropriation was available, and the emergency fund was used, as no doubt Secretary Bayard intended it should be.

Now, it is interesting to note that not only was the emergency fund established by a Democratic Secretary of State, but also that out of this fund the portrait was purchased, October 7, 1895, of the distinguished former Democratic Secretary of State, W. Q. Gresham. This, then, was during the administration of Grover Cleveland. On February 10, 1893, just before the second Cleveland administration, the portrait of T. F. Bayard, former Democratic Secretary, was purchased, and we have been unable to find where any objection was raised to that, nor have we been able to find where any objection was raised to the purchase of the portrait of Richard Olney, the distinguished Democratic Secretary, on October 9, 1897.

The following is a list of portraits of former Secretaries purchased since 1890 and paid for out of the "emergency fund," and date of purchase:

John Q. Adams, January 10, 1901.
T. F. Bayard, February 7, 1893.
W. Q. Gresham, October 7, 1895.
Richard Olney, October 9, 1897.
John Sherman, July 7, 1898.
John Foster, May 11, 1900.
W. R. Day, January 18, 1904.
John Hay, July 20, 1906.
Elihu Root, July 6, 1909.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. WEDEMEYER. I will not be interrupted, as I desire to complete my remarks in the time allotted me.

The SPEAKER. The gentleman declines to yield.

Mr. WEDEMEYER. Other portraits, including those of Calhoun, Marshall, Madison, and Van Buren, were likewise paid for out of the "emergency fund."

Now, Mr. Speaker, I think this sufficiently disposes of the charge of misappropriation so unjustly made against ex-Secretary Hay, because it is under his administration that the payment occurred; there is no question but that his name was on the voucher, and therefore it is his administration of affairs that is being attacked.

In view of all these things it seems rather strange and inconsistent for the committee report to affirm the high character of Secretary Hay. Plainly that affirmation was used as a vehicle for turning suspicion against Mr. Michael, rather than as a genuine tribute to the dead Secretary.

But, Mr. Speaker, happily Mr. Hay's place in the world's diplomacy is too secure to need any empty encomium from men who are trying to reflect upon the general management of the State Department under his administration.

Likewise with Secretary Root, whose disposition of the matter we have already discussed.

No; this $850 was not misappropriated any more than were the other appropriations made from the same fund for like purposes under both political administrations. Neither Democratic nor Republican administrations were accused of misappropriations in these matters when they came up in the past, and we are surprised that any attempt at this day should be made to cast any such reflections upon the distinguished names of men who have held the the first position in the Cabinet under both parties in years gone by.

As an American I am proud alike of Bayard, of Olney, and of Blaine, as well as of Hay, Knox, and Root. I submit that if there was misappropriation it would apply equally as well to Democratic as to Republican administrations, and they ought to be included in the condemnation; but fortunately, as an American citizen, I am glad there is no excuse for any such condemnation. It is utterly without reason, and we are astounded that any committee should suggest it.

Now, a little examination will disclose that the much-heralded charges in the Day portrait matter are equally without foundation.

At the outset it may be well suggested that this matter, which has been so widely advertised through the press, was not the discovery of this committee at all, but, on the contrary, was an old matter that had been fully investigated by Secretary ROOT some years ago, as the testimony of Mr. ROOT, contained in pamphlet No. 5 of the hearings, shows.

That testimony brings out the fact (p. 105) that a communication with regard to this matter was sent in 1906 to Mr. Michael, then consul at Calcutta.

I want to say now Michael was never heard before this committee. Mr. Michael never had a hearing. When the distinguished chairman was asked what was the testimony against Mr. Michael outside of the letter, "Oh," he said, "there were other circumstances and other things." If there were other circumstances and other things, ought not Mr. Michael to have had an opportunity to meet those circumstances and those things? [Applause on the Republican side.] But he never had such an opportunity. Now, I say to you in all fairness, that the only communication which went to him came not from the committee, but from Secretary of State Knox; and I want to say further that the record will disclose that the letter of Mr. Michael that is an explanation of this whole matter was never put in the hearings at all except upon the repeated suggestion of Secretary Knox, as the testimony will show. [Applause on the Republican side.]

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman permit me to ask him a question, and that is, in the prior examination some years ago—1896—was Mr. Michael present then? I judge from what I have heard——

Mr. WEDEMEYER. I am coming right to that, if the gentleman from Mississippi will allow me, in just a moment.

Mr. AUSTIN. I suggest to the gentleman that he have the Michael letter published as part of his remarks.

Mr. WEDEMEYER. I will. Now, in answer to the gentleman from Mississippi, the letter of Michael's that came to Secretary ROOT very clearly, plainly, and honestly disposed of and settled the whole matter with Mr. ROOT, who said the matter deserved no further notice and attention. Here is his testimony.

In response to a question as to what the reply contained, former Secretary ROOT gave the following answer:

In substance, that he—

Meaning Michael—

had been directed by Mr. Hay to make payments for several matters out of what is called the emergency fund—that is, the nonaccountable fund—and that those different matters aggregated $2,450, one of them being the $850 for the Day portrait, and that he received the money from the disbursing officer in accordance with Mr. Hay's directions and paid it out in accordance with his directions for these various matters. Now, that is the substance of his explanation. (See Denby's letter, p. 210 of hearings; also see p. 220, showing Loomis's certificate; see Michael's letter, pp. 159–160.)

As showing Secretary ROOT's disposition of the matter, we quote the following from the Secretary's testimony (p. 106):

The CHAIRMAN. Now, what disposition did you make of that report when this information was conveyed to you?
Senator ROOT. Of Mr. Michael's report?
The CHAIRMAN. Of this investigation that you said you had ordered.
Senator ROOT. Well, I became satisfied that the $2,450 was paid out to Mr. Michael with Mr. Hay's approval, and that I had no reason to doubt it had been expended in accordance with that.

The testimony of Secretary ROOT, on page 111, brings out the fact that no receipt is even required when a payment is made out of this fund.

The former Secretary also brings out that lines between different payments are not drawn with reference to foreign and domestic affairs. He said (p. 111 of hearings):

Well, I should think that the lines between different payments are not drawn with reference to foreign affairs and domestic affairs; they are drawn according to the distinctions between appropriations. If there were two payments to be made out of this particular appropriation, which is called the emergency fund, they might well be made under one direction, one order, or warrant from the Secretary of State, even though one of them related to foreign affairs and one to domestic affairs—that is, so far as domestic affairs come under the State Department, the lines being drawn on appropriation lines.

As to taking papers from the files, the testimony of Senator ROOT, on page 112, is of interest:

Mr. DAVIS. Is it the custom for an officer having charge of vouchers to allow them to be taken from the files?

Senator ROOT. Well, I suppose so, if they are wanted in the department. It depends on what you mean by taking them from the files. Do you mean taking them away from the particular place of deposit?

Mr. DAVIS. Yes; and keeping them for several days at a time.

Senator ROOT. Oh, that would frequently happen, undoubtedly.

Mr. DAVIS. Is not that done only upon the direction of the head of the department—for instance, of the Secretary of State?

Senator ROOT. Oh, no.

Mr. DAVIS. Has the chief clerk, for instance, a right to go to the disbursing officer and demand these vouchers out of his possession?

Senator ROOT. I should say yes.

Mr. DAVIS. You think he has?

Senator ROOT. I should think so; yes. I have never known any question to be raised about it. The papers which are in the files are in frequent use, are frequently called for by the various branches of the department, and certainly I have no doubt that the chief clerk would be entitled to send for papers from those files. Probably the practice would require a note to be made in some way and put with the file, to show that the papers went into the hands of the chief clerk.

Further, the testimony of the former Secretary, on pages 113 and 114 of the hearings, is of interest.

Mr. HUMPHREYS of Mississippi. Let me ask the gentleman for information. As I understood the statement of the gentleman from Missouri [Mr. HAMLIN], Mr. Michael had had his day in court at a former investigation. I want to know now if he was present at the former investigation or if he was simply written to and made a written reply?

Mr. WEDEMEYER. Let me say this. I take it that he was not present because his explanation by letter did not even make it necessary that he should come.

Mr. HUMPHREYS of Mississippi. Where was he?

Mr. WEDEMEYER. He was over in Calcutta at that time. Of course, if Secretary Root had concluded anything was suspicious he would not have found him guilty and discharged him without a personal hearing, but there was no need for it, because the letter cleared up the whole matter. Do you see the reason for that? You will see it when I read Michael's letter. His letter says that his impression was that the remaining money was expended in connection with Chinese matters; and of course the portrait was a domestic matter. If the Secretary wished to, he could combine the two in that voucher.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. WEDEMEYER. No; I will not.

Mr. O'SHAUNESSY. The gentleman need not be so afraid of me.

Mr. WEDEMEYER. I want to say in deference to the gentleman, because he did interrupt me before, that I have patiently and carefully examined this matter, and I want to bring the facts before the House, and when I am through, if there is any time, I will be very glad to answer the gentleman or anyone else.

Now, here we come to the hearings, and if you will follow me you will see how fair and reasonable the explanation is:

The CHAIRMAN. Senator, if this $1,600, the difference between the $850 paid Rosenthal and the $2,450 drawn from this fund, was paid out for other purposes, would there not be vouchers for those payments?

Senator ROOT. Not necessarily; no.

Hay is the only man who did know, and if he wanted to keep it to himself it was not to be expected that he went around and told his subordinates what he did.

The CHAIRMAN. Do you mean to state that this fund will be paid out without any receipt being taken or any memorandum being made showing how it is paid out?

Senator ROOT. Yes; it might well be paid out without any receipt being taken; that is a matter that is committed by law to the Secretary of State.

The CHAIRMAN. But this certificate that the Secretary of State, or the President through the Secretary of State, is permitted to make, throwing the veil of secrecy over this expenditure, would, under the law, cover only certain things that ought to be kept secret. Is not that true?

Senator ROOT. I suppose; yes.

The CHAIRMAN. Now, then, if this money should be paid for some things that ought not to be kept secret, or about which there is no necessity for secrecy, how is the Secretary to know, if there is no memorandum made of the payment or voucher taken, to whom the payments have been made or for what purposes they were made?

Senator ROOT. I suppose the Secretary must know what has been paid and know what the money is expended for.

The CHAIRMAN. He would know that by vouchers that would be taken at the time the payment was made, would he not?

I want you to notice the answer of Senator ROOT:

Senator ROOT. Well, he would know it if vouchers were taken, but there may well be payments made, and there are payments made, for which no vouchers could well be taken. I suppose that perhaps the most important of the payments that would be made out of what you may call a secret fund would be payments that would be made without vouchers.

The CHAIRMAN. Would they be made through the chief clerk?

Senator ROOT. They might be; they might be made through anybody whom the Secretary of State selected to make the payments.

The CHAIRMAN. Is the chief clerk, who has charge of the local office here, the usual medium through whom these payments are made for which no vouchers are taken?

Senator ROOT. You can not say that he is the usual medium or that anybody is, because those things are not frequent enough to establish a custom. You can well understand that there are very different conditions at different times. During Mr. Hay's time we were just closing up the War with Spain, and undoubtedly there were many payments being made during that period—during the period of the war and succeeding the war—for which no vouchers would be taken. Coming along down to my time, in the summer of 1905, we had entered upon new conditions, and I do not recall any payment in my time for which a voucher might not be taken, though there may have been.

There is nothing strange about Michael acting in the matter—not at all. The Secretary of State is not attending to these details. That is what he has a clerk for.

The majority report finds that Morrison, as disbursing clerk, on the verbal request of Chief Clerk Michael, drew a warrant on the Treasury Department for the sum of $2,450. This warrant for $2,450 was cashed through one of the messengers of the disbursing bureau January 16, 1904, the majority state, and the money deposited in the safe in Morrison's office, where it remained until January 18, 1904, when Morrison delivered the said money to Michael, taking no receipt, but relying alone on the voucher signed by Rosenthal. This voucher Mr. Rosenthal had apparently signed in blank.

Right here the chairman says that the voucher bears the name of John Hay—the voucher for $2,450. There was some talk about those dollars. I was not in the committee to hear the testimony, but $2,450 was what it was intended to be.

Mr. HAMLIN. Will the gentleman yield right there?

Mr. WEDEMEYER. No; I will not.

The SPEAKER. Will the gentleman from Michigan yield to the gentleman from Missouri?

Mr. WEDEMEYER. No.

Mr. HAMLIN. I just wanted to ask a question.

The SPEAKER. The gentleman declines to yield.

Mr. WEDEMEYER. Mr. Morrison's testimony, page 128, showed that the $2,450 was paid in cash. The voucher was approved by Secretary Hay.

The letter of Mr. Michael shows that no receipt on the voucher by Rosenthal was ever intended. All that was needed from him was an ordinary receipt, which was actually given, though there was great attempt to cloud that whole matter in much mystery. This receipt is to be found on page 214 of the hearings.

Now, right at this point, is it reasonable to suppose that if Michael or Morrison intended to commit any wrong that they would have one voucher signed for $2,450 and in the same bundle of papers have a receipt for the same thing signed for $850 in all? Of course not. The receipt was all that was intended, and nothing else was intended.

I want to say to you, as Members of the House know, I am a new Member here. I have been suffering from an illness these few weeks, and I hope that in the opening of my remarks in my overzealousness I have said nothing that was at all wrong with regard to the other members of the committee. I have been simply trying to state the facts, and I comment upon the committee only as this is necessary in order to throw light upon their attitude in this matter.

In this connection the following incidents are worthy of notice:

When the papers in the Day portrait case were finally found and placed before the committee by Secretary Knox, there appeared among them a receipt signed by Mr. Rosenthal for $790, the exact amount due him for the portrait, with a postscript in his handwriting to the effect that the amount did not include the frame for the portrait, for which Mr. Fischer received $60 directly from the department. This receipt appears to have been with the papers in the case when they were found.

That was his receipt, and that was the only receipt that should ever have been given. The signing of the $2,450 voucher by Rosenthal was an inadvertence. No voucher at all was necessary. Mr. Hay had withdrawn that $2,450, and no voucher was needed upon his certificate, according to a long-established practice. No vouchers were considered necessary during a large portion of President Cleveland's administration for secret payments.

The preposterous theory was suggested that the Rosenthal receipt had been prepared after the committee's investigation had begun. Page 154:

Secretary KNOX. What do you suspect, Mr. HAMLIN, that somebody is trying to commit perjury here or bring you a forgery?

The CHAIRMAN. I am not accusing anybody, but I am of the opinion that that receipt was prepared recently.

The Secretary pronounced the theory absurd, and in response to his inquiries it was admitted that the signature and note upon the receipt were unquestionably in Mr. Rosenthal's handwriting. Secretary Knox thereupon suggested that Mr. Rosenthal be subpœnaed to testify in regard to the receipt.

The morning Mr. Rosenthal was to testify in regard to this receipt, namely, June 21, 1911, one of the Washington papers, the Washington Herald, I believe it was, published a statement under sensational headlines to the effect that Mr. Rosenthal

would repudiate the "mysterious" receipt and deny that he had written or signed it.

But when Mr. Rosenthal appeared before the committee a few hours later and was shown the receipt in question, he not only testified that it had been signed by him, but that the postscript had been written by him before or at the time he received payment for the portrait.

Further, the majority report shows:

At that time, according to the testimony of Morrison, there was nothing on the voucher to indicate the purpose for which this sum was to be utilized. After paying over this money to Michael and returning to his office, the said Morrison, within 30 minutes, caused a clerk in his office to write with pen and ink, in parentheses, on the voucher, the following: "For the portrait and frame of ex-Secretary Day." The said Morrison testified before your committee that he caused this memorandum on the voucher to be made for his own protection.

Mr. Morrison can not be supposed to have known what the whole $2,450 was spent for. From what he learned he apparently thought it was all to go for the portrait and frame, and accordingly had it so indicated. Of course it was to go for the portrait and frame in part and for other matters, also. His testimony, however, is perfectly clear and straightforward and shows how the reference to the Day portrait came to appear on the voucher.

The majority report further shows that Michael reported in 1906 that he had paid this money received from Morrison—by which, of course, reference is had to the $2,450—to Secretary Hay; and while he did not know, he presumed that he used the difference "in relation to the emergency fund authorized by section 291 of the Revised Statutes for some item or items relating to foreign affairs."

This statement is followed by the highly unnecessary comment that at the time Michael made his statement Secretary Hay was dead. Of course, had ex-Secretary Hay been living the facts would have been obtained from him, as he apparently was the one man who knew exactly the purpose for which the remaining $1,600 was expended, because it was a secret expenditure and one that he had a right to make.

Mr. DENT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Alabama?

Mr. WEDEMEYER. No; I can not yield.

The SPEAKER. The gentleman declines to yield. The gentleman from Michigan is entitled to the floor.

Mr. WEDEMEYER. I want to say, Mr. Speaker, that I had nothing to do with the limiting of time. That was done by the House. Unfortunately, there are a lot of ramifications in this matter, and I decline to yield, not because I do not want full discussion, but because of pressure of time. I believe that a full discussion of this matter, a discussion full enough and thorough enough, would result in the defeat of this resolution.

The majority report should have given the entire letter of Mr. Michael, which plainly clears up the whole matter. Here is the letter:

Confidential.]

CALCUTTA, INDIA, *May 7, 1906.*

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

SIR: Your letter of the 28th of March was received in last Sunday's mail—the last mail from the United States—and my answer thereto goes forward by the first outward mail.

You call my attention to a "voucher bearing No. 228, unaccompanied by a bill or other memoranda, for the sum of $2,450 * * * for expenses incurred and to be paid out of the emergency fund appropriated for 1903, under which is written in ink in parentheses (for portrait of Judge Day, late Secretary of State), * * * duly signed by Albert Rosenthal, dated January 18, 1904.

"As this amount is greatly in excess of the sum paid by the department for other similar portraits, and as it also seems in excess of the figure which this artist is accustomed to receive for his work, the department would be forced to the conclusion that the voucher signed by Rosenthal was actually made out to cover a number of emergency payments, of which the portrait was only one, were it not that the voucher was signed by Rosenthal alone.

"You are requested to state, as far as you can from memory, exactly what was paid for the portrait in question, how it was paid, whether by cash or otherwise, and to indicate what other expenditures, if any, are included in the gross sum of the voucher, and any other explanatory facts within your knowledge."

In reply I have the honor to say that the price paid for the portrait, as nearly as I can now recall, was $750. Whether this includes the cost of the frame, I am unable to say.

My memory is not clear as to how payment was made. I am inclined to think, however, by drafts.

The price paid for the portrait was, I believe, agreed upon between ex-Secretary of State Day and Mr. Rosenthal. I was directed by Secretary Hay to write to Judge Day and ascertain whether the portrait was entirely satisfactory to him and the price agreed upon. In reply to my letter Judge Day said the portrait was satisfactory to him, and stated the price to be paid. This letter I handed to Secretary Hay. He took a memorandum out of his portfolio and, after looking at it, directed me to make out a voucher for a certain amount—I do not now recall the amount—to pay for the portrait, and to hand him the balance, which he desired to apply on other emergency accounts. He did not say what the accounts were, and the only impression I got was that they related in some way to Mr. Rockhill in connection with Chinese affairs.

The amount of the voucher—whatever it was—was delivered to me by some one from the Bureau of Accounts, according to my recollection. The price of the portrait was taken out of the envelope containing the money in the presence of Secretary Hay, who retained the balance.

The voucher was to be signed by me, and not Mr. Rosenthal. If he signed the voucher instead of a receipt it was through error. There was no such purpose. If the voucher was sent to him to sign it was by inadvertence; and it seems to me unaccountable that he should have signed such a voucher if it had been sent to him. He was paid in full for the portrait, I am quite sure.

Whatever was done in the premises was done by direction of Secretary Hay, as nothing could have been done otherwise; and if there is anything in the transaction open to criticism it is the error of sending to the artist a voucher which was not intended for his signature at all and which he should not have signed.

With respect, I have the honor to be,
Your most obedient servant,
WM. H. MICHAEL.

We submit that this makes the whole transaction perfectly clear; and still, such was the attitude of the subcommittee that this letter was only included in the printed hearings, after repeated suggestions from Secretary Knox (p. 158).

That is all there is to the whole matter.

Mr. NORRIS. That letter of Mr. Michael's was written from Calcutta?

Mr. WEDEMEYER. Yes; written from Calcutta, India. Here was a voucher for $2,450. It is of date January 18, 1904, and was signed by John Hay. Eight hundred and fifty dollars was paid to Mr. Rosenthal for the Day portrait, less the $60 for the frame. According to Mr. Michael's testimony—and there is nothing in the world to contradict it—the remaining $1,600 was expended by Secretary Hay for emergency affairs. That is all there is to it, and it is impossible to distort the testimony so as to make anything else out of it. The signing of the voucher for $2,450 by Mr. Rosenthal was an inadvertence. That is shown by the fact that an ordinary receipt was sent to Mr. Rosenthal. Surely a voucher for $2,450 and a receipt for $850 covering the same item would not be secured in the same transaction by men who were trying to steal money.

The proper voucher was signed by the Secretary of State when no voucher at all was necessary. Morrison paid over the $2,450 in cash to Michael, which tallies exactly with the statement of Michael, that the amount for the portrait was taken out of the envelope containing the money, in the presence of Secretary Hay, who retained the balance. No one but the dead Secretary knows exactly what the balance was expended for, though Mr. Michael's impression was that it related in some way to Chinese affairs.

Had no voucher been issued—and none was necessary—the matter would never have been so much as discussed. Nor would it have been subject to discussion if a clerk had not written in the words "for portrait of Judge Day, late Secretary of State," under the circumstances already fully detailed.

Now, surely, gentlemen of the House, no matter what their party affiliation may be, can not doubt that Senator ROOT was just as anxious to get at the bottom of this matter as anybody on this floor, and I think you will concede that he was fully as competent to ascertain the facts as any Member of this House. [Applause on the Republican side.] We believe that Secretary Root was just as able and just as anxious to get at the facts when he made the investigation in 1906, as is this committee. And we believe that Secretary Root's disposition of the matter, as already indicated in excerpts from his testimony, is much more reasonable than the strained attempt to make out a case against Mr. Michael, who is thousands of miles away and unable, adequately, to defend himself against the unjust attacks made on his character.

We do not believe it is the proper attitude to distort every bit of the testimony in such a way as to attempt to force the presumption of guilt, rather than to give it the reasonable and just interpretation that Secretary Root apparently gave it in his investigation.

As further showing the attitude of the subcommittee we call attention to the following (p. 77):

The CHAIRMAN. I wish you would go into some detail and tell how it happened that you discovered this voucher had been raised.

Nowhere is there anything to justify any suggestion of the voucher being "raised." (See also p. 155):

The CHAIRMAN. I attach no blame to you—no inference to you at all.

Secretary KNOX. I did not have the slightest idea that you did, because I had nothing to do with this thing and knew nothing about it except what the records disclose.

The CHAIRMAN. I am inclined to think that is true.

[Laughter on the Republican side.]

See page 197. The chairman asks: "Did you see any other papers 'fixed' up there when this investigation was going on in 1906?"

Now, I might go into the handwriting proposition and the attempt made to show that certain dates were so and so, but the result of the investigation was so disastrous along that line that the witness was stopped.

However, as showing the lengths to which the subcommittee went in its endeavor to cast reflection on the State Department, it is interesting to call attention also to the testimony of Mr. Henry W. Elliott, page 207 of the hearings.

Apparently, from the chairman's attitude (p. 161) Mr. Elliott was called for the purpose of showing that on the letter written by Mr. Rosenthal there was afterwards placed by some one else the words "Washington, 3/23/06." As showing his qualification as a handwriting expert, it is well to note that in his reply to the question of the gentleman from Alabama [Mr. DENT], "What is your business?" Mr. Elliott replied, "Artist, naturalist, and real estate." Unfortunately, however, this "artist, naturalist, and real-estate man," did not give what was apparently desired, because after testifying that the same man wrote both the letter and the "Washington 3/23/06," but at different times, after giving this testimony, Mr. Elliott was excused.

Many other excerpts from the testimony could be given, showing partisan attitude of the subcommittee.

The severe strictures upon the conduct of present officials of the State Department are entirely unwarranted.

Though, as already stated, we were not invited to be present at the hearings, although we were not even notified of them, though ourselves members of the Committee on Expenditures in the State Department, still we have learned from the printed reports and otherwise that the present officials of the State Department gave much time to the hearings held before the subcommittee. Among others who showed this committee every courtesy in the way of giving information were: Assistant Secretary of State Wilson; Thomas C. Dawson, minister to Panama; W. J. Carr, Director of the Consular Service; former Secretary ROOT and the present Secretary, Mr. Knox; besides, of course, Mr. Morrison and other officials of the department.

Mr. Speaker, I do not want to be harsh upon my associates; but is it not strange, with a small committee of seven, when all these distinguished men were to appear, that we were not at least allowed to know about it before we read the sensational headlines in the papers?

In connection with furnishing secret papers to any committee that might ask for them it is interesting to note the language quoted from Democratic President Polk, page 97 of hearings, when in a message dated April 20, 1846, replying to a resolution requesting him to furnish similar records to the House of Representatives, he declined so to do. In the course of his message he said:

> It appears that within the period specified in the resolution of the House certificates were given by my immediate predecessor, upon which settlements have been made at the Treasury, amounting to $5,460. He has solemnly determined that the objects and items of these expenditures should not be made public, and has given his certificates to that effect, which are placed upon the records of the country. Under the direct authority of an existing law, he has exercised the power of placing these expenditures under the seal of confidence, and the whole matter was terminated before I came into office. An important question arises, whether a subsequent President, either voluntarily or at the request of one branch of Congress, can without a violation of the spirit of the law revise the acts of his predecessor and expose to public view that which he had determined should not be "made public." If not a matter of strict duty, it would certainly be a safe general rule that this should not be done. Indeed it may well happen, and probably would happen, that the President for the time being would not be in possession of the information upon which his predecessor acted, and could not, therefore, have the means of judging whether he had exercised his discretion wisely or not. The law requires no other voucher but the President's certificate, and there is nothing in its provisions which requires any "entries, receipts, letters, vouchers, memorandums, or other evidence of such payments" to be preserved in the Executive department. The President who makes the "certificate" may, if he chooses, keep all the information and evidence upon which he acts in his own possession. If, for the information of his successors, he shall leave the evidence on which he acts and the items of the expenditures which make up the sum for which he has given his "certificate" on the confidential files of one of the executive departments, they do not in any proper sense become thereby public records.

The majority report gives as reason for its attitude, to "restore confidence in those who handle the public funds and who represent us in important positions abroad."

Just how such a laudable purpose could be accomplished, even if necessary, by unjust attacks upon the State Department and its officials, as well as those who represent us abroad, I do not quite understand. Such an unjust course as advocated by this resolution would, we submit, absolutely destroy the confidence which the American people have.

The only reflection ever made upon John Hay, so far as I remember, is that contained in the report of this committee, and I believe I know that the whole country resents it. [Applause on the Republican side.]

Why does not the committee state all, or at least some, of the splendid things that have been accomplished during the administration of Secretary Knox, instead of attempting to cast reflections?

We are proud of the record of Secretary Knox, who has been able to show a clean bill in his own administration, and, although unable to give unwritten history of transactions in previous administrations, he has been successful in showing any fair-minded person that the financial administrations of his predecessors have been upon a high ethical standard, although the tedious details of accounting and bookkeeping may have been in the past, under both Democratic and Republican administrations, in some respects unbusinesslike and out of date.

It has been pointed out that if Secretary Knox had thought the business organization of the State Department to be perfect he would not have made the complete reorganization of the department the very first act of his administration. Naturally in the process of reorganization, attention was first given to those units which affect the quality of the work of the department—that is, its efficiency in looking after the interests of the whole American people in the foreign relations of the United States. All the bureaus and divisions affecting real efficiency have been rearranged and reorganized along modern lines. Those bureaus not affecting efficiency were naturally the last to be taken up. It is known, however, that the methods of accounting and bookkeeping in the State Department have for some time been the subject for study. Their complete reform had been delayed by two considerations; first, the fact that certain reforms must depend upon legislation already requested of Congress to do away with obsolete requirements of "red tape," and, secondly, the President's commission on economy and efficiency, in cooperation with departmental committees, has been engaged for months in devising for all the departments uniform methods of accounting and bookkeeping, the purchase of supplies, and so forth, and it was necessary to await the perfection of the methods thus being worked out. These new methods have become effective July 1, 1911, I believe.

Secretary Knox has centralized the general financial direction and clearly allotted the expenditures in financial and diplomatic, consular, or departmental services, and also promulgated stringent regulations controlling absolutely the use of the appropriation for emergencies and limiting the practice of making secret expenditures from that fund to such only as the public interest absolutely requires not to be made public.

Regarding the criticism as to reporting the time of finding the papers, we call attention to the fact that the testimony of Secretary Knox on June 14 shows that he took pains to send word by Mr. Carr, of the department, to Mr. HAMLIN and to say that the Secretary would be prepared in a day or two to report the results of his investigation—results which had been foreshadowed in the testimony of former Secretary ROOT.

This courtesy was rewarded by the immediate service of subpœna upon the Secretary, instead of a request by telephone to attend a hearing and give the information.

Every phase has been handled as though the committee were dealing with criminals rather than with officials of a great department. The highest officials have been trusted to answer truthfully only under oath.

Every effort has been made to create the impression that there was something rotten in the State Department. The finding of the papers, though reported at the earliest possible time under all the circumstances, was made the basis of abuses and attacks, coupled with all sorts of suspicions, and conveying the impression that the committee had accomplished a wonderful Sherlock Holmes detective feat. Really, as a matter of fact, what was ascribed to the shrewdness of stern inquisitors was actually due to the fairness and frankness of the State Department in furnishing and laying before the committee all evidence obtainable.

As to finding the voucher, Mr. Michael surely can not be blamed in any wise in this connection, because he was thousands of miles away when it was found; and as to Morrison, if there was any guilt on his part that would impel him to conceal the voucher, he could have easily kept it from the committee, but he did not. He reported the finding, and the whole matter was given to the committee.

Had Morrison been desirous of bringing forward the voucher he would hardly have resorted to the clumsy device of throwing it on the floor for others to find. It would have been much simpler to have misplaced it in some file, and upon renewed search to have discovered it and explained its misplacement. It would have been equally easy for him to have destroyed it entirely. The very circumstances of its discovery and its prompt delivery by Morrison to his superiors in office shows his entire lack of duplicity hinted at in the majority report.

The voucher and its accompanying papers may have been held by somebody without authority, and such person might have taken this method of ridding himself of the papers.

It might be, too, that some one maliciously inclined and who wanted to injure and embarrass the present administration and

the State Department deliberately dropped the papers, wrongfully held, in the office of the Bureau of Accounts.

Had the voucher never been found we would have heard a great deal about that. Now that it is found, capital has been attempted to be made out of this fact.

I am very glad it was found, because bearing, as it does, John Hay's signature, taken in connection with Michael's letter, it explains all, whatever the theory as to finding.

As to the matter of finding this voucher, concerning which there has been so much discussion in the public press, note further the following language on page 152, No. 6, of the hearings:

The CHAIRMAN. Have you any theory as to how that voucher got on that office floor five years after it was taken from the files?

Secretary KNOX. Yes. A man must have a theory about those things, whether it is a correct one or not. Of course, it is a matter I would not like to state, but I have a theory about it; yes.

The CHAIRMAN. But not sufficiently well founded that you would like to state it?

Secretary KNOX. I have no doubt that you have a theory about it, and I have no objection to stating what my theory is, but I do not state it as a fact; it is only a theory.

If the subcommittee were really anxious to get the exact facts, why was Secretary Knox not asked to state his theory?

This is one of the numerous instances where if we two members of the committee of seven could have been permitted to be present at the hearings we might have gotten some light that we desired. At any rate we would not purposely have left the matter in a haze for the evident object of casting suspicion.

Innocently or otherwise the idea became promulgated through the press that somebody was guilty, and there are men on that side with whom I have talked, who honestly thought there was something to it because they had heard only one side. In my very weak way, coming out of a sick bed, I have tried to give you something of the other side. I wish I had more time because the memory of John Hay and the reputation of Mr. Michael and Mr. Morrison are deserving of better defense than I can give; but I know that no man here, investigating this matter with the sole desire to arrive at the truth and laying aside partisan considerations, can come to any other conclusion than I did, namely, that there is absolutely nothing to these charges.

Here is a department that is handling millions upon millions of dollars, and men have been spending the time of Congress and public money to carry on the investigation of $1,600 in connection with a matter that required no further investigation and had been disposed of fully before by men better able than this committee to pass upon the facts.

What, then, can we say as to the conclusions of the majority report? We will consider them very briefly in their order.

First. There was no misappropriation.

Second and third. Conclusions 2 and 3 are absolutely inconsistent, as the one admits no voucher at all was necessary, and the other lays blame for not accounting for matters for which no voucher was needed.

Fourth. The fourth refers to the $1,600 as being in the possession of Morrison and Michael.

There is absolutely no evidence that either one of them had the $1,600 left after the $850 was paid for the Day portrait. The disposition of that $1,600 has been fully covered.

Fifth. As to the fifth conclusion of the committee, we may say that, of course, Secretary Hay did not take the $1,600 to his personal use. Nor did he have to account to anyone for the method in which it was used. The suggestion that Michael's letter reflects on Hay is too ludicrous to discuss. The only reflection on Hay that we ever heard of is that contained in the majority report, and we believe the country at large resents it. [Applause on the Republican side.]

Sixth. There is absolutely no reason to believe that the $1,600 was misappropriated by Michael and Morrison, or either.

Seventh. Michael and Morrison would have been removed by Mr. ROOT or Mr. Knox had they been guilty of anything that justified any such course.

The last suggestion, as to the statute of limitations, and so forth, is entirely gratuitous and an evasion of the issue.

In conclusion, as further showing the attitude of the gentleman from Missouri, it is interesting to quote his language in the debate in the House on June 26, 1911, when the gentleman made the following statement:

I have gone into this matter far enough to know that the fund which is expressly appropriated for foreign intercourse and the promulgation of treaties with foreign nations has been shamefully abused—thousands and thousands of dollars of the people's money expended for which no accounting has been made to Congress, and none can be made under the law.

I defy the gentleman to show where this fund has been shamefully abused, as he glibly argues. Probably the generalization is based upon the same kind of information on which he asks that a faithful servant of the department, and who has been there ever since 1867—before many of us here in the House were born—that this faithful servant shall be discharged without any reason at all.

The gentleman from Missouri argues that for the entertainment of distinguished visitors the expense should be specifically appropriated by the House.

To this ludicrous suggestion the chairman of the Appropriations Committee made the following reply:

If Congress were to make specific appropriations in each instance when some representatives from other nations came here, and if Congress would determine to appropriate a certain sum for entertainment of a distinguished personage from one power, and some time afterwards a representative from another nation came and for any reason a different program were arranged and a different sum appropriated, it would result in an invidious comparison which would be more embarrassing than to permit some official, in his own discretion, to expend what would be a reasonable sum in each instance.

Under the suggestion of the gentleman from Missouri, if followed, it would be necessary to call together the House every time any distinguished visitor might arrive and to figure out just how much we would expend on him. Did it happen to be a Persian, the expense would be a little different than for an Englishman; if from Morocco, a little different than for a representative from France, and so forth, for example.

Should we follow this idea, then when any gentleman representing a foreign nation would come, we would lay before him the exact bill of fare, showing the exact number and kind of sandwiches that had been allowed him and how much street car fare—just exactly in what limits he could move.

This would be a perfectly reasonable construction to place upon the unreasonable suggestion of the distinguished head of the Committee on Expenditures in the State Department.

No; there is nothing to all this. There was no misappropriation. There was nothing wrong in the action of Morrison or Michael. The latter holds an important position thousands of miles away, and has been given no opportunity to appear in his own behalf. He would be discharged without reason and without trial if this committee's recommendation were to maintain.

Morrison is an old man. His service began before many of us here were born. Is that service to be rewarded with dismissal for no reason at all except to satisfy partisan prejudice and a desire to manufacture campaign thunder? The American people are fair; they expect this House to be fair.

For a period the public has heard only one side of this matter. We present the other. We fully realize that it is more popular to join in "muckraking" when the papers have, innocently or otherwise, given impressions that certain officials are guilty than it is to state the real facts. Still, it would be cowardly not to speak the truth and not to say what should be said, both in behalf of the men unjustly accused as well as in behalf of the integrity of the great Department of State, whose work under the administration of all parties has been of the highest order.

In closing it is worth noting, also, that even the highest officials of the United States have not been protected from innuendoes and attack, and suggestion of impeachment has even been made in the public press in the following language, copied from the Washington Herald of Thursday, June 29, 1911, closing paragraph of article on first page, first column:

According to the present plan, no resolution calling upon the President to comply with the recommendation of the committee will be introduced immediately. The report will be printed as a public document, and Chairman HAMLIN, it is understood, will ask that it lie on the table. If, however, after a reasonable time has elapsed President Taft fails to instruct Secretary Knox to dismiss Mr. Morrison and Col. Michael, a resolution intended to bring such action to pass will be introduced. In the event that the House passes this resolution and President Taft still refuses to comply with the request impeachment proceedings will be instituted at once.

The mere statement of the above shows the ludicrous lengths to which publicity in this matter has gone. Nothing has been spared to cast reflection all along the line.

So far as confidence in the State Department is concerned we are certain that the American public, as well as the world generally, has the greatest confidence in this department presided over to-day by one of the great men of the Nation, and numbering among its heads in the past, under the administration of all parties, men of the highest standing and integrity—men whose administration should not be attacked without the most thorough investigation on the part of those who make the attack.

Unwarranted criticism of our State Departmnet by a committee of either branch of the National Congress can not but injure the standing of the Nation in the eyes of the world, however unwarranted such criticism may be. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER of Missouri. I ask unanimous consent that the gentleman may have half an hour more in which to conclude his remarks.

Mr. WEDEMEYER. I will conclude what I have to say in one minute.

Mr. RUCKER of Missouri. I hope the gentleman will take half an hour. He is making a good speech.

The SPEAKER. The House passed an order of business. Of course the House can do anything it pleases by unanimous consent.

Mr. RUCKER of Missouri. I ask unanimous consent that the time of the gentleman from Michigan be extended half an hour.

The SPEAKER. The gentleman from Missouri asks unanimous consent to modify the order adopted this morning, so as to extend the general debate 30 minutes, and give that time to the gentleman from Michigan.

Mr. HENRY of Texas, Mr. HEFLIN, and Mr. GARNER objected.

Mr. WEDEMEYER. I thank the gentlemen who objected, because I have nearly concluded what I have to say.

Mr. TILSON. I yield to the gentleman two minutes more.

Mr. WEDEMEYER. At the close of the remarks of the gentleman from Missouri [Mr. HAMLIN] he made some uncomplimentary reference to the State Department in connection with myself, or to myself in connection with the State Department. I want to say again, because I want to be perfectly frank with the House, not having been given an opportunity to attend the investigations, and there being many things that I wanted to find out, I did go to the State Department. I did consult with the officials of that department. I got whatever suggestions I could. I got some suggestions from the minority leader [Mr. MANN]. Some of those suggestions from both sources were embodied in the views of the minority. If ever a man has worked hard and tried to prepare a thorough report on a matter, I have tried in this case, and I am sure my friend from Missouri [Mr. HAMLIN] will not make any suggestion to the contrary, because I do not think he harbors any ill feeling toward me, and I surely harbor none toward him; but I do want, in the moment I have remaining, to conclude by saying this:

Public confidence can hardly be strengthened by far-fetched attacks upon that great department of our Government—the one department that has especially to do with our relations with the world outside—and which, accordingly, last of all, should lightly be made the target for partisan attack.

I simply ask of you as American citizens and Representatives, laying aside partisan considerations and party advantage, to do justice to all whose names have been brought into this matter—to Secretary Hay, who is gone; to Morrison and Michael, who are still living. I ask you, without regard to partisan affiliations, to do by these men as you would wish to be done by under similar conditions. [Prolonged applause on the Republican side.]

[H. Rept. 59, pt. 2, 62d Cong., 1st sess.]

PORTRAIT AND FRAME OF FORMER SECRETARY OF STATE WILLIAM R. DAY.

Mr. WEDEMEYER, from the Committee on Expenditures in the State Department, submitted the following as the views of the minority, to accompany House resolution 103:

Although the Committee on Expenditures in the State Department consists of only seven Members, that committee, instead of carrying on the investigation of expenditures in the State Department by the full committee, as would be the proper course, has carried on the investigation referred to in the report of the committee presented to the House on July 5, 1911, through a small subcommittee. We can see no reason why the investigation should not have been carried on by the full committee and all members of the committee notified of the meetings. We think the action of the committee in appointing a small subcommittee instead of carrying on the investigation by the full committee of seven is subject to severe criticism. It is a practice which ought not to prevail. It is unjust to the members of the committee and to the department which is being investigated. If it had been intended to have a fair investigation the full committee should have been invited in.

The undersigned, members of the Committee on Expenditures in the State Department, were not on the subcommittee before which the hearings in the Day portrait matter were held. We were not notified of these hearings, and base our views upon the printed reports of the hearings, as well as some certain statements in the public press.

The Day portrait matter is not a new proposition, but is an old matter, which was fully investigated by Secretary ROOT several years ago. His investigation at that time satisfied him that there had been no misappropriation, and accordingly the matter was dropped until taken up again by the subcommittee.

In the report of the committee the following statement is made:

"It is the opinion of your committee that the practice of signing vouchers in blank is not only unbusinesslike and inexcusable, but amounts to a virtual invitation to wrongdoing, and such practice can not be too strongly condemned."

Certainly the State Department should not be condemned in this fashion for this practice. It is the prevailing practice under the Government, and the gentlemen who submitted the report, as well as all the other members of that committee and all the other Members of both the House and the Senate, invariably, and we believe without any exception, sign vouchers in blank, not only for their own salaries, but Members of the House also sign vouchers in blank for the amount allowed them for clerk hire in advance of the clerk performing the duty, and make a certificate to that effect.

If it is unbusinesslike for the State Department to have adopted this practice of the Government, it is much more unbusinesslike for the legislators who make the laws to adopt the practice themselves in their own actions as related to the Government.

Why should the members of the committee, who constantly sign vouchers often many months in advance, criticize the State Department for having permitted a voucher to be signed after the work had been performed?

The Members of the present House have each signed vouchers for clerk hire in advance running until December 1 next, and which vouchers so signed in advance state that the Member signing it has received the sum of $125 in full for amount due him as allowance for clerk hire necessarily employed by him in the discharge of his official and representative duties during the month of ———, which he certifies to be correct. These blank vouchers, though signed by the Members of the House some months ago, were signed in sufficient numbers to provide vouchers up to December 1 next, and the members of the committee which criticize the State Department for permitting a voucher to be signed in blank have themselves certified to be correct that they have necessarily employed a clerk months ahead of the time when such voucher is to be dated and used.

The following is the form of the voucher signed in advance by Members of the House:

No. ——

VOUCHER FOR CLERK HIRE FOR MEMBERS AND DELEGATES, HOUSE OF REPRESENTATIVES.

Received of South Trimble, Clerk of the House of Representatives of the United States, the sum of $125, in full for amount due me as allowance for clerk hire, necessarily employed by me in the discharge of my official and representative duties during the month of ———, 191—, which I certify to be correct.

(Signature) ——— ———

Member of the House of Representatives of the United States.

——District, State of ——

The criticism of the State Department by the majority of the committee in their report for permitting a voucher to be signed in blank would appear to be ludicrous in view of the action of the members of the committee in signing not only vouchers for clerk hire but certificates of correctness months in advance.

It is suggested in the majority report that every opportunity was given those interested to be heard. As a matter of fact, the man most vitally affected by the committee's report, Mr. Michael, was given no opportunity at all to be heard by the committee, but was condemned in the bitterest language and accused of dishonesty under the same facts on which Secretary ROOT dropped the investigation some years ago as not demanding his further attention. Surely the judgment of Secretary ROOT at the time when only two years had elapsed and the circumstances were fresh in the minds of the persons concerned, with a more intimate knowledge of the surrounding conditions than it is possible for the committee to have had, ought to be more convincing than that of the subcommittee, which made its investigations seven years after the transaction occurred.

In 1906 Michael stated to Secretary ROOT, according to the evidence, "the price of the portrait was taken out of the envelope containing the money in the presence of Secretary Hay, who retained the balance." Mr. Michael further stated that the money was obtained and brought to Secretary Hay by the latter's direction, and it seems to be an unquestioned fact that the voucher for the entire amount of $2,450 was approved by Secretary Hay with his own signature. There is no evidence in the published reports of the hearings in any way opposed to the statements of Mr. Michael. The majority of the committee, in reaching its conclusions, intentionally or unintentionally ignores the fact that the voucher bears Mr. Hay's written approval and the amount must be presumed to have been disbursed with his knowledge. It seems to be conclusively shown that at the time of approval the voucher contained no statement as to the precise purpose to which the $2,450 was to be applied, and it is not reasonable to suppose that Mr. Hay approved the voucher in that form without exact knowledge of the purpose of the expenditure.

Michael's statement in the previous investigation, according to the majority report, was that "he paid the money received from Morrison to Secretary of State Hay, and, while he did not know, he presumed that he used the difference in relation to the emergency or secret fund authorized by section 291 of the Revised Statutes for some item or items relating to foreign affairs." (See Michael's letter, pp. 159, 160; also Denby's letter, pp. 209–210 of the hearings.)

After a careful examination of the testimony, we see no reason for not accepting the full statement as a correct explanation of the whole affair. In other words, we agree with Secretary ROOT's disposition of it rather than with the far-fetched conclusion that Michael and Morrison made away with the money.

As to the fact that the voucher bore the words "For the portrait and frame of ex-Secretary Day" we call attention to the majority report itself, which recites from the testimony that when Morrison "delivered the sum of $2,450 to the said Michael he learned, either from Michael or some one in his office, that the money was to be paid for the portrait and frame of the portrait of ex-Secretary Day. At that time, according to the testimony of Morrison, there was nothing on the voucher to indicate the purpose for which this sum was to be utilized. After paying over this money to Michael and returning to his office, the said Morrison within 30 minutes caused a clerk in his office to write with pen and ink in parentheses on the voucher the following: 'For portrait and frame of ex-Secretary Day.' The said Morrison testified before your committee that he caused this memorandum on the voucher to be made for his own protection."

These facts are not at all inconsistent with the theory that the remaining $1,600 might not have been used, as Michael indicated, for secret emergency purposes by Secretary Hay. Mr. Morrison can not be supposed to have known the details of Secretary Hay's expenditure of the secret funds.

No voucher at all was needed if the Secretary of State wished to use the money for emergency purposes, and the amount of $2,450 could have been paid into Secretary Hay's hands without any voucher whatever.

There is no reason why we should go out of our way to ascribe dishonesty to an official in a far-away land, unable to protect himself, when that official's statement, made in a previous investigation, is perfectly reasonable and was so accepted by the State Department in that investigation.

Both Mr. Michael and Mr. Morrison are deserving of fair treatment at the hands of this committee. They should not be found guilty of dishonesty and recommended for dismissal unless there is real, tangible

evidence against them, which is not the case here. Michael's letter and Morrison's testimony are straightforward and fair, while the attitude of the subcommittee is apparently bitter in the extreme.

The attack upon the State department officials is strictly unwarranted. Every courtesy was shown the committee by these officials, and though we were not invited to be present at the Day portrait hearings, we can realize from the printed accounts of them how much time was given to them by the highest officials of the department, even including the Secretary of State himself.

Now their courtesy is rewarded by an extremely unjust criticism, entirely unwarranted, as we believe, and calculated to injure us in the eyes of all the world.

The subcommitte knew from the documents and testimony before it, although it carefully omitted to say that the State Department has been completely reorganized during the past two years, that efforts have been made, with the aid of the President's Commission on Economy and Efficiency, to entirely modernize the accounting system of the department, and that legislation on that subject, recommended by the Secretary of State, is pending before Congress. Moreover, it is admitted by the majority report of the committee that it would have been proper for the Secretary of State to have paid out the entire amount of the fund without any vouchers whatever. It is submitted that the best evidence of the honesty and care with which the fund in question is administered is that the chief of the Bureau of Accounts, whom the committee would have dismissed in disgrace, has in every case vouchers approved by the Secretary of State for the moneys expended from that fund.

All too much sensational publicity has been given the unexplained details which have been magnified in the public press with no attempt to state both sides, but only an attempt to say something that would reflect upon the administration. The limit of this sort of publicity was reached when the following appeared in the Washington Herald, June 29, 1911, first column, first page:

"According to the present plan no resolution calling upon the President to comply with the recommendation of the committee will be introduced immediately. The report will be printed as a public document and Chairman HAMLIN, it is understood, will ask that it lie on the table. If, however, after a reasonable time has elapsed, President Taft fails to instruct Secretary Knox to dismiss Mr. Morrison and Col. Michael, a resolution intended to bring such action to pass will be introduced. In the event that the House passes this resolution and that President Taft still refuses to comply with the request, impeachment proceedings will be instituted at once."

As indicated at the beginning, none of the hearings on the Day portrait matter were conducted before the whole committee, though there were only seven members in all. We did not even know, and had no way of learning, when the hearings, or most of them, were to be held. Accordingly, in attempting to prepare our views we find ourselves in the position of an attorney who is asked to prepare for the appellate court a case that he was not permitted to try in the lower court. We have had to take the record as we have found it, without any opportunity on our part to ask questions, which might have completely cleared up any situations at all in doubt. Still, though denied that opportunity, we think the record clearly forbids any such report as has been presented. It could not be more unfair, and we are surprised that the stigma of thievery would be placed upon men, one of whom, an American citizen like ourselves, is holding a position far away, and is being condemned without reason and without hearing on the very evidence which Secretary Root considered as satisfactorily explaining the whole matter in the investigation of some years ago.

Following this general statement of our position, even at the risk of some repetition, we have undertaken to recite with more particularity the full facts in the case. We specially call attention by italics to important matters ignored by the majority report, since that report reveals the suppression or omission of much that is absolutely necessary to a full and fair understanding of the whole matter.

The evidence shows that ex-Secretary, now Associate Justice, Day was requested by Secretary Hay to have a portrait painted for the State Department collection of ex-Secretaries of State, and to have it made by an artist of Mr. Day's own selection; that in the autumn of 1903 Mr. Day engaged Albert Rosenthal to paint the portrait, the price agreed upon for portrait and frame being $850; that Mr. Rosenthal completed the portrait, selected a frame at the V. G. Fischer Art Co., to cost $60, and both portrait and frame were accepted by the State Department in the early part of 1904; that in receiving payment for the portrait the said Rosenthal dealt exclusively with W. H. Michael, then chief clerk of the State Department; that the said Rosenthal signed a blank voucher, which he delivered to the said Michael, either personally or through the mail, his recollection being that it was signed in Philadelphia and sent to the said Michael by mail; *that on January 18, 1904, or later, his recollection not being clear on this point, the said Rosenthal signed a receipt for $790 for a portrait of Judge Day, adding in his own handwriting "this does not include the frame, for which Mr. Fischer received directly from the department $60;"* that subsequently, on March 22, 1904, the said Rosenthal deposited the said Michael's individual check for $790, the sum due the said Rosenthal, the *check having presumably been received by him about the date upon which it was deposited;* and that in June, 1904, the V. G. Fischer Art Co. deposited a check from the said Michael or the Department of State for $60, *presumably received about that time,* in payment for the frame.

The evidence further shows that about two years after the transaction above detailed, to wit, in 1906, the said Rosenthal interviewed the State Department relative to the painting of a portrait of Secretary Hay and was informed that his price was too high. In substantiation of the statement Charles Denby, then chief clerk of the department, showed the said Rosenthal the voucher signed about two years previously in blank, the said voucher appearing solely to be for a portrait of ex-Secretary Day, in which the sum paid was stated to be $2,450. This appears to be the first information the said Rosenthal had that the voucher represented an excess of $1,600 over the price actually paid for the portrait and frame.

The evidence further shows that at the time the above voucher was signed and the money paid for the portrait, one Thomas Morrison was the disbursing clerk of the State Department, and has remained in such position since and up to the present time. *Morrison is bonded in the sum of $50,000.*

The evidence further shows that the said Morrison, as such disbursing clerk, on the verbal request only of the said Michael, as chief clerk, drew a check on the Treasury Department for the sum of $2,450, which was cashed *in the usual manner* through one of the messengers of the disbursing bureau on the 16th day of January, 1904, and the money deposited in the safe in the office of Morrison as such disbursing clerk, where it remained until the 18th day of January, 1904, when the said Morrison delivered in person to the said Michael the sum of $2,450, taking no personal receipt, but relying alone on the said voucher signed by Rosenthal *and approved by Secretary Hay.*

The evidence further shows that although this sum of $2,450 was paid over to Michael by Morrison in January, 1904, Rosenthal was not actually paid by Michael until March, 1904, and the Fischer Art Co. in June, *1904, so far as may be presumed from the fact that they deposited the checks in those months, though the dates of said checks are not in evidence.*

The said Morrison testified that when he delivered the sum of $2,450 to the said Michael, he learned, either from Michael or some one in his office, that the money was to be paid for a portrait of ex-Secretary Day. At the time, according to the testimony of Morrison, there was nothing on the voucher to indicate the purpose for which this sum was to be utilized, *although the voucher in that form bore the approval of Secretary Hay.* After paying over this money to Michael and returning to his office, the said Morrison, within 30 minutes, caused a clerk in his office to write with pen and ink in parenthesis on the voucher the following: "For portrait of Judge Day, late Secretary of State." This language is the exact language appearing on the voucher, though in the majority report, as well as in our own views, other words expressing the same idea, but not identical, are used.

It also appears from the evidence that in 1906, when the matter of the above voucher was investigated by the State Department, at the time presided over by ex-Secretary (now Senator) ROOT, *Michael was called upon by Mr. Root for information respecting the voucher for $2,450,* and in the language of the report submitted by the majority of the committee—

"reported that he paid the money received from Morrison to Secretary of State Hay, and while he did not know, he presumed that he used the difference in relation to the emergency or secret fund authorized by section 291 of the Revised Statutes for some item or items relating to foreign affairs. At the time that Michael made this report Secretary Hay was dead."

The majority report, however, fails to give Mr. Michael's statement correctly. It is as follows:

"I was directed by Secretary Hay to write to Judge Day and ascertain whether the portrait was entirely satisfactory to him and the price agreed upon. In reply to my letter, Judge Day said the portrait was satisfactory to him, and stated the price to be paid. This letter I handed to Secretary Hay. He took a memorandum out of his portfolio and, after looking at it, directed me to make out a voucher for a certain amount—I do not now recall the amount—to pay for the portrait, and to hand him the balance, which he desired to apply on other emergency accounts. He did not say what the accounts were, and the only impression I got was that they related in some way to Mr. Rockhill, in connection with Chinese affairs.

"The amount of the voucher—whatever it was—was delivered to me by some one from the Bureau of Accounts, according to my recollection. The price of the portrait was taken out of the envelope containing the money in the presence of Secretary Hay, who retained the balance."

The evidence further shows that when the committee started the investigation of the transaction a request was made for the voucher relating to the payment, and that it was reported as not being in the files; that Secretary Knox ordered a thorough search to be made for the papers and received a report that they could not be found; that while the committee's investigation was pending the voucher and other papers were found on the floor of the said Morrison's office, within 5 or 6 feet of Morrison's desk, by one of the messengers in that bureau; *that about a week later the Secretary of State took the pains to send Mr. Carr to notify the chairman of the committee that he had found the voucher, had practically completed his investigations, and would lay the results before the committee in a day or two. Notwithstanding this offer, the Secretary was subpœnaed to produce the papers to the committee the following day, which was done.*

The majority report then proceeds to criticize the course of the officials of the State Department in "trying to conceal, and, in fact, concealing, from the committee for about 10 days the fact that the long-lost and much-sought-for voucher had been found," and in doing so the report suppresses and makes no allusion to the fact known to the committee—*that the President had directed the Secretary of State to investigate the matter and to submit the result of the investigation to him, when he (the President) would determine whether the result should be communicated to the committee. (See the President's letter of June 2, 1911; p. 98 of the hearings.)* The officers of the State Department were therefore merely carrying out the instructions of the President, and are to be commended rather than criticized for their course in the matter.

Coming now to the conclusions of the majority report, the minority disagree with these conclusions and hold:

(1) That section 291 of the Revised Statutes is at most an authorization, not even a direction, to the President, as to the manner of accounting for moneys expended for intercourse or treaty with foreign nations which it is not advisable, in his opinion, to make public. That section creates no fund out of which a payment can be made. The appropriation for "Emergencies in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States," from which the payment for the portrait appears to have been made, is by law to be expended pursuant to section 291, which vests in the President the discretion as to making the expenditures from that appropriation public. In so far as concerns the practice of purchasing portraits of ex-Secretaries of State from that fund, it is submitted that the existence of the practice since 1890 of various Secretaries of State, under both political parties, constitutes a strong presumption in favor of its legality and propriety.

(2) The minority agree that no voucher is required by law when either the President, or the Secretary of State acting under the President, desires to use a sum of money for the purpose of intercourse or treaty with foreign nations, and deems it advisable that the expenditure should not be disclosed to the public, but the minority highly commend the practice of the Department of State in keeping on file vouchers for such payments as businesslike and calculated to insure the proper expenditure of the Government money.

(3) The minority regard the conclusion that $1,600 of the $2,450 included in the Rosenthal voucher has been misappropriated as unsound and unsupported by any evidence whatever. To reach such a conclusion it is necessary to disregard the statement of Mr. Michael, the fact that the voucher bears the approval of Secretary Hay, the statement of Mr. Morrison that the words "for portrait of Judge Day, late Secretary of State," were based upon information given him by some one in Mr. Michael's office after the approval of the voucher by Secretary Hay and the payment of the money to Mr. Michael, and to assume that Secretary Hay carelessly approved the payment of money from an appropriation for which he and the President alone were responsible, and without undertaking to learn the purpose to which the money was to

be applied, which assumption we believe to be entirely unwarranted and contrary to reason. To agree with the conclusions of the committee it would also be necessary to disregard the investigation made in 1906, which satisfied Secretary Root that the money was not misappropriated, an investigation made within two years after the transaction occurred, when the facts were undoubtedly fresher in the minds of those concerned and conditions generally more favorable for ascertaining the truth than at the present time, more than seven years after the transaction occurred. We think it an outrage that an investigating committee, without a scintilla of evidence which would stand in any court in this country, should publicly condemn and demand the dismissal of two officials holding responsible positions, one of whom is a bonded officer, against whose bond suit might be brought if the committee had evidence upon which to maintain such a suit.

The report of the majority of the committee is a weak, partisan effort to make scandal. It is an attempt to besmirch the memory of one of our greatest Secretaries of State, the late John Hay, whose shining character and unfailing fairness are in marked contrast with the report of the committee, but whose probity stands too high to be reached by partisan prejudice.

The effort to condemn Michael without a chance to be heard is itself a scandal. It reaches the lowest depths of unfairness. It shows a biased mind which is not seeking justice. It is assassination of character from behind.

Nor is there a particle of evidence of wrongdoing on the part of Morrison.

In fact, we consider the report of the majority a greater reflection upon the fairness and intellectual integrity of those who made it than it is upon the honesty of those whom it condemns.

We take it that the majority report is only an evidence of a partisan intention to accuse officials under Republican administration of dishonest conduct, regardless of facts and evidence. The intention is to make mud and throw it, hoping that some will stick. We protest against the methods of carrying on the investigation and pronounce the report as subversive of common fairness and the ordinary rights of persons accused of crime.

JOHN Q. TILSON.
WM. W. WEDEMEYER.

Mr. ADAMSON. Mr. Speaker, I invite the attention of the House to an appeal from the Legislature and the commissioner of agriculture, State of Georgia, accompanied by a resolution adopted by the Georgia Legislature. They present a question of great importance to the cotton farmers, and I invite my colleagues here to give them the consideration which the importance of the subject deserves. I understand the author of both the appeal and the resolution is the Hon. Thomas H. Kimbrough, one of the best men in the world, a representative from Harris County, Ga., in the Georgia Legislature. He is himself an enterprising and successful farmer. He not only understands the cotton situation but has been a leader in the reform which has characterized Georgia in the way of diversified crops, which to a large extent has relieved her farmers from the former State of absolute dependence upon the cotton crop. In addition to his farming operations, he has always run an up-to-date gin, and has been entirely familiar with the subject of cotton in all its phases. His views are worthy of attention:

AN APPEAL TO THE PRESIDENT AND CONGRESS.

To the President and Congress of the United States:

The inclosed resolution of the General Assembly of Georgia presents to you a question of much importance, and under instructions therein contained we desire to stress a few salient points:

First. The conditions existing at the time of the adoption of the present tare of 6 per cent on cotton bales compared to the prevalent conditions of the present. (See preamble to resolution.)

Second. When cotton was very cheap and bagging and ties very expensive, the demand was made upon the producer to use sufficient bagging to fully protect his cotton, thereby saving a heavy loss and insure its arrival at destination in good shape. The producer complied with the demand notwithstanding the heavy expense.

Third. Since conditions have been reversed, and though this tare is universally estimated at 6 per cent, or 30 pounds per bale, and cotton is quoted to the markets of the world with this estimate in mind, yet shippers and agents have assumed the authority to dock every bale of cotton $1 if fully covered and protected, and to enable them to carry out their plans have secured a new construction of that clause of the "Marine laws of the United States" relating to the covering and protection of cotton for shipment.

Fourth. We recognize the fact that legislation in our State can not change the policy of any other country, yet we insist that no policy of importance affecting the rights of different individuals, vocations, or countries should be adopted except through mutual consent of those interested.

Fifth. Recognizing the right of petition and believing that State Departments should use their influence to correct such existing evils of importance as may be beyond the reach of State legislation, we most respectfully ask that our legations and consuls be instructed to use every means in their power to satisfactorily adjust this matter and correct this wrong, first, by demanding that if the present tare is just there shall be no discrimination against any bale of cotton when only the required amount of covering is used to fully protect it. We believe that cotton should be wholly covered, yet, if those interested in its purchase think it necessary, we insist that a new and uniform tare be adopted not to exceed 3½ per cent to 4 per cent.

Sixth. We insist that this injustice and wrong is an unbearable hardship, in that it appropriates the property of the cotton producer to the use of those not entitled to it, and that it is a robbery of those bona fide citizens who by hard labor and constant toil are annually creating the large balance of trade in our favor and contributing largely to the wealth of the United States. They have a right to ask justice and are entitled to as much consideration as are the citizens of any section.

Our only recourse is to secure the cordial cooperation and assistance of the National Government, and most respectfully beg a prompt consideration.

ISAAC A. BUSH,
Chairman Senate Committee on Agriculture.
M. L. JOHNSON,
Chairman House Committee on General Agriculture.
T. G. HUDSON,
Commissioner of Agriculture.

House resolution 23.

Introduced by Messrs. Kimbrough, of Harris, and Johnson, of Bartow, and adopted by the general assembly at the session of 1911:

Whereas "tare" in commerce is the weight of the cask, box, bag, canvas, or bands containing and keeping in good condition articles of merchandise, and is deducted from the gross weight and recognized as legal and binding on the trade;

Whereas the uniform "tare" of 6 per cent on cotton baled for the market was adopted by foreign exchanges when the average weight of the American cotton bale was 425 pounds and when the bagging and cordage weighed about 27 pounds, and from that time to the present has been deducted from the price of our cotton by both American and European manufacturers;

Whereas since the adoption of this "tare" the American cotton bale has increased in weight to an average of 506 pounds, the weight of bagging and bands have been decreased fully 25 per cent, yet the shippers and manufacturers of cotton have in recent years assumed the authority to dock every bale of our cotton that is contained and protected by a covering and bands if these should exceed 4 per cent, thereby robbing the cotton producers of Georgia of 20,000,000 pounds of the fleecy staple, and other sections in proportion: Therefore, be it

Resolved by the house of representatives (senate concurring), That this is a gross injustice to those citizens of our country who are annually creating the large balance of trade in favor of the United States, and it is a wrong that can not be maintained upon any fair business principle or legal right.

Be it resolved, That the agricultural committees of the house and senate be, and are hereby, instructed to make an earnest appeal to the Congress of the United States, the President, the Department of Commerce, and the Secretary of Agriculture to give to this subject that prompt consideration which its importance demands, and put forth such efforts as may be necessary to bring about this important reform in our cotton trade; be it further

Resolved, That the commissioner of agriculture of Georgia be requested to cooperate with said agricultural committee, and that an effort be made to secure the cooperation of the Association of American Cotton Manufacturers and domestic exchanges, to the end that this matter be satisfactorily and promptly adjusted, and trust that the effort will not be made the coming season to rob the cotton producers of America of $15,000,000 out of the growing crop of 1911, and that in future the farmers of Georgia and the South will be able to secure justice on this question.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. If the House should adjourn at this time, could we proceed to-morrow under the rule as we are proceeding to-day?

The SPEAKER. If the House adjourns until to-morrow, after the House is called to order and the Journal is read and an opportunity had to correct it, the House can proceed with this bill, barring conference reports.

Mr. MANN. There are no conference reports that could be acted upon under the rule.

WITHDRAWAL OF PAPERS.

Mr. RICHARDSON, by unanimous consent, was given leave to withdraw from the files of the House, leaving copies, the papers in the case of Mrs. Edith A. McCarteney, Sixty-first Congress.

PORTRAIT OF FORMER SECRETARY OF STATE WILLIAM R. DAY.

Mr. HAMLIN. Mr. Speaker, there seems to be some difference of opinion as to the effect of this rule. I ask unanimous consent that we proceed to-morrow, immediately after the reading of the Journal and the approval of it, to the further consideration of this resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent that after the reading of the Journal to-morrow the House shall proceed with the consideration of this resolution.

Mr. MANN. Mr. Speaker, reserving the right to object, I desire to ask whether under the rule the House would not be required to proceed to-morrow for the further consideration of this resolution?

The SPEAKER. That is the opinion of the Chair.

Mr. MANN. And in that opinion I fully agree. I shall not object to the request of the gentleman from Missouri, although if I did not fully agree in the opinion of the Chair, that the matter would be in order anyhow, I should object.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Mr. HAMLIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Saturday, August 5, 1911, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 3024) to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in

the State of Massachusetts, reported the same with amendment, accompanied by a report (No. 119), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the joint resolution of the Senate (S. J. Res. 34) providing for additional lands for Colorado under the provisions of the Carey Act, reported the same without amendment, accompanied by a report (No. 120), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8718) granting a pension to James E. Gallagher, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 13275) to amend section 985 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. ASHBROOK: A bill (H. R. 13276) to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building; to the Committee on Public Buildings and Grounds.

By Mr. LAFEAN: A bill (H. R. 13277) to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. WATKINS: A bill (H. R. 13278) to authorize the construction of a bridge across Caddo Lake, in Louisiana; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 264) presenting the crayon portraits of ex-Speakers of the House of Representatives to the States they represented; to the Committee on Accounts.

By Mr. AIKEN of South Carolina: Resolution (H. Res. 265) to pay Albert M. Carpenter $95 for services as assistant librarian, House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. BUTLER: A bill (H. R. 13279) granting an increase of pension to John J. McLaughlin; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 13280) granting a pension to John L. Churchill; to the Committee on Pensions.

By Mr. DAUGHERTY: A bill (H. R. 13281) granting a pension to William Oustott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13282) for the relief of J. C. Risher; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 13283) granting a pension to Catherine Hudson; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 13284) for the relief of R. Boatright; to the Committee on War Claims.

By Mr. FULLER: A bill (H. R. 13285) granting an increase of pension to Christian Keel; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 13286) granting an increase of pension to Benjamin F. Musselman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13287) granting an increase of pension to Henry Greenawalt; to the Committee on Invalid Pensions.

By Mr. HARRISON of Mississippi: A bill (H. R. 13288) granting a pension to Georgia Gentry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13289) granting an increase of pension to Amile Bonham; to the Committee on Pensions.

Also, a bill (H. R. 13290) to reimburse Gaston R. Poitevin for property lost by him while assistant light keeper at East Pascagoula River (Miss.) Light Station, as recommended by the Lighthouse Board; to the Committee on Claims.

By Mr. HULL: A bill (H. R. 13291) granting a pension to George W. Peyyhons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13292) granting a pension to Marion E. Strunk; to the Committee on Pensions.

Also, a bill (H. R. 13293) granting a pension to Alfred Mathews; to the Committee on Pensions.

Also, a bill (H. R. 13294) granting a pension to Joseph Bergdorf; to the Committee on Pensions.

Also, a bill (H. R. 13295) granting an increase of pension to Isaac Holt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13296) granting an increase of pension to M. L. Kirby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13297) granting an increase of pension to George W. Tabor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13298) granting an increase of pension to John M. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13299) to remove the charge of desertion standing against Edward L. Townsend, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 13300) for the relief of the estate of William H. Fuqua; to the Committee on War Claims.

Also, a bill (H. R. 13301) for the relief of the legal representatives of Alexander Barnes; to the Committee on War Claims.

Also, a bill (H. R. 13302) for the relief of the heirs of M. A. Bennett, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13303) for the relief of the estate of Thomas Staeker; to the Committee on War Claims.

Also, a bill (H. R. 13304) for the relief of the estate of Doke Young, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13305) providing for payment to Putnam County, in the State of Tennessee, for the occupation and incidental destruction of its courthouse during the late war between the States; to the Committee on War Claims.

By Mr. KENDALL: A bill (H. R. 13306) granting an increase of pension to J. M. Childers; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 13307) granting an increase of pension to Henderson W. Poundstone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13308) granting an increase of pension to Charles B. Ross; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 13309) granting an increase of pension to William Hubartt; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 13310) granting a pension to George S. McGuire; to the Committee on Invalid Pensions.

By Mr. SHARP: A bill (H. R. 13311) granting a pension to Charles L. Pfahl; to the Committee on Pensions.

Also, a bill (H. R. 13312) granting an increase of pension to Theodore Brown; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 13313) granting an honorable discharge to Albert S. Hughes; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FULLER: Papers to accompany a bill for the relief of Christian Keel; to the Committee on Invalid Pensions.

Also, petition of B. Eldredge, of Belvidere, Ill., in opposition to the free-list bill; to the Committee on Ways and Means.

By Mr. HANNA: Resolutions of board of county commissioners of Bowman County, N. Dak., in favor of certain reclamation work by the Interior Department; to the Committee on Irrigation of Arid Lands.

Also, memorial of residents of the Williston Land District, in North Dakota, relating to the public lands of northwestern North Dakota; to the Committee on the Public Lands.

Also, petition of Jake Anderson and others, of Edgeley, N. Dak., in opposition to a parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of numerous residents of Westhope, N. Dak., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petitions of numerous residents of Williams County, N. Dak., protesting against the passage of Senate bill entitled "A bill for the proper observance of Sunday as a day of rest in the District of Columbia"; to the Committee on the District of Columbia.

Also, resolution of the North Dakota Bankers' Association, in favor of an amendment to the national banking laws; to the Committee on Banking and Currency.

By Mr. KAHN: Resolutions of Alameda County, Call., Pharmaceutical Society, against House bill 8887; to the Committee on Ways and Means.

By Mr. SHARP: Resolutions adopted by Bellevue Chamber of Commerce, of Bellevue, Ohio, favoring a 1-cent postage rate on ordinary letters; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, *August 5, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House of Representatives had signed the enrolled joint resolution (H. J. Res. 130) making appropriations for certain expenses of the House of Representatives incident to the first session of the Sixty-second Congress, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Licensed Tugmen's Protective Association, praying that the hours of labor for dredge operators engaged on Government work be limited to eight hours a day, which was referred to the Committee on Education and Labor.

Mr. ROOT presented petitions of the Chamber of Commerce of Syracuse; of the Business Men's Association of Auburn; of the West Side Business Men and Taxpayers' Association, of Buffalo; of the Employers' Association of Buffalo; of the Chamber of Commerce of Binghamton; of the Chamber of Commerce of Kingston; of the Business Men's Club of Middletown; of the Chamber of Commerce of Olean; of the Board of Trade of North Tonawanda; of the Board of Trade of Niagara Falls; of the National Association of Manufacturers; of the Manufacturers' Association of New York City; of the Fulton Market Fishmongers' Association; of the Fruit and Produce Trade Association, of New York; of the Chamber of Commerce of Newburgh; and of the Chamber of Commerce of Rochester, all in the State of New York, praying for the ratification of treaties of arbitration between the United States, Great Britain, and France, which were referred to the Committee on Foreign Relations.

Mr. PERKINS presented a petition of Roosevelt Camp, No. 9, United Spanish War Veterans, Department of California, of Los Angeles, Cal., praying for the enactment of legislation granting pensions to widows and minor children of soldiers and sailors who served in the War with Spain and the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented memorials of the Citrus Protective League, of Los Angeles; of the Chamber of Commerce of San Francisco; of the Chamber of Commerce of San Diego; and of the Chamber of Commerce of Fresno, all in the State of California, remonstrating against lemons being placed on the free list, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of California, remonstrating against the adoption of the so-called La Follette amendment to the wool schedule, which was ordered to lie on the table.

Mr. CRANE (for Mr. LODGE) presented petitions of the Chamber of Commerce of Washington, D. C.; the Merchants' Association of Worcester, the New England Hardware Dealers' Association, the Board of Trade of Holyoke, the Board of Trade of Lowell, the Board of Trade of Pittsfield, the Board of Trade of Northampton, and the Board of Trade of Somerville, all in the State of Massachusetts; the Merchants' Association of Honolulu, Hawaii; the Board of Trade of Hilo, Hawaii; and the Business Men's League of Greenville, Miss., praying for the ratification of an unlimited treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. JONES presented memorials of James A. Sexton Post, No. 103; Stevens Post; Sexton Post, No. 133, of Seattle; McDowell Post, No. 22, of Pomeroy; Stevens Post, No. 1; Colonel Hiram Burnam Post, No. 76; and W. B. Hazen Post, No. 46, of Ritzville, all in the State of Washington, remonstrating against the appropriation of $100,000 being made for the erection of a monument at Vicksburg in honor of Confederate soldiers, which were ordered to lie on the table.

BILL INTRODUCED.

Mr. BURNHAM introduced a bill (S. 3174) granting an increase of pension to William H. Marshall, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

NEW MEXICO AND ARIZONA.

Mr. OWEN submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 14) approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona, which was ordered to lie on the table and be printed.

SENATE ELEVATOR CONDUCTORS.

Mr. NELSON submitted the following resolution (S. Res. 128), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay out of the contingent fund of the Senate $150 each to the following named elevator conductors, for extra services rendered during the first session of the Sixty-second Congress, said compensation being for Sunday, holiday, and night work: Parker Williams, S. A. Maryman, J. R. Williams, H. S. Van Vorhis, A. B. Crossley, W. B. Ellis, F. L. Thompson, E. E. Young, N. T. Morgan, and C. A. Geisel.

CHEROKEE ALLOTMENT ROLLS.

Mr. OWEN. I offer a resolution asking for certain information from the Department of the Interior, which I ask may be read.

The Secretary read the resolution (S. Res. 129), as follows:

Resolved, That the Secretary of the Interior, if not incompatible with public interests, be requested to furnish the Senate with the following information:

1. How many acres of land did the Cherokees own subject to allotment under the Cherokee agreement of 1902? Equivalent to how many complete allotments according to the appraisement by the Commission to the Five Civilized Tribes?
2. As the records have been corrected to date, how many persons entitled to allotments have their names on the Cherokee rolls as of September 1, 1902?
3. What is the amount of money belonging to the Cherokees at this date subject to supply deficiencies in land allotted to the Cherokees, including all amounts which have heretofore already been paid for that purpose?
4. How many persons on the 1902 roll have been allotted any land whatever in the Cherokee Nation?
5. How many have received half allotments or less?
6. How many minors born since September 1, 1902, have been enrolled by the Commission to the Five Civilized Tribes?
7. How many minors living March 4, 1906, qualified for allotment under the Cherokee agreement, i. e., living also September 1, 1902, have been enrolled?
8. How many persons born since September 1, 1902, having one white parent have been enrolled?
9. Estimate how many freedmen, including minors, will be added to the Cherokee allotment rolls if the decree of the Court of Claims in the Moses Whitmire case, dated February 20, 1911, is carried out.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Indian Affairs.

Mr. OWEN. Mr. President, I should like to have the resolution agreed to. It merely calls for information from the Interior Department.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GAMBLE. I suggest to the Senator that there will be a meeting of the Committee on Indian Affairs on Monday, and prompt action will be taken.

Mr. OWEN. Very well; that will be satisfactory.

The VICE PRESIDENT. The resolution will be referred to the Committee on Indian Affairs.

LAST WILL OF GEORGE WASHINGTON, ETC.

Mr. HEYBURN. I have a copy of the last will and testament of George Washington, embracing a schedule of his real estate and explanatory notes thereto, to which are added important historical notes, biographical sketches, and anecdotes. I move that the paper be printed as a public document. (S. Doc. No. 86.)

The motion was agreed to.

CONSIDERATION OF PROPOSED LEGISLATION.

The VICE PRESIDENT. The morning business is closed.

Mr. NEWLANDS. I ask unanimous consent for the consideration at this time of Senate resolution 109 regarding the legislative program.

The VICE PRESIDENT. The Senator from Nevada asks unanimous consent for the present consideration of Senate resolution 109. Is there objection?

Mr. HEYBURN. Let it be read for information.

Mr. NELSON. Let the resolution be reported.

Mr. SMITH of Michigan. I object.

The VICE PRESIDENT. Objection is made.

HOUR OF MEETING ON MONDAY.

Mr. SMITH of Michigan. Mr. President, in view of the unanimous-consent agreement and the fact that several Senators have given notice of their intention to speak on Monday on the statehood joint resolution, I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock a. m. on Monday next.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan that when the Senate adjourns to-day it adjourn to meet at 11 o'clock on Monday.

Mr. O'GORMAN. Mr. President, I move as an amendment that the hour of meeting on Monday be 10 o'clock.

The VICE PRESIDENT. The Senator from New York moves as an amendment that the hour of convening on Monday be 10 o'clock a. m. rather than 11 o'clock.

Mr. SMITH of Michigan. Mr. President, I readily concur in that suggestion.

The VICE PRESIDENT. The Senator from Michigan accepts the suggestion and modifies his motion accordingly. The question is on the motion of the Senator from Michigan as modified.

The motion as modified was agreed to.

NEW MEXICO AND ARIZONA.

Mr. SMITH of Michigan. I move that the Senate proceed to the consideration of the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. SMITH of Michigan. I ask unanimous consent to have read the amendment proposed to be offered by the Senator from Minnesota [Mr. NELSON].

The VICE PRESIDENT. Without objection, the Secretary will read the amendment which the Senator from Minnesota intends to offer.

The SECRETARY. It is proposed to strike out all of the joint resolution after the word "That," in the first line, and to insert in lieu thereof the following:

The constitution formed by the constitutional convention of the Territory of New Mexico, elected in accordance with the terms of the act of Congress entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, etc.," approved June 20, A. D. 1910, which said constitutional convention met at Santa Fe, N. Mex., on the 3d day of October, A. D. 1910, and adjourned November 21, A. D. 1910, and which constitution was subsequently ratified and adopted by the duly qualified electors of the Territory of New Mexico, at an election held according to law on the 21st day of January, A. D. 1911, being republican in form and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and complying with the terms of said enabling act, be, and the same is hereby, approved, subject to the terms and conditions of the joint resolution entitled "Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico," approved on the 16th day of February, A. D. 1911.

SEC. 2. That the Territory of Arizona be admitted into this Union as a State with the constitution which was formed by the constitutional convention of the Territory of Arizona, elected in accordance with the terms of the enabling act approved June 20, A. D. 1910, which constitution was subsequently ratified and adopted by the duly qualified voters of the Territory of Arizona at an election held according to law on the 9th day of February, A. D. 1911, upon the fundamental condition, however, that article 8 of the said constitution of Arizona, in so far as it relates to the "recall of public officers," shall be held and construed not to apply to judicial officers, and that the people of Arizona shall give their assent to such construction of article 8 of the said constitution.

That within 30 days after the passage of this resolution and its approval by the President the President shall certify the fact to the governor of Arizona, who shall, within 30 days after the receipt of such certificate from the President, issue his proclamation for an election by the qualified voters of Arizona, to be held not earlier than 60 nor later than 90 days thereafter, at which election the qualified voters of Arizona shall vote upon the proposition that "article 8 of the constitution, in so far as it relates to 'recall of public officers,' shall be held and construed not to apply to judicial officers," and shall also vote for State and county officers, members of the State legislature, and Representatives in Congress, and all other officers provided for in said constitution of Arizona; said election to be held and the returns thereof made, canvassed, and certified as provided in section 23 of the enabling act approved June 20, 1910.

If a majority of the qualified voters of Arizona voting at such election ratify and adopt the herein proposed construction of article 8 of the constitution, the same shall be and become a part of the said constitution, and said article 8 of said constitution, in so far as it relates to the "recall of public officers," shall have like effect as if judicial officers were expressly excepted therefrom.

If the proposed construction of said article 8 of the constitution is duly ratified and adopted by the qualified voters of Arizona, the election of officers at the same election shall be and become valid and effective.

When said election as to the proposed construction of the said constitution and of State and county officers, members of the legislature, and Representatives in Congress, and other officers provided for in said constitution has been held, the result thereof shall at once be certified by the governor of the Territory of Arizona to the President of the United States, and if the proposed construction of article 8 of the said constitution of Arizona has been ratified and adopted by a majority of the qualified voters of Arizona voting at such election, the President of the United States shall immediately make proclamation thereof and of the result of the election of officers; and upon the issuance of said proclamation by the President of the United States, Arizona shall, without other proceeding, be deemed admitted by Congress into the Union by virtue of this joint resolution, upon the terms and conditions of the said enabling act approved June 20, 1910, except as modified herein, and on an equal footing with the other States.

Mr. BOURNE. Mr. President, a few days ago, while the Senate had under consideration the joint resolution for the admission of the Territories of Arizona and New Mexico, the junior Senator from Utah [Mr. SUTHERLAND] addressed the Senate, opposing the initiative, referendum, and recall provisions of the Arizona constitution. I shall make an analysis of the address and a presentation of the fallacies of his opposition to the fundamental principles of popular government.

In addresses before the Senate on May 5, 1910, and February 27, 1911, I discussed at length the initiative, referendum, and recall and other laws, which have become known as the Oregon system. Since those addresses are in the RECORD and available for any who wish the information they contain, I shall not burden the Senate by covering the same ground again.

At the risk of the charge of egotism, but for the purpose of demonstrating that the popular-government doctrines are receiving widespread attention throughout the country, I will state that I have received requests for over 4,000,000 copies of the popular-government speech of May 5, 1910, and over a million copies of the Federal-patronage speech of February 27, 1911—I do not mean individual requests, but that the number of speeches asked for aggregate these figures.

Every person who heard or who has since read the address of the Senator from Utah must have observed that he endeavored to ridicule the popular-government movement and its advocates. To those whose sense of humor is peculiarly developed, I have no doubt there was both amusement and entertainment in his reference to the "insurgent soothsayers," "irresponsible balloonatics," "political quacks," "political zealots," "self-constituted reformers," "false pilots," arrant knaves," "visionaries," "dreamers," and "demagogues."

I repeat these words because it is common knowledge that calling names is the resort of men who lack better argument, or, I might say, judgment.

Quite likely the Senator will say that if the coat does not fit me I should not put it on, and I reply that if the names were not intended particularly for me, they certainly were directed at the entire class of advocates of popular government; and, deeming myself as uncompromising an advocate of popular government as anyone, I must assume my share of the evidently intended humiliation incident to the shower of epithets. I do not concede, however, that it is within the power of the Senator from Utah to injure any man or class of men by calling names. Sneers are not argument; ridicule is not logic.

To that portion of the Senator's address devoted to ridicule I shall attempt no reply. Ridicule is a weapon in controversial warfare in the use of which I have no skill, for I have always refused to support any cause that could not be sustained by appeal to reason alone. To the extent that levity may be considered a material factor in determining the merits of the initiative and referendum and recall, I leave the field entirely to others, for resort to ridicule is as far from my abilities as it is from my inclinations, as foreign to my talents, as it is obnoxious to my taste.

It remains for the Senate and the country to say how much weight ridicule shall have when thrown into the balance against the practical demonstrations that have been conducted in Oregon, the results of which are a matter of record, open to the scrutiny and criticism of all who care to read and consider.

GOV. WOODROW WILSON'S PROGRESSIVENESS.

Before proceeding to a consideration of the serious features of the Senator's address I wish to speak a word in behalf of a man who can not be here to speak for himself. The Senator undertook to strengthen his opposition to the initiative and referendum by quoting views held by Hon. Woodrow Wilson when he was a college president and contrasting them with views now held by that gentleman when he is a governor and probable candidate for the Presidency. The Senator "prefers the calm, reflective judgment of the college president to the fevered hallucinations of the hopeful presidential candidate." He believes that those who indorse Wilson's later utterances are appealing from "Philip sober to Philip drunk."

We all know that when Woodrow Wilson held his former views he was without practical experience in politics. He was a mere theorist. He knew little or nothing of the devious ways by which the political boss manipulates conventions and controls legislatures. But having learned practical politics by practical experience he changed his opinions. We are appealing from Wilson ignorant of politics to Wilson wise. In both instances we have the views of Wilson honest and certainly, in the later instance, Wilson courageous, for it takes true courage for a man to acknowledge the errors he made perpetual by placing them on the pages of history.

Though I can not always agree with Gov. Wilson, I respect his ability, commend his frankness, and admire his courage. His successful efforts for the regeneration of his State make him safe from the criticisms of those of us who have less of achievement to our credit. May success attend all his and every other person's efforts for better government.

DIFFERENT VIEWS ON FUNDAMENTALS.

Mr. President, the Senator from Utah and I differ widely on the fundamental principles which underlie the American Government. I believe in the absolute sovereignty of the people. But the people cease to be sovereign whenever, by physical force or political machination, their will is suppressed or thwarted or ignored. I believe in truly representative government, not a pure democracy; but under the political system which has been built up government is not truly representative.

I am concerned with the fact of representative government and not merely with the name. No government is truly representative unless the people have power to make it so. The initiative and referendum supersede no State legislature; they merely provide the people a means of securing laws which legislatures refuse to enact and of defeating undesired laws which legislatures do enact. The recall gives the people power to expel from office a public servant who has demonstrated that he does not truly represent them. The initiative and referendum and recall vitalize rather than destroy truly representative government.

That is my view. Now consider the view of the Senator from Utah. He says:

Our present form of representative government—

Note, Mr. President, he insists upon the "present form," while I insist upon the present form modified by adoption of the initiative and referendum and recall by the several States. He says:

Our present form of representative government, under which laws are made by specially chosen legislators, construed by specially chosen and trained judges, and enforced by specially chosen executive officers, I am firmly convinced is the only practicable form of government for a country of immense area and great population, such as ours. Whenever it proves ineffective or works badly the fault is not with the machinery, but with those who are operating it. The remedy is not for the people enmasse to attempt to manipulate the complicated and delicately adjusted mechanism, which must inevitably lead to confusion and disaster, but to exercise more care in the selection of their specially chosen operating agents.

The language of the Senator is more appropriate than I imagine he intended. He very truly says that legislators, judges, and executives are "specially chosen." Herein lies the evil. Special interests, backing the political bosses, who understand the delicate mechanism of which the Senator so fondly spoke, have too much power in "specially" choosing the officers of government under present methods. The people demand that public servants be generally, and not "specially," chosen. They ask a voice in the choosing. They demand the adoption of the initiative, under which they can force the enactment of efficient primary laws, thus overthrowing the power of political bosses to select candidates under the convention system. The people demand more than the privilege of choosing between two candidates each of whom was nominated by political bosses.

FAULT WITH THE MACHINE, NOT THE PEOPLE.

The Senator says that whenever our present form of representative government proves ineffective or works badly, the fault is not with the machine, but with those who are operating it. The remedy is for the people to exercise more care in the selection of their operating agents.

With this I can not agree. As long ago as the oldest Senator can remember we were told that poor public service was our own fault in not choosing better officers. The people have tried this remedy as often as can be expected of a patient body of citizens. They have silently and submissively listened to the oft-repeated assertion that if they do not get good service it is their own fault—that the machine is perfect. Now they seek another remedy, and have decided to try changing the machinery—not by demolishing it, but by providing a few new levers and drivewheels and brakes, so they can make the machine go to suit themselves. Too long they let it run to suit "special choosers."

When he asserts that the fault lies with the people if they have bad government, the Senator may find many approving hearers among professional politicians, but few throughout the country. Many a time the people have voted for a new deal and secured not a new deal but a new dealer, who shuffled the same old pack of marked cards and walked away with the cash. If the Senator will travel over this country telling the people that it is their own fault if they have bad government and that there is nothing wrong with the machinery, he will return to Washington with new impressions of the intelligence and also the candor of American citizens. No doubt he will conclude that the country is full of "insurgent soothsayers," "quacks," "political zealots," "balloonatics," "self-constituted reformers," "visionaries," and "demagogues."

I think, Mr. President, I have made clear the most important difference between the views of our governmental system entertained by the Senator from Utah and those held by myself. He believes the machine is all right, but the fault lies with the people. I believe the people are all right, but the fault lies with the machine.

The people will reform the machine if given a chance. In Arizona 76 per cent of the people voted to reform the machine by adopting the initiative and referendum and recall, and eventually they will do it in every other State. The difficulty is that legislatures can not be induced to submit to the people constitutional amendments providing these new levers, drive wheels, and brakes in the governmental machine.

NEW MEXICO CONSTITUTION OPPRESSIVE.

Another wide difference between the views of the Senator from Utah and my own is shown by his assertion that the New Mexico constitution is not open to the criticism that amendments thereto are too difficult to obtain. The provisions of the New Mexico constitution on this subject have been clearly stated and explained in the report of the House Committee on Territories, and I therefore read that portion of this report:

Article XIX as adopted requires that amendments may be proposed by two-thirds of all the members elected to each house of the legislature, except that at the first regular session held after the expiration of two years, and every eight years thereafter, a majority can propose amendments; but in either case only three amendments can be submitted at one election, and this must be a general election, and all amendments must be ratified by a majority of the electors voting thereon, and this majority must equal 40 per cent of all the votes cast for any purpose and 40 per cent of the vote cast in at least one-half of the counties of the State. The question of calling a constitutional convention can not be submitted to a vote of the people until the expiration of 25 years, except by a three-fourths vote of all the members elected to each house of the legislature, and to call a convention during that period there must not only be a majority of all the electors voting at the election, but there must also be a majority of all the electors voting in one-half of the counties.

From a consideration of these provisions it will be seen that it will be extremely difficult for the people of New Mexico to secure the holding of a constitutional convention during the first 25 years, and when these provisions are considered in connection with the apportionment for members of the legislature provided by the constitution, the extreme difficulty of amending the constitution in any way will be manifest. By reference to the apportionment, it will be found that the four counties of Colfax, San Miguel, Bernalillo, and Socorro, with an aggregate population of 77,000, and which, on the basis adopted by the constitutional convention for representatives in the senate, would entitle this population to between 5 and 6 senators, are so apportioned that they constitute parts of 10 senatorial districts and can control the election of 10 of the 24 senators, and thus prevent the securing of two-thirds of the senators necessary to submit to the people an amendment to the constitution.

Then it will be further seen that if under such conditions an amendment is submitted to the people the constitution makes it extremely difficult to secure the necessary vote for its adoption. To adopt such an amendment a majority of the electors voting on the amendment must, of course, vote for it, and in addition this majority must consist of 40 per cent of the vote cast on all questions and 40 per cent of the vote cast in one-half of the counties. Thus it will be seen that if an amendment is submitted at a general election at which 25,000 votes are cast, but only 10,000 votes cast upon the amendment, 9,000 of which are in favor of it and 1,000 against it, the amendment would be lost, because 40 per cent of all the votes cast at the election were not cast for the amendment. Or, again, if the amendment was popular in 12 of the 26 counties and unpopular in the other 14, 15,000 votes might be cast for it and none against it in the 12 counties and 3,500 votes for it in the other 14 counties and 6,500 against it, and yet an amendment upon which there might have been 18,000 votes cast for and 6,500 votes against would be lost. It is only necessary to call attention to such provisions to secure their condemnation.

It is moreover found that the population of the counties lying along the eastern border of New Mexico have increased very rapidly in population in the past decade and will probably increase more rapidly in the future. The apportionment provided in the constitution suggests the denial of adequate representation to the rapidly increasing population of that section for a long time, unless the constitution is made more easy of amendment.

Certain other provisions of the constitution as framed and adopted are very objectionable, and will in their operation be very oppressive to the people of the new State, and it is claimed that they were brought about at the instigation and in the interest of certain large corporations and special interests whom it is claimed exerted large influence in the framing of the proposed constitution.

The oppressive provisions of the New Mexico constitution thus exposed and condemned by the House committee meet the approval of the Senator from Utah. I am willing to let this sub-

ject rest with the mere statement of what the New Mexico constitution provides, feeling satisfied that no reader of its provisions will question the charge that the limitation upon amendment was framed by representatives of special interests rather than by representatives of the people.

CAUSE FOR DISSATISFACTION.

Mr. President, the Senator from Utah said that—

> There is a good deal of political and social unrest not only among our own people but throughout the world. That there is justification for much of the dissatisfaction which exists can probably not be truthfully denied. The conditions, however, which have given rise to this feeling call for sane, wise, level-headed counsel and consideration.

Observe, however, that after acknowledging that there is cause for dissatisfaction and that the conditions call for wise counsel, he suggested no new plans for improvement. His argument was objection, his effort obstruction. While offering no remedial plan of his own, he criticizes and condemns the constructive plans formulated by others. When he announced several days in advance that he would on a given date deliver an address upon this subject, I anticipated that in lieu of plans formulated by others he would offer some remedy of his own superior in merit and promising quicker and more lasting reforms. In reading his address from beginning to end I was utterly disappointed in this respect.

This age is not one of destructive or obstructive, but rather one of constructive, tendencies. The American people are not satisfied merely to be told that evils exist. They desire a practical remedy. Even if the initiative, referendum, and recall were still in their experimental stages, the people would prefer to experiment with these new methods in government rather than to continue under methods demonstrated unsatisfactory in the past. Fortunately, however, the initiative and referendum at least have passed the experimental stage in Oregon.

PEOPLE DESIRE IMPROVEMENT.

After having admitted justification for much of the dissatisfaction which exists, the distinguished Senator says that "changes in governmental forms are advocated apparently for the mere sake of change." With this view of the spirit which actuates the American people I can not agree. In my opinion, changes are advocated for the sake of improvement. I assert this not only as to the advocacy of changes which I believe to be desirable, but am willing to concede the same high motive to advocates of changes which I do not support. There are, for instance, people in these United States who advocate governmental principles which constitute what is known as socialism. I am not a Socialist, though I believe in some ideas advocated by that political party. Some of the teachings of socialism I believe to be unwise. Nevertheless, I freely admit that I may be wrong and they may be right. Many of us are believers in political principles or methods which 20 years ago seemed impracticable or even foolish. But whether I agree with the Socialists or not, and whether time shall disclose that they are in error or that I am, I shall not charge them with advocating changes in governmental form for the mere sake of change. I know of no class of people who are more zealously devoted to principles in which they believe or who are apparently actuated by a more unselfish desire to promote the general welfare than are the Socialists, and while I may not agree with all their views, I do not question the purity of their motives or the sincerity of their efforts to secure what they believe to be a change for the better. With the few rare exceptions of men who are criminal by nature and professional politicians and lobbyists, I believe that all men are anxious for the enactment of laws and establishment of customs which they believe will improve conditions for themselves and their fellow men.

THIS GOVERNMENT BEST, THOUGH IMPERFECT.

Understand, I do not contend that our system of government is wholly bad. On the contrary, I assert that with all its faults it is far better than any other system of government existing in the world to-day. I am not one of those, however, who wave the starry flag with patriotic ardor and rest satisfied in the belief that this Government is the best the world has ever known. Governments, like all other human institutions, are imperfect, and however high my regard may be for the framers of our Constitution, it is no lack of respect for them or regard for their high ability to say that they were unable either to frame a perfect constitution for the social and economic conditions of their day or to frame a perfect constitution for the conditions existing a century and a quarter later. The doctrine that the king can do no wrong was abandoned on American soil before the bells pealed forth the glad tidings of liberty on that memorable day, July 4, 1776. Based upon the same reasoning by which the people arrived at the conclusion that the king could do wrong, it follows beyond controversy that the individuals who met in Federal Constitutional Convention were also subject to the limitations of human frailty and might err in judgment, however lofty their ideals and pure their motives. The wise and patriotic citizens who prescribed a form of government adopted by the American people in 1789 were no more competent to prescribe limitations upon activities of government in 1911 than were the doctors or lawyers or other learned men of that day competent to prescribe in their particular lines of study the remedies and procedures which serve the needs of the sick in body or troubled in business in this day and generation.

I would not have the hardihood to call myself a progressive if I sent telegrams almost instantaneously from the Atlantic to the Pacific, read in to-day's papers the happenings of yesterday in South Africa, witnessed men flying in circles around the Dome of the Capitol, observed the working of a machine which made visible a bullet embedded in the body of a human being, watched the complex organization of a Government of 90,000,000 people, reflected with pleasure upon the state of religious toleration as compared with the incidents of religious persecution in the early days of Massachusetts—I say, Mr. President, if I observed all these marvelous evidences of advancement in human knowledge and power and then undertook to assert that wisdom died with the founders of our Government, that an attempt to amend the Constitution they framed is sacrilege, and that an effort to improve State constitutions is folly, I would not have the hardihood to call myself a progressive.

PROGRESS HAS BEEN CAREFUL.

The Senator says "that it is high time for a reaction to the ancient but discredited common sense which thinks before it acts instead of repenting afterwards." I am not sure to what period in American history the Senator's reactionary movement would carry him in order to find a time when there was more careful thinking before action than there is to-day.

Surely the American people have thought long enough on the subject of popular election of Senators. Discussion of the initiative and referendum has been going on for more than a quarter of a century. The first initiative and referendum amendment was adopted in South Dakota in 1898, which was 13 years ago, and the Oregon amendment was adopted in 1902, which was 9 years ago.

There has been no thoughtless and hasty action upon this subject, and yet there has been real and substantial progress in the movement for the adoption of popular government. The initiative and referendum have been adopted in Oregon, Oklahoma, Nevada, Missouri, Montana, South Dakota, Colorado, Arkansas, and Maine. The State of Utah has adopted an amendment which, however, I understand is inoperative because of lack of legislation.

Initiative and referendum amendments have been indorsed by legislatures for submission to the people in the States of California, Washington, Wyoming, North Dakota, Nebraska, Florida, Idaho, and Wisconsin.

The Oregon plan of popular election of Senators has been adopted in Oregon, Nebraska, Nevada, Minnesota, New Jersey, Ohio, Wisconsin, Kansas, and California.

The States that have adopted the Oregon plan of popular vote for candidates for nomination for President and Vice President are Oregon, Nebraska, New Jersey, North Dakota, and Wisconsin.

NO REACTION DESIRED.

It is worth while to note that although this great progress has been made, there is in no State a demand on the part of the people for a repeal of any of these laws. If the laws were injurious in their effect, there would undoubtedly be an overwhelming demand for their elimination from constitutions and statutes.

But since the Senator proposes a reaction to some ancient plan of procedure, I wonder if he remembers that on January 20, 1911, he read into the CONGRESSIONAL RECORD part of a report filed by Mr. LAWRENCE in the House of Representatives, discussing governmental evils that existed in the State of New York. Because the evils then depicted still obtain to a greater or lesser degree in these days, I feel it my duty to read again into the RECORD the following two paragraphs, which the Senator from Utah submitted for the consideration of the Senate last January:

> But appalling and startling as these have been in our past history they are all surpassed in some respects by those perpetrated in the general election in the State, and especially in the city of New York, on the 3d of November, 1868. These frauds were the result of a systematic plan of gigantic proportion, stealthily arranged and boldly executed, not merely by bands of degraded desperadoes, but with the direct sanction, approval, or aid of many prominent officials or citizens of New York, with the shrewdly concealed connivance of others, and almost without an effort to discourage or prevent them by any of those in whose interests and political associations they were successfully executed, who could not fail to have cognizance of them and whose duty it was to expose, defeat, and punish them.

These frauds were so varied in character that they comprehended every known crime against the elective franchise. They corrupted the administration of justice, degraded the judiciary, defeated the execution of the laws, subverted for the time being in New York State the essential principles of popular government; robbed the people of that great State of their rightful choice of electors of President and Vice President, of a governor and other officers; disgraced the most prosperous city in the Union; encouraged the enemies of republican government here and elsewhere to deride our institutions as a failure; and endangered the peace of the Republic by an attempt to defeat the will of the people in the choice of their rulers.

Commenting upon conditions described in that report, the Senator from Utah said:

And it is to such halcyon conditions as these that the Senator from Maryland and the Senator from Georgia desire to return.

In view of the fact that Oregon has enacted under the initiative a corrupt-practices act which absolutely eradicated evil methods like those described in the report from which this quotation is taken, I feel that I am justified in applying to himself the criticism voiced by the Senator from Utah against the Senators from Maryland and Georgia. It is to such halcyon conditions as these that the Senator from Utah desires to return.

THE COMPOSITE CITIZEN UNSELFISH.

Mr. President, the Senator from Utah has seen fit to ridicule that portion of my address of February 27, 1911, in which I expressed my conviction that the action of the composite citizen always tends to promote the general welfare. He quoted the following portion of my address:

The people can be trusted. The composite citizen knows more and acts from higher motives than any single individual, however great, experienced, or well developed. While selfishness is usually dominant in the individual, it is minimized in the composite citizen. The composite citizen is made up of millions of individuals, each dominated in most cases by selfish interest. But because of the difference in the personal equations of the individual units making up the composite citizen, there is a corresponding difference in the interests dominating said units; and while composite action is taking place friction is developed, attrition results, selfishness is worn away, and general welfare is substituted before action is accomplished.

In further elucidation of the composite citizen, or aggregate of individual citizens, I assert that self-interest is the force controlling every action of the individual—not necessarily always selfish interest, for sometimes the individual is satisfied with his participation in the improved general welfare incident to the action. Generally, however, the individual action when unrestrained is governed by his own selfish and personal interest.

No two people in the world are exactly alike; consequently each individual has a different viewpoint or idea as to what constitutes his own particular personal or selfish interest. Where individuals act collectively or as a community, as they must under the initiative, referendum, and recall, an immense number of different forces are set in motion, most of them selfish, each struggling for supremacy but each different because of the difference in the personal equation of the different individuals constituting the community. Because of their difference, friction is created—each different selfish interest attacks the other because of its difference. No one selfish interest is powerful enough to overcome the others; they must wear each other away, and general welfare, according to the views of the majority acting, is substituted for the individual selfish interest. If all the individual units of society were alike, then selfishness would not only dominate the individual but the community action as well. But as long as no two people are alike just so long will selfishness dominate the individual, if permitted to act independently, while general welfare must control all community action, for if the individual can not secure the gratification of his own selfish desire then he must rest satisfied with the improved general welfare in which he as one of the units of the community is a proportional participant.

This logic applies to a community or a class. Under the initiative, referendum, and recall there can be no class or community action against the general welfare of the majority of the citizens constituting the zone of the action. The individual, through realization of the impossibility of securing special legislation for himself and against the general welfare of the community, of which he is only an individual unit, soon ceases his efforts for special privilege and contents himself with efforts for improved general welfare; thus the individual, class, and community develop along the lines of general welfare rather than the lines of selfish interest.

In further refutation of the unwarranted fear of hasty or unwise community action, I assert that no individual will ever vote for or assent to a change unless satisfied that that change will directly benefit him individually or that the action will bring improved general welfare to the community, in which event he is satisfied with proportional participation incident to that improvement.

In other words, community action determines the average of individual interests and secures the greatest good for the greatest number, which is the desideratum of organized society.

Hence I again assert that the people can not under the initiative enact legislation against general welfare or in favor of any selfish interest, nor will they select any public servant whom they believe will be dominated by any selfish interest. Though I grant they may make a mistake in selecting public servants, I assert that they will not make the same mistake twice in the same individual. That is, under an efficient direct primary law the people will not twice nominate an individual who has failed to serve faithfully the community he represents.

I have demonstrated that under the initiative and referendum the people can not legislate against the general welfare, and by the same logic I assert that under the recall the people will never recall a public servant, judicial or otherwise, who serves the general welfare.

JUDGMENT OF MANY BETTER THAN JUDGMENT OF FEW.

Criticizing my theory that all the people acting jointly are more unselfish than individuals acting separately, he says, "There are some people who seem to imagine that there is some mysterious virtue in numbers; that 10 men are necessarily more moral and more honest than 1 man." He might well have added, more intelligent. Our jury system is based upon the belief that the judgment and honor of 12 men are more to be relied upon than the judgment and honor of 1 man, and inasmuch as the Senator has admiration bordering upon adoration for that which has come down to us through the centuries, I am surprised that he questions the theory that 10 men acting together will reach a more honest conclusion than 1 man acting alone.

We have adopted the principle in this country that all the people are more competent to choose a President and a Vice President than are the members of the electoral college, notwithstanding the Constitution of the United States, as it was originally framed, contemplated that the members of the electoral college should exercise their own judgment in electing a President and Vice President. The Senator will hardly undertake to contend that we have erred in abandoning the old theory and adopting a new system which makes the members of the electoral college mere messengers conveying the wishes of the people of their States to the National Capital. In my opinion popular election of Presidents is no more an improvement on the original plan of representative election than the popular nomination of candidates for President and Vice President will be when that system has been adopted in all the States, as it has been already adopted in five of them.

In this respect I doubt not the Senator from Utah and myself radically differ upon what I believe to be a fundamental of popular government. He prefers the old convention system; I prefer a direct primary, believing that if the people are competent to choose between candidates at the general election they are also competent to choose between candidates for the nomination. For instance, any man who was competent to choose between Mr. Taft and Mr. Bryan in the last general election is competent to choose between Mr. Taft and Mr. La Follette at the coming primaries, and, in my opinion, it is far better to trust the selection to all the members of a party than it is to vest this power in any limited number of delegates, either self-chosen or chosen by the manipulators of a political machine.

THE PRESIDENTIAL PRIMARY LAW.

The facility with which the Senator from Utah conjures up possible evils arising from the extension of popular government is illustrated by his remarks regarding my presidential preference bill, adopted by the people of Oregon at the last election. He refers to this measure as—

the law providing for the election of delegates of the several political parties to their respective national conventions, every delegate so elected being entitled to receive from the State treasury the amount of his traveling expenses necessarily spent in attending the convention, not to exceed $200. Hereafter when a group of enterprising gentlemen may desire a pleasure trip at the public expense all they will need to do will be to organize a party, call a national convention, and select themselves delegates.

When the presidential preference bill was before the people of Oregon the politicians and other enemies of popular government resorted to this same expedient of telling only half the truth, thus hoping to defeat this bill, but failed in their efforts. The Senator ignores the main feature of the law which gives the people an opportunity in party primaries to express their choice for President and Vice President, thus instructing the delegates whom they shall support for party candidates in the national conventions. He magnifies that provision which authorizes the payment of actual traveling expenses of delegates not exceeding in amount $200 for each.

The Senator, in my opinion, misjudges the intelligence of the people who may read his address. He does not realize that every man who reads his criticism of this public expenditure of not to exceed $200 for each delegate will know that heretofore delegates had either paid their own expenses or have had them paid by individuals who had a special interest in securing the attendance of the delegates. In either event, under the old convention system the expenses of some of the delegates were a part of the expense of maintaining the political machine, and sooner or later, by direction or indirection, the expenses were repaid by the people either through the distribution of patronage or other recognition of the political obligation.

The bill which I proposed, and which the people of Oregon adopted, makes the delegate the representative of the people, and by providing for the payment of his expenses makes it possible for the man of moderate means, as well as the man of wealth, to be a delegate to a national convention, and it relieves him from all obligation to any person or individual. The people by their direct vote for candidates for President and Vice President will instruct the delegates as to whom they shall support, and the wishes of the operators of "steam rollers" will be of no avail.

By the adoption of this system political bosses, backed by campaign contributors, will be deprived of the power to select candidates, and thus Presidents will be relieved of that embarrassing obligation that the nominee must feel toward those who have placed him in office.

CONVENTION SYSTEM MISREPRESENTATIVE.

The convention system is the greatest evil of representative government. The nominee of a convention knows to whom he owes his selection, and with that knowledge goes a natural desire to repay the favor. Practical politics has established the custom of discharging political obligations by the distribution of Federal appointments, with only a secondary consideration for qualifications and efficiency. Under a direct-primary system the candidate does not know to what individuals he owes his nomination, and therefore his only obligation is that of rendering the best possible service to all the people, making appointments with that sole end in view.

The new Oregon law is merely an extension of the direct primary and can be readily adopted in every State having the direct-primary system.

I have long believed that satisfactory government can not be attained without destroying the obligation that must exist between public officials and the individuals securing their nomination. Therefore I issued an address to the people of Oregon in 1909 urging the importance of the extension of our direct-primary law in this respect, asserting that other States would follow Oregon's example, thus giving the people of the United States the same power in the selection of candidates for President and Vice President that the people of Oregon now have in the selection of candidates for governor and United States Senator.

Immediately thereafter I caused a bill to be prepared and submitted to the people of Oregon, under the initiative, proposing an amendment to the direct-primary law, providing that in each year of presidential election the primaries shall be held in April and that opportunity shall be given the voters to express their preference for party candidates for President and Vice President, and to elect delegates to the national conventions and nominate their party candidates for presidential electors. As required by our initiative and referendum amendment, the petition proposing the bill was signed by 8 per cent of the voters of the State and was filed in the office of the secretary of state more than four months prior to the general election. It was presented under the management of the People's Power League, composed of a number of the most progressive citizens of the State.

A full copy of this bill, as of all other initiative and referendum measures, was published in the publicity pamphlet, together with arguments for and against. A copy of this pamphlet was mailed by the secretary of state to every registered voter after registration. By means of this pamphlet and of circular letters the voters were informed as to the nature of this and other measures.

OPPOSED BY MACHINE POLITICIANS.

The presidential preference bill was very generally opposed by machine politicians, who oppose any extension of popular sovereignty, preferring the system of delegated power under which they have been enabled to commercialize politics and the legislative and administrative branches of city, county, and State governments.

On the 8th of last November the people of Oregon enacted this law. Since then Nebraska, North Dakota, Wisconsin, and New Jersey have adopted virtually the same law. It is, of course, the desire of each political party to nominate the strongest candidate, but there is usually great difficulty in deciding upon the individual. In view of these States enacting presidential-preference laws, aspirants for presidential nomination and all their friends will watch with anxious interest the popular vote in these States, for it must be acknowledged that their votes will indicate the trend of opinion throughout the United States.

The Republican and Democrat, respectively, who has the popular indorsement of his party in these States will have a great advantage in the national convention, for no party can safely ignore public opinion carefully expressed. My own judgment is that if the vote in these States shows a decisive *preference* for any aspirant, that aspirant will be nominated by the convention, notwithstanding the tremendous power of the Federal machine and the 338 southern and Territorial Republican delegates ordinarily controlled by it. No convention will, however, nominate a candidate if its delegates feel sure he will be defeated.

INSTRUCTION NOT IRONCLAD.

The popular vote in party primaries in these States will be in the nature of an instruction to their delegations in the national conventions, but the delegates will not be bound to vote for the choice of their State if they find that by so doing votes would be thrown away. There is a moral obligation upon them to support the choice of the members of their respective parties so long as the aspirants indorsed have a chance of winning the nomination. Though there will be no legal obligation, it is safe to say that no delegate will lightly ignore the popular expression.

In my opinion, the Oregon idea of direct selection of party candidates for President and Vice President will be adopted in a majority of the States within the next decade. General adoption of this system will relegate the "steam roller" to the political scrap heap and its operators to the shadow of things forgotten. Southern Republican delegations will no longer be the vest-pocket trading material of Republican bosses, nor will Democratic delegations from solid Republican States in the North be subject to the will of Democratic bosses. The voice of the people will be heard in the selection of candidates, and delegates will be made, as they should be, mere messengers conveying the expressed wish of the people whom they profess to represent.

PRESIDENTIAL PRIMARY MEANS ECONOMIC SAVING.

Popular selection of candidates for President and Vice President would mean a saving of hundreds of millions of dollars now wasted through industrial inactivity due to the unsettling of conditions incident to a change of administration. Under the convention system candidates are not always chosen for their fitness to render good service to the country. Selections of candidates are too often influenced by promises of patronage, power of the administration over delegations controlled by Federal officeholders, or by campaign contributors. Very frequently a fight over the governorship will give one faction or the other control of a State delegation and thus determine its attitude toward the presidential nomination when the Presidency was not considered the paramount issue by the members of the party in selecting delegates to the State conventions.

As a result of this system, men may be nominated for President who were not even under discussion when the delegates were chosen. Consequently the people of the country know little of the man and must await his demonstration of ability and the disclosure of his policies. To a large extent they withhold confidence until they have reason to believe he will "make good." For a considerable period before and after every presidential election industrial activity lessens and there is enormous economic waste through the idleness of men, machinery, and capital.

Practically all this waste would be saved under a system of popular selection, for it would be known in advance that the people of the country would select the man in whom they had most confidence; and, assured of this confidence, industrial enterprise would proceed with little, if any, interruption.

In my opinion, under a system of popular selection, candidates would be chosen generally from among governors of States who had rendered distinguished service. There would be no possibility of the nomination of "dark-horse" candidates.

No man would secure indorsement of the people unless he had either demonstrated his qualifications by service rendered or won their confidence by presentation of sound principles offering concrete solutions of pending governmental problems.

THE PEOPLE ARE CONSERVATIVE.

Enemies of popular government have offered the objection that under a system of direct selection of candidates the people would choose a man extremely radical and dangerous to wise government.

There is not a page in American history justifying such an estimate of the American people. Conservatism is one of their characteristics. In the language of the framers of our Declaration of Independence, they are "more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

Hence the people have long deferred the task of overthrowing the convention system, with selfishness the destroying force, and substituting popular government, with general welfare the vitalizing force. They have been willing to endure the wrongs imposed by their supposed representatives who owed their first allegiance to political bosses and campaign contributors, rather than assert their right to control their Government and make their public servants accountable to them alone. Experience shows that the people will not vote for a change unless convinced it will be a change for the better.

Aware of this spirit of conservatism and having the utmost confidence in the intelligence, honesty, and independence of the people, I had no hesitancy in proposing a bill giving the people power by direct vote to choose party candidates for President and Vice President, and I urge the adoption of that plan in every State.

"MULTIPLICATION TABLE" TEST.

In another of his numerous displays of contempt for popular government, the Senator says that—

> Some people seem to imagine that by adding together a thousand individuals, none of whom have ever gone beyond the multiplication table, some strange and weird transmutation results by which the combined mass is enabled to work out the most difficult problem in Euclid with the utmost accuracy.

I would much prefer that the Senator had made his application of this remark definite and direct. However, since he was discussing the competency of the people of the country to vote upon problems of government rather than problems in Euclid, he evidently means to convey the opinion that people whose education was limited to the elementary studies are not qualified, acting in the composite, to consider and decide upon measures prepared and submitted to them under the initiative. I have not contended that problems of government should be solved by men of elementary education alone. The popular-government idea contemplates that all people—the highly educated as well as those of only common-school education—shall participate in this important duty.

I grant that the technical work of drafting a measure in order to make its language clear and precise should be performed by men of skill in that particular, but the people as a whole are the best judges of the principles involved and can be trusted to pass upon the merits. When it comes to a matter of judgment, the destinies and welfare of States are safe from injury at the hands of men who have never gone beyond the multiplication table.

The Senator should remember that the chief attention of Congress in recent years has been devoted to the effort to curb the rapacity of large business interests, to regulate trusts, to control railroad rates, to prevent manufacture and sale of injurious food products, prohibit corrupt use of money in elections, and to simplify court procedure so that the result of litigation shall not depend upon which litigant has the greatest power of financial endurance. Evidently the situation is such that the Government has more trouble with men who have gone beyond the problems of Euclid than it has with men who stopped with the multiplication table. The Senator and his dying cause are welcome to all the consolation they can get out of meditation upon the force of his illustration, employed, I hope, in an hour of levity, and not the product of serious thought.

TENDENCY OF LAWYERS IS REACTIONARY.

But, Mr. President, we are dealing with conditions, not with theories, and hence I feel it not inappropriate to recall the Senator from his flight of fancy and remind him of the fact that although the matter of judicial procedure is almost entirely within the control of lawyers, most of whom have gone far beyond the multiplication table, our system of jurisprudence is the object of severe criticism by men in every walk of life.

I believe the Senator to be as honest in his opposition to State-wide initiative, referendum, and recall constitutional amendments and statutes as I am in my advocacy of same.

I think the Senator's prejudice against these fundamentals of popular government is due to his profession. The Congressional Directory states that "he was admitted to the bar in 1883, and has followed the practice of the law continually since that date."

As a class, lawyers are probably the best intellectually equipped men in society, yet, by reason of their training, in most cases the orbit of their thought reaches only to bounds already fixed by precedent. This is especially true of the great corporation lawyers, whose salaries have been commensurate with their ability to stretch the national, state, and community laws to their utmost elasticity, even to the breaking point, if by so doing they could increase the profits of their clients and at the same time keep them out of the penitentiary.

That class of attorneys who are open to engagement on either side of almost any case have no fixed opinions until after receipt of retainers, hence their inclination to question the motives of other men who have definite ideas. They go to the textbook and precedents for their ideas, and the older the book the more reverence it receives. Thus many lawyers become human conduits for dead men's ideas.

On the other hand, the business man, the economic student, members of other professions than the law, and even the humble toilers who have not gone beyond the multiplication table, deal little with the past, but chiefly with the present and future. These men study present conditions and by original investigation and exercise of imagination and initiative strive to devise new remedies for old evils.

The whole trend of the lawyer's development has therefore been along destructive and avoidance rather than constructive lines, hence the tendency to become reactionaries, and the more profound the lawyer the greater the tendency. Certainly nothing is to be hoped for in the way of progressive legislation while erstwhile corporation lawyers exercise the functions of the lawmaker. Any departure from established forms of government or law is looked upon with grave apprehension by many of the great lawyers of the country and their echoes. By echoes I mean the heads of many of the great corporations of the country, who, in the past, have depended entirely on their corporation counsel not only for construction, but ofttimes for attempted destruction of laws.

The presidents and managers of corporations have devoted their time solely to the questions of increased earnings for the time being. Daily value of securities, rather than stable values and general prosperity, has been the limit of their horizon. The general public as well as competitors, and in some instances the small stockholders, have been considered their prey; special privileges, rather than justice and protection of all liberty and property rights, their goal. They deemed government a menace to their interests, and whenever it could not be utilized for their own special purposes they have tried to weaken, attacking it rather than strengthening it and cooperating with it. They have failed to realize that retribution as well as compensation is a law effect and that the domination of the commercial forces over the police force of society must result eventually in anarchy and the elimination by violent methods of themselves and their illegal accumulations, rather than the enjoyment of legitimate increment under just laws, giving equal protection to the personal liberty and property rights of all.

Quite likely the Senator from Utah will say: "Well, suppose all this to be true. What is your remedy? Would you bar the lawyer from being a legislator?" No; but I would advise the electorate to select and elect a majority of any legislative or administrative branch of their Government from wide-awake business men and from students of political and social conditions whose training has been along progressive lines, whose initiative and imagination have had full scope, and whose judgment and wisdom have been demonstrated by success in legitimate fields.

As a rule the student and business man will originate the ideas, lead the progressive movements; the lawyer will provide the legal verbiage and the corporation lawyer try to beat its enactment, or, if unsuccessful, will then endeavor to prove it unconstitutional if it in any degree minimizes special privilege.

EFFECTIVENESS OF INITIATIVE HAS BEEN DEMONSTRATED.

Mr. President, although declaring his unqualified opposition to the initiative, the Senator from Utah has unwittingly paid a high compliment to the practical effectiveness of that amendment. He says he favors the election of United States Senators by a direct vote of the people, and so far as I can observe by his address, this is the only feature of popular Government that he does favor.

The initiative was adopted in Oregon in 1902, and at the very first election thereafter the people of Oregon adopted, under the initiative, a direct-primary law which provides not only for the nomination of candidates for Senator by direct vote in the primary, but also for a popular vote upon candidates in the general election and for an optional pledge by candidates for the legislature to support the people's choice for United States Senator. That law, enacted by the people under the initiative, has proven an effective means of establishing popular election of Senators in that State. Since the adoption of that law three

men have been elected to the United States Senate from Oregon, and all were chosen by the people, the legislature merely ratifying the popular choice and doing so without a moment's delay and without any of the bartering of offices or trading in legislation which theretofore prevailed in Oregon and which, I believe, now exist in practically every State in which legislative election of Senators still obtains.

The Senator professes to believe the initiative is not an effective means of legislation. Yet he says that any system should be judged by its fruits, with which I agree. Since the Oregon initiative has proved effective in securing the reforms most desired by the people of Oregon and desired by the people of every other State in the Union, I assert that it has demonstrated its worth. If the Senator really desires to secure popular election of Senators in his own State, he should first secure the practical operation of the initiative, after which absolutely nothing can stand in the way of popular election of Senators.

I presume the Senator will respond that while he believes in popular election of Senators he prefers to accomplish this reform by constitutional amendment and not by the enactment of State laws which attain the same result, though without the sanction of the United States Constitution. If the Senator protests against the policy of securing popular election of Senators without first amending the Federal Constitution, I direct his attention to the fact that the Constitution requires that Presidents and Vice Presidents shall be elected by presidential electors chosen by the people of the several States. The Constitution contemplates that these presidential electors should exercise their own discretion in voting for candidates for President and Vice President. Notwithstanding this provision, we have by custom, and without any law, established the practice of instructing our presidential electors so that in casting their ballots they do not exercise their own discretion, but merely record the wishes of the people of their several States. Oregon has followed exactly the same method, but by law rather than custom, in election of United States Senators. If any man protests against this method of selecting Senators without first amending the United States Constitution, why does he not also protest against the established custom of popular election of Presidents when the Constitution as originally written, and as it stands to-day, provides and contemplates that Presidents and Vice Presidents shall be elected by a body of men known as presidential electors?

WISDOM OF THE PEOPLE ACKNOWLEDGED.

In pointing out what he considered defects in the initiative and referendum, the Senator said, among other things, that a change of 11,000 votes would have adopted a certain measure in Oregon which he believes to be unwise. His intended criticism is, in reality, an indorsement of the system of popular vote, for in the instance which he mentions the people defeated by 11,000 majority the bill which the Senator says should have been defeated. The Senator acknowledges that the people demonstrated their ability to act intelligently even upon a very complex measure.

But if it is a valid criticism of the initiative that a change of 11,000 votes would have adopted a measure which was in reality defeated, let us see where that line of argument brings us. There are plenty of instances in the records of this body in which bad measures have been defeated, but would have been adopted by a change of a half dozen or, perhaps, by the change of a single vote. On a very notable occasion the Supreme Court of the United States had before it the question of the constitutionality of an income tax. After exhaustive argument by the ablest attorneys the court stood four to four, with one member absent who believed the law constitutional. Later the case was given a rehearing, and, with all members of the court present, one of the members who formerly held the law constitutional changed his attitude, and by a vote of five to four the court held the income tax unconstitutional. Reduced to its essentials, the situation was this: At one time the income-tax law was, in the opinion of the majority of the Supreme Court, constitutional, but a few weeks later that same law, by reason of a change of a single vote, became unconstitutional.

If it is a valid argument against the initiative and referendum to say that a change of 11,000 votes would have changed the result on the adoption of a measure submitted, is it not as valid an argument against the existence of a legislative body or a Supreme Court to say that a change of one vote would change the result upon a bill presented or change the decision of the court in a case that had been argued and submitted. The Senator's argument naturally leads to the supposition that he would abolish the Supreme Court.

A PRACTICAL DEMONSTRATION.

The failure of the Senator to comprehend the practical operation of the initiative and referendum is illustrated by his attempted ridicule of my assertion that in the composite action of the people under the initiative selfishness is worn away and general welfare is substituted therefor. Evidently without knowing he was doing so, he cited an unquestionable instance of the elimination of selfishness and the substitution of general welfare. The case referred to was the submission of two Columbia River fishery bills to the people of Oregon in 1908. The rival fishing interests—the gill-net fishermen on the lower river and the fish-wheel operators on the upper river—had conducted their work so effectively as to threaten ruin of the industry by destruction of the fish before they could reach the natural spawning grounds. Almost every two years the rival fishing interests had carried their fight to the State legislature, and the legislature failed to enact any adequate legislation for the protection of the natural supply of fish. The State was maintaining hatcheries for the artificial propagation of salmon, but notwithstanding the maintenance of this work the fish supply was steadily diminishing.

Believing that they could promote their own selfish interests and eliminate their rivals by resort to the initiative, the fish-wheel operators of the upper river proposed a bill practically prohibiting gill-net fishing on the lower river, and the gill-net fishermen proposed a bill prohibiting fish-wheel operations on the upper river. These two measures, each initiated by selfish interests, were submitted to a vote of the people. During the campaign the rival interests presented their arguments, not only through the publicity pamphlet but through the newspapers and by circular letters. The people of the State gave the matter careful consideration, and, believing that the general welfare required that the fish themselves be protected from extermination, they adopted both bills.

The people having temporarily terminated fishing on the Columbia River, the legislature, which had theretofore failed to do its duty, responded to the popular will and enacted a law which permits fishing within reasonable regulation, but provides opportunity for the fish during closed seasons to reach their natural spawning grounds. I thank the Senator from Utah for calling attention in his speech to this instance in which the composite citizen, acting under the initiative, eliminated selfish interests and substituted general welfare.

OHIO AND ILLINOIS VOTE SELLING.

Having shown that this effort of the Senator to criticize the operation of the initiative is plainly a commendation, I will furnish the Senator with what at first blush might seem to be an actual rather than an imaginary weakness in the desirability of popular government, namely, the wholesale bartering of votes in Adams County, Ohio, and Danville, Ill. Hasty consideration of these two instances would lead to the belief that the people are unworthy of the trust imposed in them in the exercise of the elective franchise. Careful study and deduction, however, demonstrate the desirability of the earliest possible adoption of the popular-government laws in both Ohio and Illinois as a remedy for just such conditions as are evidenced by the wholesale bartering of votes.

The voters of Adams County, Ohio, and Danville, Ill., had for years witnessed the operation of machine politics. Because they had only the opportunity to vote for one of two candidates selected for them by political bosses dominating each of the two great political parties in that community, the voters felt their utter helplessness. Self-respect was finally obliterated, honor blunted, moral fiber destroyed, and selfishness intensified. They realized that they must vote for one of two candidates, both of whom represented selfish interests, and they naturally concluded that they might as well benefit themselves for the day by taking the few paltry dollars for the surrender of what little valueless right they had. They felt that the exercise of the right to vote for one of two candidates in the selection of neither of whom they had any choice was of little concern to them, and that sale of their votes was so much gained in cash without any loss in public service.

Are these conditions favorable to the development of individuals or communities? No. I advocate destruction of these conditions and substitution of powers and corresponding responsibilities providing a limitless field for individual development.

ADDITIONAL FREEDOM BRINGS DEVELOPMENT.

Enjoyment of any additional freedom given to humanity is always followed by a growing realization of the added responsibility, resulting inevitably in the steady development not only of the individual units of society, but of the community as a

whole, and the production of a national, state, and community electorate infinitely higher in efficiency.

When popular government has been established in Ohio and Illinois, practically every voter will realize that his ballot counts for something, and he will esteem it so highly and guard it so sacredly that no amount of money or other corrupting consideration will purchase it for any purpose.

While I would not say anything that could be construed as approval of the citizens of Adams County, Ohio, and Danville, Ill., *who sold* their votes, I can readily understand how they excuse themselves after having witnessed the barter and sale of votes in legislative halls and the use of patronage for the purpose of influencing votes in Congress. Two wrongs will not make a right, but those who condemn the barter and sale of votes among people who have not gone beyond the multiplication table should be as loud in their denunciation of purchase and sale of votes among those who have mastered the problems of Euclid.

IMPOSSIBILITY OF AMENDMENT A MERIT.

Objection is made to the initiative because a measure submitted to the people is not subject to amendment, but must be adopted or rejected exactly as submitted. Experience with legislatures indicates that this is a merit rather than a fault of direct legislation. Many times in Oregon, and, I think, in other States, bills have been carefully prepared upon important subjects, such as taxation, road construction, education, and forest preservation, and when thus prepared have been introduced in the legislature.

The bills had been drafted by men who gave months of careful study to the questions involved. Nevertheless, when the measures came up for consideration, amendments were proposed indiscriminately by men who had not studied the subjects, and as a result when finally passed the bills bore slight resemblance to their original form. Even the authors would not recognize them, and sometimes they were so inconsistent in their own provisions as to be in direct conflict. Moreover it was sometimes discovered, several months after the legislature adjourned, that some shrewd but unscrupulous legislator had cunningly inserted an amendment of the character commonly called a "joker," which the legislature, with all its boasted intelligence, did not detect. Measures submitted under the initiative and referendum can not be emasculated by haphazard amendment nor be made the agency for enactment of "jokers."

Several men acting together prepare bills for submission under the initiative, and they are not submitted until every phase of the subject is fully considered. The bills correctly present the subject matter, and must, as they should, be adopted or rejected as a whole. Any measure which contains objectionable provisions will, of course, be defeated, for free discussion for four months will certainly disclose any unwise feature.

CARELESSNESS REDUCED TO A MINIMUM.

All conditions and circumstances of direct legislation tend to prevent careless or ill-advised action. No man wishes to suffer the humiliation of defeat, hence none will participate in drafting a bill which is not likely to find favor with the people. Pride in his own achievements will induce a man to put forth his best effort and to secure the advice and assistance of capable friends in preparation of a measure which he believes should be submitted to a vote of the people. No man desires to bear the ignominy incident to association of his name with vicious or foolish legislation, consequently evil measures will find no sponsors of standing sufficient to make their success probable.

LEGISLATURES MAKE MISTAKES.

Under the Oregon plan the study of measures submitted under the initiative and referendum is made convenient by the publication of a pamphlet containing a full copy of each measure submitted, together with arguments pro and con. A copy of this pamphlet is mailed to every registered voter 55 days before election. The interest of the people in good government, comment through newspapers, informal discussion among friends and in public debate, will give the people a thorough understanding of questions presented. On several occasions Oregon legislatures have made such serious mistakes in laws enacted that special sessions were necessary to correct the errors. No special sessions have been called to correct errors of the people, nor will there ever be.

Four months of discussion, in which all the people participate, is far preferable to 40 days of consideration in a legislature where much of the discussion takes place in the secrecy of a committee room or the private apartments of a paid lobbyist.

ARIZONA CONSTITUTION A STATE QUESTION.

Mr. President, on a previous occasion on the floor of this body the Senator from Utah said:

I will go as far as he who will go farthest in standing for the integrity of the various States of this Union. In matters which concern the States alone I think the Federal Government should keep its hands off.

In all his remarks the Senator from Utah did not point out a single particular in which the initiative, referendum, and recall, if adopted in Arizona, would affect the Federal Government in the least. The initiative and referendum relate only to State legislation; the recall provides only for the recall of officers elected by the people of the State. In operating under the initiative, referendum, and recall the people of Arizona will consider only their own local State affairs. That this is entirely a local problem has been asserted by the associate editor of the Outlook, former President Theodore Roosevelt, after extensive study of the question. Like myself, Col. Roosevelt asserts that Arizona should be left free to shape her own constitution so far as it relates to State affairs.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Oregon yield to the Senator from Idaho?

Mr. HEYBURN. I will inquire if the Senator objects to an interruption?

Mr. BOURNE. I would prefer to wait until after the conclusion of my remarks.

Mr. HEYBURN. It was at this point if at all.

The PRESIDING OFFICER. The Senator from Oregon will proceed.

Mr. BOURNE. I therefore call upon the Senator from Utah to make good his assertion that he will go as far as he who will go farthest in standing for the integrity of the various States of this Union, and I hope he will not quibble by saying that Arizona is a Territory and not yet a State and that it is proper for the Federal Government to violate the integrity of a State at the time of its admission, which violation would remain as a hindrance to good government in that State after it had been admitted to the Union. Let us not quibble over technicalities, Mr. President, but deal with this question on the broad basis of fundamental principles.

THE ARIZONA POPULAR-GOVERNMENT CAMPAIGN.

Mr. President, the general subject upon which the Senator spoke was the admission of the Territories of Arizona and New Mexico, but he devoted his attention to only three phases of the Arizona constitution and one feature of the New Mexico constitution. In addition to making reply to his remarks upon these topics, I desire to set forth my own attitude toward the admission of Arizona, which question, it appears, is the only cause of real controversy.

Immediately after the passage of the act of Congress known as the enabling act, authorizing the holding of a constitutional convention in Arizona, members of both political parties in that Territory asked me to assist in their campaign for the election of convention delegates favorable to the popular-government ideas. I rendered assistance by advice and the circulation of literature giving information on the practical operation of the Oregon system, and was pleased to learn that the election resulted in the choice of delegates, a large majority of whom were pledged to support the initiative and referendum and the recall. Be it said to their credit, the delegates faithfully fulfilled their pledges, and the constitution was drafted in accordance with the expressed wishes of the people of the Territory.

Enemies of popular government, however, would not yield when thus defeated, but tried by every means in their power to prevent adoption of the constitution when submitted to a vote in February, 1911. Because of the bitterness of the fight that was being made and because of the part taken by me in the campaign for election of delegates, several citizens of Arizona wrote me asking my views upon the question of adoption of the constitution by the people of the Territory. Among others who thus addressed me was Hon. George W. P. Hunt, who had served as president of the constitutional convention. My reply to him set forth as clearly as I was able the opinions I entertained, and since my views are the same now as then, I shall read the letter I wrote to Mr. Hunt:

LETTER TO THE PEOPLE OF ARIZONA.

WASHINGTON, *December 29, 1910.*

Hon. GEO. W. P. HUNT, *Globe, Ariz.*

MY DEAR SIR: I am in receipt of your letter inclosing a copy of the constitution drafted by the Arizona constitutional convention, of which you were president, and I note your desire for an expression of my views regarding the same, my opinions being desired for publication. I have received letters from other prominent residents of Arizona making a similar request, and for convenience shall make my letter to you an answer to all and send each a copy of this letter.

You say that a fight has developed against the adoption of the constitution by the people at the election on February 9, and I am advised by others that the principal objection to it is the popular-government features, comprising the initiative and referendum and the recall. One of your citizens informs me that the assertion has been made that the President will disapprove the constitution because these provisions have been incorporated in it, and, because of fear of such action on his part, some favor the rejection of the constitution by the people on February 9, in hope of hastening statehood by such a course.

At the outset let me say that the question whether the President will or will not approve the constitution should be wholly immaterial. The people of Arizona have wisely incorporated in their constitution provisions which permit them to control legislation and keep their public servants accountable to them. This principle is fundamentally and eternally right, and the people of Arizona should adhere to it, even if they thereby forfeit statehood forever. They had better lose statehood than yield their right to control their State government. What a mockery it is to start a constitution with a preamble declaring, "We, the people of Arizona, grateful to Almighty God for our liberties," and then harbor for an instant the thought of surrendering or limiting that God-given liberty at the instance of any man who happens to occupy temporarily the office of President.

Dictation from one man at Washington should be as distasteful to the people of Arizona as dictation from London was to the American colonists; and no sovereignty should be recognized except the sovereignty of the people, who express their will through the Federal and State constitutions and statutes. If the people of Arizona are so craven in spirit or so doubtful of their own intelligence and their own ability to govern themselves as to consider the elimination of the popular-government features of their new constitution, then I shall be doubtful of their fitness for statehood. Entertaining as I do these views of the right of the people of Arizona to control their own State affairs, I do not deem it proper to discuss the possibility of the disapproval of the constitution by the President.

PEOPLE WON AGAINST POLITICIANS.

As already stated, in my opinion the people of Arizona acted wisely in making the initiative and referendum and recall a part of their constitution. I am informed that during the campaign for the election of delegates to the constitutional convention a prominent Federal official went to Arizona and endeavored to prevent the election of delegates favorable to these features of popular government, and that funds from unknown sources were supplied to defray the expense of employing outsiders to canvass the Territory in opposition to the initiative and referendum in particular. Letters were published in Arizona over the signature of a discredited machine politician in Oregon advising the people of Arizona to "avoid the initiative as you would the plague." Notwithstanding these influences, be it said to the credit of your people, they elected delegates favorable to popular government, and, as a consequence, your proposed constitution reserves to the people the power to control legislation and to discharge unfaithful public servants.

The action of your people was guided largely by the experience of the people of Oregon, who have now enjoyed popular government for eight years. You were wise in following such guidance, for in the past eight years the people of Oregon have voted upon a total of 64 measures submitted to popular vote and have not made a single mistake, while they have in numerous instances secured advanced legislation which they could not secure from the legislature, and have defeated a number of unwise acts passed by the legislature.

The Oregon system, which your constitutional convention adopted in part, is not a theory; it is a demonstrated success. That our people are satisfied is proved conclusively by their action in the recent election, when, by a vote of 23,000 for to nearly 60,000 against, they defeated an act of the legislature calling a constitutional convention to revise the constitution, the understanding being that such convention would probably eliminate the initiative and referendum or limit its use. Instead of consenting to a diminution of their power, the people voted to increase their power by adopting an initiative measure, proposed by myself, giving the people an opportunity in the direct primaries to express their choice for party candidates for President and Vice President and to elect delegates to national conventions and nominate candidates for presidential electors. Hereafter the people of Oregon and not the political bosses will instruct delegates to national conventions whom to support for party candidates for President and Vice President. In my opinion the people of other States will demand and secure similar power, in which event the steam roller will be relegated to the political scrap heap and its operators to the shadow of things forgotten.

OREGON RECALL SATISFACTORY.

I am advised that your recall clause is deemed objectionable because it applies to the judiciary as well as to legislative and executive officers. In this particular it is the same as our Oregon recall provision, and Oregon has not found it unsatisfactory. I am sure there is no man on the bench in Oregon who would hesitate to submit his record for honesty and efficiency to the people whom he serves, and I hope you will never be so unfortunate in Arizona as to place upon the bench a man who would have less confidence in the honesty and fairness of the people or the honesty and efficiency of his own service.

I see no reason why a man who occupies a judicial position should be governed by laws on standards of public service different from those which apply to legislative or executive officers. Judges are but human. We sometimes elect legislators to the bench, send former judges to the legislature, and place judges in executive positions, even elevating them to the highest executive office in the land. Does a man change his standards of ethics when he changes his office? I think not. A man who is dishonest or incompetent in an executive or legislative office will as likely be dishonest or incompetent in a judicial office. A man who would use his power as an executive in an improper manner or for improper purposes would exercise judicial power in the same way. In any branch of the Government he is a servant of the people, not their master; and he should be subject to dismissal by the people after fair opportunity to be heard upon his record.

THE PEOPLE ARE LONG-SUFFERING.

Opponents of the recall represent that under its provisions public officials will be subjected to constant harassment and obliged to bear the expense and endure the trouble of frequent campaigns. Experience in Oregon disproves this. The world's history shows that the people are long-suffering and will bear many ills rather than enforce a change. No attempt has yet been made to recall a State or county officer in Oregon, and there have been very few instances in which the recall has been exercised against city officers. The people are always advocates of a square deal, and will not give their approval to efforts to recall an officer for factional or selfish reasons.

You and others have asked for my opinion of your constitution in general; but from letters received I judge that the only question raised is in regard to the popular-government features, and hence I have confined my attention to these.

You will understand that I can not answer the question that has been asked me regarding the probable action of the President, except to give my personal opinion. I believe that when the people of any proposed State have deliberated and decided what form of constitution they wish to adopt, no President will set up his judgment against the judgment of the entire people of the Commonwealth, especially when the people have decided that they wish to retain control of legislation rather than turn it over entirely to legislatures too often influenced by selfish interests antagonistic to extension of the people's power.

Yours, very truly, JONATHAN BOURNE, Jr.

Since the date of this letter there has been discussion of the recall of a district judge in Oregon, but thus far no recall petition has been filed.

APPLICATION OF RECALL TO JUDICIARY.

Mr. President, objection is made to the admission of Arizona because its constitution contains the recall provision. The particular point of objection is that the recall applies to the judiciary as well as to executive, administrative, and legislative officers. The great fear is that constant accountability to the people of the State will exercise an improper influence upon the courts.

To my mind this objection is untenable. As I said recently in an article in the Saturday Evening Post, if the people of Arizona or any other State are competent to elect their judges and can be trusted to act fairly and honestly in the election, they can also be trusted in the exercise of the recall power. The Arizona constitution, like that of nearly every other State, provides for the election of judges by the people. Those who oppose the power of the people to recall a judge should—in order to be consistent—also oppose the power to elect judges in the first instance.

The people of a State or district elect a man to a judicial position, because they believe he will serve the general welfare. They elect him in anticipation of good service and they would recall him only for demonstrated bad service. The assumption that the people would recall a judge without reason—for the gratification of spite or while they were under the impulse of passion—is without justification. The American people never act in such a way when given an opportunity to act in a lawful and considerate manner.

OPPOSITION IS AN INSULT TO JUDICIARY.

Men who profess opposition to the recall as applied to the judiciary for fear judges will be improperly influenced by public opinion do not realize that they are offering a greater insult to the judiciary than the advocates of the recall could possibly offer. Advocates of the recall have confidence in the judiciary in general; but they recognize the fact, demonstrated by experience, that human frailty exists in judges as in other men.

To assert that judges are above corruption or improper prejudice and that they are always efficient public servants is too absurd for serious consideration. The men who sit on the bench to-day were boys when members of the legislative branch of government were boys. They were no better or worse on the average than we. In childhood and young manhood we mingled on an equality, enjoyed the same sports, received instructions in the same schools, were taught the same religious principles, were subjected to the same temptations, indulged in the same vices, and cherished the same ambitions. Upon what reasoning, then, can it be asserted that the boy who studied law and found such favor in the eyes of the political boss as to secure a nomination for the bench is superior in either efficiency or honesty to his brother who entered business and was slated by the same boss for a position in the executive or legislative branch of government? Let us look at this subject from a common-sense viewpoint.

There hangs no halo of sanctity around the head of the judiciary, except as unthinking men concede a sacredness which the legal profession has assumed for occupants of the bench. Judges, like all other men in public or private life, are generally honest. Their failure, in exceptional instances, to serve faithfully the people by whom they are employed is due to the same cause to which may be attributed similar failure on the part of other public servants. This cause is the unrepresentative system by which they are chosen.

INFLUENCE OF POLITICAL BOSS OVER JUDGES.

Opponents of the extension of the recall to the judiciary profess great fear that judges will listen to what they call public clamor and will render decisions against justice in order to avoid public displeasure. How strange that this fear of improper influence has been so long suppressed! In every State where the convention system is in vogue political machines exist, with political bosses in control. The political bosses maintain their machine organizations by means of funds contributed by individuals having special interests to promote or protect. Where the convention system exists the successful candidate for nomination for judicial position must have the active or passive support of the political boss. Special privilege is as much interested in the judiciary as in any other branch of government. Though it may be true that in most cases there is no express agreement between the political boss and the candidate for a judicial nomination, any man with the

least knowledge of human nature knows that the political boss will aid in securing the nomination of the candidate who seems most likely to be satisfactory to his backers.

Under that same convention system the man once elected judge must look to the political boss for his renomination for a second term. Will anyone say that a judge who will listen to popular clamor will not also yield to the wishes and interests of the political boss? And, if the judge must be subject to influences controlling his election or retention in office, which presents the greater danger, the influence of popular will or the influence of the political boss?

It is useless for men to hold up their hands in horror and assert that the judiciary is above the influence of the political boss. If the judiciary is above that influence it is certainly also above the influence of popular clamor, and the argument against the recall falls to the ground.

BUSINESS METHODS APPLIED TO GOVERNMENT.

Adoption of the recall is nothing more than the application of good business principles to Government affairs. Every wise employer reserves the right to discharge an employee whenever the service rendered is unsatisfactory. The right of the employer to discharge his employee rests upon exactly the same basis as the right of the employee to quit. The principle is recognized throughout the business world, and it is put in practice by every large and successful corporation.

Consider the absurdity of the recognition of the right of a public officer to quit his position at any time and the denial of the right of his employers to discharge him. To assert the right in one instance and deny it in the other is to maintain a one-sided contract, the discrimination being against the whole people and in favor of the individual. If we can trust an individual to deal justly with the people when he considers tendering his resignation, we can also trust the people to deal justly with a public servant when they consider discharging him.

Members of this body have the right to resign at will. If a Senator can be trusted to promote the public welfare by tendering his resignation or not tendering it, can not the people of his State be trusted to promote the public welfare by recalling him or not recalling when the question is placed before them in lawful manner? I have the right and power to quit my office at pleasure; the people of my State should have equal right and power to discharge me from office whenever they believe they can be more faithfully and more effectively represented by another in my stead.

It is generally conceded that the American people have intelligence and honesty enough to be trusted with the power to select their public servants, even to choose a President of the United States. If it be granted that the people have intelligence enough to choose a President of the United States, no man can consistently contend that they have not the intelligence to act wisely upon the question of discharging a State, county, or municipal officer. I think no one proposes, at present, to extend the recall to any Federal official except those elected by the people of the several States.

PEOPLE DESIRE ONLY GOOD SERVICE.

All that is desired by the people of any State, county, or city is good service for the general welfare. They will never make a change unless satisfied that it will be a change for the better, hence they will never discharge a public servant unless convinced that his successor will be a more faithful and efficient public official. They have a right to improve their government, or try to do so, if they see an opportunity. The interests of one individual must not stand in the way of better government.

We have heard much in recent weeks about the "rule of the mob" in connection with the initiative and referendum and the recall. Those who wish to do so may refer to the people of their States as "the mob," but the record of the people of Oregon precludes the application of such a term to them. The nearest approach to mob rule in Oregon has been in legislative halls, where the members violated the plain provisions of the constitution of the State, and where many of them ignored the popular will, though it had been definitely expressed by the people of the State through the enactment of statutes.

THE PEOPLE NOT A MOB.

A mob is a body of men acting against law, order, and justice. Legislatures sometimes do this—the people never, if given an opprotunity to act in a lawful way. I grant that where wrongs have been long imposed and remedies have been denied the people finally resort to force to redress their grievances, just as they did in the American Revolution. Resort to force came only after every peaceful means had been tried in vain and when longer endurance was impossible.

To some this is mob action. I am disposed to give it a higher characterization; and though it is an overthrow of existing authority, I regard it as the establishment of law and order in the highest sense. When the people of a republic, exercising their inherent right to change their laws and constitutions, vote to adopt new and better systems of government, I deny that this is mob action; it is the establishment of law and order. The overthrow of a misrepresentative system, maintained by political machines enjoying dictatorial powers and the substitution of a truly representative system means the attainment of higher standards of human justice and equality, and, consequently, of a more peaceful and more nearly perfect government. The voice of the people should be the law of the land, and since the initiative and referendum and the recall register the voice of the people, they are the best mediums for the establishment of the best governmental principles.

DANGER OF INTELLECTUAL SUBSERVIENCE.

We have legal prohibition against personal, physical slavery, and a territory recognizing such slavery would be denied any sort of connection with the Union. And yet an unwilling physical slave is a lesser menace to good government than a willing intellectual slave. We have witnessed in this free America instances of political subserviency as despicable as any that ever existed in mediæval times. We have seen States in which the supposedly sovereign people quietly acquiesced in the continuance in power of political bosses, who, through political machines, maintained despotic rule. These bosses, through the mechanism of the convention system, nominated candidates to suit themselves, and gave the people power merely to ratify their action. These same bosses controlled State legislatures, and thereby made the laws; they controlled nominations of judges, and thereby exercised undue influence over interpretation of the laws; they controlled the nominations of executives, from governor to constable, and of prosecuting attorneys and police-court officials, thereby supervising enforcement of the laws. In no way does government such as this differ materially from despotism.

PEOPLE OF ARIZONA NOT POLITICAL SERFS.

It is true that even under the convention system the people have the power to overthrow one boss and accept the dominion of another, just as the people of an absolute monarchy have power to overthrow one king and place another upon the throne. In either case the people who submit to that system of government are lacking in the intelligence or the manhood to assert the right with which they were endowed by the Creator. They are political serfs, claiming the pity, but not the approval, of thinking men.

Of no such class, however, are the people of Arizona. They had an opportunity to continue in the control of political dictators. It would have been easier and less costly in time, effort, and money if they had permitted the bosses to select their delegates and make their new constitution. Thus they could have hastened statehood. They could have basked in the smile of an approving administration and would have been given a patronizing pat on their bowed heads by the representatives of special privilege; but personal ease and smiles and pats were not their desire. Their ambition was to enjoy all the rights of sovereign citizenship. With clearness of purpose and courage of conviction which command the admiration of all liberty-loving people they made the fight for political freedom and won the battle against tremendous odds.

CHARACTER OF PEOPLE MOST IMPORTANT.

Area in square miles, commercial wealth, number of inhabitants, and industrial development are all matters that should be taken into consideration when a Territory seeks admission to the Union as a State. These are important because they have a bearing upon the material welfare and prosperity of the people and affect their ability to maintain a State government. And yet they are all relatively of slight significance as compared with the character of the people who make up the citizenship of the Territory.

As to the character of men who constitute the voting population of Arizona there can be no doubt. The record of the two elections—first for the selection of delegates and then for the ratification of the constitution—leaves no chance for uncertainty. The people of Arizona are a thinking people. They are interested in the problems of government and are devoted to the advancement of general welfare.

They have confidence in their own intelligence and their own ability to think and act for themselves, and they have too much independence to submit to dictation from others. They have the courage to assert themselves and the patriotism to sacrifice even statehood, if necessary, rather than yield their political principles. Their admission to all the privileges of American

citizenship will be an honor to the Union; refusal to admit them would be a national disgrace.

Mr. HEYBURN. Mr. President, a word before the Senator leaves the subject.

The VICE PRESIDENT. The Senator from Idaho.

Mr. HEYBURN. I inquired of the Senator whether he desired to be interrupted, and he indicated that he did not. My inquiry is in connection with the statement made by the Senator that the recall did not interest this body except as it affected judges. Has the Senator given attention to the provision in regard to the recall of members of the legislature? I called attention yesterday to it, but the Senator was not present. Section 5 of article 8 of the proposed constitution of Arizona provides:

SEC. 5. No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election.

I suggested yesterday that that provision might be used to destroy a legislative body and prevent the election of a United States Senator. Petitions could be circulated in advance and be kept in hand ready to file against enough members of the legislature to destroy the opposition or break a quorum, because, under the provisions of this proposed constitution, the filing of the petition terminates the service of the officer against whom it is filed. No action is required to give it further force. Does it not appear to the Senator that in that way that provision interests this body very much, that it is very far-reaching, and that it might result in the defeat of any election at all?

Mr. BOURNE. Has the Senator finished?

Mr. HEYBURN. I have been asking a question, and I have finished asking it.

Mr. BOURNE. I will say, Mr. President, that I think the fears of the Senator from Idaho in this particular are entirely groundless. In the first place, it takes 25 per cent of the electorate to initiate a recall proceeding. That 25 per cent of the electorate of the State are going to band themselves together for the purpose of the initiation of recall petitions so as to defeat the election of a United States Senator seems, to my mind, entirely preposterous. It is impossible.

Mr. HEYBURN. Let me state that it does not require 25 per cent of the electorate of the State, but of the legislative district or county.

Mr. BOURNE. I am quite familiar, I think, with the provision regarding the initiative and recall.

Mr. HEYBURN. It will only require 25 per cent of the voters of enough of the legislative districts or counties to effect the result.

Mr. BOURNE. Then the Senator would have to assume that a selfish interest would dominate half of the legislative districts of the State and half of the electorate in those districts before the fear that he anticipates could possibly materialize, which is an impossibility.

Mr. HEYBURN. It requires a majority to elect a man to the legislature, but it only requires 25 per cent of the vote to deprive him of his office.

Mr. BOURNE. The Senator is mistaken. It requires 25 per cent of the vote by which he was elected to initiate recall proceedings, and then a majority vote to effect his recall.

Mr. HEYBURN. The proposed constitution does not so read. It is not a question of the initiative. The filing of the petition completes the withdrawal—so the constitution provides. This is the language——

Mr. LOURNE. Mr. President, I have a copy of the constitution of Arizona here.

Mr. HEYBURN. I have it before me.

Mr. BOURNE. But I think, if the Senator will read the whole provision, he will see that he is mistaken.

Mr. HEYBURN. Section 1 of article 8 provides:

SEC. 1. Every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

Mr. BOURNE. If the Senator will look at section 4——

Mr. HEYBURN. Yes; I will read section 4 in connection with that:

SEC. 4. Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination.

That is, after the filing of the recall petition.

Other candidates for the office may be nominated to be voted for at said election.

That is, after the recall is perfected, and the recall is perfected by the filing of the petition signed by the specified proportion of voters.

Mr. BOURNE. The recall is simply initiated, Mr. President.

Mr. HEYBURN. Not according to the language of that constitution.

Mr. BOURNE. The recall is only vitalized by the action of the majority of the voters in the district in which the officer was elected. Section 4 will give the Senator information in regard to that matter.

Mr. HEYBURN. I am reading from section 4. The filing of the petition completes the recall and puts in motion the machinery for another election. The members of the legislature necessary to be removed in order to effect any purpose would be attacked by the recall petition, and would then be out of office.

Mr. BOURNE. No.

Mr. HEYBURN. Yes; and within not less than 20 nor more than 30 days an election to fill their places is held; and they may or may not be candidates. The result being determined by a new election, the others elected in their place could be attacked in exactly the same way after five days. So you may attack each succeeding member of the legislature after he has been in office five days. That would be before the election of a Senator could possibly take place.

Mr. BOURNE. Mr. President, will the Senator permit me?

Mr. HEYBURN. Certainly.

Mr. BOURNE. I will say that I think the Senator has failed to read all of section 3, which provides:

SEC. 3. If said officer shall offer his resignation, it shall be accepted—

That is, upon the initiation of recall proceedings——

Mr. HEYBURN. That is after the recall petition has been filed.

Mr. BOURNE. After 25 per cent of the voters have filed the petition.

Mr. HEYBURN. Yes.

Mr. BOURNE. I will again read from the beginning of section 3:

If said officer shall offer his resignation, it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a recall petition is filed, a special election shall be ordered to be held, not less than 20 nor more than 30 days after such order, to determine whether such officer shall be recalled.

If he shall not resign, he is not removed. The constitution there contemplates specifically his resignation. The rest of the paragraph, I think, will eliminate any doubt in the Senator's mind on the point he is attempting to make. It provides:

On the ballots at said election shall be printed the reasons, as set forth in the petition, for demanding his recall, and, in not more than 200 words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

Mr. HEYBURN. His successor may be elected 20 days after the petition is filed, according to the plain text of the provision.

Mr. BOURNE. Yes; if there is a special election called. I do not see at all the point the Senator makes.

Mr. HEYBURN. The point is that a man's term of office may be limited absolutely to 25 days by the provisions of this proposed constitution. He must be in office 5 days before his rights are attacked.

Mr. BOURNE. That is, a member of the legislature?

Mr. HEYBURN. Yes; I am talking about the legislature.

Mr. BOURNE. Yes.

Mr. HEYBURN. And then at the end of 20 days after the 5 days his successor may be elected.

Mr. BOURNE. Yes.

Mr. HEYBURN. Against that successor the same proceeding may be repeated just as often as you choose. In that way——

Mr. BOURNE. For what purpose would the people of a legislative district do so—for amusement? Would that be the object on their part?

Mr. HEYBURN. This does not limit it, and as I suggested yesterday, it might be because they did not like his complexion. The proposed constitution does not state upon what grounds a man may be removed at all. It simply says he may be removed, and the petition will state the ground; but the law does not state what shall be sufficient grounds for his removal.

Mr. BOURNE. In my opinion, it should not, either.

Mr. HEYBURN. Let me call the Senator's attention to a little practical application of that. I have a case of recall here, one that has taken place within a month, and it may interest the Senator. I called attention to it yesterday, but the Senator was not present.

I am reading the record of the proceedings in a city where the recall obtains. It is directed against the mayor. Now, these are the grounds, and I assume that all of these organizations act along the same lines. Dr. J. T. Woods was mayor. The local—that is the name of the organization of the socialists; they call it a local; they have a local; and then they have other branches—the local gives him the alternative of resigning or doing certain things. They demand, first, that he be removed.

I will ask the attention of the Senator from Oregon, because it is to his remarks that I direct these suggestions.

This organization, acting along the lines proposed for the Legislature of Arizona, demands—

1. The removal of George Evans as acting chief of police.
2. The temporary appointment of John Flemming as chief of police.
3. The removal of City Gardener William Degner.
4. The appointment of C. A. Waters in place of Degner.

I will say that the officers whose removal they demand are not socialists, and the men whose appointment they demand are socialists.

5. The appointment of B. F. Huggins for sanitary police officer.
6. The appointment of A. D. Brown to take the place of Flemming on the police force.

Now, the vote stood in this local 30 to 9 in favor of that demand made upon the mayor.

Mr. BOURNE. What does the local represent?

Mr. HEYBURN. The local represents the organization.

Mr. BOURNE. What organization?

Mr. HEYBURN. That is its name.

Mr. BOURNE. Is this a community that the Senator is talking about?

Mr. HEYBURN. This is the organization of the Socialist Party. They call the organization the local, as applied to that particular jurisdiction.

Now, it was moved and seconded and was carried by a referendum.

Mr. BOURNE. Among the thirty in the local?

Mr. HEYBURN. Yes; Socialists.

It is claimed the State organizer will be here in the near future, and then things will be doing, and the stillness of the Potomac will be a mere dream.

The local indorsed the publication of a paper in the city.

Now, that occurred on the 6th of June.

I would especially call the attention of the Senators to this. On July 28, a little more than a week ago, the local took final action in regard to this recall. This gives you a splendid opportunity to know how it works.

Mayor Wood is expelled from the Socialist Party by a solid vote of the local. He fails to attend meeting—

He had been notified to attend.

Twenty-five pass upon charges against Dr. ———; principal charge is willful declaration and refusal to comply with the imperative mandates of local.

They had sought to substitute their mandate as to what the mayor of this city, which has something over 7,000 people, should do. They had undertaken to substitute their mandate for the law by which he was being governed. I think this ought to interest those who are flirting with the socialist idea, because it is not a supposititious case. It is a practical demonstration of the way socialism works, and so far as I am concerned, it is the first opportunity I have had to know exactly what they meant by their general statements and declarations.

Now, to recur for a minute to the question of recall of members of the legislature and the effect of it; suppose at a sufficient and well selected time before the legislature under the law was to commence voting for United States Senator these recall petitions, 25 per cent only of the several districts, were to be circulated and put conveniently in the inside pocket of some one to file at a time when their effect would be just before the commencement of the performance of this high duty of selecting a United States Senator; what would take place?

Mr. BOURNE. The fears of the Senator from Idaho would be entirely dissipated if they adopted a constitutional amendment for the election of United States Senators by direct vote or if he in his State followed the Oregon system. Then it would be immaterial about the recall petitions. The legislature would simply ratify the action as expressed by the people. The people could not recall themselves.

Mr. HEYBURN. Except in cases of unanimous selection, there is always more than one contestant. Those who sought to defeat one party would probably bring about the recall of enough of that man's supporters to make it impossible that he should be elected. Where, for instance, the majority was 8 or 10 out of possibly over 100 members of the legislature it would not, perhaps, be very difficult to bring about the recall of enough to make it impossible to proceed to the election of a Senator.

Now, does not the Senator think the Senate of the United States is interested in this matter, and that to claim it is nobody's business except that of the people of Arizona, is hardly sustainable? I merely suggest this at the present time because of the statement of the Senator in his remarks. Yesterday I called attention to it briefly, and at a later period during the discussion of this question I shall probably elaborate some upon it.

Then, I should like to know, also, why they departed from the usual language in such cases. I will inquire as to the purpose of this departure. Take section 1 of article 8. What was the purpose in using the word "in" in the statement "every public officer in the State of Arizona holding an elective office"? Was it to avoid the use of the ordinary word "of," in order that a question might be raised as to whether or not Members of Congress should be included within this recall provision?

Mr. BOURNE. I have no knowledge as to that.

Mr. HEYBURN. I inferred from what the Senator read as to his connection with the making of this constitution, and the advice that he had given, that he was thoroughly advised as to every motive——

Mr. BOURNE. No.

Mr. HEYBURN. In connection with that question——

Mr. BOURNE. The Senator from Idaho misunderstood my position. I stated specifically to what extent I had been instrumental, that I had been asked advice and had given it, and had sent down to the Territory literature showing what Oregon had accomplished and demonstrated. It was largely instrumental, as I am advised, in the making of the constitution.

Mr. HEYBURN. That is quite an interesting inquiry, as to whether it was intended to open this wide enough to include the recall of Members of Congress.

Mr. BOURNE. Let me ask the Senator, without a constitutional amendment would a recall proceeding apply to Members of Congress?

Mr. HEYBURN. It can not do it by a constitutional amendment.

Mr. BOURNE. Then what are the Senator's fears in regard to the use of a word of two letters—"of" or "in"?

Mr. HEYBURN. I object to language that will result in a controversy of that kind.

Mr. BOURNE. I thought the Senator from Idaho would rather enjoy that.

Mr. HEYBURN. That is another case of misunderstanding.

I merely inquired as to that, as the Senator has stood sponsor for this constitution and at some length and in eloquent phrase has depicted his connection with the making of this constitution and the influence he has exercised in bringing about this result. So it seemed to me rather an appropriate occasion to gather some wisdom by which we might test this constitution. That is all I desired to do at this time.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

NEW MEXICO AND ARIZONA.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

Mr. SMITH of Michigan. I should like to inquire whether any Senator is prepared to go ahead with the discussion of the pending joint resolution this afternoon? If not, I want to give notice that on Monday, when the Senate will meet at 10 o'clock, I am going to insist that the joint resolution remain the unfinished business until a vote is taken, and Senators must be prepared to speak upon it if they intend to address the Senate upon that question before a vote.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. SMITH of Michigan. Certainly.

Mr. OWEN. In view of what is apparent—that there is no one ready to proceed on the joint resolution this afternoon—I have several very important but very short measures affecting Oklahoma, purely local, recommended by the Interior Department and approved by the Committee on Indian Affairs, which I should like very much to have disposed of. If there be no objection, I should like to ask that the present measure be temporarily laid aside for that purpose.

Mr. SMITH of Michigan. In view of the fact that no one seems to be ready to address the Senate upon the statehood joint resolution, I ask that it be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside by unanimous consent.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. OWEN. I ask the Senator from Illinois to defer his motion for a moment until the Senate can dispose of this matter. I have been waiting here all day. It is very important to my State, and is a very short matter.

Mr. CULLOM. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Illinois withholds his motion.

RELIEF OF CERTAIN INDIANS.

Mr. OWEN. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 49) to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Five Civilized Tribes entitled to share in the funds of said tribes.

There being no objection, the Senate, as in Committee of the Whole, proceded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OWEN. I also ask unanimous consent for the present consideration of the bill (S. 3115) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes.

These are very important matters. Those people are suffering from the results of three years of drought, and the Department of the Interior desires to have these bills passed.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

Mr. CURTIS. I have no desire to object to the consideration of the bill, but it would be a very serious mistake to enact it into law, and I want to oppose it.

Under the bill a million four hundred thousand dollars, which is now in the Treasury of the United States to the credit of the Kiowa, Comanche, and Apache Indians, could be and is intended to be placed in the local banks of Oklahoma to their credit. There are less than 3,000 Indians belonging to those tribes. If a per capita payment was made, it would amount to over $500. That would be twenty-five hundred dollars to a family. Such a large payment would be a very serious mistake.

There is no question but that there has been a drought in that section for the last three years. A per capita payment of $50 should probably be made to the Indians, but it would be a mistake to pay them $500. It would be a mistake to take the money out of the Treasury of the United States, where it is now drawing 5 per cent interest, and put it in the local banks, where, I think, they are limited to the payment of either 3 or 4 per cent.

Mr. OWEN. I do not desire to detain the Senate, if the bill is going to involve discussion. The Secretary of the Interior in his letter has recommended this, but I have not gone into the details of it.

Mr. CURTIS. I have read the letter of the Acting Secretary of the Interior, and I can not see how he could recommend the passage of this bill. He surely did not look into the facts. The superintendent of the Kiowa Agency says in his letter to the Secretary:

> The passage of the bill will prepare the way for the prorating of the Apache, Kiowa, and Comanche 5 per cent funds to men, women, and children.

Mr. OWEN. But the Senator has no question that the Secretary of the Interior did recommend it in this letter?

Mr. CURTIS. Certainly he did; but I am giving the facts to the Senate, and I think, in view of the facts, this bill ought not to pass. If it should be amended so as to provide merely for a payment of $50 per capita, it would be different.

Mr. OWEN. I will accept the amendment.

Mr. CURTIS. If the bill were amended so as to provide for a per capita payment of not to exceed $50 per capita——

Mr. OWEN. I accept that. I have no objection to it at all.

The PRESIDING OFFICER. The amendment must be submitted in regular form.

Mr. CURTIS. Then I suggest that the Senator let the matter go over until the next meeting so he may prepare his amendment. There will probably be no objection in the morning hour.

Mr. OWEN. I agree to that. I desire also to ask unanimous consent for the present consideration of the bill (S. 3151) to extend time of payment of balance due for lands sold under act of Congress approved June 17, 1910.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment.

Mr. CURTIS. I desire to speak for a minute on the committee amendment. I understand the Secretary recommended that the interest on the deferred payment be fixed at 6 per cent. This amendment places it at 5 per cent. I do not know at this time what interest is being paid by the purchasers. I do think the time for payment ought to be extended, but I also believe that we should adopt the recommendation of the Secretary and make the interest 6 per cent.

Mr. OWEN. I accept that as an amendment.

The PRESIDING OFFICER. The Secretary will report the amendment recommended by the committee.

The SECRETARY. The amendment of the Committee on Indian Affairs is, in line 7, on page 1, after the words "nineteen hundred and ten" to insert:

Provided, That such deferred payments shall bear 5 per cent interest.

Mr. CURTIS. I move to amend by striking out "five" and inserting "six."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 7 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 27 minutes p. m.) the Senate adjourned until Monday, August 7, 1911, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 5, 1911.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Second Lieut. Innis P. Swift, Twelfth Cavalry, to be first lieutenant from July 29, 1911, vice First Lieut. Taylor M. Reagan, Fifteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Joseph D. Park, Fourteenth Cavalry, to be first lieutenant from July 29, 1911, vice First Lieut. William F. Wheatley, Thirteenth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Arthur H. Wilson, Sixth Cavalry, to be first lieutenant from July 29, 1911, vice First Lieut. Thomas E. Cathro, Second Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

COAST ARTILLERY CORPS.

Maj. Oscar I. Straub, Coast Artillery Corps, to be lieutenant colonel from July 28, 1911, vice Lieut. Col. Elmer W. Hubbard, retired from active service July 27, 1911.

Capt. Benjamin M. Koehler, Coast Artillery Corps, to be major from July 29, 1911, vice Maj. Frank K. Fergusson, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Chaplain John E. Dallam, Twelfth Infantry, to be chaplain with the rank of captain from July 14, 1911, after seven years' service in the grade of first lieutenant, in accordance with the provisions of an act of Congress approved April 21, 1904.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

Hew Bernard McMurdo, of Virginia, to be first lieutenant in the Medical Reserve Corps, with rank from August 3, 1911.

PROMOTIONS IN THE NAVY.

Capt. Alfred Reynolds to be a rear admiral in the Navy from the 13th day of July, 1911, to fill a vacancy.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1911, to fill vacancies:

Waldo Evans,
Thomas J. Senn,
Bion B. Bierer,
Charles F. Preston,
Richard H. Leigh,
Adelbert Althouse, and
Luke McNamee.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1911, to fill vacancies:
Edgar B. Larimer, and
Alfred W. Johnson.
Medical Inspector James D. Gatewood to be a medical director in the Navy from the 11th day of July, 1911, to fill a vacancy.
Lieut. John J. Hyland to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.
Lieut. Franck T. Evans to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.
Lieut. (Junior Grade) Roy L. Lowman to be a lieutenant in the Navy from the 1st day of July, 1911, to fill a vacancy.
Lieut. (Junior Grade) Eldred B. Armstrong to be a lieutenant in the Navy from the 1st day of July, 1911, to fill a vacancy.
Asst. Paymaster Maj. C. Shirley, with the rank of ensign, be an assistant paymaster in the Navy with the rank of lieutenant (junior grade) from the 30th day of July, 1911.

POSTMASTERS.

NEW YORK.

Frederick W. Wenzel to be postmaster at Newburgh, N. Y., in place of Hiram B. Odell, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 5, 1911.

DEPUTY WARDEN, ALASKA SERVICE.

Fred H. Grey to be deputy warden, Alaska Service, Division of Alaska Fisheries, in the Bureau of Fisheries.

REGISTER OF LAND OFFICE.

Lawrence N. Houston to be register of the land office at Guthrie, Okla.

PROMOTIONS IN THE NAVY.

Capt. Alfred Reynolds to be a rear admiral.
The following-named lieutenant commanders to be commanders:
Waldo Evans,
Thomas J. Senn,
Bion B. Bierer,
Charles F. Preston,
Richard H. Leigh,
Adelbert Althouse, and
Luke McNamee.
The following-named lieutenants to be lieutenant commanders:
Edgar B. Larimer, and
Alfred W. Johnson.
Medical Inspector James D. Gatewood to be a medical director.
Lieut. John J. Hyland to be a lieutenant commander.
Lieut. Franck T. Evans to be a lieutenant commander.
Lieut. (Junior Grade) Roy L. Lowman to be a lieutenant.
Lieut. (Junior Grade) Eldred B. Armstrong to be a lieutenant.
Asst. Paymaster (Junior Grade) Maj. C. Shirley, with the rank of ensign, to be an assistant paymaster.

POSTMASTERS.

INDIANA.

William R. Zion, Knightstown.

IOWA.

John E. Deitrick, Afton.

MICHIGAN.

Allison I. Miller, Fremont.
Walter H. Witt, Brown City.

MINNESOTA.

Jennie M. Gordon, Brown Valley.
W. D. Jubert, Litchfield.

MISSOURI.

Grant Stipp, Downing.
Edward H. Waymeyer, Van Buren.

NEW JERSEY.

George H. S. Rowe, Ridgefield.

NEW YORK.

Charles A. Post, Farmingdale.
Frederick W. Wenzel, Newburgh.

OKLAHOMA.

Lee K. Spencer, Vian.

TEXAS.

Jules E. Muchert, Sherman.

INJUNCTION OF SECRECY REMOVED.

AUGUST 5, 1911.

The Senate removed the injunction of secrecy from the arbitration treaties with France and Great Britain.
A convention between the United States and Nicaragua concerning a loan which Nicaragua contemplates making with citizens of the United States.
A convention between the United States and the Republic of Honduras concerning a loan which the Republic contemplates making with citizens of the United States.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August 5, 1911.*

The House met at 12 o'clock noon.
The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:
Our Father in heaven help us once more to dedicate all that is truest, purest, noblest, best in us to Thee in a faithful and conscientious service to our fellow men, that we may prove ourselves worthy of the dignity Thou hast bestowed upon us as rational beings, gifted with the power of choice, for Thine is the kingdom and the power and the glory forever. Amen.
The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. BELL of Georgia. Mr. Speaker, I make the point that no quorum is present.
The SPEAKER. The gentleman from Georgia makes the point of no quorum. Evidently no quorum is present.
Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.
The motion was agreed to.
The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.
The Clerk called the roll, and the following Members failed to answer to their names:

Ames	Gillett	Levy	Roberts, Mass.
Anderson, Ohio	Glass	Lindsay	Rucker, Colo.
Andrus	Gordon	Linthicum	Saunders
Ayres	Gudger	Littleton	Sells
Bartlett	Guernsey	Loud	Small
Bates	Hamill	Loudenslager	Smith, Saml. W.
Beall, Tex.	Hartman	McCreary	Smith, N. Y.
Bingham	Hawley	McGillicuddy	Stack
Boehne	Hayes	McGuire, Okla.	Stanley
Brantley	Henry, Conn.	McHenry	Stephens, Tex.
Broussard	Hobson	McKenzie	Sterling
Burke, Pa.	Holland	McKinley	Stevens, Minn.
Byrns, Tenn.	Howell	Maher	Sulloway
Calder	Hughes, N. J.	Martin, S. Dak.	Sulzer
Cantrill	Hughes, W. Va.	Matthews	Talbott, Md.
Cary	Jackson	Moon, Pa.	Taylor, Ohio
Covington	Johnson, S. C.	Moore, Pa.	Thayer
Cravens	Jones	Mott	Tuttle
Curley	Kahn	Murdock	Utter
Danforth	Kent	Needham	Volstead
Difenderfer	Kitchin	Palmer	Vreeland
Donohoe	Konig	Parran	Warburton
Draper	Lafean	Patten, N. Y.	Webb
Driscoll, D. A.	Lafferty	Plumley	Whitacre
Dupre	Langham	Powers	Wilson, N. Y.
Fields	Langley	Pujo	Wood, N. J.
Focht	Latta	Rainey	Young, Mich.
Fornes	Lee, Pa.	Ransdell, La.	Young, Tex.
Francis	Legare	Redfield	
Gardner, Mass.	Lever	Riordan	

The SPEAKER. Two hundred and sixty-eight Members are present—a quorum.
Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.
The motion was agreed to.
The doors were reopened.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:
H. R. 2983. An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

JOINT RESOLUTION PRESENTED TO PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following House joint resolution:
H. J. Res. 130. Joint resolution making appropriations for certain expenses of the Senate and House of Representatives incident to the first session of the Sixty-second Congress, and for other purposes.

PORTRAIT OF FORMER SECRETARY OF STATE DAY.

Mr. HAMLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the consideration of House resolution 246.

Mr. HAMLIN. Mr. Speaker, I would like to ask how much time is left for general debate?

The SPEAKER. The gentleman from Missouri has 25 minutes remaining and the gentleman from Connecticut 33 minutes.

Mr. HAMLIN. Mr. Speaker, this is a matter of considerable importance, and I would like to submit a request for unanimous consent that the time for general debate be extended 30 minutes on each side.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the order adopted yesterday be so changed as to extend the general debate for one hour.

Mr. HAMLIN. One-half to be controlled by myself and one-half by the gentleman from Connecticut [Mr. TILSON].

The SPEAKER. One half to be controlled by the gentleman from Missouri and the other half by the gentleman from Connecticut. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, what is the reason the gentleman wants this extension?

Mr. HAMLIN. It is a matter of considerable importance. We originally asked for two hours on each side and felt that we ought to have had it, but the committee cut us down to an hour and a half.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. SHARP. That does not affect the extra half hour for consideration of the matter under the five-minute rule?

Mr. HAMLIN. This does not affect that at all. Mr. Speaker, I yield 20 minutes to the gentleman from Minnesota [Mr. DAVIS], my colleague on the committee.

Mr. DAVIS of Minnesota. Mr. Speaker, I very much regret that the consideration of this report and resolution was taken up yesterday, for during most of the time of the discussion my presence was imperatively demanded elsewhere. Again, I had no intimation that this matter was to be taken up until some time during next week. Therefore I am somewhat at a loss in attempting to consider much that was then said by those who engaged in the discussion. Some criticism I desire to make concerning statements that were made yesterday by the gentleman from Michigan [Mr. WEDEMEYER]. I may, perhaps, hereafter extend my remarks to include all of the statements he made touching myself, including certain statements contained in the minority report, which he took a prominent part in making. For the present I will content myself with the general statement, that in several places in his remarks he alludes to me in a somewhat caustic and invidious manner as being "wholly of one mind" with the other two Democrats on the committee [laughter]—with the other two members. [Renewed laughter.]

I appreciate that laughter and applause, gentlemen, because I have discovered that there are some pretty good Democrats in the United States, and there are quite a number of them at this time in the House. [Applause on the Democratic side.]

Mr. MANN. Remember he said, "some."

Mr. DAVIS of Minnesota. And I believe that the two Democrats with whom I am associated on this "small subcommittee," so termed, are honorable gentlemen, honest in what they undertook to do, and did thorough, conscientious work. [Applause on the Democratic side.] The gentleman from Michigan, on page 3240 of the RECORD, says:

> In the absence of the gentleman from Connecticut [Mr. TILSON], owing to illness, and because of the fact that the gentleman from Minnesota [Mr. DAVIS] agreed with the gentleman from Missouri [Mr. HAMLIN], I was the only Representative left upon the committee to protect the administration and the Department of State as best I knew.

The substance of that statement is repeated many times throughout the gentleman's discourse of yesterday.

Mr. Speaker, the statement that I "agreed with Mr. HAMLIN, the chairman of the committee," is repeated in substance several times by the gentleman in the course of his remarks. Also, that he seemed to consider that he was the sole Representative on the committee whose duty it was to protect the administration and the State Department.

It is true, Mr. Speaker, that after several months of careful examination of the matters involved in this report the majority of the committee, including myself, did agree with the chairman, Mr. HAMLIN. In fact, all Members who obtained the facts first handed from the witnesses as they were sworn and testified could honestly arrive at no other conclusion than we did. The difference in the political faith of Mr. HAMLIN and myself did not change the facts, and ought not to change the conclusions. I am also at a loss to comprehend the validity of the gentleman's reason when he said, because of my agreement with Mr. HAMLIN, that he was the only Representative left to "protect the administration and the State Department." Mr. Speaker, I had supposed that this committee was for the purpose of investigating the expenditures in the State Department, but from the gentleman's statement I conclude his theory to be to protect the State Department instead of investigate it.

Mr. Speaker, the minority report which the gentleman signed, and for which I am informed he claims to be the chief author, contains, to my mind, much criticism which is wholly improper, and when directed, as this is, against his colleagues of the House and members of the same committee, very nearly approaches the realm of slander, and a careful reading of it will confirm this statement. In my judgment this minority report is of such a character, in so far as its criticism extends to the majority members, is so uncalled for and improper as to justify the exclusion of it from the records of the House.

On the contrary, the report which the majority of the committee made was couched in courteous and respectful language, and in no manner cast any slurs upon any person whomsoever.

I can not refrain from quoting further from this minority report:

> The report of the majority of the committee is a weak, partisan effort to make scandal. It is an attempt to besmirch the memory of one of our greatest Secretaries of State, the late John Hay, whose shining character and unfailing fairness are in marked contrast with the report of the committee, but whose probity stands too high to be reached by partisan prejudice.

I agree with that portion of the minority report concerning the late Secretary Hay, and assert that he stands too high in the hearts and memory of the people to be besmirched by partisan prejudice and does not need any partisan prejudice in this House or elsewhere to bolster up his reputation. [Applause.]

The minority report further states:

> The effort to condemn Michael without a chance to be heard is itself a scandal. It reaches the lowest depths of unfairness. It shows a biased mind which is not seeking justice. It is an assassination of character from behind.

I am very sorry that the gentleman from Michigan has that opinion of me, or any member of the majority of the committee, but am consoled by the fact, for it is a fact, that his opinion is harmless and discredits no one except himself. [Applause on the Democratic side.]

Quoting further from the gentleman's report:

> In fact, we consider the report of the majority a greater reflection upon the fairness and intellectual integrity of those who made it than it is upon the honesty of those whom it condemned.

This statement but emphasizes the gentleman's desperate attempt to glorify Michael and Morrison by casting slurs at his colleagues on the committee. The parliamentary language thus used is of such a character as to warrant some befitting change in our present rules in order to escape condemnation. Referring to the gentleman's speech, this language appears:

> I know of no man here investigating this matter with the sole desire to arrive at the truth and laying aside partisan consideration who can come to any other conclusion than I did, namely, that there is absolutely nothing in these charges.

This is a direct statement that we of the majority have no desire to arrive at the truth and, furthermore, that we were strong partisans. If such partisanship as the gentleman has exhibited is attributed to me, his shaft has missed its mark. Upon all fundamental Republican principles I am a partisan, but I never was and never will be a partisan to such an extent as to favor wrongdoing or in shielding public officials from misconduct in office; but am always a partisan and uncompromising in exposing graft. [Applause on the Democratic side.]

Mr. Speaker, I have served on various committees of the House for the past eight years, and during all that time, if any opprobrium has been cast upon me, it has arisen in consequence of my various attempts to dig down into and unearth graft. [Applause on the Democratic side.]

During the beginning of my service I was led to believe that these various standing investigating committees were intended to be and were among the most important standing committees of the House, but until the present Congress I was forced to conclude that they were useless, inactive, and dead, in fact. For eight years I have been a member of one of these various committees, and their only activity consisted in the holding of one meeting at the beginning of a session for the election of a clerk and the distribution of a small amount of stationery among its members. [Applause on the Democratic side.]

At the beginning of this Congress I was placed upon this investigating committee as the ranking minority member, thanks to my friend, the minority leader of the House. I do not think he put me there because I was a prejudiced partisan. I think he put me on this committee for the sole purpose that if any

investigation of the expenditures in the Department of State should be had during this Congress I would insist upon having an honest, searching, and fair investigation, and would aid in disclosing corruption and unlawful irregularities if such existed, and that "whitewash" would constitute no component part of any report that would be made to the House thereon. [Applause on the Democratic side.]

I was not present at the first meeting of the committee, when the subcommittees were appointed, but I am informed that the gentleman from Michigan was present and acquiesced therein. Subsequently the chairman informed me of my subcommittee appointment, and consequently thereafter I have attended studiously all of the investigations pertaining to the matter contained in this report and took an active part therein, and sought to elicit the truth honestly and fairly by rigid cross-examination from all witnesses who appeared before the committee. Now, the insinuation of the gentleman from Michigan [Mr. WEDEMEYER] is, and I shall so construe it until he says to the contrary, that when I first went on that committee I was "one-minded with the gentleman from Missouri [Mr. HAMLIN]," and that I was not actuated by the "sole desire to arrive at the truth in this matter."

I will admit that after hearing the testimony, and all of it, and after thoroughly investigating and considering it for many weeks, I became convinced that there were certain irregularities in the department, and particularly the acts and doings of Mr. Michael and Mr. Morrison, that should at least receive a reprimand, and that this House and the department's attention should be called thereto. Accordingly, Mr. HAMLIN, Mr. DENT, and myself did concur and were "one-minded" in submitting to the other members of the committee our findings of fact and conclusions in the premises, and other members of the committee concurred with us, and approved of the majority report. I will say that I firmly believe that any Member of this House who is a lawyer, had he been present at and examined the witnesses produced before the committee, would have honestly and nonpartisanly come to the same conclusion. [Applause on the Democratic side.]

Mr. Speaker, it has been frequently stated on the floor of the House that we have besmirched the character of ex-Secretary Hay. This I emphatically deny. His connection with this matter was thoroughly discussed, and his thorough exoneration was conceded by all, and language was put into this report completely exonerating him, and the slightest reflection upon his honored name was carefully avoided, for your committee conscientiously believed and still believe that if any irregularity or misappropriation of funds was accomplished by or through the means of a voucher bearing his indorsement he was not a party knowingly cognizant thereof; that he never saw or handled one dollar of the sixteen hundred dollars which the committee concluded had been misappropriated by either Michael or Morrison, or both. [Applause.]

Mr. TILSON. Will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Connecticut?

Mr. DAVIS of Minnesota. If I have time; yes.

Mr. TILSON. Nevertheless, it is a fact that these alleged irregularities occurred under the administration of the late Secretary Hay, and he was responsible for them?

Mr. DAVIS of Minnesota. Yes, sir. I suppose that is technically true, in a sense, but we had before us the present Secretary of State and his predecessor, two as great Secretaries as this Nation ever had, and from them it was gathered that in the multiplicity of business in the course of each day they sign hundreds of papers presented to them for their indorsement, and perforce are bound to trust the officers that the Government provides for the transaction of the details of the department. Again, it is a matter of common knowledge that Cabinet officers usually do and must of necessity rely upon subordinates in carrying out the numberless details of a great department like this, and especially is this true in the furnishing of statement of expenditures. Who else can they rely upon with greater security than their chief clerk, who bears such an intimate relationship to the Cabinet officer?

No, Mr. Speaker; Secretary Hay was not a party to the irregularities which we complain of on the part of Mr. Michael and Mr. Morrison. The committee knows it, and this House knows it. Yet, in defiance of the oft-repeated statement of the members of the committee that such is the case, constantly, certain Members persist that we of the committee are besmirching the character of this worthy man. [Applause on the Democratic side.]

I hope I have made it plain that the committee does not hold Secretary Hay responsible, but while on this subject I wish to call the attention of the House to a portion of the letter written by Mr. Charles Denby, formerly the chief clerk of the State Department under Secretary Hay, now consul general to Vienna.

This letter is in response to a cablegram from Secretary Knox informing Mr. Denby of the substance of the facts elicited before the committee pertaining to this $2,400 voucher and asking for an explanation. This letter refers to the investigation made by him under the direction of Secretary ROOT in 1906, which has been so frequently alluded to. Mr. Denby says:

How far the alleged irregularities in the use of the particular funds in question were within the knowledge of Secretary Hay could not be ascertained, as he died in 1905, in which year also Mr. Michael went as consul general to Calcutta. Such practices were not continued under Secretary ROOT, but reports were brought to my knowledge while I was chief clerk that the practice had previously existed. In view of the entire lack of reliable proof of misappropriation of funds, the inevitable unpleasant criticism of the administration of an honored man who had recently died which would result from public action, the incident was passed over and no official action thereon was taken.

Thus, Mr. Speaker, it will be seen that if any intimation was ever made as to the possible knowledge of Secretary Hay concerning these irregularities it emanates from Mr. Denby. Furthermore, Mr. Denby states, in response to telegram from Secretary Knox, as follows:

VIENNA, *May 30, 1911—11 a. m.*

SECRETARY STATE, *Washington:*

Telegram 29th received. No written report was made. Careful preliminary investigation failed to convince department that criminal charges could be sustained. My report by next mail.

DENBY.

Here, Mr. Speaker, is an official of the Government, now consul general to Vienna and who made investigations in 1906, while Mr. ROOT was Secretary of State, intimating that criminal charges hovered around this transaction, but from lack of reliable evidence they were not invoked. It is also apparent from the letter of Mr. Denby that the reason why no official action was taken was because of the "inevitable unpleasant criticism" which would result from public action.

The committee in their report in no manner criticizes Mr. Denby's conclusion. As to the thoroughness of this investigation some criticism could justly be made, for it does appear that one at least of the main parties to the transaction was not called upon to explain what he knew concerning it, for Mr. Rosenthal testified that he was not, and never knew that an investigation was being had.

Mr. TILSON. Mr. Speaker——

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Connecticut?

Mr. DAVIS of Minnesota. Certainly.

Mr. TILSON. I know the gentleman means to be fair, and will he not add the other reason which is put first by Mr. Denby, that in view of the entire lack of evidence——

Mr. DAVIS of Minnesota. I read both of those, my friend.

Mr. TILSON. The gentleman said the reason was that it would reflect on the administration.

Mr. DAVIS of Minnesota. I said that was stated in the letter which followed the telegram. I read the whole thing. Have kept nothing back.

Mr. TILSON. That is the condition to-day. [Applause on the Republican side.]

Mr. DAVIS of Minnesota. I think not, because the investigation was not thorough, Mr. Rosenthal was not called upon to explain the transaction, and no other evidence was given as far as the committee was able to ascertain. The main thing relied upon was Mr. Michael's letter from Calcutta, and he says that—

The voucher was to be signed by me and not by Rosenthal. If he signed the voucher instead of a receipt it is through error. There was no such purpose. If the voucher was sent to him to sign it was by inadvertence; and it seems to me unaccountable that he should have signed such a voucher if it had been sent to him.

Mr. Speaker, as the voucher referred to is one of the chief causes of all this difficulty, I desire to read it and have it inserted in the RECORD as part of my remarks. It is as follows:

(Form No. 217.)

The United States to Albert Rosenthal, Dr.

On account of the appropriation for emergencies arising in the Diplomatic and Consular Service. 1903.

Date. 1903.		Amount. Dollars.	Cents.
Dec. 17.	For expenses incurred and to be paid out of the emergency fund appropriated for 1903	$2,450	

(For portrait of Judge Day, late Secretary of State.)

Approved.

JOHN HAY.

Received this 18th day of January, 1904, from Thomas Morrison, Chief Bureau of Accounts, and disbursing clerk, Department of State, the sum of two thousand four hundred and 50/100 dollars, in full payment of the above account.

ALBERT ROSENTHAL.

$2,450.

(Said voucher was indorsed on the back as follows:)

(Form No. 217.)

Appropriation for Emergencies Arising in the Diplomatic and Consular Service. 1903.

(Voucher No. 228.)

Paid to Albert Rosenthal for expenses (painting).
Amount, $2,450.
By check on the Treasurer of the United States, No. —.
Dated —.
Paid in cash January 18, 1904. Department of State.

Mr. Speaker, here is a voucher payable to Mr. Rosenthal, yet Morrison pays the whole amount to Mr. Michael. Why is this?

The undisputed facts concerning the origin and history of this voucher as appears from the evidence are, that shortly after Mr. Rosenthal had furnished the picture of ex-Secretary Day to the department this voucher, wholly in blank, was sent by Mr. Michael to Mr. Rosenthal in Philadelphia for his signature. He accordingly signed this blank voucher and transmitted it to Col. Michael. At or about the time of the delivery of the picture, Rosenthal was informed, so he states in his evidence, by Col. Michael that he would probably have to wait a little while for his pay until an appropriation was available out of which this picture could be paid. Mr. Rosenthal states that on or about the 22d of March, 1904, he received a check from Col. Michael for $790 in payment for this picture, $60 having been paid by Col. Michael to the Fischer Art Co., of Washington, D. C., for the frame.

About two years later, in 1906, Mr. Rosenthal visited the State Department concerning the painting of another picture. In the meantime Col. Michael had become consul general to Calcutta, and Mr. Denby, who is now consul general to Vienna, was the chief clerk in the State Department under Mr. ROOT'S administration. Mr. Denby then informed Mr. Rosenthal that owing to the high price that he had charged for Secretary Day's picture he would not be employed further along that line. Mr. Rosenthal informed him that $850 was the total sum he received for the Day picture, including the frame. Thereupon Mr. Denby showed him this voucher for $2,450. The Root investigation, conducted by Mr. Denby, of which so much has been said, then proceeded, which resulted in the making of no written report or any official action being taken thereon, for the reasons stated by Mr. Denby in his letter and telegram. Mr. Morrison, who was the Chief of the Bureau of Accounts and disbursing clerk of the State Department, and who had held this position for many years, informed the committee that on January 16, 1904, Michael orally requested him to obtain $2,450 from the Treasury, without informing him of the purpose for which it was to be used. Mr. Morrison obtained this money through a messenger and placed it in his safe. On the 18th of January, 1904, Morrison took this money to Col. Michael's room and delivered it to him in person, in cash, and was then informed in Mr. Michael's room that it was to pay for the painting of the picture of ex-Secretary Day. The testimony of Morrison concerning the transaction is quite conflicting, but time will not permit a review now. From the evidence it is gathered that an entry was not made on the books of this transaction for nearly two years; that the voucher was never turned over to the Auditor of the Treasury Department, which is charged with the responsibility of auditing Morrison's accounts; that this is the only transaction within the memory of Morrison that he ever drew money from the Treasury upon the oral request of anyone before a voucher was placed in his hands.

In further support of the contention that this money was ordered to be drawn from the Treasury exclusively for the payment of the Day portrait and for no other purpose, I desire to quote from the testimony of Secretary Knox. Mr. Knox, very soon after the committee began investigating the subject, also began an investigation on his own behalf. He states as follows:

I immediately instructed the Assistant Secretary of State to at once institute an investigation. The next day I inquired as to what had been discovered, and he said he had not yet received a report upon it; I then asked for Mr. Carr, and Mr. Carr came to see me. I told him I wanted to know just what the records of the department showed in respect to what Mr. Rosenthal received for the painting of that portrait, and Mr. Carr reported to me that the original entries showed that there had been $2,450 paid for it. I said, "How can it be that a payment of $850 should be charged on the books of the department as having been $2,450?" I said, "I want a thorough investigation of this matter begun at once; I want the records of the department searched for every scrap of information that bears upon the subject, and if we do not get light in that way I want the chief clerk and everybody else who was connected with that transaction or in the service at the time that it occurred who might likely know anything about it questioned upon the subject, no matter where they were."

I want to state right here that the Denby letter and telegram were the result of this investigation. Mr. Knox further informed the committee that this portrait was paid for out of the emergency fund, at least so he was informed by the officers of the department. And your committee respectfully report that this payment out of this fund was wholly unwarranted by law, and constituted a misappropriation. When your committee first began investigating this matter, Mr. Morrison, the proper custodian of this voucher, informed us that it was lost; that in 1906 he delivered it to Mr. Denby, and that he had never seen it since. This statement was made by Mr. Morrison on Monday, May 29, 1911.

On June 13, 1911, Mr. Morrison informed the committee that this voucher had been found—found, as he says, lying on the floor—about 4 to 6 feet from the place he sits in his office, picked up by the janitor or messenger who was there at the time. This singular circumstance is wholly unexplained, and your committee can not wholly exonerate Mr. Morrison in connection with this singular transaction, for he states that he made no inquiry whatever of the employees who had access to his office concerning this mysterious circumstance, except of the janitor who picked it up.

Col. Michael, in his letter of 1906, says that as soon as he received the money from Mr. Morrison he gave it all to Secretary Hay except $850, which he retained for payment of the picture and frame. Bearing in mind that he had previously informed Mr. Rosenthal that he would have to wait for an appropriation available for payment of this picture, yet on January 18, 1911, he received the money from the hand of Morrison, but did not send the money until March 22, 1911, to Rosenthal, nor pay the Fischer Art Co. the $60 for the frame until June, 1911. Upon these statements your committee believes that Mr. Michael is wholly unworthy of belief, and hence doubt his statement to the effect that he ever turned over this money to Secretary Hay; but, on the contrary, the $1,600 was retained by him for his sole benefit or the joint benefit of himself and Morrison.

I have only cited a few instances of the conflicting and inconsistent testimony of Morrison and Michael in connection with this transaction. The testimony, as a whole, reveals much more, some of which has been more fully elucidated by the speech of the chairman yesterday.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for a question for my information?

Mr. DAVIS of Minnesota. Certainly.

Mr. LONGWORTH. I want information.

The SPEAKER. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the time of the gentleman may be extended.

Mr. DAVIS of Minnesota. I would like to have a little more time.

Mr. HAMLIN. Mr. Speaker, I yield five more minutes to the gentleman.

Mr. LONGWORTH. I just want to ask one question.

Mr. DAVIS of Minnesota. No; I can not yield now.

The SPEAKER. The gentleman refuses to yield.

Mr. DAVIS of Minnesota. Apparently the main circumstance relied upon to shield the parties who are guilty of these alleged irregularities is the statement in Mr. Michael's letter to the effect that he took all of this money—$2,400—and delivered it to Secretary Hay, retaining only $850 wherewith to pay for picture and frame. As I have said before, Mr. Michael's conduct and previous statement to Mr. Rosenthal cast such a doubt upon Mr. Michael's subsequent statement that your committee deem him unworthy of belief.

That while Michael had this money in his possession to pay Mr. Rosenthal, yet he had informed him that he would have to wait a little while until an appropriation was available out of which the picture could be paid.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Connecticut?

Mr. DAVIS of Minnesota. I can not yield now.

Mr. LONGWORTH. That is the precise point I desired to ask about.

Mr. DAVIS of Minnesota. He kept this money from Rosenthal for over two months, and he kept the Fischer Art Co.'s money for five months. A public official who will withhold other people's money in this manner upon plea that they must wait for further available appropriation is not worthy of belief. If he is false in one thing he is false in all. No, Mr. Speaker, our honored Secretary Hay never received or handled one cent of this money. [Applause on the Democratic side.]

It is unreasonable to suppose that even though Mr. Hay had a right to obtain $2,400 or $24,000 out of this fund that he would obtain it in the manner that the testimony and records disclose, place it in his pocket, his desk, or his safe, and pay it out as the teller of a bank would. It is absurd, unbusinesslike, and contrary to all precedent, and in my judgment would be repugnant to the mind of a man imbued with the lofty ideals and proprieties which we all know that Secretary Hay possessed.

Another matter, Mr. Speaker, is the receipt of Mr. Rosenthal for $790 which is brought into this case. I can not go over the evidence surrounding it, but it is undated; no one knows where it came from; it does not bear the filing or record stamp of the department, and it is the only document which does not bear this stamp; it is false on its face because it states that Mr. Rosenthal received the money on the 18th of January, 1904, while in truth and in fact he did not receive Michael's check until March 22, 1904. Everywhere you turn or examine the evidence of those who ought to know the truth concerning this entire matter you find nothing except inconsistencies, material conflicts, all showing the desire to conceal rather than make plain.

A sentimental objection has arisen upon this floor against the adoption of this report on the ground that it would be a condemnation of Michael without his being heard or having an opportunity to be heard. For many weeks his chief, Secretary Knox, has been advised of the proceedings before the committee, and he informed the committee that he had cabled Mr. Michael advising him thereof and demanding an explanation. That cablegram appears in the record and has been disclosed in the debate upon the floor. That Mr. Knox informed the committee that Mr. Michael knew nothing more or would say nothing more about the transaction than appeared in his letter to Secretary Root in 1906. In view of Mr. Knox's statement, it would have been idle, and we might have been charged with extravagance had we sent for Mr. Michael's return and appearance before the committee. If this report is adopted, which it ought to be, the administration is not bound to act thereon until they further examine Mr. Michael. We have simply presented the facts as we have found them to be. We ask the Congress to adopt them and submit the same to the department and the administration for such action as they deem proper. Our report is not drastic; it is temperate in language and mild in its conclusions. In my judgment, the persistent effort that is being made to impress upon the Members of this House and the country that this report, if adopted, would be a reflection upon the honored name of Secretary Hay is wholly unwarranted, and I emphatically deny that such would be the case; but I am constrained to say that the persistence in such unseemly contention savors of an attempt to shield those who are guilty of irregularities in official life, as set forth in the majority report. No, Mr. Speaker, we do not doubt the honor, integrity, and uprightness of Secretary Hay, but we do doubt that these high purposes can be attributed to either Michael or Morrison. [Applause.]

The SPEAKER. The time of the gentleman from Minnesota has again expired.

Mr. HAMLIN. I ask the gentleman from Connecticut [Mr. TILSON] to use some of his time.

Mr. DAVIS of Minnesota. I desire leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, I yield 15 minutes to the gentleman from Vermont [Mr. FOSTER].

The SPEAKER. The gentleman from Vermont [Mr. FOSTER] is recognized for 15 minutes.

Mr. FOSTER of Vermont. Mr. Speaker, the conditions under which we take up the discussion of this important matter are humiliating to the membership of this House. I have been a Member of the House for nearly 11 years. During that period I have occupied the time of the House not much in excess of 11 hours; and yet, when I seek an opportunity to express my views upon the subject matter before us, involving, as it does, the guilt or innocence of two Government officials, I am told that I can have but 15 minutes. For years our friends on the other side of the Hall complained that the Committee on Rules as it was then organized was merely an instrumentality for gagging the membership of the House. It is not many months since they joined in a successful effort to reorganize that committee, in order that it might no longer be used for this purpose. And yet to-day, with our friends in absolute control in the House and in the Committee on Rules, instead of giving the Members of the House a reasonable opportunity for the discussion of the important matter before us, they adopt a resolution from the Committee on Rules limiting the debate to an hour and a half on a side.

This action is all the more reprehensible because we sit here to-day not merely in our legislative capacity, but as jurors to try two men who are charged under this resolution with embezzling $1,600 of the Government funds. These two men have served the country in peace and war for many years, and never before has there been a breath of suspicion against either of them. Under these circumstances we should not allow partisan prejudice or the desire for partisan advantage to influence us in the slightest degree. These men are not here to say anything in their own behalf. The fullest opportunity should be given to every Member to discuss the case, and the utmost deliberation should be had before we render our verdict. Mr. Morrison, one of these officials charged with misappropriating Government money, served the country faithfully as a soldier in the Civil War; for 44 continuous years since that period he has served the Government here in Washington. Since the time when he was made disbursing clerk on April 1, 1900, there have passed through his hands more than $6,000,000. In addition to that, he has had charge of the administrative examination for approval and settlement of accounts aggregating more than $18,000,000.

Mr. Michael, the other official charged with embezzling the money of the Government, enlisted in the defense of his country at the age of 16 years. He served faithfully until severely wounded in the Battle of Shiloh. He enlisted in the Navy as soon as his wounds would permit, and served with distinction until the end of the war. He, too, has served the country for years as a faithful and efficient public servant.

The gentleman from Ohio [Mr. SHERWOOD] the other day took the time of the House to show how interested the Democratic majority in this House are in the welfare of the old soldier and how anxious that majority have been to enact new pension legislation in behalf of the old soldier. But to-day we have before us a matter affecting two of these old soldiers, a matter that in importance is far above the question of an annual pension. It is a matter that involves not only their official position but their good name and all that in their declining years is most dear to them.

There is another reason why we should approach the subject dispassionately, free from partisan bias, and with an earnest desire to establish the truth. The transaction involved occurred in the Department of State. Mr. Michael is serving his country in a distant foreign land under the Department of State. The Department of State is charged with the administration of our foreign relations. It is of the highest importance that this House should do nothing to reflect unjustly upon one of our representatives abroad, for such discredit necessarily affects the standing of our foreign service. This fact should not deter us from declaring these men guilty if the evidence warrants our doing so; but it is due to ourselves that we should take no action reflecting upon this department of our Government except upon facts fully justifying our course.

I feel all the more justified in saying this because the transaction involved in this resolution occurred years ago under one of our greatest Secretaries of State. He is not here to say the one word which would either exonerate or condemn these men. His present successor, the present distinguished Secretary of State, has reorganized the entire department, has adopted approved business methods, methods which make impossible any such uncertainty as exists respecting the transaction here involved. He has given the country a wise and economical administration, and as the administrator of American diplomacy he should receive our loyal support.

What are the facts respecting this alleged misappropriation of $1,600? In 1904 the Department of State purchased a framed picture of Mr. Day, a former Secretary of State, for the sum of $850. It was paid out of what is known as the emergency fund. Under the statute long in force expenditures from this fund may be made by the Secretary of State upon his own voucher without any explanation as to the purpose for which the money is spent. In this instance, the then Secretary of State, Mr. John Hay, approved a voucher for $2,450. The voucher was delivered to Mr. Michael, then chief clerk, who delivered it to the disbursing officer, Mr. Morrison, who procured the money. It is not denied that $850 was paid in full for the picture and frame. The question is, What became of the remaining $1,600? The only positive evidence upon the subject is the statement of Mr. Michael, who says that when he laid before Secretary Hay the matter of paying for the picture he directed that the voucher be made out for $2,450, as he required $1,600 of that fund, under the statute just referred to; that he took the entire $2,450 to Secretary Hay, who received it, giving him back $850 with which to pay for the picture. The misunderstanding respecting the transaction was caused by one of the clerks of the department in filing this voucher. He understood, apparently, that the entire sum was to go to the artist for the picture, and he put upon the voucher a filing to that effect, and filled out to the same effect the receipt which the artist had signed in blank. Because of

this voucher it is insisted that Mr. Michael must have misappropriated the balance of the $2,450.

I insist, in the first place, that Secretary Hay, when he approved the voucher for $2,450, knew perfectly well how much the portrait was to cost. It was he who ordered it. It was he who directed ex-Secretary Day to arrange for it and to arrange for the price. I need not tell you that under these circumstances Secretary Hay was the man to whom Mr. Day reported, and that he reported not only that he had made the arrangement for the picture, but the amount the picture was to cost. Mr. Michael says that after the picture arrived, at the suggestion of the Secretary of State, he wrote to ex-Secretary Day asking him if the picture was satisfactory and what his understanding was as to its cost, and that he handed Mr. Day's reply to Secretary Hay.

The committee reporting this resolution takes occasion to impress upon us that no reflection upon Secretary Hay is intended. I insist that when Secretary Hay approved the voucher for $2,450 he knew perfectly well that the portrait was to cost but $850, and that he added the additional $1,600 because he wished to use it as he was authorized to use it under the statute to which I have already referred.

The committee criticizes the act of Secretary Hay in paying for this picture out of the emergency fund. I shall take no time in discussing whether that is a proper fund out of which to pay for such portrait. I simply say that men like Secretary Hay and Secretary Olney, men of unquestioned integrity, men with the keenest sense of official duty, paid for portraits of former Secretaries out of that fund.

Mr. DENT. May I interrupt the gentleman?

Mr. FOSTER of Vermont. Yes; for a question.

Mr. DENT. What portraits did Secretary Olney pay for out of the secret fund?

Mr. FOSTER of Vermont. He paid for one portrait out of that fund. If the gentleman denies it I can bring the proofs. There is no question about it. He paid for the portrait of former Secretary Gresham.

Mr. COOPER. Will the gentleman yield?

Mr. FOSTER of Vermont. I will yield for a question.

Mr. COOPER. I observe in the minority report, and also in the majority report, that there was a contract made in 1903 for the painting of a portrait, and that the portrait and frame was to be $850. If the portrait was completed and the voucher sent to Mr. Rosenthal, he to have included that amount, why was it sent in blank?

Mr. FOSTER of Vermont. I am coming to that point in just a moment. This, then, is the first proposition: That Secretary Hay knew that the portrait and frame were to cost $850. All the direct evidence before us plainly indicates this, all the circumstantial evidence before us enforces this fact, and there is not an iota of evidence tending to show the contrary. Such being the fact, it necessarily follows that Secretary Hay did not approve the voucher for $2,450 and hand that sum over to Mr. Michael for the sole purpose of paying for the portrait. We are forced to the conclusion that Mr. Michael has stated the exact truth respecting the transaction—that the additional $1,600 was added to the voucher because Secretary Hay desired that sum to use, as he was authorized to use it under the statute, without filing any statement as to the nature of the expenditure.

But the gentleman from Wisconsin [Mr. COOPER] and others are disturbed because Mr. Michael, before paying the artist for the portrait, sent a blank receipt for him to sign and return. This, they say, is an exceedingly suspicious circumstance. And yet these gentlemen and the other Members of the House sign receipts in blank for their salary months before it is received. This practice obtains quite generally in the departments of our Government. I have not doubt that if an examination were had it would be found that the majority of the States pay out no money until receipts signed in blank have been received. I confess it has always seemed to be a very unsatisfactory business method, and I am glad to say that the practice is not in vogue in the Department of State at the present time, and has not been during the present administration. But before condemning Mr. Michael for taking this course it seems to me that these gentlemen should cease signing blank receipts for their own salary.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. FOSTER of Vermont. I dislike exceedingly to appear discourteous. I would be glad to yield. I would be glad to discuss this subject in a deliberative manner, but I am granted only 15 minutes, and under the circumstances I must decline to yield.

So Mr. Michael took a printed form, such as I hold in my hand. As you will see, it is much like an ordinary billhead on which there is a blank for the approval of the Secretary, and beneath which is the blank receipt to be signed by the party receiving the money. Mr. Michael sent this blank voucher and receipt to the artist, Mr. Rosenthal, for his signature to the receipt. This very circumstance makes it plain that Mr. Michael intended at the time to have the voucher executed for the exact amount for which the voucher was to be drawn. If he had intended otherwise, he would not have sent the voucher to Mr. Rosenthal for his signature to the receipt. The voucher would have been made out in his own name. It would have been approved by the Secretary of State, and Mr. Michael would then have signed the receipt at the bottom. Upon the return of this voucher with the receipt signed in blank by the artist, Mr. Michael went to the Secretary of State for the necessary approval. He states that on that occasion the Secretary of State, after looking at the memorandum, directed him to add $1,600 to the amount proposed, as he desired that amount in cash. Mr. Michael, for his own protection, should have thereupon discarded the voucher which the artist had signed in blank. He should have used a new voucher. But he did not do so. He filled out for John Hay to sign in approval the voucher for $2,450 on this blank which the artist had signed. The Secretary of State approved the voucher. The money was drawn, and $850 was used to pay for this portrait and the balance was delivered to Mr. Hay.

Mr. HAMLIN. Mr. Speaker——

Mr. FOSTER of Vermont. Mr. Speaker, I regret that I can not yield to the gentleman from Missouri. He has seen fit to so limit this debate that I am allowed but 15 minutes in which to express my views upon this very important matter. I desire to complete my statement. If the gentleman will secure me more time, I shall be very glad to yield to him.

The SPEAKER. The gentleman declines to yield.

Mr. FOSTER of Vermont. I desire to place my statement before the House, and then I shall be glad to yield, if my time has not expired. I feel it my duty to place on record my judgment as to the evidence before us upon which, under our oath of office, we must make decision.

In the next place, I call your attention to the fact, which seems to me conclusive, of the innocence of Mr. Morrison and Mr. Michael; that when Mr. Michael sent the artist a check for $790 he inclosed a receipt for that amount, which the artist says he signed at that time, adding below the receipt in his own handwriting a memorandum to the effect that this sum did not include the $60 which was the price agreed upon for the frame. Did you ever hear of a man who was planning to steal $1,600 placing in the public files the very evidence that would convict him of the crime? Yet this is what the evidence shows Mr. Michael did. And this investigation would never have been instigated but for the fact, as the evidence shows, that a clerk in the department, to whom was handed the original voucher, approved by Secretary Hay, with the blank receipt signed by the artist, assuming that the entire $2,450 was to be paid for the picture, filled out the blank receipt for $2,450, thereby making it appear that the artist had received that amount from the Government for the picture. This document was then filed; but in due time when the $790 had been paid to the artist the receipt mentioned above, signed by the artist, was filed with the original voucher, showing just what portion of the $2,450 went for the picture and the frame.

I submit, Mr. Speaker, that under these circumstances, and with these facts before them, no jury would be justified in finding that Mr. Michael stole the $1,600. We should not do, we should not ask our colleagues to do, that which we would ask no jury to do. If I could say that the case presented even reasonable ground for believing that Mr. Morrison and Mr. Michael are guilty as alleged, I should vote for the resolution.

But I insist that there is no evidence before us tending to show that these men who heretofore, through a long period of years, have been looked upon as honest and faithful and trustworthy public officials, turned thieves and plunderers and embezzlers all at once by converting to their own use this sum of $1,600.

There is one other thing. In the course of his statement before the committee the Secretary of State stated that he had inaugurated an investigation of his own. That investigation has been going on and is still going on. As I have said before, this is an all-important matter. The reputations of these men are at stake. The hearings before the committee were ex parte. Mr. Morrison was called before it, but he had no man to appear in his behalf. Every man charged with a crime is entitled to have counsel. Mr. Michael is thousands of miles away. I respectfully submit, in view of the fact that Secretary Knox is investigating the case, in view of the fact that he has shown an earnest desire to establish the exact truth, in view of the

fact that this committee has not yet completed its work, that in all fairness this matter should go over until next December. No possible harm can come to anyone because of this short delay. It will enable the department to secure the presence of Mr. Michael. Such a delay will indicate to the country a determination on the part of the majority to deal fairly with these men, a determination to give them a fair opportunity to vindicate their good name. In short, such a moderate delay will aid in establishing the truth, which should be our highest purpose in this important matter.

The SPEAKER. The time of the gentleman has expired.

Mr. TILSON. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. MANN. Mr. Speaker, we are trying a man here to see if he is a thief and I think the jury ought to be present. I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-nine Members present—not a quorum.

Mr. HAMLIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Akin, N. Y.	Dupre	Lafean	Ransdell, La.
Ames	Faison	Langham	Redfield
Anderson, Ohio	Fields	Langley	Reyburn
Andrus	Focht	Latta	Riordan
Ashbrook	Fornes	Lee, Ga.	Robinson
Ayres	Francis	Lee, Pa.	Rothermel
Bartholdt	Gardner, Mass.	Legare	Rucker, Colo.
Bartlett	Gillett	Lever	Saunders
Bates	Glass	Lindsay	Sells
Beall, Tex.	Goldfogle	Linthicum	Small
Bingham	Goodwin, Ark.	Littleton	Smith, N. Y.
Bradley	Gordon	Loudenslager	Smith, Tex.
Broussard	Gould	McCreary	Stack
Brown	Griest	McGillicuddy	Stanley
Burke, Pa.	Gudger	McGuire, Okla.	Sterling
Calder	Guernsey	McHenry	Sulloway
Campbell	Hamill	McKenzie	Talbott, Md.
Candler	Harrison, N. Y.	Maher	Taylor, Ala.
Cantrill	Hartman	Martin, S. Dak.	Thayer
Cary	Henry, Conn.	Matthews	Thistlewood
Clark, Fla.	Higgins	Moon, Pa.	Thomas
Collier	Hill	Moore, Pa.	Tuttle
Conry	Hobson	Murdock	Utter
Covington	Howell	Needham	Vreeland
Cravens	Hughes, N. J.	Palmer	Warburton
Curley	Hughes, W. Va.	Parran	Webb
Danforth	Johnson, S. C.	Patten, N. Y.	Whitacre
Davidson	Jones	Plumley	White
Davis, W. Va.	Kahn	Post	Wilson, N. Y.
Difenderfer	Kent	Powers	Wood, N. J.
Donohoe	Kitchin	Pujo	Woods, Iowa
Draper	Konig	Rainey	Young, Tex.

The SPEAKER. Two hundred and fifty-eight Members present—a quorum.

Mr. HAMLIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will reopen the doors, and the gentleman from Pennsylvania is recognized.

Mr. OLMSTED. Mr. Speaker, it is a fundamental rule of justice and of law dating back at least as far as the Garden of Eden that the accused shall have notice and opportunity to be heard in his own defense. When our first parents had donned their fig leaf costumes and were hidden amongst the trees of the garden and the evidence against them was overwhelming, they were not condemned without a hearing, but there went forth to Adam from the great Judge and Ruler of the Universe the verbal summons, "Where art thou?" Thereupon they came forth and put in such defense as they could. Then, and then only, was the decree in ejectment entered against them.

Mr. RUCKER of Missouri. Will the gentleman yield for a question?

Mr. OLMSTED. I can not yield in the limited time of five minutes.

Mr. RUCKER of Missouri. I want to ask if it is not——

The SPEAKER. The gentleman from Pennsylvania declines to yield.

Mr. OLMSTED. From that date until the present moment of time, Mr. Speaker, it has been considered contrary to the first great, eternal, everlasting principles of justice that any person, great or small, shall be condemned unheard. That doctrine is embedded in our Constitution. It has been declared by our courts over and over and over again. No verdict can stand against the veriest felon and upon the strongest proof, unless he be in court during the trial. No citizen can be compelled to pay even the smallest tax until he has had an opportunity to be heard, to question the fairness of the assessment. But it is proposed by the adoption of this resolution to condemn a public official thousands of miles from home, attending to his official duties in a distant land beyond the sea, who has had no hearing and has not even been communicated with by the committee or any member thereof. He does not know, perhaps, that charges have been made against him.

The gentleman from Missouri [Mr. HAMLIN], the chairman of the committee, argues that Mr. Michael should be considered as having been heard because the committee has seen his letter to Secretary ROOT, written in 1906, fully accounting for the $1,600 in question and showing the money to have been in the hands of Secretary Hay. Secretary ROOT was satisfied with that letter, but a majority of the committee say they do not believe its contents to be true. They tell us that the committee has other evidence, from which it concludes or draws the inference that Michael or Morrison misappropriated the money. The evidence which they cite falls far short of justifying any such inference. But has Michael seen that evidence? No. Has he had an opportunity to explain it? No. Has he been heard at all? No. And yet we are asked by the adoption of this resolution to condemn, degrade, and disgrace him, and if possible deprive him of his office as well as his good reputation, dearer to him than life itself. What is the occasion for this? The Constitution makes specific provision for the impeachment of any civil official of the United States for an offense such as is here rather insinuated than charged. A motion to impeach is privileged. Any Member may rise in his place at any time and make it. Then, should the motion prevail, the accused would have an opportunity to appear, know the specific charge against him, face his accusers, examine and cross-examine witnesses, and make his defense. Why is not the constitutional method pursued? Perhaps the answer is found in the last paragraph of the committee's report, which reads:

> In conclusion, in view of the statute of limitations and the difficulty of proof resulting from death and the lapse of time, your committee deem it unnecessary to make any suggestions or recommendations relative to criminal prosecution of either Michael or Morrison.

Nobody concerned has died since the investigation began. There is not now and never has been any statute of limitations to bar impeachment proceedings. So it must be because of the "difficulty of proof" that we are asked to condemn, without proof as well as without a hearing, these high officials, these gentlemen of hitherto unsullied reputations, these two Grand Army veterans. I have too much confidence in the membership of this body to assume that enough votes can be secured to perpetrate so great an injustice, so gross an outrage. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. TILSON. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I did not expect to participate in this debate, but there is one phase of this question which I think ought to be presented to the House, which I do not believe has been, though it may have been touched upon. As has been said by a number of those who have spoken, this is not an ordinary legislative matter that comes before the House for consideration, in which we are asked to sustain or vote down the committee. We are here upon this question as a jury, and are asked to vote a verdict of guilty of criminal conduct concerning two men, citizens of the United States, and the President of the United States is asked to impose sentence upon them by dismissal.

Now, Mr. Speaker, what I desire to bring before the House is this: That so far this is a proceeding analogous to an ordinary criminal case. But no further than that, for in a trial before a jury the testimony is first produced before that jury, and then counsel sum up their arguments and the jury renders its verdict.

Now, Mr. Speaker, here are 170 pages of testimony concerning this question taken by the committee. I want to ask how many Members of this House outside of the members of this committee have read that testimony? And I assert that no Member who has not read that testimony from the beginning to the end, no matter what his opinion may be as an individual, can in good conscience vote for that resolution without first having read the testimony. [Applause on the Republican side.]

Why, Mr. Speaker, what would be thought of a criminal case where a jury rendered a verdict solely upon the argument of counsel absent when the testimony was taken, and not only absent, but who have not read the testimony? Mr. Speaker, I shall vote against this resolution, not because I believe the majority are wrong—as an individual I think, perhaps, they are right—but I have no right as a Member of this House to vote a verdict of guilty here without having read this testimony. And

I want to say, Mr. Speaker, that I have read about half of this. I think I am as diligent as the ordinary, average Member of this House, but I venture to assert that there are not one-third of the Members of this House to-day outside of the members of this committee who have read this testimony.

And, Mr. Speaker, if opportunity offers later on I shall offer an amendment to this resolution striking out the words "concurred in and adopted," and substituting for them the words:

That this report and the testimony taken in connection therewith be transmitted to the President of the United States for such action as he may deem proper in the premises.

And that is as far as I think this House should go. [Applause on the Republican side.]

The SPEAKER. The gentleman from Connecticut.

Mr. TILSON. Mr. Speaker, has the gentleman used all his time?

The SPEAKER. The gentleman from Wisconsin has consumed four minutes and one-half.

Mr. TILSON. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. BUTLER].

The SPEAKER. The gentleman from Pennsylvania [Mr. BUTLER] is recognized for one minute.

Mr. BUTLER. Mr. Speaker, I know it can be truthfully said of me that I am a partisan, but I hope it can be said of me with equal truthfulness that I desire at all times to see justice done. I do not know these men, neither am I aware of all their public service. I must go to the evidence to convict them, and I am not satisfied that the evidence is sufficient.

In this one minute I propose to suggest to the House that we postpone a conclusion upon this resolution until they can be summoned and heard, and unless they can answer to our satisfaction I will vote to condemn them. Unless Mr. Michael can explain why he kept public money longer than he should have kept it, I am ready to vote to convict him according to the indictment. I suggest to the House that we ought not to be hasty, but should suspend judgment until the trial is completed in order that entire justice can be done. [Applause on the Republican side.]

Mr. TILSON. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. SHARP].

The SPEAKER. The gentleman from Ohio [Mr. SHARP] is recognized for five minutes.

Mr. SHARP. Mr. Speaker, I became a little curious when I read the report of this subcommittee to know the professions or the callings which the gentlemen composing it follow in their daily lives outside the Hall of Congress. Not a little to my surprise I found in the Congressional Directory that all three of them are lawyers by profession. There are many lawyers upon this floor, and I think that nearly all of them will agree with me in the statement that if these gentlemen were trying this kind of a case before a jury, and even if they were on the side of the State for the prosecution, without a single exception every one of the three would be compelled to say, "We have got to have better evidence than this before we will even prefer an indictment before an ex parte grand jury, let alone trying them before a petit jury, to convict them upon evidence beyond a reasonable doubt." [Applause on the Republican side.]

It was said by my friend from Missouri [Mr. HAMLIN], chairman of the committee, for whom I have the very highest regard, in his speech of yesterday:

We are not asking you to brand these men as criminals. As I said before, I believe that old man Morrison is an honest man.

I will say to you, gentlemen, that if this resolution does pass, it will have the effect before the community in which they have lived all their lives, and before the people of the United States, of branding them as criminals beyond all doubt, and that, too, by the highest tribunal in the land, in a legislative sense, at least.

I am glad that this investigation has partaken of a nonpartisan character to a certain extent. I am glad that one of these three gentlemen of the subcommittee sits on the other side of the House. I am more than pleased to believe that no inconsiderable number of my associates on this side of this House will vote against the adoption of this resolution. I wish very much that it could be defeated, for I am unwilling, from the knowledge I have of this testimony—and I have read considerable of it—and especially from the arguments that have been made here on both sides of the question, to vote to convict these two men.

I asked a colleague on this side of this House who intends, I believe, to vote in favor of the resolution if he would kindly read the letter sent by Mr. Michael replying to Secretary ROOT and then to indicate, by a word or a line, in what manner he would change it in order to make it consistent with a statement that would come from an innocent man, and he was unable to suggest any change. I can not find anything, gentlemen, in the statement of Mr. Michael that is unreasonable or inconsistent with the truth. I can not find anything that has been contradicted here. We as lawyers and business men—men accustomed to studying human nature—rely a great deal upon the advantage which we have if we can see a man face to face and look into his eyes. Then we discern what kind of a man he is, whether he is truthful or not; and I have oftentimes said to myself, "I wish I could see face to face the man who wrote that letter; I wish I could look into his eyes"; because if I did that I could form a better judgment of the man than by merely reading his cold statement.

But here is a man who is on the other side of the earth. We have not had the opportunity to see him, to study his manners, or to cross-examine him. I know a cablegram was sent to Secretary Knox by Michael in reply to a request for information as to the disposition of the remainder of the voucher, and his reply in itself is strong corroboration to me of the fact that the man is telling the truth. I appeal to you, who know the nature of men who are untruthful, that they, as a rule, try to hedge, to qualify, to modify, or enlarge some previous statements when suspicion is directed toward them. But all Michael says is, in substance, just the same as you and I would say, desiring to tell the truth: "Why, I can not add a word to what I have already said. I told the truth."

In conclusion, I desire to say very briefly, because my time will not permit——

Mr. DENT. Will the gentleman permit me?

Mr. SHARP. I can not yield, because I have only two minutes left.

The SPEAKER. The gentleman declines to yield.

Mr. SHARP. Not only as lawyers, but as men of practical affairs, we naturally seek to know the motive governing any particular actions or conduct which are to be scrutinized or investigated, as well as to ascertain the reasons for issuing certain statements. I want to ask you in all candor, my colleagues, what motive Secretary ROOT would have in dismissing these charges as ill founded after examining into them, as the testimony shows he did, especially if coupled with an intimation that one of the greatest statesmen of the times, his predecessor and friend, Mr. Hay, whom both these reports and all the evidence absolve from any blame, unless the charges were, in fact, without foundation. [Applause.]

I would be pleased to vote for the resolution if the findings of the committee were limited to a censure of the unbusinesslike methods which characterized this particular transaction under investigation, and which would include a recommendation to reform such methods. To the extent that the laxness and reprehensible manner of doing business in the department under investigation has been revealed, I believe the work of the committee has been of distinct value. But that the evidence shows, with any degree of certainty, criminality upon the part of those under investigation I can not believe. Indeed, can I give a better reason for declining to vote for a resolution that will put the stain of crime upon those men than by quoting the last paragraph of the majority report of the committee, which reads as follows:

In conclusion, in view of the statutes of limitation and the difficulty of proof resulting from death and lapse of time, your committee deem it unnecessary to make any suggestion or recommendation relative to criminal prosecution of either Michael or Morrison.

If, gentlemen, this committee is unwilling to make any such recommendation because of "death and lapse of time"—both important elements entering into this case—I am certainly justified in refusing to vote, for the same reasons, in favor of recommending their dismissal from office, which, in view of these accusations, is tantamount to declaring to the world their guilt.

Mr. TILSON. I yield four and one-half minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, no man on the floor of this House has more respect for the majority members of this subcommittee than myself, and I do not believe that any Member here would intentionally do an injustice to any man in order to secure a political advantage. I want to appeal on behalf of these men, one of whom has not been given an opportunity either to appear before this committee in person or to be represented by an attorney.

Both of these men served in the Union Army. Both of them have long and honorable official careers in various departments of our Government. Both of them are men of family. Let me read a brief summary of the careers of these men:

MR. MICHAEL.

Mustered into United States Volunteer Infantry service September 21, 1861.

Honorably discharged on account of injuries sustained in battle of Shiloh October 23, 1862.

Reentered service in 1863 as master's mate in Navy.
Was promoted in 1864 for gallant conduct in action.
Honorably discharged, with thanks of the Government, in June, 1866.
Was connected in the Capitol as editor and compiler of Congressional Directory.
Stayed there until May 20, 1897, when he was appointed Chief Clerk of State Department.
Appointed consul general to Calcutta November 16, 1905.
Born in 1845, which would make him now 66 years of age.

MR. MORRISON.

Immediate family consists of his wife and four children.
Born in 1843, which would make him now 68 years of age.
Was a soldier for four years. Served all through Civil War in the Army of the Potomac.
Entered the service of the State Department in 1867.
Was employed in various capacities in State Department until April 1, 1900, when he was appointed Chief of Bureau of Accounts.
From April 1, 1900, to June 30, 1903, he disbursed $1,600,000.
During fiscal year of 1904, which was year the portrait was purchased, he disbursed $419,000.
From 1904 to 1911 he disbursed $4,140,000.
Total amount disbursed from appointment, April 1, 1900, to June 30, 1911, $6,159,000.
In addition, has had charge of examination of accounts amounting to $18,000,000.
Has had charge of the trust funds of department, amounting to $6,450,000.

Are you going to destroy the character of these two old honorably discharged soldiers with records of faithful and efficient public service in the departments of this Government on such testimony as this? Would it not be fairer to recommit this resolution to the committee, and give these men, especially Mr. Michael, an opportunity to be confronted with these charges, and to permit the members of this committee to look into his eyes and cross-examine him and watch his demeanor on the stand under oath?

In the trial of our worst criminals they are entitled to the benefit of a doubt. Are you going to say that these men committed the larceny of $1,600 after half a century of faithful service and after handling millions of dollars of the public funds? Is it right, is it just, is it fair? I submit this question to the honor and the conscience of every man in this House. If you were sitting as a judge on the bench, with this testimony before you, you would not for a moment destroy the character of a fellow citizen—an old soldier—and our responsibility here as Members of this House under our oath ought to appeal to each and every one of us to weigh this testimony as though we were trying the men in a court of justice. [Applause.]

Mr. TILSON. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, in the limited time at my disposal I will only have time to go into one feature of this case. Before I do that, Mr. Speaker, I want to say that I enter upon the discussion of the question without desiring to cast any reflection upon any man or to impugn the motive of any man. I want also to say that this investigation developed some things that seem to me ought to be remedied. I do not believe that the Secretary of State ought to be permitted, out of this particular secret emergency fund, to buy portraits of ex-Secretaries or to use the money in that way. I am not satisfied with the explanation, or any of it, that has been given in regard to the finding of this voucher, and had the committee brought in some recommendation along the lines where evil has been disclosed I would only be too glad to support it.

But I want to speak, in the few moments that are given me, of the only man who has never had a hearing. Men speak of a reasonable doubt, and all that. Why, gentlemen, here is a case where you are going to condemn a man who has not been tried. Mr. Michael is on the other side of the world and to-day is ignorant, I presume, that any charge of dishonesty of any kind has been lodged against him. He has had no opportunity to meet these charges.

Mr. HAMLIN. Will the gentleman yield?

Mr. NORRIS. I can not yield; I have only five minutes. Will the gentleman yield me more time? If so, I will yield to him.

Mr. HAMLIN. No; go ahead.

Mr. NORRIS. Now, Mr. Speaker, I want to discuss it entirely on the theory of the gentleman from Missouri, the chairman of the committee. For the sake of argument, I want to assume that everything has been proven which he says has been proven. What do we have? My friend from Minnesota [Mr. DAVIS] says that the evidence discloses that this man Michael carried $850 around in his pocket for a month. Has Michael had an opportunity to deny it? Has he had an opportunity to explain it? Does he know that that kind of a charge has been lodged against him? It is said that he did other things; and yet every one of the charges, without any exception, from the very admission of the gentleman from Missouri, has been made in Michael's absence, without his knowledge and without an opportunity to be confronted with the witnesses or to present any evidence of any witness in his behalf. It seems to me that we are not giving fair play and justice to a fellow man, and it ought to cause us to hesitate before we condemn a man without a hearing, without a trial, upon evidence that has been offered in his absence, without his knowledge, and without giving him any opportunity to refute it.

Every man here who has been engaged in the trial of lawsuits, whether as an attorney or judge, knows that a case is often made that looks on the face of it as if it could not be disproved; and yet when the other side is heard the case is completely revolutionized and reversed.

Even if it is true that you believe that Michael had stolen the money out of the Treasury, yet you ought to give him at least the opportunity that you give the common criminal to be heard in his own defense. You have said that you do not accuse Secretary Hay. I am glad of that; I am glad to know that no one accuses him. You say it is wrong to bring any aspersions on his name because he is dead. Gentlemen, as far as this case is concerned, Michael is likewise dead. He has not had any more opportunity to be heard than Secretary Hay had. The letter of Mr. Michael is in the RECORD, and any man who will read it will admit that if that letter be true, then he has a good defense. Remember that letter was written before any evidence was taken by the committee. If it has been disproved, or any evidence tending to disprove it has been offered, then he should be allowed to offer any evidence he may have in explanation before we render judgment. He does not even know that any such evidence has been offered or that anyone has even disputed his letter. [Applause.]

Mr. TILSON. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this resolution proposes that two officers of the Government should be discharged on the ground that they are thieves, on the specification that they stole a particular sum of money. No other justification can be given for asking for the discharge of these two men, except that they are sneak thieves, that they filched $1,600, not only by stealing it, but, under false pretenses, by overcoming the care of the Secretary of State and imposing upon him. Not only that they stole the money, but that they did it in a mean way.

Here is a voucher marked "approved" by the Secretary of State. While the majority of the committee say that they cast no reflections on the Secretary of State, one of two things is inevitable: Either that the Secretary of State improperly approved a voucher in blank without knowing what it was, or else the Secretary of State himself took the money and improperly or properly used it.

It is easy to say there is no reflection cast upon the Secretary of State. It is inevitable that if these men were thieves the Secretary of State approved a voucher improperly, approved a voucher to be paid out of the secret fund, when it was the special duty of the Secretary of State to guard the secret fund—not an ordinary voucher payable out of an ordinary account, but a voucher payable out of a secret fund that it has always been the duty of the Secretary of State to carefully watch in approving vouchers. In this case, if the Secretary of State marked this voucher "approved" without knowing what it was, then he was guilty of gross negligence. If he knew what it was, the gentlemen say they have no further complaint, that they do not believe that he stole the money. No one would dare say that John Hay stole the money.

Now, the proposition is that the other men stole the money—stole it—not a mistake that was made, but that there was thievery. There is a method of reaching thievery. Here is a man who is consul general of the United States at Calcutta, who was formerly chief clerk in the State Department, a civil officer of the Government, specifically named in the Constitution, so far as the consuls are concerned, for appointment by the President of the United States. There is a method of reaching him, not barred by the statute of limitations at all. The President of the United States nominates and, "by and with the advice and consent of the Senate," appoints consuls of the United States.

The President, the Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

This House in the past has acted in similar cases. It is within the power of this House under the Constitution to present articles of impeachment against this consul general of the United States for misdemeanors or crimes committed by him while he was the chief clerk in the State Department. If you have evidence against him, let the case be tried in the Senate of the United States. By what right do you propose to try and condemn a man here in a case that is provided for by the Constitution for trial elsewhere? Under the Constitution we

have our functions to perform. If we believe that Michael is a thief, that he stole $1,600 from the State Department, it is our duty on our sworn oaths to present articles of impeachment for trial before the greatest trial tribunal of the country, the Senate of the United States.

Mr. LEWIS. Mr. Speaker, will the gentleman yield?

Mr. MANN. For a short question.

Mr. LEWIS. Have we the power to present articles of impeachment and the Senate the power to try them after a man has left the office in which the alleged delinquencies occurred?

Mr. MANN. In the Forty-fifth Congress, which was a Democratic House, there were two resolutions of impeachment brought into the House against two different officials for what was claimed to be crimes committed by them in offices which they held prior to their appointment to the offices which they then held—exactly a parallel case—and while those matters were not disposed of by the House——

Mr. LEWIS. Exactly. The Senate did not determine that it had jurisdiction. [Applause on the Democratic side.]

Mr. MANN. I did not yield to the gentleman for an argument. I have only five minutes. Gentlemen on that side of the House applaud. Mr. Speaker, there are a lot of men over there who would applaud nothing, and that is what they do [laughter and applause on the Democratic side]—and still keep at it. In that case the Democratic committee of the House reported it had jurisdiction and that Congress had jurisdiction. If you want to determine whether this man can be convicted, try him in the proper tribunal. That is where we have a right to try him. We can present articles of impeachment if he is guilty of a crime.

It is easy to say that this man may have made a mistake somewhere. I do not know whether a mistake was made in reference to this voucher in some way or not. Here we have this one little thing coming before the House now. There have been three mistakes made by the officers of this House in reference to this one thing already, and I do not propose to criticize the officers of the House for that. It is so easy at times to make mistakes. The other day the gentleman from Alabama is reported in the RECORD to have introduced bill H. R. 12617, approving Report No. 59 of the Committee on Expenditures in the State Department. I do not know whether the gentleman from Alabama introduced such a bill or not, but you can not get it from the document room. You can not find out where it has ever been printed. You can send out, any of you, for House bill 12617, and you will not get it. Now, that was a mistake by somebody. I am not criticizing the mistake. The other day a resolution was reported into the House, now before the House, and that was not reprinted. That was mistake No. 2.

Mr. MADISON rose.

Mr. MANN. Just a moment. The gentleman from Texas [Mr. HENRY] reported in the resolution for the consideration of this measure, and what was done with it? It was taken up and considered at the time and passed by the House, and yet some gentleman connected with the administration of the House ordered printed that resolution with this statement, "which was referred to the House Calendar and ordered to be printed."

It was neither referred to the House Calendar nor was it ordered to be printed. That is mistake No. 3. If, in the consideration of one thing in the House the employees of the House, new though they be and probably excusable, make three mistakes, by what authority do we propose to condemn as a thief a man or men who have made a mistake, for aught I know complying strictly with the law, a number of years ago? Which one of these is the thief, Michael or Morrison? Are both of them thieves? Which one stole the money? Is anyone here prepared to say that if the money was stolen which one of them stole the money? And yet you propose to punish both of them as thieves. Will anyone here, does the majority of the committee, undertake to say, if the money was stolen, whether Michael or Morrison stole it? And yet you propose to say they are both thieves. [Applause on the Republican side.] Is it possible——

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. MANN. I regret, Mr. Speaker, owing to lack of time, that we propose to condemn a man as a thief without a full hearing.

Mr. JAMES. Regular order, Mr. Speaker.

Mr. TILSON. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Speaker, this is not the first time that the application of the secret-service fund has been investigated by the House of Representatives. When the Department of State was under the control of as great a Secretary as any nation ever had there was a charge that there had been a misuse of the secret-service fund, and an investigation was had by the House, controlled by the political party opposed to the administration, a House in which the majority was Democratic. A fair hearing was given, and it is one of the dramatic incidents of history that the vindication of Daniel Webster, the greatest champion of the Union, bore upon it the name of Jefferson Davis, who was afterwards the President of the Southern Confederacy. [Applause.] Now, I would commend to gentlemen upon the other side to imitate that distinguished example. The record in war of one of these men has been alluded to. That gives him no immunity to commit a crime; but I know of no nation so barbarous, no government—be it an empire or a republic—where the fact that a citizen has shed his blood in its defense upon the field of battle does not justify him in claiming a fair hearing. [Applause on the Republican side.] Michael has not been heard. This voucher bears the name of John Hay, who was not a weakling, and a strong presumption must go with that. Then, when the incident was still fresh an investigation was held by the then Secretary of State, ELIHU ROOT, a great lawyer, and he found that there was nothing in these charges. I submit to this Democratic House of Representatives to-day it will be little to its credit under those circumstances to brand as guilty this man, who has had no opportunity whatever to be heard. [Applause on the Republican side.]

Mr. TILSON. Mr. Speaker, may I inquire how much time is left to this side?

The SPEAKER. Eight and a half minutes.

Mr. TILSON. Mr. Speaker, in view of the very short time which is left to me, and not wishing to be discourteous to any Member, I ask, Mr. Speaker, that I may not be interrupted during the few minutes that I shall occupy the floor.

Disguise it as we may, we can not conceal or get away from the fact that this is not an ordinary legislative proceeding in this House. It is analogous to or partakes of many of the elements of a criminal trial. It is a jury trial in which we as Members of this House are the jurors. The accused in this case are Michael and Morrison, two men advanced in years, both of them men who have served their country in both civil and military life, both men of good reputation, and men who are entitled to be fairly heard. The charge is embezzlement. That is all there is to it; you can not get away from it. It is a charge of embezzlement, and if this resolution is passed, so far as this House—the greatest legislative body in the world—can brand a man, these two men are branded as embezzlers. This resolution asks the President of the United States to remove these two men from office. For what?

For the misappropriation of funds, for the stealing of $1,600. That is what it comes down to and that will be the verdict of this jury in case this resolution should pass in its present form. We can not get away from that, and at the risk of repetition I desire to state another thing we can not get away from, and that is the fact that we are condemning one of these men unheard. We are told that we have a letter of Col. Michael here and that he has cabled from Calcutta that he can not add to it, therefore he has been heard. What would you say of such reasoning and deductions as that in a criminal trial?

A number of references are made to Michael in the testimony of witnesses called by the subcommittee. The artist, Mr. Rosenthal, refers to him in a number of cases, and especially in regard to the time he received the money for the portrait. If anyone wishes to see an example of evidence that is vague and indefinite, I call your attention to the testimony which Mr. Rosenthal gave as to the time in which he delivered this picture and as to the time that he received his pay. Here is a sample from the hearings:

The CHAIRMAN. Are you prepared to state about the date you received your pay for the Day portrait?

Mr. ROSENTHAL. Well, the only recollection I have is what the Real Estate Trust Co. informed me, that my deposit slip was March 22, 1904, as I believe I wrote you—an item of $790 by a check from Washington; that is the only recollection I have of any check from Washington about that time, and it must have covered that portrait.

The CHAIRMAN. That was on March 22, 1904?

Mr. ROSENTHAL. That was the time I made the deposit.

The CHAIRMAN. Now, what is your judgment about the time you received that check?

Mr. ROSENTHAL. It must have been about that time. As to the date of the picture, I do not recall when I delivered that. Of course, it is a long time ago, and all I do recall is that at the time the picture was delivered I probably had to wait a little while until an appropriation was available out of which this picture could be paid; some such statement was made, I recall.

The CHAIRMAN. Who made a statement like that to you?

Mr. ROSENTHAL. The chief clerk.

The CHAIRMAN. Did you receive pay for the picture at about the time you signed the voucher?

Mr. ROSENTHAL. That I do not recall; I do not recall when I signed the voucher or the date of it.

The CHAIRMAN. I am not speaking about the date of it, but the circumstance——

Mr. ROSENTHAL (interposing). I think there must have been some time elapsing, because this explanation would not have been given if I had gotten my check at once.

The CHAIRMAN. You undoubtedly did not get the check at the time you signed the voucher?

Mr. ROSENTHAL. It could not have been possible.

The CHAIRMAN. Do you remember the date that voucher bears?

Mr. ROSENTHAL. I have not the slightest idea.

The CHAIRMAN. The record shows is bears the date of January 18, 1904.

Mr. ROSENTHAL. Yes.

The CHAIRMAN. You did not get your money on that date?

Mr. ROSENTHAL. I could not have possibly gotten it then.

The CHAIRMAN. I hand witness paper now marked Exhibit No. 2, and I will ask you if you have ever seen that paper before?

Mr. ROSENTHAL. It looks like my writing; that is my writing; that is the way I usually put on a postscript.

The CHAIRMAN. Do you have any recollection as to the time you signed that paper?

Mr. ROSENTHAL. No.

The CHAIRMAN. Perhaps I had better read it into the record. I will ask you whether you have any recollection of signing, or did you sign, a paper which reads as follows:

"Received on the 18th day of January, 1904, the sum of $790 for a portrait of Judge Day, late Secretary of State, for the Department of State. Albert Rosenthal."

Mr. ROSENTHAL. That is evidently signed by me and that is my writing underneath.

The CHAIRMAN. The writing underneath referred to by the witness is as follows:

"This does not include the frame, for which Mr. Fischer received directly from the department $60. A. R."

Do you remember the date?

Mr. ROSENTHAL. No; I have not the slightest idea.

The CHAIRMAN. Have you any recollection of the circumstance of signing this paper at all?

Mr. ROSENTHAL. No recollection at all, except that I only felt there must be some such receipt in the hands of somebody.

The CHAIRMAN. Do you not have any recollection whatever whether you signed this in Washington, in Philadelphia, or elsewhere?

Mr. ROSENTHAL. I have not the slightest recollection of where I signed that; I should judge that I must have shipped that from Philadelphia. I would not be surprised if that might have been sent back with the voucher.

The CHAIRMAN. Sent back with the voucher?

Mr. ROSENTHAL. I do not know that.

The CHAIRMAN. Would you have signed that kind of a paper before you received your money?

Mr. ROSENTHAL. Very unlikely.

The CHAIRMAN. It is very unlikely you would have done it?

Mr. ROSENTHAL. Very unlikely.

This is the evidence by which the subcommittee seeks to establish two very important points: First, that Michael wrongfully retained the sum of $790 for two months; and second, that, although he had the money in his possession, he lied to Rosenthal about waiting till an appropriation was available. Can any fair-minded person determine from the hearings just when it was that Rosenthal delivered the portrait or received his pay for it, or when it was Michael made the statement as to the appropriation? The hearings leave all these questions in a fog, and yet they are the chief points upon which the majority of the committee have relied to convict Michael of falsehood and embezzlement. Should he not be confronted with this evidence and given an opportunity to explain before we pronounce judgment? There is testimony to the effect that sums of money were often kept on hand to pay small bills. Michael might easily explain the entire transaction to the satisfaction of all. Why should we condemn him without giving him an opportunity to do so?

This is not a party question. It is not a question of party policy. I am glad that it is not, and it would be passing strange if this broad aisle that separates the two sides of this House should also be found to separate us in our judgment upon questions of law and evidence when presented to us for our consideration. I am glad to be informed by many on that side of the House that it is not so to divide us to-day. I do not blame the members of any party for acting together on matters of party policy. They must do so if they expect to accomplish results. This, however, is not a case of party policy. It is a case of trying these two men and branding them in the eyes of the world as guilty of embezzlement.

Now, Mr. Speaker, I wish to say that I do not know either of these men, and I know nothing of their politics or their religion. They may be Republicans, Democrats, Socialists, or Prohibitionists. They may be Christians, Jews, Mohammedans, or Buddhists. I care not. They are both my fellow men and American citizens, and as such deserve fair treatment. I hold no brief for them and would not defend them here if there were substantial evidence against them; but I submit that if you will read the more than 200 pages of the evidence in this case, and then can bring your consciences to support a resolution to ask for the removal of these men, I shall be satisfied. On yesterday the gentleman from Missouri [Mr. HAMLIN] made a touching appeal to party loyalty, not to turn down the committee. My appeal is not to party or party loyalty, but to your sober judgment and your sense of fair play. Is this resolution fair to these two men on the evidence before us?

It has always been my principle to build up rather than to tear down, to help lift up my fellow man rather than try to pull him down, and yet if there is any purpose to this resolution other than partisan purpose—and I am not going to charge that—it is to blacken the reputation of two officials who are living and the memory of one who is dead.

Those of us who are lawyers know that in the construction of evidence we are not to assume that any man tells a lie, and we should assume that every man tells the truth unless there is other and better evidence that necessarily conflicts. In this case we have the letter of Michael, and I would ask the attention of every Member of this House to that letter, which is in the hearings and also in the CONGRESSIONAL RECORD of this morning, and if you find anything in that letter necessarily inconsistent with any other evidence in the hearings or with the innocence of Michael, then I can make no further plea to you.

You will bear in mind that the $2,450 was drawn out of the Treasury, according to the testimony of Michael, which is not disputed, upon a voucher made up after consultation with Mr. Hay, approved by Mr. Hay, and presented to Morrison, the disbursing clerk. At that time the voucher contained nothing but the name of Rosenthal. After the money had been drawn and the voucher had passed out of the hands of Michael there was indorsed upon it that it was for the picture and frame of ex-Secretary of State Day. This was done by a clerk. Under the law, the Secretary had the right to take the money and use it for purposes for which that fund was provided, and for which an appropriation is made every year, without any voucher whatsoever. Michael says that he inadvertently sent the voucher to Rosenthal and that Rosenthal inadvertently signed it and sent it back.

It should not have been sent to or signed by him. A receipt was taken from Rosenthal, signed by him, showing that he received the true amount, namely, $790, for the picture, and that $60 was to be paid for the frame. I submit if Michael had intended to steal the $1,600 he would not have put into the file a receipt showing that the whole $2,450 was not paid for the picture and frame. Michael says he retained $850 to pay for the portrait and frame and paid over the $1,600 to Mr. Hay. There is not a scintilla of evidence to contradict this statement. Mr. Hay had the right under the law to expend it without a voucher. Have we a right to assume, without evidence, that he did not do this? Under the long-continued practice of the department, the portrait of former Secretary Day could be legally paid for out of this fund. It was so paid, as shown by the Rosenthal receipt. This accounts for the entire $2,450. Where is the evidence of any misappropriation? Yet the majority of the committee assume misappropriation from lack of evidence and ask us to find these two men guilty of it. It will be an outrage upon justice if we do it. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. TILSON. Mr. Speaker, I ask that all gentlemen who have spoken on this matter may be allowed to extend their remarks in the RECORD for five legislative days.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all gentlemen who have spoken or may speak on this resolution shall have five legislative days in which to extend their remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I shall not object if it is understood that gentlemen are not going to print in the RECORD the entire proceedings contained in the record of the committee maybe half a dozen times in connection with their remarks. I do not know how long their hearings are.

Mr. HAMLIN. Mr. Speaker, reserving the right to object, I would like to couple with that request a request to print in the RECORD the majority report. The minority views were printed in this morning's RECORD, and I think the majority report ought to go into the RECORD also.

The SPEAKER. The gentleman from Missouri [Mr. HAMLIN] couples with the request of the gentleman from Connecticut a request that he have the right to print the majority views in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Following is the majority report referred to:

PORTRAIT AND FRAME OF FORMER SECRETARY OF STATE WILLIAM R. DAY.

Mr. DENT, from the Committee on Expenditures in the State Department, submitted the following report, to accompany House resolution 103.

Your committee, under House resolution No. 103 adopted at the present session of Congress, having had under consideration the conduct and expenditures of the Department of State, beg leave at this time to submit a partial report relating exclusively to the payment for the portrait

and frame for the portrait of former Secretary of State William R. Day, now an Associate Justice of the Supreme Court of the United States.

Your committee find that ex-Secretary, now Associate Justice, Day, at the request of the State Department, agreed with one Albert Rosenthal, of Philadelphia, Pa., for the painting of his portrait as ex-Secretary of State, to be placed in the State Department with other portraits of a similar kind; that the agreed price, including the frame, was $850.

Your committee further find and report that after the portrait was painted and the frame purchased they were accepted by and delivered to the State Department; that in receiving payment for the portrait the said Rosenthal dealt exclusively with W. H. Michael, then chief clerk in the State Department; that at the request of the said Michael the said Rosenthal signed a blank voucher which he delivered to the said Michael, either personally or through the mail, his recollection being that it was by the latter method; that subsequently, about two months later, the said Rosenthal received from the said Michael his, the latter's, individual check for $790, that being the sum due the said Rosenthal, the balance of said sum of $850, to wit, $60, being the price paid for the frame to the Fisher Art Co., of Washington, D. C.

It is the opinion of your committee that the practice of signing vouchers in blank is not only unbusinesslike and inexcusable, but amounts to a virtual invitation to wrongdoing, and such practice can not be too strongly condemned.

Your committee further find and report that about two years after the transaction thus above detailed, to wit, in 1906, the said Rosenthal was interviewed by the State Department relative to the painting of another portrait for that department; that then and there he was informed that while his work was satisfactory his price was too high. Whereupon the said Rosenthal was shown the voucher signed about two years previously in blank, and said voucher appearing solely to be for the portrait and frame of portrait of ex-Secretary Day, disclosed that the sum of $2,450 had been paid for the same. According to the testimony before your committee this was the first information that the said Rosenthal had that the voucher represented an excess of $1,600 over the price actually paid for the portrait.

Your committee further find and report that at the time the above voucher was signed and the money paid for the portrait, one Thomas W. Morrison was the disbursing clerk of the State Department and has remained in such position since and up to the present time.

Your committee further find and report that the said Morrison, as such disbursing clerk, on the verbal request only of the said Michael as chief clerk, drew a warrant on the Treasury Department for the sum of $2,450, which was cashed through one of the messengers of the disbursing bureau on the 16th day of January, 1904, and the money deposited in the safe in the office of Morrison as such disbursing clerk, where it remained until the 18th day of January, 1904, when the said Morrison delivered in person to the said Michael the sum of $2,450, taking no personal receipt, but relying alone on the said voucher signed by Rosenthal.

The committee further find that although this sum of $2,450 was paid over to Michael by Morrison in January, 1904, Rosenthal was not actually paid by Michael until March, 1904, and the Fisher Art Co. in June, 1904.

The said Morrison testified before your committee that when he delivered the sum of $2,450 to the said Michael he learned, either from Michael or some one in his office, that the money was to be paid for the portrait and frame of the portrait of ex-Secretary Day. At that time, according to the testimony of Morrison, there was nothing on the voucher to indicate the purpose for which this sum was to be ultilized. After paying over this money to Michael and returning to his office, the said Morrison within 30 minutes caused a clerk in his office to write with pen and ink in parentheses on the voucher the following: "For the portrait of Judge Day, late Secretary of State." The said Morrison testified before your committee that he caused this memorandum on the voucher to be made for his own protection. Morrison further testified before your committee that never before nor since had, or has, he drawn money and paid out the same under similar circumstances.

Upon further investigation your committee ascertain and report that in 1906 when the matter of the above voucher was investigated by the State Department, at the time presided over by ex-Secretary (now Senator) ROOT, Michael, who was then and now is consul general of the United States at Calcutta, reported that he paid the money received from Morrison to Secretary of State Hay, and while he did not know, he presumed that he used the difference in relation to the emergency or secret fund authorized by section 291 of the Revised Statutes for some item or items relating to foreign affairs. At the time that Michael made this report Secretary Hay was dead.

When your committee started the investigation of this transaction a request was made for the voucher relating to the same, and it was reported to be lost.

Morrison testified during the first of this investigation that he had delivered the papers in 1906 to Mr. Denby, then chief clerk of the State Department, under Secretary ROOT, and that so far as he knew they had not been returned, nor had he seen them since, although he had made a careful and thorough search for the same on several occasions.

The present Secretary of State, Hon. Philander C. Knox, reported to your committee that he had ordered a thorough search to be made for these papers and had received the report that they could not be found.

The papers, including the voucher, were delivered up by Morrison on a telephone request merely. Such practice in the matter of preserving files can not be too severely condemned.

While this investigation was pending it was suddenly disclosed to your committee that the voucher had been picked up on the floor of the office of the said Disbursing Clerk Morrison within 5 or 6 feet of Morrison's desk, near the wastebasket, by one of the messengers in that bureau, and said voucher has been shown to your committee and is now in the personal possession of the Secretary of State. This was not disclosed to the committee for a week or 10 days after the voucher was so picked up. The circumstances under which this voucher was discovered, especially after the matter had been given so much publicity, are too simple for human credulity.

The conduct of the present officials of the State Department in trying to conceal and in fact in concealing from your committee, for about 10 days, the fact that the long-lost and much-sought-for voucher had been found, does not comport with an honest effort on their part to have all the facts connected with this doubtful transaction made known, and said conduct can not therefore be commended by your committee.

Your committee further ascertain and report that the only suggestion as to the proper use of the $1,600 unaccounted for, is the fact that it was used by Secretary Hay under the authority contained in section 291 of the Revised Statutes of the United States, which reads as follows:

"SEC. 291. * * * Whenever any sum of money has been or shall be issued, from the Treasury, for the purpose of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually, with the proper accounting officers of the Treasury, by causing the same to be accounted for, specifically, if the expenditure may, in his judgment, be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditures as he may think it advisable not to specify and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended."

This section in substance authorizes the President to cause any sum of money that has been or shall be issued from the Treasury for the purpose of intercourse or treaty with foreign nations to be accounted for specifically if the expenditure, in his judgment, should be made public; and by making, or causing the Secretary of State to make, a certificate of the amount of such expenditure as he may think it advisable not to specify. In the latter event such certificate is deemed a sufficient voucher, without more, for the sum expended.

Under this state of facts your committee beg leave to submit the following conclusions, together with the testimony taken on the hearing, and recommend that this report lie on the table and be ordered to be printed:

First. That under the authority of section 291 neither the President nor the Secretary of State has any power to pay for portraits of ex-Secretaries of State; and the payment of $850 for said portrait and frame out of said fund was, in the judgment of your committee, a misappropriation of said sum.

Second. That no voucher specifying the payee or the nature of the payment is required when either the President or the Secretary of State acting under the President desires to use a sum of money for the purpose of intercourse or treaty with foreign nations and deems it advisable that the same should not be disclosed to the public.

Third. That the sum of $2,450 having been traced by your committee into one single voucher which on its face relates only to the payment for the portrait of ex-Secretary Day and bears no relation whatever to foreign affairs; and there being no information, after full investigation and opportunity to be heard, as to the expenditure of the said $1,600, your committee feel constrained to report that the said sum has been misappropriated.

Fourth. The undisputed facts show that this sum of $1,600 was in the possession of Morrison as disbursing clerk and Michael as chief clerk, and its disposition is unaccounted for except by the letter of Michael to the State Department in 1906 that he turned the same over to Secretary Hay, who at the time of said letter was dead.

Fifth. Your committee think it incredible that the late Secretary Hay either appropriated this $1,600 to his own use, or that he personally and without the knowledge or assistance of some subordinate in the State Department, used the same in payment for some matter relating to intercourse or treaty with foreign nations, either of which he must have done if the said $1,600 is to be accounted for as having been actually handled by Secretary Hay. The only intimation tending to reflect upon Secretary Hay comes from the letter of Michael, and this we do not believe, for, apart from Secretary Hay's high character, he could easily have signed a voucher for this sum to be expended in foreign relations.

Sixth. The conclusion reached by your committee seems irresistible that either this sum of $1,600 was jointly misappropriated by Michael and Morrison, or individually by Michael, either through the incompetence or the connivance of Morrison.

Seventh. That Michael, who is now holding the responsible position of consul general at Calcutta, India, and Morrison, who still holds the perhaps still more responsible position of disbursing clerk of the State Department, should long since have been removed from office, and that even now it is not too late to remove both of said officials for the good of the public service.

Your committee has not finished its labors, but in view of the fact that even an amount as small as $1,600 is either unaccounted for, or accounted for in a most remarkable manner by officers still holding responsible positions under Federal authority, it is deemed wise that this report should now be made with the hope that the present executive authority may relieve the public service of such officials and restore confidence in those who handle the public funds and represent us in important positions abroad.

In conclusion, in view of the statute of limitations and the difficulty of proof, resulting from death and lapse of time, your committee deem it unnecessary to make any suggestion or recommendation relative to criminal prosecution of either Michael or Morrison.

Mr. HAMLIN. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama [Mr. DENT].

The SPEAKER. The gentleman from Alabama [Mr. DENT] is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, on the 17th day of April of this year the House passed a resolution known as House resolution 103, authorizing certain committees on expenditures in various executive departments of the Government to proceed to examine into all the affairs of said departments as fully as possible. It was expressly provided in this resolution that the investigations provided for by it should cover such period in the past as each of said committees may deem necessary. It was further provided in the resolution that these investigations might take place either before a full committee or a subcommittee duly provided for.

Now, Mr. Speaker, the Committee on Expenditures in the State Department has zealously and earnestly undertaken to discharge the responsibilities imposed upon it by the resolution to which I have just called the attention of the House. But I understand from some gentlemen here that when the committee finds something, when the committee discovers some facts, it is the opinion of those gentlemen that the committee ought to let those facts remain hidden in its own room and not bring them before this House, because otherwise we might be charged with muckraking. Why, Mr. Speaker, for what purpose was

this resolution introduced? What was the object in the minds of the membership of this House in agreeing to this resolution, if they did not expect the committees that were appointed to investigate the facts and bring the facts before the House? [Applause on the Democratic side.]

Some gentlemen seem to be afraid that this committee is reporting something that will hurt the feelings of some members of the executive department of the Government. [Applause on the Democratic side.] My conscience, Mr. Speaker! It is the very object of this investigation by these committees to investigate the different departments of the Government because we believe something is wrong. We have not had a real honest, sincere, earnest investigation of the different departments of the Government by the Congress of the United States since 1874. [Applause on the Democratic side.]

The gentleman from Minnesota [Mr. DAVIS], my colleague on the committee, told you that, in effect, to-day, when he said as a Republican member of the Committee on Expenditures in the State Department, that you had no meetings during his eight years until the Democrats came into power. [Applause on the Democratic side.]

Now I want to say, Mr. Speaker, if it is the policy on that side or on this side of the House—I do not care on which side it comes—that these investigations are simply to be made for the purpose of giving newspapers a chance to fill up their columns, then I refuse to serve on any such committee any further. [Applause on the Democratic side.] When we get facts and present them to the House it is the only body to which we can submit them, and they ought to be heard and they ought to be heard candidly and fairly.

Now, right here, before I proceed to discuss the facts, I want to say that I have heard among some Members—I regret to say on this side of the House—a sentimental suggestion that Michael has not had a hearing before this committee. They agree, and every Member who talked with me agrees, that the prima facie case, supported by the evidence and reported by the committee, makes it a case of guilt against Mr. Michael. [Applause on the Democratic side.] Not a single man who has examined this proposition questions the fact that a prima facie case is made out against him. "But," they say, "you ought to have had him before the committee, and you ought to have given him an opportunity to be heard." There are so many reasons, there are so many suggestions, in reply to this subterfuge—and it is a subterfuge—that I hardly know with which one to begin. [Applause on the Democratic side.]

In the first place, Mr. Knox, as Secretary of State, was before the committee, and his attention was called to the fact that there was a voucher purporting on its face to pay Albert Rosenthal $2,450, when, as a matter of fact, he received only $850. Mr. Knox called the attention of Mr. Michael to this fact by cablegram, and Mr. Michael responded to Mr. Knox, his superior officer, that he did not know anything more about this transaction than what is contained in the letter which he had written to Secretary ROOT when he investigated it in 1906.

Mr. TILSON. Mr. Speaker, may I interrupt the gentleman?

Mr. DENT. *Just for* a question.

Mr. TILSON. I know the gentleman wishes to be fair.

Mr. DENT. Oh, certainly the gentleman wishes to be fair; but I yield for a question.

Mr. TILSON. Were there not in this hearing many references to Mr. Michael reflecting upon him, which, if he were present in person or if he could read this record, he would be given an opportunity to explain? Is not that a fact?

Mr. DENT. I will answer the gentleman's question. I was coming to that. Mr. Knox informed Mr. Michael that this situation was pending before the committee, and he had an opportunity to come here, in the first place; and he could have come here if the Secretary of State wanted him to come. [Applause on the Democratic side.] On the 29th day of May Mr. Knox informed Mr. Michael by cablegram that this matter was pending and that he ought to report on it. On the 5th day of July we made our report without hearing anything from him. [Applause on the Democratic side.]

Mr. SHERLEY. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Kentucky?

Mr. DENT. I yield to the gentleman from Kentucky.

Mr. SHERLEY. Was there any statement sent to Mr. Michael touching the statement of Mr. Rosenthal that he had not received the money on the date that the signed voucher shows it to have been received?

Mr. DENT. I will say to the gentleman from Kentucky that all the committee could get was the report of Mr. Michael's superior officer, Mr. Knox, the Secretary of State, and he reported that he had informed Mr. Michael of this transaction and had received in reply the statement that he had said in his letter all that he had to say.

Mr. SHERLEY. If the gentleman will permit me, I have carefully read that cablegram from Mr. Michael, but the point is whether he was informed of the particular matter to which I refer. The cablegram simply informed him of the investigation into the affair. After that there came up the very material fact, if it be a fact, that the money was not paid to Rosenthal by Michael at the time the receipt shows it to have been paid. That is a material fact in the case. Was any notice of that fact brought to the attention of Mr. Michael or any answer had from him touching it?

Mr. DENT. By the committee?

Mr. SHERLEY. By the committee, or anyone else.

Mr. DENT. I can only answer for the committee. The committee did not, but the committee informed Mr. Michael's chief of these facts, and he had the opportunity to give Mr. Michael these facts, and then he had the opportunity to answer them.

Mr. HAMLIN. Will the gentleman permit me to answer the inquiry of the gentleman from Kentucky?

Mr. DENT. I will.

Mr. HAMLIN. The testimony of Mr. Rosenthal showed that he was paid by check from Mr. Michael, and that that check was not drawn until March 22. Consequently, Mr. Michael, if present, certainly could not have disputed the record evidence of that check.

Mr. SHERLEY. Was there any explanation of it?

Mr. HAMLIN. Yes.

Mr. SHERLEY. I mean any explanation by Mr. Michael.

Mr. HAMLIN. Mr. Rosenthal said that Michael told him he would have to wait for an appropriation.

Mr. SHERLEY. Mr. Rosenthal said that, but did Mr. Michael have an opportunity to deny that?

Mr. HAMLIN. There has been no contradiction of that all along the line.

Mr. DENT. Mr. Speaker, some lawyers who defend criminals, and they have the right of defense, have expressed in this House the sentimental idea that Michael has not had a hearing. I want to ask those lawyers if they ever heard of a grand jury that was about to present an indictment inviting a defendant to come before that body and say why he should not be indicted? Who ever heard of any such procedure as that? Under the better rulings, as I understand it——

Mr. CANNON. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman.

Mr. CANNON. As I understand it, the House of Representatives can not prefer an indictment, but in one sense it is in the position of a grand jury, and can on a prima facie or any other case place a man who holds public office on trial by articles of impeachment.

Mr. DENT. I am glad the gentleman from Illinois asked that question. That is the next proposition I was coming to. Under the better authority, as I read it, this Congress has the right and power to impeach Michael and Morrison. If the committee, instead of giving them an opportunity to be heard before the President, had decided to ask this Congress to impeach Michael and Morrison, does any man on that side contend that we would have had to have Michael and Morrison present before we recommended that? [Applause on the Democratic side.]

Now, Mr. Speaker, this suggestion is a fraud, this argument is a farce; it is silly, and gentlemen know it. So far as this resolution is concerned, it does not remove either Michael or Morrison from office. It takes really the best view for them that it could possibly take in recommending to the President that they ought to be dismissed.

Why, we only say, "Mr. President, here are certain facts disclosed with reference to men who are occupying public office under the Government of the United States. We say that the public service ought not to have such men, under these facts, in power. [Applause on the Democratic side.] We recommend to you these facts, and we say that under these facts these two men ought to be removed." No man on the other side of the House has ever suggested and no man on the other side of the House, if he has any respect for his ability as a lawyer, will ever suggest that the result of this report means the dismissal or removal from office of Michael or Morrison. It simply means that we present to the Executive, who has the power of appointment and the power of removal, these facts, and say, "You have these men in office, and you ought to remove them."

Now, gentlemen on that side—and, I am sorry to say, some on this side seem to agree with them—say that we are taking advantage of a man that lives over in Calcutta and that we convict him without giving him an opportunity to be heard. Why, that is convicting the President of the United States, that is

convicting those in high authority of saying that they will turn these men out without giving them a further opportunity to be heard. [Applause on the Democratic side.]

The whole purport of this resolution is simply to say to the President we have found these facts, and under these facts these men ought to be removed from office. [Applause on the Democratic side.] It does not remove them, and if the President removes them without giving them a hearing, then the President has violated the rule that the gentlemen on the other side invoked. [Applause on the Democratic side.]

Now, Mr. Speaker, I did not intend to use that much time to answer this maudlin, sentimental argument that the man who is charged here has not had his day in court.

But, Mr. Speaker, I want to go a step further. I have not the time to criticize the report of the minority, I have not the time to state that their criticism of the fact that the full instead of a subcommittee ought to have made this investigation. I will simply, in passing on this subject, state this fact, that I want my friends on the other side to listen to: This subcommittee was composed of the chairman, HAMLIN, and myself as majority members and Mr. DAVIS of Minnesota as the ranking Republican member of the committee. The Democratic side of this House did not select Mr. DAVIS to go on that committee; he was selected by the Republican organization on that side of the House. [Applause on the Democratic side.] We had nothing to do with it, and yet he subscribes to this report in toto, and he is the only member of the Republicans that was represented on that committee who was present and stood face to face and eyed the witnesses in this transaction. [Applause on the Democratic side.]

Ah, my friend from Michigan says that he did not have an opportunity to be there. I have no doubt that if he had had an opportunity to be there and cross-examine somebody this result would have been very different. But I want to say to the gentleman from Michigan that he was unfair to the chairman of this committee, he was unfair to the clerk of the committee, and he was unfair to himself, because all of those hearings were public and all he had to do was to request the chairman or the clerk to let him know when there was going to be a meeting of the committee. There was no secrecy about the hearings, and the gentleman had the fairest opportunity in the world to be present, and the chairman would have permitted him to ask any questions that he wanted to, if he thought the ranking Republican member of the committee was not representing the administration. [Applause on the Democratic side.]

Now, Mr. Speaker, I can go on and criticize the report of the minority in many other particulars, but my time has about expired.

We are accused, Mr. Speaker, of assassination—of assassinating somebody's character. I doubt if any such report has ever been filed before in Congress. We are accused of assassinating character and striking somebody from behind.

We are accused of besmirching the character of Secretary Hay, when the report expressly and unequivocally states that the committee does not believe Secretary Hay ever handled a dime of this $1,600 that is unaccounted for; and notwithstanding the fact that the printed report on its face contradicts this charge, and notwithstanding the fact that the chairman of this committee has stood upon the floor of this House and said it was not true, gentlemen on the other side, in order to bolster up a weak case, continue to pervert the facts and misstate the record. [Applause on the Democratic side.]

I want to say, Mr. Speaker, that this committee has reported that Michael and Morrison were guilty in this transaction. The committee reported that Michael misappropriated this fund individually, or that he conjointly misappropriated it with Morrison, and that Morrison, if he were not guilty of misappropriation, through his incompetence aided Michael in misappropriating this fund. That is the proposition that the report makes. I want to state now the reasons why, and I call attention to the record in that particular—why the committee reached the conclusion as to Morrison.

In the first place, he drew his warrant on the Treasury and collected in cash $2,450 on the mere verbal request of Michael as chief clerk. Second, he retained this cash in his possession for two days, and then delivered the same in person to Michael, taking no personal receipt and receiving only a voucher purporting to be signed by Albert Rosenthal, which voucher at that time did not contain any specific statement as to what it was for. Third, subsequently and after the payment of this sum to Michael, and after receiving the Rosenthal voucher from Michael, Morrison caused to be written on the face of the voucher that it was for the portrait of Judge Day, late Secretary of State, because as he says he was informed in Michael's office that it was for that portrait. Fourth, this voucher was never turned over to the Auditor of the Treasury Department, which was charged with the responsibility of auditing his accounts. Fifth, when the committee began this investigation Morrison reported that this voucher was lost, and stated that he had not seen it since it had been turned over to Mr. Denby, the then chief clerk in the State Department in 1906 under Secretary ROOT.

Sixth. This voucher was reported to be suddenly found while this investigation was pending by a messenger on the floor of Mr. Morrison's office while Mr. Morrison was sitting at his desk, and near a wastebasket within 5 or 6 feet of his desk, the messenger stating that it was in an envelope with a rubber band around it, and that Mr. Morrison before he pulled it out said, "Why, this is the voucher they have been seeking so long." [Applause on the Democratic side.]

Seventh. This voucher was intact and unmutilated in every respect, and the office had been swept every day; but not only that, the voucher was found in an office in a different building than the building in which it was when it was delivered to Mr. Denby. [Applause on the Democratic side.]

Eighth. Then we find this discrepancy between the testimony of Mr. Morrison and his man Sangston, who found this unmutilated voucher near the wastebasket. Sangston said that when he found the voucher it was in a long envelope with a rubber band around it, and Morrison said that it was just folded together and did not have anything around it. [Applause on the Democratic side.] When that happened in the committee, and I asked him the question about it, some of the newspaper boys around there laughed, and then he changed his testimony and said he did not know whether it had an envelope and a rubber band around it or not. [Applause on the Democratic side.]

Ninth. According to Mr. Morrison's own testimony this item was not entered upon his books for two years after this transaction occurred.

Tenth. Then when the voucher was found there was with it a receipt about which we have heard some talk here to-day, for $790, signed by Rosenthal, written on plain paper, but the presence of this receipt with the voucher is not even attempted to be explained, and the first time anybody ever heard of this $790 receipt from Rosenthal was when this mysterious voucher was found in another building from the building in which it was delivered.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. DENT. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. DENT. Mr. Speaker, these are the facts, and yet gentlemen of the minority call us assassins of character, with these facts in the record that are undisputed.

I want to come now to the Michael case, because I have not much time left. The undisputed facts in this case disclose that Rosenthal, the artist who painted this picture, dealt exclusively with Michael as a representative of the State Department; that he secured from Rosenthal a blank voucher for this portrait.

That he verbally requested of Morrison to collect $2,450 and turn it over to him in cash, which he received. This sum of $2,450 obtained by Morrison on the face of the voucher signed by Rosenthal is traced by the committee into the hands of Michael. The voucher itself purports on its face to be alone for the payment of the portrait of Judge Day. The undisputed facts disclose that the portrait and the frame cost only $850. So that Michael is found in possession of $1,600 which is absolutely unaccounted for except his bare statement that he turned the same over to Secretary Hay, who at the time of the statement was dead.

The majority expressly find that Secretary Hay, if he received this sum, either must have appropriated it to his own use or have expended it in matters relating to foreign affairs through his own hands and without intervention, knowledge, or assistance of any subordinate in his department. The committee expressly find that they do not believe that the money was handled by Secretary Hay at all. He is absolutely acquitted by the majority in this transaction, but notwithstanding the fact that the committee expressly acquits Secretary Hay, the minority in their views, in the face of this express acquittal, inexcusably perverts and unpardonably misstates a fact clearly apparent in the record by charging the majority with an attempt to besmirch the character of Secretary Hay after his death.

When it thus appears that the Members of the House are willing to subscribe their names to a statement of this character in the face of the clear, positive, and emphatic language of the report any other statement made in the minority report should carry little weight in every other respect.

We have said that we did not credit the statement that Secretary Hay actually handled this $1,600, and the reason we have for our conclusions are many.

In the first place, we do not believe that he would have adopted the crude and absolutely unnecessary method of securing a voucher from a portrait painter, whose claim was only about $800, in order to collect from the Treasury about twice that sum. That such a procedure on his part would be crude and unnecessary is apparent when we look to section 291, which authorizes the President, through the Secretary of State, to expend the so-called emergency fund relating to foreign affairs without specifically accounting for the expenditure. Under the practice in this regard the Secretary may make, at the instance of the President, at the close of each quarter a certificate that a lump sum had been expended under the appropriation for emergencies in the foreign service, and the Auditor of the Treasury is bound to accept such certificate without further specification or detail. In the next place, we know as a matter of common knowledge that Cabinet officers must necessarily rely on subordinates in carrying out the details of transactions and also in furnishing statements as to the amount of expenditures, and especially would this be true in such a relationship as the chief clerk bears to the Secretary of State. It seems absurd to assume that Secretary Hay accepted in person this $1,600 and paid it over out of his own hands to some one in connection with the foreign service, and this without the knowledge of any subordinate in the department and without any record whatever of the transaction.

That Michael retained at least the sum of $790 due Rosenthal from January 18 until about March 20, a period of two months, and the sum of $60 due the Fisher Art Co. from January 18 until sometime in June is clearly established by the evidence.

Is is true the majority draws this conclusion from the fact that Rosenthal deposited the amount received by him on March 22, and the Fisher Art Co. the amount due them sometime in June. But it is unreasonable to assume that Rosenthal carried his check from Michael two months before depositing it, and that the Fisher Art Co. carried their check for five months before depositing the same. On the contrary, the presumption is otherwise, and, in addition to this, Rosenthal said that his financial condition was not such that he would have been likely to have retained this check for any unreasonable length of time before using it. During the intervening period between the time Michael got the money and the time he paid it to Rosenthal, Rosenthal testified that Michael continued to put him off with the plea that he would have to wait until an appropriation was available.

Such conduct on the part of Michael can not be said to be consistent with that of honesty.

Another fact in this connection, tending with the others to conclusively establish Michael's guilt, is the fact that he paid for the portrait by his individual check. Such is the best impression of Rosenthal, and the committee has been furnished with no Treasury warrant for such amount.

And, again, we find Michael admitting in his letter to Secretary Root, dated May 7, 1906, that the voucher was to be signed by him and not by Rosenthal, and that if the latter signed it instead of a receipt, it was through error. If error was made, it was made by Michael, as he sent the voucher to Rosenthal to be signed in blank, and turned the same over to Morrison when Morrison turned over to him the $2,450. But a conclusive reason, it seems to me, why Michael's account of his receipt and disbursement of this $1,600 can not possibly be accepted is the fact that the committee has been informed that it is the custom of the State Department to keep in the office of the disbursing clerk a voucher of each item of money expended under this emergency fund, although these vouchers are not disclosed to the Treasury Department. It is necessary, of course, to do this, so that the different items may be added up at the end of the quarter to enable the Secretary of State to give his certificate of the total to the Auditor of the Treasury; and we find our friends of the minority, thanks to their zeal to sustain the State Department in all its branches and among all subordinates, admitting such to be the fact by using this language, on page 4:

> It is submitted that the best evidence of the honesty and care with which the fund in question is administered is that the Chief of the Bureau of Accounts, whom the committee would have dismissed in disgrace, has in every case a voucher, approved by the Secretary of State, for the moneys expended from this fund.

This being true, if the $1,600 was legitimately expended out of this fund under section 291, there is to-day on file in the office of Mr. Morrison a voucher, approved by Secretary Hay, explaining the expenditure of this sum. It can not be said after this length of time, especially in view of the suspicion surrounding this transaction, that such a voucher is clothed with such great secrecy that it could not be disclosed to the committee now. To have disclosed even the fact that there was a voucher for $1,600 about this particular date on file in said office would have gone a long way to have disproven the prima facie case made out by the testimony, and certainly the production of such a voucher itself might have cleared the skirts of all concerned. This not being done, the conclusion is irresistible that Michael informed Secretary Hay that the portrait and frame cost $2,450, and thus secured his signature, or that he requested him to sign a voucher stating that it was for this portrait, and that he would fill it out.

To summarize, Michael received the money in cash. He retained at least a part of it for two months under a false statement of fact. He paid the money finally by his own individual check, and accounts for the $1,600 difference by saying that he had paid the same to a dead man. And all the while, if such payment had been honestly made, there would be on file in the office of the Bureau of Accounts a voucher explaining the same.

In connection with this report it may not be amiss to call attention to an act known as section 291 of the Revised Statutes of the United States, by which the President of the United States, or the Secretary of State acting under the instructions of the President, may publish or not, in their discretion, the amount of money used in matters relating to foreign affairs.

It can be readily understood that there are times and circumstances which demand that the executive authority acting through the State Department should preserve with the utmost secrecy matters relating to international affairs. But to give to the Executive through the State Department power to conceal for all time the expenditures relating to foreign affairs is contrary to the genius of our institution and the theory upon which our Republic was originally founded.

And here we call attention to section 9 of Article I of the Constitution, which provides that "no money shall be drawn from the Treasury but in consequence of the appropriation made by a law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

Under this section of the Constitution it seems clear that Congress itself has no authority to enact a law which would give to any department of the Government authority to expend the public money without being subject to account for the same at any time.

Perhaps Congress could authorize the expenditure to be kept a secret for a time, but to give to the Executive a right to expend money without any specific and public accountability at any time clearly violates the provision of the Constitution above cited.

It may be said that when Congress appropriates a sum of money, say, to wit, $100,000 for expenditure in the diplomatic and foreign service, it is immaterial whether or not a statement and account of the receipt and expenditure of this sum should be made public, item by item, and that a mere statement that a lump sum out of that appropriation has been expended would, for all practical purposes, be sufficient.

The answer to this is that neither a statement nor an account would be furnished, for these words have a peculiar significance, both in ordinary language and in mercantile matters. The use of such words would be understood by the ordinary individual as well as the expert bookkeeper to mean an itemized, detailed statement or account and not a mere collected summary or lump sum.

It is well known in the law that when words have the same meaning both in ordinary parlance and among those who specially and constantly use them, any other definition of them would be absurd.

In addition to this, the legal question involved, such legislation not only paves the way for corruption but there can be no necessity for it.

Among kings and other potentates, when intrigue and deceit constituted the highest qualities of diplomacy, such a secret system of expenditure may have been a necessity. But this Government, founded upon a written constitution with express, specific, and limited power, and leading the world in the march of progress, liberty, and honesty, can not and will not tolerate such an ancient and now dishonored custom.

Under such authority Congress might appropriate $100,000 to be used in secrecy in matters relating to intercourse or treaty with foreign nations and the whole of it could be appropriated to personal rather than public use. It will not suffice to say that no man could receive office in this country who would be guilty of such perfidy. It is sufficient, however, to say that no governmental necessity calls for the creation of any such temptation.

The SPEAKER. The time of the gentleman has expired.

Mr. HAMLIN. Mr. Speaker, I want to withdraw the substitute I offered on yesterday [applause on the Democratic side], and submit the following amendment to resolution No. 246. It is to strike out all after the word "resolved" and substitute the following——

The SPEAKER. The gentleman from Missouri withdraws the substitute offered on yesterday and offers the one which the Clerk will report.

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LENROOT. Are we now proceeding under the five-minute rule?

The SPEAKER. We are.

Mr. MANN. Has the resolution been read?

Mr. HEFLIN. Let us have the substitute read.

Mr. MANN. I make the point of order the substitute is not in order until the resolution is read.

The SPEAKER. The Clerk will read the resolution and then read the proposed substitute.

The Clerk read as follows:

House resolution 246.

Resolved, That the findings contained in the report of the Committee on Expenditures in the State Department, presented to the House on the 5th day of July, 1911, and known as Report No. 59, be concurred in and adopted.

Mr. HAMLIN. Mr. Speaker, I now offer in the nature of a substitute the amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the findings of fact as contained in Report No. 59 be approved and submitted to the President, with the recommendation that he take appropriate action touching the same.

[Applause on the Democratic side.]

Mr. LENROOT. Mr. Speaker, I desire to offer an amendment to the original resolution.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment——

Mr. HAMLIN. But, Mr. Speaker, a parliamentary inquiry. Have not I the floor to discuss my substitute?

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Is not an amendment to the original resolution in order before it is in order to proceed to the consideration of a substitute to the resolution?

Mr. OLMSTED. It being an amendment to perfect the original resolution.

The SPEAKER. The modus operandi is that one amendment to the original resolution is in order and a substitute is in order and one amendment to the substitute.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. The Chair just stated, as I understood, in answer to my parliamentary inquiry, that one amendment to the original resolution was in order. I think there is no limitation in the rules as to the number of amendments which may be offered to the original resolution, so far as they are in order.

The SPEAKER. None whatever, if they are voted down. You can offer amendments during these 30 minutes as fast as you can vote them down, but there can be but one amendment to the resolution and one amendment to the substitute all pending at once.

Mr. HAMLIN. I understand that, Mr. Speaker, but my parliamentary inquiry is this: How does the gentleman from Wisconsin get the floor to offer his amendment at this time? I thought I had the floor.

The SPEAKER. The gentleman from Missouri did have the floor, and he has it now, if he will proceed to use it.

Mr. HAMLIN. I have not had an opportunity.

Mr. MANN. Mr. Speaker, I make a point of order——

The SPEAKER. The gentleman from Illinois will state it.

Mr. MANN. I make the point of order that the gentleman from Wisconsin is entitled to the floor to offer an amendment to the original resolution before consideration is had upon the substitute.

The SPEAKER. The amendment of the gentleman from Wisconsin [Mr. LENROOT] is in order. The Clerk will report the same.

The Clerk read as follows:

Amend House resolution 246 by striking out the words "concurred in and adopted" and insert in lieu thereof the words "transmitted to the President of the United States together with the minority views and the testimony taken by said committee relating thereto."

Mr. HAMLIN. Mr. Speaker——

Mr. LENROOT. Mr. Speaker——

The SPEAKER. The gentleman from Wisconsin is entitled to speak to his amendment for five minutes, and then the gentleman from Missouri [Mr. HAMLIN] will be entitled to five minutes. The gentleman from Wisconsin is recognized.

Mr. LENROOT. Mr. Speaker, I think the amendment which I have offered requires no extended explanation to the House. The purport and effect of the amendment which I have offered is that if adopted the House will not act one way or the other upon the question of the guilt or innocence of the two men involved in this resolution. It strikes out from the resolution the approval of the findings of the committee and requires that the findings of the committee, together with the minority views and all testimony, shall be transmitted to the President of the United States.

Mr. Speaker, that, it seems to me, is the solution of this question and ought to be agreed to upon both sides of this Chamber. It does not seem to be possible, Mr. Speaker, that a majority of this House, without being conversant with this testimony, without having read it in full—as they have frankly admitted they have not—are ready to vote to convict two men of criminal offenses and ask the President of the United States to pass sentence upon them.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Tennessee?

Mr. LENROOT. I do.

Mr. AUSTIN. Does not the substitute offered by the chairman of this committee mean that the President shall not consider this testimony except upon one side of this proposition?

Mr. MANN. He can not consider it at all. He will have to take the findings of fact.

Mr. LENROOT. The substitute offered by the gentleman from Missouri [Mr. HAMLIN] is in nowise different from the original resolution, for if that substitute be adopted every man who votes for it in this House votes a verdict of guilty of felony upon these two men. I do not believe that this House is ready to do that thing. Everything will be accomplished that ought to be accomplished by the adoption of the amendment which I have proposed. [Applause on the Republican side.]

Mr. HAMLIN. Mr. Speaker——

The SPEAKER. The gentleman from Missouri is recognized for five minutes.

Mr. HAMLIN. Mr. Speaker, it seems to me that no good objection can be urged against the resolution which I have just had read from the desk. If the resolution of the gentleman from Wisconsin is to prevail, then you would take from this House and from your committee of investigation all authority, all power, all jurisdiction, and transfer it back to the President and the Secretary of State to make their own investigation and to take such action as they may deem proper. In other words, you would only make your committee a kind of a vehicle to gather facts for the consideration of the President. But you would say our committee must not express an opinion upon those facts.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HAMLIN. Yes.

Mr. FITZGERALD. I would like to know for information if one of the findings of fact is that one of these men has misappropriated the money?

Mr. HAMLIN. I will answer that, and I am glad the gentleman from New York [Mr. FITZGERALD] suggested it. I want you all to hear me upon this proposition. There is not a man listening to me now who is honest with himself that will not admit that the $850 was a misappropriation of public funds. [Cries of "Oh, no!"]

The money paid for this portrait was taken out of the emergency or secret fund, and any man who has any regard, it seems to me, for his reputation must admit that it is a misappropriation to pay that money out of that emergency or secret fund for portraits.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAMLIN. Just a moment. But there is a finding which the evidence tends strongly to prove, and we believe that Michael misappropriated this $1,600.

Mr. FITZGERALD. I want to be clear. The resolution proposes that we——

The SPEAKER. Does the gentleman from Missouri [Mr. HAMLIN] yield to the gentleman from New York?

Mr. HAMLIN. I will yield.

Mr. FITZGERALD. It is an important matter, I think. The proposed substitute is to the effect that the findings of fact in the report be approved. I desire to know whether, in the opinion of the gentleman from Missouri, one of the findings of fact that will be approved is a finding that Michael misappropriated the $1,600?

Mr. HAMLIN. That is the conclusion of the committee. We believe that that is true, and we believe that the evidence shows that.

Mr. FITZGERALD. Is that a finding in the report?

Mr. HAMLIN. I have not the report before me, but I can read it.

Mr. FITZGERALD. As to the conclusions which the gentleman designates as "findings"?

Mr. HAMLIN. "Michael is now holding the responsible position of consul general at Calcutta." That is in No. 6. This is the conclusion, based on our findings of fact:

The conclusion reached by your committee seems irresistible that either this sum of $1,600 was jointly misappropriated by Michael and Morrison or individually by Michael, either through the incompetence or connivance of Morrison.

The opinion seems to be irresistible, and I want to say to you, gentlemen, I have not one particle of doubt about it in my own mind.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. HAMLIN. I can not yield now. I have only five minutes.

The SPEAKER. The gentleman from Missouri declines to yield.

Mr. HAMLIN. Now, gentlemen, I want to say to you on the substitute that I have offered—you talk about it being hardly courtesy to recommend to the President that he take a certain action. Out of deference to that suggestion, upon that side and upon this side, and not wishing to be discourteous to the President, of course, I have offered this amendment, which simply takes to the President this report and all the testimony, with the indorsement of this House, if it carries, that you approve this report—the findings of fact in this report—and asks the President to take such action touching the matter as he believes he ought to take.

Mr. RICHARDSON. On the evidence?

Mr. HAMLIN. On the evidence. That is the point exactly. If the President does not think he ought to dismiss these men, then he takes the responsibility of retaining them.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Speaker, I ask that the gentleman's time be extended five minutes.

The SPEAKER. It can not be done except by modification of the rule that has been adopted.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] can reach his point by asking unanimous consent to modify the rule.

Mr. HAMLIN. Oh, Mr. Speaker, I do not think we should ask for it.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Colorado will state it.

Mr. MARTIN of Colorado. I wish to ask whether a substitute for the amendment of the gentleman from Wisconsin would be in order?

The SPEAKER. The Chair is of the opinion that it would not be. An amendment to the substitute of the gentleman from Missouri [Mr. HAMLIN] would be in order.

Mr. MARTIN of Colorado. It would have to be germane, would it not?

The SPEAKER. Of course it would.

Mr. MARTIN of Colorado. I have an amendment that I would like to offer, but it would have to be read in order to enable the Chair to determine if it would be germane or not.

The SPEAKER. That is what the Chair is for. [Laughter.]

Mr. MARTIN of Colorado. Mr. Speaker, I will offer the following amendment.

The SPEAKER. The gentleman from Colorado offers an amendment to the substitute offered by the gentleman from Missouri. The Clerk will read.

The Clerk read as follows:

Resolved, That further consideration of House resolution 246 and report No. 59 of the Committee on Expenditures in the State Department be postponed until said committee concludes its investigation of said department and renders its final report thereon; that the committee procure the attendance and testimony of the said W. H. Michael; and that the minority report be stricken from the files of the House.

The SPEAKER. The Chair holds that the amendment is not germane. It is out of order.

Mr. MADISON. Mr. Speaker——

The SPEAKER. The gentleman from Kansas [Mr. MADISON] is recognized for five minutes.

Mr. MADISON. Mr. Speaker, in my judgment the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] solves this difficulty and solves it rightly. I am thoroughly convinced that this House is not going to vote in haste, with no opportunity to defend himself, a condemnation of W. H. Michael. I am just as well satisfied of that as I am that I am standing here, because the sense of justice of gentlemen on the other side, as well as that of gentlemen on this side, will not permit them to do that. We may divide along partisan lines, and we do; but when it comes down to questions of fundamental justice we are all Americans, and we believe in the right and will do the right as God gives us the ability to see it. [Applause on the Republican side.]

And so I have no question whatever as to the result upon this vote, if gentlemen will only understand it. The proposition offered by our friend from Missouri [Mr. HAMLIN] is the same thing, in different words, as was presented to you before. The proposition that was before us, that Judge HARDWICK said would be offered—and which he, of course, believed would be—has not been offered.

Mr. HAMLIN. I beg the gentleman's pardon. It was offered.

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Missouri?

Mr. MADISON. I can not.

The SPEAKER. The gentleman declines to yield.

Mr. MADISON. There are seven findings of fact. I used to deal with findings of fact for a number of years, and I think I know them when I see them. There are seven of them here, and they in explicit and unmistakable terms condemn these men, and recommend their dismissal from the public service. There is no other conclusion to be drawn.

As to this substitute that has been offered by Mr. HAMLIN, if you vote for it you simply vote for something that you did not intend to do—you gentlemen on the other side who are opposed to the condemnation of this man without giving him an opportunity to be heard.

Now, where should this whole matter go? To the President of the United States. Whether he be a Republican or a Democrat, you and I know that he does not want a man at Calcutta representing this Government, if that man is dishonest. To him is where these reports ought to have been sent in the first instance, and not here to a House of 391 men, who have no opportunity to review them. You know that if this matter goes to the President of the United States with the recommendation made by the amendment of the gentleman from Wisconsin [Mr. LENROOT], that the matter be inquired into, and that he take such action as the good of the public service requires, that that action will be taken, and every good purpose that can be served by the discussion of this matter will have been served. [Applause.]

Mr. DENT. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Kansas [Mr. MADISON] has expired.

Mr. HENRY of Texas. Mr. Speaker, it seems to me that the amendment offered by the gentleman from Missouri [Mr. HAMLIN] is a happy solution of this question. [Applause on the Democratic side.] What is the proposition now pending? The resolution proposes to approve the findings of fact as made by one of the standing committees of this House, a dignified, able body of gentlemen.

In addition to the approval of these findings of fact by a majority of one of our standing committees, one of the gentlemen on the other side of the aisle [Mr. DAVIS], a Republican from Minnesota, also concurs in them. This side of the House can not afford, nor can gentlemen who believe as they believe, say that this committee has made a false finding of facts, and send it out to the country that you have turned them down, and this House will not do it. [Applause on the Democratic side.]

But gentlemen say you are trying this man in his absence. You are not doing it. We propose to take the facts brought to this body and submit them to the President of the United States, and he can take the evidence and he can take additional evidence and summon this man from the other side of the world if he sees proper and give him a hearing, and if he is not guilty the Chief Executive can acquit him. [Applause on the Democratic side.] But if he is guilty, as practically everybody on this side of the House and many on that side believe, he is not fit to be a public servant of the United States. [Applause on the Democratic side.]

Now, gentlemen, let us solve it in this way. We do not by this resolution indorse the arguments made by these gentlemen. We do not indorse any immaterial suggestions they have made, but after they have labored for days and weeks and have brought us the fruits of their labor and have said, "Here is something upon which we desire the judgment of the House and of the country," we can not afford to let it go out to the people of the United States that one of the committees of this House has spoken falsely in regard to such a case. [Applause on the Democratic side.] It would be a fortunate solution for some of the gentlemen on the other side if you should stamp the report of the majority of the committee as a falsehood, an

injurious and unjust attack. It would be a sweet morsel to send over this country that the majority of the committee had been turned down, that we had slapped them in the face, and the President of the United States had echoed these slanderous statements expressed in the "views of the minority," and thus insult one of the committees of this House. For one I am not willing to go home to my people, and do not believe there is any Representative of the American people here who can afford to go to his people and say that he failed to frown down fraud and corruption in the service wherever it was brought to his attention on the floors of the American Congress. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Speaker, upon a question of this character I can not accept the opinion or the judgment of any committee or of any individual, but I must act upon my own unbiased judgment. [Applause.]

For that reason I have taken the time not only to examine as much of the evidence as possible, but I have given close attention to the discussion that has taken place here. We are asked to indorse as a fact the finding that one Michael is guilty of the crime of larceny. The record shows that Secretary Knox, on the 20th of May, cabled to Michael at Calcutta that in an investigation by one of the committees of the House it was disclosed that a certain voucher, purporting to be a voucher to pay for a portrait of the late Secretary Day, disclosed the payment of a much larger sum than was actually paid, and asking for a full report. The cablegram as it appears in the record is as follows:

DEPARTMENT OF STATE,
Washington, May 20, 1911.

AMERICAN CONSUL, *Calcutta:*

Testimony before the House Committee on Expenditures is to the effect that while you were chief clerk one Albert Rosenthal received your personal check for $850, the actual amount of his bill for portrait Secretary Day, while voucher signed in blank by Rosenthal indicates payment of $2,450. Mail immediately full report of the facts and of the disposition of the remainder of the amount of the voucher. Cable substance of report.

KNOX.

Michael replied, according to Secretary Knox, that he had made a full report of this matter in 1905, and that he knew nothing additional thereto.

If it be accepted that Michael told the truth in 1905, his letter is a complete explanation of what happened to the money. [Applause.]

I am not satisfied with a great many things connected with this case, and there appear to have existed conditions which should not be tolerated in the public service; but if Michael's statement be true it shows what happened to the money as far as he could explain.

Mr. DENT. Will the gentleman yield?

Mr. FITZGERALD. I wish the gentleman would let me complete this statement, because I hope some one will correct my impression if it be wrong. I understand the committee rejects Michael's statement and characterizes it as false in one particular, and therefore assert that it must be false in every particular, and contend that he actually took the money himself because one Rosenthal testifies that Michael made certain statements to him about the payment of the money which are inconsistent with the written explanation of Michael.

Michael's statement appears in the RECORD of August 4, 1911, and is as follows:

CALCUTTA, INDIA, *May 7, 1911.*

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

SIR: Your letter of the 28th of March was received in last Sunday's mail—the last mail from the United States—and my answer thereto goes forward by the first outward mail.

You call my attention to a "voucher bearing No. 228, unaccompanied by a bill or other memoranda, for the sum of $2,450 * * * for expenses incurred and to be paid out of the emergency fund appropriated for 1903, under which is written in ink in parentheses (for portrait of Judge Day, late Secretary of State), * * * duly signed by Albert Rosenthal, dated January 18, 1904.

"As this amount is greatly in excess of the sum paid by the department for other similar portraits, and as it also seems in excess of the figure which this artist is accustomed to receive for his work, the department would be forced to the conclusion that the voucher signed by Rosenthal was actually made out to cover a number of emergency payments, of which the portrait was only one, were it not that the voucher was signed by Rosenthal alone.

"You are requested to state, as far as you can from memory, exactly what was paid for the portrait in question, how it was paid, whether by cash or otherwise, and to indicate what other expenditures, if any, are included in the gross sum of the voucher, and any other explanatory facts within your knowledge."

In reply I have the honor to say that the price paid for the portrait, as nearly as I can now recall, was $750. Whether this includes the cost of the frame, I am unable to say.

My memory is not clear as to how payment was made. I am inclined to think, however, by drafts.

The price paid for the portrait was, I believe, agreed upon between ex-Secretary of State Day and Mr. Rosenthal. I was directed by Secretary Hay to write to Judge Day and ascertain whether the portrait was entirely satisfactory to him and the price agreed upon. In reply to my letter Judge Day said the portrait was satisfactory to him, and stated the price to be paid. This letter I handed to Secretary Hay. He took a memorandum out of his portfolio and, after looking at it, directed me to make out a voucher for a certain amount—I do not now recall the amount—to pay for the portrait, and to hand him the balance, which he desired to apply on other emergency accounts. He did not say what the accounts were, and the only impression I got was that they related in some way to Mr. Rockhill in connection with Chinese affairs.

The amount of the voucher—whatever it was—was delivered to me by some one from the Bureau of Accounts, according to my recollection. The price of the portrait was taken out of the envelope containing the money in the presence of Secretary Hay, who retained the balance.

The voucher was to be signed by me, and not Mr. Rosenthal. If he signed the voucher instead of a receipt it was through error. There was no such purpose. If the voucher was sent to him to sign it was by inadvertence; and it seems to me unaccountable that he should have signed such a voucher if it had been sent to him. He was paid in full for the portrait, I am quite sure.

Whatever was done in the premises was done by direction of Secretary Hay, as nothing could have been done otherwise; and if there is anything in the transaction open to criticism it is the error of sending to the artist a voucher which was not intended for his signature at all and which he should not have signed.

With respect, I have the honor to be,
Your most obedient servant,

WM. H. MICHAEL.

It can not be said that on its face this statement is palpably false, or that it may not without some evidence to overcome it, either direct or circumstantial, accurately account for the $1,600, the amount of the discrepancy between the payment for the Day portrait and frame and the face of the voucher. Moreover, when the cable of Secretary Knox is examined it is clear that Michael's statement is responsive to it, and nothing else.

Rosenthal, it appears, testified to certain statements alleged to have been made to him by Michael which are inconsistent with Michael's written statement and upon which the committee relies to characterize Michael's explanation as false and to base its finding that he appropriated the money to himself.

So far as I am aware, Michael has no knowledge of this statement that has been made by Rosenthal as to what Michael said to him. It has not been called to his attention. He has never been confronted with the testimony upon which reliance is placed to discredit and convict him.

Mr. Speaker, without reflecting upon this committee, which I believe have honestly endeavored to make a fair and impartial investigation, and without in any way approving the views submitted by the minority, I can not bring myself by my vote to characterize as a thief a man whose testimony, plausible on its face, and which, if true, explains the transaction, is to be found guilty not only of lying but of larceny, because his statement is inconsistent with statements which he is charged to have made and which never have been brought to his attention. [Applause.]

That is what I believe has been disclosed in this discussion. If I be mistaken, I hope somebody will correct the statement.

It will not do to say in a matter of this character that the Secretary of State should have brought Michael here. I have not heard any statement that the committee requested that he be brought here. Entertaining the views I do of fair dealing, I would not convict the humblest and most undeserving individual without giving the individual charged with an offense at least an opportunity to know the testimony upon which he is to be convicted. I do not wish in any way to reflect on the committee. What the facts are is to be determined from the evidence. It is a question of judgment, and I propose to form my own opinion, form it honestly, and vote in accordance therewith. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, this question presents to the House of Representatives a very serious charge against one of the great departments of the Government. The people of the United States have the right to have their public business honestly administered. [Applause.] I do not approach this question from a partisan standpoint. It is a question that should rise above partisanship, but the entire history of this House bears me out in the assertion that the House of Representatives, as the guardian of the Public Treasury, has always exercised the right to investigate, not only the expenditures of public money, but the question as to whether the executive officers have honestly performed the duties incumbent upon them. This resolution, as offered by the gentleman from Missouri, does not ask this House to sustain the conclusions of the committee.

Mr. FITZGERALD. The gentleman said it did.

Mr. UNDERWOOD. I understood the gentleman's resolution to state that we approve of the findings of fact but not the conclusion.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. I prefer not to yield.

Mr. MANN. The gentleman ought to yield for a simple question.

Mr. UNDERWOOD. I have only five minutes.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. UNDERWOOD. The resolution states that we approve of the findings of facts. Now, you may come to one conclusion in reference to the findings of these facts, I may come to another, the committee may come to another, and the President of the United States may come to another. But there is one material finding of fact in this resolution that has not been denied, and the opportunity for its denial has been presented to the man who is defended in this case.

It was charged in public testimony as far back as last May, by a witness whose credibility and honesty has not been questioned, that when he called on this Mr. Michael for the money—not for what the voucher called for, but for much less than the voucher called for—which Mr. Michael had agreed to pay to him, Mr. Michael stated to him that the money was not available; and yet, Mr. Chairman, the evidence before this House shows that the money was available at that time. [Applause on the Democratic side.] Nearly three months ago the charge was proclaimed before this committee and spread broadcast over the land. Michael undoubtedly, if he has a friend in the world, if the State Department desires to defend itself and can defend itself on that proposition, has known for weeks and months that this man Rosenthal has made this charge, and in no way has he attempted to deny the proposition before this committee and before the American people. [Applause on the Democratic side.]

The SPEAKER. The gentleman's time has expired. All time has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the rule adopted on yesterday be so further modified as to permit him to speak for five minutes. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, I object.

The SPEAKER. The gentleman from Florida objects. Under the order previously adopted the previous question is ordered. The vote will first be taken on the amendment of the gentleman from Wisconsin [Mr. LENROOT], which the Clerk will report.

Mr. AUSTIN. Mr. Speaker, I desire at the proper time to move to recommit this resolution to the committee with instructions.

The SPEAKER. The time has not yet arrived for that. The Clerk will report the Lenroot amendment.

The Clerk reported as follows:

Amend House resolution 246 by striking out the words "concurred in and adopted" and insert in lieu thereof the words "transmitted to the President of the United States, together with the minority views and the testimony taken by said committee relating thereto."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 127, nays 136, answered "present" 10, not voting 113, as follows:

YEAS—127.

Anderson, Minn.	Fuller	Lawrence	Prouty
Anthony	Gardner, N. J.	Lenroot	Rees
Austin	Good	Lobeck	Roberts, Mass.
Barchfeld	Gray	Longworth	Rodenberg
Bartholdt	Green, Iowa	Loud	Sharp
Berger	Greene, Mass.	McCall	Simmons
Bowman	Griest	McKinley	Slayden
Bradley	Hamilton, Mich.	McKinney	Sloan
Bulkley	Hamilton, W. Va.	McLaughlin	Smith, J. M. C.
Burke, S. Dak.	Hanna	McMorran	Smith, Saml. W.
Campbell	Hardwick	Macon	Speer
Cannon	Harris	Madden	Steenerson
Catlin	Haugen	Madison	Stephens, Cal.
Cooper	Hawley	Malby	Stevens, Minn.
Copley	Hayes	Mann	Switzer
Crago	Heald	Miller	Talcott, N. Y.
Crumpacker	Helgesen	Mondell	Taylor, Ohio
Currier	Higgins	Morgan	Thistlewood
Dalzell	Hill	Morrison	Tilson
De Forest	Hinds	Morse, Wis.	Towner
Dodds	Howland	Mott	Volstead
Driscoll, M. E.	Hubbard	Nelson	Warburton
Dwight	Humphrey, Wash.	Norris	Wedemeyer
Dyer	Jackson	Nye	Weeks
Esch	Kendall	Olmsted	White
Fairchild	Kennedy	Padgett	Wilder
Farr	Kent	Patton, Pa.	Willis
Fitzgerald	Kinkaid, Nebr.	Payne	Wilson, Ill.
Fordney	Knowland	Pickett	Wilson, Pa.
Foss	Kopp	Porter	Woods, Iowa
Foster, Vt.	Lafferty	Pray	Young, Kans.
French	La Follette	Prince	

NAYS—136.

Adair	Ansberry	Blackmon	Buchanan
Adamson	Ashbrook	Boehne	Burke, Wis.
Aiken, S. C.	Barnhart	Booher	Burleson
Alexander	Bathrick	Borland	Burnett
Allen	Bell, Ga.	Brown	Byrnes, S. C.
Byrns, Tenn.	Finley	Kindred	Rubey
Callaway	Floyd, Ark.	Kinkead, N. J.	Rucker, Colo.
Candler	Foster, Ill.	Konop	Rucker, Mo.
Carlin	Gallagher	Korbly	Russell
Clark, Fla.	Garner	Lamb	Sabath
Claypool	George	Levy	Scully
Clayton	Godwin, N. C.	Lewis	Shackleford
Cline	Goeke	Littlepage	Sheppard
Collier	Gould	Lloyd	Sherwood
Connell	Graham	McCoy	Sims
Conry	Gregg, Pa.	McDermott	Sisson
Cox, Ind.	Hamlin	Maguire, Nebr.	Stack
Cullop	Hammond	Martin, Colo.	Stedman
Curley	Hardy	Mays	Stephens, Miss.
Daugherty	Harrison, Miss.	Moore, Tex.	Stephens, Tex.
Davis, Minn.	Harrison, N. Y.	Moss, Ind.	Stone
Dent	Heflin	Murray	Sweet
Denver	Helm	Oldfield	Taylor, Colo.
Dickinson	Henry, Tex.	O'Shaunessy	Thomas
Dickson, Miss.	Hensley	Pepper	Townsend
Dixon, Ind.	Holland	Peters	Tribble
Doremus	Houston	Post	Turnbull
Doughton	Howard	Pou	Tuttle
Driscoll, D. A.	Hughes, Ga.	Randell, Tex.	Underhill
Edwards	Hull	Reilly	Underwood
Ellerbe	Humphreys, Miss.	Richardson	Watkins
Evans	Jacoway	Robinson	Wickliffe
Faison	James	Roddenbery	Witherspoon
Ferris	Johnson, Ky.	Rouse	Wood, N. J.

ANSWERED "PRESENT"—10.

Butler	Flood, Va.	Lindbergh	Raker
Davis, W. Va.	Fowler	Moon, Tenn.	Sherley
Dies	Gregg, Tex.		

NOT VOTING—113.

Akin, N. Y.	Fornes	Lee, Pa.	Redfield
Ames	Francis	Legare	Reyburn
Anderson, Ohio	Gardner, Mass.	Lever	Riordan
Andrus	Garrett	Lindsay	Roberts, Nev.
Ayres	Gillett	Linthicum	Rothermel
Bartlett	Glass	Littleton	Saunders
Bates	Goldfogle	Loudenslager	Sells
Beall, Tex.	Goodwin, Ark.	McCreary	Slemp
Bingham	Gordon	McGillicuddy	Small
Brantley	Gudger	McGuire, Okla.	Smith, N. Y.
Broussard	Guernsey	McHenry	Smith, Tex.
Burke, Pa.	Hamill	McKenzie	Sparkman
Calder	Hartman	Maher	Stanley
Cantrill	Hay	Martin, S. Dak.	Sterling
Carter	Henry, Conn.	Matthews	Sulloway
Cary	Hobson	Moon, Pa.	Sulzer
Covington	Howell	Moore, Pa.	Talbott, Md.
Cox, Ohio	Hughes, N. J.	Murdock	Taylor, Ala.
Cravens	Hughes, W. Va.	Needham	Thayer
Danforth	Johnson, S. C.	Page	Utter
Davenport	Jones	Palmer	Vreeland
Davidson	Kahn	Parran	Webb
Difenderfer	Kitchin	Patten, N. Y.	Whitacre
Donohoe	Konig	Plumley	Wilson, N. Y.
Draper	Lafean	Powers	Young, Mich.
Dupre	Langham	Pujo	Young, Tex.
Estopinal	Langley	Rainey	
Fields	Latta	Ransdell, La.	
Focht	Lee, Ga.	Rauch	

The Clerk announced the following pairs:

On this vote:

Mr. FLOOD of Virginia with Mr. HARTMAN.

For to-day:

Mr. DAVIS of West Virginia with Mr. SLEMP.

Mr. PAGE with Mr. LAFEAN.

Mr. MOON of Tennessee with Mr. UTTER.

Until August 6:

Mr. FIELDS with Mr. LANGLEY.

Until Monday noon:

Mr. CARTER with Mr. KAHN.

Mr. PALMER with Mr. BINGHAM.

Mr. DONOHOE with Mr. MATTHEWS.

Until Monday:

Mr. KITCHIN with Mr. MOON of Pennsylvania.

Mr. MCGILLICUDDY with Mr. STERLING.

Mr. HUGHES of New Jersey with Mr. WOOD of New Jersey.

Until August 8:

Mr. SMALL with Mr. MOORE of Pennsylvania.

Until August 19, inclusive:

Mr. REDFIELD with Mr. NEEDHAM.

Until further notice:

Mr. SULZER with Mr. PLUMLEY.

Mr. FORNES with Mr. MURDOCK.

Mr. DUPRE with Mr. GUERNSEY.

Mr. BRANTLEY with Mr. VREELAND.

Mr. GLASS with Mr. HENRY of Connecticut.

Mr. GOODWIN of Arkansas with Mr. DRAPER.

Mr. LITTLETON with Mr. MCKENZIE.

Mr. FRANCIS with Mr. DANFORTH.

Mr. CANTRILL with Mr. GILLETT.

Mr. LEE of Georgia with Mr. MARTIN of South Dakota.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. PUJO with Mr. HUGHES of West Virginia.

Mr. CRAVENS with Mr. LOUDENSLAGER.

Mr. TALBOTT of Maryland with Mr. MCCREARY.

Mr. SHERLEY with Mr. GARDNER of Massachusetts.
Mr. BARTLETT with Mr. BUTLER.
Mr. BEALL of Texas with Mr. YOUNG of Michigan.
Mr. WEBB with Mr. CARY.
Mr. SMITH of New York with Mr. BURKE of Pennsylvania.
Mr. HOBSON with Mr. BATES.
Mr. COVINGTON with Mr. PARRAN.
Mr. SAUNDERS with Mr. LANGHAM.
Mr. BURLESON with Mr. KENT.
Mr. GREGG of Texas with Mr. MCGUIRE of Oklahoma.
Mr. JONES with Mr. SLEMP.
Mr. LEE of Pennsylvania with Mr. SELLS.
Mr. DAVENPORT with Mr. ROBERTS of Nevada.
Mr. STANLEY with Mr. FOCHT.
Mr. GOLDFOGLE with Mr. AMES.
Mr. AYRES with Mr. AKIN of New York.
For the session:
Mr. LEVER with Mr. SULLOWAY.
Mr. MAHER with Mr. CALDER.
Mr. RAINEY with Mr. HOWELL.
Mr. RIORDAN with Mr. ANDRUS.

Mr. BUTLER. Mr. Speaker, on this resolution I voted "aye." I have a general pair with Mr. BARTLETT, and I will be compelled to withdraw my vote.

The SPEAKER. Call the gentleman's name.

The name of Mr. BUTLER was called, and he answered "Present."

The SPEAKER. On the Lenroot amendment the vote is—yeas 127, nays 125, present 8. [Applause on the Republican side.]

Mr. HAMLIN. Mr. Speaker, I ask for a recapitulation. The vote is so close I think we ought to have a recapitulation.

The SPEAKER. The gentleman from Missouri asks for a recapitulation of the vote.

The vote was recapitulated.

The SPEAKER. The question now recurs on the substitute offered by the gentleman from Missouri [Mr. HAMLIN], which the Clerk will report.

The Clerk read as follows:

Strike out all after the word "resolve" and insert "that the findings of fact as contained in Report No. 59 be approved and submitted to the President, with the recommendation that he take appropriate action touching the same."

The question was taken; and the Chair announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded with the calling of the roll.

During the roll call the following proceedings occurred:

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman can not interrupt a roll call. [Cries of "Regular order!"]

The SPEAKER. The regular order is the roll call.

Mr. JAMES. Mr. Speaker, just a moment. I would like to ask unanimous consent——

The SPEAKER. The gentleman can not interrupt a roll call under the rules. The regular order is the roll call.

Mr. MANN. Mr. Speaker, I ask unanimous consent for permission that the roll call may be interrupted for a moment in order that I may address the House.

The SPEAKER. The House can do anything by unanimous consent.

Mr. MANN. It is in reference to the last roll call.

The SPEAKER. The Chair will ask that the House be in order, so that the Chair can hear the gentleman from Illinois.

Mr. MANN. It is in reference to the last roll call. Have I permission to interrupt the roll call? I ask unanimous consent to make a statement.

The SPEAKER. Is there objection?

Mr. HAMLIN. Mr. Speaker, I object. [Cries of "Oh, no!"] I did not understand the gentleman's question. Therefore I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I am informed that a verification of the roll by the officials who verify it after the roll is called discloses that there was a mistake made in the number of names, or something of that sort; so that, in fact, the amendment that was just declared carried by the roll call appears to have been defeated. That is my information. If that be the case, of course it might well be corrected at this time by the announcement of the Chair, and after the vacation of the present roll call the roll call will undoubtedly proceed again.

The SPEAKER. Does the gentleman make a motion?

Mr. MANN. I ask for information. I would like to know whether the Chair is now informed what is the correct vote on the last roll call?

The SPEAKER. The Chair is informed by the tally clerk there was a mistake made of 11 in adding up, and that the vote ought to have been announced 127 and 136 instead of 127 and 125.

Mr. MANN. Then, Mr. Speaker, I ask unanimous consent to vacate all proceedings under the present roll call, all proceedings which have been had since the commencement on the previous roll call, and that the Speaker may make a correction of the previous roll call.

The SPEAKER. The gentleman from Illinois asks unanimous consent that proceedings under the present roll call be vacated and all the proceedings under the prior roll call up to the time the Chair announced the vote, and that the Chair shall be permitted to announce the correct totals. Is there objection?

Mr. HINDS. Reserving the right to object, may I ask the Speaker if the other amendment, on which the other roll call was taken, was the amendment to the original resolution reported from the committee?

The SPEAKER. The vote was taken on the motion of the gentleman from Wisconsin [Mr. LENROOT] to the original resolution. Is there objection? [After a pause.] The Chair hears none. On the amendment of the gentleman from Wisconsin [Mr. LENROOT] the vote is yeas 127, nays 136. So the amendment is rejected.

Mr. MARTIN of Colorado. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Colorado. Will a motion to recommit the resolution of the gentleman from Missouri be now in order?

The SPEAKER. Not now.

Mr. MARTIN of Colorado. I wish to make a motion to recommit, I will say, Mr. Speaker, at the proper time.

The SPEAKER. The proper time is just before the final passage of the resolution.

The question now recurs on adopting the substitute of the gentleman from Missouri [Mr. HAMLIN].

Mr. MANN. And upon that I ask for the yeas and nays.

The SPEAKER. The yeas and nays have already been ordered. The Clerk will call the roll.

Mr. MANN. Mr. Speaker, I will withdraw the request for the yeas and nays on that.

The SPEAKER. The gentleman from Illinois withdraws his request for the yeas and nays. The question now recurs on the amendment of the gentleman from Missouri [Mr. HAMLIN].

Mr. RANDELL of Texas. Mr. Speaker, I make the point of order that by unanimous consent the proceedings in which the roll call was ordered were vacated, and therefore it ought to be called for again.

The SPEAKER. They were vacated up to the place where the roll was called. There was no mistake about calling the roll. The mistake that was made was an arithmetical mistake in adding it up.

Mr. RANDELL of Texas. Everything was expunged, as I understand, up to the place where the mistake was made, which included the action of calling the roll?

The SPEAKER. Yes.

Mr. RANDELL of Texas. Mr. Speaker, I ask for the yeas and nays.

Mr. HAMLIN. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. RANDELL] calls for the yeas and nays on the Hamlin substitute.

Mr. RANDELL of Texas. I withdraw my request, Mr. Speaker.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. After the yeas and nays are ordered, can the gentleman from Illinois withdraw his call for it?

The SPEAKER. It was done by unanimous consent. The question is on the Hamlin substitute to the original resolution.

The question was taken, and the Hamlin substitute was adopted.

The SPEAKER. The question now is on the resolution as amended by the adoption of the Hamlin substitute.

Mr. MARTIN of Colorado. Mr. Speaker, I desire to offer a motion to recommit.

Mr. TILSON. Mr. Speaker, I desire to make a motion to recommit the resolution to the committee.

The SPEAKER. The gentleman from Connecticut, who led the fight against this resolution is, I think, entitled to make the motion to recommit.

Mr. MANN. I suggest that the gentleman from Connecticut [Mr. TILSON] yield to the gentleman from Colorado [Mr. MARTIN].

Mr. TILSON. Mr. Speaker, I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. Mr. Speaker, the Chair said he would recognize me at the proper time to make this motion—to make a motion to recommit the resolution to the committee.

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. Has the gentleman from Connecticut made a motion to recommit the resolution?

The SPEAKER. The gentleman from Connecticut waives his right.

Mr. HENRY of Texas. Did he withdraw it?

Mr. TILSON. No; I did not. I made the motion to recommit, and then I yielded to the gentleman from Colorado.

The SPEAKER. The question is on the motion of the gentleman from Connecticut to recommit.

SEVERAL MEMBERS. Regular order!

Mr. TILSON. Mr. Speaker, I yield to the gentleman from Colorado. I will withdraw my motion, and yield to the gentleman from Colorado [Mr. MARTIN].

Mr. JAMES. Mr. Speaker, I object.

Mr. MARTIN of Colorado. Mr. Speaker, I move to recommit the resolution to the committee.

The SPEAKER. The gentleman from Colorado [Mr. MARTIN] moves——

Mr. MANN. Mr. Speaker, I think we are entitled to make the motion to recommit from our side if we desire.

The SPEAKER. The Chair thinks undoubtedly the spirit of the rule is that the opposition——

Mr. RAKER. Mr. Speaker——

The SPEAKER. The gentleman from California will wait until the Chair states the situation. The Chair is of the opinion that the spirit of the rule is that the leader on the side of opposition to a particular measure has the right to make the motion to recommit, and his side itself has that preference. The Chair offered to recognize the gentleman from Connecticut [Mr. TILSON] to make the motion to recommit, but the gentleman from Connecticut waived his right and asked the Chair to recognize the gentleman from Colorado.

Mr. JAMES. Mr. Speaker, I make the point of order that he made the motion and can not withdraw it without unanimous consent.

The SPEAKER. Any motion in the House can be withdrawn before action is taken. [Cries of "Regular order!" "Regular order!"]

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. How did the gentleman from Colorado vote on the Lenroot amendment?

Mr. MARTIN of Colorado. I voted against it, and I also voted against the other proposition.

The SPEAKER. If the gentleman will permit the Chair to state his understanding of this rule, the Chair will state that the spirit of the rule is that the opposition to a measure has the right to make the motion to recommit with instructions, and preferably the leader of the opposition has the right to make that motion.

Mr. HINDS. Will the Chair permit a suggestion?

The SPEAKER. In a moment. If there is nobody opposed to it who wants to make it, the Chair would recognize somebody on this side to make it. The gentleman from Connecticut [Mr. TILSON] was recognized. He made the motion and then withdrew it, and then asked that the gentleman from Colorado [Mr. MARTIN] be recognized.

Mr. MANN. Is the gentleman from Colorado recognized?

The SPEAKER. The gentleman from Colorado is already recognized.

Mr. HINDS. I do not wish to antagonize the ruling, which seems fair, but I was going to suggest, and perhaps I might suggest now for the consideration of the Speaker, whether the requirement to recognize one in opposition applies to a case of a simple resolution. The rule was careful to specify that that condition should apply to a motion to recommit a bill or joint resolution, apparently intending by that language to exclude everything else. I merely make that suggestion. I had it in mind when I thought the Chair might rule the other way.

The SPEAKER. The Chair will state to the gentleman and to the House that this question has been raised privately several times to-day, and the only authority that the Chair has found up to the present time is that on a resolution in a contested-election case, which was a House resolution, Mr. Speaker Crisp held that the word "bill" as used in that connection was a generic term and related to resolutions.

Mr. HINDS. Not to detain the Chair for a mere academic question, I would call his attention to the fact that the framers of this rule did not leave the word "bill" and the definitions inhering to it in the rule, but they went beyond it and said "bill or joint resolution," thereby intending to confine it to bills and joint resolutions.

Mr. MANN. The Chair is fair about it.

The SPEAKER. The Clerk will report the motion of the gentleman from Colorado [Mr. MARTIN].

The Clerk read as follows:

Resolved, That House resolution 246 be recommitted to the Committee on Expenditures in the State Department, with instructions to procure the attendance and testimony of the said W. H. Michael before said committee, touching upon the matters and things with which he is charged, in connection with the investigation herein pending, and that the committee make further report thereon.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. TILSON. Mr. Speaker, I ask for the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and there were—yeas, 132, nays 136 answered "present" 6, not voting 112, as follows:

YEAS—132.

Akin, N. Y.	French	La Follette	Porter
Anderson, Minn.	Fuller	Lawrence	Pray
Anthony	Gardner, N. J.	Lenroot	Prince
Austin	Good	Lindbergh	Prouty
Barchfeld	Gray	Lobeck	Rees
Bartholdt	Green, Iowa	Longworth	Roberts, Mass.
Berger	Greene, Mass.	Loud	Roberts, Nev.
Bowman	Griest	McCall	Sharp
Bradley	Hamilton, Mich.	McCoy	Simmons
Bulkley	Hanna	McKinley	Slayden
Burke, S. Dak.	Hardwick	McKinney	Sloan
Campbell	Hardy	McLaughlin	Smith, J. M. C.
Cannon	Harris	McMorran	Smith, Saml. W.
Catlin	Hawley	Macon	Speer
Cooper	Hayes	Madden	Steenerson
Copley	Heald	Madison	Stephens, Cal.
Crago	Helgesen	Malby	Stevens, Minn.
Crumpacker	Higgins	Mann	Switzer
Currier	Hill	Martin, Colo.	Talcott, N. Y.
Dalzell	Hinds	Miller	Taylor, Ohio
De Forest	Howland	Mondell	Thistlewood
Dies	Hubbard	Morgan	Tilson
Dodds	Humphrey, Wash.	Morrison	Towner
Driscoll, M. E.	Humphreys, Miss.	Morse, Wis.	Volstead
Dwight	Jackson	Mott	Warburton
Dyer	Kendall	Nelson	Wedemeyer
Esch	Kennedy	Norris	Weeks
Fairchild	Kent	Nye	Wilder
Farr	Kinkaid, Nebr.	Olmsted	Willis
Fordney	Kinkead, N. J.	Padgett	Wilson, Ill.
Foss	Knowland	Patton, Pa.	Wilson, Pa.
Foster, Vt.	Kopp	Payne	Woods, Iowa
Fowler	Lafferty	Pickett	Young, Kans.

NAYS—136.

Adair	Davis, Minn.	Hensley	Roddenbery
Adamson	Dent	Holland	Rothermel
Aiken, S. C.	Denver	Houston	Rouse
Alexander	Dickinson	Howard	Rubey
Allen	Dickson, Miss.	Hughes, Ga.	Rucker, Colo.
Ansberry	Dixon, Ind.	Hull	Rucker, Mo.
Barnhart	Doremus	Jacoway	Russell
Bathrick	Doughton	James	Sabath
Bell, Ga.	Driscoll, D. A.	Johnson, Ky.	Scully
Blackmon	Edwards	Kindred	Shackleford
Boehne	Estopinal	Konop	Sheppard
Booher	Evans	Korbly	Sherwood
Borland	Faison	Lamb	Sims
Brown	Ferris	Levy	Sisson
Buchanan	Finley	Lewis	Stack
Burke, Wis.	Flood, Va.	Littlepage	Stedman
Burleson	Floyd, Ark.	Lloyd	Stephens, Miss.
Burnett	Foster, Ill.	McDermott	Stephens, Tex.
Byrnes, S. C.	Gallagher	Maguire, Nebr.	Stone
Byrns, Tenn.	Garner	Mays	Sweet
Callaway	George	Moore, Tex.	Taylor, Ala.
Candler	Godwin, N. C.	Moss, Ind.	Taylor, Colo.
Carlin	Goeke	Murray	Thomas
Claypool	Gould	Oldfield	Townsend
Clayton	Graham	O'Shaunessy	Tribble
Cline	Gregg, Pa.	Pepper	Turnbull
Collier	Hamilton, W. Va.	Peters	Tuttle
Connell	Hamlin	Post	Underhill
Conry	Hammond	Pou	Underwood
Cox, Ind.	Harrison, Miss.	Raker	Watkins
Cullop	Harrison, N. Y.	Randell, Tex.	Webb
Curley	Heflin	Reilly	White
Daugherty	Helm	Richardson	Wickliffe
Davenport	Henry, Tex.	Robinson	Witherspoon

ANSWERED "PRESENT"—6.

Butler	Ellerbe	Moon, Tenn.	Sherley
Davis, W. Va.	Gregg, Tex.		

NOT VOTING—112.

Ames	Focht	Langley	Pujo
Anderson, Ohio	Fornes	Latta	Rainey
Andrus	Francis	Lee, Ga.	Ransdell, La.
Ashbrook	Gardner, Mass.	Lee, Pa.	Rauch
Ayres	Garrett	Legare	Redfield
Bartlett	Gillett	Lever	Reyburn
Bates	Glass	Lindsay	Riordan
Beall, Tex.	Goldfogle	Linthicum	Rodenberg
Bingham	Goodwin, Ark.	Littleton	Saunders
Brantley	Gordon	Loudenslager	Sells
Broussard	Gudger	McCreary	Slemp
Burke, Pa.	Guernsey	McGillicuddy	Small
Calder	Hamill	McGuire, Okla.	Smith, N. Y.
Cantrill	Hartman	McHenry	Smith, Tex.
Carter	Haugen	McKenzie	Sparkman
Cary	Hay	Maher	Stanley
Clark, Fla.	Henry, Conn.	Martin, S. Dak.	Sterling
Covington	Hobson	Matthews	Sulloway
Cox, Ohio	Howell	Moon, Pa.	Sulzer
Cravens	Hughes, N. J.	Moore, Pa.	Talbott, Md.
Danforth	Hughes, W. Va.	Murdock	Thayer
Davidson	Johnson, S. C.	Needham	Utter
Difenderfer	Jones	Page	Vreeland
Donohoe	Kahn	Palmer	Whitacre
Draper	Kitchin	Parran	Wilson, N. Y.
Dupre	Konig	Patten, N. Y.	Wood, N. J.
Fields	Lafean	Plumley	Young, Mich.
Fitzgerald	Langham	Powers	Young, Tex.

So the motion to recommit was lost.

The following additional pairs were announced:

Until further notice:

Mr. CLARK of Florida with Mr. GILLETT.

For the balance of the day:

Mr. ELLERBE with Mr. RODENBERG.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution as amended.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the resolution as amended will, when their names are called, vote "aye" and those opposed "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 136, nays 123, answered "present" 9, not voting 118, as follows:

YEAS—136

Adair	Davenport	Helm	Reilly
Adamson	Davis, Minn.	Henry, Tex.	Richardson
Aiken, S. C.	Dent	Hensley	Robinson
Alexander	Denver	Holland	Roddenbery
Allen	Dickinson	Houston	Rothermel
Ansberry	Dickson, Miss.	Howard	Rouse
Barnhart	Dixon, Ind.	Hughes, Ga.	Rubey
Bathrick	Doremus	Hull	Rucker, Colo.
Bell, Ga.	Doughton	Jacoway	Rucker, Mo.
Blackmon	Driscoll, D. A.	James	Russell
Boehne	Edwards	Johnson, Ky.	Sabath
Booher	Estopinal	Kindred	Scully
Borland	Evans	Kinkead, N. J.	Shackleford
Brown	Faison	Konop	Sheppard
Buchanan	Ferris	Korbly	Sherwood
Bulkley	Finley	Lamb	Sims
Burke, Wis.	Flood, Va.	Levy	Sisson
Burleson	Floyd, Ark.	Lewis	Stack
Burnett	Foster, Ill.	Littlepage	Stedman
Byrnes, S. C.	Gallagher	Lloyd	Stephens, Miss.
Byrns, Tenn.	Garner	McCoy	Stephens, Tex.
Callaway	George	McDermott	Stone
Candler	Godwin, N. C.	Maguire, Nebr.	Sweet
Carlin	Goeke	Mays	Taylor, Colo.
Claypool	Gould	Moore, Tex.	Thomas
Clayton	Graham	Moss, Ind.	Townsend
Cline	Gregg, Pa.	Murray	Tribble
Collier	Hamilton, W. Va.	Oldfield	Turnbull
Connell	Hamlin	O'Shaunessy	Tuttle
Conry	Hammond	Pepper	Underhill
Cox, Ind.	Hardy	Peters	Underwood
Cullop	Harrison, Miss.	Pou	Wickliffe
Curley	Harrison, N. Y.	Raker	Wilson, Pa.
Daugherty	Heflin	Randell, Tex.	Witherspoon

NAYS—123.

Akin, N. Y.	Esch	Howland	Madison
Anderson, Minn.	Farr	Hubbard	Malby
Anthony	Fordney	Humphrey, Wash.	Mann
Austin	Foss	Humphreys, Miss.	Martin, Colo.
Barchfeld	Foster, Vt.	Jackson	Miller
Bartholdt	Fowler	Kendall	Mondell
Berger	French	Kennedy	Morgan
Bowman	Fuller	Kent	Morrison
Bradley	Gardner, N. J.	Kinkaid, Nebr.	Morse, Wis.
Burke, S. Dak.	Good	Knowland	Nelson
Campbell	Gray	Kopp	Norris
Cannon	Green, Iowa	Lafferty	Nye
Catlin	Greene, Mass.	La Follette	Olmsted
Cooper	Griest	Lawrence	Patton, Pa.
Copley	Hamilton, Mich.	Lenroot	Payne
Crago	Hanna	Lobeck	Pickett
Crumpacker	Hardwick	Longworth	Porter
Currier	Harris	Loud	Pray
Dalzell	Hawley	McCall	Prince
De Forest	Hayes	McKinley	Prouty
Dies	Heald	McKinney	Rees
Dodds	Helgesen	McLaughlin	Roberts, Mass.
Driscoll, M. E.	Higgins	McMorran	Roberts, Nev.
Dwight	Hill	Macon	Sharp
Dyer	Hinds	Madden	Simmons
Sloan	Stevens, Minn.	Towner	Wilder
Smith, J. M. C.	Switzer	Volstead	Willis
Smith, Saml. W.	Talcott, N. Y.	Warburton	Wilson, Ill.
Speer	Taylor, Ohio	Watkins	Woods, Iowa
Steenerson	Thistlewood	Wedemeyer	Young, Kans.
Stephens, Cal.	Tilson	Weeks	

ANSWERED "PRESENT"—9.

Butler	Gregg, Tex.	Moon, Tenn.	Sherley
Davis, W. Va.	Lindbergh	Padgett	White
Ellerbe			

NOT VOTING—118.

Ames	Fornes	Lee, Pa.	Rauch
Anderson, Ohio	Francis	Legare	Redfield
Andrus	Gardner, Mass.	Lever	Reyburn
Ashbrook	Garrett	Lindsay	Riordan
Ayers	Gillett	Linthicum	Rodenberg
Bartlett	Glass	Littleton	Saunders
Bates	Goldfogle	Loudenslager	Sells
Beall, Tex.	Goodwin, Ark.	McCreary	Slayden
Bingham	Gordon	McGillicuddy	Slemp
Brantley	Gudger	McGuire, Okla.	Small
Broussard	Guernsey	McHenry	Smith, N. Y.
Burke, Pa.	Hamill	McKenzie	Smith, Tex.
Calder	Hartman	Maher	Sparkman
Cantrill	Haugen	Martin, S. Dak.	Stanley
Carter	Hay	Matthews	Sterling
Cary	Henry, Conn.	Moon, Pa.	Sulloway
Clark, Fla.	Hobson	Moore, Pa.	Sulzer
Covington	Howell	Mott	Talbott, Md.
Cox, Ohio	Hughes, N. J.	Murdock	Taylor, Ala.
Cravens	Hughes, W. Va.	Needham	Thayer
Danforth	Johnson, S. C.	Page	Utter
Davidson	Jones	Palmer	Vreeland
Difenderfer	Kahn	Parran	Webb
Donohoe	Kitchin	Patten, N. Y.	Whitacre
Draper	Konig	Plumley	Wilson, N. Y.
Dupre	Lafean	Post	Wood, N. J.
Fairchild	Langham	Powers	Young, Mich.
Fields	Langley	Pujo	Young, Tex.
Fitzgerald	Latta	Rainey	
Focht	Lee, Ga.	Ransdell, La.	

So the resolution was agreed to.

The result of the vote was announced as above recorded.

On motion of Mr. HAMLIN, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD, at 5 o'clock and 50 minutes p. m., the House adjourned until Monday, August 7, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Department of Commerce and Labor submitting a deficiency estimate for an appropriation for completing the Thirteenth Decennial Census of the United States (H. Doc. No. 98), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3069) to amend section 1 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908, reported the same without amendment, accompanied by a report (No. 124), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the joint resolution of the House (H. J. Res. 141) to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, Cherokee, and Seminole Indians of the Five Civilized Tribes entitled to share in the funds of said tribes, reported the same with amendment, accompanied by a report (No. 125), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13120) to transfer a portion of Fort Clark Military Reservation to the State of Texas for a tuberculosis sanitarium, reported the same with amendment, accompanied by a report (No. 126), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10652) to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River, reported the

same without amendment, accompanied by a report (No. 123), which said bill and report were referred to the House Calendar.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of the circuit court to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, reported the same without amendment, accompanied by a report (No. 122), which said resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 13134) granting a pension to Woodson O. Angel; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8719) granting an increase of pension to Michael J. Meehan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COX of Indiana: A bill (H. R. 13314) to amend section 23 of an act to regulate commerce, approved March 3, 1909; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: A bill (H. R. 13315) authorizing the Secretary of War to donate to the city of Beaver Dam, Wis., two bronze or brass cannon or field pieces; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 13316) to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; to the Committee on the District of Columbia.

By Mr. HILL: A bill (H. R. 13317) providing for a survey of the harbor at Norwalk, Conn.; to the Committee on Rivers and Harbors.

By Mr. CARTER: A bill (H. R. 13318) providing for the sale of the surface of the segregated mineral lands in Oklahoma and distribution of the proceeds thereof; to the Committee on Indian Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 13319) authorizing an appropriation of $100,000 to defray the expenses of the Ohio-Columbus centennial celebration, to be held on August 27, 1912, and continuing two weeks thereafter; to the Committee on Appropriations.

By Mr. HAMMOND: Joint resolution (H. J. Res. 144) relating to administration of the funds and property of the Chippewa Indians; to the Committee on Indian Affairs.

By Mr. MICHAEL E. DRISCOLL: Joint resolution (H. J. Res. 145) directing the Secretary of the Navy to commission a warship to convey the remains of Theodore Ruggles Timby from the city of Brooklyn, N. Y., to the city of Washington, D. C., on the 12th of October, 1911, for burial in the city of Washington; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. GOEKE: A bill (H. R. 13320) granting a pension to Franklin Lecklider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13321) granting a pension to Margaret A. Hageman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13322) granting a pension to Edward J. Hummel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13323) granting an increase of pension to Wesley Z. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13324) granting an increase of pension to William H. Youant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13325) granting an increase of pension to Elisha R. Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13326) granting an increase of pension to A. P. O'Dell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13327) granting an increase of pension to Solomon R. Beam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13328) to remove the charge of desertion from the record of Frederick Duvall; to the Committee on Military Affairs.

Also, a bill (H. R. 13329) to remove the charge of desertion from the record of Harvey S. Miller; to the Committee on Military Affairs.

By Mr. GRIEST: A bill (H. R. 13330) granting an increase of pension to Frederick Metzger; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 13331) granting a pension to Myranda Rogers; to the Committee on Pensions.

Also, a bill (H. R. 13332) granting an increase of pension to Susan Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13333) granting an increase of pension to Isaac M. Sheaffer; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 13334) granting a pension to Nancy Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13335) granting a pension to Martin L. Holt; to the Committee on Pensions.

Also, a bill (H. R. 13336) granting a pension to William P. Beasley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13337) granting a pension to W. K. Fugate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13338) granting an increase of pension to Young G. Redmond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13339) granting arrears of pension to Wilson Bray; to the Committee on Invalid Pensions.

By Mr. KINDRED: A bill (H. R. 13340) granting an increase of pension to Harry Karslake; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13341) granting an increase of pension to M. S. Carlisle; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 13342) granting a pension to Samuel Moser; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 13343) granting a pension to Dora Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13344) granting an increase of pension to Charles H. Lockwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13345) granting a pension to John Swab; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13346) granting a pension to Lyman A. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13347) granting a pension to William J. Fraser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13348) granting an increase of pension to C. Feckenscher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13349) granting an increase of pension to Franklin McCollom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13350) granting an increase of pension to H. F. Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13351) granting a pension to Charles L. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13352) to correct the military record of Joseph B. Ellis; to the Committee on Military Affairs.

Also, a bill (H. R. 13353) granting a pension to Leonard Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13354) to correct the military record of William Nicholson; to the Committee on Military Affairs.

Also, a bill (H. R. 13355) granting an increase of pension to Gideon Sturgis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13356) granting an increase of pension to Amos Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13357) granting an increase of pension to George Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13358) granting an increase of pension to D. J. Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13359) granting an increase of pension to Mrs. E. H. Esselstyn; to the Committee on Pensions.

Also, a bill (H. R. 13360) granting an increase of pension to Joseph D. Beaubien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13361) granting an increase of pension to Charles W. Holt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13362) granting an increase of pension to Moses C. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13363) to correct the military record of Henry Duchine; to the Committee on Military Affairs.

Also, a bill (H. R. 13364) granting an increase of pension to Elnathan Beebe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13365) granting an increase of pension to Catherine D. Banerly; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 13366) granting an increase of pension to Henry C. Hatcher; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of the Christian Endeavor Local Union of Tulsa, Okla., in favor of legislation to prohibit the shipment of liquor into prohibition States; to the Committee on Alcoholic Liquor Traffic.

By Mr. ASHBROOK: Petition of Adam Shade, of Harrisburg, Pa., asking for the passage of a general pension bill; to the Committee on Pensions.

By Mr. DYER: Papers to accompany bill granting a pension to Catherine Hudson; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Arizona Woolgrowers' Association, in opposition to all bills proposing to reduce the tariff on wool and meats until the Tariff Board makes its report; to the Committee on Ways and Means.

Also, petition of citizens of La Salle, Ill., for the creation of a national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of George J. Pettit and 17 other residents of San Francisco, Cal., urging the passage of the Davis bill providing for an increase in salary for the underpaid Government employees throughout the United States; to the Committee on Reform in the Civil Service.

By Mr. PADGETT: Papers to accompany bill granting an increase of pension to M. S. Carlisle; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: Petition of the Southern Illinois Millers' Association, protesting against admitting flour free; to the Committee on Ways and Means.

SENATE.

MONDAY, *August 7, 1911.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Saturday last was read and approved.

ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census, which had heretofore been signed by the Speaker of the House of Representatives.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of District Grand Lodge, No. 2, Independent Order of B'nai B'rith, of Cincinnati, Ohio, remonstrating against the treatment accorded American citizens in Russia, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Hartford, Kans., remonstrating against the establishment of a rural parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of the Rhode Island Quarterly Meeting of Friends, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was referred to the Committee on Foreign Relations.

Mr. CRANE (for Mr. LODGE) presented a petition of the Press Association of the State of Massachusetts and a petition of the Rhode Island Society of Friends, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were referred to the Committee on Foreign Relations.

Mr. PERKINS presented petitions of the Chamber of Commerce of San Francisco, the Commercial Club of Santa Barbara, the Chamber of Commerce of Sacramento, the Humboldt Chamber of Commerce of Eureka, the Chamber of Commerce of Riverside, the Chamber of Commerce of Oakland, the Board of Trade of Pasadena, and the Chamber of Commerce of Los Angeles, all in the State of California, and of the World Peace Foundation and the Business Men's Association of Salem, N. J., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were referred to the Committee on Foreign Relations.

Mr. ROOT presented 100 petitions of citizens of Brooklyn, N. Y., and 88 petitions of citizens of New York City, N. Y., praying for the repeal of the duty on lemons, which were ordered to lie on the table.

RECLAMATION OF THE EVERGLADES OF FLORIDA.

Mr. SMOOT, from the Committee on Printing, reported the following resolution (S. Res. 130, S. Doc. 89), which was considered by unanimous consent and agreed to:

Resolved, That there be printed as a public document, under the direction of the Joint Committee on Printing, a compilation of acts, reports, and other papers, State and national, relating to the reclamation of the Everglades of the State of Florida, with accompanying illustrations.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration.

By Mr. RAYNER:

A bill (S. 3176) granting a pension to Carolyn V. Maucha (with accompanying paper); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 3177) granting an increase of pension to Felix Defiin (with accompanying papers); to the Committee on Pensions.

NEW MEXICO AND ARIZONA.

The VICE PRESIDENT. The morning business is closed. The Chair lays before the Senate, under the order heretofore made, House joint resolution 14.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

Mr. NELSON. I offered to the joint resolution an amendment in the form of a substitute. I now wish to modify the substitute. On page 3, line 4, after the first word "That," strike out the words "within 30 days" and insert "immediately." I offer it in that form, so that it will read:

That immediately after the passage of this resolution, etc.

The VICE PRESIDENT. The Senator from Minnesota modifies his amendment. The modification will be stated.

The SECRETARY. On page 3, line 4, strike out, after the word "That," the words "within 30 days" and insert in lieu the word "immediately," so as to read:

That immediately after the passage of this resolution and its approval by the President the President shall certify the fact to the governor of Arizona, etc.

The VICE PRESIDENT. The substitute will be so modified. The substitute has already been read to the Senate.

Mr. NELSON. I shall later on ask leave to address the Senate on the subject of the substitute.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Minnesota [Mr. NELSON] as a substitute.

Mr. BRISTOW. As I understand it, the question is on an amendment to the substitute, which the Senator from Minnesota has offered.

The VICE PRESIDENT. No; the question is on agreeing to the amendment. The Senator from Minnesota has a right to modify it, the substitute not having been acted upon. He has simply made a modification.

Mr. STONE. May I inquire if it is the so-called Nelson amendment which is now before the Senate?

The VICE PRESIDENT. The Nelson amendment is now before the Senate.

Mr. NELSON. And I modified my own amendment by striking out the words "within 30 days" and inserting "immediately," which I had a right to do.

The VICE PRESIDENT. Certainly. The Secretary will again state the modification.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Cullom	Myers	Smoot
Borah	Dillingham	Nelson	Stephenson
Brandegee	Foster	O'Gorman	Stone
Bristow	Gamble	Overman	Swanson
Brown	Gronna	Owen	Taylor
Bryan	Guggenheim	Page	Thornton
Burnham	Heyburn	Perkins	Warren
Chamberlain	Johnson, Me.	Poindexter	Watson
Chilton	Kern	Reed	Wetmore
Clapp	Lippitt	Richardson	Williams
Crane	Martin, Va.	Root	Works
Crawford	Martine, N. J.	Smith, Mich.	

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SMITH of Michigan. I understand that the Senator from Washington [Mr. POINDEXTER] is ready to proceed, and I hope he will do so.

The VICE PRESIDENT. The Senator from Minnesota had the floor when the question of a quorum was raised. If the Senator from Minnesota does not desire to hold it——

Mr. NELSON. I simply stated that I would later on have something to say in respect to my substitute; not at this time, but later.

CORRECTIONS IN APPROPRIATION ACTS.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts approved March 4, 1911, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate amending the title of the joint resolution, and agree to the same.

F. E. WARREN,
GEO. C. PERKINS,
MURPHY J. FOSTER,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
A. S. BURLESON,
J. G. CANNON,
Managers on the part of the House.

Mr. HEYBURN. Mr. President, I understand that this report presents what is intended to be a final disposition of the joint resolution in conference. I notice that the conferees of the Senate have receded from amendment No. 2 relating to the funds of the University of Idaho; I have been more jealous of the action of Congress and of the conference committee in regard to this item than I would have felt justified in being were it a personal matter or one other than affecting the educational fund. I desire before action is taken upon the conference report to state very briefly my position so that the RECORD will always make plain the fact and the reason.

Under the general law of the United States there is paid by the General Government to the universities of the States a certain percentage of the money received from the sale of public lands.

Mr. WARREN. Five per cent.

Mr. HEYBURN. It is 5 per cent. That piece of legislation works out automatically as a rule. The accounts are made up in the department, and, the amount being found due, the Government sends a draft or the Government's check to the treasurer of the educational institution, in this case the University of the State of Idaho. The Government, pursuant to its custom, did send a check or draft, and it never reached its destination. It was not registered. No special pains were taken that it should be considered other than ordinary mail in transmission. The Government was notified by the university of the failure of the receipt of its check, whereupon the Government refused to take any further notice of the question unless the State or the university should give a bond in a large amount, far in excess of the amount of the check lost.

The university could not give a personal bond nor could it, under any existing conditions or law, secure an individual bond. It was compelled to go to a bonding agency and pay $500, the regular fee, for that surety bond. There was no fault on the part of the State or of the university; if there was a fault, it was on the part of the Government, or those acting for it. There should have been no bond required, because the Government could have protected itself against a second payment by refusing to honor a lost draft. There is no rule better established in commercial life than that the Government stood to lose nothing; it could only pay the one draft. Notwithstanding that fact, the university needing this fund as a part of the national fund that is relied upon and required for the maintenance of the institution, after much interchange of correspondence, the State did pay the $500 to a surety company to give this bond. The State merely asks that this fund be reimbursed, because a hole in a fund of that kind could not be stopped by any State action. We have no authority to divert money from some other fund to recoup that fund; so it should have been made good to the Government. That is obvious; and why any committee, or why any legislative body, should hesitate for a moment about it has always been a mystery to me.

I have stated these facts on every occasion where an explanation was due. It was a case of such obvious injustice that I have never thought for a moment that a conference committee of the two Houses would hold out, as they have for months, against allowing that to go in the urgent deficiency bill, where it properly belongs.

I am not willing, even in so righteous a cause, to tie up or long delay legislation where great interests of the Government are at stake. It is represented that by insisting upon this provision remaining in the urgent deficiency bill I am causing delay in the adjustment of the Treasury balances relative to the construction of our battleships, and that the provision which was made authorizing a payment in excess of 90 per cent—in other words, a payment to the extent of the finished or constructed work—is in jeopardy. If I yield in this matter—and I want the chairman of the Committee on Appropriations to be thoroughly advised—it will be because this measure comes in as a repeal, and not under the guise of correcting the records of a previous Congress. I would not, as a man who claims to be learned in the law, stand here and permit one Congress to attempt a correction of the Journals of a previous Congress. That is not within our power, and any claim that we are doing that, as is recited in the preamble of this joint resolution, would cause me, without regard to the merit of the measure, to stand here as long as I might under the rules of this body to resist it. If we ever open that door, then one Congress may, by merely correcting the Journal of another Congress, add to or detract from its action. I can not conceive of that being done. I think it should appear to every lawyer and every layman of this body that such a thing would be dangerous in the extreme; but with the understanding had with the chairman of the committee, that the title of this measure will be amended so as not to recite that it is for the purpose of correcting errors, I will yield, but on no other consideration. I will yield with the understanding that this $500 which the Government owes the State of Idaho shall be taken care of in the appropriate appropriation bill at the regular session of the Senate.

I feel quite justified in taking time enough of the Senate this morning to make this matter plain, both in regard to the principle of correcting the Journals of a previous Congress and in regard to the justice of this claim of the State of Idaho against the Government. So I do not feel in an apologetic frame of mind at all. I am sure that the Senator from Wyoming [Mr. WARREN], who is chairman of the Committee on Appropriations and has direct charge of this matter, will agree with me in stating the understanding, first, in regard to the change to be made in the title of the joint resolution—that is a condition precedent to my yielding anything—and, second, that this item of $500 shall be taken care of, so far as it is possible for any Member of this body to promise, in the regular and appropriate appropriation bill at the coming Congress.

Mr. WARREN. Mr. President, I am obliged to the Senator from Idaho for yielding his objections. The title of the joint resolution is changed by an amendment which has been accepted, so that it now reads "A joint resolution to amend certain appropriations acts, approved March 4, 1911."

I sympathize with the Senator in the matter of the Idaho University. There seems to have been wrong done by somebody. It seems to me that a second check or draft might have been issued, stating that it was a duplicate; and the first, the original, being unpaid, the duplicate should be paid, and so forth, instead of mulcting the State of Idaho for $500.

I propose, so far as I am individually concerned, to assist the Senator in any way I can at the proper time, under the rules, to obtain relief for his State. Of course, I can promise nothing as to what may come in the appropriation bills, because that is a matter for the Senate to settle as to the Senate side, the House of Representatives to settle on the other side, and for the conferees on the part of the two Houses to settle finally as to both sides; but I am thoroughly in sympathy with the Senator in the claim for his State, and shall cooperate, so far as I can, with the Senator in some proper way to obtain the relief that is sought.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 1149. An act permitting the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota;

S. 2732. An act to authorize the Providence, Warren & Bristol Railroad Co. and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers or Warren River, in the State of Rhode Island; and

S. 2768. An act to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.

NEW MEXICO AND ARIZONA.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

Mr. POINDEXTER. Mr. President, I take it that the paramount question involved in the pending joint resolution, and particularly in the amendment to the joint resolution, as reported by the committee, which has been offered by the Senator from Minnesota [Mr. NELSON], is the question of whether or not the people of a proposed State of this Union shall have the right of self-government in their local affairs and shall be admitted to the Union, if they are admitted, upon an equal footing with every other State in the Union. I regard that question as paramount to any consideration of the merits of the proposed local laws of Arizona, whether or not they shall have direct legislation in their State affairs or shall not have it, and the manner in which they shall choose or remove their public officials in their local State affairs.

It has been said by a distinguished Senator that the Senate and Congress are particularly interested in this joint resolution because it involves the participation of a State in the government of the United States through the representation of the State in Congress. I submit, Mr. President, that the only concern that the Congress of the United States legitimately has in that question is that the State, when it is admitted to the Union, shall conform itself to the Constitution of the United States and the laws made in pursuance of that instrument, including as a part of that general obligation the sending of Senators and Representatives to represent the State in the Congress. I submit, sir, that when that question has been determined the interest and the legitimate concern of the United States or of Congress in the form of the laws of Arizona comes to an end. There is no more important principle involved in the Constitution of the United States than that the activities and concern of the Nation should come to an end at that point in its interference with the action of States. The arguments turning upon that question——

Mr. HEYBURN. Mr. President, I want to inquire of the Senator——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. Certainly.

Mr. HEYBURN. I want to inquire of the Senator whether he prefers to proceed with his argument or whether he would object, as he goes along from time to time, to such questions as might be pertinent?

Mr. POINDEXTER. I have no objection to interruption for the purpose of asking a question.

Mr. HEYBURN. Then, in connection with the last statement of the Senator from Washington, I would suggest that the Constitution upon which he relies especially provides that, after a State has rendered its verdict, Congress shall be the sole judge of the qualifications of its own Members.

Mr. POINDEXTER. That is a part of the principle which I have just stated. I do not take issue with the Senator from Idaho upon that proposition; but that question is not involved here. There is not any question whatever before this Congress at this time as to the qualifications of any Senator or any Representative in Congress from the proposed State of Arizona, and that suggestion has nothing whatever to do with any question now before Congress.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington further yield?

Mr. POINDEXTER. I yield to the Senator from Idaho.

Mr. HEYBURN. It would not have been pertinent except for the statement of the Senator that when a State had sent its representatives to Congress that was the end of it. I merely intended to point to the fact that it was not the end of it; that it was only the beginning of the test of the qualifications and of the right to sit in Congress.

Mr. POINDEXTER. I did not confine my statement to the function stated by the Senator from Idaho, but I said that the proposed State should conform itself to the Constitution. The particular provision to which the Senator now refers is a part of the constitution and included within the legitimate activities of Congress, but it is entirely aside from any question now before this body.

The arguments, Mr. President, that are being leveled against the constitution of Arizona all resolve themselves, when digested and analyzed—and I am more and more convinced of this upon reading the speeches that have been made here in opposition to this joint resolution—into the proposition that the people can not be trusted with power; that the people are not competent to make laws for their own government; to choose and depose their own officials. The arguments are but the repetition of the arguments that were made against the Declaration of Independence of this country, and the Constitution about which the Senator talks and under which we are now living. They are the same arguments that were interposed against every advance in the development of that system of free laws and free government under which we are living now. Read the history of England and you can read almost word for word the arguments that are simply being repeated here as to the dangers and pitfalls lying in the path of giving the people power over their affairs. They reduce themselves to the logical proposition that the fewer people that are vested with a voice in the Government the better it is, and the less power they have the better it is in a system of government. That is the argument, and that is all there is to the argument.

The people of Arizona, assembled in convention for the purpose of adopting a fundamental law for the government of the new State, adopted this preamble:

> We, the people of the State of Arizona, grateful to Almighty God for our liberties, do ordain this constitution.

They expressed their joy—and no doubt it was not a mere formal expression, but evidenced their sincere satisfaction and joy—at the prospect, after 20 years of agitation and struggle, of admission into the sisterhood of States, that at last the opportunity had come for self-government; and they expressed their gratitude for the privilege of themselves adopting a system of law for the government of their local affairs. Is Congress to make a mere travesty of that solemn expression on the part of the constitutional convention representing the people of Arizona? Is their expression of gratitude for their liberties and the privilege of adopting a self-governing constitution to be a mere irony and mockery? Are we to make it a mere piece of irony and a travesty upon the facts by denying them admission into the Union until they adopt a constitution not satisfactory to the people of Arizona, but a constitution that meets the judgment, the wishes, and the views of people who do not live in Arizona, who have no concern and no interest in the affairs of Arizona so far as those affairs are local, and no concern with the administration of their local laws? Are we to establish the principle in this country that self-government, the right of the States under the Federal Union to control their own affairs, is a mistaken policy? Are we going to depart from well-settled precedent in that regard? Are Senators who are so enamored of the Constitution as it was originally formed any less enamored of that feature of the Constitution than they are of the other features of it? I take it that there is no more important principle in the Constitution than that vital one which preserves the right of local self-government, and that is the question which is involved, and the most important question that is involved, in this joint resolution.

As to the particular provisions of the constitution of Arizona, there are only a few of them which are particularly objected to. The effect of the primary election laws, the recall, the initiative, and the referendum, as has often been stated, is not to abolish any of the present organs of government, but the purpose is to increase the responsibility of these agencies to the people, and by doing so, by increasing the responsibility of those departments of the government which are already established in the States and in the United States, to secure that good administration which Senators say is the cure for all of our political evils. The purpose of these new provisions is to secure good administration, good execution of the laws on the part of the officials who have been chosen under the present system, not to abolish those offices, not to abolish those departments of the government, but it is to make them responsible to the people and bring to bear upon them a motive for executing their offices faithfully and justly, and for doing that which the Senator held up as that in which they are most lacking, and as the cure for whatever political evils may exist at the present time in this country.

The difficulty with our present system is not that the people have not the power to prevent the passage of laws; they have that power in the most marked degree; but the difficulty is that the people have not the power to enact laws. The one power is just as essential as the other in any system of popular government. There are plenty of checks, but there is not enough

motive power. There is ample negative weight, but there is not enough affirmative force. A small minority can absolutely prevent the enactment of statutes desired by the majority, and a still smaller minority can prevent any change in the constitution.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. I would suggest to the Senator that the provision contained in the proposed constitution expressly authorizes 25 per cent of the people to do that which the Senator complains may be done by a mere minority.

Mr. POINDEXTER. The Senator from Idaho has spoken on this question a number of times, and no doubt has familiarized himself with the facts in the case, and that being so, I am very much surprised to hear him make that statement, because he is mistaken. There is no such provision in the proposed constitution.

I was very much surprised a few days ago to hear the Senator from Idaho make the positive statement. It so happened that, in reply to a question that had been asked me by some one who lived in a distant part of the country, whether or not a petition for the recall of an official—which is that provision which the Senator is referring to—when it was filed had the effect of deposing the official from office, I had just stated that it did not. Immediately afterwards I heard the Senator from Idaho, upon the floor, in serious debate, repeatedly make the statement that it did have that effect, and now I understand he is repeating it here. There is not a word in the proposed constitution of Arizona that provides for any such thing, not a word.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington further yield to the Senator from Idaho?

Mr. POINDEXTER. I yield further.

Mr. HEYBURN. The point I made at that time and that I am now making is that 25 per cent of the people filing a protest or a demand for the removal of the officer puts him at once upon his defense and forces him into a campaign that can not last more than 30 days and may be determined in 20. In other words, it takes him from the performance of his duty as a legislator and compels him to enter into a contest to defend himself.

I made the point that if you would file petitions for withdrawal against enough members you could send them all into the political campaign at once, in order to determine whether or not at the end of 20 days they should continue to be members of the legislature, and thus you would destroy the vitality and effective power of the legislature.

Now, I have not attempted to present this more than meagerly and briefly; but because the Senator has challenged that which I said on a former occasion, I desire, with his permission and courtesy, to make it so plain now that I will not hereafter be subject to a charge of having said that it was complete upon the filing. I said the effect of it, of the filing, was as complete as it would be at the end of 20 days, within which the matter may be decided. Now do I make myself plain to the Senator?

Mr. POINDEXTER. Perfectly so. I am perfectly willing to yield for a question, but——

Mr. HEYBURN. I would not have intruded upon the Senator's time except for the fact that he made a statement as to what I had said on a former occasion. I understand the Senator is entitled to express himself in his own time. I merely expressed the idea that you could send a majority of the members of the legislature away from the performance of their duties into the field of contention as to whether or not they should remain there. Now, I will not interrupt the Senator further.

Mr. POINDEXTER. That is not the question we have been discussing at all. It is an entirely different one, Mr. President. The statement which was made by the Senator from Idaho appears in the RECORD. I will not take the time now to send for the RECORD and to read the statement, but I think the Senator on reading it will find that the statement was that the filing of the petition effected the recall. That is a mistake.

Mr. HEYBURN. The Senator will pardon me. I will not enter into it any more than merely to say—I have not myself looked at the RECORD—that I stated at the time I was only meagerly expressing it, and I do not believe there is any profit in challenging that RECORD, because I said it was a meager presentation of it, and there may be phrases which, if taken alone, would stop there. But I afterwards, and especially on Saturday, went further and explained, not so completely as I have on this occasion, what I meant by the petition working its purpose. It works its purpose when it takes a man out of the performance of his duties and sends him into the field for reelection. That is the effect of it.

Mr. POINDEXTER. Of course it is not essential what the Senator said on some former occasion so much as it is essential what he is saying now. I read the debate between the Senator from Idaho and the Senator from Oregon [Mr. BOURNE], at which time, when the Senator's attention was called to the language of the constitution, he modified his position. This is the language to which I referred. The Senator from Idaho, as shown by the RECORD of August 5, said:

> Mr. HEYBURN. It requires a majority to elect a man to the legislature, but it only requires 25 per cent of the vote to deprive him of his office.

Mr. HEYBURN. Yes.

Mr. POINDEXTER. It requires a majority vote to deprive him of his office after a deliberate, orderly election, held according to the election laws of the State.

Mr. HEYBURN. I was speaking of the effect of it in general terms. I see no reason at all to take it back.

Mr. POINDEXTER. In order that there may be no misunderstanding about it, on the same day the CONGRESSIONAL RECORD shows the Senator from Idaho to have made this statement:

> The filing of the petition terminates the service of the officer against whom it is filed. No action is required to give it further force.

Mr. HEYBURN. That is in the legislature.

Mr. POINDEXTER. Yes.

Mr. HEYBURN. Yes. That is absolutely true; it terminates his service by taking him out—and I explained that at some length—of the legislature and putting him into a campaign. If I should conclude to speak again on the subject, and it is thought necessary, I will elaborate that; but I think I have already made it plain.

Mr. POINDEXTER. I think so. So I will not pursue that question further.

Of course, as stated before, there is involved here no question of a modification or an amendment of the Constitution of the United States, but it is assumed that the proposed constitution is a departure generally from that system of government which is provided for under the Constitution. Certain Senators assume—I do not think the Senator from Idaho does, and I have the very greatest respect for his opinions, particularly for his legal opinions, because of my personal knowledge of his distinguished legal career—apparently take the position that while they are perfectly free to suggest amendments to the Constitution of the United States which vitally change the system of government provided for by it, that anybody else who proposes a change of that system of government is a lunatic or a soothsayer or a political prophet or a reformer in the opprobrious sense in which they use that word.

They assume, with the exception of the proposed amendments which they themselves approve of, that every other amendment is an attack upon a holy covenant which ought to be perpetual—an act adopted 124 years ago, under conditions absolutely and entirely different from those that are existing now, by a set of men who were the equals of any equal number of men that ever assembled for a public purpose, and who did a greater work than any other similar body of men ever did, but who were not gifted with the prescience of the ages, could not look centuries ahead and see the conditions that were going to exist and spring up anew throughout the land, bringing about the need for new instruments of government. I imagine that nobody would be more surprised than some of the men who framed the Constitution of the United States to hear the arguments made now that we must not in any respect modify or change the agencies of government provided for at that time.

I think it was Mr. Dooley who said that Thomas Jefferson was a very good man, but that he lived before the days of open plumbing. We can not limit ourselves in the details of governmental agencies absolutely and entirely to those that were provided for when the Constitution was adopted. I do not know of anybody who absolutely proposes that except the Senator from Idaho, and I only infer it to be true in his case.

Mr. HEYBURN. As the Senator has challenged me, I ask that he permit me to inquire just the point of that remark.

Mr. POINDEXTER. The point is simply this: I said there were other Senators who objected to any amendments to the Constitution, except those they themselves approved of, and thought it was a species of political lunacy to propose any others; but they did admit that there were some that would be wise; but that the Senator from Idaho, so far as I am aware, is the only Senator and the only person that I know of who is opposed to any change whatever, and takes the position that it would be in the nature of a political crime to make any change, however slight, in the Constitution of the United States.

Mr. HEYBURN. If the Senator will permit me, I will assist him in formulating an expression of my real position in a few words. It is not that I object to any change in the Constitution merely because somebody proposes it. I object to any amendment to the Constitution that is not of compelling force. Were I participating in the making of a constitution, I would doubtless find much in some of the propositions that would influence me in my action. But the value of a constitution is its stability; the value of a constitution consists in the fact that it can not legitimately be changed by the easy methods of legislation.

Now, I am not perhaps so much of a bourbon as the Senator would picture me, and yet I have no hesitation in saying that to-day presents no problem to my mind that requires any amendment or change in the Constitution of the United States; none whatever. I merely wanted to assist the Senator in drawing a picture of my bourbonism.

Mr. POINDEXTER. I am very glad to have the Senator's definition of his bourbonism and explanation of his constitutional attitude. I want to modify my statement to this extent, that I did hear the Senator make this apparently reluctant concession: That if a sufficient number of legislatures of the United States directed Congress to call a convention for the purpose of amending the Constitution he would do his duty and vote for carrying out the directions of a sufficient number of the States.

Mr. HEYBURN. I have taken an oath to do that—to obey the Constitution and uphold it and support it—and the Constitution says that when a sufficient number of the States by their legislatures demand the calling of a convention, the Congress shall do so; and I have no hesitation in saying I stand ready to keep that faith.

Mr. POINDEXTER. When the Constitution of the United States was adopted the people were fresh from their experiences with the arbitrary power of the King and Parliament of Great Britain, and their principal idea was to destroy centralized power and so distribute it that no one function or agency of the Government could oppress the people; and they were eminently successful in doing so. Nor to this day have there been serious complaints, except perhaps in the administration of John Adams, of the oppression of the people by the Government. No one is making that complaint to-day.

It is not action, but inaction, that they are complaining of. It is not oppression by the Government that galls and burdens them, but oppression and extortion by great private powers, which have, at first gradually and of late years quite rapidly, appeared and grown to exaggerated influence in the land.

These private monopolies and crude but powerful industrial barons have grasped the opportunities of the minority and of the distribution of power and the separation of the functions of government under our system to delay for a generation, or to finally defeat, the enactment of laws by which they should be regulated and restrained. For the same reason they have been able to thwart a vigorous administration of such laws as were with much toil and tribulation already placed upon the statute books. Through an extraconstitutional system of government by conventions and caucuses, which were wholly a law unto themselves and entirely without restraint of the Constitution or of statute, these private interests have seized by cunning and fraud many public governmenal functions. They have operated these stolen agencies which belong to the people wholly for private aggrandizement, and by this means have established in this country monopolies far greater than those which blighted the enterprises of France upon this continent or sapped and destroyed the vigor of Rome.

They have built up a government within a government—a government of machine organization, machine caucuses, machine conventions, within but distinct from the established system of constitutional legislatures, congresses, executives, and judiciary. In too many instances and for too long periods of time, largely by reason of the lack of affirmative power of the people under the Constitution, the machine system of government has overwhelmed and dominated that provided for by the Constitution. The relation of these two powers is like the governor of France and the intendant of the King in early Canada; like the ideal and ostensible sovereign, representing the dignity and welfare of the people, and the secret and sinister hand of Mme. de Pompadour really directing the affairs of state.

In some of its methods and manifestations this unconstitutional government of private interests is as ominous and secret as the Nihilists, the Camorra, or the Ku-Klux Klan; but it is more powerful than any of them. It has its feudal sovereign and feudal lords dictating the affairs of States and cities, and crowned with as absolute power within their respective principalities as the potentates of the East. This is the condition which has thrived on the ease by which affirmative action by the people can be defeated. To meet its evils gradually—and not suddenly, as claimed by the learned Senator from Utah—the people, with much patience, study, toil, and experiment, have devised certain remedies. Gradually, in many localities, by these means they are destroying the power of the system machine and reclaiming the power of the public. Some of these remedies are included in the constitution of Arizona, and it does not become the Congress of the United States to deny to the people of Arizona the laws they desire and to force upon them, as the price of statehood, a constitution they do not desire.

If this Government fails, it will fail from the evils I have outlined above, and it will never fail from giving into the hands of the people real power to carry out its functions according to their purpose and intent, unless, Mr. President, the day shall come when those people shall be incapable of self-government. Then will be the time to adopt another system of government.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER (Mr. BRYAN in the chair). Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. I would like to impose upon the patience of the Senator from Washington for a moment. Is it not true that this constitution is a contract between the people of the State of Arizona and the United States? Is not its real nature that of a contract? These people say to the Government, "If you will admit us into the Union as a State, we will administer our laws upon the principles stated in this contract." Therefore is not the United States a very much interested party in the contents of such a document?

Mr. POINDEXTER. That is going into rather an academic discussion, as to whether it is a contract or is not a contract. It is sufficient to say to the people of Arizona that they should be admitted, and admitted subject to the Constitution of the United States and the laws enacted in pursuance thereof, whether it is a contract or not.

Mr. HEYBURN. But they are admitted by virtue of a document now offered. Does the Senator contend that none but the people of the State of Arizona are interested in the contents of this document? Are not all the people of the United States equally interested in it?

Mr. POINDEXTER. All the people of the United States are not equally interested in it. All the people of the States have not an equal right to interfere in it. They have no right at all. Under the system provided for by the Constitution and the principle upon which our Government was founded and has been administered up to the present time, they have no legitimate interest in it; and we have no right when we come to admit a State into the Union to say that the people of Arizona are not as intelligent as those in the Senator's own State, or in my State, or in any other State. The people of Arizona have a right to say what constitution shall govern them in their domestic government, because the Constitution of the United States does not contemplate arbitrary action to the contrary on the part of a great nation. There is a handful of people who have reclaimed a desert and made it habitable for man. They have worked out, through all the difficulties and hardships of early settlement in the wilderness, a system of law for the orderly conduct of their community.

Mr. HEYBURN. If I may further interrupt the Senator, is it not true that the State of Arizona is a geographical proposition primarily; that the territory now within those lines is the property of the people of the United States, and that they are yielding up their jurisdiction over it—that is, the absolute jurisdiction—to the people who are or who may hereafter be within it? Does not that give all the people of the United States some right to pass upon the conditions of this contract—the people who are going to do business in that Territory or the people who live in that Territory and yet are not citizens of it?

Mr. POINDEXTER. To pursue this rather abstract inquiry it gives them the right to do so so long as it remains a Territory; but I understand the proposition to be that we are to admit them as a State.

Mr. HEYBURN. After they are a State.

Mr. POINDEXTER. And you can not admit them properly, as I said a moment ago, except upon an equal basis with every State in the Union.

Mr. HEYBURN. Is it to be upon an equal basis with every other State if we deprive the courts in which the people of the State who have interests must have their rights settled of that stability which marks the character of courts in other States? Is it not to be on an equal footing with other States that outside property holders are entitled to go into the courts of that

State and are entitled to that same condition of stability in those courts that they would find elsewhere? Are we not interested in that question?

Mr. POINDEXTER. Not at all. They have no interest whatever in it, and one reason why they have no interest in it is because, in the remarkable ability of the framers of the Constitution of the United States in providing for every contingency, they have provided for just the contingency mentioned by the Senator from Idaho—that our Federal courts shall have jurisdiction in the State of Arizona in which the people of other States can appear and over which the State and the people of Arizona have no control.

Mr. HEYBURN. But till——

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Idaho?

Mr. POINDEXTER. I yield further.

Mr. HEYBURN. But still the people must have a right to go into the State of Arizona and do business and have access to any courts which are open to any other citizen. They ought not to be compelled by reason of the character of the court to avoid the courts of the State in which they are permitted under the constitution of Arizona to do business. Otherwise they could not do business on an equal footing with other people.

Mr. POINDEXTER. The Senator seems to have a notion that the people of Arizona are going to initiate deliberately a régime of force—intelligently establishing a system of courts in which they could not get justice.

Mr. HEYBURN. No.

Mr. POINDEXTER. And that they are willfully going to establish courts for their own oppression instead of the preservation of their rights. Every citizen of the United States who goes into the State of Arizona has the same right in the State courts in those matters in which the State courts have jurisdiction as, for instance, in the police regulations of the State and the punishment of crime that any citizen of the State of Arizona will have. The Senator seems to think that the people of Arizona are deliberately going to establish a system of courts for their oppression, and tyranny, and wrong, and injustice. I submit that the people of Arizona can be depended upon to establish a system of courts in their own interest, and let every citizen of the United States come into the State of Arizona and look to those courts and depend upon the same justice from those courts as do the people of Arizona in the protection of themselves and their property and their personal rights.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield further?

Mr. HEYBURN. If I may once more interrupt the Senator——

Mr. POINDEXTER. I yield to the Senator for a question.

Mr. HEYBURN. I was going to suggest that the nonresident could not initiate or take steps to remove the local judge, while the residents, should they suspect that the local judge might not agree with them in regard to the case, might remove him the day before the trial, and the nonresident would then have to commence over again.

Mr. POINDEXTER. That is just a chimera. It is just an imaginary situation which the Senator conjures up out of his great imaginative powers. No citizen of Arizona can remove a judge under this recall provision.

Mr. HEYBURN. Twenty-five per cent of them can.

Mr. POINDEXTER. Twenty-five per cent can not remove him.

Mr. HEYBURN. They can incapacitate him. No judge against whom a petition has been filed can go on with the trial of a case.

Mr. POINDEXTER. It is easy enough to imagine difficulties and obstacles. I am not an advocate, Mr. President, of a universal system of recall of the judiciary. While I have no prejudices against it, I am an advocate of allowing every jurisdiction in the United States, every State which is a member of the Union, to exercise its own judgment, and particularly the deliberate will of its own people in regard to that question. I am not proposing it for my State at this time. The people of my State are not proposing it for my State. But if conditions arose in that State, as conditions have arisen in the Territory of Arizona, and in their experience with the judiciary there, which convinced the people that it is necessary to put a more direct control over the judiciary in the hands of the people, I do not consider that there is any particular danger in the way of giving that power into the hands of the people.

I am not suggesting and no one is suggesting, so far as I am aware, the universal application of the recall of judges; but, as I have just said, I have no apprehension that evil will result from placing in the hands of a free and intelligent people power by the ordinary and solemn process of the ballot, by a majority of the people, not alone by petitions signed by 25 per cent, not by the people without discussion, not by a people who "have nothing to think with," as one of our facetious citizens said about a certain convention in the days of 1896, but by a people who do think, who "have something to think with," who have an opportunity to read and means of communication and discussion of the merits of judges and other officials, after full and deliberate discussion—a free and intelligent people, acting by a majority, in the orderly process of the ballot.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Idaho?

Mr. POINDEXTER. I yield to the Senator from Idaho.

Mr. HEYBURN. I should like to suggest to the Senator in the nature of a question whether a controverted question upon which the integrity and fitness of a judge should depend could be taken up and discussed and decided within 30 days in a State like Arizona? Suppose the withdrawal was based upon an alleged erroneous decision in one of those great mining contests, some of which I have known to last for more than six months, it would have to be gone over by the people of the State and determined as a basis for their voting as to whether or not the judge was in error. Does that seem to be a conservative method of government?

Mr. POINDEXTER. If such a thing as that actually occurred I would not consider that the people were particularly conservative. But that is another one of the things which does not exist except in the Senator's contemplation, and never will exist. It never will be possible to get even 25 per cent of the people of Arizona to sign a petition for the recall of a judge because of a decision in a mining case, much less to get a majority of them to recall him. They are not going to be exercised by any such matters as that.

I have known of conditions of the judiciary where it would have been possible to get 25 per cent of the people to sign a petition for a recall, but it did not depend upon any decision which the court had rendered. It might have depended upon a series and the general course and tenor of the decisions such a judge had rendered. It might have depended upon some misconduct upon his part, as in a case which is recited in a document which I have in my hand of a judge in the State of Montana. The records of the supreme court of the State show that he was in a state of beastly intoxication during the progress of an important trial over which he was presiding. One instance, even, of that kind might not be sufficient to induce 25 per cent of the people to recall him. It might be that they would be induced by a condition which is also recited in this document of a judge of a supreme court in one of the States of the Union who submitted the opinion of the court, which he had been delegated to prepare, to the counsel of a great corporation, which was one of the parties to the case, for his O. K. and revision before it was promulgated as an opinion of the court.

Such things as that, if they unfortunately exist, would bring about the filing of a petition by 25 per cent of the people for the recall of a particular judge, and not because he decided a case in favor of one party or the other.

I want to say to the Senator from Idaho that if he has grasped the true significance of the American character he knows as well as I know that if there is one thing which would keep a judge upon the bench and would insure the favor and the support of an American population it would be the fact that those people were convinced that he could not be swayed from the righteous course as a judge, either by popular clamor or by the insidious influence of some great party litigant.

This talk about a judge being recalled because he was firm in the line of duty, or about his being kept upon the bench by the people because, on the other hand, he was ready to listen to popular clamor and to decide cases as the mob wanted him to decide them, is the most arrant nonsense and a most unjust reflection upon the intelligence of the great people who have made this Nation. There is not a constituency in the Union, in a Territory or in a State, which would recall a judge because he had established a reputation for fearlessness in deciding cases according to the right and merit of the cases, however his decision might be. I have known of cases in which people were interested in a decision in a certain way and the decision was the other way. The judge had the applause of the people, not because he decided the case one way or the other way, but because the people admired the character of the judge. They are wonderfully good judges of character. I read somewhere the other day that the House of Commons of Great Britain was a wonderfully good judge in estimating the character of its members, and that it soon took a man's measure, and perhaps

the same thing is true of the Congress of the United States, but I will tell you a better judge of the character of men, and that is the people of the country. It does not take them long to take the measure of a judge upon the bench. They do not measure it upon this decision or that decision, but they measure it upon his course of conduct and his life. They believe in making but one test of his character: Is he a good judge, who can not be swayed by popular influence or by corruption or by the sinister influence of great litigants? If so, there is no great danger of his ever being recalled. They will welcome him upon the bench and keep him there.

There are too many cases, unfortunately, in this country where there are not good judges upon the bench. I am not in the habit of raking up the unfortunate things which occur here and there, and they are greatly in the minority in the number of our public officials, whether judicial or otherwise. In the discussion of this question, if you decide correctly, you must take notice of the fact, public notice, senatorial notice of the fact, that there are many cases where there are upon the bench, or have been upon the bench, just the kind of judges that Senators who are opposing this constitution say would be developed under a recall system. They say that you would develop judges with their ears to the ground; in other words, judges who would listen to outside influences in deciding cases. The reason this recall was proposed is because of the fact that in Arizona there were judges upon the bench, where there was no recall, who had their ears, not to the ground, perhaps, but who heard the corrupt whispers of some great political machine, combined with great business interests.

Yes; as suggested to me by the Senator from Oklahoma [Mr. OWEN], the Southern Pacific Railroad and other interests of that kind. That is far more to be feared if, unfortunately, the people in the first instance should elect to the bench a man whose official actions were to be determined by any such influences, that he would be reached by such interests as the Southern Pacific Railroad, than that he would be reached by the so-called clamor of the people. The right kind of a judge would not be reached by either, any more than he would be reached as to a case pending in his court at the end of his term of four years, as provided in many States, and as is provided in the Arizona constitution, and the election was coming on, any more than he would be influenced in the decision of his cases by the approaching election. I say that if such a judge was influenced by that, of course he would likewise be influenced by a recall, but if in either case he is subject to such influences, he is not a fit man to be upon the bench. You can not devise, with all the wit and ingenuity of man, a system of government which would be a success in the hands of officials of that kind. You have got to presume that there will be men of courage and honesty to enact, execute, and decide the laws of a country in order to make a success of any system. The people of Arizona are now trying to devise a plan not to put temptation in the way of judges, but to remove temptation from them, and to make them responsible to the people.

Mr. HEYBURN. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Washington yield?

Mr. POINDEXTER. I yield for a brief question, Mr. President.

Mr. HEYBURN. Mr. President, in a contest after the petition for withdrawal had been filed, would there not be an inclination on the part of those who were charged with having an interest in the decision that was the basis of the withdrawal combining for the purpose of either retaining or expelling the judge?

Mr. POINDEXTER. There would be absolutely no danger of that when the matter is to be submitted to the entire population—no possibility of it.

Mr. HEYBURN. Now——

Mr. POINDEXTER. If the Senator will allow me, there might be some danger of it, as was suggested by Justice Story when the question was submitted to the Legislature of Massachusetts as to whether the Legislature of Massachusetts should have the right to remove judges upon address without notice, without trial. He suggested that it was dangerous, and he pointed out the manner in which great influences might reach the ears of the legislature of which we have had too many examples since Justice Story uttered that prophecy. He had confidence in the people, and I repeat, as I said a moment ago, that while there might be danger of such influences affecting the legislature, with power to remove without notice it is impossible that they could control the action of the people of the entire judicial district.

Mr. HEYBURN. I have had personal knowledge of the fact that the Senator has had a somewhat extended and honorable career upon the bench, and I will ask Did the Senator ever know in his experience, either at the bar, before going on the bench, or when presiding over the court, of conditions arising out of the trial of cases that in his judgment would seem to indicate or suggest the necessity of such a provision as this?

Mr. POINDEXTER. Yes; I have already mentioned two of them this morning.

Mr. HEYBURN. I do not recall them.

Mr. POINDEXTER. I dislike to repeat that history and those instances which are well known. Let me read to the Senator a reference. I read from an address by the Hon. T. J. Walsh, of Helena, Mont., before the Washington State Bar Association at Spokane, Wash., July 28, 1911, in response to the question of the Senator as to whether I had any knowledge of such cases.

Mr. HEYBURN. This is merely an address before the bar?

Mr. POINDEXTER. Yes; it was an address before the bar association, but it is now an address before the Senate of the United States. I am going to read this in answer to the Senator's question. This gentleman had knowledge of what he was speaking, and the bar association was just as appropriate a place as any other to give expression to it. Mr. Walsh says:

The supreme court of my State—

That is, the State of Montana—

granted a new trial in Finlen v. Heinze (28 Mont., 548) because the undisputed evidence showed that the judge who tried the case, while hearing it, being more or less steeped in liquor, trafficked through a lewd adventuress with one of the parties to the action. Some chapters from the recent judicial history of this State might serve as well to illustrate the utility of a system through which could be secured the prompt elimination of a judge whose conduct was such as to excite deserved public reprobation. Had not the erring justice, who fled before the wrath of this association, kindled at the disclosure of his intrusting to counsel for one of the parties in a suit before him, a corporation of great wealth, the preparation of the opinion of the court, voluntarily relinquished his seat, the people of Montana would have had abundant cause to be thankful had they been able to retire him under a recall.

Mr. HEYBURN. The legislature could remove him.

Mr. POINDEXTER. There are 16 States in the Union in which the legislature has the power to remove judges without notice and without trial.

Mr. OWEN. Thirty-two can remove them by act of the legislature.

Mr. CLAPP. Thirty-two States can do so, I think.

Mr. POINDEXTER. I am very much obliged to the Senators for the correction.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. POINDEXTER. I yield.

Mr. CRAWFORD. Is it not a fact that in a number of those instances it requires a two-thirds vote of the legislature, making the action practically one of impeachment, although not upon the same grounds upon which impeachment would be sustained?

Mr. POINDEXTER. Some of them do not require a two-thirds majority; and when——

Mr. CRAWFORD. Is it not so required in the great majority of those States?

Mr. POINDEXTER. It is in a majority of them, but not in all of them. In one of them the majority of the legislative body of the State—a mere majority, not two-thirds—had the power of removing judges when the State was admitted into the Federal Union—one of the original thirteen Colonies.

Mr. CRAWFORD. Yes; in one instance. Now I should like to ask the Senator another question. There does not seem to be any limit in this provision. The Senator has mentioned one or two cases commonly known, in which it seems to me very clear grounds for impeachment existed. I do not know whether or not an attempt to impeach was resorted to, but in the recall as proposed in the constitution of Arizona, and in the recall of judges as it has been advocated on this floor, no cause is to be assigned for the recall. It is to be an absolute exercise of the will of the majority. A judge may be recalled because he is not radical enough. It has been argued on the floor that he ought to be recalled if he is wrong temperamentally, although honest. Does the Senator approve of a recall based upon grounds like those?

Mr. POINDEXTER. I do not approve of the recall based upon any specific grounds in the statute at all. I do not think the grounds ought to be stated. I think it is a matter absolutely in the discretion of the people of the State, just as the election of a judge is in their discretion. If they are capable

of electing a judge, they are capable of reelecting him or of deposing him from office.

I understand that, although this system is in force in one of the States of the Union, it has never been exercised, and the probability is that it would scarcely ever be exercised in any jurisdiction where it was adopted. The existence of it would have the effect desired, just as the existence of water transportation alongside of a railroad has the effect of regulating railroad rates, even though the water transportation is not used. The existence of the power and the possibility of using it would have the desired effect of making a judge, where it is unfortunately necessary to take such steps, responsible to the people.

The objection urged against the recall is that we should have an independent judiciary. I infer that Senators who make that argument mean that we should have a judiciary independent of the people. If they do mean that, this is the first time in the history of the struggle of the English-speaking race to establish their present system of government that that contention has been made. The independence of the judiciary, as contemplated by the framers of the Constitution, as contemplated by the English people in the act of settlement in 1688, and in all of the struggles which the English people have had to establish their liberties as against the tyranny of the Crown, meant independence of the monarch and not independence of the people. The struggle was to make the judges dependent upon, or at least responsible to, the people, instead of making them independent of the people. Judges, as Senators well know, when this question came up in the course of years and in the development of the courts upon which our courts are modeled, were absolutely dependent upon the king. The king was the judge, and he delegated certain individuals to take his place, because in the multitude of his engagements he did not have time to look after the individual cases.

Mr. CRAWFORD. Mr. President, will the Senator permit me?

Mr. POINDEXTER. He delegated men to take his place. They represented the king, were appointed by the king, and removed by the king at his pleasure. If the king was a benevolent despot, the judge was satisfactory for the time being to the people, but if the king was a tyrant, as he often was, there were protests on the part of the people, and finally there was an establishment of the system that the judiciary should be independent, not of the people, but independent of the king.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from South Dakota?

Mr. POINDEXTER. I yield.

Mr. CRAWFORD. Does the Senator not admit that there is a wide distinction between the relations, for instance, of a legislator to the people or an executive officer to the people and the scope of duties that rest upon a judge? The legislator is enacting a law by which the entire people of a State or a nation shall be controlled; an executive officer is enforcing that law; but a judge is deciding a question between private litigants, or he is deciding a question of which the most important feature is that the right of the minority shall be protected; it may be in a matter of religious belief, which awakens the deepest feelings that exist in society and where a majority may be arrayed against a minority. It may be a question involving race prejudice, which again awakens the deepest passions that can arouse mankind, and it may be a contest between one poor, weak human being and the vast majority. If the decision in such a case is to be controlled by the majority of the people, who can invoke a recall against the judge pending the trial, to what tribunal is the minority ever to appeal? To what tribunal under the sun can the one poor unfortunate who is facing the overwhelming sentiment that appears to be against him go? What answer does the Senator make to that, where you can invoke a recall and appeal simply to the right of the majority?

Mr. POINDEXTER. The first answer that I make to that, Mr. President, is that under our Constitution the Senator supposes an impossible case. It is impossible that any court in this country should have before it the decision of a religious question to the extent of enforcing religious obligations upon an individual. The courts have nothing to do with that. That is carefully taken out of the jurisdiction of the courts and of the Government. There is an absolute separation between religion and politics and Government in this country. The Senator is supposing a condition that is impossible.

Mr. CRAWFORD and Mr. ROOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield, and to whom?

Mr. POINDEXTER. I yield to the Senator from South Dakota.

Mr. CRAWFORD. We can take one instance, which stirred the State of Wisconsin a few years ago to its very foundation, and that was what was known as the Bennett school law, which involved the question of the reading of the Scriptures in the common schools and awakened all the prejudices and feeling that can be aroused upon a question of that kind. A case gets into court; it may involve a religious question; it may involve the enforcement of a quarantine or the invasion of what is regarded as a sacred personal security, against vaccination or something of that kind. Such a case should be tried by an impartial judge and not by a court under the influence of what may be the predominating sentiment of the community; and where is the minority to go for protection if it is at the mercy of a recall? What answer does the Senator make to situations of that kind that do arise?

Mr. ROOT. Mr. President——

Mr. POINDEXTER. If the Senator from New York will pardon me just a moment, I will say that the case to which the Senator from South Dakota has referred was simply a case which involved the preservation of the very principle which I have just stated—the separation of the State from religious matters. It was not a case which involved the religion or the religious scruples or the religious practices of any individual. The Senator from South Dakota can not devise any system of judiciary which would not be in some degree responsible to the people. You have got to have an appointive power. It is a question of to what degree the judiciary shall be responsible; whether it shall be far removed from the influence of public opinion or whether it shall be subject to a certain extent to public opinion. It is a necessity of the case. The minority can not control the judiciary and the majority can not control it free from the influence of the minority. Under the system which is proposed here the minority have their influence; they have——

Mr. CRAWFORD. Will the Senator permit me?

Mr. POINDEXTER. They have their means of influencing the election. It is a minority that starts any recall proceedings—one-fourth of the people—the minority of which the Senator is speaking.

Mr. CRAWFORD. Upon that point the power that I want to see maintained in this country, if the Senator will permit me, is the power that the majority can not control and that the minority can not control the courts, just as the Senator said a moment ago. But are you not now, by your recall, removing that situation and putting in its place a situation in which the majority can control? And if the majority can control and review in this country the decisions of the courts, then I ask again to what tribunal can the minority ever go?

Mr. OWEN. Mr. President——

Mr. POINDEXTER. If the Senator will allow me, I will answer the question again; the same question that I think the Senator has repeated several times. Under this system the minority makes its appeal to the public opinion of the State just as it makes its appeal if it is interested in the proposition under the present law in the election of a judge. You can not suppress, and there is no intention to suppress, the expression of the opinion of the minority, their influence in the election; and, as I stated before, the provision in this constitution is that a minority may institute the recall proceedings.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. POINDEXTER. Yes.

Mr. CRAWFORD. I promise not to keep interfering with the Senator. But upon this very point: We are hearing criticism to-day of a recent decision of the Supreme Court of the United States. One class of people are saying that they wrote into the statute legislation that they had no right to put into it, and that court will be arrayed before public opinion by one set of people who are radical in their views. Another large number of people will sustain them, because they believe in the conservatism represented by the opinion of the court.

Now, in a case of that kind or in similar cases, does the Senator believe that the power should reside in the people to thrash out all of the intricacies of an involved question of that kind and determine—as nonexperts—who is right and who is wrong, and have their decision become the permanent law of these United States? During one administration, sir, the controlling power may be conservative and would uphold with enthusiasm every decision that John Marshall wrote. The next administration might be radical, and if they had the power, might reverse and overthrow every decision that John Marshall wrote.

Where would there be any permanency, I ask the Senator, in the decisions of the courts of this country if all could be reviewed by the majority under the recall or put in the mael-

strom of heated discussion and an interrogation point lie beyond every decision? No one would know what the decision of the majority will be. Does the Senator believe that our courts in this country should be placed on a footing of that kind?

Mr. POINDEXTER. No proposition has been made, as I stated before, to establish a universal system of recall. There is no question before this body of recalling the Supreme Court or other Federal judges. But I do say that if the people of this country, acting through constitutional means, desire to provide for the recall of their Federal judges, they should have, and do have, the power so to provide.

The question that is before this Congress is an entirely different one—as to the recall of judges in a State, its local judiciary, dealing with its local matters—and it is not for us to decide the merits even of that question. The question, the merits of which we are to decide, is whether or not those people have the right to determine the question for themselves.

Mr. CRAWFORD. That is an entirely different proposition.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. One moment. Does the Senator from Washington yield, and to whom?

Mr. POINDEXTER. I yield to the Senator from California.

Mr. WORKS. The Senator from Washington has made the statement that there have been no prosecutions, no litigation, in this country involving religious rights. I can not allow that statement to pass without correction. There have been a number of prosecutions in this country against individuals for exercising what they believed to be their religious duties, and they have involved religious questions; and as the Senator from South Dakota has very well said, there is no question that can be brought before the courts that is likely to involve more prejudice, more feeling, a greater degree of public sentiment that is likely to influence a vote upon a question of this kind, than a religious question.

Mr. POINDEXTER. There ought not to be any religious questions before the courts, unless it should be the question of preserving the guaranty of the Constitution that there should be no law respecting an establishment of religion, nor prohibiting the free exercise thereof. I am not familiar with the cases to which the Senator from California refers, but certainly it should be the duty of a court to refuse to decide religious questions—not to decide them, but to refuse to take jurisdiction of them, except as just stated.

But that is aside from the question. Suppose you take it from the judiciary. The question still remains with the people as to whether or not religion is to be interfered with. It still remains with the legislative department to legislate upon those subjects within the Constitution, or with the people to amend the Constitution. So there is no religious principle involved with relation to the judiciary that is not applicable to the legislature and to the people themselves.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. Yes.

Mr. HEYBURN. I suggest that the legislature can not affect or change a decision of a court. There is no appeal to the legislature from an erroneous decision of a court.

Mr. POINDEXTER. The legislature can to as great extent and to a greater extent legislate in regard to these matters than a court can decide as to them.

Mr. HEYBURN. That is before they are decided, but after they are decided the legislature can not affect them.

Mr. POINDEXTER. I am not speaking of a particular case. I am talking of religious policy and religious establishments. Neither under the recall is there an appeal to the people from a decision of the court. There is no provision whatever for any interference by the people with any decision of the court.

As I stated before, I have no apprehension that evil will result from placing in the hands of a free and intelligent people the power by orderly and solemn process to remove from his high position a judge who disgraces it by corruption, cruelty, or willful injustice. There is no danger of the masses of the people, actuated by public opinion, seeking to do injustice to some individual litigant in a court, as Senators seem to apprehend, nor that the majority will be controlled by malice or a desire to oppress some individual as to his case pending in a court.

The fear of a judiciary entirely responsible to the people is a class fear. It is fostered principally by the powerful growth, both natural and artificial, of our modern private monopolies, which are not so often seeking justice in our courts as they are seeking favor and special advantage.

In putting this provision into their constitution the people of Arizona are engaged in a new phase of the same struggle their ancestors were engaged in—to free the judiciary from the control of powers and influences above and beyond the people. The guaranty of a republican form of government was a guaranty against monarchy or oligarchy. Does a single Senator in this body believe that it was intended as a limitation on popular rights?

The recall of judges in England is lodged in the Parliament. Popular government is far more extensive and powerful in England than it is in this country. Parliament can recall immediately without notice any judge in England, and Parliament is directly subject to public opinion in England.

There is no such system of checks and balances there as there is here, and yet that is the country which meets with favor as to their system of government with the conservative Senators who seem to be afraid of intrusting power in the hands of the people.

The referendum is continually put into practice in England. Immediately upon an adverse vote on a question of national concern it is submitted to the people, and if the people act upon it the result of their action takes immediate effect in the assembling of the newly chosen House of Commons, which is the governing body of England—not as in this country after an intervening period of more than a year, during which time a Congress repudiated by the people, not responsible to the people, as expressed in their votes, meets and legislates for those people; and even after that period the will of the people as expressed at the polls takes effect only as to one of our two legislative Chambers.

There have been no disasters with respect to the peace and order of the community and the security of property and the sacredness of personal rights in England by vesting in the people control over their judiciary and the control, the absolute control, and the immediate control over their Parliament.

There are those, sir, who hold up in this country the referendum as a populistic, and socialistic, and anarchistic proposition, and yet when our Canadian brethren across the line submit the reciprocity treaty to a referendum, immediately those who are opposing it in this country begin to say "it must be all right if the conservative Canadians in the Dominion of Canada adopt it."

The learned Senator from Utah [Mr. SUTHERLAND] says that we ought not to indulge in experiments, but that we ought to be guided by the light of experience. I should like to know how we can be guided by the light of experience unless we indulge in experiments. You can never tell whether a system is going to succeed, you can never know from experience whether it is going to succeed until it has been tried. We have in this case, as the Senator from Oklahoma [Mr. OWEN] suggests to me, ample experience. It is not an untried field. It has been tried through the centuries and proved to be absolutely safe.

I admit that this whole proposition and the entire Arizona constitution, particularly with reference to those questions that have been raised here, is a failure and falls to the ground at once if the premises laid down by those who have spoken against it here are sound; but I deny the premises. Their proposition is that the people are actuated by passion and prejudice; that they are tyrannical; that they are unintelligent; that they are foolish. I think the distinguished Senator from Utah [Mr. SUTHERLAND] figures it out in an exact mathematical formula that there are 16 fools out of every 54 electors. I do not think so. It may be so in Utah, but I do not think so, nor in any other State in the Union.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. POINDEXTER. Yes.

Mr. O'GORMAN. Do I understand the Senator from Washington to state that popular government more generally prevails in Great Britain than in the United States?

Mr. POINDEXTER. Yes. I said that popular rights and the effect of public opinion in England upon the Government was more extensive, more direct, and more powerful than it is in this country.

Mr. O'GORMAN. I do not agree with the Senator in his views, but I ask a further question. Does he state that the power to recall English judges is confided to the Parliament?

Mr. POINDEXTER. Yes.

Mr. O'GORMAN. The Senator offers that as a reason, then, why the same power to recall should be vested in the people? The policy of most of the States of the Union, the power recognized in the proposed Arizona constitution, gives the right to remove a judge to the legislature of the several States, and if the Senator from Washington so highly commends the British system, where the power to remove a judicial officer is vested in the legislature of the country, why do you oppose a similar policy here, either in Arizona or in any other State?

Mr. POINDEXTER. I do not oppose a similar policy here. I have no objection to the legislature of the State having the

power to remove a judge. I have no objection at the same time to the power to recall the judiciary being vested in a greater power than the legislature. I think it is more conservative, it is safer, it is more stable than to have it vested in the legislature. I called attention to the English system as demonstrating the fact that you can have a stable judiciary which is subject to immediate recall by a department of the people's government outside of the judiciary.

Mr. O'GORMAN. Does the Senator from Washington state that in Great Britain the policy has ever existed of submitting the recall of a judicial officer to the vote of the people of the electorate?

Mr. POINDEXTER. I do not recall any instance in which that was involved. I can readily imagine——

Mr. O'GORMAN. I think we will be agreed that never in the history of the English Government have the people been permitted by a popular vote to determine whether a judicial officer shall retain his position or not.

I only alluded to this observation of the Senator because in my opinion he is singularly unhappy in his illustration.

Mr. POINDEXTER. I should like to say to the Senator, in reference to his last suggestion, that never in the history of Great Britain have the people of Great Britain, by popular vote at the polls, placed a judge upon the bench, any more than they have taken him from the bench. At the same time, in the great State of New York, in which the Senator graced the judicial bench for a long term of years, the people select their judges at the polls. I think, using the Senator's own language, the Senator from New York is singularly unhappy in his illustration and argument against popular control of judges in this country in calling attention to the fact that the English people do not, by popular vote, either select or recall their judges, because we have demonstrated in this country that, notwithstanding that is a fact in England, there is nothing impossible about it in this country. Popular choice or popular rejection of judges at the polls has been eminently successful in most of the States of the Union.

I did not cite the power of Parliament over the judiciary as being identical in all respects with the power proposed by the constitution of Arizona. I did cite it as a demonstration or as an argument that if you can trust the legislative power with control over the tenure of office of the judges, by the same sign and for much stronger reasons you can intrust the people with control of the judiciary.

Mr. OWEN. Mr. President——

Mr. POINDEXTER. I hope the Senator from Oklahoma will excuse me for a moment. I can readily see in case an issue should arise in Great Britain over the removal of one of their judges by Parliament that it would make an issue upon which the people under their system would act. If Parliament in its attempt to remove a judge, or if the Government should propose a bill removing a judge, if it were an issue of sufficient public interest, involving questions of sufficient importance, and that resolution should be defeated in Parliament, immediately the question would be submitted to the people of Great Britain and it would be decided at the polls.

I do not hold up the Government of Great Britain as a model in all respects. No government is perfect. Nearly every government has some features better than other governments. We have some that are better, and Great Britain has some that are better than ours. I can readily understand the position of the Senator from New York. Coming from that section of Great Britain in which I understand he had his origin, or his ancestors, he would deny the proposition that Great Britain has a popular government. I agree with him entirely in that respect, as to that particular operation of the Government of Great Britain, but I still contend that the action of public opinion in Great Britain has more direct and complete influence in the enactment and execution of its laws than public opinion has in this country. Parliament is immediately responsive to the people, and its power under the people is supreme. Its acts can not be vetoed by the executive nor held invalid by the judiciary. The influence of the people in choosing the Senate of the United States is diluted through the legislatures; only a portion of the legislature is chosen in a single election, and only one-third of the United States Senate, at intervals of two years. Furthermore, our constitutional system has been perverted by the growth of the power of party conventions, caucuses, and committees, entirely irresponsible to the people, to an extent undreamed of in England.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Oklahoma?

Mr. POINDEXTER. I yield to the Senator.

Mr. OWEN. I wish just to emphasize what the Senator from Washington is saying, that the conservative class of Great Britain regard the electorate of Great Britain as more conservative than the Parliament itself. They expressed that opinion in the tax laws proposed by Parliament in appealing to the body of the people against the more progressive action of the Parliament itself.

Mr. POINDEXTER. That is very true. The privileged class of England have sought to appeal again and again to the people against the progressive program of the House of Commons. The constant practice in Great Britain is to submit to the people all questions of national importance upon which there is a vote against the Government in the House of Commons. In some instances, when there is no adverse vote, upon the voluntary action of the Government it is submitted, as in the instance suggested by the Senator from Oklahoma.

Referring again very briefly, Mr. President, to the assertion which is made that the independence of the judiciary will be destroyed by giving the people an opportunity at times other than at the regular election to decide upon the tenure of office of judges, I want to say again that a judge's true character soon becomes known and established in his general reputation, and the accuracy of such popular estimate is proved by the rule of evidence which makes such general reputation competent evidence. Who is there, sir, who believes that a judge who by this true test bore a general reputation for honesty, fearlessness, integrity, and general competency on the bench could ever be removed from office by popular vote, even though in some particular case he should render an unpopular decision?

There has been an unfortunate suggestion made in some quarters—I have not heard it in this body—that one thing to be considered in determining whether we should adopt the joint resolution as reported by the committee is the probability that Arizona would elect two Democratic Senators. I have no idea whether that is true or not, but the suggestion, coming from whomsoever it may, is most unfortunate. The time has long gone by when a political party can make capital for itself by calculating as to the gain or loss of a Senatorial vote by the admission of a State into the Union. I do not think that that consideration will influence the vote of a single Senator in this body. I refer to it chiefly in response to suggestions which have been made throughout the country outside of this body.

The fact of the case is that, so far as parties are concerned, while it is true, as has been said, that this is a government by parties and must continue to be so, jockeying between the organizations of two great political parties, which organizations unite to effectuate their common purposes whenever a certain interest and a certain political system is involved, has largely destroyed the healthy, robust, partisan sentiment which once existed in this country in either one of the political parties of which we are now members.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Michigan?

Mr. POINDEXTER. I yield.

Mr. SMITH of Michigan. The statement of the Senator from Washington that partisan advantage has been suggested on the floor is entirely new to me.

Mr. POINDEXTER. I said that I had not heard it suggested on the floor. I have heard it suggested in other quarters, outside of Congress.

Mr. SMITH of Michigan. I want to say that so far as my observation has gone—so far as our relation to this subject is concerned—I do not believe that the question of political partisanship has entered into this matter at any stage, and I should feel very badly, indeed, if I thought that any Member of the Senate or any officer of the Government would be guided by that spirit in the consideration of a matter so important to the people of both Territories.

Mr. POINDEXTER. Mr. President, I am thoroughly satisfied that what the Senator from Michigan has just said is the sincere expression of his feelings upon that subject, and that his conduct will be governed by that feeling. I know that to be the case, and, as I said before, I believe that to be the case with every Senator. But nevertheless the question has been discussed and is being considered; whether or not it is anticipated that it would influence the action of Congress I do not know. It will not influence, in my judgment, the action of this body.

The tendency in the relations of parties in this country toward a natural party division, between a liberal party and an ultraconservative party, and that such a real division and natural alignment does not exist at the present time, is emphasized by the fact that this very question which I have just suggested is not a question being discussed before Congress at

this time, while on former occasions, when the admission of States into the Union was proposed, it was discussed and was one of the paramount principles which determined the action of Congress.

A good deal has been said, Mr. President, about the general character of the constitution of Arizona. It is to be noted that most of those Senators who are opposed to the admission of Arizona into the Union under its constitution are in favor of the admission of New Mexico under its proposed constitution. I think that circumstance is very significant. It raises a query at once as to whether, if the proposed constitution of Arizona did not extend popular rights and the influence of public opinion in the government but took the opposite direction, the Senators who are opposing it would not be in favor of it. I infer that they would be in favor of it if it took an opposite direction, limiting and curtailing the rights of the people, because, as I said, they favor the constitution of New Mexico, which contains, among other curious provisions, one of the most remarkable that was perhaps ever incorporated in a constitution for a self-governing State. It is in the third section of the nineteenth article of the constitution of New Mexico, and is as follows:

SEC. 3. If this constitution be in any way so amended as to allow laws to be enacted by direct vote of the electors, the laws which may be so enacted shall be only such as might be enacted by the legislature under the provisions of this constitution.

In other words, the delegates to that constitutional convention undertook to limit the action of the people of New Mexico for all future time to be in accordance with the views of these delegates upon these propositions. If I should find myself at any time in the position of opposing the admission of States to the Union under such a constitution as they themselves choose to adopt, I would far rather oppose the admission of a State into the Union on account of a reactionary provision in its constitution such as that I have just read from the constitution of New Mexico undertaking to tie the hands of the people forever. It seems to me an insolent suggestion to the people of that Territory to undertake to say to them that they can not in the future enact a constitution except such as meets the approval of these delegates. Of course, the provision will have no effect; there is no power in the convention to make such a provision. Nevertheless, it shows the sort of an instrument prepared and the intention of those who adopted it.

I wish to read very briefly, as a part of my remarks, from the same address of Mr. Walsh, which I referred to before, a quotation incorporated into it from an article by Irving Browne, in the Green Bag, in 1890, relating to the judiciary, in which he says:

I have given the names of more than 100 judges, with particulars of many of them—

Referring to the judiciary, I will say to the Senator from New York, of his State:

I believe that under a system of appointment by the governor this test would not have been equaled in merit and distinction, and I point to it as a standing refutation of the argument that the people are not fit to name their judges.

Of course, if they are fit to name them at one time they are fit to name them at another time and to pass upon their fitness in a recall election.

In the American Law Review, answering this statement of Mr. Browne, Mr. Leonard Jones says:

The worst thing, however, about the elective system is not the fact that it affords unworthy men the chance to obtain judicial office by purchase or other corrupt practices, but that it necessarily, to a greater or less extent, destroys the independence of the judges.

The same argument is made against the elective system of judges that is made against this provision in the Arizona constitution. He adds:

What chance is there that a judge who is shortly to seek a reelection by the people will uphold the law and justice in a case where the popular clamor is against law and justice?

Rightly the gentleman who wrote this paper commenting on the quotation simply says:

What chance, indeed, unless he be a man and not a caitiff?

With that kind of a judge the argument has added force as it is directed against the elective system, because that kind of a judge is likely to solace himself with the reflection that, so far as the recall is concerned, it may not be invoked against him anyway, while if his term is expiring and he seeks reelection he is up against it to a certainty. Moral courage is a quality cardinal in character in a judge. He is called upon to exercise it in the daily discharge of his duties. He is fortunate, indeed, if he is not obliged repeatedly in his official career to brave the enmity of powerful interests whose activity is more to be feared than an outburst of passion upon the part of a community or State against an upright public official who faithfully discharges his duty as he sees it.

Of course, there have been a great many facetious remarks and frivolous arguments made against this system, and in one attack which was made upon it it is said that the Senator from Utah [Mr. SUTHERLAND] amused himself by booting the composite citizen around the Senate Chamber. That probably will not be as interesting as the composite citizen booting a candidate for the Senate around the State of Utah. It is a game in which there are compensations. If one is to be booted, of course he likewise has an opportunity to boot. The Senator from Utah says that he is in favor of giving the privilege to the voters of Utah to vote upon the election of Senators of the United States.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Will the Senator from Washington yield to the Senator from Michigan?

Mr. POINDEXTER. I yield.

Mr. SMITH of Michigan. If it does not interrupt the Senator, his strictures on the New Mexico constitution, so far as the right to change it is concerned, I do not desire to controvert at this time, but I simply desire to say to the Senator that 56 per cent of the qualified voters of New Mexico voted for that constitution. I think it is the largest percentage of votes cast for the constitution of a new State of which I have any figures or with which I am at all familiar.

Mr. POINDEXTER. Two-thirds of the voters in Arizona voted for the constitution of Arizona.

Mr. SMITH of Michigan. No; the Senator is mistaken. The total vote on the approval of the Arizona constitution was 12,187 votes out of a total voting population of 45,323. There were 3,822 votes cast against it, and 35 per cent of the qualified voters——

Mr. POINDEXTER. How many votes were cast for it?

Mr. SMITH of Michigan. Twelve thousand one hundred and eighty-seven out of 45,323.

Mr. POINDEXTER. How many votes were cast against it?

Mr. SMITH of Michigan. Three thousand eight hundred and twenty-two.

Mr. POINDEXTER. I said two-thirds. There were more than two-thirds of the people voting on the proposition in favor of the constitution.

Mr. SMITH of Michigan. No; the Senator is mistaken. Thirty-five per cent of the total number of qualified voters voted in favor of the constitution and 8 per cent of the total population voted in favor of it.

Mr. POINDEXTER. The Senator is talking about the qualified voters. I am speaking of the votes that were cast upon that question.

Mr. SMITH of Michigan. In order to be perfectly understood I will say that by the census returns in 1910 Arizona has a population of 204,354, of whom 155,550 are native born and 48,804 foreign born. Of this population 118,576 are males and 85,778 females. The total number of white males over 21 years of age is 65,133, of whom 39,427 are native born and 5,896 naturalized.

So of the total voting population, apparently 45,323, there were cast for the constitution 12,187 votes; against it 3,822, or a total of 16,009 on the question of its adoption, being about 35 per cent of the total number of qualified voters and slightly less than 8 per cent of the total population. The votes for the constitution were less than 27 per cent of the voting population and 6 per cent of the total population.

Mr. BOURNE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Oregon?

Mr. POINDEXTER. If the Senator will permit me just a moment, I should like to say that I have no issue whatever with the Senator from Michigan, because I am in favor of the joint resolution in the form in which it has been reported here by the committee for the admission of these Territories, and upon the same ground he has just mentioned as to the Territory of New Mexico, that these constitutions have been acted upon and adopted by the majority of the people of the proposed States, as represented by those voting upon the question.

Mr. SMITH of Michigan. The votes that I have just read for the information of Senators are not intended as a disparagement of their claim, but in order that there may be no question as to the number of qualified voters of the Territory and the number of votes actually cast.

Mr. BOURNE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington now yield to the Senator from Oregon?

Mr. POINDEXTER. I yield.

Mr. BOURNE. The fact in reference to the votes cast on the Arizona constitution is that 62 per cent of the voters of the Territory, as represented by the vote for Delegate in the previous election, voted at the constitutional election. Out of that

62 per cent 76 per cent of the 62 per cent voted in favor of the adoption of the constitution as it is now before the Senate.

Mr. POINDEXTER. Some remarkable propositions are submitted in attacking this proposed constitution by the Senator from Utah [Mr. SUTHERLAND]. Among others, I find the remarkable statement that—

Everybody will agree that the average man is not as intelligent, as able, or as honest as the ablest, or the most intelligent, or the most honest.

I do not know what deduction the Senator from Utah proposes to draw from that profound statement. I suppose everybody will agree that the man who is not able is not as able as the man who is able. However ominous it may be, I suppose we must admit it. Having carefully laid this deep foundation, the learned Senator boldly proceeds to his apparent assumption that 1 man is more honest than 10, and that the governing business should be cheerfully intrusted to as few as possible—logically this would be the one ablest and best that the Senator speaks of—while the rest of the people devoted themselves to "feeding and clothing families of 6 or 8 or 10 children." The Senator merely ignores the more or less widespread idea that a more direct participation in the government and control over their officials may be of some benefit in the rearing of these families.

He says:

There are some who seem to imagine there is some mysterious virtue in mere numbers; that 10 men are necessarily more intelligent, more moral, and more honest than 1 man; that by adding together a thousand individuals, none of whom has ever gone beyond the multiplication table, some strange and weird transmutation results by which the combined mass is enabled to work out the most difficult problem in Euclid with the utmost accuracy.

Of course there is not any such contention as that made. Nobody is proposing to submit a problem in Euclid to the combined mass of the people; but should it be so submitted, it would be accurately solved, for Euclid himself, in the person of every great mathematician in the land, would be engaged upon it. I do not view this matter in the sense of composite action or composite citizenship. It is the individual action of all citizens acting as individuals, creating what is known as public opinion. The Senator from Utah proceeds to conclude his argument in this wise:

Thus, following out this highly intelligent theory—

He says with fine sarcasm and irony—

whenever one is anxious to have a message carried with the greatest haste from one part of the city to another, obviously the thing to do is to employ not the fleetest messenger boy in the service, but arrange with 10 or a dozen average boys to unionize the job.

I think that the entire argument on both sides of this question may be epitomized in that illustration which the Senator from Utah has adopted; and the fallacy of his proposition is perfectly patent in that statement. It is not proposed to eliminate the fleetest messenger boy, supposing that the object to be accomplished is to send a messenger with the utmost dispatch and safety—it may be added, and security—from one part of the city to another, and to put in his place 10 average messenger boys. That is not the proposition at all. The proposition is that in the performance of this work, if you want to use messenger boys as an illustration, we will take the entire force of messenger boys, and they will all work together, the fleetest backed up by the strongest and most enduring and most reliable. We will have not only the fleetness of the hare, but also the industry of the tortoise, which sometimes wins the race. We are not going to exclude the fleetest messenger boy, as the Senator from Utah supposes; we are not going to eliminate the ablest men; we are not going to take out of the action of the people in these matters all the wisest and best men and leave only average men. I think he allows that there are three wise men out of every 54, and he says they will be eliminated, and the average man will be taken. I do not know where he gets that notion. It is for the very purpose of securing the action of both the wise and good, who under the machine system of politics are too often entirely excluded, that popular government is proposed. If there are only three there, you need them all the more, and we want to keep them there. We are going to let them have their influence; and I want to say that they will have their influence in the community in proportion to their wisdom. If one man is abler, smarter, more enterprising, and more successful than another in the community, his influence will be in proportion to his virtue and his superiority over his neighbors.

I submit to the Senate that if we want to accept the illustration of the Senator from Utah, supposing there is a difficult task for a messenger to perform, or if we are going to undertake to do a difficult, dangerous work—to "carry a message to Garcia"—we would be more apt to succeed, we would insure the success of the enterprise by commissioning to perform it all the forces which were available, if it were possible to do so, and not by eliminating any of them. But the case is far more conclusive than the illustration. Nothing in human action can be compared with the combined, orderly, and systematic action of an entire people.

The proposition made by the Senator from Utah is entirely a mistaken conception of the purposes of these provisions. He says that there are 16 good citizens and 3 wise men. I do not know exactly what distinction the Senator proposes to make between the wise men and the good citizens; but by some fantastic alchemy which he claims will be put into operation by direct legislation or the recall of public officials these wise men and good citizens will lose their virtue and wisdom, and in a sort of Dr. Jekyll fashion be changed and merged into a dull-witted imaginary monster filled with weak or evil passions which the Senator from Utah idealizes as the "average man." The real average man is a much better person. The truth is that under the outworn system of party machines there was a subtle political chemistry which operated like a death blight on the public activities of the best and wisest men in many communities, and the purpose of the new plan is to call them into the greatest activity.

This system, as I said before, is not untried as it is contended. For six years the people of Oregon have had it in operation successfully and to the entire satisfaction of that State. I suppose if it had not been for that actual demonstration the matter would not now receive the support throughout the country that it is receiving, because the people of this country are essentially a conservative people; they are not disposed to depart from the old forms of government. As Thomas Jefferson wrote in the Declaration of Independence:

All experience hath shown that mankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the form to which they are accustomed.

It is only upon great provocation, and gradually, and by trial, experiment, labor, patience, observation, and trying these things out that the people of any community of this country can be induced to accept them.

Some Senators talk about the people of Arizona as though they were a foreign people, from Central America or the island of Haiti, and did not have a conception of free government and the ability to administer their own affairs. They have gone there and have worked out already a system of good government for their Territory. Through that experience and that labor and that tribulation they have made themselves able to adopt a satisfactory and safe constitution for their own government, and that is what they are asking Congress to recognize.

Of course, it is easy enough to reduce the whole matter to an absurdity by imagining extreme cases, and that method is continually used in opposition to this joint resolution.

One Senator says, "You can not have too much of a good thing," and then goes on to draw a ridiculous picture of some extremes which might happen, which nobody has ever proposed. "You can not have too much of a good thing," he says, with solemn dictum, in arguing this question. You can have too much of any good thing, and all the evil in the world, so far from that statement being true, comes from having too much of good things. You can have too much of anything, and whenever you do have too much of it, it becomes, instead of a good thing, an evil. Everything in the world is good if you do not have too much of it. It is no argument against this constitution or against the system of government proposed under it to imagine extreme cases to which nobody ever proposed it should be extended.

Wise men framed the Government of Athens, and wrote upon the walls of their temple—one of the axioms by which the people were to be guided—that there should not be too much of anything. It means temperance and moderation. If one can not have too much of a good thing, the Senator should at once propose that his system of selecting only the wisest and best should be carried to its logical conclusion, and the best and wisest man, if he can be found, be made the absolute ruler of us all.

I am not called upon here to defend the operation of the principles of this law in the experiences which the people have had with it through a great many years in the State of Oregon. The Senator says that it is a failure, because in one instance there were a number of votes against a statute submitted to the people which he says was a bad statute. A great many people in his party might differ with him as to whether or not it was a bad statute. It is no argument against the intelligence of the people, supposing him to be right in that respect, that they defeated it, even though there was a minority that voted in favor of it. It is easy enough to pick instances in this body, in Congress, when laws which Senators might consider to be

absurd receive the votes of a number of Senators. I am satisfied that this joint resolution that the Senator from Utah characterizes as so dangerous, so unconstitutional, so absurd, and so much without reason, just as he characterizes this statute of Oregon, which, he said, demonstrated the stupidity of the people of that State, because some of them voted for it; that this joint resolution, which the Senator from Utah says is so bad, will receive the votes of a majority of the Members of this body. The fact that the Senator from Utah does not agree with the statute which received the votes of a certain number of the citizens of Oregon, even though they were a minority, is not any argument against the success of the system.

I remember one case which the Senator cited as an instance of the incapacity of the people of Oregon, where the seine fishermen in the lower Columbia River proposed a law to shut off the wheel fishermen in the upper Columbia, and the wheel fishermen of the upper Columbia proposed a law to shut out the seine fishermen in the lower Columbia, and he says that the people of Oregon showed their utter incapacity in that matter by enacting both laws. I submit, Mr. President, that that was a very reasonable and sensible thing to do. The result of it was that it put the regulation of that matter back into the hands of the legislature; and anybody who is familiar with the fishing business in the Columbia River knows that it was a very good and sensible thing to shut it off for a while, so as to give, for at least one year, an opportunity for the salmon to replenish the river. I do not consider that instance, which the Senator from Utah so elaborates, as a reason why this system should not be adopted, nor as any demonstration whatever that the people were not capable of discriminating. I think it was a case where they exercised good judgment.

The Senator from Utah says that—

> The recall contemplates not an "empire of laws" to be executed with impartiality and exactness, but an empire of men who punish not according to some fixed and definitely prescribed rule, but according to their undefined, unrestrained, and unlimited discretion.

There is no proposition in this constitution, sir, to suspend the operation of law, to interfere with due process of law, or to abolish any function of the Government. Every case that is in litigation in Arizona, if this constitution is adopted, will come for trial before a court constituted with the same full powers and jurisdiction of any other trial court, with a judge chosen by the people and sworn to execute the law. There is no provision for interfering in any way with a decree of a court except in the ordinary processes of appeal or motion. I am at a loss to understand the purpose of arguments of that kind against this proposed constitution, because they are calculated to deceive no one. If the statement were true, we might well vote against this joint resolution. It is not true, but is utterly unfounded.

He quotes John Adams—and that is as pertinent as the argument some Senators have advanced that this plan is not a republican form of government—as saying:

> That form of government which is best contrived to secure an impartial and exact execution of the laws is the best of republics.

The constant difficulty under the present status, which the Senator from Utah is so loath to change, is that there is neither impartiality nor exactness in the execution of the laws. Cabals in the Government, as in the case of the pure-food laws, either construe them out of existence or modify their application to suit private interests. Too often it is the case in the courts that the great and powerful escape entirely the vengeance of the law, which is enforced with a heavy hand upon the poor and weak.

The Senator further says:

> But under the *system* they will in the end get legislators that no thoughtful people ought to have and judges whom no free people should be satisfied with.

The word "system" is in italics in the RECORD; not in quotation marks. "Under the system!" How true it is that "under the system" they have had "legislators that no thoughtful people ought to have and judges whom no free people should be satisfied with." The "system" of corrupt politics and corrupt business has in many instances imposed such officials upon the people, and I presume that that is the reason the citizens of Arizona adopted a provision in their constitution by which they can get legislators and judges whom a free people can be satisfied with, and if they are to be in reality, and not in name only, a free people we must not take from them the means of working out this salvation.

If this were an irrevocable proposition, Mr. President, such as was attempted to be incorporated in the constitution of New Mexico, and there were a provision in this constitution that these measures, once adopted, could never be revoked, there might be some reason for pausing before passing this joint resolution; but the fact is that at all times they are subject to the action of the people. There are liberal provisions for the amendment of the constitution by the people, and if at any time in the operation of these new agencies of popular government, which have already been tried by the people of a great State in this Union for a number of years, they should prove unsuccessful, the same people who have adopted them have the power to revoke them.

I submit, Mr. President, that this Senate and this country can not afford to establish for the first time in our history the proposition that a Territory which is to be admitted into the Union shall not have the right, within the limits of the Constitution of the United States, to frame its own local government in accordance with the desires of its people. Should we degrade Arizona, and by mere power force her to change her constitution, and admit her, so humbled, into the Union, every other State, being her equal, will be likewise humiliated.

Mr. BORAH. Mr. President, I shall vote upon the pending measure in the way which, in my judgment, will most certainly insure these Territories admission as States to the Union. The constitutions submitted by the respective Territories conform to the terms of the enabling act. They are also, in my judgment, republican in form, as that term was used and is understood in the guaranty clause of the Federal Constitution. I propose to vote for their admission, therefore, notwithstanding there is one provision in the Arizona constitution to which as a principle and policy of government I do not subscribe. But the right of local self-government is an indispensable—and, to my mind, should be an inviolate principle under our system, and notwithstanding my individual views and objections I must concede the right of the people of Arizona to settle that question for themselves. So long as their constitution is republican in form I feel that the proper rule is to leave the details to the people who are to live under it.

But in view of the fact that either or both of the resolutions require the submission of the question of the recall of judges again to the votes of the people, I want to submit some reasons why, in my judgment, the people should not retain it in their constitution. In other words, I am not quite willing to cast my vote for the constitution of Arizona without a word upon this important subject. I am not willing that my vote shall be construed as an indorsement of the principle. While it is not unrepublican in form, I believe it to be unwise in principle. While the people of Arizona, under the great and indispensable and inviolate rule of local self-government, have the right to settle it for themselves, I want, in the friendliest spirit toward these splendid people of Arizona, to suggest something as to the wisdom of retaining it.

There is another reason which leads me to this conclusion, and that is that we would have no power to keep this provision out of the State constitution of Arizona if Arizona were once admitted. In other words, while we might compel Arizona to leave this provision out during the period of being admitted to the Union, upon the admission being complete Arizona could reinstate it in the constitution. I think, therefore, that it serves no good purpose to demand temporarily that which we can not effect permanently. It seems to me that we ought, therefore, to submit this matter in reason and in argument and leave it at last where our system of government intended all such things should be left—to the people of the State—to settle.

The ultimate object, Mr. President, of all good government is to at last insure an impartial distribution of justice. The purpose and object from the beginning in the affairs of government are to at last see that each and every citizen is fairly dealt with in the administration of the law by the courts. As I view it, an independent and an untrammeled judiciary is indispensable to the attainment of that high purpose.

When I say an "independent judiciary" I do not mean, as has been suggested by the Senator from Washington [Mr. POINDEXTER], a judiciary independent of the people, but I mean faithful construction and interpretation of the law as the peoa judiciary authorized to act and delegated to perform its duties independent of any other influence than that of the ple through their lawmaking department have written it. It is not a fair statement of the position of those who oppose the recall of judges to say that they desire a judiciary independent of the people. They believe that a judiciary controlled by no influence outward or exterior to the terms of the law is a judiciary which best serves the interests of the people. That, in our judgment, constitutes the fairest and ablest judiciary, and the fairest and ablest judiciary is the best judiciary for the people.

If I could have my way, I would elect all State judges, but I would elect them for a reasonably long term of years and at a time when general elections were not to be held. I would give an opportunity free of politics as it is possible to have it for the election by the people of their judges. But I would strive

to remove them further from politics rather than bring them closer and oftener to it. I would also strive to have their elections turn upon their general qualifications, their character, learning, and standing, rather than their decision in a particular case.

As to the Federal judiciary, I would leave it as it is. I do not believe the wisdom of the fathers could be improved upon in this respect. I would, however, carefully guard the Federal judiciary from some influences to which I shall refer later. There was no division, Mr. President, among those who framed the Constitution upon the subject of life tenure for judges. Those who wrote the Federal Constitution differed upon almost every important subject which came before them, and differed extensively and earnestly upon many of said subjects. But upon this, in some respects, the most important proposition upon which they were called upon to pass, there was practically no difference of opinion. When the measure came finally to be voted upon as to the provision for the life tenure of judges or service during good behavior, if I recall the history of that convention correctly, there was no dissenting vote.

It is true, I believe, that Mr. Dickinson moved at one time that the judges be subject to recall or removal by the President upon the petition of Congress, but this received practically no support. Mr. Wilson, of Pennsylvania, who was perhaps the *most thorough* advocate of popular principles in the convention, who was in favor of electing Senators by popular vote, who went so far as to say that there was no necessity for the representative principle in government other than the fact that the people could not all meet together, earnestly opposed even the resolution submitted by Mr. Dickinson. Upon this question, this principle so essential and indispensable, and in some respects new, considering the jurisdiction and the power of the court, there were no differences of any moment between the fathers who framed the Constitution.

I desire before proceeding to the argument to call attention to some declarations upon the part of those who have given much attention to this subject, because I think we can not safely proceed with a discussion of these matters dissociated entirely from the experience and wisdom of those who have gone before. We will find as we review their declarations that the reasons submitted have not been changed because of any change in the condition of affairs; in other words, the reasons which prompted those men to do as they did and to create the judiciary in the way they did are reasons which, it seems to me, ought to obtain at all times, as they apply to society under whatever form or condition that society may be found to exist.

It was said many thousand years ago in the Book which is the foundation of all our building morally that—

> Ye shall not respect persons in judgment; but ye shall hear the small as well as the great; ye shall not be afraid of the face of man.

That represents the attitude and the position of the ideal judge. While I am frank to confess that no system which the ingenuity of mankind can devise would bring about that exact condition of affairs, the effort upon the part of the human family should always be in the direction of securing that kind of a tribunal. Again, in this same great Book it is said:

> Thou shalt not respect the person of the poor, nor honor the person of the mighty; but in righteousness shalt thou judge thy neighbor.

The design should be to place the tribunal which distributes justice between man and man in such a position that no influence shall work other than the single influence of administering equal and exact justice, regardless of whether the party is poor or rich, great or small, influential or otherwise. If I mistake not the wisdom which has gone before, if I mistake not the influences which control human nature, if I mistake not the powers which effect and mold our action consciously and unconsciously, the principle of the recall of judges would work against that proposition rather than in favor of it.

The Father of our Country, in writing his letter of April 3, 1790, to Mr. Jay, notifying him of his appointment as Chief Justice, said:

> I have always been persuaded that the stability and success of the National Government and consequently the happiness of the people of the United States would depend in a considerable degree on the interpretation and execution of its laws. In my opinion, therefore, it is important that the judiciary system should not only be independent in its operation, but as perfect as possible in its formation.

John Adams said:

> The dignity and stability of government in all its branches, the morals of the people, and every blessing of society depend so much upon an upright and skillful administration of justice that the judicial power ought to be distinct from both the legislative and executive and independent upon both, that so it may be a check upon both as both should be checks upon that. The judges, therefore, should be always men of learning and experience in the law, of exemplary morals, great patience, calmness, coolness, and attention. Their minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men.

Mr. Hamilton, discussing this question in one number of the Federalist, said:

> The considerate man of every description ought to prize whatever will tend to beget or fortify that temper in the courts, as no man can be sure that he may not be to-morrow the victim of a spirit of injustice by which he may be a gainer to-day. And every man must now feel that the inevitable tendency of such a spirit is to sap the foundations of public and private confidence and to induce in its stead universal distrust and distress.

Mr. Bayard, in the noted discussion which took place in Congress over the judiciary at the beginning of the last century, used these strong and admirable words:

> Sir, the morals of our people, the peace of the country, the stability of the Government rests upon the maintenance of the independence of the judiciary. * * * The essential interests, the permanent welfare of society require this independence not, sir, on account of the judge—that is a small consideration—but on account of those between whom he is to decide. You calculate on the weakness of human nature, and you suffer the judge to be dependent on no one, lest he should be partial to those upon whom he depends. Justice does not exist where partiality prevails. A dependent judge can not be impartial. Independence is therefore essential to the purity of your judicial tribunal.

Again, he said:

> Let their existence depend upon the power of a certain set of men and they can not be impartial. Justice will be trodden under foot. Your courts will lose all public confidence and respect. The judges will be supported by their partisans, who in their turn will expect impunity for the wrongs and violence they commit. The spirit of party will be inflamed to madness, and the moment is not far off when this fair country is to be desolated with civil war. * * * The independence of the judiciary was the felicity of our Constitution. * * * Prostrate your judges at the feet of party and you break down the mounds which defend you from this torrent.

Mr. Webster said upon one occasion:

> There is nothing after all so important to individuals as the upright administration of justice. This comes home to every man; life, liberty, reputation, property, all depend upon this. No government does its duty to the people which does not make ample and stable provision for the exercise of this part of its power. Nor is it enough that there are courts which will deal justly with mere private questions. We look to the judicial tribunal for protection against illegal or unconstitutional acts from whatever quarter they may proceed. The courts of law, independent judges, enlightened juries, are citadels of popular liberty as well as temples of private justice. The most essential rights connected with political liberty are there canvassed, discussed, and maintained; and if it should at any time so happen that these rights should be invaded, there is no remedy but a reliance on the courts to protect and vindicate them.

Upon another occasion, speaking in eulogy of the life of Justice Story, Mr. Webster said:

> I pray Heaven that we may never relinquish the independence of the judiciary. A time-serving judge is a spectacle to inspire abhorrence. The independent judge draws around him the respect and confidence of society. Law, equity, and justice require that this should be done and that should not be done. And judicial decisions should command entire acquiescence from full confidence in the purity and integrity and learning of the judge.

Mr. Kent, the first great commentator upon American law, says:

> The independence of the judiciary is just as essential to protect the Constitution and laws against the encroachment of party spirit and the tyranny of faction in a republic as it is in a monarchy to protect the rights of the subject against the injustice of the crown.

Mr. Story, in his well-known work on the Constitution, says:

> Upon no other branch of the Government are the people so dependent for the enjoyment of personal security and the rights of property, and it is hardly necessary to add that the degree of protection thus afforded is conditioned in turn upon the wisdom, stability, and integrity of the courts.

We think of Edmund Burke generally as alone and only a great orator, but he was a master of the science of politics, using that term in its highest and best sense. Among the multitude of brilliant men from that unhappy isle he stands out distinct and impressive in not only his brilliancy, but his profound insight into government. He said:

> Whatever is supreme in a State it ought to have as much as possible its judicial authority so constituted as not only to depend upon it, but in some sort to balance it. It ought to give security to its justice against its power. It ought to make its judicature, as it were, something exterior to the State.

Mr. Harrison, late President of the United States, said:

> Courts are the defense of the weak. The rich and powerful have other resources, but the poor have not. A high-minded, independent judiciary that will hew to the line on questions between wealth and labor, between the rich and the poor, is the defense and the security of the defenseless.

Wendell Phillips during his career had something to do with the question of the effect of popular sentiment upon the judiciary and upon judges. He spent his brilliant career in defending a class who at that time had few defenders in any part of this country. He realized the fact that no system could entirely remove the judiciary from the effect and control of popular opinion, and I realize that, do what we may and struggle as we will, the power of popular opinion will intrude itself at times into the temple of justice. Wendell Phillips said upon an occasion when this subject was being discussed:

> We know the unspeakable value of a high-minded, enlightened, humane, independent, just judge—one whom neither fear, favor, affection, nor hope of reward can turn from his course.

I desire to call briefly the attention of the Senate to later authorities as I seek to cover some considerable time in history in order to get a drift of opinion in this matter.

Dr. Woodrow Wilson has been quoted a number of times of late by reason of his peculiarly honorable and high position in public thought, and I call attention to a word from him upon this subject. He has given it his consideration, not only from the standpoint of a student, but of late undoubtedly, as he has other questions, of a man in the practical affairs of life.

> The recall is a means of administrative control. If properly regulated and devised, it is a means of restoring to administrative officials what the initiative and referendum restore to legislators, namely, a sense of direct responsibility to the people who choose them.
>
> The recall of judges is another matter. Judges are not lawmakers. They are not administrators. Their duty is not to determine what the law shall be, but to determine what the law is. Their independence, their sense of dignity and of freedom, is of the first consequence to the stability of the State. To apply to them the principle of the recall is to set up the idea that determinations of what the law is must respond to popular impulse and to popular judgment.
>
> It is sufficient that the people should have the power to change the law when they will. It is not necessary that they should directly influence by threat of recall those who merely interpret the law already established. The importance and desirability of the recall as a means of administrative control ought not to be obscured by drawing it into this other and very different field.

Col. Roosevelt, speaking to the people of Arizona, said:

> Speaking generally, and as regards most communities under normal conditions, I feel that it is to our self-interest, to the interest of decent citizens who want nothing but justice in its broadest sense, not to adopt any measure which would make judges timid, which would make them fearful lest deciding rightly in some given case might arouse a storm of anger, temporary but fatal. You should shun every measure which would deprive judges of the rugged indifference and straightforward courage which it is so preeminently the interest of the community to see that they preserve.

Mr. CLAPP. Will the Senator pardon me?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I do.

Mr. CLAPP. Is it not only fair to ex-President Roosevelt that his statement, made either at that time or at some subsequent time, to the effect that as to one of these States, at least, they should have a judicial recall, should accompany his suggestion there? I understood him to make such a suggestion later.

Mr. BORAH. I have not that statement of Col. Roosevelt, although I know that he made it; and if the Senator from Minnesota has it, I shall have no objection to incorporating it in my remarks when I print them.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I do.

Mr. WORKS. I apprehend that the Senator from Minnesota refers to the State of California. In substance, Col. Roosevelt did make the statement in my State that conditions might exist, and he was led to believe they did exist in the State of California, which would justify the recall of judges.

I happen to know something about how that change of sentiment came about. Col. Roosevelt was interviewed by certain gentlemen, who undertook to make him believe that the condition of the judiciary was worse in the State of California than it is elsewhere.

Now, I desire in this place to resent that sort of a statement made with respect to the judiciary of the State of California. It is not true. Col. Roosevelt was misled with respect to it. The judiciary of the State of California will compare, in my judgment, in honesty, in integrity, and wisdom with that of any other State in the Union. We have some bad judges in the State of California—I suppose they have some in almost every State in this country—but they are few and far between, and there is no justification for the statement made by Col. Roosevelt that the recall should be applied to the State of California more than to any other State in this Union.

Mr. CLAPP. If the Senator from Idaho will pardon me, I certainly did not intend to share in any reflection on California, because when I called the attention of the Senator from Idaho to the statement I had it in mind that Col. Roosevelt applied the suggestion to Arizona.

What I wanted to say was that the quotation which the Senator from Idaho was making would seem to be made for the purpose of using Col. Roosevelt as an authority against the recall; and in that connection I did think his entire statement upon the subject ought perhaps to be considered.

Mr. BORAH. The statement which I quoted was made by Col. Roosevelt upon his visit to Arizona and to the people of Arizona; and I feel entirely free to say that notwithstanding the Colonel made some remarks in California, occasioned by a representation as to local conditions, he still feels as he bespoke himself in Arizona.

Mr. President, the State constitutional convention held in 1829 in the State of Virginia was one of the most remarkable conventions of that class that has ever been held in this country. The subjects which were up for discussion were subjects of profound interest to the people of the entire State and had excited a great deal of discussion upon the part of the people.

The membership of the convention was extraordinary. Ex-President Madison was a member of the convention. Ex-President James Monroe was its president and presided at such times as his health would permit. The brilliant and somewhat ill-fated genius, John Randolph, of Roanoke, was also a member of the convention. The Chief Justice of the United States, John Marshall, had consented to give to his native State the benefit of the wisdom of his ripened years and, though Chief Justice, he was a member of that convention. He was now in his seventy-fifth year, a stately and sublime figure.

His career had been a singularly great one. He had been a soldier at Brandywine, at Germantown, at Stony Point, and at Valley Forge. He had been a lawyer of surpassing ability at the bar. He had been a Member of Congress, and as such made the celebrated argument in the matter of the extradition of Nash which, it is said, settled the law so far as that class of cases is concerned.

He had represented his country at foreign courts. He had been for years the Chief Justice of the Supreme Court, and as such had written the opinion in the case of Marbury against Madison, of Gibbons against Ogden, of McCulloch against Maryland, the Dartmouth College case, and other noted cases, which laid broad and firm the foundations of constitutional law in this country. No man then living was a greater master of constitutional law, of the science of jurisprudence, than John Marshall, and it was in this debate that he expressed his views with reference to this important subject. I think I can recall a paragraph from the debate:

> Advert, sir, to the duties of a judge. He must pass between the Government and the man whom the Government prosecutes. He has to pass between the most powerful individual in a community and the poorest and most unpopular. It is of last importance that in the performance of this duty he preserves the utmost fairness. Need I press the necessity of this? Does not every man feel that his own personal security and the security of his property depends upon that fairness? The judicial department comes home in its effect to every man's fireside. It passes upon his property, his reputation, his life, his all. Is it not to the last degree important that he should be rendered perfectly and completely independent, controlled alone by God and his conscience? I have always thought from my earliest youth until now that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and sinning people was an ignorant, a corrupt, or a dependent judiciary.

Mr. President, we are not at liberty to wholly disregard the views of one who not only knew the law from the study which he had given it, but had known what it was to discharge the duties of a judge under very trying circumstances. He had grappled with questions upon which the life of nations depend and under merciless fire. No man ever more completely lived up to the philosophy expressed from his lips than John Marshall had lived up to the philosophy which he gave to the convention in his declining years at the time they were framing the constitution of Virginia.

We do not gather very much information, in my judgment, from reading the superficial account conveyed to us by the historian who begins with the discovery of America and completes in two or three volumes his history down to the present day. In it there is very little information of the real contests, the real conflicts which tried men's souls, especially in the quiet walks of life. The pomp and circumstance of war occupy much time and space, but too little is known of the heroes who, in quiet devotion and with unshaken courage, worked out the legal and constitutional principles upon which turned the happiness of millions. But if we will delve down into the controversies, the newspaper reports, and the information which we gather in that way we will find that John Marshall lived to a remarkable extent and in a most trying way the wisdom which he coined in a single paragraph to that convention.

When he wrote the opinion in the case of Marbury versus Madison, wherein it was held for the first time by the Supreme Court of the United States that an act of Congress coming in conflict with the Constitution was void it immediately gave rise to earnest discussion. We were then in the formative state of our Government. That question, as it was believed by many, reached to the very basic principles of our Government, and it was claimed that John Marshall had taken the opportunity or advantage of his position and had legislated and written into the Constitution a provision not there to be found. The storm of abuse, of criticism, not alone upon the part of the masses but by the great leaders of the country, was calculated to shake the firmest in his conviction. It was believed that he had rendered an opinion which destroyed to a large extent the principle upon which the Government itself was supposed to rest.

It was said here in debate a few days ago that a recall of the judges would likely change the view that an act of Congress in contravention of the fundamental law would still be void. I do not attribute to the recall of judges such a disastrous effect. I do not believe that that would happen at this time, but I have no doubt at all from a very earnest examination of the history of those days that it would have led at that time to a change of that situation and a reversal of that rule. If anyone doubts the extent to which the opposition went, they can ascertain by looking into the detail of those archives which are hidden away in the history of our Government. But Marshall never wavered. He said, in effect, I find here a supreme fundamental law, made by the people themselves, under a referendum, and no law made by the representatives of the people can override a fundamental law made by the people themselves. He was a true friend of a people's government.

Scarcely less bitter was the criticism at the time he rendered his opinion in the case of Cohens *v.* Virginia. At that time the Supreme Court announced for the second time that it would review the decision of a State court where a Federal question was involved. This led to the pronouncement upon the part of the State that it would not abide by the decision of the court. It was so earnestly and firmly believed that the Government was being centralized to the extent of the destruction or elimination of the sovereign integrity of the State that men earnestly, conscientiously, profoundly believed that Marshall had committed what one distinguished writer at the time called a "judicial crime." John Randolph said:

> All wrong, all wrong; but no man in America can tell why or wherein it is wrong.

It was a criticism of the law, but a profound compliment to the logic of Marshall.

Mr. President, taking the time of the Senate for a moment longer, we find another and a more peculiarly interesting event when Marshall came to try, to sit as a trial judge at the trial of Aaron Burr. Here was a man of remarkable gifts, of splendid attainments, and, as one historian says, possessing the quickest and most active mind that ever animated 5 feet 6 inches of clay, charged with treason. He was abhorred, and justly so, by the then President of the United States, the most popular man at the time in the country. He was equally disliked, if not abhorred, by John Marshall, and yet John Marshall must preside at the trial of the man who I have but little doubt Marshall thought entertained within his bosom the purpose and plans of treason.

Juror after juror went into the box when Burr was being tried, and stated either that he was of the opinion that Burr was guilty, or that while perhaps technically he had escaped the law that morally he was guilty; and some three or four weeks were exhausted in trying to get a jury. Finally a jury was sworn, which no one can doubt had before it took its oath really made up its mind as to his guilt.

There was a universal demand and a claim upon the part of those in power as well as the masses of the people that this man who was engaged in treason against his Government should suffer the penalty.

And yet Henry Wirt, the brilliant advocate, said that it was Marshall's decision which stepped in between Aaron Burr and death. Marshall held to what they declared was a mere technical pretense for the purpose of preserving the life of Burr—that unless he was personally present when the overt act was committed he could not be tried under that indictment. Thus it was practically withdrawn from the jury, and the jury were not permitted to pass upon the question of his guilt or innocence, and indeed the jury refused to return a verdict of not guilty, in so many words, but would only consent to say that he had not been proven guilty in accordance with the instruction and the indictment.

The concluding paragraph of Mr. Marshall's judgment in that case is worth remembering, in view of the attack which was made upon him. He said:

> That this court does not usurp authority is most true. That this court dares not shrink from its duty is not less true. No man is desirous of placing himself in a disagreeable situation. No man is desirous of becoming the peculiar subject of calumny. No man, might he let the bitter cup pass from him without self-reproach, would drain it to the bottom. But if he has no choice in the case, if there is no alternative presented to him but the dereliction of duty and the opprobrium of those who are denominated the world, he merits the contempt as well as the indignation of his country who can hesitate which to embrace.

Now, I ask my friends who say that these popular influences do not control men: What was it that enabled John Marshall to sit upon that trial, trying a man whom he utterly detested, without a single manifestation of passion or fear, when every other prominent citizen of the United States seemed influenced and controlled by that popular passion and fear? At least all joined with it. The President, his Cabinet, and the leaders of public thought denounced the decision. John Marshall refused to permit personal hatred, popular condemnation, or fear to enter the temple where he presided.

We can not expect human nature to be supreme in all events and over all circumstances, it is true, but we ought to be careful in the trying hour in which a judge is called upon to pass upon such conditions not to load him with the things which control men in spite, ordinarily, of anything that they may do.

I would not contend for a moment that Marshall had any keener sense of right and justice than some of the men who criticized him, but he realized that he was in a place where he must listen to no other influence, no other direction, than that which was found in the provisions of the Constitution which he was called upon to construe. Other men, unconsciously influenced by another power, arrived at just the opposite conclusion and were equally honest and equally upright. Will we burden our judges in such an hour with this extra burden?

Mr. Rawle, in speaking to Marshall's life at the dedication of a monument to him in this city in 1884, and referring to the Burr trials, said:

> The impartiality which marked the conduct of those trials has never been excelled in history. No greater display of judicial skill and judicial rectitude has ever been witnessed. * * * The judge was unmoved by criticism, no matter from what quarter, and was content to await the judgment of posterity.

The judgment of posterity has been rendered. It comes of all classes. His masterly spirit, like that of Washington's, has rebuked party lines, and men of all shades of political belief and party affiliations pay willing tribute to the greatness of his service as a judge. I quote from among a countless throng of admirers two distinguished men of our times, and I choose them in part because their party affiliations would not lead them into an inconsiderate partisan eulogy. The Hon. Richard Olney, ex-Secretary of State, upon the occasion of the celebration of the centennial of the installation of the first Chief Justice of the Supreme Court of the United States, said:

> If it be true—as it is beyond cavil—that to Washington more than to any other man is due the birth of the American Nation, it is equally true beyond cavil that to Marshall more than to any other man is it due that the Nation has come safely through the trying ordeals of infantile weakness and youthful effervescence and has triumphantly emerged into well-developed and lusty manhood.

The late Edward J. Phelps, upon the same occasion but at a different place, said:

> Looking back now upon this long series of determinations (Marshall's decisions), it is easy to see how different American history might have been had they proved less salutary, less wise, and less firm. The court did not make the Constitution, but has saved it from destruction.

Would any American, looking back over such scenes and realizing that perhaps the difficulties which we have known are small compared with those which we are to know, burden a court with any other consideration or subject it to any other influence than that of a full, faithful, and fearless construction of the Constitution of the laws of the land, regardless of the temporary benefits, or supposed benefits, to be derived from a temporizing construction? The people had made the Constitution. It had been referred to them, and they had approved it. It was the people's law, and John Marshall, in the supreme majesty of his genius, made it the title deed to nationality, as the people intended it should be. Passing conditions and temporary circumstances would have modified it, but he did not accede to these conditions or circumstances.

Mr. President, I only recall these matters as an illustration of the conditions which sometimes must necessarily confront every high judicial officer. If I can be satisfied with the purity of the manner in which a judge is elected or selected, I want thereafter for him to be able to consult no other influence than that which has been crystallized into the Constitution or the statutes by the people, and it is just as much to the interest of the people and to their welfare that that be so as it is to individuals or special interests.

It is sometimes charged that the courts legislate, and that this is one of the reasons why the recall should be adopted, to prevent the courts from legislating. My own opinion is that it would be only one more influence which they would have to resist in order at times to prevent themselves or restrain themselves from legislating.

But the charge that the courts legislate is not one which is as important or as aggravated a charge as is sometimes supposed. I grant you that there are instances in which the courts seem to construe a statute other than as the Congress or the legislature wrote it. I know of some instances in which I would arrive at a different conclusion from the conclusion reached by the court. But, Mr. President, as a matter of fact, the pronounced instances in which a court legislates are very few and very rare indeed, and most of those are superinduced

and compelled by reason of the inefficient language employed by the lawmaking body. You find me a case where the court seems to legislate and I will find you a statute uncertain, ambiguous, or impossible of execution under a literal construction—a statute not very credible to the lawmaking body.

Let me call your attention to an instance in which it was alleged that the court legislated. We passed an immigration act in 1884 or 1885, if I remember correctly, and we prohibited any corporation, individual, or company from going abroad and hiring persons for service or labor and bringing them to this country. There was no exception in the rule except with reference to actors and lecturers and one or two others, and so all other persons, in plain language, were prohibited from being brought into this country under hire for service or labor.

The Holy Trinity Church of New York City employed a minister abroad and brought him here, and some one proceeded, under the statute, to collect the fine for violating the law. The court below, looking at the statute, said "this includes all persons for service and for labor, by any individual or by any corporation," and it rendered a judgment in favor of those who were contending for the fine. The matter went to the Supreme Court, and the court held that Congress could not have intended to include ministers, and thereby wrote into the statute, in effect, the word "ministers." There was no dissenting opinion in that case.

The entire court agreed that the intent of the lawmaker was the law, and it was clear that it was not the intent, from the object and purposes of enacting the statute, to preclude the employment of ministers of the gospel abroad and bringing them here to attend their church or congregation. Thereby it is true in effect that they technically wrote into the law the word "ministers." They did it, Mr. President, in my judgment, under a rule of law that is older by far than our jurisprudence, as old as any jurisprudence, and that is to ascertain the real intent of the lawmakers, taking into consideration the objects which they had desired to accomplish. The court must sometimes deal with loose legislation, and the legislators protect their own shortcomings by asserting that the court legislates.

It was said in debate here the other day also that they had written into the fourteenth amendment some words not to be found there or given a construction not justified by the language of the fourteenth amendment. In other words, it was contended that the fourteenth amendment was passed to apply to negroes alone, and that the court had written into it such language as would cover corporations and other individuals.

A slight investigation of the history of the passage of that amendment will show that not only does the language of the amendment cover other persons, but that the design and purpose, as shown by the debates, was that it should. It might not be the construction which you or I would arrive at with reference to the meaning of the amendment, but the court arrived at the conclusion that the intent of the framers of the instrument was as they interpreted it to be, and I think the debates of Congress will show that. I submit here some declarations on that subject by those who were in a position to know. Roscoe Conkling, who was in Congress at the time, afterwards said:

> At the time the fourteenth amendment was ratified, as the records of the two Houses will show, individuals and joint-stock companies were appealing for congressional and administrative protection against invidious and discriminating State and local taxes. One instance was that of an express company, whose stock was owned largely by citizens of the State of New York, who came with petitions and bills seeking acts of Congress to aid them in resisting what they deemed oppressive taxation in two States, and oppressive and ruinous rules of damages applied under State laws. That complaints of oppression in respect of property and other rights, made by citizens of Northern States who took up residence in the South, were rife, in and out of Congress, none of us can forget; that complaints of oppression, in various forms, of white men in the South—of "Union men"—were heard on every side, I need not remind the court. The war and its results, the condition of the freedmen, and the manifest duty owed to them, no doubt brought on the occasion for constitutional amendment; but when the occasion came, and men set themselves to the task, the accumulated evils falling within the purview of the work were the surrounding circumstances, in the light of which they strove to increase and strengthen the safeguards of the Constitution and the laws.
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Senator Edmunds declared:

> There is no word in it that did not undergo the completest scrutiny. There is no word in it that was not scanned and intended to mean the full and beneficial thing that it seems to mean. There was no discussion omitted; there was no conceivable posture of affairs to the people who had it in hand which was not considered.

Senator Howard, who had charge of the report, said:

> * * * The last two clauses of the first section of the amendment disable a State from depriving not merely a citizen of the United States, but any person, whoever he may be, of life, liberty, or property without due process of law, or from denying to him the equal protection of the laws of the State.

So, Mr. President, we are engaged in asserting oftentimes that there is legislation upon the part of the court, when, in fact, it is engaged in what it must necessarily do in arriving at the most righteous conclusion it can from ambiguous or uncertain or complicated language and from the intent of the lawmakers. There are very few decisions found in the Supreme Court of the United States where that is not the rule. There are very few opinions in which it could not be justly said that notwithstanding the statute has been construed to cover a subject not covered by the literal words it is covered by the rule that the intent of the lawmaker is the law. That has been true ever since we have had jurisprudence.

I do not defend, nor would it be any compliment to the Supreme Court if I should, each and every opinion which has been rendered by that court. I know that there are individual opinions which do not meet with my approval and which, in my judgment, ought to have been rendered otherwise. But take the hundred and more years which have marked the work of that court, dealing with the most profound questions ever submitted to a tribunal, complicated with the different rights of the different States and the people in the States, dealing with interests which involve the welfare of millions of people, and judge it as an entirety and tell me where in the history of the world you will find a tribunal with the record of the Supreme Court of the United States—not always, Mr. President, beyond the reach of possibility of error, but from day to day and year to year and decade to decade dealing with these great questions, administering, in my judgment, the most complete justice that has ever come from a great tribunal.

It is constantly asserted that the courts do not afford the same rights and protection to the poor as to the rich. What occasion will there be for a court to protect the poor man under the recall if this poor man is in court against some powerful individual in the community?

But, Mr. President, I deny this charge, and I could cite hundreds of cases to justify my contention. I contend that there is no place in our Government to-day where those without wealth, influence, or friends are so thoroughly protected as in the courts. There are miscarriages of justice, and there always will be; there are bad decisions, and there always will be; but on the whole our courts are not subject to this attack. Does the executive, the legislature, furnish the hearing and the protection for the friendless which are furnished by the courts? I want to recall a noted case for illustration:

Near the close of the war a man by the name of Milligan was arrested in Indiana for giving aid and comfort to the enemy. Congress, the lawmaking body of the Government, had passed a law suspending the right of the writ of habeas corpus and a commission appointed by the executive branch of the Government had tried him and condemned him to be shot. Here was the Executive, and in the chair no greater man ever sat than sat then in the chair; here was the Congress; and here, if you please, were the people, believing that this man was guilty of treason, striking at the life of the Nation—he was standing under sentence not only of the commission but under sentence of public opinion. But when his case was taken to the Supreme Court of the United States, that tribunal, overriding the action of the Executive and overriding the action of Congress, said this man is entitled, according to this instrument which guides us, to a jury trial; and standing alone, with almost every man's hand against him, that tribunal threw about him the guaranties of that instrument which the people had made for the protection of all. The bitterness, the hatred of civil war, all the fiendish, ghoulish malevolence of that conflict could not weigh against this condemned traitor.

Let me read a paragraph or two from that decision. It thrills one with pride and exaltation that they could come in such an hour from our courts:

> Time has proven the discernment of our ancestors, for even these provisions, expressed in such plain English words that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint and seek by sharp and decisive measures to accomplish ends deemed just and proper and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people equally in war and in peace and covers with the shield of its protection all classes of men at all times and under all circumstances.
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> The crimes with which Milligan was charged were of the gravest character, and the petition and exhibits in the record, which must here be taken as true, admit his guilt. But, whatever his desert of punishment may be, it is more important to the country and to every citizen that he should not be punished under an illegal sentence, sanctioned by this court of last resort, than that he should be punished at all. The laws which protect the liberties of the whole people must not be violated or set aside in order to inflict, even upon the guilty, unauthorized, though merited, justice.

My friends, we demand perfection, the absence of all mistakes, from all bodies and departments except our own. Has Congress

no mistakes to its credit? Have the State legislatures, elected every year or two years fresh from the people, made no mistakes? Its names are legion. Have juries drawn fresh from the people and recalled for each trial made no mistakes? Lord Brougham said:

> In my mind he was guilty of no error, he was chargeable with no exaggeration, he was betrayed by his fancy into no metaphor, who once said that all we see about us, kings, lords, and commons—the whole machinery of the State—all the purposes of the system and its varied workings, end in simply bringing 12 good men into a box.

But with all this and these mistakes we will not abolish State legislatures nor juries. We know that with some mistakes there is yet incalculable good. With some poor or bad decisions there are thousands which administer justice and enforce rights between man and man. With some poor or bad judges there are hundreds and hundreds brave, fearless, and incorruptible. As a whole, our system is the admiration of every people on the globe.

When we view our jurisprudence as a whole, when we take its work from the beginning until now, may not we justly and truly say, as was said by the lawgiver of Israel:

> What nation is there so great that hath statutes and judgments so righteous as all this law which I set before you this day?

No one will be quicker to admit than the people themselves that there comes a time in dealing with the affairs of men when there should be not hasty action, but enforced delay and consideration. It is not because men disbelieve, if you please, in the power of the people, but they believe that as a practical matter of administering government these conditions must exist in order that the people's rights may be preserved. It is no compliment to a people to say that calmness and consideration are not to be elements of their final judgments.

I know, too, Mr. President, that politics sometimes has its influence in the highest court. I should like to legislate to prevent rather than to accentuate it. I know there are times when these influences are felt and that the court ought not to give attention to such influences. We all concede that the controversy is how to diminish the effect of it rather than how to increase it; and in my humble judgment the recall of judges, instead of diminishing, would increase it. It would necessarily bring it into politics; you could not prevent it. Merciful justice! have we not enough politics in our system already, such as it is? Shall we now include the courts? You are much mistaken if you think the people want more politics; they want less. If you will give me a lawmaking department which is intelligent and true to the people, an executive department fearless and true with the judicial system which we now have, I will show you the best governed and the happiest people in the world.

But, Mr. President, I am not only opposed to the popular recall, but I am opposed to private recall. I am opposed to the subtle, silent system which has grown up in this country to a remarkable extent unknown to most people—that of exercising an influence upon Federal judges through the executive departments of our Government. If there is going to be a recall, we want a popular recall. We want a people's recall. We want it in the open and not in quiet and subtle ways by devious and undiscovered methods. We want the privacy sought to be established between Federal judges and the heads of departments forever condemned and damned. It is vicious, indefensible, and ought to forever discredit the judge who would brook it or the department head which would seek it.

I am not going to discuss this at length at this time. I hope to do so at a later date. I only want to say now it is well known to those who have examined and watched the system that, during the last few years, when certain departments here are interested in a question they have a system by which they get for a particular cause a judge off the bench that they want off and another on that they want on. They have a system of transfer and exchange carried on formally under the statute, but in fact through the impudent exertion of power upon the part of the interested department. If the time ever comes in this country when the people of the country understand that there is any string attached to a Federal judge which they do not through established laws hold, they will not only elect, but they will recall their Federal judges. Those who are preaching against the recall of judges throughout this country must be careful that they do not adopt a system which will far outweigh the strength of their words and overcome their arguments. When the system goes so far that an assistant United States attorney privately approaches a Federal judge to suggest that he disqualify himself to sit in a particular case or formally consent to be transferred because some one else is wanted to try the case, it is time that the system should be exposed. The statutes provide for changes when necessary because of disqualification or an extra amount of business, but it contemplates that it be done in the open, and if a judge is actually disqualified let the disqualification be shown in the presence of the contending parties.

Another practice has been growing up year by year for the last few years, until, in my opinion, much of the strength of the recall to-day arises out of the belief that those who may effect the promotion of judges exert through the different departments an influence that ought not to be submitted to under any circumstances. Those who want to prevent a recall in this country must not play politics with the Federal judiciary, nor seek to select judges for particular cases other than in the way prescribed by statute. They will not be able to withstand the demand to make judges subject to the recall of the people unless those judges are permitted to act without being subject to the suspicion that they are subject to a private recall. Be it said to the credit of the Federal bench that generally it has as much contempt for this system as it ought to have.

Speaking for myself, I would not as a result of it establish a popular recall as to judges, but I would make haste in all proper ways to recall and forever condemn those who would seek to perpetuate the system. Our judiciary has never been subject to criticism, except in those instances where there was an extraordinary, a persistent, and a determined effort to bring to bear the influence of politics. It is just in proportion as that influence has had its effect that our judiciary is subject to criticism.

Mr. President, I maintain that in writing a law, in placing upon the statute books a guide or rule of action for men, we ought to listen closely to the instructions of a well-formed and well-sustained public opinion. I am aware that the complex and involved conditions of modern questions require much study and long training upon the part of the successful legislator. But this is only a part of the equipment and only a part of that which should go into the law. Upon no question with which we deal here can we afford to ignore that wholesome, practical wisdom born of the reflection and experience of 90,000,000 people. It is a remarkably safe guide. It has served this country well when wise statesmen seemed powerless to determine upon a policy. It has in it something of that strength, that saving common sense, that intuitive sense of equity and justice not always found outside of the great forum where men gather wisdom in the actual struggle for existence. The law should embody in its enactment not only the technical skill and more profound insight of the trained legislator but it should embody as nearly as may be the practical information of the railroad owner and the laborer, of the banker and the farmer, the merchant and the lawyer, and the countless thousands upon whose integrity and industry rests the whole vast fabric of modern business and out of whose experience must come also our humane and beneficent policies.

But after the law is written the man who construes it, and by its terms measures out to each citizen his duty or his obligation, should consider nothing but the terms of the law as written. He has nothing to do with its leniency or its harshness, its wisdom or its unwisdom. He is not to consider the effect of its enforcement unless it be when there is doubt as to its terms. He can not consider his own interest, he can not seek the advice of friends, and he can serve the people in no other way than by faithfully construing the law which the people, through the law-making department, have written. Though the public welfare, the public interest, and public sentiment seem to be on one side and only the legal rights of an humble, obscure citizen upon the other, his duty is still the same. He is an unworthy judge if he considers otherwise. He must reply to all influences, be they private or public, as the chief justice replied to the English king who sent to know if he would consult with him before rendering his decision: "When the cause is submitted I will decide as becomes the chief justice of England." If the law be a bad law, detrimental to the public welfare, the people may modify or repeal it. But the judge who legislates not only violates his oath, but undermines the basic principles of our institutions and opens the door to injustice and fraud.

The most paltry being who slimes his way through the machinery of government is the judge who seeks to locate the popular side of a justiciable controversy. The man of small fortune or limited means will always suffer in a contest with influence or wealth in such a court. Instead of a trial, if he has a just cause, he will get demurrers and postponements, costs, and that delay which in the end constitutes a denial of justice. How many lawyers representing a poor or obscure client have not heard the client breathe a prayer of relief if it could be said to him, "This judge before whom you are going will decide absolutely as he sees the law; the influence of your antagonist will not affect him." Unless a judge is corrupt or in some such way at fault, which things may always be dealt

with under the law, I want him to know when he takes his oath that he is to serve the stated time for which he has been elected or chosen. I want him to feel and know that for that length of time he can walk unafraid in constant company with his own conscience and follow, without fear or favor, the light of his own intellect. The distribution of justice is the most solemn and most difficult task which government imposes upon men. Human nature is weak for the task at best. Remembering this, we should not impose upon those who are called to this high service our selfishness, our objections, our prejudices, our partisanship, unrestrained by their oath or their obligations, unsteadied by their sense of responsibility. We should rather brace and prop them for the work in a way best calculated to inspire courage, confidence, and independence. It is my deliberate and uncompromising opinion that without a free, untrammeled, independent judiciary popular government, the government of the people, by the people, and for the people, would be a delusion—a taunting, tormenting delusion. That is the unbroken record from the dicasteries of Athens to the mimic tribunals of justice which are found to-day in some of the Republics to the south.

I am afraid that the principle of the recall as applied to judges will tend to establish the rule of the majority in matters of judicial controversy. It will tend to make decisions bear the color and drift of majority rule or party domination rather than that of a faithful rendition of the law and the facts. What is the basic principle of democratic or republican government? We sometimes urge that the first principle is that the majority shall rule. That is true in making laws and determining policies, but it has no place in and will destroy republican government if applied to the courts or to controversies to be determined under the law. There all men are equal. Back of the rule of the majority is the great principle of equality, the basic, bedrock principle of free government. The difference between the old democracies or republics, which perished, and ours, is that the ancient republics could devise no way by which to shield the rights of the minority. Though the majority must rule, yet a government which has no method for protecting the rights of the minority—for it has rights—is a despotic government, I do not care whether you call it a monarchy, an aristocracy, or a republic. A government which will not protect me in my rights, though I stand alone and against all my neighbors, is a despotic government. If our courts are taught to listen, trained by this subtle process of the years to hearken to the voice of the majority, to whom will the minority appeal for relief? If the voice of the majority controls, if this principle finally comes to be recognized in the timidity of judges, to what power in our Government will the isolated, the unfortunate, the humble, and the poor go for relief? Where will those without prestige, without wealth or social rank go for protection?

It is easy, Mr. President, in our zeal to put forward under the guise of popular government things which will challenge the saneness or practicability of the entire movement and thus bring discredit and defeat to great and important measures. It is indispensable to the success of all efforts to secure results for the people that we should distinguish at all times in proposed changes between that which experience has proven to be evil and that which experience has proven to be good. We must not mistake the mere spirit of reckless change for the throes of progress. The intellectual capital of a single decade is too small upon which to proceed to the business of changing the fundamental basis of government—we must add to it the accumulated experience of all the past. Many a splendid movement for better government has become surfeited with an excess of ecstasy and thus surfeiting "sicken and so die." It requires just as much judgment, coolness, and persistency, just as much common sense, just as shrewd and keen a regard for the common experience and the peculiar qualities of human nature to achieve good legislation for the people as it does to enact the bad. When we take an unwise or an impractical position we have contributed something to the victory of the opposition.

There is a vast amount of practical common sense in the ordinary American citizen. He is never long in error. He loves liberty, but he also in the end demands security and stability. He would not long accept a proposition which would imperil the stability and independence of the judicial system for which his ancestors fought for three centuries. One of the main questions settled by the English revolution of 1688 was that the people should have the right to appeal for protection to an independent tribunal of justice. Prior to that time the judges were subject to removal by the King. Under this power he took some of the keenest intellects and brightest minds of the English bar and made of them the corrupt and willing instruments of oppression and injustice. Rather than to go before such a tribunal Essex took his own life in the tower. Under this system Pemberton was appointed, that he might preside at the trial of Russel, and was then recalled because his instructions, though strikingly unfair and partial, were not sufficiently brutal to satisfy the insatiable monster who had given him his soiled and polluted ermine. Under such a system the martyr of English liberty, Sydney, was beheaded; freedom of speech was destroyed, habeas corpus denied, and individual rights trampled under foot. So when the English yeomanry drove their monarch from the throne they wrote into the terms of the "act of settlement" that "judges' commissions be made during good behavior and their salary ascertained and established." This took it out of the power of the King to remove the judges and out of his power to impoverish them by withholding their salary. This was the first step toward an independent judiciary, and it was not long until the great English orator could truly say, in speaking of this to the English people:

> Though it was but a cottage with a thatched roof which the four winds could enter, the King could not.

Thereafter, instead of Jeffreys denouncing and cursing from the bench the aged Baxter, instead of Dudley taunting and tormenting the New England colonists, instead of Scroggs and Saunders, subtle and dextrous instruments of tyranny, we have Somers and Holt, and York and Hardwick, and Eldon and Mansfield laying deep and firm the great principles of English law and English justice, principles which still shield and guard the personal rights of every member of the English-speaking race, principles which our fathers were careful to bring here, principles which every American citizen would unhesitatingly shoulder his musket to defend and preserve.

No less fruitful of great names and commanding figures has been the system in our own country. Jay and Marshall, Taney and Kent and Story and that line of judges, reaching down to the distinguished and cultured Chief Justice who now presides over the Supreme Court. The intellect, the character, the best there was in these men of heart and mind, years of consecration and toil, are embedded in our jurisprudence, and constitute to-day the greatest of all guaranties for the perpetuity of our institutions and the continued happiness and prosperity of the common people.

Sir, it seems to me that the experience of the past has closed the discussion as to the necessity of an independent judiciary. A feeble, a timid, an obedient judiciary, whether to popular demand or king, has always in the end proven to be an incompetent, a cruel, or a corrupt judiciary. Such a judiciary leaves human rights uncertain and worthless, unsettles titles, destroys values, leaves the workman and the employer alike without protection or guidance, and has more than once demoralized or destroyed governments. Trade, commerce, or labor have never, and will never, flourish or prosper under an unstable and unreliable system of courts. Whether you look upon the wreck of ancient republics and democracies where the courts yielded their decisions to the triumphant faction or party or to modern monarchies where the miserable instruments of kingly power served well their master, whenever and wherever in all history you find a dependent judiciary you find that it is the man of limited means, the poor man, who suffers first and suffers most—the man who has not the wealth to purchase immunity or the prestige to command decrees.

If there is any man in the world who is interested in having a brave, able, fearless, independent judiciary, judges who will, as against influence or power, political or financial, interpret the law as it is written, it is the man of limited or no means. His small holding, the honor of his name, his liberty, even his life, may be in jeopardy. If so, does he want a judge who will listen to wealthy friends or political advisers? Does he want to approach a tribunal above which rests the threat of political humiliation or punishment? Does he want to meet in court some political dictator? I repeat, the man of influence, of means, may contend against such odds, but the humble citizen without prestige or wealth can not do so. We owe it to ourselves and to posterity, to the institutions under which we live, and above all to the common people of this country, to see to it that our judiciary is placed, as nearly as human ingenuity can do so, beyond the reach of influence or any of the things which may cloud the mind with passion or fear or dull the conscience to the highest demands of even-handed justice.

Mr. President, in order that what we do for the people may be permanent and beneficial, in order that our honest purposes may not come back cursed with frailty and impotency, let us not ignore the plainest dictates of reason and the soundest principles evoked out of all these years of experience. While we pursue with unwonted zeal the abstract rights of man we are at the same time bound to remember man's nature. We want liberty and popular government, to be sure; but unless these are accompanied with wisdom and justice, unless there

goes along with all reforms the homely, practical, common sense which takes notice of man's vices as well as his virtues our efforts will end at last in the misery of failure. When the people have written the law, then let us have an independent judge, free from any political fear, to interpret the law as written until the people rewrite it. The people's courts can no more survive the demoralizing effect of the vices of majorities in the administration of justice than the king's courts could stand against the influence of their masters.

Sir, we can never, never afford to forget that a republic, too, must have its element of stability—its fundamental law and its independent judiciary to construe and apply it. A democracy can not be as changeful as the moods of a day and long endure. A republic must have in it the element of respect and reverence, of devotion to its institutions and loyalty to its traditions. It, too, must have its altars, its memory of sacrifices—something for which men are willing to die. If the time ever comes when the fundamental principles of our Government as embodied in our Constitution no longer hold the respect and fealty of a majority of our people popular government will, as a practical fact, not long survive that hour. The poorer classes, the overworked and humble, those without wealth, influence, and standing will cry for rest and find it in any form of government which can give it to them. I look upon an independent judiciary as the very keystone to the arch of popular government. Without it the wit of man never has and never can devise a popular scheme of government that will long protect the rights of the ordinary citizen.

I have often thought if there is a sacred spot on the face of God's footstool made so by the institutions of man it is in front of the tribunal where presides the Chief Justice of the United States. There you may take the poorest, the most unfortunate individual in the land and he is heard, heard, sir, as if he stood clothed with all the influence which wealth and friends could bestow. Though he stands there with every man's hand against him and every right denied, that tribunal throws about him the guaranties and protection of the Constitution, the fundamental law which the people have made for the protection of all, and he stands upon an equality with every other man in the land. Even though he be too impecunious to file a brief, with no less care will those painstaking and overworked and devoted men examine into and determine his cause. And if in the end judgment shall be rendered in his favor, if need be the power of this Union will enforce its terms. Do we appreciate the worth of this tribunal and the great underlying principles which have made it what it is? Do we understand how this Government of ours without this steadying, stable, immovable tribunal of justice would go to pieces in a decade? A decade, Mr. President! Rather should we say to all practical effects it would depart in a night. Not a court beyond the possibility of error, not a court whose opinions are to be deemed above the reach of fair and honest criticism, but a court which, whether viewed as to the reach and scope and power of its jurisdiction or as to its influence and standing, its ability and learning, its dedication and consecration to the service of mankind, is the greatest tribunal for order and justice yet created among men.

I sympathize fully and I want to cooperate at all times with those who would make the political side of our Government more responsive and more obedient to the demands of the people. I know that changed conditions demand a change in the details of our Government upon its political side. But the rules by which men who distribute justice are to be governed and the influences which embarrass them in this high work are the same now and will always be the same as they have ever been. Let us not impeach the saneness and the worth of our great cause by challenging the great and indispensable principle of an independent judiciary. Let us not mislead the people into the belief that their interests or their welfare lies in the direction of justice tempered with popular opinion. Let us not draw these tribunals, before which must come the rich and the poor, the great and the small, the powerful and the weak, closer, even still closer, than now, to the passions and turmoils of politics. Let us cling to this principle of an independent judiciary as of old they would cling to the horns of the altar.

Mr. ROOT. Mr. President, the act of June 20, 1910, provides for the adoption of a constitution by the people of Arizona. It is further provided in the twenty-second section of the act:

SEC. 22. That when said constitution and such provisions thereof as have been separately submitted shall have been duly ratified by the people of Arizona, as aforesaid, a certified copy of the same shall be submitted to the President of the United States and to Congress for approval, together with the statement of the votes cast thereon and upon any provisions thereof which were separately submitted to and voted upon by the people. And if Congress and the President approve said constitution and the said separate provisions thereof, if any, or if the President approves the same and Congress fails to disapprove the same during the next regular session thereof, then and in that event the President shall certify said facts to the governor of Arizona, who shall, within 30 days after the receipt of said notification from the President of the United States, issue his proclamation for the election of the State and county officers.

The act further provides, in section 23:

When said election of State and county officers, members of the legislature, and Representative in Congress, and other officers above provided for shall be held and the returns thereof made, canvassed, and certified, as hereinbefore provided, the governor of the Territory of Arizona shall certify the result of said election as canvassed and certified, as herein provided, to the President of the United States, who thereupon shall immediately issue his proclamation announcing the result of said election so ascertained, and upon the issuance of said proclamation by the President of the United States the proposed State of Arizona shall be deemed admitted by Congress into the Union by virtue of this act on an equal footing with the other States.

The joint resolution which is now before the Senate provides:

That the Territories of New Mexico and Arizona are hereby admitted into the Union upon an equal footing with the original States, in accordance with the terms of the enabling act approved June 20, 1910, upon the terms and conditions hereinafter set forth.

"The terms and conditions hereinafter set forth" are, in substance, the requirement that the people of New Mexico shall again vote upon that provision of their proposed constitution which relates to the amendment of the constitution and that the people of Arizona shall again vote upon the provision of the proposed constitution which relates to the recall of the officers, including the recall of judicial officers. The provision is that if the people of Arizona, voting upon this clause of the constitution which relates to the recall of judges, shall vote to amend the constitution so as to omit judicial officers from the recall provision, then that amendment shall become a part of the constitution; but if the same shall fail of such majority, then the section relating to recall shall remain a part of said constitution.

It follows necessarily, sir, from the provisions which I have read, that the constitution of Arizona and the provision of that constitution relating to the recall of judges is now before the Senate for its approval or disapproval. No man can say that his vote here fails to commit him to the approval of a recall of judges or to a disapproval of that recall. We have resolved that the Territory of Arizona shall be admitted to the Union if the Congress approve the constitution that its people have framed, and only if the Congress approve or if the President approve and the Congress does not approve. The question is squarely and sharply defined. We can not in our vote upon this joint resolution escape an expression of the position taken by the Congress of the United States upon the proposal that judges shall be liable to recall by a popular vote. What we say here is of little consequence; what we do here is of vast importance to the people of our country and to the development of our system of government.

The Supreme Court of the United States has decided in the Coyle case, the case relating to the right of the people of Oklahoma to change the location of their State capital, notwithstanding the provision of the enabling act which forbade that change, that after a Territory has once been admitted as a State, the provisions of the enabling act do not control the action of the State—the court has held that the admission of the State upon an equality with all the other States of the Union carries with it the power to regulate by constitutional provision and by legislation under the State constitution all the matters which are within the scope of authority of any of the States in the Union. The moment the enabling act is passed, the conditions are complied with, and the proclamation is issued, the power of the National Congress over the great field of local self-control has ended.

In the consideration and action of the Senate upon this joint resolution, we speak the last word that it is competent for us to speak regarding the provisions of the State's constitution. The law of the United States under which this Territory is to be admitted has required, and now requires, that the admission shall be only upon the presentation to us of a constitution that we approve. The question before the Senate is, Do we now approve the provisions of the Arizona constitution? If we do, the State will be admitted under that constitution in accordance with the terms of the enabling act; and it will be admitted in accordance with the terms of that act because the constitution has the approval of the Congress of the United States. Are we ready, Mr. President, to approve this provision? If we are, we shall say so by our action upon this joint resolution. If we are not ready to approve this provision of this constitution, we are bound by the law we ourselves have enacted to make that known by our action, and we can not escape the responsibility for or the consequences of that act.

What is the provision relating to the recall of judges? It is contained in the eighth article of the constitution which is before

us for approval or disapproval. The first section of that article provides:

SECTION 1. Every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the numbers of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

SEC. 2. Every recall petition must contain a general statement, in not more than 200 words, of the grounds of such demand, and must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed.

Then follow provisions relating to signatures and statements of the residence of the signers.

SEC. 3. If said officer shall offer his resignation, it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a recall petition is filed, a special election shall be ordered to be held, not less than 20 nor more than 30 days after such order, to determine whether such officer shall be recalled. On the ballots at said election shall be printed the reasons, as set forth in the petition, for demanding his recall, and, in not more than 200 words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

SEC. 4. Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidate who shall receive the highest number of votes shall be declared elected for the remainder of the term. Unless the incumbent receive the highest number of votes, he shall be deemed to be removed from office upon qualification of his successor.

To summarize these provisions, sir, they amount to this, that at any time after a period of six months one-fourth of the persons who voted at the last election in the State or in the judicial district may, by signing and filing a petition, deprive any judicial officer of the right to his office which he has secured by his election through the casting of a majority of the votes for him in the election. The effect of that is that one-fourth of the electors may decree and effect a reconsideration of the election. That is quite independent, sir, of any action by a majority of the electors at the election which is thereafter to be held. The mere filing of the petition by approximately one-half of the men who voted against a judge sets at naught his election, deprives him of his right to the office, and compels him to seek a new title to the office through another election; and in that other election to which he has to submit himself he has not only to defend his course, to justify his conduct upon the bench, but he has to enter into a contest as against the popularity, the merits, the claims to recognition of one or any number of opposing candidates.

His right to the office to which he has been elected being swept away, he is obliged to go before the people and retry the question of their preference; it may be as between him and the man he has defeated, or between him and some other possibly more popular candidate, under the penalty of ignominy and disgrace following upon the removed official, if his popularity has waned or a stronger and more popular candidate is nominated against him. That is the tenure of judicial office which this constitution proposes to establish in the State of Arizona, if that State be now constituted by our approval of this provision.

Let me ask the Senate to consider for a moment what will be the necessary working of such a system? We all know that from time to time there arise in all courts cases which enlist great popular interest. Sometimes they are cases in which men are accused of crime and there is a well-founded and general public abhorrence of the crime. I submit to the experience of the Members of the Senate the suggestion that the tendency of the public in their abhorrence of a great crime is to assume that the man who is declared by the police authorities to be responsible for it is responsible, to overlook questions of evidence as to whether he be the true criminal and questions as to the degree and character of his guilt, and to assume that the man who is charged is the man who is guilty. The more atrocious the crime the more general and customary is this tendency to condemn a person who is charged with its commission.

Sometimes questions which attract public interest are questions having a political bearing. In our complicated system of government it frequently happens that questions are submitted to the courts upon the determination of which must depend the success of one party or another in establishing its views or in securing the control of the machinery of government. It is but a few days since the courts of my own State passed upon a question as to the validity of the apportionment of the State, and upon their decision rested, perhaps, the question whether one or the other of the great political parties should have control of the government of the State.

Such cases are frequently arising in all of our States, and it frequently happens that there is great public excitement, intense interest, strong desire to have the decision in accordance with the views of political partisans, who naturally consider the view of their own party to be the correct view.

Sometimes such questions arise from the conflict of religious opinions. I have heard it said in this Hall to-day that courts can never pass upon religious questions. Ah, Mr. President, would any Senator say that no court can enforce the provisions of our Constitution in favor of religious liberty? New sects are continually arising in our country, and the votaries of the religious views of those sects are at the beginning small and insignificant minorities. Questions regarding their rights as religious bodies, questions regarding their rights to freedom of worship and of expression, are protected by the provisions of our constitutions, and against the wish, against the prejudice, against the passion of the vast majority of the people, the courts, and the courts alone, can maintain the rights of the few to pursue the dictates of their own conscience rather than the will of the majority.

Sometimes questions arise upon those limitations which our constitutions impose upon the action of legislatures and executive officers and people alike by those great rules that protect liberty and property against the power of government wherever it be vested.

Now, sir, picture to yourselves a judge before whom one of these cases is brought. A few people, a single man, is upon one side. The powers of a government are upon the other side. For the few and the weak there stand only the rules of law. Upon the other side stands the public desire to have a decision in accordance with the public interest or the public feeling. Picture to yourselves the judge who is called upon to decide one of those cases, and consider what his frame of mind and condition of feeling must be when he knows that if he decides against public feeling immediately a recall petition will be signed and filed, and the great body of the people against whose wish he has ruled will be called upon, will be required, to vote whether they prefer him to some man who has never offended public opinion.

Upon all these cases, sir, so far as they depend upon evidence—and a vast majority of them do depend upon evidence—which is produced in the trial and which enters into the record of the case, the public does not see the record. It receives its information from the press. I beg the Senate to recall the reports of trials and arguments in our courts which they have been accustomed to see in the public press. The conditions of newspaper enterprise do not permit the publication of the full record of any trial. The gentlemen of the press, eager to secure items of news that will be interesting to the readers of their papers, catch upon the spectacular and interesting and startling incidents of the trial and reproduce them in their columns.

The judge is to pass upon the evidence that appears in the record, but he is to be judged upon the newspaper reports of the trial. And to whom, sir, will the judge try that case? To whom will counsel argue that case? What will become of that spirit which pervades every true court of justice, in which the facts as ascertained and the law interpreted and these alone form the basis of judgment? Is it in human nature that a judge, sitting under such circumstances as are exhibited by this provision which I have read, shall do other than try his case rather to the reporters than to his conscience, to his knowledge of the law, and to his understanding of the facts? For at every step the judge is upon trial. His defense will not come when he has the opportunity to put 200 words of justification onto the ballot. His defense will begin with the first step in the trial of the cause. Human nature can not work otherwise. In all these great cases of public interest the judge will be on trial on the newspaper record, and in that trial he will take a far deeper interest than in the trial of the defendant or in the rights of the parties upon the record of the court.

Let me illustrate the way in which this provision is bound to work by reading from a newspaper called the People's Paper, published in Los Angeles, Cal., Saturday, April 15, 1911. In large black letters:

Aroused people to recall judge.

In large, but not so large black letters below:

Los Angeles will be first to use new law and oust union persecutor from the bench.

In large black letters, but still not so large:

To recall Judge Joseph Chambers for persecuting union strikers is now the declared purpose of Los Angeles Socialists and union men, who assert that immediately upon the passage of the State recall amendment Chambers will be the first judge in California to receive the attention of an aroused people, determined to oust him from the bench.

The recall petition will set forth that this judge raised the bail of three union men, John Crelly, R. L. Murray, and Isaac Libby, from the usual $50 to the outrageous sum of $300 per man; that the maximum fine for their alleged offense of picketing is but $50, and therefore in

making their bonds six times as large as the highest possible fine Chambers must have determined to punish the strikers before a jury could have an opportunity to declare them innocent.

Why a judge on the bench, the petition will recite, should have thus made himself an open partisan of the Merchants and Manufacturers' Association can only be explained by the fact that out of the 310 metal trades mechanics, brewery workers, and other union strikers arrested and taken to the police court only 4 convictions were obtained.

Plainly, the public and jurymen believed these men innocent.

Plainly, the judge concluded that if strikers were to be punished it must be done before trial.

The petition will then show that the average workingman has little money, as Chambers well knows, and therefore he practically attempted to harass them with imprisonment an unknown number of days in a vile jail awaiting trial by demanding of each striker $300 cash bail.

Mr. President, I do not know whether this recall petition which is outlined there was ever filed. I do not know what action was taken regarding it. I do not know whether the judge was right or wrong in fixing $300 as the amount of bail.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. LIPPITT in the chair). Does the Senator from New York yield to the Senator from California?

Mr. ROOT. One moment, please. But I do not doubt that this paper illustrates, and well illustrates, what will be the inevitable course that will ensue upon the establishment of such a tenure of official office as is provided for by this constitutional provision.

Mr. WORKS. Mr. President, I do not desire to antagonize anything that has been said by the Senator from New York, for I fully agree with the position he takes upon this question, but I do desire to say that there is yet no law in the State of California for the recall of judges.

Mr. ROOT. I am very glad to hear it.

Mr. WORKS. I desire to state further that in my judgment if the recall did exist in the county of Los Angeles, my home, there would be no danger of the judge referred to in this article being recalled on any such ground as is set forth in the newspaper.

Mr. ROOT. I am very glad to hear that also. As I have just said, I do not know whether any action was taken. It is evident no action was taken, because the law was not passed, but I have read this paper to illustrate the way in which the recall provision will be regarded by the people who have a deep interest in judicial action; and it is under the pressure of such attempts, if such a provision is adopted, that every judge must administer justice in the causes which excite public interest and public passion. And those are the causes which test the strength and effectiveness of a system of administering justice.

In the year of the Declaration of Independence the temporary legislative body of Massachusetts undertook to frame a constitution for the State, and sent to the different towns of the State a request for their consent to the establishment of such a constitution. On the 1st of October, 1776, the people of Concord in their town meeting adopted a resolution refusing to accept a constitution so framed. Among their reasons they said that they refused "because we conceive that a constitution in its proper sense intends a system of principles established to secure the subject in the possession and enjoyment of the rights and privileges against any encroachment of the governing party." That reason applies, sir, whether the governing party be a king or a president or a legislature or the people at the polls. The Constitution in its just sense intends to secure the subject in the possession and enjoyment of his rights and privileges against any encroachments of the governing party.

The men who sent back that answer, that they would not accept a constitution framed by the legislature which ought to be restrained by the Constitution, were the very men who stood at Concord Bridge and had the courage to fire the first shots against the overwhelming power of England. I trust, sir, I believe, that the spirit of Concord, of 1776, has not died out among the American people, and that they are not yet ready to put the judge, who alone can maintain the rights of the citizen against the governing party, at the immediate mercy of the governing party. We are not yet ready to say to the judge whom we put upon the bench to maintain the great principles of justice, "You shall maintain them under the penalty of being deprived of your office and being disgraced for life if you oppose the will of the governing body."

Mr. President, I should not oppose the admission of Arizona with provisions in its proposed constitution which were of minor consequence, even though I did not agree with them. There are many provisions in this constitution which I think inexpedient and unwise. There are a number of provisions which I deeply regret to see incorporated in the constitution of any American State. But for all that I would not oppose the admission of Arizona as a State upon a constitution adopted by a vote of her people because it contained those provisions or because it contained any provision which did not seem to me to be fundamental in its character and to be in a considerable measure a negation of the true principles of our Government.

I conceive that this provision for the recall of judges is of that character. I think it goes to the very basis of our free Government, and I will proceed to state why I think it differs from the other provisions which I dislike. I have no quarrel with the gentlemen who extol the wisdom of the people. I believe that in the long run, after mature consideration and full discussion and when conclusions are reached under such circumstances as to exclude the interests or the prejudice or the passions of the moment, the decisions of the American people are sound and wise. But, sir, they are sound and wise because the wisdom of our fathers devised a system of government which does prevent our people from reaching their conclusions except upon mature consideration, after full discussion, and when the dictates of momentary passion or self-interest are excluded.

The framers of our Government were largely men who had been bred and had inherited deep religious convictions, and among those convictions was the realization of the fact that among all the virtues that it is incumbent upon men to cultivate and to seek the virtue of self-restraint stands one of the first. That view of human strength and weakness, sir, lies at the bottom of the religion which we all profess. Whatever be the creed, the denomination, the name underlying the religion of all of us, as it underlay the religions of the framers of our Government, is the knowledge that we are fallible, prone to evil, weak in the face of temptation, liable to go astray, and that we sorely need to restrain ourselves from the following of our own impulses by the rule of principles—principles of religion, principles of morality, principles of justice. We know that but for some ruling principle we are sure to err, and that our holding to the straight path depends upon our fidelity not to the impulse or the wish of the moment, but our fidelity to the principles that control our lives and conduct.

Many of the framers of the Republic were men who inherited the traditions of a theocratic government, in which men were controlled as against their own impulses and passions by the dictates that were handed down in the revelation from the Divine Ruler. In a belief which we can not gainsay to-day they undertook to establish for this Government a code of fundamental principles of justice, of equality, principles formulated in specific rules of conduct to make practical their application. Those principles we describe as the constitutional limitations of the National and the State constitutions:

No man shall be deprived of his property except by due process of law.

Private property shall not be taken for public use except upon due compensation.

No man shall be compelled to be a witness against himself.

No man shall be twice put in jeopardy for the same offense.

And all the others, that great array of the fundamental and essential principles by which the American Republic has imposed restraints upon itself against its own interest of the moment, its own wishes of the moment, its own prejudice and passion of the moment; that great array of the fundamental rules of justice, of liberty, of human rights, which I say the American Republic has imposed upon itself is the great secret of the success of the American experiment in government, the maintenance of justice and order, individual liberty and individual opportunity in this vast continent, among these 90,000,000 people. And for the maintenance of those rules of justice our fathers provided that the government which may seek, under the interest or the passion of the moment, to override them shall be withheld by the judgment of a body of public officers separated from the interests and passions of the hour, with no pride of opinion because of having made a law, with no lust for power because of a desire to execute a law, with a strong hand according to individual opinion as to what may be best; but impartial, sworn only to the administration of justice, without interest, without fear, and without favor. They intrusted the maintenance of these rules to a body of judges, who were to speak the voice of justice without fear of punishment or hope of reward.

It is the establishment of this system of rules, fundamental rules, intrusted for their declaration and maintenance to a body of impartial judges, that is the great contribution of America to the political science of the world, the great contribution of America to the art of self-government among men.

Why, Mr. President, was it necessary to establish these rules of right? Why should there be a provision in our constitutions which prevents the taking of private property for public use without compensation? Why should there be a provision that no man shall be twice put in jeopardy for the same offense? Why should there be a provision that no cruel or unusual pun-

ishment shall be inflicted, unless it be that the existence of such rules was deemed to be necessary and is deemed to be necessary to control the governmental power of the moment?

The essential difference, sir, between the establishment of one of these great rules of right conduct in a constitution and the enactment of a law either by a legislature or by a people is that the fundamental rule is established upon considerations of abstract justice. The rule is established when no one has any concrete interest to be affected, when no one is desirous of doing the wrong thing that the rule prohibits or of undoing the right thing that the rule maintains. It is then, sir, that the voice of an intelligent people is the voice of God, when upon considerations of justice, when considering what is right and fair, and makes for justice and liberty, a people establish for their own control and restraint a rule of right; and the abstract rule is necessary because when the concrete interest comes into play, because when the passion of the moment comes into play, because when religious feeling is rife, when political feeling is excited, when the desire for power here or the desire to push forward a propaganda of views here comes into play, then the inherent weakness of human nature makes it certain that the great and fundamental principles of right will be disregarded.

Sir, we see every day legislatures of our States passing laws which are in violation of these fundamental rules. We see every day public officers exercising an arrogant power in violation of the fundamental rules, except as they are restrained by the cold and impartial voice of those tribunals that our people have established to assert the control of the principles of justice over the interests and the passions of the moment.

Mr. President, this provision for the recall of judges strikes at the very heart of that fundamental and essential characteristic of our system of government. It nullifies it; it sets it at naught; it casts to the winds that protection of justice that our fathers established and that has made us with all our power a just and orderly people. For, sir, when we say to the judge upon the bench, who is bound to assert the rules of justice established in a constitution long years before for the restraint of the people in their passion or their prejudice, you shall decide for the rules of justice at your peril; when we say to the judge if you maintain the abstract rule of justice against the wish of the people at the moment you shall be turned out of office in ignominy, we nullify the rule of justice and we establish the rule of the passion, prejudice, and interest of the moment.

So, sir, I say that this provision of the Arizona constitution strikes at the very heart of our system of government. It goes deeper than that. This provision, sir, is not progress, it is not reform; it is degeneracy. It is a movement backward to those days of misrule and unbridled power out of which the world has been slowly progressing under the leadership of those great men who established the Constitution of the United States. It is a move backward to those days when human passion and the rule of men obtained rather than the law and the rule of principles, for it ignores, it sets at naught the great principle of government and of civilized society, the principle that justice is above majorities.

I care not how small may be the numbers of a political faith or a religious sect, I care not how weak and humble may be a single man accused of however atrocious a crime, time was when the feelings and the passions and the wish of a majority determined his rights and oftentimes his right to life; but now, in this twentieth century, with all the light of the civilization of our times, after a century and a quarter passed by this great and free people following the footsteps of Washington, Hamilton, Jefferson, and Madison, now with all the peoples of the world following their footsteps in the establishment of constitutional governments, the hand of a single man appealing to that justice which exists independently of all majorities has a power that we can not ignore or deny but at the sacrifice of the best and the noblest elements of government.

There is such a thing as justice, and though the greatest and most arrogant majority unite to override it, God stands behind it, the eternal laws that rule the world maintain it, and if we attempt to make the administration and award of justice dependent upon the will of a majority we shall fail, and we shall fail at the cost of humiliation and ignominy to ourselves.

I do not envy the men who prefer the uncontrolled rule of a majority free from the restraints which we have imposed upon ourselves to the system of orderly government that we have now established. I do not envy the men who would rather have the French constituent convention, controlled by Marat and Danton and Robespierre, than to have a Supreme Court presided over by Marshall; who would rather have conclusions upon a question of justice reached by a popular election on the basis of newspaper reports than to have the impartial judgment of a great court. I do not envy the men who have no sympathy with Louis XVI against the dictates of the majority of the French Malesherbes and De Sèze pleading for the lawful rights of capital in 1793.

I do not envy the men who see nothing to admire in John Adams defending the British soldiers against the protests of his neighbors and friends and countrymen after the Boston massacre. Rather, sir, would I feel that my country loves justice and possesses that divine power of self-restraint without which the man remains the child, the citizen remains the savage, and the community becomes the commune; that my country has carried into its system of law, and, whatever be its wish for the moment, whatever its prejudice, whatever its passion for the moment, will forever maintain as of greater importance than any single issue or any single man or any single interest that reverence for the eternal principles of justice which we have embedded in our fundamental law as our nearest approach to the application of the Divine command to human affairs.

Mr. NELSON. Mr. President, I do not intend to take up the time of the Senate in any general, extended, academic, or historical discussion of the subject. My aim will be rather to explain to the Senate in a brief manner the scope of the amendment which I have offered as a substitute for the pending joint resolution. In order that the merits of the amendment may be fully understood, I shall briefly call your attention to some of the legislative history relating to the subject.

By the act of June 20, 1910, commonly called the enabling act, authority was given to the Territories of Arizona and New Mexico to elect delegates for a constitutional convention to formulate a constitution, and to submit it for ratification to a vote of the people. The enabling act provided that the constitutional convention of New Mexico should consist of 100 members and that of Arizona of 52 members. It further provided that after the constitutions had been formulated and adopted by the respective conventions the constitutions were to be submitted to a vote of the people of the respective Territories for ratification; and if the constitution in each case was approved by a majority of the votes cast on that subject, then the constitutions were to be submitted to the President of the United States and to Congress for approval; and if Congress and the President approved of the constitutions, or if the President approved the same and Congress failed to disapprove the same during the next regular session, then the President was to certify such facts to the governor of each Territory, who then was directed to call an election for State, county, and legislative officers and Representatives in Congress; and when the result of such election was certified to the President it became his duty to issue his proclamation of the result, which proclamation admitted the Territories as States into the Union.

The approval of the constitution is a prerequisite to the holding of an election for the officers mentioned, and it is only after such elections have been held that the Territories are to be admitted into the Union; in other words, the mere approval of the constitution does not admit the Territory, but such approval must be followed by an election for these several officers—State, legislative, and county, and Members of the House of Representatives. After such election has been held, then the President issues his proclamation, and thereupon the Territories are admitted into the Union on a footing with the other States.

The constitution of New Mexico was ratified by a much larger vote than that of Arizona. As to the vote of New Mexico, I quote the following from the speech of Attorney General Wickersham, recently delivered before the law school of Yale University:

> The returns of the Thirteenth Census gave New Mexico in 1910 a total population of 327,301, of which 76,233 were native-born males over 21 years of age and 4,269 naturalized foreign-born males over 21 years of age, making an apparent total voting population of 80,502. There were cast for the constitution 31,742 votes, against it 13,399 votes, or a total of 45,141 on the question of its adoption, being about 56 per cent of the total number of the qualified voters and slightly less than 14 per cent of the total population.

There is a marked contrast between the action of the people of New Mexico in voting upon their constitution and the action of the people of Arizona in voting on their constitution. I read from the same speech on this subject:

> The returns of the Thirteenth Census give Arizona in 1910 a total population of 204,354, of which 155,550 are native born and 48,804 foreign born. Of this population, 118,576 are males and 85,778 are females. The total number of white males over 21 years of age is 65,133, of which number 39,427 are native born and 5,896 naturalized citizens, so that the total voting population is apparently 45,323.

I call the attention of Senators to the figures—

> There were cast for the constitution 12,187 votes, against it 3,822 votes, or a total of 16,009 on the question of its adoption, being about 35 per cent of the total number of qualified voters, and slightly less than 8 per cent of the total population.

The election for the ratification of the constitution of New Mexico was held on the 21st day of January, 1911; and the election for the ratification of the constitution of Arizona was held on the 9th day of February, 1911. Both constitutions were sent to the President and to Congress for approval in the latter part of February, 1911.

The constitution of New Mexico was approved by the President in his message to Congress of February 24, 1911, wherein he recommended the approval of the same by Congress. The constitution of Arizona has not up to this time been approved by the President. So that at this moment the constitution of New Mexico stands here before Congress as approved by the President, while the constitution of Arizona stands here without the approval of the President. As to New Mexico then, if Congress at its next regular session does not disapprove the constitution it stands approved, and when this is followed by an election of the officers mentioned the Territory will be admitted into the Union.

In the case of Arizona, the President not having approved the constitution, it operates as a stay of proceedings until Congress passes an act approving the constitution, for until such approval there can be no election and no admission.

This brings me, Mr. President, to the joint resolution which has passed the House and is now before the Senate. That joint resolution—and I give it in outline—provides that the constitution of New Mexico shall be approved after the people of that Territory have had another vote on article 19 of the constitution. That is the article relating to constitutional amendments. It is claimed and insisted that that article relating to amendments to the constitution is too conservative, too restrictive, and that it ought to be again submitted to the people for their vote. I want to call the attention of Senators to that constitution. It is not as restrictive as is claimed by many; it is not any more restrictive than our Federal Constitution. Article 19 reads in part as follows:

SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature at any regular session thereof, and if two-thirds of all members elected to each of the two houses, voting separately, shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon; or any amendment or amendments to this constitution may be proposed at the first regular session of the legislature held after the expiration of two years from the time this constitution goes into effect, or at the regular session of the legislature convening each eighth year thereafter, and if a majority of all the members elected to each of the two houses voting separately at said sessions shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon.

In other words, at any regular session two-thirds of each house of the legislature of the State, each house voting separately, may propose amendments, the same as in the case of the Federal Constitution, while a mere majority may propose amendments after the lapse of two years and every eight years thereafter. In either case, Mr. President, whether a constitutional amendment be adopted under the first provision or under the second, it is submitted to a vote of the people, and if ratified by a majority of the electors voting thereon, and by an affirmative vote of not less than 40 per cent of all the votes cast at said election in the State and in at least one-half of the counties thereof, then such amendment becomes a part of the constitution. No more than three amendments shall be submitted at the same election.

Sections 1 and 3 of article 7, relating to the elective franchise, and sections 8 and 10 of article 12, relating to education, can not be amended unless the amendment is proposed by three-fourths of the members of each house of the legislature. These restrictions in the case of these sections and articles are for the benefit and protection of the large Mexican population. Mr. President, the provision in the constitution requiring amendments to be ratified by a 40 per cent vote in at least one-half of the counties of the State was, it was explained to the committee by representatives from New Mexico, inserted for the benefit and protection and in behalf of the poor Mexicans. Nearly half of the people of that Territory are of Mexican or of Spanish descent. They were the early and original settlers of that country. They have adopted a different system of irrigation and reclamation of their arid lands from that which generally prevails. They operate through a sort of community system, which is different from that employed by the rest of the population; and this provision was put into the constitution in order to protect them, so that no violent changes could be made. The constitution is very careful to protect the Mexicans. It provides, as I have already stated—

that no amendment shall apply to or affect the provisions of sections 1 and 3 of article 7 hereof on elective franchise unless proposed by not less than three-fourths of the votes of each house of the legislature.

This is to prevent the Mexicans from being disfranchised for not speaking the English language.

The restriction and exception as to sections 8 and 10 of article 12 are for the purpose of preventing the exclusion of the Spanish language from the public schools. In other words, the Spanish language is to be taught side by side with the English language in the public schools; and all this is for the benefit of the Mexicans who are not up to the standard of the rest of the population in the matter of the English language. I mean by that expression that they are not as well versed in the English language as are other citizens of the Territory. Many of them have a sprinkling of Indian blood in their veins, and they are descended from the old conquistadors who first explored that country. They are a quiet, law-abiding, good people, but, as I have said, they are not versed in the English language, and so this constitution of New Mexico was framed ex industria, Mr. President, to protect those people as they ought to be protected.

Compare this action of New Mexico in reference to these people with the action of Arizona, not as embodied in its constitution, but as found in its legislation. In 1909, on the 10th of March, the Legislature of Arizona passed an act that practically disfranchised all such people as these that have been taken care of by the New Mexican constitution.

I read section 1 of that law of 1909:

Every male citizen of the United States and every male citizen of Mexico who shall have elected to become a citizen of the United States under the treaty of peace exchanged and ratified at Queretaro on the 30th day of May, 1848, and the Gadsden treaty of 1854, of the age of 21 years, who shall have been a resident of the Territory one year next preceding the election, and of the county and precinct in which he claims his vote, 30 days, and who, not being prevented by physical disability from so doing, is able to read the Constitution of the United States in the English language in such manner as to show he is neither prompted nor reciting from memory, and to write his name * * * should be entitled to vote at all elections, etc.

This is the way Arizona treated the Mexicans in their midst—practically disfranchise them. In the enabling act which we passed, we provided that the old election law of 1901, which did not contain these restrictions, should apply in the matter of the election of delegates to the constitutional convention and in the manner of the ratification of the constitution.

I have called attention to this, Mr. President, for the purpose of showing the extreme care with which the people of New Mexico have provided that no injustice either in respect to education or in respect to the electoral franchise shall by any means be inflicted upon those Mexicans who constitute half of the population.

I am told that upward of 25 or 30 per cent of the permanent population of Arizona belong to the Mexican class of people, but you look in vain for any restriction in the constitution of Arizona against such legislation as that act of 1909, and that law still remains.

Mr. BACON. Mr. President——

Mr. NELSON. I yield to the Senator from Georgia.

Mr. BACON. I have not had the good fortune to hear all the Senator's speech, so he may have alluded to or said something about that as to which I desire to ask him. Do I understand the Senator to say that in the proposed New Mexico constitution there is no discrimination against the Spanish-speaking people?

Mr. NELSON. There is no discrimination against them.

Mr. BACON. I will read from the report of the House committee to see whether or not I am correct. On page 5 I find this language:

The committee has also provided in said proposed substitute that the enabling act of June 20, 1910, shall be amended by making section 5 of said act so read as to remove the disqualification imposed upon the Spanish-American population of New Mexico who can not read, write, and speak the English language for holding State offices, including membership in the legislature of the new State. No just reason is found for such disqualification.

The evidence before the committee was that these Spanish-American citizens are eager for education and largely now speak the English language, and strive to advance the teaching of English to their children in all of their public schools, but that this provision of the enabling act is regarded by them as a reflection upon them and their race. They have at all times supported by their votes and the imposition of taxes the developing of the public-school system of New Mexico. They are largely an agricultural people, frugal, industrious, and earnest supporters of every movement intended to advance the progress, prosperity, and civilization of New Mexico.

Again, it was suggested that this disqualification violates the spirit and the letter of the treaty of Guadalupe Hidalgo between the United States and the Republic of Mexico, entered into on the 2d day of February, 1848, by the terms of which the Territories of New Mexico and Arizona were for the most part acquired.

And then it goes on and quotes from the treaty.

Mr. NELSON. Unfortunately, that does not tally with the actual constitution. Let me read section 3 of article 7 relative to the elective franchise. It reads:

SEC. 3. The right of any citizen of the State to vote, hold office, or sit upon juries shall never be restricted, abridged, or impaired on account of religion, race, language, or color, or inability to speak, read, or write the English or Spanish languages, except as may be otherwise provided in this constitution; and the provisions of this section and of sec-

tion 1 of this article shall never be amended except upon a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State and at least two-thirds of those voting in each county of the State shall vote for such amendment.

Mr. BACON. Very well. If the Senator will pardon me——

Mr. NELSON. Now, I will call attention in that connection to other paragraphs of the constitution relating to education, and the Senator will see that that report does not do justice to the constitution. Section 8 of article 12, relating to education, provides:

SEC. 8. The legislature shall provide for the training of teachers in the normal schools or otherwise, so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of the State, and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students.

And section 10 of the same article provides as follows:

SEC. 10. Children of Spanish descent in the State of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the State, and they shall never be classed in separate schools, but shall forever enjoy perfect equality with other children in all public schools and educational institutions of the State, and the legislature shall provide penalties for the violation of this section. This section shall never be amended except upon a vote of the people of this State, in an election at which at least three-fourths of the electors voting in the whole State and at least two-thirds of those voting in each county in the State shall vote for such amendment.

I have called attention to these two articles of the constitution, one relating to the elective franchise and the other relating to the education of the people; both of them aimed to take special care and make due provision for the Mexicans or those of Spanish descent who speak that language.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Yes.

Mr. BACON. With the permission of the learned Senator, I want to call his attention to the provision that I spoke of before in order that he may see that his reply does not cover this provision. The reply of the Senator to the inquiry made by me was to read sections with regard to education and with regard to the elective franchise.

Mr. NELSON. I quoted them.

Mr. BACON. But the disqualification which the House committee criticizes in its report is the disqualification from office holding. That is what it says:

Shall be amended by making section 5 of said act so read as to remove the disqualification imposed upon the Spanish-American population of New Mexico who can not read, write, and speak the English language for holding State offices, including membership in the legislature of the new State.

I have not the constitution before me, but here is the plain language of the House report, and I presume they would scarcely have incorporated that statement unless it was buttressed by the facts. So that, if it be true that the constitution of Arizona discriminates unjustly or the laws of the Territory of Arizona discriminate unjustly against the Spanish-speaking people of Arizona, it is also true, perhaps in a less degree, that there is discrimination of the same kind in the constitution of New Mexico against the Spanish-speaking people, to the extent that they are not allowed to hold any office unless they can read the English language.

Mr. NELSON. The report from which the Senator is reading seems to refer to the enabling bill or act and not to the constitution. I can not find any provision in the constitution that restricts them from holding office.

Mr. BACON. I think, possibly, from the language——

Mr. NELSON. I can not find any restriction in the constitution, and as a matter of fact they have been holding office there all this time—county offices and Territorial offices and judicial offices—and proceedings both in the legislature and in the courts are carried on in both languages.

Now, there are no such provisions in the Arizona constitution—nothing of that kind—to protect the Spanish-speaking people, the Mexicans, either in an educational way or in the matter of the elective franchise.

Mr. BACON. If the Senator will pardon me——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. I do; but I should like to answer a question.

Mr. BACON. I beg the Senator's pardon.

Mr. NELSON. I do not like a long interruption. I am willing to answer a question, but I do not like to have a whole speech injected into mine.

Now, Mr. President, on the theory that article 19 of the New Mexico constitution, relative to amendments of the constitution, was too conservative and too restrictive, in the joint resolution that passed the House it is provided that that question should again be submitted to the voters of New Mexico; but according to the joint resolution, whether the people of New Mexico vote that article in or out, the constitution stands approved anyway. So that it is a mere formal matter. It is not a sine qua non as to the approval of the constitution. The condition is that they must have another election, and if in that election they disapprove that paragraph of the constitution, it goes out; if they approve it, it remains in; and the constitution, in either event, is approved; and they will have to go on and hold their election and elect their officers—county, State, legislative, and congressional—and upon such election the Territory is admitted into the Union as a State.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. Certainly; I yield.

Mr. BACON. I do not wish to intrude on the Senator.

Mr. NELSON. I trust the Senator did not take offense at what I said before. I am always glad to yield to the Senator.

Mr. BACON. I simply desire to call the Senator's attention to the provision of the constitution of New Mexico which he could not find. He will find it on page 42, at the bottom of the page, numbered section 5. I will read it:

This State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude; and, in compliance with the requirements of the said act of Congress, it is hereby provided that ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers and members of the State legislature.

Mr. NELSON. That is only restriction on office holding. That is, if they hold an office of that character or that grade, they are required to speak the English language sufficiently to be understood. But there is no limitation as to proceedings in the courts. For years proceedings in the courts of New Mexico have been carried on in both languages—in Spanish and in English. Counsel have had interpreters to interpret their speeches to the jury. Courts have had interpreters to interpret their charges. Interpreters have interpreted not only the testimony of witnesses, but they have actually entered into the jury box and remained with the jury while they were agreeing upon their verdict, to interpret between the Spanish-speaking and the English-speaking members of the jury.

What I have said in reference to education and the right of suffrage remains undisputed. The constitution has taken particular pains to protect those Mexicans in their right of suffrage, and the same has taken place in reference to educational facilities.

The only restriction in the constitution is the paragraph that the Senator from Georgia quoted in relation to holding State offices. There they are required to speak the English language sufficiently to be understood, but there is nothing to bar them from holding office otherwise if they can speak that language.

Article 19 of the constitution relates to amendments, to which I have referred. Many ask why do you require those amendments to be ratified by a majority of the counties? That is for the purpose of protecting those Mexicans who occupy a certain number of counties in that proposed State. If you left it to a general vote of the proposed State, requiring 40 per cent of the entire vote of the State and a majority of all votes cast, that many votes might be secured in what they call the American counties, and the Mexican counties would be entirely outvoted and left in the cold.

The New Mexico constitution, and I want to call your attention to it, has no initiative, as we understand it. It has the referendum; that is, an act of the legislature may be vetoed, may, by a referendum, a petition, be vetoed by a majority vote, equal to at least 40 per cent of the people voting on that subject.

There is no recall of judges, no initiative. The only innovation upon the ordinary customary methods that we have in the older States is in the matter of the referendum.

Now, come to the case of Arizona. In the joint resolution, as it came from the House, a provision was inserted that Arizona should have another election upon the question of the adoption of article 8 of their constitution—that part of their article which provides for the recall of judges and all other officers. But under the provision of the House joint resolution, whether the people of Arizona voted that paragraph of the constitution out or kept it in the constitution, the constitution in any event would stand approved. If a majority vote is against that paragraph of the constitution, it will be eliminated. If a majority were against elimination, it would still remain a part of the constitution.

Mr. President, to my mind there are a number of objectionable features in that constitution which as an original question I could never approve. For instance, the constitution of Arizona may be amended upon the petition of 15 per cent of the votes cast at the last election. A constitution is a fundamental law, bounding the scope of the legislative, executive, and judicial departments. Its object is to lay down the outlines of the State government, to place an embargo against popular clamor, and to keep legislation within well-defined channels. In other words, it is a bulwark against hasty and ill-advised legislation. Under this Arizona constitution 10 per cent of the voters can invoke the action of the people upon a statute. Ten per cent of the vote can initiate legislation, and 15 per cent of the vote can initiate a constitutional amendment; and if the majority of those voting upon that subject amount to 40 per cent of the total vote, it may adopt the constitutional amendment.

It seems to me, Mr. President, that that is a very objectionable feature to the constitution, but I will waive that. Then there is another article of the constitution relating to the recall of officers. All officers, executive, legislative, and judicial, can be recalled, and a member of the legislature can be recalled. The Senator from Idaho [Mr. HEYBURN] called the attention of the Senate to that the other day. When a member has been elected to the legislature, five days after his election a petition can be circulated for his recall. As the Senator from Idaho pointed out, how easy it would be for political demagogues or those who had an axe to grind and who wanted to defeat the election of a United States Senator to have enough of those petitions filed so that the legislature would be without a quorum. After the lapse of five days after an election a petition for recall can be filed against every one of them.

But the most iniquitous part of the constitution to my mind, and I can not call it by any other term, is the recall of judges. I call it iniquitous for the reason that there is something more than a mere recall in it. If the mere question were submitted to the voters as to whether the judge has been competent and faithful to his trust, and the vote were only cast upon that question, the judge might have something of a show—might have a fair chance, but this article is cunningly devised so that when a petition is filed for the recall there is another election, and the man who six months before had been elected a judge must submit to a new campaign and a new election. For aught we know it may be only a question of another candidate seeking the office, perhaps one of the defeated candidates, or perhaps some man who is a little more in popular favor.

The question will be passed upon, not whether the judge in office has offended against the law, not whether he has been unfaithful to his trust, but the question will be whether the voters like B or C better than Judge A, the incumbent. So you see that the judge who has been elected for the period of six years can, after the expiration of six months of his term, be removed by a new election. Six years is the term of office, barring the first election, of the judges of the supreme court. The first judges of the supreme court are to be elected for the same term as the first governor, and the man who receives the greatest number of votes is to be chief justice. After that, at the next general election, three judges—the number the supreme court is composed of—are to be elected, and these three judges are by lot to determine which one of them is to hold for six years, which one for four years, and which one for two years; thereafter a judge is elected every two years for a term of six years.

You can readily see, Senators, that it may occur that a judge has been elected to office by a slender majority. He may be, as a lawyer, as a citizen, and as a judge, of the highest and best order, second to none, and may prove himself a good judge, but there is some other fellow, very popular with "the boys," who wants his place; there is some other man who would like to try again to secure the office, and, under the pretext of a recall, he secures a new election; so that judge who was elected for a term of six years is only sure of a six months' term and has to run the gantlet of a new election after the period of six months' service. In other words, instead of electing a judge for a definite term of six years, as the constitution in the first instance seems to contemplate, he is really elected for a sure term of six months, with no certainty as to the rest. After a six months' service he is subject to the whim and at the mercy of disappointed office seekers and disappointed litigants.

Mr. President, if this question of recall were submitted to the voters in a fair manner, if the question was submitted to the voters whether Judge A has been an honest and faithful judge, and if the vote were taken upon that question alone, divorced from the claims of rival candidates, the judge might have a fair show. But when you have, in connection with that, other candidates coming into the field—and there must be a new election—and if one of those other candidates happens to be more popular for the time being with the masses and gets one more vote than the judge against whom the recall petition is circulated, he is elected, and the judge goes out dishonored because he was defeated by a candidate who happens to be a little more popular. So you see that by a mere majority of one vote, through that system of new elections cunningly devised, a new man may be elected judge, not because the old judge is a dishonest judge, not because he is not a good lawyer and has not done his duty faithfully, but because, for the time being, the populace may think that the other man is a "better fellow." The cry will be, "Oh, we like him better; he is such a fine fellow. We have no objection to the old judge. While we are not prepared to say he has been dishonest, while we are not prepared to say that he has not interpreted the law fairly and justly, this new man is such a nice fellow, I think we had better have him for judge." So the operation can be repeated from time to time. The man who gets in in that way by one vote on the heels of the so-called discredited judge, in six months may have to run the gantlet for a still more popular fellow; and so you can have the operation repeated every six months. Enterprising and ambitious lawyers, looking the field over and wanting a place on the bench instead of a place at the bar, will be found ready to put the machinery of recall in motion, and a judge, however worthy and competent he may be, has at all times to stand ready to meet such attacks.

You and I, Senators, know how easy it is to get petitions signed for almost any purpose. There never was a man convicted of a great crime and sent to prison but that his friends could secure an abundance of signatures on a petition for a pardon or a commutation of his sentence.

But, Mr. President, look at the iniquity of the scheme from another standpoint, and I can not help calling it by that name: By this system you hold the sword of Damocles over every judge. Every judge has not only the question addressed to him of finding the facts and to determining the law of the case, but he must also consider whether his decision will meet with popular favor, for on that will hinge the question of retaining the office. He may decide the case justly and according to law, but if in the midst of great excitement public sentiment is against him, woe be unto him. It may be a case growing out of great political controversy. It may be a case of homicide, or it may be a case arising from a railroad wreck, a mine explosion, or a labor strike or controversy, where public sentiment may be wrought up to a high state of pressure and excitement; then the poor judge is confronted with the problem of deciding the case justly, according to the law and evidence, against the popular clamor and demand, and thus putting the term of his office in jeopardy, or of yielding to the "voice of the people" for the sake of holding the office, whatever the result to the litigants may be. The honest judge, the judge with a true moral sense and genuine stamina, will have no difficulty, but the weakling, the time server, the popular idol, the hale fellow well met, will cringe and fall down and worship the popular idol, for the "voice of the people" is to him higher than the voice of the law; it is his standard of infallibility.

"The facts of the case are thus and so; clear enough beyond all dispute, and the law of the case is clear enough, but what is the public sentiment on the case? Will the public approve of my judgment as to the facts? Will the public approve of my judgment as to the law?" What will the poor judge do when confronted by such a question, and the recall keeps that question constantly before him? If he is a mere politician, if he is a mere time server, if he is a moral weakling, if he is ready to pander to popular clamor he will frame his decision regardless of the intrinsic merits, so as to catch the approval of the public pulse. If he is an honest man, if he is a man of nerve, if he believes in a government of law and order, no matter what the public may clamor for or demand, he will decide according to the law and the evidence.

Senators, are we prepared to say that we want in this country instead of a government of law, a government that will be swayed and moved by every public emotion and clamor?

Mr. President, I can recall as a boy the decision of the Supreme Court of the United States, by Chief Justice Taney, in the Dred Scott case, and what an excitement and feeling there was in the North over it. If we had had the "recall" as to Federal judges at that time, I have no doubt petitions would have been extensively circulated in the North for Justice Taney's recall. But Senators who know anything about American history know that, barring that decision, and on that we may well differ, he was one of the greatest lawyers and one of the ablest jurists who ever sat on the Supreme Court of the United States, second only to John Marshall.

I see before me my genial friend from Oklahoma [Mr. OWEN]. He has introduced a bill for the recall of Federal judges and if the bill passes we will have the recall of judges in such cases

as that to which I refer. I can remember how disappointed many of our people were when the Supreme Court announced its decision in the legal-tender case. I can remember how disappointed our people were when the Supreme Court held the income-tax provision of the tariff act of 1894 unconstitutional.

In all those cases, I dare say, it would have been an easy thing to have circulated petitions and secured abundant signers for the recall of those judges. But what a judicial system would you have in this country, State or Federal, if you had a system where, whenever a litigant was disappointed, wherever the public, fed by muckraking newspapers and magazines, were disappointed, at the mere whim of such a sentiment manufactured and created, you could displace a faithful official? What kind of a government would you have? Would you have a government of law and order, or would you have an emotional government, moving about according to the impulses and emotions of the people, misled and misinformed by a press pandering to the basest impulses of human nature and not according to the principle of our Constitution and laws?

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oklahoma?

Mr. NELSON. Certainly.

Mr. OWEN. I merely want to call the attention of the Senator from Minnesota to the tremendous historical fact that the Dred Scott decision, nationalizing slavery without the possibility of amending the Constitution, left no alternative as a remedy except a dissolution of the Union or war, and it led directly to war because there was no control over that judiciary.

Mr. NELSON. Mr. President, I do not want to kindle any of the embers of that war. I only referred to the instance of Chief Justice Taney to illustrate my argument. There is no occasion to go any further into the subject, and I will not follow the Senator in that matter.

Mr. OWEN. If the Senator will go a little further he will see the necessity of it.

Mr. NELSON. Why do we have such constitutional provisions as those the Senator from New York [Mr. ROOT] cited a moment ago? Why do we have such provisions in our laws and constitutions providing for the protection of life, liberty, and property? We have them as a bar and protection against popular clamor and popular demand; we have them for the protection of the meek, the humble, and the lowly; we have them for the protection of the individual against the masses; we have them that popular outcry may not smother the voice of justice; and any judge on the bench who neglects his duty in that respect, in maintaining the principles of our laws and our constitutions, no matter what the popular clamor may be, is unfaithful to his trust, and ought not to remain in office.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. REED. I did not understand the remark of the Senator.

The VICE PRESIDENT. Does the Senator yield to the Senator from Missouri?

Mr. NELSON. Perhaps the Senator had better wait until I get through, and then I will give him 15 or 20 minutes to answer me. Now, what do I propose by this substitute?

Mr. REED. I will be glad to wait, and I have not any doubt it will be more fortunate for the Senator if I do wait.

Mr. NELSON. The substitute I propose is to approve the constitution of New Mexico as it comes before us without any question. I regard that provision of the constitution of New Mexico, article 18, relating to amendments as fairly conservative and proper, and there is no occasion for submitting that question again to the people.

In respect to Arizona I provide by this amendment that the question shall be again submitted to the people as to the recall of judges. In other words, the amendment does not propose to interfere with the recall of any other officer; it is limited strictly to judicial officers. I framed the amendment so that if the people of Arizona eliminate the recall of judges at the election for State, county, and legislative officers and Representatives in Congress, provided for in the substitute, at substantially the same time as in the case of New Mexico, the constitution of Arizona, like that of New Mexico, stands approved. If the recall of judges is eliminated from the constitution at that election, Arizona will come into the Union at the same time as New Mexico. If my substitute is adopted and becomes a law, the President must at once notify the governors of Arizona and New Mexico, and they must, within 30 days, order and give notice of such election for State, county, judicial, and legislative officers and Members of Congress; and such election must be held not less than 60 days nor more than 90 days after notice, and when the results of such elections are certified by the governors to the President of the United States, it is his duty, by proclamation, to declare the Territories admitted into the Union as States on a footing of equality with the other States.

Now, in respect to Arizona, I call the attention of Senators to the top of page 3. In order that the election for State officers and for the amendment of the constitution in reference to the recall of judges may take place at the same time as in New Mexico, I have stricken out, in line 4, page 3, the words "within 30 days" and inserted the word "immediately," so that it will read:

> That immediately after the passage of this resolution and its approval by the President, the President shall certify the fact to the governor of Arizona, who shall, within 30 days after the receipt of such certificate from the President, issue his proclamation for an election by the qualified voters of Arizona, to be held not earlier than 60 nor later than 90 days thereafter.

That leaves it exactly the same as in the case of New Mexico. If the substitute passes the constitution of New Mexico is approved; and then it is the duty of the President to call the attention of the governor of New Mexico to the fact, who within 30 days issues his proclamation and an election is held.

The word "immediately" is not in the paragraph relating to the constitution of New Mexico. It simply says the President shall give notice after the law is passed. In order to insure the fact that the election for State officers in Arizona shall take place at the same time as in New Mexico, I have put in the word "immediately," so that if the people of Arizona at their election for State, county, legislative, and congressional officers eliminate the paragraph of the constitution providing for the recall of judges they will come into the Union exactly at the same time as New Mexico.

That is my ambition, Mr. President. I feel friendly to Arizona. Some years ago I thought, as some of the older Senators will remember, that Arizona and New Mexico were not ripe for statehood. I think they are now.

The question of politics has never cut any figure with me, Mr. President, but I have a pride in our system of government; I want to maintain its integrity; and I do not want the Congress of the United States to set a bad example in the case of Arizona.

It is said that this constitution is republican in form. It is true that in one sense it is, but in respect to the recall of judicial officers it is entirely different from and not in harmony with the Constitution of the United States.

I was very much interested in the scholarly, exhaustive, and interesting argument of the Senator from Idaho [Mr. BORAH], who seemed, in the main, to look upon the judicial office and the duties of the judiciary as I do, but who said that on account of the principle of self-government we ought to waive our objections and vote for the admission of Arizona anyway. Under the Constitution the Congress of the United States has the power to prescribe under what conditions new States shall be admitted. That power in years gone by, as we all know, was exercised in admitting certain States of the North and admitting certain States of the South. Time and time again Congress has exercised that power. We have a right to say under what conditions Arizona shall come into the Union. What I insist upon, Mr. President, is that while we have this power we shall not stultify ourselves and set an evil example to the whole country and say we will admit Arizona with this judicial recall provision in her constitution. It is to this feature of the case that I have invoked your attention. Had we not better, as legislators, take a broad ground and look upon this question in its intrinsic merits, both in respect to the future and in respect to the past? Had we not better look at this question in the broadest sense and do to Arizona as we should want done to our own States? If this question came before the State of Minnesota—the State that has been my home for 40 years—if the legislature of that State should propose to enact such a recall law as there is in this Arizona constitution, I would oppose it, Mr. President, with all my might. I should oppose it in the interest of law and order and in the interest of good government.

I have faith to believe that if this question is again submitted to the people of Arizona they will have the good sense to eliminate this provision from their constitution. A very slight vote was cast at the last election, much less than half, not much more than 35 per cent of the entire vote. Very little interest was taken in the matter. If this question goes back and the people of Arizona are told, "You can come into the Union; we will receive you with a free hand, but we want you to eliminate this recall of judges," I have faith enough to believe that the people of Arizona will accept that condition and that Arizona will come into the Union as a State just at

the same time that the Territory of New Mexico will come into the Union as a State.

Mr. WORKS. Mr. President, before the Senator takes his seat I should like to ask him a question.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Minnesota yield to the Senator from California?

Mr. NELSON. I do.

Mr. WORKS. I have listened to this discussion with a great deal of interest. I happened to be out just at the moment that the Senator from Minnesota made some statement in respect to the irrigation laws of New Mexico having something to do with the amendment of the constitution. Would the Senator, for my benefit, restate his position in that regard?

Mr. NELSON. I will restate it, and I will state it in accordance with statements which were made before the committee. The Senator from Oklahoma [Mr. OWEN], the Senator from Indiana [Mr. SHIVELY], and other Senators will bear witness to the fact that the claim was made that those of Spanish descent in New Mexico, the so-called Mexicans, had a different system of irrigation from others; that they had a sort of community system. I did not go into details to ascertain in just what particulars it differed from the other system, but such was the case, and that was the statement made before our committee by two or three gentlemen from New Mexico.

Mr. WORKS. Mr. President, I can hardly understand how that condition of things could exist to such an extent as to affect the rights of individuals to the use of water under the laws as they exist in New Mexico. I am fairly familiar with the irrigation laws as they exist in the Western States. There are two means of acquiring title to water. One is by the purchase of land to which the water is appurtenant as a part of the land. That is the old common-law rule of riparian rights.

Mr. NELSON. I understand that; but I want to correct the Senator. That is not the question. The doctrine of prior appropriation to which the Senator is about to refer——

Mr. WORKS. Yes; I am coming to that.

Mr. NELSON. Prevails in that Territory; but the difference is that in New Mexico among the Spaniards they have a community system. They operate in communities in appropriating the water.

Mr. WORKS. Yes; undoubtedly they have in respect not only to the Spaniards or the New Mexicans, but also with respect to the Americans as well, because that system of taking out the water from the stream is quite common all over the Western States. I am, however, unable to see why that should have anything to do with the question of admitting the Territory of New Mexico or why it should have anything whatever to do with the question of the amendment of the constitution. That was what I was trying to arrive at.

Mr. NELSON. It has nothing to do with the question of admitting New Mexico, but that was one of the reasons that were given before the committee for the provision of the constitution which provided for the adoption of the amendment in the majority of the counties.

Now, to ease the conscience of the Senator, I think I will quote from Thomas Jefferson on this question. I had almost forgotten it.

Mr. WORKS. The Senator does not mean on the irrigation question?

Mr. NELSON. Oh, no; but on the question of submitting the matter and requiring a majority in certain counties. I will refer to what Thomas Jefferson said. He is quoted by Attorney General Wickersham in his speech before the students at Yale University. Speaking on that subject, he said:

> Jefferson's proposed constitution for Virginia contained a provision that none of the fundamental laws and principles of government should be repealed or altered but by the personal consent of the people at meetings held in the respective counties, the people of two-thirds of the counties to give their suffrage for any particular alteration.
>
> This Jeffersonian theory of making the alteration of the constitution dependent not only upon a certain percentage of the vote cast, but upon the consent of a specified percentage of the geographical subdivisions of the State, as we have seen, is embodied in the proposed constitution of New Mexico. The first constitution of Georgia required the consent of a majority of the counties to any amendment.

I have read this to show the Senator from California that that provision of the constitution of New Mexico is not a novel one; that it has precedents; that it has met the approval of that great leader of the Democracy, Thomas Jefferson; and it seems to me, Mr. President, where we have the approval of a man like Thomas Jefferson, I, at least, one of the pygmies of this generation, can certainly acquiesce in the doctrine and faith of Thomas Jefferson.

Mr. HEYBURN. Mr. President, before the Senator takes his seat I should like to ask him a question.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. I do.

Mr. HEYBURN. I have looked in vain for any provision in the New Mexican constitution which requires that the English language shall be taught in the public schools. Does the Senator from Minnesota, who is a member of the committee, recall any provision that could be construed so as to require the English language to be taught in the public schools maintained at public expense?

Mr. NELSON. Oh, yes; there is an educational provision.

Mr. HEYBURN. I have looked at the educational provision, but I do not find that it provided that the English language should be taught in the public schools.

Mr. NELSON. Those provisions are in the laws of the Territory, and they have always been the law.

Mr. HEYBURN. No. When New Mexico was making a constitution in 1889 the people there voted down by an affirmative vote a provision requiring the English language to be taught in the public schools. I have borne that in mind ever since, having it in mind never to support the admission of any Territory that refused to require the English language to be taught.

Mr. NELSON. The enabling act provides for that, and the constitution which was adopted approved the enabling act.

Mr. HEYBURN. I have just been looking through the constitution, and I fail to find any provision that could be so construed.

Mr. NELSON. I will find it and insert it in the RECORD.

Mr. HEYBURN. There is a provision with reference to the employment of teachers, but I do not think that goes to the question.

Mr. NELSON. Mr. President, I will look up that paragraph of the constitution later.

Mr. HEYBURN. I asked the question for information.

Mr. NELSON. To sum up briefly, Mr. President, my substitute approves the constitution of New Mexico as it is. With that approval enacted into law, the people there must hold an election, notice of which must be given within 30 days by the governor, and the election must take place not earlier than 60 and not longer than 90 days after the notice of the governor. On the return of the vote for the election of State officers, county officers, legislative officers, judicial officers, and Members of Congress to the President of the United States, it is made his duty by proclamation to declare the admission of the Territory into the Union on an equal footing with the other States of the Union. The same provisions apply to Arizona ex industria. I have put into the amendment a provision that the President must give notice immediately after the passage of this joint resolution to the governor of Arizona. The governor must then within 30 days issue his notice of the election, and that election must be held not earlier than 60 and not later than 90 days after such notice. At that election all the officers that I have mentioned in respect to New Mexico—that is, county officers, State officers, judicial officers, members of the legislature, and Members of Congress—must be voted for, and then the people of Arizona must vote on eliminating that part of article 8 of the proposed constitution relating to the recall of judges. Nothing else is proposed to be eliminated. We do not interfere with the provision for the recall of any other officer. The vote is simply limited to the recall of judges. I believe the people of Arizona will eliminate that provision if it is submitted to them; and, if they do, the Territory of Arizona will come into the Union on an equal footing with New Mexico and at the same time, and no one can claim any political advantage in either direction.

Mr. CRAWFORD. Mr. President, the Senate has been in session for several hours, and the discussion has been so intensely interesting and has been followed so closely that I appreciate the fact that it is late in the afternoon to begin a discussion with the hope of holding the attention of the Senate much longer; but my convictions, Mr. President, are so strong against what is called the recall of judges, as proposed in the constitution of Arizona and as a general proposition, that I could not forgive myself were I to remain silent and before the matter reaches a vote fail to utter a few words of protest.

Mr. President, I have the honor in part to represent a State which has gone almost as far as any other State in the Union in the direction of the adoption of constitutional provisions intended to emphasize what has been called popular government. That State was the first State in this Union by popular vote to incorporate as a part of its constitution the provision known as the initiative and the referendum. It did so before Oregon adopted such a system. South Dakota enacted that provision in 1898 by a large and decisive majority, and recently it enacted a law by which it has made provision for what is known as the commission form of government in its cities of the first class, and the law providing for the government of these cities by commission contains a provision for the recall of municipal officers.

I will state frankly, Mr. President, that I am in sympathy, so far as States like the one I represent are concerned at least, with the provisions that have been put into constitutions for the purpose of enabling the people in emergencies to compel action upon matters concerning which legislatures have apparently been reluctant about carrying out the popular will. I believe that in a State like South Dakota the initiative is a good thing. I believe that in a State situated as South Dakota is the referendum is a good thing. I am not here to say that, because in experience it has proven itself a good thing in South Dakota, it ought to be thrust upon the people of a great State like New York, with 7,000,000 people. I do not know; I am not here to assume and to state in any dogmatic manner that it would be a success there; but, so far as the Commonwealth which I in part represent is concerned, with less than a million population, a population uniformly intelligent and not in such large numbers as to make it impracticable, it is a good thing; and to-day, after the trial of these years, if a proposition were submitted to the people of that State to take the initiative and referendum out of our constitution, the proposition would be overwhelmingly defeated. So I speak, Mr. President, as one who, so far as his experience and his connection with the people of a single Commonwealth are concerned, is in sympathy with very much that has been said and is being said all over the country in behalf of popular government. I believe that there is virtue in a provision which enables the people of a city which has a corrupt council or a corrupt city official to invoke the recall.

But, Mr. President, I am here to state that I do not find it in conformity with my own judgment and conscience to go further in direct legislation. I am not in sympathy, to be frank about it, with the proposition for a recall when it is applied to State officers elected for the period of two years only. I think in a case of that kind it is a handicap and can not possibly be a benefit. Why? Because a State officer, a governor, elected for only two years, can scarcely begin to carry out a single feature of his administration until, if a petition for his recall should be filed, the process of administration and execution of his policies will be interrupted, and two years will slip by, and the purposes for which he was elected and the work he sought to perform will be defeated by this interference by a recall where the period of office is for only two years. In the case of a governor of a State, elected for two years, sworn in, with a new legislature on his hands, with a new corps of State officers, with a legislative program that he expects to carry out, a small portion of the electors of the State by circulating a petition for a recall would involve him in a special election within a few months after he was installed in his office.

I say that in effect that proposition, as applied to these short terms, will be not only an instrument of obstruction and demoralization, but it has in it no protection for the public. I believe that the recall in that case, which is sufficient, is the recall which occurs in the recurring election every two years, when the officer must go before the people of his State and submit for their approval the record he has made for the two years, and if he can not satisfy them as to his efficiency and his honesty there is all the opportunity necessary for his recall. But when you go beyond that point and propose to place in the hands of a small number the power to file a petition and recall judges a step has been taken which means revolution.

From the arguments that have been made on this floor one would imagine that a judge or a State officer is a mere representative of the majority and no one else. I admit that if I go out in my State as a candidate on a platform framed by a convention of my party, embracing certain propositions, and my opponent goes out before the people of that State upon a platform presenting certain propositions advocated by his party, and we make a square issue upon those subjects, and we go out and discuss before the people of that State the issues involved, and wage a contest as to whether or not they shall give their approval to the propositions that he and his party are presenting or the opposing propositions that I and the party with which I am connected are presenting, and I win, the majority of the electors of the State deciding in favor of the propositions advocated by my party, then I, as well as the party I represent, am under obligation to enact the laws specifically pledged and specifically declared for in the campaign; to that extent, and that extent only, do I represent the majority.

But, sir, when it comes to the general administration of my office, such as the assessment of the property of the railways in my State, the telegraph companies in my State, the express companies in my State, the insurance companies in my State, the property of individual owners scattered over my State—when I act upon an assessing board to determine what the valuation of property shall be, so that there shall be a fair distribution of the burdens of government in my State, and upon general subjects of administration based upon justice and equity, which may not have been involved in the campaign at all—may not have been in issue by any party in the campaign, and which all parties sustain—do I represent the majority? No. I represent every single property owner in my State, whether that property owner is a Socialist or a Democrat or a Republican or an anarchist. My obligation to him is just as sacred and just as binding upon me as a public officer, even though he be a member of the smallest and most insignificant political organization in the State, as it is to the party to which I belong.

Does anyone contend that my acts as a public officer are acts for which I am responsible to the majority only, and that if those acts do not meet with the approval of the temporary majority that majority shall have the right to dictate what I shall do? And if I fail to obey they shall have as a weapon by which to intimidate me the fear that unless I do obey the wish of that fleeting majority of to-day, which may be the minority to-morrow, I shall be involved at once in a fight for my political existence, or in a fight to retain the official position which I hold? Does anyone contend for a moment that the people of this country support, or wish to support, or have asked that we support in their behalf any such proposition as that, sir? I answer that they have not. They are quite content to wait until the expiration in regular course of these short biennial terms for State officers and to pass upon their claims for longer service at the frequently recurring elections held for that purpose. Except that, of course, in every State provision is made for removing all corrupt State officers by impeachment.

We run wild over some of these things, but I am not going to use ridicule in connection with them. A judge is not selected as a representative of the majority. The majority determines who shall be the judge in States where judges are elected. That, however, is simply the settlement of the method of selecting the judges. When they are selected by that method, the instrumentality and influence of the majority, so far as they are concerned, are at an end. The majority has simply performed its function in selecting the judge, and the moment he is installed he represents all the people, including the most humble, the weakest individual in the community. His obligation to the most unfortunate member of society, the man or the woman without friends, without property and helpless, is just as sacred, if not more sacred, than his obligation to the majority. His obligation to such is just as sacred, if not more sacred, than it is to the political party of which he is a member and whose suffrages put him in that position. The American people are told upon the floor of the Senate that the member of a court is a mere representative of the majority. What is that majority? It may to-day be made up of one class, the radical element; at the next election it may be made up of what we call the conservative element.

The pendulum swings back and forth. Are the laws to be changed every time the pendulum swings hither or yon? Shall the majority have the right to say: "Because we were the minority when one set of judges was put in power and rendered one class of decisions, now that we are in the majority we will put some new judges on the bench, and we will tear down the precedents heretofore written; we will overthrow the rulings heretofore made. The question of vested rights, the question of individual rights, the question of religious liberty, the question of the rights of a race, the question regarding any other right whatsoever shall be decided now according to our will—the will of to-day, which is different from the will of yesterday."

Oh, the American people have never asked for such a thing as that; and, Senators, those of us who stand for what are called progressive policies, who have made fights in our States for the regulation of corporations and the correction of abuses and the privilege of the humblest voter to have a voice in the selection of candidates for office, so that the candidates of his party shall be selected by the majority of his party rather than in the private offices of some great corporation—we have made a fight for victories won here and there; we have promoted and strengthened a great movement for better government, but I tell you we will destroy it all and sweep it all away if we show that we have not sufficient good sense and control over ourselves to know when and where to stop.

Are we going to stand for the removal of judges because their temperament is not the radical temperament that you and I and John Smith and John Brown possess? Are we going to remove judges—conceding them to be honest and brave and courageous—because we say "their leanings were a little too much on the side of property, according to our view, and not quite strong enough on the side of humanity; and, therefore, while we will not hurt their feelings by putting in the petition for their recall

that we object to them on that ground, we will nevertheless petition for their recall? We will treat them kindly, and after we have put them out of office we will pension them; but we will gently put them aside, because temperamentally they are not in harmony with us." We have heard talk of that kind here. Does anybody believe that it will meet the approval of the American people?

Do you think the American people, with all their traditions, with their history, with their love for their courts and the institutions of their land, are going for one moment to follow a leadership that preaches a doctrine like that?

Mr. SMITH of Michigan. Does the Senator from South Dakota desire to conclude this evening?

Mr. CRAWFORD. I do not care to proceed further this evening unless it is desired.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. CRAWFORD. Yes.

RECESS.

Mr. SMITH of Michigan. The Senate has been in session since 10 o'clock this morning. It is very apparent we are not going to reach a vote to-day. After conferring with numerous Senators I think it desirable that we take a recess until to-morrow morning. I therefore move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to, and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, August 8, 1911, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 7, 1911.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, we bless Thee for the onward march of civilization witnessed on every hand. Through the discoveries and ingenuity of man the elements have been harnessed and made to do the bidding of intelligence. The world is growing smaller; intellectual, moral, and spiritual liberty is growing larger. The peoples of all the earth are becoming better acquainted with each other, and the things which make for righteousness are in the ascendency. God grant that the time may speedily come when all men shall look up to Thee and worship Thee as Father and live together as brothers, each vying with each to make this dear old world a better and happier dwelling place for all Thy children. And glory and honor and praise be Thine forever. Amen.

The Journal of the proceedings of Saturday, August 5, 1911, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. LINDSAY, for the remainder of the session, on account of sickness.

Mr. BOEHNE, indefinitely, at the request of Mr. ADAIR, on account of sickness.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 2983. An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This being suspension day, the Chair will direct the Clerk to call the Calendar for Unanimous Consent.

BARON VON STEUBEN.

The first business on the Calendar for Unanimous Consent was House concurrent resolution 3, which the Clerk reported by title.

Mr. MANN. Mr. Speaker, can we not have the resolution reported?

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 3.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National German-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Baron von Steuben and the speakers who took part in said celebration.

The SPEAKER. Is there objection to the present consideration of the resolution reported by the Clerk? [After a pause.] The Chair hears none, and the gentleman from Illinois [Mr. MANN] is recognized for one hour.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. BERGER] be permitted to address the House for 10 minutes.

The SPEAKER. The gentleman from Illinois has one hour, and if he wants to yield 10 minutes of it he may.

Mr. MANN. Then, Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. BERGER], although I do not understand that I have one hour.

Mr. BERGER. Mr. Speaker, I deem it proper to make on this floor a brief preliminary statement regarding the old-age pension bill which I introduced last Monday.

Within a year you will all have to make up your minds on this subject. You will have to determine where you stand. A mighty wave of demands for the passage of some such law will roll in from every section of the country, and the issue will have to be met.

AMERICA BACKWARD IN SOCIAL LEGISLATION.

The working men and working women of this country are entitled to be taken care of in their old age. Most of them receive, in return for their labor, so small a part of what they produce that all of it is expended in merely keeping alive. Since the average wage in our country is probably not more than $400 a year, it is obvious that it is impossible for at least half of the population to save up anything for old age.

The working class is not better off in the matter of wages in any other country. But in many of the other countries the duty of society to the aged is recognized. Old-age pension laws have been passed in the principal nations of Europe, in the Antipodes, and even in one American nation. Germany, Denmark, Italy, Austria, Great Britain, France, Canada, Australia, and New Zealand have all enacted such laws.

As usual, where legislation for the protection of the working class is concerned, the United States is lagging behind. The Republican Party put such a plank in its platform of 1900, but the Republican Congress did nothing in the matter, and the plank has disappeared from subsequent platforms.

CONDITION OF AGED WORKERS GROWING WORSE.

There can be no doubt that the condition of the aged workers has grown worse in this country during the last 30 years.

And for this reason:

Our country is rapidly changing from an agricultural to a manufacturing country.

On the farm it is comparatively easy to take care of the aged. Especially was it so in former days when living was cheap.

There is plenty of room on the farm. And even old people can usually do some chores—enough to make up for the slight expense of their keep.

It is thus no special hardship for their friends and relatives to take care of them.

The case is entirely different with the urban workers. The maintenance of their old folks by the wageworkers of the cities—especially where these men and women have children to take care of—is nowadays simply impossible.

Aged working men and working women therefore soon become objects of private or public charity.

After having lived a life of usefulness, the working men and working women of the country—the men and women who create all wealth—are usually subject to all the indignities, the sordidness, and misery of the poorhouse or the system of "outdoor relief."

No wonder there are so many tragedies. Men and women of finer sensibilities prefer death to this humiliation. [Applause.]

THE TRAGEDY OF DESTITUTE AGE.

The aim of every normal man and woman is an old age free from care and want. To that end most of them toil patiently and live closely, seeking to save something against the day when they can earn no more. And yet the same fate awaits the overwhelming mass of them. In the life of the toiler there are weeks, and sometimes months, of enforced idleness, weeks of unavoidable illness, losses from cheating and swindling, and then, as age creeps on, from about his forty-fifth year, a constantly declining capacity to earn, until at 55 or 60 he finds himself helpless and destitute. There is hardly a more pitiful tragedy than the lot of the toiler who has struggled all his life to gain a competence and who at 60 years faces the poorhouse.

The black slave had no such tragedy as this. It is a tragedy reserved for the free worker in "the freest nation on the globe."

There can be no question as to the right of these men and women to be taken care of decently in their old age. They have made civilization possible for everybody, and especially for the comfortable classes.

As I said before, from their earnings—the average is about $400—it is absolutely impossible for them to save anything for their old age. Even if they should descend to a Chinese standard of living, they could not, as a mass, lay by a competence. They would thereby diminish trade, cause hard times, and change our civilization. But they could not, under our present system, secure themselves against want in their old age.

MILITARY VETERANS AND INDUSTRIAL VETERANS.

Everybody in America readily understands why soldiers are entitled to pensions. It is because soldiers render service on the field of battle which is considered dangerous to life and limb. But very few people realize that the number of wage earners killed and maimed every year on the railroads, in the mines, factories, and other industries in our country is approximately equal to the number of soldiers killed and wounded in any one year of our great Civil War, with all its terrible battles.

Moreover, there are any number of occupational diseases which are the natural result of certain kinds of necessary work, but which make total or partial invalids of hundreds of thousands of wage earners.

The work of the soldier of industry is infinitely more necessary than the bloody work of the soldier on the battle field. Most of the labor performed must be performed every day and every hour, or our civilization would stop. [Applause.]

The aged working men and working women have therefore a claim on society that is even better than the claim of the soldier.

THE PENSION A RECOMPENSE FOR UNPAID WORK.

Any toiler who has faithfully labored for a meager wage for 20 years or more has created more wealth than a pension in old age can repay. Every toiler produces more than he is paid. Otherwise he would not be employed. It is a condition of the capitalist order of society that the employer must get the lion's share of the product.

The word "pension" in this case is a misnomer. The payment ought to be called either "partial restitution" or "old folks's compensation."

The old-age pension bill which I have introduced is therefore a measure of simple justice. It is also an expression of the rapidly growing demand that America shall not lag behind the rest of the civilized world in taking care of the veterans of industry.

My bill does not go into administrative details, and does not try to provide for the many complex situations that may arise in the operation of such a law.

The details will have to be settled by a commission to be appointed for that purpose. I have introduced at the same time a bill for the creation of such a commission.

NUMBER OF PENSIONERS.

Four dollars a week is to be the basic figure of the pension for every man and woman more than 60 years old, with gradations downward for persons in comparatively decent circumstances.

The ratio of persons more than 60 years old in the 1900 census, when applied to the 1910 census, would give about 5,800,000 persons.

It is assumed that 1,000,000 of these are foreign born, or have not been citizens 16 years.

It is further assumed that 1,500,000 of these, either by the ownership or use of property, or the receipt of incomes above the limit designated, or because they are already in receipt of civil, military, or naval pensions, or because they are in some way disqualified, will not come under the terms of the act.

Approximately 2,500,000 of the remainder are married and living together, and as each married couple counts only as one person and a half, there would be a further reduction of 625,000 persons. This would leave a remainder of 2,675,000 persons to be pensioned.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. BERGER. Mr. Speaker, I desire only two or three minutes additional.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the gentleman may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

COST OF THE PENSION SCHEME.

Mr. BERGER. As the average pension would range somewhere about $2.50 a week, the cost of the pension scheme would be about $347,000,000 yearly.

This sum may be staggering to some good folk who believe in cheap government and in everybody taking care of himself. But if our Nation can pay yearly $131,000,000 for a Navy, $95,000,000 for an Army, and $155,000,000 for pensioning war veterans, a total of $381,000,000, it should certainly be able to pay an equal sum to pension its veterans of industry.

As a matter of fact we pay a great deal more than this sum for this purpose now. The total expenditures made in a thousand complex ways by Nation, State, county, municipality, and private agency in relieving the destitution of the aged would, if properly computed, show a much greater amount than what this bill asks. Only we do the thing at present in an inefficient, expensive, and cruel way. It is time now that we meet the problem in a scientific and economical way.

Remember that these destitute aged men and women have, from their childhood, aided in creating the wealth which makes possible the payment of such large appropriations for the Navy, the Army, and the war pensions.

OBJECTIONS TO PRIVATE PENSION SCHEMES.

Many great private corporations are now establishing old-age pensions for their employees. This tendency has been applauded by the very men who oppose Government pensions for the aged. But there are two great objections to old-age pensions by private corporations. In order to gain a pension from a corporation it is necessary for the workingman to tie himself to the corporation for life. In order not to lose the pension the working man or working woman must be satisfied with his or her wage, laboring conditions, and hours of labor. This subservience makes the laborer virtually a serf or slave and establishes a new feudalism.

The second objection to private old-age pensions is that the system smacks of charity. It causes the worker to feel that some one owns him. The private system results in the bestowal of too much power in the hands of the employer over his workers.

THE MATTER OF CONSTITUTIONALITY.

Of course there are also some other good folk who may worry about the constitutionality of the bill. I believe that this old-age pension bill is perfectly constitutional, but some of the antisocial Supreme Court justices may hold a different opinion. The bill furnishes a good opportunity for testing the power of the Federal courts to annul necessary legislation enacted by Congress. I have therefore put at the end of the bill a clause based on a precedent furnished by Congress in reconstruction times, and held constitutional at the time, forbidding the Federal courts to question the validity of this measure.

The old men and women are entitled to a living outside of the poorhouse and without the aid of private charity. If the old parties and the Supreme Court do not realize this fact, they will be wiped out of existence, together with the old Constitution.

New times require new laws. [Applause.]

CONGRESS V. SUPREME COURT.

Now, here is an addition giving a precedent in 1868, which I ask unanimous consent to insert in my remarks.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend the matter indicated in his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. BERGER. On March 27, 1868, Congress passed a law prohibiting the Supreme Court from passing on the constitutionality of the reconstruction laws which it had passed after the Civil War. This law was passed over President Johnson's veto.

The cause of this defiant position of Congress was the fact that the Attorney General had expressed an opinion that the reconstruction laws were unconstitutional. He also refused to appear against one McCardle, of Mississippi, who had an appeal for a habeas corpus writ before the Supreme Court. McCardle had been arrested by the military authorities for criticizing their conduct in a newspaper.

The law passed by the Republicans had its desired effect. When the McCardle case afterwards came up before the Supreme Court on April 12, 1868, Chief Justice Chase, in the opinion of the entire court, said:

It is quite true, as was argued by the counsel for the petitioner, that the appellate jurisdiction of this court is not derived from the acts of Congress. It is, strictly speaking, conferred by the Constitution. But it is conferred "with such exceptions and under such regulations as Congress shall make."

Also—

We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution, but the power to make exceptions to the appellate jurisdiction is given in express words.

What, then, is the effect of the repealing act upon the case before us? We can not doubt as to this: Without jurisdiction the court can not proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority than upon principle.

Also—

It is quite clear, therefore, that this court can not proceed to pronounce judgment in this case, for it has no longer jurisdiction of the appeal; and judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer.

The foregoing decision clearly shows that the Supreme Court can not have jurisdiction unless it is granted by Congress.

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, what is the matter of business before the House?

The SPEAKER. It is the von Steuben resolution providing for printing.

Mr. CANNON. Is it a resolution to print eulogies?

The SPEAKER. On Gen. von Steuben.

Mr. CANNON. Mr. Speaker, I notice from the calendar that the resolution is on the Union Calendar.

The SPEAKER. That is true. If the gentleman from Illinois raises the point I will put the proper question to the House.

Mr. CANNON. No; I do not raise the point, but only by unanimous consent, I take it, can it be considered in the House; otherwise it will have to be considered in the Committee of the Whole.

The SPEAKER. Unanimous consent was given for its present consideration, but to cure any technicality in the matter——

Mr. CANNON. Well, I am not raising a technicality; it is not a technical question. When unanimous consent is given it seems to me that a bill must be considered under the rule, and that requires the House to go into the Committee of the Whole to consider it. I have no objection to its consideration by the House; but, so far as I understand, unanimous consent was not given to discharge the Committee of the Whole.

The SPEAKER. The gentleman from Illinois is correct. Whenever a bill or resolution is on the Union Calendar the proper motion is—and for the purpose of this occasion I will assume that the gentleman from Illinois made it—to discharge the Committee of the Whole House from the further consideration of it and to consider it in the House.

Mr. CANNON. That, of course, would require unanimous consent. Unanimous consent has been given, as I understand it, to consider the bill. I have no objection to its consideration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. In the Committee of the Whole House under the five-minute rule? Is that the order, or is it in the House as in the Committee of the Whole House under the five-minute rule?

The SPEAKER. If it is considered in the House as in Committee of the Whole the five-minute rule applies. If it is considered in the House, it does not. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CITY OF CRAWFORD, STATE OF NEBRASKA.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The Clerk read as follows:

A bill (H. R. 12051) for the relief of the city of Crawford, in the State of Nebraska.

The SPEAKER. The Clerk will report the bill.

Mr. TILSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. TILSON. When the Clerk has reported the bill, I wish to be recognized.

The Clerk read as follows:

Be it enacted, etc., That the city of Crawford, in the State of Nebraska, is hereby granted a right of way across the military reservation of Fort Robinson, Nebr., at such location as may be determined by the said city of Crawford and approved by the Secretary of War, to construct and maintain a pipe line for the purpose of carrying water from a point beyond the said military reservation across said reservation and to the said city of Crawford.

The committee amendment was read, as follows:

Provided, That the entire cost of construction and maintenance shall be paid by the city of Crawford: *And provided further*, That the pipe shall be covered and the surface restored to its present condition by and at the expense of said city of Crawford.

Mr. TILSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. TILSON. I have been directed by the Committee on Military Affairs to report this bill to the House and ask for its consideration by unanimous consent. I ask to be recognized.

Mr. FITZGERALD. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Connecticut will have to make his motion first.

Mr. FITZGERALD. I reserve the right to object before the gentleman gets started.

Mr. TILSON. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration of this bill and that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration of the bill which has been reported by the Clerk, and that it be considered in the House as in the Committee of the Whole. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to inquire whether the gentleman will accept as an amendment a new section to the effect that "the right to alter, amend, or repeal this act is expressly reserved"?

Mr. TILSON. I have no objection to that amendment. I shall ask the gentleman from Nebraska [Mr. KINKAID], in whose territory it is.

Mr. FITZGERALD. Does the gentleman from Nebraska [Mr. KINKAID] have any objection to a section reserving the right to alter, amend, or repeal the act?

Mr. KINKAID of Nebraska. I have no objection whatever.

Mr. FITZGERALD. I will offer that amendment.

The SPEAKER. Is there objection?

Mr. SIMS. Mr. Speaker, reserving the right to object, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. The mere fact that a bill is on the Unanimous Consent Calendar I do not understand gives it the position of unanimous consent for consideration until the question has been put by the Speaker.

The SPEAKER. That is exactly what the Speaker was going to do.

Mr. SIMS. The gentleman from Connecticut [Mr. TILSON], as I understood it, put the unanimous-consent request as to consideration in the House instead of in the Committee of the Whole House on the state of the Union. It seems to me the regular procedure required two requests for unanimous consent.

The SPEAKER. The usual practice has been to put the whole motion at once.

Mr. TILSON. I renew my request, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12051) for the relief of the city of Crawford, in the State of Nebraska.

Mr. TILSON. Mr. Speaker——

The SPEAKER. The gentleman from Connecticut is recognized for five minutes.

Mr. TILSON. Just a word of explanation, I think, is all that will be necessary in this case. The Committee on Military Affairs has considered this bill and has made a unanimous report. It contains only a few lines, and I shall read it to the House, as I believe it states the case fully:

The Committee on Military Affairs, to whom was referred the bill (H. R. 12051) for the relief of the city of Crawford, in the State of Nebraska, having considered the same, report thereon with a recommendation that it do pass.

It appears from the evidence before your committee that Fort Robinson is situated about 3 miles upstream from the city of Crawford and that the military reservation includes land on both sides of and abutting upon the stream. The city of Crawford takes its water supply from this stream below the reservation, and it is represented to your committee that by reason of sewage and other deleterious matter emptied into the stream from the reservation the water is contaminated, causing periodical epidemics of typhoid fever. It appears that there are at present a number of typhoid cases in the city of Crawford believed to be from the same cause.

The city of Crawford has decided to change the location of the intake of its water supply to a point above the military reservation, and in order to do so asks permission to lay its pipes across the reservation. There is no objection on the part of the War Department.

I wish to say that the committee believes that with the amendment added by the committee and the amendment to be offered by the gentleman from New York [Mr. FITZGERALD] the rights of the Government are completely safeguarded.

Mr. FITZGERALD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from New York.

The amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE ST. FRANCIS RIVER, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6098) to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if he would object to making an amendment or two to the bill, in order to put it in proper form?

Mr. RUSSELL. I will say to the gentleman that if it is not already in the proper form I have no objection to that.

Mr. MANN. It is always customary in these bills to insert the language "at a point suitable to the interests of navigation." If the gentleman will look at his bill, at the bottom of page 1, he will see this language: "Said bridge to be built across the St. Francis River." I suggest that the gentleman move to strike out the language "said bridge to be built across the said St. Francis River." Then the bill will be in the ordinary form and will provide for a bridge across the St. Francis River in accordance with the provisions of the general bridge act.

Mr. RUSSELL. I have no objections. I thought it was already in accordance with the general bridge act. I copied it from a bridge bill heretofore introduced and passed in the House, and the Committee on Interstate and Foreign Commerce were of the opinion that it was in proper form.

Mr. MANN. We should always be careful about it.

Mr. RUSSELL. I am entirely satisfied that the gentleman is familiar with the form it ought to be in, and I have no objection to modifying it in accordance with his suggestion.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri [Mr. RUSSELL] yield to the gentleman from Wisconsin [Mr. COOPER]?

Mr. RUSSELL. I do.

Mr. COOPER. I was unable to hear the colloquy just going on. I sent for two of these bills, and I found one of them had the amendment that has been suggested in italics—"at a point suitable to the interests of navigation."

Mr. MANN. That is the language I suggested.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to ask for some information.

I was informed a few days ago that the Democratic caucus had taken action and decided that at this special session there might be enacted certain emergency measures, and that the committees were given permission by the caucus to consider and report measures that would come within that rule. I was also informed that during the last few days of this session there would be an opportunity to consider and pass such bills. Relying upon that information, I and other Members refrained from putting bills upon the Unanimous Consent Calendar.

What I now desire to ask is, Are we to consider at this time general legislation, regardless of whether an emergency exists or not? And, furthermore, is it the intention before this session ends, by some rule or otherwise, to permit the consideration of measures which are clearly emergency measures and yet are not upon this Unanimous Consent Calendar? I presume there is some gentleman on that side of the House that can enlighten the House in this respect.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] is recognized.

Mr. ADAMSON. Mr. Speaker, if the gentleman from Missouri [Mr. RUSSELL] will yield to me for that purpose, I will make an earnest effort to answer the question of my amiable friend, the gentleman from South Dakota.

Mr. RUSSELL. I yield to the gentleman from Georgia [Mr. ADAMSON]. It was his committee that reported this bill to this House.

Mr. BURKE of South Dakota. I shall be glad to hear the statement of the gentleman from Georgia.

Mr. ADAMSON. Mr. Speaker, I presumed that the gentleman from South Dakota who asked this question would be glad that the gentleman from Missouri yielded me permission to make an explanation.

Mr. BURKE of South Dakota. That is true, if the gentleman has the time.

Mr. ADAMSON. When the Republican President performed the peculiar action of calling a Democratic Congress in extra session, he placed an injunction or limitation upon the action which that Congress was to take. He suggested that one bill alone should be considered, and no other. When the Congress assembled, a majority of that Congress is reputed to have gone into caucus and agreed to the injunction commanded by the President, with the amendment that we add certain salutary measures which the country needed a great deal more than the Canadian reciprocity.

The committees of the House have, naturally, worked under that compound injunction of the President and the Democratic majority in this House, and my amiable friend from South Dakota [Mr. BURKE] and a good many others have asked me this question, if that compound injunction applied to these local bills. I answered in every instance that my understanding was that it was directed mainly against general legislation; that it might be that toward the heel of the session, when the House had done its pressing work and was waiting on a more dignified and slow-moving body for cooperation, we might then get up the local bills for the building of bridges, in which so many Members of the House were interested. I suggested to all gentlemen who asked me that they introduce their bills and have them referred to the committee ready to be acted on. In due season there appeared to be a general consent that these local bridge bills, of local interest to Members, most of which are urgent, might be reported and acted upon. I then conferred with the minority leader. I had to inform him that the most of them were Republican bills—I think two-thirds of them. He very kindly said, "There will be no objection to their consideration." Therefore, having had an understanding which I thought was amicable on both sides of the House, and having obtained the opinion of the Speaker, which was to the effect that it would not violate the injunction, compound as it was, the committee proceeded to report every bridge bill referred to us.

I wish to say further, a great many of these bills have not been placed on the Unanimous Consent Calendar. While that is not my fault, yet I would be glad if every bill could be considered. I have asked the gentleman from Illinois [Mr. MANN] if there would be any objection to their consideration, anyway, and he thought not. I do not think there will be any objection on either side of the House.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. ADAMSON. I will.

Mr. BURKE of South Dakota. I wish to say to the gentleman from Georgia that I have no recollection, in the few years that I have served in this House, of having ever objected to any request for unanimous consent.

Mr. MANN. The gentleman is like myself. [Laughter.]

Mr. BURKE of South Dakota. I have no intention of objecting at this time to any bill on the Unanimous Consent Calendar. What I am desiring to ascertain is whether there is some understanding by which we may hope to get consideration of some bills before this session ends—bills which come within the understanding which, I believe, was reached by the Democratic caucus—emergency measures. I have been before one or two committees, one of which I am a member of, where the statement was exacted from the person offering a bill that it was an emergency matter which could not, without injury to the parties affected, go over until the regular session, and the statement was made that only such bills would be considered. I think the statement was generally made that at the end of the session there would be two days to afford an opportunity to pass such bills. Now, what I am trying to ascertain is, is that the understanding, and will we have a chance later to pass these bills, or should they have been upon the Unanimous Consent Calendar? I want to say, as one Member, that I have two or three bills that would have been placed upon this Unanimous Consent Calendar had I not relied upon the understanding that I supposed existed as to how we should proceed.

Mr. ADAMSON. Have they been reported?

Mr. BURKE of South Dakota. Yes.

Mr. ADAMSON. Then I shall ask unanimous consent, at this time or some other time, that all the bridge bills that have been reported may be considered, whether they are on the Unanimous Consent Calendar or not.

Mr. MANN. It seems to me, Mr. Speaker, that gentlemen who have bills reported out which they desire to have considered by unanimous consent have been derelict in their duty if they have not placed them on the Calendar for Unanimous Consent. The rules provide a method for calling up matters by unanimous consent.

The SPEAKER. Is there objection?

Mr. CAMPBELL. Mr. Speaker, reserving the right to object, the gentleman from South Dakota [Mr. BURKE] has stated a condition that arose in one of the committees of this House. We understood in that committee definitely that no legislation should be enacted at this session on a general call of the calendar, and that only upon the last two days of the session could such matters be considered. That is the reason why bills reported since that time were not directed to be placed upon the Unanimous Consent Calendar. It was our understanding that such bills would not be considered at this session of Congress.

Mr. MANN. Will the gentleman yield for a question?

Mr. CAMPBELL. Certainly.

Mr. MANN. How did the gentleman get such an understanding? That is an absolutely new thing to me.

Mr. CAMPBELL. It has been reported over and over again through the press during this session of Congress that the House would consider no legislation except emergency legislation.

Mr. MANN. That is, before a bill is reported; but when the bill is reported and is on the calendar, gentlemen have a right to place it on the Unanimous Consent Calendar and have it considered, if we should meet on any Unanimous Consent Calendar day, as we are now doing.

Mr. CAMPBELL. That is true, but it was generally understood that Unanimous Consent Calendar would not be called to-day. I have seen this House adjourn over Monday when it was possible to call up bills on this calendar.

Mr. MANN. Has the gentleman noticed that I have the first bill on the Unanimous Consent Calendar?

Mr. CAMPBELL. I have noticed that, but I have also noted that the gentleman has not succeeded in calling it up—either that or other bills that he has on the Discharge Calendar.

Mr. MANN. And I took the right chance and put the bill on the calendar.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Campbell Lumber Co., a corporation organized under the laws of the State of Missouri, its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the St. Francis River, from a point in Dunklin County, Mo., near range line between ranges 8 and 9, in township 18, to a point in section 6, township 19, range 9, in Clay County, Ark.; said bridge to be built across the St. Francis River in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

Mr. MANN. Mr. Speaker, I offer the following amendments.

The Clerk read as follows:

Amend page 1, line 7, by inserting after the word "river" the following: "At a point suitable to the interests of navigation."

Amend page 1, lines 10 and 11, by striking out after the word "Arkansas" the semicolon and insert a comma; and by striking out the words "said bridge to be completed across the St. Francis River."

The SPEAKER. The question is on the amendments offered by the gentleman from Illinois.

Mr. RUSSELL. I have no objection, Mr. Speaker.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. COOPER. Mr. Speaker, I would like to ask the gentleman from Illinois a question.

Mr. MANN. I will yield to the gentleman.

Mr. COOPER. Will the gentleman state what the effect of his amendment is?

Mr. MANN. One amendment was to insert, after the word "river," the words "at a point suitable to the interests of navigation."

Mr. COOPER. I understood that.

Mr. MANN. And at the bottom of the page there was a duplication of the provision that the bridge was to be built across the St. Francis River according to the bridge law. If you strike that out, it reads that the bridge shall be constructed, maintained, and operated in accordance with the bridge law, which is the proper way.

Mr. COOPER. Was not the general bridge law approved March 23, 1906——

Mr. MANN. The gentleman has in mind the general dam act.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENDING ACT OF JUNE 10, 1880, TO BROWNSVILLE, TEX.

The next business on the Unanimous Consent Calendar was the bill (H. R. 2925) to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.

The Clerk read the bill, as follows:

Be it enacted, etc., That the privileges of the act approved June 10, 1880, governing the transportation of dutiable merchandise without appraisement be, and the same are hereby, extended to the port of Brownsville, Tex.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I see no reasons nor information given in the report on the bill. Gentlemen ought to be willing, when they report a bill, to give some reason or some information in regard to it if they want it to pass by unanimous consent. Or they should supply it now, and I think the gentleman from Texas is anxious to supply the information.

Mr. GARNER. Mr. Speaker, with the permission of the House, I will say to the gentleman from Illinois that this is a unanimous report from the Committee on Ways and Means and has the approval of the Treasury Department. There has been recently built across the river from Brownsville to Matamoros, Mexico, a railroad bridge connecting the Frisco system in the United States with the International system in Mexico, and it is essential that this bill should pass in order to accommodate the commerce going through that port.

Mr. MANN. What commerce is there there? The gentleman says it has the approval of the Secretary of the Treasury. If so, it ought to appear in the report.

Mr. GARNER. My colleague, Mr. RANDELL, who is not here, has the papers in the case. There is a letter from the Secretary of the Treasury stating the fact that he sent his agent to Brownsville, and he made the report on the bill, and that the commerce there not only justifies but demands the passage of this legislation, and he recommended an amendment to the original bill that I introduced. The bill which I introduced extended the provisions of the entire law of 1880 to Brownsville. The bill was amended, in pursuance of the suggestion from the Treasury Department, and now only extends, as the gentleman will observe, to the first section of the act approved June 10, 1880.

Mr. MANN. This would result in an appraisement of imported merchandise being made at Brownsville, Tex.

Mr. GARNER. That is my understanding; yes.

Mr. MANN. And for men being employed there to make that appraisement.

Mr. GARNER. The Secretary of the Treasury said that there would be comparatively no extra expense, the officers at Brownsville now there would be sufficient. I may say that there are four ports in the State of Texas.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to hear what is going on over there.

Mr. MANN. Then come over this way.

Mr. GARNER. Mr. Speaker, if the gentleman from Illinois, Dr. FOSTER, will come over here into civilization, and not stay on the outskirts, he may hear what is going on. [Laughter.] I was about to remark to the gentleman from Illinois [Mr. MANN] that there are four ports of entry in Texas—El Paso, Eagle Pass, Laredo, and Brownsville—and each of these ports enjoy the privileges of the act of 1880 except Brownsville. The law has not been extended to Brownsville heretofore, because whatever goods were imported were brought across in skiffs, there being no railroad connection, but since the railroad reached the city and a bridge has been constructed, under the authority of the gentleman from Illinois, three sessions ago, the necessity for extending the privileges of 1880 has arisen.

Mr. KENDALL. What is the commerce there?

Mr. GARNER. It will be equal to any in the ports of Texas.

The SPEAKER pro tempore (Mr. FITZGERALD). Is there objection?

Mr. FOSTER of Illinois. Mr. Speaker, I would ask the gentleman from Texas how close the nearest port of entry is to Brownsville, Tex.?

Mr. GARNER. It is about 175 miles.

Mr. FOSTER of Illinois. I have been unable to hear the gentleman very well because I was not lucky enough to secure as good a seat as he did, but is the necessity for the admission of goods into this place that is proposed to be made a subport of entry such as to justify the establishment of a port at that place?

Mr. GARNER. Mr. Speaker, in reply to that question I will say this: The bridge recently constructed across the Rio Grande has connected two of the largest railways in the Republic of Mexico and the Republic of the United States. Just what the commerce will be I could not tell the gentleman, but the reports from the Treasury Department and from the railroad officials of the Frisco system are to the effect that it will be as great, if not greater, than any other port bordering on the Republic of Mexico.

Mr. RUCKER of Colorado. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Certainly.

Mr. RUCKER of Colorado. I would ask the gentleman if his colleague's resolution which was offered, providing for reciprocity between Mexico and the United States, goes through, what will be the use of establishing a customs port at this place? Is not the gentleman aware of the fact that such a measure is proposed by his colleague from Texas?

Mr. GARNER. Mr. Speaker, I prefer to get results with reference to this legislation rather than to enter into a discussion of free trade between Mexico and the United States; but I may say to my friend from Colorado that I do not anticipate the immediate passage of the resolution of my colleague from Texas. This is an emergency measure and I would like to have it go through.

Mr. RUCKER of Colorado. Mr. Speaker, of course I shall make no objection as long as I know my friend from Texas will oppose such a plan as reciprocity between Mexico and the United States when it is brought forward.

Mr. CAMPBELL. Mr. Speaker, reserving the right to object, I have not heard just what it is that makes the passage of this bill an emergency at this time by unanimous consent.

Mr. GARNER. Mr. Speaker, my friend from Illinois [Mr. MANN] suggests that the fact that I want to pass the bill makes it an emergency, which appeals to my mind very strongly, but I will say to my friend from Kansas that the completion of this bridge connecting these two great systems of railway makes it very inconvenient for the appraisement of goods. There is a large commerce in that city.

Mr. CAMPBELL. What is the commerce of that city at this time?

Mr. GARNER. I could not give the gentleman the tonnage or the value. All I know is that the Treasury Department sent its agent there——

Mr. CAMPBELL. But what is the nature of the commerce that comes in and goes out through that port which makes it an emergency to have this measure passed now?

Mr. GARNER. I am not able to give the gentleman that information, other than the general commerce that goes on between the Republic of Mexico and the Republic of the United States. The same necessity exists for this to be made an immediate port of entry that exists for El Paso, Eagle Pass, or Laredo.

Mr. CAMPBELL. Well, the committee does not say so in its report. I have a bill pending to make Cherryvale, Kans., a subport of entry, and it is quite as necessary as the place in Texas, and the necessity arises from much the same condition.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 49. Joint resolution to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Five Civilized Tribes entitled to share in the funds of said tribes; and

S. 3151. An act to extend time of payment of balance due for lands sold under act of Congress approved June 17, 1910.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts approved March 4, 1911.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3151. An act to extend time of payment of balance due for lands sold under act of Congress approved June 17, 1910; to the Committee on the Public Lands.

S. J. Res. 49. Joint resolution to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Five Civilized Tribes entitled to share in the funds of said tribes; to the Committee on Indian Affairs.

BRIDGE ACROSS MISSOURI RIVER, WELDON SPRINGS LANDING, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11660) to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri at or near the town of Weldon Springs Landing, Mo.

The Clerk read as follows:

A bill (H. R. 11660) to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.

Be it enacted, etc., That the St. Louis-Kansas City Electric Railway Co., a corporation organized under the laws of the State of Missouri, is hereby authorized to construct, maintain, and operate a bridge and approaches across the Missouri River at or near the town of Weldon Springs Landing, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read, as follows:

Page 1, line 7, after "river," insert "at a point suitable to the interests of navigation."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ANTHONY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman who reported this bill or who is in charge of it if he has not overlooked the necessary provision which will allow the Secretary of War to supervise and regulate the traffic across that bridge?

Mr. MANN. Does not the gentleman from Missouri intend to try to pass the Senate bill instead of the House bill?

Mr. BORLAND. Yes; that is the gentleman's intention.

Mr. MANN. Then I hope the gentleman will move to lay this bill on the table, otherwise it will waste the time of the House.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to substitute a similar Senate bill for the House bill.

Mr. MANN. The Senate bill is on the Unanimous Consent Calendar and comes next.

Mr. BORLAND. I understand that before the motion for a substitute can be made the original bill must be reported to the House.

Mr. MANN. It is not necessary to substitute it; the Senate bill is on the calendar.

Mr. BORLAND. Mr. Speaker, I move that this House bill be laid on the table and that we proceed to the consideration of the next bill, which is the Senate bill.

The SPEAKER pro tempore. Without objection, the House bill will be laid on the table, and the Clerk will report the Senate bill.

There was no objection.

Mr. BORLAND. And then I will yield to the gentleman from Kansas.

The Clerk read as follows:

An act (S. 2768) to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.

The SPEAKER pro tempore. Is there objection?

Mr. ANTHONY. Mr. Speaker, reserving the right to object, I would like to renew the question which I put to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. I will ask the gentleman to state his question.

Mr. ANTHONY. I desire to ask the gentleman whether or not he had not overlooked the necessary provision in this bill which will reserve to the Secretary of War the right to provide suitable regulations for the traffic which goes over that bridge?

Mr. BORLAND. Does the gentleman refer to the act known as the Mann Act, regulating the construction of bridges?

Mr. ANTHONY. There is such a provision in a number of bridge bills which have been previously passed in reference to bridges.

Mr. ADAMSON. Mr. Speaker, I desire to suggest to the gentleman that that is contained in the general bridge bill.

Mr. BORLAND. In answer to the gentleman from Kansas I desire to say that that is included in the general bridge act.

Mr. ANTHONY. Not to my knowledge; and unless the gentleman knows there is a provision under the general bridge act which confers these powers on the Secretary of War, I should prefer to offer a new section to his bill.

Mr. BORLAND. This bill reserves to the Secretary of War all the powers embraced in the general bridge act and that includes, I think, all to which the gentleman from Kansas refers.

Mr. ANTHONY. I want to state for the information of the gentleman from Missouri and the House that controversies are raging in several towns along the Missouri River now where complaint is made in regard to where tolls are charged for wagons and other traffic across these various bridges. In some bridge bills express power was given to the Secretary of War to pass on the reasonableness of the tolls charged for wagon traffic, and I desire to have in this bill a provision which

confers that same power on the Secretary of War that he has over other bridges in the neighborhood.

Mr. MANN. He has it under the general bridge act. There has been no such provision inserted in any bill since the passage of that act.

Mr. ANTHONY. What were the terms of the general bridge act?

Mr. MANN. I can not quote them to the gentleman.

Mr. ANTHONY. In the absence of specific knowledge I would like to offer a new section to that bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The gentleman from Missouri [Mr. BORLAND] is entitled to the floor. Will the gentleman yield to the gentleman from Kansas [Mr. ANTHONY]?

Mr. BORLAND. After a brief statement I will yield to the gentleman from Kansas [Mr. ANTHONY]. I want to say to the gentleman from Kansas that this particular bill is simply a change of location from that provided in a bill that was passed at the last session. At the last session Congress adopted two bills, one permitting this company to bridge the Missouri River at Arrow Rock, and the other at St. Charles.

In carrying out the surveying plans it was found the bridge at St. Charles would have to be moved to Weldon Landing, and the purpose of the present bill is to enable the company to bridge at Weldon Landing. The form of the bill follows precisely the form of the original bill. It is the same form that has been reported on these other bills by the Committee on Interstate and Foreign Commerce, and it refers to the general bridge act, known as the Mann Act, which, as I understand, includes all the powers that are vested in the Secretary of War to control these bridges across navigable streams. That is the statement of the present chairman of the Committee on Interstate and Foreign Commerce and the former chairman. That being true, I would ask the gentleman from Kansas [Mr. ANTHONY] to withhold his amendment, unless he has the law to cite to us that requires such an amendment. I yield to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. I would like to ask the gentleman from Illinois [Mr. MANN] a question. Does the Mann Bridge Act expressly provide that the Secretary of War shall have the power to regulate the prices for wagon tolls across these bridges?

Mr. FOSTER of Illinois. Mr. Speaker, I think if the gentleman will refer to the act he will find all those provisions in it, providing for the regulation of tolls, navigation, and all.

The SPEAKER pro tempore. The question is on the third reading of a Senate bill.

Mr. ANTHONY. Mr. Speaker, would not the consideration of an amendment come up first? I offered an amendment. Would not its consideration come up first?

The SPEAKER pro tempore. The gentleman from Kansas has not had the floor thus far.

Mr. ANTHONY. I ask recognition now.

Mr. MANN. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Missouri [Mr. BORLAND] yield to the gentleman from Illinois [Mr. MANN]?

Mr. BORLAND. I yield to the gentleman from Illinois.

Mr. MANN. Section 4 of the general bridge act contains this provision:

If tolls shall be charged for the transit over any bridge constructed under the provisions of this act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Mr. ANTHONY. Mr. Speaker, I am much obliged for that information. There was some doubt in my mind concerning it. I withdraw the amendment.

Mr. BORLAND. Inasmuch as the gentleman does not offer an amendment, I ask for the third reading of the bill.

The bill was read a third time, and having been read a third time, was passed.

BRIDGE ACROSS ST. CROIX RIVER BETWEEN WISCONSIN AND MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6747) to authorize the Wisconsin Central Railway Co. to construct a bridge across the St. Croix River between Wisconsin and Minnesota.

The Clerk read as follows:

Be it enacted, etc., That the Wisconsin Central Railway Co., a corporation organized under the laws of the State of Wisconsin, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto, across the St. Croix River at a point suitable to the interests of navigation, at or near a point on the east bank of said river in the vicinity of the township line between townships 30 and 31 north, in St. Croix County, Wis., to a point on the west bank of said river in the vicinity of the township line between said townships 30 and 31 north, in Washington County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That the act entitled 'An act permitting the Wisconsin Central Railway Co. to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota,' approved March 12, 1910, is hereby reenacted; and the time for commencing and completing the bridge therein authorized is hereby extended one year and three years, respectively, from the date of approval hereof."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill in reference to the amendment, which I see is an amendment suggested by the War Department. The amendment provides for the reenactment of a law that was passed some time ago—that is, it provides that act is "hereby reenacted." I think that is not very good language. The statute provides the form of enacting bills, and I would like to ask if it would be satisfactory to insert the word "revived" in place of the word "reenacted"?

Mr. STEVENS of Minnesota. That will be entirely satisfactory, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. SHERLEY. Before the act is passed by unanimous consent I would like to know what is involved in this reenactment.

Mr. STEVENS of Minnesota. Mr. Speaker, the act was passed a year or two ago, and the Wisconsin Central Railroad Co., through some inadvertence, did not commence the construction of the bridge until after the year in which the act provided the construction should be commenced had passed. The company then discovered, when it filed its plans, that the year had expired, and sent this bill to me, which I introduced. The bridge is now under construction, and it is desired that the original act should be continued, so that the plans and specifications for the bridge filed in the War Department can be considered by the Secretary of War.

Mr. SHERLEY. The only change is the extension of time in which the bridge shall be completed?

Mr. STEVENS of Minnesota. Not completed, but commenced. That is all that is necessary yet.

Mr. SHERLEY. That is the only change?

Mr. STEVENS of Minnesota. That is the only change desired.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

On page 2, line 11, strike out the word "reenacted" at the end of the line and insert the word "revived."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure."

BRIDGE ACROSS THE ST. CROIX RIVER BETWEEN WISCONSIN AND MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11321) to authorize the Twin City & Lake Superior Railway Co. to construct a bridge across the St. Croix River between Wisconsin and Minnesota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Twin City & Lake Superior Railway Co., a corporation organized under the laws of the State of Maine, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge, and approaches thereto, across the St. Croix River, at or near a point on the south bank of said river in the vicinity of the center line of section 33, township 36 north, range 20

west, in Chisago County, Minn., to a point on the north bank of said river in the vicinity of the center line of said section 33, township 36 north, range 20 west, in Polk County, in the State of Wisconsin, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection?

Mr. SIMS. Mr. Speaker, is not Senate bill 1149 for the same identical purpose?

Mr. MANN. Oh, no.

Mr. NYE. No; that is the "Soo."

Mr. MANN. It is not for the same purpose, then?

Mr. NYE. No.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I offer the following amendment to the bill and an amendment to the title.

The SPEAKER pro tempore. The Clerk will report the amendment to the bill.

The Clerk read as follows:

Amend by inserting, on page 1, in line 7, after the word "river," the following: "At a point suitable to the interests of navigation."

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. MANN, the title of the bill was amended so as to read: "A bill to authorize the Twin City and Lake Superior Railway Co. to construct a bridge across the St. Croix River between Chicago County, Minn., and Polk County, Wis."

BRIDGE ACROSS THE MISSISSIPPI RIVER IN AITKIN COUNTY, MINN.

The next business on the Unanimous Consent Calendar was the bill (H. R. 7693) authorizing the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the town of Logan, a municipal corporation organized under the laws of the State of Minnesota, is hereby authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Mississippi River, at a point suitable to the interests of navigation, at or near the section line between sections 23 and 24 and about one-half mile above Palisade, in the county of Aitkin, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE ST. CROIX RIVER BETWEEN WISCONSIN AND MINNESOTA.

The next business on the Unanimous Consent Calendar was the bill (H. R. 5138) authorizing the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to construct and operate a bridge across the St. Croix River between Wisconsin and Minnesota.

Mr. MILLER. Mr. Speaker, the Senate bill 1149, which is now on the calendar, is the same as the House bill 5138, which has just been taken up. If the House sees fit to pass the Senate bill 1149, I will ask to have the other bill laid on the table, and therefore I will ask to have the Senate bill taken up first.

Mr. ADAMSON. I suggest, Mr. Speaker, that we take up the House bill and lay the other bill on the table.

The SPEAKER pro tempore. The bill to which the gentleman from Minnesota refers has not yet been reported.

Mr. MILLER. I move that we take up the Senate bill and lay the House bill on the table.

The SPEAKER pro tempore. If there be no objection, the bill H. R. 5138 will be laid on the table, and the Clerk will report the next bill on the calendar, which is Senate bill 1149.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., a railway corporation organized under the laws of the States of Wisconsin and Minnesota, to construct, maintain, and operate a railroad bridge and approaches thereto, across the St. Croix River, at a point suitable to the interests of navigation, from a point on the south bank of said river in lot 1, section 21, township 41 north, range 16 west, in Burnett County, Wis., to a point on the north bank of said river in lot 1, section 21, township 41 north, range 16 west, in Pine County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

BRIDGE ACROSS THE PALMERS OR WARREN RIVER, R. I.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11852) to authorize the Providence, Warren & Bristol Railroad Co. and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers or Warren River, in the State of Rhode Island.

Mr. ADAMSON. Mr. Speaker, I do not see the author of this bill in the Hall at this moment.

Mr. O'SHAUNESSY. Mr. Speaker, I beg the gentleman's pardon. I am here looking after my bill, and have been here all the morning.

Mr. ADAMSON. Mr. Speaker, immediately following this House bill there is a Senate bill which is identical, and I ask unanimous consent that the House bill lie on the table, and that the House proceed to the consideration of the Senate bill.

The SPEAKER pro tempore. If there be no objection, the bill H. R. 11852, which is identical with the following Senate bill, will be laid on the table.

There was no objection.

The next business on the Calendar for Unanimous Consent was the bill (S. 2732) to authorize the Providence, Warren & Bristol Railroad Co. and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers or Warren River, in the State of Rhode Island.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

LOANING MONEY IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia.

Mr. SIMS. Mr. Speaker, I want to submit a request for unanimous consent. Following this bill are two bridge bills, and I ask unanimous consent that they be considered first.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the bill H. R. 8768 be passed until the following two bills upon the calendar have been considered. Is there objection?

Mr. MANN. I object.

Mr. DYER. Reserving the right to object, I should like to ask the gentleman from Tennessee the object of his request.

Mr. SIMS. It is simply to get through with the bridge bills that have been reported from the Committee on Interstate and Foreign Commerce before we consider the District bill, for which I understand there is to be a District day.

Mr. MANN. I think it would be a very bad precedent, Mr. Speaker, and I object.

The Clerk read the title of the bill, H. R. 8768.

Mr. MANN. Mr. Speaker, as that is rather a long bill, I suggest that the request for its consideration be put before the bill is read.

The SPEAKER pro tempore. Is there objection?

Mr. SIMS. I object to the consideration of the bill at this moment, because I desire to get these bridge bills through.

Mr. SHERLEY. Pending that, I want to say that if objection is made to the consideration of one of the most important and necessary pieces of legislation for the District of Columbia, simply for the purpose of securing consideration of bridge bills, there will be objection to the consideration of those bridge bills.

Mr. SIMS. I have no objection to the legislation.

Mr. SHERLEY. Ah, but the gentleman must not undertake to object to the consideration of this bill in order to get up a bridge bill.

Mr. SIMS. I withdraw my objection. I knew it would require only about 5 or 10 minutes to pass the bridge bills and would not prevent the consideration of the bill referred to by the gentleman from Kentucky, but I am perfectly willing to let the bridge bills wait until the other bill is considered.

Mr. MADDEN. I will renew the objection.

Mr. DYER. Will the gentleman reserve his objection?

Mr. MADDEN. I will reserve the objection for the purpose of giving the gentleman an opportunity to address the House.

Mr. SHERLEY. The bill ought to be reported first, before objection is made.

Mr. DYER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. SHERLEY. I make the point of order that until the bill is read it is not before the House for objection.

The SPEAKER pro tempore. It has been the practice on the Unanimous Consent Calendar to read the bill by title and ask if it is objected to, in order to save time.

Mr. MADDEN. Well, Mr. Speaker, I will object now.

Mr. DYER. Mr. Speaker, I ask unanimous consent for five minutes, to submit some remarks upon this bill.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to address the House for five minutes on the bill. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I regret that any Member of the House should feel called upon to make objection to the consideration of this bill. There is no more important legislation, and there has been no more important bill before this House at this session than this bill, now upon the Calendar for Unanimous Consent. For a number of years the people of the District of Columbia, all of its best citizenship, backed up by its citizens' associations, backed up by church organizations, all have been importuning Congress to pass a law that will prevent the loan companies of this city gouging and ruining and breaking up the homes of so many of its people who have to borrow money to tide over temporary distress.

Take the statement of the head of the loan business in this city, the president of the Remedial Loan Association, Mr. Leonard, and read what he says in a pamphlet sent, I take it, to all Members of Congress, in which he says that there is $2,000,000, approximately, loaned out to the citizens of this District by these loan companies and at illegal rates; that $100,000 of that is loaned at a monthly rate of 2 per cent, $200,000 at an average monthly rate of 2½ per cent, and approximately $200,000 at a monthly rate of 3 per cent. The remaining one million and a half dollars is loaned at rates ranging from 5 per cent a month upward. There is the situation which confronts you in this matter. There is no law in the District of Columbia to protect the people who pay these exorbitant rates of interest. In Chicago, New York, and St. Louis and all other cities in this country there is protection for the people.

Some objection has been made to the passage of a law permitting the loaning of money at as high a rate as 2 per cent a month. Your Committee on the District of Columbia have, however, felt from investigations heretofore made that those who are engaged in the business of loaning small sums of money for short periods to persons who have no real estate and who offer only personal property as security are entitled to a higher rate of interest than is provided by existing law in the District of Columbia. The committee believes that 2 per cent per month is ample, however, for the money invested and the risk assumed. It was called to the attention of your Committee on the District of Columbia that pawnbrokers are allowed to charge 3 per cent a month. We believe that that rate is exorbitant, and that pawnbrokers should not be allowed to charge more than 2 per cent. We therefore expressly refused to except the business of pawnbrokers in this proposed law, and if this bill becomes a law pawnbrokers will not be permitted to charge more than 2 per cent a month. Two per cent a month is substantially as high a rate of interest as is permitted to be charged in any State or city.

This bill ought to become a law at this session of Congress. It is needed protection to the people of this city and will also be a protection to the honest and respectable citizens of this District who are engaged in the business of loaning money at a higher rate of interest than 6 per cent per annum. The impositions practiced by money lenders in this city has earned for them the apropos name of "money sharks," and the name money sharks has become generally applied to all those who engage in this business. This should not be, because, as stated above, there are some very splendid citizens of this city who are engaged in this business and who endeavor to conduct it in a respectable and decent manner. It is stated that there are in Washington approximately 100 of these loan companies or individuals who are engaged in the business of money lending in excess of legal rates and that they have an aggregate capital of approximately $2,000,000. Of this $2,000,000 it is said that considerably less than $100,000 is now loaned at a monthly rate of 2 per cent, $200,000 brings an average rate of 2½ per cent, that approximately $200,000 more is loaned at 3 per cent, and the remaining $1,500,000 is loaned at rates ranging from 5 per cent a month upward.

Mr. Walter C. Ufford, 811 G Street NW.; Rev. John Van Schaick, jr., 1417 Massachusetts Avenue; Dr. George M. Kober, 1603 Nineteenth Street; George S. Wilson, 319 District Building; and the Commissioners of the District of Columbia also recommended to the last Congress the passage of a law similar to that provided for by this bill (H. R. 8768).

This bill, which your committee recommends that it do pass, I beg leave to call your attention to its important features. They are as follows:

First. That it requires the payment of a license tax of $500 to the District of Columbia by anyone who desires to engage in the business of loaning money upon which a rate of interest greater than 6 per cent per annum is charged on any security of any kind, direct or collateral, tangible or intangible, and so forth.

Second. That the applicant for a license must file a written application with the District Commissioners setting forth certain information which it is important the commissioners should possess.

Third. That each application shall be accompanied by a bond to the District of Columbia in the penal sum of $5,000, with two or more sufficient sureties, and conditioned that the obligor will not violate any law relating to such business.

Fourth. That all engaged in such business, either persons, firms, voluntary associations, joint-stock companies, incorporated societies, or corporations, shall keep a register approved by the commissioners, showing all the circumstances connected with loans by said persons, corporations, and so forth, which shall be open for inspection to the commissioners, their officers and agents, and that all engaging in such loaning business shall make an annual statement in the form of a trial balance of their books, giving full information with regard to their liabilities and assets.

Fifth. That such licensee shall not charge or receive a greater rate of interest on any loan than 2 per cent per month, and so forth.

Sixth. That upon complaint made in writing to the commissioners and after not less than three days' notice to the licensee a hearing shall be held by said commissioners to determine whether or not the license of said licensee shall be revoked, and that after the removal thereof no license shall be issued to said licensee for one year from the date of the revocation of the former license.

At the last Congress, Mr. W. H. Baldwin, chairman of the citizens' committee selected to petition Congress for the enactment of a law governing this matter, presented, at the request of the committee, a few instances of the imposition practiced upon citizens by money lenders. He stated in his letter, in transmitting the instances herein mentioned, that he could furnish hundreds of more of a similar nature. Some of the cases he cited were the following:

LOAN CASES IN WASHINGTON, D. C.

(*a*) A woman whose daughter came down with tuberculosis was told by the doctor she must be sent away for this reason at once. She borrowed $100 from a prominent money lender in this city, and besides paying a fee of $1.50 gave 12 monthly notes for $11.70 each, making $140.40. This is equivalent to paying back the $100 in 12 payments of $8.33 a month apart; the rest is interest.

Interest on $8.33 for one month at 6 per cent is $0.04167; at 1 per cent is $0.006945. Time—78 monthly periods × $0.006945 is $0.5417 at 1 per cent. Interest charged, besides fee, $40.40. $\frac{\$40.40}{.5417}$ is 74+ per cent per annum, actual rate charged.

For a woman with a sick daughter! She made 8 payments, and then a lawyer helped her out by making a settlement at 6 per cent under threat of prosecution.

(*b*) A young man in a Government bureau had to have $35. He got it from a man who had started in the loaning business recently and gave 5 monthly notes of $8.95 each—$44.75. This equals 15 monthly payments on one-fifth of the amount borrowed—$7, and the rest is interest.

Interest one month on $7 at 6 per cent, $0.035; at 1 per cent, $0.005833; 15 × $0.005833=$0.0875, is interest at 1 per cent. $\frac{\$9.75}{.0875}$ is 111+ per cent per annum, rate charged, and in this case actually collected.

(*c*) A man borrowed $140, giving a mortgage and another name as surety and making 12 monthly notes of $17 each, $204. This is equivalent to paying back $140 at $11.6666 per month; remainder of $64 is interest. Equals 78 monthly periods.

Interest on $11.6666 for one month at 6 per cent is $0.05833; at 1 per cent is $0.009722; 78 × $0.009722 is $0.7583, interest at 1 per cent on all. $\frac{\$64.00}{.7583}$ is 84+ per cent per annum rate actually paid on a well-secured loan of this size.

(*d*) From another lender a man got $25, paying $1 fee and giving 10 semimonthly notes of $4.20 each, or $42 for the $24 received. This is equvalent to paying back the amount at the rate of $2.40 each half month and the remainder, of $18, is interest and fee.

Interest on $2.40 for one-half month at 6 per cent is $0.006; at 1 per cent is $0.001; 55 periods at $0.001 is $0.055. $\frac{\$18.00}{.055}$ is 327 per cent per annum.

If the $1 fee is left out, calling interest $17, it still equals 309 per cent.

This is the worst I have found yet, but there is no limit. They take all they can get.

Two per cent a month will help these people.

The following interesting and significant table of loans actually made in the city of Washington was also furnished by Mr. Baldwin, already mentioned:

Loans of Washington money lenders.

Amounts of money received.	Number of monthly notes:	Amount of payment each month.	Total.	Interest.	Actual rate per annum.
					Per cent.
$120	12	$13.60	$163.20	$43.20	66.5
$25	6	5.00	30.00	5.00	68.6
$100	12	11.70	140.40	40.40	74.6
$140	12	17.00	204.00	64.00	84.4
$35	5	8.95	44.75	9.75	111.4
$50	6	11.40	68.40	18.40	126.2
$13	[1]	5.00	25.50	12.50	128.2
$25	9	4.30	38.70	13.70	131.4
$50	12	7.35	88.20	38.20	141.1
$15	11	2.65	29.15	14.15	[3] 188.6
$24	[3] 10	4.20	42.00	18.00	327.0

[1] $5.10 each, three-month periods.
[2] Loan reported by Miss Isabel L. Strong, made about Mar. 17, 1910, the day after the Senate hearing on this bill.
[3] Semimonthly.

The citizens of the District of Columbia have been long importuning the Congress of the United States to enact a law which would impose a license upon those engaged in the loaning of money, and providing proper regulations for the control and conduct of the business of loaning money for short periods of time on personal property to persons of small means and those earning small salaries in the District of Columbia. Most of the States and cities in the United States have laws for the regulation of this business, but in the District of Columbia there is none. For many years there has been an urgent demand upon each Congress to pass such a law. Bills to that end have been introduced in both the Senate and the House; have been recommended by the Committees on the District of Columbia, and such a bill passed the Senate at the last session of Congress and one was reported to the House for passage by its Committee on the District of Columbia in the last Congress. In addition to many personal appeals from the citizens for the passage of a law governing the loaning of money, petitions have been presented by a citizens' committee of the District of Columbia, the members of which included the following:

Gen. George H. Harries, 401 P Street NW.; Mr. William F. Gude, 1214 F Street NW.; Justice David J. Brewer, 1923 Sixteenth Street NW.; Mrs. Richard Wainwright, 1264 New Hampshire Avenue; Mrs. Archibald Hopkins, 1826 Massachusetts Avenue; Miss Helen Woodward, 2015 Wyoming Avenue; John B. Sleman, jr., 1408 New York Avenue; Mr. Emmett L. Adams, 503 B Street NE.; Mr. Evan H. Tucker, 720 A Street NE.; Mr. E. Francis Riggs, 1311 Massachusetts Avenue; Mr. John Joy Edson, Washington Loan & Trust Co.; Hon. H. B. F. Macfarland, Evans Building; Hon. H. L. West, Washington Herald; Mr. John D. Colpoys, 1382 E Street NE.; Mr. William H. Baldwin, 1415 Twenty-first Street; Mr. Frederick L. Siddons, 701 Bond Building.

The money lenders have importuned the Committee on the District of Columbia to fix the maximum rate at 3 per cent a month, using as an argument that pawnbrokers are permitted to charge that amount. But, as stated above, the committee feels fully satisfied that a maximum of 2 per cent a month is entirely sufficient, and by refusing to except pawnbrokers from this act puts them in the same class as other money lenders who charge more than a legal rate of interest, thereby reducing the amount that they are permitted to charge from 3 per cent to 2 per cent.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, in order that Members here may give careful consideration to this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

Mr. KENDALL. Oh, no. We ought to have a quorum here and take up this suspension calendar.

Mr. SIMS. Mr. Speaker, I make the point of order that debate on the motion to adjourn is out of order.

Mr. HAY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Virginia that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 62, noes 45.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 116, nays 130, answered "present" 4, not voting 136, as follows:

YEAS—116.

Adamson	Dickson, Miss.	Henry, Tex.	Page
Aiken, S. C.	Donohoe	Hensley	Pou
Akin, N. Y.	Doremus	Holland	Raker
Alexander	Doughton	Howard	Richardson
Barchfeld	Driscoll, D. A.	Hughes, Ga.	Rothermel
Bell, Ga.	Edwards	Johnson, Ky.	Rouse
Blackmon	Evans	Kitchin	Rucker, Mo.
Booher	Faison	Korbly	Sims
Borland	Ferris	Lafean	Sisson
Buchanan	Fields	Lafferty	Slayden
Bulkley	Finley	Lee, Ga.	Slemp
Burke, Wis.	Fitzgerald	Lee, Pa.	Sparkman
Burleson	Flood, Va.	Levy	Stack
Burnett	Gallagher	Lewis	Stedman
Byrnes, S. C.	Garner	Lloyd	Stephens, Miss.
Byrns, Tenn.	Garrett	McCoy	Stephens, Tex.
Callaway	George	McDermott	Sweet
Candler	Glass	McGillicuddy	Taylor, Ala.
Clayton	Godwin, N. C.	McHenry	Taylor, Colo.
Cline	Graham	Maguire, Nebr.	Thayer
Collier	Gregg, Pa.	Martin, Colo.	Thomas
Connell	Gregg, Tex.	Moon, Tenn.	Turnbull
Cox, Ind.	Hamilton, W. Va.	Moore, Tex.	Underhill
Cullop	Hamlin	Morrison	Watkins
Daugherty	Hardwick	Moss, Ind.	Webb
Davenport	Hardy	Murray	Whitacre
Davis, W. Va.	Hartman	Oldfield	Wickliffe
Dent	Hay	O'Shaunessy	Wilson, Pa.
Dickinson	Helm	Padgett	Witherspoon

NAYS—130.

Adair	Foster, Ill.	Littlepage	Sharp
Allen	Foster, Vt.	Lobeck	Sheppard
Anderson, Minn.	Fowler	Loud	Sherwood
Ansberry	Francis	McKinley	Simmons
Anthony	French	McKinney	Sloan
Ashbrook	Fuller	Macon	Smith, J. M. C.
Austin	Goeke	Madden	Smith, Saml. W.
Barnhart	Good	Madison	Steenerson
Bathrick	Gray	Malby	Stephens, Cal.
Bowman	Greene, Mass.	Matthews	Sterling
Brown	Hanna	Mays	Stevens, Minn.
Burke, S. Dak.	Harris	Miller	Stone
Campbell	Haugen	Mondell	Sulzer
Cannon	Hayes	Morgan	Switzer
Cooper	Helgesen	Morse, Wis.	Thistlewood
Cox, Ohio	Henry, Conn.	Nelson	Tilson
Crumpacker	Higgins	Norris	Towner
Currier	Hinds	Nye	Tribble
Danforth	Howland	Pepper	Utter
Davidson	Hubbard	Pickett	Volstead
De Forest	Jackson	Plumley	Warburton
Denver	Jacoway	Post	Wedemeyer
Dies	Kendall	Pray	Weeks
Difenderfer	Kennedy	Prince	White
Driscoll, M. E.	Kent	Rauch	Wilder
Dwight	Kinkaid, Nebr.	Rees	Willis
Dyer	Knowland	Roberts, Nev.	Wilson, Ill.
Esch	Konop	Roddenbery	Woods, Iowa
Fairchild	Kopp	Rodenberg	Young, Kans.
Farr	La Follette	Rubey	Young, Mich.
Floyd, Ark.	Lawrence	Rucker, Colo.	Young, Tex.
Focht	Lenroot	Russell	
Foss	Lindbergh	Sabath	

ANSWERED "PRESENT"—4.

Butler	Kahn	Mann	Sherley

NOT VOTING—136.

Ames	Dupre	Johnson, S. C.	Payne
Anderson, Ohio	Ellerbe	Jones	Peters
Andrus	Estopinal	Kindred	Porter
Ayres	Fordney	Kinkead, N. J.	Powers
Bartholdt	Fornes	Konig	Prouty
Bartlett	Gardner, Mass.	Lamb	Pujo
Bates	Gardner, N. J.	Langham	Rainey
Beall, Tex.	Gillett	Langley	Randell, Tex.
Berger	Goldfogle	Latta	Ransdell, La.
Bingham	Goodwin, Ark.	Legare	Redfield
Boehne	Gordon	Lever	Reilly
Bradley	Gould	Lindsay	Reyburn
Brantley	Green, Iowa	Linthicum	Riordan
Broussard	Griest	Littleton	Roberts, Mass.
Burke, Pa.	Gudger	Longworth	Robinson
Calder	Guernsey	Loudenslager	Saunders
Cantrill	Hamill	McCall	Scully
Carlin	Hamilton, Mich.	McCreary	Sells
Carter	Hammond	McGuire, Okla.	Shackleford
Cary	Harrison, Miss.	McKenzie	Small
Catlin	Harrison, N. Y.	McLaughlin	Smith, N. Y.
Clark, Fla.	Hawley	McMorran	Smith, Tex.
Claypool	Heald	Maher	Speer
Conry	Heflin	Martin, S. Dak.	Stanley
Copley	Hill	Moon, Pa.	Sulloway
Covington	Hobson	Moore, Pa.	Talbott, Md.
Crago	Houston	Mott	Talcott, N. Y.
Cravens	Howell	Murdock	Taylor, Ohio
Curley	Hughes, N. J.	Needham	Townsend
Dalzell	Hughes, W. Va.	Olmsted	Tuttle
Davis, Minn.	Hull	Palmer	Underwood
Dixon, Ind.	Humphrey, Wash.	Parran	Vreeland
Dodds	Humphreys, Miss.	Patten, N. Y.	Wilson, N. Y.
Draper	James	Patton, Pa.	Wood, N. J.

So the motion to adjourn was rejected.

The Clerk announced the following pairs:
For balance of day:
Mr. CARTER with Mr. KAHN.
Until August 8:
Mr. SMALL with Mr. MOORE of Pennsylvania.
Until August 19, inclusive:
Mr. REDFIELD with Mr. NEEDHAM.
Until further notice:
Mr. HEFLIN with Mr. MOTT.
Mr. TALCOTT of New York with Mr. VREELAND.
Mr. SHACKLEFORD with Mr. TAYLOR of Ohio.
Mr. STANLEY with Mr. SPEER.
Mr. WILSON of New York with Mr. SELLS.
Mr. HUMPHREYS of Mississippi with Mr. ROBERTS of Massachusetts.
Mr. KINKEAD of New Jersey with Mr. REYBURN.
Mr. HULL with Mr. PROUTY.
Mr. HUGHES of New Jersey with Mr. OLMSTED.
Mr. HOUSTON with Mr. PORTER.
Mr. JOHNSON of South Carolina with Mr. MCLAUGHLIN.
Mr. PETERS with Mr. PAYNE.
Mr. PATTEN of New York with Mr. MARTIN of South Dakota.
Mr. SCULLY with Mr. MOON of Pennsylvania.
Mr. PALMER with Mr. MURDOCK.
Mr. LINTHICUM with Mr. MCGUIRE of Oklahoma.
Mr. JONES with Mr. MCCALL.
Mr. RANDELL of Texas with Mr. LONGWORTH.
Mr. LATTA with Mr. LANGLEY.
Mr. KINDRED with Mr. HUMPHREY of Washington.
Mr. HAMMOND with Mr. HEALD.
Mr. HARRISON of New York with Mr. HAWLEY.
Mr. GOLDFOGLE with Mr. HAMILTON of Michigan.
Mr. ELLERBE with Mr. GRIEST.
Mr. DIXON of Indiana with Mr. GREEN of Iowa.
Mr. CURLEY with Mr. GILLETT.
Mr. CONRY with Mr. GARDNER of New Jersey.
Mr. CLAYPOOL with Mr. FORDNEY.
Mr. CLARK of Florida with Mr. DODDS.
Mr. CARLIN with Mr. CRAGO.
Mr. CANTRILL with Mr. COPLEY.
Mr. BROUSSARD with Mr. CATLIN.
Mr. BRANTLEY with Mr. CARY.
Mr. BOEHNE with Mr. BINGHAM.
Mr. AYRES with Mr. BARTHOLDT.
Mr. ANDERSON of Ohio with Mr. AMES.
Mr. UNDERWOOD with Mr. MANN.
Mr. JAMES with Mr. HILL.
Mr. COVINGTON with Mr. PARRAN.
Mr. DUPRE with Mr. GUERNSEY.
Mr. ROBINSON with Mr. WOOD of New Jersey.
Mr. LITTLETON with Mr. MCKENZIE.
Mr. GOODWIN of Arkansas with Mr. DRAPER.
Mr. CRAVENS with Mr. LOUDENSLAGER.
Mr. BEALL of Texas with Mr. YOUNG of Michigan.
Mr. SMITH of New York with Mr. BURKE of Pennsylvania.
Mr. HOBSON with Mr. BATES.
Mr. SAUNDERS with Mr. LANGHAM.
Mr. TALBOTT of Maryland with Mr. MCCREARY.
Mr. SHERLEY with Mr. GARDNER of Massachusetts.
Mr. BARTLETT with Mr. BUTLER.
Mr. PATTON of Pennsylvania with Mr. POWERS.
Mr. PUJO with Mr. MCMORRAN.
For the session:
Mr. FORNES with Mr. BRADLEY.
Mr. LEVER with Mr. SULLOWAY.
Mr. MAHER with Mr. CALDER.
Mr. RAINEY with Mr. HOWELL.
Mr. RIORDAN with Mr. ANDRUS.

Mr. PROUTY. Mr. Speaker, I desire to know how I am recorded.

The SPEAKER pro tempore. The gentleman is not recorded.

Mr. PROUTY. I desire to vote. I was called to the telephone just as——

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

Mr. CURLEY. Mr. Speaker, am I recorded?

The SPEAKER pro tempore. The gentleman is not recorded.

Mr. CURLEY. I desire to vote in the affirmative.

The SPEAKER pro tempore. Was the gentleman in his seat and giving attention when his name was called or should have been called?

Mr. CURLEY. I was not.

The SPEAKER pro tempore. The gentleman can not vote.

Mr. KINKEAD of New Jersey. Mr. Speaker, I am in the same position.

Mr. MCCALL. Mr. Speaker, I was present in the Hall, but was not giving attention.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

Mr. BUTLER. Mr. Speaker, I have a general pair with the gentleman from Georgia, Mr. BARTLETT. I understand the gentleman did not vote. I desire to change my vote. I voted "no."

The SPEAKER pro tempore. Call the gentleman's name.

The name of Mr. BUTLER was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will report the next bill on the Unanimous Consent Calendar.

BRIDGE ACROSS BAYOU BARTHOLOMEW, DREW COUNTY, ARK.

The Clerk read as follows:

A bill (H. R. 11021) to authorize the Levitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark.

Be it enacted, etc., That the Levitte Land & Lumber Co., a corporation organized and doing business under the laws of the State of Arkansas, and its assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Bayou Bartholomew at a point suitable to the interests of navigation, at or near a point in the southwest quarter of the southwest quarter of section 36, township 13 south, range 4 west, in the county of Drew, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS ARKANSAS RIVER, PINE BLUFF, ARK.

The SPEAKER pro tempore. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 11022) to authorize the bridge directors of the Jefferson County bridge district to construct a bridge across the Arkansas River at Pine Bluff, Ark.

Be it enacted, etc., That the board of directors of the Jefferson County bridge district be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River, at a point suitable to the interests of navigation, at or near the city of Pine Bluff, in the county of Jefferson and State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears no objection.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding as a new section the following:

"SEC. 3. That the act entitled 'An act to authorize the construction of a bridge across the Arkansas River at Pine Bluff, Ark.,' approved March 5, 1906, is hereby repealed."

The SPEAKER. The question is on the amendment.

Mr. MACON. Mr. Speaker, my colleague [Mr. ROBINSON], the author of this bill, is absent. I therefore would like to have an explanation of the amendment.

Mr. MANN. I understand, but this does not prejudice his rights. This bill is to give authority to the directors of the Jefferson County bridge district to build a bridge across this river. In 1906 a bill was passed to construct a bridge across the Arkansas River at Pine Bluff. I suppose it has run out, but it is not desirable to leave on the statute books two laws for the same purpose, although one of the bills may have expired by limitation. This bill takes the place of an old one.

Mr. MACON. And there is no reason why the old one should not be repealed?

Mr. MANN. There is not any reason.

Mr. MACON. Has the gentleman investigated the matter carefully?

Mr. MANN. I will read to the gentleman, among other things, a statement from the War Department. This bill is intended to replace an act approved March 5, 1906, which has expired by limitation.

Mr. MACON. The gentleman from Tennessee [Mr. SIMS] has just explained to me that he is on the committee and has investigated the matter carefully. I am simply looking after the interests of my colleague [Mr. ROBINSON] in his absence.

Mr. MANN. Very properly. The House just refused to adjourn in order to take up these bills for Mr. ROBINSON.

Mr. MACON. It was for that reason that I refused to vote for adjournment myself.

The SPEAKER. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

Mr. HENRY of Texas. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. I make the point of order that that motion is dilatory. The House has just voted down the motion.

Mr. SHERLEY. Since then the House has transacted business and it has always been held that such a motion is in order.

Mr. KENDALL. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KENDALL. I desire to inquire if the Calendar for Unanimous Consent has been exhausted?

The SPEAKER. The Calendar for Unanimous Consent has been exhausted.

Mr. ADAMSON. Mr. Speaker——

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. HENRY] that the House do now adjourn.

Mr. ADAMSON. Mr. Speaker, I wish the gentleman from Texas would wait until I make a motion to reconsider the vote by which the bill was passed and lay it on the table.

The SPEAKER. The Chair overrules the point of order of the gentleman from Illinois [Mr. MANN] that the motion to adjourn is dilatory.

Mr. HENRY of Texas. Mr. Speaker, I withdraw the motion to adjourn.

Mr. ADAMSON. Mr. Speaker, I move to reconsider the vote by which the bills were just passed and lay those motions on the table.

The motion was agreed to.

Mr. ADAMSON. And I would like to make a request for unanimous consent, if my brethren will allow.

DISCHARGE OF COMMITTEES.

Mr. MADDEN. Mr. Speaker, I move to discharge the committee from the further consideration of the bill (H. R. 772) providing for the physical valuation of the properties of railroad companies engaged in interstate commerce.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] is not recognized.

Mr. MADDEN. I make a motion to discharge the Committee on Interstate and Foreign Commerce from further consideration of the bill H. R. 772.

Mr. SABATH. Mr. Speaker, I desire to call up——

Mr. MADDEN. Mr. Speaker, I desire to make a motion to discharge the Committee on Interstate and Foreign Commerce——

The SPEAKER. All gentlemen will please be seated.

Mr. KENDALL. Mr. Speaker, I lost the floor by sitting down a few minutes ago.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] is recognized.

Mr. SABATH. Mr. Speaker, I desire to call up the motion which is first on the Discharge Calendar, to discharge the Committee on Immigration and Naturalization from further consideration of the bill H. R. 1343, and at the same time I desire to make a point of order that the motion is not properly on the calendar.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman from Illinois can not call up a motion on the Discharge Calendar placed there by some other member of the committee.

Mr. UNDERWOOD. Mr. Speaker, I desire to state that the committee in writing the rule originally in the last session of Congress especially provided and framed the rule so that any Member of the House could call up any of these propositions.

Mr. MANN. Let us have a ruling on it.

The SPEAKER. The Chair will state that the Chair helped to make that rule, and the Chair rules that anybody in the House can call up any motion on this calendar. [Applause on the Democratic side.]

Mr. MANN. That is what we want.

Mr. KENDALL. Mr. Speaker, I desire to make the point of order against the motion submitted by the gentleman from Illinois [Mr. SABATH].

Mr. SIMS. The gentleman is making a point of order himself.

The SPEAKER. The gentleman will state his point of order.

Mr. KENDALL. I make the point of order that the motion to which the gentleman from Illinois refers appears to have been filed on the 19th of April——

Mr. MANN. The gentleman from Illinois [Mr. SABATH] made that point of order himself.

Mr. KENDALL (continuing). And that the committee was not appointed until the 11th of April, and that the motion, therefore, is prematurely filed.

Mr. SIMS. That is the point of order that the gentleman from Illinois [Mr. SABATH] was making.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] makes the point of order that the first motion on this calendar, the one of Mr. GARDNER of Massachusetts, as to immigration and naturalization, is not in order. The point made is that it is prematurely on the calendar.

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Will the gentleman allow the Speaker to state the case?

Mr. LENROOT. Mr. Speaker, I desire to ask whether it is in order for a Member who calls up a matter in the House for consideration to himself make a point of order against it?

The SPEAKER. The Chair will state that he never heard of such a thing being done before, or such a point of order being made against it.

Mr. SHERLEY. Mr. Speaker, if the Chair will permit, I suggest to the Chair that it is impossible for a Member to take the floor for a motion, and then——

Mr. MANN. Mr. Speaker, I ask for order. We can not hear the gentleman from Kentucky.

Mr. SHERLEY. I suggest to the Chair that it is impossible, that it is not proper, is not according to proper procedure, for a man to take the floor for the purpose of calling up a bill and then declaring that the bill can not be properly called up. He can not properly destroy his own position on the floor.

The SPEAKER. The Chair will hear the gentleman from Kentucky.

Mr. SHERLEY. If the Chair please, the proposition itself is to my mind so clear as to need no more argument than the mere statement of it. The gentleman undertakes to call up a bill. Now, by calling up that bill he by that act declares that the bill is a matter that is proper to be called up, and he can not in the same person and in the same breath both call it up and declare that it can not be called up.

The SPEAKER. The Chair sustains the point of order that when a motion to discharge a committee from the consideration of a bill is called up the Member calling it up can not make a point of order against it.

Mr. MURRAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Massachusetts will state it.

Mr. MURRAY. Is the bill called up by the gentleman from Illinois [Mr. SABATH] properly before the House?

The SPEAKER. That is the very thing that is being determined now.

Mr. MURRAY. Mr. Speaker, if the point of order and the bill can not at the same time be before the House, I rise for the purpose of making the point of order against the consideration of the bill for both the reasons given by the gentleman from Illinois.

The SPEAKER. If the gentleman will permit the Chair to make the ruling, the Chair will recognize the gentleman for the purpose he states. The Chair believes that the point of order is well taken.

Mr. SHACKLEFORD. Mr. Speaker, the point of order was made by the gentleman from Iowa [Mr. KENDALL].

The SPEAKER. Then the point of order made by the gentleman from Iowa is well taken.

Mr. SHACKLEFORD. If the gentleman from Iowa withdraws his point of order, I shall renew it.

The SPEAKER. The gentleman from Massachusetts [Mr. MURRAY] is entitled to make it.

Mr. MURRAY. Mr. Speaker, for the reasons advanced by the gentleman from Illinois, I make the point of order that the bill (H. R. 1343) is not properly before the House—for the reason that the allotted time has not been given.

Mr. KINKEAD of New Jersey. Mr. Speaker, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New Jersey moves that the House adjourn, and the gentleman from Illinois rises to a parliamentary inquiry.

Mr. KINKEAD of New Jersey. Mr. Speaker, I withdraw my motion.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Speaker, I would like to suggest that the ruling just made by the Speaker is rather an important ruling, and that therefore the Speaker might well incorporate the facts in his ruling as it will appear in the RECORD, so that we may have an authoritative record.

The SPEAKER. If the gentlemen will resume their places and give the Chair half a minute, the Chair will state the understanding he entertains about this rule. It is the opinion of the Chair that a bill must have been referred to a committee for 15 days before it would be in order to move to discharge said committee from consideration of said bill. The committees were elected by the House on the 11th day of April, and 11 days plus 15 days, to wit, the 26th of April, would be the earliest day on which said motion could be entered, for in computing the time you can not include both days. This motion was placed on the calendar on April 19. Speaker CANNON held—on May 3, 1909, Sixty-first Congress, first session, page 1689—that until committees were appointed bills and resolutions that had been introduced in the House were not before these committees, and it was not privileged to move to discharge a committee on a resolution of inquiry 7 days after the introduction of such a resolution, as provided for by Rule XXII, clause 5. This discharge rule provides that it shall be in order to move to discharge a committee from further consideration of a bill referred to said committee 15 days prior to the motion. The intention of the rule is to allow the committee 15 days to consider the bill. This rule is a stringent one, and to discharge a committee under it is a reflection on the committee for tardiness of action. To say that the 15 days' notice should begin to run before a committee is in existence would work gross injustice upon such committee. This motion was placed on the Discharge Calendar 8 days after the organization of the Committee on Immigration and Naturalization, and, in the opinion of the Chair, was prematurely placed thereon. Therefore, the Chair is compelled to sustain the point of order.

Mr. KENDALL. The Chair would include either one, would he not?

Mr. NORRIS. Mr. Speaker, I would like to make a suggestion.

The SPEAKER. The Chair will hear the gentleman from Nebraska.

Mr. NORRIS. If the Speaker will consult the rule, he will observe that it says nothing about the time of the appointment of the committee, but "when such resolution has been referred to the committee 15 days prior thereto, it shall be in order," and so forth.

The SPEAKER. This is not the first time the Chair has had occasion to study this matter. The Chair thinks it is utterly impossible to refer a bill to a committee that is not in existence.

Mr. FITZGERALD. Mr. Speaker, I desire to be heard briefly on the question of order——

Mr. KENDALL. Mr. Speaker——

Mr. MADDEN. Mr. Speaker——

Mr. FITZGERALD. And, Mr. Speaker, if I have been recognized, I hope the gentleman from Iowa [Mr. KENDALL] and the gentleman from Illinois [Mr. MADDEN] will sit down.

Mr. KENDALL. I submit that the gentleman from New York [Mr. FITZGERALD] has not been recognized.

Mr. FITZGERALD. I submit that I have.

Mr. MADDEN. I submit that we have been standing here on the floor trying to get recognition, and the Speaker paid no attention to this side of the House, but every time the opportunity presents itself for him to recognize somebody on the other side he does so.

The SPEAKER. The gentleman is out of order. The Chair has recognized two Republicans in the last three minutes.

Mr. KENDALL. I wish to make a motion that the House proceed now to take up calendar No. 40.

Mr. FITZGERALD. Mr. Speaker, a question is pending, and I desire to be heard on it.

Mr. KENDALL Mr. Speaker, I believe I have the floor to make a motion.

The SPEAKER. The gentleman from Iowa will state his motion.

Mr. KENDALL. I move that the House proceed to take up calendar No. 40 on the Discharge Calendar, that being the bill H. R. 4416.

Mr. FITZGERALD. I make a point of order——

The SPEAKER The gentleman will state his point of order.

Mr. FITZGERALD. I make the point of order that it is not in order to move to proceed to take up another bill while there is undisposed of a question of order as to the propriety of the first bill being properly on the calendar.

Mr. KENDALL. That has been disposed of. The Chair ruled it out of order.

Mr. FITZGERALD. I did not understand that he had.

Mr. KENDALL. The gentleman must be more alert than that.

The SPEAKER The House will be in order. The Chair can not hear anything that is going on, and nobody else can. The Chair will recognize the gentleman from New York [Mr. FITZGERALD] to make his point of order.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry. Has the Chair determined the first question?

The SPEAKER. The Chair has determined the first question, and that is that these motions are not in order unless 15 days elapsed after the 11th day of April, and you can not count the 11th day of April and the day that a bill is put on the calendar, both.

Mr. KENDALL. A parliamentary inquiry.

Mr. FITZGERALD. I move to call up No. 2, which is a preferential motion to the one submitted by the gentleman from Iowa.

Mr. KENDALL. I submit that my motion was presented to the House and was pending, and the gentleman can not take me off the floor.

The SPEAKER. The gentleman from Iowa is mistaken about that. Nobody has been recognized to make any motion since the gentleman from Illinois [Mr. SABATH] made his motion.

Mr. KENDALL. Now, that being true——

Mr. SABATH. Has the Speaker sustained the point of order?

The SPEAKER. The point of order was sustained.

Mr. SABATH. Then, Mr. Speaker, I desire to call up motion No. 2, to discharge the Committee on Invalid Pensions from further consideration of House bill 767.

Mr. ANSBERRY. Mr. Speaker, I want to ask the gentleman from Illinois a question.

The SPEAKER. The rule is this: Recognition for such motions shall be in the order in which they have been entered. The motion called up by the gentleman from Illinois [Mr. SABATH] is the second one on this list of motions.

Mr. FITZGERALD. Against that I make the point of order that the motion was not on the calendar the required time under the rule. The rule requires the motion to be filed 15 days after the bill is referred to a committee. The committees were appointed on the 11th day of April, and it appears that this motion was filed on the 25th day of April, less than 15 days after.

The SPEAKER. The point of order is sustained.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. MADDEN. And on that motion, Mr. Speaker, I demand the yeas and nays.

Mr. ANSBERRY rose and addressed the Chair.

The yeas and nays were ordered.

Mr. ANSBERRY. Mr. Speaker, pending the yeas and nays, I desire to call the attention of the House to the fact that Mr. ANDERSON of Ohio, whose motion this is, is not present in the House; that the last time he was here he said that he had missed some papers that he deemed necessary to raise the question of personal privilege; that he is out looking for them; and as a matter of common courtesy to a colleague I think we ought to wait until he is present to defend his position. [Cries of "Regular order!"]

The SPEAKER. The gentleman from Ohio is out of order. The yeas and nays have been ordered on a motion to adjourn.

The question was taken; and there were—yeas 146, nays 113, answered "present" 5, not voting 122, as follows:

YEAS—146.

Adamson	Collier	Flood, Va.	Houston
Alexander	Connell	Floyd, Ark.	Howard
Allen	Cox, Ind.	Foster, Ill.	Hull
Ashbrook	Cox, Ohio	Francis	Jacoway
Bartlett	Cullop	Gallagher	James
Bathrick	Curley	Garner	Johnson, Ky.
Beall, Tex.	Daugherty	Garrett	Kinkead, N. J.
Bell, Ga.	Davenport	George	Kitchin
Bingham	Davis, W. Va.	Glass	Konig
Blackmon	Dent	Godwin, N. C.	Konop
Booher	Denver	Goeke	Korbly
Borland	Dickinson	Gould	Lamb
Brantley	Dickson, Miss.	Graham	Lee, Ga.
Brown	Dies	Gregg, Pa.	Lee, Pa.
Buchanan	Dixon, Ind.	Gregg, Tex.	Lewis
Bulkley	Donohoe	Hamilton, W. Va.	Lobeck
Burke, Wis.	Doremus	Hamlin	McCoy
Burleson	Doughton	Hardwick	McDermott
Burnett	Driscoll, D. A.	Hardy	McGillicuddy
Byrnes, S. C.	Edwards	Harrison, N. Y.	McHenry
Byrns, Tenn.	Evans	Hay	Macon
Callaway	Faison	Heflin	Maguire, Nebr.
Candler	Ferris	Helm	Martin, Colo.
Clark, Fla.	Fields	Henry, Tex.	Mays
Clayton	Finley	Hensley	Moore, Tex.
Cline	Fitzgerald	Holland	Morrison

Murray	Rothermel	Sparkman	Turnbull
Oldfield	Rubey	Stack	Underhill
O'Shaunessy	Russell	Stedman	Underwood
Padgett	Sabath	Stephens, Miss.	Watkins
Page	Shackleford	Stephens, Tex.	Webb
Peters	Sheppard	Sweet	Whitacre
Porter	Sherwood	Taylor, Ala.	White
Pou	Sims	Taylor, Colo.	Wilson, Pa.
Raker	Sisson	Thayer	Witherspoon
Richardson	Slayden	Thomas	
Roddenbery	Slemp	Tribble	

NAYS—113

Adair	Foster, Vt.	Lawrence	Rucker, Colo.
Ansberry	Fowler	Lenroot	Sharp
Anthony	French	Lindbergh	Simmons
Barchfeld	Fuller	Littlepage	Sloan
Barnhart	Good	Longworth	Smith, J. M. C.
Bowman	Gray	Loud	Smith, Saml. W.
Burke, S. Dak.	Green, Iowa	McCall	Speer
Butler	Greene, Mass.	McKinley	Steenerson
Campbell	Hamilton, Mich.	McKinney	Stephens, Cal.
Cannon	Hanna	McLaughlin	Sterling
Cooper	Harris	Madden	Stevens, Minn.
Copley	Hartman	Madison	Stone
Crago	Haugen	Mann	Sulzer
Crumpacker	Hawley	Miller	Switzer
Currier	Hayes	Mondell	Thistlewood
Dalzell	Helgesen	Morgan	Tilson
Danforth	Henry, Conn.	Nelson	Towner
Davis, Minn.	Hill	Norris	Utter
De Forest	Hinds.	Nye	Wedemeyer
Difenderfer	Howland	Payne	Weeks
Driscoll, M. E.	Hubbard	Pepper	Wilder
Dwight	Humphrey, Wash.	Pickett	Willis
Dyer	Kendall	Plumley	Wilson, Ill.
Esch	Kennedy	Post	Woods, Iowa
Fairchild	Kinkaid, Nebr.	Pray	Young, Kans.
Farr	Knowland	Prince	Young, Mich.
Focht	Kopp	Prouty	
Fordney	Lafean	Rees	
Foss	La Follette	Roberts, Nev.	

ANSWERED "PRESENT"—5

Dodds	Maher	Needham	Sherley
Kahn			

NOT VOTING—122.

Aiken, S. C.	Gardner, Mass.	Levy	Redfield
Akin, N. Y.	Gardner, N. J.	Lindsay	Reilly
Ames	Gillett	Linthicum	Reyburn
Anderson, Minn.	Goldfogle	Littleton	Riordan
Anderson, Ohio	Goodwin, Ark.	Lloyd	Roberts, Mass.
Andrus	Gordon	Loudenslager	Robinson
Austin	Griest	McCreary	Rodenberg
Ayres	Gudger	McGuire, Okla.	Rouse
Bartholdt	Guernsey	McKenzie	Rucker, Mo.
Bates	Hamill	McMorran	Saunders
Berger	Hammond	Malby	Scully
Boehne	Harrison, Miss.	Martin, S. Dak.	Sells
Bradley	Heald	Matthews	Small
Broussard	Higgins	Moon, Pa.	Smith, N. Y.
Burke, Pa.	Hobson	Moon, Tenn.	Smith, Tex.
Calder	Howell	Moore, Pa.	Stanley
Cantrill	Hughes, Ga.	Morse, Wis.	Sulloway
Carlin	Hughes, N. J.	Moss, Ind.	Talbott, Md.
Carter	Hughes, W. Va.	Mott	Talcott, N. Y.
Cary	Humphreys, Miss.	Murdock	Taylor, Ohio
Catlin	Jackson	Olmsted	Townsend
Claypool	Johnson, S. C.	Palmer	Tuttle
Conry	Jones	Parran	Volstead
Covington	Kent	Patten, N. Y.	Vreeland
Cravens	Kindred	Patton, Pa.	Warburton
Davidson	Lafferty	Powers	Wickliffe
Draper	Langham	Pujo	Wilson, N. Y.
Dupre	Langley	Rainey	Wood, N. J.
Ellerbe	Latta	Randell, Tex.	Young, Tex.
Estopinal	Legare	Ransdell, La.	
Fornes	Lever	Rauch	

So the motion to adjourn was agreed to.

The following pairs were announced:

For to-day:

Mr. Moss of Indiana with Mr. HIGGINS.

Until further notice:

Mr. RUCKER of Missouri with Mr. VOLSTEAD.

Mr. RAUCH with Mr. RODENBERG.

Mr. MOON of Tennessee with Mr. MORSE of Wisconsin.

Mr. JOHNSON of South Carolina with Mr. MATTHEWS.

Mr. HAMILL with Mr. MALBY.

Mr. DIXON of Indiana with Mr. DAVIDSON.

Mr. CLAYPOOL with Mr. GILLETT.

Mr. BOEHNE with Mr. AUSTIN.

Mr. AIKEN of South Carolina with Mr. ANDERSON of Minnesota.

LEAVE OF ABSENCE.

Pending the announcement of the vote, Mr. LATTA, by unanimous consent, was given leave of absence indefinitely on account of sickness.

The result of the vote was announced as above recorded.

ADJOURNMENT.

Accordingly (at 3 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, August 8, 1911, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SHEPPARD, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 13276) to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building, reported the same without amendment, accompanied by a report (No. 127), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 2932) to authorize the Secretary of the Treasury, in his discretion, to sell the old post-office and courthouse building at Charleston, W. Va., and, in the event of such sale, to enter into a contract for the construction of a suitable post office and courthouse at Charleston, W. Va., without additional cost to the Government of the United States, reported the same without amendment, accompanied by a report (No. 128), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 2055) to provide for the purchase of a site and the erection of a new public building at Bangor, Me., also for the sale of the site and ruins of the former post-office building, reported the same without amendment, accompanied by a report (No. 130), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FINLEY, from the Committee on Printing, to which was referred the concurrent resolution of the Senate (S. Con. Res. 2) to print copies of Bulletin No. 30 of the Bureau of American Ethnology, reported the same without amendment, accompanied by a report (No. 129), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SPARKMAN, from the Committee on Rivers and Harbors, to which was referred the bill of the Senate (S. 943) to improve navigation on Black Warrior River, in the State of Alabama, reported the same with amendment, accompanied by a report (No. 133), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEFLIN, from the Committee on Industrial Arts and Expositions, to which was referred the joint resolution of the House (H. J. Res. 99) authorizing the President to invite the Republic of Mexico and the Republics of Central and South America to participate in the Panama-California Exposition in 1915 at San Diego, Cal., reported the same without amendment, accompanied by a report (No. 131), which said resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12714) granting a pension to Gustav J. Tichy, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHEPPARD: A bill (H. R. 13367) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes," approved May 27, 1908, by striking out certain words from the clause authorizing a new building for the Bureau of Engraving and Printing; to the Committee on Public Buildings and Grounds.

By Mr. RODDENBERY: A bill (H. R. 13368) to amend the immigration laws of United States and to further restrict and prohibit the admission of undesirable immigrants and aliens; to the Committee on Immigration and Naturalization.

By Mr. GOODWIN of Arkansas: A bill (H. R. 13369) increasing the cost of erecting a public building at Hope, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. KORBLY: Resolution (H. Res. 267) to investigate concerning action of Chickamauga and Chattanooga National Park Commission relative to changing and removal of various monuments and markers on battle field of Missionary Ridge, Tenn.; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Joint resolution (H. J. Res. 146) for appointment of a member of the Board of Managers

of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. SABATH: Concurrent resolution (H. Con. Res. 15) to print 17,100 copies of proceedings of unveiling the statues of Pulaski and Kosciuszko; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 13370) granting an increase of pension to Harmon L. Palmer; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 13371) granting an increase of pension to James W. Hollenbeck; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 13372) granting an increase of pension to J. H. Weaver; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 13373) granting an increase of pension to John C. Bridges; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 13374) granting an increase of pension to Isaac Cram; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 13375) for the relief of the heirs of John Deering and John Edwards; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 13376) to correct the military record of Thomas J. Rose; to the Committee on Military Affairs.

By Mr. LEWIS: A bill (H. R. 13377) to refund to the corporate authorities of Frederick City, Md., the sum of $200,000, exacted of them by the Confederate Army under Gen. Jubal Early, July 9, 1864, under penalty of burning said city; to the Committee on War Claims.

By Mr. ANTHONY: A bill (H. R. 13378) granting an increase of pension to Thomas J. Thompson; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 13379) granting an increase of pension to Andrew McCullough; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13380) granting a pension to Sarah E. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13381) granting an increase of pension to Annie Potter Newell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13382) granting an increase of pension to Mary Kennedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13383) granting an increase of pension to Susan Douglas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13384) granting an increase of pension to Nicholas E. Gardiner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13385) granting an increase of pension to Abbie S. Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13386) granting an increase of pension to Eliza W. Parkhurst; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 13387) granting an increase of pension to Edwin M. Wardall; to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: A bill (H. R. 13388) for the relief of the estate of Le Roy C. Morris, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Resolution of District Grand Lodge No. 2, Independent Order of B'nai B'rith, relative to the treatment of Jewish citizens by the Russian Government; to the Committee on Foreign Affairs.

By Mr. BURKE of Wisconsin: Papers to accompany bill granting an increase of pension to Harmon L. Palmer; to the Committee on Invalid Pensions.

By Mr. CURLEY: Petition of H. M. Aitken and numerous others, of Boston, Brookline, and Dorchester, Mass., asking that the duty on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, resolution of District Grand Lodge No. 2, Independent Order of B'nai B'rith, relative to the treatment of Jewish citizens by the Russian Government; to the Committee on Foreign Affairs.

By Mr. ESCH: Resolution of District Grand Lodge No. 2, Independent Order of B'nai B'rith, relative to the treatment by the Russian Government of Jewish citizens; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the American National Live Stock Association and of the Cattle Raisers' Association, of Texas, in opposition to placing live stock and meats on the free list; to the Committee on Ways and Means.

Also, petition of the Old Age Brotherhood for the enactment of an old-age pension system; to the Committee on Pensions.

By Mr. MATTHEWS: Papers in support of bill to increase pension of Andrew McCullough; to the Committee on Invalid Pensions.

By Mr. SULZER: Resolution of District Grand Lodge No. 2, Independent Order of B'nai B'rith, relative to the treatment of Jewish citizens by the Russian Government; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *August 8, 1911.*

[Continuation of legislative day of Monday, August 7, 1911.]

The Senate met, at the expiration of the recess, at 11 o'clock a. m., Tuesday, August 8, 1911.

NEW MEXICO AND ARIZONA.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

The VICE PRESIDENT. The pending question is on the first amendment reported from the Committee on Territories. The Senator from South Dakota [Mr. CRAWFORD] has the floor.

Mr. CRAWFORD. Mr. President, this is a Republic. It is not a pure democracy; it is a Republic. It is not a government by the people direct, but it is a representative government. One would think from some of the contentions made here that we are seriously contemplating in this country a revolution under which we are about to precipitate ourselves into a pure democracy and eliminate the representative feature of our Government entirely, or to so control it that representative government will have in itself no longer any force or any effect.

The recall of judges, as it is proposed in the constitution of Arizona and presented by argument upon this floor, is a proposal to put into the hands of a small minority the power to involve an incumbent of a judicial office in a fight for his position as a judge, by merely filing a petition signed, not by a majority of the voters, not by one-half of the voters, but by one-fourth of the voters—a petition which need not state specifically a single charge against that judge. He will be compelled thereby to go to the people of his district and fight for his retention in his judicial office in the very midst of the term for which he has already been lawfully chosen.

I do not say that a provision of that kind takes away from a State its republican form of government, but I do say that such a provision is unrepublican and that it is a startling step toward pure democracy.

The fathers who framed the Constitution are dismissed nowadays by some people with a sneer. It is said that they framed our Constitution in secret, and that itself put a color of suspicion upon the organic law; that when you look now at the men who framed that charter, you find that they, in their true colors, were reactionaries and standpatters. No longer are Benjamin Franklin and George Washington and Alexander Hamilton men to whom we should look for light and guidance in the construction of the Constitution; they are under suspicion of having covertly, in secret, gone into some kind of conspiracy against their race, and the future, in the interest of property and corporations and that sort of thing. This is the kind of argument we hear at the beginning of the twentieth century about the Constitution of our country.

The words of Mr. Hamilton when he was presenting the claims of the Constitution to ratification are just as true to-day as they were then. He said:

> Give all power to the many and they will oppress the few.

Does anybody deny that now? What did he say about the minority?

> Give all power to the few and they will oppress the many.

Does anybody deny that now? No. Some would say, "We do not want to give any power to the few, but we do want to give all power to the many." But one proposition is just as dangerous as the other. Hamilton said:

> Both, therefore, ought to have the power that each may defend itself against the other.

Oh no, Mr. President, that is not to be the doctrine now. Both are not to have the power by which each can defend itself against the other, but the power of the minority is to be taken from it and the entire power is to be vested in the many, which he said would oppress the few. A strange doctrine this which is now declared before the American people upon the floor of the United States Senate.

"No," said Mr. Hamilton:

The complete independence of the courts of justice is peculiarly essential to a limited constitution. By a limited constitution I understand one which contains certain specified exceptions to the legislative authority, such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like.

What is to become of your Bill of Rights if the courts are not to be independent in protecting the citizen in each one of them and if the bar is to be thrown down and all left to the majority? The Bill of Rights was written in letters of blood to protect the individual against tyranny, but it is now proposed to throw down these barriers because the power in the hands of the few to protect themselves against the many is to be swept away; the majority is to have the power under the recall, or something of that kind, to intimidate the only tribunal under our system which can protect a minority and give it a hearing.

What other tribunal is there under our system which can give the minority any protection except the judicial department of the Government? I want no weapon placed in the hands of a majority, without even a specification, with nothing but an arbitrary dictum, with which to sweep away the independence of the only department in existence which can protect the few against the many and the many against the few.

Mr. Hamilton goes on:

Limitations of this kind can be preserved in practice in no other way than through the courts of justice, whose duty it must be to declare all acts contrary to the manifest intent of the Constitution void.

It is said upon this floor that it was usurpation upon the part of the Supreme Court of the United States to assume to declare that an act of Congress because it was repugnant to this great charter is void, and that the men who made such decisions were, in effect, guilty of treason and violated the Constitution by upholding it. If some declarations I have heard in the Senate are true, John Marshall ought to have been impeached; yea, more, he was open to the charge of treason when he decided the great cases of Marbury *v.* Madison, McCulloch *v.* Maryland, Cohens *v.* Virginia, Gibbons *v.* Ogden, and the Dartmouth College case, in all of which decisions he wrote in large letters, it is said, into the Constitution the word NATION. If what we hear said here on the floor of the Senate be true, instead of construing the Constitution according to its spirit, so that a great nation might live throughout all the future, Marshall was guily of a willful usurpation of unwarranted power, and he ought to have been recalled.

That is the kind of doctrine proclaimed now upon the floor of the Senate. Fine doctrine this to proclaim from here to the American people!

Mr. Hamilton also said:

Without this all the reservation of particular rights or privileges would amount to nothing. This independence of the judges is equally requisite to guard the Constitution and the rights of the individuals from the effect of those ill humors which the arts of designing men or the influence of particular junctures sometimes disseminate among the public themselves and which, though they speedily give place to better information and more deliberate reflection, have a tendency in the meantime to occasion dangerous innovations in the Government and serious oppression of the minority party in the community.

That doctrine is not believed in nowadays by some people, but, thank God, they are few. It is not believed by some people who denounce the man who wrote this as an aristocrat and a monarchical sympathizer.

No man was denounced more in his day than Mr. Marshall. No more angry and ugly and venomous and malicious assaults were ever hurled at the head of a public official than were hurled at the head of that great man whom we now reverence. If he could have been placed at the power of the excited, tumultuous, impassioned crowd which thought the decision in Cohens *v.* Virginia was usurpation he would have been recalled. He would have been hurled from the place which he adorned and which he made great. He would have been taken from the great position which he filled during so many years of his long life and in which he, more than any other man in the history of this Nation, helped to build it or make it possible to build it.

With some people this language of Mr. Hamilton is not popular. He goes on:

Upon the whole there can be no room to doubt that the convention acted wisely in copying from the models of those constitutions which had established good behavior as the tenure of their judicial officers in point of duration, and that so far from being blamable on this account their plan would have been inexcusably defective if it had wanted this important feature of good government. The experience of good government affords an illustrious comment upon the excellence of the institution.

Mr. President, Mr. Hamilton was not the only one to take this view of the matter. Mr. Madison expressed himself about a pure democracy when he was giving his opinion of the Constitution and the judiciary. He said:

From this view of the subject, it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can permit of no cure for the mischiefs of faction.

Certainly not; the majority there is the tyrant, if there be a tyrant.

But what did he say further?

A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual.

That is exactly true. Who questions the truth of this declaration of Mr. Madison? It is the mere brutal power of numbers unrestrained, unchecked, no guaranties anywhere for the minority that is the basis of such a government—a pure democracy. He says:

There is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual.

But, Mr. President, another doctrine is being preached nowadays for the government of 90,000,000 of people and a Nation, which in numbers and in territorial extent, is one of the greatest empires of the world. All these safeguards are to be broken down—for this is the first step in that direction—and the brutal control of the majority is to be installed and placed in absolute control of the judgments and decrees of its courts.

So long as I have a voice and a will and a conviction and this kind of doctrine is preached, to the utmost of my strength I shall oppose it in the United States Senate and elsewhere. It is revolutionary. It is bad. Mr. Madison goes on:

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking.

Some men do not believe that nowadays. The American people, however, do believe it, as we shall find out when the question comes fairly before them.

In 1894, following that great riot and mob in Chicago, where the crowd undertook to take from the United States the power to carry its own mails, a cry went out before this country that it was governed by injunction. That cry went into the campaign as an issue, and more than any other contributing cause that revolutionary cry defeated the Democratic Party. We welcome the issue again. If you want to go before the American people preaching disorder, anarchy, the breaking down of restraints, disintegration, the undermining of the courts, you are welcome to all you can make out of it. Try it if you must. I would like to be on the firing line in a fight of that kind.

Mr. Madison says:

The scheme of representation in a republican form takes the place and pronounces the cure for which we are seeking. The two great points of difference between a democracy and a republic are, first, the delegation of the government in the latter to a small number of citizens elected by the rest.

That is a republican form of government made by those men who we are now told sat in secret and conspired against the people in the interest of property; that is the way they are characterized by some people now; that is the kind of talk we hear in the Senate about them now. The fathers also had before them the words of Montesquieu:

There is no liberty if the judicial power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with violence and oppression. There would be an end of everything were the same men or the same body to exercise these three powers: That of enacting laws, that of executing them, and that of trying the cases of individuals.

Are these divisions to be now broken down? This judicial department, these judges, stand in the breach and see that the most unfortunate and the weakest individual in the Nation shall have all of his rights—guaranteed to him under the Declaration of Independence as well as by the Constitution—the right to life, to liberty, and to the pursuit of happiness. The judge, now absolutely free in adjudging these rights, will, under this new proposal, exercise his duty with the menace of the mob hanging over him. If he does not enter into the passions of the majority, if he does not enter into their sympathies, if he does not become a part of their impulses, if he does not obey their will, they are to have a weapon with which they can punish him. They may recall him.

Oh, we are preaching strange doctrine here. Who is demanding this? I know it is not demanded by the great mass of the

people with whom I have come in contact; it is not demanded by the farmers on our prairies; it is not demanded by the merchants in our stores; it is not demanded by the average citizen of this country, if I have any acquaintance with him at all. Who is demanding it? Certain things happen every once in a while. It is too solemn and too awful for me to say who is responsible for it, but every once in a while dynamite is put under great mills and great properties and great newspapers and they are torn to fragments, and limbs and arms of fathers are thrown into the air, widows are made, little children are left fatherless, and generally somewhere affiliated with conduct of that kind—I do not say responsible for it; that would be too awful and too sweeping—but somehow as an incident, or it is an incident to certain kinds of disputes, and one side in these disputes is asking for this recall of judges as one kind of a remedy. I propose to speak plain English here. One side in a controversy of this kind is asking for a remedy like this. There is where it comes from.

In Chicago, after that riot in 1894, one class of people denounced the President of the United States because he insisted on using the power of the United States to enable the Government to do the business of the United States. The people who denounced President Cleveland then would like to have a recall of judges. Let us talk plainly about this. You want to put judges at the mercy of passion, impulse, and excitement like that; I do not; and my arm will be palsied and fall helpless to my side when I refuse to protest against any influence of this kind being brought to bear upon the courts of this country.

What is this talk about "faith in the people"? Ah, we hear a lot of it. When a man protests against this sort of thing, immediately it is said to him: "We have faith in the people, and you are lacking in faith in the people." I do not stand second to any Member of this Senate in advocating faith in the people; but who are the people? Is the majority the people? Is the majority, wrought up and excited in tumult, the people? I am going to talk plainly—you may think it is almost brutal—about the majorities that sometimes assume that they are the people.

Over in good conservative old Delaware, settled by American pure bloods and peopled by their descendants generation after generation, a few years ago in the city of Wilmington a negro was charged with a serious and awful crime. There was no delay of the courts connected with it. He was speedily tried; he was convicted; he was sentenced to the gallows. He was waiting simply for the sheriff to execute the decree of the court. Just let me read what the father of the victim said to the mob as he sat beside the bier where his daughter lay dead:

> Our cup of bitterness is full, but we ask you to join us in our appeal to all citizens of our Commonwealth to refrain from violence.

Mr. President, what did those American citizens do? They went to the jail and broke through five steel gates; they hammered them down; they went into that jail and they took that man who had been convicted by a jury, who had been sentenced to death by the court, out onto the commons; they kindled a fire; they put him to death by slow torture; they danced around the burning corpse like wild savages; and after their awful deed was done, they cut off the toes and fingers and distributed them in the crowd as mementoes of their barbarism.

Talk to me about the majority of the people always being trusted. God knows I have faith in the people—in all the people, the whole people, in their mature deliberations, in their final verdict—but these same people ought to have some restraint built up under which even a poor criminal like that shall be protected against the assault, the impulse, and the passion of the fleeting, shifting majority of the moment. I am going to talk plainly, even if it may seem brutal. Some one ought to speak out against all this cant and this preaching about faith in the people to cover up an attempt to put in the hands of an angry, shifting, fleeting majority the power to overawe and menace the courts of the country. Fine doctrine that.

Mr. President, Cincinnati is a great city, a city of culture, a city of art, a city of music, a city of refinement, a city of wealth. I have here a statement written by Mr. J. S. Tunnison, of Cincinnati, a conservative, calm, dispassionate statement, made by a man of ability, made by a close observer, made by a man who was on the ground, in which he describes the Cincinnati riot of 1888. Talk to me about having faith in the majority under some circumstances and use the general cry "faith in the people" to prevent looking a situation like this that Mr Tunnison describes squarely in the face! No. Let us pull the mask off. Mr. Tunnison says that a man named Berner was accused of the crime of murder. It was not an offense against a woman; it was the murder of another man, ignorant like himself.

Berner was arrested; he was tried speedily; he was convicted; he was sentenced to 20 years' imprisonment in the penitentiary—not an inadequate punishment. There had been an orderly trial, an orderly sentence, a vindication of the law. One night soon after this sentence was imposed a crowd gathered on the street. They had a meeting over in one of the halls; a few inflammatory speeches were made—I call the attention of Senators on the other side to the fact that the judges were elected by the people; they were not appointed during good behavior, but they were part of the elective system in Ohio—a few inflammatory speeches were made, and, like a torch, the flame spread into the crowd in the street below, and for nearly one week there was a reign of terror in the city of Cincinnati, the city of culture, of art, of music, and of wealth. The police were intimidated, the people who loved law and order were driven off the streets, and the mob was enthroned almost as completely as it was in the city of Paris during the days of the Revolution. The courthouse, a magnificent and beautiful classical structure that cost millions of dollars, was destroyed, burned up by this mob. Innocent men were shot down in the streets and pandemonium reigned.

Do you want that kind of a crowd to circulate a petition for the recall of the only officer, outside of the governor of the State, clothed with authority to maintain law and order under such circumstances? Do you want him placed under the menace of a crowd like that by being subjected to a recall if he dare put in force some decree or order against it?

There is no part of the United States exempt from occasional outbreaks of this kind. We in the North have no right to look down across Mason and Dixon's line and criticize our neighbors on account of the fact that tumults and riots arise there, because they arise in South Dakota and in Idaho, in Colorado, in California, in Kansas, in Delaware, and in all the States.

I had been practicing law only a couple of years after I first went to the Territory of Dakota when a murder occurred in the county in which I lived. The man guilty of it was arrested, brought over, and put in our county jail in the county seat town where I lived. On the Monday following court convened. One of the best judges in heart and in integrity that ever lived was to preside. The grand jury met, an indictment was drawn, there was no question about the conviction of the man; but on the following morning, when I arrived at my office down the street, the corpse of that defendant was hanging to the flagpole immediately in front of the courthouse, almost under its eaves, and at a time when the court was being held.

Do not talk to me as though there was only one side to this question in this country. Some one ought to speak out when everybody is crying—and there is contagion in the cry—"faith in the people." I have faith in the people; I have faith in all the people; I believe vox populi, vox Dei; but it is the deliberate voice of all the people, not the voice of an angry, excited, tumultous, shifting, temporary majority of the people; and I denounce with all the earnestness I possess these cries of "faith in the people" which conceal and cover situations like these I have described.

They say Judge Walter Clark, of North Carolina, is a radical. All right. Let me give you some facts he published about these mobs. My radical friends, listen to it when you are preaching your professions of faith in the people. Faith in the people! We all have faith in the people, in the deliberate judgment of all the people, but faith in an excited majority, a tumultuous majority, an enraged majority, a temporary majority, a shifting majority—faith to the extent which would put into the hands of that temporary and shifting and angry majority the power to destroy the independence of the courts? No; never, so help me God; never. Such blind worshipping idolatry of the majority as that? Never.

Judge Walter Clark gives the statistics. He gives the number of lynchings that occurred in the United States, as shown by a report issued previous to the time he wrote this article, and he shows that in the United States, according to the State official reports for 1892, the last which had been compiled when he wrote the article, which was published some time ago, there were 107 executions by process of law for homicides and all other capital offenses and 236 by lynching, while for the 10 years, 1883–1892, the average was more than 2 executed by lynching to 1 by law. He also stated that it appeared from a recent message of the governor of North Carolina that 8 persons were executed by lynching during his term while only 5 were executed by the sheriff.

Yet we hear this sentimental, nonsensical talk here—I call it that, because I believe that is the right name for it—about

faith in the people as a justification for a proposal to destroy the independence of the courts. If Senators on this floor are influenced by such talk it shows how courts and judges may be weak enough to listen to it if the fate of judges is placed in such a balance.

Let us save them, God help us; let us save them as long as we can from any such influence as this.

When it is asserted here that the people are supreme, that they employ judges and stand toward them in the relation of a master toward a servant what is meant is the majority of the people. Listen to what Hannis Taylor says in a recent article:

> Herein lies the error. The judges are not the servants and agents of the majority. The judges are the servants of both the majority and the minority, and must of necessity be independent.

I read somewhere—and I have made a little note of it—how one time an angry, excited, tumultuous crowd swarmed about the gates of Westminster Hall and sought to influence Lord Mansfield in a decision he was about to render; they told him that if his decision should be so and so he would be the most popular judge in England. He faced the angry crowd and said:

> I wish popularity, but it is that popularity which follows and not that which is run after. It is that popularity which sooner or later never fails to do justice to the pursuit of noble ends.

He held fast to his integrity and made his decision without heeding the cries of that angry multitude. That is the kind of incentive we want in our judges, not the influence or fear of the crowd.

Now, Mr. President, I said last evening that I believe in popular government. I believe in the popular government we have in my State, where we have the initiative and the referendum. I believe, however, these provisions are weapons designed to be used not for the purpose of taking direct charge of the Government, but as a weapon of protection, to be used only in emergencies; they were put into our fundamental law for that purpose, to be used in that way only. I am absolutely in favor of them. I do not believe the referendum should be allowed upon a petition signed by only 5 per cent of the voters—only one-twentieth of the voters being given the power to invoke this remedy, and thereby hang up and suspend the operation of what may be a very valuable and useful law, because, perchance, the American Express Co. or some other special interest does not want it to go into effect. That is done sometimes.

Let us look at both sides of it. I think the petition should be signed by a larger number than 5 per cent, but I am heartily in favor of the remedy as an emergency weapon, and I would oppose its repeal; so would the people of South Dakota.

But how far are we going? There is a proposition in my State now to have what they call a party recall. What do you think of that? The theory of it is that when the officer is elected and installed he is a tool and instrument of the party which elected him, and the other people are to have nothing to say about it. If a certain percentage of the people belonging to his party petition for his recall, then he must submit to their dictation, having bound himself by written pledge to resign his office. Where are we going when men are found who seriously propose such schemes of partisan control over public officers as that?

The majority, the deliberate majority, of this country will never agree to such propositions as these. The deliberate, thoughtful majority of this country will hold to these constitutional restraints upon the action of the impassioned, hasty, impulsive, temporary, shifting majority. Our fathers believed in them, and we will continue to believe in them no matter how many extremists may preach a different doctrine. You can not carry a State in this Union, after deliberate and fearless discussion, in favor of any such revolutionary proposal as this recall of judges, in my opinion.

Now, I think, Mr. President, I have uttered my protest pretty emphatically. I believe those who think as I do ought to utter an emphatic protest.

But you ask me what am I going to do about the resolution admitting Arizona. I confess I never had a more difficult question to settle with myself. Much as I oppose the principle of putting the recall of judges into the constitution of Arizona or into any other State constitution—and if such a proposition were proposed in my State I would travel over it and protest against it everywhere—this question comes up to me: If the people in Arizona wish to put into their organic law something that I believe they should not, and yet something which they can lawfully put there and which is a matter they must determine for themselves, why should I say they shall not do so?

They may have had troubles there. They have been living under a carpetbag government. Senators from the South know what it is to live under a carpetbag government. So do I. I began my practice in a Territory where every judge before whom I tried cases came into the Territory with a commission in his pocket. He had no common interest with us. He was there to serve a term and go back at the end to his home in the East; and if ever I had experience with snobs, arbitrary and petty tyrants, who thought they owed nothing to the people of the Territory or to anyone on earth except to the power which appointed them, it was with these carpetbag judges.

Arizona may have had an experience of that kind; I do not know. It may be that experience of that kind explains why they have been tempted to put this dangerous provision into their constitution.

If Congress should admit Arizona into the Union with this constitution which provides that their nisi prius judges shall be elected for only two years, with the power of impeachment, they certainly do not need any such remedy as this.

But they appear to want it, and I am disposed to let them have it, after making my protest against it. I give that as the explanation for my vote, notwithstanding my earnest denunciation of this principle.

But what is the reason for asking for the recall of judges all around over the United States? The Senator from Oklahoma [Mr. OWEN] printed a list of the States, showing that they all have provisions for impeachment, and the great majority of them have provisions for the removal of judges by the governor upon the address of the legislature supported by a two-thirds vote. It is very seldom that existing remedies are invoked, and they say, "This will never be invoked." If it never will be invoked, what do they want it for? It is the extreme cases in which it may be invoked that measure the danger. If they come only once in 50 years, it may be in a case in which it will be an awful weapon in the hands of an infuriated crowd. We must consider that in measuring its danger. That is why I oppose it.

Mr. President, I have talked with a good deal of energy and emphasis here, but I make no apology for it. It is because I have been trying, not in polished and finished phrase, but with earnestness, to faithfully express the convictions of my innermost heart. Having done that, Mr. President, I yield the floor.

Mr. CLAPP obtained the floor.

Mr. THORNTON. If the Senator from Minnesota will yield to me for a temporary interruption, not exceeding five minutes, I will be very much obliged.

Mr. CLAPP. I yield with pleasure to the Senator from Louisiana.

Mr. THORNTON. Mr. President, I had not expected to say anything on the subject under discussion and would not do so now if it had not been for the statement made on the floor of this Chamber yesterday by the Senator from New York [Mr. ROOT] to the effect that every vote by a Senator in favor of the admission of Arizona with a constitution as it is now presented to us signified that Senator's approval of the recall of judges, and every vote cast by a Senator against the admission of Arizona signified his disapproval of the recall of judges. Inasmuch as I do not favor the recall of judges, but do intend to vote for the admission of Arizona with that feature in her constitution, I can not permit that statement to pass unchallenged.

I am perfectly sure that my opposition to the recall of judges is quite as sincere as is the opposition of the Senator from New York. But I am also sure that I have not the right, because of my objection to that feature of the Arizona constitution, to deny statehood to that Territory on account of my disapproval of a measure which has the approval of the people of that Territory and which affects her citizens only and which does not violate any provision of the Constitution of the United States.

In the closing days of the last Congress, when this measure was submitted to the Senate, I voted for the admission of Arizona with that feature in her constitution, and I did so for the reasons I have just stated.

On my return to this extra session I found on my desk a letter from the nonpartisan statehood committee thanking me for my attitude on that matter, and I at once replied that my vote must not be construed as an approval of the recall feature of their constitution, because I did not approve of it; but it should be construed as a recognition of the rights of the people of Arizona to make their own constitution according to what they thought was best for their own people, and I would continue to recognize that right just as long as the question came up before the Senate. Later on I was waited on by a delegation from that committee, and to them I repeated verbally what I had previously written.

If my own State enacted a law which concerned her citizens only and did not contravene any provision of the Constitution of the United States, I would resent the attempt of any outside body to invalidate that law because it did not agree with their individual opinion. I consider that the people of Arizona have in this respect an equal right with the people of Louisiana. I can justify to myself my vote for the admission of Arizona as

a State containing this measure, but I could not justify to myself my vote against the admission of that Territory as a State because it contained a measure not meeting with my personal approval, but solemnly and deliberately enacted by the people of that Territory, believing it to be for their best interests.

For these reasons I shall vote against the Nelson amendment.

I thank the Senator from Minnesota.

Mr. CLAPP. Mr. President, this debate, as usual in the Senate, has finally taken a very wide range. We have been treated at one extreme with the reproduction of the French Revolution with all its horrors, portrayed with a rapidity and vividness suggestive of a modern moving-picture panorama, apparently unmindful of the great historic truth that revolutions are simply the fruits of delayed reforms. At the other extreme we have been treated to the picture of incongruous, absolutely impossible situations, with a seriousness on the part of the artist which would really indicate that the artist regarded as possible that which is not only improbable but also impossible.

Divested of these extraneous matters and relieved somewhat from the hysteria which I must, in candor and frankness, admit I can but believe has been in part inspired for a purpose, the question before the Senate is whether the Senate, so far as it has the authority, shall admit the Territory of Arizona with a constitution to the liking of the people of Arizona, or whether we, assuming a superior knowledge and coming from various States of the Union, but none of us from Arizona, shall arrogate to ourselves to say what shall be wise for Arizona, and by mere brute force compel the citizens of that prospective State to surrender the rights of freemen and adopt a constitution in consonance not with the views of the people of Arizona but to conform to the views of men who never have and probably many never will even cast a shadow within the confines of Arizona.

I must refer to the situation which exists ordinarily in Territories. The first settlers of a Territory present a picture that appeals to the average American citizen. There is something grand and heroic about the real pioneers. They carry, in a certain sense, their lives in their hands. They are the pioneers who blaze the pathway for the civilization which is to follow. It is a striking tribute to the lawmaking genius of the Anglo-Saxon that the first wave of pioneer life, in advance of the legislature and in advance of the courts, establishes a condition of law and order where justice, without the refinements that are later wrought out in our judicial system, is administered with a broad and liberal spirit, with a fairness seldom equaled when all the complicated machinery of government has followed in the wake of the pioneer.

Following the real pioneer, when population is dense enough to form a Territory, there come two great generic classes of people. There is an inviting field in the Territory for the man who is of constructive genius, who goes there not alone to build himself a home but to develop a waste and make it blossom as one of the flowers of civilization.

Accompanying that, along another line, there is another class of men who find an inviting field in the Territory. They are the men who believe that in public service they may really serve the public, and they seek the political opportunities of a Territory.

But, unfortunately, in this world the evil seems to mingle with the good, and accompanying these somewhat venturesome but decently inspired streams of immigration there follow two others. First, the lawyer who has outworn his welcome in convention and court and must find a new field for exploitation. Under the benign influence of patronage he is appointed to a position in the new Territory. In view of his somewhat frayed and tattered reputation, one would think that the appointing power was inspired by a generous impulse to make a return for past services. But although this lawyer has outworn his welcome in convention and in court, he can still in the livery of heaven serve the devil as a Territorial judge.

Let me digress to say that upon the bench in some of these Territories there are men who, less conspicuous in their field of operation, have displayed as high and inspiring an impulse and devotion to the public as any man upon any judicial bench. But, unfortunately, the Territory has become the dumping ground for the worn-out, played-out lobbyist.

Following in his wake and along with him there is the politician who not only has worn out his welcome at conventions, but has worn out his welcome even with the people. He must find a resting place, and he is dumped into the Territory.

In view of his somewhat depleted political capital, one at first glance would think that the appointing power that gave him this reward was actuated by a spirit of generous regard for past services. Far from it, for although he is somewhat shattered, he is still literally "in the ring"; he can still serve the same master mind, in the background, in the Territory, by appearing as a formidable adjunct in local, and in securing delegates to national, conventions.

Associated with these two benevolent individuals there is another form of citizen who invades the Territory as a field for exploitation, and that is the man who is the servant of the big master, but the master of the small servants—the man who is in touch with great and important interests. He seeks the Territory not to make a home, not that the wilderness may blossom, but that he may exploit the resources of the Territory, material and political. He finds and, by the natural kinship of the vicious, recognizes his allies.

These three forces form as unconscionable a bunch of commercial and political plunderers as ever oozed up through the seepage of our complex civilization. New Mexico and Arizona were no exception to the common fate of Territories, and they were not without this plunderbund exploiting itself in both those Territories.

It has been said the time has come when we should speak plainly upon this floor; and without any unnecessary zeal, seeking to avoid the possibilities of exaggerated expression, I propose to deal with this subject to-day without gloves. The genesis of the pending resolution is as follows:

Some time ago Congress passed a law known as enabling acts, providing that the people of New Mexico and Arizona might call constitutional conventions for the purpose of creating constitutions that they might be admitted to the Federal Union. The fact that Congress passed these enabling acts amounted to a decision by Congress that the Territories were sufficiently populated and the people were capable of self-government, and so far as these two questions were concerned were entitled to be admitted to the Union. So that phase of the question is eliminated from any further discussion.

The plunderbund is always a small minority in a Territory. The trouble is that the man who has gone to the Territory to make himself a home; the man who has gone there permanently—having no participation in the political affairs of that Territory except within a very limited scope—is not encouraged to participate in political affairs; but this group I have described have nothing else on earth to do except to look after the politics of the Territory. Then they are backed with the prestige of the powers, both political and commercial, behind them. So a minority small numerically becomes, at times, an overshadowing force in the machinery of legislation and political methods. This is too true even as to States, but especially so in a Territory, where the lessened participation lessens interest.

Under this law to authorize the gathering of these constitutional conventions, New Mexico held a convention. I do not know how it happened; it may be that the population of New Mexico is more scattered; that it can not exercise itself in such a concrete form as the population of Arizona. All I do know is that, judged by the character of the New Mexico constitution, judged by the avidity with which it was approvingly hailed by every friend of special privilege, it was very evident that this plunderbund had succeeded to an overshadowing extent in framing the New Mexico constitution. In saying this I would not discredit or minimize the fact that there are thousands of good, loyal, home-seeking, well-meaning citizens in New Mexico; but in some way they were unable to cope with the forces arrayed against them.

The enabling act in each case provided that when the constitution came to Washington it should be submitted to Congress and the President. Congress might approve it; the President might approve it. If the President did accept it, then if Congress did not affirmatively disapprove it before the end of the next regular session it would become a valid enactment.

The New Mexico constitution met the approval of the President, but the Arizona constitution did not.

Now we turn to the conditions in Arizona. The distinguished Senator from New York [Mr. ROOT] yesterday used an illustration in describing the genesis of free government when he referred to the Battle of Concord and the Battle of Lexington. As I recall history, the "embattled farmers" of Lexington and Concord risked their lives not to keep from the people the right of government, but to give the right of government to the people, yet the Senator used this illustration in an argument against the pending resolution.

It so happened that in Arizona they were more quickly aroused; they were able to more quickly come together as a concrete force, at all events; and the well-meaning people of Arizona triumphed. They made popular government the issue in the election of the convention which submitted a constitution to the people, a constitution which gives the people the fullest possible direct participation in State government, and after a campaign of unusual interest they adopted the constitution

almost four to one. Their proposed constitution did not meet the approval of the special interests nor their political allies.

I want to refer for a moment to the struggle of those people in their courageous effort which resulted in securing their proposed constitution. I know something of it, because it has been my fortune to be more or less in communication with them. Many of them are personal acquaintances of mine.

When the question came up for the establishment of a constitutional convention in Arizona the power of the men who sought to exploit the Territory for selfish purposes, political and commercial, was arrayed against the men who were fighting for self-government. I am reliably informed that a Cabinet officer of the Government entered the Territory of Arizona and threw the weight and prestige of his great office in conjunction with the plunderbund, in its efforts to prevent the voters of Arizona from adopting a constitution in the interest of the people of that Territory. They were threatened by the great corporations operating there that pending and contemplated development would cease in the Territory. I have been reliably informed that a representative of the Government pointed one of the editors of Arizona who was favoring the constitution to the site whereon it had been decided to place a public building, and suggestively inquired whether he thought more of the constitution than he did of the public building. It should be said to the everlasting honor of the editor that he held the right of self-government above all other considerations. I undertake to say to-day upon the floor of the Senate that, barring the sacrifice of life and blood, the grand struggle of the people of Arizona to establish a free government upon principles that are the inevitable logic of free government and in the interest of the people, instead of being a contrast with the "embattled farmers" of Lexington, is a splendid supplement upon the field of civic life and civic development in the sacrifice for civic righteousness to the sacrifice and devotion that manifested itself at Concord, Lexington, and Bunker Hill. The Senator was, I fear, unfortunate in citing the example of the "embattled farmers" of Lexington in his argument against the political rights of the "embattled farmers" of Arizona.

The people of Arizona succeeded in their effort, and by a vote of 12,847 for and a vote of 3,822 against, secured their constitution—a vote of almost 4 to 1.

And now the question which confronts the Senate is whether or not the Senate, within the power which it may exercise, shall accord to those people that form of government recognized to be republican within the purview of the Federal Constitution, which they themselves selected in defiance of all the power and threats that were brought to bear and made against them, or whether, arrogating to ourselves the assumption of a superior knowledge, we shall use the mere brute force of votes to deprive them of the right to have the government which they themselves have twice solemnly declared they desire.

The Arizona constitution, with its broad recognition of the right of a people to govern themselves, independent of the dictum of bosses, lobbyists, and special interests, did not meet that general approval in certain circles which the New Mexico constitution met, and as a result a resolution has passed the House providing for again submitting to the people of Arizona one phase of the proposed constitution.

It seems, when we come to analyze this constitution, that what has so disturbed the serenity of the reactionary spirit in and out of the Senate is the fact that the people of Arizona propose in their constitution nothing experimental at all, but propose to simply retain that which originally and naturally is the first fruit—in fact, the very heritage—of free government itself, and that is the right to be a part and parcel of the Government. They, in common with other States, propose to delegate some authority to a legislature, but they also propose, in case the legislature does not pass laws which it ought to pass, that then, not as an experiment but as an original proposition in the exercise of the power which originally is given a free people, the people themselves, with a certain percentage asking for it, and in certain orderly methods prescribed by law, shall reserve the power to legislate for themselves and in the interest of all the people. This is called the initiative.

They also propose that a governor may have the right of veto as is usual, but, inasmuch as this is a delegated power, because primarily the people themselves would have that right, instead of experimenting in reserving the right, they place a limit on the experiment in granting the right of veto by reserving the ultimate right to themselves. That is, if a bad law is rushed through the legislature by sinister influences and the governor will not veto it, the people may do so themselves. This is called the referendum.

They also propose, instead of administering the law without let or hindrance, without delegation of authority, which would be the primary exercise of the right of a free people, to delegate its administration, as is usual, but reserving to themselves the right, inasmuch as they vote for an officer before they know what kind of an officer he will make, to vote against him when they discover what kind of an officer he actually turns out to be, should he prove unsatisfactory. This is what in common parlance to-day is called the recall.

These are called by their opponents "experiments," and we are constantly met by the statement that the initiative, referendum, and recall are experiments, when the fact is just the reverse. The natural fundamental thing is for a people to act for themselves. When they delegate the function to others, such delegation is the experiment. It may be necessary, but none the less experimental.

I want to submit this case to the Senate: Take an individual who has acquired some property. He delegates to an agent the management of that property, but reserves to himself the right to terminate the agency when he finds, in his judgment, the agent is not fulfilling the full measure of the service of that employment. We are now confronted with the proposition, strange as it may seem, that to reserve that right is an experiment. I want to remind the Senate that the bestowal of the authority to the agent is the experiment, and the withdrawal and restoration to the principal is a fundamental principle, natural and not experimental. So in government, the moment you reach the point of free government every single delegation of authority is experimental. The natural logical thing, just so far as a free people can, in view of a wide extent of territory and dense population, would be to do these things themselves; and every delegation of authority is an experiment. The retention by or restoration to the people of the authority is not the experiment. No one holds official position in higher honor than myself, yet we must not lose sight of the fact that after all public officials, from President to postmaster, are simply public servants; the positions created and persons selected not for their benefit but for public service.

For one, I am not very much exercised over the result of this vote. A great many people who believe in progressive policies and progressive principles are somewhat unduly the subject of worry and disappointment if, for any reason, the progress of a movement is temporarily delayed or misdirected. That never worries me for a moment, because I realize that a fundamental principle can no more be permanently stayed than the operation of any other natural law. The forces which make for a policy ultimately in free government are as absolutely resistless as is the law of gravitation.

Reference has been made two or three times during this debate to the relation of Deity to the genesis and history of free government, so I have no apology to offer for making one myself. I want to say that when the Master had completed that short, brief, and marvelous ministry he had set in motion a force that somewhere and sometime in human history was destined to find fruition in free government. Those who opposed free government might attempt to thwart it, those who honestly feared its progress might with calamitous conjuring of overwrought fear rebuke it, or with supercilious contempt they might sneer at its policy, but no human power could prevent its final fruition.

For 18 weary centuries it dragged its length across the pages of human history, sometimes held temporarily in abeyance and sometimes diverted, but ever moving onward, obedient to a resistless law, until finally it found its fruition in a broad sense in the establishment of this Government. I want to say, supplementing that, that obedient to that same great resistless law, the moment that free government became an established fact there was a force supplementing the forces which had developed it from its foundation that was to develop it to its finish. Under that force while men may sneer and men may honestly fear—and I pity above all men the man who honestly fears human progress, because he is doomed to disappointment—by a law as absolutely resistless as that law which through those 18 centuries led to free government, free government is bound to lead to popular government. You may by cunning devices divert the current of human purpose, you may by force and fraud seem for a time to stay its progress, but day by day it moves majestically to its final goal, and its final goal is popular government. The spirit which led man from Calvary to Independence Hall, from Lexington to Yorktown, from Fort Sumter to Appomattox will in the peaceful field of civil development lead him from the point where our fathers left free government, suspended between the twin fears which sat as ominous watchers, to its final analysis, a government by the people in fact as well as in theory.

A great deal has also been said in this discussion about the fathers of the Constitution. I yield to no man in my devotion

to the loyalty, the patriotism, and the wisdom of the men who founded this Government; but they were only human. They had no vision beyond the most thoroughly possible developed human vision; nor can we forget that much of their work was accepted by a narrow margin in the constitutional convention and by a narrow margin when it was adopted by the States. They made the Constitution, and the Constitution contains certain declarations of principle; those declarations of principle never have been and never will be repealed, not because of the wisdom of the men who formulated them, but because principle is immortal and immutable.

On the other hand, they placed in that great instrument certain limitations upon the free play of the natural forces of free government, not the guaranties of principles which I have just referred to, but limitations upon the natural direction of the spirit of free institutions. Some of those limitations have already been removed by natural operation; and I believe that every single limitation in the Federal Constitution which is a limitation upon the ultimate exercise of the right of free government by a free people in the manner best adapted to their use will inevitably yield to that law of free government which carries free government in its last analysis to popular government.

I want to illustrate some of these principles. The men who framed the Constitution had just escaped from the tyranny of government, and they were afraid of government. The result was that they sought to minimize government. You find that effort running all through the Constitution and the history of the Constitution. On the other hand, they saw around them the effects of a democracy subject to that turbulent spirit that always succeeds the time when the cohesiveness of a common danger has passed and the cohesiveness of a settled purpose has not yet developed. So, they were afraid of the people; and, while on the one hand they sought to minimize the power of the Government, on the other hand they sought to minimize the power of the people; and thus between these two great fears those men worked and wrought at the foundation of this Government.

Among other things they feared to have the people vote directly for President, and the consequence was they developed the idea of an electoral college. No student of the Constitution on this floor will, I think, dispute me when I say that the primary idea of those men was that the electoral college should be as absolutely independent in the performance of its functions as the voter was in the selection of the members of the electoral college itself; but here they ran counter to the law to which I have referred. You can no more establish an open, outward barrier against the final exercise by the citizen of the right of suffrage than you can turn back the wheels of human progress. The result was that in a few years the American people practically did away with the presidential elector, although they still retain the form.

Without ever changing a line in the Constitution the American people began a process whereby to-day within the States, of course, counting the votes within the States, the American people as absolutely vote directly for President as though there were no presidential electors on the ticket. In my State, and no doubt in other States, they have gone so far as to provide that the voter need not even go through the formality of voting for the elector, but may mark his ballot opposite the name of the presidential candidate, and that carries ipso facto the vote for the electors.

Now, we are told that the casting by the people of a direct vote for President is an experiment. Why, Senators, the delegation of that power was the experiment. The natural thing was for the people to have voted for President as they voted for governor or constable. The delegation, I say again, was the experiment, and, at the risk of tiresome repetition, I am going to emphasize that thought, because running all through this discussion in Congress and outside of Congress is the idea that we are presenting some new things here; that we are asking for changes and experiments, when the fact is we are simply trying to bring something to bear looking to a reduction in the scope of experiments in delegated government, which have been tried and too often found wanting.

By the same token—and here I am going to startle my Bourbon friends, if they take any stock in my prophecy. They may reject the prophecy; I am not a prophet myself nor the son of a prophet, although I was named after a gentleman who had some little local reputation along that line; but I am willing to risk his reputation as a prophet on what I am now going to say—that is, that by the same resistless logic of sequence by which the American people finally came to vote for President they are going to establish a method by which they can directly nominate a President. It is absolutely foreign to our theory of government that any man, I care not how good or how bad he may be, should have the power, through patronage and the tremendous prestige of an administration, either to name his successor or to renominate himself. So, startling as it may be to some of our reactionary friends, five States of this Union have already passed laws where the voter within his party—not experimenting, but withdrawing the experiment, which has proved a direful failure, of delegated power to political bosses and Federal machines and exercising it himself as an original power inherent in free government in the hands of free men—is now in a position to determine for himself who the choice of his party shall be as presidential nominee.

The makers of the Constitution tried another experiment. They did not think that the people generally could be trusted with the election of United States Senators, and so they provided for the delegation of this authority to legislatures; and now, when we propose to restore that power to the people, hands go up in holy horror at the suggestion of "a novel change," of "an experiment." Again, I remind Senators that the natural thing for the people to have done was to have elected Senators as they elect governors. The experiment was in trusting the agent, and withdrawing that trust is not the experiment, but a return to the natural order of things. The experiment was in first granting it to the agent. So, State after State, obedient to the great law which I have described, has formulated a system whereby to-day the American people can exercise their own will and their own choice in the selection of United States Senators.

A good deal has been said during this debate from the standpoint of "holier than thou," on the assumption that a few men know more than everyone else; that the people must be guarded against their own indiscretion. It happened to be my privilege to be the first man who ever on the floor of the Senate advocated the election of United States Senators by the people from the standpoint of the benefit to the Senator himself.

I came into this Chamber 10 years ago, and I began to study the membership of the body. I saw sitting down here a great Senator from the State of Massachusetts, Mr. Hoar. I saw a man who seemed to be absolutely oblivious to the ordinary political methods and the power of political bosses and machines; and knowing that behind every effect there must be cause, I began studying the situation in that State. I found that while Massachusetts had its fair average of political bosses and machine methods, yet in conjunction with the great character of her Senators, like Sumner, Wilson, and Webster, the people of Massachusetts especially, with reference to this Senator, had developed a plan whereby they placed him and his office above the political methods and machine forces of that State. And so, instead of finding that he had lifted himself above his environment, I found his environment had been lifted to a higher altitude.

I then took up the study of a southern Senator, many years my senior, whom I came to love almost as a son loves a father. I refer to the great Senator from Alabama, Mr. Morgan, the man whose mere dictum upon this floor was almost the conclusive declaration of constitutional law. I found that man, in turn, seemed to be absolutely oblivious of all political methods and machine forces usually surrounding a United States Senator. Recognizing again that for every effect there must be a cause, I studied the situation in Alabama, and I found that they not only had developed the primary system, but had carried it so far that when a Senator passed from his seat and the people came to nominate his successor through primary election they nominated two, one to take the office immediately, the other, in case anything happened to him between that time and another primary election, the governor, if it was to be an appointment, the legislature, if an election, would be guided by the will of the people, practically carrying the nomination of a Senator to the second degree.

Then I could understand how that man who so long adorned a seat here could be so independent. He was independent in the sense not that he had lifted himself above an environment, but his environment had been lifted to a higher level. Then it was that it came to me, with a force that it had never come before, that we want the direct election of United States Senators not alone as a right on the part of the people, but as something that would add prestige and dignity to the office and to the strength and independence of the Senator himself.

Now, the delegated elections of President and Senators were not the only experiments which were tried. These men, laboring in the shadow of these two great fears, sought to minimize the power of government.

The first draft of the Federal Constitution contained the word "nation" 23 times. My memory may be at fault, but I think that was the number. In the second draft it had been stricken out 12 times. I am speaking again from memory. And now, without any question as to the correctness of my

statement, before it was finally brought for submission to the American people, the word "nation" was stricken out wherever it occurred. The people who framed this Government were afraid of a nation. They had escaped the tyranny of one government, so they sought to hold down the power of the Government which they were creating.

But no great people could ever work out their destiny, no matter what form of federation they had. It requires a nation that a people may reach their highest destiny. And so the American people, notwithstanding the limitations of the written Constitution, proceeded to build a nation. Almost the first act was that of Thomas Jefferson in the acquisition of the Louisiana Purchase; and I want to say here it will always stand as a splendid monument to the patriotism of Thomas Jefferson that he lifted himself above the environment, above the shackles of tradition and the advocacy of the strict construction of the Constitution, and favored an exercise of authority which, with one possible exception, was regarded by all public men to be in excess of constitutional warrant.

It was even proposed that the Constitution might be amended and this purchase ratified, but the American people had started to make a nation of this people, and they did not stop to ratify by amendment to the Constitution.

From there we went on until to-day this Republic is not only engaged in work within our borders far beyond the dream of any man of that age, but also engaged in the construction and operation of railroads and canals in territory beyond the sea.

The next great step in making a nation was the decision of John Marshall. But I want to say that no judicial decision ever made a nation. A nation rises superior to written law, and it can only rise by virtue of an inspiration in the hearts of the people. It can only be cemented by the blood of a people. We have been treated to-day to the picture of a mob here and a mob there. I remember, as a boy, when the great city of New York was throbbing and quivering in the clutch of a mob, showing that within democracy there was evil. But overshadowing that mob in New York there stretched from one ocean to the other two contending hosts, one battling to maintain the Union, the other battling to sever it; one possibly as honest in its convictions as the other, but a host which showed that above all selfish purposes the great bulk—the great rank and file of citizenship—can rise to sacrifice, and in that spirit of sacrifice can alone be found the final sheet anchor of free government.

It is not in judicial decisions. Every mob but one that the Senator from South Dakota referred to to-day was formed in the very shadow of the judicial power which he said would be broken down if the right to recall a judge was given to the people. Every exercise of that mob force that he so eloquently and so vividly depicted this morning was in the very shadow of a condition which he protests against being touched or changed by the unholy hand of this progressive movement, which is based upon the belief that you can no more stop halfway down the hill than you can stop the law of gravitation itself.

When the shattered squadrons of Lee melted away at Appomattox the American people, not by judicial decree but in a sea of blood, amid all the horrors of war, had put the word "nation" back into the Constitution, to remain there as long as this Republic, under the protecting ægis of Deity, shall be the vanguard of human progress.

I simply cite these things to show that it is no reflection upon the wisdom of our ancestors that we have been obliged to go beyond their views upon these questions.

The distinguished Senator from Utah [Mr. SUTHERLAND]—and no one will accuse him of being a radical—and the distinguished senior Senator from Michigan [Mr. SMITH]—and no one will accuse him of being a radical—both to-day admit that this sacred instrument was a mistake so far as the election of United States Senators goes. But the peculiar logic of their attitude is that they tear from this holy shrine that particular trapping they have denounced, but to touch one more thread is unholy desecration—I must suggest it savors of egotism—the putting of the judgment of a few against the fixed purpose of the mighty millions of freemen who make this Government all that it is.

Now, having analyzed those changes, I come to the more direct propositions involved in this joint resolution that has come from the House. It provides that the people of Arizona, who have framed their constitution with an initiative, a referendum, and a recall, may have the recall in case they vote once more upon that question. But my distinguished colleague, the Senator from Minnesota [Mr. NELSON], has offered an amendment providing that they can come in only upon their absolute rejection of the right of recall of judges.

I am loath to differ with my distinguished colleague. He and I have been political companions for a great many years, running back on my part almost to my boyhood. But it so happens that we are alike in one respect—neither one of us has acquired the habit of permitting anybody else to do our thinking, and consequently we sometimes differ. I can not support his amendment. I think the pending resolution is sufficient, even for those who do not themselves believe in the recall.

Now, it is proposed by the pending House resolution that the people of Arizona shall vote again, and whether they reject or retain the right of recall, they may come in; but, that it may be said their action heretofore may have lacked deliberation, they are to vote again. It would seem as though that was enough. First, they braved all the power, political and commercial, of as vicious a plunderbund as ever invaded a Territory in electing the members of their legislature. They braved that same force again in framing their constitution, and now we ask them to once more exercise their deliberate judgment in the face of this tyrannical and overshadowing force.

It does seem to me that when we say to the people of Arizona, "You, perhaps, have acted without consideration; we think you ought once more to act," we have gone to the very limits of the arrogant power which reactionary force ever assumes toward the spirit of human progress. And to say to those people that under no circumstances shall they come into this Union with the recall, is an exercise of arbitrary power that is unwarranted and unjustified. If we were passing a Federal law which would affect the people of our States, and it seemed to us from our knowledge of the views of our constituents that they did not desire the recall, that would be another question. Here we are attempting to say to the people, who as yet have no Representative upon this floor, except the mute eloquence of their own solemn decision, that they not only shall not have what, by an overwhelming majority, after a full canvass, they have decided they desire, but it is proposed that they shall not even pass upon the question. That the price of statehood shall be the absolute surrender of their convictions upon a vital question is not only the unwarranted exercise of brutal power, but it is even worse. It is a covert attempt to bribe the electorate of a prospective State to vote against their convictions in order to have the privilege of American statehood. A fine lesson, indeed, to place before a free people at the threshold of their entrance to an enlarged right of suffrage.

If my State had adopted this measure, and it was possible for this Congress to place a check upon it, I would, if an appeal for fair play fell upon deaf ears, stand here until men less vigorous yielded in the struggle of nature before I would ever surrender the right of Minnesota to legislate for herself; and as those brave people of Arizona have no direct and personal representative upon this floor, I believe it is the duty of the men who believe in free government, who believe in patriotism, in loyalty and devotion to principle, to stand here in defense of the right of the people of Arizona to frame their own form of constitution within the recognized limits of the Federal Constitution; and no one contends seriously that that question is involved; no one who knows the people of Arizona would even suggest its consideration.

Now, let us see what all this frenzy and fury is about; why this conjuring and reproduction of the French Revolution; why this array of mob excitement; why this prophecy, doleful as it is, that we are tearing down the pillars of free government, all because the people of Arizona believe not in an experiment of self-government, but in retaining the right of self-government, and limiting the experiment of delegated authority; and that is all that is involved in the genesis and philosophy of that discussion. Talk about our seeking to tear down the pillars of free government! Popular government is aimed at the political boss, the lobbyist, the special interests masquerading in the form of public service. If these three forces constitute the pillars of free government, God, indeed, is merciful that he veils from our vision the final wreck and ruin of the Republic.

If you could imagine grouping a thousand people at some point where there was no form of law and order, the first thing those people would do would be to prescribe rules, not for the majority—Heaven knows, the struggle of the ages has been the struggle of the majority lacking organization against the tyranny and the viciousness of the few exerting an ever preponderating power through the genius of combination—our laws against murder are not to restrain the majority, for, fortunately, the majority of Americans are not prone to murder, but they are to restrain a small and vicious minority. So that thousand people would gather and prescribe some kind of law and order.

Now, what would be the natural thing? It would be for those people to decide for themselves their rules, and if they undertook to delegate that to a council that delegation would be the experiment; the exercise of the original power would be the

natural thing. That is all there is of the initiative—that while we seek to establish a legislature, yet as we are experimenting with the legislature we reduce that experiment to the minimum by reserving the right to pass laws where the legislature refuses to pass the laws which it should. This action is initiated upon petition and proceeds in regular form.

Then what would be the method by which those rules would be rejected? Just take it home as a simple illustration. Those people would naturally reserve the right to repeal the rules which they had established, and so in establishing and advocating the referendum we are not dealing with an experiment, but we are reducing the experiment of a delegated veto power by reserving as much of it as we can to our own hand.

Talk about new-fangled notions; talk about experiments. The experiments have been the delegation, not the retention, of the natural and inherent power.

When it comes to the selection of men to serve those people, the 1,000 primarily and naturally would vote for those agents and they would retain the right to terminate their employment. The moment you delegate the power to elect those agents, the moment you fix, no matter how narrow, the tenure of their office, that moment the experiment comes in. There is no experiment in the people taking back that which they inherently, naturally, and originally had any more than it would be for a man, as I have already said, who had acquired property and found it perhaps wise or expedient to authorize an agent to manage it, to recall to himself his power and to discharge the agent, and it would not be the experiment. The experiment is in trying the agent in the first instance.

While the sole question before us is, "Shall the people of Arizona have the recall if they desire it?" yet it may not be amiss to point out some of the fallacies contained in the arguments against the recall.

As to the recall, some assert they favor it for legislative and administrative officers, but that to apply it to judges would lessen their independence. I maintain that the independence and fearlessness of judges, administrative and legislative officers, each and all, are absolutely indispensable to the permanency of our institutions. If the power of the people to recall an officer would lessen the independence of one, it would of all. To say that the recall is desirable for administrative and legislative officers, but not for judicial officers, because it would lessen their independence is to tacitly concede that there is no crying need of preserving the independence of administrative and legislative officers.

The time was when our courts dealt only with the conflicting claims of individuals and the vindication of the criminal code. Under our complex condition courts to-day make and unmake laws. They even alter the Constitution. They may declare one day that the Constitution is broad enough to cover a statute; the next day that same Constitution is not broad enough to cover the same statute, and the next day once more declare that the same Constitution is broad enough to cover the same statute.

This, while done from the bench, is none the less a political function, and the control of that function by the people should be as open and complete as the control of any political function.

Again, under our complex system, the legislature deals not only with the material welfare of the people, but with their morals and health, subjects as sacred at least as the political questions dealt with by the courts. The opponents of the recall say judges would be apt to render decisions in the shadow of a possible impending appeal to popular favor under the recall. All elective judges to-day have to render decisions under the shadow not of a possible impending appeal to popular favor, but of an actual impending appeal to popular favor when rendered upon the eve of a desired reelection. Yet who would say our judiciary is swayed by that consideration?

The recall is not aimed at the upright judge. He has no more to fear from it, it could no more hold him *in terrorem* than an approaching reelection. It is not aimed at any faithful officer any more than the criminal code is aimed at that great majority of our people who abhor crime; nor does the history or attitude of our people toward our elective judges justify the claim that they can not be trusted to deal fairly with the judges as regards their reelection. The claim that the recall would intimidate the fearless judge on the one hand or lead to an unreasonable exercise of the suffrage by the people on the other hand is refuted by the fact that our judges fearlessly perform their duty in the face of approaching reelection, and the people retain the faithful judge ofttimes to a point where retention of salary and official power becomes a grateful tribute from the voters for services already rendered the public rather than a return for further services which advancing years lessen the possibility of being rendered.

To my mind, speaking with deference to those who make the argument, it seems little short of an unwarranted reflection on both judges and voters to say, in the light of our everyday experience, that the fearless, upright judge will quail in the face of an appeal to popular favor or that the voters will abuse the use of a recall. But it is said some men are weak. Too true, although fortunately a small proportion. We can not be blind to the fact that in spite of the average high purpose a sinister influence seeks to dominate our political life, securing both the election and appointment of officers, judicial and otherwise, favorably inclined to its interests. The upright, fearless judge does not quail in the face of that force, but the weak man does, and to protect him from that force, to strengthen him when he is weak, the more direct and concrete force of the electorate is developed by the recall counterbalancing that sinister force, which we have found no way as yet to eliminate, although the initiative, referendum, and recall will go far toward not only minimizing but eliminating it as a force which to-day soils the current of our political life.

The argument against vesting this right in the hands of the people is a reflection upon the people themselves. While it is true that here and there a mob may make its appearance, here and there there may be angry passions rising above all restraint, on the other hand there is a sinister purpose that corrupts and invades every channel of this Government into which it can intrude itself, and between those two is the great average of American citizenship which constitutes the composite citizen. It was the composite citizen who, with hardly the shadow of law, fought seven years of a revolution; it was the composite citizen, rising above the limitations of a written Constitution, who solved the problems, physical and political, of the rebellion; when Lincoln declared he had to lock the Constitution in an iron safe to protect it while the Union was being restored and a nation born. It is that same composite citizen who solves every American problem, and it is on his patriotism, wisdom, and integrity that must rest the ultimate power in a free government, upon which must rest the permanency of free government itself.

There is but one power in the last analysis, there is but one balance, and that is the final great rank and file, that equation of American citizenship which has been sneeringly referred to in days gone by upon the floor of the Senate as the composite citizen. Sneer at it as you will, it was the composite citizen who wrought the fulfillment of the prophecy—

> Truth forever on the scaffold, wrong forever on the throne,
> Yet that scaffold sways the future, and beyond the dim unknown
> Standeth God within the shadow, keeping watch above his own.

Those who sneer at the composite citizen forget that, after all, it was that composite force that passed along the cause of human progress in the light of Divine guidance itself.

I want to call attention to another phase of this discussion. Some characterization has been made of the men who are back of the demand for the restoration of popular government. It is not the dynamiter who is the moving power in this restoration of government to the governed. It is the people, who have seen on the floor of the American Senate Senators framing laws to foster unlawful combinations and at the same time forming the unlawful combination itself, which was to profit by the law which they framed. It is the miscarriage of justice. It is the fact that there is a force which must, like a river flow, or else damage will mark its pathway when obstructed or misguided and misdirected. The men who are in favor of this movement, from one ocean to the other, are the rank and file of the people. I submit herewith a summary of States which have legislated upon the subject.

The States in which the initiative and referendum have been adopted as a constitutional amendment are Oregon, Oklahoma, Nevada, Missouri, Montana, South Dakota, Colorado, Arkansas, and Maine. Utah has adopted an initiative and referendum amendment which is inoperative because of failure of the legislature to enact necessary legislation.

The States in which the initiative and referendum amendment has been submitted by the legislatures but has not yet been voted upon by the people are California, Washington, Wyoming, North Dakota, Nebraska, Florida, Idaho, and Wisconsin.

The States that have adopted the Oregon plan of popular election of Senators are Oregon, Nebraska, Nevada, Minnesota, New Jersey, Ohio, Kansas, California, and Wisconsin.

The States that have adopted the Oregon plan of popular vote for candidates for President and Vice President are Oregon, Nebraska, New Jersey, North Dakota, and Wisconsin.

Let us see who is opposed to it, and in this characterization I do not, of course, include all.

As bearing upon the question of the sinister purpose which lies behind this struggle, I want to say, first, that every political

boss in this country is opposed to the Arizona constitution. Every lobbyist is opposed to it. Every special interest, that, under the guise of public service, would place itself on the legislative floor and there assume to hold the balance between the people and the interests, is opposed to it. I do not mean by that, of course, that everyone who is opposed to it belongs to any of these classes. I simply mean that the Arizona constitution in its very nature awakens the hostility of those classes.

I hold in my hand an editorial written by Mr. H. C. Miller, editor of the St. Peter (Minn.) Free Press. I want to say of Mr. Miller that, like the country editor to-day, he is a man who is a student of public questions. There has come a wonderful change in our country press in that regard. Our country editors to-day study these questions; they analyze these questions. I myself, of course, feel especially grateful to the country editors of my own State, for had it not been for their loyal support in my first and succeeding elections I would not to-day have the privilege of standing upon this floor. Mr. Miller says:

> In common with other country newspapers, the Free Press received an offer from the Western Newspaper Union of plates containing a speech of Senator SUTHERLAND, of Utah—

Mind you, not the franked speech, which would cost only the price of printing—and which many of us even sometimes strain our financial resources to print that we may send to our friends and the public our utterances—but plates containing a speech of Senator SUTHERLAND, of Utah—

> against the initiative and referendum. No doubt many papers will accept the offer because of the saving of money, and many other papers, among them the Free Press, will and did refuse the offer because they prefer to say in their own way what they think of the proposition. It must cost a good deal of money to furnish the plates for that speech free to the newspapers, and evidently some one must be deeply interested in getting the measure—initiative and referendum—defeated.

We often hear it asked, "Why is it that this movement for popular government has developed so recently?" There is a reason for it. Down to the days of the rebellion, the great question that engrossed the American people was largely academic in one sense, although intensely practical, as it finally proved. It was a discussion of great constitutional questions. Following the rebellion, there came that wonderful and marvelous development of our industrial activities that taxed the energies of our people to the utmost. It is only within the last few years that the American people have begun to witness the effect of this development, to witness its invasion of every line and every avenue of public affairs from the city council up, or from somewhere else up to the city council, as different statesmen might see fit to place the order. It is only within the last few years that an occasion for an editorial like that would have existed. Now we find this sinister force seeking to prevent a restoration to the people of the powers of self-government. Well may we recall the warning of the departed Dolliver, who so graphically depicted the hand, grown so bold as to forget its cunning, which seeks to dominate all political action to-day, and realize that the time has come when the American people should take the power back into their hands as a potent instrumentality to offset that influence, and to counterbalance in the equation of independence and integrity, of the official himself.

In closing, I shall only add one word more as a plea for the people of Arizona. I want to remind the Senate once more that we face a condition there that is difficult to describe without trenching upon the delicate subject of discussing on this floor the action of other departments of this Government. I refer to the presence of a Cabinet officer using there the great power of his position against the effort of the people to frame their own constitution. They defied that power. They defied the combined power of the corporations, and they defied the power of that force which sought Arizona as it has sought other Territories, that they might plunder and exploit the affairs of the people. The people themselves deprived of full participation in government were engrossed in their effort to build their homes and establish their habitations. Notwithstanding the people of that Territory defied that power, called their constitutional convention and passed a constitution by a vote of almost 4 to 1, we now ask them to vote once more upon that, that there may be no question of what they really desire.

I do think in doing this we have gone to the extreme limit of a just exercise of legislative power, and I believe it would be abominable, iniquitous, unjust, and violative of the spirit of free government for us, by the mere brutal force of votes and numbers, to say to the people of Arizona, "You shall not have a constitution unless you frame it according to our views and our judgment." It is that spirit of "holier than thou" that has brought so much misery to the children of men; that has so stubbornly, although vainly, sought to obstruct the cause of progress. It is counter to the spirit of free government. Free government rests upon the theory that the great rank and file of the people know what they want, know what they should have, and are entitled to be entrusted with the exercise of that power.

Mr. REED. Mr. President, notwithstanding all attempts to avoid the unpleasant truth, the very proposition that is embodied in the joint resolution now before us, and the very proposition that has been from the first contended for upon the other side, is that the Territory of Arizona shall not have equal rights when she comes into the Union, or after she comes into the Union, with the other States. There is no use in disguising facts behind hairsplitting language. The attitude of Senators on the other side is that this Territory shall not be admitted as a State unless she relinquishes her right, a right which every other State of the Union possesses, to recall her judges if she so desires. You propose to follow the ward beyond the date of majority. You put shackles upon him, not to be worn until the day he arrives at the age of discretion. You intend to compel him to wear those shackles when he has become of full age. All this has been well said by the Senator from Mississippi [Mr. WILLIAMS]. I take exception, however, to the illustration you have employed. I take exception to treating the 200,000 people of Arizona as you would treat an idiot under guardianship or a minor who has not arrived at the years of discretion.

I say to the Senator from New York [Mr. ROOT], and I say to the President of the United States, that among the 200,000 people of Arizona there are men who are the equal of any man in this Senate, and if it were not for that reverence we feel for the high office I might even intimate some of them are intellectually and morally the equal of the President of the United States.

To talk about these American citizens who have gone out into that country, who have conquered the wilderness, built cities, maintained law and order, established schools, erected churches, who carried with them education and refinement, and who are capable of fulfilling every duty of the citizen, as though they were children to be guarded by the superior wisdom of the wise men who happen to be in this body, is to insult a brave and a noble people.

I have no quarrel with the Senator from Texas [Mr. BAILEY], who takes the view that this constitution does not establish a republican form of government. I do not agree with his premise, but it affords him logical ground to occupy in his opposition to the reception of this Territory as a State. But when it is admitted, as it is admitted by others here in this Chamber, that this is a republican form of government, then the sole question remaining is, Shall the power of the President of the United States, in the teeth of the declaration of Congress that the State shall be admitted if it adopt a constitution republican in form, be arbitrarily exercised to deny this people admission into the sisterhood of States. I say that whenever a power is arbitrarily exercised it reflects but little credit on the man who employs it.

I have read the remarkable veto message. It amounts to this, and no more, namely, Arizona shall be refused admission because its constitution is not such as I would have written. If this doctrine is to be followed, then no State will hereafter be admitted unless it shall adopt a constitution which is satisfactory, not to its people, who are to live under it, but to the gentleman who happens to sit in the office of President, and who does not live under it. Thus we substitute the will of the President for the will of the people of a State. His decree takes the place of law. The people of Arizona were, by Congress, given the privilege of adopting a constitution for their government. We are now adding a codicil to that law. It reads this way:

> *Provided, however,* That they shall adopt a constitution which, in the opinion of the President of the United States, is a wise instrument.

The President concedes in his message that Arizona's constitution does in fact establish a republican form of government. Having admitted that he has conceded the entire case. No man can deny that. If we abandon the ground that the only proper reason which can be assigned for ever denying a Territory admission is that it has not adopted a republican form of government, we enter a new and dangerous field. We abandon the present constitutional requirement. We, in effect, place a new clause to the Constitution, a new condition in our laws, namely, that a Territory shall adopt a constitution satisfactory to the man who happens then to occupy the position of Chief Executive. When you take that step you pass from a position where rights are based upon a rule of law to one where the right becomes a mere privilege, dependent upon the caprice of an individual. That, sir, is a most dangerous step to take.

Suppose, sir, we were to have a President two years from now—and I will say to you we are going to have a new one—

suppose this new President believes very earnestly in the recall of judges and really thinks that no State should be admitted to the Union unless it adopt the initiative, the referendum, and the recall. Suppose, further, that another Territory were to ask for admission, or this Territory, then being still out of the Union, were to ask admission upon a constitution written according to the views of the present Chief Executive, and the new Democratic Chief Executive or the progressive Republican Chief Executive or what ever he may be should say, "I refuse to admit you to statehood because you failed to put the initiative, the referendum, and the recall into your constitution." Instead of the constitutional limitation we have now we would then have the arbitrary, dictatorial, unjustifiable government of man's opinion. We substitute for the Constitution the mandate of one individual. We place over and above the Constitution the dictum of one man who happens to be President of the United States. I am surprised that the present Chief Executive, who claims to so love the law, who claims to so love the Constitution, who claims to so desire to preserve the bulwarks of our liberty, should be the first to substitute his individual opinion, individual judgment, individual liking for the solemn language of the Constitution of the United States.

Mr. President, I am afraid there are some things in this fight that lie outside of the Constitution, that lie outside of the arguments which have been produced here against this measure. These Territories have been asking admission for many, many years. This Territory was solemnly guaranteed its admission many, many years ago; and they have been discussing for years in those Territories the terms of their constitutions. The initiative is not new in the language of Arizona or New Mexico. The referendum was not thought of merely on the day they adopted this constitution; it had been discussed there for years.

The recall was an old story when the events to which I am about to call your attention took place. There was once a President of the United States; he was then appealing to these people "who can not be trusted to govern themselves"; he was asking for their support then, and I suppose, of course, in this instance looking only for "the sober judgment of the people" that we hear so much about in this Chamber. That man went down into the domain that is embraced by these two Territories, and while down there made a speech. I want to read you some telegraphic copies of affidavits which were made in relation to that speech:

ALBUQUERQUE, N. MEX., *August 10, 1911.*

J. D. HAND, *Washington, D. C.:*

TERRITORY OF NEW MEXICO, *County of Bernalillo:*

D. A. MacPherson, of lawful age, being first duly sworn, deposes and says that he is the publisher of the Albuquerque Morning Journal, and was such publisher on the 15th and 16th of October, 1909; that on the 15th day of October, 1909, he received from the staff correspondent of said publication a report of the remarks of President Taft, delivered at Gallup, N. Mex., on said 15th day of October, 1909, in part in words as follows:

"Now, my friends, I might just as well make the announcement now, so as to relieve any doubt on the subject, that I was elected on a platform that declared in favor of the admission of New Mexico and Arizona as separate States, and that so far as I can properly exercise any influence as Chief Executive—for bear in mind that I am now the legislature—I expect to exercise that influence to carry out the promises of the platform upon which I was elected."

That said above-quoted excerpts from the said remarks of President Taft were published in the language above quoted in the issue of the Albuquerque Morning Journal on October 16, 1909; and further deponent saith not.

D. A. MACPHERSON.

Subscribed and sworn to before the undersigned on this the 10th day of August, 1911.

HARRY P. OWEN,
Notary Public, Bernalillo County, N. Mex.

My commission expires February 7, 1914.

I also desire to read another telegram, as follows:

ALBUQUERQUE, N. MEX., *August 10, 1911.*

J. D. HAND, *Washington, D. C.:*

President Taft, at Albuquerque, October 15, 1909: "I first will say that I will not veto a bill letting New Mexico in. * * * I shall recommend that the promise of the Republican platform, on which I had the honor to be elected President, shall be carried out in good faith, and that the Territories of Arizona and New Mexico shall be admitted to the Union, so that we shall have nothing but States between the Atlantic and the Pacific * * *; but that in the course of this administration you will come in, and come in as a full-fledged State, and come in with a good constitution, I sincerely and profoundly hope, and I mean to bend every effort that I can to bring it about."

D. A. MCPHERSON.

I place in the RECORD, Mr. President, another telegram:

ALBUQUERQUE, N. MEX., *August 10, 1911.*

J. D. HAND, *New Willard, Washington, D. C.:*

TERRITORY OF NEW MEXICO, *County of Bernalillo:*

Harry P. Owen, being duly sworn, deposes and says that on October 15, 1909, he stenographically reported the speech of President Taft, delivered at the Alvarada Hotel, and on said day transcribed his stenographic notes of said speech for the Albuquerque Morning Journal, the said speech appearing in the Morning Journal of the 16th of October, and that the following are excerpts therefrom and true and correct transcript of said stenographic notes, to wit: "I first will say that I will not veto a bill letting New Mexico in [applause], and, second, that I shall recommend that the promise of the Republican platform, upon which I had the honor to be elected President, shall be carried out in good faith, and that the Territories of Arizona and New Mexico shall be admitted to the Union, so that we shall have nothing but States between the Atlantic and the Pacific, but that in the course of this administration you will come in, and come in as full-fledged States, and come in with a good constitution. I sincerely and profoundly hope, and I mean to bend every effort that I can to bring it about."

And further deponent saith not.

HARRY P. OWEN.

Subscribed and sworn to before the undersigned on the 10th day of August, 1911.

H. N. PACKERT,
Notary Public, Bernalillo County, N. Mex.

My commission expires October 12, 1911.

Mr. President, I think I have a little light to throw upon the President's change of position. These statements were made in 1909. The Territories, of course, were and still are infested by Federal officeholders; infested by Federal postmasters appointed by Federal officials. The President at that time, in my opinion, believed that he could control the situation and force his opinions then upon the people of those Territories. In support of this statement I read the following telegram:

PHOENIX, ARIZ., *August 12, 1911.*

E. B. O'NEILL,
208 Ninth Street SE., Washington, D. C.:

It is a well-known fact that Hitchcock, during the campaign for the election of delegates to our constitutional convention, traveled over Arizona with different Federal officials holding quiet little receptions at which plans were made for the defeat of the candidates who stood pledged for a progressive constitution. Taft's name was freely used and insinuations made concerning projected Federal buildings. His friends told the Arizona Gazette to be good or Republican patronage would cease. The Gazette refused to be coerced, and patronage did cease; practically every postmaster in Arizona immediately became active in fighting the progressive candidates. It is well known his visit influenced papers in Tucson, Yuma, Globe, and Prescott.

C. H. AKERS, *Acting Chairman.*
J. L. IRVIN, *Secretary.*

Mr. President, the objection to the constitution of Arizona is not the judicial recall. The objection—the real objection—lies in the fact that the President, through his satellites and officeholders, was unable to dictate to the people of Arizona. So, having failed to dictate, we find him now arbitrarily using the power that is vested in him to deny 200,000 people admission into this Union.

The Senator from New York [Mr. ROOT] says that we should not admit these people if they have this clause in their constitution. I take it, sir, that the people of Arizona have been treated to a judiciary, appointed by the President, that has caused them to take a rather extreme view of judges. In my humble opinion the people of Arizona desire the judicial recall because so many Federal judges so exercised their powers that the people often prayed God to exercise the right of Divine recall. ,

I have lived—we all have lived in our various States and know how much the people reverence the law and how they will stand and uphold the hands of the judges of our courts. Right or wrong, whether they agree or disagree with their decisions, the people uphold the judges wherever they are. There are only a few spots in this land that I know of where the people distrust the judiciary, and that is where Federal judges, appointed by the President, have been put over the people. It is the judicial wrongs perpetrated in the Territories which have caused the people to distrust that particular variety of judge. It happened in Oklahoma, as my friend here representing Oklahoma [Mr. OWEN] knows; it happened in North Dakota, as was charged here the other day by the Senator from North Dakota; it has happened in every Territory that Territorial judges—not all of them, but too many of them—have been regarded by the people with distrust. Justly have many of these judges been distrusted.

Mr. President, I want to say to the Senator from New York [Mr. ROOT], who stands here and says that he represents a State with 9,000,000 people, and who, therefore, assumes the right to dictate to the free people of the Territory of Arizona, that I believe they will average as high in intelligence as the citizens of the great Empire State. I assert that, with the judicial recall or without it, under any form of government they may ever set up, they will give this country as good a government as Tammany gives New York City; and that if we are to judge, not according to the Constitution, if we are to admit Territories into the Union, not according to the precepts of the Constitution, but according to the judgment and opinion of one man, then I trust that man will not be a representative of that organization to which I have just referred.

Mr. President, one thought about this message. Here is a case of special pleading that I think is unequaled. It does not amount even to a good plea of avoidance. The President recognizes the fact, as he must recognize the fact, that the only constitutional ground upon which these people can be denied admission is that they have not adopted a republican form of government. Having recognized that fact, the President seeks to escape responsibility for denying them admission, and sustains his position by a species of sophistry—if I may say that it rises to the dignity of sophistry—such as never before appeared in an American state paper.

Mark you, Congress had passed a bill and the President had signed a bill providing for the admission of these Territories when they adopted a constitution republican in form. Under the circumstances, when the constitutions were presented, there was nothing necessary to be done by Congress or necessary to be done by the President, except simply to ascertain that the constitutions were republican, to approve or disapprove. The President concedes in this message that if the matter had come to him in that particular form he ought to have gone no further than to ascertain that the constitutions were, within the meaning of the law, republican constitutions. But when the statehood measures came here we did something to them. What was it? We added a provision that a section of the Arizona constitution and a section of the New Mexico constitution should be again voted upon. That made it necessary for the President to sign the bill, but did it change the moral position because we had simply placed an additional requirement upon these States, and that requirement was in the nature of an obstruction to the very thing the President condemns? Manifestly, then, if it was the duty of the President to have approved these constitutions because they were republican in form, before we added that amendment, it was his duty afterwards to have done the same thing, and yet here is the excuse he offers for refusing to approve. It is so pitiable that I hesitate to read it into the RECORD, and would not do so if it were not already a matter that had gone into a public document. I read:

> It may be argued from the text of that act—
>
> That is, the act providing for admission—
>
> it may be argued from the text of that act that in giving or withholding the approval under the act my only duty is to examine the proposed constitution, and if I find nothing in it inconsistent with the Federal Constitution, the principles of the Declaration of Independence, or the enabling act, to register my approval. But now I am discharging my constitutional function in respect to the enactment of laws, and my discretion is equal to that of the Houses of Congress.

In what way was his discretion enlarged because we amended this act? How did that change his responsibility? How did that affect the issue in this case? We had provided that if they came in with a constitution that was republican in form, they should be admitted when that constitution had been approved as to its form; but because it went to the President afterwards in the form of a bill from Congress, he seized upon that circumstance to inject into the question for the first time his personal opinions and views.

Mr. President, I solemnly protest to the Senate of the United States and the country against substituting for the language of the Constitution, which provides that States shall be received when they have adopted a republican form of government, a proposition to the effect that States shall only be received when their constitution meets with the approval of the man who happens to be Chief Executive. When you do that you do a dangerous thing.

Mr. President, we are called on here to act, and I want to present the reasons for my vote. I think the veto message of the President ought to be here, the roll ought to be called, and every Senator required to register his vote. I should like to see how many Senators' opinions have been changed overnight, and I should like to know how far the patronage of the White House can affect the consciences of men. But I believe the message will not be here, and as reluctantly as I do it, I nevertheless shall support the proposition of the Senator from Michigan.

Mr. O'GORMAN. Mr. President, in the closing hours of this debate I have no desire to prolong the discussion. I fully indorse every statement made on the floor of this Chamber yesterday and to-day in condemnation of the provision in the Arizona constitution in relation to the recall of judges, and I desire to enter my solemn protest against what I conceive to be the most destructive and the most revolutionary assault ever made upon the stability of our Government.

In the wisdom of our fathers the functions of government were distributed among three departments, each absolutely independent of the other. This plan proposed in the Arizona constitution is well calculated to degrade and to subordinate the judiciary to the other two departments of the Government.

We have grown and prospered under the system of government devised by the fathers as no other nation in the history of the world, and experience has demonstrated that ours is the best form of representative government ever conceived by the brain of man. Are we ready to destroy this edifice? Are we prepared to give our approval to a principle which, if generally applied, would undermine our institutions?

If the recall of judges is a wise measure for the proposed State of Arizona, why should it not be adopted in every other State of the Union? Why should it not be applied to the Federal judiciary? How long would this Republic survive the general introduction of this pernicious principle? An untrammeled judiciary is the bulwark of our liberties, and if you dethrone it you substitute tumult, lawlessness, and anarchy and hasten the dissolution of the Republic.

I assert that this Government can not endure without a stable judiciary system in the Nation as well as in the State, and if you countenance or approve this provision of the Arizona constitution you strike a blow against the entire judiciary of the United States.

My vote shall be recorded against this joint resolution as it comes from the House. I shall not yield my judgment and my devotion to the basic principles of representative government to the demand of 12,000 citizens of Arizona or of any other section of the United States.

The VICE PRESIDENT. The question, first, is on agreeing to the amendments to the original joint resolution. There are a few committee amendments which must first be acted upon. The Secretary will report the first amendment.

Mr. OWEN. Mr. President, I desire first to call the attention of the Senate to a few telegrams I have from Arizona, which are only a few among many, setting forth the desire and wishes of the people of Arizona:

PHOENIX, ARIZ., *August 8.*

Hon. R. L. OWEN, *Washington, D. C.:*

We are standing firm for Flood resolution; telegrams to contrary do not represent vote of people on constitution; show to O'Neill.

Arizona Statehood League—L. W. Coggens, President; J. L. Irwin, Secretary; C. W. McKee; H. W. Ryder; J. B. Long; H. S. Griswold; Warwick Scott; Chas. R. Price.

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DOUGLAS, ARIZ., *August 6.*

Senator R. L. OWEN, *Washington, D C.:*

The people of Douglas in mass meeting have adopted resolution asking the friends of statehood in both Houses to stand by the Flood resolution—the sentiment practically unanimous. I believe this is the sentiment throughout the Territory.

R. B. SIMS.

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DOUGLAS, ARIZ., *August 6, 1911.*

The Senate of the United States
(Care Senator Owen, Washington, D. C.):

At a mass meeting held in Douglas, Ariz., for the consideration of the statehood situation the following resolution was unanimously adopted:

Resolved by the citizens of Douglas in mass meeting assembled, That it is the desire of the people of Douglas that the friends of statehood in Senate shall support the Flood resolution.

FRANK RAMSEY,
Acting Mayor, Chairman.
H. C. BAUMLER, *Secretary.*

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DOUGLAS, ARIZ., *August 7, 1911.*

United States Senate
(Care Hon. R. L. OWEN, Washington, D. C.):

The people of Arizona have spoken. Give us statehood under the Flood resolution.

LESLIE GATLIFF.

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DOUGLAS, ARIZ., *August 8, 1911.*

United States Senator OWEN,
Washington, D. C.:

Beware of the eleventh-hour telegrams. There has been no meeting of the Douglas Chamber of Commerce. Tools of the "interests" are known to be active against the Flood resolution in the hope of defeating statehood or rendering abortive the expressed will of the people.

H. C. BAUMLER,
Secretary Mass Meeting.

Mr. President, I have listened with great interest and respect to the views of my distinguished colleagues in discussing this question, and I wish briefly to outline the different points of view in regard to these two Territories. The Senator from Missouri [Mr. REED] has just called the attention of the Senate to the extreme difficulty of amending the constitution of the State of New Mexico. In the first place, one-third of the members of the lower house of the Legislature of New Mexico may prevent proposals to amend. One-third of the senate of the Legislature of New Mexico may prevent proposals to amend, except that after the expiration of two years and at the regular session of each eighth year thereafter a majority of both houses, approved

by the governor, may propose an amendment. But after the amendment has been proposed the same must be—

ratified by a majority of the electors voting thereon and by an affirmative vote equal to at least 40 per cent of all the votes cast at said election in the State and by 40 per cent of all the votes cast in at least one-half of the counties thereof.

I am opposed to tying the hands of the majority and giving the minority a variety of vetoes over the majority, as the constitution of New Mexico proposes.

This feature objected to by me is regarded as a great virtue by the Senator from Minnesota [Mr. NELSON], who believes in making it difficult to amend the constitution and thinks the minority should have a veto over the majority.

I believe in the people's rule. He opposes the people's rule for fear the people may be swept away by passion and uncontrollable impulse. I favor majority rule. He opposes majority rule and favors minority veto.

While the Senator from Missouri was speaking I called his attention to the adoption of the constitution of Texas. This constitution was framed by a convention which met at Austin July 4, 1845, and concluded its labors August 27, 1845. It was submitted to the people and ratified October 13, 1845, by 4,174 votes against 312 votes. Texas at that time, as shown by the first census after Texas came in, had 154,000 whites, or about 30,000 votes. On the frontier the voters were probably more numerous than in average communities, because there would probably be more than one voter out of five persons, which is the usual rule. But if there were 30,000 votes for a governor at that time, probably the vote cast for an amendment would be very greatly less. It would not be surprising if the vote for questions of policy would only be 50 or 60 per cent of the greater vote cast for the governor and State officials. Out of the 30,000 votes in Texas that might have been cast for governor only 4,174 votes were cast for the constitution of Texas, or about 14 per cent.

This New Mexico 40 per cent rule for State and half of the counties are two artificial obstructions, intended to prevent the people of New Mexico from amending their own constitution, and this contest over New Mexico and Arizona is but the example on a small field of a great contest that is going on throughout the United States. It is the world-wide contest between the rule of the organized minority and the unorganized majority. I believe in the rule of the majority under reasonable constitutional safeguards and restraints, and I do not believe in the rule of the organized minority through constitutional vetoes, through machine methods, through craft, through bribery, through coercion, which are the weapons commonly used by the minority for the coercion and control of the unorganized majority.

I believe in the initiative and the referendum because it arms the majority *not among themselves* but against those who are trusted with temporary power. We have heard much in this debate about the people *protecting themselves against themselves* by the restraints and safeguards of constitutional law.

I say, Mr. President, that the people in drawing their constitutions have fixed the powers which they delegate to their chosen citizens for its proper exercise; they have done so not to protect themselves against themselves, but to protect themselves against their own officials. They have drawn constitutions so as to restrain, not themselves, but to restrain the officials who are trusted by the people with their governing business.

It is a tory fallacy to charge the people with intending to deny to themselves the governing power.

The fallacy is flatly and overwhelmingly denied and contradicted in every one of the 46 bills of rights and in the Declaration of Independence, declaring all the powers of governing to be in the hands of the people—irrevocable and indefeasible.

Where else should it be in a republic of self-governing men?

The Senator from New York [Mr. ROOT] lays down the proposal that a vote to admit Arizona and New Mexico commits every Senator to the principles laid down in those constitutions; that when we vote to admit Arizona with the recall of judges we commit ourselves to the approval of the recall of judges. I entertain a very different view. I do not approve the constitution of New Mexico. I do not approve the provision making it impossible to impose an intelligence qualification on the electorate of that proposed State. But in yielding to them the right of self-government I yield it because I think any State has the right of self-government, and to deny it is to deny to them a constitutional right which is fundamental and which on my oath I can not justly deny.

I am strongly opposed to the constitution of New Mexico in favoring the corporations at the expense of the people and in being unamendable, but I am not committed to these principles of government because I concede the right of New Mexico to enter the Union with a constitution I disapprove in these respects. I favor allowing New Mexico to govern itself, whether her constitution meets my approval or not, so long as it does not violate the Constitution of the United States.

The Senator from New York lays down the proposal that while he believes in the people, after mature thought he does not believe in the exercise of the right of mere majority rule by the people, and he calls attention to the constitutional law in which the majority has bound itself against excess. In reality the people are vested with all authority in the governing business and could not, if they would, divest themselves of this indefeasible right under our system of government. This doctrine is the very essence of the Declaration of Independence, which declares that all government must rest upon the consent of the governed. That is the doctrine laid down by the bill of rights in every one of our 46 States. The bill of rights of the State of New York declares that—

in the name and by the authority of the good people of this State, doth ordain, determine, and declare that no authority shall, on any pretense whatever, be exercised over the people or members of this State but such as shall be derived from and granted by them.

I remind the Senator from South Dakota [Mr. CRAWFORD] that the bill of rights of South Dakota declares:

All men are born equally free and independent and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property, and a pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

And so, in all 46 States the same doctrine is repeated and reiterated over and over again in a great variety of forms.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. OWEN. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. A few days ago the Senator from Oklahoma printed a statement in the RECORD showing the constitutional provisions of various States bearing upon the removal of judges, and through an error, of course, and without any intent to mislead, the Senator did not correctly quote the constitution of Michigan upon that subject.

Mr. OWEN. The Senator from Michigan means to say that the quotation was not completed.

Mr. SMITH of Michigan. It was not completed.

Mr. OWEN. It was not completed. The purpose of the quotation was merely to show the right in the legislature to recall, but not to show the reasons assigned for removal, which explains why the quotation was not more fully made.

Mr. SMITH of Michigan. It practically becomes important that the judge who is charged shall have a right to know the reasons and answer. The language of the constitution, if the Senator will pardon me——

Mr. OWEN. Yes; I shall be glad to have the Senator put it in.

Mr. SMITH of Michigan. The constitution of Michigan, article 9, section 6, says:

For reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to each house of the legislature; and the cause for which such removal is required shall be stated at length in such resolution.

I, of course, know that the quotation was intended to be correct, and I simply rise for the purpose of placing in the RECORD a correct quotation of the constitution of Michigan upon this subject.

Mr. OWEN. I am pleased to have it in the RECORD.

The difference in the point of view between the Senator from Minnesota [Mr. NELSON] and myself is that I believe the people who elect the judges in Arizona should have the right to recall them as proposed in the Arizona constitution, and the Senator from Minnesota thinks they may do so after they are admitted, but should not be allowed to do so at the time of admission, but as a condition of admission should be compelled to vote this power out of the constitution, though they could vote it back into the constitution the following month.

Mr. President, I think it is well in considering the recall of judges to remind the Senate that in the early days of government the judge was a branch of the executive. Originally the king held court, and at a later day the king's bench was established. These powers were gradually transferred from the king to the bench as an arm of the executive to determine what justice was, what right was, and there was a vast volume of unwritten law due to the practices of the people, the so-called common law. The judges determined what was right, what was just between men, what was the common and the equity law and then the statute law. It was a necessary agency of the Executive for the ascertainment of what justice was and what the law was.

When we established in this country our Government and established the three branches, each of which was measurably independent of the other, but not absolutely independent, and could not be absolutely independent, they were spoken of as coordinate branches, as if one was as important as the other.

I take issue with any such principle. They are not equally important. Thirty-two legislatures can recall judges, but no court can recall a legislature. The great power in this country is vested in the sovereign people. The people of this country then delegate that power, first of all, to a law-making branch, who shall declare what the law is, what the law shall be, and who shall make the law, and who shall amend the law, as the advancing progress justifies.

First by the Constitutional Convention the people delegate the power to lay down the organic law. Then they delegate under the Constitution the power to the legislature. Then the statute law follows.

The legislature by statute defines the executive department with the duty of carrying out the law as framed by the legislative branch; and because the executive may not know the real meaning of the law another branch is established—the judiciary—whose function it is to declare what the law is, the meaning of the common and equity and maritime law and of the legislative will.

I believe in the independence of the judiciary. I would not be willing to support any system that I thought would impair the judiciary's independence; but I insist upon it that men are mortal, and if men get places upon the Federal bench or upon the State bench, and do not exercise their duty properly, they ought to be subject to the sovereign will of the people. The will of the people will not be exercised as by a raging, furious, turbulent mob, described on the floor of the Senate as characteristic of the action of the American people. It will be exercised, if at all, in the quiet seclusion and safety of the booth—in the ballot box. Each man will quietly deposit his opinion, and if it is possible to imagine a place far removed from mob violence, from turbulence, it is in the quiet and protected cloisters which the law lays around the ballot under the Australian system. I myself wish to have it appear upon the record that I regard the judiciary of America as occupying a very distinguished place. I have a very profound respect for the American judiciary, but I do not regard these functionaries as infallible, and I would be untrue to my own opinion if I failed to say what I think with regard to the judiciary. I want to let the distinguished Charles Sumner, of Massachusetts, appear in this record when he criticized the Supreme Court of the United States, on September 7, 1854, before the Republican State convention at Worcester, Mass.:

Mr. Sumner's reception in the convention was quickened by recent events in which he had borne part. It is thus described in a report of the convention:

"At this point the Hon. Charles Sumner entered the hall. His reception was such as is rarely accorded to a public man. The whole vast audience rose as one man to welcome him, and the most deafening cheers of welcome resounded for several minutes. We have never seen a more hearty and enthusiastic demonstration in honor of any man. It was the spontaneous homage of true men to the man who had upheld the freedom standard and carried it into the thickest of the fight—to the man who had upheld the honor of Massachusetts in the Senate, vindicated her opinions, and thrown back upon her assailants the taunts and insults which they had never ceased to heap upon her. The cheering as our Senator appeared upon the platform and took his seat was loud and long continued."

Here is what he said about the Supreme Court in commenting on the Dred Scott decision:

For myself, let me say that I hold judges, and especially the Supreme Court, in much respect; but I am too familiar with the history of judicial proceedings to regard them with any superstitious reverence. [Sensation.] Judges are but men, and in all ages have shown a full share of human frailty. Alas! alas! the worst crimes of history have been perpetrated under their sanction. The blood of martyrs and of patriots, crying from the ground, summons them to judgment. It was a judicial tribunal which condemned Socrates to drink the fatal hemlock and which pushed the Savior barefoot over the pavements of Jerusalem, bending beneath His cross. It was a judicial tribunal which, against the testimony and entreaties of her father, surrendered the fair Virginia as a slave; which arrested the teachings of the great Apostle to the Gentiles and sent him in bonds from Judea to Rome; which, in the name of the old religion, persecuted the saints and fathers of the Christian Church and adjudged them to a martyr's death in all its most dreadful forms; and afterwards, in the name of the new religion, enforced the tortures of the inquisition, amidst the shrieks and agonies of its victims, while it compelled Galileo to declare, in solemn denial of the great truth he had disclosed, that the earth did not move round the sun. It was a judicial tribunal which, in France, during the long reign of her monarchs, lent itself to be the instrument of very tyranny, as during the brief reign of terror it did not hesitate to stand forth the unpitying accessory of the unpitying guillotine. Ay, sir, it was a judicial tribunal in England, surrounded by all forms of law, which sanctioned every despotic caprice of the Henry VIII from the unjust divorce of his queen to the beheading of Sir Thomas More; which lighted the fires of persecution that glowed at Oxford and Smithfield over the cinders of Latimer, Ridley, and John Rogers; which, after elaborate argument, upheld the fatal tyranny of ship money against the patriot resistance of Hampden; which, in defiance of justice and humanity, sent Sidney and Russell to the block; which persistently enforced the laws of conformity that our puritan fathers persistently refused to obey; and afterwards, with Jeffreys on the bench, crimsoned the pages of English history with massacre and murder, even with the blood of innocent women. Ay, sir, it was a judicial tribunal in our own country, surrounded by all forms of law, which hung witches at Salem; which affirmed the constitutionality of the stamp act, while it admonished "jurors and people" to obey; and which now, in our day, lends its sanction to the unutterable atrocity of the fugitive-slave act.

Mr. Sumner, as late United States Senator from Massachusetts, may answer the Senator from New York [Mr. ROOT] on the question of the infallibility and impeccability of courts.

I have heretofore said all that I care to say upon the recall of judges, and upon what I have said I firmly stand. There has been nothing said in this debate that justifies in any degree a change of my opinion with regard to it. I believe in the fundamental doctrine that the people of this country are sovereign; that they will exercise the right of sovereignty with discretion, with moderation, with long forbearance, with great patience, and that they never will at the ballot box indulge in any act that can be characterized as the act of an "unrestrained mob," which is the chief argument, apparently, against the recall of judges.

Our critics say if the people can recall judges the judges will yield the judicial judgment to popular opinion. If this be a true criticism, then such judges will yield the judicial judgment to the boss who nominates, may renominate, and may promote. Public opinion is a better and safer influence for judges who may be influenced on the bench than the influence of a political boss or his commercial allies.

Mr. President, on July 11 the Senator from Utah [Mr. SUTHERLAND] fiercely denounced the initiative and the referendum of the Arizona constitution as "wild and visionary," "utterly vicious and impracticable," and so forth.

At the same time the Senator from Utah criticized the composite citizenship of Oklahoma, the constitution of Oklahoma, and the Senator from Oklahoma. He denounced those who believe in these doctrines as "quacks in politics," as "self-constituted reformers," as "self-constituted guardians of the people's rights," as "visionaries," "dreamers," "agitators," "demagogues," "political zealots," "false pilots or arrant knaves," and so forth.

In answer to these epithets, apparently addressed to those who, like myself, believe in these doctrines, I make no response, except to say that abuse is often "the refuge of defeated argument."

The arguments in favor of the initiative and referendum I presented on the floor of the Senate in discussing the admission of Arizona on March 4, 1911, and I shall not repeat them here. The Senators from Oregon [Mr. BOURNE and Mr. CHAMBERLAIN] and the Senator from California have exhausted the argument in its support, and I do not care to consume the time of the Senate with repeating it.

The astonishing thing about the diatribe of the Senator from Utah is that he is denouncing the principles of the constitution of Utah, which provides for the initiative, the referendum, and the recall.

The constitution of Utah provides as follows:

ART. 6, SEC. 1. The legislative power of the State shall be vested:

1. In a senate and house of representatives, which shall be designated the Legislature of the State of Utah.

2. In the people of the State of Utah, as hereinafter stated:

The legal voters, or such fractional part thereof of the State of Utah as may be provided by law, under such conditions and in such manner and within such time as may be provided by law, *may initiate* [initiative] *any desired legislation and cause the same to be submitted to a vote of the people for approval or rejection*, or *may require any law passed by the legislature* (except those laws passed by two-thirds vote of the members elected to each house of the legislature) *to be submitted to the voters of the State before such law shall take effect.* [Referendum.]

The legal voters, or such fractional part thereof as may be provided by law, of any legal subdivision of the State, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people of said legal subdivision for approval or rejection, or may require any law or ordinance passed by the law-making body of said legal subdivision to be submitted to the voters thereof before such law or ordinance shall take effect. (As amended Nov. 6, 1900.)

ART. 8, SEC. 11: *Judges may be removed from office by the concurrent vote of both houses of the legislature, each voting separately;* but two-thirds of the members to which each house may be entitled must concur in such vote. The vote shall be determined by yeas and nays, and the names of the members voting for or against a judge, together with the cause or causes of removal, shall be entered on the journal of each house. The judge against whom the house may be about to proceed shall receive notice thereof, accompanied with a copy of the cause alleged for his removal, at least 10 days before the day on which either house of the legislature shall act thereon.

Mr. President, here we find in the constitution of Utah the initiative, the referendum, and the recall, and we find the honorable Senator from Utah [Mr. SUTHERLAND], holding the honors and dignities of the people of that State, denouncing the principles laid down in the constitution of his own State.

Nothing could induce me to do such a thing, but I do not attempt to reproach the Senator from Utah for his conduct in

the matter for the reason that I can not believe that he realized the impropriety of such an act or that he is aware of the bias of his own mind which leads him to such conduct.

I believe that the point of view of the Senator from Utah can only be explained by the fact that he gives voice to the peculiar forces outside of the constitution of Utah which hold the organic law of Utah in contempt and which have defeated "the permanent will of the people" of that State as expressed in their organic law for the last 10 years.

The Senator from Utah quotes Prof. Stimson as admirably stating:

> The constitution is the permanent will of the people; the law is but the temporary act of their representatives, who have only such power as the people choose to give them.

The Senator from Utah used this language, but it is obvious that he has entirely forgotten what "the permanent will of the people" of Utah happens to be on this vital issue of self-government—the initiative, the referendum, and the recall.

For five successive legislatures in Utah the so-called "representatives of the people" have refused to enact the statute law needed to vitalize the provisions of the Utah constitution and make effective the initiative and the referendum. What kind of "representative" government is this that we have in Utah, where "the permanent will of the people" is thus ignored by their so-called "representatives" in the legislature, and where the Senator from Utah, representing that great State and holding its honors and its dignities, ridicules and derides and holds up to public scorn the constitutional provisions of his own State?

We must inquire into this peculiar and extraordinary situation. My just observation that the Constitution of the United States as framed was not sufficiently democratic induces the Senator from Utah to ridicule the manners of the Senator from Oklahoma and to suggest that he should be prosecuted for omniscience for making this ludicrous discovery.

In view of the distinction of the critic and the public charge that the Senator from Utah was a recent candidate for the Supreme Bench of the United States, it becomes necessary to justify the observation made by the Senator from Oklahoma that the Constitution as framed was not democratic. I shall do this with great brevity.

First. The Constitution permitted a life President.

Second. The Constitution did not provide for the nomination or election of the President by the people, but by electors far removed from the people.

Third. The Constitution did not provide for the nomination or election of Senators by the people.

Fourth. The Constitution provided for an uncontrolled judiciary, in striking contrast to the laws of every State in the Union, including Utah.

Fifth. A minority of the House can prevent the majority proposing an amendment to the Constitution. A minority of the Senate can prevent the majority proposing an amendment to the Constitution. A President can prevent a majority of both Houses proposing an amendment to the Constitution. A small minority of the States can prevent the amendment of the Constitution.

Sixth. No provision for the adoption of the Constitution was arranged by popular vote.

And some of the delegates who approved the Constitution from Virginia at least disobeyed the instructions of the people.

Seventh. The Constitutional Convention usurped the power in framing the Constitution.

They were only authorized to prepare amendments to the Articles of Confederation, not frame a new Constitution.

Eighth. The Constitution did not protect the right of free speech.

Ninth. The Constitution did not protect the right of free religion.

Tenth. It did not protect the freedom of the press.

Eleventh. It did not protect the right of the people to peaceably assemble.

Twelfth. It did not protect the right of the people to petition the Government for the righting of grievances.

Thirteenth. It did not protect the right of the States to have troops.

Fourteenth. It did not protect the right of the people to keep and bear arms.

Fifteenth. It did not protect the people against the quartering of soldiers upon them without their consent.

Sixteenth. It did not protect the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures nor against warrants, except upon suitable safeguards.

Seventeenth. It did not protect the people against being held for crime, except on indictment.

Eighteenth. It did not protect the people against a second trial for the same offense.

Nineteenth. It did not protect an accused against being compelled to be a witness against himself.

Twentieth. It did not protect the citizen against being deprived of life, liberty, or property, without due process of law.

Twenty-first. It did not protect private property being taken for public use without just compensation.

Twenty-second. It did not secure, in criminal prosecutions, the right of a speedy and public trial by an impartial jury in the place where the crime was committed.

Twenty-third. It did not protect the accused in the right to be informed of the nature and cause of the accusation, of the right to be confronted with the witnesses against him, of the right to have compulsory processes in obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

Twenty-fourth. It did not protect the right of the citizen in common lawsuits to a trial by jury.

Twenty-fifth. It did not protect the citizen against excessive bail, against excessive fines, nor against cruel and unusual punishments.

Twenty-sixth. It did not safeguard the rights reserved by the people against invasion by the Federal Government.

The Constitutional Convention was a secret conclave, no member being allowed to report or copy any of its proceedings, which were kept a profound secret for 50 years, until all the actors were dead. The membership of the Constitutional Convention was notoriously conservative, consisting of such men as Elbridge Gerry, who declared "that democracy was the worst of all political evils." (Elliot's Debates, vol. 5, p. 557.)

Edmund Randolph observed that, in tracing the political evils of this country to their origin, "every man (in the convention) had found it in the turbulence and follies of democracy."

Madison thought the Constitution "ought to secure the permanent interests of the country against innovation." (Elliot's Debates, vol. 1, p. 450.)

Hamilton urged a permanent Senate "to check the imprudence of democracy."

Gouverneur Morris urged a life Senate, saying "such an aristocratic body will keep down the turbulence of democracy."

Madison, in the Federalist, warned the people against "the superior force of an interested and overbearing majority," and so forth.

Twenty-seventh. The Constitution is undemocratic in making no provision for its adoption or subsequent amendment by direct popular vote, although this was the method of the various States.

The Constitution is undemocratic, as I have shown, in omitting a bill of rights and the great fundamental principles contained in the Declaration of Independence.

James Allen Smith, professor of political science, University of Washington, well says:

> From all evidence that we have the conclusion is irresistible that they sought to establish a form of government *which would effectually curb and restrain democracy*. They engrafted upon the Constitution so much of the features of popular government as was, in their opinion, sufficient to insure its adoption.

The convention of July 4, 1776, was thoroughly democratic, as is the Declaration of Independence.

The Constitution of the United States was made thoroughly undemocratic by a thoroughly reactionary convention, leading Democrats being absent, such as Thomas Jefferson, Samuel Adams, Patrick Henry, and so forth. Only 11 States voted for its adoption. Only 55 members out of 65 attended and only 39 members signed it. Its ratification was only secured with the greatest difficulty, and in no States was it submitted to a vote of the people themselves. Massachusetts, South Carolina, New Hampshire, Virginia, and New York demanded amendments, and North Carolina and Rhode Island at first rejected the Constitution, and except for the agreement to adopt the first 10 amendments and make it more democratic it would have assuredly failed.

George Washington, as President of the Convention, was debarred from sharing in the debates. It had one very great merit—it established the Union. It had one great demerit—it was not democratic.

If a knowledge of the Constitution be a prerequisite to qualify a citizen or a Senator as a candidate for the Supreme Court of the United States, then, with great respect, I humbly submit that the Senator from Utah has not qualified under the rule. Certainly he is not justified in attempting to ridicule the suggestion that the Constitution was not democratic.

> All democratic constitutions are flexible and easy to amend. This follows from the fact that in a government which the people really control the constitution is merely the means of securing the supremacy of public opinion and not an instrument for thwarting it. * * * A government is democratic just in proportion as it responds to the

will of the people, and since one way of defeating the will of the people is to make it difficult to alter the form of government, it necessarily follows that any constitution which is democratic in spirit must yield readily to changes in public opinion. (Spirit of American Government.)

An unamendable constitution and a judiciary not responsible to the people is dangerous to the stability of government. *When public opinion becomes greatly aroused and can find no expression through the constitution, and the judiciary, as a ruling power, obstructs such public opinion, it may easily lead to revolution and to war,* as it did do when the Supreme Court of the United States, by the Dred Scott decision, nationalized slavery, and the Constitution not being amendable by the majority left no apparent remedy but the dissolution of the Union or war.

The Federal court now vetoes acts of Congress and nullifies national policies, such as the control of the trusts or an income tax or other benevolent laws passed in recent years for the protection of the humbler working masses.

The judicial branch can nullify the acts of the legislative branch, although the Constitutional Convention, reactionary though it was, four times refused to grant the right to the Supreme Court to declare an act of Congress unconstitutional.

The Constitution, as drawn, was intended to give a veto to the minority, and to restrain the majority, for the benefit of the minority, and, in plain words, benefit the so-called vested interests, property rights, and special privilege.

The glowing terms of praise which we now hear from the Senator from Utah [Mr. SUTHERLAND] of an unamendable constitution, and of a judiciary not responsible to the people, has been the language of special privilege and of the advocates of minority rule and of commercial and political oligarchies since the day this Constitution was framed. It seems an amazing thing that the Senator from Utah should denounce the initiative, the referendum, and the recall, provided for in his own constitution. These are the tools of Democracy. The initiative, the referendum, and the recall are the sword and buckler of the majority. It arms the majority with power and puts the Government in the hands of the people.

Mr. President, by the initiative, the people may initiate any law they do want; and, by the referendum, they may veto any law they do not want; and, by the recall, they can remove from office any official for inefficiency.

I shall not reproach the Senator from Utah for his strange bias, for his point of view that denounces the principles of the constitution of Utah and incidentally denounces the principles of the constitution of Oklahoma; nor would I answer him and his criticisms at all did I not deem it of vast importance to the people of the United States that the mechanism of self-government should be adopted and should not be defeated by the Senator from Utah and those who stand with him.

It is a very significant fact that the Western Newspaper Union is sending out printed plates of this speech against the initiative and referendum and the recall. Who is paying the bills for that tremendous expense? These bills do not pay themselves; somebody is paying a large amount of money to publish these plates which the Western Newspaper Union seem to be furnishing gratis to the country newspapers in Minnesota, in Oklahoma, and everywhere else. It is not a pleasing thing to the Senator from Oklahoma to hear of the press of the country using these plates denouncing the principles of the constitution of Oklahoma and ridiculing the Senator from Oklahoma. The vindication of the opinions of the people and of the constitution of Oklahoma makes an answer unavoidable.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. OWEN. I do.

Mr. REED. Would the Senator from Oklahoma give us some idea of about how much it would cost to furnish these plates to the country press of the United States?

Mr. OWEN. I do not know what the expense would be, but it would be enormous, because the number of country newspapers is very large.

Mr. REED. I am interested in knowing whether the Senator believes that less than $50,000 would be used in covering that expense.

Mr. OWEN. I should not think that $50,000 would begin to cover it.

The triumphant reign of monopoly and of special privilege in this country is due, in my opinion, to a sinister combination between machine politics and organized special privilege. The initiative, the referendum, and the recall is the open door to the overthrow of this dangerous alliance, and this is the reason why South Dakota, Montana, Oregon, Oklahoma, Maine, Missouri, Arkansas, Nevada, and Utah have adopted it in their constitutions, and explains why the legislatures of California, Washington, North Dakota, Wyoming, Colorado, Nebraska, Wisconsin, and Florida have submitted it to the people for constitutional amendment, and why it is an active issue in nearly all of the remaining States of the Union. It explains why Arizona has put this principle in its constitution, and why the people of Illinois voted for it by nearly four to one.

This is a world-wide movement, Mr. President. It is the law of Switzerland, of Australia, and of New Zealand. It is an issue in the Canadian States. It means the rule of the people against the rule of the machine, and it means nothing less than this. And no sophistry and no ridicule and no evasion will ever serve to stop this issue from sweeping the United States. The government of cities by commission, with local initiative, referendum, and recall involves this, and is a part of this movement.

The Senator from Utah was the first Senator to arise and denounce the initiative, the referendum, and the recall, and in doing so he was obliged to denounce the constitution of his own State—"the permanent will of the people" in his own State, according to the words used by the Senator from Utah himself.

Mr. President, men and their opinions are controlled by their education and by their environment. I am subject to this rule, and the Senator from Utah is no exception to it. He obviously gives expression to the views of the controlling powers of his own State outside of the constitution of Utah, and I deem it my duty to call the attention of the Senate and of the country to the fact that the only Senator so far who has denounced the initiative, the referendum, and the recall has done so in the face of the constitution of his own State.

I deem it my duty also, Mr. President, and I perform this duty with painful reluctance because of a sincere personal regard for the Senator from Utah, to call attention to the fact that the ruling power of the State of Utah, whose views, I believe, speak through the Senator from Utah, is openly charged with comprising one of the most powerful political machines, religious hierarchies, and commercial oligarchies ever established on earth. I do not assume to have any personal knowledge of the conditions of that State, but a predecessor to the Senate from Utah, ex-United States Senator Frank J. Cannon, himself raised a Mormon, has set forth in great detail a description of this extraordinary religious and commercial monopoly.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, the Senator from Utah [Mr. SUTHERLAND], to whom the Senator from Oklahoma is referring, is not now in the Chamber; he is out of the city. If he were here no doubt he would answer a great many of the insinuations which the Senator has already cast upon him.

I wish to state that if the Senator thinks it proper for him to pick up a magazine article written by a man who he himself ought to know is utterly unworthy of being believed in any way, shape, or form, for the purpose of casting a reflection upon a Senator or a State I am surprised at his idea of justice in such a case. Charges are easily made, but are not so easily proven. I say now to the Senator from Oklahoma that the statements which he has repeated here are absolutely uncalled for, unfounded, and untrue.

Mr. OWEN. Mr. President, I think, if they are untrue, they ought to be demonstrated to be untrue. They have been given the widest publicity throughout the United States. I have seen no adequate answer. I suppose there may be one forthcoming, but I do think that if it is true that Senators are named to this floor by the prophet of the Mormon Church, the Senate of the United States ought to know it, and the country ought to know it. If it is not true, the charge ought to be answered; it ought to be denied; it ought to be shown to be absolutely false, because it affects the good name of the Senate of the United States and of one of the great States of the Union for whose people I have great respect.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma further yield?

Mr. OWEN. I yield.

Mr. SMOOT. Mr. President, I suppose this is not the proper place or time for me to discuss this question, but I want to say to the Senator from Oklahoma that I deny the statements, and I say to him and to the country that they are not true. Because there is no denial of published articles which are written by a man for whom no one in his own State has any regard or belief in his word, are they to be accepted as true? And is it possible that the Senator thinks such statements should or could always be followed by a denial? It seems to me that, if that were the case, there are other people who would have to be

denying statements made against them almost all the time. I will simply content myself by saying to the Senator that the statements are not true.

Mr. OWEN. Does the Senator think that it ought to go uninquired into?

Mr. SMOOT. Why, Mr. President, I have not expressed an opinion in relation to an inquiry into the matter; but the Senator was reading a statement, and seemingly approving of it as the absolute truth. I am not here to defend the Mormon Church; I was elected by the people of the State of Utah, irrespective of their religious belief, and I represent every man and woman in that State; I do not care what his or her religion may be; I am here as a citizen of the United States; and I will go just as far as the Senator from Oklahoma ever dared go in maintaining every principle of liberty and a clean, an honest, and a representative Government.

Mr. OWEN. Mr. President, I am pleased to have the assurance of the Senator from Utah, but I have deemed it my duty to call the attention of the Senate to this matter, and I think it deserves to be inquired into. Certainly, the provision for the initiative, the referendum, and the recall has been in the constitution of Utah for 10 years. Why has it not been vitalized, and why does the Senator from Utah [Mr. SUTHERLAND] denounce the initiative, the referendum, and the recall? Do both Senators from Utah agree to that position? I should like to ask the senior Senator from Utah whether or not he approves the initiative and the referendum or whether he denounces them also?

Mr. SMOOT. Mr. President, I have taken no part in this discussion, nor do I care to do so at this time. I suppose that when the time comes for a vote the Senator will know where I stand. I have been in the Senate long enough for the Senator himself to know that whatever I believe I so vote.

Mr. OWEN. There has been set forth, Mr. President, a very elaborate description of the commercial oligarchy that controls that State. I have no desire to wound the feelings of the Senator from Utah [Mr. SUTHERLAND], but I think that the Senator from Utah [Mr. SUTHERLAND] might well hesitate before he denounces the principles of the constitution of Oklahoma and sends his denunciation broadcast as plate matter.

Mr. SMOOT. Mr. President, does the Senator infer or does he state that I have denounced——

Mr. OWEN. I am not referring to the Senator.

Mr. SMOOT. The constitution of Oklahoma and sent certain matter broadcast to be printed in the papers?

Mr. OWEN. The junior Senator from Utah [Mr. SUTHERLAND] did so. He denounced the initiative and referendum, which is a principle of that constitution.

Mr. SMOOT. Well, I misunderstood the Senator——

Mr. OWEN. He denounces the manners of the Senator from Oklahoma, he denounces his knowledge of the constitution, and he denounces the people of Oklahoma, and I suppose from what has appeared in the press that the denunciation has gone out as plate matter. I have no objection to the Senator doing what he thinks proper, but I see fit to answer him.

Mr. SMOOT. Well, Mr. President, I thought that the Senator was referring to me.

Mr. OWEN. Oh, not at all. I did not. I am answering a Senator who denounces the initiative and the referendum on the floor of the Senate which is written in the constitution of his own State. I say that there must be some kind of an explanation of that, and I can not understand any other explanation than that he voices hostility of the ruling powers outside of the constitution of Utah, because I believe the initiative and referendum will break down any commercial or political oligarchy whatever, anywhere, and that the controlling powers of Utah know it and for that reason oppose it.

Mr. Frank J. Cannon, assisted by Mr. Harvey J. O'Higgins, with great solemnity and the most earnest assurance, declare to the people of the United States the truth of the history they have narrated in regard to the ruling powers of Utah in Everybody's Magazine. They declare that the Senators from Utah are named by the Mormon "prophet," Joseph F. Smith, that this church controls the political conditions of Utah, and that they have broken faith with the people of the United States in every promise they have made to conduct the affairs of that State in the spirit of American institutions.

The predecessor of the Senator from Utah, ex-United States Senator, Mr. Cannon, describes the manner in which commercial passports to heaven are given by the Mormon hierarchy to its loyal followers. He fully describes how the Mormons and gentiles alike are exploited by a powerful oligarchy in control of Utah. He describes how the children are hypnotized by early and frequent vows to the church, and how their loyalty is kept constant by everlasting reiteration of vows of loyalty and testimony of loyalty, given from month to month by the individuals thus committed in childhood. For example, he describes how a 14-year-old boy is required to rise and say before the congregation as a creed:

Brethren and sisters, I feel called upon to say a few words. I am not able to edify you, but I can say that I know this is the church and Kingdom of God, and I bear my testimony that Joseph Smith was a prophet and that Brigham Young was his lawful successor, and that the Prophet Joseph F. Smith is heir to all the authority which the Lord has conferred in these days for the salvation of men. And I feel that if I live my religion and do nothing to offend the Holy Spirit, I will be saved in the presence of my Father and His Son, Jesus Christ. With these few words I will give way. Praying the Lord to bless each and everyone of us is my prayer in the name of Jesus Christ. Amen.

Ex-Senator Cannon describes how the individuals who thus pledge their allegiance are kept in line by the examination and espionage of monthly ward teachers, who enter the homes of the people with authority and see that they are faithful and that they renew or continue to allege their loyalty and fidelity. They teach the simple elemental virtues of Christianity, abstinence from alcohol, tobacco, tea, and coffee, and on this sound foundation of decency and on the pledge of loyalty continually reiterated they lay a foundation of fidelity that makes of the ordinary Mormon a subject of the prophet, a vassal, an obedient follower of the orders—political or commercial—of the prophet.

There never was in the history of the world an oligarchy more thoroughly and completely organized than in Utah, if this narrative be anywhere near the truth.

This description I present to the Senate for the reason that it has gone into every quarter of the United States and, in effect, it is a most serious attack upon the high standing and good name of the Senate of the United States itself, and it requires and demands a thorough-going investigation in order either to establish its falsity or to demonstrate its truth, so that the Senate of the United States and the people of Utah shall be purged of this charge if it be false, or correct the unhappy conditions in Utah if the statement should unfortunately prove to be true.

Mr. Cannon describes in detail and vigor the inordinate greed of Joseph F. Smith, the Mormon prophet, and makes the following statement:

Along with this strain of commercial greed in Smith there is an equally strong strain of religious fanaticism that justifies the greed and sanctifies it to itself. He believes (as *Apostle Orson Pratt* taught, by *authority of the church*) that "the kingdom of God is an order of government established by divine authority. It is the only legal government that can exist in any part of the universe. All other governments are illegal and unauthorized. * * * Any people attempting to govern themselves by laws of their own making, and by officers of their own appointment, are in direct rebellion against the kingdom of God."

Smith believes that over this kingdom the Smiths have been, by divine revelation, ordained to rule. He believes that his authority is the absolute and unquestionable authority of God Himself. He believes that in all the affairs of life he has the same right over his subjects that the Creator has over His creatures. He believes that he has been appointed to use the Mormon people as he in his inspired wisdom sees fit to use them, in order the more firmly to establish God's kingdom on earth against the powers of evil.

Messrs. Cannon and O'Higgins, in their last article, use the following headlines:

Political headquarters of the State of Utah. Headquarters of the Mormon Church. Utah-Idaho Sugar Co., Joseph F. Smith, president; Inland Crystal Salt Co., Joseph F. Smith, president; Zion's Savings Bank & Trust Co., Joseph F. Smith, president; State Bank of Utah, Joseph F. Smith, president; Zion's Cooperative Mercantile Institute, Joseph F. Smith, president; Consolidated Wagon & Machine Co., Joseph F. Smith, president; Home Fire Insurance Co., Joseph F. Smith, president; Beneficial Life Insurance Co., Joseph F. Smith, president; Salt Lake Knitting Co., Joseph F. Smith, president; the Deseret News, Joseph F. Smith, president.

They conclude with chapter 20, as follows:

CHAPTER 20.

CONCLUSION.

Of the men who could have written this narrative, some are dead, some are prudent, some are superstitious, and some are personally forsworn. It appeared to me that the welfare of Utah and the common good of the whole United States required the publication of the facts that I have tried to demonstrate. Since there was apparently no one else who felt the duty and also had the information or the wish to write, it seemed my place to undertake it. And I have done it gladly; for when I was subscribing the word of the Mormon chiefs for the fulfillment of our statehood pledges, I engaged my own honor, too, and gave bond myself against the very treacheries that I have here recorded.

We promised that the church had forever renounced the doctrine of polygamy and the practice of plural-marriage living, by a "revelation from God" promulgated by the supreme prophet of the church, and accepted by the vote of the whole congregation assembled in conference. We promised the retirement of the Mormon prophets from the political direction of their followers, the abrogation of the claim that the Mormon Church was the "Kingdom of God" reestablished upon earth to supersede all civil government—the abandonment by the church of any authority to exercise a temporal power in competition with the civil law. We promised to make the teaching and practice of the church conform to the institutions of a republic in which all citizens are equal in liberty. We promised that the church should cease to accumulate property for the support of illegal practices and un-American government.

And we made a record in proof of our promises by the antipolygamy manifesto of 1890 and its public ratification; by the petition for am-

nesty and the acceptance of amnesty upon conditions; by the provisions of Utah's enabling act and of Utah's State constitution; by the acts of Congress and the judicial decisions restoring escheated church property; by the proceedings of the Federal courts of Utah in reopening citizenship to the alien members of the Mormon Church; by the acquiescence of the Gentiles of Utah in the proceedings by which statehood was obtained; and, finally and most indisputably, by the admission of Utah into equal sovereignty in the Union, since that admission would never have been granted except upon the explicit understanding that the State was to uphold the laws and institutions of the American Republic in accordance with our covenants.

"THE INTERESTS" BACK THE CHURCH.

Of all these promises the church authorities have kept not one. The doctrine and practice of polygamy have been restored by the church, and plural-marriage living is practiced by the ruler of the kingdom and his favorites with all the show and circumstance of an oriental court. There are now being born in his domains thousands of unfortunate children outside the pale of law and convention, for whom there can be entertained no hope that any statute will ever give them a place within the recognition of civilized society.

The prophet of the church rules with an absolute political power in Utah, with almost as much authority in Idaho and Wyoming, and with only a little less autocracy in parts of Colorado, Montana, Oregon, Washington, California, Arizona, and New Mexico. He names the Representatives and Senators in Congress from his own State and influences decisively the selection of such "deputies of the people" from many of the surrounding States. Through his ambassadors to the Government of the United State, sitting in House and Senate, he chooses the Federal officials for Utah and influences the appointment of those for the neighboring States and Territories. He commands the making and unmaking of State law. He holds the courts and the prosecuting officers to a strict accountability. He levies tribute upon the people of Utah and helps to loot the citizens of the whole Nation by his alliance with the political and financial plunderbund at Washington. He has enslaved the subjects of his kingdom absolutely, and he looks to it as the destiny of his church to destroy all the governments of the world and to substitute for them the theocracy—the "government by God" and administration by oracle—of his successors in office.

And yet, even so, I could not have recorded the incidents of this betrayal as mere matters of current history—and I would never have written them in vindication of myself—if I had not been certain that there is a remedy for the evil conditions in Utah, and that such a narrative as this will help to hasten the remedy and right the wrong. Except for the aggressive aid given by the national administrations to the leaders of the Mormon Church, the people of Utah and the intermountain States would never have permitted the revival of a priestly tyranny in politics. Except for the protection of courts and the enforced silence of politicians and journalists, polygamy could not have been restored in the Mormon Church. Except for the interference of powerful influences at Washington to coerce the Associated Press and affect the newspapers of the country, the Mormon leaders would never have dared to defy the sensibilities of our civilization. Except for the greed of the predatory "interests" of the Nation, the commercial absolutism of the Mormon hierarchy could never have been established. The present conditions in the Mormon kingdom are due to national influences. The remedy for those conditions is the withdrawal of national sympathy and support.

WHO IS TO RULE IN UTAH?

Break the power at Washington of Joseph F. Smith, ruler of the Kingdom of God, and every seeker after Federal patronage in Utah will desert him. Break his power as a political partner of the Republican Party now—and of the Democratic Party should it succeed to office—and every ambitious politician in the West will rebel against his throne. Break his power to control the channels of public communication through interested politicians and commercial agencies, and the sentiment of the civilized world will join with the revolt of the "American movement" in Utah to overthrow his tyrannies. Break his connection with the illegal trusts and combines of the United States, and his financial power will cease to be a terror and a menace to the industry and commerce of the intermountain country.

The Nation owes Utah such a rectification, for the Nation has been, in this matter, a chief sinner and a strong encourager of sin.

The Republic must overthrow the modern Mormon kingdom, or that kingdom will sap the honor and power of the Republic. Both can not survive as temporal sovereignties under their present exclusive pretensions. The Republic must vindicate its own jurisdiction, by State and Nation, over the temporal affairs of men within its borders, or it must rest content with such fragments of sovereignty as encroaching ecclesiasts care to leave it. The records of the world may be searched in vain for an instance in which a government deriving its powers from the consent of the governed, and a government claiming to derive exclusive and world-wide authority from God on high, were able to occupy in harmony the same territory. They have never done it; they can not do it now.

HOW UTAH CAN BE FREED.

The Nation need not fear that in breaking the pretensions of the modern Mormon kingdom it will be engaging in a religious persecution. It is not religious persecution to deny the representative of a foreign potentate a seat in our Senate. It is not religious persecution to insist on the observance of a solemn covenant. It is not religious persecution to demand that a hierarchy shall keep out of politics. In my story of the modern Mormon kingdom I have denounced not doctrines, but deception; not the keeping of faith with God, but the breaking of faith with men; not the religion which cheers and sustains, but the hierarchy which hides under the altars of that religion to prey and plunder. The Nation can make the same distinction.

And the Nation owes such a rectification not only to Utah, but also to itself. The commercial and financial plunderbund that is now preying upon the whole country is sustained at Washington by the help of the agents of the Mormon Church. The prophet not only delivers his own subjects up to pillage; he helps to deliver the people of the entire United States. His Senators are not representatives of a political party; they are the tools of "the interests" that are his partners. The shameful conditions in Utah are not peculiar to that State; they are largely the result of national conditions, and they have a national effect. The prophet of Utah is not a local despot only; he is a national enemy; and the Nation must deal with him.

I do not ask for a resumption of cruelty, for a return to proscription. I ask only that the Nation shall rouse itself to a sense of its responsibility. The Mormon Church has shown its ability to conform to the demands of the Republic—even by "revelation from God," if necessary. The leaders of the church are now defiant in their treasons only because the Nation has ceased to reprove and the national administrations have powerfully encouraged. As soon as the Mormon hierarchy discovers that the people of this country, wearied of violated treaties and broken covenants, are about to exclude the political agents of the prophet from any participation in national affairs, the advisers of his inspiration will quickly persuade him to make a concession to popular wrath. As soon as "the interests" realize that the burden of shame in Utah is too large to be comfortable on their backs, they will throw it off. The Presidents of the United States will be unable to gain votes by patronizing the crucifiers of women and children. The national administrations will not dare to stand against the efforts of the Gentiles and the independent Mormons of Utah to regain their liberty. And Utah, the Islam of the West, will depose its old sultan and rise free.

THE TRUTH SHALL TRIUMPH.

With this hope—in this conviction—I have written in all candor what no reasons of personal advantage or self-justification could have induced me to write. I shall be accused of rancor, of religious antagonism, of political ambition, of egotistical pride. But no man who knows the truth will say sincerely that I have lied. Whatever is attributed as my motive, my veracity in these articles will not be successfully impeached. In that confidence I leave all the attacks that guilt and bigotry can make upon me to the public to whom they will be addressed. The truth, in its own time, will prevail, in spite of cunning. I am willing to await that time, for myself and for the Mormon people.

Mr. President, I know nothing about the truth of this matter. It may be absolutely false from beginning to end; it may be utterly unworthy to be uttered, but it is a very serious matter, coming from an ex-Member of this body, ex-United States Senator Frank J. Cannon. I do not know whether it is true or false; I do not pretend to know; but I think that the Senate ought to know the truth of this grave accusation, and ought to know it by a proper investigation and inquiry into it.

Mr. President, I very greatly regret that the principles of the initiative, the referendum, and the recall, which are contained in the constitution of Utah, should be now openly derided and flouted by the Senator from Utah without sound reason or argument. It is very extraordinary that a Senator, holding the honors and the dignities of a State, should ridicule and denounce the principles laid down in the constitution of his own State, but it is no more extraordinary than the fact that five succeeding legislatures in that State should have refused to vitalize the constitution of Utah by passing the necessary statutes for its enforcement. These five legislatures have been urged to perform this duty by those who believe in the doctrine of self-government and in the doctrine of the rule of the majority. The mere fact that these legislatures have refused to perform this obvious duty, and the fact that the Senator from Utah denounces these doctrines of the constitution of Utah, is a circumstance of vast importance in the light of the charge that the Mormon Church as a political and commercial oligarchy controls the political affairs of that State and dictates the appointment of Senators from that State.

Mr. President, I would not willingly say anything that would wound the feelings of the Senator from Utah, but when he uses his position as a Senator to denounce the principles of good government, in which I believe—which I believe of vital importance—when he denounces the initiative and the referendum, when he denounces the principles of government laid down in the constitution of Oklahoma and ridicules the people of Oklahoma, and when his argument goes out all over the United States as a campaign document against the people's rule, it is my duty to the people of Oklahoma and to the cause of popular government to enter a vigorous protest against the argument submitted by the Senator from Utah and to make such answer as will give that argument its proper place before the electorate of the United States.

No one should be surprised that the Mormon Church should oppose the initiative, the referendum, and the recall, and no one should be surprised that the income-tax amendment should be voted down by the Legislature of Utah. (March 9, 1911.)

It is but natural that the Senator from Utah should be powerfully influenced by the opinions of the controlling powers of his State, without whose support I believe he could not appear on the floor of this Chamber. It is but natural that he should give voice to the opinions of those at the head of this religious hierarchy. It is but natural that, under the circumstances of his environment, he should oppose the rule of the majority and oppose those democratic agencies which would overthrow the rule of the minority. It is but natural that he should regard with disapproval the views of the Senator from Oklahoma; that he should ridicule the Senator from Oklahoma and the liberty-loving people of that State; that he should denounce the idea of amending the Consitution of the United States as undemocratic. It would be but natural, Mr. President, in view of the conservative opinions of the Senator from Utah and who appears to believe in the absolute perfection of the Constitution of the United States, that the Senator from Utah should be preferred as a candidate for the Supreme Court of the United States, as ex-United States Senator Cannon alleges.

Mr. President, I have no doubt of the industry, high character, and good citizenship of the great body of the people of Utah,

Mormons and gentiles, and nothing which I have said could be construed as any unkind reference to the people of that State. My reference has been to a religious and commercial oligarchy described by Frank J. Cannon, which appears to be engaged in the governing business in Utah, and which I regard as un-American in the highest degree, and as most injurious to the people of Utah, and especially to the Mormons. The Mormon Church ought to go out of the political business, as it agreed to do. If it is true that the Mormon "prophet" names the Senators from Utah on this floor, and uses the power of a religious hierarchy to accomplish this, he is able to do a positive harm to the people of the United States outside of Utah and to the people of Oklahoma, which I have the honor, in part, to represent.

The mere fact that the Senator from Utah criticized the Senator from Oklahoma and the State of Oklahoma would not have induced me to call attention to this matter had I not felt that the issue of popular government is one of vital importance to the people of the United States.

I might pause to remark that I was not present in the Senate when I was assailed by the Senator from Utah, but I do not complain of it at all, because Senators are so frequently away from the floor that a Senator would have to be silent and be denied the right to criticise the views of a fellow Senator if he could only do so when a Senator were present.

I have been surprised that the Senator from Utah should have gone out of his way to assail Oklahoma and its constitution, and I am willing to believe that it was done in a spirit of levity and ridicule for the purpose of denouncing the doctrine of popular government, for which Oklahoma is distinguished, but I have not been willing to leave this volley of epithet, sarcasm, and ridicule against the principles of the constitution of Oklahoma which her liberty-loving people believe in to remain unanswered.

In answering I have endeavored to do my duty to the people of Utah and to the Republic and to the cause of the popular government in which I deeply and profoundly believe, and to vindicate the great Constitution and to defend the wisdom and the patriotism of my own beloved people of Oklahoma.

The VICE PRESIDENT. The question is on agreeing to the committee amendments to the original joint resolution, which must be acted upon prior to action upon the substitute.

Mr. CUMMINS. Mr. President, I can not even hope that any word uttered by me at this stage of the dispute, when the opinions of Senators have become so thoroughly and completely crystallized, can influence the decision which the Senate is about to render upon this important subject. But I feel so deeply the conviction that many Senators with whom I agree upon the recall of judges are about to inflict upon our institutions a severer blow by their votes upon the joint resolution shortly to be submitted to the Senate than could possibly be inflicted by allowing the people of Arizona the privilege of recalling such members of the judicial department as they think ought to be recalled that I am impelled to suggest the reasons which will guide me to the vote I shall cast.

I regret very much that all the emphasis of this debate has been placed upon the wisdom or the unwisdom of establishing in the laws of Arizona the recall of judges. I do not believe that the emphasis of the controversy ought to be placed upon either the initiative, the referendum, or the recall. From my point of view the discussion of the merits of the initiative, the referendum, and the recall are irrelevant and immaterial, if I may use a phrase common in the trial of causes. My vote upon the subject under consideration will not be determined by the opinions I hold concerning these policies of government or concerning either of them.

Lest, however, it may be said that I am unwilling to avow my belief touching these doctrines, I do not hesitate in saying, first, that I believe in a qualified or restricted initiative for direct legislation; second, that I believe in an unqualified and unrestricted referendum for the approval or disapproval of legislative acts; third, I doubt the necessity or wisdom of the recall for legislative and executive officers elected for the short terms now common in this country; fourth, I am opposed to the recall for judges.

I have thus stated my belief with respect to these principles of government, not because I think them material in the controversy before us, but because I desire to escape the reproach that I was unwilling or reluctant to declare before the people of this country just what I believe concerning them. If I believed that my vote for the joint resolution before us, either as reported by the committee or as proposed to be amended by the substitute of the Senator from Minnesota [Mr. NELSON], implied an indorsement of all the constitutional provisions presented by New Mexico and Arizona, I would feel compelled to vote against the approval of both constitutions, for there are many things in each of them that, in my judgment, ought not to be in the organic law of a State.

I can not, however, concur with the Senator from New York [Mr. ROOT] in his proposition, and it is to that proposition mainly that I desire to address myself in the brief time I shall ask the indulgence of the Senate.

His proposition is that a vote for the admission of Arizona, with the constitution her people have adopted, is equivalent to an assertion by the voter, I mean the senatorial voter, that he believes that it is wise to establish the recall of judges. This can not be a sound proposition, and if I may depart a moment from its abstract consideration and address myself to him and to those who believe with him personally, I can easily prove that it is not a sound proposition.

The constitution of Arizona establishes the unrestricted initiative, the unrestricted referendum, and the unrestricted recall. The amendment proposed by the Senator from Minnesota [Mr. NELSON] proposes to change but one of these provisions, namely, the recall of judges.

The Senator from New York [Mr. ROOT], as I understand him and have understood others who follow his leadership, intends, if the amendment proposed by the Senator from Minnesota shall be adopted, to vote for the admission of both New Mexico and Arizona. If he so does, he will vote for a constitution which provides, in the case of Arizona, for the unqualified initiative. Will those Senators who have outlined this course for themselves agree that in so doing they are asserting their indorsement of the principle of the initiation of and direct legislation by the people? No.

There is in this constitution the establishment of a system for unqualified referendum to the people of acts of the general assembly or legislature. The Senator from New York does not believe in that principle of government. There is much room for difference of opinion both with respect to the initiative and the referendum. I believe in them, qualified as I have suggested, but the Senator from New York does not believe in them, and yet he, and those who are with him in this respect, apparently intend to vote for the admission of Arizona with this principle implanted in it and established by her constitution.

Now, I am not quarreling with or even criticizing a vote so cast; I believe it is properly cast; but I instance it to show that he does not believe, no Senator can believe, that a vote to admit Arizona with the constitution which her people have adopted is an indorsement of either the referendum, the initiative, or the recall or any other provision in her constitution. It is a statement by each Senator that he believes the constitution adopted by the people of that Territory is not in conflict with the Constitution of the United States, and it is an assertion of his opinion that it does establish or create a republican form of government, but it is not an indorsement of the policy which the people of that Territory choose to adopt for their own government.

Again, after the amendment of the Senator from Minnesota shall have been adopted, if it be adopted, there will remain in the constitution of Arizona a provision for the recall of short-term legislative and administrative officers. I know from my association with Senators that many of them are not convinced that it is wise or right to incorporate such a provision in the constitution of a State. I believe that many of them, if they were residents of Arizona, would have voted against a constitution with such a provision in it. If they vote for the admission of Arizona is it to be said that they are affirming before the people of this country the wisdom of a system which recalls executive and legislative officers? No; they are voting for the admission of a State, and the only thing which we affirm in voting for the admission of a State with a constitution adopted by the people who are to form the State is that we believe the organic law thus established is in harmony with the Constitution of the whole country, and that under it the people will enjoy a republican form of government.

I join issue with those who believe that we have the right to prescribe a constitution for Arizona or any other Territory which seeks admission to the Union. I do not challenge the power of Congress to exclude the people of Arizona and the people of New Mexico from participation in the Union of States just so long as Congress desires to exclude them. We, however, have passed that stage in this controversy. The enabling act passed a year or more ago, determined that these two Territories, with respect to their population and with respect to their people, their habits, their tendencies, their powers of self-government, were ready for admission to the Union. That is no longer open, as it seems to me, for either discussion or decision, and the only thing that remains for us to determine

is whether we shall approve the constitution which they have in fair and properly regulated elections provided for themselves.

The Senator from New York and others who have followed him have said that the enabling act imposes upon Congress the duty of approving these constitutions and his conclusion was that if we find anything in the constitutions which we would not have voted for had we been residents and voters of the Territory, then we ought to vote against the admission of the Territories. I can not believe that that is the law. I believe that when you vote to exclude Arizona because you would not have made for her such a constitution as her own people have provided, you are striking a vital blow upon the institutions of your country.

I know that we have the power to do it. So has a judge the power to render an unjust or a corrupt decision. We must always repose final power somewhere. Our power in this respect is unappealable and unreviewable, and therefore no one can question its exercise. But there is a moral obligation upon those who are invested with power that ought to be as effective, and I believe is as effective, as the formal or verbal power with which we are intrusted.

We are falling into a dangerous tendency in these days, a tendency that I hope the Senate of the United States will speedily correct by its own example. We are becoming careless and indifferent in regard to the exercise of power. If we have the power, if we have the jurisdiction, then we exercise it apparently without much regard for the consequences that may ensue. Courts strain and torture the words of a constitution in order to find in it authority which they believe the Government ought to have, or they strain and torture its words in order to take out of it a power which they think the legislature and the executive ought not to have. It is a sad and demoralizing tendency, and we ought to be the first to cherish the tradition and to cherish the principle that unreviewable power shall be exercised according to the right and morals and justice of the case.

The executives not only of the United States but of the States as well seem nowadays to have no hesitation about invading the powers, the privileges, the rights of the legislative department of the Government. We seem to grow blind to the distinction which our forefathers attempted to draw between these departments of the Government. The legislatures of the States seem to have forgotten that they ought not to control or direct the executives who are elected for the purpose of executing and enforcing the laws, and we invade from time to time a region which, under the Constitution of the United States as well as the constitution of every State in the Union, ought to be free from any intrusion of our department of the Government.

Here we are, a Congress which has the power to say that Arizona and New Mexico shall not be admitted as States until they make and adopt a constitution that fits our ideas of what constitutions should be, and that embodies our views with regard to what the organic law should contain, and we are in grave danger of exercising a power that we undoubtedly have against common right and common justice, and against the fundamental principles which hold the Union together. My proposition is to me as plain and as simple as the most elemental law of mathematics. My proposition is that if Arizona after her admission to the Union may lawfully establish a constitution which she presents to us for her admission to the Union; then we have no moral right, although we have a constitutional power, to say that she shall not enter the Union until she conforms to our view in her policies and her systems of administration.

This is not a new question. I thought at first, when the subject became imminent, that I would endeavor to review the legislative history of the United States upon it. It is exceedingly interesting; it is exceedingly instructive. There was a time when most of the lawyers of the Congress of the United States believed that in admitting a State into the Union Congress could impose a fundamental law upon it, which after admission would be superior and paramount to any change or amendment the people of the States might desire to engraft upon the constitution.

It has been many times attempted in the Congress of the United States to admit States upon such a condition, but always upon the hypothesis that after admission the condition so imposed would be effective and operative against the will of the people of the State. Such was the discussion, for instance, upon the admission of Nebraska to the Union, as you will remember, very soon after the close of the Civil War, and while feeling still ran high, Nebraska had adopted a constitution which limited the suffrage of her people to white men. This was before the adoption of the constitutional amendment, which would now render such a State constitution impossible. The question was whether Nebraska should be admitted to the Union with that sort of a constitution, and one of the most valiant advocates for human rights who ever stood in this Chamber, a man uncompromising in his views, stalwart in all his opinions, brave and fearless as a fighter for the cause he believed to be just, Ben Wade, of Ohio, insisted that Nebraska should enter the Union even with this obnoxious clause in her constitution. It was sought then to impose a condition, and the opposition to the position I am now taking was represented in a resolution which attempted to impose upon Nebraska forever the condition that there should be no discrimination in her constitution so far as race and color are concerned. So this constitutional question, if I may so term it, although I believe it is a moral question rather than a constitutional question, arose and was debated. Senator Wade almost alone stood for the proposition that it was not within the power of Congress to impose upon a State that was to be admitted on an equal footing and with all the rights and privileges of other States a provision which she could not herself remove when admitted to the Union. However, the minority opinion then has become the universal opinion now.

There is no lawyer in this Chamber, there is no lawyer anywhere, who will assert that Arizona could not lawfully, immediately after her admission to the Union, incorporate into her constitution the very provision which now excites the opposition of Senators upon this floor; and no one will contend that having so incorporated the provision by the due process of amendment into her constitution Congress could, by any legislation, either affect that provision of her organic law or disturb her relations to her sister States on account of it.

Is it not in the highest degree illogical, is it not the climax of folly, to say that we have the right to exclude Arizona from the privileges of statehood because she has a provision in her constitution which we do not indorse, and at the same time admit that next year she may exercise all the rights of statehood and incorporate that provision into her constitution, and that then we will be powerless to either amend it or to exclude her from her rights and privileges as a Commonwealth of the Union?

I am not now speaking of our power, but I believe that our right at this time is limited by our power after she shall become a member of the sisterhood of States. If she presented here a constitution which we found in the organic law of some State already admitted and that was repugnant to or inconsistent with the Federal Constitution, or that we believed established a government unrepublican in form, then we could say to her before she entered, "You can not come in"; just as the courts would say to her after she was in that any provision of her constitution inconsistent with the Federal Constitution had no force or effect, and just as Congress could say to any State which would so amend her constitution as to greate a government unrepublican in form, "You must change your constitution or you can no longer enjoy the companionship of republican governments."

To me our duty is plain. I do not intend to emphasize my objections to the recall of judges. I recognize the right of the people to establish such a system in their government; but, as one of the people, I do not believe in that system, and I would do everything in my power to prevent, were I a citizen of Arizona, the establishment of the recall of judges; but in order to carry into effect my views with respect to that subject I am asked here to do infinite violence to the Constitution of my country, infinite violence to the institutions of which we are so proud. I am asked to usurp a power that Congress never ought to exercise, and can not exercise morally, although if it does exercise it there is no appeal from our act in that respect. I ask Senators to pause a moment before they shall attempt to take into their hands rights which are just as sacred to the people of Arizona as are the rights which we enjoy under the Constitution of the country.

I intend, for these reasons, to vote against the substitute for the joint resolution proposed by the Senator from Minnesota [Mr. NELSON], and I intend then to vote for the constitutions which the people of these Territories have established. I would vote for them even though the other House had suggested no amendment whatsoever.

I regard the provision in the constitution of New Mexico with respect to the amendment of her constitution as in the last degree tyrannical, as in the last degree indefensible; but it is not for me to say to the people of New Mexico, "You shall amend your constitution thus and thus"; it is for them to declare how they desire to be governed; and so long as they present a constitutional system of organic laws which is in

harmony with the Federal Constitution, and which does establish and create a republican form of government, so long will I submit and yield my views upon these matters to the rights, the inalienable and sacred rights, of the people of that Territory.

Mr. BRADLEY. Mr. President, I listened this morning with a great deal of pleasure to the very able speech of the Senator from Minnesota [Mr. CLAPP]. I almost made up my mind that, notwithstanding my fixed opinions on this subject, I would vote for the admission of Arizona, letting her, of course, take care of herself and pay the price of her folly; but after thinking about the matter and remembering that men are judged by their votes more than by their speeches I have come to a different conclusion.

I want to say at the outset that there is no Senator in this Chamber who has a greater respect for the opinions of the people than have I, but when I speak of the opinions of the people I speak of opinions formed deliberately in hours of calmness and not of opinions formed in hours of excitement, for the whole history of the world bears me out in the truth of the assertion that at times the people need to be protected from themselves.

More than nineteen hundred years ago the people demanded the crucifixion of the Savior of mankind, and I believe when He was surrendered into their hands by Pontius Pilate that that was the first instance in history of the exercise of the referendum. After He had been crucified and the veil of the temple had been rent in twain and darkness and earthquakes came history fails to record that the people ever recovered their reason and asked for the recall of Pontius Pilate.

Mr. President, I want to give this Senate the advantage of a little history in our State showing how uncertain the voice of the people is at times and how dangerous would be the proposition to allow the recall of judges. In 1818, I believe, times were hard in Kentucky. The people rose up and demanded that a State banking system should be created. The legislature met, and in response to that overpowering call incorporated 46 banks with a capital of $9,000,000. In less than one year disaster came upon the State; in less than one year the only bank we had in Kentucky that was reliable—the old Bank of Kentucky—suspended, and in less than one year all of the 46 banks had gone into bankruptcy. That was an appalling period.

The legislature met in 1820 and repealed the charters of the 46 banks, leaving the banking system of the State in its original condition; but again the cry of the people was raised; hard times were upon us, and the people demanded that there should be something else done by the creation of a bank. So when the next legislature met it created a bank called the Bank of the Commonwealth. It was capitalized at $2,000,000 and authorized to issue $3,000,000 of circulating notes, which were made a legal tender for the payment of all debts. Again the State went even deeper into despondency and disaster. A wave of trouble and financial ruin swept over it from one end to the other. In the midst of this an appeal was made to the judiciary by a petition filed before Judge Clark, a circuit judge.

When that petition was filed, asking that this law should be held unconstitutional, his life was threatened and every attempt made to intimidate him by a frenzied populace; but he arose to the exigency of the occasion and decided that the law was unconstitutional. Then it was that the people of the State went into a perfect frenzy, and the result was that they determined that this man should be addressed out of office. They went to work and established a party called the Relief Party, which assumed the name of the People's Party. In the succeeding election they obtained an overwhelming majority of the legislature and elected Gov. Adair, who was in sympathy with them. The result was that after this was done Gov. Adair called the legislature into special session.

When Judge Clark was summoned before them to answer for the judgment he had rendered he did answer in a brave, fearless, able way, and they were unable to obtain the two-thirds majority to address him out of office. What did they do? They finally agreed that they would let the matter rest until the court of appeals could pass on it. So they passed it until 1823, when the court of appeals of Kentucky, rising like brave men and true to the spirit of the situation, decided that the judgment of Judge Clark was right and that the law was unconstitutional, because it impaired the obligation of contracts. What was done then? These same frenzied people, for the purpose of putting out of office the judges of the court of appeals——

The VICE PRESIDENT. Will the Senator from Kentucky submit to an interruption?

Mr. BRADLEY. Certainly.

ADMIRAL COUNT HEIHACHIRO TOGO, IMPERIAL JAPANESE NAVY.

The VICE PRESIDENT. The Chair desires to announce that the Senate has as its guest Admiral Count Heihachiro Togo, Imperial Japanese Navy.

Mr. ROOT (at 4 o'clock and 32 minutes p. m.). Mr. President, I move that the Senate take a recess until a quarter before 5 o'clock to enable its Members to pay their respects personally to our distinguished guest.

The motion was agreed to.

The Senate thereupon took a recess, when the Members of the Senate were presented to Admiral Count Heihachiro Togo, Imperial Japanese Navy, and the members of his suite.

[Before the party withdrew from the Chamber the Vice President said: "Admiral Count Heihachiro Togo expresses his thanks to the Senate. He does not know that all Senators heard him, and so he has asked me to voice his thanks for him."]

At the expiration of the recess the Senate reassembled.

NEW MEXICO AND ARIZONA.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

Mr. BRADLEY. Mr. President, it requires, as one of my friends suggested a moment ago, the Japanese Navy to take a Kentuckian off his feet, and now that we have returned from Japan, in a very few moments I shall conclude what I have to say.

I recite this history of affairs in Kentucky because I believe it is instructive. After the court of appeals had decided that the law was unconstitutional, not having the necessary two-thirds to address the judges out of office, the Relief Party went to work to hold another election, for the purpose of electing a sufficient number to address the judges of the court of appeals out of office.

Meanwhile laws had been passed increasing the time for replevin and staying issual of execution in order to prevent collection of debts.

The point of frenzy which had been reached by the people at that time seriously threatened civil war. They had an election, Gov. Desha being the candidate of the Relief Party for governor. The result of that election was again an overwhelming victory for those who believed in relief. However, there was not yet a two-thirds majority. The legislature met; the matter was taken up; and finding that they could not address the judges out of office they concluded to and did pass an act abolishing the court of appeals and creating another court in its place, providing for three judges, and the governor proceeded to appoint these three judges. They took their places, but the old court refused to abdicate, holding the act unconstitutional, and so we had two courts, the highest court in the State, in existence at the same time. The records of the old court were seized and placed under guard. In consequence of this nothing could be done. Everything was thrown into uncertainty.

This condition of affairs existed until the State was well-nigh bankrupt, and in 1825 another election was held. By this time the people, who had been absolutely crazy for a period of nearly seven years, recovered their reason, elected a majority of anti-relief men to the legislature, who repealed the law creating the new and reinstated the old court.

Now, this is the history of the popular voice in Kentucky. This is the history of wild and unreasonable clamor. Here were the people demanding that men should be removed from office simply because they had discharged their duty. The judiciary was torn in pieces, and yet the fight went on until the State was well-nigh ruined.

I think it proper that this matter of history should be recited before the Senate to show the uncertainty of the people as to the recall of judges. If they had possessed the power, they would have recalled Clark and the judges of the court of appeals; and if this had been done we would have had anarchy and civil war in Kentucky, which would have destroyed the State. Therefore I want to record myself as opposed to any constitution that authorizes the recall of judges.

Some Senators have said that the State, if admitted, even without the recall, would have a right, after it became a State, to pass the recall by amending its constitution, and therefore, although opposed to the recall, they would vote for admission. I have only one word to say about that. I suppose they are similarly situated as the old German who was asked to contribute to buy a lightning rod to put over a church. He refused to do it, and gave this as his reason: "The church is the Lord's, and the lightning is the Lord's. If the Lord wants to take his

own lightning and knock down his own church, that is the Lord's business."

So I suppose the idea of these Senators is that the State belongs to the people of Arizona, and if they want to adopt a constitution which will destroy their own State, that is their business, and they ought to be allowed to adopt it and be admitted into the Union, but I can not give a vote here that will send my record down in history as approving anything of that sort. I do not believe that the recall is republican. It think it is the destruction of one of the great departments of government, the judiciary, and the destruction of the judiciary will lead to confusion and ruin.

Recognize such a principle as this and you make every judge a coward. Why? Because when he comes to decide a case the first thing he will do will be to try to ascertain what the people want, for fear the people will put him out of office if he fails to indorse them, and the result of it will be that their will, however frenzied, will be carried out, and that there will be no independence in the judiciary. I can not give a vote that will lead to the belief that I indorse a thing of this sort either directly or indirectly. The judiciary is the harbor of safety. It may be resorted to when the legislative or the executive departments, controlled by political passion or interest or by the excitement of the hour, do things which are extravagant or dangerous. The last appeal of the citizen, the last appeal of the despised minority, the last appeal of the oppressed is to the courts of the country, and if the courts are to be hampered in their action, if they are to be made cowards in their opinions, then I say we may bid farewell to liberty and give ourselves over to anarchy and destruction.

Mr. SHIVELY. Mr. President, the joint resolution to admit New Mexico and Arizona to statehood came from the House and was referred to the Committee on Territories of the Senate. Before that committee hearings were had. Everyone who desired to be heard had his opportunity to present his facts, submit his suggestions, and declare his opinion. After full hearings the Committee on Territories, by an overwhelming majority, declared in favor of the resolution in the form now presented and directed the chairman of the committee to report it to the Senate with the recommendation that it do pass. The senior Senator from Minnesota [Mr. NELSON] presents an amendment to the resolution. As every Senator who has spoken professes to favor statehood for these Territories, the only questions before the Senate arise on the proposed amendment; and what are these?

Both from representations made before the committee by reputable citizens of New Mexico, and on the face of the instrument itself, it became apparent that the New Mexico constitution practically locked away from the people of the proposed State the possibility of future amendment. To supply an opportunity to correct this mischief, the resolution provides for the submission to the people of that Territory a modification of their constitution, prescribing a more liberal procedure for amendment. This proposed modification goes to the people of the Territory as a single, distinct proposition, to be voted up or down, as the electors may determine for themselves. The resolution is in no sense coercive on New Mexico, as her admission is made to depend, not on her acceptance of the proposed modification, but on her submission of it to the will of her people for either adoption or rejection, as they see fit.

Against this provision of the resolution the amendment submitted by the Senator from Minnesota [Mr. NELSON] preserves and approves the novel and extraordinary provision of the New Mexico constitution, which renders amendment well-nigh impossible. On the other hand, the resolution as reported is not only not unusual or extraordinary, but has excellent authority back of it. It enables the Legislature of New Mexico to submit to the people of New Mexico an amendment to their constitution on the same terms and by precisely the same vote as is required by the constitution of Minnesota to submit an amendment to the people of that State.

Now as to Arizona. The people of Arizona saw fit to incorporate in their constitution a provision authorizing the recall of public officials. The resolution as reported requires that the Territory submit an amendment to such provision to the effect that such recall shall not apply to judges. This amendment would go to the people of Arizona as a single question, unentangled with and separated from any and all other provisions in their constitution. Nor is the resolution made coercive on the will of Arizona. It only requires a review and determination of the narrow and precise question of the recall of judges under such auspices as to free it from the innumerable other considerations that attend a vote on a constitution as a whole, and, on such review and determination, admits Arizona to statehood, with the tenure of office of her judiciary as she shall have ordained it. As against this procedure, the Nelson amendment requires Arizona to submit a like amendment to her constitution and then to adopt it at the ensuing election, or be denied statehood.

Mr. President, I am unwilling that the case before the Senate shall be tried on a frivolous pleading and a false issue. The senior Senator from New York [Mr. ROOT] cites the recent case of Coyle against Oklahoma in the United States Supreme Court. In that case the court held that the State of Oklahoma was not bound by the provision in her constitution accepting the restriction in the enabling act of Congress against changing the location of her State capital for a term of years. Under this and numerous other decisions it is manifest that while your coercive amendment may constrain Arizona to strike the recall of judges from her constitution as the price of her admission, she immediately on her admission could proceed to restore it. Vain strategy is spurious strategy. One of the first and fundamental questions confronting Congress on an application for admission to statehood is whether the constitution presented is the will of the people of the Territory. The attempt, even if successful, to temporarily substitute the will of Congress for the will of the people of Arizona can accomplish no beneficient purpose. The natural effect of the ungracious challenge to the intelligence and patriotism of that people would be to provoke and aggravate the alleged distemper which the Senator from New York professes to fear.

The Senator from New York says that a vote for the resolution as reported is a vote in favor of the recall of judges. I suggest that the Senator reexamine the resolution. Words of approval are nowhere there employed. The resolution expressly requires that question to be resubmitted to the people of the Territory. The question is not whether Senators believe in the recall of judges. The resolution does not require Senators to believe in or approve of the recall of judges. The test is not, and never has been, that Congress must believe in and subscribe to everything in the constitution presented by an applying Territory. Had such been the test in the past, we would have no Union of 46 States to-day. If the Territory in other respects is qualified for statehood, and presents a constitution that does not contravene the Federal Constitution and does create a republican form of government, it is sufficient that Congress be satisfied that such constitution is the will of the people of the Territory.

A number of the earlier State constitutions provided for recall of judges by the governor. Nearly all of the State constitutions of to-day authorize the recall of judges by the legislature. For some years past Oregon has had the recall of judges by the people. Thus far not a single petition for such recall has been filed in that State. I can not conceive of such recall as being necessary or expedient or wise in Indiana. Our judiciary is elective and the term of office six years. At the end of this period the judge retires, or in due time must submit his record as a judge and his character as a man for approval or disapproval at the polls. But whatever may be the tenure of the judiciary in the several States to-day, each State at and after its admission to the Union ordained its judiciary agreeably to the will of its own people. We are no more commissioned to form a constitution for Arizona than we are to dictate a constitution to New York or Indiana. And it is idle to attempt to distinguish between Congress prescribing a constitution for a people applying for statehood and excluding such a people from statehood until they bring a constitution that conforms in all substantial respects to the will of Congress.

A fictitious and misleading issue becomes confusing to those who advance it. By his own logic the senior Senator from New York and those who agree with him are required by their vote for the Nelson amendment to approve that device for primary legislation known as the initiative. The recall of public officials is a condition attached to the tenure of elective office. The initiative is more fundamental in character and touches more vitally the chemistry of government. The Senator quotes with fervid approval the noble response of the men of Massachusetts in 1776 in denying the appeal of their temporary legislature for permission to form a constitution for their State. Those men had felt the touch of sinister power. They were unwilling to trust even their own representatives to form a constitution when they had not been selected and instructed with special reference to that high function. Yet the Nelson amendment requires the Senate to force on distant Arizona a constitution other than that ordained by her own people or close against her the door of admission to statehood.

The Senator improvised and exhibited to us startling hypothetical cases of a court under the terror of a recall. He concluded by invoking the trial of Louis XVI, and parading before the Senate the specters of Marat and Danton and Robespierre. This reference to history proves too much to be of value to the Senator's cause. It reminds us that only two generations before that trial, a Louis XIV, in his pride of power and contempt

of the people, exclaimed, "I am the state!" The exclamation was true, and described government in France. The French people were, and through their whole history had been, excluded from participation in political power. They felt the touch of that power only in the merciless burdens it brought them. Their only function was to contribute their sweat and blood and tears to maintain the splendor of a throne and feed the profligacy of a court. There was no open field of popular rights, no opportunity to develop and train the temper, the faculties, the capacities for government. Centuries of despotism left no sense of true freedom. The sense of wrong and resentment toward power remained. Liberty, equality, and fraternity were empty names. When the flood of pent-up passion broke over France the fraternity of vengeance and the equality of death seized the scepter.

Freedom is a growth, not a creation, and the great trinity in France was but half made up. Liberty could stagger and plunge, but was incapable of regular step or orderly course. Louis XVI became the sacrificial victim. He loved France, but was helpless to arrest a storm, the fury of which had been gathering long before he was born. He inherited his fate as he inherited his crown and the system of power that came with it. That system was the seedtime; the revolution was the harvest. His trial was a grotesque mockery of law, as had been the system of power a mockery of justice. Marat and Danton and Robespierre were the sanguinary usufruct of what had gone before. That trial and these names present no parable pertinent to this debate except an admonition against the mistaken maxims of power which measure the stability, efficiency, and beneficence of government by its distance from the people.

If history is to be invoked, Mr. President, I prefer that which suggests something of the genesis of popular government and illustrates the real dangers against which its founders in this country sought to intrench it. When the civilization of the west disappeared in the deepening gloom of the Dark Ages there survived in the forests of Germany a fierce, stiff-necked, indomitable, freedom-loving people, who in their primitive way associated liberty with law. They maintained the right of assembly to consult and devise measures for the common weal. They established and maintained a rude form of trial by jury. With their loud yeas and nays they elected leaders, not masters, and impressed their will on their government. When those hardy Angles and Saxons invaded England they bore with them these rudiments of civil liberty and rooted them into the soil of British policy and jurisprudence.

The growth was slow and painful, but persistent. The harvest from that ancient seedtime appears in the Magna Charta, wrung from the unwilling King John; in a Coke holding the broad shield of the law between a trembling subject and his enraged king; in a Bill of Rights forced from resisting prerogative; in defiant resistance to the principles of the ship money and the tea tax; in an American Declaration of Independence and the successful struggle to maintain it; in a Federal convention and Constitution, creating a Union of States and providing that the "United States shall guarantee to every State in the Union a republican form of government"; in an early amendment to that Constitution providing that all powers not delegated to the United States "nor prohibited to the States are reserved to the States respectively, or the people"; and in innumerable other acts and agencies by which the champions of civil liberty took pledges to the peace, order, and security of society.

Our political and civil institutions were not born of some sudden upheaval that inverted society and dissolved all government, but of a long and arduous struggle to fix bounds to power and enforce the recognition and observance of rights. Their heraldry runs in unbroken strain through a thousand years. In the long struggle were fashioned the character, the faculty, the capacity for self-government. Distrust of power became well-nigh a religion. The men who adopted the guaranty to every State of "a republican form of government" were profoundly distrustful of power. They had learned in the school of bitter experience that nothing can bind, or restrain, or circumscribe, or limit, or chain the power of government but power. Think you that by this provision of the Constitution those men sought to establish brakes and erect barriers against the power of the people? All the debates on this provision in the convention and all the decisions of the courts construing it uniformly show it an inhibition against monarchy or aristocracy or oligarchy within a State and not a restraint on the popular element in government.

The lesson that history enforces is that within the limitations fixed in the Federal Constitution the principle of local self-government should be recognized and respected by Congress. You do not want the recall of judges in New York. You are not required by the pending resolution to have it. I do not want the recall of judges in Indiana. I am not required to have it. Other Senators do not want it in their States. They are not required to have it. Many States have provisions in their constitutions which the people of other States would not tolerate in their own State constitutions. Under our system these differences can never become the subject of dispute or discord or rancor. Each State is free to ordain the constitution best suited to its own interests and conditions. This adaptability of the system to the varying and diverse opinions, institutions, necessities, and situations inevitable over a wide region of territory is its strength, its glory, and its beneficence.

As the constitution of a State is apt to reflect the civil history and political experience of the people who framed it, so radical provisions in a constitution presented by a Territory are usually efforts to take bonds against radical wrongs suffered under Territorial government. The Territory is governed from Washington. That there have been appointments of men of splendid talents and inflexible integrity to Federal service in the Territories, I personally know. There also have been fished up from the sluices of subterranean politics in the States and thrust on the people of Arizona men who hardly would have been trusted to referee a dog fight in the communities from which they came. These men made merchandise of their trusts, and treated the people with the disdain characteristic of irresponsible power. If there ever was a community that earned the right to harbor the distrust that some writer has described as divine, it is the community going through the vicissitudes of Territorial government.

As if to justify anew this distrust, it is whispered around the Senate that unless the Nelson amendment be adopted the resolution will encounter opposition elsewhere and not become law. I can not anticipate tawdry heroics. There is no room in the situation for a Leonidas at the Pass or an Horatius at the Bridge. Arizona is at the mercy of the Federal Government. Congress has the right to admit her to statehood and the naked power to exclude her from it on whatever pretext or on no pretext whatever. But to require her to strike from her constitution on the day before her admission what confessedly she may lawfully restore the day after admission is to do a foolish thing. It is the kind of offensive challenge that arouses the passions it pretends to curb. It augments and accentuates the alleged mischiefs it pretends to correct. It magnifies and vitalizes an incident into a cause. It exhibits Federal power as blindly attempting to control as a matter of prerogative that which the people of the Territory are entitled to control as a matter of right.

The resolution as reported commits no such follies. It isolates the question of the recall of public officials as applied to judges from all other questions in the constitution presented by Arizona. Then it puts up to the people of that Territory this question for reexamination and review free from every distracting influence. It leaves the subject of what the tenure of office shall be to determination by the people who must work out their destiny under the constitution as they ordain it. It leaves to every speech made in the Senate against the recall of judges its rightful influence on that determination. It sounds no note of truculent menace or threat or coercion. It presents a procedure becoming alike to the justice of Congress and the rights of a people who aspire to membership in the Union of States.

Moreover, Mr. President, suppose the electors of Arizona shall choose to abide their constitution as it was made. Think you that because of that a black tide of political and social disintegration is to engulf the United States in a common ruin? No American community has yet committed political and social suicide. It is the right of a free people to err, and retrieve the error. It is their right to make mistakes and lose and profit by them. It is their right to stumble and recover. The way of civil liberty is thick with thorns, not strewn with roses. Whether the radicalism of the Arizona constitution prove a delusion or a success, the country will mark the experiment and gain by the lesson.

All questions as to the eligibility and qualifications for statehood of Arizona touching her resources, population, institutions, and the character of her people were foreclosed by the enabling act and require no discussion here. Certain it is that Arizona was not settled and built up by cowards or weaklings or defectives. These shrank from the struggle and remained at home to bewail all change as decay. Only the strong and the brave spirits dared the hardships and dangers of the wilderness and pushed outward the frontiers of western civilization. It was men and women of faith and courage that settled Arizona, organized order, uncovered her resources, built schools, churches, libraries, and promoted those other agencies of social progress that have enfranchised her for statehood. The spirit, temper,

and character of her people are nobly illustrated in that striking personality, who, through nearly a quarter of a century, served her at this capital. Senators about me well remember with what commanding intelligence, iron courage, tireless vigilance, and unfaltering fidelity on all occasions through all those years he asserted the rights and guarded the interests intrusted to his care.

It is to such a people that the plan of the Nelson amendment is addressed. Section 2 of that amendment requires that on the same day on which the people of Arizona vote on striking from their constitution the recall of public officials as applying to judges they shall also vote for candidates for all of the State, congressional, legislative, judicial, county, and other offices created by their constitution. If the provision to strike out fails at the polls, then the election is made a nullity. In other words, all the trusts, honors, and emoluments of all the offices created by the new constitution are thrown into a jack pot and tendered as the lofty instrumentality with which to compose and settle the judiciary of the incoming State! I do not pretend to understand high professions of devotion to the principle of a fearless, impartial, and incorruptible judiciary when coupled with support of a proposition the political morality of which scarcely rises to the level of total depravity. I do know that it is the inseparable fate of the championship of power as against the championship of rights to be associated only with low standards and sordid ideals and to find its fittest agencies only in corrupting influence and debauching methods. It is within the naked prerogative of the Senate on the vote about to be taken to strike Arizona as she waits at the door of statehood with the lash of blind and unreasoning power. If we deliver this stripe, the shame will be ours, not hers. When the last insolence of office shall have been exhausted, Arizona will enter on her rightful estate. The stripe here delivered will have fallen away. The record here made would remain the only memorial and a memorial only to the unspeakable littleness that could inflict it.

Mr. HEYBURN. Mr. President, I shall not, under the circumstances, detain the Senate more than a few moments. The discussion of this question has proceeded upon the assumption that Arizona was a State; that there was some element of sovereignty that must be respected by Congress; that we must, in settling this question, deal with the constitution as though it were the organic, sovereign law of a State. Much of false logic has resulted from that false premise.

Arizona is simply a Territory subject to the absolute will of Congress, and the people there are not sovereign in any sense of the word. We have authorized her to experiment on making a constitution. We did that with the constitutional limitation always in view. We can not make two kinds of States. There must be uniformity in the character of State government. Under the Constitution, who is it who is to guarantee this principle? The language is, "the United States shall guarantee to every State a republican form of government." If this becomes a State on the very instant that it crosses the line between the unorganized and the organized political body and into the realm of statehood, that principle applies; and when she knocks at the door the question is, "Have you complied with section 4 of Article IV of the Constitution?" That is what we are doing now. These people have not any sovereign rights as yet, and it is a question as to whether or not they are going to receive them. Section 4 says:

The United States shall guarantee to every State—

Mark you, it is the United States that does it, all of them. The United States as a Government shall guarantee—

To every State in this Union—

And of course you write in there the words, "or that may come into the Union"—

a republican form of government, and shall protect each of them against invasion—

She has assumed more than a passive attitude; she has assumed responsibility when they become States of protecting them against foreign and domestic strife. I read on:

and on application of the legislature, or of the executive—when the legislature can not be convened—against domestic violence.

That is a very important provision to bear in mind in determining our action in this matter.

Senators have talked about the right that we would violate. We are not here to take away any right or to violate any right of citizenship. We are here only to determine whether or not we shall grant statehood and on what terms.

A republican form of government, as was said by Mr. Madison, and it is the best pronouncement that has been made of any yet upon that question, is one where the people exercise a government through their representatives and not directly, as in town meeting. Mr. Madison has elaborated on that provision more than once, and it is the accepted legal principle that a republican form of government is a representative government, where the people act only through their representatives.

Now, how can you harmonize that with a referendum? If the people en masse are to make a law, is that a republican form of government? I think not. We are here to see that Arizona, if she becomes a State, shall come within the rule of a republican form of government. The proposed constitution is not within sight of that rule.

There is mighty little room for sentiment in dealing with this question. It is a legal question. The question before us is as to the legal sufficiency of the proposed constitution. It violates the rule of a republican form of government in almost its every provision. They have undertaken to strike out on new lines in government that bear no resemblance to the lines of a republican form of government.

I would not support the constitution adopted by the people of New Mexico because it contains that provision in regard to the referendum, which is nonrepublican in principle. I would not support the constitution of Arizona because it provides for the recall of officers other than in the manner recognized since the foundation of this Government. I would not permit the child to come into the household and change the whole arrangement of it. I would not permit the child to come into the household with a demand that it should be governed by rules other than those that had been tried out and found sufficient. We want no freaks in this household of States. We want these people to come in along conservative lines, and to stay there as a conservative political organization.

For those reasons, and for others not necessary to enumerate, because those reasons are sufficient, but for the reasons I have stated I shall vote against the recognition of both of these constitutions, and I shall ask for a division of the question as between the two Territories asking for admission.

Mr. President, there are many questions, did the time permit, that I should like to express myself briefly upon, but I realize that at this hour and under the circumstances that surround us it would be inappropriate to do so; but before closing I desire, in the presence of Senators, to give them an example of what the referendum is. There [exhibiting] is an official ballot in one of the States of the Union that was submitted at the last election under the referendum provision. It is impracticable to have it made a part of the CONGRESSIONAL RECORD; it is 7 feet long, 14 inches wide, and is printed in pica. I do not know how many thousand words it contains, though I had intended to have them counted, but I ask that that ballot be printed as a public document in order that it may be available as an example and as a warning to people who may hereafter propose this kind of freak legislation. (S. Doc. No. 88.)

The VICE PRESIDENT. Without objection, the request will be complied with.

Mr. BAILEY. Mr. President, the admission of Arizona as provided for in this resolution obviates a very serious objection which I felt to her admission as proposed in the resolution on which the Senate voted toward the close of the last session. The pending resolution proposes the admission of these two Territories without expressly committing any Senator to any or to all of the provisions contained in their constitutions, whereas the joint resolution on which the Senate voted at its last session distinctly and expressly approved the constitution of Arizona. I was not able then, nor am I able now, to understand how any Senator could vote for a resolution expressly approving a constitution unless he in fact approved it. The question as it is presented now is so different from what it then was that I would vote for it if I believed that the Arizona constitution establishes a republican form of government.

I can not, however, vote for the admission of a State whose constitution establishes the initiative and referendum system of legislation, because I do not believe that such a system constitutes a republican form of government. The men who framed the Federal Constitution thoroughly understood the different kinds of government. They understood that there were monarchies, aristocracies, and democracies, and they understood that democracies were divided into two kinds, a direct or pure democracy, and a representative democracy, which they called a republic.

I can no more believe that a system of government which commits the legislative function to the people in their primary and collective capacity is a republican form of government than I could believe that a system which chose a man to act as governor for life and then authorized him to appoint the legislature of a State would be a republican form of government. I shall not now detain the Senate with a discussion of that

question, but on some future occasion I shall do so, and if no measure comes before us making it appropriate, it is my purpose, when the Senate shall have ample time, to introduce a resolution and to discuss it at length.

However, Mr. President, I want to say—and that is the purpose for which I rose—that, in my opinion, the attack upon the Arizona constitution has been made at the wrong point. The recall is infinitely less objectionable to me than either the initiative or referendum, and the referendum is not half so objectionable to me as is the initiative.

As I understand the question, the initiative certainly, and the referendum in slighter degree, proposes an abandonment of the principle of representative government and substitutes direct legislation by the people for legislation by their representatives. That violates, it seems to me, the very basic principle of this Republic. But the recall, sir, if a mistake at all, is a mere mistake of administration and not a mistake of principle. The recall is neither more nor less than the establishment of an official tenure at the pleasure of the people. It fixes a maximum term beyond which the officer can not serve without going back to the people for a renewal of his commission, but within that limit he holds his place simply at the pleasure of the people.

I must not be understood as giving my sanction to such a proposition, for I am sure that while it is merely an administrative mistake it is still a grave mistake, which will, in time, drive from the public service the men most worthy to perform it. I am absolutely certain that high-minded men, men of great intellect and exalted character, would not take the chance of passing through a contest for a nomination and then an election to procure an office when they understood that within 60 days after they entered upon the discharge of its duties they might be called upon to face still a third contest to retain it. I have no opinion clearer or firmer than that which leads me to believe that the recall applied to all officers of the government would ultimately deter the very class of men whose service the State and the Republic ought to seek from accepting these great offices. But the men who advocate the recall and apply it to all officers, including judges, are consistent, and you deceive yourselves if you think that you can apply the recall to executive and legislative officers without ultimately applying it to judicial officers. Do not lay that flattering unction to your souls. Let me tell the venerable Senator from Minnesota [Mr. NELSON], for whose patriotism and for whose wisdom I entertain a profound respect, that if his amendment should prevail Arizona would come into the Union, and, moved to resentment by the very condition which you had imposed upon her, before her statehood was a year old she would submit this same constitutional amendment to her people and they would adopt it. It makes no difference whether you adopt the amendment of the Senator from Minnesota or you pass the joint resolution as it is proposed by the committee, it is certain that the people of Arizona will not abandon the recall of judges at the behest of the American Congress; and they ought not to do so. If the initiative, the referendum, and the recall constitute a republican form of government, then, sir, it is a matter for the people of Arizona to determine for themselves, and you trifle with the most serious problem in this joint resolution when you tell them to eliminate the recall of judges and still leave the initiative and the referendum.

Mr. President, I am about to say what no Senator in this body, perhaps, will agree with—I might safely go further and say that I am about to say what no man in this country will agree with now, but when they test this system they will all come to an agreement with it later. If I must choose between fools or rascals for judges and fools or rascals for legislators, I will take the fool and the rascal for a judge; and I will do so because, if you have wise legislators, who make just and wholesome laws, no judge will ever be foolish enough or degraded enough to sit in the presence of the people and construe those laws against the plain letter of them. On the other hand, if you have ignorant and corrupt legislators, then, sir, you must have unwise or corrupt legislation, and the greatest curse that can fall upon the Nation is to have their laws made in ignorance or in corruption. It is not the judge I fear, sir, so much as it is the legislator, for, after all, the judge must read the law as the legislator writes it, and the jury must decide the case according to the testimony as witnesses deliver it. Give us wise men to make our laws, and I will have no fear about the men who construe them or the men who execute them.

I am not sure, Mr. President, but it is the present inclination of my mind, though I speak it with some reserve and I may subsequently modify it, that if I were compelled to declare my belief to-day, I would say that I would rather the multitude should assemble in front of this Capitol and decide the law as already made than to see it assemble and make the law which wise and upright men would be compelled to construe. The common is no place to make the law, and the common is no place to construe the law. Lawmaking requires special, particular, profound knowledge. I do not flatter all legislators with the suggestion that they possess such knowledge, but they must possess it if they are qualified for their task, and here in these assembly chambers of the Nation and down in the assembly chambers of the several States alone can wise and equal laws be made for the people of these States and of this Republic.

I shall vote against the amendment of the Senator from Minnesota, because a vote for it seems to say, at least by inference, that if Arizona will not recall her judges she may recall her legislators, her governors, and all of her other officers. It also permits her to set her legislature adrift without recalling them, and through her initiative and referendum to substitute direct legislation by the people for legislation by their representatives. Because I can not subscribe to that view, Mr. President, I shall vote against that amendment, and because I can not subscribe to what this joint resolution seems to imply, although it does not expressly declare it—and in that respect it is incomparably less offensive than the old one—I shall vote against it. If I believed that this constitution erected in Arizona a republican form of government, I would support it, but believing, as I do, that the initiative, coupled with the referendum, and both of them coupled with the recall, establishes a direct democracy as contradistinguished from a representative democracy, which in modern times we call a republic, I can not support it.

Mr. NEWLANDS. Mr. President, the Territories of New Mexico and Arizona are applying to be admitted to the Union of States, basing their applications upon constitutions which have been adopted by a popular vote, pursuant to an enabling act passed by Congress. Both of these constitutions contain provisions which are objectionable—one ultraconservative in character, in that it places undue restraint upon the people of New Mexico in the exercise of the power of amendment of their constitution; the other ultraradical, in that its provision for a recall does not confine the contest to the mere consideration of the record of the incumbent, but entangles that consideration with another, and that is the contest of a rival candidate who may have superior power, influence, and popularity, and who upon those grounds, and not upon the bad record of the incumbent, may succeed to the place.

Mr. President, I represent in part a State whose legislation for many years has been of a progressive and advanced character. Years ago we destroyed the corporate oligarchy which controlled both parties in that State and whose visé was necessary to success, and we established popular government. We have established there the initiative, the referendum, and the recall. We have established the direct primary. We have established the Oregon plan of selecting United States Senators through the agency of a primary, and as the result of these increased powers of the people legislation and the administration of that State have been measurably improved.

We have to-day upon the statute books measures which were denied recognition for years, and which were demanded by right and justice—an employers' liability law, an 8-hour-day law, an act organizing a railroad and public-utilities commission, recognized throughout the intermountain and Pacific coast region as one of the most capable and efficient commissions of the country.

We have exercised there the power of referendum with reference to a statute involving in the highest degree the question of law and order—a referendum inaugurated in the heat of passion, but conducted throughout its discussion with temperance and terminating in a popular decision, which upheld public order, a contest absolutely educational to the entire people of the State in all the essential principles of free government and carrying with it not only the beneficial result then determined, but an educational effect that will be far-reaching in its results in the history of that State.

And so, Mr. President, I stand as the friend and the advocate of these advanced measures in the adoption of which Oregon and Wisconsin have been so conspicuous, and under these measures the State which I represent is as thorough an evidence of free government and absolute self-government by the people themselves as can be indicated anywhere in the country.

Mr. President, I am inclined to share with the Senator from Idaho the view that we are not to attach any great overwhelming sanctity to the action of Territories asking admission to the Union of States, mere infant communities about to enter upon the maturity of their powers. We have the right to admit them or not, as we choose, and we are to judge whether the require-

ments as to population, as to intelligence, as to capacity for self-government are fulfilled; and for my part, in a proper case, I would not hesitate to exercise that power where any gross impropriety appears in the organic act.

But whilst I object to these features to which I have referred in both the New Mexico and the Arizona constitutions, I regard the so-called Flood amendment as a happy solution of the difficulty. I have faith that if there is submitted to the voters of New Mexico the single proposition whether undue restraint shall be placed upon them in the amendment of their organic act, they will determine that single question wisely, uncomplicated as it is with other general provisions of the constitution and uncomplicated as it is with anxiety as to the admission of the State. I shall expect the Territory of Arizona to decide, and I have faith that the people of that Territory will—when there is presented to them the single question whether the recall of judges shall be made under the conditions imposed by the instrument which they have framed—decide that question as we will decide it in this body—leaving to the future the framing of the recall of judges, if it should be deemed wise, uncomplicated by considerations of the power, the influence, or the popularity of a rival candidate who at the supreme moment, when the incumbent's record and character are at stake, is called upon to contest with him for the election.

I shall therefore vote for the report of the committee.

Mr. MARTIN of Virginia. Mr. President, I shall take only a very few moments of the time of the Senate, and even those few moments I shall occupy with much hesitation.

The joint resolution which has been reported to the Senate by the Committee on Territories is substantially the joint resolution which passed the House of Representatives. The Committee on Territories did recommend two or three minor amendments, which I have no doubt will be adopted and which will be advantageous. The joint resolution which passed the House of Representatives and which has been reported to the Senate by the Committee on Territories does not accept either in the case of New Mexico or in the case of Arizona the constitution which the people of those States adopted. There were some minor departures from those constitutions which I will not advert to, deeming it unnecessary and at this late hour inappropriate. I will refer to one chief point of difference in relation to each Territory.

So far as New Mexico is concerned, the provision for the amendment of the constitution of that State amounts to a practical prohibition of any amendments. I will not go into a discussion of the circumstances which in all probability led to the adoption of such antiquated, cumbersome, and unreasonable provisions in relation to amendment, but simply advert to the fact that the provisions are practically a prohibition on that State of the right of amendment.

If the amendment of the Senator from Minnesota [Mr. NELSON] is adopted, New Mexico would be admitted to the Union with a constitution containing that provision practically prohibitive of any amendment. The House joint resolution, which has been reported favorably to the Senate, objects to that provision. It does not undertake to dictate to the people of New Mexico in respect to the matter, but it does call attention to the antiquated and cumbersome provision in relation to amendment, and does require the people of New Mexico to reconsider that matter and to vote upon it again. But whether the people of New Mexico adopt the provision recommended by the House joint resolution or adhere to the recommendation contained in its original constitution, the Territory is to be admitted as a State. The Congress of the United States simply enters its protest against this unreasonable provision concerning amendments to the constitution. It asks thereto the attention of the people of New Mexico, and requires them to reconsider those provisions and to have another vote on them. But the Congress at the same time tells the people of New Mexico that whatever they determine in respect to that matter will be accepted by the Congress and the Territory will be admitted as a State.

In a similar manner I will refer to the only acute point of difference between what is recommended by the House joint resolution and the constitution of Arizona; that is, in relation to the recall of judges.

Mr. President, I adhere to the time-honored Democratic principle of States' rights. I believe that New Mexico ought to be permitted to frame her own constitution. I believe that the people of Arizona ought to be permitted to make their constitution. I am not advocating that any violent measures shall be applied to either State, but I do feel that the Congress acts wisely when it enters its protest against the recall of judges. I think the Congress acts wisely when it requires the people of Arizona to reconsider the course it adopted in the constitution it submitted in relation to the recall of judges.

There are Senators here who believe in the recall of judges. There are many other Senators who do not believe in the recall of judges. I am one of those who does not believe in the recall of judges. I do not think it a wise provision to put into a State constitution. But I recognize the right of the people in Arizona to determine that as they may see fit.

I do desire, however, that a protest shall be made against it; that we shall say to the people of Arizona we do not approve a provision for the recall of judges. I think we ought to say to them—and we do say by the House joint resolution which has been reported favorably by the Senate Committee on Territories—"we protest against this provision for the recall of judges, and we ask you to hear that question again and to reconsider it and to vote on it again." But we say at the same time that we recognize that the principle of States rights ought to be applied to a Territory asking admission as a State as well as to a State, and I see no logic or reason or right in saying that Arizona shall not insert in its constitution the same provision which has already been inserted in the constitution of the State of Oregon; I do not think it wisely inserted; but I say if the State of Arizona, after a reconsideration of this matter, after hearing the protest which the Congress makes when it fails to admit it without asking its people to consider this provision again, adheres to that provision and desires to enter the Union with a constitution containing a provision for the recall of judges, she ought to be admitted with that provision in her constitution. That is exactly what has been done by the House joint resolution which has been favorably reported to the Senate by the Committee on Territories.

I think, Mr. President, that the Committee on Territories has disposed of this whole matter justly and wisely. It leaves these questions to the determination of the respective States. I do not believe that we would gain anything by departing in any respect from the report submitted to the Senate by the Committee on Territories.

Mr. SMITH of Michigan. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SMITH of Michigan. I desire to ask whether the amendments of the committee are first in order.

The VICE PRESIDENT. They are. The Senator from Minnesota [Mr. NELSON] having offered a substitute, it is essential first, under the rules of the Senate, to act upon amendments intended to perfect the original joint resolution before the question upon the substitute is put. The pending question is the first amendment reported by the committee, which the Secretary will read.

The first amendment of the Committee on Territories was, in section 4, on page 7, line 1, after the word "voter," to strike out "at his request" and insert "and only one ballot to each elector," so as to read:

Said separate ballots shall be delivered only to the election officers authorized by law to receive and have the custody of the ballot boxes for use at said election and shall be delivered by them only to the individual voter and only one ballot to each elector at the time he offers to vote at the said general election, and shall have the initials of two election officers of opposite political parties written by them upon the back thereof.

The amendment was agreed to.

The next amendment was, in section 4, page 7, line 7, after the word "and," to insert "if the elector desires to vote upon said amendment, the ballot," so as to read:

Said separate ballots shall not be marked either for or against the said amendment at the time it is handed to the elector by the election officer, and if the elector desires to vote upon said amendment, the ballot must be marked by the voter, unless he shall request one of the election officers to mark the same for him, in which case such election officer so called upon shall mark said ballot as such voter shall request.

The amendment was agreed to.

The next amendment was, in section 4, page 7, line 12, after the word "request," to insert:

Any elector receiving such ballot shall return the same before leaving the polls to one of the election judges, who shall immediately deposit the same in the ballot box whether such ballot be marked or not.

The amendment was agreed to.

The VICE PRESIDENT. This completes the amendments of the committee. The question now is on agreeing to the amendment in the nature of a substitute proposed by the Senator from Minnesota [Mr. NELSON].

Mr. SMITH of Michigan. Mr. President, I realize that it would be very improper to detain the Senate at this time, and I shall not do so. However, I feel very sure that Senators will indulge me for a moment while I say that for many years I have been the consistent and earnest friend of Arizona and

New Mexico. I have believed that they should come into the Union without further delay. Again and again I have traversed both those Territories. I am familiar with their geography, with their resources, with their recent development, and no Senator in this Chamber has a higher respect for the character of their people than myself. I greatly desire to see these Territories come into the Union now. In the language of the Senator from Oklahoma [Mr. GORE], whom I have no hesitation whatever in quoting, I prefer to see these States looking out of the window from the inside rather than into the window from the outside any longer. Their population, their development, their character, their resources entitle them to membership in the American sisterhood of States, and under no circumstances would I lay a single straw in the way of this accomplishment.

It has been said that the Territories have made their own constitutions in their own way, as was their right. So they have. I wish I had the time to discuss that aspect of the situation, with which we are now confronted. I had thought that I would go into the question of the power and extent to which the Federal Government may appropriately go in fixing the status of a people applying for admission into the Union. I know how far it has gone in the past, and the limitations of our power, but time forbids thorough discussion and I desist. Three times I have voted as a Member of the House of Representatives to admit these Territories as States, and I rejoice that we are upon the eve of a final settlement of this controversy, so intimately related to the welfare and happiness of these loyal and patriotic people.

But, Mr. President, with a disposition to compose differences, with the desire to get them across the threshold and into the Union, with the desire that no further obstacle may intervene to prevent them from coming in at this time, I believe it is the height of wisdom for us to so change the pending enabling act as to meet the wishes of Senators who are not satisfied with the present organic law of Arizona.

Mr. President, I do not wish to engage in controversy. I shall provoke no discussion, because there is no Senator on this floor who will go further or do more than I will do for the admission of these two Territories without further delay. But it is because I want them admitted, because I am their friend, because I do not wish them to be longer delayed, that I shall support the amendment of the Senator from Minnesota. All departments of the Federal Government must concur to make our action effective, and it is of no avail if we lead them to the precipice and imperil their security.

It is said that Arizona is unanimous for the recall of judges. I deny it. All day long I have been receiving telegrams from boards of trade, from mayors of cities, and from citizens of the Territory begging that this clause be eliminated and statehood assured. I can not pause to read the telegrams. It would not be right to those Senators who are gathered around me and who have imperative and important engagements that they must fill in a few moments. But these telegrams which I hold in my hand, from Republicans and Democrats alike, are all of the same purport and ask that the way may be made easy and certain for their prompt admission and that the amendment of the Senator from Minnesota may be adopted.

Mr. President, I would do violence to myself if I put my reason for supporting this amendment solely upon the ground of expediency; but, sir, I do not favor the recall of judges in the manner prescribed by the constitution of Arizona. I do not believe it will be helpful to accurate, well-considered, and careful judicial procedure. I think it would result in confusion and lack of stability in the law and lessen our respect for the judicial office and demoralize the administration of justice, which is the shield and reliance of the weak as well as the strong, and that it will do great harm to our country if it should generally prevail. However, I am well aware that the people of this new State may fashion their own constitution as they desire, and that their course will be beyond the reach of the Federal authority, and I am glad this is so. I do not desire to penalize them now for their action in this matter, but in order that irreconcilable differences may be composed and that no further obstacle may arise, I shall vote for the amendment of the Senator from Minnesota and then for the admission of both Territories. I wish time would permit the reading of the elaborate report of my brilliant and able colleague, Mr. HAMILTON, made to the House of Representatives a few years ago; his summary is so convincing and his deductions so fair that I am sure no one can traverse his report without concluding that the people of these Territories are eminently qualified for full membership in the Union, and I hope this day may find them safely there, with all the blessings and all the responsibilities we enjoy.

Mr. JONES. Mr. President, I hold in my hand a clear, concise, comprehensive, conservative discussion of the initiative, referendum, and recall by Clinton W. Howard, president of the Washington State Bar Association. I should like to make it a part of this discussion by asking unanimous consent to have it printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

In the formation of our present system of Government, both national and State, and under which we have grown to be the most prosperous and powerful people on the face of the globe, none rendered more efficient and patriotic service than the lawyers. That they do not possess the same influence in governmental matters at this time is due partly to the complex nature of our present civilization, which has withdrawn many of our brilliant members from the public councils to the service of private interests, often justly claimed to be in conflict with those of the public. Again, some of our profession, inspired by the lust of office, have become too prone to be regarded as leaders in movements for the time being supposedly popular, but which in the end usually result in disaster to the public welfare. Taken as a class, however, I believe that there is no body of men more devoted to their country, or who entertain a greater reverence for its institutions and laws than the lawyers.

Mindful of our country's history, and inspired by devotion to its interests, this association was formed. Among the objects of which are: To advance the science of jurisprudence, to promote the administration of justice, to secure proper legislation, to encourage a thorough legal education, to uphold the honor and dignity of the profession of law, and to cultivate and encourage cordial intercourse among the lawyers of the State of Washington.

In furtherance of some of these objects, our by-laws impose upon the president the duty, in his annual address, of reviewing statutory changes of public interest in the State.

INITIATIVE AND REFERENDUM.

The last legislature submitted to the people the question whether statutory initiative and referendum shall be provided for in the organic law of the State. The act does not authorize amendments to the constitution by the initiative, but pertains to the enactment, or repeal, of statutory laws.

There is possibly no subject of current thought or legislation so much misunderstood by both the advocates and opponents thereof, as the initiative and referendum. Many of its advocates conceive the notion that this is a new and untried panacea for all the political ills which government among men is heir to. On the other hand, many of its opponents entertain the conviction that this method of legislation was first suggested in the Populist platform at the convention held in Omaha some 18 years ago.

Each is in error, as the application of the principle of the initiative and referendum is older than the history of legislation in America, is recognized, to more or less extent, in every State in the Union, and is of familiar and frequent application in the legislative history of this State.

The constitution of the State of Washington, while drafted by a convention, was not promulgated by it, but was adopted by a vote of the people. At the same election the question of woman's suffrage, Statewide prohibition, and permanent selection of the seat of government were respectively submitted to the voters for their determination. It is impossible to amend our constitution without the affirmative vote of a majority of the electors voting thereon. Nor can any convention be held to draft a new constitution without authority from the voters of the State; nor can any constitution drafted by such new convention have any force or validity until the same shall have been submitted to and adopted by the people. These respective provisions recognize to the fullest extent the principles of the initiative and referendum. Nor were these provisions incorporated into our constitution by chance, but came there advisedly and as the result of years of constitution making in America.

Many of the earlier constitutions of the different States of the Union were drafted and proclaimed by the act of constitutional conventions, which conventions were neither initiated by the people nor the work thereof ratified by a vote of the people. The first popular initiated and ratified constitution in America was that of Massachusetts, in the year 1780. In the constitutions of the New England States and some of the Southern States we first find the fullest development of the principle that in the enactment of the fundamental law the people must be consulted, both as to the propriety of having a constitution at all and of ratifying or rejecting the work of the convention which drafted the same.

Under section 6 of Article VIII of our Constitution no debt beyond a certain limit can be incurred by municipalities without the consent of three-fifths of the voters thereof, and the plan of submitting to the decision of the voters numerous questions such as pertain to the construction of schools, the changing of county seats, the incorporation of cities, the construction or purchase of municipal utilities of various kinds, local option in liquor matters, and many others that could be mentioned are of so frequent and common occurrence among us, and in many other States, as to excite little comment or attention.

TRACES HISTORY OF MOVEMENT.

Beginning with South Dakota, in 1897, the initiative and referendum has been extended to general legislation in South Dakota, Arkansas, Utah, Oregon, Missouri, Maine, Oklahoma, Colorado, Montana, and Arizona. It is advisory in Delaware. It is now before the people for enactment in California, North Dakota, Wisconsin, Idaho, Wyoming, Nebraska, and Washington. Proposals to submit it have been defeated in 10 other States. Nevada and New Mexico have the referendum.

In America this principle of control by the people is traceable to very early conditions in the history of the New England States and in some of the Southern States. It came from the old folkmoots, or town meetings, and it is well worth remembering that in many of these meetings, as well as in the guilds of England which preceded them, all qualified to belong were compelled to be members and were by fine or other appropriate penalty obliged to attend the meetings and participate in the deliberations thereof.

In 1638 the town of Portsmouth, R. I., by popular vote, enacted the following by-law, which is submitted as an example of many of like import existing in other towns:

"It is ordered that if any of the Freemen of this Body shall not repair to the publick meetings to treate upon the publick affairs of the

Body upon publick warning (Whether by beate of the Drumm or otherwise) if they fayle one-quarter of an houre after the second sound, they shall forfeitt 12 pence; or if they depart without leave they are to forfeitt the same summ of 12 pence."

These assemblies were later imitated in Illinois, Indiana, Iowa, Oregon, and California; in fact, in the early history of every State. They are the natural outgrowth of frontier life in remote communities separated from centralized authority.

I merely refer in the most cursory manner to the history of this subject with a view of allaying alarm on the one hand or too much eagerness on the other, to view the initiative and referendum as a new and untried principle in legislation.

It would be instructive and exceedingly interesting to trace the history of these early assemblies of the people through the period of popular enactment and ratification of laws, and the reasons for this system falling into disuse and the substitution of the delegate system therefor. To so do, however, would unduly prolong this paper, and I refer you for a comprehensive review of the entire subject to "The People's Law," by Charles Sumner Lobingier, published in 1909 by the Macmillan Co.

TRIED OUT IN ALL STATES.

There is, therefore, nothing new, novel, or alarming in the mere statement that a given State has recognized the principle of the initiative and referendum, since there is not a State in the Union that at some period of its existence has not lived under a constitution at least enacted by the referendum, excepting the State of Delaware, and that State at this time has a statutory advisory initiative and referendum.

The question, however, of immediate and paramount importance is whether or not it is wise to extend the application of this principle to the entire field of legislation or limit it in this State, as heretofore, to constitutional matters and to legislative questions as are of such general or local importance as to challenge public attention and insure sufficient interest being taken therein on behalf of the voters to which the question is submitted that a fair and impartial expression of opinion will be obtained.

While the proposed change in our constitution permits a law to be initiated on the petition of 10 per cent of the number voting for governor at the preceding election, and to be referred on like petition of 6 per cent, but in no case more than 50,000 to be required to initiate, or more than 30,000 to refer, the vote cast upon each question or measure, however, to equal one-third of the total votes cast at the election, and while it is provided that the legislature, in case the amendment be adopted, shall provide for the publicity of proposed measures, it is a grave question whether it will be the part of wisdom for the people of this State to adopt the proposed amendment. Our State not only covers a vast area, but is one of great diversity in resources, and it is but human nature for people to take little or no interest in that which is everybody's business, unless it affects them in some particular manner, so as to challenge their minute attention to the same.

VOTERS MUST SHOW INTEREST.

This condition does not prevail in matters of universal concern, such as in the ratification or rejection of a constitution or in the choosing of delegates to a State convention to frame a constitution. As stated by Ambassador Bryce, in the American Commonwealth:

"The appointment of a constitutional convention is an important event, which excites general interest in a State. Its functions are weighty and difficult, far transcending those of the regular legislature. Hence the best men in the State desire a seat in it, and, in particular, eminent lawyers become candidates, knowing how much it will affect the law they practice. It is therefore a body superior in composition to either the senate or the house of a State. Its proceedings excite more interest, its debates are more instructive, its conclusions are more carefully weighed."

But this situation is not true as to every law that may be proposed; in fact, it applies to very few of them. If some plan could be devised as in the ancient guilds and town meetings to compel every elector to go to the polls and vote, we would undoubtedly have an expression of sentiment which would represent the average wish and intelligence of the State, at least so far as it is possible for electors to advise themselves concerning matters of remote bearing and interest to their immediate community. On the other hand, this law would compel all to become actively interested in every proposed enactment or suffer the consequences of their neglect to do so.

We were told that the direct primary would result in the selection by the people of competent, impartial, and fearless advocates of their interests, and since that law is now in effect there can be consistently no claim that the people will not be fully represented by their members in the legislature.

STABILITY IS FALSE WEAKNESS.

The principal inherent vice in all initiative and referendum legislation lies in the fact that it must be adopted or rejected as proposed. It furnishes no opportunity for the interchange of ideas, which is always fruitful of a fuller and better understanding of the subject. This is the prime virtue of constitutional conventions, and the reason that the result of their labors is so generally indorsed by the people is the fact that discussion, suggestion, and mutual concession has perfected the idea which all wish to attain, but which few are competent to draft unaided by suggestion from others. The reason that a senate and house of representatives was provided, instead of one legislative body, was for the purpose of further conserving this opportunity for the interchange of ideas.

The courts have frequently held acts of the directors of private corporations void where the directors have decided upon a given course by separately agreeing thereto not in a meeting at which all or a majority were present. The reason assigned is that no opportunity was thus afforded for mutual deliberation. If this opportunity is so beneficial in the management of corporate affairs as to require action taken in the absence thereof to be held void, how much greater the necessity in applying such rule in the management of the affairs of a great State.

Another inherent vice in this method of legislation is to be found in the fact that since a measure may be enacted or defeated by a majority of the votes registered thereon it will not infrequently happen that through lack of general interest in the subject matter of the legislation the same may be enacted or defeated by less than a majority of the voters who participated in the general election, since under the proposed amendment only a majority of those voting upon the subject is required to enact or reject a law, if one-third of the votes cast in such election be registered on the measure; that is, 17 per cent of the vote may enact or reject a law.

LEGISLATION IS DELAYED.

Under the proposed amendment no act, law, or bill, excepting such as may be necessary for the immediate preservation of the public peace, health, or safety, support of the State government and its existing public institutions, shall take effect until 90 days after the adjournment of the session at which it is enacted. This, except as to the matters mentioned, deprives the legislature of putting any law into immediate force, regardless of the emergency existing therefor. But that is not all; regardless of the emergency and necessity for the act and irrespective of whether it may have been enacted in response to an overwhelming demand by the people therefor, it is within the power of a small minority, consisting of only 6 per cent of the vote cast for governor, to hold up such law without other act than the filing of a referendum petition. Unless a special session of the legislature is called to submit such law to a special election of the people the State can thus be deprived of the benefit of such enactment for a period approximating 20 months, and that, too, notwithstanding that at such election it may be approved by an overwhelming majority of the voters of the State. The experience of the University of Oregon on two separate occasions illustrates the entire probability of meritorious measures thus being held up.

In Oregon the constitution may be amended by a vote on initiative petition the same as statutory law may be enacted. As this State has had the widest experience of any in this species of legislation, you will be interested in and instructed by reading the address of Hon. Frederick V. Holman, late president of the Oregon Bar Association, delivered at its annual meeting November 15, 1910, at Portland, Oreg., and also his address on "Results in Oregon," delivered February 4, 1911, at the Civic Federation of Chicago banquet. Mr. Holman treats the entire subject from a lawyer's standpoint, and his observations and conclusions should be carefully read by every voter in this State. The closing paragraph of his latter address is as follows:

"Briefly, to summarize, then, we find that the so-called 'reserve' power is greatly abused; that measures in overwhelming numbers and many of them loosely drawn, are being put upon the ballot; that the percentage of those who do not participate in direct legislation is increasing; that lack of intelligent grasp of many measures is clearly indicated; that legislation is being enacted by minorities to the prejudice of the best interests of the majority; and that the constitution itself is being freely changed with reckless disregard of its purpose and character."

The recent history of constitution making in Mississippi, South Carolina, Delaware, Louisiana, Kentucky, and Virginia illustrates the wisdom of proceeding cautiously in the matter of the enactment of laws by universal franchise. While each of the States last mentioned, with the exception of Delaware, had, until recent years, constitutions enacted by the vote of the people of the State, conditions have arisen which impelled the people of these States to reverse their political history and to return to the system of framing and promulgating constitutions by the act of constitutional conventions, without submission of the same for ratification to the vote of the people. This may be clearly styled a retrogression from the principle of popular government by the people. Whatever the peculiar local conditions there may have been which induced the people of these States to this course, the fact that they felt obliged to take such course is a sufficient warning that the abuse of power by ignorance, indifference, or whatever other reason may be assigned, is possible under unlimited participation in lawmaking.

DEMAND IS UNWARRANTED.

The present agitation for a return to the ancient and discarded principle of the enactment of statutory law by a vote of the people finds no basis or justification in the recent political history of this State. I know of no popular demand for legislation of any character, excepting the reapportionment bill, that has not found a ready response from the legislature of the State, and under the primary system of nominating members to that body I can see no excuse for any contention that it will not in the future continue to represent the wishes of the people.

It was attempted at the last session of the legislature to meet the requirements of the constitution by making a new apportionment as to senators and representatives. It being impossible to agree upon a measure none was passed. We might as well be frank among ourselves and concede the real reason for the failure of the passage of any such measure. The large centers of population were anxious for the passage of such a law, for the reason that it would result in giving them greater local representation in one or both bodies of the legislature. The more sparsely settled portions of the State were opposed to the passage of such a law, because it would correspondingly reduce their existing legislative influence. Now, the strange inconsistency in this matter is this: The sparsely settled communities whose representation by the reapportionment would be correspondingly reduced in legislative influence were opposing the apportionment bill for this reason; while, on the other hand, they were favoring the initiative and referendum measures, which would work exactly to the same end as the reapportionment. As the matter now stands the agricultural counties of eastern Washington have much greater proportionate influence in the legislature, through their representatives, than they will have if the legislative equation is transformed to the electoral vote of the State, and I predict now that if the initiative and referendum amendment is adopted and used to any considerable extent it will result in the control of the State going to a combination of voters in the large cities, to the ignoring of the wishes of the agricultural communities.

WOMAN-SUFFRAGE MATTER.

The legislature of 1909 submitted, and at the election in 1910 the people ratified, an amendment to our constitution granting to women the right of suffrage. It might be the part of wisdom to give these newly enfranchised electors a little experience in voting for candidates before imposing upon them the additional onerous duty of directly participating in the enactment or rejection of the statutory law of the State.

SHORT-BALLOT MOVEMENT.

In the last year and a half there has arisen an organization known as the "Short-Ballot Organization," with which the so-called reform movement is in full accord. The "short-ballot" principle is defined by this organization, as printed in the January, 1911, issue of Equity (a publication devoted to direct-legislation record, the referendum news, and the proportional representation review), as follows:

"The dangerously great power of politicians in our country is not due to any particular civic indifference of the people, but rests on the fact that we are living under a form of democracy that is so unworkable as to constitute, in practice, a pseudodemocracy. It is unworkable because—

"First. It submits to popular election offices which are too unimportant to attract (or deserve) public attention;

"Second. It submits to popular election so many offices at one time that many of them are inevitably crowded out from proper public attention; and

"Third. It submits to popular election so many offices at one time that the business of making up the elaborate tickets necessary at every

election makes the political machine an indispensable instrument in electoral action.

"Many officials, therefore, are elected without adequate public scrutiny and owe their selection not to the people, but to the makers of the party ticket, who thus acquire an influence that is capable of great abuse.

"The 'short-ballot' principle is:

"First. That only those offices should be elective which are important enough to attract (and deserve) public examination.

"Second. That very few offices should be filled by election at one time, so as to permit adequate and unconfused public examination of the candidates."

It is difficult to comprehend why each proposition above outlined is not applicable to the initiative and referendum in statutory matters. Laws too unimportant to attract or deserve public attention may be so submitted. It is entirely possible and probable that so many laws may be submitted at one time that many of them will inevitably be crowded out from proper public attention, so that many laws may be thus enacted without adequate public scrutiny and owe their enactment not to the people but to the makers and framers of such laws, who thus acquire a legislative influence that is capable of great abuse. If we are to draw any analogy from the suggestions of this organization, it is that only matters of a constitutional nature or those sufficiently important to attract and deserve public examination, such as are already provided for in the laws of this State, should be subject to initiative and referendum control, and that only such few important measures should be submitted at one time as to permit of adequate and unconfused public examination of the same. It must everywhere be conceded that the vote for candidates is larger than for measures submitted at the same election. Hence any reasons calling for restrictions on voting for candidates must apply with even greater force to voting upon measures.

The last Federal census gave the State of Washington the largest percentage of increase in population of any State in the Union. While undoubtedly its climate and resources vastly contributed to this influx of population, the wisdom and stability of its laws helped in no small degree. The constitution under which we have existed, with few amendments, for nearly 22 years was adopted by a vote of the people after a convention of able men had in a painstaking manner carefully considered its various provisions. Now, since the recent legislative history of this State does not show a disregard of the will of the people, as reflected in legislative enactment, and since many conservative people and investors view with alarm the tendency of certain Western States to adopt what they are pleased to call freak legislation, it is well worth the serious consideration of all of the voters of the State whether it would not be to our material advancement as a State if we should, by our votes upon the proposed amendment to the constitution, decline to adopt the initiative and referendum at this time, or at least in its present form, and until some corollary legislation shall be proposed which shall prevent the abuse to which the proposed change is at present susceptible, and until the electorate of the State is required by law, as in the ancient guilds and town meetings, to attend upon and participate in all proposed initiative and referendum legislation.

COMMISSION GOVERNMENT.

In apparent contrast to the democratic tendency of control by the people is the act authorizing cities containing 2,500 and less than 20,000 inhabitants to organize under what is known as the commission form of government. Its principles are now too generally understood to justify comment, further than to say that its main object is apparently to consolidate power and authority, including that of the appointment of all subordinate municipal officers, in the hands of three men—a mayor and two commissioners. However, the initiative, referendum, and recall are expressly provided for, and franchises for most all public utilities, excepting steam railroads, must be authorized by a majority of the electors voting thereon at a general or special election. It might be well to postpone the incorporation into our constitution of the initiative, referendum, and recall in State matters pending the observation of its operation in local affairs, since as to the latter, should the same prove to be detrimental to the development of the municipalities of the State, the same can be changed by the legislature.

Chapter 17 of the acts of the last session was introduced and passed to cover a local situation alleged to exist in Spokane. The object claimed for it was to authorize that city to adopt the commission form of government. The act is properly applicable only to cities of the first class. Among other things, it purports to validate the inclusion in such charters of the initiative, referendum, and recall. Under the subsequent decision in Walker *v.* City of Spokane, the act proved to be unnecessary. Its phraseology, however, is such as to leave possible room for the contention that the legislature intended to make operative some charter provisions theretofore invalid by reason of conflict with statutory enactment or for want of the same. Whether the legislature attempted to or could under our constitution and in this manner relieve such cities of existing legislation inconsistent with their charters present some interesting questions that should be determined at an early date. Fortunately under our constitution no such permanent and irreconcilable conflict between State and municipal control can arise as prevails in Oregon, which conflict in that State is so concisely pointed out by Mr. Holman in his address before the State Bar Association.

RECALL AMENDMENT.

The last legislature also proposed an amendment to the constitution to be voted upon in the November, 1912, election, providing for the recall of all elective officers, excepting judges. The exception is the only merit contained in the proposed amendment. The experience of some of our cities with this freak species of legislation has already made them the laughing stock of the country. A public officer should have the courage of his convictions, but in these days of vicious misrepresentation by the partisan press there is no official, however, upright and honorable in the discharge of his duties, who is not subject to the whims and caprices of a minority of his representatives and liable at any time, at great expense and inconvenience to himself and to the public, to be called upon to defend his title to the office. Few men are ever elected to public office without there being cast against them in such election a greater percentage of the vote than is required to compel such officer to contest again for the office to which he has been elected, by the initiation of a recall election under the proposed amendment; all of which can have but one effect, namely, to induce the agitator and demagogue to run for office, while deterring men of character and ability from offering their services to the public. Our laws already make ample provision for the removal from office of unfaithful public officials; the method, however, usually requiring some opportunity to appear and be heard, which principle of our law is the very keystone to the protection of life, liberty, property, and reputation. The proposed amendment is a clear reversion to the democratic days of ancient Greece, when the populists, inspired by the orator of the day, tried, adjudged, and sentenced, exercising on the spur of the moment those functions which the wisdom of ages has established should be divided into executive, legislative, and judicial departments.

LINCOLN WOULD HAVE FALLEN.

The Hon. Charles G. Dawes, late Comptroller of the Currency, in a recent address, viewed this subject in the light of history, in words so forcefully applicable to the subject under consideration that I have taken the liberty to quote him at some length. During the course of his remarks he said:

"Suppose we had had this power of recall vested in the people of the United States when Abraham Lincoln stood against the voice of the radical and the voice of the aggressive and against the clamor of the unthinking, against the thousands of those demanding that he take immediate action on this or that question, and that in consequence he had been compelled either to be precipitate in some of those issues upon which hung the safety of this Republic or to abandon the helm of the struggling ship of state.

"Every great man in our history whose memory the people love and revere has had at one time to stand against what was the immediate positive popular demand for action, and it was because he stood against the demand that we to-day look upon him as great.

"The men who stand as the beacon lights in American history were not the men who were always at the head of every popular movement among the people of the United States, and if this country is to endure this kind of a man, in the future of our country as much if not more than in the past, must have his opportunity to stand by his policy amidst the clamor of the majority against him at the time being. * * *

"Suppose that there had been the right of recall among the soldiers of the Army of the Potomac during the Battle of the Wilderness! Suppose that Gen. Grant had not had the chance to work out his policy! Suppose that Grant had not had the chance to save this Government! My friends, in government as in war, before an Appomattox we can not always avoid a Wilderness.

"We have had instances where popular clamor had its way. This country even yet does not forget the humiliation it suffered at the beginning of the Civil War, when the time which was being taken by wise men for the preparation of the forces of the North was too long for the impatience of a people bent on action; and we had the cry, "On to Richmond!" and a brave Army was sent to battle, contrary to sound judgment, in response to an overpowering demand of a people who were not informed of the real situation, and as a result came the crushing, bitter, terrible humiliation of Bull Run.

"Do not make of your Republic a Bull Run. I saw President McKinley at the beginning of the Spanish War, when he put in jeopardy his leadership of his party and of his people in his endeavor to avert the war as well as to obtain time for adequate military preparation, and an almost overwhelming demand came from the people for immediate action; but his firmness in not yielding to it, gentlemen, is his true claim upon fame."

SUPREME COURT JUDGES TOUT FOR VOTES.

The last legislature, in my judgment, enacted an unwise measure when it restored to the direct primary the nomination of supreme court judges. This method was in use a few years since, and under it three judges were elected to the supreme bench. There were numerous candidates, and it was indeed a pitiful sight to see them gumshoeing up and down the State looking after votes like a ward politician. The life which judges lead separates them from the people. They practically become recluses, and few excepting attorneys know the nature or extent of their vastly important service to the State or are able to judge of the ability and character of their work. I believe that the great majority of the people of this State want to vote right on the question of the election of supreme court judges, and that they would frankly admit what everyone excepting members of the legislature knows to be the fact—that not 5 per cent of the voters of the State know who the supreme judges are or what terms are next to become vacant, and are only too anxious to have some responsible body set its seal of approval upon the nominees for this office. This was amply demonstrated in the last election, when the nominees of the Republican Tacoma convention were elected by very large majorities, and that, too, in the face of repeated misrepresentation and abuse. Supreme court judges should either be appointed by the governor or elected by the people upon nomination by a nonpartisan convention, as recommended by resolution of this association, passed at its last meeting, which resolution is as follows:

"We favor an absolutely nonpartisan judiciary and to that end recommend that the statutes be so amended as to provide for the nomination of all judges, by judicial conventions, composed of delegates elected by the whole people for that purpose only, and that no other business shall be transacted by such convention than to nominate judges, the judges so nominated to be elected at the general elections."

WORKMEN'S COMPENSATION.

At the last session a workmen's compensation act was enacted which, for protection to the employee, finds no parallel in the history of any other State in the Union. That some such law should have been enacted is conceded by all right-thinking men. The law, as framed and originally introduced, and which in response to a popular wave would possibly have been enacted by an initiative vote had we such system in force at the time, was clearly unconstitutional. It was later amended by its friends, but only after the benefit of conference, discussion, and committee work had brought out and developed the bill in all its phases. In view of the fact that the validity of this act is now pending before the supreme court of the State, it would be highly improper for me at this time to comment upon its various provisions. Suffice to say, that sooner or later some valid, fair, honest, and impartial law covering this subject will be enacted in this State, and I predict that such result is much more likely to be accomplished by the combined wisdom of the legislature, after full consideration and discussion, than by the vote of the people of the State for or against a particular bill and as submitted with no opportunity of amendment.

PUBLIC UTILITIES COMMISSION.

The last legislature substituted for the railroad commission a public utilities commission, and vastly enlarged its powers, bringing under its jurisdiction, in addition to railroads, telegraph, telephone, and warehouse companies theretofore under the jurisdiction of the railroad commission, the various electric-light, power, street-car, gas, and water companies in the State and to a limited extent the municipally owned

utilities. The bill as originally drawn assumed the same jurisdiction of the municipally owned utilities as of those of private companies. The municipalities of the State, however, following the deplorable example of those of Great Britain—whose course has done more to retard the development of street and interurban railways, electric-light and gas plants in Great Britain than any other single factor—succeeded in inducing the legislature to relieve them largely from the operation of the act. The main justification for acts of this character is that the State, through its proper commission, may stand between the producer of a commodity and the consumer thereof, to the end that the best and most efficient product may be furnished to the consumer under the most reasonable circumstances and price. There is no well-founded reason why this principle is not applicable to municipally owned plants the same as private ones.

However, municipalities are required to keep the same system of books, to publish their rates, and to change them only upon notice to the commission, as are privately owned utilities. A faithful compliance with this act will soon result in advising the citizens of a given municipality whether their public utilities are self-supporting and an asset of the city, or are running at a loss and in part, at least, maintained from general taxation.

The State of Wisconsin, which is conceded to be fairly progressive in its legislation, recognizes the principle of a legalized monopoly in public utilities; that is, if there is a privately owned plant or a municipally owned plant (each of which is under like control by the commission) already doing business in any community, neither the city can engage in, nor any citizen or corporation can obtain a franchise to engage in, a like business in that community without first obtaining from the railroad commission of the State an order of public necessity and convenience, the theory being that the commission will require the existing utility, whether publicly or privately owned, to take care of the public in an efficient manner and at a reasonable cost and not impose upon it the burden of maintaining several plants of the same character, since history has shown that sooner or later they are consolidated, and much needless equipment eliminated, and the cost thereof is uniformly urged to be taken into consideration in fixing the rate of return to be earned by the consolidated enterprise.

GOVERNMENT BY SENTIMENT.

This State, to its everlasting disadvantage, is to-day reaping the disastrous results of government by sentiment and hysteria instead of by law. The school and other public lands to which it is justly entitled are being withheld on one pretext and another until approximately one-third of the area of the State is embraced in so-called forest and other reserves. In the older States of the East, South, and Middle West, villages, towns, and cities have everywhere grown up around the waterfalls and power sites of its rivers and streams. The opportunity of like development here has been denied to the people of this State, and primarily, if not indeed exclusively, justified upon the plea that it is essential for the Federal Government to pursue this course in order to protect present and future generations from the control of grasping water-power monopolies.

The utter baselessness of such a plea is shown by the opinion of the supreme court of this State in the case of Tacoma v. Nisqually Power Co. (57 Wash., 420). The point in this case to which I particularly refer is the holding that the public, in this case represented by a municipal corporation, has the paramount right by eminent domain to appropriate to its own use, and that of the public which it represents, a privately owned water-power site and plant, notwithstanding that the same be at the time employed and engaged in a public-service capacity. This being the law of this State, how can it ever be claimed that there is any justification for the contention, repeatedly reiterated on the part of the Federal Government's policy, that it is necessary to withdraw from use vast water-power sites of this State, and to permit their development only under such regulations as Congress may prescribe in order to prevent the absorption of the same and a monopoly to the detriment of the public. In addition to this most every use to which a water power in this day can be economically devoted would result in its falling within the jurisdiction of the public-utility commission of the State, which has ample power to protect the people against extortion or any of the consequences so recklessly predicted by the so-called conservationists.

The by-laws do not contemplate a review of Federal laws by the President, but provide for a report from the committee on Federal legislation, of which Judge Hanford is chairman. I shall therefore make no further reference to such legislation, as it will be fully covered in a much more comprehensive and able manner by the chairman of such committee.

GOVERNMENT OF LAWS.

Our present system was designed to and has established a government not of men but of laws. The constitution adopted by the people, with its coordinate branches of government, was intended to operate as a check and a restraint upon each department and upon the people themselves. It established a representative form of government, with definite tenure of office, and, as if in prophetic anticipation of the present movement for return to government by a pure democracy, provided in article 1, section 32, that "a frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government."

The proposed initiative and referendum amendment denies to the executive the veto power as to laws so enacted. This power has seldom, if ever, been abused in this State, but, on the contrary, has often been the means of preventing unwise and sometimes vicious legislation. While this particular amendment applies only to statutory enactment, leaving such statutes like those passed by the legislature subject to existing constitutional limitations and judicial interpretation, it can not be denied that the ultimate object of its authors and other advocates of the direct legislative movement is to establish the principle that all power, legislative, executive, and judicial, shall be exercised by the unrestrained will of the majority. However, the plan submitted here, like that in other States, does not even possess the merit of being consistent with this claim of majority rule, since under it minorities may control, as, in fact, they are doing in Oregon and elsewhere in many matters submitted.

The deliberate judgment of the people may always be relied upon. Not every expression of popular will, however, is what the people themselves wish when they have had opportunity and time for reflection. Too often in our history have agitators attempted to commit the people to unwise measures by displaying banners, which to the public view read "For reform," but on the back of which can usually be found the label, "Candidate for office."

LAWYERS ARE LIGHTHOUSE KEEPERS.

Lawyers, of all others, should be the lighthouse keepers; to see to it that the channel is marked, the reefs and shoals indicated, so that the ship of state may safely proceed upon her course, freighted as she is with the life, liberty, property, and reputation of her citizens. It therefore becomes our public duty to examine and weigh carefully these measures which the last legislature has submitted to the people of the State for ratification or rejection at the November, 1912, general election.

At no time in the history of the State as now is such an opportunity afforded and obligation imposed upon the lawyers to give to their fellow citizens wise and impartial counsel on these matters of grave public concern. It is our sworn duty to lay aside every motive of private interest and, with a view solely to the public good, resume the place in the public confidence and council which our predecessors occupied in the formation of our Government. In the discharge of this duty we may be publicly abused and our motives misrepresented. It may then be a help and inspiration to recall the words of James Otis in his memorable address delivered in Boston in 1761 in opposition to "writs of assistance":

"The only principles of public conduct that are worthy of a gentleman or a man are to sacrifice estate, ease, health, and applause, and even life, to the sacred calls of his country. These manly sentiments in private life make the good citizen, in public life the patriot and the hero."

The VICE PRESIDENT. The question is on agreeing to the substitute offered by the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. I ask for the yeas and nays on the amendment submitted by me.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). On this amendment I am paired with the senior Senator from Ohio [Mr. BURTON]. He being absent, I withhold my vote.

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Indiana [Mr. KERN], and vote "nay."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. TILLMAN], which I transfer to the senior Senator from Massachusetts [Mr. LODGE] upon all votes during the present legislative day. On this question I vote "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague [Mr. GALLINGER] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. OWEN (when Mr. GORE's name was called). I announce that my colleague [Mr. GORE] is paired with the Senator from Connecticut [Mr. MCLEAN].

Mr. CLAPP (when Mr. GRONNA's name was called). The junior Senator from North Dakota [Mr. GRONNA] is unavoidably detained from the Chamber. He is paired with the Senator from California [Mr. PERKINS]. If present, the Senator from North Dakota would vote "nay."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably absent from the city. If he were present, he would vote "nay." He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. CRANE (when Mr. LODGE's name was called). My colleague [Mr. LODGE] is detained from the Senate. He is paired with the Senator from South Carolina [Mr. TILLMAN]. If my colleague were present, he would vote "yea" on this proposition.

Mr. NELSON (when Mr. MCCUMBER's name was called). The Senator from North Dakota [Mr. MCCUMBER] is unavoidably absent. He is paired with the senior Senator from Mississippi [Mr. PERCY]. If the Senator from North Dakota were present, he would vote "yea."

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is paired with the Senator from North Dakota [Mr. MCCUMBER]. If my colleague were present, he would vote "nay."

Mr. PERKINS (when his name was called). On the pending amendment I am paired with the junior Senator from North Dakota [Mr. GRONNA]. He is absent on account of sickness in his family. If he were present, he would vote "nay" and I should vote "yea."

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). My colleague [Mr. RAYNER] is paired with the senior Senator from Utah [Mr. SUTHERLAND].

Mr. CURTIS (when the name of Mr. SMITH of South Carolina was called). I was requested to announce that the Senator from South Carolina [Mr. SMITH] is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. He has a general pair with the Senator from Maryland [Mr. RAYNER]. If my colleague were here, he would vote "yea."

The roll call was concluded.

Mr. TAYLOR. My colleague [Mr. LEA] is absent from the city on account of illness in his family.

Mr. MYERS. I was requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from New Hampshire [Mr. GALLINGER]. This announcement will stand for the day.

The result was announced—yeas 26, nays 43, as follows:

YEAS—26.

Bradley	Curtis	Nelson	Smith, Mich.
Briggs	Dillingham	Nixon	Smoot
Burnham	Gamble	O'Gorman	Stephenson
Clark, Wyo.	Guggenheim	Oliver	Warren
Crane	Heyburn	Page	Wetmore
Crawford	Kenyon	Penrose	
Cullom	Lippitt	Root	

NAYS—43.

Bacon	Clarke, Ark.	Martin, Va.	Simmons
Bailey	Culberson	Martine, N. J.	Smith, Md.
Bankhead	Cummins	Myers	Stone
Borah	Dixon	Newlands	Swanson
Bourne	Fletcher	Overman	Taylor
Bristow	Foster	Owen	Thornton
Brown	Hitchcock	Paynter	Townsend
Bryan	Johnson, Me.	Poindexter	Watson
Chamberlain	Johnston, Ala.	Pomerene	Williams
Chilton	Jones	Reed	Works
Clapp	La Follette	Shively	

NOT VOTING—21.

Brandegee	Gore	McCumber	Smith, S. C.
Burton	Gronna	McLean	Sutherland
Davis,	Kern	Percy	Tillman
du Pont	Lea	Perkins	
Frye	Lodge	Rayner	
Gallinger	Lorimer	Richardson	

So Mr. NELSON'S amendment was rejected.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. BAILEY. I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Indiana [Mr. KERN], and vote "yea."

Mr. BURNHAM (when Mr. GALLINGER'S name was called). I desire to make the same announcement in reference to my colleague [Mr. GALLINGER] as I made on the previous roll call.

Mr. OWEN (when Mr. GORE'S name was called). I wish to announce that my colleague [Mr. GORE] is paired with the Senator from Connecticut [Mr. MCLEAN].

Mr. CLAPP (when Mr. GRONNA'S name was called). I make the same announcement again for the junior Senator from North Dakota [Mr. GRONNA] as on the previous roll call. If he were present, he would vote "yea."

Mr. WILLIAMS (when Mr. PERCY'S name was called). I wish to repeat the announcement I have previously made. My colleague [Mr. PERCY] is paired with the senior Senator from North Dakota [Mr. MCCUMBER]. If my colleague were present, he would "yea."

The roll call was concluded.

Mr. CRANE. I desire to announce that my colleague [Mr. LODGE] is necessarily detained from the Senate. He is paired with the senior Senator from South Carolina [Mr. TILLMAN]. If my colleague were present, he would vote "nay" on this question.

Mr. CLAPP. On behalf of the senior Senator from Ohio [Mr. BURTON] I desire to state that he is unavoidably detained from the Senate. If he were present, he would vote "yea."

The result was announced—yeas 53, nays 18, as follows:

YEAS—53.

Bacon	Cullom	Myers	Smith, Mich.
Bankhead	Cummins	Newlands	Stephenson
Borah	Dixon	Nixon	Stone
Bourne	Fletcher	Overman	Swanson
Bristow	Foster	Owen	Taylor
Brown	Gamble	Page	Thornton
Bryan	Guggenheim	Paynter	Townsend
Chamberlain	Hitchcock	Perkins	Warren
Chilton	Johnson, Me.	Poindexter	Watson
Clapp	Johnston, Ala.	Pomerene	Williams
Clark, Wyo.	Jones	Reed	Works
Clarke, Ark.	La Follette	Shively	
Crawford	Martin, Va.	Simmons	
Culberson	Martine, N. J.	Smith, Md.	

NAYS—18.

Bailey	Crane	Lippitt	Root
Bradley	Curtis	Nelson	Smoot
Brandegee	Dillingham	O'Gorman	Wetmore
Briggs	Heyburn	Oliver	
Burnham	Kenyon	Penrose	

NOT VOTING—19.

Burton	Gore	Lorimer	Richardson
Davis	Gronna	McCumber	Smith, S. C.
du Pont	Kern	McLean	Sutherland
Frye	Lea	Percy	Tillman
Gallinger	Lodge	Rayner	

So the joint resolution was passed. It is as follows:

Resolved, etc., That the Territories of New Mexico and Arizona are hereby admitted into the Union upon an equal footing with the original States, in accordance with the terms of the enabling act approved June 20, 1910, upon the terms and conditions hereinafter set forth. The admission herein provided for shall take effect upon the proclamation of the President of the United States, when the conditions explicitly set forth in this joint resolution shall have been complied with, which proclamation shall issue at the earliest practicable time after the results of the election herein provided for shall have been certified to the President, and also after evidence shall have been submitted to him of the compliance with the terms and conditions of this resolution.

The President is authorized and directed to certify the adoption of this resolution to the governor of each Territory as soon as practicable after the adoption hereof, and each of said governors shall issue his proclamation for the holding of the first general election as provided for in the constitution of New Mexico heretofore adopted and the election ordinance No. 2 adopted by the constitutional convention of Arizona, respectively, and for the submission to a vote of the electors of said Territories of the amendments of the constitutions of said proposed States, respectively, herein set forth in accordance with the terms and conditions of this joint resolution. The results of said elections shall be certified to the President by the governor of each of said Territories; and if the terms and conditions of this joint resolution shall have been complied with, the proclamation shall immediately issue by the President announcing the result of said elections so ascertained, and upon the issuance of said proclamation the proposed State or States so complying shall be deemed admitted by Congress into the Union upon an equal footing with the other States.

SEC. 2. That the admission of New Mexico shall be subject to the terms and conditions of a joint resolution approved February 16, 1911, and entitled "Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico."

SEC. 3. That before the proclamation of the President shall issue announcing the result of said election in New Mexico, and at the same time that the State election aforesaid is held, the electors of New Mexico shall vote upon the following proposed amendment of their State constitution as a condition precedent to the admission of said State, to wit:

"Article 19 of the constitution, as adopted by the electors of New Mexico at an election held on the 21st day of January, A. D. 1911, be, and the same is hereby, amended so as to read as follows:

"'ARTICLE 19.

"'AMENDMENT.

"'SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature at any regular session thereof; and if a majority of all members elected to each of the two houses voting separately shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon.

"'The secretary of state shall cause any such amendment or amendments to be published in at least one newspaper in every county of the State, where a newspaper is published once each week, for four consecutive weeks, in English and Spanish when newspapers in both of said languages are published in such counties, the last publication to be not more than two weeks prior to the election at which time said amendment or amendments shall be submitted to the electors of the State for their approval or rejection; and the said amendment or amendments shall be voted upon at the next regular election held in said State after the adjournment of the legislature proposing such amendment or amendments, or at such special election to be held not less than six months after the adjournment of said legislature, at such time as said legislature may by law provide. If the same be ratified by a majority of the electors voting thereon, such amendment or amendments shall become part of this constitution. If two or more amendments are proposed, they shall be so submitted as to enable the electors to vote on each of them separately: *Provided*, That no amendment shall apply to or affect the provisions of sections 1 and 3 of article 7 hereof, on elective franchise, and sections 8 and 10 of article 12 hereof, on education, unless it be proposed by vote of three-fourths of the members elected to each house and be ratified by a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State and at least two-thirds of those voting in each county in the State shall vote for such amendment.

"'SEC. 2. Whenever, during the first 25 years after the adoption of this constitution, the legislature, by a three-fourths vote of the members elected to each house, or, after the expiration of said period of 25 years, by a two-thirds vote of the members elected to each house, shall deem it necessary to call a convention to revise or amend this constitution, they shall submit the question of calling such convention to the electors at the next general election, and if a majority of all the electors voting on such question at said election in the State shall vote in favor of calling a convention the legislature shall, at the next session, provide by law for calling the same. Such convention shall consist of at least as many delegates as there are members of the house of representatives. The constitution adopted by such convention shall have no validity until it has been submitted to and ratified by the people.

"'SEC. 3. If this constitution be in any way so amended as to allow laws to be enacted by direct vote of the electors the laws which may be so enacted shall be only such as might be enacted by the legislature under the provisions of this constitution.

"'SEC. 4. When the United States shall consent thereto, the legislature, by a majority vote of the members in each house, may submit to the people the question of amending any provision of article 21 of this constitution on compact with the United States to the extent allowed by the act of Congress permitting the same, and if a majority of the qualified electors who vote upon any such amendment shall vote in favor thereof the said article shall be thereby amended accordingly.

"'SEC. 5. The provisions of section 1 of this article shall not be changed, altered, or abrogated in any manner except through a general convention called to revise this constitution as herein provided.'"

SEC. 4. That the probate clerks of the several counties of New Mexico shall provide separate ballots for the use of the electors at said first State election for the purpose of voting upon said amendment. Said separate ballots shall be printed on paper of a blue tint, so that they may be readily distinguished from the white ballots provided for the election of county and State officers. Said separate ballots shall be delivered only to the election officers authorized by law to receive and have the custody of the ballot boxes for use at said election and shall be delivered by them only to the individual voter and only one ballot to each elector at the time he offers to vote at the said general election, and shall have the initials of two election officers of opposite political parties written by them upon the back thereof. Said separate ballots shall not be marked either for or against the said amendment at the time it is handed to the elector by the election officer, and if the elector desires to vote upon said amendment, the ballot must be marked by the voter, unless he shall request one of the election officers to mark the same for him, in which case such election officer so called upon shall mark said ballot as such voter shall request. Any elector receiving such ballot shall return the same before leaving the polls to one of the election judges, who shall immediately deposit the same in the ballot box, whether such ballot be marked or not. No ballots on said amendment except those so handed to said electors and so initialed shall be deposited in the ballot box or counted or canvassed. Said separate ballots shall have printed thereon the proposed amendment in both the English and the Spanish language. There shall be placed on said ballots two blank squares with dimensions of one-half an inch and opposite one of said squares shall be printed in both the English and the Spanish language the words "For constitutional amendment," and opposite the other blank square shall be printed in both the English and Spanish language the words "Against constitutional amendment."

Any elector desiring to vote for said amendment shall mark his ballot with a cross in the blank square opposite the words "For constitutional amendment," or cause the same to be so marked by an election officer as aforesaid, and any elector desiring to vote against said amendment shall mark his ballot with a cross in the blank square opposite the words "Against constitutional amendment," or cause the same to be so marked by an election officer as aforesaid.

SEC. 5. That said ballots shall be counted and canvassed by said election officers, and the returns of said election upon said amendment shall be made by said election officers direct to the secretary of the Territory of New Mexico at Santa Fe, who, with the governor and chief justice of said Territory, shall constitute a canvassing board; and they, or any two of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same. If a majority of the legal votes cast at said election upon said amendment shall be in favor thereof, the said canvassing board shall forthwith certify said result to the governor of the Territory, together with the statement of votes cast upon the question of the ratification or rejection of said amendment; whereupon the governor of said Territory shall by proclamation declare the said amendment a part of the constitution of the proposed State of New Mexico, and thereupon the same shall become and be a part of said constitution; but if the same shall fail of such majority, then article 19 of the constitution of New Mexico as adopted on January 21, 1911, shall remain a part of said constitution.

Except as herein otherwise provided, said election upon this amendment shall be in all respects subject to the election laws of New Mexico now in force.

SEC. 6. That the fifth clause of section 2 of "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and be admitted into the Union on an equal footing with the original States," approved June 20, A. D. 1910, be, and the same is hereby, amended so as to read as follows:

"Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude."

SEC. 7. That before the proclamation of the President shall issue, announcing the result of said election in Arizona, and at the same time that the State election is held, as aforesaid, the electors of Arizona shall vote upon the following proposed amendment to their State constitution as a condition precedent to the admission of said State, to wit:

"Section 1 of article 8 of the constitution of the State of Arizona, adopted by the electors of said State at an election held on the 9th day of February, A. D. 1911, be, and the same is hereby, amended, so as to read as follows:

"'ARTICLE 8.—REMOVAL FROM OFFICE.

"'1. RECALL OF PUBLIC OFFICERS.

"'SECTION 1. Every public officer in the State of Arizona, except members of the judiciary, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may, by petition, which shall be known as a recall petition, demand his recall.'"

The ballots to be provided for said first State election shall have printed thereon this proposed amendment and there shall be placed on said ballots two blank squares with dimensions of one-half an inch and opposite one of said squares shall be printed the words "For constitutional amendment" and opposite the other blank square shall be printed the words "Against constitutional amendment."

Any elector desiring to vote for said amendment shall place a cross in the blank square opposite the words "For constitutional amendment," and those desiring to vote against such amendment shall place a cross in the blank square opposite the words "Against constitutional amendment," and said ballots shall be counted and canvassed by the election officers of said State authorized by law to count and canvass the ballots cast at the election for State officers; and the returns of said election upon said amendment shall be made by said election officers direct to the secretary of the Territory of Arizona at Phoenix, who, with the governor and chief justice of said Territory, shall constitute a canvassing board, and they, or any two of them, shall meet at said city of Phoenix on the third Monday after said election and shall canvass the same. If a majority of the legal votes cast at said election upon said amendment shall be in favor thereof, the said canvassing board shall forthwith certify said result to the governor of the Territory, together with the statement of votes cast upon the question of the ratification or rejection of said amendment; whereupon the governor of said Territory shall, by proclamation, declare the said amendment a part of the constitution of the proposed State of Arizona, and thereupon the same shall become and be a part of said constitution; but if the same shall fail of such majority, then section 1 of article 8 of the constitution of Arizona, as adopted on February 9, 1911, shall remain a part of said constitution.

Except as herein otherwise provided said election upon this amendment shall be in all respects, except as to the educational qualification of electors, subject to the election laws of Arizona now in force.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to a concurrent resolution (H. Con. Res. 3) providing for the printing of 17,100 copies of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, D. C., December 7, 1910, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.;

H. R. 6098. An act to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark.;

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure;

H. R. 7693. An act to authorize the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 11021. An act to authorize the Levitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark.;

H. R. 11022. An act to authorize the bridge directors of the Jefferson County bridge district to construct a bridge across the Arkansas River at Pine Bluff, Ark.;

H. R. 11321. An act to authorize the Twin City & Lake Superior Railway Co. to construct a bridge across the St. Croix River between Chisago County, Minn., and Polk County, Wis.; and

H. R. 12051. An act for the relief of the city of Crawford, in the State of Nebraska.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts approved March 4, 1911.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1149. An act permitting the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota;

S. 2732. An act to authorize the Providence, Warren & Bristol Railroad Co. and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers or Warren River, in the State of Rhode Island; and

S. 2768. An act to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.

PETITIONS AND MEMORIALS.

Mr. O'GORMAN presented a memorial of the Ancient Order of Hibernians of Richmond County, N. Y., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Commercial Club of Omaha, Nebr., remonstrating against the passage of the so-called cold-storage bill, which was referred to the Committee on Manufactures.

He also presented petitions of J. McDentt. G. J. Shepar, G. Kane, J. Walker, B. Alpert, M. Barkis, J. S. Roberts, J. Quigley, J. L. Gottleib, J. Wooley, R. Kohl, J. A. Mauer, J. Sarg, C. Schandling, William A. Regan, V. Havens, D. May, C. J. Durand, Edward Lange, W. H. Powers, and G. L. Woods, of Brooklyn, N. Y.; and of S. J. Frazier, M. Fensier, P. H. Gard, W. Miller, J. Hirsch, J. B. Smith, G. Helmke, H. T. Smith, G. Doffleim, W. J. Abbott, L. Spitz, M. T. Gibbons, F. A. Hunter, Leonard Lee, J. V. Collins, George L. Crutcher, H. E. Verbeck, E. B. Sauer, Percy Shaw, A. Brodeck, L. K. Clark, T. E. Flanagan, E. A. Brophey, J. B. Hanover, A. A. Kearin, and A. A. Girlich, of New York City, N. Y., praying for the repeal of the duty on lemons, which were ordered to lie on the table.

Mr. BRADLEY presented a memorial of District Grand Lodge No. 2, Independent Order of B'nai B'rith, remonstrating against the treatment accorded certain American citizens in Russia, which was referred to the Committee on Foreign Relations.

BILLS INTRODUCED.

Bill were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 3178) granting an increase of pension to James B. Sales; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3179) granting an increase of pension to Andrew J. Barker;

A bill (S. 3180) granting a pension to Casline Mortimer;

A bill (S. 3181) granting an increase of pension to Joseph T. Reno;

A bill (S. 3182) granting an increase of pension to William Greer;

A bill (S. 3183) granting an increase of pension to James M. Dilley;

A bill (S. 3184) granting an increase of pension to Godfrey Hammarberg (with accompanying papers);

A bill (S. 3185) granting an increase of pension to Joseph D. Miller (with accompanying paper);

A bill (S. 3186) granting an increase of pension to Abijah S. Chears (with accompanying papers); and

A bill (S. 3187) granting an increase of pension to Jason Ham (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 3188) granting an increase of pension to Roscoe C. Tartar (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3189) granting an increase of pension to Thomas Monjion;

A bill (S. 3190) granting an increase of pension to Peter Cassey; and

A bill (S. 3191) granting an increase of pension to Samuel P. Strahan (with accompanying papers); to the Committee on Pensions.

STATUE OF BARON VON STEUBEN.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives (H. Con. Res. 3), which was read and referred to the Committee on Printing.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National German-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Baron von Steuben and the speakers who took part in said celebration.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.;

H. R. 6098. An act to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark.;

H. R. 7693. An act to authorize the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 11021. An act to authorize the Levitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew in Drew County, Ark.;

H. R. 11022. An act to authorize the bridge directors of the Jefferson County bridge district to construct a bridge across the Arkansas River at Pine Bluff, Ark.; and

H. R. 11321. An act to authorize the Twin City and Lake Superior Railway Co. to construct a bridge across the St. Croix River between Chisago County, Minn., and Polk County, Wis.

H. R. 12051. An act for the relief of the city of Crawford, in the State of Nebraska, was read twice by its title and referred to the Committee on Military Affairs.

ADJOURNMENT.

Mr. SMITH of Michigan. I move that the Senate adjourn.

The motion was agreed to, and (at 7 o'clock and 25 minutes p. m.) the Senate adjourned until Wednesday, August 9, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 8, 1911.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, we thank Thee for the light of this new day, with its splendid opportunities to expand our minds and enrich our lives by a faithful and conscientious service to Thee and our fellow men. Inspire us to do this in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of August 7, 1911, was read and approved.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1149. An act permitting the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota;

S. 2732. An act to authorize the Providence, Warren & Bristol Railroad Co. and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers, or Warren, River, in the State of Rhode Island; and

S. 2768. An act to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.

CORRECTING ERRORS IN ENROLLMENT.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on House joint resolution No. 1, to correct errors in the enrollment of certain appropriation acts approved March 4, 1911, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on House joint resolution No. 1 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report (No. 132) is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts approved March 4, 1911, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate amending the title of the joint resolution, and agree to the same.

JOHN J. FITZGERALD,
A. S. BURLESON,
J. G. CANNON,
Managers on the part of the House.

F. E. WARREN,
GEO. C. PERKINS,
MURPHY J. FOSTER,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the House joint resolution No. 1 to correct errors in the enrollment of certain appropriation bills approved March 4, 1911, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report, namely:

It is recommended that the two amendments of the Senate striking out the preamble of the resolution and amending the title thereof be agreed to, and that the Senate recede from its two amendments striking out the provision reimbursing the University of Idaho the sum of $500 and the provision repealing that part of the naval appropriation act approved March 4 last, having reference to partial payments to builders of naval vessels.

JOHN J. FITZGERALD,
A. S. BURLESON,
J. G. CANNON,
Managers on the part of the House.

The SPEAKER. The gentleman from New York is recognized for one hour.

Mr. FITZGERALD. Mr. Speaker, I yield 50 minutes to the gentleman from Florida [Mr. CLARK].

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-nine Members present—a quorum. The gentleman from Florida is recognized.

Mr. CLARK of Florida. Mr. Speaker, in the extreme south of this great Union of sovereign States, between the Gulf of Mexico and the Atlantic Ocean, lies Florida, the fairest flower in the garden of statehood. [Applause.] Her balmy climate, her healthful ocean breezes, her delicious tropical fruits, her wonderful palm trees, her tall pines, her majestic oaks, her silvery lakes, her wonderful rivers, and her youth-preserving springs have made Florida famous throughout the civilized world. [Applause.] Nowhere in all the habitable globe does the sun shine with such resplendent glory as in Florida; no painter's brush can transfer to canvas the ravishing beauty of a moonlight night in Florida; no pen can picture, nor can any imagination conceive the transcendent beauty of her landscape, the fertility of her soil, the luxuriance of her tropical fruits and flowers, the rich perfume of which is borne in riotous profusion on every passing breeze.

Mr. RAKER. Will the gentleman yield?

Mr. CLARK of Florida. No; I can not, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. CLARK of Florida. Nearly 400 years ago the bold Spanish navigator, Ponce de Leon, landed on Florida's shores in search of the fabled "Fountain of youth," and thus, although failing himself, opened the way for the many thousands who came after him and found long life and supreme happiness in that goodly land.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman's remarks are not in order, because he is not discussing the subject before the House. I would be willing for the gentleman to have time, by unanimous consent, so far as I am concerned, but I would like to have a ruling from the Chair as to whether the gentleman can discuss some other matter——

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the gentleman may proceed.

Mr. CLARK of Florida. I think, Mr. Speaker, the point of order is well taken.

The SPEAKER. The point of order is well taken.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman may have 50 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Florida shall have the remnant of his 50 minutes to address the House. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. CLARK of Florida. But, Mr. Speaker, while Florida, as she fell from the fingers of the Creator, bore the stamp of the beautiful and the lovely and seemed to be all that could be desired in the way of an earthly abiding place for man, it must not be understood that she is nothing more than a garden of lovely flowers and delicious fruits. [Applause.] Untold wealth is embedded in her generous bosom. In agriculture her soil makes bounteous response to the friendly touch of the industrious husbandman; her rivers and lakes and the waters of the sea which lash her coasts are teeming with the best food fish in all the world [applause]; her forests yield annually millions of feet of the finest yellow pine and cypress lumber produced anywhere; her mines produce for home and foreign consumption millions of tons of phosphate every year; her ranges send into the markets of the world every year thousands of as fine beef cattle as are raised anywhere; millions of crates of oranges, grapefruit, limes, pineapples, and other tropical fruits and vegetables are shipped from within her confines annually to the markets of the world; she manufactures and sells annually more Havana cigars than all the other States of the Union; she has more seacoast and more navigable streams than any other State in the Union; and is the largest State in area east of the Mississippi River save one.

I might name many other of Florida's possessions, enterprises, and industries, Mr. Speaker, but will content myself with calling attention at this time to only one other. In this great age of development and progress Florida has been no laggard in the matter of building railways. From Pensacola, in the northwest corner of the State, to Jacksonville, in the northeast, runs the magnificent Seaboard Air Line system, and from Jacksonville to Tampa, in the extreme south, is the Seaboard and the Atlantic Coast Line, while the interior is covered with a network of railways reaching and serving every community. While the promoters and builders of these great railway systems have in large measure been actuated by the hope of ultimate profit, still they are each and all of them entitled to great praise for their part in the material upbuilding of this magnificent Commonwealth. There is another railroad within the State of Florida, Mr. Speaker, to which I desire to particularly refer at this time, which is distinctively a Florida institution. The Florida East Coast Railroad Co. began its career a little more than 20 years ago, with its northern terminus at the city of Jacksonville, its course lying along the eastern coast and its destination being the extreme southern end of the eastern side of the peninsula. Jacksonville, the queenly mistress of the majestic St. Johns, is destined at no distant day to become the undisputed metropolis of the South Atlantic seaboard. But let another, better able than I am, tell you of this live, hustling city among the magnolias and the pine:

He who arrives for the first time in Florida has reason to be delighted with the portal through which he makes his entrance into the land of rapturous surprises. The city through which he passes at the threshold of the State gives cheering prophecy of the beauties that lie within.

The almost magical development of the east coast has converted Jacksonville into a gateway through which one enters the real Florida, which begins with old St. Augustine, then quickly follows the other beautiful winter resorts which dot this summerland.

The city of Jacksonville, with a population of nearly 65,000, is beautifully situated on the magnificent St. Johns River, about 22 miles from the Atlantic as the stream flows. Its water front is in the shape of a crescent, the river changing its course twice within the city limits and in a distance of three miles. The harbor is naturally superb, and time will see Jacksonville one of the large cities of the United States. It is the northern terminus of the Florida East Coast Railway, where connection is made with the Atlantic Coast Line, Seaboard Air Line, Southern Railway, Georgia Southern & Florida Railway, and the two coastwise steamship lines.

Along the line of the Florida East Coast Railroad, after leaving Jacksonville, the eyes of the traveler feast upon visions of beauty not surpassed anywhere in the world. The country traversed has been aptly termed the "American Riviera." Here is St. Augustine, the place where Ponce de Leon landed nearly 400 years ago, in search of the fountain of perpetual youth, full of old Spanish landmarks, the oldest city in America, and with her modern improvements, palatial hotels, and incomparable climate the social Newport of the South. [Applause.]

Then comes Daytona, sitting like a queen on the banks of the Halifax in a perfect garden of palms and flowers, enticing lovers of the beautiful to tarry long within her gates. [Applause.] The traveler also passes Ormond—beautiful Ormond, with her marvelous scenery and the greatest automobile beach course in the world.

New Smyrna, Titusville, Cocoa, Rockledge, Fort Pierce, and numerous other towns greet and charm the traveler as he is whirled through this delightful region on his journey toward the far south over the line of this twentieth century railroad, equipped with every possible modern convenience. Later, down the line he comes to Palm Beach, "the garden spot of the world." It is utterly impossible to describe Palm Beach. No painter has yet been born who can faithfully reproduce on canvas the ravishing beauty of Palm Beach. No master of language is blessed with a sufficient vocabulary to impart to those who have not seen it the slightest conception of its surpassing loveliness.

Within two hours' ride of Palm Beach the traveler comes to Miami, the "Magic City" of Florida. Scarcely 15 years old, Miami has a population approximating 12,000 people. She has paved streets, sewerage, electric lights, electric cars, and every possible improvement and convenience known to our modern municipal life. In addition to this, she is situated in a rich fruit and truck growing region, with both rail and water transportation to the markets of the world.

A little distance below Miami begins that portion of the Florida East Coast Railroad which, crossing the sea from key to key, connects the mainland of the State of Florida with the island city of Key West, and which, as an engineering enterprise, ranks second only to the great Panama Canal. For more than a hundred miles across the sea this magnificently equipped railroad has been constructed at the instance and under the direction of the master mind of Henry M. Flagler, the greatest developer whose presence has ever blessed our fair State. A few short years ago the entire eastern side of the State of Florida was practically an uninhabited and an unexplored wilderness, but Henry M. Flagler, with that keen foresight which has signally characterized his long and successful business career, saw the vast possibilities of that region, which only required the developing touch of transportation facilities to bring them into full fruition. Having satisfied himself that the task was worthy of the effort, Mr. Flagler called to his aid Hon. Joseph R. Parrott, now president of the road, and other able lieutenants, and actively began the great work. Difficulties innumerable were encountered, and as it was not so

promising an enterprise in the way of fair returns on the capital invested, Mr. Flagler builded the great highway with his own private means, and I am told that no bonds were ever issued and sold until the stupendous task of building the extension across the sea was begun. As descriptive of this colossal undertaking now so happily reaching a successful end, let me read an article which recently appeared in Everybody's Magazine. It is from the pen of Mr. Ralph D. Paine and is thoroughly accurate. He says:

A speck of reef set far out in a tropical sea, much nearer to the coast of Cuba than to any port of its own country, Key West has long been the most remote and incongruous city claimed by an American State. In days gone by its spongers, wreckers, and Spanish-speaking cigar makers no more dreamed of being linked with the mainland by rail than do the people of Honolulu. Until 10 years ago their nearest home port was Tampa, 250 miles up the Gulf of Mexico. Then the Flagler railroad, which had been advancing down the strip of wilderness along the Atlantic seaboard, brought Key West within reach of Miami, 157 miles away, by steamers, which skirted the far-flung chain of the Florida keys.

This chain of islets swings off from the Everglades of the mainland to stretch down into the Atlantic and the Gulf as far as Key West.

No part of the western frontier is so primitive and unpeopled as was this swarm of seagirt islets, until a man with a dream of creative achievement and millions of money to make it come true resolved to build a railroad to Key West. It was to be a railroad which, in a distance of 130 miles from mainland to terminus, should bridge no less than 30 miles of open sea and cross at least 30 miles more of submerged keys and lagoons.

A railroad to be pushed, with stupendous difficulties and at an expense of $25,000,000, through the Atlantic to a remote reef—what is the reason for so monumental an undertaking?

The answer lies in Henry M. Flagler's belief that the island of Cuba will some day strike its destined gait of prosperity and growth. For Cuba is the true objective of the railroad to Key West. When the work is finished huge ferries will carry solid trains to and from Habana, and a through rail route from New York to Cuba will be completed.

Henry M. Flagler's purpose to stake his fortune on Cuba was the direct result of his visit to the island in company with Sir William Van Horne. Here he learned the scope of the plans for the railroad development of Cuba which seethed in the mind of the great Canadian builder. The man who had constructed more than 5,000 miles of wilderness road with 50,000 men in less than five years, who had shoved the Canadian Pacific through to the coast, was sanguine of doing great things in Cuba. Mr. Flagler grasped the fact that his Key West road would be an important transportation link in the far-sighted plans of Sir William Van Horne. He found that the Ann Arbor Railroad was conveying trains of 26 freight cars on ferries over 112 miles of water on the Great Lakes. It was therefore feasible to carry solid trains between the United States and Cuba. And every inland sugar planter, who had to ship his crop by rail to tidewater before finding steamer transportation, could be offered a competitive rate for handling and freightage over the all-rail route via Key West.

The railroad to Key West will serve other purposes as well. As the quickest route for mail and passengers between the United States and the Panama Canal, as a long stride nearer the commerce of South America, as a military and naval base of immense strategic importance for coming generations, a terminus "farthest south" appealed to Mr. Flagler's imagination. Moreover, the idea of a seagoing railroad was in the last analysis, regardless of the immediate impetus, the logical climax of his prodigal investments along the east coast from Jacksonville to Miami. Here he had already spent $30,000,000 in 20 years, extending his chain of magnificent winter resorts farther and farther south and binding them together with his railroad. To make of it a through system he had inevitably to push it on toward the Gulf.

This work has been the more dramatic in that the problems were new and of most unusual difficulty. Between some of the keys the tracks must be carried on concrete viaducts so long that from a car window a passenger would be out of sight of land, the horizon closing down to the ocean rim to east and west. The work would have to withstand storms and high seas for mile after mile where there was no barrier to check the assaults of the Atlantic. The construction plant must be put afloat, thousands of men quartered in boats instead of camps, the work inspected in tugs and launches, and a huge fleet maintained for building a railroad. As one engineer summed it up, "It was bound to be a web-footed proposition from start to finish."

Yet, even as the railroad stands to-day, it is an immense undertaking successfully wrought out and in operation. Within three years this highway of steel was finished for train service for a distance of 110 miles below Miami, or to within 47 miles of Key West. On the remaining stretch over 80 per cent of the construction work has been done. The United States has been given a new railroad terminus far out in the open sea as her southernmost port. From the present terminus at Knights Key steamers run in winter to Habana, 122 miles away, reducing the journey from New York to Cuba to two days—a service as fast as the regular train ferries that will later operate between Key West and Habana, a distance of 90 miles.

The story of this railroad building is quite like a tale from the Arabian Nights. The viceroy chosen for the work was Joseph R. Parrott, a broad-shouldered, square-jawed man in his forties, who was already carrying enough responsibility to bury several ordinary men. He was a Yale athlete of such ability that he had rowed on five university crews and had been substitute on a sixth. Coming to Florida fresh from the Yale Law School in 1885 to take a berth with the legal department of one of the first railroads in the State, he was induced to join Mr. Flagler's interests 20 years ago. He became the one-man power in direct management of property interests which expanded year by year until they had reached vast proportions. He had to create the East Coast Railroad system and to equip himself to handle the greatest hotel interests in the world, on top of which tasks he was requested to put a railroad into Key West and was made wholly responsible for the undertaking. Fourteen thousand people have been on his pay rolls at one time in Florida. And the enterprises controlled by him have involved from thirty to forty millions of capital.

The first plan for extending the railroad south of Miami attempted to find a way across the Everglades to Cape Sable, the southernmost tip of the Florida Peninsula, 80 miles from dry land. Engineering parties spent months at a time in this, the most hostile and inaccessible wilderness left in the United States. They suffered such hardships and torments as have been endured elsewhere only in the heart of Africa. One outfit had to be rescued by a relief expedition and was found on the edge of starvation. The survey was carried through to Cape Sable, the land was found impracticable for railroad building, and the field of action was therefore shifted to the route across the keys. Locating this erratic line was an Alice-in-Wonderland task of itself. The surveying party had to do most of its work afloat, and some of its men were lost among the hundreds of keys for days at a time. They wished to utilize as many of the keys as possible, and finally selected 41 across which to run the road. There were gaps between them so wide, however, that towers had to be built for sighting the instruments. In other words, these distances which must be bridged were so great that the curvature of the earth hid the rodman on the key from the man with the transit.

The next step was to find the right construction engineer, for upon this official's ability the enterprise must hang in the final issue.

Down at Tampico a fragile-looking, sunburned man of middle age was puting $3,500,000 belonging to the Mexican Government into a pier half a mile long. He was a taciturn, almost diffident person, this quiet little engineer, J. C. Meredith by name. But he knew all about reenforced concrete; he had built bridges all over the face of the map, and his hard-working brother engineers considered him a man of much courage and resourcefulness. After he had finished with his tremendous Tampico pier he was summoned to confer with the viceroy, J. R. Parrott. The latter expected the engineer to demand a month to look over the ground and another month or so to make up his mind, but to his questions Mr. Meredith replied:

"I'm ready to begin work this afternoon, but I'd like a few days to go home to Kansas City and pack some things and see my family, as I'll have to be on this job for several years."

As soon as the engineer reported for duty he began to study the surveys of this extraordinary railroad proposition. It had many novel aspects. He had to determine, beyond guesswork, the effects of hurricane winds and tides, to provide the greatest possible wave resistance along every foot of the way, to study and tabulate the data recorded of every West Indian hurricane that has swept the keys since records have been kept, and to lift his work wholly out of the field of experiment. Having satisfied himself that his work would stand the test, he made the plans for his mighty viaducts, and the foremost engineering authorities of this country looked them over and said they were flawless.

Then Mr. Meredith began to build his railroad by the upside-down process of digging more than 30 miles of navigable canals through the Everglades, which barred his progress from the mainland to the keys. These canals were dug by powerful dredges which were built in holes in the ground. Then water was let in to float them, and they began to eat their way toward the sea, throwing up the mud between them to make a railway embankment and leaving two canals in their wake. The grading of the first 17 miles was accomplished in this fashion. The bedrock was so near the surface that the dredges sometimes stranded and could no longer dig their own way. But presently Engineer Meredith evolved a system of locks by which the stranded dredges were floated over the barriers of rock.

Meanwhile Mr. Parrot was assembling men and material for the invasion of the keys. At one time he had under charter every available freight steamer flying the American flag on the Atlantic coast, and still being short of vessels he had to import cement from Germany to get bottoms to carry it. The crushed rock ordered for the viaduct construction filled 80 tramp steamers, 200,000 tons of coal freighted another imposing fleet, and the cargoes of steel, lumber, and supplies bannered the sapphire sea with the smoke streamers of deep-laden tramps. Camps and a transportation system had to be arranged to care for 5,000 men far from the mainland along a hundred-mile fringe of keys, with no more than two deep-water harbors in this distance.

Efficient labor was in demand the country over, and good men did not want to fight mosquitoes in the isolation of the Florida keys. Thousands of good-for-nothings, the dregs of sodden and broken humanity, had to be shipped from northern cities out of sheer necessity. Negro labor could not be obtained in such prosperous times, and the law forbade the importation of blacks from Nassau and Jamaica or Spaniards from Cuba and their own country. The sources of labor supply depended on for digging the Panama Canal were closed to this American enterprise. Hordes of "hobos," as they were classed, were sent out of the camps as worthless, or because they refused to work at all, scorning even to earn the $12 advanced them for transportation. Although the average number of men employed was about 4,000, the pay rolls show that 20,000 men were carried to the keys in three years.

The process of weeding out laborers was costly and disheartening. When the working force had been hammered into something like efficient shape a hurricane swooped down on the keys in October of 1906, and not only tested to the utmost the work of the engineers, but made havoc in the ranks of the laborers. The construction had been well advanced, however, and embankment, trestle, and viaduct stood the trial without serious damage. The soundness of Mr. Meredith's plans could have had no finer vindication.

As swiftly as possible after the hurricane the working force was reorganized, and from the clusters of tents and houseboats the working gangs swarmed by night and by day to carry the white trail of the grade southward. Across most of the northern keys they found a bed of coral and limestone. This was blasted and heaped in embankments by hand labor as in ordinary railroad construction. Many of the open water stretches were crossed by means of ramparts thrown up by suction dredges, which trailed their long lines of pipe across the channels like huge serpents. These crossings were riprapped with rock to buttress them against the wash of the sea. Behind the graders came the track-laying gangs, coupling up one key after another to the mainland, while the camps ahead of them were shifted farther south to invade the islets that swam in wonderful opalescent lagoons. From the top of a derrick frame the finished grade stretched across the green keys like a straight white ribbon.

The line came at length to a bay 4 miles in width between Lower and Upper Matecumbe Keys. The land is so low that the farther shore almost dipped below the horizon. Across this body of water the railroad pushed its way on trestlework and rock embankment, all of which will be filled in solid before the work is finished. Then the builders brought up at Long Key, where the first great viaduct was constructed.

For 2 miles across the green sea this structure towers as a wall of masonry carried on noble arches—180 of them, built of concrete reenforced with steel. It has the aspect of a Roman aqueduct built of solid stone, and its colossal strength and dignity of outline are framed in a setting altogether lovely. Seen from the shore of Long Key, its arches march across the water, away, away, until they seem to run sheer into the horizon with nothing to mar their splendid isolation. Save for the low keys at either hand, there is no land in sight anywhere, nothing but ocean shifting from green to blue as it rolls to the Gulf Stream on

the one hand, and melts into the western sky on the other. A passenger on a train crossing the Long Key viaduct may be lucky enough to see a school of flying fish skitter past and a porpoise or two hurtling in chase of them. The cost of this one link between the keys was a million and a half dollars for 2 miles of construction, but unless a ferry is operated so that the traveler may see it from a distance, he will miss any adequate view of this noble and impressive structure.

While the prevailing shallowness of the water has made it possible to throw up mile after mile of embankment, it has made the problem of transportation immensely difficult. It was found impossible to approach, even in light-draft launches, many of the keys, on which hundreds of men must be camped and fed. A flotilla of stern-wheel steamboats from the Indian River and the Mississippi, reputed to be able to navigate in a heavy dew, was imported to operate on these lagoons, but they ran hard aground miles from the places they sought to reach.

In the 40 miles from Bahia Honda south to Key West the island formation differs as radically from the keys to the northward as if they belonged to another geological period. The coral rock disappears and what land there is is of solid limestone. The keys are so low that many of them are mere swamps densely covered with mangrove. Throwing up embankments across them has been largely a matter of dredging. And for this particular kind of dredging Mr. Meredith designed a new species of amphibious monster. All known methods of railroad building had to be discarded. To feed any of the usual types of dredge with coal and fresh water was impossible, because supplies could not be transported over the shoal lagoons and landed within reach. Therefore Mr. Meredith evolved a startling innovation by using a gasoline engine as his dredging power. Six of these gasoline dredges were built on barges. Where there was enough water to float them they waddled across the key, indefatigably heaping up embankments. When they came to a dry bit of going they were yanked ashore, mounted on wheels, slid onto a steel track, and so progressed as effectively as ever.

When J. R. Parrott reported to H. M. Flagler that there was no room for deep-water terminals along the harbor front at Key West, he was told to go ahead and make enough dry land to serve his purpose. This in itself was a princely undertaking, for it meant filling nearly 200 acres of salt water, a good-sized town site, with material dredged from the bottom. Suction dredges pushed their tentacles far out to find mud enough to feed their hungry maws, and an army of men built a sea wall of rock to contain this filling. Already almost a hundred acres have been made terra firma, and the outline map of Key West has been considerably altered.

The dredging was in charge of Howard Trumbo, one of the greatest dredging engineers in America. Here the great terminals are now being constructed, and here will be built the immense system of wharves, capable of berthing 40 large ships.

In behalf of the citizenship of the beautiful island city of Key West; in behalf of my own constituency, the people of the second congressional district of Florida, and in behalf of the people of the entire State, I tender you, Mr. Speaker, the membership of this House, and all the people of America, an invitation to visit us on the occasion of the celebration of the completion of this gigantic enterprise. [Applause.] Our homes will be opened to you; our hands will be outstretched to greet you; our hearts will throb gladly as we extend to you a generous, hospitable, old-time southern welcome. Those of you who come by rail will have the opportunity to travel more than 400 miles through the greatest congressional district in all the Union, over as magnificent a railroad as exists anywhere within the broad domain of the Republic. [Applause.]

Passing through the great congressional district which I have the honor to represent in this historic Chamber, you then enter the next best congressional district in the United States—the first congressional district of Florida—so long and so ably represented by my distinguished colleague, Col. SPARKMAN, chairman of your Committee on Rivers and Harbors. [Applause.] After traveling a short distance in Col. SPARKMAN'S district you reach the city of Key West. What shall I say of Key West, Mr. Speaker? I would that I were gifted with the power to properly describe this beautiful island city, situated far out in the sea on an island about 1½ miles wide by 7 miles long, where the cool breezes, laden with the health-giving ozone of the sea, maintains a delightfully pleasant temperature the year round; in the center of the great ocean highway between the two Americas; the greatest manufacturing center of fine Havana cigars in this country, and the natural Gibraltar of this Republic in our southern seas. Key West, now that she is bound to the mainland by steel rails, over which must go the commerce of this continent, will in the near future assume an importance in our national life second to only a few of our great cities. [Applause.]

Time will not permit me, Mr. Speaker, to indulge in an extended review of the facts which determine the importance of Key West in all its varied aspects, but there are a few things to which I desire to call attention briefly.

Key West is the nearest United States port to the Panama Canal, the distance being only 1,075 miles; she is the gateway from the United States to Cuba, Central and South America; she is the "American Gibraltar," defending the Gulf of Mexico, the Caribbean Sea, and all the approaches to the Panama Canal; and this position makes her the logical point for this country's greatest naval base; she has one of the most powerful wireless telegraph plants in the world, which is capable of communicating with the Panama Canal direct; she is an important coast-artillery post, strongly fortified; she has large fleets of vessels engaged both in the general fishing industry and in gathering sponges for commercial purposes; she has immense shipping interests, local, coastwise, and foreign; and she has the most magnificent natural harbor on the Gulf of Mexico, being, as it is, 25 miles long, with a channel from 1½ to 2 miles wide, with not less than 32 feet of water and large areas over 40 feet deep.

This harbor would accommodate a fleet of the largest battleships in the world, and would form a harbor of refuge for the enormous commerce of the Gulf of Mexico, and some idea of the immensity of this commerce may be gleaned from the statement that at present there is an average of much more than 4,000 vessels annually through the Straits of Florida. Possessed of all these and many other advantages, among which is its delightful climate, the thermometer seldom registering above 90 in summer and below 50 in winter, Key West is destined to become in the march of progress one of the really great cities of this continent and one of the most important military points in all the world. [Applause.]

Such is the city, Mr. Speaker, which proposes to celebrate the completion of this great oversea railway enterprise which links her with bands of steel to the mainland of our common country. She is peopled by 25,000 of as brave, loyal, hospitable, God-fearing, and patriotic American citizens as can be found anywhere within the broad domain of our great Republic. [Applause.] Probably the first person to call the attention of the country to the feasibility and desirability of a railroad to Key West was the Hon. Stephen R. Mallory, sr., who was United States Senator from Florida and afterwards Secretary of the Navy of the Confederate States. As early as 1856, in the Senate of the United States, Mr. Mallory strongly advocated the construction of a line of railroad from the mainland of Florida across the keys to Key West as an urgent military necessity. Nothing came of this, however, until some 35 or 40 years later, when Henry M. Flagler came upon the scene. I fear, Mr. Speaker, that we are usually too prone to wait until the cold hand of death has been laid upon a public benefactor before rendering him that meed of praise which is his just due. [Applause.] If Mr. Flagler had not engaged in his Florida enterprises, but had continued to devote his untiring energies and his great mind to the accumulation of money along the lines of business in which he had amassed his great fortune, he might have become the richest man in all the world. That he was content with the wealth he had acquired and seemed to be inspired with the high resolve to use it for the benefit of humanity was greatly to his credit and to the lasting benefit of Florida and the country at large. He has by his investments added millions of dollars to the taxable wealth of Florida; he has given employment to thousands of people; he has opened up a vast empire to settlement and habitation, and to-day thousands of happy homes in what was only yesterday a wilderness attest the wonderful and beneficial work of this man. [Applause.] Through all his career in Florida no worthy man or cause has ever appealed to Mr. Flagler in vain, but his benefactions have always been bestowed with that entire lack of ostentation which always is characteristic of real generosity and an unselfish desire to benefit humanity. Mr. Speaker, piles of stone and figures of bronze have been placed in our public squares and parks all over this country to attest to posterity the virtues of our great men in all lines of human endeavor. This is well. Henry M. Flagler has builded a monument more enduring than stone, bronze, marble, or brass. This great highway of commerce, the Florida East Coast Railway, 500 miles nearer the Panama Canal than any other railroad, and bringing us in close connection by rail with all of South America—the only railroad of its kind in all the world—will be Henry M. Flagler's monument, and with an eloquence which no human tongue can approach will it tell to future generations of the man of wealth with the brain to conceive and the great love for his kind to execute so stupendous an undertaking. Mr. Speaker, I trust that when the resolution I have introduced, giving national recognition to this great enterprise, shall come before the House for action not one single voice on either side of the Chamber will be raised against it. It is worthy of congressional recognition and marks an epoch in the progress of the age. [Loud applause.]

During the foregoing remarks of Mr. CLARK of Florida, the following occurred:

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois raises the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and forty Members present, not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will close the doors. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken, S. C.	Foster, Vt.	Legare	Ransdell, La.
Anderson, Ohio.	Gardner, Mass.	Lever	Redfield
Andrus	Gillett	Levy	Riordan
Ansberry	Glass	Lewis	Roberts, Nev.
Barchfeld	Goldfogle	Lindsay	Robinson
Berger	Goodwin, Ark.	Linthicum	Rucker, Colo.
Boehne	Gordon	Littleton	Saunders
Bradley	Gregg, Tex.	Longworth	Scully
Burke, Pa.	Guernsey	Loudenslager	Small
Calder	Hamill	McGillicuddy	Smith, Saml. W.
Carter	Hardwick	McGuire, Okla.	Smith, Tex.
Cary	Hartman	McHenry	Stack
Claypool	Hayes	McKenzie	Stanley
Conry	Hobson	Madison	Sulloway
Covington	Hughes, W. Va.	Martin, S. Dak.	Sweet
Cravens	Humphreys, Miss.	Moon, Pa.	Talbott, Md.
Crumpacker	Jackson	Mott	Vreeland
Davis, Minn.	Kindred	Nye	Watkins
Draper	Kinkaid, Nebr.	Parran	Wilson, N. Y.
Dupre	Kitchin	Patten, N. Y.	Wood, N. J.
Estopinal	Konig	Powers	Young, Tex.
Fairchild	Langham	Prouty	
Focht	Langley	Pujo	
Fornes	Latta	Rainey	

The SPEAKER pro tempore (Mr. FLOYD of Arkansas). Two hundred and eighty-three gentlemen have answered to their names—a quorum.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were reopened.

Mr. CLARK of Florida resumed and concluded his speech.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote on the conference report.

Mr. MANN. Mr. Speaker, I desire to ask a question of the gentleman from New York in reference to the report.

Mr. FITZGERALD. I yield.

Mr. MANN. I understand there is one item in the report in reference to the claim of the University of Idaho.

Mr. FITZGERALD. The Senate receded from that amendment.

Mr. MANN. Was there any understanding on the part of the House conferees that that item would be agreed to in a general appropriation bill hereafter?

Mr. FITZGERALD. Since the gentleman from Illinois calls that to my attention I wish to make this statement. It has been asserted that there was an arrangement made, not, as I am informed, with the conferees of the House, but between some gentlemen in another body, that one of the considerations for the withdrawal of opposition to this conference report elsewhere was an arrangement that the item appropriating $500 to reimburse the University of Idaho for expenses on a premium bond necessitated by the issuance of a duplicate draft would be provided in a regular appropriation bill in another session. There was no understanding or agreement of any character whatever about that item had with the managers on the part of the House. If any such arrangement or understanding has been entered into it was without the knowledge of those representing the House.

The conferees on the part of the House took the position that this bill proposed not to correct the journals of a former Congress, but to correct errors which were made by enrolling clerks in inserting in appropriation acts items that were disagreed to by the managers of the two Houses. Those errors were to be corrected by repealing the provisions which appeared on the statute books as having been enacted. The conferees on the part of the House insisted that it was imperative that these provisions should be repealed and made no terms for obtaining the legislation.

Mr. MANN. It has been asserted, as the gentleman has just stated, by some one somewhere that the joint resolution was for the purpose of correcting errors in the Journals of the two bodies. Is it not rather for the purpose of making the law comply with what the Journals show?

Mr. FITZGERALD. Undoubtedly, the Journals of the two Houses show that the items in fact had never been agreed to by the managers of the two Houses. Instead of correcting the Journals the purpose of the resolution is to make the acts conform to what actually transpired as shown in the Journals of the two Houses. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

DISTRICT OF COLUMBIA BUSINESS.

Mr. HENRY of Texas. Mr. Speaker, I submit the following privileged resolution (H. Res. 269) which I send to the desk and ask to have read. (H. Rept. 140.)

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution the remainder of this legislative day shall be devoted by the House to the consideration of such bills as have been reported by the Committee on the District of Columbia; the bills to be called up in such order as the chairman of the Committee on the District of Columbia may elect: *Provided, however*, That nothing in this resolution shall be construed as interfering with conference reports.

Mr. HENRY of Texas. Mr. Speaker, on that I move the previous question.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. It is evident to the Chair that there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question will be taken on ordering the previous question on the resolution just reported.

The question was taken; and there were—yeas 178, nays 80, answered "present" 10, not voting 118, as follows:

YEAS—178.

Adair	Donohoe	Henry, Tex.	Pou
Adamson	Doremus	Hensley	Raker
Aiken, S. C.	Doughton	Holland	Randell, Tex.
Alexander	Driscoll, D. A.	Houston	Reyburn
Allen	Dupre	Howard	Richardson
Ashbrook	Dyer	Hughes, Ga.	Roberts, Mass.
Austin	Edwards	Hughes, N. J.	Roddenbery
Ayres	Ellerbe	Hull	Rouse
Barnhart	Estopinal	Jacoway	Rubey
Bartlett	Evans	James	Russell
Bell, Ga.	Faison	Johnson, Ky.	Sabath
Blackmon	Farr	Johnson, S. C.	Shackleford
Booher	Ferris	Kahn	Sharp
Borland	Fields	Kinkead, N. J.	Sheppard
Bowman	Finley	Konop	Sherwood
Brantley	Fitzgerald	Lamb	Sims
Brown	Flood, Va.	Lee, Ga.	Sisson
Buchanan	Floyd, Ark.	Lee, Pa.	Slayden
Bulkley	Focht	Lewis	Smith, N. Y.
Burke, Wis.	Foster, Ill.	Linthicum	Sparkman
Burleson	Fowler	Littlepage	Speer
Burnett	Francis	Lobeck	Stedman
Byrnes, S. C.	Gallagher	McCall	Stephens, Miss.
Byrns, Tenn.	Garner	McCoy	Stephens, Tex.
Callaway	Garrett	McDermott	Stone
Candler	George	McGillicuddy	Sweet
Cantrill	Godwin, N. C.	McGuire, Okla.	Talcott, N. Y.
Clayton	Goeke	Macon	Taylor, Ala.
Cline	Gould	Maguire, Nebr.	Taylor, Colo.
Collier	Gray	Martin, Colo.	Thayer
Connell	Green, Iowa	Matthews	Thomas
Cox, Ind	Gregg, Pa.	Mays	Townsend
Cox, Ohio	Gregg, Tex.	Moon, Tenn.	Tribble
Cullop	Gudger	Moore, Tex.	Turnbull
Curley	Hamilton, W. Va.	Morrison	Tuttle
Daugherty	Hamlin	Moss, Ind.	Underhill
Davenport	Hammond	Nelson	Underwood
Davis, W. Va.	Hardwick	Oldfield	Weeks
De Forest	Hardy	O'Shaunessy	Whitacre
Dent	Harris	Padgett	White
Denver	Harrison, Miss.	Page	Willis
Dickinson	Harrison, N. Y.	Palmer	Wilson, Pa.
Dies	Hay	Pepper	Witherspoon
Difenderfer	Heflin	Peters	
Dixon, Ind.	Helm	Post	

NAYS—80.

Anderson, Minn.	Greene, Mass.	Lawrence	Rees
Bartholdt	Hanna	Lenroot	Sells
Burke, S. Dak.	Hartman	McKinley	Simmons
Butler	Hawley	McKinney	Sloan
Cannon	Hayes	Madden	Smith, J. M. C.
Catlin	Heald	Mann	Stephens, Cal.
Cooper	Helgesen	Mondell	Sterling
Crumpacker	Henry, Conn.	Morgan	Stevens, Minn.
Currier	Hinds	Morse, Wis.	Switzer
Dalzell	Howland	Murdock	Taylor, Ohio
Davidson	Hubbard	Norris	Tilson
Davis, Minn.	Humphrey, Wash.	Nye	Towner
Dodds	Jackson	Olmsted	Utter
Driscoll, M. E.	Kendall	Patton, Pa.	Volstead
Dwight	Kennedy	Payne	Warburton
Esch	Kinkaid, Nebr.	Pickett	Wedemeyer
French	Knowland	Plumley	Wilder
Fuller	Kopp	Porter	Wilson, Ill.
Gardner, N. J.	Lafean	Prince	Woods, Iowa.
Good	La Follette	Prouty	Young, Kans.

ANSWERED "PRESENT"—10.

Bingham	McCreary	Moore, Pa.	Slemp
Hill	McMorran	Needham	
Lindbergh	Malby	Sherley	

NOT VOTING—118.

Akin, N. Y.	Bates	Burke, Pa.	Claypool
Ames	Bathrick	Calder	Conry
Anderson, Ohio	Beall, Tex.	Campbell	Copley
Andrus	Berger	Carlin	Covington
Ansberry	Boehne	Carter	Crago
Anthony	Bradley	Cary	Cravens
Barchfeld	Broussard	Clark, Fla.	Danforth

Dickson, Miss.	Humphreys, Miss.	Madison	Rucker, Mo.
Draper	Jones	Maher	Saunders
Fairchild	Kent	Martin, S. Dak.	Scully
Fordney	Kindred	Miller	Small
Fornes	Kitchin	Moon, Pa.	Smith, Saml. W.
Foss	Konig	Mott	Smith, Tex.
Foster, Vt.	Korbly	Murray	Stack
Gardner, Mass.	Lafferty	Parran	Stanley
Gillett	Langham	Patten, N. Y.	Steenerson
Glass	Langley	Powers	Sulloway
Goldfogle	Latta	Pray	Sulzer
Goodwin, Ark.	Legare	Pujo	Talbott, Md.
Gordon	Lever	Rainey	Thistlewood
Graham	Levy	Ransdell, La.	Vreeland
Griest	Lindsay	Rauch	Watkins
Guernsey	Littleton	Redfield	Webb
Hamill	Lloyd	Reilly	Wickliffe
Hamilton, Mich.	Longworth	Riordan	Wilson, N. Y.
Haugen	Loud	Roberts, Nev.	Wood, N. J.
Higgins	Loudenslager	Robinson	Young, Mich.
Hobson	McHenry	Rodenberg	Young, Tex.
Howell	McKenzie	Rothermel	
Hughes, W. Va.	McLaughlin	Rucker, Colo.	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. GLASS with Mr. HILL.

On August 8:

Mr. SMALL with Mr. MOORE of Pennsylvania.

For to-day and to-morrow, except on veto vote:

Mr. JONES with Mr. SLEMP.

Until August 19, inclusive:

Mr. REDFIELD with Mr. NEEDHAM.

Until further notice:

Mr. CARLIN with Mr. MOTT.

Mr. LEGARE with Mr. VREELAND.

Mr. YOUNG of Texas with Mr. THISTLEWOOD.

Mr. WILSON of New York with Mr. SAMUEL W. SMITH.

Mr. WICKLIFFE with Mr. RODENBERG.

Mr. WEBB with Mr. ROBERTS of Nevada.

Mr. WATKINS with Mr. POWERS.

Mr. STANLEY with Mr. PRAY.

Mr. SMITH of Texas with Mr. MOON of Pennsylvania.

Mr. SCULLY with Mr. MARTIN of South Dakota.

Mr. RUCKER of Colorado with Mr. MCLAUGHLIN.

Mr. RUCKER of Missouri with Mr. LOUD.

Mr. ROTHERMEL with Mr. LONGWORTH.

Mr. REILLY with Mr. LAFFERTY.

Mr. RAUCH with Mr. KENT.

Mr. MURRAY with Mr. HUGHES of West Virginia.

Mr. MCHENRY with Mr. HIGGINS.

Mr. LLOYD with Mr. HAMILTON of Michigan.

Mr. LINDSAY with Mr. GRIEST.

Mr. LEVY with Mr. GILLETT.

Mr. KORBLY with Mr. FOSTER of Vermont.

Mr. HUMPHREYS of Mississippi with Mr. FOSS.

Mr. HAMILL with Mr. FORDNEY.

Mr. GRAHAM with Mr. DANFORTH.

Mr. GOLDFOGLE with Mr. CRAGO.

Mr. CONRY with Mr. COPLEY.

Mr. CLARK of Florida with Mr. CARY.

Mr. CARTER with Mr. CAMPBELL.

Mr. BROUSSARD with Mr. BURKE of Pennsylvania.

Mr. BATHRICK with Mr. BATES.

Mr. ANSBERRY with Mr. ANTHONY.

Mr. ANDERSON of Ohio with Mr. AMES.

Mr. BEALL of Texas with Mr. YOUNG of Michigan.

Mr. SAUNDERS with Mr. LANGHAM.

Mr. LATTA with Mr. LANGLEY.

Mr. LITTLETON with Mr. MCKENZIE.

Mr. GOODWIN of Arkansas with Mr. DRAPER.

Mr. CRAVENS with Mr. LOUDENSLAGER.

Mr. SMITH of New York with Mr. BURKE of Pennsylvania.

Mr. KITCHIN with Mr. BARCHFELD.

Mr. ROBINSON with Mr. WOOD of New Jersey.

Mr. TALBOTT of Maryland with Mr. MCCREARY.

Mr. SHERLEY with Mr. GARDNER of Massachusetts.

Mr. HOBSON with Mr. FAIRCHILD (transferable).

Mr. COVINGTON with Mr. PARRAN.

Mr. BOEHNE with Mr. BINGHAM.

Commencing August 8, to end of session and on all questions affecting a veto of the President:

Mr. SULZER with Mr. MALBY.

For the session:

Mr. MAHER with Mr. CALDER.

Mr. RIORDAN with Mr. ANDRUS.

Mr. PUJO with Mr. MCMORRAN (transferable).

Mr. FORNES with Mr. BRADLEY.

Mr. LEVER with Mr. SULLOWAY.

The result of the vote was announced as above recorded.

The SPEAKER. The previous question is ordered. A quorum is present, and the Doorkeeper will reopen the doors.

DISTRICT OF COLUMBIA BUSINESS.

Mr. HENRY of Texas. Mr. Speaker, I do not suppose any discussion is necessary, and we might as well vote on the resolution.

Mr. MANN. Mr. Speaker——

Mr. HENRY of Texas. Mr. Speaker, if the gentleman from Illinois desires to discuss the matter, of course I will have something to say about it.

The SPEAKER. Each side is entitled to 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, I will reserve the balance of my time.

Mr. MANN. The gentleman does not need to reserve it.

Mr. HENRY of Texas. I do not know; but I always want to be certain.

The SPEAKER. The Chair will inquire of the gentleman from Texas how much time he yields to the gentleman from Illinois.

Mr. HENRY of Texas. The gentleman from Illinois is entitled to 20 minutes.

The SPEAKER. The gentleman from Illinois is recognized for 20 minutes.

Mr. MANN. Mr. Speaker, I do not expect to detain the House but a moment. I did not make a point of order upon the resolution offered by the gentleman from Texas, although I think it is subject to a point of order, and I call attention to it. I do not know whether the point of order would be sustained if made. It has, however, been the practice of the House ever since I have been a Member of it that the Committee on Rules has no jurisdiction to report a resolution for the consideration of any measure until the House has referred to that committee a resolution offered by a Member of the House.

Mr. JOHNSON of Kentucky. If the gentleman will permit an interruption right there, I will say this was done.

Mr. MANN. I understand, if the gentleman will pardon me, while such a resolution had been referred to the Committee on Rules, and while it would be proper for the Committee on Rules to have reported a resolution in lieu of the resolution which was referred to it, that was not the course which the Committee on Rules pursued. It offers an original resolution emanating from the Committee on Rules without regard to any resolution having been referred to it.

I am not sure but what the old precedents may have sustained them, but it seems to me the better practice has been—the practice which has been pursued for many years—that the Committee on Rules itself should not undertake to run the business of the House by offering a resolution on its own motion without the House having referred to it, under the rule, a resolution offered by a Member for the consideration of public business. We have heard a great deal in the past about how the Committee on Rules was undertaking to run the House, but during my term of service in the House the old Committee on Rules never undertook of itself to propose what the House should do until the House had referred to it a resolution introduced in the ordinary course of business. We have come to a proposition now where this new Committee on Rules, under reform measures of our friends on the Democratic side of the House, proposes, itself, to say, without reference to what the House shall do, and, although the Committee on the District of Columbia has had many days when it could bring up business before the House, this afternoon the Committee on Rules, without any previous resolution to which it refers in its report on the subject, proposes that the House shall devote the balance of this day to District business, and then proposes, as I understand, to-morrow or the next day to tell the House what it shall do with all the other bills on the calendar. We have a method of reaching every bill on the calendar, an easy, simple method under the rules of the House. It is not intended that we shall proceed under the rules of the House, but the Committee on Rules must undertake to tell the House how it shall proceed. The usual practice was that the House proceed in the regular order of business, and the Committee on Rules was never called upon except in case of emergency, where it was evident that a majority of the House, in order to carry out some fixed purpose which it could not reach under the ordinary rules, called upon the Committee on Rules to report a special rule.

I do not know whether it is expected that during the entire Congress we will have the Committee on Rules telling us every day, during the regular sessions, what we shall do—whether it is expected to abandon all proceedings under the rules. This rule provides that the Committee on the District of Columbia shall have the balance of this legislative day. There can be only one reason for putting in that term, if the gentleman who puts it in understands what it means. The only reason that can be used for putting in the term "legislative day" is to take a recess to-night in order to cut out Calendar Wednesday to-

morrow. Is that the proposition on that side of the House? Why do you use the term "legislative day"?

Mr. GARRETT. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Tennessee [Mr. GARRETT]?

Mr. MANN. Always; with pleasure.

Mr. GARRETT. I do not understand just what the criticism of the gentleman is leveled at.

Mr. MANN. If I have not made myself plain enough to be understood by the gentleman, I am afraid we will never get together on the proposition.

Mr. GARRETT. The gentleman always makes himself clear, but the gentleman understands there has been some confusion about, and I have not caught all that the gentleman said. I understood the gentleman, however, to begin his criticism by a suggestion that this was reported as an original resolution. Am I correct in that?

Mr. MANN. That is correct.

Mr. GARRETT. The gentleman is mistaken about that. This is reported as a substitute for the resolution which was referred to the Committee on Rules.

Mr. MANN. I took the trouble and precaution, which the gentleman has not taken, to go to the desk and get the resolution and report as they were presented. It says nothing about being in lieu of any other resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bills pertaining to the District of Columbia.

Mr. MANN. Mr. Speaker, I suppose the gentleman from Kentucky [Mr. JOHNSON] means to move that the House go into the Committee of the Whole House on the state of the Union under the rule adopted by the House just now. I take it that is the proper motion.

The SPEAKER. That is the Chair's understanding of the motion. The question is on the motion of the gentleman from Kentucky.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills relating to the District of Columbia, with Mr. SIMS in the chair.

HEALTH, ACCIDENT, AND DEATH BENEFIT COMPANIES.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire first to call up the bill S. 2495.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2495) to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia.

Be it enacted, etc., That the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out section 653 thereof and enacting in lieu thereof the following:

"HEALTH, ACCIDENT, AND LIFE INSURANCE COMPANIES OR ASSOCIATIONS.

"SEC. 653. Every corporation, joint-stock company, or association not exempt herein, transacting business in the District of Columbia, which collects premiums, dues, or assessments from its members or from holders of its certificates or policies, and which provide for the payment of indemnity on account of sickness or accident, or a benefit in case of death, shall be known as 'health, accident, and life insurance companies or associations.' Every such company or association shall, within 90 days from the passage of this act, have in assets or in capital stock fully paid up in cash, or in both together, not less than $25,000 as a capital or guarantee fund; which assets may be invested in United States, municipal, or railroad bonds, or in real estate, or in mortgages or deeds of trust on real estate, such investments to be approved by the superintendent of insurance of the District of Columbia. No such health, accident, and life insurance company or association, now or hereafter transacting the business of health, accident, and life insurance, or either or all said kinds of insurance, in the District of Columbia shall issue policies or certificates providing, either singly or in aggregate, a greater accident or death benefit than $500, or a greater weekly indemnity than $20, on any one person unless such company or association have in assets or in capital stock fully paid up in cash, or in both together, not less than $100,000 invested and approved as aforesaid. Every such company or association shall pay to the collector of taxes for the District of Columbia a sum of money, as tax, equal to 1 per cent of all moneys received from members of policy or certificate holders within the District of Columbia, said tax to be paid on or before the 1st day of March of each year on the amount of such income for the year ending December 31 next preceding; and shall also file annually with said superintendent of insurance, on or before the 1st day of March of each year, a sworn statement, on blanks furnished by said superintendent of insurance, showing its true financial condition, income, disbursements, assets, and liabilities on the 31st day of December next preceding, and such other information as said superintendent of insurance may require; and shall pay to the said collector of taxes $10 for filing such statement. Said superintendent of insurance shall have the power to examine from time to time all companies or associations described herein; and when he finds the capital stock or assets of any such company or association impaired to an amount less than required by the provisions hereof he shall at once give notice of said fact to said company or association, and unless said impairment is made good within 60 days after said notice, it shall be the duty of said superintendent to revoke or suspend the license of said company or association until such impairment shall have been made good; and any company or association that issues policies or certificates of insurance as described herein without a license from said superintendent or during a suspension thereof, as herein provided, shall be fined not less than $20 nor more than $100 per day: *Provided*, That if any such company or association shall feel aggrieved by the decision of said superintendent concerning the investment or impairment of its assets or capital stock, it shall have the right to appeal, within 10 days, from the decision of said superintendent to the Board of Commissioners of the District of Columbia, who shall prescribe rules and regulations for the hearing of said appeal, and their decision shall be final: *Provided also*, That when any such company or association shall have complied with the provisions contained herein, the superintendent of insurance shall issue to it a license to transact its business in the District of Columbia: *Provided, however*, That nothing contained herein shall interfere with or abridge the rights of any fraternal beneficial association licensed to transact business under subchapter 12 of chapter 18 of the Code of Law for the District of Columbia, or incorporated by special act of Congress: *And provided further*, That nothing contained herein shall apply to any relief association, not conducted for profit, composed solely of officers and enlisted men of the United States Army or Navy, or solely of employees of any other branch of the United States Government service, or solely of employees of any individual, company, firm, or corporation."

SEC. 2. That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed: *Provided*, That nothing herein contained shall repeal or affect the other provisions of subchapter 5 of chapter 18 of the Code of Law for the District of Columbia regulating foreign corporations, or corporations, associations, or companies who are nonresidents of the District of Columbia (to whom the provisions of this act shall also be applicable), or the provisions of section 652 of said code relating to inquiry into the affairs of District companies.

Also the following committee amendment was read:

On page 4, line 20, after the comma which follows the word "Columbia," insert the words "or any chartered trades union," and after the word "or," in the same line of the same page, insert "or any such association."

Mr. MADDEN. Mr. Chairman, I wish to ask the gentleman from Kentucky [Mr. JOHNSON] a question relative to lines 8, 9, and 23, on page 2. Is not the language susceptible of double meaning? It says that the company organized must—

have in assets or in capital stock fully paid up in cash, or both together, not less than $25,000.

Now, they might have capital stock which was fully paid up to the extent of $25,000, and they might have squandered that $25,000 and not have any assets. So it seems to me that the language which permits the company to organize and do business when it has assets amounting to $25,000, or capital stock fully paid up to that amount, is susceptible of being misconstrued.

Of course if the capital stock was fully paid up and if the money which was paid into the treasury of the company was not squandered they would have assets. But under that language what would there be to prevent a company from organizing with a capital stock of $25,000 fully paid up and then paying it out and having no assets? I suggest the query in order to give the gentleman from Kentucky an opportunity to formulate some other language; whether this language should be employed in the connection which it is employed is a matter that ought, in my judgment, to be given careful consideration before the bill is passed.

Mr. WILLIS. Mr. Chairman, I would ask of the gentleman whether the language that follows does not explain that?

Mr. JOHNSON of Kentucky. Mr. Chairman, before replying to the gentleman from Ohio [Mr. WILLIS] I first prefer to yield to the gentleman from Wisconsin [Mr. NELSON] 10 minutes. Then I shall try to get at the question propounded by the gentleman from Ohio.

Mr. NELSON. I think I shall need about 15 minutes.

Mr. Chairman, I sincerely trust that the Senate bill 2495 will become a law. The need of legislation such as this, I think, will be apparent to every member of the committee who will reflect for a moment or two upon a few plain, reliable, and suggestive facts.

There are 18 companies or associations in the District of Columbia that pretend to do what is known as health, accident, and funeral-benefit insurance. Two of these are colored companies. I am reliably informed by the Commissioner of Insurance of the District that there are practically only three men back of each of these companies, that are run by white men, and I use the term "white men" literally and not metaphorically. In the better one of the two colored companies the stockholders are more numerous, but it is safe to estimate that not to exceed 75 men are back of all these insurance concerns. And you will realize the need of some protective legislation when you understand that these 75 insurance sharks, by practicing upon the credulity, the fears, not to say the ignorance, of these poor people, which in this case consist mostly of colored work-

ing girls and women, collect from these unfortunate—I would almost say helpless—human beings at least the sum of $500,000 a year.

The need of protective legislation is further emphasized in my mind by the fact, as I am informed by the commissioner of insurance, that these companies are unlicensed, many of them; that they do business without capital stock, or only nominal capital stock, without assets or only nominal assets; and that they do not report to the commissioner under the law, because there is no warrant of law for it nor is there authority to investigate them. So that, in short, these sharks prey upon these poor people, restrained only by the limits of their rapacity and greed and the necessity of procuring bait with which to catch other victims.

This deplorable condition of things was called to my attention in this way: Last winter we secured the services of a colored girl as kitchen domestic. This colored girl had been working for years as servant in the home of the widow of an Army officer who lived just across the street from our home, and was recommended to us as a very kindly, efficient, faithful, and Christian girl. Her name was Willie. She was 18 years old. On the day when she began work in my family—on the afternoon of the day—the basement bell of my residence was kept ringing by white men who came to see this colored girl. She was asked what they wanted. She said, "They are insurance agents, and they want to insure me. But," she said, "I am insured now, I have been insured for five years." She said "I have been paying 50 cents a week for five years." That was 10 per cent of her wages, and she had paid in about $130; and she said, naively and innocently, "I expect to get in return $200 when I die."

It required no remarkable powers of deduction to conclude that, in view of the fact that these men were aware of her beginning work on that day, the frequency and the number of their calls, that something was wrong in the District of Columbia when these black-hearted birds of prey are so vigilant, numerous, and active. Investigation disclosed the fact that there are a hundred thousand policy holders in these irresponsible insurance companies, and that more than 65 per cent of them are women. I reported this condition of things to the very able, efficient, and faithful chairman of the Committee on the District of Columbia [Mr. JOHNSON of Kentucky], and he agreed with me that this was indeed a deplorable condition. He was already aware of it. He asked me to prepare a proper measure, and assured me of his hearty support. In the meantime I set to work making inquiries and getting ready to prepare a bill; but either because of my inquiries or his investigations, or because of the inherent fear on the part of these companies that when conditions were disclosed there might be drastic legislation that would put them all out of business, they of their own accord came to the commissioner of insurance in this District and asked that he prepare legislation.

Mr. SHEPPARD. Will the gentleman yield for a question?

Mr. NELSON. Yes, Mr. Chairman, I will.

Mr. SHEPPARD. Does the gentleman consider railroad bonds and real estate a safe form of investment for the trust funds of insurance companies?

Mr. NELSON. I am not an expert along those lines, but I should think not.

Mr. SHEPPARD. This bill provides that they may invest the entire guaranty fund in railroad bonds or real estate. No State in the Union will permit savings banks to invest their funds without limitation in railroad bonds or real estate.

Mr. NELSON. This bill is not what I want, but this is the condition of things before us, and we must pass something at this extra session. This will afford a foundation for future legislation.

Mr. WEEKS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Massachusetts?

Mr. NELSON. Yes.

Mr. WEEKS. I was going to ask the gentleman from Wisconsin a question similar to that asked by the gentleman from Texas [Mr. SHEPPARD]. It seems to me that suitable provision is not made in this bill to protect the trust fund. If investments are to be made in real estate or real-estate mortgages, I think those investments should be on Washington real estate, and improved real estate at that, and State and county bonds should be added to the list of possible investments. My judgment is that railroad bonds would better be left off.

Mr. NELSON. I will say to the gentleman that this is not my bill. While I was investigating the facts these companies came to the commissioner of insurance and either he or they prepared this bill, and he made such amendments as he thought necessary. The bill has the approval of the corporation counsel of the District, of the commissioner of insurance, of the Commissioners of the District, has passed the Senate, and is reported favorably by the Committee on the District of Columbia. Now, it is not the bill that I would like to have. It does not go far enough. It leaves these premiums excessively high and the benefits ridiculously low. I believe there should be some limit upon the possible amount of expenses and dividends; but if we pass amendments now it is the belief of the commissioner of insurance that that will throw the bill into conference, and there being possibly only a few days left before the end of the session, and this being an emergency measure, we may find that we can pass no legislation at this session.

Mr. MANN. Will the gentleman yield for a question?

Mr. NELSON. Yes.

Mr. MANN. The gentleman would not take seriously the opinion of the commissioner of insurance as to a legislative proposition between the two bodies, I take it?

Mr. NELSON. No; I would not, but I am giving you the reason why I did not prepare a bill.

Mr. MANN. That might apply to a full bill, but any ordinary amendment made in the House would probably be agreed to in the Senate without question or request for a conference.

Mr. NELSON. I want to say that I believe the chairman of the Committee on the District of Columbia [Mr. JOHNSON of Kentucky] is more familiar with this thing than I am, as he has worked with the corporation counsel and the insurance commissioner of the District. I simply discovered these facts and laid them before him, and I would rather have you ask him about the details of this bill.

Mr. CARLIN. I want to inquire whether or not the bill makes any distinction between companies hereafter applying to do business in the District of Columbia and the companies who are now here. You have a number of small companies all doing business in the District of Columbia. This bill proposes that they shall either deposit or have $25,000. Does not the gentleman think that provision ought to apply to those who come in after this, with notice of it, rather than to the small companies that have had no notice of such legislation?

Mr. NELSON. No; I think it should apply to these companies who are now practicing extortion.

Mr. CARLIN. There may be some companies that are not practicing extortion.

Mr. NELSON. How are you going to distinguish those that are not? How are you going to discriminate?

Mr. CARLIN. The gentleman does not want the companies that are doing a legitimate business subjected to these conditions under the law?

Mr. NELSON. There is no law now.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. JOHNSON of Kentucky. I yield the gentleman five minutes more.

Mr. NELSON. I have a policy here to which I wish to call attention. I could not get the policy of Willie, because she was frightened about these agents and what they would do. Certainly their manner of doing business is exceedingly insolent. When refused admittance by these colored girls, saying that they did not want insurance, they have put their foot up against the door and forced themselves upon them, and by persistence and the usual persuasive powers of insurance agents finally persuade the colored working girls to take out policies.

This policy is in the least disreputable of the two colored concerns. The policy holder is a woman over 60 years old. She is a colored washerwoman. She is all alone in the world. She thinks she has something in this policy. She pays 15 cents a week. As she has been insured 11 years, she has paid $85.80 premiums, for which she is to get $45 funeral benefits, payable to her son, who, by the way, is dead; but she has not changed the beneficiary. It is true that the policy also calls for sick benefits, in one place for $4 and in another for $3.75 a week. You can appreciate what that means when you read the policy. There are 15 conditions and requirements here, which the insurance commissioner says are absolutely impossible to fulfill. Here are two of them:

4. That no benefits will be paid on account of the certificate until after 10 weeks from date of membership. If sickness, death, or accident occur after 10 weeks and before 6 months, one-fourth of the sum hereinbefore mentioned will be paid; after 6 months and before 9 months one-half the sum hereinbefore mentioned will be paid; after 9 months and before 12 months three-fourths of the sum hereinbefore mentioned will be paid; and after 12 months the full amount will be paid.

14. That in case of epidemic sickness, numerous accidents, or widespread increase of mortality not more than two-thirds of the amount of benefits hereinbefore mentioned shall be paid by this association.

These are samples of the way these sick benefits are hedged about. She told me her experience. She said she had been sick

once. The colored doctor's certificate brought no response. She changed doctors, and the certificate of the white doctor brought some response from the company. They put spies on her. These spies would come into the house suddenly to see if she was out of bed. One day she did get out for a short time to see if she could sit up, and she was caught, and although she had to go back to bed and stay for weeks the sick benefits were cut off. The commissioner says that the spy system is general, and if for any cause they catch the policy holder out of bed temporarily the sick benefit is cut off.

Mr. WEEKS. Will the gentleman yield?

Mr. NELSON. Certainly.

Mr. WEEKS. What was the benefit to be paid to this woman?

Mr. NELSON. Three dollars and seventy-five cents in one place in the policy and $4 in another per week, not to exceed 10 weeks in all in any one year.

Mr. WEEKS. Would it not be cheaper to pay the sick benefits than to employ the spies?

Mr. NELSON. Well, I am giving you the facts as I got them from her, and as I get them from the insurance commissioner.

Mr. CARLIN. I would like to inquire why it is that a company with $25,000 capital is limited to issuing policies, while a company with $100,000 capital is unlimited?

Mr. NELSON. Mr. Chairman, I would like to have the gentleman from Virginia address his question to the gentleman from Kentucky [Mr. JOHNSON], as I am not responsible for this measure, but I believe it should pass because it does three things that I approve of. It provides a minimum of capital stock that will be some security against the insolvency of these companies; it provides for making reports to the commissioner of insurance, which they are not required now to do; then he has authority to make investigations as to the solvency of the companies; and he assures me that legislation will be formulated, when he gets these facts, that will adequately protect these poor people.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield five minutes more to the gentleman from Wisconsin.

Mr. NELSON. Mr. Chairman, I sent the proposed law and this policy of insurance to the insurance commissioner of the State of Wisconsin, who is an expert, and I beg leave to read his letter, eliminating the name of the policy holder, as she is afraid to have her name divulged, The letter is as follows:

STATE OF WISCONSIN,
OFFICE OF COMMISSIONER OF INSURANCE,
Madison, August 2, 1911.

Hon. JOHN M. NELSON,
Member of Congress, Washington, D. C.

MY DEAR NELSON: I have your letter of the 31st ultimo and herewith return you policy No. —, in the National Benefit Association of Washington, D. C.

I can appreciate the difficulty of having a lot of associations of this kind which charge what amounts to, in the aggregate, a very high premium for a comparatively small benefit, and quite probably do not propose to pay even the benefit promised. I do not find that this association is listed in Bests. Neither can I find that this association is listed in the Life Insurance Yearbook, and hence have no information as to the status of this company.

On general principles, these associations should be supervised, and the bill you inclose (Senate bill 2495) will accomplish this purpose and will do away with the small irresponsible associations by the requirement of assets of not less than $25,000. This amount may be rather high, but it is better to err on this side than on the side of not providing sufficient security to policy holders.

I note further the exception in favor of fraternal benefit societies will permit of the organization of associations on the fraternal plan without the assets, and where organized on the fraternal plan, there is greater assurance that the societies will be managed more in the interests of the policy holders.

This matter of accident insurance gives us more trouble in our department than almost anything else, in that companies have been constantly trying to so word their policies as to escape practically all liability, and statistics show that the amount repaid for losses is very small in proportion to the amount paid by policy holders. There is, of course, a point at which the economic waste in having a very large portion of the policy holders' payments dissipated for expenses is such that insurance of that kind ceases to be legitimate. We have tried to meet that in part here by the adoption of the uniform bill relating to provisions in health and accident policies. This bill became chapter 84 of laws of 1911, section 1960 of the statutes. I herewith inclose a copy of chapter 84, but suppose it is too late to do anything about taking this up at this session. Anyway, the bill proposed will no doubt improve conditions.

Sincerely, HERMAN L. EKERN, *Commissioner.*

I have given you some specific cases. Let me give you some facts in general. The commissioner is the authority for the statement that there are companies that will start out with a nominal capital stock, one year with a thousand dollars and twenty-five cents, and that will go out and collect from seventy-five thousand to one hundred thousand dollars from these people. Then they begin again the next year with 10 cents additional capital stock, or with a capital stock of $1,000.35. It is impossible to give the exact figures, because these companies are not compelled under the law, as decided by the court of appeals, to make reports, but in pending litigation the corporation counsel has filed the following figures, which were obtained from reports made in 1901, 1902, 1903, and with these as a basis we can judge the conditions now. This statement showing the capital stock of the companies, with the amount paid by the policy holders and the amount paid to the policy holders during the years 1901, 1902, 1903, is as follows:

	Capital stock.	Amounts paid by policy holders.	Amounts paid to policy holders.
American Home Life Insurance Co.	$2,000	$50,388	$6,699
Provident Relief Association	5,000	152,496	32,651
Royal Life Insurance Co.	1,000	14,932	2,409
Total		217,816	41,759

If we study the rates of premiums of these companies, we find that in comparison with old-line insurance, as nearly as we can compare them, they are about 40 per cent higher; and the amount of extortion that is practiced upon these people may be understood when I restate what I said before, that the total collection from premiums every year aggregates at least $500,000. This reflects little credit upon the legislative guardians of these people in the House and in the Senate.

Mr. COX of Indiana. Will the gentleman yield?

Mr. NELSON. Certainly.

Mr. COX of Indiana. The gentleman has given us figures paid by and to policy holders. What becomes of the residue?

Mr. NELSON. It goes for salaries, dividends, and expenses.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. NELSON. Certainly.

Mr. MADDEN. It costs a little more to do business where the amount of the premiums is small than it does in the old-line insurance companies.

Mr. NELSON. Oh, yes; but I gave what it was approximately.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. NELSON. I sincerely trust that some bill of this kind may pass.

Mr. JOHNSON of Kentucky. Mr. Chairman, my attention was first directed to this subject about two years ago, when I received a telegram from my home town in Kentucky from an old colored woman saying that her son, who was here temporarily, had just died and asking me to look after his little effects and see that he was buried. I went out to the race track, where the boy had died, and I found he had already been buried because he had a horse and some saddles and bridles, which were sufficient to bury him. He also had a policy in one of these insurance companies. When I took the matter up with them as to a $50 policy they had issued to him they simply laughed at me at the idea of undertaking to collect a policy of any amount from them. The matter went along from then until this session without anything being done about it, but very early in this session a bill was presented to the Senate, which, after it was thrashed out and redrafted several times, passed the Senate and has come to the House. The House committee has amended it, exempting labor organizations in their fraternal insurance societies. That amendment was suggested by the gentleman from Wisconsin [Mr. BERGER]. The committee on the District affairs has reported this bill back to the House with an expression of opinion that it pass with amendments.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. I want to say to the gentleman that I quite agree with him that there ought to be some legislation on this subject, if the statements which have been made in the press and elsewhere are correct. I would like to ask the gentleman, however, if he happens to have in mind the provision found on page 2, commencing with line 6.

Every such company or association shall, within 90 days from the passage of this act, have in assets or in capital stock fully paid up in cash, or in both together, not less than $25,000 as a capital or guarantee fund.

Will that permit the organization of any association hereafter?

Mr. JOHNSON of Kentucky. Not without complying with that provision is my judgment of it.

Mr. MANN. Could any association organize after 90 days hereafter without having within 90 days of the passage of this act a capital stock of $25,000? The language of the bill is,

"Every such company or association shall, within 90 days from the passage of this act, have in assets or in capital stock," and so forth. Now, it is perfectly plain that if an association is organized four months after the passage of this act it can not have within three months a capital stock of $25,000. I take it that is not the intention of the framers of the bill.

Mr. COX of Indiana. What is to prevent them organizing with a capital stock of $25,000——

Mr. MANN. But they will not have it within 90 days after the passage of this act.

Mr. COX of Indiana. I see.

Mr. JOHNSON of Kentucky. If they have got it now, many of them——

Mr. MANN. Of course, it is all right, that provision; at least I think it is. I do not know anything about the question of amount, but I take it that is well considered. That is a very good provision as to existing associations, but this, it seems to me, absolutely prevents any association being organized at all after a period of three months from the passage of the act. I have not framed in my mind an amendment. I think that is something that ought to be corrected. I do not desire to take up all the gentleman's time.

Mr. JOHNSON of Kentucky. If there is really a fault in the drafting of the bill, I would think it could be corrected on the first page of the bill by saying that—

Every corporation, joint stock company, or association not exempt herein, transacting business in the District of Columbia, or which may hereafter transact business in the District of Columbia.

Would that correct it? But, Mr. Chairman, I will say that this bill has been gone over——

Mr. CARLIN. I suggest we might cure that by saying "within 90 days from its application," application for license. That might cure it.

Mr. MANN. Would it cure that by inserting after the word "act," in line 8, "or at the time of incorporation or organization," so that it would read:

Every such company or association shall, within 90 days from the passage of this act, or at the time of its incorporation or organization——

Mr. JOHNSON of Kentucky. Or at the time of its application.

Mr. SHEPPARD. Let me suggest a simple amendment. Add the words "or after" after the word "within," in line 7, page 2.

Mr. JOHNSON of Kentucky. Add what?

Mr. SHEPPARD. Add the words "or after," so it will read "within or after 90 days of the passage of this act."

Mr. JOHNSON of Kentucky. That would destroy it. Mr. Chairman, as I was saying, this bill, after a great deal of study on the part of the Senate, after it had been rewritten some five or six times, met every objection of the committee over there and met every requirement on the part of the superintendent of insurance in the District of Columbia. The main question is—and it is a very important one—to stop these little robbing companies in the District of Columbia, and I think we should go ahead with this bill in the shape in which it has passed the Senate, unless some glaring mistake has been made in it.

Mr. KOPP. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Yes.

Mr. KOPP. On page 2, in lines 12 and 13, it is provided that these assets may be loaned upon certain securities. Does not the gentleman think there ought to be some limit as to the percentage of value of real estate that can be represented by a loan?

Mr. JOHNSON of Kentucky. I will say to the gentleman that the loan has to be approved by the superintendent of insurance.

Mr. KOPP. I notice that, but does not the gentleman think there ought to be an added provision so as not to throw the whole responsibility upon one man?

Mr. JOHNSON of Kentucky. The question which the gentleman now raises was discussed both by the Senate committee and the House committee, and the endeavor was not to cut out any small company that was responsible, and as some of these companies already have their money invested in real estate, the desire was not to prevent them from operating if it was possible, and, at the same time, to leave them solvent.

Mr. KOPP. Is it not a fact that nearly all the States require from benefit associations and mutual savings banks and savings banks in general, that loan on real estate, a limit as to the amount of value that may be represented by a loan?

Mr. JOHNSON of Kentucky. I am not familiar with that.

Mr. KOPP. I have made some investigations, and I think it is a fact. It seems to me it is a precaution we ought to take in this bill.

Mr. KAHN. Will the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. KAHN. In order to meet the suggestion of the gentleman from Illinois [Mr. MANN], I would suggest this amendment:

On line 6, page 2, after the word "every," insert:

Such company or association hereafter organized, and every such company and association now in existence, shall——

Mr. MANN. If the gentleman will pardon me, the gentleman from Massachusetts [Mr. WILDER] suggested to me an amendment which I think will cover the case, namely, by inserting after the word "act," in line 8, the words "or before it begins to transact business," so that it would read:

Every such company or association shall, within 90 days from the passage of this act, or before it begins to transact business, have in assets or in capital stock——

Mr. JOHNSON of Kentucky. Would it not be better before the charter is granted?

Mr. OLMSTED. It would be better, I suggest, to say:

After 90 days from the passage of this act no such company or association shall transact business in this District unless it shall have assets—

And so forth.

Mr. MOORE of Pennsylvania. That would cover existing companies and companies to be formed.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, it may be well for Members of this House to fully understand the necessity for such a bill. There are a great many insurance companies doing business in the District practically without capital stock or without any assets whatever. I have in my hand now the official papers of an application of one of these companies to do business here. Its capital stock is $100, to be divided into 100 shares of $1 each. Then I have here in another package the official papers, brought to me by the insurance commissioner, an application for a company the capital stock of which is to be $1, to be divided into 100 shares of 1 cent each. And that is entitled "The Congressional Life Insurance Co. of Washington." [Laughter.]

Now, then, one of these companies is sought to be incorporated by a colored man.

Mr. MOORE of Pennsylvania. Would not that rather indicate that the organizer of that company had fixed the congressional ability to join such associations?

Mr. JOHNSON of Kentucky. One of the incorporators of one of these proposed companies is a colored man, and his wife and son are the other incorporators. He starts out by extending this charter not only to the District of Columbia, but to every State in the Union and to every foreign dependency of the United States. He has done a good deal of lobbying around here and has told a great many Members that this bill was gotten up for the purpose of cutting out the colored people from doing a life-insurance business here. As a matter of fact, one of the most prosperous of the insurance companies doing business here, and one of the most responsible, is a company owned by colored people. So there is no sort of discrimination on that ground. But the proper thing to do is to make all such people, as the others whom I have referred to, get out of business.

This colored man who has been lobbying to defeat this bill appeared before the committee and made a statement, in which he said that he intended to mandamus the insurance commissioner and compel the issuance of a charter to him. And if this bill does not pass, then the law in the District of Columbia is such that he can mandamus the commissioner and compel the issuance of a charter to him to do business on a capital stock of $1 cut up into a hundred shares of 1 cent each.

Mr. MADDEN. Mr. Chairman, does the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MADDEN. Is the gentleman able to state what Members of the House this lobbyist has influenced? [Laughter.]

Mr. JOHNSON of Kentucky. Well, I hope he has not influenced anybody to offer amendments sufficient in number to delay for one moment the passage of this bill.

Mr. MANN. I think, if the gentleman has been lobbying, he has felt that it was necessary for him to appeal to the majority side of the House, and I am sure he has not had any influence over there; and I have not been able to find anybody on the minority side who has been seen by that gentleman.

Mr. JOHNSON of Kentucky. Well, some on that side have been seen by him; and some very ugly language has been used by this man when lobbying, against the insurance commissioner, because that official approves the passage of this bill. I may say that on the floor of this House one day, immediately after adjournment, this man used some of the ugliest epithets, applied to the insurance commissioner, that have ever been heard inside or outside of this Capitol.

Mr. COX of Indiana. Mr. Chairman, as I read the bill on page 2, a condition precedent is provided in the bill requiring a capitalization of $25,000 before a license can be issued. Now, as I read the bill, after they have capitalized to the extent of $25,000, and after the capital stock is paid in and they have assets to that amount, they are then qualified to procure their license and go ahead and issue insurance.

At the bottom of page 2 of the bill another condition is imposed, and that condition is that no greater sum than $500 shall be issued upon the life of any one individual.

Mr. JOHNSON of Kentucky. What page and line?

Mr. COX of Indiana. That is at the bottom of page 2.

Mr. KAHN. In line 20 of page 2.

Mr. COX of Indiana (reading)—

> Or a greater weekly indemnity than $20 on any one person unless such company or association have in assets or in capital stock fully paid up in cash, or in both together, not less than $100,000 invested and approved as aforesaid.

Now, my question is this: Why the limitation found at the bottom of page 2, prohibiting the issuing of a policy of less than $500 and a weekly indemnity not to exceed $20 by a company whose capital stock is $100,000 paid up, and no limitation whatever as to the amount of insurance that can be issued by a company having a capital stock of $25,000?

Mr. JOHNSON of Kentucky. Well, we have gone upon the idea that a company with a capital stock of $25,000 should not be allowed to issue as large policies as a company of $100,000 capital stock.

Mr. COX of Indiana. That is the point. Is there anything put in there that would put any limitation whatever on a company organized on the $25,000 capital stock as in the bill?

Mr. JOHNSON of Kentucky. Yes; just which the gentleman has just read limits it. If they have not $100,000 capital stock, they can not issue policies of a greater amount than is there named.

Mr. COX of Indiana. Yes; but if the company has only $25,000 capital stock, and that is fully paid up, how much insurance can it issue?

Mr. JOHNSON of Kentucky. Not exceeding $500 insurance and $20 weekly indemnity.

Mr. ADAIR. That is the language of the bill.

Mr. CARLIN. The chairman is correct. If the capital stock is $25,000 they can not issue a policy in excess of $500. If the capital stock is $100,000, they can issue a policy to an unlimited amount.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Certainly.

Mr. MADDEN. Does not the gentleman think the language after "associations" in line 6, and running down to the word "act" in line 8, makes it absolutely impossible for any organization to be formed after 90 days from the passage of this act?

Mr. JOHNSON of Kentucky. That question was raised by the gentleman from Illinois.

Mr. MADDEN. If that is true, would it not be possible to create a monopoly in the associations which are already in existence? And would not that increase the value of their capital stock and their assets if it was known that there was to be no competition?

Mr. JOHNSON of Kentucky. I think any company meeting the requirements of the act should have the right to organize.

Mr. ADAIR. It was not intended to prevent the organization of properly qualified companies, was it?

Mr. JOHNSON of Kentucky. No.

Mr. MADDEN. I think there ought to be an amendment to cover that.

Mr. JOHNSON of Kentucky. I will say to the gentleman that if he prepares an amendment correcting that we will accept it.

Mr. KAHN. I think the gentleman from Pennsylvania [Mr. OLMSTED] has already drawn an amendment of that kind.

Mr. JOHNSON of Kentucky. Will the gentleman offer it?

Mr. OLMSTED. I shall be glad to offer it when it is in order.

Mr. ADAIR. Will the gentleman send it up and have it read?

Mr. MOORE of Pennsylvania. I ask that the amendment be read for our information. Then it can be offered at the proper time.

Mr. OLMSTED. I will have it read for information.

Mr. CARLIN. Is the bill open for amendment now?

Mr. MOORE of Pennsylvania. Let the amendment be read, so that we can see what it is.

Mr. CARLIN. I do not understand that the bill is open to amendment yet.

Mr. GARNER. The amendment is merely to be read for information now.

Mr. OLMSTED. Merely for information.

The CHAIRMAN. The Clerk will report the proposed amendment, which will be read for information.

The Clerk read as follows:

> Amendment by Mr. OLMSTED.
> On page 2, line 6, after the word "associations," strike out down to and including the word "act," in line 8, and insert in lieu thereof the following:
> "After 90 days from the passage of this act no such company or association shall transact business within the District of Columbia unless it shall."

Mr. OLMSTED. Unless it shall have, in assets, and so forth.

Mr. JOHNSON of Kentucky. Then the remainder of the language is left the same as it is now?

Mr. OLMSTED. Yes.

Mr. ADAIR. That is all right.

Mr. JOHNSON of Kentucky. The committee will accept that amendment.

Mr. CARLIN. I want to ask the gentleman one question. On page 4 of the bill, in line 12, it will be found that you have allowed an appeal in all cases involving property rights and assets of the company to the District Commissioners only, and you have provided that their decisions shall be final. That provision applies to all the large companies doing business in the District of Columbia. Does the gentleman think that such property rights as that should be left to the final decision of the District Commissioners? Does the gentleman not think it would be better to leave the final decision to the Supreme Court of the District of Columbia?

Mr. JOHNSON of Kentucky. I do not think the gentleman has stated that just as it is.

Mr. CARLIN. I will ask the gentleman to state it, then.

Mr. JOHNSON of Kentucky. The proviso is:

> If any such company or association shall feel aggrieved by the decision of the said superintendent concerning the investment or impairment of its assets or capital stock.

It shall have the right of appeal. That was one question which was sought to get determined as quickly as possible, without running the gantlet of the courts for years; that if the capital stock is impaired and that fact is brought to the attention of the Commissioners of the District of Columbia, who are the highest authority in the District, an order should be allowed for the protection of the people who might be imposed upon and the further issuance of policies be stopped right there.

Mr. CARLIN. I agree with the gentleman that the order to suspend the operations of the company ought to be entered right there, but I do not think the final decision of the merits, involving the questions of privilege and of law, ought to be left to the decision of the District Commissioners.

Mr. JOHNSON of Kentucky. The only question arising before the commissioners would be whether or not the capital stock had been impaired.

Mr. CARLIN. There are other questions concerning investment and the impairment of assets.

Mr. JOHNSON of Kentucky. A bad investment would impair the capital stock of a company.

Mr. CARLIN. But the question is, Who ought to be the final arbiter of that question? You are dealing with all companies now, and the provision would apply to the largest companies in the United States, and you are putting the final decision of these questions in the jurisdiction of the District Commissioners. I do not say that I am objecting to it; I am simply asking about it.

Mr. JOHNSON of Kentucky. The largest companies in the United States are not going to have any objection to it, because the largest companies are solvent ones.

Mr. MANN. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. Does the gentleman think it is necessary to keep in the provision exempting associations incorporated by special act of Congress? What company does that refer to?

Mr. JOHNSON of Kentucky. That refers more particularly to fraternal societies that may want to come to Congress and get a charter.

Mr. MANN. The provision above that is in relation to fraternal beneficial societies. Does not the gentleman think we ought to insert bona fide beneficial associations?

Mr. JOHNSON of Kentucky. That is the intention, and there would be no objection upon my part.

Mr. MANN. I think no one would object to that. A $1 capital stock corporation might get up a fraternal association and thus be exempt. It says that "nothing contained herein shall interfere or abridge the rights of any fraternal beneficial association," and so forth, or any chartered trades union, or any such association incorporated by special act of Congress.

Mr. JOHNSON of Kentucky. Trades unions might be chartered by Congress.

Mr. MANN. I think that is not the understanding of the gentleman who offered that amendment.

Mr. JOHNSON of Kentucky. It says any such association.

Mr. MANN. Yes; but I take it the reading of the bill exempts fraternal beneficial associations, and, second, chartered trades unions; that is, local unions which have a charter from their parent organization, and also any association incorporated by special act of Congress. As to any association hereafter incorporated by special act of incorporation, it would receive its powers under that act. Does the gentleman know whether it refers to any existing corporation?

Mr. JOHNSON of Kentucky. I do not. I relied in these matters on the insurance commissioner.

Mr. MOORE of Pennsylvania. Following up the statement of the gentleman from Illinois, I was going to ask the gentleman if, on line 20, page 4, "any chartered trades union" meant a trades union chartered by law or chartered by a superior body of trades union?

Mr. JOHNSON of Kentucky. I suspect the gentleman who is asking the question has more information upon that subject than I have. I have already said that I am far from being an expert in insurance matters. As to this bill, I referred it to prominent insurance men in my own State before I would agree to report it, and they approved of it; and the gentleman from Wisconsin [Mr. BERGER] insisted on the insertion of these words, and the Commissioners of the District have approved it, and I am accepting it.

Mr. MOORE of Pennsylvania. I am asking for information. As a matter of fact, I want to know whether the amendment meant that there should be exempted from the provisions of this bill any chartered trades union that was chartered by law or by a superior body of trades union.

Mr. JOHNSON of Kentucky. I frankly admit to the gentleman that I can not answer his question.

Mr. MOORE of Pennsylvania. Perhaps I may make it more clear in this way. Suppose there is a national trades union which charters State trades unions, which in turn charters local municipal trades unions. Does that mean this kind of a charter, or does it mean that kind of a charter granted by law in the regular way?

Mr. KAHN. The language here would meet either.

Mr. MOORE of Pennsylvania. It is whether this shall be interpreted to mean a local union chartered by a general union or national union is exempt from the provisions of this law, and it does not restrict such a chartered organization to one which has secured its charter from the act of the legislature.

Mr. ADAIR. That is the intention.

Mr. MOORE of Pennsylvania. To relieve the labor union whose charter comes from a superior body of labor union.

Mr. ADAIR. That is the intention.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will further say that at the hearing before the committee some people who felt that they could not comply with the requirements of this bill on account of the requirement as to assets and capital stock were very anxious for an amendment to be offered permitting them to increase their assets $2,500 a year up to $25,000. The objection to that amendment was that it would take them 10 years to comply with the requirements of the bill. We thought it entirely too long.

Mr. MANN. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. I understood the gentleman from Wisconsin [Mr. NELSON] to say that there were two of these organizations in the District controlled by colored people.

Is the gentleman able to say whether there are any of the organizations in the District who now comply with the requirements of this bill? Are there any organizations controlled by colored people or others which now comply with the requirements of the bill?

Mr. JOHNSON of Kentucky. I suggested in the first part of my remarks that one of the best and most solvent companies engaged in doing this business was owned and operated by colored people.

Mr. MANN. I understand, but does it comply with the provisions of this bill?

Mr. JOHNSON of Kentucky. In every respect.

Mr. ADAIR. Has it a capital stock of $25,000?

Mr. NELSON. No; but it has $60,000 of assets.

Mr. JOHNSON of Kentucky. It meets the requirements of the bill so the insurance commissioner says.

Mr. TURNBULL. Mr. Chairman, may I interrupt the gentleman?

Mr. JOHNSON of Kentucky. Certainly.

Mr. TURNBULL. On page 33 of the bill there is imposed a tax of 1 per cent of the revenues of these companies, and then the companies are required to furnish to the superintendent of insurance each year in March a list of their assets, and right at the bottom of that clause, in line 13, there is this provision:

And shall pay to the said collector of taxes $10 for filing such statement.

Is that meant to be an additional tax on the companies, or is it simply $10 paid to the collector for filing the statement?

Mr. JOHNSON of Kentucky. The company has to pay the $10.

Mr. TURNBULL. Does that go to the collector?

Mr. JOHNSON of Kentucky. No; the collector's compensation is fixed by law; he receives a fixed salary.

Mr. TURNBULL. That $10 is an additional tax on each one of these companies.

Mr. JOHNSON of Kentucky. That is my belief.

Mr. TURNBULL. Why is it fixed in that way? It says for filing the statement. It seems to me it is a very peculiar way of collecting a tax.

Mr. JOHNSON of Kentucky. All other taxes are paid to him.

Mr. TURNBULL. I understand; but if it is to be an additional tax, it seems to me that we ought to say so in the bill, instead of providing that the collector shall have a fee of $10 for the filing of each statement.

Mr. JOHNSON of Kentucky. He would have to pay that into the Treasury.

Mr. TURNBULL. It does not say so.

Mr. JOHNSON of Kentucky. Other laws do.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. TILSON. May I ask the gentleman if there would be any objection to inserting in the provision providing for the investment of these bonds some qualification? It seems to me that that is rather loosely drawn, and would permit investment in a lot of things that might be called in the investment world "cats and dogs."

Mr. JOHNSON of Kentucky. The gentleman will notice the provision contained on page 3, line 15:

Said superintendent of insurance shall have the power to examine from time to time all companies or associations described herein, etc.

He can stop them from doing business.

Mr. TILSON. But if we authorize them to invest in railroad bonds and they do invest in railroad bonds without any limitation whatsoever——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. TILSON. Mr. Chairman, I was going to propose an amendment there, and at the proper time I shall propose an amendment limiting what they can be invested in.

Mr. SABATH. Well, on line 13 that is cured. It states such investment as shall be approved by the superintendent of insurance of the District of Columbia.

Mr. JOHNSON of Kentucky. I think it is fully covered.

Mr. TILSON. But you want us to leave it entirely to the discretion of the superintendent of insurance, and it seems to me it would be safer to hedge it about with a law.

Mr. JOHNSON of Kentucky. Mr. Chairman, as to the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED], the committee will accept the amendment.

The CHAIRMAN. An amendment can not be accepted. It has to be voted on.

Mr. JOHNSON of Kentucky. I mean that the committee will interpose no objection to it.

Mr. FARR. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the time of the gentleman from Kentucky be extended 15 minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not care to take up any further time, except to perfect the bill by such amendments as gentlemen may offer.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for one hour.

Mr. MOORE of Pennsylvania. Mr. Chairman, the committee need not be frightened at the statement of the Chair, for it is genial and kindly intended. There are several gentlemen upon this side of the House who desire to speak, and I have asked for recognition in order that time may be accorded them; but before yielding I wish to say that so far as the minority members of the District of Columbia Committee are concerned I think that is no serious objection to the purpose of this bill. It is to be conceded that there is much injustice on the part of certain insurance collectors and of certain unscrupulous and reckless concerns as against the innocent poor. In the city of

Philadelphia only recently it has been necessary to close up a number of establishments that have been doing business upon the mutual plan, and very fortunately for those who had paid out money in premiums we had an insurance commissioner who arrived in time to save what there was left for the benefit of those whose money was at stake. No greater hardship, perhaps, can be conceived than that which affects the innocent subscribers to schemes of this kind, placing away week by week or month by month their hard-earned savings for the purpose of providing against illness or making provision against death. It seems to me that the committee did well in recommending the extent to which death benefits might be paid. The gentleman from Indiana [Mr. Cox] a moment ago raised the question as to the extent of the death benefit. I do not know whether he objected to the limitation of $500 or not, but it is self-evident that if no limitation were fixed, in a company whose capital was not in excess of $25,000, that one large policy holder dying, might derive for the benefit of his estate the entire assets, taking them away from the small policy holders, who had gone innocently into the company to make provision against a rainy day.

Mr. COX of Indiana. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I do.

Mr. COX of Indiana. The purpose of my inquiry was not to object to the limitation at all, but the way I read the bill was this: That there was no limitation at all on companies whose capital stock was only $25,000, and for that reason two or three large stockholders might come in and take all the insurance allowed by the company, whereas there is a limitation of $500 in insurance to an individual in companies where the capital stock is $100,000. I was simply making the inquiry for the purpose of getting information from the gentleman in charge of the bill.

Mr. MOORE of Pennsylvania. Then I understand the gentleman, upon a rereading of the bill and upon the explanation of the gentleman from Kentucky, considers that the limitation of $500 was fixed so far as a capitalization of $25,000 was concerned, and where the capitalization reached to $100,000, there the death benefit might be increased.

Mr. COX of Indiana. Is that the gentleman's interpretation of this bill?

Mr. MOORE of Pennsylvania. My understanding of the bill is that if the capital stock equals $100,000 a policy may be issued for an amount in excess of $500 to an individual. That is my understanding of the bill, but I call upon the gentleman from Kentucky to say whether or not that is his understanding.

Mr. JOHNSON of Kentucky. That is my understanding of it.

Mr. SHEPPARD. Mr. Chairman, I had intended to offer some amendments to this bill, but in view of the fact that it is so near the close of the session and the passage of the bill may be embarrassed, I shall not do so; but what I want to ask is this: A guaranty fund is provided for the protection of the policy holders in the District of Columbia. The bill is applicable to companies organized outside the District of Columbia. Now, a concern organized in New York City with a capital of $25,000 can do business in the District of Columbia without putting up an additional dollar here under this bill.

The object of a guaranty fund required by a State is to protect the policy holders of that State, and most of the States require a concern to put up guaranty funds with the insurance commissioners in addition to the capital stock, which it may have in the State of its origin.

Mr. MOORE of Pennsylvania. Does not the gentleman read this bill as indicating now that, if such a bill should pass, the insurance commissioner of the District of Columbia has an increased jurisdiction over the assets of a company coming here and doing business in the District?

Mr. SHEPPARD. He may have an increased jurisdiction, but the bill does not provide a guaranty fund for the District of Columbia policy holders alone so far as companies outside the District are concerned having a capital stock of $25,000.

Mr. MOORE of Pennsylvania. Does the gentleman object to the bill on the ground that it does not provide sufficient protection to the policy holders in the District?

Mr. SHEPPARD. Exactly; so far as the outside companies are concerned.

Mr. MOORE of Pennsylvania. May I ask the gentleman this—because I am in sympathy with the general purpose of the bill——

Mr. SHEPPARD. So am I.

Mr. MOORE of Pennsylvania. As to the phraseology of the bill we may differ, and as to the effectiveness of the bill as drawn we may differ, but how do you intend to cover the point you raise?

Mr. SHEPPARD. I would require the outside companies to put up a guaranty fund in the District of Columbia with the superintendent of insurance in addition to the capital stock they have in the States of their organization.

Mr. MOORE of Pennsylvania. I want to say to the gentleman in that connection, that each State presumably would have jurisdiction over the assets in that State. There must be assets in New York, or in Pennsylvania, or in Ohio, for instance, and those assets must be subject to the supervision of the insurance commissioner there. They surely would in the Commonwealth of Pennsylvania, and I have known of instances in that Commonwealth where an actual deposit has been required to be placed in the vaults of the State as against foreign business done by the company or where an impairment of capital was suspected.

Mr. SHEPPARD. Exactly; and that is what ought to be provided in the District of Columbia.

Mr. JOHNSON of Kentucky. I will say to the gentleman from Texas that the committee has been discussing this bill apparently upon the presumption that it is the only insurance law in the District. That is not the case. The insurance code is quite voluminous, as the gentleman knows, and this is intended to reach this situation only. There are other provisions of the code which cover the feature which the gentleman speaks of, and in addition to that there are other bills that have been before the committee, and have been reported out, that even go ahead and throw additional precautions around some of those.

Mr. MOORE of Pennsylvania. My understanding is the same as that of the gentleman from Kentucky—that we are simply endeavoring to protect the local policy holders, those whose money is solicited for insurance purposes in this District. But, coming back to the gentleman from Texas [Mr. SHEPPARD], I want to ask him before he puts his question if he knows of any State in the Union where a guaranty fund is not required by the laws of the State, subject to supervision by the State insurance commissioner?

Mr. SHEPPARD. One of the few jurisdictions in the United States not requiring these companies to have guaranty funds deposited within said jurisdictions to protect the policy holders therein is the District of Columbia.

Mr. MOORE of Pennsylvania. Then, does not the gentleman think that this bill, so far as its purpose goes, is a great step forward toward correcting an omission which has hitherto existed in the District of Columbia?

Mr. SHEPPARD. Exactly. And for that reason I said I would not introduce an amendment at this time, but wanted to suggest certain defects in the bill.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to line 17, page 3, referring to the power of the superintendent of insurance in the District. He is known here as the "superintendent of insurance." He is to examine the assets or the securities of the companies that have been deposited, and it says in line 17:

> When he finds the capital stock or assets of any such company or association impaired to an amount less than required by the provisions hereof, he shall at once give notice of said fact to said company or association.

That would seem to indicate if he has had no power to invesigate heretofore this bill would perhaps give him the power, so that those who deposit their money in legitimate companies would at least have that measure of protection.

Mr. SHEPPARD. There is an additional measure of protection in this bill so far as outside companies are concerned, because the bill gives the superintendent of insurance the right to examine the capital stock of outside companies. But it does not require any guaranty fund to be deposited here with the insurance superintendent for the protection solely of the policy holders here, whereas practically every other jurisdiction in the United States has taken that step, if I am correctly advised.

Mr. MOORE of Pennsylvania. It is a step in the right direction, anyway.

Mr. JOHNSON of Kentucky. And these companies are left on exactly the same footing as the other companies. The gentleman has introduced a bill to put them all on the same footing, and I understand they are favorable to his bill, bringing out the very feature I have mentioned for all of the companies doing business in the District. But until it has been made applicable to all let us allow this company to remain on the same footing as the other.

Mr. SHEPPARD. Now, Mr. Chairman, one more word, and then I will not take part further in this discussion. Does the gentleman believe that the capital stock should be invested altogether in real estate, and would he require no definite portion of it to be held in cash?

Mr. MOORE of Pennsylvania. I have some views upon that question. It has been necessary, as has been found by certain

large concerns, to make a realignment on securities, and the law has made that realignment proper. It is often difficult to realize upon assets when the assets are confined to real estate only. If it were necessary for the superintendent of insurance to seize the assets and the assets consisted of real estate only, I think it would be a long time before the innocent policy holders would be able to realize anything on their share of the proceeds.

Mr. SHEPPARD. I think so, too.

Mr. MOORE of Pennsylvania. Railroad bonds and municipal bonds, of course, are more readily negotiated, and in the event of liquidation they could be readily applied to the estate.

Mr. SHEPPARD. This bill makes it possible for the entire guaranty fund to be invested in real estate. It does not require even 10 per cent of it to be in cash.

Mr. MOORE of Pennsylvania. If that is the gentleman's position, I agree with him; and I would rather not have it that way, because you can not realize speedily upon real-estate securities. You may have to wait indefinitely before a dollar could be realized to pay those who would have to be paid in the event of the settlement of the estate. I think my memory is not at fault when I recall that the gentleman objected to the use of railroad bonds as assets in a company of this kind.

Mr. SHEPPARD. That is only one of the objections.

Mr. MOORE of Pennsylvania. And the gentleman suggested that it was not the custom of banks and financial institutions to accept railroad bonds?

Mr. SHEPPARD. Savings banks.

Mr. MOORE of Pennsylvania. Yes; savings banks. In a recent address to the House I used as an illustration an investment of many millions by one institution, holding the savings of poor people, in railroad bonds, which, of course, in the last analysis, meant the construction and development of railroads throughout the country. I think it can be very safely stated to the gentleman and to the committee that large institutions indulge very freely in the investment of cash in railroad securities.

Mr. SHEPPARD. What institution was the gentleman referring to?

Mr. MOORE of Pennsylvania. The institution I referred to, in this particular instance, was the Philadelphia Savings Bank, but it is only one of many institutions of the kind that do invest savings in this way.

Mr. SHEPPARD. Is that institution under State regulation?

Mr. MOORE of Pennsylvania. Yes.

Mr. SHEPPARD. The State law specifies the railroads whose bonds may be purchased in that way, does it not?

Mr. MOORE of Pennsylvania. Oh, no. This particular company operates under a charter granted many years ago. It publishes its statements annually. Every depositor in the company—there are no stockholders—is advised at fixed periods of the railroads in whose securities the deposits are invested, and these railroads are located in the North, East, South, and West.

Mr. SHEPPARD. Is it not a fact that safeguards and limitations are in most of the States thrown around the investment of savings banks' funds in railroad bonds?

Mr. KAHN. In some States.

Mr. SHEPPARD. In the most progressive States.

Mr. KAHN. I would not say the most progressive States. That is the law in some of the States of the Union.

Mr. SHEPPARD. I think that shows that they are the most progressive.

Mr. MOORE of Pennsylvania. I agree with the gentleman as to the elimination of real-estate security in a matter of this kind, but I question very much whether it would be advisable to eliminate railroad bonds. You might not be able to buy Federal, State, or municipal bonds.

Mr. MADDEN. I should like to know what the gentleman's definition of "most progressive States" is.

Mr. WEEKS. Mr. Chairman——

Mr. MOORE of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. WEEKS. At the proper time, Mr. Chairman, I am going to offer an amendment to that part of the bill which relates to the investment of the funds. My amendment has been sent to the Clerk's desk. I suggest that perhaps this would be a proper time to have it read for information.

Mr. MOORE of Pennsylvania. I shall be glad to have it read in my time.

The CHAIRMAN. It can be read in the time of the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

On page 2, in line 11, after the words "United States," strike out down to and including the word "estate" in line 13, and insert in lieu thereof the following:

"State, county, municipal bonds, and bonds of the District of Columbia, or railroad bonds; but investments in the bonds of railroads shall be limited to the bonds of those railroads which have paid dividends on their capital stocks for the 10 years previous to the date of the investment; or in improved real estate, or in mortgages on improved real estate; but no loan on real estate shall be made for an amount exceeding 50 per cent of its assessed value."

Mr. JOHNSON of Kentucky. Mr. Chairman, I should like to call the attention of the gentleman from Massachusetts [Mr. WEEKS] to the fact that in limiting the loan to 50 per cent on the assessed value he is placing a very low limit. Real estate in this District is assessed at only two-thirds of its value, and the assessed value consequently is only 66⅔ per cent, and when you limit a loan to 50 per cent of 66⅔ per cent you cut it down to 33⅓ per cent of the actual value.

Mr. TILSON. Mr. Chairman, may I interrupt the gentleman to suggest that "'fair appraisal value" would be a better term. It is a term that is used in this connection. I suggest that it should be the fair appraisal value rather than the assessed value—50 per cent of the fair appraisal value.

Mr. MOORE of Pennsylvania. Appraisal by whom?

Mr. WEEKS. The appraisal is supposed to be by some fair means, and whenever an appraisal is made it is an appraisal of the actual worth of the property. The question whether it was 50 per cent of the fair appraisal value could be easily determined by a court, if brought into litigation.

Mr. MOORE of Pennsylvania. Will the Chair tell me how much time I have remaining.

The CHAIRMAN. The gentleman has 41 minutes left.

Mr. MOORE of Pennsylvania. I yield 10 minutes to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I do not know that I shall consume 10 minutes. I simply want to call attention to one or two things in the bill and then to some other matters.

The proposition that we ought not to amend this bill because we are near the end of the session, and the passage of it might be interfered with, does not appeal to me. It seems to me that this House ought not to pass a bill which is obviously incomplete and inaccurate, when we can very easily amend it and express the ideas that we are all agreed upon. It seems to me that the amendment proposed by the gentleman from Pennsylvania [Mr. OLMSTED] ought to be adopted, because it clears up that proposition.

Then in line 11 it seems that some one ought to explain the meaning, or perhaps an amendment ought to be put in there so as to clear up the language. That is on page 2. The gentleman from Illinois [Mr. MADDEN] a few moments ago suggested that the language on the following page, at line 17, was not sufficient to cover that subject. I think he was right about that. In lines 10 and 11, page 2, it says:

Which assets may be invested in United States, municipal, or railroad bonds, or in real estate.

And so forth. It does not say that they "shall" be so invested. They may be invested in that or they may be invested in something else. It seems to me that language ought to be made very definite. The gentleman from Kentucky [Mr. JOHNSON] made a statement, as I understood him——

Mr. JOHNSON of Kentucky. The gentleman has suggested that the word "may" be stricken out and that the word "shall" be inserted; but would not that prevent them from carrying cash? The word "may" is used so that they can carry cash if they want to.

Mr. WILLIS. I have not formulated an amendment, but some language ought to be used there to make that provision mandatory, it seems to me. We ought not to leave that to judicial interpretation.

Then on line 17, on page 3, the language is not sufficient, because it says that the superintendent shall have jurisdiction only when the capital stock is impaired to an amount less than required by the provisions of this act. It seems to me that language is not sufficiently clear, and that these matters should be cleared up.

While I have the floor, there is another matter to which I wish to refer.

In the RECORD of August 2 there are some remarks made by the gentleman from California [Mr. KENT] that are of interest.

On page 3513 the gentleman from California inserts a certain statement taken from one of the daily papers, purporting to give language used by a representative of the Tariff Board. I will read the statement:

[From the Washington (D. C.) Herald.]

TARIFF BOARD AGENT SEES PROFIT IN SHEEP—W. C. BARNES SAYS THEY CAN BE RAISED TO PAY $1.81 PER HEAD.

OGDEN, UTAH, *July 29.*

W. C. Barnes, representing President Taft and the Tariff Board, in checking up the information gathered by special agents of the Government on wool and sheep industries, arrived in Ogden this morning after visiting four of the largest sheep States of the West.

His figures follow:

Cost a head to raise sheep, all expenses incident to grazing, herding, shearing, dipping, lambing, freight on wool and mutton, interest on money invested, etc., $1.50.

That is, the total expense of raising a sheep, according to this statement, is $1.50.

Mr. MADDEN. Who made that statement?

Mr. WILLIS. The statement purports to have been made by W. C. Barnes, representing President Taft. On the next page it says:

WOOL WORTH 91 CENTS.

Average clip of wool per head, 7 pounds, at an average of 13 cents per pound delivered, 91 cents.

Average price of lambs, $3; average increase being figured at about 80 per cent, placed on market, $2.40.

Total receipts, $3.31.

Total net receipts per head, $1.81.

Mr. Barnes says that there may be slight variation by States in the cost of raising sheep and in marketable value as to the wool clip, lambs, and mutton, but that the figures show the average in the territory over which he has traveled. He suggested that the cost of raising sheep might be reduced considerably by better business methods.

Mr. DYER. Mr. Chairman, will the gentleman permit me a question?

Mr. WILLIS. Yes.

Mr. DYER. I should like to ask what reference this has to the bill under consideration.

Mr. WILLIS. This is general debate, and it does not have to refer to the bill under consideration.

Mr. DYER. It does not throw any light upon it.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. DYER. I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DYER. The point of order is that the gentleman from Ohio is not speaking to the bill.

The CHAIRMAN. The point of order is overruled.

Mr. OLMSTED. I suppose he means that he is pulling the wool over our eyes. [Laughter.]

Mr. WILLIS. Now, if the total cost of raising the sheep is $1.50 and the net receipts are $1.81, obviously the conclusion that is sought to be drawn is that there is a tremendous profit in sheep raising. The gentleman from California [Mr. KENT] went on to explain very lucidly that those statements could not be true, and I am quite in harmony with his statements. Everyone who has any practical knowledge of the sheep business knows that these supposed statements showing immense profits to the woolgrowers are false and absurd. However, I did not rise to discuss this phase of the question.

I want simply to introduce a letter into the RECORD at this time so that the Tariff Board and its position may be made perfectly clear. I called at the office of the Tariff Board yesterday to find out whether it or its representatives had made any such statement, and I have a letter here which is as follows:

THE TARIFF BOARD, TREASURY BUILDING,
Washington, August 7, 1911.

Hon. FRANK B. WILLIS,
House of Representatives.

DEAR SIR: Referring to your personal call this afternoon, I beg to say that on August 1, 1911, I gave out the following statement to the Associated Press:

"No statements regarding cost or profits of sheep raising or woolgrowing have been made with the authority of the Tariff Board. Furthermore, it is impossible for anyone to make accurate statements based on the investigation of the board until the complete figures have been received and tabulated.

"In a telegram received to-day, Mr. W. C. Barnes, an agent of the board, denies emphatically responsibility for statements attributed to him."

Trusting this answers your inquiry, I am,
Very truly, yours,

HENRY C. EMERY, *Chairman.*

That makes clear the proposition that neither the Tariff Board nor any representative of it was authorized to make any such statement as this. I wanted to make this statement, otherwise it might be said that we had a report from a representative of the Tariff Board and a representative of the President showing clearly that such and such things were true. Here is an authoritative denial of that proposition. The Tariff Board has not reported, and, as we are all informed, it will not report until December, at which time we can make a real scientific and sensible revision of the tariff. [Applause.]

Mr. MOORE of Pennsylvania. I yield four minutes to the gentleman from Massachusetts [Mr. WILDER].

Mr. WILDER. Mr. Chairman, it seems to me that we would lose quite a portion of the interesting parts of this discussion if we overlooked its amusing features. We appear to be talking about insurance, and these companies that we have been talking about are not doing an insurance business in any ordinary sense of the term. They are simply collection agencies. If you follow them to any extent, not only here but in other districts, you will find that this class of so-called insurance companies do little but collect. It is no part of their plan to pay back much, if anything. When we take into consideration the old-line, thoroughgoing fire insurance companies and go carefully into their reports, we will observe that it costs about 40 per cent for obtaining the business and administration. The first commissions are usually 15 or 20 per cent, and so the whole business from any standpoint of any average profit is something of a losing transaction.

I surmise that of all the premiums, so called, collected by the various companies covered or intended to be covered by this bill, 50 or 75 per cent, and in many instances 90 per cent—and as the gentleman just states, as high as 98 per cent—is sometimes absorbed.

Mr. DYER. Will the gentleman yield?

Mr. WILDER. Yes.

Mr. DYER. I want to state that in the hearings on this bill before the District Committee the president of one of these companies stated to the committee that approximately 70 per cent of the amount collected for premiums was used in administration expenses.

Mr. WILDER. I thank the gentleman. That indicates what a huge joke it is when we are talking about insurance business. Is there anyone here who objects to surrounding with all sorts of limitations a business that is abroad taking from 70 to 98 per cent of all they collect for the collectors and owners and then giving such a mere pittance to the poor people—I do not know but I ought to have said that they were swindling associations instead of collecting associations.

Mr. COX of Indiana. Will the gentleman yield?

Mr. WILDER. For a few seconds, as I have only four minutes.

Mr. COX of Indiana. Can the gentleman inform the committee about what per cent is required to pay the operating expenses in the standard insurance companies, like the New York Life, for instance?

Mr. WILDER. I do not know that I can answer the gentleman. I am more familiar with fire insurance, and the administration expenses of those run up, as I said, as high as 40 per cent. So those who insure can on the average receive only 60 per cent back of what they pay. If these poor people are receiving only from 2 to 30 per cent of what they pay, what a farce it is to call it insurance. We ought to coin some other term for it. So it seems to me from the very nature of this thing, taking companies, as reported, of 100 shares, at 1 cent a share, and compelling them to increase to $25,000 capitalization, that we are going some. I want to predict that if this becomes a law, the 15-cent a week concern will go out of business, because a body of men who can capitalize at $25,000 will not go into collections of 15 cents a week; and besides, the person who would submit to the indignity of 15 cents per week must be awfully poor. There is no harm in squeezing it and crushing out such business from every standpoint. I do not object to cutting it right out. We will not harm the people very much; we will only limit the activities of these collecting agencies; and I am not opposed to safeguarding them out of existence altogether. I surmise that the bill will put an end to this $1 capitalization business, for this class of people and some of these folks who are in this business could not get together much more than a dollar at the same time, and they can not be expected to pay these premiums they receive out to the beneficiaries, because they need the premiums themselves. How do you expect such people to pay out to somebody else that which they need for themselves? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, may I ask the gentleman from Kentucky whether he desires to continue general debate very much longer?

Mr. JOHNSON of Kentucky. I am very anxious that the bill be read for amendment.

Mr. MOORE of Pennsylvania. I believe I have five minutes remaining, which I should like to yield to the gentleman from Pennsylvania [Mr. OLMSTED], and it may be that we can have it understood that general debate shall close at a certain time. How much would the gentleman from Kentucky suggest?

Mr. JOHNSON of Kentucky. I should say general debate close at the end of five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, with the understanding that general debate shall close at the expiration of five minutes, I yield the balance of my time to the gentleman from Pennsylvania [Mr. OLMSTED].

The CHAIRMAN. Unanimous consent is asked that general debate close in five minutes, and that the gentleman from Pennsylvania [Mr. OLMSTED] have that five minutes.

Mr. FOSTER of Illinois. Mr. Chairman, I have no objection to closing debate, but I do not think that is according to the rule.

Mr. MANN. It is proper in committee to close general debate by unanimous consent.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CARLIN. What is the request?

The CHAIRMAN. To close general debate in five minutes' time, and that to be occupied by the gentleman from Pennsylvania. [After a pause.] The Chair hears no objection.

Mr. OLMSTED. Mr. Chairman, I am in favor of this bill as far as it goes. It seems to me it could go a little further. The part to which I wish to call attention now is found beginning on line 17, page 3, which provides that—

When the superintendent finds the capital stock or assets of any such company or association impaired to an amount less than required by the provisions hereof he shall at once give notice of this fact to said company or association.

I propose at the proper time to offer an amendment to the effect that if he finds the capital stock impaired at all, he shall give the company notice to quit business. I do not think that a company whose capital stock is impaired ought to be permitted to do anything in the way of an insurance business. It would not be permitted in any State that has an insurance department and insurance laws, and I do not think it ought in the District of Columbia. I shall, therefore, offer an amendment providing that if the superintendent finds the capital stock impaired in any degree or the assets reduced to an amount less than the amount specified in the bill, then he shall give the company notice to make good the impairment or quit business. I have no doubt the chairman and the committee will be willing to accept such an amendment.

Mr. JOHNSON of Kentucky. I think the committee will be glad to agree to it.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out section 653 thereof and enacting in lieu thereof the following:

"HEALTH, ACCIDENT, AND LIFE INSURANCE COMPANIES OR ASSOCIATIONS.

"SEC. 653. Every corporation, joint-stock company, or association not exempt herein, transacting business in the District of Columbia, which collects premiums, dues, or assessments from its members or from holders of its certificates or policies, and which provide for the payment of indemnity on account of sickness or accident, or a benefit in case of death, shall be known as 'health, accident, and life insurance companies or associations.' Every such company or association shall, within 90 days from the passage of this act, have in assets or in capital stock fully paid up in cash, or in both together, not less than $25,000 as a capital or guarantee fund; which assets may be invested in United States, municipal, or railroad bonds, or in real estate, or in mortgages or deeds of trust on real estate, such investments to be approved by the superintendent of insurance of the District of Columbia. No such health, accident, and life insurance company or association, now or hereafter transacting the business of health, accident, and life insurance, or either or all said kinds of insurance, in the District of Columbia shall issue policies or certificates providing, either singly or in aggregate, a greater accident or death benefit than $500, or a greater weekly indemnity than $20, on any one person unless such company or association have in assets or in capital stock fully paid up in cash, or in both together, not less than $100,000 invested and approved as aforesaid. Every such company or association shall pay to the collector of taxes for the District of Columbia a sum of money, as tax, equal to 1 per cent of all moneys received from members or policy or certificate holders within the District of Columbia, said tax to be paid on or before the 1st day of March of each year on the amount of such income for the year ending December 31 next preceding; and shall also file annually with said superintendent of insurance, on or before the 1st day of March of each year, a sworn statement, on blanks furnished by said superintendent of insurance, showing its true financial condition, income, disbursements, assets, and liabilities on the 31st day of December next preceding, and such other information as said superintendent of insurance may require; and shall pay to the said collector of taxes $10 for filing such statement. Said superintendent of insurance shall have the power to examine from time to time all companies or associations described herein; and when he finds the capital stock or assets of any such company or association impaired to an amount less than required by the provisions hereof he shall at once give notice of said fact to said company or association, and unless said impairment is made good within 60 days after said notice, it shall be the duty of said superintendent to revoke or suspend the license of said company or association until such impairment shall have been made good; and any company or association that issues policies or certificates of insurance as described herein without a license from said superintendent or during a suspension thereof, as herein provided, shall be fined not less than $20 nor more than $100 per day: *Provided*, That if any such company or association shall feel aggrieved by the decision of said superintendent concerning the investment or impairment of its assets or capital stock, it shall have the right to appeal, within 10 days, from the decision of said superintendent to the Board of Commissioners of the District of Columbia, who shall prescribe rules and regulations for the hearing of said appeal, and their decision shall be final: *Provided also*, That when any such company or association shall have complied with the provisions contained herein, the superintendent of insurance shall issue to it a license to transact its business in the District of Columbia: *Provided, however*, That nothing contained herein shall interfere with or abridge the rights of any fraternal beneficial association licensed to transact business under subchapter 12 of chapter 18 of the Code of Law for the District of Columbia or incorporated by special act of Congress: *And provided further*, That nothing contained herein shall apply to any relief association, not conducted for profit, composed solely of officers and enlisted men of the United States Army or Navy, or solely of employees of any other branch of the United States Government service, or solely of employees of any individual, company, firm, or corporation."

Mr. OLMSTED. Mr. Chairman, I now offer the amendment, which was heretofore read for information, to be inserted on page 2.

Mr. JOHNSON of Kentucky. I would suggest to the gentleman that a committee amendment comes first, and then his.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

In line 20, page 4, after the word "Columbia," insert "or any chartered trades union," and line 21, after the word "or," insert the words "any such association."

Mr. JOHNSON of Kentucky. I move the adoption of the committee amendment.

Mr. MANN. Mr. Chairman, does the gentleman care whether this language in line 21, page 4, "Any such association incorporated by special act of Congress," goes in?

Mr. JOHNSON of Kentucky. I will say, Mr. Chairman, in answer to that, as I have said several times during this discussion, that I do not pretend to know very much about insurance, and when this was up it was submitted to the insurance commissioner and the gentleman from Wisconsin [Mr. BERGER], and they discussed it with some members of the Senate committee; and it was acceptable all around, and I know nothing about it more than that.

Mr. MANN. Does it exempt any association that the gentleman knows of?

Mr. JOHNSON of Kentucky. I do not know. If the gentleman from Illinois [Mr. MANN] thinks it ought not——

Mr. MANN. If it takes care of some existing corporation which ought to have this capital stock, I do not believe in legislating and giving that corporation a monopoly because it happens to have worked Congress some time in the past for a charter.

Mr. JOHNSON of Kentucky. I believe I would be willing to risk it and adopt the suggestion offered by the gentleman from Illinois [Mr. MANN].

Mr. MANN. I believe in compelling these companies to have capital stock.

Mr. JOHNSON of Kentucky. It would only add to the safety of it, I think.

Mr. OLMSTED. It already exempts everything that ought to be exempted.

Mr. JOHNSON of Kentucky. We come first to the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. MANN. This is part of the committee amendment.

Mr. JOHNSON of Kentucky. The words "incorporated by special act of Congress" is not an amendment.

Mr. MANN. If the words "or any such association," in line 21, ought not to be agreed to and ought to be stricken out, that would bring it down to "any chartered trades union."

Mr. OLMSTED. Would not that include "trades union"?

Mr. JOHNSON of Kentucky. The word "such" there carries it back to the subject of chartered trades unions.

Mr. MANN. I think not. I think the words "such association" carry it back to the original description of insurance companies or associations doing business in the District.

Mr. JOHNSON of Kentucky. It would not go back farther than the colon there, followed by the words "Provided, however."

Mr. MANN. I am not particular about it, so far as I am concerned.

Mr. JOHNSON of Kentucky. I am very desirous of getting the best bill out of it I can.

Mr. MANN. I believe that. I believe these companies ought to have some money.

Mr. JOHNSON of Kentucky. Will the gentleman make his motion?

Mr. MANN. There is not a motion to be made. The question is on that part of the committee amendment. It is a question of disagreeing or agreeing. I should not agree to the committee amendment on line 21, "any such association," and then strike out the words "or incorporated by special act of Congress."

Mr. JOHNSON of Kentucky. You would strike out all in line 21 except the word "union" at the beginning of it?

Mr. MANN. Yes.

Mr. JOHNSON of Kentucky. And the words "of Congress," in line 22?

Mr. MANN. Yes.

Mr. JOHNSON of Kentucky. Mr. Chairman, if there is no objection on the part of any other member of the District Committee, I would agree to that.

Mr. DYER. Mr. Chairman, may I ask the gentleman a question? I will ask if you would strike that out if it would not interfere with fraternal organizations, such as the Odd Fellows and Knights of Pythias?

Mr. MOORE of Pennsylvania. In the proviso that follows that would be taken care of.

Mr. OLMSTED. They are provided for in line 18, on page 4.

Mr. JOHNSON of Kentucky. Line 18 takes care of fraternal benefit associations.

Mr. DYER. I can not understand why the gentleman should not permit us to take care of chartered trades unions.

Mr. JOHNSON of Kentucky. I am quite sure the gentleman from Missouri [Mr. DYER] knows more about that than we do.

Mr. MANN. We take care of that.

Mr. FOSTER of Illinois. Would these insurance companies that are organized, like trades unions, be shut out under the provision?

Mr. MANN. The term "or any chartered trades union," as used here, is intended to cover any union that has a charter from a parent organization, and is not intended to apply to a trades union that is incorporated under an act of the legislature or act of Congress. They would be authorized to do a sick-benefit business, which they ought to be authorized to do.

Mr. FOSTER of Illinois. You do not think it would not apply to any that have already been organized by special act? Suppose you have some that have been organized by special act?

Mr. MANN. That would not make any difference if they are fraternal benefit associations which have been organized by special act, but there are none here.

Mr. JOHNSON of Kentucky. I will say to the gentleman from Illinois that the superintendent of insurance in the District was himself in some doubt about the matters to which he now calls attention.

Mr. MANN. I presume that is true; but I am speaking about the intent of the gentleman who proposed that proposition. That is the purpose of this now.

Mr. OLMSTED. Suppose we vote first on the first committee amendment.

Mr. JOHNSON of Kentucky. The amendment offered to the committee amendment.

Mr. MANN. The division of the committee amendment.

Mr. JOHNSON of Kentucky. So that the vote will be taken on the words in italics, in line 20, "or any chartered trades union."

Mr. MOORE of Pennsylvania. Mr. Chairman, before that is done I would like to ask the gentleman from Illinois [Mr. MANN] a question, by courtesy of whoever has the floor. Why is this provision necessary at all? It seems to complicate the entire situation. The proviso starts out by saying that "nothing herein contained shall interfere with or abridge the rights of any fraternal association," and so forth; and then if you bring in these chartered trade unions and organizations incorporated by special acts, that confuses the entire situation. If these various bodies have their rights under the law, why is it necessary to insert this proviso and thus confuse the general intent of the bill? Why not strike the whole proviso out?

Mr. MANN. The fraternal beneficial associations are given certain rights now under the District Code, but that is subject to amendment by Congress, and if we should in this act provide that no association shall do business except in a certain way, it would apply to these associations unless we except them, as this proviso does, from the operation of this act.

Mr. MOORE of Pennsylvania. Then the gentleman thinks that unless the proviso is inserted the rights now existing in the Odd Fellows and various fraternal organizations and trade unions might be limited?

Mr. MANN. That would depend upon the construction of the District Code, construing all of its parts together. But so far as this question is concerned I doubt it.

Mr. MOORE of Pennsylvania. I doubt whether the right of a trade union to operate its beneficial features would be affected by this act.

Mr. MANN. I would like to have the first committee amendment reported, Mr. Chairman.

Mr. LOBECK. Mr. Chairman, I think those words, "for any chartered trades union"——

The CHAIRMAN. Without objection, the first committee amendment will be reported.

Mr. MANN. There are two committee amendments.

Mr. OLMSTED. Let the Clerk read one of them.

The Clerk read as follows:

On page 4 amend lines 20 and 21 after the word "Columbia" by inserting the words "or any chartered trades union."

Mr. LOBECK. Now, Mr. Chairman, I think that amendment should come in on line 18 after the words "fraternal beneficial association" after the word "association," because then it comes under the laws of the District of Columbia, under subchapter 12 of chapter 18, which regulates all fraternal associations. That amendment should come in there. Then that finishes that paragraph, and the period would come in after the words "District of Columbia." I think it would come in better there than where it now is. I make the motion, Mr. Chairman, that the words "or any chartered trades union" be inserted on line 18 after the word "association."

Mr. WILLIS. Mr. Chairman, I want to call attention to the fact that that will not accomplish what the gentleman has in mind, because then it will read, "association or chartered trades union licensed to transact business under subchapter 12 of chapter 18 of the Code of Laws for the District of Columbia." That will not accomplish what is desired.

Mr. OLMSTED. They are not licensed under that chapter.

Mr. LOBECK. I have no objection, Mr. Chairman, and I withdraw my amendment.

SEVERAL MEMBERS. Vote! Vote!

The CHAIRMAN. The question is on the first committee amendment, beginning on line 20, to insert the words, "or any chartered trades union."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the second committee amendment.

The Clerk read as follows:

In line 21, after the word "or," insert the words "any such association."

Mr. JOHNSON of Kentucky. The Committee will accept in lieu of that amendment one striking out any special association authorized by act of Congress.

Mr. MANN. We will have a separate vote on that.

The CHAIRMAN. Does the gentleman from Kentucky offer an amendment?

Mr. JOHNSON of Kentucky. No.

The CHAIRMAN. The question is on the next committee amendment, to insert the words, "any such association."

Mr. KAHN. Mr. Chairman, it seems to me the adoption of this language is necessary: "or incorporated by special act of Congress." In reality that should come in after the words "District of Columbia." As I understand it, some of these fraternal associations have been chartered by national organizations which have subordinate lodges here in the District of Columbia. There probably are some of these organizations, also, which have been chartered by Congress that are doing business here and issuing charters to subordinate lodges throughout the United States from the District.

Mr. GARRETT. Will the gentleman permit a suggestion there?

Mr. KAHN. Yes.

Mr. GARRETT. Even if they are chartered by special act of Congress, they ought not to have rights superior to those chartered under the general law of the District.

Mr. KAHN. No; the provisions of the code refer to fraternal beneficial organizations that are conducting their affairs as lodges here in the District of Columbia. But I fail to find anything in subchapter 12 that refers to any lodge chartered by act of Congress; and it is probable that when the insurance commissioner drafted this bill he wanted to provide for such fraternal organizations as were chartered by Congress, and that were not subject to subchapter 12 of the code.

Mr. MANN. Will the gentleman from California yield?

Mr. KAHN. Certainly.

Mr. MANN. The District Code, as I understand it, makes provision for licensing fraternal and beneficial associations to transact business in the District of Columbia.

Mr. KAHN. Yes.

Mr. MANN. Now, does the gentleman think it is desirable to give a special exception to one of those beneficial organizations that has obtained a charter from Congress, thereby invoking applications from all the organizations in the United States to obtain national charters?

Mr. KAHN. I do not know whether that is advisable. It has been done in the past.

Mr. MANN. I understand it has been done quite a few times in the past, on the sole ground that in the application it was stated that it was not possible to obtain a charter in the District, as now constituted, because the incorporators could not live here.

Mr. KAHN. The gentleman's statement is correct.

Mr. MANN. And that they desired to get special privileges by reason of that fact. Now, all these fraternal organizations, I think, obtain licenses under the general provisions of the code.

Mr. KAHN. I do not know whether that is the situation or not, or whether they come under some other provision of the code. I am not aware of that.

Mr. Chairman, just one word in conclusion. I think the entire sentence would be improved if the words "or incorporated by special act of Congress" should follow the word "Columbia," in line 20, and then the words "or any chartered trades union" should end the sentence. I think that would be a better form.

Mr. MANN. If the gentleman will yield, that would limit the fraternal organizations exempt from this statute to those that had incorporation by act of Congress, and nobody wants to do that.

Mr. KAHN. Of course not. I do not think transposing the language would do that. However, it is merely a suggestion, and I do not wish to press the matter.

The CHAIRMAN. The question is on the committee amendment, in line 20, page 4, which will be reported by the Clerk.

The Clerk read as follows:

On page 20, after the word "Columbia," insert the words "or any chartered trades union or any such association."

The question being taken, the amendment was rejected.

Mr. MANN. I move to strike out in line 21 the words "or incorporated by special act of Congress."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question being taken, the amendment was agreed to.

Mr. OLMSTED. Mr. Chairman, I now offer the amendment that I have heretofore sent to the Clerk's desk.

The Clerk read as follows:

Page 2, line 6, after the word "association," strike out the words down to and including the word "act" in line 8 and insert in lieu thereof the following: "After 90 days from the passage of this act any such company or association shall not transact business within the District of Columbia unless it shall."

Mr. DODDS. Mr. Chairman, before that amendment is voted upon I wish to offer a substitute which will take care of the provision that the amendment of the gentleman from Pennsylvania takes care of, and also the provision that has been discussed in relation to the capital and guaranty fund.

Under the language here the capital stock paid in may be a part of the guaranty fund, whether it is on hand or not. Under my amendment there must be $25,000 in cash on hand or in assets. Now, this cash may be made up of the paid-in capital stock or not, but it must be on hand. I ask the Clerk to read the amendment.

The Clerk read as follows:

Commencing with the word "every," in line 6 of page 2, strike out all to the end of line 10 and substitute the following:

"Every such company or association now organized, or that may hereafter be organized, shall, at all times after the expiration of 90 days from the passage of this act, have in cash or other assets, or in both together, not less than $25,000 as a capital or guaranty fund, which cash, with other assets"——

Mr. OLMSTED. Mr. Chairman, I make the point that that is not an amendment to my amendment or a substitute for it.

Mr. DODDS. That takes the place of the language from the word "every," in line 6, down to the end of line 10.

The CHAIRMAN. Does the gentleman from Pennsylvania make the point of order?

Mr. OLMSTED. Yes.

The CHAIRMAN. The text not being perfected, the Chair is inclined to think the point of order is well taken.

Mr. OLMSTED. Now, Mr. Chairman, the gentleman's amendment can come in after my amendment is voted on.

Mr. JOHNSON of Kentucky. It strikes me that the amendment of the gentleman from Pennsylvania reaches the end of the matter in better shape.

Mr. DODDS. It reaches a part of it.

Mr. JOHNSON of Kentucky. I will say to the gentleman that there is a contemplated amendment that the capital stock shall not be impaired at all.

Mr. OLMSTED. Mr. Chairman, I ask for a vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

Mr. OLMSTED. Now, Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 3, line 17, after the words "capital stock," strike out down to and including the word "impaired," near the end of line 18, and insert in lieu thereof the following: "of any such company impaired or its assets reduced in value," so that as amended it will read as follows:

"When he finds the capital stock of any such company impaired or its assets reduced in value to amount less than required by the provision herein."

Mr. OLMSTED. That is, if the capital stock is impaired at all, the provision becomes operative, and the superintendent gives notice to the company that it must make it up or quit business.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, lines 8 and 9, strike out the words: "Or in capital stock fully paid up in cash, or in both together."

Mr. MOORE of Pennsylvania. Mr. Chairman, I will ask the gentleman from Connecticut what the effect of that is?

Mr. TILSON. The effect is this: If the words "capital stock fully paid up" mean anything, they only confuse the meaning of the bill. What we want is not capital stock fully paid up, which may have been dissipated, for that matter, as it may have been honestly paid up and then wasted, but what we want are assets. Capital stock is not an asset at all; it is a liability. If it has been paid up in cash and the cash is there, then the cash is an asset, but the capital stock itself is not. It seems to me that as it appears in the bill it is confusing and ought to be stricken out, instead of attempting to include it as equivalent to assets.

Mr. MOORE of Pennsylvania. It will be provided for in cash, provided the gentleman's amendment is adopted?

Mr. TILSON. Well, it provides for assets, which may be cash or something else. If the gentleman wishes to amend it by saying "in cash or other assets," very well.

Mr. MOORE of Pennsylvania. The gentleman simply strikes out the provision for capital stock being in.

Mr. TILSON. Yes.

Mr. MOORE of Pennsylvania. And requires that cash or assets shall be included?

Mr. TILSON. Yes.

Mr. JOHNSON of Kentucky. Mr. Chairman, it seems to me that is a reason why it should not be stricken out. If they have an unimpaired capital stock of $25,000, they ought to be permitted to do business.

Mr. TILSON. Nevertheless capital stock is a liability against the company; it is not an asset at all. It does not protect anybody, and when the assets of the company are reckoned we always find the capital stock on the other side, figured not as an asset, but as a liability.

Mr. JOHNSON of Kentucky. And the gentleman advocates the chartering of these companies to do business on $1 of capital stock?

Mr. TILSON. Not at all. I believe they must have the assets. It may be cash. If they have paid in $25,000 in cash and it is still there, then the cash is an asset, and I am in favor of having it there.

Mr. MOORE of Pennsylvania. How will it read, if the amendment is adopted?

Mr. TILSON. It will read:

Every such company or association shall, within 90 days from the passage of this act have in assets not less than $25,000, etc.

Mr. MOORE of Pennsylvania. You come right down to the cash, practically.

Mr. TILSON. No; assets; it may be cash or something else.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. MANN. Is it not a fact that if the capital stock of $25,000 is paid up and unimpaired that there must be that much assets?

Mr. TILSON. Yes; if it has been paid up and is unimpaired, then there will be $25,000 of assets.

Mr. MANN. And that is already provided for in the bill, that it must be paid up and must be unimpaired. Now, under the gentleman's amendment, would it not be quite possible for an insurance company to be organized with $1 of capital stock if it had $25,000 of assets?

Mr. TILSON. If so, I would change that, and say that it must have at least $25,000 in capital stock, and that this must have back of it $25,000 in assets.

Mr. MANN. Yes; but that is not what the gentleman's amendment does. The gentleman admits that if under the terms of the bill it has $25,000 of capital stock paid up, and if that capital stock is unimpaired, it must have $25,000 of assets, but under the gentleman's amendment it may have $25,000 of assets and have no capital stock.

Mr. TILSON. Well, under the bill as it stands, it may have $25,000 of capital stock and no assets.

Mr. MANN. Oh, no; because, as the gentleman himself said, it is not possible for the company to have $25,000 of unimpaired

capital stock paid up without having that much assets in the form of cash or something else.

Mr. TILSON. That provision does not appear here, so far as the impairment is concerned.

Mr. MANN. But we have just adopted an amendment covering it, offered by the gentleman from Pennsylvania [Mr. OLMSTED] a moment ago.

Mr. TILSON. Does it precede this paragraph?

Mr. MANN. No; it follows it. We just adopted that a moment ago and I think it covers the case suggested by the gentleman.

Mr. TILSON. Mr. Chairman, if it is covered later in an amendment that the $25,000 capital stock can not be impaired, then it will amount to the same that my amendment would amount to, and therefore I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment of the gentleman from Connecticut will be withdrawn.

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 22, strike out "have" and insert "has."

Mr. MOORE of Pennsylvania. Mr. Chairman, this is merely to correct what is apparently a grammatical mistake in the preparation of the bill. The company or association is referred to in line 22 in the plural and on page 4, line 7, in the singular. The adoption of this amendment will make the language conform throughout. I move the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. FOSTER of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Line 11, page 2, after the word "States," insert the word "or" and strike out the comma after the word "municipal" and strike out the words "or railroads."

Mr. FOSTER of Illinois. Mr. Chairman, this strikes out railroad bonds as an investment for these companies.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania rise for debate?

Mr. MOORE of Pennsylvania. For a question. This amendment proposes to strike out the right to have among the assets of the companies railroad bonds and make the assets Federal, State, or municipal bonds. Is that the object?

Mr. FOSTER of Illinois. Well, State bonds are not in here, but municipal and United States bonds are mentioned.

Mr. MOORE of Pennsylvania. And the purpose of the amendment is to strike out——

Mr. FOSTER of Illinois. Strike out railroad bonds.

Mr. MOORE of Pennsylvania. The gentleman proposes to take from the officers of the company or association discretion to invest any of the proceeds of such company or association in railroad bonds?

Mr. FOSTER of Illinois. Yes.

Mr. MOORE of Pennsylvania. I wish to say to the gentleman and the committee that this is breaking away a little from the custom of financial institutions. However, if it is thought that concerns of the kind with which we are now dealing ought to be limited, so far as the discretion of the officers is concerned, that may make a difference.

Mr. WEEKS. Mr. Chairman, I do not know whether the gentleman from Illinois heard the amendment read which I sent to the Clerk's desk to be read for information on this subject.

Mr. FOSTER of Illinois. No, I did not, I will say to the gentleman from Massachusetts.

Mr. WEEKS. I am not particular whether railroad bonds are included among the securities in which these funds may be invested, but I think that the limitation I place on the kind of railroad bonds they could invest in would be sufficient, and as the gentleman from Illinois has not heard the amendment read I suggest that before a vote is taken that it be read again for information.

The CHAIRMAN. Without objection, the amendment will be again read for information.

The Clerk read as follows:

Page 2, line 11, after the words "United States" strike out down to and including the word "State," in line 13, and insert in lieu thereof the following: "State, county, municipal bonds, and bonds of the District of Columbia or railroad bonds, but investments in the bonds of railroads shall be limited to the bonds of those railroads which have paid dividends on their capital stocks for the 10 years previous to the date of the investment; or improved real estate or any mortgages on improved real estate, but no loan on real estate shall be made for an amount to exceed 50 per cent of its assessed value."

Mr. WEEKS. Mr. Chairman, in view of what the chairman of the committee, the gentleman from Kentucky, stated about the proportional part of the value of real estate to the assessed value, I am willing to increase the percentage from 50 to 70 per cent.

Mr. COX of Indiana. Will the gentleman yield for a question? I desire to ask the gentleman from Massachusetts this question, and that is whether or not his amendment will not preclude investments in United States bonds?

Mr. WEEKS. Not at all.

Mr. COX of Indiana. The way I heard the amendment read it would.

Mr. WEEKS. They are provided for in the bill.

Mr. FOSTER of Illinois. Mr. Chairman, railroad bonds, having a fluctuating value as they do, it seems to me, ought not to be included as a part of the investment of companies like those we are proposing to regulate here.

Now, it is questionable whether county bonds ought to be included. There is some difficulty that very frequently arises in reference to the issuance of county bonds—that is, the legality of them—and it is a question, it is true, as to municipal bonds; but it occurs to me that railroad bonds ought not under any circumstances be included in the part of the assets of a company.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER of Illinois. Yes, sir.

Mr. MANN. Of course, if railroad bonds be purchased under the provisions of this act and the market declines, so that their market value is much less, that would be an impairment of their assets, which they would be required to make up. That being the case, does not the gentleman think that if the railroads have paid interest for five years and these companies could get a higher rate of interest by permission to buy such bonds, they ought to be permitted to have it?

Mr. FOSTER of Illinois. That may be partially true. There is another reason why it seems to me that we ought not to permit these assets to be invested in bonds of this character. We have realized in this country in the last few years that the assets of insurance companies, and all other organizations of that kind, have been used largely for the purpose of taking care of certain railroad and other bonds in the country, and that is a further reason why this ought not to be done.

Mr. MANN. Does the gentleman think it would be possible to finance the railroad companies of the country if no institution would purchase railroad bonds?

Mr. FOSTER of Illinois. I will agree with the gentleman that it would be impossible to finance the railroad companies under those circumstances; but I will say to my colleagues that I believe when we come to invest in the assets that are used for the purpose of accident and life insurance companies, then it ought to be made so safe that there is absolutely no chance to lose upon those investments so as to impair the assets.

Mr. MANN. Yes; but this is not investing the money of the policy holders. This applies to the original investment of the company, to the capital of the company, which they are required to maintain unimpaired. Now, if there is any company that ought to be permitted to invest in railroad bonds it is just such a company as that under such circumstances.

Mr. FOSTER of Illinois. That is a guaranty to the policy holders of these companies.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the amendment was rejected.

Mr. FARR. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 15, page 3, after the word "shall," strike out the words "have the power to"; and insert after the words, in line 16, "from time to time," the following: "and at least as often as once a year."

Mr. FARR. Mr. Chairman, now that will read, if accepted, in this way:

Said superintendent of insurance shall examine from time to time, and at least as often as once a year, all companies—

And so forth.

Mr. JOHNSON of Kentucky. I believe that is a good amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FARR].

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting the word "first" before the word "mortgages," in line 12, page 2.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. WILLIS. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. WILLIS].

The Clerk read as follows:

On page 2, line 3, strike out the word "provide" and insert in lieu thereof the word "provides."

Mr. WILLIS. Mr. Chairman, the object of the amendment is simply to perfect the language of the bill. There should be no objection to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

Mr. WEEKS. Mr. Chairman, I offer the amendment now which has been read for information twice.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 11, after the words "United States," strike out down to and including the word "estate" in line 13, and insert in lieu thereof the following:

"State, county, municipal bonds, and bonds of the District of Columbia, or railroad bonds, but investments in the bonds of railroads shall be limited to the bonds of those railroads which have paid dividends on their capital stocks for 10 years previous to the date of the investment; or in improved real estate, or in mortgages on improved real estate, but no loan on real estate shall be made for an amount exceeding 70 per cent of its assessed value."

Mr. WEEKS. Mr. Chairman, I ask unanimous consent to change that so as to read "first mortgages on real estate," in accordance with the amendment that has just been adopted.

Mr. RAKER. What per cent did the gentleman state?

Mr. WEEKS. Seventy per cent.

Mr. RAKER. I think that is too high. No man can do business with the limit fixed at 70 per cent. Make it 60 per cent.

Mr. WEEKS. Seventy per cent of two-thirds of the real value would be a little less than 50 per cent of the real value. I do not know of any State which limits the assessment to 50 per cent.

Mr. MANN. It would be less than 50 per cent.

Mr. WEEKS. The gentleman from Illinois is correct in his figures. It is 46 per cent.

Mr. MANN. Mr. Chairman, before the question is put I would like to ask the gentleman if he thinks he has fully covered that—"ten years previous" for the payment of dividends?

Mr. WEEKS. Mr. Chairman, I will ask unanimous consent to insert the word "immediately" before the word "previous."

The CHAIRMAN. The gentleman from Massachusetts modifies his amendment, as stated. Without objection, the amendment will be regarded as so modified.

Mr. FOSTER of Illinois. Mr. Chairman, can we have the amendment reported?

The CHAIRMAN. The Clerk will report the amendment, without objection, as it will be amended by the two modifications suggested by the gentleman from Massachusetts.

The Clerk read as follows:

On page 2, line 11, after the words "United States," strike out down to and including the word "estate," in line 13, and insert in lieu thereof the following:

"State, county, municipal bonds, and bonds of the District of Columbia, or railroad bonds, but investments in the bonds of railroads shall be limited to the bonds of those railroads which shall have paid dividends on their capital stocks for 10 years immediately previous to the date of the investment; or in improved real estate, or in first mortgages on improved real estate; but no loan on real estate shall be made for an amount exceeding 70 per cent of its assessed value.

Mr. RAKER. Mr. Chairman, I would like to ask the gentleman where he gets the idea that they are assessed only two-thirds of their real value here in Washington?

Mr. WEEKS. That is the fact, I believe, as was stated on the floor by the chairman of the committee.

Mr. RAKER. Very well. What is the purpose of leaving out deeds of trust?

Mr. WEEKS. I do not think that that is the customary method of taking real-estate securities. I do not think it would be a hardship on these companies to leave out deeds of trust.

SEVERAL MEMBERS. Vote! Vote!

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts as modified.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend page 1, line 5, by striking out the word "enacting" and inserting in lieu thereof the word "inserting."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 1, line 5, strike out the word "enacting" and insert in lieu thereof the word "inserting."

The amendment was agreed to.

The Clerk completed the reading of the bill.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SIMS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2495) to define and classify health, accident, and death-benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia, and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the House take a recess for 10 minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House take a recess for 10 minutes. Is there objection?

There was no objection; accordingly (at 4 o'clock and 55 minutes p. m.) the House stood in recess until 5 o'clock and 5 minutes p. m.

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the bill S. 2495, just reported from the Committee of the Whole House on the state of the Union, be put upon its passage.

The SPEAKER. Is there a demand for a separate vote on any amendment? If not, the amendments will be submitted in gross.

There was no demand for a separate vote.

The amendments were considered and agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RIGHT OF APPEAL BY DISTRICT OF COLUMBIA TO SUPREME COURT OF THE UNITED STATES.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill H. R. 8653, to give the District of Columbia a right of appeal to the Supreme Court of the United States in patent cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter any final judgment or decree of the court of appeals of the District of Columbia may be reexamined, affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all cases wherein is involved the validity or infringement of any patent in which the District of Columbia, or the Commissioners of the District of Columbia, or a contractor doing work for the District of Columbia under a contract where said commissioners assume responsibility for infringement of patent rights, or any of them, are parties in interest, and all laws or parts of laws inconsistent with the provisions hereof are hereby repealed.

Mr. JOHNSON of Kentucky. Mr. Chairman, the object of this bill is this: For a number of years concrete pavements have been constructed all over the country, and one company is claiming to have a patent on the right to make cement pavements. The Commissioners of the District asked the passage of this bill so that if, in the construction of concrete streets, they are confronted by people who say that they hold patent rights on this kind of work, the commissioners may go to the Supreme Court of the United States and test the validity of a claim to patent rights.

Mr. MADDEN. It seems to me that the mere matter of laying cement pavement does not require a patent. All one has to do is to mix the cement and the stone and the gravel, and that covers the case. There are just as many ways of laying cement pavement as there are places in which cement pavements can be laid.

Mr. MANN. Will the gentleman from Kentucky yield to me for a moment?

Mr. JOHNSON of Kentucky. Certainly.

Mr. MANN. Mr. Speaker, last year I had my attention called to the matter of pavement which was being laid by the South Park commissioners of Chicago. They were then laying a pavement which was laid somewhat similar in the city of Washington.

Mr. MADDEN. A Telford pavement?

Mr. MANN. No; it was not. There was a claim that there was a patent, and the South Park commissioners were disregarding the rights of the patentee—the same thing that happened here in the city of Washington. It was desirable here to give the commissioners the right to take that case or any similar case to the Supreme Court of the United States, leaving it so that the Commissioners of the District have control of the matter, and that anyone who may desire to get a patent case to the Supreme Court of the United States can not do it by merely bringing the suit in the District of Columbia. It is only when the commissioners permit it that it can go to the Supreme Court of the United States.

Mr. MADDEN. I have no objection to it.

Mr. MANN. I would suggest to the gentleman from Kentucky that putting in the language on page 2, "and all laws or parts of laws inconsistent with the provisions hereof are hereby repealed," is very dangerous. Conferring the power in the first part of this bill is sufficient to permit the case to go to the Supreme Court. That bill is inconsistent with the existing law relating to appeals in patent cases, and to put in the provision that all laws inconsistent with this law are repealed would repeal the existing provisions of law governing appeals on patent cases, and is not necessary at all. I hope the gentleman will yield to me or that he himself will offer an amendment to strike that out of the bill.

Mr. JOHNSON of Kentucky. I yield to the gentleman from Illinois for that purpose.

Mr. MANN. Then, Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 1, after the word "interest," strike out the remainder of the paragraph.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the last vote was laid on the table.

ANNIE M. MATTHEWS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (H. R. 11545) to authorize and direct the Commissioners of the District of Columbia to place the name of Annie M. Matthews on the pension roll of the police and firemen's pension fund, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Kentucky calls up the bill, H. R. 11545, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask the gentleman in reference to an amendment to the bill. As I understand it, the circumstances in this case render the proposition very meritorious to give this woman the same rights which she would have, if she had technically complied with the provisions of the law, to be placed on the pension rolls, but the gentleman knows that the pension fund is not sufficient to pay all the persons on the pension rolls the full amount due to them under the law, whereas this provision would require that this pensioner should be paid the full amount that is paid to the widows or mothers of ordinary patrolmen. I ask the gentleman whether he would be willing to strike out in line 8 the language, "and pay her during her lifetime the sum of" and insert in lieu thereof the words "at the rate of"; and then strike out in lines 9 and 10 "from the police and firemen's pension fund," so that it will read:

Authorized, etc., to place on the pension roll, etc., the name of Annie M. Matthews, etc., at the rate of $25 per month.

Mr. JOHNSON of Kentucky. Mr. Speaker, I think that should be done in order to put her on an equal footing with the others.

Mr. MANN. She would be just like anybody else, then, on the pension rolls.

Mr. JOHNSON of Kentucky. Yes.

The SPEAKER. Is there objection to considering the bill in the House as in the Committee of the Whole?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to place on the pension roll of the police and firemen's pension fund the name of Annie M. Matthews, mother of Hugh C. Matthews, late private, Metropolitan police force of the District of Columbia, and pay her, during her lifetime, the sum of $25 per month from the police and firemen's pension fund.

Mr. MANN. Mr. Speaker, then I move those amendments which I have just suggested.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, line 8, strike out all of line 8 after the word "Columbia" and insert "at the rate of."

Page 1, line 9, strike out all after the word "month" down to the end of the bill.

The SPEAKER. Without objection, the amendments will be considered together. The question is on agreeing to the amendments offered by the gentleman from Illinois.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARLIN, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. ANDERSON of Ohio, for 10 days, on account of the serious illness of his father.

To Mr. CONRY, on account of illness.

To Mr. KITCHIN, for an indefinite time, on account of serious illness in family.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to Mr. MCLAUGHLIN to withdraw from the files of the House, without leaving copies thereof, all papers filed in connection with the following bills, no adverse report having been made thereon:

William Feavel (H. R. 31506, 61st Cong., 3d sess.);

Catherine C. Estes (H. R. 30712, 61st Cong., 3d sess.);

Henry Burt (H. R. 32247, 61st Cong., 3d sess.);

Carlton M. Dodge (H. R. 32716, 61st Cong., 3d sess.); and

Jeptha Wright (H. R. 32508, 61st Cong., 3d sess.).

ADJOURNMENT.

Then, on motion of Mr. JOHNSON of Kentucky (at 5 o'clock and 18 minutes p. m.), the House adjourned until Wednesday, August 9, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATION, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of State, transmitting, with a favorable recommendation, draft of a joint resolution authorizing the Secretary of War to permit Mr. José Pasos Diaz, the son of President Diaz, of Nicaragua, to receive instruction at the United States Military Academy at West Point (H. Doc. No. 99), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SHEPPARD, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 13277) to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa., reported the same with amendment, accompanied by a report (No. 138), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 13367) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes," approved May 27, 1908, by striking out certain words

from the clause authorizing a new building for the Bureau of Engraving and Printing, reported the same without amendment, accompanied by a report (No. 134), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PETERS, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 9048) to remit the duty on pictoral windows to be imported by the Gate of Heaven Church, South Boston, Mass., reported the same with amendment, accompanied by a report (No. 139), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 12534) to extend time of payment of balance due for lands sold under act of Congress approved June 17, 1910, reported the same with amendment, accompanied by a report (No. 136), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LAMB, from the Committee on Agriculture, to which was referred the joint resolution of the House (H. J. Res. 117) to amend an act entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911, reported the same with amendment, accompanied by a report (No. 137), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 146) for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 135), which said resolution and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DOREMUS: A bill (H. R. 13389) to create a public utilities commission and to define its powers and duties; to the Committee on the District of Columbia.

By Mr. CONNELL: A bill (H. R. 13390) to provide for the enlargement, etc., of the Federal building and the site thereof at Poughkeepsie, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida (by request): A bill (H. R. 13391) to increase the cost limit of the public building at Lynchburg, Va.; to the Committee on Public Buildings and Grounds.

By Mr. COX of Indiana: A bill (H. R. 13392) to repeal section 2648 of the Revised Statutes of the United States, 1878, being an act entitled "An act authorizing the surveyors of collection districts to sell blank manifests and clearances, etc., in the northeastern and northwestern frontiers, etc."; to the Committee on Ways and Means.

By Mr. GOODWIN of Arkansas: A bill (H. R. 13393) concerning the issuance of permits or special-tax stamps for the sale of intoxicating liquors in communities where State or local laws forbid the sale thereof; to the Committee on Ways and Means.

By Mr. MAYS: A bill (H. R. 13394) to provide for the purchase of additional ground for the site of the public building in the city of Pensacola, in the State of Florida; to the Committee on Public Buildings and Grounds.

By Mr. MICHAEL E. DRISCOLL: Joint resolution (H. J. Res. 147) directing the Secretary of the Navy to commission a warship to convey the remains of Theodore Ruggles Timby from the city of Brooklyn, N. Y., to the city of Washington, D. C., on the 12th of October, 1911, for burial in the city of Washington; to the Committee on Naval Affairs.

By Mr. HAYES: Concurrent resolution (H. Con. Res. 16) prescribing a new form for the American flag; to the Committee on the Judiciary.

By Mr. HENRY of Texas: Resolution (H. Res. 268) providing for the consideration of certain bills; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 13395) for the relief of the Plant Investment Co., of New York, N. Y.; to the Committee on War Claims.

By Mr. COOPER: A bill (H. R. 13396) granting an increase of pension to George W. Videtto; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 13397) granting an increase of pension to Caleb C. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13398) granting an increase of pension to George Rhule; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 13399) granting a pension to Elwood W. Hewes; to the Committee on Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 13400) for the relief of John L. Dunbar; to the Committee on War Claims.

By Mr. McLAUGHLIN: A bill (H. R. 13401) granting a pension to William Feavel; to the Committee on Pensions.

Also, a bill (H. R. 13402) granting a pension to Catherine C. Estes; to the Committee on Pensions.

Also, a bill (H. R. 13403) granting a pension to Henry Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13404) granting a pension to Carlton M. Dodge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13405) granting a pension to Jeptha Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13406) granting a pension to John Waalkes; to the Committee on Pensions.

By Mr. McMORRAN: A bill (H. R. 13407) granting an increase of pension to James Quick; to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 13408) granting an increase of pension to Wesley H. Bishop; to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 13409) granting an increase of pension to Van Buren Purdum; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13410) granting an increase of pension to Catherine S. Wales; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13411) granting an increase of pension to Annie J. Brown; to the Committee on Pensions.

By Mr. PALMER: A bill (H. R. 13412) granting a pension to Simon P. Kieffer; to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 13413) for the relief of Henry Wagner; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. COX of Ohio: Resolutions of the Chamber of Commerce of Dayton, Ohio, protesting against Senate bill 1162 and House bill 5970, permitting employees of the classified civil service to affiliate with labor organizations; to the Committee on the Judiciary.

Also, resolution of the Chamber of Commerce of Dayton, Ohio, favoring an amendment to the corporation-tax law; to the Committee on Ways and Means.

By Mr. FULLER: Petition of citizens of Peru, Ill., for the creation of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. GOULD: Petitions of numerous citizens of Brunswick, Bucksport, Camden, Gardiner, Rockport, Searsport, and Stockton Springs, Me., requesting that the duty on lemons be abolished; to the Committee on Ways and Means.

By Mr. GUERNSEY: Petitions of numerous citizens of Bangor, Blaine, Caribou, and Mart Hill, Me., asking that the duty on lemons be removed; to the Committee on Ways and Means.

By Mr. JACOWAY: Papers to accompany House bills 6483 and 10717; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10719; to the Committee on Pensions.

Also, papers to accompany House bill 10723; to the Committee on War Claims.

SENATE.

WEDNESDAY, *August 9, 1911.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.:

Almighty God, our heavenly Father, we rejoice that Thou art Lord alike of life and of death. We thank Thee for the assurance that neither life with its joys nor death with its sorrows shall separate us from Thee, who has been our dwelling place in all generations.

For the life and services of Thy servant whom Thou hast called to Thine higher service we render Thee sincere thanks. In our deep sorrow we turn to Thee, for Thou alone canst help. Consecrate to us, we pray Thee, our loss, and graciously be near unto those to whom this sorrow is most deep.

So may God our Father, who hath loved us and hath given us eternal comfort and good hope through grace, comfort our hearts and establish them in every good word and in every good work. Amen.

The Secretary proceeded to read the Journal of the proceedings of Monday, August 7, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF SENATOR WILLIAM P. FRYE.

Mr. JOHNSON of Maine. Mr. President, it becomes my sad duty to announce to the Senate the death of my colleague, Hon. WILLIAM P. FRYE, for 30 years a distinguished Member of this body and for 15 years its President pro tempore. He died yesterday at his home in Lewiston, Me.

I fully appreciate the profound sorrow which his death has occasioned in the hearts of the Members of this body, for I have come to know through my short experience here the affectionate regard in which he was held by Members upon both sides of the Chamber.

The present, overshadowed by the gloom of death, is not the appropriate time for any extended remarks upon his distinguished public services and his eminent character, but at a proper time I shall ask that the Senate temporarily suspend its business that fitting tribute may be paid to his high character and distinguished public services.

At the present time I offer the following resolutions and ask for their adoption.

The VICE PRESIDENT. The Secretary will read the resolutions submitted by the Senator from Maine.

The resolutions (S. Res. 131) were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM PIERCE FRYE, late a Senator from the State of Maine.

Resolved, That a committee of 18 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. FRYE at his late home in Lewiston, Me.

Resolved, That the Secretary communicate a copy of these proceedings to the House of Representatives and request the House to appoint a committee to act with the committee of the Senate.

The VICE PRESIDENT appointed under the second resolution Mr. JOHNSON of Maine, Mr. CULLOM, Mr. GALLINGER, Mr. MARTIN of Virginia, Mr. BACON, Mr. LODGE, Mr. PERKINS, Mr. WETMORE, Mr. CULBERSON, Mr. BAILEY, Mr. CLARK of Wyoming, Mr. WARREN, Mr. FOSTER, Mr. SIMMONS, Mr. NELSON, Mr. PENROSE, Mr. CLARKE of Arkansas, and Mr. DILLINGHAM as the committee on the part of the Senate.

Mr. JOHNSON of Maine. Mr. President, I offer the following resolution and ask for its adoption.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The VICE PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Maine.

The resolution was unanimously agreed to, and (at 12 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 10, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 9, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, our heavenly Father, that the world in general is beginning to appreciate and place the proper estimate on values. A little bit of selfishness is too much, while a whole lot of generosity is not enough. A little bit of war is too much, while a whole lot of peace is not enough. A little bit of hate is too much, while a whole lot of love is not enough. The world may have too much selfishness, but it can never have too much generosity; it may have too much war, but it can never have too much peace; it may have too much hate, but it can never have too much love. Hence we pray that the things which make for evil may diminish, while the things which make for righteousness may increase, that Thy kingdom may indeed come and Thy will be done in the hearts of all men, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States, in which the concurrence of the House of Representatives was requested.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 1. A joint resolution to amend certain appropriation acts approved March 4, 1911.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday and the Clerk will take up the call where it rests on the call of committees.

When the Committee on Printing was called,

Mr. FINLEY. Mr. Speaker, I call up the following concurrent resolution.

The SPEAKER. The gentleman from South Carolina calls up the following concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 6.

Resolved by the Senate (the House of Representatives concurring), That the hearings held before the Employers' Liability and Workmen's Compensation Commission be printed as a public document, and that 3,500 additional copies be printed for the use of the Employers' Liability and Workmen's Compensation Commission.

Mr. FINLEY. Mr. Speaker, this Employers' Liability Commission have completed their report and——

Mr. MANN. Mr. Speaker, I make the point of order that this has to be considered in the Committee of the Whole House on the state of the Union.

The SPEAKER. The point is well taken by the gentleman from Illinois.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent that the resolution be considered in the House as in the Committee of the Whole House.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that this concurrent resolution be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. FINLEY. Mr. Speaker, I would like to ask the gentleman from Illinois to reserve his objection——

Mr. MANN. I am perfectly willing to reserve the objection, but I would like to ask the gentleman if he is willing to accept an amendment to increase the number of copies from 3,500 to 16,000?

Mr. FINLEY. I did not hear the gentleman's remark.

Mr. MANN. This resolution provides for the printing of 3,500 copies of the Handbook of the American Indian.

Mr. FINLEY. That is not the bill at all.

Mr. MANN. I thought that was the resolution.

Mr. FINLEY. No; the resolution is a Senate resolution to print the report of the Employers' Liability Commission.

Mr. MANN. What is the number of the resolution?

The SPEAKER. The Clerk will report the number.

The Clerk read as follows:

Senate concurrent resolution No. 6.

Mr. MANN. There is no printed report of it. I suppose it has just been handed in, and I reserve an objection.

Mr. FINLEY. It is only to have some printing done for the use of the House, the Senate, and the commission.

Mr. MANN. It is a privileged resolution then?

Mr. FINLEY. Yes.

Mr. MANN. Mr. Speaker, I make the point of order that it is not in order to-day.

The SPEAKER. What is the point of order which the gentleman makes?

Mr. MANN. That it is a privileged resolution, and privileged resolutions are not in order on Calendar Wednesday.

The SPEAKER. The Chair sustains the point of order.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent that the Committee on Printing be passed without prejudice.

The SPEAKER. Is there objection?

Mr. MANN. Why does not the gentleman from South Carolina call up resolution No. 2?

Mr. HENRY of Texas. I understand there is resolution No. 2 on the calendar, if the gentleman wants to take it up.

Mr. MANN. That is a resolution of interest to everybody in the House.

Mr. FINLEY. I do not care to call up that resolution at present.

Mr. MANN. Then, I object to passing the committee.

Mr. FINLEY. I have nothing further at present, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects to passing the Committee on Printing without prejudice. The Clerk will call the next committee.

The Clerk proceeded with the call.

Mr. HEFLIN. Mr. Speaker——

The SPEAKER. The gentleman from Alabama, chairman of the Committee on Industrial Arts and Expositions, is recognized.

Mr. HEFLIN. I desire to call up House concurrent resolution No. 11, with a favorable report from the Committee on Industrial Arts and Expositions.

The SPEAKER. The Clerk will report the resolution.

Mr. MANN. Mr. Speaker, I make the point of order that the committee has been passed.

Mr. GARRETT. It has not been passed.

Mr. HEFLIN. I did not know that another committee had been called by the Clerk.

Mr. MANN. The committee has been called and passed and another committee called and passed.

The SPEAKER. The Clerk informs the Chair that the Committee on Industrial Arts and Expositions has been passed.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that we return to the call of the Committee on Industrial Arts and Expositions. There was so much confusion we could not hear.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent that the House return to the Committee on Industrial Arts and Expositions. Is there objection?

Mr. MANN. Reserving the right to object, I may say that the House was unusually quiet while those committees were being called and everybody could hear. I would like to ask the gentleman what resolution or bills he desires to call up?

Mr. HEFLIN. I really did not intend to call up the resolution at this time. The resolution extending an invitation to foreign countries to attend the exposition to be held at San Diego, Cal., is on the calendar, and a resolution inviting foreign countries to attend the celebration of the completion of the Florida East Coast Railroad, which connects the mainland with the city of Key West, in the State of Florida.

Mr. MANN. That is for the purpose of advertising Standard Oil money, I believe?

Mr. HEFLIN. I never heard of that before. It is certainly the completion of a great engineering enterprise. I will state further to the gentleman that a moment ago, when this committee was reached, I asked the Speaker's clerk to allow it to be passed for the present. The gentleman from Illinois [Mr. MANN] probably did not hear that.

Mr. SIMS. May I ask the gentleman a question? Does the passage of this resolution involve the expenditure of any money on the part of the Government?

Mr. HEFLIN. None whatever. It is approved by the Secretary of State.

Mr. SIMS. Does it involve, directly or indirectly, the expenditure of any money?

Mr. HEFLIN. Not a cent. The resolution provides that it shall not cost the Government anything.

Mr. MANN. The gentleman has his two resolutions on the resolution of the gentleman from Texas [Mr. HENRY] for a special order, and I expect that will be reached in due time. In order that we may reach business of importance before the House on this calendar, I shall object.

The SPEAKER. The gentleman from Illinois objects.

The Clerk further proceeded with the call of committees.

Mr. ADAMSON (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, by authority of the Committee on Interstate and Foreign Commerce, I would be glad to dispose of the remaining bridge bills that were not reached on Monday.

The SPEAKER. The gentleman may call them up.

BRIDGE ACROSS TUG FORK, BIG SANDY RIVER, W. VA.

Mr. ADAMSON. Mr. Speaker, I would like to call up first the bill (H. R. 4682) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va. It is House Calendar No. 17.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4682) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va.

Be it enacted, etc., That the Glenhayes Co., a corporation organized under the laws of the State of West Virginia, it successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or within 1 mile of the station of Glenhayes, in Wayne County, W. Va. (where the same forms the boundary line between the States of Kentucky and West Virginia), in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters."

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read the committee amendments, as follows:

Strike out, in the title, the words "railroad, tramroad, conveyor, wagon, or foot."

Strike out, on page 1, line 4, the word "it" and insert in lieu thereof the word "its."

Strike out, on page 1, line 5, the word "they."

Strike out, on page 1, line 6, the words "railroad, tramroad, conveyor, wagon, or."

Strike out, on page 1, line 7, the word "foot."

Insert, on page 1, line 8, after the word "River," the words "at a point suitable to the interests of navigation."

Strike out, on page 1, line 8, after the word "or," the words "within one mile of the station of."

Insert, on page 1, line 9, before the word "Glenhayes," the word "near."

Strike out, on page 1, lines 9, 10, and 11, the words "(where the same forms the boundary line between the States of Kentucky and West Virginia), in the State of West Virginia.

Insert, on page 1, line 13, after the word "waters," the words "approved March 23, 1906."

Add a new section as follows:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Unless there is a demand for a separate vote on each one of these amendments the Chair will put them in gross. The question is on the adoption of the committee amendments.

The question was taken, and the committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill authorizing the construction of a bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va."

BRIDGE ACROSS THE SNAKE RIVER, OREG.

Mr. ADAMSON. Mr. Speaker, I ask to take up next Calendar No. 18, the bill (H. R. 7690) to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7690) to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg.

Be it enacted, etc., That the county commissioners of Malheur County, State of Oregon, and the town of Nyssa, Malheur County, Oreg., their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a wagon and foot bridge, and approaches thereto, across the Snake River, at a point suitable to the interests of navigation, at the town of Nyssa, Oreg.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Add, after the word "Oregon," in line 9, page 1, the words "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

Add a new section, as follows:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Unless a separate vote is demanded on the amendments the Chair will put the amendments in gross. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE ARKANSAS RIVER.

Mr. ADAMSON. Mr. Speaker, I call up, by the same authority, the bill (H. R. 2954) to authorize the construction, maintenance, and operation of a bridge across the Arkansas River, and for other purposes.

The SPEAKER. The Clerk will report the bill.

Mr. ADAMSON. Mr. Speaker, I desire to move to lay that bill on the table and substitute for it the Senate bill, which is identical in terms.

The SPEAKER. Without objection, the House bill will be laid on the table.

Mr. MANN. Reserving the right to object, I should like to inquire of the gentleman from Georgia where the Senate bill is and what is the number of it?

Mr. ADAMSON. It is Senate bill 1627.

The SPEAKER. The gentleman from Georgia will suspend until the Chair can announce the situation. The gentleman asks that the House bill just reported be laid on the table, and he moves the passage of the corresponding Senate bill.

Mr. MANN. He calls up the Senate bill, as he has the right to do.

The SPEAKER. If there be no objection, the House bill will lie on the table, and the Clerk will report the Senate bill.

The Clerk read the bill (S. 1627) to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes, as follows:

Be it enacted, etc., That the Muskogee & Fort Gibson Bridge Co., a corporation of the State of Oklahoma, its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across and over the Arkansas River, at a point suitable to the interests of navigation, at or near the city of Muskogee, Muskogee County, Okla., in accordance with and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER, MINGO COUNTY, W. VA.

Mr. ADAMSON. Mr. Speaker, I call up the bill (H. R. 11477) authorizing the construction of a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Blackberry, Kentucky & West Virginia Coal and Coke Co., a corporation organized under the laws of the State of West Virginia, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad, tramroad, conveyor, wagon, or foot bridge, and approaches thereto, across Tug Fork of the Big Sandy River at the point where Blackberry Creek empties into the said river, at or within 1½ miles of the station of Matewan, Mingo County, W. Va. (where the same forms the boundary line between the States of Kentucky and West Virginia), in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters."

The SPEAKER. The Clerk will report the amendments proposed by the Committee on Interstate and Foreign Commerce.

The amendments were read, as follows:

Insert, after the word "at," on page 1, line 9, the words "a point suitable to the interests of navigation at or near."

Strike out, in line 10, page 1, the words "at or" and insert in lieu thereof the word "and."

Strike out, in lines 11 and 12, page 1, and line 1, page 2, the words "where the same forms the boundary line between the States of Kentucky and West Virginia, in the State of West Virginia."

On page 2, line 3, after the word "waters," add the words "approved March 23, 1906."

Add a new section as follows:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Unless a separate vote is demanded on some particular amendment or amendments, the Chair will put them in gross.

The committee amendments were agreed to.

Mr. MANN. Mr. Speaker, I have an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment.

Mr. MANN. In line 7, on page 1, I move to strike out the words "railroad, tramroad, conveyor, wagon, or foot."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, line 7, strike out "railroad, tramroad, conveyor, wagon, or foot."

Mr. MANN. Mr. Speaker, I think it was clearly an inadvertence on the part of the committee that they did not offer an amendment striking out those words.

Mr. ADAMSON. I have no objection to the amendment.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Illinois.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

Mr. MANN. I move to amend the title by striking out of it the words "railroad, tramroad, conveyor, wagon, or foot."

The SPEAKER. The Clerk will report the amendment to the title.

The Clerk read as follows:

Amend the title by striking out the words "railroad, tramroad, conveyor, wagon, or foot."

The amendment to the title was agreed to.

BRIDGE ACROSS MISSOURI RIVER, ST. CHARLES, MO.

Mr. ADAMSON. Mr. Speaker, I call up the bill (H. R. 6738) to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of St. Charles, Mo.

The Clerk read the title of the bill.

Mr. ADAMSON. Mr. Speaker, this bill is one which I understand was introduced at the request of the Speaker.

The SPEAKER. The Chair will ask the gentleman to move to lay that bill on the table, because a similar one was passed yesterday.

Mr. ADAMSON. I will ask unanimous consent to pass it for the present, until we can be sure about that.

Mr. MANN. It was a different bill that was passed.

The SPEAKER. I do not want to have that bill passed. I prefer to have it laid on the table.

Mr. HAMLIN. I move that the bill be laid on the table.

The motion was agreed to.

BRIDGE ACROSS HIWASSEE RIVER AT CHARLESTON AND CALHOUN, TENN.

Mr. ADAMSON. Mr. Speaker, I call up the bill (H. R. 7263) to authorize the counties of Bradley and McMinn, Tenn., by authority of the county court, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said county.

The Clerk read the bill, as follows:

Be it enacted, etc., That the counties of Bradley and McMinn, Tenn., by authority of their county courts, be, and they are hereby, authorized to construct, maintain, and operate a free bridge, and approaches thereto, across the Hiwassee River at the town of Charleston, in Bradley County, to the town of Calhoun, immediately across the Hiwassee River, in McMinn County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Amend the bill as follows:

Insert, after the word "at," on page 1, line 6, the words "a point suitable to the interests of navigation at or near."

Insert, after the word "River," on page 1, line 8, the words "at a point suitable to the interests of navigation."

The SPEAKER. Unless a separate vote is demanded on the committee amendments the Chair will put them in gross.

Mr. MANN. Mr. Speaker, I notice on page 1, line 7, the language reads "at a point suitable to the interests of navigation at or near the town of Charleston, in Bradley County, to the town of Calhoun." I suggest that to make the language proper it should read "from the town of Charleston to the town of Calhoun."

Mr. ADAMSON. That language is a clerical error.

Mr. MANN. Not of the committee, but of the War Department. Mr. Speaker, I move to amend the first amendment by striking out the words "at or near" and inserting in lieu thereof the word "from."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out in line 7 the words "at or near" and insert the word "from."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The question is on the other committee amendment.

Mr. MANN. Does the gentleman from Georgia want this second amendment in? You already have it in at one point.

Mr. ADAMSON. No; I consider that entirely unnecessary.

The SPEAKER. The question is on the second committee amendment.

The question was taken, and the second committee amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS ROCK RIVER NEAR COLONA FERRY, ILL.

Mr. ADAMSON. Mr. Speaker, I call up the bill (H. R. 8146) to construct a bridge across Rock River, at or near Colona Ferry, in the State of Illinois.

The Clerk read the bill, as follows:

Be it enacted, etc., That the counties of Henry and Rock Island, in the State of Illinois, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rock River, at a point suitable to the interests of navigation, at or near Colona Ferry, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE ST. CROIX RIVER, WIS. AND MINN.

Mr. ADAMSON. Mr. Speaker, I call up the bill (H. R. 11723) permitting the building of a railroad bridge across the St. Croix River, between the States of Wisconsin and Minnesota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Twin City & Lake Superior Railway Co., a railway corporation organized under the laws of the State of Wisconsin, its successors and assigns, to build a railroad bridge across the St. Croix River from a point on the south bank of said river in the vicinity of the section line between sections 5 and 6, township 40 north, range 17 west, Burnett County, Wis., to a point on the north bank of said river in the vicinity of the section line between sections 5 and 6, township 40 north, range 17 west, in Pine County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1896.

SEC. 2. That this act shall be null and void unless said bridge herein authorized be commenced within one year and completed within two years from and after the date of the approval of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Amend the bill as follows:

Insert, after the word "point," on page 1, line 7, the words "suitable to the interests of navigation."

Strike out, in line 2, page 2, the words "eighteen hundred and ninety-six" and insert in lieu thereof the words "nineteen hundred and six."

Strike out, in line 5, page 2, the word "two" and insert in lieu thereof the word "three."

Mr. MANN. Mr. Speaker, I desire to ask the gentleman from Georgia if section 2 of the bill as drawn is not entirely unnecessary?

Mr ADAMSON. I have no doubt of it, but the gentleman insisted upon putting it in. I think it is entirely unnecessary to repeat in the bill provisions that are in the general act.

Mr. MANN. Mr. Speaker, I move to amend by striking out section 2.

The SPEAKER. The question is on the motion of the gentleman from Illinois to strike out section 2.

The question was taken, and the amendment was agreed to.

Mr. MANN. I move to amend by changing section 3 to section 2.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois to change section 3 to section 2.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I would ask the gentleman from Georgia if he would object, after the bill is passed, to amending the title so that it would indicate the counties between which this bridge is to be built. We passed on Monday a bill with precisely the same title that this bill has, and there I offered an amendment, which was agreed to, fixing the counties, so that one can distinguish between the two bills by an examination of the titles, which means that when the index is made up to the Statutes at Large you can find the bill by the index, but if you have two bills with precisely the same title, but covering entirely different subjects, it makes it confusing.

Mr. ADAMSON. Mr. Speaker, I will ask the gentleman from Wisconsin [Mr. LENROOT], the author of the bill, to reply to that.

Mr. LENROOT. Mr. Speaker, I have no objection to that.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker, I move to amend the title by striking out the words "the States of Wisconsin and Minnesota" and inserting in lieu thereof the words "Burnett County, Wis., and Pine County, Minn."

The SPEAKER. The question is on agreeing to the amendment to the title.

The question was taken, and the amendment was agreed to.

BRIDGE ACROSS MISSISSIPPI RIVER AT PRAIRIE DU CHIEN.

Mr. ADAMSON. Mr. Speaker, I call up the bill S. 850, to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved June 6, 1874, legalizing and declaring a lawful structure the pontoon railway bridge across the Mississippi River at Prairie du Chien, Wis., be, and is hereby, so amended as to permit its rebuilding and relocation, with pontoon draw openings in the two channels of said river, of shorter length: *Provided*, That the bridge shall be rebuilt in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable streams," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. ADAMSON. Certainly.

Mr. MANN. This is to amend an old act which was to legalize and establish a pontoon railway bridge across the Mississippi River at two places, so as to permit, as I understand, the rebuilding and relocation of the bridge at Prairie du Chien. There seems to be no other information given in reference to the matter.

Mr. ADAMSON. Is not the Senate report there?

Mr. MANN. The Senate report is not very satisfactory in so far as it gives information.

Mr. ADAMSON. Then I will ask the gentleman from South Dakota [Mr. BURKE] to reply to the question of the gentleman from Illinois.

Mr. MANN. Who owns this bridge? There is nothing in the original act and nothing in this act apparently to indicate that, and I think we ought to know in reference to that.

Mr. BURKE of South Dakota. Mr. Speaker, as I understand it, the Milwaukee Railway Co. is the owner of the bridge. They have a bridge there now, and this is to authorize the construction of a new bridge. If it is constructed under the old act of 1874 they would be compelled to construct a bridge of antiquated type, and they desire to construct one under more modern plans than under the old act. That is my understanding.

Mr. MANN. Very well.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS CALUMET RIVER, IND.

Mr. ADAMSON. Mr. Speaker, I call up the bill (S. 2878) to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2878) to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana.

Be it enacted, etc., That the Chicago, Lake Shore & Eastern Railway Co., a corporation organized under the laws of the States of Indiana and Illinois, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Calumet River, at a point suitable to the interests of navigation, in the northeast quarter of section 3, township 36 north, range 8 west of the second principal meridian, in Lake County, in the State of Indiana, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS ST. FRANCIS RIVER, ARK.

Mr. ADAMSON. Mr. Speaker, I call up the bill S. 2766.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2766) to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River in the State of Arkansas, and for other purposes.

Be it enacted, etc., That the St. Louis, Iron Mountain & Southern Railway Co., a corporation created and existing under and by virtue of the laws of the States of Missouri and Arkansas, is hereby authorized to construct, maintain, and operate a bridge across and over the St. Francis River in the State of Arkansas at such point in section 25, township 3 north, range 4 east, in Lee County, in said State, suitable to the interests of navigation, as may hereafter be selected by said company for crossing said river with its railway line, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, I notice in the report of the Chief of Engineers on this bill he says:

In this connection it is deemed proper to invite attention to the fact that by an act approved February 18, 1903, Congress authorized the Memphis, Helena & Louisiana Railway Co. to build a bridge across the St. Francis River at the location specified in the bill under consideration. It is assumed that the bridge thus authorized has not been constructed. If so, the act has expired by limitation and the measure now proposed is probably intended to replace it.

I think the Chief of Engineers is subject to criticism for not knowing whether the bridge authorized by a previous act has been constructed. That is what these bills are referred to him for, for information, and he has facilities for ascertaining that fact officially throughout the country. Now, it is proposed here, without knowing, so far as the House is informed, to grant one company a right to build a bridge where previously they have granted another company at the same place the right to build a bridge. Well, I am going to assume what the Chief of Engineers did, because I have no other way of ascertaining except through Members of the House. When these bills are referred to the War Department they ought to ascertain the facts and report them to the gentleman's committee.

Mr. ADAMSON. Mr. Speaker, it is true we have no definite official information, but through outside sources we understand the assumption is correct, and therefore we felt authorized to report the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS PEND OREILLE RIVER, WASH.

Mr. ADAMSON. Mr. Speaker, I ask now to take up the bill S. 144, Calendar No. 41.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 144) to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.

Be it enacted, etc., That the consent of Congress is hereby granted to the Idaho & Washington Northern Railway Co., a corporation of the State of Idaho, its successors and assigns, to maintain and operate a bridge and approaches thereto now constructed across the Pend Oreille River, at or near where said river flows through Box Canyon in Stevens County, in the State of Washington, such maintenance and operation to be subject to, and in accordance with, the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That in the judgment of the Chief of Engineers and the Secretary of War the bridge as built provides suitable and proper facilities for present and prospective navigation and is in all respects satisfactory to navigation interests; and if, in their judgment, any changes in said bridge are necessary to meet the aforesaid conditions, such changes shall be immediately made by the said company at its own expense: *Provided further*, That drawings showing the plans and location of the said bridge as built shall be filed in the War Department within 30 days of the approval of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, I question very much whether this bill ought to be passed at all. We provided in the general bridge act for certain powers and authority on the part of the Secretary of War, and provided that the applicant for a bridge shall file an application and specifications, with maps of the surrounding ground. We passed a bill two years ago, at the special session then, August 8, granting to this company, the Idaho & Washington Northern Railway, to build a bridge at this place across the river in accordance with the general bridge act. Under that act they were authorized to commence work within one year. All they had to do within the year was to file their plans and specifications and probably receive the approval of the War Department and commence the work within the year; but with an utter disregard of the law, and possibly—I do not know—but possibly to obtain better terms than they could obtain from the War Department, they proceeded to build the bridge without complying with the provisions of the law, without filing their plans and specifications with the War Department and receiving the approval of that department.

The War Department reports, under date of December 24, 1910, more than a year after the bridge has been authorized, that several months after the expiration of the time limit for commencing construction the grantee applied to the department for approval of plans for the location of the structure, which application, under the law as it stands, could not be given favorable consideration. Moreover, within the past few days, since the aforesaid application was received and denied, it has come to the knowledge of the department that the bridge has already been built, having been completed in October last, two months before the plans were submitted. Why the department was not advised of this fact before, why the grantee failed to comply with the law, is not known. The character of the bridge built is also unknown. Now, while this bill provides that the bridge must be suitable to the interests of navigation, it is a very different thing for these gentlemen to complete a bridge regardless of prior approval by the War Department, and afterwards obtain approval by Congress in the face of the law, subject to the department ordering the removal of the bridge if it is unsuitable to the interests of navigation. I think some gentleman ought to give some explanation of this flagrant disregard of the law before we pass a bill condoning the offense.

Mr. ADAMSON. Mr. Speaker, I do not care to consume much time of the House in defending this proposition. There may have been a good deal of ignorance. I do not know whether or not there was any contrariness or willful disregard of the law. It has not been made apparent, but the situation, as I understand it, is that a bridge has been built not in conformity with the law. The question is, Shall the War Department order the removal or destruction of that bridge or shall it be legalized? It appears to us that it is better to permit the owners to conform to the law, have their specifications approved, comply with the requirements of the War Department, and go on and use a legal bridge.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was read a third time, and, having been read a third time, was passed.

On motion of Mr. ADAMSON, a motion to reconsider the votes by which the various bills reported by the Interstate and Foreign Commerce Committee were passed was laid on the table.

WATERSHED OF NAVIGABLE STREAMS.

Mr. LAMB. Mr. Speaker, I ask unanimous consent to take up House joint resolution 117. I was absent when the Committee on Agriculture was called.

The SPEAKER. The gentleman from Virginia asks unanimous consent to return to the Committee on Agriculture, on the ground that he was absent when the committee was first called.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I desire to inquire the title of the bill which the gentleman desires to call up?

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] will suspend. The Chair will state to the gentleman from Virginia [Mr. LAMB] that the Committee on Agriculture has not been reached on the call.

Mr. LAMB. Thank you, sir. I was informed that it had.

CALL OF COMMITTEES.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to inquire in what order these committees are being called.

The SPEAKER. They are being called seriatim from the printed list, beginning where the call rested.

Mr. GARRETT. They are called in accordance with the way the committees are named in the book of rules.

The SPEAKER. They are being called in the regular order.

Mr. GARRETT. Yes.

The SPEAKER. The Committee on Accounts was the first committee called. That was where the call began, and it goes around until we get back to the Committee on Accounts, if there is sufficient time.

Mr. STEPHENS of Texas. I understand, Mr. Speaker.

The SPEAKER. They are not called alphabetically. They are called in the regular order. The Clerk will call the next committee.

IMPROVEMENT OF BLACK WARRIOR RIVER, ALA.

Mr. SPARKMAN (when the Committee on Rivers and Harbors was called). Mr. Speaker, I call up Senate bill 943, Calendar No. 35.

The SPEAKER. The Clerk will report the bill.

Mr. SPARKMAN. Mr. Speaker, I do not know whether this is just the time to do it or not, but I desire to ask unanimous consent to consider this bill in the House as in Committee of the Whole, it being on the Union Calendar.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent to consider this bill in the House as in Committee of the Whole.

Mr. MANN. Mr. Speaker, I shall object to that. This is one of the most important bills of its kind that has been before the House for years.

The SPEAKER. The gentleman from Illinois objects.

Mr. SPARKMAN. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The SPEAKER. The gentleman from Florida moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering Senate bill 943.

Mr. GARRETT. Mr. Speaker, I make the point of order that the House automatically goes into Committee of the Whole. It does not require a motion.

The SPEAKER. The point of order is made that the House goes into Committee of the Whole automatically. The gentleman from North Carolina [Mr. PAGE] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, Mr. PAGE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of Senate bill 943. The Clerk will report the title.

The Clerk read as follows:

Senate bill 943, an act to improve navigation on Black Warrior River, in the State of Alabama.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. MANN. Mr. Chairman, I object. The bill has just been reported, and I would like to have time to read it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

An act (S. 943) to improve navigation on Black Warrior River, in the State of Alabama.

Be it enacted, etc., That for the purpose of improving navigation of the Black Warrior River above Lock 17 to Cordova and as far up said river as the foot of Sanders Shoals, 5 miles above Cordova and 56.8 miles above Lock 17, and for the purpose of aiding and developing the water power at Locks 16 and 17, in cooperation with the Birmingham Water, Light & Power Co. (hereinafter styled "the company"), a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of developing the water power of said river and supplying the public with same, the Secretary of War is hereby authorized, in his discretion, to change the detailed plans and specifications for the construction of Lock and Dam 17 so as to increase the height of the pool level over the dam crest of Lock 17 to a height of 63 feet above the pool level of Lock 16, so as to render unnecessary the building of Locks 18 and 19, as now proposed.

SEC. 2. That in order to enable the Secretary of War to exercise the discretion above conferred, he is hereby authorized and directed to have prepared such detailed plans and estimates as may be necessary to pass upon the construction of Lock and Dam 17, the crest of said dam to be 63 feet above the pool level of Lock and Dam 16, at the same time creating a slack-water pool submerging all shoals on the Black Warrior River to the foot of Sanders Shoals and furnishing not less than 7 feet of water at Cordova and also at the foot of Sanders Shoals, and also thereby providing for and extending navigation up the Locust Fork of the Black Warrior River as far as the pool level will reach to the mouth of Village Creek, near Palos, located in section 28, township 16, range 5 west, in Jefferson County, Ala., by extending the slack-water pool and submerging all shoals at low-water stages to a point near the mouth of said Village Creek.

SEC. 3. That the Secretary of War is authorized in his discretion to suspend operations during investigations and to enter into supplemental agreements with the present contractors for Lock and Dam 17 providing for the annulment of existing contracts or for their modification so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States.

SEC. 4. That should the construction of dam at site 17 be found advisable the appropriations and authorizations heretofore made for the costs of locks and dams on the Warrior River shall be available for the construction of Dam 17 and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17.

SEC. 5. That for the purpose of securing the performances and obligations of the company imposed by this act the Secretary of War is authorized and empowered to enter into a contract with said company for the purpose of more efficiently carrying out the stipulations and performances herein mentioned. And it shall be provided in said contract that for and in consideration of the aid to and improvement of the system of navigation of the Black Warrior River by the company from the construction and operation of its plant and works the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 99 years, electrical power stations and other structures, including turbo-generator intakes, equipped with double gates and valves at a level in said dam with the turbine waterwheel penstocks, for the development of water power for industrial and other purposes, and for converting to its own use, benefit, and profit the power created with the surplus water not needed for lockage, including the right to sell, lease, or otherwise dispose of said power to persons and private and municipal corporations and associations: *Provided*, That the company shall furnish, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks, gates, and valves, and for the lighting of the Government stations and houses situated at said locks. And the said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power at Dams and Locks 16 and 17 at the rate of $1 per annum per horsepower realized and developed from the normal flow of the river, for a period of 20 years, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period; and payment for the power created at each lock shall begin one year after the lock shall be finished and ready for transportation and power, and shall be made on the basis of a minimum of 1,200 horsepower daily per annum at Lock 16 and 3,800 horsepower daily per annum at Lock 17.

Mr. HAY. Mr. Chairman, I move to dispense with the further reading of the bill.

The CHAIRMAN. Unanimous consent is required.

Mr. HAY. That is what I desired. I ask unanimous consent.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent to dispense with the further reading of the bill. Is there objection?

Mr. MANN. Mr. Chairman, I object. I objected before. I would like to have time enough to read the bill. Somebody certainly ought to read it.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading of the bill, as follows:

And provided further, That the company shall have ingress and egress over Government lands for the construction and operation of its plants and works and the right to use Government lands at or near said locks for the erecting of power houses and appurtenances in connection therewith. It shall be provided further in the contract that the company shall transfer to the Government flowage rights over all lands that will be temporarily or permanently overflowed in connection with said improvements of Lock and Dam 17.

Mr. ELLERBE. Mr. Chairman, I ask unanimous consent to dispense with the reading of the Senate bill and to have read in lieu thereof the substitute offered by the Committee on Rivers and Harbors.

The CHAIRMAN. That question has been submitted before and objection has been made, but the Chair will submit it again.

Mr. ELLERBE. Mr. Chairman, I did not hear objection made.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to dispense with the further reading of the Senate bill and to have the House substitute read in lieu thereof.

Mr. MANN. Mr. Chairman, I would like to suggest to the Chair that this bill was reported into the House only on the day before yesterday. A correct reprint of the bill has appeared in the document room only within the last 15 minutes, and it seems to me going a long way to avoid reading a bill of this character before Members have had a chance to examine it, and then to proceed to a discussion and vote on the bill without a chance having been given for the reading of it.

Mr. SPARKMAN. Mr. Chairman, I have no objection to the suggestion of the gentleman.

Mr. UNDERWOOD. Mr. Chairman, I suggest to the gentleman from Illinois [Mr. MANN] that inasmuch as it is proposed to consider the House bill instead of the Senate bill, it would be proper to have the House bill read.

Mr. MANN. Mr. Chairman, inasmuch as this bill must go into conference if passed in the House, it is quite important that the Members have an opportunity to know what the differences are between the House and the Senate.

Mr. UNDERWOOD. I will say to the gentleman that the bill is before the Members on their desks.

Mr. MANN. Yes. They can read it while the Clerk reads it; but if the Clerk does not read it, how can the Members read it?

Mr. UNDERWOOD. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading of the bill, as follows:

It shall be further provided in said contract that the company, its successors and assigns, shall pay to the Government an additional rental or royalty of 50 cents per horsepower per annum for all power sold in addition to the 5,000 horsepower above mentioned for additional power created at Locks 16 and 17 by the company's storage and impounding dam, power stations, and works, to be located at the head of Sanders Shoals, on the Black Warrior River, and more particularly described as being in the center of section 23, township 14, range 6 west, in the northeast corner of Walker County, Ala., 56.3 miles above Lock 17; the Government to have free access to the company's books and power and curve load sheets for the purpose of ascertaining and calculating the amount of additional power produced and sold by the company from its storage reservoirs at said locks, it being understood that, beginning with the year 1920, the minimum rental to be paid for to the Government by the company shall be on the basis of 15,000 horsepower. And the contract shall further provide that the works herein contemplated, including the storage reservoirs, shall be commenced within one year and completed within 10 years from date of approval hereof.

SEC. 6. That in the exercise of the authority granted to the company herein or by said contract the company shall conform to such regulations as may be imposed by the Secretary of War for the protection of navigation and of the property and other interests of the United States. The company shall at no time disturb the pool level made by the erection of Dam 16, nor shall the pool level of Dam 17 be drawn down below 63 feet above the crest of Dam 16, but in order to create a storage surplus for water-power purposes the Secretary of War may, in his discretion, permit flashboards or a removable crest not exceeding 3 feet in height to be installed on Dam 17 by the company, at its own expense; and at no time shall the company make any claim against the United States for failure of water power from any cause whatsoever. That the work and improvements herein provided for shall be executed under the direction and with the approval of the Chief of Engineers and the Secretary of War, the structures provided for being always subject to the provisions and requirements of this act and to such stipulations as may be imposed by Congress or by the Secretary of War for the protection of navigation and property and other interests of the United States; and to insure the performance by the company of the acts and obligations imposed upon it by said contract, the Secretary of War may require the company to execute a bond in such an amount and with such surety as he may determine to be necessary. Whenever the company shall have acquired and transferred to the United States Government all lands to be flooded and temporarily overflowed and erected power stations sufficient to supply the Government with all necessary power to light and operate said locks, so much of said bond as was required for the performance of said acts shall cease or be reduced to an amount not to exceed $50,000.

SEC. 7. That nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the operations of said locks or the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States Government or the maintenance of the water surface above the dam at the established minimum pool level; and the Secretary of War is hereby authorized to prescribe regulations to govern the use of said water power and the operations of the plant and force employed in connection therewith, so far as the same applies to the operation of the locks.

SEC. 8. That all repairs, renewals, and other necessary expenditures upon the works, which the company shall be allowed to construct exclusively for the use of power generation, shall be made by the company, so that their condition shall at no time be inimical to the interests of navigation: *Provided*, That in case navigation interests be threatened at any time by the condition of such works, and the company shall not immediately respond to the demand of the Secretary of War for their repair, the said Secretary of War is hereby authorized and empowered to enter upon such works and cause them to be repaired in a proper manner, and to charge the cost of such repairs against the company, and to collect the same from the company.

SEC. 9. That nothing in this act shall be construed as in any way interfering with the jurisdiction over and control by the United States of the navigable portion of the Warrior or Black Warrior River, and the navigation and traffic thereon, the control of which the United States hereby reserves to itself, and of the dams and locks therein to be erected for the joint purpose of navigation and water power, nor of repealing or modifying any of the provisions of law now existing in reference to the protection of navigation.

SEC. 10. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The CHAIRMAN. The Clerk will report the committee amendment.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of War is hereby authorized, in his discretion, to change the detailed plans and specifications for the construction of Lock and Dam 17, on the Black Warrior River, Ala., so as to increase the height of the pool level over the dam crest of Lock 17 to a height of 63 feet above the pool level of Lock 16, so as to render unnecessary the building of Locks 18 and 19, as now authorized, and so as to provide for the extension of slack water up the Mulberry and Locust Forks of the Black Warrior River to Sanders Shoals and Nichols Shoals, respectively, and for the development of water power.

"SEC. 2. That the Secretary of War is hereby authorized and directed to have prepared such detailed plans and estimates as may be necessary to carry into effect the purposes of this act, and he is further authorized in his discretion to suspend operations during his investigations and to enter into supplemental agreements with the present contractors for Lock and Dam 17, providing for the annulment of existing contracts or for their modification so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States.

"SEC. 3. Should the construction of the higher dam at site 17 be found advisable the appropriations and authorizations heretofore made for the cost of locks and dams on the Black Warrior, Warrior, and Tombigbee Rivers, Ala., shall be available for the construction of Dam 17 and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17.

"SEC. 4. That the Secretary of War is authorized and empowered to enter into a contract with the Birmingham Water, Light & Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of carrying out the stipulations and performances herein mentioned. It shall be provided in said contract that the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 50 years from the time fixed in this act for completion of the works herein authorized, electrical power stations and other structures for the development of water power for industrial and other purposes, and for converting to its own use, benefit, and profit the power developed with the surplus water not needed for lockage, including the right to sell, lease, or otherwise dispose of said power: *Provided*, That the company shall furnish and deliver, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks and for the lighting of the Government grounds and houses situated at said locks. The said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power developed at Dams 16 and 17. For a period of 20 years the rental shall be at the rate of $1 per annum per horsepower developed, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period. Payment for the power developed at each dam shall begin one year after the locks and dam at 17 shall have been completed. Beginning with the year 1920, the minimum rental to be paid to the Government by the company shall be on the basis of 15,000 horsepower. The company shall have ingress and egress over Government lands for the construction and operation of its plants and works and the right to use Government lands at or near said locks for the erecting of power houses and appurtenances in connection therewith, subject to regulation by the Secretary of War. It shall be provided further in the contract that the company shall transfer to the Government flowage rights over all lands that will be temporarily or permanently overflowed by reason of the construction of Dam 17. The Government shall have free access to all the books of the company and all other records necessary for ascertaining and calculating the price, rates, and amount of power produced, developed, or sold by the company at said locks and at its storage reservoir. The contract shall further provide that the works herein contemplated, except the storage reservoir at or near Sanders Shoals, on the Mulberry Fork of the Black Warrior River, shall be commenced within one year and that the power-house foundations to be constructed by the company as a part of the dam shall be completed at least as soon as Dam 17. The said company is hereby authorized to construct said storage dam and reservoir at Sanders Shoals in accordance with the act to regulate the construction of dams across navigable waters, as amended by the act of June 23, 1910: *Provided*, That the construction of said dam and reservoir shall be commenced within 1 year after the completion of Dam 17, and shall be completed within 10 years from the date of approval of this act.

"SEC. 5. That in the exercise of the authority granted to the company herein or by said contract the company shall conform to such regulations as may be imposed by the Secretary of War for the protection of navigation and of the property and other interests of the United States. The company shall at no time lower the pool level made by the erection of Dam 16, nor the pool level of Dam 17 below 63 feet above the crest of Dam 16, but in order to create a storage surplus for water-power purposes the Secretary of War may, in his discretion, permit flashboards or a removable crest not exceeding 3 feet in height to be installed on Dam 17 by the company, at its own expense; the United States shall not be liable to said company for any failure of water power from any cause whatsoever. The work and improvements herein provided for shall be executed under the direction and with the approval of the Chief of Engineers and the Secretary of War. To insure the performance by the company of the acts and obligations imposed upon it by said contract, the Secretary of War may require the company to execute a bond in such an amount and with such surety as he may determine to be necessary. Whenever the company shall have acquired and transferred to the United States Government flowage rights over all lands to be flooded and temporarily or permanently overflowed and shall have erected power stations sufficient to supply the Government with all necessary power to light and operate said locks, said bond may be reduced to an amount not to exceed $50,000.

"SEC. 6. That all repairs, renewals, and other necessary expenditures upon the works, which the company shall be allowed to construct exclusively for the use of power generation, shall be made by the company, so that their condition shall at no time interfere with the interests of navigation: *Provided*, That whenever, in the opinion of the Secretary of War, the condition of said works endangers the interests of navigation, he shall notify the said company to repair the same, and if the company shall not immediately comply with the demand of the Secretary of War to make such repairs, he is hereby authorized and empowered to enter upon such works and cause them to be repaired; and the expense thereof shall constitute a debt against said company, its successors or assigns, and a lien upon all its property.

"SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. SPARKMAN. Mr. Speaker, if I can have the attention of the committee for a short time, I think I can explain this measure to the satisfaction of the House. At least I hope I may be able to do so.

The Black Warrior River is formed by the union of what is known as the Mulberry and Locust Forks, which come together 20 or 25 miles almost west of Birmingham, Ala. The Black Warrior River, the Warrior River, and the Tombigbee River, practically one and the same, have been under improvement for several years, the Government having undertaken the task of canalizing those streams by the construction of a series of locks and dams, 19 in number. The most of these have been completed. Lock 16 is now under contract and under construction. Lock 17 is under contract, but I believe no work has as yet been begun upon that lock and dam, certainly none of any consequence.

Appropriations, however, have been made for the completion of these dams and locks, including locks 16, 17, 18, and 19.

Some two years ago, however, Congress, realizing the importance of a resurvey for the purpose of extending slack water up into Mulberry and Locust Forks, 36 miles up the one to a place known as Sanders Ferry, and about 26 miles up the other to a place known as Five Mile Creek, authorized a survey which has been made, and the report thereon is now before Congress. This report recommends alternatively one dam with a lock of 14 feet lift in Mulberry Fork, and two dams in Locust Fork or a single dam 42 feet high at the site of Dam 18, either of which carries a 6-foot navigation up to Sanders Ford and about 20 miles up Locust Forks. In the meantime the company mentioned in the bill came forward with a proposition that they be permitted to develop and utilize the water power there which is going to waste. They stated that if a dam could be constructed at the site of Dam 17, 63 feet high, instead of the one 21 feet high recommended by the Government, this 63-foot dam would do away with the necessity for the construction of all the dams above, with the exception of the upper one in Locust Fork, which they thought might wait indefinitely.

To meet this suggestion on the part of the company, the bill now under consideration was introduced in and passed the Senate. Being referred to our committee, it has been reported here with the amendment just read.

Now, it is the opinion of our committee that this is a wise proposition, as it would afford the same depth and cost the Government very little more than either one of the two alternative propositions just mentioned. A dam 42 feet high at the site of Dam 18 would cost something like $1,737,000, while the 63-foot dam at 17, with two locks, would cost the Government only about $150,000 more. But if this plan is adopted, in 10, 15, or 20 years at most this $150,000 will have been paid back in rentals to the Government by the company that is proposing to develop this power.

The advantages in favor of the company's proposition are, first, the shortening of the time of construction. It has been said, and I can readily believe, that in the way we have been going on it will require 8 or 10 years to construct those dams. But if we can build one dam 63 feet high that will do away with all the rest and thus shorten, as it evidently will, the period of construction and develop the power, it seems to me it is the proper thing to do. I may add that it is estimated that

this one dam can be finished in two years, thus giving the people of that section the benefit of navigation much earlier than they otherwise would have it.

Mr. MADDEN. Will the gentleman yield?

Mr. SPARKMAN. I will yield to the gentleman.

Mr. MADDEN. How much more will it cost the Government for improvement of the river in which the dam is to be erected if the dam is erected under the contract than it would cost if the contract was not entered into?

Mr. SPARKMAN. It is owing to what course we pursue with reference to the new projects recommended by the engineers. If we should follow their recommendation and construct Dam 18 42 feet high, it would cost less by about $140,000 than to construct the dam 63 feet high at Lock 17. But this 63-foot dam will cost less by several hundred thousand dollars than the old project will cost. I think it would cost $300,000 more to construct the dams according to the old project than it would to construct the higher dam at site 17.

Mr. TAYLOR of Alabama. I want to state to the gentleman, in answer to the gentleman from Illinois——

Mr. MADDEN. If the gentleman will pardon me, I have just one more question. Does the authorization of the construction of this dam for the development of water power give any greater depth to navigation than would be otherwise obtained?

Mr. SPARKMAN. No; it is the same depth as that which would be obtained under either of the later alternative propositions. The main thing in favor of this proposition is that it does away with the construction of the other dams, makes them unnecessary; also shortens the time, and will cost less to construct the one than it will to construct them all.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman inform the committee, if he can, whether there is any precedent for the Government entering into a contract of this kind with a water-power company, or is this a new proposition?

Mr. SPARKMAN. If the gentleman asks if it is a new proposition for the Government to enter into contracts with parties for the development of power, I will say no. But if he is asking whether it is a new proposition to bring it in in this way outside of a general river and harbor bill, perchance it may be.

Mr. MOORE of Pennsylvania. I want the gentleman to explain, because it has been commented upon on this side whether any bill of this kind has been presented to the House before. Is the Government now in actual business relations with a water-power company such as is proposed here?

Mr. SPARKMAN. Yes; there has been more than one proposition similar to this before Congress. Perhaps the language or verbiage of the bill authorizing it may not be just like the verbiage here, but the substance was the same.

Mr. YOUNG of Michigan. If the gentleman will allow me, I want to say, partially in answer to the gentleman from Pennsylvania, that in the river and harbor bill passed some time since we provided for a similar arrangement at the Sault Ste. Marie, where the Secretary of War was directed to lease water power created by dams built there.

Mr. DAVIDSON. Mr. Chairman, I would say further than that, that the Cumberland River project is similar to it, and Lock 4 in the Coosa River is similar.

Mr. MOORE of Pennsylvania. What is the rate per horsepower for the water used by the people under this bill?

Mr. YOUNG of Michigan. That was left to the Secretary of War.

Mr. MOORE of Pennsylvania. It is fixed here at $1. Does the gentleman think that is a proper rate?

Mr. YOUNG of Michigan. I think that is the same rate as on the Coosa.

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. If the gentleman will permit one more question I think it will help the situation, as several gentlemen here have inquired about it. It is proposed, on page 12 of the bill, to give the Government free access to all the books of the company in order that it may make an inspection as to prices, and so forth. Has the committee in any previous bill gone beyond the supervision as provided in this bill to the extent that the profits of the company shall be limited, or that the rates to be charged by the company to the consumer shall be fixed? As this reads, it would appear that the contracting company has unlimited power with regard to the rates it shall charge consumers of the water.

Mr. SPARKMAN. That matter was discussed, but it was thought best not to interfere with it just at this time. I am under the impression that the Secretary of War has the right, anyway, to recommend those things. I think he has that right under the general dam act, probably.

Mr. MOORE of Pennsylvania. The bill proposes a contract that shall exist for 50 years?

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. And proposes that the Government shall get out of that contract, in consideration for all of its expenditures in the work of construction, a sum fixed at the rate of $1 per annum per horsepower?

Mr. DAVIDSON. For the first 20 years, when there will be a revaluation and a rearrangement of prices, controlled by the Secretary of War, and at the end of each 10-year period thereafter.

Mr. MOORE of Pennsylvania. If this bill should pass, would it not be in the power of the contracting company to oppress the consumers of the water and to sustain a monopoly which would deprive users of the water along the route?

Mr. SPARKMAN. Oh, I do not think so.

Mr. MOORE of Pennsylvania. The gentleman says that the Coosa River proposition is a precedent in point.

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. And that similar terms were made in that instance.

Mr. SPARKMAN. There are several other instances.

Mr. MOORE of Pennsylvania. So that in the matter of principle this is not new.

Mr. SPARKMAN. Not new, by any means.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. BUTLER. I understand that the minimum payment here is to be $15,000 per year?

Mr. SPARKMAN. After a certain time; yes.

Mr. BUTLER. Can the gentleman tell us about how much horsepower might be developed there?

Mr. SPARKMAN. It is rather difficult to get at it, but the engineers tell us it will be somewhere in the neighborhood of fifteen or sixteen thousand horsepower. In other words, while it may go beyond that for a certain period of the year, perhaps as high as 25,000 horsepower, for one month or two months, they can count on only fifteen or sixteen thousand horsepower continuously.

Mr. BUTLER. I asked the question so that we may have in our minds some idea of how much revenue the Government may receive from this scheme.

Mr. SPARKMAN. I understand.

Mr. BUTLER. Fifteen thousand dollars per year would be about what the Government might expect in the way of return.

Mr. SPARKMAN. According to the opinion of the engineers; yes.

Mr. BUTLER. In order to secure $15,000 per year, how much will it cost the Government?

Mr. SPARKMAN. I was just about to give the cost. The primary cost will be something like $140,000 more than if a dam 42 feet high were constructed, as the engineers have recommended, at the site of Dam 18; but it will cost much less than to construct all the locks and dams heretofore recommended. In other words, if we go ahead under the old project——

Mr. BUTLER. I understand that if this bill passes the Government will abandon the completion or the construction of two or three other locks or sets of locks.

Mr. SPARKMAN. About four of them; that is, it is left in their discretion to change from the old project and conform to this bill.

Mr. BUTLER. Of course, the Government will make by that abandonment.

Mr. SPARKMAN. Yes.

Mr. BUTLER. Can the gentleman tell us about how much money the Government will save by abandoning those four locks?

Mr. SPARKMAN. Well, as I say, the Government will save several hundred thousand dollars, some $300,000.

Mr. BUTLER. Has the gentleman figured out how much the Government will save in the way of actual expenditures if it abandons these four locks and builds Lock 17, as proposed here?

Mr. SPARKMAN. As I said awhile ago, something like——

Mr. BUTLER. If the gentleman can tell us how much these three locks will cost——

Mr. SPARKMAN. I said awhile ago it was about $300,000, but my attention is called to some figures which indicate the saving will be $257,514.

Mr. BUTLER. The Government will save that much in the first instance?

Mr. SPARKMAN. Yes.

Mr. BUTLER. Then it will take $140,000 to complete this dam, as proposed?

Mr. SPARKMAN. No; the gentleman misunderstands me. I say it will cost less by $257,000 to construct this high dam than if we go ahead and construct all the others. I am not referring to the 42-foot dam at site 18. It would cost $140,000 more, or about that, to construct the 63-foot dam at 17 than it would cost to build the 42-foot dam at 18.

Mr. BUTLER. I understand, then, it will cost $140,000 more to complete this Lock 17.

Mr. SPARKMAN. Yes.

Mr. BUTLER. But then I understand the Government will save some money, a good deal of money, by abandoning the construction of these other locks?

Mr. SPARKMAN. Yes; $257,000.

Mr. TAYLOR of Alabama. Mr. Chairman, I would like to answer the question of the gentleman from Pennsylvania. The Government is not asked to abandon any locks. It is to flood with one lock where it would require four locks to raise the slack-water navigation up to that point. It simply floods it where it would require four locks. If they adopt the plan of Lock 18 and the 48-foot lift, it will cost $140,000 more to raise the dam 63 feet at Lock 17 than to raise the dam 42 feet at Lock 18. Both of those engineering features will raise the level of slack water to flood Dam 19 and the dam on Mulberry Creek and one dam in Locust Fork, and the final result will be as a matter of navigation, if the gentleman wishes to understand it, that the Government will save by that transaction nearly $1,000,000.

Mr. BUTLER. Now, that is what I have been endeavoring to learn. I understand that if Congress passes this proposed bill, it will result in a saving to the Government of a good deal of money. I understood the gentleman to say something like a million of dollars?

Mr. TAYLOR of Alabama. Something like a million dollars. The figures are here, which I will read in my time. [Cries of "Vote!"]

Mr. BUTLER. That is all I have to ask the gentleman.

Mr. CANNON. What is the total cost of this improvement altogether?

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from Illinois?

Mr. SPARKMAN. Certainly.

Mr. CANNON. What is the total cost of all this improvement to get this 6-foot slack-water navigation, two million, three million, or four million dollars? Just in round numbers. I do not care about its being absolutely accurate.

Mr. SPARKMAN. It will cost $2,285,688 to construct all of these dams already adopted and Dam 20 in Mulberry Fork and the one in Locust Fork.

Mr. CANNON. The total improvement will, then, cost us between two and three million dollars in order to get a 6-foot slack-water navigation. How many miles of 6-foot slack-water navigation do we get?

Mr. SPARKMAN. About 46 miles above 17.

Mr. CANNON. What I am asking now is, How many miles of slack-water navigation will between two and three million dollars give us?

Mr. SPARKMAN. Say, 46 miles.

Mr. CANNON. But that has already been authorized.

Mr. SPARKMAN. Not all of it; no. We have only authorized of those upper dams the construction of dams at 17, 18, and 19, which would cost something like $1,400,000.

Mr. CANNON. $1,400,000. How many miles of slack water does that give?

Mr. SPARKMAN. That would give about 30 miles.

Mr. CANNON. About 30 miles. Now, then, with the addition of another million dollars proposed you would get about 16 miles more?

Mr. SPARKMAN. Yes; say, 16 miles.

Mr. CANNON. Substantially another million dollars?

Mr. SPARKMAN. Probably it is not so much as that. It will cost something more, of course, to carry slack water of 6-foot depth this extra 16 miles.

Mr. CANNON. If the gentleman will yield to me, I would like to make a single observation. We see that the Illinois & Michigan Canal, Chesapeake & Ohio Canal, and the Pennsylvania Canal have been substantially abandoned. Has the gentleman considered the question of how much it would cost if we could abandon this whole thing and make a double or a three track line of railroad down there?

Mr. SPARKMAN. Well, we have not considered that, because the Government has not yet entered upon the plan of building railroads.

Mr. CANNON. I see the gentleman from Indiana here, and that leads me to refer to the celebrated White Water Canal and the celebrated canal from Toledo to Evansville, which was built when I was a boy. The towpath now has a railroad on it. I just wanted to say, if the gentleman will allow me this question, as to the extraordinary cost of slack-water navigation of between $2,000,000 and $3,000,000, and an additional $1,000,000 for 16 miles more, and then only getting a 6-foot depth, I suppose that would not have been possible except it was originally authorized in a great omnibus bill?

Mr. SPARKMAN. We will get a 6-foot depth, with wonderful possibilities. These channels will go up into one of the finest coal fields in the country, and I risk nothing as a prophet, I think, in saying that there will be much more of commerce going down these streams when these locks and dams are completed than is going down some of the streams in this country that have cost $50,000,000 or $75,000,000.

Mr. CANNON. Possibly that is correct, but there is one town in my county that has an output by railroad transportation of over 3,000,000 tons of coal annually. I believe that is more than is estimated will go through the Panama Canal the first year.

Mr. SPARKMAN. You will find that condition in a good many places. Your location is no exception along that line.

Mr. CANNON. Now, the only practical thing about this is that the Government is committed to 30 miles of slack-water navigation. It seems to me the practical thing is whether we will now commit the Government to $1,000,000 more for 16 miles farther.

And I would like in that connection, as we are making a contract with this proposed water-power company that is to run 50 years, to ask if we are bound to maintain all this improvement for 50 years under that contract in order that we may get $15,000 a year in return for the horsepower? Frankly, I am not criticizing. I am merely suggesting and asking for information more than anything else, because I am not even a respectable tyro touching the river and harbor propositions scattered throughout the country.

Mr. SISSON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Florida [Mr. SPARKMAN] yield to the gentleman from Mississippi?

Mr. SPARKMAN. I will.

Mr. SISSON. I would like to ask the gentleman from Florida who has charge of this bill, why the exclusive right is given to the Birmingham Water, Light & Power Co. to virtually monopolize this power for 50 years?

Mr. SPARKMAN. I am going to let some one else answer those questions, as they can do so more fully than I. But, in the first place, I would say for myself that I do not know of anyone else who wants this power, and, in the next place, in the very nature of things, if it is developed at all, it must be developed by somebody other than the Government, as the Government has not yet gone into that business.

Mr. SISSON. I am not criticizing the committee, but I would like to know why it should be given to this one company instead of a general law enacted authorizing the Secretary of the Treasury to receive bids upon this proposition. The proposition is to stand for 50 years. I would like to ask if the committee considered whether or not it would be better to leave it open to different companies which would be organized and which would use this power to be developed by the building of this great dam?

Mr. SPARKMAN. The committee considered almost every phase of the question, but no other company offered to develop or utilize this survey.

Mr. SISSON. Did the committee investigate the proposition as to whether other people might not take advantage of this opportunity if they were given the right to do so?

Mr. SPARKMAN. Our committee did not; no.

Mr. SISSON. One other question, Mr. Chairman. Did the committee investigate the cost or the value of water power in that section?

Mr. SPARKMAN. Oh, yes.

Mr. SISSON. What did you find that the company could sell this power for per horsepower?

Mr. SPARKMAN. They said they could sell it for $20 per horsepower.

Mr. SISSON. Now, Mr. Chairman, one other question. Did the committee investigate what it would cost the company to install this plant in order to use the maximum of water power developed?

Mr. SPARKMAN. Oh, yes; but just what it is I can not state myself. I will say, however, that this matter was thrashed out before the subcommittee of which Mr. TAYLOR of Alabama was the chairman, and on those questions of detail he is better qualified to answer than I am. I am going to yield to him in a few minutes, and if the gentleman desires to renew those questions to him he can do so.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. CULLOP. Did your committee consider estimates as to what it would cost to build a railroad for these 16 miles or the length of additional navigation it would give?

Mr. SPARKMAN. No. There was no investigation as to that, so far as I know, because the Government is not committed to the building of railroads.

Mr. CULLOP. Could not a railroad be built for much less than the amount that the proposed improvement of this river would cost?

Mr. SPARKMAN. I fancy it could be.

Mr. CULLOP. It would not be giving much in the way of navigation with a depth of only 6 feet.

Mr. SPARKMAN. But the Government is not building railroads.

Mr. CULLOP. No; and the Government ought not to improve rivers for private enterprises and private companies.

Mr. SPARKMAN. It is not proposed to improve the river for private purposes. The primary purpose here is navigation, pure and simple, and the building of these locks and dams, or this one dam with its two locks, would improve navigation very much.

Mr. CULLOP. But necessarily there could not be much navigation in this matter; and if the coal is there, of which the gentleman speaks, a company that would develop the coal would readily build a railroad to carry that coal to market, just as they do elsewhere throughout the country.

Now, one other question: What reservation has been made, or what limitation has been made, to the charges to the public when this company gets its monopoly, as is proposed in this bill, in the distribution of its power?

Mr. SPARKMAN. Why, there is no limitation, so far as the bill is concerned.

Mr. CULLOP. That is, so far as this law is concerned, they can charge anything to the public that they want?

Mr. SPARKMAN. The large coal fields there and the large amount of coal to be mined is going to exercise a limiting influence upon the charges for the power.

Mr. CULLOP. The gentleman may think that, but he is erroneous in that opinion. Water power can be produced so cheaply, at so little expense to a company that produces it, that it can drive out the coal business entirely. So there ought to be a limitation in this bill, if it passes, fixing the maximum charge for power developed and sold there. The difference between the cost of the production of horsepower by water and by coal is very wide, and this company, by any law that Congress passes, ought not to be authorized to charge extortionate rates of its patrons.

Mr. SPARKMAN. That is a matter for Congress to determine. There is no limitation in this bill.

Mr. CULLOP. That is the objection to the bill, and if it goes through in this way there will be no limit in its charges.

Mr. SPARKMAN. I yielded to the gentleman for a question. I did not yield for a speech. I will be very glad to try to answer any questions that the gentleman asks.

Mr. CULLOP. I am only making suggestions along with the question. Here is a bill that gives this company the power simply to plunder its consumers, and we are giving it a monopoly. That ought not to be done by public legislation. The expense of this 16 miles is out of all proportion. If it is to develop coal fields, a railroad will do that, and do it much more satisfactorily, so it can be used the year round.

Mr. SPARKMAN. Mr. Chairman, I must decline to yield any further for a speech, because the gentleman can make a speech in his own time.

Mr. BOWMAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SPARKMAN. For a question.

Mr. BOWMAN. Mr. Chairman, a question has arisen as to the availability of canals. I will ask the gentleman if he knows that one of the oldest canals in the United States, that of the Lehigh Coal Navigation Co., is now being opened for just the purpose that he names? Knowing something of this locality about Birmingham, does the gentleman also believe with me that this canal will probably carry as much tonnage as the River Rhine? I believe that it will if properly opened and kept open.

Mr. SPARKMAN. I fancy the gentleman is correct.

Mr. BUTLER. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. BUTLER. I am satisfied, after looking at this matter and after hearing the gentleman's statement, that the Government may save some money by this proposition. The improvement, however, could be made, could it not, without reference to the creation of what is known as a monopoly? Could not this improvement be made and the subject of the sale of the water power be left open to the Government?

Mr. MOORE of Pennsylvania. It certainly could.

Mr. SPARKMAN. Of course, the House can do as it pleases—anything about that.

Mr. BUTLER. What is the real object in legislating in favor of conferring upon this one water company this exclusive privilege?

Mr. SPARKMAN. There was so much confusion around me that I did not quite catch the gentleman's question.

Mr. BUTLER. What real good can the Government get out of this legislation, if we require the Government to make one contract only, with this one water-power company? Can we not make the improvement and save a lot of money by it, and then leave open to the future the question of what company or what organization shall have the water power?

Mr. SPARKMAN. Oh, certainly; that could be done if it was thought advisable.

Now, Mr. Chairman, I yield to the gentleman from Alabama [Mr. TAYLOR].

Mr. TAYLOR of Alabama. Mr. Chairman, I want to say a few words in regard to this bill and how it happens to be before this Congress. The canalization of the Warrior, Black Warrior, and Tombigbee Rivers is a matter that has been before Congress now for a long time—since 1870. The purpose is to go from the Gulf of Mexico into the Warrior coal fields of Alabama, where there is said to be coal enough to last 850 years.

Mr. CULLOP. Will the gentleman yield?

Mr. TAYLOR of Alabama. I shall have to decline to be interrupted until I finish what I have to say. Then I shall be happy to answer any question I am capable of answering that the distinguished gentleman can ask; but this happens to be the first time that I have asked this House to listen to me for 15 minutes. [Applause.]

I do not care to be interrupted until I have had at least 15 or 20 minutes to make a clear statement, if I am capable of it, as to the situation before this House. [Applause.] When I cease, if I find I am incapable of doing it, I will be glad for the gentleman to ask any question he desires, and I will endeavor to answer his questions, if I can, and if I can not, I will be satisfied to take my seat. [Laughter.]

Now, Mr. Chairman, the facts are these: The Mobile, Tombigbee, Warrior, and the Black Warrior River system has been undertaken for improvement by the Government of the United States for more than 30 years. At this time the legislation is simply this: They have authorized the engineers to contract for the completion of slack water up to Mulberry Fork and Locust Fork, which are at the head of the Black Warrior River.

In order to complete that navigation, 5 locks have been authorized and the money is ready for payment—Locks 15, 16, 17, 18, and 19. Lock 15 is now nearly finished. Lock 16 is on the way to completion. Lock 17 has been contracted for. Locks 18 and 19 have been authorized, and the money has been appropriated for their completion, but no contracts have been awarded.

But the engineers have discovered, upon the return of a survey and estimate ordered in 1909, that slack water can be continued up the Mulberry and Locust Forks, and these forks enter into the heart of the coal region. Upon that report your engineers and the board of review took the whole matter under consideration and suggested that the best plan, perhaps, would be to raise Lock 18 from a 14-foot lift to a 48-foot lift, which would enable them to flood Lock 19 and also to flood the additional lock in Mulberry Fork and one additional lock in Locust Fork, which is required to carry navigation up into the coal fields.

The board of review considered that it was not advisable, so far as the present information extended, to build the second lock in Locust Fork. When this proposition was being considered, a company organized under the laws of the State of Alabama, the Birmingham Water, Light & Power Co., acquired from the State of Alabama, under authority of an act of Congress, the right to erect a dam in Mulberry Fork above the point of navigation for the purpose of developing water power. That is why the Birmingham Water, Light & Power Co. is to-day a factor in this bill. They have the authority of the State and the right to erect a dam above the point of navigation in Mulberry Fork.

They sent their own engineers out to look into the situation, engineers from the city of New York—able, well informed, thoroughly expert—as good as there are in the world, and who report that it would not be feasible or advisable to generate

power above the point of navigation on Mulberry Fork alone. They investigated further, and found that if you would raise the lift of the lock at 17 from 21 feet, as now authorized, to 63 feet, it would enable water power to be developed in the Black Warrior River at Dams 16 and 17 in paying quantities.

Now, your committee and I, as the representative in part of the people of Alabama and of the United States, do not want to see this power wasted. Therefore the engineers report and advise raising the dam at Lock 17 from 21 feet to 63 feet, and in this way to do away with the building of Locks and Dams 18, 19, and two additional locks, one in Mulberry Fork and one in Locust Fork, and at the same time create the equal slack-water navigation at the head of the river system.

As to the cost and purely as an engineering proposition, I will go into details directly. Upon investigation the engineers concluded and advise that it would save time and money to do all the work at Lock 17, instead of building four separate locks and dams, and accomplish the same result for navigation. One of the reasons why it would save time and one incident in the matter of cost is that it would require the building of a railroad 10 miles long from Lock 17 to Lock 18 to transport the materials necessary to build this lock, on account of the nature of the country and the lack of any other mode of transportation in that part of the Black Warrior River. In other words, it would involve an item of cost of $100,000 for a railroad to be able to reach Lock 18.

The present contractor, in order to reach Lock 17, has expended $70,000 for a railroad to transport his materials and to equip his plant and to haul what is necessary to carry out the work of construction. The Government has already authorized the building of Locks 17, 18, and 19. When the report came in from the local engineers that it was necessary in order to reach the Warrior coal fields of Alabama to extend slack water by the erection of two more locks, which would cost in the neighborhood of $750,000 additional, the engineers decided and advise that it is good engineering to build one lock at 17, with a lift of 63 feet, instead of building one lock at 17, another at 18, another at 19, another in Mulberry Fork, and still another in Locust Fork. A citizen of Georgia has the contract for Lock 17, as now authorized, with a 21-foot lift. He has commenced work on his contract. He has equities, your committee thinks and the War Department agrees, if any changes are to be made at Lock 17.

This bill, when it came from the Senate, had in effect an agreement in the first clause of the bill that made cooperation between this power company and the United States a part of this navigation project. The subcommittee and the House committee did not like that partnership, and eliminated it from the bill. They eliminated it in such shape that the engineers now are authorized to complete, as a matter of navigation alone, the raising of Dam 17 to 63 feet in order to improve the river, so as to carry slack water to the coal fields of our State. They find that they can do that at less cost than building Lock 17 to the height of 21 feet and the other four locks each 14 feet. As estimated from the reports on the proposition, they will complete it for nearly $1,000,000 less than it will cost to carry out the present plan now authorized but not fully contracted for.

I have the figures and would like to know if the gentleman from Pennsylvania [Mr. BUTLER] is here. I would like to give them to him, as he seemed to be anxious to have the figures a short while ago.

Mr. COX of Indiana. Let us hear the figures.

Mr. TAYLOR of Alabama. The three locks and dams on Black Warrior River, for which appropriations have been made or authorized, are estimated to cost as follows:

No. 17 (21-foot lift)	$547,243
No. 18 (14-foot lift)	449,453
No. 19 (14-foot lift)	501,550
Total cost of works now authorized	1,498,246

The cost of certain additional locks and dams extending slack water to Sanders Ferry, on the Mulberry Fork, and to Nichols Shoals, on the Locust Fork, is estimated as follows:

One on Mulberry Fork (14-foot lift)	$431,109
One on Locust Fork (14-foot lift)	356,313
Total cost of these proposed works	787,422
Total cost of low dams authorized and proposed	2,285,668

These low dams, however, are not now recommended. In lieu thereof the engineers recommend:

One 63-foot lift dam at the site of No. 17, replacing all the works indicated above, at an estimated cost for construction of	$1,878,154
Estimated cost of flowage rights	150,000
Total cost of Dam No. 17 (63-foot lift)	2,028,154
The estimated saving in first cost of one high dam in lieu of five low dams extending slack water to the same points on the forks is therefore	$257,514
The saving in operating expenses effected by adopting the project for one high dam rather than the one contemplating five low dams is estimated to be at least $20,000 a year; the capital represented by this annual saving of $20,000 (reckoned at 3 per cent) is	666,666
Total	924,180
The total saving of the high-dam project over the low-dam project, considering navigation alone, is, therefore, approximately	1,000,000

A new, a better, and a more economical plan has been found than that now authorized. Your engineers have done their duty and have brought this matter to the attention of Congress and of your committee, and the committee has taken days to work out this proposition. A subcommittee was appointed, and, with the exception of its chairman, is composed of as strong men as you have in this House—the gentleman from Mississippi [Mr. HUMPHREYS], the gentleman from Illinois [Mr. GALLAGHER], the gentleman from Washington [Mr. HUMPHREY], and the gentleman from Iowa [Mr. KENNEDY].

I say to you frankly that after 14 years' service in this House I never saw a harder, stronger fight by individual men expressing individual opinions in working out this proposition and in preparing this bill so as to eliminate the objectionable features as it came from the Senate of the United States. [Applause.] The estimated saving in first cost—you have not heard a word about water power yet—in raising Dam 17 to 63 feet in lieu of five low dams leaves a clear saving, as an engineering proposition, of $257,514 to raise that lock at 17 from 21 feet to 63 feet lift without considering water power at all, the additional saving of $600,000 and upward is in operating expenses and maintenance. This is what your committee asks you to do under the recommendation of the engineers of the War Department, who say it will not only save money but it will save time—several years' time—in the completion of river navigation to the Warrior coal fields. Does not any ordinary man know it will take less time to build one lock, if we build it 63 feet high, than it will to build five locks at great distances from each other, with difficult transportation for materials and all things necessary in the erection of locks and dams on rivers far away from railroads or other means of transportation. In addition, these are what my friend from Pennsylvania [Mr. MOORE] would call flat, bottom rates.

Whenever you run five locks instead of one it costs $5,000 a year for each additional lock, a large and important item of cost in all the years to come. I might say for all the ages yet to come, for it will be during the life of this great Government, which intends to live and to lead all the nations of all the world until the day of judgment. [Applause.] The saving in operating expenses alone by having one dam instead of five is estimated to be at least $20,000 a year. Taking it at $20,000 a year, the capital represented in this annual saving, reckoned at 3 per cent, is $666,666. This amounts to nearly $1,000,000 saved, without regard to water power. Unless authority is given by this Congress to develop and use the power at Locks 16 and 17 on the Warrior River, this water power is dead. Unless Lock No. 17 is raised to 63 feet and the present project for four low dams is abandoned, this splendid water power will remain undeveloped and will run to rack and waste forever. I do not want to see it stopped. It should be preserved; it must be preserved.

Mr. MOORE of Pennsylvania. Conceding everything the gentleman contends for in the matter of cost and saving to the Government by this change of plan, and conceding everything that he argues for in the matter of navigation, which is highly commendable and in which I agree with him, will the gentleman give his version of the relationship of the Government of the United States as it appears in this bill to the private company that proposes to utilize the power thus created by Government expenditure?

Mr. TAYLOR of Alabama. I will endeavor to do it, but the gentleman's question raises in my mind an exceedingly broad proposition, not covered, if you will study the bill that you have been called upon to consider, because we have so arranged that legislation that it does not touch the broad question the gentleman asks.

Mr. MOORE of Pennsylvania. Well——

Mr. TAYLOR of Alabama. I will try to answer the gentleman, but you must let——

The CHAIRMAN. The time of the gentleman from Florida [Mr. SPARKMAN] has expired.

Mr. TAYLOR of Alabama. I will ask the gentleman from Pennsylvania [Mr. MOORE] to change the question or ask another.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. TAYLOR] may proceed until he concludes his remarks.

Mr. MOORE of Pennsylvania. I am obtruding upon the gentleman's time.

Mr. TAYLOR of Alabama. I am perfectly willing for the gentleman to ask me a question, and I would be glad to be permitted to answer it.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alabama may proceed to a conclusion. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Alabama. Mr. Chairman, I desire to thank the gentleman from Illinois [Mr. MANN] for his courtesy.

Mr. MOORE of Pennsylvania. Has the gentleman concluded his answer to my question? If he has, I would like to ask him another.

Mr. TAYLOR of Alabama. Proceed with your question.

Mr. MOORE of Pennsylvania. There is a broad question here, that of the relationship of a private corporation with the Government of the United States—the entering into an agreement on certain terms to be lived up to by both parties—that may or may not be supported by precedent. At any rate, there is something for the Government to watch——

Mr. TAYLOR of Alabama. Now, do not make a speech, but ask a question, please, and I will try to answer it.

Mr. MOORE of Pennsylvania. I wanted the gentleman's version of the effect of such an agreement in the matter of its monopolistic tendency, so far as the company obtaining the concession is concerned. This affects the Government and the consumers of the power which it is proposed to distribute.

Mr. TAYLOR of Alabama. I think that so far as this bill is concerned the gentleman is dreaming, or, peradventure, he hath gone hunting like the priests of Baal once did in a great discussion. I am not ready to go into the question the gentleman has put to me, but I will endeavor to tell him what there is in this bill.

Mr. MOORE of Pennsylvania. Then, I will be more specific. Will the gentleman tell me, in view of precedents, if $1 per annum per horsepower is sufficient for the Government to charge the company to whom it makes this concession?

Mr. TAYLOR of Alabama. I do not know, but I think it is.

Mr. MOORE of Pennsylvania. Does not the gentleman think that 50 years is too long a period of time to grant this concession to one company?

Mr. TAYLOR of Alabama. I do not.

Mr. MOORE of Pennsylvania. May I ask the gentleman to whom it is proposed to sell the power which is created by the Government and which shall be at the disposal of this private corporation?

Mr. TAYLOR of Alabama. The gentleman could ask me any other question that is a mere matter of prophecy and I could answer it just as well. Nobody knows who they will sell it to. Nobody knows to-day whether the company is going to accept the terms put in by the House committee or not. The bill as it came from the Senate is radically changed by the House committee. The gentlemen representing the power company are not altogether pleased with what has been done by the House committee, and I do not care whether they are or not. This bill authorizes the Secretary of War and his engineers to contract with that company along certain lines. It further authorizes them, if that company does not contract according to those lines, to go on and put the foundation for the development of power at Dams 16 and 17, and dispose of it as the gentleman from Pennsylvania [Mr. MOORE] hereafter may see fit, inasmuch as it leaves it to Congress to decide, and nobody can control it save Congress.

Mr. MOORE of Pennsylvania. I want to see industries developed there, but I ask if this company is actually organized and doing business to-day?

Mr. TAYLOR of Alabama. I do not know what the gentleman means by "doing business." If the gentleman means has it employed anyone to lay brick and mortar or anything else that is necessary to make the dam, I say no. If the gentleman means have they drawn plans for that purpose, I say no; and I assert that this bill expressly says that they can not do it until the engineers approve whatever plans they have got to make.

Mr. MOORE of Pennsylvania. This bill plans a return of $15,000 a year from the company.

Mr. TAYLOR of Alabama. I wish the gentleman would inform himself better before he states that.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman if any of this power will be sold to the city of Birmingham, for instance, or whether any of this power will be sold to manufacturers or others elsewhere along the line? And I would like to ask whether it is in the mind of the gentleman that there will be an industrial development along this river, and along the rivers running into it, that will mean the creation of new industries that will give employment to labor?

Mr. TAYLOR of Alabama. It is my opinion—though I can not say that, because I have great respect for my opinions and I never make one upon an uncertainty—but it is my impression that these parties intend to sell some of that power in Birmingham, and some of it to other enterprises between Birmingham and that particular point, wherever it is located.

I have no idea whatever how they intend to use it, but will say the company is organized under the laws of the State of Alabama, and the State has given them a right—which the State has a right to do—to erect a dam above navigation, in order to run their water power.

This bill authorizes the Secretary of War, through the engineers, to permit this company, if it chooses to do so, to come and do the things required under this bill and get the water power developed at Lock No. 17 and Lock No. 16, and to pay $1 a horsepower therefor. When the bill came from the Senate it read: "$1 for each horsepower generated by the normal flow of the river and 50 cents for each horsepower generated by the storage dam of the company." That was deemed to be too little, and your committee saw proper to raise it to $1 a horsepower all around, and fix the minimum on the basis of 15,000 horsepower per annum; which is enough, in my judgment, to pay for the horsepower they will get at Locks Nos. 16 and 17, which is all that we have to do with.

Mr. MOORE of Pennsylvania. May I ask the gentleman one question in conclusion?

Mr. TAYLOR of Alabama. I hope the gentleman will ask a question, and one only, in conclusion. [Laughter.]

Mr. MOORE of Pennsylvania. I will say to the gentleman that it would influence me very much, in acting upon this bill, if I knew that the interests of commerce in the vicinity of this proposed improvement were to be increased and that the power to be generated would operate for the growth of industries all along the line; especially if it would mean that in that splendid valley of which the gentleman from Alabama has the right to be proud there would be new smokestacks of factories, where thousands of people would secure employment as the result of the improvement.

Mr. MANN. And then they would close them up with a tariff bill. [Laughter.]

Mr. TAYLOR of Alabama. The picture which the gentleman from Pennsylvania suggests would be the substance of my hope as the result of that improvement. But whether it accomplishes that result or not, I am confident that the power ought not to be allowed to be destroyed, and we therefore provide that the Government shall furnish in the dam the foundations for water power, and hereafter utilize it as the Government pleases, but so far as we are concerned, not to go to sleep with it and let this water power go to waste.

The proposition in the bill means a navigation proposition that will save a four years' delay at least in opening up the rivers to the coal fields and save the Government a million dollars in money.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. TAYLOR of Alabama. With pleasure.

Mr. MADDEN. How far is the site of Dam No. 17 from Birmingham?

Mr. TAYLOR of Alabama. The site of Dam No. 17 from Birmingham is between 27 and 30 miles. It is nearer 27 than 30 miles, as I am informed.

Mr. MADDEN. It would be possible, would it not, for the contracting company to carry all the power created by its dam to Birmingham and there find a ready sale for it?

Mr. TAYLOR of Alabama. My impression is that that is what they are doing it for.

Mr. MADDEN. The question that I wish to ask is this: Does the gentleman from Alabama think a dollar a horsepower per annum is a sufficient compensation for the privilege that it is proposed to give this company?

Mr. TAYLOR of Alabama. I do under this particular contract, because the company is given nothing else; that is, the Government is giving nothing else. The Government is doing that which it intends to do at a cost of a million dollars more than if it does that which it is now asked to do. The power company will come in and pay the flowage rights. And when we raise that dam to 63 feet high it has been estimated that the flowage damages will come to about $150,000. I think they

will come nearer to $400,000. The power company must pay all the flowage damages under the provisions of the bill.

Mr. MADDEN. Does not the Government of the United States contribute anything whatever toward the development of this water power?

Mr. TAYLOR of Alabama. It builds the 63-foot dam and whatever locks it may find necessary in connection with said Lock 17. I think, instead of having one lift of 63 feet, they will have two lifts or locks of 31½ feet each. The only rights the company gets is to put up flashboards 3 feet high at the top of the dam, and they pay all the flowage rights.

Mr. MADDEN. Does not the gentleman think that $5 a horsepower would be nearer an equitable price than $1?

Mr. TAYLOR of Alabama. I do not, because I have not the benefit of the information the gentleman from Illinois may have. I have that of the engineers who have been studying the question, and they say the value of a horsepower throughout the South is $20, and we thought 5 per cent was enough for the company to pay.

Mr. MADDEN. But if they carry it up to Birmingham they will be able to sell it perhaps at $30 a horsepower.

Mr. TAYLOR of Alabama. You could not pass in our committee a provision for $5 a horsepower. It was difficult to get it through at $1 a horsepower and make the minimum 15,000 horsepower. Five dollars a horsepower would not be acceptable.

Mr. MADDEN. Will my friend from Alabama tell me how much money this company is going to invest for the development of the water power there?

Mr. TAYLOR of Alabama. Two million five hundred thousand dollars, and the dam will cost $1,500,000. We have nothing to do with the dam. I want to say that the $1,500,000 is outside of the $2,500,000, so that in all they will invest about $4,000,000.

Mr. MADDEN. Does the gentleman wish me to understand that the company to whom this right is given is to spend $4,000,000 out of its own treasury for the development of water power?

Mr. TAYLOR of Alabama. Yes; at their dam above navigation and at Locks 17 and 16, where the proposition is that it will be about equally divided in the power developed. There will be 15,000 or 16,000 horsepower at these two locks, and 14,000 and 15,000 horsepower at their dam above navigation. About half of this power only will be primary power.

Mr. MADDEN. Then, as a matter of fact, they develop 30,000 horsepower?

Mr. TAYLOR of Alabama. Yes; but not that much primary power—not more than 15,000 or 16,000 primary horsepower at both the Dams 16 and 17 and the dam above the point of navigation.

Mr. MADDEN. And instead of giving a dollar a horsepower per annum they are getting it for 50 cents?

Mr. TAYLOR of Alabama. No; because it is $1 a horsepower for all horsepower developed within the range of navigation at Locks 16 and 17. The United States has no claim on the power to be developed at the dam above navigation.

Mr. MADDEN. I am asking these questions for information. Does the development of this water power, by reason of the construction of this dam, interfere with any private rights for which the Government may be responsible between where this water power is built and sections above or below?

Mr. TAYLOR of Alabama. I will endeavor to answer the gentleman frankly. For more than three months this bill has been in the Senate, and for that whole time it has been advertised by the press throughout the State of Alabama. For some weeks it has been in the House, and that has been advertised throughout the State of Alabama. It is pretty well known in Alabama that I am a member of the Rivers and Harbors Committee. Every step that has been taken day by day by this committee has been reported by the press, yet not one man, woman, child, or corporation has written me a line or telegraphed me a line; and if there had been a child there that was weeping or a woman who was crying on account of this bill, I would have heard of it long ago. [Applause.]

Mr. MADDEN. Just one more question. I wish to ask if, by reason of the overflow of the adjacent land as a result of the construction of this dam and the creation of this water power, the Government of the United States will be in anywise responsible for damages?

Mr. TAYLOR of Alabama. Not under this bill, because the company pays for the flowage rights and gives a bond with such security as the Secretary of War shall demand to cover that before anything is done. Every right is protected by this bill in the interests of the United States.

Mr. BOWMAN. Mr. Chairman, is the gentleman from Alabama aware that owing to the proximity of coal in the immediate vicinity of this dam the cost of horsepower will always be limited by the low price of coal, and that the company having these water rights can not get the excessive rates that some gentlemen seem to fear?

Mr. TAYLOR of Alabama. I am aware of that, and I thank the gentleman for the statement. If I had been let alone, I would have stated it; but I forgot it, and I forgot the most important thing I had to say. I am glad to owe another obligation to the State of Pennsylvania.

Mr. SWITZER. Will the gentleman yield for a question?

Mr. TAYLOR of Alabama. I will endeavor to answer the gentleman if I can.

Mr. SWITZER. Just a question for information.

Mr. TAYLOR of Alabama. I do not know that I have the information.

Mr. SWITZER. Is there any protection provided in this bill for the prospective patrons or consumers of this water power as to the rate of compensation they will have to pay this private company for the power?

Mr. TAYLOR of Alabama. The rental after the first 20 years is left entirely to the Secretary of War and the engineers. If you mean to ask whether this bill proposes a limit of price upon the property of others, we have not cared to touch that question.

Mr. SWITZER. Is there any maximum limitation?

Mr. TAYLOR of Alabama. We have not cared to touch that question. That is too big a question to go into in this way.

Mr. BOWMAN. May I suggest to the gentleman that the rate which the residents of Birmingham and that surrounding district will have to pay for power will be regulated by the low price of coal, and that these gentlemen will only be able to get for that power a relatively low rate in view of the low price of coal.

Mr. SHERLEY. What rate can they get?

Mr. BOWMAN. They can buy an excellent grade of slack there for from 40 to 50 cents a ton at the mine; and if that is not low enough for power, what more do you want? The mines are idle at that, at times five days out of the week. The coal is right in the immediate vicinity, not 5 miles away.

Mr. TAYLOR of Alabama. I agree entirely with the gentleman, and I will say further that in my judgment coal will be cheap enough when these Warrior coal fields are opened to drive the water-power companies out of business. [Applause.]

Mr. SIMS. Will the gentleman answer one question?

Mr. TAYLOR of Alabama. I can not yield.

Mr. SIMS. Oh, yes, the gentleman can. Is the gentleman willing to accept an amendment making it 30 years instead of 50 years?

Mr. SHERLEY. How about making it 20 years instead of 30?

Mr. TAYLOR of Alabama. The Senate bill came over here fixing it at a hundred years, and we would not stand for that. The general dam law provides a limitation of 50 years, and we abide by that. I would be unwilling to see the bill amended for less than 50 years. That is the law now for all under the provisions of the general dam act. The committee sees no reason to require any special law for the proposition reducing or changing the general policy to all of 50 years. So 50 years is the limit desired by the committee.

The CHAIRMAN. The Clerk will read the bill for amendment under the five-minute rule.

Mr. MANN. Mr. Chairman, I ask for recognition. I was under the impression that the Chair had recognized somebody else.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, I listened to the gentleman from Florida [Mr. SPARKMAN] and the gentleman from Alabama [Mr. TAYLOR] as well as I could, but I did not understand either of them to explain the differences between the Senate bill and the House proposition.

Mr. TAYLOR of Alabama. I will be very glad to do it.

Mr. MANN. I wish the gentleman would.

Mr. TAYLOR of Alabama. The first clause of the Senate bill provided for cooperation between the General Government and the power company. We eliminated that and authorized the engineers to change the plans and adopt a 63-foot lift at Lock 17 for the purpose of making navigation and running slack water up Mulberry Fork and Locust Fork to the point where it would be carried, and for the purpose of developing power independent of the company.

Mr. MANN. Did not both bills do that?

Mr. TAYLOR of Alabama. We did not think so. The Senate bill, as we read the bill, provided for this to be done, with the condition that this company have the contract. We did not want that. We wanted this navigation whether there was

power developed there or not. The power was a matter entirely incidental with us. Navigation was our sole concern, but we wanted to preserve the power if it could be preserved.

Mr. MANN. Now, if the gentleman will pardon me, he is probably so familiar with the situation there that he thinks he is explaining it to those who are not familiar with it, but I will have to confess that I do not yet understand even that one difference, and I will be very frank with the gentleman. This bill has been reported only very recently. It was only obtainable this morning. It is a long bill, and I have not yet been able myself to examine the bill to ascertain the difference between the Senate bill and the House substitute.

Mr. TAYLOR of Alabama. In the first two amendments the House eliminated that feature I speak of. In the first and second sections of the Senate bill the Birmingham Water, Light & Power Co. are mentioned. In the House substitute you will find that it is not mentioned until section 4 of the bill. In other words, sections 1, 2, and 3 of the House bill provide for the navigation change at Lock 17, without mentioning the company. Section 4 authorizes the engineers to make a contract with a certain company—the Birmingham Water, Light & Power Co.—and if that contract is not made, they are authorized to go on and carry on the work as a navigation feature, in the interest of economy and in the interest of navigation.

Mr. MANN. It is not the reason that I am trying to get at, but the facts.

Mr. TAYLOR of Alabama. Well, the gentleman will find a little further on that the Senate bill authorized 99 years. We struck that out and made it 50 years.

Mr MANN. These first three sections that the gentleman speaks of in the House substitute are new?

Mr. TAYLOR of Alabama. We strike out a great deal.

Mr. MANN. Are the first three sections of the House substitute entirely different from the first three sections of the Senate bill?

Mr. TAYLOR of Alabama. Sections 1 and 2 are very different from sections 1 and 2 of the Senate bill.

Mr. MANN. Do they cover the same thing or do they cover other matters?

Mr. TAYLOR of Alabama. We think we left out the provision I am speaking of, and that is that there should be any cooperation between the Government and the power company, which we thought was contained in section 1 of the Senate bill. If I do not answer the gentleman in that way, I can not answer his inquiry.

Mr. MANN. If the gentleman can not answer me, nobody can; and I am sure the gentleman can.

Mr. TAYLOR of Alabama. What we struck out is after the word "that," in line 3, page 1, of the Senate bill, as follows:

For the purpose of improving navigation of the Black Warrior River above Lock 17 to Cordova and as far up said river as the foot of Sanders Shoals, 5 miles above Cordova and 56.8 miles above Lock 17, and for the purpose of aiding and developing the water power at Locks 16 and 17, in cooperation with the Birmingham Water, Light & Power Co. (hereinafter styled "the company"), a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of developing the water power of said river and supplying the public with same.

We struck that out entirely and commenced—

The Secretary of War is hereby authorized, in his discretion, etc.

Mr. MANN. Now, if the gentleman will permit, is not it in fact the intention to change the plan so as to really cooperate with this company?

Mr. TAYLOR of Alabama. No.

Mr. MANN. You leave that out, but is not it the intention?

Mr. TAYLOR of Alabama. We hope that they will develop water power there, but this change is not made for the purpose of making any contract with the company further than we hope that it will be made.

Mr. MANN. I know; but this proposes to make a change. Is not that it——

Mr. TAYLOR of Alabama. No; the purpose of making the change, as I understand and believe it, as far as my wish in this transaction is concerned and my efforts are directed, is purely for navigation and to save three or four years' time in the completion of slack-water navigation on the Warrior River.

Mr. MANN. Yes; but if this was not to have water power the gentleman would not have the change made in the expectation——

Mr. TAYLOR of Alabama. I certainly would. I said so originally, and I would say that to the gentleman in answer to that question if he asked it a dozen times.

Mr. MANN. The gentleman would make the change, anyhow?

Mr. TAYLOR of Alabama. I would, and do exactly what the engineers think ought to be done there in the interest of navigation.

Mr. MANN. Would not that dam create considerable water power?

Mr. TAYLOR of Alabama. No, sir; water power can only be created, as I understand it—I may be entirely mistaken—by putting in your dam, in the first place, to generate water power and then other machinery, how much I am not familiar enough to even answer the questions put as clearly as the gentleman from Illinois can put them if he wants to.

Mr. MANN. I take it that the creation of the dam is the creation of water power.

Mr. TAYLOR of Alabama. The beginning of the creation only.

Mr. MANN. The creation of the water power, but the utilization of the water power——

Mr. TAYLOR of Alabama. You know what the beginning of wisdom is?

Mr. MANN (continuing). Utilization of the water power and converting it to electric power requires machinery, and when you create a dam that has water flowing over it you create water power.

Mr. TAYLOR of Alabama. I must answer the gentleman exactly as I answered the gentleman just now——

Mr. MANN. It is not the details I am after, of course, but the question of principle.

Mr. TAYLOR of Alabama. I understand; and we tried to reach the question of principle.

Mr. MANN. The gentleman's proposition is to have water power controlled by a private company, probably water power created by the General Government, and there comes up the question of the policy of the Government first, whether the Government itself ought to carry on the work of creating a power and then the control and sale of the power itself, or whether if it does not do that——

Mr. TAYLOR of Alabama. Is the gentleman asking me a question? If he is, I must tell him it is too much involved for me even to follow him and he must put his question more plainly.

Mr. MANN. The gentleman does not understand, probably, that I have the floor.

Mr. TAYLOR of Alabama. Why, I thought the gentleman asked me a question.

Mr. MANN. I may wish to ask the gentleman a question, because if I wanted any information about the bill I would appeal to the gentleman from Alabama.

Mr. TAYLOR of Alabama. I would never willingly, on my own accord, take the floor.

Mr. MANN. I am very much obliged to the gentleman for the information he has furnished. If the Government creates water power, or has control of it, and does not choose to create and control and sell the water power itself, then the question arises, first, whether in giving the right to some one else to control the water power it ought to sell the right to the highes bidder on even terms, and, secondly, whether it ought to control the price that may be charged for the power created partly through the effort and expenditure of money by the Government. Now, that is not a question that merely involves this place. At the last Congress we defeated a bill in the House where a motion was made to suspend the rules and pass a bill, and a majority of the House voted against the proposition, where the entire expenditure of money was to be made by a private corporation. And we were not willing to adopt the policy at that time of permitting a private corporation to construct a water power and have control itself over the power and the price that should be paid for it. Now, that case was stronger in the interests of the private corporation than this case is, because here much of the expenditure of money is to be made by the General Government itself. If this power ought to be sold, I do not undertake to say whether the Government ought to create the power and sell it, or, where the Government in part creates the power, it ought to sell the privilege of utilizing all the power.

But if the general right to control the power is sold, as is the right, in fact, inferred by this bill—though it is called simply a gift—I suppose, if it is to be sold, it ought to be sold, it seems to me, to the highest bidder, with a minimum rate fixed in the bill. I would fix, if I were to pass a bill of this sort and was in control of it, a minimum rate, at least as high as the rate fixed in this bill, and then see whether some one would not pay more. Here is a proposition which involves a large expenditure by the Government, where it is proposed there shall be paid back to the Government, or paid to the Government, $15,000 a year as a minimum. How much water power will be created, I say, no one is prepared to inform the House. I believe the gentleman said that possibly 25,000 horsepower, and the gentleman from Washington privately says that the Government

engineers estimate it at 16,000 horsepower. Probably none of these estimates has been very carefully made. Has anyone estimated what it will cost this company to construct this part of the work and utilize this power?

Mr. SPARKMAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Florida?

Mr. MANN. Certainly.

Mr. SPARKMAN. I think I stated a while ago that the engineers say that about 16,000 horsepower can be relied upon the year round.

Mr. MANN. Yes. I just made that statement, but no one has figured that out carefully, I say. Can the gentleman from Florida give us an estimate of the cost that this company will be put to in carrying out its part if this bill becomes a law?

Mr. SPARKMAN. That is very difficult, but the construction of that one dam there is to cost one million and a half of dollars.

Mr. MANN. That does not answer the question at all. We are accustomed in this country to estimate the cost of installing plants in connection with the use of water power. It is not difficult to obtain such information. If this plant is to cost one million and a half or two million of dollars, with an estimated water power of 25,000 horsepower, to be sold at even $20 a horsepower, that would make half a million dollars a year.

No one would say that the Government ought to give to some company the power to receive half a million dollars a year for the expenditure of a million and a half or two million dollars in connection with some expenditure for the Government. After a water power is created and the electrical machinery installed, the cost of operation is practically nothing. We either ought to know what the development is to cost or else we ought to retain control either over the charge which we are to make for the use of our expenditure or else control over the charge which the company is to make to the individuals who consume their power.

I have heard a good deal in this House and elsewhere about the conservation of natural resources, but I have not heard anyone yet say that we ought to give away without control the power that the General Government has over the water powers of the country. On your side of the House as well as on this side there was great disagreement to the proposition that the General Government ought to yield its control over water powers without a consideration, and yet here is a proposition to give to a company for 50 years, and for 20 of those years at the rate of $1 a horsepower, a horsepower estimated to be from 16,000 to 25,000, at a merely nominal rate, and without any control over the charge which shall be made by that company to its patrons. It is said that this canal is being constructed for the purpose of carrying coal, and for reaching an undeveloped coal field. One can readily see how a power company, with its own power to sell, will not be inclined to help the carrying of coal in competition with it if it can prevent it, and we ought to retain in somebody the power to control the rate, at least, within some reasonable limitation, which may be charged by this company to its patrons.

Mr. SIMS. Mr. Chairman, will the gentleman submit to a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. MANN. Certainly.

Mr. SIMS. What is the opinion of the gentleman as to whether this bill, if it is passed, would establish a precedent for the Government charging for water power incidentally created in connection with an improvement of a navigational character or the improvement of navigable streams?

Mr. MANN. I take it that this bill does not necessarily involve the question of the Government charging where it grants the right to construct a dam across a navigable stream not connected with river and harbor improvements made by the Government; and no one has ever questioned, I think, the right of the Government to make a charge for the use of water power which it may have created in connection with work which it has carried on for many years. If I recall rightly, the Government has leased or sold water power created on the Cumberland River through dams that were constructed by the Government many years ago. I think that is the case. I would rather have some Member on the Committee on Rivers and Harbors inform me if it is not the case.

Mr. SPARKMAN. There are several precedents for just such a thing as this.

Mr. SIMS. As I understand this, this is a project in part authorized as an improvement of a navigable stream?

Mr. MANN. As I understand it, the authorization of this stream has not only already been made, but a large share of the improvement has been made, and it is proposed now to make a change in the plans of the improvement so as to permit a company, in connection with the change of plan, to construct a dam with a fall of 63 feet, or something like that.

Mr. SIMS. Which does not interfere with the original plan for navigation purposes?

Mr. MANN. It interferes entirely with the original plans, but I take absolutely the judgment of the Committee on Rivers and Harbors in that respect—that it does not make any less valuable the navigable rights of the stream or hinder in any way their utilization. That new plan, if changed, will be just as valuable to the navigation interests as the old one.

Mr. SIMS. In other words, it does not interfere with it for purposes of navigation?

Mr. MANN. No; I understand it does not interfere with it for purposes of navigation.

Mr. SIMS. What is the gentleman's idea as to making a 50-year franchise?

Mr. MANN. The 50-year franchise matter, I suppose, so far as the Congress is concerned, largely came from the suggestion of Mr. Roosevelt when he was President of the United States. Personally, I never have favored it. Personally, I would much prefer to give an indefinite franchise to a corporation, retaining control over the rights of the Government to cut the corporation out if it wanted to, or to change its rates in the same manner as that whereby we have control in the District of Columbia over the public-utility corporations of this District. We have no fixed franchise——

Mr. SPARKMAN rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Florida?

Mr. MANN. In a moment. We have no fixed franchise for the street railways or for the other public utilities in the District of Columbia, but we have control of them, and occasionally, whenever we feel desirous to do so, we exercise that control. No company can afford to lay out a large sum of money in the construction of this plant unless it has reasonable assurance that it can continue in operation long enough to make some money out of the business. But notwithstanding that, I do not believe the General Government ought to give to a private corporation the right to fix its own charges without any control. We do not even do it in the case of bridges.

The gentleman from Kansas, here, on unanimous consent day, started out to offer an amendment on a bridge bill providing that the Secretary of War should have the right to fix the tolls for the use of the bridge. I called his attention to the general bridge act, which the House passed some years ago, which gives to the Secretary of War the right to fix the tolls of any kind, even for passage over a bridge built under an act of Congress.

Now, Mr. Chairman, I yield to the gentleman from Florida.

Mr. SPARKMAN. I wanted to suggest to the gentleman that the power to amend, alter, or repeal this act, which is reserved here, will exercise, in my judgment, quite a wholesome influence over that company—in the matter of charters, for instance.

Mr. MANN. Mr. Chairman, the power to alter, amend, or repeal is a very desirable thing in this bill. When we passed the general dam act, if I recall correctly, we put in a provision reserving the power to alter, amend, or repeal, and a further provision that if altered, amended, or repealed, the Government should not be held responsible for any damage to the company by reason of the change in the law. The power to alter, amend, or repeal may carry with it the liability to pay for the damage that would be caused if to-day you passed the bill giving this company the power to construct these works, reserving the right to repeal, and they construct the works, and to-morrow you repeal. In that case you may find that under the Constitution of the United States the right to repeal may exist, but the right to take private property without compensation does not exist even by repeal.

Mr. SPARKMAN. When the gentleman refers to the power reserved in the general dam act to alter, amend, or repeal, I suppose he refers to section 7. That goes on to say:

> The right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof.

Mr. MANN. Yes; that is just what I called attention to. I drew that section myself.

Mr. BOWMAN. Mr. Chairman, if the gentleman will yield just for a moment on the question of price, I observe here on page 11, line 16, a rental period of 20 years. After that the price can be changed by the Government. Does not the gentleman believe that the Government therein has the power to regulate the price to be charged—at which the power shall be sold—and that if it is not reasonable the Government can ad-

vance the price accordingly and thereby oblige them to do what is right?

Mr. MANN. Plainly not. It is so plain that the gentleman himself, when he reads his question, will see that it hardly requires an answer. The power of the General Government to fix the rate which this company shall pay the Government does not in any way give the General Government the power to fix the rate at which the company shall sell its power to consumers. On the contrary, the power of the General Government to fix the rate which shall be paid to the General Government may lead the General Government to fix the rate, without any power to prevent the company from simply adding on ten times as much to its consumers.

Mr. BOWMAN. Will the gentleman yield for one more question?

Mr. MANN. Certainly.

Mr. BOWMAN. If the Government raises the rate to a price equal to that at which they can produce power with coal, does not that thereby put them out of business?

Mr. MANN. The Government might raise the rate and put them out of business possibly, in which case they would bring an injunction and go ahead just the same.

Mr. SHERLEY. If the gentleman will permit me, the trouble with all of the provisions in the bill giving the Government control is that it puts all of the inertia of government in favor of the man getting the concession, and none of it in favor of the Government itself. If you want really to make companies responsible to the Government let the period that they are to exercise the right be fixed, and let it be a short period, and then provide that they must get affirmative action by the Government in regranting the privilege given. [Applause.] Then the burden is put on them. Otherwise you have the condition which we have seen here in the District of Columbia. The reference of the gentleman is very pertinent to the city railways. Every street railway in Washington is subject to the control of the Government theoretically, but there is not one of them that has been actually subject to control by the Government since I have been a Member of Congress, because the entire inertia of government is put in favor of the railway companies, and it is very easy to get some one at some time somewhere to block anything looking toward remedial legislation. [Applause.]

Mr. MANN. Mr. Chairman, I was in the city council of Chicago for four years when there was an active contest by companies for the control of the street railways in that city. For years it had been the practice under the law to grant franchises for the terms for which they could grant them—20 years—and then the companies would come in for an extension on this street or on that street, or some other street, meeting the growth of the city, and obtain a franchise for 20 years for the new street which would not coincide with the original term of the trunk line down town.

While I was in the council we commenced a fight against the renewal of a franchise, against the granting of extension lines for a longer period than the parent line had. That fight culminated after I went out of the city council, but in its culmination it resulted in a great victory for the people of the city of Chicago. For whereas under the old system the street railways of Chicago charging as they did a 5-cent fare, and not at that time giving universal transfers, kept all the profits which they made, while to-day the city of Chicago receives 55 per cent of the receipts of the railway after the payment of operating expenses and the bonds. The owners of the property receive 45 per cent, as against 55 per cent taken by the city of Chicago; that is, where there were franchises of 20 years. Originally everybody considered that it was a favor for these people to expend their money constructing these lines, but in the course of 20 years, which is a much less period than 50 years, it became proper and desirable to take away some of the exorbitant profits that were being reaped by the persons who held the franchises.

Mr. SIMS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SIMS. What I wish to say is this: While the limitation of 50 years is affected no doubt in a legal sense by the power to alter, amend, and repeal, will not the moral effect of it be that Congress will not dare to repeal it to the injury of the stock and bond holders, the value of which has been created by this act of Congress giving them 50 years? Does it not after all prove the correctness of what the gentleman from Kentucky [Mr. SHERLEY] says, that when you undertake to repeal a law, and the initiative is taken by Congress against the owners of the stocks and bonds who claim they are innocent holders, because they bought them innocently, will not you run up against the same difficulty that we have had in the District of Columbia for many years?

Mr. MOORE of Pennsylvania. I would like to ask the gentleman a question.

Mr. MANN. I will yield to the gentleman.

Mr. MOORE of Pennsylvania. In the case of the Chicago franchises the gentleman speaks about, was not there a limitation as to the amount that should go into the coffers of the company?

Mr. MANN. No; I think not.

Mr. MOORE of Pennsylvania. The provision on page 12 in this bill, line 10, gives the Government free access to the books of the company. For what purpose is that?

Mr. MANN. To ascertain the amount of horsepower they use, I take it.

Mr. MOORE of Pennsylvania. Under that right reserved to the Government they can examine the books as to the profits of the company, whether it makes 6 per cent, to which amount profits of corporations have been limited in certain States, or whether it makes 50 per cent; but the Government can not exercise any right over the profits here, no matter what it may discover by an examination of the books.

Mr. MANN. I think it is perfectly plain.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I want to say to the gentleman that the examination of the books goes a little further than that. They can ascertain by examination of the records the amount of water power produced, so the Government will know how much revenue it is entitled to, and then it goes further than that. The bill provides that they may ascertain the amount of water power produced, not only at this dam but at the reservoir above the dam, which is to be constructed by the company, and to ascertain the price at which the company is selling.

And so, in addition to ascertaining the amount of the revenue that the Government is entitled to, to enable the Secretary of War at the end of this 20-year period, and at the end of every 10-year period subsequent thereto, to fix a just rate different from the one provided in the bill for the first 20 years. I will say further that I think the bill ought to provide that the Government, through some official, and I would say the Secretary of War, have the right to fix the charges which the company can make to its consumers. I believe that ought to be a provision of the law.

Mr. MOORE of Pennsylvania. Will the gentleman answer me this quetsion? Suppose we were dealing now with a large corporation, national in its extent—for instance, the United States Steel Corporation or the so-called Sugar Trust—and it should be ascertained that the profits were exorbitant, that they were in excess of 6 per cent, would not the gentleman think there ought to be some limitation by law upon those profits?

Mr. HUMPHREYS of Mississippi. Yes, sir.

Mr. MOORE of Pennsylvania. Well, what is the difference in principle between fixing the limitation of profits of a large corporation like the United States Steel Corporation and of this company which runs free as to profits? This company has the help of the Government, and proposes to develop water power with the Government's assistance, and sell it at any price it sees fit.

Mr. HUMPHREYS of Mississippi. I do not think this company, or any other company that is permitted by virtue of authority granted by the Federal Government to develop and sell power, ought to be permitted to charge whatever it sees fit.

Mr. MOORE of Pennsylvania. Then, the gentleman agrees that there should be an amendment to this bill fixing a limitation upon the profits of a company which has this decided advantage of the assistance of the Government in its enterprise?

Mr. HUMPHREYS of Mississippi. I think the bill would be much better if there were a provision in it by virtue of which some official of the Federal Government could regulate the charges this company could make to its consumers.

Mr. MOORE of Pennsylvania. I think that is in harmony with the public opinion of the day in regard to all these corporation-regulation questions.

Mr. MANN rose.

Mr. TAYLOR of Alabama. Will the gentleman from Illinois permit me to interrupt him?

Mr. MANN. Certainly.

Mr. TAYLOR of Alabama. If I understand what the gentleman has said, for some time, he is in favor of an amendment that authorizes the Government, through the Secretary of War, to fix the rate. Individually, I am with the gentleman to that effect.

Mr. MANN. Mr. Chairman, I will say to the gentleman that I received a copy of this bill only this morning. I have not had a chance to read it. It is a long bill. When it was being read

by the Clerk of the House, I did not read it, but then talked with a gentleman who knew about the matter and who explained what it was. Hence I have had no chance to prepare an amendment.

Mr. TAYLOR of Alabama. I will add, with the permission of the gentleman, that that provision was not inserted because it was a very great big proposition and this was an emergency bill, and we did not think, as the Committee on Rivers and Harbors, that it was proper to insert such a proposition in a bill of this nature.

Mr. MANN. Mr. Chairman, I do not know whether it is called an emergency bill by the Democratic caucus or not. That is a question which does not concern——

Mr. TAYLOR of Alabama. Not by the Democratic caucus, but that comes from the engineers, who say unless it is passed at this session of Congress they will not carry out the provisions of the bill, but will go on and build Lock 18, and go on with the scheme they have already started in that direction.

Mr. MANN. I have no doubt whatever that they will wait until the action of Congress in reference to this matter, whether it is at this session or two sessions from now.

Mr. UNDERWOOD. Mr. Chairman, I want to say to the gentleman from Illinois that they will not wait. I am not so much interested in this bill so far as the horsepower is concerned, because we have several horsepower projects on the Coosa River as close to Birmingham as this.

We have a very close coal supply. For nearly 15 years with my colleagues I have endeavored to improve the navigation of this river. The plans have been agreed upon, the money appropriated, and the plans authorized, and, as far as I am concerned, I will not consent to the engineers delaying the improvement of this river for navigation purposes. Now, I expect to vote for this bill because the engineers say that it will cost something between $200,000 or $300,000 less to improve navigation by adopting this plan than it would by following out the old plan, but I certainly will not vote for any delay on this matter, because, if the Congress does not want to adopt this proposition and does not think it is advisable or feasible, I for one will certainly insist that the engineers in the department go on with the old plan and complete the work. I do not consider it a proposition of very great value to the constituency that I represent, because we have unusually cheap coal and we have the escaping gases from the coke ovens that are being used for power purposes now, and I believe can be used for power purposes cheaper than water power, and on the Coosa River there are two projects that have already been authorized by the Government to increase electric power there. I just wanted to say to my friend he is mistaken if he thinks that this question of developing navigation is going to be delayed. It will not be delayed, so far as I am concerned, because I am very much interested in the completion of navigation on that river, and am not nearly as much interested in the question of the developing of this power.

Mr. MANN. Mr. Chairman, it would have been very unfortunate for this company if the reciprocity bill had been passed at the last session of Congress. There would not have been any extra session to pass it now; hence it would have been carried out, according to my friend from Alabama——

Mr. UNDERWOOD. I think so.

Mr. MANN. I have not had——

Mr. TAYLOR of Alabama. And the State of Alabama would have lost the power.

Mr. MANN. I have not had the experience of either of the gentlemen from Alabama, but I know from my experience that while a matter of this sort is pending before Congress, reported from a committee, that the War Department will not act until it has been disposed of.

Mr. HUMPHREYS of Mississippi. If the gentleman will allow me to make a statement there, I desire to say that the contract for the lock and dam at 17, where this 63-foot dam is to be constructed, has already been let, and the contractor has expended about $70,000 already in the prosecution of that contract, so that if Congress fails to act, it is unquestionable that the engineers will not delay the construction of the lock and dam.

Mr. MANN. It is immaterial to me whether the engineers delay or not; it is quite certain if a large water power is to be lost, so that much energy, instead of being conserved, is to be destroyed, that the engineers will wait, and that if the water power ought not to be conserved, probably they will not wait. I am not to be persuaded that because gentlemen wait until their time has gone by when they should have presented their projects before Congress at the proper time that they should come here now and say: We must have the bill as we have it, regardless of its merits, because if we do not get it now we lose all chance of getting it in the future. If we ought to control the price and the rate at which this water power is sold, we ought to control it. We have a commission to which we have given power to control all the railroad rates of the country, all the express rates of the country, all the telegraph rates, and practically all the telephone rates of the country. We have not passed a bill in years giving special privileges that we did not reserve the right of the General Government in some way to control it, and yet here is a proposition to give away power, partly created by the Government, with no control over the rate which shall be charged for its use.

Mr. MARTIN of Colorado. May I ask the gentleman a question there?

Mr. MANN. Certainly.

Mr. MARTIN of Colorado. Has Congress ever enacted a law fixing an annual rental for the use of water power, to flow to the National Government for the profit of the Federal Treasury?

Mr. MANN. Congress practically did that in the general dam act which passed at the last session of Congress, and I think the gentleman took an interest in that and is familiar with it.

Mr. MARTIN of Colorado. But this is the first bill in which a specific charge is made against a project in the way of an annual rental for the benefit of the Federal Treasury?

Mr. MANN. I will not undertake to say it is as to an annual rental or not. We have passed a number of bills where the rental was provided for.

Mr. MARTIN of Colorado. If that is the case, then this is a tremendously important matter.

Mr. MANN. It is. There is no doubt about that.

Mr. MARTIN of Colorado. It is a serious matter that the Federal Government should go into the State of Alabama and mulct its natural resources for the benefit of the Federal Treasury. The Federal Government has an interest in keeping this water open to navigation, but when it goes into my State and converts the natural resources of that State into a source of profit for the Federal Treasury, that is a revolutionary departure from all former procedure on the part of the Federal Government in reference to these matters. And it most deeply and vitally affects particularly all the States of the West. I would like to have a few months' time to think over a matter like this. I am not particularly interested in the rate in this bill, but I am immensely concerned in the principle involved, in the effort made by the Federal Government to go into a sovereign State and take its natural resources and convert them into a source of profit for the Federal Treasury.

Mr. MANN. I want to ask the gentleman about another matter. The bill says:

> The said company is hereby authorized to construct said storage dam and reservoir at Sanders Shoals in accordance with the act to regulate the construction of dams across navigable waters.

Why does it not provide that the company authorized shall not only construct, but maintain and operate this dam in accordance with the general dam act?

Mr. HUMPHREYS of Mississippi. It was the thought of the committee that the words "in accordance with the provisions of the general dam act" would cover all the provisions of that act. I will state to the gentleman, without divulging any secrets unnecessarily, that the suggestion was made to the committee that the words ought to be "in accordance with and subject to the limitations of the general dam act."

Mr. MANN. I take it, then, that the gentleman on the committee would have no objection to inserting after the word "construct" the words "maintain and operate"?

Mr. HUMPHREYS of Mississippi. Of course, I am not authorized to speak for the committee. Personally I would have no objection myself. This particular matter was submitted to the engineer department, and they believed "in accordance with the provisions of the general dam act" carried with it all the limitations and all the restrictions of that act. That was their opinion, and for that reason this other was not put in.

Mr. MANN. I may say to the gentleman that some time ago, after the passage of these general bills, I prepared forms of bills in connection with the War Department, and all of us concluded that it was necessary to use not only "construct" but the words "maintain and operate," so that the construction, maintenance, and operation should be under the general dam act. They might be anyhow, for that matter.

Mr. HUMPHREYS of Mississippi rose.

The CHAIRMAN. Does the gentleman from Mississippi request recognition?

Mr. SHERLEY. If he does not, I do.

Mr. HUMPHREYS of Mississippi. Go ahead.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Chairman, I do not profess to know anything about the details of this project, but I have some very firm views in regard to the policy of the United States in granting power rights in connection with navigable streams, and I am not willing to remain silent during the consideration of this bill. Let me suggest to the House two propositions. The first is that the term provided in this bill for the life of the contract is too long. Fifty years in the future is too long a period for any legislative body to wisely provide conditions for. Secondly, it is of no great practical value to name a less number of years if you put all of the burden upon the Government for changing the condition of the contract at the expiration of that time. As I said a while ago in interrupting the gentleman from Illinois [Mr. MANN], under the terms of this bill at the end of 20 years the War Department must affirmatively take action in order to change the rate that is charged of $1 per horsepower.

Now, all of us who have had the slightest experience with corporations subject to regulations by the Federal Government know the difficulty that is experienced in getting action looking to putting upon them regulations more onerous than existing ones. It is practically impossible for the Congress of the United States to legislate effectively even as to the street railways of the District of Columbia; and yet if the franchises of those railways ended at a particular time and their property was subject to conversion by the Federal Government, they would be coming here asking action by the Federal Government, and the condition of inertia would be removed. If this bill is to pass, it should have provisions in it stipulating for a shorter term, and after the expiration of the term the failure to agree with the Government upon new terms should cause the rights of the company to cease and another provision made for the taking over and disposition of the property that may have been placed there by such company. But to say that this House, upon the short notice that it has had, should pass this bill granting a 50-year franchise is to seek at our hands more than I for one am willing to grant. [Applause.]

I yield now to the gentleman.

Mr. SPARKMAN. No; I thank the gentleman.

Mr. SHERLEY. I thought he desired to ask some questions. But before I take my seat I would like to ask the gentleman from Alabama [Mr. TAYLOR] whether he would be willing either to accept amendments in the line I have suggested, or, better still—because it is almost impossible for any man, no matter what his skill may be, to accurately write out his amendments on the floor of the House in a matter of this kind—to recommit the bill for amendment in that respect.

Mr. TAYLOR of Alabama. In my judgment, the enterprise could not be financed with a limit fixed at less than 50 years. The bill came from the Senate with a provision fixing the limit at 99 years, on the theory that it was necessary that 99 years should be granted in order to finance this proposition. My own judgment was that a 99-year period was too much. The committee agreed with me, and agreed to a 50-year term. That, I think, is a very reasonable limit for financing this matter, which involves the expenditure of $4,000,000 in the State of Alabama. That is what that corporation would have to pay out.

Mr. SHERLEY. The gentleman's opinion is that 50 years is the shortest practicable period?

Mr. TAYLOR of Alabama. Yes; in which it could be financed.

Mr. SHERLEY. To that I will say that we are constantly, in our city, selling franchises for our streets for a much shorter term. But does not the gentleman think that, instead of leaving it to his opinion or to my opinion as to the length of time necessary in order to have the work undertaken, the Government can very well undertake to try a shorter period, and instead of naming an individual company, follow the suggestion of the gentleman from Illinois [Mr. MANN] and leave it to the highest bidder? I know that there are several companies of very large capitalization in my State—and I am sure there are in other States—companies that are anxiously looking for opportunities for the development of water power of this character; and, against the judgment of the gentleman from Alabama, I simply submit my own, that the Government could very readily get bids upon a proposition containing a much shorter limit than 50 years.

Mr. TAYLOR of Alabama. My opinion was not volunteered, I will say to the gentleman. The gentleman asked my opinion, and I gave it.

Mr. SHERLEY. Certainly. I am not complaining because the gentleman gave it.

Mr. TAYLOR of Alabama. Will the gentleman let me say one word more?

Mr. SHERLEY. Certainly.

Mr. TAYLOR of Alabama. That opinion was very thoroughly discussed in our committee, and the committee unanimously agreed upon a 50-year limit. It is not my opinion alone; it is also the opinion of the Rivers and Harbors Committee. I take no exception to the opinion of the gentleman from Kentucky, but I will say this, that Kentucky is more developed than Alabama is. Kentucky is an older State. It has more population; it has more money; it can finance propositions more readily. But the proposition mentioned by the gentleman from Kentucky, as to developing cities with street railroads, is a very different proposition from the development of water power in this section of country that I have endeavored to describe to this House; a section of country that you can not reach to build locks; a section of country that you have no room to go there and build a dam; a section of country that has to make concessions to capital in order to interest it in using its money in the development of the water power in that particular section.

Mr. SHERLEY. Now, if the gentleman will permit——

Mr. TAYLOR of Alabama. I should like to say further to the gentleman that I myself am interested in the navigation more than anything else, and the matter of this water-power company is purely an incident with me. I do not care whether this company carries out this contract or not. If it does not, then in the next Congress it is my idea that we can put it up to the highest bidder.

Mr. SIMS. Then let us put the bill over.

Mr. TAYLOR of Alabama. To attempt now to follow the suggestion of the gentleman from Kentucky [Mr. SHERLEY] and make a bill here for the purpose of putting it out to the highest bidder is to do something which up to this period in the history of Congress has never been done. It is done in cities. I do not know that it has ever been done in States, and I submit it has never been done by the Congress of the United States.

Mr. SHERLEY. If the gentleman will permit, his proposition, translated, is this: We will pass this bill. If it proves that the terms we have imposed upon the company are so onerous that the company will not accept them, then we can legislate again; but if, on the other hand, the terms that we have made are so favorable that they should never have been granted, then the Congress of the United States has given away its power. I do not mean in any sense to underestimate the opinion of the Committee on Rivers and Harbors or the individual opinion of the gentleman, but if there has been one marked advance in dealing with matters of this kind in the last 20 years it has been the shortening of the term of contracts and fuller control retained by the Nation, the States, and municipalities. I am not willing to accept either the gentleman's judgment, or the judgment of any dozen or two dozen men, as to this matter, when it can be put to the test of actual trial by offering it for bids in the open market. Neither am I impressed with the argument of the lack of wealth in the State of Alabama. Had anybody else undertaken to say about that great State what the gentleman has just said, he would have been the first to rise in defense of her resources and her ability properly to provide for all present and future needs. But even with the conditions as bad as he believes or states, it still remains that these matters of water power are not dependent on local capitalization. To-day the capital of all America is seeking opportunity for investment in profitable water-power sites, and so the question of the condition of Alabama is immaterial in this case.

Neither am I impressed with the argument that the gentleman is more concerned with the navigability of the river than with the use of the water power. If that be true, then I suggest that the solution of this whole matter can readily be found by striking out all provisions in the bill relating to the sale of the water power. But what you are asking of us is that we as legislators here shall agree to a bill that does give a long lease of the use of the water power to be created.

Mr. SPARKMAN. I will say to the gentleman from Kentucky that the limitation of 50 years was taken from the general dam act. As stated by the gentleman from Alabama, this bill, as it came from the Senate, provided a limit of 99 years. Both the subcommittee and the full committee thought——

Mr. SHERLEY. I am not very much impressed by the contractual terms that are sent to us from the other end of the Capitol. [Applause.]

Mr. SPARKMAN. But we have a law on the subject already, and we relegate this company to the terms of the general dam act. We make that applicable to the construction and operation of this work.

Mr. SHERLEY. All I can say is that every man is entitled to his own view, and I respect him. But I do not believe that there is a common council in my State that would dare in this day and generation to propose to give a 50-year contract for any purpose. [Applause.]

Mr. SPARKMAN. That may be true, and very properly so, because improvements usually placed in a city are of such nature that they can be easily taken out; but you put a

$1,500,000 dam across a stream of water, and it is not very easily removed.

Mr. SHERLEY. The gentleman's argument is not quite accurate. There is no more investment of a character difficult to realize on in the building of such a dam than there is in the building of the line and the laying of the rails of a street-railway company.

Mr. TAYLOR of Alabama. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. TAYLOR of Alabama. This is not exactly in the shape of a question, I will say to the gentleman, but rather in the way of an explanation which his language calls for. I never would interrupt anybody who had anything to say about the State of Alabama if they said what I said. I spoke the truth, and I think Alabama can stand the truth, and I am not afraid to meet the truth. I only told what everybody knows and what those in and out of the State of Alabama know is the truth.

Mr. SHERLEY. I have such an affection for Alabama that I could not help but think even better of the gentleman's State than his statement seems to warrant me in believing. [Laughter.]

Mr. TAYLOR of Alabama. One more suggestion: The State of Alabama has given the water-power rights to this water company at the head of this stream. The State of Alabama in her policy has already disposed of her rights. The policy of the State of Alabama and of her legislature and the construction of the law by her judges is that the General Government has no power over the water power of a State, and she has already given to this particular company the right to create a water power upon this stream above navigation.

Mr. SHERLEY. That was the responsibility of the State of Alabama. She has seen fit to exercise it in her wisdom, but we can not escape our responsibility because of her action. Neither am I willing to accept in its entirety the statement made by the gentleman from Colorado. For my part, I believe that those things that belong to the Nation belong to the Nation, notwithstanding they are in the confines of a State. [Applause.]

Mr. TAYLOR of Alabama. So do I; I agree with the gentleman.

Mr. SHERLEY. I believe that the responsibility is upon this House this day. I am not willing to vote for this franchise for this length of time. Were I able on the floor, in the heat of debate, in the consideration of this measure, to offer amendments properly safeguarding the bill, I would gladly do so, because I dislike very much to delay the work, and I dislike to do anything that may be against the wishes of the gentleman from Alabama; but on this matter I feel deeply enough to feel obligated in the present condition of this bill to use what influence I may have against its present passage. I will now yield the floor unless some gentleman wishes to ask me a question.

Mr. BOWMAN. I would like to ask the gentleman a question.

Mr. SHERLEY. I will yield to the gentleman.

Mr. BOWMAN. I wholly agree with the general proposition that the gentleman has stated, but it does seem to me—and I will say by the way that I knew nothing about this proposition until it was presented to the House this morning—as an engineer it presents peculiar conditions to me outside of those that would be controlled by a railway. Here is a corporation that has certain rights above the limits of navigation where it controls about 14,000 horsepower. They propose to expend $4,000,000 in that work. They desire to add to this 15,000 horsepower which the United States Government can get and save an expenditure of several hundred thousand dollars. It does seem to me, in view of the fact that in 20 years the Government can get control by advancing the rates to such a limit as to oblige the company to do what is right, and if there is such a feeling in that district, that the rates are unreasonable—if they are oppressing the community—the Government can advance the rates unless they be reduced to a reasonable figure; but it does seem to me that this great force of nature going to waste should be used. It does not seem to me that technicalities of law should interfere with the development of that section of the country.

Mr. SHERLEY. In reply to what the gentleman has said, I think there has been no attempt to indulge in technicalities of the law. Neither do I believe that America is subject to the indictment of having been too slow in the development of her resources. If the Federal Government has made any mistake in the past, it has been in being too quick under the specious pleas of people who were able to carry weight in granting such privileges. I do not think that the development of water power in Alabama is so pressing that we can afford to set the precedent of issuing 50-year leases in the use of water power hereafter.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MANN. It is now 4 o'clock. I think it is safe to say that we will be here a week from to-day. Does not the gentleman from Kentucky and the other gentlemen who are specially urging this bill believe that the gentleman from Alabama [Mr. TAYLOR] would expedite and possibly secure the passage of the bill if he and the others interested would let it go over until Members have a chance to prepare amendments to it, which amendments in the main probably would be acceptable to those who are urging the bill?

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I can say to the gentleman this, that if the House is opposed to this bill as it is written, but is not opposed to the development of power there on such conditions as the House itself may hereafter think desirable, that can be accomplished without voting against this bill by simply striking out all except the first three sections; and I want to submit this suggestion if the gentleman from Kentucky will indulge me——

Mr. MANN. The gentleman does not think that he can do that this afternoon?

Mr. HUMPHREYS of Mississippi. I do not know what can be done this afternoon.

Mr. MANN. The gentleman knows he could not amend the bill by striking out all except the first three sections this afternoon. It would be so much simpler to strike out the enacting clause that I think the committee would do that if it is pressed this afternoon.

Mr. HUMPHREYS of Mississippi. Let me call the gentleman's attention to what will be the result of that, and here is the interest that I have in mind: If the bill is defeated, the lock at 17 is going to be constructed under the contract as already made, and there will be no further possibility of water-power development there; the gentleman may rest assured of that. The engineers have so stated in their report. They say:

> If Congress fails to act on Senate bill No. 943 at the present session, or local interests fail to comply promptly with the terms of any cooperation authorized by Congress, it is recommended that the improvement of the Black Warrior River and the proposed extension of this improvement up the Mulberry and Locust Forks be provided for in accordance with the plan which contemplates the use of a 42-foot dam at No. 18, at an additional cost of $292,152.

Mr. MANN. The gentleman is now discussing the merits of the bill, and I am trying to get at a legislative proposition. I was not born yesterday in legislation, and I do not think I am quite a sucker. I know the gentleman does not take me for one. If this bill had only one section with one word in it and it should be passed as a substitute for the Senate bill, we all know perfectly well that we would be called upon to vote for a conference report in the end, in the closing minutes of a session, when it would go through like greased lightning. Let the House have a chance to consider it and amend it.

Mr. HUMPHREYS of Mississippi. Why has not the House a chance to consider it and amend it now?

Mr. MANN. Why, Members of the House have not had a chance to even read the bill.

Mr. TAYLOR of Alabama. Will the gentleman permit an interruption?

Mr. MANN. The gentleman from Kentucky has the floor.

Mr. SHERLEY. I yield to the gentleman from Colorado [Mr. MARTIN], as I promised to, and then I shall not detain the committee longer.

Mr. MARTIN of Colorado. Mr. Chairman, I asked the gentleman from Kentucky to yield to me merely because he stated that his position differed from mine, which statement on his part seemed to meet with the approval of the House, and I simply wanted to call his attention to the fact that we grant railways of this country rights of way from ocean to ocean without charging a single cent for that invaluable privilege. The Government pours hundreds of millions of dollars into the channels and harbors of the rivers and streams and bays of this country without a cent of charge to those using those streams and harbors, and I fail to see the difference in principle or the justice in muleting an individual or a corporation merely because he or it proposes to develop and use a water-power site.

We are spending millions of dollars, for instance, to build dams in the Ohio River, and we do not propose to make any extra charge to those who use the surface of that stream for transportation purposes; and I object, above all things, to making it a source of Federal profit instead of a source of profit to the State.

Mr. HUMPHREYS of Mississippi. Is the gentleman aware of the fact that the State has given to this company what rights it has, given them over without charge and without price, and so has every other State? Every proposition that comes here of

this sort comes with a franchise from the State which the State has given away.

Mr. MARTIN of Colorado. I will say to the gentleman that is the State's negligence and the State's lookout. I would rather give this company that river forever for nothing than to recognize the principle that the Federal Government can go out into my State and make the water-power sites and plants of that State a source of Federal taxation, thereby depriving the State of taxation upon its own resources.

Mr. HUMPHREYS of Mississippi. If the gentleman will yield. The gentleman is mistaken when he said this was an entirely new departure. The Federal Government now charges at a number of dams where water power is created an annual rental to corporations that use the water power. In the last river and harbor bill which was passed the right to construct dams down on the Coosa River, in Alabama, carried with it a condition that the company to which this right was granted should pay an annual rental to the Government of $1 per horsepower for the use of the water. This is not the first case of that kind. That precedent has already been established, and I am one who is very thankful that the precedent has been established.

Mr. MARTIN of Colorado. I asked that very question and did not get the impression that the precedent had been established heretofore, and if it has I do not concede the soundness of the precedent.

Mr. HUMPHREYS of Mississippi. Well, it has been established, and the speech of the gentleman from Kentucky appeals very strongly to me, if he will indulge me further. In the last session of Congress I had the privilege and took the opportunity to oppose a bill that proposed to grant a tremendous water power, the greatest that ever had been produced on the face of the earth, to a corporation for 99 years. That limitation was put in after the State had granted to that corporation all the rights the State had to grant, a charter right without any limit whatever. The committee put in a 99-year limitation. I took the position on this floor then that no corporation ought to be chartered by the Government or granted any privilege to do anything beyond the limit of 50 years. I am delighted to know that the gentleman from Kentucky says now that even that is too long. I think it would be wicked in this Government to give away these water powers which are just now being developed in this country. No man can tell what their extent will be. The engineers say that at this particular point they can develop twenty to twenty-five thousand horsepower with the present status of electrical science and the development of mechanical science to-day, but who can say what will be the possibility 10 years from now, when instead of 15,000 it may be 500,000 horsepower can be developed there? And when that comes, when the water power of this country has passed away from Federal control and has been given away, as the States have given it away, to corporations, no gentleman here doubts there will be some gentleman's agreement among all these water-power corporations which will enable them to dictate the terms upon which every wheel in this country will move, unless the strong arm of the Federal Government is interposed to put a limitation upon the extent of the right, or, better still and in addition still, the right is preserved in the Federal Government to say what the selling charge may be. [Applause.]

Mr. JAMES. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. SHERLEY] yield to his colleague?

Mr. SHERLEY. Certainly.

Mr. JAMES. I would like to ask the gentleman from Mississippi a question. I am thoroughly in accord with his position that the Federal Government ought not to give to a corporation a long period of lease and let it have the power to charge exorbitant rates to the consumer. Now, what provision is there in this bill that safeguards the public that uses this water power that the Government generously bestows upon this corporation for 50 years? Is there any protection to the people?

Mr. HUMPHREYS of Mississippi. In the first place, the Government does not generously bestow it upon a corporation for 50 years. It rents it to a corporation at an annual rental, which is subject to a readjustment at every 10-year period. In my opinion, and this is not the first time I have expressed it—I mean by that that I did not wait until I got on the floor of the House to do so—no corporation, not because it is a corporation, but the same would apply to an individual as well, ought to have the privilege of developing this power without being subject to regulation by the Federal authority as to the selling charges of the power produced.

Mr. JAMES. And yet there is no provision of that sort in this bill.

Mr. HUMPHREYS of Mississippi. The gentleman from Alabama [Mr. TAYLOR] said a moment ago he would be very willing to accept an amendment which would incorporate such a provision.

Mr. JAMES. It is unfortunate that that amendment was not put in the bill before it came on the floor.

Mr. HUMPHREYS of Mississippi. The gentleman can not get into any quarrel with me over that proposition.

Mr. JAMES. I am not seeking to do that.

Mr. AUSTIN. May I ask the gentleman from Mississippi [Mr. HUMPHREYS] if it is not true that the St. Lawrence Development Co. in the bill in the last Congress were to pay so much per horsepower either to the State of New York or the National Government?

Mr. HUMPHREYS of Mississippi. They were to pay what I thought was a ridiculously small compensation to the State of New York, but none to the Federal Government. And let me state here that that corporation through its representatives stated to the committee that under no circumstances would they accept the franchise and undertake the work unless they were given a perpetual right, or, in other words, if there was any limitation put upon the perpetual right which had been granted by the State of New York. The Committee on Rivers and Harbors, in spite of that declaration, put in a limitation of 99 years, and they then agreed to accept that. When it came on the floor of the House it was under suspension of the rules and was not subject to amendment. I opposed the bill because I wanted it limited to 50 years. They had insisted that they could not finance it even if we put the 99-year limitation in. After the House defeated the bill because it did not contain the 50-year limitation, I was informed, and I think reliably so, that that corporation was willing and anxious to accept the franchise with a 50-year limitation in it.

Mr. AUSTIN. That called for an expenditure of $40,000,000, did it not?

Mr. HUMPHREYS of Mississippi. Yes. They are willing to take it for 50 years and to expend $40,000,000 in development work.

Mr. UNDERWOOD rose.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. SHERLEY] yield to the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. SHERLEY. I yield the floor.

Mr. UNDERWOOD. Mr. Chairman, I did not intend to enter into a discussion of this proposition myself. My own constituency are the ones that are interested in it, if anybody is interested in this proposition. We have on the west of us the Warrior River, with this water power; we have on the east of us the Coosa River, a very much larger river, with five distinct water powers that are better than this, or most of them are. The development of one of them is now being started, and will furnish a great deal more horsepower than will be developed on the Warrior River, and is a very much better horsepower for our people for this reason: The Warrior River comes down between two high banks of rock. There is a tremendous flow of water in the winter time and a very small flow of water in the summer time.

This project has been investigated before, and all the engineers whom I have ever heard of that have investigated it have reported that it was not feasible or practical as a development for power, so far as the river itself is concerned; that the only way you can develop continuous power on that river, a power with which you can run street cars and engines and electric-light plants—is for whoever develops it to go back into the mountains and build great dams in order to hold the supply of water to turn loose in the summer time, to use when the stream runs dry. On the other hand, the development on the Coosa River, the engineers' reports show, is a more uniform, continuous supply of water than in any other stream in America. And they are developing that power, where there will be only 50 miles of wire needed to bring it into Birmingham.

On the other hand, we have great coke ovens there that are pouring their smoke up into the heavens. That surplus smoke and that surplus heat is being used by some of these companies and can be used for electrical power any day. There are more possibilities for competition in Birmingham for electrical power than anywhere in America that I know of, and I think the question involved in this bill is the question as to whether the men who intend to finance it should invest their money in the enterprise, and not as to whether my constituents are being badly treated or not. I stand for it that my constituents are not afraid for you to give those men their 50 years in which to make their money out of it.

We have five competing water powers on the Coosa River; other water powers on the Tennessee River. We have every

great coke oven in the district of Birmingham pouring its smoke into the skies, ready to make if utilized cheaper power and cheaper lights and cheaper heat than you can make out of this water power on the Warrior River.

Now, I will say to you that I did not introduce this bill, and the only interest I have in it is the question of the improvement of navigation. As to the 50-year limit, gentlemen on this *floor talk* as though the committee were trying to get this Congress to accept something new, to grant some special right. Why, you gentlemen yourselves wrote into the general law of the land, I think, in a bill offered by the gentleman from Illinois, if I am not mistaken, the same proposition—the general dam act, requiring that in all these dams for electrical power the period shall be 50 years.

Mr. MANN. The gentleman from Minnesota [Mr. STEVENS] is entitled to that credit, but I wrote the original act.

Mr. UNDERWOOD. It came from the gentleman's committee?

Mr. MANN. It did.

Mr. UNDERWOOD. And you thought the time ought to be 50 years, and this House ratified it, and you put it on the statute books; and yet you are criticizing this bill, which simply ratifies your general dam act, as if it were going out of the way and accomplishing something unusual. It is nothing but the general law, the law of the land to-day. The law of the land in reference to the development of water power is the law that you must go to and develop your power under when questions of navigation are not involved. Suppose that the Government was not involved in navigation in this stream and that there was no navigation to be promoted. These men would not have to come here for a special bill. They would take the general law that you put on the statute books, and under that law they would create this development which this bill provides for. Is there any harm in a bill that simply writes on the statute books what you said was good for all of the people in the United States? That is all there is in this proposition.

Now, as to what my friend from Colorado [Mr. MARTIN] said, I want to call his attention to one proposition. I agree with him fully that the Government of the United States has no right to tax the untaxed waters of the States. Those waters belong to the States and to the people of the States, and the Government of the United States, the former President of the United States to the contrary notwithstanding, in my judgment has no right to levy one dollar of taxation for the use of these waters, either for mill purposes or electrical purposes or any other purposes.

That is not the question involved here. The question involved in this case is a different one, and to that I wish to call the attention of my friend from Colorado. Here is a case where the Government of the United States is not proposing to charge for the use of the water.

The Government of the United States, by the investment of its own money, has created power. That power belongs to it. It proposes to build a dam. That dam belongs to the Government of the United States. When the water goes over that dam the Government of the United States can put it through a turbine wheel and use the power created to generate electricity, to operate the dam, and to light the houses of the employees along the banks. Having that power, in my judgment it has a right to sell that power. Not that the Government of the United States has a right to build a dam to create power for sale; but when the Government of the United States builds a dam for navigation purposes, within the power of the Constitution, if there is additional power created by that dam, incidental to the expenditure of the money used in the building of the dam, I say the Government of the United States does not have to let the water run over the top of the dam and go to waste, but that the Government of the United States may sell the power for such price as it thinks fair and reasonable.

Mr. MARTIN of Colorado. Will the gentleman permit an interruption there?

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. Certainly.

Mr. MARTIN of Colorado. Conceding what the gentleman says to be true, I look at this case as merely an adaptation of the principle that has been established in conservation, to fit the particular circumstances. Out in my State the Government does not claim to own the waters in the streams, because they are nonnavigable streams. We do not have to come to Congress to get permission to build bridges and dams, because the State owns those streams; but the Government says to us, "We own the lands bordering on the streams that are desirable for water-power sites, and we will charge you a rental for the use of those lands upon which to locate your dams and power plants, which will be equivalent to a charge for the use of the water."

Mr. UNDERWOOD. The gentleman's case is not in point with this.

Mr. MARTIN of Colorado. No; but it is all a part of the new doctrine that the State virtually owns these waters and has a right to tax their use.

Mr. UNDERWOOD. Not at all. I agree with the gentleman from Colorado in what he asserts. I say that the Government of the United States has no right to tax the running water, and it would have no right to build a dam for the purpose of creating power. But mark you, gentlemen, this question is not an undetermined one. The Government of the United States by past legislation has already committed itself to making this river navigable up to this point, and has authorized the engineers to go ahead. It is not a new proposition. If you defeat this bill, you do not stop the navigation. You do not stop the project which has been authorized. It is on the statute books. A part of the money has been appropriated, and in your sundry civil bill, along with your other improvements, when the money already appropriated is exhausted, you will have to bring in sufficient money to complete the navigation project. There is not anything new involved there. The one proposition here is that the Government engineers have favored a change of plan. They favor building one dam instead of the four dams that are authorized. They say that that one dam will cost between $200,000 and $300,000 less to the Government of the United States than the building of the four dams already authorized would cost. Now, is there any gentleman here who wants to defeat a bill that will cost the Government $300,000 less than what it has already committed itself to do?

Mr. LEWIS. Mr. Chairman, I have no objection to the principle of the bill, and by way of preface to the question I shall ask I wish to make a statement to render the question intelligible.

Some 50 years ago the General Government permitted a bridge company near Pittsburgh to cross the Monongahela River. Latterly, in the interests of navigation, it was found necessary to pass an act of Congress to have the bridge taken down.

The act of Congress provided that compensation should be made to the bridge company for the value of the physical structure. A controversy arose and the case went to the Supreme Court, and that court held that the limitation of the compensation to the value of the physical structure was unconstitutional, and that the Government must pay the bridge company the value of the physical structure and also the value of its franchise, or of its privilege to make profits through the bridge.

In the act just now proposed I find the clause reserving to the Government the right to alter and amend, but I should like to feel that if in the interest of navigation the Government should find it necessary to take down the dam to which the power plant is being annexed it would not have to pay the power plant the franchise value or capitalization of the profits it might be making out of the privilege given it by the Government, as in the Monongahela case.

Mr. UNDERWOOD. That is simple. The gentleman realizes that this is not a similar case to the bridge case that he speaks of. The bridge was built by a private party, and this dam here is going to be built by the Government.

Mr. LEWIS. The plant for the utilization of the power under this bill is to be built by a private company.

Mr. UNDERWOOD. All the plant consists of is the right of the company to run a 3-foot board across the top of the dam and get 3 feet more of water than the dam furnishes for navigation and the right to draw that water down to the face of the dam.

Mr. LEWIS. But the privilege conferred by the bill is to take power from this dam for 50 years and sell it, and that would be regarded as a franchise privilege protected by the Constitution of the United States under the decision I have referred to. If I invite a guest into my house to stay for a season and then find that I have to shorten his stay, I should dislike the prospect of being brought into court, perhaps, to pay him for the value of the privilege that I have had to withdraw.

Mr. UNDERWOOD. I will say to my friend from Maryland that the whole proposition is simply this: You do not have to build this dam; you do not have to give the company these rights. If you do give it these rights to put up this additional work and to pay half a million dollars, as it contracts to do, for purchasing this overflowed land, it certainly ought to have a reasonable time to get its money back. Of course, the Government is not going to pull down the dam. If it pulled down the dam it would destroy the navigation. There can be no purpose in pulling it down. The Government has the right to amend this proposition, under its regulation, as it sees fit. The whole proposition before this House in no way violates the general law. Here is a company that is authorized under the

general law of Alabama, and it has got to obey those laws. Alabama is prepared to take care of its own citizens and the company that must eventually compete with five other dam-power companies, and all the power that goes up in the smoke of the furnaces.

I am responsible to my constituency. Do gentlemen on this floor think that I am favoring a bill that is going to injure the rights of my constituents or my State? You fixed this 50-year limit in your general dam bill. Now, the real and only question that is involved in this proposition is, if you want to beat this bill under the law you have already authorized, the Government engineers have got to go to work and build four more dams. That is a question for you to decide. Congress has enacted the law. They have got to build four more dams to make the river navigable up to the point where they want it navigable. The engineers, not the Congress, not the committee—the engineers say it will cost $200,000 or $300,000 more than if you adopt this plan.

Now, as to the price that this company is to pay for it. That was not fixed by this committee; that is fixed by the general regulations of the War Department that they charge in every case. It is the general regulation that they are applying to everybody else and which they have said in the War Department is a fair amount to charge for a horsepower.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. MADDEN. How much does the Government of the United States spend for the construction of this dam?

Mr. UNDERWOOD. Up to this time nothing.

Mr. MADDEN. How much will they expend? That is what I want to know.

Mr. TAYLOR of Alabama. For each dam?

Mr. MADDEN. For the 63-foot dam.

Mr. TAYLOR of Alabama. For the Dams No. 17, No. 18, and No. 19, $1,498,246.

Now, there are two other dams that will cost $787,422. The total cost of all the dams is $2,285,669. The Dam No. 17, with the 63-foot lift, will cost $2,028,154, leaving a balance in favor of the Government on the cost of $257,514.

Mr. MADDEN. $15,000 a year on an investment of two million and a half would be less than three-quarters of 1 per cent on the money invested.

Mr. TAYLOR of Alabama. But that investment has nothing to do with the water power. That is an investment you make anyway, in order to make navigation in that river up to these coal fields.

Mr. MADDEN. I understood my friend from Alabama [Mr. UNDERWOOD] to say that the Government was charging what it did charge because of the investment made in the construction of the dam.

Mr. UNDERWOOD. My friend from Illinois did not understand me. Here is what I say. I say this new proposition saves the Government outright $250,000 in round figures.

Mr. MADDEN. Did not the gentleman say this in answer to the question of the gentleman from Colorado [Mr. MARTIN] that the question involved here was not similar to the one involved in the Colorado proposition, which the gentleman stated, and that the charge made by the Government was not a charge for the water, but a charge for the investment which it made in the construction of the dam?

Mr. UNDERWOOD. Of course, I said that, but I did not apply it to the $15,000. If the gentleman will listen just a minute, he will learn that the Government will save, in order to make the Warrior River navigable, by the adoption of this new proposition, $250,000 in the beginning. It will get a rental value of $15,000 in addition from now until the contract expires from these people, that it will not get at all if you do not adopt this plan. Otherwise, it will let that power go over those four dams and accomplish nothing.

Mr. Chairman, there is another question that I want the gentlemen on this side of the House to understand. You will surely build these four dams, because I say to you candidly if this bill is defeated, I shall insist, so far as I am concerned, that the engineers go ahead with their present work and finish that navigation, because that is what I want.

I am not concerned about this power. We have plenty of power from other sources, but if you defeat this bill and require them to build four dams instead of one, you are going to put a continual charge on the Government of the United States, according to the reports of the engineers, of $6,000 each year from now on until eternity for each additional dam.

Mr. TAYLOR of Alabama. For each one of these dams?

Mr. JAMES. Mr. Chairman, I would like to ask the gentleman from Alabama [Mr. UNDERWOOD] if he thinks it is quite a fair argument to say to the House that unless we pass a bill giving a franchise to a corporation for half a century, with no limitation upon the amount that they shall charge the consumer for this power, an insistence is going to be made that certain work shall go on which will involve an expenditure of $200,000 or $300,000 out of the Treasury more than would be expended if we give away this right, to which we do not agree; that unless we turn the people over to the insatiate maw of this monopoly, which we are unwilling to do, he is going to insist that $300,000 or $400,000 more shall be expended. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, my friend from Kentucky has just come out of a successful campaign for Senator, where a play to the gallery has purchased votes, but I will say to the gentleman from Kentucky that to claim that one company controlling one water power is a monopoly, to answer me with that proposition that I am pleading for a monopoly, when I have just stated to him that there are five water powers in use, and that the smoke that comes out of these coke ovens is the power to produce electricity, for him to say these things is not a fair proposition to put to me. [Applause.]

Mr. JAMES. Mr. Chairman, I want to say, in reply to the gentleman's statement that I just came out of a successful campaign in Kentucky where an appeal to the galleries purchased votes, that I should have expected a statement more considerate of the people of Kentucky, among whom the gentleman was born, than a statement such as he made reflecting upon them. [Applause.]

Mr. UNDERWOOD. Well——

Mr. JAMES. And, in addition, I may say that Kentuckians are just as intelligent as Alabamians and they are just as little susceptible to the influence of playing to the galleries as any people in this Republic. It does not intimidate me any for the argument to be made here by the gentleman from Alabama that because I am unwilling to give a half a century franchise to a corporation in Birmingham, Ala., with an unlimited right to fix charges upon the consumers, to say that I am playing to the gallery. If that is playing to the galleries, the sooner the gentleman from Alabama commences playing to the gallery the sweeter the applause of the gallery will be to the gentleman. [Applause.]

Mr. UNDERWOOD. I will say to the gentleman from Kentucky, I have never learned to play to the gallery. [Applause.] I do not know how to do it, and I want to say this, my answer to the gentleman a moment ago was provoked by what he said. I do not think it was justified, and I wish now, in justice to him and myself, to withdraw what I said. [Applause.]

Mr. JAMES. Then, in like justice to the gentleman from Alabama, I withdraw what I said. [Applause.]

Mr. UNDERWOOD. Just one word. We say sometimes in the heat of argument things between friends that we ought not to say, and I want to say that this franchise of 50 years is now the general law of the land, not fixed by this bill, and I do say it is fair for me to insist that the law that Congress has adopted should be carried out. I do say it is fair for me to insist before the War Department that the improvement of this river should go on, and go on at once, and I think it is perfectly fair for me to call to your attention that here are four dams that will cost $6,000 each year to maintain; that if you bring it down to one it will only cost $6,000 a year to maintain that one. Now, if you defeat this bill you lose $15,000 in rentals, you lose $250,000 in the additional cost of the improvements, and you put an additional charge of $18,000 a year in perpetuity on the Government. Now, that is all I have to say; that is all there is in the proposition. [Applause.] I believe it is in the interest of the Government for you to build one dam, as this bill provides for, instead of four, as the law now on the statute books will compel you to build should you defeat the present proposition.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 943) to improve navigation on the Black Warrior River in the State of Alabama and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions (S. Res. 131):

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM PIERCE FRYE, late a Senator from the State of Maine.

Resolved, That a committee of 18 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. FRYE at his late home in Lewiston, Me.

Resolved, That the Secretary communicate a copy of these proceedings to the House of Representatives and request the House to appoint a committee to act with the committee of the Senate.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

In compliance with the foregoing the Vice President appointed as said committee Mr. JOHNSON of Maine, Mr. CULLOM, Mr. GALLINGER, Mr. MARTIN of Virginia, Mr. BACON, Mr. LODGE, Mr. PERKINS, Mr. WETMORE, Mr. CULBERSON, Mr. BAILEY, Mr. CLARK of Wyoming, Mr. WARREN, Mr. FOSTER, Mr. SIMMONS, Mr. NELSON, Mr. PENROSE, Mr. CLARKE of Arkansas, and Mr. DILLINGHAM.

DEATH OF SENATOR WILLIAM P. FRYE.

Mr. McGILLICUDDY. Mr. Speaker, it is with profound sorrow that the delegation from the State of Maine and the House of Representatives learn officially, by a message from the Senate, of the death of the distinguished Senator from our State. At a later day I will ask the House to set apart a time to commemorate by proper exercises his life, character, and public services. At the present time I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 273.

Resolved, That the House has heard with profound sorrow of the death of the Hon. WILLIAM P. FRYE, a Senator of the United States from the State of Maine for 30 years and for 10 years a Member of this House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 16 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER announced the following committee.

The Clerk read as follows:

Mr. HINDS, Mr. MCGILLICUDDY, Mr. GOULD, Mr. GUERNSEY, Mr. ADAMSON, Mr. STEVENS of Minnesota, Mr. MANN, Mr. CANNON, Mr. CULLOP, Gen. SHERWOOD, Mr. NYE, Mr. COX of Indiana, Mr. PETERS, Mr. LAWRENCE, Mr. REILLY, and Mr. MOON of Pennsylvania.

The SPEAKER. The Clerk will report the additional resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned to meet to-morrow, Thursday, August 10, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury recommending legislation in regard to old Federal building and site in Houston, Tex., advising its retention by the Government (H. Doc. No. 100) was taken from the Speaker's table, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHEPPARD, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 13391) to increase the cost limit of the public building at Lynchburg, Va., reported the same without amendment, accompanied by a report (No. 141), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 3742) granting a pension to Hanora Moore, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. POST: A bill (H. R. 13414) to provide for the purchase of a site and the erection of a public building thereon at Circleville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. HOLLAND: A bill (H. R. 13415) to provide for the examination and survey of Nansemond River in Virginia, for the purpose of ascertaining the cost of repairing and replacing the diking in said river and increasing the depth thereof; to the Committee on Rivers and Harbors.

By Mr. MARTIN of Colorado: A bill (H. R. 13416) to amend section 4 of an act entitled "An act to provide for an enlarged homestead," approved February 9, 1909; to the Committee on the Public Lands.

By Mr. MORSE of Wisconsin: A bill (H. R. 13417) granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes; to the Committee on the Public Lands.

By Mr. RAKER: Resolution (H. Res. 270) calling for information from the Secretary of the Interior and the Secretary of Agriculture concerning the diversion of the waters of Lake Tahoe; to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: Resolution (H. Res. 271) discharging the Committee on Expenditures in the Interior Department from further investigation of the withdrawal of lands from the Chugach Reservation in Alaska; to the Committee on Rules.

By Mr. HENRY of Texas: Resolution (H. Res. 272) to set a time for the consideration of certain bills and resolutions; to the Committee on Rules.

By Mr. SHEPPARD: Joint resolution (H. J. Res. 148) increasing limitations on appropriations for general expenses of public buildings, 1912; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13418) granting an increase of pension to David S. Buxton; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 13419) granting an increase of pension to Joseph Curty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13420) granting an increase of pension to Earl L. Jones; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 13421) granting an increase of pension to John R. Woods; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 13422) granting a pension to Louise F. Devine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13423) granting a pension to Fritz Wilbert; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 13424) granting an increase of pension to Horatio F. Bronson; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 13425) granting an increase of pension to Anson C. Smith; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 13426) granting a pension to Sallie W. Willard; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 13427) granting a pension to William H. Brenner, sr.; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13428) granting an increase of pension to Ellen Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13429) granting an increase of pension to Mary Sheedy; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 13430) granting an increase of pension to Alonzo P. Sharp; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 13431) granting a pension to John C. Jones; to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 13432) granting an increase of pension to John Kugler; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 13433) granting an increase of pension to Edward L. Hudson; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 13434) for the relief of Norris Andrews; to the Committee on Military Affairs.

By Mr. WILSON of Pennsylvania: A bill (H. R. 13435) granting a pension to Francis G. Babcock; to the Committee on Pensions.

Also, a bill (H. R. 13436) granting an increase of pension to Charles A. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13437) granting an increase of pension to Thomas Johnston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13438) granting an increase of pension to Alva Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13439) granting an increase of pension to William Rossman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13440) granting an increase of pension to Frank A. Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13441) granting an increase of pension to James R. Hann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13442) granting an increase of pension to Daniel M. Morgan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of Edward Matlehner, secretary Cigar Makers' Union of Erie, Pa., protesting against House bill 11823; to the Committee on Ways and Means.

Also, resolution of Board of Trade of Erie, Pa., urging importance of an amendment to the corporation-tax law that companies may make returns as of close of fiscal year; to the Committee on Ways and Means.

By Mr. FRANCIS: Petition of voters of Fairpoint, Ohio, urging passage of the bill recommended by the Immigration Commission; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petitions of citizens of Morris and Seneca, Ill., for the creation of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMOND: Resolutions of Mankato District of the National League of Postmasters, in favor of parcels post, etc.; to the Committee on the Post Office and Post Roads.

By Mr. JACOWAY: Papers to accompany House bill 13375; to the Committee on War Claims.

By Mr. KAHN: Petition of California Society, Sons of the American Revolution, urging the appropriation of $25,000 to repair the U. S. S. *Portsmouth*, etc.; to the Committee on Naval Affairs.

Also, petition of Chamber of Commerce of San Diego, Cal., favoring immediate legislation regulating tolls for use of Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Resolutions of the Switchmen's Union of America, requesting Congress to pass legislation to have cast a bronze tablet or bust commemorating the work of the late Edward A. Moseley while secretary to the Interstate Commerce Commission; to the Committee on the Library.

SENATE.

THURSDAY, *August 10, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure, was read twice by its title and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.;

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874;

S. 1627. An act to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes;

S. 2766. An act to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River, in the State of Arkansas, and for other purposes; and

S. 2878. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana.

The message also announced that the House had passed the bill (S. 2495) to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4682. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va.;

H. R. 7690. An act to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg.;

H. R. 8146. An act to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois;

H. R. 8653. An act to give the District of Columbia a right of appeal to the Supreme Court of the United States in patent cases;

H. R. 11477. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.;

H. R. 11545. An act to authorize and direct the Commissioners of the District of Columbia to place the name of Annie M. Matthews on the pension roll of the police and firemen's pension fund; and

H. R. 11723. An act permitting the building of a railroad bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn.

The message also transmitted resolutions of the House on the death of Hon. WILLIAM P. FRYE, late a Senator from the State of Maine, and announced that the Speaker of the House had appointed Mr. HINDS, Mr. MCGILLICUDDY, Mr. GOULD, Mr. GUERNSEY, Mr. ADAMSON, Mr. STEVENS of Minnesota, Mr. MANN, Mr. CANNON, Mr. CULLOP, Mr. SHERWOOD, Mr. NYE, Mr. COX of Indiana, Mr. PETERS, Mr. LAWRENCE, Mr. REILLY, and Mr. MOON of Pennsylvania the committee on the part of the House to attend the funeral.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the joint resolution (H. J. Res. 1) to amend certain appropriation acts approved March 4, 1911, and it was thereupon signed by the Vice President.

DEATH OF SENATOR WILLIAM P. FRYE.

The VICE PRESIDENT presented a resolution adopted by the Maritime Association of the Port of New York, which was ordered to lie on the table and to be printed in the RECORD, as follows:

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK,
78 Broad Street, New York, August 9, 1911.

Hon. JAMES S. SHERMAN,
Vice President of the United States, Washington, D. C.

DEAR SIR: I have the honor to transmit below resolutions adopted by the board of directors of this association at a regular monthly meeting held this day, viz:

"Whereas the board of directors of the Maritime Association of the Port of New York has learned with deep regret of the death of Hon. WILLIAM P. FRYE, senior Senator from the State of Maine; and

"Whereas, representing as he did for many years a constituency occupying an important position in the shipping and commercial world, Senator FRYE from the outset of his career became an ardent champion of the shipping interests of our country, rendering such service as to place these interests under lasting obligations to his memory: Therefore be it

"*Resolved*, That this board realizes that in his death our association has lost a valued friend, who invariably aided in the furtherance of measures advocated by our organization; that the maritime and commercial interests have suffered an irreparable loss, and that in the councils of Congress, where his varied and expert knowledge in all affairs pertaining to shipping was ever at their disposal, he will be sadly missed, and that the country at large is deprived of the services of an honored statesman, whose voice was ever on the side of right and whose career is worthy of emulation; and be it further

"*Resolved*, That a copy of this resolution be transmitted to the family of the deceased and to the Vice President of the United States."

Very respectfully,

WILLIAM SIMMONS,
President pro tempore.

Attest:

C. LYNN BUNDY.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a resolution adopted by the Assembly of the State of New York, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

In assembly, February 27, 1911. Mr. Brooks offered for the consideration of the house a resolution in the words following:

Whereas the election of a President of the United States every four years tends to unsettle the economic and commercial conditions of the country for a year preceding and succeeding such election; and

Whereas the Presidents of the United States with few exceptions have been renominated necessitating the devotion of much of their time to political campaigning for reelection: Be it therefore

Resolved (if the senate concur), That the Legislature of the State of New York respectfully requests the Congress of the United States to submit to the legislatures of the several States for ratification a proposed amendment to the Federal Constitution extending the term of the President of the United States to the period of six years, and further

amending the Constitution so that no President can serve more than one term; and be it further

Resolved (if the senate concur), That the speaker of the assembly and the lieutenant governor transmit to the Speaker of the House of Representatives and to the Vice President copies of this resolution.

July 19, 1911. The senate returned the concurrent resolution in relation to extending the term of the President of the United States with a message that they have concurred in the passage of the same without amendment.

STATE OF NEW YORK, *County of Albany, ss:*

I, Daniel D. Frisbie, speaker of the Assembly of the State of New York, do hereby certify that I have compared the foregoing resolution with the original thereof contained in the original documentary copy of the journal of proceedings of the assembly of February 27 and July 19, so far as it relates to the proceedings had and taken by the assembly on said dates with reference to said resolution and that the foregoing is a correct transcript of said proceedings and of said resolution and of the whole thereof.

In witness whereof I have hereunto set my hand this —— day of August, 1911.

DANIEL D. FRISBIE, *Speaker.*

The VICE PRESIDENT presented a resolution adopted by the Assembly of the State of New York, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

State of New York, in Assembly, Albany, July 12, 1911. Mr. A. J. Levy offered for the consideration of the house a resolution in the words following:

"Whereas it is, and always has been, a fundamental principle of our Government that the rights of its citizens shall not be impaired at home or abroad because of religious belief; and

"Whereas our Government concludes its treaties for the equal protection of all classes of its citizens without regard to its religious belief; and

"Whereas our Government, on the 18th day of December, 1832, at St. Petersburg, concluded a treaty with Russia, in which it was provided that the inhabitants of our respective States 'shall be at liberty to sojourn and reside in all parts whatsoever of said territory in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce'; and

"Whereas the Government of Russia has violated the aforesaid treaty by construing the aforegoing provision to mean that American citizens of Jewish faith are subject in Russia to the same class restrictions that Russia imposes upon Russian inhabitants of Jewish faith to sojourn and reside in Russia in order to attend to their affairs and to enjoy to that effect the same security and protection as non-Jewish native Russians, and by refusing to honor American passports issued to American citizens of Jewish faith; and

"Whereas Hon. HENRY M. GOLDFOGLE, Hon. WILLIAM SULZER, and Hon. FRANCIS BURTON HARRISON have each introduced in the House of Representatives of the United States a joint resolution calling for the abrogation of the aforementioned treaty between the United States of America and Russia because of the foregoing: Therefore be it

"*Resolved (if the senate concur)*, That the Representatives in Congress from this State be requested to vote in favor of a joint resolution to terminate the aforementioned treaty between the United States of America and Russia because of unjust and unwarranted discrimination by the latter country against persons of the Jewish faith; and be it further

"*Resolved*, That the president of the senate and the speaker of the assembly transmit a copy of this resolution to the Senate and House of Representatives of the United States."

In senate, July 17, 1911. Concurred in without amendment. By order of the senate, Patrick E. McCabe, clerk.

STATE OF NEW YORK, *County of Albany, ss:*

I, Daniel D. Frisbie, speaker of the Assembly of the State of New York, do hereby certify that I have compared the foregoing resolution with the original thereof contained in the original documentary copy of the journal of proceedings of the assembly of July 12 and 17, 1911, so far as it relates to the proceedings had and taken by the assembly on said dates with reference to said resolution, and that the foregoing is a correct transcript of said proceedings and of said resolution and of the whole thereof.

In witness whereof I have hereunto set my hand this —— day of July, 1911.

DANIEL D. FRISBIE, *Speaker.*

Mr. BRANDEGEE presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Wallingford, Conn., and a memorial of the John Mitchell Literary Club, of Wallingford, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. NIXON presented a memorial of the Grattan Club, of Goldfield, Nev., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. JONES presented memorials of Green Lake Post, No. 112, of Seattle; of Silas Casey Post, No. 74, of Friday Harbor; and of J. J. Lewis Post, No. 34, all of the Department of Washington, Grand Army of the Republic, in the State of Washington, remonstrating against the appropriation of $100,000 for the erection of a monument at Vicksburg in honor of the Confederate soldiers, which were ordered to lie on the table.

Mr. BRISTOW presented a memorial of sundry citizens of Bird City and McDonald, in the State of Kansas, remonstrating against the passage of the so-called Johnston Sunday rest bill, which was ordered to lie on the table.

He also presented a paper to accompany the bill (S. 2882) granting an increase of pension to Tillman H. Elrod, which was referred to the Committee on Pensions.

Mr. PERKINS presented a petition of the board of supervisors of Madera County, Cal., praying that an appropriation be made to exterminate the ground squirrels and other rodents in that county, which was referred to the Committee on Agriculture and Forestry.

THE CITRUS-FRUIT INDUSTRY IN CALIFORNIA.

Mr. PERKINS. Mr. President, I present telegraphic memorials from many citrus-fruit organizations of California, protesting against placing lemons on the free list and praying that they be given an opportunity of being heard in relation to the subject matter. There is approximately $166,000,000 invested in the citrus-fruit industry, and 150,000 citizens of the United States and residents of the State of California are directly dependent on that industry for a livelihood. Without congressional consideration this great industry will be destroyed. On account of the number of telegrams, I do not ask that they be printed in the RECORD, but will request that the list of signers which I send to the clerk's desk follow my statement.

There being no objection, the memorials were ordered to lie on the table, and the list of signers was ordered to be printed in the RECORD, as follows:

California Fruit Growers' Exchange, Los Angeles, Cal.; Claremont Citrus Association, Claremont, Cal.; Indian Hill Citrus Association, North Pomona, Cal.; Pasadena Board of Trade, Pasadena, Cal.; Laverne Growers' Association, Lordsburg, Cal.; Pomona Fruit Growers' Exchange, Pomona, Cal.; San Antonio Fruit Exchange, Pomona, Cal.; Santa Paula Citrus Association, Santa Paula, Cal.; Alhambra Orange Growers' Association, Alhambra, Cal.; Placentia Orange Growers' Association, Fullerton, Cal.; Charles C. Chapman, Fullerton, Cal.; College Heights Orange Association, Claremont, Cal.; Walnut Fruit Growers' Association, Walnut, Cal.; Johnston Fruit Co., Santa Barbara, Cal.; Glendora Heights Orange & Lemon Growers' Association, Glendora, Cal.; Redlands Fruit Association, Redlands, Cal.; Etiwanda Citrus Fruit Growers' Association, Etiwanda, Cal.; Citrus Fruit Association, Ontario, Cal.; Highlands Exchange Association, Highlands, Cal.; Covina Orange Growers' Association and Covina Citrus Association, Covina, Cal.; Ontario Cucamonga Fruit Exchange, Upland, Cal.; Mountain View Orange & Lemon Growers' Association, Upland, Cal.; Drake Citrus Association, Lindsay, Cal.; Cucamonga Lemon Association, Cucamonga, Cal.; Lindsay Fruit Association, Lindsay, Cal.; Cucamonga Citrus Growers' Association, Cucamonga, Cal.; West Ontario Citrus Association, Ontario, Cal.; Uplands Heights Orange Association, Upland, Cal.; Lemon Growers' Exchange, Upland, Cal.; Lemon Grove Fruit Growers' Association, Lemongrove, Cal.; Tulare County Citrus Fruit Exchange, Porterville, Cal.; Porterville Citrus Association, Porterville, Cal.; Tulare County Citrus Association, Porterville, Cal.; Zeante Citrus Association, Porterville, Cal.; Bloomington Fruit Association, Bloomington, Cal.; Upland Citrus Association, Upland, Cal.; Glendora Citrus Association, Glendora, Cal.; Redlands Cooperative Association, Redlands, Cal.; Limoneria Co., Santa Paula, Cal.; Stewart Citrus Association, Upland, Cal.; Hemet Orange Growers' Association, Hemet, Cal.; Gold Buckle Association, East Highlands, Cal.; Central California Citrus Exchange, Lindsay, Cal.; Kaweah Lemon Co., Lemoncove, Cal.; I. L. Lyon & Sons, Redlands, Cal.; Orange Heights Fruit Association, Corona, Cal.; Lemoncove Association, Lemoncove, Cal.; J. H. Flagler Association, Corona, Cal.; Corona Citrus Association, Corona, Cal.; Arlington Heights Fruit Co., Riverside, Cal.; Victoria Avenua Citrus Association, Riverside, Cal.; Sierra Madre Lamanda Citrus Association, Lamanda Park, Cal.; N. W. Blanchard, Santa Paula, Cal.; San Diego Chamber of Commerce, San Diego, Cal.; Sweetwater Fruit Co., Bonita, Cal.; West Highlands Citrus Association, Highlands, Cal.; Sparr Fruit Co., Los Angeles, Cal.; Charter Oak Citrus Association, Covina, Cal.; Irwindale Citrus Association, Azusa, Cal.; W. H. Jameson, Corona, Cal.; Pasadena Orange Growers' Association, Pasadena, Cal.; A. C. G. Fruit Exchange, Azusa, Cal.; Highlands Orange Growers' Association, Highlands, Cal.; Fair Oaks Fruit Co., Fairoaks, Cal.; Escondido Fruit Growers' Association, Escondido, Cal.; San Dimas Orange Growers' Association, San Dimas, Cal.; San Dimas Board of Trade, San Dimas, Cal.; San Diego Fruit Co., San Diego, Cal.; Leffingwell Ranchers' Association, Los Angeles, Cal.; C. San Dimas Lemon Association, San Dimas, Cal.; Rialto Orange-Lemon Association, Rialto, Cal.; Citrus Protective League, Los Angeles, Cal.; Redlands Board of Trade, Redlands, Cal.; Riverside Chamber of Commerce and Riverside Business Men's Association, Riverside, Cal.; Los Angeles Chamber of Commerce, Los Angeles, Cal.; Clyde Bishop, assemblyman seventy-seventh district, California, Santa Ana, Cal.; San Francisco Chamber of Commerce, San Francisco, Cal.; Hon. Cornelius Cole, Los Angeles, Cal.; Ventura Chamber of Commerce, Ventura, Cal.; Oakland Chamber of Commerce, Oakland, Cal.

THE COTTON SCHEDULE.

Mr. SMOOT. I am directed by the Committee on Finance to report adversely the bill (H. R. 12812) to reduce the duties on manufactures of cotton. (S. Rept. 133.)

The VICE PRESIDENT. Without objection, indefinite postponement will be the action thereon. Is that the course suggested by the Senator from Utah?

Mr. SMOOT. No; I want to have it go on the calendar.

Mr. CUMMINS. I have some objection to the order suggested by the Chair.

The VICE PRESIDENT. On the request of the Senator from Utah the bill will go to the calendar.

Mr. SMOOT. I asked that it should go to the calendar; and I ask unanimous consent that the bill just reported be made the unfinished business.

Mr. OVERMAN. The unfinished business for to-day?

Mr. SMOOT. No; the unfinished business.

Mr. OVERMAN. I rise to a point of order. Can that be done except by unanimous consent? The bill having been reported this morning, can we consider it even to-day?

The VICE PRESIDENT. That can not be done except by unanimous consent.

Mr. OVERMAN. I object.

The VICE PRESIDENT. It can not be made the unfinished business until after it is taken up if objection is made.

Mr. HEYBURN. In order that the RECORD may not show an anomalous condition, there is no such motion in order as to make any measure the unfinished business.

The VICE PRESIDENT. No motion was made. It was a request for unanimous consent.

Mr. HEYBURN. We can not make it the unfinished business by motion.

The VICE PRESIDENT. No such motion is in order; certainly not. The bill will be placed on the calendar with the adverse report of the committee.

CITY OF CRAWFORD, NEBR.

Mr. BROWN. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 12051) for the relief of the city of Crawford, in the State of Nebraska, and I ask for its present consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It grants to the city of Crawford, Nebr., a right of way across the military reservation of Fort Robinson, Nebr., at such location as may be determined by the city of Crawford and approved by the Secretary of War, to construct and maintain a pipe line for the purpose of carrying water from a point beyond the said military reservation across the reservation and to the city of Crawford. But the entire cost of construction and maintenance shall be paid by the city of Crawford; and the pipe shall be covered and the surface restored to its present condition by and at the expense of the city of Crawford.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEE ON COMMERCE.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 6098. A bill to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark. (Rept. No. 131); and

H. R. 11021. A bill to authorize the Levitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark. (Rept. No. 132).

MISSISSIPPI RIVER BRIDGE AT LOGAN, MINN.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 7693) to authorize the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn., and I submit a report (No. 129) thereon.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARKANSAS RIVER BRIDGE AT PINE BLUFF, ARK.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11022) to authorize the bridge directors of Jefferson County bridge district to construct a bridge across the Arkansas River at Pine Bluff, Ark., and I submit a report (No. 130) thereon.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CRAWFORD:

A bill (S. 3192) granting an increase of pension to William Boyce (with accompanying paper); and

A bill (S. 3193) granting an increase of pension to Myron H. Isbell (with accompanying paper); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 3194) to revise section 985 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. TAYLOR:

A bill (S. 3195) for the relief of the Cumberland Presbyterian Church of Murfreesboro, Tenn.; and

A bill (S. 3196) for the relief of the trustees of Soule College, successors of Soule Female College, of Murfreesboro, Tenn.; to the Committee on Claims.

Mr. CULLOM. At the request of Gen. King, of Louisiana, I introduce a bill, which I ask may be referred to the Committee on Post Offices and Post Roads.

The bill (S. 3197) to establish a commission; to create a national interstate highway system; to effect preliminary surveys of seven national interstate highways and the establishment of said highways. Said highways to be constructed from Washington, the Capital of the United States, respectively, to Portland, Me.; to Niagara Falls, N. Y.; to Seattle, Wash.; to San Francisco, Cal.; to Los Angeles, Cal.; to Austin, Tex.; and to Miami, Fla.; and for which surveys and maps, profiles, and estimates of the same, for the use of the Congress of the United States, the sum of $1,000,000, or so much thereof as may be necessary, is hereby authorized, to be expended out of any moneys in the Treasury of the United States not otherwise appropriated, said national interstate highways to be trunk-line highways, to which branch highways and good roads can be established throughout the country, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

By Mr. PENROSE:

A bill (S. 3198) to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. CULLOM:

A joint resolution (S. J. Res. 51) to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity; to the Committee on Foreign Relations.

By Mr. CLAPP:

A joint resolution (S. J. Res. 52) directing the Secretary of the Navy to commission a warship to convey the remains of Theodore Ruggles Timby from the city of Brooklyn, N. Y., to the city of Washington, D. C., on the 12th of October, 1911, for burial in the city of Washington; to the Committee on Naval Affairs.

WITHDRAWAL OF PAPERS—JOSEPHINE M. BUCK.

On motion of Mr. BORAH, it was

Ordered, That the papers in the case of Josephine M. Buck, S. 1957, Sixty-second Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

TRAVELING EXPENSES OF SENATE EMPLOYEES.

Mr. BRADLEY submitted the following resolution (S. Res. 132), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That there shall be paid to the officers and employees of the Senate borne on the annual and session rolls on the 1st day of July, 1911, out of the contingent fund of the Senate, the sum of $125 each, for traveling expenses incident to the first session of the Sixty-second Congress, the same to be immediately available.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On August 10, 1911:

S. 1149. An act permitting the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota;

S. 2732. An act to authorize the Providence, Warren & Bristol Railroad Co., and its lessee, the New York, New Haven & Hartford Railroad Co., or either of them, to construct a bridge across the Palmers or Warren River, in the State of Rhode Island; and

S. 2768. An act to authorize the St. Louis-Kansas City Electric Railway Co. to construct a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo.

HEALTH, ACCIDENT, AND LIFE INSURANCE COMPANIES.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2495) to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia, which were, on page 1, line 5, to strike out "enacting" and to insert "inserting"; on page 2, line 3, to strike out "provide" and to insert "provides"; on page 2, line 6, after "associations," to strike out "Every such company or association shall, within 90 days from the passage of this act" and to insert "After 90 days from the passage of this act no such company or association shall transact business within the District of Columbia unless it shall"; on page 2, line 11, after the words "United States," to strike out "municipal, or railroad bonds, or in real estate, or in mortgages or deeds of trust on real estate" and to insert "State, county, municipal bonds, and bonds of the District of Columbia, or railroad bonds; but investments in the bonds of railroads shall be limited to the bonds of those railroads which have paid dividends on their capital stocks for the 10 years immediately previous to the date of the investment; or in improved real estate, or in first mortgages on improved real estate; but no loan on real estate shall be made for an amount exceeding 70 per cent of its assessed value"; on page 2, line 12, before "mortgages," to insert "first"; on page 2, line 22, to strike out "have" and insert "has"; on page 3, line 15, after the word "shall," to strike out "have the power to," and after the words "time to time" insert "and at least as often as once a year"; and on page 3, line 17, after "capital stock," to strike out "or assets of any such company or association impaired" and insert "of any such company impaired or its assets reduced in value."

Mr. CURTIS. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 4682. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va.;

H. R. 7690. An act to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg.;

H. R. 8146. An act to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois;

H. R. 11477. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.; and

H. R. 11723. An act permitting the building of a railroad bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 8653. An act to give the District of Columbia a right of appeal to the Supreme Court of the United States in patent cases; and

H. R. 11545. An act to authorize and direct the Commissioners of the District of Columbia to place the name of Annie M. Matthews on the pension roll of the police and firemen's pension fund.

NATIONAL MONETARY COMMISSION.

Mr. CUMMINS. I ask unanimous consent to take up for consideration the bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

The VICE PRESIDENT. The Senator from Iowa asks unanimous consent for the present consideration of Senate bill 854. Is there objection?

Mr. BURTON. I do not think that bill ought to pass without extended discussion. I object to its consideration.

The VICE PRESIDENT. Objection is made.

Mr. CUMMINS. I move that the Senate proceed to the consideration of Senate bill 854.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa.

Mr. BURTON. I call for a yea-and-nay vote on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In his absence, I withhold my vote.

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Indiana [Mr. KERN], and vote "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I desire to state that my colleague [Mr. GALLINGER] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. WILLIAMS (when Mr. PENROSE's name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. I am informed that if he were present he would vote the same way I would vote on this question. Therefore, when my name is called, I shall vote. I merely announce the pair now.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. He not being present, I shall withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], and therefore withhold my vote.

Mr. WILLIAMS (when his name was called). According to the announcement previously made, I will vote. I vote "yea." But I again announce my general pair with the Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. FOSTER. I have a general pair with the junior Senator from Wyoming [Mr. WARREN], who is absent, and therefore I withold my vote.

Mr. TAYLOR. My colleague [Mr. LEA] is absent from the city on account of illness in his family

The result was announced—yeas 40, nays 11, as follows:

YEAS—40.

Bankhead	Cullom	Martin, Va.	Simmons
Borah	Cummins	Martine, N. J.	Smith, Mich.
Bourne	Fletcher	Myers	Smoot
Bristow	Gamble	Nelson	Stephenson
Brown	Heyburn	Newlands	Swanson
Bryan	Johnson, Me.	Overman	Taylor
Chamberlain	Johnston, Ala.	Poindexter	Thornton
Clapp	Jones	Pomerene	Townsend
Clarke, Ark.	La Follette	Root	Williams
Culberson	Lodge	Shively	Works

NAYS—11.

Bailey	Burnham	Guggenheim	Page
Bradley	Burton	Nixon	Perkins
Brandegee	Crane	Oliver	

NOT VOTING—38.

Bacon	Foster	McCumber	Smith, Md.
Briggs	Gallinger	McLean	Smith, S. C.
Chilton	Gore	O'Gorman	Stone
Clark, Wyo.	Gronna	Owen	Sutherland
Crawford	Hitchcock	Paynter	Tillman
Curtis	Kenyon	Penrose	Warren
Davis	Kern	Percy	Watson
Dillingham	Lea	Rayner	Wetmore
Dixon	Lippitt	Reed	
du Pont	Lorimer	Richardson	

So the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

Mr. CUMMINS. Mr. President, I shall be as brief in stating the case made by this bill as it is possible for me to be. The bill is before the Senate upon a favorable report by the Committee on Finance. It was introduced early in the present session, and I assume that every Senator knows, in a general way, its scope and purpose.

In 1907 there prevailed throughout the United States what has come to be known as a financial panic, or, as still better known, a bankers' panic. It was believed by very many people that the panic could have been averted, or at least very much minimized, if the United States had had a reasonable and effective financial or banking system; and an imperative demand arose for some immediate reform in our banking system. The demand resulted in the passage of what is known as an emergency bill in 1908, in which certain additions were made to our law respecting the issuance of national currency and the operation of national banks. I think it was assumed and understood by everybody at that time that that bill was passed only for the purpose of providing for an emergency that might ensue before Congress had the opportunity to pass a well-considered and comprehensive law upon the subject. Therefore, as a part of the bill, what is known as the National Monetary Commission was

established. It was established with the thought on the part of Congress, I am sure, and I know upon the part of the country at large, that within a reasonable time the distinguished men who became a part of the Monetary Commission should make known their views to Congress, so that it might adopt such legislation as would have a tendency to prevent panics in the future. Three years and two or three months have elapsed since the Monetary Commission was organized and began its work, and still there is no report from it, and Congress has done nothing, and naturally will do nothing, upon the subject until the commission shall report.

The commission has traveled all over the United States, and some of its members, at least, have traveled all over Europe in the quest for information. I do not intend to disparage the work of the commission; I do not in the least intend to criticize the methods it has employed, but I shall presently present a reason which is sufficient for me to indicate that the time has come when it should cease its labors and give to Congress the result of its investigations.

I agree to the wisdom of the commission. I agree that Congress appropriately selected the commission to furnish the information upon the subject; but nearly three years and a half have passed, and in the meantime the commission—which, I think I may say without offense, is largely composed of men, distinguished as they are, who have not contributed very much to the formation of any plan which may come from the commission—has spent something like $230,000, and still there is no evidence that Congress is to shortly receive the benefits of its investigation.

The commission has collected a series of monographs upon financial matters, all of which, I think, are interesting and most of which are curious, but not a tithe of which will ever be read by any Member of Congress and not a tithe of which are necessary in determining the problem which the American people have now to solve. I do not object to the selection of literature upon financial propositions. Some day or other we will avail ourselves of these 40 or more monographs, which have been written by persons selected by the commission and which have been paid for out of the treasury of the commission. I only say that they have done enough to fully inform themselves of all that is to be known with regard to this important subject.

I have here a detailed account of the work of the commission. I will not at this moment read even the titles of these monographs. I simply repeat that they are about 40 in number, and they cost the commission $86,861.92; and some of this money was paid to men who already were drawing full salaries from the Government on account of the occupation of other positions. While this may be a small matter, the only thing in which I criticize the commission is the extravagance that is manifest in the report of its expenses—$86,861.92, and of that there was paid to Mr. A. Piatt Andrew, who, as I understand, is a valuable clerk or employee of the Treasury Department, $8,366.66. I could mention other payments of somewhat like character, but I will not do so at this moment.

The commission has, in addition to the preparation of these original pamphlets or monographs, collected a library relating to financial subjects, a thing very proper for the commission to have done, and undoubtedly the Members of Congress will in the days to come reap great advantage from their studies in this library; but there is one peculiar thing about it. It paid for the purchase of books $4,545.86, and it has paid for the services of a librarian to take care of those $4,545.86 worth of books, $4,249.84. I can not think that the Congress of the United States will approve that; and I am told, although I may not be right with respect to it—and I will be corrected, I am sure, if I am wrong—that the gentleman to whom the $4,249.84 was paid as librarian is also or was also an employee of the Government, and in some form or other drawing additional compensation from our Treasury.

I ask, Mr. President, that the letter of the Secretary of the Treasury, which I hold in my hand, transmitting, in response to a House resolution of May 8, 1911, a statement of expenditures on account of the National Monetary Commission from June 5, 1908, to March 31, 1911, be printed as a part of my remarks.

The VICE PRESIDENT. Without objection, the request will be complied with.

The letter referred to is as follows:

EXPENSES OF THE NATIONAL MONETARY COMMISSION.

Letter from the Secretary of the Treasury, transmitting, in response to House resolution of May 8, 1911, statement of expenditures on account of the National Monetary Commission from June 5, 1908, to March 31, 1911. May 16, 1911.—Referred to the Committee on Expenditures in the Treasury Department and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 12, 1911.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: By direction of the President, and in reply to the rsolution of the House of Representatives of May 8, 1911, calling for a detailed statement showing the moneys paid out on account of the National Monetary Commission created by act of Congress of May 30, 1908, I have the honor to transmit herewith a statement of the expenditures of the commission from June 5, 1908, to March 31, 1911, prepared from accounts rendered to and filed in this department.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

Statement of expenditures on account of the National Monetary Commission from June 5, 1908, to Mar. 31, 1911, as shown by the accounts of R. B. Nixon, disbursing clerk of the commission.

PREPARATION OF MONOGRAPHS.

Interviews on the Banking and Currency Systems of England, France, Germany, Switzerland, and Italy (S. Doc. 405, 541 pages; price, 55 cents):		
Clerical assistance	$230.87	
Translation	48.75	
Travel	2,094.70	
		$2,373.82
Statistics for Great Britain, Germany, and France, 1867–1908, prepared by Sir R. H. Inglis Palgrave, F. R. S., F. W. Hirst, B. Breslauer, Robert Franz, Albert Aupetit, and M. Lefevre (S. Doc. 578, 354 pages; price, $1):		
Authors	7,265.27	
Clerical assistance	2,666.38	
Translation	134.00	
		10,065.65
The Credit of Nations and the Trade Balance of the United States, by Francis W. Hirst, editor of the Economist, and George Paish, editor of the Statist (S. Doc. 579, 213 pages; price, 30 cents):		
Authors	1,500.00	
Clerical assistance	20.00	
		1,520.00
Fiscal Systems of England, France, Germany, and the United States, by J. O. Manson, Chief of Division of Accounts, Redemption, and Issues, United States Treasury Department (S. Doc. 403, 86 pages; price, 15 cents):		
Travel		795.35
Notes on the Postal Savings Bank Systems of the Leading Countries (S. Doc. 658, 123 pages; price, 25 cents):		
Clerical assistance	8,103.58	
Translation	17.00	
		8,120.58
Bank Acceptances, by Lawrence Merton Jacobs (S. Doc. 569, 20 pages; price, 5 cents):		
Author		225.00
Statistics for the United States, 1867–1909, compiled by A. Piatt Andrew (S. Doc. 570, 280 pages; price, 55 cents):		
Clerical assistance		4,040.29
Special Report from the Banks of the United States, 1909, compiled by Charles A. Stewart (S. Doc. 225, 90 pages; price, 30 cents):		
Clerical assistance	7,254.96	
Travel	95.18	
Miscellaneous	132.49	
		7,482.63
Laws of the United States Concerning Money, Banking, and Loans, 1778–1909, compiled by A. T. Huntington, Chief of Division of Loans and Currency, United States Treasury, and Robert J. Mawhinney, law clerk, office of the Solicitor of the Treasury (S. Doc. 580, 812 pages; price, 70 cents):		
Authors	1,410.50	
Clerical assistance	258.00	
		1,668.50
Digest of State Banking Laws, by Samuel A. Welldon (S. Doc. 353, 746 pages; price, 70 cents):		
Author	1,205.00	
Clerical assistance	434.74	
Travel	12.50	
Miscellaneous	30.00	
		1,682.24
The First and Second Banks of the United States, by Dr. T. J. Holdsworth, of the University of Pittsburgh, and Dr. Davis R. Dewey, of the Massachusetts Institute of Technology (S. Doc. 571, 311 pages; price, 30 cents):		
Authors	883.00	
Clerical assistance	257.90	
Travel	28.52	
Miscellaneous	19.43	
		1,188.85
State Banking Before the Civil War, by Prof. Davis R. Dewey, of the Massachusetts Institute of Technology, and Dr. Robert E. Chaddock, of the University of Pennsylvania (S. Doc. 581, 338 pages; price, 50 cents):		
Authors	1,517.50	
Clerical assistance	486.47	
Miscellaneous	87.34	
		2,091.31

State Banks and Trust Companies Since the Passage of the National-Bank Act, by Dr. George E. Barnett, of Johns Hopkins University (S. Doc. 659, 260 pages; price, 30 cents):
- Author $1,250.00
- Clerical assistance 66.80
- Travel 91.25
- $1,408.05

The Origin of the National Banking System, by Andrew MacFarland Davis (S. Doc. 582, 213 pages; price, 25 cents):
- Author 200.00
- Clerical assistance 846.00
- Travel 242.65
- Miscellaneous 5.25
- 1,293.90

History of Crises under the National Banking System, by Dr. O. M. W. Sprague, of Harvard University (S. Doc. 538, 484 pages; price, 50 cents):
- Author 1,865.05
- Clerical assistance 220.80
- Travel 55.00
- 2,140.85

The Use of Credit Instruments in Payments in the United States, by Dr. David Kinley, of the University of Illinois (S. Doc. 399, 229 pages; price, 25 cents):
- Author 697.50
- Clerical assistance 535.93
- 1,233.43

The Independent Treasury System of the United States and Its Relations to the Banks of the Country, by Dr. David Kinley, of the University of Illinois (S. Doc. 587, 399 pages; price, 45 cents):
- Author 619.50
- Miscellaneous 90.61
- 710.11

Seasonal Variations in the Demands for Currency and Capital, by Dr. Edwin W. Kemmerer, of Cornell University (S. Doc. 588, 600 pages; price, 60 cents):
- Author 2,129.50
- Clerical assistance 1,960.11
- Travel 30.92
- Miscellaneous 182.82
- 4,303.35

Suggested Changes in Administrative Features of the National Banking Laws (S. Doc. 404, 374 pages; price, 40 cents):
- Clerical assistance 297.85

History of the National Bank Currency, by A. D. Noyes, financial editor of the New York Evening Post (S. Doc. 572, 20 pages; price, 5 cents):
- Author 100.00

The History of Banking in Canada, by R. M. Breckenridge (S. Doc. 332, 310 pages; price, 30 cents):
- Author 919.07
- Clerical assistance 239.00
- Travel 73.61
- 1,231.68

The Canadian Banking System, by Dr. Joseph French Johnson, of New York University (S. Doc. 583, 191 pages; price, 30 cents):
- Author 500.00
- Clerical assistance 75.00
- Travel 403.40
- 978.40

Interviews on the Banking and Currency Systems of Canada (S. Doc. 584, 209 pages; price, 25 cents):
- Clerical assistance 15.00
- Travel 706.40
- 721.40

The English Banking System, by Hartley Withers, Sir R. H. Inglis Palgrave, and others (S. Doc. 492, 294 pages; price, 35 cents):
- Authors 3,376.50

Evolution of Credit and Banks in France, by Andre Liesse, professor in the Conservatoire National des Arts et Metiers (S. Doc. 522, 267 pages; price, 25 cents):
- Author 1,456.31
- Clerical assistance 17.00
- Translation 538.80
- 2,012.11

The Bank of France in its Relation to National and International Credit, by Maurice Patron; and an article on French Savings, by Alfred Neymarck, editor of Le Rentier (S. Doc. 494, 181 pages; price, 20 cents):
- Translation 704.60

The History and Methods of the Paris Bourse, by E. Vidal, editor of La Cote de la Banque et de la Bourse (S. Doc. 573, 275 pages; price, 30 cents):
- Author 200.00
- Clerical assistance 17.00
- Translation 1,666.45
- 1,883.45

The Reichsbank, 1887–1900 (S. Doc. 408, 362 pages; price, 35 cents):
- Translation 1,048.89

German Imperial Banking Laws, edited by Dr. R. Koch, former president of the Reichsbank (S. Doc. 574, 330 pages; price, 35 cents):
- Clerical assistance 17.00
- Translation 618.40
- 635.40

The Great German Banks and Their Concentration in Connection with the Economic Development of Germany, by Dr. J. Riesser (S. Doc. 593, 1,000 pages):
- Translation $1,927.83

Miscellaneous articles on German banking (S. Doc. 508, 478 pages; price, 50 cents):
- Authors $2,088.65
- Translation 1,902.98
- 3,991.63

The German Bank Inquiry of 1908; Stenographic reports (S. Doc. 407, vol. 1, 1,162 pages; price, 90 cents):
- Clerical assistance 64.98
- Translation 1,600.00
- 1,664.98

Renewal of Reichsbank Charter (S. Doc. 507, 268 pages; price, 30 cents):
- Translation 431.70

The Swiss Banking Law, by Dr. Julius Landmann, of the Swiss National Bank (S. Doc. 401, 269 pages; price, 30 cents):
- Translation 488.37

Italian Banks of Issue, by Comm. Tito Canovai, general secretary of the Bank of Italy, and Carlo F. Ferraris, of the University of Padua together with the text of the Italian banking laws (S. Doc. 575, 350 pages; price, 35 cents):
- Clerical assistance 45.00
- Translation 641.80
- 686.80

The Swedish Banking System, by A. W. Flux (S. Doc. 576, 248 pages; price, 25 cents):
- Author 1,200.00
- Travel 138.25
- 1,338.25

The National Bank of Belgium (S. Doc. 400, 238 pages; price, 25 cents) and The Banking System of Mexico (S. Doc. 493, 284 pages; price, 35 cents), by Charles A. Conant:
- Author 2,400.00
- Clerical assistance 423.37
- Translation 130.95
- 2,954.32

Banking in Russia, Austro-Hungary, Holland, and Japan (S. Doc. 586, 200 pages):
- Authors 433.35
- Clerical assistance 828.00
- Translation 200.00
- 1,461.35

Financial Diagrams, prepared by A. Piatt Andrew (S. Doc. 509, 24 diagrams in color, bound in cloth; price, $1.75):
- Clerical assistance 339.00
- Materials 33.59
- 372.59

Summaries and digests:
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LIBRARY.

Purchase of books $4,545.86
Salary of librarian, W. A. Slade 4,249.84
8,795.70

SALARIES, CLERICAL FORCE.

Alden, C. E	$546.00	
Barthelemy, L. C. J	660.00	
Buckmaster, C. F	2,175.00	
Budlong, P. E	401.15	
Burlew, J. M	315.00	
Cook, J. P	1,533.33	
Dooley, J. E	500.00	
Eldredge, E. O	1,200.00	
Gardner, J. W	350.00	
Gilman, H. M	100.00	
Goodier, Mrs. J. A	400.00	
Lundy, W. D	370.00	
Nixon, R. B	4,310.00	
Northup, C. B	3,856.58	
Parker, H. P	2,660.00	
Rose, T. J	1,800.00	
Sheetz, J. W	1,066.20	
Shelton, A. B	5,100.00	
Straight, C. D	1,312.50	
Warner, L. H	223.00	
Miscellaneous stenographic services	319.06	
		$29,197.82
Messengers:		
Elsie, A	100.00	
Underwood, W. H	400.00	
Williams, A. O	94.00	
		594.00
		29,791.82

TRAVELING EXPENSES.

Members of commission:		
Aldrich, N. W	$17.00	
Burton, T. E	57.65	
Bonynge, R. W	368.75	
Burgess, G. F	530.35	
Burrows, J. C	126.89	
Daniel, J. W	190.54	
Hale, E	150.00	
Money, H. D	535.65	
Overstreet, J	261.05	
Padgett, L. P	621.89	
Pujo, A. P	281.90	
Teller, H. M	649.15	
Vreeland, E. B	555.79	
Weeks, J. W	17.00	
		$4,363.61
Clerical force and persons in attendance upon commission:		
Andrew, A. P	1,759.38	
Alden, C. E	229.60	
Buckmaster, C. F	40.00	
Budlong, P. E	100.35	
Coolidge, L. A	43.75	
Cortelyou, G. B	22.53	
Clarke, G. R	15.00	
Eldredge, E. O	1,515.15	
Hale, C	19.00	
Halsey, J. W. D	109.26	
Jay, P	31.80	
Lundy, W. D	390.50	
Money, H. D., jr	192.20	
Nixon, R. B	166.10	
Northup, C. G	470.40	
Pettis, J. B	20.00	
Parker, H. P	21.35	
Shelton, A. B	1,104.35	
Smith, S. C	302.60	
Sheetz, J. W	18.65	
Slade, W. A	58.00	
Williams, O. A	48.90	
		6,678.87
Meetings of commission at New York:		
June 10–12, 1908	217.60	
August 2–4, 1908	233.25	
October–November, 1908	179.60	
December, 1908; February, 1909	174.15	
August 15–18, 1909	272.85	
October–November, 1909	548.50	
		1,625.95
Meeting of commission at Narragansett Pier, July, 1909		3,493.73
Travel of commission in Europe		19,250.18
		35,412.34

MISCELLANEOUS EXPENSES.

Freight and expressage	$176.13
Sundries	69.20
Premium of disbursing officer's bond	120.00
Printing	21.53
Rental office room	1,249.19
Stationery and supplies	429.60
Telephone	107.20
Telegraph	345.85
	2,518.70

SALARIES, MEMBERS OF COMMISSION.

Bonynge, R. W	$15,562.50
Burrows, J. C	562.50
Flint, F. P	562.50
Hale, E	562.50
McLachlan, J	562.50
Money, H. D	562.50
Overstreet, J	9,250.00
Taliaferro, J. P	562.50
Teller, H. M	15,562.50
	43,750.50

SUMMARY.

Monographs	$86,861.92
Library	8,795.70
Salaries, clerical	29,791.82
Traveling expenses	35,412.34
Miscellaneous	2,518.70
Salaries, commissioners	43,750.00
	207,130.48

Mr. CUMMINS. I commend Senators who are well acquainted in Washington to the list of employees and their salaries only because it will be found that many—I will withdraw that word and say some of these employees, and the principal ones of them—are also, or were also, holding other positions in the Government and drawing other compensation than the compensation given to them by the commission. The salaries of employees aggregate $29,791.82.

I beg that the Senate will also note the traveling expenses which have been paid out for members of the commission and employees of the commission. It is an uncomfortable thing to analyze this statement, and I do not intend to do so unless it shall become necessary by suggestions which are made hereafter; but it is sufficient to say that the entire traveling expenses of the commission, with its employees, to March 31, 1911, were $35,412.34. A little computation will show you that at $6 per day allowance for traveling expenses these expenses would have maintained one man in constant travel—on such travel as is customary in making such investigations—for a little more than 16 years; and a little further computation will show that it would have maintained 10 men a year and three-fifths of a year. I do not assert that a single penny has been paid out for expenses that were not incurred. I only say that the commission, having had three years and a half in which to do its work, in which to meet an emergency, in which to prepare or suggest legislation intended to prevent panics, ought now to make its report and ought to relieve the Treasury of the United States from these enormous burdens.

Mr. CHAMBERLAIN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. I do.

Mr. CHAMBERLAIN. I should like to ask the Senator if the statement from which he appears to be reading shows where the commission went from time to time and what, if any, information they got at the several places that cost the Government something over $30,000?

Mr. CUMMINS. I do not know. The commission, or a part of the commission, visited Europe in these three years, and for aught I know it may be intending to visit Europe again. It visited New York upon several occasions, and it held a protracted meeting during one hot period at Narragansett Pier, a very delightful place in which to compose one's thoughts upon the subject of finance. But it has a perfect right to do it, and I have no doubt it held a meeting at a convenient place.

But we have fallen into habits of extravagance. We can not overcome them here. It seems that no part of the Government can overcome the tendency to extravagant payment for what we accomplish, and even if these payments are all justifiable, there is no defense for allowing the system to proceed further.

At the present time all of the Members of the Senate know how this commission is composed. There are some very excellent men upon it who are doing very good work, and who have done very good work, but it is perfectly well known that the majority of the commission at this time is not devoting its labor or its energies to the work of the commission. It is perfectly well known that it is not expected in the future that they will do so. It is perfectly well known that it is now simply a convenient place for those who have lost the favor of their constituents in political affairs, and I do not think that we ought to continue it any longer.

As originally organized it had a high object in view. I believe it has accomplished that object. I expect the report of the commission will be a notable contribution to the literature upon this great and important subject. But do not let us open ourselves to the reproach of continuing this commission indefinitely.

Mr. DIXON. Mr. President——

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. DIXON. In discussing the traveling expenses, I merely wish to inquire of the Senator from Iowa whether the expenses of the colored barber, who was taken on the European trip, are included in the $36,000?

Mr. CUMMINS. Unfortunately, I am not able to answer that question, although I have no doubt they are. The expenses of the European trip are not itemized. The law does not require the commission to itemize the expenses. There is a most extraordinary provision in the act of 1908 for the payment of money out of the Treasury that can be found, I fancy, within the annals of Congress. There is no itemization required. They are paid solely upon the certificate of the chairman of the commission. But it is stated here merely in the words: "Travel of commission in Europe, $19,250.18."

We do not know, as far as the report is concerned, who of the commission visited Europe or how many of the employees that crowd the rooms of the commission and also almost crowd the corridors of the Senate Office Building accompanied the commission abroad.

The salaries are not so high up to this time, because until recently most of the members of the commission were also Members of Congress, and so long as they were Members of Congress they were not entitled to additional salary. But there are two former Members of Congress, each of whom has drawn $15,562.50, and the total drawn by the members of the commission, which I regard as very moderate and temperate in view of some of the other expenses, is $43,750.50.

Senators, I brought this bill forward because I believe we ought to put an end to the commission and require the result of its deliberations. If we intend to pass any law that shall guard the people of this country from the disasters of panic, we ought to begin to consider that law. We ought not to wait indefinitely in order to shield our financial system from dangers which are said to confront it every moment.

I feel that this commission can report at the time indicated in my bill, which is on the first day of the next regular session of Congress, and I feel that after it has made its report, and after its monographs and libraries are put into the possession of Congress, where both ought to be, Congress will have all the information it can secure from this source to enable it to legislate intelligently and patriotically with respect to a revision of our banking system.

Mr. NEWLANDS. Mr. President, I am quite in sympathy with the expression of the Senator from Iowa [Mr. CUMMINS]. I think it is time that we should have an early report from the National Monetary Commission. Our whole banking system is confessedly weak, probably the weakest that is possessed by any country which boasts a high civilization. Those who have been urging banking reform have impressed upon us this consideration. The honorable chairman of the Monetary Commission declared in the Senate some years ago that the United States had the worst banking system in the civilized world.

Already we have some indication of what the report of the Monetary Commission will be, in the shape of a feeler intended to take the sense of public opinion upon the matters under consideration by this commission. In view of the pronunciamento which has gone out to the business world and which has formed the basis of a propaganda that is being urged in every banking center in the country, it strikes me that it might be well to amend the bill offered by the Senator from Iowa by providing that, in addition to the report which this commission is doubtless now prepared to make, the commission should report upon an alternative proposal, involving the security of bank depositors and protection against bank panics, not by organizing a great central institution for that purpose, but by strengthening the individual banks themselves in regard to their capital and reserves, associating them into associations bounded by State lines in which State banks can participate, and then federalizing these various State associations by organizing a national banking board, composed partly of bankers from different sections of the country, selected by these associations, and in part appointed by the President of the United States, with a view to giving such a board powers of examination, powers of publicity, powers of recommendation to the President and the Congress, under which Congress, with this board of able advisers, may be able from time to time so to amend the laws as by a gradual process of evolution to perfect our entire banking system.

With the permission of the Senator from Iowa [Mr. CUMMINS] I will draw an amendment calling upon the commission specifically for its views as to the advisability, first, of establishing some proportion between the capital of the bank and the obligations to its depositors which it assumes, a proportion not now established by law, for a bank of trifling capital can assume obligations of enormous proportions; also, as to the advisability of strengthening the reserves of the individual banks, the country banks, nominally required by law to maintain a reserve of 15 per cent, but actually permitted by the law to deposit 9 of the 15 per cent in the banks of the reserve cities and the central reserve cities, there to be used not for the legitimate purposes of banking, which is the exchange of commodities and property, but for promotion and speculation.

Reserves are also required of the reserve city banks to the extent of 25 per cent, but they are permitted to transfer one-half of that—12½ per cent—to the banks of three or four great central reserve cities, New York taking almost all of it, thus depriving the depositors of the funds absolutely necessary to meet the current demands of their checks, and transferring these large funds to New York to be used for promotion and speculation.

I should like the views of the Monetary Commission upon those two specific questions—the strengthening of bank capital and the strengthening of the reserves of the individual banks. Then, as opposed to this system of centralization—the absolute ignoring of the States, the creation of a central organization, with 16 branches in 16 so-called zones, regardless of State lines—I would substitute, and I should like the views of the commission upon the suggestion, local associations in the various States, composed not only of the national banks in those States, but composed of the State banks engaged in interstate commerce as well, requiring of the State banks the observance of the same rules regarding investigation, publicity, and protection in the shape of capital and reserves to their depositors as is required of national banks, requiring that as a condition of membership in the association, which will be of vast benefit to them, and imposing other conditions also, under the great interstate-commerce power of the Constitution, which, recognizing interstate exchange as a part of interstate commerce, can be exercised in the regulation of State banks engaged in interstate exchange just as extensively as it can be in the regulation of State railway companies engaged in interstate transportation.

I should like their views as to the terms of such an association, what it should cover. Could it not safely cover an insurance or a guaranty of bank deposits? Such an association having control over, and powers of examination and investigation of, the constituent members, could easily exercise such vigilance as to prevent any individual bank from imperiling itself by injudicious loans, and therefore having the power to prevent injudicious loans, injudicious investments of the depositors' funds; it would certainly be a reasonable requirement that it should insure those depositors against loss, for it means simply the insurance of the associated banks as to the depositors of each individual bank, each one of which is a constituent member of the association.

The financial history of the country shows that notwithstanding the numerous panics destructive of credit, destructive of exchange, paralyzing State and interstate commerce, the loss to depositors upon the wind up of these institutions is infinitesimally small. If so, under a perfected system of banking, where an association is organized under national law, bringing together the State and the national banks of that State into association for mutual protection and for the protection of their depositors, is it not fair to suppose that the actual loss in every wind up will be infinitesimally smaller than it has been in the past?

The risk, then, being little and the opportunity to the association itself of preventing loss being large, there is no reason why the insurance of bank depositors should not go into practical operation and effect. The result would be that we would have no panics. Just as soon as an individual bank is in peril, just as soon as the run of depositors is precipitated, just that moment the allied forces of all the banks of the State, bound together in this protective association, can summon their reserves and apply them at the point of danger, just as a government can summon its military reserves to the point of danger and of attack.

Mr. President, it may be inquired how shall we bring these associations together so that they will act in a national way and not purely within State lines? It seems to me easy in economics to follow the Federal system of government as an example. That system is followed in all kinds of organizations in this country. We find all the beneficial organizations of the country organizing local leagues and then State leagues and then national leagues. We find this true of the architects' associations, of the art societies, of the musical societies, of the charitable organizations, of city planning organizations, and all the various humanitarian movements which characterize the day. Why should we not follow the example of our Federal Government in the organization of our banking system, maintaining the State as the economic zone or unit, as it is the basic unit of our Government, and after organizing under national law, associations in each State of all commercial banks, both national and State, within its boundaries, federalizing the banking associations of all the States for national purposes? That organization could be effected, as I have stated, by the selection of a national banking board, composed partly of representatives selected by the various State associations and partly of representatives selected by the President. Whilst I would have at the start that board commence with small powers, we know that by the process of evolution and as experience guided our action its powers would be gradually enlarged and its usefulness extended.

I will not go, Mr. President, into minute details regarding this matter. Regarding the issue of bank notes, regarding the issue of emergency currency, the system proposed by Mr. Aldrich declares for the merger of all the powers of issue of all the banks of the country in this great central institution. I would have the powers of issue of the banks of each individual State merged in the banking association made up of the banks of that State. I would not centralize the power at Washington, however correct theoretically the system might be, for the reason that in these days of combination and monopoly there is great danger that such powers will fall into the hands of the great banking interests, whose increasing power is viewed with apprehension, which, combining at one great center the control of the wealth of the country in banks, in the great industrial trusts, and in the railroads, is running almost the entire economic system of the country, and that, too, not in the interest of the honest maintenance of exchange between States, between communities and individuals, not for the great public function for which these corporations were organized, however private they may be, but with a view to swelling the fortunes of individuals and increasing their powers over their fellow men and over the Government under which they were created.

However strong the system advanced by Mr. Aldrich may be in theory, I would not accept it to-day because of these conditions. If later on by a process of evolution, commencing at the bottom with the States and not at the top with the National Government, we crown the entire edifice to which I have referred by a central bank acting in cooperation with these associations in the various States, that is a thing for the future—to be worked out slowly and gradually.

The system to which I refer and which I urge does not necessarily lead to the ultimate organization of a central bank nationally, and yet it is not inconsistent with it in the end. When the economic system of this country is adjusted to freedom of opportunity to all we may, by the process of evolution—a slow and gradual process—conclude that the wise thing is to crown this great edifice that performs so important a function in interstate and national exchange by the creation of a central bank.

Mr. President, the plan that is urged by the former Senator from Rhode Island will not, in my judgment, receive the approval of the American people; and yet it would be a great mistake if all legislation should fail. The President was right, in a recent speech in New York, in saying that the banking question is the most important question before the people of the United States to-day, far surpassing in importance the tariff question. We are now addressing ourselves to great economic questions, through the adjustment of which the entire country may be put into industrial and commercial disturbance; and it is of the highest importance, whilst we are passing through these economic changes, that our banking system at least should be perfect, for the test of the stability of our commercial condition will be found at the doors of a bank when the depositors of that bank, panic stricken, demand their money, and when failure to respond may involve the banks of an entire community and ultimately the banks of the entire country, thus locking up both State and interstate exchange at a time when other economic disturbances are existing. It is therefore incumbent upon those who oppose the Aldrich plan to present an alternative.

I have in my feeble way presented this matter, but I trust that the minds of those who are opposed to that plan will be fertile with suggestions, and I trust that these various suggestions will be presented to the Monetary Commission and that they will fairly consider them with the experts at their command, and will point out their advantages and their weaknesses. In this way, and in this way only, can we get fair consideration of the entire question, for if the people become fairly impressed with the necessity for a change in the banking system, unless the whole matter is thoroughly thought out and exploited beforehand, they may go from worse to worse instead of from worse to better.

Mr. President, we want this thing thought out, not by those who have been the friends of privilege, of combination, and of monopoly, but by that great body of progressive thought in the country which has been engaged in considering the abuses that afflict us and the remedies for those abuses. Thus far the progressive thought of the country has not been fastened upon an alternative plan unless it be the mind of Mr. Bryan, who for years has given more attention to such subjects than any other public man on the progressive side. I do not say that all his views are correct, but one thing is sure, and that is, that he has given serious thought to these questions, and that his suggestions are worthy of consideration. His suggestion regarding a bank guaranty, hooted at throughout the country, has been accepted by several States and is perfectly capable of safe solution, if we can only bring the banks of the various States together by some form of national association for the protection of themselves and the protection of their depositors.

I will ask, therefore, the Senator from Iowa to indulge me whilst I draw an amendment calling upon the commission for its views as to the suggestions which I have made. I have no doubt that their consideration of them will be fair and that their report upon them will be of value. I will append to my remarks certain views prepared by me for the press in response to many inquiries. The matter referred to is as follows:

BANKING REFORM.

VIEWS OF MR. NEWLANDS.

"Logical national legislation on the banking question involves, in my mind, the recognition of interstate exchange as a branch of interstate commerce by taking hold of and regulating the State banks engaged in interstate exchange, just as we take hold of purely State railroads that are engaged in interstate transportation. The purpose of the legislation being to prevent paralysis of interstate exchange through constantly recurring bank panics, any legislation which leaves the State banks out of consideration as factors in the maintenance of an unimpaired interstate exchange is sadly lacking, for the State banks to-day equal the national banks in the extent of their capital, deposits, and credits. They are all engaged in interstate exchange, and constitute links in the general banking system of the country; and just as the strength of a chain is that of its weakest link, so it may be claimed that the strength of our banking system is affected by the condition of its weakest bank, and that all banks, both national and State, must be regulated by the National Government in the interest of interstate commerce.

"STRENGTHENING THE INDIVIDUAL BANKS.

"I would first strengthen the individual banks by requiring of them a certain relation of capital and reserves to their obligations. As it is the national banking act prescribes no proportion between the capital of a bank and the amount of deposits it can receive. The capital of a bank constitutes the margin of security upon which depositors rely. Sound banking requires that it should equal 20 per cent of the bank's obligations. I would not at first, however, attempt to reach this limit, but would simply provide that every bank should maintain a capital and surplus equal to 20 per cent of its deposit obligations.

"As to reserves, sound banking requires that a bank should keep on hand at least 20 per cent of its deposit obligations in order to meet the current checks of its depositors.

"The national banking act requires 25 per cent reserve in central reserve cities, of which all must be kept in cash; a reserve of 25 per cent in reserve cities, of which one-half can be deposited in central reserve city banks; and 15 per cent in the country banks, of which nine-fifteenths, or three-fifths, can be deposited in reserve city and central reserve city banks.

"I would not, at present, increase these reserves, but I would diminish the proportion of the reserves which the country banks can deposit in other banks at the rate of one-fifteenth annually until such permitted deposits in other banks reach five-fifteenths, or one-third, of the total reserve; and there I would stop for the present.

"I would also diminish the proportion which the reserve city banks can deposit in the central reserve city banks at the rate of one twenty-fifth annually until such permitted deposits in central reserve city banks reach five twenty-fifths, or one-fifth, of the total reserves instead of one-half, as at present.

"THE STATE BANKS.

"I would require the same capital and reserves of State banks engaged in interstate exchange as are required of national banks; but the question is whether this shall be made coercive or persuasive. I have no doubt of the power of the National Government to compel State banks, as instrumentalities of interstate commerce, to comply with its regulations as to capital and reserves; but as this is a comparatively new contention and may arouse opposition to any general measure which contains it, it might be well to make it merely persuasive by providing that State banks may become members of the national reserve association, hereafter referred to, upon complying with the requirements of the national banking act as to capital and reserves and as to examination and inspection by the National Government.

"UNIONIZING BANKS FOR PROTECTION OF DEPOSITORS AND FOR PREVENTION OF BANK PANICS.

"The next step would be to unionize the banks for preventing bank panics and the interruption of interstate exchange by enabling them to summon their reserves to any point of danger, just as the Government concentrates its troops at the point of attack.

"The Aldrich plan centralizes these at Washington by the creation of a reserve association of America, embracing in its membership as stockholders all the national banks and dividing the country, regardless of State lines, into 16 subdivisions or zones, in the most prominent commercial city of which is located a branch of the reserve association.

"There are two objections to this—one, that it practically creates a central bank, concerning which there will be a great difference of opinion between the two political parties, and the other that with the concentration of the money power of the country now existing such central bank would fall under the control of such power, and that the perversion of the proper function of banking from that of advancing exchange to that of promotion and speculation would continue. Even if the Aldrich plan be theoretically and economically sound, I regard it as utterly impracticable at present, because of the balance of the political parties, each controlling a part of the Government, and because of the universal distrust of certain powerful banking groups, to give it the sanction of law. Nor do I think that the reasoning regarding a central bank which would apply to similar institutions in England, France, and Germany

can be applied to America, a union of 46 States, most of which in area and population will sometime rival those great countries.

"It must be recollected also that in those countries the national power is absolute over commerce in its entirety, whilst in our country the National Government is absolute only in interstate and foreign commerce, the State commerce being under the jurisdiction of the respective States. As, therefore, commerce itself under our system of government is divided into two parts—one part under the control of the States and the other part under the control of the union of States, or the Nation—it is desirable that in the exercise of the regulating power we should have regard to the States as the units or subdivisions with reference to which the national power is to be exercised; and we should endeavor to bring about cooperation and harmony between the individual States on the one hand and the union of States on the other in the regulation of our commerce.

"I would therefore organize under national law a reserve association in each State, to be formed by the national banks of each State; membership in which I would grant also to State banks engaged in interstate commerce, as all except the savings banks are, upon compliance with such requirements as to capital, reserve, investigation, and correction as exist with reference to national banks.

"I would provide that such reserve association should have the power to examine the individual banks composing its membership and to exercise a certain degree of corrective power over them, and that it should have the power to insure the depositors of each individual bank composing its membership. Some speedy method should be provided for immediately taking over the assets and paying the depositors of any failing bank. I would give to such State reserve associations such of the powers, rights, and privileges given by the Aldrich plan to the proposed central reserve association as may be deemed desirable. In other words, I would endeavor to create in each sovereign State a financial center for that State, holding a position with reference to the State similar to that which New York holds to the United States.

"As the banks of some of the smaller or weaker States might not be strong enough to form reserve associations under this plan, I would grant them the privilege, if they so desired, of joining a reserve association organized in an adjoining State.

"I would turn over to such reserve associations all the note-issuing functions of the individual banks constituting its membership, including the issuing of emergency currency.

"FEDERALIZING THE ASSOCIATION.

"I would then federalize these State reserve associations through the organization of a national banking board, of which a certain proportion of the members should be selected by the national reserve associations under some plan that would promote proper geographical distribution, the National Government, through the President, with the aid and confirmation of the Senate, to name the other members. I would make the Secretary of the Treasury the chairman of such commission and the Comptroller of the Currency its secretary.

"I would not, in the first instance, give such commission large powers, but would invest it with powers of examination, correction of evil practices, and recommendation to the President and to Congress. I would expect the national banking commission, by a process of evolution, to gradually increase in its powers as the result of experience in administration and legislation, and I would expect it to perfect a system of cooperation with the banking commissions of the respective States.

"NOTE-ISSUING FUNCTIONS.

"I do not understand that Mr. Aldrich's plan provides for any additional currency, unless it be emergency currency. It simply provides that all the existing note-issuing functions of the national banks shall be turned over to the reserve association of America, of which the national banks are constituent members. The national-bank notes during the past 10 years have increased from about $300,000,000 to over $600,000,000 as the result of the increase of the percentage of the bond security available for note issue and also as the result of the increased amount of United States bonds. The national banks also have the power to issue emergency currency to the extent of $500,000,000, the retirement of which is forced by a gradually increasing interest rate or tax.

"None of the latter is now extant. Under the Aldrich plan, therefore, the National Reserve Association would have the power to keep outstanding the present issue of national-bank notes of over $600,000,000, and I think a similar provision should be made that the National Reserve Association of each State should take over the note-issuing functions of its constituent members. I would see no present necessity for changing the character of this issue. I would allow it to be gradually retired by the payment of the bonds themselves or by refunding such bonds into national bonds similar to the Panama Canal issue, bearing a rate of interest of about 3 per cent and without the note-issuing privilege.

"I do not think we need seriously concern ourselves in the near future regarding either an asset-secured currency or a bond-secured currency, or a national currency. The country is now firmly established on the deposit and check system, under which banks are permitted to give credit to their customers on their books aggregating, on the average, more than five times the amount of cash which the banks have on hand. The borrower turns his loan into a deposit and checks against his deposit, and his checks constitute a currency admirably adapted to the requirements of the country, the checks remaining out long enough to close the particular exchange or sale or transaction and then being retired. Under this method $1,000,000,000 of cash in the banks as reserves is given an efficiency of $5,000,000,000 through the loan and deposit system in the national banks, and a similar amount in the State banks, so that during the past 10 years, as the result of a constantly increasing volume of gold which has been drawn into the banks as their cash reserves, we have had an increase of bank loans and corresponding bank deposits from about five billion to ten billion dollars, or in other words and increase of 100 per cent in the credit facilities of the banks, whilst the population has increased only about 20 per cent. This accounts in great part for the extraordinary rise in prices which has taken place, and which has seriously disarranged the relations of debtor to creditor, of employee to employer, and of consumer to producer. An era of constantly increasing prices is almost as bad as an era of constantly falling prices, and both are caused by variation in the value of the medium of exchange as the result of the quantitative theory.

"If stability in the value of the medium of exchange is desirable, it is clear, all other things being equal, that as the number of basic dollars increase the number of paper representatives should diminish, and paper representatives should only be availed of in order to tide over the time when there is a diminution in the production of basic dollars and a danger of a fall of values through contraction. It is clear, therefore, that at no period in the history of the world has there been so little need of the issue of paper money as at present, for the number of our basic gold dollars has vastly increased in quantity, in much greater proportion than the population, and the loan and deposit system has opened up such a vast area of credits as to do away with the need of so-called credit money. Indeed, the only occasions upon which credit money is needed at all under existing conditions is when a bank panic comes and depositors withdraw from the banks the actual dollars which stand at the base of the loan and deposit system. Then an emergency arises which necessitates some substitute in the shape of paper money which can be used as legal tender, and can be paid out as a substitute for the basic money."

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. REED. Mr. President——

Mr. CULLOM. It will require only a few minutes, I think, and then we will come back into legislative session.

Mr. REED. Very well.

Mr. NEWLANDS. If the Senator from Illinois will permit me, I wish to ask the Senator from Iowa whether he intends to push the bill to a vote to-day?

Mr. CUMMINS. I hope to reach a vote upon the bill to-day, but I have said to the Senator from Illinois, who desires that an executive session shall be held, that I have no objection to it, hoping we will again reenter legislative session the moment the work of the executive session has been finished.

Mr. CULLOM. I will move that the Senate go into legislative session again. Several Senators desire to speak on the bill which has been up.

EXECUTIVE SESSION.

The PRESIDING OFFICER (Mr. BORAH in the chair). The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona into the Union upon an equal footing with the original States.

The message also announced that the House had agreed to the concurrent resolution of the Senate (S. Con. Res. 6) providing for the printing of the hearings before the Employers' Liability and Workmen's Compensation Commission.

ST. FRANCIS RIVER BRIDGE.

Mr. REED. Mr. President, House bill 6098 is a bill to permit the construction of a bridge across the St. Francis River in my State. It has been favorably reported by the Commerce Committee, and I ask unanimous consent that it may be taken up at this time.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent——

Mr. CUMMINS. Mr. President, I make a parliamentary inquiry. Is not the bill which was under consideration before the executive session now before the Senate?

The PRESIDING OFFICER. That bill, as the Chair understands, is now before the Senate; but the Senator from Missouri [Mr. REED] asks unanimous consent for the present consideration of the bill named by him.

Mr. REED. It is a formal matter.

The PRESIDING OFFICER. It is a bridge bill.

Mr. CUMMINS. I do not want the bill which the Senate has been considering displaced, that is all. I have no objection to the passage of the bill referred to by the Senator from Missouri.

The PRESIDING OFFICER. The bill which the Senate has been considering will not be displaced.

Mr. REED. I ask unanimous consent to temporarily lay aside the present order of business.

Mr. CUMMINS. In order to arrive at it I ask unanimous consent to temporarily lay aside the bill now under consideration.

The PRESIDING OFFICER. Without objection, that order will be made. The Senator from Missouri asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 6098) to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BAYOU BARTHOLOMEW BRIDGE.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 11021) to authorize the Levitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL MONETARY COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

Mr. HEYBURN. Mr. President, the echoes of misdeeds and political mistakes sometimes come back to us in a way to challenge our attention. If there ever was a political mistake from both a partisan standpoint and a national standpoint, it was the enactment of the law of which the sections under consideration are a part. Senators who were present when that dramatic scene occurred at midnight on the 30th day of May, 1908, the closing day of the session, will never forget it. In my experience of more than eight years in this body I have not seen its equal, when the parliamentary law that governs this body was disregarded and pushed aside in order that a measure might be pushed through with a parliamentary insolence that I have not seen equaled in my life, when a Member had addressed the Chair and had been recognized, notwithstanding which the roll call proceeded under an arbitrary demand of Senators who had forgotten their reason, who had gone mad with their success of the hour. I hope it will never occur again; as long as I am in the body I hope never to see it. And this is the result of it. We are now called upon to deal with the result of that action. It is difficult to deal with it or to discuss it in conservative terms. The commission that was appointed under such conditions as these—and, mark you—

SEC. 19. That a sum sufficient to carry out the purposes of sections 17 and 18—

Those are two of the sections which by the pending bill are proposed to be repealed—

of this act, and to pay the necessary expenses of the commission and its members, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

"A sum." If you will turn back in the pages of the CONGRESSIONAL RECORD, you will find that sharp criticism was urged against such vicious legislation, and that it was swept aside in that hour of triumph, when a coterie of men had succeeded in laying the foundation for passing that iniquitous piece of legislation. With them in that hour it was not reason; it was boastful impulse. The question with them was not, "Is this conservative legislation?" but it was, "Can we do it?" Yes; ride over the opposition.

We have an example of the same spirit in the report that comes before us in the letter from the Secretary of the Treasury of the United States. Here is the echo of it. This is in response to those words "a sum sufficient"—not in the usual language, "There is hereby appropriated the sum of so many thousand, or hundreds of thousands, or millions of dollars," but there was no limit placed upon it. In the arrogance of that hour they did not dream that there was any power that could ever limit or even criticize them; but the hour has outlived the men who did it, who were responsible for it; and the facts and the conditions stand as a monument of that legislation. I have never yet regained my equanimity because of the outrage of that hour.

I am respectful of all men in public debate or private speech, but men's public acts may be and must be challenged when it is necessary to weigh them. We come now to the day of accounting for this legislation, and I am going to be very brief in my remarks, because a question of this kind does not need extended argument to point out its demerits.

I will not read you these items; I will only refer to them as a justification for every word of opposition that was spoken in debate at the time of the enactment of that law; I will only refer to them as a justification of every vote that was cast against it when this measure was forced through Congress in the midnight hour, after, I think, 62 hours of session, and perhaps more. Men had become almost frenzied because of the conditions that surrounded them. Let me read you just a line or two from the RECORD. After the insertion of a long paper that was read, and when the vote was imminent, this is what occurred—I read from page 7259 of the RECORD of May 30, 1908:

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. ALDRICH. I ask that the roll be called.

Mr. HEYBURN. Mr. President——

Now, note this—

The Secretary proceeded to call the roll, and Mr. Aldrich responded to his name.

That was after I had addressed the Chair.

Mr. HEYBURN. I addressed the Chair before the commencement of the roll call.

I am reading from the RECORD of the proceedings of this body. That statement is in the RECORD.

Mr. ALDRICH. The roll call can not be suspended.

Mr. HEYBURN. I do not ask that it be suspended. It was started with undue haste. I was addressing the Chair.

Then other Senators said, "Let the roll call go on," and after an appeal and a controversy as to moral rights, which were within the only rule that this Senate knows, they rode over the rights of a Senator, called the roll, and adopted the conference report. On page—and I commend it to the attention of Senators who may be interested to know what did occur afterwards—on page 7261 of the RECORD of May 30, 1908, the Senator from Idaho did express himself upon this question. I will leave that language to stand by reference.

I hope that the Senator in charge of this bill will press it to final passage and terminate this chapter of bad government, this chapter of statutory mistake, which has resulted in the waste of the public money and the accomplishment of no good purpose. I think that Congress is sane enough in the midday hours to correct the mistake that it made in the midnight hours. We have an imaginary library in charge of a real librarian; we have the monographs upon imaginary financial situations by men who were they in any other place for consideration would be termed "grafters," the double salaries of men who were favorites selected to earn the double salaries, and to earn them by signing their vouchers, for that is all they did.

I have gone through more or as much of this literature perhaps as any Member of this body. I have read through their weary, dreary length these articles supposed to be upon the finances of the world, the countries of the earth. They convey

no more information of value in legislating upon this question than do the Arabian Nights. The thing to do is as soon as possible to get rid of this mistake by abolishing the commission, paying the bills we have to pay, and forgetting the incident.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment proposed, the bill will be reported to the Senate.

Mr. NEWLANDS and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. NEWLANDS. I wish to offer an amendment. I will have it ready in a moment.

Mr. BURTON. Mr. President, I think this——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. Certainly.

Mr. BURTON. Does the Senator from Nevada desire to speak?

Mr. NEWLANDS. I wish to offer an amendment. I will inquire of the Senator from Ohio whether he wishes to address the Senate?

Mr. BURTON. I shall expect to make some remarks, perhaps at considerable length.

Mr. NEWLANDS. I will take my time, then, in preparing my amendment, and will yield to the Senator.

Mr. NEWLANDS subsequently said: I have prepared the amendment to which I previously alluded, and I ask that it be read and ordered to be printed.

The amendment was read and ordered to be printed, as follows:

It is proposed to add the following section:

"SEC. 3. That the National Monetary Commission is also directed to report for the consideration of Congress its views upon the following questions:

"First. The advisability of preventing national banks from depositing any portion of their reserves required by law in other banks.

"Second. The advisability of requiring national banks to maintain a capital and surplus bearing a fixed proportion to their deposit obligations, and if advisable what such proportion shall be.

"Third. The feasibility and advisability of organizing, under national law, associations of the national banks in each of the respective States for mutual protection and the protection of depositors against bank panics, and including State banks engaged in interstate exchange in the membership of such associations upon complying with the requirements of the national-banking act as to capital, reserves, investigation, reports, and publicity, such associations to have the power to insure the depositors of their constituent banks and in connection therewith the power to examine such banks.

"Fourth. The advisability of bringing into federation such associations through a national banking board fairly representative of the different sections of the United States, part to be selected by such associations and part by the President of the United States, such board to have as its chairman the Secretary of the Treasury and as its secretary the Comptroller of the Currency, such board to have powers of examination and correction over such associations and their constituent banks, and of recommendation to the President and Congress."

"Fifth. Such other suggestions as may be applicable to the federation of national and State banks for mutual protection and protection of depositors against bank panics under the foregoing plan of legislation."

Mr. CUMMINS. I do not clearly understand whether the Senator from Nevada now offers the amendment or whether he merely gives notice of his intention to offer it.

The VICE PRESIDENT. As the Chair understood the Senator from Nevada asked to have the amendment read and printed, to be offered later.

Mr. BURTON. Mr. President, I think this is a fit occasion to review the work of the Monetary Commission and also to present to the Senate some views upon the problems relating to banking and currency, which are now before the country.

I am opposed to the passage of this bill. Its enactment casts a certain degree of discredit upon the commission, but there is a more important objection to its passage, and that rests upon the fact that the commission can not complete its work by the time prescribed, the 5th of next December, nor indeed do I believe its work can be finished during the coming winter.

I have no apology to offer for a certain degree of looseness and extravagance in the expenses of the commission, especially in paying salaries to members after the expiration of their terms in Congress. In the beginning I think there was justification for that. The bill creating the Monetary Commission passed on the 30th of May, 1908. On the 3d of March following an amendment to the bill creating the commission was incorporated in the general deficiency bill. That amendment provided that those who had been appointed upon the commission should continue to receive salaries whether Members of Congress or not. It was passed to provide salaries for three persons, one Member of the Senate and two Members of the House.

The Member of the Senate whose term had expired had served long in the Senate and in the Cabinet, and though somewhat advanced in years, was an expert on monetary questions. Two Members of the House were also provided for, one of them Mr. Overstreet, who was the author of the financial act of 1900, one of the most valuable contributions to our monetary legislation. Another Member who was retained on the salary list had no special experience in problems of banking or currency, but gave his time almost constantly for two years after March 3, 1909, to the consideration of the difficult questions before the commission.

The services in the House and Senate of a somewhat larger number of members of the commission were terminated in 1911, but these were retained, and in addition three men, not previously members of the commission, were appointed, and salaries were provided for them.

In my investigation of this subject I am unable to find who was responsible for those three appointments. It seems to me their selection and the payment of salaries to them was not in accordance with the law, which is as follows:

That the members of the National Monetary Commission, who were appointed on the 30th day of May, 1908, under the provisions of section 17 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, shall continue to constitute the National Monetary Commission until the final report of said commission shall be made to Congress; and said National Monetary Commission are authorized to pay to such of its members as are not at the time in the public service and receiving a salary from the Government, a salary equal to that to which said members would be entitled if they were Members of the Senate or House of Representatives.

It will be noted that this statute explicitly states that the members of the National Monetary Commission who were appointed on the 30th day of May, 1908, shall constitute the National Monetary Commission until the final report of said commission shall be made to Congress.

The object of this statute is clear. It is to retain upon the commission those who had participated in its deliberations from the beginning and who had gained the experience which is to be derived from a year's service. But what justification can be found for the appointment on March 4, 1911, of three new men whose terms in Congress expired on that date I am unable to determine.

I have prepared an amendment to this bill which provides that the salaries of all members of the commission not now Members of the House or Senate shall cease; also that the commission shall file a report on or before the 10th day of January next. But when the question is raised of abolishing the commission entirely, I desire to say that in my judgment such action would be a serious mistake.

First, it is claimed that their work can be finished by the 5th of December. My experience upon that body leads me to the conviction that a report of any permanent value can not be made by that date. Those who have had experience on commissions and committees of Congress will agree with me that it is difficult to assemble members for a sufficient time before the meeting of Congress to enable them to complete a report. It has always been true that a certain number do not return until within a few days before the convening of Congress.

I have in mind the report of the National Waterways Commission. It had been the intention to file our report at the very beginning of the session following our appointment, but in considering all the varied subjects before us it was found necessary to postpone that report until the middle of January. Before that time it would have been impossible to formulate our views and place them in such condition as to justify a report.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Utah?

Mr. BURTON. Certainly.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Culberson	Newlands	Smoot
Bourne	Cullom	Nixon	Swanson
Bradley	Cummins	Oliver	Taylor
Brandegee	Curtis	Page	Thornton
Bryan	Fletcher	Paynter	Townsend
Burnham	Heyburn	Perkins	Warren
Burton	Johnson, Me.	Poindexter	Watson
Chamberlain	Johnston, Ala.	Pomerene	Wetmore
Chilton	Jones	Reed	Williams
Clapp	La Follette	Root	Works
Clark, Wyo.	Lodge	Shively	
Clarke, Ark.	Martin, Va.	Smith, Mich.	
Crawford	Martine, N. J.	Smith, S. C.	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present.

Mr. BURTON. Mr. President, the Monetary Commission met in the autumn of 1908, after having conducted investigations both by subcommittees and by the full commission during the

preceding summer. It was hoped that a report might be made then, but no satisfactory conclusion was reached. Again in 1909 and in 1910 the effort to make a report proved unsuccessful.

After the adjournment of this session it is not probable that the members will gather again until November, and the magnitude and the importance of the questions to be decided and reported upon are such that a final report, one satisfactory to the members themselves and one which shall aid in solving these very difficult questions now before the country, I anf confident can not be made at the beginning of the next session.

What should be done is this: Abolish the salaries of those who are no longer Members of this body or of the House, thus relieving the commission from the accusation of extravagance, and continue it for the purpose of making such recommendations as may be desirable in solving the problems relating to banking and currency.

I desire to say that I believe in the performance of this class of work by commissions. More and more the Members of the House and the Senate are becoming generalizers. There is such a great mass of public business before us that it is impossible either in Committee of the Whole of the House or Senate, or even in the committee rooms, to reach a satisfactory and judicious solution of certain great problems which are now before the country.

Two forms are suggested for these commissions—one composed of men who are not Members of Congress. This I do not believe in, for a commission consisting of men without legislative experience, though thoroughly posted on the subjects under investigation, often lacks that familiarity with the practical phases of legislation which is essential to accomplishing results in Congress.

Again, especially in the case of questions relating to banking and currency, it has been found that so great a contrariety of opinion exists among the bankers of the country and among students of the subject that it is absolutely impossible for them to reach any conclusion.

The second form of commission is composed of Members of the House and Senate. In that form of organization I am a cordial believer. They are in touch with legislation; they are in touch with the people; they understand the limitations which hinder the enactment of laws; and when they have considered subjects and made recommendations they are here to support these recommendations on the floor of the House and the Senate. Of course, it is desirable that they should bring to their assistance the very best experts in the branches which they are considering and utilize their advice in any recommendations which they may make.

Many of the most salutary laws have been proposed, if not formulated, by commissions of this body or the House, who were chosen with a view to giving more careful attention to the subject under consideration than could be given by the Members of Congress in House or Senate or by the committees thereof.

In the history of legislation in England and in France it appears that great progress has been made in promoting the welfare of the people through the agency of commissions. On this subject I wish to read a few words from a recent work of great value by Prof. Redlich, of the University of Vienna, who has recently written a history of the procedure of the House of Commons. He says:

> It will easily be believed that, with such an equipment, special committees have for hundreds of years been able to collect most valuable material for the promotion of legislation, to digest it and place it at the disposal of the House. The importance of parliamentary committees in this particular direction has, however, been materially lessened during the nineteenth century by the growing popularity of royal commissions as means for conducting inquiries. Though Members of both Houses of Parliament take a prominent part in the work of such commissions, they are not appointed by Parliament, but by the Government. Almost all the great reforms of the nineteenth century in internal administration, taxation, education, labor protection, and other social questions, have been based on the full investigations made by royal commissions, often continued over a space of many years, and on their reports, which with the evidence collected are laid before Parliament. A royal commission has many advantages over a parliamentary committee. It can, while a parliamentary committee can not, prolong its work beyond the limits of a session, if necessary, even for years; and it is possible to appoint scientific experts as members, so as to secure a completely impartial treatment of the subject. The consequence is that commissions have largely superseded parliamentary committees when elaborate inquiries have to be made.

I am unwilling to go as far in this connection as has the honorable Senator from Nevada [Mr. NEWLANDS], who, in several speeches here, has advocated that both legislative and executive functions be intrusted to commissions; but I do feel that in gathering information and in investigating and explaining important subjects they perform a most useful function.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. I shall be glad to yield.

Mr. NEWLANDS. Will the Senator refer me to a case where I ever urged the turning over to a commission or board of a legislative function?

Mr. BURTON. The expenditure of a certain amount per year on rivers and harbors and the selection of projects to be improved is certainly the exercise of a legislative function.

Mr. NEWLANDS. Does the Senator contend that the expenditure of a sum is a legislative function when the expenditure of that sum has been authorized by law?

Mr. BURTON. It is most decidedly so, as I look upon it.

Mr. NEWLANDS. I would call that an executive function.

Mr. BURTON. It would be the entire abrogation of the right of the legislative body to make selections to thus place it in the hands of a commission.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield further to the Senator from Nevada?

Mr. BURTON. Certainly.

Mr. NEWLANDS. If the Senator will permit me—I of course do not wish to divert his discussion to other matters; but I think, if he will examine carefully the bills to which he has referred, he will find that I have never yet sought to turn over to any board or commission the legislative power and that wherever I sought the employment of experts in connection with any great constructive work or the appointment of experts in reference to exercising the power of regulation I have sought to put in the law the rule under which such a board shall act.

Mr. BURTON. Mr. President, it was merely an incidental remark. I think it clear, however, that so radical a change in the manner of designating public works to be undertaken is intrusting legislative powers and duties to a commission. At any rate, the plan contemplates turning over to such a body a lump sum of money and authorizing them to use their discretion in its expenditure here, there, or anywhere, and it bestows upon them, also, an executive function.

The objection is sometimes made that a commission of the nature I have advocated usurps legislative powers. It does nothing of the kind. Its powers are bounded by the rights conferred upon it, namely, to secure information and to make recommendations. The House or the Senate may accept or reject those recommendations in part or in toto. The final responsibility for the adoption of legislation rests exclusively with the Congress whether commissions are appointed or not.

On this monetary problem, Mr. President, I maintain there is an especial reason for the appointment of a commission, because of the complicated nature of the subject and the necessity for accompanying any proposed legislation by a campaign of education. The correct solution of our currency problem requires more than any other question the full benefit of expert opinion and mature consideration.

I recognize that the delay of the commission in making its report has been unfortunate. In explanation of that I will read briefly from some remarks made in another place, where I expressed myself more clearly perhaps than I might be able to do here to-day:

> The Monetary Commission was created by the act approved May 30, 1908, under the provisions of what is commonly known as the emergency currency act, or the Aldrich-Vreeland bill. This act was passed when the panic of the autumn of 1907 was still fresh in the minds of the people and the necessity for reform in our currency system and banking laws was very greatly recognized. Hence Congress provided for a commission to be composed of 18 members, 9 to be selected from the Senate and 9 from the House of Representatives. It was thought best to restrict the membership to those who were in touch with legislative procedure, men more readily qualified to formulate practical legislation which would command general approval, and who would be able to explain and advocate any measures recommended before the two branches of Congress to which they belong. It was, however, intended that the very best expert opinion and assistance should be obtained from the banking profession as well as from every other source which might be helpful. Senator Aldrich, of Rhode Island, was chosen chairman and Representative VREELAND, of New York, vice chairman.
>
> The duties of the commission are succinctly stated in the act, namely, "to inquire and report (to Congress) what changes are necessary or desirable in the monetary system of the United States, or in the laws relating to banking and currency."
>
> For the accomplishment of this object ample authority was given. The commission, either in committee of the whole or by subcommittees, has held numerous meetings and conducted many hearings. Some of its members have visited Europe and by personal contact with the leading bankers of England, France, and Germany have obtained information at first hand. Prominent political economists and experts in banking have prepared articles giving the past history of banks and banking operations and setting forth all prevalent theories upon the subject. A representative committee from the American Bankers' Association appeared before the commission in response to a request to state their views. Not only this committee, but other members of the association and bankers of the country, either in response to inquiries or on their own initiative, have given the commission the bene-

fit of their experience and suggestions in relation to banking and currency problems. A working library upon banking has been prepared and printed, for which the claim may confidently be made that in practical value and completeness it surpasses any material heretofore available along these lines.

The criticism may have arisen that the commission has made tardy progress in its work, because it has existed for more than two years and no concrete proposition for legislation has been presented. But when we consider the magnitude of the interests involved and the contrariety of opinions to be harmonized the time is not long. It is better to be assured that projected legislation will be helpful and will command popular approval than to enact ill-digested laws and regulations which would have to be changed within a few years. Thus far the time has been usefully occupied in obtaining a basis upon which to act.

One feature assumes especial importance to anyone who has had experience in Congress—the exceptional difficulty in legislating upon any subject which has to do with finance or banking. Senator Sherman, after a long career in which he had framed many financial measures, once remarked that no one of them met with his entire approval because concession and compromise had been necessary in every case in order to secure their passage.

He said at one time there never was a day after the passage of the silver-purchase act of 1890 when he would not have been willing to vote for its repeal.

The insistent arguments of visionaries in finance, oftentimes supported by selfish interests, as well as the clash of different theories concerning the functions which the State should perform in relation to banking and currency, have alike prevented needed reforms in the past and will render ideal legislation difficult in the future.

In this connection I want to give an illustration showing how difficult it has been to bring the people to accept the most necessary financial or monetary legislation. I think it would now require a search warrant to find anyone who does not approve the act for the resumption of specie payments passed in the winter of 1874–75. The object of that measure was to place our finances upon a sound basis, and after years of inflation and disordered currency to make every dollar issued by the Government worth its face value. It provided for the resumption of specie payments on the 1st day of January, 1879.

I wish to read briefly from an account of the reception given Mr. Sherman in the year 1878 when he made a speech at a prominent city in the Central West in advocacy of this law, which at that time every intelligent student of the subject approved and which now everyone who has given any consideration to the subject knows was a wise measure. It is unnecessary to read more than the headlines, which give an account of this meeting at which he appeared as an advocate of the resumption of specie payments:

Howled down. John Sherman's welcome home. Turbulent and riotous demonstration at his meeting. Men made beggars by him refuse to listen to his defense of the process, and the architect of national ruin receives a slight foretaste of the hereafter.

That was the kind of a reception given to a man who had brought forward perhaps the greatest and most beneficial legislation on the subject of finance that has been proposed in the last half century.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. BURTON. Certainly.

Mr. SMITH of Michigan. The quotation of the Senator from Ohio loses much of its flavor by his failure to give the place where this riotous demonstration took place.

Mr. BURTON. I would a little rather not do that. It was not in Detroit.

Mr. SMITH of Michigan. Will the Senator give us the date?

Mr. BURTON. It was in the autumn of 1878, just a little while before the resumption act went into effect.

Mr. SMITH of Michigan. May I ask the Senator if it was at any place in Michigan?

Mr. BURTON. It was nowhere in Michigan. I fear, however, that there are localities in Michigan at which if he had appeared he would have met with the same kind of a reception.

Mr. SMITH of Michigan. The question that he was discussing was the burning question throughout the country, and other speakers were met with a degree of enthusiasm that has been very rarely surpassed even in my own State. But the eminence of this distinguished Ohioan and his service to his country were such at the time as to entitle him to courteous treatment anywhere in America for championing a principle so vitally related to the welfare of every American citizen, and I am surprised that he did not receive it.

Mr. BURTON. I wish to say that when I stated the fear that he might have received a similar reception at some places in Michigan it was not intended at all as a reflection upon that State, because in many States the prevalent misunderstanding in regard to finance was such that he would have received the same kind of reception.

Mr. President, the inference to be derived from this is that this commission ought to be continued. Let it be reorganized. Let the extravagant features be eliminated. It will only be possible to file a partial report next winter, for, as I shall endeavor to show, there are a number of important subjects which that commission ought to consider. I desire to call attention also to the necessity of conducting a campaign of education in support of its recommendations, which could be best conducted by the continuance of that kind of an organization. The commission has a valuable library. It has the means for obtaining and for diffusing information. It has advantages which no committee of Congress, no set of men save those who have given attention to it for years, could possess.

While I am perfectly frank in expressing my criticism of the payment of members of the commission who are no longer Members of Congress, while I stand here ready to abolish their salaries to-day, I think we ought to hear the other side of the question. Every Member of this body and of the House knows how difficult it is to say "no" to the friends of those who desire to have them continued here in some official position.

There is a further argument to which I have briefly referred, that some members of the commission, while Members of the House or Senate, had given close attention to the questions under consideration, and it was thought desirable not to lose the aid of their valuable service.

I concede that some $230,000 has been expended, partly for literature, partly for salaries of these ex-Members, partly for traveling expenses. Now, let us take those up in the inverse order. It was thought best that a subcommittee of the commission should visit Europe. Mr. President, their deliberations would not have been complete, they would not have been competent to make any recommendations, without that trip. No books on the subject can give the desired education. It is necessary to confer with those actively engaged in the banking business, to view the situation on the ground, to recognize the similarity and dissimilarity of conditions. As a result of all those investigations it appeared that no European system in its entirety would answer as a pattern for us to follow. Nevertheless, in every one of those systems there are features of such value as to afford the most helpful suggestions, and it would have been impossible to frame any laws relating to either banking or currency without a full consideration on the ground.

I wish to say that for some 10 days I was a member of the subcommittee at London, and it was very assiduous in its labors. We sat day after day from half past 10 in the morning until 7 in the evening and heard the leading bankers of England, who gave us information with a frankness which would not have characterized their answers to inquiries regarding the methods of their business if they were to be published.

But it is said that a large amount of money has been expended for a library. What was the fact, Mr. President? The commission found no adequate library on the subject of banking. There are a few very good books, but it would perhaps be invidious to mention them, because it would leave out others which some persons might consider of equal value. But, for instance, there was not until the commission undertook this subject any history of the Bank of England or of its operations which would make clear to an American student its methods and organization. Textbooks had been written on the subject, but they were framed with a view to informing those who were already familiar with general conditions in banking in the United Kingdom. Just about the time the commission began its work a book was written, which goes far to supply this void and which has been considered by the commission as a better textbook than any other on the subject. It has been translated into English. With the consent of the Senate, Mr. President, I will have inserted in my remarks a list of a few of the books which the commission has printed.

The VICE PRESIDENT. Without objection, permission is granted.

The list referred to is as follows:

Fiscal Systems of England, France, Germany, and the United States, by J. O. Manson.

The Discount System of Europe, by Paul M. Warburg.

Special Report from the Banks of the United States, compiled by Charles A. Stewart.

Digest of State Banking Laws, by Samuel A. Welldon.

The Origin of the National Banking System, by Andrew MacFarland Davis.

History of Crises Under the National Banking System, by Dr. O. M. W. Sprague.

Statistics for the United States, 1867–1909, compiled by A. Piatt Andrew.

The Use of Credit Instruments in Payments in the United States, by Dr. David Kinley.

State Banking Before the Civil War, by Prof. Davis R. Dewey.

The Independent Treasury System of the United States and Its Relation to the Banks of the Country, by Dr. David Kinley.

Seasonal Variations in the Demands for Currency and Capital, by Dr. Edwin W. Kemmerer.

Suggested Changes in Administrative Features of the National Banking Laws.

The History of Banking in Canada, by R. M. Breckenridge.

The Canadian Banking System, by Dr. Joseph French Johnson.

The English Banking System, by Hartley Withers, Sir R. H. Inglis Palgrave, et al.
The French Banking System, by Albert Aupetit.
The Reichsbank, 1876–1900.
German Imperial Banking Laws, edited by Dr. R. Koch.
The Swiss Banking Law, by Dr. Julius Landmann.
Italian Bank of Issue, by Comm. Tito Canovai.
The Swedish Banking System, by A. W. Flux.
The National Bank of Belgium, by Charles A. Conant.
The Banking System of Mexico, by Charles A. Conant.
Banking in Russia, Austria-Hungary, Holland, and Japan.

Mr. BURTON. The opinion has been expressed this morning—I think rather carelessly—that there is no value in any of these publications. Let me offer in opposition to that criticism the words of certain recognized experts in finance in this country and abroad.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. CUMMINS. Inasmuch as I am the only person who has spoken on that matter, I assume the Senator from Ohio intends to impute that expression to me.

Mr. BURTON. Oh, no. I, perhaps, should have mentioned that it was the Senator from Idaho [Mr. HEYBURN].

Mr. CUMMINS. On the contrary, I tried to say with some emphasis that I thought the collection was very complete.

Mr. BURTON. The statement was not made by the Senator from Iowa.

Mr. CUMMINS. I did not want to criticize the commission in any way at all for the collection of the monographs upon financial subjects or the collection of the general literature which it has brought together.

Mr. BURTON. This is from Mr. Wesley C. Mitchell, in the Quarterly Journal of Economics of May, 1911:

What practical use the commission can make of this large mass of material in framing new bills for submission to Congress remains to be seen. But certainly economists interested in currency problems will find the publications of the commission a most valuable addition to their literature. * * * Continued use of this information must be made both by the commission in elaborating its bill and by all who take serious part in the discussion of that measure. Whatever may be the legislative outcome of the commission's labors, it has already performed a notable service by gaining fresh and diffusing old knowledge of the subject with which it deals.

The next is from the London Economist of November 5, 1910. It is probably unnecessary for me to say, Mr. President, that that journal has as high a reputation as any financial journal in the world:

The publications of the above commission are probably the most important contribution that has been made in modern times to the science and statistics of banking and currency, and the investigations of the commission are by no means narrowly confined, for they embrace such subjects as stock exchanges, public credit, and Treasury control.

The next is from Sir R. H. Inglis Palgrave, perhaps the most noted English writer and author on financial subjects, the author of a dictionary of political economy, of a book on the bank rates of England, and of numerous other works. He is the man to whom appeal is taken whenever any statistical work relating to banking is desired. He says:

There have in times past been many investigations into monetary conditions of the great countries of the world. From the report of the bullion committee, printed in 1810, onward, both our Houses of Parliament have made many inquiries into important matters connected with the subject. The great French Enquête sur les Principes et les Faits Généraux qui régissent la circulation monétaire et fiduciaire held at the request of the Conseil Supérieur de l'Agriculture, du Commerce et de l'Industrie commenced its investigations on February 7, 1865, and continued to December 28, 1868.

It will be noted that that was 3 years and 10 months, about equivalent to the time occupied by this commission by the beginning of the next session of Congress.

The history of their labors fills six solid quarto volumes. They received information from 119 chambers of commerce, besides associations representative of arts and manufactures in that country and representatives of foreign chambers of commerce from England, Holland, Switzerland, and Austria. They examined 137 witnesses, including among their own countrymen such economists as Leon Say, statesmen as Thiers, representatives of the Bank of France and the principal bankers of Paris, as M. Fremy, who was at that time governor of the Credit Foncier de France. Among English authorities such men as Walter Bagehot, William Newmarch, Thomas Hankey, governor at that time of the Bank of England; Charles Gairdner, of the Union Bank of Scotland; John Stuart Mill, and many other well-known men. The analytical statements of the contents extends over 126 pages—

Thus far it will be seen he has been eulogizing the work of this French commission—

but for amount of work and information collected, the labors of the National Monetary Commission of the United States exceed all its predecessors, both in quantity and value, even the great French inquiry we have described. The list of the publications issued by it and in preparation alone forms a pamphlet of more than 30 pages. The energy of Senator N. W. Aldrich dominated and inspired the work, and the Hon. A. Piatt Andrew, now the Assistant Secretary of the Treasury, has been of great service in arranging and coordinating the work of the commission.

The following is from the Journal of the Institute of Bankers, which, with the Bankers' Magazine, is the leading publication on banking in England. It states, in its issue of November 9, 1910:

* * * Americans have nothing with which to reproach themselves so far as research into the conditions prevailing in other contries is concerned. The National Monetary Commission, appointed immediately after the crisis in the autumn of 1907, under the chairmanship of Senator Nelson W. Aldrich, to examine and report upon the banking systems of Europe, has now published the most important part of its reports, and the result is a mass of information upon the banking systems and methods of Europe with which there is nothing in the English language to compare for completeness and fullness of detail. To English bankers, as well as to Americans, the reports will be invaluable. Hitherto anyone wishing for a knowledge of the banking systems of continental Europe has been driven to read German and French publications upon the subject, the sources of information in the English language having been meager in the extreme; and for anyone to whom the language difficulty has been an insuperable obstacle authoritative information has been practically impossible. Now we have for our guidance, thanks to the efforts of the commission, not only a series of interviews with the leading bankers of England and continental Europe, giving the fullest details of the systems and methods in force in each country, but also translations of a series of monographs by leading experts, forming a voluminous encyclopedia of banking knowledge. To Germany as the country possessing a political constitution most nearly approaching that of the United States the greatest amount of space has been devoted, but the attention given to English and French banking is but little less thorough.

There have been some comments in regard to the duplication of salaries, et cetera, by this commission. I repeat that I am not going to defend the disbursements and engagements of that commission. I do not believe in the duplication of salaries, but I think an injustice has been done to Mr. Andrew. In 1908 he left a position as professor in Harvard University, which was entirely congenial to him, to act as secretary of this commission. For a considerable time he continued in the exclusive employ of the commission. I want to say that no one student of the subject, no practical financier, whoever he may be, has contributed more to the dissemination of monetary information, has initiated and made public more valuable ideas on banking, than Prof. Andrew. Even if it be true that he has received $8,366.66—whatever the facts may be as to his receiving double pay during a part of that time—his services have been worth that and much more to the people of the United States. He has performed arduous and valuable services in superintending the publication of the library of the commission. Contracts with authors, translation, and proof reading have all been attended to by him.

Again it was stated, I know with some doubt and with no intention to do any injustice to the gentleman, that the librarian of the commission was receiving a double salary. That, Mr. President, is not the case. The librarian who is now employed formerly occupied a very responsible position in the bibliographical department of the Library of Congress, receiving a salary of $1,500 a year. He was invited to leave that position and become librarian of the Monetary Commission at a salary of $2,000 a year. He relinquished his old position and took the new. His experience as a bibliographer has been of great value in collecting this information.

I do not think very much importance is to be attached to the fact that his salary has been more than the aggregate cost of the books purchased. All the books in that library have not by any means been purchased at book stores. They have been collected from other departments of the Government. Public documents relating to financial subjects which were not available have been lodged in this library, thereby bringing together a valuable collection. I understand that the number of volumes and pamphlets is nearer 10,000 than 4,000, and the librarian has occupied himself during much of this time in compiling a bibliography of the subject. The Senate is to decide whether they wish to stop this work right here, or whether they are willing to continue it until a comprehensive library available to Senators and Representatives and to all students of the subject is collected. For myself (while I have no personal interest in this matter), and while like all the other Members of the Senate who belong to a commission, I am restive because it takes so much of my time, I do not believe it is best to bring the life of this commission peremptorily to an end next December. Let the members file a report and give to the public the benefit of their study of these monetary questions which now agitate the country, or which at least, if they do not agitate the country, should be live and burning questions, because they have so immediate a bearing upon the prosperity and general welfare of the people.

No doubt the commission needs reorganizing; no doubt salaries should be discontinued; but give them an opportunity to report. Then the field will be clear, and we can judge of the value of their recommendations and of the desirability of continuing the commission.

But what does the pending bill do? It proposes, at this time, practically without a hearing, without any knowledge of the value of the reports which they are expected to make, that this commission shall come to an end next December, thus passing judgment upon them before they are heard and before either the Senate or the House or the country can judge of the value of their work.

Problems upon which we ought to have information, and which should be solved, can not be adequately considered and reported upon by the 5th of December next, or I fear by the end of next winter, or even by the end of the next session of this Congress. If we pass this bill after we have created a commission and allowed it to expend very considerable sums of money in making investigations at home and abroad, we prejudge the work which the members will do and destroy any benefit which they might accomplish.

Mr. President, what are some of the questions which should be solved by this commission? Attention has been directed within the last few days to the question of the consolidation of the holdings of bank stock.

It has been a distinctive feature of our banking business that it has not yet been affected by the movement toward combination and consolidation which has been apparent in transportation and in industry. There are several reasons for that, among which are the initiative and independence of the banker himself. He desires not to manage a branch institution, the head of which is located at New York or Philadelphia, but, rather, he prefers an institution of which he has sole control.

Again, the confidence placed in each special institution is an important factor in its success. Depositors and those desiring discounts come to place their trust in some particular institution. If that institution is absorbed by another, that confidence is in a measure lost.

Another factor in the situation is the closer supervision exercised over banking institutions by State and Federal authority. Their management must be supervised, in the case of national banks, by the Comptroller of the Currency, and any step which looks toward individual management or consolidation is carefully scrutinized. No such check exists in the case of industrial establishments. True, there are certain factors which tend toward consolidation, especially in the investment market, where certain great financiers have obtained control over the mammoth life insurance and trust companies of New York, so that when anyone desires to float a loan the number of opportunities for borrowing the money which he requires is limited. This, however, is a tendency which will in time probably correct itself, although just recently the formation of certain companies for the purpose of taking over bank stocks has been reported.

Mr. President, this is in line with that tendency toward combination which is so much in evidence; but I confidently assert that it is not in accordance with the public welfare. A corporation has been formed in New York closely affiliated with a great bank, the object of which is to acquire bank stocks. As I understand the fundamental principle of this organization, ownership of stock in the bank is accompanied by the ownership of the stock of this affiliated corporation formed for the purpose of buying bank stocks all over the country. If a shareholder in the bank desires to sell his stock, his holdings in the affiliated corporation go with that assignment. This plan threatens to create a condition which has been avoided in the past, and which we should be careful to avoid in the future. It seems to me that such an organization of two companies side by side, the one to conduct the banking business, and the other having the same stockholders, whose shares go with the shares of the bank, to acquire stock in other institutions, is contrary to law, and that the connection between them should be dissolved. If it is not dissolved, I desire to give notice here that at the proper time I shall introduce a bill to prevent any such combination.

I recognize the difficulties to be encountered in framing a bill to meet such a situation. Of course it is a perfectly proper thing for a savings bank or for a trust company to buy a certain amount of bank stock as an investment, and it would be difficult to frame a statute which exempted that class of investments or forbade this practice; but when the sole object is to accumulate bank stock in different portions of the country, it seems to me directly contrary to the best policy. It would be a decided check upon the usefulness of the proposed plan for a reserve association which has recently been presented to the Monetary Commission. This subject is a fit one for the Monetary Commission to consider and to investigate. I offer it as but one illustration of questions which are sure to arise, for this subject has been brought to public notice only within a few weeks. To meet such exigencies a body, such as the Monetary Commission, would be useful in recommending and in framing legislation.

There are a number of other propositions which are before the commission on which no decision has been reached. The question whether bank examiners should be chosen by civil-service rules has been propounded. That was for a time considered by the members of the commission without arriving at a final conclusion.

Another question deals with the best method for the compensation of bank examiners. The present plan, under the statute in force, provides for their payment by the banks which they investigate. That saves money to the Federal Treasury, but whether it would not be better to have bank examiners directly and absolutely responsible to the Federal Government, and under no possible obligation, even indirectly, to the banks which they examine is a problem that requires careful consideration.

Again, under the present system there is an ever recurring temptation to slight a small bank, whose payment for examination is small, and to go to a larger bank, where the compensation is greater. This is a question upon which there should be mature deliberation and where some recommendation should be submitted to the Senate and to the House of Representatives. The following is a specific question before the commission for consideration:

> In making assessments to provide a fund to pay examiners and other expenses, do you think the law should be changed so as to base the amount of this assessment on capital and gross assets rather than on capital alone, as the law now provides?

This is another question, although not of special importance. The compensation of the examiners is now based on the capital of banks. See where that leads us. One bank may have a capital of $100,000 and deposits of only $150,000, making its assets for lending purposes in gross $250,000. Another may have a capital of $100,000 and deposits of a million and a half dollars. It would be a much more serious task to examine the latter bank, with its $1,500,000 of disposable assets, less reserves, and so forth, than the one having only $250,000. I give these illustrations, Mr. President, to show that there is work for this commission to do, and the work should be done carefully. The following extract offers another problem for consideration:

> Section 5200 of the Revised Statutes limits the total liabilities to any association of any person, company, corporation, or firm, but excepts bills of exchange in the following terms: "But the discount of bills of exchange, drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed." Evidently the intention in making this exception was to enable the owner of such paper to realize on it at once, preventing the necessity of tying his capital up in forms of indebtedness not of his own making. Frequently banks have allowed a liability of this class to greatly exceed in amount what they could legally take as a direct loan. Many failures have resulted from these excessive loans made to a single, or allied, interest.

Mr. President, if there is any one thing which has given stability to our national banks, it has been the limitation that not more than 10 per cent of their capital shall be loaned to any one individual or corporation. Only a few months ago, within my own knowledge, a State banking institution had loaned 60 per cent of its capital to one corporation. That corporation failed and the bank was wrecked. It appears that under the law as interpreted, under the guise of bills of exchange or the discount of commercial or business paper, the obligations which one person or firm assumes may be very much in excess of 10 per cent, and it is desirable to consider the question whether this exception should not be limited.

Here is another question:

> In what manner do you think the law can be amended to remedy this condition and sufficiently limit the amount of paper of this character which a bank can properly discount?
>
> Should the comptroller, in such cases, be given authority to take action, when, in his judgment, loans are being made in excess of the limit indicated by prudence and safety?

It is my firm belief that something should be done—though whatever regulations are submitted should be framed with the utmost care and consideration—in regard to the relation of a bank to its directors and officers. The statistics of failures show that a very large share of the banking failures may be counted as directly traceable to transactions with directors and officers of the bank, who have borrowed its assets. A greater degree of looseness, or lack of care, is manifest in making these loans than is shown in transactions with outsiders. As a result of this, many banks have failed.

Some have suggested the very drastic remedy that no loans whatever shall be made to directors of a bank. That would be going too far. In many smaller communities, especially, it would be impossible to organize banks if that rule were observed, because the men who would subscribe to the capital of

a proposed banking institution would expect to utilize the bank for their own accommodation. If the bank loans them money and exercises a reasonable and a usual degree of care, there can be no rational objection. I think the sentiment of the business world and of the banking community alike would oppose a rule entirely prohibiting bank directors from borrowing, but there is no doubt that there should be some regulation to prevent the abuse of this power.

One suggested regulation provides that no loan be made to any director except by the unanimous approval of all directors, so that the subject may be carefully considered. I think some way may be found to prevent the frequent recurrence of the failures which are traceable to that lesser degree of care which is exercised when directors borrow of banks. I have no doubt there are instances in which banks are organized for the express purpose of allowing a few insiders to get control of the assets of the institutions. Those, however, are the exceptions rather than the rule.

There is another problem demanding careful consideration—

Section 5205 of the Revised Statutes provides for the impairment of capital. Under the present law this impairment must be made good by a stock assessment within three months from the receipt, by the directors, of notice from the comptroller. If this is not done, the association is placed in liquidation.

Should not the comptroller have authority in such cases to protect depositors who may, during the three months specified, deposit their money in a bank in which he, the comptroller, knows the capital impaired? If so, in what manner do you suggest that such deposits should be protected? There have been many instances of bank failures, and some serious losses to depositors in such cases.

The question here presented is whether a hard and fast rule should be observed in all cases. Though it is very desirable, when capital is impaired, to have it replaced immediately, when the demand for the additional subscription is presented, there is always the contingency that in the meantime the bank will go on doing business and will fail to provide the additional capital, in which event depositors are subjected to serious danger of loss.

Another question, which is practically a repetition of one that I have already referred to, is suggested by the following:

In what manner would you suggest the limitation of borrowing from a bank by its officers, directors, or employees, both in making direct and indirect loans, and would you make any difference in such cases between officers and directors? Do you think any officer should be permitted to borrow from his own bank?

I think the answer of any careful student of the question would be, "Yes; but there should be some distinction between them." The fact that a man is cashier or director of a bank, with that partiality or that opportunity which is given to him, should subject him to exceptional regulations.

The following presents a problem that I do not regard as of so much importance:

The Supreme Court of the United States has held that it is unlawful for a national bank to purchase or invest in the shares of stock of other corporations—

A very good rule, by the way. No national bank should become a holding company—

but the laws of several States authorize the ownership of stock of national banks by other corporations. There have been several instances in which the directors of the holding corporation and of the national bank have been the same individuals, and when trouble arose the holding corporation became involved as well as the bank, and in such cases the possibility of double liability was entirely annulled.

I call attention to the fact, Mr. President, that in England and in some other foreign countries a very strict rule is in force requiring the shareholders of banks to be men of unquestioned financial solvency. It is a common custom when a bank is organized, say with a capital of £1,000,000, to pay in on the stock subscriptions only £250,000, or one-quarter of the total capitalization. In some cases the rule is one-half. If there should be any impairment of capital or any serious loss a collection is made from the stockholders. They start with £250,000 as a working capital. If their business increases or if they meet with losses they assess another 25 per cent or the whole, if necessary. It will readily be recognized that this plan can not be effective if the holder of a share, on which he has paid only 25 per cent, can assign it to any irresponsible or insolvent person, and therefore the ownership of the stock is reserved to those who have undoubted responsibility, and an assignment can not be made without the consent of the directors of the bank.

Here is a very important question, and it is in line with some things I have already said:

Would it be wise to provide against the holding of shares of national banks by any other corporation, except in cases when taken in satisfaction of debts?

If any more combinations are going to be organized like the one in New York, to which I have referred, that is a general question we must meet and answer—probably not by an absolute prohibition, so that, for instance, a savings bank in Vermont may not, if it so desires, buy a little bank stock or stock of a life insurance company, but that no company can be established for the sole purpose of holding bank stock, thereby acquiring an undue amount of control over the banking interests of the country.

Under section 5211 of the Revised Statutes, which provides for bank reports, banks are not required to make them in duplicate, and in several instance the examiner has been furnished by the officers of the bank with a report entirely dissimilar from the one on file at the department in Washington, and, in using the imperfect report, he has found that the bank's books corresponded to it. This permits of deliberate falsification of accounts.

Would it, in your judgment, be wise to require that reports be made in duplicate, both reports being sent to the Comptroller of the Currency, and one copy furnished to the examiner by the Comptroller when about to undertake the examination of the bank?

I think no one will have any very great difficulty in answering that question in the affirmative.

The law as it now stands requires every national bank to keep on deposit with the Treasurer, in lawful money of the United States, a sum equal to 5 per cent of its outstanding circulation, to be used for the redemption of circulating notes. There have been many instances where banks have failed to promptly reimburse the Treasury for the redemption of their circulation, and, as the law now stands, the only recourse the Comptroller has is to sell the bonds held against circulation, or to appoint a receiver, either of which courses might be detrimental to the interests of the Government, the note holders, and creditors of the defaulting bank. At the present time the aggregate deficiency due the Treasury for this reason amounts to several millions of dollars.

Should not the Treasurer be authorized to, in some way, enforce this law without taking the extreme measures which are now provided, and, if your answer is in the affirmative, in what way would you provide for its enforcement?

Mr. President, all these questions show how, in time, various problems have arisen which were not suggested when the original plan for forming national banks was devised. Our national banking laws are largely a matter of growth and evolution. At the beginning there were certain fundamentals which still remain, but changes have been made here and there, some due to relief from the exigencies of the Civil War, some to the absence of any necessity for providing a market for the sale of Government bonds. Some changes have also been made because the original plan did not work well in practice. But there still remain these questions to be answered and to be solved.

But they assume little importance, vital though they are, in comparison with the great question of the reform of the banking and currency system of this country. If there is any one reform needed in our laws I assert that it is in our financial system. We have made wonderful progress, thanks to the buoyancy of the American people, our enormous wealth, and our readiness to meet and solve emergencies when they arise. But we have on several occasions been subjected to severe checks, causing ruin to thousands and a partial paralysis of industry, all of which could have been prevented by a rational banking system.

The first question for us to solve is how far it will be possible for us to follow the banking systems of Europe, where, after long trial and many experiments, every advanced country has adopted the device of a central banking institution, closely associated with the Government. The Bank of England is owned and controlled by private individuals, while the ownership of stock in the Bank of France is vested in private individuals, but a governor and two deputy governors are chosen by the State. In Germany the board of directors of the Reichsbank are chosen by the Government itself, but there is a separate board of supervisors chosen by the stockholders. A further regulation provides that the profits over and above a certain fixed amount shall go to the State.

Not only is it a fact that the central banks abroad determine the rate of discount and other matters of supreme importance, but it is also true that a decided tendency exists toward centralizing the note issue in one institution, instead of scattering it among many banks, as we did in the days of the old State banks. They do not have a motley currency such as we now have with our greenbacks, silver dollars, gold, national-bank notes, gold and silver certificates, but one bank, such as the Bank of Germany, the Bank of France, or the Bank of England, controls the whole issue of currency.

Many earnest students of finance in this country have been advocating the formation of a central bank. The opponents of the central-bank plan fall back on the argument that the people are opposed to it, and in this regard I have to count myself one of the people. I do not believe a central bank will perform the same functions in the United States or be as free from monopolistic control as it is abroad, and so I do not advocate its formation. If a central institution or reserve association is organized, it should not be like the old United States Bank, existing under its two charters, an institution competing with private banks.

Much of the opposition to the old United States Bank at Philadelphia arose from the banking fraternity. They used this argument: "Here is an institution which has the prestige of being the fiscal agent of the Government. It issues bills under certain preferences and advantages. That bank is a competitor in the open market for deposits, and by its superior opportunity in extending loans and by the advantages which it possesses it enjoys an undue advantage over us." Whether we have a central bank or not, that much is certain. It should be a banker's bank, dealing only with the banks of the country, making its advances to them or to the Government and not to private individuals.

A central bank has not the same opportunity for success with us as in England, France, or Germany, because of the vast extent of our territory and the exceptional contrariety of interests. Notwithstanding the telephone and the telegraph and all the manifold means of conveying news from one portion of the country to the other, we have localities very widely separated, with distinct interests, with a varying degree of facility in obtaining credit, and with higher rates of interest in some localities than in others.

Then there is a second reason: Our people would not so readily respond to the control of bureaucracy or centralized management. The independence of the people is a factor in the situation. They are not accustomed to that bureaucratic control which prevails in France and in Germany, and it would be a long while before they would become accustomed to it.

There is also the danger of creating a monopoly of the banking business. How shall the stock be held? How shall the institution be controlled? Shall everyone have the right to subscribe? If that be the case, there would be the gravest danger that great financial interests would obtain such a share of the stock subscriptions of the central bank that they would exercise, I will not say absolute control, but an undue degree of influence upon the management. It is out of the question to have it controlled by officers of the Government, because that would mean a change with every changing administration. So, Mr. President, I think, at least for the present, we may dismiss the idea of a central bank.

The next question for consideration is this: How far should we adopt the branch banking system? In this respect there is a wide difference between banking methods in the United States and those prevalent in Europe, where the branch banking system is in vogue and has proved an ideal plan. If a bank at Paris has more funds that it can readily lend, it sends them to its branch in Lyon or Marseille or some country district, and, conversely, when there is a surplus of money in the country it can be sent to the central institution at Paris, thus being readily transferred from one part of the country to another, according to needs.

So in France the great central institution has about a thousand branches, a principal or special branch being located in each one of the more than 80 departments, and other branches scattered over the country. The Reichsbank, or Imperial Bank of Germany, has even more branches. The great Central Bank of England has perhaps 9 or 10 branches. But the business is transacted by joint stock institutions which have numerous branches scattered all over the United Kingdom. There is, however, a very wide difference between the management of these branch banks and that of the Bank of England. If application for a loan is made at Nottingham, or any branch of the Bank of England outside of London, it must be transmitted to the central office (at London) to be passed upon there, while if a similar application be made at a branch of any of the joint-stock companies the local manager has the right to dispose of it, say, up to $100,000. The result is that the branch banks say they do not fear the competition of the Bank of England in their outside business.

We have no great central institutions with branch banks scattered all over the country. Occasionally a State banking institution may have some branches in the city in which it is located, or a few outside, but with rare exceptions each bank is an independent institution. Which is the better system of the two? That is the question for us to decide.

Mr. President, I am far from asserting that the time may not come when the branch banking system will be more generally adopted in this country. It would give greater strength and stability to each banking institution. It would enable, as is the case in England, consolidated institutions to shift their funds from one place to another where they are more needed.

The general history of the formation of the banking system of England is this: An institution established, say, in Lancashire, or some district where deposits were very considerable, after a few years of successful operation would find its available funds so considerable that in order to dispose of them it was obliged to establish an agency at London or some metropolitan center. In the course of time that agency became more important than the parent institution, and the head office was changed from Lancashire, or wherever it might be, to London. Other banks in various places were acquired where it was to their advantage to consolidate. Thus almost the entire banking business of the country in time became consolidated in a few prominent institutions, not more than 20 in number.

In the United States there is a strong feeling against consolidation, due to a prevalent opinion that it means monopoly. Again, if the branch banking system should be established in this country, one of two methods would have to be adopted: Either all loans must be passed upon by the local managers in various portions of the country or by the central management of the main institution. The latter plan would probably be regarded as the only safe policy to adopt. The plan of allowing the central institution to determine what loans shall be made would not promote the development of a new and growing country like ours. No central office at New York or Chicago could be sufficiently in touch with the needs of remote localities where loans might be requested to make adequate provision for them.

I may illustrate this fact by relating a conversation which I once had with a constituent of the Senator from South Dakota. He stated that 20 years ago he went out into what was then an unoccupied prairie. Some stalwart young men came out there and took up homesteads of 160 acres each and desired to buy cattle. Having hardly a dollar of resources, they came to him for loans to buy stock. He selected those who, as he thought, had a future, and made loans to them liberally; and he added, "To-day they are the wealthiest men and the leading citizens in that whole section; but had I been a mere manager of a branch bank, the head office of which was located in Chicago, I should not have felt free to lend a dollar to any one of them."

Mr. President, there are some other questions within the scope of investigation of the Monetary Commission, and I think while we are on the subject we might as well consider them. I recognize that in this torrid heat it is a burden for Senators to be present, but I think there should be placed before the Senate and in the RECORD some questions that are before the American people. The two great subjects which we must consider are banking reserves and an adequate currency. What is the reason why we do not have a better currency system? Everybody realizes the wretched condition that has been created, the injudicious character of the laws and regulations which have prevailed for so long, but strangely no one has come forward yet with a practical remedy.

What are some of the reasons for this condition, Mr. President? From the year 1791 to 1863 all our banking institutions were organized under State laws with the exception of the United States Bank. They showed a variety of regulations akin to those which now prevail in respect to other corporations. If a set of men could not do a banking business in the manner in which they desired in one State, they could incorporate in another.

The clash between the laws of different Commonwealths, the disadvantages of a system under which corporations organized in one State of the Union transact 95 per cent of their business in other States or abroad, did not begin with the recent trust movement. It was vividly displayed in the history of the State banks previous to the Civil War. In the matter of stock subscriptions there was no general requirement that the money should be paid into the coffers of the bank. Oftentimes the subscribers gave their notes for their subscription, and thus banks opened their doors without adequate capital—in fact, almost without capital at all. The result was that as soon as a squall came their doors were closed. It would hardly be correct to say that their capital was wiped out, for capital they never had.

In the midst of this confusion in banking regulations and this general instability there were some States that stood out prominently because of their excellent banking systems. In the far South the best examples were Louisiana and Tennessee; farther north, Indiana and Ohio; and, after many futile attempts the major part of New England succeeded in securing stability, though several States had institutions which failed disastrously.

Too much stress was laid upon the note-issuing privilege. These notes were secured in two or three ways. One was that in vogue in New York known as the safety fund, under which each bank was to pay 3 per cent of its liabilities into a safety fund. If any one of them failed, that fund of 3 per cent was applied toward paying its liabilities.

The system proved an absolute failure for a very obvious reason. The safety fund was intended to pay not merely the circulating notes which the bank had issued, but the amounts due to depositors and to all creditors. No distinction was made between the circulating notes which it issued and its general liabilities. Such a system was doomed to failure from the start, because it is hardly conceivable that in a new and growing country, with no regulations requiring capital to be paid in in full, with no provision to prevent impairment of capital, a 3 per cent fund would be sufficient to pay all the obligations of the failing banks.

This system overlooked the vital difference between circulating notes and the other liabilities of a bank—a distinction which is essential in any banking system. The depositors of a bank are supposed to have some familiarity with its condition; they should know the reputation of its officials; they have before them statements periodically published showing assets and liabilities. Loans are made to banks by those who exercise a certain degree of judgment, such as the lender always exercises. On the other hand, its circulating notes go from hand to hand, over the widest expanse of territory, and are accepted with confidence that they carry absolute stability.

Then another system was tried in some States, according to which mortgage loans were to be taken, the money paid over to the mortgagors, and notes issued to the par value of those mortgages. This failed, and failed quickly, for a reason which can not be too much emphasized, namely, that the security for circulating notes must always be in a form readily available, upon which collections can be made in a very short time.

The third experiment was that of buying State, municipal, and other bonds and issuing notes equal to their par value. This plan was rather better than the others. It furnished a criterion for the note-issuing privilege for our national banking system when organized in 1863. But it proved in practice no better than the other two methods, because, as before, the bonds could not readily be turned into cash, and oftentimes were defaulted in interest, and proved to be of doubtful value.

There was another plan, under which banks might issue bills equal to a certain proportion of their capital, but in such event they were compelled to maintain a gold reserve. This met with somewhat better success than the other three, but depended entirely for its stability upon the degree of rigidity and care with which the maintenance of the gold reserve was required.

Then there originated what were called the wildcat banks, because they were located in remote localities where wild animals were somewhat common. A Secretary of the Treasury who had engaged in the banking business some 5 or 10 years before the Civil War, and who is still living, relates some very interesting instances of attempts to collect money on some of the bills of these wildcat banks.

After gathering together a collection of notes of a certain institution he performed the rather wild journey necessary to reach the town in which it was located and there found himself in a very unfriendly atmosphere. Suggestions were made to him that his presence was not altogether agreeable to the citizens of the place, for it was a prevalent idea at that time that anyone having a bank bill must pass it on, thus forming a sort of an endless chain, and anyone who asked for payment was considered an enemy of the community in which the bank was located.

In addition to all these disadvantages under this system there was such a plurality of bills, and they were so poorly executed, that no bank cashier or other expert could readily tell a genuine bill from a counterfeit. Sometimes the counterfeit displayed better workmanship than the genuine bill.

Such was the system that prevailed in the days preceding the Civil War, before we had sufficient regulation. It took long years to convince the American people that there was a better way. It took the exigency of the great conflict to make possible the passage of a national banking law under which the whole system of banking and currency is governed by strict and uniform laws and is placed under the supervision of a Federal official.

Now, why were the national-bank notes accepted with confidence when those secured by bonds and stocks prior to the Civil War did not succeed? Because they were supported by laws and regulations providing for security; because it was recognized that when a bill was issued the institution which put it forth must provide for its prompt redemption.

The national-bank notes were secured in three ways. First, by a deposit of United States bonds in the Federal Treasury, on which bills to a total amount of 90 per cent could be issued; that is, if a national bank had $100,000 in Government bonds which it deposited with the Treasurer of the United States, it could issue bills to the amount of $90,000. That regulation has since been changed by the act of 1900, so that the bank may issue circulating notes up to 100 per cent, or the full par value, of the bonds.

But there was another security in the earlier days of the national banking system, since abolished, that the institution must maintain a reserve in the same manner as against deposits.

Still a third followed—that it must maintain with the Treasurer of the United States in legal tender 5 per cent of its total circulation, to be utilized for the redemption of any notes which might be presented to the Federal Treasury.

In order to do away with the circulation of the State banks an act was passed in 1865 imposing a tax of 10 per cent on their note issues, which, of course, almost immediately drove them out of circulation.

So, Mr. President, through decades; yes, generations of experiment, failure, and ruin the United States at last reached a currency system which had the merit of stability.

There are other essential features, however, of a perfect currency system which are still lacking, most important of which is elasticity, or response to the conditions of trade. How to secure sufficient elasticity is one of the problems before the Monetary Commission, and its correct solution is essential to the prosperity of this country.

I do not think there is much exaggeration in saying that we now have the worst currency system in the world, although we are proud of the absolute value of every dollar, paper or metal, now in circulation. The national-bank note, the greenback, the silver certificate, the silver and the gold coin, will now be accepted with utmost confidence in the remotest portions of the globe.

What is the reason that we do not have a good currency system? The main one, Mr. President, is quite obvious, though I do not seem to have heard it referred to as often as it deserves. It is that in all our legislation on finance and money we have never taken up the currency question as an independent proposition.

A glance at our monetary history will confirm this view. The greenbacks were issued in 1862. What was the object? Was it to give us a good currency system? By no means. It was to save the life of the Government. Our currency system had utterly broken down. It was difficult in 1862 to obtain money enough to pay either the soldiers in the field or the contractors. The fiscal operations in connection with the Civil War far surpassed those of any preceding year.

Mr. BRADLEY. Mr. President——

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from Ohio yield to the Senator from Kentucky?

Mr. BURTON. Certainly.

Mr. BRADLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kentucky suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Chilton	Heyburn	Page
Bourne	Clapp	Johnston, Ala.	Perkins
Bradley	Clark, Wyo.	Jones	Root
Brandegee	Crawford	Lodge	Stephenson
Bristow	Cullom	Martin, Va.	Taylor
Brown	Cummins	Martine, N. J.	Thornton
Bryan	Curtis	Myers	Wetmore
Burnham	Dixon	Oliver	Works
Burton	Fletcher	Overman	

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber.

Mr. HEYBURN. I move that the Senate adjourn.

The VICE PRESIDENT. The announcement of the result of the roll call has not yet been made. Thirty-five Senators have answered to their names. There is not a quorum present.

Mr. CUMMINS. I suggest a call of the absentees.

The VICE PRESIDENT. The Senator from Idaho [Mr. HEYBURN] has moved that the Senate adjourn. Does the Senator withhold his motion?

Mr. HEYBURN. I withhold my motion for the purpose indicated by the Senator from Iowa.

The VICE PRESIDENT. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators.

During the call of the absentees Mr. CHAMBERLAIN, Mr. NEWLANDS, Mr. SMITH of Michigan, and Mr. SMITH of South Carolina entered the Chamber and answered to their names.

Mr. BURNHAM. I desire to state that my colleague [Mr. GALLINGER] is necessarily absent from the Senate.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. A quorum of the Senate is not present.

Mr. CUMMINS. I suppose no business is in order, but I should like to ask the Senator from Ohio informally how long he expects to continue with his observations and what his notion is about the time when we may probably reach a vote on the pending bill?

Mr. BURTON. Mr. President, nothing is more difficult than to give an exact estimate of the duration of one's remarks. There are several subjects that I should like to touch upon, and I also desire to dwell at some length upon the proposed plan for a reserve association, familiarly known as the Aldrich plan, but I hardly anticipate that I could reach that to-night.

Mr. CUMMINS. I feel impelled from that answer to move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The Senator from Idaho [Mr. HEYBURN] has moved that the Senate adjourn, and that motion takes precedence.

Mr. CUMMINS. I understood the Senator to withdraw the motion.

Mr. HEYBURN. I withheld it.

The VICE PRESIDENT. The Senator from Idaho withheld his motion. The Chair did not understand him to withdraw the motion.

Mr. CUMMINS. Then I can only express the hope that the Senate will not adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Idaho that the Senate adjourn.

The motion was not agreed to.

Mr. CUMMINS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will execute the mandate of the Senate.

After a little delay, Mr. SHIVELY, Mr. WARREN, Mr. BANKHEAD, Mr. BORAH, Mr. SIMMONS, and Mr. SWANSON entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. A quorum of the Senate is present. If there be no objection, further proceedings under the call will be dispensed with. The Chair hears no objection.

DEATH OF REPRESENTATIVE GEORGE W. GORDON.

A message from the House of Representatives, by J. C. South, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. GEORGE W. GORDON, late a Representative from the State of Tennessee, and transmitted the resolutions of the House thereon.

The VICE PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read. (H. Res. 274.)

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
August 10, 1911.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE W. GORDON, a Representative from the State of Tennessee.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. TAYLOR. Mr. President, I offer the resolutions I send to the desk and ask for their adoption.

The VICE PRESIDENT. The Senator from Tennessee submits resolutions, which the Secretary will read.

The Secretary read the resolutions (S. Res. 133), as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. GEORGE WASHINGTON GORDON, late a Representative from the State of Tennessee.

Resolved, That a committee of nine Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased at Memphis, Tenn.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The resolutions were considered by unanimous consent and unanimously agreed to.

The VICE PRESIDENT appointed as the committee on the part of the Senate under the second resolution Mr. TAYLOR, Mr. BROWN, Mr. SHIVELY, Mr. BRADLEY, Mr. SMITH of South Carolina, Mr. JONES, Mr. WATSON, Mr. WILLIAMS, and Mr. THORNTON.

Mr. TAYLOR. I submit an additional resolution.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The resolution was unanimously agreed to, and (at 4 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 11, 1911, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 10, 1911.

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY.

John G. A. Leishman, of Pennsylvania, now ambassador extraordinary and plenipotentiary to Italy, to be ambassador extraordinary and plenipotentiary of the United States of America to Germany, vice David Jayne Hill, resigned.

Thomas J. O'Brien, of Michigan, now ambassador extraordinary and plenipotentiary to Japan, to be ambassador extraordinary and plenipotentiary of the United States of America to Italy, vice John G. A. Leishman, nominated to be ambassador extraordinary and plenipotentiary to Germany.

Charles Page Bryan, of Illinois, now envoy extraordinary and minister plenipotentiary to Belgium, to be ambassador extraordinary and plenipotentiary of the United States of America to Japan, vice Thomas J. O'Brien, nominated to be ambassador extraordinary and plenipotentiary to Italy.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

John R. Carter, of Maryland, now envoy extraordinary and minister plenipotentiary to Roumania, Servia, and Bulgaria, to be envoy extraordinary and minister plenipotentiary of the United States of America to the Argentine Republic, vice Charles H. Sherrill, resigned.

Larz Anderson, of the District of Columbia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Belgium, vice Charles Page Bryan, nominated to be ambassador extraordinary and plenipotentiary to Japan.

Arthur M. Beaupré, of Illinois, now envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg, to be envoy extraordinary and minister plenipotentiary of the United States of America to Cuba, vice John B. Jackson, nominated to be envoy extraordinary and minister plenipotentiary to Roumania, Servia, and Bulgaria.

Lloyd Bryce, of New York, to be envoy extraordinary and minister plenipotentiary of the United States of America to the Netherlands and Luxemburg, vice Arthur M. Beaupré, nominated to be envoy extraordinary and minister plenipotentiary to Cuba.

John B. Jackson, of New Jersey, now envoy extraordinary and minister plenipotentiary to Cuba, to be envoy extraordinary and minister plenipotentiary of the United States of America to Roumania, Servia, and Bulgaria, vice John R. Carter, nominated to be envoy extraordinary and minister plenipotentiary to the Argentine Republic.

RECEIVER OF PUBLIC MONEYS.

Albert Saylor, of Seattle, Wash., to be receiver of public moneys at Seattle, Wash., vice Frank A. Twitchell, resigned.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

Lieut. Col. J. Walker Benét, Ordnance Department, to be colonel from August 5, 1911, vice Col. Lawrence L. Bruff, who died August 4, 1911.

Maj. Odus C. Horney, Ordnance Department, to be lieutenant colonel from August 5, 1911, vice Lieut. Col. J. Walker Benét, promoted.

CAVALRY ARM.

Second Lieut. William C. F. Nicholson, Seventh Cavalry, to be first lieutenant from July 29, 1911, vice First Lieut. Robert Sterrett, Ninth Cavalry, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

COAST ARTILLERY CORPS.

Second Lieut. James L. Dunsworth, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. John G. Hotz, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Dana H. Crissy, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Clarence A. Mitchell, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Francis G. Delano, Coast Artillery Corps, to be first lieutenant from March 11, 1911, vice First Lieut. Ralph D. Bates, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Raphael R. Nix, Coast Artillery Corps (detailed first lieutenant in the Ordnance Department), to be first lieutenant from March 12, 1911, vice First Lieut. Howard L. Martin, retired from active service March 11, 1911.

Second Lieut. James L. Walsh, Coast Artillery Corps (detailed first lieutenant in the Ordnance Department), to be first lieutenant from March 12, 1911, vice First Lieut. Raphael R. Nix, whose detail in the Ordnance Department was continued from that date.

Second Lieut. Henry H. Malven, jr., Coast Artillery Corps, to be first lieutenant from March 12, 1911, vice First Lieut. James L. Walsh, whose detail in the Ordnance Department was continued from that date.

Second Lieut. Edward L. Kelly, Coast Artillery Corps, to be first lieutenant from April 1, 1911, vice First Lieut. John E. Munroe, promoted.

Second Lieut. Thruston Hughes, Coast Artillery Corps, to be first lieutenant from April 1, 1911, vice First Lieut. Myron S. Crissy, promoted.

Second Lieut. Charles B. Meyer, Coast Artillery Corps, to be first lieutenant from April 2, 1911, vice First Lieut. Stephen Abbot, retired from active service April 1, 1911.

Second Lieut. Frederick A. Mountford, Coast Artillery Corps, to be first lieutenant from April 4, 1911, vice First Lieut. Walter K. Wilson, promoted.

Second Lieut. Fordyce L. Perego, Coast Artillery Corps, to be first lieutenant from April 12, 1911, vice First Lieut. John P. Terrell, promoted.

Second Lieut. Philip S. Gage, Coast Artillery Corps, to be first lieutenant from April 13, 1911, vice First Lieut. Malcolm P. Andruss, promoted.

Second Lieut. Monte J. Hickok, Coast Artillery Corps, to be first lieutenant from April 13, 1911, vice First Lieut. Offnere Hope, promoted.

Second Lieut. Frederick Hanna, Coast Artillery Corps, to be first lieutenant from April 13, 1911, vice First Lieut. Franc Lecocq, promoted.

Second Lieut. Theodore M. Chase, Coast Artillery Corps, to be first lieutenant from April 13, 1911, vice First Lieut. John O'Neil, promoted.

Second Lieut. William C. Koenig, Coast Artillery Corps, to be first lieutenant from April 13, 1911, vice First Lieut. Charles E. T. Lull, promoted.

Second Lieut. Harry W. Stephenson, Coast Artillery Corps, to be first lieutenant from May 27, 1911, vice First Lieut. Frederic H. Smith, promoted.

Second Lieut. John J. Thomas, Coast Artillery Corps (detailed first lieutenant in the Ordnance Department), to be first lieutenant from June 12, 1911, vice First Lieut. George W. Cocheu, promoted.

Second Lieut. Herbert H. Acheson, Coast Artillery Corps, to be first lieutenant from June 12, 1911, vice First Lieut. John J. Thomas, whose detail in the Ordnance Department was continued from that date.

Second Lieut. Willis Shippam, Coast Artillery Corps, to be first lieutenant from June 20, 1911, vice First Lieut. Halstead P. Councilman, detailed in the Ordnance Department on that date.

Second Lieut. Frank A. Buell, Coast Artillery Corps, to be first lieutenant from June 26, 1911, vice First Lieut. George E. Turner, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Second Lieut. Loren H. Call, Coast Artillery Corps, to be first lieutenant from July 1, 1911, vice First Lieut. James B. Dillard, detailed in the Ordnance Department on that date.

Second Lieut. Frank D. Applin, Coast Artillery Corps, to be first lieutenant from July 7, 1911, vice First Lieut. Charles H. Patterson, promoted.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

Charles Ellsworth Treibly, of Pennsylvania, to be first lieutenant in the Medical Reserve Corps, with rank from August 9, 1911.

PROMOTIONS IN THE NAVY.

Commander Frank K. Hill to be a captain in the Navy from the 13th day of July, 1911, to fill a vacancy.

Lieut. Commander George W. Laws to be a commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. Joseph R. Defrees to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) William P. Gaddis to be a lieutenant in the Navy from the 4th day of March, 1911, to fill a vacancy.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1911, to fill vacancies:

Conant Taylor,
Arthur L. Bristol, jr., and
Stephen W. Wallace.

Passed Asst. Surg. Robert E. Hoyt to be a surgeon in the Navy from the 11th day of June, 1911, to fill a vacancy.

APPOINTMENT IN THE NAVY.

Robert F. Jones, a citizen of Virginia, to be an assistant surgeon in the Navy from the 2d day of August, 1911, to fill a vacancy.

POSTMASTERS.

COLORADO.

Robert E. Hanna to be postmaster at Windsor (late New Windsor), Colo., in place of Robert E. Hanna. To change name of office.

KANSAS.

August Ringwalt to be postmaster at Moundridge, Kans., in place of Olga A. Krehiel, resigned.

MAINE.

Hiram W. Ricker to be postmaster at South Poland, Me. Office became presidential July 1, 1911.

MASSACHUSETTS.

George O. Currier to be postmaster at Leicester, Mass, in place of Lyman D. Thurston, deceased.

MISSISSIPPI.

William J. James to be postmaster at Lyman, Miss. Office became presidential July 1, 1911.

NEW YORK.

Adolph Bluestone to be postmaster at Canaseraga, N. Y., in place of Adolph Bluestone. Incumbent's commission expired December 18, 1910.

Frank C. Wisner to be postmaster at Lowville, N. Y., in place of A. M. Lanpher, deceased.

OHIO.

John C. McManus to be postmaster at Jewett, Ohio, in place of John C. McManus. Incumbent's commission expired December 12, 1909.

PENNSYLVANIA.

George A. Carter to be postmaster at Meshoppen, Pa., in place of Sallie B. Gregory. Incumbent's commission expired December 15, 1909.

William H. Davis to be postmaster at Pittsburgh (late Pittsburg), Pa., in place of William H. Davis. To change name of office.

William F. Gabrio to be postmaster at Lattimer Mines, Pa., in place of Samuel J. Gundry, resigned.

PORTO RICO.

Eugenio C. Manautou to be postmaster at Caguas, P. R., in place of Eugenio C. Manautou. Incumbent's commission expired January 30, 1911.

Victor M. Rivers to be postmaster at Rio Piedras, P. R. Office became presidential January 1, 1910.

WISCONSIN.

Peter E. Olsen to be postmaster at Rice Lake, Wis., in place of Peter E. Olsen. Incumbent's commission expired January 24, 1910.

CONFIRMATION.

Executive nomination confirmed by the Senate August 10, 1911.

POSTMASTER.

David F. Conrad, Lexington, N. C.

WITHDRAWAL.

Executive nomination withdrawn August 10, 1911.

Sidney A. Clark to be postmaster at Marathon, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 10, 1911.*

The House met at 12 o'clock noon.

The Chaplain, the Rev. Henry N. Couden, D. D., delivered the following prayer:

We rejoice, O God, our heavenly Father, that Thy footsteps may be traced by those who have eyes to see; that the works of Thy hands speak eloquently to those who have ears to hear; that the pulsations of Thy heart may be felt by those who have hearts to feel; that no night of sorrow can obscure Thy presence from those who put their trust in Thee. Once more called upon to mourn the loss of a faithful and valuable Member of this House, we pray that those who knew and loved him, especially those who were bound to him by the ties of kinship, may be comforted by the thought that, his work fulfilled here, Thou hast called him to a larger life of usefulness, and though he may not return to them they shall surely go to him, in Thine own good time, to part no more forever. For this blessed faith and precious hope, we praise Thy holy name, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION COMMISSION.

Mr. FINLEY. Mr. Speaker, I desire to call up the Senate concurrent resolution No. 6.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 6 (H. Rept. 142).

Resolved by the Senate (the House of Representatives concurring), That the hearings before the Employers' Liability and Workmen's Compensation Commision be printed as a public document, and that 3,500 additional copies be printed for the use of the Employers' Liability and Workmen's Compensation Commission.

Mr. MANN. Mr. Speaker, I reserve a point of order on the resolution.

Mr. FINLEY. Mr. Speaker, I think we may as well settle that now. It is a privileged resolution. It is a public document and for a commission of Congress. I think if the gentleman from Illinois will read the resolution he will have no doubt as to its being privileged. It is to make the commission hearings a public document, and calls for the printing of 3,500 additional copies for this congressional commission, a commission composed of Members of the House and the Senate. I have no doubt myself that it is privileged.

Mr. MANN. I have not been able to hear the resolution read in order to get an understanding of it.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again read.

Mr. FINLEY. The cost of this printing, Mr. Speaker, will be $75.86. That is the estimate of cost furnished by the Government Printing Office.

The SPEAKER. How much?

Mr. FINLEY. Seventy-five dollars and eighty-six cents.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Printing, having had under consideration the Senate concurrent resolution (S. Con. Res. 6) providing for the printing of copies of hearings before the Employers' Liability and Workmen's Compensation Commission, reports the same back to the House with the recommendation that the resolution be agreed to.

It is estimated that the cost of printing the copies of the hearings as provided for in this resolution will be $75.86.

Mr. MANN. Will the gentleman from South Carolina yield for a question?

Mr. FINLEY. Yes.

Mr. MANN. Is this the same resolution which was called up yesterday?

Mr. FINLEY. It is.

Mr. MANN. Mr. Speaker, I do not insist upon the point of order, although I think it is plainly subject to a point of order. Yesterday when the resolution was called up on the call of committees and reported the gentleman stated that it was privileged. I made the point of order that it was privileged, and the Chair sustained the point of order that it could not be called up if it was privileged without opportunity for the Chair or myself to examine the resolution. Because of that error I shall withdraw the point of order.

The SPEAKER. The Chair declared it privileged because the gentleman from South Carolina said it was privileged. The Chair did not investigate the matter.

Mr. FINLEY. Mr. Speaker, I will say that I consulted about as good authority as there is in this country, and he gave me his opinion that it was privileged.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7693. An act to authorize the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 11022. An act to authorize the bridge directors of the Jefferson County bridge district to construct a bridge across the Arkansas River at Pine Bluff, Ark.; and

H. R. 12051. An act for the relief of the city of Crawford, in the State of Nebraska.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 1. A joint resolution to amend certain appropriation acts, approved March 4, 1911.

DRAINAGE SURVEY OF LANDS IN MINNESOTA.

Mr. FINLEY. Mr. Speaker, I call up House resolution 259.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 259 (H. Rept. 143).

Resolved, That 1,250 copies of House Document No. 27, Sixty-first Congress, first session, entitled "Drainage Survey of Certain Lands in Minnesota," be printed for the use of the House document room.

Mr. FINLEY. Mr. Speaker, I will ask that the report be read.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

August 1, 1911, referred to the Committee on Printing and ordered to be printed.

Mr. FINLEY, from the Committee on Printing, submitted the following report, to accompany House resolution 259:

The Committee on Printing, having had under consideration the House resolution (H. Res. 259) providing for the printing of additional copies of document entitled "Drainage Survey of Certain Lands in Minnesota," reports the same back to the House with the recommendation that the resolution be agreed to with the following amendment, that the words "two thousand copies" be stricken out and the words "one thousand two hundred and fifty" be substituted in their place. The estimated cost for printing 1,250 copies of this document, as provided for in the resolution, will be $500."

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

PROTECTION AGAINST FOREST FIRES.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes upon the subject of forest fires.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent that he may address the House for five minutes on the subject of forest fires. Is there objection?

There was no objection.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. RAKER. Mr. Speaker, the Legislature of the State of California on March 3, 1911, passed the following resolutions:

CHAPTER 35.

Senate joint resolution 8, relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

Whereas there are situated within the State of California great national forests, comprising in area over 27,000,000 acres; and

Whereas the protection and preservation of these forests is of great benefit to the citizens of this State and of the whole United States; and

Whereas each year during the months of July, August, and September forest fires threaten partial or total destruction of these forests; and

Whereas these forests are not sufficiently protected from fire during such months: Now, therefore, be it

Resolved, by the Senate of the State of California, and the Assembly, jointly, That the War Department of the United States be, and it hereby is, requested to station Federal troops in the national forests within the State of California during the months of July, August, and September each year, for the purpose of preventing and fighting forest fires and protecting such national forests; and be it

Further resolved, That a copy of this joint resolution be sent to the head of the War Department of the United States.

Adopted, March 3, 1911.

On July 5, 1911, I offered the following resolution:

House joint resolution 128, authorizing the War Department of the United States to station and maintain Federal troops in national forests during certain months.

Resolved, etc., That the War Department of the United States be, and it hereby is, authorized to station Federal troops in the national forests within the State of California during the months of July, August, and September each year, for the purpose of preventing and fighting forest fires and protecting such national forests from fire.

I have corresponded with the Department of Agriculture, the Forestry Bureau, and the Department of the Interior in regard to the amount of timber destroyed by fire in the forests, and I find that during the year 1910 there was a loss of $26,597,228, at a cost of $1,037,254.03; during the year 1909 there was a loss by fire of $456,246, at a cost of $54,669.83; and during the year 1908 there was a loss by fire of $1,223,717, at a cost of $73,283.33. I ask that these tables be inserted in the RECORD, so that they can be used in regard to this matter.

The tables referred to are as follows:

Forest-fire statistics for calendar year 1909.

[Recapitulation by States.]

States.	Class of fires.				Location of origin.			Causes of fires.								
	A.	B.	C.	Total.	On national forest land.	On private land inside forest.	On land outside forest boundary.	Railroad.	Lightning.	Incendiary.	Brush burning.	Campers.	Sawmills.	Unknown.	Miscellaneous.	Total.
	No.	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*
Arizona	65	33	35	133	127	1	5	9	23	.....	.....	20	6	68	7	133
Arkansas	254	68	69	301	328	37	26	131	3	40	7	21	3	183	3	391
California	161	118	197	476	288	99	89	22	84	17	37	99	14	152	51	476
Colorado	80	30	18	128	81	30	17	69	10	2	9	17	3	12	6	128
Idaho	775	106	110	991	719	65	207	621	79	12	69	84	2	85	39	991
Kansas	.....	4	.....	4	2	.....	2	.....	4	.....	.....	.....	.....	.....	.....	4
Minnesota	63	5	9	77	71	3	3	68	3	.....	1	1	.....	4	.....	77
Montana	221	47	35	303	219	47	37	184	44	1	16	26	3	27	2	303
Nebraska	.....	1	4	5	4	.....	1	.....	4	.....	.....	.....	.....	1	.....	5
Nevada	3	6	1	10	9	1	.....	.....	.....	1	1	2	.....	3	3	10
New Mexico	38	33	58	129	105	11	13	3	12	4	7	50	3	40	10	129
Oklahoma	.....	2	11	13	13	.....	.....	.....	2	2	.....	.....	.....	.....	9	13
Oregon	87	40	73	200	139	22	39	7	15	14	8	49	.....	101	6	200
South Dakota	49	17	3	69	66	2	1	24	3	2	2	2	2	31	3	69
Utah	7	9	1	17	12	2	3	7	1	.....	.....	2	.....	4	3	17
Washington	72	46	46	164	102	25	37	38	6	2	22	43	2	43	8	164
Wyoming	21	3	4	28	25	1	2	3	1	.....	2	15	.....	4	3	28
Total	1,896	568	674	3,138	2,310	346	482	1,186	294	97	181	431	38	758	153	3,138

States.	National forest lands.							
	Area burned over.			Damage to timber, reproduction, and forage.				
	Timbered.	Open.	Total.	Timber destroyed or damaged.		Reproduction value.	Forage value.	Total value.
				Amount.	Value.			
	Acres.	*Acres.*	*Acres.*	*M ft. b. m.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
Arizona	20,723	23,574	44,297	3,556	2,207	5,884	140	8,231
Arkansas	34,210	1,356	35,566	3,221	7,974	24,032	55	32,061
California	29,290	56,255	85,545	23,812	45,359	36,943	1,001	83,303
Colorado	260	98	358	193	459	811	18	1,288
Idaho	11,451	4,953	16,404	32,613	25,806	27,175	153	53,134
Kansas	.....	3,200	3,200	.....	.....	.....	87	87
Minnesota	460	1,204	1,664	64	232	700	.....	932
Montana	4,021	597	4,618	6,001	16,893	5,029	18	21,940
Nebraska	.....	13,800	13,800	.....	.....	.....	345	345
Nevada	29	803	832	12	117	3	50	170
New Mexico	37,066	10,532	47,598	27,561	71,765	20,471	1,356	93,592
Oklahoma	560	1,872	2,432	13	25	225	.....	250
Oregon	7,636	4,926	12,562	10,885	21,447	12,126	150	33,723
South Dakota	2,726	790	3,516	443	1,547	2,448	16	4,011
Utah	5	143	148	5	10	.....	9	19
Washington	19,296	6,418	25,714	27,691	52,962	17,917	1,719	72,598
Wyoming	58	960	1,018	228	576	89	1	666
Total	167,791	131,481	299,272	136,298	247,379	153,853	5,118	406,350

States.	Private lands in national forest.					Cost of fighting fires.				Division of cost according to location.			
	Area burned over.			Damage to timber.		Temporary labor.	Guard and ranger labor.	Tools, supplies, etc.	Total cost.	On national forest land.	On private lands inside forest boundaries.	On lands outside forest boundaries.	Value of cooperation.
	Timbered.	Open.	Total.	Timber destroyed or damaged.									
				Amount.	Value.								
	Acres.	*Acres.*	*Acres.*	*M ft. b. m.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
Arizona	960	.....	960	343	875	860.05	637.16	275.22	1,772.43	1,716.93	50.00	5.50	1,138.00
Arkansas	9,625	1,955	11,580	457	899	448.96	323.73	2.07	774.76	532.01	165.55	77.20	529.38
California	8,667	13,054	21,721	6,833	14,401	10,196.56	3,941.10	3,400.57	17,538.23	12,001.46	2,355.75	3,181.02	6,491.17
Colorado	169	35	204	30	72	154.25	201.46	81.02	436.73	330.93	78.68	27.12	337.40
Idaho	3,143	1,548	4,691	11,652	9,193	12,531.75	1,570.73	4,671.07	18,773.55	14,328.32	3,415.74	1,029.49	664.58
Minnesota	303	280	583	35	115	108.00	207.00	72.00	387.00	337.00	49.00	1.00	.....
Montana	141	15	156	187	632	2,301.85	1,165.22	1,031.52	4,498.59	3,811.71	360.25	326.63	666.12
Nebraska	.....	.....	.....	.....	.....	.....	30.72	.....	30.72	30.72	.....	.....	76.40
Nevada	.....	3	3	.....	.....	16.00	41.66	28.70	86.36	86.36	.....	.....	10.00
New Mexico	2,174	105	2,279	393	1,111	1,423.83	1,129.32	1,254.69	3,807.84	3,663.34	135.30	9.20	1,097.38
Oklahoma	.....	.....	.....	.....	.....	37.50	34.00	.....	71.50	71.50	.....	.....	.....
Oregon	6,077	729	6,806	8,391	12,622	2,496.80	1,502.56	1,221.48	5,220.84	2,913.61	1,140.62	1,166.61	664.66
South Dakota	125	120	245	33	128	1,022.70	288.21	662.40	1,973.31	1,957.56	15.75	.....	325.35
Utah	.....	13	13	.....	.....	.....	9.28	.....	9.28	9.28	.....	.....	5.00
Washington	10,496	3,004	13,500	4,758	9,848	7,643.38	1,958.22	2,109.20	11,710.80	8,177.76	2,754.44	778.60	898.20
Wyoming	.....	1	1	.....	.....	356.20	289.60	262.06	907.86	868.49	29.37	10.00	34.25
Total	41,880	20,862	62,742	33,112	49,896	39,597.83	13,329.97	15,072.00	67,999.80	50,836.98	10,550.45	6,612.37	12,937.89

Comparative summaries of the reports on fires on national forests, 1909 and 1908.

	1909	1908
1. Total area burned over (acres)	362,014	414,638
2. Timbered area burned over (acres)	209,671	[1] 252,382
3. Quantity of timber destroyed (M. ft. b. m.)	169,410	232,191
4. Value of timber destroyed	$297,275.00	$451,188.00
5. Damage to reproduction and forage	$158,971.00	$772,529.00
6. Cost of fire fighting:		
Labor (exclusive of forest officers' salaries)	$39,597.83	$55,981.78
Supplies	$15,072.00	$17,301.55
Total	[2] $54,669.83	[3] $73,283.33
7. Class of fires reported:		
Class A	[4] 1,896	1,436
Class B	568	653
Class C	674	639
8. Total number of fires reported	3,138	2,728
9. Causes of fires:		
Railroad locomotives	[4] 1,186	603
Lightning	294	555
Incendiary	97	102
Brush burning	181	68
Campers	431	493
Sawmills and donkey engines	38	5
Unknown	758	263
Miscellaneous	153	639
Total	3,138	[4] 2,728
10. National forest area (acres)	194,505,525	168,000,000
11. Area per 1,000 acres burned over	1.86	2.46
12. Per cent of timbered area damaged to total area burned over	57.92	60.87
13. Amount of damage per acre burned over	$1.26	$2.95
14. Per cent of fires of less than 5 acres	78.52	76.58

[1] The timbered area burned over in 1908 was not reported. This is an estimate based upon the average number of board feet of timber destroyed per acre in the years 1907 and 1909.

[2] Seventeen thousand one hundred and sixty-two dollars and eighty-two cents of this amount was expended on account of fires not on national forest lands.

[3] Nine thousand and fifty-seven dollars and thirty-three cents of this amount was expended on account of fires not on national forest lands.

[4] The large increase in 1909 in the number of Class A fires (fires extinguished before causing damage) is entirely attributable to fires on the Coeur d'Alene Forest, for which 657 fires of this class are reported for 1909, as against only 84 for 1908. Locomotive sparks were the origin of 611 of the fires on this forest in 1909, while for 1908 only 9 fires of such origin were reported. Consequently the increase in the total number of fires is almost entirely accounted for by the reports for Coeur d'Alene Forest.

National forest fire statistics, calendar year 1910.

[Recapitulation by States.]

States.	Class of fires.				Location of origin.			Causes of fires.								
	A.	B.	C.	Total.	On national forest land.	On private land inside forest.	On land outside forest boundary.	Railroad.	Lightning.	Incendiary.	Brush burning.	Campers.	Sawmills.	Unknown.	Miscellaneous.	Total.
	No.	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*	*No.*
Arizona	63	39	83	185	174	10	1	13	51	1	2	21	.....	69	28	185
Arkansas	20	66	329	415	303	97	15	8	2	161	13	21	1	207	2	415
California	126	101	326	553	319	149	85	11	110	59	29	63	11	204	66	553
Colorado	256	70	61	387	303	52	32	246	36	2	8	45	2	38	10	387
Florida	8	12	8	28	8	20	.....	.....	1	7	10	4	.....	6	.....	28
Idaho	361	96	287	744	526	64	154	189	162	16	76	90	7	161	43	744
Kansas	.....	9	.....	9	9	.....	.....	.....	9	.....	.....	.....	.....	.....	.....	9
Michigan	13	8	.....	21	4	17	.....	16	.....	.....	1	.....	.....	4	.....	21
Minnesota	83	16	34	133	107	14	12	88	2	.....	17	8	.....	18	.....	133
Montana	733	121	275	1,129	693	205	231	693	124	10	53	95	9	114	31	1,129
Nebraska	.....	.....	3	3	1	.....	2	.....	.....	.....	2	.....	.....	1	.....	3
Nevada	7	1	.....	8	8	.....	.....	.....	5	1	.....	2	.....	.....	.....	8
New Mexico	91	32	61	184	163	14	7	4	43	1	7	63	1	43	22	184
North Dakota	.....	1	.....	1	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1
Oklahoma	1	1	1	3	2	.....	1	.....	1	.....	1	.....	.....	.....	1	3
Oregon	141	107	247	495	350	70	75	12	74	37	35	144	6	173	14	495
South Dakota	39	24	143	206	193	13	.....	143	17	.....	5	5	.....	34	2	206
Utah	6	9	11	26	14	2	10	2	5	1	5	7	.....	6	.....	26
Washington	307	69	137	513	152	92	269	248	42	4	39	69	13	79	19	513
Wyoming	103	23	31	157	107	31	19	31	39	2	4	50	1	27	3	157
Alaska	1	.....	.....	1	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1
Total	2,359	805	2,037	5,201	3,438	850	913	1,704	724	302	307	688	51	1,184	241	5,201

States.	National forest lands.							
	Area burned over.			Damage to timber, reproduction, and forage.				
	Timbered.	Open.	Total.	Timber destroyed or damaged.		Reproduction value.	Forage value.	Total value.
				Amount.	Value.			
	Acres.	*Acres.*	*Acres.*	*M ft. b. m.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
Arizona	88,060	36,088	124,148	18,338	19,322	127,054	2,038	148,414
Arkansas	260,836	1,075	261,911	11,490	19,128	55,841	23,896	98,865
California	152,517	106,196	258,713	116,526	217,726	113,218	1,642	332,586
Colorado	2,236	1,194	3,430	4,732	6,629	11,473	53	18,155
Florida	10,000	.....	10,000	1,000	500	700	.....	1,200
Idaho	1,149,863	569,549	1,719,412	4,021,196	10,186,103	3,139,695	66,315	13,392,173
Kansas	.....	640	640	.....	.....	.....	20	20
Michigan	.....	1,080	1,080	.....	.....	150	.....	150
Minnesota	10,323	11,060	21,383	2,015	10,150	18,100	50	28,300
Montana	943,738	81,212	1,024,950	1,613,324	3,649,151	4,984,119	3,086	8,636,356
Nebraska	341	109,299	109,640	.....	.....	5,115	11,525	16,640
Nevada	3	10	13	2	6	6	1	13
New Mexico	23,717	22,924	46,641	1,578	4,120	15,195	371	19,686
North Dakota	2	.....	2	2	5	.....	.....	5
Oklahoma	200	380	580	10	20	20	.....	40
Oregon	187,276	81,423	268,699	564,586	620,980	365,263	3,970	990,213
South Dakota	10,637	786	11,423	7,393	22,960	48,504	46	71,510
Utah	63	2,002	2,065	89	186	90	32	308
Washington	218,258	19,295	237,553	130,667	105,363	173,680	1,048	280,091
Wyoming	20,039	11,931	31,970	15,421	27,315	122,766	289	150,370
Total	3,078,109	1,056,144	4,134,253	6,508,369	14,889,724	9,180,989	114,382	24,185,095

National forest-fire statistics, calendar year 1910—Continued.

States.	Private lands in national forest.					Cost of fighting fires.				Division of cost according to location.			
	Area burned over.			Damage to timber.									
	Timbered.	Open.	Total.	Timber destroyed or damaged.		Temporary labor.	Guard and ranger labor.	Tools, supplies, etc.	Total cost.	On national forest land.	On private lands inside forest boundaries.	On lands outside forest boundaries.	Value of cooperation.
				Amount.	Value.								
	Acres.	*Acres.*	*Acres.*	*M. ft. b. m.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
Arizona	1,766	385	2,151	1,716	1,808	4,806.21	2,020.00	1,551.53	8,377.74	7,809.41	565.00	3.33	1,750.26
Arkansas	234,266	5,115	239,381	11,989	19,374	3,456.49	2,014.48	129.60	5,600.57	4,384.39	1,138.17	78.01	2,018.89
California	86,358	22,273	108,631	93,420	189,843	40,972.74	10,618.48	17,417.13	69,008.35	53,176.84	10,842.18	4,989.33	28,659.70
Colorado	730	100	830	477	918	4,771.27	1,593.24	1,425.99	7,790.50	4,577.90	574.84	2,637.76	2,120.43
Florida	200,000		200,000	20,000	10,000	49.35	110.44	38.00	197.79	197.79			18.65
Idaho	27,663	14,031	41,694	446,742	1,213,488	220,508.16	39,403.59	125,878.59	385,790.34	313,771.18	17,847.91	54,171.25	30,887.73
Michigan		750	750			4.00	4.41		8.41	8.41			304.00
Minnesota	18,528	3,093	21,621	11,000	60,000	3,398.40	971.65	420.36	4,790.41	2,532.14	2,194.05	64.22	110.00
Montana	102,874	8,289	111,163	287,306	686,870	272,387.98	31,285.71	149,487.95	453,161.64	360,558.84	40,601.34	52,001.46	21,328.58
Nebraska		5,960	5,960			52.20	16.00		68.20	68.20			176.80
Nevada							3.33		3.33	3.33			
New Mexico	1,086	685	1,771	417	1,396	1,380.95	925.63	733.79	3,040.37	2,944.99	61.68	33.70	817.00
Oklahoma							10.56		10.56	10.56			42.00
Oregon	34,797	15,384	50,181	164,433	199,808	67,930.59	13,060.21	36,285.76	117,276.56	87,623.68	13,250.12	16,402.76	9,300.85
South Dakota	508	415	923	59	231	22,722.70	1,280.07	4,077.55	28,080.92	27,957.05	114.87	9.00	11,314.20
Utah		2,320	2,320			151.65	177.40	68.86	397.91	248.55	48.50	100.86	44.75
Washington	18,178	6,230	24,408	18,254	28,058	38,572.75	6,586.76	10,377.83	55,537.34	41,239.42	8,146.73	6,151.19	9,184.09
Wyoming	709	425	1,134	108	339	5,971.51	2,778.75	2,209.14	10,959.40	9,947.44	44.51	967.45	3,169.97
Alaska							3.33	15.00	18.33	18.33			
Total	727,463	85,455	812,918	1,055,921	2,412,133	687,136.95	112,864.64	350,117.08	1,150,118.67	917,078.45	95,429.90	137,610.32	121,247.81

Summaries and analysis of national forest fire reports for 1910 and 1909.

[Private lands within national forest boundaries included.]

	1910		1909	
1. Area of national forests (acres)	191,250,038		194,505,525	
2. Total area burned over (acres)	4,947,171		362,014	
3. Area per 1,000 acres burned over	25.87		1.86	
4. Timbered area burned over (acres)	3,805,572		209,671	
5. Timbered area (per cent of total area burned over)	76.92		57.92	
6. Quantity of timber destroyed or damaged (M. ft. b. m.)	7,564,290		169,410	
7. Losses by fires:				
In timber	$17,301,857.00		$297,275.00	
In reproduction and forage	$9,295,371.00		$158,971.00	
Total	$26,597,228.00		$456,246.00	
8. Cost of fire fighting:				
Labor (exclusive of forest officers' salaries)	$687,136.95		$39,597.83	
Supplies, etc.	$350,117.08		$15,072.00	
Total	$1,037,254.03		$54,669.83	
9. Classification of fires:	*No.*	*Per ct.*	*No.*	*Per ct.*
Class A (no damages)	2,359	45.36	1,896	60.42
Class B (under 5 acres)	805	15.48	568	18.10
Class C (5 acres and over)	2,037	39.16	674	21.48
Total number of fires	5,201	100.00	3,138	100.00
10. Causes of fires:				
Railroad locomotives	1,704	32.76	1,186	37.79
Lightning	724	13.92	294	9.37
Incendiary	302	5.81	97	3.09
Brush burning	307	5.90	181	5.77
Campers	688	13.23	431	13.73
Sawmills and donkey engines	51	.98	38	1.21
Unknown	1,184	22.77	758	24.16
Miscellaneous	241	4.63	153	4.88
Total	5,201	100.00	3,138	100.00
11. Locality of origin of fires:				
On national forest lands	3,438	66.10	2,310	73.61
On private lands within the forests	850	16.34	346	11.03
On lands outside of forest boundaries	913	17.56	482	15.36
Total	5,201	100.00	3,138	100.00

Losses on private lands within forest boundaries.

The amounts given in connection with a, b, c, and d are included in the preceding table after 2, 3, 6, and 7, and the percentages following indicate the ratio of the losses on private lands within the forests to the total losses on the forests, as shown in the first table. However, in this exhibit the cost of fire fighting includes the value of the time of forest officers.

	Amount.	Per cent.	Amount.	Per cent.
a. Area burned over, timbered and open (acres)	812,918	16.43	62,742	17.33
b. Timbered areas destroyed or damaged (acres)	727,463	19.12	41,880	19.97
c. Quantity of timber destroyed or damaged (M. ft. b. m.)	1,055,921	13.96	33,112	19.55
d. Damage to timber	$2,412,133.00	13.94	$49,896.00	16.78
e. Cost of fires on private lands within and outside of forest boundaries	$233,040.22	20.26	$17,162.82	25.24

During the year 1910 there were a great number of forest fires in California, and yet by the assistance of the soldiers property was protected and millions of dollars were saved. I find on investigation that the War Department has no authority to send out these troops, and this resolution is offered for the purpose of giving it permission to so utilize the men in the

Army. By inquiry at the War Department I find that there are 126 officers and 4,300 enlisted men of the Army now in the State of California that could be used for this purpose.

Mr. Speaker, I also desire to read a newspaper article from San Bernardino, Cal., under date of August 3, as follows:

SOLDIERS ARE WANTED TO FIGHT FOREST FIRES.

SAN BERNARDINO, *August 3.*

A frantic appeal for troops to combat the forest fire in the mountains north of here was sent to the War Department to-day. Between 50 and 75 square miles of forest already have been destroyed on the watershed of the San Bernardino Reserve.

Following the admission to-day of Forest Supervisor Charlton that he is unable to cope with the situation, every civic body in this section kept the wires to Washington hot with appeals for aid.

I desire to say that I find the same situation all over the State of California, where large tracts of timber are being destroyed by fire. All the available men of the Department of Agriculture are being used. More help is needed, and this resolution is simply that the War Department be given permission to send these troops out when requested. I hope that before this Congress adjourns we shall be able to pass this resolution, providing that when the Forestry Bureau of the Department of Agriculture requests the War Department to send troops it will have that authority.

Mr. WEEKS. Mr. Speaker, will the gentleman yield for an interruption?

Mr. MANN. Mr. Speaker, does the gentleman yield?

The SPEAKER. To which one of the two gentlemen does the gentleman from California yield?

Mr. RAKER. I yield first to the gentleman from Illinois.

Mr. MANN. Has the resolution been introduced?

Mr. RAKER. Yes.

Mr. MANN. Was it introduced only yesterday?

Mr. RAKER. It was introduced some time ago.

Mr. MANN. Has it been reported?

Mr. RAKER. Not yet.

Mr. MANN. Does the gentleman think it is an emergency matter?

Mr. RAKER. Why, if $24,000,000 worth of property was destroyed last year, and fires are raging now, and 4,000 men are there that could be used, it seems to me there is not any more urgent matter of business that this Congress could consider than this.

Mr. MANN. Yet under the Democratic caucus action have they not refused to report it to this House?

Mr. RAKER. They have not refused to report it.

Mr. MANN. They have not reported it.

Mr. RAKER. I desire to call it to the attention of Members of this Congress before we adjourn, and I desire to ask unanimous consent that we take it up and pass it without any delay. A vast amount of property is going to waste, and all these men are there at the Presidio, who might be called out and sent over the State of California to preserve millions of dollars' worth of property. These fires are raging right now, and the men are needed to do this work. Congress is in session, and these people are appealing for aid. It seems to me this is the time to act. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. I desire to ask unanimous consent that we take up this resolution at this time and pass it.

Mr. BUTLER. Regular order!

The SPEAKER. The regular order is called for.

Mr. RAKER. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

LEAVE TO PRINT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that I may extend remarks in the RECORD at some future date on the subject of the Government coal-land policy.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend in the RECORD remarks on the subject of coal lands. Is there objection?

There was no objection.

ARIZONA AND NEW MEXICO.

The SPEAKER laid before the House the joint resolution (H. J. Res. 14) admitting New Mexico and Arizona to statehood, with Senate amendments.

The Senate amendments were read.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House concur in the Senate amendments.

The SPEAKER. The gentleman from Virginia moves that the House concur in the Senate amendments.

Mr. FLOOD of Virginia. Mr. Speaker, these amendments do not materially alter the resolution as it passed the House. There are three of them. They all amend the section of the resolution providing for the separate ballot which is to be used in voting upon the constitutional amendment submitted to the voters of New Mexico. The Senate amendments throw additional safeguards around the use of this ballot. They require the ballot, after it has been handed to the voter by the election officer, to be returned to that officer, whether it has been marked or not. The purpose of this is to prevent these ballots from getting into the hands of party workers, who, by getting hold of the ballot, might use it to intimidate timid voters and induce them to vote against their convictions upon this constitutional amendment.

Mr. Speaker, this joint resolution passed this House by a vote of 214 for it and 58 against it. It passed the Senate by a vote of 53 for it and 18 against it. It is thus demonstrated that this resolution meets with the approval of an overwhelming majority of the membership of both Houses of Congress. [Applause.]

I believe it is satisfactory to the overwhelming majority of the people of both these Territories. I hope the House will concur in these amendments, that this resolution will soon become a law, and that the Democratic and Republican Parties will thereby keep the pledges they have made to the people of these Territories. [Applause.] I hope that these prosperous, populous, and growing Territories may soon be admitted to the sisterhood of States upon equal terms with the other States of this Union. [Applause.]

Mr. Speaker, if no one desires to speak upon this motion, I move the previous question.

The SPEAKER. The gentleman from Virginia moves the previous question.

The previous question was ordered.

The SPEAKER. Unless a separate vote is demanded on some amendment or amendments, the Chair will put them in gross.

The question being taken, the Senate amendments were concurred in.

The announcement of the result was received with applause.

CALL OF COMMITTEES.

The SPEAKER. The next order of business is the regular call of committees, and the clerk will call them in their order, beginning where the call left off before, with the Committee on Accounts.

Mr. SPARKMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPARKMAN. I want to ask if the call does not rest with the Committee on Rivers and Harbors?

The SPEAKER. The Chair will state his understanding of the rule, and if any gentleman does not think the Chair's decision is correct the Chair will be willing to hear him. There are two calls of committees under the existing rules that we now have. One of them is the regular call. When the House runs out of any other business to do, then that call takes place. The one we were operating under yesterday is Calendar Wednesday, and when next Calendar Wednesday arrives then the unfinished business will be the bill called up yesterday by the gentleman from Florida.

Mr. FITZGERALD. Mr. Speaker, I am inclined to the opinion that that question came up in the last Congress and the precedent was established the other way; that is, regardless of what day the calendar was called, there could be but one call of committees. I have not looked the question up, but my recollection is that the practice of the House was established that way. My recollection is that the matter was discussed at the time, and it was pointed out that to have a call rest with different committees on different occasions was bound to result in confusion.

Gentlemen raised the question that there was some advantage of having a call rest with the committee on Calendar Wednesday, because it might call up a bill on the House or the Union Calendar, and it had not that advantage on some other day. After discussion, my recollection is, although I may be mistaken, that the practice was fixed that the call should continue day by day; otherwise it would result in interminable confusion.

The SPEAKER. The Chair will ask the gentleman from New York a question. There is no question but that you can have a call of committees any day when the House runs out of business.

Mr. FITZGERALD. None whatever. The only difference that Calendar Wednesday makes is that there must be at least one day in the week when privileged business can not be interjected so as to prevent the call of committees being reached in regular order unless two-thirds of the House so determines. There must be a call of committees on Wednesday in each week,

and there may be a call of committees every day in the week unless matters more highly privileged are called up in the House.

The SPEAKER. Then the gentleman's contention is that really the two calls of committees are merged in one, and the call rests with the Committee on Rivers and Harbors, where we were yesterday.

Mr. FITZGERALD. That is my recollection of what was determined by the House. The only thing that was done in the establishment of Calendar Wednesday was that it compelled a call of committees on Wednesday. The rules provided for the call of committees, but a practice had grown up by which business of higher privilege was being continually called up and considered by the House, thus cutting off the call of committees. So, in order to insure the call of committees at least one day in the week, a rule was provided to make it mandatory that the committees should be called one day a week unless two-thirds desired otherwise; but there is nothing in the rule that would indicate that the call of committees on that day should be segregated from the call of committees on any other day in the session. My recollection is that the matter was brought up, and after discussion the House settled that there was no distinction, and that there could be but the one call; and while it might be either an advantage or a disadvantage not to be called on Wednesday, or any other day, that was one of the chances Members and committees had to take.

Mr. MANN. Mr. Speaker, I fully agree with the decision of the Speaker on the subject. The gentleman from New York, as I understood him, just stated that there was nothing to segregate the call of committees on Calendar Wednesday from an ordinary call on any other day in the week. On the contrary, I call his attention to the rule which specially segregates the call of committees on Calendar Wednesday from an ordinary call.

Paragraph 7 of Rule XXIV, the rule for Calendar Wednesday, says:

> On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union.

Now, under the call of committees under the other rule, the ordinary call of committees, Union Calendar bills can not be called, and so it seems to me that while the gentlemen are looking up the precedent set at the last session—which we all seem to be rather hazy about—it seems to me that the letter and the spirit of the rule permitting Union Calendar bills to be called up on Calendar Wednesday is a segregation.

Mr. DALZELL. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. DALZELL. It is true in the first instance, under the regular order, that bills can not be called up on the Union Calendar, but at the end of 60 minutes they can be.

Mr. MANN. That is true at any time.

Mr. DALZELL. Which is a privileged motion. I say that what the gentleman says about the difference between the two rules growing out of the power to call up bills from the Union Calendar in one case and lack of it in another is not a substantial difference, for the reason that under clause 4 of this rule on any other day than Calendar Wednesday a bill on the Union Calendar may be called up at the end of 60 minutes, which is a privileged motion.

Mr. MANN. That will still be true, of course, if we now proceed to the call of committees as we have proceeded, and as the Chair has held that Union Calendar bills are not in order under a call of committees, at the end of 60 minutes, at the expiration of an hour, under the call of committees, it is then in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of a particular bill, to which one amendment may be offered.

The SPEAKER. The Chair would like to ask the gentleman from Pennsylvania a question. Under the ordinary call of committees a bill on the Union Calendar may not be called up, while under the call on Calendar Wednesday bills on the Union Calendar may be called up. If the ruling is that there is only one call, then this call would rest with the Committee on Rivers and Harbors, which had under consideration when the House adjourned a bill from the Union Calendar. Query: If it be held that we take up this call to-day where we left off yesterday, can the House resolve itself into the Committee of the Whole House on the state of the Union on that bill from the Union Calendar and proceed with it?

Mr. DALZELL. I think it can, Mr. Speaker. I think to hold the contrary would get us into this situation: If it be held now that the bill that was taken up yesterday is not in order under a call of committees, we will take up a new bill, and at the end of 60 minutes it will be in order to move to go into the Committee of the Whole House on the state of the Union and take up the bill that was considered on yesterday. What will be the result? You will have two bills representing unfinished business, one of them the bill that was called up on Calendar Wednesday originally and the other the bill that was called up to-day, so that, as the gentleman from New York [Mr. FITZGERALD] says, to hold as the Speaker has intimated, will, in my judgment, result in no end of confusion. You will have two classes of unfinished business all of the time.

The SPEAKER. How would it work any confusion?

Mr. MANN. Mr. Speaker, will the Speaker permit me to call the attention of the gentleman from Pennsylvania [Mr. DALZELL] to a method by which it would work perhaps not confusion but interminable delay. Under the ordinary call of committees it is in order, after the expiration of an hour, to move to go into the Committee of the Whole House on the state of the Union on a special bill, but if we proceed now to the consideration of this bill on the Union Calendar and resolve ourselves into the Committee of the Whole House on the state of the Union, the House will have no way at the end of an hour of taking up any Union Calendar bill except by the committee rising.

Under the gentleman's contention it could not take up any other Union Calendar bill, because it has one before it. The House ought to have the liberty under the rules on ordinary days after the end of an hour on the House Calendar to proceed to the consideration of any Union Calendar bill it desires to reach. That gives liberty to the House, and under the construction the Speaker has intimated it gives the House control of the bill that it chooses to take up, and it will often want to take up some other Union Calendar bill. But if you have to proceed with this bill, if it is the unfinished business, we might have, for instance, the bill that was called up at the last session of Congress for a revision of the judicial title, and the House would find itself in a position where under the rules it could not proceed to the consideration of any other Union Calendar bill until it had completed the consideration of the bill it had commenced on Calendar Wednesday.

Mr. DALZELL. That would be a reason why the House should finish the consideration of that bill. There is no answer to what I have said—there will be two kinds of unfinished business.

Mr. MANN. There may be a dozen kinds of unfinished business.

Mr. PAYNE. Mr. Speaker, I would suggest to the gentleman from Pennsylvania——

The SPEAKER. The Chair would like to ask the gentleman from Pennsylvania another question. Now, here is the situation. We on yesterday considered in the Committee of the Whole House on the state of the Union a bill on the Union Calendar which can not be called up under this ordinary call of the committees. Now, the gentleman from Florida, very much interested in that bill as chairman of that committee, raises this point of order that the call rests where we quit on yesterday. Now, suppose we let the call rest where we quit on yesterday; then under the rule the Chair is compelled to rule that bill out of order to-day, because you can not consider under the ordinary call, as I understand it, a bill on the Union Calendar——

Mr. FITZGERALD. Mr. Speaker, but after one hour it would be a privileged motion to move to go into the Committee of the Whole House on the state of the Union to consider a bill on the Union Calendar.

The SPEAKER. Yes. The gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I wish simply to make this reply in answer to the suggestion made by the gentleman from Pennsylvania that we would have two classes or two kinds of bills unfinished. Under the old rule we were liable to have that, because under the old rule, after we proceeded for 60 minutes on a bill not on the Union Calendar, a motion was in order and could be made, and we could go into the Committee of the Whole House on the state of the Union on a bill on the Union Calendar; so we are liable to have the same confusion of which the gentleman speaks now. I do not think that is any reason against the ruling intimated by the Speaker.

Mr. DALZELL. Mr. Speaker, I would like to add to what I have already said that this question was discussed in the last Congress and a ruling made by the Speaker in accordance with the position I have taken to-day.

The SPEAKER. The present occupant of the chair would be very slow in overruling a precedent made by a former Speaker if this question had been well settled, but this was a new ruling,

and the Chair has always understood that the gentleman from New York was the author of it, and there never has been but one ruling made on it.

Mr. FITZGERALD. Mr. Speaker, I desire to make a suggestion to the Chair. Under the rule a committee is entitled to two days on call of committees to call up bills and after the second day it can not call up any new bill, but a bill called up on the second day may be continued along from day to day until it is disposed of. One of the reasons for the construction given to the rule was this: If on Calendar Wednesday, for instance, a bill, such as the gentleman from Florida called up, after the committee had occupied practically two entire Wednesdays, was called up at the end of the second Wednesday, and it was a bill on the Union Calendar that would be controverted, on which a large amount of time would be occupied in general debate, and the bill was also one which would require considerable time for consideration under the five-minute rule, in a short session of Congress such a bill as that would occupy every Calendar Wednesday in a short session.

The SPEAKER. Now, that is precisely what did happen at the last session of Congress.

Mr. FITZGERALD. Yes; but the bill that was called up in the manner in which it was called up could have been called up under the rule that had been made on any other day in the week if there had been a call of committees after at least 60 minutes had expired. After the 60 minutes had expired in which business on the House Calendar is considered, it is a privileged motion to move to go into the Committee of the Whole House on the state of the Union to consider such a bill as the gentleman from Florida desired considered, and it is a motion of such high privilege that a Member can be taken off the floor right in the middle of a speech to have such a motion submitted. It is one of the few motions a gentleman can make in order to get the floor from another.

Mr. GARRETT. If he has a privileged bill.

Mr. FITZGERALD. Whether it be a privileged bill or not. So long as it is a bill on the Union Calendar, at the expiration of 60 minutes, in consideration of bills under the call of committees, the motion is privileged, and it can take a Member from the floor if offered. It seems to me, while the question, perhaps, was not thrashed out as fully as it might have been, that to have these two separate calls of committees, the call resting one day on one committee and for another day with another committee, will do much to destroy the effectiveness of the rule which was designed to have a call of committees.

The SPEAKER. Let the Chair ask the gentleman from New York [Mr. FITZGERALD] a question or two. How will it destroy Calendar Wednesday?

Mr. FITZGERALD. Well, Mr. Speaker, it is hard to illustrate further than what I have said in this respect. If the ruling be made as now, it is likely to result in one committee occupying the Wednesdays during one session of Congress, to the exclusion of other committees, in the manner indicated.

Mr. HUGHES of New Jersey. Will the gentleman from New York [Mr. FITZGERALD] yield?

The SPEAKER. Will the gentleman from New York yield to the gentleman from New Jersey?

Mr. FITZGERALD. Yes.

Mr. HUGHES of New Jersey. Was it not held by the House at the last session of Congress that the question of consideration could be raised against one of these Calendar Wednesday bills on any Wednesday when the House determined that enough of time had been occupied for the consideration of the bill?

Mr. FITZGERALD. That is accurate. The trouble about it is this: All bills on the calendar are of some importance to some Members; but there are more Members interested in the great number of bills not under consideration than in any particular bill under consideration, and there are always many Members ready to vote out of the way a bill that is ready for consideration in order to reach other bills on the calendar. Moreover, if there be two calls recognized, both of them may easily rest with the same committee at one time to the exclusion of all other committees.

Mr. HINDS. Mr. Speaker, with the merits of the present bill I have little concern. I know neither Trojan nor Tyrian as to this bill, but it does seem to me that the question that is raised here goes back to one of the old parliamentary battle fields of this House. There was a decision rendered at the last session by the Speaker, which I believe was the result of great consideration and care, and I think that decision was to the effect that Calendar Wednesday, so far as the consideration of bills is concerned, should correlate with other calls of committees on other days of the week. I do not know whether that ruling states what seems to me and what I shall present to the House as the great fundamental reason supporting it. If you will go back in the history of the rule relating to the call of committees, you will find that around that call centered a large part of the great obstructive tactics which tied up the business of this House to such an extent 25 and 30 years ago. They had a rule then that any bill called up on the call of committees should be considered for 60 minutes on any one day, should be considered for 60 minutes again on the next call of committees, and then should go to the Calendar of Unfinished Business. The knowledge on the part of the House that any bill, after two days' trial, could be sent to the tomb of the Capulets invited obstruction not only on the particular bill on which they wished to exercise obstruction but it invited obstruction against every other bill on the calendar that was coming in the procession ahead of the particular bill against which they had put their mind.

Now, I invite your attention, Mr. Speaker, to what will happen to-day if you rule that this bill must go over until next Wednesday. I infer from what happened yesterday that there was against this bill a large and determined opposition. They have found, if you shall rule as many here urge you to rule, that by debating that bill until the time of adjournment yesterday they have thrown it over for a week; and next week, when you shall again call it up, they will find that by debating it through that day they can throw it over to another week.

Mr. SHERLEY. Will the gentleman permit a question right there?

Mr. HINDS. Surely.

Mr. SHERLEY. Would it not be in the committee's power—assuming that the power now rests in the Committee on Rivers and Harbors—would it not be in the power of the committee after the expiration of an hour to call up the very bill that was under discussion yesterday?

Mr. HINDS. It might be, and very likely it would, but the whole experience of this House shows that that process of getting into a committee at the end of an hour and getting out of it again is pretty difficult. The right existed in this House for 10 years, and at the end of 10 years of its use in this House a revolution took place against it which finally resulted in the Calendar Wednesday rule you now have.

Mr. SHERLEY. If you take a large bill like the judicial code, which was under consideration last year, or any large bill such as the one for the reorganization of the postal service, if you take it up on Wednesday and have it as the unfinished business does it not practically block and obstruct every other committee in the House?

Mr. HINDS. I will say to the gentleman, do you gentlemen still remember how last year, when that judiciary bill was in the way, you could raise the question of consideration, and if the majority in this House had assented the Members would have thrown aside that bill when it became an embarrassment? I am not arguing here about the obstruction that majorities may make with their nay votes and vetoes, but I am arguing against that obstruction which puts the power which rightfully belongs to a majority into the hands of a minority.

I will invite your attention a little further, Mr. Speaker, to another point. Suppose two weeks ago it had been known—supposing we were here in the natural order of business—that this bill which is now pending was to come up under conditions whereby the ruling of the Speaker to throw this over for a week would control in this House. You would have had on every bill ahead of it, as every committee was called, that weird, insidious, conscientious, painstaking inquiry after facts which lasts long after the facts have been ascertained. [Laughter.]

You would have had that cushionlike opposition—an opposition more effective than Saladin put before the sword of the Knight of the Leopard—that obstruction which is to-day a national issue, because it exists in another body very far removed from this body—for most of us. [Laughter.] It is for that reason, in order that we may not see restored in this House the old obstruction which reduced this House to impotence 25 years ago, that I hope the Speaker of this House will consider long and carefully before he makes the ruling which he is urged to make to-day. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Speaker, I wish to ask the gentleman a question.

Mr. HUGHES of New Jersey. Mr. Speaker, will the gentleman yield to me for a question before the gentleman from Maine [Mr. HINDS] takes his seat?

Mr. FITZGERALD. Certainly, I will yield.

Mr. HUGHES of New Jersey. The gentleman from Maine has just stated correctly, according to my recollection, the action taken by the House with reference to Calendar Wednesday bills which continued over from Wednesday to Wednesday—that is,

the question of consideration need not be raised when the bill is first called up, but may on any other Calendar Wednesday?

Mr. HINDS. It may be made when it is first called up, too.

Mr. HUGHES of New Jersey. And on a succeeding Wednesday; and the House, therefore, is in a position at all times, so far as this Calendar Wednesday is concerned, to protect itself against a bill that takes up too much of the time of the House.

Mr. HINDS. It is, if you leave it for the majority of the House to say.

Mr. HUGHES of New Jersey. Of course the question of consideration must be determined by the majority. If we call up this bill from the Committee on Rivers and Harbors now, on the regular call of committees, as suggested by the gentleman, then the House could not long protect itself from the consideration of that bill.

Mr. HINDS. It could by the raising of the question of consideration.

Mr. HUGHES of New Jersey. The time for the raising of the question of consideration has passed, so far as all bills called up under call of committees is concerned.

Mr. HINDS. I think the gentleman will remember that last session it was ruled that the question of consideration might be raised against unfinished business under the call of committees.

Mr. HUGHES of New Jersey. No; I think the gentleman is in error as to that. It was so held, as I remember it, so far as Calendar Wednesday business was concerned. I made the point. I raised the question of consideration myself.

Mr. MANN. And we voted on it.

Mr. HUGHES of New Jersey. And we voted on it, but it was that that applied only to Calendar Wednesday business.

Mr. HINDS. I think there was no limitation.

Mr. HUGHES of New Jersey. My recollection is as I have stated.

Mr. FITZGERALD. The gentleman overlooks the fact that on any day except Calendar Wednesday the question of consideration is taken on a motion to go into the Committee of the Whole House on the state of the Union, while on Calendar Wednesday the House goes automatically into the committee, and it has been held that every day that is done it is in order to raise the question of consideration.

Mr. MANN. The ordinary way of raising the question of consideration is by raising it in the House, but the ruling that time was that the question of consideration could be raised in the committee, the House having automatically resolved itself into the committee. That could not occur on any day except Calendar Wednesday, or unless the Speaker rules that this bill is in order to-day, when it can be called up as unfinished business.

Mr. HUGHES of New Jersey. I have a very distinct recollection that the question of consideration was raised while we were in the House, because the decision was made by the former Speaker of the House.

Mr. MANN. It was raised in the committee.

Mr. HUGHES of New Jersey. It could not have been raised in the committee if the decision was made by the then Speaker.

Mr. HINDS. It seems to me, Mr. Speaker, that if the Chair, following the principles of the decision of the last session, will hold that the call of committees on a Calendar Wednesday is the same call in effect as the call of committees on any day when the House chooses to have a call of committees, he will then remove all difficulty as to the construction which will be caused by the segregation of business in one day and in stated periods.

Mr. MANN. Mr. Speaker——

The SPEAKER. If the gentleman from Illinois will suspend a moment, the Chair will ask the gentleman from Maine a question: Suppose the Chair should rule that the call rests with the Committee on Rivers and Harbors, or suppose the House should decide that, then would this bill that the gentleman from Florida [Mr. CLARK] had up yesterday be in order?

Mr. HINDS. I think so, as unfinished business, as on a call of committees.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. The gentleman from New York [Mr. FITZGERALD] and I have not just now agreed as to what the ruling of the Speaker tentatively was. The gentleman from New York [Mr. FITZGERALD] insists—and he may be correct—that the Speaker ruled that there were two calls of committees, and that if we went to a call of committees to-day we would commence where we ended yesterday. I was under the impression that the Speaker ruled that under the call of committees to-day it was not in order for the Committee on Rivers and Harbors to call up a Union Calendar bill, and that the bill that was under consideration yesterday would go over as the unfinished business on the next Calendar Wednesday, and that the call would proceed, and that it still rests with the Committee on Rivers and Harbors.

The SPEAKER. The statement of the Chair was a tentative ruling to the effect that in his opinion the rules as they stand now provide for two calls of committees, which have no connection with each other, and that this call to-day would begin with the Committee on Accounts, simply because that is where the regular call was. The committee was called several days ago, and there was no business ready. Of course, that call went clear around the whole circle. That would throw the call back to the Committee on Accounts.

Mr. MANN. If the Speaker will permit me, then, I think the Speaker is mistaken about that construction of the rule. I understood the Speaker to rule——

The SPEAKER. The Chair did not finally rule at all. He made a tentative ruling for the purpose of inviting discussion about this matter, because it ought to be settled definitely.

Mr. MANN. I understand that the Speaker did not make any ruling. It seems to me that the claim that there are two calls of committees would result in giving some one committee of the House more days than it was entitled to possibly all the season, because the Committee on Interstate and Foreign Commerce, when I was chairman of it, frequently found itself in a position where it could use up two whole days on House bills. It might do that and have unfinished business, and then use up two whole days on the Union Calendar bills and have unfinished business. It seems to me that the correct construction of the rule—and that was the ruling at the last Congress when the Committee on Indian Affairs and some other committees were cut out of calling up Union Calendar bills because they could not call them up on ordinary days—that when a call has proceeded and a bill on the Union Calendar becomes unfinished business on Calendar Wednesday it is not in order to call it up on the call of committees on another day until after one hour has been used in the call of committees on House Calendar bills.

The SPEAKER. The House will be in order, so that we can hear this discussion. The way the Chair rules, or the way the House settles this matter to-day, is very important, because that will be the ruling of the Chair during the remainder of this Congress.

Mr. SHERLEY. Mr. Speaker, I thoroughly agree both with the gentleman from Maine and the gentleman from Illinois that the call to-day rests with the Committee on Rivers and Harbors, and that there are not two separate calls of the committees. But I disagree with the gentleman from Maine, and I agree with the gentleman from Illinois, that the right under the call of a particular committee is different according as that call occurs on Calendar Wednesday or under the ordinary call of committees on any day.

Under the call of committees, if on Calendar Wednesday, manifestly the call would rest with the Rivers and Harbors Committee, and this bill as unfinished business would be considered, but under the call of that same committee to-day it would not be in order, in my judgment, to call up a bill on the Union Calendar until, as stated by the gentleman from Illinois, 60 minutes had been used in consideration of bills that did not require the House to go into Committee of the Whole. The reason for this view is that otherwise it would give to a committee that happened to get possession of a call on Calendar Wednesday a position of tremendous advantage that I think would serve to obstruct instead of promote the purpose of Calendar Wednesday. The purpose of the rule was not to help a particular committee, but to make easier the getting up of all matters on the calendar.

The SPEAKER. The Chair would like to ask the gentleman from Kentucky a question. Suppose the House takes that view of it, or the Chair so rules, it is immaterial which, where does it leave this bill?

Mr. SHERLEY. It leaves this bill as unfinished business on Calendar Wednesday, with this further power in the hands of the chairman of the Committee on Rivers and Harbors that he can now call up House bills, and after an hour, if he has still maintained the floor during that hour, he would have the right to move to go into Committee of the Whole House on the state of the Union for the consideration of this bill.

The SPEAKER. The rule provides that bills from the Committee on Rivers and Harbors are privileged.

Mr. SHERLEY. I do not consider that the question of privilege is here involved.

The SPEAKER. That is in the rule, and if that is true, where does it leave the Committee on Rivers and Harbors with this bill?

Mr. FITZGERALD. Mr. Speaker, this is not an appropriation for a river and harbor improvement. If it is, a point of order could have been made against it when it was called up

on the call of committees yesterday. The rule provides that bills that are privileged can not be called up on Calendar Wednesday.

The SPEAKER. Yes; if the point is raised.

Mr. FITZGERALD. If the bill is privileged, then it can be called up any time after the approval of the Journal. A motion would be in order that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. HINDS. Whether this bill is privileged or not, I take it, would not figure in this discussion.

The SPEAKER. No; it would not. I was asking for my own satisfaction.

Mr. HINDS. As to the question raised by the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Illinois [Mr. MANN], no one appreciates better than I do the logical force of the objection that this Union Calendar bill would not have been in order to-day on a call of committees had the committee been called. But on yesterday this bill passed to a new estate when we adjourned. It passed to the estate of unfinished business. It was, so to speak, naturalized in a new order, a new class, which has always been treated under rules governing that class especially, the rules as to unfinished business. To-day that bill stands before us as unfinished business, and while there is some logical difficulty, yet it seems to me plain that for the orderly transaction of business and for the avoidance of obstruction it would be best for the law of this House if the origin of this bill were forgotten and it were treated only in its present estate, the estate of unfinished business. Under the rules and practice of this House the unfinished business on a call of committees has always been first in order on the renewal of the call of committees.

Mr. CRUMPACKER. Mr. Speaker, the rule creating Calendar Wednesday excludes the consideration of privileged bills. If the gentleman from Maine is right in his interpretation of the rule, suppose under the ordinary call of committees a privileged bill is called up for consideration. Of course the ordinary call of the calendar does not exclude privileged bills. Suppose a privileged bill is called up for consideration and is not finished, then, under the theory of the gentleman, the next Calendar Wednesday we would have to take up that privileged bill as unfinished business, when the rule expressly says that privileged measures shall not be considered on Calendar Wednesday. Would not that be the result?

Mr. HINDS. Mr. Speaker, that would be the result, and the gentleman has correctly stated the case, but in the history of this House in the last 10 years I can not remember any case where any Member being in charge of a privileged bill, which is virtually having the ability to send that bill by fast express, has ever wished or ever tried to put that bill into the slow, local accommodation train which this procedure to-day affords.

Mr. CRUMPACKER. Suppose the calendar is called on Tuesday, and a privileged bill is considered and not finished, it then may displace all nonprivileged measures on Calendar Wednesday.

Mr. HINDS. It is conceivable that a high question of privilege like an impeachment—like an election case or any other of those high cases—might be called up on a call of committees. That is conceivable, but any man who has been in this House for the last 15 or 20 years will know this House never does that, and it does not seem to-day that we ought to bring up into argument a state of things which arises from a conceivable case but not from a probable case.

Mr. HENRY of Texas. Mr. Speaker, is not the bill of the gentleman from Florida [Mr. SPARKMAN] a privileged bill which can be called up by the gentleman?

The SPEAKER. The Chair declines to pass upon that question at present because he has not examined the bill. That question is not involved in this particular matter that is pending here now.

Mr. HENRY of Texas. I suggest that the gentleman call up the bill as a privileged bill. I think it is privileged under the rule.

The SPEAKER. The question is simply where the call rests.

Mr. MANN. Mr. Speaker, in reply to what my distinguished friend from Maine [Mr. HINDS] has stated—and there is no one in this House whose opinion on a matter of parliamentary law has greater weight—the gentleman from Maine, however, suggests that no one would ever use the process suggested by the gentleman from Indiana [Mr. CRUMPACKER].

Suppose some one wanted to cut out Calendar Wednesday, and should happen to have charge of an appropriation bill, and his committee could be reached on the day before Calendar Wednesday. Such a thing might easily happen; and suppose he should call up the appropriation bill on Tuesday. It is the unfinished business at the close of Tuesday, we will say, and, under the contention of the gentleman from Maine, it would be the unfinished business on Wednesday—on Calendar Wednesday—to be considered during the entire day of Wednesday, and absolutely cut out the ordinary business of Calendar Wednesday.

Mr. HINDS. Mr. Speaker, I will admit that might be done; but the question of consideration would control and save the House, unless it might be that the majority of the House wished to obstruct; and when the majority of the House wishes to obstruct, all rules and all principles pass into abeyance.

Mr. MANN. Well, not quite, because the rules provide that it takes a two-third vote to dispense with Calendar Wednesday; but, under the procedure suggested, a majority vote could do it, and even then a man who voted would be in the position of voting against the consideration of a great appropriation bill.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union——

The SPEAKER. If the gentleman from Florida will withhold that motion, the Chair desires to settle this point of order, and then he will recognize the gentleman.

Mr. CRUMPACKER. Mr. Speaker, I desire to discuss this question briefly. It occurs to me that these two paragraphs of Rule XXIV provide for altogether different methods of procedure. Paragraph 4 provides for the call of calendars regularly, but under that procedure the matter called up may be privileged or nonprivileged, provided it is on the House Calendar. The abuse that paragraph 7 was intended to cure was that the calendars of the House became loaded with privileged measures which occupied all the time, and there was no call of the calendar at all and no opportunity to bring up bills under that procedure, and paragraph 7 was adopted as an amendment to the rules generally. That paragraph does not in express terms repeal paragraph 4; it does not refer to it; and if there is a repeal of any part of paragraph 4 it is by implication. Repeal by implication never occurs where the two paragraphs can be construed so that both shall stand. Now, paragraph 7 provides for a call of the calendar on Wednesday, and it includes bills on the House Calendar as well as bills on the Union Calendar. It prohibits, also, the consideration of privileged measures which may be considered under the general call of the calendar under paragraph 4. Paragraph 7 provides for a different procedure and a consideration of a different class of measures. It was designed to bring to the membership of the House an opportunity once in each week to have the committees called regularly for consideration of a certain class of bills, not bills that are in order on the general calendar, but a particular class of bills, and therefore the procedure is of a different character on Calendar Wednesday from what it is under the ordinary call of the calendar. Therefore a bill that is unfinished on Calendar Wednesday is not the unfinished business on the next call of the calendar, but must wait until the next Calendar Wednesday. That is so from the very nature of things, because on Calendar Wednesday may be considered bills which are not in order upon any other call of the calendar.

On the ordinary call of the calendar, aside from Calendar Wednesday, there may be considered bills that are not in order on Calendar Wednesday, so that the ordinary call of the calendar is altogether different and disconnected with Calendar Wednesday. It seems to me that it is a very clear proposition. Each proceeding has its own characteristics, its own functions, and the work of yesterday is not the unfinished business of to-day; the call of yesterday has nothing to do with the call of to-day, because the call of to-day is under an altogether different and independent rule of procedure.

Mr. BUTLER. Where does the call rest?

Mr. CRUMPACKER. The call rests where it rested at the last call of the regular calendar, not of Calendar Wednesday, and if there has been no call of the calendar at this session of Congress the call would begin in the order of committees as they appear upon the record.

Mr. DALZELL. The call rests now with the Committee on Rivers and Harbors.

Mr. CRUMPACKER. That is the Calendar Wednesday call rests there, but we are not doing Calendar Wednesday's business to-day; we are not operating under the Calendar Wednesday rule to-day; we are operating under an altogether different rule, one that will not permit business that may be in order on Calendar Wednesday. We can do to-day business that we can not do on Calendar Wednesday. It seems to me there is hardly any rule of construction that would hold that part of Calendar Wednesday rule should operate to-day, unless all of it should operate.

Mr. DALZELL. But the gentleman must recollect that yesterday the calendar was called and that all the business on the calendar reported by committees and subject to call prior to the report of the bill by the Committee on Rivers and Harbors

was disposed of. Therefore, the call rests to-day with the Committee on Rivers and Harbors, and if the Committee on Rivers and Harbors can not go on to-day with the bill that they had up yesterday because it comes from the Union Calendar, they have the right to call up a bill from the House Calendar. And the result of that is that a committee under that construction of the rule will be allowed to mortgage two days instead of one. That is to say, for instance, the Committee on Rivers and Harbors calls up to-day a bill from the House Calendar; it has the right to occupy every day of this session devoted to a call of committees until it finishes that bill, except Wednesday, but when next Wednesday comes it has an unfinished bill on the calendar for Wednesday, and it has a right to occupy every Calendar Wednesday until that bill is finished, and that committee under those circumstances has two chances as against every other committee in the House. The rule was never intended to operate in that way.

Mr. CRUMPACKER. Just a word in answer to that statement. The call is being made to-day in the same manner as though there were no Calendar Wednesday at all. Calendar Wednesday is a different thing. It is peculiar in its nature. The call, in my judgment, should be as if there were no Calendar Wednesday. There is no connection between the call on Calendar Wednesday and the call of the committees to-day.

The SPEAKER. The Chair is ready to rule. The arguments brought out by most of the parliamentarians in the House seem to show that they are of one accord on the main proposition. The Chair wished to have the matter settled so that we would not have any more trouble about it during this Congress. Now, they agree practically with the ruling of Speaker CANNON in the last Congress, namely, that the call rests where it left off yesterday, namely, with the Committee on Rivers and Harbors, and the Chair so rules.

Mr. SPARKMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPARKMAN. Do I understand that we proceed where we left off yesterday?

The SPEAKER. The gentleman can not call up a bill on the Union Calendar under this call. That is clear to the mind of the Chair, and the rules so state. This call is confined to the House Calendar. Now, if it turns out at the proper time that the gentleman makes a motion to go into the Committee of the Whole House on the state of the Union to consider that bill, the Chair might hold the motion to be in order. The Chair will not pass upon the question at this time.

Mr. SPARKMAN. That is at the end of one hour, is it not?

Mr. HINDS. Mr. Speaker, I do not wish to carry the contention beyond the bounds of reason. The Chair states that the gentleman from Florida [Mr. SPARKMAN] can not call up a bill on the Union Calendar. I ask if this bill is on the Union Calendar or in the Committee of the Whole now?

The SPEAKER. This bill is on the Union Calendar.

Mr. HINDS. That is, the motion which he proposes to make—I could not hear it—is to go into Committee of the Whole?

The SPEAKER. The motion of the gentleman is to go into the Committee of the Whole. However, as a matter of fact, he has not made it.

Mr. HENRY of Texas. He does not intend to make it for an hour.

Mr. HINDS. I will waive that, and perhaps at the end of an hour it will work out all right.

The SPEAKER. The bill that was under consideration yesterday, in the opinion of the Chair, is the unfinished business on next Calendar Wednesday. Now, after the House disposes of any business that it has to do, the Chair, as it appears, would be inclined to rule anybody could get the floor if we had reached a bill on the Union Calendar especially, but at present the call takes up bills on the House Calendar. That is the ruling of the Chair, and the Clerk will proceed with the call of committees.

The Clerk proceeded with the call of committees.

During the call, the following occurred:

Mr. LAMB. Mr. Speaker, on the call of the Committee on Agriculture, I wish to take up a bill.

The SPEAKER. The Committee on Agriculture, the Chair will state to the gentleman from Virginia, has been passed.

Mr. LAMB. Mr. Speaker, I was walking down the aisle in order to listen to the call, and I could not hear a call of the Committee on Agriculture.

The SPEAKER. The Chair will state again that the Committee on Agriculture has been called and passed.

Mr. PEPPER. The Committee on Military Affairs has not been passed as yet, has it?

DEATH OF REPRESENTATIVE GORDON.

Mr. SIMS. Mr. Speaker, it is with profound sorrow that the delegation from the State of Tennessee has learned of the death of Hon. GEORGE W. GORDON, one of our distinguished colleagues.

At a later day I will ask the House to set apart a time to commemorate by proper exercises his life, character, and public services. At this time I offer the resolution which I send to the Clerk's desk, and ask for present consideration of the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 274.

Resolved, That the House has heard with profound sorrow of the death of Hon. GEORGE W. GORDON, a Representative from the State of Tennessee.

Resolved, That a committee of 18 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER announced the following committee on the part of the House:

Mr. RICHARDSON, Mr. LAMB, Mr. TAYLOR of Alabama, Mr. CRAVENS, Mr. PADGETT, Mr. HOUSTON, Mr. GARRETT, Mr. HULL, Mr. BYRNS of Tennessee, Mr. AUSTIN, Mr. SELLS, Mr. PRINCE, Mr. THISTLEWOOD, Mr. TILSON, Mr. KAHN, Mr. BRADLEY, Mr. ANTHONY, and Mr. SLEMP.

LEAVE OF ABSENCE.

Mr. OLDFIELD, by unanimous consent, obtained leave of absence indefinitely, on account of the serious illness of his mother.

WITHDRAWAL OF PAPERS.

Mr. DENT, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of the bill for the relief of George P. Heard, Sixty-first Congress, no adverse report having been made thereon.

DEATH OF REPRESENTATIVE GORDON.

The SPEAKER. The Clerk will report the additional resolution.

The Clerk read as follows:

Resolved, That, as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to; thereupon (at 1 o'clock and 31 minutes p. m.) the House adjourned until to-morrow, Friday, August 11, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Assistant and Chief Clerk for the Secretary of War, transmitting, pursuant to act of March 3, 1909, letter from Acting Chief Signal Officer of the Army, reporting expenditures in connection with the extension of the Washington-Alaska military cable and telegraph system (H. Doc. No. 101), was taken from the Speaker's table, referred to the Committee on Expenditures in the War Department, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERHILL: A bill (H. R. 13443) providing for the erection of a public building at the city of Hornell, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13444) providing for the erection of a public building at Waterloo, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. MOON of Tennessee: A bill (H. R. 13488) to reduce postage on matter of the fourth class and create a rural delivery parcels post; to the Committee on the Post Office and Post Roads.

By Mr. McKINLEY: A bill (H. R. 13489) to provide for increased annual appropriations to the several States for the agricultural colleges established under the provisions of an act approved July 2, 1862, and for the demonstration of practical and scientific methods of agriculture; to the Committee on Agriculture.

By Mr. SHACKLEFORD: A bill (H. R. 13491) providing that the United States shall in certain cases make compensation for the use of certain public roads of the States for the purpose of transporting free rural delivery mails; to the Committee on Appropriations.

By Mr. MADISON: Joint resolution (H. J. Res. 149) proposing an amendment to the Constitution providing that judges of inferior courts shall hold their offices during a term of 10 years; to the Committee on the Judiciary.

By Mr. SABATH: Joint resolution (H. J. Res. 150) approving the present project on the part of the State of Illinois, through her agencies, the city of Chicago and the Sanitary District of Chicago, now nearing completion, for the widening, deepening, and otherwise improving the South Branch of the Chicago River to a uniform width of 200 feet, and for the removal of all obstructions therein to a free and easy navigation of said South Branch of the Chicago River, and further declaring the Metropolitan West Side Elevated Railroad bridge, crossing said South Branch of the Chicago River near Van Buren Street in said city of Chicago, an obstruction to navigation; to the Committee on Rivers and Harbors.

By Mr. POST: Concurrent resolution (H. Con. Res. 17) to adjourn present session; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Resolution (H. Res. 275) to pay certain employees for services out of contingent fund; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 13445) granting an increase of pension to Frederick Rehberg; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 13446) for the relief of Amos L. Griffith; to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 13447) granting a pension to Frederick M. Miller; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 13448) granting a pension to D. W. Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13449) granting a pension to William Onstott; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 13450) for the relief of the heirs of Waldo M. Potter, deceased; to the Committee on Claims.

By Mr. HOWLAND: A bill (H. R. 13451) granting an increase of pension to Charles Stearns; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 13452) for the relief of Fred W. Lamb; to the Committee on Claims.

By Mr. LANGHAM: A bill (H. R. 13453) granting an increase of pension to Isaac Miller; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 13454) granting an increase of pension to Reuben S. Sams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13455) granting an increase of pension to George W. Branham; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 13456) granting a pension to Henry Hempen; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13457) granting an increase of pension to Ruth P. Pierce; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 13458) granting a pension to Louisa Carson; to the Committee on Pensions.

Also, a bill (H. R. 13459) granting a pension to Edward Dzengolewski; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13460) granting a pension to Jennie Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13461) granting an increase of pension to Herman Ziegler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13462) granting an increase of pension to Silas A. Boling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13463) granting an increase of pension to Benjamin T. Bradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13464) granting an increase of pension to Thomas M. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13465) granting an increase of pension to Frank Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13466) granting an increase of pension to John P. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13467) granting an increase of pension to Robert H. Church; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13468) granting an increase of pension to James De Grote; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13469) granting an increase of pension to John Eyman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13470) granting an increase of pension to James J. Ferguson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13471) granting an increase of pension to Elias W. Folsom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13472) granting an increase of pension to William J. Gorline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13473) granting an increase of pension to Benjamin F. Gregory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13474) granting an increase of pension to Henry J. Jamison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13475) granting an increase of pension to John Piper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13476) granting an increase of pension to Martin H. Robbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13477) granting an increase of pension to James Skanes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13478) granting an increase of pension to George R. Sutton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13479) for the relief of Charles F. Held; to the Committee on Military Affairs.

Also, a bill (H. R. 13480) for the relief of John H. Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 13481) for the relief of Emma T. Reid, widow of John B. Reid; to the Committee on War Claims.

Also, a bill (H. R. 13482) to correct the military record of Edward L. Friday; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 13483) granting an increase of pension to John K. Ricker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13484) for the relief of Charles C. Hartsell; to the Committee on Military Affairs.

By Mr. STEPHENS of California: A bill (H. R. 13485) granting an increase of pension to Stilson E. Willard; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 13486) granting an increase of pension to Ann Hickox; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 13487) granting an increase of pension to James H. Lile; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 13490) granting a pension to Maud Johnson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Georgia: Petitions and memorials urging the passage of House bill 9449, to amend the Hepburn Act; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petitions of John B. Kern & Sons and the Milwaukee Millers' Association, protesting against placing flour on the free list; to the Committee on Ways and Means.

By Mr. ESCH: Resolutions of the Retail Lumber Dealers' Mutual Insurance Association of Wisconsin, indorsing House joint resolution 97; to the Committee on Appropriations.

By Mr. FULLER: Petition of citizens of Ottawa, Ill., for the creation of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of numerous citizens of Grand Forks and East Grand Forks, N. Dak., favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of numerous residents of the Williston land district of North Dakota, asking relief from the public land law acts of 1909 and 1910; to the Committee on the Public Lands.

Also, petition of seven business men and firms of Kulm, N. Dak., opposing a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HAUGEN: Petition of citizens of Hawkeye, Iowa, opposing a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: Petition from 16 citizens of Omaha, Nebr., against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of certain citizens of Port Huron, Mich., asking that an investigation of the management of the Federal prison at Fort Leavenworth, Kans., be made; to the Committee on Military Affairs.

By Mr. SABATH: Resolution of District Grand Lodge, No. 2, Independent Order of B'nai B'rith, relative to the treatment of American citizens of Jewish faith by the Russian Government; to the Committee on Foreign Affairs.

By Mr. UNDERHILL: Resolution of District Grand Lodge, No. 2, Independent Order of B'nai B'rith, relative to the treatment of American citizens of Jewish faith by the Russian Government; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *August 11, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

NEW MEXICO AND ARIZONA—PERSONAL EXPLANATION.

Mr. BRISTOW. Mr. President, I desire to make a personal statement.

In the report sent out by the Associated Press as to the vote on the statehood bill the statement was made that I voted against the bill proposing to admit those Territories as States. It was wrong. I voted for it, but a contrary statement has been given very wide publicity. There was no possible excuse for any reporter who has the privileges of the floor or of the gallery making the mistake. The RECORD distinctly shows how the vote was cast, and I wanted to make this statement in order that the facts might be properly given to the country and emphasized in some way.

Mr. SMITH of Michigan. Mr. President, I am glad the Senator from Kansas has made that announcement, though his position was not misunderstood by anyone on the floor of the Senate or in committee, because there has been no more zealous friend of the admission of Arizona and New Mexico, either on the committee or in the Senate, than the Senator from Kansas. I am very glad, indeed, to give him proper credit for his patriotic attitude upon this question.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 7263) to authorize the counties of Bradley and McMinn, Tenn., by authority of their county courts, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said counties, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 7693. An act to authorize the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 11022. An act to authorize the bridge directors of the Jefferson County bridge district to construct a bridge across the Arkansas River, at Pine Bluff, Ark.;

H. R. 12051. An act for the relief of the city of Crawford, in the State of Nebraska; and

H. J. Res. 14. A joint resolution to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

PETITIONS AND MEMORIALS.

Mr. MARTIN of Virginia presented a petition of the Religious Society of Friends, of Richmond, Va., praying for the ratification of treaties of arbitration between the United States, Great Britain, and France, which was referred to the Committee on Foreign Relations.

Mr. BROWN presented a memorial of the Commercial Club of Omaha, Nebr., remonstrating against the passage of the so-called cold-storage bill, which was referred to the Committee on Manufactures.

Mr. OLIVER presented a petition of Patterson Jobes Post, No. 555, Department of Pennsylvania, Grand Army of the Republic, of Claysville, Pa., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of Local Division No. 2, Ancient Order of Hibernians, of Greenville, Pa., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Luzerne County Pharmaceutical Association, of Pennsylvania, remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

DUTY ON LEMONS.

Mr. PERKINS. Mr. President, I present telegraphic memorials from citizens and commercial organizations of California, protesting against the enactment of any legislation placing lemons on the free list. They state that facts and figures are now being gathered together which will shed new light on this question and which they believe will make it apparent to all that free lemons will work irreparable damage to California, will deprive the country of a large revenue, and will not reduce the price of lemons to the consumer anywhere in the United States. This data will be ready in a short time, and my constituents ask that they be given an opportunity to present it to Congress and to appear before the Committee on Finance before any action is taken affecting the duty on lemons. I ask that the telegrams, which I send to the desk, be laid on the table and that a list of the signers be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table, and the list of signers was ordered to be printed in the RECORD, as follows:

Fernando Fruit Growers' Association, Fernando, Cal.; Azusa Foothill Citrus Association, Azusa, Cal.; Semi-Tropic Fruit Co., Los Angeles, Cal.; Whittier Citrus Association, Whittier, Cal.; H. H. Granger, Chula Vista, Cal.; W. R. Salter, Chula Vista, Cal.; P. C. Drescher Association, Oroville, Cal.; Keen & Co., La Mesa, Cal.; Queen Colony Fruit Exchange, Corona, Cal.; Corona Lemon Co., Corona, Cal.; Azusa Citrus Association, Azusa, Cal.

TUG FORK BRIDGE, WEST VIRGINIA.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 11477) authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va., and I submit a report (No. 134) thereon.

Mr. WATSON. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Virginia.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTINE of New Jersey:

A bill (S. 3199) granting an increase of pension to Edward P. Thorn (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 3200) to correct the military record of Charles Haskins; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 3201) for the relief of Marion B. Patterson; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 3202) granting a pension to Minnie A. Curtis (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3203) to authorize the sale of certain lands within the Umatilla Indian Reservation to the city of Pendleton, Oreg.; to the Committee on Indian Affairs.

By Mr. WATSON:

A bill (S. 3204) granting an increase of pension to Job Snyder; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 3205) granting an increase of pension to Henry Dye; and

A bill (S. 3206) granting an increase of pension to John Gorman; to the Committee on Pensions.

A bill (S. 3207) for the relief of Frank Kearney (with accompanying paper); to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 3208) granting an increase of pension to William T. Kinerson (with accompanying papers); and

A bill (S. 3209) granting an increase of pension to George R. Waterman (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3210) granting an increase of pension to Paul Lemm (with accompanying paper); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 3211) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy; to the Committee on Naval Affairs.

By Mr. JONES:

A joint resolution (S. J. Res. 53) authorizing the President to cause a survey or surveys to be made to ascertain and determine the most practicable and feasible route for a railroad

between certain points in Alaska, and for other purposes; to the Committee on Territories.

THE COTTON SCHEDULE.

Mr. BRISTOW submitted five amendments intended to be proposed by him to the bill (H. R. 12812) to reduce the duties on manufactures of cotton, which were ordered to lie on the table and be printed.

HOUSE BILL REFERRED.

H. R. 7263. An act to authorize the Counties of Bradley and McMinn, Tenn., by authority of their county courts, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said counties, was read twice by its title and referred to the Committee on Commerce.

THE COTTON SCHEDULE.

Mr. OVERMAN. I present a letter and ask that it be read from the desk and printed in the RECORD.

The VICE PRESIDENT. Without objection, the Secretary will read the letter presented by the Senator from North Carolina.

The letter was read and ordered to lie on the table, as follows:

FLINT MANUFACTURING CO.,
Gastonia, N. C., August 8, 1911.

Hon. LEE S. OVERMAN,
Washington, D. C.

DEAR SIR: On April 19, in answer to a letter I had written you relating to the tariff on cotton goods, you wrote that you did not believe the cotton schedule would be taken up this session of Congress, but when it was taken up for me to write you fully my views.

As this schedule has been taken up, I am again writing you.

Without trying to discuss the right or wrong of a protective tariff, what confronts the manufacturer of North Carolina to-day is that we have built a number of mills for making fine yarns and cloth, and these mills have paid a high rate of duty on their machinery, which mills would not have been built, nor could they have been operated at all, without a protective tariff on their product.

Now, since millions of dollars have been invested in these enterprises under a high protective tariff, will it not be a great wrong to at one stroke of the pen blot them out of existence by cutting the duty in half and allowing other countries who are old and experienced in the business and who hire their labor for half what we have to pay and with no duty on machinery to come in and take this business away from us?

Yes; but some say that we can compete with the world, which may be true on some of the coarser grades, where the labor cost per pound is small, but on fine yarns from 40's to 80's and above this talk is foolish.

England to-day is paying on yarns Nos. 40s to 80s 12 to 24 cents per pound duty, and imported for the year ending June 30, 1910, $2,563,729, which shows that the present tariff is not prohibitive, and that if you lower the present tariff on fine yarns there will be a larger increase in imports.

The fine-yarn mills of the South are to-day, many of them, running on short time, and we are having a hard time, some losing money.

In the face of all this to commence tariff tinkering and agitation at this time seems to me to be very unwise.

The above imports figures, of course, cover twisted yarns, colored and mercerized, and some of the radical reformers will say these yarns do not affect the South.

Yes; but they do; nearly all the fine-yarn mills twist their yarns, and while they sell them in the gray, they are sold largely to converters, who mercerize, bleach, dye, and resell.

Now, if this yarn is imported from England already finished, it will take that much business away from our converters, and, consequently, we will be unable to supply them with yarn.

Some time ago I stepped into an importer of fine yarn's place of business in New York, and showed samples of 60s to 80s fine-combed yarn. He looked at the samples, was pleased with the spinning, and asked the price. I was informed that my price was 1 cent per pound too high; that he could pay the duty—15 to 24 cents per pound—and undersell me.

Now, it does not take a college graduate to tell what will happen, or how soon, if this duty was removed or even cut in half.

There was last year made in the South $8,000,000 worth of fine yarns, 40s to 80s, and if you cut the duty in half it is my firm belief that you will close every one of these mills.

These mills are not oppressing the country. They are in no trust. On account of the sharp competition among themselves for business yarns are selling for cost, and in some cases, where the mills are about to go into the hands of a receiver—and they are numerous—yarns have sold below cost of production.

Again, the manufacture of fine yarns, especially combed yarns, is just in its infancy in the South; in fact, it was almost unheard of seven or eight years ago, but for the past five years 20 to 30 small mills, 5,000 to 10,000 spindles each, have been built or equipped for these fine yarns.

These spindles, as above stated, would never have been in operation had it not been for a tariff, and a high one at that, but not high compared with the wool schedule.

Now, in the face of these cold, hard facts, since these newly built cotton mills, on a new kind of goods, not experienced, like our English brethren in manufacturing, are struggling in a death grapple to keep from losing money and keep the sheriff's notice off their doors, would it not be better to let the cotton schedule alone for the present, or change it but very little?

I trust, if reduction is necessary, that it will be done gradually, covering a period of years, and that a reduction at the same time be made on machinery.

With best wishes, I am,
Yours, very truly,

FLINT MANUFACTURING CO.,
By L. P. GROVES, *Treasurer.*

The VICE PRESIDENT. Is there further morning business? If not, the morning business is closed.

Mr. CUMMINS. I move that the Senate proceed to the consideration of Senate bill 854.

Mr. LA FOLLETTE. Will the Senator from Iowa withhold his motion for just a moment?

Mr. CUMMINS. I will withhold it.

Mr. LA FOLLETTE. Mr. President, I wish to submit a proposition for unanimous consent.

The VICE PRESIDENT. The Senator from Wisconsin presents a proposition for unanimous consent, which the Secretary will read.

The Secretary read as follows:

It is agreed, by unanimous consent, that on August 16, 1911, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton, and that before adjournment on that legislative day the Senate will vote upon the amendment then pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition.

Mr. LA FOLLETTE. Mr. President, I do not wish to take the time of the Senate for one moment this morning to say anything upon this proposition further than that it allows three full days for debate before we reach the legislative day fixed in the request, and thereafter, if it is necessary, in order to give all Senators an opportunity to be heard, the debate can run along, by taking recesses, until there shall be a full chance for every Senator to be heard who desires to submit any remarks upon this schedule.

I hope there will be no opposition to the proposed agreement.

The VICE PRESIDENT. Is there objection to the entry of the order?

Mr. OVERMAN. Mr. President, this seems to me to be an unusual and extraordinary proceeding. I do not think I have ever heard, since I have been here, a request for unanimous consent presented to the Senate to vote on a bill before it had been even discussed. It may have been done, but I have no recollection of it. After a bill has been discussed somewhat, then there is usually a request for unanimous consent to vote on a particular day. In this case there has been no argument at all on the bill.

Mr. LA FOLLETTE. Let me suggest to the Senator from North Carolina that while the reciprocity bill was still being debated by the Senate at the present session a unanimous-consent agreement was arrived at for the fixing of a day to vote on the wool schedule, on the free-list bill, on the apportionment bill, and on the statehood resolution.

Mr. OVERMAN. Was that done before any discussion?

Mr. LA FOLLETTE. It was done before any debate on this floor and before the bills were before the Senate.

Mr. OVERMAN. I will object now.

The VICE PRESIDENT. The Senator from North Carolina objects?

Mr. OVERMAN. I do.

Mr. LA FOLLETTE. Then, Mr. President, I will submit this same request to-morrow, and I will say to Senators just a word upon the proposition, that for one I shall contend that the Senate remain in session and debate the cotton schedule day after day until a vote is reached upon it.

Mr. OVERMAN. Will the Senator also say that he will contend for a continuation of the session until we have other schedules debated and considered?

Mr. LA FOLLETTE. I am in favor of disposing of every schedule which is sent to us from the House at this session, and I am in favor, Mr. President, of adding to the cotton schedule the revision of the steel schedule prepared by my friend from Iowa [Mr. CUMMINS] and the revision of the sugar schedule prepared by my friend from Kansas [Mr. BRISTOW], in order to insure that at least these three schedules shall be yet considered and disposed of by the Senate before final adjournment.

Mr. OVERMAN. I am preparing a revision of the chemical schedule. Will the Senator agree to consider that?

Mr. LA FOLLETTE. I will agree to consider every schedule of the tariff law which can be presented to the Senate by anyone here who can offer a complete revision.

Mr. OVERMAN. Does the Senator mean as amendments to the cotton schedule?

Mr. LA FOLLETTE. As amendments to the cotton schedule. If the Senator from North Carolina can prepare a revision of the chemical schedule which he is willing to present here, I for one shall be very glad to consider it. I know it to be one of the most complicated and difficult schedules to undertake the revision of in the entire tariff list.

NATIONAL MONETARY COMMISSION.

Mr. CUMMINS. I renew my motion.

The VICE PRESIDENT. The Senator from Iowa moves that the Senate proceed to the consideration of Senate bill 854.

The motion was agreed to.

OSAGE INDIAN ALLOTMENTS.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I shall be pleased to yield.

Mr. OWEN. I have in charge a very important local bill affecting the Osage Indians, which it will take only a few minutes to dispose of. It is an administration measure; it is asked for by the Secretary of the Interior. A similar bill was passed by the Senate at the last session. I think there will be no debate whatever on it, and I ask unanimous consent to dispose of this measure, with the understanding that it will lead to no debate.

Mr. CUMMINS. I have no objection to the suggestion made by the Senator from Oklahoma, provided the bill he has mentioned will not provoke any debate.

Mr. OWEN. I agree, Mr. President, that it shall not involve any debate.

Mr. CUMMINS. I can not agree to have the bill considered at this time if it will lead to debate.

The VICE PRESIDENT. The Senator from Oklahoma couples with his request for unanimous consent the statement that should debate arise in consequence of the consideration of the bill he will withdraw it. Is there objection? The Chair hears none. The Secretary will read the bill for information.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, which had been reported from the Committee on Indian Affairs with an amendment in section 11, page 8, line 7, after the words "Secretary of the Interior," to insert:

Provided, That the provision in the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes," approved June 7, 1897 (30 Stat. L., 90), limiting the amount of money to be expended for salaries of regular employees at any one agency shall not hereafter apply to the Osage Agency.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL MONETARY COMMISSION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

Mr. BURTON. Mr. President, I offer an amendment as a substitute for the pending bill, and ask that it be read.

The VICE PRESIDENT. The Senator from Ohio offers an amendment in the nature of a substitute for the pending bill, which the Secretary will read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert the following:

That the National Monetary Commission, authorized by certain sections of an act to amend the national banking laws, approved May 30, 1908, is hereby directed and required to make and file a report on or before the 10th day of January, 1912.

SEC. 2. That the first paragraph under the subject "Legislative," on page 28 of an act (Public, No. 327, H. R. 28376, 60th Cong., 2d sess.), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes," approved March 4, 1909, reading as follows: "That the members of the National Monetary Commission, who were appointed on the 30th day of May, 1908, under the provisions of section 17 of the act entitled 'An act to amend the national banking laws,' approved May 30, 1908, shall continue to constitute the National Monetary Commission until the final report of said commission shall be made to Congress; and said National Monetary Commission are authorized to pay to such of its members as are not at the time in the public service and receiving a salary from the Government, a salary equal to that to which said members would be entitled if they were members of the Senate or House of Representatives. All acts or parts of acts inconsistent with this provision are hereby repealed," be, and the same is, hereby repealed.

Also to amend the title so as to read: "A bill to require the National Monetary Commission to make a report on or before the 10th day of January, 1912, and to repeal the first paragraph under the subject 'Legislative' of an act entitled 'An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes,' approved March 4, 1909."

Mr. BURTON. I ask that the amendment be printed and lie on the table, and also that it be printed in the RECORD.

The VICE PRESIDENT. Certainly; that is done without special request. The Chair understands the Senator from Ohio offers the amendment and does not simply submit it. It is the pending amendment.

Mr. BURTON. I offer the amendment.

The VICE PRESIDENT. The Chair so understands.

Mr. BURTON. Mr. President, there has been no extended discussion in Congress on the subject of monetary legislation since the act passed May 30, 1908, notwithstanding the fact that these subjects assume the utmost importance. It is desirable that legislation be enacted relating to currency and to banking, and I trust these topics may be considered by the Congress at its next session.

When interrupted yesterday I was explaining the fact that our currency question had never been considered as an independent proposition, and that up to the present time all legislation relating to this subject was passed more to meet certain exigencies than to provide a complete and comprehensive system. One illustration of this fact which I gave was the issue of greenbacks during the Civil War. Other illustrations are the national banking system, adopted in 1863, and the silver acts of 1878 and 1890.

There has been much discussion of the necessity and wisdom of issuing legal tender during the Civil War. Some students, after careful consideration of these problems, have asserted that such issue was entirely unnecessary; that the war could have been prosecuted to its completion without it.

To make clear the situation as it then existed and to establish the point that at no time has Congress considered the question of currency independently, I desire to refer briefly to the conditions which made the issue of greenbacks a necessity. The first condition was the enormous increase in the expenditures of the Federal Government occasioned by the war. The second was the inability of the Government to prosecute extended military operations while relying upon an exercise of the borrowing power to provide for the expense. The third was the utter insufficiency of the currency system of that day to meet the increased demands.

Mr. President, I desire to call attention to the fact that while in the year preceding the war the total expenditure was only $66,000,000, in the next year it had reached $474,000,000, or over seven times as much. I think it can be stated without fear of contradiction that the Treasury of the United States was confronted by conditions altogether more difficult than has ever occurred in the financial history of any country. It was not until the Government was practically bankrupted, it was not until the currency system had broken down and the expenses were seven times as much as in the preceding year, that the issue of legal tender was resorted to.

It has often been stated that the discussion in Congress over the issue of greenbacks showed great ignorance of the problems of banking and currency, but an examination of the debates at that time disproves these statements. It is true that some arguments were made which were fanciful and others were ingenious rather than sound, but the dangers arising from the issuance of paper money by the Government were clearly pointed out. Many warning voices were raised against the proposed form of currency. Mr. Pendleton and others argued against the measure on constitutional grounds. Mr. Morrill opposed the bill, but especially insisted that the amount of the issue should be limited. He said:

I would as soon provide Chinese wooden guns for the Army as paper money alone for the Army.

When the bill was urged as a necessity, he was oversanguine about the early termination of the war, and said:

The ice that chokes the Mississippi is not more sure to melt and disappear with the approaching vernal season than are the rebellious armies upon its banks when our western army shall break from its moorings and rush with the current to the Gulf.

He termed the bill "a measure not blessed by one sound precedent and damned by all."

Mr. Alley, of Massachusetts, supported the bill, but said:

Beneficent as this measure is as one of relief, nothing could induce me to give it sanction but uncontrollable necessity.

And, further:

If you do not adopt this measure, you will see the country flooded with irredeemable bank currency, a great deal of which will be found, as after the War of 1812, utterly worthless.

Mr. Horton, of Ohio, opposed the bill and prophesied: "If this bill passes, as I hope and pray it will not, this will be a

point from which we shall date a new financial system in the United States."

Mr. Roscoe Conkling, who was then a Member of the House of Representatives, said:

The Treasury will control and decide the war, not the war the Treasury * * *. Armies and navies may perish, and a public credit well preserved can replace them; but if the public credit perishes, the Army and Navy can only increase the disaster and deepen the dishonor.

He opposed the proposition to make paper a legal tender, on the ground that the Constitution authorized no proceeding of the kind. He argued also against what he termed the "moral imperfections" of the bill.

It will proclaim—

He said—

throughout the country a saturnalia for fraud; a carnival for rogues. * * *. Every debtor of a fiduciary character, who has received from others money—hard money worth a hundred cents on the dollar—will forever release himself from liability by buying up for that knavish purpose, at its depreciated value, the spurious currency which we shall have put afloat. Everybody will do it except those who are more honest than the American Congress advises them to be.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Ohio yield to the Senator from Michigan?

Mr. BURTON. Certainly.

Mr. SMITH of Michigan. What class of our currency was referred to?

Mr. BURTON. The greenback, the $346,000,000 now outstanding.

Mr. SMITH of Michigan. The prophecies of demoralization were hardly borne out by history.

Mr. BURTON. That is true; but I want to say, in this connection, the reason for that has been the very exceptional wealth of the country, the credit of the Government, and the very careful provision made by the resumption act of 1874–75 for redeeming these notes in gold. Under ordinary circumstances these prophecies might have been abundantly realized.

Mr. SMITH of Michigan. But those who were responsible for the original issue of greenback currency proposed to hedge it about not only with the honor of the country, but with such legislation as would forever guarantee that money as good as any obligation of the Government.

Mr. BURTON. They gave it every safeguard, such as the exchange for bonds, making it a legal tender for all debts, public and private, and allowing its deposit in the subtreasury in a manner to draw interest.

Mr. SMITH of Michigan. There never has been a time, I think, when the greenback currency has been especially burdensome to the Government. Of course, during the Cleveland administration, perhaps, the greenbacks were used for a purpose that was in its consequences more direful than any previous use or any use since that time which has been made of them. When our gold reserve was drawn out by it, it did provoke a very serious situation in the monetary world, and was especially harmful to the credit of our Government.

At that time, with some degree of modesty, I joined an innumerable band of patriots who felt that they had a remedy for that existing difficulty; and then I suggested a way by which that raid upon our gold reserve, which was made by means of the greenbacks, could be stopped. It could have been easily stopped if the Government had authorized the national banks to make the greenbacks a part of their lawful reserves. By making the greenback a part of their lawful reserve all of the outstanding greenbacks would have been taken up for a purpose decidedly useful. They were not at that time a part of the reserve, and the raid which was made on the Treasury through the presentation of these notes for redemption would have been avoided.

It is perhaps just as well that none of these extreme remedies were resorted to. The greenback has a standing among the American people that they will not willingly depart with or see weakened by any legislation or in any manner that has been suggested. For one I feel as though it is about as high a badge of national credit as anything we have in the shape of governmental assets.

Mr. BURTON. Mr. President, at some later time I may, perhaps, discuss the considerations so well presented by the Senator from Michigan. I am seeking now to explain the circumstances under which the greenbacks were originally issued, to show that it was in response to the exigencies of war and not as an independent attempt to solve the currency problem.

Let us now trace the later history of the greenback. The amount was increased so that the maximum at one time aggregated between $400,000,000 and $500,000,000. In a judicial decision, rendered in the later sixties, the Supreme Court declared that the legal-tender clause was unconstitutional; but that decision was later overruled by the same august body, since which time the legal-tender quality of the notes, whether provision be made for redemption in gold or not, has been universally assented to.

Another decision of the Supreme Court—in the case of Juillard, decided about 1878—establishes them still more firmly as a part of our currency system. The point was raised that these notes could only be valid and the legal-tender quality could attach to them only in case they were issued under the exigencies of war, but that, if issued in time of peace, they were subject to all the constitutional objections which were made before. In this case the decision, rendered by the Supreme Court with one dissenting member, was to the effect that in peace as well as in war it was within the power of the Government to issue these notes.

In 1878 an act was passed fixing the total amount of greenbacks in circulation at about $346,000,000, and now, for 33 years, that quantity has remained fixed and invariable.

There was at first provided a redemption fund of a hundred million dollars, with the right to issue bonds to redeem them. That right was exercised on a large scale by President Cleveland in his second administration.

In the year 1900 an act known as the Overstreet bill was passed fixing a gold reserve fund of $150,000,000, to be set aside for the redemption of these bonds. That is the law as it is at present.

I come now to a second class of currency—our national-bank notes issued by provisions of the national banking act of 1863—and I think it is easy to show that they also did not originate with the idea that they were a model form of currency. This system had been a pet idea of Secretary Chase. No doubt he, as well as other financiers and public men of the time, were very largely influenced by the deficiencies of our currency under the State banking system. But few if any of them had been sanguine enough to believe that Congress would pass a law for a national banking system. Such a measure would have immediately been confronted with the opposition of all those who believed in State rights and in a strict interpretation of the Constitution. It is only in case of some great event, such as the Civil War, that a measure of this kind could have been passed. It is surprising to note how much of the framework of public policies or legislation rests upon laws or constitutional provisions adopted while there were armies in the field or under the influences resulting from war or similar great emergencies.

The issuance of the greenback may be said to be one of them; the national banking system is another. But the primary object of this system was not to provide currency. It was to sustain the life of this Government by affording an opportunity for the sale of its bonds. In the beginning national banks were compelled to invest the larger share of their capital in bonds of the United States, a regulation which was not changed until many years afterwards. They were also regarded as a convenient agency for assisting the Government in the collection of its debts and the payment of its obligations. It would perhaps be too strong a statement to say that the issuance of currency by national banks was a mere incident of the system, but it is safe to affirm that the main object and reason for their formation was not to provide an adequate currency system.

Mr. President, I have sought thus to show that two of the most prominent forms of our currency became part of our monetary system under circumstances such that the consideration of the best way to provide for bank notes or for any form of money could not receive adequate attention.

I come now to a third form, namely, the silver dollars and the silver certificates. Mr. President, we all recall the history of that bitter controversy. Even the youngest of us can remember the days of 1896. From the very beginning the silver dollar had been legal tender at a fixed ratio with gold. From about 1835 until the commencement of the Civil War the ratio of 16 to 1 prevailed, though the question of the correct ratio was theoretical rather than practical until the act of 1873.

What was the fact during the years of the Civil War? The 16 units of silver in a silver dollar were worth more than the 1 unit of gold in the gold dollar; and in accordance with an inexorable law in any civilized or advanced country the coin which was relatively the more valuable of the two went out of use when both circulated as legal tender. It may have gone abroad, it may have gone into the melting pot, but for years a silver dollar was a curiosity.

But there was another fact more fundamental than that, namely, that the idea of bimetallism, or the circulation at the same time of two coins made of different metals at a fixed and

permanent ratio, whenever those metals are bought and sold as commodities in the market, is a chimera; indeed, an impossibility. With the ready exchanges in modern commerce, the quickness of buyers and speculators to take advantage of any change in values, if the metal in one dollar is worth even slightly more than that in another of a different metal, the buyer or speculator begins his work. So in this day bimetallism is not practicable.

I do not for a minute leave out of account a certain steadying influence which the right of free and unlimited coinage gives to the cheaper metal; that is, if you have gold and silver at the ratio of 15½ to 1, as in France, or 16 to 1, as it was in the United States, and either metal can be taken to the mint in unlimited quantities, even though the value of the silver which makes up a dollar is somewhat less than the gold, the fact that it can be immediately transmuted into coins which have the qualities of legal tender has a potent effect in keeping up its value, but after that effect is secured there is still a variation, and the use of the two under any fixed or permanent ratio is out of the question.

In 1873 the silver dollar was abolished, but its abolition can only partially be ascribed to the fallacy, if I may call it such, of bimetallism. The immediate reason was that the silver dollar had long been out of circulation.

Well, then, what followed? The mining of gold diminished not only in our country, but the world over. Silver was demonetized in numerous countries and the pressure of commerce on the monetary supply caused prices to go down. To relieve that situation and to aid the very important silver-mining interests of this country the acts of 1878 and 1890 were passed. Nobody said at that time we ought to discard gold and paper money and establish silver as an ideal currency. The object was to do something to relieve a situation which had become serious.

About that time divers scientific men, including a most noted scientist and publicist, now living, Prof. Suess, of Vienna, wrote an article in which he demonstrated to his own satisfaction that the supply of gold, if not well-nigh exhausted, was diminishing, and that thereafter silver was the natural standard of value in any well-regulated monetary system. Like many other predictions of great and good men, his forecast has proved to be entirely incorrect, for with the discoveries in engineering and in chemistry gold mining became cheaper than ever before. Divers forms of rock and of quartz and tailings which could be worked over were utilized, and enormous supplies of gold were obtained from them, so that beginning about the year 1891 there was an immense increase in the quantity of gold.

Thus it appears that in 1873 it was no crime, but the logic of events, which led to the demonetization of the silver dollar, which had already become insignificant in our circulation. Again, it was the desire to relieve the situation, provide more money, and help the silver-mining interests that led to the passage of the acts of 1878 and 1890. On the other hand, it was the great increase in the quantity of gold mined in 1893 which justified the repeal of the silver-purchase act, and created in 1900 as the standard the gold dollar, providing that all forms of money issued should be maintained at a parity with the standard.

But at no time is there the slightest trace that any single line or phrase of this legislation for the silver dollar was enacted by our lawmakers with the thought that they were thereby creating an ideal or a perfect currency system.

Thus, Mr. President, I have sought to dispose of three forms of our currency and to explain that they came not as solutions of this question that is before us to-day, a proper circulating medium, but rather in response to some other demand or exigency.

Now, what are the defects of our currency system? In the first place there is no insufficiency in the aggregate amount. I want to read a few figures on that subject, showing the per capita circulation in this country as compared with other countries. These figures were prepared last November, and I have not had an opportunity to bring them down to date, but I think they are practically correct.

On December 31, of 1910, the average amount of money per inhabitant in the United States was $35.21. In France it is $37.85, due principally to the fact that their use of checks as substitutes for currency is much less.

If we include with the amount in circulation the $150,000,000 of gold reserve and the Government's assets in our National Treasury, our average amount would be $38.45 per capita, being greater than that of any prominent nation in the world.

This amount considerably exceeds that of preceding years.

Whichever method of determining the per capita circulation is chosen, the amount is greater by nearly $15 than in the period of maximum inflation during the Civil War, although at one time gold was at a premium of 180 per cent. It is also greater by almost an equal amount than in the very prosperous years of 1880 and 1881; greater also by approximately $10 than 12 years ago, and this notwithstanding the constantly increasing use of checks and other substitutes for currency.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Chilton	Heyburn	Pomerene
Bourne	Clapp	Jones	Reed
Brandegee	Clark, Wyo.	Lippitt	Root
Briggs	Crane	Lodge	Simmons
Bristow	Crawford	Martin	Smith, Mich.
Brown	Cullom	Newlands	Smoot
Bryan	Cummins	Nixon	Stephenson
Burnham	Curtis	Oliver	Swanson
Burton	Dillingham	Page	Townsend
Chamberlain	Dixon	Perkins	Works

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is unavoidably absent on business of the Senate.

The VICE PRESIDENT. Forty Senators have answered to the roll call—not a quorum.

Mr. SMOOT. I ask that the names of the absentees be called.

The VICE PRESIDENT. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. MYERS answered to his name.

Mr. OLIVER. My colleague [Mr. PENROSE] is absent from the city on public business.

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained from the Senate.

Mr. REED. I should like to anounce that my colleague [Mr. STONE] is confined to his bed by illness and unable to be here.

Mr. SMITH of South Carolina, Mr. WILLIAMS, Mr. BANKHEAD, and Mr. OVERMAN entered the Chamber and answered to their names.

Mr. CLAPP. I desire to state that my colleague [Mr. NELSON] is absent on a sad mission, attending the funeral of the late Senator FRYE. It does seem to me that the RECORD should show, as there are liable to be a great many calls of the Senate, those Senators who are absent on that mission.

In this connection, in view of the calls liable to be made, I also desire to state that the junior Senator from North Dakota [Mr. GRONNA] is detained at home on account of illness in his family.

Mr. MARTIN of Virginia. I simply desire to announce that the Senator from Georgia [Mr. BACON] is absent on the committee attending the burial of the remains of the late Senator from Maine. He is paired with the Senator from Rhode Island [Mr. WETMORE].

Mr. OVERMAN. I desire to announce that the Senator from Louisiana [Mr. FOSTER] is absent attending the funeral of the late Senator FRYE, and the junior Senator from Louisiana [Mr. THORNTON] is absent attending the funeral of the late Gen. GORDON.

Mr. MARTINE of New Jersey entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. A quorum of the Senate is present.

Mr. BAILEY. Mr. President, I was at first inclined to refrain from voting on the motion to proceed to the consideration of this bill, because I am a member of the commission which it proposes to abolish, but upon second thought I did not feel that my personal relation to the question could absolve me from the duty of voting according to my best judgment, and I voted against the motion of the Senator from Iowa, because I believed the bill was ill-considered, and I know it is ill-advised.

The very large majority which was cast in favor of taking the bill up out of its order, however, makes it manifest that the Senate has determined to pass it, and I shall not attempt to dissuade it from that purpose. But I will say, in justice to my associates on the commission, that Senators who have complained at its delay have overlooked the fact that it was originally made up of Senators and Representatives and that we have had two extraordinary sessions of Congress since they were commissioned to do this work. It has, therefore, in the nature of things been impossible for them to proceed with it as they otherwise would have done.

I will also say that the criticism against the expense of the commission, I think, is based upon an insufficient knowledge of the facts. I can say this more freely because no criticism about its expenditures touches me, for I have not drawn a penny from the Public Treasury in connection with it. It was, however, believed by those who were instrumental in creating the commission that if we allowed vacancies to be caused by the death or the retirement of its members there would be such a constant change of its personnel that it would never be able to make a report worthy of the subject and worthy of the Senate. It was therefore provided that the expiration of a term or the retirement of a Member from the House or Senate should not vacate his place. I can hardly think that Senators would contend that if Congress continued the retiring Senators or Representatives in their positions it could reasonably expect them to do their work without some compensation.

I believe, indeed, I am confident, that the commission will be ready to report when the next session of this Congress assembles; but, without laying before the public or the Senate any of the differences of opinion which the consultations of the commission have developed, I feel sure that I will not be able to concur in that report, because I am unalterably opposed to the establishment of a great central national bank. It is, therefore, a certainty that I would be required, if I remained on the commission, to file dissenting views. While I think it entirely probable that I could be ready to file those views on the 4th day of December, I would not take an order, sir, to do it. It might happen that the honorable chairman of the commission would bring his report in and submit it to us the 1st day of December, and under this bill it would then be necessary for me in four days to analyze that report, which the chairman with the aid of experts had been months in preparing. If I permitted it to come into the Senate without a suitable analysis, Senators on this side at least would have some cause to complain.

I am by the vicissitudes of politics and death the only Democrat left on that commission who is also a Member of the Senate, and in view of the determination of the Senate to order this report made at a particular day, and in view of my determination not to take that order, I ask to be relieved from further service on the commission.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Chair will put the question to the Senate. Those in favor——

Mr. CUMMINS. What is the motion?

The PRESIDING OFFICER. The Senator from Texas asks to be relieved from further service upon the National Monetary Commission.

Mr. BURTON. Mr. President——

Mr. CLARK of Wyoming. Will the Senator allow me?

Mr. BAILEY. I hope Senators will not object to my request.

Mr. CLARK of Wyoming. I wanted to suggest to the Senator from Texas that so far as I am personally concerned I am not at all as satisfied as he appears to be with what the action of the Senate may be upon the pending bill.

Mr. BAILEY. I am.

Mr. CLARK of Wyoming. I hope the Senator will refrain from this action until the sense of the Senate is taken on the measure.

Mr. BAILEY. I will say to the Senator from Wyoming that I have no disposition to criticize the Senate. The Senate has a perfect right to make this order, but I have a perfect right to exempt myself from obedience to it.

It might happen, Mr. President, that the sickness of myself or some member would intervene, and whatever work is done for the Democratic side of the Senate I will be compelled to do it. I have no doubt I will have valuable assistance from those Democrats on the commission who are not Members of the Senate, and I have set aside October and November to do this work. Men before my time have fallen sick and have been unable to do the work assigned to them. I am not willing to come in here the first Monday in December with an unfinished work. I am not willing to come in here and submit a report that I would not be willing to bear my name, and I am not going to do this work under this rule. I hope the Senator from Wyoming will not object.

Mr. CLARK of Wyoming. Of course, Mr. President, it was not in my mind to object for a moment, but I did hope for one at least that we would have the benefit of the Senator's labors, his report and his advice upon this matter, because I consider it a very serious proposition.

Mr. BAILEY. It is a very important one.

Mr. CLARK of Wyoming. It is a very important one, and I was hoping the Senator might see his way clear to withhold his request.

Mr. BAILEY. It is altogether too important, Mr. President, for a man to take an order to have it done on a certain day, and I am not willing to do that. I ask the Chair to submit the question.

The PRESIDING OFFICER. Is there objection to the Senator from Texas withdrawing from the National Monetary Commission? The Chair hears none, and, without objection, it is so ordered.

THE COTTON SCHEDULE.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. OVERMAN. Will that displace the pending bill?

Mr. SMOOT. Yes; it will displace the pending bill.

Mr. OVERMAN. I object.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. The Senator from Utah moves that the Senate proceed to the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. CUMMINS. Mr. President, I very much hope the Senate will not agree to the motion made by the Senator from Utah——

Mr. LODGE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Massachusetts rises to a question of order.

Mr. LODGE. Is this a debatable motion?

The VICE PRESIDENT. The Chair thinks it is not a debatable question.

Mr. CUMMINS. I assumed that it was a debatable question.

The VICE PRESIDENT. The Chair thinks not.

Mr. CUMMINS. We are in the consideration of Senate bill 854, and I assumed that a motion to displace the consideration of that business was a debatable matter.

The VICE PRESIDENT. It does displace it, but the Chair thinks it is not a debatable question.

Mr. CUMMINS. However, if the Chair rules that it is not debatable, I very cheerfully submit.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Utah to proceed to the consideration of House bill 12812.

Mr. CUMMINS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). In the absence of the senior Senator from North Carolina [Mr. SIMMONS], with whom I have a general pair, and not knowing how he would vote, I will withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I will withhold my vote. If he were present, I should vote "yea."

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK]. Were he here, I should vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I desire to say that my colleague [Mr. GALLINGER] is unavoidably absent and is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. CURTIS (when Mr. GUGGENHEIM's name was called). I was requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the senior Senator from Kentucky [Mr. PAYNTER].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. He not being present, I withhold my vote.

Mr. REED (when Mr. STONE's name was called). I wish to repeat the announcement I made a moment ago, that my colleague [Mr. STONE] is confined to his room by illness and is absolutely unable to be here.

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I announce the absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Maryland [Mr. RAYNER].

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the city on the service of the Senate. He has a general pair with the senior Senator from Louisiana [Mr. FOSTER].

Mr. CHILTON (when Mr. WATSON's name was called). My colleague [Mr. WATSON] is unavoidably detained from the Senate.

Mr. LIPPITT (when Mr. WETMORE's name was called). My colleague [Mr. WETMORE] is absent from the city in the service

of the Senate. He is paired with the senior Senator from Georgia [Mr. BACON].

The roll call was concluded.

Mr. BRIGGS. I have a general pair with the Senator from West Virginia [Mr. WATSON]. In his absence I withhold my vote.

Mr. DILLINGHAM. I withhold my vote because of my general pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. CLAPP. I wish to announce, first, that my colleague [Mr. NELSON] is paired with the Senator from Maine [Mr. JOHNSON], both of whom are absent attending the funeral of the deceased Senator from Maine. I also learn that my pair, if present, would vote "nay," and as I would vote that way I desire to vote. I vote "nay."

Mr. WILLIAMS. I wish to announce that I am paired with the senior Senator from Pennsylvania [Mr. PENROSE.]

Mr. OVERMAN. I desire to announce again that the senior Senator from Louisiana [Mr. FOSTER] and the junior Senator from Louisiana [Mr. THORNTON] are absent by order of the Senate. This announcement will stand for the day.

Mr. CURTIS. I was requested to announce the pair of the Senator from Delaware [Mr. DU PONT] and the Senator from Texas [Mr. CULBERSON].

Mr. WILLIAMS. I also wish to announce the pair of my colleague [Mr. PERCY] and the Senator from North Dakota [Mr. MCCUMBER].

The result was announced—yeas 16, nays 24, as follows:

YEAS—16.

Bailey	Burton	Martin, Va.	Perkins
Bankhead	Chilton	Nixon	Smoot
Brandegee	Lippitt	Oliver	Stephenson
Burnham	Lodge	Page	Swanson

NAYS—24.

Bourne	Cummins	Kern	Reed
Bristow	Dixon	La Follette	Root
Brown	Fletcher	Martine, N. J.	Shively
Bryan	Heyburn	Myers	Smith, Mich.
Chamberlain	Johnston, Ala.	Newlands	Townsend
Clapp	Jones	Overman	Works

NOT VOTING—49.

Bacon	du Pont	McLean	Smith, S. C.
Borah	Foster	Nelson	Stone
Bradley	Gallinger	O'Gorman	Sutherland
Briggs	Gamble	Owen	Taylor
Clark, Wyo.	Gore	Paynter	Thornton
Clarke, Ark.	Gronna	Penrose	Tillman
Crane	Guggenheim	Percy	Warren
Crawford	Hitchcock	Poindexter	Watson
Culberson	Johnson, Me.	Pomerene	Wetmore
Cullom	Kenyon	Rayner	Williams
Curtis	Lea	Richardson	
Davis	Lorimer	Simmons	
Dillingham	McCumber	Smith, Md.	

The VICE PRESIDENT. Six Senators, the Senator from Wyoming [Mr. CLARK], the Senator from Kansas [Mr. CURTIS], the Senator from South Carolina [Mr. SMITH], the Senator from New Jersey [Mr. BRIGGS], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Mississippi [Mr. WILLIAMS], having announced that they refrained from voting because of their pairs, making the announcement individually in each case, the number voting, with those six, discloses the presence of a quorum. The nays have it, and the motion of the Senator from Utah [Mr. SMOOT] is lost.

NATIONAL MONETARY COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

Mr. BURTON. Mr. President, at the time when my remarks were interrupted I was dwelling upon the subject of the sufficiency of our currency as illustrated by the per capita circulation, and had stated that, with one exception among prominent nations, ours was the largest. The inference to be derived from this would be that no defect in our currency arises from its insufficient quantity. I shall dwell upon that subject more at length.

The circumstances which influence the per capita circulation of a country are, first, its wealth. Presumably a country of large wealth has a considerable quantity of gold and silver, and by reason of the possession of metallic money can, with security, issue a sufficient amount of paper money for all its needs.

In a valuable table prepared by the Director of the Mint, Mr. Roberts, on December 31, 1909, he gives the per capita circulation of almost all countries. In this list it appears that the United States has a per capita circulation of $35.21, excluding the gold reserve of $150,000,000 and gold currency in the Treasury; that France has a circulation of $37.85 per capita; Germany of $27.14; the Netherlands, a country of notable wealth, a circulation of $30.66; and Switzerland, a circulation of $30.39.

In studying this table it is necessary to discriminate between countries which have a metallic circulation or in which paper money can be redeemed in metal and those which have an irredeemable paper currency. Singularly, the countries which have the largest and the smallest per capita circulation lie side by side. They are Colombia and Venezuela, in South America. Colombia has a per capita circulation of $222.24 and Venezuela of 39 cents, but, strangely, the monetary system of Venezuela is the better of the two, because it consists of gold and silver, while that of Colombia consists almost exclusively—to speak exactly, all except 2 cents per capita—of irredeemable paper currency, which circulates at a great discount.

To illustrate further the rule that presumably countries of large wealth have a considerable per capita circulation, we may contrast China and India with the more advanced countries mentioned. India has a circulation of only 62 cents per capita and China of $1.06 in contrast with the circulation of the United States, which is $35.21, and that of France, which is $37.85 per capita.

The second determining factor in influencing the volume of currency is the extent of a country's trade. The difference can be illustrated, not only by a comparison between countries which have a very small amount of commerce on the one hand, as compared with those having a large commerce on the other, but also by conditions in the same country. If there should be a suburb of one of our large cities, composed almost exclusively of residences, the per capita circulation presumably would be small; but, on the other hand, if there was an active trading community, in which frequent exchange of commodities were made, the circulation would be large.

A third factor in determining the per capita circulation is the rapidity of exchanges. In a country in which there are only occasional transactions in the way of trade or barter, the per capita circulation would naturally be small, while in an active mart the quantity would be large. In a farming community this would be illustrated by a comparatively small circulation, while in an active commercial town the circulation would be larger.

The fourth factor is the degree in which checks and substitutes for money are used. This feature has a very important influence upon the circulation, and tends to diminish the amount of money required, and, of course, the per capita circulation.

Great Britain is the best illustration of a diminished circulation by reason of the use of checks and bills of exchange and substitutes for money. The banking system is more highly developed there than in any other country on the globe. Independent banks, or, more frequently, branch banks are located in almost every village; and in every town of any considerable size they are found on almost every corner. The result is that whatever bills or coin may be in the possession of the people go into banks for deposit, and obligations are paid by checks.

It is necessary to consider another factor, namely, the stability of the banks of England and the almost absolute confidence which the people repose in them. This also stimulates the deposit of money in banks. In our country the increase of checks has been very marked in recent years; but it is still the custom of our people to carry a very large amount of money with them in their pocketbooks—that is, I mean very large as compared with other peoples—this being partly due to the thrifty condition of the average citizen and partly to habit.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. I do.

MR. FLETCHER. Mr. President, I should like, in this connection, to have the views of the Senator from Ohio as to the certificate plan adopted during our last financial trouble. As I recall, about March of 1907, when there was some apprehension of financial difficulty, when certificates were thrown upon the market and the proceeds from those certificates were hoarded, the people having money began to draw it out of the banks and hoard the money, until along about October of 1907, as I remember, there was a pretty general expression of alarm regarding the financial situation. On October 22, I believe it was, after some $8,000,000 of the $68,000,000 on deposit in the Knickerbocker Trust Co. had been been withdrawn, that institution failed. On October 25 the New York Clearing House met and decided that something must be done to relieve the trouble, because other banks began to topple about that time. The Clearing House Association adopted the certificate plan; in

other words, they issued certificates which took the place of real money.

On October 26, Chicago, Pittsburgh, St. Louis, and other financial centers did the same thing, and it seemed to relieve the panic. I am inclined to think that perhaps the panic was at an end when the common sense of the people of the country decided that these certificates were good; they were satisfied with them; the certificates circulated like money, and the panic was over. After that it was a mere matter of cleaning up the wreckage.

In that connection, I should like to ask the Senator from Ohio, whether—there being no law for the issuance of those certificates or authorizing those certificates, as I understand, our experience being that that course actually did relieve the country of a panic—it would not be well to consider whether we should not legalize that sort of thing. It being in connection with the subject of circulation, with which the Senator is dealing, I thought I would mention the certificate plan which was adopted at the time to which I refer.

Mr. BURTON. I will say that those certificates performed a very useful function. I would not say, however, that they relieved the public from the panic, but they went far to alleviate the stress on that occasion. I would say further that those certificates afford a very valuable suggestion in any plan of currency which we may adopt. The general idea was that the banks should deposit commercial paper or other securities of unquestioned value with the clearing house or other central association and receive certificates to the amount of, say, two-thirds of the securities or commercial paper deposited. They were then used in settling balances between them and were counted at the clearing house in the same manner as deposits of money. It goes without saying that it would have been impossible to go through that panic without such a device, but at best it was a makeshift.

I wish to call attention in this connection to another device adopted at that time—the drawing of cashier's checks for amounts of $5, $10, and $15. These checks served as a valuable substitute for currency. They were accepted in the stores and shops; they were received without demur by workingmen. All those things go to show, however, the absence of adequate legal provision for a currency scarcity under present conditions.

I am obliged to the Senator from Florida for his suggestion. The objection to all such substitutes, of course, is that they are without legal sanction, that anyone who receives them must do so voluntarily, and that in payment of a debt the creditor could refuse to accept them. I think it may be said in justice to the clearing-house associations that their management in the crisis of 1907 was dictated by intelligence and by a commendable regard for the welfare of the public.

So much, Mr. President, for the general adequacy of our monetary supply. For ordinary uses and ordinary occasions it is clearly large enough.

A second question arises, Is our currency stable, and does it command general confidence? In this regard we have every reason for honest pride, because not only are our gold coins favorites all over the globe, but in all commercial communities as far as Hongkong and Cape Town the greenback, the silver certificate, and the national-bank note are received at their full value. An added advantage belongs to our paper currency in the excellent quality of the engraving and the clearness of the print, which secure it against counterfeiting.

I come now to another feature of our currency, which is not so free from objection, namely, its motley character. No advanced country in the world has such a variegated currency as the United States. First, there are the greenbacks, amounting to $346,000,000, made permanent by legislation in 1878; second, the national-bank notes, which amount to about $726,000,000; third, the silver dollars and the silver certificates, which amount to about $564,000,000; fourth, the gold coin in circulation, nearly one-half of our currency, amounting to $1,700,000,000.

There is neither convenience nor any of the features of a model currency system in so great a variety of moneys. Let us take up first the greenbacks. I share the opinion of those who do not believe in the greenbacks as the best form of currency. The question as to whether it is a proper function of a government to issue paper money has been discussed for many years and in many lands. In practically all the more advanced countries except our own this method has been abandoned. It is still retained by Italy, Spain, Portugal, and some countries in South America, and elsewhere, as well as by the United States. An alleged advantage is that if there is any profit to be derived from the circulation of notes which pay no interest the Government should receive that benefit. Again, the Government being the central institution which controls the destinies of the country, it is alleged that it is proper to lodge in the Federal Treasury the right to issue circulating notes.

The objections, however, are manifold. In the first place, the bill or note, however much we may become attached to it, is, after all, only a form of obligation which circulates for convenience, and which it is expected will at all times be promptly redeemed, and, indeed, in most countries has but a short life. The bill which we have in our pockets is, in its essential nature, the equivalent of a note or obligation from some individual, but for convenience we use it as currency.

There are, in addition, more substantial objections than those arising out of the general nature of the circulating notes. In the first place, no government is sufficiently in touch with trade and commercial conditions to enable it to act wisely. Circulation should be large or small, according to the volume of trade. At a time when business is slack, when men are out of employment, and exchanges are few, the quantity of money outstanding should be very much diminished; but when there are large transactions, great crops to market, and natural demands for money, the quantity should be large. There is no institution which can gauge the requirements of trade so correctly as a banking institution, and hence in England, in France, in Germany, in Switzerland, and even in Turkey—which, notwithstanding its unprogressive condition, has a fairly good monetary system—the issuing of circulating notes is left to the banks; and that, too, not as an original proposition, but as the result of long years of experience and trial, from which it has been concluded that the bank is the best institution to issue bills.

But what of the greenback? The quantity is comparatively small as a portion of our aggregate circulation, amounting to about one-ninth. The people are greatly attached to the greenback. It can be utilized as a nucleus to supply a part of our circulation. While it is not the ideal money, it nevertheless has occupied, and, indeed, now occupies, a large part of the field required for circulating notes. Smaller bills are used for minor transactions. The greenback, however, should not be considered as having those qualities which give the elasticity that is necessary to meet changing business conditions.

I shall take up next the silver dollars. There are about 564,000,000 of these, most of which are represented by certificates. Mr. President, these are much less defensible than the greenbacks, because they rest very largely upon the credit of the Government; they are midway between the gold coin, which has intrinsic value, and the greenback, which rests entirely on the faith of the Government. The $20 gold piece, if it could speak, might say, "Throw me into the crucible; melt me in the fiercest heat, and yet, when I become a shapeless mass, you have not taken away one iota of my value." The silver dollar, however, if put into the crucible and melted down, is worth 42.8 cents, and the remaining amount of 57.2 cents is represented by the motto on the coin, "In God we trust," or, to speak more correctly, that portion of the nominal value of the silver dollar rests upon the faith of the Government.

They circulate not only as coins, but also as silver certificates in denominations of not more than $5, and are used to a very great extent like many of the greenbacks for the smaller transactions of trade. So the silver dollars would become an embarrassment if it were not for the splendid credit of our Government.

We come now to the national-bank notes, $726,000,000 in amount, according to the last statement which I have available. These are issued on Government bonds. One serious defect in the circulation afforded by our national banks is a lack of elasticity. Until within a few years no law allowed the withdrawal of more than a very small percentage of the national-bank-note circulation in any one year. This provision was adopted in accordance with the opinion of those who desired an ample circulation. We could trace that opinion on the statute book from the very beginning of the Civil War—laws which have been passed to meet the demand of the people for an ample monetary supply. In many localities and, in a degree, throughout the whole country the demand has been made that the Federal Government should promote prosperity by making money plenty and by having abundant issues of paper or other forms of money. Of late this law limiting cancellation has been changed, allowing a somewhat larger withdrawal; but it is very easy to see that there is no flexibility in the amount of this national-bank-note circulation.

If a bank desires to issue an additional amount of notes, it must buy bonds bearing 2 per cent. That is not altogether a profitable or desirable transaction, because the time is likely to come when the notes are not desired; but if the notes are withdrawn, then the bank has on its hands a security that pays the very low return of 2 per cent. On the other hand, suppose a bank finds its currency redundant and wishes to dispose of

part of it. If it withdraws the money, as in the previous case, the bonds are left upon its hands, with a return of only 2 per cent. Thus we find the lack of elasticity the vital defect in our whole system.

Again, I think there is another objection to the national-bank-note currency based upon a permanent and established principle. That is, that a circulation secured by bonds is not the best under any circumstances. As I said a few minutes ago, bank notes should be issued in response to the demands of trade. If you issue them on national, State, municipal, or any other kinds of bonds, you give to the circulation a rigidity which is not in accordance with the best methods.

Again, if a bank engages in the business of issuing notes, it finds it necessary in order to provide for emergencies to purchase and hold considerable quantities of bonds, even though it may desire to use all its funds for the convenience of the commercial community. In this respect we see very clearly the dividing line between bills issued upon bonds which have no flexibility or elasticity and bills or circulating notes issued upon assets that can be increased or decreased at any season of the year in response to the varying demands of trade.

When the Aldrich-Vreeland bill was before Congress three years ago I opposed that clause of it which allowed the issuance of notes upon bonds.

Mr. NIXON. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. Yes.

Mr. NIXON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nevada suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Clapp	Kern	Reed
Brandegee	Clark, Wyo.	Martin, Va.	Shively
Briggs	Cummins	Martine, N. J.	Smith, Mich.
Brown	Curtis	Myers	Smith, S. C.
Bryan	Dixon	Nixon	Smoot
Burnham	Fletcher	Overman	Stephenson
Burton	Heyburn	Page	Swanson
Chamberlain	Johnston, Ala.	Perkins	Williams
Chilton	Jones	Pomerene	Works

Mr. CHILTON. The Senator from Texas [Mr. BAILEY] is necessarily absent from the Senate in attendance on a conference committee.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is necessarily absent from the Chamber this afternoon on public business.

Mr. CHILTON My colleague [Mr. WATSON] is detained from the Senate.

Mr. BURNHAM. My colleague [Mr. GALLINGER] is unavoidably absent.

The PRESIDING OFFICER. Thirty-six Senators have answered to their names—not a quorum.

Mr. SMOOT. I ask that the names of the absentees be called.

The Secretary called the names of the absent senators, and Mr. LODGE, Mr. POINDEXTER, Mr. ROOT, Mr. BOURNE, and Mr. BRISTOW answered to their names.

The PRESIDING OFFICER. Forty-one Senators have responded to their names—not a quorum.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. CRANE entered the Chamber and answered to his name.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 17 minutes p. m) the Senate adjourned until to-morrow, Saturday, August 12, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 11, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, from whom cometh all good, enrich our minds and hearts with heavenly gifts, that we may abhor evil and cleave to that which is good; that we judge not our brother, but do unto him as we would have him do unto us; that we may keep a conscience void of offense toward Thee and our fellow men; that Thy thoughts may be our thoughts and Thy ways our ways; that we go about our Father's business to-day and all days in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11477. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.;

H. R. 11021. An act to authorize the Levitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark.; and

H. R. 6098. An act to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2495) to define and classify health, accident, and death-benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. GEORGE WASHINGTON GORDON, late a Representative from the State of Tennessee.

Resolved, That a committee of nine Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased at Memphis, Tenn.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

In compliance with the foregoing, the Vice President appointed as the committee on the part of the Senate Mr. TAYLOR, Mr. BROWN, Mr. SHIVELY, Mr. BRADLEY, Mr. SMITH of South Carolina, Mr. JONES, Mr. WATSON, Mr. WILLIAMS, and Mr. THORNTON.

ENROLLED JOINT RESOLUTION AND BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bills of the following titles, when the Speaker signed the same:

H. J. Res. 14. Joint resolution to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States;

H. R. 7693. An act to authorize the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 11022. An act to authorize the bridge directors of the Jefferson County bridge district to construct a bridge across the Arkansas River at Pine Bluff, Ark.;

H. R. 12051. An act for the relief of the city of Crawford, in the State of Nebraska;

H. R. 6098. An act to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River, from a point in Dunklin County, Mo., to a point in Clay County, Ark.; and

H. R. 11021. An act to authorize the Levittee Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Commitee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 11022. An act to authorize the bridge directors of the Jefferson County bridge district to construct a bridge across the Arkansas River at Pine Bluff, Ark.;

H. R. 12051. An act for the relief of the city of Crawford, in the State of Nebraska;

H. R. 7693. An act to authorize the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.; and

H. J. Res. 14. A joint resolution to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

ORDER OF BUSINESS.

Mr. HENRY of Texas. Mr. Speaker, I demand the regular order, and if the House will indulge me just a moment I desire to first ask unanimous consent——

Mr. MANN. I demand the regular order, Mr. Speaker.

Mr. HENRY of Texas. If the gentleman wants to object, all right.

Mr. MANN. If the gentleman desires to ask unanimous consent to address the House, he ought to make the request.

Mr. HENRY of Texas. I was proceeding to ask unanimous consent, Mr. Speaker, to proceed for two minutes.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. HENRY of Texas. Mr. Speaker, I desire to say to the membership of the House that the Committee on Rules has had under consideration a resolution to bring in a special rule to take up certain local emergency measures. Later on, if we find they have not been disposed of under the regular order, it is then the desire of the committee to try to take care of those local emergency bills. Pending that, we have thought it better to demand the regular order and go ahead with the call of the committees.

That is all I desire now to say to the House.

Mr. MANN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I did not exactly understand the meaning of the announcement made by the gentleman from Texas, the chairman of the Committee on Rules; but if I gathered the import of his meaning, it was that if the Members of the House who have bills on the calendar desire to have them considered they should proceed, hat in hand, to the gentleman from Texas and bow before him and ask him whether the bills could be considered by a special rule of the House. The gentleman announced that if the bills were not considered in the regular order, he proposed to let the House have a chance to consider those bills.

What the bills are I do not know. I suppose a Member of the House can ascertain, when he approaches the distinguished gentleman from Texas, hat in hand—according to the old expression about the Speaker—and asks permission that his bill may be considered as an emergency matter, and the gentleman from Texas will inform the Member whether or not his bill can be taken up and passed.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that I may proceed for one minute. [Laughter.]

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. HENRY of Texas. Mr. Speaker, I wish to relieve the anxiety and agony of the gentleman from Illinois, and to say that no Member has to approach the chairman of the Committee on Rules as he describes it in order to get up his bill; that the Committee on Rules will simply carry out the voice of the Democratic caucus and act as the agent of the Democratic Party [applause on the Democratic side], and at their behest bring in a rule for the consideration of the local emergency measures of the Democrats, and the worthy Republicans as well. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, after that announcement there will be no hurried legislation; and I can assure the chairman of the Committee on Rules that if emergency and Democratic matters are taken up without consulting us, he can go ahead and try it.

DOCUMENTS FROM FRENCH CHAMBER OF DEPUTIES.

The SPEAKER. The Chair lays before the House a letter from the Secretary of State, accompanied by a letter from the President of the French Chamber of Deputies. It seems to the Chair to be a matter that ought to be laid before the House.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, August 10, 1911.

The Hon. CHAMP CLARK,
Speaker of the House of Representatives.

SIR: I have the honor to inclose herewith a letter addressed by the President of the French Chamber of Deputies to the President of the Chamber of the House of Representatives, and intended for you, inclosing a list of documents presented to the House by the President of the Chamber of Deputies of the French Republic, which, he says, have been shipped in a box. I have the honor to be, sir,

Your obedient servant, P. C. KNOX.

The SPEAKER. Inasmuch as neither the Speaker nor any of the clerks can read French intelligently, the Chair will ask the gentleman from Louisiana [Mr. ESTOPINAL] to read the letter of the French Chamber of Deputies. [Applause.]

Mr. ESTOPINAL read the letter, as follows:

CHAMBRE DES DÉPUTÉS,
SECRÉTARIAT GÉNÉRAL DE LA PRÉSIDENCE,
Paris le 22 Juin, 1911.

MONSIEUR LE PRÉSIDENT:

Pour faire suite aux échanges de documents parlementaires quit ont lieu, chaque année, entre la Chambre des Représentants des États-Unis d'Amérique et la Chambre des Députés de la République Française, j'ai l'honneur de vous adresser une caisse contenant les documents énumérés au bordereau ci-joint.

Agréez, Monsieur le Président, les assurances de ma haute considération.

LE PRÉSIDENT DE LA CHAMBRE DES DÉPUTÉS,
Pour le Président et par autorisation.

EUGÈNE LIEUX,
Le Secrétaire Général de la Présidence.

MONSIEUR LE PRÉSIDENT DE LA CHAMBRE DES REPRÉSENTANTS DES ÉTATS-UNIS D'AMÉRIQUE.

Bordereau des Publications, faites au cours des sessions 1910–1911, offertes par la Chambre des Députés de la République Française.

1 vol. Annales. Chambre des Députés. Débats. Son extr., 1909.
1 vol. Annales. Chambre des Députés. Débats. Son ord., 1910. T. 1., 1e p.
1 vol. Annales. Chambre des Députés. Débats. Son ord., 1910. T. 1., 2e p.
1 vol. Annales. Chambre des Députés. Débats. Son ord., 1910. T. 2.
1 vol. Annales. Sénat. Débats. Son extr., 1909.
1 vol. Annales. Sénat. Débats. Son ord., 1910. 1e partie.
1 vol. Annales. Sénat. Débats. Son ord., 1910. 2e partie.
3 vols. Documents diplomatiques. Conférence internationale: Publications obscènes. Traite des blanches. Circulation des automobiles.
2 vols. Documents diplomatiques. Affaires du Maroc. V. 1908–1910. Conférence de la Haye: Lettres de change.
1 vol. Budget de 1911. Exposé des motifs.
4 vols. Budget de 1911. Finances. Monnaies et Médailles. Justice. Imprimerie nationale. Légion d'honneur. Affaires étrangères. Intérieur et Cultes.
1 vol. Budget de 1911. Guerre.
5 vols. Budget de 1911. Marine. Commerce. École des arts et manufactures. Agriculture. Travail.
4 vols. Budget de 1911. Instruction publique. Beaux-Arts, Colonies. Chemins de fer et port de la Réunion.
2 vols. Budget de 1911. Travaux publics. Chemins de fer de l'État. Poste. Caisse d'épargne postale. Table.
2 vols. Compte définitif des depenses. Exercice 1908. Colonies. Affaires étrangères.
2 vols. Compte définitif des depenses. Exercice 1908. Marine.
2 vols. Compte général des finances. Exercice 1909.
1 vol. Compte définitif des recettes. Exercice 1909.
3 vols. Compte définitif. Exercice 1909. Intérieur. Cultes. Instruction publique.
3 vols. Travaux publics. Postes-Caisse d'épargne.
2 vols. Finances. Guerre.
4 vols. Affaires étrangères. Commerce. Agriculture. Travail.
1 vol. Eclaircissements de la Cour des Comptes. Année et exercice 1908.
1 vol. Rapport sur les opérations de la Caisse nationale d'épargne. Année 1909.
1 vol. Rapport de la Caissee nationale les retraites pour la vieillesse. Année 1909.
1 vol. Rapport de la Commission de vérification des comptes des Ministres. Exercice 1907 et année 1908.
1 vol. Résumé général des trauvaux législatifs. 9e legislature. 55e fascicule.
1 vol. État des travaux législatifs. 54e fascicule. 8 Avril, 1910.
1 vol. État des travaux législatifs. 56e fascicule. 25 Octobre, 1910.
3 vols. Annexe à l'état des travaux législatifs. Questions écrites. 3e, 4e et 5e fascicules.
1 vol. Notice et Portraits de la 10e Législature.

Certifié exact:

EUGÈNE LIEUX.
Le Secrétaire Général de la Présidence.

Mr. CANNON. Mr. Speaker, what does this letter mean?

The SPEAKER. It means that they have sent us a box of books. [Applause.] These letters and the accompanying documents will be referred to the Committee on Foreign Affairs, and the letters will be printed in the RECORD, if there be no objection.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees.

The Clerk called the Committee on Military Affairs.

Mr. BURKE of South Dakota. Mr. Speaker, will not the Private Calendar be the regular order to-day?

The SPEAKER. The gentleman from South Dakota is correct.

ELIZA CHOTEAU ROSCAMP.

Mr. STEPHENS of Texas. Mr. Speaker, I have the first bill on that calendar, and I move that the House resolve itself into the Committee of the Whole House for the consideration of private bills. There are only two bills on this calendar. I am sure there will be no objection to the first one.

The SPEAKER. The gentleman from Texas moves that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. STEPHENS of Texas. Mr. Speaker, if it is in order, I ask unanimous consent that the bill (H. R. 11303) for the relief of Eliza Choteau Roscamp be considered in the House as in Committee of the Whole. It is a short bill, for the relief of an Indian woman.

Mr. FITZGERALD. Mr. Speaker, let the bill be reported. We do not know what it is.

Mr. MANN. I reserve the right to object.

The SPEAKER. The Clerk will report the bill.

The bill was read.

Mr. STEPHENS of Texas. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. MANN] has reserved the right to object.

Mr. STEPHENS of Texas. Will the gentleman from Illinois permit an explanation of the bill? I can explain it in a very short time, and I feel he will not object, because it is a matter of great importance to an Indian woman, and is an emergency matter.

Mr. MANN. The gentleman has a right to move to go into Committee of the Whole.

Mr. STEPHENS of Texas. I ask unanimous consent to consider it in the House.

The SPEAKER. The gentleman from Texas asks unanimous consent to consider this bill in the House as in Committee of the Whole.

Mr. MANN. I think after the announcement of the other gentleman from Texas [Mr. HENRY] we had better consider it under the regular order.

The SPEAKER. The gentleman from Illinois objects.

Mr. STEPHENS of Texas. Will the gentleman permit a brief explanation of the bill?

Mr. MANN. The gentleman will not only have an opportunity to explain the bill, but he will have to explain it, if we go into Committee of the Whole.

Mr. STEPHENS of Texas. Then I move that we go into Committee of the Whole.

The SPEAKER. The gentleman from Texas moves that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House, with Mr. FLOOD of Virginia in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of bills on the Private Calendar, and the Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 11303) for the relief of Eliza Choteau Roscamp.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to approve an order for the removal of restrictions upon alienation from the NE. ¼ SE. ¼ sec. 10, T. 25 N., R. 24 E., of the Indian meridian, Oklahoma, the homestead allotment of Eliza Choteau Roscamp, Seneca allotment No. 184, such removal of restrictions to become effective only and simultaneously with the execution of a deed by said allottee to the purchaser, after said land has been sold in compliance with the directions of the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I make the point of order that this bill is not now in order. Paragraph 6 of Rule XXIV provides that on the second and fourth Fridays of each month preference shall be given to the consideration of private pension bills. Now, this is the second Friday of the month, and hence preference must be given to the consideration of private pension bills, and I assume, as a matter of course, that a Democratic Congress which has been in session for months will not be caught without any private pension bill on the calendar. [Applause on the Republican side.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FITZGERALD. Under the rule, I understand the gentleman insists that this bill is not in order because private pension bills have the preference. Will the gentleman indicate a private pension bill on the calendar which is entitled to preference?

Mr. MANN. I wish I could; and if this side of the House were in the majority there would be a number of them on the calendar.

The CHAIRMAN. As there are no private pension bills on the calendar, the Chair holds that this bill is in order.

Mr. SABATH. Mr. Chairman, I would like to ask the gentleman from Illinois a question.

The CHAIRMAN. Does the gentleman from Illinois yield to his colleague?

Mr. MANN. Yes.

Mr. SABATH. I would like to know of the gentleman from Illinois if he has any bills on the private-pension calendar?

Mr. MANN. Neither I nor my colleague has any on the calendar. Although the Committee on Invalid Pensions has been organized for months, it has not reported a single bill for any old soldier in the country. [Applause on the Republican side.]

Mr. STEPHENS of Texas. Mr. Chairman, I ask that the report, which is a unanimous report from the Committee on Indian Affairs, be read for the information of the House.

The Clerk read the report (by Mr. STEPHENS of Texas), as follows:

The Committee on Indian Affairs, to which was referred H. R. 11303, having had the same under consideration, recommend that the bill pass. The facts are fully set forth in a letter from the Secretary of the Interior to Hon. JOHN H. STEPHENS, chairman of the Committee on Indian Affairs of the House of Representatives, which is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 13, 1911.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: By direction of the President I have the honor to submit a draft of proposed legislation relating to the removal of restrictions and sale of the allotment of Eliza Choteau Roscamp.

The proposed legislation is for the relief of Mrs. Eliza Choteau Roscamp, a one-fourth Seneca allottee, roll No. 184. This woman was allotted 80 acres of land with the Seneca Tribe of Indians, and on August 17, 1909, the restrictions were removed from 40 acres of her allotment, which was sold by the department and the proceeds turned over to the allottee for her benefit, and she has remaining 40 acres.

The act of March 3, 1909 (35 Stat. L., 751), provides in section 1 as follows:

"That the Secretary of the Interior be, and he is hereby, authorized, upon application of any adult member of either of the tribes of the Indians belonging to the Quapaw Indian Agency in the State of Oklahoma, to remove the restrictions on any part of or all the lands allotted to such applicant, and permit a sale under such terms and conditions as he may deem for the best interest of applicant, excepting a tract of not less than 40 acres, which shall be designated and held as a homestead: *Provided*, That this section does not apply to the Modocs."

It is the opinion of the department that in sales under this act it is necessary for the allottee to retain 40 acres as a homestead.

In view of this opinion there is no existing law that will permit of a sale of the remaining 40 acres, the homestead of Mrs. Roscamp.

The allottee is a young woman, about 37 years of age, was a student of Valparaiso (Ind.) Normal School, is a graduate of Carlisle (Pa.) Indian School, and of Bryant & Stratton's Business College, of Chicago. She is a well-educated and accomplished woman and prudent in managing her own affairs, but she has been confined to a sanitarium in San Francisco, Cal., for many months, and is now dangerously ill with dropsy, and is not likely to live very long.

She is in destitute circumstances and a charity patient, while she has 40 acres of land in Oklahoma worth, probably, $500 or $600, designated a homestead, upon which she will probably never reside, and which, under existing law, can not be converted into money for her relief. The department believes that this is a very meritorious case and should be given early and favorable consideration.

I have the honor to recommend that Congress be urged to enact the inclosed bill into law.

Respectfully, SAMUEL ADAMS, *Acting Secretary.*

Mr. STEPHENS of Texas. Mr. Chairman, this bill was drafted in the Indian Department. This Indian woman is 37 years old and owned 80 acres of land in the Seneca Nation. She was entitled under the laws enacted by Congress to sell 40 acres, 40 acres being her homestead. She is a graduate of the Carlisle Indian School, and also of the State Normal School of Indiana. Returning to Oklahoma she taught school for four years, when she became sick and was recommended by her physician to go to California. She remained there for some time and sold 40 acres of the land to get there. When she spent this money she had to be sent to a hospital as a charity patient. She is now in the hospital at San Francisco, and according to the doctor's statement she can live but a short time. She has these 40 acres of land, her homestead, worth probably $800. She is now a charity patient in the hospital, as I have stated, and will live only a few months, and unless this bill is passed she will die and fill a pauper's grave. I hope there will be no objection to the passage of this bill. My attention has been called to this case through the Indian Department, and the bill was drafted there. If there was ever a case of charity and an urgent need of action and relief it is this case. I hope no gentleman will object to it.

Mr. SIMS. Mr. Chairman, I have no objection to the report of this bill. The gentleman from Texas makes out a strong case appealing to the House. But there is one thing I do object to, and I think it is well grounded. It was well understood that there was to be a certain program of legislation to be carried out by the majority of this Congress.

Mr. STEPHENS of Texas. Mr. Chairman, I did not yield to the gentleman from Tennessee for a speech.

Mr. SIMS. I took the floor in my own right.

Mr. STEPHENS of Texas. But I had not yielded the floor.

Mr. SIMS. Then I will wait until the gentleman does yield.

Mr. STEPHENS of Texas. I want to yield to the gentleman from Oklahoma [Mr. FERRIS]. As I see the gentleman from Oklahoma is not present, I will yield to the gentleman from Tennessee.

Mr. SIMS. I want to take the floor in my own right.

Mr. STEPHENS of Texas. Very well.

Mr. SIMS. Mr. Chairman, I have no complaint to make against this bill on its merits, but the complaint I do have to make is that some committees are reporting bills here while others are living up to the program that was adopted.

Mr. GARNER. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. GARNER. I think the gentleman from Texas ought to be able to answer that question. And the Speaker ought to be able to answer it.

Mr. SIMS. If the gentleman will wait until I get through there may be more than one to answer. I am on the floor in my own right.

Now, if committees of this House are going to report bills that are not embraced within that program, or that were not so understood to be embraced within it——

Mr. RANDELL of Texas. Mr. Chairman, I make the point of order that the gentleman is not discussing what is before the House. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. What is the point of order raised by the gentleman from Texas?

Mr. RANDELL of Texas. Mr. Chairman, I made a point of order that the gentleman was not discussing the matter before the House. I now make the parliamentary inquiry as to whether or not it is in order to discuss anything except the bill which is now before the committee?

The CHAIRMAN. The Chair thinks that the point of order made by the gentleman from Texas is well taken.

Mr. SIMS. But, Mr. Chairman, I want to discuss that point of order before the Chair rules upon it. I certainly thought the Chair would give me an opportunity to do that.

The CHAIRMAN. The gentleman from Tennessee did not indicate that he cared to discuss the point of order.

Mr. SIMS. The gentleman from Texas had taken the floor on a point of order, and before he got off the floor the Chair ruled upon the question.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee.

Mr. SIMS. Mr. Chairman, the House is in Committee of the Whole House on the state of the Union, is it not?

The CHAIRMAN. It is not. It is in the Committee of the Whole to consider bills on the Private Calendar.

Mr. SIMS. Then, I suppose, as a matter of course, that the point of order is well taken as to the discussion of other matters than those which are pertinent to the matter or the bill pending, and I bow to the gentleman from Texas [Mr. RANDELL], who was better informed as to the kind of a bill that was before the House than I was.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SIMS. Mr. Chairman, I want now to discuss the bill.

The CHAIRMAN. The gentleman may discuss the bill.

Mr. SIMS. I am going to try to do that.

The CHAIRMAN. The Chair simply sustained the point of order. The Chair recognizes the gentleman from Tennessee to discuss the bill.

Mr. SIMS. Mr. Chairman, I have no objection to this bill. From what I have heard I think it is a very meritorious bill, but I want to know if other meritorious bills that are not within the program of legislation can also be reported?

Mr. RANDELL of Texas. Mr. Chairman, I make the point of order that the gentleman is not discussing the bill.

The CHAIRMAN. The gentleman from Tennessee is out of order. The gentleman is not speaking to the bill.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois.

Mr. MANN. Mr. Chairman, it is said by the gentleman from Texas [Mr. STEPHENS], in charge of the bill, that it is an emergency bill, which ought to be passed now. I question whether it is an emergency bill.

Mr. STEPHENS of Texas. Did the gentleman listen to the reading of the report?

Mr. MANN. Oh, I listened to the reading of the report as other gentlemen do. No one can tell from what the reading clerk is reading, but I have read the report. I do not rely upon the reading of the reading clerk of the report. That is a waste of time. The gentleman knows that no one listens to any report from any reading clerk, or ever did. I have read the bill and I have read the report. I question whether this is an emergency matter. Who determines whether it is an emergency matter? I am told on the floor of the House by the other gentleman from Texas [Mr. HENRY] that it is a Democratic caucus that determines whether a bill is to be passed by the House or not as an emergency matter.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. The Secretary of the Interior and the Commissioner of Indian Affairs, both Republicans, determined this matter and referred it to me, and I acted very promptly upon it, and now put it up to you to let it go through this House. [Applause on the Democratic side.]

Mr. MANN. Oh, there have been a very great many letters from the Secretary of the Interior, and there have been a great many communications about various other matters from various other departments. There are many old soldiers in the country to-day ready to die to-morrow and the next day in poverty, to be buried in paupers' graves, because we do not provide special pension bills for them, which should have the right of way to-day. [Applause on the Republican side.]

The gentleman thinks it is not an emergency matter to take care of one of the old soldiers, but he thinks it is an emergency matter to provide for an Indian. [Laughter and applause on the Republican side.] Now, I have read the report proposing to have the little remnant of property belonging to an Indian woman sold so that some one can get hold of it before she dies and take it away from her. [Applause on the Republican side.] If she lives a few months, she will then be a pauper with nothing to sustain her.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Gentlemen are so greedy to take away her property that they want it where they can get hold of it.

Mr. STEPHENS of Texas and Mr. HEFLIN rose.

The CHAIRMAN. Does the gentleman yield; if so, to whom?

Mr. MANN. To either one of the gentlemen.

Mr. HEFLIN. Mr. Chairman, the gentleman was a Member of the House when the Payne-Aldrich bill was passed at the extra session——

Mr. MANN. I hope the gentleman from Texas [Mr. RANDELL] will not make the point that the gentleman is not asking a question in regard to the bill.

Mr. HEFLIN. Did the gentleman or anyone on that side suggest any pension legislation during that extra session, when the Republicans were in power in this House? [Applause on the Democratic side.] The fact is there has never been any legislation on pensions at an extra session.

Mr. MANN. It is a very good guide always for the Democrats to follow the Republicans. [Applause on the Republican side.] It is a wonder they do not do it more often. Two years ago, when we were endeavoring to revise the entire tariff from one end to the other, and not merely a few petty schedules and bills, we concluded it was not best to appoint the committees of the House, and they were not appointed, and hence there could be no special legislation; but these committees in this House are appointed, out of the greed of Members to have the patronage attached to these committees at the beginning of the session, and they have been sitting around the House ever since they were appointed, doing nothing when men were dying for want of pensions. [Applause on the Republican side.]

Mr. HEFLIN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Alabama?

Mr. MANN. Always.

Mr. HEFLIN. Did the Republicans fail to appoint those committees during that extra session for the purpose of dodging pension legislation? [Applause on the Democratic side.]

Mr. MANN. We did not. We do not dodge pension legislation. We have tried all this Congress to force you to vote on a discharge of committees Monday upon pension legislation, and you were too cowardly to do it. Now, my friend from Texas, the chairman of the Committee on Rules, a moment ago, in discussing what were emergency matters, said that it was decided by the Democratic caucus; but merely in order to get the information for our side of the House to which we think we are entitled we would like to know on our side of the House how we can ascertain which bills are emergency bills. If we have to appear at the door of a Democratic caucus on our knees or come crawling before the gentleman from Texas, the chairman of the Committee on Rules——

Mr. HENRY of Texas. Mr. Chairman, may I answer the gentleman? If the gentleman will be diligent enough to notify the senior Republican member of the Committee on Rules [Mr. DALZELL] about the local emergency measures that the Republicans have on the calendars they will receive the same consideration that the bills of the Democrats do.

Mr. GARNER. Will the gentleman from Illinois yield?

Mr. MANN. Certainly.

Mr. GARNER. The gentleman from Illinois has continued to repeat a declaration which I have not heard made here by any Democrat, and I would like him to give the authority for the statement that the Democratic caucus passes on what are emergency measures. I suggest to the gentleman in this connection——

Mr. MANN. Let me answer that first. The authority is the colleague of the gentleman who is now addressing me. Mr. HENRY, the chairman of the Committee on Rules, who made the statement since this House met this morning.

Mr. GARNER. I do not so understand it. I understood the gentleman to say the Democratic caucus had authorized the consideration of emergency measures and the Democratic caucus

authorized only such measures as a Republican and Democratic committee should consider as emergency measures, but giving to your side of the House the same consideration it did this. [Applause on the Democratic side.]

Mr. MANN. Now, let us get at the facts. I stated a while ago, after the statement of the gentleman from Texas [Mr. HENRY] that he proposed, if necessary, to report a rule fixing consideration of certain emergency measures; that under the new practice it is necessary to go before the gentleman from Texas to ascertain whether a bill could be considered and not to the Speaker, and the gentleman from Texas replied that it was the Democratic caucus which had determined which bills were emergency matters, and it did not leave it to him. Does the gentleman from Texas [Mr. GARNER] who has just interrupted me, claim now that it is the Committee on Rules which determines what are emergency matters?

Mr. GARNER. No, sir.

Mr. MANN. Who does determine?

Mr. GARNER. The respective committees of the House. Whenever they report a bill and it is placed on the calendar they say by their action that it is an emergency matter.

Mr. HAY. Mr. Chairman, I make the point of order that all of this is not in order.

The CHAIRMAN. The point of order is sustained. The gentleman from Illinois will proceed in order.

Mr. MANN. I hope the gentleman from Virginia [Mr. HAY] will not make that point of order. There will be plenty of time to thrash this out before the day is over. We might as well bring it out now as at any other time. If the gentleman prefers to take up the time of the House when we get on the Union Calendar, very well; but we are determined to find out whom we are to crawl to in order to find whether our bills can be taken up as emergency bills.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. MANN. I can not yield. I have been taken off the floor by an arbitrary ruling, which is not in order.

Mr. HENRY of Texas. Since that is the first time I have seen the gentleman taken off the floor, I will heartily concur.

The CHAIRMAN. The Chair congratulates himself in being able to take the gentleman from Illinois off the floor.

Mr. OLMSTED. Mr. Chairman, I hope this bill will pass. While I am in entire harmony with the gentleman from Illinois [Mr. MANN] in regretting that there is not certain pension legislation before us for which we may be permitted to vote, I will not let that fact prevent me from voting for what seems to me a very meritorious bill. It is said that the woman mentioned in this bill is a good woman, and the report says she is an accomplished woman; I readily believe both statements, because she is a graduate of the Carlisle Indian School.

Mr. BUTLER. Where is the Carlisle Indian School?

Mr. OLMSTED. It is in my district. She is, unfortunately, lying almost at the point of death. She has 40 acres of land which she can not rent and, under the law, she can not sell it. She is what you might call "land poor," and she is likely to die for want of support. Now, the new Acting Secretary of the Interior, Mr. Adams, a very conscientious and careful man, who would not recommend anything he did not know to be right, recommends earnestly the passage of this bill so that this poor woman may sell this property in order that the proceeds may tend to prolong her life and make her as comfortable as possible while she does live. I hope the bill will pass. I am glad the gentleman from Texas [Mr. STEPHENS] brought it in here. [Cries of "Vote!" "Vote!"]

Mr. BURKE of South Dakota. Mr. Chairman, I presume it is in order to report the bill under the five-minute rule.

The CHAIRMAN. It is. The Clerk will report the bill.

The Clerk proceeded with and completed the reading of the bill.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FLOOD of Virginia, Chairman of the Committee of the Whole House, reported that the committee had had under consideration the bill (H. R. 11303) for the relief of Eliza Choteau Roscamp, and had directed him to report the same to the House with the recommendation that the bill do pass.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD], Chairman of the Committee of the Whole House, reports that the committee has had under consideration the bill H. R. 11303, and had ordered him to report the same to the House with the recommendation that the bill do pass.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and, having been read a third time, was passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request.

The Clerk read as follows:

Mr. HAMILTON of West Virginia requests leave of absence for 10 days, on account of important business.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Georgia [Mr. BELL] a question, if he happens to be here.

The SPEAKER. The gentleman from West Virginia [Mr. HAMILTON] makes the request.

Mr. MANN. I understand that. Reserving the right to object, I would like to make this observation; it is a matter of interest to the Members of the House: It looks as though we would have one or more veto messages from the President on bills originating in the House. A very common practice, as everyone knows, is for gentlemen going away to make pairs. Pairs on even terms on a veto measure mean two to one, and not one to one. We are giving notice on this side of the House that we will make no pairs, and will ask all pairs to be canceled that are made on the basis of one to one, so far as veto messages are concerned. While I do not object to this request in itself, if the gentleman is paired with some Republican, and only one Democrat to a Republican, I shall ask to have the pair canceled at the proper time and the gentleman recalled, if they desire to recall him from that side of the House.

Mr. GARNER. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. Certainly.

Mr. GARNER. What does the gentleman from Illinois think about the advisability of canceling all pairs and ceasing the policy of carrying pairs in the RECORD?

Mr. MANN. I do not think it is practicable to do that.

Mr. GARNER. It could be done by a rule, could it not?

Mr. MANN. Undoubtedly. We could keep out pairs from the RECORD.

Mr. GARNER. I am asking the gentleman what his opinion is on a change of policy so as to cut the pairs out of the RECORD?

Mr. MANN. Mr. Speaker, I thought it was fair to this side of the House to make this statement in reference to the matter, because we do not desire to lose out on a veto proposition by losing on pairs.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Oklahoma?

Mr. MANN. Certainly.

Mr. FERRIS. Do I understand the leader of the minority to say that he is going to advise the minority Members to break pairs already made for the rest of the session?

Mr. MANN. To cancel pairs so far as veto messages are concerned. We could not, of course, counsel the breaking of pairs without notice.

Mr. FERRIS. Those pairs are identical.

Mr. MANN. I do not think so.

Mr. FERRIS. What does the gentleman think about the propriety of permitting a Democrat and a Republican to make a pair for the balance of the session and then allowing the Republican Member to break it?

Mr. MANN. I think, for the rest of the session, if you will not do the fair thing, we will cancel the pairs.

Mr. FERRIS. Does the gentleman think that the notice that he is now serving on the House ought to be applied to those pairs behind him as well as those ahead of him?

Mr. MANN. We will serve notice in a proper way, both in the case of pairs made by the Democratic whip of the House and in the case of every pair in the same way.

Mr. FERRIS. The gentleman's remarks fall far short of what he ought to do when he advises the breaking of pairs already made.

Mr. MANN. The gentleman on that side of the House goes far short of the standard in fairness when in a matter coming up requiring two votes in the affirmative to one in the negative he insists on furnishing only one affirmative pair as against one negative pair. No fair-minded man would ask that such a thing be done.

Mr. FERRIS. The statement which the gentleman from Illinois makes applies to the future, instead of the past, in the mind of every fair-minded man.

Mr. MANN. It applies also to the past, and we serve notice that two and one will be required, so far as veto messages are concerned.

Mr. BURLESON. So far as the extra Democrat is concerned, but you will not require the extra Democrat to be in the House?

The SPEAKER. The Chair is of the opinion that the House has nothing to do with this pair business. Is there objection to the request of the gentleman from West Virginia for a leave of absence?

Mr. HAMILTON of West Virginia. Mr. Speaker, I would like to ask the gentleman from Illinois a question.

The SPEAKER. Is there objection to the request for leave of absence?

There was no objection.

Mr. HENSLEY, by unanimous consent, obtained leave of absence for 10 days, on account of sickness in his family.

The SPEAKER. There being no other business on the Private Calendar, the Clerk will proceed to call the committees.

The Clerk called the Committee on Naval Affairs.

Mr. HAY. Mr. Speaker, the call rests with the Committee on Military Affairs.

The SPEAKER. The gentleman is correct. The call rests with the Committee on Military Affairs.

ARMY TENTS FOR ASTORIA CENTENNIAL.

Mr. HAY. Mr. Speaker, I call up Senate joint resolution 31, authorizing the Secretary of War to loan certain tents for the use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911, 100 wall tents and 100 conical tents, with poles, ridges, and pins for each: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property; the same to be delivered to said committee designated at such time prior to the holding of said centennial as may be agreed upon by the Secretary of War and B. F. Crawshaw, general secretary of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from said B. F. Crawshaw a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. The gentleman from Virginia.

Mr. HAY. Mr. Speaker, I ask for a vote.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

BOARD OF MANAGERS, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAY. Mr. Speaker, I call up House joint resolution 146, for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That Gen. P. H. Barry, of Nebraska, be, and he is hereby, appointed as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed Capt. Henry E. Palmer, deceased, whose term of office would expire April 21, 1916.

Mr. HAY. Mr. Speaker, I ask for a vote.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

The Clerk, proceeding with the call of committees, called the Committee on the Public Lands.

LEAVE OF ABSENCE TO CERTAIN HOMESTEADERS.

Mr. TAYLOR of Colorado. Mr. Speaker, by direction of the Public Lands Committee, I call up the bill (S. 3052) granting leave of absence to certain homesteaders.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill.

Mr. MANN. Mr. Speaker, I make the point of order that this bill should be on the Union Calendar instead of the House Calendar; and I make the further point of order that the bill is not before the House, because it has not been reprinted, as provided for by the rules.

The SPEAKER. Unless the gentleman from Illinois wants to argue his points of order, the Chair is ready to rule on one of them at least.

Mr. MANN. I want to call attention to the second one. I am informed that there was a second print of this bill. That may be so. It was not in the Clerk's hands, however, because he did not report the amendments. It may be that whoever had charge of this matter did not understand that it was necessary, in presenting a report, to present one in such form that the reprinted bill and the report would show the amendments. The first print, the only one that I know anything about, did not show the amendments, and the Clerk evidently had the same print of the bill in his hands.

Mr. TAYLOR of Colorado. If the gentleman will yield, it is true that the clerks at the desk, or whoever had charge of the matter, did reprint the bill exactly as it came from the Senate originally; but as soon as we learned that we had it reprinted with the amendments.

The SPEAKER. If gentlemen will suspend, I will say that the Clerk read the wrong bill.

Mr. MANN. I wished to call attention to the fact that somebody had made a mistake.

The SPEAKER. The point of order of the gentleman from Illinois was well taken if the facts had been in conformance with it. The Chair will overrule the other point of order, that it was not properly on the House Calendar. Now the Clerk will report the bill and amendments.

The Clerk read the bill, as follows:

A bill (S. 3052) to grant leave of absence to certain homesteaders.

Be it enacted, etc., That all persons who have heretofore made homestead entries in the Lemmon, Timber Lake, Rapid City, Chamberlain, Belle Fourche, Gregory, and Pierre land districts, in the State of South Dakota; in the Valentine, O'Neill, and Alliance land districts, in the State of Nebraska; in the Dickinson, Minot, Williston land districts, in the State of North Dakota; and in the Cheyenne, Evanston, Sundance, and Douglas land districts, in the State of Wyoming; in the former Spokane Indian Reservation, in the State of Washington, are hereby relieved from the necessity of residence upon their lands from the date of approval of this act to April 15, 1912: *Provided*, That the time of actual absence during the period named shall not be deducted from the full time of residence required by law.

The following committee amendments were read:

Amend by striking out, after the word "Dakota," page 1, line 6, all of the remainder of lines 6, 7, 8, 9, 10, 11, and 12 and the syllable "dence" in line 1, page 2, and insert in lieu thereof the following: "In the Denver, Pueblo, Sterling, Hugo, Lamar, and Glenwood Springs land districts, in the State of Colorado; in the Valentine, O'Neill, Broken Bow, and Alliance land districts, in the State of Nebraska; in the Lawton, Woodward, and Guthrie land districts, in the State of Oklahoma; in the Dickinson, Minot, Williston, and Bismarck land districts, in the State of North Dakota; in the Cheyenne, Evanston, Sundance, Buffalo, and Douglas land districts, in the State of Wyoming; in the Clayton, Fort Sumner, Las Cruces, Tucumcari, Roswell, and Santa Fe land districts, in the Territory of New Mexico; in the Phoenix land district, in the Territory of Arizona; in the former Spokane Indian Reservation, in the State of Washington; and in the Burns, Vale, La Grand, and The Dalles land districts, in the State of Oregon, are hereby relieved from the necessity of residence and cultivation."

Mr. TAYLOR of Colorado. Mr. Speaker, it seems to me that the bill itself and the report which I have prepared from the Public Lands Committee are amply sufficient to explain the purpose of the bill. There has been a very severe drought throughout a large portion of the Middle West during this season, and it is a matter of common humanity and an absolute necessity that the homestead settlers in some localities should be relieved from the requirements of the law as to residence and cultivation.

This is not a general bill applying to all the States, but only to certain districts in some of the Northern and Western States. It is a Senate bill, and practically all of the Senators and Representatives from those eight States and the two Territories have urgently requested the speedy passage of this bill to relieve many deserving people of those districts; and it is necessary that it should be acted upon at this special session. The showing before the Public Lands Committee disclosed a condition that demands immediate action, and therefore the committee determined to report the bill at once as an emergency measure.

Mr. MANN. I think upon reading the bill and the report there is some ambiguity about the matter. Just what does it do and whom does it affect?

Mr. TAYLOR of Colorado. Primarily it is intended to relieve the homestead filers—that is, entrymen who have made filings, but have not yet made the actual settlement upon their claims. The reason I say it is primarily for the relief of those is because there is now a law allowing homestead settlers that have actually established a residence to obtain a leave of absence from their claims for a year on account of the failure of crops; but the existing law compels the homestead settler to go and employ an attorney and make certain showings by affidavits and corroborated petitions and make the application to the local land office, and the land-office officials send it to Washington for approval and report, and so forth. These settlers can not wait until that process is gone through with, and they have no money to pay lawyers or land agents. This bill, if it passes, will allow them to immediately pack their wagons and go off and remain away until the 15th of next April without making any application, giving any notice or account to anyone.

Mr. MANN. Why should that be done?

Mr. TAYLOR of Colorado. Because the drought has been so severe in some places that the settlers are compelled to leave their claims to exist; if they do not some of them will starve to death.

Mr. MANN. Does the gentleman mean to say that this whole country and through the Northwest is starving to death?

Mr. TAYLOR of Colorado. No; I only refer to certain localities, and to some of the worthy but poor people who are trying to get a home, but this year has been so exceptionally dry their crops have all burned up, and it is a human impossibility for them to live on their claims during the remainder of this year and next winter.

Mr. MANN. Here is a long list embracing almost the whole of the Northwest.

Mr. RUCKER of Colorado and others rose.

Mr. TAYLOR of Colorado. Mr. Speaker, I do not surrender the floor, but I will yield a moment to the gentleman from Wyoming, because this is one of the Wyoming Senators' bills. It is not a Democratic caucus measure, as some gentleman insinuates. It comes from a Republican Senator, and I may add, in reply to what the gentleman from Illinois [Mr. MANN] said a few moments ago, that all of the three bills reported by the Public Lands Committee that are now on the calendar are Republican bills. One of these Senate bills is a copy of one of my bills that I introduced in the House a week before it was introduced in the Senate, yet the committee, at my request, laid my bill aside and reported the Senate bill.

Mr. MANN. I did not ask the gentleman that; it would be far better if the gentleman would furnish information that is asked for instead of giving information on something else. Why should we let off the homestead filers from going on the land?

Mr. TAYLOR of Colorado. We are not relieving them of any of the five years' residence required by law, but the season is so dry and the land has become so barren that they have not and can not raise anything, and they simply must be allowed to leave. Many of them have already left, and we want to protect them from possible contests and loss of their claims. It is looked upon by the Department of the Interior as necessary to let them go away and make a living and return by the 15th of next April and try it another year. The Government does not lose anything and the homesteader does not gain any rights by this leave of absence. But the law does not contemplate, and the regulations should not require, that these settlers should do an utter impossibility.

Mr. MANN. Then, if I am correct in my understanding, it is because the crops have failed and the people have been unable to cultivate the soil to a profit, and no one now could go on the soil at these places and cultivate it?

Mr. TAYLOR of Colorado. That is absolutely true.

Mr. MANN. I think that has been true in these localities in the West for many years, and will be true much of the time for many years to come.

Mr. TAYLOR of Colorado. No; there are many years that they can raise crops The entire North and West are developing very rapidly, but once in a while there are portions of that country that have an exceptionally dry season like this. I should, in justice to my State, say that Colorado is not as severely affected as some other, and I have only included a portion of our State by an amendment to this bill. Now, Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I have just returned from a brief visit home, during which time I viewed over a very considerable territory of the West, the exceedingly unfortunate, the unprecedented drought conditions there existing. Over a number of the public-land States, particularly the States lying on the east slope of the Rockies, a condition of very unusual drought has existed for the last 18 months, and in much of that territory the settlers have not only not grown any considerable crops, but comparatively little grass has grown. In the portion of Wyoming in which I live there are large areas upon which, up to three weeks ago, there had been but little growth of grass this year. In some places wheat sown in the spring remained in the soil ungerminated. That condition, in varying degree, extends over, as I have said, a number of the States on the eastern slope of the Rockies. It is particularly severe in the land districts or in the major portion of the land districts referred to in this bill.

The fact is that under a general law which has been on the statute books for many years, and which is wise, settlers who have been unable to grow crops can, by application on affidavit, secure a leave of absence from their homesteads, but that requires, in the first instance, the making of an affidavit which entails some expense, and, then, the settler is required to remain upon his homestead until, through the slow unreeling of governmental red tape, the local land office shall have transmitted his application to the General Land Office, and the General Land Office shall have, in the course of time, passed upon his application, and the period for which he desires to be relieved may have largely passed before he is finally informed that he may leave his land. It is specifically provided in the rules that he must not leave his land after making an application until he has received notice that he may do so by permission of the land office.

That being the case, most of the settlers who desire to leave their lands could, through the slow process of governmental procedure and at a considerable expense, secure a leave of absence. That would not, however, apply to those who have made homestead entry, but who have not established residence upon their land. This bill, then, simply does this: It allows the leave of absence, which could be secured by the individual through an application, and it allows it without the necessity of a formal application. Further, it allows that same leave of absence to the man who has not yet established his residence within the statutory period; he would be barred under the general law. The settler is not relieved by this bill from any obligation placed upon him by the law under which he made entry. His entry is simply suspended, as it were, during the period of his absence, and after he returns he must do all those things in cultivation and in residence which are required of him under the law.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield for a question?

Mr. MONDELL. And the period of his absence is taken from and not credited to him in the matter of residence.

Mr. FITZGERALD. Does this drought extend up into Oregon and Washington?

Mr. MONDELL. The committee was reliably informed that some parts of eastern Washington and Oregon, where the rainfall is ordinarily limited, were suffering from drought this year.

Mr. FITZGERALD. What is the nature of that information?

Mr. MONDELL. The region affected is in the eastern part of the States—the dry and arid parts.

Mr. FITZGERALD. Is it information from the department as to the conditions up there?

Mr. MONDELL. No; we had information from Members of Congress.

Mr. FITZGERALD. Is it not usual in enacting legislation of this character to obtain official reports as to the conditions?

Mr. MONDELL. As to most of the territory, official reports have been received.

Mr. FITZGERALD. And the rest of the territory is tacked on as a condition to get relief for the sections upon which reports have been made.

Mr. MONDELL. As to the great majority of the land districts named in the bill, the registers and receivers have notified the department of the unfortunate condition and recommended this class of legislation. In the case of a few districts it is possible the committee did not have that information, but I want to say to the gentleman that the leave of absence granted is in no wise a relief to the settler from any of the requirements of the statute.

Mr. FITZGERALD. Now, I understand it does this: It permits the entryman, before he goes on the land at all, to have leave of absence and——

Mr. MONDELL. So far as that is concerned, it does grant a right which is not granted under the general law.

Mr. FITZGERALD. And should not be granted except under very extraordinary conditions.

Mr. MONDELL. I agree with the gentleman as to that, and I think comparatively few cases are affected by it; but I will say to my friend from New York, from my knowledge of conditions there, they are appalling. No man could be expected to move on the land and attempt to do anything this fall.

Mr. FITZGERALD. A State that is covered with alkali is entirely different from Washington and Oregon, where they have, I understand, a heavy rainfall, and men will be tempted to take advantage of legislation of this character to make entries and speculate in them.

Mr. MONDELL. There are many regions of the very best character of soil in the West——

The SPEAKER pro tempore (Mr. HARDWICK). The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Speaker, I ask for two minutes more.

Mr. TAYLOR of Colorado. I yield the gentleman two minutes additional.

Mr. MONDELL. There are regions where the drought conditions are such that it is utterly impossible to plow. While I

was home I saw localities where attempts had been made to run power plows ordinarily carrying eight plows each. Half of the plows had been taken from the gangs and yet it was impossible to secure power enough from these heavy machines to pull half the ordinary number of plows through the hard soil. It is a condition that is widespread. While we have had droughts in that country before, we have never had anything equal to the present conditions.

Mr. BUTLER. Mr. Speaker, I have no doubt there is great suffering in these districts. Now, the question in my mind is whether they have included all of them in this bill. Have you included some and not included others, because they are unfortunate enough not to be——

Mr. MONDELL. Members of Congress from the districts have appeared before the committee, and the department was called upon for information, and the committee have included in the bill the districts which have been most unfortunately affected, and in this connection I want to pay a tribute to the courage of the men who are confronted with these conditions in the West. [Applause.] I talked with men who have not raised a crop for two years and have no hope of employment in the locality in which they live, have absolutely nothing to live on, yet they are courageous, hopeful, and determined, and this legislation will give these men an opportunity to go away from their lands to secure employment and to return in the spring to continue in the conquest of that semiarid region. [Applause.]

Mr. TAYLOR of Colorado. Mr. Speaker, I want to further answer the gentleman from Pennsylvania [Mr. BUTLER] that the Committee on Public Lands have taken this matter up through the representatives of all these land districts throughout that country, and we have included all the districts in all the States that have made any request for this relief. We are not shutting out any locality that wants this act, and we believe we have fairly covered all the districts that ought to be included in the bill.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. BUTLER. These conditions, I believe, are unusual?

Mr. TAYLOR of Colorado. Yes. In some localities this is the dryest season that has been known in 20 years.

Mr. BUTLER. Are the rains expected to come at certain periods of the year; are there periodical rains in that country, or do they come at any season of the year?

Mr. TAYLOR of Colorado. Oh, we expect to have some rains in the spring of the year and occasionally during the summer; but in some parts of the Northwest they had no snow last winter and have not had a rain this year. The streams and wells have dried up.

Mr. BUTLER. It only suggests itself to me that in fixing a definite period—April 15—you may have fixed it too early to relieve the condition of these people. They may not be able to get back by April 15, inasmuch as conditions may not be favorable.

Mr. TAYLOR of Colorado. That is the time they hope to come back to do their spring work, and I understand they are satisfied with that date.

Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. FERRIS] two minutes.

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. FERRIS] is recognized for two minutes.

Mr. FERRIS. Mr. Speaker, I only wanted to utter one or two words in reference to this measure. The drought in the West this year has been severe. I am only one of a number of others who can testify to that fact. I do not desire unnecessarily to inflame the minds of the people about this, but I wish to say that the land there is very, very dry.

This act does not cost the Government a cent. It does not give the homesteader any advantage he is not richly entitled to. It allows him to get away from his homestead and to work with his hands to get enough to go back in April and make a crop for another year.

I want to call attention especially to a few of the fellows in question in my State. The homesteaders in my State are not homesteaders in reality. They were compelled to buy Indian lands at the highest bid and at the same time homestead them. They bought on the average at $10.50 and $12.50 an acre and had to homestead the land as well. Congress has helped them with some extensions, and it has been necessary to do so. If you let them go off the land this winter, they can get back when the spring opens, and plow and sow and reap when conditions are favorable next year. I do not see any harm that can come from any source, and it may do a great deal of good to a great number of people.

Mr. DYER. I want to know if these conditions prevail in the Lawton, Woodward, and Guthrie land districts as they do in Colorado?

Mr. FERRIS. Perhaps not as much, but they are severe there.

Mr. TAYLOR of Colorado. Mr. Speaker, I yield to the gentleman from North Dakota [Mr. HANNA].

Mr. HANNA. Mr. Speaker, we have before us for consideration a bill granting leave of absence to settlers in certain land districts until April 15, 1912. This bill is a meritorious measure and should pass. Included in this bill are certain land districts in the State which I have the honor to represent—Bismarck, Dickinson, Minot, and Williston land districts—and at the proper time I intend to offer an amendment to the bill to include also the Devils Lake land district.

Under the provisions of this bill, should it become a law, it provides that the time of actual absence of the settler from his land shall not be deducted from the full time of residence required by law. This means that any settler taking advantage of this act will be required to make up any time that he might be absent by reason of having availed himself of the opportunity offered under this proposed bill. This bill provides that it shall apply to all persons who have heretofore made homestead entries. This means that people who have already made their homestead entries and are living upon their lands are entitled to the benefits of this proposed law. It also applies to those people who have initiated or have filed upon land and who under the law have six months from time of filing in which to establish their residence. They are given additional time to establish their residence until April 15, 1912.

I regret to say, Mr. Speaker, that this year in certain western sections of my State we have had exceedingly dry and exceedingly hot weather. This has damaged the crops, and in some cases the crops will be a total failure. This necessitates the settler who is living upon his land, or the settler who has filed, but who has not yet established his residence, going out and endeavoring to obtain work where the crops and conditions are better than in his own locality. The soil in the western part of North Dakota is excellent—a deep black loam, generally underlaid with clay and very fertile. With a normal rainfall, which the settler has the right and good reason to expect year in and year out, it will produce the very best of crops. Unfortunately this past year has been, as stated before, hot and dry, but all that is needed is to give these new people an opportunity to leave their land for a while without danger of contest. Give them a chance to go and earn a little money to help themselves and their families, and they will be back in the spring, ready for the new year and the new crop. Many of the settlers have put valuable improvements on their lands, have broken up and put under the plow a large part of their homesteads, have built houses, barns, granaries, dug wells, put out trees, and made many other improvements, which have run into large amounts of money.

Now, if they leave the land for the purpose of obtaining work, they stand the chance of having their claims contested in their absence. These people have no money, owing to the failure of crops, with which to fight contests, and I regret to say that in the western part of our country, where the larger part of the public domain lies, certain men make a business of contesting the honest settler. I have in mind one instance that came to my knowledge of where one man had instituted 31 contests. Twenty-nine of them were withdrawn, and the supposition is, of course, that he made some proposition or arrangement with the poor settler to withdraw the contest for a less amount than it would have cost the homesteader to have hired an attorney to defend him.

We want to keep the people in my State who have settled upon their lands. They are pioneers; have opened up a wonderfully rich, fertile country, and all they need is the chance and the opportunity, and this proposed bill will be a great measure of relief to them.

From personal experience I can say that in the eastern section of my State, in which I settled some 30 years ago, at one time years ago very much the same conditions prevailed as those which now prevail in the western section. We had a succession of dry years and many of the people left the country, but those who had the courage to stay, to go through the hard years with their discouragements, are the ones to-day who are the prosperous, well-to-do farmers in the eastern sections of North Dakota, and I believe the same will prove true as to the new settlers in the western part of my State; that while the dry, bad years make it exceedingly difficult to go on and to face the trials and the hard experiences that go with the conditions that are now prevalent there, yet I believe, as happened in the old days in the eastern part of North Dakota, that the men—and the women, too, for that matter—who have the courage to face the situation and to meet it, to stick to it and stay by the country, will come out all right in the end.

Mr. Speaker, this bill will be of untold benefit to the new settlers in a vast area of country. The bill is right and fair. It does no injustice in any way whatever to the Government. It should become a law, and I hope and believe that it will have the unanimous support of every Member of this House.

Mr. TAYLOR of Colorado. Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. WARBURTON].

Mr. WARBURTON. Mr. Speaker, I would like to say that the district in Washington that has been taken in in this bill is north of Spokane and north of the Spokane River, a part of the State that is arid. I think the United States is fortunate to have men to go onto that land and try to make a home. As I understand from the Senator of the State, who lives in that country, it applies very largely to men who have filed applications for homesteads, but have not had the opportunity to go on the land. It has been so dry there that if the men did go onto the land they would not get even enough water to drink, let alone to farm with.

Mr. TAYLOR of Colorado. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, I want to say a few words in behalf of this bill. Under its provisions the settlers in three Oklahoma land districts—Guthrie, Lawton, and Woodward districts—are granted leaves of absence from their claims from the date of the passage of the bill until April, 1912. All of the Woodward district and a part of the Guthrie land district are within my congressional district. When this bill was before the Committee on the Public Lands I asked that it be amended so as to include the Guthrie and Woodward land districts. While I have not been home during this session of Congress, I know from reliable information which I have received that the country there has suffered very severely from the drought which has extended generally throughout the western country. As the Government can lose nothing by the passage of this bill, I can see no possible reasonable objection that can be made to its passage. While there may be many homesteaders who will not need to avail themselves of the privilege granted by this act, there are unquestionably hundreds of them in my district who will be largely benefited. Under the terms of this bill the settlers can be absent from their claims for 7 or 8 months without securing special leave by individual application. The absence is permitted largely through the winter months, when presence on the claim is not so necessary, as it is not the season for cultivation. During this time the settlers may go to the towns and cities, secure employment, and earn money that will enable them to carry on farming more successfully next season. I speak not simply in behalf of the homesteaders of Oklahoma, but for the intelligent and patriotic citizens living on the public lands in every section of our country. These men out on the frontier, in the arid and semiarid region, are confronted by many obstacles. They necessarily endure many hardships. They and their families make many sacrifices. The Nation reaps the benefit of these sacrifices. The National Government should lighten the burdens of its homesteaders in every reasonable and proper way.

The pioneer settlers have contributed much toward the greatness of this country. A striking example of what pioneer farmers do for a country has been witnessed in my own State. Twenty-two years ago the first lands in Oklahoma were opened to white settlement. At various times thereafter reservations were opened. To-day we have a great, rich State, with a population of 1,700,000. A large portion of our lands are highly improved and under a high state of cultivation. Under the recent United States census the farm lands and buildings in Oklahoma are valued at $736,473,000. And it was with great satisfaction that I read a statement a few days ago showing the value of farm lands and buildings in 16 Southern States, which showed that in the value of the farm lands and buildings Oklahoma was excelled by but two of these 16 Southern States, viz, Missouri and Texas. The statement, published in a Washington paper, was as follows:

The 16 States of the South have more than doubled in the value of farm lands and buildings in the 10 years from 1900 to 1910. The valuation at present is $8,964,782,000, as compared with $4,077,291,000. The average increase for the entire section is 125 per cent. The greatest gain was in Oklahoma, where the value of farm lands and buildings increased 331 per cent.

The following table has been prepared by Clarence J. Owens, commissioner of agriculture of the Southern Commercial Congress, and is based on the reports of the Bureau of the Census. It shows the present value of farm lands and buildings:

Alabama, $287,673,000; Arkansas, $308,129,000; Florida, $117,623,000; Georgia, $477,603,000; Kentucky, $633,782,000; Louisiana, $238,682,000; Maryland $240,774,000; Mississippi, $330,295,000; Missouri, $1,710,505,000; North Carolina, $455,715,000 Oklahoma, $736,473,000; South Carolina $331,833,000; Tennessee, $479,606,000; Texas, $1,822,713,000; Virginia, $530,918,000; West Virginia, $262,458,000.

Now, Mr. Speaker, this shows the remarkable growth in the value of lands in Oklahoma, and this growth is largely the result of the persistence, pluck, energy, sacrifices, and intelligence of the pioneer settler of our State. So the Nation owes the settlers in Oklahoma and elsewhere a debt of gratitude for the part they have played in making us the greatest Nation on earth. And, in view of the fact that the difficulties of reclaiming the unsettled lands are greater now than they were in the past, because now most of these lands are in the arid and semiarid region, we should be liberal in enacting laws that will aid these men in every way possible. For these reasons I hope this bill will pass without a dissenting vote.

Mr. TAYLOR of Colorado. Mr. Speaker, I yield to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Mr. Speaker, may I have the attention of the gentleman from Illinois [Mr. MANN], because it is only on account of a remark he has just made denoting surprise that such a rich and fertile region as Colorado should ask aid of this kind from the Federal Government that I take the floor; for I want to explain to him, as well as the whole House, that all of the land under cultivation there that can be supplied by irrigation water is already taken up, and the titles to it in Colorado have passed to individuals, and the owners of such are not embraced in the representation of the committee nor included in the bill. It is only that class of people who are trying to make a living by the dry-farming system, known as the Campbell process, that would be affected.

The most of this land is in my district, and in addition to the drought that has prevailed throughout the plains section for almost a year there has arisen another calamity that has come to them since this bill was before the committee, and that is that clouds and clouds of grasshoppers have come in there and eaten up what was left of an unprecedented meager yield. I have a letter from a constituent, a gentleman of prominence and reliability, residing in one of the richest of those valleys. He calls my attention to the true situation, and I read you what he says:

STRASBURG, COLO., *August 1, 1911.*

DEAR JUDGE: I would respectfully call your attention to a bill now before Congress for granting a leave of absence to homesteaders, which I see mentioned in the late Washington dispatches.

This is an absolute necessity to most of these people in eastern Colorado, in your district, if they are to save their lands and live. I am a homesteader, but personally I do not need it, having a small income; but that is not the case with nine-tenths of this class, and they are now seeking work elsewhere.

There is an almost absolute failure of all crops and grass. I am located in the richest grass valley in eastern Colorado, and there will not be 10 tons of hay cut on Coal, Runny, Kiowa, or Besons Creeks, nor east of that to the Colorado line. It may be a trifle better on the northeast corner of the State. The homesteaders in my immediate vicinity are quitting and hunting for work. It is worse in the Bennett and Byers locality.

This is, so far as I can learn, the true situation throughout the eastern part of the State.

I see by the dispatch referred to that Mr. TAYLOR has asked to have eastern Colorado included in the bill before Congress, and I do hope you will cooperate with him in getting the bill passed at the extra session.

Excuse me for bothering you in these reciprocal, wooly, and cottony times; also our fearfully hot times in Colorado, and I know from my past experience in Washington City there are few cool waves there.

Truly,

J. S. STANGER.

You will observe he is not personally interested, and you can see he is telling the unvarnished truth and is speaking and pleading for his unfortunate neighbors. He says he has his title, and he says he has an income besides.

That condition is not general throughout the State, because in that section of the country where the land is fed by irrigation waters we have had the most abundant crops in Colorado. It is only those people who have in the last few years undertaken what is known as the dry-farming process who are suffering. Heretofore they have been exceedingly successful, and it looks as if in any year, whatever time the rainfall will come, by reason of cultivation of the soil, as distinguished from the cultivation of crops, they will finally be able to make a great success in their farming pursuits. [Applause.]

Mr. TAYLOR of Colorado. Mr. Speaker, I now yield two minutes to the gentleman from Nebraska [Mr. KINKAID].

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. KINKAID] is recognized for two minutes.

Mr. KINKAID of Nebraska. Mr. Speaker, I have investigated how the Department of the Interior obtained the information upon which it based its recommendation that such legislation as is provided for in the pending bill should be passed, and I was informed that that information is based largely—not entirely, not over all the localities covered by the bill—upon the reports made by special land-office agents traveling through all the districts and examining the various claims to ascertain whether the entrymen are complying with the law.

Now, that is the most reliable and the best information obtainable, and it is disinterested and official, so that it ought

to be considered as conclusive. The conditions over all of the area covered by the bill are not, of course, uniform. The conditions are not uniform over the area of one single land-office district. In some localities in a land-office district the crops are pretty fair. In some places they are good, and in some places they are excellent. It is so in the districts in the State of Nebraska included in this bill. The conditions are not uniform as to individual homesteaders in the same small locality for various different reasons.

Even in two small localities, say, neighborhoods adjoining each other, one may have enjoyed rainfall to an adequate extent, while crops in the other have suffered for lack of sufficient moisture. As a general rule, it is a question of longitude. This is so, in a degree, for a normal season. It is well established by the reports of the Weather Bureau that the amount of average rainfall decreases after getting west of the Missouri River, say, commencing at the one hundredth meridian and extending thence westward toward the Rocky Mountains. Of course rainfall varies more or less even in this vast region, owing to natural reasons other than the question of longitude. The district in Nebraska which I have the honor to represent extends east and west a distance of 300 miles. I do not pretend that there has been such a lack of rainfall in my district as in Wyoming, farther west, or in portions of Colorado, which are covered by this bill. In our Nebraska sixth district it is only a small percentage of the people who will be affected by the bill. To start with, it is only a small percentage of the lands that have not been patented, and, again, it will be only a small percentage of homestead entrymen who have yet to secure their patents who will find it necessary or desirable to take advantage of the provisions of this bill. None of them can afford to take advantage unless they have suffered crop failures.

If a vote had been taken by the electors in my district, everyone determining his vote upon the question of whether he himself needs the relief provided, an overwhelming majority would have voted against the bill, and at the start, when publicity was being given to the pendency of the bill in the Senate, the predilection of the people of my district was against being included in the bill. But the Secretary of the Interior, upon reports made by special agents, became convinced that there was a percentage of the homesteaders in my district who would be benefited by the bill, and accordingly recommended to the Senate Committee on Public Lands that some of the local land-office districts in the sixth congressional district of Nebraska be included in the bill and others excluded, and the bill passed the Senate in that form. For the purpose of ascertaining for my own advice the sentiment of my constituents, I wrote representative persons throughout my district for information, and while there was a conflict in the views expressed, the consensus of opinion in the different land-office districts confirmed the advice given by the Secretary of the Interior. This was so at the start, but as the pendency of the bill gained further publicity, and the question of whether Nebraska needed the relief became more and more discussed, the sentiment gradually changed in the districts not included out of consideration for the very small percentage who needed such relief, that the two districts not included in the bill had better be included. A number who wrote me at the start, advising that these two districts should not be included, after more mature reflection wrote me a second time, in substance expressing their views that even if it was a very small percentage indeed of entrymen who stood in need of the relief provided by the bill, that the districts had better be included. This latter advice was in conformity with my predilections at the start, and yet I had respected the advice given me when I appeared before the House Committee on Public Lands, leaving one district not covered by the bill. Mr. Speaker, it is perfectly plain that to afford relief to the few who actually need it can not possibly be of any disadvantage to those who do not need it; and it is also a very reasonable proposition that the many who do not need the relief should not be permitted to stand in the way of relief for the few who have suffered crop failures to such an extent and whose property and financial means are so limited that they can not remain during the fall and winter months upon their claims to an advantage. There is in Nebraska employment to be had for all who have suffered failure of crops, and in many cases, if not in most cases, in the same counties where their claims are situated. Plenty of employment can be found in the State, and plenty of money, and good wages will be paid them, and the unfortunate entrymen ought to be allowed to avail themselves of the opportunity thus to be afforded.

Mr. Speaker, on the whole, the State of Nebraska will come out pretty well this year with its crops. Speaking generally, in the eastern half of the State, and maybe as much as the east two-thirds of the State, the crops are perhaps as good as in any State in the Union, and it is much the same in the larger portion of the western part of the State. But, as I have just stated, there is not a uniformity as to results, and there are small localities here and there where the relief contemplated by this bill is proper and justifiable. Generally over the State our oats crop was below the average, and our Nebraska potato crop is going to fall short. Even in the greater portion of the sand-hill area, which is covered by the one-section homestead law which the Fifty-eighth Congress, I am pleased to say, generously and wisely enacted, the relief contemplated is not needed by entrymen, and they can not afford to avail themselves of it; in fact, I think the sand hills have probably produced the largest potato yield this year of any part of the State. In any event, they produce the best quality of potatoes, and produce just as good a quality of potatoes as is produced anywhere on earth. If it were not for the danger of raising a side issue with the gentleman from Colorado [Mr. TAYLOR], who has charge of the bill—having in mind the very high reputation of the Colorado potato—I would venture to say the sand hills raise the best quality of potatoes that are raised in the Union; but, to avoid such a side issue, I will say that no better potatoes are raised anywhere in the Union than in the Nebraska sand hills, and this much has already been established by the prices paid in the principal markets where the brand, "The Nebraska sand-hill potato," has become well known.

Mr. Speaker, I have overlooked what I intended to say—that our Nebraska wheat crop will come nearly up to the average and that our corn crop, usually a very great crop and Nebraska's most valuable crop, may be above the average.

Mr. Speaker, while only a very small percentage of my constituents will find it profitable to avail themselves of the relief afforded by the bill, I feel warranted in having the Nebraska district's name included in its provisions, and I rest my position upon the proposition that good fortune—the good fortune of those who have good crops—should not be permitted to stand in the way of relief from misfortune—the misfortune of those who have suffered crop failures.

I wish to call attention to another feature of the effect of this legislation. It gratifies me very greatly to contemplate that the absence authorized will afford families who reside too far away from schoolhouses to permit of their availing themselves of school advantages in their own districts, the districts in some instances, on account of being sparsely settled, being very large, to move to the railroad towns and send their worthy and promising children to good schools without fear of their entries being contested because of such absence. And I also reap satisfaction from the thought that worthy school-teacher entrymen, of whom there are many, of small means or no means, may safely be absent from their claims for the purpose of teaching and at the same time earning money with which to improve their homesteads and cultivate crops for 1912. The provisions of the bill will bring relief to worthy home builders of the West, and no more meritorious a measure has been passed or will be passed during the present Congress.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask leave to extend my remarks by unanimous consent.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I yield two minutes to the gentleman from Oregon [Mr. LAFFERTY].

The SPEAKER pro tempore. The gentleman from Oregon [Mr. LAFFERTY] is recognized for two minutes.

Mr. LAFFERTY. Mr. Speaker, the homesteaders upon the remaining public lands have had a pretty hard row to hoe. In times past when better lands were available both Congress and the Supreme Court declared repeatedly that the homesteader was deserving of kind and liberal treatment at the hands of the Federal Government. There are additional reasons at this time for adhering to that policy.

The bill under consideration simply grants a leave of absence to all homesteaders in the land districts enumerated until April 15, 1912. On my request the bill has been amended to include the Vale, Burns, La Grande, and The Dalles land districts in the State of Oregon.

There has been no unusual drought in those land districts during the past year, but I favor the passage of the bill anyway, including these districts, because it does manifest a spirit of liberality on the part of the Sixty-second Congress toward the actual settler who is attempting to build up the West and make it a greater country. The bill does not relieve these settlers who may take advantage of the leave of absence from final com-

pliance with the law in full. It simply gives them a chance to go away during the present year and earn money with which to complete their period of residence and cultivation hereafter. The passage of the bill would be a gracious act on the part of Congress. It would cost the Government nothing. It would benefit only the poor people of the country. For these reasons I hope the bill will pass.

FOREST RESERVES IN OREGON, PROPERLY ADMINISTERED, WILL REDUCE TAXES ONE HALF.

Oregon has a total area of 61,000,000 acres. Less than half of that amount is in private ownership. More than one-quarter of the State is already included in the permanent forest reserves and will remain public land forever. Another quarter of the State, and a little more, is public unappropriated land, the exact amount being 17,580,573 acres.

Oregon is entitled to have the quarter of the State that is included in the forest reserves so administered as to give to that State her just and equitable share of the proceeds from the sale of ripe timber and grazing privileges. On April 10, 1911, I introduced a bill in this House (H. R. 2980), providing for a permanent forestry policy which will give to the States a measure of home rule and all of the net proceeds derived from the forest reserves within their borders. The bill further provides that not one acre of the forest lands shall ever be sold to private individuals.

If this bill becomes a law it will reduce taxes in the State of Oregon at least one-half. The 16,000,000 acres of forest reserves in that State are worth to-day at least $500,000,000. If properly and economically administered those forests will never decrease in amount, but will keep up to their present standard. At the same time the income for all of the long future from the sale of ripe timber and grazing privileges will amount to at least 5 per cent of the total value of the forests, or, in other words, the annual net income to the State, if my bill becomes a law, will be at least $2,500,000. These figures seem incredible, but the value of the 16,000,000 acres of forests I have placed at a low figure, and anyone familiar with the timber industry well knows that this great asset of the State of Oregon, properly administered, will pay 5 per cent per annum for all time to come.

GREATER LIBERALITY SHOULD BE SHOWN HOMESTEADERS AND LESS TO SPECULATORS.

As to the 17,000,000 acres of public lands in the State of Oregon outside of the forest reserves, they should be disposed of to homestead settlers under most liberal laws. Upon all of the remaining public lands east of the Cascade Mountains a homesteader should be allowed to take 320 acres. Any homesteader should be allowed to commute at the end of 14 months' residence without being charged with fraud. The whole stringent policy of the General Land Office toward the actual settler should be reversed and made more liberal. The whole liberal policy of the General Land Office toward speculators and scrip applicants should be reversed and made more stringent. I have introduced bills covering all of these points, which will be considered by the Public Lands Committee during the regular sessions of the Sixty-second Congress.

RECLAMATION FUNDS SHOULD BE EXPENDED WITHIN STATES MAKING CONTRIBUTIONS.

I have also introduced a bill requiring the Reclamation Bureau to give to Oregon the benefit of her own irrigation money. Since the reclamation act was passed—June 16, 1902; nine years ago—Oregon has contributed to that fund $9,412,067.39, while the Bureau of Reclamation has expended in the State of Oregon during that time only $2,711,134.39. Therefore the balance of the irrigation money justly due Oregon at this date is $6,700,933.

EMIGRATION OF AMERICAN CITIZENS TO CANADA DETRIMENTAL TO DEVELOPMENT OF THE WEST.

While Oregon has been greatly favored by nature, it has a population, after 51 years of statehood, of less than 1,000,000 people. In recent years the State has been discriminated against. It is the purpose of the land legislation that I have introduced and which is now pending to rectify these wrongs to that State, and I have every reason to believe, and do believe, that I shall succeed.

The following table shows the number of American citizens who have emigrated to Canada during the past five years:

Fiscal year ended March 31—	Number.
1907	59,273
1908	58,312
1909	59,832
1910	103,798
1911	121,464

According to the immigration officers of the Canadian Government, each one of these American citizens carried into that Dominion, either in money or property, $1,000, so that during the past year 121,464 of our people went to Canada and took with them out of this country the enormous sum of $121,464,000, either in money or property. Under these circumstances, I say that it is right and proper that this Congress should show more kindness and liberality to those of our citizens who seek homes upon the public lands in the western part of the United States. [Applause.]

Mr. TAYLOR of Colorado. I yield to the gentleman from California [Mr. RAKER] three minutes.

Mr. RAKER. Mr. Speaker, the only question in the matter before the House is with reference to the policy to be pursued by the House in relation to those who live in these semiarid regions, where irrigation is necessary. It is hard for those who have not been in that country to realize that in one valley the inhabitants may be supplied with water, because of the rainfall and the winter snows, while right across a mountain range there may be an extent of 100 miles long and 25 miles wide which is suffering from a condition of drought.

The bill now before the House does not affect the length of a man's residence upon his homestead, namely five years, and it does not affect his cultivation. In the district under consideration here they did not have sufficient snow last winter, and did not have the ordinary amount of rain, and as a result of these conditions the streams are dried up. The springs are dried up, and they have no water for their stock or for themselves. All they ask of this Congress is that you give them until April, 1912, to go back upon their homes; that in the meantime they may go out to various places and work in the hayfields, on the farms, and in the mills to obtain money with which to improve their places that they may take their families back there next year. The Government loses nothing. The homestead law does not permit a man to be absent from his claim more than six months at a time without showing cause therefor. This simply extends their time a few months in order that they may earn sufficient money to assist them to make their improvements and perfect their title by complying with the requirements of the law. I submit that it is a meritorious measure. Knowing that country as I have for so many years, I believe this Congress ought to give these men this opportunity to leave their homes for the time specified.

Mr. TAYLOR of Colorado. Mr. Speaker, I yield three minutes to my colleague on the committee, the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, there is little that I can add to what has been said, but my relation to this matter is a little different than that of the others who have spoken. Nearly all of them are personally interested through their constituents. The bill does not affect my district or my State in any degree. I thought perhaps you would like to hear from some one who had no particular interest in the matter.

I was convinced by what I heard in the committee that this bill ought to pass and that it is an emergency measure. The reasons have been stated to you, and perhaps only one point has been omitted. I want to call attention to that. Five years are given the homesteader in which to perfect his title. This bill will extend the time to five years and a half. Most of those who are acquiring homesteads in this way are poor people. They have not the means to live when their crops fail. The bill will give them the right to leave their homesteads, to take their families with them to earn a living elsewhere, and come back next spring to plant a crop. You might ask, as I did, why they could not do that anyhow. If they did, they would have to temporarily abandon their homesteads and others might come onto their homesteads and claim them, and when the first entryman came back he might find himself confronted with a contest which he would not have the means to meet. This bill simply enables them to go away and relieves them from the danger of having a contest on their hands when they come back.

Mr. MANN. Will the gentleman yield for a question?

Mr. GRAHAM. Most assuredly; I will yield to my colleague.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. TAYLOR of Colorado. I will yield to the gentleman time enough to answer a question.

Mr. GRAHAM. It might take a long time, as my colleague is capable of asking some pretty hard questions. [Laughter.]

Mr. MANN. The gentleman says that this is for the purpose of preventing contests, and that the existing law covers the men now on their homesteads; that the primary purpose of this is to cover those who have not yet entered on the land. Does the gentleman think that anyone who filed an entry on these lands under these conditions is running any great risk about having a contest from some one else? Who else would endeavor to go on the land this fall under these conditions?

Mr. GRAHAM. My colleague is in error; his premises are unsound. This bill does not apply to anyone who has not initiated a claim who is not already on the land.

Mr. MANN. Then I am entirely mistaken in the purpose of the bill.

Mr. GRAHAM. It affects only those on the lands now. The gentleman is mistaken about that.

Mr. DYER. Will the gentleman yield? I would like to have him answer the question asked by the gentleman from Illinois [Mr. MANN].

Mr. TAYLOR of Colorado. I will yield to the gentleman.

Mr. DYER. I would like to have the gentleman answer the question put by the gentleman from Illinois [Mr. MANN], to whom this bill applies. Whether it applies to those who are now upon the land or those who have simply made claim and have not yet entered on the land?

Mr. TAYLOR of Colorado. It is a bill that applies to both, to those who have made a filing but not made any settlement; it allows to the 15th of next April to make the settlement. To those who are on the land and lost crops it gives them until the 15th of April without subject to a contest or having their absence the ground for canceling their entry.

It is true, as has been stated, that those upon the land can apply to the land office, but poor people can not go to lawyers. And the worst of it is that when they make application to the land office the land office does not grant it, but sends it to Washington, and they may have to wait six months. That is a great hardship, and is a denial of their right entirely.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BURKE of South Dakota. The gentleman is probably aware that there is a class of people who indulge in the business of filing vexatious contests.

Mr. TAYLOR of Colorado. Yes.

Mr. BURKE of South Dakota. And where people apply for this leave and go away there might be a contest filed by such a class of people simply for the purpose of compelling the entryman to give them something to withdraw it.

Mr. TAYLOR of Colorado. Yes; a pure hold-up proposition.

Mr. BURKE of South Dakota. And the passage of this bill says to every homesteader you do not have to reside on your land until April 15, 1912.

Mr. TAYLOR of Colorado. That is correct; but also says to them that if they do take advantage of this they must yet put in five years' residence. Now, everybody is anxious to get his title as soon as he can, and they will not go off the land unless it is absolutely necessary. Now, Mr. Speaker, I demand the previous question on the bill and amendments, but first I want to yield to some gentlemen for an opportunity to offer some other amendments.

Mr. HANNA. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

In the reprinted bill, page 2, line 6, after the word "Williston" add the words "Devils Lake."

The SPEAKER pro tempore. Is the gentleman's proposed amendment an amendment to the committee amendment or to the bill?

Mr. HANNA. It is an amendment to the committee amendment.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Was the gentleman recognized to offer an amendment?

The SPEAKER pro tempore. He was.

Mr. MANN. Then the gentleman from Colorado has yielded the floor.

Mr. TAYLOR of Colorado. No; I have not.

The SPEAKER pro tempore. The gentleman's hour had expired anyway.

The question is on agreeing to the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was agreed to.

Mr. KINKAID of Nebraska. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend by inserting between the words "O'Neill" and "Broken Bow" the words "North Platte," followed by a comma.

The SPEAKER pro tempore. The question is on the amendment to the committee amendment offered by the gentleman from Nebraska.

The question was taken, and the amendmnt was agreed to.

Mr. MONDELL. Mr. Speaker, I offer the following amendment to the Senate amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 8, page 2, after the word "Buffalo" insert the word "Lander."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I would ask the gentleman from Wyoming if there is any land district in that State that is not now inserted in the bill?

Mr. MONDELL. There is not.

Mr. TAYLOR of Colorado. Mr. Speaker, I now move the adoption of the committee amendment.

The SPEAKER pro tempore. The question recurs without motion on the adoption of the committee amendment as amended.

The question was taken, and the committee amendment as amended was agreed to.

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The call still rests with the Committee on the Public Lands.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on this bill be allowed to extend their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suggest that the gentleman modify his request so that they may extend their remarks in the RECORD on this bill for some specific time, say, five days, or something like that.

Mr. TAYLOR of Colorado. I suppose five days is long enough.

The SPEAKER pro tempore. Does the gentleman so modify his request?

Mr. TAYLOR of Colorado. Yes.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent that all who have addressed the House on this bill be allowed to extend their remarks in the RECORD for the period of five legislative days on the subject of this bill. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, I have no authority to call up any other bills.

The SPEAKER pro tempore. The Clerk will proceed with the next call.

LEAVE OF ABSENCE, ETC., TO CERTAIN HOMESTEAD SETTLERS.

Mr. STEPHENS of Texas (when the Committee on Indian Affairs was called). Mr. Speaker, I call up the bill (H. R. 13044) extending the time of payment to certain homesteaders in the Rosebud and other Indian reservations in South and North Dakota, and I will yield the floor to the gentleman from South Dakota [Mr. BURKE].

Mr. FITZGERALD. Well, let the bill be reported first.

Mr. BURKE of South Dakota. Mr. Speaker, just one moment. I desire to submit a request for unanimous consent. I ask unanimous consent to take from the Speaker's table Senate bill 3152 and substitute it for the pending House bill. The bills are identical as reported.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that Senate bill 3152 be substituted for House bill 13044, and that the House bill do lie on the table. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I suggest that the bill be first reported.

The SPEAKER pro tempore. The gentleman from South Dakota stated that they are identical.

Mr. MANN. We would like to have the bill read, so that we may know what it is.

Mr. FITZGERALD. I object for the present.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any person who has heretofore made a homestead entry for land in what was formerly a part of the Rosebud Indian Reservation in South Dakota, authorized by act approved March 2, 1907, or for land in what was formerly the Cheyenne River and Standing Rock Indian Reservations in North and South Dakota, authorized by the act of May 28, 1908, may apply to the register and receiver of the land office in the district in which the land is located for an extension of time within which to make payment of any amount that is about to become due by filing an affidavit, duly corroborated by two other persons, setting forth that, by reason of drought, loss of crop, sickness, or other unavoidable cause, he can not make such payment, and if the register and receiver are satisfied that the facts are sufficient to justify the granting of an extension, and that such person

can not make such payment and that he is acting in good faith and is complying with all the provisions of the homestead laws, they may grant an extension of such payment for a period of one year by the payment of interest for one year in advance at 5 per cent per annum upon the amount due, and any payment so extended may annually thereafter be extended for a period of one year upon the same terms: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment is due. That all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the land.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

With the following committee amendments:

Strike out section 1 and insert the following:

"That any person who has heretofore made a homestead entry for land in what was formerly a part of the Rosebud Indian Reservation in South Dakota, authorized by act approved March 2, 1907, may apply to the register and receiver of the land office in the district in which the land is located for an extention of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, and payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner, and on payment of interest annually in advance as aforesaid: *Provided*, That the last payment and all other payments must be made within a period of not exceeding one year after the last payment is due. That all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the land."

Amend the title so as to read: "A bill extending the time of payment to certain homesteaders in the Rosebud Indian Reservation in South Dakota."

Mr. BURKE of South Dakota. Mr. Speaker, the bill was amended by the committee. The Clerk did not read the substitute for section 1, but the bill as amended is identical, word for word, with Senate bill 3152; therefore I ask unanimous consent that Senate bill 3152 be substituted for the House bill and the House bill do lie on the table.

The SPEAKER pro tempore. The gentleman from South Dakota renews his request that Senate bill 3152 be substituted for the House bill just read by the Clerk, and that the House bill do lie on the table. Is there objection to the request?

Mr. FITZGERALD. I object, Mr. Speaker. If the gentleman will permit me, the amendment proposed by the committee has not been reported.

Mr. BURKE of South Dakota. Let me say to the gentleman from New York my only purpose for asking or making this request was to save time. The bill as amended, I have already stated, is identical with the Senate bill. Now, if we substitute the Senate bill 3152 and it is read, then we will get the House bill as amended, and if the House does not see fit to pass the bill I presume they will defeat it.

Mr. FITZGERALD. Let me call the gentleman's attention to this fact, that the bill as introduced in the House provided that extensions might be made upon proof showing that the payments due had not been made by reason of the drought, loss of crops, sickness, or other unavoidable causes. That expression, of course, might include everything, but the committee proposes an amendment by which no showing whatever is required for the extension, but simply the application must be made, and when it is made it is granted, provided the interest is payable in advance. Now, I am opposed to the practice of permitting homesteaders, without some good cause being shown, to delay the payments to be made; and as the gentleman proposes to have substituted the Senate bill, which eliminates all reference as to good cause being shown, for the present I shall object.

Mr. BURKE of South Dakota. Mr. Speaker, if the gentleman insists upon his objection, then, I presume, the question may be submitted again if the House adopts the committee amendment to the House bill.

Mr. FITZGERALD. Oh, yes.

Mr. BURKE of South Dakota. If he objects——

Mr. FITZGERALD. I object.

Mr. STEPHENS of Texas. Mr. Speaker, we have gone at some length into the question of the great drought-stricken country of the West in the bill which has already passed the House, and we have shown the House beyond all question that a severe drought has extended all over the West, including South Dakota. The Rosebud Reservation, where these lands are situated, is now, in the main, in the hands of settlers, having been bought from the Indians; and those people are now settlers on the land and have made part payments and have made a failure of their crops on account of the great drought prevailing in that country; and they are unable to make a payment this year, and we are asking an extension at this time for the reason that they can not make this annual payment; and the land will be forfeited unless it is promptly paid. It is evident that it will be an advantage to the Indians to have the extension made. Under the present law the Indians only receive 3 per cent interest on the money that is put in the Treasury; under this bill they receive 5 per cent for the deferred payments; so it is a benefit to the Indians to the extent of 2 per cent.

It is impossible, so the committee was informed, for the settlers to make this payment. It has been abundantly shown by many men upon this floor to-day that the conditions are peculiar, because of the unprecedented drought. I have recently been through Kansas and Oklahoma and Texas, and I know that this drought does prevail in the West, and many of the old residents of the country say that they have never witnessed a drought equal to the present one. I hope, therefore, that the bill will pass.

Mr. FITZGERALD. Mr. Speaker, this is the second time the extension has been made of time for these settlers on the Rosebud Reservation, is it not?

Mr. STEPHENS of Texas. Yes; this is the second year's extension, and for the same reason; and I will state this year, as I understand it, the condition is much worse than last year. Any one who has been through that country and knows the conditions will sympathize——

Mr. FITZGERALD. I have not, and I do not suppose the gentleman from Texas——

Mr. STEPHENS of Texas. I have been over part of it.

Mr. FITZGERALD. Will the gentleman explain the reason for the committee amendment which eliminates the necessity for these homesteaders to show some sufficient reason for the extension?

Mr. BURKE of South Dakota. Mr. Speaker, the bill H. R. 13044, which is the bill now under consideration, you will notice, proposes to affect lands in what was formerly the Rosebud Reservation and the Cheyenne and Standing Rock Reservations in North and South Dakota. The bill as amended in committee eliminates the Cheyenne and Standing Rock Reservations in North and South Dakota, because of no emergency existing as to those reservations at the present time. The payment that the settlers agreed to make when they made their entries in 1910 will not be due until 1912. There is no question at all but that there will be a necessity for extending that payment, but there will be plenty of opportunity to secure the legislation in the next session of Congress; and, therefore, there is no necessity for including it at the present time, no emergency existing, so far as those reservations are concerned.

Now, in the Rosebud Reservation there was a payment due from the settlers upon the land in 1910 that was extended until 1911. In the month of August last year the first payment became due. Consequently, in August of this year there are two payments due, and it is an absolute impossibility for the settlers to meet them. We have just passed a bill relieving the settlers from residence because of the extreme conditions which prevail there. This simply refers it to the Rosebud Reservation, where they have two payments due, in order to relieve them from making those payments upon payment of interest at 5 per cent in advance upon the amount due.

As the chairman of the committee has already stated, if this money was to be paid at the time it was due by these entrymen, the money would go into the Treasury of the United States and would draw interest at 3 per cent per annum. Under this bill there will be paid interest in advance at 5 per cent. I want to call attention to a brief letter from the Assistant Secretary of the Treasury, showing that there has been received from the lands in this portion of the reservation that is affected by this bill already $1,671,416.79. The letter is as follows:

TREASURY DEPARTMENT,
Washington, August 2, 1911.

Hon. CHARLES H. BURKE,
House of Representatives.

SIR: In reply to your communication of the 31st ultimo, inquiring as to the balance to the credit of the Rosebud Indians from the proceeds of sales of lands in the Rosebud Reservation, S. Dak., under section 5 of the act of March 2, 1907 (34 Stat., 1231), I have the honor to advise you as follows:

Rosebud Reservation 3 per cent fund	$1,000,000.00
Proceeds of Rosebud Reservation	671,416.79
Total	1,671,416.79

Respectfully,

J. F. CURTIS, *Assistant Secretary.*

The same tribe of Indians received about $1,800,000 from the sale of that portion of the reservation that is located in Gregory County. They have individual money on deposit in the banks in that locality of more than $1,000,000. No hardship, no injustice will be done to the Indians by the passage of this measure. On the contrary, they will benefit to the extent of 2 per cent interest.

As to the change in the bill by the committee so that the extension is made regardless of any condition, it was made because of the fact that the bill as drawn practically amounted to giving an extension to everybody, but it would necessitate their employing a lawyer, of going before the register and receiver of the local land office, making a showing, putting them to expense, and many of them perhaps would not know that they had that privilege and perhaps would lose their lands by reason of a default. So the committee thought, and, I think, wisely, that the bill ought to be general in its character and extend the payment upon merely the condition of paying 5 per cent interest in advance.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. FITZGERALD. Does this bill affect the lands in Gregory County or only in Tripp County?

Mr. BURKE of South Dakota. This bill only affects the lands in what is known as Tripp County, which is the county west of Gregory County. Let me say to the gentleman, because he remembers the legislation pertaining to Gregory County, my understanding is that at the present time every acre of land has been acquired and the last payment has been made, and I want to say for the information of the gentleman, because he opposed that legislation for fear that the Indians were not going to receive $1,140,000, which was the amount they were to receive under the treaty they made with the Government, that they have received actually more than $1,800,000 for those 400,000 acres of land.

Mr. FITZGERALD. Then the Indians were lucky in this instance is all that I can say.

Mr. BURKE of South Dakota. And I want to say to the gentleman, further, that the remnant lands that were not taken by homesteaders along the Missouri River and that were thought to be almost worthless were sold to the highest bidder at $4.70 an acre.

Mr. FITZGERALD. Has there been a drought in Tripp County since these lands were opened?

Mr. BURKE of South Dakota. There has not; and I will say that this is an unusual condition, so far as South Dakota is concerned.

Mr. FITZGERALD. This is the second time that this matter has been brought up. In my section of the country and in other sections of the country people are induced to go onto these western lands and to pay high prices for them, and are continually finding out that, instead of that country being a land of plenty, where nature is bounteous, nobody is able to live on the land. They struggle along, continually appealing to Congress for their relief. I wondered whether this was the usual condition in Tripp County, or whether it was really an unusual condition.

Mr. BURKE of South Dakota. I have already said to the gentleman the settlers in there have managed to pay $1,671,000 for the benefit of the Indians. And I may say also that they probably took most of that money in there with them.

Mr. STEPHENS of Texas. I will state to the gentleman from New York that the information before the committee and the evidence given was to the effect that there was a land boom on at the time these lands were sold. They had a great run there.

Mr. FITZGERALD. The evidence before the committee was to the effect that the land was much more valuable than the price finally fixed in the bill under which it was thrown open, and the contention was made by some gentleman that the Indians ought to be pretty well satisfied if they got $1,000,000 out of it; that that was enough for the Indians. Others of us thought they ought to get the full value of the land. I am glad if it is so that the settlers have paid more for the land than was anticipated. I am very well pleased with the result.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from South Dakota?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. Could the gentleman inform the House what the Indians received from the sale of Manhattan Island in New York? [Laughter.]

Mr. FITZGERALD. Well, the Federal Government never owned Manhattan Island, and had no control of the Indians at that time.

Mr. BURKE of South Dakota. Can the gentleman inform the House what the Indians received in return for the title to Manhattan Island at that time?

Mr. FITZGERALD. I was not present. The gentleman can inform the House if he knows. [Laughter.]

Mr. BURKE of South Dakota. I understand that history records that they received an equivalent of about $24.

Mr. FITZGERALD. They were overpaid. [Laughter.]

Mr. STEPHENS of Texas. Now, Mr. Speaker——

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. STEPHENS of Texas. For a question, I will. What time have I, Mr. Speaker? How much time has been exhausted?

The SPEAKER pro tempore. Forty minutes.

Mr. STEPHENS of Texas. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I am in favor of the passage of this bill. I read from the report that "Great drought prevails in portions of South Dakota this year, and many of the settlers affected by this bill will be unable to meet their payments and may lose their homes unless relief is granted." We passed a bill a moment ago, when gentlemen advocating it stated that a great drought prevailed in Oregon, Washington, Idaho, Wyoming, Montana, North and South Dakota——

Mr. KINKEAD of New Jersey. And Texas——

Mr. MANN. Kansas, Nebraska, Arizona, and Minnesota, I believe.

Mr. GARNER. West Texas.

Mr. HUMPHREY of Washington. And Oklahoma.

Mr. MANN. I am coming to Oklahoma. We have another bill on the calendar, and in the report on it it is said that three successive crop failures in Oklahoma, resulting from severe droughts, have left the Indians of that State in a deplorable condition. Quoting from a letter in which a man sets out the situation in detail, I may say it is stated that there is an unfortunate condition now prevailing among the Oklahoma farmers and those depending upon them on account of three successive crop failures. There is another letter which refers to the want of the necessities of life resulting from the unprecedented drought in Oklahoma, and in another place in the same letter it is stated that—

> From the foregoing it will be seen that during the last four years this country, Oklahoma, has had to contend with one flood and three droughts, with more or less damage to the crops which escaped the flood or withstood the droughts from hailstorms.

Now we learn, also, that we have grasshoppers in addition. In the city of Lawton, Okla., water is purchased at 5 cents a bucket. And yet a few years ago these gentlemen were urging the people to go from our cities and farms to enter upon an Eden, the garden spot of the world, in this drought-ridden and flood-afflicted portion of the country; and having obtained the settlers there, buying Indian lands at high prices, paying from $4 to $10 an acre for land which is not worth and was not worth 75 cents an acre for any practical purpose, they necessarily have to come now and ask, in this case, to have the time extended, and in the Oklahoma case to have the Indians supported out of money now in the Treasury. The Indians had lived for years on this land; but, lo and behold, after one flood and three droughts they are no longer able even to care for themselves, but we have to take money which, it is true, belongs to them out of the Treasury to take care of them in this Garden of Eden. [Laughter.] I want the people in our part of the country to know that a man who goes out into that God-forsaken country of droughts takes his life in his hands.

Mr. GARNER. Send them to Texas.

Mr. STEPHENS of Texas. Does the gentleman yield?

Mr. MANN. No; but the remarks I have made are largely applicable to Texas. [Laughter.]

A few minutes ago we passed a bill to extend the time of homestead settlers down in New Mexico, adjoining Texas, on the ground of drought there. Every one familiar with the situation knows they have had more rainfall in New Mexico this year than they have had for years past. Yet we passed a bill to relieve those settlers because of the drought there.

Mr. SIMS. They never have enough rainfall there to justify homesteading those lands.

Mr. MANN. I am willing to pass these bills. I think anyone who goes from our portion of the country, where we really can raise things, into the arid region, risking his life and the lives of his family, is entitled to every consideration when he gets there. In fact, I think he ought usually to be cared for in a lunatic asylum. [Laughter.]

Mr. STEPHENS of Texas. Mr. Speaker, I ask for a vote.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3152) and to substitute it for the pending bill, and that the House bill do lie upon the table.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the Senate bill (S. 3152) be substituted for the bill (H. R. 13044), and that the House bill lie on the table. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. MANN. Mr. Speaker, the Senate bill has never been read.

The SPEAKER. The Clerk will read the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That any person who has heretofore made a homestead entry for land in what was formerly a part of the Rosebud Indian Reservation, in the State of South Dakota, authorized by the act approved March 2, 1907, may apply to the register and receiver of the land office in the district in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, and payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment is due; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the last vote was laid on the table.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

FORT CLARK MILITARY RESERVATION.

Mr. GARNER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 13120) to transfer a portion of Fort Clark Military Reservation to the State of Texas for a tuberculosis sanitarium.

Mr. FLOOD of Virginia. Mr. Speaker, why do we not proceed with the call of committees?

The SPEAKER. At the end of 30 minutes after that call begins it is proper for anyone to move to go into Committee of the Whole, and it is a privileged motion. The gentleman from Texas [Mr. GARNER] moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider House bill 13120.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13120) to transfer a portion of the Fort Clark Military Reservation to the State of Texas for a tuberculosis sanitarium, and the Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized and directed to transfer and convey to the governor of the State of Texas, for the purpose of a State tuberculosis sanitarium for the treatment of persons afflicted with tuberculosis, such portion of Fort Clark Military Reservation, in the State of Texas, as the governor of the State or his representative may select: *Provided*, That not more than 500 acres shall be conveyed: *And provided further*, That should the State of Texas in any event refuse or fail to use the property herein authorized to be conveyed, or any portion thereof, for the purposes designated, then such land and property shall revert to the United States and become a part of the public domain thereof.

The Clerk read the committee amendments, as follows:

Amend the bill as follows:

"In line 3 strike out the word 'President' and insert in lieu thereof the words 'Secretary of War.'

"Strike out the words 'the governor of' in line 4, and strike out in lines 6 and 7 the words 'for the treatment of persons afflicted with tuberculosis.'

"Insert in line 9, after the word 'select,' the following, 'including the improvements thereon and the water supply, subject to the approval of the Secretary of War.'

"In line 12, after the word 'use,' insert the words 'or abandon.'"

Mr. MADDEN. Mr. Chairman, I would like to inquire how the bill will read when you strike out the word "tuberculosis," and whether it requires the State of Texas to maintain it.

The CHAIRMAN. The Clerk will read the bill as it would read if amended.

Mr. GARNER. Mr. Chairman, I do not desire to be heard unless some other gentleman wants to make some remarks.

Mr. MANN. Mr. Chairman, I desire to offer an amendment after the committee amendments have been agreed to.

Mr. GARNER. Mr. Chairman, I want to suggest one amendment to the committee amendment.

The Clerk read as follows:

On page 2, after the word "or," insert the word "shall."

The amendment to the committee amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I notice that the Chief of Staff says in his letter upon this bill that the department should reserve the right to use the water supply of Fort Clark if it becomes necessary at any time in the future to do so; that right is not reserved in the bill.

Mr. MANN. In that connection, if the gentleman will yield, I propose to offer an amendment by inserting after the word "directed," page 1, line 4, the words "in his discretion and in such terms as he may deem proper," so that it will read—

That the Secretary of War be, and he is hereby, authorized, in his discretion and in such terms as he may deem proper, to transfer, etc.

Mr. FITZGERALD. That is all right. It will enable the War Department to reserve the right to use the water supply and anything else on the granted lands deemed advisable.

Mr. CRUMPACKER. Mr. Chairman, it seems to me that some of the provisions in this bill are somewhat ambiguous. The bill seems to vest no discretion in the Secretary of War, except that he shall approve something. Approve what? The way the bill is drawn and submitted to the House for consideration the Secretary is directed to convey such land, not exceeding 500 acres in area, to the State of Texas, which land the governor or some other State authority may select, subject to his approval. What does that mean?

I heard the proposition of the gentleman from Illinois [Mr. MANN] to amend the bill, but it seems to me that his amendment would be conflicting. The Secretary of War is authorized and directed to convey land, and so forth. What is the use of the word "directed" if we are to say "in his discretion"? Are we going to direct an officer to do a thing in his discretion?

Mr. MANN. It might be better to strike out the word "directed."

Mr. CRUMPACKER. I think if the gentleman's amendment will include the striking out of the word "directed" and then put it "in the discretion" of the Secretary of War to protect the Federal interests, it will be better. The way the bill is written now he has no efficient discretionary power at all.

Mr. BURLESON. I have no objection to the amendment indicated by the gentleman from Indiana. I will state to the gentleman that it is the purpose of the War Department to abandon this reservation, and was so declared by the Chief of Staff and the Adjutant General. We have no objection to the amendment of the gentleman from Illinois or the gentleman from Indiana.

Mr. CRUMPACKER. Then it should vest in the Secretary of War the discretion. The purpose of the bill is beneficent. Of course, the Secretary will make the conveyance and approve of the selection made by the governor of Texas, if it is wise to do so.

Mr. GARNER. Mr. Chairman, if the gentleman will permit, I will say that the President himself told me that it was entirely agreeable to transfer this property to the State of Texas for the purpose of a tuberculosis sanitarium; that they intended to abandon the post for military purposes; and pursuant to that intention they have abandoned posts and transferred them to the Interior Department, and they have become a part of the public domain. Any amendments that will aid the transfer of this property is agreeable to me. I do not care how much discretion you leave in the President or in the Secretary of War.

Mr. BURLESON. The amendment offered by the gentleman from Illinois covers all those things.

Mr. CRUMPACKER. I know, but we are legislating, and our legislation should stand the test of criticism from every standpoint. We ought to include in the bill the discretionary feature as a matter of self-protection. I do not know much about the real facts, but with the amendment which the gentleman from Illinois [Mr. MANN] has suggested, I have no objection to the bill at all.

Mr. DAVIDSON. Mr. Chairman, I would like some information from the gentleman from Texas [Mr. GARNER] as to the improvements on this land and the water supply. What is the water supply and the buildings, and the value of them?

Mr. GARNER. Mr. Chairman, the water supply, I would say to the gentleman, is from a spring known as Los Moras. It is as fine water as is in the world. Most of the improvements are

what are known as adobe houses and constitute an old post, one of the earliest posts in Texas—old Fort Clark—and I may say to the gentleman, in my judgment one of the best that has ever been seen in the Southwest, from the standpoint of health. However, it is the intention of the department to abandon it. The estimate for rebuilding Fort Clark submitted to the Military Committee two years ago, when I undertook to have the fort rebuilt, was quite a large sum.

Mr. DAVIDSON. What is the estimated value of the property now?

Mr. GARNER. The post is in such condition now that it must be either improved or abandoned; and, following the policy of concentrating the troops into larger posts, the Government has decided to abandon all of those smaller posts in that section of the country and move them to Fort Sam Houston.

Mr. MANN. Mr. Chairman, I would like to have some information from the gentleman from Texas. As I understand it, the State of Texas is prepared, if the Government gives it this right, to operate and maintain a tuberculosis sanitarium at this place for the benefit of people who are living there or who come to that portion of the country.

Mr. BURLESON. Mr. Chairman, with the permission of my colleague [Mr. GARNER] I will state that a few years ago a question arose in our State as to what policy should be pursued with reference to people afflicted with tuberculosis coming there from other States. As is well known to everybody, people afflicted with this disease who live in sections of the country where the climate is more rigorous than it is in Texas have been coming there, believing that there a cure would be found. Many have come and many have been cured. Some of them, coming there too late for the climate to effect a cure, after a time find their resources exhausted, and they have become charges upon certain counties said to be favorable to this disease where they have located. The representatives in the legislature from those counties raised the question as to what should be done for the care and support of those people. One of our health officers suggested in the public print that Texas ought to quarantine against people afflicted with this disease. The legislature declined to take such action, but by proper action took steps looking to the establishment of two sanitariums for the treatment of these unfortunates. A board was appointed, consisting of three prominent citizens, of which Dr. Ralph Steiner, the chief health officer of Texas, was made the chairman. This board has recommended the location of one of these sanitariums at a place called San Angelo, and have recommended the location of the other on the Fort Clark Military Reservation, provided it can be secured from the Government for that purpose, having heard it was the intention of the Government to abandon it for military purposes. Having reached this conclusion, at the request of the governor of Texas and the State health officer, some time ago, I took the matter up with the War Department.

I consulted with the Adjutant General and the Chief of Staff and ascertained that it was the intention of the War Department to abandon these outlying military reservations. I then introduced a joint resolution providing for turning over a part of this reservation to the State for the purpose I have indicated. Subsequently, my colleague [Mr. GARNER], the reservation being in his district, introduced a similar resolution, which has been amended, and as amended is thoroughly satisfactory to me, carrying out the purposes I had in mind, and conforms to the wishes of the State authorities. If we can secure this land sought to be turned over to the State by this bill, the State within the next year or two can make provision for the care of a great many more of these afflicted people than it could if it had to start an institution anew, without any improvements or buildings. This reservation is in the section of our State that is said to be especially suitable for the cure of this disease, and I feel quite sure that it is not only to the interest of the State of Texas, but to the interest of the general public good, that the action sought to be taken by this bill introduced by my colleague shall be taken.

My colleague [Mr. GARNER] provides in the bill for a transfer of the amount of land that was asked for by the State, or that the board was authorized to purchase under the terms of the resolution creating the board, but, I believe, that for this institution we ought to have a few more acres than 500. I think we ought to have at least 640, if not 1,000 acres. As was suggested by Mr. GARNER, when he made his argument before the Committee on Military Affairs in support of this bill, and as is well known to all the Members, an abundance or, rather, an ample sufficiency of nutritious food is one of the essentials in the successful treatment of this disease. When I prepared the first draft of the resolution I introduced, I provided for 640 acres, but at the suggestion of my colleague [Mr. SLAYDEN] I reduced the figures. I now believe more than ever that we should have at least that amount, and at the proper time will offer an amendment to secure a full section of land.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. MANN. I notice the reservation has about 4,000 acres. Is this any land that could be used for grazing at all?

Mr. BURLESON. I will say to the gentleman that I am not familiar with the character of the land there, but I heard my colleague [Mr. SLAYDEN], a member of the Committee on Military Affairs, who is familiar with it, state that it is semiarid, and that it is necessary to irrigate it in order to grow fruits or vegetables, but that it can be utilized for grazing purposes, and that it is worth approximately—how much an acre?

Mr. GARNER. Say, $4 or $5.

Mr. BURLESON. The gentleman says about $4 an acre.

Mr. MANN. The gentleman knows, or if he does not, the gentleman from Illinois [Mr. FOSTER] and I both know that a tuberculosis sanitarium ought to have a dairy.

Mr. BURLESON. That is the very point I am——

Mr. MANN. I would give the whole of it.

Mr. GARNER. Will the gentleman yield to me for a moment?

Mr. BURLESON. In a moment, as I have stated, I will offer an amendment to increase the acreage to a larger amount——

Mr. GARNER. I want to make a suggestion to the House and see what they think about it. I have a letter here from the gentlemen who are locating this sanitarium, and their idea was simply to ask from the Government of the United States the use of this amount for which the bill asks. Mr. Connollee, of the committee, asked me to ask for the entire reservation in order that they might have enough to take care of the cattle, sheep, or anything else that might be necessary in order to assist in its successful conduct as a tuberculosis sanitarium, and I want to say in this connection if this entire tract could be used for the purpose it would not be a detriment to the Government and at the same time would give that much more room, but the State of Texas having limited them to purchase 500 acres I thought I would limit in the bill the number of acres to 500, but I do not see any detriment that could come to the United States Government by giving these people a permit to use the entire reservation.

Mr. MANN. We can do that later.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. FITZGERALD. This particular location is a highly salubrious one, is it not?

Mr. BURLESON. Yes.

Mr. FITZGERALD. What has the gentleman to say of the attitude of an administration, with an army of 80,000 men enlisted and a necessity of having them recuperated after service in the Philippines and tropical countries, as they will be, at different places, that has no objection to giving away the most desirable location it has for its troops to recuperate, instead of reserving it for them?

Mr. MANN. They would not send them to Texas.

Mr. BURLESON. I have already stated to the gentleman that the Federal Government has a tuberculosis sanitarium located at some point in New Mexico that is ample for her purposes——

Mr. FITZGERALD. I am not inquiring in regard to a tuberculosis sanatorium, but as to this being such a salubrious place.

Mr. GARNER. This is especially suitable for a tuberculosis sanitarium. Is the gentleman going to select invalids out of different regiments of the United States and put them at Fort Clark? Is he going to organize an invalid regiment and send it to Fort Clark because it happens to be a healthy climate?

Mr. FITZGERALD. But after the regiment has served in tropical countries and returns to this country, it is usual to send them to some healthy place.

Mr. MANN. But some other place besides Texas.

Mr. BURLESON. I want to say to the gentlemen from Illinois and New York that when they are sent to Fort Sam Houston, near San Antonio, Tex., that is one of the most salubrious climates and delightfully healthy sections to be found in all this country.

Mr. BUTLER. Will the gentleman yield to me for a question?

Mr. FOSTER of Illinois. I would like to ask the gentleman from Texas [Mr. BURLESON] a question.

Mr. BURLESON. Mr. Chairman, I desire to offer an amendment, and then I will answer the gentlemen with pleasure.

Mr. FOSTER of Illinois. I want to ask the gentleman from Texas if this is to be entirely a charitable institution conducted by the State of Texas?

Mr. BURLESON. Entirely so. It will be a State institution, all the expenses of which are to be borne by the State.

Mr. FOSTER of Illinois. Is it the intention to confine it only to the residents of the State of Texas?

Mr. BUTLER. That is what I want to know.

Mr. BURLESON. Undoubtedly; the State of Texas does not want to and will not assume the burden of supporting tuberculosis patients from other States, but we do not propose to exclude any citizen of the United States that is now a citizen of Texas. And I will say further that 75 per cent of the people now in Texas afflicted with this terrible disease, and who will go into the tuberculosis sanitariums, were originally from other States and are not natives of Texas.

Mr. FOSTER of Illinois. Is it the intention of the State of Texas to provide quarters where those outside of the State may be taken and treated by paying for their treatment? Or is it entirely a charitable institution?

Mr. BURLESON. I am not familiar with the entire scope of the State law, but I do not think that is in contemplation to admit other than Texans to these sanitariums. It is for those now in the State of Texas.

Mr. STEPHENS of Texas. Will the gentleman permit me to make a statement at that point?

Mr. BURLESON. Mr. Chairman, I ask for the disposition of the committee amendment first.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Texas [Mr. GARNER], which is an amendment to the committee amendment.

The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Page 2, line 2, after the word "or," at the end of the line, insert the word "shall."

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The question was taken, and the amendment to the amendment was agreed to.

Mr. BURLESON. Mr. Chairman, I offer the following amendment.

Mr. GARNER. Mr. Chairman, just one moment. Let us adopt the committee amendment first.

The CHAIRMAN. The question is now on the committee amendment as amended.

The question was taken, and the committee amendment as amended was agreed to.

Mr. BURLESON. Now, Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend line 11, page 1, by striking out, after the word "than," the words "five hundred," and inserting in lieu thereof "twelve hundred and eighty."

Mr. MANN. Mr. Chairman, here a moment ago my genial friend from Texas [Mr. BURLESON] was begging Members of the House that they agree to an amendment to increase it from 500 to 640 acres. Why not increase it to 10,000?

Mr. BURLESON. Because there are not 10,000 acres there. [Laughter.] I will say to the gentleman that I offer this amendment largely as a result of the persuasive argument made by the gentleman from Illinois [Mr. MANN] and his colleague [Mr. FOSTER].

Mr. FOSTER of Illinois. How many acres does that leave now?

Mr. GARNER. About 2,800.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment to the amendment offered by the gentleman from Texas.

The CHAIRMAN. Will the gentleman from Illinois send his amendment to the desk?

Mr. GARNER. Mr. Chairman, will the gentleman from Illinois [Mr. MADDEN] yield to me?

Mr. MADDEN. Mr. Chairman, I withhold my amendment.

Mr. GARNER. Mr. Chairman, I am very confident that when this tuberculosis sanitarium is established the Secretary of War will give the State of Texas the use of the balance of this reservation for whatever purposes they may want in connection with the sanitarium, or else he will transfer the balance of it into the Interior Department and the State of Texas will be able to buy it. I think it ought to be 1,280 acres. You will need that much for the cattle and sheep and other things necessary with which to run a tuberculosis sanitarium, because it takes about 10 acres of land to each cow in that section of the country.

Mr. MANN. It will take a great deal more land than a section. I suggest to the gentleman from Texas [Mr. BURLESON] that he modify his amendment. Here is a case where it was referred to the War Department——

Mr. BURLESON. I will modify the amendment, making it 640 acres, as I originally intended.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 11, after the word "than," strike out the words "five hundred" and insert in lieu thereof "six hundred and forty."

Mr. BOWMAN. Mr. Chairman, it does seem to me that any increase in the area here should have the consideration of the War Department. This measure in its present form has had their consideration, and they have agreed to 500 acres. I think that is an important matter. It has been stated by the gentleman who has charge of this bill that they can get any amount beyond 500 acres. Why not let it stand in its present shape? I have had considerable experience with tuberculosis hospitals in the State of Pennsylvania, and in my judgment it does not require any considerable area for the exercise of patients.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BURLESON].

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 1, line 1, by striking out the words "and directed" and inserting the following: "in his discretion and upon such terms as he may deem proper."

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

Mr. GARNER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be adopted and the bill be passed.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] moves that the committee do now rise and report the amendments to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13120, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CAMPBELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL. Are we in the House or in the Committee of the Whole?

The SPEAKER. We are in the House.

Mr. CAMPBELL. The eagle or mace that usually sits at the right hand of the Speaker when he presides over the House is missing. [Laughter.]

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GARNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. GARNER. Mr. Speaker, I ask leave to extend my remarks for the purpose of placing in the RECORD a communication from the citizens of Brackettville.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Following is the letter referred to:

BRACKETTVILLE, TEX., *August 5, 1911.*

To the CHAIRMAN MASS MEETING ASSEMBLED:

We, your committee appointed to draft resolutions of protest to a certain bill introduced in the House of the National Congress, beg leave to submit the following:

Whereas it was reported in the San Antonio Express of date August 5, 1911, that a bill to provide the State of Texas with a part of the military reservation of Fort Clark as a site for a tuberculosis sanitarium, introduced by the Hon. JOHN N. GARNER, Texas, had been unanimously reported favorably by the Committee on Military Affairs, and that it was highly probable that said bill would be placed upon the Unanimous Consent Calendar and be passed at this session of Congress: Wherefore

Be it resolved by the business men of Brackettville in mass meeting assembled, That we earnestly protest the passage of said bill for the following reasons, to wit:

First. Fort Clark is too valuable a military reservation, being one of the best military posts owned by the Government, as is recognized by the present commanding officer and all of his predecessors, on account of the abundance of water and natural sanitary advantages, in addition to the fact that its proximity to the boundary line of the United States and the Republic of Mexico gives it a strategic value, especially at this time on account of the unsettled conditions existing in the Republic of Mexico.

Second. A tuberculosis sanitarium located on any part of said reservation would absolutely ruin the town of Brackett from a business standpoint in this, that ranchmen and farmers residing near said town would do their trading at other points because of their fear of the dreaded disease, tuberculosis.

Third. If a tuberculosis sanitarium is established on any part of the said reservation, it must necessarily be at the source of the water supply for both town and post, thus converting one of the most healthful towns in the State into one of the most unhealthful on account of the close proximity to said town and possible contamination of the water supply by the disease.

Fourth. With this statement relative to our objections in the matter, we wish to be understood that we are in hearty sympathy with the movement to secure a suitable site desirable in every way for the purpose and with those who are anxious to provide the unfortunate afflicted with relief. And be it further

Resolved, That a copy of these resolutions be furnished each of the United States Senators of Texas, Congressman, State senator, and representative of this district, respectively; and we earnestly request that they each use their best efforts in defeating said bill.

Respectfully submitted.

JOS. VITTMANN,
O. F. SEARGEANT,
F. J. GILSON, Jr.,
Committee.

The above and foregoing resolutions were submitted, approved, and adopted by the mass meeting assembled.

FRANK LANE, *Chairman.*
JOS. R. DE WITT, *Secretary.*

IMPROVEMENT OF BLACK WARRIOR RIVER, ALA.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 943; and, pending that, I ask unanimous consent that general debate on that bill be considered as closed.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN], chairman of the Committee on Rivers and Harbors, moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 943; and, pending that, he asks unanimous consent that general debate on the bill be closed.

Mr. MANN. I hope the gentleman will not make the latter request. I understand a few gentlemen desire to discuss the merits of the bill at greater length than under the five-minute rule.

Mr. SPARKMAN. I think we can extend their time a little.

Mr. MANN. I do not think anybody will take up time uselessly.

The SPEAKER. The gentleman from Illinois objects. The question is on the motion of the gentleman from Florida, that the House resolve itself in the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 943) to improve navigation on Black Warrior River, in the State of Alabama, with Mr. FERRIS in the chair.

Mr. SPARKMAN. I yield 15 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in the discussion of this bill when it was before the House a day or two ago several objections were urged against it, and I should like very much to call the attention of the committee to some of those objections that are not well founded.

In the first place, I want to call the attention of the committee to the fact that this bill is very necessary in the interests of navigation. It is an urgent necessity that some legislation be passed at this session of Congress, for reasons which I will state.

Congress has already authorized the improvement of this river by the construction of three locks and dams, Nos. 17, 18, and 19. The Chief of Engineers has made a contract for the construction of Dam 17, and the contractor has already expended about $70,000 in the prosecution of that contract. The contract as let provides for a 21-foot lift at Lock 17. The engineers propose now to build a dam there with a lift of 63 feet, and they ask permission to change the contract so as to provide for a lift of 63 feet at Lock 17. If that is done, it will do away with the necessity of constructing the other two locks that have already been authorized, and two other locks and dams which have been favorably recommended, and which Congress, without doubt, would authorize hereafter.

Mr. MADDEN. Is there to be more than one lock in connection with this?

Mr. HUMPHREYS of Mississippi. Yes; there will be two locks, with a lift of 31½ feet each.

Mr. MADDEN. I was going to suggest that it would not be practicable to have one 63-foot lock.

Mr. HUMPHREYS of Mississippi. They are going to put in two locks there.

Mr. MADDEN. Then, as a matter of fact, you will not do away with as many locks as you anticipate.

Mr. HUMPHREYS of Mississippi. You will make 2 locks and 1 dam at 17 do the work of 5 locks and dams, with an initial saving to the Government of $257,000 in first cost.

The other items of cost that will be saved to the Government by the construction of this 63-foot dam will be as I am about to state. Some gentlemen seem to have an opinion that this is an additional expenditure that is being called for, and I ask such gentlemen to pay attention to these figures, because if this project is adopted, it will save practically a million dollars, consisting, first, of the item of $257,000, which I mentioned a few moments ago. If this contract is let, this company agrees to pay for flowage rights to the amount of $150,000 for land that will be overflowed by reason of the extra height of the dam at 17. The Government will have to pay for those flowage rights if the company does not.

Mr. MADDEN. There would be no flowage rights to pay for if the dam was left at the original height, would there?

Mr. HUMPHREYS of Mississippi. Yes; there will be exactly the same. The 63-foot dam is going to do exactly what the other dams would have done. There will be no difference at all in that.

Mr. CAMPBELL. I judged from the discussion of this bill on another legislative day that the objection was not to the deducting the number of locks, but it was to giving to a private monopoly, a corporation, the use of the dam and the right to sell the power as they see fit, and for prices that they may see fit to ask.

Now, let me ask the gentleman from Mississippi, if it is so important for that occasion that these locks should be reduced, why not strike out that provision of the bill that relates to giving consent for 50 years' lease to this corporation? If that was done, the bill would pass in 15 minutes.

Mr. HUMPHREYS of Mississippi. The suggestion I made as to that legislation to which the gentleman refers was that the House ought not to strike out the enacting clause, but ought, if they were opposed to letting the contract, to simply strike out the provisions which related to the contract, and by all means pass the bill and authorize the engineers to change the now-existing project, and that to my mind is the important part and the only matter that makes this urgent.

Mr. CAMPBELL. I feel certain that if the gentleman from Mississippi will offer that as an amendment, the amendment will be agreed to and the bill will pass in 15 minutes.

Mr. HUMPHREYS of Mississippi. I will not offer it myself. I believe it is a good thing for the Government to enter into the contract, but if other gentlemen do not agree, I hope the House will not agree to the proposition made the other day to strike out the enacting clause, but simply amend the bill by striking out the provision as to the contract.

Now, as to the contract. We let the contract to the company named in the bill, and it has been objected that the matter ought to be left open so that if others cared to come in and bid for the privilege they would have an equal opportunity to do so.

Mr. CAMPBELL. What effect will the change of the locks have on the surrounding land—how much additional area will be covered by the dam?

Mr. HUMPHREYS of Mississippi. Two thousand acres.

Mr. CAMPBELL. Two thousand acres will practically be appropriated by the dam. Is the Government made responsible for the flowing of that land?

Mr. HUMPHREYS of Mississippi. If the bill is amended as the gentleman stated; but that is always the case wherever we build locks and dams, we have to pay for flowage rights. But this company proposes to pay those flowage rights. If we do not adopt this plan but go upon the plan recommended by the engineers, the Government will have to pay not only for these 2,000 acres but for the flowage rights over several thousand more acres. Now, the company comes in and agrees to pay all flowage rights, estimated to be about $150,000. This particular company is named in the bill for this reason. The State of Alabama has granted to this particular company whatever rights the State could grant, and these rights include the right to build a reservoir and dam up at Sanders Shoals, some 35 or 40 miles above this lock—that is, it may have to be done hereafter in order to conserve the navigation interests. It may be necessary in the future for the Government to go and build this dam, because at times there may not be enough water there to meet the demands of commerce in the pools created. It is one of the possibilities, if not the probabilities, that the Government itself will have to build a dam at Sanders Shoals at a cost of a million and a half dollars as a storage reservoir.

Now, this particular company has secured from the State of Alabama the right to build this storage reservoir dam up there. They have acquired all the rights. No other company can come in and develop power at Lock 17 unless they first buy out this particular company that is already in there. Now, that is the reason why this particular company is mentioned in the bill.

Mr. SWITZER. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I will yield to the gentleman.

Mr. SWITZER. What assurance have you that the water company will accept this contract?

Mr. HUMPHREYS of Mississippi. We have the assurance that if this bill passes it will authorize the engineers to make the change in the plan and build a 63-foot dam at Lock 17. If the company does not accept the conditions, if they think the conditions imposed are too hard, well and good.

Mr. SWITZER. Then the Government will have to pay for the overflowed land?

Mr. HUMPHREYS of Mississippi. Yes; but even then the Government will be saving several hundred thousand dollars over the old project as it now exists. If we do not pass this bill the 21-foot dam will be put in at Lock 17, and then hereafter it will never be possible to develop any water power there. If the company does not accept it, the Government will go on building the 63-foot dam provided for, without any extra cost, and provide for sluiceways that may hereafter develop water power, and if this company does not accept it the next Congress or the Congress 10 years from now can make the same advantageous contract with some other company. But if the bill is defeated and a 21-foot dam is put in at 17, then it will never be possible to develop water power there at all.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman some time during the course of his remarks about an amendment that I wish to offer. I do not wish to interrupt the gentleman if he is not ready for that now.

Mr. HUMPHREYS of Mississippi. I am ready for it. I have no particular course of thought mapped out.

Mr. MANN. In reference to the power to control the charges which are to be made by this company, would the gentleman, or, so far as he knows, those in favor of the bill, be willing to accept an amendment providing for the insertion in the bill of a condition that there shall be inserted in the contract a provision that the Secretary of War shall have the right at any time after hearing to prescribe the reasonable maximum charges which shall be made by the company for the sale, lease, or other disposition of the power not furnished to the Government?

Mr. HUMPHREYS of Mississippi. Yes; personally I should be very glad to see that amendment adopted. I am sure the amendment will be acceptable to the chairman of the committee.

Mr. SPARKMAN. I will say that we have one similar to that.

Mr. MANN. It may be a better one than this, then. Of course, the gentleman knows that, under this bill, there is no provision for the enforcement of any of the provisions in it. There is no forfeiture, no anything, no method of enforcing any provision of the bill or the contract, unless the Government goes into court and files a suit for a mandamus or something of that sort. Does not the gentleman think we ought to have a provision in this bill requiring the company at its risk to carry out the provisions of the bill and the contract?

Mr. HUMPHREYS of Mississippi. I do not anticipate any such danger as the gentleman suggests. I think, under the provisions of the bill, this company will have to pay or they will not be permitted to use the water. They have to give a bond first in such amount as the Secretary of War deems right.

Mr. MANN. Fifty thousand dollars.

Mr. HUMPHREYS of Mississippi. Oh, no; the gentleman is mistaken in that.

Mr. MANN. Well, I am not mistaken in that.

Mr. MOORE of Pennsylvania. It is left to the discretion of the Secretary of War.

Mr. HUMPHREYS of Mississippi. Yes; but after they have done certain work it may be reduced to an amount not to exceed $50,000.

Mr. MANN. And that means that it will be the amount of the bond. Suit on a bond is a very idle luxury.

Mr. HUMPHREYS of Mississippi. What does the gentleman suggest?

Mr. MANN. My suggestion is—and I expect to offer it at the proper time—an amendment providing this:

The determination by the Secretary of War of the amount of rental due to the Government from the company at any time shall be conclusive and binding on the company, and if the company at any time fails to pay to the Government the amount of rental due within a time to be fixed by the Secretary of War, or fails to comply with any of the provisions of this act on its part to be complied with, or fails to comply with any of the provisions of the contract on its part to be complied with, or fails to comply with any regulations or directions which the Secretary of War may lawfully make or give, or fails to observe the charges for the sale, lease, or other disposition of its power which may be prescribed from time to time by the Secretary of War, then the rights herein granted shall become null and void as to the company and shall thereby become vested in the United States. At the end of the period of 50 years hereinbefore provided for all rights, interests, and property of the company acquired under or by virtue of this act shall pass at once absolutely to the Government, unless Congress otherwise provide.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. The gentleman has the floor for one hour.

Mr. SIMS. Fifteen minutes.

The CHAIRMAN. The gentleman from Mississippi was granted 15 minutes by the gentleman from Florida.

Mr. SPARKMAN. I yield 15 minutes more to the gentleman.

Mr. MANN. I do not think the gentleman from Florida has any time. He used his time the other day.

Mr. HUMPHREYS of Mississippi. At any rate, I am recognized for the next 15 minutes.

Mr. MANN. I am quite willing, but I was trying to find out what my rights were.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I am very glad to hear the gentleman's amendment read, and, personally, I will say this: What I am very anxious to have is authority granted to the Chief of Engineers to change the existing project.

Whether I believe the gentleman's amendment ought to be adopted or not I would be willing to accept it in order to prevent the defeat of this measure. I can not say offhand whether the gentleman's amendment ought to be agreed to or not.

Mr. MANN. The gentleman does not contend that the Engineering Department believes that the plans of these locks and dams ought to be changed unless somebody is to use the water power?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. The gentleman will find in the report of the engineers exactly the reverse.

Mr. HUMPHREYS of Mississippi. No; the gentleman thinks not.

Mr. MANN. It is in the report as printed.

Mr. HUMPHREYS of Mississippi. The engineers hold that they ought to be authorized to make the change for the 63-foot lift for several reasons. First, because it will be cheaper to the Government in its initial cost; second, because it will be much cheaper in maintenance; third, because it will take a very much less time, and in that way conserve the interests of navigation.

The engineers do believe that there ought to be such foundations laid for this dam as will make the production and development of horsepower hereafter possible; and, of course, they believe—I suppose we all believe—that whenever a favorable contract to the Government can be made that power ought to be developed hereafter, and that, of course, will still further reduce the comparative cost between the two projects in favor of the 63-foot dam. But the material thing is to authorize the engineers now to change the project so that this contractor will not go on—as he certainly will go on—and complete Lock No. 17 with the 21-foot lift, and thereby render it impossible hereafter ever to develop any water power. And, as suggested by my friend from Alabama, the engineers do think this is a favorable contract.

Mr. MADDEN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MADDEN. I think I understood the gentleman from Mississippi a short time ago to say that one of the main reasons why the engineering board would like to change the plan of the project is that under the old plan they would have difficulty in finding a sufficient quantity of water to provide for the necessary navigation.

Mr. HUMPHREYS of Mississippi. No; I said the engineers suggested that as a possibility of the future.

Mr. MADDEN. And that the engineers think it might be necessary for them to be authorized to build a reservoir dam for the creation of a reservoir above.

Mr. HUMPHREYS of Mississippi. They thought possibly in the future that there might be such commerce developed there that in low water there would not be enough water to operate the dam successfully.

Mr. MADDEN. Had the engineers in charge in mind the difficulty of procuring sufficient water under the project which was formerly adopted to admit of any kind of navigation under this plan which they first recommended?

Mr. HUMPHREYS of Mississippi. The engineers, just as I stated a moment ago, suggested it as a possibility of the future

that there might be such commerce developed there that would require the locks to be opened so frequently that in periods of low stages of water it might be desirable and might be in the interest of navigation to construct a reservoir at Sanders Shoals. They do not recommend it now at all, and they have never recommended it; they simply suggested that as one of the possibilities.

Mr. MADDEN. And because of the possibilities of the future they want to abandon the plan which they originally recommended.

Mr. HUMPHREYS of Mississippi. Oh, no; the gentleman is very much mistaken about that. That is not the moving consideration at all in the engineers' report.

Mr. JAMES. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I hope I have made that plain to the gentleman. The 63-foot dam will have an initial cost of $257,000 less than the cost of the others and will save, in numerous items, all of which I could read here, which will amount almost to $1,000,000, by adopting the 63-foot project in place of the project of five locks and dams.

Mr. WILLIS and Mr. MANN rose.

Mr. MANN. In that connection will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. Referring to the report of the Board of Engineers, printed on page 5 of the report of the committee, this language is used:

> The increase in cost, as compared with the plan recommended by the district officer, is estimated by him at $150,513 for a 66-foot dam, and would, of course, be less than this for a 63-foot dam.

Now, is not this a plain statement that this plan proposes a cost larger than the district officer's plan does?

Mr. HUMPHREYS of Mississippi. I do not think the gentleman understands it.

Mr. MANN. I understand the English language quite well.

Mr. HUMPHREYS of Mississippi. That is an increase over another project—to put at Lock 18, instead of a 14-foot lift, a 42-foot lift.

Mr. MANN. Very well. It is an increase to the Government over the plan recommended by the district officer?

Mr. HUMPHREYS of Mississippi. But not over the plan adopted by the Government.

Mr. MANN. I understand that part of it. You are seeking now to force us to adopt a 63-foot lift plan, which the engineer officer says would cost more than the plan which the district officer recommended. They not only say it there, but in three or four other places.

Mr. HUMPHREYS of Mississippi. The gentleman is mistaken. There is a proposal for a 42-foot lift at Dam 18. If the Government builds that, they will have to pay $150,000 flowage up there, for instance, that will not be paid if they build the lock at No. 17, 63 feet. The proposition to build a 42-foot dam at No. 18 would effect a saving of about $400,000—I do not recall the figures—over the original project which has been adopted. The gentleman understands that they have adopted another project?

Mr. MANN. Suppose the original project has been adopted. The gentleman proposes now to have another specific project adopted, and says it will cost less than the original one, but I call his attention to the fact that the district officer has recommended a third project, which will cost less than the 63-foot project.

Mr. HUMPHREYS of Mississippi. The initial cost will be $150,000 less. But when we come to the 63-foot dam, if the contract is let with this company, the company will have to pay $50,000 toward constructing that dam, which will be for the foundation for the power house which will be part of the dam, and the company will also pay for flowage rights, which we will have to pay otherwise and this will amount to $150,000. We will further save $6,000 a year over the 42-foot dam proposition in the cost of operation, and if this is capitalized at 4 per cent—and the gentleman can not suggest capitalizing it at a higher interest, that will be $150,000, and we must remember that a 42-foot dam produces no water power. So, as a matter of fact, the 63-foot dam will cost less money than the 42-foot dam.

Mr. MANN. Then the engineer officer does not know what he is talking about. He says the increased cost, referring to this plan you speak of——

Mr. TAYLOR of Alabama. That is the district engineer.

Mr. MANN. I beg the gentleman's pardon. This is the report of Col. William T. Rossell, of the Corps of Engineers, and of the board of engineers for rivers and harbors.

Mr. HUMPHREYS of Mississippi. He is quoting from Maj. Flagler's report.

Mr. MANN. He is not quoting from anybody.

Mr. HUMPHREYS of Mississippi. That is the only way he could have gotten the information.

Mr. MANN. He may have gotten it from the district engineer, but he does not so report.

Mr. HUMPHREYS of Mississippi. If the gentleman will read the report——

Mr. MANN. Has the gentleman read it?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. I have read it several times. Is the gentleman familiar with it?

Mr. HUMPHREYS of Mississippi. Oh, I think I am. And I have personally consulted with the engineers frequently on the subject. That report you have in your hand, of Col. Rossell, recommends the 63-foot project.

Mr. MANN. I beg the gentleman's pardon. It does not recommend anything of the kind. What the senior officer says, and what the Board of Engineers says, is:

> The increase in cost, as compared with the plan recommended by the district officer, is estimated by him at $150,513 for a 66-foot dam, and would, of course, be less than this for a 63-foot dam.

Then they figured the interest on that, and the board says, in order to justify the original expenditure and to enable the power development to be made—that is, adopting the plan which the gentleman urges—that a minimum annual payment of $5,000 should be required after the completion of Lock and Dam No. 17. That is what I wished to call to the attention of the gentleman when he said we ought to change the plan, regardless of whether we utilize the water power or not. The board of officers say we ought not to change the plan unless we know we will receive a rental from the water power.

Mr. HUMPHREYS of Mississippi. Well, Mr. Chairman, I have endeavored to explain the difference, and I think I have made it plain to this committee, that whereas the 63-foot dam costs $150,000 more than the 42-foot dam as an initial proposition, it costs $6,000 a year less to operate it, which, capitalized at 4 per cent, would be $150,000; and that would wipe out that difference, and in addition to that the company comes in and proposes to spend $50,000 in the construction of the 63-foot dam, which will make it, therefore, cost $50,000 less than the 42-foot dam. And in addition to that, they propose to pay $150,000 for the flowage rights, which is a saving of about $200,000 over the 42-foot dam.

And in addition they propose to pay a minimum of $15,000 a year for the water power, and that, capitalized at 4 per cent, would be about $400,000. It will be a saving to the Government, if this bill is adopted now, of approximately a million dollars; and the provisions which the gentleman suggested which will enable the War Department to regulate the charge that this company may make against its customers will be accepted. And that being true, I submit that there can be no valid objection urged against it.

Mr. WILLIS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Ohio?

Mr. HUMPHREYS of Mississippi. Yes; I yield to the gentleman from Ohio.

Mr. WILLIS. On page 3 of the report the statement is made by the Chief of Engineers, which says, "The consideration being the exclusive grant to the company of the right to use and dispose of the surplus power." Now, to my mind the crux of this whole business is not how much the Government is going to save just now, but it is this—and that is what I want to know about—what is there in this bill to protect the rights of the consumer? We are proposing to give to this company the rights of the people. How are the rights of the people protected by this bill?

Mr. HUMPHREYS of Mississippi. If the amendment suggested by the gentleman is acceped, the Government or the department will have the right to regulate those charges. I have stated heretofore a good many times before this debate, as well as during this debate, that that provision ought to be in every bill, but it was not put in this bill.

Mr. WILLIS. I did not hear that.

Mr. HUMPHREYS of Mississippi. This is not a very large water power to start with. Another reason is that it is in a country where coal is cheap and plentiful. The Government wants to save a million dollars by entering into a contract. The contract is to run only 50 years, while heretofore such rights have been granted for a term of 99 years, or in perpetuity, and these were the considerations that moved the committee to leave that provision out, because they feared that this company would not, as they claimed, be able to finance their proposition if too many handicaps were put on them.

Now, in this particular section, where coal is plentiful and where coal is cheap, it was not believed that they could extort unreasonable charges.

Let me make this further statement: The gentleman understands that we are dealing with this proposition not as a sovereign but as a property owner. The Government of the United States can not act there as a sovereign. The only rights which it has there are the rights of a property owner. This is in the State of Alabama. The Government has gone there and bought the property upon which to erect a dam, and this power company is to locate its house on our dam. The power is to be sold exclusively within the State of Alabama. They will not be able to produce very much. The estimate is 16,000 horsepower, and we provide that they shall pay us for 15,000 horsepower as a minimum.

Mr. WILLIS. What does the gentleman think of the policy of the Government of the United States spending its money for an improvement and thereupon entering into a partnership with a private corporation? Does he think that is good policy for the Government of the United States?

Mr. HUMPHREYS of Mississippi. That is a pretty broad question.

I think it is good policy for the Government of the United States in the performance of a function which is clearly Federal. When we go there solely to conserve navigation interests, and in the prosecution of that purpose we build a dam which necessarily creates water power, we must either let that water power run to waste, give it away, or sell it. I think the wise thing for the Government to do is to sell it.

Mr. WILLIS. Will the gentleman yield for one more question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. WILLIS. The gentleman has been very kind, and I will not interrupt him further. If the wise thing to do is to sell the power, why is it not better for the Government to go on and make this improvement and then sell this great power for whatever it is worth—sell it to the highest bidder, instead of committing ourselves beforehand to a monopoly?

Mr. HUMPHREYS of Mississippi. For the reason I stated a few moments ago.

Mr. WILLIS. I was absent from the Hall and did not hear it.

Mr. HUMPHREYS of Mississippi. This company has gone to the State of Alabama and secured from that State all the rights to construct this dam, the reservoir, and so forth, and no other company could bid against them until they bought them out. That is why this particular company was named.

But what difference does it make to us what company gets it? We are going to fix the rate that they shall pay us. What difference does it make whether it is the Birmingham Power Co. or some other company, when we ourselves propose to fix the rate at which they shall take the power from the Government.

Mr. JAMES. Will the gentleman yield on that proposition, as to the rate they pay?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. JAMES. This bill provides that they shall pay $1 per horsepower per annum, does it not?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. JAMES. What is the usual price per annum for horsepower?

Mr. HUMPHREYS of Mississippi. The Government is charging from 61 cents to $2.85.

Mr. JAMES. What do the power companies get for it?

Mr. HUMPHREYS of Mississippi. About $20 a year per horsepower, as I understand, as a rule. It depends entirely on the circumstances. In some places they charge $20 and in some places more.

Mr. JAMES. Is it not true that they sell this horsepower for from $35 to $40 per annum?

Mr. HUMPHREYS of Mississippi. No; I think not.

Mr. JAMES. I am informed by a gentleman here who represents the Buffalo district that as high as $75 per horsepower is paid.

Mr. HUMPHREYS of Mississippi. Oh, no; the gentleman is mistaken.

Mr. JAMES. I do not suppose my informant is mistaken about his own district.

Mr. HUMPHREYS of Mississippi. Possibly not; but the testimony here——

Mr. JAMES. I was informed by a Representative from Pennsylvania that horsepower is sold there for from $35 to $40 per annum.

Mr. HUMPHREYS of Mississippi. All through the South it sells for $20.

Mr. JAMES. I want to direct the attention of the gentleman to this fact, that you single out one corporation or individual.

Mr. HUMPHREYS of Mississippi. The State of Alabama singled out that corporation.

Mr. JAMES. You single out this corporation and give it this right for this low price of $1 per horsepower. Now, then, if the Government is going to sell this power—and I reckon it has the right to do it—why would not it be a good idea for the Government to give everybody a chance and let this thing be submitted to the highest bidder?

Mr. HUMPHREYS of Mississippi. I have tried to explain that.

Mr. JAMES. I would like to suggest, in regard to the gentleman's explanation, that if the State of Alabama had any right to dispose of before the Government could construct a dam over a navigable stream, I am not informed of what that right is. I do not believe it had any.

Mr. HUMPHREYS of Mississippi. The gentleman did not catch the force of my explanation. As to the price of the water power, the testimony before the committee from quite a number of gentlemen from Buffalo, gentlemen who were engaged in manufacturing enterprises and who were customers of the water-power company at Niagara, was that it cost them $40 to produce a horsepower by coal, and they could purchase it from the Niagara people for $20 a horsepower. If anybody pays $75 a horsepower, it occurs to me that they are paying a great deal too much. But I am sure that this particular company will never be able to produce any power that they can sell in that particular locality for $75 or $40.

Mr. JAMES. Now, if the gentleman will permit me——

Mr. HUMPHREYS of Mississippi. But whatever they do sell it for, the Government has the right to look at their books, not only the books where they produce and sell the water power developed at 16 and 17, but at the reservoir dam which they have the right to build under the laws of the State of Alabama, and which the State of Alabama did have the right to give them—the privilege to go in and build until the Government of the United States acts.

Mr. JAMES. With the action of the United States the right of the State of Alabama ceases.

Mr. HUMPHREYS of Mississippi. Absolutely, if the two conflict.

Mr. JAMES. So that this corporation has no right by reason of the action of the State of Alabama superior to the rights of the United States Government. Now, what business is the Birmingham Light & Power Co. in besides that which its name would indicate; are they in the coal business?

Mr. HUMPHREYS of Mississippi. I have no knowledge of that; I have no information about the company. I know that the company has got from the State of Alabama the right to build this dam at Saunders Ford. The only power the Federal Government has in the world is to say that the dam shall be so constructed as not to interfere with navigation. They have secured that right from the State of Alabama, and no power company on this earth can go there and develop water power profitably at 17 unless they do construct this dam at Saunders Ford and create a great reservoir that will enable them to have a continuous flow, so that they can produce water power at a profit. It is immaterial to the Government who that corporation is. It is entirely immaterial to us, so long as we have the right to say you shall pay us thus and so, and if you do not do it you can not get the water.

Mr. JAMES. I understand; but there is such a thing as the Government getting better paid where it has many purchasers than where it only has one.

Mr. HUMPHREYS of Mississippi. Undoubtedly.

Mr. JAMES. And you eliminate that where you specify but one company and put in the provisions as to what it shall pay.

Mr. HUMPHREYS of Mississippi. Let me ask the gentleman a question. Would the gentleman vote for this bill if a provision were incorporated in it authorizing the Federal Government to supervise and regulate the charges which the corporation could make?

Mr. JAMES. As to how I shall vote on the bill will be determined largely by the way it is amended. In the first place, I want to say that I do not take kindly to legislation that names the corporation in the body of the bill and offers to give it certain rights without submitting it to the rivalry of different individuals or corporations that might want to undertake the same work and pay the Government more money.

Mr. HUMPHREYS of Mississippi. I agree with the gentleman.

Mr. JAMES. This bill, when it was first brought in, did not offer to the consumer any protection at all. Then if the Government is going into a business of this sort and giving a cor-

poration the right to handle the power I am utterly opposed to turning that corporation loose on the public to extort such charges as they please. Then, again, I do not take kindly to a bill that gives a corporation a franchise for 50 years. I think it is against the enlightenment of our civilization. This Government has not been here three times 50 years. Fifty years is a long time and many things can be developed in that time, many changes occur, and I do not think it is right that the Government of the United States shall take the course of spending millions of the people's money or hundreds of thousands of it in building a project of this kind and then turning it over to a corporation for $1 per horsepower per annum, when the corporation sells this power to our citizens for from 35 to 50 times the amount they pay the Government for it. I do not believe I would vote for it even if the limit of 50 years were brought lower, and I surely will not if the 50-years limit remained. I believe in leases under strict regulations of the charges to be made upon the consumers—the people. Then, too, we should let these rights out under competitive bids and not favor special corporations by legislation; and the leases should be for short periods.

Mr. HUMPHREYS of Mississippi. Now, as to the 50-years' limit, heretofore Congress and the States have granted these franchises without any limitation whatever. Corporations which come to this Government asking this privilege, so far as I am advised, have all come with a franchise from the State which was perpetual. A few years ago we began to put some limitations on the franchises and limited them to 99 years. Afterwards Congress took the matter up and passed a general dam act and incorporated in that act a provision that hereafter there should be a limitation of 50 years.

Mr. JAMES. Will the gentleman yield right there?

Mr. HUMPHREYS of Mississippi. Not now. In the State of Mississippi, from which I hail, corporations may be chartered for 50 years. I think that is the rule generally everywhere. When this bill came from the Senate there was a limitation of 99 years fixed, and we struck that out and made it 50 years. In addition to that, it is not an easy matter to finance one of these great companies, and if we put an unreasonable limitation on it, they will not be financed at all.

Mr. LONGWORTH. Is not this company already financed?

Mr. HUMPHREYS of Mississippi. I do not know whether it is or not.

Mr. LONGWORTH. It is in existence.

Mr. HUMPHREYS of Mississippi. It is incorporated.

Mr. LONGWORTH. And has very valuable rights, as the gentleman just said.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. LONGWORTH. So that it does not seem to me that the difficulty of financing it should cut much figure.

Mr. HUMPHREYS of Mississippi. I stood here in the last session of Congress and opposed a very great proposition, similar to this, except very much larger, because the franchise was for 99 years. I insisted upon a limit of 50 years. I am delighted to know that now there are so many gentlemen here who think that even 50 years is too long; but here is another consideration. We have a contract with these people that authorizes them to go in there for 50 years. Every 10 years we are to readjust the rental that they are to pay us. When the bill is finally perfected by this committee, I hope we will have all the power that the Federal Government ought to have to regulate the price that the company can charge, and to safeguard all of the interests of the people. If this is true, what difference does it make whether it runs for 50 years or 40 years, or, as some gentleman suggested, 30 years? I imagine that no gentleman wants to make it less than 30 years, if he really wants the power developed.

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. BUCHANAN. I would like to ask if the committee considered the Government creating and utilizing this power and selling it to the people in that locality?

Mr. HUMPHREYS of Mississippi. No.

Mr. BUCHANAN. We have the drainage canal in our State that the State has control of, and it has been found to be a blessing to the people of Chicago and Illinois, due to the fact that the drainage board has brought down the price of power being utilized in that locality. It has been a great benefit to the manufacturers.

Mr. HUMPHREYS of Mississippi. There is no question of the power involved in that. Of course, the State of Illinois has the right to do that, to sell the water power to the people.

Mr. BUCHANAN. Has not the Government got the same right where it is creating the power?

Mr. HUMPHREYS of Mississippi. There is a very serious question whether the Federal Government has the right to go there and install a plant, develop the power, and retail it to the people.

Mr. BUCHANAN. Is it not a fact, where the Government creates this power by creating the dam, that it has the same right the State has when it creates the power?

Mr. HUMPHREYS of Mississippi. No; I think not.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. RAKER. It has been asserted here a good many times yesterday and day before yesterday and to-day in regard to developing power. Now, there is not any development of this power except what the Government does, and the building of the dam develops the power; that is all there is to it.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RAKER. And all this company has to do, or anybody has to do, is simply to attach their machinery to the power already developed.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RAKER. And when they are prevented from using it any longer they simply take their machinery away and can use it in another place.

Mr. HUMPHREYS of Mississippi. Absolutely.

Mr. RAKER. And therefore the Government is giving about $4,000,000 to these people to use——

Mr. HUMPHREYS of Mississippi. No; I think not.

Mr. RAKER. I mean by that——

Mr. HUMPHREYS of Mississippi. The dam does not cost $4,000,000; the dam does not cost half that much.

Mr. RAKER. How much does this dam cost raised to 63 feet? I understood it was to cost about $4,000,000.

Mr. HUMPHREYS of Mississippi. No; about $2,000,000. Approximately $2,000,000; but the gentleman understands we are not building it for the purpose of creating water power.

Mr. RAKER. I understand that perfectly.

Mr. HUMPHREYS of Mississippi. The dam is put there for the purpose of improving the navigation of the Warrior River, and whether power is developed or not developed we are going to put the dam there.

Mr. RAKER. Just a moment——

Mr. HUMPHREYS of Mississippi. And we are not giving this dam to this company, we are selling the use of the water power to the company; they are paying us $150,000 for flowage rights and they are putting in a million and a half reservoir dam, $50,000 toward the construction of the dam at Lock 17, and are to pay us at the rate of not less than $15,000 a year for the water. In other words, in a few years, if we make this contract, the Government will be reimbursed for all the money it will have spent to improve the navigation on that river simply by the sale of power.

Mr. RAKER. The only question involved is that the Government is going to improve this river by raising the dam to 63 feet.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RAKER. It is better for navigation?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RAKER. And puts it in a better condition than the way the plans are drawn now by the engineers. The Government, therefore, expends this money and the only question is this: To whom shall we lease or give the right to use this power? Is not that the question?

Mr. HUMPHREYS of Mississippi. Yes——

Mr. RAKER. That is all there is to it, whether it shall be at public auction at a price or whether it shall be contracted to a private individual with the price fixed in advance. That is all there is to it.

Mr. TAYLOR of Alabama. Not a single horsepower will be developed by the building of the dam to 63 feet. All the power that is to be developed here is to be developed by raising that dam by flashboards 3 feet, and all the power that can be used under this bill is provided——

Mr. RAKER. But you could not raise the water by the 3-foot flashboards without the 63-foot dam; and, therefore, the Government raises the dam to 63 feet and develops the power for navigation.

Mr. TAYLOR of Alabama. It does not develop any power, because you can not use it as long as you use it for navigation. You have to keep that 63 feet of water. It is the water of the dam above that goes above 63 feet that makes one single particle of power.

Mr. LONGWORTH. Mr. Chairman, I desire to ask the gentleman merely in regard to a question brought out by the gen-

tleman from Kentucky as to the terms of this franchise. The only argument that I have heard from any member of the Committee on Rivers and Harbors against reducing the term of this franchise has been as to the difficulty of financing the proposition. Now, I want to know in the first place whether or not this proposition is not already financed? I understood from the gentleman that a dam had already been built.

Mr. HUMPHREYS of Mississippi. No. They have a right from the State to build it.

Mr. LONGWORTH. I gathered from the name of this corporation that it is already a very large corporation, engaged probably in supplying heat and light to the city of Birmingham?

Mr. TAYLOR of Alabama. Will the gentleman allow me to answer that question?

Mr. LONGWORTH. Yes. I would like to know.

Mr. TAYLOR of Alabama. Mr. Chairman, the company so far is nothing but a company authorized as a corporation by the State of Alabama for the purpose of building a dam above Sanders Shoals in what is now the navigable part of that river, and decided by the engineers so far to be unworthy of navigation at any time, with authority to develop power from that dam. Further than that, the corporation has done nothing except to make the necessary investigation to find out whether it would pay to develop water power at that dam. The company has not expended any money yet. It has not built a particle of that dam. It has not done anything but to try to decide whether or not they could develop power sufficiently there to make it a business proposition. On the investigation of the engineers that they have had there from the State of New York, it is reported that they could not make that a paying proposition, that the only way they could develop power on the Black Warrior River was by the use of that dam in connection with the Government dam, provided the 63-foot lift dam was made at Dam 17. Then the proposition came up as to whether or not this company could obtain a contract with the Government in cooperation with the Government in the working of the water power to be developed at Lock 17.

That is the situation. The engineers have proposed to finish this work by the erection of five dams. When this proposition came before them as to raising the dam at 17 to a 63-foot lift, they investigated it and found that as a navigation proposition it was the best one that had been offered, and that it saved money and saved time. As anyone will know, it is an easier job and a quicker job to erect one dam 63 feet high than to erect five dams at a distance of 5 to 10 miles apart, in an inaccessible country, without any road, and without any navigation until you make the navigation by water or build railroads, as the present contractor at 17 has done, for the purpose of carrying out the contract to make at Lock 17 a dam with a 21-foot lift. Now, that is the situation, and I hope that I have answered the gentleman. If not, I would be glad to continue and to answer any question that the gentleman is disposed to ask. In my judgment this power company will never move, so far as the coal proposition is concerned, and has no idea of investing in coal. My best information is that it owns no coal interests. My information is from investigation, and I believe I have had it pretty thoroughly done, that when three years ago they got the right from the State of Alabama to build that dam they believed they would have power enough, and upon investigation they found that it was not worth a bawbee; that they could not develop power there at that time in paying quantities. That dam has no number, because it does not belong to this system. It is not a dam for a lock, but a dam for the development of power beyond the point of navigation in the river.

Mr. LONGWORTH. I desire to thank the gentleman from Mississippi [Mr. HUMPHREYS] for yielding to the gentleman from Alabama for this lucid explanation. He has given me information which I did not have before. I was merely inquiring as to what kind of a corporation this was. I was not aware at the time. Do I understand it is on paper and with no tangible asset whatever?

Mr. HUMPHREYS of Mississippi. So far as I know about the Birmingham company, it has simply been incorporated under the laws of the State of Alabama and has secured from the State this right to construct a dam at Sanders Ford.

Mr. LONGWORTH. How recently was that incorporated?

Mr. TAYLOR of Alabama. Between two and three years; and the first and only step, I will say to the gentleman from Ohio, and in my judgment the first and only step that anybody else could have taken in order to get into this business, was to employ engineers to investigate the situation. They never had until last May—I mean of this year; or it may have been April, though I am not certain—a report from the engineers upon their proposition.

It was satisfactory to them to go further into the investigation. In other words, when the Government goes to build a lock, when the Government goes to improve a river, the first thing is a survey and an estimate. We have surveys and estimates now, down in our State, and probably the gentleman from Ohio has them in his State, that have taken years to secure reports upon. In the gentleman's river, the Ohio River, they have been 70 years at it and have not finished it yet.

Mr. LONGWORTH. It has been a long time.

Mr. TAYLOR of Alabama. And if the condition had not been changed two years ago, when I joined the Committee on Rivers and Harbors, it would be 125 years.

Mr. LONGWORTH. I heartily approve the action of the gentleman in that regard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move that the gentleman's time be extended, if that is permissible.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. MOORE of Pennsylvania. I ask that the gentleman's time be extended five minutes. He yielded to me for an interruption awhile ago.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Mississippi [Mr. HUMPHREYS] be extended five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I want to assure the gentleman from Mississippi that there appears to be no difference of opinion upon this bill on the question of navigation. The sole difference is as to the grant of these water-power rights to a private corporation. Inquiry made both of the gentleman from Mississippi [Mr. HUMPHREYS] and of the gentleman from Alabama [Mr. TAYLOR] has failed to reveal the capitalization of the Birmingham Heat, Light & Power Co., the nature of incorporation, the names of the officers, or any of those particulars which would tend to show the responsibility of the company which seeks this great privilege from the Government.

Now, may I ask the gentleman from Mississippi whether he knows if there is anything in this bill that would prevent those gentlemen who constitute the Birmingham Heat, Light & Power Co. from disposing of their franchise to another great corporation the moment after the contract is signed?

Mr. HUMPHREYS of Mississippi. Oh, nothing at all. I think unquestionably they have that right.

Mr. MOORE of Pennsylvania. Is it not possible, in view of the fact that there is just some degree of uncertainty in regard to this company, that there might be a question a little later on as to those who were the real promoters of the company? Is not that possible?

Mr. HUMPHREYS of Mississippi I do not think I catch the gentleman's question correctly. There may be some question as to who they are. There can be no more question about it than there is in my mind at this moment. I have not the remotest idea who the incorporators are, and, from my standpoint, it is utterly immaterial. It is utterly immaterial also from the Government's standpoint as to who composes this company. So long as we have the Government's rights safeguarded, it is immaterial to me whether this, that, or the other gentleman composes this company, or whether this is a subsidiary company of some other company.

Mr. MOORE of Pennsylvania. But the Government's capital in this enterprise is going to be at least a million and a half dollars.

Mr. HUMPHREYS of Mississippi. The Government outlay will be very materially reduced.

Mr. MOORE of Pennsylvania. The gentleman means it will be reduced by the change of plans?

Mr. HUMPHREYS of Mississippi. Yes; and if we adopt this bill we will save money.

Mr. MOORE of Pennsylvania. Yes; you will save money on the authorization. The Government has authorized an expenditure—that is to say, the Congress has authorized an expenditure—of a certain amount of money for four locks and dams. By a change of plans, such as is proposed in this bill, one dam would be constructed which would cost less than four dams. Therefore the saving of money would be wholly in the future.

Mr. HUMPHREYS of Mississippi. But the money has been authorized and appropriated, and the contractor has expended $70,000 in the prosecution of his contract at Lock No. 17.

Mr. MOORE of Pennsylvania. Would it not influence the gentleman somewhat in his opinion of this bill if I were to recite to him some of the recent sensational stories in magazines and newspapers concerning the grant of certain franchises and

rights to companies, the names of whose officers have not been satisfactory or reassuring to the public, in Alaska and elsewhere?

Mr. HUMPHREYS of Mississippi. That would not influence me any.

Mr. MOORE of Pennsylvania. Is it not possible that if the grant of water-power rights should be made to this specified company it might in course of time be developed that some great syndicate, like the Guggenheims or the Standard Oil or the United States Steel Corporation, might be behind it all?

Mr. HUMPHREYS of Mississippi. No; I do not think that would be an embarrassment to the gentleman from Mississippi. I think it would be a great calamity if the Federal Government should permit the water powers of this country to be given away or to pass into the control of any corporation or company beyond the regulating power of the Government. It is a source of much satisfaction to me that at the last session of Congress I was the first to raise my voice against such a possibility when it was proposed to give away, on the St. Lawrence River, the greatest water power which man has ever undertaken to develop. The debate which has occurred here during the past few days has been most satisfactory to me. This present project is a small one, but there are others which are standing at the door, and the spirit manifested here in this debate convinces me that when they are admitted it matters not who may stand sponsor for them or how big the project may be in its commercial possibilities, the rights of the people, who are the owners of all our water powers, will not be given away, but will be safeguarded so far as the power lies in this House to safeguard them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Chairman, I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, when this bill first came up for consideration the other day, I had no idea of making any remarks upon it; but the trend of opinion expressed upon the floor of the House in the discussion of this bill has, I admit, earnestly attracted my attention. I believe it to be a very important measure, and one that establishes a very vital and important precedent. From my knowledge and study of the great question of conservation, I believe that this bill is directly and intimately connected with and represents the true theory of that great doctrine as promulgated throughout this country, as I understand it, and as I have tried to assist in its development.

It has never been declared by the leading men who have promoted this doctrine of conservation that the Federal Government goes into matters of this kind for the sole purpose of putting restraints and conditions on the granting of the right to develop its property or its great privileges, as would destroy or even delay its development for the benefit of the public. It is not intended to do that. As I understand the meaning of conservation, the Federal Government intends to see to it that its available resources shall not remain in the same unused condition that they were when "the morning stars first sang together," but that it shall give the people the benefit of the development of its resources, safeguarded always with the proper regard for the rights of the people. That is what it is intended to do. That is what "conservation" means.

But if you read this discussion from beginning to end, it seems to me that in the estimation of many gentlemen the question is whether $1 per horsepower should be paid by the company to the Government or whether a limit of 50 years is a proper one.

In my judgment, that does not at all reach the purpose of conservation, which is to develop this power which has been running to waste for years and years and doing nobody any good. In view of the inadequacy of the facilities of transportation of railroads, and for the benefit of the public, the Government comes in and says: "We will take a hand in this matter for the purpose of developing the navigation of these public streams and converting them into useful highways of transportation." When my friend from Mississippi [Mr. HUMPHREYS] was interrogated by the gentleman from Ohio [Mr. WILLIS] he did not give the full answer that I would have given. In my judgment, it will be, and ought to be, the policy of the Government to charge these companies or individuals something for the use of the electrical energies or power generated by the dams which the Government builds by the use of public moneys. Do you tell me that it is a common-sense proposition, or a proper one, that the Government should spend millions of dollars in constructing a dam for the purpose of aiding navigation, which at the same time incidentally produces water power, and then that some individual or company can come along and appropriate that power and make money out of it, and the Government get no toll or rental from that company? Why, no. Nobody contends that.

And I go further and say, in answer to the question of the gentleman from Ohio [Mr. WILLIS], that upon the same principle, upon the same theory, and upon the same reasoning, the Government has the right to enter into a partnership with an individual or corporation in constructing these dams, always looking to the improvement of navigation upon the part of the Government, but also to improve navigation in conjunction with the development of water power. I ask you the question, What is the difference in principle whether the Government builds the dam and rents it, or whether it allows an individual or a corporation to come in and contribute part of the expense of construction and ratably adjust the toll rental or excise ratably according to the amount contributed?

Mr. WILLIS. The gentleman did not quite understand the point I sought to make.

Mr. RICHARDSON. I thought I did.

Mr. WILLIS. What I was getting at was this point, that here we are entering into a partnership with this corporation. My contention was that there was nothing in this bill to protect the consumers. There is nothing here reserving any right to fix the rate to the consumer of this power. What does the gentleman think of that?

Mr. RICHARDSON. I think there is no question but that this bill makes provision for that.

Mr. WILLIS. How so?

Mr. RICHARDSON. Because it puts it under the control and direction of the Secretary of War. Are you going to presume that anything wrong can be done through him in such a proceeding as that?

Mr. WILLIS. If the gentleman will look at the bill he will see that it is put under the control of the Secretary of War only so far as the rates charged the company. I am talking about the rates that the company charge to the consumers.

Mr. RICHARDSON. I have no fear of that. I have given that some study, and I say that in a district like the Birmingham district, one of the greatest coal regions where coal is so abundant, everybody knows that coal is a competitor that stands at the door of that water-power company all the time, and you never can get rid of it. Whenever you sell electricity for less than the market price of coal, that minute the company goes to wreck. It has no other alternative. So that coal is a competitor in that section, and not only is coal a competitor, but there is a large acreage of wood. The charge for electricity must necessarily underbid coal. And, gentlemen, we are losing sight, as I fear, of the underlying principle that the Government is governed in the control and conservation of its resources. It is to advance the public interests. We must not be too eager to throw so many restraints, restrictions, and obstacles around the grant of these franchises that our country can not be developed. If so, all of these forces will run to waste as they have in years past been doing.

Mr. GRAHAM. Will the gentleman yield?

Mr. RICHARDSON. I will yield to the gentleman from Illinois.

Mr. GRAHAM. I want the gentleman from Alabama to straighten me out if it is possible. I am confused as to what right the Federal Government has as to the use of the water there for any other purpose than the purpose of navigation. The power to run machinery with the water is not a navigable right. What interest or right has the Federal Government in the water for that purpose?

Mr. RICHARDSON. I will answer the gentleman, and also the gentleman from Kentucky, that the State has a very valuable right and, in direct answer to your question, in its power to improve navigation can aid in developing water power. I could easily give instances.

Mr. GRAHAM. Is the State or the Government the owner of the riparian rights at that point?

Mr. RICHARDSON. I can not answer the gentleman particularly about that. The State of Alabama is the riparian owner, unless some other right superior intervenes. The State not only owns that, but it owns the bed of the river from low-water mark.

Mr. TAYLOR of Alabama. Will the gentleman from Alabama yield to me to answer the gentleman?

Mr. RICHARDSON. Yes.

Mr. TAYLOR of Alabama. Before dam and lock 17 was authorized, or at the time it was authorized, the Government was authorized to buy whatever land was necessary.

Mr. GRAHAM. What Government?

Mr. TAYLOR of Alabama. The United States Government, and it bought between 22 and 25 acres on both sides of the river at Lock 17. I do not know how much it bought at Lock 18,

and I do not know how many acres it got at Lock 19, because I have not seen the deeds of those particular locks and did not make a memorandum of the amount of acreage bought by the Government. The gentleman's question, as I understand it, is a very pertinent question. The Government of the United States is the riparian owner of Dam and Lock 17.

Mr. GRAHAM. There is nothing in the bill or report to show it.

Mr. TAYLOR of Alabama. There is nothing in the bill, necessarily. The report was very short, and there is nothing in that.

Mr. GRAHAM. The gentleman has answered fully the difficulty that I had in my mind. The Government of the United States is the riparian owner.

Mr. RICHARDSON. The owner, whether it be the Government, the State, or an individual, is the riparian owner.

Mr. BORLAND. Will the gentleman from Alabama yield to me to answer the gentleman from Ohio?

Mr. RICHARDSON. Certainly.

Mr. BORLAND. The gentleman from Ohio asked what provision there was in this bill to safeguard the rights of the consumer, and called attention to the fact that the Secretary of War had the power to fix the rates against the lessee and that that power might not be sufficient to regulate the charges that the company might make to the consumer. I take it that the Federal Government, as the proprietor of this dam, and as the riparian proprietor as shown here, when it grants to any company the right to use the power generated by the dam can attach to the lease such conditions as it chooses, among which it can attach the condition that it shall have the right to regulate the charges made by the lessee to the private consumers of power. And that power is a proprietary right and not a legislative or sovereign right. As I understand it, the United States has no sovereign right to exercise power over water in a State except for navigation.

It gets that right, if at all, by virtue of its ownership of the dam, and its consent to the use of that dam as the owner of the dam for other purposes. The sovereignty over that water is in the State of Alabama, and the State of Alabama has plenary power to regulate the charges of public utilities. If there was not a word in this bill regulating the charges of public utilities to the private owner, the State of Alabama still has the power to regulate the charges of this public utility to the consumers within the State of Alabama, and unless the State of Alabama chooses to relinquish that power, she ought to retain it, and I doubt very much whether as a general principle the precedent ought to be established that the State must relinquish the power over the control of the charges of public utilities whenever the United States Government undertakes to make use of the powers generated by dams erected by the United States Government. It seems to me a matter of precedent that the State has the right to retain the control over its State corporations, over their charges to the citizens of Alabama, over the use of public utilities within the State, wherever a power exists, except the Federal power of navigation.

Mr. RICHARDSON. There is no question about the rights of the State. What Alabama has done in the interests of the development of water power will be referred to later on.

Mr. BORLAND. Mr. Chairman, if the Government of the United States is going to put into this bill a provision permitting the United States Government to regulate charges, then that is incidental to the bill, but whether that is a precedent that ought to be established in all cases is a very grave doubt in my mind. I am heartily in favor of conservation, where it means some benefit to the people in control by the government of these great utilities, but whether that power ought to rest in the local or the Federal Government is a matter that ought not to be established as a precedent in this bill.

Mr. WILLIS. Mr. Chairman, will the gentleman from Alabama yield to me for a moment?

Mr. RICHARDSON. Certainly.

Mr. WILLIS. Just in response to what the gentleman from Missouri [Mr. BORLAND] has said. In view of the language on page 11, line 6:

> And for converting to its own use, benefit, and profit the power developed,

And so forth.

And in view of what is admitted here in the report of the committee, or rather in the report of the Army engineer at page 3 of the committee report, where it is said that the consideration is the exclusive grant to the company of the right to use, and so forth—in view of those statements does not the gentleman think it would be wiser and safer to have in this bill a definite provision reserving to the United States the right to regulate the rates to consumers? Ought not that to be in the bill?

Mr. BORLAND. Mr. Chairman——

Mr. RICHARDSON. Mr. Chairman, I must decline to yield any further. It is just this kind of diversions that is carrying the minds of a great many of the Members away from the real questions at stake here. What is the question before us? It is that this bill provides for a dam with a 63-foot lift, eliminating Dams 18 and 19. Those three dams were provided for by the Congress through the Rivers and Harbors Committee. A man who has ever been before the Board of Engineers—and I have been there a number of times—knows how difficult it is to get them to indorse a project.

This board of review has come forward and indorsed this report, that it was to the interests of the Government to eliminate these three dams and build one with a 63-foot lift; that such a policy would save the Government about $250,000 and equally promote navigation as the construction of the three would do. That is about navigation now. That is on the subject of navigation and nothing but navigation. The board of review recommends the building of one dam instead of three, and the Government will save money by so doing. All of this hubbub and to-do about the water power and power and light company of Birmingham, Ala., comes in as an incident. There it is. It saves an expense, according to the report of the board of review of the River and Harbor Committee. But it so happens that in the construction of the 63-foot lift dam a water power will be developed generating about 15,000 horsepower, which would be otherwise forever destroyed if the original plan adopted by the Government for the construction of three dams was adhered to. A board chosen from the different sections of the different States, from the ablest engineers of the Government, has made this recommendation. A plain and sensible proposition. But it is significantly asked if this bill is defeated will the Government pursue its first recommendation of building the three dams. I say I believe it will.

Mr. MOORE of Pennsylvania. The gentleman speaks of the Birmingham company being an incident. Does not the gentleman recognize that a very great change of policy is involved in this bill? That is to say, that a precedent is being established putting the Government in control of water rights in a manner which has not existed heretofore in the form that is now proposed in this bill?

Mr. RICHARDSON. Well, I do think it is a great and important policy, and it is one that I am trying to impress, that we ought to establish a right precedent in this case along the lines of broad and patriotic conservation, although it involves but 15,000 horsepower, for there are a great many public utilities of that kind throughout the whole country that involve very much larger electrical power.

Mr. MOORE of Pennsylvania. Might not it be advisable, in this extra session of Congress, where only urgent business is being considered, to leave aside for the present, until it could be given more careful consideration, a question which involves an entirely new matter of policy so far as the Congress of the United States is concerned—that is to say, the control and regulation of water power?

Mr. RICHARDSON. I appreciate what the gentleman from Pennsylvania says because the gentleman and I have generally agreed in such matters.

Mr. MOORE of Pennsylvania. The gentleman from Alabama is in favor of developing the country as the gentleman from Pennsylvania is, and no one in the House wants to see improved this particular section of the country to which the House now directs its attention more than does the gentleman from Pennsylvania.

Mr. RICHARDSON. Does not the gentleman agree with me that the Government does not intend to throw such restrictions and conditions around the granting of these powers as will prevent the development of them?

Mr. MOORE of Pennsylvania. I think the Government, of course, should be protected against an entangling alliance with a private corporation——

Mr. RICHARDSON. Does not the gentleman think the Government, in view of the fact of the increased prosperity, the multiplication of valuable industries and wealth of the section where the water power is developed and navigation improved, ought to be willing to contribute to help the development and improve the prosperity? That is what I understand conservation in its last and true analysis means.

Mr. MOORE of Pennsylvania. I surely desire to see the Government contribute to the development of every section of the country.

Mr. RICHARDSON. And it does not enter into it, does it, as a money-making project; it is not intended to be a money-making transaction on the part of the Government?

Mr. MOORE of Pennsylvania. But the gentleman does not see the danger signal I raised a moment ago, not offensively, I hope—because that never animates me in discussing any bill in the House—but the danger signal I raised a moment ago was this: That you come in here with a bill proposing that the Government, after an expenditure of $1,500,000, shall grant a franchise, which is the result of that expenditure, to a private corporation; and that while the local environment may be entirely satisfied with that grant, and it may be highly commendable and desirable so far as that particular locality is concerned, yet if the bill passes it will be wholly possible for any corrupt combination, for any scheming individual, for any man who seeks to control water-power rights or the power of electricity, to come into this House hereafter through this great Committee on Rivers and Harbors and say we want the Government to expend money on the improvement of navigation in Alaska; we want the Government to expend money in the improvement of navigation in Nevada, in Idaho, in the canyons of Arizona; we want the power that results from that expenditure granted to an individual or to a specific corporation, which may sell that power the moment the franchise is granted, and thus establish a monopoly which this House in its enacting of legislation ought to provide against. I want the gentleman to understand why I asked the question I did a moment ago.

Mr. RICHARDSON. I know the gentleman asked the question in perfect sincerity, and I will say to the gentleman from Pennsylvania that I have no more objection to granting a right to a corporation than granting one to an individual. I have no fears about corporations or combinations of capital when the franchise is properly governed, controlled, and regulated by reasonable safeguards in securing the public from the evils of an evil and greedy monopoly. We should most vigilantly guard against granting these public franchises, against the manipulations of grafters, or under the control of undesirable citizens. But do not in an abundance of precaution forbid altogether by unreasonable terms the blessings that a full development of these franchises will bring to the people.

Mr. MOORE of Pennsylvania. Then, may I ask the gentleman this question?

Mr. RICHARDSON. Yes.

Mr. MOORE of Pennsylvania. Does he not think, in view of the growth of electricity, all of which has come in less than 50 years, and this marvelous development of ours due to the generation of electricity, that it is advisable before we pass bills granting special privileges to corporations for a term of years, that we shall have a fixed policy with regard to the Government's interest in such franchises, and with regard to the rights of the consumers who will be affected by the use of the franchise?

Mr. RICHARDSON. We are only going to get a fixed policy in this way. We have created already the National Waterways Commission, and we have not anything in the way of a fixed policy as to water-power development in conjunction with the improvement of navigation, as I am advised. Congress is not going to reverse itself on this question that is coming up; and, therefore, I think this small matter of 15,000 horsepower is so important that we ought to weigh it and consider it carefully. I have this faith, that if the Members of this House make a mistake, we will in due time correct it. I think you will see that the bill, when you read it, follows strictly the line of conservation.

Mr. MOORE of Pennsylvania. I submit to the gentleman that conservation is still a vague proposition. We have nothing tangible in regard to it, and no direct lines to work upon. And, perhaps, before we attempt conservation on a particular basis, so far as this Congress is concerned, we had better have a defined policy, rather than to proceed to prove it by special legislation.

Mr. RICHARDSON. This water-power company will spend some $2,500,000 for its plant, appurtenances, and other expenses. What does the gentleman say is the first question that an agent who represents a water-power company has to answer on Wall Street or anywhere else where he goes to sell his bonds? What is the first question that the bond buyer propounds to him? The water company has to finance the project by the sale of bonds.

Mr. MOORE of Pennsylvania. I assume the bond buyer wants to know what is behind the bond.

Mr. RICHARDSON. Yes; he wants to know "what is behind the bonds." He wants to know what each horsepower costs him to develop. That determines the negotiability of his bonds—the reliability of the investment.

Mr. MOORE of Pennsylvania. That may be so.

Mr. RICHARDSON. That is what he wants to know, because his bonds are resting on that, and if he answers, "My horsepower costs me $125 or $150 per horsepower," the capitalist turns around and walks off, saying, "I am not engaged in that business right now." Suppose he answers him, "It costs me not quite $100 a horsepower"? You will see him sitting down and negotiating with him. What gives the man who represents these companies the right to put it that way? Would 10 years' franchise, or 15 years, enable him to get capital and get credit? Why, no. He can not get it. It is the length of the franchise. Why, you know probably better than I do that great numbers of water development power companies have failed in the last few years after having spent untold millions. Why? Because the Government put such restrictions, obstacles, and restraints on them that they were unable to finance their bonds and their company. And yet we are making the argument here to-day that the trouble is because of the term of 50 years. Why, I will not hesitate to say that the matter of time of franchise, properly guarded, with proper restrictions around it, with a view of the development of these great powers that are lying idle and running to waste in our country ought not to be a material matter in this business. I would grant 50 years or more with proper power and supervision in the government of conditions necessary for development required by such a grant. I would not hesitate about it. It is not sacrificing anything on the part of the Government at all.

The Government must be protected; it must be guarded; it must be safeguarded in every way with such discretion and judgment as the Secretary of War and the men in charge of the War Department can throw around it. And I mean by the "Government" the public—the people. They have, as I said before, sir, that great competitor, coal, that stands at the front and back doors of these companies all the time. They are never without that competition. They are bound to undersell it or they go out of business.

Mr. MOORE of Pennsylvania. The gentleman, as I understand it, wants substance behind the bonds, so that the water company may be able to make proper representations to those who would buy the bonds?

Mr. RICHARDSON. I think it is a part of the Government's duty to aid them, by granting a franchise of adequate length, and be generous in behalf of the public in considering the great difficulties these water power companies encounter in the beginning.

Mr. MOORE of Pennsylvania. Not, I assume, in the sale of the bonds, but in the establishment of a franchise that will have some value behind it. May I ask the gentleman just this: Whether in the event of the passage of this law and the attempt of this company to sell these bonds it would be able to represent that it had substance, or that it had the value the subscribers to the bonds would be expected to inquire about?

Mr. TRIBBLE. Suppose the large dam is not built and the small dams are built, what will become of the water? Will it go to waste?

Mr. RICHARDSON. If this bill does not pass, the engineer is going to carry out the policy already inaugurated and go right along and improve the river by the building of the dams, three in number, heretofore recommended.

Mr. TRIBBLE. And there is nothing there for the consumers to get?

Mr. RICHARDSON. Yes; the navigation of the river will be improved, but that policy destroys the water power forever. That is what has been understood here all the time. Is there any reason for the Government to destroy such an asset when it can be preserved and utilized without expense and with profit to the Government?

Mr. TRIBBLE. The consumers do not get any benefit, and the Government does not get any benefit unless you build a large dam. Is that correct?

Mr. RICHARDSON. You are forgetting the fact that the Government has authorized the building of three dams there already as a part of a great project. If this bill fails, the engineers will go along and build the dams. The Government has the benefit of navigation.

Mr. TRIBBLE. The Government has a waterway?

Mr. RICHARDSON. They have a waterway now.

Mr. TRIBBLE. I understand; but that is the purpose of this dam?

Mr. RICHARDSON. Why, it is to dam the river, build locks, create slack water, and improve navigation, and the building of the high dam will aid in developing water power.

Mr. TRIBBLE. But if you build a large dam, then this corporation will come in and use the power.

Mr. RICHARDSON. If you build a large dam, you get rid of the other two at a less expense to the Government, as I am informed, and at the same time you develop that water power.

Mr. TRIBBLE. But if you do not build this dam, could anybody else come in and consume that power?

Mr. RICHARDSON. No; it would be destroyed or wasted.

Mr. TRIBBLE. That is what I want to bring out.

Mr. COX of Ohio. Mr. Chairman, I submit this inquiry in good faith, because I am sure the gentleman from Alabama [Mr. RICHARDSON] will answer it if he can. The gentleman spoke a few moments ago about the financial organization of the company and about having such conditions preceding the grant as will enable the concern to get credit. I presume it is organized in the State of Alabama, because if it is not a chartered company I suppose the Government would not deal with them. May I ask the gentleman from Alabama if there is an Alabama law which prevents public-service corporations and stock companies from issuing securities in excess of the actual investment? I have a particular purpose in mind in making the inquiry. Is there anything in the Alabama law which would prevent this company from issuing bonds, stocks, and securities to the amount represented by the investment, plus the value of this 50-year franchise?

Mr. RICHARDSON. Well, I am not sufficiently informed as to the Alabama statute on that subject as to be able to undertake to answer that question with accuracy. I have been out of the active practice of the law for some years, and I admit that I have not kept up with the State legislation, and I can not answer positively about that.

Mr. COX of Ohio. The statement was made the other day by the gentleman from Alabama [Mr. UNDERWOOD] that there are now existing in the vicinity of this proposed improvement four or five power companies.

Mr. RICHARDSON. I remember what the gentleman said about that, and I am quite sure he was correct in his statement, except that there are other water powers in Alabama than those Mr. UNDERWOOD mentioned.

Mr. COX of Ohio. My inquiry is based upon that statement to a certain extent. There should be a safeguard in this bill so that this company can not sell out to any other corporation.

Mr. RICHARDSON. Does not the gentleman think the War Department will make such wise regulations as shall be in the interest of the public? I take it for granted that the Secretary of War is going to act in the interest of the people. He is not going to allow any advantage to be taken of it. We should not load down the bill with all that minutiæ.

Mr. COX of Ohio. We thought that would be done with respect to Alaska, but unfortunately it seems not to have been done. We are the representatives of the people, and since we can in full propriety, and acting within our authority, protect their rights now, then this is the moment to exercise our vigilance. One great weakness in our system of government is the temptation thrown about administrative officers through a lack of care and caution in framing the laws which are to be carried into effect by the departments. If ever a moral lesson was carried to the Congress and the people it came through the experience of the past year, when a lack of vigilance on the part of the lawmakers in the first instance almost enabled designing interests to steal priceless possessions in Alaska.

There are two feature in this bill which should be changed—one reducing the term of the franchise from 50 years to not more than 25 years, and then some power of the Government should be exercised in regulating the price charged for the use of the water power. Both of these precautions have been demonstrated as the part of wisdom and expediency in every large city in the country. The gentleman from Alabama has doubtless not been so circumstanced as to be able to observe the operations of public-service corporations in the large cities where valuable rights belonging to the people have been given away without consideration. No franchise should be granted for 50 years. The burdens of taxation are becoming so great in this country that relief in part must be procured by public-service corporations paying into the public treasuries some return and in an amount at least commensurate with the value of the rights which they enjoy under authority of Government. It is the abuse of official power which is bringing about a popular demand for a more genuine democracy as opposed to a representative government. In our State of Ohio two things have been influential in determining public opinion. Not long ago the State legislature passed what was known as the Rogers bill, giving large street railway corporations 50-year franchises in the city of Cincinnati; then the ever-recurring exposure of corruption in municipal and State legislative bodies has convinced the people that it can only be removed by lodging final authority with the electorate.

Jefferson, in his observation on the corruption that had crept into our Government in its earliest days, said that the only cure was the placing of final authority in the people, because not only the integrity but the good judgment of a vast majority could always be relied upon. If final authority be lodged in the people, especially in municipal and State affairs, it will be useless for any member of a legislative body to demand money for his vote on a meritorious measure, because appeal can be made to the people. Likewise it will not avail designing interests to purchase the passage of improper legislation, because it also can be submitted to the people for revocation. If any man can devise any other method of uprooting legislative corruption, then there may be no necessity for the adoption of the initiative and referendum, but experience has not only demonstrated the wisdom of the plan as a matter of high ethics, but as a sound economic principle.

It is said by those in opposition that there will not be sufficient care and deliberation in working out a result by the ballot. In the Ohio legislative session of 1910 there was an average of 4 laws a day passed, a total of 310. In New York there were over 800 laws enacted. If State legislatures can pass 4 laws a day, can the people in a 4-month's campaign of education wisely pass on a safely assumed average of 6 or 8 submitted by the initiative and referendum?

If the percentage of voters required for petition is low enough to both facilitate the correction of abuses and initiate obviously necessary legislation and high enough to escape momentary caprice, there is no possible danger to any legitimate interest or purpose in any State. As a detail in perfection of the plan, a shorter ballot should be devised by centering authority in fewer executive and administrative offices and thus permit the voter to approach the ballot with a lesser degree of confusion. The professional man, the manufacturer, the business man, the farmer, and the intelligent laborer make a prepondering majority in the State and Nation, and their grasp of public matters is not questioned. Bring to them an increased responsibility and they will meet their duty with a degree of intelligence and patriotism that justifies a republican form of government. To deny this is to admit a tendency toward monarchy.

Some people seem to believe that the principle of the initiative and referendum is an experiment. The truth of the matter is it is just the reverse. No one will deny that the fundamentals of common sense would suggest that in government the people act for themselves. In delegating the power to some one else, in short, when they resort to representative government, then they are working an experiment. The provision in the Constitution for the election of the President of the United States by the electoral college was doubtless inspired by the lurking belief in certain quarters that the people themselves could not be trusted to meet this responsibility. Originally it was the intent that the electors so chosen could act in pursuance of their own wishes, independent of the expressed desire of the people. In a very brief time the people did away with this, and without making a single change in the Constitution of the United States. Custom is always created by public opinion, and it was not long until the electors, when they met in their respective States, cast their votes in exact and precise harmony with the will of the majority as expressed at the previous election. The same sense of caution on the part of our fathers doubtless resulted in the archaic plan of electing United States Senators. Advancing civilization, however, has demonstrated the wisdom of placing this responsibility directly with the people. The two plans described were experimental and both found to be failures. Correction was made by lodging the authority directly with the people.

The initiative and referendum have been adopted by constitutional amendment in the States of Oregon, Oklahoma, Nevada, Missouri, Montana, South Dakota, Colorado, Arkansas, and Maine. In Utah the initiative and referendum amendment has been adopted, but the legislature has failed up to this time to enact the necessary legislation to put it into operation. The initiative and referendum amendment has been submitted by the legislatures but has not yet been voted upon by the people in the States of California, Washington, Wyoming, North Dakota, Nebraska, Florida, Idaho, and Wisconsin. The Oregon plan of popular election of Senators has been adopted in Oregon, Nebraska, Nevada, Minnesota, New Jersey, Ohio, Kansas, California, and Wisconsin. As indicating the hold that the great subject of popular government has upon public interest, I submit the following observations of a distinguished Ohioan and an able authority on the initiative and referendum:

One of the important events of 1912, which may affect profoundly the currents of our national life, is the constitutional convention, which is to be assembled in Ohio next January. Already this matter is of State-wide interest, although the delegates are not to be elected until November. What will Ohio do with the issues of progressive

government, which must be raised in that convention? The issue is more clearly defined than that. What will Ohio do with the initiative and referendum? This has already become the overshadowing question. Every delegate must face it. No public man can escape it.

But there is no doubt what Ohio will do. The initiative and referendum is as popular as the Declaration of Independence. Moreover, it is not only popular—it is right. It is not only right—it is imperative. It is imperative that the people should have the instruments with which to preserve the representative character of their government. Of course there are those who becloud the issue. It is said that the initiative and referendum is an attack upon representative government. But this is completely answered by the wise provisions which are being urged for the initiative and referendum in Ohio. These provisions are worthy of note.

It is proposed that the signatures of 8 per cent of the electors of the State may be required to sign petitions demanding direct vote upon an act passed by the legislature. That means a petition of over 80,000 voters. If less than 80 men in the Ohio Legislature can make laws, it would seem to be safe to allow 80,000 men, outside the legislature, to demand a popular vote now and then upon what the legislature may do. But one never hears any dissent to the referendum. The opposition is all centered upon the initiative. It is hardly conceivable, however, that any person not hostile to popular government itself could object to the form of the initiative which is being urged in Ohio.

It is provided that any desired law must first be submitted to the legislature in order that it may be subjected to the discussion of a deliberative assembly. The measure may be defeated or passed in any form approved by the legislature. Then, if there is any dissatisfaction with the course of the legislature, 10 per cent, or 100,000 electors, may petition for a popular vote on the bill as originally introduced, with or without any of the amendments favored by the legislature. Thus on motion of one-tenth of the electors an appeal may be made from the legislature to the citizen body.

Under such guaranties of publicity and deliberation, what becomes of the claptrap about popular passion and mob rule? Such a measure would make for the perfection of representative government. This is true political conservation. It changes the letter to preserve the spirit of our Government. It is further proposed that constitutional amendments may be submitted to direct vote on petition of 12 per cent of the electors of the State. Under Ohio's constitution, now 60 years old, 13 senators can, by withholding the necessary three-fifths majority, prevent the submission of any constitutional amendment. Is it any wonder that the constitution has not yielded to necessary changes when special interests need only muster 13 votes in one branch of the legislature to prevent any modification of the fundamental law? Which is more hazardous, to allow 13 senators to prevent the submission of amendments or to permit 120,000 citizens to propose them?

The initiative and referendum under such provisions as these have come to be regarded, and justly so, as the cardinal test of the progressive faith. It is the next great step in the evolution and perfection of free institutions. Two more provisions are insisted on. One is that this principle of direct legislation shall be applied to every political subdivision of this State. There is but one panacea for society. That is liberty. It is the inalienable right of every community to rule itself, even to make its own blunders. There is no sounder statesmanship than this. Finally, it is insisted that when questions are submitted to the electors, whether in the State at large or in smaller communities, such questions shall be determined by a majority of the votes actually cast upon them. There is a particular reason for making this demand. Under the present constitution, all amendments must be submitted at a general election, and a majority of all the votes cast for candidates at such election are required to adopt any amendment. This is a cunning device to throw the whole weight of the ignorance and indifference of the State against change. It is a favorite play of the special interests to endeavor to encumber the initiative and referendum with this provision. Their shibboleth is "majority rule." They want nothing done, they say, without a majority of all the votes. What their contention amounts to is this: That an illiterate voter, who is able to do no more than to put a mark under the bird on the ballot, is counted, entirely without his knowledge, against any amendments submitted at that election. The ignorant voter, without voting, counts as much as an intelligent citizen does by voting. This is not majority rule. It is a device for permitting a reactionary minority to rule by always counting on their side all who neglect to vote for anything but candidates.

But neither this nor any other trick of the lobbyist is likely to prevail at this time. There is no measure before the country so universally favored as is the initiative and referendum. It will come in Ohio as in the last 10 years it has come in 10 other States of the Union. When it comes in Ohio, it will not be delayed long anywhere. To assist the people in their fight for a government of their own, patriotism can have no higher duty than this.

Ohio, I predict, will not countenance a crank constitution. She will not take up the fads and isms of the hour, but she will provide for a real representative government, safeguarded and secured by the initiative and referendum. Thus, on account of her great influence in the sisterhood of the States, she will lead, with her new constitution, the progressive hosts of 1912.

Mr. RICHARDSON. I want to say that I have faith in our public officers. I am confident that they would look after the interests of the Government and of the people. It is, I think, a great mistake to burden a statute of this kind with unnecessary details. That is what makes trouble and lawsuits. Have faith in your public servants.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. MANN. When the gentleman is ready, I want to ask him a question.

Mr. RICHARDSON. In one moment. We ought not to forget, in the consideration of these questions, that there are two parties in interest. One is the water-power company and the other is the Government. The State comes in, but it does not exercise any of its control in this matter. As I said, the State owns the riparian rights and the bed of the river at low water and has control of it. The Government has no right to anything in the world except the running water. You can take any public stream in the country to-day, and any construction that does not interfere with navigation the Government of the United States has no right to remove.

Mr. MANN. Awhile ago a statement was made about an amendment that would be offered, giving the Secretary of War the right to regulate the charges that would be exacted. I want to call the attention of the gentleman from Alabama to this proposition in the bill:

For a period of 20 years the rate shall be $1 per annum per horsepower, subject to readjustment by the Secretary of War at the end of that period, and thereafter at the end of every 10-year period.

Mr. RICHARDSON. I think that is right.

Mr. MANN. Does the gentleman think that that gives the Secretary of War the power, after 20 years, to fix the rates?

Mr. RICHARDSON. I think so. I do not believe the Secretary of War, when given that power, in view of the conditions and surroundings, would ever fix the rate for the sale of electric power lower than the sale of coal, because it is a competitor.

Mr. MANN. This gives the right to the Government to regulate the rates. I do not think it confers the power to fix the rates. I think it only confers upon the Secretary of War the power to make an agreement as to the rates.

Mr. RICHARDSON. The report says $1 per horsepower for 20 years.

Mr. MANN. But it assumes that after this period of 20 years it may be worth more than $1 per horsepower. I should like to inquire whether the gentleman would be willing to change that by striking out "readjustment," and making it read:

For a period of 20 years the rental shall be at the rate of $1 per horsepower developed, which rate shall be subject to be changed or fixed in his discretion by the Secretary of War at the end of that period, and thereafter at the end of every 10-year period—

So that the Secretary of War shall have the power, not to make an agreement with the company changing the rate, but to fix the rate?

Mr. RICHARDSON. I am just as willing as is the gentleman from Illinois to throw every safeguard and protection that I can in behalf of the consumer, the man who buys the power, if it will not interfere with or hinder or obstruct the development of that enterprise. I am perfectly willing to do that. But I am one of those who want to see these great utilities made available, and I believe that we ought not to restrict them in such a manner as to hinder or delay in any way the development of this project, or make it financially impossible for them to engage in it. Does not the gentleman from Illinois agree with me?

Mr. MANN. I agree with the gentleman fully that power ought to be utilized wherever it can be utilized, and that the right to utilize the power ought to be granted by the Government, if the Government itself does not undertake to do it; but that in granting the right, the Government should see to it that the Government is treated fairly and that the consumers of power are treated fairly.

Mr. RICHARDSON. Of course. I do not think there is a man on the floor of the House who differs with the gentleman on that.

Mr. MANN. I hope so; but I can find nothing in the bill, and there is nothing in the bill, which covers the point that I have suggested.

Mr. RICHARDSON. We are not going to get up a project here in which the Government is going to be treated unfairly. I do not think the gentleman means that.

Mr. MANN. The gentleman has been a very distinguished and able member of the Committee on Interstate and Foreign Commerce for many years. It has been a great pleasure for me to serve with him up to within a recent period, and I wish I were able to serve with him now. The gentleman is familiar with the general dam act. Does he not think it would be wise to provide in this bill that, except as otherwise provided herein, all of these works shall be constructed in accordance with the general dam act, so that all of the provisions of that act safeguarding the rights of the Government shall become a part of the law.

Mr. RICHARDSON. I very heartily indorse the general dam act. I voted for it and aided the gentleman from Illinois to the best of my ability in securing its passage.

Mr. MANN. I have an amendment prepared, to be added as a new section:

Except as herein otherwise specially provided, the construction, maintenance, and operation of the dams and accessory works which are by this act authorized to be constructed, maintained, and operated by the company shall be subject in all respects to the provisions of the general dam act—

Properly describing it.

Mr. RICHARDSON. I do not see any objection to that at all.

Mr. HUMPHREYS of Mississippi. The bill itself says that the dam at Saunders Shoals shall be constructed in accordance with the provisions of the general dam act.

Mr. MANN. The bill says that the dam shall be constructed in that way, but my amendment proposes to cover more than dams. It covers the accessory works which are covered by the general dam act, and the committee have not covered those in this bill. Nothing is covered in this bill except the dam, whereas under this provision all the works constructed by the company will be covered by the general dam act.

Mr. RICHARDSON. What does the gentleman call "accessories"? How does he define them?

Mr. MANN. Everything that they construct in connection with these dams are accessory works, under the language of my amendment.

Mr. HUMPHREYS of Mississippi. The Government is to construct a dam at 17 and the company is given certain privileges.

Mr. MANN. Let me state to the gentleman my amendment: Insert the words "except as herein otherwise specially provided, the construction, maintenance, and operation of the dam, and the accessory works which are by this act authorized to be constructed, maintained, and operated by the company, shall be subject to the provisions," and so forth.

Mr. HUMPHREYS of Mississippi. Let me state what my objection to the gentleman's amendment is, or rather what my construction of his amendment is. The company is authorized to construct only one dam, and that is at Saunders Ford.

Mr. MANN. On the contrary, the company is authorized to construct flashboards across Dam 17, and it is authorized to construct various accessory works in connection with Dams 16 and 17.

Mr. HUMPHREYS of Mississippi. I understand that, but the language of your amendment, if I understand it, would not reach the point that the gentleman aims at.

Mr. MANN. Of course, the dam constructed by the Government could not be put under the private-dam act, but the dam and the accessories that this company is authorized to build can be put under the provisions of the dam act which absolutely reserves the powers in the Secretary of War.

Mr. HUMPHREYS of Mississippi. The only dam authorized to be built by this company is the one at Saunders Ford, and under the provisions of the bill the general dam act does apply to that particular dam, so in my opinion the gentleman's amendment is useless.

Mr. MANN. We authorize the company to erect accessory works at 16 and 17.

Mr. HUMPHREYS of Mississippi. That is on the ground which is owned by the Government adjacent to the dam.

Mr. MADDEN. I would like to ask the gentleman from Alabama a question.

Mr. RICHARDSON. Does the gentleman wish to ask me a question?

Mr. MADDEN. Yes.

Mr. RICHARDSON. I will yield to the gentleman.

Mr. MADDEN. The State of Alabama has granted certain rights to this company to build a dam across these shoals above this place at a cost of a million and a half dollars. I want to ask the gentleman whether he would be willing to compel this company, as a part of the consideration of the control of the water power, to build this dam about which all this talk is being had and which the Government is proposing to build?

Mr. RICHARDSON. That, I imagine, would hardly be practicable from several standpoints. I have this to say in conclusion: There is not a State in the Union that has come up with more generosity and magnanimity than has the State of Alabama, and ceded all the great water powers in its State, all the rights it has, without demanding one cent of rental and exempting them from taxation for 10 years. That is the interest the great State of Alabama has shown in the development of the water power and the improvement and prosperity of the people. Alabama realizes that the water powers on her rivers will yet in the near future be as valuable to her as her coal and iron. I know that by a general act it surrendered all its rights to water powers that may be developed and exempted them from taxation for 10 years. Therefore, we expect the Federal Government to come with the hand of generosity, not for the purpose of restraining and putting obstacles in the way of utilizing these water powers that have been running to waste since the beginning of creation, but we expect a liberality and a generosity from the Federal Government, not for a moment forgetting that the Federal Government ought to be safeguarded in every respect in all of its rights; that the people ought not to be made liable to imposition by monopoly. We will do that, and we will work out the great purpose of conservation on the broad lines of the public good, because Members of Congress will appreciate and understand it when they come to the discharge of their duty, as I believe they will.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 943) to improve navigation on the Black Warrior River in the State of Alabama and had come to no resolution thereon.

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Mr. SHEPPARD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider bills on the Union Calendar reported by the Committee on Public Buildings and Grounds.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. SHEPPARD. Mr. Speaker, I will modify that by asking that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of one particular bill. It is a bill upon which we can not suspend action any longer.

Mr. MANN. If the gentleman wants to ask unanimous consent to consider that bill in the House as in Committee of the Whole House on the state of the Union, I shall not object.

Mr. SHEPPARD. Then, Mr. Speaker, I ask unanimous consent to consider in the House as in Committee of the Whole the bill (S. 2932) to authorize the Secretary of the Treasury, in his discretion, to sell the old post-office and courthouse building at Charleston, W. Va., and, in the event of such sale, to enter into a contract for the construction of a suitable post-office and courthouse building at Charleston, W. Va., without additional cost to the Government of the United States.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I think you better have the bill reported first.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That existing legislation authorizing the Secretary of the Treasury to enter into contracts for the enlargement, extension, remodeling, or improvement of the United States post office and courthouse at Charleston, W. Va., within a limit of cost of $225,000, be, and the same is hereby, so amended as to authorize and empower the Secretary of the Treasury, in his discretion, in lieu of the enlargement, extension, remodeling, and improvement of said United States post-office and courthouse building, to sell said building to the city of Charleston, W. Va., or to persons acting in behalf of said city, at not less than reasonable value of such of the materials of which the building is composed as would be suitable to be reused in remodeling, enlarging, extending, and improving said building, and to apply the proceeds derived from said sale as hereinafter provided.

SEC. 2. That in the event of the sale of the present United States post office and courthouse at Charleston, W. Va., as hereinbefore authorized, the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts, or to modify any existing contracts without the necessity of readvertising for proposals, for the construction of a suitable building for the accommodation of the post office, United States courts, and other governmental offices at Charleston, W. Va., upon the land acquired for the site of the present post office and courthouse: *Provided*, That the limit of cost of said new post office and courthouse, including heating and ventilating apparatus and approaches, complete, shall not be in excess of the limit heretofore fixed for the enlargement, extension, remodeling, or improvement of the present building, together with such sum as may be derived from the sale of the present building.

Mr. SHEPPARD. Mr. Speaker, the sum of $225,000 has been heretofore appropriated for the remodeling and enlargement of the post office and courthouse at Charleston, W. Va. It was found that on account of the character of the material of which the old building was composed, it could not be enlarged and remodeled. Consequently contracts were let for the construction of a new building within the limit of cost already established, the old building to be torn down and the material used in the construction of the new building. The people of Charleston are very much attached to the old building. This bill simply provides that the building shall remain intact and shall be sold to the city of Charleston instead of being torn down and the material used in the new building. The only change is that instead of the old building being torn down and the material used in the construction of the new building, the old building will be sold, under the control of the Treasury Department, to the city of Charleston, W. Va., and the proceeds of the sale applied to the construction of the new building.

Mr. SHERLEY. It is proposed to remove the old building intact from its present site?

Mr. SHEPPARD. It is proposed to remove the old building intact from its present site, across the street to a new site.

Mr. SHERLEY. That is possible?

Mr. SHEPPARD. Yes; and if the old building should be destroyed the material, being composed of brick and stone laid in hard mortar, will be practically destroyed, because when they endeavor to clean the mortar from the brick and the stone these materials will largely be broken up. The Government really will be the gainer by the transaction. The able gentleman from West Virginia [Mr. LITTLEPAGE] has labored most earnestly for this measure.

Mr. MANN. It is proposed in moving the old building also to avoid the moving and the destruction of an old and beloved vine which is attached to the old building.

Mr. SHEPPARD. Yes. That is one of the things giving a sentimental value to the old building. It is a vine that was planted by the widow of Senator Kenna.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SHEPPARD, a motion to reconsider the last vote was laid on the table.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. COX of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. SHEPPARD (at 5 o'clock p. m.), the House adjourned until Saturday, August 12, 1911, at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, submitting a deficiency estimate for an appropriation for the Architect's Office in connection with public buildings (H. Doc. No. 102), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. YOUNG of Kansas: A bill (H. R. 13492) to amend sections 1, 2, and 3 of chapter 647 of the Revised Statutes of the United States, volume 1, second edition, the same being an act to protect trade and commerce against unlawful restraints and monopolies; to the Committee on the Judiciary.

By Mr. BELL of Georgia: A bill (H. R. 13493) to provide a parcels post on rural and star routes in the United States; to the Committee on the Post Office and Post Roads.

By Mr. BARNHART: A bill (H. R. 13494) to encourage and promote the granting of letters patent to certain citizens of the United States, or to those persons who have declared their intention of becoming citizens, upon new processes, any manufacture, agricultural methods or devices, useful arts, life-saving devices, or upon any improvements thereon, if any letters patent previously granted, that will tend to cheapen the cost of production without harmful or disguised deterioration of quality, and which must show an ultimate resulting economy to the consumer of these varied products or processes in the aggregate; to the Committee on Patents.

By Mr. SLOAN: A bill (H. R. 13495) to provide for the erection of a public building at Aurora, Nebr.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13496) to provide for the erection of a public building at Wahoo, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 13497) to provide for a bridge across Snake River, in Jacksons Hole, Wyo.; to the Committee on Appropriations.

Also, a bill (H. R. 13498) to provide for photolithographing plats of public-land surveys, etc.; to the Committee on Appropriations.

By Mr. MADISON: A bill (H. R. 13499) to regulate the judicial procedure of the courts of the United States; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 13500) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907; to the Committee on Immigration and Naturalization.

By Mr. SHACKLEFORD: A bill (H. R. 13501) providing that the United States shall in certain cases make compensation for the use of certain public roads of the States for the purpose of transporting free rural-delivery mails; to the Committee on Agriculture.

By Mr. LLOYD (by request): Joint resolution (H. J. Res. 151) providing for statistical and other information affecting the Congress; to the Committee on Printing.

By Mr. FIELDS: Joint resolution (H. J. Res. 152) proposing an amendment to Article II of the Constitution increasing the term of office of the President; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, joint resolution (H. J. Res. 153) proposing an amendment to Article I of the Constitution, providing for the election of Representatives in Congress triennially; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. CLARK of Missouri (by request): Memorial from the General Assembly of Georgia, protesting against the 6 per cent dock for tare on cotton baled for market; to the Committee on Agriculture.

Also (by request), a memorial from the General Assembly of New York, favoring the abrogation of the treaty with Russia concluded at St. Petersburg on December 18, 1832; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 13502) granting an increase of pension to James R. Oldfield; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 13503) to confirm title to the township of Hachita, N. Mex.; to the Committee on the Public Lands.

Also, a bill (H. R. 13504) granting a pension to Lauchlin S. Medlar; to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 13505) granting an increase of pension to Charles J. Kuebler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13506) granting an increase of pension to John T. Flowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13507) granting an increase of pension to Isaac N. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13508) granting an increase of pension to James Boyland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13509) granting an increase of pension to Marcus D. L. Neal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13510) granting an increase of pension to Thomas J. Shellman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13511) for the relief of John C. Stuebe; to the Committee on Claims.

By Mr. COOPER: A bill (H. R. 13512) granting a pension to Elmer A. Cutter; to the Committee on Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 13513) for the relief of Michael Griffin; to the Committee on War Claims.

By Mr. DIFENDERFER: A bill (H. R. 13514) for the relief of Franklin W. Hilt; to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 13515) granting a pension to Sarah Jane Boggs; to the Committee on Pensions.

Also, a bill (H. R. 13516) granting an increase of pension to Daniel B. Mills; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 13517) granting an increase of pension to Charles E. Lewis; to the Committee on Pensions.

Also, a bill (H. R. 13518) granting an increase of pension to Albert Hagstrom; to the Committee on Pensions.

Also, a bill (H. R. 13519) granting an increase of pension to Floyd L. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 13520) granting an increase of pension to George E. Matthews; to the Committee on Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 13521) to pay W. L. West for property taken during the Civil War by the Federal Army; to the Committee on War Claims.

By Mr. McHENRY: A bill (H. R. 13522) granting a pension to Florence Edna Rohrbach; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 13523) for the relief of Mary Wolf; to the Committee on War Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 13524) granting an increase of pension to Hellen I. Steere; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 13525) granting a pension to James E. Welch; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 13526) granting a pension to Walter Skeen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13527) granting a pension to Benjamin F. Dunivin; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 13528) for the relief of the heirs of Elisha Oliver, deceased; to the Committee on War Claims.

By Mr. TALCOTT of New York: A bill (H. R. 13529) granting a pension to William S. Dufur; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 13530) granting a pension to Harvey O. Zerbe; to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: A bill (H. R. 13531) granting a pension to Richard P. Ayraud; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Georgia: Petitions and memorials of numerous citizens throughout the country to accompany House bill 9449, to amend the Hepburn Act; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: Petitions of 66 citizens of Vermont, urging the creation of a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Grand Lodge No. 2, Independent Order of B'nai B'rith, concerning treatment of American citizens of Jewish faith by Russia; to the Committee on Foreign Affairs.

By Mr. KAHN: Resolutions adopted by the California State Homeopathic Medical Society, in favor of House bill 5599; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: Petition of Herklotz, Corn & Co., of New York, N. Y., in behalf of the Louisiana sugar planters, against any reduction of the present sugar schedules; to the Committee on Ways and Means.

Also, resolution of Arizona Woolgrowers' Association, against changes and reductions in tariff schedules on wool and meats; to the Committee on Ways and Means.

Also, resolution of District Grand Lodge, No. 2, B'nai B'rith, pointing out the discriminations made by the Russian Government against American citizens of the Jewish faith; to the Committee on Foreign Affairs.

By Mr. MOON of Tennessee: Papers to accompany House bill 12347; to the Committee on War Claims.

By Mr. RAKER: Papers to accompany House bill 12502; to the Committee on Claims.

By Mr. J. M. C. SMITH: Papers to accompany House bills 12011 and 12102; to the Committee on Military Affairs.

By Mr. UTTER: Papers to accompany House bills 11358 and 12997; to the Committee on Invalid Pensions.

Also, petition of Sarah W. Wilcox to accompany House bill 11307; to the Committee on Pensions.

Also, resolutions of the State Board of Health of Rhode Island, regretting the proposed removal of the Chief of the Bureau of Chemistry, Department of Agriculture, and urging full consideration of his official acts; to the Committee on Expenditures in the Department of Agriculture.

SENATE.

SATURDAY, *August 12, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

NATIONAL MONETARY COMMISSION.

The VICE PRESIDENT. The Chair lays before the Senate the following telegram, which will be read by the Secretary.

The telegram was read, and ordered to lie on the table, as follows:

LOS ANGELES, CAL., *August 11, 1911.*

JAMES S. SHERMAN,
Vice President of the United States, Washington, D. C.

I hereby tender my resignation as a member of the National Monetary Commission.

FRANK P. FLINT.

PRINTING OF ARBITRATION TREATIES.

Mr. LODGE. I ask that the two treaties of arbitration with France and Great Britain, from which the injunction of secrecy has been removed, be printed as separate Senate documents. There is a great demand for copies from the document room. (S. Docs. Nos. 91, 92, 93, and 94.)

The VICE PRESIDENT. The order will be entered as requested, without objection. No objection is heard.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Merchants and Manufacturers' Association of Baltimore, Md., remonstrating against certain information being given assessment companies and others as to returns made by corporations, which was referred to the Committee on Finance.

Mr. O'GORMAN presented 115 petitions of citizens of New York City, N. Y., and petitions of sundry citizens of Brooklyn, N. Y., praying for the repeal of the duty on lemons, which were ordered to lie on the table.

Mr. BURTON presented a petition of sundry citizens of Salem, Ohio, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

COUNTING A QUORUM.

Mr. BACON. Mr. President, my attention was diverted, and I do not know whether the Journal has reference to the particular matter to which I now wish to ask the attention of the Senate.

I was necessarily absent yesterday on business of the Senate, and was not present when certain action was taken which I find in the RECORD, on page 3827, and which I will read. After giving the names of the Senators voting and not voting upon the proposition presented, the RECORD is as follows:

> The VICE PRESIDENT. Six Senators, the Senator from Wyoming [Mr. CLARK], the Senator from Kansas [Mr. CURTIS], the Senator from South Carolina [Mr. SMITH], the Senator from New Jersey [Mr. BRIGGS], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from Mississippi [Mr. WILLIAMS], having announced that they refrained from voting because of their pairs, making the announcement individually in each case, the number voting, with those six, discloses the presence of a quorum. The nays have it, and the motion of the Senator from Utah [Mr. SMOOT] is lost.

I do not desire, Mr. President, to take any action by making any motion in regard to it, but I am unwilling that that should pass without dissent; otherwise it might hereafter be taken as an action of the Senate sub silentio. I simply desire to call attention to the fact that this question in its substantial form was before the Senate on the 19th day of December last, when a similar ruling was made by the Chair; that the then Senator from Maine, Mr. Hale, appealed from the decision of the Chair, and the vote was taken on that appeal by yeas and nays; and the result was that the Senate, by a vote of 37 nays to 17 yeas, decided that the decision of the Chair should not stand as the judgment of the Senate.

I repeat, I do not now desire to raise any issue upon it or to make a motion in regard thereto. As stated by Mr. Hale, the former Senator from Maine, upon that occasion the ruling was without precedent in the history of the Senate, and he appealed from it. I content myself simply with calling attention to it now, because I do not wish that by passing it without its being challenged it should appear to have had the sanction of the Senate, even in a negative or, rather, in a passive way.

The VICE PRESIDENT. Reports of committees are in order.

REPORTS OF COMMITTEE ON COMMERCE.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure (Rept. No. 135);

H. R. 4682. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va. (Rept. No. 136);

H. R. 7690. An act to authorize the construction of a bridge across the Snake River at the town of Nyssa, Oreg. (Rept. No. 137);

H. R. 7263. An act to authorize the counties of Bradley and McMinn, Tenn., by authority of their county courts, to construct a bridge across the Hiwassee River at Charleston and Calhoun, in said counties (Rept. No. 138);

H. R. 8146. An act to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois (Rept. No. 139); and

H. R. 11723. An act permitting the building of a railroad bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn. (Rept. No. 140).

CLAIMS OF KENTUCKY.

Mr. CRAWFORD. I am directed by the Committee on Claims to report favorably a resolution sending to the Court of Claims a couple of cases in which it is necessary to make corrections

in titles, the matter having already gone there, but there being a mistake in the titles.

The resolution (S. Res. 134) was read, as follows:

Resolved, That the claims of the county of Nelson, State of Kentucky (S. 396), and the Methodist Episcopal Church of Louisa, Ky. (S. 895), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the Tucker Act. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I should like to ask the chairman of the committee whether this is a special case, or whether he desires to have it reported differently from what has always been done in the past.

Mr. CRAWFORD. These cases have already been referred to the Court of Claims, but there are defects in the titles, and the court requested that the correction be made. This resolution is sending the matter over with the correct titles.

Mr. SMOOT. Simply correcting the titles?

Mr. CRAWFORD. That is all.

Mr. SMOOT. I have no objection.

The resolution was considered by unanimous consent and agreed to.

PORT OF BROWNSVILLE, TEX.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 2925) to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex. I call the attention of the Senator from Texas [Mr. CULBERSON] to the bill.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for information.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM WISCONSIN.

Mr. DILLINGHAM. From the Committee on Privileges and Elections I report a resolution, and I desire to say that I do so under the direction of that committee at a meeting held this morning.

The VICE PRESIDENT. The Senator from Vermont reports from the Committee on Privileges and Elections a resolution, which the Secretary will read.

The Secretary read the resolution (S. Res. 136), as follows:

Resolved, That the Senate Committee on Privileges and Elections, or any subcommittee thereof, be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and to report to the Senate whether in the election of said ISAAC STEPHENSON as a Senator of the United States from the said State of Wisconsin there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the recess of the Senate, to hold its session at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

FLORIDA EAST COAST RAILWAY CELEBRATION.

Mr. ROOT. I am directed by the Committee on Industrial Expositions, to which was referred Senate concurrent resolution No. 7, submitted by the Senator from Florida [Mr. FLETCHER], relative to the celebration in January, 1912, at Key West, Fla., to report it with an amendment in the nature of a substitute, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the resolution for the information of the Senate.

The Secretary read the substitute, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to transmit in the name and on behalf of the city of Key West, Fla., to all foreign nations an invitation to visit that city and participate in the celebration of the completion of the Florida East Coast Railway Co.'s line connecting the mainland of the United States with the said island city of Key West, both by their official representatives and citizens generally, and particularly to invite such foreign countries to send such of their respective naval vessels as may be practicable and convenient to participate in such celebration so to be held, beginning on the 2d day of January, A. D. 1912: *Provided*, That before the extending of said invitations the President shall be satisfied that suitable provisions have been made by said city for the entertainment of the parties or representatives of such governments or countries so invited.

Resolved further, That the President be, and he is hereby, requested to direct such portion of the Army and Navy of the United States as may be convenient and practicable to be present at Key West at the time of such proposed celebration and participate therein.

Resolved further, That under no circumstances is the United States to assume, be subject to, or charged with any expense of any character whatsoever in or about or connected with such proposed celebration.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRYAN:

A bill (S. 3212) to provide for the purchase of additional ground for the site of the public building in the city of Pensacola, in the State of Florida; to the Committee on Public Buildings and Grounds.

By Mr. WETMORE:

A bill (S. 3213) granting an increase of pension to Frances E. Peabody (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 3214) granting a pension to John T. Drinkwater (with accompanying papers);

A bill (S. 3215) granting an increase of pension to Benjamin F. Dickover (with accompanying papers); and

A bill (S. 3216) granting an increase of pension to Robert F. Catterson (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 3217) for the relief of Robert Letherby; to the Committee on Military Affairs.

THE COTTON SCHEDULE.

Mr. CUMMINS. I propose certain amendments to House bill 12812, being the bill for the revision of the cotton schedule, which I send to the desk and ask to have printed and lie on the table.

The VICE PRESIDENT. The proposed amendments will be printed and lie on the table.

Mr. OVERMAN. I submit certain amendments to House bill 12812. They propose a revision of the chemical schedule, reducing the rate 25 per cent on an ad valorem basis from the present duty.

The VICE PRESIDENT. The amendments will be printed and lie on the table.

EXTRA MONTH'S PAY TO EMPLOYEES.

Mr. CLAPP. I introduce a joint resolution, and, as I understand it ought to be disposed of in the manner I request, I ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 54) to reimburse the officers and employees of the Senate for mileage and expenses incident to the first session of the Sixty-second Congress, was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to the officers and employees of the Senate borne on the annual and session rolls on the first day of July, 1911, including the official reporters of the Senate and W. A. Smith, CONGRESSIONAL RECORD Clerk, as reimbursement for mileage and expenses and for extra services during the first session of the Sixty-second Congress a sum equal to one month's pay at the compensation then paid to them by law, the same to be paid out of any moneys in the Treasury not otherwise appropriated, and to be immediately available.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. I should like to have the joint resolution go over.

Mr. CLAPP. I have no objection to its going over, Mr. President.

The VICE PRESIDENT. The Senator from Utah objects, and the joint resolution goes over.

COTTON-CROP STATISTICS.

Mr SMITH or South Carolina. I submit a resolution and ask unanimous consent for its present consideration.

The resolution (S. Res. 135) was read, as follows:

Resolved, That the Secretary of Agriculture be, and he is hereby, instructed to furnish to the Senate detailed information as to the methods employed in obtaining a report on the condition of the growing cotton crop; the persons employed in obtaining such information, their names, and post-office addresses, by States;

Also, the classes into which these reporting agents are subdivided;

Also, all information as to the methods employed in arriving at an estimate of the probable yield of the cotton crop from the condition of the growing crop;

Also, the method employed in arriving at the increase or decrease in acreage planted to cotton from year to year.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BURTON. I should like to ask what is the purpose of the resolution? What is the use to be made of the information?

Mr. SMITH of South Carolina. All those who are interested in the cotton-crop reports have no detailed information as to the method by which they are arrived at, and we merely want that information for our benefit.

I will state to the Senator from Ohio also that it is essential for us to get the proper persons to report on the conditions of the crop. The head of the department is not as familiar as Members here about getting the information, and we could in that way aid him materially in procuring it.

Mr. BURTON. Would it not be possible that local interest would be brought to bear to modify the reports if the names were known and that the department would thereby be embarrassed?

Mr. SMITH of South Carolina. I do not think that that could possibly be the case. Involving large interests, as the cotton crop involves, I can not see how it would embarrass anyone or how it would cause any less fair report. In fact, it would operate toward having a fair report if the names of the individuals become known. I know the conditions in my State, and I know that a fair and just report would be more easily obtained if the proper individuals were employed to report. Besides, if the effort I am making succeeds, involving, as it does, the method of arriving at the condition of the crop, the fact would be known to the Senate. I am quite sure those on this side of the Chamber who are interested in the production of cotton have no detailed information as to how the report is arrived at.

Mr. BURTON. I will ask the Senator from South Carolina, if he will yield for that purpose, whether there has ever been any difficulty in obtaining the names of the reporters or the sources of information from the Agricultural Department? Could not that information be obtained readily by consultation with the Secretary of Agriculture, and in such consultation could not the question be considered whether the accuracy of the statistics might not be impaired by giving out this detailed information?

Mr. SMITH of South Carolina. I should like to state to the Senator from Ohio that where the names are known the proper weight can be given by the trade to the report; and there are some instances, I am sure, where persons are not familiar enough with cotton cultivation and the production of cotton to give the proper information to the Agricultural Department. I think that will be found to be the experience of practically everyone.

Mr. BURTON. I do not think I shall object to the resolution being called up on Monday, but I should like to have it go over for a day, in order that it may be examined.

The VICE PRESIDENT. On the objection of the Senator from Ohio, the resolution goes over until the next legislative day.

NATIONAL MONETARY COMMISSION.

The VICE PRESIDENT. The morning business is closed.

Mr. CUMMINS. I move that the Senate proceed to the consideration of the bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

The motion was agreed to.

FUNDS OF THE KIOWA, COMANCHE, AND APACHE INDIANS.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (S. 3115) to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes. It is a bill the passage of which is desired by the Department of the Interior.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CURTIS. I object, unless the amendment to the bill I have heretofore suggested be made.

Mr. OWEN. I have an amendment that I am going to propose, which will meet the wishes of the Senator from Kansas.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Indian Affairs with amendments. The first amendment was, on page 1, line 5, before the words "the funds," to insert the words "so much of."

Mr. OWEN. There I should like to have inserted the words "an amount not to exceed $50 per capita out of" in lieu of the words "so much of."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment on page 1, line 5, by striking out the words "so much of" and inserting in lieu thereof the words "an amount not to exceed $50 per capita out of."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 1, line 6, after the word "Oklahoma," to strike out the words "or so much thereof."

Mr. OWEN. I move to amend the amendment of the committee, in line 6, after the word "thereof," by striking out the words "as he may deem necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 1, in line 8, after the word "Oklahoma," to insert the words "nearest the home of said Indians," and, on page 2, line 2, after the words "Secretary of the Interior," to strike out the word "shall."

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "Indians," to insert:

Provided, That this shall not apply to the Apache, Kiowa, and Comanche 4 per cent fund of approximately $2,600,000 now on deposit in the United States Treasury under the act of June 5, 1906 (34 Stat., p. 213), or subsequent acts of Congress.

The amendment was agreed to.

Mr. CURTIS. Now, Mr. President, I should like to have the bill read as amended.

The VICE PRESIDENT. The Secretary will read the bill as amended.

The Secretary read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States an amount not to exceed $50 per capita out of the funds of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, and deposit the same in such banks of Oklahoma nearest the home of said Indians as he may select, under such regulations as he may prescribe, and thereafter use so much of the said funds for the benefit of said Indians as he may deem proper: *Provided*, That the Secretary of the Interior report to Congress at its next session the amount of such funds so used for the benefit of said Indians: *Provided*, That this shall not apply to the Apache, Kiowa, and Comanche 4 per cent fund of approximately $2,600,000 now on deposit in the United States Treasury under the act of June 5, 1906 (34 Stats, p. 213), or subsequent acts of Congress.

Mr. CURTIS. Mr. President, I think it would be better to provide for a direct payment, but I have no objection to the money going into the banks and letting it be paid out as the Secretary of the Interior may see fit. The intention, however, as I understand, is to make a payment to relieve those Indians from their unfortunate condition, the result of a drought down there.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL MONETARY COMMISSION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

Mr. BURTON. Mr. President, I ask unanimous consent that a vote be taken on the bill and all amendments thereto at 1 o'clock and 45 minutes p. m. on Monday next. I make this request with the hope that an hour, or perhaps more, will be available after the termination of morning business on Monday for further discussion of the bill. I should like to occupy some considerable time myself.

Mr. CUMMINS. Mr. President, does the Senator from Ohio mean that he desires to occupy time for debate on Monday after 1.45 or before that hour?

Mr. BURTON. Before that hour.

Mr. CUMMINS. I hope very much that the request of the Senator from Ohio will be granted.

The VICE PRESIDENT. Is it the intention of the Senator from Ohio that at 1.45 p. m., on Monday next, the vote shall be taken without further debate?

Mr. BURTON. That the vote be taken without further debate on the bill and all amendments thereto at the time named.

The VICE PRESIDENT. The Senator from Ohio asks unanimous consent that on Monday next, at 1 o'clock and 45 minutes p. m., without further debate, a vote be taken upon Senate bill 854 and upon the pending amendment and any amendments to be offered to its final disposition. Is there objection?

Mr. CUMMINS. Mr. President, I do not rise to object, but I rise to express the hope that the request of the Senator from Ohio will receive the approval of all Senators. It is not my purpose in this bill to disparage the work of the commission. I very much want the Senate to utilize the accumulated facts which the commission has gathered during the course of its investigation. I do want a report, and a report speedily, so that Congress can do whatsoever is necessary to remedy the defects in our financial system.

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio [Mr. BURTON]? The Chair hears none, and the order is entered.

THE COTTON SCHEDULE.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 112, being the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CUMMINS. Mr. President, I now offer the amendment which I sent to the Secretary's desk a few minutes ago, which I ask to have read. I desire the amendment relating to the revision of the metal schedule to be first read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add a new section to the bill, as follows:

SEC. —. The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out paragraph 121 of Schedule C thereof and inserting the following:

"121. Beams, girders, joists, angles, car-truck channels, T. T. columns and posts, or parts or sections of columns and posts, deck and bulb beams and building forms, together with all other structural shapes of iron or steel, whether plain, punched, or fitted for use, or whether assembled and manufactured, one-quarter of 1 cent per pound.

The said Schedule C in the act aforesaid, being paragraphs 117 to 199, both inclusive, is hereby further amended as follows, to wit:

"From and after the passage of this act there shall be levied, collected, and paid upon the articles mentioned in paragraphs 117 to 151, inclusive, 159 to 163, inclusive, and 171 of said Schedule C, when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), 60 per cent only of the rates of duty which are in and by said paragraphs of said schedule prescribed; but the foregoing shall not apply to paragraph 121, which is hereinbefore repealed and a substitute reenacted therefor."

That from and after the passage of this act there shall be levied, collected, and paid upon the articles mentioned in paragraphs 152 to 158, inclusive, 164 to 170, inclusive, 172 to 199, inclusive, of said Schedule C, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila) 70 per cent only of the rates of duty which are in and by said paragraphs of said schedule prescribed: *Provided, however*, That if any article embraced in said schedule shall by an act of Congress passed by the Sixty-second Congress, second session, be placed on the free list, this act shall not apply thereto.

The VICE PRESIDENT. Does the Senator desire the amendment acted upon at once?

Mr. CUMMINS. I desire, Mr. President, to address the Senate at some length, as briefly as possible, however, upon this amendment.

Mr. CULLOM. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. I yield to the Senator from Illinois.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 25 minutes spent in executive session the doors were reopened.

THE COTTON SCHEDULE.

Mr. SMOOT. I understand that the cotton bill is the unfinished business.

The VICE PRESIDENT. No; it is not yet, unless it was the understanding of the Senate that the unanimous-consent agreement did away with Senate bill No. 854, which was under consideration as the unfinished business.

Mr. CUMMINS. So far as I am concerned, it was my understanding that the bill relating to the Monetary Commission should be displaced as the unfinished business.

The VICE PRESIDENT. The Chair thinks that was the understanding of the Senate.

Mr. SMOOT. If there is any doubt about it, I will move to take up the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The VICE PRESIDENT. Without objection, the motion will be entered as agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. CUMMINS. Mr. President, it is not expected, I believe, that the session shall continue for any great length of time this afternoon. I do not want to enter upon the address that I have in my mind to make upon the amendment to the bill now under consideration. I ask that the Secretary shall report the amendment I have proposed.

The VICE PRESIDENT. Without objection, the Secretary will read the amendment.

The Secretary again read Mr. CUMMINS's amendment.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 2932. An act to authorize the Secretary of the Treasury, in his discretion, to sell the old post-office and courthouse building at Charleston, W. Va., and, in the event of such sale, to enter into a contract for the construction of a suitable post-office and courthouse building at Charleston, W. Va., without additional cost to the Government of the United States; and

S. 3152. An act extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 11303. An act for the relief of Eliza Choteau Roscamp;

H. R. 13120. An act to transfer a portion of Fort Clark Military Reservation to the State of Texas for a tuberculosis sanitarium; and

H. J. Res. 146. Joint resolution for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the joint resolution (H. J. Res. 31) authorizing the Secretary of War to loan certain tents for use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911, the original having been lost or mislaid.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.;

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874;

S. 1627. An act to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes;

S. 2495. An act to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia;

S. 2766. An act to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River, in the State of Arkansas, and for other purposes;

S. 2878. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana;

H. R. 6098. An act to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark.;

H. R. 11021. An act to authorize the Lavitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark.; and

H. R. 11477. An act authorizing the construction of a bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.

HOUSE BILLS REFERRED.

H. R. 11303. An act for the relief of Eliza Choteau Roscamp was read twice by its title and referred to the Committee on Indian Affairs.

The following bill and joint resolution were read twice by their titles and referred to the Committee on Military Affairs:

H. R. 13120. An act to transfer a portion of Fort Clark Military Reservation to the State of Texas for a tuberculosis sanitarium; and

H. J. Res. 146. Joint resolution for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

ASTORIA (OREG.) CENTENNIAL.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives for a duplicate engrossed copy of the joint resolution (S. J. Res. 31) authorizing the Secretary of War to loan certain tents for use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911, and by unanimous consent the request was ordered to be complied with.

THE COTTON SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. OVERMAN. I should like to inquire if the Senator from Iowa proposes to go on with his speech this afternoon.

Mr. CUMMINS. I do not intend to go on with my address this afternoon if it can be avoided.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Culberson	Martine, N. J.	Simmons
Borah	Cummins	Myers	Smith, S. C.
Bourne	Dixon	O'Gorman	Smoot
Brandegee	Fletcher	Oliver	Stephenson
Brown	Foster	Overman	Swanson
Burnham	Gamble	Owen	Townsend
Burton	Johnston, Ala.	Page	Watson
Chilton	Jones	Perkins	Williams
Clarke, Ark.	Lippitt	Poindexter	Works
Crane	Lodge	Reed	
Crawford	Martin, Va.	Shively	

Mr. BURNHAM. I wish to state that my colleague [Mr. GALLINGER] is unavoidably absent.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call—not a quorum.

Mr. SMOOT. I ask that the names of the absentees be called.

The VICE PRESIDENT. The Secretary will call the list of absentees.

The Secretary called the list of absentees and Mr. BANKHEAD, Mr. BRISTOW, Mr. DILLINGHAM, and Mr. SMITH of Michigan answered to their names when called.

Mr. BRYAN entered the Chamber and answered to his name

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. A quorum of the Senate is present.

Mr. CUMMINS. I rise to a parliamentary inquiry. What is the question before the Senate?

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Iowa which the Secretary read a few moments ago.

Mr. OVERMAN. It is evident that the Senate does not want to go on this evening with the debate, and I suggest that unobjected bills on the calendar be taken up temporarily.

Mr. SMOOT. If the Senator will ask unanimous consent that that be done, it would not displace the unfinished business?

The VICE PRESIDENT. It would not, if the unfinished business were temporarily laid aside.

Mr. SMOOT. Then I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears no objection, and the unfinished business is temporarily laid aside.

THE CALENDAR.

Mr. SMOOT. I move that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

The motion was agreed to.

The VICE PRESIDENT. The Secretary will call the first bill on the calendar.

The bill (S. 25) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real-estate brokers in the District of Columbia was announced as the first bill in order on the calendar.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as the next bill in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 2925) providing for a Confederate naval monument in the Vicksburg National Military Park was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

JOHN P. FITZGERALD.

The bill (S. 2246) to amend the military record of John P. Fitzgerald was considered as in Committee of the Whole. It proposes to amend the military record of John P. Fitzgerald, who enlisted and served under the assumed name of Joshua Porter in Company K, Seventh Regiment, and Company C, First Regiment, Michigan Volunteer Cavalry, from March 9, 1865, to March 10, 1866, and to issue to him an honorable discharge in his true name of John P. Fitzgerald.

Mr. SMOOT. There is a report, No. 104, on the bill, and I should like to have it read.

The VICE PRESIDENT. The report will be read.

The Secretary read the report, submitted by Mr. JOHNSTON of Alabama July 18, 1911, as follows:

The Committee on Military Affairs, to which was referred the bill (S. 2246) to amend the military record of John P. Fitzgerald, having had the same under consideration, reports it back to the Senate with the recommendation that it do pass.

This soldier was between 16 and 17 years old when he enlisted in the Army, and, on account of his father's opposition to his enlisting in the service, he went from his home in Jay County, Ind., to Jackson, Mich., walking a greater part of the distance, where he enlisted in a Michigan regiment under the name of Joshua Porter, to prevent his father from finding him and taking him back to his home.

He is now drawing a pension, and on February 3, 1910, the Treasury Department allowed his claim for travel pay from Salt Lake City, Utah, the place of discharge, to Jackson, Mich., amounting to $211.17.

After his discharge he remained in the West, and never returned to Michigan or Indiana until after filing his claim for pension, when he returned to Michigan, at great inconvenience and an expense of about $250, to procure the testimony of comrades showing his identity with the soldier who served as Joshua Porter, and there is now on file with his old claim in the Pension Bureau the affidavits of three comrades showing identity, on the strength of which his claims for pension and travel pay were allowed.

The War Department requires that before a discharge is issued in a soldier's true name he must furnish personal identity, or, in other words, to get a discharge certificate in his true name through regular channels Mr. Fitzgerald would be compelled to again go back to Michigan from the State of Washington, where he now lives, at great inconvenience and an expense that he is unable to bear; hence, as his service was an honorable one and his enlistment under an assumed name was not for the purpose of hiding a crime, and since the evidence on file in the Pension Bureau proves beyond any question of doubt that John P. Fitzgerald and Joshua Porter are one and the same person, your committee recommends that the bill do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND RESOLUTIONS PASSED OVER.

The bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911, was announced as next in order on the calendar.

The VICE PRESIDENT. This bill goes over under the unanimous-consent agreement.

The bill (S. 2792) to provide for the support and maintenance of bastards in the District of Columbia was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. It will go over.

Senate resolution 109, submitted by Mr. NEWLANDS, providing for a certain program of legislation and for a recess of Congress, was announced as next in order.

Mr. HEYBURN. I ask that the resolution may go over.

The VICE PRESIDENT. It will go over on the request of the Senator from Idaho.

Senate concurrent resolution 4, submitted by Mr. POMERENE, directing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co., was announced as next in order.

Mr. SMOOT. Let the concurrent resolution go over.

The VICE PRESIDENT. It will go over.

ALASKA NORTHERN RAILWAY.

The bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, was considered as in Committee of the Whole.

Mr. SMOOT. There is a report on the bill, No. 113. I should like to have the report read.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary read the report, submitted by Mr. CHAMBERLAIN July 28, 1911, as follows:

The Committee on Territories, to whom was referred the bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, have had the bill under consideration and report it back to the Senate unanimously without amendment, with the recommendation that it pass.

The promoters of the Alaska Northern Railway have in the process of construction a railroad 700 miles in length, which will extend from Seward to Fairbanks, they having already expended $6,000,000 in this work; and the committee recommend that the extension of six years provided for in Senate bill 2534 be granted, so as to enable the parties interested in the construction of this railroad to comply with the requirements of the act of May 14, 1898, the provisions of which were extended by the act of March 2, 1909, for three years from that date, and which extension was found to be insufficient for them to meet the requirements of the law of May 14, 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF GEN. JAMES MILLER AT PETERBORO, N. H.

The bill (S. 304) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H., was considered as in Committee of the Whole.

Mr. SMOOT. I should like to have the Secretary read the report of the committee on this bill, it being Report No. 116.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted by Mr. WETMORE August 4, 1911, as follows:

The Committee on the Library, to whom was referred the bill (S. 304) for the erection of a statue to the memory of Gen. James Miller, at Peterboro, N. H., have had the same under consideration, with the accompanying papers, and report it back without amendment.

Similar bills passed the Senate in the Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses, but were not acted upon in the House of Representatives.

[Extract from Senate Report No. 1157, Sixty-first Congress, third session.]

The Senate report of the Fifty-eighth Congress is as follows (S. Rept. No. 158, 58th Cong., 2d sess.):

The Committee on the Library, to whom was referred the bill (S. 1634) for the erection of a statue to the memory of Gen. James Miller, at Peterboro, N. H., have had the same under consideration, with the accompanying papers, and report it back without amendment.

Gen. James Miller, the hero of Lundys Lane, was born at Peterboro, N. H., April 25, 1776. He was educated for the law and admitted to practice in 1803. Shortly thereafter he commanded a company of artillery in the Militia of New Hampshire, where his military bearing, aptitude, and skill in maneuvering and drill attracted the attention of Gen. Benjamin Pierce, at whose earnest recommendation Capt. Miller was appointed, on July 8, 1808, major in the Fourth Infantry.

In 1811 the Fourth Infantry was ordered to Vincennes, Ind., and took part in Harrison's campaign terminating in the Battle of Tippecanoe.

Maj. Miller, however, was left at Vincennes during the campaign because of severe and continuous illness, but the regiment which had been disciplined and instructed by him received the very highest praise for its share in the campaign and the crowning battle.

In 1812 the regiment was ordered to Detroit. Lieut. Col. Miller was in command, the colonel, Boyd, having preceded them and acting as general during the campaign. War was declared June 18. On the 9th of August a detachment consisting of the available men of the Fourth Infantry, amounting to about 300, and a somewhat larger number of militia, all under command of Lieut. Col. Miller, encountered a force of British and Indians at Magagua or Brownstown. The enemy was somewhat superior in numbers, strongly intrenched, and awaiting the Americans on ground of their own selection. The Indian force was under the command of the celebrated Chief Tecumseh. The Americans attacked immediately, and after a severe struggle drove the enemy some miles.

Gen. Hull, who commanded in chief, declined to order or sanction further pursuit of the British, and one week thereafter, on the 16th of August, surrendered his force of over 2,000 men to the same commander, with scarcely more than half of his own number of troops, who had been so thoroughly beaten by Miller with an inferior force just one week before.

The disastrous termination of Hull's campaign naturally distracted public attention from such partial success as had been attained in its opening, but Miller was brevetted colonel for his action, and after the surrender the following letter was addressed to him:

ADJUTANT GENERAL'S OFFICE,
Washington City, December 14, 1812.

SIR: I am instructed by the Secretary of War to convey to you, and through you to the officers and soldiers of the Fourth Regiment of Infantry, who are prisoners of war, the high sense which the President entertains of the gallantry and good conduct by which you and they have been uniformly distinguished.

I am, sir, very respectfully, your obedient servant,

T. H. CUSHING,
Adjutant General.

Lieut. Col. JAMES MILLER.

Early in 1813 Col. Miller was exchanged for Lord Dacres. He took part in the indecisive campaign of 1813, but without any opportunity of distinction.

It was at the Battle of Niagara or Lundys Lane, fought on the 25th of July, 1814, that he rendered his next conspicuous service. The key point of the British position was the post of their field artillery. This Miller, with his regiment, stormed and captured. His reply, when asked if he could capture the battery, "I'll try, sir," became proverbial and had a prominent place in every description of the battle for many years.

Later, at Fort Erie, where an American force under command of Maj. Gen. Brown was besieged by the British, overwhelmingly superior in numbers and artillery, a sortie was made which defeated the British brigade in the trenches, destroyed their works, captured their artillery, and blew up their magazines, the effect of which was that the British commander gave up the siege and retired without attempting any counterstroke with the two brigades that he still had intact.

In this affair Col. Miller, acting as general, had command of the center column and received the highest praise from his commanding officer for his conduct.

As already noted, Miller was brevetted colonel for his gallantry at Brownstown; he received the brevet of brigadier general for Lundys Lane and a gold medal from Congress conformably to the following resolution:

"*Resolved, etc.*, That the President of the United States be requested to cause gold medals to be struck with suitable emblems and devices and presented to Brig. Gens. * * * Miller * * * in testimony of the high sense entertained by Congress of their gallantry and good conduct in the several conflicts of Chippewa, Niagara, and Fort Erie.

"Approved, November 3, 1814."

The State of New York also presented him a sword of honor "pursuant to resolution of the senate and assembly."

Gen. Miller was retained in service upon the reorganization of the Army, but resigned in 1819 and was appointed by President Monroe as governor of Arkansas, serving until 1823. The following year he was appointed collector of the port of Salem, Mass., which position he held until 1849. He died at Temple, N. H., July 7, 1851, at the age of 76.

GEN. MILLER'S OFFICIAL MILITARY RECORD.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, January 28, 1903.

SIR: In reply to your letter of the 23d instant to the Chief of the Record and Pension Office, War Department, which has been referred to this office, requesting the military record of Gen. James Miller, of New Hampshire, I have the honor to say that James Miller was appointed major, Fourth Infantry, July 8, 1808; was promoted to be lieutenant colonel, Fifth Infantry, November 30, 1810; was transferred to the Sixth Infantry September 14, 1812; was promoted to be colonel, Twenty-first Infantry, March 9, 1814; and was transferred to the Fifth Infantry May 17, 1815. He resigned from the service June 1, 1819, and died July 7, 1851, at Temple, N. H.

He was brevetted colonel August 9, 1812, for distinguished service at Brownstown, upper Canada, and brigadier general July 25, 1814, for distinguished service at Niagara Falls, upper Canada. A resolution of Congress of November 3, 1814, awarded him a gold medal in testimony of the high sense entertained by Congress of his gallantry and good conduct in the several conflicts of Chippewa, Niagara, and Fort Erie, upper Canada.

I inclose for your information copy of a biographical sketch of Gen. Miller given in the report of the adjutant general of New Hampshire for 1868, which contains some information not found on the official records of this office.

Very respectfully,

H. C. CORBIN,
Adjutant General, Major General, United States Army.

Hon. GEORGE PEABODY WETMORE,
Chairman Committee on the Library, United States Senate.

The following sketch of Gen. Miller appears in the report of the adjutant general of New Hampshire for 1868:

Col. Miller was a native of Peterboro, the son of James Miller, of that town, who was of Scotch-Irish stock, from the north of Ireland, and was born April 25, 1776. After pursuing his studies in the academy at Amherst, and for a time in the college at Middlebury, Vt., he entered upon the study of law in the office of James Wilson, Esq., of Peterboro. Having finished his course of study, he was admitted to the bar of his native county in 1803. He settled in the practice of the law in the neighboring town of Greenfield, where he was soon in command of the company of artillery attached to the Twenty-sixth Regiment of the New Hampshire Militia. His military bearing, aptitude, and skill in maneuvering and drill attracted the attention of Gen. Benjamin Pierce, and at his earnest recommendation Capt. Miller was appointed major of the Fourth Regiment of the United States Infantry, commanded by Col. John P. Boyd, and then stationed at Fort Independence, in the Harbor of Boston. His commission bears date March 3, 1809, taking rank from the 8th of July, 1808. This regiment contained many officers and men from New Hampshire, and after Maj. Miller's appointment to it many more joined the regiment from the interior of New Hampshire. At the battles of Brownstown, Chippewa, Niagara, and "the sortie on Erie," he won distinguished honors. After the battle of Niagara he was made a brigadier. On the 3d of November, 1814, Congress presented him with a gold medal and the unanimous thanks of that body. The State of New York, through its senate and assembly, presented him with a sword. It is inscribed as follows:

"Presented by his excellency, Daniel D. Tompkins, governor of the State of New York, pursuant to resolutions of the senate and assembly of the said State, to Brigadier-General Miller, as a testimony of gratitude for his services and admiration of his gallant conduct."

Upon the close of the war Gen. Miller returned to his native State and devoted himself to agricultural pursuits.

In 1819 he was appointed governor of the Territory of Arkansas by President Monroe, but the climate not agreeing with him, in 1823 he returned to Temple in poor health. The following year he was appointed collector of the port of Salem. This position he held for 24 years, when his health becoming still more enfeebled by paralysis, in 1849 he resigned his office of collector and was succeeded by his youngest son. Upon his resignation he retired to his farm in Temple, where he died July 7, 1851, in the 76th year of his age. Gen. Miller was a Christian and a gentleman, as well as a gallant soldier. He won the respect of all who knew him.

BATTLE OF LUNDYS LANE.

[From Richardson's Index to the Messages and Papers of the Presidents.]

After his defeat at Chippewa, in 1814, Gen. Riall (British) retired by way of Queenston toward the head of Lake Ontario. He was soon reenforced and returned to attack the Americans under Brown, who had pursued him as far as Queenston. Hearing of the British reenforcements Brown retreated to the Chippewa River, and on July 24, 1814, encamped on the south bank, where he had defeated Riall on the 5th. On the 25th Gen. Scott, with 1,200 men, went forward to reconnoiter and came upon the British Army, 4,500 strong, near Niagara Falls, on Lundys Lane, a road leading from the Falls to the end of Lake Ontario. Soon the entire American force was engaged, the battle lasting from sunset till midnight. The American forces numbered about 2,500 men. During the engagement Gen. Scott and Lieut. Col. Miller

distinguished themselves for daring and efficiency. The British were finally driven back and forced to abandon their artillery, ammunition, and baggage. Both armies claimed the victory, though both left the field. The American loss was 171 killed, 571 wounded, and 110 missing—a total of 852 out of an army of 2,500. The British lost 84 killed, 559 wounded, 193 missing, and 42 prisoners—a total of 878 out of an army of 4,500. Gens. Brown and Scott were among the wounded.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENT PRO TEMPORE FOR MONDAY.

Mr. SMOOT. I desire to state to the Senate that the Vice President will be compelled to be out of the city on Monday next, August 14, and, therefore, Mr. President, I move that the Senator from Georgia [Mr. BACON] be the President pro tempore of the Senate for that day.

The VICE PRESIDENT. The Senator from Utah moves that the Senator from Georgia [Mr. BACON] be President pro tempore of the Senate for Monday, August 14. The question is on that motion.

The motion was unanimously agreed to.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to, and (at 2 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, August 14, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate August 12, 1911.

PROMOTIONS IN THE NAVY.

Commander Alexander S. Halstead to be a captain in the Navy from the 1st day of July, 1911, to fill a vacancy.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1911, to fill vacancies:

Henry B. Soule,
Walter M. Hunt, and
Zachariah H. Madison.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1911, to fill vacancies:

Walter W. Lorshbough,
Robert L. Ghormley, and
Herbert B. Riebe.

Civil Engineer Richard C. Hollyday, with the rank of commander, to be a civil engineer in the Navy, with the rank of captain, from the 13th day of March, 1911.

Civil Engineer Frank T. Chambers, with the rank of lieutenant commander, to be a civil engineer in the Navy, with the rank of commander, from the 13th day of March, 1911.

Asst. Civil Engineer Samuel Gordon to be a civil engineer in the Navy from the 13th day of March, 1911, to fill a vacancy.

Asst. Civil Engineer Paul J. Bean to be a civil engineer in the Navy from the 5th day of May, 1911, to fill a vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 12, 1911.

AMBASSADORS.

John G. A. Leishman to be ambassador extraordinary and plenipotentiary to Germany.

Thomas J. O'Brien to be ambassador extraordinary and plenipotentiary to Italy.

Charles Page Bryan to be ambassador extraordinary and plenipotentiary to Japan.

MINISTERS.

John R. Carter to be envoy extraordinary and minister plenipotentiary to the Argentine Republic.

Larz Anderson to be envoy extraordinary and minister plenipotentiary to Belgium.

Arthur M. Beaupré to be envoy extraordinary and minister plenipotentiary to Cuba.

Lloyd Bryce to be envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg.

John B. Jackson to be envoy extraordinary and minister plenipotentiary to Roumania, Servia, and Bulgaria.

RECEIVERS OF PUBLIC MONEYS.

Hugh Scott to be receiver of public moneys at Guthrie, Okla.

Albert Saylor to be receiver of public moneys at Seattle, Wash.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

First Lieut. Edgar D. Craft for appointment as first lieutenant in said corps, with rank from March 18, 1911.

[On June 29, 1911, Lieut. Craft, then a first lieutenant in the Medical Reserve Corps, was nominated to the Senate for appointment as first lieutenant in the Medical Corps, with rank from February 17, 1911, and his nomination was confirmed by the Senate on July 6, 1911. This message is submitted for the purpose of correcting an error in the date of the rank of the nominee.]

MEDICAL RESERVE CORPS.

To be first lieutenants.

William Gregg Gill.
Thomas Wyatt Grice.
Chester Raymond Haig.
Robert Morris Hardaway.
Thomas Everett Harwood, jr.
Howard Lane Hull.
Charles Peter Kennedy.
Harry Rex McKellar.
Alvin Charles Miller.
Henry Chilton Osborn.
Thomas Ewing Scott.
Charles Moore Walson.
William Francis Wild.
Neal Naramore Wood.
Hew Bernard McMurdo.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Innis P. Swift.
Second Lieut. Joseph D. Park.
Second Lieut. Arthur H. Wilson.

COAST ARTILLERY CORPS.

Maj. Oscar I. Straub to be lieutenant colonel.
Capt. Benjamin M. Koehler to be major.

INFANTRY.

Chaplain John E. Dallam to be chaplain with the rank of captain.

PROMOTIONS IN THE NAVY.

Commander Frank K. Hill to be a captain.
Lieut. Commander George W. Laws to be a commander.
Lieut. Joseph R. Defrees to be a lieutenant commander.
Lieut. (Junior Grade) William P. Gaddis to be a lieutenant.

The following-named lieutenants (junior grade) to be lieutenants:

Conant Taylor,
Arthur L. Bristol, jr., and
Stephen W. Wallace.

Passed Asst. Surg. Robert E. Hoyt to be a surgeon.

Robert F. Jones, a citizen of Virginia, to be an assistant surgeon.

POSTMASTERS.

ALABAMA.

Frank W. Slocomb, Headland.

IOWA.

James L. Brown, Clarinda.
Hiram Lamb, Murray.
Alfred D. McCulloch, Humeston.

MARYLAND.

Harry C. Bowie, La Plata.

MISSISSIPPI.

William J. James, Lyman.

PENNSYLVANIA.

George A. Carter, Meshoppen.
William H. Davis, Pittsburgh (late Pittsburg).

TEXAS.

John M. Cape, San Marcos.

WISCONSIN.

Frank E. Shults, Baraboo.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August 12, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, in whom we live and move and have our being, continue, we beseech Thee, Thy blessings unto us as individuals and as a Nation. Inspire us by the holy spirit of truth to seek diligently the highest ideals in all that pertains to life and its far-reaching purposes. The night cometh when no man can work. Once more our hearts are filled with sorrow and grief by the death of a Member who for years was a conspicuous figure upon the floor of this House. Be very near to those who were near and dear to him and comfort them by the blessed hope of the gospel. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11477. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.;

S. 1627. An act to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes;

S. 2878. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana;

S. 2766. An act to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River in the State of Arkansas, and for other purposes;

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874; and

S. 2495. An act to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia.

SWEARING IN OF A MEMBER ELECT.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that Mr. GEORGE F. BURGESS be sworn in as a Member of the Sixty-second Congress. [Applause.]

Mr. GEORGE F. BURGESS, Representative elect from the ninth Texas district, presented himself at the bar of the House and took the oath of office.

ARMY TENTS FOR ASTORIA CENTENNIAL.

Mr. UNDERWOOD. Mr. Speaker, before the Journal is approved I understand that the House on yesterday acted on Senate joint resolution 31, authorizing the Secretary of War to loan certain tents for the use of the Astoria Centennial to be held at Astoria, Oreg., August 10 to September 9, 1911, and that at the time that resolution was acted on it was supposed that the engrossed copy was here from the Senate, but as a matter of fact it turns out that that copy was not here. I therefore ask unanimous consent that so far as the Journal appears the proceedings of yesterday with reference to this resolution be stricken from the Journal.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the proceedings touching Senate joint resolution 31, to loan tents to the Astoria Exposition, be stricken from the Journal. Is there objection?

Mr. MANN. Mr. Speaker, I suggest to the gentleman that he ask that the proceedings taken by the House on the subject be vacated.

Mr. UNDERWOOD. Well, I intended that. I said all proceedings in reference to the Senate joint resolution which included the proceedings in the House.

Mr. MANN. But not merely stricken out of the Journal, but that the proceedings themselves be vacated.

Mr. UNDERWOOD. I intimated that in my resolution.

The SPEAKER. The amended request is that all proceedings touching Senate joint resolution 31 be vacated. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Now, Mr. Speaker, I move that the following resolution be passed in reference to this joint resolution.

The SPEAKER. Without objection, with this correction, the Journal will stand approved. [After a pause.] The Chair hears none. The Clerk will report the resolution which the gentleman from Alabama sends up.

The Clerk read as follows:

House resolution 276.

Resolved, That the Senate be requested to furnish the House of Representatives a duplicate copy of Senate joint resolution 31, authorizing the Secretary of War to loan certain tents for the use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911, the same having been lost or misplaced.

Mr. MANN. Mr. Speaker, is the gentleman sure that the engrossed copy of the Senate resolution can not be found?

Mr. UNDERWOOD. Well, they have not been able to find it up to this time, and I assume it is lost. I do not desire to delay action on the matter, and if it turns up, it is all right. If it is still lost by Monday, the gentlemen who are interested in this matter will have an engrossed copy and will be ready to proceed.

Mr. MANN. Mr. Speaker, I call the attention of the gentleman and the House to this situation. The committees of the House, being new, many of them, are likely to act upon printed copies of Senate bills or resolutions, regardless of whether the committee has physical possession of the engrossed copy. Whether that was done in this case, or whether the engrossed copy was lost after it had been in the hands of the committee, I do not know. The House some time ago dispensed with the services of the distributing clerk. Personally, I think that is a mistake which ought to be rectified. The distributing clerk is the one who is responsible for the transmission of these papers from the House to the committees of the House. As it is now, there is no one responsible for getting these engrossed copies of Senate bills out of the Clerk's hands into the hands of the committees. I have no doubt this paper is reposing somewhere where nobody has gone after it or picked it up.

Mr. UNDERWOOD. I will answer the gentleman by saying we recognize the House is new; that we have organized a new machine, and naturally mistakes are made sometimes.

Mr. MANN. The gentleman understands I am not making any criticism, except to call attention in order that corrections may follow in the future.

Mr. UNDERWOOD. I have no doubt that this mistake having been made and brought to the attention of the House, the committees hereafter will see that they have in hand the engrossed copies before they bring the bills before the House. The only reason for this resolution is that we can not find the copy—probably will not be able to find it—and it will not hurt in any way to have an additional engrossed copy here Monday.

Mr. MANN. Not at all.

Mr. UNDERWOOD. Mr. Speaker, I ask for a vote.

The question was taken, and the resolution was agreed to.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I understand that the House will probably adjourn in a few minutes. The conferees on the wool bill have come to an agreement. It will take something like half an hour to finish writing the statement. In order that it may be reported to the House and printed in the RECORD and prevent delay next week, I move that the House take a recess until 1 o'clock p. m.

The SPEAKER. The gentleman from Alabama moves that the House take a recess until 1 o'clock p. m.

The motion was agreed to.

Accordingly (at 12 o'clock and 22 minutes p. m.) the House stood in recess until 1 o'clock p. m.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

WOOL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to present to the House for printing in the RECORD under the rules the conference report on H. R. 11019, a bill to reduce the duties on wool and manufactures of wool, with a statement on the part of the House conferees and the original papers in the case.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] presents the conference report on the wool bill (H. R. 11019) and asks that it be printed under the rule.

Mr. MANN. Mr. Speaker, I desire to reserve a point of order on the conference report and to make the point of order that the gentleman can not present under the rules the original papers to the House until the matter has been acted upon by the Senate.

Mr. UNDERWOOD. Mr. Speaker, I would like to have the gentleman state his point of order which he reserves on the conference report, because I would like to have it disposed of.

Mr. MANN. I reserve all points of order. It is not necessary. It has to be printed under the rules.

Mr. UNDERWOOD. I do not think the gentleman has the right to reserve the point of order without giving the House the benefit of it.

Mr. MANN. Mr. Speaker, I reserve the point of order on the conference report.

The SPEAKER. The Chair knows that. All points of order are reserved, as the Chair understood the gentleman from Illinois.

Mr. MANN. Mr. Speaker, in this case the House passed the bill, the Senate agreed to an amendment to the bill, and sent it to the House with the amendment. The House disagreed to the Senate amendment and asked for a conference. The Senate agreed to the conference and the matter went to conference. And this was the situation: When the Senate agreed to the amendment and sent a message to the House it had passed the bill with the amendment, the original engrossed copy of the bill accompanied the message and was in possession of the House. The House disagreeing to the Senate amendment and asking for a conference, with a message to the Senate carrying that notice, sent the original papers, and the Senate, being in possession of the original papers, agreed to the conference asked, after insisting upon its amendment, and sent a notice to the House that it had agreed to the conference report. With that notice or message came the original papers. The original papers then were in possession of the House and were turned over to the House conferees. The conference committee having agreed to a report, the question is, who, then, is entitled to the original papers, because neither body can act upon the proposition without having the original papers in its possession? It has been the invariable rule that in conference committees, when the conference agrees upon a report the papers are transferred from the conferees who have possession of them to the other conferees. So that the invariable rule has been that the body agreeing to the conference acts first. I call the attention of the Speaker to Jefferson's Manual, paragraph 548, on page 282, as follows:

> And in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other.

That matter is so well understood that it is even carried in the Congressional Vestpocket Directory. It is carried in the little bulletin that has been published by the Committee on Appropriations in reference to conference reports. There has been no case where this rule has not been observed. The Vestpocket Directory, for instance, on page 91, says:

> In all cases of conference asked the managers of the House asking it are to leave the papers with the other House, and the report must be first made to the House agreeing to the conference.

The same statement is published in the pamphlet recently issued by the Committee on Appropriations.

The SPEAKER. The Chair would like to ask the gentleman from Illinois if he thinks the paragraph he has read carries out his present contention?

Mr. MANN. Absolutely.

The SPEAKER. The Chair will ask the gentleman if everything that that paragraph provides for has not already been done.

Mr. MANN. It has not been done. In this case there has been an agreement. Now the paragraph says:

> The conferees of the House asking it—
>
> In this case that is the House of Representatives—
>
> are to leave the papers with the conferees of the other.

That is the Senate in this case. We asked for the conference. Hence we had physical possession of the papers at the time the conference commenced, because in the messages back and forth between the House and the Senate in reference to the conference, the end leaves the physical possession of the papers with the House. Now, the rule in that case is that where the conferees agree, the House that asked for the conference, having physical possession, are to leave the papers with the conferees of the other House. That is the rule of Jefferson's Manual, and it is perfectly plain. That has been the invariable rule and practice.

If there had been no agreement in conference, the gentleman from Alabama [Mr. UNDERWOOD], having physical possession of the papers, might have brought the matter back to the House and moved to concur in the Senate amendments, because whichever body has physical possession of the papers is entitled to act upon them; but in this case, under the rule, the House conferees should have left the papers in the possession of the conferees on the part of the Senate, so that the Senate should act first.

It sometimes becomes a very important matter as to which body acts first upon a conference report. It was not necessary for the House to ask for a conference. The House might have disagreed to the Senate amendments and left it to the Senate to ask for a conference, and if that course had been pursued, then the Senate conferees would have had physical possession of the papers while the conference was going on, and the first action in reference to the conference report would have been taken by the House. Sometimes the House does not ask for a conference, where it disagrees to a Senate amendment, in order that it may first pass upon the conference report.

Mr. UNDERWOOD. Mr. Speaker, in the early history of this House the question was somewhat in dispute between the two Houses as to which set of conferees were entitled to the papers. The practice for many years between the conferees has been that the House agreeing to the conference should take the papers, but that is merely a question between the conferees of the two Houses. It is not a matter of parliamentary law. It is not a matter of precedent that affects the passage of the bill. It is a question of courtesy between the conferees.

I do not dispute the question that the gentleman raises—that the common practice has been that where one House asks for a conference and the other House agrees to it, the House agreeing to it has the right, if it demands it, to take the papers back to that House.

But there is one question that can not be disputed, and the gentleman from Illinois agreed with a similar proposition this morning when it was necessary for us to amend the Journal because we did not have the physical possession of certain papers that were acted on yesterday.

Now, the Senate conferees waive their right to carry the original papers back to the Senate. They prefer that this House should act on this conference report first. They voluntarily and without dispute turned the papers over to me, to bring them to this House, and I have presented them to the House. They are in the possession of the House, and the question of the precedents as to what the conferees should do is merely a matter that guides the conferees, should a question of dispute arise between them. I recognize the fact, and I recognized it when we were in conference, that if the Senate conferees had demanded of me these papers they had a right to take them to the Senate. Nobody disputes that fact.

Mr. CANNON. Mr. Speaker, will the gentleman allow a question right there?

Mr. UNDERWOOD. Yes.

Mr. CANNON. The House, by rule agreed to, adopts Jefferson's Manual as a part of the rules of the House?

Mr. UNDERWOOD. Certainly.

Mr. CANNON. The gentleman from Illinois [Mr. MANN] has read from the manual, and has supplemented that reading by a statement of the invariable practice of the two bodies. Now, does the gentleman——

Mr. UNDERWOOD. I beg the gentleman's pardon. It has not been the invariable practice. It has been the practice in recent years.

Mr. CANNON. Now, does the gentleman from Alabama believe that it is in his power and in the power of the gentleman from Wisconsin, Mr. Senator LA FOLLETTE, practically speaking, to disregard a rule of this House—because Jefferson's Manual is a part of the rules of the House?

Mr. UNDERWOOD. Well, where I differ with the gentleman from Illinois—and I stated in the beginning—is that it is not a rule of procedure in the House. There is no rule of this House that governs the action of the Senate. There is no rule of this House that governs the conferees of the two bodies, except so far as the conferees of this House are concerned.

Now, in the early history of this House it was much in dispute as to whether the conferees of the Senate or the conferees of the House were entitled to the papers in a case similar to this. But the recent practice—not the rule—of the two Houses has been that the House agreeing to the conference should take the papers back to that House in case of an agreement and that the papers should go to the House asking for a conference in case of a disagreement.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. UNDERWOOD. I do.

Mr. COOPER. Does the gentleman say that in matters as important as this it has been the rule within comparatively recent years to permit the whole matter to be decided by the conferees?

Mr. UNDERWOOD. I said that; yes.

Mr. COOPER. Suppose they could not agree. Then what could be done?

Mr. UNDERWOOD. Well, I recall one instance in Hinds' Parliamentary Practice and Precedents where he states that both sets of conferees, neither of them wanting to take the papers to either House, threw them on the middle of the table and walked off, leaving them in the middle of the table.

Mr. MANN. Oh, the gentleman reads from Jefferson's Manual the very paragraph which says that the duty of the conferees is, as in this case, to leave the papers with the Senate conferees, and in one case where they would not take them they left them on the table, as the gentleman should have done in this case.

Mr. UNDERWOOD. I say that there was such a dispute, and that in that case neither party would take the papers.

Mr. MANN. That was not in this country; that was in England.

Mr. UNDERWOOD. It is cited in Hinds' Precedents.

Mr. MANN. It is cited in Jefferson's Manual.

Mr. UNDERWOOD. I do not care where it happened, whether in this country or abroad. Mr. HINDS refers to it in his Precedents.

Now, Mr. Speaker, I simply contend this: It is not an important matter. Of course, if the House does not want to keep the papers and wants to send them to the Senate, and the Speaker holds that we are not entitled to these papers, then I will move that we send the papers there. It will probably delay action in this matter.

Mr. MANN. It would not be necessary to make a motion.

Mr. UNDERWOOD. But the Senate has waived its right to the custody of the papers. The papers are lying on the Speaker's desk. Whenever we have the papers we are entitled to act upon them. [Applause on the Democratic side.] It is believed that if the House can act promptly on this report and send it to the Senate we will reach the ultimate end desired more quickly than if we sent the papers to the other House.

I do not disagree with the gentleman from Illinois at all that if the Senate conferees had made a demand for these papers, in accordance with the precedents, it would have been my duty to yield to the demand and handed them the papers, and I would have done so. But they did not make the demand; they left the papers with me; and this proposition does not violate any precedent. They were willing for me to have the papers, and that being the case I present them to the House, having physical custody of them; and under these circumstances I say that the House is entitled to retain the papers and act on them next Monday. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, we may concede that the gentleman from Illinois is correct in the light of the provision from Jefferson's Manual, and still this House is entitled to keep the papers in this case. And for this reason: If the Senate was insisting that it was entitled to keep the papers a different phase of the question would be presented, but the conferees representing the Senate have acted for the Senate, and have turned the papers over to the conferees of the House, and requested them to first present the report and statement and original papers to this House. Therefore, until the agents of the Senate, their conferees, insist that they are entitled to the papers this House should retain them as requested by the Senate. [Applause on the Democratic side.]

There is a reason for it. Let me read from Hinds' Precedents, volume 5, section 6573:

6573. In 1864 the first conference report on the bill (H. R. 122) to increase the internal revenue was disagreed to by the Senate. The House thereupon asked a new conference, which the Senate agreed to. The conferees, finding themselves unable to agree, drew up a report that they had been unable to agree, and signed it in due form. The papers were evidently delivered to the Senate conferees, as would have been the procedure in case an agreement had been reached, and were taken to the Senate first. But when there, Mr. John Sherman, of Ohio, one of the Senate conferees, said that after consultation it had been determined that it would be best for the Senate to send the papers to the House in order that that body might first take action on the papers. So the papers were sent to the House, where it was voted to insist on the disagreement, and ask a new conference, and instruct the House conferees.

Mr. Speaker, the Senate, through its agents, sent the papers through our conferees to this House. The Senate is not asking for the original papers, they are on the Speaker's desk, and until the conferees of the Senate or the Senate itself by affirmative action requests that these papers be sent to that body this House is entitled to them and we should take action thereon and settle this proposition. [Applause on the Democratic side.]

I suggest that we do not do any violence to the clause in Jefferson's Manual read by the gentleman from Illinois, and we need not take issue with him on the proposition, because that sort of case is not before us this morning, but one entirely different. We should act in pursuance of the agreement, desire, and request of the conferees from both bodies as now presented to us. Therefore I say that we should not return these papers to the Senate until requested by that body in the proper way, or unless the House should now desire by affirmative action and vote to do so. Not the slightest violence is done the rule invoked by the gentleman from Illinois, so long as the Senate fails to request a return of the papers and the House takes no action to that effect with the papers now in its physical possession and before it for the printing of the conference report and statement under the rule.

Mr. MANN. Mr. Speaker, I think the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Texas [Mr. HENRY] are both mistaken when they say that the House now has physical possession of the papers which lie on the Speaker's desk. In the first place, they are not on the Speaker's desk; and in the second place, when the gentleman from Alabama presented the papers I made the point of order that he had no right to present them. If the Speaker determines that he has no right, they are not in the possession of the House; they are in the possession of the gentleman from Alabama, and he should give them into the possession of the Senate conferees, where they belong. If they had been presented to the House without a point of order being raised, the House would then have been in physical possession of the papers, and would have to determine what its course should be.

Mr. Speaker, this question goes away beyond the question as to which body shall act first upon the wool tariff bill. If the Speaker determines that the House conferees in possession of the papers can keep them after the conference report is agreed upon no one can ever tell in the House, except the conferees, which body will be called upon to act first upon any conference report. Orderly procedure is necessary to preserve a fair consideration and an honest consideration of measures. We know now that under the rules as they have been made and construed, the body asking for the conference acts last upon the conference report, and that the body agreeing to the conference acts first upon the conference report. But if the contention of the gentleman from Alabama is agreed to, it rests solely within the sweet will of the conferees of one body. It will hardly do to say that the Senate consented to this; the Senate has had nothing to do with it.

The Senate conferees can have nothing to do with it. The House conferees were in possession of the papers and retained them. If they could retain them at all, they could retain them under any conditions. It is not sufficient to say that the Senate conferees permitted the papers to be retained. He who has possession of the papers can retain possession if he is acting within his rights; and if the gentleman from Alabama [Mr. UNDERWOOD] has the right to ask the House to act first because he presents physical possession of the papers, then any House conferees will have the same rights in the future, regardless of whether the Senate conferees want the papers or do not want the papers.

The gentleman says it would delay matters to send these papers to the Senate. Not at all. It is well understood that the House is shortly to adjourn out of respect to the memory of one of the noblest Members who ever sat on this floor; but if the papers go to the Senate this afternoon, where they belong, the Senate, which does not require its conference reports to be printed a day ahead in the RECORD, can act at once upon the conference committee report and message it over to us on Monday, and then we can act in the House. Instead of delaying matters, it will expedite them.

But that has nothing to do with the question. Will we follow the precedent? Rule XLIII provides:

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and the House of Representatives.

There being no special standing rule and order of the House on this subject, Jefferson's Manual controls. It is one of the rules of the House, and Jefferson's Manual plainly states that the conferees of the House asking for the conference are to leave the papers with the conferees of the other body. It has not been a matter of dispute, as suggested by the gentleman from Alabama. I have searched the precedents. There is no case where anyone has ever contended that in case the conferees reached an agreement, it was not necessary to transfer the papers. There has been some controversy where the conferees reported that they could not reach an agreement as to which set of conferees was entitled to the papers, but there is no case in the books, there is no case in the records, where any-

one has ever before contended that when a conference committee reached an agreement this rule of Jefferson's Manual was not binding and did not require the physical possession of the papers to go to the conferees representing the body which agreed to the conference—in this case, the Senate.

I hope the exigencies of the case in this instance are not so strenuous that we are to violate the invariable practice of 100 years and the rules of the House, in order that the gentlemen on the other side of the Chamber may leap to the bait and vote for what the other people call a protective tariff.

Mr. SHARP. Mr. Speaker, may I interrupt the gentleman to ask him a question for information? Is it the gentleman's contention that the Senate conferees can not voluntarily surrender these papers so as to bind the Senate?

Mr. MANN. Why certainly; the rules govern both bodies, and in the case referred to by the gentleman from Alabama and referred to in Jefferson's Manual, it says:

> And in one case where they refused to receive them they were left on the table in the conference chamber.

A rule can not be left to the sweet will of two conferees, and if the Senate conferees could agree to it, then they would have to agree to it if the House conferees did not consent to turn over the papers.

Mr. COOPER. Mr. Speaker, the importance of the question before us, and of the rule and precedents just cited by the gentleman from Illinois [Mr. MANN], was first called to my attention in June, 1902, when the House was debating the Philippine bill, which on July 1 of that year became the organic act for the archipelago. The House Committee on Insular Affairs had for months been considering a bill for the government of the islands. The Senate passed a Philippine bill and sent it here. That bill contained no provision for a legislative assembly in the Philippine Islands. The question of whether Congress should enact a law establishing such a legislative assembly had led to much discussion in the press and elsewhere, some of it very bitter. The Senate was opposed to it by a large majority. No Senator ever advocated it. The Senate bill came here and was referred to the Committee on Insular Affairs. That committee reported back the Senate bill with an amendment striking out all after the enacting clause and inserting the House bill, which included a provision for a legislative assembly in the Philippine Islands.

Thus amended the bill came before the House, was debated night and day for one week, and then passed by a large majority. It went to the Senate. Meanwhile a resolution fixing the final adjournment for a day early in the next week had passed both Houses. The Senate disagreed to the bill as amended and asked for a conference. But, Mr. Speaker, before the bill had passed the House, and during the debate, I was approached by a United States Senator strongly hostile to the provision for a legislative assembly and by him on two different occasions advised to request a conference. His anxiety impressed me. Not only did he ask me to do this, but another Senator came over and suggested that I move for a conference. One of these gentlemen said: "This is going to pass the House; when it does pass, you ask for a conference."

Immediately it occurred to me that this must be a matter of serious importance for gentlemen so hostile to the House amendment to be so earnest in their desire for me to request a conference. I told them that I would see about it. Then I began an investigation of the rules, and soon found the provision in Jefferson's Manual which the distinguished gentleman from Illinois [Mr. MANN] has just cited.

I told members of the committee—Mr. Loud, of California, Mr. Tawney, and others—with whom I consulted that I should not ask for a conference because it would give away the possession of the papers; that in any event we could not get through with a conference until a very short time before the hour already fixed for adjournment; that if the conference report went first to the Senate that body would very probably instruct its conferees against the legislative assembly; and that because of the shortness of time and consequent hurry this hostile action of the Senate on that provision would perhaps have a determining influence on the vote here in the House.

So the House did not request a conference. The Senate did. The conference began on Friday and ended at half after 2 o'clock on Monday morning. On the same day the House adopted the conference report with the House provision for a legislative assembly. The Senate later adopted it, and it became a law. Congress soon adjourned.

Mr. Speaker, the right to the papers after a conference is not a right to be surrendered in the discretion of conferees. Suppose that the House were entitled to conference papers and to a first vote on an important conference report, does any gentleman claim that the House conferees would be entitled to surrender the papers to the Senate and deprive the present Democratic majority of its just right to vote first on a conference report?

Mr. HUGHES of New Jersey. Mr. Speaker——

Mr. COOPER. But, according to the contention of the distinguished gentleman from Texas [Mr. HENRY], the House conferees would have the right to give up the papers and permit the Senate to vote first——

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from New Jersey?

Mr. COOPER. I do.

Mr. HUGHES of New Jersey. Would not that always be within the control of the House?

Mr. COOPER. Control of the House—it is a matter of the two Houses. It is a matter of rule and of long-established precedent.

At the conclusion of the conference on the Philippine bill, Senator LODGE, Senator Allison, and other distinguished Senators being among the conferees on the part of the Senate, and the gentleman from New York [Mr. PAYNE] and the gentleman from Indiana [Judge CRUMPACKER] being two of the conferees on the part of the House, this very question was suggested. I remarked that the Senate having asked for the conference the House was entitled to the papers; and the distinguished Senator from Massachusetts [Mr. LODGE] said, "Certainly," and the Senator himself had suggested that I ask for the conference.

Mr. Speaker, I think that this is a question of very great consequence. Suppose the conferees in their committee room, appreciating the exceeding importance it sometimes is to have the first vote, should have a physical contention over the possession of the papers? Which House would get the papers then? Suppose each House should sustain its own conferees, what then would result? Then what authority would there be by which to get the papers into either House? Is it possible that Jefferson's reference to this means nothing? No, Mr. Speaker, it is so important that the greatest of Democrats, Thomas Jefferson, laid it down in his manual as a rule of procedure that ought always to be followed.

Mr. BUTLER. And if not to be followed, why did he make a reference to it?

Mr. COOPER. Exactly, as the gentleman from Pennsylvania says, if it is not to be followed, why did Jefferson make any reference to it?

Mr. Speaker, Jefferson referred to it because it is of vital importance. A dispute between the conferees of the two Houses over possession of the papers leaves the papers on their table; the Senate demands that they come to the Senate and the House demands that they come to the House. Where are they going?

The SPEAKER. The Chair will suggest to the gentleman from Wisconsin [Mr. COOPER] that there is no disagreement between the conferees, as far as the House or the Speaker is informed, about who should have these papers.

Mr. COOPER. But, Mr. Speaker, suppose there had been trouble? We are making a precedent not only for cases where there is an amicable agreement by which one set of conferees have surrendered the rights of one of the Houses of Congress, but we are making a precedent to govern, also, in cases of dispute, which, without it, might lead to physical encounter.

We are making a precedent which ought under all circumstances, in every instance, to govern the deliberations of conferees. Mr. Speaker, it is of exceeding importance to the House that this rule, laid down in the manual of Thomas Jefferson, the greatest of all Democrats, should not be disregarded. [Applause.]

There is one question, Mr. Speaker, that I thought I had already propounded; but the gentleman from South Dakota [Mr. BURKE] calls it to my attention, and I reiterate it. Suppose that this House, under Jefferson's rule, were entitled now—as it is not—to these papers and to a first vote on this report; suppose, also, that every Member were present, alert, and anxious to vote; but suppose that the House conferees had for some reason deliberately handed over the papers to the Senate conferees and robbed the House of its rights; what then would the present Democratic majority have said? Would they have approved and been pleased with the surrender by their conferees? Not at all.

Mr. UNDERWOOD. Mr. Speaker, I think this is largely a tempest in a teapot, but I wish to call the Speaker's attention to section 549 of Jefferson's Manual. In that section it is stated that where the two Houses come to a disagreement it is customary for the House asking for a conference to take the papers, the opposite of what occurred here. And then the last paragraph says:

> But sometimes managers have brought the papers to the agreeing House without question.

And then it cites Hinds' Precedents, V. 6239, footnote.

Now, the practice——

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Will the gentleman from Alabama [Mr. UNDERWOOD] yield to the gentleman from Illinois?

Mr. UNDERWOOD. I will.

Mr. MANN. Does the gentleman understand that that only refers to a case where the conferees report they can not agree?

Mr. UNDERWOOD. Oh, well, I am merely citing this. Of course, I understand that refers to a case, and not this case, of disagreement. But it shows that there are recent precedents, as shown in Hinds' Digest, where the conferees without objection have brought the papers not to the disagreeing House but to the House that asks for the conference.

Mr. MANN. That is where there is no agreement. Of course they retain the possession of the papers when there is an agreement.

Mr. UNDERWOOD. Oh, this note shows that sometimes the conferees have violated or changed the customary rule in these cases.

Mr. MANN. The gentleman is mistaken about that.

Mr. UNDERWOOD. Oh, no; I am not mistaken.

Mr. MANN. I have examined the cases. It only relates to cases where there has been a disagreement.

Mr. UNDERWOOD. Of course, it only relates to a case where there has been a disagreement, but if the rule is not followed in cases of disagreement uniformly, why should it be followed uniformly in cases of agreement? It shows that there is no uniform rule.

Mr. MANN. The rule as laid down in Jefferson's Manual applies only to a case where there has been an agreement, and that is the only rule I have cited. The gentleman's citation is where there has been no agreement.

Mr. UNDERWOOD. Certainly; but in ordinary cases where there has been no agreement the papers go back to the House asking for the conference. But this precedent shows that sometimes that rule is violated and the conferees let the papers go to the other House. So that I say, Mr. Speaker, it is absolutely in the hands of the conferees to bring the papers to that House where the conferees desire them to go, and if the House receiving the papers does not want them it can send them back to the other House. It is within the power of the House to determine what it pleases.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. In a moment. But I say this: If there had been a demand on the part of the Senate for these papers I would have delivered them to the Senate conferees, because it would have been in accordance with the precedents. The Senate did not ask for the papers. The Senate conferees left them with me, and therefore I brought them back to this House. [Applause.]

Mr. LONGWORTH. Now will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Ohio?

Mr. UNDERWOOD. Yes.

Mr. LONGWORTH. I merely wanted to ask a question on that point. The gentleman says he was instructed to take these papers?

Mr. UNDERWOOD. No; I did not say that I was instructed to take these papers.

Mr. LONGWORTH. Was there a formal vote taken?

Mr. UNDERWOOD. No.

Mr. LONGWORTH. How was the instruction given?

Mr. UNDERWOOD. The Senate conferees said they did not want the papers. They did not ask for them. They left them with me, and I brought them back to the House. [Applause on the Democratic side.]

Mr. LONGWORTH. The reason I asked that question was that I understood that the entire proceedings of that conference were public——

Mr. UNDERWOOD. Certainly——

Mr. LONGWORTH. And, of course, as this is, in my opinion, a question of more or less importance—even though it is a tempest in a teapot, in the judgment of the gentleman, as he suggests—I wanted to know how the gentleman was instructed, whether by formal instruction of the conferees, or otherwise.

Mr. UNDERWOOD. Otherwise. [Laughter.]

Mr. MANN. Mr. Speaker, does the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I do.

Mr. MANN. Does the gentleman think it is proper in a matter of conference for the House, or for either body, to act upon oral statements in a conference committee, when the method usually pursued is to present the written statement of the conferees?

Mr. UNDERWOOD. Well, the gentleman from Illinois is assuming a fact that is not true. There is a written statement on the desk, telling what occurred in the conference.

Mr. MANN. Did the gentleman have possession of the papers in the conference?

Mr. UNDERWOOD. Yes; I had possession of them when I left this Hall and when I came back. [Applause.]

Mr. MANN. The only way to get anything officially before this body is by a report, not by an oral statement. Does the gentleman contend that if the Senate conferees had ordered the papers, and he had kept them, there would have been any different situation in the House?

Mr. UNDERWOOD. If the Senate conferees had wanted these papers, I would have left the papers with them, because under recent precedents they are entitled to them.

Mr. MANN. If they declined to give them, does the gentleman think the situation would be changed in the House?

Mr. UNDERWOOD. Oh, I do not act that way.

Mr. MANN. Oh, I have seen times in conference when the gentlemen in the conference would not give up the papers, by any means. It often becomes an extremely important question as to who has the physical possession of the papers.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that my experience is not as great as his. [Laughter.]

Mr. MANN. That is why I wanted to help the gentleman out. [Laughter.]

Mr. UNDERWOOD. I will say that I have been here 16 years, and it is only recently that I have had charge of the papers. [Applause and laughter.] And I have had no desire on my part to fight for them.

Mr. MANN. I recall an instance where I had the physical possession of the papers and returned from a conference and locked the papers up. That was in the case of a fight between the House and the Senate. We did not propose to let the Senate have its way.

Mr. SIMS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Tennessee?

Mr. UNDERWOOD. Certainly.

Mr. SIMS. I would like to ask the gentleman this: That if the House acts on this conference report favorably and the Senate acts upon it favorably, and it is signed by the President, will it not be a valid act?

Mr. UNDERWOOD. That is so.

Mr. SIMS. That is all the people care about. They do not care about this controversy on rules, do they? [Laughter and applause.]

Mr. MANN. Evidently it is not so important now to have good rules as it was when we were in power.

Mr. SIMS. It would be important to have good rules, if we did not have a lot of rules crooks to pass upon them. [Laughter.]

Mr. UNDERWOOD. I wish to say again that if the Senate had demanded these papers I would have delivered them. They did not ask for the papers. They were willing to leave them in my possession to bring back to the House. They are in this House, and we have a right to act on them, because the bill is here.

Mr. DYER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Missouri?

Mr. UNDERWOOD. I do.

Mr. DYER. I should like to ask the gentleman this question: He says the Senate conferees did not ask for the papers. I should like to ask him if he or any of the House conferees offered the papers to them?

Mr. UNDERWOOD. Oh, well, informally we stated that we had the papers, and informally they stated that we could keep them.

Mr. COOPER. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. UNDERWOOD. I do.

Mr. COOPER. The gentleman from Alabama says that the Senate surrendered the papers—that if the Senate had asked for the papers it could have had them. I ask the gentleman whether this matter was presented to the Senate?

Mr. UNDERWOOD. The Senate never have had the papers.

Mr. COOPER. Why?

Mr. UNDERWOOD. Because I had them all the time. [Applause and laughter.]

Mr. COOPER. The gentleman says that the Senate did not ask for the papers?

Mr. UNDERWOOD. Certainly.

Mr. COOPER. The question has never been presented to the Senate. Permit me to say to the gentleman that the question of the disposition of these papers was not before the conferees. Conferees have no right to surrender such papers in their discretion and against the rules. The disposition of these papers was not a question for the conferees at all.

Mr. UNDERWOOD. I did not surrender the papers, and the joint conferees have not asked for them. I had them when I went to the conference, and I have brought them back to the House. If the House wants to surrender them, the House has a right to pass a resolution and send them over to the Senate. It is in the power of this House to do so. If the House does not want to surrender them, no objection that I have heard has come from the Senate conferees or from the Senate. If they send a message over here and demand the papers, we can act upon it if we have not acted on the conference report before that time. But I think it is preferable—I am satisfied that the Senate prefers—that we act on this conference report first, because it will expedite business. Therefore I say that we are not violating any precedent. If the Senate conferees had asked for the papers, I would have yielded them without question.

Mr. FITZGERALD. Mr. Speaker, I would not wish the statement to go unchallenged that the managers on the part of either House have a right to waive any of the rights of either House in a conference, and I am quite clear that under the rule of the House and the settled practice and rules of procedure in a case like this the managers on the part of the Senate are entitled to the papers and to present them first to their body. But it seems to me, Mr. Speaker, that the point as presented can hardly be sustained.

The gentleman from Alabama [Mr. UNDERWOOD] has done two things. He has presented a conference report and a statement for printing in the RECORD under the rule and he has sent to the Clerk for the possession of the House papers which were in his possession.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I hope the gentleman from Illinois will allow me to state what I understand to be the situation.

Mr. MANN. That is not the situation.

Mr. FITZGERALD. He has offered to the House——

Mr. MANN. He has stated, "I present to the House these original papers."

Mr. FITZGERALD. He presents to the House the papers which were in his possession. The gentleman from Illinois made the point of order that the House can not receive these papers because the gentleman from Alabama has no right to their possession, and therefore has no right to present them to the House. But as a matter of fact he had the papers, and as a matter of fact he does present them to the House.

I take it that the gentleman from Alabama himself has suggested the remedy if the gentleman from Illinois desires to reach it, and that is, the papers having been presented to the House, if the House believes it proper that they should be sent to the Senate they must be sent there on the order of the House.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. The gentleman from Alabama offers to present to the House as a privileged matter certain papers. If he had offered to present anything to the House as a privileged matter which was not privileged the point of order would lie against it. In this case I made the point of order. The gentleman from Alabama can not present anything to the House which is not privileged to be presented. The mere fact that he has the papers has nothing to do with it; he is endeavoring to present them as a matter of privilege, and it is subject to a point of order.

Mr. FITZGERALD. The rule provides that conference reports may be presented at any time. The gentleman presents his report and the papers upon which the report is based.

Mr. MANN. Presenting a conference report is a privileged matter.

Mr. FITZGERALD. Certainly; and he presented with it the papers on which the conference report is based. The gentleman does not make the point of order that it is not a matter of privilege to present the papers, but he makes the point of order that the Senate is first entitled to the papers.

Mr. MANN. The gentleman is mistaken; I make the point of order that the House can not receive the papers, and the reason for that is because the House must receive the papers in this case by a message from the Senate.

Mr. SHACKLEFORD. Will the gentleman from New York yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. SHACKLEFORD. I desire to ask the gentleman from New York if he does not consider that the gentleman from Alabama [Mr. UNDERWOOD], being a conferee appointed by the House, is the agent of the House, and that being the agent of the House and these papers being in his possession are therefore already in the possession of the House. The conferees appointed by the House are a part of the House. They are the arm of the House, just as a sheriff or a marshal is the arm of the court. That which is in possession of the sheriff or the marshal is in the possession of the court. Is not what is in the possession of the conferees in the possession of the House? The gentleman from Alabama, being the agent of the House is in possession of the papers; therefore the papers are in the possession of this body.

Mr. MANN. The House has the receipt of the gentleman from Alabama for the papers.

Mr. SHACKLEFORD. What is in the hands of a receiver appointed by the court is in the hands of the court, and what is in the hands of the conferees appointed by the House is, in the contemplation of law, in the hands of the House to be disposed of by the House under its rules.

Mr. FITZGERALD. Mr. Speaker, suppose the Chair should sustain the point of order of the gentleman from Illinois and refuse to permit the gentleman from Alabama acting as manager on the part of the House to deliver these papers to the House. The gentleman from Alabama might put the papers in his pocket.

Mr. MANN. Yes, he might have thrown them in the fire.

Mr. FITZGERALD. The fact is that the papers are physically on the desk. If they do not belong here a resolution to test the sense of the House as to whether they should be sent back to the Senate would be privileged.

Mr. MANN. If the Speaker holds that the gentleman from Alabama does not have the right to present the papers to the House they go back to the possession of the gentleman from Alabama who, in accordance with the rule, will give them to the Senate conferees.

Mr. FITZGERALD. That is a non sequitur. The gentleman from Alabama might not. It might be unwise to trust the gentleman from Alabama with the papers again, now that the House managers have an agreement and the report has been presented.

I was inclined to believe at the outset that the gentleman from Illinois was accurate in his conclusion.

Mr. MANN. The gentleman knew that I was and he knows it now.

Mr. FITZGERALD. No, if I believed that the gentleman was now accurate I would support him with my argument regardless of the effect on the bill, or the political advantages resulting; because, in my opinion, the necessity of maintaining the rules in their integrity, and the parliamentary procedure under which we act, is of more importance than a temporary advantage to either party.

Mr. Speaker, several gentlemen have called attention to a precedent in the Senate in 1864, where it was ascertained that papers had been delivered inadvertently or improperly to the managers on the part of the Senate, and after consultation of the conferees it was believed that the papers should have been delivered to the managers on the part of the House. Without having examined the record of the discussion, it seems to be quite a fair inference that the papers were sent back by an order adopted by the Senate and not upon the question being raised that the Senate could not have received the papers; because it is quite clear that the Senate did have the papers from the summary given in Hinds' Digest.

A careful examination of the precedents fails to disclose an instance in which the papers presented, as in this instance, were rejected upon the interposition of a point of order.

There is no doubt that it becomes of vital importance at times, not only as to which House has the papers, but which House may be entitled to the papers, and it is of more importance to the House that the rules be strictly observed than it is to the other body, because in the other body the report can be presented and acted upon at once, and action might be taken before the House would have the opportunity to make a request for the papers; but with the House, conference reports, excepting during the last six days of the session, must be printed one day in the RECORD, and one day at least must intervene before action. If the Senate believes that it should have these papers, and desires to act upon them in the first instance, it will have an opportunity to send its request to the House for them. But I

do not understand that under our practice a point of order can be interjected as to something that is actually a fact. It seems to me that as the gentleman from Alabama [Mr. UNDERWOOD] has turned the papers over to the House, the House has them.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. And I might suggest to the gentleman from Illinois [Mr. MANN] that it would not be necessary for the gentleman from Alabama [Mr. UNDERWOOD] at this time to deliver the papers to the Clerk, but when he calls up the conference report for action he could deliver them to the Clerk either in the open House or before the House convened; but so long as they were in the possession of the Clerk the House would have possession of them.

Mr. MANN. Does the gentleman think that if any Member on the floor of the House says he presents a privileged matter, and it is not a privileged matter, that it is not subject to a point of order, which will prevent the gentleman presenting it?

Mr. FITZGERALD. Yes; I believe that can be done.

Mr. MANN. What is the difference between that and this?

Mr. FITZGERALD. But the gentleman presents a privileged matter. He presents a conference report.

Mr. MANN. And to that extent has a right to present it, but has he the right to couple with it something else that he has not a right to present?

Mr. FITZGERALD. I do not believe that he has coupled with it anything that he has not a right to present. Suppose this were a case in which there was no controversy as to whether the House was entitled to the possession of the papers in the first instance. The gentleman from Alabama would do the identical thing that he has done here—he would present the conference report with the original papers.

Mr. MANN. He would have the right to.

Mr. FITZGERALD. Under what rule would he have a right to do it in that instance and not in this one?

Mr. MANN. In this case the records show that the gentleman from Alabama does not have possession of the papers.

Mr. FITZGERALD. But he has them.

Mr. MANN. He has physical possession, but as far as the House rules are concerned he is not entitled to the possession of them.

Mr. FITZGERALD. I disagree with the gentleman. It seems to me, Mr. Speaker, that the gentleman offering the papers here and the House actually having them in its possession, the only manner in which they can be sent to the Senate, if they should be sent there, would be by resolution, which would be entitled to consideration as a privileged resolution. I state very frankly that in the first instance I was inclined to believe with the gentleman from Illinois that perhaps they should be rejected on the point of order, but the House has them and it has control over them, and it seems to me that under these circumstances the point of order will not intervene.

Mr. CANNON. Mr. Speaker, I do not know that in this instance as a practical matter there is any point to gain, whatever the decision of the Chair may be. It seems, allunde the RECORD, as a matter of fact, the conferees of the House and Senate have come to an agreement upon the bill. It is not controverted by the gentleman from Alabama [Mr. UNDERWOOD] that the rules of the House which bind him, bind the Speaker, and bind every other Member of the House, require that the papers should be handed over to the conferees on the part of the Senate. There is no joint rule touching the matter, but the House rule wherein we adopt Jefferson's Manual as a part of our rules is perfectly plain, and in practice touching revenue bills and appropriation bills, and all other bills, the rule of the House, it is admitted, governs the agents of the House, the conferees.

Now, it is important to every Member of the House, along the line of orderly legislation to know whether individually or as a body we will conform to the rule. Every Member who has investigated this matter knows that under the rule this report should be made to the Senate first. It is said, "Yes, that is the rule, but it shall not be enforced in this instance." Why? Because the gentleman from Alabama [Mr. UNDERWOOD] and one of the conferees representing the other body have agreed that the practice of the two bodies will be waived. The gentleman from Alabama says, "I will waive the rule of the House and bring the papers back," although the rule of the House is the other way.

Mr. HENRY of Texas. Will the gentleman from Illinois yield for a question?

Mr. CANNON. In a moment; I want to finish the statement, and then I will yield. "But," says some gentleman, "the gentleman from Alabama is the agent of the House, and therefore binds the House." It is a new doctrine in law, parliamentary or otherwise, that an agent can bind a principal without authority [applause on the Republican side] and bind a principal against the express authority and a rule of the House. Now, I think it is important, dissociated from our desire to get away, Monday, Tuesday, or Monday week, or any other time, that we should have certainty in our proceedings.

Mr. HENRY of Texas. Will the gentleman now yield?

Mr. CANNON. There has been certainty under the practice of the House, and there should continue to be certainty, and it should not be in the power of the gentleman from New York [Mr. FITZGERALD], when he presents in the coming session of Congress the great money bills, carrying hundreds of millions of dollars, to consult with a Member of the other body and conclude that the practice affecting the two bodies and the practice as declared by the rule of the House shall be varied, and to state that because the conferees saw fit to nullify the rule, and that is sufficient.

Mr. Speaker, I do not know now if there is any tactical advantage to be gained from a partisan standpoint by having this report first submitted to the Senate, and I do not care, but along the line of the rule of the House and certainty in proceedings in this great body, I believe the point of order is well taken. The point of order, invoking the rule, is that this is not a privileged question, it is not a privileged report, and there is no way of getting at it except by a point of order.

It has been asked, What will happen if the point of order is sustained; will we by message send the papers back to the Senate? That is not necessary or proper. If the point of order is sustained, the conferees have the papers, and they would be passed over under the rules of the House in the ordinary practice to the Senate conferees. Suppose that the gentleman from Alabama would put them in his pocket or burn them, or would be stubborn and say, "I will not play"? We would find a way to make any Member of this House play, and the gentleman from Alabama would not either have the right or the disposition to refuse to play.

Mr. HENRY of Texas. Will the gentleman now yield?

Mr. CANNON. I yield.

Mr. HENRY of Texas. The gentleman has argued as the other gentleman from Illinois [Mr. MANN] argued, that Jefferson's Manual is part of the rules of this House?

Mr. CANNON. Yes.

Mr. HENRY of Texas. And, under the rules of the House, the gentleman from Alabama has no right to present the original papers as a part of a conference report as a privileged matter.

Mr. CANNON. He has no right to present the conference report without the papers. If he has taken the papers, with a strong hand against the rule, it is void. [Applause on the Republican side.]

Mr. HENRY of Texas. Let me ask the gentleman this: Suppose, if the gentleman's argument is correct, that the Senate, by its affirmative action, instructs its conferees to turn the papers over to the House conferees; then, would it not still be against the rules of the House for the House conferees to present them for the purpose of being printed under the rules?

Mr. CANNON. Oh, the gentleman supposes a case that is——

Mr. HENRY of Texas. Would not the rules have to be changed in order to receive them?

Mr. MANN. Receive what papers?

Mr. HENRY of Texas. The papers accompanying the report of the conferees.

Mr. MANN. The papers come from the Senate when they come with a message.

Mr. CANNON. That is the way we get possession of them. We get them by message after the Senate acts upon them, and they would come independent of the gentleman from Alabama [Mr. UNDERWOOD].

Mr. HENRY of Texas. Yes. But in this case they are presented for printing under the rules.

Mr. CANNON. The report is presented for printing under the rules, but the papers do not accompany the report and are no part of the report.

Mr. SHACKLEFORD. Mr. Speaker——

The SPEAKER. The Chair is ready to rule, although the Chair will hear the gentleman from Missouri if he desires to be heard.

No Member of the House believes more firmly that the rules of the House should be observed than does the present occupant of the Chair. The point of order raised by the gentleman from Illinois [Mr. MANN] seems never to have been raised hitherto; that is, in any case where the conferees agreed.

There is no question about this rule in Jefferson's Manual being a part of the rules of the House, and there is no question about what the procedure would be if nothing had been done to vary it. The papers under that rule, without anything else being done or said to influence it, would go to the Senate. The situation here is that the gentleman from Alabama [Mr. UNDER-

WOOD] undoubtedly had physical possession of the papers. As suggested by the gentleman from Illinois [Mr. MANN] there are two or three ways of getting physical possession of the papers. One is by violence. If that is to be the method of procedure, the Speaker could discreetly and judiciously, if he thought there was going to be any trouble about it, pick the conferees on account of their physical strength. [Laughter.] But the gentleman from Alabama states, and until it is controverted, of course, his statement stands, that the Senate conferees voluntarily gave to him these papers, and he came into the House in physical possession of them and offers them to the House. Being in possession of the papers carries with it the presumption of right of possession.

The Chair does not know, officially at least, anything as to any supposed effect as to the House having possession of the papers and voting on the conference report; but the fact remains that the gentleman from Alabama [Mr. UNDERWOOD] has physical possession of these papers, has brought them into the House, and has tendered them to the House with the free consent of the agents of the Senate.

If it should turn out that the Senate does not indorse the action of its conferees, it is easily remedied. All it has to do is to send a resolution over here asking for the return of these papers to the Senate.

Mr. MANN. A parliamentary inquiry, Mr. Speaker. Would the House then be required to accede to the request?

The SPEAKER. Well, that is not involved in this matter; but I think the House would, as a matter of ordinary courtesy, send the papers to the Senate.

Mr. MANN. The Chair could not order them sent. The House would be required to send them, would it?

The SPEAKER. The Chair could not order them sent. The House could send them.

Mr. MANN. If it wanted to do so.

The SPEAKER. If it wanted to do so; but it would not have to send them if it did not want to do so, and there would be the end of the whole transaction, unless one body or the other changed its opinion. There is still another remedy. If the House does not indorse the action of the conferees in agreeing among themselves for the gentleman from Alabama to have physical possession of these papers and to bring them in here, the House can correct the action of the House conferees by the simple process of passing a resolution and sending the papers to the Senate. The distinguished gentleman from Illinois [Mr. CANNON] says correctly that it is the law that where an agent exceeds his authority, his principal is not bound, which is true; but he states only half the legal proposition, the other half being that where the agent exceeds his authority and the principal indorses his action, the principal is bound by the agent's act. The point of order is overruled. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, I respectfully appeal from the decision of the Chair.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD] to lay the appeal on the table.

Mr. MANN. Mr. Speaker, on that question I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 89, answered "present" 12, not voting 124, as follows:

YEAS—160.

Adair	Clayton	Finley	Helm
Aiken, S. C.	Cline	Fitzgerald	Henry, Tex.
Alexander	Collier	Flood, Va.	Holland
Allen	Connell	Floyd, Ark.	Howard
Ashbrook	Cox, Ohio	Foster, Ill.	Hughes, Ga.
Barnhart	Cravens	Fowler	Hughes, N. J.
Bartlett	Curley	Francis	Hull
Bathrick	Davenport	Gallagher	Humphreys, Miss.
Beall, Tex.	Davis, W. Va.	Garner	Jacoway
Bell, Ga.	Dent	George	James
Blackmon	Denver	Glass	Johnson, Ky.
Booher	Dickinson	Godwin, N. C.	Kent
Borland	Dickson, Miss.	Graham	Kinkead, N. J.
Brantley	Dies	Gray	Konop
Brown	Difenderfer	Gregg, Pa.	Korbly
Buchanan	Dixon, Ind.	Gregg, Tex.	Lee, Pa.
Bulkley	Doremus	Gudger	Lewis
Burke, Wis.	Doughton	Hamill	Lindbergh
Burleson	Dupre	Hamlin	Littlepage
Burnett	Edwards	Hammond	Lloyd
Byrnes, S. C.	Ellerbe	Hardwick	Lobeck
Callaway	Estopinal	Hardy	McCoy
Candler	Evans	Harrison, Miss.	McDermott
Carlin	Faison	Harrison, N. Y.	Macon
Carter	Ferris	Hay	Maguire, Nebr.
Claypool	Fields	Heflin	Mays
Moon, Tenn.	Richardson	Sims	Thomas
Morrison	Roddenbery	Sisson	Tribble
Moss, Ind.	Rothermel	Smith, N. Y.	Tuttle
O'Shaunessy	Rouse	Sparkman	Underhill
Page	Rubey	Stack	Underwood
Palmer	Rucker, Colo.	Stedman	Warburton
Pepper	Rucker, Mo.	Stephens, Miss.	Watkins
Post	Russell	Stephens, Tex.	Webb
Pou	Sabath	Stone	Whitacre
Raker	Shackleford	Sweet	White
Randell, Tex.	Sharp	Talcott, N. Y.	Wickliffe
Ransdell, La.	Sheppard	Taylor, Ala.	Wilson, Pa.
Rauch	Sherley	Taylor, Colo.	Witherspoon
Reilly	Sherwood	Thayer	Woods, Iowa

NAYS—89.

Anderson, Minn.	Foster, Vt.	Longworth	Roberts, Mass.
Bartholdt	French	Loud	Roberts, Nev.
Bates	Fuller	McKenzie	Rodenberg
Bingham	Gardner, Mass.	McKinley	Sells
Bowman	Good	McKinney	Slemp
Burke, S. Dak.	Green, Iowa	McLaughlin	Sloan
Butler	Greene, Mass.	Madden	Smith, J. M. C.
Campbell	Hamilton, Mich.	Mann	Smith, Saml. W.
Cannon	Hanna	Martin, S. Dak.	Steenerson
Catlin	Hartman	Miller	Stephens, Cal.
Cooper	Hawley	Mondell	Sterling
Copley	Hayes	Morgan	Switzer
Currier	Henry, Conn.	Mott	Taylor, Ohio
Dalzell	Higgins	Murdock	Towner
Danforth	Howland	Nelson	Volstead
Davidson	Hughes, W. Va.	Olmsted	Wedemeyer
Dodds	Humphrey, Wash.	Payne	Willis
Driscoll, M. E.	Kennedy	Pickett	Wilson, Ill.
Dwight	Knowland	Plumley	Young, Kans.
Dyer	Kopp	Pray	Young, Mich.
Esch	La Follette	Prouty	
Farr	Langley	Reyburn	
Foss	Lenroot	Rees	

ANSWERED "PRESENT"—12.

Adamson	Gardner, N. J.	Howell	Malby
Austin	Guernsey	Kendall	Morse, Wis.
Cullop	Haugen	McMorran	Needham

NOT VOTING—124.

Akin, N. Y.	Focht	Langham	Porter
Ames	Fordney	Latta	Powers
Anderson, Ohio	Fornes	Lawrence	Prince
Andrus	Garrett	Lee, Ga.	Pujo
Ansberry	Gillett	Legare	Rainey
Anthony	Goeke	Lever	Redfield
Ayres	Goldfogle	Levy	Riordan
Barchfeld	Goodwin, Ark.	Lindsay	Robinson
Berger	Gould	Linthicum	Saunders
Boehne	Griest	Littleton	Scully
Bradley	Hamilton, W. Va.	McCall	Simmons
Broussard	Harris	McCreary	Slayden
Burgess	Heald	McGillicuddy	Small
Burke, Pa.	Helgesen	McGuire, Okla.	Smith, Tex.
Byrns, Tenn.	Hensley	McHenry	Speer
Calder	Hill	Madison	Stanley
Cantrill	Hinds	Maher	Stevens, Minn.
Cary	Hobson	Martin, Colo.	Sulloway
Clark, Fla.	Houston	Matthews	Sulzer
Conry	Hubbard	Moon, Pa.	Talbott, Md.
Covington	Jackson	Moore, Pa.	Thistlewood
Cox, Ind.	Johnson, S. C.	Moore, Tex.	Tilson
Crago	Jones	Murray	Townsend
Crumpacker	Kahn	Norris	Turnbull
Daugherty	Kindred	Nye	Utter
Davis, Minn.	Kinkaid, Nebr.	Oldfield	Vreeland
De Forest	Kitchin	Padgett	Weeks
Donohoe	Konig	Parran	Wilder
Draper	Lafean	Patten, N. Y.	Wilson, N. Y.
Driscoll, D. A.	Lafferty	Patton, Pa.	Wood, N. J.
Fairchild	Lamb	Peters	Young, Tex.

So the motion to lay the appeal on the table was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HOBSON with Mr. FAIRCHILD (transferable).

Mr. TALBOTT of Maryland with Mr. MCCREARY.

Mr. ANSBERRY with Mr. MATTHEWS.

Mr. KINDRED with Mr. HILL.

Mr. SMALL with Mr. CRAGO.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. MCHENRY with Mr. LAFEAN.

Mr. GOLDFOGLE with Mr. DAVIS of Minnesota.

Mr. CARTER with Mr. KAHN.

Mr. BEALL of Texas with Mr. YOUNG of Michigan.

Mr. COVINGTON with Mr. PARRAN.

Mr. GOODWIN of Arkansas with Mr. DRAPER.

Mr. GOULD with Mr. HINDS.

Mr. JOHNSON of South Carolina with Mr. VREELAND.

Mr. ROBINSON with Mr. WOOD of New Jersey.

Mr. AYRES with Mr. BURKE of Pennsylvania.

Mr. BOEHNE with Mr. CARY.

Mr. CONRY with Mr. CRUMPACKER.

Mr. DANIEL A. DRISCOLL with Mr. DE FOREST.

Mr. GARRETT with Mr. GILLETT.

Mr. LAMB with Mr. HEALD.

Mr. LEVY with Mr. HELGESEN.

Mr. LINDSAY with Mr. HUBBARD.

Mr. LITTLETON with Mr. JACKSON.

Mr. MARTIN of Colorado with Mr. KINKAID of Nebraska.
Mr. MOORE of Texas with Mr. LAFFERTY.
Mr. PATTEN of New York with Mr. PATTON of Pennsylvania.
Mr. LATTA with Mr. PRINCE.
Mr. SCULLY with Mr. SIMMONS.
Mr. SMITH of Texas with Mr. TILSON.
Mr. STANLEY with Mr. UTTER.
Mr. TURNBULL with Mr. ANTHONY.
For this session:
Mr. PUJO with Mr. MCMORRAN (transferable).
Mr. RAINEY with Mr. HOWELL.
Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. LEVER with Mr. SULLOWAY.
From August 10 to end of session:
Mr. CANTRILL with Mr. MCGUIRE of Oklahoma.
From August 10 until Monday, August 14:
Mr. GOEKE with Mr. GRIEST (not to apply to vote on vetoes).
From to-day until Monday noon:
Mr. ANDERSON of Ohio with Mr. HARRIS.
Until Saturday night:
Mr. KITCHIN with Mr. AMES (not to apply to vote on vetoes).
Until Monday noon:
Mr. CULLOP with Mr. NYE.
Mr. DONOHOE with Mr. MOORE of Pennsylvania (not to apply to vote on vetoes).
Mr. COX of Indiana with Mr. LAWRENCE.
Mr. LEE of Georgia with Mr. PORTER.
Until Monday night:
Mr. MURRAY with Mr. WILDER.
Until Tuesday noon:
Mr. WILSON of New York with Mr. SPEER.
Mr. MCGILLICUDDY with Mr. GUERNSEY.
Mr. BYRNS of Tennessee with Mr. AUSTIN.
From August 5 to 19, inclusive:
Mr. REDFIELD with Mr. NEEDHAM.
From August 8 to 11:
Mr. JONES with Mr. SLEMP (not to apply to vote on vetoes).
From 21st of June to end of session:
Mr. MAHER with Mr. CALDER.
For the day:
Mr. PETERS with Mr. MCCALL (not to apply to vote on vetoes).
For balance of the session:
Mr. HENSLEY with Mr. THISTLEWOOD (reserving the right to vote to make a quorum and all questions affecting vetoes of the President).
Mr. SLAYDEN with Mr. FORDNEY.
From August 10 to 12:
Mr. LINTHICUM with Mr. POWERS.
From August 8 to end of session:
Mr. SULZER with Mr. MALBY (reserving the right to vote to make a quorum and all questions affecting a veto of the President).
From August 4 until further notice:
Mr. SAUNDERS with Mr. LANGHAM.
On this vote:
Mr. TOWNSEND with Mr. WEEKS.
For balance of the day:
Mr. PADGETT with Mr. GARDNER of New Jersey.
From the 11th until Tuesday noon:
Mr. BROUSSARD with Mr. FOCHT (reserving the right to vote to make a quorum and all questions affecting a veto of President).
From August 12 until further notice:
Mr. HAMILTON of West Virginia with Mr. BARCHFELD (reserving the right to vote to make a quorum and all questions affecting the veto of the President).
From 11th until Tuesday noon:
Mr. OLDFIELD with Mr. MOON of Pennsylvania (reserving the right to vote to make a quorum and all questions affecting a veto of the President).

Mr. MALBY. Mr. Speaker, I voted in the negative; but being paired, I desire to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The announcement of the result was received with applause on the Democratic side.

The SPEAKER. The conference report and statement of the House conferees will be printed under the rule.

The conference report (No. 144) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"That the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

"Schedule K. Wool and manufactures thereof.

"360. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 29 per cent ad valorem.

"361. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on woolen rags composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, the duty shall be 29 per cent ad valorem.

"362. On combed wool or tops and roving or roping, made wholly of wool or camel's hair, or of which wool or camel's hair is the component material of chief value, and all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, the duty shall be 32 per cent ad valorem.

"363. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 35 per cent ad valorem.

"364. On cloths, knit fabrics, flannels not for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing and on all manufactures of every description made by any process of wool or of which wool is the component material of chief value, whether containing india rubber or not, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"365. On all blankets, and flannels for underwear, composed wholly of wool, or of which wool is the component material of chief value, the duty shall be 38 per cent ad valorem.

"366. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; on Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; and on carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

"367. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; and on velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

"368. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; on treble ingrain, three-ply, and all-chain Venetian carpets; on wool Dutch and two-ply ingrain carpets; on druggets and bockings, printed, colored, or otherwise; and on carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, the duty shall be 30 per cent ad valorem.

"369. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this sec-

tion, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

"370. On all manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 360 form the component material of chief value, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"371. Whenever in this act the word 'wool' is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process."

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of October, 1911.

And the Senate agree to the same.

O. W. UNDERWOOD,
C. B. RANDELL,
FRANCIS BURTON HARRISON,
Managers on the part of the House.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool submit the following written statement in explanation of the action agreed upon and recommended in the accompanying report:

The agreement reached by the conference committee is in the form of a substitute for the House bill and the amendment of the Senate, and is set forth in extenso in the accompanying conference report.

In brief, the salient points of agreement recommended as to the differences between the two Houses on the rates of duty on wool and manufactures thereof are as follows:

The rate of duty recommended on raw wool is 29 per cent ad valorem, instead of 20 per cent ad valorem, as proposed in the House bill, and the varying rates, ranging from 10 to 35 per cent ad valorem, on the three classifications of wool proposed by the Senate.

The rate on wool wastes and rags agreed upon is 29 per cent ad valorem, instead of 20 per cent ad valorem as proposed in the House bill and the rates of 25 or 30 per cent ad valorem as proposed in the Senate amendment.

The duty on combed wool or tops agreed upon is 32 per cent ad valorem, instead of 25 per cent ad valorem as proposed in the House bill and 40 per cent ad valorem as proposed by the Senate.

The duty agreed upon for yarns is 35 per cent ad valorem, instead of 30 per cent ad valorem as proposed by the House bill and 45 per cent ad valorem as proposed in the Senate amendment.

The rate of duty on blankets and flannels for underwear is fixed at 38 per cent ad valorem, instead of 30 per cent ad valorem in the House bill for blankets and the cheaper flannels.

The duty agreed upon for cloths, ready-made clothing, knit fabrics, flannels not for underwear, women's dress goods, webbings, gorings, etc., and articles not specially provided for, is 49 per cent ad valorem, instead of the varying rates in the House bill, ranging from 35 to 50 per cent ad valorem, and 55 per cent ad valorem as proposed by the Senate.

Three classifications were agreed upon for carpets, ranging in duty from 30 to 50 per cent ad valorem instead of the varying classifications in the House bill carrying duties from 25 to 50 per cent ad valorem, and 35 per cent ad valorem as proposed by the Senate amendment.

The date when the act shall take effect is made October 1, 1911, instead of January 1, 1912.

O. W. UNDERWOOD,
C. B. RANDELL,
FRANCIS BURTON HARRISON,
Managers on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2. An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2. An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes; to the Committee on Indian Affairs.

LEAVE TO PRINT.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on House concurrent resolution No. 11, requesting the President of the United States to invite foreign nations to participate in the celebration of the completion of the Florida East Coast Railway Co.'s line, connecting the mainland of Florida with Key West.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks on House concurrent resolution No. 11. Is there objection?

There was no objection.

DEATH OF REPRESENTATIVE LOUDENSLAGER.

Mr. GARDNER of New Jersey. Mr. Speaker, it becomes my solemn duty to convey to the House the sad message that H. C. LOUDENSLAGER, of New Jersey, for more than 18 years an active, energetic, and highly respected Member of this House, has departed this life.

At a later day I shall ask for a special order fixing a time when the House may pay further respect to his memory. At present I offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 280.

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY C. LOUDENSLAGER, a Representative from the State of New Jersey.

Resolved, That a committee of 20 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk send a copy of these resolutions to the Senate and also transmit a copy thereof to the family of the deceased.

The resolutions were unanimously agreed to, and the Speaker appointed as a committee, on the part of the House, Mr. CANNON, Mr. PADGETT, Mr. ROBERTS of Massachusetts, Mr. BUTLER, Mr. BATES, Mr. LLOYD, Mr. MCKINLEY, Mr. AIKEN of South Carolina, Mr. RODENBERG, Mr. CAMPBELL, Mr. CRAVENS, Mr. GARDNER of New Jersey, Mr. HUGHES of New Jersey, Mr. WOOD of New Jersey, Mr. KINKEAD of New Jersey, Mr. HAMILL, Mr. MCCOY, Mr. TOWNSEND, Mr. SCULLY, and Mr. TUTTLE.

ADJOURNMENT.

Mr. GARDNER of New Jersey. Mr. Speaker, I offer the following:

The Clerk read as follows:

Resolved, That as a further tribute of respect to the memory of the deceased the House do now adjourn.

The motion was unanimously agreed to; accordingly (at 2 o'clock and 58 minutes p. m.) the House adjourned until Monday, August 14, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury submitting an estimate for a deficiency appropriation for the fiscal year ending June 30, 1911, to meet expenses of an administrative character under the caption "General expenses of public buildings" (H. Doc. No. 103) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4625) granting a pension to Mary Rischert, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COLLIER: A bill (H. R. 13532) for the erection of a military post at or near the city of Vicksburg, in the State of Mississippi; to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 13533) directing the Secretary of War to restore all monuments and markers on battle field of Missionary Ridge, Tenn., to original locations; to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 13534) to provide for the establishment of an annex to all National Homes for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. HARRISON of Mississippi: A bill (H. R. 13535) for the erection of a military post at or near the city of Gulfport, in the State of Mississippi; to the Committee on Military Affairs.

By Mr. ROTHERMEL: Resolution (H. Res. 277) to suspend the killing of fur seals in Alaska; to the Committee on Expenditures in the Department of Commerce and Labor.

By Mr. SISSON: Resolution (H. Res. 278) to investigate the owners of the property proposed to be purchased to enlarge the Capitol Grounds; to the Committee on Rules.

By Mr. SIMS: Resolution (H. Res. 279) amending the rules of the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 13536) granting an increase of pension to Frederick Canz; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 13537) for the relief of the heirs of Sallie H. Gannaway; to the Committee on War Claims.

By Mr. FAIRCHILD: A bill (H. R. 13538) granting an increase of pension to William J. Aylsworth; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 13539) granting a pension to Mollie W. Springer; to the Committee on Pensions.

Also, a bill (H. R. 13540) granting an increase of pension to Francis Carre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13541) granting an increase of pension to Lewis Wildey; to the Committee on Pensions.

Also, a bill (H. R. 13542) granting an increase of pension to Henry S. Luckett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13543) granting an increase of pension to Patrick Quinlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13544) granting an increase of pension to Lemuel V. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13545) granting an increase of pension to Franklin Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13546) granting an increase of pension to James R. Anthony; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 13547) for the relief of James W. Scully, brigadier general, United States Army, retired; to the Committee on War Claims.

Also, a bill (H. R. 13548) to correct the military record of Isaac W. Reed; to the Committee on Military Affairs.

Also, a bill (H. R. 13549) granting an increase of pension to Edmond Hampton; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 13550) granting a pension to Jacob Shaffer; to the Committee on Invalid Pensions.

By Mr. REES: A bill (H. R. 13551) granting an increase of pension to Henry Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13552) granting an increase of pension to Anna Glendenning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13553) granting an increase of pension to John W. Taylor; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 13554) for the relief of the heirs of Simon Kirkpatrick, deceased; to the Committee on War Claims.

By Mr. THOMAS: A bill (H. R. 13555) granting an increase of pension to John F. Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13556) granting an increase of pension to Bolling H. Felts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13557) granting an increase of pension to George W. Oliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13558) granting an increase of pension to Joseph J. Sanson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13559) granting an increase of pension to J. H. Hays; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13560) granting a pension to Filen Whalin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13561) granting an increase of pension to James H. Lile; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13562) granting a pension to Ulysus G. Hunt; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AUSTIN: Petition of the heirs of Hervey Baker, deceased, late of Knox County, Tenn., praying reference of claims to Court of Claims under the Bowman Act; to the Committee on War Claims.

By Mr. FITZGERALD: Resolutions of the District Grand Lodge No. 2, American Order of B'nai B'rith, urging the public officials who have in charge the enforcement of treaty obligations to take immediate steps to protect the rights of all American citizens, irrespective of creed; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of Centerville Grange, of Winnebago County, Ill., favoring a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Petitions of the Chamber of Commerce of San Francisco and the Citrus Protective League, of Los Angeles, Cal., against placing lemons on the free list; to the Committee on Ways and Means.

By Mr. KORBLY: Resolutions of Groups 1, 2, and 8, Indiana Bankers' Association, indorsing action of monetary legislation as suggested by the American Bankers' Association; to the Committee on Banking and Currency.

Also, resolutions of Groups 5 and 7, Indiana Bankers' Association, indorsing Aldrich plan for monetary legislation; to the Committee on Banking and Currency.

Also, petitions of H. W. Howland, of Indianapolis; R. H. Ames, of Crawfordsville; C. I. Robinson and 19 others, of Lebanon, all in the State of Indiana, asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions of Workmen's Sick and Death Benefit Fund of America and Cigar Makers' Union No. 33, relative to the McNamara case; to the Committee on the Judiciary.

Also, resolutions of the National Association of Automobile Manufacturers, urging an amendment to the corporation-tax law so as to permit companies and corporations to make returns as of the close of their fiscal year; to the Committee on Ways and Means.

Also, petition of Indiana Grain Dealers' Association, protesting against order by Postmaster General for transportation by freight of journals and magazines issued less frequently than weekly; to the Committee on the Post Office and Post Roads.

By Mr. LANGLEY: Papers to accompany bill for the relief of James W. Scully, brigadier general, United States Army, retired; to the Committee on War Claims.

By Mr. PLUMLEY: Papers to accompany bill granting a pension to James E. Welch; to the Committee on Invalid Pensions.

By Mr. REES: Papers to accompany bill granting an increase of pension to Anna Glendenning; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to John W. Taylor; to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Michael Holbert; to the Committee on Invalid Pensions.

Also, papers to accompany bill for relief of Henry Carpenter; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Papers to accompany House bill 13528, a bill for the relief of the heirs of Elisha Oliver, deceased; to the Committee on War Claims.

SENATE.

MONDAY, *August 14, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON, a Senator from the State of Georgia, took the chair as President pro tempore for the day, under the previous designation of the Senate.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3052) granting leave of absence to certain homesteaders, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 2932. An act to authorize the Secretary of the Treasury, in his discretion, to sell the old post-office and courthouse building at Charleston, W. Va., and, in the event of such sale, to enter into a contract for the construction of a suitable post-office and courthouse building at Charleston, W. Va., without additional cost to the Government of the United States;

S. 3152. An act extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota; and

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of sundry citizens of the United States, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Faribault, Minn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

NEZ PERCE INDIANS IN IDAHO.

Mr. BORAH. I present a memorial of the Nez Perce Indians residing in the State of Idaho, which I ask may be printed and referred to the Committee on Indian Affairs. (S. Doc. No. 97.)

The PRESIDENT pro tempore. The Senator from Idaho desires to have it printed as a document?

Mr. BORAH. Yes; if there is no objection, I should like to have it printed.

Mr. SMOOT. I should like to ask the Senator from Idaho what the document is?

Mr. BORAH. It is a memorial of the Nez Perce Indians residing in the State of Idaho as to their rights. I have gone over it hastily. There is nothing in it that would be objectionable, I take it.

Mr. SMOOT. Does the Senator think it is of sufficient importance to be printed as a public document?

Mr. BORAH. The memorialists have especially asked that it be printed, and I find no reason to deny their request.

Mr. SMOOT. I have no objection.

The PRESIDENT pro tempore. Without objection, the memorial will be printed as a document and referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. BORAH, from the Committee on Education and Labor, to which was referred the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, reported it without amendment and submitted a report (No. 141) thereon.

Mr. CURTIS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11545) to authorize and direct the Commissioners of the District of Columbia to place the name of Annie M. Matthews on the pension roll of the police and firemen's pension fund, reported it without amendment.

ELIZA CHOTEAU ROSCAMP.

Mr. GAMBLE. I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 11303) for the relief of Eliza Choteau Roscamp, to report it without amendment and I submit a report (No. 142) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Interior to approve an order for the removal of restrictions upon alienation from the northeast quarter southeast quarter section 10, township 25 north, range 24 east, of the Indian meridian, Oklahoma, the homestead allotment of Eliza Choteau Roscamp, Seneca allotment No. 184, the removal of restrictions to become effective only and simultaneously with the execution of a deed by the allottee to the purchaser, after the land has been sold in compliance with the directions of the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 3218) providing for the dedication of the Gettysburg National Military Park at Gettysburg, Pa.; to the Committee on Military Affairs.

By Mr. WETMORE:

A bill (S. 3219) granting a pension to Lottie I. Brown (with accompanying paper); to the Committee on Pensions.

By Mr. NELSON (for Mr. MCCUMBER):

A bill (S. 3220) for the relief of the heirs of Waldo M. Potter, deceased (with accompanying paper); to the Committee on Claims.

By Mr. WORKS:

A bill (S. 3221) making it unlawful to publish details of crimes and accidents in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WATSON:

A bill (S. 3223) to increase the limit of cost for the United States post-office building at Sistersville, W. Va., and making appropriation therefor; to the Committee on Public Buildings and Grounds.

DECISION OF QUESTIONS CONCERNING CONSTITUTIONALITY.

Mr. BOURNE. Mr. President, I introduce a brief bill and will ask to have it read in order that it may appear in the CONGRESSIONAL RECORD.

The bill (S. 3222) to provide rules for speedy and final decision of questions concerning the constitutionality of national and State laws and constitutional provisions and for the interpretation and construction of the Federal laws and Constitution was read the first time at length, as follows:

Be it enacted, etc., That in any action, suit, or proceeding in the Supreme Court of the United States when the constitutionality of any provision of a Federal or State law, or of a State constitution, shall be drawn in quesion or decided, the constitutionality thereof shall be sustained unless the Supreme Court, by unanimous decision of all its members qualified to sit in the cause, shall determine that the provision in controversy is not authorized or is prohibited by the Constitution of the United States. That in any action, suit, or proceeding in the Supreme Court when the meaning, interpretation, or construction of any language of any Federal law or of the Constitution of the United States shall be drawn in question or decided, the same shall be interpreted and construed literally as the words are commonly understood in everyday use, unless the Supreme Court, by unanimous decision of all its members qualified to sit in the cause, shall decide that such literal interpretation is not the true expression of the legislative intention and meaning in the language in controversy.

SEC. 2. If any inferior Federal court, commission, or tribunal shall decide in any case that any provision of any such Federal or State law or provision of a State constitution is not authorized or is prohibited by the Constitution of the United States, or shall interpret or construe the meaning of any language of any Federal law or constitutional provision to be different from its literal verbal statements as the words are commonly understood in everyday use, it shall be the duty of said lower court, commission, or tribunal to forthwith certify said question of constitutionality, meaning, interpretation, or construction to the Supreme Court of the United States for final decision. Every such Federal inferior court, commission, and tribunal is hereby authorized, in the discretion of the members thereof, to certify any such question to the Supreme Court of the United States for decision in advance of the trial of the cause on the merits in said lower court, commission, or tribunal. The United States Department of Justice shall pay all the necessary expenses and costs of presenting every such question in the Supreme Court of the United States. It shall be the duty of the Supreme Court to advance every such cause over all other causes on the docket not directly involving the constitutionality, meaning, interpretation, or construction of any such act, law, or constitutional provision.

Mr. BOURNE. Mr. President, I shall not at this time present an argument upon this bill. The purpose of the measure will, I think, be readily apparent. The Congress of the United States is one of the coordinate branches of our Government. A very considerable number of the Members of both Houses of Congress are learned in the law, and some of them are lawyers of considerable renown. In each House there is a Committee on Judiciary, composed of the strongest and ablest lawyers in each body, which committees give particular study to constitutional questions arising when proposed laws are under consideration.

Because Congress is a coordinate branch, and because of the careful attention the Members of Congress give to constitutional questions arising regarding legislation, it has been held by the United States Supreme Court that no act of Congress should be held to be in violation of the Constitution unless the conflict appears beyond reasonable doubt. Thus the court said in Ogden *v.* Saunders (12 Wheat., 269):

> It is but a decent respect due to the wisdom, the integrity, and the patriotism of the legislative body by which any law is passed to presume in favor of its validity until its violation of the Constitution is proved beyond all reasonable doubt.

The Supreme Court has, however, in numerous instances held to be unconstitutional acts of Congress which some of the members of the Supreme Court believed to be entirely in harmony with our fundamental law. In cases such as this there certainly existed a very substantial doubt whether the measure in question was in fact in contravention of the Constitution.

In my opinion, unless a State law or an act of Congress is so clearly unconstitutional that the court will be unanimous in so declaring, the decision of the court should uphold the validity of the act.

I think it is generally conceded there is no express authority for the Supreme Court's exercise of power to declare a law unconstitutional. This power has been assumed by the court as an incident of the exercise of the powers expressly conferred. I believe it is within the power of Congress to prescribe the number of concurring judges necessary in arriving at a decision which shall constitute the decision of the court. The first section of the bill I have offered requires that where a State law or an act of Congress is declared unconstitutional the court must be unanimous. One dissenting vote will establish the existence of a reasonable doubt. It also provides that the language of an act must be construed literally unless the court, by unanimous decision, rule otherwise.

Regarding the second section of the bill, I wish merely to say that it is important that every constitutional question be determined at as early a date as possible by the highest court in the land; and, therefore, when any Federal or State law is held unconstitutional by an inferior Federal court, the question should be immediately certified to the United States Supreme Court.

The purpose of this bill is not to allow one, two, three, or four members of the Supreme Court to overrule eight, seven, six, or five members of that distinguished branch of our Government; but, rather, to enable one, two, three, or four members of that court to prevent eight, seven, six, or five of its members from overruling the wishes of the Nation, as expressed through Congress, or the wishes of a sovereign State, as expressed by its electorate or by its legislature.

I have requested that the bill be printed in the RECORD, and have made this explanation in the hope that the subject will be given discussion by both the laity and the legal fraternity before it comes up for consideration before the Judiciary Committee, to which I ask that it be referred.

Mr. HEYBURN. Mr. President, I am impelled to recognize the entrance of another one of those oddities in proposed legislation that is consistent with a persistent attempt that is being made that the minority shall rule in this country. All of these new-fad political cults are based upon the demand that the minority shall rule—every one of them.

Now, here comes a proposition this morning that the majority of our supreme courts or of the Supreme Court of the United States shall not express the ultimate judgment of the court, but that a minority shall be recognized, not as an equally potent power but as a superior power; and the Senator from Oregon states that that is the purpose of the legislation.

I am interested in the development of the possibilities of danger. We must be interested in order to be alert and on our guard against these things. They sound plausible, and to those who are not trained in the consideration of public questions they are often very misleading. They are generally coupled with honeyed phrases—the people, the rights of the people, the oppression of the people, the grinding monopolies, and such like expressions; and the people start up in sudden alarm and say, "Why, can that be true? Are we being oppressed, or are we in danger at the hands of these familiar conditions?" Some one is always at hand to say, "Why, certainly; this crushing, grinding force is going to destroy you." By and by, of course, they will say, "Well, where is this enemy?" And by that time perhaps the sponsor will have disappeared and be not at hand to answer the question, but the virus has been placed in the minds of the people.

I ran across it since we adjourned on Saturday. I had my attention called to the utterances of a Senator from the State of Oregon on this question of substituting irresponsibility for responsibility in government.

It was at the hands of a substantial old gentleman who has lived to be almost 80 years of age and had participated, as he thought, in an intelligent and reasonable way in affairs. He had received a copy of this speech, and he said to me, addressing me by my familiar personal name, "Can it be possible that this man is right?" He said, "He proposes to substitute an entirely new form of government for that which I have been accustomed to for a long lifetime. Is there anything in it?" I said, "No; it is a cross between populism and anarchy. Do not be led away by it, and tell your neighbors not to be led away by it." It is absolutely a man's duty in this age to warn those who inquire in regard to these things, and if he does not warn them and do what he can to meet it, he fails in the performance of his duty.

Now, here we come with a proposition that all courts, in effect, shall not act until after the violation of the law has been completed. That is what it amounts to. It stays the prohibitive arm of the court that holds men and measures in the status of safety until after these vandals, who would violate every man's right, have had time to complete their nefarious act. That is what it means.

Now, the Senator said that Congress is composed of men learned in the law. Thank God it is; but if any countenance is ever given to that kind of legislation I shall have reason to recant and take back that expression. That the courts may not proceed to determine the conclusion in a case by a majority of the court simply means that you will dictate to the court what they would do, and allow the minority to prevent the rendition of judgments. In these the closing days of this session this proposition comes to us to go out to poison the atmosphere during the interval of our absence before we return to the regular session. The doctrine is as dangerous as that behind the iron cages in the courts of Rome to-day, as dangerous as the preachings of the Black Hand and the mob. Let it grow, and it grows by the inattention of those who are wise enough and brave enough to know better.

The hour for plain speaking has arrived. It is one thing after another each day, sapping and undermining the confidence of the people in their institutions and in their government. It is high time that no occasion be allowed to pass for uttering a word of disapproval and rebuke to those who would thus subtly sap and undermine the institutions, because when you send out such propositions, when you utter them, you violate the rules of patriotism and good citizenship, and you leave in men's minds this virus that in times of stress, which are coming upon us perhaps, will sprout and grow in a night. Then these dangerous doctrines will be invoked as the cause for the existing conditions and as the remedy against them. Have we not seen it in the lifetime of all of us? We see it charged that the conditions that confronted us were the result of these enforcements of the law against which this proposed measure is directed. The people, in the blindness and desperation of their misery, will reach out and grasp at anything that is even labeled relief to them; they will take this false doctrine in those dread hours of distress and build up sentiments that go over the lawful purposes of government and crush it down, until they have been exhausted by their own rottenness, discovered by the thinking and conservative minds of the people, and are swept away off the decks, and the old ship comes up again and rides the waves, disencumbered from this blindness that had sunk her down. It is time that we met them, even in the very hour and very moment of their utterance, rather than to allow them to go out and sprout and begin to germinate and to corrupt the public mind and the atmosphere of patriotism.

The PRESIDENT pro tempore. In the absence of objection, the bill will be considered as read twice, by its title, and referred to the Committee on the Judiciary.

Mr. HEYBURN. I object to the second reading of the bill.

The PRESIDENT pro tempore. The bill has been read the first time. It will await the further action of the Senate for its second reading.

TARIFF DUTIES ON WOOL.

Mr. SMITH of Michigan. Mr. President, I notice the conferees on the part of the Senate who had charge of the wool bill (H. R. 11019) are nearly all present on the floor, and I desire to inquire of the Senator from Pennsylvania [Mr. PENROSE] if he can tell the Senate how it happened that the conference report on that bill has gone to the House of Representatives before it was made to the Senate? I want to say that the House of Representatives, having asked for the conference, under all the rules of procedure followed in both Houses of Congress for the last 15 years, the conference report should first have been made to

the Senate; and I desire to enter my protest of record against any attempt on the part of the conferees of the Senate to change a rule that is so well recognized as the rule to which I refer. Would the Senator from Pennsylvania kindly indicate how it happened that the original papers were reported to the House of Representatives by the House conferees before they were reported to the Senate?

Mr. PENROSE. Mr. President, the Senator from Michigan, of course, is entirely right in his contention, so far as the practice and the precedents go in these matters. Unfortunately, I have been absent for four days, and was not present at the meeting of the conferees, not being much of a factor therein, anyway, under the circumstances. I would refer the Senator from Michigan to the Senator from Wisconsin [Mr. LA FOLLETTE], who may be able to enlighten him on the subject. The chairman of the Ways and Means Committee of the other House appears to have had possession of the papers and reported them to the House of Representatives.

Mr. SMITH of Michigan. I shall be very glad if the Senator from Wisconsin will give me his attention for a moment, and I will address my inquiry to him. I asked the Senator from Pennsylvania, the chairman of the conference committee on the wool bill, how it happened that the conferees on the part of the Senate did not first report the result of the conference to this body, in accordance with the uniform practice recognized not only by the Senate, but by the other branch of Congress for many years, and which I feel involves a very serious question if the custom or rule of parliamentary procedure is abandoned without protest.

As I said to the Senator from Pennsylvania a moment ago, the wool bill came to the Senate by a message from the House; the Senate amended it and sent it back to the House of Representatives, who refused to concur in the Senate amendments and asked for a conference. Under all the proceedings hitherto with which Senators are familiar, the conference report should have been made to this body by the conferees on the part of the Senate.

Mr. LODGE. The House of Representatives asked for the conference.

Mr. WARREN. The Senate granted the conference.

Mr. LODGE. The Senate granted it, and had the papers.

Mr. SMITH of Michigan. The Senate had the papers. Without any intention to find fault with anyone, I desire that the matter shall not be passed over lightly and our function in any way impaired by apparent acquiescence when it may become very material and important in future proceedings, as it has in the past. I desire to know whether there was any formal abandonment on the part of the Senate conferees of this parliamentary right of the Senate to the custody of the original papers submitted to them?

Mr. LA FOLLETTE. Mr. President, in reply to the Senator from Michigan, I will state that there was no formal abandonment of the right of the Senate conferees to the papers. I apprehend that the innovation arose in this way: The papers were in the possession of the House conferees; they should have been delivered, under the rules, when an agreement was reached to the Senate conferees; but they were not delivered and were retained by the House conferees. The papers remained in the hands of the House conferees, and were presented there before they were presented here. I think it was a manifest violation of the rule.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I suppose I am not speaking in a tone of voice to be heard on the other side of the Chamber.

Mr. REED. No; we can not hear the Senator.

Mr. LA FOLLETTE. I beg the Senator's pardon. I was merely saying that the papers, under the rule, should have been delivered after an agreement had been arrived at by the House conferees to the Senate conferees.

Mr. WARREN. They should have been delivered into your hands when the House asked for a conference, or immediately upon proceeding to compose the disagreements between House and Senate.

Mr. LA FOLLETTE. That may be so. I presume a great deal of this trouble arose from the fact, Mr. President, that I am serving for the first time, I think, in my life on a conference committee. During my five or six years' service in this body I have been mostly on unimportant committees that never met and never had charge of legislation.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. SMITH of Michigan. If the Senator from Wisconsin——

Mr. LA FOLLETTE. I will yield in a moment. I wanted to be heard upon the other side of the Chamber with my explanation as well as upon this side. I was stating that at the close of the conference when an agreement was reached I left the conference committee room very hastily, because I was not well, went to my committee room and left the papers with the conferees of the other House, and they were reported first to the House. This question was then raised in the House, but the report, after some debate, was received by the House.

Mr. WARREN. May I ask the Senator a question?

Mr. LA FOLLETTE. Certainly.

Mr. WARREN. Was there any agreement on the part of the conferees that they should so act?

Mr. LA FOLLETTE. There was absolutely nothing said about it at the time of the final meeting of the conferees on the morning of the day the report was made to the House. The fact, I suppose, that the papers were left in the possession of the House conferees was treated by the House conferees as a waiver on the part of the Senate conferees of their right to first present the report here; but, Mr. President, I do not think that any serious harm has resulted from that action. The report will be presented to the Senate to-day, and I trust it will be received by the Senate.

Mr. SMITH of Michigan. Mr. President, I have no disposition whatever to criticize the conduct of the Senator from Wisconsin or other conferees. However, I must disagree with him that no harm is likely to result, because if the rules governing this body as well as the other are to be subjected to the convenience merely of members of conference committees, the advantage of a retention of the original papers after the conferees have agreed will be greatly to the disadvantage of the Chamber to which they properly belong. I could not permit the matter to pass unchallenged without calling the attention of Senators to it that it may not constitute a precedent for the future or bind this body now.

The House is most insistent in such matters. The Appropriations Committee of the House of Representatives have insisted again and again upon this right, when, under the rule, they become possessed of the engrossed bill, to the original papers in a controversy between the two Houses after conference agreement. While I have no doubt that the Senator from Wisconsin acted from the most conscientious motives, and I have no disposition to find fault with him, my inquiry was directed to the chairman of the conference committee, who, under all the usages and all the practices of this body would have brought to us the conference report.

Mr. LA FOLLETTE. Mr. President, the chairman of the conference committee was absent, and the duty of claiming the papers plainly devolved upon me. The fact that I did not claim the papers was due to the fact that I did not know the rule.

Mr. SMITH of Michigan. If the Senator will permit me——

Mr. LA FOLLETTE. I will say that; and if I had been advised of the rule I should have remained in the conference long enough to have secured possession of the papers.

Mr. SMITH of Michigan. But, Mr. President, the Senator did not have to claim the papers in order to get them.

Mr. LA FOLLETTE. If the Senator from Michigan will point out some real serious injury that has resulted from this omission upon my part, I will be much obliged to him.

Mr. SMITH of Michigan. I will point out one now. The possession of these papers on the part of the House of Representatives makes it entirely possible for them to concur, under changed parliamentary conditions in the Senate amendments, thus disregarding the conference report when the presence of Senators formerly absent from the deliberations of this body might alter completely previous proceedings and determine to hold the bill for future consideration if in our possession at the time.

Mr. BAILEY. If the Senator will pardon me, circumstances might arise which might make that advantageous to them, but it is absolutely of no advantage to them now and particularly so when the conferees have agreed.

Mr. SMITH of Michigan. If it is of no advantage to them, why did they claim the papers? Why did they not hand the original papers to the conferees on the part of the Senate without any request and in accordance with the universal custom observed here between the two Houses, and specifically set forth in Jefferson's Manual, recognized in our procedure as good parliamentary law?

Mr. LA FOLLETTE. Mr. President, I think that the House conferees retained the papers simply because the papers were left with them. I will state to the Senator from Michigan that,

if it is possible for him to overlook this infraction of the rules this time, I think it can be promised to him that certain Members of the Senate who have not had occasion to make such study of the rules as some other Members upon this side have, will in the course of events become so familiar with the rules that these fine technicalities will be fully complied with.

Mr. BAILEY. Will the Senator from Wisconsin permit me?

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Texas?

Mr. BAILEY. As a matter of fact, neither the Senator from Wisconsin nor the other members of the conference committee were advised, as I understand, of the papers being with the House until after we met in conference and they told us so.

Mr. LA FOLLETTE. That is true.

Mr. BAILEY. And if there was any mistake, it was a mistake not of the Senate conferees and not of Senators, but the mistake of whoever delivered the papers.

Mr. SMITH of Michigan. I am not charging any mistake or any intentional disregard of the rules on the part of the conferees of the Senate. The papers should have been handed to the Senate conferees without any demand.

Mr. BAILEY. When the Senator says that the conferees on the part of the Senate disregarded the rule, which I understood him to say——

Mr. SMITH of Michigan. I did not say that. I said that the conferees on the part of the House had disregarded the rule; they should have turned those papers over to the Senate conferees, and the report should first have been made here. Does the Senator from Texas deny that?

Mr. BAILEY. Well, Mr. President, I do not deny that. That would have been the orderly procedure; and if we had reached a point where it was material, I think the Senate could have safely depended on its conferees to insist, notwithstanding the clerical error—for that is all it was that carried the papers back to the House—upon the possession of the papers, as we were entitled to do under the rule; but it became wholly immaterial, and, therefore, the papers being with the House conferees, we left them there.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. I do.

Mr. LODGE. Did I understand the Senator from Wisconsin to say that the papers were not in the possession of the Senate when the conferees met?

Mr. LA FOLLETTE. That is true; they were in the possession of the House.

Mr. LODGE. Then, Mr. President, the mistake goes back of the conferees. The Senate made certain amendments to the House bill and sent the bill back thus amended to the House; the House insisted on its amendments and asked for a conference, appointing its conferees, and sent the papers back to the Senate. We agreed to the conference, appointed our conferees, and were in possession of the papers.

Mr. SMITH of Michigan. We returned the papers to the House.

Mr. LODGE. How did we return the papers?

Mr. SMITH of Michigan. The papers were returned when the Senate acceded to the request for a conference.

Mr. BAILEY. When it agreed to the request for a conference.

Mr. SMITH of Michigan. And the House conferees were in possession of the papers appropriately until the conferees agreed.

Mr. LA FOLLETTE. I am sorry to see this disagreement between Senators, who insist that error has been committed in a very serious matter.

Mr. LODGE. I confess I had understood the papers were in the possession of the Senate. Although I have had some experience on conference committees, I am never clear at the end of the conference to which House the report should be made. It is a small and in itself unimportant point. The only importance in connection with it is that the practice should be uniform. It really makes no other difference.

Mr. LA FOLLETTE. I think that is true; and I will say to the Senator from Massachusetts that I hope to become familiar enough with the practice to conform to the rules governing conference reports.

Mr. WARREN. May I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly; I yield to the Senator.

Mr. WARREN. It makes a wider difference than that, because, the conferees having agreed, the Senate, for instance, being the House to which the conference report should be first presented, first takes action on the conference report; and that gives the Senate the first opportunity to say whether the work of the conferees is satisfactory or not.

If a conference report erroneously goes back to the House, and the House sees fit to amend it, then when it comes to us it is not the work of the conference, but the work of the conference supplemented by the House, and we are at a disadvantage, of course.

Mr. LODGE. The House that grants the conference, as I understand, is the House to which the report has first to be made; and I had supposed that the papers were necessarily in possession of the House granting the conference.

Mr. WARREN. May I again interrupt the Senator?

Mr. BAILEY. Not necessarily, but properly.

Mr. LODGE. Properly.

Mr. WARREN. They should always be. The House having been notified that the conference had been granted, the papers should be within the call of the House granting the conference.

Mr. LODGE. Precisely.

Mr. WARREN. And the House granting the conference should report first. The House rules are different from ours. On the House side the conferees have to make a statement, and the statement is offered and printed a day before the conference report is taken up for action.

Mr. LODGE. They have to do that under their rules.

Mr. WARREN. But they uniformly wait until we have reported here, in all cases when the Senate's action comes first—that is, when the House has asked for and the Senate has granted a conference.

Mr. LODGE. But the point I want to get at is how the Senate failed to have possession of the papers?

Mr. WARREN. That was an oversight, probably. The Senate conferees were certainly entitled to the papers and the Senate to the first report.

Mr. CULLOM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. I yield to the Senator from Illinois.

Mr. CULLOM. I do not know whether any special importance attaches to anything I may say on this subject. I acted as chairman of the committee during the consideration of the bill in conference. I did so because the honorable Senator from Pennsylvania [Mr. PENROSE] was necessarily absent from the city. I did not myself pay any attention to the question where the papers were. We had the bill before us, and the consideration of the case came up, and we were merely passengers; I mean to say the Republicans on that committee were merely passengers—both the Members of the House who were Republicans as well as myself and——

Mr. LA FOLLETTE. That is, some of the Republicans were merely passengers.

Mr. CULLOM. I mean the straight Republicans.

Mr. LA FOLLETTE. I would not say the crooked Republicans, of course, to my friend the Senator from Illinois.

Mr. CULLOM. All right. I will not say crooked Republicans one way or the other; but the fact was, as everybody knows, that certain Republicans on that committee had no part or lot in the consideration of the bill in conference except as it devolved upon the chairman to preside and keep order.

But when the time came that we finished the bill, and those really in charge of it and who did the voting got through with it and agreed, I said to my next neighbor, the Senator from Wisconsin [Mr. LA FOLLETTE], "You take the papers and get along with the balance of the work without anything from me." I turned them over to him because he was the author of the bill and, of course, was more interested in its success, as they had it framed, than I was.

That is the story of the case. I knew nothing about where the actual papers were, but I heard some talk, I think, of the fact that they were in the possession of the House.

Mr. LA FOLLETTE. Will the Senator from Illinois permit me?

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. Certainly.

Mr. LA FOLLETTE. The Senator from Illinois did not have possession of the actual papers, and he did not turn them over to me. He is mistaken about that. I never had possession of the actual papers.

Mr. CULLOM. I did not mean to say that I turned over the actual papers, but I did say to the Senator to take charge of the

case and take care of them. I knew nothing about what was done with the papers—whether they were with the Senate conferees or with those on the part of the House. I hope nothing further will come from it except what is fair and right.

Mr. LODGE. There is no question, I think, of the rule that the report is first to be made to the House granting the conference.

Mr. BAILEY. Will the Senator from Massachusetts permit me here?

Mr. LODGE. That is shown by the papers being in possession of the House granting the conference. Now, under——

Mr. BAILEY. Will the Senator from Massachusetts permit me just here?

Mr. LODGE. Certainly.

Mr. BAILEY. It has been held repeatedly in the House that a committee can not make a report unless it has possession of the papers.

Mr. LODGE. Precisely.

Mr. BAILEY. The Senator from Massachusetts is entirely right in saying that the House granting the conference is entitled to the papers, and if we were in possession of the papers we would be required first to make the report.

Mr. LODGE. Precisely; I was coming to that exact point. As the House granting the conference, we should have been in possession of the papers, and there could have been no question then as to where the report should first be made. But it appears from the statement of the conferees that we were not in possession of the papers, and that is a fault somewhere else.

Mr. BAILEY. I desire to say to the Senator from Massachusetts that it can hardly be imputed as a fault to anybody. I hardly think we ought to put the responsibility on the clerk, who must sit silent while we say these things. The whole mistake arose out of the fact that when the Senate consented to the conference which the House had requested, the clerk of the Senate carried the papers back to the House.

It happens in this case that it is not at all material. I think if it had been material, if there had been disagreements which made it a matter of any importance as to which House should first consider the report, we would have insisted on having the papers, and yet I doubt if the House would have yielded to that insistence.

Mr. LODGE. That is precisely it. The point I am trying to make is that the House had no business to have those papers in its hands.

Mr. BAILEY. That is true, but we can hardly complain of the House because they received them when they were sent back.

Mr. LODGE. Somebody gave those papers to the House conferees.

Mr. BAILEY. The clerk of the Senate. That is the whole of it.

Mr. LODGE. I am answered.

Mr. BAILEY. It is a mistake that amounts to nothing.

Mr. LODGE. I am answered. If that is where the mistake occurred, the House did right to go ahead, being in possession of the papers——

Mr. BAILEY. Of course it did.

Mr. LODGE. And the fault was ours.

Mr. BAILEY. No; the fault was not ours.

Mr. LODGE. I do not mean our conferees.

Mr. BAILEY. Nor was it the fault of the Senate, because the Senate did not know what had been done, and the conferees did not know what had been done; and when we found what had been done, if it had been important enough to justify it, we might have come back to the Senate and said, "We are entitled to the papers before we go into conference, and we ask the Senate to request the House to return the papers." But we did not think that important.

Mr. LODGE. That is the business, of course, of the clerks of the Houses. Through them pass the papers, and the papers ought never to have been in the possession of the House when we entered on that conference.

Mr. BAILEY. That is true.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. I yield.

Mr. WARREN. I do not like to have an undue amount of blame cast upon the clerks of the Senate, because it does not belong there. When a conference is agreed upon, the clerks at the desk send the papers naturally to the place where they ought to go—to the clerk who has charge of printing the papers. It has been so usual for either side of the conference committee to obtain possession of the papers temporarily if they wanted to see them that it never has occurred to my knowledge, in the somewhat long experience I have had here in conferences, that there has been any difficulty or difference over the papers; it is so well established where they belong.

Now, if the House had the papers and had had them all the time, the moment they go into conference the papers are the joint property of both until they are through, and then they belong to the House that granted the conference. There is no question about that.

Mr. BRANDEGEE. I ask that the Secretary read for the information of the Senate from the top of page 438 of the Manual, paragraph 35, so that it may appear in the RECORD.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read as requested.

The SECRETARY. On page 438 of the Manual, paragraph 35:

35. A conference report is made first to the House agreeing to the conference.

(NOTE.—This rule seems to follow from the principle laid down by Jefferson (Manual, sec. 46) that "in all cases of conference asked after a vote of disagreement, etc., the conferees of the House asking it are to leave the papers with the conferees of the other," thus putting the agreeing House in possession of the papers, and has been the usual practice in Congress.)

Mr. SMITH of Michigan. I do not wish to be misunderstood. The papers were in the hands of the House conferees—appropriately there—when the conference assembled. Under the rule just read, it was the duty of the House conferees to turn those papers over to the Senate conferees. I am finding no fault with the Senate conferees for not asking for the papers. Under the rule, well understood and recognized by the House conferees, we were entitled to the papers and entitled to have the conference report made here first. The failure to ask for them I do not think is at all serious. It is the failure upon the part of the House conferees to deliver them in accordance with the universal custom of which I complain.

Now, I am not going to make any motion that the conferees be directed to return those papers to the Senate, where they should have been returned, but I am putting on the record a protest against any waiver of that right, either by reason of the failure of the House conferees to notify the Senate conferees of their right to have them or otherwise. That is my sole purpose and intention.

PUBLICITY OF CAMPAIGN EXPENDITURES.

Mr. DILLINGHAM submitted the following report (S. Doc. No. 96):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29S8) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same, amended to read as follows, viz:

SEC. 2. That section 8, as above amended, and sections 9 and 10 of said act be renumbered as sections 9, 10, and 11, and that a new section be inserted after section 7 of the said original act, to read as follows:

"SEC. 8. The word 'candidate' as used in this section shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which candidates for Representative are to be elected, file with the Clerk of the House of Representatives at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his

candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, or election by the legislature of any State, as Senator in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which he is seeking indorsement, and not less than 5 nor more than 10 days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as Senator, file with the Secretary of the Senate at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

"Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any State, shall, within 15 days after such primary election or nominating convention, and within 30 days after any such general or special election, and within 30 days after the day upon which the legislature shall have elected a Senator, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, general or special election, or election by the legislature, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

"Every such candidate shall include therein a statement of every promise or pledge made by him, or by anyone for him with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election or election by the legislature, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made the name or names, the address or addresses, and the occupation or occupations of the person or persons to whom such promise or pledge shall have been made, shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate, that fact shall be distinctly stated.

"No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; nor shall any candidate for Senator of the United States give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

"No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $5,000 in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $10,000 in any campaign for his nomination and election: *Provided further*, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers) and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

"The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election or election by the legislature shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

"Any person, not then a candidate for Senator of the United States, who shall have given, contributed, expended, used, or promised any money or thing of value to aid or assist in the nomination or election of any particular member of the legislature of the State in which he resides shall, if he thereafter becomes a candidate for such office, or if he shall thereafter be elected to such office without becoming a candidate therefor, comply with all of the provisions of this section relating to candidates for such office, so far as the same may be applicable; and the statement herein required to be made, verified, and filed after such election shall contain a full, true, and itemized account of each and every gift, contribution, expenditure, and promise, whenever made, in anywise relating to the nomination or election of members of the legislature of said State, or in anywise connected with or pertaining to his nomination and election, of which publicity is not given in a previous statement.

"Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths under the laws of the State in which he is a candidate, and shall be sworn to or affirmed by the candidate in the district in which he is a candidate for Representative, or the State in which he is a candidate for Senator in the Congress of the United States: *Provided*, That if at the time of such primary election, nominating convention, general or special election, or election by the State legislature said candidate shall be in attendance upon either House of Congress as a Member thereof he may at his election verify such statements before any officer authorized to administer oaths in the District of Columbia: *Provided further*, That the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, duly stamped and registered, within the time required herein shall be deemed a sufficient filing of any such statement under any of the provisions of this act.

"This act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate amending the title of the bill and agree to the same with an amendment, so that the title as amended will read as follows, viz:

"An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to

the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses."

And the Senate agree to the same.

WILLIAM P. DILLINGHAM,
ROBERT J. GAMBLE,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

W. W. RUCKER,
M. F. CONRY,
M. E. OLMSTED,
Managers on the part of the House.

Mr. WARREN. Will the Senator from Vermont state the changes more fully than they are explained in the report?

Mr. DILLINGHAM. The first four amendments proposed by the Senate are agreed to by the House. The fifth amendment, to which it disagreed, was the committee amendment of the Senate, which was very fully debated. Some slight changes were needed to this amendment, and it was thought more convenient to report the committee amendment of the Senate in full with those proposed changes.

Those changes were substantially as follows: In addition to making the act apply to candidates for nomination in the primary elections, it has been extended to apply to candidates before nominating conventions, and the provisions of the act are further extended so as to apply to all special elections as well as general elections. These changes are proposed in that portion of the section relating to the nomination of Members of the House, and also in that paragraph relating to the elections of Senators. The phraseology of the latter part of the committee amendment has been changed as to contributions made or promised by any candidate or other person for and in his behalf, "with his knowledge and consent."

In the next clause of the Senate amendment, which relates to promises made by the candidate to recommend persons to positions of trust, honor, or profit, or for other purpose, an amendment is proposed to make it apply specifically to promises made for the purpose of procuring the support of the person to whom they were made, or of any person, to his candidacy. It is simply perfecting the phraseology of that provision.

Mr. OVERMAN. What is meant by the words "for any other person"?

Mr. DILLINGHAM. I do not think I made that clear. The provision is as follows:

> Every such candidate shall include therein a statement of every promise or pledge made by him, directly or indirectly, or by anyone for him with his knowledge, or to whom he has given authority to make any such promise or pledge, before the completion of any such primary or general election, or election by the legislature, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment—

Now comes the amendment—

> for the purpose of securing the support of such person or of any other person in his candidacy.

The purpose was not clear in the original draft and that was inserted to make it so.

Then follows a new draft of the provisions of what is known in the Senate as the Reed amendment, leaving out the provision that—

> No such candidate for the Senate or House of Representatives shall expend, or cause to be expended, a sum in the aggregate exceeding 10 cents for each voter in his district or State.

All other provisions of the Reed amendment are preserved, but are rewritten with certain modifications.

For instance, a candidate is permitted to expend money which the law of his State requires him to spend in primary elections. A provision is also made as to what expenditures may be withheld from the statement, as, for instance, personal expenses, the cost of printing letters or circulars, payment of postage, telegraph bills, and other expenses of that character; but, in brief, the Reed amendment has been rewritten and made to apply to as many conditions as it occurred to the committee might arise in an effort to make its provisions operative.

I do not suppose that the changes proposed have been made very clear by the reading of the report just completed. I might, if time allowed, take up each one of them and explain it; but, as I have stated, it was the intention of the conferees to preserve the provisions of the Reed amendment, but to place them in a somewhat different form.

Mr. BORAH. Is there objection to letting the conference report go over and having it printed?

Mr. DILLINGHAM. I have no objection to having it go over, and that it shall be printed, if the Senator desires.

Mr. BORAH. I should like to have it go over and have it printed.

Mr. DILLINGHAM. I have no earthly objection to that.

The PRESIDENT pro tempore. The Senator from Idaho asks that the report be printed?

Mr. BORAH. I do.

The PRESIDENT pro tempore. Without objection, it will be so ordered. (S. Doc. No. 96.)

NATIONAL MONETARY COMMISSION.

Mr. LA FOLLETTE, Mr. NEWLANDS, and others addressed the Chair.

Mr. CUMMINS. I only desire to remind Senators that we have a unanimous consent agreement to vote upon a measure at 1 o'clock and 45 minutes, and when it was made the Senator from Ohio [Mr. BURTON] said that he had not finished the address he was making to the Senate upon the subject. I hope, therefore, that I may be permitted very soon, at least, to call up that bill, so that the Senator from Ohio can proceed and that the Senate may be ready to vote at 1.45 o'clock.

THE COTTON SCHEDULE.

Mr. LA FOLLETTE. I ask unanimous consent to have printed for the use of the Senate a comparison of the rates fixed in the cotton schedule as passed by the House of Representatives and in an amendment which I propose to offer as a substitute to that schedule. (S. Doc. No. 95.)

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the Senate will now order the printing of a document, the nature of which he has stated. Is there objection? The Chair hears none, and without objection the order will be entered.

TARIFF DUTIES ON WOOL.

Mr. PENROSE. Mr President, in reference to the point raised by the Senator from Michigan [Mr. SMITH] as to the procedure adopted by the conferees on the wool bill (H. R. 11019), my attention has been called to the stenographer's notes of the meetings of the conferees, it appearing that a stenographer was present to take down certain matters, and he appears to have taken down considerable of the debate. The last paragraph of the stenographer's notes is as follows:

> By unanimous consent the bill was first to be reported to the House instead of the Senate.

I think that is an important paragraph, if it did occur.

Mr. LA FOLLETTE. I do not recall anything of the sort.

Mr. PENROSE. Here are the notes.

Mr. LODGE. May I ask the Senator from Pennsylvania a question?

Mr. PENROSE. Certainly.

Mr. LODGE. Those notes show that the whole conference agreed to make the report to the House?

Mr. PENROSE. Yes.

Mr. WARREN. Yet the House leader does not so report, nor does he so advise the House in debate, whatever the facts may be, as I read the official record of yesterday.

Mr. LA FOLLETTE. No; and I do not think it was so understood, notwithstanding the notes of the stenographer.

Mr. LODGE. Those are the stenographer's notes.

Mr. LA FOLLETTE. It makes no difference.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. PENROSE. I am through. These are the stenographer's notes, handed to me by the stenographer, and I submit them for the information of the Senate.

Mr. LA FOLLETTE. Mr. President, I want to say in respect to that, if I may be permitted, that I do not think there was any stenographer present during the conference. If there was, I have no knowledge of it.

Mr. PENROSE. I was not present myself, and only know what I am informed by the secretary of the committee. I can investigate the matter more fully.

Mr. SIMMONS. Mr. President, I think there was some informal discussion before the conferees had agreed. I do not know what statements were made at that time, but at the time of the agreement my recollection is that the question as to where the papers were was raised. The House conferees stated that the papers were in the possession of the House, not properly so, but actually so, and my recollection is that the chairman of the House conferees, Mr. UNDERWOOD, stated that he knew no way by which those papers could be returned to the Senate except through the action of the House; and upon that statement I think it was agreed that the House ought to act first on the matter.

That is my recollection of it; but I agree with the Senator from Wisconsin that at that time there was no stenographer present.

NATIONAL MONETARY COMMISSION.

Mr. CUMMINS. I move that the Senate proceed to the consideration of Senate bill 854.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 854) to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911.

Mr. BURTON. I ask unanimous consent to withdraw the substitute for the bill which I filed on Friday last.

The PRESIDENT pro tempore. The substitute offered by the Senator from Ohio is the pending question. He now asks that, by unanimous consent, it shall be withdrawn. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURTON. I desire to introduce another amendment to the bill in the form of a substitute, and I ask that it be now read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the National Monetary Commission, authorized by sections 17, 18, and 19 of an act entitled "An act to amend the national banking laws," approved May 30, 1908, is hereby directed to make and file a report on or before the 8th day of January, 1912.

SEC. 2. That sections 17, 18, and 19 of an act entitled "An act to amend the national banking laws," approved May 30, 1908, be, and the same are hereby repealed, the provisions of this section to take effect and be in force on and after the 8th day of January, 1912, unless otherwise provided by act of Congress.

SEC. 3. That the first paragraph under the subject "Legislative," on page 28 of an act (Public, No. 327, H. R. 28376, 60th Cong., 2d sess.), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes," approved March 4, 1909, reading as follows: "That the members of the National Monetary Commission, who were appointed on the 30th day of May, 1908, under the provisions of section 17 of the act entitled 'An act to amend the national banking laws,' approved May 30, 1908, shall continue to constitute the National Monetary Commission until the final report of said commission shall be made to Congress; and said National Monetary Commission are authorized to pay to such of its members as are not at the time in the public service and receiving a salary from the Government, a salary equal to that to which said members would be entitled if they were Members of the Senate or House of Representatives. All acts or parts of acts inconsistent with this provision are hereby repealed," be, and the same is hereby, repealed.

SEC. 4. That no one receiving a salary or emoluments from the Government of the United States in any capacity shall receive any salary or emolument as a member or employee of said commission from the date of the passage of this act.

Mr. BURTON. I can briefly explain the substitute. It contains four sections. The first section directs the National Monetary Commission to file a report on or before January 8, 1912. The second section brings the work of the commission to an end—abolishes it—on the 1st of May, 1912, unless otherwise ordered by Congress. The third section immediately abolishes the salaries which have been paid to members of the commission after the termination of their connection with the respective Houses of Congress. The fourth section prohibits the payment of salaries or compensation to employees now receiving salaries from the Government. I think this statement makes clear what is contained in the proposed substitute, and that I have stated all that is in it.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. I do.

Mr. NEWLANDS. I ask leave to insert in the RECORD certain extracts from previous remarks in the RECORD upon the question of banking reform of the National Monetary Commission bill as explanatory of the amendments proposed by me to the Cummins bill for the early report of the National Monetary Commission and the termination of its service. I make this request for the reason that as by unanimous consent the vote on the Cummins bill is fixed for a quarter to 2, only half an hour distant, and the Senator from Ohio has the floor. There will not be sufficient time for me to present my views on the bill and on my amendment, and these extracts will explain the reasons for my action.

The PRESIDENT pro tempore. In the absence of objection, permission to do so is granted.

The matter referred to is as follows:

[Mar. 11, 1908.]

BANK CAPITAL.

Mr. NEWLANDS. I should like the attention of the Senator from Rhode Island whilst I renew the question which I asked him during the argument of the Senator from Arkansas [Mr. CLARKE], and that is whether, in addition to the requirement which he has already acquiesced in—that the banks should keep in their own vaults either the whole or a very much larger proportion of the reserves now required by law—he would be willing to add the requirement that no bank shall be permitted to loan out its depositors' money in excess of seven times the amount of its capital? The purpose of that would be to secure for the depositors the protection of adequate capital amounting to about 15 per cent of their bank loans.

The Senator from Rhode Island realizes that the depositors' moneys are loaned out, and the loans about equal the deposits, and that the security of the depositors is the reserve required by law and the capital of the banks.

The Senator will also bear in mind that there is no rule imposed by the present banking act regarding the relation of capital either to loans or deposits, and that whilst the average banking capital of the national banks and the average banking capital of the Nation is entirely adequate, being about 30 per cent, I believe, of the deposits, yet as a matter of fact a great many banks, both national and State, are far below that requirement. I will ask the Senator whether he would favor an additional protection to the depositors in that line?

Mr. ALDRICH. Mr. President, the bank system of New York prior to the war, which I imagine perhaps was the best of the American systems, had a limitation of this character. No bank should loan more than two and a half times its capital. As I stated in the remarks which I submitted to the Senate some time ago, 20 years ago, in 1887, the proportion between capital and loans in this country was as 1 to 2.61, being a little in excess of the New York limit. In 1907 the proportion was as 1 to 5.21, showing an increase in proportion to capital of almost double in the last 20 years.

I see no objection to fixing a limit. I think myself that the troubles we have had have grown out of overexpansion of credit. But I never would fix it as high as 1 to 7, because it would be greatly in excess of what is shown to be safe banking by the experience of the world. I do not, perhaps, think it is necessary; certainly not necessary in this bill. As I have already stated on several occasions, this bill does not pretend to be a panacea for all financial ills, and we certainly can not at this time undertake to dispose of them all. I think a limitation of loans in proportion to capital is a wise one, but I certainly would not fix the limit at 1 to 7.

Mr. NEWLANDS. As I understand, then, the Senator would fix it at 1 to 5?

Mr. ALDRICH. I would not say. I would not want to say, offhand, what the proportion should be. I have stated the fact that there has been a growth in this country from 1 to 2.61 to 1 to 5.21—double in 20 years.

Mr. NEWLANDS. The only difference between the Senator and myself is that he would require greater caution in this particular than I suggest. I quite agree with the Senator from Rhode Island that the relation ought to be about 1 to 5. I stated 1 to 7 in order to liberalize the suggestion in order to prevent any possible objection.

Now, let me state to the Senator, as he well knows, there is no requirement in the national banking act that the capital shall bear any fixed relation to the loans, nor is there, I believe, in the State banking acts, and the result is that we have such conditions as these: That the Knickerbocker Trust Co., of New York, with a capital of only $1,000,000, was able to make loans to the amount of $50,000,000. So the proportion of capital to loans was not that of 1 to 5, as the Senator from Rhode Island suggests, but was the relation of 1 to 50.

Now, when that was called to my attention it was accompanied with the suggestion that it was simply a State bank. I then looked to the national banking act to see whether there was any provision there that would prevent such reckless banking, and I found there was none; that while the depositor is partly protected by requiring the bank to keep a certain proportion of the deposits in its vaults in order to respond to checks, there is no provision at all as to the amount of invested capital that shall be maintained as security for those deposits. And it is perfectly possible under the national banking act to-day to have a bank conducting a business of the enormous proportions of the Knickerbocker Trust Co., involving fifty millions of deposits and $50,000,000 of loans, upon a capital of only $1,000,000. Safe banking requires that depositors should have two sources of protection—one the protection of an ample reserve, the other the protection of an ample capital. The least reserve required should be an average of 20 per cent. The least proportion of capital should be 20 per cent also. Then you have safe banking, because the depositors of the bank have not only the security of the loans in which their moneys are invested, but they also have in addition the 20 per cent reserve in cash in the bank and the 20 per cent in capital put in by the stockholders and invested in marketable securities.

The best mode of securing depositors is not by a guaranty fund contributed by the banks or by a guaranty of the Government, but by providing for a sufficient reserve and sufficient capital. If we have in reserve and in capital a security of 40 per cent of the deposits, we will have a safe banking system.

REGULATION OF STATE BANKS.

Now, Mr. President, while I am upon this subject, I wish to add that it is utterly impossible to have a safe banking system in this country as long as we have two systems differing as to the security offered to their depositors. We have in this country two systems, the national banking system and the State bank system, both about equal in capitalization, both about equal in deposits; and yet under State banking laws there are not sufficient requirements as to reserves and there are not sufficient requirements as to capital. So at any time, however you may guard the national banks by proper provisions regarding reserve and capital and their relation to deposits and loans, the entire system may be broken down by inadequate reserves and inadequate capital upon the part of the State banks. We all know that if the State banking system of the country is involved in difficulty it involves the national banking system also, and that you can not possibly inaugurate a system that will successfully work in preventing panics if it is confined to one kind of banks alone.

If that be so, it seems to me that the very next reform which should suggest itself to the Senator from Rhode Island is the reform of securing under the State banking system sufficient reserves and sufficient capital such as we aim to require under the national banking system. That can be done in one of two ways, by persuasion or by compulsion, the latter being based on the power given to Congress to regulate commerce between the States, for all State banks are engaged in interstate exchange, which is one of the forms of interstate commerce. The Senator from Rhode Island asked me the other day while I was addressing myself to this question whether a check sent by a man in one State to a man in another State constituted interstate commerce. I was then endeavoring to put an hour's speech through a half-hour nozzle, as I had to take the train, and I declined to enter into that

question. But I find that the Wall Street Journal has answered it for me, and I will ask the Secretary to read this excerpt from the Wall Street Journal.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. NELSON. I wish to call the Senator's attention to the fact that authority from that source is not of much value here in the Senate.

Mr. NEWLANDS. However, it may be persuasive with the Senator from Rhode Island.

Mr. FLINT. I suggest to the Senator from Minnesota that it might have great weight on the other side of the Chamber.

Mr. NEWLANDS. I ask the Secretary to read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

"REVIEW AND OUTLOOK—WHAT IS INTERSTATE COMMERCE?

"In the Senate, on Tuesday, Senator Aldrich asked the following question of Senator NEWLANDS:

"'In case a business house in New York sends a check to a firm in Connecticut, does that constitute interstate commerce?'

"Senator NEWLANDS did not answer the question.

"Innocent and simple as it appears, it is, in fact, a very big question, and it strikes at the very vitals of the whole problem of Federal regulation.

"The answer to Senator Aldrich's question from the point of view of the Wall Street Journal would have to be 'Yes.' The sending of a check from one State to another involves the transfer of a valuable thing from one State to another. It is interstate commerce. Whether we like it or not, the development of business in the United States is revolutionizing all of our conceptions and changing most of our points of view. Commerce is no longer an affair of a township or a city or of a State. The economic unit has become a continent. The mailing of a letter, the sending of a telegram, and the holding of a telephone conversation between New York and Chicago, and almost all of the operations of business have become interstate in character."

Mr. NEWLANDS. Mr. President, whilst the reliability of this authority seems to be questioned, the logic of its statement can not be. Is there a Senator on this floor who will rise and say that the transaction by which goods are transported from the State of California to the State of New York is not interstate commerce? If that be true, is it not also true that the transaction by which the payment of those goods in money is transported from New York to California is interstate commerce? Is there a Senator on this floor who will rise and insist that a telegraphic message sent from one State to another is not interstate commerce?

Mr. BEVERIDGE. That question has been specifically decided by the Supreme Court. Of course it is interstate commerce, and was so decided several times since the Pensacola case.

Mr. NEWLANDS. Of course, it is incontestable. Is there a Senator on this floor who will rise and say that a whisper through a telephone from New York to Chicago is not interstate commerce? If that be true, how can you deny that the transactions of commerce conducted through banks, the great agencies and instrumentalities of commerce, and involving interstate and foreign exchange, do not come within the supervision and the control of the National Government?

I am aware that whenever a suggestion is made of the application of the interstate-commerce power of the Constitution to an existing condition the cry of centralization is raised. If it involves control, if it involves restriction, if it involves requirements, Senators on that side of the House accustomed to invoke the power regarding interstate and foreign commerce in the subsidizing of railroads, in the subsidizing of ships, in every form of grant or privilege or subsidy, will oppose it because it involves restriction, while on this side of the House Senators have been so accustomed to stand on guard against usurpation of State rights and powers by the National Government that, although they wish to institute reforms, they question the national right and our power.

There can be no question about our power. We have exercised it again and again. We take hold of a State railroad engaged in interstate commerce with not a mile of its line in any State except the State in which it is incorporated, and yet receiving goods for shipment to other States, and what do we do with that railroad, by the vote of both sides of the Senate, by a recent vote in which there was but one dissenting voice? We take hold of that railroad and we compel it to present to the Interstate Commerce Commission of the Nation reports of all its transactions, State as well as interstate. We not only regulate its rates, so far as interstate commerce is concerned, but we regulate its conduct of business. We compel it to apply safety appliances to its trains and everywhere we exercise supervision and regulation, not exclusive supervision and regulation and supervision and regulation in the interest of interstate commerce.

Mr. ALDRICH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. Certainly.

Mr. ALDRICH. Does the Senator think that the Congress of the United States can fix a rate of interest to be paid by loans in State banks?

Mr. NEWLANDS. Well, Mr. President, that is a question that I would not like to answer in a moment. It certainly would have no power to fix the rate of interest as to a purely State transaction. I will admit that. But I am not prepared to answer the question as to whether it would have the power to regulate the rate of interest, so far as interstate transactions are concerned. When I contend for this power of the National Government I do not contend that it is exclusive power. The National Government has the same power in its jurisdiction over interstate commerce that the State has over State commerce, and where the corporation is engaged in both State and interstate commerce it is subject to the supervision and control of the State, so far as State commerce is concerned, and to the control and supervision of the Nation, so far as interstate commerce is concerned. The jurisdictions do not conflict, and each sovereign is supreme within the limits of its jurisdiction.

Now, what is this whole system of exchange? It is simply a system of transportation, a transportation of values. The railroads transport the goods; the banks transport the values. Both are absolutely essential to commerce; both are absolutely essential to interstate commerce. It is important to interstate commerce that we should have the safe conduct of passengers on the railroads, and therefore safety appliances are required of State railroads by national law. It is important to interstate commerce that State banks engaged in interstate transactions should have the safety appliances of a sufficient reserve and an ample capital, and it is the duty of the Nation to see that these safety appliances are required.

So far as interstate commerce is concerned, the Nation has all the power that the State has in State commerce.

Now, Mr. President, why should we stick in the bark when we are considering this question of the banks and of currency, this important system of transporting values, this system upon which all values in the country are dependent, the breaking down of which may at any time prostrate the industries of the country? Why should we not, when revising our system of banking, require in the interest of interstate commerce that the State banks engaged in interstate commerce should maintain as a condition of the exercise of that privilege the same reserves and the same capital as are required under similar circumstances of national banks?

PERSUASION.

But if the Senator from Rhode Island is not prepared to admit this proposition, if he insists that it is not within the power of the National Government, if he insists that it is a matter absolutely within the jurisdiction of States so far as State corporations are concerned, and that the Nation's action must be confined to the corporations of its own creation, then I ask him why he should not apply all the powers of persuasion to the State banks that can be applied?

The Senator is now proposing a measure that is intended to meet the emergency requirements of the country; that is intended to prevent these extraordinary bank panics created by the timidity of depositors. The depositors of State banks can be as timid as the depositors in national banks, and they are as timid. If we are to provide an emergency measure that is to tide over a panic, there is every reason why we should give the State banks the benefit of the emergency provision. The very purpose that we have in view is the security of the country, the security of our entire banking system, national and State, and we must know that if the State banks of the country, which aggregate about one-half of the bank capital and more than one-half of the deposits of the country, are prostrated, our national banks will be prostrated with them.

If, then, we are providing for an emergency currency the State banks should have the benefit of it upon depositing the security required by law. And we can accompany the privilege with the condition that the State banks desiring its benefit shall receive it upon the condition that they will comply with the requirements of the national banking act so far as reserves and capital are concerned.

So the Nation would have a persuasive influence upon the banks of the States in gradually making them conform to national requirements in the interest and for the security of the depositors, and all doing business with it in State or interstate transactions. There is not a State bank that would not realize that at some time it would be compelled to resort to the Nation for the funds with which to meet an emergency of this kind, and it would be eager to put itself on the list of those who could lawfully apply. So these State banks would gradually accommodate their reserves and their capital to the requirements of the national law.

More than that, our action would be persuasive upon the legislatures of the States themselves. They would probably pass similar laws. Thus the educational process would be set at work, and in the end we would have uniformity throughout the country in all the banks of the country, both as to the reserves and the capital required.

Mr. President, I realize that all this can not be done in a day. We can enact in a day the law by which it is to be accomplished, but the process provided by the law must be a gradual one. What is that process to be? It would not do to provide that these reserves should be required to-morrow or that this capital should be increased to-morrow. Time must be given. The State banks during the past year have had an average reserve of less than 8 per cent. In many of the State banks the reserve is far above that average, and in many of them far below.

What would you think of a national-bank system if you realized, upon looking at the reports of the Comptroller of the Currency, that all the national banks of the country had an average of only 8 per cent?

To-day the national banks have an average reserve of 18 per cent, though it is unequally distributed, and the State banks have an average of less than 8 per cent. Yet if you should attempt to compel the State banks to come up immediately to the requirements of the national banks it would mean upon their part an immediate contraction of their loans, which would result in liquidation and universal distress.

The thing that we must do is to provide a gradual process for increasing the reserves of the State banks, lasting over a period of 5 or 10 years, at the rate of a certain percentage annually, the increase to be accomplished under the direction of the Comptroller of the Currency. In that way they can gradually draw into their vaults the lawful money required for the reserves established by the national law, and thus they will be able to sustain their existing volume of bank loans and bank credits.

In this manner the business of the country will not be disturbed in the slightest degree. So far as bank capital is concerned, that can be increased in the same gradual manner, and within a period of 5 or 10 years we will have all the banks of the country, State and national, under laws providing adequate protection to depositors, both in reserves and capital. I trust that the Finance Committee will seriously consider this suggestion, and that now, whilst the subject is fresh in our minds, reforms in our banking system, admittedly necessary, will be added to this emergency provision recommended by the committee.

[May 15, 1908.]

AMENDMENT OF NATIONAL BANKING LAWS—REGULATION OF STATE BANKS.

Mr. NEWLANDS. Mr. President, I regard the question of the relation of reserves to deposits and of capital and surplus to loans as of very much more importance than the creation of an emergency currency, and I trust that the committee of conference will take up these two questions fully and exhaustively. The great difficulty with the banking situation of three or four months ago was that the banks did not have on hand a sufficient amount of cash reserves to meet the checks of their depositors. The difficulty was with the State banks, rather than with the national banks. The statistics show that, on the average, the national banks had a cash reserve of about 18 per cent, whilst the State banks of the country had on hand a cash reserve not exceeding 5 per cent. It is utter folly, Mr. President, in my judgment, to attempt to inaugurate a safe system of banking unless we bring the State banking system into harmony with the national banking system so far as the requirements regarding reserves and capital are concerned. I have contended throughout that it was the duty of

Congress not only to see to it that the national banks kept within their vaults an adequate proportion of the cash reserves required by law, but that, in the interest of interstate and foreign commerce, clearly within the regulation and control of the Nation, we should so legislate as to prevent State banks engaged in interstate and foreign commerce from maintaining a system which not only imperiled the safety of their banks as financial institutions, but imperiled the safety of the entire national banking system of the country, for we may perfect our national banking system to the highest degree, yet if the State banking system be insufficient in the security offered to depositors, the danger of the State banks will affect the national banks, for depositors do not discriminate as between them—a panic is never logical—and when depositors in State banks become alarmed the depositors in national banks, however secure they may be, also become alarmed.

The difficulty with the measure thus far considered by the Senate has been that it simply provides an emergency currency to meet the contingency of a panic when the panic is on and public apprehension is aroused. Our attention ought to be directed to so securing depositors in the matter of the capital of the banks and in the matter of reserves as against their deposits as to make a panic absolutely impossible.

NATIONAL CLEARING-HOUSE ASSOCIATION.

Mr. President, the bill coming from the other House adopts one wise provision, which has been the evolution of experience, and that is the legalization of clearing-house associations as a part of the national-bank system. These clearing-house associations have thus far been voluntary associations created by the banks themselves, partly national and partly State. They have been organized for mutual convenience and for mutual protection. We have found that it is absolutely necessary for these banks to get together in times of panic through their clearing-house associations, and thus restore public confidence by giving aid to individual banks whose financial safety was imperiled. The House bill very wisely, it seems to me, creates these associations, legalizes them, and makes them the instrumentalities through which the emergency circulation is distributed. That provision is the result of an experience of years, and it has been demonstrated that it is a wise method of meeting these great emergencies.

The Senate Committee on Finance have an opportunity to approve of this provision legalizing the national-bank clearing-house associations, and they can make such associations the agency for securing safety in the State banks as well as in the national banks.

There is not a State bank in the country that will not want to become a member of a national clearing-house association if that association has the power of issuing emergency money. If it applies for admission, the Nation, the creator of these clearing-house associations, can attach conditions to the admission, and those conditions should be that the State banks should keep the same reserves in their vaults that are required of the national banks and that their capital should have the same relation to their loans as is required or should be required under proper law—and I hope the Finance Committee will cover that—as is required or should be required of the national banks.

Such measure is simply persuasive; it is not coercive of the State; though, believing as I do, in the full power of the Nation over interstate and foreign commerce, I would not hesitate to support a bill that would compel State banks, in the interest of interstate and foreign commerce, to provide such safety appliances for finance as the Nation applies to State roads regarding interstate transportation. But here we have an opportunity by simple persuasion to induce State banks to comply with the national-bank requirements as to reserves and as to capital.

But it may be said that it will not do to make this change suddenly, because the national banks will then be compelled either to largely increase their reserves of gold and of lawful money, or they will be compelled to diminish their loans in order to bring their loans within the legal requirements of the provisions regarding their relation to reserves. It would, of course, be impossible in a day or in a week or in a month or in a year to secure to all the banks of the country an actual reserve, an average of even 20 per cent, for, in order to sustain the volume of bank loans which prevailed at the time of the panic, it would be necessary to have a cash reserve of at least $2,000,000,000 in all of our banks, national and State, whereas, as a matter of fact, we had only $1,000,000,000.

But this change can be brought about gradually, and it can be brought about by providing in this law that the banks shall be compelled to keep a certain proportion of their cash reserves in their own vaults—an increased amount—and that the State banks that become members of these associations shall similarly comply with that provision; and we should provide that it shall be gradually brought about, within a period of five years, under the direction of the Comptroller of the Currency, so that the banks will have ample time largely to increase their reserves in order to sustain the existing volume of bank loans and to meet the requirements of the future with reference to increased bank loans.

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THOROUGHGOING LEGISLATION NEEDS.

Mr. President, the treatment of this question by the Finance Committee has been simply skin-deep. They have never reached the real question. It is palliative treatment. It is not a radical cure. There is but one way of making these banks safe, and that is to provide for an average reserve of all the banks, national and State, of at least 20 per cent, but providing for it gradually and without wrenching too seriously existing conditions of finance.

The banking system can never be safe until by law the relation of capital and loans is established so that there can not exist such a condition of things that a bank with $1,000,000 of capital can accept $50,000,000 of deposits and loan the $50,000,000—almost the entire money—to customers, the security in capital thus being only 2 per cent.

The Senator from Rhode Island, in answer to an interrogatory that I put to him when the question was last before the Senate, said that the old State banks regarded the safe relation of capital to loans as one to two and a half. There should be a provision of law that no bank should be permitted to loan its depositors' money to an amount more than five times exceeding its capital and surplus. Whenever it reaches that point it should cease loaning, and it must keep its depositors' money in its vaults, where it will be responsive to their demands. If you provide that the banks shall have an average reserve of 20 per cent in lawful money and a capital of at least 20 per cent of their permitted loans, then you have, in addition to the securities in which the depositors' money is invested, the actual cash reserve on hand subject to their check, and you have an additional security of 20 per cent in the shape of bank capital and surplus. Thus the depositor has a security of 40 per cent in addition to the security in which his money is invested. Whenever you organize a banking system of this kind it will simply follow the rules of safe financing and safe banking throughout the world, rules which until recent years prevailed in this country and in the safest States in the Union, and notably in New York State. Until you do that you will never have a safe system of banking, however you may increase this panic money, this emergency money, that is intended simply to relieve, after an unnecessary panic has been created, the apprehension of depositors as to their security. Such apprehension should be guarded against not by Government guaranty of deposits, but by compelling the banks to have sufficient capital and sufficient reserves to give the depositors absolute security, so that their apprehensions and fears will not be aroused.

I hope the Finance Committee will take under consideration, when this matter goes into conference, certain resolutions which I have presented to-day and which I intended to present as instructions to the Finance Committee in reporting this bill to the Senate. It was my purpose to cover these questions and to have a vote of the Senate, if possible, instructing the Finance Committee to shape these amendments which I have suggested and to present them to the Senate for its action upon the House bill. So far as I am concerned, I would rather build up on the House bill, with its clearing-house provisions, than I would on the Senate bill.

[May 28, 1908.]

A BILL FOR INFLATION.

Mr. NEWLANDS. Mr. President, I wish to say a few words regarding this conference report. I shall vote against the adoption of the report, and I shall vote against it because the tendencies of the bill reported, if it is enacted into law, will be to increase, instead of curing and doing away with existing abnormalities. The abnormality under which we have been suffering is an inflation of bank loans, made by our national and State banks from the moneys of their deposits without maintaining sufficient cash reserves to meet their depositors' checks.

Another unhealthy condition is that there is in the country no proper security in the way of bank capital to the depositors in banks.

The relation of bank loans to bank capital is left entirely, or almost entirely, to the judgment of the banks themselves; and, as a result, we have this condition: Certain banks, with larger bank capital than is necessary, when you take in view the amount of their deposits, and others where the amount of the bank capital is less than should be required; and we all know that the real security which the depositors have, in addition to the securities and negotiable paper in which their deposits are invested by the banks, is the bank capital and surplus and the bank reserves.

As an evidence of this unhealthy condition I have only to state that when the panic came on the aggregate deposits in all the banks of the country—national banks, State commercial banks, State savings banks, and trust companies—was about $13,000,000,000; and against that extraordinary amount of deposits there was a reserve in the banks of only $1,000,000,000, or 8 per cent; and that if you exclude the savings banks as not requiring any considerable amount of reserves and estimate, as is the fact, that the deposits in all the commercial banks, State and national, amounted to $10,000,000,000, the reserves equaled only 10 per cent. But even if there had been an average reserve of 10 per cent in all the commercial banks of the country, national and State, the unhealthiness of the condition would not have been so apparent.

But we find the greatest disproportion between the reserves existing in State banks and the reserves existing in the national banks. The average reserve of the national banks at that time was 18 per cent; the average reserve in the State banks, the commercial banks, was less than 6 per cent, and yet, as the Senator from Oklahoma [Mr. OWEN] so well observed, the State banks outnumber the national banks and have two-thirds of the bank capital of the country and nearly two-thirds of the deposits of the country. The danger point, then, in our whole system of reserves is in the State banks, which outnumber the national banks and outclass them in both capital and deposits.

So also as to national banks. Whilst the average reserve was 18 per cent, yet the manner in which that reserve was distributed amongst the various banks indicated a most unhealthy condition. Of the total reserves in all the banks, national and State, amounting to $1,000,000,000, the national banks, though inferior in number and inferior in capital and deposits, had $700,000,000 of reserves, and of that $700,000,000 of reserves over $300,000,000 was in the central reserve city banks in New York, Chicago, and St. Louis, and nearly $200,000,000 was in reserve city banks, about 300 in number, and only about $200,000,000 was in the country banks, over 6,000 in number, so that over one-half of the reserves of the country were in banks averaging less than 400 in number, in the central reserve and reserve city banks, and less than half of them were in 6,000 national banks, constituting the country banks of the United States, and whose obligations to individual depositors far exceeded in amount the similar obligations of the reserve city and reserve banks.

Now, how was that? Simply under the existing law which permits these country banks to deposit three-fifths of the reserve required by law in reserve cities and central reserve cities. The result was that over one-half of the legal reserves of over 6,000 national banks of the country was accumulated in less than 400 banks in our great cities, mainly New York, and used there for promotion and speculation. We all know the methods employed during certain seasons. The New York banks offer tempting rates of interest to the country banks for their reserve money, which they are forbidden to use locally, draw in the money, and then lend it to those who are interested in promotion and stock speculation. The spring and summer months is the time chosen for the promotion of the great industrial corporations of the country, for the promotion of great trusts, and for the increased issue of railroad stocks and bonds.

The prices go up in the market; and the faster the prices go up the greater is the demand upon the New York banks for money for speculative purposes, for it is a peculiar condition of the stock market that as the market is rising the demand for speculation increases; and that when it is going down and more favorable opportunities are presented for getting stocks at their real values, the demand for them diminishes. So it is that after the summer season is over, when the country banks require the moneys which they have deposited in the reserve cities at interest for the purpose of moving the crops of the country, when they require the small sums of $200,000,000 or $300,000,000 for that purpose, the money is not forthcoming; the banks in the reserve cities and in the central-reserve cities can not pay it to the country banks without calling in their loans; and that means a contraction of values, a slump in the market, a local panic, and possibly a panic extending over the entire country.

We have had numerous evidences of such panics within the past 10 years. A panic of that kind is almost a yearly occurrence. Sometimes it is only local in its consequences; but if those consequences are sufficiently severe and involve enough mercantile houses or brokerage houses

or banks, then we find the country alarmed, and there is a general demand for money on deposit. So that whilst the average of reserves in the national banks of 18 per cent is perhaps sufficient, it is so distributed as not to make it an element of safety in any banking situation.

INADEQUACY OF BANK RESERVES ADMITTED.

Now, Mr. President, this evil is very evident. The Senator from Rhode Island [Mr. Aldrich] admits it. In a speech which he delivered when he first reported his bill in this body he used the following words:

"I have already alluded to the inadequacy of bank reserves. When we compare the reserves of our banks with the reserves of similar European institutions this inadequacy becomes painfully apparent."

"This inadequacy becomes painfully apparent," and yet the Senator from Rhode Island has nowhere addressed himself to this important question, but has only addressed himself to the question of further inflating the loans of the country and aggravating and exaggerating the condition of inflation that now exists. The Senator will doubtless reply that there was no time for this; that all we could do was to address ourselves to the question of emergency. That may have been true when the Senator first presented his bill; an emergency was then on, but that emergency has passed, and the financial conditions of the country are now on the road to recovery; yet since the Senator presented his bill over four months have elapsed, and I will venture to say that he has not once called together his committee during that entire period for the consideration of this important question.

The Senator says that he has alluded to the inadequacy of bank reserves, that "this inadequacy becomes painfully apparent," and yet, with this condition of things, when this inadequacy is "painfully apparent," and when he and his committee have had four months to consider this question, he brings into this body, upon a day's notice, a new measure in which no allusion is made to this unhealthy and abnormal condition, and no remedy presented.

This is of a piece, Mr. President, with the administration of the Finance Committee under the Senator from Rhode Island during his entire administration of 12 years. During that time how many efforts has the Senator made to reform the bank act? Did he not know 12 years ago, as well as to-day, that this system of piling up the bank reserves of the country in a few cities, to be used there for promotion and speculation, was prejudicial to the safety of the country? Year before last we had a warning upon this subject, if prior to that time we had lacked information upon it.

I remember in the debate in the early part of 1907, long before the recent panic, when the Senator then, as now, was bent upon inflating the currency instead of securing upon a safe foundation the banking system of the country, that I then presented an amendment. A measure was pending in this body providing, I believe, for greater issues of currency, a larger proportion of currency upon national bonds, increasing the proportion from 90 per cent to 100 per cent—resulting, I believe, in an issue of $400,000,000 more of bank notes—and also doing away with that provision of the banking act which prevented bank notes from being retired at a rate of more than $3,000,000 a month. When this measure was pending I then presented to the Senate an amendment intended to remedy this condition regarding the reserves. In my remarks upon that occasion I said:

"Now, Mr. President, I wish to say one word regarding the reserves of these banks. We have a system which crowds all the reserves of the national banks of the country in New York City. That seems to me to be a vicious system, because it collects from every part of the country money to be used simply in speculation."

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Mr. President, I should like the attention of the Senator from Rhode Island for a moment. I call his attention to a few sentences in his speech of February 10, 1908, in which he said:

"I have already alluded to the inadequacy of bank reserves. When we compare the reserves of our banks with the reserves of similar European institutions, this inadequacy becomes painfully apparent."

Now, I wish to ask the Senator whether there is any provision in this bill regarding bank reserves?

Mr. ALDRICH. There is no provision in the bill regarding bank reserves, but there is a provision for the appointment of a commission to consider what changes shall be made in our banking laws, and I have no doubt that the subject of reserves will be one of the first questions taken up by that commission.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Rhode Island another question, and that is whether there is any provision in this bill upon which an instruction can be based to the conferees to provide that the country banks shall keep a larger percentage of their reserves within their own vaults? Would it, in the present status of the conference, assuming that this report is rejected, be within the power of that conference committee to take up the question of the reserves and report upon it?

Mr. ALDRICH. There is no question of reserves in difference between the two Houses, and the conference committee has no authority to take up questions that are not involved in differences of opinion between the two Houses.

Mr. NEWLANDS. The bill as originally passed, the so-called Aldrich bill, had a provision regarding the reserves. I should like to ask the Senator from Rhode Island how it is that this bill includes no provision in regard to reserves?

Mr. ALDRICH. The bill which went to the House from the Senate, upon which the conference committee has acted, contained no provision in regard to reserves.

Mr. NEWLANDS. But the former bill, known as the Aldrich bill, did, as I understand it.

Mr. ALDRICH. The conference committee had no authority to take into consideration a bill which passed Congress, or either House, at a period prior to the passage of this bill.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Rhode Island, who has been chairman of the Finance Committee, I believe, for the last 12 years at least, whether during that time he has always been of the impression that the bank reserves of our national-bank system were painfully inadequate, and whether or not he has ever presented to that committee any measure looking either to an increase of the reserves or to a proper distribution of them?

Mr. ALDRICH. Mr. President, the Committee on Finance try to take up and consider carefully all the measures presented to them. If the Senator from Nevada, with his wide experience and great knowledge upon this subject, had presented a bill in regard to the subject, I am sure the committee would have given it careful consideration, but I have no recollection of any such bill having been presented.

Mr. NEWLANDS. Mr. President, we have here an evidence of the maladministration of the Republican Party; of its utter failure to appreciate the gravity of the situation regarding national banks. We have here the admission of the chairman of that committee, who has been in charge of the Finance Committee of the Senate for the past 12 years, that the reserves are painfully inadequate, and yet during that time no effort has been made to correct this evil.

The Senator has not lacked warning regarding it. A year ago last February, long before the recent panic, when the Senator had a bill up providing, as his bills generally do, for the inflation of the currency of the country, and not for the proper regulation of banking, I offered to that bill an amendment absolutely germane, providing that country banks should be compelled to keep at least—I believe that was the form of the amendment—three-fifths of their reserves within their vaults; but this change was to be gradually brought about within a period of 10 years, so as to cause no immediate wrenching of our financial system.

That amendment was opposed by the Senator from Rhode Island, and defeated; and yet within a year a new light has fallen upon the Senator from Rhode Island, and he now sees that our reserves are "painfully inadequate"; he now sees that the distribution of these reserves is prejudicial to the banking interests of the country, and that the concentration of these reserves in a few great cities, in less than 400 banks out of nearly 6,000 banks, tends to the promotion of speculation and to the derangement of the business of the country. And yet, though the Senator was warned of it two years ago and found his realization of the warning in the panic of last fall, he presents to this body, when the emergency is over and the time for rational legislation has come, a measure simply to inflate the currency, to exaggerate still further the bank loans of the country, and he does it whilst in the very speech in which he presents the necessity of legislation he admits that this condition is painfully apparent.

NO EMERGENCY JUSTIFYING THE MEASURE.

At the time he presented the bill he urged the condition of emergency. He said that there was a panic upon us—for the panic at that time was not spent—and he urged his bill then as a measure of immediate relief. The force of the panic has been spent, the business conditions of the country are reviving, and we are now marching on to better conditions of business and of commerce. The Senator has had three months in which he could call together the experts of the country, the bankers of the country, and the commercial men of the country—the economists of the country—and obtain their judgment upon this subject; but to-day, instead of presenting us an adequate measure of relief intended to cure existing abnormalities, which the Senator himself admits, he presents this measure, which is intended simply to increase in the future the inflation of bank loans, adding over $500,000,000 to the vast superstructure of credit now built up upon the narrow and tottering basis which has existed for so long a time.

Mr. President, the Senator says that the proposed commission will be charged with the duty of framing a bill; and yet I observe that the commission is to be composed, so far as the Senate is concerned, of members of the Finance Committee, the very committee which has been so derelict in duty under the leadership of the Senator from Rhode Island. I think the country will have small confidence in the results of the work of a commission so organized, when we have had absolute nonaction, apathy, and inertia in this committee under the leadership of the Senator from Rhode Island for the past 12 years.

Now, what is the condition of the exaggerated bank loans? The Senator in his speech presented it most powerfully. Since 1900, in a period of eight years, according to his statement, the bank loans have increased from $5,000,000,000, if I recollect his statement aright, to $10,000,000,000; and I refer only to the bank loans of commercial banks. From $5,000,000,000 to $10,000,000,000 in eight years. How has that been accomplished? By inadequacy of reserves in the State banks and by an improper distribution of the reserves of the national banks.

The Senator believes in the powers of the Nation. He believes in the great interstate-commerce power of the Constitution when applied to grants.

The Senator and his party have never failed to exercise that power when a subsidy has been asked for. They never fail to exercise that power when a great and powerful corporation wanted anything from the Government. We have made land grants; we have made subsidies; we have guaranteed railroad bonds under that power, but when it comes to the question of restricting these great corporations to whom the Senator and his party would be so liberal, then he doubts our power under the interstate-commerce clause.

The Senator and his party then take themselves to that "twilight zone" to which Mr. Bryan so aptly alluded—the zone of twilight between the national powers and the State powers in which these great corporations avoid the exercise of both national and State sovereignty.

So when I suggest in this body, belonging as I do to the Democratic Party, a party that believes simply in the constitution of delegated powers and the powers implied in the delegated powers, that banking is a matter of interstate commerce just as much as is railroading, that the transaction by which goods are transported from a point in one State to a point in another State does not vary at all from the reciprocal transaction by which money is transferred from the consignee to the consignor through the banks, and that State banks, as well as State railroads, under the interstate-commerce power are subject to the regulation of the entire Union of States, he doubts the power.

I could well understand how such an objection might come from this side of the House, with its views regarding the strict construction of the Constitution, but I can not understand how the objection can come from the other side of the House. It has never failed to exert these powers to the largest degree when subsidy or grant were concerned. Why should it hesitate to exercise them when restriction and regulation of these gigantic State corporations engaged in interstate commerce are involved?

Now, a few words only would bring the reserves of the State banks under the same control as the reserves of the national banks and require the holding of the proper proportion of those reserves within the bank vaults. The Nation has the same power to apply safety appliances to State banks engaged in interstate commerce as to a State railroad engaged in interstate commerce. And we all know that the business of the banks of the country may be prostrated at any time if the safety appliance of a proper reserve of cash to meet obligations to depositors is not maintained.

In a few words we could provide that all banks engaged in interstate commerce should keep the same percentage of reserves within their vaults as is required of national banks. It is true you would have to make the change gradually, running over a period of years, for it would be, of course, an unwise thing to bring all the banks up with a sudden jerk to the requirements of a rational law upon this subject. It might result in the sudden contraction of bank loans, which would in-

volve liquidation. But certainly a gradual reform, running over a period of 10 years, would accomplish a beneficial change. We would then have a rational system of banking in this country, both national and State banks maintaining the same reserves and the same security to their depositors, whereas under the system proposed by the Senator from Rhode Island, or, rather—for no system is proposed by him—under a national system, however perfected it may be, the only thing we accomplish is the perfection of the administration of the national banks of the country that have only 40 per cent of the deposits of the country and less than this proportion of the banking capital of the country.

It lies in the power of the State banks, if they are permitted to go on and conduct business in this irrational way, without proper reserves, to paralyze the national banking system itself, for if their system is *not protected, if they* do not keep the proper amount of cash on hand to meet the ordinary demands of their depositors, a panic is sure to come, and the panic will involve national banks as well, for panics are always unreasoning, and, of course, if the depositors all call upon the banks for their money at one time, liquidation and bankruptcy will ensue.

PARTIAL LEGISLATION OPPOSED.

I protest against this system of legislating for only one-third of the banking system of the country. I protest against this system which perfects only the national banks of the country and absolutely ignores the great power of the union of the States to require security and safety from the State banks themselves in the interest of the general business of the country and of commerce, interstate and foreign.

We can not allow two-thirds of the banking machinery of this country to break down. We can not confine our efforts simply to perfecting the national-bank system, when it involves only one-third of the banks, about one-third of the capital, and about 40 per cent of the deposits of the country.

To what extremes has loose legislation in the various States gone upon this banking question! We all know that in the State of New York the trust company has become an institution of great importance during modern times. The name is a seductive one. It invites confidence, and yet a great number of these trust companies really conduct a confidence game instead of administering their affairs in the interest of their stockholders and their depositors; and State legislation has been loose regarding them.

I read the other day the communication of the president of a trust company in New York to the legislature of that State, which at that time was seeking simply to compel them to keep a reserve of 10 per cent on hand, any part of which could be in national-bank notes, a thing unknown to our system, for national-bank notes are not legal-tender money. They constitute no proper portion of a bank reserve. He protested against the requirement of a reserve. He said that statistics showed that the trust companies were as safe and successful as the national banks themselves, and alluded to the great business they had done, and that thus far none of them, he believed, had failed. And yet his very statement showed that the trust companies to which he referred had in actual legal-tender money an insignificant reserve, not exceeding, if my recollection is right, 2 or 3 per cent.

The banking business of the national banks became so endangered by this system of loose State banking, permitting banks upon inadequate capital and reserves to make enormous profits, that we found a disposition on the part of the managers to go out of the national bank corporation and into the State organizations, and the only thing that prevented many of them from going out was the legislation presented by the Senator from Rhode Island, which increased the amount of bank currency that they could issue upon national bonds from 90 to 100 per cent, and which released them from other restrictions that previously existed. Even then we find that many of these national banks, in order to make money, were obliged to couple themselves with trust companies.

It is a familiar thing for a national bank in any one of the great cities to have a trust company at its back door, with the stock held by the national bank or its stockholders, and the loose banking with large profits is done through the trust company.

There is no provision regarding the relation of capital to loans. There are no adequate provisions regarding the relation of reserves to deposits.

So we find in New York one trust company, the Knickerbocker Trust Co., with a capital of only $1,000,000, having $50,000,000 of deposits and a reserve which I can not state with accuracy, but which was ridiculously small. Thing of permitting a bank with a capital of only $1,000,000 to accept deposits to the extent of $50,000,000 and then loan out every dollar of those deposits.

Safe banking, according to the admission of the Senator from Rhode Island, requires that there should be a fixed relation between the capital of the bank and the loans made by the bank, and that no bank should be permitted to loan more than five times its own capital out of its depositors' money, but should keep the rest of the depositors' money within its own vaults responsive to their demands. I ask the Senator from Oklahoma [Mr. OWEN] whether that is not regarded as a safe rule in banking, the Senator himself being a banker? And yet we have in the Knickerbocker Trust Co. a relation of capital to bank loans not of 1 to 5, but of 1 to 50.

NATIONAL POWER OVER INTERSTATE COMMERCE.

We are told that the entire commerce of the country, interstate and foreign, can be absolutely prostrated because the Union lacks the power to regulate the corporations created by an individual State. I deny it. This Union was formed for some purpose. It is our Union. It is a Union of the States. It is not a centralized government far off from us. It is a Government of which we are a part, and one of the things for which the Union was organized was the promotion and regulation of interstate and foreign commerce—full regulation of it—and the power of the Union of States is as complete over interstate commerce as is the power of the individual State over the commerce within its boundaries.

These banks all engage in interstate commerce. The bulk of their transactions are interstate. Banking knows no State lines. The banking center of one State may be in another State. The Federal power, as the Senator from Oklahoma suggests, did tax the circulation of the State banks. That was an exhibition of great power, and yet men hesitate now in the exercise of this great power over interstate commerce to take hold of the banking system of the country under a full and comprehensive plan and so shape it, not radically, not by violently wrenching it, but by a gradual course of reform under the direction of the Comptroller of the Currency, extending over a period of 10 years or more, the progress being so made year by year as to make our entire banking system, national and State, secure, in the interest of both interstate and of State commerce.

But if anyone has any doubt about the power of the Nation to act in this matter, we can surely act in a persuasive manner. We are organizing under this bill clearing-house associations for the purpose of aggregating the national banks together, upon the theory that in union there is strength, so that the association, the central body, can have the combined strength of all those who constitute its membership and can in time of need help any weak or discipline any recalcitrant member. Now, why should we not give the State banks the opportunity of entering these clearing-house associations? They are members of clearing-house associations now, either voluntary associations or associations organized under State law. Why should we not permit them through these clearing-house associations to receive their proportion of the emergency money based upon securities just as good as those of the national banks?

Why should we not, under regulations imposed by the Secretary of the Treasury and the Comptroller of the Currency and with proper guards, admit them to membership in these clearing-house associations? And if we do it, can we not make it upon conditions? An dwhat should the conditions be? The conditions should be that they maintain the same reserve and that they maintain the same proportion of capital to loans as is required of the national banks, and so by this persuasive method—for thousands of banks would come into these clearing-house associations in order to avail themselves of the benefit of this emergency money—we would, without any question of constitutional law, bring the entire banking system of this country into harmony, so far as protection of depositors is concerned.

I do not stand simply for the protection of the depositors of these banks. I stand also for the protection of the people who make loans from the banks. When you quickly draw out the money from a bank and pay it to the depositors, what does it mean? It means the prostration of some man who has borrowed money from the bank and these men are the men of energy and enterprise who have built up the entire country. We want to protect them as well, and the best way to protect them is to prevent constantly recurring panics, to make our banking system so safe that a depositor will never think of going to the bank and demanding his money except for the current demands of his business or of his household. If we do that, we will protect the borrowers of the country, the men of energy, and the men of enterprise, who have made this country what it is.

Mr. President, I am aware that we are going to have some difficulty in getting a sufficiency of basic money to support this great structure of credit which we have built up. We have exaggerated our system of bank loans and we have exaggerated our system of credit money. We have $3,000,000,000 of so-called "money" in this country, only one billion and a half of which is gold. We have to-day $660,000,000 of uncovered paper money. It calls for gold, every dollar of it. We deducting, of course, the gold which is in the Treasury as a redemption fund for the greenbacks and deducting the 5 per cent redemption fund that stands back of the national-bank notes.

UNCOVERED PAPER MONEY.

We have $660,000,000 of uncovered paper money. There is no country in the world—at least, no civilized country—that has so large a proportion, and we propose under this system to add to it over $500,000,000 of uncovered paper money, for, recollect, there is a difference between secured money and covered money. Covered money is the money that is covered dollar for dollar by legal-tender specie, and secured money is money that may be secured by national bonds or by county bonds or by the assets of banks. We have to-day $660,000,000 of uncovered paper money. It calls for gold, every dollar of it. We have to-day $600,000,000 of silver which has been turned by legislation into a call for gold, so that the silver to-day is simply a material upon which a promise to pay gold is stamped, and really it is as much uncovered money to-day as is the paper money to which I have alluded.

How do the other countries of the world stand regarding uncovered paper money? We find that the United States has $660,000,000, to which we propose to add possibly $500,000,000 more. We find that the United Kingdom, consisting of Australia, Canada, the British Islands, and India, with a total population of three or four hundred million people, has only about $200,000,000 of uncovered paper money, whilst we have $600,000,000, with the prospect of $500,000,000 more.

Then comes France, frequently alluded to, which has only $269,000,000 of uncovered paper money. It had more, it is true, immediately after the Franco-Prussian War, for it had to pay off its debt to Germany in gold and had to substitute paper money in its place, and it did so by the issue of the notes of the Bank of France.

But unlike our Government, it immediately sought to cover that extraordinary issue of paper gradually through a series of years by taking in gold and silver, and to-day as a result of their prudent management they have outstanding only $269,000,000 of uncovered paper money, whilst we have kept out our uncovered greenbacks, we have kept out our uncovered national-bank notes, and we propose now to issue $500,000,000 more of uncovered paper money.

There may come a time when the demand will come, not from depositors, but from the holders of this uncovered paper money; there may come a time when war is impending, when they will say, "We demand the redemption in gold," and then the credit of the Government itself will be imperiled, and that of course will involve the imperiling of the interests of all.

Now, I was alluding to France, which has $269,000,000. Italy stands with $150,000,000. Now I come to the South American countries, whose example I am sure none of us would wish to emulate, and we find out of a total of $4,000,000,000 of uncovered paper money, more or less, in the world, of which we have one-sixth and will have one-fourth under this system, South America has over a billion and a half, or one-third of the entire amount. Colombia has $1,000,000,000 of uncovered paper money. Brazil has $363,000,000 of uncovered paper money. Argentina has $293,000,000 of uncovered paper money. Shall we emulate the example of Argentina and of Brazil and of Colombia in our financial system?

And yet Senators make constant allusion upon this floor to the fact that the banks of Europe, the great civilized nations in the world, have a certain elasticity of issue of uncovered paper money. I have shown you how much they have out. The whole British Empire has not over $200,000,000, France only $269,000,000, and Germany with a very inconsiderable amount. You will find that the Bank of England and the Bank of Germany have enormous reserves of gold, and these extensions of currency which they are permitted to make still leave a large reserve of gold in their treasury for the immediate redemption of this paper money when it is presented; and we propose to issue this vast amount of emergency currency in addition to the $660,000,000 of uncovered paper to-day without providing a sufficient redemption fund.

RESPONSIBILITY FOR EXISTING CONDITIONS.

Mr. President, it has been a favorite expression of almost every financial man who has spoken upon the subject during the past year that we have the worst financial system in the world. I ask If we have it, who is responsible for it? What party announced itself to be the party of sound money in 1896? What party challenged the Democracy upon that question? The Republican Party. It has been in full power. The Senator from Rhode Island has been in charge of this committee for 12 years, and yet during that time not a single remedial measure has been brought into this body for the correction of these evils that exist.

On the contrary, the legislation that has been brought in has simply tended to give more uncovered money, to increase the issue, to enlarge the inflation; and the effect of it has been—I will not say the purpose of it was—the organization of these great corporations, the inflated issues of stocks and bonds, the use of the hard earnings of the yeomanry of the country in every section for the promotion of the sale of those stocks and bonds upon the market. We have had every year a system of inflation in New York, followed by a period of contraction, where the public was milked every year by these promoters and speculators, and yet no effort has been made to cure this speculative condition.

On the contrary, every act of legislation has tended to increase the inflation and to increase the opportunity of these men to spoliate the country.

I have no word of reproach against the bankers as a class. I have but the highest respect for the banking organizations of the country. But a system of piratical banking has been engaged in in the great centers of the country for which they are not responsible, but this body is responsible. The Republican Party is responsible, for it has given them the opportunity for this kind of promotion. Think of it! Out of $700,000,000 in reserves in all the national banks of the country, about $500,000,000 is accumulated in three reserve cities, and most of it in the city of New York.

Mr. President, I would not wrench this system violently. I do not believe in radical reform. I believe in progressive reform. I believe we should bring about these things gradually, running over a period of 5, 10, or 20 years, but we should steadily make progress toward a more perfect system of banking, one that will involve the correction of the evils, both of our national-bank system and of our State-bank system, so far as the constitutional power of the Nation can be exercised.

CLEARING-HOUSE ASSOCIATIONS.

So fas as concerns the organization of these clearing-house associations, perhaps I might differ with the action of the committee in some details, yet I think the movement is in the right direction. It accords with the theory of home government, of local self-government.

It gives the banks in a particular State or in a particular banking district, regardless of State lines, the opportunity to get together for mutual support and mutual aid, and that means, of course, the prevention and relief of panics. It means rules regarding the relation of loans to capital and reserves and deposits, for we will find, if we only leave these matters to the regulation of the unions of banks, they will necessarily bring into their councils the best men of the banking fraternity, and their whole power and influence will be exercised in the line of good banking.

Thus far we have run too strongly toward decentralization. I would not run too far toward centralization. The organization of these clearing-house associations is, to my mind, a commendable plan. I would amplify it, however, by admitting the State banks to these organizations, and with the approval of the Secretary of the Treasury and the Comptroller of the Currency, and under certain rules and regulations as to the reserves which they shall keep and the proportion of loans to capital which they will maintain.

NATIONAL BANKING COMMISSION.

We might go a step further in the direction of solidifying the banking interests of the country in the line of the public safety. We might provide that the presidents of the various clearing-house associations shall meet annually in the city of Washington—there would probably be less than 100 of them—and that they should confer here upon matters of mutual concern. We might give them the power to select nine commissioners to constitute, with the Secretary of the Treasury as chairman and the Comptroller of the Currency as secretary, a banking commission, one from each judicial circuit in the country, who would sit permanently at Washington and act in a purely advisory way to the Secretary of the Treasury, the President of the United States, and to Congress itself.

Can there be any doubt but that the clearing-house associations would send here their best men, the best-trained men, the safest men, the truest men, the men of highest character and integrity? They would be brought here in contact with Congress, in contact with the Secretary of the Treasury, with the Comptroller of the Currency, with the President of the United States, and they could be called upon at any time for information and for advice.

I would not at first give them any positive powers. I would simply have them here in an advisory way.

I am aware that this is open to the objection of government by commission. When anyone now suggests the appointment of a commission, the first outcry is "government by commission." We Americans have a way of thinking by the brand. You have only to put on a brand by some name intended to be opprobrious and many people, without thinking of the essential principles involved, condemn it because of the brand.

Whenever the word "centralization," I observe, is used upon that side of the House it is used for that purpose. It is used to summon to your aid the active opposition of Members on this side of the House to measures which your side opposes. And the response is often made, when you brand a thing as a usurpation of power or brand it as centralization, it prevents many men from thinking upon the essential principles.

So recently it has been the custom to brand these commissions and to allude to their action as "government by commission." Mr. President, there is no objection to a commission properly constituted for investigation and report. There is no reason why Congress itself should restrict the membership of every commission it creates to Members of Congress.

There is no reason why commissions should not be appointed in an advisory way to collect information, to make reports, to communicate to Congress, to communicate to the President, to communicate with the Secretary of the Treasury. I submit it is much better to have this method of communication than the present condition of things, where the Secretary of the Treasury is compelled to go to New York as the only source of information when an emergency arises.

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In view of the great apathy and inertia and inactivity of the Committee on Finance under the administration of the Senator from Rhode Island during the last 12 years, I think I am entirely safe in saying that it would be very much better to intrust this question of the reformation of our banking system to the "house of governors" than to the Finance Committee of the Senate.

I stated that the Senator from Rhode Island had referred to the painful inadequacy of our reserves in a recent speech, and I stated that he had warning upon this subject. If I may be permitted, without apparent egotism, to do so, I will refer to a speech which I made over a year ago, before the recent panic, and which possibly the Senator from Rhode Island heard, for he was in the Chamber. I observe the Senator from Rhode Island is retiring from the Senate Chamber. I should like him to hear this, but inasmuch as he is turning a deaf ear to it, I will read it to the rest of the Senate. It is from a speech delivered by me February 26, 1907.

"Now, Mr. President, I wish to say one word regarding the reserves of these banks. We have a system which crowds all the reserves of all the national banks of the country in New York City. That seems to me to be a vicious system, because it collects from every part of the country moneys to be used simply in speculation. When the moneys are needed in the West and in the South a contraction of the volume of money is caused in New York, and we have the stock panics which may at any time be so large in their proportion as to involve bank panics in New York and resulting bank panics throughout the United States."

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Certainly.

RECENT PANIC PREDICTED.

Mr. CULBERSON. Noticing that the Senator from Rhode Island has returned to the Chamber, I suggest to the Senator from Nevada to reread the portion he read in his absence, as the Senator from Nevada desired the attention of the Senator from Rhode Island to it.

Mr. NEWLANDS. I will read it again.

"Now, Mr. President, I wish to say one word regarding the reserves of these banks. We have a system which crowds all the reserves of all the national banks of the country in New York City. That seems to me to be a vicious system, because it collects from every part of the country moneys to be used simply in speculation. When the moneys are needed in the West and in the South a contraction of the volume of money is caused in New York, and we have the stock panics which may at any time be so large in their proportion as to involve bank panics in New York and resulting bank panics throughout the United States.

"Now, let us see how much of these reserves can be placed in New York. There are 16 reserve cities provided for by the national banking act. National banks in these cities are required to keep 25 per cent of their deposits in cash, but they are allowed to deposit one-half of such cash in banks in New York City and no other city."

I should add two other cities, St. Louis and Chicago.

"New York is the central reserve city in the United States. The result is that all of these national banks in the 16 reserve cities may really have only cash reserves of 12½ per cent, provided they deposit the remaining 12½ per cent in the national banks of New York City.

"Then, how is it with the other cities that are not reserve cities, the country banks, the banks of the smaller cities? They are compelled by law to keep a reserve of 15 per cent. They must have reserves equal to 15 per cent of their deposits. But they are permitted to deposit three-fifths of their supposed cash reserve in the reserve cities. The result is that under the law the national banks of the smaller cities are compelled to keep on hand only 6 per cent of their deposits, and the remaining three-fifths of the 15 per cent may be deposited in the reserve cities, and then the national banks in the reserve cities can deposit one-half of these moneys in the New York City banks under the system to which I have referred.

"So the tendency is to deposit in New York one-half of all the reserves of all the national banks in the United States"—

I have just shown that in New York City, just prior to the time of the recent panic, about one-half of the entire reserves of all the national banks of the country were in New York City.

"So the tendency is to deposit in New York one-half of all the reserves of all the national banks of the United States. It seems to me that is an unfair advantage to give to New York. It has the effect of building up New York at the expense of her great commercial rivals. It is not fair to Boston; it is not fair to Philadelphia; it is not fair to Baltimore, or to Richmond, or to Atlanta, or to New Orleans, or to San Francisco.

"When you add to these enormous reserves deposited in the New York banks the command of the life insurance moneys of the country, you can see how the entire financial system of the country is made to play into the hands of New York and to promote this speculation, which has been breeding panics year after year.

"It is this system of crowding the cash reserves of the national banks of the entire country into New York that has led to this overcapitalization of railroad securities, of trust securities, of watered stocks and bonds, that have been placed upon the entire public and upon which the public are compelled to pay interest and dividends.

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"Mr. President, it would, of course, revolutionize the banking system of the country if we should attempt to make too radical a change at once in this particular, but I think it is only reasonable to provide in this very bill that hereafter the actual cash to be maintained by these country banks and by these reserve city banks, outside of the central city of New York, shall be increased at the rate of 1 per cent per annum"—

That was my suggestion.

"until we shall have finally a system that will compel the country banks to hold four-fifths of their required reserve of 15 per cent in actual cash in their vaults to meet the demands of their depositors; and that will compel the reserve city banks to keep 25 per cent of actual cash in their vaults to meet the demands of their depositors. If we do this we shall have a safe and sound banking system, and not a banking system that simply aids the promotion of speculation in the country, with its accompanying stock and bank panics."

There the Senator had, if he did me the honor to listen to that speech, an exact picture of what subsequently occurred and what every man

who has been accustomed to think would accept as likely to occur at any time under the existing conditions. I moved an amendment to that bill providing for a gradual increase of the cash reserves to be kept in bank vaults, and the Senator from Rhode Island objected to it and it was defeated.

A COMMISSION OF EXPERTS SUGGESTED.

Now, I have small hopes of this commission, organized as it is, with the experience we have had of the Finance Committee thus far upon this subject. I have little hope of a rational bill being presented to us at the next session. There is certainly nothing in the past experience, nothing certainly in the past action, that would warrant us to have great confidence in the result of the work of this commission. I believe it would be a wise thing to add to this commission an equal number of men, to be selected by the President of the United States. I am sure that he would select men who were eminent in finance or eminent in economics. I should like to see upon that commission some men who are preeminent in sound economics. If we can only have sound economics in this country, we will have sound morals.

Now, we have such men. We have such men in Mr. Jenks, professor at Cornell University. We have such a man in Mr. Conant. These men and men like them have been called to the aid of the Government on financial matters, not only relating to our domestic affairs, but relating to our financial relations with Germany, Mexico, China, and the Philippines. Such men, it seems to me, would aid very much in the deliberations of this commission.

I do not believe in that exalted egotism which assumes in the selection of a commission of this kind that there is no wisdom outside of this body. If we want to have a pair of shoes made, we go to a shoemaker. If we want plumbing done, we go to a plumber. If we want carpenter work done, we go to a carpenter.

But there are some things with reference to which Congress often seems to regard expert aid as almost unnecessary. One of them is art, another is architecture, and another is our system of finance. The habit of mind is growing up in Congress of absolutely excluding the outside world from its deliberations upon these important commissions and from bringing into their membership men of experience and capacity and thought in certain lines of specialty. I do not underrate the capacity or the ability of the Congress of the United States, but I do believe this is an age of specialism. I do believe that in every line of thought and action there are experts, and I should call such men into a commission of this kind as equals in deliberation, and not simply as witnesses to present their views.

Mr. President, I hope that this commission will consider not only the question of domestic finance, but also of international finance. The disruption which took place years ago between the gold-standard countries and the silver-standard countries still exists. That disruption is producing serious results upon trade and commerce—results, perhaps, which we are unconscious of, but which Germany is not unconscious of, which England is not unconscious of, and which France is not unconscious of. Those countries that are upon the cheap silver basis are paying practically the old wages at the market price of silver in the world. Their competitive power is great, and as one reason for the fact that our exports do not increase as they ought to increase—our exports outside of the natural products of manufactured exports—you will find the basis of it in this system of international exchange. That requires study.

I should like to see such men as Jenks and Conant, who have now had a world-wide experience in these matters, upon this commission. You need not fear them. No man can question their devotion to the gold standard; but their studies of the entire world have brought them to the realization of the fact that over three-fourths of the population of the world is not upon the gold standard, and that countries that are desirous of engaging in international exchange of products must consider the question of a suitable international exchange as well as of a suitable domestic exchange.

We have been regardless of this in the past. We have been a country of such extraordinary natural resources that we have been enabled to commit any quantity of economic blunders without injury to ourselves. We have gone on under this system with a high tariff, raising the value of our domestic products by the exclusion of foreign products in competition with them, and we have also, through this system, created within the tariff wall great monopolies that have driven out the competition of the smaller corporations, and have thus been able to raise the prices of their products within the area of monopoly.

In addition to these conditions, which have had a direct effect upon prices and which have raised the cost and the value of everything in this country, including products and labor and real estate and buildings, we have had this system of inflation of bank loans, which has given to every dollar of actual cash in the banks a potential capacity of $10 through the system of bank loans, and we all know that an inflation of credit has the same result as an increase in the volume of money in the effect upon prices. The result is that the prices of labor and the prices of products in this country, created by this system of tariff monopoly and created by this system of inflation of bank loans, are higher than they are anywhere else in the world, and yet we expect to enter into the commerce of the world and to compete with countries who are using a cheaper money than we are, who are manufacturing upon a cheaper basis, with cheaper wages, and the cost of whose ships and the cost of administration of whose ships is vastly less than our own.

And now, under this system of monopoly and subsidy, it is proposed to take the ocean within the area of our subsidizing effort, and to subsidize steamships all over the ocean, with a view to promoting our commerce with other nations.

STABLE CONDITIONS NEEDED.

Mr. President, what we want in this country is a stable standard of value, not a standard that is varying with the seasons—one standard in the spring and another standard in the fall. We do not want a standard that changes with every inflation of banking loans and changes with every diminution of bank loans. What we want are stable values, stable wages, stable prices. A rapid increase in prices is almost as bad as a rapid diminution in prices, for the prices of things always run ahead of the prices of labor; and then we have the struggle of labor to keep up with the prices of products, and that results in all sorts of contentions that involve the very peace of the Republic.

It is time that we were devoting ourselves to sound economics—sound economics regarding our tariff, sound economics regarding our monopolies of production, sound economics regarding our money and banking system, and sound economics regarding our system of international exchange.

Mr. President, I shall vote against this conference report. I trust the Senator from Rhode Island will, upon reflection, yield to the suggestion of so returning this question to the conference committee as to bring out a bill that will meet the demands of the country for reform in the particulars to which I have alluded, and reform in the particulars to which he himself has alluded with rare force and vigor.

[Mar. 4, 1910.]

OUR FINANCIAL SYSTEM SHOULD BE REORGANIZED.

Mr. NEWLANDS. Mr. President, I have been anxious to vote for a bill which, while aiding the Government in its governmental function of maintaining a stable volume of money and aiding the Government to keep that money in the channels of trade free from obstruction or diversion, would at the same time encourage habits of thrift among the wage earners of the country. I shall not enter into the discussion of the constitutional question. I shall assume, for the purposes of argument, that the Government has the power under the Constitution to adopt a measure that will prevent the tying up of the currency of the country, its diversion from the channels of trade, and its withdrawal to the stockings and strong boxes of the people. My contention is that, assuming the constitutional power, this bill does not present a means appropriate to that end. I believe that this measure is only partial in its attempt to guard the country against financial stringency, and that the action which we should take upon the subject should be much broader and more comprehensive.

CONFIDENCE IN BANKS SHOULD BE STRENGTHENED.

In the first place, it must be recollected that the wage earners constitute a very small proportion of the depositors in commercial banks, and that when you do something to allay their alarm in times of crises, you do not necessarily allay the alarm of other classes of the community who are likewise depositors, and who, experience shows, are as likely as the wage earners to take alarm and to withdraw their money from the banks and deposit it in strong boxes. I believe that we should strengthen confidence in the banks by measures strengthening their reserves and their capital, by measures increasing their cooperation and mutual support in times of stringency, by measures which will compel State banks, like State railroads, as instruments of interstate commerce, to apply the safety devices required by the National Government, and by measures bringing them into association with each other in the various financial districts of the country, in mutual supervision and watchfulness that will eliminate bad banking, and in a mutual support that will unite all their forces and resources in time of danger. I would prevent the massing of the reserves of the country banks in the speculative centers, and I would substitute sound banking for the method here proposed of what amounts to a Government guaranty.

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What does safe banking require? Safe banking requires that no bank should be permitted to loan out more than $5 of its depositors' money to every dollar of its capital, because the capital is the ultimate security of the depositors, and the margin should be at least 20 per cent; and it also requires that every bank should hold in its vaults subject to the check of its depositors at least 20 per cent in cash.

If you will look over the statistics, you will find that many of the State banks do not come up to this rule as to capital, and few of them come up to this rule as to reserves. The State trust companies, which of late years have so trenched upon the business of the national banks, have in many notable cases done a commercial business upon a 3 per cent cash reserve.

FINANCIAL SYSTEM REQUIRES REORGANIZATION.

Now, Mr. President, we are only treating symptoms when we pass such a bill as this. Our whole financial system requires reorganization. The Monetary Commission is at work on it; but, instead of doing the things that are easily within reach and doing them quickly, it is bent upon a work that is almost impossible of successful accomplishment, and that, too, an accomplishment which, in the present condition of finance and of speculative control of banks, would be undesirable.

There is just one thing that has characterized the action of Congress with reference to the national banks under the leadership of the Senator from Rhode Island, Mr. Aldrich, as chairman of the Finance Committee, and that has been, legislation tending not to the security of the depositors, but to the increase of the credit facilities of the banks. Look over the whole history of the Finance Committee, under the direction and control of its present chairman, and you will find no measure tending to increase the security of depositors and all legislation tending to increase the credit issues of the bank. Yet, as a matter of fact, we are suffering in this country to-day from too large a money volume and too large issues of credit. The result has been this rise in prices which is felt by all, and which is declaimed against in every household in the country.

The amount of gold in this country has doubled in 10 years. From about $700,000,000 in 1899 it has increased to nearly $1,400,000,000 in 1909. That alone would be an inflation amounting to 100 per cent in our basic money, whilst the population has increased less than 20 per cent. That inflation alone would cheapen the dollar and raise the value of everything that the dollar measured; but, under the inspiration of our financial legislation, the banks have been enabled to add to this inflation caused by the increase of basic money, the inflation caused by increasing the credit facilities of the banks, and we find that, as compared with 10 years ago, the loans of national and State banks, exclusive of savings banks, equaled $10,000,000,000 in 1909, whilst 10 years ago they were only $5,000,000,000. In addition to this, the national banks have been permitted by liberal legislation to increase the issue of national-bank notes from 237,000,000 in 1899 to $685,000,000 in 1909, and these notes are covered by only 5 per cent in gold, held in the redemption fund. And so it is that, although we have during the past 10 years been going through a period of increased production of gold unprecedented in the history of the world, we have been increasing also our substitute money until to-day the United States has in its greenbacks and in its national-bank notes more uncovered paper money than any country in the world.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. NEWLANDS. I do.

Mr. CRAWFORD. What does the Senator suggest as an improvement? Would he contract the currency and reduce the circulating medium or curtail the coinage of gold, or what suggestion does the Senator have as a remedy for the increase in prices caused by this inflation?

That is a subject to which I think too little attention is paid at this time, when there is a disposition to complain of increasing prices. Are we to remedy it by reducing the circulating medium and limiting the coinage of gold? What suggestion has the Senator to make?

Mr. NEWLANDS. Mr. President, I will answer the Senator shortly, after I conclude the statement in which I was engaged.

I called attention to the fact that within 10 years the basic money—gold—had increased about $700,000,000 in this country, and that during that period the uncovered paper money had been increased about $400,000,000, and the loans given by the commercial banks—national and State—had increased $5,000,000,000. That $5,000,000,000 of loans has the efficiency of money, for the bank loan is turned into the bank deposit and the depositor to whom the credit is given can check against it, by every check practically adding to the money volume of the country.

The Senator from South Dakota asked me what I would do. In the first place, I would take steps gradually, not immediately or rudely, to check this extraordinary issue of credit by the banks, and I would check it by compelling the banks to keep in their vaults a larger reserve, responsive to the demand of their depositors. To-day we have in all the commercial banks less than $1,400,000,000 in cash, and their obligations to their depositors aggregate over $10,000,000,000. We thus have an average cash reserve in the State banks and the national banks of about 13 per cent.

Mr. CRAWFORD. Mr. President, does the Senator consider that it is a bad condition of affairs for the banks all over the country, both State and national, to be loaded down with currency and with deposits? Would the Senator improve the condition by having less funds in those banks to the credit of depositors?

NO CONTRACTION CONTEMPLATED.

Mr. NEWLANDS. Mr. President, the Senator entirely misapprehends me. I do not propose to diminish by one dollar the volume of real money in this country, but I would take such action as would either compel the national banks to gradually cover their paper money with actual gold to be obtained from the increased production or to gradually retire their uncovered notes, which under existing conditions have been put out for inflation and not for necessary service; and I would compel the national banks, and also the State banks engaged in interstate commerce, to gradually strengthen their reserves by drawing into their vaults the new coin which comes from the increased production of gold, amounting in this country to $100,000,000 annually, and which otherwise would be employed as the basis of increasing the bank loans to the extent of over $500,000,000 annually, for the Senator knows that under the system of bank loans every dollar in the banks' vaults has the efficiency of $5 or more in the exchanges through the bank loan and deposit and check system. I would restrain future inflation gradually by compelling the banks to increase their reserves, which would absorb for a considerable period the current production of gold in this country and tend to prevent that gold from unduly inflating and raising prices, and I would make the increased gold a bulwark of security to the depositors in the banks, strengthening their confidence in the ability of the banks in any emergency to respond to their checks, and thus diminishing the chance of bank runs and bank panics.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield further to the Senator from South Dakota?

Mr. NEWLANDS. I yield.

Mr. CRAWFORD. That is equivalent, is it not, I would ask the Senator, to contracting the currency; that is, by taking it out of circulation and fixing it in a stationary way as a reserve in the banks? So that, after all, the Senator's remedy is a contraction of the currency.

Mr. NEWLANDS. It does not involve a contraction of the currency. It simply takes the new gold, which is being produced in this country at the rate of $100,000,000 annually, and compels the banks to take that money and put it into their cash reserves, as against their deposit obligations and as a bulwark of security to the depositors themselves.

Will the Senator claim that an average reserve of 13 per cent is sufficient as a security to depositors? Will he claim that a cash reserve of 8 per cent, which is the average cash reserve of the various State banks in the country, is a sufficient security for depositors? If so, why does he not introduce a bill to reduce the reserves required in the national-bank act from 25 per cent in the reserve cities and from 15 per cent in the country banks to 8 per cent? If we are to have reserves, reserves necessarily imply that the money itself must be in the banks. It is not inert, however, for every dollar of cash in a bank enables that bank to issue at least $5 of credit, under the system that I speak of, in the shape of bank loans; and thus every dollar put into a bank has an efficiency of $5 in the exchanges of the country.

All I urge is that you should bulwark the deposit and check system by a sufficient requirement of cash reserves to meet the demands of depositors. What is it that alarms depositors? Are depositors satisfied with the statements that go out that the average loss of all the banks is the infinitesimal part of 1 per cent in a given time? No. Every depositor wants to feel that his money is there responsive to his call, and if he has the least doubt about it, whatever belief he may have about the ultimate security of the money, he wants to get it out, and hence it is necessary to have a large amount of cash always on hand to meet the current checks of the depositors, and it must be sufficient for an emergency. It is a universal rule of good banking that from 20 to 30 per cent is a safe cash reserve for banks.

We in this country have gone to the other extreme, and it accounts for the extraordinary inflation of credit and the extraordinary inflation of prices in this country, for we have had not only the inflation which has reached throughout the world, caused by the increased production of gold, but we have also had the additional inflation from which other countries have not suffered to the same degree—that is, the inflation of the credit system of the banks by which we have put thousands of credit mills to work, practically establishing a currency of their own, and we are beginning to feel the effects of it in an increase of prices that is disorganizing every business; that makes the common denominator, the thing that measures all other values, 30 per cent less in value than it was some years ago, and which has correspondingly raised the price, as compared with it, of all the products that money measures.

It is this of which we complain. It is this that, if continued, is going to bring about a readjustment between the laborers of the country and the employers of the country, a readjustment that will be accompanied by all kinds of violence and distress, unless we by wise and precautionary measures meet the question and restrain this inflation of credit and bring it within true and just proportions.

Mr. CRAWFORD. I simply desire to say——

Mr. NEWLANDS. I wish to state to the Senator that I do not desire to contract.

Mr. CRAWFORD. I will not interrupt the Senator.

Mr. NEWLANDS. I will gladly listen to the Senator. I want to disabuse the Senator's mind of one thing. I do not want to contract anything. I do not want to contract the existing volume of money. I do not want to contract the existing volume of credits. I know as well to-day as anyone that if you diminish the credits $10,000,000,000 extended by the banks to-day even $500,000,000 it would create a paralysis of trade throughout the country. All I wish to do is to restrain further inflation, and I would do that not by contracting the existing volume of money, not by contracting the existing volume of credits, but by putting cash behind the deposits and utilizing the extraordinary output of gold in a way that will add to the security of business throughout the country without impairing values. I would check the rise of prices. I would not by a revolutionary process bring about a readjustment and destruction of prices.

[May 15, 1911.]

LEGISLATIVE PROGRAM FOR THE EXTRA SESSION.

BANKING.

Mr. NEWLANDS. * * * So it is with banking. For years Congress has been enacting laws regarding banking, always with a view to giving the bankers themselves larger privileges, never with a view to protecting depositors and the public at large. The former chairman of our Finance Committee, under whose administration these abuses had been allowed to continue, declared recently that the banking system of the United States was the worst in the civilized word. Banking is a branch of interstate commerce so far as interstate exchange is concerned.

The powers of the National Government over interstate exchange are just as absolute as they are over interstate transportation or interstate trade, yet we have permitted year after year these abuses to exist. We have permitted constant breaks in the exchanges of the country just as intolerable as would be constant breaks in the transportation to the country and just as easily guarded against as would be breaks in transportation. With what tolerance would be view a condition of things under which 10 miles of track would be taken out of each one of the great transcontinental railways of the country at intervals, and interstate transportation be thus disturbed and delayed? With what tolerance would we view the destruction of great railway bridges to the prejudice of interstate commerce? With what tolerance would we view a system under which the railway cars of this country could be drifted to the city of New York and there held for storage purposes, for hire as storage warehouses, when the entire country needed them for the moving of crops? Yet we have permitted this with reference to interstate exchange; we have permitted the reserves of the entire country under our system of law to gravitate to New York, to be used there not for the proper function of banking exchange, but for promotion and speculation.

Then, when the moneys have been tied up there and the country banks have asked for them in order to move the crops of the country, the return of the reserves is denied upon the ground that the withdrawal of those moneys from speculation would bring down the stock market in ruins upon New York and would bring about a destruction of values throughout the entire country; yet it only requires a little legislation, the compelling of these banks to maintain a proper proportion between their capital and their obligations, a thing concerning which there is no injunction now in our present banking law; it will only require a little care regarding reserves, the compelling of country banks to keep in their vaults the larger proportion of their reserves, and preventing them from sending them to New York; it will only require legislation which will bind them together into one great strong body in each of the States for the purpose of mutually insuring bank depositors to prevent these disastrous breaks in exchange, which, resulting from local bank panics here and there, tie up the production and trade of the country and inflict irremediable loss upon enterprise and business throughout the country.

Mr. President, interstate commerce, embracing these three subjects—interstate transportation, interstate trade, and interstate exchange—has only been partially legislated upon, successfully so with reference to interstate transportation; not at all with reference to interstate trade and interstate exchange; and yet the latter two are just as important to the prosperity of the country as is the former, and the country can be as easily protected by proper legislation relating to them as it can be protected against the abuses of transportation.

How have we done this with reference to transportation? Not by ourselves fixing rates, not by ourselves endeavoring to correct every abuse, as we would have the right to do, but by creating an interstate commerce commission as the servant of Congress, to carry out its will under rules fixed by Congress, thus creating a body of intelligent, capable men under the sanction of an oath, acting in a semijudicial capacity, who devote their lives to the scientific study of these questions and are not distracted, as we are, by numerous other duties.

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[May 16, 1911.]

BUSINESS OF THE SESSION—LEGISLATIVE PROGRAM.

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BANKING.

Mr. NEWLANDS. Then there is another question—the banking question. Is there any question more pressing than that before the country to-day? We have, according to the statement of Mr. Aldrich, the late chairman of the Finance Committee of the Senate, the worst banking system that any civilized country of the world has, a banking system under which our banks have not become, as they should be, great machines of exchange, permitting the sale of products between individuals and communities and sections and furnishing the circulating medium through which the sales can be closed, but have been turned into great machines of promotion and speculation, absorbing the cash reserves of the country, tying them up, and then calmly inviting the country banks to suspend payment when an emergency comes.

Are we content to permit these annual or biennial or triennial or decennial breaks in exchange to continue, paralyzing the business of the country, paralyzing trade between communities and sections and States? Are we to take up this question as a question intrusted to the jurisdiction of the Nation alone through the grant of the States, the only right of the States upon the subject matter being to demand of the Union of States that it should fully and beneficially exercise the power granted?

Banks constitute the machinery of exchange. The functions of the banks have been perverted. In order to make them efficient instruments of exchange they must have ample capital as a protection to their depositors; they must keep ample reserves as a protection against the demands of their depositors; and yet Congress has never legislated as to what proportion the capital of a bank shall bear to its obligations to

its depositors. A bank with a capital of $50,000 can accept deposits to the extent of $50,000,000, and the only security that the depositors have is the reserve of their own money within the bank and the $50,000 capital of such a bank.

When banking was a science the laws of the various States absolutely required that no bank should loan its depositors money in excess of five times its capital, thus compelling the banks all the time to maintain a capital equal to 20 per cent of their deposit obligations. Yet the Congress of the United States has made no requirement upon this subject.

Our system ought to be a model system for every State in the Union, but, as the result of our carelessness and indifference upon this subject, the States themselves, formerly careful in this matter, have relaxed their care and within the last decade we have seen companies, misnamed trust companies, with small capital and large deposits, spring up in the various States, and it is these banks that have menaced the safety of the country, oftentimes involving the national banks themselves. It is our function, so long as a State bank engages in interstate commerce, to compel it to maintain the safety appliances that will make it an efficient instrumentality of exchange. We have the same power with reference to a State bank that we have with reference to a State railroad—the State bank engaging in interstate commerce and the State railroad engaging in interstate transportation—to compel either the State bank or the State railroad to apply the safety device that is necessary to make the one an efficient instrumentality of exchange and the other an efficient instrumentality of transportation.

And yet we have done nothing upon this score, and the State banks of the country, under the example of the national banks, relaxing their old-time caution, have been organized with insufficient reserves, some trust companies keeping on hand only 2 or 3 per cent of their deposit obligations. This is the way in which Congress has acted upon that branch of interstate commerce, exclusively intrusted to its jurisdiction—the question of interstate exchange.

As I said yesterday, a system of transportation which would permit breaks here and there by the removal of tracks or by the removal of bridges would be regarded as intolerable, and if it involved interstate transportation, the hand of the Interstate Commerce Commission would be laid upon such delinquency. Yet we permit similar breaks in the exchanges of the country to occur through our neglect of the proper precautions of legislation. No wonder the distinguished former Senator from Rhode Island, Mr. Aldrich, declared our system to be the worst banking system in the world. And now, instead of Congress addressing itself purely to the question of compelling national banks and State banks engaged in interstate commerce to maintain an adequate capital and an adequate reserve, instead of devising means by which they can be associated together in State associations for mutual protection and for the insurance of their depositors, the attention of the country is being directed by the Monetary Commission to a plan for practically reviving the old central-bank system—an improvement, it may be, yet a central-bank system. And that, too, at a time when the Democratic Party is coming into power, or, rather, when it is increasing its power all the time in this body and is now sharing the responsibility of government with the Republican Party, and is likely to come into full power—a party whose traditions are against the creation of a central bank.

If this be so, and if the Republican Party is powerless, even if it had the will, to create a central banking system, is it not wise in this condition of things to establish a modus vivendi as to the banking question; to reach out for reforms that are within reach and which do not involve the principles or the traditions of either party? Why should not some committee of this body be sitting upon that question during these next five months instead of leaving it to the Finance Committee, which is already overcharged with labor? Why should not that whole question be referred to the Interstate Commerce Committee, which has jurisdiction of the question of interstate exchange and which could act on this question while the Finance Committee is deliberating upon matters relating to the tariff?

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[June 22, 1911.]

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PREVENTION OF BANK PANICS.

Mr. NEWLANDS. The third proposal which I suggested for committee consideration was one providing for the protection of bank depositors and the minimizing of bank panics by the organization of a national reserve association in each State, in which the national banks and the State banks engaged in interstate commerce shall be stockholders, such national reserve associations to have ample capital and reserves and to take over the note-issuing functions now enjoyed by the national banks, including the power to issue emergency currency; such associations to have the power to insure or guarantee the depositors of their constituent banks, and in connection therewith powers of examination of such banks; such associations to be brought into federation through a national banking board fairly representative of the different sections of the country, one-half of which shall be selected by such associations and one-half by the President of the United States; and such board to be advisory to the Congress and to the President.

Of course, this is a mere suggestion as to a line of legislative action, coming from a Democrat who is opposed to the suggestion of a central-bank organization such as is recommended by the former distinguished Senator from Rhode Island. It is incumbent upon the Democratic Party to present some measure in opposition to that measure. It is incumbent upon the Democratic Party to present its view upon this question. Already the banks of the country are being organized for the purpose of carrying through the Aldrich monetary bill. Already the commercial organizations of the country are being exploited upon this subject.

Already public sentiment is being created, and it is absolutely essential for the Democratic Party, if it has any distinctive view upon the subject, to present it now. Why should not this party, both in the Senate and in the House, through its membership in committees be engaged in this work, and why should not the Republican committees of the Senate undertake this work? Thus far we have intrusted it to a Monetary Commission, originally composed of Members of the Senate and of the House, but by death and the mutations of politics almost every one of the original members on that commission, so far as the Senate is concerned, has departed from public life. So instead of having the members of that commission active Members of this body as our guides, they occupy the position of any other commission with powers of recommendation.

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Mr. NEWLANDS. I also offer an amendment to the bill introduced by the Senator from Iowa [Mr. CUMMINS], which I send to the desk. The amendment instructs the Secretary of the Treasury to prepare and report for the consideration of Congress such amendments to the national banking act as, in his judgment, are necessary to secure certain results named in the amendment. I ask that it be printed in the RECORD. I will not ask that it be read at the present time.

The PRESIDENT pro tempore. The Chair will state to the Senator that that, not being an amendment to the pending amendment, can only be offered after the pending amendment has been acted upon.

Mr. NEWLANDS. I simply offer it now for the purpose of having it inserted in the RECORD and printed.

The PRESIDENT pro tempore. The Senator can present it now, to be offered at the proper time.

Mr. NEWLANDS. Yes, sir.

The amendment referred to is as follows:

Amendment proposed by Mr. NEWLANDS to the bill (S. 854) as an additional section.

That the Secretary of the Treasury be, and he is hereby, instructed to draft and report for the consideration of Congress such amendments to the national banking act as in his judgment are necessary to secure the following results:

(1) The proper proportion of the capital of the individual national banks to their obligations.

(2) The proper proportion of the reserves of the individual national banks to their obligations.

(3) The proportion of such reserves, if any, which may be deposited by the individual banks in other banks and the restrictions and nature of such deposits.

(4) The examination of such banks by the national authorities.

(5) The organization of such banks into local clearing-house and emergency currency associations, and the inclusion therein of State banks engaged in interstate exchange, and the terms of their inclusion.

(6) The union of the national banks of each State in reserve associations for mutual protection and for protection of depositors, and the inclusion therein of State banks engaged in interstate exchange, and the terms of such inclusion.

(7) The federation of such State associations through a national banking board, composed of members fairly apportioned to the different sections of the country and partly selected by such State associations and partly by the President of the United States; the inclusion in such board of the Secretary of the Treasury as chairman thereof and of the Comptroller of the Currency as secretary thereof.

(8) The powers of such national board, including therein the powers of investigation, publicity, and recommendation to the President and to Congress.

(9) The transfer to the associations above referred to of the note-issuing functions of the constituent banks, and the gradual retirement of a bond-secured currency without dangerous contraction.

(10) The enlargement of the powers of the national banks with a view to enabling them to transact certain business now monopolized by State banks and the restrictions thereon.

(11) And such other amendments as may be advisable to strengthen the individual national banks and the State banks engaged in interstate exchange and to mutually protect them against bank runs, to secure depositors in the prompt payment of their deposits, and to prevent breaks in or paralysis of interstate exchange.

Mr. NEWLANDS. Mr. President, I also give notice that I shall offer an amendment providing that this commission, of which only two out of the eight or nine Senators originally appointed upon it are now in the Senate, and only a few of the Representatives originally appointed upon it are now in the House of Representatives, shall be enlarged by the addition of certain Senators, to be selected by the progressive Republicans and the Democrats, and certain Representatives, who are also to be selected by those organizations. This I do because the present complexion of the commission is six Republican Senators as against two Democratic Senators, and in the House five Republican Representatives as against two Democratic Representatives.

Mr. BURTON. Mr. President, I should not favor the proposition just mentioned by the Senator from Nevada [Mr. NEWLANDS], although a statement can be made even stronger than that which he has just given to the Senate. There is not a single member of the nine originally selected from the Senate who is now a member of the commission. One member selected from the other House, but now in the Senate, is a member of the commission, but the status of that member is somewhat doubtful in view of the amendment now presented. I think it unquestionably best that the commission as now constituted should finish its work. If there is then further work to be done, the commission may be reorganized or new members added. I should especially deprecate the appointment of other members before the present commission makes its report, because in that event the commission would have to begin its work over again with new men.

Mr. President, I commenced on Wednesday last to set before the Senate the problems to be considered by the National Monetary Commission and sought to explain with some degree of elaboration the banking and currency problem now pending before the country. I find that I shall not have opportunity to finish my remarks before the hour fixed for a vote, but, with the indulgence of the Senate, at some later day during the week I

shall seek an opportunity to complete what I commenced to say. I do not, however, wish to interfere with the consideration of any revenue bill or in any way delay the completion of the business of the Senate, for I share with others the anxiety for an early adjournment. However, if there should come a time when no other Senator desires to engage the attention of the Senate in discussion I shall seek to occupy some further time. I will be glad now to yield to the Senator from Iowa if he desires to speak, and if he concludes before 1 o'clock and 45 minutes p. m., I may resume.

Mr. CUMMINS. Mr. President, I shall consume but a very few moments. In so far as I can do so, I accept the amendment proposed by the Senator from Ohio [Mr. BURTON], and I hope that all the friends of this measure will see in the amendment the substantial accomplishment of the purposes that I had in view. My purpose was, first, to require the commission to make a report so that Congress might again be in the possession of the subject and enter upon any legislation that might be thought necessary in order to better our banking laws and our financial system. This amendment changes my bill in that respect only in postponing the time at which the report is required from the 4th day of December to the 8th day of January. I believe it is wise to defer the report until January. My bill was introduced early in the session, and I hoped that it might be passed long ago. We are now in the closing hours of the session, and before the bill is passed, if it is passed, we will then be within something like three months of the next session, and I can very easily appreciate that the commission will need longer than that time in order to complete its report. I am, therefore, very willing to make the date the 8th of January, instead of the 4th of December.

The bill I introduced going into effect on the 5th of December abolished the commission as of that date. The amendment proposed by the Senator from Ohio continues the commission until the 1st day of May. I have no serious objection to the perpetuation of the commission during that period. I would not, however, have consented to accept the amendment were it not that suitable provisions are made in the amendment proposed by the Senator from Ohio for the discontinuance of the expense of the commission. The amendment provides, as I understand, that there are to be no salaries after the approval of this bill for the members of the commission, whether they be Members of Congress or whether they be not. It also provides that from and after the passage of this bill there shall be no duplication of compensation paid to employees of the commission, as has been unfortunately the case in the past. Therefore the amendment proposed by the Senator from Ohio accomplishing all that I had originally desired to accomplish, and not being now, and hoping that I never will be, especially attached to my own particular phraseology, but always wishing to reach the desired object, I hope sincerely that the amendment proposed will be adopted, and that the bill, as thus amended, will receive the approval of every Member of the Senate.

Mr. BURTON. Mr. President, if there is no one else who desires to speak—the order being to vote at 1.45 p. m.—I desire to be recognized. When I suspended my remarks on Friday last I was speaking of the different kinds of currency issued under what is known as the Aldrich-Vreeland bill. One class is based upon bonds of municipalities, States, and so forth; the other upon commercial paper. The issue of circulating notes can not exceed 75 per cent of the face value of such commercial paper, and must be guaranteed by an association made up of banks having a capital of not less than $5,000,000.

Mr. President, I can hardly approve of the first class of currency, namely, that which is based upon bonds. The inevitable result is too great a degree of rigidity. It requires banks to keep a class of securities which they would not naturally retain in the ordinary transaction of their business. That is especially true of newly settled localities, where it is desirable, yes, essential, that a banking institution should be able to utilize every possible resource for the accommodation of the community in which it is located.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. BURTON. In a moment. If, however, the law required that additional currency be issued upon bonds, each institution would desire, at the very beginning of the transaction of business, to buy a certain amount of bonds so as to be prepared when the time comes for additional demands to issue further currency. Again, the plan of issuing circulating notes based upon municipal securities, State, and so forth, gives an undue advantage to the older communities or those in which rates of interest are low. They can purchase bonds and carry them profitably, while a bank located in a community on the frontier, or where the demand is more active, could not.

Mr. NEWLANDS and Mr. HEYBURN addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Ohio yield?

Mr. BURTON. I yield first to the Senator from Nevada.

Mr. HEYBURN. I desire to ask a question of the Chair.

Mr. NEWLANDS. The time is approaching for a vote. I understand that when that time arrives debate is excluded. I therefore ask the Senator, as he obviously has not time now to conclude his remarks, whether he will consent to the addition of a section providing for a report from the Secretary of the Treasury for the consideration of Congress of such amendments to the national banking act as, in his judgment, are necessary to secure the following result. Those results are substantially——

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Nevada submit to an interruption?

Mr. NEWLANDS. Yes.

Mr. BURTON. That, I understand, is the amendment proposed by the Senator from Nevada several days ago.

Mr. NEWLANDS. The amendment I proposed the other day was that the Monetary Commission itself should pass upon these questions.

Mr. HEYBURN. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Nevada will suspend. The Senator from Idaho rises to a parliamentary inquiry. The Senator will state it.

Mr. HEYBURN. I desire to know whether or not after the hour of 1.45 it will be in order to ask for the reading of the amendment——

The PRESIDENT pro tempore. The Chair thinks undoubtedly it will be.

Mr. HEYBURN. All amendments before they are voted upon, because I desire to have an amendment read before I vote upon it?

The PRESIDENT pro tempore. All amendments which have been offered, or which may be offered, can be read before the vote is taken.

Mr. BURTON. A parliamentary inquiry. Does the request for the reading of the amendment take precedence before the disposition of the question of the Senator from Nevada?

Mr. HEYBURN. I am not now asking for the reading. I only do not want to be foreclosed three minutes and a half from now.

Mr. BURTON. I think if the Senator from Idaho would suspend, we will finish this in two moments.

Mr. HEYBURN. Well, we have just three minutes left.

Mr. NEWLANDS. The Senator from Ohio will recall that the other day I offered an amendment requesting a report from the Monetary Commission upon certain propositions.

Mr. HEYBURN. I desire that the Chair rule upon my parliamentary inquiry.

The PRESIDENT pro tempore. The Chair has already stated that when amendments are presented for the action of the Senate they will be read at the request of any Senator.

Mr. NEWLANDS. The Senator from Ohio will recall that the other day I offered an amendment providing that the Monetary Commission should report upon certain propositions, submitted in my amendment, regarding the strengthening of individual banks, their federation in State associations, and their federation nationally through a national banking board.

The objection to that is that the commission has already outlined its views, and that we would be calling upon a hostile commission to report upon these propositions. I have now changed my amendment so as to provide that the Secretary of the Treasury shall report upon these questions, with a view to strengthening the banking act.

Mr. BURTON. The answer to that is perfectly clear.

Mr. NEWLANDS. I ask the Senator from Ohio whether he will consent to that being appended as an additional section?

Mr. BURTON. The answer to that is perfectly clear. If the Senator from Nevada desires that an inquiry be made of the Secretary of the Treasury, let him make it, and not engraft it on a monetary commission bill. It does not belong here. Indeed, I think a point of order would lie. If the Senator from Nevada——

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. I will yield in just a moment. If the Senator from Nevada desires the Monetary Commission to report upon

his questions, I will give him such assurance as I may that the report of the commission will be responsive to his inquiries. If I have time later during the week I will try to reply in extenso to the questions which he has propounded.

Mr. CULBERSON. I desire to ask the Senator from Ohio a question.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. I do.

Mr. CULBERSON. The first section of the substitute proposed by the Senator from Ohio requires the commission to make a report by the 8th of January, 1912. Notwithstanding that report is required of the commission, its life is extended until the 1st of May, 1912. I ask what necessity there is to continue the commission after it has made its final report?

Mr. BURTON. So that if there is any further question upon which a report is desired the commission may make it. Section 1 does not provide for a final report. It is a report. It is quite likely that after a report is made Congress will demand that some questions not elaborated may be still further considered and reported upon by the commission.

The PRESIDENT pro tempore. The hour of 1 o'clock and 45 minutes p. m. having arrived, the Secretary will read the unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that at 1.45 o'clock p. m. on Monday, August 14, 1911, without further debate, a vote be taken upon the pending amendment and any amendments to be offered to S. 854, "A bill to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled 'An act to amend the national banking laws,' approved May 30, 1908, the repeal to take effect December 5, 1911," and upon the bill itself to final disposition thereof.

The PRESIDENT pro tempore. The pending amendment is the substitute offered by the Senator from Ohio.

Mr. HEYBURN. I ask that the amendment be reported.

The PRESIDENT pro tempore. Before the amendment is read it is proper for the Chair to make a statement.

The Chair at the time it made the reply to the Senator from Nevada that his amendment was not then in order did not understand that the amendment offered by the Senator from Ohio was a substitute for the whole. That being the case, the Chair desires to state that before voting upon the substitute it will be necessary that any amendments which are desired to be engrafted upon it shall be offered and acted upon. In other words, that the substitute itself is open to amendment. If the substitute is adopted, the bill can not thereafter be amended.

Mr. BURTON. Has the amendment of the Senator from Nevada been read?

The PRESIDENT pro tempore. It has not.

Mr. NEWLANDS. It has not. I will——

The PRESIDENT pro tempore. The Senator from Nevada desires to offer it, and it is in order.

Mr. BURTON. I reserve the point of order upon the amendment.

The PRESIDENT pro tempore. Does the Senator from Nevada desire to offer it as an amendment to the substitute or as an amendment to the original bill?

Mr. NEWLANDS. I offer it as an amendment to the substitute, as an additional section, and ask that it be read.

The PRESIDENT pro tempore. The Secretary will read the amendment offered by the Senator from Nevada.

The SECRETARY. It is proposed to add at the end of the proposed substitute the following words:

SEC. —. That the Monetary Commission be, and it is hereby, instructed to draft and report for the consideration of Congress such amendments to the national banking act as, in its judgment, are necessary to secure the following results:

1. The proper proportion of the capital of the individual national banks to their obligations.

2. The proper proportion of the reserves of the individual national banks to their obligations.

3. The proportion of such reserves, if any, which may be deposited by the individual banks in other banks, and the restrictions and nature of such deposits.

4. The examination of such banks by the national authorities.

5. The organization of such banks into local clearing house and emergency currency associations, and the inclusion therein of State banks engaged in interstate exchange, and the terms of their inclusion.

6. The union of the national banks of each State in reserve associations for mutual protection and for protection of depositors, and the inclusion therein of State banks engaged in interstate exchange, and the terms of such inclusion.

7. The federation of such State associations through a national banking board, composed of members fairly apportioned to the different sections of the country, and partly selected by such State associations and partly by the President of the United States; the inclusion in such board of the Secretary of the Treasury as chairman thereof and of the Comptroller of the Currency as secretary thereof.

8. The powers of such national board, including therein the powers of investigation, publicity, and recommendation to the President and to Congress.

9. The transfer to the associations above referred to of the note-issuing functions of the constituent banks and the gradual retirement of a bond-securing currency without dangerous contraction.

10. The enlargement of the powers of the national banks with a view to enabling them to transact certain business now monopolized by State banks, and the restrictions thereon.

11. And such other amendments as may be advisable to strengthen the individual national banks and the State banks engaged in interstate exchange and to mutually protect them against bank runs, to secure depositors in the prompt payment of their deposits, and to prevent breaks in or paralysis of interstate exchange.

Mr. NEWLANDS. I will state that that simply asks for a report upon these questions for the consideration of Congress.

Mr. BURTON. Mr. President, since the Senator from Nevada has said a word, I will say that all of these subjects are within the purview——

Mr. HEYBURN. I rise to a point of order. Debate is not in order.

The PRESIDENT pro tempore. No explanation is in order.

Mr. BURTON. I would not have made the remark except that the Senator from Nevada having made an explanation I desired to explain the other side.

The PRESIDENT pro tempore. No debate is in order. The question is on agreeing to the amendment offered by the Senator from Nevada to the substitute offered by the Senator from Ohio.

Mr. NEWLANDS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when Mr. BRYAN's name was called). I desire to announce that my colleague has been called home on account of the death of his father. I make this announcement for the day.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I understand that the Senator from Missouri is detained from the Chamber by illness. Therefore I withhold my vote upon this and other roll calls to-day.

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Florida [Mr. BRYAN], and will vote. I vote "yea."

Mr. CURTIS (when his name was called). I have a general pair with the junior Senator from Nebraska [Mr. HITCHCOCK]. Were he present, I should vote "nay." I make this announcement for the day.

Mr. MYERS (when Mr. DAVIS's name was called). I have been requested to announce that the Senator from Arkansas [Mr. DAVIS] has a general pair with the Senator from New Hampshire [Mr. GALLINGER]. I will let this announcement stand for the day.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the junior Senator from Massachusetts [Mr. CRANE], who is detained from the Chamber. On this question I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I desire to state that my colleague is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS]. I desire this announcement to stand for the day.

Mr. CUMMINS (when Mr. KENYON's name was called). I desire to announce that my colleague is unavoidably detained from the Senate. I make this announcement for all votes that may be had to-day.

Mr. NELSON (when Mr. MCCUMBER's name was called). I desire to state that the Senator from North Dakota is unavoidably absent. He has a general pair with the senior Senator from Mississippi [Mr. PERCY]. I will allow this announcement to stand for the day.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is necessarily detained from the Senate, and I therefore withhold my vote.

Mr. PERCY (when his name was called). I have a pair with the senior Senator from North Dakota [Mr. MCCUMBER], and therefore withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. He being absent, I withhold my vote.

The roll call was concluded.

Mr. SMOOT. I desire to state that my colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Maryland [Mr. RAYNER]. I will allow this notice to stand for the day.

Mr. OWEN. I wish to announce the pair of my colleague [Mr. GORE] with the Senator from Connecticut [Mr. MCLEAN].

Mr. REED. I desire to announce that my colleague [Mr. STONE] is unavoidably detained from the Chamber by illness.

Mr. SMITH of South Carolina. I announced my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer the pair to the junior Senator from Maryland [Mr. SMITH] and will vote. I vote "yea."

The result was announced—yeas 25, nays 36, as follows:

YEAS—25.

Chamberlain	Johnson, Me.	Newlands	Swanson
Chilton	Kern	Overman	Taylor
Clapp	La Follette	Owen	Watson
Clarke, Ark.	Lea	Pomerene	Williams
Culberson	Martin, Va.	Reed	
Fletcher	Martine, N. J.	Shively	
Foster	Myers	Smith, S. C.	

NAYS—36.

Bankhead	Cullom	Lodge	Simmons
Bourne	Cummins	Nelson	Smith, Mich.
Bradley	Dillingham	Nixon	Smoot
Brandegee	Dixon	O'Gorman	Stephenson
Briggs	Gamble	Oliver	Thornton
Bristow	Heyburn	Page	Townsend
Brown	Johnston, Ala.	Perkins	Warren
Burnham	Jones	Poindexter	Wetmore
Burton	Lippitt	Root	Works

NOT VOTING—28.

Bacon	Curtis	Hitchcock	Percy
Bailey	Davis	Kenyon	Rayner
Borah	du Pont	Lorimer	Richardson
Bryan	Gallinger	McCumber	Smith, Md.
Clark, Wyo.	Gore	McLean	Stone
Crane	Gronna	Paynter	Sutherland
Crawford	Guggenheim	Penrose	Tillman

So the amendment of Mr. NEWLANDS to the substitute of Mr. BURTON was rejected.

The PRESIDENT pro tempore. The question is now on the adoption of the substitute offered by the Senator from Ohio [Mr. BURTON] in lieu of the original bill.

Mr. CULBERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POINDEXTER. I should like to have the substitute read.

The PRESIDENT pro tempore. The Secretary will again read the substitute.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the National Monetary Commission, authorized by sections 17, 18, and 19, of an act entitled "An act to amend the national banking laws," approved May 30, 1908, is hereby directed to make and file a report on or before the 8th day of January, 1912.

SEC. 2. That sections 17, 18, and 19 of an act entitled "An act to amend the national banking laws," approved May 30, 1908, be, and the same are hereby, repealed; the provisions of this section to take effect and be in force on and after the 5th day of May, 1912, unless otherwise provided by act of Congress.

SEC. 3. That the first paragraph under the subject "Legislative," on page 28 of an act (Public, No. 327, H. R. 28376, 60th Cong., 2d sess.), entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes," approved March 4, 1909, reading as follows: "That the members of the National Monetary Commission, who were appointed on the 30th day of May, 1908, under the provisions of section 17 of the act entitled 'An act to amend the national banking laws,' approved May 30, 1908, shall continue to constitute the National Monetary Commission until the final report of said commission shall be made to Congress; and said National Monetary Commission are authorized to pay to such of its members as are not at the time in the public service and receiving a salary from the Government, a salary equal to that to which said members would be entitled if they were Members of the Senate or House of Representatives. All acts or parts of acts inconsistent with this provision are hereby repealed," be, and the same is, hereby repealed.

SEC. 4. That no one receiving a salary or emoluments from the Government of the United States, in any capacity, shall receive any salary or emolument as a member or employee of said commission from the date of the passage of this act.

Mr. HEYBURN. I move to amend the substitute by striking out the words "the 1st day of May" and inserting in lieu thereof "the 5th day of December," so that the existence of the commission will terminate on the 5th day of December, as originally provided.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Idaho to the amendment.

The SECRETARY. In section 2, strike out the words "1st day of May, 1912," and in lieu insert "5th day of December, 1911."

Mr. CULBERSON. I ask for the yeas and nays on agreeing to the amendment to the amendment.

Mr. HEYBURN. I have just observed that they are required to report on the 8th day of January, and I will ask that my amendment to the amendment be corrected so as to substitute the 8th day of January for the 1st day of May.

The PRESIDENT pro tempore. The Senator from Idaho has a right to modify his amendment to the amendment. The amendment to the amendment, as modified, will be read.

The SECRETARY. Strike out the words "1st day of May" where they appear and insert "8th day of January."

The PRESIDENT pro tempore. Upon this question the Senator from Texas [Mr. CULBERSON] asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Florida [Mr. BRYAN], and vote. I vote "yea."

Mr. CURTIS (when Mr. GUGGENHEIM's name was called). I was requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the senior Senator from Kentucky [Mr. PAYNTER]. I make this announcement for the day.

Mr. PERCY (when his name was called). I announce my pair with the senior Senator from North Dakota [Mr. MCCUMBER], and therefore withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON], and therefore I withhold my vote.

The roll call was concluded.

Mr. CLAPP. I desire to state on behalf of the junior Senator from North Dakota [Mr. GRONNA] that he is unavoidably detained on account of sickness in his family. I will let this statement stand for the day.

The result was announced—yeas 32, nays 30, as follows:

YEAS—32.

Borah	Fletcher	Martine, N. J.	Pomerene
Bourne	Heyburn	Myers	Reed
Bristow	Johnson, Me.	Nelson	Smith, Mich.
Brown	Johnston, Ala.	Newlands	Swanson
Chamberlain	Kern	O'Gorman	Taylor
Clapp	La Follette	Overman	Townsend
Clarke, Ark.	Lea	Owen	Watson
Culberson	Martin, Va.	Poindexter	Williams

NAYS—30.

Bankhead	Cullom	Lodge	Smoot
Bradley	Cummins	Nixon	Stephenson
Brandegee	Dillingham	Oliver	Thornton
Briggs	Dixon	Page	Warren
Burnham	Foster	Penrose	Wetmore
Burton	Gamble	Perkins	Works
Chilton	Jones	Root	
Crawford	Lippitt	Shively	

NOT VOTING—27.

Bacon	du Pont	Lorimer	Simmons
Bailey	Gallinger	McCumber	Smith, Md.
Bryan	Gore	McLean	Smith, S. C.
Clark, Wyo.	Gronna	Paynter	Stone
Crane	Guggenheim	Percy	Sutherland
Curtis	Hitchcock	Rayner	Tillman
Davis	Kenyon	Richardson	

So Mr. HEYBURN's amendment to Mr. BURTON's amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the substitute as it has been amended, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Florida [Mr. BRYAN] and vote. I vote "nay."

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK]. Were he present I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON], and in his absence withhold my vote.

The roll call was concluded.

Mr. REED. I desire to announce the unavoidable absence of my colleague [Mr. STONE]. He is detained at his residence by illness.

The result was announced—yeas 56, nays 6, as follows:

YEAS—56.

Bankhead	Cullom	Lodge	Root
Borah	Cummins	Martin, Va.	Shively
Bourne	Dillingham	Martine, N. J.	Simmons
Bradley	Dixon	Nelson	Smith, Mich.
Brandegee	Fletcher	Nixon	Smoot
Briggs	Foster	O'Gorman	Stephenson
Bristow	Gamble	Oliver	Swanson
Brown	Heyburn	Overman	Taylor
Burnham	Johnson, Me.	Page	Thornton
Burton	Johnston, Ala.	Penrose	Townsend
Chilton	Jones	Perkins	Warren
Clapp	Kern	Poindexter	Watson
Clarke, Ark.	La Follette	Pomerene	Wetmore
Crawford	Lea	Reed	Works

NAYS—6.

Chamberlain	Myers	Owen	Williams
Culberson	Newlands		

NOT VOTING—27.

Bacon	du Pont	Lippitt	Richardson
Bailey	Gallinger	Lorimer	Smith, Md.
Bryan	Gore	McCumber	Smith, S. C.
Clark, Wyo.	Gronna	McLean	Stone
Crane	Guggenheim	Paynter	Sutherland
Curtis	Hitchcock	Percy	Tillman
Davis	Kenyon	Rayner	

So Mr. BURTON's amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to require the National Monetary Commission to make final report on or before January 8, 1912, and to repeal sections 17, 18, and 19 of the act entitled 'An act to amend the national banking laws,' approved May 30, 1908, the repeal to take effect January 8, 1912."

THE COTTON SCHEDULE.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. The Chair will beg the Senator from Texas to suspend for a moment until the unfinished business can be laid before the Senate, which was necessarily postponed in the execution of the unanimous-consent order.

Mr. BAILEY. Very well.

The PRESIDENT pro tempore. The Chair will then recognize the Senator from Texas. The Chair lays before the Senate the unfinished business, which is House bill 12812.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

TARIFF DUTIES ON WOOL.

Mr. BAILEY. Mr. President, I came into the Chamber from the cloakroom as the Senator from Pennsylvania [Mr. PENROSE] was having read to the Senate the stenographer's notes of the proceedings of the conference committee on the wool bill (H. R. 11019), and I heard the statement that by unanimous consent it was agreed that the papers connected with that bill should be left with the conferees of the House. I have no doubt that the stenographer thought he correctly recorded that transaction, but he did not. What happened was this: When we first assembled the conferees of the House notified the conferees of the Senate that they had the physical possession of the papers in the case. The conferees of the House made no effort to claim that they were entitled to that physical possession under the rules which govern the intercourse between the two Houses, but the conferees of the Senate did not then, and did not afterwards, make any objection, because we did not at that point or at any subsequent stage of the proceeding consider the matter of any practical importance.

I do not announce it for my associates on the committee, but my own opinion is that the conferees of neither House can do as they please with the papers relating to a matter before them. I think if the conferees of one House were improperly in possession of the papers the only way to proceed would be for the House having the wrongful possession of the papers to instruct its conferees to deliver them. I would not be apt to agree that a committee of either House could take papers relating to the transactions between them and do with those papers as they might choose.

I felt then, and I think now, that if it had been a matter of sufficient importance to have raised the question, the orderly procedure would have been for us to have returned to the Senate and reported to the body to whom we owed our appointment the mistake which had been made by the clerk of the Senate in transmitting the papers to the House, and then offered a resolution asking the House to return those papers to the Senate. I would not have felt that the conferees of the House had such control over those papers as that they might pass them out of their control without the sanction or the authority of the House.

When we found ourselves in that condition we made no demand for the papers, because we attached no importance to whether they were in the possession of the House or the Senate conferees, and what we did was tantamount to a unanimous consent, perhaps, but it was not unanimous consent because I would not have believed it was in our power to give such unanimous consent. The most that we could do, and all we did do, as I understood it and as I remember it, was to make no insistence upon the delivery of the papers to us.

Mr. President, I would not have thought it necessary to detain the Senate with a repetition of this matter, except that I saw it was made the subject of controversy in the other House, and have since read the proceedings had there. It is not proper for me to refer to them and not proper for me to refer to any statement made in the House with reference to them, but I thought it proper for me to rehearse, for incorporation in the RECORD, my understanding of the matter.

Mr. HEYBURN. Mr. President, I have not thought that the physical possession of the papers was material when by the rule the possession is fixed. I doubt if it is material which House or which set of conferees have the physical possession of them. In contemplation of law they are held to be in the possession of one or the other as the conditions exist. Now, it is material, because had the law been observed—and I use the term "law" because both Houses have made Jefferson's Manual the legislative law to govern it; it is not like a question resting upon the rules of the Senate; it rests upon a law that is common to both branches of Congress, which says—I think it is Rule XLVI, though I have no check on it—the papers shall be with the House or the conferees, designating them; and if the law says they are there they are there; the physical possession of them is not at all material. Had the law been observed the question would now have been before this body and not before another; and did this body debate the question of the report of the conferees it might result in the report never going to the other body, and it would then become very material. It might be very material now. If we were approaching the end of a short session and the question of the adoption of the report of the conferees were before this body, and never left it, then the conference report would never be acted upon by Congress and legislation would be defeated because of that fact.

We sit here, having jurisdiction of this question by express provision of legislative law. The physical possession of the papers is not material. In law we have possession of the papers just as much as though they were on the desk in this body. It is competent for the conferees representing this body to report at any time, regardless of the fact that the physical possession of the papers is not with them. I think that is sound as a proposition of law. So, instead of waiting for an unauthorized body to act upon them, we should be acting upon them ourselves.

I have had it in my mind since this situation presented itself to me before the adjournment on Saturday to object to this body receiving the conference report when it comes here, on the ground that it comes from a body not having jurisdiction to pass upon it, and that we should disregard their action, because the action should have been by this body. I still have it in mind to raise that question when the report comes to this body, unless it comes from our own conferees as the original report. Should they, after giving this matter attention, conclude that they are at full liberty to report to his body to-day, or at any time, not as coming from the other branch of Congress but as the rightful original action of the conferees of this body, then, of course, my objection would be without point.

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Idaho yield to the Senator from Alabama?

Mr. HEYBURN. Certainly.

Mr. JOHNSTON of Alabama. I want to ask the Senator from Idaho if he thinks the action by the other House first on this matter will have any effect upon the disposition that the President will make of the bill?

Mr. HEYBURN. I do not know about that, but that question does not enter into it. It is a question of the order of procedure in the legislative bodies according to their jurisdiction. It may be that, as suggested by the Senator from Alabama, it would not make any difference in the ultimate result, and yet it may. It might be that the bill would never reach the President if it came here, as it should have come and must come, in my opinion, from our conferees. It may remain here and not go to the other body for consideration. The other body can not take this matter up for consideration unless it is received under parliamentary rules from this body. We can not take this matter up, received from an unauthorized body. That question I have it in mind to urge. The proper thing to be done by our conferees is to report without waiting for the unauthorized action of another body. If we act within the law, the other body may or may not have occasion to pass upon this matter. It may never reach them. The discussion of the report of the conferees in this body may outlast the session, and it may never go to the other body at all for their action. It is obvious that the question is a material one and not to be lightly passed over. I make this suggestion at this time in order that our conferees may see the light and report the result of the conference to the Senate, from which their orders were received, and let the Senate take the action that must precede any action by the other body.

ST. CROIX RIVER BRIDGE.

Mr. NELSON. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 6747) to reenact an act authorizing the construction of a bridge across the St. Croix River, and to extend the time for commencing and completing the said structure.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTRA MONTH'S PAY TO EMPLOYEES.

Mr. CLAPP. I ask unanimous consent for the present consideration of Senate joint resolution 54, which I introduced on Saturday last. I desire to offer certain amendments to it.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 54) to reimburse the officers and employees of the Senate for mileage and expenses incident to the first session of the Sixty-second Congress was read, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CLAPP. On page 1, line 3, I move to strike out the word "Senate" and to insert the word "Treasury," so that it will read "Secretary of the Treasury."

The amendment was agreed to.

Mr. CLAPP. On page 1, line 5, after the word "Senate," it is proposed to insert the words "and House of Representatives," so that it will read "Senate and House of Representatives."

The amendment was agreed to.

Mr. WARREN. I ask that the joint resolution may be now read as amended.

The PRESIDING OFFICER. The Secretary will read the joint resolution as amended.

The Secretary read the joint resolution as amended, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to the officers and employees of the Senate and the House of Representatives borne on the annual and session rolls on the 1st day of July, 1911, including the official reporters of the Senate and W. A. Smith, CONGRESSIONAL RECORD Clerk, as reimbursement for mileage and expenses and for extra services during the first session of the Sixty-second Congress, a sum equal to one month's pay at the compensation then paid to them by law, the same to be paid out of any moneys in the Treasury not otherwise appropriated, and to be immediately available.

Mr. CULBERSON. Mr. President, I have just come in. I should like to hear the first part of the joint resolution read.

The PRESIDING OFFICER. The Secretary will read the joint resolution.

The Secretary again read the joint resolution as amended.

Mr. CULBERSON. I have no objection to the consideration of the joint resolution.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution to reimburse the officers and employees of the Senate and the House of Representatives for mileage and expenses incident to the first session of the Sixty-second Congress."

THE COTTON SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. CUMMINS. Mr. President, I have offered as an amendment to the pending bill, ordinarily known as the cotton bill, an amendment——

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield to the Senator.

Mr. OVERMAN. Is the cotton bill before the Senate?

The PRESIDING OFFICER. It is the unfinished business of the Senate.

Mr. OVERMAN. I suggest that we ought to have a quorum present if the Senator from Iowa is going to address the Senate upon the bill.

The PRESIDING OFFICER. Does the Senator from North Carolina suggest the absence of a quorum?

Mr. OVERMAN. I do.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Culberson	Martine, N. J.	Shively
Bourne	Cummins	Myers	Simmons
Bradley	Curtis	Nelson	Smith, Mich.
Brandegee	Dixon	Nixon	Smith, S. C.
Briggs	Fletcher	O'Gorman	Smoot
Brown	Heyburn	Oliver	Stephenson
Burnham	Johnson, Me.	Overman	Taylor
Chamberlain	Johnston, Ala.	Page	Warren
Chilton	Jones	Penrose	Watson
Clapp	Kern	Perkins	Wetmore
Clark, Wyo.	La Follette	Poindexter	
Clarke, Ark.	Lea	Reed	
Crawford	Lippitt	Root	

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum of the Senate is present. The Senator from Iowa [Mr. CUMMINS] is entitled to the floor.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I do.

Mr. FLETCHER. Mr. President, if the Senator will allow me just a moment's interruption, I desire to have the Secretary read, and to have printed in the RECORD, a short editorial from the Jacksonville (Fla.) Times-Union of August 8, not as a part of his speech, but preceding it.

Mr. CUMMINS. I shall gladly yield to the Senator from Florida, but, of course, I do not want the editorial printed as a part of my remarks.

The PRESIDING OFFICER. The Senator from Florida suggests that it be printed in advance of the Senator's remarks so as not to be a part thereof.

Mr. CUMMINS. I could not hear the Senator from Florida, but I am very glad he made that suggestion.

Mr. FLETCHER. That is the suggestion I made. It is pertinent to the question under consideration.

The PRESIDING OFFICER. Is there objection to the reading of the paper indicated? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[Florida Times-Union, Aug. 8, 1911.]

PURPOSE AND PERVERSION OF THE TARIFF.

To state the plain truth about the tariff is to condemn Republican policies for a generation as both unjust and unwise. In its use of popular prejudice in one section to tax unfairly another it has levied a war tribute on the vanquished in a Civil War to which the indemnity imposed by Germany on France is a bagatelle, and yet its defenders are amazed to find the injured refusing to accept this conduct as worthy of commendation and to join in applauding a system of robbery under the forms of law without a parallel in history.

Against the whole theory and practice of our protective policy the Democratic Party has protested since its inception, but nothing like the condensation of this whole chapter of history as done by Democrats equals the following from the Springfield Republican:

"The protective-tariff system was adopted in the single purpose and has been maintained in no other legitimate purpose than to promote manufacturing in a country that was chiefly given to agriculture. This system in these later days has been allowed to run into excessive protection for manufactures; and to maintain itself in these abuses it has been averted into the vain purpose of trying to protect all industry, which can only be done at the expense of all industry, which is as hopeless as for a person to try a lifting of himself by his own boot straps.

Our Massachusetts contemporary is entirely correct in this statement of the purpose and perversion of this cardinal doctrine of Republicanism—a doctrine that has been proclaimed as the perfection of statesmanship or accepted as such by all the leaders of the party now so sorely stricken by the judgment of an aroused and awakened people. What can be expected of a party which has evolved and maintained such an ideal of statesmanship for so many years? What of the men who have been accepted as the "friends of the people and the champions of the oppressed," while practicing the doctrine that we might be lifted by our boot straps?

Mr. SMITH of Michigan. Mr. President, I do not know the author of that statement.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I will not yield for any debate upon the editorial article which has been read. I am in no wise responsible for it; it does not express my sentiments at all; and I desire to proceed with the argument of the issue before the Senate.

Mr. SMITH of Michigan. Mr. President, I do not desire in any way to interfere with the plan the Senator from Iowa has in mind. I was simply going to call the attention of the Senator from Florida, who sent the article to the Secretary's desk to be read, to a letter from Mr. L. P. Groves, treasurer of the Flint Manufacturing Co., of Gastonia, N. C., to the Senator from North Carolina [Mr. OVERMAN], under date of August 8, 1911, in which he said that they would not have had a single cotton mill in the South, whereas the cotton mills there now employ thousands and thousands of men and represent millions of investment,

had it not been for the protective tariff, which he begged the Senators from North Carolina to defend and maintain in the interest of the people of his State in the following language, which I quote from his letter to my distinguished friend from North Carolina:

Without trying to discuss the right or wrong of a protective tariff, what confronts the manufacturer of North Carolina to-day is that we have built a number of mills for making fine yarns and cloth, and these mills have paid a high rate of duty on their machinery, which mills would not have been built, nor could they have been operated at all, without a protective tariff on their product.

Now, since millions of dollars have been invested in these enterprises under a high protective tariff, will it not be a great wrong to at one stroke of the pen blot them out of existence by cutting the duty in half and allowing other countries who are old and experienced in the business and who hire their labor for half what we have to pay and with no duty on machinery to come in and take this business away from us?

Mr. CUMMINS. Mr. President, I observe that the Senator from Michigan pays strict regard to my desires in the matter.

COTTON-CROP STATISTICS.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. I yield.

Mr. SMITH of South Carolina. I desire to call up Senate resolution 135 that went over on Saturday under objection from the Senator from Ohio [Mr. BURTON], who has withdrawn the objection. If the matter provokes any debate, I will not press it, but I merely want the resolution read and passed.

Mr. CUMMINS. I shall be very glad to yield to the Senator from South Carolina for that purpose, if his resolution creates no debate. If it does, then I must proceed.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I think the resolution will lead to debate. I simply make that statement so that the Senator from Iowa may know that it will take some time to dispose of the resolution.

Mr. CUMMINS. Under those circumstances, I am sure the Senator from South Carolina will not insist upon having the resolution considered at this time.

Mr. SMITH of South Carolina. That is all right. I withdraw the request.

THE COTTON SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. CUMMINS. Mr. President, the amendment which I have proposed to the cotton bill, which is now before the Senate, revises and reduces all the duties of Schedule C of the tariff law, generally known as the metal schedule. I divide the schedule into two parts for the purpose of revision: First, those commodities which are generally known in commerce and in manufacture as tonnage iron and steel. Upon such commodities my amendment proposes to reduce the duties 40 per cent, save and except in the paragraph which provides for structural iron and steel, and that paragraph my amendment rewrites entirely and brings it into harmony with the general revision which I propose.

With respect to those paragraphs which embrace the higher forms of manufacture of iron and steel, and embrace other metals than iron and steel, my amendment proposes to reduce the existing duties 30 per cent.

I want to say now, so that Senators may understand the situation, that I will compress what I have to say upon this subject to the narrowest possible limit, and I will hope that a vote be taken, if no others desire to discuss the amendment, before the adjournment of the present session. I think it is only fair to suggest that, because at former times I have debated this schedule at such length that Senators might well presume that a conclusion would not be reached this afternoon.

One more foreword. This revision which I have proposed to the metal schedule is not ill advised; it is not unstudied; it is substantially the revision which I proposed to the metal schedule two years ago. These amendments created much debate and much consideration. So I think the Members of the Senate are fully informed and well advised with respect to the general characteristics of this schedule.

The amendment which I have proposed is the result of the most mature and reflective investigation on my part. I think that two years ago it embodied the opinions of a great many Members of the Senate, and since that time conditions have not changed to the disadvantage of a proposal for the reduction of duties on metal products.

However, before I take up the technical subject I desire to say a word or two with regard to the general topic of tariff revision at this time. It is complained—and I have seen the complaint printed everywhere—that we ought not to undertake at this session the revision of any of the prominent schedules of the tariff, but ought to wait until we hear the conclusions of the board of tariff experts in the employ of the President of the United States. I have been somewhat impressed with the unanimity of this demand on the part of the newspapers of the country. Newspapers that were vociferous in the demand that Congress should proceed immediately and without any debate whatsoever to the revision of the agricultural schedule and the revision of the paper schedule are now insisting that we shall not reduce the duties in any other schedule until we hear what the board of tariff experts has to say upon the matter.

I desire to meet that issue fairly and squarely. I desire to suggest the reasons which actuate me in insisting under the present conditions upon the reduction of other duties than those upon agricultural products. I am a profound believer in the revision of the tariff schedule by schedule as a wise policy. I am insistent, too, upon the intervention of a tariff commission in order to aid Congress in this difficult undertaking. But the answer to this insistence that we must wait is, first, that we have no Tariff Board, and it is not likely in the near future we will have a Tariff Board, in view of the political change that has been witnessed at the other end of the Capitol and that some pessimistic Republicans predict will be duplicated shortly at this end of the Capitol. We have no board clothed with adequate power. We have no board that is to be or can be the instrumentality of Congress to investigate these difficult topics and to acquire this very valuable and material information.

Now, I do not want Senators or the public to understand that in so saying I am disparaging the individuals who compose what is ordinarily known as the Board of Tariff Experts. So far as I know they are men of high character and of great attainments, but they are not the agents of Congress, they are simply persons employed by the President of the United States to work as he directs and when he directs. We have not entered upon the systematic plan which I hope eventually will be adopted, that will make a board of tariff commissioners the right hand of Congress to better enable it to deal with the subject of the tariff.

The second answer to the objection with regard to going on with the revision of certain schedules of the tariff is this: We have revised one of the prominent schedules of the tariff law. We have revised a schedule which relates to property in the United States of the value of more than $25,000,000,000. We have revised a schedule which embraces an annual product of more than $9,000,000,000. We have revised a schedule which is vital to the prosperity and the happiness of more than 30,000,000 of people in our country. Whether we have revised it wisely or unwisely I do not intend at this moment to discuss. My views upon that subject are known. It is sufficient to remember that it is done, and that, so far as Congress and the President can accomplish the purpose, the products of the farm, exceeding $9,000,000,000 annually in value, have been put upon the free list.

They were put upon the free list without any examination by a Tariff Board, even without any conclusion deduced by a board of experts. The President and the Secretary of State concluded an agreement with the Dominion of Canada before his own board had ever expressed an opinion or reached a single conclusion with respect to the cost of producing agricultural commodities in this country as compared with Canada. I only venture to remind Senators, therefore, that when they put these products upon the free list—whether they should have been put there or not it is not material now to inquire; we have accomplished it so far as our power is concerned—it made it absolutely impossible to await the slow and uncertain work of a board of experts employed by the President with respect to duties upon other commodities which the farmer in the commerce of the country must buy.

The action of those who insisted upon this revision of the agricultural schedule rendered it impossible to pursue the program that many of us believed ought to have been pursued; and, for my part, as much as I value the work of an independent commission, clothed with full and ample power, I will not wait for the creation of such a commission and then wait for the work of such a commission before I attempt at least to give the farmer a freer market in which to buy, inasmuch as we have put him in a free market in which to sell.

Let it not be thought that in so declaring I have any intention of standing for any reduction as a matter of reprisal, notwithstanding what we have done respecting the agricultural

products of the country. I am not willing, because we may have done wrong in that respect, to repeat the wrong with regard to duties on manufactured products. But there are certain manufactured products covered by duties which everybody knows are too high. Those of us who ask for a reduction do not intend to reach the danger point, but we do intend to remove from our tariff laws some of the obvious, indefensible excesses which up to this session of Congress have found no defenders, as I recall.

There is another thing which I must be permitted to say, and it grieves me to say it, because it launches me somewhat into a political campaign. I feel, however, that the perversions and misrepresentations which go out from Washington day after day with regard to the situation here, the attitude of Senators upon these important subjects, require a brief notice at my hands.

Whatever may have been our hope a year ago respecting the method of dealing with tariff adjustments or readjustments in the near future, the Canadian arrangement has for the time being given the whole subject a new aspect. We must now determine—and I want Senators to gather the meaning of what I am about to say, and I especially want the country to understand what I am about to say—we must now determine, and determine at the first opportunity, whether the Canadian act represents a Republican policy.

We all understand that reciprocity in its true sense is a Republican policy. But the question which the Republicans of this country must certainly answer is this: Does the Canadian act embody the doctrine, or is it a flagrant, violent departure from the Republican faith? The manner of its passage through Congress does not establish its Republican character, for although it was proposed by a Republican President, it met the opposition of a majority of the Republicans in both the House and the Senate. In this clash of opinion there must be a referendum, and as the Republicans select their delegates to the next Republican national convention they must and they will answer the question: Is the Republican Party in favor of protection for the manufacturer and free trade for the farmer?

Canada has very wisely submitted the proposition to her voters before action. We, however, have acted first, and there is no power on earth that can prevent the policy of the arrangement which we have adopted being submitted to the Republican voters in the United States.

Is the Republican Party in favor of protection for the manufacturer and free trade for the farmer? Everybody knows my views generally with regard to the tariff. I do not believe in the high and prohibitive tariff for which some of my Republican associates in this Chamber stand. I believe in a tariff measured by the announcement of our party in 1908, but I recognize and every one else must recognize that protection must be a policy, and if it is applied to one commodity in the United States it must be applied to every other one which demands it under the conditions of its existence. In other words, if protection is to be applied to every competitive product that costs more to produce in the United States than it costs in foreign countries, then, if that commodity happens to be a product of the farm, it is just as much entitled to the benefit of protection as are the products of the manufactories, and the Republican Party can not escape a declaration upon the application of the policy.

Is the Republican Party in favor of protection for the manufacturer and free trade for the farmer, or is it in favor of protection for all alike according to the difference in the cost of production at home and abroad?

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. In just a moment. This is the issue, and it can not be avoided, and no true, loyal, honest Republican will try to avoid it in the struggles of the next half year.

I now yield to the Senator from Michigan.

Mr. SMITH of Michigan. Will the Senator from Iowa permit me to ask whether or not he had anything to do with formulating the last declaration of the Republican Party upon the question of protection as embodied in the Chicago platform?

Mr. CUMMINS. No, Mr. President. I was not a member of the committee on resolutions, and in that sense had nothing whatever to do with it. I would be immodest if I were to insist that, indirectly, I had anything to do with that platform, and therefore I would rather leave it without any further suggestion.

Mr. SMITH of Michigan. Mr. President——

Mr. OVERMAN. May I ask the Senator——

The PRESIDING OFFICER. Does the Senator from Iowa yield, and to whom?

Mr. CUMMINS. I will yield for just a moment to the Senator from Michigan, as he wants to ask me another question.

Mr. SMITH of Michigan. There seems to be considerable unwritten history in connection with that declaration. I did not ask the question for the purpose of embarrassing the Senator from Iowa, but for the purpose of finding, if possible, the source from which that declaration came and with which I am completely out of accord.

Mr. CUMMINS. I understand that. The Senator from Michigan and I, while we agree upon the doctrine of protection, do not understand it in the same way. I am for a protection that protects; he is for a protection that prohibits. That is the difference between his view of the economic policy and mine.

Mr. SMITH of Michigan. I am for a protection that prohibits the destruction of American industries.

Mr. CUMMINS. I am in agreement upon many things with the Senator from Michigan, and I hope he will not obtrude the differences which do exist between us while I am making an argument in which in a general way I think he must concur.

I now yield to the Senator from North Carolina.

Mr. OVERMAN. I intended to ask the Senator from Iowa if I understood him correctly—that he is not in accord with the Republican platform as promulgated at the last national convention upon the subject of the tariff.

Mr. CUMMINS. The Senator from Michigan said he is not. I am very much in accord with it. I fought for such a declaration for nearly eight years before it was announced.

Mr. OVERMAN. The difference in the cost of production abroad and here and also a reasonable profit in addition to the manufacture.

Mr. CUMMINS. Yes, sir. Many times in this Chamber during the discussion of two years ago I considered the wording which the Senator from North Carolina has just repeated. It is entirely consistent with my view of protection, and I shall do what little I can, as I go on in my declining years, to make it the doctrine not only of the Republican Party but of the whole people of the United States. My observation in the last few days in the Senate has convinced me that the Senator from North Carolina is rapidly coming to the Republican doctrine of protection.

Mr. OVERMAN. Not at all. I deny it. The Senator from Iowa is in favor of a reasonable profit for the manufacturer. I want to know how he is going to arrive at that profit? When he gets the facts from a Tariff Board and finds the difference between the cost of manufacture here and abroad, what profit will he allow the manufacturer and how will he arrive at the profit?

Mr. BORAH. Mr. President——

Mr. CUMMINS. In just a moment.

Mr. President, I have, as I said a moment ago, exploited my views upon that particular subject I think a half a dozen times in this Chamber, and while I should very much like to gratify the Senator from North Carolina by repeating them, I want to hasten on with the discussion of the amendment which I have proposed to this bill.

Mr. OVERMAN. Is the Senator in favor now of revising the tariff?

Mr. CUMMINS. Inasmuch as I am doing my very best to revise it, I am sure the Senator from North Carolina ought to be in no doubt about it.

Mr. OVERMAN. Does the Senator object to my having read from the desk an extract from a speech which he made in answer to Mr. JOSEPH G. CANNON, ex-Speaker of the House, on this subject?

Mr. CUMMINS. I have no objection.

Mr. OVERMAN. I will send to the Clerk's desk and ask him to read what the Senator said. Of course, the Senator has the right to change his opinion.

Mr. CUMMINS. I have not changed my opinion, however.

Mr. DIXON. Mr. President, I do not think it is fair in the middle of the Senator's argument to have a newspaper article read. I think I will object to it at this time. Wait until the Senator has finished his argument.

Mr. OVERMAN. I ask permission.

The PRESIDING OFFICER. Objection is made. The Senator from Montana [Mr. DIXON] objects.

Mr. CUMMINS. I understand perfectly that the Senator from North Carolina wants to embarrass me. I understand his purpose and his motive, and I have no objection whatever to it.

Mr. OVERMAN. Oh, no.

Mr. CUMMINS. I understand he wants to save the cotton schedule, and he will do everything he can to save it, and if he can prolong the discussion and embarrass me——

Mr. OVERMAN. No.

Mr. CUMMINS. That is a part, a fair part, of the game of war.

Mr. OVERMAN. I think the Senator misinterprets what I intend. The Senator, as I understand his speeches made in public, made upon the floor of the Senate just at the close of the last session, was not in favor of revising the tariff until he should receive a report from the Tariff Board.

Mr. CUMMINS. That shows how unfair it is for the Senator to come in here suddenly and, without having heard my discussion up to this time, suggest a thing of that sort. I have spent 15 or 20 minutes in my argument showing why those who favored the revision of the tariff upon a report of a Tariff Board ought not now to wait until we create a tariff board and receive the conclusion of its labor.

Mr. OVERMAN. The Senator knows why I was absent. I am sorry I was not here to hear his remarks. I do not want to be unfair to the Senator, I assure him.

Mr. CUMMINS. I commend the Senator, however, to the CONGRESSIONAL RECORD to-morrow morning.

Mr. OVERMAN. I know what the Senator has said on different occasions, and I did not know whether he——

Mr. CUMMINS. I gave a very full account of what has happened since the declaration for revising the tariff by a Tariff Board was made, and the Senator from North Carolina has helped to destroy the possibility of so doing——

Mr. OVERMAN. Oh, Mr. President, how, and in what manner?

Mr. CUMMINS. By voting for the bill which puts all of the agricultural products of the United States upon the free list without the intervention of any tariff board or tariff commission.

Mr. OVERMAN. I understood from the message read by the Senator when governor to the legislature of his own State that he was in favor of reciprocity, and that he said that the farmers would not complain.

Mr. CUMMINS. Does the Senator from North Carolina believe that is a fair comment? I have never suggested any such sham and pretense as is the bill passed by the Congress of the United States and labeled "reciprocity." There is no reciprocity in it. It does not comply with or comport with any conception that the people of this country of any party ever had of reciprocity. I am sure that the Senator from North Carolina will not hold that because many of us were in favor of reciprocity, certain reciprocity, therefore we ought to have supported this particular arrangement.

Mr. OVERMAN. I was only speaking of what the Senator said in reference to barley and wheat——

Mr. CUMMINS. Every word of which was true, and I have never said a word that is inconsistent with what I said in 1904. It was as true as Holy Writ, and it is the Senator from North Carolina who is now endeavoring to draw an unfair inference from an extract from a long address.

Mr. OVERMAN. I did not offer it. The Senator from Mississippi offered it and read it into the RECORD.

Mr. CUMMINS. Precisely. I was very glad that the Senator from Mississippi did read it. But the Senator from North Carolina handed it to the Senator from Mississippi.

Mr. OVERMAN. I did.

Mr. CUMMINS. Precisely.

Mr. OVERMAN. And I spoke to the Senator from Iowa about it before I did hand it to the Senator from Mississippi.

Mr. CUMMINS. I am very glad the Senator did it.

Mr. OVERMAN. He was informed about it.

Mr. CUMMINS. I am glad that he did it.

Mr. OVERMAN. Was that taking any unfair advantage, when I spoke to the Senator about it; told him I had it, and he came and read it? Was that taking an unfair advantage?

Mr. CUMMINS. The Senator from North Carolina is not listening to what I am saying. There was no unfair advantage in it. The unfairness is in the inference which the Senator from North Carolina now attempts to draw from it. He is perfectly at liberty——

Mr. OVERMAN. The language speaks for itself. I might draw my inference and some other Senator might draw a different inference.

Mr. CUMMINS. I have a perfect right to characterize it as an "unfair inference" as well.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. LIPPITT. I desire to ask the Senator from Iowa, who seems to be laying a good deal of emphasis upon the passage of the reciprocity bill, if he would not still have advocated this reduction if that bill had not been under consideration?

Mr. CUMMINS. I would not at this time. I had hoped—and I speak with the utmost candor upon it--I had hoped and I stated many times that when we closed the revision of 1909 we might organize a Tariff Board and that it might proceed with its work as rapidly as possible, with full power of investigation and inquiry, and that then we might take up its reports as they came in from time to time and revise such schedules of the tariff as came within the scope of its investigation.

But contrary to that plan of the Republican Party and that policy of the Republican Party the revision of the agricultural schedule was precipitated upon Congress, and it was revised so as to put the farmers of this country into free competition with their only rivals, or their chief rivals. Then it seemed to me, and it seems to me yet, that it became the high duty of Congress to reduce within the limits of safety the duties upon some of the things that the farmer must buy without waiting the slow process of a Tariff Board yet to be created.

Returning, however, to my subject, I assume that the great fight of the coming year will be over the platform. Of course it does not concern my Democratic friends, because they will not be engaged in that fight. The chief fight in our coming convention will not be over the nomination of a candidate for President, it will be over the platform, which will declare in clear and specific terms what the Republican doctrine is respecting protection.

I am not gifted with an imagination either varied or brilliant, but I can see in my mind's eye that mighty assemblage representing all the Republicans of the United States considering a proposed platform declaring for free trade in agricultural products which come from the only great field of industry in which there is still full and effective competition, and for protection in manufactured products which come from a field choked and smothered with combination and monopoly. How long do you think such a proposition will endure in a forum where thought is free and where votes express conviction?

I can see also the learned Senator from Massachusetts [Mr. LODGE], the cultured and capable Senator from New York [Mr. ROOT], the distinguished Senator from Pennsylvania [Mr. PENROSE], all ardent advocates of the Canadian act, as members of the committee on resolutions from their respective States, laboring with their accustomed skill to write into the platform in words so plain that every voter will understand them the war cry of the ensuing campaign, "Free trade for the farmer; protection for the manufacturer. The farmer is strong and can stand alone; the manufacturer is weak, and his tottering steps need help. Free trade for Minnesota, Dakota, and Idaho, protection for Massachusetts, New York, and Pennsylvania."

With all their facility of expression they can not make such a proposition either harmonize with Republican principles or agreeable to Republican voters. The convention, I predict, will not announce a doctrine so absurd and so unjust; but if it should do so, the party it represents will be hopelessly defeated in the following election.

I could not refrain from saying so much respecting the general aspects of a revision of the tariff. I now approach and will confine myself rigidly to the duties which I have proposed for the metal schedule.

With the exception of the structural iron and steel paragraph the duties upon the various items are fairly related to each other, and my proposal is to rewrite the paragraph I have named and reduce the duties upon some of the paragraphs—those relating to tonnage iron and steel, 40 per cent; and, upon the remainder, those which relate to the finer and more intricate forms of manufacture and to other metals, 30 per cent.

I will not occupy your time in going over all the items of this schedule. I want to remind Senators who are here, however, of the duties upon some of the particular items of the schedule so far as tonnage iron and steel are concerned.

The duty on pig iron is $2.50 a ton; upon bar iron it is $6 a ton; upon steel rods and iron rods, $12 per ton; upon structural iron not assembled, not fitted, not ready for use, from $6 to $8 a ton; and upon other forms, $15 to $18 per ton; upon boiler plate and other plate, $6 a ton and upward; upon hoop, band, and scroll iron, $6 and upward; upon steel rails, $3.50 a ton. You will understand that I am using here 2,000 pounds for a ton. That is true in the tariff act, although not true always in commerce.

The duty on iron and steel sheets is $10 a ton and upward; on steel ingots and the like, $3.50 and upward; wire fence rods, $6 and upward; drawn wire, $25 per ton and upward; cut nails,

$8 per ton; wrought nails, $30 per ton; wire nails, $8 and $15 per ton, depending upon their size; barbed wire, $15 per ton.

I have proposed to reduce these duties 40 per cent, and I intend to prove, not experimentally, not abstractly, but I intend to prove certainly and mathematically, that the reduction which I have proposed is well within the limits of the protective principle; and if I do not prove this, then I shall not ask any Senator here to vote for these amendments simply because they constitute reductions in the tariff.

Fortunately, with respect to this subject, I am in a position to prove what I say, to prove it by evidence that would be conclusive in any court of justice, to prove it by evidence that is admissible in the trial of a case, to prove it by evidence far superior to the conclusions of any Tariff Board or any other investigating tribunal.

I will assume as a basis—and you will all agree with me the moment you go over the subject at all that I am assuming a basis—strongly against myself and the conclusions that I desire to reach and will reach. I assume that the average duty on what is ordinarily known as tonnage iron and steel is $11 per ton. It is as nearly that as I can discover. I agree that it is not easy to reduce the subject to an average, but I am so far within the limit that I might fairly reach, that I propound with a great deal of confidence my basis that the average duty on tonnage iron and steel is about $11 per ton.

My amendment reduces that $4.40, leaving an average duty of $6.60 per ton. You can at once see how that will affect the various and principal items. It will reduce pig iron just $1 per ton. It will reduce bar iron $2.40 per ton.

Mr. BRISTOW. If the Senator has it convenient, will he state the present rate and what the reduced rate would be?

Mr. CUMMINS. I am just giving it now.

Mr. BRISTOW. I thought the Senator stated the reduction and not the amount. I understood the Senator to state that it would reduce the duty on pig iron $1 a ton. From what figure and to what figure?

Mr. CUMMINS. From $2.50 to $1.50.

Mr. BRISTOW. That is what I desired to know.

Mr. CUMMINS. Bar iron would be reduced from $6 a ton to $3.60 per ton; rods, from $12 a ton to $7.20 per ton; beams, from $6 and $8 and $15, as is the case with assembled structural iron and steel, accordingly. I will ask leave to print, without reading, the table I have in my hand, which shows the duties upon these articles and the results of a reduction of 40 per cent.

The PRESIDING OFFICER. Without objection, permission is granted.

The table referred to is as follows:

Tonnage steel.

118.	Pig iron	per ton	$2.50
119.	Bar iron	do	6.00
120.	Rods	do	12.00
121.	Beams, etc., not fitted or assembled	do	[1] 6.00
122.	Boiler plate and other plate	do	[2] 6.00
124.	Hoop, band, and scroll	do	[2] 6.00
126.	Steel rails	do	3.50
127.	Sheets	do	[2] 10.00
131.	Ingots, etc	do	[2] 3.50
134.	Fence wire, rods, and nail rods	do	[2] 6.00
135.	Wire	do	[2] 25.00
135.	Barbed wire	do	15.00
159.	Cut nails	do	8.00
160.	Wrought nails	do	30.00
161.	Wire nails	do	[3] 8.00

Mr. BACON. Mr. President, I should like, with the permission of the Senator, to make an inquiry of him.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. Gladly.

Mr. BACON. Do I understand that the Senator makes a reduction on all the various grades and articles of iron in equal proportion?

Mr. CUMMINS. On all tonnage iron—what is ordinarily known as tonnage iron and steel.

Mr. BACON. The object of my inquiry is this: The Senator will remember that in 1909, when we had the tariff bill under discussion, there was a very marked increase made in assembled structural iron, and the Senator will recall the debate which accompanied that action. He took part in it himself.

Mr. CUMMINS. I offered the amendment.

Mr. BACON. The Senator did not offer the amendment which was accepted.

Mr. CUMMINS. No.

Mr. BACON. I am speaking about what was done.

Mr. CUMMINS. Oh, yes; I remember it well.

Mr. BACON. The Senator will remember the fact that the then Senator from Rhode Island gave as an illustration of the importance of the excessive raise in that particular class of iron, structural iron, that a certain building had been erected in New York where the iron had been cut the necessary lengths and assembled and the building erected entirely out of imported material. Am I correct in that?

Mr. CUMMINS. The Senator is correct.

Mr. BACON. The question I wanted to ask the Senator is on this line. The Senator will doubtless recall that the duty upon assembled structural iron, if I may so term it—that is, iron cut to certain lengths with a view to being used in a certain structure—was very largely increased over structural iron not thus cut and assembled, and the avowed purpose of it was to prevent iron of that kind from being brought into the country. In other words, a prohibitive duty was not only undisguisedly, but avowedly, put upon that class of iron.

I want to ask the Senator if, in view of that fact, he thinks that a ratable reduction upon that class of iron is sufficient, and if there should not be ratably a very much greater reduction in the tariff duty on that class of iron than in the tariff duty upon other structural iron not thus cut to lengths and assembled?

Mr. CUMMINS. I am very glad the Senator from Georgia has suggested that, because it enables me to make an explanation that I think is due to the Senate.

The revision of 1909 not only did not reduce the duty upon such structural iron and steel as has been described by the Senator from Georgia, but it immensely increased the duty. It increased the duty so that it became from $15 to $18 and $20 per ton, depending upon the price or value of such iron and steel abroad. In other words, instead of leaving it with the duties prescribed in the Dingley law, that kind of structural iron and steel was taken out of the paragraph and put into the basket clause, upon which there was a duty of 45 per cent ad valorem.

Now, I have rewritten that paragraph of the iron and steel schedule. As I said in the beginning, I believe the paragraphs of the metal schedule are fairly well related to each other except the structural iron and steel paragraph, and I have repealed that by my amendment entirely, and rewritten it so that all structural iron and steel bears a duty of one-quarter of a cent per pound; that is, $5 per ton.

Mr. BACON. In other words, the Senator has eliminated the different rates of tariff duty upon the different classes of structural iron.

Mr. CUMMINS. I have, and then reduced the duty below that of 1909.

If it be further assumed, Mr. President—and I do not assert this with positiveness, it is a matter of argument and observation—if it be assumed that the price will be reduced by that amount, that is, by the reduction in duty, what will occur?

Now, I understand perfectly that it may be that foreign competition will even under those reductions not compel American manufacturers to reduce their prices to the point of this reduction, but I intend to carry on my argument upon the hypothesis that when these duties are reduced $4.40 per ton the result of the reduction will be that the manufacturers of iron and steel will be compelled to reduce their prices $4.40 per ton; and if I can defend these reductions upon that hypothesis it seems to me I have made a complete and perfect case.

If the prices of tonnage iron and steel should be reduced $4.40 per ton, it would save the consumers of the United States substantially $100,000,000 annually upon tonnage iron and steel. The manufacturers of tonnage iron and steel create and put upon the market each year something like 23,000,000 tons of this product; and if we were to decrease the average price $4.40, our consumers, our buyers, would receive a benefit of $100,000,000 per year. But they ought not to be compelled to sell at $4.40 per ton cheaper than they now sell unless they can pay the wages which are now prevalent in the United States and still make a fair profit upon the capital which they have invested in the business, and it is to that inquiry that I now turn the attention of the Senate.

The first question is whether the domestic manufacturers will still be well protected if they are compelled to reduce prices as suggested in order to prevent further importations; that is, to shut out foreign competitors. I am about to prove, if I am successful in my effort, that the American manufacturers can reduce their prices on an average $4.40 per ton and make large profits upon their capital, pay the American scale of wages to their employees, and prevent the importation of a single pound of these commodities.

This question can be answered with much certainty, for the reason that the greatest corporation in the world is engaged in this business and publishes every year what I shall assume is an accurate account of its operations. If there be any in-

[1] And $8. [2] And upward. [3] And $15.

accuracies in its reports, they are not mistakes against its own interest. I intend to accept the report of the United States Steel Corporation for the year 1910 in order to answer my question whether that company can endure or suffer a reduction on the average of $4.40 upon the price of its products and still be prosperous, still pay capital a full reward, and still award to labor its full measure of compensation.

I have before me the report of the United States Steel Corporation for the year ending December 31, 1910. I intend to pause at this point long enough to explode a firm and prevailing notion that mere publicity is a cure for the evils of industrial combination. We have become so accustomed to great things in this country that nothing seems to challenge our attention.

Here is a report put out every year by this corporation and, I think, truly compiled, which shows in and of itself the wrongs of a combination of capital such as this is. This report is but a repetition of the report that has been put before the American people for now 10 years, so that every inquiring mind can know and does know precisely what the operations of this great company are and just what the results of its operations are. Yet we have not taken a single step toward the correction of the mistakes which we have made in former times with regard to such combinations. But I pass that. I could not refrain from impressing upon the Senate that it is not true that publicity is enough to remedy the evils which the American people believe reside in corporations of the magnitude of this one.

If any Senator is familiar with the subject and believes that I do not state precisely what this report shows, I hope he will rise now and correct me. In 1910 the United States Steel Corporation manufactured and sold 10,720,751 tons of manufactured products.

Now mark you, I am not including in that the transactions between the subsidiary companies. I am not including ore that is mined by one company and sold to another, coke that is manufactured by one company and sold to another, or pig iron which is made by one company and sold to another, all belonging to the same system or the same corporation. I am including in this statement just the finished product sold by all the companies subsidiary to the United States Steel Corporation and the United States Steel Corporation itself; and this is the way in which the corporation states it in its own report.

Now, follow me. If it had sold the 10,000,000 tons and more at an average of $4.40 per ton less than it did sell for, it would have received $47,202,104 less than it did receive.

We pass then to the next question. What would have been the fate of the United States Steel Corporation if in 1910 it had received $47,000,000, in round numbers, less than it did receive for the product which it manufactured and sold?

I enter that inquiry. I am now speaking of its net earnings. After having deducted all the cost of operation, all the cost of maintenance, and all the cost of sustaining its various benevolent organizations looking toward the pensioning of its employees, after deducting every penny which the company paid out, including the payment of interest upon the bonds of its subsidiary companies, its net earnings for the year 1910 were $141,054,754.51, as will be shown by the report itself on page 5.

Now, in order to secure its real net earnings I add the amount which was deducted for interest upon the part of its capital, for I want to arrive finally at an amount which will show its net earnings without having made any allowance whatsoever for profit upon capital. Computing the interest upon the subsidiary bonds at 5 per cent—and the rate of interest is not stated in this report, and therefore it is an estimate—it paid during the year for interest $7,201,818.33, making a total of net earnings, without any allowance for capital, of $148,256,572.84.

Two years ago when I was presenting the history of the United States Steel Corporation my distinguished friend from New Jersey insisted that I did not make a proper allowance for depreciation. I do not want to enter into an argument as to what is a proper allowance for depreciation. I am going to take this year the exact sum which the company itself says ought to be deducted for depreciation and extraordinary replacement. It says in its report that there must be deducted the sum of $22,140,555.53 for depreciation and for extraordinary replacement.

I do not find it necessary to differ from the corporation in that respect. I do not believe that any such sum should be allowed, because I know, and every other man who knows anything about the affairs of the corporation knows, and any man who examines this report will be advised, that a large part of the $22,000,000 for depreciation and replacements is allowed for the installation of new property, for such replacements as constitute really an addition to the capital of the corporation, and ought not to be deducted as current or annual expenses. But I allow the full amount claimed by the company of $22,000,000 and more. The result is that the net earnings which this company had at the close of the year, and for which it had no other use except to pay the reward which is just upon the capital invested, were $126,116,017.31.

I now deduct the $47,000,000 and more which I have suggested would be the lessened revenue of the company if it had sold its product at an average of $4.40 per ton less than the price for which it did sell its product. The result is that if this company had so sold its product last year it would, after paying all the expenses of operation, of maintenance, and every other expense incident to its existence, and after having put aside $22,000,000 for depreciation and for replacement, it would have had in its treasury $78,913,913.31. This, Senators, is 6 per cent on $1,315,231,888. In other words, if the fair capitalization of the United States Steel Corporation had been $1,315,231,888, it could have paid 6 per cent upon it, even though it had sold its product for $4.40 per ton on the average less than it did sell it for.

We now know, however, that it has no legal or moral right, so far as the Government of the United States is concerned, to a reward upon $1,300,000,000; we now know that what I asserted two years ago, viz, that the value of the property, at the highest possible estimate, which passed into the United States Steel Corporation in 1901 was less than $700,000,000. It organized in 1901 with a capital—I mean of bonds and stocks—aggregating $1,400,000,000. The inquiry recently made—and the results are published in the report of the Bureau of Corporations—shows that the real value of the property was $700,000,000.

Mr. OVERMAN. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. Certainly.

Mr. OVERMAN. Does the Senator include in that statement the Tennessee Coal & Iron Co. property, which it acquired for $31,000,000?

Mr. CUMMINS. No; the $700,000,000 does not include the compensation or price of the Tennessee Coal & Iron Co., because, as the Senator from North Carolina will remember, that company was not absorbed by the Steel Corporation for several years after its incorporation.

Mr. OVERMAN. What I mean is, does the Senator, in his estimate, estimate the $700,000,000 to include the property of the Tennessee Coal & Iron Co., which the Steel Corporation acquired?

Mr. CUMMINS. No; not at all. The $700,000,000 includes only the properties which were combined in 1901, and which became, either directly or indirectly, the property of the United States Steel Corporation. Its property has now increased.

Mr. LIPPITT. I should merely like to ask whether the statement includes in the earnings those derived from the Tennessee Coal & Iron Co.?

Mr. CUMMINS. The Senators seem to me to be at cross purposes. I was speaking about the condition in 1901, when the Tennessee Coal & Iron Co. was not included within the property of the United States Steel Corporation. When I speak of its earnings in 1910, gathered from the report to which I refer, those earnings do include the earnings of the entire property, of course, with the Tennessee Coal & Iron Co. included as a part of them.

Mr. LIPPITT. Then, of course, in addition to the capital on which interest or dividends would be allowed, the Senator should also add the cost of the purchase of the Tennessee Coal & Iron Co.?

Mr. CUMMINS. No; I would not.

Mr. LIPPITT. Well, Mr. President——

Mr. CUMMINS. I will immediately answer why, if the Senator from Rhode Island will permit me.

Mr. OVERMAN. The United States Steel Corporation only paid $31,000,000 for the Tennessee Coal & Iron Co., as I understand.

Mr. CUMMINS. Mr. President, I will answer both Senators if they will allow me. This company was organized, as I stated, in 1901. Its property was then worth $700,000,000—not more. It began immediately to earn enormous profits, and the profits which it has earned and received and which it has not paid out in interest on bonds and dividends on stocks amount to something like $500,000,000. The company has added very largely to its property since 1901. I am not saying that the property of the United States Steel Corporation is not now worth more than $700,000,000. On the contrary, I believe it

is worth more than a billion dollars; but it has been paid for out of the excessive profits which the company has derived in these intervening years by selling its product at more than a fair price. It had a perfect legal right to do that if it was validly organized. I am not complaining of that, but I say that we, the people of the United States, the Congress of the United States, are under no obligation to protect interest or profits upon that capital, which has been accumulated by and through excessive profits demanded and received by the company from the American people. If this capital had come into the company independently, and if these operations had been carried on so that upon the independent capital there had only been a fair profit earned, the argument I am now making would not apply.

The United States Steel Corporation will pay for the Tennessee Coal & Iron Co., and more than pay for it, out of the profits of a half year. It has built a great city near Chicago, where it has invested sixty or seventy—I think I am understating it—million dollars, and during the whole time it has not received from extrinsic sources during the 9 years or 10 years of its existence more than $53,000,000.

Mr. LIPPITT. Mr. President, I am not in any way trying to criticize the Senator's figures; I am very much interested in them; but I am anxious that he shall state the problem completely. I have no doubt he is going to do it before he finishes, but in order to state the problem completely, it seems to me that he must show what dividends have been paid out, on what amount they have been paid out, and whether the amount is equivalent to a fair dividend payment on the whole $700,000,000 that he is discussing. If, instead of paying out the entire amount, they choose to keep in the form of reserve a certain amount of their earnings, and then pay those earnings out for additional property, it is, of course, not quite fair to take earnings on that money that has been so invested and apply it only to the $700,000,000 of the original valuation. I think the Senator sees that.

Mr. OVERMAN. Mr. President, I want to say that my understanding is that the United States Steel Corporation took advantage of the panic of 1907 and forced the sale of the Tennessee Coal & Iron Co., acquiring thereby over $200,000,000 worth of property for $31,000,000.

Mr. CUMMINS. Mr. President, I do not intend in this discussion to go into the merits of the acquisition of the Tennessee Coal & Iron Co., because it would unduly prolong my discussion upon the other question. I can not, however, agree with the Senator from Rhode Island [Mr. LIPPITT]. I hope he will not think I am unfair and I hope that he will catch my point of view. We are not trying to fix the profits which may be earned by the United States Steel Corporation or by any other corporation. I assume that the policy we have adopted up to this time will permit any individual or any corporation to earn all that he or it can upon the capital employed; but when we adopt a policy of protection, which is intended simply to equalize the conditions which exist here as compared with the conditions which exist abroad, then in so equalizing conditions it would be flagrantly wrong to levy a duty or a system of duties that would enable a manufacturer to earn more than a fair profit upon the actual value of the property which he employs in the business. When we are trying to ascertain the extent of the duties which we can in justice levy upon a particular business or a particular product, we ought not to take into account the capital that has been created by contributions for excessive profits. So far as the United States Steel Corporation is concerned, in determining what the duty ought to be, we must begin with 1901, and we find that that company has employed in its business property of the value of $700,000,000.

It has taken in no independent capital since that time, with the exception of about $50,000,000, and that has been vastly more than repaid by the sinking fund of the corporation. Therefore, when we find a duty on iron and steel that will enable this company to earn a fair and reasonable reward upon $700,000,000, we have found a duty that complies with and fulfills the standard of the Republican platform of 1908; and if the company is able to sell for vastly more than enough to pay a reasonable reward upon its capital, and, so selling, invests the proceeds in the enlargement of its properties, well and good; but it can not ask the Government to maintain duties that will enable this additional capital, wrested from a defenseless people, to pay dividends. It seems to me that such a policy ought not to be maintained by anybody.

I am not asking here that the Government shall say that the United States Steel Corporation shall not earn interest on more than $700,000,000. We may come to that some time in the administration of our affairs; we may come at some time to an inquiry into what ought to be done with these corporations, so large that competition no longer influences their affairs; but we have not yet reached it; and I am not attempting to reach it in the adjustment of tariff duties. I am only saying that, in levying tariff duties, I do not intend to stand for duties that will protect the United States Steel Corporation in a capitalization of more than $700,000,000. When we have done that, we have answered the full demands of the Republican platform, and we have exemplified the full policy of the Republican Party.

Mr. LIPPITT and Mr. OLIVER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Iowa yield, and to whom?

Mr. CUMMINS. I first yield to the Senator from Rhode Island, and then I will yield to the Senator from Pennsylvania.

Mr. LIPPITT. I do not want to unduly interrupt the Senator. I understand that the product of the United States Steel Corporation is, by and large, perhaps 50 per cent of the total steel product of the country.

Mr. CUMMINS. Not quite 50 per cent.

Mr. LIPPITT. Something under 50 per cent; and that the remainder of the business is done by smaller corporations, some of them quite small. I should like to ask the Senator if he does not believe that the United States Steel Corporation can make its part of the total product at a less cost than the smaller manufacturers; and if the result of forcing the United States Steel Corporation to lower prices would not be to put the smaller manufacturers, to a considerable extent, entirely out of business?

Mr. CUMMINS. I do believe that the United States Steel Corporation can make its product for slightly less cost than any other company engaged in that business. I do not believe, however, that the reduction of the duties which I have proposed would put any company engaged in that business out of it, or would interfere with fair and lawful profits upon the part of any other company engaged in the business, as I shall show the Senator from Rhode Island before I have finished.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. I yield now to the Senator from Pennsylvania, if the Senator from Utah will permit.

Mr. OLIVER. The inquiry I was about to make was in the same line as that made by the Senator from Rhode Island [Mr. LIPPITT].

Mr. CUMMINS. I will answer that in a moment.

Mr. SMOOT. Mr. President, I should like to ask the Senator if it is not a fact that under the present tariff rate structural steel made in foreign countries has taken the entire market of the Pacific coast? Is it not also a fact that under the present rate of duty there are certain limited areas on the Atlantic coast using foreign steel; and if $4.40 is taken from the present rate, will not the foreign product preempt a greater scope of country and utterly prevent any domestic structural steel being used on the Pacific coast, so that the market for American structural steel will be confined to the interior points?

Mr. CUMMINS. Mr. President, the Senator from Utah has combined a great many questions in a single sentence. He first assumes, which is not, of course, accurate, that the duty on structural iron and steel is reduced by my amendment $4.40 per ton. The present duty on structural iron and steel, not assembled, is $6 a ton upon certain classes and $8 upon certain other classes. Assembled structural iron and steel bears a duty of from $14 to $18 a ton, according to its value as imported. I believe that there will be some structural iron and steel imported into this country from abroad under the paragraph as I have rewritten it, not, however, upon the Atlantic seaboard, but those importations will be confined to a very narrow region on the Pacific seaboard.

It is utterly impossible, Mr. President, for us to prescribe a duty on iron and steel that under all circumstances will protect the Pacific coast if the Pacific coast desires to buy only the American product. The Senator knows that the mere matter of transportation from Pittsburgh or Johnstown or Birmingham to San Francisco renders the price of the domestic commodity there almost prohibitive; and there will at times be imported some of the heavier forms of iron and steel to the Pacific coast. I do not think that the Senator from Utah would venture to say to the people of this country that he wants a duty upon all iron and steel that will enable the American manufacturer to transport it for more than 3,000 miles by rail with all the attending expense of such transportation.

I suppose that during the last year there has been no assembled structural iron and steel sent even into San Francisco; in fact I have been informed there has not been. There has been some of the cruder forms of structural iron sent to San Francisco, but with the duty of $15 or $18 a ton upon it, you

have prevented the people of that portion of the country from buying this commodity at a fair price, and you have, as I am advised, absolutely excluded it from the shores of the United States anywhere. I do not think that we can pay that price for the policy of protection; and I hope that the Senator from Utah will not stand for that application of the doctrine, but if he does stand for it it will be condemned by an intelligent people, for there are distances and there are conditions which can not be covered by the doctrine of protection.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. If structural steel had to be shipped over the country by rail, and the rail rate was an exceedingly high one, then the argument of the Senator from Iowa would be all right and favorable to the proposition of a reduced duty; but remember that most of our iron manufacturers are located upon the Atlantic coast or a short distance inland, and structural steel can be shipped by water, as all foreign structural steel is shipped.

If the water rates are the same from New York or the Atlantic coast to San Francisco as they are from Germany to San Francisco—and they should be no more—then it seems to me that it is a question of competition and of the price at which rails can be made in a foreign country as compared with the price of rails made in this country. That is where the protective tariff comes in, and not to hold up railroad rates, as the Senator has intimated.

Mr. CUMMINS. Mr. President, if Pittsburgh, Birmingham, and Chicago can reach San Francisco upon anything like the rate that prevails between Germany, Belgium, France, or England and San Francisco, then the rate that I have provided in the amendment proposed is abundant to protect our manufacturers; and I can prove that in a single minute. We have attached a duty of $3.50 a ton upon steel rails. Does the Senator from Utah remember how many tons of steel rails have been imported into the United States in the last year?

Mr. SMOOT. Mr. President, I have not had occasion to look the matter up, but I doubt very much whether there was a very large amount. However, the cost of making steel rails is an entirely different matter from structural iron, and we were discussing the question of structural iron.

Mr. CUMMINS. I simply wanted to get the Senator's answer to the question that I suggested with regard to the extent of the importations. The fact is that the importations of steel rails into the United States since our duty was placed at $3.50 a ton have been negligible. Steel rails are sold at $28 per ton in this country. That, of course, is on board cars at the point of shipment, which is usually near the eastern seaboard of the United States. Nonassembled structural steel is worth, we will say, $35 to $45 a ton, as against $28 a ton for steel rails; so that, at the very most, it can not be said that it costs more than $7 a ton to manufacture that quality of structural iron and steel in excess of the cost of manufacturing steel rails. The present duty upon that kind of imports is from $6 to $8 per ton, and that not only will cover the increased difference between the cost of production, but it will almost cover the entire difference between the cost of producing a steel rail and a structural beam; but that duty is altogether too high, Mr. President, and by this proposed amendment I reduce it to $5 per ton, and we will have a duty of $5 per ton on structural steel as a whole and a duty of $2.50 per ton upon steel rails as a whole. I look upon that as about the proper relation between steel rails and structural iron and steel; and if $2.50 per ton is fair protection for steel rails, then $5 a ton is fair protection for structural iron and steel.

Mr. OLIVER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I yield to the Senator from Pennsylvania.

Mr. OLIVER. While we are on the subject of the shipment of structural iron and steel to the Pacific coast, I ask the Senator from Iowa if he is aware of the fact that the entire Pacific coast market for pig iron is now held by China? The Chinese, under the present tariff, are shipping practically all of the pig iron used upon the Pacific coast in opposition to our manufacturers—not in competition with, but in opposition to them—and yet the Senator proposes still further to reduce the duty on pig iron.

Mr. CUMMINS. I think that the Senator from Pennsylvania states the case with reasonable accuracy. I am in favor of free pig iron. I think it is a travesty upon political economy to suggest the transfer of pig iron from the Atlantic seaboard to the Pacific coast. I do not believe that one who examines the subject with any care at all will ever propose a duty that will protect pig iron; that is, to cover the difference between the cost of producing it here and abroad, and then add the cost of transporting it from New York to San Francisco.

We will be compelled to take in these remote quarters of the country such products as pig iron from those sources that can send them to the country with a reasonable expense of transportation.

A commodity so tremendously heavy, a commodity that so nearly approaches a raw material, can not economically be sent from one border of this country to the other. If we had transportation from the points of production to San Francisco that were fairly related to the cost of transportation from other sources or points of production to San Francisco, I would be very glad to cover by a duty the difference between the cost of producing them anywhere and the cost of producing them here, but I am not willing—and it might just as well be understood now if it is any satisfaction to the Senators in the Chamber—to use the doctrine of protection for the purpose of equalizing in such extreme cases the difference in the cost of transportation from one part of the country to the other.

Mr. DIXON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. DIXON. I desire to elucidate by way of a question at this time the remark of the Senator from Pennsylvania regarding the statement of the Senator from Iowa of being in favor, under the peculiar circumstances, of no duty on pig iron.

I want to ask the Senator from Pennsylvania if that is high treason to the Republican doctrine of protection, what would he denominate the color of 21 other Republican Senators who within the past two weeks voted in this Chamber for free trade on everything the farmers of this country produce. Why is it high treason for the Senator from Iowa to be in favor of one item being put on the free list when 20 Republican Senators from the great manufacturing States of the East go on record by their votes for free trade not in one article but in everything that the American farmer produces. I should like the Senator from Iowa to yield while the Senator from Pennsylvania answers that question. I want to get my protection straight.

Mr. CUMMINS. I am perfectly willing to yield to the Senator from Pennsylvania for an answer to the Senator from Montana.

Mr. OLIVER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. OLIVER. Now, if the Senator from Iowa will allow me, I will answer the question of the Senator from Montana by saying that I leave it to others, for fear of giving additional offense, to characterize the votes of some of my associates upon the measure to which he refers, but will simply ask him to remember that I at least was consistent in my vote upon that measure, and I do not regret that vote.

Mr. DIXON. I do not want to interrupt the speech of the Senator from Iowa.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I will yield to the Senator from Montana for a moment.

Mr. DIXON. I continually resent the statements in the debates in the Senate and the headlines in the newspapers about Republican Senators being insurgents because they see fit to stand up for the principle of protection as applied to the farmers of this country when 20 or 19 Republican Senators by their votes annihilated the principle of protection to one-third of the people of this country who make their living on the farm. I did not quite appreciate the remark of my friend the Senator from Pennsylvania, in referring to the statement of the Senator from Iowa, while 20 other Republican Senators are praised in the papers as being regular Republicans.

I resent it, and I want to reiterate that until the Republican Party comes back to its old-time doctrine, protection for all or protection for none, we are never going to write another protective tariff bill in this Chamber that will stand the test of the approbation of the American people.

Mr. CUMMINS. Mr. President, I reiterate——

Mr. OLIVER. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I yield to the Senator from Pennsylvania.

Mr. OLIVER. I want to call the Senator's attention to a statement he made some time ago and give him an opportunity to correct it, because I think it is very incorrect. He stated,

as I understood, that the product of structural steel in this country amounted to something like 23,000,000 tons.

Mr. CUMMINS. No; I made no such statement.

Mr. OLIVER. That is what I understood the Senator to state.

Mr. CUMMINS. No; I stated that the aggregate product of tonnage iron and steel is substantially 23,000,000 tons.

Mr. OLIVER. I understood the Senator applied that to structural iron and steel.

Mr. CUMMINS. Oh, no; to the entire output of those——

Mr. OLIVER. The Senator was talking about structural steel at the time. I knew that to be largely in excess of the amount.

Mr. CUMMINS. The aggregate output of what is ordinarily known as tonnage iron and steel, and by that I mean such iron and steel as are manufactured and sold by enterprises like the United States Steel Corporation, is somewhere between 22,000,000 and 23,000,000 tons.

Mr. President, when interrupted a long time ago I was about to pursue my analysis of what the United States Steel Corporation did or could do with its net earnings.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. HEYBURN. Before the Senator leaves the subject of free pig iron on the Pacific coast, I wish to say a word. I thought I was correct in my recollection. I have refreshed my memory since the Senator made the statement that he is in favor of free pig iron.

Now, in view of the fact that more than one-third of the pig iron produced in the United States is produced in the Western States, even as far west as Colorado, and within the last two or three years furnaces starting in Oregon and Washington and other States, and with the official figures showing the existence of very large quantities of iron ore clear out into the islands of Puget Sound and through the mountains of the chain of States extending up and down, does it not seem to the Senator that those people should be given some consideration in determining the question of their competition with the pig iron of countries like China or Asiatic cheap-labor countries, in order that they may do just what the East did—develop their mines?

I think the Senator will find from the official figures that there is as much raw material on the Pacific coast from which pig iron is produced as there is on the Atlantic coast. The country is new, the population is not so great, and the time that has elapsed since the settlement of the country not being so great, those interests have not advanced as they have here. But these interests would not have advanced had they been thrown in competition with such cheap production as that which comes from China.

I know the Senator is consistent, or desires to be, in the distribution of the benefits of government and protective laws. Ought not that country to be encouraged and assisted rather than to be thrown into competition with China's production while we protect the eastern country, which is less in need of protection than the West? Bear in mind that the producing section of this country has been going west greatly and rapidly, so that in 10 years the western supply—that is, the pig iron accredited to the West—has multiplied four times in 10 years, and the actual production of it has multiplied that much in 10 years. So that it would be hardly fair to limit it by giving us free pig iron from China.

Mr. CUMMINS. I do not know whether I fully understood the Senator from Idaho, but as I understood him he said that one-third——

Mr. HEYBURN. I will give the figures.

Mr. CUMMINS (continuing). Of the pig iron of this country is produced in the Western States. Does the Senator mean by that to include Michigan in the Western States?

Mr. HEYBURN. I take the Government's classification. I am speaking from Government figures.

Mr. CUMMINS. The Senator knows well that the very, very large proportion of pig iron produced in this country comes from ores mined in Michigan and ores mined in Alabama and Minnesota and the East.

Mr. HEYBURN. In view of that statement, I think the Senator would like to have the figures. The production of Michigan pig iron last year was 1,250,103 tons. That State is not at all among the large producing States of pig iron. The iron in Michigan does not go into pig iron to so large an extent—that is, as an article of commerce—as that produced in some other States.

Mr. CUMMINS. It does not go into pig iron for sale at all, because the United States Steel Corporation mines and uses practically all of it.

Mr. HEYBURN. This is the classification. Now, in regard to the different sections, I take the Government's figures. The New England and Middle States had 216 furnaces on December 31 last, and they produced 13,992,765 tons. The Western States produced 10,412,854 tons. You see there is only about 3,000,000 tons difference between them, the product of both being large. That is the product accredited to the West, and that extends as far west as Colorado and even to the Pacific coast. The figures show the progressive growth of the industry. There are the two sections of the country. The Southern States produced 2,892,926 tons. We must bear that in mind.

Now, the difference in the distance between the Michigan mines and the eastern market or the Atlantic coast and the Michigan mines and the Pacific coast is slight. The Michigan mines, those on Lake Superior, pretty nearly divide the distance. The pig iron and the products of it go west from the nearest point of large production. So we must bear that in mind.

I do not care to set myself up as a statistician, but we know something from observation of the existence of large ore bodies on the Pacific coast. It is safe to say that the ore bodies on some of the islands around Puget Sound are of as great extent as those in Pennsylvania. The only reason they have remained undeveloped is because of the fact that they were not in as good a position to compete, either through equipment or capital or development or persons who were free to engage in that business, as those in the East; but quite recently, within a few months, a very large combination of iron men—men who have been in the business in this country and are looking for new fields—have acquired a large quantity of iron land on the Pacific coast, with a view to its speedy development. So I think the Senator might reconsider the statement that he would be in favor of admitting pig iron from China free.

Mr. CUMMINS. I am first concerned with the accuracy of the statement which began this controversy. The Senator from Idaho will remember that it all grew out of a discussion as to whether duties should be levied upon pig iron that would cover the transportation of pig iron from the eastern point of production to the Pacific coast. I said in my opinion such duties ought not to be levied, and that inasmuch as we, in my further opinion, can produce and do produce pig iron in the eastern part of the United States as cheaply as pig iron can be produced in the world, therefore pig iron should be free.

Now, if we should reach a time when it was proposed to put a duty on pig iron in order that the iron mines or iron ores of the Pacific coast States or communities that were within fair transportation distance of the western country should be protected, the whole matter would have to be reconsidered, of course. I am speaking about conditions as they exist.

I now recur to the statement that I made. I have before me Table 121 of the Statistical Abstract of 1910, page 210. I presume it is the same table from which the Senator from Idaho was reading.

Mr. HEYBURN. That is the table.

Mr. CUMMINS. In order to show that I was right, I want to read the States which produce pig iron:

Alabama, Colorado—

Colorado produced, in 1910, 428,612 tons.

Connecticut, Georgia, Indiana, Illinois—

Illinois, I think, probably was the third State in the Union in the production of pig iron, but of course, as is well known, she produces her pig iron mainly from ores brought from Lake Superior.

Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin.

Washington produced none at all.

Mr. HEYBURN. That is, there is no statement.

Mr. CUMMINS. The only Western State, as I was speaking of Western States, which produced any pig iron in 1910 was Colorado, and that produced 428,612 tons.

Now, I am not saying that the time may not arrive in the future when the iron ores of the western part of this country may be utilized under proper protection. I only say, and I want the Senator from Idaho to clearly understand me, that we can not afford to transport pig iron from Chicago or from New York to San Francisco. Plainly we can not do it, because we had vastly better manufacture the pig iron into the forms that are ultimately to be used and transport those manufactured forms of iron or steel. It would be more economical to do it

than to send the pig iron; and I am sure the Senator from Idaho will not dispute with me on that point.

Mr. HEYBURN. I think we will agree, because we have figures, but it does not follow because no production of pig iron is shown in such States as Missouri and Indiana and others that none is produced. They only have not included in this table the statement. We have foundries in my State; one in my city of very considerable magnitude. We have pig-iron furnaces at Port Hill. I could name, probably, a dozen without stopping to think, but they are not included in this statement. I only used this statement for that which it did contain, and not for that which it did not contain.

Mr. CUMMINS. I will not pursue this particular subject further, but recur to the point I was endeavoring to make when diverted into this long and interesting colloquy with regard to pig iron.

I had just stated that the United States Steel Corporation, after reducing its average price last year $4.40 per ton, would have sufficient net earnings applicable to capital to pay 6 per cent interest on $1,315,231,888. I had ventured to say that my statement of two years ago—that the actual property of the United States Steel Corporation was not worth more than $700,000,000—had been corroborated since that time by the complete and illuminating inquiry made by the Bureau of Corporations with respect to the organization of this company.

I had endeavored to establish the proposition that so far as protection is concerned, if we established a duty which would enable this company to pay 7 per cent on $700,000,000, we had fully complied with the doctrine of protection and with the pledge of the Republican Party. If we do allow 7 per cent on $700,000,000, the result is $49,000,000 required by that company to make a fair and reasonable return upon the capital invested.

Now, let us see. If we deduct the $49,000,000 from the net earnings of this company there would still remain $29,913,000.31. After compensating capital, after laying aside $22,000,000 and more for replacements and depreciation, after paying all the expense of maintenance and operation, this company would have in its treasury, even though it had sold its product for $4.40 per ton less than the price at which it did sell it, $29,913,000.

This represents the amount of undivided and excessive profit even upon the lowered plane of prices which I have suggested. This means further, that allowing for all the extravagant deductions for depreciation and replacement and exorbitant profits, for a large part of this capitalization would be represented by bonds bearing not more than 5 per cent per annum, the company could have sold every ton of its product at an average reduction in price of $7 a ton and still have rewarded capital in the way I have suggested.

Now I come to the point that was remarked upon by the Senator from Rhode Island, and a very proper point it is, because we can not afford to adjust our tariff duties solely upon the basis of the cost of that company or enterprise which can produce at the lowest or minimum expense, but we must adjust our tariff duties upon a fair average of the cost of production.

I heard debated here two years ago, as all did, this very point; and while I have no precise information with regard to the cost of other companies as I have in regard to the cost of the United States Steel Corporation, I never heard it suggested by anyone debating the matter that upon the average the United States Steel Corporation could produce for more than $2 a ton less than the cost of other companies. If there is anyone here who has better knowledge upon that subject than we have had heretofore, I shall be glad in the course of this debate to hear the result of his observation or his experience upon the subject. I assert that upon the average it does not cost any large company engaged in this business in the United States to exceed $2 a ton in excess of the cost of the United States Steel Corporation; and if that be true, and I think it can not be fairly questioned, and if I have proved, as I have beyond any controversy whatever, that the United States Steel Corporation can sell its product at $7 per ton less than it sold it for last year, the fear that it will destroy any legitimate industry in the hands of the smaller companies becomes purely imaginary, because in my judgment the duties which I still propose upon these products will more than measure the difference between the cost of production of any of them and the cost of production of like articles abroad.

These reductions will not confine the United States Steel Corporation to fair profits, even though its prices be reduced the full amount of the reduction I have proposed. It will, however, in my opinion confine other companies—the companies which manufacture about 54 per cent of such products in the United States—to fair prices if they would exclude competition from abroad.

Mr. President, I have finished my review of this subject. If there is anything that I have omitted I shall be very glad to respond to anyone who desires to make an inquiry.

Mr. LIPPITT. Mr. President, I want to ask a single question to get a little more elucidation of the point the Senator from Iowa and myself were discussing when some others broke in upon the discussion. I asked him if the profits of the United States Steel Co. would not be larger than the profits of the other half of the industry. As I understood him, his opinion agreed with mine that those profits would be larger, but he thought, as I understood him, that the difference in the profits was very slight.

Mr. CUMMINS. No, Mr. President; I did not say slight; I said not more than $2 a ton. I do not think that a slight difference.

Mr. LIPPITT. Then I understand the Senator thinks the difference in the profits is considerable. It seemed to me, if that was the case, the effect of reducing the duty would inevitably be to throw more and more of the industry out of the hands of the small producer and into the hands of the large unit of production represented by the United States Steel Co., and that it was scarcely fair to the industry to take solely the profits of one producer, which, on account of its composition, had certain advantages in which none of the others shared, and figure upon those profits as a proper basis for the whole iron industry. It seemed to me that the inevitable tendency here is to increase the consolidation of the business into a single hand, which many people are very much objecting to.

The Senator also a minute ago said that he did not know of any large producer of iron that had not been able to make a good profit, as I understood him.

Mr. CUMMINS. No; I said nothing about that.

Mr. LIPPITT. That had not been able to compete successfully, we will say.

Mr. CUMMINS. I think there are some producers that are not doing very well.

Mr. LIPPITT. As I understood the Senator, he challenged anyone to bring forward the case of a large producer of iron fabrics that had not done well under existing circumstances. If that is the case, I should like to call his attention to the Lackawanna Steel Co., which has a capital of more than $34,000,000, every dollar of which was paid in in cash. It was founded, I understand, some 10 years ago, and not a single dollar of dividends, I believe, has since been paid on the original investment. It seems to me that that would be pretty strong evidence that in some cases at least the competition had been pretty severe. But that was not particularly the point I had in mind; it was rather the question as to the effect of this reduction upon the small producer.

Mr. CUMMINS. In regard to the last suggestion of the Senator from Rhode Island, I do not know about the affairs of the Lackawanna Steel Co. There are in every business companies that will not and can not succeed. The tariff alone will not enable any person to highly succeed in business. There must be in addition certain natural advantages and a certain skill and sagacity in management and operation. The Senator from Rhode Island knows, because it has often fallen under his observation, that a certain business given into one hand will fail, no matter how favorably it may be situated, and given into another, surrounded by the same conditions, it will succeed. It is not intended by our tariff policy to eliminate the personal equation, if I may use the words of a distinguished Senator. It is not intended to guarantee against mismanagement or incapacity. I would be sorry to see our Republican doctrine converted into a guaranty for ignorance and unintelligence.

I do not know, however, that this is true of the Lackawanna Steel Co. I am simply saying that I do not agree that its failure, if it has been a failure, can be used as an argument against the proposition I have advanced.

Now, answering the first suggestion of the Senator from Rhode Island, if I had said or if I had proved that the United States Steel Corporation could not suffer a reduction of more than $4.40 per ton upon the average of its product, then the conclusion stated by the Senator from Rhode Island would follow, in view of my admission that I believe at least the cost of production is greater with some of the lesser companies than with the United States Steel Corporation.

I have proved that the United States Steel Corporation could reduce its prices $7 a ton and still pay 7 per cent interest upon the whole capital originally invested in the business and all the independent capital that ever was invested in the business. When the Senator from Rhode Island says, and says truly, that there are other companies whose products cost more, I say that there is no established company, no company of considerable

proportions, whose product costs $2.60 in excess of the product of the United States Steel Corporation, and no one whom I have ever heard has so claimed. Therefore, when I have shown that we could reduce these duties so far as the United States Steel Corporation is concerned to $7 a ton, I have proved that there is ample protection in it for any of the companies which now manufacture steel.

I intended, Mr. President, to take up somewhat in detail other items in the metal schedule, but I have consumed now much more time than I intended to consume. These interruptions have been very helpful; I do not complain of them; but I do not feel that I desire at this time to go into the remaining items of the metal schedule. I think everybody will agree that if I have fixed upon a proper reduction for tonnage iron and steel my proposal with respect to other manufacturers of iron and steel can not be successfully assailed; and therefore thanking the Senate and the Senators for listening to me so patiently, so far as I am concerned I submit the amendment I have proposed.

MESSAGE FROM THE HOUSE.

During the delivery of Mr. CUMMINS's speech a message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

The message also communicated to the Senate the intelligence of the death of Hon. HENRY C. LOUDENSLAGER, late a Representative from the State of New Jersey, and transmitted resolutions of the House thereon, and announced that the Speaker of the House had appointed as the committee on the part of the House Mr. CANNON, Mr. PADGETT, Mr. ROBERTS of Massachusetts, Mr. BUTLER, Mr. BATES, Mr. LLOYD, Mr. MCKINLEY, Mr. AIKEN of South Carolina, Mr. RODENBERG, Mr. CAMPBELL, Mr. CRAVENS, Mr. GARDNER of New Jersey, Mr. HUGHES of New Jersey, Mr. WOOD of New Jersey, Mr. KINKEAD of New Jersey, Mr. HAMILL, Mr. MCCOY, Mr. TOWNSEND, Mr. SCULLY, and Mr. TUTTLE.

TARIFF DUTIES ON WOOL.

After the conclusion of Mr. CUMMINS's speech,

Mr. LA FOLLETTE. Mr. President, I had intended to present the conference report upon the wool bill, so called, but as many Senators have already left the Chamber, and as it is understood that it will provoke some debate, I will not present it until to-morrow morning. I will therefore move that the Senate adjourn.

Mr. BRIGGS. Will the Senator from Wisconsin withhold his motion, that I may call up resolutions from the House of Representatives?

Mr. LA FOLLETTE. I withdraw the motion at the request of the Senator from New Jersey.

DEATH OF REPRESENTATIVE HENRY C. LOUDENSLAGER.

Mr. BRIGGS. I ask the Chair to lay before the Senate the resolutions from the House of Representatives relative to the death of my late colleague in that body.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions as follows:

In the House August 12, 1911.

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY C. LOUDENSLAGER, a Representative from the State of New Jersey.

Resolved, That a committee of 20 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk send a copy of these resolutions to the Senate and also transmit a copy thereof to the family of the deceased.

Mr. MARTINE of New Jersey. Mr. President, as a resident and fellow citizen of New Jersey, I would like to say a word.

The grim reaper has again done its work, this time in the other House of Congress. Had HENRY CLAY LOUDENSLAGER lived his term out he would have served the Government of the United States consecutively 20 years.

All who knew him, everybody who had touch with or an inclination for politics in the Commonwealth of New Jersey, knew kindly and well the loving, genial, and hospitable HARRY LOUDENSLAGER. The State of New Jersey in his death has lost a splendid son, society a delightful and loving companion, these United States a grand patriot and a broad statesman. New Jersey stops to weep at his bier and pay the last tribute it can in wishing for his family God's speed and God's blessing to him.

Mr. BRIGGS. Mr. President, I offer the following resolutions, and ask for their adoption.

The PRESIDENT pro tempore. The Senator from New Jersey submits resolutions, which will be read by the Secretary.

The resolutions (S. Res. 137) were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. HENRY CLAY LOUDENSLAGER, late a Representative from the State of New Jersey.

Resolved, That a committee of nine Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. LOUDENSLAGER at Paulsboro, N. J.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

The PRESIDENT pro tempore appointed as the committee on the part of the Senate under the second resolution Mr. BRIGGS, Mr. MARTINE of New Jersey, Mr. BAILEY, Mr. CURTIS, Mr. BRANDEGEE, Mr. OLIVER, Mr. NIXON, Mr. WILLIAMS, and Mr. HITCHCOCK.

Mr. BRIGGS. I offer the following resolution, and ask for its adoption.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDENT pro tempore. The question is on agreeing to the resolution submitted by the Senator from New Jersey.

The resolution was unanimously agreed to, and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 15, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 14, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we need Thy guiding and restraining influence in all the intricacies of this strenuous and complicated existence, hence we pray for self-control, self-respect, self-reliance under Thee, that we may be strong, and pure, and noble in all our intercourse with our fellow men; that Thy purposes may be fulfilled in us, to the glory and honor of Thy holy name. Amen.

The Journal of the proceedings of Saturday, August 12, 1911, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2246. An act to amend the military record of John P. Fitzgerald, who enlisted and served under the assumed name of Joshua Porter in Company K, Seventh Regiment, and Company C, First Regiment, Michigan Volunteer Cavalry, from March 9, 1865, to March 10, 1866, and to issue to him an honorable discharge in his true name of John P. Fitzgerald;

S. 2534. An act to extend the time for the completion of the Alaska Northern Railway, and for other purposes;

S. 3115. An act to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes; and

S. 304. An act for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish to the House of Representatives, in compliance with its request, a duplicate engrossed copy of the joint resolution (S. J. Res. 31) authorizing the Secretary of War to loan certain tents for the use of the Astoria Centennial, to be held at Astoria, Oreg., August 10 to September 9, 1911.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2246. An act to amend the military record of John P. Fitzgerald, who enlisted and served under the assumed name of Joshua Porter in Company C, First Regiment Michigan Volunteer Cavalry, from March 9, 1865, to March 10, 1866, and to issue to him an honorable discharge in his true name of John P. Fitzgerald; to the Committee on Military Affairs.

S. 2534. An act to extend the time for the completion of the Alaska Northern Railway, and for other purposes; to the Committee on the Territories.

S. 3115. An act to authorize the Secretary of the Interior to withdraw from the Treasury of the United States the funds of the Kiowa, Comanche, and Apache Indians, and for other purposes; to the Committee on Indian Affairs.

S. 304. An act for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.; to the Committee on the Library.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that on August 12 they had presented to the President of the United States, for his approval, the following bills:

H. R. 6098. An act to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark.;

H. R. 11021. An act to authorize the Levitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark.; and

H. R. 11477. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CANDLER, indefinitely, on account of the dangerous illness of his father.

LETTERS, DOCUMENTS, ETC., IN REGARD TO ALASKA COAL CONTRACTS.

Mr. CLAYTON. Mr. Speaker, I present a privileged report on House resolution 217.

The SPEAKER. The gentleman from Alabama presents a privileged report. The Clerk will read the resolution and the report.

The Clerk read House resolution 217, as follows:

Resolved, That the Attorney General be, and he is hereby, directed to furnish to the House of Representatives the following:

A copy of all letters, documents, affidavits, testimony, or evidence, and of all reports of special agents, employees, assistants, or district attorneys, and all other information of whatsoever kind or from whence derived, in possession or under the control of the Department of Justice, relating to the matters and things alleged and contained in that certain affidavit signed by H. J. Douglas and sworn to on the 23d day of May, 1910, before Ben Vail, notary public in and for the District of Columbia, a copy of which was forwarded to the Attorney General on May 24, 1910, by the Delegate from Alaska, the receipt of which was acknowledged by the Attorney General, by his letter of May 31, 1910, addressed to the Delegate from Alaska.

With the following amendment:

In line 2, after the word "directed," insert "if not incompatible with the public interest."

The SPEAKER. The Clerk will read the report. (H. Rept. 145.)

The Clerk read the report (by Mr. CLAYTON), as follows:

The Committee on the Judiciary, having had under consideration House resolution 217, make the following report thereon:

The resolution calls for certain information and is limited to such purpose. Its language is as follows:

"*Resolved*, That the Attorney General be, and he is hereby, directed to furnish to the House of Representatives the following:

"A copy of all letters, documents, affidavits, testimony, or evidence, and of all reports of special agents, employees, assistants, or district attorneys, and all other information of whatsoever kind or from whence derived, in possession or under the control of the Department of Justice, relating to matters and things alleged and contained in that certain affidavit signed by H. J. Douglas and sworn to on the 23d day of May, 1910, before Ben Vail, notary public in and for the District of Columbia, a copy of which was forwarded to the Attorney General on May 24, 1910, by the Delegate from Alaska, the receipt of which was acknowledged by the Attorney General by his letter of May 31, 1910, addressed to the Delegate from Alaska."

The information called for by the resolution is "a copy of all letters, documents, affidavits," etc., "in possession or under the control of the Department of Justice, relating to the matters and things alleged and contained in that certain affidavit signed by H. J. Douglas," etc. Inasmuch as the particular letters, documents, affidavits, etc., which are desired are not described except by mere reference to the Douglas affidavit, it was necessary for the committee to be informed of the contents of such affidavit. Therefore, for the purpose of being informed as to the contents of such affidavit a hearing was given to Mr. WICKERSHAM, the Delegate from Alaska, the author of the resolution. Accordingly, at the committee hearing on July 13, 1911, the Delegate furnished a copy of the Douglas affidavit to the committee, a copy of which affidavit is appended to this report. After having furnished this information to the committee, the Delegate in his statement went beyond the scope of the resolution itself and made certain references to the Attorney General. The Attorney General was not present at such hearing, but afterwards took exception to these references made by the Delegate.

On July 17, 1911, the Attorney General, in a letter addressed to the chairman of the committee, signified his desire to appear before the committee. On July 24, 1911, the Attorney General did appear before the committee and made a statement in regard to the matters covered by the resolution and the other matters referred to by the Delegate in his statement. At this hearing the Attorney General said:

"I have no objection to the resolution, and had that been the only matter before this committee I should not have asked to appear here, because resolutions calling upon the Attorney General for information relating to various matters under consideration by the Department of Justice are commonly passed and are dealt with in a routine manner. But in the hearing before the committee on the 13th day of July the Alaskan Delegate undertook to accuse me, to use his own language, of purposely shielding and defending 'Alaska syndicate criminals from punishment for crimes against the Government in this specific instance and also in other instances wherein I personally gave him the evidence which would justify him in finding indictments.' Therefore, the question really before your committee is, I take it, as to my personal part in dealing with information laid before the Department of Justice referred to by the Delegate in his statement before the committee at the last hearing."

When he appeared before the committee, the Attorney General furnished a copy of the letters, documents, affidavits, etc., called for by the resolution and described in the Douglas affidavit. At the same time the Attorney General likewise produced and laid before the committee copies of various other papers and documents, some confidential and some not confidential in character, and not called for by the resolution, but pertaining to certain matters discussed by the Delegate before the committee. In doing this the Attorney General expressed his purpose to present, and the fact that he had presented to the committee, all the papers which had come into his possession touching any of the matters criticized or complained of by the Delegate. In so far as these documents relate to the resolution, the committee deemed it proper that the same should be laid before the House by the Attorney General in conformity with the resolution as hereinafter reported and in the customary manner, but the remaining documents were by your committee returned to the Attorney General for the twofold reason that the same were not germane to the resolution and were, in the opinion of your committee, of such character that, pending investigations by the Department of Justice and the administration of justice would probably be impeded by their publication.

Your committee considers itself without power to pass upon matters presented by the Delegate on the one hand and the Attorney General on the other which were beyond the scope of the pending resolution, but permitted the introduction of the same only by courtesy and because of the request of both of the gentlemen concerned. The duty of the committee, so far as this resolution is concerned, does not authorize the committee to go beyond the mere ascertainment of the meaning and purpose of the resolution and the propriety of reporting back the resolution itself. The practice of the House seems to be, and certainly it has been the practice of the present House, to require investigations of executive departments to be made by the several standing committees having jurisdiction of the expenditures in the several executive departments or by select committees appointed by the House for specific purposes. Whatever inquisitorial power the committee has in this matter, such power is limited to the scope of this resolution, which simply calls for information in the shape of a copy of letters, etc. Of course, a resolution could have been offered which might have imposed a more comprehensive duty upon your committee. But under the authority necessarily involved in the consideration of the resolution and under the law and the practice and rules of the House, this committee is without power to investigate conditions in Alaska or to subpœna and swear witnesses, or other like power usually conferred upon investigating committees.

Your committee recommend that the resolution be amended by inserting after the word "directed" in line 2, page 1, of the resolution the following words, "if not incompatible with the public interests." And your committee therefore report back the resolution with the amendment and recommend that the resolution as amended be adopted.

APPENDIX.

UNITED STATES OF AMERICA, *District of Columbia, ss:*

H. J. Douglas, being first duly sworn, upon oath deposes and says:

That during the spring and summer of 1908 this affiant was the auditor of the Northwestern Commercial Co., the Northwestern Fisheries Co., the Northwestern Lighterage Co., the Northwestern Steamship Co., and to December 31, 1909, general auditor of the Copper River Railway, the Copper River & Northwestern Railway, and the Katalla Co.; in fact, all of the Alaska Syndicate companies at Seattle, Wash.; that as such auditor and accountant this affiant had intimate knowledge of the accounts of the said various corporations as kept in their said account books at Seattle, Wash.

That it has been the custom for the War Department to advertise for bids for supplying coal to the Alaska military posts; and that in the spring of 1908 the United States Government did advertise for bids for coal for Fort Davis and Fort Liscum, in the Territory of Alaska; that at that time one D. H. Jarvis was treasurer of the aforesaid companies, and, as such, and as the confidential manager of the said companies, became interested in securing the contract for furnishing the coal for the said two military posts; that the John J. Sesnon Co., of Nome, was also a competitor; that at that time one John H. Bullock was the manager of the said John J. Sesnon Co., and was in the city of Seattle; that he and the said Jarvis had many conferences in respect to the said bids and agreed one with the other, each for his corporations interested, to put in bids which would insure the award of the said bid to one or the other of these competitors, there being no other competitors, at a price which would insure a very large profit to them.

They agreed upon certain lighterage tariffs which were prepared between them, and agreed upon a division of the profits of the said bids, and, thereupon, each put in a bid for the said contract. Each of the said parties, the said Jarvis and the said Bullock, made, signed, swore to, and delivered to the United States an affidavit, which, substantially, to the best information of the affiant, stated that no one but the company which the affiant represented had any interest in the contract for which affiant presented a bid for his company; that the said affidavit made by the said Jarvis in that respect was false, and known by him to be false, because previous to the making thereof he had agreed with the said Bullock to a division of the profits between them. This affiant is informed and believes that said affidavits and bids were forwarded to the quartermaster at Fort Vancouver, Wash., by the said Jarvis and Bullock, who went personally to that post at the opening of the bids. Affiant is informed and believes, and refers to the bids for exactness, that the contract was awarded to the John J. Sesnon Co. for about $28 per ton for about 4,000 tons; that the said Jarvis affidavit was made by him in that matter before one Harris—in Seattle—a notary public, about April, 1908.

That immediately thereafter, during the summer of 1908, the said Sesnon Co. delivered the said coal to the said United States military posts, and the Government paid for the same, as shown by the bids and the accounts of the Government. That thereafter, and about February or March, 1909, and in settlement of the agreement between Jarvis and Bullock, the said Sesnon Co. paid to the said Northwestern Commercial Co., at Seattle, the sum of $6,700, or thereabouts, as the share which was agreed to be paid by the said Sesnon Co. to the corporations represented by the said Jarvis, and the said sum of $6,700, or thereabouts, was carried into the accounts of the Northwestern Commercial Co. and credited to the Nome station.

Affiant is now informed that said transaction was illegal, and that the said statement in the affidavit of Jarvis was in violation of law. That affiant says, of his own knowledge, that the credit of the $6,700 and odd was carried into the book accounts of the said Northwestern Commercial Co., but affiant has no knowledge where the bids and affidavit of the said Jarvis are now.

H. J. DOUGLAS.

Subscribed and sworn to before me this 23d day of May, 1910.
[SEAL.] BENJ. VAIL,
Notary Public in and for the District of Columbia.

Mr. CLAYTON. Mr. Speaker, I move the previous question on the resolution and amendment.

The previous question was ordered.

The amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. CLAYTON, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

THE WOOL SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Alabama calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I wish to make a point of order on the report. If the waiting of the reading of the report would not affect the right to make the point of order, then I have no objection to waiving the reading of the report and reading the statement.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman desires to make a point of order on the report, I think the report ought to be read, so that the House may understand the point of order.

The SPEAKER. What is the gentleman's point of order?

Mr. MANN. Mr. Speaker, I will make the point of order at the proper time, when the report has been made.

Mr. UNDERWOOD. Mr. Speaker, if there is a point of order to be made, I suggest that the report ought to be read to the House.

The SPEAKER. The Clerk will read the report.

The Clerk read the report.

(For report, see proceedings of Saturday, August 12, 1911.)

Mr. UNDERWOOD. Mr. Speaker, as the report has been read, I have no desire to have the statement read. It is not necessary.

Mr. MANN. Mr. Speaker, I make the point of order that the conferees exceeded their authority and jurisdiction in coming to the agreement which they did. Under the bill as it passed the House, the Underwood bill, it is provided that on Brussels carpets, figured or plain, and on all carpets or carpeting of like character or description, the duty shall be 30 per cent ad valorem; also, that on velvet and tapestry-velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem. Under the bill as it passed the Senate it is provided that on Brussels carpet, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem. The language of the description in the Underwood bill and in the La Follette amendment is precisely the same. In the Underwood bill the rate is fixed at 30 per cent ad valorem and in the La Follette amendment at 35 per cent ad valorem. The conferees bring in a report fixing the rate at 40 per cent ad valorem.

Not only that. I read the paragraph in the Underwood bill on velvet and tapestry-velvet carpets fixing the rate at 35 per cent ad valorem. In the La Follette amendment, in the same language, velvet and tapestry-velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the rate is fixed at 35 per cent ad valorem. On the description of velvet and tapestry-velvet carpets, which is precisely the same in the Underwood bill and the La Follette amendment, each House fixed the rate at 35 per cent ad valorem; but the conferees fix the rate at 40 per cent ad valorem.

On Saxony, Wilton, and Tournay velvet carpets the House fixed the rate at 35 per cent ad valorem, and in the same language the Senate fixed the rate at 35 per cent ad valorem, both bodies fixing the same rate in the same language. The conferees, however, fixed the rate at 50 per cent ad valorem, a rate 15 points greater than that at which the House fixed it and 15 points greater than that at which the Senate fixed it.

On Axminster and other carpets carried in paragraph 10 of the Underwood bill the rate was fixed by the House at 40 per cent ad valorem, but in the same language of description the Senate fixed the rate at 35 per cent ad valorem. The conferees, having before them a dispute or disagreement whether the rate should be 40 per cent, as fixed by the House, or 35 per cent, as fixed by the Senate, split the difference by making the rate 50 per cent, 10 per cent more than fixed by the House and 15 per cent more than the rate fixed by the Senate. On manufactures of hair of the camel, goat, alpaca, and so forth, the House fixed the rate of 40 per cent ad valorem, and the Senate fixed the rate of 30 per cent ad valorem, and in this conference over the disagreement between the 40 per cent and the 30 per cent the conferees arrived at an agreement and fixed the rate of 49 per cent, 9 points higher than that fixed by the House and 19 points higher than that fixed by the Senate. Mr. Speaker, it is true that the Senate amendment strikes out all after the enacting clause and inserts a substitute bill, but in all parliamentary precedents it has been held that where the House and the Senate both provided in the same language for the same thing, so that on that particular point there was no dispute between the two bodies, the conferees had no right to change it, and where the only dispute or disagreement was the question of figures as to the amount, the House having set one amount and the Senate having set another amount, the only jurisdiction of the conferees was between the two amounts fixed by the two Houses. Under the theory of this conference report, if the House passes a bill making an appropriation for $100,000 and the Senate increases that amount to $150,000, having precisely the same language, the conferees, having to agree upon the disputes between the two bodies, may change it by fixing the sum at $1,000,000. We have a right, where a matter goes to conference, to know that the conferees will only act on the question in dispute between the two bodies. I have called attention to the items as to carpets. I now wish to call attention to the change made by the conferees, without authority, as to wools. The House fixed the rate on all wools at 20 per cent ad valorem. The Senate fixed the rate on class 1 wools at 35 per cent ad valorem, and excepted from class 1 wools, what is now class 3, and hair, in this language:

Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and all such wools of like character as have been heretofore imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for; the hair of the camel, Angora goat, alpaca, and other like animals.

Upon these wools and hairs the rate was fixed by the Senate at 10 per cent ad valorem. The controversy between the House and the Senate was whether all wool rates should be fixed at 20 per cent ad valorem or whether certain wools should be fixed at 35 per cent, as provided by the Senate, and other wools 10 per cent, as provided by the Senate. It was within the province of the conferees to fix any rate which they were pleased to agree upon as to class 1 wools between 20 per cent and 35 per cent, but I deny that it was within the power of the conferees, having a dispute between this body fixing all wools at 20 per cent and the Senate fixing certain wools at 10 per cent, to make any figures outside of some figure between 10 per cent and 20 per cent, and yet the conferees have fixed the rate on these classes of wools and hairs at 29 per cent. I have taken the trouble, Mr. Speaker, to figure out what the effect would be——

The SPEAKER. The Chair would like to ask the gentleman from Illinois a question for information.

Mr. MANN. Certainly.

The SPEAKER. Of course, this thing has been brought up suddenly, but the Chair would like to inquire, after the hasty examination of these bills from time to time, and after inquiry, if it is not true that all the difference as to this raw-wool proposition that the gentleman is now talking about is not a matter of classification on this one item of raw wool and then a change of rate not exceeding the higher rate suggested by either House?

Mr. MANN. Now, let me explain, Mr. Speaker. Let us see what the application of the rates in the three cases would have produced if applied to the wool receipts for the fiscal year 1910, the figures of which have been frequently quoted on the floor of this House.

The Underwood bill puts the duty on wool at 20 per cent. The La Follette amendment puts the duty on wool part at 35 per cent and part at 10 per cent. During the fiscal year 1910 there were imported wools to the value of $47,687,293.20. Of these $32,114,802 would have been subject under the La Follette amendment to a 35 per cent duty, and $15,572,491.20 under the La Follette amendment would have been subject to a 10 per cent duty. Thirty-five per cent of the thirty-two million and odd dollars is $11,240,180.70, and the 10 per cent of the fifteen million and odd dollars is $1,557,249.12. So that under the La Follette amendment the importations for 1910 would have paid a total duty of $12,797,429.82. Under the Underwood bill as it passed the House the duties would have been 20 per cent of the total value of importations, or $9,537,458.64. Therefore there was in dispute between the two bodies items which under the Senate bill would have produced 12 million and odd dollars and under the Underwood bill nine million and odd dollars, and the only thing the conferees had power to do was to decide upon some bill, or language, or rate, which would fix the duty either at one of these sums or at some amount between them. What did they do?

Under the conference report they fixed the rate at 29 per cent on all importations, and 29 per cent of the $47,687,293.20 of importations would be $13,829,315.02, or $1,031,885.20 greater than would have been raised under the La Follette amendment and $4,291,856.38 greater than would have been raised under the Underwood amendment.

The conferees had the power to adjust all differences between the Houses. That is what conferees are appointed for, namely, to adjust the differences between the two Houses; but in this case—and I would not for a moment think it was because Texas raises Angora goat hair, a State which had two men on the conference committee—the conferees exceeded their jurisdiction. They not only did not confine their agreement to points of difference between the two Houses, but they raised the rate which had been fixed by the House at 20 per cent and the Senate at 10 per cent to 29 per cent. They would have raised the importation duties a million dollars and more greater than would have been raised under either the Senate amendment or the House bill.

I think this matter is one of sufficient importance for the Chair to hold that, where the House appoints conferees to adjust differences between two bodies, we have the right in the *House to hold* the conferees to their authority and their jurisdiction, and to only adjust the differences between the two bodies.

Mr. DALZELL. I want to call the gentleman's attention before he sits down to the fact that in addition to the changes he has already suggested the House bill and the Senate bill both fixed the date at which the bill shall go into effect as the 1st of January, 1912. The text of the House bill and the text of the Senate bill are identical in that respect. The report of the conferees makes the date at which the bill shall go into effect October 1 of the present year.

Mr. FITZGERALD and Mr. LENROOT rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. I do.

Mr. LENROOT. I would like to ask the gentleman if the Senate and the House both disagree, one to the House bill and one to the Senate bill, if there would be any agreement on the subject whatever? Has not each House expressly disagreed to the bill of the other?

Mr. MANN. The text is the same in both bills. It has been decided times without number that the conferees can not change the text agreed to by both Houses.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from New York [Mr. FITZGERALD]?

Mr. MANN. I do.

Mr. FITZGERALD. I would like to ask whether he contends there was any agreement between the two Houses as to any part of the text in either the House bill or the Senate substitute?

Mr. MANN. I do not contend that technically there was any agreement, because the Senate struck out all the House bill and inserted a new bill. We had precisely the same question before the conferees on the railroad bill at the last Congress, and in that conference report we changed the date when a part of the bill should go into effect, although both the House and the Senate had fixed the same date in the original bill—the same date both in the House bill and in the Senate substitute; and when we did this, reporting it back to the House as we did, we called the attention of the House to the fact, so that if anybody desired to make a point of order upon it he would have the privilege and the right, and would have his attention attracted to it.

I stated in conference at the time that it was unquestionably true that where both the House and the Senate had agreed to precisely the same language, although in one case it was in the House bill and in the other the substitute bill, the conferees had no right to change it over a point of order; but if they made a change which everybody wanted, and if they called attention to it in the House, so that any Member could preserve his rights by a point of order, I thought it was a proper thing to do, and it was so done.

Now I do not care when we fix the date in this bill, so far as I am concerned.

The SPEAKER. The Chair would inquire of the gentleman from Illinois how they fixed the date in that railroad bill? Was there any action upon it by the House? Did anybody raise the point of order?

Mr. MANN. Nobody raised the point of order, but I called attention to the fact that the date had been changed as to the time of going into effect of certain sections of the bill, one of which provided for the Interstate Commerce Commission having the right to suspend the new rates. The rest of the bill did not go into effect until later.

Now, I contend, Mr. Speaker, that the conferees in this case have entirely exceeded their jurisdiction. I do not desire to detain the House discussing a point of order in this way. There are other things in the conference report which I think are also subject to a point of order along the same lines—other places where raises have been made beyond those fixed by either the House or the Senate.

Mr. MONDELL. Mr. Speaker——

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. The gentleman from Alabama is recognized.

Mr. UNDERWOOD. Mr. Speaker, I would be disposed to take the argument of the gentleman from Illinois [Mr. MANN] seriously, from the solemn manner and forceful way in which he has presented his case to the House; but knowing, as I do, and as every man in this House knows, that the gentleman from Illinois is one of the best-informed parliamentarians in the House, and certainly has not presented a case of this kind to the House without having made an examination of the authorities, I am constrained to believe that the gentleman is not serious in his presentation of the case to the Speaker.

Now, the whole case in a nutshell is this: The House passed the House bill fixing certain rates. The Senate struck out every word of the House bill after the enacting clause and enacted an amendment to Schedule K of the Payne tariff law. The Senate, when they struck out all of our bill, did not agree to anything in the House bill. They inserted the Payne tariff law, amended. When their amendment came back to the House it brought back Schedule K of the Payne tariff law, putting into conference everything that was in Schedule K of the Payne tariff law, as well as in amendments that were adopted to Schedule K of the Payne tariff law.

Now, the conference report does not pass technically on the original bill that passed this House. The conference report amends Schedule K of the Payne tariff law. There is not a rate in this bill that was not thrown into conference by that situation. There is not a rate in this bill that is not below the rate in the Payne tariff law. The whole matter was thrown into conference, and the authorities are absolutely clear on the question.

The SPEAKER. The Chair will ask the gentleman from Alabama this question: What does he say about the contention of the gentleman from Illinois that when the House passed the bill and the Senate amended it and it went to conference the conferees can not go lower than the lower rate and they can not go higher than the higher rate in one of the two bills?

Mr. UNDERWOOD. Mr. Speaker, wherever there is an agreement between the two Houses the conferees can not change the language of the agreement, but there is nothing in what the gentleman says about the higher rate or the lower rate, any more than there is about this language or that language in

the bill. It has nothing to do with that. The question before this House and the question before the Speaker is whether the conferees have changed an agreement made between the two Houses. There had not been one line of agreement reached between the two Houses before the bill went to conference. The Senate struck out every word of our bill. The House, when it brought the Payne law back here with an amendment, disagreed to every word that was brought back here, and there was not a word of agreement between the two Houses then.

Mr. HILL. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Connecticut?

Mr. UNDERWOOD. No; I will ask my friend to excuse me, as I wish to conclude this statement as soon as possible, and my argument is directed to the Speaker.

Now, of course I do not dispute the fact that where there has been an agreement on a bill, and there is merely a change in figures, as often happens in an appropriation bill, the conferees can not go below the lowest rate or above the highest rate, because up to that point there has been an agreement. The disagreement lies between the two rates. Or, where language has been inserted in one House and agreed to in the other House the conferees can not change it. But, as I said to the Speaker, the Senate amendment brought all of Schedule K of the Payne bill before this House, because it brought in an amendment to that schedule, and we disagreed to that amendment.

Mr. Speaker, the precedents are clear. I call the attention of the Speaker to the Rules and Practices of the House of Representatives, page 278, paragraph 536, where it states that the conferees can not change language agreed to by the two Houses. But at the latter part of section 536 it says:

Under certain circumstances managers may report an entirely new bill on a subject in disagreement, but this bill is acted on as part of the report.

Now, turning over to page 279, paragraph 539, the latter part of that paragraph says:

Managers may not change the text to which both Houses have agreed. But where the amendment in issue strikes out all of the bill after the enacting clause and substitutes a new text, the managers have the whole subject before them and may exercise a broad discretion as to details, and may even report an entirely new bill on the subject.

I call the attention of the Speaker to that language. Now, what is the subject? That statement is borne out by Hinds' Precedents, sections 6421, 6423, and 6424—Republican precedents, cited by Republican Speakers—in which they say:

But where the amendment strikes out all of the bill after the enacting clause and substitutes a new text, the managers have the whole subject before them and may exercise a broad discretion as to details, and may even report an entirely new bill on the subject.

How could it be broader than that?

Mr. McCALL. Mr. Speaker——

Mr. UNDERWOOD. I do not care to yield.

The SPEAKER. The gentleman declines to yield.

Mr. UNDERWOOD. How could it be broader than that? What was the subject before the conferees? The subject matter was the amendment of the entire Schedule K. That entire Schedule K was before the conferees. There was not a line of it agreed to between the two Houses. The precedents say we may write an entirely new bill. Mr. Speaker, we were compelled to write an entirely new bill. When the Senator from Wisconsin [Mr. LA FOLLETTE] insisted on one rate on raw wool and the House conferees insisted on another rate on raw wool, and we could not agree on either rate and it came to a compromise, a compromise not entirely satisfactory to the House conferees or entirely satisfactory to the Senate conferees, but an effort on the part of both conferees to reach a rate by which a bill could be written on the statute books to relieve the people of the United States from unjust taxation, we had to write a new bill.

It was all we could do. After we changed the rate on raw wool, which is the basis for any wool bill, we had to readjust the rates on the finished products to conform to the duty on raw wool.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. I do not like to yield. If I yield to the gentleman from Illinois after having refused to yield to other gentlemen, it looks discourteous; but the gentleman from Illinois made the point of order, and I suppose I will have to yield.

Mr. MANN. I would like to ask the gentleman whether the Senate conferees insisted on raising the rates which the Senate had fixed at 10 per cent ad valorem to 29 per cent ad valorem or a higher rate?

Mr. UNDERWOOD. My friend is going outside the question of the point of order and going into the politics of the case.

Mr. MANN. The gentleman said that he had to yield to the Senate conferees.

Mr. UNDERWOOD. I will state to my friend very broadly both questions. We wrote the tax on raw wool for revenue purposes. We would not have written any tax on raw wool if the exigencies of the Government did not require the revenue. [Applause on the Democratic side.] The Senate wrote the tax on raw wool for protection purposes. Now, from a protection standpoint, you could write a low tax on noncompetitive wool and a high tax on competitive wool and not violate your principles. But if you attempted to write a low tax on noncompetitive wool and a high tax on competitive wool for the purpose of protection, we would have written on the face of our bill that we believed in the Republican doctrine of protection, and we could not do so. [Applause on the Democratic side.] That is the reason.

Mr. MANN. You increased the rates.

Mr. UNDERWOOD. That is the reason we insisted on a uniform rate. A uniform rate on noncompetitive wool and competitive wool is the only rate upon which a Democratic House can write a tax on raw wool, and the only basis on which it will write a tax on raw wool. [Applause on the Democratic side.]

Mr. MONDELL. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from Wyoming very briefly.

Mr. MONDELL. Mr. Speaker, I desire to submit for the consideration of the Chair a very brief suggestion with regard to the duty on raw wool as affected by the conference report.

The gentleman from Illinois has called attention to the fact that the duty on third-class, or carpet wool, in the Underwood bill was 20 per cent and in the La Follette bill 10 per cent; that the conferees bring in a report proposing a rate of 29 per cent. It may be argued that inasmuch as there are various classes of wool the conferees were within their authority if the rate they proposed, applying as it does to all classes of wool, was not higher than the highest average rates contained in one or the other of the measures in conference. The fact is, however, that the report of the conferees proposing 29 per cent duty on all classes of wool proposes a rate 5¼ per cent higher than the average rate contained in the higher of the two measures, to wit, the La Follette bill. The importations of wool last year of classes 1 and 2 was approximately 143,000,000 pounds and of class 3 120,000,000 pounds. So that class 3 wool constituted about 45 per cent of the importations.

In the La Follette bill third class or carpet wool was made dutiable at 10 per cent and wool of classes 1 and 2 at 35 per cent, making an average on the basis of last year's importations of 23¾ per cent ad valorem on all wool imported. So that even though it might be held that the conferees were within their rights in the matter of the tariff on wool, if they did not bring in a rate which on the average was higher than the highest rates in either measure; the fact is that the rate they have agreed to is, as I have stated, 5¼ per cent more than the average rate in the La Follette bill, and therefore clearly beyond the authority of the conferees.

Mr. Speaker, I do not wish it understood that I object to the conferees having brought in a wool bill with a higher rate than that proposed either in the House or in the Senate. Rather do I congratulate the majority that in view of the coming report from the Tariff Board, and in the shadow of an impending veto they have seen somewhat of light and have become in a measure converted to the Republican doctrine of protection.

I realize, of course, that in fact there is no such conversion; that the Democratic majority in the House, if it had its way about it, would still insist upon free wool or a 20 per cent duty at the highest, but their action to-day ought to at least foreclose them in the future from demanding a lower rate on raw wool than that to which they have now given their approval.

Mr. McCALL. Mr. Speaker, the gentleman from Alabama [Mr. UNDERWOOD] in what he said to the House very obviously neglected to distinguish between a revenue bill and other kinds of legislation. I should be very sorry to hear the chairman of the Committee on Ways and Means, who is peculiarly the custodian of the constitutional prerogative of the House, admit that the Senate has the right to strike out all after the enacting clause of a revenue bill and substitute a bill of its own. That would reduce the prerogative of the House to originate the bills simply to originate the mere number, and the gentleman would be conceding to the Senate the power to take away this great constitutional prerogative, which was thought so essential to be given to the Representatives of the people. The Senate, as he says, has originated a new bill. They have struck out all after the enacting clause and have put in a bill entirely of their own, and that confers the power to originate revenue bills upon a new body, because he said under that condition of things the conferees might originate a revenue bill. I think it is time that the House should stand upon its prerogatives. I believe

that the Senate has exceeded its power, that the conferees have exceeded their power, and that this conference report should be held not in order.

Mr. LONGWORTH. Mr. Speaker, I want to speak only of that feature of this report relating to the date. The gentleman from Alabama [Mr. UNDERWOOD] says that by virtue of the Senate striking out the entire House bill and substituting an amendment of Schedule K, therefore Schedule K is the matter in conference. Schedule K says nothing about the date at which this law shall take effect. The House and the Senate, however, both have. The House has said that whatever wool bill it passes shall take effect on the 1st of January. The Senate has said that whatever bill it passes shall take effect on the 1st of January. The conferees, however, have changed that; have gone entirely beyond Schedule K, or any kind of a wool bill at all, and have decided this law shall take effect on the 1st of October.

The SPEAKER. Let the Chair ask the gentleman from Ohio a question, strictly for information. Suppose it turns out that there is a long line of precedents to the effect that where everything after the enacting clause is stricken out the whole subject goes to the conferees, and they can do as they please with it, even to the extent of bringing in a new bill; does the gentleman think that they could not change the date of it as easily as they could change the substance of it?

Mr. LONGWORTH. It seems to me, Mr. Speaker, that in this case, leaving out all technicalities as to what changes might be made, where one House has said that whatever law on the subject it shall pass shall take effect on a certain date and the other House when called upon to act upon that has said also that any proceeding that that House may take shall take effect on the same date, that that matter is not and can not be construed in any way to be a matter of disagreement between the two Houses. It seems to me that that is at least the spirit if not the letter of this rule.

Mr. FITZGERALD. Mr. Speaker, I believe that the gentleman from Illinois [Mr. MANN] confuses this case with a case that is common in the practice of the House. The House frequently passes a bill carrying certain items and a number of appropriations, and the Senate amends by striking out the amount appropriated and inserting a different amount. Then, unquestionably, the difference between the Houses is the difference between the two amounts. One is stated by the House and the other is stated by the Senate. In this instance the House passed a bill to reduce the duty on woolen goods, and one of the paragraphs of the bill repeals all laws in conflict with the provisions of the House bill. The Senate struck out all after the enacting clause and inserted practically a new bill purporting to reduce the duties on woolen goods.

There is a precedent, not very old; very recent. It is found in section 6424, volume 5, Hinds' Precedents, and I shall read from it.

The SPEAKER. From where is the gentleman reading?

Mr. FITZGERALD. Page 732, volume 5, Hinds' Precedents:

After debate the Speaker said:

"The Senate during the last session passed an act entitled 'An act to amend an act entitled "An act to regulate the immigration of aliens into the United States,"' etc.

"This Senate bill was broad in its provisions and substantially amended the immigration laws then in force. It was very general in its nature, as will be found upon examination. The bill came to the House. The House struck out all of the Senate bill after the enacting clause by way of amendment and passed a substitute therefor. So that the House entirely disagreed with every line, with every paragraph, with every section of the Senate bill—everything except the enacting clause—and proposed a substitute therefor, and this substitute on examination is found to be a complete codification and amendment of existing immigration laws, and incidentally the labor laws connected therewith, especially those dealing with contract labor, and with many other questions to which it is not necessary to refer. * * *"

Again:

The House substitute by way of amendment went to the Senate. The Senate disagreed to every line, paragraph, and section of the House provision, and with that disagreement to the Senate provision, and with the House provision in effect a disagreement to the original Senate bill, the whole matter went to conference. That is, by this action there was committed to conference the whole subject of immigration, and, as connected therewith, the prohibition of immigration by way of contract labor in the fullest sense of the words. * * * The Chair has not had time to hunt up all the provisions of the immigration laws of the country, but the repealing clause, with the exception as proposed by the House and the disagreement of the Senate, sends this whole matter, in the opinion of the Chair, to the conferees.

That decision was rendered by Mr. Speaker CANNON in the second session of the Fifty-ninth Congress. This case is exactly similar, although the procedure was the reverse. In that case a bill passed by the Senate came to the House and the House struck out all after the enacting clause and inserted an entirely new bill. The bill went back to the Senate, the Senate disagreed to the House amendment, and the bill was sent to conference. In this instance the House passed a bill which went to the Senate; the Senate struck out all after the enacting clause and sent back an entirely new bill to the House. The House disagreed to the Senate amendment. In both the Senate bill and in the House bill there was a clause repealing all laws affecting the duties on wool and manufactures of wool, so that the entire question of duties upon wool and woolen goods is sent into conference. The gentleman from Illinois [Mr. MANN] bases his argument largely upon the fact that in the report of the managers on the part of the House the language relating to the duties on certain kinds of carpets, tapestry Brussels carpets, velvet carpets, and tapestry velvet carpets is identical in the House bill and in the Senate substitute, but there is this great distinction, Mr. Speaker. In the House bill there is a paragraph on page 4, section 13, fixing the duty on velvet, tapestry velvet carpets, and so forth.

Then, in paragraph 14, it fixes the duty on tapestry, Brussels carpet, figured or plain, and so forth. In the Senate substitute the classification is entirely changed, and these carpets, instead of being separately classified, are classified with a number of other kinds of woolen manufactures. While the particular language used may be identical, as the Senate disagreed to every line, in the language of Mr. Speaker CANNON, and every paragraph of the House bill, and the House disagreed to every line and every paragraph of the Senate amendment, there was no agreement upon any particular language or upon any language affecting any rate.

The gentleman's point of order would have applied if the Senate had taken the House bill and, as one of the amendments thereto in paragraph 13, had stricken out "35 per cent ad valorem" and inserted "forty" or "thirty-eight," and then the managers, representing both Houses, had inserted a higher percentage than found either in the House paragraph or the proposed amendment to the House paragraph; but in this instance there is agreement neither upon the House paragraph nor upon the Senate paragraph. The entire question of the duty on wool or woolen manufactures, by reason of the proposed repeal of the existing law, is thrown into conference, and the conferees, I understand from an examination of the report, have made an entirely different classification from that contained either in the House bill or in the Senate substitute and have fixed a rate of duty thereon.

Mr. LONGWORTH. I want to ask the gentleman just this question. Does the gentleman believe it would have been in the power of the conferees to fix the date of the taking effect of this bill in 2011 instead of 1911?

Mr. FITZGERALD. Unquestionably.

Mr. LONGWORTH. They would have had that right?

Mr. FITZGERALD. Certainly.

Mr. LONGWORTH. In other words, they would have had the right to destroy the bill utterly, no matter what?

Mr. FITZGERALD. The Democratic House would not have been so idiotic as to agree to it, no matter what might have been done by the Republicans. [Laughter.]

Mr. LONGWORTH. That is a question I do not care to bring into the conference.

Mr. FITZGERALD. The House had in the bill a provision fixing a time at which this law, if enacted, should go into effect. The Senate by striking out that provision had disagreed to it. Then the Senate inserted a provision fixing the time at which the law should go into effect, and the House disagreed to the proposition of the Senate. The only question sent into conference, so far as that is concerned, is the time when the law should go into effect. The entire matter is within the control and jurisdiction of the conferees. In the decision to which I have called attention, Mr. Speaker CANNON referred to another precedent which he held was not in point. That was a case in which a claims bill had come from one body to the other, and specific items in the bill had been thrown into disagreement, and the conferees had inserted in their report a number of items not germane, and which could not under any possibility be considered within the control or jurisdiction of the conferees. But in this case under this decision every question affecting the reduction of duties on wool and manufactures of wool was thrown into conference and within the control of the managers upon the part of the House, and under the precedent established in 1907 it seems to be clear that so long as the conferees did not include anything other than provisions affecting the duties on wool and woolen goods they were clearly within their rights.

Mr. MANN. Mr. Speaker, just a word. I appreciate the difference between a case where the Senate simply amends the amount fixed by the House in a bill or amends the language of the House bill and a case where the Senate strikes out all after the enacting clause and inserts a new bill. And I realize that where the latter action is taken it gives to the conferees a very broad latitude of discretion in formulating a new bill. But let us see where the logic of the gentleman from Alabama [Mr.

UNDERWOOD] and the gentleman from New York [Mr. FITZGERALD] leads.

Suppose when we pass the sundry civil appropriation bill, which covers everything possible under the Government, the Senate strikes out all after the enacting clause and inserts the same language as the House bill with a few variations in amount, does anyone contend, much less the chairman of the Committee on Appropriations, that that would authorize the conferees to increase the amounts over the amounts fixed either in the House or the Senate bill, or to include entirely new propositions which had never been considered either by the House or the Senate, because they might have been included in a sundry civil appropriation bill? Suppose when we pass the public-building bill or the river and harbor bill the Senate strikes out all after the enacting clause. Does anyone contend that that would give to the conferees power to change the amounts, which were the same in the House and the Senate bills, and that if the House had provided for a public building at Jonesboro to cost $100,000 and the Senate had provided for a public building at Jonesboro to cost $100,000 that the conferees could authorize a public building at Smithville to cost $250,000?

The pretense is ridiculous when you carry it to its logical end. The conferees had a broad power over the woolen schedule, but where the House had fixed a rate on a certain article of wool or woolen goods and the Senate had fixed the same rate, both Houses had agreed upon that rate. In Jefferson's Manual—and I do not know whether it is proper to quote it in a Democratic House after it was ruled out of order the other day [laughter on the Republican side]—in Jefferson's Manual, Jefferson quotes approvingly a statement, on page 272:

So the Commons resolved that it is unparliamentary to strike out, at a conference, anything in a bill which hath been agreed and passed by both Houses.

These items have been agreed to and passed by both Houses, some of them in precisely the same language. The conferees have no more right to change that than they would have to change the amount in a public-building bill where both bodies had agreed to the same or to change an amount in any other appropriation bill. The House, when it agrees to a conference, has a right to know that the conferees will confine themselves to the points in disagreement, because in no other way can the House protect its integrity and prevent in the end, in some cases, improper influences being used upon the conferees. The conference report is a whole. If the conferees insert an item, it can not be differentiated from others except upon a point of order, and where conferees claim the power to make a new bill, both Houses having agreed to the same item, and they present a new proposition, it lays the conferees open to the suspicion of undue influences; and that ought not to be permitted, and the rules ought to be observed in a way which would not permit it.

Why was the rate on Angora goat hair raised from 20 per cent, as fixed by the House, and 10 per cent, as fixed by the Senate? Whose influence was that? Why was the rate on hair goods raised from 40 per cent, as fixed by the House, and 35 per cent, as fixed by the Senate, to 49 per cent? Whose influence was that? Is that light upon the conferees, or is it influence? I fear it was influence. [Applause on the Republican side, and cries of "Rule!" "Rule!"]

The SPEAKER. The Chair is ready to rule.

Mr. HILL. Mr. Speaker, I desire to say a few words, and they will be very brief. I believe, under the Constitution of the United States, the House has the right to originate revenue legislation. I believe the claim made by the chairman of the committee on the other side is utterly destructive of that principle. I care not for all the precedents, or anything of that kind. I have observed, in 17 years' service in this House, that precedents are quoted according to the necessity for sustaining a decision. I have more faith in the good, sound common sense of the Speaker of this House than to believe that he will consent to a proposition that, where the House has said that the bill shall go into effect on the 1st of January next, and where the Senate has said that the bill shall go into effect on the 1st of January next, a conference committee can change the date fixed by both Houses and put it on the 1st of October. If so, the power of this House has gone, and legislation is transferred inevitably to its conference committees in the future. [Applause on the Republican side.]

The SPEAKER. The Chair is ready to rule. The desire of the present occupant of the chair is to rule fairly; and, so far as I am individually concerned, I would rather have it said of me, after I have finally laid down the gavel, that I was the fairest Speaker that the House ever had than that I was the greatest.

The gentleman from Wisconsin last Saturday made a remark which deserves the consideration of the House, and that was that no Speaker could afford to render a decision for temporary benefit to his party fellows without considering the ultimate and general effect of it. That is absolutely true.

The Chair thoroughly agrees with one proposition of the gentleman from Connecticut [Mr. HILL]—that the House originates revenue measures; and the Chair thinks that the first House of Representatives that ever sat ought to have determined that the Senate could not substitute a new tariff bill for one passed by the House. [Applause.] But they have been going on in that course for 122 years. If I can get one House of Representatives which will agree to stay here for two years, I shall be perfectly willing to tackle the Senate on that proposition. [Applause.]

Mr. MANN. We will stay.

SEVERAL MEMBERS. We are with you.

The SPEAKER. The particular matter at bar seems to have been differentiated into two classes by previous Speakers: One, where the dispute between the two Houses is simply a dispute about rates or about amounts, and the other where one House strikes out everything after the enacting clause and substitutes an entirely new bill.

The Chair has no doubt whatever that at least one contention of the gentleman from Illinois [Mr. MANN] is correct. That is, that if it is a mere squabble about amounts or rates, the conferees can not go above the higher amount or rate named in one of the two bills or lower than the lower rate named in one of the two bills. But that is not this case. In this case the Senate struck out everything after the enacting clause and substituted a new bill. Last Saturday there did not seem to be any precedents to fit the point under consideration. This time, fortunately for the Chair at least, four great Speakers of this House have ruled on the proposition involved—Mr. Speaker Colfax, who was subsequently Vice President; Mr. Speaker Carlisle, subsequently Senator and Secretary of the Treasury; Mr. Speaken Henderson, and Mr. Speaker CANNON. The Chair does not know anything about the parliamentary clerks to Mr. Speaker Colfax and Mr. Speaker Carlisle, but the Chair is fully persuaded that every Member of this House who has served in prior Congresses will agree that Mr. Speaker Henderson and Mr. Speaker CANNON had the advantage of being advised by one of the most skillful parliamentarians in this country, the present Member from Maine [Mr. HINDS]. [Applause.]

All four of these Speakers, three Republicans and one Democrat, have passed on this question, and they have all ruled that where everything after the enacting clause is stricken out and a new bill substituted it gives the conferees very wide discretion, extending even to the substitution of an entirely new bill. The Chair will have three of these decisions read, and will have the decision of Mr. Speaker CANNON, just read by the gentleman from New York [Mr. FITZGERALD], incorporated into this opinion, because the question ought to be definitely settled during the life of this Congress at least. The Chair will first have the decision of Mr. Speaker Colfax read, and the Clerk will announce the volume and section of Hinds' Precedents.

The Clerk read as follows:

Hinds' Precedents, volume 5, section 6421:

"Where one House strikes out all of the bill of the other after the enacting clause and inserts a new text, and the differences over this substitute are referred to conference, the managers have a wide discretion in incorporating germane matters, and may even report a new bill on the subject. On March 3, 1865, Mr. Robert C. Schenck, of Ohio, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 51) entitled 'An act to establish a bureau of freedman's affairs,' reported that the Senate had receded from their amendment, which was a substitute, and the committee had agreed upon, as a substitute, a new bill, entitled 'An act to establish a bureau for the relief of freedmen and refugees.'

"As soon as the report had been read, Mr. William S. Holman, of Indiana, made the point that the report did not come within the scope of the conference committee. It did not report the proceedings of the Senate or an agreement by the committee on an amendment to the Senate's amendment to the House bill, but it reported an entire substitute for both the original bill and the substitute adopted by the Senate, and it established a department unprovided for by either of the other bills."

The Speaker [Mr. Colfax] said:

"The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them."

On an appeal the Chair was sustained—yeas 89, nays 35.

The SPEAKER. The Clerk will now read the ruling of Mr. Speaker Carlisle.

The Clerk read as follows:

Section 6422 of Hinds' Precedents, volume 5:

"6422. On August 3, 1886, the House had under consideration the report of the committee of conference on the river and harbor bill.

"Mr. William M. Springer, of Illinois, made the point of order that the conferees had included new matter in their report.

"The Speaker (Mr. Carlisle) ruled:

"The House passed a bill to provide for the improvement of rivers and harbors and making an appropriation for that purpose. That bill was sent to the Senate, where it was amended by striking out all after the enacting clause and inserting a different proposition in some respects, but a proposition having the same object in view. When that came back to the House it was treated, and properly so, as one single amendment and not as a series of amendments as was contended for by some gentlemen on the floor at the time.

"It was nonconcurred in by the House and a conference was appointed upon the disagreeing votes of the two Houses. That conference committee having met, reports back the Senate amendment as a single amendment with various amendments, and recommends that it be concurred in with the other amendments which the committee has incorporated in its report. The question, therefore, is not whether the provisions to which the gentleman from Illinois alludes are germane to the original bill as it passed the House, but whether they are germane to the Senate amendment which the House had under consideration and which was referred to the committee of conference. If germane to that amendment, the point of order can not be sustained on the ground claimed by the gentleman from Illinois. The Chair thinks they are germane to the Senate amendment, for, though different from the provisions contained in the Senate amendment, they relate to the same subject, and therefore the Chair overrules the point of order."

The SPEAKER. The Clerk will read the decision by Mr. Speaker Henderson.

The Clerk read as follows:

Section 6423, volume 5, Hinds' Precedents:

"6423. On February 25, 1901, Mr. GILBERT N. HAUGEN, of Iowa, presented the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898.

"The conferees recommended that the House recede from its amendment, which was in the nature of a substitute, striking out all after the enacting clause and inserting a new text; and they further recommended that the House agree to the Senate text with certain specified amendments.

"Mr. OSCAR W. UNDERWOOD, of Alabama, made a point of order that the conferees had exceeded their authority and incorporated in their report matters not in difference between the two Houses. The House text had substituted reference to the Court of Claims instead of to the commission proposed by the Senate text. The conferees not only recommended the adoption of the Senate text, but had enlarged the provisions of it, making the number of commissioners five instead of three, although, he asserted, there was no issue between the two Houses on this point, and also materially changing the Senate text in those portions relating to the right of appeal.

"After debate the Speaker [Mr. Henderson] held:

"The current of authorities in regard to the action of the conferees is that they must be held strictly to the consideration of such matters as are in issue between the two Houses. That is the general governing principle, and a most valuable one, and a necessary one. In this case, however, the Chair sees no difficulty. As stated by the gentleman from Pennsylvania [Mr. Mahon], the Senate presents a proposition for a commission; the House turns that down, so to speak, and adopts an amendment, by way of substitute, providing that these Spanish claims shall be referred for determination to the Court of Claims. In other words, the Senate contends for a commission, the House for the Court of Claims. The method of treating these Spanish claims is thus put in issue. The House, when it sent over to the Senate its amendment by way of substitute, said: 'We will not entertain your method; we have a better one; we offer you a substitute whereby these matters shall be referred to the Court of Claims instead of a commission.' That puts in issue every question bearing upon this controversy between the two Houses. The able remarks of the gentleman from Alabama [Mr. UNDERWOOD] have not suggested a single question that is not brought in issue between the two Houses in the present position of this question. The conferees have not gone beyond the matters in issue. On this point the Chair will ask the Clerk to read from the Parliamentary Precedents of the House of Representative, section 1420, a decision made by Speaker Colfax.

"The section having been read, the Speaker concluded:

"The House will readily see that the precedent just read bears strongly on this question, although in the present case the conferees have not gone so far as they did in that case. There is nothing here that is not germane to the main issue. In reference to no matter in controversy between the two Houses have the conferees attempted to trench upon or change a single expression that the two Houses have agreed upon. The Senate sends to this House a bill for which the House presents a substitute, and the report of the conferees seeks only to treat the matters in issue. The Chair feels clear that he is justified in overruling the point of order. The question is on agreeing to the report."

The SPEAKER. The Clerk will now read the decision by Mr. Speaker CANNON.

The Clerk read as follows:

Section 6424, volume 5, Hinds' Precedents:

"6424. Where the disagreement is as to an amendment in the nature of a substitute for the entire text of a bill, the managers have the whole subject before them and may exercise a broad discretion as to details.

"A point of order against a conference report should be made or reserved after the report is read and before the reading of the statement.

"On February 18, 1907, Mr. William S. Bennet, of New York, submitted the report of the managers of the conference on the bill (S. 4403) entitled 'An act to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903.'

"Before the report was read Mr. JOHN L. BURNETT, of Alabama, proposed to reserve a point of order.

"The Speaker said:

"The Chair will state to the gentleman from Alabama, who desired to reserve points of order, that it is the impression of the Chair that the point of order, if any is made, is in time after the report is read; but if the gentleman desires, out of abundant caution, he may reserve at this time points of order. * * * All points of order are reserved. The proper time to reserve points of order, as the Chair is informed, on conference reports is after the conference report is read and before the statement is read."

The report having been read, a point of order was made by Mr. BURNETT, who insisted that the managers had exceeded their authority in inserting the following provisions:

"*Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States, to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone."

And in another portion of the report the following:

"SEC. 42. It shall not be lawful for the master of a steamship or other vessel wherein immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein 18 clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and 20 clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than 7 feet," etc. (continuing in detail).

After debate, the Speaker (Mr. CANNON) held:

"The Senate during the last session passed an act entitled 'An act to amend an act entitled "An act to regulate the immigration of aliens into the United States,"' etc.

"This Senate bill was broad in its provisions and substantially amended the immigration laws then in force. It was very general in its nature, as will be found upon examination. The bill came to the House. The House struck out all of the Senate bill after the enacting clause, by way of amendment, and passed a substitute therefor. So that the House entirely disagreed with every line, with every paragraph, with every section of the Senate bill—everything except the enacting clause—and proposed a substitute therefor, and this substitute, on examination, is found to be a complete codification and amendment of existing immigration laws and, incidentally, the labor laws connected therewith, especially those dealing with contract labor, and with many other questions to which it is not necessary to refer. And in the final clause of the House substitute there is the provision:

"'That the act of March 3, 1903, being an act to regulate the immigration of aliens into the United States, except section 34 thereof, and the act of March 22, 1904, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons,' etc.

"So that not only does the House by its substitute amendment codify and amend all the laws touching immigration, but incidentally changes those relating to labor, especially contract labor. The House substitute is found to be abounding in section after section with the prohibition of contract labor in connection with immigration, and with various other provisions of a similar nature.

"The House substitute, by way of amendment, went to the Senate. The Senate disagreed to every line, paragraph, and section of the House provision; and with that disagreement to the Senate provision, and with the House provision in effect a disagreement to the original Senate bill, the whole matter went to conference. That is, by this action there was committed to conference the whole subject of immigration, and, as connected therewith, the prohibition of immigration by way of contract labor in the fullest sense of the words. * * * The Chair has not had time to hunt up all the provisions of the immigration laws of the country, but the repealing clause, with the exception as proposed by the House and the disagreement of the Senate, sent this whole matter, in the opinion of the Chair, to the conferees.

"Now, then, there is but one provision that is seriously contended for in the point of order that is made, and that is to be found on page 2 of the House conference report, No. 6607, and is as follows:

"'That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States, from such other country or from such insular possessions or from the Canal Zone.'

"Now, then, one of the principal efforts in legislation heretofore have been to exclude labor that is brought in under contract or is promoted, so to speak; and the very reason of that legislation has been and is that the labor conditions in the United States should not be affected unfavorably. Three sections of the House substitute deal expressly with that question. It is not like unto the precedent cited by the gentleman from Mississippi, which was made by the ruling of Mr. Speaker Henderson. The only thing there was a disagreement between the House and the Senate as to certain specified claims, and between the Senate and House as to certain other specified claims. The conferees in that case, taking in the whole sea or ocean of claims, from the birth of Christ to the supposed death of the man with hoofs and horns, picked out a number of claims that the House or Senate never had heard of or dealt with and put them in the conference report, and Mr. Speaker Henderson properly sustained the point of order to the conference report. The Chair has no difficulty nor any hesitation in

holding that this is germane first; and, second, that it comes within the scope of the disagreement between the House and Senate as affects immigration on the one hand and the interest of labor on the other, and therefore overrules the point of order."

Mr. Burnett having appealed, the appeal was laid on the table on motion of Mr. SERENO E. PAYNE of New York, by a vote of yeas 198, nays 104.

The SPEAKER. It will be observed from one of these decisions that in days gone by the gentleman from Alabama [Mr. UNDERWOOD] had the other end of this question than the one he has to-day [laughter], and that he was overruled. In view of this long line of decisions by illustrious Speakers, the Chair overrules the point of order of the gentleman from Illinois [Mr. MANN]. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The Chair will suggest to the gentleman that the statement of the conferees has not yet been read. Does he desire to have that read?

Mr. UNDERWOOD. I do not care to have the statement read.

Mr. PAYNE. Mr. Speaker, I will ask the gentleman if there is to be any arrangement about debate?

Mr. UNDERWOOD. Mr. Speaker, I was just about to state that I understand if the previous question is ordered there will be 20 minutes debate on each side.

Mr. PAYNE. I did not understand the gentleman to move the previous question. Several gentlemen on this side would like to be heard.

Mr. UNDERWOOD. I am perfectly willing to have that length of time for debate. I do not think there is any necessity for delaying the House on this conference report, however. Everybody knows what is in it, and knows all about it. Twenty minutes on a side will enable the gentleman from New York and myself to present the case.

Mr. PAYNE. No gentleman in the House knows the reason for any of it.

Mr. UNDERWOOD. Well, I will agree with the gentleman that we have an hour's debate, each side to control half an hour.

Mr. MANN. Would not the gentleman agree to two hours' debate and then that the previous question shall be considered in operation? That would close debate at 4 o'clock.

Mr. UNDERWOOD. We have had some debate already. If I move the previous question I will cut off debate. I will announce——

Mr. MANN. I do not think that is the case. There has been no debate on this proposition.

Mr. UNDERWOOD. Unless the gentlemen are willing to agree to debate of an hour on the bill, I will move the previous question, which will give them 20 minutes on their side and give us 20 minutes on our side.

Mr. MANN. That is only 10 minutes more. Would not the gentleman concede an hour on a side and then have the previous question operate?

Mr. UNDERWOOD. I would be very glad if there was anything to debate about.

Mr. MANN. But we think there is.

Mr. PAYNE. The gentleman must appreciate that this is the first time that an entirely new revenue bill has ever originated in a conference committee.

Mr. UNDERWOOD. If the gentleman wants an hour, half an hour on each side, I will agree to it, and if not, I will move the previous question.

Mr. MANN. Oh, we do not care to be cut off in that way.

Mr. UNDERWOOD. Then, Mr. Speaker, I move the previous question.

The SPEAKER. The question is on ordering the previous question.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 118, answered "present" 9, not voting 88, as follows:

YEAS—170.

Adair	Buchanan	Cox, Ohio	Doughton
Adamson	Bulkley	Cravens	Driscoll, D. A.
Aiken, S. C.	Burke, Wis.	Cullop	Dupre
Alexander	Burleson	Curley	Edwards
Allen	Burnett	Daugherty	Ellerbe
Ashbrook	Byrnes, S. C.	Davenport	Evans
Barnhart	Callaway	Davis, W. Va.	Faison
Bartlett	Carlin	Dent	Ferris
Bathrick	Clark, Fla.	Denver	Fields
Beall, Tex.	Claypool	Dickinson	Finley
Bell, Ga.	Clayton	Dickson, Miss.	Fitzgerald
Blackmon	Cline	Dies	Flood, Va.
Booher	Collier	Difenderfer	Floyd, Ark.
Borland	Connell	Dixon, Ind.	Foster, Ill.
Brantley	Conry	Donohoe	Fowler
Brown	Cox, Ind.	Doremus	Francis
Gallagher	Jacoway	Pepper	Smith, N. Y.
Garner	Johnson, Ky.	Peters	Sparkman
Garrett	Johnson, S. C.	Post	Stedman
George	Kent	Pou	Stephens, Miss.
Godwin, N. C.	Kinkead, N. J.	Pujo	Stephens, Tex.
Goeke	Konop	Raker	Stone
Goldfogle	Korbly	Randell, Tex.	Sweet
Graham	Lamb	Ransdell, La.	Talbott, Md.
Gregg, Pa.	Lee, Ga.	Rauch	Talcott, N. Y.
Gudger	Lee, Pa.	Reilly	Taylor, Ala.
Hamill	Lewis	Richardson	Taylor, Colo.
Hamlin	Littlepage	Roddenbery	Thayer
Hammond	Littleton	Rothermel	Thomas
Hardwick	Lloyd	Rouse	Townsend
Harrison, Miss.	Lobeck	Rubey	Tribble
Hay	McCoy	Rucker, Colo.	Turnbull
Heflin	McDermott	Rucker, Mo.	Tuttle
Helm	Macon	Russell	Underhill
Henry, Tex.	Maguire, Nebr.	Sabath	Underwood
Hensley	Martin, Colo.	Sculiy	Watkins
Holland	Mays	Shackleford	Webb
Houston	Moon, Tenn.	Sharp	Whitacre
Howard	Moore, Tex.	Sheppard	White
Hughes, Ga.	Morrison	Sherwood	Wickliffe
Hughes, N. J.	Moss, Ind.	Sims	Witherspoon
Hull	O'Shaunessy	Sisson	
Humphreys, Miss.	Page	Small	

NAYS—118.

Akin, N. Y.	French	Langley	Prouty
Anderson, Minn.	Fuller	Lenroot	Rees
Barchfeld	Gardner, Mass.	Lindbergh	Reyburn
Bartholdt	Gillett	Loud	Roberts, Mass.
Bates	Good	McCall	Roberts, Nev.
Bingham	Gray	McKenzie	Rodenberg
Bowman	Green, Iowa	McKinley	Slemp
Burke, S. Dak.	Greene, Mass.	McKinney	Sloan
Butler	Hamilton, Mich.	McLaughlin	Smith, J. M. C.
Campbell	Hanna	McMorran	Smith, Saml. W.
Cannon	Hardy	Madden	Speer
Catlin	Harris	Madison	Steenerson
Cooper	Hartman	Mann	Stephens, Cal.
Copley	Haugen	Martin, S. Dak.	Sterling
Crago	Hayes	Miller	Stevens, Minn.
Crumpacker	Heald	Mondell	Switzer
Currier	Henry, Conn.	Moore, Pa.	Taylor, Ohio
Dalzell	Higgins	Morgan	Thistlewood
Danforth	Hill	Morse, Wis.	Towner
Davidson	Howland	Murdock	Utter
Davis, Minn.	Hubbard	Nelson	Volstead
Dodds	Hughes, W. Va.	Norris	Wedemeyer
Draper	Humphrey, Wash.	Nye	Weeks
Driscoll, M. E.	Kahn	Olmsted	Willis
Dwight	Kendall	Patton, Pa.	Wilson, Ill.
Dyer	Kennedy	Payne	Woods, Iowa
Esch	Kinkaid, Nebr.	Pickett	Young, Kans.
Farr	Knowland	Plumley	Young, Mich.
Foss	Kopp	Pray	
Foster, Vt.	La Follette	Prince	

ANSWERED "PRESENT"—9.

Byrns, Tenn.	Guernsey	Longworth	Needham
Carter	Howell	Murray	Padgett
Covington			

NOT VOTING—88.

Ames	Fornes	Latta	Rainey
Anderson, Ohio	Gardner, N. J.	Lawrence	Redfield
Andrus	Glass	Legare	Riordan
Ansberry	Goodwin, Ark.	Lever	Robinson
Anthony	Gould	Levy	Saunders
Austin	Gregg, Tex.	Lindsay	Sells
Ayers	Griest	Linthicum	Sherley
Berger	Hamilton, W. Va.	McCreary	Simmons
Boehne	Harrison, N. Y.	McGillicuddy	Slayden
Bradley	Hawley	McGuire, Okla.	Smith, Tex.
Broussard	Helgesen	McHenry	Stack
Burgess	Hinds	Maher	Stanley
Burke, Pa.	Hobson	Malby	Sulloway
Calder	Jackson	Matthews	Sulzer
Candler	James	Moon, Pa.	Tilson
Cantrill	Jones	Mott	Vreeland
Cary	Kindred	Oldfield	Warburton
De Forest	Kitchin	Palmer	Wilder
Estopinal	Konig	Parran	Wilson, N. Y.
Fairchild	Lafean	Patten, N. Y.	Wilson, Pa.
Focht	Lafferty	Porter	Wood, N. J.
Fordney	Langham	Powers	Young, Tex.

So the previous question was ordered.

The Clerk announced the following pairs:

For balance of day:

Mr. PADGETT with Mr. GARDNER of New Jersey.

Until Monday night:

Mr. MURRAY with Mr. WILDER.

Until Tuesday noon:

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. BYRNS of Tennessee with Mr. AUSTIN.

Mr. HARRISON of New York with Mr. DE FOREST (reserving the right to vote to make a quorum and all votes affecting the vetoes of the President).

Mr. OLDFIELD with Mr. MOON of Pennsylvania (reserving the right to vote to make a quorum and all questions affecting a veto of the President).

Mr. BROUSSARD with Mr. FOCHT (reserving the right to vote to make a quorum and all questions affecting a veto of the President).

Until Thursday noon:
Mr. JAMES with Mr. LONGWORTH (reserving the right to vote to make a quorum and on all votes except vetoes of the President).
Until August 19:
Mr. KONIG with Mr. POWERS.
Until August 19, inclusive:
Mr. REDFIELD with Mr. NEEDHAM (reserving the right to vote to make a quorum and all votes affecting vetoes of the President).
Until Saturday night:
Mr. KITCHIN with Mr. AMES (reserving the right to vote to make a quorum and on all matters except veto of the President).
Until further notice:
Mr. WILSON of Pennsylvania with Mr. VREELAND.
Mr. SHERLEY with Mr. TILSON.
Mr. PALMER with Mr. SIMMONS.
Mr. LINDSAY with Mr. SELLS.
Mr. LEGARE with Mr. PORTER.
Mr. LATTA with Mr. MOTT.
Mr. KINDRED with Mr. MATTHEWS.
Mr. HAMILTON of West Virginia with Mr. MCCREARY.
Mr. GOODWIN of Arkansas with Mr. LAWRENCE.
Mr. GLASS with Mr. LAFFERTY.
Mr. ESTOPINAL with Mr. JACKSON.
Mr. CANDLER with Mr. HELGESEN.
Mr. ANSBERRY with Mr. HAWLEY.
Mr. COVINGTON with Mr. PARRAN.
Mr. GOULD with Mr. HINDS.
Mr. HOBSON with Mr. FAIRCHILD (transferable).
Mr. MCHENRY with Mr. LAFEAN.
Mr. SAUNDERS with Mr. LANGHAM.
Mr. AYRES with Mr. BURKE of Pennsylvania.
Mr. GREGG of Texas with Mr. GRIEST.
Mr. ROBINSON with Mr. WOOD of New Jersey.
Mr. BOEHNE with Mr. CARY.
Mr. LEVY with Mr. ANTHONY.
For balance of the session:
Mr. SULZER with Mr. MALBY (reserving the right to vote to make a quorum and all questions affecting a veto of the President).
Mr. SLAYDEN with Mr. FORDNEY.
Mr. MAHER with Mr. CALDER.
Mr. RAINEY with Mr. HOWELL.
Mr. FORNES with Mr. BRADLEY.
Mr. RIORDAN with Mr. ANDRUS.
Mr. LEVER with Mr. SULLOWAY.
Mr. CANTRILL with Mr. MCGUIRE of Oklahoma.

Mr. PADGETT. Mr. Speaker, I desire to know if the gentleman from New Jersey, Mr. GARDNER, is recorded?

The SPEAKER. He is not recorded.

Mr. PADGETT. I have a pair with the gentleman for to-day, and I wish to withdraw my vote of "aye" and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. PADGETT was called, and he answered "Present."

Mr. MURRAY. Mr. Speaker, I desire to know if the gentleman from Massachusetts [Mr. WILDER] is recorded?

The SPEAKER. He is not recorded.

Mr. MURRAY. I have a pair with the gentleman for to-day, and I wish to withdraw my vote "aye" and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MURRAY was called and he answered "present."

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to know whether Mr. AUSTIN voted on this roll call? I do not think he did.

The SPEAKER. He did not.

Mr. BYRNS of Tennessee. I voted "aye," and I desire to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. BYRNS of Tennessee was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Alabama is entitled to 20 minutes and the gentleman from New York [Mr. PAYNE] to 20 minutes.

Mr. UNDERWOOD. Mr. Speaker, the conferees' report presents to the House an amendment of Schedule K which we do not claim expresses the Democratic position in reference to a revision of this schedule. If we had had the power to write a tariff bill on Schedule K we would write a lower rate—a much lower rate [applause on the Democratic side] in some particulars—but we have control, so far as our party is concerned, of only one House of Congress, and we are limited in our action by what the other House of Congress is willing to do. The conferees on the part of the House desired a lower rate on raw wool, desired lower rates on manufactured wool; the Senate conferees desired a higher rate on raw wool and higher rates on manufactured wool. Manifestly, if we desired to pass a bill to grant some relief to the American people it was necessary for the House conferees to come to an agreement and yield to some extent to the Senate, as the Senate conferees yielded to some extent to the House. In the classification of the paragraph on raw wool the Senate conferees yielded to the House and agreed to the House classsification. In reference to the classification relating to cloths and women's dress goods and webbing, gorings, beltings, suspenders, and so forth, the House bill had three separate paragraphs at different rates. The Senate bill had one paragraph, and included in that one paragraph also flannels and blankets. We insisted that there should be a very much lower rate on flannels and blankets than there were on cloths and men's dress goods and women's dress goods, because we believe that flannel underwear and flannel blankets represented the needs and the necessities of the poor people of the United States, and for that reason we insisted on a separate classification and a lower rate in reference to blankets and flannels, and the Senate conferees yielded, and, although not agreeing to a rate as low as the House rate, they have agreed to a very much lower rate—11 per cent lower—than they insisted on on cloths and clothing and women's dress goods.

Now, in reference to the classification in the carpet schedule, we had eight or nine different classifications in the House bill. Your conferees finally agreed on three classifications. The Senate bill had only one classification in reference to carpets. We finally yielded and made three classifications in reference to carpets, one embracing that high grade of carpets and rugs that only the very rich are able to buy, and put a high rate of duty, 50 per cent ad valorem, as high as the House bill provided for, on those luxuries. We agreed on a third classification as to carpets embracing the medium grades of carpets that the well-to-do people buy, and put a rate of 40 per cent ad valorem on them, a lower rate on that than the Senate bill. We agreed on a third classification for carpets, those very low grades of carpets that only the poor people are able to buy, and on that classification we put a rate of 30 per cent ad valorem, only raised the rate 5 per cent above the rate in the House bill. So that, having carpets and flannels and blankets very close to the House bill and the raise in the rates in the conference report being largely on the higher grades of goods that the wealthier people of the United States buy, we feel that we have presented to the House a reasonable bill, a bill higher than we would have passed ourselves, but a bill that we can defend before the country and a bill that will bring great relief to the American people. [Applause on the Democratic side.]

As to raw wool, the House rate was 20 per cent. The Senate divided the bill into two classes, embracing in the first class the classes 1 and 2 in the Payne bill, relating to clothing wool, and placed the rate on that class at 35 per cent. That was competitive wool. That was wool that competed with the American flocks. They put a low rate on carpet wools, which are not competitive wools. As your conferee I stated to the Senate committee that the only purpose that we had in levying a rate on raw wool was for revenue, and that if we levied a higher rate on competitive wool and a lower rate on noncompetitive wool, that of necessity recognized the principle of protection in the face of our bill, and I could not agree to it.

The Senate, without yielding their principles, could agree to a uniform rate, because, although they may say that you can put noncompetitive articles on the free list without violation of the principle of protection, yet you can put a revenue duty or any duty on noncompetitive articles and not violate the principle of protection. For that reason the Senate agreed that we should have a uniform rate on raw wool. As I said, our bill called for 20 per cent; their bill called for 35 per cent on the competitive wools, which amounted to about two-thirds of the importations into this country, and 10 per cent on the noncompetitive wools, which amounted to about one-third of the importations into this country. We finally compromised and agreed to take 29 per cent on all raw wool, which was an advance of 9 per cent over the House bill.

The present revenues that are raised under the Payne bill on raw wool amount to $21,128,000. The revenue raised under the House bill was $13,398,000 as estimated. The estimated revenue under the conference report on raw wools amounts to $17,400,000. Now, as to manufactures of wool there is not nearly as much advance in the Senate bill over the House bill as there is in reference to raw wool. In fact, there is only a very reasonable advance on manufactured goods. The imports under the Payne bill were $23,057,000. The duties obtained on manufactures of wool amounted to $20,776,000. The House bill esti-

mated $63,831,000 of imports, with a revenue of $27,157,000. The conference report estimated the importation on manufactures of wool at $51,890,000, about $12,000,000 less than was estimated in the House bill, but it is estimated that the conference report, by reason of the increased rate of duty, will produce $25,094,000, a loss of something over $2,000,000 when compared with the duties obtained by the House bill on manufactures of wool, and a gain of something over $4,000,000 on the duties raised by the Payne bill.

The total revenue that was derived by the Payne bill for the year 1910 amounted to $41,934,000. The estimated revenue raised by the House bill was $40,556,000. The estimated revenue to be derived from the bill reported by the conferees is $42,494,000, an increase of revenue as estimated of nearly $2,000,000 above the revenues obtained from the House bill; so that, if this conference bill becomes a law, instead of a loss of revenue there will be an increase of revenue of nearly 5 per cent over the House bill.

I want to call your attention to this fact: The place where the people of the United States pay their taxes is not on raw wool, but on the finished product. It is on the dress goods, on the cloth, on the blankets, on the women's clothing that they buy, and not on the raw wool that is imported into the United States.

Under the present law the taxes levied on the American people upon the finished manufactures of wool that they buy amount to 90.10 per cent ad valorem. Under the House bill it amounted to 42.55 per cent ad valorem. Under the conference bill, as it is presented to the House to vote on to-day, the taxes that the American people will pay on the average amount to 48.36 per cent ad valorem. In other words, if you pass this bill and the Senate of the United States passes the bill and the President signs it, you will save to the people of the United States in their taxes on manufactures of wool the difference between 90.10 per cent and 48.36 per cent [applause on the Democratic side], or, in round figures, 42 per cent on all the manufactures of wool that the American people buy.

Now, I want to call your attention to what the House conferees have conceded to the Senate in order to enable us to pass a bill which I hope the President of the United States will have the patriotism to sign. [Applause on the Democratic side.] The House bill provided, on manufactures of wool, for a tax of 42.55 per cent. The conference bill provides for a tax on manufactures of wool of 48.36 per cent, or an increase of 5.79 per cent. In other words, the average increase in the bill presented by the conference report on manufactures of wool over the bill that this House passed is less than 6 per cent. And I say to the Democrats on this side of the House and to our friends on that side of the House who want to give relief to the people, that we can well afford to put this bill through the House and send it to the President of the United States in order that we may get some relief for the American people, even if it does not entirely express our views on this question. [Applause on the Democratic side.]

Mr. Speaker, I reserve the balance of my time, and insert the following comparative statement:

Comparative statement of the imports, duties, average unit of value, and equivalent ad valorem rate of duty on wool and manufactures of wool, on the basis of the imports of 1910 and as estimated for 1912, in the House and conference bills.

Items.	Present act—Results for year ending June 30, 1910.	Proposed act—Estimated results for a 12-month period.	
		House bill.	Conference bill.
Raw wool:			
Imports	$47,687,293.20	$66,991,000.00	$60,000,000.00
Duties	$21,128,728.74	$13,398,200.00	$17,400,000.00
Average unit of value, per pound	$0.186		
Equivalent ad valorem rate, per cent	44.31	20.00	29.00
Manufactures of wool:			
Imports	$23,057,958.78	$63,831,000.00	$51,890,200.00
Duties	$20,776,121.26	$27,157,800.00	$25,094,200.00
Equivalent ad valorem rate, per cent	90.10	42.55	48.36
Raw wool, and manufactures of:			
Imports	$70,745,251.98	$130,822,000.00	$111,890,200.00
Duties	$41,904,850.00	$40,556,000.00	$42,494,200.00
Equivalent ad valorem rate, per cent	59.23	31.00	37.98

Mr. PAYNE. Mr. Speaker, I yield seven minutes to the gentleman from Connecticut [Mr. HILL].

The SPEAKER. The gentleman from Connecticut [Mr. HILL] is recognized for seven minutes.

Mr. HILL. Mr. Speaker, I think this is the first time that the people of the United States have ever seen legislation enacted through a slot machine. [Laughter on the Republican side and cries of "Louder!" on the Democratic side.] Oh, you will hear from the country by and by if you do not hear from me now, so that it is not necessary to shout "Louder!" [Laughter on the Republican side.] The House has dropped one piece of legislation in the slot, and the Senate has dropped another in, and the Senator from Wisconsin [Mr. LA FOLLETTE] and the gentleman from Alabama [Mr. UNDERWOOD] have pulled out a piece of chewing gum. [Laughter on the Republican side.]

The gentleman from Alabama has just made a statement that this bill gives a certain average rate of duty, and if the Democratic Party had its way they would make it lower yet. I call his attention to the fact that the chief item of importation under the woolen schedule, aside from wool itself, is woolen cloth; and under the rate of duty he has given and with the rate on wool out of which it is made it will give to the manufacturer of woolen goods in this country a duty of 30.15 per cent, which is 20 per cent less than his predecessors in the Democratic Party gave under the Wilson bill; that on the lower class of woolens, which were 40 cents a pound and less, deducting the compensatory duty on wool, it will give a duty of 21.65 per cent; and that both of these duties on woolen goods manufactured in the Northern States are less than the corresponding duties on cotton manufactures both in the North and the South.

Now, I called the gentleman's attention the other day to the mode of classification used in this woolen bill. It was the first one of the schedules presented. I said that there should be a graded duty on woolen cloths. I said it not because of my own judgment, because I distrusted that, but I had gone back to the Walker tariff bill, and I had found in 65 years of American history since that law was enacted that there never had been either a woolen or a cotton bill that did not have graded duties, whether specific or ad valorem.

I call the attention of the gentleman now to the fact that this woolen bill has only one duty on cloths; but when you come to your cotton bill it has six duties, rated according to fineness and quality; and unfortunately the coarse, common grades, many of them, have their duties raised, while the duties on the better grades and the finer cotton cloths are very materially lowered. Why did you do it? Ah, the gentleman replied the other day:

> I will state to the gentleman that the committee having adopted an ad valorem rate all through the bill that rises and falls with the value of the goods concluded that the ad valorem rate would adjust itself without having to make a specific change.

It was a good argument as long as it lasted. I now call the gentleman's attention to his own language in the report on the cotton bill, absolutely destroying what he said with regard to the woolen industry and putting himself in an unfair light before the American people with regard to his treatment of these two different textiles. On page 34 of the report he says:

> Slightly higher rates are provided for cloths when bleached, dyed, colored, stained, painted, printed, or mercerized, in order to secure more revenue from such cloths, which include the fabrics of greatest value.
> Moreover—

I call the attention of the House to this, for the raise is 20 to 30 per cent with reference to cotton and no raise for like processes with reference to woolen cloths.

> Moreover, it is considered entirely equitable to impose higher rates of duty on finer and more costly fabrics.

It is more equitable in cotton. Is it more equitable or not in woolen? Why did you not treat the two textiles in the same way? Why did you bring in a classification here under which you have given three times the rate of duty on a piece of mercerized cotton that the Payne bill gave? I remember distinctly when some of our Republican friends from the West and some of our Democratic friends from the South and West elaborated on the duty of 1 cent a yard on mercerized cotton. Yet this bill gives 5 per cent on the whole fabric if there is one mercerized thread in the piece of cotton.

I saw a gentleman here last week with a very fine suit of clothes composed of unbleached cotton mercerized. It was like silk. I asked him what he thought the cost of the cloth was. Fifty to sixty cents a yard was a reasonable price. Yet under this Democratic bill you put 5 per cent extra on a piece of mercerized cotton, which in that case would be 3 cents a yard, instead of the 1 cent which the Payne bill carries. Why did you do it? Did you not know that it costs more to make woolen cloth than it does to make cotton cloth? Do you not know that you take your cotton from the field and put it into a picker, and then it goes to the carder and spinner and is woven, while the wool must be sorted by hand, the pieces of fiber picked out, and put in the different qualities? And it is the highest-paid labor

in the industry for sorting it. After that is done it must be scoured before it is ready for use, while it is not necessary to do this to cotton. Do you not know that woolen goods must be dyed? Do you not know that they must be woven? Yet in your cotton industry you have absolutely advanced the duty on some grades. By fineness, by weaving, by mercerizing you have made nine different classifications, from the raw cotton up to the fabric, and you have made two in wool—one on yarn and one on cloth. Why did you do it? The American people will want to know why.

We saw here the other day that in the Democratic cotton bill some coarse, common, unbleached cotton was raised enormously in duty; but they said: "There are only a thousand dollars' worth imported; the duty is prohibitive." I took the trouble to go to the greatest expert in cotton manufacturing in the United States and ask him whether there was only a small quantity produced here, and he told me that out of the 10,000,000 spindles running in the Southern States between 3,000,000 and 4,000,000 spindles were exclusively engaged in that class of production. [Applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, after listening to the elaborate apology of the gentleman from Alabama [Mr. UNDERWOOD] for this conference report, I do not wonder why that side of the House has applied the gag in this debate. [Applause on the Republican side.] If the gentleman from Alabama can not praise this measure—and even his genial smile did not conceal his lack of enthusiasm for it—it is not surprising that there are not many gentlemen on that side of the House who want to be heard in praise of it.

The gentleman from Alabama says that this is not a Democratic measure; that it is not a revision of the wool schedule such as he would write had he the power. But he defends his position in assenting to this conference report by calling it a compromise. Since he made that statement a few moments ago I desired to find out exactly what a "compromise" is. I consulted the Century Dictionary and found the following definition:

Compromise: A thing partaking of and blending the qualities, forms, or uses of two other and different things; as, a mule is a compromise between a horse and an ass.

[Laughter.]

Of course we will not all agree here as to which is the horse and which is the ass in this case, but we apparently do agree about the general characteristics of the resulting "compromise." The apology of the gentleman from Alabama lends additional force to the ancient description of the mule as being the only animal in existence without either pride of ancestry or hope of posterity. [Laughter.]

Mr. Speaker, if gentlemen on the other side expect that the country will take this as a serious, honest, and bona fide revision of the wool duties, they reckon without their host. Their half-hearted defense of this makeshift "compromise" will not appeal to thinking men, nor does it hold out bright promise of the success of their efforts in tariff revision in the future. This "compromise," based as it is on an avowed lack of accurate knowledge as to wool production and manufacture, conducted as it was under a system of barter and sale between two gentlemen, one advocating protective duties, the other revenue duties, would be bad enough in any case, but under the existing circumstances is, in my view, indefensible. In only a little more than three months we shall have an exhaustive report by the Tariff Board upon the whole wool question. To anticipate this report is in the highest degree inadvisable. Nothing can be gained by action now. Nothing would be lost by delay. In spite of all that the gentleman from Alabama has said of the possibility of the President's signature to this bill I do not believe that he or any other Member of this House thinks that it will become a law at this session of Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I do not know that I shall occupy the three minutes yielded to me, because it goes without saying that it would be utterly impossible to discuss a tariff bill within that period of time. I rise simply to enter my protest against the unfairness with which this legislation is being pressed. I do not believe that in all the history of the American Congress ever before has the minority been compelled to discuss a great tariff measure within the brief space of 20 minutes, and those 20 minutes imposed on them by the application of a gag in the passage of the previous question. This measure has been ill-considered from the very outstart. The original bill that went from the House to the Senate was never considered in this House. The only time that it was ever considered at all was in the two or three hours that was spent in a Democratic caucus, and when the bill was brought into the House it was brought in with an apology, a denial that it represented Democratic doctrine. A resolution, in the words of the peerless leader, was passed by the Democratic caucus for the purpose of disinfecting the caucus. It strikes me that some action is necessary on your part, gentlemen, now to disinfect this conference report. This bill is not the bill that went from the House to the Senate, nor is it the bill that came from the Senate to the House. It is a new bill that has never been discussed anywhere. It has never been explained to this House save in the few minutes when the gentleman from Alabama [Mr. UNDERWOOD] occupied the floor. I venture to say that every gentleman within the sound of my voice will indorse what I say when I say that he does not understand any part of this bill from the beginning to the end of it. For instance, the gentleman from Alabama has given us no excuse, no reason, why in the trade made between him and the Senator from Wisconsin he agreed to raise the rate of duty on third-class wool as fixed in the Senate bill 190 per cent, nor does he give any reason for the raises of duties all along the line from those fixed in the House bill. Does he believe that the country will be satisfied with his little 20-minute explanation and apology and with his application of the gag rule to the minority who are desirous of intelligently discussing and finding out something about this measure? Even now, without further opportunity for debate, my limited time expires.

Mr. Speaker, I may desire hereafter to put some figures in the RECORD in connection with this bill, and for that reason I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama has six minutes remaining and the gentleman from New York has six minutes remaining.

Mr. UNDERWOOD. Mr. Speaker, there will be but one other speech on this side of the House, and I will ask the gentleman from New York to consume his time.

Mr. PAYNE rose.

Mr. WILSON of Illinois. Tell us all about it Mr. PAYNE. [Laughter.]

Mr. PAYNE. Mr. Speaker, I hardly know where to begin on this mongrel that has come in here as the product of the brain of the gentleman from Alabama [Mr. UNDERWOOD] and one of the Senate conferees. It was the open conference, Mr. Speaker, which we had that marked the new era in legislative history. When we went in there a motion was made to refer the question in dispute to the gentleman from Alabama [Mr. UNDERWOOD] and the Senator from Wisconsin [Mr. LA FOLLETTE], and that was carried. After several days they came in there and reported they had come pretty near to an agreement. It was after they had gotten to an agreement, as it afterwards appeared. Gradually they yielded one point a little higher and one a little lower until they agreed to 29 per cent duty on all wools. It was a revelation to me for the gentleman from Alabama to work himself up to that point, after the speech he made here commending this bill, because it was simply a free-trade-tariff-for-revenue-only when he brought it into the House and he was going to fill up the "depleted" Treasury in this bill by 20 per cent on wool, and that was the only excuse for it. Why did he get up to 29 per cent? The whole effort was so patent, Mr. Speaker! They wanted to put a bill up to the President to see whether he would veto it or not. They will find out when they get it up to him, and pretty sudden [applause on the Republican side], because there will be some words about it, inasmuch as he has unlimited time and we have only 20 minutes on our side to dissect this iniquitous proceeding.

The gentleman from Alabama [Mr. UNDERWOOD] pleaded almost with tears in his eyes to keep blankets down to a duty of 30 per cent, and they would not have that. And then the gentleman from Texas [Mr. RANDELL] repeated that old argument made on the stump about the high duty levied on the poor man's blanket and that he had to sleep without one, and he wanted to get that duty down to the House bill. But no; the Senate conferee was inexorable, and blankets, the poor man's and the rich man's and all the other men's blankets, were put up to the same duty of 38 per cent. And so their argument about the poor man's blanket has gone glimmering in this bill. You can never raise it with good faith in your districts after this.

And then they go on and regulate the duty on cloths. The gentleman from Alabama, having gone through the cotton bill in the meantime, made a plea for a different duty on different kinds of cloths—fine and coarse—and for a difference between cloth and ready-made clothing. But the Senate conferees said

no, and with that smiling disposition of his the leader on the other side had to yield to the contention and put a uniform duty on cloths and on clothing, forgetting that on every suit of clothes that is made there is a large waste of the amount of woolen cloth that is cut away and becomes nothing but rags, with rag prices on it.

And so it went on. It was pitiful, gentlemen. I have been on many a committee in this House where I have seen conferees willing to yield, and sometimes compelled to yield, but I never saw such willing yielding as there seemed to be in this instance, simply confirming our suspicion that the gentleman from Alabama [Mr. UNDERWOOD] and the Senator from Wisconsin [Mr. LA FOLLETTE] had agreed on the thing, and the only argument that had convinced them, the only argument that was brought, was the necessity of the case; that they could not put this and that through the Senate; they could not put it up to the President unless the Senator from Wisconsin had his way—and they must put this bill up to the President, having proceeded so far and made this bluff—and then the only acknowledgment that was made in this committee when we did meet was that this was only "an experimental bill," being made with "blacksmith's tools," and all that sort of thing. And when the Senator from Wisconsin challenged the gentleman from Alabama to say what the difference should be in the duties on the different classes of goods, on goods differentiated from clothing, the Senator from Wisconsin said, "Why, I have not and you have not any sufficient information on which to make an intelligent schedule of that kind." "Oh, we will send it up to the President." It only emphasized, Mr. Speaker, from the beginning to the end of that conference the contention made on this side of the House of the necessity for gathering information. It was criminal on the part of these gentlemen to try to guess out a bill affecting over 500,000 people employed in those industries without awaiting the 1st of December until we could get a report of the Tariff Board.

Well, that they have to wait, Mr. Speaker, is my firm belief, and when that message comes to the House the American people will see why they have to wait until the 1st of December, and you will have spent your summer in plotting and counterplotting against the President of the United States in vain, because the people will not indorse any such summary, ignorant, undigested action as you present here through this bill. [Loud applause on the Republican side.]

The SPEAKER. The time of the gentleman from New York has expired. The gentleman from Alabama has six minutes remaining.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from New York [Mr. PAYNE] says that we accomplish nothing by the reduction on blankets. The rate in this bill on cloths and women's dress goods and other like articles is fixed at 49 per cent. The classification was fixed by the Senate conferees, but the language is the language of the House bill, and when we insisted on a different classification on blankets we finally placed it at 38 per cent, which is 11 per cent lower than the rate placed on dress goods and on women's dress goods and articles of that kind. Now, if the gentleman from New York [Mr. PAYNE] thinks it is no relief to the poor people of this country to have their taxes reduced 11 per cent, why I do not doubt that is the point of view from which he looks at it. He has never in any tariff bill he has every written in the history of this country, or taken part in writing, looked at the question from a standpoint of the people who have to pay the taxes. [Applause on the Democratic side.] The only question that has confronted the gentleman from New York is the protected industries of the United States. [Applause on the Democratic side.] He says that the Senator from Wisconsin and myself "rushed" to an agreement on this bill.

I say that the gentleman from Wisconsin was very generous in his concessions; that he allowed us to write a bill on which the increased taxes to the American people are less than 6 per cent above that we fixed in the House bill. The reason the gentleman from Wisconsin and myself endeavored to settle the differences between the two Houses and bring in a bill here that could be presented to the President of the United States was that we recognized that the greatest monstrosity that had ever been written on the tariff books of this country was the Payne law. [Applause on the Democratic side.] We recognized that when the gentleman from New York, knowing the public sentiment of this country, forced, under a gag rule, through this House Schedule K, when there were scores of men on that side of the House who would have voted against it if they had been given the chance, that he stood for the protected interests of this country and turned the back of his hand to the American people. [Applause on the Democratic side.] And yet the gentleman from New York says that we "rushed" to this agreement in order that we could agree on a bill that would put the President of the United States in a hole. The President of the United States has repudiated the Payne bill. [Applause on the Democratic side.] He has said, not in so many words, but in effect, that Schedule K in the Payne tariff bill was a stench in the nostrils of the American people. [Applause on the Democratic side.] He has said that it should be rewritten, that this monstrosity should be taken from the statute books, and when the Senator from Wisconsin and myself attempted to reconcile the differences between the two Houses and present a bill to the President of the United States to give him a chance to keep his word, his plighted word, to the American people, the leadership on that side of the House scoffs at our effort and hurls back the proposition that the President of the United States can not be relied on to keep the faith. [Loud and continued applause on the Democratic side.] Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The question is on agreeing to the conference report. The gentleman from Alabama demands the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and there were—yeas 205, nays 90, answered "present" 8, not voting 83, as follows:

YEAS—205.

Adair	Doremus	Jackson	Roddenbery
Adamson	Doughton	Jacoway	Rothermel
Aiken, S. C.	Driscoll, D. A.	Johnson, Ky.	Rouse
Akin, N. Y.	Dupre	Johnson, S. C.	Rubey
Alexander	Edwards	Kent	Rucker, Colo.
Allen	Ellerbe	Kinkaid, Nebr.	Rucker, Mo.
Anderson, Minn.	Esch	Kinkead, N. J.	Russell
Ashbrook	Estopinal	Konop	Sabath
Barnhart	Evans	Kopp	Scully
Bartlett	Faison	Korbly	Shackleford
Bathrick	Ferris	La Follette	Sharp
Beall, Tex.	Fields	Lamb	Sheppard
Bell, Ga.	Finley	Lee, Ga.	Sherwood
Blackmon	Fitzgerald	Lee, Pa.	Sims
Booher	Flood, Va.	Lenroot	Sisson
Borland	Floyd, Ark.	Lewis	Sloan
Brantley	Foster, Ill.	Lindbergh	Small
Brown	Fowler	Littlepage	Smith, N. Y.
Buchanan	Francis	Littleton	Sparkman
Bulkley	Gallagher	Lloyd	Stedman
Burke, Wis.	Garner	Lobeck	Steenerson
Burleson	Garrett	McCoy	Stephens, Cal.
Burnett	George	McDermott	Stephens, Miss.
Byrnes, S. C.	Godwin, N. C.	Macon	Stephens, Tex.
Callaway	Goeke	Madison	Stone
Carlin	Goldfogle	Maguire, Nebr.	Sweet
Carter	Graham	Martin, Colo.	Talbott, Md.
Clark, Fla.	Gray	Mays	Talcott, N. Y.
Claypool	Gregg, Pa.	Miller	Taylor, Ala.
Clayton	Gudger	Moon, Tenn.	Taylor, Colo.
Cline	Hamill	Moore, Tex.	Thayer
Collier	Hamlin	Morrison	Thomas
Connell	Hammond	Morse, Wis.	Townsend
Conry	Hanna	Moss, Ind.	Tribble
Cox, Ind.	Hardwick	Murdock	Turnbull
Cox, Ohio	Hardy	Nelson	Tuttle
Cravens	Harrison, Miss.	Norris	Underhill
Cullop	Haugen	Nye	Underwood
Curley	Hay	O'Shaunessy	Volstead
Daugherty	Heflin	Page	Warburton
Davenport	Helgesen	Pepper	Watkins
Davidson	Helm	Peters	Webb
Davis, Minn.	Henry, Tex.	Post	Whitacre
Davis, W. Va.	Hensley	Pou	White
Dent	Holland	Pujo	Wickliffe
Denver	Houston	Raker	Witherspoon
Dickinson	Howard	Randell, Tex.	Woods, Iowa
Dickson, Miss.	Hubbard	Ransdell, La.	Young, Kans.
Dies	Hughes, Ga.	Rauch	The Speaker
Difenderfer	Hughes, N. J.	Rees	
Dixon, Ind.	Hull	Reilly	
Donohoe	Humphreys, Miss.	Richardson	

NAYS—90.

Barchfeld	Foss	Kennedy	Prouty
Bartholdt	Foster, Vt.	Knowland	Reyburn
Bates	French	Langley	Roberts, Mass.
Bingham	Fuller	Loud	Roberts, Nev.
Bowman	Gardner, Mass.	McCall	Rodenberg
Burke, S. Dak.	Gillett	McKenzie	Slemp
Butler	Good	McKinley	Smith, J. M. C.
Campbell	Green, Iowa	McKinney	Smith, Saml. W.
Cannon	Greene, Mass.	McLaughlin	Speer
Catlin	Hamilton, Mich.	McMorran	Sterling
Cooper	Harris	Madden	Stevens, Minn.
Copley	Hartman	Mann	Switzer
Crago	Hawley	Martin, S. Dak.	Taylor, Ohio
Crumpacker	Hayes	Mondell	Thistlewood
Currier	Heald	Moore, Pa.	Towner
Dalzell	Henry, Conn.	Morgan	Utter
Danforth	Higgins	Olmsted	Wedemeyer
Dodds	Hill	Patton, Pa.	Weeks
Draper	Howland	Payne	Willis
Driscoll, M. E.	Hughes, W. Va.	Pickett	Wilson, Ill.
Dwight	Humphrey, Wash.	Plumley	Young, Mich.
Dyer	Kahn	Pray	
Farr	Kendall	Prince	

ANSWERED "PRESENT"—8.

Covington	Howell	Malby	Needham
Gould	Longworth	Murray	Padgett

NOT VOTING—83.

Ames	Fordney	Lawrence	Redfield
Anderson, Ohio	Fornes	Legare	Riordan
Andrus	Gardner, N. J.	Lever	Robinson
Ansberry	Glass	Levy	Saunders
Anthony	Goodwin, Ark.	Lindsay	Sells
Austin	Gregg, Tex.	Linthicum	Sherley
Ayres	Griest	McCreary	Simmons
Berger	Guernsey	McGillicuddy	Slayden
Boehne	Hamilton, W. Va.	McGuire, Okla.	Smith, Tex.
Bradley	Harrison, N. Y.	McHenry	Stack
Broussard	Hinds	Maher	Stanley
Burgess	Hobson	Matthews	Sulloway
Burke, Pa.	James	Moon, Pa.	Sulzer
Byrns, Tenn.	Jones	Mott	Tilson
Calder	Kindred	Oldfield	Vreeland
Candler	Kitchin	Palmer	Wilder
Cantrill	Konig	Parran	Wilson, N. Y.
Cary	Lafean	Patten, N. Y.	Wilson, Pa.
De Forest	Lafferty	Porter	Wood, N. J.
Fairchild	Langham	Powers	Young, Tex.
Focht	Latta	Rainey	

So the conference report was agreed to.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted in the affirmative.

The Clerk announced the following additional pair:

Until further notice:

Mr. JONES with Mr. MATTHEWS.

Mr. BYRNS of Tennessee. Mr. Speaker, being paired with my colleague, Mr. AUSTIN, I desire to vote "present." If he were present, I would vote "aye."

The SPEAKER. Did the gentleman vote?

Mr. BYRNS of Tennessee. I did not.

The SPEAKER. Was the gentleman in the Hall and listening when his name should have been called?

Mr. BYRNS of Tennessee. I was just in the rear here.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. BYRNS of Tennessee. I wish to vote "present," that is all.

Mr. LAFFERTY. Mr. Speaker, I wish to state that if I had been present at the time my name was called, I would have voted against this bill, but I was called out of the Hall and did not return in time to vote.

The SPEAKER. The gentleman's statement is not in order.

The result of the vote was announced as above recorded.

The announcement of the result was received with applause.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to present to the House for printing in the RECORD, under the rule, a conference report on the bill (H. R. 2958) popularly known as the publicity bill. (S. Doc. 96.)

The SPEAKER. The gentleman presents for printing in the RECORD under the rule the conference report which he sends up. It will be printed in the RECORD and as a document.

The conference report (No. 147) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2958) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same, amended to read as follows, viz:

SEC. 2. That section 8, as above amended, and sections 9 and 10 of said act be renumbered as sections 9, 10, and 11, and that a new section be inserted after section 7 of the said original act, to read as follows:

"SEC. 8. The word 'candidate' as used in this section shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, or election by the legislature of any State, as Senator in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which he is seeking indorsement, and not less than 5 nor more than 10 days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as Senator, file with the Secretary of the Senate at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

"Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any State, shall, within 15 days after such primary election or nominating convention, and within 30 days after any such general or special election, and within 30 days after the day upon which the legislature shall have elected a Senator, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, general or special election, or election by the legislature, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

"Every such candidate shall include therein a statement of every promise or pledge made by him, or by anyone for him with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election or election by the legislature, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made the name or names, the address or addresses, and the occupation or occupations, of the person or persons to whom such promise or pledge shall have been made, shall be stated, together with a description of the position relating to

which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate, that fact shall be distinctly stated.

"No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; nor shall any candidate for Senator of the United States give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

"No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $5,000 in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $10,000 in any campaign for his nomination and election: *Provided further*, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidate by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

"The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election or election by the legislature shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

"Any person, not then a candidate for Senator of the United States, who shall have given, contributed, expended, used, or promised any money or thing of value to aid or assist in the nomination or election of any particular member of the legislature of the State in which he resides, shall, if he thereafter becomes a candidate for such office, or if he shall thereafter be elected to such office without becoming a candidate therefor, comply with all of the provisions of this section relating to candidates for such office, so far as the same may be applicable; and the statement herein required to be made, verified, and filed after such election shall contain a full, true, and itemized account of each and every gift, contribution, expenditure, and promise whenever made, in any wise relating to the nomination or election of members of the legislature of said State, or in any wise connected with or pertaining to his nomination and election of which publicity is not given in a previous statement.

"Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths under the laws of the State in which he is a candidate, and shall be sworn to or affirmed by the candidate in the district in which he is a candidate for Representative, or the State in which he is a candidate for Senator in the Congress of the United States: *Provided*, That if at the time of such primary election, nominating convention, general or special election, or election by the State legislature said candidate shall be in attendance upon either House of Congress as a Member thereof, he may at his election verify such statements before any officer authorized to administer oaths in the District of Columbia: *Provided further*, That the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, duly stamped and registered within the time required herein shall be deemed a sufficient filing of any such statement under any of the provisions of this act.

"This act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate amending the title of the bill and agree to the same with an amendment, so that the title as amended will read as follows, viz: "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses."

And the Senate agree to the same.

W. W. RUCKER,
M. F. CONRY,
M. E. OLMSTED,
Managers on the part of the House.

WILLIAM P. DILLINGHAM,
ROBERT J. GAMBLE,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2958) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected" submit the following written statement in explanation of the action agreed upon and recommended in the accompanying conference report:

The first two lines of H. R. 2958 as it passed the House reads: "That sections 5 and 6 of an act entitled 'An act providing for publicity of contributions made,' etc."

Senate amendment No. 1 strikes out "and" after the word "five," and Senate amendment No. 2 inserts "and eight" after the word "six," in the language above quoted. These amendments are made necessary by reason of the fact that the bill as it passed the House only amended sections 5 and 6 of the publicity act, while Senate amendment No. 4 amends section 8 of said act also. These two amendments make the first two lines of the bill read: "That sections 5, 6, and 8 of an act entitled 'An act providing for publicity of contributions made,' etc."

The House recedes from its disagreement to Senate amendments Nos. 1 and 2 and agrees to the same.

Senate amendment No. 3 strikes out "third" in line 5, page 2, of the bill and inserts "sixth," the effect of this amendment being to require committees operating in two or more States to file a supplemental statement of receipts and disbursements every sixth day after the first preelection statement instead of every third day, as provided in the bill as it passed the House. The House recedes from its disagreement to Senate amendment No. 3 and agrees to the same.

Senate amendment No. 4 amends section 8 of the publicity act. Section 8 of existing law provides that certain persons, not candidates, may incur "all personal expenses for his traveling and for purposes incidental to traveling, for stationery and postage, and for telegraph and telephone service without being subject to the provisions of this act."

Senate amendment No. 4 is really a substitute for the present section 8 of the law. It inserts "necessary" before the words "personal expenses" and omits the phrase "and for purposes incidental to traveling" after the words "expenses for his traveling."

The House recedes from its disagreement to Senate amendment No. 4 and agrees to same.

Senate amendments Nos. 5 and 6 constitute a new section to the publicity act, to be known as section 8 of said act.

These amendments require publicity of campaign contributions and expenditures by all candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, before and after nomination and election, and applies to nominations at primary elections or nominating conventions, and to indorsements or nominations or elections at general or special elections and to elections by legislatures.

The conferees agreed upon many minor amendments to Senate amendment No. 5, including the merging of the substance of Senate amendment No. 6 into said amendment No. 5.

The conferees also agreed upon an amendment to Senate amendment No. 5 exempting certain necessary personal expenses from the provisions of the new section to said act, including charges or fees imposed upon candidates by the law,

expenses of travel and subsistence, stationery and postage, writing or printing and distributing letters, circulars and posters, and for telegraph and telephone service.

As agreed upon and recommended by the conferees the Senate amendment No. 5 is in form a substitute for the original Senate amendment. It proposes a new section, to be known as section 8 (Senate amendment No. 5) of the publicity act, which will read as follows:

"SEC. 8. The word 'candidate' as used in this section shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which candidates for Representative are to be elected, file with the Clerk of the House of Representatives at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, or election by the legislature of any State, as Senator in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which he is seeking indorsement, and not less than 5 nor more than 10 days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as Senator, file with the Secretary of the Senate at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

"Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any State, shall, within 15 days after such primary election or nominating convention, and within 30 days after any such general or special election, and within 30 days after the day upon which the legislature shall have elected a Senator, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, general or special election, or election by the legislature, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

"Every such candidate shall include therein a statement of every promise or pledge made by him, or by anyone for him, with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election or election by the legislature, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made, the name or names, the address or addresses, and the occupation or occupations of the person or persons to whom such promise or pledge shall have been made, shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate, that fact shall be distinctly stated.

"No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; nor shall any candidate for Senator of the United States give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

"No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding five thousand dollars in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding ten thousand dollars in any campaign for his nomination and election: *Provided further*, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers) and distributing letters, circulars, and posters and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

"The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election or election by the legislature shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

"Any person, not then a candidate for Senator of the United States, who shall have given, contributed, expended, used, or promised any money or thing of value to aid or assist in the nomination or election of any particular member of the legislature of the State in which he resides shall, if he thereafter becomes a candidate for such office, or if he shall thereafter be elected to such office without becoming a candidate therefor, comply with all of the provisions of this section relating to candidates for such office, so far as the same may be applicable; and the statement herein required to be made, verified, and filed after such election shall contain a full, true, and itemized account of each and every gift, contribution, expenditure, and promise, whenever made, in anywise relating to the nomination or election of members of the legislature of said State, or in anywise connected with or pertaining to his nomination and election of which publicity is not given in a previous statement.

"Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths under the laws of the State in which he is a candidate, and shall be sworn to or affirmed by

the candidate in the district in which he is a candidate for Representative, or the State in which he is a candidate for Senator in the Congress of the United States: *Provided*, That if at the time of such primary election, nominating convention, general or special election, or election by the State legislature said candidate shall be in attendance upon either House of Congress as a Member thereof he may at his election verify such statements before any officer authorized to administer oaths in the District of Columbia: *Provided further*, That the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, duly stamped and registered within the time required herein, shall be deemed a sufficient filing of any such statement under any of the provisions of this act.

"This act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws."

The title is amended so as to read: "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses."

The Senate recedes from its amendment No. 6, the same as agreed upon having been embodied in amendment No. 5.

It is recommended that the amendment of the Senate changing the title of the act as amended in conference be agreed to.

W. W. RUCKER,
M. F. CONRY,
M. E. OLMSTED,
Managers on the part of the House.

Mr. WATKINS. Mr. Speaker, I desire to reserve all points of order, and ask for a separate vote on each of the amendments——

The SPEAKER. The report is not before the House. It is merely presented for printing, under the rule.

Mr. WATKINS. I desire to reserve all points of order.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. This is District day. If any gentleman has any District of Columbia business, it is in order to present it.

ASSIGNMENT OF SALARIES, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (H. R. 10649) to regulate the assignment of wages, salaries, and earnings in the District of Columbia.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That all assignments of wages, salaries, or earnings made, or to take effect, or to be enforced in the District of Columbia shall be in writing, signed by the person to whom such wages, salaries, or earnings are due, which writing shall contain the correct date of the assignment and the amount assigned and the name, or names, of the person, firm, or corporation owing the wages, salaries, or earnings so assigned; and the assignment of wages, salaries, and earnings not earned at the time the assignment is made shall be null and void.

With the following committee amendments:

Amend by inserting, in line 9, after "-poration" and before the word "owing," the following: "including the Governments of the United States and of the District of Columbia."

Further amend by adding to the last line the following: "*Provided*, That no assignment of a salary or wage by a married man shall be valid unless his wife join him in the assignment thereof."

Mr. FINLEY. Mr. Speaker, I have just obtained a copy of this bill.

Referring to the last committee amendment, which provides—

That no assignment of a salary or wage by a married man shall be valid unless his wife join him in the assignment thereof.

I move to strike out all after the word "valid."

The SPEAKER. The gentleman from South Carolina offers an amendment to the last committee amendment. The Clerk will report it.

The Clerk read as follows:

Amend the last committee amendment by striking out all after the word "valid."

Mr. FINLEY. Mr. Speaker, the purpose of that amendment is to provide that no assignment of a salary or wage by a married man shall be valid.

The trouble with people in the District of Columbia is in the matter of assigning their salaries. When a man is single it makes no particular difference. No one is dependent upon him; but where he has a wife and family, then it is certain that if he wishes to assign his salary it is a mere matter of form to obtain the signature of his wife to an assignment. If it is proposed to accomplish anything by this bill, then you should prohibit a married man from assigning his salary.

Congress has been deluged for many years with demands by Government employees for increases of salary. I believe the foundation of this difficulty lies in the fact that Government employees, and particularly married men, assign their salaries and mortgage their personal property, and pay such high interest that they can not make ends meet. They are charged exorbitant rates of interest and find themselves falling behind, so Congress is overwhelmed with demands for an increase of the salaries of Government employees. What are you going to do about it? My opinion is that if you will wipe out this practice, and reduce interest in the District of Columbia to a fixed legal rate, this demand will no longer exist.

I understand from what I read in the papers that there exists in this city to-day an organization having for its purpose the passage of a retirement bill, and that an ex-Senator from the State of Ohio is at the head of this organization. Its purpose is to obtain from Congress some legislation in the shape of old-age pensions, a civil pension list, so to speak.

One publication that I have seen stated that a fund of $100,000 had been raised to push along this proposed line of legislation. I wish to say to the Members of the House, that if you do not propose to enact legislation like this you should lay heavy hands on these Government employees who assign their salaries—those who fall into the hands of the loan sharks—and unless you do this the time will come when conditions in the District of Columbia will be utterly intolerable. [Applause.]

Mr. SIMS. Mr. Speaker, I want to refer to one matter, and I will be brief.

Mr. MANN. Mr. Speaker, I was going to ask unanimous consent for the gentleman from Missouri, Dr. BARTHOLDT, to have 40 minutes to address the House on the subject of peace.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer an amendment before this bill is concluded.

The SPEAKER. The gentleman from Pennsylvania will have that opportunity. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri [Mr. BARTHOLDT] be permitted to address the House for 40 minutes on the subject of peace. Is there objection?

There was no objection.

ARBITRATION TREATIES.

Mr. BARTHOLDT. Mr. Speaker, constitutionally the House of Representatives is not a part of the treaty-making power, hence it might be said that we have no official concern in the arbitration treaties which are now awaiting the sanction of the Senate. That is true in a technical sense. However, as representatives of the people, I hold we are most vitally interested in propositions which involve the great question of peace or war. Not only are the constituencies which we represent on this floor those of the Members of the other House, but we ourselves are their constituents. Most likely they are entirely willing to hear from us on this great question. There was a time when weighty international problems were decided and settled in the chancelleries here and abroad, especially abroad, without the knowledge of either the people or their representatives, but that time is rapidly passing. To-day the people want to know what is being done to promote their welfare, and nearly all Governments religiously observe the rule of giving them the fullest information. In the matter of the arbitration treaties the President and Secretary of State took the people into their confidence from the very start, and not only was the tentative draft published as soon as it was completed, but the people were advised, through the public press, of every important step taken in the course of the negotiations. In England great mass meetings were held in which the leaders of both the Government and the opposition parties took part and which declared enthusiastically in favor of the principle of a peaceful settlement, by arbitration, of all international controversies. From what I know of the true sentiment of the American people on this subject, they would have spoken out just as emphatically, only on a still larger scale, but for some inexplicable reason these public demonstrations were discouraged by some private citizens and influential friends of the cause. But in view of the publicity which our Government has given to this matter, the statement that there has been no opportunity for consultation about it is far from the truth and appears rather as a pretext for opposition.

I shall not now undertake to point out the great and lasting benefits of treaties which will secure, by judicial decision and law, the people's peace against the arbitrary will of rulers on the one hand and the passions of the mob on the other, nor is it necessary to extoll the example of lofty statesmanship which

the three treaty-making powers hold up to the rest of the world for emulation.

I am sure there is to be found nowhere, not even in barracks and navy yards, a lack of appreciation or a lack of patriotic pride on account of the American initiative. If there were, as American citizens we would have reason to be ashamed of it.

My purpose to-day is to refer briefly to the various objections interposed against the treaties. As this subject has been discussed for half a century, the friends of arbitration were prepared for them and are able to meet them. If somehow I could bring the opposition together into some sort of a body, I would, figuratively speaking, cut off the head and the limbs and throw the trunk away. Not one of the arguments advanced against ratification, whether based on selfishness and prejudice or inspired by honest and conscientious scruples, is tenable in the face of the public weal and the sum total of human happiness which these international agreements will vouchsafe. Or shall we seriously listen to those who, like the big-stick philosopher of Oyster Bay, insist on the perpetuation of war or to those who for business or professional reasons want us to leave the door open for fight and bloodshed? Shall the capitalist who builds our battleships and the militarist whose profession is war be called in to decide the pending questions for us, or shall we rather be guided by considerations of "the greatest good for the greatest number"? But there is still another element of opposition. Some of our Irish friends are opposed to the treaty with Great Britain for reasons which need no explanation. To the credit of that sturdy element of our citizenship be it said that the great majority did not approve and could not be induced to join demonstrations which meant the obstruction of a great *American policy* by a European heritage. And there is good ground for hope that the concession of home rule to Ireland by a liberal British Government will soon reconcile whatever opposition manifests itself from that quarter.

I might interject here, it has been stated in the public prints that even our German-American citizens were opposed to these arbitration treaties. I stand here to refute that statement. The few that have been lead astray are simply the exception which proves the rule. The great National German-American Alliance, counting 2,000,000 citizens of this country as its members, have sent an appeal to the people of Germany asking them to induce their Government to join the league of peace by negotiating, the same as Great Britain and France have done, an arbitration treaty with the United States. I think that fact disposes of every doubt as to where the German-Americans stand on this great question. [Applause.]

A few days ago the country was given a genuine surprise by the action of a labor union in this city protesting against the arbitration treaties. I say a surprise, because it is well known that labor all over the world is more or less actively enlisted in the cause of arbitration and peace for the simple reason that labor has to bear the scars and pay the freight of every war. [Applause.] How the intelligent workers everywhere must have wondered at this peculiar attitude of their Washington comrades! Is it possible that because there is a navy yard here the employees have taken such a stand from fear that through the President's peace policy they will lose their bread and butter? Surely there is no cause for alarm on that score. A reduction of armaments is sure to follow the general adoption of arbitration, because the iron law of nature stipulates that what is no longer needed will eventually cease to exist, but it is hardly probable for the present generation to derive the full benefit of such a happy eventuality. The main reason assigned for the action just referred to is that our country would soon be overrun by cheap Japanese labor, which, after the adoption of arbitration with Japan, could no longer be kept out. This objection is based on false premises, of course, but as many other good people, especially on the Pacific coast, have been misled by it, it merits special mention.

I frankly admit that it might have been preferable to prefix a preamble to all our arbitration treaties, past as well as present, by which the high contracting parties mutually guarantee to each other, first, their independence; secondly, territorial integrity; and, thirdly, absolute sovereignty in domestic affairs. The older Members of the House will remember that I have advocated this precaution on several occasion on this floor. It would at once silence a number of fears and clear the deck for a better understanding. The reason why this preamble was not inserted in the present treaties is probably because there is absolutely no danger of the questions of independence and territorial integrity ever being raised as between the United States on the one hand and Great Britain and France on the other. And as to sovereignty in home affairs, that is already a well-recognized principle of international law. In other words, in accordance with well-established international rule, no nation can interfere with another in questions of internal policy, hence the United States has a perfect right to regulate the immigration question to suit ourselves. In accordance with this right we exclude the Chinese without a treaty and Japanese laborers in pursuance of one.

And the special treaty we have with Japan on this subject would, of course, not be superseded by any arbitration treaty into which the United States and Japan might enter hereafter. The question of the interpretation of a treaty might, of course, become the subject of arbitration, and let me suggest in this connection that no government, however reluctant in its recognition of the principle of arbitration, has ever objected to its application in the matter of the interpretation of treaties. To sum up the case, no nation can, under the authority of international law, make another nation change its internal policy with regard to any subject, and if it is a matter affecting the interests of the other nation, such as immigration, changes can be brought about only by friendly negotiation and voluntary concession, but can not be demanded as a matter of right. So neither our friends of the Pacific coast nor American labor need have any fear on that score. No international tribunal or commission would ever deny to any nation the right to regulate ad libitum its own domestic affairs, or include within its dicta any decision bearing on a settled and internationally well recognized policy, such, for instance, as the Monroe doctrine.

Now, Mr. Speaker, let me briefly explain the treaties according to my understanding of their letter and spirit. The friends of arbitration have contended from the beginning that after a brief trial of the judicial system of settling international disputes the area of arbitration would soon be enlarged, and that contention has proved true. The treaties now in force expressly exempt from arbitration all so-called questions of vital interest and honor, and thus leave the door wide open for war to be ushered in, because any question, however trivial, might be puffed up, if there be a disposition to fight, to the proportions of one of vital interest or national honor. These exemptions, therefore, rendered arbitration practically futile. The pending treaties exempt nothing and broadly stipulate that all differences "which are justiciable in their nature"—and happily this is the only qualification—shall be submitted to arbitration.

This is a great step in advance on the theory that if arbitration is a good thing in any respect, why not in all respects? If judicial decisions are right nationally, why not also internationally? And have you ever given thought to the contradictory position of a nation which compels its citizens to go to court for the redress of wrongs, forbidding them to take the law in their own hands, but refuses to obey this rule of conduct itself by resorting, or maintaining the right to resort, to violence and war in the prosecution of its alleged rights? To-day, Mr. Speaker, every civilized government is guilty of such duplicity, and no one can measure the extent to which it encourages disrespect of our social order and increases the difficulty of maintaining even our domestic peace, not to mention the fighting spirit of the human animal which is kept alive by what the nations recognize abroad but forbid at home, namely, the application of force. By the new arbitration treaties this contradiction, I may say this immoral contradiction, is wiped out, the application of law and justice is made the general rule, and force is practically outlawed.

Before I speak of the technical objections which, according to public prints, have been raised against certain provisions of the treaties, permit me to point out their next great feature, second in importance only to the first article, which, as I have shown, provides for compulsory arbitration of all differences, and therefore might well bear the headline, "Let us have peace." That feature is the joint high commission of inquiry. Let us hope that the members of the other House, in their eagerness to pick flaws in the Magna Charta of peace agreed upon by three great governments, will leave unchanged the article which provides, in case of any controversy, for an impartial investigation of the facts. In making this provision the contracting governments again take high moral ground. Up to the present day each nation has presumed to be the judge in its own cause, an idea obnoxious to every sense of justice and absolutely intolerable according to the jurisprudence of every civilized country. Yet in international affairs it is the common practice to-day. That an impartial deliberative body, composed of learned jurists of both contending parties, will be a better and safer judge of the facts in a case as well as of what is right and wrong than a single nation whose passion might have been aroused and its judgment blinded by some unfortunate incident of an international nature needs, I believe, no demonstration. So here again is international conduct brought in harmony with national conduct, which compels contending parties to submit their differences to impartial judges to them unknown.

The institution of such commissions has been one of the postulates of the peace movement from its very inception, not alone

for the reason above stated, but because an investigation allows cooling time to elapse, during which the peaceful sentiment of a nation can be marshaled and all the moral forces united for compelling a peaceful settlement of the question at issue. It was one of the provisions of a model arbitration treaty which I have had the honor to draft and to present to the Brussels and the London conferences of the Interparliamentary Union, and I remember well how eloquently at the latter conference a distinguished American delegate, Mr. William Jennings Bryan, advocated its adoption. Honor to whom honor is due. Through Mr. Bryan's support I carried the day at London; and I shall never forget the applause he received when he said:

> Man excited is very different from man calm. [Applause.] When men are mad, they swagger around and say what they can do; when they are calm, they consider what they ought to do. [Applause.] The investigation gives time for the claims of conscience and reason to assert themselves.

At that time, Mr. Speaker, we were confronted by a difficulty which has a direct bearing upon the present situation. The arbitration treaties submitted by President Roosevelt to the Senate had come to naught because the Senate had changed them and insisted on being consulted in each particular case. This stickling for a prerogative proved a great obstacle to the further progress of the arbitration movement, for every student of this question knows that arbitration, in order to be effective or even to be made possible, must be resorted to without delay; that is, before the passions of the people are aroused. To refer an international dispute to a legislative body for discussion will surely add fuel to the excitement and passion of the populace, and will thus tend to render a question which might easily be arbitrated incapable of such peaceable adjudication. It was for this reason that the draft of an arbitration treaty I have just referred to specified all the several questions to be arbitrated, and we were in hopes that, if the nations at The Hague would agree to it, the Senate by its ratification would confer wholesale authority upon the Executive to enter into arbitration agreements in all the cases specified in the treaty. The same authority is impliedly to be conferred on the Executive in the pending treaties, and on this point I wish to make some special observations.

Each nation is jealous of its sovereignty, and with European rulers particularly this is sacred ground. Yet every international agreement means a surrender of part of that sovereignty, because to the extent of the terms of such an agreement the sovereign power is circumscribed. You may well imagine that this fact has proved a great obstacle, especially in Europe, to the progress of arbitration, for if the American Senate is solicitous as to its prerogatives, European monarchs are much more so with regard to their sovereign power.

Mr. DONOHOE. Will the gentleman yield?

Mr. BARTHOLDT. I will yield to the gentleman.

Mr. DONOHOE. Does the gentleman believe that the Peace Trust would make for human freedom?

Mr. BARTHOLDT. That is not exactly in line with where I was in my speech, but I shall be glad to discuss the question with the gentleman at the end of my remarks.

Mr. JACKSON. Will the gentleman yield?

Mr. BARTHOLDT. Yes.

Mr. JACKSON. I understand that the gentleman is now arguing that the power of deciding what shall be the subject of war shall be conferred on some foreign court.

Mr. BARTHOLDT. Oh, not at all. Under the pending treaties we agree to submit to arbitration every question, but before we resort to arbitration article 2 provides that a high joint commission may be appointed, to be constituted of three members of the one contending country and three members of the other contending country, and these six men shall form a joint high commission to determine the facts in the case, and also the question whether the controversy shall be submitted to arbitration or not. It is further provided that if five of these men agree that the question is arbitrable, it shall be submitted to arbitration.

Mr. JACKSON. Does not the gentleman think that that in a way takes away the power of Congress to declare war, which is a constitutional right?

Mr. BARTHOLDT. No; I think not. For one I would gladly, if conditions of the world were such as to justify it, waive the right to declare war.

Mr. JACKSON. Is it within the power of Congress to do that?

Only the people can amend the Constitution. Let me trouble the gentleman with a concrete illustration along the line of what he has been arguing. Suppose that Japan should accept the President's invitation and become a member, and the labor question should become an international question. Would not it be within the power of this commission to take out of the hands of Congress the jurisdiction and power to settle that labor question?

Mr. BARTHOLDT. No. If the gentleman had done me the honor to listen to my remarks he would have heard me say that under a well-established rule of international law no policy—and what the gentleman refers to is a policy—of any government or any people can ever be subject to arbitration, because it is a nation's internal affair. A policy can never be arbitrated.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman allow me one suggestion? The treaty embraces only justiciable questions. The admission of immigrants is not a justiciable question; it is a political question, and the joint high commission are to determine what are not and what are questions of a justiciable character and what may be of a political character, and political questions are not embraced in the treaty.

Mr. JACKSON. That is just what we are talking about. Who settles that question?

Mr. BARTHOLDT. Mr. Speaker, I did not take the floor to listen to what my friend may have to say, but to say what I have to say.

Mr. JACKSON. I desire only to complete the sentence.

Mr. BARTHOLDT. Mr. Speaker, I must decline to yield at this time. If I have some time left at the conclusion of my remarks then I will be very glad to yield.

When interrupted I was speaking of the jealous regard European rulers have for their sovereignty. Yet the great cause of the world's peace has wrung concession after concession from them, and the great and holy purpose to be subserved will, let us hope, also induce our Senate to subordinate technicalities to the common good of the human family. Certain it is, Mr. Speaker, that you can not eat the cake and have it, too. In other words, we can not enter into international agreements and at the same time maintain intact in every respect what is called sovereign power or senatorial prerogative. As the individual surrenders natural rights in order to live in a community of individuals, so a nation must sacrifice part of its sovereignty in order to meet the obligations imposed by agreements with the family of nations. And remember that it is a sacrifice solely in the interest of the common welfare, in behalf of the greatest boon of all the nations—their peace. Besides, Mr. Speaker, a close study of the new treaties will disclose the fact that the prerogatives of the Senate have been as carefully guarded as they were in the old, because where actual arbitration is resorted to the special agreement in each case is subject to the "advice and consent of the Senate," and it is only where an investigation through a commission is provided that the Executive asks the Senate to confer upon it wholesale authority to so refer a question for investigation.

Mr. HAMILL. Mr. Speaker, will the gentleman yield at this point? My question is very pertinent to this subject.

Mr. BARTHOLDT. Very well, I will yield to the gentleman.

Mr. HAMILL. Is it not a fact that these treaties in the section which has been stricken out by the Senate committee divests the Senate of its constitutional power of saying what questions shall be arbitrable and what not?

Mr. BARTHOLDT. Mr. Speaker I thought I had answered that question in what I have stated here this afternoon.

Mr. HAMILL. I beg the gentleman's pardon.

Mr. BARTHOLDT. I said there are two reasons why the Senate should consent to this sacrifice. The first is that no nation should hereafter insist on being the judge in its own cause; that every nation, if its cause is just, should be willing to submit to the judgment of an unbiased, impartial tribunal, or a commission representing it and the other contending party. [Applause.] That is one reason.

Mr. HAMILL. Yes; and now, Mr. Speaker, does not that divest the United States Senate of the power conferred upon it by the Constitution, and thus by treaty alter the Constitution of the United States?

Mr. BARTHOLDT. I have just stated that in order to secure peace in this world we will have to divest ourselves of something. The individual divests himself of certain natural rights for the purpose of living in a community of nations, and a nation must divest itself of certain inherent rights, to the extent of the terms of the treaty or the agreements which may be entered into with other nations. We will come to that conception of things sooner or later whether or no. The evolution has been that way, and neither the prerogatives of the Senate nor the sovereignty of European rulers can stop it. [Applause.]

Mr. HAMILL. Would the gentleman agree to arbitrate questions arising under the Monroe doctrine?

Mr. BARTHOLDT. I have referred to that, and the gentleman has not heard me. Now, let me continue. I stated that a reservation is made in case of special agreements, and the advice and consent of the Senate must be obtained before the President can refer any case to arbitration; and this reservation in regard to the Senate, which our Government had to

make under the Constitution, explains, by the way, why in the British treaty the government of the self-governing dominion whose interests are affected is to be consulted and why in the French treaty it is stipulated that the agreement shall be "subject to the procedure required by the constitutional laws of France." These reservations, in other words, are made to place the high contracting parties on an equality. What the consent of the American Senate is to Great Britain and France is the consent of the British dominion that may be affected on the compliance with the constitutional laws of France to us.

In the short time allotted to me I could touch only very slightly the arguments in favor of the position which our great President and the Secretary of State have taken on this all-important question, but if the House will grant me the time, I shall come back to this subject on some future occasion.

I hold, Mr. Speaker, that the signing of these arbitration treaties marks a new era in the history of the world, which will come to regard brutal war as a nightmare of bygone days. It is the greatest step in advance made since the abolition of human slavery in the direction of a higher and better civilization. [Applause.] As an American I am proud of the fact that an American President has taken the initiative in the great movement for more permanent peace, namely, a peace based on law, not on force, a movement which will eventually result in relieving the human family of intolerable burdens and free the civilized world from the physical and moral damage of war. If President Taft succeeds in his world-redeeming policy, he will rank with Abraham Lincoln for having stopped man killing as the great martyr President stopped man selling. [Applause.]

The SPEAKER pro tempore (Mr. CONRY). The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman be allowed to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, if it was customary in such matters to do so, I would submit a resolution to the consideration of the House, reading as follows:

Resolved, That the House of Representatives approve the pending arbitration treaties between the United States and Great Britain and France as instruments to lessen the possibilities and to promote the cause of more permanent peace; and further

Resolved, That as the direct representatives of the people we call upon the Senate of the United States to ratify these treaties without change and without further delay.

[Applause.]

Mr. Speaker, I shall be very glad now to yield to anyone who desires to ask me any question.

Mr. MORSE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BARTHOLDT. Certainly.

Mr. MORSE of Wisconsin. Mr. Speaker, I would like to have the gentleman from Missouri explain a little more clearly to me why the Monroe doctrine could not be considered under this arbitration treaty.

Mr. BARTHOLDT. To answer my friend's question I am afraid I shall have to repeat myself. I stated that the Monroe doctrine is a policy of this Government. It is true that it affects other nations, but as soon as the other nations are willing and ready to recognize that policy, then it seems to me that policy is safe. We have evidence that not only Great Britain but nearly all the other great nations of Europe have given their silent consent to that policy of the Monroe doctrine, and consequently as a policy that matter will never be subject to arbitration. Let me add right here for the information of some gentlemen who may not have paid attention to this matter. The Monroe doctrine is not nearly as important to-day as it was even 10 years ago for the simple reason that at The Hague conference it was determined—all nations agreeing in that determination and it is now a part of the international law of the world—that contractual debts could no longer be collected by force in either Central or South America. That takes out of the Western Hemisphere nearly every element of friction which has heretofore caused trouble, and therefore, I say, the Monroe doctrine is to-day not as important as it was, and the European powers are ready to recognize it. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has again expired.

Mr. HAMILL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. HAMILL. To ask that the time of my friend, the previous speaker, be extended for a sufficient time to answer a brief question.

Mr. GUDGER. I object.

The SPEAKER. The gentleman from Kentucky is recognized to resume the consideration of the pending bill. The question when the gentleman from Missouri began his speech was on the adoption of an amendment of the gentleman from South Carolina, and the Chair understands the gentleman from Kentucky yielded to the gentleman from Missouri.

ASSIGNMENT OF SALARIES, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. BORLAND. Mr. Speaker, the bill which is before the House is H. R. 10649, to regulate the assignment of wages, salaries, and earnings in the District of Columbia. This bill is a copy of an act recently passed by the General Assembly of the State of Missouri. It is intended to obviate or do away with some of the most trying evils relating to the employment of salaried men and wage earners. It is intended to strike a blow, and a very effective and successful blow, at the loan shark. One of the greatest sources of evil in the loan-shark business is the sale of salaries. This salary selling and salary buying is not only an evil to the wage earner himself and a demoralizing influence in his employment, but it is a great evil to the family of the wage earner and frequently to the local merchants of the community. The method usually followed by these salary buyers is to take an assignment in blank of a man's wages with his signature on the bottom, but without any designation of how much he is earning, or where he had been employed, or who his employer is. They take this with the express or tacit understanding that if default is made on the payment of the loan they are to enforce their claim against the man's wages.

It frequently happens that the contract expressly provides that this assignment shall be good until the entire obligation, with all its accrued interest and penalties, are paid. The result is that if a man goes from one employer to another this obligation may follow him, and suddenly the employer may be confronted with an assignment of his wages made some time previously. I have always believed there was considerable doubt about the legality of the assignment of unearned wages. I know it has been held by the courts as to a public officer that the assignment of unearned wages is void, but where the obligation arises under a private contract with a private employer the assignment of unearned wages is valid. It has always seemed to me there should be a distinction between unearned wages generally and wages to be earned where the party is under a present contract of employment out of which the wages will arise. It is certainly true if a man sells his wages——

Mr. FINLEY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. BORLAND. In a moment I will be glad to yield. If he sells his wages when he is not under contract of employment, but sells some prospective wages he expects to earn in the future, he is doing no more than selling himself into slavery.

And if he has done that thing, if he has sold his wages before they are earned, where are the butcher and the baker and the landlord and the doctor going to get their money for looking after the physical wants of his family?

Now, this bill has two parts to it, and when I have explained it briefly I am going to yield to the gentleman from South Carolina [Mr. FINLEY]. The first part applies to earned wages, which we all concede a man has a property right in. The assignment of those shall be in writing, shall designate the employer, and shall put in the date of the assignment. A man has a property right to a certain extent in the wages he has earned. The pay time of the employer may not have come around, and for various reasons he may have a desire to assign his wages. He has a property right in them, and no great harm can ensue from his selling, under proper regulations, the wages he has earned, especially if the transaction is bona fide by putting in the name of the employer and date of actual assignment.

Now, as to unearned wages, which is the second part of the bill, the bill provides that the assignment of unearned wages shall be void. In other words, it stops this thing of a man selling himself in the future into some indefinite slavery.

Mr. CAMPBELL. Will the gentleman yield on the first proposition for a question?

Mr. BORLAND. I promised to yield to the gentleman from South Carolina, but if it is a brief question, I will yield to the gentleman from Kansas now.

Mr. CAMPBELL. It is a very brief question. Would you permit the assignment of earned wages of the head of a family without the consent of his family? I can see where it would lead under the laws of our State to a good deal of difficulty.

Mr. BORLAND. The committee, with my full approbation, have added a committee amendment to the bill that provides, in the case of a married man, that the sale of his earned wages shall be joined in by his wife. [Applause.] I accept that amendment, and with it I think the bill is perfected.

Now, my friend from South Carolina [Mr. FINLEY] has moved an amendment proposing to abolish the right to sell the wages of a married man. In my judgment, we have a tremendous evil to deal with in the assignment of unearned wages. When we come to earned wages, which a man has a property right in, I believe if we safeguard that by providing the assignment shall be joined in by his wife, we have gone just as far in that direction as we ought to go.

Mr. FINLEY. As to the earned wages, what does the gentleman mean by that? Does he mean wages that have not been paid to him, but that will be paid by the end of the month? I ask the gentleman what he means by earned and unearned wages? If the wages are earned, what is the necessity for an assignment of them?

Mr. BORLAND. If the wages are earned, what is the necessity for an assignment of them? I do not know how large a city the gentleman lives in, but here is the proposition briefly: If the gentleman were employed by a railroad company, whose pay day was the 10th or 15th of the succeeding month, and had earned 20 or 30 days' pay, but the pay day had not come around, he has a property right which under circumstances he desires to dispose of——

Mr. FINLEY. I think I understand the gentleman's definition now. I want to ask this: Is it not true that in the District of Columbia exorbitant rates of interest charges are made for loans on wages, both earned and unearned, under the gentleman's definition of wages earned and unearned? Is not that true?

Mr. BORLAND. I know it is true. I am very certain of it.

Mr. FINLEY. Now, there is no necessity for safeguarding an unmarried man. We agree to that, do we not?

Mr. BORLAND. I do not agree to that. I think the unmarried man may get into demoralizing habits in selling his unearned pay, and demoralize himself and prove a burden to his employer.

Mr. FINLEY. Does not the gentleman think that if the married man was prohibited from assigning his salary or wages in the District of Columbia it would result in a great benefit to a great majority of people in the District?

Mr. BORLAND. I will say to the gentleman that I do not believe that is necessary, for this reason: The man who loans on wages does not loan on the current month's wages, because it stands to reason if the employee could get along on his current month's wages he would not borrow money. If he is getting $50 or $60 or $100 a month he will want to borrow $150 or $200. It is an absolute necessity, you will find, that the loan shark must take security on future wages. He can not accomplish any very great evil or any great oppression by taking security on wages that are earned at the time he takes the security.

Mr. FINLEY. Now, would not this amendment as to married men put an end to that evil?

Mr. BORLAND. Well, I say the evil the gentleman speaks of is——

Mr. FINLEY. I mean the amendment I have offered—would it not put an end to that evil?

Mr. BORLAND. The evil the gentleman speaks of is largely imaginary. There is no special evil in the assignment of earned salaries.

Mr. FINLEY. The gentleman says that my amendment contemplates an imaginary evil. Is not the gentleman mistaken about that when he says the evil is imaginary? Are there not real evils existing here in the city of Washington?

Mr. BORLAND. I have already expressed what I believe in that case, that the loan shark does not do business on assignments of earned wages, but of unearned wages.

Mr. FINLEY. Is there anything in this bill that limits the rate of interest that should be charged?

Mr. BORLAND. That is not in this bill at all.

Mr. FINLEY. What law covers it?

Mr. BORLAND. This bill regulates the assignment of wages, not the rate of interest charged on loans.

Mr. FINLEY. There is no law that covers it, is there?

Mr. BORLAND. I concede that there are a great many evils in this business that ought to be reached, but they are not within the purview of this particular bill.

Mr. FINLEY. To-day is there any law that permits an assignment of wages by an employee of the United States Government? Is that in this bill?

Mr. BORLAND. There is no law on the statute books anywhere that accomplishes or even touches the purposes of this bill. As the law stands now, it has been decided in the District of Columbia that a public officer can not sell unearned pay, but he can sell earned pay, or a private employee can sell both earned and unearned pay.

Mr. FINLEY. Just at that point: Does not this bill by express provision legalize the assignment by an official of the District of his pay where it is not legalized now? Does it not legalize the assignment of his salary or his pay?

Mr. BORLAND. I do not think so.

Mr. FINLEY. I understood the gentleman to make that statement.

Mr. BORLAND. No; the gentleman misunderstands the bill. The law now is that a public officer can not sell unearned pay. This law provides that nobody can sell unearned pay. There is no conflict there. The law now is that a public officer may sell earned pay. This bill says he can do that, but it must be done in writing.

Mr. FINLEY. Does not this bill say "earned or unearned"?

Mr. BORLAND. I wish the gentleman would study the bill a little more closely. Then I could answer him more fully.

Mr. FINLEY. I did read it.

Mr. BORLAND. Now, Mr. Speaker, on the question of the sale of earned salary, the right to sell it, as I believe, is an inviolable right, and I believe a man has just as much a property right in a salary that he has earned, even though the employer has not come to the point of paying it, as he has in his house or in his horse. The only safeguard we ought to throw around the married man in the assignment of his earned salary is that we should require his wife to join him in the assignment. Now, as to unearned salary, if a man commences to sell his unearned salary he goes on selling it, and it not only demoralizes him, but it also demoralizes the service he is in. He is not working for his employer any more, whether it be the District of Columbia or a private employer, but he is working for a loan shark; he is working each month in order to take down his wages to a loan shark. He is not giving the loyalty and fidelity of service he ought to give to his employer. The practice is demoralizing to him. Besides that, his wages are tied up. What does the landlord or landlady do for his board at the end of the month in trying to get it out of him? What does the butcher and the doctor and the other people in the community do when they try to get money from him which is due them? This law has been the most popular, the most universally credited to be a just law that has been passed recently in the State of Missouri.

Now, I desire to yield three minutes to the gentleman from Tennessee [Mr. SIMS].

The SPEAKER. The gentleman has no time to yield. The gentleman from Kentucky [Mr. JOHNSON] can yield.

Mr. BORLAND. Then I will ask the gentleman from Kentucky [Mr. JOHNSON] to yield it.

Mr. JOHNSON of Kentucky. I yielded all my time to the gentleman from Missouri [Mr. BORLAND].

The SPEAKER. The gentleman from Missouri can yield it back.

Mr. BORLAND. I yield back the unexpired time.

Mr. JOHNSON of Kentucky. I yield three minutes to the gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, I have no objection to this bill. I think it is a good measure, and I would not undertake to improve it by amendment without having studied it; but I want to call the attention of the House, and particularly of the District Committee, to what I think is an evil that ought to be remedied by statute. I have heard that there are bureau chiefs or heads of bureaus who borrow money from their subordinates. The standing or efficiency record of these employees is made out by these chiefs, who borrow the money from them. This creates an interest between them which I am sure has had the effect to prevent some men and women from getting as good records as they should have, because they have not had the money to loan, while others more fortunate have had the desired funds.

There is another thing which grows up out of such a practice. The newspapers state that a regular gambling game was run here in one of the bureaus. Now, I am not a gambler and never was, but I have always heard that gambling leads to borrowing, and I do think this matter ought to be remedied by proper legislation.

Mr. FOSTER of Illinois. Does the gentleman say that there is such a condition that the chiefs loan to the subordinates, or the subordinates loan to the chiefs?

Mr. SIMS. I am advised that the chiefs borrow from the subordinates. Of course, the subordinates must loan, or the chiefs could not borrow.

Mr. FOSTER of Illinois. That is a peculiar condition.

Mr. SIMS. And I have heard of cases where the chief wanted to borrow and did not get the money, and had then treated that particular person without the consideration to

which he was entitled. I do not want any committee to investigate this matter, but we can and ought to pass a proper law, without any investigation, to prevent borrowing by one Government employee from another.

Mr. FINLEY. The case cited by the gentleman was substantially a holdup, was it not?

Mr. SIMS. Oh, the gentleman can construe it as well as I can.

Mr. FINLEY. It was a holdup, under the gentleman's statement.

Mr. MADDEN. The gentleman could not stop me from borrowing $5 of him if I could get it, could he?

Mr. SIMS. I do not think it would take a law in a case of that kind, where there would be inability to comply with the request. [Laughter.]

Mr. JACKSON. Does not the civil-service law already cover that point, in providing that no thing of value shall be given for the purpose of obtaining a report?

Mr. SIMS. It is not done in that way. It is not given for that purpose; but where that condition exists, some employees believe they have not received the record standing they should have received, in consequence of having no money to loan.

Mr. JACKSON. It seems to me if the law were properly enforced, those things could be made to appear to be a valuable consideration.

Mr. SIMS. I think that absolute discharge from the service should be the penalty.

Mr. JOHNSON of Kentucky. I yield one minute to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, all I desire to do is to offer an amendment to this bill. I understand there are some committee amendments pending.

The SPEAKER. To which amendment does the gentleman propose his amendment?

Mr. MOORE of Pennsylvania. I propose to offer an amendment to the bill. I appreciate the courtesy of the gentleman from Kentucky in yielding me time.

The SPEAKER. The Clerk may read the amendment for information.

The Clerk read as follows:

Page 1, line 6, after the word "due," insert "and shall be witnessed by at least two persons."

Mr. MOORE of Pennsylvania. Mr. Speaker, the purpose of this amendment is merely to authenticate the signature of the person making the assignment. The business of borrowing money on salaries and making assignment of wages and salary by clerks of the Government is deplorable, and as many safeguards as possible should be thrown about it. There have been instances in my own knowledge where loans have been made on wages where there has been a dispute as to the signature of the assignor; disputes have arisen between husband and wife, between employer and employee, and it seems to me that in this particular instance, where we propose to safeguard the assignments, we should have at least two witnesses to the signature. That is the purpose of the amendment.

Mr. DYER. Mr. Speaker, I desire to offer an amendment and have it read at this time.

The Clerk read as follows:

Page 2, at the end of line 4, insert: *"Provided further,* That no assignment of salary or wage shall be valid if a usurious rate of interest is charged for the loan in connection with which the assignment is made."

Mr. DYER. Mr. Speaker, this bill is one that is much needed in this city. It is a bill that will give some relief. There are others needed along the line of regulating the loan of money at highly illegal rates of interest. There ought to be a law passed protecting the people against these people who loan money on chattels and furniture at illegal rates of interest, in many instances as high as 10 per cent a month. It is to be hoped, Mr. Speaker, that the amendment I have presented will be adopted. It will in a way protect a great many of the people who make assignment of wages and who now only receive half and less than half their wages, while the balance goes to the people making the loan.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bill and amendments.

Mr. MANN. I suggest that the gentleman from Kentucky can not move the previous question on the bill and all the amendments that have been read for information unless he asks unanimous consent.

Mr. JOHNSON of Kentucky. I ask unanimous consent.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the previous question be ordered on the bill and the amendments pending. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. I ask for a vote on the first committee amendment.

The SPEAKER. The question is on adopting the first committee amendment.

The question was taken, and the first committee amendment was agreed to.

The SPEAKER. The question now is on the amendment of the gentleman from South Carolina [Mr. FINLEY] to the second committee amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of line 4 after the word "valid."

The question was taken, and the amendment was lost.

The SPEAKER. The question now is on agreeing to the second committee amendment.

The question was taken, and the second committee amendment was agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE], which the Clerk will report.

The Clerk read as follows:

Page 1, line 6, after the word "due," insert "and shall be witnessed by at least two persons."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Missouri [Mr. DYER], which the Clerk will report.

The Clerk read as follows:

Page 2, at the end of line 4, add:
"Provided further, That no assignment of salary or wage shall be valid if a usurious rate of interest is charged for the loan in connection with which the assignment is made."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INSURANCE COMPANIES IN DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (H. R. 12737) to amend the Code of Law for the District of Columbia regarding insurance.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 646, chapter 18, Code of Law for the District of Columbia, be, and the same is hereby, amended by inserting after the semicolon in line 20 the words "and such other information as said superintendent may require," so as to read:

"SEC. 646. Duties of superintendent, etc.: It shall be the duty of said superintendent to see that all laws of the United States relating to insurance or insurance companies, benefit orders, and associations doing business in the District are faithfully executed; to keep on file in his office copies of the charters, declarations of organization, or articles of incorporation of every insurance company, benefit association, or order, including life, fire, marine, accident, plate-glass, steam-boiler, burglary, cyclone, casualty, live-stock, credit, and maturity companies or associations doing business in the District; and before any such insurance company, association, or order shall be licensed to do business in the District it shall file with said superintendent a copy of its charter, declaration of organization, or articles of incorporation, duly certified in accordance with law by the insurance commissioners or other proper officers of the State, Territory, or nation where such company or association was organized; also a certificate setting forth that it is entitled to transact business and assume risks and issue policies of insurance therein; and if its principal office is located outside the District it shall appoint some suitable person, resident in said District, as its attorney, upon whom legal process may be served; and such other information as said superintendent may require; and the fees for filing with the superintendent such papers as are required by this section shall be $10, to be paid to the collector of taxes, and no other license fee shall be required of such insurance companies or associations except as provided in sections 654 and 655 of this subchapter. Said superintendent shall have power to make such rules and regulations, subject to the general supervision of the commissioners, not inconsistent with law, as to make the conduct of each company in the same line of insurance conform in doing business in the District."

With the following amendments:

Page 2, line 17, after the word "therein" insert "and such other information as said superintendent may require;".

Page 2, line 21, after the word "served" strike out "; and such other information as said superintendent may require," and insert in lieu thereof the following: *"Provided, however,* That should said company or association neglect or refuse to appoint such attorney, or should such attorney absent himself from the District, said legal process may be served upon the superintendent of insurance of the District of Columbia,".

The SPEAKER. Is a separate vote demanded on any amendment? If not, the amendments will be put in gross. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the last vote was laid on the table.

COMMODORE BARNEY CIRCLE, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill (H. R. 5618) to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia, and inasmuch as a similar bill has been passed by the Senate I ask unanimous consent to discharge the Committee on the District of Columbia from further consideration of the bill (S. 306) to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia, and to substitute that bill in lieu of the bill H. R. 5618 and that the bill H. R. 5618 do lie on the table.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia, now known as public reservations Nos. 55 and 56, shall be officially known and designated "Commodore Barney Circle."

Mr. JOHNSON of Kentucky. Mr. Speaker, I yield five minutes to the gentleman from California, Mr. KAHN.

Mr. KAHN. Mr. Speaker, the residents of the southeastern section of Washington have asked for this legislation. There is a circle at the eastern end of Pennsylvania Avenue. It is at present unnamed, and, to my mind, it is eminently fitting and proper that it should be officially designated "Commodore Barney Circle." During the War of 1812 a powerful British fleet came into Chesapeake Bay and forced the few American vessels under command of Commodore Joshua Barney, that were protecting Washington, into the Patuxent River. This occurred in August, 1814. The British vessels were very much larger than the American ships, and they practically bottled up the American fleet in that stream. About August 21 the British troops, under command of Gen. Ross, of the British Army, and Admiral Cockburn, of the British Navy, disembarked at a point called Benedicts and started on their march to capture the city of Washington. Commodore Barney, who was in command of the American flotilla, hearing of this movement, immediately disembarked his men and hastened toward Washington to protect the city. They took possession of this very circle and pointed their guns toward the other side of the old bridge across the Eastern Branch, at the foot of Pennsylvania Avenue SE., from which direction they expected the British to approach. President Madison and members of his Cabinet went to the point where the American sailors and marines were stationed and had a conference with them. While this conference was in progress word came that the British had marched toward Bladensburg, whereupon Commodore Barney immediately asked permission to march his forces to that point. Permission having been granted, he started to meet the British, and came up with the American militiamen just at the boundary line between Maryland and the District of Columbia. Here he placed his forces in battle array.

Mr. MADDEN. Mr. Speaker, will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. MADDEN. Is it the purpose, following the passage of this bill, to follow it with another asking for an appropriation for a statue?

Mr. KAHN. I have no knowledge of such intent. It seems that after Commodore Barney had taken his position on the field of battle most of the Maryland militiamen ran away without having fired a single shot. The battle was ironically called the "Bladensburg Races." Both British and American authorities assert that if the soldiers had fought as well as the sailors and marines under Commodore Barney, the chances are that the city of Washington would not have been burned. As it was, Commodore Barney held the British in check for some little time. His cannon played havoc among the enemy, of whom 500 were either killed or wounded. The commodore only had about 500 in his entire command. He himself had his horse killed under him, and then was severely wounded in the thigh and was taken prisoner on the field of battle. The bullet could not be extracted, and it is believed that the wound he received resulted in his ultimate death four years later.

Mr. MANN. Will the gentleman yield for a question?

Mr. KAHN. Certainly.

Mr. MANN. Where is this circle?

Mr. KAHN. At the eastern end of Pennsylvania Avenue, in southeast Washington.

Mr. MANN. Is there anything on it now?

Mr. KAHN. Nothing whatever.

Mr. MANN. No statue of Commodore Barney?

Mr. KAHN. Nothing whatever; not even the old earthworks that he erected when he planted his cannon there to keep the British out of Washington.

Mr. MANN. Does not the gentleman think this bill should be brought under that rule requiring all bills making a charge upon the Treasury to be considered in the Committee of the Whole?

Mr. KAHN. I do not think that this makes a charge upon the Treasury.

Mr. MANN. Well, I shall do my best to prevent it from being a charge on the Treasury, but, after all, I have no doubt it will.

Mr. KAHN. The citizens of southeast Washington have not expressed any desire to have a statue there.

Mr. MANN. It shows they are very smooth.

Mr. KAHN. The gentleman has been here longer than I; he has perhaps known them better than I.

Mr. MADDEN. Perhaps they have not taken the gentleman from California into their confidence yet. The gentleman from Pennsylvania, however, understands it.

Mr. KAHN. Mr. Speaker, it is narrated that when Gen. Ross and Admiral Cockburn came up with the doughty commodore and learned his rank and station, the former exclaimed, "I am very glad to meet you." Whereupon Barney promptly rejoined, "I am not at all glad to meet you, sir." He was promptly paroled, after having had his wound dressed by a British surgeon, and personally agreed to see that the officers and men of the British forces who were wounded in the battle should be properly exchanged when they were reported ready for duty. The corporation of the city of Washington presented Commodore Barney with a sword as a testimonial of the high sense they entertained of his distinguished gallantry and good conduct at the Battle of Bladensburg. The States of Pennsylvania, Georgia, and Kentucky also adopted resolutions by their respective legislatures commending the splendid services of this hero of Bladensburg.

Commodore Barney had also taken an active part in the Revolutionary War. He participated in a large number of naval actions during the struggle for independence, and as captain of the *George Washington* was sent on a number of hazardous expeditions for the Colonies by order of the Superintendent of Finance, Robert Morris, who placed the utmost confidence in the bravery and the ability of the young naval officer. Barney invariably executed his orders with skill and dispatch, and won the esteem and admiration of the leaders of the Revolution.

After the War of 1812 he determined to settle on a tract of land he had acquired in Hardin County, Ky., in 1794. With his wife and her sister he visited his property in 1816, and spent nearly a year on his new estate. Returning to Baltimore he proceeded to wind up his business affairs in that city, and in October, 1818, started with all his family for the new home. He was taken ill at Brownsville, Pa., but managed to proceed as far as Pittsburgh. Here, on the night of November 30, 1818, he was taken with a violent spasm, and on the following morning a second spasm occurred, during which he suddenly expired. It is eminently proper that this bill to give his name to the circle at the eastern end of Pennsylvania Avenue should pass. [Applause.]

The Senate bill was ordered to be read a third time, was read the third time, and passed.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2932. An act to authorize the Secretary of the Treasury, in his discretion, to sell the old post-office and courthouse building at Charleston, W. Va., and, in the event of such sale, to enter into a contract for the construction of a suitable post-office and courthouse building at Charleston, W. Va., without additional cost to the Government of the United States; and

S. 3152. An act extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure; and

H. R. 11303. An act for the relief of Eliza Choteau Roscamp.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to transmit in the name and on behalf of the city of Key West, Fla., to all foreign nations an invitation to visit that city and participate in the celebration of the completion of the Florida East Coast Railway Co.'s line connecting the mainland of the United States with the said island city of Key West, both by their official representatives and citizens generally, and particularly to invite such foreign countries to send such of their respective naval vessels as may be practicable and convenient to participate in such celebration so to be held, beginning on the 2d day of January, A. D. 1912: *Provided*, That before the extending of said invitations the President shall be satisfied that suitable provisions have been made by said city for the entertainment of the parties or representatives of such Governments or countries so invited.

Resolved further, That the President be, and he is hereby, requested to direct such portion of the Army and Navy of the United States as may be convenient and practicable to be present at Key West at the time of such proposed celebration and participate therein.

Resolved further, That under no circumstances is the United States to assume, be subject to, or charged with any expense of any character whatsoever in or about or connected with such proposed celebration.

PRESERVATION OF PUBLIC PEACE AND PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill H. R. 8622.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8622) to amend section 4 of "An act for the preservation of the public peace and the protection of property within the District of Columbia," approved July 29, 1892, as to kiteflying.

Be it enacted, etc., That section 4 of "An act for the preservation of the public peace and the protection of property within the District of Columbia," be, and the same is hereby, amended to read as follows:

"That it shall not be lawful for any person or persons to set up or fly any *kite*, or set up or fly any fire balloon or parachute in or upon or over any street, avenue, alley, open space, public inclosure, or square within the limits of the District of Columbia, under a penalty of not more than $10 for each and every offense."

The committee amendments were read, as follows:

Amend by striking out the word "set" after the word "to" in line 8, and insert in lieu thereof the word "send."

Further amend said line by striking out the words "any kite, or set up or fly," which words are the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth words of said line.

Further amend by striking out in lines 9 and 10 the words "or upon or over any street, avenue, alley, or open space, public inclosure, or square within the limits of."

Further amend by inserting after the word "or" at the end of line 8 the word "fire."

Further amend by striking out the word "kiteflying" at the end of the title and by inserting in lieu thereof the following: "as to the flying of fire balloons or fire parachutes."

Mr. CAMPBELL. Mr. Speaker, I understand these amendments, which have been hurriedly read, provide that the law shall only apply to a kite that takes up some fire in connection with it and would not prevent a boy from innocently flying a kite.

Mr. JOHNSON of Kentucky. The bill is left so the boys can fly their kites, but they can not send up fire balloons.

Mr. CAMPBELL. I am for the boy having permission to fly his kite.

Mr. JOHNSON of Kentucky. So am I.

Mr. MANN. I suggest to the gentleman from Kentucky that in the body of the bill he also amend it so as to give the date of the approval of the act. It is in the title, and I suggest that he insert, after the word "Columbia," in line 5, on page 1, the words "approved July 29, 1892."

Mr. JOHNSON of Kentucky. Mr. Speaker, I accept that amendment.

Mr. MANN. It is in the title, but not in the body of the bill.

Mr. JOHNSON of Kentucky. I ask that those words be inserted, Mr. Speaker, after the word "Columbia."

The SPEAKER. The Clerk will report the amendment accepted by the gentleman from Kentucky.

The Clerk read as follows:

Page 1, line 5, after the word "Columbia," insert the words "July 29, 1892."

Mr. DYER. Mr. Speaker, I want to make a suggestion to the gentleman from Kentucky, chairman of the committee, in regard to the title of the bill——

Mr. JOHNSON of Kentucky. There is an amendment to correct the title after the bill is passed.

Mr. DYER. Very well.

The question was taken, and the committee amendments were adopted.

The question was taken, and the amendment to the committee amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read as follows: "A bill to amend section 4 of 'An act for the preservation of the public peace and the protection of property within the District of Columbia,' approved July 29, 1892, as to the flying of fire balloons or fire parachutes."

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

ANNUAL STATEMENTS OF INSURANCE COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I call up the bill S. 1785.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1785) to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies.

Be it enacted, etc., That section 647, chapter 18, Code of Law for the District of Columbia, be, and the same is hereby, amended to read as follows:

"SEC. 647. Annual statements: The said superintendent shall furnish, in December of each year, to every insurance company or association, local, domestic, and foreign, doing business in the District of Columbia, or its agent or attorney in the District, the necessary blank forms for the annual statements for such company or association, which shall be returned to the superintendent on or before the 1st day of March in each year, signed and sworn to by the president or vice president and secretary or assistant secretary, or, if a foreign company, by its manager or proper representative within the United States, showing its true financial condition as of the next preceding 31st day of December, which shall include a classified statement of its assets and liabilities on that day, the amount and character of business transacted, losses sustained, and money received and expended during the year, and such other information as the said superintendent may deem necessary. Such annual statements shall be printed in at least one daily newspaper published in the District of Columbia, in the month of March in each year, and any such company or association failing to comply with the provisions aforesaid shall have its license to do business in the District revoked."

Mr. MANN. I see this requires the publication of these statements in the daily newspapers. That is a new proposition. Does the gentleman think that is necessary in the District of Columbia, and is it of any more advantage to publish these statements in a daily newspaper?

Mr. JOHNSON of Kentucky. I think not.

Mr. MANN. It is more likely to be of advantage in some insurance paper, where it could be used. If the gentleman does not object, I would like to offer a motion to strike out the word "daily."

Mr. JOHNSON of Kentucky. I accept the amendment.

Mr. JACKSON. What is the purpose of any publication at all? It does not occur to me that is usual in the States in such laws as this. If a man is interested in an insurance company the statements are filed with the State superintendent or commissioner, and he can go there and inspect them. What is the use of putting them to the expense of publishing these long statements?

Mr. MANN. These statements are ordered published now. It is a mere repetition. I do not know that there is any reason for it.

Mr. JOHNSON of Kentucky. The foreign companies are now required to do this, and the effect of this bill is to put the local companies on the same footing as the foreign companies.

Mr. MANN. That is all. Mr. Speaker, I offer an amendment, on page 2, line 12, by striking out the word "daily."

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 12, strike out the word "daily."

The SPEAKER. The question is on the amendment of the gentleman from Illinois.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to say a word in regard to this matter of publication. I am opposed to the amendment in the form in which it is presented. It seems to me a very important matter in the supervision of an insurance company that the public should have notice by advertisement. If you strike out a "daily newspaper," as is proposed by the gentleman from Illinois, you leave it to the discretion of somebody to put it in a paper where it never will be seen, and most of you gentlemen who are lawyers understand full well——

Mr. RAKER. Will the gentleman yield to a question?

Mr. MOORE of Pennsylvania. I will in one moment.

Mr. RAKER. I just wanted to make a suggestion, namely, to insert, after the word "newspaper," the words "general circulation," and you have got the whole thing covered.

Mr. MOORE of Pennsylvania. I do not know why it should not be a daily newspaper. As a matter of fact, there ought to

be two daily newspapers. There are four in the District of Columbia. If the purpose is to have this statement kept from the public, which is interested, then give somebody discretion to put it in the small corner of a monthly or a weekly that is published somewhere in a back street and has no circulation. If you want to protect the public, put it in a newspaper of large circulation, so that the public may see it. The very purpose of this amendment to the insurance law is to give protection to those who go into these companies.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. I know how very active and industrious the gentleman is. Does the gentleman read thoroughly all of these Washington dailies, and all the advertisements?

Mr. MOORE of Pennsylvania. I read them very carefully, but not all the advertisements.

Mr. MANN. All of the dailies? I wish the gentleman would cease and put his time to better business.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that, unless the entire theory of publication is wrong, the gentleman simply gives recourse to those who would hide information from the public, and affords them an opportunity to do so. I know very well that many of you gentlemen who are members of the bar, sometimes, when you want to give public notice, and have discretion as to the newspapers in which that notice shall be given, when it is desired the defendant shall not see it, go somewhere into a remote district in order to make publication. But when I want the public to know what the condition of an insurance company is I would have that publication in a newspaper that is published daily and which has a large circulation, where the public, that is interested, may have the opportunity to see it. I certainly am not in favor of the gentleman's amendment.

Mr. MADDEN. Which of the four daily newspapers would the gentleman select, then?

Mr. MOORE of Pennsylvania. I would make it two daily papers rather than to make it no daily paper at all. Of course it should not be published in a trade journal. The man who takes out a policy from one of these companies is not supposed to be a subscriber to a trade journal. The man who pays the premium and pays out money for insurance in one of these companies would never know of the condition of the company if the advertisement of the statement of the company went into a trade journal. That journal goes to the trade, but the trade is not always keeping confidence with the innocent policy holder in the city of Washington. I say give them a chance in a newspaper that they read, and then they will have a chance to know if they are in any danger or not.

Mr. KINKEAD of New Jersey. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from New Jersey?

Mr. MOORE of Pennsylvania. I do.

Mr. KINKEAD of New Jersey. Why would not the gentleman from Pennsylvania go a step further and meet the conditions that are brought up in this bill the same as we have met them in New Jersey, where, in addition to saying a "daily newspaper," we say a "daily newspaper having the largest circulation in the district"?

Mr. MOORE of Pennsylvania. The trouble with selecting the paper with the largest circulation is that we would then have the embarrassment of choosing from among the finest lot of affidavits that were ever seen about the relative circulations of the different newspapers. I think the "largest circulation" among newspapers is like the "best cigar." You can get it in every cigar store.

Mr. KINKEAD of New Jersey. If we are going to do it, let us do it right.

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE of Pennsylvania. I do.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] makes a suggestion that strikes me very happily, and I want to inquire of the gentleman from Pennsylvania if it strikes him so. The suggestion is, Would the gentleman recommend that these statements be published in the CONGRESSIONAL RECORD, at regular advertising rates? [Laughter.]

Mr. MOORE of Pennsylvania. If that were done, the advertisements would, at least, be seen by Members of Congress.

Mr. JACKSON. Does the gentleman think these statements would be read any more by the public than by the insurance managers?

Mr. MOORE of Pennsylvania. If you are going to ascertain the newspaper having the "largest circulation" you could get affidavits of all kinds, just as you can get opinions about the "best cigar."

Mr. JACKSON. Does not the law require the insurance companies to get permission from the superintendent of insurance before the companies can undertake to do business?

Mr. MOORE of Pennsylvania. This law is largely intended to affect domestic companies that have been doing business here in the District.

Mr. JACKSON. All of these companies must have the certificate from the superintendent before entering into business, must they not?

Mr. MOORE of Pennsylvania. I think so; yes.

Mr. JACKSON. Is he not better informed on the subject than the public?

Mr. MOORE of Pennsylvania. He ought to be informed, but I think it is the duty of the legislative body to protect the public. During the last month a number of so-called mutual insurance companies in my city went to the wall before the innocent subscribers or policy holders knew the actual condition of these companies; and here on the floor the other day the gentleman from Kentucky [Mr. JOHNSON] described a number of companies that are doing business in the District of Columbia concerning which evidently the people paying their money into them knew nothing. I submit, if it is to be a trade secret as to what the condition of the company is, then it would seem we are making a mockery of the pretense of protecting the public. The public ought to be advised through two daily newspapers, at least once a year, of the condition of these companies.

I am quite sure that if an advertisement appearing in any one of the four daily newspapers in Washington were to show that the stocks and bonds of an insurance company were "cats and dogs," some people would make an inquiry and bring the matter to the attention of the superintendent of insurance; and I am quite sure that if publication were made of the fact that poor investments had been made by the officers of these companies, and that the funds paid in by the policy holders were not secured, there would be an inquiry that might stop the wreck and prevent a great loss on the part of those whose money is at stake.

Mr. BOWMAN. This bill provides that the publication must be made in the month of March. Why could not anyone who wanted to know about this business look through the publications of that month? Is there any difficulty about procuring all the publications and securing all the information desired?

Mr. MOORE of Pennsylvania. I do not understand the gentleman's question, but I will repeat what I said.

Mr. BOWMAN. I will repeat it, so that the gentleman can understand it. The bill provides that the publication must be made in the month of March. If all of the libraries in the city of Washington can be supplied with these documents, why put a company to the expense of making an advertisement in a daily newspaper?

Mr. MOORE of Pennsylvania. In order to make it clear to the House and to bring it to the understanding of the gentleman, I will repeat that the bill should provide, just as it does provide, that there should be an annual publication of the condition of these companies by the superintendent of insurance and that the people who do business with these companies should be informed, so that if anything is wrong they will be able to take steps to right it.

I am certainly opposed to the amendment offered by the gentleman from Illinois, and hope the House will defeat it.

Mr. MANN. Mr. Speaker, just a word on the amendment. The law now requires that the local insurance companies incorporated here shall publish these statements in some newspaper. This bill proposes to require the foreign insurance companies, or companies located outside of Washington and doing business here, to make a statement which is rather long and complicated, and to have that published in a daily newspaper. My friend from Pennsylvania [Mr. MOORE] seems to assume that the public will read these statements, and that a man who takes out insurance will study the daily papers to see whether the company that he is insured with is solvent. Everybody knows that is not true. The gentleman from Pennsylvania [Mr. MOORE] does not read the insurance companies' statements. I do not read the insurance companies' statements. The gentleman from Pennsylvania pleads guilty to the offense of reading all the Washington dailies. God forbid that I should ever be guilty of that offense!

The people who read the insurance companies' statements are the insurance agents, the men who are dealing in insurance; and if they find that one company makes a statement that shows it is not solvent, the agents of the other companies will knock that company. They will tell the people who insure that the

company is not in good standing, and they will do it quickly enough.

Mr. JOHNSON of Kentucky. As the law now stands, under an opinion rendered in 1908, only foreign companies are required to publish these statements. The local companies are not required to publish them.

Mr. FOSTER of Illinois. That is all the difference.

Mr. JOHNSON of Kentucky. That is all the difference. The local companies are not now required to publish, and this bill proposes to require them to do so.

Mr. FOSTER of Illinois. The local companies are not required to publish. This makes it apply to local companies as well as foreign.

Mr. MANN. I think the gentleman is mistaken about that.

Mr. FOSTER of Illinois. No; here is the law.

Mr. MANN. I have examined the law. The gentleman may be correct. It is not important. I think the present law applies to local companies, and that this law is intended to apply to every insurance company, local, domestic, or foreign. The language in this bill "local, domestic, or foreign," is new and not in the existing law. The existing law reads:

The said superintendent shall furnish, in December of each year, to every company or association hereinbefore mentioned doing business in the District of Columbia, its agent or attorney—

I think that applies only to local companies. However, that is neither here nor there on this question.

I can see no reason for making these insurance companies pay a very high and exorbitant rate for the publishing of these statements in one of the daily newspapers when that is about the last place that anyone who is specially interested will look for them.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. Does not the gentleman know that advertising rates in the trade journals are frequently in excess of the rates in the daily newspapers, and that to publish these statements in the trade papers would cost the insurance companies more than it would to publish them in the dailies?

Mr. MANN. That might be in some trade papers, but it would not happen here. The advertising rates in the Washington daily papers are rather high, and the daily papers are not the place where people look for those things.

Mr. KINKEAD of New Jersey. Where do they look for them?

Mr. MANN. In the trade papers.

Mr. KINKEAD of New Jersey. My God, they never read them at all.

Mr. MANN. The gentleman would never look for them in any place, and neither would I; but the insurance agents will look for them in one place, and that is in the trade papers where these advertisements are ordinarily published. Perhaps the gentleman reads the Washington Times. That is a great paper; but an advertisement might be published in it from now until Congress adjourns, and the chances are the gentleman would not take the opportunity to read the advertisements. For that matter they might publish an advertisement in any of the Washingon papers, and I think I would not read the advertisements. The gentleman may have nothing else to do in the House except read the advertisements in the daily papers.

The SPEAKER. The question is on the amendment of the gentleman from Illinois to strike out the word "daily."

The question being taken, the amendment was rejected.

Mr. KINKEAD of New Jersey. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Line 12, page 2, strike out the word "one" and insert the word "two." Strike out the word "newspaper" and insert the word "newspapers." Line 13, page 2, add after the word "published" the words "having the largest circulation."

The SPEAKER. The question is on the amendments offered by the gentleman from New Jersey.

The question was taken, and on a division (demanded by Mr. KINKEAD of New Jersey) there were 8 ayes and 24 noes.

So the amendments were lost.

Mr. JACKSON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out, in line 7, page 2, the word "classified" and insert after the word "liability," line 8, page 2, the following: "classified according to regulations made by the superintendent of insurance."

Mr. JACKSON. Mr. Speaker, I think the amendment is of importance. I think the experience of all State departments concerning reports will show that the companies file reports in such a shape that they are of little value. They are of no value particularly for the purpose of obtaining the actual experience of fire insurance companies concerning their losses and the rates of insurance.

I have offered this amendment because I have offered a resolution which looks to a national investigation concerning the reasonableness and fairness of fire insurance rates and their relation to fire causes in this country. It is an important subject to the American people at this time.

I simply say now that every superintendent or commissioner of insurance in the country will tell you that he is not able to tell anything about what the actual fire experience and fire losses of a company are, because they refuse to classify losses according to any reasonable plan. Therefore I think while this law is being amended the superintendent of insurance should be given authority to compel these companies, when stating their losses, assets, and liabilities, to so classify them that they will amount to something and give some information to the people.

The SPEAKER. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the amended Senate bill.

The question was taken, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the votes whereby the last two bills were passed was laid on the table.

ADJOURNMENT.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Tuesday, August 15, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Department of Commerce and Labor, recommending that legislation be enacted authorizing the leasing for a period of five years of a fireproof building for general office use by said department (H. Doc. No. 104), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13560) granting a pension to Filen Whalin, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 13563) to provide for the construction of four revenue cutters; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 13564) to purchase a painting of the several ships of the United States Navy known as the Squadron of Evolution and entitled "Peace"; to the Committee on the Library.

By Mr. STONE: A bill (H. R. 13565) making appropriation for the improvement of the Illinois River at Spring Bay, Ill.; to the Committee on Rivers and Harbors.

By Mr. McCOY: A bill (H. R. 13566) for the relief of soldiers and sailors who enlisted or served under assumed names while minors or otherwise in the Army or Navy of the United States during any war with any foreign nation or people; to the Committee on Military Affairs.

Also, a bill (H. R. 13567) providing for the erection of a public building at the city of East Orange, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. WICKLIFFE: A bill (H. R. 13568) to establish in the Department of Agriculture a Bureau of Markets; to the Committee on Agriculture.

By Mr. BURLESON: A bill (H. R. 13569) to regulate the shipment of cotton in bales between the States and Territories and foreign countries and requiring the marking of the tare on each bale and prescribing penalties for deducting excess of weight as tare; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: A bill (H. R. 13570) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908; to the Committee on Mines and Mining.

By Mr. HEFLIN: A bill (H. R. 13571) to appropriate money for the eradification of the cotton-boll worm and the caterpillar in the cotton belt of the United States; to the Committee on Agriculture.

By Mr. CAMERON: A bill (H. R. 13572) to authorize and empower special road district No. 1, of Maricopa County, Arizona Territory, to issue bonds in the sum of $20,000 for the purpose of providing a fund for the construction and maintenance of roads, driveways, and highways within the boundaries of special road district No. 1; to the Committee on the Territories.

By Mr. HUGHES of West Virginia: A bill (H. R. 13573) authorizing a survey of New River in Virginia and West Virginia, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. BATES: A bill (H. R. 13574) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States; to the Committee on Military Affairs.

By Mr. CARTER: A bill (H. R. 13575) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations in Oklahoma; to the Committee on Indian Affairs.

Also, a bill (H. R. 13576) providing for the sale of the surface of the segregated mineral lands in Oklahoma and distribution of the proceeds thereof; to the Committee on Indian Affairs.

Also, a bill (H. R. 13577) providing for the sale of the surface of the segregated mineral lands in Oklahoma and distribution of the proceeds thereof; to the Committee on Indian Affairs.

By Mr. CLAYTON: A bill (H. R. 13578) to define and punish contempt of court; to the Committee on the Judiciary.

By Mr. BELL of Georgia: A bill (H. R. 13579) for the relief of the First Georgia State troops; to the Committee on War Claims.

By Mr. HARDWICK: Concurrent resolution (H. Con. Res. 18) to print additional copies of hearings of special committee to investigate American Sugar Refining Co. and others; to the Committee on Printing.

By Mr. CLAYPOOL: Resolution (H. Res. 281) authorizing pay of traveling expenses for certain officers and employees of the House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS: A bill (H. R. 13580) for the relief of Alexander Read; to the Committee on Indian Affairs.

By Mr. BELL of Georgia: A bill (H. R. 13581) granting an increase of pension to Mary M. Evans; to the Committee on Pensions.

Also, a bill (H. R. 13582) granting an increase of pension to Mary E. Baird; to the Committee on Pensions.

Also, a bill (H. R. 13583) granting an increase of pension to Jobery Mullinax; to the Committee on Pensions.

Also, a bill (H. R. 13584) granting an increase of pension to Michael Evert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13585) granting an increase of pension to William F. Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13586) granting an increase of pension to Martin K. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13587) granting a pension to William J. Shedd; to the Committee on Pensions.

Also, a bill (H. R. 13588) granting a pension to Swinfield Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13589) granting a pension to Pinckney P. Chastain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13590) granting an increase of pension to Elisha Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13591) granting a pension to Sarah L. Bowen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13592) granting a pension to John L. Holt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13593) granting a pension to William S. Kemp; to the Committee on Pensions.

Also, a bill (H. R. 13594) granting a pension to Willis S. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13595) granting a pension to Toliver W. Corn; to the Committee on Pensions.

Also, a bill (H. R. 13596) for the relief of the heir of W. W. W. Fleming; to the Committee on War Claims.

Also, a bill (H. R. 13597) for the relief of Mrs. F. E. Chandler; to the Committee on War Claims.

Also, a bill (H. R. 13598) for the relief of William J. Cochran; to the Committee on War Claims.

Also, a bill (H. R. 13599) granting a pension to Robert Shope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13600) granting an increase of pension to Robert C. Wallace; to the Committee on Pensions.

Also, a bill (H. R. 13601) for the relief of the heirs of William Woods; to the Committee on Claims.

Also, a bill (H. R. 13602) for the relief of heirs of William Fenn, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13603) for the relief of the heirs of John C. Addison, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13604) for the relief of the heirs of John C. Addison, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13605) for the relief of New Hope Baptist Church, of Bartow County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 13606) for the relief of G. A. Anderson; to the Committee on War Claims.

Also, a bill (H. R. 13607) for the relief of G. A. Anderson; to the Committee on War Claims.

Also, a bill (H. R. 13608) for the relief of Jeptha B. Harrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13609) for the relief of George W. Burrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13610) for the relief of Milton Holt; to the Committee on Military Affairs.

Also, a bill (H. R. 13611) for the relief of Samuel Garner; to the Committee on Military Affairs.

Also, a bill (H. R. 13612) for the relief of Hiram A. Darnell; to the Committee on Military Affairs.

Also, a bill (H. R. 13613) for the relief of George W. Hansard; to the Committee on War Claims.

Also, a bill (H. R. 13614) for the relief of William T. Edwards; to the Committee on Military Affairs.

Also, a bill (H. R. 13615) for the relief of James H. Hendricks; to the Committee on War Claims.

Also, a bill (H. R. 13616) granting a pension to Jackson A. Watkins; to the Committee on Pensions.

Also, a bill (H. R. 13617) granting a pension to Robert Wilson; to the Committee on Pensions.

Also, a bill (H. R. 13618) granting a pension to William A. Senkbeil; to the Committee on Pensions.

Also, a bill (H. R. 13619) granting a pension to Elizabeth Mullins; to the Committee on Pensions.

Also, a bill (H. R. 13620) granting a pension to Elizabeth Mullins; to the Committee on Pensions.

Also, a bill (H. R. 13621) granting a pension to Arelia C. Pool; to the Committee on Pensions.

Also a bill (H. R. 13622) granting a pension to Elizabeth Gibbs; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 13623) granting an increase of pension to Noah Dujardin; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 13624) granting a pension to Edward Pfister; to the Committee on Pensions.

By Mr. COOPER: A bill (H. R. 13625) granting an increase of pension to Emil Wiegleb; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 13626) granting a pension to Martha Pinnick; to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 13627) granting a pension to Rachael Milhorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13628) granting a pension to Nerva Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13629) granting an increase of pension to James M. Alderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13630) granting an increase of pension to William Fuffstuttler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13631) granting an increase of pension to Calvary Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13632) granting an increase of pension to William Denham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13633) granting a pension to Julia Schafer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13634) granting an increase of pension to John B. Standerfer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13635) granting an increase of pension to W. A. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13636) granting an increase of pension to Milton Franklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13637) granting an increase of pension to J. A. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13638) granting an increase of pension to William H. H. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13639) granting an increase of pension to Abraham A. Gossett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13640) granting an increase of pension to Gideon B. Mahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13641) granting an increase of pension to William F. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13642) granting an increase of pension to Levi T. E. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13643) granting an increase of pension to William Frailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13644) granting an honorable discharge to James Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13645) granting an increase of pension to Jacob Bruder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13646) granting an increase of pension to Daniel Banks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13647) granting an increase of pension to James A. Beard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13648) granting an increase of pension to George A. Clevinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13649) granting an honorable discharge to James Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13650) granting an increase of pension to William M. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13651) granting an increase of pension to Lewis Dailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13652) granting an honorable discharge to Morton Sessions; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13653) granting an honorable discharge to Jacob Barger; to the Committee on Military Affairs.

By Mr. JACOWAY: A bill (H. R. 13654) granting a pension to James C. Williams; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 13655) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary and for damages for illegal arrest while making said survey; to the Committee on Claims.

By Mr. McKINLEY: A bill (H. R. 13656) granting a pension to Robert H. M. McFadden; to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 13657) for the relief of the legal representatives of John Calliham; to the Committee on War Claims.

By Mr. RAKER: A bill (H. R. 13658) granting an increase of pension to William H. Copper; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 13659) for the relief of Mrs. Sultana S. Farrell; to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 13660) granting a pension to James Duff; to the Committee on Pensions.

Also, a bill (H. R. 13661) granting a pension to Herbert Green; to the Committee on Pensions.

Also, a bill (H. R. 13662) granting a pension to James E. Whitehead; to the Committee on Pensions.

Also, a bill (H. R. 13663) granting an increase of pension to Calvin C. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13664) granting an increase of pension to John Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13665) granting an increase of pension to Stephen Phillips; to the Committee on Pensions.

By Mr. SWITZER: A bill (H. R. 13666) granting a pension to Rosa Baldwin; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 13667) granting an increase of pension to David Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13668) granting an increase of pension to James B. Gordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13669) granting an increase of pension to Jehu H. McLain, alias Michael McLain; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 13670) granting a pension to Martha E. Tadlock; to the Committee on Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 13671) granting an increase of pension to William Thomas Hunt; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 13672) granting an increase of pension to Van Ogle; to the Committee on Pensions.

Also, a bill (H. R. 13673) granting an increase of pension to Eligah A. Myers; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ESCH: Petition of citizens of Wisconsin in favor of legislation to forbid the shipment of liquor into "dry" States; to the Committee on Alcoholic Liquor Traffic.

By Mr. FULLER: Petition of citizens of Streator, Ill., urging the creation of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Resolutions of District Grand Lodge, No. 2, Independent Order B'nai B'rith, relating to Russia's refusal to honor passports of Jewish American citizens, and favoring abrogation of Russian treaty, as proposed by the Goldfogle-Harrison-Sulzer resolutions (H. J. Res. 5 and 30); to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of Edmund Miller, of Rochester, Ill., asking for the passage of the Webb interstate-commerce bill; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOWAY: Papers to accompany House bill 13205; to the Committee on Military Affairs.

Also papers to accompany House bills 13206, 13207, and 13214; to the Committee on Pensions.

Also, papers to accompany House bill 13213, granting an increase of pension to Albion Jackson; to the Committee on Invalid Pensions.

By Mr. KAHN: Resolutions of Lincoln Post, No. 1, Grand Army of the Republic, of San Francisco, Cal., against Senate bill 2925, appropriating $125,000 for a Confederate naval monument at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. KORBLY: Petition of James W. Duhamell and others, of Indianapolis, Ind., requesting an investigation into conditions at the Federal prison at Fort Leavenworth, Kans.; to the Committee on Military Affairs.

By Mr. MARTIN of South Dakota: Resolutions of Jack Foster Camp, No. 3, United Spanish War Veterans, Department of South Dakota, urging that pensions be granted honorably discharged veterans of the Spanish War, etc.; to the Committee on Invalid Pensions.

By Mr. PUJO: Affidavits in re claim of estate of James Calliham for horses, sugar, etc.; to the Committee on War Claims.

By Mr. RAKER: Papers to accompany House bill 5277, granting a pension to Arthur B. Brooks; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12501, granting a pension to Zebina M. Hunt; to the Committee on Pensions.

By Mr. SHEPPARD: Papers to accompany House bill 13554, for the relief of the heirs of Simon Kirkpatrick, deceased; to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of Keetoomah Band of Cherokee Indians, against the further enrollment of Indians of that tribe; to the Committee on Indian Affairs.

By Mr. WEBB: Petitions of citizens of Morganton and Kings Mountain, N. C., and of Jesse Herrell, of Ewart, N. C., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

SENATE.

TUESDAY, *August 15, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had heretofore been signed by the Speaker of the House of Representatives:

S. 2932. An act to authorize the Secretary of the Treasury, in his discretion, to sell the old post-office and courthouse building at Charleston, W. Va., and, in the event of such sale, to enter into a contract for the construction of a suitable post-office and courthouse building at Charleston, W. Va., without additional cost to the Government of the United States;

S. 3152. An act extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota; and

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.

EXECUTIVE SESSION.

Mr. LODGE. It is necessary to have an executive session for a very few minutes. It will take only a few minutes on a matter that is important. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 45 minutes spent in executive session the doors were reopened.

PRINTING OF GENERAL ARBITRATION TREATIES.

During the executive session, on motion of Mr. SMITH of Michigan, the injunction of secrecy was removed from the report of the Committee on Foreign Relations in regard to arbitration treaties, and it was ordered to be printed in the RECORD, as follows:

GENERAL ARBITRATION TREATIES—REPORT.

The Committee on Foreign Relations has reported to the Senate, with certain amendments, two treaties—one with Great Britain and one with France—for the general arbitration of differences which may arise between those countries and the United States, and have recommended that the treaties, thus amended, be ratified by the Senate. In accordance with the instructions of the Senate the committee now submits its report explaining the provisions of the treaties and the purpose and necessity of the amendments proposed. In order to understand thoroughly the nature of these treaties it is necessary to review briefly what has already been accomplished in the same direction and to make clear the character of the existing treaties on this subject which are to be superseded, and to point out the differences between the latter and those now before the Senate.

In 1905 Mr. Hay, then Secretary of State, negotiated with Great Britain and certain other powers general arbitration treaties, which were submitted to the Senate by President Roosevelt for its advice and consent. These treaties provided for the submission to arbitration of practically all questions which did not affect the "vital interests, the independence, or the honor of the two contracting states and which did not concern the interests of third parties." Under these treaties the special agreement, which must be entered into in each particular case for the purpose of defining the questions and the powers of the arbitrators in that case, was to be made by the Executive without reference to the Senate. By a vote of more than 5 to 1 the Senate amended these treaties so as to secure the submission of all such special agreements to the Senate for its advice and consent. The treaties thus amended were not presented by the administration to the other contracting powers and never became operative. In 1908 Mr. ROOT, then Secretary of State, negotiated similar treaties with various powers in which the right of the Senate to advise and consent to all special agreements made under these treaties was explicitly provided for. Approved by President Roosevelt and by him submitted to the Senate, these treaties were ratified by the Senate without opposition, and are still the law of the land. The two treaties now submitted remove the exceptions made in their predecessors as to questions affecting national honor, vital interests, independence, or the interests of third parties, and substitute therefor in Article I a statement of the scope of arbitration which is designed by its terms to exclude all questions not properly arbitrable.

Article I is as follows:

"All differences hereafter arising between the high contracting parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high contracting parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal as may be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

"The provisions of articles 37 to 90, inclusive, of the convention for the pacific settlement of international disputes concluded at the second peace conference at The Hague on the 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting articles 53 and 54 of such convention, shall govern the arbitration proceedings to be taken under this treaty.

"The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

"Such agreements shall be binding when confirmed by the two Governments by an exchange of notes."

It will be observed that by the terms of this article every difference arising between the two nations is to be submitted to arbitration if such differences "are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity," and it follows necessarily that all differences which are not justiciable in their nature by reason of not being susceptible of decision by the application of the principles of law or equity are excluded from arbitration under the terms of this article. It will also be observed that all special agreements made under this article must be submitted to the Senate for its advice and consent. To this article the committee recommends a slight verbal amendment, which only serves to make clearer the meaning of the article and which need not detain us here.

If, following the example of the treaties of 1908, these treaties stopped at this point with the article defining the scope of the subjects to be submitted to arbitration, the committee would have found no difficulty in recommending to the Senate its immediate ratification. The definition of the questions to be submitted to arbitration in these new treaties is, it is true, very large and general and somewhat indeterminate. It is stated that these questions are to be justiciable by reason of being susceptible of decision by the application of the principles of law or equity. In England and the United States, and wherever the principles of the common law obtain, the words "law or equity" have an exact and technical significance, but that legal system exists nowhere else and does not exist in France, with which country one of these treaties is made. We are obliged, therefore, to construe the word "equity" in its broad and universal acceptance as that which is "equally right or just to all concerned; as the application of the dictates of good conscience to the settlement of controversies." It will be seen, therefore, that there is little or no limit to the questions which might be brought within this article, provided the two contracting parties consider them justiciable.

Under Article I, however, taken by itself, no question could be dealt with unless the treaty-making powers of both countries were agreed that it was justiciable within the meaning of the article. The most vital point, therefore, to be decided would be whether the question was justiciable according to the principles of law and equity. Everyone agrees that there are certain questions which no nation, if it expects to retain its existence as a nation, will ever submit to the decision of anyone else, and by reserving the power to pass upon all special agreements each party to the contract reserves at the same time the power to reject as not justiciable any of these questions which it is admitted no nation could submit to an outside judgment without abandoning its sovereignty and independence.

These treaties, however, do not stop with the article which defines and enlarges the scope of arbitration. In Articles II and III provision is made for the establishment, if either party desires it, of a joint commission of inquiry. Such a commission is to be preliminary to arbitration and is to examine into and report upon the subject of the controversy between the two contracting parties. These articles follow in the main the provisions of The Hague convention of 1907, now in force, for the establishment of such commissions. The committee ventures to think that some of the changes here made from The Hague provisions are not in the direction of an advance, but of a retreat, because they revive the idea of confining membership in the commission, if insisted upon by either party, to nationals instead of to wholly disinterested outsiders, which is the conception of The Hague convention. But the important part of these two articles is contained in the last clause of Article III, a point at which these two treaties depart widely from The Hague provisions. The clause in question is as follows:

"It is further agreed, however, that in cases in which the parties disagree as to whether or not a difference is subject to arbitration under Article I of this treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this treaty."

It will be seen by examination of the clause just quoted that if the joint commission, which may consist of one or more persons, which may be composed wholly of foreigners or wholly of nationals, decides that the question before them is justiciable under Article I it must then go to arbitration whether the treaty-making power of either country believes it to be justiciable or not. A special agreement, coming to the Senate after the joint commission had decided the question involved to be justiciable, could not be amended or rejected by the Senate on the ground that in their opinion the question was not justiciable and did not come within the scope of Article I. By this clause the constitutional powers of the Senate are taken away pro tanto and are transferred to a commission, upon the composition of which the Senate has no control whatever. It is said that the powers of the President under the Constitution are given up by the third clause of Article III just as much as those of the Senate. If this be true, it only makes the case more serious, but the President, under the provisions of Articles II and III, although he would be bound by the decision of the commission, can nevertheless control the formation of that body. To arrange the membership of the joint commission, however, so as to defeat an adverse decision in advance would not be consonant with the spirit of the treaty, but none the less that power of indirect control remains in the hands of the President and in his hands alone.

In approving Article I of the treaty the committee assents to the arbitration of all questions coming within the rule there prescribed. The terms in which the rule is stated are, however, quite vague and indefinite, and they are altogether new in international proceedings. It is possible that others may take an entirely different view from that entertained by the committee or by the negotiators of the treaty as to what was meant by justiciable or as to what was meant by the principles of law or equity when applied to international affairs, and in the absence of any established rules of international law for the construction of such provisions and of any precedents others might put upon these provisions a construction entirely different from that which the treaty-making power now intends. Under these circumstances to vest in an outside commission the power to say finally what the treaty means by its very general and indefinite language is to vest in that commission the power to make for us an entirely different treaty from that which we supposed ourselves to be making.

The last clause of Article III, therefore, the Committee on Foreign Relations advises the Senate to strike from the treaty and recommends an amendment to that effect. This recommendation is made because there can be no question that through the machinery of the joint commission, as provided in Articles II and III and with the last clause of Article III included, the Senate is deprived of its constitutional power to pass upon all questions involved in any treaty submitted to it in accordance with the Constitution. The committee believes that it would be a violation of the Constitution of the United States to confer upon an outside commission powers which, under the Constitution, devolve upon the Senate. It seems to the committee that the Senate has no more right to delegate its share of the treaty-making power than Congress has to delegate the legislative power. The Constitution provides that before a treaty can be ratified and become the supreme law of the land it shall receive the consent of two-thirds of the Senators present. This necessarily means that each and every part of the treaty must receive the consent of two-thirds of the Senate. It can not possibly mean that only a part of the provisions shall receive the consent of the Senate. To take away from the Senate the determination of the most important question in a proposed treaty of arbitration is necessarily in violation of the treaty provisions of the Constitution. The most vital question in every proposed arbitration is whether the difference is arbitrable. For instance, if another nation should do something to which we object under the Monroe doctrine and the validity of our objection should be challenged and an arbitration should be demanded by that other nation, the vital point would be whether our right to insist upon the Monroe doctrine was subject to arbitration, and if the third clause of Article III remains in the treaty the Senate could be debarred from passing upon that question.

One of the first of sovereign rights is the power to determine who shall come into the country and under what conditions. No nation, which is not either tributary or subject, would permit any other nation to compel it to receive the citizens or subjects of that other nation.

If our right to exclude certain classes of immigrants were challenged, the question could be forced before a joint commission, and if that

commission decided that the question was arbitrable the Senate would have no power to reject the special agreement for the arbitration of that subject on the ground that it was not a question for arbitration within the contemplation of article 1. In the same way our territorial integrity, the rights of each State, and of the United States to their territory might be forced before a joint commission, and under article 3, in certain contingencies, we should have no power to prevent our title to the land we inhabit from being tried before a court of arbitration. To-day no nation on earth would think of raising these questions with the United States, and the same is true of other questions, which will readily occur to everybody. But if we accept this treaty with the third clause of article 3 included we invite other nations to raise these very questions and to endeavor to force them before an arbitral tribunal. Such an invitation would be a breeder of war and not of peace, and would rouse a series of disputes, now happily and entirely at rest, into malign and dangerous activity. To issue such an invitation is not, in the opinion of the committee, the way to promote that universal peace which we all most earnestly desire.

To take from the Senate, in any degree or by any means, the power of saying whether a given question is one for arbitration or not is to destroy the power of the Senate on the most important point to be decided in connection with differences arising with any other nation. Even if it were constitutional, to deprive the Senate to this extent of their share in the treaty-making power would be most unwise and most perilous. The Senate of the United States is as earnestly and heartily in favor of peace and of the promotion of universal peace by arbitration as any body of men, official or unofficial, anywhere in the world, or as anyone concerned in the negotiation of arbitration treaties. The history of the United States for a period of more than 70 years exhibits a record of arbitration treaties unequaled by that of any other nation on earth. Every one of those treaties has received the cordial assent of the Senate of the United States. The Senate to-day is heartily in favor, in the opinion of the committee, of enlarging to the utmost practicable limit the scope of general arbitration treaties. The committee recommends to the Senate the approval of the enlarged scope for arbitration proposed in article 1, but it declines to admit that the destruction of the constitutional powers of the Senate is necessary to the promotion of peace and arbitration, or that their maintenance diminishes by a hair's breadth the enlarged scope which these treaties propose for arbitration as the true method for the settlement of international controversies.

We have discussed the abandonment of the power of the Senate to take part in the construction and application of the treaty in particular cases as they arise with no selfish concern for the prerogatives or rights of the Senate itself, but rather with solicitude that the Senate shall perform the duty which has been imposed upon it by the Constitution and shall not, by its own act, deprive itself of the power to perform that duty. The inclusion of the Senate as a part of the treaty-making power was provided upon mature consideration in the Consititution and was deemed to be adopted to our system of government. It has, on the whole, proved of the highest usefulness for the prevention of hasty and ill-considered agreements with other powers and for the preservation of the interests of all and every part of the American people. So long as that duty rests upon us we must continue to perform it with courage and firmness and without evasion or abdication.

The committee itself, and in the opinion of the committee the Senate also, has no desire to contract the ample boundaries set to arbitration in the first article. But it must be remembered that if we enter into these treaties with Great Britain and France we must make like treaties in precisely the same terms with any other friendly power which calls upon us to do so. This adds to the gravity of the action now to be taken, for nothing could be so harmful to the cause of peace and arbitration or to their true interests as to make a general arbitration treaty which should not be scrupulously and exactly observed. As has been already said, there are questions which no nation will consent to submit to the decision of anyone but themselves. The only way to keep such questions from being forced forward, which is in itself promotive of dissension, ill feeling, and perhaps war, is by the reservation to each of the contracting parties of the power to decide whether or not a question is properly justifiable within the letter and spirit of the treaty.

There are certain questions at the present stage of human development which, if thus forced forward for arbitration, would be rejected by the country affected without regard to whether, in so doing, they broke the general arbitration treaty or not. In the opinion of the committee it should not be possible, under the terms of any treaty, for such a deplorable situation to arise. Nothing ought to be promised that we are not absolutely certain that we can carry out to the letter. If the third clause of article 3 remains in the treaty it is quite possible that the unhappy situation just described might arise and the treaty would then become, not what we fondly hope it will be, a noble instrument of peace, but an ill-omened breeder of bitterness and war. For that reason, as well as on constitutional grounds and in the best interests of peace and arbitration itself, the committee recommends that this clause be stricken from the treaty.

After the doors were reopened,

Mr. LODGE. Mr. President, I present a document from the Committee on Foreign Relations in regard to arbitration treaties now pending, from which the injunction of secrecy has been removed, and I ask that 5,000 additional copies be printed for the use of the Senate. I ask that there be printed in the appendix the entire text of The Hague Convention of October 18, 1907. This document contains only certain articles, and I want the entire convention printed.

I also want printed a copy of the existing arbitration treaty with Great Britain of June 4, 1908, and I want Appendix B as in this report retained.

The VICE PRESIDENT. Without objection, the order requested by the Senator from Massachusetts——

Mr. BURTON. Do I understand that it is the intention to print this report, with the appendices, before opportunity is given to file a minority report by the three members, or either of them, who do not concur in this report?

Mr. LODGE. I understand that order has already been made.

Mr. BURTON. I do not so understand. I had understood that the injunction of secrecy was removed, so that this report might be printed in the RECORD, but that——

Mr. LODGE. The Senator from Illinois [Mr. CULLOM] stated, I think, that he had had no objection to printing——

Mr. BURTON. But that the printing of the final report was to be postponed until time was given to file minority views.

The VICE PRESIDENT. The Chair understood the understanding in executive session to be that an order for the printing was to be entered, as indicated by the Senator from Massachusetts, as soon as we came into legislative session.

Mr. LODGE. There is no doubt about that. He withdrew his objection, and said he had none.

Mr. BURTON. My understanding was that the point decided in executive session pertained to publicity. The injunction of secrecy was removed.

The VICE PRESIDENT. That was the motion, but a further understanding, as the Chair understood, was that the procedure now indicated by the Senator from Massachusetts should be followed.

Mr. BURTON. I should like to ask the chairman of the Committee on Printing whether these documents would be printed immediately or whether they would be detained until a reasonable time could be given for the filing of minority reports?

Mr. LODGE. Why should they be detained? It is constantly done.

Mr. SMOOT. I will state to the Senator that they will be printed immediately, unless otherwise ordered by the Senate.

Mr. BURTON. The Chair and the Senate can readily see what would happen. This report, if printed at this time, will go to the country without the statement of any views of the minority, and it seems to me it is sufficient for the present to give publicity by the publication in the RECORD and postpone the printing of the report in its completed form until the views of the minority can be filed.

Mr. SMOOT. As a public document?

Mr. BURTON. As a public document.

Mr. WILLIAMS. And both be printed in the same document.

The VICE PRESIDENT. Does the Chair understand the remarks of the Senator from Ohio to be in objection to the order requested by the Senator from Massachusetts?

Mr. BURTON. If it is proposed to print this report without the views of the minority.

Mr. LODGE. Then I move that they be printed as requested.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts that an order be entered for the printing as indicated in his request for unanimous consent.

The motion was agreed to. (S. Doc. No. 98.)

FINAL ADJOURNMENT.

Mr. PENROSE. I present a concurrent resolution, which I ask to have read for the information of the Senate.

The VICE PRESIDENT. The Senator from Pennsylvania presents a concurrent resolution, which the Secretary will read.

The Secretary read the concurrent resolution (S. Con. Res. 8), as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22d day of August, 1911, at 2 o'clock p. m.

Mr. PENROSE. Of course the concurrent resolution ought to be referred to a committee.

I desire to state for the information of the Senate that a careful investigation has led to the conclusion that Congress can adjourn on the date fixed. I am aware of the fact that the concurrent resolution ought ordinarily to go to the Committee on Appropriations, but I suggest the propriety of its reference, and I believe it will facilitate the business of the Senate if the concurrent resolution is referred to the Committee on Finance, the tariff bills being the principal issues before this extra session of Congress.

Mr. WARREN. Mr. President, my attention was diverted, and I did not hear the reading or the import of the concurrent resolution.

Mr. PENROSE. It is a concurrent resolution fixing Tuesday, August 22, at 2 o'clock in the afternoon for the final adjournment of this extra session of Congress.

Mr. WARREN. Is it a concurrent resolution that comes from the House?

Mr. PENROSE. No; it is a Senate resolution, to go over to the House.

Mr. WARREN. Originating with the Finance Committee?

Mr. PENROSE. Yes.

Mr. NEWLANDS. It is impossible to hear the colloquy.

The VICE PRESIDENT. The Senator from Pennsylvania suggests the reference to the Committee on Finance of the concurrent resolution fixing the day for final adjournment. Without objection, that reference will be made.

Mr. OWEN. I object.

The VICE PRESIDENT. Objection is made.

Mr. PENROSE. I desire to state for the further information of the Senate—oh, an objection has been made?

The VICE PRESIDENT. The Senator from Oklahoma objected to such reference. In the opinion of the Chair the reference, therefore, should be to the Committee on Rules, and the reference will be such——

Mr. PENROSE. I move to refer the concurrent resolution to the Committee on Finance.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the resolution——

Mr. CULBERSON. On this side of the Chamber we have been unable to hear the conversation on the other side. I should like to ask the chairman of the Committee on Appropriations what he thinks of the proposition to change the rule of the Senate and to refer these adjournment resolutions to a different committee.

Mr. WARREN. I wish to say that in my experience here there has never been a concurrent resolution proposing final adjournment that did not go to the Committee on Appropriations, and there is where this should go. I ask that it be referred to the Appropriations Committee.

Mr. PENROSE. I am entirely willing to have it go to the Committee on Appropriations.

Mr. WARREN. I want to ask the Senator from Pennsylvania, however, whether, from the standpoint of the Finance Committee, the concurrent resolution can not be changed so as to provide for final adjournment on Saturday of this week as well as Tuesday of next week?

Mr. PENROSE. I do not believe that Congress can get through by Saturday of this week.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Iowa?

Mr. PENROSE. Yes.

Mr. CUMMINS. I should like to ask a question of the Senator from Pennsylvania. Has the Senator, in fixing the time for final adjournment, assumed that both House and Senate can, before Tuesday, August 22, act upon all the tariff bills which are now before them?

Mr. PENROSE. After conferring with a number of Members of the House and Senate I was led to the conclusion that Congress could adjourn on Tuesday and complete action on all pending measures. Of course, however, this date is not conclusive. The concurrent resolution will go either to the Committee on Appropriations or the Committee on Finance; and I am entirely indifferent as to which committee, and the date can be made earlier or later, as the situation may develop during the rest of this week.

Mr. CUMMINS. I have no objection to the reference of the concurrent resolution to any committee. I care not what committee shall consider it. But I think it is well to understand, so far as some of us are concerned, that we will not consent to the passage of any concurrent resolution fixing a time for final adjournment of Congress until we can see clearly that the bills which are now before us have been or can be finally acted upon by Congress.

Mr. PENROSE. I should like to ask the Senator from Iowa who he means by "we"? I suppose the Senate determines this matter by its vote.

Mr. CUMMINS. Certainly. I did not say "we."

Mr. PENROSE. I think the stenographer would probably say "we."

Mr. CUMMINS. No; the Senator from Pennsylvania is in error. I said that "some of us."

Mr. PENROSE. Well, can some of us hold up Congress as against a majority vote on a concurrent resolution which is not open to debate?

Mr. CUMMINS. Some of us can not; and I did not indicate that some of us could. I said, however, that such a concurrent resolution would not be passed with our consent.

Mr. PENROSE. Who are "our"?

Mr. CUMMINS. Those of us who really want to revise some of the schedules of the tariff. If a majority of the Senate desire to pass a concurrent resolution to adjourn, it always has the power to do it. It could have done it long before the reciprocity bill was passed if it had wanted to do it.

Mr. PENROSE. That again revives the mysterious term which shocked my ear, the term "our consent." I should like to be enlightened as to what the comprehensive term embraces.

Mr. CUMMINS. I am sorry the Senator from Pennsylvania, having been here so long and so assiduously during this present session, can not apply that word. I leave it, however, to his fervid and fertile imagination. He may put just such meaning upon it as he thinks it ought to bear.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the resolution be referred to the Committee on Finance.

Mr. PENROSE. If the Senator from Wyoming prefers that it go to the Committee on Appropriations, I am entirely willing.

Mr. WARREN. I do not desire to take anything from the power of the Finance Committee, but in view of certain transactions of late in both Houses, where we seem to have departed from the rules, it appears to me we ought not now to break an unbroken rule.

Mr. PENROSE. I will change my motion and move that the resolution be referred to the Committee on Appropriations.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the resolution he has just presented be referred to the Committee on Appropriations.

Mr. BRISTOW. Mr. President, in this connection I desire to say that for one I do not intend to consent to an adjournment of the Senate or the passing of a resolution of this kind until the tariff bills which are now pending have passed the Senate and are in conference.

The VICE PRESIDENT. This is a question of reference, not of action upon the resolution.

Mr. BRISTOW. Yes; I understand, but I think this is as good an opportunity to express my views upon the matter of adjournment as I probably will have. We spent weeks here in putting articles which are produced by the American farmers upon the free list, articles that are not controlled by a monopoly and the production of which can not be controlled by a monopoly. Now, it is proposed to rush, if possible, a resolution through here to agree upon a time for final adjournment, when there has not been a single duty removed upon any article that is controlled by a trust and where the duties are excessive.

I can understand the reason why the Senator from Pennsylvania would desire this early adjournment. It is because we are now engaged in an effort to remove duties that have been a burden to the American people, and it is proposed now to adjourn Congress to escape a revision of the tariff which the American people have demanded ought to be made. We should stay here until that revision is made, and I hope that a majority of the Senate will not consent to any adjournment until these bills are in conference and a sufficient time or a reasonable time is given for an agreement.

I wanted to make these remarks so as to present to the Senate at least my views as to what we ought to do. I hope that a majority of the Senate are of the same opinion.

The VICE PRESIDENT. The question is on the motion to refer the concurrent resolution to the Committee on Appropriations.

The motion was agreed to.

COMMITTEE SERVICE.

On motion of Mr. MARTIN of Virginia, and by unanimous consent, Mr. POMERENE was assigned to the Committee on Privileges and Elections, to fill the vacancy in the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 306) to confirm the name of Commodore Barney Circle, located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia.

The message also announced that the House had passed the bill (S. 1785) to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8622. An act to amend section 4 of "An act for the preservation of the public peace and the protection of property within the District of Columbia," approved July 29, 1892, as to the flying of fire balloons or fire parachutes;

H. R. 10649. An act to regulate the assignment of wages, salaries, and earnings in the District of Columbia; and

H. R. 12737. An act to amend the Code of Law for the District of Columbia, regarding insurance.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River and to extend the time for commencing and completing said structure; and

H. R. 11303. An act for the relief of Eliza Choteau Roscamp.

PETITIONS AND MEMORIALS.

Mr. POINDEXTER presented a petition of Local Grange No. 83, Patrons of Husbandry, of Goldendale, Wash., and a petition of Local Grange No. 362, Patrons of Husbandry, of Lake, Wash., praying for the establishment of a parcels-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. LEA presented memorials of sundry citizens of Graysville, Johnsonville, and Memphis, all in the State of Tennessee, remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

Mr. O'GORMAN presented resolutions adopted by the Switchmen's Union at St. Paul, Minn., favoring an appropriation for the casting of a bronze tablet or bust to the memory of the late Edward A. Moseley, secretary of the Interstate Commerce Commission, which were referred to the Committee on the Library.

Mr. BROWN. I present a telegram in the nature of a petition, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

NELIGH, NEBR., *August 13, 1911.*

Hon. NORRIS BROWN,
United States Senate, Washington, D. C.:

We, the people of Neligh, Nebr., and vicinity, assembled in our annual Chautauqua to the number of 1,500, would express our profound gratitude for the treaties of arbitration lately signed by the representatives of the United States, Great Britain, and France, and our hope that the same may be ratified by the Senate without delay or needless amendments. Adopted by unanimous vote August 13, 1911.

THOMAS C. HINKLE.

Mr. ROOT presented memorials of 100 citizens of Elmira, N. Y., remonstrating against the passage of the so-called Johnston Sunday-rest bill, which were ordered to lie on the table.

THE METROPOLITAN COACH CO.

Mr. OLIVER, from the Committee on the District of Columbia, to which was referred the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., reported it with amendments.

SENATOR FROM WISCONSIN.

Mr. BRIGGS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably Senate resolution 136, reported by the Senator from Vermont [Mr. DILLINGHAM] from the Committee on Privileges and Elections.

The VICE PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Senate Committee on Privileges and Elections, or any subcommittee thereof, be authorized and directed to investigate certain charges preferred by the Legislature of Wisconsin against ISAAC STEPHENSON, a Senator of the United States from the State of Wisconsin, and to report to the Senate whether in the election of said ISAAC STEPHENSON as a Senator of the United States from the said State of Wisconsin there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the recess of the Senate, to hold its session at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee or chairman of the subcommittee.

The VICE PRESIDENT. Does the Senator from New Jersey ask for present action on the resolution?

Mr. BRIGGS. I ask for present action on the resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered by unanimous consent, and agreed to.

ASSISTANT CLERK TO COMMITTEE ON APPROPRIATIONS.

Mr. BRIGGS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back with an amendment Senate resolution 96, submitted by the Senator from Wyoming [Mr. WARREN] July 5, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the Committee on Appropriations be, and is hereby, authorized to employ an assistant clerk at a salary of $1,440 per annum during the Sixty-second Congress.

The amendment was to add, at the end of the resolution, the words "to be paid out of the contingent fund of the Senate."

The amendment was agreed to.

The resolution as amended was agreed to.

MESSENGER TO CONFERENCE OF THE MINORITY.

Mr. BRIGGS. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back with an amendment Senate resolution 107, submitted by the Senator from Virginia [Mr. MARTIN] July 20, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the conference of the minority of the Senate be, and it is hereby, authorized to appoint an additional messenger at an annual salary of $1,440, to be paid from the contingent fund of the Senate until otherwise provided by law.

The amendment of the committee was after the words "one thousand" to strike out "four hundred and forty" and insert "two hundred," so as to read: "at an annual salary of $1,200."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 3224) forfeiting the grant of a right of way through the Colville Indian Reservation, in the State of Washington, to the Washington Improvement & Development Co., made by act of Congress June 4, 1898; to the Committee on the Judiciary.

A bill (S. 3225) providing when patents shall issue to the purchaser or heirs of certain lands in the State of Oregon; to the Committee on Public Lands.

By Mr. GAMBLE:

A bill (S. 3226) granting a pension to Black Eagle; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 3227) for the relief of the heirs of John Fairley, deceased (with accompanying papers); to the Commttee on Claims.

A bill (S. 3228) to correct the military record of Job Metts; to the Committee on Military Affairs.

A bill (S. 3229) granting an increase of pension to Robert B. Courts;

A bill (S. 3230) granting an increase of pension to Wiley C. Hunter (with accompanying paper);

A bill (S. 3231) granting an increase of pension to William H. Peek (with accompanying paper); and

A bill (S. 3232) granting a pension to May M. B. MacRae; to the Committee on Pensions.

By Mr. LEA:

A bill (S. 3233) for the relief of the First Baptist Church of Nashville, Tenn.;

A bill (S. 3234) for the relief of Elm Street Methodist Episcopal Church South, successor to the Mulberry Street Methodist Episcopal Church South, of Nashville, Tenn.;

A bill (S. 3235) for the relief of the Methodist Episcopal Church South, of Tullahoma, Tenn.;

A bill (S. 3236) for the relief of Martha A. Carter;

A bill (S. 3237) for the relief of the heirs of A. B. Beeson, deceased;

A bill (S. 3238) for the relief of the estate of J. T. Stringer, deceased;

A bill (S. 3239) for the relief of the estate of J. S. Brown;

A bill (S. 3240) for the relief of trustees of Clarksville Female Seminary, of Clarksville, Tenn.; and

A bill (S. 3241) for the relief of Harry T. Herring; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 3242) granting an increase of pension to James S. Sutherland (with accompanying paper); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 3243) for the relief of the legal representatives of George W. Soule; to the Committee on Claims.

By Mr. TAYLOR:

A bill (S. 3244) for the relief of the First Presbyterian Church of Fayetteville, Tenn.;

A bill (S. 3245) for the relief of the Christian Church of McMinnville, Tenn.;

A bill (S. 3246) for the relief of the trustees of the First Baptist Church of Chattanooga, Tenn.; and

A bill (S. 3247) for the relief of the Christian Church of Columbia, Tenn.; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 3248) granting a pension to Anna Mansfield (with accompanying paper); to the Committee on Pensions.

A bill (S. 3249) for the transfer of a commissioned officer of the United States Navy Medical Corps or the United States Public Health and Marine-Hospital Service to the United States Army Medical Corps (with accompanying paper); to the Committee on Military Affairs.

By Mr. FOSTER:

A bill (S. 3250) to authorize the construction of a bridge across Caddo Lake, in Louisiana; to the Committee on Commerce.

By Mr. SMITH of Michigan:

A joint resolution (S. J. Res. 55) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States; to the Committee on Territories.

FUNERAL EXPENSES OF THE LATE SENATOR FRYE.

Mr. JOHNSON of Maine submitted the following resolution (S. Res. 138), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator WILLIAM P. FRYE from the State of Maine, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORT ON GENERAL ARBITRATION TREATIES.

Mr. BRANDEGEE. I should like to ask whether the order was entered to have the report of the Committee on Foreign Relations printed in the RECORD.

The VICE PRESIDENT. It was.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On August 15, 1911:

S. 2495. An act to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 653 of the Code of Law for the District of Columbia.

S. 2766. An act to authorize the St. Louis, Iron Mountain & Southern Railway Co. to construct and operate a bridge across the St. Francis River, in the State of Arkansas, and for other purposes.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 8622. An act to amend section 4 of "An act for the preservation of the public peace and the protection of property within the District of Columbia," approved July 29, 1892, as to the flying of fire balloons or fire parachutes;

H. R. 10649. An act to regulate the assignment of wages, salaries, and earnings in the District of Columbia; and

H. R. 12737. An act to amend the Code of Law for the District of Columbia regarding insurance.

LEAVE OF ABSENCE TO HOMESTEADERS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3052) granting leave of absence to certain homesteaders, which was, on page 1, line 6, to strike out all after "South Dakota," down to and including that portion of the word "residence," on page 2, line 1, and to insert: "In the Denver, Pueblo, Sterling, Hugo, Lamar, and Glenwood Springs land districts, in the State of Colorado; in the Valentine, O'Neill, North Platte, Broken Bow, and Alliance land districts, in the State of Nebraska; in the Lawton, Woodward, and Guthrie land districts, in the State of Oklahoma; in the Dickinson, Minot, Williston, Devils Lake, and Bismarck land districts, in the State of North Dakota; in the Cheyenne, Evanston, Sundance, Buffalo, Lander, and Douglas land districts, in the State of Wyoming; in the Clayton, Fort Sumner, Las Cruces, Tucumcari, Roswell, and Santa Fe land districts, in the Territory of New Mexico; in the Phoenix land district, in the Territory of Arizona; in the former Spokane Indian Reservation, in the State of Washington; and in the Burns, Vale, La Grand, and The Dalles land districts, in the State of Oregon, are hereby relieved from the necessity of residence and cultivation."

Mr. CLARK of Wyoming. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ANNUAL STATEMENTS OF INSURANCE COMPANIES.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1785) to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies, which were, on page 2, line 7, to strike out the word "classified," and on page 2, line 8, after the word "liabilities," to insert: "Classified according to regulations made by the superintendent of insurance."

Mr. CURTIS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

DECISION OF QUESTIONS CONCERNING CONSTITUTIONALITY.

The VICE PRESIDENT. The Chair lays before the Senate the following bill, coming over from a former day.

The SECRETARY. A bill (S. 3222) to provide rules for speedy and final decision of questions concerning the constitutionality of national and State laws and constitutional provisions and for the interpretation and construction of the Federal laws and Constitution.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. HEYBURN. But, Mr. President, it went over yesterday on objection to a second reading.

The VICE PRESIDENT. This is the second reading and its reference.

Mr. HEYBURN. But it can not go to a second reading without a vote of the Senate, I think. There is no object in the rule unless that procedure can be taken.

The VICE PRESIDENT. The question is, Will the Senate consent to the second reading of the bill? The question is on that motion.

Mr. HEYBURN. It is not my intention to consent to the second reading of the bill without consideration by the Senate. The matter is not before the Senate except upon a motion. It does not come before the Senate automatically, as I understand the rule.

The VICE PRESIDENT. The bill comes up automatically.

Mr. HEYBURN. The question yesterday was not a request that it go over; it was an objection to the second reading. I did not request that the bill go over. I objected to the second reading of the bill.

The VICE PRESIDENT. Therefore it went over for one day.

Mr. HEYBURN. My attention has not been called to the rule that sends it over for a day. It stops the bill at the second reading, and it can not proceed automatically under any existing rule.

The VICE PRESIDENT. The first clause of Rule XIV provides that if objected to it shall be postponed for one day.

Mr. HEYBURN. That is an objection to the second reading.

The VICE PRESIDENT (reading):

Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

The present occupant of the chair was not here yesterday when the bill was introduced and had its first reading.

Mr. HEYBURN. Its first reading.

The VICE PRESIDENT. Then an objection to the second reading was interposed. Therefore it comes up to-day—the next day—and the question is, Shall it have a second reading? which, of course, would be by motion in the face of an objection, if it can not be done by unanimous consent.

Mr. HEYBURN. My understanding was that it could only come up on motion; that it could only move to the next stage upon a motion; that it did not automatically come up.

The VICE PRESIDENT. The Chair is proceeding upon the motion that it now have its second reading.

Mr. HEYBURN. I did not know that there was a motion that it have its second reading.

The VICE PRESIDENT. As a matter of fact, there has been no such formal motion made, but the Chair assumes that the introducer of the bill desired to make such a motion. Technically, the Senator from Oregon had not made such a motion.

Mr. HEYBURN. So I understood.

Mr. BOURNE. Mr. President——

The VICE PRESIDENT. The Senator from Oregon now desires to make the motion, the Chair understands.

Mr. HEYBURN. I should like the RECORD to show that the Senator from Oregon was seeking to advance the bill in order that it might have its legislative status determined.

The VICE PRESIDENT. The Chair admits to having proceeded a trifle informally, but he supposed the Senator from Oregon desired the procedure he suggested.

Mr. HEYBURN. There is no motion now before the Senate——

The VICE PRESIDENT. There is not——

Mr. HEYBURN (continuing). For the advancement of this bill.

The VICE PRESIDENT. There is not. Does the Senator from Idaho desire to hold the floor?

Mr. HEYBURN. There is nothing to hold the floor for; there is not a motion pending.

The VICE PRESIDENT. The Senator from Oregon, then, is recognized.

Mr. BOURNE. I had assumed that the bill came up automatically for a second reading; that the right of the Senator to object held the second reading for the one day. If it is necessary to make a motion, I move that the bill now be read the second time and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The Senator from Oregon has made his motion.

Mr. HEYBURN. That is a debatable question, I understand.

The VICE PRESIDENT. The Chair thinks so.

Mr. HEYBURN. Great questions have in times past been discussed under the relative condition in which we find this bill. I did not desire to have a discussion precipitated at this time, but I do desire to eliminate from the files and the consideration of the United States Senate measures of this kind. We should not proceed with them at all. They should be contraband. It is a proposition coming in the form of legislation that changes the organization and power of the United States Supreme Court.

Mr. President, I desire first to call attention to the title of the bill. It is extraordinary and without precedent in the history of legislation here or elsewhere. It reads:

> A bill to provide rules for speedy and final decision of questions concerning the constitutionality of national and State laws and constitutional provisions and for the interpretation and construction of the Federal laws and Constitution.

To provide rules for whom? For the Supreme Court of the United States. It is a proposition that Congress shall make rules for the procedure in the Supreme Court of the United States in the ordinary conduct of its business.

I can not conceive of any history, legend, romance from which it could be gathered that any legislature had such power or ever had attempted to exercise the power to make rules for the Supreme Court of the United States upon such questions. I want to consider this bill somewhat in detail. Section 1 provides—

> That in any action, suit, or proceeding in the Supreme Court of the United States when the constitutionality of any provision of a Federal or State law, or of a State constitution, shall be drawn in question or decided, the constitutionality thereof shall be sustained unless the Supreme Court, by unanimous decision of all its members qualified to sit in the cause, shall determine that the provision in controversy is not authorized or is prohibited by the Constitution of the United States.

I desire to direct the attention of the Senate to this proposition. It may not seem to be serious at this time, or a subject pressing itself upon our attention, yet we are, or at least I presume we are, at some time going into recess and leave the country to get along without our watchful care. During the recess of Congress it is sought to give this measure a status and form that will make it available for circulating literature. I desire that it shall go out, if it goes out at all, with some explanation.

Mr. President, the motion that this bill proceed to a second reading should not have been made at this time; but that does not afford a justification for neglecting it. Inasmuch as the motion has been made, I think I will test the sense of the Senate first, by moving to lay the motion of the Senator from Oregon [Mr. BOURNE] on the table.

The VICE PRESIDENT. The Senator from Idaho [Mr. HEYBURN] now moves to lay the motion on the table.

Mr. BACON. Mr. President, will the Senator from Idaho withdraw that motion for a moment, as I can not say what I wish to say unless he does so?

Mr. HEYBURN. I will be pleased to withdraw the motion.

Mr. BACON. I want to say to the Sentor from Idaho that it would be a very bad precedent for us to set to refuse a second reading of a bill because it might contain matters of which we did not approve. This is a deliberative body, and every proposition which is submitted to the body by one of its Members is entitled to consideration; it is not entitled to approval unless it meets the approval of Senators; but it is entitled to consideration, it is entitled to examination by them, and to a judgment as to whether or not it should be passed.

I agree, in the main, with the Senator from Idaho in his view as to the merits of this bill. Unless something is presented to my mind different from what has yet occurred to it, I should not vote for the bill. At the same time, I think that every Senator who in good faith presents to this body a proposition which he desires to have enacted into law is entitled to have that bill properly considered and go through the regular parliamentary stages; and, even if it does not come to a vote in the Senate, receive at least the examination of the standing committee to which it legitimately belongs.

I think it is due to myself to state this much, because I shall vote against the motion to lay upon the table, and I should also vote against a motion to prevent the second reading of the bill and its reference to a committee.

Now, I want to suggest to the Senator from Idaho that I can conceive of certain propositions which might be submitted to the Senate where the Senate would take the drastic action which he proposes. I think if a proposition were submitted to the Senate which was scandalous in its nature——

Mr. HEYBURN. I think this is.

Mr. BACON. Oh, no; in the sense in which I am speaking it is not. The Senator thinks that it is a proposition which is absolutely indefensible and one not entitled to be enacted into law; but the Senator does not misunderstand me when I say that if a measure were introduced here that was deemed to be scandalous, the Senate would not proceed to the point of its consideration; but anything which is respectful in its nature, which does not asperse any officer or any department of the Government is not scandalous; and in this case it can not be called an aspersion, because of the fact that the bill proposes, as I understand, to require unanimous concurrence of a court rather than the concurrence of a majority of the court; on this account it can not certainly be called scandalous; it is not an aspersion. One may distrust with some degree of reason the correctness of the judgment of a court, unless that judgment is the unanimous decision of its members, especially when taken in connection with the statement made by the Senator from Oregon when he introduced his bill that it happened that a bill declared to be unconstitutional had previously had the consideration of the Judiciary Committee of each House, of the majority of the Senators, and a majority of the Representatives. The contention of the Senator from Oregon was that the decision ought to constitute the judgment of the larger part of those whose consideration had been invoked in regard to the constitutionality of the law. While I do not agree with the Senator from Oregon about that, it is not a scandalous proposition, nor is any aspersion upon the court involved in it.

But I want to suggest to the Senator from Idaho that every time a majority of a body thought that a bill was not the proper presentation of that which should be enacted into law, if that majority were then to exclude it from the consideration of the Senate, we would soon have a very great tyrannical exercise of power by a majority. It would in such case be a matter absolutely within the judgment and discretion of the majority as to what bill they would permit to be considered and what bill they would not permit to be considered. The Senator's proposition, if carried to its legitimate conclusion, would limit debate in this body to propositions which the majority might feel an inclination to permit to be debated, because, as the Senator well knows, while under our liberal practice sometimes Senators may have something to say when bills are introduced or upon the proposition for its second reading, there is really no debate practicable in the Senate except when the bill comes here on the question of its passage or rejection. If the Senate is going to set the precedent, when a bill is presented, if it shall meet with the objection of the majority, that that majority is going to arrest it at the second reading and not permit it to get to a stage where debate is to be had, it is setting a dangerous precedent, Mr. President, by which the majority, even-tempered as it may be now, and rather indefinite and uncertain as to its existence, may at some time when it has a definite power and in time of great political excitement, in a time when that power may be so great as to have no hesitation in its exercise arbitrarily—the time may come when the exercise of that power will be extremely dangerous to the liberties of the people and where it will result in the destruction of that which is most important of all things in a free government, and that is freedom of debate.

I shall not pursue the subject, Mr. President, but I trust that the Senate will not take the position which is advocated by the Senator from Idaho. There is no danger of this bill passing unless it shall meet with the approbation of a majority of the Senate; there is little danger of it passing unless it shall meet with the approbation of the majority of the Judiciary Committee, to which it should go; so that there is no practical danger in permitting it to proceed; but there is a tremendous practical danger in setting a precedent by which proposed legislation shall be throttled before the time comes for its proper debate and consideration.

Mr. HEYBURN. Mr. President, it is not my intention to proceed upon the lines suggested by the Senator from Georgia. I fully realize the importance of what he has said in regard to

the matter. I fully realize the serious feature of stopping or attempting to stop proposed legislation at the second reading; and were it not for a little experience which we have had in the last few weeks here I would not have resorted to this rule. I will not insist on the motion to lay the motion of the Senator from Oregon on the table—I did that at a suggestion which was brought to me—because I think that it is better, in the interest of the people, to whose attention it is to be brought, that it should go out after some consideration. This is a dangerous measure. It is as dangerous as the measure that passed the Senate the other day.

Mr. BOURNE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I would never have dreamed that the recall of judges could have met with the approval of the United States Senate. It is the result of prolonged muckraking, the dragging down and attacking of men in public life, and yet, notwithstanding the suggestion of the Senator from Georgia, that measure received the approval of this body.

I feel it a duty that some one must take up and perform to more closely and promptly and sharply antagonize this kind of legislation. If we do not, the people of the country are going to conclude that these propositions are unanswerable, and that there can be no objection urged to them. We sat here and saw pass a measure as destructive of the judiciary system of this country as is this proposition. The Senator undertakes to say to the Supreme Court of the United States how they shall decide a case.

Mr. CHAMBERLAIN. May I interrupt the Senator?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. CHAMBERLAIN. Just for a moment. I understand from the reading of the bill—and I am not prepared to say that I am in full sympathy with it in its entirety—that it simply purports to require a unanimous decision from the Supreme Court as to the constitutionality or unconstitutionality of a legislative act. I will ask the Senator if it is not a fact that there was no suggestion in the formulation of the Constitution of the United States, in the convention or at any other time, that the Supreme Court of the United States should have any power to upset an act of the legislative department of this Government? On the contrary, that power was intended to be denied to the Supreme Court of the United States by the Constitutional Convention; and this bill is simply declaratory of what was the original intention of the framers of the Constitution.

Mr. HEYBURN. It was denied by some people. That term expresses it exactly. The denial of that power came from the same class of political intellect that is supporting these innovations upon the law of a century.

Mr. CHAMBERLAIN. I want to suggest, if the Senator will again permit me, that the Senator belongs to that large class of individuals in this country who believe that it is improper for anybody to suggest improprieties on the part of the Supreme Court of the United States. With all due deference to that body, there is a very large and growing sentiment in this country that the Supreme Court of the United States is encroaching upon the legislative function, and practically doing a little legislating on its own account. The Senator will concede that Lincoln did not hesitate to criticize the decisions of the court; Roosevelt did not hesitate to do so; and I think some of its decisions have been criticized since this Congress convened.

Mr. HEYBURN. Mr. President, there is a disposition to discredit the courts of the country, and it comes from those who are not in sympathy with our system of government or who are ignorant of it.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. HEYBURN. Yes.

Mr. OWEN. I remind the Senator from Idaho that Abraham Lincoln severely criticized the decision of the Supreme Court in the Dred Scott case.

Mr. HEYBURN. Mr. President, I think it might be well to have that stereotyped and posted up. I have heard it about a thousand times in this Chamber, as though it were conclusive of the question and binding upon Senators. We are here to exercise our own intelligence and judgment in this hour and not in the hour of half a century ago. Mr. President, there is as much ability to determine these questions in this age as there was in any age in the country's history.

Mr. BACON. Mr. President——

Mr. HEYBURN. I yield to the Senator from Georgia.

Mr. BACON. Mr. President, the Senator has made a statement which I think calls for a response in regard to the passage of the statehood bill. He has spoken of that as an indorsement and approval of the principle of the recall of judges. That statement is being very generally made, but not correctly made. I do not favor the initiative or the referendum or the recall, and yet I voted for that bill. Mr. President, upon what ground did I vote for that bill? I voted for it upon the ground that, while I do not approve of these things, I recognize the right of any people who do approve them to have them, and I do not recognize the right of Congress or of any other power in the Government, after a State has become clothed with the powers of a State, to dictate to it what shall be its practice in that regard. I believe it is unfortunate that it should have them; but, Mr. President, we may not have an opportunity to debate that question again in this Chamber, because, if the question is to be raised again, it will be raised in the other body and may not reach us at all. I do not know as to that, and therefore I want the opportunity now, in order that those of us who voted for it may not be misrepresented in the public view, to state the ground upon which we acted in voting for the passage of that bill.

We did not approve—I say "we"; a great many of those who voted for it did approve, but a number of those did not approve, certainly a sufficient number to have prevented there being a majority in its favor if they had voted otherwise—a number of those who voted for that bill did so upon this ground: Disapproving as we did of the features in the Arizona constitution which, aside from the provision for the initiative and referendum, went further and provided for the recall of judges—disapproving of that feature, the bill simply gave to the citizens of Arizona the opportunity to reconsider what they had already determined for themselves.

Mr. HEYBURN. That is the amendment. That was not the bill.

Mr. BACON. That is what we voted for.

Mr. HEYBURN. When that was defeated we voted for the bill.

Mr. BACON. That was not defeated. That is in the bill as it passed.

Mr. HEYBURN. The indorsement of the referendum was not stricken out. That has passed.

Mr. BACON. Very well; but I am talking now about the recall of judges. That is the most serious question, and the provision in that bill is this: There was a provision which did not meet with the approval of some of us who were anxious to see that Territory clothed with powers of statehood, and therefore we went to the extent of saying, "While we do not recognize that Congress can impose upon a State any constitution which it does not desire so far as to make that its permanent constitution—for even if in its enabling act Congress does provide what the constitution shall be, upon the very next day the people can make a different constitution—recognizing that fact, still, in view of the gravity of the question of the recall of judges, we provide that you shall again consider that question by again voting on it; but if upon the consideration of it the second time you still determine that you wish that to be the law of the State, while we do not approve of it we recognize that you are the arbiters of your own fortunes; that you are the makers necessarily of your own laws. When you come into the Union as a State there is no power in Congress, as has been decided by the Supreme Court, to prevent you changing your constitution or enacting any law you may see fit which is not in contravention of the Constitution of the United States. Therefore we leave it to your decision upon your final vote."

Now, therefore, our proposition was this: Recognizing the fact that you will have—the people of Arizona will have—that power, we think we have gone to the fullest extent we should to endeavor to influence their decision when we call upon them to take another vote upon the question, and in their calm moments determine whether they want that to be their final and definite policy in the future. If the people of Arizona, after repeated contests at the polls, say they want the initiative and the referendum and the recall of judges, shall we say to them that because we differ from them on these questions Congress will deny to that Territory for all time to come the right to be admitted as a State? Where is such a contest to end in the case of a Territory having all the requisites and qualifications of a State? If the Territory is finally coerced and compelled to present a constitution here without the provision for the recall of judges, and the Territory should be then admitted as a State, does not everybody know that immediately after such admission the State could pass a law providing for the recall of judges? If so, where is the practical feature in all this tempest? Have

we not gone far enough when we provide that the people of Arizona shall again vote on the question?

Mr. BOURNE. Mr. President——

Mr. BACON. Shall I suspend now? Does the Senator from Oregon desire to ask me a question?

Mr. BOURNE. If the Senator will pardon me for a moment——

Mr. BACON. I would rather the Senator would let me complete the statement. Then I shall be more than happy to yield.

It is heralded from one end of this country to the other, and it is going to be again heralded from one end of this country to the other, that on the one side there stand those who are opposed to the recall of judges and who therefore oppose the admission of Arizona, and on the other side there are those who are in favor of the recall of judges and who therefore vote to admit Arizona.

I deny, Mr. President, that that classification is a proper classification of Senators and Representatives, and I assert that that will be a misrepresentation, and is a misrepresentation, whether made on the floor of the Senate or made elsewhere, or whether made now or made hereafter. It is an unjust classification to put all those who voted for the admission of Arizona under these circumstances in the class of those who defend or justify or uphold or approve the recall of judges.

I repeat, the action was taken in requiring another vote on the question in Arizona because we did not approve the recall of judges, and because of the fact that Arizona has put it in her constitution we intended that they should have an opportunity to reconsider that act. But we recognized that, having reconsidered it, one of two things must be done—either we must say that Arizona should never be a State, or we must recognize the fact that when she became a State she would have a right to determine that for herself. And when we went to the extent of requiring her to take a second vote upon it, we went as far as propriety, in my opinion, permitted.

What, on the contrary, is the position occupied by the Senator from Idaho and those who agree with him upon that subject? The Senator from Idaho is a good lawyer; nobody questions that for a moment; and nobody will question for a moment that he recognizes the proposition as a proposition of law that when Arizona becomes a State she can have the recall of judges, and that there is no power in Congress to prevent it. The Senator knows that.

The decision of the Supreme Court is to that effect, and when Senators say "we will not vote for a constitution which permits the recall of judges even though we provide that they shall take another vote on that question," they must intend to say that they will for all time say to Arizona, "Unless you change your constitution in that regard we will not admit you at any time in the future." Are the American people ready to take any such position as that, and keep Arizona forever as a Territory unless she submits to such dictation as that?

How absolutely impractical that is when those who say that know that even if they do exact that of Arizona they can not prevent her changing it on the very next day after her admission.

Mr. President, I am not willing myself that the Senator from Idaho, or others in this Chamber or out of it, shall base their opposition to this bill which we have passed upon the contention that they are the saints of the earth and the great and only friends and guardians and protectors of the judiciary, and that the recall of judges is favored by all others who do not believe that we can do that which the Supreme Court says we can not do; or by others who, believing that we can not ultimately control it to the contrary, are still willing that the State shall come in, and that she shall decide these matters for herself. Disagreeing with them, as we do, recognizing, as we do, that the people of the State must ultimately control it for themselves, we simply provide a safeguard—that the people of Arizona shall immediately have a second vote upon and determine that question upon a reconsideration; and when they shall have again determined upon it, recognizing that it is their right so to determine, when they have so determined it, we recognize that one of two things must be—either that they shall be perpetually excluded, or else that when admitted they have the power to fix it in the way that they themselves shall determine, and that there is no power in this Government, executive or legislative or judicial, to deprive them of that right.

Mr. HEYBURN. The trouble is that we have said to them, "Match your judgment again against that of the Congress of the United States, and if you still differ, we will allow the judgment of an unorganized political body to outweigh the judgment of the United States Congress." That is the situation it is in to-day.

Mr. BACON. I will ask the Senator, with his permission, this question.

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from Georgia?

Mr. HEYBURN. Yes.

Mr. BACON. Would the Senator from Idaho, if he were satisfied that the people of Arizona would not change their constitution in that particular in the next 100 years, be willing that the Congress of the United States—of course, he can not hope himself to be here that long—but would it be in accordance with his view of the proper action that the Congress of the United States for the next 100 years should say to Arizona, "You shall not be admitted as a member of the Union because of the fact that you favor the recall of judges"?

Mr. HEYBURN. Yes. I do not think I would consent to a violation of the organic principles and laws of our land merely because it had been long insisted upon. That does not appeal to me at all.

Mr. BACON. That was not the question I asked the Senator.

Mr. HEYBURN. The Senator is talking as though there were a sovereignty down there that is invested with sovereign rights. There is no sovereignty in Arizona.

Mr. BACON. The people are.

Mr. HEYBURN. No; the people in an unorganized Territory are not sovereign.

Mr. BACON. But when they become a State they will be.

Mr. HEYBURN. I know, but they have not yet become a State. So we can eliminate all talk about sovereignty.

Mr. BACON. I should like the Senator to answer the question.

Mr. HEYBURN. I will answer it. I did not hear the Senator's question.

Mr. BACON. I will limit the question to the term of the Senator's future as a Senator.

Mr. HEYBURN. I have answered that.

Mr. BACON. No——

Mr. HEYBURN. I have said I would exclude them so long as they insisted upon that kind of a constitution.

Mr. BACON. With the full knowledge of the fact that if they were admitted with that eliminated from their constitution they would have the right on the day after their admission to put it back in their constitution, the Senator would still prohibit their coming in for all time until they made that as the preliminary condition?

Mr. HEYBURN. I do not need to go that far, because when they become a State they are under exactly the same guidance and power as other States. But that would not excuse us for giving our approval to a constitution that on its face permitted them to do something we do not approve of, merely because they might at some later time do it.

Mr. BACON. Some of us do not give our approval to it. But that is the exact point, and the very fact that we put it into this bill that they shall vote on it again shows that we do not approve of it; but we recognize that if upon calm deliberation and a second consideration they determine to put it in, it is their right, and we have no right to interfere with them and coerce them to take it out of their constitution; and, further, that it would be child's play to do so, because they can change their constitution to their liking on the next day after their admission into the Union.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. For a question.

Mr. BOURNE. It is a question for the Chair. I should like to ask what motion is before the Senate?

The PRESIDING OFFICER. The motion before the Senate is that the Senate proceed to the second reading of the bill.

Mr. BOURNE. The Senator from Idaho withdrew his motion to table the motion?

Mr. HEYBURN. Yes. That left the motion stand as though my motion had not been made.

Mr. BOURNE. So the question is on the second reading?

Mr. HEYBURN. It is on the motion to proceed to the second reading of the bill, and I have only imposed upon the time of the Senate in order that this bill may not go out unbranded and mislabeled during our absence between now and the next session of Congress.

I have stated my purpose. It is of more importance than any conference report or any tariff schedule or any other question now pending in either House of Congress. If a bill of this kind could become a law it would be a harder blow at the institutions of this country than the failure of all the legislation now pending in either or both Houses.

Does the Senator realize that—that this is an attack upon the Supreme Court of the United States and upon its jurisdiction such as no man has ever even suggested in either House of Congress?

Mr. BOURNE. I differ entirely with the Senator from Idaho.

Mr. HEYBURN. I know; but I do not yield merely to be differed with.

Mr. BOURNE. I think we ought to have argument on these points.

Mr. HEYBURN. Yes; I welcome any argument.

Mr. BOURNE. I am waiting for them.

Mr. HEYBURN. I have waited, too, for interruptions, and cheerfully. I intend that the objections to this class of legislation shall be in the same RECORD as the motion to proceed to a second reading, so that when people read the CONGRESSIONAL RECORD they will have something on the same pages that will probably explain this proposition.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. For a question.

Mr. BOURNE. I was simply going to state that I concurred with the Senator in his desire to have relativeness furnished in the RECORD; and I am speaking——

Mr. HEYBURN. I did not yield for a counter discussion, because that may come in the Senator's own time.

The PRESIDING OFFICER. The Senator from Idaho declines to yield further.

Mr. HEYBURN. This undertakes to provide rules for the speedy and final decision of questions concerning the constitutionality of national and State laws.

In other words, if a State legislature were to enact a statute that was in plain violation of, or beyond its power under, the Constitution of the United States, it would require a unanimous decision by the Supreme Court of the United States to stay its operation. That is written on the face of the proposition.

Mr. BOURNE. Does not the Senator from Idaho think the Supreme Court would be able to detect that unconstitutionality and that the decision would be unanimous in that case?

Mr. HEYBURN. I think the Senator has confused his question somewhat. The Senator is undertaking to provide that the decision shall be unanimous in order that it may stay the operation of a State statute that is in violation of the Constitution of the United States. He undertakes to provide that it can only be determined by a unanimous Supreme Court that such statute of a State is in violation of the Constitution of the United States.

Now, I can imagine nothing more subversive of the principles upon which our courts and legislative bodies rest or the principles that discriminate and distinguish between the power of the State and the power of Congress. Nothing could be more dangerous. There have been times in this country within the memory of the Senator from Oregon, within my memory and that of many men, when a rule of that kind would have compelled the Government of the United States to stand still while its flag was being hauled down and while this country was being dismembered, by the necessity of a unanimous decision as to the effect of a State statute.

When I said that the proposition was one fraught with so much danger that I could not sit here and see it advance along legislative lines without calling it to account, I was seriously in earnest and am now. I do not assume to advise the Senator from Oregon as to what he should do in the exercise of his duty as a Senator, but I would urge upon him to consider seriously the advisability of withdrawing that from the files of the Senate, because it will stand here as an effort to destroy the power of the Supreme Court of the United States; and the charges, while I do not make them or attribute them to the Senator from Oregon, against an effort of that kind, will be that it is in the interest of anarchy, in order that a new State, for instance, should there ever be a State of Arizona, controlled by the element that controlled its constitutional convention, can make a law subversive of the principles of our Government and no protection will exist in the Supreme Court of the United States for the General Government in dealing with that State.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes; I yield.

Mr. BOURNE. I am obliged to the Senator from Idaho for his solicitude in reference to myself and the responsibility I have assumed. I think I fully understand the scope of this bill. I gave it due consideration before I took the responsibility of introducing it. I have introduced the bill and shall continue my motion to have it referred to the Committee on the Judiciary notwithstanding the strictures of the Senator from Idaho.

Mr. HEYBURN. Mr. President, the time to check and brand that kind of legislation is when it seeks to enter the field of legislation.

THE COTTON SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12812.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. HEYBURN. I object, Mr. President.

The VICE PRESIDENT. Objection is made. The pending question is on the amendment of the Senator from Iowa.

Mr. HEYBURN. I withdraw my objection.

The VICE PRESIDENT. The Senator from Wisconsin asks unanimous consent to lay aside temporarily the unfinished business. Is there objection? The Chair hears none.

TARIFF DUTIES ON WOOL.

Mr. LA FOLLETTE. I present the conference report on House bill 11019, and move that the Senate agree to the report of the committee of conference.

Mr. HEYBURN. I desire to enter an objection against the Senate receiving this report.

The VICE PRESIDENT. An objection does not avail against the Senate's receiving a report.

Mr. HEYBURN. It seems to me, with all deference to the Chair, that at least that manner of procedure should be suggested; otherwise it might afterwards be held that that was the time. This comes, or purports to come, from the House. There is no legislative law under which this measure can come from the House to this body. Of course, the Senate will take notice of the fact that——

Mr. LA FOLLETTE. Mr. President, if the Senator will permit, the report which I present does not purport to come from the House. I present the report of the conferees of the Senate on the bill.

Mr. HEYBURN. That is, as an original report.

Mr. LA FOLLETTE. Yes, sir.

Mr. HEYBURN. That is the regular order.

Mr. LA FOLLETTE. Yes.

The VICE PRESIDENT. The papers that have come from the House should be on the Secretary's desk.

Mr. LA FOLLETTE. The papers are in the possession of the Senate, and I present the conference report.

Mr. HEYBURN. Yes, Mr. President, but the record——

The VICE PRESIDENT. If the Chair may be indulged for a moment, the papers which the Senator from Wisconsin has on his desk should be on the Secretary's desk and should be laid before the Senate by the Chair, and then the Senator should present the conference report.

Mr. LA FOLLETTE. If the Chair will permit me——

The VICE PRESIDENT. Certainly.

Mr. LA FOLLETTE. The papers having been messaged over to the Senate, they are in the possession of the Senate.

The VICE PRESIDENT. And should be on the Clerk's desk.

Mr. LA FOLLETTE. Then there can be no question, and I think there could have been no question before, under the rules of the Senate, that the conferees could have at any time presented their report.

The VICE PRESIDENT. Certainly; but not until the Chair had laid before the Senate the papers that came from the other House.

Mr. LA FOLLETTE. I present the report without reference to the action of the House, as the Senate conferees have the perfect right to do.

The VICE PRESIDENT. But the papers should be here, and the papers are here.

Mr. LA FOLLETTE. They are here.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

Mr. HEYBURN. Does the Chair present it as a conference report coming from the House?

The VICE PRESIDENT. He presents it as a message coming from the House of Representatives.

Mr. HEYBURN. Then I will object to that. That was the objection I suggested, because, under the law governing both bodies, no such papers can come from the House. These papers were in the possession of the Senate. They have no right under the law to be in the possession of the other body. That is clearly the law. There can be no question about it, I think.

The VICE PRESIDENT. The Chair is not of that opinion.

Mr. HEYBURN. It is stated in the rule in regard to conference committees that the conference must be asked for by the House possessing the papers, and the papers must be left with the conferees of the House granting it; that is, the Senate. The Senate granted the conference; they are in possession of the papers. Whether physically in possession or not, they are in possession of them under the rule. In one case the papers were in the physical possession of neither body; they were lying on a table in a committee room; but the Chair ruled that inasmuch as the law governing both bodies with reference to conferences prevailed, they should be with the House granting the conference and the physical possession made no difference. These papers were in the hands of the Senate conferees, and the rules governing this body are as binding as the law of the land. Neither House can disregard them. It would require joint action of both Houses to disregard the rules that are made applicable to the joint procedure of the two Houses. They provide in unquestioned terms that the papers must be left with the conferees of the House granting the conference, by which House and at what stages to be asked is laid down on pages 139 and 140 of Jefferson's Manual, which is the law governing it.

Now, because, forsooth, the House wrongfully had the physical possession of the papers, it gave it no right to act upon the conference report; and if there was no jurisdiction in the House to pass upon the conference report then the Senate should not receive it. The Senate acts originally upon the report under the law.

The Senator from Wisconsin, having charge of these papers and of this conference report, may very properly make an original report to the Senate, but there is nothing in the papers purporting to be a message from the House that can be laid before the Senate any more than as though there had been no bill passed. There is no jurisdiction for it to pass upon it.

Inasmuch as this has been the subject of frequent discussion, commencing as early as 1813 and carried all through the line of precedents, and it having been uniformly held that the mere accidental possession of the papers was not the possession contemplated by the parliamentary law governing us, I take the position that if we act here this morning, we must act upon the report of the conference that comes from our own conferees and not upon the report coming over from the House.

See the difference that it makes in legislation. It gives this body the possession and the jurisdiction of the question now, and it may never go to the House. This conference report may die or be defeated in this body, and it is a very serious question, affecting legislation vitally. It is not a question of easy accommodation, because we have the conference report here where it belongs. There can be no action in the other body until this body has acted upon it. There can not be concurrent action. There can not be concurrent jurisdiction to act upon it. It affects the very life of the legislation.

Suppose it were an appropriation bill, the conference being granted by the Senate, the mere fact that the papers were placed upon the wrong table or handed to the wrong man would not affect the jurisdiction of this body to first determine the action of the conference as to accepting or rejecting it. It would affect the legislation vitally, because until this body does pass upon it the other body has no jurisdiction.

Now, because, and only because, of the seriousness of this question have I assumed to take the time of the Senate. Here is a bill coming to the Senate from the House as other revenue bills, acted upon by the Senate, amended, and the conference at the hands of the Senate, the bill in the possession of the Senate, safe against the contention of the other body. Our amendments are safe against attack until after we have passed upon the question as to whether we will insist upon the amendments. It would be, if I may use a familiar term, rather slipshod legislation to say it did not make any difference which House passed upon it first, because one House might be favorable to the legislation and the other unfavorable to it, and if it came to the House under the parliamentary law that had jurisdiction of it that House would have a right to keep the legislation within its own possession and say that unless you do concur in the views of this body we will not permit this legislation to again see the daylight. That is not only a great privilege, but it is a sacred privilege. It belongs to the jurisdiction of the House, whichever one it may be, and gives it the power to control and enforce its legislation.

I urge this not because it would probably make much difference in this case, and yet it might. This wool schedule is open to debate and it is open to debate in this body and not in any other until after this body has passed upon the report and either adopted it or rejected it or sent the conferees back.

I do not want to discuss the wool schedule upon the basis of a conference report coming from the House, but I do want to discuss it upon the basis of a conference report coming from our own conferees originally into this body. Therefore I ask that the report offered by the Senator from Wisconsin be the report accepted by the Senate, and that the Senate do not accept the other report, because it is without jurisdiction, and that fact is within the knowledge of this body and needs no proof or circumstance to establish it.

Mr. LA FOLLETTE. Mr. President, the report presented by the Senate conferees is the only report before the Senate. It is presented under the rules and is in order.

Mr. HEYBURN. I do not object to it.

Mr. LA FOLLETTE. I understand the Senator from Idaho does not object to that.

Mr. HEYBURN. No; but I object to the one that the Chair presented.

Mr. LA FOLLETTE. But that is not the report which is before the Senate.

Mr. HEYBURN. The Chair presented it.

The VICE PRESIDENT. The Senator from Wisconsin presented a conference report, which he had a right to do under the rule. The Senate received a message from the House of Representatives on yesterday transmitting certain papers. It was necessary that those papers should be here to have the report of the Senator from Wisconsin acted upon. They are here. The report is here. The question is on agreeing to the report.

Mr. LA FOLLETTE. I move that the Senate agree to the report of the Senate committee of conference.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. The Senator from Wisconsin moves that the Senate agree to the conference report. The Senator from Idaho is recognized.

Mr. HEYBURN. I ask that the conference report be printed. It will obviate the necessity of interrogating the Senator from Wisconsin.

Mr. LA FOLLETTE. I ask to have it presented to the Senate.

Mr. HEYBURN. Does the Senator concur in the request that it be printed?

The VICE PRESIDENT. It will be read, and when read will be printed in the RECORD as a matter of course.

Mr. LA FOLLETTE. I expected it to be read.

Mr. HEYBURN. Will the Senator consent that it go over and be printed, so that we may have the print before us when we discuss it?

Mr. LA FOLLETTE. I would like to dispose of it to-day——

Mr. HEYBURN. I do not think that is possible.

Mr. LA FOLLETTE. If it is possible.

Mr. HEYBURN. I do not think it is possible.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. The better course perhaps is to have the conference report read first any way.

Mr. LA FOLLETTE. I ask to have the conference report read.

Mr. HEYBURN. Very well.

The VICE PRESIDENT. The Secretary will read the conference report.

Mr. LA FOLLETTE. That will put it in the RECORD.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

"Schedule K. Wool and manufactures thereof.

"360. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 29 per cent ad valorem.

"361. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on woolen rags composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, the duty shall be 29 per cent ad valorem.

"362. On combed wool or tops and roving or roping, made wholly of wool or camel's hair, or of which wool or camel's hair is the component material of chief value, and all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, the duty shall be 32 per cent ad valorem.

"363. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 35 per cent ad valorem.

"364. On cloths, knit fabrics, flannels not for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing and on all manufactures of every description made by any process of wool or of which wool is the component material of chief value, whether containing india rubber or not, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"365. On all blankets, and flannels for underwear, composed wholly of wool, or of which wool is the component material of chief value, the duty shall be 38 per cent ad valorem.

"366. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; on Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; and on carpets of every description, woven whole for rooms, and oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

"367. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; and on velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

"368. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; on treble ingrain, three-ply, and all-chain Venetian carpets; on wool Dutch and two-ply ingrain carpets; on druggets and bockings, printed, colored, or otherwise; and on carpets and carpetings of wool or of which wool is the component material of chief value, not especially provided for in this section, the duty shall be 30 per cent ad valorem.

"369. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

"370. On all manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 360 form the component material of chief value, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"371. Whenever in this act the word 'wool' is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process."

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of October, 1911.

And the Senate agree to the same.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.
O. W. UNDERWOOD,
C. B. RANDELL,
FRANCIS BURTON HARRISON,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the report.

Mr. LA FOLLETTE. I will present to the Senate a written statement by the managers on the part of the Senate:

The managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and the manufactures of wool, submit the following statement upon the agreement recommended in the accompanying report:

The agreement of the committee of conference is in the form of a substitute for the House bill and the amendment of the Senate as to the differences between the two Houses on the rates of duty on wool and the manufactures thereof, is as follows:

The rate of duty agreed upon for all raw wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, is 29 per cent ad valorem instead of 20 per cent ad valorem, as proposed in the House bill, and 35 per cent ad valorem on fine wools, 30 per cent ad valorem on fine wools on the skin, and 10 per cent ad valorem on all coarse wools and hair, as proposed in the Senate amendment.

The rate of duty agreed upon for all wool wastes and woolen rags is 29 per cent ad valorem instead of 20 per cent ad valorem as proposed in the House bill and the rates of 25 per cent ad valorem on shoddy, noils, wool extract, yarn waste and thread waste, woolen rags, mungo, and flocks, and 30 per cent ad valorem on top waste, slubbing waste, roving waste, ring waste, and garnetted waste, as proposed in the Senate amendment.

The rate of duty agreed upon for combed wool or tops and on all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for, is 32 per cent ad valorem instead of 25 per cent ad valorem, as proposed in the House bill, and 40 per cent ad valorem, as proposed in the Senate amendment.

The rate of duty agreed upon for yarns is 35 per cent ad valorem instead of 30 per cent ad valorem, as proposed in the House bill, and 45 per cent ad valorem, as proposed in the Senate amendment.

The rate of duty agreed upon for cloths, knit fabrics, women's and children's dress goods, coat linings, Italian cloths, buntings and goods of similar description and character, ready-made clothing and articles of wearing apparel of every description not specially provided for is 49 per cent ad valorem instead of 40 per cent ad valorem, as proposed in the House bill on cloths, knit fabrics, felts not woven, and all manufactures of every description not specially provided for, and 45 per cent ad valorem, as proposed in the House bill, on women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description, and 45 per cent ad valorem as proposed in the House bill on ready-made clothing and articles of wearing apparel of every description not specially provided for, and 35 per cent ad valorem as proposed in the House bill on webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, guimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings and articles made wholly or in part of lace, embroideries, and so forth, 55 per cent ad valorem as proposed in the Senate amendment.

The rate of duty agreed upon for all blankets and flannels for underwear, composed wholly of wool or of which wool is the component material of chief value, is 38 per cent ad

valorem, instead of 30 per cent ad valorem as proposed in the House bill on blankets and flannels valued at less than 50 cents per pound, and 45 per cent ad valorem as proposed in the House bill on blankets and flannels composed wholly or in part of wool when valued at more than 50 cents per pound, and 55 per cent ad valorem on all blankets and flannels for underwear as proposed in the Senate amendment.

The rate of duty agreed upon for Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, on Saxony, Wilton, and Tourney velvet carpets, figured or plain, and all carpeting of like character or description, and on carpets of every description, woven whole for rooms, and on Oriental, Berlin, Aubusson, Axminster, and similar rugs, is 50 per cent ad valorem instead of 40, 35, and 50 per cent ad valorem, as proposed in House bill, and 35 per cent ad valorem, as proposed in the Senate amendment.

The rate of duty agreed upon for Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, and on velvet and tapestry velvet carpets, figured or plain, printed on the warp, or otherwise, and all carpets or carpeting of like character or description, is 40 per cent ad valorem instead of 30 and 25 per cent ad valorem, as proposed in the House bill, and 35 per cent ad valorem, as proposed in the Senate amendment.

Mr. HEYBURN. Let me interrupt the Senator, Mr. President. I should like to have those figures stated again.

Mr. LA FOLLETTE. The rate of duty agreed upon for Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, and on velvet and tapestry velvet carpets, figured or plain, printed on the warp, or otherwise, and all carpets or carpeting of like character or description, is 40 per cent ad valorem instead of 30 and 25 per cent ad valorem, as proposed in the House bill, and 35 per cent ad valorem, as proposed in the Senate amendment.

Mr. HEYBURN. That is 40 per cent ad valorem in the conference report?

Mr. LA FOLLETTE. In the conference report.

Mr. HEYBURN. Instead of 30 per cent and 25 per cent.

Mr. LA FOLLETTE. Instead of 30 per cent and 25 per cent ad valorem, as proposed in the House bill, and 35 per cent ad valorem, as proposed in the Senate amendment.

Mr. HEYBURN. Mr. President, that can not be done by a conference report.

Mr. LA FOLLETTE. If the Senator will permit me, I will conclude the reading of the report.

Mr. HEYBURN. Yes; but I want to be able to identify that item, because it is in violation of the rules governing conference committees.

Mr. LA FOLLETTE. That we will discuss hereafter. [Continuing the reading of the statement of the Senate conferees:]

The rate of duty agreed upon for tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, and on treble ingrain three-ply, and all chain Venetian carpets, and on wool Dutch and two-ply ingrain carpets, and on druggets and bockings, printed, colored, or otherwise, is 30 per cent ad valorem instead of 25 per cent ad valorem, as proposed in the House bill, and 35 per cent ad valorem, as proposed in the Senate amendment.

The rate of duty agreed upon for all manufactures of hair of the camel, goat, alpaca, or other like animals is 49 per cent ad valorem instead of 35, 40, and 45 per cent ad valorem, as proposed in the House bill, and 30 per cent ad valorem, as proposed in the Senate amendment. This change was made necessary as a result of increasing the duty on the raw material from 10 per cent ad valorem, as proposed in the Senate amendment, to 29 per cent ad valorem, as insisted upon by the House conferees.

It is agreed that the date when the act shall take effect and be in force be changed from January 1, 1912, to October 1, 1911.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

The VICE PRESIDENT. The Senator from Idaho having objected to the present consideration of the conference report, the question is, Will the Senate now consider the report?

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. The question is not debatable.

Mr. HEYBURN. I know it is not; but, if the Chair will permit me, I did not understand whether the Senator from Wisconsin agreed to have this printed to-day. I would not raise the point if it could be printed to-day.

The VICE PRESIDENT. It may be that the Senator does not wish it considered now; but the Chair understood that he did.

Mr. LA FOLLETTE. I certainly have asked for its consideration to-day.

The VICE PRESIDENT. The Senator from Idaho objects. Therefore, the question is on the motion to consider the conference report.

The motion was agreed to, and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Before the Senator from Idaho begins, so that the Senator will not misunderstand the Chair, the Chair laid before the Senate the message from the House of Representatives which was sent over with the conference report, which was agreed to there. The Senator from Idaho objected to its receipt. The Chair stated to the Senator from Idaho that an objection did not avail. It may be that the Senate might desire to refuse to receive the report on motion by a vote, but a single objection would not avail. The Chair wanted to make that plain to the Senator from Idaho.

Mr. HEYBURN. Mr. President, I think it is of sufficient importance, both as it affects this case and as determining the practice, to raise that question and let it be passed upon. I move that the Senate will not receive the report from the other House. I think the Chair has just stated that in rather different language. I objected to receiving the report, and I ask that that question be submitted. If a motion is not in order, the Chair, I presume, under general parliamentary practice, would submit the question to the Senate.

The VICE PRESIDENT. The Chair thinks that the motion that the Senate refuse to accept the message from the other House would be in order.

Mr. HEYBURN. Then, I make the motion that the Senate refuse to accept the message from the House of Representatives.

The VICE PRESIDENT. The Senator from Idaho moves that the Senate refuse to accept the message from the House of Representatives transmitting the House conference report with the information that it has been adopted by the House. The question is on that motion. [Putting the question.] The motion is lost.

Mr. HEYBURN. I ask for the yeas and nays, and I hope they will be given.

The yeas and nays were not ordered.

Mr. HEYBURN. Well, Mr. President, I will bring the matter to the attention of the Senate. If Senators are not impressed with the responsibility of maintaining the rules that protect their own procedure, I will not be included in that irresponsibility. There is no clearer proposition stated in the legislative law governing this body than that the Senate should stand upon its rights in regard to this matter, yet in this hour it seems to be very careless as to whether it does. The time may come, and the time will come, when it will realize that questions of this kind are worthy of more than a smile. The idea of the Senate of the United States caring so little for the parliamentary rules that protect it in its legislation as to refuse the yeas and nays on a motion of that kind will some day be appalling. Perhaps Senators would rather get home. Well, that is a worthy desire sometimes.

This report violates the law governing and limiting the rights of conferees in more than one instance. A few instances will be sufficient. The conferees have raised the duties on carpets above both rates prescribed by the House and the Senate. They can not do it unless they choose to violate that rule, as they have shown a willingness to have other laws violated; that is all. I do not know that it avails anything to point out these violations of the law in this hour, but it shall never be said that they were not pointed out.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; I do.

Mr. SMOOT. While the Senator from Idaho is on that point I want to call his attention to a more flagrant case than that of carpets.

The duty on the hair of the camel, goat, alpaca, or other like animals was 20 per cent under the Underwood bill and free under the original La Follette bill; the La Follette substitute made it 10 per cent, and now the conferees come in here with a report to make the duty 29 per cent.

Mr. HEYBURN. We might extend that criticism to several other items; in fact to nearly all of them. In this hour of absolute disregard of the law, perhaps that will be all right.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Yes; I yield.

Mr. CURTIS. I think the proper way to reach this point, if there has been a change made by the conferees which is not authorized, would be by a point of order.

Mr. HEYBURN. A change! Why, the changes are too numerous to count.

Mr. CURTIS. What I desire to know is whether the Senator is making a point of order against such changes?

Mr. HEYBURN. No; I am not making a point of order, because I propose to let the RECORD show for the future how seriously these questions were considered at this time—whether it was more important to get home than it was to follow the law.

The rate of duty proposed upon yarns is 35 per cent ad valorem, instead of 30 per cent, as fixed in the House bill, and 45 per cent, as proposed by the Senate amendment. That is within the rule; that is a compromise between two rates; but 49 per cent as against 40 per cent, the highest rate proposed by either House, is not within the rule; in other words, the conference committee have assumed to legislate outside of and beyond the terms of the bill of either House, and they have done it in direct violation of the laws governing conferences. There is a line of decisions in our book of precedents, covering pages, wherein the law is stated as it has been since the earliest days of the Congress of the United States that prohibits it; and the same is true in all legislative bodies.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Florida?

Mr. HEYBURN. Yes; I yield.

Mr. FLETCHER. As I understand, Mr. President, the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] was that the Senate adopt the conference report. After that the Chair put the motion that the Senate proceed to the consideration of the conference report, which motion was agreed to. Now, I ask, for the purpose of ascertaining just exactly what is the parliamentary situation, is the question now before the Senate on the motion to adopt the conference report?

Mr. HEYBURN. That is the question.

Mr. FLETCHER. Do I understand that to be the parliamentary situation, Mr. President?

The VICE PRESIDENT. The pending question is on the motion to adopt the conference report.

Mr. HEYBURN. If the points which appear upon the face of the statement read by the Senator in charge of the conference report do not attract the attention of this body in this hour, perhaps some day, when these conditions are cited as a precedent, Senators will take notice. If we want to establish a precedent of this kind at this time for convenience, it may be inconvenient to meet these questions in future legislation. So much for the report.

Mr. President, the reduction of the duty upon wool, from 11 cents to 29 per cent ad valorem, is destructive of that interest in this country and also destructive of the meat interest involved in it. The duty of 29 per cent ad valorem on the price of wool yesterday in the market from which we buy wool is less than 2 cents a pound. It is a reduction from 11 cents today to less than 2 cents a pound. I have taken some care to ascertain the price upon which the customs duties would be estimated at the customhouse, and on the basis of yesterday's prices the duty as proposed in the conference report would have been one and a little over seven-eighths cents. They call that protection.

The wool industry of this country has grown up under a protective duty of 11 cents a pound. Senators, in the kindness of their hearts, have sought to excuse somebody for something by saying that it is only nominally 11 cents. I have gone as far into that question as the facts and conditions will permit it to be investigated, and I take issue with them. Merely because one quality of wool is included in the classification under the Payne-Aldrich bill, it does not follow that it diminishes the duty of 11 cents upon the fleeces.

I have taken some pains to ascertain the percentage of wool coming into this country that comes in fleeces. Such wool is unskirted; it comes in whole fleeces, and it includes the skirting clause, upon which the Senator from Utah [Mr. SMOOT] a few days ago gave us some very interesting information. When you bring the whole fleece in under a duty of 11 cents, it is immaterial how much of it comes in under the skirting clause or any other classification, because the duty is upon the whole fleece, to be apportioned in the estimate only by the purchaser and not at the customhouse. The great bulk of wool that comes into this country comes in whole fleeces.

I wonder if Senators know, as a business proposition, what is the effect of this conference report. It used to be said to us that by reducing duties we enlarge our foreign market. I heard that preached up and down this country in 1892, in 1894, and in 1896. They said that unless we gave the world generous terms the world would not buy of us. I have the Government's figures before me. Taking the two periods of four years, the outside world bought less of us when we were buying most in the foreign market. In the four years from 1894, covering 1897—really three years and a half—our imports of wool doubled. I am speaking in general terms to avoid using the detailed figures which I have before me. Our exports during that same time averaged about 25 per cent less than they did during the four years previous. There is the answer to the proposition that the world will not buy of us unless we buy of them and admit their goods free of duty. The importations of wool during the four years of the Wilson law were more than double the importations of the same commodity during the preceding four years and during the succeeding four years; so that the removal of the tariff on wool resulted in doubling our importation, diminishing and destroying the industry. It not only added nothing to the export trade, but diminished it. It diminished it, because as the flocks went out of existence we did not have the commodity to sell; we did not have that proportion and kind of commodity that goes into the foreign market.

Now, you are trying in this hour to repeat that experience, and you will succeed if you ever get this bill through. I have been admonished that there will be nothing gained by speaking in this hour; that there is some power waiting somewhere to lift our hope on wings of relief and protect us against our mistake. Well, I have no responsibility there; I have one here, and I propose to keep pretty close to my own responsibility and to rely as little as possible upon the responsibility of somebody else, and I do not care where that responsibility is.

I do not want this measure to go out to the country as having received anything but the condemnation of those who believe in the protective tariff policy of the Republican Party, and I do not intend that it shall. I want it printed in the same pages that tell the world of the mistake of this hour that we were not unconscious of the folly that we were committing.

It is a serious question. It is said: "Oh, do not be afraid; it will not become a law. We are going to shift our responsibility on to the shoulders of the executive branch of the Government." That does not appeal to me. I do not know what the President of the United States is going to do. I do care, but I do not know, and I am not going to anticipate his action. If it were as hot in here as the desert of Sahara and the days were longer than they are, nevertheless I would give some attention to a duty that rested upon me.

Mr. President, those figures ought to stop any man on either side of the House right here and compel him to vote against this report. Those figures are not in thousands of dollars; they are figures in hundreds of millions of dollars. Just think of the American people in those years of distress, those lean years, when it was all that they could do to live through them, and but for the hope at the end they would have been unable to endure them, just think of them paying out during that time $990,000,000 for wool to foreign countries! That money never came back—not a dollar of it. Nine hundred and ninety million dollars were spent abroad for wool that we should have and could have produced right here at home, and yet we sit here and let this conference report, that is a violation of every rule that governs this body, proceed to adoption, and we look on with a smile.

Do we regard it as unimportant to enact legislation that removes the duty on wool? Congress might as well have gone on and imposed a fine upon the raisers of sheep. It could not have hurt them any worse. They are being destroyed. A duty of 29 per cent on wool which in the market is worth 7¼ cents—and the market price is the basis upon which ad valorem duties are estimated—is a pretense. When you talk about 29 per cent protection on wool you are talking about a farce, and yet it is said, "Do not bother yourself; somebody will save us; somebody will throw out a plank." Why, a measure like that ought to be opposed upon this floor as long as the strength of men would endure. You sit here and draw $7,500 a year, and you will not starve, but you will starve thousands of people elsewhere who do not draw $7,500 a year; you will starve them all right, and yet the matter is regarded as a joke.

I am not speaking alone for my own State, but I am speaking for the citizens of all the States where this industry prevails.

Idaho is one of the large hay-producing States. Her hay crop is worth $15,000,000 a year. The sheep make a market for that crop. It is sold and fed to these animals, which, with the shepherd and his crook, are about to start for new pastures away from our country. It is a matter—I can not call it a matter of sentiment, and it would be absurd to call it a matter of business, so I will leave it unbranded. Yet we are expected patiently to sit here and see it go somewhere, in the hope that somebody will "scotch the snake." Of course, I have no hope of doing more than to express the views I entertain. I am not going to attempt any filibuster against this report, but I have some difficulty in keeping my mind within conservative lines of expression when I contemplate this kind of legislation.

Then they want to shut down the cotton mills of the South and the North for spite; they want to do so because somebody did something to them. I can not vote for that kind of thing. I would stand here opposing the reduction of the duties on cotton goods and manufactures just as long as I would on wool or lumber or farm products or the products of the mine or anything else, because I am a protectionist by principle and not by section.

We feed millions of dollars' worth of hay and grain to flocks that are involved in this kind of legislation, but we will not have the market for that hay and grain when these animals have been legislated out of the country.

It seems to me that this is the hour of political madness. We are in the dog days, and that may account for it, perhaps; but it is surely the hour of political madness when men will stand here with theories and fancies in regard to legislation affecting the interests of other people and propose a measure so absolutely devoid of justice and reason as is this.

Senators from cotton States, how could you support a measure like that, and then, as you must, insist upon adequate protection between your cotton producers and spinners and those of other countries in the world? It has started out wrong on both sides. Somebody thought months ago that they could get into power by fooling the people as to what ought to be done, and promising that they would do it. They made a mistake. They said, "We will get somebody to tell us what it costs to produce things abroad and at home and compare them, then we will fix the profit that they shall make, and the Government will guarantee success to business enterprises by fixing the per cent of profit." Well, if they can do it in commerce, why can they not do it in the case of railroads and every other enterprise, including banks, and say how much money the banks shall make?

Just look at this for a moment. I want to call your attention to this phase of ad valorem duties. Here are the quotations on wool. This is interesting. In the year 1910 coarse wool, washed wool, was 34 cents; in 1909 it was 73 cents. I will go one year back. In 1908 is was 36 cents. Suppose the ad valorem duties had been based upon the price of wool in 1898, and then the next year wool went up to 75 cents, would you change the tariff schedule to conform to the change in the value of the commodity?

Suppose upon wool, which last year was worth 22 cents a pound, which, upon a customhouse basis, would be about 13, you put 29 per cent ad valorem, and this year it is 13½—yesterday 14—what becomes of the equality in the protection? An ad valorem duty of 15 cents wool last year and on 6¾ and 7 cents wool to-day—I am giving foreign prices now—would mean that you would either have to readjust your tariff schedules every year or that the man in business would have to readjust his business through the hands of a receiver.

Ad valorem duties shift and change every day. I have before me a table of the price of commodities affected by this schedule this year and last year and the year before, showing the uncertainty and unsatisfactory methods of an ad valorem duty that must be based or estimated at the customhouse by percentage upon price at the time of the importation with the varying prices that occur every month and sometimes every day.

Then, again, look at this: What effect would it have upon merchants' undertakings? A merchant buys wool in May. He buys wool in May, and pays an ad valorem duty upon the basis of 7 cents. His neighbor buys it in July, and pays an ad valorem duty upon 5 cents. How are those two men going to have fair competition, based upon the cost of the product that they are selling?

You take a woolen mill that is using up tons of wool a day. One mill on one side of the street buys it when the ad valorem duty of 29 per cent amounts to only, say, 5 cents, and wool drops, as it did when this bill was reported, 4 cents a day, and his neighbor buys his wool on the reduced market with the advantage of 4 cents in price and 29 per cent of 4 cents added to that, and then they both start their mills to work to manufacture it, and one of them has a product that cost him one price and the other has a product that cost him a greater price, and how are those two men both going to live in the business world? One of them can sell the other out of existence.

There is the difficulty with that class of duties; and the idea of a Republican conference committee or a Republican Senate shifting from specific to ad valorem duties in an hour, as it were, abandoning the principles that they have contended for since the foundation of the party. At whose behest? At the behest of those who have never known anything of practical government or politics—and I use it in the respectable sense and not in the disreputable sense—who have known nothing about it; who theorize and talk about it, but who have never successfully conducted either a political or a business enterprise. They came here and said, "Why, yes; ad valorem duties." If you could fix by legislation the price at which commodities should be bought, and have it fixed for a year, then all men would be on the same footing buying on the basis of ad valorem duties. But inasmuch as the price shifts every day, the cost of the product of the buyer in this country differs every day.

The great party of protection seems to be napping at this time. It seems to be in the hands of men who care more for being in office than they do for the principles of the party they are supposed to represent. That is what is the matter with our party politics to-day. The question is, "Can I stay there another term? Can I be reelected?" It is not the question, "Are you for the old principles of the party that have been tried and tested and found to be sufficient?" That is not the question. The question is, "How many votes will it cost me if I do this or that or do not do it?"

The great difficulty is that the virus of this condition finds its way into the coming voters—that is, the generation who are to follow—and I am afraid it will require a severe dose of experience to cure this evil.

Mr. President, I am loath to see the conditions that surround us to-day in legislation. We met here under the supposition that the country was in distress, travail, and that we had to redeem it. We have been in session since April, and we have widened Florida Avenue 3 feet for a length of two squares, and we have provided for the building of some bridges across some rivers; but we have not passed a single law except two urgent deficiency bills. They were, of course, a natural result of this session. Outside of that we have enacted no legislation.

Mr. BACON. The Senator from Idaho forgets when we corrected the errors of the last Congress in a matter in which he was vitally interested.

Mr. HEYBURN. No; we did not do that. We repealed some laws that were enacted at the last session.

But we did widen Florida Avenue, and of course that was important. Some people think we have passed a reciprocity tariff act, but we have not. We have to have the consent of a little lady up north here that we see pictured so often as Miss Canada. We are in small business. Instead of being a dominant power among the nations of the earth, we are waiting at the behest of a people that are not a nation, but only a Province. We are not even matching pennies with a full-grown opponent. We are matching pennies with Canada, and Canada will probably do what the small child generally does—it will flaunt its fingers at us and trot away.

Mr. BACON. The Senator will not consider that the time of the session has been entirely lost, because we have had a great deal of interesting talk.

Mr. HEYBURN. That is perhaps gainful to some. I have benefited by much that I have heard, but I would have gotten it anyhow at some time. But we have been engaged in high patriotic duties.

They tell us that no measure that has been voted upon here will receive the approval of the Executive. I am not going to enter into the consideration of that. If it does not receive that approval, we have wasted our time, and these speeches to which the Senator from Georgia refers have gone off into the air. But it has been a great occasion. It is useful as a lesson, just as the danger sign is useful at the air hole in the ice. We will probably not again skate around so near to it. I think that somebody else will think before they spend $2,000,000 as the expense of keeping men who happen to be in office at their duties. I think so. There never was such a waste of time and money in the history of the Government as that represented by this futile Congress in special session.

If any Senator can call my attention to any measure of value that has or will become a law by reason of this special session, I will be interested to know about it, and so will the people when they inquire about it. They will be interested, and they

will wait for an answer just about a minute, and if the answer does not come quick and sharp and clear and satisfactory, the people will probably indulge in a pronouncement that will not be forgotten in the lifetime of anyone present.

Now, take this wool bill, and if you will, sacrifice the interests of these people whom you do not know, but who are just as much citizens of this country and entitled to the benefits of its laws as are the Members of this body. I have said my say.

Mr. LA FOLLETTE. Mr. President, I do not purpose to take the time of the Senate to reply to anything said by the Senator from Idaho [Mr. HEYBURN] except to his strictures upon the conference committee for having departed from the rates fixed in either the Senate or the House bill.

This bill, of course, originated with the House. It came to the Senate. It was not amended by the Senate except as it was amended by the substitute striking out everything below the enacting clause and introducing an absolutely new measure. That opened the entire subject to the fixing of such rates as the conferees might see fit to name.

There is a uniform line of precedents upon that subject, and I send to the clerk's desk for reading by the clerk only two or three, which I have marked, reported in Hinds' Precedents:

The PRESIDING OFFICER (Mr. OLIVER in the chair). Without objection, the clerk will read as requested.

The Secretary read as follows:

Hinds' Precedents, volume 5, section 6421:

"Where one House strikes out all of the bill of the other after the enacting clause and inserts a new text, and the differences over this substitute are referred to conference, the managers have a wide discretion in incorporating germane matters, and may even report a new bill on the subject. On March 3, 1865, Mr. Robert C. Schenck, of Ohio, from the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 51) entitled 'An act to establish a bureau of freedman's affairs,' reported that the Senate had receded from their amendment, which was a substitute, and the committee had agreed upon, as a substitute, a new bill, entitled 'An act to establish a bureau for the relief of freedmen and refugees.'

"As soon as the report had been read, Mr. William S. Holman, of Indiana, made the point that the report did not come within the scope of the conference committee. It did not report the proceedings of the Senate or an agreement by the committee on an amendment to the Senate's amendment to the House bill, but it reported an entire substitute for both the original bill and the substitute adopted by the Senate, and it established a department unprovided for by either of the other bills."

The Speaker [Mr. Colfax] said:

"The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them."

On an appeal the Chair was sustained—yes 89, nays 35.

The SPEAKER. The Clerk will now read the ruling of Mr. Speaker Carlisle.

The Clerk read as follows:

"Section 6422 of Hinds' Precedents, volume 5:

"'6422. On August 3, 1886, the House had under consideration the report of the committee of conference on the river and harbor bill.

"'Mr. William M. Springer, of Illinois, made the point of order that the conferees had included new matter in their report.

"'The Speaker (Mr. Carlisle) ruled:

"'The House passed a bill to provide for the improvement of rivers and harbors and making an appropriation for that purpose. That bill was sent to the Senate, where it was amended by striking out all after the enacting clause and inserting a different proposition in some respects, but a proposition having the same object in view. When that came back to the House it was treated, and properly so, as one single amendment and not as a series of amendments, as was contended for by some gentlemen on the floor at the time.

"'It was nonconcurred in by the House and a conference was appointed upon the disagreeing votes of the two Houses. That conference committee having met, reports back the Senate amendment as a single amendment with various amendments, and recommends that it be concurred in with the other amendments which the committee has incorporated in its report. The question, therefore, is not whether the provisions to which the gentleman from Illinois alludes are germane to the original bill as it passed the House, but whether they are germane to the Senate amendment which the House had under consideration and which was referred to the committee of conference. If germane to that amendment, the point of order can not be sustained on the ground claimed by the gentleman from Illinois. The Chair thinks they are germane to the Senate amendment, for, though different from the provisions contained in the Senate amendment, they relate to the same subject, and therefore the Chair overrules the point of order.'"

The SPEAKER. The Clerk will read the decision by Mr. Speaker Henderson.

The Clerk read as follows:

"Section 6423, volume 5, Hinds' Precedents:

"'6423. On February 25, 1901, Mr. GILBERT N. HAUGEN, of Iowa, presented the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898.

"'The conferees recommended that the House recede from its amendment, which was in the nature of a substitute, striking out all after the enacting clause and inserting a new text; and they further recommended that the House agree to the Senate text with certain specified amendments.

"'Mr. OSCAR W. UNDERWOOD, of Alabama, made a point of order that the conferees had exceeded their authority and incorporated in their report matters not in difference between the two Houses. The House text had substituted reference to the Court of Claims instead of to the commission proposed by the Senate text. The conferees not only recommended the adoption of the Senate text, but had enlarged the provisions of it, making the number of commissioners five instead of three, although, he asserted, there was no issue between the two Houses on this point, and also materially changing the Senate text in those portions relating to the right of appeal.'

"After debate the Speaker [Mr. Henderson] held:

"'The current of authorities in regard to the action of the conferees is that they must be held strictly to the consideration of such matters as are in issue between the two Houses. That is the general governing principle, and a most valuable one, and a necessary one. In this case, however, the Chair sees no difficulty. As stated by the gentleman from Pennsylvania [Mr. Mahon], the Senate presents a proposition for a commission; the House turns that down, so to speak, and adopts an amendment, by way of substitute, providing that these Spanish claims shall be referred for determination to the Court of Claims. In other words, the Senate contends for a commission, the House for the Court of Claims. The method of treating these Spanish claims is thus put in issue. The House, when it sent over to the Senate its amendment by way of substitute, said: 'We will not entertain your method; we have a better one; we offer you a substitute whereby these matters shall be referred to the Court of Claims instead of a commission.' That puts in issue every question bearing upon this controversy between the two Houses. The able remarks of the gentleman from Alabama [Mr. UNDERWOOD] have not suggested a single question that is not brought in issue between the two Houses in the present position of this question. The conferees have not gone beyond the matters in issue. On this point the Chair will ask the Clerk to read from the Parliamentary Precedents of the House of Representatives, section 1420, a decision made by Speaker Colfax.'

"The section having been read, the Speaker concluded:

"'The House will readily see that the precedent just read bears strongly on this question, although in the present case the conferees have not gone so far as they did in that case. There is nothing here that is not germane to the main issue. In reference to no matter in controversy between the two Houses have the conferees attempted to trench upon or change a single expression that the two Houses have agreed upon. The Senate sends to this House a bill for which the House presents a substitute, and the report of the conferees seeks only to treat the matters in issue. The Chair feels clear that he is justified in overruling the point of order. The question is on agreeing to the report.'"

Mr. LA FOLLETTE. The precedents which I have requested the Secretary to read completely answer the criticism made by the Senator from Idaho. I do not care to take the time of the Senate to make any reply to anything the Senator from Idaho said.

The VICE PRESIDENT. The Chair does not understand that the Senator from Idaho raised the point of order, although he discussed it. So there is nothing to dispose of.

Mr. SMOOT. Mr. President, I have no desire to detain the Senate long, but I do feel it my duty to call its attention to some of the inconsistencies in the bill as reported by the majority of the conferees of the two Houses.

I also wish to call the attention of the Senate to the course taken by this legislation. I have been a Senator for over eight years, and I have never yet seen a piece of legislation acted upon and pushed through Congress in the way that this has been. It came to this body from the House with certain specified rates, supposed to be the rates that the House of Representatives thought proper as Democratic revenue rates. The Senator from Wisconsin [Mr. LA FOLLETTE] made a speech July 26 upon a substitute that he offered to the bill, and a compromise was reached between the Senator and the Democratic Party to pass his substitute bill with a revision of rates before ever the speech was printed in the RECORD or before any Senator had any chance to read it. I want to call attention now——

Mr. OVERMAN. The Senator does not mean there was an agreement before any bill was passed?

Mr. SMOOT. I said before the speech of the Senator from Wisconsin was printed in the RECORD.

Mr. OVERMAN. Oh!

Mr. SMOOT. I want to call the attention of Senators now to the House bill, to what is known as the "La Follette original substitute," and to what is known as the "La Follette substitute," agreed to by him and the Democratic Party, and passed by the Senate, and to the conference report as the conferees agreed last Saturday.

Again, I suppose a nickel was put in the compromise slot machine yesterday and brought forth another change in the conference report. These substitutes are all different, changed sometimes to the amount of 200 per cent. I noticed in his speech the Senator from Wisconsin made this statement:

I want to ask the attention of Senators upon this particular point: The amendment which I offer, starting with a 40 per cent duty on the raw product—the raw wool—as a base line, has been worked out with elaborate care, and with the assistance of the best experts, I believe, in this country.

That was the statement the Senator from Wisconsin made upon this floor when he offered his original bill, and he goes on and states:

For whatever I have done in constructive legislation, here or elsewhere, I have done not because I have made conquest of the whole

field of knowledge but because I have always been willing to call to my assistance the best expert knowledge of the country, and I think I have done that in the construction of the amendment which I have submitted to the Senate. I say to you that beginning with the 40 per cent base line on raw wools, as you follow the product of raw wool step by step clear through to the finished manufacture, every article takes the duty which it should be given in order to measure the cost of production in the various stages.

I want the Senate to take notice of these perfect rates that had been so carefully studied out and that had been prepared by the best expert knowledge in the country, and see what has become of them and what the Senator from Wisconsin has reported back to the Senate and for which he is asking the votes of Senators.

In the La Follette original substitute Class 1 wool carried a rate of 40 per cent and through some source of juggling of figures or by the mere whim of two men, one from each House, having the destiny in their hands of nearly a billion dollars of property with millions of people depending upon it, submit a conference report and instead of the 40 per cent rate that was based on the best expert knowledge possible to obtain they now say that 29 per cent is the proper rate.

Class 2 wools, certain of them, were 40 per cent. Now they are 29 per cent.

Class 3 wools were 10 per cent. Now they are 29 per cent.

Was the expert wrong? Is the 200 per cent increase right now or was it wrong before?

In his original bill he had the hair of the camel and the Angora goat and the alpaca and other like animals on the free list, and here we find it at 29 per cent.

Let us examine some of the rates upon manufactured goods and see what has resulted to that wonderfully scientific substitute after being studied as no brain ever studied a bill before and presented to the Senate. On this point I read from the Philadelphia North American:

> The La Follette bill is the most scientifically framed protective tariff measure ever presented to Congress.

And not two weeks have passed until its author has consented to changes in some instances amounting to 200 per cent increase. Oh, scientific, of course! I say the bill as reported has been juggled and rates changed by compromises and not because the House bill, the La Follette substitute, or the bill as reported from conference are based upon a scientific principle, but for other purposes.

Again from the same paper:

> It was prepared by a board of experts in strict accordance with the party promise of basing tariff legislation upon scientific data which would show with mathematical accuracy the difference between the labor cost of production in this and competing countries.

Here we have before us, as I said, a report offered by the author of that scientific substitute asking for your votes with changes amounting to 200 per cent in some cases.

Take combed wools or tops. The House provided for 25 per cent. The La Follette original bill provided for 45 per cent. The substitute bill provided for 40 per cent; the conference of last Saturday provided for 34 per cent; and the conference of yesterday provided for 30 per cent.

Take yarns: The House provided 30 per cent; the La Follette original bill provided 50 per cent; the La Follette substitute bill provided 45 per cent; the conference report last Saturday provided 39 per cent, and the conference report of yesterday morning provided 35 per cent. Conditions must have changed rapidly in this country if these are scientific rates as has been told us.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I yield to the Senator.

Mr. CUMMINS. Does the Senator from Utah look upon the tariff bill of 1909 as a scientific production?

Mr. SMOOT. Mr. President, I look upon it as being as much of a scientific production as the present bill and a great deal more so. In the framing of the tariff bill of 1909 at least all the Members of the majority party had something to say about it, but in this case only two, one Member of the Senate and one of the House decided upon the rate.

Mr. CUMMINS. I am speaking now of scientific accuracy. I desire to ask the Senator from Utah further whether he remembers what was done in the paragraph relating to structural iron and steel and the paragraph relating to oilcloths and linoleums in the conference committee; and I ask the Senator whether he regards the work of both the conference committee and the Senate, which was then being led by the Senator from Utah and his associates, as scientific.

Mr. SMOOT. Mr. President, I remember very well that certain structural steel—that is, assembled structural steel—was changed in conference. I was not one of the conferees. I remember also that the floor oilcloth and linoleum paragraph, 347, as I remember it, was changed as to the wording in the conference.

Mr. CUMMINS. I only wanted to ask the Senator this question, and was leading up to it. My question relates to a great many other paragraphs. If these duties were right when they left the Senate, were they also right when they were returned to the Senate from the conference committee?

Mr. SMOOT. Mr. President, as far as changes in conference were made there were very, very few in the Payne-Aldrich bill. I think the Senator covered the two principal ones in the question asked by him.

Mr. CUMMINS. I can remind the Senator from Utah of another very serious one, and that is the paragraph which covers the duty on window glass.

Mr. SMOOT. I do not think that was changed. The paragraph on window glass was voted upon in the Senate, and the changes were made upon a motion offered by the Senator from North Dakota [Mr. MCCUMBER] on the floor of the Senate.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Certainly.

Mr. CURTIS. I understood the Senator to say that the Senate conference report had been made on Saturday, and he stated the rates fixed in that conference report, and that since that report was made it had been changed. Is that true?

Mr. SMOOT. I have here House bill 11019, a conference report, printed. That was printed upon Saturday. The changes I have spoken of were made after the report was printed, after it had been given out to the public.

Mr. CURTIS. The question I asked was whether the changes had been made after the report had been presented to the House or Senate. If so, it was done without any authority of the conferees to act upon it.

Mr. SMOOT. I do not believe it had been reported to the House. I think the changes were agreed upon before it was reported to the House, but this was the agreement which was published on Saturday, and on Monday I was handed the further changes that had been made and these changes are as the report of to-day shows.

I must hasten on, Mr. President, but I could go through every item in the bill and show the inconsistencies to as great a degree as I have already pointed out.

Mr. President, I want to call attention to the fact that this bill is far worse for the American manufacturer of woolens than the Wilson bill was. The Wilson bill brought destruction almost to the wool industry of this country. I have a list of the woolen mills that failed in one year, in 1896. There are 61 of them. I have no time to read it, but I want to say to Senators that the woolen manufacturers of this country passed through an experience which tried men's souls. If I had the time I would like to go into this question carefully and call attention to what the results of each failure were.

We find that the bill you are asked to vote upon gives less protection to the manufacturer in this country than the Wilson bill did. This bill, if it becomes a law, would destroy the manufacturer. There can be no purchaser for the farmers' product of wool, if the manufacturer is destroyed. He would have to send his wool to a foreign country and sell to a foreign buyer.

Let me call attention to just a few of these items. Take yarns. The average ad valorem duty in the Wilson bill was 39 per cent with free wool. The duty as provided in this bill which you are asked to vote for is 35 per cent with 29 per cent on wool. The Senator from Wisconsin [Mr. LA FOLLETTE] in his statement said that it took 80 per cent of wool. I say it is only 70 per cent. Take 70 per cent of 29 per cent and you have 20.3 per cent, leaving a net protection to the manufacturer of 14.7 per cent against 39 per cent in the Wilson bill. How can the yarn manufacturer with such a rate exist?

Take wool and worsted goods. The average ad valorem duty in the Wilson bill was 48 per cent with free wool. Under the bill that is before us it is 49 per cent with 29 per cent on wool. Fifty per cent of the cost of woolens and worsted consists of wool. The Senator from Wisconsin says it is 65 per cent. I say it is 50 per cent only. Fifty per cent of 29 per cent on wool is 14½ per cent, leaving only 34.5 per cent instead of 48 per cent in the Wilson bill.

Take flannels and you find almost the same result. Take blankets. The average duty in the Wilson bill was 29 per cent, with free wool. Under this bill it is 38 per cent, with 29 per cent on wool. One-half of the cost of blankets is the wool contained in them. One-half of 29 per cent is 14½ per cent.

Take 14½ per cent from 38 per cent, the duty provided, and you have 23½ per cent as against 29 per cent in the Wilson bill.

Under the La Follette substitute on second-class wool the rate was 10 per cent. It is advanced to 29 per cent. A scientific change, of course!

Carpets. With free wool under the Wilson bill the duty was 40 per cent. Now, with a duty on wool of 29 per cent we find the rates 30, 40, and 50 per cent. I might proceed, showing these unexplained changes all through the conference report.

The Senator from Wisconsin [Mr. LA FOLLETTE] said in his speech:

> An estimate made by Samuel S. Dale, editor of the Textile World Record, based upon actual prices at which wool is sold in the London auction, which fixes the world prices of wool, shows that the duty on raw wool is as high as 550 per cent.

I ask the Senator from Wisconsin where on earth can he buy raw wool at 2 cents a pound? The rate on raw wool is 11 cents per pound and in order to carry a rate of duty of 550 per cent the cost could not exceed 2 cents per pound. Is it true? I do not care whether Mr. Dale or any other living man makes such a statement, it is not true. There may be a few pounds of shoddy imported into this country, run through a garnett or picking machine, carrying a duty so high, imported no doubt to see how low a stock can be handled in a foreign country. It is not raw wool, but diseased rags run through a picker, and the Senator refers to it as raw wool.

The Senator from Wisconsin also says that it takes only 1½ pounds of wool in the grease to make a pound of yarn. He makes his argument upon that basis and says that the manufacturers of the country are protected on the basis of 2½ pounds of wool in the grease and 35 per cent ad valorem and therefore make the difference. I ask the Senator if there is a clip of wool in the United States that 1½ pounds of wool in the grease will make a pound of wool yarn. If he had been a manufacturer he would never have made that statement. I might just as well say to the farmers of this country that 2 cents per pound, which he has named as the price for raw wool, would be the price that they would receive protection on at 29 per cent, which would be only .58 of 1 cent per pound protection under the proposed measure.

I desire to say to Senators that you are about to vote upon a bill that is vital to a great industry in this country. The rates reported in this bill have been the result of a compromise between two men, agreed upon, juggled in such way that they do not give the protection that the Wilson bill afforded the woolen manufacturers of this country.

There is another very harmful provision, and one that certainly no man who knows anything about the manufacturing of cotton goods or woolen goods would ever think of perpetrating, and that is this: If a yarn is No. 4 it is protected under this bill with the same ad valorem rate as a yarn drawn to No. 60. No man will deny, who knows anything about the making of yarn, that there is not one-quarter of the labor necessary for the making of No. 4 yarn that there is in spinning a No. 60. What is a No. 4 yarn? It is one pound of wool drawn four times 360 yards. What is a No. 60? It is one pound of wool drawn 360 yards 60 times. This bill provides the same ad valorem rate for the fine yarns as the coarser. The House of Representatives in passing the cotton bill recognized the fact that there is more labor in making a fine thread than a coarse one, and made one dividing line, but here we have a bill with none at all.

Mr. President, I had a number of other questions to discuss, but time is fast passing. I want to call the attention of the Senate to a happy prediction that was made by William M. Springer when a Democratic tariff bill was under discussion in the House. The prophecy reads as follows:

Mr. SMITH of Michigan. The Wilson bill or the Mills bill?

Mr. SMOOT. No, the Springer bill; and this is what Mr. Springer said:

> Pass this bill and thousands of feet heretofore bare, and thousands of limbs heretofore naked or covered with rags, will be clothed in suitable garments; and the condition of all the people will be improved. It will give employment to 50,000 more operatives in woolen mills; it will increase the demand for wool, and prices will increase; and with increased demand for labor wages will increase. Those who favor its passage may be assured that they have done something to promote the general weal, something
>
> "To scatter plenty o'er a smiling land."

Mr. President, the result that followed the passage of the first Democratic tariff bill was absolutely the contrary. Instead of bare feet being clad and instead of the American people being clothed with garments of wool, I say to you that the children of this country were not thinking of what they had on their feet or the patched clothes upon their backs; they were thinking about getting enough to eat, and their parents were trying to keep the wolf from the door. Instead of 50,000 more employees being employed in woolen mills of this country, but few of the woolen mills were able to keep the wheels running, and men were seeking employment in other lines and in other avocations. Instead of "scattering plenty over the smiling land," this land, smiling as it had been in the past, became almost a land of desolation, and men marched from ocean to ocean pleading for work and for something to do that they might have food to eat.

Mr. President, they present a compromise bill that is worse than the bill which brought that condition upon the country and ask a favorable vote of the Senate. I hope and trust that it never will become a law. I believe if it does there will be a repetition of the conditions that the woolgrower and manufacturer passed through during those wretched years of the Wilson bill.

Mr. President, the American people are not going to approve of the enactment of laws vitally affecting the great industries of the country brought about by compromise, by party alliances, or for political purposes. The country to-day, before a revision of the tariff is made, wants a report from the Tariff Board. The business interests demanded a tariff board to gather the necessary information and Congress appropriated money for that purpose. The report upon this schedule will be ready by December 4—less than four months' time.

I feel, Mr. President, that the proper thing for the Senate to do is to reject this conference report. That would be to the best interests of the American people. Let us at least hesitate before we rush madly into a legislative program mapped out not after due hearings and consideration by men who are acquainted with the workings of this schedule, but for the purpose of saying to the people, we have revised Schedule K. Let us judge what the result may be.

Mr. LA FOLLETTE. Mr. President, before passing to a discussion of the conference report I am warranted in first taking some notice of the address of the Senator from Utah [Mr. SMOOT], to which the Senate has just listened. This I may properly do, because of the statements, tone, and coloring of the speech.

It is fitting, sir, that the defense of the infamous woolen schedule, when it is at last brought to the bar of this Senate, should be made by a Senator who is himself a beneficiary of the protective duties of that schedule.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. Certainly.

Mr. SMOOT. I have not uttered one word of defense of the Payne-Aldrich bill; I never referred to it.

Mr. LA FOLLETTE. I do not yield for that, Mr. President.

Mr. SMOOT. So far as being the beneficiary——

Mr. LA FOLLETTE. The Senate well remembers the Senator's speech. If he has something to say in response to what I have just said, I will yield for that, but I will not permit him to take my time to repeat his speech.

The VICE PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. SMOOT. I was going to say, in relation to being a beneficiary——

The VICE PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. LA FOLLETTE. I yield for a statement on that subject.

The VICE PRESIDENT. The Senator yields.

Mr. SMOOT. Mr. President, so that there will be no misunderstanding about my being a beneficiary under the present law, I wish to say to the Senator from Wisconsin that I own $2,475 worth of stock in a woolen mill in this country, and I will assure the Senator that the mill has never paid more than 3 or 4 per cent a year. That is all that I own in any woolen mill.

Mr. LA FOLLETTE. Well, Mr. President, if the Senator admits owning a dollar's worth of stock in a woolen mill, he confesses his shame, for he has just engaged in a defense of tariff duties which are a benefit to the industry in which he owns an interest. I accept the Senator's statement as to the extent of his individual holdings in woolen-mill stocks, but the Senator from Utah stands in rather a unique position in this Senate. Will he say a certain institution, intrenched as a stronghold in Utah, is not interested in woolen mills, and that it does not own stock in the woolen industries of this country?

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. I yield.

Mr. SMOOT. I will gladly say that the woolen mills, and the only mills of Provo, were bought by Mr. Jesse Knight at a sale. The church—that is what I suppose the Senator means——

Mr LA FOLLETTE. That is exactly what I mean.

Mr. SMOOT. Had stock in the original mill, but it was sold out. I can not say that they own a dollar to-day in the Knight mill. It is not the Provo mill any longer, but it is owned and controlled by Mr. Jesse Knight.

Another thing I will say is, that I am not the owner of a single head of sheep, nor is the church the owner of a single head of sheep.

Mr. LA FOLLETTE. I take the Senator's answers so far as his holdings are concerned, and I take the Senator's answers so far as the particular woolen mill is concerned.

Mr. SMOOT. Mr. President, I will say——

Mr. LA FOLLETTE. But I say, Mr. President, notwithstanding——

Mr. SMOOT. They do not own a dollar in any woolen mill.

Mr. LA FOLLETTE. I will say that the Senator from Utah has already stated that he is the owner of stock in a woolen mill.

Mr. SMOOT. That is right.

Mr. LA FOLLETTE. If he is, he never has had any right to vote on a tariff schedule that affected the product of that woolen mill. It is an outrage against common decency that any Member of the United States Senate should vote to represent his own interests, personal or pecuniary. We are here in a trust capacity, as sacred a trust as ever was committed to men. We are in no position, with a dollar of interest of our own in any question pending here, to pass upon that question.

Mr. SMOOT. Mr. President——

Mr. LA FOLLETTE. Mr. President, it would instantly disqualify any trustee in any court of equity in the country, and it ought to; but the official conscience, the congressional conscience, has become so dulled that Senators, the holders of stock in United States banks, have sat here and voted to defeat legislation requiring such banks to pay interest on Government deposits; Senators who are the holders of stock in mines, in smelters, in lumber, in rubber, and in all the great manufacturing concerns of every character, will sit here day after day, session after session, and vote against reducing duties, vote to increase duties, vote to increase their own profits—in plain words, sir, vote against public interest and betray their public trust. This blot upon the integrity of the record runs through the whole calendar of legislation.

It is time, Mr. President, that public protest should be made, and I make it here and now. It is time to make an end of this reprehensible practice. It is time that this Senate should adopt a rule that any Senator who has a direct personal or pecuniary interest, or has an interest through members of his family or others which ought in honor to disqualify him as trustee of any trust, expressed or implied, shall be disqualified and prohibited from voting upon any question affecting such interest.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. I do.

Mr. SMOOT. I should like to ask the Senator from Wisconsin if certain publishers did not vote on the Canadian reciprocity bill?

Mr. LA FOLLETTE. They did.

Mr. SMOOT. Yes.

Mr. LA FOLLETTE. I suppose the Senator raises that question because I am the publisher of a magazine. The Senator must know that the paper used in the publication of my magazine—or he should have inquired before he asked the question—was not in any way affected by that vote.

Mr. SMOOT. I want to say to the Senator that it was affected.

Mr. LA FOLLETTE. It was not affected.

Mr. SMOOT. It affected all papers under 4 cents a pound.

Mr. LA FOLLETTE. But I have been obliged to pay more than 4 cents a pound.

Mr. SMOOT. Then, Mr. President, if the Senator pays more than 4 cents a pound, he is paying more than he ought to, and more than all the other publishers pay.

Mr. LA FOLLETTE. I have long felt that I was paying more than I ought, Mr. President. [Laughter.] Beginning with the first number of that magazine, I paid for the paper used in its publication more than 4 cents a pound. And after the passage of the Payne-Aldrich bill, that you as a member of the Finance Committee helped to frame, the rate I was required to pay for that quality of paper was very soon advanced to a still higher price.

Now, Mr. President, coming to the subject of "driving this revision of the woolen schedule through the United States Senate," the Senator from Utah says he never saw a like example. Let me remind him that there came over to this Senate from the House of Representatives two years ago a great bill revising all the schedules of the tariff. It was a bill of two or three hundred pages; it was a bill beginning with Schedule A, the chemical schedule, a schedule to understand the first line of which requires a glossary—a schedule which would have been as readily comprehended for practical legislative purposes if it had been printed in a foreign language. The same was true, though not in like degree, of all the other schedules of the bill. What happened? The control of the Senate was then with the high-protective-tariff Republicans. The Senator from Utah was a member of the Committee on Finance having control of that bill. The bill was referred to that committee.

The then Senator from Rhode Island (Mr. Aldrich) was chairman, and I am tempted to ask Senators to let me remind them just how that committee was organized. A caucus was held out here in the marble room at the beginning of that session. The caucus was called to order. A motion was promptly made that Senator Hale be chosen as chairman, and the motion was put and declared carried. Hale assumed the chair. Aldrich at once moved that the chairman, Hale, appoint a Committee on Committees—that is, a committee to name the legislative committees of the Senate. The motion was put and declared carried, and the caucus adjourned in less than three minutes after it convened. That settled what would be done with the Payne bill when it reached the Senate, and the job was completed in less than three minutes.

Aldrich had made the motion authorizing Hale as chairman to appoint this all-important committee. After the adjournment of the caucus whom did Hale appoint as chairman of the Committee on Committees? Why, Aldrich, of course; that was all understood in advance. Then Hale proceeded to name as the other members of this great Committee on Committees the Senators whom Aldrich told him to name, and that too was all understood in advance. Whom did Aldrich direct Hale to appoint as the second member of that committee? Why, Hale, of course; and that also was understood in advance. And then the other members of the committee were named.

That has been the system plan for controlling legislative committees for many years. It will not be maintained here much longer, Mr. President.

That is the kind of Committee on Committees that selected the Committee on Finance, of which the Senator from Utah [Mr. SMOOT] became a humble member.

The Payne tariff bill passed the House, was transmitted to the Senate, and in two days recalled by the House, finally returned to the Senate on April 19. It was referred to the Committee on Finance and reported back to the Senate on the same day. Altogether it was in the possession of the Senate committee not to exceed 48 hours.

Forty-eight hours behind locked doors and they made over 600 increases in duties over those contained in the bill as it passed the House of Representatives. Talk about "railroading legislation through the Senate!"

Mr. SMOOT rose.

Mr. LA FOLLETTE. Wait. The Senator can reply to me after I have concluded. I am not willing to have the course of my argument broken into.

Then what happened? Mr. President, I am going to be reasonably regardful of the courtesies of debate. But I sat here this afternoon through two or three hours of speech making markedly personal in character. I offered no interruption, preferring to allow Senators to finish, and make such answer as seemed proper. I believe this to be a much more orderly procedure than that usually followed of interrupting a Senator at every other sentence. That was the opinion of the late Senator Frye, whose seat I now occupy, but whose great place in the Senate I can never hope to fill, however extended my span of life.

I think Senators know that I do not insist upon this course because I shrink from meeting the fire of interrogatory. There is nothing, Mr. President, that so stimulates one on his feet as the sting and challenge of interruption, but it invariably leads to digression and destroys the logical course of argument. For these reasons I prefer to proceed with the history of the Payne-

Aldrich bill without interruption and without having the order of my argument shot with questions and interruptions that are, to say the least, not always relevant but always certain to induce repetition and digression neither interesting nor enlightening.

With a scant 48 hours of consideration by the Finance Committee the Payne-Aldrich bill was reported to the Senate. Talk about "railroading legislation through!" There was a bill of more than three hundred pages. It covered the whole subject of the tariff. It was laid on the desk of the Secretary of the Senate, and what then? The crack of the whip, the orders of the boss of the Senate; the demand that the Secretary begin to read and that the Senate should vote upon the papagraphs of the bill as read. There was no report; there was a brief statement by Mr. Aldrich, not relevant to the subject, excepting in so far as it dealt with and affected the revenues. For the first time in the history of all tariff legislation a bill for the general revision of the tariff was presented to the Senate without a written report, without any explanation of the changes which had been made in that bill from the time it came from the House of Representatives until it was laid before this body and pressed for a vote by paragraphs.

Mr. President, economic conditions have so changed in this country that the rates of duty fixed in that bill were so utterly indefensible that they could not stand analysis and publicity. So the only way to put the bill through the Senate of the United States was to drive it through under the boss system that prevailed. The rates of duty fixed in the Committee on Finance and by the committee of conference were determined behind closed doors.

Contrast that record with the history of the bill now before the Senate. The rates agreed upon by the conference committee in this bill were discussed and determined, Mr. President, I rejoice to say, for the first time in history with the doors wide open and the press reporters present.

No committee can write duties such as we find in the Payne-Aldrich bill; no committee can so frame a provision on tops that it will carry within its technical and obscure terms duties running from 70 to 250 per cent, with the doors of the committee room wide open, the discussion public, and the correspondents of the great newspapers in attendance.

The duty on tops was written into the bill that is now the law with a paid employee of the Woolen Trust in a confidential relation with Aldrich when he framed that paragraph. The whole country knows the offensive scandal that grew out of that affair.

The Senator from Texas [Mr. BAILEY] rendered the country an important service when he made the motion in the conference on this bill that the doors should be opened and the public, through the representatives of the press, admitted, to the end that they might report to the public the reasons assigned by the conferees for the rates which they agreed should be reported to the two Houses. I trust, sir, that it will become a precedent for all committee action upon the public business in the future.

Mr. President, it was not long after the Senate began the consideration of the Payne-Aldrich bill before an order was entered here—and all it needed was the word of one man to put that order through the Senate—that the Senate must assemble at 10 o'clock in the morning and remain in continuous session until 11 o'clock at night.

I repeat a statement I have already made, that never before in the history of all tariff legislation had a tariff bill ever been presented to the Senate of the United States for their consideration by a Finance Committee which was not accompanied by a written report explaining every change proposed in the existing law; and never before in the history of tariff legislation, Mr. President, had the Senate been called upon to act upon a tariff bill, with its accompanying report, without being given weeks, and, in one or two cases, I think, as much as three months, to consider the report and the bill before the Senate was required to act upon it by the chairman of the Finance Committee in charge; but in the extra tariff session of 1909 the Committee on Finance, of which the Senator from Utah was a member, seized upon the Payne bill as soon as it reached the Senate Chamber, carried it off to the Committee on Finance, and behind locked doors, with everybody excluded excepting the Republican members, appointed, as I have described, and those who wanted the duties increased, who were admitted one by one, made 600 increases in the bill, reported it back, and the Senate was then forced immediately to consider it, without notice and without explanation.

There was a band of men here who were determined to analyze the complicated thing and find out whether it was fair and just to the 90,000,000 consumers of this country. They did the best they could. Day after day, worn by the labors of the session, each man, with the best help that he could employ to assist him, labored far into the night in preparation for the next day's session to resist the wrongs that were being imposed upon the American people. I speak for myself when I say that, going to my home after these 11 o'clock night sessions, I worked until the early morning hours for nearly three months on the paragraphs of the bill that were to be considered the next day. I worked until sometimes, despite all I could do, I fell asleep in my seat here on the floor. I believe as firmly as I believe I am now addressing the Senate that that brilliant, able, that wonderful man—Jonathan P. Dolliver—so loved by all of us, who sleeps now in the heart of Iowa, lost his life because of the cruel system that drove that bill through this Senate and forced men to work to the very limit of everything there was in them to understand and discharge their duties to the American people. And the Senator from Utah now complains about rushing this bill through the Senate of the United States.

Mr. President, I did contend when I offered this bill, and I maintain now, that the duties on manufactures throughout were accurately figured with relation to the different processes as the raw wool passes through the various stages of manufacture to the finished product; and when the duties were scaled to meet the objections raised to the bill as first presented—objections on the other side—they were scaled relatively.

Mr. President, I am not going to spend much more time on this subject. I will just contrast briefly the existing rates of this schedule, which the Senator from Utah [Mr. SMOOT] and those who agree with him will vote to sustain, with the duties fixed in the conference report.

On clothing wool the present rate is 44½ per cent; the conference rate is 29. But as framed the conference report eliminates the skirting clause and all other devious provisions of the existing paragraphs on raw wool through which the woolgrower is robbed of nearly one-half of the protection which the existing law professes to give him. The conference gives the farmer a straight ad valorem duty of 29 per cent protection, which is pretty nearly the equivalent of the total duty he actually has to-day.

The average duty on wool of the third class—the so-called carpet wool—is 37.24 per cent. The conference rate is 29 per cent. The Senate bill provided a duty of 10 per cent; the House bill 20 per cent. Now, Mr. President, the 29 per cent rate in the conference report was a straight concession made by the Senate conferees to the House conferees to get an agreement. It was not possible to secure any legislation giving to the people of this country a little relief against this schedule that smells to heaven without some adjustment of the differences between the Senate and the House. I supposed that the conference committee was appointed for the express purpose of adjusting, if possible, the differences between the two Houses.

The House contended for a single classification on all wool. The Senate bill provides a 10 per cent duty for revenue purposes on carpet wools because they are not produced in this country, and, upon the protective theory, should be made free or assessed a low duty for revenue.

The carpet manufacturers purchased more than $10,600,000 worth of their raw material abroad last year. The total value of the domestic production amounted to only a little over $50,000. It will be seen that there is no carpet-wool industry to protect. Therefore the Senate bill provided simply a revenue duty of 10 per cent.

But, Mr. President, there has been complaint on the part of the woolgrowers of this country that it was possible to use some of the imported carpet wools in the manufacture of woolen cloth. The carpet manufacturers contend that not more than 3 to 3½ per cent of the carpet wools are used in manufacturing clothing. The woolgrowers contend that from 20 to 25 per cent is used. Be that as it may, if we were to have an agreement upon this schedule at all and offer to the people of this country, so far as Congress is concerned, any relief from the enormous burdens that they are bearing under this abomination of all tariff legislation, it was necessary that concessions should be made upon both sides, and we agreed to make a single classification and fix the duty at 29 per cent.

The paragraph of the existing law on combed wool or tops and on wool or hair advanced in any manner beyond the washed or scoured condition is little less than a monstrosity. The percentages tell the shameful story: 111 per cent, 252 per cent, 112 per cent, and 73 per cent.

The Senate bill provided a 35 per cent duty on raw wool and a duty of 40 per cent on tops; the House bill a duty of 20 per

cent on wool and 25 per cent on tops. The conferees agreed upon a 32 per cent duty on tops. With the duty on raw wool at 29 per cent, the conference rate of 32 per cent on tops is a protective rate, as I shall presently show.

In the process of manufacture the next stage after tops is yarn. The present extravagant duty on yarn is 134 per cent if valued at not more than 30 cents per pound, and 76 per cent if valued at more than 30 cents per pound. The Senate bill provided a duty of 45 per cent on all yarns; the House bill a duty of 30 per cent. The conferees agreed on a duty of 35 per cent. With the duty on raw wool fixed at 29 per cent and on tops at 32 per cent in the conference agreement, a duty of 35 per cent on yarn measures the difference in the cost of manufacture, as I shall demonstrate a little later.

After yarn, the next step in manufacture is cloth.

The present high duties on cloth, knit fabrics, plushes, and other pile fabrics, dress goods, wearing apparel, trimming, etc., are from 60 per cent to 159 per cent. The bill passed by the Senate fixed a straight ad valorem of all of 55 per cent; the House bill 40 per cent. The conferees agreed on 49 per cent.

Blankets and flannels for underwear under existing law bear excessive duties ranging from 71 per cent to 182 per cent. The Senate bill reduced these rates to 55 per cent; the House bill fixed the rates from 30 to 45 per cent. The conference report places the single rate of 38 per cent upon all.

Carpets, under the present law are taxed from 50 to 80 per cent. The Senate bill, as we passed it, provided for a duty of 35 per cent; the House bill from 30 to 45 per cent. The conference agreed upon rates from 30 per cent for the cheaper to 50 per cent for the most expensive carpets.

That, Mr. President, explains in detail the report of the conferees on Schedule K.

In presenting my bill for a revision of the woolen schedule to the Senate at that time, I said I believed that the duties proposed were greater than necessary, but, bearing in mind that revision at the present time would be somewhat temporary in its character, to be followed by a more thoroughgoing revision, and with the purpose of meeting the views of a majority of the Senate to the end that some reduction might be promptly secured, I offered the bill.

Returning again to the criticism of the Senator from Utah [Mr. SMOOT] as to the character of the bill that I offered, I stated repeatedly in the course of that debate that what I claimed for the bill was that it was scientifically drawn, so far as the relation of duties on the manufactured products was concerned; but I stated again and again that the duties which I had fixed in that bill as I offered it here were so rated that it left beyond any question of doubt a protective margin, amply sufficient to warrant any Senator, however devoted to high duties, in supporting it.

I venture a prediction now, and I know how dangerous prophecy is. We shall have in a few months a report from the Tariff Board. I say that if the Tariff Board does its work with thoroughness it will report lower duties on all the manufactures of wool than the duties named in the conference report. Mark my words: If the Tariff Board does its work thoroughly, Senators are invited to challenge this statement at another session only a few months away if that does not prove to be the case. I have gone into this subject far enough to feel safe in making that prediction.

Now, I will take the time of the Senate to show that the duties on tops, yarn, and cloth agreed upon by the conferees are sufficiently high to measure the difference in cost of production between this and the principal competing country. Of course, it is not claimed that all of the varying details on each phase of this great and complex subject have already been ascertained. If this were so, we would not require the thorough investigation of a permanent Tariff Commission, composed of trained men, as all progressive Republicans contend we do. But, sir, enough is known at present to give assurance that the reductions proposed in the conference report can safely be made at this session. I have depended to a considerable extent, among other experts, upon the investigations made by Mr. W. A. Clark, who is at present abroad, as the agent of the Tariff Board, investigating the actual cost of production in textiles.

He made, something over two years ago—and I have called the attention of the Senate to it on other occasions—a very interesting and valuable report upon certain standard samples, comparing the cost of producing woolen cloth in this country and Great Britain.

I have also had the benefit of matter published from time to time in the Textile World Record, which is the trade paper of these great industries, by the editor of that paper, Mr. Dale, who has had practical experience in woolen manufacturing as a mill man. A man of superior intelligence and education, he finally passed from the factory to the editorship of this great journal, the Textile World Record. I have studied the reports of his investigations and experiments, and read much that he has written. Some time since he made an actual manufacturing experiment to ascertain the cost of producing tops, yarns, and cloth under the conditions which would fairly approximate the cost of foreign production. Starting with raw wool on a free basis and following each process—wool to tops, tops to yarn, yarn to cloth, the finished product—he ascertained the charge attending upon the different operations.

Taking the figures which I find in Mr. Dale's account of his experiments and combining therewith the important data available from Mr. Clark's report, it becomes apparent that the duties fixed upon tops, yarn, and cloth in the conference will afford an adequate measure of protection to the American manufacturer.

Mr. Dale ascertained the quantity of wool required to make a pound of tops, foreign cost, to be 35½ cents, or expressed decimally, 35.5 cents. The foreign cost of manufacturing 1 pound of tops was found to be 5 cents. The total foreign cost of 1 pound of tops would therefore be 35.5 cents, the cost of the wool, plus 5 cents, the foreign cost of manufacturing the pound of tops, or 40.5 cents for the finished pound of tops on the other side of the Atlantic.

If imported into this country, when this pound of finished tops reached the customhouse at New York it would be subject to a duty of 29 per cent, as fixed by the conferees. The importer would therefore have to pay 29 per cent of 40.5 cents, the value of the tops, or a duty of 12.96 cents. Hence the pound of foreign tops would cost the importer 40.5 cents plus the duty, or 53.46 cents. To this he must add the cost of packing, cartage, ocean freight, and insurance.

Now, let us see what it would cost the American manufacturer to import his wool, pay American wages, and manufacture tops in competition.

The figures of both Dale and Clark place the American manufacturing cost at 50 per cent in excess of the foreign manufacturing cost.

The foreign manufacturing cost of 1 pound of tops is 5 cents. Hence the American cost would be 5 cents plus 50 per cent of 5 cents, which equals 2.5 cents, or 7.5 cents as the American cost of manufacturing 1 pound of tops.

Taking, then, the wool necessary to make a pound of tops at the foreign cost of 35.5 cents, add to it the duty of 29 per cent fixed by the conference report, or 10.29 cents, and the wool would cost the American manufacturer duty paid 45.79 cents. Add now the American manufacturer's cost necessary to convert that wool into a pound of tops and his pound of finished tops will cost him 53.29 cents.

The American manufacturer of tops would therefore be able to undersell the importer by the difference between 53.46, the importer's cost, and 53.29, the American manufacturing cost, and would have added to that rail and ocean transportation and insurance as a further protection.

Of course, to the American manufacturers of tops who have enjoyed duties from three to five hundred per cent higher than justly protective, it would be regarded as a great hardship to be compelled to accept a rate equal to the difference in the cost of domestic and foreign production. But, Mr. President, we are approaching the time when the American people will no longer submit to the extortion which this schedule exacts in every paragraph.

Passing now to the yarn, let us determine whether the rate agreed upon in conference is sufficient to protect the American manufacturer.

The foreign cost of the quantity of wool required to make 1 pound of yarn is 38.3 cents. The foreign cost of manufacturing that wool into a pound of yarn is 8 cents. Hence it costs the foreign manufacturer to buy his raw material and manufacture it into 1 pound of yarn the sum of 46.3 cents.

If this pound of yarn is imported into this country it would have to pay, under the rate fixed in the conference report, a duty of 35 per cent, or 16.2 cents. The total cost of the pound of yarn to the importer in New York would therefore be 46.3 cents plus the duty of 16.2 cents, or 62.5 cents.

Now, what would it cost the American manufacturer to import his wool and manufacture yarn in competition? The foreign manufacturing cost of 8 cents would be increased to 12 cents. The compensatory tariff on the wool necessary to make a pound of yarn would be 29 per cent of the foreign cost of the

wool, or 29 per cent of 38.3 cents, which is 11.1 cents. Adding, therefore, the manufacturing cost of 12 cents and the compensatory tariff of 11.1 cents to the foreign cost of the wool, 38.3 cents, we find the American manufacturers' cost of importing the wool and converting it into yarn is 61.4 cents, as against 62.5 cents, importer's cost. Here, again, without counting the cost of transportation, the American manufacturer would have a margin of 1.1 cents against the importer.

A similar computation shows that the conference rate of 49 per cent on cloth leaves a margin abundantly safe for the varying qualities of goods included under that name.

For a pound of cloth serge, piece dyed, the cost of wool abroad is 45.9 cents, and the manufacturing cost is 24.4 cents, making the foreign cost 70.3 cents. The conference rate of 49 per cent on this figure amounts to 34.4 cents, making the importers' cost $1.04 cents per pound.

Now the American manufacturers' cost, at an increase of 50 per cent, would be 36.6 cents as against the foreign costs. To compensate him for the duty on wool he requires 29 per cent of the foreign cost of the wool, or 29 per cent of 45.9 cents, amounting to 13.3 cents. His total cost on this kind of cloth is therefore approximately 95.8 cents per pound against the importers' cost of $1.04 per pound.

The margin on other classes of goods taking the 49 per cent rate might be more or less than this amount of 8.5 cents per pound, but the margin is enough to allow for the widest differences in kinds and qualities of those goods.

Now, Mr. President, the Senator from Utah [Mr. SMOOT] made a most pathetic appeal to the Senate not to pass the proposed reductions in the duties of Schedule K, lest we bring on again business depression and disaster such as visited us in 1893. And he charged the dire effects of that period against the Wilson tariff law. I never have believed the Wilson tariff law was the cause of the financial troubles of that time. Those troubles began before the enactment of the Wilson tariff law. It was a period of general business depression. It began abroad in 1890 and swept over the whole world. It culminated in the panic of 1893. It is purile to attribute it to the Wilson tariff law of 1894. I know the claims that have been made by many Republican newspapers and campaign orators, and I know how labor has been appealed to, and, as election approaches, how it has been driven to the support of the standpat policies and candidates out of the fears that have been played upon in the heat and fever of the campaign, threatening a repetition of those heart-breaking times if the sacred tariff rates of the Dingley and Payne-Aldrich laws were even threatened with revision.

I hope, Mr. President, that the voters of this country are becoming enlightened enough to know that those appeals are without any substantial economic basis. There were other amply sufficient reasons to account for all of the depression and financial distress that swept over this country at that period of time. I do not know whether we have recovered more rapidly following the panic of 1907 than we did the panic of 1893, because the financial troubles of 1893 were world-wide. The panic of 1907 was confined to this country, and it came upon us without any justification, financially or economically. There were no industrial disturbances. It had no relation to tariff legislation any more than the panic of 1893 was related to the Wilson tariff law which was enacted in 1894.

Mr. President, I have differences with gentlemen upon the other side. Those differences rest upon certain principles. I am willing to fight those differences to a finish with the Democratic Party, but when the Republican Party can not win upon any issue without juggling and petifogging the case, I refuse to make that kind of a campaign.

I shall not be surprised, Mr. President, if the people of this country, whenever we revise the tariff or whenever we endeavor to pass tariff legislation, shall be treated, if not to a real panic, to something that looks like a real panic. The industrial and economic changes that have been imposed upon the people of this country in recent years have placed the control of business in the hands of a very few men. It is not difficult for those men to give this country a panic and to push them over into it at any time. So I anticipate, Mr. President, that whenever we attempt tariff revision or seek to enact legislation interfering with the trust control of business a panic will be foreshadowed, that prices will be depressed for the products of the farmer, that labor will be thrown out of employment, and that all of the threats which will serve to frighten the farmer and the wage earner will be heard on the hustings and seen on the printed page. But I shall do what I can to persuade the business men of small means and the wage earners of this country to discredit those warnings as having any logical relation to wholesome legislation.

The predictions of panic resulting from tariff reductions may come true. They can be brought to pass. They need not come true. These great industries are overprotected. Their duties could be reduced in most cases much below the point fixed in this conference report and not disturb in the slightest degree a single industry in the country. Of that I am confident. These duties will be reduced, Mr. President, if not at this session of the Congress then in the very near future; and defeat at this time, whether it be here or whether it be interposed by Executive veto, as threatened, will not long delay the lifting of these great burdens from the backs of the American people.

I send to the Clerk's desk and ask to have read a clipping from the New York Evening Post on the conditions existing at the present time under duties ranging, as I have stated, from 30 per cent up to 300 per cent. It is not dated, but was published only a few weeks ago.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

VAGRANCY IS INCREASING—THIS YEAR, IT IS FEARED, WILL BREAK THE RECORD—MUNICIPAL LODGING-HOUSE FIGURES AN ACCURATE MEASURE OF THE SERIOUSNESS OF THE PROBLEM—NOT A TEMPORARY CONDITION—REMEDY BELIEVED TO LIE IN A STATE FARM.

Vagrancy is rapidly increasing in this State and is becoming a problem of alarming proportions, according to statements made by Charles K. Blatchly, superintendent of the joint application bureau of the Charity Organization Society and the Association for Improving the Condition of the Poor, at the New York State Conference of Charities and Correction. In New York City particularly the number of homeless and unemployed men applying for relief has shown a startling advance in the last few months as compared with the same months in previous years, and is practically twice as great as it was in the corresponding period of 1910.

"While exact figures as to the number of professional tramps, mendicants, and temporarily or permanently unemployed men able to work in the State at large can not be obtained," said Mr. Blatchly, "we know from our experience, from the records of other relief organizations, and from the testimony of local officials in all parts of the State that the vagrancy evil is assuming alarming proportions. In this city especially the records of the various relief organizations show a tremendous increase of homelessness and vagrancy within the last 12 months. Our own figures show that in the six months up to the end of March we had more than 18,000 applications from homeless men, as compared with 12,000 in the same length of time in 1910, an increase of 50 per cent. The Charity Organization Society reports a similar increase in the number of applicants at their wood yard, and we are sending them over 3,000 a month regularly.

LODGING-HOUSE FIGURES.

"We maintain a social secretary at the municipal lodging house, and it is probable that the figures showing the number of men sheltered at this institution furnish the most accurate indication of the increase of vagrancy in this city. In the last four months the number of men sheltered there has been practically twice as great as it was in the first four months of 1910, and the total for the last year was many thousands in excess of the highest previous record and nearly three times as great as it was five years ago.

"The following table shows the number of persons cared for at the municipal lodging house in the first four months of each of the last five years, indicating that the recent increase shows no signs of falling off, as would be the case if it represented merely a temporary condition:

	January.	February.	March.	April.
1911	24,366	18,905	19,457	15,715
1910	11,252	11,779	10,318	7,776
1909	12,544	11,507	12,081	9,694
1908	11,864	10,902	11,024	9,353
1907	5,067	4,187	4,234	3,723

"From these figures it will be seen that the number of men seeking the city's protection for a night's lodging has been between four and five times as great throughout the first quarter of 1911 as it was in 1907. Of course, general employment conditions were better in 1907 than they are now, and this undoubtedly accounts in part for the increase, but it does not explain the doubling of the figures in the last year, as there has been no such marked change in industrial conditions within that time.

"The following figures show the total number of men sheltered at the municipal lodging house during each of the past five years: 1910, 116,182; 1909, 102,421; 1908, 96,934; 1907, 53,741, and 1906, 40,872.

"From these figures it appears that 1910 was a record-breaking year for vagrancy in New York, but if the increase recorded for the first quarter of the present year is maintained the figures for 1911 will leave this total far behind.

"STATE FARM COLONY NEEDED.

"The remedy for this condition, in the opinion of the practical workers who have been brought into direct contact with this problem of the increase in vagrancy, is to be found in the establishment of a State farm colony where the labors of these men may be utilized to meet the expense of their maintenance and where some of them undoubtedly can be turned from tramps and beggars into self-supporting citizens. The records show that about one-third of those committed to penal institutions in this State for vagrancy are under 30, and a farm and industrial colony would be able to turn some, at least, of these younger men into self-supporting workers. For the others it would make them contribute some part, if not all, of the cost of their support, which at present represents an annual expense to the State of over $2,000,000.

"A very important effect of the adoption of the farm colony plan which is provided for in a bill now before the legislature would be in ridding the State of a large proportion of its tramps, of whom New York now has far more than its due quota in proportion to its population. Those of us who have had occasion to note the startling increase of the vagrancy evil hope that the Chanler bill providing for a State commission to investigate vagrancy and to locate a site for a State farm colony, possibly on lands now belonging to the State, will be enacted into law before the legislature adjourns."

Mr. SMOOT. Mr. President, the inference to be drawn from the remarks of the Senator from Wisconsin [Mr. LA FOLLETTE] is that the Payne-Aldrich bill passed the House, came to the Senate, and the Committee on Finance considered the bill but 48 hours and reported it back with some 600 changes. I simply want to say to the Senators that as soon as the Finance Committee was organized in the Sixty-first Congress the committee met every day of the week at 10 o'clock in the morning, labored until 5 and 6 in the evening for weeks and weeks before ever the Payne tariff bill passed the House of Representatives, and by the time it did pass the House the Finance Committee of the Senate had considered every schedule of the bill. The Finance Committee of the Senate had the hearings that were held before the Ways and Means Committee of the House. They gave hearings to anyone attended by a Senator who desired to be heard. Any Senator who appeared before the committee upon any schedule was heard; and the time given to the bill was not 48 hours, but it was weeks and weeks.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. If the Senator will wait until I finish, then I will gladly yield.

Another thing, Mr. President, I wish to just answer briefly. The Senator from Wisconsin says that the Wilson bill had nothing whatever to do with the financial condition of the United States during the years 1894–1897. I say that the Wilson bill had an effect upon the woolen industry of the United States, and an effect upon the woolen industry of England.

Let me quote here what the London Times said of the woolen industry of Bradford, England, at the close of the year 1895. The London Times said:

There is room for doubt whether outside the West Riding of Yorkshire it is at all generally realized that the year 1895 witnessed a revival in the worsted industry of such magnitude as to be a matter not only for local but for national congratulation. After long years of depression the varying, sometimes, doubtless, intermitted gloom of which had lately become painfully intense, the great manufacturing district of which Bradford is the center was visited last year by the full sunshine of prosperity. Roughly speaking, the Wilson tariff, which came into effective operation in the last month of 1894 in place of the strangling system of duties associated with the name of McKinley reduced the customhouse charges upon the principal products of the Bradford district imported into the States from 100 per cent of their value to 50 per cent.

I also call the attention of Senators to the fact that during the year 1891 there were 11,886,716 pounds of cloth imported; by 1892 there were 16,248,313 pounds; and in 1893 there were 13,604,965 pounds, or in those three years 41,739,996 pounds, while in the single year of 1895, when the country was in the throes of poverty, there were imported from England 40,070,148 pounds. There were imported within a few thousand pounds in that one year of what was imported during the three preceding years under the McKinley bill.

Mr. President, I am not going to take up the discussion as to whether the tariff had anything to do with the general distress throughout this country, but I know that it closed the woolen mills of this country and it opened the woolen mills of the Bradford district, in England.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. WARREN. Mr. President, I rise with some reluctance on this report.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. WARREN. I do.

Mr. REED. I rose to ask the Senator from Utah a question, and he said he would prefer I would wait until he had closed. I did wait, and I should like to have the privilege of asking the question.

The VICE PRESIDENT. Does the Senator from Wyoming yield for that purpose?

Mr. WARREN. Certainly.

Mr. REED. I understand the Senator from Utah now to say that the Senate Finance Committee did hold meetings for many weeks and did have hearings.

Mr. SMOOT. Mr. President, I said that the Senate Finance Committee did hold hearings for weeks, and that any Senator who desired to be heard upon any schedule was given the chance, and whomsoever he brought with him was given a hearing.

Mr. REED. I had not concluded my question. I want to know if the Senator from Utah desires now to change the statement he made on this floor in a recent speech, in which he said that the meetings were secret meetings, had by only the Republican members of the committee, and that no one was admitted except those interested parties who came before that secret tribunal organized out of the Republican members of the committee?

Mr. SMOOT. Mr. President, I have no desire to change any statement that I have ever made on the floor. I say now to the Senator that there had been given by the Ways and Means Committee of the House full and complete hearings—nine volumes of them.

Mr. REED. I am talking about the Senate.

Mr. SMOOT. If the Senator will wait, I will come to the Senate.

Mr. REED. I trust the Senator will not take a change of venue to the House of Representatives.

Mr. SMOOT. If the Senator does not want me to answer, I will take my seat; but if he will be a little patient, I will come to the Senate.

Mr. REED. I have infinite patience when I am being entertained and instructed by the Senator from Utah.

Mr. SMOOT. Mr. President, I will say that the hearings were open hearings before the Ways and Means Committee of the House, and there were nine large volumes of them. The Finance Committee of the Senate decided that there was no necessity of having public hearings covering the same ground, but also decided that any Senator who desired to appear before the committee, or have any of his constituents appear before the committee, could do so and be heard upon any schedule in the bill. I will say that there were a great many Senators who appeared and a great many men interested in the several schedules. I do not know that they could be called secret meetings. There were all the members of the majority party at those meetings.

I want to call the attention of the Senator from Missouri to the fact that the Senate Finance Committee, acting upon the Payne-Aldrich bill in relation to having only the majority members of the Finance Committee present, followed exactly the same course as was taken in the consideration of the Wilson bill and also all other Democratic tariff bills.

Mr. REED. Mr. President, if the Senator will pardon me one word further—because I want a specific statement on this if I can get it—does the Senator say that when the Wilson bill was being considered by the Finance Committee of the Senate hearings were held by the majority members sitting alone and held in secret, or does he mean merely to say that, after having had their hearings, public in their nature, then the majority members met for the purpose of arriving at a conclusion, the distinction—so that there can be no misunderstanding—being between a committee holding public meetings——

Mr. WARREN. I hope this ancient history may be boiled down as closely as possible, as the hour is late.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. WARREN. I yield for concrete questions and answers.

Mr. REED. I will endeavor to boil it down so as to leave sufficient time for any Senator to represent his own interest on this floor.

Mr. WARREN. Mr. President, I do not believe that the courtesy which I have shown to the Senator deserves the discourtesy that the Senator evidently intends for me.

Mr. REED. Well, if the Senator does not desire to yield, I will desist and will occupy the floor in my own right.

Mr. WARREN. I had yielded to the Senator, and he is taking advantage of that to be discourteous to me, and I decline to yield further at this time.

The PRESIDING OFFICER. The Senator from Wyoming declines to yield.

Mr. WARREN. Mr. President, as I was about to say when interrupted, I rise with a great deal of reluctance to discuss this conference report because I assume the condition is much the same as when the old farmers used to say, "The matter can't be helped; the calf's eyes is sot." I do not suppose that anything I may say or anything any other Senator may say will change, at this juncture, a single vote in this Chamber, but I must not sit in silence when a matter of this kind is presented lest I may be understood as supporting the measure.

I take it for granted that in enacting a tariff law we must either have in view the matter of revenue, the matter of protection, or the matter of general benefit to the consumer. In my opinion, this bill is a failure as a revenue producer unless, indeed, we shall resort to the low wages for labor of foreign countries in order that we may successfully compete with a product produced with labor at one-half or one-third the wages paid in this country. It is a failure, I believe, so far as benefiting the consumer is concerned, unless we do that same thing—employ pauper labor or labor at pauper scale of wages. As a protective measure the so-called wool bill would be a miserable failure, both as to sheep and wool growing and wool manufacturing.

The talk of wool and woolen tariff percentages sounds large but conveys to the listener or reader an entirely erroneous idea of the real charge against wool and woolens. If an article is worth 5 cents, 100 per cent sounds large, and yet the 5 cents and the 100 per cent added make but a small sum.

Mr. President, so far as the consumer is concerned, if the woolgrower gave up his raw wool at the shearing pens for nothing it would not make a difference of over 50 to 75 cents on a suit of clothes such as you buy at, say, $10, and it could not make a difference of as much as $2 on any suit of clothes that a tailor will produce for you at from $35 to $75, if again the farmer furnished the raw wool free of cost. So, in talking of percentages, how insignificant the cost of wool in a suit compared with the total cost of a suit of clothes. And if it is true that a woolgrower's product that goes into a suit of clothes is not worth over from a half dollar to a dollar and a half or two dollars in toto, how much have you saved to the consumer if you have reduced slightly the tariff on the woolgrower's product? Again, there is not a suit of clothes worn in this Chamber, unless it is a peculiarly fancy suit that some of my friends may indulge in, out of which the manufacturer gets to exceed $5 or, at the very most, $6. Take the best blue all-wool serge that is made to-day, and it takes three yards and a half of the regular double-width cloth, at from $1.30 to the very highest, $1.48, a yard at the mill. Other all-wool serges may be had for less than $1 a yard, and cotton warp and wool serge for much less than $1 a yard. You may make a present to the consumer of the cloth already made and you have not reduced the tailor's price of that suit in any great degree.

The cost of a suit of clothes on the back of a consumer does not lie with a tariff on wool, nor does it lie with the tariff or the effects of the tariff on the manufacturer. When I state it as a fact that the woolgrower gets from 50 cents to less than $2 for the wool in a suit, and when I say that the manufacturer gets only from $1.50 to a possible $6 for finished cloth, enough for a full suit of clothes, and when we consider the bills that we pay our tailors, as I said before, from $35 to $75, it seems to me that we have got to look in some other direction for any very great measure of relief to the consumer in "iniquitous Schedule K" than to either woolgrower or woolen manufacturer.

Whenever you lengthen the hours and reduce the price per hour of labor you may touch the point and render a material difference in the price of clothing to the consumer. For instance, labor in the woolen mills and on the farms of Germany is one-third or less of the price of American labor, and in England and Belgium about an even half.

Mr. President, if, under this proposed reduction-of-wool-tariff bill, we are to increase our revenue or even maintain the amount of revenue that we now are collecting, we must either raise no sheep and wool or ship our wool abroad, which, of course, is impracticable, or close our mills, so that either all the cloth or all the wool will come from another country; for if all the wool and woolens consumed in this country were taxed the proposed rates, we would still be short of the revenue now received under the present tariff law.

It is easy to say, Mr. President, that the Wilson bill did not disastrously affect the sheep grower or the manufacturer; it is just as easy to tell the child if he sticks his hand in the fire that it is not the fire that burns him; but he knows that he has got a sore hand, he knows that he had the hand in the fire, and those two facts convince him that he burned his hand in the fire. If it pleases the Senator from Wisconsin [Mr. La Follette] to say the Wilson bill did not close the woolen mills of the United States and annihilate the woolgrowers, he may do so; but the fact remains that both woolen mills and woolgrowers were prosperous before the Wilson law was enacted and also after it was repealed, but were nearly all of them wrecked during the time the law was in force. We have had a tariff on imported wool and woolens for nearly a hundred years, sometimes higher and sometimes lower; we have had panics severe enough, the Lord knows—for instance, the panic of 1873 and the earlier panics—but there was never a time that the majority of woolgrowers could not live under it until the panic following the enactment of the Wilson-Gorman law. There never was a time during those earlier panics—never a time in a hundred years—when the woolen mills were compelled to close as they were under the operation of the Wilson tariff law. I assume, therefore, that it is fair for us to say that that condition was due to free wool and greatly reduced tariffs on woolens, that that closed the mills, and that that reduced the number of sheep in this country from fifty-odd million to 37,000,000 in the short time of some four years. The Senator from Wisconsin assures us that perhaps we shall have hard times following tariff changes, even such as he proposes. It may be proper for us to arrange a soft place upon which to fall when we have debauched the tariff; it may be better for us to say beforehand that we expect panics, that we expect receding prices. I think myself that it is well to prepare the people for them if they are to come; but why legislate in any manner which will invoke or invite hard times?

I do not believe, and I do not indorse the theory that the Wilson bill had no adverse effect upon the business of this country. I am willing that the matter may stand in the judgment of this country and with the voters of this country exactly upon the ground: Did or did not the passage of the Wilson bill ruin the sheep industry and the woolen industry, or so nearly so, as to leave the wrecks of that industry lining the country from the Atlantic to the Pacific?

The proposition of the present bill is for an ad valorem duty upon wool and woolens. I am a believer in ad valorem tariff duties as to a great many commodities, but they are totally inapplicable to wool. They never have been a success as to wool, and never can be a success, from the very nature of things. Nor could a system of ad valorem duties on wool and woolens be satisfactory if it were a success, so far as collection of revenue is concerned. The woolgrower, if he needs any protection at all, needs it just as much when wool in a foreign country is low as when it is high—in fact, he needs protection most when the price of wool is lowest. So, from a protective standpoint, when the woolgrower is struggling with a low market and prices are low at home and abroad, under the ad valorem duties his protection is reduced to a point where he goes out of business. On the other hand, when he is prosperous and the market is high, he then from an ad valorem tariff receives that which he does not so much need.

The ad valorem duties must apply to value. How do you determine the value as to wool? The commodity of wool comes over here in sacks and bundles. The individuality of wool and the numerous thousands and thousands of strains, types, textures, and conditions that exist, conditions as to shrinkage, and so forth, are such that, in order properly to value wool every bale of it would have to be opened upon the pier upon its landing. That is not practicable. On the other hand, as to values and conditions, there is no tariff schedule in the world so intricate, as everyone knows, as Schedule K. I am willing to admit that. So must we all. I wish I knew more about it, and I wish we all knew more about it; and for that reason I desire to have the benefit of the investigations of the Tariff Board, which, from all sides of this Chamber, received its support and commission, its authority, and its order to examine and report upon this very schedule.

Now, I come back in this intricate schedule to the matter of the protection to the woolgrower. Who represents him at the dock or the customhouse? The man who seeks to enter the country with wool is, of course, interested in swindling the Government, or at least in depressing prices and in saving himself money; the man who buys the wool in this country seeks to get the lowest possible valuation; the woolgrower is a thousand, two thousand, or three thousand miles away; and there is nobody to protect him unless it be some representative of the Government who may be at the customhouse to-day and gone to-morrow, and who possibly may be an expert—more probably not. Most likely he may be one of those whom the gyrations and fortunes of politics change occasionally, and who only knows of wool what he may learn at his post of duty from those who are all on one side, and that side the one against the woolgrower.

As to the percentages on first-class wool, second-class wool, and third-class wool, taking a superficial view of the matter from the point of view of the woolgrower, the bill as reported by the conference committee would be a very great improvement over the bill as it first came here from the House of Representatives; but I can not subscribe to the statement that we raise no carpet wool in this country, and that no third-class wool is used for clothing purposes, except a small percentage, for it is known to everyone who has watched the business—and it is now recognized in the market papers and recognized

and assented to by the manufacturers—that a very large proportion of No. 3 wool goes into the clothing of this country. Of course every pound of that wool that comes in at a lower rate than No. 1 or No. 2 wool displaces a pound of No. 1 or No. 2, and therefore reduces the protection, just as the price of the cheaper No. 3 wool is lower than the price of No. 1 wool.

The woolgrower has had his percentage of protection enlarged in the conference report over the original Underwood bill—and I am glad to see it enlarged as it has been—but, of course, it is perfectly patent to everybody that the American woolgrower has only one market, and that is the American market, and the American market for wool is with the manufacturers of the United States. Therefore, if this tariff bill is intended to protect the woolgrowers, and protect the woolgrower in full, his product must be successfully used here in the United States. On the other hand, if it can not be used here, it does not matter whether the rate of duty is 29 per cent or 99 per cent or 9 per cent, because unless our manufacturers can be protected against foreign cloth they can not run and consume our American wool, and thus the woolgrower is thrown upon the markets of the world and is compelled to ship his wool to Liverpool or to some other port and loses all benefits of American wool tariffs.

I wish it were different; but we may as well face the fact that the woolgrower, in order to be protected, must not only have his product as he delivers it provided for, but it must also be possible for the mills of this country to buy the wool of this country instead of having cloth brought in from another country.

My opinion of this bill—I do not see the Senator from Wisconsin [Mr. LA FOLLETTE] here just at this moment—is that it is unscientific; that it would be a failure; that all those who vote for it if it is ever put into effect will rue the day that they voted for it no matter to what political party they belong. In saying that I assume that men on both sides of this Chamber want every industry in this country to be fairly successful. I am assuming that those who vote for a reduction of the tariff believe that the interests to be affected can sustain a cut in tariff duties and still exist and live; but, in my opinion, it is impossible for the sheep industry to survive under this proposed tariff; and I do not believe, either, that the manufacturers of this country can be successful under it. It is possible, Mr. President, that such of the very few sheepmen as can maintain themselves for a few years and sustain their losses will not be so much injured in the long run, because they may receive compensation as did the cattlemen in the matter of hides.

It was said by some that the cattle growers would not feel the difference; that hides would be just as high after being made free as they had been under the 15 per cent duty; and when the question was asked, "Then why reduce it?" the leather and shoe men said, "To give us—the consumers—cheaper shoes," which we were persistently, continuously, and tumultuously promised. Now, as a matter of fact, the abrogation of the tariff did not reduce the price of hides at the time, and, worse than that, it did not reduce the price of shoes. But whether it raised the price of shoes or not the price of shoes went up just about the time we took the tariff off of hides, and this country lost $3,000,000 that we had been collecting as revenue, and no one was benefited except a few of the manufacturers of shoes, and they had said beforehand they did not need the tariff on shoes and boots and that if we removed the tariff on hides they would relinquish all claims to protective legislation.

To explain my statement that in the survival of a few of the sheep growers and their probable success after long, dark days of disaster, I have in mind the flesh-food supply needful for this country. The mutton supply in this country is as much a consideration to the consumers of the country almost as the wool supply. We are reading every day in the newspapers of the growing scarcity of beef and of cattle. We are reading every day that it will soon amount to a rise in prices with the retailer, which has already taken place with the wholesaler and in the central markets of cattle, because while cattle are growing scarce our country is growing more populous and our needs greater. This country must have meat. There must be a food product, and the equilibrium has been very largely kept down these late years through our generous mutton supply when sheep growing has been successful under an adequate tariff. Mutton is a commodity which can be handled easily anywhere, and especially it is the poor man's meat, for he can go to market and buy a quarter of mutton, getting it at a semiwholesale price, take it home, and preserve it, enjoying a variety of cuts and styles of meats without taking a very large total weight or paying a large price, while he could not thus get beef. To-day, with all the mutton we have, we have hardly sufficient to support this country and keep the price down at a level where the consumer may live. If we reduce the number of sheep, as the enforcement of such a tariff bill as this will surely do, the prices of meats must, of course, advance.

All the time our population is growing, and the difficulties are increasing as to our flesh-food products.

We have land enough to raise cattle and sheep in greater numbers, but in order to do that we have to more intensely cultivate the land, we have to spend money for fertilizers, we have to spend money for irrigation, we have to spend money in different quarters, which of course raises the value of the land, and therefore the value of any commodity raised upon the land; so that just as you reduce the sheep of this country in numbers you raise the price of the mutton, and while it will sweep from the face of the earth a large number of the sheep growers, the small balance of them will ultimately live without doubt, but at the expense of the consumer, who will pay a higher price for his meat.

I notice the votes in another place where a very large number of those who associate with the party that believes in some measures of protective tariff voted for the acceptance of this or a similar conference report. Let me say to those who come from those farming States where few, if any, sheep are bred that if they think because they raise only corn and other grains and hay that they are immune from the effects of this tariff, if it shall affect the sheep grower, they are mistaken. For as a matter of fact, the largest percentage of sheep now grown in this country are grown in that section of it beyond or west of the corn States, and every year thousands, nay, millions, of those sheep are shipped down into the corn country and fed upon the corn and hay raised there, and the growers who fatten their sheep at home draw their grain supplies largely from these same States, and the farming States will feel the effect of this; if not the same, they will feel it sufficiently to know the difference in having a market both east and west of them for their grain and forage and of having only a market east where they must meet a greatly curtailed consumption and enlarged competition.

Mr. President, the tariff busters of this and another House seem to forget, when they would assassinate Schedule K, that they leave undisturbed the present tariff on about everything the woolgrower and wool manufacturer have to buy—not only to eat and wear, but to perfect his product. In wool manufacture chemicals are used profusely all the way through from the scouring of the wool to the last finish of the cloth. Every piece of all the expensive machinery used is under high protective tariff, as well as everything used in packing, shipping, and so forth.

And, again, we have a class of "smart ducks" who are always ready to tell us all about the cost of sheep growing, and so forth, though they may scarcely know a sheep from a goat. As an example I have here what appears to be an Associated Press dispatch, as follows:

OGDEN, UTAH, *July* 29.

W. C. Barnes, representing President Taft and the Tariff Board in checking up the information of the Government on wool and sheep inddustries, arrived in Ogden this morning after visiting four of the largest sheep States of the West. In a statement made public to-day he says the data obtained proves that sheep can be raised and wool clipped and marketed and lambs disposed of at a cost of $1.50 per head, the annual revenue from which, with wool at 13 cents, totals $3.31, leaving a profit of $1.81 a head. His figures are as follows:

Cost per head to raise sheep, all expenses incident to grazing, herding, shearing, dipping, lambing, freight on wool and mutton, interest on money investments, etc., $1.50.

Average price of lambs, $3; average pounds, at an average of 13 cents per pound, delivered, 91 cents.

Average price of lambs, $3; average increase being figured at about 80 per cent, placed on the market, $2.40.

Total receipts, $3.31.

Total net receipts per head, $1.81.

Mr. Barnes stated that there may be a slight variation by States in the cost of raising sheep and the marketable value, also the wool clip, lambs, and mutton, but that the above figures show quite accurately that the average is in the territory over which he has traveled. He suggested that the cost of raising sheep might be reduced considerably by better business methods by sheep owners.

Of course Mr. Barnes did not say this—he has denied it in toto—but somebody said it; and in order to get it into the newspapers the name of an employee of the Tariff Board was stolen for the occasion.

To those who know the business the item is as amusing as the "glossary" which the House Ways and Means Committee so confidently published, claiming that all sheep were wethers (males) after the first shearing when they became 1 year old, notwithstanding sheep are born and raised almost exactly even in numbers—males and females.

And this "wise guy" from Ogden would raise 80 per cent of lambs each year from his flock, even if but one-half could be mothers, to say nothing of his allowing nothing for death rate—old age, disease, and various contingencies.

Mr. President, I hesitate to invade any new territory in discussing this question, but on account of some invidious distinctions made in this debate with reference to who may vote in the Senate and who may not vote, I want to observe that if we have come to a point where it is said of a man (a Senator) who may have a dollar invested in this or that property, or any property which may be affected by legislation, that he is disqualified from sitting or voting here, what are we going to do about the sitting lawyers who are legislating for law suits, manufacturing new laws, the natural course of which is increased business for lawyers? Lawyers would have little business without it.

I would like to know whether, if a man happened to have a share of railroad stock, he is to sit here like a Stoughton bottle, shamefaced, and without the right to speak for himself or his people on railroad legislation. I want to say that it is belittling, indeed, if it be true that any man who sits in this body would vote differently upon any matter because forsooth of his personal investments. I will not accuse any man of so sitting here, because I would not insult either a Senator or the State from which he comes by charging such veniality. I do not think Senators are of that character. It is belittling to say or even think of a man who accepts the commission of this great office to here represent the United States and represent his own State that if he happens to have a dollar in this or that or the other interest he must be dumb, and the people who send him here—the State that sends him here—must lose their representative in the consideration of laws affecting an industry in which the major portion of the citizens of the State are interested, and that the Senate must lose the knowledge and experience of each Senator who is not a pauper, and the States must be confined to the one idea of electing a man who has not got a dollar in the world for fear he might have some interest that he might subserve here.

Mr. President, I have not got to that point where I myself entertain the feeling that I can not legislate on those things that I am or may not be interested in the same, and I do not believe that other Senators in this body are in that condition of mind or are of that character, but if so, in what plight are those who wish to reduce wool tariff so they may buy cheaper clothes for their backs, though wages of laborers on ranches and in factories are reduced and their hours lengthened in consequence as compared with those who wish a tariff maintained sufficient to prevent bankruptcy and maintain living wages for labor?

Carried to its logical conclusion, if a Senator may not vote if he have any property interests, the States would be reduced to the extremity of selecting their Senators from among penniless hobos who traverse the country stealing rides on the brake beams of freight cars in order to secure free-handed representation.

Mr. President, at the risk of being considered as interested in woolen manufactures—and I never had a dollar's interest in them in the world, and never expect to have—I want to say if it is a fact that the Wilson bill, with its free wool and its tariff on manufactures of wool, was such as to cause the closing of the woolen mills, where they had 40 to 50 per cent tariff, with free wool, is it not fair to believe that we have put too large a strain upon them when we now give them a margin between raw-wool tariff and their own tariff of something like half as much as they had under the Wilson bill? In other words, if the manufacturer could not exist with 40 or 50 per cent protection and free wool, how is he going to exist when wool tariff is 29 per cent and he has thirty-odd to fifty-odd per cent? That is a question I think we ought to consider in all fairness.

I believe the woolen manufacturers to-day are in better shape to survive a cut in the tariff than they were at the time of the passage of the Wilson bill; I believe that more of them, a larger percentage, could live to-day, but I do not believe that they can possibly furnish a market to the woolgrower and conduct their business under a tariff bill upon the lines of the one now before us.

Whatever may be my opinions, I would rather wait until competent agents, with commissions to enter into all of the ways and byways affecting these interests, had passed upon the question and rendered us some finding and some recommendation, even though the rates might be lower than were wished for, because I believe that, take them altogether, they should and I believe will better match one with the other. I am not one of those who believe everything I find in the columns of the daily press, and I do not want to misquote a Senator. May I ask the Senator from Wisconsin [Mr. LA FOLLETTE] a question? I notice in the press this quotation from some speech of the Senator. I do not assert it is correct, but I should like to ask. The Senator is reported as saying:

> This is a temporary revision. That is all we expect to make of it. We are at work here at best with blacksmith's tools.

Mr. LA FOLLETTE. I will say to the Senator that I do not recall whether I used that language or not.

Mr. WARREN. I think the Senator would be justified in using it, and I only beg to differ with him in this way: If this country were on the verge of collapse; if we were in such misery that we would only use blacksmith's tools, even if it were to pull teeth, I might favor some bill that flavored of that kind of manufacture. As it is, I would rather wait and get some kind of benefit from the $450,000 that we are spending, and of which we have spent a large proportion through authorized agents, authorized by us to take up this whole matter and report upon it.

So, I shall vote against this report, and I hope it may not become a law.

Mr. BAILEY. Mr. President, I doubt if any bill ever came from a committee, and I doubt if any conference report ever came from the conferees of the two Houses, which was exactly as any Member of either House would have made it had he been given the complete and absolute control of it. I do not pretend to think or to say that this bill as it has been agreed upon in conference suits me in all respects; but I do say, without any hesitation and without any fear of successful contradiction, that all in all it is a vast improvement on the law which it is intended to repeal, and for that reason I cordially support it.

There were differences, not merely of rates and percentages, but there were differences as to the principle upon which a tariff law should be constructed between the Senate's own conferees. The Senator from Wisconsin [Mr. LA FOLLETTE] as a protectionist believes in graduating the ad valorem duties as an article advances in its state of manufacture, for in that way only can it cover the difference between the cost of production here and in foreign countries. As a revenue-tariff Democrat I would lay a flat ad valorem duty upon a given article in all of its forms and conditions, leaving that ad valorem duty to take care of all increases in its price made through fabrication or through other processes until it might be fairly classed as a luxury, or nearly so, when I would increase the rate. A duty of 30 per cent on wool and a duty of 50 per cent on woolen goods is a clear protection to the woolen manufacturer equal to the difference of 20 per cent. I do not disguise that from myself, and I would not, if I could, disguise it from my countrymen. They understand it now, and they will understand it better before this discussion has been concluded. But I could not have my way in that regard. Indeed, the bill which came to us from the House was not constructed exactly on my theory, and I felt that the Senate conferees were both generous and fortunate in arriving at a disposition of this matter so fair to all and affording so much relief to the people.

Mr. President, I assume the full responsibility, although I am sure my associates will be willing to share it with me, for the increase which appears in this conference report in the duty on carpets above the rate fixed in both the House and in the Senate bills. Indeed, sir, I not only avow my responsibility for that increase, but I was willing to make that increase greater still, because an examination of the report will disclose the fact that it was made only with respect to carpets of the highest quality.

My own view is that carpets whose price averages more than $2 per yard are as much a luxury as silk and wine, and I would levy a duty on such carpets as high as I could make it without reducing the revenue which their importation yielded. If there be those who would make that duty less, I am ready to argue that difference with them on some suitable occasion. Not only did I actively urge an increase in the duty on those finer carpets, but there were one or two other items on which I would have readily agreed to increase the duty. Had it been practicable to separate the cheaper from the finer laces I would have made the people who want those finer laces for ornament and decoration pay a duty that would reach the point prescribed for luxuries, while upon the cheaper laces, which people of moderate means buy, I would have laid a moderate duty.

In insisting as I did upon this increase in the duty on carpets of the highest class I was well within the rule which governs all conferences between the two Houses, for as the Senate had stricken from the House bill all after its enacting clause and had inserted a complete and independent measure the conferees were at liberty under the practice to report an entirely new bill.

This much, Mr. President, is all the occasion requires me to say. But I will go one step further, though I shall detain the

Senate but a moment longer, while I say to the Senator from Wyoming that the duties on woolen goods against which he has declaimed are 50 per cent higher than the duties which the fathers of protection asked in 1824, when the woolen industry was in fact a struggling and an infant one. Stimulated by the embargo of 1808 both cotton and woolen factories sprang up in different parts of our country, because we could not otherwise supply our people with those textiles which it had been our habit to import from England in the days of peace. Following the end of that artificial and unintentional protection there came a period of distress as great, and perhaps greater, than has ever occurred within the memory of any Senator here. The accumulated surplus of textile fabrics of Europe came here in superabundance, and both the cotton and the woolen factories felt those importations with tremendous and disastrous effect. Yet in that time, when they were begging to be saved by a tariff which should protect their weakness and their infancy, they did not beseech the Congress to lay a duty as high as that imposed by the compromise bill now before the Senate.

Mr. President, not only are these duties higher in this day than the advocates of protection asked for in the earlier days, but, sir, they are as high as any enlightened people, upon any theory, are justified in levying. If this industry can not sustain itself with an advantage of 49 per cent accorded to it by the law, we would be wise, sir, to withdraw the capital and labor thus employed and devote them to some less artificial and more profitable pursuit.

The people of the United States have about reached that conclusion; and if my Republican friends, who believe that a high tariff is a perpetual blessing, have not been instructed by recent events, they are duller than I think they are. The very high priest of protection on that side, when he will take counsel with calm judgment, and lay his prejudice aside, must know that the people of this country have decreed that these excessive duties must be reduced.

I can understand your obstinacy. New men have risen among you whom you seem to think are inspired by personal ambition. I am not ready to say that they are without ambition, because they have acted like men of high ambition, but also like men of honorable ambition. They have risen to contest your old leadership, and you hate to surrender it. But I tell you bluntly that you must surrender these high duties or you must surrender the leadership of your party. If you do not surrender these high duties, or if you do not surrender the leadership of your party, then you must surrender the administration of this Government into our hands.

Of course, some of you would rather see us reduce the tariff than see it done by certain men of your own party; and when you have produced more or less of friction, I am human enough and I am partisan enough to take advantage of that situation. But I have a nobler object than a mere party advantage. I want above all other things to see the burdens beneath which the industrious millions of this land are bending lifted from their shoulders. I would rather bring the people relief than bring success even to my own party, for, Mr. President, I rejoice to say that never in all of my political experience have I thought it necessary that this country should suffer in order that the Democratic Party might succeed. I would love to see these economic and industrial questions settled for a season, so that we might reconcentrate our minds upon a study and a discussion of the old and fundamental principles of this Republic. That, however, will not be done until this question is settled, and this question will not be settled until it has been settled right. We have everything to gain; we have as a party nothing to lose by the obstinate refusal of the opposition to grant this relief to the people; and yet this afternoon, even, before we adjourn, I would love to see you unite with us and send this bill to the President with such an overwhelming majority as would insure his approval of it.

Mr. NEWLANDS. Mr. President, we have now been in extra session for four months, and during that time we have considered three tariff bills, which have passed both Houses, and we have another under consideration. There are 13 schedules, I believe, in the tariff. If it has taken 4 months to pass 3 tariff bills, how long will it take to pass 13? I figure that, assuming that the other bills take the same relative time, we would expend 16 months of continuous effort in revising the tariff, meanwhile practically setting aside all other legislative business.

In this work we necessarily accept the conclusions of a few men, some of them experts, some of them not experts. In the House of Representatives I think that few outside of the distinguished leader of that House would be able to explain the provisions of any one of the tariff schedules that have been revised; and outside of a few men in the Senate I doubt whether there are any who have a thorough understanding, or even a partial understanding, of the bills which have been before us—such an understanding as would enable them to give an intelligent explanation of them; and I am free to confess that this criticism would apply to myself.

In this work Congress, in both Houses, has relied upon experts—unnamed experts, unknown experts. The Senators and Representatives who are responsible for these bills rely upon such experts, so that in the final analysis Congress is passing bills that have been framed by experts whose names, whose works, whose capacities, are not known to Congress or the American people.

There are some of us who for years have insisted that Congress should not waste its time and energy in endeavoring to do all of its own work, when it can get experts to simplify its labors. There are some of us who believe that Congress should not be its own secretary, that Congress should not be its own messenger, that Congress should not be its own typewriter, that Congress should not be its own architect, that Congress should not be its own engineer, that Congress should not be its own artist, that Congress should not be its own tariff expert; that there are many matters that can be intrusted to experts organized in a board or commission and operating under rules fixed by Congress. Some of us, who know how large affairs are conducted and who have been acquainted with large affairs, realize that Congress is far behind the best standards in its methods of doing business. We know that every successful enterprise of the country relies for its success upon the expert services that it secures—the best experts in the law, the best experts in chemistry, the best experts in every field of human endeavor. The methods of Congress are beyond description provincial in character, the methods that belong to the small frontier town, to the obscure country hamlet, to the ill-worked farm, to the factory ill organized for profitable production. And when we insist that there are many matters requiring specialized information, continuous research, and trained experience, which can be better administered by boards of experts acting under rules or standards fixed by law, we are reproachfully told that we favor government by commission.

But notwithstanding these discouragements, we have insisted for years that the functions of the lawmaking body are but performed by utilizing the services of experts and, finally, as the result of much effort, after long opposition by Senators such as the Senator from Wyoming, such as the former Senator from Maine, such as the former Senator from Rhode Island when the Republican Party was intrenched in power, because they knew that a competent board of experts would throw the light upon all the details of the tariff and so convince the American people of its excesses that public judgment would no longer be distracted and deceived, we have as the result a final yielding to the force of public opinion and the organization of a bipartisan Tariff Board, under weak and begrudging legislation, it is true, but with powers gradually increased by the action of the President and enlarged in the scope of its inquiries by additional appropriations.

Mr. WARREN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. WARREN. I understood the Senator to say that I was one of those who opposed a tariff board. That may be true, but I think the records will show nothing of that kind. I do not recall any opposition on my part.

Mr. NEWLANDS. I am glad to hear the statement of the Senator from Wyoming. I was alluding to the time prior to the action of Congress regarding the Tariff Board, when the Republican Party had been in power for years and had steadily refused the suggestion of a tariff board, and I presumed that the Senator, being in harmony with the general policy of his party, had joined in that resistance. But I am always glad to welcome converts, and I hope that there will be converts also on this side of the House. Public opinion is ahead of Congress upon this question. Public opinion demands that experts shall be set to work upon this important question.

Mr. President, what will be the result of these four months of continuous work? Will we get a reduction in the tariff? We are told that already the veto is prepared on the woolen bill and on the free-list bill. We are told that there will be a veto on the cotton bill if it is passed, after an effort probably requiring an extra month of work in Congress. What substantial result will there be, then, for the American people? Shall we play simply for political position in the next campaign? Shall we play to put the President in a hole, or shall we secure an honest and substantial reduction to the American

people of existing duties which are oppressive and exacting? I take it that we are for the latter.

How can this be secured? The Democratic platform blazes the way. It declares for a gradual reduction of excessive tariff duties toward a revenue basis. That can be done by a simple bill which the President would not dare to veto, but which gradually and automatically in four or five years would produce a perfect tariff revenue. What would such a provision be? Why, simply the short amendment which I proposed to the free-list bill and to the wool bill, and which I was induced by those in charge of those bills not to present, because they wished them to go before the country unembarrassed by general legislation.

What is that amendment? It simply provides that where the importations of dutiable articles do not equal one-tenth of the total domestic production of similar articles the duty shall be reduced at the rate of 10 per cent per annum until the importations do equal one-tenth of the domestic production.

What effect would that produce? It would immediately attack every excessive and prohibitory duty of the tariff. Is not that what the Democrats want? Is not that what the progressive Republicans want? Can any regular or reactionary Republican say that he is opposed to turning an absolutely prohibitory duty into a revenue duty—that he is opposed to the reduction of a duty the importations under which do not reach one-tenth of the total domestic production? Could a Republican President veto such a bill or defend himself behind a veto of such a bill?

It may be said, however, by my Democratic friends that this is an indorsement of protection. It is a recognition of the fact of protection, but not an indorsement of the principle of protection. It is a recognition of the fact that protective duties exist; that they are excessive in many cases and prohibitory in others; and, recognizing that fact, this amendment prescribes action upon that fact, and declares the rule to be that upon such duties there shall be a reduction of 10 per cent per annum until the importations equal one-tenth.

But my Democratic friends may ask, "Why stop there?" My amendment simply provides that when the importations do equal one-tenth, then the matter shall be referred to Congress for its action. After the prohibitory and excessive duties are turned into revenue duties, Congress can then, if it chooses, declare that the reductions shall go on until lower depths are reached or put the articles on the free list. Meanwhile specific action upon other duties is not prevented. Throughout the entire administration of this amendment the President could act by experts in the ascertainment of the facts. The statisical bureaus of the Government will easily show the facts; the Tariff Board can inquire into the facts; and the President is required, whenever the facts are ascertained, to declare the legal result.

Mr. President, the cotton tariff bill is before us. I hope that the objection will not be made by those in charge of that bill that we should not put upon it general legislation. I hope the Senate will seriously consider putting upon that bill the amendment to which I have referred or, perhaps better, to substitute for the bill itself the amendment to which I have referred. The President may refuse to sign the cotton bill upon the same ground as the wool bill and the free-list bill, namely, that the Tariff Board has not had an opportunity of investigating and of informing Congress regarding the facts; but he can not, it seems to me, refuse to sign a bill which provides for a gradual reduction at the rate of 10 per cent per annum of the excessive and extortionate duties of the tariff under a rule fixed by Congress upon facts to be ascertained by the executive department.

It can not be pretended that such a measure will imperil any American industry. It is true we are now, as I have before said, like the man who has climbed to the highest pinnacle of a steeple, and the question is whether he shall slide down or whether he shall jump down. This amendment provides a means of sliding down; it furnishes a brake which prevents a too precipitous descent, all the way along saving the industries of the country from an inundation of foreign goods, which may temporarily paralyze production and bring about general readjustments.

The Democratic Party, radical and progressive in theory but conservative in methods, in convention assembled, has declared for a gradual reduction of the tariff to a revenue basis. Read the utterances of its leaders, from Mr. Bryan down, in the great campaigns, and you will find that that is the thing that they promised. This amendment is a fulfillment of that pledge.

I trust, Mr. President, that the Senate will seriously consider this amendment in connection with the cotton bill.

Mr. REED. Mr. President, I know that the hour is late, but I do not intend to permit to pass unnoticed the position that has been taken on this floor, nor unchallenged the expression of any sentiment which goes to the effect of a declaration that men have the right to sit in this Chamber and vote upon matters that directly affect their individual interests. I have no desire to say anything to harass the feelings or wound the sensibilities of any man; but, sir, I say that if it is ever admitted to be within the proprieties for a man to sit upon this floor and vote for matters that particularly and directly concern his financial interests, this body will sink to a point so low in public opinion that there will be no nethermost.

I may have been trained in a very poor school, but I have been taught that the judge upon the bench who will decide a matter in which he has a financial interest is an unjust and an unrighteous judge. I have been taught to believe that a juror coming into the box must be one who has no interest in the controversy. I have been taught to believe that the law prohibits the service of an interested juror and the decree of an interested judge not so much because the framers of the law considered the judge would wittingly be dishonest or the juror intentionally swerved from a fair and just verdict, as they recognized the truth universally recognized that no man can be certain he has laid aside in the determination of a question the weight of his own personal interest. So it is everywhere written, "No man shall adjudge his own cause."

I agree that this body is here to represent the American people—all of them, and not simply a few of them; I agree that this body ought to represent all American citizens, not particular classes of American citizens; but, sir, as I have listened to these debates I have been struck with the fact that those who own woolen mills have been most active in the defense of the tariff upon manufactured woolen goods and that those who own sheep have been most intensely interested in the welfare of the sheep owners. I put it hard upon the conscience of every man within the sound of my voice whether the duties devolving upon a Senator are not as high and as sacred as those devolving upon the judges of our courts.

I have heard in this Chamber beautiful eulogies pronounced upon the bench of America, and I have joined in those eulogies, indorsed those sentiments, and applauded their utterance; and yet, sir, great as is the Supreme Court of the United States, far as we have tried to place its members above the influences that reach into the life and mind of every man, well as these judges have been trained in their profession, long as they have walked the straight path of equity and observed the bounds of justice marked by the law, fortified as they are by experience, guided though they be by precedent, example, rule of law, and the light of learning, there is not one of them who would sit in a case where he had the slightest personal or financial interest. There is not, sir, a circuit judge upon the Federal bench, there is not a district judge sitting in any of the counties of our States, there is not a justice of the peace in any enlightened community who would claim the right to decide a case in which he had a direct financial interest. If the judges of courts, then, are not above the touch of influence, and if they all shun the mere possibility of being warped in their judgment by their personal interest, I ask you what it is that has created immunity for men in this body?

I do not care how just the man may be, I do not care how he may seek to serve only his country, his conscience, and his God, there is no man who can make certain that in the end it is not his own personal interest which is controlling him, if he have a great personal interest.

Mr. President, it was in effect said by the Senator from Wyoming that men should not come to this body merely because they have had no success and have not a dollar of money. The inference was broad that those who have little money should not come at all and sit here in "the councils of the mighty." I grant you that men should not be sent here because they have no money; neither should they be sent here because they have much money nor should they get here by the use of the money. I grant you that a man ought not to be sent here because he has little money; but I say that it is as true to-day as it was in the days the sentence was uttered that "It is easier for a camel to go through the eye of a needle than for a rich man to enter into the kingdom of God." That ancient aphorism does not seem to apply to the United States Senate. But then sometimes I even entertain a fear that this forum does not very much resemble the celestial fields. Why did the sentence I have just quoted fall from the lips of Christ? It was said, sir, because it was true then, as it is true now, that those who own vast properties, who control immense riches, are likely to let their property interests outweigh the interest of country and humanity.

I would not attack the flocks and herds of the great West; I would not take an honest dollar from any honest man's pocket. I object to no man guarding his flocks and guarding his herds, watching them increase and multiply and bring him wealth; but I do, sir, solemnly protest against any man using the United States Senate as the point from which to subserve his personal interests. I apply that to every man who sits in this Chamber, or has ever sat in this Chamber, who votes a tax upon the people of the country when he knows that a large part of that tax will finally jingle down into his own capacious pockets.

So, since the challenge has been thrown out by the Senator from Wyoming, I venture to say that while men may rightly come to this body who possess great wealth, while men may rightly come to this body who have great property interests, yet if the proper spirit animates them, if clean ideals animate their souls, they will do as the just judge does when he finds his interests are involved in the case on trial—just as the judge will step down from the bench and refuse to sit in a matter in which he is financially concerned—so the interested Senator will step aside whenever the question to be determined directly effects his personal interests in any other manner than it effects the interest of the people of the country at large. If that be not the conscience of the Senate to-day; if the rule embraces a horizon too broad for the vision of this hour, I make the prediction that within the lives of nearly all of us you will find the rule has been adopted and obtains here without dispute and without breach.

Mr. President, I know that they have many fine flocks of sheep out in Montana, out in Wyoming, and out in the West generally; and I have been noticing, while this debate was going on, a few figures. The astonishing fact is that one-half of the sheep of the United States are found grouped in what is known as the western division, embracing Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Washington, Oregon, and California.

I observe, too, that the number of sheep is small in several of those States, but that when you come to Montana you find 5,372,639 sheep, in Wyoming 5,194,959 sheep, and in Utah 1,670,890 sheep. Nearly one-third of all the sheep of the United States are in those three States.

But I observe another thing. Since we are asked to protect the flocks and the herds, since we are asked to tax every boy and every girl, every babe that lies in its swaddling clothes in the cradle, and every mother of this land; since we are asked to tax the entire 90,000,000 people—none of them to escape—I challenge attention to this very significant fact: While in Wyoming they have 5,194,959 sheep, there are only 1,670 men who own those millions of sheep. That number counts every man who owns a ewe or a lamb; it counts every man who owns even one sheep. I presume that upon the farms out there, as elsewhere, many farmers only keep 4 or 5 or a dozen sheep for the purpose of raising mutton or other domestic uses. These figures, then, teach the fact, nay, make it patent, that nearly all these millions of sheep are owned by an exceedingly limited number of people. The figures also suggest, if they do not demonstrate, that the sheep are owned by wealthy corporations—not the humble farmer, not the shepherd who is struggling with adversity and contending with poverty. It is these vast corporations, owning vast herds, which they graze, I doubt not, largely upon the free public lands, that are here to-day clamoring that a tax be levied upon every rag which goes upon the back of an American citizen. They are demanding that this tribute be laid upon the industry of the land for their own particular emolument and profit.

If it is necessary to talk plain, I will talk plain. I even dare to talk for that miserable wretch who has the temerity to get himself elected to a seat in this Chamber and who does not have a vast sum of money at his back.

Mr. President, I say that here, just as in the Supreme Court of the United States; here as in the supreme courts of the various States; here as in the nisi prius courts of the land; here as in the little justice courts at country crossroads, with no light to guide save that of reason and conscience; here as in all tribunals where justice is dealt out with even hand; here, as there, when a man has a direct personal interest he ought, in all decency, in all good conscience, in all patriotism, to step aside and let those who do not have that interest settle the question in dispute.

I would not object to these interested Members' appearance before any committee, as interested parties, to present their case, although the propriety of such conduct may well be questioned, but I say we have the right to object to men sitting in this body and voting upon a question when they have a heavy financial interest to serve. Why, sir, if a man were to sit in any legislative body and take a thousand dollars for his vote, we would brand him a criminal; we would put stripes upon him and lock him in a prison cell for years of time. Because some Senators have come to this body and it has been alleged that they have offered or paid sums of money to secure votes, we solemnly investigate the question whether they shall be permitted to sit here. If it be proper to send a legislator to a prison cell because he takes a thousand dollars for his vote, will you draw me the line in the realm of conscience between the conduct of the legislator who sells his vote for money and the act of a man who sits here in the Senate and votes tens of thousands of dollars into his pockets by way of a tax levied upon those he has sworn to represent and protect?

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of Michigan. Before I vote I want to say a word.

Mr. President, I regard this bill as pregnant with danger to the wool and woolen industry, and I shall not vote for the conference report, and I will not permit to go unchallenged the statement made in this Chamber a few moments ago that the panic of 1893 to 1897 was not directly traceable to the legislation of the Democratic Party, which enacted the Wilson tariff bill, when, in the words of Samuel Gompers, president of the Federation of Labor, there were more than 3,000,000 working men without work in this country during the period of the Wilson law, and that their employments did not return until 1897, after the enactment of the Dingley tariff law, under the leadership of the great McKinley, whose loyalty to protection was so much derided by Senators on the other side of the Chamber.

To be more explicit, Mr. Gompers said:

> That terrible period for the wage earners of this country, which began in 1893 and which has left behind it such a record of horror, hunger, and misery, practically ended with the dawn of the year 1897.

Mr. President, Grover Cleveland was elected President in 1892, and tariff revision nostrums filled the air, doubt and hesitation halted enterprise, and industry languished, while the threats of free traders were taking form, and on August 27, 1894, the infamy was perpetrated and it was so bad that even President Cleveland spurned it, although he did not exercise the veto power, as he should have done, and thus saved the country from disaster and ruin; almost every actor in that drama was repudiated by the people, and it has taken our friends upon the other side 15 years to recover from that drubbing and get up enough courage to repeat their performance. They were wrong then and they are wrong now; and I shall resist their economic rioting at every stage. Protection for the woolgrower and no protection for his customer will destroy his home market and force him to sell his wool beyond the seas in competition with his old Australian and New Zealand competitor, whom he has not met since the shade was drawn over his gaunt figure a decade and a half ago. I can see neither wisdom nor justice in this bill, while its authorship is as confusing as its provisions are misleading and inharmonious. I shall take pleasure in voting against it.

The VICE PRESIDENT. The Secretary will call the roll on the question of agreeing to the conference report.

The Secretary proceeded to call the roll.

Mr. CLAPP (when Mr. BURTON'S name was called). The senior Senator from Ohio [Mr. BURTON] was called away. He is paired on this question with the junior Senator from North Dakota [Mr. GRONNA]. If the senior Senator from Ohio were present he would vote "nay," and the junior Senator from North Dakota would vote "yea."

Mr. FLETCHER (when Mr. BRYAN'S name was called). My colleague is necessarily absent on account of the death of his father. If present, he would vote "yea."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber by illness. In the absence of that Senator I withhold my vote. If he were present and I were at liberty to vote, I should vote "nay."

Mr. LODGE (when Mr. CRANE'S name was called). My colleague [Mr. CRANE] is detained from the Chamber by illness. I understand he will be paired with the Senator from South Carolina [Mr. TILLMAN]. If my colleague were present, he would vote "nay."

Mr. BRADLEY (when the name of Mr. CURTIS was called). I have been requested to announce that the Senator from

Kansas [Mr. CURTIS] is necessarily absent. He is paired with the junior Senator from Nebraska [Mr. HITCHCOCK].

Mr. MYERS (when the name of Mr. DAVIS was called). I have been requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from New Hampshire [Mr. GALLINGER]. If the Senator from Arkansas were present, he would vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the junior Senator from Massachusetts [Mr. CRANE], and on this question I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I wish to state that my colleague [Mr. GALLINGER] is necessarily absent. He has a general pair with the Senator from Arkansas [Mr. DAVIS]. If my colleague were present and voting, he would vote "nay."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague is necessarily absent from the Senate.

Mr. LODGE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer the pair to the junior Senator from Illinois [Mr. LORIMER], and will vote. I vote "nay."

Mr. NELSON (when Mr. MCCUMBER's name was called). The Senator from North Dakota [Mr. MCCUMBER] is necessarily absent. If he were present, he would vote against this conference report. He is paired with the senior Senator from Mississippi [Mr. PERCY].

Mr. MCLEAN (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. GORE]. If he were present, he would vote "yea" and I would vote "nay."

Mr. PERCY (when his name was called). I am paired with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer the pair to the junior Senator from Florida [Mr. BRYAN], and will vote. I vote "yea."

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). My colleague [Mr. RAYNER] is paired with the Senator from Utah [Mr. SUTHERLAND]. If my colleague were present, he would vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. If he were present, I should vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is absent from the city. He has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. BAILEY. My colleague [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. REED. I desire to announce that my colleague [Mr. STONE] is detained at his residence by illness and is unable to be present. If he were present, he would vote "yea." He is paired with the Senator from Wyoming [Mr. CLARK].

The result was announced—yeas 38, nays 28, as follows:

YEAS—38.

Bacon	Cummins	Myers	Simmons
Bailey	Fletcher	Newlands	Smith, Md.
Bankhead	Foster	Overman	Swanson
Bristow	Johnson, Me.	Owen	Taylor
Brown	Johnston, Ala.	Paynter	Thornton
Chamberlain	Kern	Percy	Watson
Chilton	La Follette	Poindexter	Williams
Clapp	Lea	Pomerene	Works
Clarke, Ark	Martin, Va.	Reed	
Crawford	Martine, N. J.	Shively	

NAYS—28.

Borah	Dillingham	Lodge	Root
Bourne	Dixon	Nelson	Smith, Mich.
Bradley	Gamble	Nixon	Smoot
Brandegee	Guggenheim	Oliver	Stephenson
Briggs	Heyburn	Page	Townsend
Burnham	Jones	Penrose	Warren
Cullom	Lippitt	Perkins	Wetmore

NOT VOTING—23.

Bryan	Davis	Kenyon	Richardson
Burton	du Pont	Lorimer	Smith, S. C.
Clark, Wyo	Gallinger	McCumber	Stone
Crane	Gore	McLean	Sutherland
Culberson	Gronna	O'Gorman	Tillman
Curtis	Hitchcock	Rayner	

So the conference report was agreed to.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to, and (at 7 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, August 16, 1911, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 15, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our Heavenly Father, broaden, deepen, and make clearer in the minds and hearts of all men right and truth, justice and mercy, that where chaos reigns order may prevail, where lawlessness runs riot and turns men into fiends the strong arm of the law may assert itself, that the horrible spectacle of torturing and burning men at the stake in this twentieth century of Christian civilization may pass into oblivion. This we ask for humanity's sake, for Christ's sake, for God's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 854. An act to require the National Monetary Commission to make final report on or before December 4, 1911, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect December 5, 1911; and

S. J. Res. 54. Joint resolution to reimburse the officers and employees of the Senate and the House of Representatives for mileage and expenses incident to the Sixty-second Congress.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. HENRY CLAY LOUDENSLAGER, late a Representative from the State of New Jersey.

Resolved, That a committee of nine Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. LOUDENSLAGER at Paulsboro, N. J.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

In compliance with the foregoing the Vice President appointed as said committee Mr. BRIGGS, Mr. MARTINE of New Jersey, Mr. BAILEY, Mr. CURTIS, Mr. BRANDEGEE, Mr. OLIVER, Mr. NIXON, Mr. WILLIAMS, and Mr. HITCHCOCK.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure; and

H. R. 11303. An act for the relief of Eliza Choteau Roscamp.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.;

H. R. 11303. An act for the relief of Eliza Choteau Roscamp; and

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure.

WITHDRAWAL OF PAPERS.

Mr. FAISON, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of bill for the relief of Zadok Paris, no adverse report having been made thereon.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and joint resolution were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 854. An act to require the National Monetary Commission to make final report on or before January 8, 1912, and to repeal sections 17, 18, and 19 of the act to amend the national banking laws, approved May 30, 1908, the repeal to take effect January 8, 1912; to the Committee on Banking and Currency.

S. J. Res. 54. Joint resolution to reimburse the officers and employees of the Senate and the House of Representatives for mileage and expenses incident to the first session of the Sixty-second Congress; to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

August 8, 1911:

H. R. 2983. An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census; and

H. J. Res. 130. Joint resolution making appropriations for certain expenses of the Senate and House of Representatives incident to the first session of the Sixty-second Congress, and for other purposes.

August 14, 1911:

H. J. Res. 1. Joint resolution to amend certain appropriation acts approved March 4, 1911;

H. R. 7693. An act to authorize the town of Logan, Aitkin County, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 11022. An act to authorize the bridge directors of the Jefferson County bridge district to construct a bridge across the Arkansas River at Pine Bluff, Ark.; and

H. R. 12051. An act for the relief of the city of Crawford, in the State of Nebraska.

ARIZONA AND NEW MEXICO.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 106), which was read:

To the House of Representatives:

I return herewith, without my approval, House joint resolution No. 14, "To admit the Territories of New Mexico and Arizona as States into the Union on an equal footing with the original States."

Congress, by an enabling act approved June 20, 1910, provided for the calling of a constitutional convention in each of these Territories, the submission of the constitution proposed by the convention to the electors of the Territory, the approval of the constitution by the President and Congress, the proclamation of the fact by the President, and the election of State officers. Both in Arizona and New Mexico conventions have been held, constitutions adopted and ratified by the people and submitted to the President and Congress. I have approved the constitution of New Mexico, and so did the House of Representatives of the Sixty-first Congress. The Senate, however, failed to take action upon it. I have not approved the Arizona constitution, nor have the two Houses of Congress, except as they have done so by the joint resolution under consideration. The resolution admits both Territories to statehood with their constitutions, on condition that at the time of the election of State officers New Mexico shall submit to its electors an amendment to its new constitution altering and modifying its provision for future amendments, and on the further condition that Arizona shall submit to its electors, at the time of the election of its State officers, a proposed amendment to its constitution by which judicial officers shall be excepted from the section permitting a recall of all elective officers.

If I sign this joint resolution, I do not see how I can escape responsibility for the judicial recall of the Arizona constitution. The joint resolution admits Arizona with the judical recall, but requires the submission of the question of its wisdom to the voters. In other words, the resolution approves the admission of Arizona with the judicial recall, unless the voters themselves repudiate it. Under the Arizona constitution all elective officers, and this includes county and State judges, six months after their election are subject to the recall. It is initiated by a petition signed by electors equal to 25 per cent of the total number of votes cast for all the candidates for the office at the previous general election. Within five days after the petition is filed the officer may resign. Whether he does or not, an election ensues in which his name, if he does not resign, is placed on the ballot with that of all other candidates. The petitioners may print on the official ballot 200 words showing their reasons for recalling the officer, and he is permitted to make defense in the same place in 200 words. If the incumbent receives the highest number of the votes, he continues in his office; if not, he is removed from office and is succeeded by the candidate who does receive the highest number.

This provision of the Arizona constitution, in its application to county and State judges, seems to me so pernicious in its effect, so destructive of independence in the judiciary, so likely to subject the rights of the individual to the possible tyranny of a popular majority, and, therefore, to be so injurious to the cause of free government, that I must disapprove a constitution containing it. I am not now engaged in performing the office given me in the enabling act already referred to, approved June 20, 1910, which was that of approving the constitutions ratified by the peoples of the Territories. It may be argued from the text of that act that in giving or withholding the approval under the act my only duty is to examine the proposed constitution, and if I find nothing in it inconsistent with the Federal Constitution, the principles of the Declaration of Independence, or the enabling act, to register my approval. But now I am discharging my constitutional function in respect to the enactment of laws, and my discretion is equal to that of the Houses of Congress. I must therefore withhold my approval from this resolution if in fact I do not approve it as a matter of governmental policy. Of course, a mere difference of opinion as to the wisdom of details in a State constitution ought not to lead me to set up my opinion against that of the people of the Territory. It is to be their government, and while the power of Congress to withhold or grant statehood is absolute, the people about to constitute a State should generally know better the kind of government and constitution suited to their needs than Congress or the Executive. But when such a constitution contains something so destructive of free government as the judicial recall, it should be disapproved.

A government is for the benefit of all the people. We believe that this benefit is best accomplished by popular government, because in the long run each class of individuals is apt to secure better provision for themselves through their own voice in government than through the altruistic interest of others, however intelligent or philanthropic. The wisdom of ages has taught that no government can exist except in accordance with laws and unless the people under it either obey the laws voluntarily or are made to obey them. In a popular government the laws are made by the people—not by all the people—but by those supposed and declared to be competent for the purpose, as males over 21 years of age, and not by all of these—but by a majority of them only. Now, as the government is for all the people, and is not solely for a majority of them, the majority in exercising control either directly or through its agents is bound to exercise the power for the benefit of the minority as well as the majority. But all have recognized that the majority of a people, unrestrained by law, when aroused and without the sobering effect of deliberation and discussion, may do injustice to the minority or to the individual when the selfish interest of the majority prompts. Hence arises the necessity for a constitution by which the will of the majority shall be permitted to guide the course of the government only under controlling checks that experience has shown to be necessary to secure for the minority its share of the benefit to the whole people that a popular government is established to bestow. A popular government is not a government of a majority, by a majority, for a majority of the people. It is a government of the whole people by a majority of the whole people under such rules and checks as will secure a wise, just, and beneficent government for all the people. It is said you can always trust the people to do justice. If that means all the people and they all agree, you can. But ordinarily they do not all agree, and the maxim is interpreted to mean that you can always trust a majority of the people. This is not invariably true; and every limitation imposed by the people upon the power of the majority in their constitutions is an admission that it is not always true. No honest, clear-headed man, however great a lover of popular government, can deny that the unbridled expression of the majority of a community converted hastily into law or action would sometimes make a government tyrannical and cruel. Constitutions are checks upon the hasty action of the majority. They are the self-imposed restraints of a whole people upon a majority of them to secure sober action and a respect for the rights of the minority, and of the individual in his relation to other individuals, and in his relation to the whole people in their character as a state or government.

The Constitution distributes the functions of government into three branches—the legislative, to make the laws; the executive, to execute them; and the judicial, to decide in cases arising before it the rights of the individual as between him and others and as between him and the Government. This division of government into three separate branches has always been regarded as a great security for the maintenance of free institutions, and the security is only firm and assured when the judi-

cial branch is independent and impartial. The executive and legislative branches are representative of the majority of the people which elected them in guiding the course of the Government within the limits of the Constitution. They must act for the whole people, of course; but they may properly follow, and usually ought to follow, the views of the majority which elected them in respect to the governmental policy best adapted to secure the welfare of the whole people. But the judicial branch of the Government is not representative of a majority of the people in any such sense, even if the mode of selecting judges is by popular election. In a proper sense, judges are servants of the people; that is, they are doing work which must be done for the Government and in the interest of all the people, but it is not work in the doing of which they are to follow the will of the majority except as that is embodied in statutes lawfully enacted according to constitutional limitations. They are not popular representatives. On the contrary, to fill their office properly they must be independent. They must decide every question which comes before them according to law and justice. If this question is between individuals, they will follow the statute, or the unwritten law if no statute applies, and they take the unwritten law growing out of tradition and custom from previous judicial decisions. If a statute or ordinance affecting a cause before them is not lawfully enacted, because it violates the constitution adopted by the people, then they must ignore the statute and decide the question as if the statute had never been passed. This power is a judicial power imposed by the people on the judges by the written constitution. In early days some argued that the obligations of the Constitution operated directly on the conscience of the legislature, and only in that manner, and that it was to be conclusively presumed that whatever was done by the legislature was constitutional. But such a view did not obtain with our hard-headed, courageous, and far-sighted statesmen and judges, and it was soon settled that it was the duty of judges in cases properly arising before them to apply the law and so to declare what was the law, and that if what purported to be statutory law was at variance with the fundamental law, i. e., the Constitution, the seeming statute was not law at all, was not binding on the courts, the individuals, or any branch of the Government, and that it was the duty of the judges so to decide. This power conferred on the judiciary in our form of government is unique in the history of governments, and its operation has attracted and deserved the admiration and commendation of the world. It gives to our judiciary a position higher, stronger, and more responsible than that of the judiciary of any other country, and more effectively secures adherence to the fundamental will of the people.

What I have said has been to little purpose if it has not shown that judges to fulfill their functions properly in our popular Government must be more independent than in any other form of government, and that need of independence is greatest where the individual is one litigant and the State, guided by the successful and governing majority, is the other. In order to maintain the rights of the minority and the individual and to preserve our constitutional balance, we must have judges with courage to decide against the majority when justice and law require.

By the recall in the Arizona constitution it is proposed to give to the majority power to remove arbitrarily, and without delay, any judge who may have the courage to render an unpopular decision. By the recall it is proposed to enable a minority of 25 per cent of the voters of the district or State, for no prescribed cause, after the judge has been in office six months, to submit the question of his retention in office to the electorate. The petitioning minority must say on the ballot what they can against him in 200 words, and he must defend as best he can in the same space. Other candidates are permitted to present themselves and have their names printed on the ballot, so that the recall is not based solely on the record or the acts of the judge, but also on the question whether some other and more popular candidate has been found to unseat him. Could there be a system more ingeniously devised to subject judges to momentary gusts of popular passion than this? We can not be blind to the fact that often an intelligent and respectable electorate may be so roused upon an issue that it will visit with condemnation the decision of a just judge, though exactly in accord with the law governing the case, merely because it affects unfavorably their contest. Controversies over elections, labor troubles, racial or religious issues, issues as to the construction or constitutionality of liquor laws, criminal trials of popular or unpopular defendants, the removal of county seats, suits by individuals to maintain their constitutional rights in obstruction of some popular improvement—these and many other cases could be cited in which a majority of a district electorate would be tempted by hasty anger to recall a conscientious judge if the opportunity were open all the time. No period of delay is interposed for the abatement of popular feeling. The recall is devised to encourage quick action and to lead the people to strike while the iron is hot. The judge is treated as the instrument and servant of a majority of the people and subject to their momentary will, not after a long term in which his qualities as a judge and his character as a man have been subjected to a test of all the varieties of judicial work and duty so as to furnish a proper means of measuring his fitness for continuance in another term. On the instant of an unpopular ruling, while the spirit of protest has not had time to cool, and even while an appeal may be pending from his ruling, in which he may be sustained, he is to be haled before the electorate as a tribunal, with no judicial hearing, evidence, or defense, and thrown out of office and disgraced for life because he has failed, in a single decision, it may be, to satisfy the popular demand. Think of the opportunity such a system would give to unscrupulous political bosses in control, as they have been in control not only of conventions but elections! Think of the enormous power for evil given to the sensational, muckraking portion of the press in rousing prejudice against a just judge by false charges and insinuations, the effect of which in the short period of an election by recall it would be impossible for him to meet and offset! Supporters of such a system seem to think that it will work only in the interest of the poor, the humble, the weak and the oppressed; that it will strike down only the judge who is supposed to favor corporations and be affected by the corrupting influence of the rich. Nothing could be further from the ultimate result. The motive it would offer to unscrupulous combinations to seek to control politics in order to control the judges is clear. Those would profit by the recall who have the best opportunity of rousing the majority of the people to action on a sudden impulse. Are they likely to be the wisest or the best people in a community? Do they not include those who have money enough to employ the firebrands and slanderers in a community and the stirrers-up of social hate? Would not self-respecting men well hesitate to accept judicial office with such a sword of Damocles hanging over them? What kind of judgments might those on the unpopular side expect from courts whose judges must make their decisions under such legalized terrorism? The character of the judges would deteriorate to that of trimmers and timeservers, and independent judicial action would be a thing of the past. As the possibilities of such a system pass in review, is it too much to characterize it as one which will destroy the judiciary, its standing, and its usefulness?

The argument has been made to justify the judicial recall that it is only carrying out the principle of the election of the judges by the people. The appointment by the executive is by the representative of the majority, and so far as future bias is concerned there is no great difference between the appointment and the election of judges. The independence of the judiciary is secured rather by a fixed term and fixed and irreducible salary. It is true that when the term of judges is for a limited number of years and reelection is necessary, it has been thought and charged sometimes that shortly before election in cases in which popular interest is excited, judges have leaned in their decisions toward the popular side.

As already pointed out, however, in the election of judges for a long and fixed term of years, the fear of popular prejudice as a motive for unjust decisions is minimized by the tenure on the one hand, while the opportunity which the people have calmly to consider the work of a judge for a full term of years in deciding as to his reelection generally insures from them a fair and reasonable consideration of his qualities as a judge. While, therefore, there have been elected judges who have bowed before unjust popular prejudice, or who have yielded to the power of political bosses in their decisions, I am convinced that these are exceptional, and that, on the whole, elected judges have made a great American judiciary. But the success of an elective judiciary certainly furnishes no reason for so changing the system as to take away the very safeguards which have made it successful.

Attempt is made to defend the principle of judicial recall by reference to States in which judges are said to have shown themselves to be under corrupt corporate influence and in which it is claimed that nothing but a desperate remedy will suffice. If the political control in such States is sufficiently wrested from corrupting corporations to permit the enactment of a radical constitutional amendment like that of judicial recall, it would seem possible to make provision in its stead for an effective remedy by impeachment in which the cumbrous features of the present remedy might be avoided, but the opportunity for judicial hearing and defense before an impartial tribunal might

be retained. Real reforms are not to be effected by patent short cuts or by abolishing those requirements which the experience of ages has shown to be essential in dealing justly with everyone. Such innovations are certain in the long run to plague the inventor or first user and will come readily to the hand of the enemies and corrupters of society after the passing of the just popular indignation that prompted their adoption.

Again, judicial recall is advocated on the ground that it will bring the judges more into sympathy with the popular will and the progress of ideas among the people. It is said that now judges are out of touch with the movement toward a wider democracy and a greater control of governmental agencies in the interest and for the benefit of the people. The righteous and just course for a judge to pursue is ordinarily fixed by statute or clear principles of law, and the cases in which his judgment may be affected by his political, economic, or social views are infrequent. But even in such cases judges are not removed from the people's influence. Surround the judiciary with all the safeguards possible, create judges by appointment, make their tenure for life, forbid diminution of salary during their term, and still it is impossible to prevent the influence of popular opinion from coloring judgments in the long run. Judges are men, intelligent, sympathetic men, patriotic men, and in those fields of the law in which the personal equation unavoidably plays a part, there will be found a response to sober popular opinion as it changes to meet the exigency of social, political, and economic changes. Indeed, this should be so. Individual instances of a hidebound and retrograde conservatism on the part of courts in decisions which turn on the individual economic or sociological views of the judges may be pointed out; but they are not many, and do not call for radical action. In treating of courts we are dealing with a human machine, liable, like all the inventions of man, to err, but we are dealing with a human institution that likens itself to a divine institution, because it seeks and preserves justice. It has been the corner stone of our gloriously free Government, in which the rights of the individual and of the minority have been preserved, while governmental action of the majority has lost nothing of beneficent progress, efficacy, and directness. This balance was planned in the Constitution by its framers, and has been maintained by our independent judiciary.

Precedents are cited from State constitutions said to be equivalent to a popular recall. In some, judges are removable by a vote of both houses of the legislature. This is a mere adoption of the English address of Parliament to the Crown for the removal of judges. It is similar to impeachment, in that a form of hearing is always granted. Such a provision forms no precedent for a popular recall without adequate hearing and defense, and with new candidates to contest the election.

It is said the recall will be rarely used. If so, it will be rarely needed. Then why adopt a system so full of danger? But it is a mistake to suppose that such a powerful lever for influencing judicial decisions and such an opportunity for vengeance because of adverse ones will be allowed to remain unused.

But it is said that the people of Arizona are to become an independent State when created, and even if we strike out judicial recall now, they can reincorporate it in their constitution after statehood.

To this I would answer that in dealing with the courts, which are the corner stone of good government, and in which not only the voters, but the nonvoters and nonresidents, have a deep interest as a security for their rights of life, liberty, and property, no matter what the future action of the State may be, it is necessary for the authority which is primarily responsible for its creation to assert in no doubtful tones the necessity for an independent and untrammeled judiciary.

WM. H. TAFT.

THE WHITE HOUSE, *August 15, 1911.*

Mr. FLOOD of Virginia. Mr. Speaker, I move that House joint resolution 14, together with the message of the President just read, be referred to the Committee on the Territories. In making this motion, Mr. Speaker, I can assure the House that the committee will proceed immediately to consider the resolution and the veto message and report back their conclusions without delay, in order that the Congress of the United States may have an opportunity to express its convictions upon the great questions involved in this resolution—greater questions, Mr. Speaker, than the question of whether or not Arizona shall be temporarily denied the right of incorporating the recall of judges in her constitution, if her people desire to place it there. Congress has expressed its conviction on the questions in this House by a vote of nearly 4 to 1, and the Senate by a vote of nearly 3 to 1.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this motion debatable?

The SPEAKER. No; it is not, on the merits of the proposition. It is debatable when confined strictly to the question of reference to the committee.

Mr. FLOOD of Virginia. I was merely making a statement, I will say to the gentleman from Illinois.

Mr. MANN. I misunderstood the gentleman. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from Virginia to refer the House joint resolution 14, together with the message of the President, to the Committee on the Territories.

The question was taken, and the motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. GRAHAM: Mr. Speaker, I rise to a question of personal privilege. Some weeks ago there was a good deal of newspaper and other public comment over the matter of the elimination by Executive order of some 12,800 acres of land from the Chugach National Forest on the shore of Controller Bay, in Alaska. On account of this comment the committee of which I have the honor to be chairman, the Committee on Investigation of Expenditures in the Interior Department, began an examination into the question. I do not at this time expect to discuss the merits of the Controller Bay matter, but I desire to have read a resolution which was offered in this House by the gentleman from Washington [Mr. HUMPHREY] on the 9th day of August and now before the Committee on Rules, which resolution I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 271.

Whereas by reason of Executive order 12,800 acres have been withdrawn from the Chugach National Forest Reserve of Alaska and restored to settlement, which matter is generally referred to and known as the Controller Bay withdrawal; and

Whereas it has been publicly charged that such withdrawal resulted in giving a private corporation a monopoly of the shipping facilities of said bay; and

Whereas charges have been made reflecting upon the official integrity of the President and the Secretary of the Interior and other public officials in connection with such withdrawal; and

Whereas the Committee on Expenditures in the Interior Department entered upon an investigation of the facts in relation to said matter; and

Whereas said committee has failed and refused to permit competent and material witnesses that have appeared before it to testify; and

Whereas said committee has abandoned such investigation; and

Whereas it is important that the facts in relation to said transaction be given to Congress: Therefore

Resolved, That the Committee on Expenditures in the Interior Department be, and it is hereby, discharged from further investigation of any facts relating to the withdrawal of 12,800 acres from the Chugach National Forest Reservation of Alaska, and to all matters in connection therewith; that a committee of five Members of this House be appointed by the Speaker to investigate all matters connected with said transaction, and to report their findings to the House, and that said committee commence immediately upon its appointment such investigation, and said committee shall have power to subpœna and compel the attendance of witnesses and to examine them under oath and to send for records, books, and papers, and all other evidence that may be necessary to make such investigation full and complete, and that the Speaker shall have authority to sign and the Clerk to attest subpœnas during the recess of Congress. Said committee shall have authority to sit during any recess of Congress.

Mr. GRAHAM. Mr. Speaker, using that resolution as a text, the Philadelphia Inquirer of August 11, 1911, published the following editorial, which I also send to the desk and ask to have read.

The Clerk read as follows:

[From the Philadelphia Inquirer, Aug. 11, 1911.]

GRAHAM COMMITTEE SHOULD BE DISCHARGED.

The resolution introduced into the House of Representatives by Mr. HUMPHREY of Washington that the Graham committee be discharged from any further consideration of the Controller Bay slander, is one which ought most emphatically to be adopted. This committee instituted an investigation of the charge that in withdrawing the shore front of Controller Bay from the Chugach Forest Reservation, President Taft had been influenced by improper motives—that is to say, by a desire to facilitate the acquisition by the Guggenheim-Morgan syndicate of a monopoly in transportation from the Alaskan coal beds to the coast. Its intervention was induced by the publication of an article in which was incorporated the now notorious "Dick-to-Dick" letter, and its purpose obviously was, if it possibly could, to convict the President of what at the best would have been a blazing indiscretion and at the worst an official malfeasance of a flagrantly glaring character.

Although the inquiries of the committee had not gone far before it perceived the expediency of enlarging the scope of its action, so as to get as far away as possible from the original indictment, there is no room for an intelligent doubt that it was the "Dick to Dick" letter which first attracted its attention and which constituted the gravamen of the charge which it had undertaken to sustain. The whole fabric of the imaginary scandal which it scented had this letter for its basis, and the committee was therefore bound by every consideration alike of reason and of right to make this letter the starting point of its inquiry. It was bound to direct the battery of its interrogation in this direction and to satisfy itself of the authenticity or otherwise of this amazing document, in which the President of the United States was inferentially accused of disloyalty to the people with the protection of whose interests he is charged and to the great office which he occupies.

It has persistently and significantly refused to seek this satisfaction. Soon after its sessions began Secretary Fisher, of the Department of

the Interior, was permitted at his own request to address it. He stated that no such writing as that described was to be found in his department and he urged the committee to call before it at an early date the person who alleged having seen and copied it there. But the committee replied that it intended to conduct the investigation in its own way, and that way was to steer off as far as possible from the line of inquiry suggested. It refused to put Miss Abbott on the stand or to call any witness who could testify upon this subject. Mr. Richard S. Ryan wanted to swear that he had never written the incriminating postscript attributed to him, but the committee would not hear him, and, after having helped by its activity to circulate an absolutely baseless scandal, it suddenly discontinued its hearings and adjourned till next October.

It was not willing that through its instrumentality the truth should be made known. It preferred, by inference, still to countenance the lie which it had hoped, but failed to substantiate. It has disgraced itself and discredited the party that it represented. It most surely ought to be discharged.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman has not stated a question of personal privilege as yet. If the gentleman desires time, I have not the slightest objection to his having time.

The SPEAKER. As there is some doubt about whether it is a question of privilege, and the Chair would have to examine very carefully what the Clerk has read, I suggest to the gentleman from Illinois that he ask leave to address the House.

Mr. GRAHAM. Mr. Speaker, I do ask unanimous consent to address the House on this subject.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] objects.

Mr. MANN. Mr. Speaker, how much time does the gentleman want?

Mr. GRAHAM. Oh, an hour or less.

Mr. MANN. Then, Mr. Speaker, I ask unanimous consent that my colleague from Illinois shall be permitted to proceed for one hour. I suppose there will be no objection to some gentlemen on the other side having some time following.

Mr. GRAHAM. As far as I am concerned, none in the world.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague [Mr. GRAHAM] may address the House for one hour.

Mr. MANN. And that I have an hour.

Mr. MADDEN. Mr. Speaker, I reserve the right to object unless some gentlemen on the other side have time in which to reply.

Mr. MANN. And that I may have control of one hour.

The SPEAKER. The gentleman amends the request by adding that he [Mr. MANN] have control of one hour. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, reserving the right to object, I would like to ask if half an hour is not sufficient time on each side? I want to state to the gentleman that there is some business here to be transacted of some importance to some gentlemen——

Mr. MANN. The other day I asked that the gentleman from Florida have 50 minutes.

Mr. CLARK of Florida. I simply wanted to know if the gentleman could not get through in 30 minutes.

Mr. GRAHAM. I will get through as quickly as I can, but I doubt if I can in 30 minutes.

Mr. CLARK of Florida. Say three-quarters of an hour.

Mr. GRAHAM. Make it an hour. I do not know I shall use that much. I will get through as quickly as I can.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAHAM. Mr. Speaker, in presenting this matter, and by asking unanimous consent, I do not wish to be understood as admitting that it does not involve a question of personal privilege, but it was not my purpose in rising to a question of personal privilege in any way to prevent gentlemen who differ from my view from having an opportunity to express their views. The resolution in question contains a series of whereases containing statements of fact, and the editorial accepts as facts the statement set forth in those whereases. Ordinarily I do not pay much attention to newspaper statements, and if none but myself were involved in this matter I would not pay any attention to it, but the statement made in the editorial and the statement of facts made in the resolution affect the whole committee, and that committee contains on it men of the highest honor and the highest patriotism, and I would be lacking in my duty to them as well as to myself if I did not call the attention of the House to these resolutions and the facts on which they rest. I call the attention of the House to the fact that of the seven whereases which precede the resolution five of them are entirely immaterial to this question.

The first, second, third, fourth, and seventh have really nothing to do with the matter set out in the resolution itself. They are entirely immaterial to it. The fifth says:

Whereas said committee has failed and refused to permit competent and material witnesses that have appeared before it to testify.

And the sixth says:

Whereas said committee has abandoned such investigation—

Those two whereases are the only ones that are material in the resolution, and both of them are untrue. [Applause on the Democratic side.] The resolution itself is exceedingly weak and crude. It calls for an appointment of a special committee of five, not one of the regular committees of the House, and yet there is in it no provision for expenses for that committee; there is in it no provision for a clerk; there is in it no provision for a stenographer; there is in it no provision for stenographers' fees; nor is there any provision in it for printing or preserving the evidence or even for reporting the evidence to this House. It only provides that the committee shall report conclusions to the House.

The resolution provides that it shall commence work immediately, but there is not a word in it anywhere as to either the prosecution or conclusion of the work. Our committee has already begun the very work that it calls for a special committee to do. It has begun hearings on this subject, and while there seems to be complaint that the matter has not been pushed rapidly, there is not a word in the resolution providing for a rapid hearing or a pushing of this case to a conclusion by the special committee. But I do not care to dwell upon the imperfections of the resolution and the whereases. They could be strengthened; they could be corrected by amendment. The language to which I desire to call attention is the milk in the coconut, the fifth and sixth whereases, both of which I assert are without foundation and fact.

They contain averments which reflect seriously upon this committee. The fifth whereas says that the committee has failed or refused to permit competent and material witnesses that have appeared before the committee to testify. The sixth says it has abandoned the investigation.

In making allegations of so serious a character, of course it goes without saying that the burden of proving those allegations rests on those who make them, and they would have to carry the laboring oar in this regard. But I am willing to waive that, Mr. Speaker, and I think I can convince this House, I am sure I can convince reasonable men in this House—and I am bound to assume that they are all reasonable men—and show them from the record that these averments are not true. Has the committee failed and refused to permit competent and material witnesses that have appeared before it to testify? What are the facts in that regard? The facts, Mr. Speaker, are that the committee began hearings on this question, that some witnesses were called before it, and some witnesses were heard; that then gentlemen, not of the committee, appeared before the committee and undertook to outline the order in which evidence should be produced before the committee. The committee did not see the matter that way. It thought that it should determine the order in which witnesses should appear and testify, and insisted on its right in that regard. But that did not satisfy, and now we are told in the resolution that the action of the committee in insisting that it had the right to determine the order in which witnesses would appear amounted to a refusal to hear those witnesses.

It strikes me, Mr. Speaker, that that is a most singular conclusion to come to, and I repeat here that the record will show that the committee never for a moment considered the question of abandoning this investigation or of preventing any witness who knew any facts material to the matter to testify when the time came for him to do so. A number of witnesses were subpœnaed. They appeared before the committee. The Secretary of the Interior, Mr. Fisher, made the statement to the committee that certain persons who might have knowledge on some matters connected with this investigation were about to quit the employment of the Government. He gave their names, and they were subpœnaed, and they are now under subpœna and under the control of the committee. It was suggested they might get beyond the control of the committee and then the committee would not have the power to produce them to get their evidence. To obviate that very condition subpœnas were issued and were served on every one of them, and every one of them has been subpœnaed and is now under control, and when the proper time comes will be called upon to testify before the committee. And yet it is on that situation that the charge is made in this resolution that the committee failed or refused to permit competent and material witnesses that appeared before it to testify. They were brought before it at that time, not to give their testimony then, but to be under discipline.

Mr. Speaker, some fault has been found with the committee in that it did not proceed rapidly enough. The chairman of the committee, speaking for himself—and I think he voices the sentiments of at least a majority of the committee—is clearly of the opinion that haste is not the only thing desirable in an investigation which is to be a real investigation. Indeed, the chairman is of the opinion that haste is the worst policy that the committee could adopt; that, on the contrary, it had better proceed slowly, surely, and carefully if it is to develop the real facts. It so happens that of the majority of the committee none has had experience in matters of this sort, or, if any, but very little. It involves a knowledge of public-land laws, a very intricate subject and a very, very large field. Now, under those facts and conditions the committee are more than certain that they ought not to make go too rapidly; that it is wiser to proceed slowly. It is somewhat like a man dropped in a morass in a neighborhood where he is entirely unacquainted and which abounds in pitfalls and quicksands. What should he do? Should he rush around with extreme haste?

Would not those who advise such a course be liable to the accusation that they desired failure, and that they might reasonably expect misfortune to befall him; that he would surely get into a quicksand or a pitfall? I did not say—I do not even intimate—that the gentlemen who are so anxious to hasten this proceeding would have it so in this case. But any disinterested person, stopping even a moment to think about it, must see that a committee constituted as ours is had better make haste slowly if it is to get all the facts.

Now, let us examine, if you please, some of the reasons given why great haste should be made, and see whether they are sound or not. One of them is that some of the witnesses, as I have stated, who are in the Government service have left that service and might get out of the reach of subpœna. The Secretary of the Interior appeared before the committee and made such a statement as that, as did also one of my colleagues on the committee, the gentleman from North Dakota [Mr. HANNA], and as did also the gentleman from South Dakota [Mr. BURKE], a member of the committee; but I have no hesitation in saying, as I have already said, that not one of those witnesses will escape testifying. Subpœnas were issued promptly for every one of them as soon as their names were suggested, and every one of them is now under subpœna, awaiting the desire of the committee in the giving of his testimony.

It is true some of those witnesses appeared in the committee room and were not called on to testify. Quite so; but I have just given the reason for that. They were not subpœnaed because they were expected to testify at that time, but they were subpœnaed in order to have them under control, so that they could be used when the committee in the order of its procedure reached them, and not before.

Mr. BURKE of South Dakota. Mr. Speaker, does the gentleman yield for a question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from South Dakota?

Mr. GRAHAM. What is the question?

Mr. BURKE of South Dakota. I desire to ask, Mr. Speaker, since the gentleman is speaking for the committee—and I am quite in sympathy with his desire to defend the committee against any improper charge—I would like to ask the gentleman whether or not the committee as a committee did any of the things that the gentleman has been describing, or whether or not——

Mr. GRAHAM. The gentleman should be more specific. I do not understand.

Mr. BURKE of South Dakota. Or whether or not some member of the committee or a minority of the committee may have elected not to do certain things.

Mr. GRAHAM. The gentleman speaks in riddles. I do not understand, and therefore I can not answer. Gentlemen on the other side will have time and can state their case in their own way, and if I go wrong gentlemen can correct me.

Mr. BURKE of South Dakota. Mr. Speaker, do I understand that——

The SPEAKER. Does the gentleman yield?

Mr. GRAHAM. I do.

Mr. BURKE of South Dakota. Do I understand that my colleague is unable to answer my question because I speak in riddles? Is that what I understand the chairman to say? If that is the case, I would like to ask my colleague upon the committee if he will produce a record of the committee sustaining the circumstances that he has been relating.

Mr. GRAHAM. The gentleman will produce the records of the committee as he goes on in the order in which he hopes to take them up, and if, when he has concluded, the particular record which the gentleman from South Dakota has in mind has not been referred to, the gentleman who has the floor will be glad indeed if he can satisfy his friend from South Dakota.

The second reason given why the committee should be discharged, or, rather, the complaint made against it, is that the investigation might discover unfaithful employees in the Interior Department. Mr. Speaker, I think there is no merit whatever in that suggestion. It was advocated in the committee by the gentleman who has just taken his seat [Mr. BURKE of South Dakota]. It was advanced by the Secretary of the Interior also. But, in my judgment, it is not entitled to any consideration. The Interior Department is furnished with an army of special agents and with large funds to pay those special agents for making investigations of every character, and if there were employees in that department who were unfaithful or dishonest, it certainly is not the function of a committee of this House to do for the Interior Department the work that it has men specially employed to do, and the committee declined to act upon that suggestion.

It was then urged by my friend the gentleman from South Dakota that the investigation should be pushed at once for the vindication of a young lady whose name has been mixed up in this matter, known as Miss Abbott. Now, it was extremely touching to witness the solicitude of the gentleman from South Dakota to have Miss Abbott vindicated, but it has not appeared up to date that he had any brief to undertake her defense, if she needed any, or see that she was vindicated, and the committee, in its cold-blooded fashion, was no more anxious to vindicate Miss Abbott than it was to vindicate the administration. It was only determined to go on in an orderly way and do justice to all the parties, and to see that the Congress and the people of this country knew the facts.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. BARTLETT). Does the gentleman from Illinois yield?

Mr. GRAHAM. Yes; I yield.

Mr. BURKE of South Dakota. I wish to say to the gentleman that I do not desire to take his time, and if I interrupt him too much I shall not think it his fault if he objects. Now, I would like to ask the gentleman whether or not the committee took any action whatever relative to any effort that may have been made by any member of the committee looking to a speedy investigation of this matter? And, if they did, I would like to ask the gentleman to produce the record of such a meeting of the committee.

Mr. GRAHAM. Mr. Speaker, in the statement which I expected to make here it would seem as if the topic sprung by the gentleman from South Dakota would constitute a necessary element, and it does seem to me that sometimes gentlemen are exceedingly impatient when some other gentleman has the floor by insisting that he shall make his speech in the order in which they think he ought to make it, rather than in the order in which he thinks he ought to make it. I hope, in the orderly discussion of the subject, the topic mentioned by the gentleman from South Dakota will be reached, and I submit to him now that it is scarcely fair to take my time in that way. When I have finished, if I have left untouched anything that he thinks I ought to have discussed, I shall be glad to give it my attention. [Applause on the Democratic side.] In the meantime, if I were disposed to be captious, I might almost say that the gentleman wanted to consume my time. [Applause on the Democratic side.]

Now, Mr. Speaker, I wanted to call the attention of the House to the conditions which surrounded our committee before this matter came to our attention. We had some matters under investigation. One of them was an investigation of the Indian reservations in the Territory of Arizona. We had given it a good deal of time, but it was not finished. We had a number of witnesses here who were here at the expense of the Government. We were anxious that they should be relieved from attendance on the committee and the Government relieved of the expense. Then later, at the suggestion of the Department of Justice—indeed, at its urgent solicitation—the committee went into an investigation of the White Earth Indian Reservation, in the State of Minnesota. The committee had yet other matters going along collaterally with this one, and the committee was not in a condition to give this matter their entire time, even if they thought it wise to do it; and the chairman of the committee did not think it wise to do so. He did not think it wise to rush the matter at that time, for the reasons already suggested and also for other reasons.

In addition to the two reasons I have given for proceeding somewhat slowly, namely, the two Indian-reservation investigations which were going on, there was yet another reason, stronger than any of those, and that reason, the most important of all, was that the documents which our committee must have

in order to make any intelligent progress in this investigation were not then accessible.

About the time the matter was begun Senator POINDEXTER, of Washington, introduced a resolution in the Senate calling for the documents, papers, and correspondence in this very matter. That resolution was acted upon by the Senate, and a demand made upon the President and all the departments involved to send to the Senate such documents as pertained to this subject matter.

When that matter came before our committee the Secretary of the Interior, in the statement he made to the committee said, referring to this matter—and I read from page 32 of our hearings:

Referring to the so-called "Dick-to-Dick" letter the Secretary said:

That seems to me a very serious matter, and it seems to me it has a direct relation to the prime functions of this committee in relation to the investigation of the expenditures in the Interior Department. If we have men connected with the department who for any reason would be parties to the destruction or elimination of any documents contained in the records of the department, it seems to me that is a matter that should be at once inquired into. I think—although I may be mistaken—that there is a provision in the statutes on the subject; but at any rate such a suggestion affects the efficiency of my office. It was not because of any desire to interfere with the general line of the investigation that I make this suggestion, but I do suggest that at your earliest convenience, and as soon as you do think it is proper in your investigation, you have Miss Abbott's account of the thing and such evidence as will enable us to ascertain, if we can, whether there was such a paper, and, if so, where it was and who had it when it was in existence, so we can determine the time about when it must have disappeared and ascertain exactly who had access to those papers and find out what has become of it if it ever did exist.

The CHAIRMAN. We hope to reach that, Mr. Secretary, and I take pleasure in saying to you that if, as we go along, any point develops which we think would better enable you to conserve the public interests the committee will take pleasure in informing you of it.

Mr. HANNA. It was suggested by the Secretary that some of these men, who have been employees in the department, have resigned, and that others might leave, and so on. As I understand, the men are all interested who were there at the time this matter was up in the Department of the Interior?

Every one of the witnesses suggested was subpœnaed and will be called to testify in proper order.

That statement of the Secretary of the Interior, Mr. Fisher, refers to having Miss Abbott go on the witness stand then. The chairman thought her evidence did not fit at that time; that no foundation had been made upon which it would rest, and that it would put the evidence before the committee which had to study it and report upon it in the haphazard fashion of a crazy quilt rather than in an orderly and logical way.

With reference to the point I was just urging, that the documents from the Interior Department, the War Department, and the Department of Agriculture were then in use, in the preparation of the Senate document, the Secretary made the following statement, which will be found on page 26 of the hearing. There are some words in the text from which I read, which appear there because of interruptions, and which break into the continuity of thought.

I am going to leave them out as I read, and any gentleman having the record before him can follow me. Referring to these documents, Secretary Fisher said:

As you doubtless know, the Senate, on the motion of Senator POINDEXTER, has recently passed a resolution calling on the President for all of the documents relating to this matter, whether they appear in the Interior Department, the War Department, or the Department of Agriculture, and those papers are in course of preparation. I understand that everything that relates to the matter will be transmitted to the Senate at once, and it will be, of course, published as a public document when it can be made available for the committee. The reason I am interested in that phase of the matter is that Mr. Dennett, who was before you day before yesterday, called my attention to the request of the committee for copies of all of these same documents, so far as they exist in the Interior Department. Now, we have prepared and have now nearly completed a transcript of all the records in the Interior Department for transmission to the President, to be by him sent to the Senate, and Mr. Dennett wanted to know whether or not he should be instructed to duplicate that work or whether the committee would prefer to wait until the entire matter went into the Senate?

* * * * * * *

Of course, that will take a little time. Mr. Dennett's suggestion to me was that if the material went in promptly to the Senate it would probably be available in that form as promptly as we could duplicate it, but if the committee desires it we will put extra clerks at work on it and get you the information. I am here to offer my cooperation to this committee absolutely without limit and without the slightest desire to protect anybody or anything, and in the hope that the matter will be given instant attention for the purpose of getting at the entire facts.

What should the committee do in that case? What was there for them to do but to wait until that Senate document was printed?

Since that time we have been waiting, and the Senate document has not yet appeared. Last week I made three trips to the Senate to find out what I could about it. I think it was on Thursday last, or possibly Friday, I wrote to the Secretary of the Senate, and I also wrote to the Printing Office, to know when we might hope to get copies of it.

But no copy has reached me, although the gentleman from South Dakota [Mr. BURKE] informed us that he had seen it in print some days prior to last Thursday. I do not know why this is so. I do not know why he should have an opportunity to see these documents so necessary to our work, without which we can make no real progress, when we would not get to see it. It seems to me that this points to an additional reason, and a very strong one, why we should make haste slowly in this matter.

In addition to his statement before the committee, Mr. Fisher, the Secretary of the Interior, wrote to me on July 25, 1911, as follows:

In reply to your letter of July 24, permit me to say that it is my understanding that the President is sending to the Senate a message transmitting the papers and documents to which you refer, as well as the records of other departments concerned in the Controller Bay matter. The message itself is printed, but I do not understand that the records accompanying it have been put into type. They are quite voluminous and I assume will be printed by the Senate as an official document.

I feel quite sure that you will find in these records all that you desire in the way of documents from this department, but if upon further examination you find anything additional which you wish to obtain it will be gladly furnished if possible. I shall ask the President to send to your committee a dozen copies of the printed message.

Copies of the printed message were sent to the committee room when they were sent to the Senate and the House. But that message gave us no light whatever. It gave us no correspondence, it gave us no maps, it gave us no information so far as documents and correspondence were concerned, and so, as Secretary Fisher had said, the very information the committee must have to make any intelligent progress has been kept from it to this day, and it has not had it even yet. [Applause on the Democratic side.] And now gentlemen say that the committee should be discharged because it has not proceeded with sufficient haste, when it can not proceed without the very evidence that seems to be withheld from us, but which is furnished to the minority members of the committee.

After learning from the gentleman from South Dakota on the 10th that he had seen a copy of this Senate document in print some days before, I wrote to the Secretary of the Senate, asking him to furnish me a copy as soon as he conveniently could. Next day I received this letter from him:

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
August 11, 1911.

Hon. JAMES M. GRAHAM,
Chairman Committee on Expenditures in the Interior Department, House of Representatives.

DEAR MR. CHAIRMAN: I have your letter of yesterday requesting that you be furnished at the earliest convenience with copy of the message of the President of July 26, 1911, transmitting information relative to the withdrawal of certain lands in the Chugach Forest Reserve.

The Printer reports that the proof of this document is at the department for revision and reading; that the work is being hurried as much as possible, and that the completed work ought to be available within 1 week or 10 days. It is understood that certain maps and illustrations ordered to be printed as accompaniments are in work at this time, but that their completion will delay the final publication of the document.

It will give me much pleasure to supply you with copy of the document at the earliest possible day.

Very truly, yours, CHARLES G. BENNETT.

I also sent a copy of the same letter to Mr. Donnelly, printer expert. I have not heard from him yet, and I have not seen a copy of this Senate document yet, until I saw this moment the copy exhibited by the gentleman from South Dakota [Mr. BURKE]. I refuse to believe that the Secretary of the Senate or the printer expert have of their own motion withheld this document from the majority of the committee while furnishing it to the minority of the committee.

What will honest men, who believe in a square deal, think of such methods?

Secretary Fisher said—and everyone agrees with him—that the committee should have the printed Senate document to proceed intelligently.

The gentlemen who urge haste have had that document and they know we have not got it, and now they make a howl about delay. O ye hypocrites!

Mr. MONDELL. Will the gentleman yield?

Mr. GRAHAM. No; I have used considerable of my time, and I desire to reserve some of it for reply.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. GRAHAM. Now, Mr. Speaker, since this episode occurred our committee has been holding sessions from time to time. We have been acting under the strain and stress which all the Members of Congress have been in not knowing when the adjournment would occur. We could not proceed by bringing witnesses from a distance, by keeping them here on expense, without some knowledge as to how long Congress might be here.

It was the sense of the committee that when Congress should adjourn the committee should also adjourn, to convene during vacation at an opportune time. The committee has taken action, and has decided that the chairman should call the committee together during the vacation. The sense of the committee as expressed in its action was that the call should be made some time about the 1st of November. The action taken does not bind the chairman. The committee adjourned to meet at the call of the Chair, and the Chair has discretion in that regard, and while the committee expressed its sense, as I have stated, to meet about the 1st of November, if any exigency should arise to make it desirable to meet earlier, the chairman has the power to call it together earlier.

The chairman of the committee says now, as he has said in open committee and elsewhere repeatedly, that this investigation is not abandoned, that there never was any thought on the part of the committee to abandon it. The committee insists and the chairman insists that the investigation shall be orderly, that it shall be thorough, and that some time shall be taken in advance by members of the committee who are not familiar with the documents in the department, who have no clerks at their disposal who are familiar with the documents, who were present at the making of them or the receipt of them in the department and know them as we know the alphabet, and who are not interested, and—I say it with all due respect—not interested in bringing all the evidence before the committee. The committee needs to proceed carefully and it will proceed carefully, and it hopes to let the light shine on every crevice of this matter. It hopes to give Congress and the country all the facts concerning it. It does seem a little strange to the committee that this Executive order, dated October 28, should enable a man away out on Controller Bay to have a survey made and make locations on three different quarter sections on the fourth day after the Executive order was signed at Washington. There is in it matter worthy of investigation, but an investigation made in haste by a committee unfamiliar with the facts and the environments would be no investigation at all, and it seems to me, Mr. Speaker, that the administration itself and those who stand with it should want this investigation made under circumstances which would be entirely free from suspicion, free from undue haste, free from inadequacy or defect of any sort. [Applause on the Democratic side.]

Mr. MONDELL. Will the gentleman yield?

Mr. GRAHAM. State your question.

Mr. MONDELL I desire to ask the gentleman if, before he concludes his remarks, he intends to state the efforts that the minority Members made to have the investigation continued?

Mr. GRAHAM. The minority Members have time at their disposal, and I suppose they will state such facts as they desire to state. I shall reserve some of my time to reply to those statements.

Mr. KAHN. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GRAHAM. Not now. There is but one other point to which I want to refer at this time, and that is the reason put forth to the effect that the administration has been assailed through the newspapers in this matter, and that it is due to the administration that the matter be investigated as promptly as possible. With that I entirely agree. I say that it should be investigated as promptly and as thoroughly as possible—as promptly as a thorough investigation will permit. I take it that the administration has not suffered any in this regard. It is claimed that the administration was assailed through the newspapers by the publication of what has been called the "Dick-to-Dick" letter.

But the President of the United States has made this matter the subject of a message of 23 printed pages. In that message he has given his view with great elaborateness. It has gone to the country very, very generously. It has been published everywhere. I do not assert it as a fact, for I have not personal knowledge of it, but I have fairly good information, enough to justify me in saying that this message or the substance of it has been reduced to plate matter, and that those plates have been sent to the country press of the United States at a cost which is practically nothing. In addition to that, I have information which I deem reliable that a number of Government clerks who are being paid by the Government for doing other work have been employed continuously in mailing these messages of the President to the people of the United States. Therefore I think it fair to assume that the reason given, namely, that the administration and the President should be vindicated loses most of its force in view of those conditions. Wherever the statement went, I take it the contradiction has followed. Those who saw the accusation have doubtless seen the defense. Indeed, I may say, I think, without going outside the limits of the reasonable, that the defense, the message of the President, has reached many, many persons and many places where the charge itself has never been either seen or heard; hence that as a reason for undue haste falls to the ground with the others.

Mr. Speaker, that is all I desire to say at this time, and I reserve the balance of my time.

Mr. KAHN. Mr. Speaker, will the gentleman yield to me for a question purely for information?

Mr. GRAHAM. Perhaps the gentlemen on the other side will be able to answer the gentleman from California out of their time.

Mr. KAHN. I doubt whether anybody but the chairman of the committee could.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GRAHAM. Not at this time. I do not care to consume any more of my time.

The SPEAKER pro tempore. The gentleman declines to yield and reserves the balance of his time. The gentleman has 20 minutes remaining.

Mr. MANN. Mr. Speaker, I yield 30 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I have listened with a great deal of interest and pleasure to the gentleman's apology for the action of the committee. I had hoped that before he sat down he would make some explanation or give some reason for its action. In the first place, the gentleman starts out and criticizes the wording of the resolution. I admit that the criticism is just. I dictated the whereases of that resolution to my secretary, and then told her to use resolution No. 103, the resolution under which this committee has assumed to act, for the rest of it, and, of course, I made a mistake when I followed that Democratic resolution. [Applause on the Republican side.]

The gentleman's apology for the committee not proceeding is because, as he says, there are certain papers that the President has sent to the Printing Office, and that he is waiting for copies of them. The original papers in that matter were within the reach of this committee at any time they desired to use them.

I have been informed that this committee has not met since the 21st of last month to consider this particular question. I have also been informed that before this committee has appeared the Secretary of the Interior. I have the hearings here which show that that is true, and that he asked permission to testify. I am also informed that Ashmun Brown was before that committee; that Don M. Carr was before that committee; and that Delegate WICKERSHAM, from Alaska, was before that committee; that Mr. Ryan, the supposed writer of the notorious postscript, was before that committee; and that Miss Abbott was before that committee, and has been several times since. It was upon noting these facts that I introduced this resolution. I want to thank the distinguished chairman of the committee for the opportunity that he has given me to speak on this resolution. It is not necessary to say that as far as the gentlemen who comprise that committee are concerned I have the highest regard for their integrity in every respect, and anything I may say does not reflect upon them personally in the least. I had long given up hope of ever being able to speak upon this resolution, but since it is brought before the House I take pleasure in stating now some of the reasons why I introduced it, and some of the reasons why I think it ought to be passed.

Mr. OLMSTED. Mr. Speaker, may I ask the gentleman a question? He stated that certain witnesses were before the committee. Were they permitted to testify?

Mr. HUMPHREY of Washington. They did not testify. I will not use that expression, that they were not "permitted" to testify.

The whole Pacific coast, and especially the State of Washington, is vitally interested in the development of Alaska. To a great extent the prosperity of the Pacific coast depends upon the future of Alaska. We are more interested in the development of Alaska than in any other portion of the country, and we are more interested in knowing if there is any foundation for the hysterical claims by certain so-called conservationists that Alaska is likely to pass into the control of great corporations. It has recently been charged through the public press and given wide publicity that Controller Bay is one of the keys to the future transportation of Alaska, and that this bay, by the act of the Interior Department and the President, had been turned over to a private corporation and such privileges granted to it as to permit it to have a complete monopoly upon said bay; that by this act the rights of the people have been disregarded and the future development of Alaska threatened.

It has been directly charged that the President of the United States, at the instigation of his brother and with full knowl-

edge of the situation, in order to help certain private interests, secretly made an order setting forth certain lands for the express purpose of giving what is known as the Morgan-Guggenheim syndicate a monopoly and control of this bay.

The whole country is familiar with these charges. The President was directly assailed. He was accused of improper and dishonest motives. The Committee on the Expenditures in the Interior Department, by virtue of House resolution No. 103, assumed jurisdiction and authority to investigate these charges. This committee, with much blare of political trumpets, with hysterical publicity and glaring headlines in the saffron-hued uplift press, started to investigate these matters and to give the truth to the public. It no longer holds meetings. The headline had disappeared in the sensational press. Suddenly "the shouting and the tumult ceases." And this committee begins to look for excuses to postpone and delay, and are now using every endeavor, if I am correctly informed, to prevent further hearings. What is the matter? The witnesses were before this committee. Why were they not examined?

The Secretary of the Interior asked that Miss Abbott be placed upon the witness stand. Why was it not done? What has caused this sudden change of attitude? What has come over the spirit of the dreams of these enthusiastic investigators? What has so suddenly happened to cool their patriotic ardor? What is the reason that this committee does not want to hear the evidence? Does it want to give the truth to the country?

By their action they have helped to give wide publicity and attention to a most scandalous and scurrilous attack upon the President. Is it possible that they are now willing by their action to protect those who are responsible for these charges? Do they wish by their inaction to protect those who by forgery and villification assassinate the character of public men? Delay can benefit only those who have something to conceal. No honest man can object to the immediate and complete truth being made public. [Applause on the Republican side.] To delay without cause this investigation can not be in the interest of honesty. Again I ask, What is the matter that no further proceedings are being taken? Are the tracks of villification and slander leading in the wrong direction? [Applause on the Republican side.] What has happened that the truth is no longer desirable to those who are so eager to investigate these irresponsible charges? Is the famous and infamous "Dick-to-Dick" letter an ordinary and stupid forgery, misshapen and untimely born of the distorted and distempered imagination of an irresponsible, hysterical, petticoated muckraker, or was she only the unsuspecting and innocent tool of designing enemies of the President who were too cowardly to strike except from the dark and from behind. [Applause on the Republican side.]

Mr. SHARP. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. I do not wish to yield now; I may have time later.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HUMPHREY of Washington. This is a question that this committee can settle very quickly. This is the question in which the people are interested. This is the question: If the President is guilty of the things directly charged in that letter, which no person in the United States believes, then he is unworthy of his great office. The people of the country are entitled to know upon what ground such charges are based. It will not do to say that these charges made are immaterial now after the committee has given them sufficient weight to start upon an investigation. If the committee takes this position, that this letter was an infamous forgery, then why do they not inquire into who was guilty of such criminal methods to traduce the President and to cast a shadow over his great reputation?

The pretended discoverer of this letter was before the committee, and Secretary Fisher asked that she be placed upon the witness stand and compelled to give the truth in relation to the transaction. She has visited the committee since. Why was this not done? What excuse can the committee give for its failure to place this witness on the stand and submit her to cross-examination? Why is not the truth in relation to this letter given to the public now? It is due not only to the country and to the President and to other public men involved that this should be done, but if she be honest, and it is to be presumed that she is, it is due to the woman herself. Where did this woman first get this letter? Who first told her about it? Where is it now? Who has seen it? If it is a forgery, did she do it herself, or was it inspired by some one else? It does not take any maps to place this witness on the witness stand to answer questions. No documents are necessary for the committee in order to ask her in regard to this letter. Again I ask, Why did not the committee place this witness on the stand and let the country know the truth?

That this letter is a forgery no one doubts. What object can there be in keeping from the public all the facts concerning it? Certainly it can not be that the committee fears that some "higher up" may become involved in the transaction, or that some political conspiracy may be revealed to discredit the President.

As the country is at a loss to understand why this, the only witness, so far as known, that ever saw this letter is not compelled to testify, it is also at a loss to understand why the committee refuses to hear Mr. Ashmund Brown, former secretary of Secretary Ballinger and of Secretary Fisher. Why was he not permitted to tell his story? Why is it that Mr. Don M. Carr, formerly connected with the department, was not placed upon the witness stand?

Why was not Mr. Ryan, reputed author of this letter, compelled to give his side of the controversy to the committee?

It is well known that all these gentlemen are soon to go to the Pacific coast.

Was it the hope of the committee that something might transpire before next October that would cause the testimony of these witnesses to be unavailable?

Was it the hope of the committee that by waiting until next October something might prevent these witnesses from again appearing before the committee?

Why was it that Delegate Wickersham was not placed upon the witness stand and given an opportunity to tell what he knew about the transaction? He claimed to have very important information bearing upon the question. Why is it that he was permitted to leave for Alaska without an opportunity to give to the public his statement?

Mr. GARDNER of Massachusetts. Will the gentleman yield for a moment?

Mr. HUMPHREY of Washington. No; yes, I will.

Mr. GARDNER of Massachusetts. The gentleman heard the chairman of the committee say that this was not the orderly time for an investigation of that evidence. Now, let me ask the gentleman whether, in his opinion, if the forthcoming evidence had been against the President of the United States this orderly method of procedure would have still been maintained?

Mr. HUMPHREY of Washington. In answer to that I will say that the chairman of the committee stated that he wanted to construct his building in an orderly and symmetrical way, and my answer to that is that this letter is the foundation of the charges; and the further answer is that it is impossible to construct a symmetrical building that rests upon a foundation of falsehood and forgery as do these charges. [Applause on the Republican side.] And I am utterly unable to imagine any reason why they refused to permit the testimony of this woman at this time, consistent with a desire to let the country know the facts about this letter.

Again I ask what is the purpose of delay? Is it to give some witness time to get beyond reach, or the hope that something may transpire that will cause their evidence no longer to be available? Is it to give some interested party time and opportunity to cover up his guilty tracks?

Mr. FERRIS. Will the gentleman yield?

Mr. SHARP. Will the gentleman yield just for a question?

Mr. HUMPHREY of Washington. I decline to yield at this time.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HUMPHREY of Washington. If anything wrong has been done, let us know it now.

If any officer in this Government, even the highest, has failed to do his duty toward Alaska, let us know it now.

If any company has been given privileges in Alaska that it should not have been granted, let us know it now in order that such privileges may be withdrawn.

If anything has been done in relation to Controller Bay that is antagonistic to the interests of the people, let it be known now, while there is still time for Congress to act, and while we still have power to abrogate any privileges that may have been given. In order that Congress may act to right any wrong it is vital that the facts be known promptly.

If, on the other hand, it be true, as has been charged, that these attacks upon the President is a political conspiracy to discredit him, and the expressed desire to protect Alaska is only a pretense to accomplish this purpose, then let it immediately be known to the country.

If it be true that these imputations, as has been charged, are inspired by those who have great interests in the East, and are for that reason opposed to the development of Alaska, then these facts should be made known. If it is influence that has induced this committee to suddenly stop this investigation, let that fact be known.

If any and all of these charges are false, then let that fact be known. No honest man can object to the truth. Whatever the facts may be, there is no justification for the delay of this committee in their investigations.

The people of Alaska are American citizens. They went there having faith in this Government, having faith in the honesty and in the integrity and intelligence of Congress. They have been patient and long suffering, and they are entitled to relief, and entitled to relief now. The delay of this committee in this investigation is another obstacle to immediate help to the people of Alaska.

If the Controller Bay affair is worthy of investigation at all, it is vital that it be done at once. If the committee has discovered that all the charges made in relation to this controversy are false, as their action seems to indicate, then let them have the courage to make a report to this effect at once, that Congress and the country may have the truth.

I am not now discussing what the real facts in this controversy may be; but whether the President has made a mistake or whether the accusations against him are false and inspired for political purposes, or whether such charges are the work of great interests in the East opposed to Alaskan development, whatever the truth may be, there is no justification for delay in investigating the matter. I care not what excuse may be given, there can be, and there is, but one reason for such delay, and that is the desire to conceal the truth for the benefit of some one. For some reason it is desired to keep the facts from the public.

Can it be that the committee, having gone so far, has discovered that the charges made against the President are false, and that they now think that delay may leave some stain in the public mind upon the President?

I can not believe that such motives control the majority of the committee. I am sure that such actions, if inspired by such motives, would be condemned by the majority of the Members in each party. Partisanship so indecent will never meet the approval of this House.

In conclusion, I may say that I have examined with some care the facts in this case and I have some personal knowledge of the situation. I am satisfied that the President acted knowingly; that he acted with caution; that he acted with a full knowledge of the situation, and that he acted wisely. I am satisfied that he did not intend to give anyone the power to control the transportation facilities of Controller Bay, or to do anything that would be to the disadvantage of the public. I am satisfied that had he desired to grant a monopoly of the transportation facilities upon Controller Bay that he would have been entirely powerless under the law to do so. I am satisfied that the public interests in this transaction have been fully conserved; that all charges against the President are wholly without foundation. But whatever the truth may be, it is of highest importance to the public, and especially to the people of Alaska, that all the facts in relation to these charges should be made public at the earliest possible time. In reality the question now is not a question of Controller Bay or of conservation. The public mind is satisfied upon that proposition. The issue now is the great name of the President of the United States.

Shall a committee of this House be permitted by delay to deliberately assist those who would besmirch the name of the President? This is the question now involved in the action of the committee.

The American people are familiar with the record of President Taft. The American people approved and admired him as a great and just judge. The American people watched and approved his great work in the Philippines. The American people watched and approved his action in regard to the construction of the Panama Canal.

The American people watched and approved his remarkable success in Cuba. The American people put their seal of approval upon his splendid record as Secretary of War. From the day when he resigned his office as judge and at the request of the martyred McKinley went to the Philippines and took up his hard task, the whole world has known, watched, and applauded the career of William H. Taft. [Applause on the Republican side.] No man in the history of this Republic ever bore a more stainless reputation; no man ever stood higher in the confidence of the American people as to his honesty, integrity, or sincerity of purpose. Some men may not agree always with his judgment, some may differ with him on questions of policy, but no honest man doubts the honesty of William H. Taft. [Applause on the Republican side.] And this committee has committed a great wrong and they stand discredited before the American people when by their inaction they give their indorsement to the cowardly, dishonest, and dastardly attempt, by falsehood and forgery, to discredit that great and splendid character who is now President of our country. [Applause on the Republican side.]

Mr. Speaker, to show what some of the newspapers of the country think of the action of the committee, I will insert in the RECORD several editorials on the question:

[Editorial from the New York Tribune, July 26, 1911.]

TRICK-TO-TRICK.

In response to the demand of Representative BURKE of South Dakota that "the searchlight should be turned on now" upon the Controller Bay affair and the "Dick-to-Dick" letter, the chairman of the investigating committee, Mr. GRAHAM, said yesterday that "it was better to proceed in October." Of course; better to let the sinister accusations already spread on the record stay there unproved for three months, in the hope that they will leave an impression which would be effaced, and something more, if they were promptly refuted; better to be unfair, to employ cunning and play the sneak than to ascertain and publish the facts as soon as possible; better to act in a public matter affecting the reputation of public men as no man could act in a private relation without becoming an object of scorn and loathing; better to let accusers down easy through delay than to run the risk of making them contemptible; better to perform a political trick for what there may be in it than to show an honest zeal for the truth.

In our opinion Mr. GRAHAM will find that his calculations are erroneous; that the country will not forget, but remember; and that it is not "better to proceed in October."

[From the Post-Intelligencer, Seattle, Friday, Aug. 4.]

COWARDLY POLITICS.

The refusal of the GRAHAM investigating committee to hear testimony in regard to the notorious "Dick-to-Dick" postscript, said to have been found in the letter files of the Interior Department by Miss Abbott, a magazine writer, is a display of infamous unfairness, and shows the length to which some Democratic statesmen will go in efforts to serve the party to which they belong.

Mr. GRAHAM says the matter is not of sufficient importance to warrant further investigation. Why not? This mean forgery has smirched the reputations of men whose characters are supposed to be above reproach. It went to the disgusting and contemptible limit of dragging the President's name into an unclean controversy. Is it Mr. GRAHAM'S idea that reputation is no longer of any consequence in this country? Doesn't he put any value on character?

Among men who are entitled to the respect of their fellows character is about the only thing that counts; it is the "immediate jewel" of the souls of manly men.

If the GRAHAM committee and their muckraking aids on the outside had dismissed the entire Controller Bay fake as of no importance in the beginning, before they had gone to the mean extreme of smirching the names of honorable men, they would have deserved the commendation of the American people, and they would have received it.

But that isn't the Democratic way of doing things; that at any rate isn't Mr. GRAHAM'S way of doing things, for he doesn't care anything about a man's character, he doesn't care anything even about the President's character, if he can gain some narrow political advantage by assailing it.

But Mr. GRAHAM and his blind followers will gain nothing by tactics of this sort. The American people are fair and just, and they have not yet reached the low state that would cause them to regard reputation and character as of no importance in the day's events. Cowardly politics of the GRAHAM sort will make no headway in America.

[From the Philadelphia Inquirer, Monday, July 24, 1911.]

A COMMITTEE'S RANK PARTISANSHIP.

Such rank partisanship as is being shown by the House committee which is conducting the Controller Bay investigation has seldom been exhibited. This inquiry was originally induced by the publication in a local newspaper of what purported to be a copy of a document on file in the Department of the Interior made by one Miss M. F. Abbott. Miss Abbott claimed to have discovered some suspicious irregularities in connection with the opening to public entry of a triangular piece of ground which formed part of the Chugach National Forest, of Alaska, and which had a frontage of 8 miles on Controller Bay, a large inlet from the Pacific Ocean. She had written a "story" on this subject, for which she finally found a purchaser, and an important, because a sensational, feature of what she wrote was what has since become known as the "Dick-to-Dick" postscript. It is supposed to have been addressed to former Secretary Ballinger under date of July 13, 1910, and reads as follows:

"DEAR DICK: I went to see the President the other day. He asked me whom I represented. I told him, according to our agreement, that I represented myself. But that didn't seem to satisfy him. So I sent for Charlie Taft and asked him to tell his brother (the President) who it was I really represented. The President made no further objection to my claim.

"Yours, "DICK."

The scandal mongers who seized upon this choice morsel for exploitation presented it as evidence that the President's order of October 28, 1910, opening to entry the Controller Bay tract, had been prompted by a desire to promote the institution by the Guggenheim-Morgan syndicate of a monopoly in the transportation of coal from the principal Alaskan beds to the seacoast. The intimation was that when the President learned that "Dick" was acting for the Guggenheim party he made the desired release. This means that the President was accused of having exercised his authority for the benefit of a private interest at the public expense. There could hardly be a graver charge, and it demanded an immediate and unsparing investigation. Well, the Graham committee met, and on July 12 Secretary Fisher, of the Interior Department, appeared before it and testified that no such document as Miss Abbott claimed to have copied could be found on the files of his department. He urged that Miss Abbott be interrogated with regard to it at an early date. The committee gave him no satisfaction. It has not called Miss Abbott yet, and, according to report, is not intending to call her, and its chairman now insists that the "Dick to Dick" postscript, which was made the occasion of the abuse of which the President has in this connection been the object, is of no importance anyhow.

In the meanwhile, Richard S. Ryan, the supposed "Dick" of the transaction, has denied ever having written the alleged letter, has denied having any acquaintance with Charles P. Taft, the President's brother, has denied any connection with the Guggenheims, and has denied ever having asked the President for any favors. He is still waiting a chance to testify and his wait is likely to be a long one. A deliberately scandal-mongering committee, which has lost all its interest in the "Dick to Dick" letter, doesn't want to hear him.

Indeed, it has no consuming desire to hear anyone. It seems to have had enough, and on the pretext that Mr. Louis D. Brandeis, whom it has invited to help it out of its difficulties, can not sooner attend, it has postponed any further hearings until next October, when it is dollars to doughnuts that the investigation which has so signally failed to produce the desired results will be conveniently forgotten. It is as though a ragamuffin should throw a handful of mud at a passer-by and then dodge round the nearest corner.

[From the Philadelphia Inquirer, Thursday, July 27, 1911.]

WHY THE CONTROLLER BAY INQUIRY WAS DROPPED.

Chairman GRAHAM of the committee which has been investigating the Controller Bay fake, refused to give any good reason why the witnesses who for several days have been waiting to be heard with regard to the "Dick to Dick" letter should not be allowed an opportunity to testify, but he did confirm the report that the inquiry had been postponed until October, and the public can form its own conclusions as to the rest.

Of course, the fact is that Mr. GRAHAM and those Democratic associates of his who thought they saw a fine chance to besmirch the President and to discredit his administration have discovered, to their disgust, that they have been following a false scent. They have promoted by their proceedings the dissemination of a scandalous story, according to which the President deliberately exercised his official authority to promote the purposes and interests of a monopolizing combination, and now they have discovered that there is nothing in it, that it is a lie made out of the whole cloth. That is why they have lost interest in the case and why the investigation has been postponed until next October, when it can be quietly dropped without its abandonment attracting attention.

Mr. GRAHAM explained that he and his fellow inquisitors were intending to study the entire Alaskan situation. So they should, for it is a subject on which Congressmen appear in desperate need of enlightenment. But that is no reason why this Controller Bay business should not be taken up and settled right now. The honorable, the honest, the decent, the only fair thing for the committee to do, after having given circulation and a kind of indorsement to the "Dick-to-Dick" insinuation, would be to turn the light on the situation which has been created and to make a frank, open, unreserved exhibition of all the facts. The young woman who says she copied the incriminating writing from a paper on file in the Interior Department should be called to the stand and invited to tell all she knows. It has been suggested that the committee thinks she might not withstand the strain of the cross-examination to which she would be subjected, but if she is telling the truth she has nothing to fear, and if she isn't she deserves no consideration.

Mr. Richard S. Ryan wants to swear that he never wrote the alleged "Dick-to-Dick" postscript; that he has only a formal acquaintance with former Secretary Ballinger and would not think of addressing him so familiarly; that he never asked any favor of the President; that his application was made through the regular channels in the ordinary way; and that he has no connection with the Guggenheim syndicate, but represents a rival concern. The committee is in honor bound to hear Mr. Ryan forthwith. It is also in honor bound to give Mr. Ashmun Brown, who was Judge Ballinger's private secretary, a chance to say under oath that although all the papers in the Controller Bay case passed through his hands he never saw the "Dick-to-Dick" postscript and does not believe such a document ever existed. That is what the committee would do if to ascertain and enunciate the truth were its real object. Such, however, is not the case. It cares only to discover and disseminate a scandal, and it had no use for the Controller Bay incident upon discovering that there was no scandal there.

[Editorial from the Washington Post, July 27, 1911.]

CONTROLLER BAY.

President Taft's message to the Senate on the Controller Bay affair is a crushing reply to the muckrakers who have taken shreds of truth and dovetailed them with brazen falsehoods in the effort to besmirch the administration.

It is shown that there has not been and can not be any transfer of Controller Bay to the Morgan-Guggenheim or any other company; that Congress retains control of the approaches to the channel of Controller Bay; that only a limited portion of the land above high water (4 miles from the channel) may be located by any person or corporation, with alternate portions reserved by the Government from location by anyone; that the land between low and high water can not be obtained by anyone without specific act of Congress; and that the President carefully considered all applications before throwing open lands from the Chugach Forest Reserve and took steps to give everybody a chance to open up the country without special favors to anyone.

It is further shown that the "Dick-to-Dick" letter was a fabrication, invented by some muckraker for the purpose of bolstering up the charge that the "Guggenheims" had gobbled Controller Bay. Charles P. Taft never had any communication with Ryan, and knew nothing of Controller Bay. Former Secretary Ballinger never received such a letter, and was away on a two months' vacation when it is alleged to have been written.

A more thorough sweeping away of false and malicious rubbish was never accomplished than Mr. Taft has accomplished in this message. He speaks with dignity, but the force of his plain unfolding of facts completely demolishes the cunning fabrication contrived by those who tried to make it appear that the President was a party to the betrayal of the Government in its Alaskan property.

The President does well to give Alaska the benefit of a few truths, for that unhappy district has been befogged so long by liars and muckrakers that its development has been halted and its prospects greatly damaged. This admonition from the President's message is well worth heeding:

"The helpless state to which the credulity of some and the malevolent scandalmongering of others have brought the people of Alaska in their struggle for its development ought to give the public pause, for, until a juster and fairer view be taken, investment in Alaska, which is necessary to its development, will be impossible, and honest administrators and legislators will be embarrassed in the advocacy and putting into operation of those policies in regard to the Territory which are necessary to its progress and prosperity."

[From the Seattle Times.]

GOOD REASON FOR INVESTIGATION OF ALASKA CONDITIONS—"DICK-TO-DICK" LETTER CHARGES OPEN WAY FOR FAR-REACHING INQUIRY INTO CAUSE OF TROUBLE IN NORTH.

[By J. J. Underwood.]

The congressional investigation into the Alaska coal-land controversy, precipitated by charges to the effect that former Secretary of the Interior Ballinger and Charles P. Taft had entered into a conspiracy to defeat the Government of ownership of alleged valuable shore land at Controller Bay, Alaska, according to dispatches received from Washington, has resulted in the bars being thrown down by the probing committee, and it has been resolved to thoroughly inquire into every ramification of a problem that bids fair to become a national issue.

The Times presents herewith a number of facts pertaining to the Alaska coal-land situation and its bearing upon the contracts for furnishing fuel to the United States warships plying on the Pacific Ocean, and upon western conditions generally. The Times presents also certain statements which have been made from time to time in connection with the activity of the adherents of the conservation movement. These will be forwarded immediately to Washington and presented to the probing committee for investigation.

FOREIGN SHIPS—AMERICAN COAL.

Nineteen foreign vessels are now chartered and on the way from Newport News and other Atlantic ports to San Francisco and Puget Sound ports. These vessels are laden with coal from the Pocahontas fields, to be delivered at the Government naval stations.

The ships carrying Government cargo are being operated in violation of the Federal law, which prohibits foreign vessels engaging in coastwise trade.

This should be investigated.

The aggregate freight bill to be paid by the Government for the cargo carried by these 19 ships is approximately $600,000. The Government pays annually to the owners of foreign vessels a haulage bill of more than $1,000,000. These ships carry nothing but Pocahontas coal.

This coal either should be carried on American ships or the law prohibiting vessels from plying between American ports should be repealed. Under the present conditions the money paid to foreign shipowners by the American Government for hauling naval coal amounts to a Government subsidy to foreign shipowners.

Foreign ships chartered to carry coal to the Pacific Ocean for use on American war vessels, on arrival at their destination, are thrown on the open market, and having received what amounts to a ship subsidy from the Government, American merchant marine is unable to compete with them.

The committee might look into this matter.

WHAT GOVERNMENT PAYS.

The Government pays $8.80 for Pocahontas coal delivered at San Francisco, and a higher rate for delivery at Puget Sound ports. Government engineers have reported that Alaska coal, of better steaming quality and of a higher percentage of efficiency for all purposes, can be delivered on Puget Sound at $4.90 and at San Francisco at a slightly increased cost. By using Alaska coal in United States warships the Government could save more than $1,000,000 per annum.

This should be investigated.

In the event of war with a foreign country that would invade the Pacific Ocean, American war vessels would be without fuel, except such as could be dragged around Cape Horn or across the continent.

The best method of maintaining peace, it is generally admitted by war experts, is to constantly maintain a condition of readiness for war. And opening and operating Alaska coal fields, with several coaling stations, would give the Pacific coast cities greater assurances of protection.

This is a condition the committee might investigate.

It has been publicly charged that the Forestry Department has expended large sums of Government money in exploiting by publicity the views of ultraconservationists, and that in this manner an effort has been made to build up a big political machine. Is this true?

Let the committee ask some of the settlers living along the edge of the various forest reserves.

OTHER CHARGES MADE.

It has been charged that the efforts of the forestry press bureau have been accelerated by efforts on the part of publicists working in the interests of the owners of the Pocahontas coal fields, of the British Shipowners' Association, of the steel interests of the Eastern States, of the Weyerhaeuser Lumber Co., and of certain railroad companies; it is further charged that these interests have worked to keep the Alaska coal out of competition on the Pacific coast markets, particularly in regard to fuel furnished the United States naval vessels.

It has been stated that the Enos estate, in which former Chief Forester Gifford Pinchot is a beneficiary, is interested in the Pocahontas coal fields and in the Pocahontas Sales Co. It also is charged that his interests are identical with those of the Weyerhaeuser Lumber Trust.

The committee by investigating along these lines might throw a new light on the conservation movement.

George W. Woodruff, an Attorney General of the Interior Department, who was recommended to the office by Gifford Pinchot, soon after being forced to resign by Secretary Ballinger, became the secretary-treasurer of the Pocahontas Sales Co. It is claimed that Pinchot obtained this position for Woodruff.

Let the committee find out why Pinchot is so friendly toward the Pocahontas Co.

In the event of the Alaska coal fields being opened, the freight between Puget Sound and Alaska could be reduced one-half. Under the present conditions ships plying northward from Puget Sound return in ballast, thus making the freight charges for the northward trip pay for the return trip when nothing is carried. This is an injustice to the people who are trying to develop Alaska, and the committee should take some steps to remedy it.

Residents of Alaska during the past 10 years have paid an aggregate of approximately $7,000,000 for coal purchased in Canada. They also have paid a duty of 40 cents the ton thereon, and this in spite of the fact that Alaska is underlain with countless millions of tons of the finest grade coal—an anomalous situation.

Let the committee look into it.

The census reports show that Alaska's population has increased only 767 in 10 years, while the population of contiguous territory in Canada has increased by the immigration of American citizens at the rate of 11,800 per month. Many Alaskans who made fortunes in the gold mines of Alaska, and seeking investment in agricultural land, took their money to Canada.

The committee should seek an explanation of this condition.

FOREST-RESERVE DEAL.

The forest reserves in Alaska have been extended over large areas of country where there is not one stick of growing timber. It is charged that in many instances the reserves were extended to keep prospectors from locating coal lands. Only one-fifth of the known coal areas of Alaska have been located; the balance is locked up in the forest reserves. Although application was made as long as six and seven years ago, none of the lands located have been allowed to go to patent.

Let the committee find out why.

While an abundance of superdeveloped timber lies rotting in Alaska, no man is allowed to cut timber without first getting a permit from the Government and paying a stumpage duty. Millions of railroad ties and telegraph poles were imported from Oregon and Washington to Alaska, involving much unnecessary expense, and subserving no purpose except to help deplete the forests of the United States.

Let the committee find out why this condition has been allowed to exist.

It is contended by some legal authorities that forest reserves in Alaska have no legal existence. The law allows the Executive to extend the creation of forest reserves to the "Territory of Alaska." Some courts have ruled that Alaska is a district. What is the legal status of Alaska? If it is a district, the Government has defrauded Alaskans of money collected for stumpage.

Let the committee look into this matter.

RAILROADS HELD UP.

While the Government has rendered assistance to railroads constructing lines in the United States and in the Philippines, it has levied a duty of $100 per mile per annum on railroads constructed in Alaska. The users of the railroad must pay this license. As Alaska has no vote in the Electoral College or in Congress, and as one of the fundamental principles of American Government is that there shall be "no taxation without representation," it leaves a question as to whether the Government has flimflammed the Alaskans out of this and other license fees.

Let the committee inquire into this.

Telegraph and cable tolls between Seattle and Alaska, mile for mile, are 280 per cent higher than in the United States. The Alaska cables and telegraph lines are operated by the United States Government. Let the progressive members of the committee find out why the Government is allowed to charge a telegraph toll which it would not tolerate on the part of the telegraph companies in the United States.

QUESTIONS OF LAW.

Five different Federal officials, each charged with judicial powers, two judges of the Federal court and three successive Secretaries of the Interior, have rendered five different interpretations of the law in regard to Alaska coal-land cases.

Let the committee recommend the enactment of a law that will enable the Supreme Court to settle this matter, the matter of the alleged illegality of the forestry reserves and the judicial status of Alaska, once and forever.

It is contended that the courts of justice and not the executive departments should be the final arbiters of the rights of the Alaskans. To leave the final determination of a matter so far-reaching in its importance as is the Alaska coal-land problem to the head of a department of the Government, who has undertaken to carry out what is believed to be an unwise policy, is manifestly unjust and un-American in principle.

Let the committee recommend that this matter be put up to the Supreme Court of the United States.

It has been charged that the decision in a recent coal-land case, made by the Interior Department, was guided by political expediency and not by the facts and the law.

Let the committee find out whether this be true—and if it be, send the case before a judicial tribunal for retrial.

If the decision of the commissioner of the General Land Office in the case referred to is carried to its logical conclusion, every prospector in the United States will be compelled to develop a producing mine before he can obtain a title to his property. This is manifestly impossible, and ends further development of properties to which title has not been granted.

Let the committee find out why this new interpretation was placed on the law.

One railroad operating in Alaska, after building 79 miles of track, was compelled to suspend because of the heavy cost of Canadian coal. This company has stated its willingness to put up a bond to build 500 miles of railroad in Alaska within five years if 1,000 acres of Alaska good coal land is opened to entry. Let the committee investigate this offer, and, if it is legitimate, see that it is carried out.

It is charged by competent mining engineers that the lack of a fuel supply in Alaska has caused a stagnation of business conditions, has forced many good citizens into bankruptcy, has inflicted untold hardship upon them, and has practically blotted off the map many places that once were prosperous settlements. Is this true?

It is asserted also that while the opening of the Alaska coal fields would decrease the dividends of the foreign shipowners, the Federal Steel Corporation and many other financial interests which are centered in the Eastern States, it would greatly increase the manufacturing business and general prosperity of the Pacific coast and Western States. It is contended that the manufacturing business can not be successfully engaged in on the western slope of the Rocky Mountains because of the heavy transportation bills on hard coal and coke.

Let the committee look into this, and they may find some milk in the conservation coconut.

Mr. MANN. Mr. Speaker, how much time has the gentleman consumed?

The SPEAKER pro tempore. The gentleman has occupied 23 minutes, and has 7 minutes remaining.

Mr. HUMPHREY of Washington. Mr. Speaker, I want to ask unanimous consent to extend my remarks by inserting in the RECORD some editorials and some newspaper clippings upon this question.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend his remarks in the manner stated. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, I yield back the balance of my time.

Mr. MANN. Mr. Speaker, I yield 15 minutes to the gentleman from South Dakota [Mr. BURKE]. [Applause.]

Mr. BURKE of South Dakota. Mr. Speaker, I had not intended to participate in this debate and would not do so were it not for the fact that my colleague on the committee the gentleman from Illinois [Mr. GRAHAM] has referred to me in person, and because of the fact that he has made certain statements as to what the committee had done without distinguishing between the majority and minority members thereof, and because of the fact that the distinguished gentleman from Washington [Mr. HUMPHREY], who has just taken his seat, has cast aspersions and reflections upon the committee as a whole, and I being a member I feel compelled to say something.

I want, Mr. Speaker, to disclaim any responsibility whatever for anything that has transpired or that has not transpired since the 20th day of July in the Committee on Expenditures in the Interior Department so far as the Controller Bay matter is concerned. And I want to say further that in the statements made by the gentleman from Illinois [Mr. GRAHAM], the chairman of the committee, when he said repeatedly that the committee had taken certain action or that the committee had done certain things, if the statements are true they are without any knowledge on my part, because the committee, as a committee, has taken no action at any meeting that has been called in the usual way, and I think the chairman will substantiate my statement when I say that I have attended every meeting of that committee since I became a member thereof.

Now, Mr. Speaker, just a few words about what has transpired. I was appointed upon the committee on the 19th day of July or, in other words, I was elected by a resolution of the House, offered by the distinguished gentleman from Alabama [Mr. UNDERWOOD], my name probably having been suggested by the distinguished minority leader, the gentleman from Illinois [Mr. MANN].

I attended the first meeting of the committee after that date, which was on the 20th day of July. I found that the committee was engaged in hearings upon the subject of Controller Bay, and had had several hearings. I did not have an opportunity to read the hearings at that time, except very hastily to glance over them. I attended the committee meeting on the 20th day of July, at 10.30 o'clock in the morning, and I found there, in addition to the members of the committee, the several witnesses whose names have been mentioned by the gentleman from Washington, and I am not going to take the time to name them all; but Mr. Ryan was there and Miss Abbott was there and Mr. Ashmun Brown, former private secretary to Secretary Ballinger; Mr. Don M. Carr, of the Interior Department; and Mr. Delegate WICKERSHAM were there, as well as others. The committee was slow in beginning work, but finally, at about half past 11, a witness appeared from the Forestry Bureau and occupied the witness stand until 15 minutes after 1 o'clock in the afternoon.

The record shows that at that hour the committee adjourned to meet on Friday, at 10.30 o'clock—the next day. At 10 o'clock the next day I was phoned by the clerk of the committee that there would be no meeting, and that there would probably not be a meeting until such time as the chairman determined, and that I would be notified. There was no meeting on that day and there was no meeting on the following day, which was Saturday; neither was there any meeting on Monday, which was the 24th of July. There was no session of the House during that period except a short session on Saturday, lasting only nine minutes. On Tuesday morning, the 25th, the committee assembled, pursuant to the call of the chairman, and when the committee got ready to proceed to business we were informed by the chairman that we were to consider a question involving an Indian reservation matter in Minnesota. At that time, Mr. Speaker, it seemed to me, after all that had been stated in the press of the country, and in view of the statement made by the present Secretary of the Interior, Mr. Fisher, before the committee on one of the former hearings as to the importance of this Controller Bay inquiry proceeding while the witnesses were available that then was the time to go on with it and to continue the inquiry until we had gotten the facts pertaining to the whole matter.

And so, Mr. Speaker, I presumed, very modestly, as a new member of the committee, to interrogate the chairman, and in Hearing No. 6, I think it is, on this subject, will be found what occurred upon that occasion.

I have not the time, Mr. Speaker, in the short time allowed me, to read what occurred, but the Members of the House by sending for these hearings can find out. But the sum and substance of what I did say, Mr. Speaker, was to state what the conditions were, referring to the fact that the Secretary of the

Interior had been before the committee; that the witnesses were then there, some of whom were about to leave the Government service; that I, as one member of the committee, wanted to go to the very bottom of the matter; in other words, I wanted to go to the root of it. I further stated that I wanted to turn on the searchlight, and I wanted to do it then, and I have been endeavoring as best I could to force the committee to go on with the investigation ever since.

For the information of the House I will insert the proceedings on that occasion as shown by the printed hearings. They are as follows:

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Tuesday, July 25, 1911.

The committee met at 10.30 o'clock a. m., Hon. JAMES M. GRAHAM (chairman) presiding. There were present also the following members of the committee: Messrs. GEORGE, HENSLEY, and BURKE.

There were also present Hon. Robert G. Valentine, Commissioner of Indian Affairs; E. B. Merritt, law clerk, Indian Office; Thomas Sloan, attorney at law; and Mrs. Helen Pierce Gray.

The CHAIRMAN. Gentlemen, I suppose you know we are here this morning to listen to Judge Burch.

Mr. BURKE. Mr. Chairman, in advance of what you are going to consider this morning, I would like to inquire what has become of the Controller Bay inquiry, or the Alaskan matter?

The CHAIRMAN. What do you mean by that, Mr. BURKE?

Mr. BURKE. I understood that the committee were engaged in the investigation of certain charges that have been made with reference to Controller Bay, in Alaska, and that it was the intention—at least I got this from the record—to pursue the inquiry, and do it diligently; and on Thursday last, the 20th instant, the hearing was for the purpose of conducting that inquiry, and a recess was taken until Friday morning at 10.30. Later the members of the committee were advised that there would be no meeting, and this has been the first meeting since. I am simply inquiring as to what has become of that matter?

The CHAIRMAN. Nothing has become of it; it is just where we left it, and, of course, will stay there until taken up again. The reason for the gap in the proceeding is the delay in the report of the President or the Secretary of the Interior, or both, in answer to the Senate resolution. That document was to be filed on Friday last, I heard, but it was not, and I understand will not be until to-morrow. That document will contain a great deal of information about papers and documents which we hope to use; and in order not to annoy or inconvenience the department, I thought it better to wait until they got that off their hands before asking them for such documents as we need. As soon as that document is out, it will probably take a little time to study it, see what it contains that we think we would need, and also what it does not contain that we think we would need; and as soon as that is done it is the intention of the Chair, so far as he is concerned, to get that documentary evidence into the record—all of it.

Mr. BURKE. In reading the record—and I know the Chair will take into consideration that I have been a member of this committee but a short time, and therefore have to ask for information that I might otherwise be possessed of——

The CHAIRMAN. Certainly.

Mr. BURKE. On the 12th I notice the Secretary of the Interior appeared before the committee and urged that this matter have a very thorough and prompt investigation, and called attention to what I believe to be the case, and I guess there is no dispute about it, that, so far as any claims have been filed upon or any effort to file upon any claims, they have not matured; and that it is very important if anything has transpired there which is reprehensible or iniquitous, as the newspapers would seem to indicate, it should have investigation immediately, in order that if the public interests have been jeopardized in any manner, we may prevent the consummation of any attempted acquiring of land contrary to law.

I also notice in this statement of the Secretary that he calls attention to some witnesses who are important, some who have left the department, and others about to leave, and that he believes, so far as the one feature of the matter is concerned, it ought to be inquired into at once in order that witnesses may be obtainable who know the facts. I refer to Ashmun Brown, who was formerly secretary to Secretary Ballinger, and Mr. Don M. Carr, who was assistant to the Secretary, who, I understand, is about to go to California. A newspaper article has stated that a certain Miss M. F. Abbott found in the records a certain letter, known as the "Dick-to-Dick" letter. It is denied that any such letter was there.

It seems to me, in justice to Miss Abbott, we ought to make an inquiry in regard to that letter; and in view of the fact that all of these witnesses whom I have named, including Mr. Ryan, whom I believe was subpœnaed, are here, I can not understand why we should delay this matter; and as one member of the committee, I want to say that I want to turn on the searchlight and go to the very bottom of every suggestion that has been made with reference to the Controller Bay affair, and I believe there has been enough said about it in the press of the country so that the country is demanding an immediate investigation; and I would not make this inquiry as I do if I had not read in the papers that it was the intention not to take this matter up perhaps until October. I was advised by one member of the committee that he has been so informed through his secretary, who is alleged to have conferred with the chairman, that it was not to be taken up until October; and I want to say that I hope that that is not the case, and I hope that we may go ahead with this Controller Bay inquiry at the very earliest date and make it a special continuing order until completed, except as it may be postponed by action of the committee.

The CHAIRMAN. Mr. BURKE, let me inquire, in connection with the Secretary's statement before the committee on the day of the second hearing, did you also read the reply of the chairman to the Secretary on that occasion?

Mr. BURKE. Yes, sir; I certainly did.

The CHAIRMAN. The chairman indorses now all that he said then, and has very little to add to it. As to the point you make that this investigation ought to be pushed so that the Interior Department might know if there is anything fraudulent in the Controller Bay claims, I think that a most astonishing statement. In my short experience with the department I have never known the department to rely on a committee of the House for information concerning the character of claims. The General Land Office is thoroughly, perfectly equipped with special agents whose duty it is to investigate the validity of claims, who have every facility, who can go on the ground, who have practically unlimited money to expend in that work, and who can, if they desire, or if the department desires them to, find out every detail about it; and there is no machinery in the law or in the Government, in the practical application of the law, which requires a committee of Congress to make investigation as to the validity of claims in order to enable the department to know whether those claims are valid or invalid. I therefore must dissent very strongly from the suggestion which you make, whether it comes from you or from the Interior Department, that this committee resolve itself into a special agency for the purpose of investigating the validity of claims pending in the Land Office. I think you will agree with me in that view. Whether you do or not, I think the view is sound.

As to the witnesses whom the Secretary suggested should be subpœnaed, they have been subpœnaed. All of them he named have been subpœnaed and are now under control of the committee, and at the proper time will be called. They are released temporarily, but not discharged, a difference which, of course, you clearly recognize. I am sure that the chairman quite agrees with you, and is glad to hear you say what he would expect you to say, that the searchlight should be turned on this matter to the fullest possible extent. But, from your experience in Congress and your experience as a lawyer, you must know that to turn the searchlight on a matter of this involved character so as to see into all the recesses will take time, and the chairman, so far as he can do it, proposes to give it the necessary time and to get into every crevice with the searchlight; and he is glad, indeed, to know what he would have expected in any event, that you will aid in that work. But it will have to be done in an orderly manner. As the chairman said to the Secretary of the Interior on a former occasion, there is, in his judgment, a best way to go at it. The Chair's opinion is that the best way to proceed now is to get into this record every bit of documentary evidence which there is available and obtainable, and if the Chair can have his way about it, all that will be done, if possible, before the adjournment of Congress.

The chairman thinks that, then, the majority of the committee desires to go home and stay there at least awhile during the hot weather, and when the weather and the circumstances are more favorable, that the committee return at some opportune time—October would be a good time—and have all the witnesses here ready to push the hearing of the oral testimony to a conclusion as rapidly as possible, and in such order as at the time will appear to the committee most logical and most effective.

Mr. BURKE. I think the Chair misunderstood my suggestion that this inquiry ought to be continued only for the purpose of aiding the department.

The CHAIRMAN. Yes; if you did not say that, the Chair misunderstood you.

Mr. BURKE. This inquiry, or rather the suggestions that have prompted this investigation, suggest that the department is not properly conserving the public interests, and that they have, by some irregular and unusual proceeding, permitted lands to be acquired that ought not to have been acquired; and Congress, that has absolute control over the public domain, when its attention is called to anything of this kind, should promptly investigate it for the express purpose of preventing the consummation of what it is said is improper. I had no thought of conducting this inquiry for the purpose of aiding the department or the General Land Office. I do not care anything about them. I think that Congress itself, and certainly the country, want to know something about this affair.

The CHAIRMAN. Just at that point, the chair will again state that he does not understand that your present statement of your position accords with your first statement of it, and the record will show the fact that you did suggest that this committee assist the department in determining whether a fraud was about to be committed. Now, which of us is right as to that matter is, of course, immaterial; the record will show that.

Mr. BURKE. That might be one reason.

The CHAIRMAN. But on the other point you make you are mistaken, as the chair sees it. Congress is not supreme in the matter of which you speak. If a location was made on Controller Bay by some one having soldiers' additional homestead scrip, Congress could not interfere with that. Congress can not, by any power that I know of, deprive a man of his property lawfully obtained; and no investigation which Congress could now make along that line would have the effect of depriving a man who had lawful claims on Controller Bay of those claims. So that that could not be a reason, if I am right about it, why we should go into an inquiry of that character, which could lead nowhere.

Mr. BURKE. The investigation would probably disclose that.

The CHAIRMAN. Yes; and I hope an investigation will.

Mr. BURKE. Has it occurred to the chair and the other members of the committee that, in view of the fact that it is asserted that certain interests, known as the Alaska Syndicate, are perhaps back of this matter, the failure on the part of the committee to act promptly might be thought to be prompted by some action on the part of that syndicate and therefore embarass the committee?

The CHAIRMAN. No; the committee has not any such thought as that. I do not think it at all likely that anyone would be of the opinion that the majority of the committee is here to aid the Alaska Syndicate. If anyone is of such opinion, I hope that before the investigation is over such person will have ample cause to change his mind.

Mr. BURKE. The chair thinks, then, it is very possible that that impression might prevail as to the minority?

The CHAIRMAN. No; the chair thinks that extremely improbable, if not impossible.

Mr. BURKE. Just another word. As I understand the chair, in his own opinion, as a member of the committee, he thinks that after reaching a certain point in this investigation it might be well to postpone the continuance of it until some time later in the season; that to be a matter to be brought to the attenton of the committee for its action, I assume.

The CHAIRMAN. The committee is entirely in control.

Mr. BURKE. I supposed that was the case, and I would not have made this inquiry had I not read in the papers that the committee had decided to put this over until October, and I was not aware that the committee had so acted; and if they have so acted, I would like to be advised.

The CHAIRMAN. The chairman neither owns nor controls any paper.

Mr. BURKE. I understand that.

The CHAIRMAN. And is not informed as to what has appeared in the papers, and the chairman has never assumed to be the committee.

Whenever he made a statement the chairman was always very careful to say that that was merely the opinion of the chair.

Mr. BURKE. I have no doubt that is the case. I would like to make one further inquiry for information.

The CHAIRMAN. Very well.

Mr. BURKE. I notice that in a number of its hearings counsel appear for the committee. In the Controller Bay matter one Mr. Fennell, I believe, is the name. Will the chair state, for my benefit, what the relation of Mr. Fennell is to the committee?

The CHAIRMAN. In that Controller Bay matter Mr. Fennell's relation to the committee I could not state; I do not know that he had any. In matters pertaining to the General Land Office Mr. Fennell represented the committee.

Mr. BURKE. *Do I understand* that is by employment by the committee, or voluntarily?

The CHAIRMAN. I hardly know whether to call it employment or not. Mr. Fennell will get some remuneration.

Mr. BURKE. I notice that in the hearings it says "There were present," naming the members of the committee, "and Mr. W. P. Fennell, attorney at law, Washington, D. C., on behalf of the committee." I simply wanted to know his relation to the committee, so that I might consult him the same as any other member if he is employed by the committee; and I think in these investigations, where a subject is of enough importance, counsel can be of assistance to the committee. But I wanted to ask of the chair if the committee has authority to employ counsel.

The CHAIRMAN. From whom do you mean when you say authority?

Mr. BURKE. I assume that it could not have authority from any other body except the House itself. I know no precedent where a committee has had authority to employ counsel——

The CHAIRMAN. The Chair does not quite agree with you in that regard.

Mr. BURKE. Perhaps the Chair can inform me; that is what I want to know.

The CHAIRMAN. I suppose that the contingent fund of the House might be used in that way without specific permission from the House. What does Mr. Burke think about that?

Mr. BURKE. I would think that the precedents would require action by the House to authorize the employment of counsel, except, possibly in investigations where the resolution is broad enough to authorize the employment of counsel, as may be the case in the sugar and steel inquiries, where they are authorized to expend $25,000.

The CHAIRMAN. Then I am right, am I, in understanding you to say that, in your opinion, the contingent fund of the House, or any part of it, may not be used for that purpose?

Mr. BURKE. I should say it was very doubtful.

The CHAIRMAN. If it is doubtful——

Mr. BURKE. I want to say—and I am saying this in entire good faith, for the benefit of the Chair—that that question came up in the last Congress in the committee that investigated the Steenerson matter, and I think that was the ruling of the Committee on Accounts. I do not wish to be objecting at all to the committee having counsel.

The CHAIRMAN. It is not the fact, but the manner of it, that you are suggesting doubts about now?

Mr. BURKE. That is all.

The CHAIRMAN. Is there anything further that you wish to inquire about now that we have a catechising spell on?

Mr. BURKE. I think the Chair will, as I have already stated, recognize the fact that I am a new member on this committee, and necessarily must make inquiries to get certain information that I would be cognizant of if I had been a member from the beginning.

The CHAIRMAN. The committee has no secrets. Anything you wish to inquire about, you may do so freely.

Mr. BURKE. I have nothing further.

Mr. Speaker, notwithstanding my demand to take up the Controller Bay matter, we proceeded to inquire about the Indian-reservation matter in Minnesota, and we ran along, holding sessions for two or three or four days on that matter, and finally we got to a stopping point, when I again made some further inquiries of the chairman about the Alaska affair. I had been reading in the press of the country a great deal about it. I had read in the newspapers that the hearings had been postponed by the committee until October. I had also read in the newspapers that some attorney—one Brandeis—had been employed by the committee.

This was on the 27th of July, and to show exactly what I did say and what transpired I will quote from the hearings of the committee on that day the proceedings as they appear in the printed report of the hearings, as follows:

WHITE EARTH RESERVATION.

COMMITTEE ON EXPENDITURES
IN THE INTERIOR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Thursday, July 27, 1911.

The committee met at 10.30 o'clock a. m., Hon. JAMES M. GRAHAM (chairman) presiding.

The following members of the committee were present: Messrs. FERRIS, GEORGE, HENSLEY, and BURKE.

There were also present: Thomas Sloan, attorney at law; E. B. Merritt, law clerk, Indian Bureau; and Mrs. Helen Pierce Gray.

Mr. BURKE. Mr. Chairman, I want to ask a question simply for information. Some days ago I saw in the papers that one Mr. Brandeis had been engaged by this committee as counsel, and the evening paper last night published a statement that that was the fact, or that he had been engaged for the committee. Simply for information, I would like to know what is his relation to the committee.

The CHAIRMAN. Is your inquiry for information or publication? If your inquiry is for information, it ought to be asked in executive session; and if it is for publication, we ought to know it. As to the things that appear in the newspapers——

Mr. BURKE (interposing). I saw the publication in the paper, and certainly thought there would be no harm in inquiring about it.

The CHAIRMAN. That is quite true. The chairman has not paid much attention to the publications in the papers. For instance, the Chair saw in one of the papers the statement that a vacancy was made on this committee and that you were put here to represent and defend the administration. Now, the Chair would not pay any attention to that statement, and it would seem as if everything that appears in the newspapers ought not to be made the basis of inquiry in an open meeting of the committee. If it is merely for information——

Mr. BURKE (interposing). I will make the inquiry in executive session if there is any reason why it should not be made in open meeting. It did not occur to me that it was a matter that necessarily should be confined to executive session. I have no desire to embarrass the chairman by asking the question.

The CHAIRMAN. The chairman is not embarrassed; not at all. The chairman merely wants to know, Mr. BURKE, whether this inquiry which you make is for your personal information or for publication. If it is made for publication, the committee ought to know it; but if it is made for your personal information, then it had better be made in executive session.

Mr. BURKE. I do not think the Chair is justified in making the suggestion that he has made about the question. I stated that the purpose of the question was for information; and if it will help the matter any, I will reiterate my statement that it is for information.

The CHAIRMAN. In response to that statement, the Chair would have to reiterate that some inquiries for your personal information had better be asked in executive session. In this case the Chair has no hesitancy in answering your question. Mr. Brandeis has not been engaged by the committee, but the chairman of the committee hopes that Mr. Brandeis will give his services to the committee.

Mr. BURKE. That is all I want to know. I am not in any way intending to cast any reflection upon the chairman or the committee for employing Mr. Brandeis or anybody else, but having seen it in the papers, not once, but several times, I thought it was entirely proper to make the inquiry.

The CHAIRMAN. The Chair thinks that everything that appears in the papers is hardly a proper subject of inquiry in open meeting, just as the chairman has intimated with reference to the statements about you. The Chair would not think of making such an inquiry as to that.

Mr. BURKE. If I ask questions that the Chair thinks are improper, I hope the Chair will respond by saying that he prefers to have the question asked in executive session.

The CHAIRMAN. The chairman has said so.

Mr. BURKE. Then, it is your desire that I ask questions only in executive session?

The CHAIRMAN. That depends upon the nature of the question. If it is made for personal information, you ought to make it in executive session. If it is a matter you wish to get in the newspapers, and you desire to ask it when the reporters are here, it is perfectly proper to ask it in their presence.

Mr. BURKE. I do not care for that feature of it. I simply wanted information, and it is usual when information is wanted in a committee to inquire for it.

The CHAIRMAN. That has not been my experience, and I think the rule I have suggested is the correct one.

Mr. BURKE. I can not see any possible reason why this course would be improper—that is, to make the inquiry in full committee. If it is, I want to know it, because it is not my intention to violate the usual customs that prevail in the committees of Congress. I have had some service on committees. I think I know my rights, and if there is anything that can possibly suggest that any question of this kind is improper I can not conceive what it is.

The CHAIRMAN. The Chair has expressed his view about it, and must leave the rest to the discretion of the members of the committee.

Mr. BURKE. That is all I care to ask about.

The CHAIRMAN. Is there anything further—is there any other question?

Mr. BURKE. I have no further questions.

Mr. HUMPHREY of Washington. They already had one attorney.

Mr. BURKE of South Dakota. I knew, Mr. Speaker, that the committee had no authority whatever to employ counsel. I thought, however, that if it had employed counsel, as one member of the committee I was entitled to the benefit of his services, the same as the other members. I also thought it was very strange if this matter had been postponed until October, when there had been no meeting of the committee and when there was not a majority of the members of the committee in the city, not counting the minority members, and I had consulted them, and they had informed me that no person connected with the committee had made any suggestion to them about postponing the consideration of this matter and they had not attended any meeting of the committee at which I had not been present. Mr. Speaker, there is one thing that I omitted to say. When I attended the first meeting of the committee on July 20 I found that it did have counsel and had had counsel ever since the inquiry began. If you will take the six pamphlets which contain the printed report of these hearings on Controller Bay you will find at the head of each day's proceedings the statement that besides the members of the committee there was also present Mr. W. P. Fennell, attorney at law, on behalf of the committee.

That is another reason why I say, if the statements made by the gentleman from Illinois [Mr. GRAHAM] are correct, that if the committee itself or the majority members thereof did not feel capable of assuming the responsibilities of their positions and were not able to conduct the hearings they already had able counsel, and there was absolutely no excuse for any postponement.

The chairman of the committee [Mr. GRAHAM] has stated that they were waiting for some record that was ordered printed in the Senate, and that they had not been able to obtain a copy of it. He had reference to the exhibits referred to in the President's message in response to the Poindexter resolution. Then he referred to me and stated that I had suggested that a printed copy might be obtained, but that he was unable to obtain a copy. Mr. Speaker, whether or not a copy could be obtained

at that time I do not know, but I was informed that such was the case. I sent for a printed copy and obtained it. I hold in my hand Document No. 77, Sixty-second Congress, first session, Chugach national forest lands in Alaska, containing all of the exhibits that were attached to the President's message referred to by the gentleman from Illinois [Mr. GRAHAM]. I do not know when it was printed, but I was informed that I could have a copy of it at any time. Here it is if anyone wishes to see it.

But, Mr. Speaker, what difference does it make whether that document was printed or not? It was the duty of the committee, if it desired to examine any of the files in either of the bureaus or departments of the Government on this subject, to summon the heads of those departments and bring before the committee the original files, and not wait for a printed copy in the form of a Senate document. It seems to me that it would be the duty of the committee to see and examine the original documents. And I say, with all due deference to my good friend from Illinois [Mr. GRAHAM] that I very much fear that his statement that the delay was due to being unable to get this printed document is without very much foundation, and that in fact there is some other reason that he does not care to disclose as to why the committee dropped the matter. There has been no reason that I can see why the hearings should not have gone on from the time I went upon the committee on the 20th of July.

But suppose it was the judgment of the committee that it ought to be postponed until some time later in the year. Is there any reason, can anybody conceive of any reason, why a motion could not be made to postpone it, so that each member of the committee might have an opportunity to vote his convictions upon the matter and know what was going to be done? No; we were unable to get any information except such as I have indicated from the press of the country.

On Wednesday of last week I recited the facts and circumstances pertaining to this matter, going at some length into the details, and then offered a resolution, and moved its adoption, that this subject be made a special order, and that it continue from day to day until the investigation was completed unless postponed by order of the committee. Without reading the several whereases, here is the resolution:

Be it resolved, That the Controller Bay matter be made a special order; that all witnesses who have heretofore been subpœnaed be required to appear forthwith, and that the hearing continue from day to day until a thorough, full, and complete inquiry has been made of the whole subject, and that there be no postponement thereof except by order of the committee.

That is the only motion that has been made in the committee since I became a member thereof upon this subject. What do you think happened? Instanter the chairman of the committee declared my motion out of order, and the committee went into executive session. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman five minutes more.

The SPEAKER. The gentleman is recognized for five minutes more.

Mr. BURKE of South Dakota. I may say, Mr. Speaker, that on every occasion, in season and out of season, since July 20 I have endeavored to get the committee to go ahead with this investigation; and I also want to say that there is no other member upon the committee who is more anxious or desirous or who will be more zealous or who will attend committee meetings any more regularly or any more hours in the day or any oftener than I will in order that we may get at the actual facts in this Controller Bay affair. I will say, further, that I have no person to favor and no one to shield, but will go into a full and thorough investigation and get all the facts, letting the chips fall where they may. Are you gentlemen of the majority of the committee willing to do likewise? If you are, then why not go ahead? Let us proceed now and not wait until the witnesses may be where we can not get them. I will ask the gentleman from Illinois where the witnesses are now? Some of them are in California, coming this fall clear across the continent if they are summoned. It is my honest judgment, though, that they never will be summoned; but if they are, then they will come a long distance at the expense of the United States, when only recently they were here upon the ground and actually in the presence of the committee, ready and anxious to give their testimony, but were denied the privilege. [Applause on the Republican side.]

Mr. Speaker, we have heard much about economy in this Congress. I simply ask the House and the country to wait a few months and see what the results of these several investigating committees will disclose, expenditure committees taking jurisdiction of subjects that they absolutely have no jurisdiction of at all, committees constituted by a membership in large part that know nothing about the subjects that they propose to inquire into, summoning witnesses from all over creation at very great expense, employing counsel to aid them in their work, with no authority whatever for taking jurisdiction of the subject matter or for employing counsel.

But I apprehend that they will find some way after they get through of meeting these expenses and paying counsel, and they will go into the Treasury of the United States and appropriate the money to pay them.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. BURKE of South Dakota. I will yield to the gentleman.

Mr. HENRY of Texas. Will the gentleman name some of these committees to which he refers?

Mr. BURKE of South Dakota. Mr. Speaker, I think perhaps if I was going to name them the easiest way would be to name all of them.

Mr. HENRY of Texas. Would the gentleman name the Steel Trust and the Sugar Trust investigations?

Mr. BURKE of South Dakota. The committees to investigate the Sugar Trust and the Steel Trust are special committees, constituted and authorized to proceed by resolutions of the House, and I do not believe they are exceeding their authority. I am talking about these expenditure committees. I believe there are nine of them.

Mr. HENRY of Texas. Is the gentleman opposed to the investigation of the Sugar Trust and the Steel Trust?

Mr. BURKE of South Dakota. I am not opposed to any honest investigation.

Mr. BARTLETT. Will the gentleman yield?

Mr. BURKE of South Dakota. Yes; for a question.

Mr. BARTLETT. The gentleman is making the point that this committee did not have jurisdiction under the rules of the House to make this investigation.

Mr. BURKE of South Dakota. Mr. Speaker, I never raised the question of jurisdiction so far as this inquiry is concerned. Inasmuch as it had assumed jurisdiction when I went upon the committee, I was desirous that it might proceed, but I say to the gentleman from Georgia that the Committee on Expenditures in the Interior Department, or the committee on expenditures in any other department, is absolutely without any jurisdiction to investigate the President of the United States.

Mr. BARTLETT. In that opinion I thoroughly agree with the gentleman.

Mr. BURKE of South Dakota. This committee has no more authority to investigate him than it would have to investigate the Supreme Court of the United States and inquire into its motives in rendering some decision which that great court may have rendered in some important case; but it took jurisdiction, and it was my desire that it might proceed. I assumed that the committee would do so, and therefore I have never at any time suggested a want of jurisdiction. I was willing to waive that question. [Applause on the Republican side.]

Mr. MANN. Mr. Speaker, I now yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, as a member of the Committee on Expenditures in the Interior Department, I am naturally interested in the charges that have been made to the effect that that committee has not performed its duty touching the so-called Controller Bay matter. I confess at the outset that I have possibly not performed my full duty in the matter, for it happened that in the lull of the legislative proceedings about the 1st of July I absented myself temporarily from these legislative halls and betook myself homeward.

While home I heard that the committee had taken up the investigation of the elimination from the Chugach forest reserve of certain lands bordering on Controller Bay, and my return was urged. I wired to my secretary, asking him to make inquiry in regard to the matter. That was about the 20th of July. The committee had been conducting hearings at various times, beginning about the 10th of July. The last hearing, which is printed in pamphlet No. 6, was held July 20. On the 22d of July, I think it was, my secretary wired me that, after consultation with the chairman of the committee, the chairman had informed him that the committee would suspend its investigation of this subject until October.

Pressing legislative matters brought me back to the Capitol, and soon after my arrival, about the 1st of August, I attended a committee meeting and found it was investigating matters touching the White Earth Indian Reservation, matters which it did not seem to me were within the jurisdiction of the committee. Nevertheless that subject was being considered, and at the close of that meeting the gentleman from South Dakota [Mr. BURKE] made some observations touching the Controller Bay investigation and suggested that the committee continue that investigation. The chairman of the committee, for reasons which he then expressed and which he has again expressed

to-day, declined to approve the continuation of hearings on the subject.

We of the minority—and I include all the members of the minority, because we all held substantially the same view of the matter—called attention to the fact that grave charges had been made against a number of Federal officials, and particularly against the President of the United States; that, really, the important matter for investigation was the truth or falsity of these charges, because upon the proof or disproof of these charges depended the question as to whether there was any foundation whatever for the general charges that had been made. If the claims made with regard to the so-called "Dick-to-Dick" letter are true, then the President of the United States was guilty of conduct certainly unbecoming a public officer, and, most of all, the highest officer under the Republic. It was the duty of the committee, having entered upon the investigation, to prove the truth or the falsity of these charges. If the allegations with regard to the "Dick-to-Dick" letter were not true, then there was nothing to the entire fabric of charges, except possibly the fact that the President or some other public official had not been sufficiently careful in fully investigating the proposed eliminations and in determining its effect upon the public. We urged these matters at length before the committee. The arguments did not go into the RECORD, because the reporter, for some reason unknown to me, departed from the table at the time the argument was taken up. [Applause and laughter on the Republican side.] Later the committee met while the House was in session, not that the committee has any authority to meet, but the minority Members are anxious to have the work of the committee expedited, and have not objected to the meeting of the committee during the sessions of the House. The meeting was held in the room of the Committee on Ways and Means while the House was in session. The gentleman from South Dakota [Mr. BURKE] presented the resolution to which he has referred, reciting the history of this matter, calling attention to its importance, and demanding that the committee proceed with the investigation immediately. Forthwith the motion was declared out of order, and in less time than it takes to tell it, we discovered that we were in executive session. What occurred there I do not think it would be entirely proper for me to disclose. But the matter stands right there, with a motion on the part of the minority to continue the investigation declared by the chairman to be out of order, and, therefore, no vote taken.

Mr. Speaker, the chairman of the committee has suggested that it would not be proper or advisable to continue this investigation at this time for various reasons. First, he says we have not the papers on which to continue or to pursue the investigation at this time. That has been answered by both the gentleman from Washington [Mr. HUMPHREY] and the gentleman from South Dakota [Mr. BURKE], to the effect that the question as to the truth or falsity of the charges relative to the so-called Dick-to-Dick letter is not a matter of record but a matter of testimony, and all those who could by any possibility have any knowledge of the existence of that document, if there ever was any such document, were before the committee or could have been brought before the committee in 15 minutes. [Applause on the Republican side.] Yet that question was not gone into—the important and controlling question before the committee for investigation.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield three minutes more to the gentleman.

Mr. MONDELL. Mr. Speaker, had it been necessary to secure all the documents, they were procurable. The only reason why they have not been generally promulgated is that there were a number of maps accompanying them, and it has not been possible for the Printing Office to get out those maps, but the Senate document, with copies of all of the papers referred to, of everything on the files referring to this matter, has been available to the committee for some time. The original documents are available to the committee at any time, and even if that were not true all of the important facts relative to the truth or falsity of the charges made could be proven or disproven by witnesses who are easily available. Yet the committee has refused to call the witnesses. It has refused to even consider the demand of the minority that these witnesses should be examined and that the matter should be pursued to a conclusion. The chairman suggests that the request of the Secretary of the Interior that we continue the investigation was not founded on matters of sufficient importance, because he said that if there were a question as to the improper conduct of the officers of the Department of the Interior that was a matter they should investigate and over which we had no jurisdiction.

Mr. Speaker, that very question has been discussed time and time again before the committee, and the chairman has constantly held, as have other members of the committee, that we have jurisdiction over such matters, and we are at this time, or were up to within a few days ago, investigating just such a matter—the conduct of officials in the Interior Department, and our honored chairman has insisted that that is the first and highest and most important duty of the committee. Yet when it comes to a question of so grave a character that it involves the President of the United States, evidently the gentlemen do not consider the rule which they have themselves invoked a good one, and decline to continue an investigation which is demanded in justice to the people of the country and to the honored head of the Nation. [Applause on the Republican side.]

The chairman has stated certain alleged reasons for not continuing the investigation at this time, or rather when it was first taken up. These reasons may seem sufficient to him, but it occurs to me that they will scarcely be convincing in view of the fact that a further investigation would definitely establish what is already known, that such a thing as the "Dick-to-Dick" postscript never existed and that the claim that it did was a wicked and malicious falsehood; and in view of the further fact that a thorough investigation would establish what is already patent, that the action taken by the President in eliminating lands from the reserve was necessary in order to afford competition in transportation of the Bering River coal when that coal shall become available for shipment.

Mr. MANN. Mr. Speaker, I will inquire of the gentleman from Illinois, if he intends to use all of the balance of his time himself?

Mr. GRAHAM. No; I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, the only trouble with the minority side of this House is a case of the tail trying to wag the dog. Three members of this committee come in here and make vigorous, unheard-of complaints, objecting solely and alone to the policy of the majority of the committee. Well, I am one humble member of the majority of that committee, and I will say that I believe that as long as I am a member of the majority I shall cast one vote in allowing the majority to run that committee as they see fit. [Applause on the Democratic side.] It has been charged here that the committee has indulged in dilatory tactics. That charge is not well founded. That committee has perhaps seen more active service since this special session began than any other committee save and except the Ways and Means Committee alone. It is true that the gentlemen on the minority side of this committee are not pleased with it. Mr. Speaker, we did not expect them to be pleased with it. [Applause on the Democratic side.] For 16 long years they have had control of this Government from A to Z, and their books need auditing, and they need investigating, and your committee will do the business if you stick by them. [Applause on the Democratic side.] A hit dog generally howls, and they are howling. [Applause on the Democratic side.] Last year we came in here with an investigating resolution in regard to the Ballinger-Pinchot matter and the gentlemen on that side of the House said that muckraking was running wild. The resolution was passed, the investigation was held, and Richard Ballinger is not Secretary of the Interior to-day. [Applause on the Democratic side.] This committee is trying to do its duty, trying to save for the 90,000,000 of people of this Republic what justly belongs to them from the hands of plunderers, and if you come in and allow the tail to wag the dog, the dog that is hit probably will not howl any longer because he will not be hit. The four members of the majority on this committee are going to investigate this matter with due haste——

Mr. MANN. "Due haste" is good.

Mr. FERRIS. They meet every other day now; we had a meeting to-day. The gentlemen lay great stress on the fact that the matter stands on a motion of theirs to go on with the investigation. Gentlemen, to my mind there is nothing deplorable about that. I have no objection to the minority trying to have us adopt their view, but I do not believe the majority Members of this House can have any objection or find any fault with us for doing what we think is our duty. Now, some Member on that side, the gentleman from Washington, I believe, has elected to use terms of vituperation against certain witnesses and their testimony. I want to make one observation right along that line. I ask you Members of the minority who represents Alaska, a Republican or a Democrat?

SEVERAL MEMBERS (on the Republican side). Give it up.

Mr. FERRIS. He is a Republican. You may disown him, but he sits on your side of the House. I ask you where is Delegate WICKERSHAM? Why is he not here complaining of the action of this committee? He sits on your side of the House; he is one of the prime movers in this investigation; disown

him if you can, disown him if you dare, but he is your own kind. The real trouble is he is here trying to tell the truth about you, as I believe the information will disclose. No fair-minded man will say that Alaska is not a Republican Territory, and has been represented by a Republican ever since I have been here. I guess there never has been a Democratic Delegate, although I am not sure about that; but, at least, the last two were Republicans and the present one is a Republican, and he is one of the prime movers in the investigation of you very fellows who are now complaining. I did not intend to say a word, but I ask the majority Members of this House to stand by the committee, which is trying to do its duty, and not to allow the tail to wag the dog. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MANN. Does the gentleman from Illinois intend to conclude in one speech?

Mr. GRAHAM. Yes.

The SPEAKER. The gentleman from Illinois has nine minutes remaining.

Mr. MANN. How much time have I?

The SPEAKER. The gentleman has 10 minutes, 1 minute which the gentleman from Wyoming [Mr. MONDELL] did not use.

Mr. MANN. Mr. Speaker, the gentleman from Oklahoma says they are the dog [laughter], and I am willing to admit it. The gentleman from Oklahoma [Mr. FERRIS] said that the Delegate from Alaska should have been heard. Why did you not put him on the stand when he was there to testify?

Mr. FERRIS. Does the gentleman want me to answer?

Mr. MANN. The gentleman from Oklahoma [Mr. FERRIS] has not graced the city with his presence during these investigations. He tells us now that he stands pat. He has not been within a thousand miles of the investigation. When the Delegate from Alaska [Mr. WICKERSHAM] was before the committee, when Miss Abbott was before the committee, when Brown was before the committee, ready to testify, why were they not called upon to testify? Nobody has complained because the committee has not reported without due investigation; but to postpone investigation, to put off witnesses who are there ready to testify, is not in the interests of decent government. It is a scandal in the House. [Applause on the Republican side.] The only excuse that could be given would be the manly excuse that they got hold of the hot end of the poker and wanted to let go. [Applause on the Republican side.]

If the committee had had the manliness to say, "We have brought out what appeared to be a scandal against the President, we have learned it is a lie, and we do not wish to go further," the American people would have paid tribute to their honesty of purpose. [Applause on the Republican side.] But when they bring out what appears to be scandal, and then refuse to go ahead with it, they have put themselves down as cowards. [Applause on the Republican side.]

I notice in the hearings that one Mr. W. P. Fennell, an attorney at law, appears on behalf of the committee, and the newspapers and the newspaper correspondents inform you and me that the committee has engaged, and that the chairman of the committee has so stated, one Brandeis to appear as attorney for the committee. By what authority? Who is paying Mr. Fennell? Who is behind the scandal? The committee has no authority to employ an attorney. Does the gentleman claim that the committee has authority to employ one? Or is Mr. Fennell employed as clerk of the committee? The committee had authority to employ a clerk, and perhaps the committee, knowing its own limitations, when it employs a clerk at $125 a month has the clerk appear to instruct the committee what to do. And at that they would be wise, because no one could know less how to do than the majority of the committee have shown they have known. [Applause on the Republican side.] Who is paying for these attorneys? Let us know who is behind the game.

The gentlemen say that we are complaining about the investigation. Not at all. We are complaining about the lack of investigation. We are urging the investigation; we are willing for you to investigate our books and our acts during the entire Republican administrations of, lo, these many years. [Applause on the Republican side.] But we want you to do it, and not make threats and stop. We want you to investigate, and we hope that the gentleman from Oklahoma [Mr. FERRIS], a Member of this House, will stay in Washington and attend to his duties as a member of the investigating committee, instead of going home and then coming back and talking big.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. Does the gentleman think that since the President has used the prerogative of voice so freely, that that ought to offset any committee, and that he would have this House believe that that did away with anything that we might do or say?

Mr. MANN. The President, in response to a resolution of the Senate, brought about in part by the same animus that animates a majority of the committee, sent a response to the resolution giving such facts as he had. I have some interest in this matter myself. In the last Congress we passed the bill granting a right to a railroad to go to deep water at Controller Bay. That bill went through my committee and went through my hands. It was at first suggested that that was a part of the conspiracy. I want to see who makes that charge. [Applause on the Republican side.] I want to know who on the Democratic side or elsewhere says that my committee or myself was actuated by any improper motives when we reported a bill which became a law that no one can find fault with. [Applause on the Republican side.] Turn on the light! We want you to turn it on. We are not asking that we have the power of investigation; we are demanding that you, who talk big, make good by your investigation, and act now, if you are men; but if you are cowards, quit! [Applause on the Republican side.]

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] has 15 minutes left.

Mr. GRAHAM. Mr. Speaker [applause on the Democratic side], the course which the debate has taken on the other side of the Chamber places me in a rather embarrassing position. As the chairman of that committee, my sense of the proprieties convinces me that my words should be spoken in moderation. The position I occupy is at least quasi judicial, and I can not decently or with propriety answer the remarks of the gentleman from Washington [Mr. HUMPHREY] and the remarks of some of the other gentlemen who have spoken on that side of the House in the spirit in which they were made, much as I would like to do so. I am precluded from resorting to the language of vituperation and from following their example by attempting to exhaust all the superlatives in the dictionary. I will not so far forget my duty to this House and to myself as to do that. Gentlemen on the other side may try to provoke me to do it, but they will not succeed. I have been placed in that situation too often to be thus provoked here. When I was a good deal younger than I am now I was often provoked into a quarrel by being called a coward, but I have long since learned that the man who calls another a coward is himself more likely to deserve the appellation. [Applause on the Democratic side.] Such language is cowardly language to use [renewed applause on the Democratic side], and is the strongest indication of a weak cause.

Mr. Speaker, the gentleman from Washington admits that the resolution he prepared and offered is defective. Of course he could not say otherwise when its defects are pointed out. He says that he copied it from a House resolution offered and passed by the majority, and that he was thus misled. Of course it would not be fair for me to expect a very great deal of intelligence from gentlemen on the other side of the House, but I did think that the gentlemen would know there was a difference between the powers of a committee acting under the rules of this House and a committee that was acting under a special resolution. But the gentleman from Washington seemed not to be able to make that distinction, and probably does not see the difference yet.

He said further that the Pacific coast is intensely interested in this Alaskan question. I concede it. I concede that they are so interested in it that a great many of them are anxious to see that marvelous territory exploited for the benefit of a syndicate in the hope that they may get some of the drippings. [Applause on the Democratic side.] But our committee will not help them in that regard. Our committee regards Alaska as an asset of the American people, bought and paid for with the money of the American people, and that the tremendous, the untold, the almost inconceivable wealth of that Territory belongs to-day to the American people. It stands in a class of its own. I never expect to see—and I doubt if anyone will—the time when the native white population of Alaska will be in any degree commensurate with the illimitable wealth that there is in that Territory, and I say that that excess of wealth belongs to the people of the United States, and that it would be short-sighted and very foolish indeed, even at the behest of the gentleman from Washington or his people on the Pacific coast, to permit that enormous wealth to fall into the hands of great syndicates, to use it to the detriment of the people of this country.

The majority members of the committee do not favor such a policy as that, and when the minority try in this case to change the issue and make it appear that a certain "Dick-to-

Dick" letter and an alleged attack on the President are the issues here, I answer they are wrong and they know it. These are not the issues; they are mere side issues. Gentlemen rush to the defense of the President when no one has attacked him. This committee has never said a disrespectful word of the President, nor shall it, if the chairman can control its action. The committee and the chairman respect the office and the man who holds it, and they are particularly careful to make no assault of any character on the President or on that great office whoever may be in it; so that in trying to assume here that the President had been assailed and that they are rushing to his defense, gentlemen are simply trying to switch the issue from the real issue to a feigned one and thus to cover up somebody's tracks.

Speaking for myself, I am exceedingly suspicious—I hardly know what word to use to express exactly my idea—but I am doubtful, to say the least of it, about matters pertaining to Alaska. I have been through that mill once. It was but a little more than a year ago that the President of the United States sacrificed a young man of sterling character, of unblemished integrity, and of the highest patriotism, a man who saved to the people by his courage property of enormous value, property that the present Secretary of the Interior has since declared was about to be fraudulently taken from the people and given to a great syndicate.

If the President makes one mistake, as he did in the sacrifice of the young man Glavis, I am not sure but that he might make another mistake. That young man was sacrificed because he pointed out the tracks that were being made by those who would steal the illimitable wealth of the Territory of Alaska. Was that a crime? If, in the estimation of the administration, it was not, why was this young man punished? And if, when he was punished, the administration honestly believed he was in error, then, when they found he was not in error, why was no apology or explanation made? Why was no restitution made? Why is that young man still suffering as a victim for trying to serve his country and his fellow citizens?

Now, Mr. Speaker, it has been said that witnesses were before our committee, and that the committee would not or did not hear them. But the committee was hearing witnesses right along. Did you ever know of a case, either in court or committee, where two witnesses testified at one time? And when the gentlemen named—Brown and Carr and Ryan and Wickersham—were in the committee room waiting, other witnesses were giving testimony. The policy of the committee and the judgment of its chairman was that the way to produce the evidence in this case was to lay out the ground, to get in the record a complete description of the physical conditions existing in Alaska. Think of it. I appeal to my colleagues on the Republican side of the House, and particularly to the gentleman from Kansas [Mr. MADISON], who is before me as one who knows many of the facts.

In the testimony before the Ballinger committee it appeared that the Bering coal fields are within 25 miles of Controller Bay, which has virtually been given to Mr. Ryan. At that time the testimony was that there were 500,000,000 tons of coal altogether in that field. Yet a few days ago, before our committee, Mr. Brooks, the coal expert of the Geological Survey, testified that instead of 500,000,000 tons, later investigation has shown that there are at least 1,500,000,000 tons, and that there are probably 3,000,000,000 tons of coal in that field, and that if there is ever any change to be made in the figures he says, it will be to increase them rather than to diminish them. [Applause.]

And he further says, under oath, that what is true of the Bering coal field in that regard is true of every mineral deposit in Alaska. Is it any wonder, then, that those who favor the policy of giving Alaska to the syndicates, as suggested by some gentlemen here, are interested in exploiting this marvelous territory? The chairman of the committee believes, and the majority of the committee are in harmony with him in that regard, that it is not a question of the Dick-to-Dick letter, that it is not a question of vindicating the President against aspersions, or, at least, that it is not these matters alone, but that the main question—the great issue—is, What shall the American people do with the Territory of Alaska? [Applause.]

Mr. BOWMAN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. GRAHAM. No; he was never in Alaska. What does he know about Alaska? [Laughter.]

The SPEAKER. The gentleman declines to yield.

Mr. GRAHAM. If it was a question about Pennsylvania, Mr. Speaker, I would yield to him. I would expect him to tell us something about conditions there—about the enormous mineral wealth of Pennsylvania that was appropriated years ago and that has passed into the hands of syndicates of one sort and another, resulting in more wretchedness and destitution in the great cities of Pennsylvania to-day than can be found anywhere else in this Union. [Applause on the Democratic side.] I would prevent that. The majority of the committee would prevent that, and they would save these enormous deposits of Alaska from the syndicates and for the benefit of the American people. [Applause.]

Mr. Speaker, the gentleman from South Dakota now exhibits a copy of the Senate document in question, and says that a copy of it could have been had at any time, and the gentleman from Wyoming [Mr. MONDELL] says the only reason why this Senate document has not been generally promulgated is that they were waiting for certain maps to be inserted. What does he mean by "generally" circulated? Does it mean that the minority Members could have them, but the majority Members could not? The Senate document which the gentleman from South Dakota now exhibits contains 408 pages of printed matter, all of it, no doubt, being correspondence, letters, and documents concerning this Controller Bay matter. The letter which I have read from the Secretary of the Senate, and my inability to get any word from the printer expert is, I think, a complete answer to the claim of gentlemen that we might have had it, while the statements and the letter of Secretary Fisher which I have read, sufficiently show the necessity for having it.

No fairly intelligent examination of witnesses could be had without it. The gentleman from South Dakota and the gentleman from Wyoming must have known that, and while they had the use of it, as they now admit, and knew the majority Members did not have it, they were insisting on pushing the examination with vigor.

I will not say that gentlemen on the committee do not desire a thorough investigation of this matter, but I do say that if that was their purpose they could not pursue a course better calculated to bring it about.

Mr. Speaker, I did not intend to discuss the subject matter of the Controller Bay situation at all at this time, but gentlemen have made it almost necessary that I say something about it.

This bay is a land-locked harbor near the mouth of the Bering River and about 25 miles from the famous Bering coal field, which is now estimated by the Geological Survey Service to contain about 3,000,000,000 tons of coal, half of it anthracite and half bituminous.

This harbor is easily accessible to the open sea and has an excellent channel for ingress and egress.

A short time before the expiration of his term President Roosevelt enlarged the boundaries of the Chugach National Forest, so that it included the shore commanding Controller Bay.

This prevented anyone from getting title to the shore for any purpose whatever, and if undisturbed would have kept the harbor under control of the Government. On October 28, 1910, President Taft, by an Executive order, eliminated 12,800 acres of land from this national forest, thus throwing it open to be located on by any citizen. On November 1—that is, on the fourth day after the signing of the Executive order—a location was filed at the Juneau land office covering one-half mile of the Controller Bay shore line, and soon afterwards three other locations of a half mile each were made on the shore of the bay. These four locations, with the three intervening strips of 80 rods each, which remain in the Government under the law, comprise the shore line opposite the harbor.

Between the shore line and the harbor are tide flats extending 2 or 3 miles. These four locations were made in the interest of Mr. R. S. Ryan, who appears to be intimately connected with the Alaska Pacific Railway and Terminal Co.

Permission has been given this company by the War Department to build across these tide flats to the deep water, and then to erect wharves and other structures for a distance of about one-third of a mile along the most available part of the harbor, and it appears this permission has been acted upon at least in part.

There is usually in Executive orders of this character a provision that 30 or 60 days' notice must be given before any locations can be made on the land affected.

When the order in question first appeared in the Interior Department it had such a provision in it, but when promulgated it did not have any provision for notice.

As there has been no public survey of land in that part of Alaska—indeed, with the exception of a few townships, none in any part of Alaska—those desiring to make locations must first have the land surveyed by a competent surveyor, and the notes and descriptions of the survey must be filed in

the land office at Juneau, a considerable distance away, with no railroad connection. In the absence of such provision for notice of the opening of the land to entry it is apparent that anyone knowing it was about to be opened would have a great advantage over all others.

Locations on unsurveyed land such as this was can be made only on what is called "soldiers' additional scrip," and such location is not subject to attack if the scrip is authentic, so that if the scrip was valid the locator would have an absolute fee-simple title. Soldiers' additional scrip was used in making these locations. This brief statement of some of the facts suggests many inquiries.

Why was the elimination made at all? Why was the usual provision for publication of notice stricken out? How did Mr. Ryan know of the order in advance? How did he have the survey of this quarter section made so quickly in a country which had no fixed monuments or starting places and get the result of this survey to Juneau, a distance of several hundred miles, with no railroad communication, all in three or four days?

The majority of the committee have no ax to grind, no one to punish, and no one to defend. They are only anxious to develop the facts, and are willing to follow the facts wherever they lead, and they simply ask to be allowed to do that.

The SPEAKER. The time of the gentleman from Illinois has expired. All time has expired.

Mr. GRAHAM. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

CONSERVATION OF OUR NATURAL RESOURCES.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to print in the RECORD an address delivered by Henry Sturgis Drinker, LL. D., president of Lehigh University, at the exercises commemorating the twenty-fifth anniversary of the founding of the Michigan College of Mines, at Houghton, Mich., on "The contribution of the mining profession to the conservation of our natural resources." Dr. Drinker is not only a mining engineer of note, but also the head of one of the most important and certainly one of the most practical of all our educational institutions, and his address will be of particular interest at this time.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD the address to which he has referred. Is there objection?

There was no objection.

The matter referred to is as follows:

THE CONTRIBUTION OF THE MINING PROFESSION TO THE CONSERVATION OF OUR NATURAL RESOURCES.

An address delivered by Henry Sturgis Drinker, LL. D., president of Lehigh University, at the exercises commemorating the twenty-fifth anniversary of the founding of the Michigan College of Mines, Houghton, Mich., August 8 to 11, 1911.

This is a great mining school, and at this gathering of its clans it may be well for us, as mining engineers, to take account of stock, so to speak—to review and summarize to some extent what the profession of mining engineering has done in the last generation for the benefit and advancement of the material interests of our country—for the conservation of the natural resources of the country.

The early reports, successively, of J. Ross Browne and of Rossiter W. Raymond as United States commissioners of mining statistics threw great light on the previously obscure and the then almost fabulous subject of the mineral resources of the country. In Dr. Raymond's report of January, 1869, to the Secretary of the Treasury, on "The present condition and prospects of the mining industry" (The Mines of the West, chapter on mining education, p. 224) we find an enlightening and prophetic statement of the value of some system of mining education to be carried on in this country, in which the graduates are to practice rather than that they should be compelled to seek for such information in the French and German technical schools. Dr. Raymond, in this article, foreshadowed in 1869, over 40 years ago, the lesson of economy in the development of our mining resources, where he speaks of "the protection of the country against reckless and wasteful mining by the inculcation of sound principles and the enlightenment of the miners as to their best interests." It is a fact not generally known or appreciated that this matter of the need of conservation of our natural resources, particularly of our mining and timber resources, to which the general public is only just awakening, has been the subject of careful study and outspoken warning by our engineers for years, and there is no body of men who have contributed more valuable knowledge and suggestion in this matter than the American Institute of Mining Engineers, founded in May, 1871. This society of engineers has done incalculable good in the last 40 years in developing technical knowledge, research, and discussion by its meetings and publications, and in its history the institute, beginning with the notable discussions on "Waste in coal mining" and on "Technical education," in the early seventies, up through the succeeding years, has taken leadership in the consideration and study of many important matters pertaining directly to conservation and engineering education.

Mr. John Birkinbine, past president of the institute, well commented on this in a paper read at the New Haven meeting of the institute in February, 1909, when he said:

"Anticipating that the sudden awakening of popular interest in conservation may be short lived unless an appreciation of utilization is associated with it, I hope that this interesting and important problem will be treated, not as a new cult, but as a practical development for which able men have labored conscientiously, persistently, and not unsuccessfully, for many years. The members of the institute are especially bound to claim for many illustrious men among its members who have passed away, as well as many who are now living, the credit due for devoted, disinterested, and most effective, though not theatrical and sensational work, which accomplished more in real results of national economy than any vague, indiscriminate, and undirected popular enthusiasm or any crude and hasty legislation, however patriotic in spirit and purpose, could reasonably be expected to effect."

At the first meeting of the institute, held at Wilkes-Barre in May, 1871, at which, as a young engineer, I had the privilege of being present, a committee was appointed "to consider and report on the waste in coal mining," following the presentation of a thoughtful paper on the subject by an eminent engineer, the late Richard P. Rothwell, and the discussions thereon; and it should be noted that even at this early period the waste resulting from mining under short-term leases was referred to, Mr. Rothwell saying:

"The system of leases under which the operator pays for coal shipped, but not for coal wasted, and for the larger sizes frequently a larger royalty than for the smaller sizes, greatly aggravates the evil. When the leases are, moreover, for short periods the combination of conditions is most mischievous. It then makes no difference to the lessee how much coal is wasted or left in the ground. His efforts are directed to getting to market as much coal of the most salable sizes in the given time."

And this same point was emphasized in a paper read by J. W. Harden at the Boston meeting of the institute in February, 1873, when he said:

"It has been said that lessees have not the opportunity of making the best of the mine for themselves or the owner, owing to the short period over which their tenure frequently extends; this should be remedied; every facility consistent with the proper working of the mine should be given, nothing reasonable withheld, as on the lessee rests the greatest share of contingencies and risk."

The above committee on waste in coal mining presented a preliminary report at the second meeting of the institute, held at Bethlehem, Pa., in August, 1871, in which valuable recommendations were made. It was found, however, as time went on that this work, started by the institute committee, required the authority and backing of the State for its successful prosecution, and largely through the efforts of the late Eckley B. Coxe, one of the most distinguished and able mining engineers our country has ever known, the Legislature of Pennsylvania passed, in 1889, an act creating a coal-waste commission. Mr. Coxe, who had been from the first chairman of the institute committee on coal waste, was made a member of this commission and became its chairman, and the commission made a valuable and exhaustive report in May, 1893. In this report the commission, in discussing methods of mining, made this wise comment:

"It is one of the best evidences of engineering skill when the coal that must be sacrificed is determined and deliberately set apart for that purpose at the time the colliery is opened out, or very soon thereafter."

And in commenting on "avoidable waste by mining," they said:

"When any given territory is to be worked a much larger percentage of coal can be gotten out if the conditions in which the coal occurs are carefully studied and a general system of working decided upon and thoroughly carried out from the beginning."

How obvious it is that these wise suggestions can only be carried out when the mining operations are conducted on a large scale, with ample capital, under conditions of actual ownership or under leases of such long term as will financially justify such a plan of working, and that they would be impracticable where mining is to be pursued in small operations with limited capital where speedy returns must be exacted on the capital invested.

In all the discussions that have been had on these matters I know of none where the subject matter considered was more important, or the papers were more valuable, than the proceedings at the notable joint meeting held in New York, March 24, 1909, of the four great engineering societies—the American Society of Civil Engineers, the American Institute of Mining Engineers, the American Society of Mechanical Engineers, and the American Institute of Electrical Engineers—to consider the matter of the conservation of our natural resources. Dr. Raymond's admirable and exhaustive paper at that meeting on "Conservation by legislation," and dealing among other subjects with the conservation of coal, was later followed by the paper on "The conservation of coal in the United States," of Mr. Edw. W. Parker, statistician in charge of the Division of Mineral Resources of the United States Geological Survey, read at the Spokane meeting of the Institute of Mining Engineers in September, 1909. In view of the rather superficial utterances that have been put forth during the last year or so on the general conservation question, it would seem to be the duty of engineers to keep in touch with this matter, and to do their share toward shaping the policy of the Nation to a course based on reason and technical knowledge rather than on sentimental diatribe. I think that a greater danger to-day to the public interests is threatened by the untrained, spasmodic, semipolitical, and careless presentation and handling of these matters before the public by men on whom their importance has suddenly dawned than even by a continuance of the wasteful methods of the past. We all know how the panic-stricken householder will often destroy property in the effort to save it in a fire, when the trained firemen, by more effective and intelligent work, save with less danger and surer results. It is so easy to say in a general way that "we must not waste our natural resources; that we must be prudent and not recklessly blind in handling them; that they must not be monopolized by the few; and that the present generation, while using what it needs, must recognize its obligation to our descendants," but surely all this is too general to be of practical value—"vox et praeterea nihil!"—unless it is followed by expert advice and intelligent action.

Col. Roosevelt has justly been given the credit of directing immediate public attention to these matters, but, granting the danger of waste, or of unwise disposition of these resources, to which the statesman may wisely awaken the Nation, it becomes the province of the engineering expert rather than of the publicist to point out the remedy.

It is dangerous for a man untrained in engineering to venture opinions on questions like the conservation of coal and the development of water powers, which require the judgment and experience of engineers. The trouble with many of the plans for coal and water-power conservation proposed by men untrained and inexperienced in engineering and in business methods is that their plans are ideal rather than real, their

dicta negative rather than positive, and their remedies theoretical rather than practical. You have doubtless observed that the fear that is uppermost with such men is often rather that our public resources will pass into the control of what they term the "monopolistic interests of the few," than the crucial question of what is the best plan or system for the economic winning of our natural resources in the interest of the public. What engineers should urge and impress upon the public mind is the importance of looking at these industrial questions in a wholly cold-blooded, business way, without any obsession or oppression of undefined hysterical fear of the results or dangers of a so-called corporate monopoly that are often as visionary as the nursery tales of bogies to frighten children into being good. Corporations, as we know, are, as a rule, only aggregations of capital to promote some useful industrial or transportation purpose; they are, like other agencies of the day, capable of use and of abuse. Strychnine is a virulent poison used ignorantly or for an evil purpose, but it is a valuable medicinal remedy in the hands of the physician; and under the recent broad decision of the Supreme Court the reasonable function of the large corporation has been defined. Attorney General Wickersham in his recent address across the bridge at Hancock, in this State, summarized this in a few pointed words when he said (in reference to the Sherman Act):

"But when the Supreme Court said we must read this statute as reasonable men and give it an interpretation that will not strangle all trade, but which will prevent any undue restraint, prohibit all contracts and combinations that are intended to interfere with the natural course of trade, then the court gave us a means of preventing those evils which led to the enactment of the law."

And in his recent luminous address delivered July 19 last at Duluth, before the Minnesota State Bar Association, on "What further regulation of interstate commerce is necessary or desirable," Mr. Wickersham said:

"Fair competition is essential to healthy national life, but it is more than doubtful whether or not there can be fair competition without concert of action or cooperative effort to some extent. Business men of integrity are naturally desirous of avoiding violations of law. The construction of the Sherman law originally contended for would have condemned them for any concerted action which imposed any restraint on trade. The more enlightened view which has been expressed by the Supreme Court limits the prohibition to undue restraints, those which are not the result of normal business methods, but which are intended to accomplish or have for their direct and primary purpose interference with the natural course of trade and commerce among the States or with foreign countries. Yet even within these rules there is an area of activity where cooperation and association should only have play under Government supervision and control."

In taking wise and broad measures to avail best of our undeveloped natural resources, the need is not so much to withdraw and set them aside for the use of future generations as to be sure that they are not wasted in their use by the present generation. Let our natural resources be utilized following the natural laws of supply and demand, with due regard to the essential factor that private capital will never venture into the proper, broad, economic exploitation of these resources without the assurance of a sufficiently permanent tenure to insure an adequate return. And let us give due recognition to the thought that conservation may be overdone by the undue and unwise stimulation of such popular demand for drastic control that we may dwarf the business development of our present and coming generations by conserving resources now urgently needed, especially in Alaska and in the West, only to set them aside for the needs of an indefinite future, when other agencies may have been found to take their place. Do not let us be blinded or misled by the fears of the uninformed or, by what is equally dangerous, the narrow view of the partially informed, who fear industrial dangers they have never actually faced, and preach a crusade against evils that are so theoretic that practical men know them to be imaginary.

The difficulty, and the probable error, in criticising all large development enterprises as being so-called monopolies is that the superficial critic is apt to consider and discuss the situation on one side only. The conservation—the careful mining—of our coal, and the economic development of our latent water powers, for instance, can only be managed properly by the investment of large capital, and this can today be supplied only by the association of many individuals having capital to invest, into large corporations controlling such aggregate capital, or by the Utopian plan of State or Federal ownership and the use of the public funds in an industrial enterprise. As to corporations, the stronger they are the more surely are they in a position to handle the mining problem conservatively and economically. The economic mining of coal—the proper development of a water-power site, involve purely expert question, but it takes capital to command the best expert talent. The paper by Mr. Edw. W. Parker, statistician in charge of the Division of Mineral Resources of the United States Geological Survey, above referred to, on "The conservation of coal in the United States," contains wise references to the conservation benefit to the country resulting from the control of the anthracite interests passing into strong financial hands. He says:

"Most of the members of the institute are cognizant of the suits brought by the Government against the anthracite operators in Pennsylvania, or the combination of interests commonly known as the 'Hard Coal Trust.' No defense of any illegal combination in restraint of trade is intended, but there are some facts which should not be lost sight of, and unfortunately those whose opinions are based upon the 'news' given to us by the daily press are likely to be governed by ex parte testimony. The present situation in the anthracite region is one that has been developed through sheer necessity, if the conservation of the supply of anthracite and the prolongation of the life of the fields in the best interests of the people were to be attained in any other way than through Government control, and Government control did not seem to be materializing. I believe that even Dr. Raymond will subscribe to the statement that a good part of the history of anthracite mining has been one of profligate waste in the mining, preparation, and use of that precious supply of fuel; and this has only been remedied none too soon, and could, under the circumstances, only be remedied by the close control and conservative management which have been brought about in recent years. And I might pause here to pay a merited tribute to such men as Dr. Raymond, Eckley B. Coxe, P. W. Sheafer, Franklin B. Gowen, William Griffith, and a few others through whose efforts many reforms which lessened the waste of anthracite were effected. They were the pioneers in the battle for conservation, and a monument should be erected to them.

"The securing by the Reading Railroad for its offspring, the Philadelphia & Reading Coal & Iron Co., of the great coal reserves it owns to-day, was the beginning of a great movement which was foreseen by those in a position to see. The Reading Co. was temporarily bankrupted through its guarantee of the debt thus incurred, but the possession and control of those coal lands are indirectly the most valuable assets of the railroad at the present time. More than this, however, in the ultimate economy of things, has been the preservation of thousands of acres of coal lands from reckless spoliation. The way was paved for the safe and sane control of the anthracite industry, albeit by a trust, and a stop was put to the cut-throat competition and extravagant methods which in earlier years had resulted in losses of millions of dollars in money and more than millions of tons of coal.

"Under former conditions in the anthracite regions, when it was not considered necessary to give thought to the morrow, and indeed up to the time when the Anthracite Coal Waste Commission made its report, it was estimated that for every ton of coal mined and sold 1.5 tons were lost. The greater part of this loss was in the coal left in the ground as pillars to protect the workings, while millions of tons of small coal or screenings were thrown on the culm banks which now form unsightly mountains in the coal regions. Improved methods of mining and of preparation have of late years reduced the percentage of waste, so that at present the recovery will average about 60 per cent and the loss about 40 per cent. * * * A careful study of conditions in the anthracite region will convince the most skeptical that no robbery of the public is now being carried on."

Dr. Raymond, in his discussion of the question of corporation control of our coal interests, in the course of his paper (above referred to) on "Conservation by legislation," said:

"I remember well what Eckley B. Coxe said to me, that salvation for the anthracite region, and its store of natural resources, lay in the control of the collieries by capitalists who had other aims than immediate profit from the coal; and that the acquisition of such control by great railway companies, whose interest it was to make anthracite the basis of a profitable freight business for generations to come, was not only the best but the only remedy for the reckless and the irreparable waste which the system of 'hogging' the mines under short leases had brought about."

Dr. Raymond further added (speaking of Mr. Coxe's prediction): "The results verified his prophecy. The great railway companies operating the anthracite collieries have put more money into preliminary dead work and costly machinery; have been the pioneers of rational forestry for the provision of permanent supplies of mining timber; have enforced economy in every department of production; have trained and employed the most skillful engineers and experts; in short, have redeemed from immediately impending rack and ruin the whole anthracite industry."

The question—the practical question—is, how is the public to-day—how are our future generations, to be best benefited by conservation? It would be nonsensical to say that we do not wish our coal, or our water powers, to be leased to, or availed of, for the present generation, simply because we wish to preserve them for future generations.

In the Advance Chapter from the Mineral Resources of the United States, published this year, by the United States Geological Survey, on "The production of coal in 1909," there is an able note on the serious handicap to the development of the coal industry in Alaska by the existing coal-land laws, showing that the law and practice are so absolutely impracticable that up to July, 1910, not a single acre of land had gone to patent. This is prohibition of all development, not sane conservation, and this note shows that evidently the difficulty lies in the fact that the law is in such shape as to be absolutely antagonistic to the investment of capital in such quantity as to permit profitable mining, the purpose of the present law being to prevent the monopolization of coal fields—its actual and immediate effect being to wholly discourage capital.

In the report of the National Conservation Commission, made through President Roosevelt to Congress in January, 1909, Mr. J. A. Holmes (now Director of the United States Bureau of Mines), in reporting on our mineral resources, said:

"In considering the conservation of resources it should be held in mind that—

"(1) The present generation has the power and the right to use efficiently so much of these resources as it needs.

"(2) The Nation's needs will not be curtailed; these needs will increase with the extent and diversity of its industries, and more rapidly than its population.

"(3) The men of this generation will not mine, extract, or use these resources in such manner as to entail continuous financial loss to themselves in order that something be left for the future. There will be no mineral industry without profits."

With regard to what may happen in the distant future when our coal supply is exhausted, Dr. Robert Thomas Moore, in his presidential address at London, before the Institution of Mining Engineers, of England, said in May, 1909:

"Whether, indeed, it is a profitable matter to attempt to imagine the State of Britain 300 years after this, with its coal exhausted, or a world, say, 200 years later, when it is all finished, is open to question. It is certainly beyond the scope or the objects of the institution.

"I do not think it commends itself as an economic principle to restrict in any way the legitimate development of our mineral resources. They are a source of wealth to ourselves, and we are helping to develop the world. Is it not more reasonable to trust to the progress of science to discover some fresh method of utilizing the resources of nature to provide a substitute? Who would have expected, even 30 years ago, the immense possibilities for distributing light and heat and power that the development of electricity has opened up? We have the forces of the rainfall, the wind, and the tides to utilize to the utmost. We may even get our heat and power direct from the sun.

"Those who come after us have a long time in which to consider the problem, and we may safely leave it to them to solve in their own way.

"But that of which we should be careful is that we should use our coal in the best possible manner—that in the working of it and in the using of it there should be no waste, either of men, of material, or of treasure; and it is the duty of an institution such as ours to afford every aid to the presentation of any plan which will further the attainment of these objects."

The question is whether the present generation needs these resources; if it needs them, the need is exactly that which would be supplied were they held for succeeding generations. It seems to me that the main thing to be guarded against is that the natural resources still in the ownership and possession of the National Government shall not be so disposed of that they can be acquired at a comparatively low price now, to be held wholly speculatively, for development in an indefinite future; surely this can easily be guarded, because there are few corporations who can command large sums of money to be locked up for a return a century hence. Stockholders want a quicker return for their money.

But, again, how easily this principle can be distorted or misapplied by an honest but narrow and inexperienced enthusiast; for any large

enterprise must be enabled to acquire a sufficiently large body of coal, or a sufficiently long lease of water power, to at least secure a sinking-fund return on capital subscribed or borrowed. Proper conservation of our natural resources does not mean throwing open their exploitation to the wasteful methods and inexperienced handling of individual operators with the unnecessary duplication of plants and the waste of capital involved in uneconomic individual operation. Conservation of our natural resources does not mean the conservation of the individual operator. As a rule, it points to reasonable cooperative effort lawfully exercised in the interest of that economy in methods resulting from operating on the larger scale that conserves our resources for the benefit of the consumer and prevents their waste by the producer. Much of the twaddle that is talked and written arises from a sentimental sympathy for the individual operator, who is often the worst enemy of true conservation. As a rule, there is no more wasteful system of mining than that pursued by the small individual operator. The man who owns or leases a small mine, or who leases a large mine for a limited period on limited capital, is almost certain to mine extravagantly. He absolutely must get all he can out of it in the cheapest way possible. He is not concerned with laying out deadwork ahead—with planning far in advance so as to take out the largest possible amount of coal or mineral in the most economical way. He has the power, within certain bounds, as a rule, under his lease, to so operate as to get the largest amount out of the mine in the cheapest and quickest way possible, practically regardless of the waste in mining. Moreover, the small individual operator is, as a rule, absolutely indifferent to the interests of the public, whereas a large corporation, doing business not for a limited term, but for time, must so conduct its business as to be content with a moderate and reasonable profit on a product mined economically, and with a far-seeing eye to the conservation and avail of all its resources and to the just treatment of its customers.

These suggestions as to the individual operator apply equally to small corporations not possessing sufficient capital and strength to mine economically and with an eye to the future.

In the great anthracite coal strike of a decade or so ago, which, it will be remembered, was finally settled by the Coal Strike Commission appointed by President Roosevelt—of which Judge Gray was the chairman, and before which I had the honor of appearing as representing certain interests involved, I remember very well that when coal, during the strike, went up to frightful prices, $10 to $15 per ton at tidewater—certain of the individual operators and small corporations who were selling their coal at the breaker to the large companies at figures computed on a percentage of the average selling price of coal at tide—insisted on the large companies, as their agents, either compelling the public to pay these extravagant prices, or on the suspension of the sales contracts of their coal to the companies, so that they might themselves—if the companies did not do so—compel the public to pay the high prices which the large companies recognized were exorbitant and unwise; and in a number of instances I knew of the suspension of such contracts, forced by the individual operators, so that they might themselves take advantage of the temporary stringency in the coal supply, while the large companies continued throughout the strike and period of coal famine to sell such coal as they could command at reasonable prices—not from any spirit of benevolence, but because they knew it was good, broad business to do so.

How interesting it now is, in view of this recent instance, to turn back to 1875, and see how history repeats itself, and quote the following from Mr. Franklin B. Gowen's argument before a committee of the Legislature of Pennsylvania, appointed to inquire into the affairs of the then Reading companies. Speaking of the policy of the Reading Co. to sell its coal at reasonable rates, less than the rates which individual operators then demanded, he said:

"A large corporation such as we are is held by the public and by the representatives of the public to a strict accountability. We would not dare to do what individuals do. When individuals controlled this coal field during the war" (i. e., the Civil War) "$8 a ton was the price of coal at the mines. Do you think the Reading Railroad Co. would have dared to charge that sum, no matter how great the power it possessed? Do you suppose that a ton of coal which cost $2 at the mines could have been sold at a profit of $6 if the Reading Railroad Co. had owned it instead of individuals?" (The Reading Co. acquired its coal holdings after the war.) "A few individuals during the war were selling coal to the United States Government, to carry on the defense of the country, at a profit of from $3 to $4 a ton; but do you suppose such a thing would have been possible under a corporation? Why, if we had attempted it we should have been pilloried as monopolists and then executed as traitors; and yet these individuals who handled the product of our mines during the war, and who made money so enormously out of war prices, are the very persons represented by those who now attack us for making a monopoly of this trade. Would the legislature have appointed a committee to investigate the conduct of an individual if he had charged this high price for coal? Oh, no. But when we reduce the price to the injury of a Philadelphia retailer, the whole power of the State is invoked for our destruction. Hence, I say, I am a convert; and I believe, as the result of experience, that there is no better policy than that of enabling the railroad companies to develop the coal fields in which their lines are located."

When we talk of large aggregations of capital it is well to consider the good they have done and can do, with the apprehended evil. It will not do to assume broadly that what is mistermed the "monopolizing" of our coal interests, for instance, results in waste of our natural resources and in injustice to the public.

Perhaps one of the best summaries of this great conservation question now before our people, and in which the engineering profession is so interested, and in regard to which our mining profession has so great a duty to perform, was given by Dr. C. W. Hayes, Chief Geologist of the United States Geological Survey, in an address some time ago at the University of Chicago, when he defined conservation as "Utilization with a maximum efficiency and a minimum waste," and said:

"The reform that is needed throughout the country as a whole must gain its motive power not from sporadic instances where true business methods prevail, or from the well-intentioned enthusiasm of the few, but from the well-informed intelligence of the many. The campaign for conservation must be one of education.

"There appears to be an unfortunate confusion in the minds of certain advocates of conservation. They have apparently confused conservation of natural resources with destruction of the trusts, and the mixture has resulted in pure demagoguery. * * * Anyone who has studied conditions attending the development of mineral deposits must have been impressed by the fact that those deposits held by large companies are being developed and utilized with a view to prevention of waste, in accordance with the principles of conservation, to a much greater extent than are the deposits held by small companies or by individuals."

This matter, particularly in connection with the prospective development of our coal in Alaska, was gone into quite fully in the investigation of the Department of the Interior and of the Bureau of Forestry by the joint committee of Congress (the Pinchot investigation), and Mr. George Otis Smith, the Director of the United States Geological Survey, in testifying before this commission, said:

"Take the condition of the anthracite regions. As I understand it, the present conditions—we are talking from the standpoint of conservationists—the present situation, where large interests more or less control the whole field, is much preferable to the former condition of a large number of small operators who only took out a part of the coal and wasted more than they took out." And again in his testimony he said: "It is not monopolization that is the conserving agent, it is not the monopoly that conserves; it is the large unit that conserves. And I should say that the operation of the coal mines by the large and strong interests which control also the railroads in a given field would be a conserving practice, because it would involve large units. * * * I want to see the Government, by law, control the large unit. There is no use of arguing for the development of large units in industry, unless at the same time the control of the large units is given to the Government. But the large unit in itself is the thing to be sought. The day is past for small operation in any industry of this country, and if we wish to bring back the old conditions, and which still persist; if we wish to encourage the existence of small operations which mean nothing but wasteful competition, I think we would be working directly against the operation of natural law, and I do not think that natural law ought to be opposed either by Executive order or by legislative enactment."

Whether or not the conjunction of transportation and mining interests under one control may or may not be to the benefit of conservation and of the public is, however, now a matter of judicial investigation by the Government, and the future practice must be governed by the decision that shall be reached, but there seems to be a growing conviction among thoughtful men who have really studied the subject that concentration of capital and management must not necessarily be condemned as inimical to public interest. Of this President Taft said, in his message of January 7, 1910, to Congress on interstate commerce and antitrust laws and Federal incorporation: "Monopoly destroys competition utterly, and the restraint of the full and free operation of competition has a tendency to restrain commerce and trade. A combination of persons formerly engaged in trade as partnerships or corporations or otherwise, of course, eliminates the competition that existed between them; but the incidental ending of that competition is not to be regarded as necessarily a direct restraint of trade, unless of such an all-embracing character that the intention and effect to restrain trade are apparent from the circumstances, or are expressly declared to be the object of the combination. A mere incidental restraint of trade and competition is not within the inhibition of the act, but it is where the combination or conspiracy or contract is inevitably and directly a substantial restraint of competition, and so a restraint of trade, that the statute is violated." And speaking of the antitrust law Mr. Taft said: "It was not to interfere with a great volume of capital which, concentrated under one organization, reduced the cost of production and made its profit thereby, and took no advantage of its size by methods akin to duress to stifle competition with it. I wish to make this distinction as emphatic as possible, because I conceive that nothing could happen more destructive to the prosperity of this country than the loss of that great economy in production which has been and will be effected in all manufacturing lines by the employment of large capital under one management. I do not mean to say that there is not a limit beyond which the economy of management by the enlargement of plant ceases; and where this happens and combination continues beyond this point, the very fact shows intent to monopolize and not to economize."

Whether direct paternal governmental supervision of our industries (in addition to the relief from wrongdoing now open in the courts) would be wise will, I think, be questioned by most experienced business men and engineers. Whatever may be the outcome of the discussion on this point, the above citations show clearly that the main great principle here discussed, viz, that conservation can best be promoted by mining and by developing in large units, is recognized by the Government, and emphasized in the opinions of its officials from the President down through the technical men best qualified to express opinions.

The present agitation of the whole subject should have a high educational value for our people, and we may be certain we can trust the horse sense, the intelligence that in the long run always is characteristic of our people, not to be led away by isms or wild theories, but to use in the final determination of these questions that independence of judgment and sound common sense so characteristic of and inherent in the American people, and for which our politicians so often make the mistake of not giving the people credit.

Already the wiser, conservative view of conservation has been semi-officially enunciated in President Taft's address at the meeting of the conservation congress in Minneapolis, when, in concluding, he said:

"I am bound to say that the time has come for a halt in general rhapsodies over conservation, making the word mean every known good in the world; for after the public attention has been roused such appeals are of doubtful utility and do not direct the public to the specific course that the people should take, or have their legislators take, in order to promote the cause of conservation. The rousing of emotions on a subject like this, which has only dim outlines in the minds of the people affected, after a while ceases to be useful, and the whole movement will, if promoted on these lines, die for want of practical direction and of demonstration to the people that practical reforms are intended. * * * I beg of you, therefore, in your deliberations and in your informal discussions, when men come forward to suggest evils that the promotion of conservation is to remedy, that you invite them to point out the specific evils and the specific remedies; that you invite them to come down to details in order that their discussions may flow into channels that shall be useful rather than into periods that shall be eloquent and entertaining without shedding real light on the subject. The people should be shown exactly what is needed in order that they may make their representatives in Congress and the State legislatures do their intelligent bidding."

Gentlemen of the alumni of the Michigan College of Mines, it almost seems as if this was a direct appeal to the men of our profession to come forward and perform their public duty as engineers in giving their expert aid in carrying out these wise suggestions, to the end that the public may have the benefit of advice based on that experience which promotes good judgment, and that the mining engineers of the

country may claim and exercise their due share in this great twentieth century movement to so regulate the development of the still latent mineral resources of our country that the lessons that have come down to us in the deliberations of our predecessors in the profession shall be heeded, and that the knowledge and training placed at the disposal of our country to-day by your great mining school, and by its sister schools in other sections of our country, may be availed of and be utilized to the due credit of your alma mater, and of the profession to which you belong, and to the lasting benefit of our country.

[The Philadelphia Inquirer, Monday, Aug. 14, 1911.]

SANE WORDS ON CONSERVATION.

Dr. Henry S. Drinker, president of Lehigh University, delivered an address on conservation at the twenty-fifth anniversary of the founding of the Michigan College of Mines, at Houghton, last Saturday, which ought to be read carefully by all who take any interest in the subject. Dr. Drinker began his career as a young mining engineer and rose to high distinction in the profession, leaving a very lucrative practice a few years ago to head the famous institution on the Lehigh simply because he felt it his duty to instruct the rising generation of engineers out of the many resources of his own experience. On many occasions he has read papers on mining waste and cognate subjects, and it is doubtful if any living man has a closer practical knowledge of the subject.

His principal thesis in the address mentioned was that the resources of Alaska belong in part to this generation and that it is no part of wisdom or economy to bottle them up. If this is done, the coming generation will have the same problems to face as now. It was the policy of the last administration to reduce the opening of these resources to the lowest terms or restrict them entirely. In chief, its idea was that large corporations should be allowed to gain no foothold and only small mines were encouraged.

Dr. Drinker shows from history, from instances leading right up to the present day, that the small mining operator is always wasteful in his methods. Regardless of any other consideration it is held that he wastes most and gets least from the bowels of the earth, so that from the larger point of view he is a menace. On the other hand, the great corporations are always anxious to save every penny and practically nothing of value escapes. Dr. Drinker holds that from these considerations the "larger corporate unit" ought to be encouraged, because the country will be best served by it and lose least. He thinks the whole problem is one of making contracts with the larger unit.

This is a sane view which is held by the President himself and by practically all technical experts. The whole problem, therefore, reverts to the form of contract which is to be made, and Dr. Drinker believes there is wisdom enough in Congress to settle it properly if there be the willing mind. It is certain that something must be done, for our present policy is practically worse than the free-for-all which lasted so long. Congressmen should not be afraid of a few demagogues. They should consider the interest of the whole country.

Mr. GRAHAM. Mr. Speaker, at a future time, when it shall be in order, I shall move to lay this resolution on the table.

Mr. CANNON. Mr. Speaker, I just came into the Hall and caught the remark of my colleague, in which I understood him to move to lay some resolution on the table. I would like to have it reported.

The SPEAKER. There is no motion in order at this time. The Clerk will call the committees.

The Clerk proceeded to call the committees, the call resting with the Committee on Indian Affairs.

When the Committee on Labor was called:

Mr. WILSON of Pennsylvania. Mr. Speaker, I desire to call up House resolution 90.

Mr. MANN. Has that been transferred to the House Calendar?

Mr. WILSON of Pennsylvania. It is now on the House Calendar.

Mr. MANN. At the proper time, Mr. Speaker, I wish to make a point of order that it was transferred to the House Calendar without authority.

The SPEAKER. The gentleman from Illinois reserves the point of order. The Clerk will report the resolution.

The Clerk read the resolution at length.

Mr. MANN. Mr. Speaker, I make the point of order that this resolution should be on the Union Calendar. I understand the resolution was on the Union Calendar, but was transferred by the Clerk to the House Calendar. I think that transfer was erroneous. The latter part of the resolution provides:

> Said committee is hereby authorized to employ certain stenographic or clerical assistance as may be necessary for the purpose of carrying out the provisions and purposes of this resolution, and to pay the expense thereof, in a sum not to exceed in the aggregate $10,000, from the contingent fund of this House upon warrants signed by the chairman of said committee.

Now, I am familiar with the rulings of the Chair that resolutions reported from the Committee on Accounts providing for the payment of sums out of the contingent fund are not Union Calendar bills, although the wording of the rule would require the consideration of those resolutions in Committee of the Whole House on the state of the Union.

Now, because an exception has been made in these cases, although the wording of the rule requiring that all bills and resolutions providing for an expenditure of money should be considered in Committee of the Whole House on the state of the Union, because of the wording of the resolution and the exception made on reports from the Committee on Accounts, my opinion does not warrant any further exception. I think there has been no exception to the wording of the resolution, except in those cases where the Committee on Accounts has reported providing for the payment of money out of the contingent fund. Undoubtedly that ruling grew up because the House was constantly called upon to pay small sums of money out of the contingent fund on resolutions reported from the Committee on Accounts, and it would be a great waste of time to require on each occasion the House to go into Committee of the Whole House on the state of the Union. But when it comes to providing that there may be $10,000 paid out of the contingent fund by a resolution reported from a committee which ought not to have had jurisdiction of it at all, the shoe is on the other foot.

The SPEAKER. Has the gentleman from Illinois any decisions on the subject?

Mr. MANN. So far as I am informed—and I do not claim that I have complete information on the subject—I am familiar with no decision, nor do I recollect any attempt on the part of anyone claiming that a resolution like this would not have to go on the Union Calendar.

The SPEAKER. The Chair will ask the gentleman this question: The decisions to the effect that resolutions from the Committee on Accounts segregating the contingent fund need not be considered in Committee of the Whole House on the state of the Union evidently were rendered for two reasons; one, as stated by the gentleman from Illinois, that they were of so frequent occurrence that it would be a great waste of time to go through that process. And I will ask the gentleman from Illinois whether or not, in his opinion, there was not another reason, and that was that the contingent fund really has already been appropriated?

Mr. MANN. Mr. Speaker, I personally do not think that was the reason, but I presume that has been assigned as a reason at some time. The Chair is familiar with the fact that once in a while, for possibly very good reasons, there has been a clear distinction made without any reason as between what you can do and what you can not do, as is the ruling declaring that the Navy is a continuing project, in order that improvements of the Navy may be in order, if it is a battleship, but that if it is a dry dock it is not in order. There is absolutely no distinction in reason, but there is in the precedent. The wording of the rule, it is very clear, covers the contingent fund, as far as the wording is concerned. The fact that the money has been appropriated makes no difference. We may have appropriated $150,000 for a public building at some place, but if you propose to change the authorization in any way, although the money has already been appropriated, it must go to the Union Calendar and be considered in the Committee of the Whole House—and not merely the appropriation of money, but the expenditure of money, the incurring of obligations which are payable in money.

In this case, under this resolution, there is authorized the expenditure of $10,000. We have already in two other cases authorized the expenditure of $25,000 in each case, a total of $60,000, although the fund out of which that may be paid does not equal $60,000.

Mr. GARRETT. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. MANN. I do.

Mr. GARRETT. The Committee on Rules, to which this resolution ought to have been referred, and to which I have no doubt it would be referred if introduced now, in reporting the investigation resolution carefully refrained from including appropriations, upon the ground that that was the function of the Committee on Accounts, and that the Committee on Rules ought not to undertake to exercise jurisdiction over an appropriation out of the contingent fund, because it was peculiarly the function of the Committee on Accounts to deal with that contingent fund. Here is a resolution reported from another committee that undertakes to make an appropriation out of the contingent fund, and I venture to suggest to the Chair that a different rule would apply to any other committee of the House than to the Committee on Accounts in dealing with the contingent fund.

Mr. MANN. Mr. Speaker, the Chair suggested that one of the reasons actuating the rulings in the past might have been that the contingent fund was already appropriated, but paragraph 3 of Rule XXIII, page 34, of the Manual, says:

> All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made * * * shall be first considered in a Committee of the Whole.

I grant you that the rulings have been, and I think should be, that where the Committee on Accounts reports a resolution for payment out of the contingent fund, it does not require to go upon the Union Calendar, but that is an arbitrary ruling, just

exactly as the ruling in a current appropriation bill where you fix a salary, that that is law and the creation of office is not law, although both are in the same bill, or that providing a new battleship is a continuing project, but providing a dry dock to put it in is not a continuing project. That is an arbitrary ruling—a ruling that has the force of precedent, and that is properly observed—and in this case it is an arbitrary ruling which I think ought to be observed that the Committee on Accounts puts its resolutions on the House Calendar, but that any other committee proposing to pay money out of the contingent fund must place its resolutions on the Union Calendar, and that it must be considered in the Committee of the Whole House.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the Speaker to the extraordinary situation that the House finds itself in with this resolution. This resolution purports to provide for an investigation by the Committee on Labor of the operation of certain cost systems. As introduced the resolution did not purport to provide for the expenditure of money either out of the Treasury or out of the contingent fund.

Mr. MANN. Oh, yes, it did.

Mr. FITZGERALD. As introduced?

Mr. MANN. Yes.

Mr. FITZGERALD. The committee reports an amendment.

Mr. MANN. That is, limiting the amount to $10,000. The gentleman is mistaken.

Mr. FITZGERALD. I am mistaken, Mr. Speaker, but it purports to pay the expense of the investigation out of the contingent fund.

All resolutions, all proposals to pay out of the contingent fund of the House must, under the rule, be referred to the Committee on Accounts. The Committee on Accounts occupies a peculiar relationship to the House in its control over the contingent fund. The contingent fund is provided in an appropriation bill, and its purpose is to have available for the use of the House a fund against which may be charged expenditures necessary in the everyday transactions of the business of the House which can not be anticipated and foreseen and provided for in an annual appropriation. If the practice proposed here is to prevail that whenever any committee determines that it desires to investigate some question it will have introduced a resolution providing for an investigation and an expenditure out of the contingent fund, and then the committee that determines to make the investigation will pass upon the desirability of making the investigation, as well as the amount to be expended out of the contingent fund of the House, there can be no check kept upon the contingent fund of the House, because no committee and no House could ever keep up a supply to meet the demands that committees would be continually making upon it in this form. The ruling to which the gentleman from Illinois [Mr. MANN] has called attention by which the uniform practice of the House has been varied in one respect is that resolutions reported by the Committee on Accounts and providing for payments out of the contingent fund need not be considered in the Committee of the Whole House on the state of the Union; but that is a narrow ruling, restricted entirely to the Committee on Accounts, and it has never been suggested, nor has it ever been proposed, that if some other committee attempts to encroach upon the jurisdiction of the Committee on Accounts in its control of the contingent fund that it would have this preferential right to call up such a resolution in the House and by the operation of the previous question have speedy action taken without an opportunity for a proper and full consideration that should be given to such a resolution.

The Committee on Accounts can report resolutions providing for payments out of the contingent fund as privileged, but such resolutions are not privileged from other committees. The Committee on Accounts, not expending the money itself for investigations by itself, but acting as the auditor of the other committees and acting as the representatives of the House, standing between the House and the other committees, properly would have the right to have a speedy hearing by the House; but I submit, Mr. Speaker, that the ruling has never been extended to any other committee which has attempted to encroach upon the jurisdiction of the Committee on Accounts in its control over the contingent fund, and it should not be extended for a proper administration of the fund and for the protection of the House.

The SPEAKER. Does the gentleman from New York contend this bill ought to be referred to the Committee on Accounts?

Mr. GARRETT. It ought to go to the Union Calendar.

Mr. FITZGERALD. Well, Mr. Speaker, there might be some question as to whether this resolution should be referred to the Committee on Labor, or to the Committee on Rules, or to the Committee on Accounts. It provides for an expenditure out of the contingent fund. If it has not been referred to the Committee on Accounts, if some other committee attempts to exercise control over the contingent fund and reports such resolutions to the House, it seems to me that such resolutions should be considered in the Committee of the Whole House on the state of the Union so that the House may be fully informed.

Mr. GARRETT. Will the gentleman permit——

Mr. FITZGERALD. I yield to the gentleman.

Mr. GARRETT. In answer to the suggestion of the Speaker, I think, of course, that a part of this resolution would have gone to the Committee on Rules and part of it would have gone to the Committee on Accounts, but under the well-settled practice it is too late to make that point of order now.

Mr. FITZGERALD. I am not so certain as to that; unless this is a public bill, it is not too late.

Mr. GARRETT. But if it can come up now, and that is the point I was going to reach, if it can come up now on the House Calendar and not have to go to the Union Calendar, then you can not make the point of order; but if it be sent to the Union Calendar, where it belongs, then it would not be a privileged resolution for the reason that all matters touching the employment of the contingent fund of the House under the rule go to the Committee on Accounts, and to hold that this bill now can be considered, dealing with the contingent fund of the House, as a House bill and not on the Union Calendar, is to open the doors in a very dangerous way.

Mr. FITZGERALD. Mr. Speaker, there is another matter that the House should consider which may not be quite pertinent at this particular point but still must not be overlooked.

The appropriation in the contingent fund out of which expenditures of this character may be made for the current year, if I recall correctly, is $75,000. Two committees have already been authorized to investigate various matters and to incur indebtedness or make an expenditure out of this fund, each not to exceed $25,000. The Committee on the District of Columbia was authorized to conduct an investigation; to expend not to exceed $5,000. These committees drew very little of the amount authorized from the contingent fund prior to the 1st of July, so that charges against this appropriation of $75,000 for the current year are possibly charges of $55,000.

These proposed expenditures should be referred to some committee that knows something about this account. This proposes to permit the employment of stenographic and clerical services at an expenditure of $10,000 a year. The Committee on Appropriations investigates estimates aggregating between six and seven hundred million dollars a year, and it uses the committee stenographers available for all committees of the House. It uses the annual clerks provided by law for the committee, and never, in my experience, has it been necessary for that committee to have a particular appropriation in the vast and comprehensive investigations it is compelled to make annually, and all the time, in order properly to discharge its duties. Ten thousand dollars for stenographic and clerical services for one committee of the House, for a special investigation will mean that; if it continues at that rate, $400,000 or $500,000 will be used up in a session of Congress, and all our professions of economy in the conduct of the business will be but idle dreams at the time we complete our work.

Mr. MANN. That is true, anyhow.

Mr. FITZGERALD. The gentleman from Illinois [Mr. MANN] is very alert to the accuracy of that suggestion. It seems to me that since this resolution has not received the scrutiny of the committee which is specially charged under the rules of the House with the duty of protecting the contingent fund, it would be extremely unwise to extend the ruling and to make privileged and possible of consideration on the House Calendar resolutions affecting the contingent fund which some committees of the House propose to interject here. It seems to me this resolution should be on the Union Calendar, so that the House may take necessary steps to protect itself against such propositions.

Mr. WILSON of Pennsylvania and Mr. CANNON rose.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] is recognized. The Chair will recognize the gentleman from Illinois next.

Mr. WILSON of Pennsylvania. Mr. Speaker, this resolution was originally placed on the Union Calendar when it was reported to the House. It has since been changed to the House Calendar. I presume, while I do not know, that that change has been made because of the ruling recently rendered by the Chair on a similar question. On the 24th of April Mr. LLOYD, from the Committee on Accounts, introduced a resolution—

That there shall be paid out of the contingent fund of the House compensation at the rate, respectively, of $6 per day and $60 per month, for the services of a clerk and messenger to the Committee on the Disposition of Useless Executive Papers during the remainder of the present session.

The gentleman from Georgia [Mr. BARTLETT] raised the point of order—

That this resolution and all like it, proposing to pay money out of the contingent fund of the House, must, under the rule, be considered in Committee of the Whole. I do this for the purpose of establishing a precedent which has hitherto been established in Democratic Houses but not followed in Republican Houses.

Upon that question the Speaker ruled as follows:

This is one of the happy situations in which the Chair can cite great names on both sides of the proposition. If it were an original question, the present occupant of the Chair would hold that the point of order made by the gentleman from Georgia was well taken, but for the last 10 or 15 years resolutions similar to this one have been considered in the House with the universal acquiescence of Members on both sides. Therefore the point of order is overruled.

Now, the point of order made by the gentleman from Georgia [Mr. BARTLETT] was not that expenditures proposed in resolutions coming from the Committee on Accounts are out of order, but propositions for expenditures from the contingent fund. This resolution simply proposes an expenditure from the contingent fund. The resolution itself, it seems to me, properly belongs to the Committee on Labor. The paramount question involved in the resolution is a question involving labor, and for that reason the resolution belongs with the Committee on Labor. As it was originally referred to the committee, it proposes to give to the committee practically unlimited powers in the expenditure of funds for stenographic and clerical help. The committee in reporting the bill proposes an amendment limiting that power of expenditure to $10,000.

The fact that we proposed that amendment does not in any manner change the status of the resolution as being properly before the Committee on Labor, and as the expenditure is from the contingent fund—an expenditure that has already been considered in the Committee of the Whole House—the resolution should be upon the House Calendar rather than upon the Union Calendar.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized.

Mr. CANNON. Mr. Speaker, if this question touching the contingent fund were presented for the first time on a report from the Committee on Accounts, I have no doubt that the Speaker, under the language of clause 3 of Rule XXIII, would sustain the point of order, and direct the transfer of the resolution to the Union Calendar. I will read:

All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made * * * shall be first considered in a Committee of the Whole.

Now, there is no question, first, but that this is a resolution requiring a payment of money from the contingent fund on appropriation already made, and it comes literally within clause 3 of Rule XXIII. I am aware that for many Congresses—I do not recollect how many—but in both Democratic and Republican Houses, the Committee on Accounts being a privileged committee, and ordinarily bringing in privileged bills before the House touching the daily conduct of business for the convenience of the House, many Speakers have held that those resolutions need not go—or would not go under the rule—to the Union Calendar. If I recollect aright, when I had the honor to be Speaker of the House, following the precedents I made that ruling and no appeal was taken. The present Speaker of the House made that ruling at the commencement of this session, and I think he made it correctly, following the precedents.

But now what do we have? We have a committee, not the Committee on Accounts, that reports a bill, utilizing the form of a resolution—and "a resolution" is covered by the words "a bill"—to appropriate from the contingent fund or to utilize the contingent fund for the payment of the expenses of the committee. It may well be said, Can you make a distinction between committees when the contingent fund is to be utilized? Should it be confined to the Committee on Accounts alone? Under the precedents, as followed by many Speakers, yes. But you may say, Is one of the committees of the House to be discriminated against? Well, under the precedents, that has happened in other instances. I will call the attention of the Chair to Rule XXI, section 2, on page 400 of the new Manual—the Manual of the present session:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

Now, the invariable construction of that rule prohibits any legislation, or the report of any legislation, on any general appropriation bill, and forbids an appropriation that has not been previously authorized by law. The Committee on Appropriations, the Committee on Military Affairs, the Committee on Foreign Affairs, and the various other appropriating committees are prohibited from reporting any legislation not authorized by law, and a point of order is invariably sustained. For instance, the Committee on Military Affairs can not report a bill or an item on a general appropriation bill—and if it does so the point of order would lie—to build a new Army post, to establish a new Army post, or to establish a new arsenal that may be necessary for the proper support of the military arm. The point of order would lie, unless such post or arsenal was previously authorized by law. That is true of the Appropriations Committee. But there is one exception, and that I call to the attention of the Chair. The Committee on Naval Affairs reports a general appropriation bill for the maintenance of the Navy. If I recollect aright, in the Forty-eighth or Forty-ninth Congress—I am not sure which—on a bill of that kind to maintain the Navy, the gentleman from Kentucky, Mr. McCreary, while acting as Chairman of the Committee of the Whole House, overruled a point of order that was made against an item providing for the construction of a battleship, or several battleships, not authorized by law.

On a point of order which was very thoroughly debated, the gentleman from Kentucky, Mr. McCreary, overruled the point of order and held the provision to be in order. An appeal was taken, and the House of Representatives at that time were so anxious to build battleships that had not been authorized by law that a majority of the Committee of the Whole House on the state of the Union sustained the chairman of the committee. This precedent has been followed from that time to the present, in Democratic Houses and Republican Houses. I have frequently thought that the making of that exception has led to improvident legislation.

The SPEAKER. The Chair will ask the gentleman from Illinois if he does not think that was really stretching the rule a good deal, anyway, when that decision was made?

Mr. CANNON. Oh, it was absolutely against the rule. When I had the honor to be chairman of the Committee on Appropriations that decision was invoked time and again. Amendments would be offered to a general appropriation bill, which, it was claimed—and perhaps correctly claimed in many instances—were for the good of the public service, with plausible statements that the Army was authorized and that public service was authorized and that these amendments were for the good of the service, and that they ought to be in order to a general appropriation bill. "But unless previously authorized by law," as provided in clause 2 of Rule XXI, the point of order has been invariably sustained.

Now, the two cases are exactly alike in principle. The Committee on Naval Affairs can report a general appropriation bill, or an amendment may be made to it to build a ship. The Committee on Accounts may report a resolution to utilize the contingent fund, and it is not subject to the point of order that it should go to the Committee of the Whole House on the state of the Union; but those, so far as I recall, are the only two exceptions where not only the substance but the letter of the rule have been violated.

Now, I care nothing about whether this particular resolution is considered in the House, being on the House Calendar, or in the Committee of the Whole House on the state of the Union; but I do think it is important that there should not be a new precedent made that would enable gentlemen, instead of referring these matters to the Committee on Rules, to consider them in some other committee. It seems to me this resolution ought to have gone to the Committee on Rules; but with the many hundreds, thousands, and tens of thousands of bills being referred by the Speaker, mistakes are bound to occur. In my judgment, it was a mistake to refer this resolution to the Committee on Labor. I think it ought to have gone to the Committee on Rules; but it did not, and the reference of the resolution to the Committee on Labor gave that committee jurisdiction. It is reported and before us, and I do not believe that a precedent ought to be made that will enable any committee to avoid the Committee of the Whole House on the state of the Union by making reports of this kind. I think that privilege ought to be confined to the Committee on Accounts alone.

The SPEAKER. The gentleman from Illinois [Mr. MANN] raises the point of order that this resolution ought to be on the Union Calendar instead of the House Calendar.

The governing section about this is section 3 of Rule XXIII, found on page 413 of the Manual:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Rule XIII, Calendars and Reports of Committees, section 729, page 361 of the Manual, says:

There shall be three calendars to which all business reported from committees shall be referred, viz:
First. A calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly, appropriating money or property.

The third provision is Rule XI, section 56, the last clause on page 358, referring to privileged matters:

And the Committee on Accounts on all matters of expenditures of the contingent fund of the House.

The Chair agrees thoroughly with the statements made by the gentleman that this bill ought to go to the Union Calendar. The ruling of the present occupant of the Chair was simply on the question whether, when the Committee on Accounts reports a resolution segregating a part of the contingent fund or reappropriating it, it should go to the Committee of the Whole. The Chair stated that if it was an original proposition he would rule against it, but rulings of previous Speakers on both sides has been—and for 17 years, to the Chair's certain knowledge, nobody had raised that question—that where the Committee on Accounts reports a resolution taking a part of the contingent fund, it does not go to the Committee of the Whole House on the state of the Union. That is the exception to the general rule, and it would be inadvisable, it seems to the Chair, from every point of view to enlarge the proposition that you can consider resolutions or bills appropriating money or things of value beyond the Committee on Accounts. For these reasons the point of order made by the gentleman from Illinois is sustained.

Mr. WILSON of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Pennsylvania. Does sustaining the point of order made by the gentleman from Illinois automatically take this resolution back on the Union Calendar?

The SPEAKER. The Chair directs the Clerk to put the bill on the Union Calendar. It is fair to the gentleman from Pennsylvania to state that originally this bill was on the Union Calendar and was changed to the House Calendar. The gentleman from Illinois [Mr. CANNON] states the exact fact, that there are thousands of bills to be referred, and sometimes it happens that you can refer a bill with equal propriety to any one of two or three committees, and in the rush of matters it may go to the wrong committee. The Chair considers it no reflection whatever on his motives or integrity if the House changes it. This bill is now on the Union Calendar.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the House resolves itself into Committee of the Whole House on the state of the Union for the consideration of House resolution No. 90.

Mr. FITZGERALD. I make the point of order that that is not in order.

Mr. MANN. I demand the regular order.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that after 60 minutes expires that motion would be in order; but that time has not expired. The Clerk will continue the call of committees.

The Clerk continued the call of committees and called the Committee on Election of President and Vice President.

Mr. MANN. Mr. Speaker, I think we have been through with all of the committees. I make the point of order that no quorum is present.

Mr. FITZGERALD. I move that the House do now adjourn.

Mr. SHEPPARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHEPPARD. Has the call of committees been completed?

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

Mr. SHEPPARD. Will the gentleman from New York withhold his motion until we can find out whether the call of committees has been completed?

Mr. FITZGERALD. The gentleman from Illinois made the point of no quorum, and we will find out more quickly that way than any other.

The SPEAKER. The Chair will state that the call of committees has not yet been completed.

Mr. MANN. We commenced with the Committee on Elections No. 1.

The SPEAKER. The Clerk began the call to-day with the Committee on Indian Affairs.

Mr. MANN. I will say that the committee of which the gentleman from Texas is chairman could not be called to-day.

Mr. SHEPPARD. I am interested in another committee.

Mr. FITZGERALD. I will withdraw my motion, Mr. Speaker.

The SPEAKER. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. I insist on the point of order.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-one Members present—not a quorum.

Mr. HENRY of Texas. Mr. Speaker, I move a call of the House.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. HENRY of Texas. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 155, answered "present" 5, not voting 133, as follows:

YEAS—92.

Anthony	Good	Kopp	Porter
Austin	Green, Iowa	Lafean	Pray
Barchfeld	Griest	Langham	Prince
Bingham	Hamilton, Mich.	Langley	Rees
Burke, Pa.	Hammond	Lindbergh	Roberts, Nev.
Burke, S. Dak.	Hanna	McCall	Simmons
Cannon	Harris	McCreary	Slemp
Catlin	Hartman	McKenzie	Sloan
Copley	Hawley	McKinley	Smith, Saml. W.
Crumpacker	Hayes	McLaughlin	Speer
Currier	Heald	Madden	Steenerson
Dalzell	Helgesen	Madison	Taylor, Ohio
Danforth	Henry, Conn.	Mann	Thistlewood
Davis, Minn.	Higgins	Martin, S. Dak.	Towner
Dodds	Howland	Matthews	Utter
Draper	Hubbard	Miller	Volstead
Driscoll, M. E.	Hughes, W. Va.	Morse, Wis.	Warburton
Dwight	Humphrey, Wash.	Mott	Wedemeyer
Dyer	Jackson	Nye	Wilder
Esch	Kendall	Olmsted	Wilson, Ill.
Focht	Kennedy	Parran	Woods, Iowa
Foster, Vt.	Kent	Payne	Young, Kans.
French	Kinkaid, Nebr.	Plumley	Young, Mich.

NAYS—155.

Aiken, S. C.	Difenderfer	Hull	Roddenbery
Akin, N. Y.	Donohoe	Jacoway	Rothermel
Alexander	Doremus	Johnson, Ky.	Rouse
Allen	Doughton	Johnson, S. C.	Rubey
Ashbrook	Driscoll, D. A.	Jones	Rucker, Colo.
Bathrick	Dupre	Kindred	Rucker, Mo.
Beall, Tex.	Edwards	Kinkead, N. J.	Russell
Bell, Ga.	Evans	Knowland	Sabath
Blackmon	Faison	Konop	Scully
Booher	Farr	Lafferty	Shackleford
Borland	Ferris	Lee, Pa.	Sheppard
Bowman	Fields	Lewis	Sherwood
Brown	Finley	Linthicum	Sims
Buchanan	Fitzgerald	Littlepage	Sisson
Bulkley	Floyd, Ark.	Lobeck	Small
Burke, Wis.	Foss	McCoy	Smith, J. M. C.
Byrns, Tenn.	Foster, Ill.	McDermott	Smith, N. Y.
Callaway	Fowler	McGillicuddy	Sparkman
Campbell	Francis	McKinney	Stack
Carter	Fuller	Macon	Stedman
Clark, Fla.	Garner	Maguire, Nebr.	Stephens, Cal.
Claypool	Garrett	Mays	Sterling
Clayton	George	Mondell	Stone
Connell	Goeke	Moon, Tenn.	Sweet
Conry	Gould	Moore, Pa.	Switzer
Cooper	Graham	Morgan	Talcott, N. Y.
Covington	Gray	Morrison	Taylor, Ala.
Cox, Ind.	Gregg, Pa.	Moss, Ind.	Taylor, Colo.
Cox, Ohio	Gudger	Nelson	Thayer
Crago	Hamill	Norris	Tribble
Cullop	Hamlin	Padgett	Turnbull
Curley	Hardwick	Page	Underhill
Daugherty	Hardy	Pepper	Underwood
Davenport	Heflin	Pickett	Watkins
Davis, W. Va.	Henry, Tex.	Post	Webb
Dent	Holland	Raker	White
Dickinson	Houston	Randell, Tex.	Willis
Dickson, Miss.	Hughes, Ga.	Ransdell, La.	Wilson, Pa.
Dies	Hughes, N. J.	Richardson	

ANSWERED "PRESENT"—5.

Adamson	Hinds	McMorran	Malby
Bartlett			

NOT VOTING—133.

Adair	Cary	Guernsey	Lenroot
Ames	Cline	Hamilton, W. Va.	Lever
Anderson, Minn.	Collier	Harrison, Miss.	Levy
Anderson, Ohio	Cravens	Harrison, N. Y.	Lindsay
Andrus	Davidson	Haugen	Littleton
Ansberry	De Forest	Hay	Lloyd
Ayres	Denver	Helm	Longworth
Barnhardt	Dixon, Ind.	Hensley	Loud
Bartholdt	Ellerbe	Hill	McGuire, Okla.
Bates	Estopinal	Hobson	McHenry
Berger	Fairchild	Howard	Maher
Boehne	Flood, Va.	Howell	Martin, Colo.
Bradley	Fordney	Humphreys, Miss.	Moon, Pa.
Brantley	Fornes	James	Moore, Tex.
Broussard	Gallagher	Kahn	Murdock
Burgess	Gardner, Mass.	Kitchin	Murray
Burleson	Gardner, N. J.	Konig	Needham
Burnett	Gillett	Korbly	Oldfield
Butler	Glass	La Follette	O'Shaunessy
Byrnes, S. C.	Godwin, N. C.	Lamb	Palmer
Calder	Goldfogle	Latta	Patten, N. Y.
Candler	Goodwin, Ark.	Lawrence	Patton, Pa.
Cantrill	Greene, Mass.	Lee, Ga.	Peters
Carlin	Gregg, Tex.	Legare	Pou.

Powers	Robinson	Stephens, Tex.	Weeks
Prouty	Rodenberg	Stevens, Minn.	Whitacre
Pujo	Saunders	Sulloway	Wickliffe
Rainey	Sells	Sulzer	Wilson, N. Y.
Rauch	Sharp	Talbott, Md.	Witherspoon
Redfield	Sherley	Thomas	Wood, N. J.
Reilly	Slayden	Tilson	Young, Tex.
Reyburn	Smith, Tex.	Townsend	
Riordan	Stanley	Tuttle	
Roberts, Mass.	Stephens, Miss.	Vreeland	

So the motion was rejected.

The SPEAKER pro tempore (Mr. DAVENPORT). The Clerk will announce the pairs.

The Clerk announced the following pairs:

For the session:

Mr. PUJO with Mr. MCMORRAN (transferable).

Mr. SLAYDEN with Mr. FORDNEY.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. LEVER with Mr. SULLOWAY.

Mr. LINDSAY with Mr. BARTHOLDT.

Until further notice:

Mr. BROUSSARD with Mr. SELLS.

Mr. GLASS with Mr. MURDOCK.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. BARTLETT with Mr. BUTLER.

Mr. POU with Mr. VREELAND.

Mr. GODWIN of North Carolina with Mr. TILSON.

Mr. ESTOPINAL with Mr. RODENBERG.

Mr. SAUNDERS with Mr. ROBERTS of Massachusetts.

Mr. PALMER with Mr. REYBURN.

Mr. DENVER with Mr. PROUTY.

Mr. WILSON of New York with Mr. LOUD.

Mr. YOUNG of Texas with Mr. LENROOT.

Mr. TOWNSEND with Mr. WEEKS.

Mr. HAMILTON of West Virginia with Mr. LAWRENCE.

Mr. HELM with Mr. LA FOLLETTE.

Mr. COLLIER with Mr. KAHN.

Mr. BURNETT with Mr. HILL.

Mr. BURLESON with Mr. HAUGEN.

Mr. BARNHART with Mr. GUERNSEY.

Mr. ADAIR with Mr. GREENE of Massachusetts.

Mr. LEE of Georgia with Mr. GILLETT.

Mr. LAMB with Mr. GARDNER of New Jersey.

Mr. CANDLER with Mr. GARDNER of Massachusetts.

Mr. LEVY with Mr. DAVIDSON.

Mr. LLOYD with Mr. BATES.

Mr. ROBINSON with Mr. WOOD of New Jersey.

Mr. GOLDFOGLE with Mr. CARY.

Mr. HOBSON with Mr. FAIRCHILD (transferable).

Commencing August 14 and ending August 19:

Mr. KONIG with Mr. POWERS.

Commencing June 21 to end of session:

Mr. MAHER with Mr. CALDER.

Commencing August 15 and ending August 17, noon:

Mr. TALBOTT of Maryland with Mr. PATTON of Pennsylvania.

Commencing August 5 and ending August 19, inclusive:

Mr. REDFIELD with Mr. NEEDHAM (on all votes except vetoes of the President).

Commencing August 8 to end of session:

Mr. SULZER with Mr. MALBY (on all votes affecting a veto of the President).

Commencing August 10 to end of session:

Mr. CANTRILL with Mr. MCGUIRE of Oklahoma.

Commencing August 12 to August 17, noon:

Mr. JAMES with Mr. LONGWORTH (on all votes except veto of President).

For the balance of the day:

Mr. WICKLIFFE with Mr. ANDERSON of Minnesota.

Mr. RAINEY with Mr. HOWELL.

Mr. OLDFIELD with Mr. MOON of Pennsylvania.

Mr. HARRISON of New York with Mr. DE FOREST.

Mr. KITCHIN with Mr. AMES.

Mr. ADAMSON. I did not hear the gentleman from Minnesota, Mr. STEVENS, vote, and I will have to withdraw my vote of "no" and answer "present."

The SPEAKER pro tempore. Call the gentleman's name.

The name of Mr. ADAMSON was called, and he answered "Present."

Mr. STEPHENS of Mississippi. Mr. Speaker, I desire to vote "no."

The SPEAKER pro tempore. Was the gentleman in the House and listening when his name was called or should have been called?

Mr. STEPHENS of Mississippi. No; I was not.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Mr. HENRY of Texas. Mr. Speaker, I desire to withdraw the motion for a call of the House.

The SPEAKER. The gentleman from Texas withdraws the motion for a call of the House.

Mr. HEFLIN. Regular order, Mr. Speaker.

The SPEAKER. The Clerk will proceed with the call of committees.

When the Committee on Alcoholic Liquor Traffic was called:

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I understood the Clerk to call the Committee on Elections. If I am mistaken——

The SPEAKER. The gentleman was mistaken. The Clerk originally began with the Committee on Indian Affairs. The Clerk will proceed.

When the Committee on Industrial Arts and Expositions was called:

Mr. HEFLIN. Mr. Speaker, I am directed by the Committee on Industrial Arts and Expositions to call up House concurrent resolution No. 11, with amendments suggested by the committee.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Concurrent resolution 11.

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, earnestly requested to extend, in the name and on behalf of the city of Key West, Fla., to all foreign nations an invitation to visit that city and participate in the celebration of the completion of the Florida East Coast Railway Co.'s line connecting the mainland of the United States with the said island city of Key West, both by their official representatives and citizens generally, and particularly to invite such foreign countries to send such of their respective naval vessels as may be practicable and convenient to participate in such celebration so to be held, beginning on the 2d day of January, A. D. 1912: *Provided*, That before the extending of said invitations the President shall be satisfied that suitable provisions have been made by said city for the entertainment of the parties or representatives of such governments or countries so invited.

Resolved further, That the President be, and he is hereby, requested to direct such portion of the Army and Navy of the United States as may be convenient and practicable to be present at Key West at the time of such proposed celebration and participate therein.

Resolved further, That under no circumstances is the United States to assume, be subject to, or charged with any expense of any character whatsoever in or about or connected with such proposed celebration.

Mr. MANN. Mr. Speaker, I make the point of order, first, that this resolution must be on the Union Calendar. Second, that it violates the statute by inserting a resolving clause three times; and third, that it is not possible by a concurrent resolution to direct the President to do anything.

Mr. HEFLIN. Mr. Speaker, I was going to ask unanimous consent to substitute for the House resolution Senate concurrent resolution No. 7. This resolution, which is practically the same, has passed the Senate and is on the Speaker's table, and I ask unanimous consent to substitute that resolution for this one.

The SPEAKER. The Chair will hold in abeyance the point of order.

Mr. MANN. Let us have the Senate resolution reported with the request.

The SPEAKER. The Clerk will report the Senate resolution——

Mr. MANN. As a part of the request of the gentleman from Alabama.

The SPEAKER. As a part of the request of the gentleman from Alabama.

The Clerk read as follows:

Senate concurrent resolution 7.

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be, and he is hereby, requested to transmit in the name and on behalf of the city of Key West, Fla., to all foreign nations an invitation to visit that city and participate in the celebration of the completion of the Florida East Coast Railway Co.'s line connecting the mainland of the United States with the said island city of Key West, both by their official representatives and citizens generally, and particularly to invite such foreign countries to send such of their respective naval vessels as may be practicable and convenient to participate in such celebration so to be held, beginning on the 2d day of January, A. D. 1912: *Provided*, That before the extending of said invitations the President shall be satisfied that suitable provisions have been made by said city for the entertainment of the parties or representatives of such Governments or countries so invited.

Resolved further, That the President be, and he is hereby, requested to direct such portion of the Army and Navy of the United States as may be convenient and practicable to be present at Key West at the time of such proposed celebration and participate therein.

Resolved further, That under no circumstances is the United States to assume, be subject to, or charged with any expense of any character whatsoever in or about or connected with such proposed celebration.

Mr. HEFLIN. Mr. Speaker, this is practically the same resolution——

The SPEAKER. If the gentleman will suspend for a moment. The request of the gentleman from Alabama is that the House resolution lie on the table and that the Senate resolution just

read by the Clerk be substituted for it. Is there objection? [After a pause.] The Chair hears none. The Chair will now inquire of the gentleman from Illinois——

Mr. MANN. Mr. Speaker, I make the same point of order.

The SPEAKER. The Chair will be pleased if the gentleman will restate it.

Mr. MANN. First, that the resolution must go on the Union Calendar and be considered in the Committee of the Whole House. Second, that Congress can not by a concurrent resolution direct the President to do anything. The resolution in its present form is in violation of the statute, and I simply lay the matter before the Chair. This is a concurrent resolution. There is on the calendar a joint resolution reported from the same committee covering identically the same question at another place. Just what distinction the Committee on Industrial Arts and Expositions makes between a concurrent resolution to have the President do something, a concurrent resolution not requiring the signature or approval of the President in the one case, and a joint resolution which does require the approval of the President in the other case, I do not know.

It does not seem to me that the House and Senate combined can by a concurrent resolution give the President authority to do anything. It is true that the resolution only provides that the President is requested to extend to all foreign nations an invitation, but the President derives his authority from the action of Congress. Without the action of Congress the President has no authority to extend the invitation, and the action of Congress means a resolution passed under the Constitution, and a resolution passed under the Constitution must be presented to the President for approval or disapproval. But under the practice a concurrent resolution is not considered a resolution affecting anything outside of the mere matter of procedure in the two Houses of Congress; is not a resolution under the Constitution; it is not required to be presented to the President for approval or disapproval. If the gentleman desires to make his resolution a joint resolution, I do not know that I should object to the request. As to whether the resolution has to be considered in Committee of the Whole, the third clause of the resolution, which has "resolved further" in it, although the statutes, in the case of a joint resolution, at least, would forbid the use of the resolving clause more than once, is—

that under no circumstances is the United States to assume, be subject to, or charged with, any expense of any character whatsoever, in or about, or connected with such proposed celebration.

Apparently, that would prevent this resolution causing any expenditure of money or making any charge upon the Treasury, and yet, if you will notice the resolution, it is simply in connection with the celebration, because the second clause of the resolution directs the President to send the Army and Navy to Key West, and that means necessarily an expenditure of money. Neither the Army nor the Navy can be sent to Key West without incurring obligations for that purpose.

Mr. GARRETT. There have been resolutions passed in the House without being considered in Committee of the Whole that did that, have there not?

Mr. MANN. It is very likely. I do not recall them at this time.

Mr. GARRETT. My recollection is, although I may be in error about it, that the resolution authorizing the President to invite the navies of the world to the Jamestown Exposition passed through the House and was not considered in Committee of the Whole. I may be mistaken about it.

Mr. MANN. I will assume, for the purpose of argument, that it did pass through the House without being considered in Committee of the Whole. But the gentleman will recollect that it cost the Government several hundred thousand dollars afterwards, and that is simply proof of what I am saying, that the necessary effect is the incurring of obligations and the expenditure of money.

Mr. GARRETT. I think the point of order was made then and overruled, but I am not certain about it. I believe it was.

Mr. MANN. I will say to the gentleman from Alabama, so far as I am personally concerned, while I really object to the merits of the proposition in that it says that the Government shall incur no expense, I think when the Government of the United States asks its naval officers to go to a place to meet other naval officers of other navies at the expense of our naval officers, and we are too niggardly to pay the expense ourselves out of the Treasury, we are too niggardly to extend the invitation. Here is a case where we propose to send our Navy and ask other navies to come. We know that that means that our naval officers must entertain the naval officers of the other navies at their own personal expense, receiving not a dollar out of the Treasury. In some cases where such things have been done it has bankrupted the naval officers. The officers of a vessel giving an entertainment or a dinner, and paying for it themselves, as the officers feel they must do, means that they have to pay out large sums of money. However, I will say to the gentleman from Alabama, that if he will change this to a joint resolution, so it would be of some effect, I will withdraw the points of order.

Mr. HEFLIN. Mr. Speaker, replying to the gentleman from Illinois, who really has no objection, I believe, to the passage of the resolution, since it carries no appropriation whatever, I wish to say it does not take one dollar out of the Treasury. It merely requests the President of the United States to extend this invitation, but he does not even have to do that unless he wishes to do so.

This resolution has in it a courtesy that this Congress can extend to the people of Florida in the celebration of the completion of a great engineering enterprise there, and my friend from Illinois [Mr. MANN] has made no argument that would sustain his point of order. He suggests that we ought to pay the expenses when any part of the Navy is called out on occasions like this. Why, Mr. Speaker, if that resolution had an appropriation in it of $5, the minority leader would now be throwing fits in the aisle over by the door. [Laughter on the Democratic side.]

When it is cold, he wants it hot;
He is always wanting what is not.

[Laughter.]

Now, Mr. Speaker, if there is no one else who wants to oppose the resolution, I do not care to discuss it further.

The SPEAKER. The Chair would like to ask the gentleman from Alabama a question. Section 3 of Rule XXIII reads in this wise:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property * * * shall be first considered in a Committee of the Whole.

Mr. HEFLIN. Now, Mr. Speaker, this resolution especially provides that no expense shall be incurred by the Government under any circumstances. That is part of the resolution.

The SPEAKER. The Chair wants to ask the gentleman from Alabama about the suggestion of the gentleman from Illinois [Mr. MANN], that while no appropriation is specifically prohibited, it still costs something to send this fleet round about.

Mr. HEFLIN. I wish to say, Mr. Speaker, in response to that, that the South Atlantic Squadron is always down in that section, and it would not cost the Government anything in addition to regular or ordinary expenses.

Mr. CLARK of Florida. It would not cost anything; not a cent.

Mr. HEFLIN. No; it would not cost anything.

Mr. SPARKMAN. Mr. Speaker——

Mr. HEFLIN. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. SPARKMAN].

The SPEAKER. The gentleman from Alabama has no time to yield. This is a question of order.

Mr. SPARKMAN. It is to that I wish to address myself.

The SPEAKER. Does the gentleman from Florida wish to address himself to a question of order?

Mr. SPARKMAN. Yes. I wish to speak on the point of order made by the gentleman from Illinois [Mr. MANN], on the ground that this resolution provides for the expenditure of money on the part of the Government. As to that, I wish to say that if this resolution means anything in the world, it means that the Government is to expend nothing whatever upon the celebration contemplated by the resolution. The language is very plain and means what it says. Now, what will be the result? The President of the United States, if this resolution is passed, will not be directed to do anything, but will only be requested to extend an invitation to foreign countries to participate in the way pointed out, the Government to be put to no expense by way of entertainment or otherwise. What else is he to do? He is to cause a portion, or such portions of the Army and the Navy as he may see proper—I do not know that I am quoting the exact language—to be sent to Key West, again without expense to the Government. The result will be that either the Government will not spend anything for sending them, or else the troops and vessels will not go there, for the President, if any expense is to be incurred, would not send them, if he follows the directions in this resolution.

And I want to say here that Key West, and not only Key West, but the greater part of this railroad, the completion of which is to be celebrated, is in the district which I have the honor to represent here, and I know the people there, and I know full well that when they extend an invitation to anybody they are prepared to meet and will meet all the expenses inci-

dent upon the visit their invited guests may make, no matter whether they be their own fellow citizens or representatives of foreign countries.

Now, when the President comes to send out this invitation on behalf of the people of Key West or comes to consider the question of sending a part of the Navy or of the Army to Key West, he may, if he so desires, require specific assurance that the funds which the Government might otherwise have to pay will be forthcoming, and there is nothing in this resolution which will force him to do it until he is satisfied that all expenses will be met. As for myself, knowing those people as I do, knowing them to be among the most hospitable, the most generous, and enterprising people in the world, I should require nothing by way of a guaranty save their word, already given, that these expenses would be met by them. Indeed, to me the fact they extend the invitation, even though it be through the President, would furnish ample assurance that the expenses incident to the visit would be met by them.

I know something of affairs like this, Mr. Speaker, because I have had to do with just this class of celebrations before. We have had several such in the city of Tampa, my home town, where the President of the United States, through the War Department, has been called upon to send a portion of the Army and of the Navy to participate in fairs and exhibitions held there; and in one case at least troops were sent there at the expense of the promoters of the exposition.

Mr. COOPER. Mr. Speaker, I desire to ask the gentleman from Florida a question.

The SPEAKER. Does the gentleman from Florida yield to the gentleman from Wisconsin?

Mr. SPARKMAN. Certainly.

Mr. COOPER. Is the East Coast Railroad Co. a private corporation?

Mr. SPARKMAN. It is a quasi-public corporation—public in the sense that all railroad corporations are public corporations.

Mr. COOPER. Its business is the carrying of freight and passengers for money, is it not?

Mr. SPARKMAN. Certainly.

Mr. COOPER. Earning dividends for its stockholders?

Mr. SPARKMAN. I suppose so.

Mr. COOPER. The Government of the United States is not interested in it, through any land grant or any contribution of money, is it?

Mr. SPARKMAN. None whatever, so far as I know.

Mr. COOPER. It is purely private?

Mr. SPARKMAN. It is purely private, in that sense, I fancy.

Mr. COOPER. Does the gentleman know when any other purely private corporation, having finished a big job like this, or a dry-goods company, or a railroad company, or any other kind of private concern, has had the Army and the Navy sent to celebrate its completion and the nations of the world have been invited?

Mr. SPARKMAN. No; I do not know of any, nor does the gentleman know of any proposition like this, for the simple reason that there has never before been such an undertaking recorded in the engineering history of the world. There has never been anything like it anywhere, and if there has ever been a project conceived by a private individual and carried out by private enterprise, railroad or other engineering work, that should challenge the patriotic consideration of this House and of the whole country, it is this project. [Applause.] I should be surprised if anyone here would refuse or fail to vote for this resolution, which simply undertakes to stamp the approval of Congress and of the Executive upon a proposition to celebrate the completion of a great enterprise like this, national in its character, when the Government is to be at no expense.

Mr. Speaker, as I said at the outset, this resolution provides that the Government shall be at no cost in accepting and in carrying out the provisions of the resolution, and if that means anything in the world, it means what it says and nothing else. The Government must pay the officers of the Navy and the Army. It must pay the soldiers and sailors, it must feed them, whether they are in Key West or elsewhere. Some portion of the fleet is always in these waters, and especially in the winter, some portion of the Army at all times within easy reach, and I undertake to say that every dollar necessary to meet the expense of transporting any troops that will be sent there will be furnished by the people of Key West. [Applause.] I therefore insist that the point of order is not well taken.

Mr. Speaker, I have said that this project, the completion of which is to be celebrated in Key West next January, is the greatest event conceived or undertaken by a private individual, and so it is. There is nothing like it recorded in the history of the world. Railroads have been built across continents and through wild and unsettled portions of the country. They have been driven under great rivers, through mountains, and over their highest ranges, but never before has one been constructed far out over the sea. Starting near the southernmost portion of the mainland of Florida, this road has been built over keys and channels and islands to Key West, more than 125 miles away, and that, too, in a manner so substantial that a train of cars laden with freight and passengers may be run as safely over those storm-swept seas as it might on the mainland of Florida or any other State in the Union. Certainly, a work like this, illustrating, as it does in such a marked degree, that spirit of enterprise, distinctly American, which has made of this in a little more than a century the greatest Nation of the world, may be considered national in its character and worthy of recognition by the great American Congress, at least to the extent that the passage of this resolution would give it recognition.

But, Mr. Speaker, there is another feature that makes the completion of this road a matter of national importance. The island of Key West is a point of great strategic importance from a naval and military standpoint. The city of Key West is the most southerly city in the United States and with a large and commodious harbor capable of great development at reasonable cost when results are considered. Lying within 6 hours run of the island of Cuba and within 24 of the western end of that island, a fleet assembled in her waters can easily command both the straits of Florida and the Yucatan Channel, and thus render safe from every foe the commerce of the Gulf, besides being in a position to render valuable aid in the protection of the Panama Canal. Her importance in that regard was early in her history recognized by the United States Government, for as far back as 1822, three years after Florida became a possession of the United States, a naval station was established at Key West, where it has been maintained ever since, and that, too, while the only means of reaching that station has been by water. Assuredly a project which will unite this island with the mainland by rail is national in its character and should receive even more encouragement than that which this resolution provides. I trust there may on the final vote be no opposition to the resolution.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The point of order is overruled. [Applause.]

Mr. HEFLIN. Mr. Speaker, I move to strike out all the resolving clauses in the Senate resolution after the first one.

The SPEAKER. The gentleman from Alabama moves to strike out the two superfluous clauses. The question is on the amendment.

Mr. MANN. Mr. Speaker, I am not entirely certain that the House ought to pass this resolution. I appreciate the desire of the people of Florida to celebrate the extension of the railroad connecting the Keys with the mainland. And yet this is purely a private enterprise, practically the enterprise of one citizen.

Mr. HEFLIN. Mr. Speaker, the motion I made was to strike out the superfluous resolves, and I would like to know under what head the gentleman is speaking.

Mr. MANN. I was under the impression that when the gentleman offered an amendment he yielded the floor.

The SPEAKER. The gentleman from Alabama had yielded the floor, because the Chair had started to put the question. The gentleman from Illinois has the floor in his own right.

Mr. HEFLIN. I make the point of order that the gentleman is not discussing the question before the House.

Mr. MANN. I fail to understand how it is possible to discuss a motion to strike out a portion of the resolution without discussing the paragraph.

The SPEAKER. The point of order is overruled.

Mr. MANN. Mr. Speaker, I have no intention of taking up the time of the House unnecessarily, I am simply calling the attention of the House to the fact that in times past we have almost run riot on the subject of exhibitions and expositions, but so far as my memory serves me this is the first time in the history of the House when it has been proposed to send the Army and the Navy at the expense of the Government to celebrate the completion of a private railroad. If that is the economy of the Democratic House, make the most of it. We have heard a great deal about how the Democratic House proposed to economize, and yet the first substantial piece of legislation almost is to send the Army and the Navy to this place—sending the Army over this railroad—at the expense of the Government to celebrate the opening of a Standard Oil railroad. [Applause on the Republican side.]

Mr. HEFLIN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I am not in sympathy with the purpose of this resolution, but I do not believe the criticisms of the gentleman from Illinois are well founded. This does not compel the Army and the Navy to be sent to this private celebration. That responsibility will be on the President of the United States. Some gentlemen believe that it will help their section of the country to have this celebration. I am not so sure that it would not be just as desirable to send part of the Navy down to the east coast of Florida to participate in this movement in an effort to develop that section of the country, as it would to have it spend the summer along the New England coast booming summer resorts. [Laughter on the Democratic side.] If such favors are to be granted, let them be distributed fairly and equally, and if the Executive desires to take the responsibility for the present practice of having the Navy spend its summer along the New England coast in order to boom summer resorts, it might not be unwise to have it help celebrate the completion of this railroad, even if it is done under private auspices. [Applause on the Democratic side.]

Mr. HEFLIN. Mr. Speaker, if no one else wishes to be heard, I move the previous question on the resolution and amendment to its final passage.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Pages 1 and 2, strike out the resolving phrase on both pages.

Mr. MANN. Mr. Speaker, I am perfectly willing that the amendment should be changed, although the gentleman has no authority to make any change after the previous question is ordered. He does not want to strike out the resolving clause on the first page.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to modify the amendment.

The SPEAKER. The gentleman from Alabama asks unanimous consent to modify his amendment by striking out the two superfluous resolving clauses, the second and third. Is there objection?

There was no objection.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the Senate resolution as amended.

The question was taken; and on a division (demanded by Mr. MANN) there were 109 ayes and 45 noes.

Mr. MANN. Mr. Speaker, I make the point of order that no quorum is present.

Mr. HEFLIN. Mr. Speaker, I move a call of the House.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I understand the previous question has been ordered. If the House adjourns now, will this roll call take place the first thing to-morrow morning, to-morrow being Calendar Wednesday?

Mr. MANN. I should think it would take place; it would be merely the roll call.

Mr. UNDERWOOD. On an ordinary day, Mr. Speaker, the previous question having been ordered, this would be the unfinished business, and the roll call would take place the first thing in the morning.

The SPEAKER. Undoubtedly that is correct.

Mr. UNDERWOOD. Of course, the question has never been decided, but I do not understand that the business of Calendar Wednesday interferes with the unfinished business of the day.

Mr. CANNON. Will the gentleman from Alabama allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. CANNON. Does the gentleman from Alabama wish to intimate that a rule of this House touching the previous question and unfinished business can override the Constitution of the United States?

Mr. UNDERWOOD. I was not aware the Constitution of the United States was involved. I hope the gentleman from Illinois will enlighten me in my ignorance.

Mr. CANNON. It was involved when Calendar Wednesday was held sacred as against the Constitution. [Laughter.]

Mr. UNDERWOOD. Oh, that was only a small portion of the Constitution. Mr. Speaker, I will withdraw my request.

Mr. MANN. Mr. Speaker, the matter is very plain in the rule.

Mr. UNDERWOOD. Mr. Speaker, I have withdrawn the request, and I suggest to my friend from Alabama [Mr. HEFLIN] that he ask for tellers, so as to see whether we develop a quorum or not.

Mr. HEFLIN. Mr. Speaker, I will ask for tellers.

The SPEAKER. The rule provides that whenever a quorum fails to develop on any question, and a quorum is not present and objection is made for that cause, unless the House shall adjourn there shall be a call of the House.

Mr. UNDERWOOD. Mr. Speaker, I suggest this: That the Speaker has not counted to ascertain whether a quorum is present, and has not made the announcement that a quorum is not present. I suggest to the gentleman from Alabama [Mr. HEFLIN], in order to expedite the business of the evening, that he call for tellers, in order that we may get through.

Mr. HEFLIN. Mr. Speaker, I ask for tellers.

Mr. MANN. Mr. Speaker, there is no provision for calling for tellers.

Mr. UNDERWOOD. He has the right to call for tellers.

Mr. MANN. Not when the point of no quorum is made. He has not the right to do anything until we ascertain the presence or the absence of a quorum.

Mr. HENRY of Texas. Mr. Speaker, I suggest that the Chair ascertain whether there is a quorum present.

Mr. MANN. The Chair has already announced.

The SPEAKER. The situation is this, as the Chair remembers it: The Chair announced ayes 109, noes 45. The Chair did not say whether there was a quorum present or not, but every Member understands the multiplication table, and the gentleman from Illinois [Mr. MANN] raised the point of no quorum.

Mr. HEFLIN. Mr. Speaker, it is a fact that a number of gentlemen on this side did not vote either way, and also some on the other side of the House.

Mr. MANN. Mr. Speaker, I have no objection to the Speaker counting a quorum at any time.

The SPEAKER. The Chair will put the question again. Those in favor of the proposition will rise and remain standing until counted. [After counting.] One hundred and thirty gentlemen have voted in the affirmative. Those opposed will rise and remain standing until counted. [After counting.] Forty-seven gentlemen have voted in the negative.

Mr. HEFLIN. Mr. Speaker, I ask for tellers.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. I would suggest that in order to determine whether a quorum is present, the Speaker ascertain those who are paired. A number of gentlemen did not vote either way. That is important to determine whether there is a quorum present or not.

Mr. HEFLIN. Mr. Speaker, I will state to the Chair that I counted 26 gentlemen who did not vote.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors and the Sergeant at Arms will notify absentees. The question is on agreeing to the resolution, and the Clerk will call the roll.

The question was taken; and there were—yeas 139, nays 71, answered "present" 19, not voting 156, as follows:

YEAS—139.

Adair	Dent	Humphreys, Miss.	Rothermel
Adamson	Dickson, Miss.	Jacoway	Rouse
Alexander	Dies	Kahn	Rubey
Allen	Dodds	Kendall	Rucker, Colo.
Ashbrook	Doremus	Kent	Russell
Austin	Driscoll, D. A.	Kindred	Sabath
Bathrick	Dupre	Kinkaid, Nebr.	Scully
Beall, Tex.	Dyer	Kinkead, N. J.	Sheppard
Bell, Ga.	Edwards	Konop	Sherwood
Blackmon	Ellerbe	Lafean	Simmons
Booher	Evans	Lafferty	Small
Borland	Faison	Langham	Smith, N. Y.
Bowman	Farr	Langley	Sparkman
Brown	Ferris	Lee, Pa.	Speer
Buchanan	Fields	Linthicum	Stack
Bulkley	Flood, Va.	Littlepage	Stedman
Burke, Wis.	Foss	Lloyd	Stephens, Cal.
Byrns, Tenn.	Fowler	Lobeck	Stephens, Tex.
Carter	Francis	McCoy	Stevens, Minn.
Catlin	Godwin, N. C.	Macon	Sweet
Clark, Fla.	Goeke	Mays	Switzer
Claypool	Graham	Morgan	Talcott, N. Y.
Clayton	Gregg, Pa.	Morrison	Taylor, Ala.
Connell	Gudger	Moss, Ind.	Taylor, Ohio
Conry	Hamill	Murray	Thayer
Copley	Hamlin	O'Shaunessy	Tribble
Covington	Hammond	Pickett	Turnbull
Cox, Ind.	Hartman	Post	Underhill
Cox, Ohio	Heflin	Raker	Underwood
Crago	Henry, Conn.	Randell, Tex.	Watkins
Cullop	Henry, Tex.	Ransdell, La.	Wedemeyer
Curley	Holland	Reilly	White
Davenport	Houston	Richardson	Wilson, Pa.
Davis, W. Va.	Hughes, Ga.	Roddenbery	Witherspoon
De Forest	Hull	Rodenberg	

NAYS—71.

Burke, Pa.	Guernsey	Maguire, Nebr.	Shackleford
Callaway	Hamilton, Mich.	Mann	Sisson
Campbell	Hanna	Martin, S. Dak.	Sloan
Collier	Hayes	Mondell	Smith, J. M. C.
Cooper	Helgesen	Moon, Pa.	Smith, Saml. W.
Dickinson	Howland	Morse, Wis.	Steenerson
Difenderfer	Hubbard	Mott	Stephens, Miss.
Doughton	Hughes, N. J.	Nelson	Sterling
Driscoll, M. E.	Jackson	Norris	Stone
Dwight	Kennedy	Padgett	Thistlewood
Esch	Kopp	Page	Towner
Floyd, Ark.	Lindbergh	Parran	Utter
Foster, Ill.	Loud	Plumley	Volstead
French	McCreary	Pray	Willis
Garrett	McKinney	Prince	Woods, Iowa
George	McLaughlin	Prouty	Young, Kans.
Good	Madden	Roberts, Nev.	Young, Mich.
Griest	Madison	Saunders	

ANSWERED "PRESENT"—19.

Bartholdt	Hardwick	Howell	Moore, Pa.
Cannon	Hardy	Lamb	Olmsted
Finley	Hawley	McCall	Pepper
Garner	Hill	Malby	Taylor, Colo.
Gray	Hinds	Moon, Tenn.	

NOT VOTING—156.

Aiken, S. C.	Denver	Johnson, S. C.	Porter
Akin, N. Y.	Dixon, Ind.	Jones	Pou
Ames	Donohoe	Kitchin	Powers
Anderson, Minn.	Draper	Knowland	Pujo
Anderson, Ohio	Estopinal	Konig	Rainey
Andrus	Fairchild	Korbly	Rauch
Ansberry	Fitzgerald	La Follette	Redfield
Anthony	Focht	Latta	Rees
Ayres	Fordney	Lawrence	Reyburn
Barchfeld	Fornes	Lee, Ga.	Riordan
Barnhart	Foster, Vt.	Legare	Roberts, Mass.
Bartlett	Fuller	Lenroot	Robinson
Bates	Gallagher	Lever	Rucker, Mo.
Berger	Gardner, Mass.	Levy	Sells
Bingham	Gardner, N. J.	Lewis	Sharp
Boehne	Gillett	Lindsay	Sherley
Bradley	Glass	Littleton	Sims
Brantley	Goldfogle	Longworth	Slayden
Broussard	Goodwin, Ark.	McDermott	Slemp
Burgess	Gould	McGillicuddy	Smith, Tex.
Burke, S. Dak.	Green, Iowa	McGuire, Okla.	Stanley
Burleson	Greene, Mass.	McHenry	Sulloway
Burnett	Gregg, Tex.	McKenzie	Sulzer
Butler	Hamilton, W. Va.	McKinley	Talbott, Md.
Byrnes, S. C.	Harris	McMorran	Thomas
Calder	Harrison, Miss.	Maher	Tilson
Candler	Harrison, N. Y.	Martin, Colo.	Townsend
Cantrill	Haugen	Matthews	Tuttle
Carlin	Hay	Miller	Vreeland
Cary	Heald	Moore, Tex.	Warburton
Cline	Helm	Murdock	Webb
Cravens	Hensley	Needham	Weeks
Crumpacker	Higgins	Nye	Whitacre
Currier	Hobson	Oldfield	Wickliffe
Dalzell	Howard	Palmer	Wilder
Danforth	Hughes, W. Va.	Patten, N.Y.	Wilson, Ill.
Daugherty	Humphrey, Wash.	Patton, Pa.	Wilson, N.Y.
Davidson	James	Payne	Wood, N. J.
Davis, Minn.	Johnson, Ky.	Peters	Young, Tex.

So the concurrent resolution was passed.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. WEBB with Mr. CANNON.

Until further notice:

Mr. ANDERSON of Ohio with Mr. BINGHAM.

Mr. PUJO with Mr. MCMORRAN.

Mr. HARDWICK with Mr. OLMSTED.

Mr. AIKEN of South Carolina with Mr. AKIN of New York.

Mr. ANSBERRY with Mr. ANTHONY.

Mr. AYRES with Mr. CRUMPACKER.

Mr. BOEHNE with Mr. DALZELL.

Mr. BRANTLEY with Mr. DANFORTH.

Mr. DIXON of Indiana with Mr. DRAPER.

Mr. DONOHOE with Mr. FOCHT.

Mr. MCGILLICUDDY with Mr. WILSON of Illinois.

Mr. WILSON of New York with Mr. WILDER.

Mr. GREGG of Texas with Mr. WARBURTON.

Mr. GOULD with Mr. HINDS.

Mr. THOMAS with Mr. TILSON.

Mr. SMITH of Texas with Mr. SLEMP.

Mr. SIMS with Mr. REES.

Mr. RUCKER of Missouri with Mr. PORTER.

Mr. RAUCH with Mr. PAYNE.

Mr. PETERS with Mr. NYE.

Mr. MOORE of Texas with Mr. MILLER.

Mr. MCHENRY with Mr. MATTHEWS.

Mr. MCDERMOTT with Mr. MCKINLEY.

Mr. KORBLY with Mr. MCKENZIE.

Mr. JONES with Mr. KNOWLAND.

Mr. JOHNSON of South Carolina with Mr. HUMPHREY of Washington.

Mr. JOHNSON of Kentucky with Mr. HIGGINS.

Mr. HOWARD with Mr. HEALD.

Mr. HAY with Mr. HARRIS.

Mr. GLASS with Mr. GREENE of Massachusetts.

Mr. GALLAGHER with Mr. FULLER.

Mr. FITZGERALD with Mr. FOSTER of Vermont.

For the session:

Mr. FINLEY with Mr. CURRIER.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present and the Doorkeeper will reopen the doors. [Applause.]

Mr. SHEPPARD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of certain bills reported from the Committee on Public Buildings and Grounds.

Mr. HEFLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEFLIN. The call is still with the Committee on Industrial Arts and Expositions?

The SPEAKER. It is.

Mr. HEFLIN. If the motion of the gentleman from Texas should prevail, would the call remain with that committee and be taken up again?

The SPEAKER. It would. The gentleman from Texas [Mr. SHEPPARD], chairman of the Committee on Public Buildings and Grounds, moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider bills from the Committee on Public Buildings and Grounds.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent that these bills be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MANN. You would have to couple with that a request to vacate the order of the House that has been passed.

Mr. SHEPPARD. The order has not been passed.

The SPEAKER. The announcement has not been made. Is there objection?

Mr. MANN. What are the bills?

Mr. SHEPPARD. There are four emergency bills relating to Newark, Ohio——

Mr. HEFLIN. Pending the motion of the gentleman from Texas, I move to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion was agreed to.

Mr. SHEPPARD. The bills relate to Newark, Ohio; Bangor, Me.; Gettysburg, Pa.; and Lynchburg, Va.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. SHEPPARD]? [After a pause.] The Chair hears none. The gentleman will call up the first bill.

SITE FOR PUBLIC BUILDING AT NEWARK, OHIO.

Mr. SHEPPARD. Mr. Speaker, I desire first to call up the bill (H. R. 13276) to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to dispose of the present Federal building site near the corner of First and East Main Streets in Newark, Ohio, in such manner and upon such terms as he may deem for the best interests of the United States, and to convey such site to the purchaser thereof by the usual quitclaim deed, the proceeds of the sale thereof to be applied on the purchase of a new site; and to acquire by exchange for such present site, or in part by exchange and in part by purchase, or by purchase, condemnation, or otherwise, a new site for said building, the cost of such new site to be paid from the funds already appropriated or authorized for said building site. Such new site shall be centrally and conveniently located and of such size that an open space of such width, including streets and alleys, as the Secretary of the Treasury may determine, may be maintained about the Federal building when constructed, for the protection thereof from fire in adjacent buildings.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. SHEPPARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC BUILDING AND SITE AT BANGOR, ME.

Mr. SHEPPARD. Mr. Speaker, I call up the bill (S. 2055) to provide for the purchase of a site and the erection of a new public building at Bangor, Me.; also for the sale of the site and ruins of the former post-office building.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site, and to contract, within the limit of cost hereinafter fixed, for the erection and completion thereon of a suitable and commodious building, including fireproof vaults, heating, hoisting, and ventilating apparatus, and approaches, complete, for the use and

accommodation of the post office and other Government offices at Bangor, Me., at a cost for said site and building of not exceeding $400,000.

An open space of such width, including streets and alleys, as the Secretary of the Treasury may determine shall be maintained about said building for the protection thereof from fire in adjacent buildings.

For the purposes aforesaid the sum of $150,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the balance of the appropriation heretofore made by the sundry civil act of June 25, 1910, for the retaining wall and approaches at the former post-office building in said city, is hereby reappropriated and made immediately available, in addition to the appropriation hereinbefore made, toward the purposes of this act.

And the Secretary of the Treasury is further authorized and directed to sell, in such manner and upon such terms as he may deem for the best interests of the United States, the site and remains of the former post-office building in said city recently destroyed by fire; to convey the last-mentioned land to such purchaser or purchasers by the usual quit-claim deed, and to deposit the proceeds derived from such sale in the Treasury of the United States as a miscellaneous receipt.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was read a third time, and having been read a third time, was passed.

On motion of Mr. GUERNSEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC BUILDING AT GETTYSBURG, PA.

Mr. SHEPPARD. Mr. Speaker, I desire to call up the bill (H. R. 13277) to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the limit of cost fixed by the act of Congress approved for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Gettysburg, Pa., be, and the same is hereby, increased from $100,000 to $117,000.

Also the following committee amendment was read:

Insert in line 4, before the word "for," the words "June 25, 1910."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. SHEPPARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC BUILDING AT LYNCHBURG, VA.

Mr. SHEPPARD. Mr. Speaker, I desire to call up the bill (H. R. 13391) to increase the cost limit of the public building at Lynchburg, Va.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the limit of cost fixed by the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government," and so forth, approved March 4, 1907, for the enlargement, extension, remodeling, or improvement of the post office and courthouse at Lynchburg, Va., be, and the same is hereby, increased by the sum of $30,000, in order to enable the Secretary of the Treasury to substitute stone for brick and stucco above the second-floor level of said building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHEPPARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to insert in the RECORD a table prepared by the Supervising Architect of the Treasury, showing the exact status of public buildings now in process of construction by his office. It is a matter of important information to the Members of the House.

Mr. FITZGERALD. What is the purpose of it?

Mr. SHEPPARD. It shows the Members about how soon their buildings may be reached that are now in process of construction, as well as those the plans for which have not yet been drawn.

Mr. HENRY of Texas. The gentleman means in process of construction?

Mr. SHEPPARD. Yes; those in process of construction and those for which the plans have not yet been drawn.

Mr. FITZGERALD. Mr. Speaker, I object for the present.

Mr. SHEPPARD. It is not very long. I will show it to Members desiring to see it if I am not permitted to put it in the RECORD.

Mr. FITZGERALD. I object to putting it in the RECORD.

The SPEAKER. The gentleman from New York objects.

Mr. HEFLIN. Mr. Speaker, regular order.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to—

Mr. BOEHNE, indefinitely, on account of sickness.

Mr. ANDERSON of Ohio, indefinitely, on account of the serious illness of his father.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Wednesday, August 16, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A special message from the President of the United States returning without approval House joint resolution No. 14, to admit the Territories of New Mexico and Arizona as States into the Union on an equal footing with the original States (H. Doc. No. 106); to the Committee on the Territories and ordered to be printed.

A letter from the assistant and chief clerk for Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Cow Head River, Ga. (H. Doc. No. 109); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of the Treasury, submitting estimate for an appropriation for the current fiscal year to pay arrears of pay, bounty, etc., to soldiers of the Civil War, their widows, and their legal representatives, and for payment of arrears of pay to officers and men for services rendered in the War with Spain (H. Doc. No. 108); to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate for an appropriation to refund to the Gate of Heaven Church, South Boston, Mass., duty collected on stained-glass windows (H. Doc. No. 107); to the Committee on Appropriations and ordered to be printed.

A letter from the Postmaster General, submitting a report giving the results of the inquiry as to the operation, receipts, and expenditures of railroad companies transporting the mails, and recommending legislation on the subject (H. Doc. No. 105); to the Committee on the Post Office and Post Roads and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 13649) granting an honorable discharge to James Morris; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 13644) granting an honorable discharge to James Morris; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 13608) for the relief of Jeptha B. Harrington; Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 13652) granting an honorable discharge to Morton Sessions; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RANDELL of Texas: A bill (H. R. 13674) to provide for the erection of a public building in the city of Commerce, Tex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13675) to provide for the erection of a public building in the city of Honey Grove, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. FAISON: A bill (H. R. 13676) for the completion of the dredging of Bay River, in Pamlico County, N. C.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 13677) providing for a survey of a proposed canal from the navigable waters of Goose Creek to the navigable waters of Jones Bay, in Pamlico County, N. C.; to the Committee on Rivers and Harbors.

By Mr. RICHARDSON (by request): A bill (H. R. 13678) to provide for designating and addressing staff officers of the Navy in the same manner that staff officers of the Army are designated and addressed; to the Committee on Naval Affairs.

By Mr. LOBECK: A bill (H. R. 13679) to amend an act entitled "An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes," approved March 2, 1911; to the Committee on Ways and Means.

By Mr. SHEPPARD: A bill (H. R. 13680) to provide a plan to permit victims of tuberculosis in the United States to occupy certain portions of the public domain; to the Committee on the Public Lands.

By Mr. MARTIN of Colorado: A bill (H. R. 13681) to amend section 5 of an act entitled "An act to provide for the sale of desert lands in certain States and Territories," approved March 3, 1877, as amended by an act entitled "An act to repeal the timber-culture laws, and for other purposes," approved March 3, 1891; to the Committee on the Public Lands.

By Mr. BYRNS of Tennessee: Resolution (H. Res. 282) requesting the Secretary of the Treasury to furnish certain information; to the Committee on Expenditures in the Treasury Department.

By Mr. FOSTER of Illinois: Resolution (H. Res. 283) to investigate the International Harvester Co. or the International Harvester Co. of America and the various corporations controlled thereby or holding stock therein; to the Committee on Rules.

By Mr. FINLEY: Resolution (H. Res. 284) to print 5,000 copies of Senate Document No. 705, Sixtieth Congress, third session; to the Committee on Printing.

Also, resolution (H. Res. 285) authorizing the printing of public law No. 475, Sixty-first Congress, third session; to the Committee on Printing.

Also, resolution (H. Res. 286) to print 5,000 copies of public law No. 350, Sixtieth Congress, second session; to the Committee on Printing.

By Mr. WILSON of Pennsylvania: Resolution (H. Res. 287) that the Committee on Labor be instructed to investigate labor conditions on the Panama Canal relative to American citizens employed under certain agreements; to the Committee on Rules.

By Mr. FINLEY: Resolution (H. Res. 288) to print 3,000 copies of Senate Document No. 10, Sixty-second Congress, first session; to the Committee on Printing.

By Mr. NORRIS: Joint resolution (H. J. Res. 154) providing for a congress of delegates for the purpose of submitting a uniform law on marriage and divorce to the different State legislatures; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally read as follows:

By Mr. BARNHART: A bill (H. R. 13682) granting an increase of pension to James H. Baird; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 13683) granting an increase of pension to Oscar B. Zartman; to the Committee on Pensions.

By Mr. CRUMPACKER: A bill (H. R. 13684) granting a pension to Charles R. Lewis; to the Committee on Pensions.

Also, a bill (H. R. 13685) granting a pension to Hiram Cadwell, alias Hiram Wilson; to the Committee on Invalid Pensions.

By Mr. FAISON: A bill (H. R. 13686) for the relief of Maj. Paul C. Hutton, United States Army; to the Committee on Claims.

By Mr. GOULD: A bill (H. R. 13687) granting a pension to Gideon F. Pond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13688) granting an increase of pension to Adaline R. Springer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13689) granting an increase of pension to Timothy Higgins; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 13690) granting an increase of pension to James Potter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13691) granting an increase of pension to Marcus L. Barker; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 13692) granting an increase of pension to William J. Mogle; to the Committee on Invalid Pensions.

By Mr. McCOY: A bill (H. R. 13693) for the relief of Robert Hamilton McLean; to the Committee on Naval Affairs.

By Mr. McKINLEY: A bill (H. R. 13694) granting a pension to William B. Sims; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 13695) granting a pension to Sallie A. Lucas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13696) granting an increase of pension to John C. Williams; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13697) granting an increase of pension to Henry T. Berryman; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 13698) granting a pension to Simon P. Kieffer; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 13699) granting a pension to Phoebe F. Phillips; to the Committee on Pensions.

Also, a bill (H. R. 13700) granting a pension to Lawson Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13701) for the relief of Elizabeth Pumphrey; to the Committee on War Claims.

By Mr. SHARP: A bill (H. R. 13702) granting an increase of pension to Frederick A. Miller; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 13703) granting a pension to Archie Farmer; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 13704) granting an increase of pension to Elizabeth Gregg; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 13705) to correct the military record of Charles Clark; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Resolution of Local Union 298, United Mine Workers of America, of Richmond, Mo., in favor of House bill 13114; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: Papers to accompany House bill 12742; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: Petitions of J. D. Merriman and others, of West Virginia, favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DICKINSON: Petitions of numerous citizens of Appleton City and Montrose, Mo., protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Texas: Petition of citizens of McGregor, Tex., protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Resolution of Rhode Island State Board of Health, protesting against the removal of Dr. Harvey W. Wiley; to the Committee on Expenditures in the Department of Agriculture.

By Mr. PADGETT: Papers to accompany bill granting an increase of pension to Henry T. Berryman; to the Committee on Invalid Pensions.

By Mr. SIMS: Petitions of residents of Bethel Springs, Camden, Huntington, Lexington, and Selmer, Tenn., protesting against the enactment of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Papers to accompany bill granting an increase of pension to Elizabeth Gregg; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *August 16, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Clark, Wyo.	Jones	Smith, Mich.
Borah	Crawford	Lippitt	Smoot
Bourne	Culberson	Myers	Stephenson
Brandegee	Cullom	Nelson	Taylor
Bristow	Cummins	Nixon	Townsend
Brown	Dillingham	Oliver	Warren
Burnham	Gamble	Page	Wetmore
Burton	Guggenheim	Paynter	Works
Clapp	Heyburn	Perkins	

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call—not a quorum.

Mr. SMOOT. I ask that the names of the absentees be called.

The VICE PRESIDENT. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. PENROSE and Mr. POINDEXTER answered to their names when called.

Mr. POMERENE, Mr. LEA, Mr. ROOT, Mr. WILLIAMS, Mr. BANKHEAD, Mr. MARTINE of New Jersey, Mr. CLARKE of Arkansas, Mr. CHAMBERLAIN, Mr. WATSON, Mr. SHIVELY, Mr. JOHNSTON of Alabama, Mr. SMITH of South Carolina, Mr. JOHNSON of Maine, Mr. OWEN, and Mr. DIXON entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. NELSON in the chair). Fifty-two Senators have answered to their names. A quorum is present. The Secretary will read the Journal of yesterday's proceedings.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 2055) to provide for the purchase of a site and the erection of a new public building at Bangor, Me.; also for the sale of the site and ruins of the former post-office building.

The message also announced that the House had passed concurrent resolution of the Senate No. 7, relative to the celebration in January, 1912, of the completion of the railroad to the island city of Key West, Fla., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13276. An act to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building;

H. R. 13277. An act to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.; and

H. R. 13391. An act to increase the cost limit of the public building at Lynchburg, Va.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 11019) to reduce the duties on wool and the manufactures of wool, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of sundry citizens of Virginia, praying for the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of California, Massachusetts, and Colorado, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were ordered to lie on the table.

Mr. PERKINS presented a petition of the board of supervisors of San Benito County, Cal., praying that an appropriation be made for the extermination of the ground squirrels and other rodents, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Lincoln Post No. 1, Department of California, Grand Army of the Republic, of San Francisco, Cal., remonstrating against an appropriation of $125,000 being made for the erection of a Confederate naval monument in the Vicksburg National Park, which was ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURNHAM:

A bill (S. 3251) granting an increase of pension to Andrew Randall; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 3252) granting a pension to Woodson O. Angel (with accompanying paper); to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 3253) to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River; to the Committee on Commerce.

By Mr. PENROSE:

A bill (S. 3254) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States; to the Committee on Naval Affairs.

By Mr. KERN:

A bill (S. 3255) granting a pension to Florence S. Myers (with accompanying papers); to the Committee on Pensions.

By Mr. LEA:

A bill (S. 3256) to carry into effect the findings of the Court of Claims in the case of the estate of Alexander B. Beckham, deceased; to the Committee on Claims.

By Mr. GUGGENHEIM:

A bill (S. 3257) for the relief of Lizzie Lynch; to the Committee on Military Affairs.

By Mr. SIMMONS:

A bill (S. 3258) to acquire a site and erect buildings for a school for the Indians of Robeson County, N. C., and for other purposes; to the Committee on Indian Affairs.

A bill (S. 3259) authorizing a survey of Lumber River, N. C. and S. C.; to the Committee on Commerce.

By Mr. CHILTON:

A bill (S. 3260) for the relief of J. D. Coleman; to the Committee on Claims.

By Mr. OWEN:

A joint resolution (S. J. Res. 56) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States; to the Committee on Territories.

THE COTTON SCHEDULE.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the bill (H. R. 12812) to reduce the duties on the manufactures of cotton, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Insert at the proper place the following:

"That the Tariff Board is hereby authorized, upon the complaint of any importer or upon its own initiative, to inquire as to whether the importations of any dutiable article have been for the year preceding such inquiry less than one-tenth of the total production of similar articles in the United States; and if it shall appear that such importations do not equal one-tenth of the production of similar articles in the United States, such board shall report the fact to the President of the United States, and thereupon the duty on such article shall be reduced at the rate of 10 per cent per annum until the importations thereof shall for one year equal one-tenth of the production of similar articles in the United States, whereupon any further reduction of such duty hereunder shall cease and the subject matter shall be reported to Congress for its action. But if, after such reduction has ceased, the importations of any dutiable article shall diminish so as to bring such importations below one-tenth of the consumption of similar articles for the period of one year, such annual reduction shall be resumed until the importations thereof shall equal one-tenth of the total annual production of similar articles in the United States, whereupon any further reduction of such duty shall cease and report thereof shall be made to Congress for its action. The President of the United States shall from time to time make proclamation of such reductions."

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the bill (H. R. 12812) to reduce the duties on manufactures of cotton, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Add at the end of the bill the following:

"That all specific duties authorized by law are hereby changed into ad valorem duties, as of the 1st day of January, 1912, and the Tariff Board is hereby empowered and directed to ascertain the ad valorem equivalent of the existing specific duties where specific duties alone are levied and the ad valorem equivalent of duties where both specific and ad valorem duties are imposed, as of the 1st day of January, 1912; and as soon thereafter as such ad valorem equivalent duties are ascertained, to announce the same by a public proclamation; and thereafter no specific duties shall be imposed or collected, but in the place thereof such ad valorem equivalent duties shall be collected."

PUBLICITY OF CAMPAIGN EXPENDITURES.

Mr. DILLINGHAM. I ask the Chair to lay before the Senate the report of the committee of conference on the so-called publicity bill.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Chair lays before the Senate the conference report on House bill 2958, which will be read.

The Secretary read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2958) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same, amended to read as follows, viz:

SEC. 2. That section 8, as above amended, and sections 9 and 10 of said act be renumbered as sections 9, 10, and 11, and that a new section be inserted after section 7 of the said original act, to read as follows:

"SEC. 8. The word 'candidate' as used in this section shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, or election by the legislature of any State, as Senator in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which he is seeking indorsement, and not less than 5 nor more than 10 days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as Senator, file with the Secretary of the Senate at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

"Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any State, shall, within 15 days after such primary election or nominating convention, and within 30 days after any such general or special election, and within 30 days after the day upon which the legislature shall have elected a Senator, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, general or special election, or election by the legislature, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

"Every such candidate shall include therein a statement of every promise or pledge made by him, or by anyone for him with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election or election by the legislature, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made the name or names, the address or addresses, and the occupation or occupations, of the person or persons to whom such promise or pledge shall have been made, shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate, that fact shall be distinctly stated.

"No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; nor shall any candidate for Senator of the United States give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

"No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $5,000 in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $10,000 in any campaign for his nomination and election: *Provided further*, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

"The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election or election by the legislature shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

"Any person, not then a candidate for Senator of the United States, who shall have given, contributed, expended, used, or promised any money or thing of value to aid or assist in the nomination or election of any particular member of the legislature of the State in which he resides, shall, if he thereafter becomes a candidate for such office, or if he shall thereafter be elected to such office without becoming a candidate therefor, comply with all of the provisions of this section relating to candidates for such office, so far as the same may be applicable; and the statement herein required to be made, verified, and filed after such election shall contain a full, true, and itemized account of each and every gift, contribution, expenditure, and promise whenever made, in any wise relating to the nomination or election of members of the legislature of said State, or in any wise connected with or pertaining to his nomination and election of which publicity is not given in a previous statement.

"Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths under the laws of the State in which he is a candidate, and shall be sworn to or affirmed by the candidate in the district in which he is a candidate for Representative, or the State in which he is a candidate for Senator in the Congress of the United States: *Provided*, That

if at the time of such primary election, nominating convention, general or special election, or election by the State legislature said candidate shall be in attendance upon either House of Congress as a Member thereof, he may at his election verify such statements before any officer authorized to administer oaths in the District of Columbia: *Provided further*, That the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, duly stamped and registered within the time required herein shall be deemed a sufficient filing of any such statement under any of the provisions of this act.

"This act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate amending the title of the bill and agree to the same with an amendment so that the title as amended will read as follows, viz:

"An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses."

And the Senate agree to the same.

WILLIAM P. DILLINGHAM,
ROBERT J. GAMBLE,
JOS. F. JOHNSTON,
Managers on the part of the Senate.
W. W. RUCKER,
M. F. CONRY,
M. E. OLMSTED,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DECISION OF QUESTIONS CONCERNING CONSTITUTIONALITY.

Mr. BOURNE. I move to take up for second reading and reference to the Committee on the Judiciary the bill (S. 3222) to provide rules for speedy and final decision of questions concerning the constitutionality of national and State laws and constitutional provisions and for the interpretation and construction of the Federal laws and Constitution.

Mr. HEYBURN. I call for the regular order, Mr. President.

The PRESIDING OFFICER. That is the regular order now. The morning business is closed.

Mr. HEYBURN. Matters on the table are not regular order. That is on the table.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. This is a motion to take up from the table, and it is in order.

Mr. HEYBURN. I will ask for information, Has morning business been disposed of?

The PRESIDING OFFICER. Yes; morning business has been disposed of.

Mr. HEYBURN. The bill does not come over like a resolution or any other matter on the table.

The PRESIDING OFFICER. The Chair recognized the Senator from Oregon, who called up the matter, which is equivalent to a motion to consider it. He has moved regularly that the bill have its second reading and that it be referred to the Committee on the Judiciary.

Mr. HEYBURN. That motion has not yet——

The PRESIDING OFFICER. The question is, Shall the bill be read the second time? That is the question before the Senate.

Mr. HEYBURN. Mr. President, I do not think it is in order to take matters from the table under this order of business in that way. When an objection is made to the second reading of a bill the matter of course goes to the table; it does not come up automatically. The Senator has recognized that fact, and has asked that it be taken up.

I am not going to attempt to occupy the time of the Senate for the purpose of preventing the progress of this bill, provided I have the attention of the Senate. If I do not have its attention, I will occupy its time; I will have one or the other.

Mr. CULLOM. We will give you both.

The PRESIDING OFFICER. The Senate will please be in order and give their attention to the remarks of the Senator from Idaho.

Mr. HEYBURN. Mr. President, I listened with much interest to the suggestions made yesterday by the Senator from Georgia [Mr. BACON] as to the practice of halting measures at the second reading. I agree with what he then stated, that it is a rule that should be exercised with great infrequency and only under peculiar circumstances. If a measure was sought to be introduced into this body providing for the abolition of the Treasury of the United States, I assume that the Senator from Georgia would concede such a proposition would be unworthy of the attention of the Senate and improper to be made the subject of consideration by the body or by its committees. A proposition to abolish the Supreme Court of the United States should not be considered by the Senate, and it is entirely proper——

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes; for a question.

Mr. BOURNE. I will ask the Senator from Idaho if the bill that I have fathered and introduced here proposes to abolish the Supreme Court of the United States?

Mr. HEYBURN. It proposes to abolish the functions of the Supreme Court of the United States, and would in effect abolish the Supreme Court of the United States. That term would be entirely applicable to the bill. Nine men sitting on the bench do not constitute the Supreme Court of the United States. They must have behind them a charter of authority. They constitute a court not by reason of their personality, but by reason of the power that is invested in them and the duties which devolve upon them. That is the court—the power. The Constitution——

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. In a moment. The Constitution of the United States confers upon the Supreme Court of the United States judicial power. That is distinguished from any power that is conferred upon Congress. The language of the Constitution defines and limits the powers conferred upon Congress; it defines and limits the powers conferred upon the President, the Executive; but it does not define or limit the powers conferred upon the Supreme Court of the United States. Those powers are all contained within the words "judicial power." It is vested there, and it is not within our province or power to either modify it, detract from it, or take it away. So any measure which proposes to do either of those things is not a fit subject of legislation or a fit subject for consideration.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do for a question, but not for a speech.

Mr. BOURNE. Then, as I understand the Senator from Idaho, he concludes that the bill as introduced is wholly unconstitutional?

Mr. HEYBURN. It is not only wholly unconstitutional, but it is scandalous in that it proposes to violate the fundamental law of the land. I attack it as I would a pleading.

Mr. BOURNE. If it is unconstitutional, the Senator is not afraid of the Committee on the Judiciary of the Senate reporting against it for that reason, is he?

Mr. HEYBURN. Mr. President, I want to do what I can to discourage the habit, which might grow under neglect, of exploiting doctrines that are fundamentally dangerous to the existence of the Government. I do not believe in these secret bombs being placed in the vaults of the committee room in the hope that some day some committee may use them for the purposes for which they are calculated.

Mr. BOURNE. Well, I should say, Mr. President, that the Senator's contention was a reflection upon the committee itself.

Mr. HEYBURN. No; it is not a reflection on the committee at all. I am not dealing in trivialities. Of course, one could get up a line of reasoning of that kind, and if he had the disposition of Jack Bunsby, he might come out somewhere, perhaps, with a "wherefore" or a "why"; but I am serious in this matter. Naturally I have duties quite sufficient to occupy my time and my strength, and I am not out seeking opportunities either to speak for or against any question. I am, however, impelled to take advantage of every occasion and opportunity to repel attacks upon our Government and its principles. Being in that frame of mind, I am not inclined to allow a measure of this kind to find a resting place in any committee of this body.

It first comes to this Senate before it goes to a committee, and it is within the province and duty of the Senate to sift measures before they are sent to occupy the time and attention of the committees of this body; otherwise bills would go directly to a committee before coming to the Senate. I am acting well within the intention and the scope of the procedure laid down for the government of this body when I object to a bill passing to the second reading, in order that the attention of more than the committee may be directed to it.

This Senate is responsible to the country for the indorsement, for the recognition which it gives to proposed legislation as well as to enacted laws. We are the custodians of political morals so far as they affect legislation, as we are the custodians of the responsibility that follows our action.

It is fortunate that we are seldom called upon to exercise this power. Not within my experience, extending over a considerable number of years, has such a proposition been presented to the Senate of the United States as that printed in this bill, for which the Senator from Oregon now seeks the recognition of the Senate and asks that the Senate may send it to a standing committee with the indorsement that it is a subject worthy of consideration and inquiry.

Mr. President, the first suggestion I made again becomes pertinent. Would the Senate send to a committee for consideration a bill that proposed to abolish the Treasury of the United States and substitute nothing in its stead? Would the Senate send to a committee for its responsible consideration a bill that proposed in express terms that the Supreme Court of the United States should not decide a given case in a stated manner? Would the Senate of the United States stamp with its approval as worthy of consideration a bill that proposed to direct the President of the United States in what manner he should exercise a power vested exclusively in the President?

This bill proposes to direct the Supreme Court of the United States how it shall render its judgment and upon what judgment it shall arrive at its conclusion. It undertakes to say that a majority of that court shall no longer constitute the responsible court. We could as well provide that eight of the nine judges or seven of the nine judges or three of the nine judges should express the judgment of the court. For that reason I say this bill is not entitled to go to any committee for consideration, because it absolutely undertakes to do that which we have no power to do and which we know just as well now as we can ever know that we have no power to do. To send it to a committee to find out that which we now know is a waste of time and is giving a dignity to this kind of proposition to which it is not entitled.

It is anarchy, pure and simple. It is the kind of anarchy that makes mobs hang men without the judgment of the law. It is the kind of anarchy that demands that the courts shall not protect the citizen in his property or his life. It is the kind of anarchy that will permit a State which has fallen into the hands of anarchists to rest safe in legislation which it may pass according to its code. The apparent purpose of the proposed legislation is to tie the hands of the Supreme Court of the United States so that it can not pass upon or set aside the vicious legislation that would result from the anarchic control of a State government. That is the purpose of it. I do not charge that it is the purpose in the mind of the Senator from Oregon. I do not know in what mind this principle originated or germinated; but if the Senator from Oregon has allowed himself to be persuaded that the proposition contained in this bill is within our power to legislate or that it is free from the criticism I have just made, then he has been imposed upon. I do not believe that it originated in the mind of the Senator from Oregon, because I have read such doctrine in papers representing the thoughts of the anarchists of the country, of men who would destroy the power of government which has been vested by the people themselves.

I have heretofore been inclined to pass it lightly by as improbable of receiving serious consideration, but when I find it presented to this body in this shape I am compelled to point out to the Senate, rather than to a committee, the evils proposed and the danger of sending such a proposition to any committee. I said on yesterday that should this go to a committee it might possibly escape without the notice of some members of the committee. It might find a lean day in the committee, when it would be taken for granted that the bill, having been introduced, must necessarily contain some merit and should be reported.

Mr. President, the proposition that vicious legislation by a State can not be corrected by the Supreme Court except by the unanimous court is bidding for a recognition of control by a minority. Whenever you say that only a unanimous decision of that court shall determine the law, you say that one man shall determine it. Let me impress that upon your minds. Whenever you say that a unanimous decision of the court is necessary, you say that one man may control the decision of the court. I am going to repeat that statement until I have the attention of the Senate.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. HEYBURN. Whenever you say that it is necessary that every judge on the bench should concur in the opinion, you say that one man on the bench shall control the opinion, because it is obvious that he may control it by refusing to concur.

Mr. President, I do not know whether or not Senators are interested in this question, but as I said in the beginning, I am either going to have the time or the attention of the Senate while I present it. It will be in the RECORD, and I may be compelled to repeat, with great frequency, these points which I deem of importance, unless I do receive the attention of the Senate when I present them.

Now, as to whether or not this bill should be permitted to go to a second reading. That objection, if urged against all bills, might create a good deal of dissatisfaction, and it might be made the medium, I will not say of revenge, but of opportunity, and the objection might be urged against all measures for reasons other than those based upon the merits of the proposition.

If the Senate of the United States will pass to a second reading a bill introduced for the purpose of depriving the Supreme Court of the United States of the judicial powers vested in it by the Constitution, then the Senate of the United States is in a bad way, that is all. There is no other purpose in this bill than to permit one man on that bench to prevent any action by the court when, forsooth, the constitutionality of a State statute is before it, or the constitutionality of an act of Congress is before it.

Now, I have objected to the second reading of this bill because I believe it is not within our province to legislate upon the subject. The bill having been read by the Senator from Oregon when he introduced it effectuated the purpose of its printing and advised the Senate of its nature and character, and no Senator can hereafter say that he did not know that it was a bill directed against the judicial power of the Supreme Court of the United States, or he would not have voted for its recognition as a legitimate subject of legislation. It is not a legitimate subject of legislation, and it should not be advanced to its second reading.

Having made that statement with as much plainness and emphasis as I am capable of, I will leave it with the Senate, the question being, Shall the bill be advanced to a second reading?

Mr. BACON. Mr. President, I do not desire to detain the Senate unduly by a repetition of what I said yesterday, and if I were certain that all the Senators who are now to vote heard what I then said I would not add a word or delay the Senate in any manner.

I shall not attempt to cover fully the ground, but I wish to state the proposition in order that Senators may know the ground upon which I base my opposition to the contention of the Senator from Idaho [Mr. HEYBURN]. I do not favor the bill offered by the Senator from Oregon [Mr. BOURNE]. I do not believe that it is based upon correct principles. I think a majority of the Supreme Court of the United States should have the determination of questions which are submitted to it for its judgment and decision. I have no possible apprehension that a majority of the Senate will differ with me in that particular. While there are quite a number of Senators, as I believe, who will agree with the Senator from Oregon, I think the large majority of the Senate would be opposed to the passage of the bill, believing that the recognized power of the United States Supreme Court, as it has been exercised for more than a hundred years, is a power proper for it to exercise. I state thus fully what I think in regard to it in order that my position may not be misunderstood in claiming that the bill should have a second reading.

The question which is involved in this is a most serious one—the question whether or not a bill which is presented to this House shall not be permitted to go to its second reading, and that it shall be rejected by the Senate without consideration and without debate.

Mr. President, I contend that that would only be justified in a case where a bill was so utterly scandalous, so utterly inconsistent with the due respect which the Senate should have for itself, that it could not for a moment be entertained. The fact that the bill may be considered to be based on unsound principles is not sufficient; the fact that the large majority of the Senate, it may be assumed, would certainly be opposed to it is not sufficient, because at last when the Senate takes action

of that kind it takes it upon the exercise of an unrestrained discretion; it takes it upon the exercise of a discretion and a judgment which can not be defined and to which there can be no limitation; and whenever it is recognized as a precedent, as an established principle, that the Senate of the United States can, in the exercise of an undefined and unlimited power, say to a Senator, "You shall not introduce a bill; or, if you introduce it, it shall not proceed to the stage where it can be discussed," you have put it within the unlimited power and discretion of a majority at any time to deny that which is essential to every free government—that is, free consideration and free discussion and free deliberation upon every proposition which may be respectfully presented to the body.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. If the Senator has a question, I will; but if he wishes to answer the argument, I should prefer that he wait until I finish.

Mr. HEYBURN. I do not desire to open the argument. I merely desire to suggest that my purpose in stopping it at this point was that it was one of the conditions and stages under which a bill can be most freely discussed and disposed of.

Mr. BACON. That may be true in a theoretical sense, but it is not true in practice. Bills are discussed in this body when they come back from committees, and, although, as I stated yesterday, it is sometimes the case that a Senator makes a speech on a bill when he introduces it, and again, as I stated yesterday, he might make a speech on the question of its second reading, in practice it is true that the only consideration that is given to a bill in the matter of discussion is after a bill has had its examination before a committee and has come back to the Senate upon the question of its passage.

I have endeavored to state—I put this case as strongly as I can—that I myself am entirely opposed to the bill, and my voting, as others would vote with me, against the proposition of the Senator from Idaho that the second reading shall be denied will not be put upon the ground of favoring the bill, but will be put upon the ground that it is absolutely destructive, or rather tends greatly to the destruction, of the right of a Senator to have anything which he presents to this body duly considered and debated and is a denial and a destruction of the great right of free speech and free discussion in a deliberative body such as this. The Senator from Idaho speaks of this as a matter so extreme as to justify such drastic action. I have very frequently seen matters come into this body and other deliberative bodies where upon first blush it would seem they would have no support, and yet upon consideration by a committee there has been a very great change of sentiment upon the subject. We can not draw the line. It is a dangerous innovation. It will be a most dangerous precedent to say that a majority can arrest a bill because, forsooth, they do not approve of it, before it has gone through its regular parliamentary stages. There is nothing in this bill which would justify the suggestion that it is so scandalous that the Senate should refuse to consider it. It is a bill of which I do not in any manner approve, but it is a bill which in no sense has in it any matter which can be considered scandalous. It is not considered scandalous when we pass bills, which we have done, requiring that one circuit judge, who has heretofore been charged with the power to pass upon certain questions, shall not thereafter pass upon them, but that whenever those questions arise four circuit judges shall be called in. Is that scandalous? That is simply an effort to throw an additional safeguard around the proceedings of the courts; and, however in error the pending bill may be, that is the sole purpose of this bill, and it has not any feature of scandal in it.

Now, I do not desire to detain the Senate; as I said, I expressed myself with some degree of fullness about it yesterday, and do not now desire to repeat it; but I should be extremely sorry to see the Senate, upon so little and slender a foundation, establish a precedent which in time to come, in times of great political excitement, in times of great partisan heat, might result in the utter overthrow practically of the right of free speech in the Senate.

Mr. HEYBURN. Mr. President, I do not anticipate that the Senate is going to stop this bill, but I anticipated that I would accomplish that which I think has been accomplished, which was to call the attention of the Senate, and through the Senate the attention of the country, to the evils of this bill in order to counteract a wrong impression that might go out by reason of such a measure being received in the body.

Mr. ROOT. Mr. President, I agree with both the Senators who have spoken on this subject this morning that this is a bad bill. It seems to me to be clearly unconstitutional, clearly unwise, and a meddling with something that is altogether beyond the power of the Senate or of the Congress.

I am not going to talk about the question whether the way to express that view is by preventing the second reading or not. I simply want to express appreciation of the service rendered by the Senator from Idaho in securing an expression upon the subject of this bill, which probably there would never be another opportunity to give, because, of course, no such bill as this will ever be reported by a committee of this Senate.

The PRESIDING OFFICER. The question is, Shall the bill be read a second time?

The bill was read the second time by its title.

The PRESIDING OFFICER. In the absence of objection, the bill will be referred to the Committee on the Judiciary.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 13276. An act to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building;

H. R. 13277. An act to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.; and

H. R. 13391. An act to increase the cost limit of the public building at Lynchburg, Va.

FLORIDA EAST COAST RAILWAY CELEBRATION.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the Senate concurrent resolution 7, relative to the celebration in January, 1912, at Key West, Fla., which were, on page 1, line 18, to strike out the words "*Resolved further*," and, on page 2, line 4, to strike out the words "*Resolved further*."

Mr. ROOT. Assuming that it will be satisfactory to the Senator from Florida [Mr. FLETCHER], I move that the Senate concur in the amendments of the House of Representatives.

Mr. FLETCHER. It will be entirely satisfactory to me to have the Senate concur in the amendments.

The amendments were concurred in.

THE COTTON SCHEDULE.

Mr. SMOOT. I move that the Senate proceed to the consideration of the unfinished business, the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. OVERMAN. I should like to inquire what has become of the conference report on the free-list bill. I understand that the conferees agreed some days ago. It seems to me that we ought to have that matter before the Senate.

The PRESIDING OFFICER. The Chair is unable to give the Senator any information.

Mr. OVERMAN. I will ask the Senator from Texas [Mr. BAILEY].

Mr. BAILEY. It is the purpose of the Senate conferees to make that report to the Senate this morning. The Senator from Wisconsin [Mr. LA FOLLETTE] has been detained up to this time from the session of the Senate, and as he has the conferees' report it is not possible for us to submit it in his absence. It is fair to him and to my other associate on the committee to say that we did not submit it yesterday because there was already a conference report pending, and we thought it a better method of procedure to dispose of that before the other was brought before the Senate.

Mr. LA FOLLETTE entered the Chamber.

Mr. BAILEY. The Senator from Wisconsin is here now. He can answer the question of the Senator from North Carolina, and will answer it with entire satisfaction.

The PRESIDING OFFICER. The Senator from Utah moves that the Senate proceed to the consideration of the unfinished business, which is the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. OVERMAN. I move to temporarily postpone the unfinished business, as I understand the conference report on the free-list bill is ready to be presented.

Mr. SMOOT. The unfinished business can be temporarily laid aside at any time when the conferees are ready to report, but it seems to me that it is proper now to take up the unfinished business. Therefore I have moved that the bill be taken up.

The PRESIDING OFFICER. Does the Senator from North Carolina move to amend the motion of the Senator from Utah?

Mr. OVERMAN. No; I merely suggested to the Senator from Utah that probably it would be better to have the conference report presented. I understand it is ready, and I just made that suggestion. I do not want to delay the unfinished business at all.

Mr. SMOOT. At any time the unfinished business can be temporarily laid aside.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah to proceed to the consideration of the unfinished business, which is House bill 12812.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The PRESIDING OFFICER. The amendment offered by the Senator from Iowa [Mr. CUMMINS] is pending. The question is on agreeing to that amendment. It will be stated.

The SECRETARY. It is proposed to add a new section to the bill, to be known as section 8.

Mr. CUMMINS. Mr. President, I do not intend to repeat or review the argument I made on Monday in behalf of this amendment. I have understood that there are Senators who are not quite ready to vote upon the amendment, wanting to advise themselves a little further with respect to some features of it. In view of that situation, I ask the Senator from Virginia what his desires are with regard to an immediate vote upon the amendment now pending?

Mr. MARTIN of Virginia. Mr. President, in answer to the inquiry of the Senator from Iowa, I have no hesitation in saying that the minority wish to hold a conference in respect to the matters involved in these amendments and in respect to the bill, and I would not like to see a vote taken this morning. Indeed, I would be glad, as soon as the Senate disposes of the conference report, which I think will be presented in a few minutes, to have an adjournment. I should like to see the Senate adjourn, in order that we may deliberate upon these amendments before they are voted upon.

Mr. CUMMINS. So far as I am concerned, I recognize the importance of the amendment I have proposed, and I hope that Senators will be given an opportunity to fully inform themselves with regard to it. If it is the desire of the Senator from Virginia that time shall be given until to-morrow morning in order to accomplish the purpose he has in view—namely, a conference—I am entirely in favor of that plan.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. SMOOT. I should like to ask if there is any Senator who is prepared to go on and discuss the cotton bill itself; that is, the provisions of the cotton schedule. The amendment offered by the Senator from Iowa applies to the steel and iron schedule. If there is some Senator who is prepared to go on with the discussion of the bill I would be happy to have him do so. Then, just as soon as the conferees on the free-list bill are ready to report, I shall be glad to temporarily lay aside the unfinished business, and, at the conclusion of the speeches that may be made, I would be very glad, indeed, to adjourn until to-morrow morning before any vote is taken. If there is no objection to that program I believe it would be the best way of hastening along the business of the Senate.

Mr. OVERMAN. I have a few remarks to make. Does the Senator from Iowa desire to go on and discuss the bill or has he yielded the floor?

The PRESIDING OFFICER. The Senator from Iowa is entitled to the floor.

Mr. CUMMINS. I took the floor because the amendment I proposed was about to be voted on, and I understood that there was a desire that it should not be voted upon at this time. I want to yield to that desire just so far as I can, and I have nothing further to suggest about it. I would be very glad to yield the floor to the Senator from North Carolina.

Mr. MARTIN of Virginia. I am assured that the conference report on the free-list bill is being signed and that it will be presented to the Senate in a very few minutes. In the meantime the Senator from North Carolina has some remarks to submit to the Senate. When he is through and we finish with the conference report on the free-list bill, I am sure there will be no objection to an adjournment.

Mr. SMOOT. That is the program I suggested.

Mr. OVERMAN. Mr. President, I desire simply to state my position on the bill that is now pending. I want to say, Mr. President, that no man can stand upon this floor and say truthfully that I have not kept faith and am not now keeping faith with the Democratic platform and its pledges from the day of Allen G. Thurman down to William J. Bryan. While I have made several dilatory motions here that seemed for delay, I want to say that I am not going to delay the passage of this bill if it is the desire of the Senate to pass it. I simply want to state my position.

This bill which is now pending before the Senate revising the cotton schedule was reported from the House of Representatives to the Senate on Friday, August 4, and referred to the Committee on Finance with instructions to report it back to the Senate not later than Thursday, August 10. On account of other important matters pending in the Senate it was impossible for the committee to meet and give hearings on Friday and Saturday, and with Sunday intervening there was left only three days for hearings on this important schedule, which affects more than $800,000,000 of cotton-mill property in this country, notwithstanding the fact that cotton manufacturers throughout the country were clamoring to be heard in their own behalf before this legislation, which might or might not seriously affect hundreds of thousands of laborers employed in their mills and possibly seriously injure this great industry which has done so much to build up our country, should be enacted into law.

The bill revising the wool schedule was reported from the House of Representatives to the Senate and referred to the Finance Committee on Wednesday, June 21, with instructions to report it back to the Senate not later than July 10. The bill was reported out of the committee on June 22, and for more than four weeks the wool bill was considered and debated upon the floor of the Senate, and now, when we are on the eve of adjournment and when it is well known to the Senate and the country that the President will veto any and all bills revising the tariff at this time, it is proposed, with "John Gilpin speed," without giving proper time for serious debate, to rush this bill through to its passage and send it to the President for his veto. All that I asked was that this bill should be given the same time and the same consideration that were given to the wool bill. I asked this and no more.

Mr. President, let the truth be told. This bill has not even a ghost of a chance to pass the Senate. The standpatters to a man will vote against it, and so will all the insurgents, and they together are a majority. The Senator from Utah [Mr. SMOOT] is pressing it as unfinished business, and the Senator from Wisconsin [Mr. LA FOLLETTE] is asking for a vote, and, strange to say, both of those Senators are opposed to the bill and will vote against it. Then, the plan is, judging from what has happened this session with other bills, for my friend, the distinguished Senator from Wisconsin, to move for a reconsideration. Democrats and the insurgents will then vote together. Perhaps it will be reconsidered, when the distinguished Senator from Wisconsin will offer his bill as an amendment, and his bill, with probably the steel schedule, the sugar schedule, and maybe the chemical schedule added, will pass the Senate and be sent back to the House of Representatives. This is evidently the plan. It will be disagreed to by the House and will be sent to conference. If agreement is had and the bill is sent to the President he will probably veto it. Mr. President, I am opposed to fighting a sham battle upon a great economic question like the one now under consideration.

When I was a law student I learned from old Blackstone's Commentaries, one of the greatest law books which has ever been written, festina lente, "hasten slowly." This is the policy I would have the Senate now adopt. For one, I am willing to stay here until next June, until every tariff schedule can be reduced. But we are not going to stay here. Everybody knows that Congress will adjourn within a few days. The country is not going to the bowwows if this cotton schedule is not revised at this extra session. It does seem to me, Mr. President, the wisest policy to pursue is to let this matter go over until our regular session in December next, when we will gradually reduce this and all other schedules of the tariff—when we will not only reduce the tariff on yarns and cotton cloth, but also the tax on rubber, dyes, starch, machinery, and all other things which go into the manufacture of cotton.

Mr. President, I wish to enter my humble protest against what seems to me to be hasty and unwise legislation. If this practice of giving little or no consideration and debate to important matters of legislation is to be kept up, it seems to me that, instead of being the most deliberative body in the world, the Senate will soon degenerate into the most undeliberative body in the world. In my judgment a sufficient time can not now possibly be given for a thorough discussion of the various phases of the pending bill or for any of the amendments which have been offered to it affecting the steel schedule, the chemical and machinery schedules, and the sugar schedule.

The cotton schedule is one of the most intricate of all of the tariff schedules, and it is of the utmost importance that thorough discussion shall be had on this measure. In revising this schedule it would require that intricate and thorough knowledge of all of the divisions and subdivisions, complex and mani-

fold mazes, and involutions of the cotton and other industries, which no committee of Congress can hope to possess at once, no matter how extended the range of their personal knowledge or how laborious and painstaking their efforts may be. We not only represent all the people, who are the many, but we represent the manufacturing interests of the country, who are the few, as well. In revising the tariff all parties and all interests should be considered, and we should only legislate upon these great subjects in such a manner as we think will help all as much as possible and at the same time do as little injury as possible to any individual or any industry in the country.

For more than two years past most of the cotton mills in the South have been running on half time; most of them have been running at a loss. They have been running only in order to give employment to their laborers, so as to keep them together and prevent them from starving. Few of the mills of the South have paid dividends in the last year or so. A good many of them have gone into the hands of receivers. Never in the history of the cotton industry have our mills been in such a depressed and deplorable condition, and never have they had so hard a time to manufacture and sell their goods at a profit as they are having to-day. Many of the mills of the South are closed down indefinitely. The closing down of the Borden Mills, at Fall River, and other great mills in the country, after serious curtailment of operations for months past, portend a serious significance for the future of the cotton industry in this country. While the industry in this country is seriously depressed, in England, Germany, and other foreign countries it has never been so prosperous as it is to-day. Our cotton manufacturers can not sell goods abroad in competition with England or Germany under present conditions; and to-day many of our manufacturers can not sell the products of their mills in our home markets at cost, but are forced to sell below cost in order to keep going.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. OVERMAN. I yield with pleasure.

Mr. KERN. Do I understand the Senator to state that he believes the present condition has been brought about by the low rates of the Payne-Aldrich Tariff Act?

Mr. OVERMAN. Not at all. The Senator knows I would not contend that. I am in favor of lowering the Payne-Aldrich tariff in every respect. I said that at the outset.

Those who would build up rather than destroy this great industry should not only take into consideration the interests of the consumer, but they should deal with all alike in a spirit of equal justice and absolute fairness, keeping in mind at all times the interests of the laborer, the producer, and the consumer. My position is that we should free the existing taxation system from its injustices, diminish its complexities as much as possible, lighten the burden of the taxpayer, and make it contribute to our industrial prosperity, growth, and progress, keeping in view at all times as a paramount consideration the welfare of the whole country and of all our people, and that by a gradual reduction of the tariff, step by step, we can finally arrive at a revenue basis without injuring any individual or industry in the country.

This bill, as it came to us from the House of Representatives, and which has had little or no consideration before the Senate committee, and which will have little consideration in the Senate, has an average cut of 50 per cent. Upon some articles the cut is 80 per cent. It is from 17 to 20 per cent greater even than the Wilson bill. The chairman of the Ways and Means Committee of the House of Representatives said that the tariff on this schedule is reduced practically to a revenue basis. If this be true this is not a gradual reduction of the tariff in accordance with the declarations in the platforms of the Democratic Party. This is too great a step downward all at once. It is upon its face, it seems to me, a very radical reduction.

The American people have deliberately declared that the existing tariff is absolutely wrong in principle and grievously burdensome and unjust in its operations, and that it shall be revised downward. Private enterprises have been taken into partnership with the Government. Great monopolies have been organized under this power and form of taxation, and rates of taxation have been dictated by selfish and inordinate greed of those who received its benefits.

But, Mr. President, if I understand the principles and the teachings of the Democratic Party for the last quarter of a century, they have been that the high protective system which has been built up in this country is so interwoven with the whole business interests of the country that a sudden and radical reduction of the tariff to a revenue basis would produce havoc and ruin. If I understand its teaching it has been that the tariff should be revised gradually, with equal justice and fairness not only to the manufacturer, the producer, the laborer, and the consumer, but in the interests of all the people who have been struggling under the burdens of this iniquitous tariff system, by the aid of which trusts and monopolies have been built up and have robbed the people by outrageous and pernicious exactions.

In making a reduction of these taxes it should be done gradually, with a view to promoting rather than retarding the progress and growth of any of these industries so as not to injure a single domestic industry in the country doing a legitimate business. If a morphine fiend should apply to a physician for treatment and the physician should deprive him of his "dope" at once, in all probability the patient would not survive the shock; but by gradually reducing the size of the dose and increasing the intervals between doses the patient would probably be restored to his family and to society. A sudden and radical revision of the tariff to a revenue basis will, in my judgment, inevitably bring havoc and ruin to the country, whereas by reducing it gradually the manufacturers can by degrees adjust themselves to new conditions, and the interests of all the American people will be safeguarded and protected. We contend that the reductions shall be made gradually until a revenue basis is finally reached, and instead of being retarded the growth and prosperity of our industries shall be encouraged and promoted, when, under this policy our manufactured products will not be confined and restricted to our home markets, but can enter all the markets of the world and successfully compete with similar products from other countries.

At the same time that there is a reduction of the cotton schedule there should be a reduction of the machinery schedule and of all the other commodities which go into the manufacture of cotton. Take away the bounty, but when you do that also take off some of the burdens and give to our manufacturers an equal chance; and then I am not afraid but that our people can compete with the world in the manufacture of cotton. This is one of the reasons why I have asked for a reasonable time in which to consider this bill. I have not asked for delay for the purpose of defeating any revision of this schedule or any other schedule. I am not a protectionist; I never have been. I am as much in favor of the revision and the reduction of the tariff on articles named in this schedule and all other schedules as any Senator upon this floor can possibly be. All I ask is that reductions shall be gradually and not radically made; that they shall be made cautiously and critically. This is all I have contended for and all I now contend for.

To show that I am not inconsistent and that I am in perfect harmony with the Democratic Party upon the tariff, I think it proper that I should put into the RECORD just at this place what the declarations and pledges contained in the platforms of the Democratic Party have been upon the tariff question from Grover Cleveland down to the present time.

The Democratic platform of 1884, upon which we won such a glorious victory, in its reference to the tariff declared as follows:

> Knowing full well, however, that legislation affecting the operations of the people should be cautious and conservative in method, not in advance of public opinion, but responsive to its demands, the Democratic Party is pledged to revise the tariff in a spirit of fairness to all interests. But in making reductions in taxes it is not proposed to injure any domestic industries, but rather to promote their healthy growth. From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue. Such they must continue to be. Moreover, many industries have come to rely upon legislation for a successful continuance, so that any change of law must be regardful of the labor and capital thus involved.

That is from the national Democratic platform of 1884. It continues to get stronger along the line of the position for which I am contending, and I want you to hear, Senators, directly, what William Jennings Bryan said.

In his first annual message to Congress in December, 1885, Mr. Cleveland, speaking of the tariff, said:

> Justice and fairness dictate that in any modification of our present laws relating to revenue the industries and interests which have been encouraged by such laws and in which our citizens have large investments should not be ruthlessly injured or destroyed. We should also deal with the subject in such manner as to protect the interests of American labor, which is the capital of our workingmen.

In his second annual message to Congress in December, 1886, speaking of tariff revision, Mr. Cleveland said:

> In readjusting the burdens of Federal taxation a sound public policy requires that such of our citizens as have built up large and important industries under present conditions should not be suddenly and to their injury deprived of advantages to which they have adapted their business; but if the public good requires it they should be content with such consideration as shall deal fairly and cautiously with their interests, while the just demands of the people for relief from needless taxation is honestly answered.
>
> A reasonable and timely submission to such a demand should certainly be possible without disastrous shock to any interests; and a cheerful concession sometimes averts abrupt and heedless action, often the outgrowth of impatience and delayed justice.

Again, in his third annual message to Congress, in December, 1887, Mr. Cleveland, speaking upon the tariff, said:

But our present tariff laws, the vicious, inequitable, and illogical source of unnecessary taxation, ought to be at once revised and amended. These laws, as their primary and plain effect, raised the price to consumers of all articles imported and subject to duty by precisely the sum paid for such duties.

It is not proposed to entirely relieve the country of this taxation. It must be extensively extended as the source of the Government's income; and in a readjustment of our tariff the interests of American labor engaged in manufacture should be carefully considered, as well as the preservation of our manufactures. It may be called protection or by any other name, but relief from the hardship and dangers of our present tariff laws should be revised with the special precaution against imperiling the existence of our manufacturing interests.

The Democratic platform of 1904 declared as follows upon the tariff:

We favor a revision and a gradual reduction—

A gradual reduction—

of the tariff by the friends of the masses and for the common weal, and not by the friends of its abuses, its extortions, and its discriminations, keeping in view the ultimate end of "equality of burdens and equality of opportunities," and the constitutional purpose of raising a revenue by taxation, to wit, the support of the Federal Government in all its integrity and virility, but in simplicity.

Judge Alton B. Parker, in his address accepting the Democratic nomination for President in 1904, under this platform, speaking of the tariff, said:

While, therefore, we are unable to give assurances of relief to the people from such excessive duties that burden them, it is due to them that we state our position to be in favor of a reasonable reduction of the tariff; that we believe it is demanded by the best interests of both manufacturer and consumer, and that a wise and beneficent revision of the tariff can be accomplished as soon as both branches of Congress and an Executive in favor of it are elected, without creating that sense of uncertainty and instability that has on other occasions manifested itself.

The last Democratic platform, adopted at Denver in 1908, in its reference to the tariff declared as follows:

We favor immediate revision of the tariff by the reduction of import duties. Articles entering into competition with trust-controlled products should be placed upon the free list and material reductions should be made in the tariff upon the necessities of life, especially upon articles competing with such American manufactures as are sold abroad more cheaply than at home—

Now, listen—

and gradual reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis.

Here are the words of our great leader and the pledges that he made to the people of this country, and which we, as Democrats, all made to the people of the United States in that campaign. Listen to the words of William Jennings Bryan in his tariff speech in 1908 defining the Democratic position:

The Democratic plan does not contemplate an immediate change from one system to the other; it expressly declares that the change shall be gradual, and a gradual change is only possible where the country is satisfied with results of each step taken. We elect a Congress every two years and a President every four years, and the people can soon stop any policy if the results of that policy are not satisfactory. But we believe that the experiences the people have had with "protection for protection's sake" have led them to favor a restoration of the tariff—

Now, listen—

by gradual steps to a revenue basis, and we are convinced that the advantages following each step will be so pronounced and that the benefits will be so universally enjoyed that there will be no pause in the progress toward the system under which the tariff will be levied for the purpose of revenue and limited to the needs of the Government.

So, Mr. President, I contend that I am in thorough accord with what Mr. Bryan has said and what the Democratic Party has said in all of our pledges to the people. In a word, Mr. President, the platform declarations and the utterances of the leaders of the party to which I belong have uniformly been in favor of a gradual revision of the tariff schedules, so as to reduce them to a revenue basis. This has been and is my understanding of the policy and the teachings of the Democratic Party with respect to tariff revision.

This bill may provide for revision upon these lines. I know that on the lower grades of yarns and cloth the South now can compete with the world without any tariff. The proposed revision in the pending bill may be a just and proper revision, but I confess I do not know—neither do a half dozen Senators upon this floor know—whether it is a wise and just reduction, for they have had no time to consider it, and we have had little or no time to make an investigation of what effect it will have upon our American industries. Practically no hearings have been had upon the bill, and those who are directly and most vitally interested in this legislation, in my opinion, have not been given sufficient time in which to come here and be heard in their own behalf. Some manufacturers say they will be ruined if this bill becomes a law. I do not know whether that is true or not; I do not know whether it is revision to a revenue basis or not; but I know what the chairman of the Ways and Means Committee has said, and if we vote for it here we vote for it on faith.

Mr. President, not having had time to consider all of the different phases of this bill or to go through all its mazes and involutions, intricacies and details, I have simply uttered my protest against the manner of proceeding with this kind of legislation and the haste with which it is proposed to pass it through the Senate. I humbly confess that my judgment is not greater than that of my colleagues who sit with me on this side of the Chamber and who seem determined to vote upon the bill at this time. I am not bigger than my party nor am I wiser than my colleagues in the party, and if they are determined that this bill shall pass at this extra session of Congress I shall vote for it, after having uttered my humble protest and after having called attention to the platform pledges of the great Democratic Party, hoping as I do that we will revise this and all other tariff schedules next winter when we convene in regular session, and that we will then give more time to parties concerned to be heard and more time for the consideration of these different schedules. But I do contend that in order that the great industries of the country may not be injured when we do revise the tariff we should reduce it according to our platform pledges, and, considering the few as well as the many, correct as far as possible the great inequalities in the tariff laws; and in so contending I think I am in thorough accord and in line with my party's platform declarations and its pledges to the people.

Mr. President, when the curtain went down on the great tragedy at Appomattox 12,500 soldiers, leaving behind them 40,000 of their dead comrades in soldiers' graves, went back to the old State, one-third of the male population of which had either been killed or had died in that terrible struggle. They went back to the State to find a vacant chair in and crape upon the doorpost of 40,000 homes. They went back to a land of desolation, where there was little left but hunger, weeping, and sorrow. They went back to find poverty and devastation on every hand, their property swept away, their house dilapidated, their fences down, and their stock gone.

But they had surrendered in good faith and they took up the plow and turned the furrows and went again to State building. Then they and their sons through the dark and horrible days of reconstruction went to work to restore that great Commonwealth; and what they have accomplished in 50 years is most wonderful to tell. The rehabilitation of that old State and the progress she has made have been most marvelous, until to-day North Carolina stands unsurpassed by any State in the Union. Besides other great industries they have built 300 cotton mills, with an investment of $100,000,000, giving employment to 50,000 native-born American citizens. They have established 85 hosiery mills, with an investment of $5,000,000, giving employment to 10,000 native-born workingmen. They have developed great water powers, and nearly every mill in the State is being run by electricity. Besides this, Mr. President, they have been loyal American citizens. When war was declared with Spain 3,000 of their sons volunteered to fight for their country. The first man killed in that war was a North Carolina boy—shot down on board the *Winslow*, and his bloody form, wrapped in the fold of the Stars and Stripes, was carried home to his mother, the widow of a Confederate soldier. The brave and gallant Shipp, another North Carolina boy, was shot down while gallantly leading a negro regiment to victory up San Juan Heights, and his lifeless form was carried home wrapped in the very colors against which his own father had fought a little over a quarter of a century before.

Mr. President, if I am out of line with my party and it is a sin for me to stand here and ask that these men, who have contributed so largely to the industrial development and prosperity of my State, be given a reasonable time in which to be heard upon matters vitally affecting their own interests and the interests of 60,000 wage earners and workingmen they employ, then I am a sinner and I plead guilty.

The PRESIDING OFFICER. The question pending before the Senate is upon the amendment of the Senator from Iowa [Mr. CUMMINS] to the so-called cotton bill.

THE FREE LIST.

Mr. LA FOLLETTE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, having met, after full and free conference have

agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, and 6, and agree to the same.

On the amendments of the Senate numbered 5 and 7 and the amendment of the House to the amendment of the Senate numbered 8 the committee of conference have been unable to agree.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

O. W. UNDERWOOD,
C. B. RANDELL,
FRANCIS BURTON HARRISON,
Managers on the part of the House.

Mr. LA FOLLETTE. I also submit a statement of the managers of the conference on the part of the Senate, which I ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

STATEMENT.

The managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill (H. R. 4413) to place on the free list agricultural implements etc., submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report:

On amendment No. 1: Places binders on the free list, as proposed by the Senate.

On amendment No. 2: Strikes out of the bill the provision proposed by the House limiting the application of the bill to boots and shoes of certain constituent parts only.

On amendments Nos. 3, 4, and 6: Makes verbal corrections in the text of the bill.

On the amendments of the Senate Nos. 5 and 7 and the amendment of the House to the amendment of the Senate No. 8, the committee of conference have been unable to agree.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

Mr. LA FOLLETTE. I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

Mr. LA FOLLETTE. I move that the Senate further insist upon its amendments Nos. 5 and 7 to the bill, disagreed to by the House of Representatives, and further insist upon its disagreement to the amendment of the House to the amendment of the Senate No. 8, and ask a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

Mr. BAILEY. I ask unanimous consent to add after the word "corn" the words "not for distillation," so that the motion of the Senator from Wisconsin will treat it in that form.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the words "not for distillation" be inserted after the word "corn." Is there objection?

Mr. BACON. Mr. President, I do not understand that.

Mr. BAILEY. The explanation is simply this: In the agreement with Canada corn is admitted free only when it is not for distillation, and I simply seek to conform this bill to that agreement. Canada imports some 6,000,000 bushels of corn, much of it for distillation.

Mr. BACON. I do not understand the exact motion of the Senator from Texas.

Mr. BAILEY. I do not make a motion, because I think a motion would not be in order. I think the Senate could not insist upon its own amendment with an amendment, and I sought to reach it merely by unanimous consent. If there is in the mind of any Senator any question about the propriety of that request, I freely admit it to be irregular and will withdraw it.

Mr. BACON. I have no objection to the purpose which the Senator has in view, but I do very gravely doubt the regularity of the proceeding.

Mr. BAILEY. Mr. President——

Mr. BACON. If the Senator will pardon me for a moment, there is no difference, so far as the exercise of the power of the Senate is concerned, between that which is done by a majority and that which is done by unanimous consent. The question is whether the Senate can do it at all or not. It is not a question whether it can do it by unanimous consent.

Mr. BAILEY. I think the Senate could do it, and I think the House could then agree to the amendment. But it is of such doubtful propriety that unless it was freely assented to by all Senators I would not want it done at all; and I withdraw the request and allow the question to come on the motion of the Senator from Wisconsin.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to, and the Vice President appointed as the conferees on the part of the Senate Mr. PENROSE, Mr. CULLOM, Mr. LA FOLLETTE, Mr. BAILEY, and Mr. SIMMONS.

ST. CROIX RIVER BRIDGE, WISCONSIN–MINNESOTA.

Mr. NELSON. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 11723) permitting the building of a railroad bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS BIG SANDY RIVER, W. VA.

Mr. CHILTON. I ask unanimous consent to call up the bill (H. R. 4682) authorizing the construction of a bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

METROPOLITAN COACH CO., DISTRICT OF COLUMBIA.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co.

There being no objection, the Senate proceeded to consider the bill.

The bill had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 2, line 6, to strike out all of section 3 and to insert a new section 3, as follows:

SEC. 3. That said company shall provide and furnish at all times such service and facilities as shall be reasonably safe and adequate; and it shall at all times maintain its vehicles in good and proper repair, neat and clean, free from offensive smoke, noise, and odors, in a sanitary condition, sufficient in number, and reasonably comfortable and convenient. The company shall operate its vehicles over a route or routes approved by the commissioners, or to be approved by them so as to give expeditious passage to all persons desiring to use the same, and on such time schedule or schedules and for such rates and charges as said commissioners may from time to time fix and determine. The said commissioners shall have power by a rule or rules from time to time to require and compel obedience to the provisions of this section after notice to and opportunity given said company to be heard.

The amendment was agreed to.

The next amendment was, on page 3, line 14, after the word "information," to strike out "of said commissioners filed in the police court of the District of Columbia by or on behalf of said commissioners" and insert "in the name of the District of Columbia, filed in the police court of the District of Columbia by the corporation counsel or one of his assistants," so as to make the section read:

SEC. 4. That said Metropolitan Coach Co. and its officers and employees are hereby required to obey all the provisions of this act and such reasonable rules, regulations, and orders as may be made by said commissioners, and if said company or its officers or employees violate any provision of this act or any of said rules, regulations, or orders made by said commissioners, or permit such violation, said company or each of said officers or employees shall be punished by a fine of not more than $100, and prosecution for each of said violations shall be made on information in the name of the District of Columbia, filed in the police court of the District of Columbia by the corporation counsel or one of his assistants.

The amendment was agreed to.

The next amendment was, on page 3, line 19, to strike out all of section 5 and to insert a new section 5, as follows:

SEC. 5. That the provisions of this act shall be effective on and after the 1st day of January, 1912, and, in addition to the penalties in this act provided, the failure of the Metropolitan Coach Co. at any time or

times hereafter to comply with the terms hereof shall make it unlawful for it to operate its vehicles over its route, and if said company shall, within a period of 30 days of notice thereof, fail to comply with any of said rules, regulations, or orders, made by said commissioners, its right to operate said vehicles shall terminate without notice, and the commissioners are directed thereupon to prevent the use of the public highways by said company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS ROCK RIVER, ILL.

Mr. CULLOM. I ask unanimous consent to call up the bill (H. R. 8146) to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. PENROSE. Mr. President, if there is no further business of an urgent character before the Senate and no Senator desires to call up any measure, I move that the Senate take a recess until 4 o'clock this afternoon.

I should like to inquire first whether the action of the Senate on the free-list bill has been sent to the House.

The VICE PRESIDENT. It is ready to go. It has been signed and will go.

Mr. PENROSE. I ask that it be sent immediately.

The VICE PRESIDENT. It will be sent at once.

Mr. PENROSE. In order that the Senate may act finally upon the free-list bill to-day and that it may be sent to the President, I will ask that the Senate remain in session; and as there appears to be nothing before the Senate, I move that it take a recess until 4 o'clock p. m.

The motion was agreed to, and (at 1 o'clock and 55 minutes p. m.) the Senate took a recess until 4 o'clock p. m.

AFTER THE RECESS.

The Senate reassembled at 4 o'clock p. m.

PRINTING OF VETO MESSAGE—NEW MEXICO AND ARIZONA.

Mr. SMOOT. I ask unanimous consent that the President's message, delivered to the House, on the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union on an equal footing with the original States, be printed as a document.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the President's message to the House on House joint resolution No. 14 be printed as a Senate document. Is there objection? The Chair hears none, and the order therefor is entered.

CALLING OF THE ROLL.

Mr. PENROSE. I ask for a call of the Senate for a quorum.

The VICE PRESIDENT. The Senator from Pennsylvania suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Clark, Wyo.	La Follette	Poindexter
Borah	Crawford	Lippitt	Root
Bourne	Cullom	McLean	Smoot
Brandegee	Cummins	Martin, Va.	Stephenson
Bristow	Dillingham	Martine, N. J.	Swanson
Brown	Dixon	Oliver	Townsend
Burnham	Fletcher	Page	Warren
Burton	Gamble	Paynter	Wetmore
Chamberlain	Heyburn	Penrose	
Clapp	Jones	Perkins	

Mr. FLETCHER. I wish to announce that my colleague [Mr. BRYAN] is absent necessarily from the Senate.

The VICE PRESIDENT. Thirty-eight Senators have answered to the roll call—not a quorum.

Mr. PENROSE. I ask that the Secretary be directed to call the names of the absentees.

The VICE PRESIDENT. The Secretary will call the names of the absentees.

The Secretary called the list of absent Senators.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 17, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 16, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, imbue us plenteously with the spirit of righteousness, that with patience, courage, and fortitude we may fulfill to the uttermost the obligations resting upon us now and always; that when we reach the end of the King's highway we may hear the words, "Well done, good and faithful servant; enter thou into the joy of thy Lord." And everlasting praise we will give unto Thee, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1785. An act to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies; and

S. 3052. An act granting leave of absence to certain homesteaders.

The message also announced that the Senate had agreed to the report of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3052. An act granting leave of absence to certain homesteaders;

S. 1785. An act to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies; and

S. 306. An act to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11019. An act to reduce the duties on wool and manufactures of wool.

WITHDRAWAL OF HOUSE RESOLUTION 258.

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent to withdraw House resolution 258, asking information of the War Department concerning the completion of the Florida East Coast Railway. It has served its purpose, and there is no need of it further.

The SPEAKER. The gentleman from Florida asks unanimous consent to withdraw House resolution 258. Is there objection?

There was no objection.

IMPROVEMENT OF BLACK WARRIOR RIVER, ALA.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill (S. 943) for the improvement of the Black Warrior River.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 943.

The SPEAKER. The House resolves itself into Committee of the Whole automatically.

Mr. SPARKMAN. Before going into committee, Mr. Speaker, I wish to ask unanimous consent that general debate on that bill may be limited to two hours.

The SPEAKER. The gentleman from Florida [Mr. SPARKMAN], pending the automatic going into the Committee of the Whole House on the state of the Union, asks unanimous consent that general debate on the bill (S. 943) for the improvement of the Black Warrior River be confined to two hours.

Mr. SPARKMAN. To be controlled one half by myself and the other half by the gentleman from Illinois [Mr. MANN].

The SPEAKER. The time to be controlled one half by the gentleman from Florida and the other half by the gentleman from Illinois.

Mr. NORRIS. Mr. Speaker, reserving the right to object, I would like to know whether the gentleman desires or intends to include in this request that the debate be confined to the bill?

The SPEAKER. The gentleman from Florida did not make any such request.

Mr. SPARKMAN. I include that in the request.

The SPEAKER. And the gentleman now includes that in his request.

Mr. NORRIS. Mr. Speaker, I would like to say to the gentleman that I would like to have about 20 minutes on that bill. I desire to talk on a subject other than the bill, and I hope he will modify his request so that I can have that much time on general debate.

Mr. MANN. That could probably be done only by unanimous consent.

The SPEAKER. The Chair understands that. Does the gentleman request an extra 20 minutes?

Mr. NORRIS. If the gentleman thinks that much time is required for the discussion of the bill, I will ask the gentleman if he will not include in his request that 20 minutes extra time may be given to me for the discussion of another subject.

Mr. FITZGERALD. Mr. Speaker, what subject does the gentleman from Nebraska wish to discuss?

Mr. SPARKMAN. What was the request of the gentleman from Nebraska in reference to that debate?

The SPEAKER. The request of the gentleman is that he may have 20 minutes extra, so that he may discuss some other question. What does the gentleman from Florida say about that?

Mr. MANN. What is the subject that the gentleman from Nebraska wishes to talk about?

Mr. NORRIS. I wish to talk about reciprocity.

Mr. SPARKMAN. I think two hours is all we ought to give to the general debate. There are other matters to come up.

The SPEAKER. As the gentleman from Florida [Mr. SPARKMAN] seems to object to the request of the gentleman from Nebraska, the Chair will put the request of the gentleman from Florida. The gentleman from Florida asks unanimous consent that general debate on this bill be limited to two hours, one half of it to be controlled by himself and the other half by the gentleman from Illinois [Mr. MANN]. Is there objection?

Mr. NORRIS. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Florida if he refuses to include the modification that I requested?

Mr. SPARKMAN. I could not allow 20 minutes to be taken out of the time on this side for any other discussion than matters pertaining to the bill.

Mr. NORRIS. I can not hear the gentleman. Does he object to modifying the request as desired by me?

Mr. SPARKMAN. Yes; I will have to object to that.

Mr. NORRIS. I will return good for evil, then, and not object to the gentleman's request.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. STERLING, indefinitely, on account of the death of a relative.

BLACK WARRIOR RIVER.

Under the rule the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 943) to improve navigation on Black Warrior River, in the State of Alabama, with Mr. FERRIS in the chair.

The CHAIRMAN. Under an order that has been agreed to by unanimous consent, general debate has been limited to two hours, to be equally divided between the respective sides, the gentleman from Florida [Mr. SPARKMAN] controlling one hour and the gentleman from Illinois [Mr. MANN] controlling the other.

Mr. SPARKMAN. I yield 40 minutes to the gentleman from Alabama [Mr. TAYLOR].

Mr. TAYLOR of Alabama. Mr. Chairman, I will try not to occupy the entire time yielded to me by the gentleman from Florida, and hope I will not be interrupted for 30 minutes. After that time I will be glad to answer all questions.

The purpose of the bill is to improve navigation on the Black Warrior River, and at the same time to preserve, if possible, water power that might be developed at Locks and Dams 16 and 17. Under present plans it is proposed to construct five low dams, beginning with Dam 17, in order to complete slack-water navigation to the point fixed by the engineers for navigation in that river at this time.

The engineers, in their last report upon the subject, say:

> The board considers the plan for a 63-foot lift at Dam 17 to be the most favorable one that has been considered, and it recommends that it be adopted, subject to action of Congress on the Senate bill above referred to (S. 943).

After careful investigation they approve a 63-foot lift at Dam 17 instead of a 21-foot lift. This calls for no more money than would be required to construct five low locks in the improvement of navigation up to the same point, to wit, below Saunders Shoals. On the contrary, it will require less. It will cost something in the neighborhood of $1,000,000 less in the long run, when cost of maintenance is considered, to raise the dam at 17 to a 63-foot lift and flood the other locks than it would cost to build all of the five locks with low lifts.

At this point comes in the proposition of water power. There is no expectation of developing water power in the Warrior River if five low locks are to be constructed. The proposition to raise Dam 17 to 63 feet called the attention of the engineers to the development of power in the Black Warrior River. It meets the approval of the engineers and of the Senators and Members of Congress from Alabama that water power should be developed at Dams 16 and 17.

Mr. MARTIN of Colorado. Will the gentleman submit to an interruption?

Mr. TAYLOR of Alabama. I can not at this time, but will do so a little later. Now, how is the water power to be developed at Lock 17? By whom is it to be developed? There are four agencies that can develop this water power—the General Government, the State of Alabama, individuals in their individual capacity, and a power company or corporation authorized by law to do it.

It matters not who undertakes the development of water power, it must pay the price. To develop power at Dam 17 will require, in addition to what is necessary to raise the dam to 63 feet height for navigation, the spending of a million and a half dollars or more, without considering the cost of flowage rights, estimated at $150,000. In other words, it will take $1,650,000 to develop power after the dam has been raised and built for the purpose of navigation.

Who is to pay this $1,650,000? One of the four agencies—the General Government, the State government, private individuals who have riparian rights, or a corporation authorized by law to do so. The General Government has never gone into the business of creating water power except for Government use around the locks where it is to be developed. So the General Government need not be considered. Individually I would be glad if the General Government would undertake to develop power at Lock 17, but am satisfied it will not do so.

The State of Alabama has not the power to do it by its own constitution. Its constitution in this respect is substantially like the constitutions of Pennsylvania, Minnesota, Michigan, Kentucky, Ohio, Illinois, Maryland, and a number of other States. Under the constitution of the State of Alabama the State is not permitted to engage in or lend its aid or credit to internal improvements. A like inhibition exists as to counties, municipalities, and other subdivisions, as will appear in sections 93 and 94 of the constitution of Alabama, which will be inserted in my remarks.

Sections 93 and 94 of the constitution of Alabama read as follows:

> SEC. 93. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation.
>
> SEC. 94. The legislature shall not have power to authorize any county, city, town, or other subdivision of this State to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever, or to become a stockholder in any such corporation, association, or company by issuing bonds or otherwise.

See the case of Horace M. Oren, Attorney General ex rel George H. Barbour et al. *v.* Hagen S. Pingree et al. (46 L. R. A., 407).

This is a very able opinion, in which the court gives the history of internal improvements by States following the War of 1812, and the changes in the constitutions of many of the States most disastrously affected.

The words "internal improvements" do not appear in all the constitutions, but they do appear in the constitution of Michigan of 1850, and have been construed by the Michigan court. So that the State of Alabama is not authorized to develop water power at Dam 17, and the United States Government does not propose to do it. Then who must do it, if it is done? Either some private individual or a corporation.

I doubt if any Member of this House could find a private individual who would invest $1,500,000 or $2,000,000 in a water-power proposition of any kind, anywhere. The State of Alabama has provided for water-power development by a general law for the organization of power companies. Alabama has provided in its constitution and laws for the organization of corporations, with special provisions as to power companies. The constitution and sections of the code relating thereto will be inserted in my remarks and are as follows.

Sections 229, 231, 233, and 234 of the constitution of Alabama, on corporations, read as follows:

> SEC. 229. The legislature shall pass no special act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the legislature; and shall pass general laws

under which charters may be altered or amended. The legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of the capital stock; but strictly benevolent, educational, or religious corporations shall not be required to pay such a tax. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws.

SEC. 231. The legislature shall not remit the forfeiture of the charter of any corporation now existing or alter or amend the same, nor pass any general or special law for the benefit of such corporation, other than in execution of a trust created by law or by contract, except upon condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

SEC. 233. No corporation shall engage in any business other than that expressly authorized in its charter or articles of incorporation.

SEC. 234. No corporation shall issue stocks or bonds except for money, labor done, or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general laws, nor without the consent of persons holding the larger amount in value of stock, first obtained at a meeting to be held after 30 days' notice, given in pursuance of law.

Sections in Code of Alabama, 1907, for organizing corporations:

SEC. 3445. How to incorporate: Three or more persons may become a body corporate for the purpose of carrying on any lawful business or businesses of any kind or nature whatsoever upon making and filing a certificate pursuant to the provisions of this article.

SEC. 3446. Certificate, contents of:

1. Name of corporation.
2. Object.
3. Location.
4. Capital stock: The amount of the total authorized capital stock, which shall not be less than $2,000; the number of shares into which the same is divided; the amount of capital stock with which it will begin business, which shall not be less than 25 per cent of the authorized capital and in no case less than $1,000; but if the corporation is formed for the purpose of carrying on the business of banking or that of a trust company, the amount of capital stock with which it will begin business shall in no case be less than $25,000; or if the corporation is formed for the purpose of carrying on the business of insurance in any of its branches, or of any kind or nature whatsoever, except title guaranty companies, the amount of capital stock with which it will begin business shall in no case be less than $100,000. If there be more than one class of stock created by the certificate, there shall also be stated a description of the different classes of stock, with the term of which each class is created.
5. Officer to receive subscription.
6. Incorporators and shares.
7. Time limit: The period, if any, limited for the duration of the corporation.
8. Special requirements.
9. For public or municipal works.
10. Special provisions.

SEC. 3454. When a body corporate: When the certificate has been made, recorded, and filed as provided, the incorporators, their successors and assigns, shall constitute a body corporate under the name set forth in the certificate, but subject to dissolution as provided for in this code.

SEC. 3455. Statement to be filed with the secretary of state.

SEC. 3467. Capital stock; how paid: All subscriptions to or for the capital stock of the corporation must be payable in money, but may, except as otherwise provided in this article, be discharged by the rendition of stipulated necessary services or the performance of stipulated necessary labor, or the transfer of property, at the reasonable value thereof, but in such cases the subscription list shall state the names of the subscribers who are privileged to discharge their subscriptions in services or labor or property, and the nature and character of the services of labor in which the same are rendered or performed, and the character and a brief description of such property, and when it is to be transferred to the company.

SEC. 3481. General powers of corporations: Every corporation organized under article 1 of this chapter shall have the following powers:

(1) Time limit: To have succession by its corporate name for the period limited in the certificate of incorporation, and when no period is limited, perpetually; except that corporations formed for the purpose of carrying on the business of banking shall not be extended beyond 20 years from the date of their organization, unless renewed or extended as in this chapter provided.

SPECIAL PROVISIONS AS TO POWER COMPANIES.

SEC. 3634. Authority to erect dams: Any dam erected in accordance with the provisions of this statute shall be considered a dam authorized by the legislature of this State at the particular site selected and of the specific height and dimensions determined upon.

SEC. 3635. Shall have powers conferred upon other public-service corporations: Such corporations and public-utility corporations shall have and exercise all the rights, powers, and privileges now and hereafter conferred upon public-utility corporations.

SEC. 3636. Duty to serve the public: Any corporation which exercises any of the rights conferred by this article shall, after the completion of its works and plants, be under the duty and obligation to the public to manufacture and sell to the public electric current produced at its plants, and any corporation manufacturing, selling, and supplying power, heat, light, or electricity produced by water as a motive force under the provisions of this article, must sell such power, heat, light, or electricity to any person or persons, municipal or other corporations, in the order in which requests or demands are made for such light, heat, power, or electricity. Nothing herein, however, shall be construed to require any such corporation to furnish light, heat, power, or electricity to any person or persons, corporation or corporations, until satisfied of his or its financial responsibility, and except in conformity with its reasonable rules and regulations and reasonable prices for the same, and except as far as the capacity of its plant will permit.

The constitution and laws of the State of Alabama in regard to corporations I submit are quite similar to the constitution and laws in Ohio, only better in many respects. To meet conditions that are now arising the laws of the State of Alabama are better than the laws of the States that have older constitutions. Still the same course has to be pursued to organize a corporation in the State of Alabama that is pursued in the State of Ohio. The certificate issued by the secretary of state of the organization of a corporation does not give the name of the president nor of any of its officers. It is not considered of any importance. The granting of the charter by the State under its general law gives character to the corporation in Alabama or elsewhere, and offers sufficient guaranty that the rights of the public will be protected. I was asked on the floor of the House the other day to give the names of the officers of this corporation, and I did not know their names. The certificate of its charter from the secretary of state is now in my hand, and is as follows:

DEPARTMENT OF STATE,
Montgomery, Ala.

I, Cyrus B. Brown, secretary of state in and for the State of Alabama, do hereby certify that there has been filed in this office report of incorporation through the probate court of Walker County, Ala., of the Birmingham Water, Light & Power Co. (Inc.), under date of July 17, 1909, with an authorized capital stock of $20,000 and capital stock actually paid in of $20,000, and that said report is in full compliance with the statutes of this State.

I further certify that the said Birmingham Water, Light & Power Co. (Inc.) has filed in this office a copy of plans for the construction of a dam or system of dams and a lock or system of locks, and certified copy of its articles of incorporation, as required by section 6148 of the Code of Alabama, 1907.

In testimony whereof I have hereunto set my hand and affixed the great seal of State, at the capitol, in the city of Montgomery, this the 12th day of August, 1911.

[SEAL.] CYRUS B. BROWN,
Secretary of State.

I will insert it in the RECORD, but will not take time to read it. The names of the officers do not appear in this certificate. I have learned the name of the president of the corporation, but not much of his history. His name is T. H. Friel. His father was an Irishman, who came to this country as a stonemason and settled near Birmingham, Ala., in Jefferson County, where the son was born. This corporation was organized in 1909 for the distinct purpose of developing water power. Under the laws of Alabama you can not have a special charter for corporations any more than you can in Ohio. They must be organized under the general law, as they ought to be. It is organized under the general laws of Alabama, under which, so far as power companies are concerned, the State has authority to establish rates or "reasonable prices" that are to be paid by consumers. So that when this corporation was organized by the State of Alabama to go into the business of developing, using, and selling water power, embedded in its articles of incorporation was the principle that it must serve the public and "must sell such power, heat, light, or electricity to any person or persons, municipal or other corporations, in the order in which requests or demands are made, and charge reasonable prices for the same." It is unobjectionable to me to add an amendment, if you think it improves it, to confer like authority upon the Secretary of War. That such amendment will improve the bill, I can not agree. And why? Because it will confer the power to fix rates on two jurisdictions—one the Secretary of War and the other the State of Alabama.

Still, I have no objection. If it be an improvement, I would like to see it put in, and welcome all amendments that look in the direction of improving the bill—

> Whoe'er expects a perfect bill to see,
> Expects what never was, nor is, nor e'er shall be—

especially if it has to pass under the censorship of the gentleman from Illinois [Mr. MANN], and this bill is not perfect. No one claims it is perfect. There are in the hands of the chairman of the committee amendments to meet every suggestion made on this floor looking to improvement of the provisions of that bill along broad lines, and whatever other proper amendments are suggested, as they are suggested, if I have the opportunity, will be readily accepted. If in my judgment an amendment offered does not improve the bill, then let the House test it, and when the House says by its vote it is an improvement, I will be satisfied, provided it does not go so far as to make the contract impossible of execution by laying too heavy a hand upon a citizen of Alabama who has organized a corporation for the purposes of developing water power in Alabama under the general laws of the State. He has not $3,000,000, as I understand, nor has the corporation $3,000,000, nor the hundredth part of it. It expects to bond its property and rights that it may acquire under this bill, if it gets the rights to develop that water power, with capitalists who have the money. I admitted here the other day, and I admit it again, Alabama has as many and valuable natural resources as any State in the Union: It is equally true it has not the capital or money in its own territory to develop its natural resources.

I will illustrate. The United States Government needed brains in Panama; brains first to meet disease and stamp it out and make it healthful. They called for a doctor. Alabama re-

sponded with one of her natural resources and offered Dr. William C. Gorgas, and the Isthmus is free from disease to-day. He was one of Alabama's natural resources. The State of Alabama had another natural resource, a young man who did not have the means at home for development, nor did his parents, and he was taken to West Point and educated there. The capital was furnished by the United States Government, and when it wanted to build Gatun Dam, the greatest engineering project ever dreamed of, they detailed for that great work Lieut. Col. William L. Sibert, a natural resource from the State of Alabama [applause], developed and cultivated by capital furnished by the Government of the United States.

What has been the practice of this Government in regard to power? What are the precedents? I will start with the State of New York. At Niagara Falls, the water power of which is a natural resource, not a dollar was spent by the State of New York, not a dollar was paid to the United States by a corporation organized in the State of New York for the purpose of utilizing that power, and they get 160,000 horsepower a year without a dollar rental for it—a natural resource. So in the Tennessee River at Hales Bar the Government authorized the erection of a dam there by a company under similar conditions which now obtain in this bill, and they authorized the development of power there without a dollar charge in rentals and with a time limit of 99 years. Ninety-nine years is the time limit, and not one dollar charged for rent of horsepower. In Kentucky, that splendid, that grand old State, in which every human being feels an interest and in which every American finds a home, has the same law in regard to corporations almost that Alabama has, and has similar provisions in its constitution in regard to internal improvements, thereby forcing internal improvements such as this to be done by corporations, if done at all—this great State asked and received from the General Government authority for one of its corporations to erect a dam in the Cumberland River and a lock with that dam, and the corporation authorized to charge toll for navigation through that lock for a period of 40 years, and the power was given to it forever without a dollar expended in the payment of rents or any other charge or revenue to the United States.

The last river and harbor bill authorized on the Coosa River in Alabama a power company to develop power and pay to the General Government $1 a horsepower for its use. A few years before on the Coosa River the Government authorized power to be developed there with no charge whatever and no regulation of the rate to consumers. Up to date the Government has developed power throughout many States, all at its own expense, and they sell that power at from 65 cents to $2.85 a horsepower and in all these numberless propositions the amount received by the Government up to this time is $5,600 a year. This bill proposes for a small corporation in Alabama to pay the Government $15,000 a year when the Government does not expend a dollar beyond the cost of navigation improvement toward the development of the power, which is three times as much rental as the Government has ever received from all power developments in the United States up to this time. The proposition in the bill is a plain, practical business proposition. There are two points on this river at which power is to be developed. One is at Lock 17, which the Government owns. It owns the land; it is the riparian proprietor. It is the Government of the United States which controls commerce and navigation and proposes now to build a dam for navigation and for commerce that will not develop a pound of power, not a foot of it—unless the foundations of the dam are prepared now for power development—but requires a dam 63 feet high in order to float the boats that pass along up and down that river. There is another dam to be constructed and power to be developed 50 or 60 miles above with which the United States Government has nothing to do. The land there is owned on both sides of the river by this power company, organized under the laws of Alabama for the special purpose of developing water power on its property and under its rights as riparian owner.

I have in my hand a partial list of projects already enacted where power has been developed in connection with navigation and where water has been developed for irrigation purposes and the rights have been conferred on corporations, together with a memorandum furnished to me August 11 from the Engineer Office and a memorandum from the said office dated June 11, 1911, which I desire to insert in the RECORD.

Some water franchises to corporations.

Localities.	Companies.	Date of franchise.	Nature of franchise.	Remarks.
Tennessee River at Hales Bar below Chattanooga, Tenn.	City of Chattanooga, or private company.	Apr. 26, 1904.....	Company to build lock and dam (estimated cost, $775,654); the United States to furnish lock gates and machinery (cost, $229,720).	Life, 99 years; company to pay flowage rights and to furnish power for operating lock and lighting buildings and grounds.
Cumberland River and tributaries, including South Fork.	Cumberland River Improvement Co.	Mar. 3, 1905.....	Construction of locks and dams for power and navigation purposes.	Water-power rights perpetual. Right to collect tolls expires after 40 years, after which locks shall be operated by United States.
Mississippi River at Keokuk, Iowa.	Keokuk & Hamilton Water Power Co.	Feb. 9, 1905.....	To build dam, lock, dry dock, and appurtenant works, to replace existing structures built by the United States, the lock and dry dock to become the property of the United States, to be operated and maintained by it.	Life, perpetual; no charge. A flowage proposition. Height of dam, 30 to 35 feet.
Pea River, Ala.....	Pea River Power Co.....	Feb. 23, 1906.....	To build dam, with facilities for passing logs, timber, etc., and other works to meet the requirements of navigation.	Life, perpetual; no charge.
Choctawhatchee River, near Newton, Ala.	Choctawhatchee Power Co..	Apr. 5, 1906.....	.....do.....	Do.
Tennessee River at Muscle Shoals.	Any company with authority from State of Alabama.	Mar. 6, 1906.....	To build power dams.....	Locks, if any, to be built by United States. No charge except flowage rights and that company is to furnish land for lock (and approaches) and power to operate same. Rights conferred to cease upon failure to comply with any requirements of the act.
Coosa River at Dam 2.....	Any riparian owner with authority under State of Alabama.	May 9, 1906.....	To build power dams.....	Do.
Sacramento River, Cal., between Swifts Point and Squaw Hill.	Central Canal and Irrigation Co.	.....do.....	To divert 900 cubic feet of water per second for irrigation, at all seasons of the year when not needed for navigation.	No time limit, but franchise may be revoked for violation of general laws affecting navigation; also "after 15 years from the passage of this act, the rights hereby granted shall be subject to cancellation by the Secretary of War, without any further act or procedure on the part of the United States, as to such portion of the waters as are not then applied to beneficial use. No claim to be made against the United States on account of this cancellation.
Little River, Ala.....	Henry T. Henderson et al...	June 30, 1906.....	Right "to perpetually divert the waters of Little River" from lands owned by the United States for power purposes near Blanche, Cherokee County, Ala.	Payment to be made to the Secretary of the Interior "of the reasonable value" of the water within six months of passage of the act.
Coosa River at Dam No. 12...	Alabama Power Co. (Pat. Lay.)	Mar. 4, 1907.....	To build dam for power development.....	Life perpetual, but may be terminated upon failure to comply with requirements of act. No charge except to furnish land and power for lighting and operating lock to be built by United States.
Coosa River at Dam No. 4....	Ragland Water Power Co...	Feb. 27, 1911.....	Contract to complete dam and use water for power purposes.	Life, 50 years. Company to pay flowage rights, to furnish power to light and operate lock, and to pay $1 per 10-hour horsepower per annum for power due to natural flow and additional amounts for power due to flowage reservoirs, the latter rates to be adjusted by Secretary of War at 10-year periods.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, August 11, 1911.

(Memorandum of Hon. GEORGE W. TAYLOR.)

1. The rental received for horsepower per year in the case of the Muskingum River dams varies from $0.61 to $2.85. The calculations upon which these figures are based are made with the assumption that the lift of the dam is the maximum possible. As a matter of fact, the horsepower which can be generated varies at each location as the fall over the dam varies, at high water stages the dams being drowned out and no power being available.

2. The amounts above referred to are itemized as follows in the case of the Muskingum River:

Dam No.	Locality.	Amount.	Rental per horsepower per year.
1	Marietta	182	$1.65
2	Devols	178	.61
3	Lowell	321	.88
4	Beverly	305	1.06
6	Stockport	166	1.59
7	McConnellsville	264	1.21
10	Zanesville	681	2.85
		704	2.24

These leases are made after bids have been publicly invited.

3. On the Green River power is leased at Dam No. 2, located at Rumsey, for $3.75 and $4.40 per horsepower.

4. In many of the above-mentioned cases the leases include certain property owned by the Government to be used by the lessee for mill sites, etc., so that the above-stated rates are to be considered as including a charge for the lease of the property as well as a charge for the right to use the power.

5. The following is quoted from a letter dated August 1, addressed to the chairman of the Rivers and Harbors Committee of the House of Representatives by the Acting Chief of Engineers:

"In considering the rate of charge and the time-element features of this bill the department has been governed somewhat by a consideration of the facts that it is undoubtedly to the interest of the Government and of the country that the water power be developed; that the development is located in the heart of a coal region where steam power is cheaply produced; that the Government will obtain a suitable improvement for navigation more cheaply in the long run if the improvement is combined with water-power development; and that if the terms of the cooperation are made too onerous the company might refuse to enter into contract, the Government thus losing the advantage of decreased ultimate cost, and the water power being perpetually wasted. A telegram received from Maj. Flagler relative to the rate of charge provided in this case states: 'One-dollar rental horsepower, my letter May 3, is believed to be high, and is based on price stated in bill and apparently satisfactory to power company. One dollar capitalized at 5 per cent represents $20, increase on first cost of installation of power plant per horsepower over free water power, which I consider high for available horsepower and construction costs on Black Warrior, as determined by me. Power company's estimates are doubtful as to market price of power developed and amount available dollar price is based on assumption that all additional costs power installation are borne by company.' At the expiration of the periods stated in the bill it will be possible to make a more exact determination of the rate which should be charged, since the construction costs, sale prices, and amounts of power developed will then be definitely known."

6. In the cases above referred to, the expenditures required to develop the water power have all been made by the Government, whereas in the proposed development on the Black Warrior the amount of the water power is greatly increased by the regulation of flow which will be obtained by the operation of the storage dam proposed to be constructed by the power company; and that company expects also to construct that portion of the dam at No. 17 which will constitute the foundations for its power house. It expects also to pay the cost of all flowage rights over all lands to be flooded by the dam. In the case of the Muskingum River dams and other dams at which horsepower has been developed and sold by the Government, such expenditures have been made by the Government alone. This last statement does not apply to the dams now under construction at Hales Bar, Tennessee River, and at Keokuk, Mississippi River, since in those two cases all expenditures are made by the power companies, and no charge is imposed for the use of power.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, June 22, 1911.

(Memorandum concerning water-power leases under War Department.)

1. Under special provisions of the act of Congress of 31st of July, 1888 (p. 507, laws of the United States, improvement of rivers and harbors), the act of 19th of September, 1890 (p. 572, same publication), the act of 13th and 28th of June, 1902 (pp. 987 and 1024, same publication), and under special cession by the State of Kentucky to the United States, 24th of January, 1880, the War Department is at present leasing water power in about 39 places in connection with 7 dams on the Muskingum River, Ohio; 2 dams on the Green River, Ky.; 1 dam on the Barren River, Ky.; and 1 dam on the Kentucky River, Ky., with a right to make leases on 1 dam on the Cumberland River, Ky., the total gross revenue thus received by the Government being about $5,600. These acts in general authorized the Secretary of War to fix a time limit not exceeding 20 years and a rate and other such conditions as may seem to him expedient, the lease to cover the use of surplus water not required for navigation in such way as not to interfere with navigation; then on the Muskingum, Green, and Barren the Secretary of War is also authorized to lease mill sites under much similar conditions; all moneys received from these leases to be turned in to the Treasury of the United States semiannually or annually, and an itemized statement of the same to accompany the annual report of the Chief of Engineers (the statements for the year 1910 are found on pp. 1984, 2004, and 2041, Annual Report of the Chief of Engineers.)

Not only that, but I will say to those gentlemen who fear the possibility of watered stock that the constitution of the State and the laws of the State do not wait for a corporation to water its stock in order to squeeze the water out. They require corporations to be organized in such shape that no water can get in. No bond can be issued, no stock can be issued, that is not paid for with money or labor or property actually paid in at a fair valuation. And that is the case with this proposition.

The situation is simply this: The Government wants to develop power at Lock and Dam No. 17, and ought to do it, with the best contract that it can make. What do its engineers say? They say the best you can do, unless it is increased from the storage dam above the point of navigation as now fixed by the engineers, is to generate not over 900 primary horsepower at Lock 17 by the normal flow of the river.

Suppose the Government wants to lease or sell this power? It can only lease or sell it at Locks and Dams Nos. 16 and 17, and the engineers say that the maximum, with the regular flow of the river unaided by the storage dam to be erected by this company, will only make 900 primary horsepower. What sort of a contract could you make under those circumstances? The contract prepared by your committee in connection with this company on such dam requires that the company shall pay on the minimum basis of 15,000 horsepower a rental of $1 a horsepower, or $15,000 a year on what Government engineers say can not produce that amount of power. Put that up to a bidder and what would you get for it? Would you get as much as $15,000 per annum? Of course not.

You can only get that rental from the company that owns the right to develop power at the point where the engineers say, if it is ever developed beyond what they expect, must come from the storage dam at Sanders Shoals. The engineers employed by the company had higher expectations, and that was why your committee requires the company to come up to 15,000 as a minimum basis. The Senate bill as it came to our committee required $10,000 per annum. We require 15,000 horsepower as a minimum to be paid for, making $15,000 rental per annum for the first 20 years. That accounts for these figures. The engineers representing this corporation think they could more than double the development that the engineers of the Army estimate for, and we thought it our duty to make the company pay according to what they expected to get, and we did it. You could not get such a contract as that by putting the matter up to the highest bidder for power at Lock 17.

Mr. MADDEN. Will the gentleman yield?

Mr. TAYLOR of Alabama. With pleasure.

Mr. MADDEN. They do make a statement that it is possible to get 25,000 horsepower in some seasons of the year, do they not?

Mr. TAYLOR of Alabama. No; I think not.

Mr. MADDEN. I thought that statement was made by the engineers.

Mr. TAYLOR of Alabama. I never saw it.

Mr. MADDEN. I will ask the gentleman from Florida [Mr. SPARKMAN] if they did not state it.

Mr. SPARKMAN. That is in stages of high water.

Mr. TAYLOR of Alabama. That is in stages of high water, which are occasional and last two or three weeks, and I do not know whether you could negotiate a business proposition to meet that situation or not; that is, in time of freshets. But that would not in any sense be primary power, and I am speaking now of primary power.

In answer to the gentleman from Illinois [Mr. MADDEN] the other day, I stated that 30,000 horsepower was expected to be developed. I find that was misunderstood. I meant at both dams, not alone at Dam 17, but at the storage of the company at Sanders Shoals included; and only half of that would be primary power, which would make about 7,500 at the locks and 7,500 at the storage dam. But if they produce 100,000 horsepower, as the gentleman seems to expect, under this bill they would have to pay on the 100,000 that was produced. The $15,000 annual rental required under the bill is merely the minimum charge to be made.

Mr. AMES. Will the gentleman yield?

Mr. TAYLOR of Alabama. With great pleasure.

Mr. AMES. Is not this proposition, stripped to its smallest expression, this: To prevent water power that may be developed at the Government dam coming in connection with water power that may be developed by the company?

Mr. TAYLOR of Alabama. I think not. On the contrary my view is and the facts are that the water-power company finding out that their dam above was insufficient as a paying investment, looked into the river below and discovered the possibility of developing at Dam 17 power enough in conjunction with that to be developed at their storage dam to make a pay-

ing investment. The company gave the result of their investigation to the War Department, and urged the engineers to adopt the 63-foot lift at Dam 17 in order to secure water power on the Black Warrior River. The company sought naturally to obtain the benefit of their discovery or suggestion for the development of power at this point.

Mr. AMES. Suppose your Alabama corporation, organized under the laws of the State, in developing water power above navigable waters, does not have control of the power that might be developed at this Government Lock 17 if it were built to a height of sixty-odd feet, do you suppose the Alabama company could compete for a minute with water power developed there in real competition?

Mr. TAYLOR of Alabama. There will be no water power developed at Dam 17 unless by some corporation—this company or some other. There is no intention on the part of the Government at its own expense to develop water power there at all. If the water power is not developed by this corporation or some other, it will never be developed.

Mr. AMES. I say, if it should be, could the corporation compete?

Mr. TAYLOR of Alabama. I am inclined to think it would drive the company out of business. The Government has always been just, and I believe it always will be just and will never take away from anybody or anything a right that equitably belongs to it, not even the equity of discovery or suggestion.

Mr. AMES. But if the Government builds one dam instead of two or three and increases the head from a few feet up to 60-odd feet the water power can be developed there if a provision is put in to utilize it?

Mr. TAYLOR of Alabama. That could be done, and is exactly what this bill proposes should be done.

Mr. AMES. You have a head of water and a quantity of water, have you not?

Mr. TAYLOR of Alabama. Yes.

Mr. AMES. And unless this corporation has the controlling interest for a number of years—you propose to make it 50—in the power to be developed at this Government dam, how could they afford to put their money into a dam above navigable water and enter into competition with a Government dam?

Mr. TAYLOR of Alabama. Because they have the power to control, over and above the normal flow of the river, by the erection of their dam, so much more power than the Government could develop at that lock that they would still be in position to control by reason of their storage dam.

Mr. AMES. The gentleman seems not to follow me. Is it not true that the Government can build either one dam or three dams?

Mr. TAYLOR of Alabama. Yes.

Mr. AMES. Suppose the Government built one dam?

Mr. TAYLOR of Alabama. Then you can develop power.

Mr. AMES. Then you can develop power; yes. There is no reason why the Government should not do that instead of building three dams?

Mr. TAYLOR of Alabama. Oh, yes; the Government ought not to put three dams or more in a river when it knows beforehand that it is going to put all water power to sleep in that river.

Mr. AMES. That is what I say: Build one dam instead of three dams.

Mr. TAYLOR of Alabama. That is exactly what I have been endeavoring to say.

Mr. AMES. If the Government builds that one dam, then power can be developed there?

Mr. TAYLOR of Alabama. Certainly.

Mr. AMES. If the Alabama corporation builds farther up the river they will have to compete with the Government dam? They will have to compete, or do you propose to give to them?

Mr. TAYLOR of Alabama. We propose to sell it to them, not to give it—to let the company spend the large amount of money necessary for a power and to pay rent for it.

Mr. AMES. So that this thing resolves itself into this proposition: That the Alabama company, in order to safely invest its funds, must have a controlling interest for at least 50 years, as you provide, in the possibility of water power developed at the Government dam.

Mr. TAYLOR of Alabama. No; not a controlling interest, but an absolute interest for 50 years, in consideration of the money invested and of flowage rights, free of cost to the Government and of annual rental.

Mr. AMES. Then, have I overstated the proposition?

Mr. TAYLOR of Alabama. I think you have.

Mr. AMES. In what way?

Mr. TAYLOR of Alabama. I will try to answer the gentleman from Massachusetts as clearly as I can. The engineers for the company, New York gentlemen who have investigated this proposition——

Mr. AMES. If the gentleman from Alabama will permit, I understood the gentleman, when he spoke the other day, to say that northern engineers had gone down and viewed this projected enterprise of your Alabama company, and had advised that company that to manufacture water power only at their dam above navigable water would not be an advisable enterprise——

Mr. TAYLOR of Alabama. That is right——

Mr. AMES. And recommended that they manufacture water power in two places.

Mr. TAYLOR of Alabama. Yes. If they could secure the concession by the raising of Dam 17.

Mr. AMES. I sought in my mind a reason for that, and it occurred to me, as it would to anyone who thinks about it, that for them to build their dam above navigable water and by some possibility the Government decided upon one dam and not three, so that water power might be developed at the Government dam, their investment would be thrown away, because they could not compete with the power developed at the Government dam with sixty-odd feet head. That is the reason why I asked if this bill, stripped of all but its proper title, does not mean that the Alabama corporation does not want to compete with power developed by the Government dam.

Mr. TAYLOR of Alabama. No; I do not think it does, because the Alabama corporation does not expect nor does any Alabama citizen expect the Government to develop water power at that dam and run a power plant of its own.

Mr. AMES. The gentleman and I agree that the Government ought to build one dam rather than three.

Mr. TALOR of Alabama. Yes; and I say the Government ought to develop water power there, but the Government will not do it.

Mr. AMES. The Government ought to be forced to do it.

Mr. TAYLOR of Alabama. We can not afford to wait until the Government is ready to go into that business. We want our development to precede that. The Government can resume its rights on that proposition whenever it wants to, but I do not want the Government to build three or more dams and lose the water power which can be obtained by raising one dam to 63 feet lift instead.

Mr. AMES. I quite agree with the gentleman on that.

Mr. TAYLOR of Alabama. Now, the question is to dispose of that water power. If the gentleman from Massachusetts [Mr. AMES] desires further to ask questions, I will try to answer; otherwise I would like to proceed with my remarks. As I view the situation, the Government has a navigation proposition which the engineers suggest had better be solved in this way: It is more economical to build one dam to produce the same amount of slack water and furnish the same amount of navigation that would be furnished by five dams, independently of whether there is any water power developed or not. If that dam is built to a height of 63 feet, then the engineers notify Congress that power can be generated there; but they can not raise the dam so as to generate it unless Congress authorizes it to be done.

Mr. AMES. Why?

Mr. TAYLOR of Alabama. Because a dam for the mere locking of a river, to furnish water on which to run steamboats, is a very different dam from one necessary to provide power.

Mr. AMES. Oh, not very different.

Mr. TAYLOR of Alabama. I will take out the word "very." It is sufficiently different that the engineers, unless specially authorized to make the change, would not and could not erect a dam with foundations for generating water power under authority to provide locks and dams for navigation alone.

The CHAIRMAN. The gentleman's time has expired.

Mr. SPARKMAN. Will the gentleman from Illinois [Mr. MANN] use some of his time?

Mr. MANN. Mr. Chairman, I yield 30 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, the idea contained in this proposition is not altogether new to me, although this particular project is.

This question arises incidentally in matters coming before the Committee on Interstate and Foreign Commerce. I am not yet satisfied as a legal question that where the Government undertakes to improve navigable rivers for purposes of navigation within a State it acquires any property right to anything that is not used, or needed to be used, in the navigation of that stream or the maintenance of the improvement for navigation purposes. I am not yet satisfied that when the question is made the courts will hold that this incidental power, which has only become valuable and important since the development of elec-

tricity, belongs to the Government. I am not aware that that question has yet been made before the courts.

If the Government has a property right in this water power, to be used for other purposes than maintaining navigation, it has an absolute and unfettered property right. It not only has a right to use that water power for its own purposes in maintaining navigation, but would have a right to use it in operating machinery for Government purposes. What is the difference between owning the power by which manufacturing may be done and manufacturing with that power? This is a pretty large question.

I do not expect to address myself very closely to this project, but what does it include? It looks reasonable, it looks just, that where the Government improves a navigable stream for the purpose of navigation, and incidentally growing out of that development a valuable property right or power is created, that inasmuch as the people have to be taxed for creating the power the people should have the return of the revenues growing out of a proper disposition of that property, either by way of lease or absolute sale. That seems to me like a reasonable and just proposition.

But where will it lead us? I am in favor of improving every navigable waterway in this country where the object and purpose is to develop commerce; that is, transportation commerce, transportation upon the stream improved thereby. But what will this kind of legislation lead to? Where some gentlemen, or a corporation, desire to have the Government create a power or an improvement to create a power, the pretext for improving navigation will be what will be brought to Congress. Now, we all know what effect that will have.

Mr. HUMPHREYS of Mississippi. The gentleman does not think that applies to this particular project?

Mr. SIMS. Oh, I leave that to the Rivers and Harbors Committee, because it knows more about it than I do.

Mr. HUMPHREYS of Mississippi. The gentleman understands that he himself voted to put in three low dams there.

Mr. SIMS. I voted for the river and harbor bill.

Mr. HUMPHREYS of Mississippi. Well, this was included in it.

Mr. SIMS. It provided for the improvement of this river for the purposes of navigation only. Now, is it necessary to improve the navigation of the river to repeal, alter, or amend that law?

Mr. HUMPHREYS of Mississippi. The gentleman does not understand my question.

Mr. SIMS. Yes; I do. Will the gentleman answer my question: Is it necessary now for the purpose of navigation to alter, amend, or modify the law that now provides for that improvement?

Mr. HUMPHREYS of Mississippi. It is very desirable, but it is not necessary. It is considered economical and will save the Government a great deal of money.

Mr. SIMS. I always have a fear of bargain-counter legislation. Now, the River and Harbor Committee, when it had before it the purpose of improving the river for navigation only, did not conceive of a 63-foot dam and did not provide for it. Now, who started this? Has this come up upon the motion of the River and Harbor Committee with the view of creating a better navigation project than the one the law now provides for? I have not heard that claim made. The law is already passed, the appropriation is already made, the contracts are already let, and are sufficient for the purposes of improving this river for the only purpose which I contend Congress has any power to do, and that is navigation.

Now, it is proposed to amend or modify that law and even change the contracts so as not to improve navigation but create a water power. Is not that true?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. RICHARDSON. Will the gentleman allow me one question?

Mr. SIMS. If the gentleman will be brief; I have not much time.

Mr. RICHARDSON. I voted for the river and harbor bill.

Mr. SIMS. What is the gentleman's question?

Mr. RICHARDSON. After we have authorized the construction of three dams the engineers investigated the matter and concluded that we can get along by building one dam for the purposes of navigation and that thereby we can save $250,000, not saying a word about the water power. Would not the gentleman favor that?

Mr. SIMS. I am in favor right now of making any modification, alteration, or amendment of this law which of itself is in the interest of navigation, divorcing it entirely from the creation of any water power or sale or disposal of same. If you will strike out of this bill the proposition to dispose of this property, assuming that the Government owns it, to individuals, corporations, or anybody else, until after the project has been completed and we know what we have got to sell or lease, I am perfectly willing to take the judgment of the Rivers and Harbors Committee and vote for that amendment, because I do not want to put any obstruction in the way of improving navigation.

Mr. HUMPHREYS of Mississippi. Would the gentleman object to the alteration of this plan to build the dam 63 feet high if by so doing he could create a water power that could be sold and thereby cheapen the improvement on the river to the people?

Mr. SIMS. I do object seriously to creating by legislation an improvement of a water power that has not for its object and purpose improving navigation, but to create a water power for the Government to let it to favorites or anybody else.

Mr. SMALL. Mr. Chairman, I would call the attention of the gentleman from Tennessee to the river and harbor act approved June 25, 1909, which requires the engineers in making an investigation of the improvement contemplated to obtain a survey and report, "as provided for herein or as may be hereafter provided for," and, in addition to full information, and so forth, a report as to the development and utilization of water power for industrial and commercial purposes.

Mr. SIMS. Growing out of the improvement of the river.

Mr. SMALL. What was the purpose of that act, if not to utilize it?

Mr. SIMS. I said that wherever a water power is created or grows out of a navigation project, per se—in other words, where navigation is the object and purpose and water power is the mere inevitable incident or accident following it—then, if within a State the Government has the power to dispose of that property, it should be disposed of as the Government would any other kind of property to which it has undisputed title.

Mr. SPARKMAN. Would it make any difference in the gentleman's views if he know that there was no water power to be developed by the building of this dam 63 feet high?

Mr. SIMS. If it is to the interest of navigation to build it 100 feet high, considering navigation only, then I will vote for it.

Mr. SPARKMAN. And that the only power that is to be developed would be by this company constructing this dam 100 feet high?

Mr. SIMS. Well, I do not want the temptation continually held out to gentlemen or corporations throughout the United States to come to Congress and advocate the improvement of a stream for navigation, ostensibly, when in fact their intention is to create a power in the hands of the Government and then get control of it afterwards. I think, like the gentleman from Kentucky [Mr. SHERLEY], that we ought to pass a general law, and if we do recognize an absolute property right in the Government to power incidentally created by navigation-improvement projects, to provide in a general law how that power shall be disposed of, and that it shall not be disposed of to a particular individual or corporation, by the terms of the act authorizing the particular project. I understood the gentleman from Alabama [Mr. UNDERWOOD] to say, and I may be mistaken, that there are already four large power projects within reach of Birmingham, so no industry there will suffer for lack of power, and it seems from the argument made here that competition will be ample, so that after this thing has been made it may prove to be a commercial failure. Then who is to enforce the payment of $15,000 a year for 20 years; how is the Government to get the money? A $50,000 bond would not cover it for 20 years, and the company is to have it for 20 years for $1 a horsepower per annum before the Secretary of War has any right to ask for a readjustment. I am not confining my objection to this particular bill, but if we pass a bill of this nature, where it is admittedly not necessary to improve the stream for navigation, where there is no claim that it is done in the interest of navigation——

Mr. SPARKMAN. Oh, I beg the gentleman's pardon.

Mr. SIMS. But the gentleman just now told me that the law was sufficient for navigation.

Mr. SPARKMAN. But it is a distinct advantage to build that dam 63 feet high.

Mr. SIMS. Then why did not you recommend it in the first place?

Mr. HUMPHREYS of Mississippi. Because the engineers did not report it that way.

Mr. SPARKMAN. Simply because they could not see any advantage in building that dam 100 feet high.

Mr. HUMPHREYS of Mississippi. Does the gentleman think that the engineers ought never——

Mr. SIMS. Mr. Chairman, I must get through with my remarks, and I shall decline to yield.

Mr. HUMPHREYS of Mississippi. The gentleman possibly remembers that Members of the House took up about 40 minutes of my time the other day in propounding questions.

Mr. SIMS. I did not.

Mr. HUMPHREYS of Mississippi. I thought probably that might influence the gentleman somewhat in yielding to me.

Mr. SIMS. The gentleman ought not to take out his revenge upon me when I absolutely let him alone. Now, if the Army engineers prepare a project for improvement of a waterway before a water-power temptation is suggested and then change their plans afterwards and make a different report, we do not know what the next report will be, and therefore I say it is not safe when authorizing navigation projects as such to include a proposition to affirmatively create a water power. Even the incidental power is dangerous, though it can not be helped. It furnishes an excuse and an argument for making appropriations to improve streams simply for the profits that may grow out of the incidental power or incidental property that is created rather than for the benefit of commerce and navigation that would exist without it. It is like this cry for a tariff for revenue with incidental protection. Nine times out of ten the Member who is advocating a tariff for revenue with incidental protection is moved by the incidental protection rather than the revenue to come from it. Now, the temptation will go out to the country that we will vote to improve a river ostensibly for navigation, but in fact to create a water power and thus get it at a price at which privately owned and privately created power can not compete. Now, the unnavigable streams may have great power developed or created and the Government have absolutely no control of it. Why, I suppose a short distance above this, 40 or 60 miles, the stream is not navigable; yet a power might be created there by private capital, and right below there is a 20-year absolute contract for $1 per horsepower. Who would put a dollar as a private individual in the improvement of a water power located above that point where navigation is not intended or contemplated that would have to compete with this power? Whenever you improve rivers ostensibly for navigation, but simply to create a power, and then lease it out for a great number of years at a mere nominal figure, you absolutely block private enterprise in locating industries in that section of the country where they have to compete with that power.

I think we should take up this question and look at it in all its aspects, not in reference to this particular bill merely. Nobody knows what power is going to be worth 20 years from now. It is utterly impossible to tell. What was it worth 20 years ago? I do not suppose that water power at this place 20 or 30 years ago would have sold for 5 cents a horsepower per annum. It is the developing of electric power generated by water power that is creating this revolution, and the value of electric power is in the use of it beyond its place of creation, which depends almost entirely upon the expense of transmission. Now, that is one of the great problems that is being worked out, the cheapening of transmission. Suppose the transmission of electric power from this point to Birmingham and other cities is reduced half or less than half in the next 20 years of what it now is. You have developed a value in that water power without spending a dollar. Now, if this is a proper right inhering in the Government and belonging to it, it ought then never under any circumstance to let it out, lease or sell it in any way other than as provided by a general law as to the disposing of Government property under any and all circumstances. Why I do not understand that the Committee on Rivers and Harbors proposes or would for a moment think about approving a navigation project simply that water power might be thereby created where none existed, but that in effect is what this bill does. It is true, if I understand the gentleman from Alabama, there is no usable water power that now arises out of the improvement of the river as now proposed by law, so then as it is not necessary in order to improve the river to create a water power, therefore logically the object of this bill is to create a water power by the Government of the United States by the taxes of the United States——

Mr. HUMPHREYS of Mississippi. Will the gentleman yield right there?

Mr. SIMS. By the Public Treasury of the United States, and if that is true, the fruits of that expenditure are in the people of the United States and should not be leased out to individuals or corporations for 50 years by the very act authorizing the improvement.

Mr. HUMPHREYS of Mississippi. Now, if it saves in the navigation project of the river many hundreds of thousands of dollars, is it not in the interest of the Treasury of the United States to change the existing plans?

Mr. SIMS. I have seen too much of the danger of bargain-counter legislation going on here in the District of Columbia to be favorably impressed with such an argument. Gentlemen go out as private individuals and get options on tracts of land near Washington City, and then come rushing to Congress, claiming that they have secured it below its real value, that it was advancing rapidly, and asking the Government to buy it in order to keep the Government from having to pay too much for it in the future, arguing that it would be a matter of economy for the Government to buy this land for park purposes. Some such legislation has gone through, while other similar propositions have failed. I have never yet seen a single instance where a gentleman came to this House with an option in his pocket and begging to give something to the Government for less than it was worth, when the Government failed to buy it that he exercised the option and took the property himself.

This is speculative, my friends. You do not know whether this power will be a success or not. You do not know whether it will have to meet a stifling competition or not; and yet the gentleman is willing to tear down and tear up by the roots a bill which he passed, and which was in the interests of navigation, and which he made all of us believe—and, I think, correctly—provided for everything that navigation demanded, simply, forsooth, that we may get from leasing this power a return of money which will ultimately make the improvement cost the Government less.

Mr. HUMPHREYS of Mississippi. The final cost. Whether the power is lost or not, it will cost $257,000.

Mr. SIMS. If you will strike out the disposal of this power to anybody, then I will vote for any bill which the gentleman thinks is necessary as a better scheme for improving navigation. But I do not think this bill ought to pass, when the gentleman admits we have already a law providing for navigation; and a little difference of two or three hundred thousand dollars in cost should not delay the work. Do you not suppose that the gentleman who has the contract, and has spent a number of thousands of dollars, is going to have something out of it?

Mr. MARTIN of Colorado. Has the gentleman time to yield to a question?

Mr. SIMS. To a question.

Mr. MARTIN of Colorado. The Government is building a series of dams in this river for the purpose of improving navigation. Incidentally it develops a water power for which the Government proposes to impose a charge. How does the gentleman distinguish in principle between a charge by the Government for the use of this incidentally developed water power and a charge by the Government for the use of this navigable stream which it has improved out of its own funds?

Mr. SIMS. I do not see any difference in principle. Whenever we deepen a channel and enable it to carry more freight we may just as well charge the ship or boat that carries that freight and tonnage as to create a water power by public taxation and then lease or sell it.

Mr. EDWARDS. Is the gentleman in favor of giving free of charge this right to this corporation?

Mr. SIMS. No; I am not. The same danger remains that corporations will get behind improvements of this sort where navigation does not require it.

Mr. EDWARDS. I want to ask the gentleman if he knows of any water power in the country or any other large enterprise that is being developed strictly by an individual? The gentleman seems to dwell on the word "corporation."

Mr. SIMS. We have no business to pass legislation by which profits can be made. It is like the tariff argument, when they come in here and pass a law to levy a tax on imports in order that the domestic producer may sell them higher than he otherwise could. Whenever an industry ought to be developed capital will be found to do it without any protective legislation or any monopoly control.

Mr. MARTIN of Colorado. Just another question, if the gentleman will permit me. The gentleman said a moment ago there was no difference in the principle of a charge for the use of water power and charge for the use of the stream; now he says to the gentleman from Georgia [Mr. EDWARDS] that he is not in favor of giving the use of this power to a private corporation.

Mr. SIMS. Not without charge, or with a nominal charge.

Mr. MARTIN of Colorado. Is the gentleman in favor of giving the use of this navigable stream to private steamboat companies without charge or compensation?

Mr. SIMS. I am not going to be drawn off on a hypothetical question.

Mr. MARTIN of Colorado. You said there was not any difference.

Mr. SIMS. There might not be. I doubt if the Government has anything here to give. If it has, it owns it absolutely.

Mr. RICHARDSON. What does the Government own of the river?

Mr. SIMS. Nothing, except to improve navigation and protect that improvement.

Now, let me read a little to you Democrats from the Democratic platform, the last one we adopted. In speaking of the natural resources the platform goes on to say:

> We insist upon * * * the reclamation of swamp lands, the clarification of streams, the development of water power, and the preservation of the electric power generated by this natural force, from the control of monopoly.

Whenever we let out, by the very act creating the power, to an individual or to a corporation the right to use it for 20 years for a nominal charge, we certainly give a monopolistic control of that power for 20 years; and we will have done it in the very act creating the power if we pass this bill.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. RAKER. Supposing that in a legitimate project for improving a river the Government should build a dam that would develop, say, 15,000 horsepower. I want to know what disposition of that developed power the gentleman would make?

Mr. SIMS. If the Government owns that power, it owns it absolutely for all purposes whatsoever, and I then would make the best use of it that possibly could be made. If the Government itself could not use the power for governmental purposes, I would lease it out to the highest bidder and let that highest bidder give bonds to secure the lease money, whether the project entered upon succeeded or failed.

Mr. RAKER. Then, leaving it to public auction, it would be wholly immaterial whether it was a private individual or a corporation, provided they paid a reasonable and legitimate rent for that privilege?

Mr. SIMS. Yes; certainly. The Government always has the right to accept or refuse bids.

Now, Mr. Chairman, can the gentleman give me a few moments more?

Mr. MANN. Mr. Chairman, I yield five minutes more to the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] is recognized for five minutes more.

Mr. SIMS. Now, my friends, at this time, when the whole country is aroused over Government favoritism by way of tariff legislation and monopolistic grants, it is no time to create water power by changing an existing project in order to create a power that otherwise would not exist, and let it out for the pitiful charge of $1 per horsepower for 20 years.

Mr. MADDEN. It is 50 years, is it not?

Mr. NORRIS. Is it not 50 years, as provided in the bill?

Mr. SIMS. Yes; 20 years, with power to adjust it further for 30 years.

Mr. TAYLOR of Alabama. The gentleman did not object to another project in Alabama where the time limit was placed at 99 years.

Mr. SIMS. I used to be a citizen of Alabama. I am proud of Alabama. It lies next to my own section in Tennessee. Many of the people of Alabama came from Tennessee, and that is the reason why they have such good people in Alabama. But this proposition extends beyond Alabama and the vicinity of my State.

Mr. TAYLOR of Alabama. I always try to "tote" fair with the whole country.

Mr. SIMS. Yes. But this thing of favoring legislation on account of good-fellowship toward a Member or Members of Congress ought not to exist for a moment. I do not care how good a Member may be, his project should not command our support except upon its merits. The question should be, What is in this project and what grows out of it? not who introduces it, not what State is to be benefited, not whether its sponsor and advocate is a Democrat or a Republican or an insurgent. The question should be, What is the inherent merit of the thing itself? And then Members should vote their convictions after making the best investigation they can. Why, gentlemen, you can dig a canal where there is not a drop of water now and create a water power there by digging that canal. We should dig no canals and make no improvements of waterways except for legitimate objects of navigation and not to create water power and then turn it over to monopolistic control. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, how much time remains unused on this side?

The CHAIRMAN. Thirty minutes.

Mr. MANN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. SIMS. Mr. Chairman, I yield back the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. EDWARDS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2958) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected."

BLACK WARRIOR RIVER.

The committee resumed its session.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized for 10 minutes.

Mr. CULLOP. Mr. Chairman, I think this House ought to examine propositions of this kind with a good deal of care before it gives away public property of great value. This bill is open to serious objection. It fixes too low a price for a rental; it is wholly inadequate. It ought to sell the right to the highest bidder in order that the public may receive value received for this valuable grant.

Again, the maximum price the consumer is to pay should be fixed in this bill, better provision for regulations of rentals to be paid to Government should be made, so that the same may be regulated every five years. Again, the rentals should commence at once or as soon as completed and not in 1920, as now provided in the bill.

In what I shall say during the short time allotted me I shall endeavor to notice some of these objections and point out as well as I can its most objectionable features. The value of all such properties as here involved should receive careful consideration by Congress and be managed in the interests of the public and not in the interests of private speculators. As I view this measure, it is for the latter purpose, and hence I am opposed to it.

This is a bill ostensibly for the purpose of improving navigation, but for the real purpose of building a water power for a private corporation, which is a myth to-day, so far as we know, to speculate upon in the commercial marts of speculation. For the purpose of demonstrating to the House the correctness of my statement on that point, I call your attention to the last clause of section 1 of the amended bill, which, after naming the other purposes, reads:

> And for the development of a water power.

That is the real purpose of this bill. I do not care who is behind it. That is the real object for which it is proposed to change the process of improving the navigation of this stream. True, it fixes a rental charge, but the time for it to accrue is postponed nearly a decade.

Now, when does the rental begin? Section 4 fully discloses the purpose of this bill, which is to rent this water power, after the Government has created it free of expense for this company out of the public money belonging to the people.

Another section in the bill provides that this rental shall begin in 1920, nine years from now. What was the object of the gentleman who drew this bill in thus postponing the time when it should begin to pay, if it was not for a speculation upon the public, when the bill turns this water power over to this company within a year, and they do not make this minimum rental begin until 1920? Why is not a minimum rental provided for the nine ensuing years between this time and 1920?

One other thing peculiar about this transaction. Who are the members of this corporation? Nobody in this House so far has been able to tell who compose it. I believe the president of it has been named here this morning, and the gentleman who named him said he did not know him. If this is a company organized in good faith and for good purposes, why not give the names of the incorporators to this House in order that we may know to whom we are giving this great gift? If it is composed of public exploiters, we ought to know it. Why conceal their identity?

Now, let us consider the compensation provided by the bill for the use of this valuable property. I am astonished. One dollar per horsepower, and the minimum quantity fixed by the bill is 15,000 horsepower per annum. Did anybody ever figure what a compensation that is? Why, with the 15,000 horsepower at $50

per horsepower per year this company will earn an enormous sum.

At the end of 50 years, the time proposed for this grant, it will have earned for the company $37,500,000, for which you, the guardians of the Public Treasury, have provided that this company shall pay only $750,000. Can any Member on this floor, regarding the rights of the people back at home and the best interests of the Government, vote to give away that much property for such an insignificant sum as that? What is the difference? A net profit of more than $36,000,000, for which they pay the pitiful sum of $750,000. What man who believes that the people of this country have yet some rights can stand upon this floor and argue for the passage of such an iniquitous and unfair measure as this? I am unable to understand human nature and human dealings if that be so. It is the duty of this Congress to get as fair a compensation for the public as it can. It ought not to be exorbitant, but above all it ought to be fair. It ought to be just to both sides. What man is willing to give to this company, with which to go out upon the public markets and speculate, property worth $37,500,000 at a maximum rental of $750,000? It is not right, and I do not believe this House, however friendly it may feel to the membership of any State, will give away the public property in that kind of a style.

What can Alabama lose if you put this up at public auction, with a provision in this bill that it shall not sell for less than $1 per horsepower per annum? What could be your objection, if you want fair dealing in this measure, if you want to uncover the myth that stands behind it with veiled face? Why not make a provision in the bill that it shall be sold to the highest bidder, and that the minimum price shall be $1 per horsepower, which you are now offered? Does the chairman of the committee or any member of the committee object to that kind of an amendment to this bill? If so, I should like to know why.

This is a matter that belongs to the public, one of great public concern, and the day ought to be near at hand when these public utilities shall bear the expenses of this Government, so that we can wipe out a protective tariff for raising revenues for that purpose. If you will apply proper business methods to the things that nature has furnished, for which charges can be made, and prove beneficial to the public, we can raise enough revenue to defray the expenses of the Government, economically administered, and relieve the public of the burdens of raising the revenues by taxing the necessities of life. Nature has furnished ample assets upon which charges can be made for the raising of revenues for the Government and relieve the people of burdens now imposed on them. To these methods we should apply business principles and care for the future.

But some gentlemen have said that Tennessee gave the right for 99 years in a similar matter and therefore you ought to give the right here for 50 years If Tennessee did wrong, if Tennessee injures her citizens by profligate gifts, that is no reason why we should follow her example, but a reason why we should disregard it.

Mr. MOON of Tennessee. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. MOON of Tennessee. I have heard that statement made two or three times on the floor, that the Congress of the United States granted the right to a private corporation in Tennessee for 99 years for nothing on a lock and dam. That lock and dam happen to be now in process of construction in my district, and I want to correct the statement. The terms upon which Congress granted the franchise for an electric power were that the company should construct and build the lock and dam and run it without expense to the Government of the United States for the purposes of navigation, and I want to say that it has cost these private citizens about $3,000,000.

Mr. CULLOP. I was going to make a better argument than that. I was going to say that because there was a bad bargain on the Tennessee matter it furnishes no excuse to make a bad bargain now.

Again it has been said that in the Niagara great volumes of power are being furnished free.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Illinois has 18 minutes remaining.

Mr. MANN. I yield to the gentleman from Indiana 3 more minutes.

Mr. CULLOP. Mr. Chairman, if a bad bargain was made there it is all the better reason for making a good bargain here. These things belong to the public and ought to earn the public money every year they are in existence and in operation. [Applause.]

Let us see. The policy upon this question ought to be fixed, ought to be fixed by general law and not be for a private interest like this. Any lawyer who will take this bill and analyze it will find that nearly every provision is so wide open that you could throw your hat through it in favor of the corporation every time. Take the one about the payment for power and limiting it to only two places for which charges shall be made, although it may be distributed at half a dozen others. Now, if the minimum is $15,000 a year, with the growing possibilities of the development of electricity, what would the maximum be in this instance a few years hence? We have figured the remuneration to the Government upon the minimum sale and minimum production, the benefit to the mythical corporation upon the minimum basis also. What ought this to earn? I say to this House, and I put it up to every business man in it, that $1 per month for horsepower for the first five years would be a very moderate charge, and any man who knows anything about the cost of water power will tell you that I have named a very reasonable price.

Mr. Chairman, what is the cost when the Government builds the dam and furnishes the water—what is the cost to this company? Can anybody tell? It is a mere minimum. The expense in this matter of the development of water power is in building the dam for the conservation of the water and the rest is a mere bagatelle. What are you doing? You are spending a large sum of money, if this measure passes, to build a dam to make a water power for a private mythical corporation that no man on this floor has been able—and if able, unwilling—to give the name of the men who constitute it to the detriment of the people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Chairman, I now yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I have just listened to the gentleman from Indiana [Mr. CULLOP], who furnishes a striking illustration of what a "mare's nest" a vivid imagination can find when the speaker is not conversant with the facts about which he is talking and wants something in the RECORD for home consumption. He forcibly demonstrates just how ridiculous a Member can be that constantly talks about something of which he knows nothing.

He makes the statement that it is the purpose of the Government to furnish this power free of charge to the company. That statement is not correct. The Government, in the first place, proposes to charge this company for the power, and, in the next place, the company is to secure a large amount of valuable land, that is to be overflowed, and to convey the right to the Government to overflow this area. The company also proposes to build a million and a half dollar reservoir before the power can be used. Less oratory and more attention to the committee report on behalf of the gentleman would have caused him to avoid this mistake.

The gentleman finds another great objection, about which he exclaims in dramatic tones, also for home consumption, that we are going to wait until 1920 before we charge the full maximum amount for the power developed, and he thought there was something wrong about that portion of the bill. The gentleman does not know that it takes 10 years to complete the dam and that we do not propose to charge the maximum amount until the dam is completed and the power furnished. It seems to be a great outrage just at present, in the minds of many gentlemen, to show any fairness or common business honesty in dealing with a corporation. What a change there would be if these heroic "friends of the people" were compelled to act according to what they preach in the speeches they deliver. Then the gentleman goes on and makes a great attack upon the rate that is proposed to be charged.

Mr. Chairman, I am not very much in sympathy with any of these speeches made on the floor of the House crying out against corporations in the name of the "people." Even for home consumption they become tiresome. I would like to ask the gentlemen who make this kind of speeches who is it that is going to buy this power from this corporation? It is not the people, not the individual, but the great manufacturing corporations that are going to purchase this power. Are gentlemen so sympathetic they are afraid that these corporations are going to have to pay an exorbitant price for the power? Why denounce one corporation and weep for another? It seems to me that every time you place an additional obstruction, an additional restriction upon granting this power to this company, you are going to place that additional handicap upon this company when it tries to sell that power to the consumer in competition with other power companies. I am not concerned very much about the money that goes into the National Treasury—the $15,000 per year—that does not amount to but little; but I am concerned in the people of that part of the country getting the use of this great river. As a minority mem-

ber of that committee, I want to state briefly some of the reasons why I favor this bill.

First, I favor it because it will not increase the cost of improving that river for navigation. In fact, it reduces the cost, and in reducing that cost you at the same time develop a large amount of water power. It is no secret that I am not in favor of the general proposition of the Government going into the water-power business. I recognize the great force in what the gentleman from Tennessee [Mr. SIMS] says, that there is great danger that we will enter upon the proposition of improving rivers for the purpose of power instead of navigation. But I was confronted with this proposition, whether or not being fully satisfied this proposition was right, and well guarded, I would oppose it for fear hereafter some wrong might be done, using this case as a pretext. The question is simply this: Do you propose to let this water power be developed when it will not cost the Government anything, or do you propose to let that river continue to run as it always has—unused. We are here to-day in this position in this House on this bill that we often find in municipal elections. We often see there the saloon keeper and the prohibitionists working together, and that is exactly the situation here to-day.

We have the gentleman from Colorado [Mr. MARTIN] on the one side, who is opposed to the Government doing anything, and the other extremist we have in the gentleman from Indiana [Mr. CULLOP], who wants the Government to do everything; and between the two the river will continue to flow unvexed to the sea, and we will have conservation there as we have had it since the dawn of creation. This seems to be the popular idea just now of conservation, that we must conserve by leaving our resources undeveloped. I do not rejoice in the bad luck of my friends from the South, but I can not help feeling a little bit of satisfaction that they are now having handed out to them a small dose of what we in the West have to take for a regular diet. They are now facing what we have faced every day. They are now up against the proposition we of the West are facing, with these extreme conservationists on one side and the extreme opponents of the Government doing anything of this kind on the other. Between the two our resources are not conserved, but are either undeveloped or wasted.

Mr. WILLIS. Mr. Chairman, I want to ask the gentleman a question that I asked the other day and to which I was not able to get any satisfactory answer. He has studied this carefully and can answer it, I am sure. The thing I am objecting to particularly in this bill is what is set forth on page 11, lines 5 and 6:

> And for converting to its own use, benefit, and profit the power developed with the surplus water not needed for lockage.

Then in the report of the committee, at page 3——

Mr. HUMPHREY of Washington. Oh, if the gentleman is going to read the bill and the report, I will have to decline to yield.

Mr. WILLIS. It is stated on page 3 of the report that there is an exclusive grant to the company to use and dispose of this power. Now, the thing I want to know about is, What is there in the bill anywhere to protect the rights of the consumers of this power?

Mr. HUMPHREY of Washington. The right that the consumer has is the same right that every other consumer has that purchases power from any company. Speaking personally, I am opposed to this Government saying what price this corporation shall sell its power for. The State has the authority, or it ought to have—it does in my State—if this company charges too much for its power, to regulate the price; but when you give the power to this Government to say that it will regulate the price at which the corporation shall sell to the consumer, you simply add one more power to the Government.

You will simply add one more place to be filled by one more Government employee, to be fed by the taxpayers of the country; and I am opposed to it. This constant encroachment of Government bureaus upon the local affairs of States and communities and individuals is one of the most dangerous tendencies in our Government at this time.

Mr. WILLIS. Mr. Chairman, I want to ask further, does the gentleman think it is a wise policy for the Government now to appropriate public money to create this great water power and then trust to the State to regulate the price at which that power shall be sold to the consumers?

Mr. HUMPHREY of Washington. Most emphatically not. I am opposed to the Government spending anything to develop water power. But the Government is not paying a cent for the development of this water power, is not appropriating one dollar for that purpose. That is where the gentleman does not seem to understand the situation. The Government by raising the height of this dam improves navigation and incidentally develops this water power and saves money by it, and that is the reason I am in favor of it. Then, you have this situation: Having developed this water power without any cost to the Government, and the Government having the right to control it as it owns the land surrounding it and on which it is constructed, what are you going to do? Are you going to permit it to run to waste or are you going to sell it? That is all there is to this proposition.

Mr. WILLIS. Will the gentleman yield for another brief question?

Mr. HUMPHREY of Washington. Yes.

Mr. WILLIS. It is said that this will cost the Government less—I so understood a gentleman—by something like a million dollars.

Mr. HUMPHREY of Washington. I do not think that much less.

Mr. WILLIS. Some one said about that much less. If that is true my point is it is good policy to make the improvement, but to leave this matter of the sale of water power to be determined afterwards; to sell it to the highest bidder and not deal with this question now.

Mr. HUMPHREY of Washington. I am glad the gentleman calls my attention to that matter. In the committee I proposed—it was not in executive session—I proposed such an amendment, but after the engineers presented the facts about the situation, and after the question was thoroughly discussed, the reason I no longer insisted upon that proposition was that I was convinced it would be absolutely——

Mr. KOPP. Will the gentleman yield for a question there?

Mr. HUMPHREY of Washington. Not at this moment. The reason I was not opposed and did not insist that a clause of that kind go into the bill was this: That after the engineers had explained the situation that this company had rights farther up the river, and that without the development up the river there would not be sufficient power here to make it worth while for any company to use it, under all the circumstances I was absolutely convinced it would be a waste of time and utterly useless, as no other company was in position to bid for the power; and as there was an emergency here, inasmuch as these contracts had already been let, and if we are going to change it would have to be changed immediately, is the reason why I did not insist upon such a clause going in the bill providing that the power be sold to the highest and best bidder.

Mr. GUDGER. Mr. Chairman, I would like to ask the gentleman a question. As a matter of information, I would like to hear from the gentleman on this question, not upon the merits of the bill, but what is the emergency that this bill should have priority over all other bills at this special session of Congress?

Mr. HUMPHREY of Washington. If the gentleman will permit me, it has been explained many times upon the floor of this House during this debate. The emergency is this: That if you are going to make a change it must be done now, because contracts for the construction of the other dams already authorized have all been let, and unless the change is authorized to be made now the contractor will go ahead with the work. That is the emergency.

Mr. KOPP. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Certainly.

Mr. KOPP. Suppose this bill becomes a law. In the gentleman's opinion will this franchise which the company has be taxable under the laws of the State of Alabama?

Mr. HUMPHREY of Washington. That is a matter I do not know anything about.

Mr. TAYLOR of Alabama. I will answer the gentleman; yes.

Mr. KOPP. Has there been an estimate of the value that power will be?

Mr. HUMPHREY of Washington. I can not answer any of the gentleman's questions.

Mr. KOPP. May I ask the gentleman from Alabama, who seems to be familiar with it?

Mr. HUMPHREYS of Mississippi. The cost of producing horsepower is usually figured at $100—capitalized at $100—so $15,000 would be $1,500,000 it would cost to produce it, as a rule.

Mr. HUMPHREY of Washington. I want to say another word in regard to the 50-year clause. The House will doubtless recall that when the question arose in what was called the Long Sault development proposition I was opposed to granting a 99-year franchise. I was one of the two members of the committee that came on the floor of the House and fought that proposition. I thought the time was too long. I have not been opposed to the 50-year franchise in this bill, because that is the

number of years that has been fixed in the general law for power propositions of this character, and for the further reason that it developed before the committee that there were several other power companies in that part of the country with which this company would be a competitor, and their franchises were either for 50 years or more. And I thought every restriction you placed in this franchise that the other corporation did not have would to that extent handicap this company in its competition with them, and I do not think it would be of advantage to the consumer to do this.

Mr. McCALL. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Certainly.

Mr. McCALL. Must there be a revaluation of the amount to be paid for a certain number of years before the expiration of the franchise?

Mr. HUMPHREY of Washington. It provides for readjusting the price to be paid at every 10-year period after the first 20-year period, and the first one was fixed at 20 because it was estimated it would take 10 years to complete the project.

Mr. McCALL. Is there anything to establish the Government revaluation? Is it on whatever the water power may be worth at the time?

Mr. HUMPHREY of Washington. It is established. Whatever the War Department may see fit to fix as the price.

I yield back whatever time I have left.

Mr. MARTIN of South Dakota. The gentleman said a moment ago there were several other power companies in the vicinity that would become competitors of this company, and that their franchise was for 50 years.

Mr. HUMPHREY of Washington. That is according to the information I have.

Mr. MARTIN of South Dakota. If these other power companies could become competitors of this company, would it not be well for the Government to develop this power and thereby have navigation, and leave the subject of the disposal of the power to these competitive companies and others that might be in the field at that time?

Mr. HUMPHREY of Washington. The proposition of the gentleman is absolutely correct; that is, on the general proposition; and I just said, in explanation, that owing to the fact that this company had other rights farther up the river no other company could come in and compete with it under present conditions was why I did not insist upon an amendment to that effect.

Mr. MARTIN of South Dakota. It is difficult to see how they could compete in the business and not in the purchase of the power.

Mr. HUMPHREY of Washington. Because the company mentioned in the bill has other rights on the river that gives it too great an advantage. This has already been fully explained several times.

The CHAIRMAN. The time of the gentleman from Washington [Mr. HUMPHREY] has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to my colleague from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Chairman, it occurs to me that the discussion of this bill is not so valuable upon the particular bill under consideration as it is in showing the temper of this House, and, I believe, of the country, in reference to the resources of the country and their proper disposition and the protection of the rights of the people.

In the Fifty-ninth Congress there was passed what was known as the general dam law. In the Sixty-first Congress there was another law passed in reference to the building of dams which had a provision which was not in the first law, and that was that in the case of any dam constructed for the purpose of creating a reservoir at the head of a navigable stream to be used for the purpose of navigation the Government should have the right to charge whatever should be reasonable for the use of that water power which was developed. And I am glad that this discussion has taken place here for two or three days, as it will demonstrate to the country that Congress has arrived at a time when they do not propose to give away without some consideration valuable franchises to a corporation that may go out and squeeze the people by charging an exorbitant price for the water power which is granted. We have the right here under this law to charge whatever is right for the use of water to produce power, and when we charge for that power it occurs to me that it is the duty of Congress, or the duty somewhere, to see that the rights of the people shall be protected and that no corporation shall be given an exclusive right to charge what it sees fit. [Applause.]

It has been said here that Congress gave away to corporations in New York for 99 years the right to take water from the Niagara River and develop water power there, and it has been demonstrated time and time again, and it is a fact well known to every man who is familiar with the history of those great corporations, that they are combined so completely that they charge the people of the great city of Buffalo whatever they see fit, and the people of the city have been unable to help themselves.

Now, I do not know what this franchise is worth down in Alabama. It may be worth only a dollar a horsepower; it may be worth $25. But whatever it is worth, the Government should receive the pay for it, and even then there should be vested in some agency or tribunal or department the power to see that the proper regulation of rates is made for the people who have to buy that power. [Applause on the Republican side.]

It seems to me idle to say that the corporations and not the people will pay for this. It may be true that corporations may use this power for manufacturing purposes, but in the end the people have to pay for it. [Applause.]

I believe that this bill, properly amended, ought to pass, because the people down in that community ought to have this water power developed before it is too late; but I believe it should be properly amended, and if it is not, I will not stand upon this floor and vote for any bill, I care not from what section of the country it may come, that does not properly look out for the rights of the people. [Applause.]

Both the National and State Governments have been too free in the past in granting valuable rights to use the natural resources of the country, and when the corporations once get control they combine to compel the people to contribute to their selfish designs. The people have at last awakened to the fact that they have been induced to part with the valuable natural treasures of our country. In my judgment it is the duty of Congress to protect the rights of the people. In our hands is intrusted the duty to legislate for the people and to save the natural wealth of our country. It is a hopeful sign that in a few years Congress has heeded the voice of the people on the subject of our natural resources. I am sure it is not the intention of Congress to prevent the proper development of water power wherever that is possible in the improvement of the rivers for navigation, but when the power is developed it should not be given away without some control being vested somewhere so the people's rights will be preserved.

Mr. SPARKMAN. Mr. Chairman, how much time has this side?

The CHAIRMAN. The gentleman from Florida has 10 minutes and the gentleman from Illinois has 6 minutes remaining.

Mr. SPARKMAN. Mr. Chairman, I yield one minute to the gentleman from Louisiana [Mr. RANSDELL].

The CHAIRMAN. The gentleman from Louisiana [Mr. RANSDELL] is recognized for one minute.

Mr. RANSDELL of Louisiana. Mr. Chairman, I ask unanimous consent to place in the RECORD one of the most interesting contributions to the waterway literature of this country. It is entitled "Waterways as Creators of Prosperity," and was written a few months ago by Mr. S. A. Thompson, of Indiana, a close student of the subject of waterways as affecting transportation for the past 25 years. The National Rivers and Harbors Congress, which published this article, has sent a copy of it to every Member of the American Congress, and I hope each one has read it.

A perusal of its pages will give the reader a clearer apprehension of the fundamental and vital relation which transportation bears to every form of human activity, whether individual or collective; a better understanding of the uses, limitations, essential functions, and complementary nature of the three principal methods of transportation; and a completer recognition of the profound and far-reaching influence exerted by improved waterways in the development of natural resources, the production of prosperity, and the growth of cities, States, and nations.

The accuracy and authenticity of the figures used is vouched for, as, except where otherwise noted, they are taken from Government publications and other official sources. Responsibility for the deductions made and the conclusions reached from the facts and figures presented rests, of course, upon the author. Unless it can be shown that these deductions are illogical and these conclusions unwarranted, it follows that "the improvement of our waterways constitutes at once the highest duty and the greatest opportunity which confronts the citizenship and the statesmanship of our country."

The CHAIRMAN. The gentleman from Louisiana [Mr. RANSDELL] asks unanimous consent to insert in the RECORD the document he mentions. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Following is the document referred to:

WATERWAYS AS CREATORS OF PROSPERITY.

I. TRANSPORTATION AND OTHER TAXES.

Some years ago an enthusiastic inventor used every dollar he had of his own and all he could borrow from his friends in building a colossal machine which he felt certain would make pressed brick faster than they had ever been made before. At last it stood complete, every cam and cog and lever in its proper place, and the proud inventor signaled the engineer to turn on the steam. For a minute or two it seemed that his fondest anticipations were to be fully realized, for from every side of the huge machine the bricks came pouring out in a vertible flood. But then the bricks that followed began to pile up on those that went before, and both were broken. Soon every outlet was hopelessly clogged; the great machine groaned, staggered, stopped; and the power was hastily shut off to keep the whole thing from going to wreck. The machine did make brick faster than they had ever been made before, but it could not be operated because it was impossible to take them away as fast as they were made. The inventor had found a splendid solution for the problem of production, but had forgotten the fundamental problem of distribution, and the shapes of mountain lakes are no more surely fixed by their rocky shores than the possibilities of profitable production are determined by facilities for transportation.

The great mass of the people of the United States have just about as much, or rather as little appreciation of the real importance of the transportation question as the inventor above referred to. Judging by the amount of attention given to it, the tariff question is our greatest national problem. Political parties divide over it; orators declaim about it, some denouncing it as the sum of all villainies, some commending it as the chief bulwark of national prosperity; metropolitan dailies and obscure country weeklies alike fill their columns with articles about it; citizens of all classes and in all parts of the country argue over it; and special sessions of the National Congress are called to consider it.

The tariff is undoubtedly an important matter and probably deserves all the attention that is being given it, but a question of much more far-reaching importance, that of transportation, is receiving comparatively little attention from legislators and the press, and practically none at all from the general public. It is scarcely too much to say that the average citizen does not know there is a transportation question. But transportation affects everything he buys or sells, everything he eats or wears, in fact everything he uses in any way, with the exception of air, sunshine, and, generally, water. The cost of transportation is a tax which bears upon both production and consumption, both industry and commerce. It is taxation without representation, too, for the people, who pay the tax, elect neither those by whom it is levied nor those by whom it is collected, and have practically no voice in determining the rates. To a casual observer it appears that the rates often bear less relation to ability to pay than to inability to escape payment. How do the transportation taxes of the average citizen compare in amount with those he pays on account of the tariff and for other purposes?

During the fiscal year ending June 30, 1907, the average amount per capita collected by the Government of the United States in duties on imported merchandise was $3.84. During the same year the average per capita contribution to the revenues of the railways of the United States was $30.86. That is to say, the transportation taxes levied and collected by the railways in the year named were more than eight times greater in amount than the duties collected on imports by the National Government. That this was not an exceptional case will appear from Diagram No. 1, in which comparative figures, taken from official publications of the Government, are shown graphically for the 15 years ending with 1908. Transportation has the tariff hopelessly beaten at the very outset of the race.

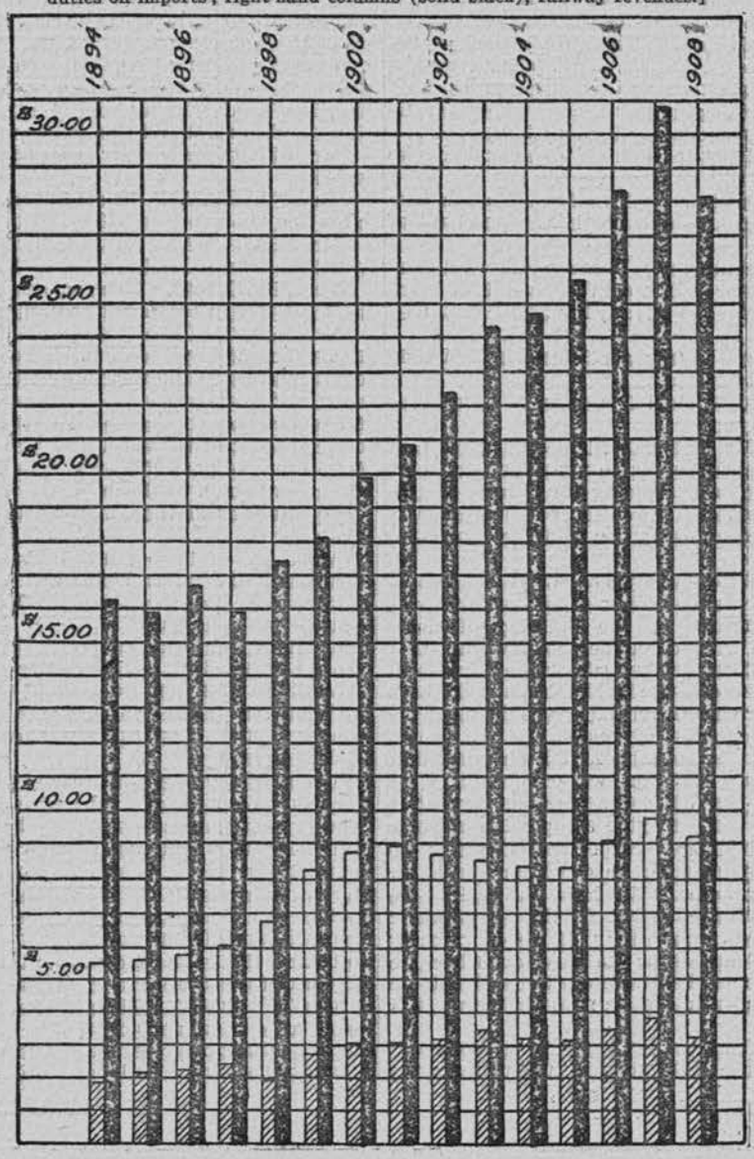
Patriotic Americans are accustomed to consider the Government of the United States a rather large and important affair. This opinion is certainly not without some justification, but financially the Government is completely outclassed by transportation. In the fiscal year 1907 the average receipts of the Government, from all sources except sale of bonds, were $9.84 per capita, while railway revenues, as already stated, were $30.86. Diagram No. 1 shows, for a series of years, the relation between the per capita receipts from customs duties, governmental receipts from all sources, and railway revenues.

These figures become more impressive when stated as aggregates rather than as receipts per capita, for during the 15 years covered by the diagram the amount collected in duties on imports was $3,374,468,851; the total receipts of the National Government from all sources, including postal revenues but not proceeds of bonds, were $8,908,359,045; and the gross earnings and income of the railways of the United States, excluding all duplications due to intercorporate payments, amounted to $25,619,370,590. That is to say, the transportation tax collected from the people of the United States during the years named by the railways alone exceeded the duties on imports by $22,245,000,000 and the total revenues of the National Government by $16,711,000,000. It must already be evident that transportation deserves more attention than it is getting, but the evidence is not yet all in.

DIAGRAM NO. 1.

Average per capita contributions to revenues of United States Government and United States railways, 1894–1908.

[Left-hand columns, Government revenues; shaded portions, revenues from duties on imports; right-hand columns (solid black), railway revenues.]



That the average citizen has so little appreciation of the extent to which his interests are affected by transportation is due mainly to the fact that while he is continually paying transportation taxes, commonly called freight bills, he is seldom or never called upon to pay them directly. This is equally true of import duties, internal-revenue taxation, and practically his entire contribution to the support of the National Government. It is an absolute impossibility for anyone to know how much he pays either in transportation taxes or national taxes, because these are parceled out in infinitesimal fractions of a cent on every spoonful of sugar he puts into his cup of coffee, in sums less infinitesimal but equally indistinguishable on every yard of cloth in his coat, and in other amounts, some larger, some smaller, but all equally unknown and unknowable, on everything he buys from one year's end to another. But when he is called upon to contribute his share to the expense of city, county, or state, he must open his checkbook or his pocketbook and pay the tax collector in cash or its equivalent. Then, if he forgets how much his taxes are, he can refresh his memory by looking at his receipt. It is natural and inevitable that a man should be more strongly impressed by the taxes he pays directly than by those he pays indirectly, but it does not follow that the latter are any less than the former. Let us see what the records show in reference to this matter.

In the volume on Wealth, Debt, and Taxation, the Census Bureau publishes a statement of the revenue receipts for the various civil divisions of the United States for the fiscal year 1901–2. This statement covers receipts from all sources except the sale of bonds, including general property, special property, business and poll taxes, liquor and all other licenses and permits, fines and forfeits, subventions and grants, donations and gifts, interest, special assessments, fees and charges, privileges, industrial income from municipal water, electric, and gas works, etc., and all other unclassified general and commercial revenue receipts. A condensed summary of this statement, which covers nearly 200 pages of small type, gives the following result:

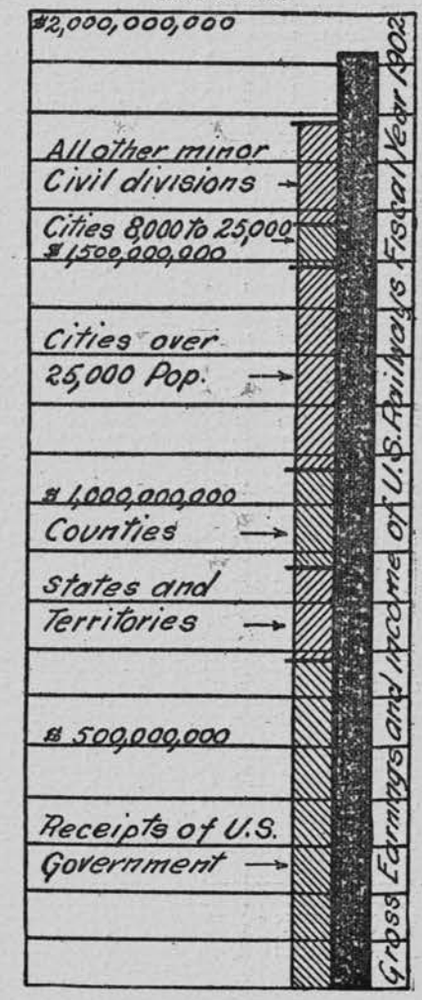
Revenue receipts, fiscal year ending June 30, 1902.

States and Territories	$189,165,067
Counties	199,119,468
Cities over 25,000	424,763,472
Cities, 8,000 to 25,000	75,216,973
All other minor civil divisions	219,304,262
Total	1,107,569,242

For the same year the revenues of the National Government from all sources, including customs, internal revenue, postal revenues, and more than a score of miscellaneous sources of revenue, such as sales of public and Indian lands, profits on coinage, repayments by Pacific railways, tax on national banks, etc., were $684,326,280. Adding this to the amount given above, we get a total of $1,791,895,522. Turning now to the reports of the Interstate Commerce Commission, we find the gross earnings and income of the railways for that year amounted to $1,922,703,896. A simple operation in subtraction reveals the starling fact, which is also shown graphically in diagram No. 2, that railway receipts for 1902 exceeded the combined revenues of all the civil divisions of the United States, from the Nation down to the township, by nearly $131,000,000.

DIAGRAM NO. 2.

Comparative revenues of railways and all governmental divisions of the United States.



Comparative revenues, 1901–2.

United States railways	$1,922,703,896
All civil divisions of United States	1,791,895,522
Excess of railway revenue	130,808,374

Government receipts were in excess of expenditures in 1902, so the total expenditures of all civil divisions were $1,749,485,988. This means that out of the gross earnings and income of the railways for that year there could have been paid all the expenditures of the National Government—legislative, executive, judicial, diplomatic, consular, Army, Navy, post office, etc.; the expenditures of all the States and Territories, including the District of Columbia; those of all the cities, great and small; and those of all the counties, townships, and villages in the country—in short, every payment made for governmental purposes in the whole United States, except those made on the principal of public debts, and there would then have been left a surplus of $173,217,908.

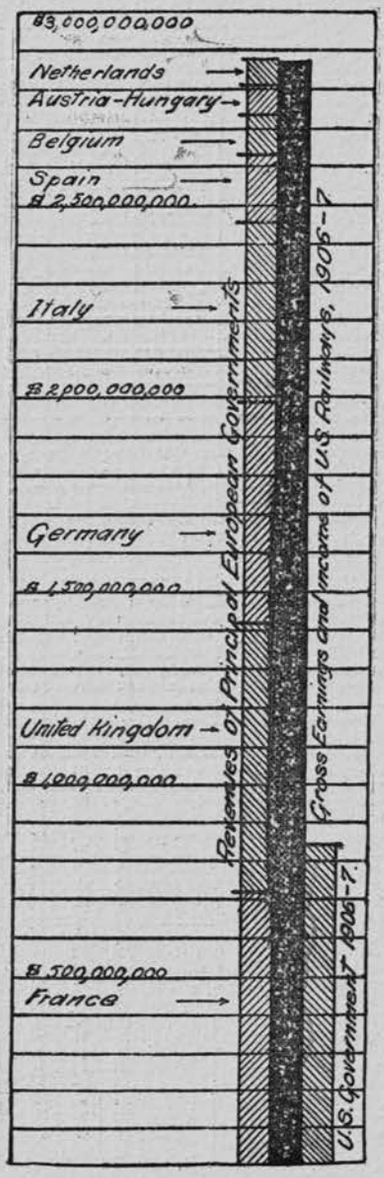
Railway revenues have been increasing more rapidly than national revenues since 1902, but no figures are available for the total revenues or expenditures of other civil divisions. It is of interest, however, to compare the revenues of United States railways with those of some of the principal nations of Europe, as is done in the following table and in diagram No. 3:

Revenues of foreign nations and United States railways.

France, 1906	$715,074,344
United Kingdom, 1905–6	700,666,869
Germany, 1906–7	570,563,137
Italy, 1905–6	470,565,700
Spain, 1906	172,767,678
Belgium, 1906	107,860,738
Austria-Hungary, 1906	72,008,078
Netherlands, 1906–7	71,451,788
Total revenue of Governments named	2,880,958,332
United States railroads, 1906–7	2,875,689,520
Excess of Government revenues	5,268,812

DIAGRAM NO. 3.

Comparative revenues of foreign governments, United States Government, and United States railways.



From this it appears that the total receipts of the railways of the United States for a single year lack only $5,000,000 of equaling the combined revenues of eight of the principal nations of Europe. Diagram No. 3 also shows the receipts of the United States Government for the same year which were $846,725,340. It may be added that the net earnings and income of the railways for that year, after paying all expenses of operation, were $900,567,262, which exceeded the total receipts of the National Government by nearly $54,000,000.

The importance of the transportation question, at least from a financial standpoint, would seem to be fairly well established by the figures already submitted, but so far as we have been comparing governmental revenues with the receipts of a single method of transportation, while there are two more which must receive at least passing notice, viz, transportation by water and by wagon.

From a special report made by the Census Bureau it appears that the amount paid for transportation by water in the calendar year 1906 was $294,854,532. This includes transportation coastwise on the ocean, by lake vessels, and by boats and barges on canals and rivers, but does not include lighterage or other harbor work, nor the amounts paid for ocean transportation to and from foreign ports. Estimates of the latter amount vary from $250,000,000 to $500,000,000. Using the lower figure for the sake of conservatism and adding a little over $5,000,000 for harbor work, we get $550,000,000 as the approximate cost of water transportation for a single year.

When we come to transportation by wagon, statistics are absolutely lacking, and, from the nature of the case, always will be. We must, therefore, use such facts as are available as the basis for an estimate. That which follows claims to be nothing more, but is believed to be conservative. The total amount of freight handled by rail and water in 1907 was, in round numbers, 1,100,000,000 tons. More than half of this tonnage, say 600,000,000 tons, was hauled to and from the railway or the waterway by wagon, and probably a third as much more was delivered to its destination without using either boat or freight car, making a total of 800,000,000 tons moved by wagon. The secretary of the Farmers' National Congress estimates the average wagon haul at 8 miles. The Office of Public Roads of the Department of Agriculture estimates the average cost of wagon transportation at 25 cents per ton per mile. Combining these estimates of tonnage, distance, and cost, we get $1,600,000,000 as the probable cost of wagon transportation in the year named.

If now we add together these various amounts we get the following result:

Transportation taxes in the United States.

Railway transportation, 1906–7	$2, 875, 689, 520
Wagon transportation, 1906–7	1, 600, 000, 000
Water transportation, 1906	550, 000, 000
Total	5, 025, 689, 520

This is considerably more than half as much as the combined revenues of all the nations of the earth, six times as much as the revenues of the United States Government, and more than fifteen times as much as the amount collected by the United States as duties on imports. While based to a considerable extent on estimates, it is believed that these are thoroughly conservative, especially as nothing is included for the transportation of passengers by wagon, and the revenues of electric roads, express companies, and other subsidiary forms of transportation have been omitted.

There are those who claim that the cost of the tariff to the people is not limited to the amount of the duties on imports, since the protected manufacturer is enabled to charge higher prices for his products than he could otherwise obtain. It is not the purpose of this paper either to attack or defend the policy of protection in general or the rates and schedules of the existing tariff law. Nor is it intended to express the opinion that the rates of transportation by any method are higher or lower than they should be. The facts and figures thus far presented have been submitted solely for one purpose, and that is to call attention to the importance of the transportation question and the magnitude, both absolute and relative, of the charges paid for transportation services.

It has been shown that the gross revenues of United States railways are equal to the combined revenues of eight of the principal nations of Europe; that the net earnings of these railways exceed the entire revenue of our National Government; and that if the cost to the people because of the tariff is ten times as great as the duties on imports it must needs be one-half greater still before it would equal the taxes collected in a single year by the various agencies of transportation. It is believed that this showing justifies the contention that the transportation question is one which merits the most careful consideration of the citizenship and the best thought of the statesmanship of the country.

II. THE TRANSPORTATION TRIANGLE.

There are three principal methods of transportation—the highway, the railway, and the waterway, or, as we may call them for the sake of both brevity and alliteration, road, rail, and river—the "three R's" of transportation. These three transportation agencies differ in many important respects. The distinguishing characteristic of the roadway may be called availability; a cart or a pack horse can go where a railroad is a commercial, if not an engineering, impossibility, and the railway can go where no river exists and a canal would be too costly. The distinguishing characteristic of the railway is speed, while that of the waterway is economy. It is said that a horse, or its mechanical equivalent, a horsepower, can move 2 tons at the rate of 3 miles an hour in a wagon on a fairly level road, 15 tons in a car on a railway, and 90 to 100 tons in a boat of proper shape on a waterway of width and depth adapted to its use.

In exact correspondence with these physical facts we find that the estimated cost of wagon transportation on the average road in the United States is 25 cents per ton-mile, which might be reduced to 10 cents on a first-class road; the average rate received by the railroads of the United States in 1907 was 7.82 mills per ton-mile, while the average charge per ton-mile on the goods carried into and out of Lake Superior in that year was eight-tenths of 1 mill. We have as yet no completely improved rivers, but the Army engineers say that when the work now under way on the Ohio River is finished transportation can be conducted thereon for one-half a mill per ton-mile.

Translating these microscopic figures into the language of every-day business, we find they mean that a dollar will carry a ton of freight 4 miles on an average road, 10 miles on a first-class road, 127½ miles on a railroad, 1,250 miles on the Great Lakes, and, if the estimate of the Army engineers is correct, 2,000 miles on a river of the first class when completely improved. From this it is plain that good roads are vastly better than poor roads, but that wagon transportation is too costly for long-distance traffic. Its essential function is the carriage of small loads over short distances. It is equally plain that in economy the waterway surpasses the railway as far as the railway exceeds the highway, and it follows that the essential function of the waterway is the carriage of large loads over long distances. The railway occupies a position intermediate between the highway and the waterway in availability, economy, and essential function.

The truth is that each of the three—road, rail, and river—is an integral and indispensable part of a threefold transportation system, which would be radically defective if any of the three were lacking, and which can only reach the highest efficiency of which it is capable when there is a symmetrical development of all the parts. How shall this development be secured? Since the highway is essentially local in its field of action, it seems proper that the work of highway improvement, and the provision of funds therefor should be left to local or State initiative. The railway, being continental in its field of action and the most important existing agency of both intrastate and interstate commerce, is properly subject to State and national regulation, but it is evidently the intention of the people to leave the construction and operation of railways for an indefinite period under private or corporate control. There remains for consideration the advisability of waterway improvements and the methods and agencies by which such improvement is to be accomplished.

Waterways produce benefits in three principal ways: First, by the direct saving in the cost of goods actually carried by water; second, by the indirect saving through the reduction of railway rates due to the competition of water routes; and, third, by what may be called a creative effect. It is this third effect, which includes and largely depends upon the other two, which it is intended briefly to discuss. There is no better way of determining the effect which waterways will produce than by a study of the results which they have produced; hence some illustrative instances will be cited.

It was the general opinion of business men in the earlier years of the nineteenth century that Philadelphia would be the principal city of the Atlantic coast. As a matter of fact, the population within the present boundaries of Philadelphia was greater than the combined population of New York and Brooklyn up to 1820, and in 1821 Massachusetts rivaled New York in the volume of exports. By 1840 the combined population of New York and Brooklyn exceeded that of Philadelphia by nearly 100,000, and in 1841 exports from New York were nearly three times as large as those from Massachusetts. A history of Philadelphia, published in 1884, says: "Be the cause whatever it may, the fact stands out prominent that, from the completion of the Erie Canal, New York became what Philadelphia previously had been—the commercial emporium of the United States."

Beaten in commerce, Philadelphia sought to maintain her supremacy in manufactures, and for a time succeeded, only to see, a little later, this prize also slip out of her grasp. New York State was hopelessly behind in manufactures in 1830, the value of her product being but $7,000,000 as against $8,000,000 for Connecticut, $11,000,000 for Pennsylvania, and $63,000,000 for Massachusetts. Ten years later New York had advanced to first rank with products valued at $96,000,000 against $74,000,000 for Massachusetts, and $64,500,000 for Pennsylvania.

But the objection may be made that, even if the Erie Canal were the sole cause of these changes, this all happened before the coming of railways. That is true, but it is to be noted that the coming of the railway has not deprived New York of the lead she gained before its arrival; she held the first place in 1830, and has held it ever since. In 1900 New York, including Brooklyn, was supreme not only in commerce, but in manufactures, the value of goods made being $1,371,358,468, which was far greater than the product, not only of any other city, but of any State in the Union except New York or Pennsylvania. But let us pass to an instance which happened after railways were well established.

The first railway came to Manchester, England, in 1830, and many others came later. Situated only 50 miles from Liverpool, one of the greatest ports of the world, and surrounded by abundant supplies of coal, the city and its immediate suburbs had grown by 1881 to a population of more than 500,000, and had become the seat of great manufacturing enterprises and the chief center of the cotton-spinning industry. One of the most dreadful of all diseases is leprosy, in which the flesh and bones slowly rot and slough away, leaving a ghastly wreck more hideous than death. In the early eighties Manchester seems to have been attacked by what might well be called industrial leprosy. Many mills and factories were closed and some were moved away. Block after block of stores and warerooms were empty and more than 5,000 houses stood tenantless. It was evident that some remedy must be found if the life of the city was to be saved.

Twenty years later a marvelous transformation had been wrought. The silent mills and factories were humming with industry, and scores of new ones as well. All the vacant houses, stores, and warerooms were again in use, and 20,000 new ones had been built and occupied. To-day Manchester, with its suburbs, has a population of nearly 1,000,000, and is the nearest port for a district occupied by 8,000,000 busy, prosperous people. The cause of the disease was costly transportation, and the remedy which worked this modern miracle, bringing growth and life in the place of decay and death, was a ship canal.

But it may be objected that the ship canal made Manchester an ocean port, while the main question in the United States is the advisability of improving our interior waterways. Then let us go over into the heart of Germany, far from the sea and more than 20 miles from the Rhine, to the banks of a little, shallow river called the Main. Founded by the Romans about A. D. 150, in after years the residence of Charlemagne, Frankfort, by the slow growth of centuries had reached a population in 1880 of some 140,000. Something happened to make a wonderful change in the rate of growth, for Frankfort gained more in the next 20 years than in all the centuries before, and to-day, with the suburbs which lie close around her borders, has a population of nearly 500,000.

The "something" that happened was the canalization of the river, completed in the fall of 1886, which made the Main a part of the Rhine navigation system, and which, while it did not allow ocean vessels to come direct to Frankfort, did enable that city to ship goods all the way by water to or from any port on all the seven seas. The locks have since been lengthened and other improvements made, so that much larger boats can use the river, and Frankfort, which spent some $2,000,000 back in 1886 to equip her harbor, is now spending $17,600,000 on a new and greater harbor to properly care for her swiftly growing trade.

But it may be objected that this is an isolated and exceptional case, for the chronic objector is always in evidence—especially when the improvement of waterways is proposed. Then let us broaden our view to include not only the whole of Germany, but also Holland and Belgium, for these three countries belong together geographically and commercially, although politically separate. They occupy so large a place in the world's activities that it is hard to realize how small they are in area. Holland and Belgium together are almost exactly the size of

West Virginia. Take the combined area of the three and lay it down on the State of Texas and there would be enough territory left uncovered to make the State of Maine. Their size, as compared to that of the whole United States, is utterly insignificant; how do they compare in other respects—for instance, in foreign commerce?

For the fiscal year 1908 the foreign commerce of the United States—that is, the sum of the imports and exports—amounted to $2,845,044,087. That is a large sum, standing by itself, but it seems to shrink a good deal when put alongside the corresponding figures for the other countries named. For to this sum, large as it is, we must add one billion, two billions, three billions of dollars, and then pile nearly six hundred millions more on top of that to equal the $6,433,347,839 which represents the foreign trade of three little countries which we could lose in one of our States. Germany alone exceeded the United States by $502,000,000, and Holland and Belgium combined exceeded it by over $241,000,000—and it should be noted that these figures do not include the transit trade, but represent imports for consumption and exports of domestic merchandise.

Here are three countries which have only one-thirteenth the area of the United States, a population smaller by 14,000,000, less than half the accumulated wealth, and a soil and climate no better, to say the least. What do they have which we have not, the possession of which may explain this astounding difference in the amount of foreign commerce?

The answer is not far to seek, for in the three countries named the "transportation trinity" is more completely and symmetrically developed than it is anywhere else in the world. They have far better wagon roads than we have and a much greater mileage in proportion to area, although exact statistics are not available on this point. They have a railway system which they claim is adapted to their needs and conditions, although criticized in some respects by American railway men; but they have two and one-third times as much railway in proportion to area as we have, for their 41,200 miles gives them 1 mile of road to each 5.6 square miles of territory, while our 230,000 miles of road (in 1907) gives an average of 1 mile of railway to each 13.1 square miles of area.

Lastly, and most important of all, they have a system of navigable waterways which is not merely unsurpassed, but entirely unequaled elsewhere. According to the Statistisches Jahrbuch für das Deutsche Reich, Germany has 8,545 miles of waterways classed as navigable. But this includes the estuaries of the larger rivers which are used mainly by seagoing vessels, certain canals built partly for drainage purposes, and some small streams which are only occasionally navigated. Omitting these, there are 6,215 miles of important inland waterways which are in constant use. From other official sources we find that Holland has 2,960 and Belgium 1,367 miles of canals and navigable rivers, making a total for the three countries of 10,542 miles of waterways.

If Texas had 150,000 miles of macadamized wagon roads, 47,000 miles of railroad (to say nothing of 10,000 miles of electric and narrow-gauge lines), 12,500 miles of navigable waterways, a population of 87,000,000, and a foreign commerce more than two and a half times as great as that of the United States, it would present a scene of concentrated human activity exactly similar to that which exists in the three countries under consideration.

Diagram No. 4 includes, in addition to the foreign trade of Germany, Holland, Belgium, and the United States, that of Great Britain and Ireland, which for 1908 was $4,721,000,000. Many causes have combined to give the United Kingdom a foreign trade which is greater than that of any other country in the world—incomparably greater if area and population be considered—but the foundation on which all other causes rest is the fact that no spot in all the British Isles is a hundred miles from the sea. There is only one other country which has a foreign trade worthy to be compared with that of the nations already named. That country is France, which is almost identical in size with Germany, and had a foreign commerce of $2,063,000,000. And France has 10,350 miles of navigable waterways, of which 7,485 are regularly used.

But the chronic objector insists that conditions are not the same in the United States as in Europe. Doubtless there are differences, but there are also many points of similarity. In Europe the larger cities are on the waterways, and the same thing is true in the United States. By the census of 1900 there were 24 cities which had a population of more than 150,000 each, only one of which was not on a navigable waterway. In Europe the principal manufacturing regions lie along the waterways. In this country the States that touch the lakes rank first, second, third, fifth, eighth, ninth, tenth, and thirteenth in value of products; all the intermediate positions are held by States that touch the ocean, while New York and Pennsylvania, which rank first and second, are the only States which touch both the lakes and the ocean. Turning to cities, we find 22 which reported a product of more than $65,000,000, and again there was but one not on a navigable waterway.

Search where you will throughout the civilized world and you will find this thing to be true—that the largest cities, the densest population, the greatest development of industry and commerce are to be found in those regions which are most abundantly supplied with transportation facilities, and especially with waterways. This is not an accident; the two facts stand related as cause and effect. Supremacy in commerce is not merely coincident with, but consequent upon, economy of transportation. There are three ways which lead to the growth of cities, the development of States, the prosperity of nations—the highway, the railway, and the waterway—and the greatest of these is the waterway.

III. SOME OBJECTIONS CONSIDERED.

It would seem that only one conclusion could be drawn from the facts and figures which have been presented, viz, that the improvement of our waterways constitutes at once the greatest opportunity and the highest duty confronting the people and the Government of the United States. Public sentiment in favor of such action has increased rapidly in recent years. A multitude of organizations have been formed, each of which advocates the improvement of some particular waterway, and all of which are united to form the National Rivers and Harbors Congress, which advocates not a project but a policy. This policy includes the continued development of lake and ocean harbors, the creation of a comprehensive, carefully planned, truly national system of connected waterways, and the provision of the organization, the equipment, and the funds to accomplish this result as speedily as possible.

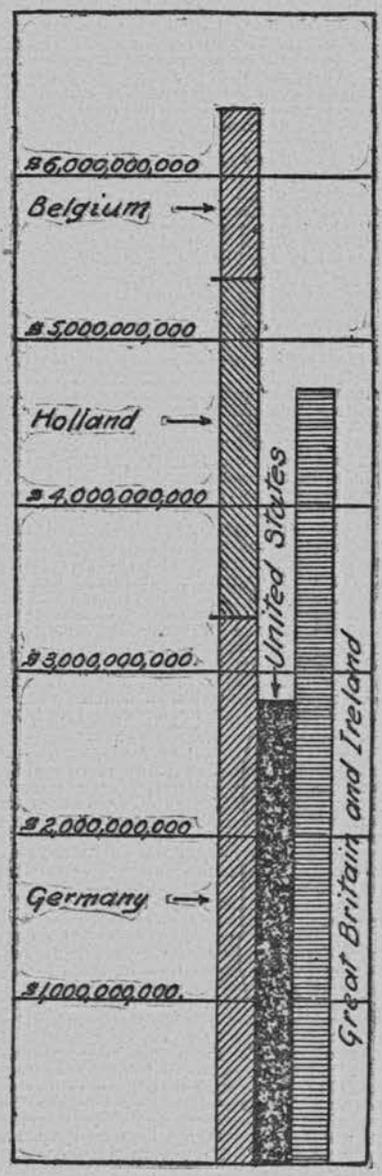
But there are those who strenuously oppose this program, saying that the present and prospective needs of commerce and industry (except such as are necessarily supplied by wagon roads) can best be met by the further extension and development of railways, and that the expenditure of large sums upon waterways is therefore unwise and unnecessary. The number of articles advocating this line of action which have appeared in newspapers and magazines in recent months is a significant indication of the growth of public sentiment in favor of waterways, and of the existence of some organized interest opposed thereto. It is worth while to examine some of the arguments advanced in support of the claim that the gigantic and vitally important task of transportation shall be entrusted in its entirety to the railways.

It is often pointed out that the Mississippi and other western rivers, which at one time were alive with steamboats carrying both passengers and freight, have lost the greater portion of their traffic, which has been absorbed by the railways. This is held as proof positive that the waterway is outgrown and discredited as an agency of transportation. Mr. Logan G. McPherson in a recent article ("Waterways and railways," Atlantic Monthly, April, 1910) says:

"In the United States the railways demonstrated their superiority not only over the canals but also over the rivers, in large measure displacing even the steamboats for which the Ohio and Mississippi Rivers and their tributaries were famous."

DIAGRAM No. 4.

Comparative amounts of foreign commerce of the United States and certain other nations.



The result is undeniable—how was it accomplished? No. 4 of the "findings" of the Inland Waterways Commission was as follows:

"While the decline of navigation in the inland waterways was largely due to the natural growth and legitimate competition attending railway extension, it is also clear that railway interests have been successfully directed against the normal maintenance and development of water traffic by control of water fronts and terminals, by acquisition or control of competing canals and vessels, by discriminating tariffs, by rebates, by adverse placement of tracks and structures, and by other means."

In the fifth "finding" it is said:

"So large a portion of railway traffic is free from water competition that railways can readily afford to so reduce rates on those portions affected by such competition as to destroy the profits of the water lines without appreciably affecting the profits of the rail systems, which recoup these reductions by higher rates elsewhere."

The following specific instance is given in a report prepared for the Inland Waterways Commission by the Bureau of Corporations:

"The opening in 1883 of the Louisville, New Orleans & Texas Railroad, now known as the Yazoo & Mississippi Valley Railroad, an Illinois Central property, went far toward accomplishing the downfall

of steamboat traffic on the lower Mississippi. The railroad paralleled the river from Memphis to New Orleans, reaching all the important towns on the east bank of the river. * * * From river competitive points, such as Vicksburg, the rail rate dropped as low as 45 or 50 cents per bale to New Orleans, while from points back from the river, such as Rolling Fork, Miss., about 40 miles from Vicksburg and 10 from the river, the railroad recouped itself by charging $1 to $2 per bale."

Mr. McPherson frankly states, as a matter needing no apology—

"Both in England and in the United States these results were obtained by the railways so reducing their rates to and from places between which they had water competition that the boats could not continue in service. * * * In obedience to primal law, in the struggle for existence there was survival of the fittest."

If the writer hereof should seek out Mr. McPherson and, either by reason of greater strength or the possession of superior weapons, should take his life, that also, just as truly as the other case, would be a survival of the fittest. But in civilized lands the old primal law of "let him kill who can" has been superseded, so far as individuals are concerned, by the law of peaceable cooperation. The fundamental reason for the organization of governments is the protection of life and property. We pay policemen and maintain standing armies to prevent citizens from killing each other off, because it is to the interest of the State that all its citizens shall live and work for the State's upbuilding. It is equally to the interest of the State that all its agencies of transportation shall be maintained and made to contribute to its development. When we shall wake to a realization of this fact, which has long been recognized by the Governments of Europe, laws will be enacted and enforced which will prevent destructive competition between railways and waterways, both of which are essential to our growth and prosperity.

It is also urged that railway rates are so much higher in Europe than in the United States that traffic seeks the waterways in order to escape the intolerable burden which those rates impose. Mr. George G. Tunell, in a report to the Chicago harbor commission, says:

"The average freight rate per ton-mile on the United Prussian and Hessian State railroads during 1906 was 13.41 mills, while the average rate in the United States was but 7.48 mills."

That is one of the finest examples in existence of a statement which is absolutely true, but which, standing alone, leads to a conclusion absolutely false. The rate per ton per mile is a convenient generalization which has a place and a use in the discussion of transportation questions, but we must know the services performed as well as the charges made before we can decide which of two rates is the more economical.

Two reports on American railways have been made in recent years by expert German investigators, one by Mr. G. Franke, published in the Archiv für Eisenbahnwesen, the other by Messrs. Hoff and Schwabach, who were especially commissioned for the purpose by the Prussian Government. These keen-eyed, competent observers point out a large number of differences in the basis on which the statistics are compiled, which differences make a bare comparison of the average rates per ton per mile entirely misleading.

The cost of loading and unloading freight and other terminal expenses is the same whether the haul be short or long, hence the ton-mile rate decreases with length of haul—and the average haul of traffic on the Government roads of Germany, considered as a system, was, in 1905, only 78 miles, while in this country on all railways, considered as a system, the average haul was three times as great, or 244 miles. It might almost be said that in Germany all traffic is local traffic.

The average rate per ton-mile on American railways is greatly depressed by the circuitous routing of traffic. In the final report of the Industrial Commission examples were given showing that large amounts of freight are sent by roundabout routes which are from 60 to 250 per cent longer than the shortest available lines. Nothing of the kind is done on German roads.

* * * * * * *

One of the most vital differences pointed out by these German observers is the fact that a large amount of freight which in the United States is handled by fast freight, private car, and refrigerator car lines, is handled in Germany by the railways direct. In Germany, therefore, the statistics represent the total price paid for the service, while in this country they represent not what the public pays to the private-car lines, but the much smaller amount which these latter pay to the railways over which they operate.

Furthermore, the class of business which is carried in this country by express companies is divided in Germany between the fast-freight service operated by the railways and the parcels post. No figures are available from which to calculate the average charge per ton-mile on the traffic carried by express companies in the United States, but the published tariffs show rates on general merchandise running as high as $1 per ton-mile for short distances. That is about the highest rate published for the territory east of the Mississippi River, and the average is no doubt much nearer to 10 or 12 cents than to the higher figure, but it is a matter of common knowledge that express rates are very much higher than freight rates, there being, of course, a difference in the service also. The occasional distribution of stock dividends of 200 per cent and cash dividends of 28 per cent additional is a further indication of the difference between the amount collected by the express companies, which is a part of the transportation taxes paid by the American people, and the amount received from the express companies by the railways and reported to the Interstate Commerce Commission.

Our railways charge the Government much more for the transportation of mail matter than they charge the express companies for the transportation of express matter in the same trains. In Germany one postal car on every train, with all its contents and the clerks in charge, is carried absolutely free, and any additional cars are hauled for a charge of from 8 to 12 cents per car for each mile run. It is interesting, not to say instructive, to compare express rates in the United States with parcels-post rates in Germany, where a package of 11 pounds weight can be sent to any point within 46 English miles for 6 cents and to any point in the Empire for 12 cents, and packages are accepted up to a maximum weight of 110 pounds.

Three different classes of rates enter into the making of the average rate per ton-mile—local rates (usually high), through rates (with which are included rates to points having water competition), which are much lower, and foreign rates, which are the lowest of all. The German commissioners found numerous cases where local rates in this country were four to five times as much as rates for similar service in Germany.

Many things, such as the fact that terminal costs are the same irrespective of the length of haul, justify a charge per ton-mile which is less for long hauls than for short hauls, but the Germans, owning both their railways and their waterways, make equal charge for equal service on their railways whether the lines are near to or remote from waterways, which is the exact reverse of American practice. In fact, German rates in some instances are so fixed as to induce the movement of heavy articles of small value, such as coal and ores, by water instead of by rail, so that the rail lines may be free to give prompt movement to traffic of a higher class. The total traffic of the German railways in 1905 was 27,652,000,000 ton-miles. If it had been possible for them to haul, in addition to this, the 9,300,000,000 ton-miles of low-grade traffic carried on the German waterways, the average railway rate per ton-mile would have been largely decreased, but the transportation taxes of the German people would have been a good deal higher than they were.

Foreign rates also are arranged upon a different basis in the two countries. Rates on oranges from California to New York are made exactly equal to the sum of ocean freights and import duty on oranges from the Mediterranean, and when Congress recently increased the duty on lemons the railways immediately raised the freight rate. It costs less to ship pottery products to Iowa from Liverpool, England, than from East Liverpool, Ohio, and only 5 cents a hundred pounds more to send plate glass from Antwerp, Belgium, to Denver than to send it from St. Louis to the same city. A few months ago the transcontinental roads went out of the export business rather than make known their proportionate share of the through rate.

German railways also make a difference between domestic and export rates, but the rates are public and are designed to support the national tariff rather than to nullify it—to make it easy for the German manufacturer to bring in his raw material and send out his finished product and hard for the foreigner to compete with him in his home market. The Government-owned railways of Germany are operated primarily to promote the development of the nation; the privately owned railways of the United States are operated principally to produce dividends.

Commissioners Hoff and Schwabach, after a careful investigation, reported that when proper allowance is made for express, mail, company freight, private car line traffic, etc., when what the German public gets from its railways is weighed up along with what we do not get from ours and the figures are calculated on the basis of prices paid for the same service, a true statement of the average freight rates would be 14.4 mills per ton-mile on the railroads of the United States and 9.5 mills on those of Prussia.

The average passenger rate in Prussia is 0.98 of a cent per mile as against 2.014 cents in the United States. The Prussian passenger service has been criticized by American railway men—whether justly or not it is not intended here to discuss, except to say that it is undoubtedly about what the German people want, for nowhere else in the world do the people have so large a voice and so direct an influence in determining the character of railway service and the rates charged therefor as they have in Germany. But there is one important point in which their service is incomparably superior to ours, and that is in safety, for our railways kill more people every fortnight on the average than the Prussian railways do in a year.

Diagram No. 5 shows, for the fiscal years 1898 to 1907, inclusive, the number of deaths and injuries reported by the railways of the United States to the Interstate Commerce Commission. From this it appears that the number of casualties sufficiently serious to be reported has mounted steadily higher year after year. For 1907 the figures were 11,839 killed and 111,016 injured, a total of 122,855. This grim total is equivalent to 33 persons killed and 304 injured for every day in the year. A statement recently issued by the bureau of railway news and statistics indicates a gratifying decrease in the number of passengers killed in 1908 and 1909, but official figures are not at hand from which to determine whether there has been a similar decrease in deaths and injuries of employees and others.)

The German roads, with 32,000 miles of line in 1905, had about one-third as many employees and hauled about one-half as much freight as did the American roads with their 214,000 miles of line. The German roads, however, carried nearly 185,000,000 more passengers than the roads in the United States. In spite of this tremendous difference in relative density of traffic the official figures show that in proportion to the number of passengers carried and employees at work in that year the railways of this country killed 6½ times and injured 29 times as many passengers, and killed 3 times and injured 25 times as many employees as the roads of Prussia.

Many things contribute to the safety of travel on Prussian railroads, a prominent factor being the number of men employed for the especial purpose of preventing accidents. The German commissioners already quoted say that if American railways were as carefully guarded as are those of Prussia we would have 636,000 men employed for that purpose, while the number actually employed (in 1905, when their investigation was made) was less than 50,000. The people of the United States could well afford to pay a higher rate per ton-mile for their freight if they could not only travel for less than half the present rates, but could also know that when they do travel, the danger of getting killed would be only about one-seventh, and of getting hurt about one-thirtieth, as great as it is now—or, to be exact, as it was in 1905.

There is one other point which must not be omitted in this effort to get at the real meaning of the average rates per ton-mile reported for the two countries, and that is the tremendous difference in the contributions to governmental revenues. The German railway system is decidedly a solvent institution. In 1907, after paying for maintenance, operation, repairs, renewals, new equipment, local taxes, interest on bonds, contribution to the sinking fund, and every other item which the careful German accounting required to be deducted, there remained an absolutely net profit of $164,000,000. Since the German roads are practically all owned and operated by the States, this handsome amount went into the State treasuries. The amount paid in taxes to subordinate political divisions was about $5,000,000 more, making a total contribution to governmental revenues of $169,000,000.

This is considerably more than twice as much as the amount paid in taxes by American roads in the fiscal year 1907, which was $30,108,006. The difference becomes still more striking when we take into consideration the much greater mileage of the American lines, for if these latter had paid as much per mile of line as did the German roads, they would have contributed to the treasuries of the States, cities, counties, and other minor civil divisions of the United States not $80,000,000, but more than $1,110,000,000.

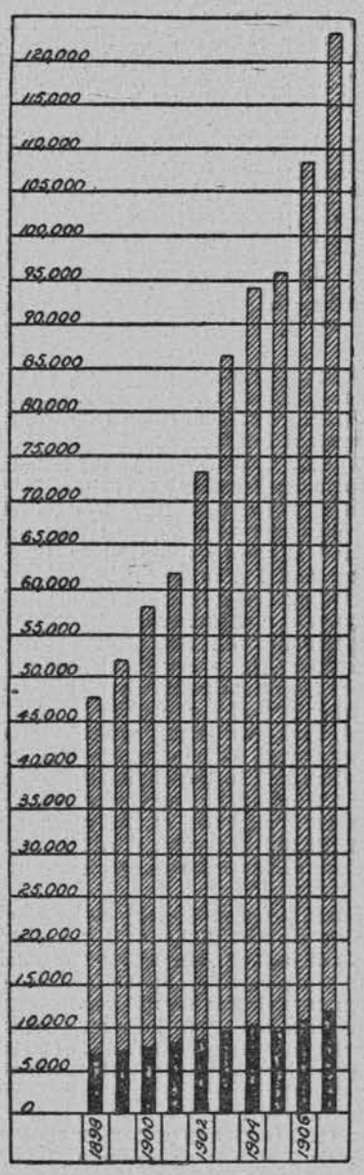
If the net profits of the German roads had been used solely for that purpose, the railway debt would before now have been paid in full, with interest, leaving the entire system with its equipment as a net asset in the hands of the German States. These chose rather to put

the proceeds of the transportation taxes into their treasuries, reducing by that much the amount to be raised by other forms of taxation. During the 25 years that the German railways have been owned and operated by the States of the Empire, the mileage has been nearly doubled, the equipment considerably more than doubled, and the efficiency of the system increased at least threefold. Both passenger and freight rates have been reduced, but profits on the capital invested have risen from 4.9 to 7.52 per cent, while the net income per mile of line operated was $5,050 in 1907 as against $1,976 on American roads.

Between 1890 and 1907 the railways of the United States increased their capitalization by $13,020 per mile of line; between 1883 and 1902 the German railway system, besides paying for itself in net profits, reduced its capitalization by $2,527 per mile. It is not claimed that the German railway system is perfect, and the writer is most emphatically not an advocate of Government ownership and operation of railways in the United States. But there would be a good deal to say in favor of a railway administration which could accomplish the results outlined above, even if its average freight rates per ton per mile were actually, instead of only apparently, higher than those on the railways of the United States.

DIAGRAM No. 5.

Deaths (in black) and injuries on United States railways 1898–1907, as reported to the Interstate Commerce Commission.



A number of recent writers evince surprise, not unmixed with sorrow, because the governments of the earth, as a rule, collect only insignificant tolls for the use of canals and no tolls at all for the use of improved rivers. Mr. McPherson, from whom quotation has already been made, states that the results of this policy are shown by "statistics that are startling." Concerning one of several instances referred to by him, he says:

"The revenue from the interior waterways in 1905 was over $2,300,000 less than the expense for maintenance. If there be added thereto interest on the capital at 3½ per cent, amounting to $4,637,750, it is found that the charge borne, without offset, by the State of Prussia during 1905 for its interior waterways amounted to nearly $6,500,000."

Belgium, Russia, and other countries are also referred to and the charges are given which are borne, "without offset," for the maintenance of waterways.

Apparently nothing is to be considered as an offset but a direct return in cash through tolls or charges, but if this be the true basis for calculation the governmental expenditures which are totally "without offset" are both many and large. For instance, there was spent last year on the public-school system of the United States about $400,000,000. Since no charges were made for the education given, this large expenditure must have been "without offset." (Was this not also a flagrant example of unfair competition by the Government with schools maintained by private enterprise?) Something might be said also concerning the expenditures made, not by the Government but by the people, for the maintenance of churches and other religious institutions, but it is better that our attention should be confined chiefly to matters connected with transportation.

Canals and rivers are not the only highways for the use of which no tolls are charged. We have in the United States about 2,250,000 miles of public roads. If the land contained therein, which is somewhere between 13,000,000 and 15,000,000 acres, is worth as much as the lands adjacent thereto, its total value may be roughly approximated as $150,000,000. But Bulletin No. 32, issued by the Office of Public Roads, states that the expenditures on public roads in 1904 were $80,000,000, in round numbers, which is equivalent to 4 per cent on $2,000,000,000.

Then there are thousands of miles of streets in the cities, towns, and villages of the country. Some of these are bordered by real estate so valuable that the income of the average citizen for a year would be too little to buy a square foot of it. Many are paved with materials of various kinds, most of which are costly—some of them, sometimes, unnecessarily so. Some of them are cleaned every day, and some are tended day and night by a force of white-suited employees who sweep up every bit of litter as fast as it falls. Here is land which would readily sell for billions of dollars in cash, the use of which for any productive purpose is positively prohibited.

No figures are available as to the amount which has been spent on the improvement of streets, alleys, and roads in this country, but it must be enormous. If we could get at the annual cost of maintenance of all the city streets and country roads in the United States, and add to that the interest at 4 per cent on all that has been expended on their improvement, the sum total would mount up to scores of millions of dollars. And since almost every mile of highway is free of tolls, this vast expenditure is entirely "without offset."

Vast quantities of lands have been granted to aid the construction of railroads in the United States. In Louisiana one-ninth, in California one-eighth, in Nebraska one-seventh, in Wisconsin, Iowa, Kansas, North Dakota, and Montana one-fifth, and in Minnesota and Washington no less than one-fourth of the total area was donated for this purpose. The area of the lands granted by the National and State Governments is equal to that of the 13 original States and greater than the area of Germany and Italy combined, or of France, Great Britain, and Belgium. The value of these lands at the time they were granted was probably not less than $500,000,000.

In addition to this imperial domain, other large amounts of land were given by counties, townships, cities, and individuals. The Northern Pacific was built into Superior, Wis., in consideration of a free right of way, which was so chosen that it took most of the water front, and a deed to "one-third of all lands, premises, and real estate." This was not an extreme case. During the eighties, when railroad building was most active in the Dakotas, the usual terms exacted from the owners of town sites included free right of way and station grounds and a deed to every alternate lot. The areas of these lands was, of course, much smaller than that of the lands granted by Congress and the States, but the value was probably as great.

Besides these grants of land, enormous both in area and in value, our railways have received financial assistance from sources ranging from the National Treasury down through States, counties, and cities to pioneers striving to carve out homes in the forests or turn the prairies into farms. At one time the Pacific railways were indebted to the Government for bonds and unpaid interest in the sum of $130,000,000, but all but about $6,000,000 has since been paid. Another $6,000,000 was contributed in rebates in the tariff on imported rails. No complete compilation of the figures has ever been made, so we must be content with indications and estimates. The net amount contributed by the State of Missouri was $25,604,344, and towns and counties in the same State gave $8,124,075 more. Two hundred and ninety-four cities, towns, and villages in New York gave $29,978,206, and 51 counties in the same State gave from $5,000 to $3,000,000 each. In 1853 Wheeling had a railroad debt of $1,100,000; St. Louis, $2,500,000; New Orleans and Pittsburgh, $3,500,000 each; Baltimore, $7,830,000; and Philadelphia, $8,154,000. The census of 1870 showed that there were still outstanding $185,000,000 of county bonds issued in aid of railroads.

Of other grants to railroads space remains for the mention of but two. One is the exemption from taxation at the same rate as other property. The taxes paid by railways in 1907 were less than one-half of 1 per cent on the capitalization. It follows that one of two things is true—either the roads are very heavily capitalized or very lightly taxed. The other item is composed of the franchises granted by States and cities. Rivers run by authority of Almighty God, but railways must be chartered by human governments. It is impossible to ascertain either what existing railway franchises were worth when granted, or what they are worth now, but it is interesting to speculate how much the companies would pay for the privilege of continuing to operate, if, through some inconceivable legislative foresight, it had been arranged that all these franchises should terminate on December 31, 1911.

As is natural when exact figures are lacking, estimates vary widely as to the aggregate value of all the gifts, grants, lands, bonds, exemptions, and franchises which have been given in aid of railways. Some put it as low as $2,000,000,000; others say that fully half of the $17,000,000,000 of railway capitalization is based upon donations made and franchises granted by Government and people. Take the lower figure and put the interest at 4 per cent, although the current rate was much higher when many of the gifts were made, and the expense amounts to $80,000,000 a year. And since the railways have paid no rental for the lands and no interest on the money given them, this expense, which has already been running for 50 years or more, is entirely "without offset."

But the reductio ad absurdam is probably sufficiently complete. In founding and sustaining schools and churches, in laying out, improving, and maintaining streets and roads, in giving franchises to railways and adding enormous grants of lands and bonds to aid in their construction, Government and people were seeking not dividends, but development.

"Without offset" indeed! Some of the Pacific roads may have been so lavishly endowed that the value of the gifts was far greater than the cost of construction. Some roads may have been built for the sole purpose of blackmailing existing lines. But who can estimate or com-

prehend even the money value of the development which has come with, and largely because of, the building of railways? Who, until the coming of that poet greater than Homer, who shall write a poem grander than the Iliad, the epic of America, may fitly characterize the results which the railway has produced in higher realms—the cementing of national unity, the increase in human efficiency, the multiplication of opportunities, the broadening of mental horizons—results beyond the power of money to measure?

Equally is it true that the governments of the earth, in making large expenditures for the improvement of rivers and the construction of canals have been influenced by considerations far higher and have sought results much more far-reaching and important than the earning of dividends through the collection of tolls. A British royal commission has recently been studying the question of canals and inland navigation. Mr. W. H. Lindley, the distinguished engineer who made a comprehensive report to this commission on the waterways of the Continent, gives, among other things, statements showing the charge per ton-mile borne by the State on the traffic carried by water. A number of writers have made these statements the basis of elaborate arguments against waterways. Mr. Lindley also made some other statements, which, if they have seen, these writers have certainly not quoted. In his opening summary he says:

"The opinion on the Continent as to the value of waterways is best shown by the steps proposed and the moneys granted by the governments for their future improvement and development."

In the portion of his report devoted to Germany he says:

"The opinion existing in Germany on the value of waterways for handling the traffic in conjunction with the railways is given by the fact that the Prussian Landtag, on April 1, 1905, sanctioned a law for new works for a total amount of £16,728,750 ($81,469,012.50), or for a sum equivalent to over 60 per cent of the total sum hitherto spent on the waterways in Prussia."

In the fourth and final report of the royal commission there are repeated statements of a similar character. Referring to the Belgian waterways, it is said:

"The State expects no return or profit upon the money spent upon construction or large improvement. It is considered in Belgium, as in France, that these works will increase the commerce and wealth of the nation, and that the increase of commerce and wealth will strengthen the national public revenue."

The commission says, further:

"That the use of the improved natural and artificial waterways in cheapening the transport of coal and other low-value traffic has increased the trade, industry, and wealth of Germany, and so indirectly the revenue derived by the railways from passenger traffic and higher class goods; * * * and the state revenue at the same time benefits indirectly through the increased real income and spending power of the population consequent on the augmented industrial prosperity produced by cheap water transport."

The royal commission also calls attention to another point which our American writers seem to have overlooked. If the Prussian railways and waterways be taken together as parts of one great transportation system, the net revenue in 1905, after paying all costs of maintenance and operation and deducting interest on the capital, was $159,039,151.70. This gave, in addition to all indirect benefits, a net income of more than 7 per cent on the total investment. In the United States that same year railway stocks to the amount of $2,435,370,337, being 37.16 per cent of the total, paid no dividends at all, and the average rate on those stocks which did pay dividends was 5.78 per cent.

IV. WHITHER THE SIGNBOARD POINTS.

The conclusions reached and the recommendations made by the royal commission of Great Britain and Ireland are not without interest and significance to the people and the Government of the United States. That commission was appointed to seek a remedy for the depression in British trade and industry, which is especially evident in the Midlands, once the greatest manufacturing region in the world. One great factory after another has left its former location, which at most was only 85 miles from a harbor, and sought a new location on the seacoast. This was not a matter of choice, but of compulsion, for the owners found themselves not only beaten in the markets of the world, which they once had dominated, but even shut out of the market of London, only 100 miles away, by manufacturers in the heart of Germany, 500 miles farther away, but with water transportation available all the way.

The Royal Commission studied the canals and inland navigations of the Continent and found a great, connected waterway system, with channels which have been continually deepened, widened, and improved so that they could accommodate larger and larger boats and carry an ever-increasing traffic. They found the valleys of these streams sown thick with thriving industries and filled with prosperous cities, some of which, as Frankfort did, grew more in one brief score of years after the coming of the waterway than in a thousand years before. And as a natural, inevitable, and invariable result they found in every country visited that the busiest and most profitable railways were those which lay closest to and cooperated most fully with the waterways.

They studied the canals and inland navigations of Great Britain and Ireland and found, not a system, but a jumbled collection of odds and ends of waterways, no two sections having the same width and depth; all of them too narrow and too shallow for modern needs; most of them unimproved since 1830; all of them strangled by obstructions; some emasculated by adverse railway control of strategic sections; some lying derelict and abandoned, crushed by unfair railway competition. They found, not growth of trade and industry, as on the Continent, but decay, as told in a preceding paragraph, and, as a natural and unavoidable consequence, a steadily decreasing rate of dividends on railway capital.

But there was one striking exception to the general rule, one bright spot in the gloomy picture, and that was in the vicinity of the Manchester Ship Canal. A brief and imperfect outline of the effect on Manchester has already been given, but it should be said that the six or seven million tons of traffic which have been developed at this new-made port were not stolen from Liverpool. That city, with the object of holding the trade built up through centuries of effort, made repeated reductions in its dock and harbor dues. In spite of these reductions—possibly, in part, because of them—her traffic grew faster than ever, so that in the 13 years immediately following the opening of the Manchester Canal the revenue of the port of Liverpool increased more than five times as much as during the same length of time preceding that event.

The British royal commission learned from their studies that the influence of no other one thing penetrates so deeply into the very heart of industry and trade as does that of transportation. They learned that in the great race for commercial supremacy the position held by any nation depends chiefly upon the character, the efficiency, and the economy of the transportation facilities with which it is provided, and that in the last analysis national existence depends largely thereon. They learned, beyond all doubt or question, that waterways are creators of prosperity for cities, states, nations, and railways.

They recommend—

That a permanent "waterway board" be created, which shall be made up not of legislators with countless other calls upon their time, but of experts who shall give exclusive and continuous attention to its work.

That this board be empowered to issue bonds to provide the needed capital.

That all the inland waterways of the United Kingdom be acquired as speedily as possible and placed under the control of the board.

That the first step should be the construction, at an estimated cost of about $100,000,000, of two great waterways extending from the Mersey to the Thames and from the Severn to the Humber, lying across the Midlands like a gigantic letter X, with branches which would shorten the routes from north to south and from east to west.

That a comprehensive plan be formed, and carried to completion as fast as funds become available, which shall extend a connected system of modern waterways to every part of Great Britain and Ireland, so that the manufacturers of the United Kingdom may be able to compete on even terms with the manufacturers of the Continent in the markets of the world.

Details differ in our own country, but the same principles apply. Theirs is chiefly a problem of canals, ours chiefly a problem of rivers. (It goes without saying that in both countries there will be continued development of ocean harbors—with the addition in this country of the channels and harbors of the Lakes.) Theirs is a problem of arresting decay, ours a problem of hastening development. But we, the same as they, need the permanent board or commission of experts, the comprehensive plan, the complete, connected system of waterways, and the bond issue, in order that the needed work may be pushed to speedy completion.

The growth of the United States has been wonderful. But that growth is not finished, it is scarcely begun. If we shall have the wisdom and the courage to supplement our magnificent railway system with a splendid system of inland waterways, all the growth of the past will be but as a prologue to the mightiest drama of national development which the world has ever seen. If, by the improvement of our waterways, we make possible the utilization of all the multitudinous resources with which a bountiful Providence has endowed us, it needs no gift of prophecy to foresee the speedy coming of a day when America, dowered with illimitable wealth and girded with resistless power, may stretch forth her hand and say to all the warring tribes of earth, "Henceforth there shall be peace."

S. A. THOMPSON, *Richmond, Ind.*

Mr. SPARKMAN. Mr. Chairman, I now yield four minutes to the gentleman from North Carolina [Mr. SMALL].

The CHAIRMAN. The gentleman from North Carolina [Mr. SMALL] is recognized for four minutes.

Mr. SMALL. Mr. Chairman, I merely wish to bring to the attention of the committee the proposition that there is nothing new in this proposed legislation. In the river and harbor act of 1910 it was expressly provided that in all preliminary examinations and surveys authorized in that bill or in any subsequent river and harbor act the investigation should include data regarding the development and utilization of water power for industrial and commercial purposes; so that the Corps of Engineers, in the investigation of the improvement of Black Warrior River, have acted entirely within the law by including in that investigation the development of water power.

This bill simply provides a change in Dam No. 17 heretofore authorized upon that river, which will develop a large amount of water power. It simply provides for an increase in the lift of one dam and in the elimination of two dams higher up; and while the additional cost over the present project is about $150,000, yet, by reason of the revenue received by the Government of $15,000 per annum, which would very greatly exceed the small additional cost, it is really an economical piece of legislation.

This improvement was predicated entirely upon the proposition of improving the navigation of Black Warrior River, and the development of water power was entirely incidental. As to whether or not the amount to be charged—namely, $1 per annum per horsepower—is too small, I am not prepared to give accurate information, but it has been stated upon the floor here by gentlemen who have investigated it that it is a fair price.

I can not sympathize with that other criticism of this bill, that it ought to contain a limitation by Congress fixing the price at which the water power is to be sold to consumers. I can not believe that gentlemen understand the danger involved in that suggestion. Whenever a corporation created by the State of Alabama obtains certain property rights from Congress, then the regulation of the exercise of those property rights and the price at which the power shall be sold to consumers is and of right ought to be with the sovereign State of Alabama, and I have no doubt the State has proper laws by which that matter can be regulated to the satisfaction of the citizens of that State. [Applause.]

Mr. SPARKMAN. I suggest that the gentleman from Illinois use the balance of his time, as all the time on this side will be consumed in one speech.

Mr. MANN. Mr. Chairman, the gentleman from North Carolina [Mr. SMALL] who just addressed the committee stated that there was nothing new in this proposition. That is what

is the matter with it. There is nothing new in it, and we want to put something new into it. There is something new in the air in the development of these things in the country, and the old ideas in reference to the development of water power must be worked over and have something new put into them.

This bill as it stands proceeds upon the old idea. We have reached a point in the country where, with the development of electric power through water power, the National, State, and local Governments must exercise control over the conditions under which the power is generated and sold.

This bill would have passed without controversy in Congress 20 years ago; it would have passed without much discussion 10 years ago; and it might have passed in its present form 5 years ago; but, in my opinion, it can not pass this House in the shape that it is now in. [Applause.]

We are working on this bill not merely with reference to this proposition, but with reference to the lines upon which Congress will grant power such as is proposed to be granted here. We are considering the question whether, where we create power, we will give it away or sell it at a nominal amount, without any control over the price which shall be charged for it, or without giving any other company or person an opportunity to bid to us for its use. I propose at the proper time to offer amendments to the bill for consideration of the committee and the House, so that in this bill, if possible, the House may express its opinion as to the terms upon which the Government shall grant the use of the water power which it creates by the expenditure of its own money.

Mr. KOPP. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. KOPP. What does the gentleman think of the proposition enunciated by the gentleman from North Carolina [Mr. SMALL]—that the sovereign State of Alabama has the power to regulate rates under this franchise granted by the Federal Government?

Mr. MANN. I am perfectly willing that they should exercise that power, if they have it. I want to have somebody representing the Government given the right to fix the maximum charges which can be made to consumers. If the State of Alabama wishes to lower those rates, it is none of my business, and I am perfectly willing.

Mr. FLOYD of Arkansas. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Arkansas?

Mr. MANN. Certainly.

Mr. FLOYD of Arkansas. I desire to ask the gentleman from Illinois if the War Department does not now, under its authority, sell or lease some of these water powers created on navigable streams where locks and dams are put in?

Mr. MANN. My recollection is that on the Cumberland River in Kentucky the water power created by the Government is leased, and it may be in some other places.

Mr. FLOYD of Arkansas. If the gentleman will yield to me for a brief statement, I want to call attention to what the department held in regard to leasing the water-power rights of dams that were put in by the Government in the White River in Arkansas.

At Batesville, Ark., a few years ago a power company desired to purchase the privilege of utilizing the water power created by this dam, which had been built for the purpose of improving navigation. I went with some of my associates to the War Department to intercede in behalf of this company, and they wanted to charge $10 per horsepower. We explained it to them, and they agreed to let that company utilize the power for $5 per horsepower, provided they would pay for the entire amount of water power produced by the dam; that is, its entire capacity. The company was willing to pay $5 a horsepower for what they used, but they were not willing to pay for the entire amount that might be produced by overflow of the dam. So they did not agree. It seems to me that this bill provides a very low price for horsepower.

Mr. HUMPHREYS of Mississippi. The gentleman understands that at Batesville, White River, the company went to no expense whatever; the Government did it all.

Mr. FLOYD of Arkansas. Yes; absolutely all.

Mr. HUMPHREYS of Mississippi. Here this company is going to expend—I do not mean for machinery—but it is going to put into dams $1,700,000 before they can start. At White River they spent nothing at all.

Mr. MANN. After all, Mr. Chairman, it is a question of principle in determining these things. There ought to be somebody given the power on behalf of the Government to fix the rates which shall be paid from time to time.

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. MURRAY. May I inquire of the gentleman whether or not a simple amendment to substitute for the word "shall," in line 23, page 11, the word "may" will meet that very situation?

Mr. MANN. I do not know whether it would or not; I have not the time to look at it now. I have an amendment which I am sure will meet it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SPARKMAN. Mr. Chairman, I yield the balance of the time to the gentleman from Alabama [Mr. TAYLOR].

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. TAYLOR of Alabama. Mr. Chairman, I desire to say to my colleagues, as a member of the subcommittee of the Committee on Rivers and Harbors, that we made an earnest effort to find what was a fair charge for rent in this particular case. We applied for information to the Government engineer who is in charge of that district, an able man, and here is his reply, which will account for the charge of $1 per horsepower. He says:

> In considering the rate of charge and the time-element features of this bill the department has been governed somewhat by a consideration of the fact that it is undoubtedly to the interest of the Government and the country that the water power be developed; that the development is located in the heart of a coal region where steam power is cheaply produced; that the Government will obtain a suitable improvement for navigation more cheaply in the long run if the improvement is combined with water-power development; and that if the terms of the cooperation are made too onerous the company might refuse to enter into contract, the Government thus losing the advantage of decreased ultimate cost and the water power being perpetually wasted. A telegram received from Maj. Flagler relative to the rate of charge provided in this case states:
>
> "One dollar rental horsepower, my letter May 3, is believed to be high and is based on price stated in bill, and apparently satisfactory to power company. One dollar capitalized at 5 per cent represents $20 increase on first cost of installation of power plant per horsepower over free water power, which I consider high for available horsepower and construction costs on Black Warrior as determined by me."

He further says:

> Power Co.'s estimates are doubtful as to market price of power developed, and amount available, dollar price, is based on assumption that all additional costs of power installation are borne by company.

Mr. RAKER. Will the gentleman yield?

Mr. TAYLOR of Alabama. As soon as I finish this.

Mr. RAKER. It is just at that point that this is applicable. I find the statement here from the major of the Corps of Engineers in the report, pages 25 and 26, the following:

> It appears to be established that for commercial success water power must be furnished at a first cost not exceeding $100 per horsepower, and it is very doubtful in my opinion if even $514,000 would cover the cost of a power installation, transmission lines, and distributing plant, and also capitalization of such annual rental as may be required by the United States. A representative of the Birmingham Water, Light & Power Co., which is endeavoring to secure power rights at these locks, informs me that a market for electric horsepower can be secured as high as $50 per annum per horsepower.

Mr. TAYLOR of Alabama. Go on further and see what he says. Read two or three lines further.

Mr. RAKER (reading):

> On this basis the water power developed might prove a commercial success, but the figure stated is surprising.

Mr. TAYLOR of Alabama. It is surprising to him to have it said that a market for electric power can be secured as high as $50 per annum per horsepower. His opinion upon investigation on the ground is that $20 per horsepower is high in that locality.

Mr. MADISON. Will the gentleman yield?

Mr. TAYLOR of Alabama. After I have finished reading this letter.

Mr. MADISON. It is directly in connection with what the gentleman from California stated. It is a fact, however, whatever the estimate of the Government engineer is upon the value of this horsepower, that the Birmingham Water Power & Light Co. through its representative did say that it could sell that horsepower for $50 per horsepower.

Mr. TAYLOR of Alabama. I do not know that.

Mr. MADISON. Here is the statement made by the Government engineer that a representative of this company told him as a matter of fact that they could sell it for $50 per horsepower.

Mr. TAYLOR of Alabama. Yes; and he said that was surprising to him.

Mr. MADISON. Yes; but it does give, does it not, the view of the Birmingham Light & Power Co.?

Mr. TAYLOR of Alabama. Yes; it gives their view. Now, the engineer further says:

> At the expiration of the period stated in the bill it will be possible to make a more exact determination of the rate which should be charged, since the construction cost, sale prices, and amount of power developed will then be definitely known.

The CHAIRMAN. Debate is closed by order of the House. The Clerk will now read the bill for amendment under the five-minute rule.

The Clerk proceeded to read the bill.

Mr. SPARKMAN (interrupting the reading). Mr. Chairman, I think that the Clerk is reading the original Senate bill and not the House amendment. Is it necessary that the original Senate bill should be read?

The CHAIRMAN. The Clerk is reading the Senate bill that is now before the House.

Mr. SPARKMAN. But he is reading the old Senate bill, and not the bill as amended.

The CHAIRMAN. The original Senate bill has to be read, and he is reading it now.

Mr. TAYLOR of Alabama. Mr. Chairman, I ask unanimous consent that the reading of the Senate bill as it was originally and as it has been stricken out by the House, be dispensed with, in order that the time of the committee may be saved, and that the Clerk read the House amendment, which is in the nature of a substitute.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to dispense with the reading of the original Senate bill, which has been stricken out in the House amendment, and to read the substitute therefor. Is there objection?

Mr. MANN. Mr. Chairman, that is the original Senate bill. It has not been stricken out.

The CHAIRMAN. That the reading of the original Senate bill be dispensed with, and that he read the amendment, which is in the nature of a substitute.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. If that should be done, and the House should then decline to agree to the substitute offered by the committee, would there be any opportunity then to amend the original Senate bill?

The CHAIRMAN. The Chair thinks it would be beyond that stage. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the amendment of the House, which is in the nature of a substitute.

The Clerk read as follows:

That the Secretary of War is hereby authorized, in his discretion, to change the detailed plans and specifications for the construction of Lock and Dam 17, on the Black Warrior River, Ala., so as to increase the height of the pool level over the dam crest of Lock 17 to a height of 63 feet above the pool level of Lock 16, so as to render unnecessary the building of Locks 18 and 19, as now authorized, and so as to provide for the extension of slack water up the Mulberry and Locust Forks of the Black Warrior River to Sanders Shoals and Nichols Shoals, respectively, and for the development of water power.

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, I make the point of order that that motion is not in order. This is one amendment, and must be reported in full.

The CHAIRMAN. The Chair thinks the point is well taken. The Clerk will read.

The Clerk proceeded to read the amendment in the nature of a substitute.

Mr. BORLAND (interrupting the reading). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. Mr. Chairman, the Clerk is now reading the substitute for the Senate bill, and is proceeding to read each section of that substitute. If the reading of the entire substitute is completed, will an amendment be in order to any one section?

The CHAIRMAN. It will. The Clerk will proceed.

The Clerk read as follows:

SEC. 2. That the Secretary of War is hereby authorized and directed to have prepared such detailed plans and estimates as may be necessary to carry into effect the purposes of this act, and he is further authorized in his discretion to suspend operations during his investigations and to enter into supplemental agreements with the present contractors for Lock and Dam 17, providing for the annulment of existing contracts or for their modification so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States.

SEC. 3. Should the construction of the higher dam at site 17 be found advisable the appropriations and authorizations heretofore made for the cost of locks and dams on the Black Warrior, Warrior, and Tombigbee Rivers, Ala., shall be available for the construction of Dam 17 and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17.

SEC. 4. That the Secretary of War is authorized and empowered to enter into a contract with the Birmingham Water, Light & Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of carrying out the stipulations and performances herein mentioned. It shall be provided in said contract that the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 50 years from the time fixed in this act for completion of the works herein authorized, electrical power stations and other structures for the development of water power for industrial and other purposes, and for converting to its own use, benefit, and profit the power developed with the surplus water not needed for lockage, including the right to sell, lease, or otherwise dispose of said power: *Provided*, That the company shall furnish and deliver, free of charge to the Government, at Locks 16 and 17, all power necessary for the operation of said locks and for the lighting of the Government grounds and houses situated at said locks. The said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power developed at Dams 16 and 17. For a period of 20 years the rental shall be at the rate of $1 per annum per horsepower developed, which rate shall be subject to readjustment by the Secretary of War at the end of that period and thereafter at the end of every 10-year period. Payment for the power developed at each dam shall begin one year after the locks and dam at 17 shall have been completed. Beginning with the year 1920, the minimum rental to be paid to the Government by the company shall be on the basis of 15,000 horsepower. The company shall have ingress and egress over Government lands for the construction and operation of its plants and works and the right to use Government lands at or near said locks for the erecting of power houses and appurtenances in connection therewith, subject to regulation by the Secretary of War. It shall be provided further in the contract that the company shall transfer to the Government flowage rights over all lands that will be temporarily or permanently overflowed by reason of the construction of Dam 17. The Government shall have free access to all the books of the company and all other records necessary for ascertaining and calculating the price, rates, and amount of power produced, developed, or sold by the company at said locks and at its storage reservoir. The contract shall further provide that the works herein contemplated, except the storage reservoir at or near Sanders Shoals, on the Mulberry Fork of the Black Warrior River, shall be commenced within one year and that the power-house foundations to be constructed by the company as a part of the dam shall be completed at least as soon as Dam 17. The said company is hereby authorized to construct said storage dam and reservoir at Sanders Shoals in accordance with the act to regulate the construction of dams across navigable waters, as amended by the act of June 23, 1910: *Provided*, That the construction of said dam and reservoir shall be commenced within one year after the completion of Dam 17 and shall be completed within 10 years from the date of approval of this act.

THE FREE LIST—MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11723. An act permitting the building of a railroad bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn.;

H. R. 8146. An act to construct a bridge across Rock River, at or near Colona Ferry, in the State of Illinois; and

H. R. 4682. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River, at or near Glenhayes Station, in Wayne County, W. Va.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, and had further insisted upon its amendments Nos. 5 and 7, disagreed to by the House of Representatives, had further disagreed to the amendment of the House to the amendment of the Senate No. 8, had asked a further conference with the House, and had appointed Mr. PENROSE, Mr. CULLOM, Mr. LA FOLLETTE, Mr. BAILEY, and Mr. SIMMONS as the conferees on the part of the Senate.

Mr. UNDERWOOD. Mr. Speaker, I think I can facilitate matters, and I am addressing myself now more particularly to the gentleman from Illinois [Mr. MANN], if I may be permitted to make a statement here for a minute or two. I ask unanimous consent to proceed for a minute or two.

Mr. MANN. Mr. Speaker, I have no objection.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to call from the Speaker's table the conference report on the free-list bill, about which we have just received a message from the Senate.

Mr. MANN. Mr. Speaker, would not the committee have to rise to do that?

The SPEAKER. The committee has already risen.

Mr. MANN. Yes; but it has risen only informally. I have no objection whatever, but it is easy to move to rise and then to go back into the committee subsequently.

Mr. UNDERWOOD. If the gentleman thinks there is an objection to it, I will wait.

Mr. MANN. I have no objection, if the gentleman wants to set the precedent.

Mr. UNDERWOOD. I would not do it except by unanimous consent. If the gentleman does not think it is proper, I shall wait. I was merely trying to expedite matters.

Mr. MANN. I say that I shall not object, if the gentleman wants to make the precedent.

Mr. UNDERWOOD. Then, Mr. Speaker, I ask unanimous consent that the Speaker may lay before the House the conference report on the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber,

lumber, sewing machines, salt, and other articles, and to consider the same.

The SPEAKER. The gentleman from Alabama asks unanimous consent to call up the report of the conferees on the free-list bill. Is there objection?

There was no objection.

The conference report was read.

(For conference report, see House proceedings of Aug. 14, 1911.)

Mr. UNDERWOOD. Mr. Speaker, the amendments so far agreed to in the conference report add "and binders" after the word "harvesters"; strike out, in line 18, page 2, the words "made wholly or in chief value of leather made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calfskins," the effect of which is to put on the free list all classes of shoes without limitation; and the balance of amendments are simply changes of phraseology. I move the adoption of the conference report.

The SPEAKER. The gentleman from Alabama moves the adoption of the conference report.

The question was taken, and the conference report was agreed to.

Mr. UNDERWOOD. Now, Mr. Speaker, I understand that the Senate has sent back the bill, adding to the clause in reference to beef the following language:

Coming from any foreign country with which the United States has reciprocal trade agreement and which shall admit from the United States, free of duty, cotton, corn, wheat, oats, horses, cattle, and hogs.

It adopted the same langauge which was disagreed to in conference in reference to flour, corn meal, and so forth, and they disagreed to our amendment adding "lemons" after the words "Roman, Portland, and other hydraulic cement and lime." Now, Mr. Speaker, I desire to move to concur in the Senate amendment No. 7 by inserting after the word "corn" the words "not for distillation." As the Senate bill is written to-day, with amendment 7, buckwheat flour, corn meal, and other flours could not be admitted from any country whatever. I understand that the purpose of the Senate in putting this amendment on was to admit flour and meat from Canada and from no other country, but as there is a tax on corn for distillation purposes, if we agree to the amendment without an amendment we would prohibit the importation of flour and meat from anywhere in the world. Now, I regret that the Senate was not willing to admit flour and meat free from all the world, but I recognize the fact that we can not pass this bill if we insist on the House bill. I think it is better for the country to take a half a loaf than no loaf. I think it is better for us to agree that meat and flour shall come in from Canada than not to come in at all, and in order for it to come in from Canada we have to agree to their amendment with an amendment where they insert the word "corn."

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. MANN. The Senate has insisted upon its amendments and asked for a conference.

Mr. UNDERWOOD. Well, as I understand, if we can agree to their amendments without going in a conference it is not necessary for us to agree to a conference.

Mr. MANN. Does the gentleman desire that the House recede from its other amendment?

Mr. UNDERWOOD. Yes; I intend to recede because I can not get it. I recognize I can not get it, and when we reach that point I intend to move to recede. I think there is no necessity or us going to conference when we would come out of conference exactly in the position we are now.

Mr. CULLOP. Mr. Speaker, I would like to ask the gentleman from Alabama a question.

The SPEAKER. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. Certainly.

Mr. CULLOP. If the amendment the gentleman suggests is now made in the bill would you not have to have a conference?

Mr. UNDERWOOD. Not at all, if the House agree to that amendment in reference to the paragraph relating to flour and bread and the amendment relating to meat, lamb, and so forth, and recedes from its amendment in reference to lemons and agrees to the Senate amendment, there would be no occasion to go to conference.

Mr. MANN. I do not see how you expedite anything.

Mr. CULLOP. I understood from the gentleman, though, that as the bill is now written, because of certain language in regard to these products for distillation, they could not be admitted free from any country in the world.

Mr. UNDERWOOD. They can not——

Mr. CULLOP. Will it not be amending the bill in that particular so that it will have to go back to conference?

Mr. UNDERWOOD. Not at all. The Senate will agree to our amendment, and I understand they will promptly do so, and that they are waiting now for us to send the bill back before 4 o'clock p. m., so that they can send it to the President. [Applause on the Democratic side.]

Mr. FITZGERALD. If the motion made by the gentleman from Alabama [Mr. UNDERWOOD] is adopted, will meat and flour come in free to this country from anywhere?

Mr. UNDERWOOD. If the motion I make is adopted it will come in free from Canada only.

Mr. FITZGERALD. Would the gentleman from Alabama [Mr. UNDERWOOD] be willing to offer a motion which would give the Senate an opportunity to vote upon a question which would in effect permit meat and flour to come in free from any country?

Mr. UNDERWOOD. I have already done that. When this bill was in conference I stated to the Senate conferees that I would not agree to yield on this point of not having free bread and free meat coming in from the world unless they took the bill back to the Senate and had a direct vote on the question, which they had this morning.

Mr. FITZGERALD. If the gentleman from Alabama will permit me, I hardly think they have. The bill went to the Senate with this provision, and also had a House amendment relative to lemons. So the question was involved with one as to whether the Senate would concur in the House amendment on lemons or insist upon its disagreement to it. If the House were to recede from its amendment putting lemons on the free list and insist upon its disagreement to amendments 5 and 6, the effect of which would be to permit meat to come in free from any other country, the Senate would then be compelled to vote directly upon that one question.

Mr. UNDERWOOD. I will say to the gentleman from New York that he does not understand the parliamentary situation.

Mr. FITZGERALD. I think I do understand it.

Mr. UNDERWOOD. The Senate has had a direct vote on this proposition this morning. These points were not included in the conference report. They went back to the Senate, where they could have receded if they wanted to do so, and they refused to recede. They could have receded and adopted the amendment. Now, it is a question as to whether we shall recede or not.

Mr. FITZGERALD. If they had done that there would still be in disagreement the amendment about lemons.

Mr. UNDERWOOD. But the amendment about lemons had nothing to do with the other two paragraphs.

Mr. FITZGERALD. But it would have been asking the Senate to have yielded on an important matter in controversy and yet have left undisposed of, with advantage to the House, the amendment of the House as proposed. The Senate has not yet had an opportunity to vote squarely upon the question of putting meat and bread upon the free list free from other embarrassments.

And, if the gentleman will permit me, I wish to say that Bradstreet's report shows that in the past month the price of foodstuffs has increased 7 per cent. Coming from the section of the country I do, I am vitally interested in having meat and bread and flour coming in free of duty from the world.

Mr. UNDERWOOD. I will say that there is no man in this House more interested in having meat and flour admitted free than I am. I do not think we can get this through the Senate. It was directly presented.

However, I do not care to take up the time of the House. I will withdraw the request and let the matter be taken up at a time when the House can consider it.

BLACK WARRIOR RIVER.

The committee resumed its sitting, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (S. 943) to improve navigation on the Black Warrior River, in the State of Alabama. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

SEC. 5. That in the exercise of the authority granted to the company herein or by said contract the company shall conform to such regulations as may be imposed by the Secretary of War for the protection of navigation and of the property and other interests of the United States. The company shall at no time lower the pool level made by the erection of Dam 16, nor the pool level of Dam 17 below 63 feet above the crest of Dam 16, but in order to create a storage surplus for water-power purposes the Secretary of War may, in his discretion, permit flashboards or a removable crest not exceeding 3 feet in height to be installed on Dam 17 by the company, at its own expense; the United States shall not be liable to said company for any failure of water power from any cause whatsoever. The work and improvements herein provided for shall be executed under the direction and with the approval of the Chief

of Engineers and the Secretary of War. To insure the performance by the company of the acts and obligations imposed upon it by said contract the Secretary of War may require the company to execute a bond in such an amount and with such surety as he may determine to be necessary. Whenever the company shall have acquired and transferred to the United States Government flowage rights over all lands to be flooded and temporarily or permanently overflowed and shall have erected power stations sufficient to supply the Government with all necessary power to light and operate said locks, said bond may be reduced to an amount not to exceed $50,000.

SEC. 6. All repairs, renewals, and other necessary expenditures upon the works, which the company shall be allowed to construct exclusively for the use of power generation, shall be made by the company, so that their condition shall at no time interfere with the interests of navigation: *Provided*, That whenever in the opinion of the Secretary of War the condition of said works endangers the interests of navigation, he shall notify the said company to repair the same, and if the company shall not immediately comply with the demand of the Secretary of War to make such repairs, he is hereby authorized and empowered to enter upon such works and cause them to be repaired; and the expense thereof shall constitute a debt against said company, its successors or assigns, and a lien upon all its property.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. CULLOP and Mr. UNDERWOOD rose.

The CHAIRMAN. The gentleman from Alabama [Mr. UNDERWOOD] is recognized.

Mr. UNDERWOOD. Mr. Chairman, I desire to make a statement about this bill, and I would like to ask the House to grant me an extension for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to speak for 10 minutes. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, although this bill relates to some extent to my own constituency, I think the Government is far more interested in the bill than either I am or my constituency is, because, as I said the other day, we have five water-power projects on the Coosa River that are capable of development, and one of them is in process of development. We have the greatest water-power project in the United States, next to the Niagara Falls, on the Tennessee River, only 80 miles north of Birmingham; and from 60 miles out of town they are preparing to bring gas into the city where we shall have all the power developed from escaped gas from furnaces and coke ovens, so that we are not materially interested in the development of this water power.

I was interested in the opening of the navigation of the Warrior River to the sea. For 16 years Congress has been at work on that development. In the last Congress they made an appropriation and provided a plan for the final development of that river. It is on the statute books. It does not make a bit of difference whether this bill is passed or defeated. The law will now provide for the opening of the Warrior River, opposite the city of Birmingham, where we can send our coal and our iron to the sea and to the countries of the world at a very much lower freight rate than we have to pay by rail now, and that is the material proposition that my constituency is interested in, and that is the reason why I do not want any delay in the consideration of this bill.

I was not originally in favor of the bill. And why? Because I thought it might delay navigation. The contractor for the building of Lock No. 17 has built a railroad up there, and he has got his machinery and supplies there, and if this bill passes, inside of a week he can go to work building Lock No. 17 on the old plan. Under the new plan he has three more locks to build, and if he builds them he has to build railroads up to them and has to carry his machinery up to them.

Now, he has agreed with the War Department, with which he has already got a contract, to remove this material for $8 a square yard, and he says under this new plan he will take the contract for $7 a square yard, or a reduction of $1 a square yard. The reason I finally consented to this bill is because the engineers and the War Department say that it will save the Government of the United States $257,000 in completing this waterway; and, more than that, they say it will be a decrease of $6,000 a year for each lock, or $6,000 a year each for three locks, which makes $18,000 decrease in the cost of maintenance.

Mr. TAYLOR of Alabama. Four locks.

Mr. UNDERWOOD. Yes; four. But there is one to be built that they will have to maintain.

Mr. TAYLOR of Alabama. There are five.

Mr. UNDERWOOD. Yes; I stand corrected. There are five locks contemplated, and it will take $6,000 to maintain the one if you adopt this bill. If you do not adopt it, you will have five to maintain, with all of the machinery connected with them, and it will cost you $30,000 a year to maintain them. That is from the Government standpoint.

Now, gentlemen have said a great deal here about the people's standpoint. So far as I am concerned, I am perfectly willing for you to put on an amendment upon this bill providing that the Government engineers may regulate the price at which this water power shall be sold by the company. [Applause on the Democratic side.]

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. No; I can not. Now, I am perfectly willing to sell this. I am perfectly willing to have it regulated. I know that the Government engineers can not make a contract with these people unless they give them a chance to get their money back, and the Government engineers will make a contract at a fair and reasonable price, because it is for the interest of the Government, and that is all I have a right to ask, and all you have a right to ask. We must leave it to somebody, and I am perfectly willing to leave it to the Government engineers.

Now, as to the question of regulating the price to the consumers. I have no interest in this company. I did not promote this bill. My constituents are affected. I am not going to do anything to hurt my constituents. I think the greatest danger in this bill is the question whether these men who are trying to get this power can get the money with which to make their construction, because, as I said, they have competition on every hand. But I am perfectly willing, and have been from the beginning, to do what I have stated.

A great deal has been said on the floor here to try to make people believe that somebody was endeavoring to oppress my constituents. I have always tried to protect my constituents. I have sense enough to know that the War Department must agree to a reasonable charge, that will enable these men to get their money back, and they are going to spend $1,700,000 before they build their own plant. The Government gets the benefit of that $1,700,000 before the water power company get anything, and if the War Department wants to get that $1,700,000 they must fix a fair rental value to be paid by the consumer or else you can not get men to put their money into it.

If I understand the matter correctly, the chairman of the committee has been prepared all the time to offer an amendment to this bill providing that the Government engineers may regulate the price at which this water power shall be sold to the consumers. He has been prepared all the time to offer an amendment here to let the War Department fix the price that these men shall pay. That is all there is in it. I have no doubt he will offer these amendments in a few minutes. I think the committee ought to adopt them; and when they are adopted, if you do not pass this bill we will get the navigation anyhow, but you will be throwing away $250,000 that belongs to the United States Government that they can save to-day, and you will be throwing away $24,000 a year of lockage maintenance charges, besides what you throw away that these men would pay to the Government for the use of this water.

Mr. MADDEN. How many locks are there?

Mr. UNDERWOOD. Five locks.

Mr. MADDEN. I mean at this dam?

Mr. UNDERWOOD. One.

Mr. MADDEN. There are two locks.

Mr. UNDERWOOD. I think the gentleman is mistaken.

Mr. MADDEN. No; the gentleman from Alabama is mistaken.

Mr. AUSTIN. Mr. Chairman, I am going to give this bill my support, and I want to state my reasons very briefly.

This bill comes to the House of Representatives with a unanimous report from one of the strongest and best committees of this body. Then, in the other end of the Capitol, it received the unanimous report of a similar committee. This report contains the recommendation of the Acting Secretary of War of a Republican administration, so that this proposed legislation has the unanimous indorsement of a Republican Senate committee, a Democratic House committee, and of one of the executive departments of a Republican national administration having river improvements in charge.

Beyond that it has the support of the entire Alabama delegation, the State in which this river is located and which directly affects the people of that Commonwealth.

I know something has been said about the regulation of the price of power to consumers. The people of Alabama, through their legislature and their mayor and board of aldermen in the city of Birmingham, where this power will be sold if a market is found, elected and controlled by the people, will not permit the corporation or power company to be oppressive in the sale of this power.

Another very excellent reason that ought to appeal to Members of this House is this: That the Government saves in the improvement of this river more than a quarter of a million dollars in the construction of the needed locks and dams. It will save by a change in the project of improving this river an annual expenditure for the care and keeping of these locks from

$24,000 to $30,000 for all time. If it is not granted, you deprive the Government of an annual income of not less than $15,000 for 50 years, or $750,000.

Now, something with reference to the price of power. It has been said that this power could be sold in Birmingham for $50 a horsepower. For 10 years I attempted to have the water power on the Little Tennessee River developed where we had a fall of 152 feet, and there could be a development of 25,000 horsepower. I spent 10 years and hundreds of dollars to find men that would put in that development, even going as far as London and bringing men from foreign lands to look it over. That proposition had the indorsement of three of the ablest electrical engineers in the United States, one of whom was connected with the development of the Niagara River. During that entire time we failed to place the securities, because our proposed site was located in a field that supplied cheap fuel or coal, just as this power is located. We put in the leading manufacturers' plants of the city of Knoxville, and tested five of their plants as to the cost of power in that field, and the least cost was $16 per horsepower. Now, I undertake to say that this company or no other company in the Birmingham field or the Black Warrior River coal field will ever be able to sell a horsepower for more than $25 at the outside.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, I ask for three minutes additional time.

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended three minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, here is a local proposition supported by a solid State delegation on a local measure, and as one Member of this House, thinking of the interest of my constituents, I can not stand here and fight meritorious local propositions and then ever have the face to ask the Members of this House to support a local proposition in which my people are interested. [Applause.]

Gentlemen in discussing this proposition have in mind the water-power propositions of the far West, where they are many hundred miles distant from the supply of fuel and where fuel is expensive; but this situation in the Birmingham field is entirely different from that you have in mind and what you have been discussing here.

Here is the South, and God knows I love that section of our country. Alabama gave me birth, and anything that affects that State and its interests appeals to me. This power proposition means much for the development of Alabama. It means cheaper power for the manufacturing interests. I appeal to my colleagues on this side of the House not to stand in the way of the development of the material interest of Alabama. The only people standing in the interest of that material development are our friends on the other side, who insist on reducing the tariff duties on cotton and other goods manufactured in the South. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

After the word "provide," line 9, page 11, insert the following:
"That the Secretary of War shall have the power to fix and regulate from time to time the rates which the said company may charge consumers per power, and provided":

Mr. SPARKMAN. Mr. Chairman, the only criticism of this bill was the fact that it made no provision for the regulation by anybody of the rates which this company might charge consumers of the power which it might develop.

Mr. UNDERWOOD. Mr. Chairman, I would like to suggest to my friend from Florida that he modify his amendment and make that light, heat, and power.

Mr. SPARKMAN. Mr. Chairman, I have no objection to that.

The CHAIRMAN. Without objection, the amendment will be so modified.

Mr. MANN. We want to know how it is modified.

The CHAIRMAN. The Clerk will report the amendment as it is proposed to be modified.

The Clerk read as follows:

After the word "provided," in line 9, page 11, insert the following:
"That the Secretary of War shall have the power to fix and regulate from time to time the rates which the said company may charge consumers for light, heat, and power, and provided, etc."

Mr. MANN. That does not make English.

Mr. SPARKMAN. It makes English when it is read in connection with what follows.

Mr. MANN. No; it does not. That is the trouble.

Mr. HUMPHREYS of Mississippi. What does it make?

Mr. MANN. God only knows. I can not tell, but it does not work with the rest of the bill.

Mr. SPARKMAN. In what particular?

Mr. MANN. I will examine it further.

Mr. SPARKMAN. Mr. Chairman, the committee, after considering the criticisms that were made, came to the conclusion that they were perhaps not without some foundation, and we are now seeking to avoid the objections thus raised by Members on this floor by the amendment which has just been read. I can say for myself that I have always been in favor of governmental regulation, not only of rates for power and light and heat charged by power and lighting companies, but I have always been in favor of the regulation by the Government of port and wharfage charges in any port or river developed or improved by the Government. Gentlemen on the Committee on Rivers and Harbors who have been with me for the past several years know that this has been my position, and I have quite recently applied it to the harbor at my own home town by giving power to the Secretary of War to regulate such charges.

Mr. COOPER. Will the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. COOPER. As I understand the gentleman's amendment, it was not mandatory in language. It said that he shall have the power, but it does not direct him to fix the power. Section 2 provides:

That the Secretary of War is hereby authorized and directed—

to do a certain thing. The gentleman's amendment says that he merely shall have the power.

Mr. SPARKMAN. In response I will say that the Secretary of War and the engineers have usually regarded such language as that as mandatory, and I have no doubt if this bill passes and becomes a law that they will construe it as mandatory, in accordance with the uniform practice followed by the Secretary of War and the engineers in the past.

Mr. COOPER. Yes; but the circumstances are not the same at all. They have construed as mandatory a general provision in an appropriation bill that says that they may expend so and so, but the money is under their charge, and it will not be expended until they are directed. These rates might be fixed by somebody else subject to the revision of the Secretary of War. There should be a provision that no rate should be fixed except in the first instance by the Government.

Mr. SPARKMAN. The committee did not think it was advisable to force him to change the rates from time to time. He may not find it necessary or proper to do it. We thought it was best to leave it in his discretion. If we say that he shall do it, then he may consider himself as directed to make changes where and when none is necessary. The rates may be fixed in the beginning as low as they should be, and if no changes are needed I would not force the Secretary to make them. There may be no complaints at any time against the rates this company may charge, but if there are, and such complaints are well founded, or if for other reasons the Secretary of War may consider that the rates should be changed, he has ample power, if this amendment is adopted, to make such changes from time to time as his judgment dictates.

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. SPARKMAN. Certainly.

Mr. AUSTIN. May I suggest to the gentleman at that point that this company in selling its power will make long-term contracts with manufacturers at a fixed rate per horsepower, so that if the Secretary of War is compelled to change the rates constantly or frequently, it might in that way interfere and endanger the very existence of this corporation that has entered into a disposition and sale of its power for long terms with manufacturing plants.

Mr. SPARKMAN. That is along the line of the suggestion I was making, and I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

The was no objection.

Mr. SPARKMAN. Mr. Chairman, I wish to say that I am not wedded to the language in which that amendment is couched. If language better suited to express the idea can be suggested, I would have no objection, but I would not agree to the use of the word "shall" instead of "may."

Mr. MANN. Will the gentleman yield for a question?

Mr. SPARKMAN. Certainly.

Mr. MANN. The gentleman proposes to insert this proviso on page 13. Is the gentleman sure that becomes a part of the contract?

Mr. SPARKMAN. Certainly; it becomes part of any contract that may be made with the company under this bill. I do not know whether it will actually go in the contract that may be drawn, but it will become a part of the contract by the

adoption of this amendment as much so as though it were written into it.

Mr. MANN. I do not agree with the gentleman about that part of it, but I do not see it is necessary to discuss that question. You are providing here that a contract shall be entered into which clearly would be binding upon the company. Now, is this provision to be written into the contract?

Mr. SPARKMAN. The language of the amendment does not suggest that.

Mr. MANN. I know, but will this proviso——

Mr. SPARKMAN. I think it is part of the contract, and so, I believe, would any lawyer here who has given careful consideration to this——

Mr. CULLOP. I would like to ask the gentleman a question.

Mr. SPARKMAN. I have no desire, Mr. Chairman, to occupy any further time just now.

Mr. BORLAND. Mr. Chairman, I desire to discuss briefly the proposed amendment permitting the Secretary of War to fix rates to consumers. I believe the primary power of the Federal Government in navigable rivers is to improve them for the purpose of navigation, and I believe that it is in the interest of wise conservation that if the Government itself expends a large amount of money in improving a river for navigation and some incidental profit or benefit may arise from that improvement that it ought to be utilized for the benefit of the public and of that particular locality. I think that a bill of this character utilizing the water power from a dam on a navigable river is a wise measure, but it does seem to me that a measure bristling with precedents and new questions of law and new points in regard to Federal power deserves the most careful consideration in this House. [Applause.]

I do not believe that any contract ought to be made with any corporation which may in its operation tend to the creation of an obnoxious monopoly upon the people of any locality, even if at the time the monopoly be created they happen to unanimously favor it. I believe it is the duty of Congress to safeguard the people from monopolistic tendencies, even though those tendencies may not be apparent in the desire for the general improvement in some locality. I do not believe that a right should be granted to a company to have power from a Government dam without regulation, and I do not think there is any dispute here between Members of Congress that the power to regulate charges ought to be lodged somewhere.

Mr. SHACKLEFORD. If the gentleman will permit, I desire to ask the gentleman, my colleague from Missouri, whether he thinks it desirable to take the power to regulate such charges away from State control and bring it here to Washington and turn it over to the Secretary of War, who is far removed from those people, who knows nothing about local conditions? Does not the gentleman think it better to leave it just where it now is, with each State to regulate, if there is to be any regulation at all, and most of the States have very ample regulations?

Mr. BORLAND. Mr. Chairman, I agree entirely with the views expressed by my colleague from Missouri in his interruption. We all agree here that the power to regulate the rates and charges to consumers ought to be lodged somewhere where it can be effectively exercised, but I do not believe a majority of this House believe that it should be lodged with the Secretary of War. [Applause.]

Mr. TAYLOR of Alabama. Will the gentleman yield for an interruption?

Mr. BORLAND. Yes.

Mr. TAYLOR of Alabama. As a governmental or sovereign power I agree with the gentleman, but this Government has a right to make a contract, as it is authorized there, and has a control of that contract, and it has the right to make the condition that the charges may be fixed by the Secretary of War.

Mr. BORLAND. Mr. Chairman, I concede that the Government, having a property right in the dam it constructs, and undertaking by contract to allow somebody to use that dam, for that purpose may affix to the contract such conditions as it chooses not unlawful in character. The Secretary of War, who is supposed to be a military power, should not fix arbitrarily, without appeal, the charges that may be made to private consumers. That might be satisfactory, but in my judgment it would be wholly unsatisfactory. The fixing of rates for public utilities is properly a legislative power and is vested in the State.

Mr. CULLOP. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. CULLOP. If the Secretary of War has the power to make the contract with the corporation for the installing of the power, has he not also the same right to make in that contract a provision as to what the maximum charge shall be?

Mr. BORLAND. Oh, yes; without doubt, but whether he would have a right to reserve in that contract the power to supervise those charges afterwards would be a very different question altogether. Now, there is no doubt in my mind that as a legal proposition the sovereignty over that water for all purposes except navigation is in the State of Alabama.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND Mr. Chairman, I ask unanimous consent for an extension of five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. And I am gravely in doubt whether it is the intention of this House to fix a precedent that because the Federal Government has expended some money in improving that stream for navigation, thereby the sovereignty of water for all purposes is turned over to the Federal Government. I do not think we intend to fix any such precedent as that. Now, it has been decided in the State of Missouri in the State ex rel *v.* the Telephone Co. (189 Mo., 93), that the States have power to fix the charges of public utilities.

The only question involved in that case was whether the State could delegate that power to a municipality within the State. A whole line of authorities are cited that the power to regulate the charges of public utilities is in the State.

Now, we know that the State, by granting a franchise to a private corporation, may barter away certain powers. Under the doctrine of the Dartmouth College case it may make a binding contract which can not afterwards be abrogated by State law. It may put itself in a position where it can not regulate the charges of public utilities. I take it if any State corporation comes up here and asks from the Federal Government the use of public improvements, such as a dam, for water power, that corporation ought to be able to show that the State power to regulate the charges as between it and the citizens of the State has been guarded in the franchise or the charter which the corporation holds from the State. There is absolutely nothing of that kind in this bill.

Mr. TAYLOR of Alabama. Will the gentleman allow an interruption?

Mr. BORLAND. Yes, sir.

Mr. TAYLOR of Alabama. It can not be put in the bill as a matter of legislation, because that is legislation of the State. But I can assure the gentleman that the constitution and laws of Alabama have fixed it so that corporations authorized by them are subject to the State authorities.

Mr. BORLAND. If that is the case, gentlemen, then there is no need of extending that power to the Secretary of War. If the State of Alabama, as the gentleman from Alabama says, by its constitution reserves to itself this power, and has practically denied itself the power to release corporations created——

Mr. CULLOP. You are dealing altogether there with questions as to whether the corporation is formed under the State law and the franchise is granted by a State statute. Now, here is a power that is granted by Federal statutes, and a different rule applies. Immediately by that doctrine you would raise a conflict between the Federal and State authorities, and the Federal authority would have to prevail.

Mr. BORLAND. I think not. The gentleman from Indiana [Mr. CULLOP] will notice that this particular corporation claims to be an Alabama corporation and gets whatever corporate powers and franchises it has to create electric power and distribute it from the State of Alabama.

Mr. CULLOP. Yes, sir; that is true, but the right to exercise this power is granted by a Federal statute, and the Federal laws would control in that matter.

Mr. BORLAND. If the gentleman from Indiana is correct, then the Federal Constitution could be stretched to the point of creating Federal corporations for the purpose of engaging in the conduct of public utilities in any State.

Mr. CULLOP. No; my doctrine does not go that far. Here is an express statute that we are about to pass, if we pass it at all, that grants certain privileges to a corporation in a State, and that State will not have control over this Federal statute.

Mr. BORLAND. There is a very serious conflict of opinion between the gentleman from Alabama and the gentleman from Indiana. One states that the State of Alabama has plenary power over the company favored by this legislation in its dealings with its consumers, while the gentleman from Indiana says the Federal Government has the power to grant a franchise for a dam in that State and that it is within the control of the Federal Government. That being so, whether you assume one of these views to be correct or the other, you are setting here a precedent for the use of navigable streams in all the States of the Union. I believe that the true rule will be

established and ought to be established—that the Federal Government shall deal with these people as——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I would like about two minutes more. I do not want to trespass unduly upon the time of the committee.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to be allowed to speak for two minutes more. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I believe that the true rule that ought to be established is this, that the Government ought to grant upon the most competitive terms possible the right to use any public utility that arises from the improvement of a navigable stream. It ought to get the best terms possible. It ought to make the bidders, or contractees, who assume to exercise any of these powers, prove that they have subjected themselves in the matter of charges and service to the continuing control of the State in which they were created.

This corporation does not offer to do anything of that kind. It does not even appear that it has not already plastered itself all over with stocks and bonds, based upon nothing but the prospect of getting a right or franchise from the Federal Government. The bonds might be sold in the market the very moment this bill is passed. This corporation does not say it is not going out to peddle its stocks and bonds in the market the minute it engages in this project of supplying water power from a Government dam; and for that reason, Mr. Chairman, it seems to me the bill might well go back to committee for recasting.

Mr. MARTIN of Colorado. Mr. Speaker, are further amendments in order at this time?

The CHAIRMAN. Not until this amendment is disposed of.

Mr. MARTIN of Colorado. I would like to strike out the last word of the amendment for the purpose of getting the floor.

Mr. CULLOP. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CULLOP. Would it not be better to commence with the first section of this bill, inasmuch as there are several Members who want to offer amendments to that, and take the bill up section by section, so that amendments to it may be offered section by section? For one, I want to offer an amendment to the first section. I think if we were to take it up section by section, commencing with the first section, and have the Clerk read it for amendment, we would get the bill in better shape at the end of the last section than we could by this promiscuous and haphazard method of amendment.

The CHAIRMAN. That could only be done by unanimous consent. The bill now under consideration is a substitute for the original bill, and is of itself an amendment, to which only one amendment can be considered at a time. As soon as that amendment is disposed of the gentleman from Indiana [Mr. CULLOP] can offer his amendment to any portion of the bill he desires, either to the first section or otherwise.

Mr. CULLOP. Mr. Chairman, I am going to ask unanimous consent that we take the bill up for amendment, beginning with the first section.

Mr. BATES. Mr. Chairman——

The CHAIRMAN. Just a moment. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent that the Clerk proceed to read the bill section by section, and that opportunity be given so that amendments may be offered as the sections are reached.

Mr. SPARKMAN. Mr. Chairman, I must object to that, for the present at least.

Mr. MARTIN of Colorado. I wish, Mr. Chairman, to inquire when debate is closed on the last amendment?

The CHAIRMAN. The Chair is of the opinion that debate has already closed, but the Chair will recognize the gentleman from Colorado, and he may proceed at this time.

Mr. MARTIN of Colorado. Mr. Chairman, it seems to me that opposition to this bill is springing up from vastly different sources. I want to say it is a revelation to me, and a disquieting revelation, to see the eagerness with which our brethren from that section of the country, which always, from time immemorial, has been the champion of State rights, are tumbling over each other in their keenness to establish the principle that the Federal Government may reach into the States and tax the natural resources of those States.

The other day, when this question was first discussed, I suggested that there was a tremendously important principle involved here, and I was assured that the precedent had been so well established that it was not worthy of consideration. Thereupon I took the trouble to call up the War Department, and what I have to say now is particularly pertinent, in view of the last amendment that has been offered, namely, to give the Secretary of War the power to fix the prices and make the regulations under which this company is to operate, and to regulate the charges it is to make to the consumers for the use of the power generated. I asked the officials of the War Department whether there were in operation specific contracts involving this principle, and they were able to cite only one instance, and that was in the case of a river down in the State of Arkansas. I think it referred to the Batesville Power Co., or a concern of some such name. However, that is immaterial. It seems that some former Congress passed an act authorizing the Secretary of War to fix the rental or rate to be charged per horsepower to the company which was to utilize the power created by a dam constructed in that river.

I was informed that the Secretary of War first proposed to charge $10 per horsepower per annum, and the company said, "We can not do business at that rate." Then the Secretary of War said, "Well, we will charge you $5 per annum per horsepower." Eventually the reply came back from the company, "We can not do business at that rate." Then the Secretary of War said, "Well, we will charge you $1 per annum per horsepower."

Of course, it must be evident from this statement that the War Department was merely guessing at what it ought to charge, that it had no substantial, scientific, business basis upon which to make that charge. My informant told me over the telephone that he was not able to say offhand whether the department had entered into a contract with the company on that basis, or whether they had any existing contract with it, but he thought they had some outstanding contracts of this character, and that if I would send them a request in writing they would furnish me with that information.

Now, Mr. Chairman, as I stated the other day, I am not concerned about the time for which this contract is to be entered into. I am not concerned about the rate to be charged, whether it is 10 cents per horsepower or $10. I am not concerned about the utter lack in this bill of any provision whatever to protect the consumers who are to use this power from that plant, although these are matters that ought properly to be considered if this principle is to be established. But I am greatly concerned with the principle of the Federal Government using the resources of a State as a basis of taxation, to the necessary and inevitable exclusion of that right upon the part of the State. I think I can demonstrate to you, gentlemen, that it will work an exclusion of the right of the State to tax its natural resources.

Mr. RAKER. The Government having built this dam, and by virtue of the building of it developed the power, so that all it is necessary to do is to attach the machinery and let the water generate the power, does the gentleman contend that the Government must let the property which it has created go to waste and that it can not dispose of it? Is that the gentleman's position?

Mr. MARTIN of Colorado. Just a moment. I am not making any argument to the effect that it ought to go to waste, but I want to answer that question in my own way.

A while ago the gentleman from Tennessee [Mr. SIMS] had the floor, and I asked him how he distinguished, in the matter of Federal power and in the matter of the principle involved, between a charge for the use of this water power, which is incidental to the construction of a Government dam, and a charge for the use of the river for navigation purposes by private steamship companies. I asked him how he could differentiate between those two propositions, and he said, "I can not and do not." A moment later he said, "I am not willing to give away this created power without charge." Then I asked him if he was willing to give away without any charge the use of this river, which was being rendered navigable at the expense of the Federal Government, and the Judge refused to meet the issue and answer the question. He said that was getting off into abstractions.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. I should like five minutes more. I have not used any time on this subject.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. I suggested the other day, Mr. Chairman, that the Government was spending tens of millions of dollars annually to improve the rivers and harbors of this country, and I instanced the case of the Ohio River, where many millions of dollars, eventually more than $60,000,000, are being expended to construct a series of dams down through the channel of that stream for the purposes of navigation, to be

turned over free to private steamship companies, private transporters for hire by water, for their use and benefit. Of course there is an incidental benefit to the public, just the same as there is in the operation of a railroad; but it will inure, I contend, from a monetary and business standpoint, solely to the benefit of the private companies and individuals operating steamboats on the river.

After that discussion the other day I had a little revelation. I said to myself, "We people from the West are up against this proposition, and there is no escape from it; the Federal Government is going to tax our use of water for power purposes." They do not own the water, and they admit they do not own it. They admit that the ownership of the nonnavigable streams in the West is in the States, but, says the Government, we own the public lands bordering the streams and we will withdraw these lands from private ownership and charge you rental for the use of the land on which to construct your dam, a sum sufficient for and equivalent to a charge for the use of the water.

Some gentlemen the other day thought I was mistaking the difference in the case of a dam built by the Government, as in this bill pending before the House, and one built by a private corporation. I want to assure you that I made no such mistake; that the Government expenditure on this dam as the basis of the charge being made for the use of this water power is only the ostensible basis. The real thing the Federal Government is driving at is the extension and establishment of this new principle of the assertion of control over water power of this country by the Federal Government as a source of Federal taxation and profit.

Look how inequitably the system works. In New York, we will say, there is a nonnavigable stream capable of furnishing valuable water power. The land along that stream is owned by private persons. You could go up there and buy that land along the stream and erect a power plant and be absolutely free from the control of the Federal Government. The State of New York could levy any sort of a lawful tax on that property; it could not only tax the physical value of the property, it could impose a tax in the shape of a percentage of its gross or net receipts; it could put a tax on that plant which will be equivalent to a division of the profits between the private company and the State, just as is done in the case of municipalities with street car, lighting, and water companies.

Now, how would that operate in the State of Colorado? How would that operate down in the State of Alabama in the case of this river? You are going to assume in the first place that the Federal Government is going to make a substantial charge for the use of the water power, the Federal Government is going to charge for the use of the power all that the traffic will reasonably bear, leaving a profit to the owner. Can the State of Alabama ever tax that property? Could a company which had to meet this Government charge, based on what the traffic would bear, pay also an equally substantial State tax and compete with a privately owned plant? The answer is obvious. It would be utterly out of the question, so that the operation of the Federal tax must logically and inevitably exclude the power of a State to tax its own resources.

It occurred to my mind that if you propose to insist on fixing this principle on us, if you propose that henceforth no man shall build a water-power plant in the State of Colorado or in the Rocky Mountain States without paying to the Federal Government a tax equivalent to all the business will bear; and since there is no difference in principle between one part of the country and the other, the East or the West——

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. MARTIN of Colorado. Mr. Chairman, I would like two minutes more, and then I will quit.

Mr. MADDEN. I ask unanimous consent that the gentleman be granted 10 minutes more.

Mr. SPARKMAN. O, Mr. Chairman, we might as well have the bill killed one way as another, if we are going to take up all the time this afternoon in discussion.

Mr. MARTIN of Colorado. Five minutes will be sufficient.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. EDWARDS. Mr. Chairman, reserving the right to object, I will not object at this time if the gentleman does not ask for any further extension.

Mr. MARTIN of Colorado. I will not ask for any further extension.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, I recognize the fact that this is not the time and these are not the conditions under which we can discuss and consider the tremendously important and revolutionary principles involved in this legislation. What I was about to observe is that if we of the West are simply butting our heads against a stone wall in our opposition to this new policy of the Federal Government going into our States and taxing our natural resources for the benefit of the Federal Treasury and to the exclusion of the powers of the State, we will accept the inevitable, but we will work out and advocate the extension of the principle all over the United States. So I think, Mr. Chairman, when I get time, now that I have seen the light, now that I have seen the error of my ways, I think I will work out the proposition of taxing the use of all the navigable waters of the United States upon which the Federal Government is expending money in their improvement.

I would impose a substantial tax which will be equal to a division of the profits, and that is what is contemplated in this case, and that is the life principle of this new policy—to effect a division of the profits between the Federal Government and a private enterprise—and we will work out that proposition and tax every carrier of passengers and freight for hire that floats on any navigable waters of the United States, whether in the rivers, on the lakes, in the bays and harbors, or in the coastwise trade, and we will make these waters upon which the Federal Government has spent millions of dollars a year since the creation of this Government, and upon which we now expend forty or fifty million dollars annually, a source of profit, as they ought to be, to the Federal Government. In other words, we will simply apply the principle of conservation. Why, Mr. Chairman, this principle, once you establish it, is simply inexhaustible in its possibilities. We will tax every railroad and tram-car company that builds a bridge across or runs over one of these navigable streams, not merely for the half mile or three-quarter mile of track or bridge that they use, but we will place a tax upon them that will be equivalent to a reasonable profit to the Federal Government upon the entire plant from the Atlantic to the Pacific. I can well appreciate, Mr. Chairman, that this statement on my part will excite a smile, that it would be considered at first blush as an absurdity, but, Mr. Chairman, who can foretell the day when some new Moses of conservation, with his soul aflame with the fire of the new nationalism, shall take up this proposition I have suggested, strike it into life, and start a propaganda for it among the people of the United States which will result in its successful establishment, its operation and application, just as has been done in the revolutionary principle of taxation and control over the water powers of the States that is being established in this legislation?

Mr. BARTLETT. Mr. Chairman, will the gentleman yield for a question?

Mr. MARTIN of Colorado. Yes, sir.

Mr. BARTLETT. Did not the author of the new nationalism in this country suggest to Congress about as wild an idea as the gentleman has suggested with reference to the power of taxing this particular water power of the State?

Mr. MARTIN of Colorado. I think he did, and I had a pamphlet around here a while ago with his veto of the James River Dam bill. He took occasion to say there that of course this was a new principle, but that its novelty was no argument against its justice or its merits; that it was no argument against the right or the practicability of the thing; and therefore, Mr. Chairman, it does not argue against my proposition simply because the Federal Government, through a system of political procedure and logrolling, grossly abused and distorted, that has grown up in this country and has become a tradition, pours out forty or fifty million dollars a year to improve the rivers and harbors of this country and then turns over their free use to a lot of private steamships and railroads. The long existence of this condition is no argument that it will be wrong now to right about face and make these things, as they ought to be, a source of profit to the Federal Government. So I think I will work that proposition out, instead of any longer opposing your schemes of western conservation. [Applause.]

Mr. MADISON. Mr. Chairman, I wish to offer the following substitute to the amendment offered by the gentleman from Florida.

The CHAIRMAN. There is an amendment already pending to the amendment of the committee, in the nature of a substitute, and the amendment of the gentleman from Kansas is not in order.

Mr. MADISON. But should the Chair raise that point of order? Nobody has raised it from the floor.

The CHAIRMAN. The rules provide that there can be but one amendment to an amendment.

Mr. MANN. Mr. Chairman, the gentleman from Kansas said he wished to offer a substitute. Certainly a substitute can be offered at any time.

The CHAIRMAN. The rule provides in terms as emphatic as we can read here at the desk that there can be but one amendment to a substitute, and we are dealing now with an amendment in the nature of a substitute to the original bill. The Chair thinks that the amendment of the gentleman from Kansas is out of order until the other is voted upon.

Mr. MANN. We are dealing with an amendment to the original bill, not a substitute.

The CHAIRMAN. We have before us a committee amendment to the committee amendment.

Mr. MADISON. Mr. Chairman, I desire to offer a substitute for the amendment which I hoped would prevail, but inasmuch as the Chair holds that my substitute is out of order, I wish to say that I hope the amendment offered by the chairman of the committee will be defeated in order that I may have an opportunity to offer my amendment.

Mr. Chairman, let us see what may be and what often is the practical operation of the rule which the gentleman proposes to put in operation by his amendment. The gentleman provides that the Secretary of War shall fix the rate which shall be charged for the heat, light, and power. The rate to whom? The rate to the purchaser from the Birmingham Light, Water & Power Co. Suppose the Birmingham Light, Water & Power Co. does as many other companies have done under similar circumstances, sees that another corporation is organized to which is sold all the product of the Birmingham Light, Water & Power Co. Then what becomes of the ultimate consumer? Now, he is the man we are trying to look after, but, as a matter of fact, under the practical operation of the gentleman's amendment it is possible readily to deprive the ultimate consumer of the benefit of any rates that may be fixed by the Secretary of War.

We are about to meet the question of leasing coal lands in Alaska, and bills have been introduced providing that the Interstate Commerce Commission shall fix the price of coal. What coal? The coal at the mines. What about the ultimate consumer? Why the middle man takes care of him [laughter] as the middle man takes care of the ultimate consumer all over the United States to-day. And I undertake to say that, while the gentleman from Florida does not intend it, yet as a matter of fact there is a joker in the amendment as offered by the gentleman, and, if it carries, we will wake up some day and find——

Mr. BOWMAN. Mr. Chairman——

Mr. MADISON. Oh, I have only five minutes—will wake up some day and find that we have simply played the same old game of juggling the matter, and Mr. Ultimate Consumer has been lost in the shuffle. Now, my amendment provides, and we have a perfect right to make this condition to the contract, that they shall sell direct to the consumer. That is the gist of the amendment that I desire to offer and which I hope I will have an opportunity to offer soon, together with a provision that the Interstate Commerce Commission shall fix the rates, instead of the Secretary of War, and if you write those things into this bill, then the ultimate consumer will be protected. I think every man on this floor on this side of the House felt an echoing response in his heart to what the gentleman from Illinois, the minority leader, said awhile ago, in effect that we were laying down rules and principles here to-day in the making of this bill that went vastly beyond the importance of the bill itself. And that is what we are fighting for here to-day, to lay down safe, sound, conservative, practical principles in the conservation of our natural resources, and one of the things we must look after in Alaskan affairs, in coal-land leasing generally, and in the matter of dealing with our natural resources, as in bills like the one now before us, is that benefits proposed for the people do not get lost in going from the original producer to the ultimate consumer.

Mr. BORLAND. Will the gentleman yield?

Mr. MADISON. No; I only have a minute or two; I wish I could. And so I hope that the amendment which the gentleman from Florida offers will be voted down, in order that we may not wake up some morning and find ourselves surprised by the fact that while we earnestly tried to protect the ultimate consumer, the man who uses the power, that we had been, as a matter of fact, futile in our efforts and had accomplished nothing because of the fact that by the old familiar method of using another corporation he had been juggled out of the benefits that should accrue to him. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BURKE of Pennsylvania. Mr. Chairman, the amendment offered by the gentleman from Florida suggests a very serious conflict if it were adopted by this House. Section 4 of this bill provides that the Secretary of War shall make certain arrangements with the Birmingham Water, Light & Power Co., which company is organized for the purpose of carrying out the stipulations of this bill. Now, nowhere in the bill is there the slightest reference to any power conferred upon this company to manufacture or sell light or heat. Every section of the bill referring to that feature of the company's franchise refers to its manufacture and sale of power.

Now, the adoption of the amendment would enlarge the scope of the charter of the company if the charter of the company has already been granted in the language contained in that bill; that is, to carry out stipulations and provisions of this act of Congress. Now, my suggestion is this, that there is no place that this gives either an express or implied power to this company, so far as its charter granted by the State of Alabama is concerned. Now, if we read into it the enlarged power by conferring upon the Secretary of War the authority to fix the rate to consumers for light and heat, will that not necessarily either enlarge the scope of the company's powers or give rise to a very serious conflict, and will it not also give rise to this question as suggested by the gentleman from Kansas, if the Birmingham Heat, Light & Power Co. should sell its power to a third party, and the party using that power for the generation of light and heat, to still other parties, would it confer upon the Secretary of War the right to regulate the prices charged by another concern not referred to directly or remotely in this bill? I suggest these questions for the reason that I believe the gentleman from Florida does not wish to give rise to any such conflict.

Mr. COOPER and Mr. SPARKMAN rose.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Chairman, so far as I am concerned, I have no objection whatever to having inserted in the amendment which I have proposed the words "successors or assigns" after the word "company." I say I would have no objection to that whatever. If there is no objection to it, I will ask unanimous consent that those words be inserted.

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask my friend from Florida if he is familiar with section 5 of chapter 1 of the Revised Statutes of the United States, which says:

> The word "company" or "association," when used in reference to a corporation shall be deemed to embrace the words "successors and assigns" of such company or association in like manner as if these last-named words, or words of similar import, were expressed.

Mr. SPARKMAN. I am much obliged to the gentleman. I was not familiar with that section.

Mr. MANN. If you had to insert it in one place, you would have to insert it in forty.

Mr. SPARKMAN. In view of the statute which the gentleman has just read, I will not make the request. Now, Mr. Chairman, I move that all debate on this amendment——

Mr. MANN. I hope the gentleman will let me have three or four minutes.

Mr. SPARKMAN. All right.

Mr. COOPER. Mr. Chairman, I would like to have about five minutes.

Mr. SPARKMAN. Mr. Chairman, I move that all debate on this amendment be closed in 10 minutes.

Mr. MANN. That is, on the amendment of the gentleman from Florida [Mr. SPARKMAN].

Mr. LITTLEPAGE. Mr. Chairman, I should, at least, like to have the right to extend my remarks in the RECORD, if I can get unanimous consent to do it, since the gentleman wants to limit the time.

The CHAIRMAN. Does the gentleman from West Virginia prefer that request now?

Mr. LITTLEPAGE. Yes, sir.

The CHAIRMAN. Does the gentleman from Florida [Mr. SPARKMAN] yield for that purpose?

Mr. SPARKMAN. Yes.

The CHAIRMAN. The gentleman from West Virginia [Mr. LITTLEPAGE] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEPAGE. Mr. Speaker, the purpose of this bill being that the Congress of the United States shall give to the Birmingham Water & Light Co. a franchise, running for 50 years, to harness the water power of the Black Warrior River,

in Alabama, by the investment upon the part of the Government of a million five hundred thousand dollars in the construction of Government improvement in that river, in order to encourage and facilitate the development of the coal and iron industry along that river, and at the same time generate power for the convenience and accommodation of the business men having investments in the locality proposed to be affected, as well as to generate power and light for Birmingham and surrounding community, and the further consideration of $15,000 per year, or $1 per horsepower, revenues to the Government. While I stand for internal developments of the country in every direction, and believe that this Government belongs to the people, and one of the fundamental principles of the Government being to conserve the interest of the masses of the people by investments in the different localities in this Union of Government funds in order to encourage development in such localities, I at the same time recognize that a franchise for 50 years is of that vast importance to the Government itself and to all the people, especially to the people of the locality in which the investment and improvement is to be made and the franchise given, that we can not be too cautious in safeguarding, in the interest of the rank and file of the people, such an extraordinary franchise as this bill seeks at the hands of this Congress.

That the internal waterways of this Republic are of such vast importance that they must be developed and improved by the Government when the occasion arises and a proper situation is presented I do not deny. But, for the information of this Congress and in order to facilitate its action on this measure, I have in mind a case, which I ask the indulgence of the Congress long enough to relate, inasmuch as it may have, in your estimation, an important bearing upon the question of safeguarding, in the interests of the people, this proposed franchise. The rivers belong to the people as well as the Government—and when I say the Government I allude to navigable streams especially and those susceptible of being made navigable by the expenditure of the Government's money in proper cases and through proper channels.

The case I desire you to consider is that of the pollution and destruction of the New and Great Kanawha Rivers, the latter being a navigable stream for about 100 miles from Point Pleasant, on the Ohio River, to Kanawha Falls. These streams pass through my district for perhaps 240 miles, and they contributed before their pollution to the enjoyment and happiness of, I should say, 150,000 people in my State, the majority of whom live in my district, and the pollution has now gotten in that desperate situation that it affects directly and indirectly, perhaps, a million and a half of people from the Virginia line to Cairo, Ill., and even below there.

This Congress recently authorized, and the progressive and patriotic element of the citizenship of the city of Pittsburgh, Pa., made provisions for a visit by our Rivers and Harbors Committee from Pittsburgh along the Ohio River to Cairo, Ill., with a view of inspecting and reporting upon the advisability of—and in my judgment there is great necessity for—Government improvement of the Ohio River to the extent of having a continuous 9-foot stage of water in that great internal highway from Pittsburgh, Pa., to Cairo, Ill., that the coal, coke, iron, steel, farm products, and merchandise may be transported by steamer at any and all seasons of the year. This, of course, means a tremendous expenditure of public funds, but, in my judgment, nothing short of the construction, completion, and fortification of the Panama Canal is more important to the United States in the way of internal improvement than the contemplated improvements of the Ohio River. The Ohio River is more or less a sand-bearing stream, running as it does through great valleys of fertile soil. From Point Pleasant, W. Va., to Pittsburgh, the water in the Ohio River is clear for 6 or 8 months in the year; from Point Pleasant to Cairo, Ill., it is now muddy 10 months in the year, forcing the people using this water for drinking and domestic purposes to use muddy, slimy, and unhealthful water, as it has proved in thousands of typhoid cases, and when the people find out, as I expect to let them know before I conclude in citing the case mentioned, the exact cause of it, I believe there will be such a revulsion of sentiment that the Congressmen and Senators from Ohio, Kentucky, Indiana, Illinois, and Mississippi, on to the Gulf of Mexico, will be obliged to sit up and take notice. Go with me now, if you please, that I may relate to you candidly and faithfully the truth about a situation which has fastened itself particularly upon my people as a nightmare of oppression, humiliation, and shame.

The New and Great Kanawha Rivers are mountain streams. Their sparkling waters were as clear as crystal on an average of 10 months in the year before the grievance now so long complained of; but since a permit was given by the Secretary of War, in accordance with a resolution similar to this bill passed by Congress many years ago, enabling the Virginia Iron Ore Washeries to turn their refuse, mud, and muck into the New River beyond Radford, Va., these two great streams have been as muddy as mud holes for at least 10 months in the year during the past 16 years, and the situation has grown so bad that it is now intolerable; and although a contest has been waged by the people of my State to obviate and suppress this awful nuisance, we have been powerless to secure our rights, as the result of our inability to have this permit, issued by the Secretary of War, revoked.

I am at a loss for words to properly describe this situation of humiliation and shame thrust upon as good people as live, for all of whom my heart is full of sympathy, and whose tolerance has been such as to commend them to the favorable consideration of this Government and this Congress. Let me describe to you, if I can, the cause of this pollution, as I have been an humble member of a committee appointed by the legislature of my State to investigate and report upon the condition and cause of this pollution, and make such recommendation as to action to be taken as the situation warrants, looking, of course, to prohibiting this pollution, and I feel I know whereof I speak.

There are valuable iron-ore deposits in top of the mountain beyond Radford, Va. The deposit seems to be near the top of the mountains. This ore is mined by different companies, and there are tramroads constructed from the mines, over which the ore and dirt attached thereto is hauled in small cars to tipples, also on top of the mountain. There it is dumped over steel aprons and distributed into a steel trough running from the top of the mountain, quartering down the side thereof a distance of perhaps twelve to fifteen hundred feet; in some instances the distances are less and in others greater. Now, down at the New River they have for each plant, and they are numerous, 10 to 12 inch intake pipes, which are run out into the stream. There the water is as clear as a crystal, beautiful to look at, magnificent to behold, and full of game fish. By means of powerful pumps this clear water is drawn into the intake pipes and forced to the top of the mountain, where a bend is made in the pipe, so as to discharge clear, sparkling water into the steel trough, which is 3 to 5 feet wide, and at a point higher than the point at which the ore and dirt is dumped from the cars into the trough. The water is discharged with terrific force, which starts the dirt and iron ore to rolling down through this trough to a point near a second tipple, near the river, where the muddy water filtrates through a sieve and runs off into the river below. This is constantly going on. There another stream of clear water from another pipe strikes the iron ore, and by the time it is dropped into the railroad cars under the tipple, to be carried to the furnace, there is not the slightest mud or dirt on the ore. Where the water runs through the sieve and on into the river it is so full of mud that it seems you can nearly cut it in slices with a knife—not quite so bad, but nearly so.

There is so much mud carried by this and other streams of water from other mines in the vicinity that it is filling up the holes in the river for 50 or 60 miles below, and at one point, some 8 miles below, a ferry, which had been established for perhaps a hundred years, across New River, which at that point must be from 150 to 200 yards wide—I did not measure the distance—we were informed by the ferryman that the water in the New River up to 16 years ago, and until the iron-ore washeries commenced, at this point was very deep and clear, the deepest place being about 46 feet, and that the mud from these washeries had filled up this hole to the extent of destroying the ferry; and we were informed that a suit was brought against the company for damage to the owner of this ferry, and a third party, a stranger, bought out the ferryman, his rights, and so forth, thus stopping the litigation. Now, the Government has the authority to revoke this permit, given, as stated, by the Secretary of War, because of a provision reserved therein to the effect that in case the dumping of this refuse into the river should impede or endanger navigation, then the Government should have the right of revoking the permit.

Now, the Government has constructed in the Great Kanawha River, from Point Pleasant, so as to throw slack water up to the vicinity of Kanawha Falls, about 11 locks and dams, at a cost of from $200,000 to $300,000 each, and in some instances more. This muddy water and mud is now easily traceable from the exhaust pipe at the iron-ore mines, a distance of between 300 and 400 miles, to the mouth of the Great Kanawha River at Point Pleasant, and there it muddies the water in the Ohio River from the mouth of the Great Kanawha to Cairo, Ill., and on into the Mississippi River. Cincinnati people—the President's home city—have this filthy, slimy, muddy water

to use constantly. Instead of having three great, beautiful streams—the Ohio, the Great Kanawha, and the New Rivers—they are almost dead for domestic use. Think of it, Congressmen! Clear, sparkling, beautiful water 11 months in the year, and so beautiful that they were fascinating to look upon, magnificent to bathe in, to camp near, and to fish in—all gone. Game fish have disappeared—camping parties no more. To look upon them is to shudder, and to drink the waters you must first let the mud settle.

Twenty years ago in passing along the Kanawha and New Rivers you could observe the happy women taking in clothes from the clotheslines apparently as white as paper. Now, as the result of this pollution, they either have to let the water stand for days in barrels, dip it out with caution to wash their clothes, or they are as yellow as saffron. God Almighty intended that the poor people of the country should be at least kindly treated. He intended that the strong and the powerful should not humiliate them and impose upon them. The fundamental principle that is actuating men to change their political convictions in this country is to get relief from oppression—oppression that is constantly biting at their financial vitals, and which turned the minds of men in 1910 and will completely turn them in 1912. The humble Christian citizenship owning property along the Kanawha and New Rivers on wash days assemble and leave their homes, go away with their washing to mountain streams, sometimes at great distances from their homes, in order to get clear water in which to wash clothing that the children may have clean clothing to go to Sunday school and church, there to grow up under Christian influence. Think of the imposition upon my people, so long neglected and so outrageously treated. Think of their patient suffering, their despair.

There is but one way of avoiding this imposition, and that is on account of its impeding and retarding the navigation on the Great Kanawha River. The deep holes in the river are being filled up. When we have a freshet in that stream the banks are left lined with a slimy, filthy, red mud, the odor arising from which is beyond your conception, because you have not come in contact with it. This mud has been traced to the lock chambers, and is so settled around the gates and in the lock chambers that the Government of the United States is required to sustain the additional and unnecessary cost and expense of flooding these lock chambers, scraping and dredging out this mud, traced by experts from the Virginia mines all the way along the two rivers to the mouth of the Kanawha, and affects every one of the 11 locks. It also affects and shortens the life of the heavy chains used as a part of the mechanism of the locks or wickets from 8 to 10 years. Not only is that true, but it shortens the lives of the steamboat boilers from 8 to 10 years, necessitating ofttimes the laying up of the steamboats in order to clean the mud out of the boilers. This mud creates in the boilers blisters and causes them to rust out. It affects every pipe in the machinery room through which this muddy water passes, necessitating ofttimes a complete renovation, to the great loss of time and expense of steamboat men and to the great injury to their business. This is not all, so far as the Government feature is concerned. Those operating steamboats and water craft under a license issued by the Government—and these licenses are very high, too—from the watchman on the steamboat to the mate, from the engineer to the fireman, from the pilot to the captain, everyone charged with a public trust, must be licensed by the Government. This revenue to the Government is of vital importance to the Government, though oppressive to the men who have adopted the steamboat business as a life's vocation. Every one of these men have either to drink this muddy water or stop the boat long enough to fill up barrels from some convenient well or inviting mountain stream.

Twenty years ago you could stand on the bow of the steam vessels plying the waters of the Great Kanawha River and look down into the water a distance of 10 to 12 feet, there to behold the pike, the salmon, the catfish, the bass, and the trout and other kindred fishes passing under the boat. Now you can not see 6 inches beneath the surface of the water—fish apparently all gone. Of course, it is clearer at this season of the year than any other time, but you western Congressmen, in passing over the line of the Chesapeake & Ohio Railroad, which is one of the greatest and best roads running into Washington, look out from the car windows as you pass through the New River canyons along the banks of the Kanawha, wending your way to your western homes, where you are surrounded with plenty and practically everything you wish, look. I pray you, upon the polluted waters of the Kanawha and New Rivers—if not now, watch them later—and think of the imposition upon my people. Think of their hopes, ambitions; think of the past and of the present. Study, if you will, and I pray you to stop long enough by the wayside in your official life to study the history of these two great and historic streams, once beautiful, clear, and grand—naturally so because of the topography, soil, pebbles, and rock over which their waters tumble in their course to the sea—and lend hope to my people, whose humble servant I am, to the extent that you help me, when the time comes, to do that which I would only be too glad to help you to do.

I have called your attention to this sad case, not with a view of obstructing the ambitions of the Congressmen here advocating the bill under discussion, not with a view of obstructing in the slightest degree the great improvement contemplated on the Black Warrior River, in the great State of Alabama, which State has given to us one of her noblest sons, whose honor and official integrity we each and all testify to; who is the leader of one of the greatest committees the Congress of the United States has ever had; who is leading the American people from political thraldom to the promised land, as were led the children of Israel out of the land of Egypt through the deep sea, which after their passage closed in on Pharaoh and his host, destroying them. I say to you, Mr. Chairman, that the majority party in this House have in the Speaker of this House and in the floor leader of this House, namely CHAMP CLARK and OSCAR UNDERWOOD, two of as great men as this country can produce, and in whom the American people recognize a fine quality of presidential timber. And as to the minority side of this Congress, I have for them but words of the kindest praise. We are all here in this Congress, away from our people and loved ones at home, and should act as a band of brothers for the one specific purpose of upbuilding, as is becoming of American freemen, better hopes and better conditions, that the men and women of all creeds and of every political faith may look to Washington in the future, if they have not in the recent past, with greater hopes and fonder expectations; that the courage of men, and men themselves, whose ambitions have started on the decline, may look to a brighter future, as I believe a new era of advancement and prosperity will soon dawn upon the American people. I believe that the men and women of this country are, as a rule, growing better and nobler every day of their lives.

I have not taken up time in describing my case, which I felt was somewhat in point, with a view of embarrassing any man either in or out of political life, but with a view only of reminding the Congress of the necessity of properly safeguarding this bill, and to the extent further that this bill shall be safeguarded in the interest of the people living in that happy southern clime. I love the people of the Southland. I rejoice at their advancement and achievements, and I want to see them prosper. I admire their intellect, their courage and chivalry, as they are the most hospitable in the world, and the world does not produce people of nobler impulse. Kind, faultless in their courteous deportment, brave and bold as lions, faithful and patriotic.

To you great men of the North, South, East, and West, let me present the oral petition of my people, praying for your help in saving to them and this Government those two great rivers in my district, that my people may in the years to come, when you and I shall have passed over the River of Time to our reward, remember us as their benefactors, their friends in the time of trouble.

I shall, Mr. Speaker, at some more convenient time, crave the further indulgence of this Congress, that I may go more fully into the matter of the pollution and destruction of the New and Great Kanawha Rivers, and give to this branch of the Government of my country a more complete history and account of the great outrage and injustice my district has been suffering for so many long and dreary years. I want this Congress to continue, by its course, to demonstrate to an anxious people and long-suffering people that it can and will afford relief and is anxious to do so in proper cases. All of which will contribute to a better citizenship, a greater love of country, and a better understanding among men.

Mr. SPARKMAN. Mr. Chairman, I move that all debate be closed in 10 minutes; I to have 3 minutes, if I need that much time, in conclusion.

The CHAIRMAN. The gentleman from Florida moves that all debate on the pending amendment be closed in 10 minutes, 3 minutes to be reserved by himself. Is there objection?

There was no objection.

Mr. COOPER. Mr. Chairman, I desire to say a word in reply to the gentleman from Colorado [Mr. MARTIN], who declared that the pending bill is an effort to establish a precedent utterly destructive of State rights. The gentleman announced with vigor that he was opposed to the Government of the United States grabbing control of the resources of a State. The fallacy in his

argument is plain. This dam is to be built in a navigable stream, at large expense, by the Government of the United States. The money of all of the people of all of the States is to construct it; not the money of the people of Alabama alone. Slack-water navigation is to be created, and there is also to be created water power of very great value.

Mr. MARTIN of Colorado. Will the gentleman permit me?

Mr. COOPER. Not just now. I prefer to conclude, then I will yield.

This water power is to be brought into existence by the expenditure of money taken from the Treasury of the United States and belonging to all of the people of the United States—money of the people of Tennessee, of New York, of Pennsylvania, of Wisconsin, and of every other State—and yet, according to the gentleman from Colorado, this water power, worth millions of dollars and created by the expenditure of the money of all of the people of the United States, suddenly becomes the property of the people of Alabama, a part of the resources of that State.

The gentleman from Colorado does not wish the people who furnish the money, who build the dam, who create the slack-water navigation and the millions of dollars' worth of water power, to have anything to say about that water power because, as he insists, it will be the property—a part of the resources—of the State. What logic is this? Where does he find warrant for it in the Constitution? Where does he find warrant for it in the ordinary dictates of the plainest justice and common sense?

Mr. MARTIN of Colorado. Will the gentleman permit an interruption?

Mr. COOPER. Not now. This water power will be the property of all of the people of the United States, because their money will create it.

The gentleman complains that there will be no opportunity for taxation by the State if the Federal Government has anything to say as to the rates for the use of that water power. Will there not? Thousands of electrical horsepower will be generated and leased to a private corporation. That private corporation will lease it to other private corporations and to municipalities and private individuals. These private corporations and individuals will erect manufactories and other private establishments upon the soil of Alabama. Instantly the taxable property in Alabama is largely increased in amount and value, and at once the taxing power of the State comes into play and levies taxes upon it. Who is wronged? Nobody is wronged. Nor is it proposed to wrong anybody, excepting only the taxpayers of the United States, who, it seems, are expected to create this exceedingly valuable water power and give it to the people of Alabama without a cent of remuneration.

That proposition is opposed by the so-called new nationalism. New nationalism has been misinterpreted and sometimes deliberately misrepresented. It has no such meaning as has been attributed to it upon this floor. Concerning this question it means that water power, created as this water power is to be created, is the property of all of the people and that control of it should be retained by the people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of Colorado. I wanted, Mr. Chairman, to ask the gentleman a question before his time expired.

Mr. MANN. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has five minutes remaining, and in that request was included a request for three minutes to the gentleman from Florida [Mr. SPARKMAN].

Mr. MANN. Mr. Chairman, I regret that the gentleman from Florida offered the amendment which he did with reference to fixing the rate, thereby cutting off the opportunity from friends of the rate-fixing power of offering an amendment in the first instance. I have only a few minutes, and if I can get the attention of the gentleman from Colorado [Mr. MARTIN], who has had half an hour, I will be greatly obliged.

The CHAIRMAN. The committee will be in order.

Mr. MANN. The matter comes up on an amendment offered by the gentleman from Florida [Mr. SPARKMAN], the chairman of the Committee on Rivers and Harbors, who reported the bill and the substitute. I gave notice in the House the other day that I would offer an amendment preserving the power to fix the rates. I have an amendment prepared. The gentleman from Kansas has one, and other gentlemen have amendments.

Now, under the peculiar parliamentary situation, the gentleman from Florida, claiming the right to the floor, offers an amendment, which we either have to vote up or vote down, because we can not amend it.

I expect to vote for the amendment of the gentleman from Florida [Mr. SPARKMAN], and then I intend to move to recommit the bill, so that it will be properly taken care of, after a proper expression of opinion in the House. If the men in this House who are in favor of conservation do not have the opportunity of offering their amendments to perfect the bill, we want to see the bill in print as it is prepared by the gentlemen who originally reported it and who then were not in favor of conservation. I fear the Greeks bearing gifts.

Mr. SPARKMAN. Mr. Chairman, I yield to no one in devotion to the principle of rate regulation. I believe in lodging somewhere the power to regulate rates that are to be charged by public-service corporations, or by anyone serving the public, as it is proposed that this corporation shall serve the public in the sale and distribution of power. I am as much a friend of that principle as is my friend from Illinois, or anyone else on this floor. I wish to thank the gentleman from Illinois, however, for saying that he is going to vote for this amendment, and I hope in the end he will vote for the bill.

It was suggested by the gentleman from Wisconsin [Mr. COOPER], and has been charged by others, that we are giving away a great deal to this corporation; that the Government of the United States is expending a large sum of money for the development of power which is to be turned almost without charge to a private company. This is a mistake, for in building a dam 63 feet high at the site of Dam 17 no more power will be developed than the Government will need for the purposes of transportation for use in operating the locks there, so that if any power beyond that is developed afterwards there it must be developed by this or some other company and by the construction of a dam at or near Sanders Shoals.

Now, Mr. Chairman, I call for a vote.

The CHAIRMAN. Debate having been closed on the amendment of the gentleman from Florida, the Clerk will report the amendment.

The Clerk read as follows:

After the word "provided," in line 9, page 11, insert the following: "That the Secretary of War shall have the power to fix and regulate from time to time the rates which the said company may charge to consumers for light, heat, and power, and provided."

The CHAIRMAN. The question is on the adoption of the amendment.

The question being taken and on a division (demanded by Mr. SPARKMAN) there were—ayes 77, noes 36.

Accordingly the amendment was agreed to.

Mr. SPARKMAN. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Florida, chairman of the committee, offers the following amendment, which the Clerk will report.

The Clerk read as follows:

In line 17, page 11, after the words "rate of," insert the words "not less than."

Mr. MADDEN. Mr. Chairman, the original project for the development of the navigation of the Black Warrior River contemplated the construction of several dams and five locks. There has been no survey and no project adopted covering that part of the river which will be affected by the construction of this higher dam.

Mr. HUMPHREYS of Mississippi. The gentleman is mistaken in that. There has been a survey and a recommendation for Lock 20, and for Locks A and B in Mulberry and Locust swamps.

Mr. MADDEN. But no project covering the part of the river which will be affected by the raising of the water by reason of the construction of a higher dam at 17.

Mr. HUMPHREYS of Mississippi. The gentleman said there had been no survey. There has been a survey, and a favorable report.

Mr. MADDEN. Not on this proposition.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MADDEN. Not on this proposition. This carries it 30 miles above the point where the surveys have been made and the project adopted.

Mr. HUMPHREYS of Mississippi. The project has only been adopted as far as 19, but there has been a survey for 20 and for A and B in Mulberry and Locust swamps, and a favorable report on that. The 63-foot dam carries the water just as far as that other project would carry it.

Mr. MADDEN. Now, the construction of this dam contemplates the expenditure of over $2,000,000. The increase in the height of the dam, while incidentally reducing the necessity for building several other dams, would never have been thought of but for the fact that water power was in process of development above this dam.

The company to which this water power is to be leased, if it is leased at all, has a contract with the State of Alabama

under which it is required to build a dam about 50 miles above where this dam is to be constructed, across the shoals, at a cost of about a million and a half dollars, to be paid by the company, for the purpose of creating a reservoir in which may be stored the water required to create the water power in that section of the river over which the State of Alabama has control.

The water coming down from this dam which is to be constructed by the water-power company would come down over this section of the Black Warrior River anyway, whether the company wanted it to come down or not. As a matter of fact, water power would be created because of the fact that this water comes down from the dam at the shoals. The project has been changed and the Government of the United States would, under the provisions of this bill, be required to expend over $2,000,000 in the construction of a dam to create 15,000 horsepower electrical energy, to be leased at a nominal price to this water-power company.

Now, this company in order to secure the right from the State of Alabama was required to expend a million and a half dollars. Why should the Government of the United States expend $2,000,000 to give to this company 15,000 horsepower for nothing, while the company is required to pay out of its own treasury a million and a half dollars to secure similar rights from the State of Alabama?

To say that the construction of the dam would not create any electrical horsepower energy is to state something that is not the fact, because the construction of this dam at 63 feet high could not fail to create water power. Why could it not fail to create water power? Because the volume of water is coming down from above over the dam erected at the shoals by this company, and it could not send the water down to the dam without creating water power. Now, if that be the case, why not compel this company to build a dam at Lock 17 as well as to build a dam above? Why should the Government of the United States expend $2,000,000 as an investment for a private water-power company to enable that company to sell the product of the labor of the Government of the United States, the product of its expenditure, at a high and profitable price to private consumers? [Applause.]

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] is very much mistaken in his facts. The Government of the United States does not propose to expend $2,000,000 for the sole purpose of creating a water power for the benefit of any private corporation.

Mr. MADDEN. They expend it for building a dam.

Mr. HUMPHREYS of Mississippi. The Government of the United States proposes to expend $257,000 less than the project for which the gentleman himself voted as a member of the Rivers and Harbors Committee, and for which he voted as a Member of this House, and which has already been adopted.

Mr. MADDEN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MADDEN. As a matter of fact, does not the Government of the United States expend $2,028,000 in the construction of this dam?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MADDEN. Whether that be incidentally or primarily invested or expended for the development of water power cuts no figure if the private company gets the benefit of the expenditure out of the Treasury of the United States.

Mr. HUMPHREYS of Mississippi. I beg the gentleman's pardon, it cuts a great deal of figure. Whereas we spend $2,028,000, if this bill is defeated we shall have to expend $2,285,000 for these other three dams in the river, and there can be no water power developed, and the United States Government will have to pay $150,000 additional for flowage rights. If this bill goes through this company agrees to pay the flowage rights and $50,000 toward the construction of this particular dam. It puts in a dam at Sanders Shoals, which the engineers think possibly the Government may hereafter be required to build at a cost of a million and a half dollars. They save us $20,000 annually in the operation of the locks, and then they agree to pay the Government of the United States, after they have installed their plant, built the poles, stretched the wires, and begun to operate, 5 per cent of their gross income. And yet the gentleman seems to think that we are giving them $2,000,000. I am constrained to think that the gentleman from Illinois has not read any of the reports, and certainly has not heard any of the debate.

Mr. MARTIN of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. MARTIN of South Dakota. On what basis does the gentleman assume to state what this company will have to pay for flowage rights?

Mr. HUMPHREYS of Mississippi. Upon the estimate of the engineer.

Mr. MARTIN of South Dakota. Who is at present the owner of these flowage rights?

Mr. HUMPHREYS of Mississippi. Various parties. They are in private ownership. They lie in the lowlands along there.

Mr. MARTIN of South Dakota. Has the company any power to enforce the purchase of those flowage rights?

Mr. HUMPHREYS of Mississippi. None at all. They are to agree, under a contract with the Government, to purchase those flowage rights and then transfer them free of cost to the Government. Of course, if the Government builds the dam the Government has the right to condemn the property and take it.

Mr. MARTIN of South Dakota. I call the gentleman's attention to the fact that the bill, on page 12, does not compel that company to acquire such rights.

Mr. HUMPHREYS of Mississippi. No; but to transfer them; and they must be acquired before they can be transferred.

Mr. MARTIN of South Dakota. Would not the supposition be that that would be a transference of whatever rights they have?

Mr. HUMPHREYS of Mississippi. No.

Mr. MARTIN of South Dakota. The bill is certainly very inadequate on that subject.

Mr. HUMPHREYS of Mississippi. In my opinion the bill covers that amply; but I understand there is an amendment to be offered to make it clearer. In my opinion, it does not need any further wording. I believe it covers it now, that they are to transfer to the Government the flowage rights.

Mr. MARTIN of South Dakota. Suppose the private owners refuse in any circumstances to convey those rights?

Mr. HUMPHREYS of Mississippi. Then there will be no contract made.

Mr. MARTIN of South Dakota. Will that defeat the whole legislation?

Mr. HUMPHREYS of Mississippi. No; that will defeat this particular contract. The dam will be built and the foundations so laid that the Government can hereafter make a favorable contract with a company that can acquire those rights.

Mr. MARTIN of South Dakota. Of course the Government has the power to proceed under the right of eminent domain.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MARTIN of South Dakota. Would the gentleman have any objection to leaving the bill down to section 4 and letting the Government proceed to make those improvements and then dispose of the water power later on?

Mr. HUMPHREYS of Mississippi. I would have to object to it, because I think we have obtained a most favorable contract, an infinitely more favorable one than any other contract that has ever been proposed since I have been a Member of Congress. We have every year passed bills of this character, giving water-power companies the right to develop power under different conditions, but never under conditions half so favorable to the Government as provided for in this bill.

Mr. MARTIN of South Dakota. I differ with the gentleman on that——

Mr. HUMPHREYS of Mississippi. Just wait a minute—and never before has any bill, although the rights of the Government have not been safeguarded, although the Government has not saved one-half the money that is to be saved in this bill—never before has a bill that was brought in here met with such opposition as has this bill, and it is a curious fact that the bill that is presented here with the most favorable contract for the Government is the one that has been most strenuously assailed.

Mr. MARTIN of South Dakota. Does the gentleman contend that in previous bills the Government has given water power to private corporations under circumstances where the private corporations were not to construct the improvement themselves?

Mr. HUMPHREYS of Mississippi. I did not say that at all.

Mr. MARTIN of South Dakota. That is a very different proposition.

Mr. HUMPHREYS of Mississippi. Why, they are to construct improvements in this instance to the value of $1,700,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, as this bill, or substitute, was reported from the committee no discretion whatever was lodged with the Secretary of War with reference to the provisions that should be incorporated into this contract for the first 20 years. The duty of the Secretary of War, so far as the making of a contract was concerned, was entirely ministerial. Through the amendment adopted a few moments ago discretion is lodged in the Secretary of War to determine and fix the rate to be charged the consumer. The amendment pending proposes that the rental to be paid shall be not less than $1 per horsepower per year. Perhaps it was the intention of the author

of the amendment to lodge discretion with the Secretary of War to determine what that rate should be, but I submit that with the bill as it will read thus amended no discretion is lodged with the Secretary of War to determine that rate.

It will read the rate shall be not less than $1 per annum for horsepower developed, which rate shall be subject to readjustment by the Secretary of War at the end of the 20-year period. But who will determine the rate in the first instance? Is there any language in the bill imposing the duty upon the Secretary of War to do so? Clearly not. That, Mr. Chairman, I believe is a plain and fair construction of the bill; but even if I be not correct in that, if there be discretion lodged in the Secretary of War to fix the rate, where and upon what will the Secretary of War base his discretion to increase it? Will it be upon any facts coming before him? He will have the judgment of this Congress that it should not be less than $1 per horsepower; but upon what facts will he increase it? Upon the basis that it is worth more to the Government? Why, all the Secretary of War needs to do is to examine the debate upon this bill, and he will at once see, as any man would see, that this Congress did consider in passing this bill what it was worth to the Government, and when it said it shall not be less than $1 per horsepower, while there may be a discretion granted to the Secretary of War, he would not change the judgment of this Congress. But, Mr. Chairman, if this minimum rate were stricken out entirely and an absolute discretion lodged with the Secretary of War to fix a rate, then it would be notice to him, when he came to determine this question, that this Congress determined not to pass upon that question one way or the other, but it was left to him to determine what rate should be proper. And, Mr. Chairman, I submit that this amendment should be further enlarged if it is to accomplish the purpose that is presumably sought, or else defeated entirely.

Mr. SPARKMAN. Mr. Chairman, the gentleman evidently has not read the bill with care, because section 4 of the bill provides that a contract shall be entered into between the Government and this company, and in that contract provision shall be made for the payment by the company to the Government of an annual rental for the use of the water power developed at Dams 16 and 17 for a period of 20 years, and that the rental shall be at the rate of not less than $1 per annum per horsepower developed. Then it goes on to provide that at the end of that period the Secretary of War may rearrange the rate from time to time after each 10-year period.

Mr. MANN. Will the gentleman yield for a question?

Mr. SPARKMAN. Certainly.

Mr. MANN. Does the gentleman contend that the expression "shall be subject to readjustment by the Secretary of War" authorizes the Secretary of War himself to fix the rate?

Mr. SPARKMAN. I should say so; yes, most assuredly.

Mr. MANN. I should say it would simply give authority to the Secretary of War to agree with the company on what the rate should be.

Mr. SPARKMAN. If it means anything at all it means what it says, and it says that the Secretary of War himself shall readjust the rates.

Mr. MANN. Not at all. It does not say the Secretary of War shall readjust it, but it says that the fixed rate for 20 years shall be subject to readjustment by the Secretary of War, and if we had fixed the rate the Secretary of War would have no authority to agree upon a change of that rate except by our permission. It is easy enough to make that clear if that is the intention.

Mr. SPARKMAN. What amendment would the gentleman suggest?

Mr. MANN. I was going to offer an amendment to strike out the word "readjustment" and insert "to be fixed at his discretion," so it would read: "Which rate shall be changed and fixed at the discretion of the Secretary of War."

Mr. SPARKMAN. When we come to that I do not know that I will have any objection to it.

Mr. MANN. It can be easily changed, if that is the intention, and I think it is.

Mr. SPARKMAN. Now, Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken, and the amendment was agreed to.

Mr. SPARKMAN. Mr. Chairman, I offer one more amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 2, page 15, after the word "reserved" strike out the period and insert a comma and add: "And the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner, owners, or any other persons interested in any dam or other structures which shall have been constructed in accordance with the provisions at or in connection with Dams Nos. 16 and 17."

Mr. SPARKMAN. Mr. Chairman, that amendment is self-explanatory, and it was inserted out of abundance of caution. It was thought at one time when this bill was introduced here that it covered that feature anyway, but, lest it did not do so, we concluded to insert this amendment, and have done so. I do not desire to discuss it further, and I call for a vote upon it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. SPARKMAN].

The question was taken, and the amendment was agreed to.

Mr. MANN and Mr. RAKER rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to follow section 6 of the substitute:

"Before this act shall take effect as to the Birmingham Water, Light & Power Co., the Secretary of War shall in a public manner advertise for and receive bids from persons or corporations who may desire to be substituted for the Birmingham Water, Light & Power Co. as the beneficiary of this act. And if any person or company shall in making a bid offer better terms for the Government than are herein provided for to be received from the Birmingham Water, Light & Power Co., then the Secretary of War shall accept the best bid offered. And thereupon such best bidder shall in all respects as to this act be substituted in place of the Birmingham Water, Light & Power Co. If such best bid be not made by that company, in which case the Birmingham Water, Light & Power Co. shall not have or receive any right, title, or interest under the provisions of this act."

Mr. SPARKMAN. Mr. Chairman, I hope the amendment will not be adopted. Its effect would be practically to strike out everything after section 3. It would only leave the part which authorizes the 63-foot dam.

Now, I have no objection ordinarily to the submission of a question like that to competition in the way suggested. In fact, ordinarily, it seems to me it would be a good proposition, but each tub must stand on its own bottom, and in this particular case it so happens that this proposed power company controls all the rights, in the way of lands and water privileges in and around Sanders Shoals, where this great power is really to be developed, so as to make it impossible for anyone else to compete with them.

Mr. CULLOP. Will the gentleman permit a question there?

Mr. SPARKMAN. In just a minute I will; yes. As I say, they control, or at least I am informed that they control, all the rights there that give value to the water power. They control the flowage rights, much of them even below the proposed site of the dam at Sanders Shoals. So if that amendment goes in, nobody else can compete with these people. The amendment would hence be useless so far as the public is concerned, and in my judgment would destroy the bill or at least all of the sections after section 3.

Mr. CULLOP. Now, if what you state is the correct version of it, we have been unable to get at even who this company is. It seems to be a myth floating around in space, but if it be true now as you state it, then this amendment could do no harm whatever, could it? If so, how could it?

Mr. SPARKMAN. It would have the effect, Mr. Chairman, as I said a moment ago, of destroying all the sections after section 3. It would not, perchance, prohibit the Government going on and putting up a dam 63 feet high at the site of 17. However, upon reflection, I am inclined to believe some change in or additions to the first three sections would be necessary in order to have the engineers go ahead with the 63-foot dam.

Mr. CULLOP. We could amend the others so that they would be in harmony with that provision. The companies would have a right to go into court and protect their rights. If not this company, still any third party who would buy this right at a higher price would have the right under the law for condemnation, and their rights fully protected, and it could not come in and drive any other company out. So that the amendment answers a very valuable purpose in the bill, it seems to me.

Mr. SPARKMAN. I am not able, I will say to the gentleman, either to admit or to deny the proposition that these companies or individuals, if you please, would have the right of eminent domain. I do not know just what the law is in Alabama, but I am inclined to believe they would not have that right.

Mr. CULLOP. Now, another proposition——

Mr. SPARKMAN. But I say, Mr. Chairman, this amendment, in my judgment, would destroy the bill, the whole of it after section 3, and if we do that we might as well amend the bill at once by striking out everything after that section. I want to say to the gentleman that I have no interest whatever in this corporation, and personally I do not care anything about it.

But I do feel an interest, after the navigation features are cared for, in the conservation of power. I think it a sound business policy to conserve for future use the surplus water that is now going to waste, and that will continue to go to waste there if the 63-foot dam is not constructed. This I believe in doing in the interest of the people, both of the State and of the country.

Mr. CULLOP. I know the gentleman has no interest in this bill, and nobody seems to have any interest in it; but what has the gentleman to say as to the objection to the amendment? If the objection is well founded, then the Government has not the right to build this dam, because these gentlemen can stop it.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. RICHARDSON. Mr. Chairman, as far as I was able to hear the amendment offered by the gentleman from Illinois [Mr. MANN] and gather therefrom the meaning, he proceeded upon the idea or claimed to believe that there are a great number of individuals and corporations who are eager and anxious to take possession of such water powers that are in process and expectation and hope of being developed in certain States of the Union. Alabama, I admit, has great expectations from her water powers. My observation relative to the matter now under consideration is that if a thoughtful man who really desires accurate and reliable information will run his memory back a few years over the record of water powers, he may find many instances where water powers have been wrecked and proved disastrous failures. Does a sensible man think that a man with money to invest will not inquire the cause of such failures? Why, I ask, why did so many of them fail? They failed because of the drastic restrictions placed around them—restrictions which were not in harmony with what I believe to be the real, true conservation spirit of this country relative to these great public utilities.

The Government proposes to encourage the development of these great water powers, not to prevent development solely for the purpose of making money, but chiefly to increase the general prosperity, to develop the wealth, and make these natural resources great and valuable assets for the whole people. It is not simply to make money. This debate has surprised me greatly. I never dreamed of the diversified views expressed on this floor on this subject. I have taken the position I hold deliberately and not under any excitement—and which position is vigorously assailed by able gentlemen—the position that the Government, wherever it spends money for the improvement of navigation, has the right of control solely and alone over the navigation—the running water. In that it is supreme. It has no right or control whatever over anything but that; but in the exercise of that right it has the power to prevent any individual or corporation from obstructing that navigation, and the Government in that respect and from that standpoint grants merely to an applicant a permission to obstruct a navigable stream. Wherever the Government spends money, I contend, and incidentally develops water power, I believe it has the right to rent it out, or, I should say, collect dues under its excise rights.

I stand here to-day, Mr. Chairman, as thorough and as earnest a State rights man as any on this floor, and I deny that when that is done the Federal Government invades directly or indirectly any right that the State of Alabama has. [Applause.] The State and Federal Government in this important right each exercises its constitutional power and in nowise conflict. What right or power does the passing of this bill take from Alabama? The question comes back to the proposition of my distinguished friend from Illinois [Mr. MANN] that this proposed permission or franchise shall be let out to the highest bidder. Oh, that is a very catching proposition. The cry is, Give everybody an equal and fair chance, and yet no one has heard of but one sole applicant, and he is feeling his way with care. We are not offering for sale, at an ordinary town sale, a horse, a cart, or a lot of household second-hand furniture. It is not in that spirit that we approach this great, broad subject of conservation and improvement and development of the water powers of our country. We are all, or should be, eager to forward the splendid spirit abroad in our land looking to the proper development of these great electrical energies.

It is not appropriating money for the benefit of Alabama out of the Treasury of the United States, as the gentleman from Wisconsin [Mr. COOPER] said, when this water power is granted. But the fact is that in this instance, without paying out one dollar, the Government receives $1 per horsepower up to the end of 20 years; and the increase of its excise dues will continue by periods as long as the water continues to run. That amount of money is contributed to the Government until finally, in the true spirit of conservation and in its full meaning, the Government gets back every dollar that is appropriated for that purpose, even where it pays for the lock and dam.

That is my idea of it, and for that reason I differ, Mr. Chairman, with the gentleman from Illinois in the amendment that he offers, providing that we shall put up the franchise to the highest bidder. Bring them all in, get them there, advertise it down there in the papers of Alabama for six months, and you will not have a single bidder unless it be the present applicant. Why, we are undertaking to carry out the true spirit of conservation, and I beseech that we should not forget that is the development of water power. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, either this amendment offered by the gentleman from Illinois should be adopted, or else an amendment should be offered and adopted by this committee striking out all beginning with section 4 of this bill. In other words, we should leave the question of the development of the navigation facilities of these streams entirely on its own merits and pass the first three sections of the bill, and then, if incidentally it is found that a valuable water power is developed in the natural and proper improvement of the navigation of these rivers, let us, upon proper deliberation, with the facts before us as to its value and how it can be used, devise a policy consistent with the general policy of sane conservation and dispose of that water power under proper checks for the protection of the consumers. But here we are asked, in the closing days of a special session called for special purposes, as a part of the modification of a plan for the improvement of navigation, to enter upon an entirely new policy, different from any that has been seriously urged, and to legislate into this bill the disposition ultimately for 50 years of this water power without any showing as to what ought to be done with that power and without any information before this Committee of the Whole that will enable us to pass intelligently upon that question.

Personally I should prefer to see these first three sections adopted and let us proceed promptly with this improvement along these new lines proposed by the engineers; and then let us take time at the regular session of Congress to conform the disposition of this power to the demands of the public mind, which is now very much awake upon this general subject of the conservation of our natural resources, including water power.

There are certainly numerous objections to this manner of disposing of this power. I do not know anything about this company, but I am told by one who has seen the prospectus of it that that prospectus shows that the company has a capital at the present time of $20,000; that it is proposed to issue something like $3,000,000 of bonds to be disposed of, and $3,000,000 of stock, and that 25 per cent of this stock is to be given away in the interest of promotion.

Mr. TAYLOR of Alabama. Will the gentleman allow me?

Mr. MARTIN of South Dakota. I have very little time, but I will yield to the gentleman from Alabama.

Mr. TAYLOR of Alabama. So far as the issue of bonds is concerned, in my judgment that is all right; but as far as any such issue of stock is concerned, that can not be done under the laws of Alabama.

Mr. MARTIN of South Dakota. A Member who has seen the prospectus and has it in his possession tells me that this is proposed in the prospectus. I simply state it upon that authority.

Now, inevitably, gentlemen, any proposition that, under the cover of a general public improvement that we all favor, to wit, the navigation of this stream, carries with it the conveyance of valuable power privileges to a private corporation, specifically named in the bill, is bound to give the Government and the people the worst of it. It is impossible to consider impartially the merits of the question of the disposition of this power simply as an addendum to a great enterprise for the public improvement of that river. There need be no haste in this matter.

The gentlemen from that part of the country say there are no other companies that can compete with it. If so, the adoption of the amendment of the gentleman from Illinois will not do any harm. They may be wrong on these facts. We have no information before us, from the committee or from any other source, as a result of special investigations of the subject. Certainly, in the light of the public mind upon this subject, in the light of the importance of fixing at this time a permanent and safe policy in the interest of development, as well as in the interest of the consumer, let us not hastily, under the momentum of the improvement of the navigation of that stream, tie up the rights and title of the Government in this water power that may be developed beyond the possibility of amendment in the interest of justice and in the interest of the public at large. [Applause.]

Mr. SPARKMAN. Mr. Chairman, I move that all debate on the substitute offered by the committee for the bill, and on the amendments thereto, be closed in 10 minutes.

Mr. MANN. I should like two or three minutes.

Mr. RAKER. I have an amendment that I should like to offer.

The CHAIRMAN. This motion does not cut off the right to offer amendments.

Mr. SPARKMAN. I did not intend by my motion to cut off amendments, but only to limit them to that period of time.

The CHAIRMAN. It would close all debate in 10 minutes, and within 10 minutes amendments could be offered.

Mr. SPARKMAN. I make the motion, Mr. Chairman, that all debate be closed on the committee amendment and all amendments thereto in 10 minutes.

Mr. MANN. So that no further amendments can be debated? Then I shall move to strike out the enacting clause.

Mr. SPARKMAN. Mr. Chairman, I will change that motion and move that all debate on the pending amendment of the gentleman from Illinois be closed in 5 minutes.

Mr. MANN. The gentleman can make it 2 minutes so far as I am concerned.

Mr. SPARKMAN. Then I will make it 2 minutes.

The CHAIRMAN. The motion of the gentleman from Florida is to close debate on the pending amendment of the gentleman from Illinois in 2 minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I do not think that anyone can seriously oppose the amendment I have offered. The bill grants rights to the Birmingham Co., and the amendment I offered is that before it takes effect as to the Birmingham Co. the Secretary of War shall advertise for bids. Anybody can bid; the Birmingham Co. or anybody else can bid. The Birmingham Co. has the best of it, being now named in the bill and having certain rights there. But if some other company, a municipal corporation or an individual, offers better terms than the Birmingham Co. offers, then that other company or individual would be substituted for the Birmingham Co.

Mr. TAYLOR of Alabama. Will the gentleman yield?

Mr. MANN. They have cut me down to two minutes, and now the gentleman wants to interrupt me.

Mr. TAYLOR of Alabama. I only wanted to say that I am willing to agree to the gentleman's amendment.

Mr. MANN. Now, some gentlemen have figured out that the promoters of this company, if this bill passes, stand good to make fees of $10,000,000. If that be the case, and I do not know whether it is so or not, it is perfectly fair to put it up and see whether anybody else will bid more.

The CHAIRMAN. The time for debate on this amendment has expired. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. CULLOP. Mr. Chairman, I desire to offer an amendment, to strike out in line 22, page 9, the words "and for the development of water power," and insert a period after the word "respectively."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 9, line 22, strike out the words "and for the development of water power," and insert a period after the word "respectively."

Mr. CULLOP. Mr. Chairman, the purpose of that amendment is this. If we pass this bill, we authorize by legislation a contract to be made which binds the Government to keep this dam in repair and make its contract good. Now, the gentleman from Alabama [Mr. UNDERWOOD] has said that they do not care anything about the development of water power; they want this bill passed to improve the navigation of the Black Warrior River. So that it will do no injury to strike out that part of the first section, which will keep the bill just as the gentleman from Alabama wants it kept, and not a law to create a water power for some company or some individual; but it will be a bill to improve the navigation of the Black Warrior River; and that is the reason why I have offered this amendment, so that the Government will not be bound in the future to keep its contract by keeping the water power improved.

Mr. TAYLOR of Alabama. Mr. Chairman, I have just one word to say about that. These words were put in at the end of the section to enable the Government of the United States, in building the locks and dams, to prepare for water power hereafter, in case this company failed to comply with the contract. If the Congress makes the contract in such shape that the company will not accept it, the Government is authorized simply to prepare the dam for water power hereafter and make such arrangement as may be in the interest of the Government.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. GARRETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out sections 4, 5, and 6.

Mr. GARRETT. Mr. Chairman, the amendment which is proposed is to strike out all that part of the bill that affects the development and the use of water power. With that amendment adopted, I should gladly vote for the bill, because with that amendment adopted and the bill confined to the purposes of navigation, this House would be moving along the well-defined lines that it has moved over again and again. But sections 4, 5, and 6 of the bill precipitate here a question with which this body has not dealt. Personally I believe that the powers of the Federal Government are confined, so far as the development of streams is concerned, to navigation purposes. The gentleman from Wisconsin [Mr. COOPER], with the usual close analysis that he gives to legal matters, has analyzed this bill, and he has pointed out and asserted that wherever the Federal Government constructed a dam for navigation and thereby created incidental powers, it ought to follow those incidental powers; but had it occurred to the gentleman from Wisconsin, Mr. Chairman, and to other gentlemen here in this House, that, based upon our experience, that sort of a contract will lead not to the logical development of the theory of the gentleman from Wisconsin, but to the development of water power, not for navigation but for power.

Mr. COOPER. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. COOPER. The gentleman used the words "incidental power." The argument I made was this: That where the Government of the United States, using the money of all the people, created a power which can be made into money, or which is wealth, that that wealth, that profit, belongs to all the people, and the Congress of the United States has the sole right to dispose of it.

Mr. GARRETT. Yes; I remember. The gentleman restates his words accurately, but let me say now to the gentleman from Wisconsin and to the other gentlemen in this House, that if this bill passes, passing over the argument of new nationalism, passing over the question of whether the Federal power or the State power ought to be exerted—if this bill passes with those last sections in it the time will come, and come quickly, when the argument will be made on the floor of this House that we should build a dam over some river, and when it is suggested that navigation will not be promoted thereby, it will be replied, "Perhaps not, but power will be developed that will bring into the Federal Government a return of 6 per cent."

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I hope the amendment of the gentleman from Tennessee [Mr. GARRETT] will not be agreed to. I understand it is to strike out all but the first three sections of the bill. It seems to me that we have discussed this matter sufficiently that we might have the opportunity to express our opinion on amendments which will be offered covering the policy of the Government in this case. That is probably the only thing that will result from the consideration of this bill, unless having stricken out a part relating to the company and having sent the bill to conference, as the hands of the clock come around to the time when the final hour of adjournment is fixed, with most Members away at home and a few here who are interested, this bill becomes a law ahead of something else. I have seen it frequently occur in this House where matters which had been rejected by the House were brought back in the form of a conference report, sometimes when it could easily have been defeated by raising the point of no quorum, but when one dared not raise the point of no quorum because there was not a quorum in the city, and that would have ended everything else that was pending. We have spent three days on this bill. Let us vote on the amendments that are offered to the bill. Let us see what the policy of the House is in reference to these matters, instead of sending the bill to conference, with prospects of being skinned in conference.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GARRETT) there were—ayes 49, noes 83.

So the amendment was rejected.

Mr. MADISON. Mr. Chairman, I offer the following amendment. After the word "locks," in line 13, page 11, strike out the period and substitute a colon and insert the following: "*And provided further*, That said company shall only sell light,

heat, and power developed from said water power direct to the consumer."

The CHAIRMAN. The gentleman will send his amendment to the Clerk's desk. The Clerk will report the amendment.

The Clerk read as follows:

After the word "locks," in line 13, page 11, strike out the period and substitute a colon and insert the following: "*And provided further*, That said company shall only sell light, heat, and power developed from said water power direct to the consumer."

Mr. MADISON. Mr. Chairman, this amendment covers the matter about which I addressed the House a few minutes ago, and I am not going to take up very much time now. I fully appreciate the fact that the gentleman from Illinois a moment ago accurately described the situation. It is perhaps true—and, I think, absolutely true—that the main purpose that can be served now is to have the House declare itself upon certain principles of conservation. Now, there is presented by this amendment this question: Shall we actually protect this bill from a joker? not designedly so, but true just the same, whether by design or not. Shall we protect this bill against the opportunity, if the bill becomes a law, on the part of this company named in the bill to extort unreasonable rates from the consumer? It in all human probability will get this contract; the information which we have before us shows that it is very likely there will be but one bidder for this contract. In fact, under an amendment offered by the gentleman from Illinois, unless some other company offers a better proposition, this contract goes to the Birmingham Water, Light & Power Co.

Now, then, it has practically got the contract to-day, and that being true, let us protect, if we can, the ultimate consumer; let us for once write in the law of this land a protection to the consumer against the middle man. That is what this amendment means; that is what it aims at. It provides in direct and specific terms that this company can only sell its water, heat, and power developed from this water power to the consumer. The amendment of the gentleman from Florida provided that the rate to be paid by the consumer should be fixed by the Secretary of War, but there is no provision whatever in the bill as it stands now that provides that the company shall sell to the consumer. It may go to work and do as I said awhile ago is often done—provide for some company that acts between the main company and the consumer and sell practically all of its product to that middle company, and thus absolutely defeat the purpose included in the amendment offered by the gentleman from Florida.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. MADISON. Certainly.

Mr. HUMPHREYS of Mississippi. I want to see if I understand exactly what the gentleman's amendment is aimed at. In some parts of the country where these power companies are installed and electric power is produced there are other companies called transmission companies. The power company sells to the transmission company and the transmission company carries it all over the country and sells to the consumers. Is it the purpose of the gentleman's amendment to strike out the transmission company?

Mr. MADISON. Yes.

Mr. MANN. Or to regulate the charges which they make?

Mr. MADISON. I would eliminate such companies. That is a familiar device used to defeat the object of provisions of the kind aimed at by the gentleman from Florida when he offered his amendment.

The CHAIRMAN. The time of the gentleman from Kansas has expired. [Cries of "Vote!"]

Mr. HILL. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman this question. Suppose they desire to sell power or heat or light to the city of Birmingham, and the city of Birmingham fixed a municipal rate to its own people, they could not do it under this bill nor could any municipality in the State of Alabama buy from this company and sell to its own citizens. The gentleman does not mean to do that, does he, yet that is the effect of this amendment.

Mr. MADISON. No.

Mr. HILL. Absolutely. The city is not the ultimate consumer. They sell it again to their own people at cost or at any other price.

Mr. MADISON. The city of Birmingham, as a matter of fact, in this instance is provided with light.

Mr. HILL. There are plenty of places that desire the privilege.

Mr. MADISON. Just a moment. I want to answer the gentleman's question. I understand the purpose of asking it and I understand the force of it, but the real fact of the matter is in this case that this is a small project, and that it is one in which the Government is participating, and the city of Birmingham is not a possible purchaser at all. Instead of that, there are numerous manufacturing projects, large and small, throughout that vicinity that are probable purchasers, and the gentleman's question, while it seems to have force, as a matter of fact, as applied to this particular case, does not.

Mr. HILL. I think the gentleman is mistaken. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. MADISON].

Mr. COOPER. Could not the gentleman make an exception as follows:

Excepting in case of municipalities?

Mr. MADISON. I will accept that amendment, and it may be written into my amendment as offered—

Except in the case of municipalities.

The CHAIRMAN. Is there objection?

Mr. TAYLOR of Alabama. There is no reason to put in that requirement as to the State of Alabama, because the municipalities and the counties in Alabama, under the constitution, are forbidden from engaging in internal improvements.

Mr. MADISON. It will not hurt anything to have it in there.

Mr. HUMPHREYS of Mississippi. You would not except a corporation that has a contract to light the city and sell to individuals?

Mr. MADISON. Yes.

Mr. SPARKMAN. Mr. Chairman, I hope this amendment will not be adopted. I am not in favor of restricting a party selling anything that it has to sell any more than we have restricted it in this bill heretofore.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Kansas [Mr. MADISON].

The question was taken, and the Chair announced that he was in doubt.

The committee divided, and there were—ayes 96, noes 64.

So the amendment was agreed to.

Mr. MANN and Mr. CULLOP rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 14, after line 24, by inserting as a new section the following:

"The determination by the Secretary of War of the amount of rental due the Government from the company at any time shall be conclusive and binding on the company; and if the company at any time fails to pay to the Government the amount of rental due, within a time to be fixed by the Secretary of War, or fails to comply with any of the provisions of this act on its part to be complied with, or fails to comply with any of the provisions of the contract on its part to be complied with, or fails to comply with any regulations or directions which the Secretary of War may lawfully make or give, or fails to observe the charges for the sale, lease, or other disposition of its powers which may be prescribed from time to time by the Secretary of War, then the rights hereby granted shall become null and void as to the company and shall become thereby vested in the United States. At the end of the period of 50 years herein above provided for all rights, interest, and property of the company acquired under or by virtue of this act shall pass at once absolutely to the Government, unless Congress otherwise provides."

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Illinois [Mr. MANN].

The question was taken; and the Chair announced that he was in doubt.

The committee divided, and there were—ayes 110, noes 20.

So the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from California [Mr. RAKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after section 3 and insert the following:

"SEC. 4. That the Secretary of War be, and he is hereby, authorized and instructed to report to Congress the amount of electrical power made available by this act; that he shall further report the cost of equipment and the cost of property rights needed for the production of electrical power in connection with the work provided in this act; and that said report shall be made on or before December 11, 1911."

Mr. RAKER. Mr. Chairman, it seems to me that with the general disposition to amend this bill at the present time, and with the inconsistent amendments offered, both on behalf of the Government as well as on behalf of the rights of those who

are trying to get this electrical power, we will not get a bill which would treat the Government fairly or treat the individuals fairly. But the adoption of this amendment would leave the bill in a shape where the Government may proceed and build the Dam No. 17. In the meantime, up to the 11th of December, 1911, the Government engineers may report the full condition as to the cost of the work and the cost of the overflowed land and the value of the flowage, and so forth, and at that time the Committee on Rivers and Harbors will have all the facts and data before them necessary to enable them to bring in a bill to give the corporation concerned, or anyone else, if it sees fit, the right to buy at public auction this privilege, properly protected from the standpoint of the Government as well as from the standpoint of the individual, and then the matter can be fully and thoroughly thrashed out after this Congress has been supplied with the information it ought to have before it passes upon it.

Mr. UNDERWOOD. Mr. Chairman, the contract has been let for Dam No. 17. As I said to-day, a railroad has been built to it, and if this bill passes at this session of Congress the contract will go on. Of course if this does not pass it will not affect the immediate situation for the contractor. He will still go ahead with his work, but he will build, not the Dam 17 as contemplated in this bill, but the Dam 17 that is already provided for and in process of construction.

Mr. JACKSON. Oh, no. Will the gentleman permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. JACKSON. I understood that the amendment offered by the gentleman from California provided, as the bill provides in the first three sections, for a change of plans, and only strikes out that section which relates to power, and directs the Secretary of War to make a report as to that power.

Mr. UNDERWOOD. Do I understand the gentleman to say that the proposal to add to the cost of this improvement will not commit anybody else to pay for it?

Mr. RAKER. I understood from the statement that was made that the building of Dam No. 17 would cost the Government $240,000 less than to build Dams 17, 18, and 19. Now, in my amendment I strike out all after section 3, leaving the Government free to build Dam No. 17 and the lock 63 feet high; and then, if they want hereafter to dispose of the electrical power, they will then have full information when Congress meets in December to enable them to act intelligently upon all the facts.

Mr. UNDERWOOD. In making this expenditure and making the contract, no provision has been made for anybody to pay for it. You change the contract plan, and if what the gentleman says is so, you commit the Government to pay the additional price and to pay for the overflowed land and for the extra dam. Nobody stands in the place of the Government.

Mr. HUMPHREYS of Mississippi. It commits the Government to payment for the extra flowage, but the gentleman contends that the Government would save more than $100,000.

Mr. MANN. That is not the report of the engineers.

Mr. HUMPHREYS of Mississippi. This dam will cost about $250,000 less than the first project, and the flowage rights will be paid for by this company if the contract is made. If the contract is not made with the company, the Government will have to pay that $250,000, leaving us a little more than $100,000 to pay.

Mr. UNDERWOOD. I understand the additional cost for overflowed land amounts to half a million dollars. I think you will just commit the Government to pay half a million dollars more, besides this dam, if you adopt this amendment.

Mr. MANN. Mr. Chairman, we have spent three days in the consideration of this bill. The proposition is that now we are not intelligent enough to perfect it, but that we may be at some time in the future, when we have not considered it at all; because it is quite safe to say that the House will never again have the opportunity of considering this bill for three days.

The Chief of Engineers has reported, as I understand it, recommending that this change in the lock and dam be not made unless the water power is to be utilized. If the proposition of the gentleman from California [Mr. RAKER] prevails it will be left to the discretion of the Secretary of War to make the change, and his engineers have reported that the change ought not to be made unless the water power is to be utilized, and there is no provision for the utilization of it, as I understand it, in the gentleman's amendment.

Mr. RAKER. Where does the gentleman find any such recommendation in the report of the Secretary of War?

Mr. MANN. I read it to the House the other day, in the report of the Board of Engineers, that the change ought not to be made unless the Government was assured $5,000 a year revenue to cover the extra cost. That is in the report of the committee and in the report of the Board of Engineers. Let us at least see whether we can go far enough to whip this bill into shape, and then if necessary recommit it to the committee in order that they may put on the finishing touches.

Mr. RICHARDSON. Is it not a fact, and has it not been repeatedly stated here on the floor of this House during this discussion, that if this bill was defeated the contracts already made for previously authorized dams would go on in every respect without interruption or interference?

Mr. MANN. But I am in favor of perfecting the bill.

Mr. RICHARDSON. That is what will happen if this bill is defeated.

Mr. HUMPHREYS of Mississippi. I desire to say that I made a mistake just a moment ago in answering the gentleman from Alabama. The Government would save $257,000. The flowage rights of $150,000 that I spoke of were included in the total cost of $2,000,000, and, even if the Government paid the $150,000, the saving would be $257,000. So I was mistaken when I said if these sections were stricken out the saving would be only $100,000. I hope very much that the sections will not be stricken out.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from California [Mr. RAKER].

The question being taken, the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I desire to offer the following amendment:

On page 11, in line 2, strike out the word "fifty" and insert the word "twenty-five."

So that it will read:

For a period of 25 years.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 11, line 2, strike out the word "fifty" and insert the word "twenty-five."

Mr. CULLOP. Mr. Chairman, I submit that a franchise of this kind for 50 years is too long; that it ought not to be the policy of the Government to give franchises for that period; and that 25 years is long enough.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The question being taken, and on a division (demanded by Mr. CULLOP) there were—ayes 86, noes 80.

Accordingly the amendment was agreed to.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

Mr. TAYLOR of Alabama. Mr. Chairman, is it too late to ask for tellers?

The CHAIRMAN. It is too late.

Mr. HOWARD. Mr. Chairman, I will withdraw my amendment.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to withdraw his amendment, which has not yet been reported by the Clerk. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend page 11, line 19, by striking out the word "readjustment" and inserting in lieu thereof the following: "be changed or fixed in his discretion."

The question being taken, the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend page 10, line 20, by inserting, after the word "company," in brackets, the following: "hereinafter styled 'the company.'"

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 11, line 13, by inserting after the word "locks" the words "and dam."

Mr. MANN. That provides for the lighting of the grounds both at the locks and the dam.

The question was taken; and the Chairman being in doubt, on a division there were 101 ayes and 4 noes.

So the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 11, line 11, by inserting before the word "operation" the words "lighting and."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer the following amendment.
The Clerk read as follows:

Amend, on page 12, line 6, by inserting before the word "regulation" the words "approval and."

The amendment was agreed to.
Mr. MANN. Mr. Chairman, I offer another amendment.
The Clerk read as follows:

Amend, on page 12, lines 9 and 10, by striking out the words "of the construction of Dam 17" and inserting "or any connection with the construction or improvement of Lock and Dam 17."

The amendment was agreed to.
Mr. MANN. Mr. Chairman, I offer the following amendment.
The Clerk read as follows:

Amend, page 14, by inserting after line 10, as a new section, the following:
"That nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the operations of said locks or the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States Government or the maintenance of the water surface above the dam at the established minimum pool level; and the Secretary of War is hereby authorized to prescribe regulations to govern the use of said water power and the operations of the plants and force employed in connection therewith, so far as the same applies to the operation of the locks.

The question was taken, and the amendment was agreed to.
Mr. MANN. Mr. Chairman, I offer the following amendment.
The Clerk read as follows:

Insert, page 13, line 23, after the word "War," the following: "The structures provided for being always subject to the provisions and requirements of this act and to such stipulations as may be imposed by Congress or by the Secretary of War for the protection of navigation and property and other interests of the United States."

The question was taken, and the amendment was agreed to.
Mr. O'SHAUNESSY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.
The Clerk read as follows:

Strike out, on page 11, line 20, the word "ten" and substitute the word "one."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Rhode Island.
The question was taken, and the Chair announced that the noes seemed to have it.
Mr. O'SHAUNESSY. Mr. Chairman, before asking for a division——
The CHAIRMAN. Unless the gentleman demands a division, the Chair will announce that the noes have it.
Mr. O'SHAUNESSY. Mr. Chairman, I rise to state that I do not believe those who voted "no" understood what the amendment was.
Mr. EDWARDS. Mr. Chairman, I demand the regular order.
The CHAIRMAN. The noes have it, and the amendment is rejected.
Mr. CULLOP. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.
The Clerk read as follows:

On page 11, line 20, strike out the word "ten" and insert the word "five."

Mr. CULLOP. Mr. Chairman, since the franchise has been amended the period of readjustment ought also to be amended.
The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Indiana.
The question was taken; and on a division (demanded by Mr. CULLOP) there were—ayes 40, noes 97.
So the amendment was rejected.
The CHAIRMAN. The question now recurs on the adoption of the committee amendment in the nature of a substitute as amended.
The question was taken, and the amendment in the nature of a substitute was agreed to.
Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House, with the recommendation that the amendment be agreed to and that the bill as amended be passed.
The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 943) to improve navigation on Black Warrior River, in the State of Alabama, and had directed him to report the same back with an amendment, with a recommendation that the amendment be agreed to, and that the bill as amended do pass.
The SPEAKER. Is a separate vote demanded on any amendment?
Mr. TAYLOR of Alabama. Mr. Speaker, I demand a separate vote on the amendment changing the franchise from the period of 50 years to 25 years.
Mr. PAYNE. Mr. Speaker, I make the point of order that there is only one amendment pending to the bill. There was an amendment in the nature of a substitute. That substitute has been amended, and the bill has been reported back with a recommendation that the amendment be agreed to.
The SPEAKER. The point of order is well taken. The question is on adopting the amendment in the nature of a substitute as amended.
The question was taken, and the amendment was agreed to.
The SPEAKER. The question now is on the third reading of the Senate bill as amended.
The bill was ordered to be read a third time, and was read the third time.
The SPEAKER. The question now is on the passage of the Senate bill.
The question was taken; and on a division (demanded by Mr. TAYLOR of Alabama) there were—ayes 124, noes 41.
So the bill was passed.
On motion of Mr. SPARKMAN, a motion to reconsider the last vote was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. CATLIN, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Charles A. Coulson, Sixty-first Congress, no adverse report having been made thereon.
Also, the papers in the case of John J. Barlow, Sixty-first Congress, no adverse report having been made thereon.
Also, the papers in the case of John Quinn, Sixty-first Congress, no adverse report having been made thereon.
Mr. HARDWICK, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of a bill for the relief of William J. Whitfield, no adverse report having been made thereon.

PUBLICITY IN PUBLIC AFFAIRS.

Mr. MORSE of Wisconsin. Mr. Speaker, I am unalterably opposed to the principle of legislating by a secret caucus. I opposed it when my party was in power in this House, and I shall fight it just as bitterly now that your party has a majority. It is no answer to me for you to say that the Republican Party legislated in the same way when it was in power, for I did not participate in the secret caucuses which tried to dictate legislation, and often succeeded, during the last few years.
Of course, in time of war, it is necessary for an officer commanding an army to make secret plans and to hold his councils with his advisers in secret; but there is no analogy between two great political parties, each striving to legislate in the interest of a mighty Nation of 100,000,000 people, and two antagonistic armies, each trying to defeat and destroy the other.
Mr. Speaker, I believe in the principles of the Republican Party, but I have no commission to come here and devote my time to playing politics and trying to gain political advantage by methods that will not bear the light of day. I take it to be my duty to represent the whole people of my district and the Nation and not to represent some political organization.
I am opposed to secret caucuses, because I am not afraid or ashamed to have the people of my district know how I feel and vote on all public questions. They send me here, they pay my salary, I am their agent, and they have a right to know what their agent is doing.
The gentleman from Wisconsin, my distinguished colleague [Mr. COOPER], says:

Legislation by secret caucus is defended by some good men, but it opens the way for mediocrity and cowardice, shrinking from duty, to go before the people and say, "It was not what I wanted at all, nor what I thought right, but the caucus told me to vote for it and I obeyed."

Mr. Speaker, I am surprised and disappointed at the position taken by your party on this great issue. You have had secret caucuses on every important matter that has come before this Congress. Take the wool bill for an example. You say that you did not tie up hand and foot the Members of your party, but the roll call shows that out of a total Democratic membership in this House of 228 only one man, Mr. FRANCIS, of Ohio, had the temerity to stand out, assert his independence and virile manhood, and in the face of Democratic jeers and ostracism refuse to be bound by the caucus.
And more than that, my Democratic friends, you were afraid of the pure sunlight of publicity. You refused to allow a single newspaper reporter to be present; nay more, you bound the Members to secrecy.
What a commentary is this on popular government. The Representatives of a great party, the hired servants of a sovereign people, were afraid and ashamed to let the American

public know what transpired behind those closed and bolted doors.

You justify this secret action on the grounds that the result was good. Who knows at this time what the result was? What promises were made? What interests are to be taken care of? What "goods" are you bound to deliver before this Congress finally adjourns on March 4, 1913?

Scores of your Members believed in free wool, yet, with the one exception, you marched them onto the floor of this House, bound and gagged like galley slaves, and voted them for a 20 per cent duty on wool, and on August 14 you voted them for a 29 per cent duty. While Mr. Bryan, the greatest Democrat of you all, was thundering for an open conference and for free wool, you were meeting in secret and bartering and dickering and trading as though your votes were your own, and not those of the people who sent you here.

Mr. Speaker, it is only a few months since that little band of insurgent Republicans stood out in the face of party disfavor, endured the loss of presidential patronage and committee appointments, and refused to answer the crack of the party whip, in order that we might have publicity and freedom in the National Congress.

Our cause was righteous, and we were vindicated in our revolt against machine rule by the American people.

We appealed to you for help, and many of you Democrats came to our aid and assisted us in the fight that was made. The voters of this Nation took you at your word. They believed that you were sincere in your professions. They did not think that you were playing politics; and as a result you reaped much benefit for your actions in coming to our assistance.

I believe that you are in power to-day in this House solely because of your attitude in assisting us, the Republican insurgents, in that memorable fight.

Your actions in this Congress show that you were not sincere, and the American people, when they learn of your perfidy, when they find that you worship at the throne of King Caucus, will repudiate you as they repudiated the machine Republicans last November.

There are 391 Members of this House. Your caucus rules provide that on a matter of principle two-thirds of those present, provided that is a majority of your membership, shall bind all those present. You never have all of your members present, but, for the sake of argument, let us suppose that all attend. In this case 152 men can bind the whole 228, and they can pass any bill that they may desire to pass; 152 men control the whole 391 on matters of principle. As a matter of fact, a much smaller number controls.

This is not government by the people, or government by parties, but rather government by a ring in a caucus.

My good friend the Hon. GEORGE W. NORRIS, of Nebraska, said to you the other day:

> Then these men take the measure that they have considered in this secret caucus, bring it before the country, and go through the silly formula of permitting men to offer amendments, and the Members who are pledged by that secret caucus vote down every proposition, regardless of whether it appeals to them favorably or otherwise. Thus has the caucus been able to control the action of officials of the Government. An unofficial organization in secret controlling the official action of official men!
>
> I want to say to you, gentlemen, that this is wrong in principle, and the American people will not stand for it indefinitely. When they realize and understand that their Representatives' hands are tied and their Representatives' votes are controlled by a secret caucus, by unofficial action of that caucus, they will rise in their might and condemn any party that stands for it.
>
> You have said that you want to get rid of the czar. You have renounced the czar and sworn allegiance to a king. You have jumped out of the frying pan into the fire. Hold up your manacled, wounded, bleeding, shackled hands and let the country see your parliamentary slavery! Why do you not renounce your allegiance to King Caucus and give your consciences an opportunity to act?

I want to tell you, my Democratic friends, that you will have some mighty puzzling questions to answer before next election. Suppose some constituent should ask you why you voted against an amendment to the free-list bill offered by Mr. LENROOT, of Wisconsin (p. 1036, CONG. REC.), putting the product of the Biscuit Trust on the free list. What will your reply be? Of course you will have to say, "My caucus tied me up and I could not."

Suppose some constituent asks you, this summer, why you voted to put the farmer's wheat on the free list and to put a duty of 50 cents a barrel on flour in the interest of the great milling concerns. What will your reply be? "I was gagged by my caucus."

Suppose some inquisitive farmer should say to you, "Why did you vote to put my cattle, sheep, and hogs on the free list and put a duty of 1½ cents a pound on dressed meats in the interest of the Beef Trust?" Will it be any answer to him to say, "I know it was all wrong, but I attended the Democratic caucus and had to surrender my convictions to the majority"?

What are you going to say to the old soldier. When he totters into your office and asks you about his private pension bill and about general legislation, are you going to satisfy him by hiding behind a Democratic caucus? You have had your secret caucus and decreed that everything under the dome of heaven shall be investigated. You have spent months working on tariff legislation, and have refused to devote one hour to the old soldier. In one hour you could put through a general pension bill that would take care of all the Union veterans. At the fall of the gavel at adjournment time each day 540,000 ex-Union soldiers are one day nearer the final "muster out." At sunset of every day 100 of them have passed beyond the river. You are powerless to join with us in granting to them, not charity, but justice; powerless, because you are bound by that secret caucus.

Gentlemen, over the door of the caucus room should be inscribed, "Who enters here leaves individual independence behind," and over the inner portal should be written the words, "Who departs hence leaves political hope behind."

Mr. Speaker, the time is fast approaching in this country when the voters are going to demand that Members of Congress retain their individual independence. The time is coming when no one will be permitted to merge his judgment and conscience into the common judgment and conscience of the mass. The American people are going to demand that men be men and not mere cogs in the wheels of a political machine. They are going to insist that their Representatives be loyal to them first and to the party afterwards.

When that time comes the weakling who desires to hide behind caucus action will disappear from public life, blind partisanship will disappear, trading and logrolling will be done away with, and the American Congress will become again what it once was—the greatest deliberative legislative body in the world.

And while I am discussing the subject of publicity in public affairs, I wish to call attention to the fact that practically all committees of the House act in secret on important bills. Some one moves that "We now go into executive session," and the door is closed and all spectators are excluded.

There may be some reason for taking this action occasionally by some committees—the Committee on Foreign Affairs or possibly on Naval Affairs and on Military Affairs—but the same reasons do not apply to the vast majority of the committees of this House. We are public men doing the public's business, and I believe that our actions should be taken in public. A public record should be made of all votes on public bills by each Member in order that the people may know whether we, their servants, are serving them well or ill.

A long step was taken in the conference committee on the wool bill the other day, when Senator LA FOLLETTE, the great advocate of publicity in Government affairs, moved for a public session. I believe that this marks the beginning of a great movement for more light.

As the sunlight kills the germs of disease and death, so also will the pure sunlight of publicity in public affairs kill the germs of corruption, political bargaining, and questionable practices in governmental affairs. The public is entitled to know everything about the public business.

Mr. GARNER. Mr. Speaker, I desire to place in the RECORD the arguments made by Mr. Joseph E. Brown and Mr. Frank Powell against the doctrine of free raw materials when they debated this question with the representatives of the Baylor University of Texas. Messrs. Brown and Powell were representing the William Jewell College of Missouri and had the negative side of the proposition—that raw materials should be admitted to the United States free of duty. I may add, Mr. Speaker, that the verdict of the judges was unanimously for the negative—against free raw materials.

DEBATE—WILLIAM JEWELL COLLEGE V. BAYLOR UNIVERSITY, WACO, TEX., APRIL 13, 1911.

Resolved, That raw materials should be admitted to the United States free of duty.

Decision unanimous for William Jewell College.

[Joseph E. Brown, first negative.]

Mr. Chairman, honorable judges, friends, let me say to the gentlemen of the affirmative before going further that when we oppose the admission of raw materials free we are not advocating a protective duty on them. We do not wish to take your time to prove to you that for our National Government to raise an insurmountable wall of protection about the New England manufacturer of finished products and at the same time thrust the Texas producer of raw materials out into competition with the world is both unconstitutional and unjust in the extreme. But we rest our case on the fundamental Democratic doctrine of a tariff for revenue only, and are here to-night to prove to you that as long as revenue must be collected from imports the importer of raw materials should bear his just proportion of the burden of government.

Against the judgment of the gentlemen from Baylor that free raw products would prove a blessing to our country, we bring the judgment of the wisest statesmen this country has produced. Against their conjecture that free raw materials would promote any material welfare and further development of our Nation, we present the fact that the greatest national growth, the most wonderful national development known to all history, has taken place in America under a prevailing practice of taxed raw materials. And against their contention that correct economic principle demands the admission of raw products free, we argue that correct principle demands the taxation of raw products as long as finished products are taxed.

We favor taxing raw materials as long as other imports are taxed; first, because it has been our prevailing practice in the past, during which time our Nation has prospered far beyond the dreams of the most enthusiastic. The Republican protective policy, as I said, we shall not uphold, but shall confine ourselves to an examination of the Democratic tariff-for-revenue doctrine.

The national Democratic Party has never consistently favored the admission of raw products free. The doctrine was first promulgated by the Whig Party in 1842. The Democrats opposed it then under the leadership of one of the greatest Democrats that ever lived, John C. Calhoun, whose sound democracy has never been impeached, who said in a speech against the bill: "There is not a raw material which is not admitted duty free or subject to a very light one. The bill is framed to exempt one branch of industry from all burdens and shackles and subject the other exclusively to them." Every Democrat in Congress opposed the Whig tariff act admitting raw materials free. And, again, in 1846, when the question was brought to an issue, every Democrat in the United States Senate, except three who were avowed protectionists, voted against free raw products. In this list of sturdy Democrats we find such illustrious names as John C. Calhoun, of South Carolina; Thomas H. Benton, of Missouri; Lewis Cass, of Michigan; George McDuffie, of North Carolina; Samuel H. Houston, of Texas; and his colleague, the brilliant Senator Rusk.

From that time all through the years of Democratic supremacy the doctrine of free raw products never received any substantial support. Not until 1888 was the theory recognized by the Democratic Party. In that year the Morrison bill incorporated the doctrine, but only by a bare majority of the Democrats in Congress, and so strong was the opposition to it then that, notwithstanding Mr. Cleveland's loyal support, it could not secure the approval of the national convention in 1888.

In 1892 the Democratic national convention declared in favor of free raw material for the first time, but even then the leaders of the party in Congress saw the unreasonableness of the theory and supported it most feebly. Iron and coal were the only raw products from which it was even so much as proposed to relieve the duty. And a Democratic Finance Committee of the Senate reported a 40-cent duty on iron ore. It is true the motion was made to relieve the duty on iron ore, but not by a Democratic Senator, and not a single Democratic Senator supported that motion. I might say in passing that Richard Coke, then Senator from Texas, voted against free iron and went on record as opposed to the principle of free raw material.

In 1896, having realized its mistake in 1892, the Democratic national convention omitted entirely from its platform the declaration in favor of free raw products. Both the delegates and the States were practically a unit against the pernicious policy. Since that time the policy of admitting all raw materials free has never been sanctioned by the Democratic Party, either in convention or in Congress.

Not only has the national Democracy repeatedly denied the doctrine of free raw material, but the people of Texas have also raised their voice against the unjust policy. As I said, Samuel H. Houston and Gen. Thomas J. Rusk—perhaps the greatest names in all the long list of Texas' great—opposed free raw products in 1846. Gen. Richard Coke, another illustrious Texan, opposed free raw materials in 1894. And in 1896 the Democratic Party of Texas, assembled in convention at Austin, embodied the following declaration in their platform: "We believe that the present tariff law which lets into this country raw materials free, while it levies heavy duties on manufactured products, violates the Federal Constitution as well as the principles of the Democratic Party." That platform merely reaffirmed the position of the national party when it said in its platform of 1896, "We hold that tariff duties should be levied for purposes of revenue only, such duties to be so adjusted as to operate equally throughout the country and not discriminate between class or section." The national platform omitted the clause of 1892 favoring free raw material and substituted a demand for equality in tariff rates. The State platform only more forcefully condemned free raw products.

And again, in 1896, the people of Texas proclaimed themselves against the policy. Gov. CULBERSON, candidate for election to the United States Senate, said in his first address to the people of Texas: "The State platform of 1896 expresses my views against free raw materials." Hon. Roger Q. Mills, then Senator and candidate for reelection, announced himself as favoring free raw materials. It is true this question was not the only issue, but it was, no doubt, the paramount issue. And it is sufficient to say that Senator Mills, on his free raw material platform, was so utterly defeated that he withdrew from the race before it was hardly begun.

The senior Senator from Texas, Hon. JOSEPH W. BAILEY, has been returned to the Senate at every election since 1893, and he has been eternally opposed to free raw products.

But coming down to more recent times, when the question of free raw hides came up in Congress in 1909, both United States Senators from Texas and 15 out of 16 Texas Representatives voted against free raw hides. And, honorable judges, let me ask you, if a man votes against relieving the duty on one raw material, can he justly and logically say that he favors the admission of all raw materials free? The Texas Democracy in convention declared against the doctrine and the Texas Democracy in Congress declared against it when they failed to apply it to raw hides.

But we have more proof from history against this obnoxious theory. The people of the United States have consistently opposed free raw products, but have favored a tax on them as long as there was a tax on other incoming goods. The Whig Party carried the election of 1840 by an unprecedented majority. But that party propounded the most monstrous doctrine of protection and incorporated in the tariff bill of 1842 the doctrine of free raw materials. The bill was a stench in the nostrils of the American people from its very inception. And the American people in 1844 rewarded the Democratic Party, which had opposed free raw products both by the force of oratory and by its vote with an overwhelming majority in both Houses of Congress. The Whigs had turned a glorious victory into an inglorious defeat merely by advocating the doctrine of free raw materials.

In his famous message to Congress on December 2, 1845, President Polk laid down the clearest definition of the Democratic tariff policy that has ever been written. That message contained no suggestion of free raw material, not even a suggestion that duties on raw products should be low. The only articles, according to President Polk, which should be exempt were, in his own words, "such articles of necessity as are in general use." Is raw iron, a confused mass of iron, clay, and rock, in general use in Texas? Are raw hides worn by the people of this great State? Is raw wool, just as it comes from the shearer, an article of necessity? Yet, gentlemen of the affirmative, you advocate free raw iron and a tax on the nails you use to build your homes; you advocate free raw hides and a tax on the shoes upon your feet; you advocate free raw wool and a tax on the coats on your backs, and still claim to be ardent in the people's cause and true Democrats!

But to my former point. The Democratic tariff law, denouncing free raw products, followed Mr. Polk's message in 1846; and under that policy the Democratic Party enjoyed till 1860 the greatest success and the greatest favor with the people of this country that it has ever seen.

But history repeats itself. In 1892 the Democratic Party not only elected a President and won a majority in the Senate, but carried the House of Representatives by the largest majority that ever before represented the Democratic Party in that body. But, ignoring the sad experience of the past, that Congress, in 1894, passed the Wilson tariff bill, which sought to apply the fatal doctrine of free raw materials. Only one result could follow such a rash and unpopular act. In 1896 the Democrats suffered a most crushing defeat. The Democratic President was replaced by a Republican President; the Democratic Senate became a Republican Senate and the Democratic majority in the lower House of Congress not only disappeared, but was replaced by the largest Republican majority that ever sat in the House of Representatives, not even excepting the days of the Civil War. These, honorable judges, are the only times when the people of this country have been able to express their views, and both times they have been overwhelmingly opposed to free raw products.

But you ask why we have spent so much time in following the Democratic policy regarding raw material. We say that we believe with you, my friends, and with the people of this great State, in the Democratic doctrine of a tariff for revenue only. And we are calling your attention to the stand which men of like faith have taken on this question of free raw material. We do not propose a protective duty on raw products. We believe that our Government should levy such duties on imports as will provide revenue sufficient to run it; no more and, honorable judges, no less.

It has been urged that a tax on raw materials increases the price of the finished product, and hence is finally paid by the consumer of the manufactured article. If the manufacturer charged for his product according to the cost of production, this would be true. But the Democratic Party has always contended that this is not the case. The manufacturer of all duty on his raw material. But we propose a get for it regardless of its cost to him. And the tax on the finished product, not the tax on the raw material, determines the price he can get.

Some of the more honest, undaunted in the people's cause, contend that to lower the tax on the finished product we must first relieve the manufacturer of all duty on his raw material. But we propose a juster, more Democratic way of dealing with this question. Levy tariff duties for revenue only, and, as a famous Texas Senator said, "instead of relieving the manufacturer of all tax on his raw material and relieving the people of only a portion of the tax on the finished product, thus leaving the manufacturer's profit as high as ever and compelling the producer of raw material to lose all that the people gain, we insist that both the manufacturer of finished products and the producer of raw materials shall be compelled to share in the reduction which we seek to make in behalf of the whole people."

Mr. Chairman, honest but superficial thinkers have accused us of being protectionists because we advocate a revenue duty on raw materials. But in the next breath they are arguing for a revenue duty on finished goods, and excuse themselves from the charge they have made against us. They have said that we are traitors to the sacred principles of Democracy; but we remind them that a tariff for revenue only is surely a Democratic policy, and that is all we are contending for. They have condemned us for refusing to make a step toward reducing our enormous tariff schedules, which have raised the cost of living to its present high proportions. If they will agree to lower the tax on the people's shoes, we will agree to lower the tax on the manufacturer's raw hides. But when they ask for no tax on the manufacturer's raw material and at the same time compel the merchant, the farmer, the common people of Texas to bear all the burden of government, then we cry out against their unjust policy.

My friends, I have taken you to-night through the entire history of this question. Page by page I have shown you conclusively that the Democratic Party has never consistently favored the admission of raw products free; that in 1846 they opposed it; that in 1888 the Democrats in Congress favored it, but the national convention would not ratify their action; that in 1892 a declaration was made in favor of it, but the members of the party in Congress would not support it; that in 1896 it was repudiated by the national convention. I have shown you that the Texas Democracy has consistently opposed the unjust policy. Nobody, honorable judges, can justly say that we to-night are recreant to the cause. If you gentlemen of the affirmative repudiate us for opposing free raw materials, you are also repudiating the immortal men who led the Democratic Party through the most glorious years of its history, the men who have stamped their names indelibly on the honor roll of America's great. We appeal to you, my friends, to stand by the guns and fight, as you have so often fought, for the old-fashioned Democracy. Fight for it as you would fight for your country's honor. Fight for it as you would fight for the sacredness of your homes. And when the battle seems the fiercest renew your courage by casting your eyes in memory back to those who have fought and died before you. They denied the pernicious doctrine of free raw products, and well may you follow the principles of justice and liberty for which they lived and died.

[Frank Powell, negative, second speaker.]

Mr. Chairman, honorable judges, ladies, and gentlemen, my colleague has shown you that the taxing of raw materials has been the prevailing custom of the past; that this has been the policy of the national Democratic Party; that it is the view effectively supported by Texas Democracy; that this added revenue will not increase the cost to the consumer and is a tariff for revenue only, and finally that the American people have been consistently opposed to free raw products as long as there is a tariff on the other incoming goods. But we are also opposed

to free raw products because, first, correct economic principles require a tax on them as long as there is a tax on other imports. Honorable judges, this question must necessarily be restricted to present conditions. Even those who have been the strongest advocates of free raw material also advocate that we have this loss of revenue made up by some new form of taxation. All suggest the income tax; but Senator BAILEY proposed it, and it was defeated by Congress and declared unconstitutional. While I believe in an income tax, yet, honorable judges, from an economic standpoint, the amount of revenue which could be raised from any new source must make the tariff proportionately lighter on both raw and finished goods. However, this question does not admit of any substitute, for anyone must know that should there arise a new source of revenue it would require a redistribution of all tariff duties. This is a political question which has arisen in view of the present situation, has been discussed under present conditions, and notice, honorable judges, that it has made for its sole claim that it would benefit the manufacturers.

But correct economic principles require raw materials to be taxed, because there is no difference between raw and finished products. No man has been or ever shall be able to furnish one sound reason for distinguishing between the raw and finished product for the purpose of taxation. Senator BAILEY says: "There is no such thing in this world as a raw material ready for the use of the machinery of man, for what is one man's raw material is another man's finished product." Honorable judges, the forests which we refer to as raw material are only so as long as they remain untouched; when the ax is applied they become finished product. The log is the finished product of the woodman, while raw material for the man at the sawmill. He converts it into his finished product, lumber, which is again raw material to the cabinet workman.

The cane and beet, while the finished products of the grower are raw material for the refiner and while sugar is the finished product of the refiner, it is raw product for the confectioner. Hides are raw material for the tanner, but the tanned hide or leather becomes raw material for the shoemaker. When wool is clipped it becomes the farmer's finished product. True, it is raw material for the weaver, out of which he finishes cloth and turns it over as raw material to the tailor. Iron ore is raw product only so long as it is uselessly lying in the bosom of the earth, but when it responds to the pick of the fearless miner it becomes his finished product, but raw material for the smelter. He converts this finished raw product into his finished product—steel—which he hands over to the blacksmith and mechanic as their raw material; and all will admit that what is the finished product of the butcher is raw material for the kitchen.

Honorable judges, when we attempt to classify raw and finished products for the purpose of taxation, we find that there is no substantial basis in justice or in fact. But could there be raw material, free raw material would be discrimination.

(a) In matters of taxes. The extraordinary increase in public expenditures in the last two decades has made it necessary for a sum of money to be annually collected so large as to almost confuse the human mind. But large as it is, and confusing as it may be, it must be raised, and should we at a single blow sweep away the millions which are annually collected from raw-material taxes the ultimate and inevitable result must be that the already increasing burden of the consumer will be made heavier by placing an extra duty upon the finished product. Under the woolen schedule the Government receives annually about $35,000,000. Of this amount those who use imported wool pay for $11,000,000, while the people who use imported woolen goods pay $24,000,000. Can anyone rightly claim that the Government remit the $11,000,000 which it now collects from those who import wool and continue to collect the $24,000,000 from those who use imported woolen goods?

Free hides is another strong cry of the free raw material advocate. The duty on hides last year yielded more than $2,000,000 net revenue to the Government, while the duty on boots and shoes yielded less than $30,000. Free hides from duty and you have handed over as a permanent gift to the manufacturer $2,000,000 annually and at the same time compelled the consumer to pay the difference. Whenever we take the duty off rough lumber, which yields yearly to the Government more than $1,700,000, we must make that amount of revenue good in some other way, and this question, as stated, does not admit of a new way. It has been argued that steel trusts own the available iron ore, and by freeing that we have cut down their profit in selling ore. In the first place this is a conflict of argument, for those who advocate free raw material make as their sole claim that it would benefit the manufacturer. But, honorable judges, steel trusts do not sell ore, but steel products, and, furthermore, Government experts show that steel corporations control less than 39 per cent of the available ore. Why, then, should we turn over to the wealthy steel producer the $10,000,000 which annually reaches our Government from the duty on iron ore? If there is any basis of reason or justice why an already highly favored class should be further favored we should be glad indeed to hear it. There are millions of people to-night who would be glad to vote for free raw material if the affirmative can produce one sound reason why one class of our citizens should be exempt from taxation while another and much larger class should be subjected to increased taxation. Honorable judges, there never was proposed a more undemocratic, un-American, nor a more unjust theory than that one which would exempt the manufacturer from the payment of a moderate duty on his raw material, while the consumer must pay a double duty for a finished product made from the same material. No one class should enjoy a special and valuable privilege which is denied to all others. Honorable judges, it is as much the farmer's right to exchange his raw products for finished material as it is the manufacturer's right to exchange his finished goods for raw material, and both of them should pay a duty or neither of them should do so. No true American will ever consent to so discriminate between the products of the farm and the products of the factory.

But what reason can an advocate of free raw material give in justification of it? It has been suggested that if the tax be removed from raw material the manufacturer can produce his goods at lower cost and thereby sell them at a lower price. In the first place, honorable judges, justice demands that we have no right to exempt the manufacturer from his share of the taxes which are required to maintain the Government, even if it were guaranteed that he would sell his goods at a lower price, and, moreover, the manufacturer does not regulate the price of his goods according to the cost of production, but fixes it the highest possible without exposing himself to foreign competition.

During the recent War with Spain an extra tax was placed on tobacco, but in order that it might ultimately fall on the consumer, the factories were permitted to make smaller plugs, and when that tax was removed they continued to sell short weight at the same price. This is an example of how the manufacturer helps the consumer when the Government helps him. Had that tax not been remitted the Government could have collected scores of millions of dollars without costing the consumer one cent more.

The remission of the tax on beer has merely been a gift of millions to the brewer, and no one would pretend that it cheapened the retail price.

The arguments first brought forth by the newspaper men to put wood pulp on the free list were not directed against the idea of a reasonable revenue tax, but against the situation which high protection had brought about. The high tariff on paper and wood pulp had resulted in the stifling of competition here at home and the charging of monopoly prices to the consumer. With a moderate revenue tax on white paper and wood pulp there never would have been an objection, according to the newspaper men themselves. The same is true about the anthracite coal demand. Boston would never have demanded that it be placed on the free list had not Pennsylvania oppressively monopolized it. Iron ore on the free list might help those who have speculatively obtained control of Cuban and other outside ore, but it would not cheapen steel and iron products.

But, honorable judges, this discrimination would be bad enough if it merely relieved the manufacturer of the taxes which by right he ought to pay, but since it transfers to all other classes the taxes from which he has been relieved, it doubly violates that Democratic principle which forbids us to grant special privileges, because it not only confers a bounty on the manufacturer but imposes an unequal burden on the consumer. There is no fair-minded man in this United States who is prejudiced against the manufacturer. We all refer with pride to his marvelous success and prosperity. But we of the negative can never accede to that pernicious doctrine to further increase his fortune by freeing him from the burden which by right he ought to bear in common with his fellow citizens. If principle could ever justify us to relieve any class from taxation it would be first those whose labors are most grievous and comforts fewest.

We will be rejoiced to increase the free list at any time the Government can dispense with the revenue. But in the extending of the free list we of the negative would place last the manufacturer who is always crying for protection. The Ways and Means Committee of the House and the Finance Committee of the Senate, as they arrange from time to time the rates in all tariff bills, regardless of their personal opinion on the tariff question, are compelled to keep in mind the revenue necessary to run the Government. And each schedule is so drafted that it will contribute a given amount of the total sum required. And, honorable judges, it is obviously certain that when a duty reduction is made on a particular article it must be compensated by an increase on some other article or by an increase upon all other articles of that schedule.

Since we have reversed the principle of our forefathers by now regulating our taxes by the expenditures of the Government instead of regulating the expenses of the Government by the collection of taxes, every time we change an article from the taxed to the free list we have merely relieved one class by increasing the burden of another.

Senator Samuel H. Piles, of Washington, says, "Our present revenue-producing system is certainly workable, because thousands of business enterprises have become adjusted to its exactions," and that it would be folly to forget that the principal object of revenue laws, including the whole tariff system, is to provide means by which to pay the Government bills.

Honorable judges, since all revenue and tariff laws are based on this principle, how can the affirmative propose the fallacious doctrine that the manufacturer be exempt from his share in paying the Government bills?

We are agreed that with free raw material the manufacturer can produce his goods more cheaply, and could, if he wanted to, sell them for less. But, honorable judges, that same principle is equally true for any other business man under the sun. A man of any occupation has the same right to demand relief from taxation and on the very same ground. If all agricultural and pastoral lands were exempt from taxation, the farmer and ranchman could raise their grain and stock more cheaply and could also sell them at lower cost. But when was it ever proposed to free lands and live stock from taxation in order that we might have cheaper bread and meat? Honorable judges, the fact that to free raw material would cause a smaller loss of revenue than to free the farmer, miner, ranchman, etc., does not in any sense alter this great principle. Senator BAILEY says, "If we are to exempt the manufacturer who makes the goods, why not exempt the merchant who sells the goods?" And, says he, "The proposition to filter a benefit through a special class to the general public is repugnant to every principle of democracy and violates every conception of American equality."

Honorable judges, a benefit which can not be extended to all, will never be enjoyed by all, for the class to which it is extended has always monopolized those benefits.

But free raw material would also be discrimination in incidental protection. Even if a duty be levied solely for revenue, we are aware that it will afford some incidental protection, thus giving an advantage to those who sell and placing those who buy at a disadvantage. In this we also denounce the discrimination. While our policy would be to do away with all protection, yet since this can not be done, correct economic principles demand that it be extended to the producer of raw products as well as the manufacturers of finished goods, and permit him in this way to receive back in part when he sells what he loses when he buys.

And again, more revenue can thus be raised and with less protection. By placing a duty on a larger number of articles it will enable us to make the duty lower on every article, and by thus distributing the duty over the largest possible area we have minimized and practically neutralized the evils of protection. If one-half the given sum which is to be annually collected for Government expenses were to be levied on raw imports and one-half from finished imports, the striking of one class from the dutiable list would mean to double the duty on the other class. Honorable judges, it is needless to remind you that keeping all imports raw and finished in the duty list will raise a maximum of revenue and at the same time cause a minimum of protection.

Taxed raw material is not a protective measure, and from our arguments to-night we are dealing with rates lower than Walker's revenue-producing rate. He says that tariff duties should be levied for revenue only, and should be so adjusted as to operate equally throughout the country and not discriminate between class and section. In 1845 Robert J. Walker fixed 20 per cent as an ideal revenue-producing rate. Yet every article about which there is so much discussion to make it free, is below that rate. Hides come as the highest, at 15 per cent, iron ore at 12 per cent, and lumber at 9 per cent, making an average of 12 per cent.

Honorable judges, why shall we not so distribute our duties that not only there will be no discrimination between classes of our citizens, but also that we may reduce the duty of all classes to a proportional

share in supporting the governmental needs. For in the words of Senator BAILEY: "Free raw material simply means a double profit to the manufacturer; it reduces the cost of what he buys and increases the price of what he sells."

Honorable judges, every argument that has been made by the affirmative to-night is a direct or indirect plea for protection. We argue from the standpoint of the consumer—the man who makes it possible for the manufacturer to survive. Our plea is tariff for revenue only, and we base our plea upon the position of the Democratic leaders of the past, and upon the principles of American justice and equality. From every American lip has come the expression that taxation is a burden, and that as a burden it should be borne proportionately. Never will we enrich one class at the expense of all others by a protective measure, but so long as the needs of the Government must be supplied we will demand that every citizen—that every class of citizens—pay his share of these needs, and that tariff shall be levied for revenue only.

FREE-LIST BILL.

Mr. UNDERWOOD. Mr. Speaker, in order to expedite the business of the House, I would like to ask unanimous consent to again take up the free-list bill (H. R. 4413). Of course, if it is going to bring up general debate and delay the House any length of time, I will not insist on it.

Mr. MANN. The gentleman can not insist upon it, because it is Calendar Wednesday.

Mr. UNDERWOOD. I can not do it without unanimous consent, of course.

Mr. MANN. We can dispose of it the first thing to-morrow; it will not take very long, and it is now 6 o'clock——

Mr. UNDERWOOD. I think we can dispose of it in a very few minutes. However, if the gentleman indicates a desire that it go over——

Mr. MANN. Well, Mr. Speaker, reserving the right to object, I would like to ask the gentleman this: The only object in disposing of the free-list bill to-night is to expedite adjournment. What can the gentleman tell us in reference to the prospect of adjournment?

Mr. UNDERWOOD. I would have to refer the gentleman from Illinois to a House that it is not in parliamentary order to mention in this body.

Mr. MANN. Oh, it is quite in parliamentary order to mention the Senate. We do it many times—sometimes with blessings and sometimes the contrary.

Mr. UNDERWOOD. I will refer the gentleman to the other end of the Capitol.

Mr. MANN. Then why should we stay here at this time of the night to pass upon a matter that would not be hurt at all by waiting until to-morrow?

Mr. UNDERWOOD. If the gentleman objects, Mr. Speaker, I withdraw my request.

The SPEAKER. The gentleman from Alabama withdraws his request.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11019. An act to reduce the duties on wool and manufactures of wool.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes) the House adjourned to meet to-morrow, Thursday, August 17, 1911, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WHITACRE: A bill (H. R. 13706) to provide for the establishment of a nonpartisan tariff commission; to the Committee on Ways and Means.

By Mr. ANDREWS: A bill (H. R. 13707) appropriating $200,000 for the purchase of a site for and the erection of a public building at Carlsbad, N. Mex.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13708) appropriating the sum of $20,000 for the construction of an armory at Carlsbad, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. LINTHICUM: A bill (H. R. 13709) to establish a Federal highways commission, whose duties it shall be to urge the cooperation and joint action of the several States with the Federal Government in the construction, improvement, and maintenance of permanent and durable highways throughout the United States; prescribe such rules of agreement in connection with their use as will insure uniform and equitable highway regulations; and issue Federal licenses governing interstate automobile travel or commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 13710) to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes; to the Committee on Indian Affairs.

By Mr. DYER: A bill (H. R. 13711) granting a pension to widows of honorably discharged Regular or Volunteer soldiers, sailors, and marines of the United States; to the Committee on Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 13712) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, approved February 6, 1907; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13713) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

By Mr. SABATH: Concurrent resolution (H. Con. Res. 19) to print 17,100 copies of proceedings on unveiling the statues of Pulaski and Kosciuszko; to the Committee on Printing.

By Mr. ASHBROOK: Concurrent resolution (H. Con. Res. 20) to print 1,000 copies of hearings on House resolution No. 109; to the Committee on Printing.

By Mr. SHEPPARD: Joint resolution (H. J. Res. 155) for a conference of governors and attorneys general at Washington on the subject of uniform marriage and divorce laws in the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13714) granting a pension to Emma E. Wolf; to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 13715) for the relief of the legal representatives of Henry Barnes, deceased; to the Committee on War Claims.

By Mr. BORLAND: A bill (H. R. 13716) granting a pension to Mary F. Cooley; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 13717) granting an increase of pension to John Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13718) granting an increase of pension to Robert Schumann; to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 13719) for the relief of Louis Boerner; to the Committee on Claims.

By Mr. BROWN: A bill (H. R. 13720) for the relief of the heirs of William Ewing, deceased; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 13721) for the relief of William J. Thomas; to the Committee on War Claims.

Also, a bill (H. R. 13722) for the relief of Payne, James & Co.; to the Committee on Claims.

Also, a bill (H. R. 13723) for the relief of John Rick; to the Committee on War Claims.

Also, a bill (H. R. 13724) for the relief of Liberty Spring Missionary Baptist Church; to the Committee on War Claims.

Also, a bill (H. R. 13725) for the relief of estate of Josephus Cuffman, deceased, and Daniel W. Cuffman; to the Committee on War Claims.

Also, a bill (H. R. 13726) for the relief of the estate of John D. Horton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13727) for the relief of the estate of Zebulon Evans; to the Committee on War Claims.

Also, a bill (H. R. 13728) for the relief of the estate of David F. Kennel; to the Committee on War Claims.

Also, a bill (H. R. 13729) for the relief of the estate of Mark Newell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13730) for the relief of the estate of W. W. Parks, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13731) for the relief of the estate of T. B. Eatherly; to the Committee on War Claims.

Also, a bill (H. R. 13732) for the relief of the estate of Samuel McClannahan; to the Committee on War Claims.

Also, a bill (H. R. 13733) for the relief of the heirs or estate of John E. Bauman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13734) for the relief of the heirs of Hiram Wilhite, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13735) for the relief of the heirs of Jackson and Adams; to the Committee on War Claims.

Also, a bill (H. R. 13736) for the relief of the heirs at law of James E. Wilson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13737) for the relief of the legal representatives of the estate of A. L. P. Green; to the Committee on War Claims.

Also, a bill (H. R. 13738) to carry into effect the findings of the Court of Claims in case of Baxter Smith, administrator of estate of Hugh C. Jackson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13739) for the relief of the trustees of the Cumberland Presbyterian Church, of Clarksville, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 13740) to carry into effect the findings of the Court of Claims in case of J. Minnick Williams, administrator; to the Committee on War Claims.

By Mr. CRAGO: A bill (H. R. 13741) granting an increase of pension to Peter Stuck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13742) granting an increase of pension to Mordica Lincoln; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 13743) granting a pension to Alvah H. Mitchell; to the Committee on Pensions.

By Mr. DOREMUS: A bill (H. R. 13744) granting a pension to Mary Colby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13745) granting a pension to Ann Livingston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13746) granting a pension to Margaret Maynard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13747) granting a pension to John Zanger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13748) granting a pension to Frederick Leidenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13749) granting a pension to William J. Allmand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13750) granting an increase of pension to Daniel J. Falvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13751) granting an increase of pension to Mary C. Roos; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 13752) granting an increase of pension to James M. Cartel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13753) granting an increase of pension to Thomas M. Patton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13754) granting an increase of pension to Pleasant P. Jordan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13755) granting an increase of pension to John Travis, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13756) granting an increase of pension to Solomon Luntsford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13757) granting an increase of pension to Arnold Snyder; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 13758) granting an increase of pension to Gilbert L. King; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13759) for the relief of the legal representatives of Needham Bullard, deceased; to the Committee on War Claims.

By Mr. HUGHES of New Jersey: A bill (H. R. 13760) granting an increase of pension to Henry Campbell; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 13761) granting a pension to Henry Petring; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 13762) granting an increase of pension to John R. Taylor; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 13763) granting an increase of pension to William Y. Kelly; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 13764) granting an increase of pension to Adelbert B. Crampton; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13765) granting an increase of pension to Julia T. Caulkins; to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 13766) granting an increase of pension to John O. Ockerson; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 13767) granting an increase of pension to Naaman R. Aller; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 13768) granting a pension to Mary E. Shay; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 13769) granting an increase of pension to James Johnson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of numerous residents of Chicago, Ill., asking for an investigation of the administration of the immigration office at Ellis Island; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Papers to accompany bills granting increases of pension to John Ross, Robert Schumann, and Joseph Spehn; to the Committee on Invalid Pensions.

By Mr. CLINE: Papers to accompany House bills 11893, 11894, and 13372; to the Committee on Invalid Pensions.

By Mr. FOCHT: Papers to accompany bill for the relief of Caleb C. Evans; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petition of John M. Mott, favoring the abolishment of duties on imports; to the Committee on Ways and Means.

By Mr. HAYES: Resolutions of Lincoln Post, No. 1, Department of California and Nevada, protesting against the erection of a Confederate naval monument in the Vicksburg National Military Park; to the Committee on Military Affairs.

By Mr. LAFFERTY: Memorial of Gov. Oswald West and several thousand citizens of Oregon, asking that a law be enacted establishing an Alaska coal mining commission for the purpose of mining the public coal lands in Alaska, etc.; to the Committee on the Public Lands.

By Mr. RAKER: Papers in support of House bills 7573 and 7574; to the Committee on Military Affairs.

SENATE.

THURSDAY, *August 17, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BROWN and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 943) for the improvement of navigation on the Black Warrior River, in the State of Alabama, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 306. An act to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia;

S. 1785. An act to amend section 647, chapter 18, Code of Law for the District of Columbia, relating to annual statements of insurance companies;

S. 2055. An act to provide for the purchase of a site and the erection of a new public building at Bangor, Me.; also for the sale of the site and ruins of the former post-office building;

S. 3052. An act granting leave of absence to certain homesteaders;

H. R. 4682. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va.;

H. R. 8146. An act to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois; and

H. R. 11723. An act permitting the building of a railroad bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Baptist Vineyard Association of Massachusetts, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. OLIVER presented a memorial of 331 employees of the firm of Rambo & Regar (Inc.), of Norristown, Pa., remonstrating against a reduction in the duty on hosiery, which was ordered to lie on the table.

Mr. KERN presented a petition of the congregation of the High Street Methodist Episcopal Church, of Muncie, Ind., and a petition of the congregation of the Mennonite Church, of Berne, Ind., praying for the ratification of the proposed treaties

of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. GUGGENHEIM presented a petition of the Chamber of Commerce of Colorado Springs, Colo., praying for the ratification of the treaties of arbitration between the United States and Great Britain and France, which was ordered to lie on the table.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. BROWN. From the Committee on Military Affairs I report back favorably the joint resolution (H. J. Res. 146) for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers, and I ask for its present consideration.

The VICE PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It appoints Gen. P. H. Barry, of Nebraska, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed Capt. Henry E. Palmer, deceased, whose term of office would expire April 21, 1916.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT GETTYSBURG, PA.

Mr. HEYBURN. From the Committee on Public Buildings and Grounds I report back favorably the bill (H. R. 13277) to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa. I call the attention of the Senator from Pennsylvania [Mr. OLIVER] to the bill.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase from $100,000 to $117,000 the limit of cost fixed by the act of Congress approved June 25, 1910, for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Gettysburg, Pa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETIT JEAN RIVER, ARK.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (S. 3253) to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the counties of Yell and Conway, bodies corporate under the laws of the State of Arkansas, their successors and assigns, to construct, maintain, and operate a steel drawbridge and approaches thereto across the Petit Jean River, a navigable stream, at or near Pontoon, Ark., along the Yell and Conway County lines, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable streams," approved March 23, 1906.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BANKHEAD:

A bill (S. 3261) to provide for designating and addressing staff officers of the Navy in the same manner that staff officers of the Army are designated and addressed; to the Committee on Naval Affairs.

PRINTING OF VETO MESSAGE—NEW MEXICO AND ARIZONA.

Mr. SMOOT. Yesterday, on my request, the special message of the President of the United States, returning without approval the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union on an equal footing with the original States, was ordered to be printed as a public document, but I notice, on an examination, that last evening the House of Representatives had already ordered it printed as a public document. Therefore I ask that the order made by the Senate be annulled.

The VICE PRESIDENT. Without objection, the order made yesterday for printing the President's message will be annulled. No objection is heard.

LEAVE OF ABSENCE.

Mr. MARTIN of Virginia. I have received a telegram from the senior Senator from Maryland [Mr. RAYNER] stating that he is sick and requesting the Senate to grant him a leave of absence for the remainder of the session on account of sickness. I therefore present the request in his behalf.

The VICE PRESIDENT. Without objection, the request of the Senator from Maryland will be complied with. No objection is heard.

THE COTTON SCHEDULE.

Mr. SMOOT. I move that the Senate proceed to the consideration of House bill 12812—the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. I ask unanimous consent to withdraw the pending amendment. I expect to divide it and offer it when the bill reaches the Senate.

The VICE PRESIDENT. No action has been taken that requires unanimous consent. The Senator from Iowa withdraws his amendment. The bill is in Committee of the Whole and still open to amendment.

Mr. OVERMAN. If we are going to vote on amendments, I think there ought to be a quorum present, and I suggest the want of a quorum.

The VICE PRESIDENT. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lorimer	Smith, S. C.
Bailey	Cummins	Martin, Va.	Smoot
Bankhead	Curtis	Martine, N. J.	Stephenson
Borah	Dillingham	Myers	Swanson
Bourne	Dixon	Nixon	Taylor
Brandegee	Fletcher	Oliver	Thornton
Briggs	Foster	Overman	Townsend
Brown	Gamble	Page	Warren
Burton	Guggenheim	Penrose	Watson
Chilton	Heyburn	Perkins	Wetmore
Clapp	Johnston, Ala.	Pomerene	Works
Clarke, Ark.	Jones	Reed	
Crawford	Kern	Root	
Culberson	La Follette	Simmons	

Mr. FLETCHER. I wish to announce that my colleague [Mr. BRYAN] is necessarily absent on account of the death of his father. I make this announcement for the day.

Mr. JONES. My colleague [Mr. POINDEXTER] is absent from the city, and therefore can not be present.

Mr. CUMMINS. I rise to make the announcement that my colleague [Mr. KENYON] is necessarily absent from the city.

Mr. TOWNSEND. I desire to state that the senior Senator from Michigan [Mr. SMITH] is in attendance on a session of the Committee on Territories at this time, and is therefore unavoidably absent.

Mr. CLAPP. I desire to state that the junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent from the city. I will let this announcement stand for the several calls that may be made during the day.

Mr. SMOOT. I desire to announce that my colleague [Mr. SUTHERLAND] is out of the city. He is paired with the senior Senator from Maryland [Mr. RAYNER]. I will let the announcement stand for the day.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. A quorum of the Senate is present. The bill is as in Committee of the Whole and open to amendment.

Mr. BACON. Mr. President, I offer an amendment to the bill, and I desire to say a word before the amendment is read. I wish to prevent any possible misconstruction, and I now make the statement that I do not claim the credit of being the author of what is contained in the amendment. It is true that it is my property, as it was thrown overboard by the author of it; and, under the law of jetsam and flotsam, I believe, as I am the finder of it, I am the owner of it.

When the Senator from Iowa asked the leave of the Senate to withdraw his amendment I was about to object, when the Chair ruled that no consent was needed. Therefore the Senator was at liberty to withdraw it, and he did withdraw it.

Mr. President, the Senator from Iowa has pressed the amendment with so much earnestness and has explained it as a proper and necessary measure with so much precision and elaborate care that I have been greatly impressed with the importance of it, and I am unwilling that it should be thrown away. While it does not entirely meet with my approval, and is much higher in the rates than I think it ought to be, still it is very much better than the present law; and while, if I were drawing an amendment and had the votes behind me to carry it according to my wishes, I would make the rates much lower, I have accepted what was formerly the proposition of the Senator from Iowa, and now offer it as my own. I shall at the proper time ask for a vote on it as an amendment to the bill.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from Georgia.

The SECRETARY. It is proposed to add a new section to the bill, as follows:

SEC. —. The Act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out paragraph 121 of Schedule C thereof and inserting the following:

"121. Beams, girders, joists, angles, car-truck channels, T. T. columns and posts, or parts or sections of columns and posts, deck and bulb beams and building forms, together with all other structural shapes of iron or steel, whether plain, punched, or fitted for use, or whether assembled and manufactured, one-quarter of 1 cent per pound."

The said Schedule C in the act aforesaid, being paragraphs 117 to 199, both inclusive, is hereby further amended as follows, to wit:

"From and after the passage of this act there shall be levied, collected, and paid upon the articles mentioned in paragraphs 117 to 151, inclusive, 159 to 163, inclusive, and 171 of said Schedule C, when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), 60 per cent only of the rates of duty which are in and by said paragraphs of said schedule prescribed; but the foregoing shall not apply to paragraph 121, which is hereinbefore repealed and a substitute reenacted therefor."

That from and after the passage of this act there shall be levied, collected, and paid upon the articles mentioned in paragraphs 152 to 158, inclusive, 164 to 170, inclusive, 172 to 199, inclusive, of said Schedule C, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), 70 per cent only of the rates of duty which are in and by said paragraphs of said schedule prescribed: *Provided, however*, That if any article embraced in said schedule shall by an act of Congress passed by the Sixty-second Congress, second session, be placed on the free list, this act shall not apply thereto.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. CUMMINS. Mr. President, I need hardly say that I am heartily in favor of the proposition contained in this amendment, as I myself drew it. I withdrew the amendment, as I stated, intending to divide it, and to offer it to the bill when the bill reached the Senate. I withdrew it in order to enable the Senator from Wisconsin [Mr. LA FOLLETTE] to offer, first, his amendment by way of substitute for the cotton bill passed by the other House. I think all Senators understand that I did not withdraw the amendment because I had lost faith in its merits. I expect and hope to see it adopted before the bill passes from the Senate.

I wanted simply to make this explanation as to my reason for withdrawing it, which was solely to divide it first into two parts. It would be divisible anyway on the request of any Senator—first, that part which covers what is ordinarily known as tonnage iron and steel, upon which I seek to reduce the duties 40 per cent; then upon the remaining paragraphs of the metal schedule, which relate to other metals and to the finer forms of manufactured iron and steel, upon which I seek to reduce the duty 30 per cent.

Mr. BACON. Mr. President, the Senator from Iowa did not, in withdrawing his amendment, propose simply to make a modification. It is true he said something about what he had in view for the future; but, so far as the bill now pending before the Senate is concerned, it was an absolute withdrawal of the amendment. The party with which I am associated has been impressed with the conviction that the metal schedule should be amended, and that the opportunity should be taken advantage of in the pendency of the present cotton bill to offer this as an amendment to the bill. When the Senator from Iowa withdraws it as an amendment, there is nothing for us to do but either to see the bill acted upon without that amendment being offered or to ourselves offer it.

Mr. President, the Senator alludes to what his purpose is when the bill gets into the Senate. I think we all understand what that means—that the Senator is assuming that this bill is to be defeated, and after it has been defeated it is going to be presented in another shape, and that then the Senator will give it his support in the offering of an amendment. That does not satisfy those of us who think as I do. We think that the amendment should be offered to the bill now pending. What shall become of that bill afterwards is another question. For myself, I am not voting for this bill to put myself on record, but I am voting for it in the effort to pass it. Therefore I submit amendments to it in good faith, as if the bill is to pass. If it is not to pass, it shall not be my fault nor the fault of those who think as I do. If the amendment which I have offered is not attached as an amendment to the bill as it now stands, it will not be our fault. We have offered the amendment in good faith; we propose to vote for it; and we shall be very glad for all of those who believe in the amendment to vote for it, and not run the risk of having a chance to vote for it when something which they anticipate may not occur.

Mr. WARREN. Mr. President, I want to ask the Senator from Georgia, does the amendment which he offers relate to the chemical schedule or any part of it?

Mr. BACON. No, sir. I will state to the Senator, and also for the information of other Senators who may not have been present when the amendment was first offered and when I stated the nature of it, that it is an amendment to Schedule C of the tariff law, to wit, the metal schedule—the iron and steel schedule. It is in terms the amendment which the Senator from Iowa [Mr. CUMMINS] formerly presented, offering it as an amendment to the bill, and which he withdrew this morning, and which, as I have said, became flotsam and jetsam. As the finder of it, I became the owner of it, and I have introduced it in my own name and in my own right as an amendment to the pending bill.

Mr. WARREN. I will ask the Senator, is he offering the amendment because it relates to cotton itself or its uses, or does he offer it as a separate matter referring directly and only to commodities covered in another schedule?

Mr. BACON. I hope the Senator will repeat that question, because the first part of it was stated in such a low tone that I did not catch it.

Mr. WARREN. I wanted to ask the Senator whether he offers that amendment because it has a particular reference to the cotton bill or the cotton industries, or whether he offers it because he wishes to re-form another and entirely different schedule?

Mr. BACON. I want to re-form the schedule.

Mr. WARREN. As a separate measure?

Mr. BACON. I want to re-form that schedule; and, as the Senator asks the question, I will state very frankly what our attitude is in regard to the matter. The information is within our possession, entirely reliable and definite, that the House of Representatives now has in course of preparation an amendment to the iron and steel schedule which is not yet entirely completed. On account of the shortness of the session, as they may not have the opportunity to complete their bill in the other House and send it to us in time for us to act on it, without keeping us here for a much longer time than most of us desire to remain, it is deemed wise and opportune to take advantage of the pending measure—the cotton bill—and engraft upon it legislation which shall greatly reduce the tariff duties upon the iron and steel products coming into this country. It is for that reason, in good faith, not as a matter of form and not for the purpose of embarrassing the measure, but for the purpose of expediting legislation upon this most important matter, the importance of which has been most earnestly and deeply and graphically impressed upon us by the Senator from Iowa—it is for the purpose of securing it as a piece of legislation that it is now offered as an amendment to the pending bill.

Mr. CUMMINS. Mr. President, I have no doubt whatever about the good faith of the Senator from Georgia. I withdrew this as an amendment to the cotton bill, which is now before the Senate, because I do not intend to vote for that cotton bill. I intend to vote for the cotton bill that will be proposed by the Senator from Wisconsin [Mr. LA FOLLETTE]. But I assure the Senator from Georgia, as well as all Senators, that there will be ample opportunity to vote for the reduction of the duties on iron and steel before we have finished the consideration of this bill.

Mr. BACON. What is the bill to which the Senator alludes? I did not know that it was within the power of a Senator here to introduce a bill in regard to revenues. The Senator says "the bill of the Senator from Wisconsin."

Mr. CUMMINS. The Senator from Georgia, I suppose, understands that the Senator from Wisconsin will offer it. It is now on the table.

Mr. BACON. The Senator means an amendment.

Mr. CUMMINS. An amendment by way of a substitute to the cotton bill passed by the House. It is that bill for which I intend to vote, and I desire this metal schedule to be attached to that bill, if it receives the concurrence of the Senate.

Mr. BACON. Mr. President, the Senator repeats over and over again the word "bill." The Senator means amendment, does he not?

Mr. CUMMINS. Yes; I mean an amendment, although it is in itself a complete revision of that schedule.

Mr. BACON. That is the reason I made the inquiry of the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia.

Mr. BACON. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator on account of illness, I withhold my vote.

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Florida [Mr. BRYAN], and will vote. I vote "yea."

Mr. CURTIS (when his name was called). I desire to announce that I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK]. If he were present, I should vote "nay." I make this announcement of the pair for the day.

Mr. MYERS (when the name of Mr. DAVIS was called). I have been requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from New Hampshire [Mr. GALLINGER]. If the Senator from Arkansas were present, he would vote "yea" on this amendment. I make this announcement to stand for the day.

Mr. DILLINGHAM (when his name was called). I transfer the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Massachusetts [Mr. CRANE], who is necessarily detained from the Senate. I make this announcement for the entire day. Upon this question I vote "nay."

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague [Mr. GALLINGER] is unavoidably absent. He is paired with the Senator from Arkansas [Mr. DAVIS]. If my colleague were present, he would vote "nay."

Mr. CURTIS (when Mr. LODGE's name was called). I am requested to announce that the senior Senator from Massachusetts [Mr. LODGE] is paired with the junior Senator from New York [Mr. O'GORMAN]. I make this announcement for the day.

Mr. McLEAN (when his name was called). I desire to announce that I am paired with the Senator from Oklahoma [Mr. GORE], who is necessarily absent. I assume that if present the Senator from Oklahoma would vote "yea." If at liberty to vote, I should vote "nay."

Mr. NIXON (when his name was called). I have a pair with the senior Senator from Nevada [Mr. NEWLANDS]. I do not know how he would vote if present, and so I withhold my vote.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS], and therefore withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Maryland [Mr. SMITH], and vote. I vote "yea."

Mr. REED (when Mr. STONE's name was called). I desire to announce that my colleague [Mr. STONE] is unable to be present on account of sickness. He is paired with the Senator from Wyoming [Mr. CLARK]. If my colleague were present, he would vote "yea."

Mr. TAYLOR (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BRADLEY], who is absent on account of illness. I therefore withhold my vote.

The roll call was concluded.

Mr. NELSON. I desire to say that the senior Senator from North Dakota [Mr. McCUMBER] is paired with the senior Senator from Mississippi [Mr. PERCY]. If the Senator from North Dakota were present, he would vote "nay" on this amendment.

Mr. WATSON (after having voted in the affirmative). I inquire if the senior Senator from New Jersey [Mr. BRIGGS] is recorded as voting.

The VICE PRESIDENT. The Chair is informed that he is not recorded.

Mr. WATSON. Then I desire to withdraw my vote and to announce a general pair with that Senator.

Mr. FOSTER (after having voted in the affirmative). I inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. FOSTER. I have a pair with that Senator and therefore withdraw my vote.

The result was announced—yeas 28, nays 25, as follows:

YEAS—28.

Bacon	Culberson	Martin, Va.	Reed
Bailey	Fletcher	Martine, N. J.	Shively
Bankhead	Johnson, Me.	Myers	Simmons
Chamberlain	Johnston, Ala.	Overman	Smith, S. C.
Chilton	Jones	Owen	Swanson
Clapp	Kern	Paynter	Thornton
Clarke, Ark.	Lea	Pomerene	Works

NAYS—25.

Borah	Crawford	La Follette	Root
Bourne	Cullom	Lippitt	Smith, Mich.
Brandegee	Cummins	Lorimer	Townsend
Bristow	Dillingham	Nelson	Wetmore
Brown	Dixon	Oliver	
Burnham	Gamble	Page	
Burton	Heyburn	Perkins	

NOT VOTING—36.

Bradley	Gallinger	Newlands	Smoot
Briggs	Gore	Nixon	Stephenson
Bryan	Gronna	O'Gorman	Stone
Clark, Wyo.	Guggenheim	Penrose	Sutherland
Crane	Hitchcock	Percy	Taylor
Curtis	Kenyon	Poindexter	Tillman
Davis	Lodge	Rayner	Warren
du Pont	McCumber	Richardson	Watson
Foster	McLean	Smith, Md.	Williams

So Mr. BACON's amendment was agreed to.

Mr. SIMMONS obtained the floor.

Mr. OVERMAN. Mr. President, I have an amendment pending, which I think comes first.

The VICE PRESIDENT. There is no amendment pending.

Mr. OVERMAN. There is an amendment pending. I hold it in my hand.

The VICE PRESIDENT. It has not been offered, or it should have been voted upon before the last amendment.

Mr. OVERMAN. "In the Senate of the United States, August 12, 1911. Amendments intended to be proposed"——

The VICE PRESIDENT. Intended to be proposed——

Mr. SIMMONS. I yield to my colleague if he desires to proceed.

Mr. OVERMAN. No; go ahead.

Mr. SIMMONS. I offer the following amendment.

Mr. OVERMAN. I will offer my amendment at the proper time.

The VICE PRESIDENT. The amendment proposed by the Senator from North Carolina [Mr. SIMMONS] will be stated.

The SECRETARY. On page 7, after line 7, it is proposed to insert:

17. On all machines and parts of machines, used for carding, drawing, slubbing, roving, spinning, doubling, weaving, and knitting cotton, and all other machines and parts of machines used in the manufacture of cotton goods, 30 per cent ad valorem.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Carolina.

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LA FOLLETTE. I ask that the amendment be again reported.

The VICE PRESIDENT. Without objection, the Secretary will again report the amendment.

The Secretary again read the amendment.

The VICE PRESIDENT. The Secretary will call the roll on the question of agreeing to the amendment offered by the Senator from North Carolina.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Senate by illness. I desire that this announcement shall stand for the day.

Mr. CULBERSON (when his name was called). I make this statement for the day: I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Florida [Mr. BRYAN], and will vote. I vote "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I make the same announcement in regard to my colleague as before, and I desire this announcement to stand for the day. If my colleague were present and voting, he would vote "nay."

Mr. McLEAN (when his name was called). I again announce my general pair with the junior Senator from Oklahoma [Mr. GORE], and I wish this announcement to stand for the day.

Mr. NIXON (when his name was called). I am paired with the senior Senator from Nevada [Mr. NEWLANDS] for the day. I will not make any further announcement of the pair.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware

[Mr. RICHARDSON]. I transfer it to the junior Senator from Maryland [Mr. SMITH]. I vote "yea."

Mr. REED (when Mr. STONE'S name was called). I desire to again announce the unavoidable absence of my colleague [Mr. STONE], and that he is paired with the Senator from Wyoming [Mr. CLARK]. If present, my colleague would vote "yea."

Mr. TAYLOR (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I would vote "yea."

The roll call was concluded.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably absent from the city. I do not know how he would vote upon this amendment.

Mr. FOSTER (after having voted in the affirmative). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], who is absent. If he were present, I would vote "yea." I withdraw my vote.

Mr. CURTIS. I desire to announce that the Senator from Massachusetts [Mr. LODGE] is paired with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 36, nays 22, as follows:

YEAS—36.

Bacon	Clapp	Kern	Pomerene
Bailey	Clarke, Ark.	La Follette	Reed
Bankhead	Crawford	Lea	Shively
Borah	Culberson	Martin, Va.	Simmons
Bourne	Cummins	Martine, N. J.	Smith, S. C.
Bristow	Dixon	Myers	Swanson
Brown	Fletcher	Overman	Thornton
Chamberlain	Johnson, Me.	Owen	Watson
Chilton	Johnston, Ala.	Paynter	Works

NAYS—22.

Brandegee	Gamble	Nelson	Smoot
Briggs	Guggenheim	Oliver	Stephenson
Burnham	Heyburn	Page	Townsend
Burton	Jones	Perkins	Wetmore
Cullom	Lippitt	Root	
Dillingham	Lorimer	Smith, Mich.	

NOT VOTING—31.

Bradley	Gallinger	Newlands	Smith, Md.
Bryan	Gore	Nixon	Stone
Clark, Wyo.	Gronna	O'Gorman	Sutherland
Crane	Hitchcock	Penrose	Taylor
Curtis	Kenyon	Percy	Tillman
Davis	Lodge	Poindexter	Warren
du Pont	McCumber	Rayner	Williams
Foster	McLean	Richardson	

So the amendment of Mr. SIMMONS was agreed to.

Mr. OVERMAN. I desire to offer an amendment. In offering this amendment I want to say that I have had an expert of the Treasury Department to reduce everything in this schedule to an ad valorem basis 25 per cent—not down to 25 per cent, but 25 per cent less than the rates in the Payne-Aldrich bill. If anybody desires to inquire as to a reduction, I have it here in figures.

I have also a glossary prepared by the Treasury Department showing each article and what it is used for, and if any Senator desires to inquire about it, he may. I will have the Clerk read that after he gets through reading the amendment.

Mr. BAILEY. In addition to having that glossary read, I ask that it be printed as a public document. Those matters are very useful.

Mr. OVERMAN. Yes. It only shows what these different articles are used for.

Mr. BAILEY. Precisely so; but that is very useful to every man who seeks to familiarize himself with the question.

The VICE PRESIDENT. Without objection, the order to print asked for by the Senator from Texas will be entered. The Secretary will report the amendment.

The SECRETARY. Add a new section in the bill, to follow the amendment just agreed to, on page 7, as follows:

SEC. —. The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule A thereof, being paragraphs 1 to 83, inclusive, and inserting in lieu thereof the following:

SCHEDULE A. CHEMICALS, OILS, AND PAINTS.

1. Acids: Acetic or pyroligneous acid, not exceeding the specific gravity of 1.047, 10 per cent ad valorem—

Mr. OVERMAN. For the benefit of the Senate I will say that is reduced from 13 per cent to 10 per cent.

The Secretary read as follows:

Exceeding the specific gravity of 1.047, 15 per cent ad valorem.

Mr. OVERMAN. That is reduced from 24.87 per cent.

The Secretary read as follows:

Acetic anhydrid, 10 per cent ad valorem.

Mr. OVERMAN. That is reduced from 13.05 to 10.

The Secretary read as follows:

Boracic acid, 60 per cent ad valorem.

Mr. OVERMAN. In the Payne-Aldrich bill it is 92 per cent.

The Secretary read as follows:

Chromic acid, 10 per cent ad valorem; citric acid, 15 per cent ad valorem; lactic acid, containing not over 40 per cent by weight of actual lactic acid, 15 per cent ad valorem; containing over 40 per cent by weight of actual lactic acid, 25 per cent ad valorem; oxalic acid, 25 per cent ad valorem; salicylic acid, 20 per cent ad valorem; sulphuric acid, or oil of vitriol, not specially provided for in this section, 5 per cent ad valorem; tannic acid or tannin, 50 per cent ad valorem; ballic acid, 20 per cent ad valorem; tartaric acid, 20 per cent ad valorem; all other acids not specially provided for in this section, 20 per cent ad valorem.

Mr. OVERMAN. Unless some Senator desires the reading of the whole amendment, I will state, so that everybody may understand it, that the rates are reduced 25 per cent. I ask that the further reading be dispensed with.

The VICE PRESIDENT. Without objection, the further reading of the amendment will be dispensed with.

Mr. JONES. What is the request of the Senator from North Carolina?

Mr. OVERMAN. Unless some Senator desires the further reading of the amendment, I do not insist upon it.

The VICE PRESIDENT. The Senator from North Carolina asks that the further reading of the amendment be dispensed with. Is there objection?

Mr. HEYBURN. If it is to appear in the RECORD——

Mr. JONES. I want to ask if this amendment has ever been read in the Senate?

Mr. BACON. No.

Mr. OVERMAN. Read it, then.

Mr. HEYBURN. Unless that request is coupled with the request——

Mr. OVERMAN. I withdraw the request.

Mr. HEYBURN. That it be printed in the RECORD——

The VICE PRESIDENT. The request is withdrawn.

Mr. HEYBURN. We will never know what the amendment is.

The VICE PRESIDENT. The request is withdrawn. The Secretary will continue the reading of the amendment.

The Secretary resumed and concluded the reading of the amendment, as follows:

2. Vegetable, animal, or mineral objects immersed or placed in, or saturated with, alcohol, not specially provided for in this section 35 per cent ad valorem; all other alcoholic compounds not specially provided for in this section, 50 per cent ad valorem.

3. Alkalies, alkaloids, distilled oils, essential oils, expressed oils, rendered oils, and all combinations of the foregoing, and all chemical compounds, mixtures, and salts, and all greases not specially provided for in this section, 20 per cent; chemical compounds, mixtures, and salts containing alcohol or in the preparation of which alcohol is used, and not specially provided for in this section, 40 per cent ad valorem.

4. Alumina, hydrate of, or refined bauxite, containing not more than 64 per cent of alumina, 15 per cent; containing more than 64 per cent of alumina, 5 per cent ad valorem. Alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing not more than 15 per cent of alumina, and not more than three-tenths of 1 per cent of iron oxide, 20 per cent; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing more than 15 per cent of alumina, or not more than three-tenths of 1 per cent of iron oxide, 30 per cent ad valorem.

5. Ammonia, carbonate of, 25 per cent; muriate of, or sal ammoniac, 10 per cent; liquid anhydrous, 30 per cent ad valorem.

6. Argols or crude tartar or wine lees crude, 5 per cent; tartars and lees crystals, or partly refined argols, containing not more than 90 per cent of bitartrate of potash, and tartrate of soda or potassa, or Rochelle salts, 20 per cent; containing more than 90 per cent of bitartrate of potash, 20 per cent; cream of tartar and patent tartar, 40 per cent ad valorem.

7. Blacking of all kinds, 20 per cent ad valorem; creams and preparations for cleaning or polishing boots and shoes, 20 per cent ad valorem.

8. Bleaching powder or chloride of lime, 20 per cent ad valorem.

9. Blue vitriol or sulphate of copper, 3 per cent ad valorem.

10. Charcoal in any form, not specially provided for in this act; bone char, suitable for use in decolorizing sugars; and blood char, 15 per cent ad valorem.

11. Borax, 10 per cent; borates of lime, soda, or other borate material not otherwise provided for in this section, 14 per cent ad valorem.

12. Camphor, refined and synthetic camphor, 15 per cent ad valorem.

13. Chalk, when ground, bolted, precipitated naturally or artificially, or otherwise prepared, whether in the form of cubes, blocks, sticks, or disks, or otherwise, including tailors', billiard, red, or French chalk, 25 per cent; manufactures of chalk, not specially provided for in this section, 20 per cent ad valorem.

14. Chloroform, 5 per cent ad valorem.

15. Coal-tar dyes or colors, not specially provided for in this section, 20 per cent ad valorem; all other products or preparations of coal tar, not colors or dyes and not medicinal, not specially provided for in this section, 15 per cent ad valorem.

16. Cobalt, oxide of, 20 per cent ad valorem.

17. Collodion and all compounds of pyroxylin or of other cellulose esters, whether known as celluloid or by any other name, 35 per cent; if in blocks, sheets, rods, tubes, or other forms, not polished, wholly or partly, and not made up into finished or partly finished articles, 35 per cent; if polished, wholly or partly, or if finished or partly finished articles, except moving-picture films, of which collodion or any compound of pyroxylin or of other cellulose esters, by whatever name known, is the component material of chief value, 40 per cent ad valorem.

18. Coloring for brandy, wine, beer, or other liquors, 35 per cent ad valorem.

19. Copperas, or sulphate of iron, 3 per cent ad valorem.

20. Drugs, such as barks, beans, berries, balsams, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains,

gums and gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, spices, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for in this section, but which are advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem: *Provided*, That no article containing alcohol, or in the preparation of which alcohol is used, shall be classified for duty in this paragraph.

21. Ethers: Sulphuric, 25 per cent; spirits of nitrous ether, 25 per cent; fruit ethers, oils, or essences, 100 per cent; ethers of all kinds not specially provided for in this section, 30 per cent; ethyl chloride, 20 per cent ad valorem.

22. Extracts and decoctions of logwood and other dyewoods, and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for in this section, 10 per cent; extract of nutgalls, aqueous, 10 per cent; extract of Persian berries, 15 per cent; chlorophyll, 15 per cent; extracts of quebracho, not exceeding in density 28° B., 10 per cent; exceeding in density 28° B., 15 per cent; extracts of hemlock bark, 15 per cent; extracts of sumac, 10 per cent; and of woods other than dyewoods, not specially provided for in this section, 20 per cent; all extracts of vegetable origin suitable for dyeing, coloring, staining, or tanning, not containing alcohol and not medicinal, and not specially provided for in this section, 10 per cent ad valorem.

23. Gelatin, glue, isinglass, or fish glue, including agar-agar, or Japanese isinglass, and all fish bladders and fish sounds other than crude or dried or salted for preservation only, valued at not above 10 cents per pound, 25 per cent; valued at above 10 cents per pound and not above 35 cents per pound, 20 per cent; valued above 35 cents per pound, 35 per cent ad valorem; gelatin in sheets, emulsions, and all manufactures of gelatin, or of which gelatin is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem; glue size, 20 per cent ad valorem.

24. Glycerin, crude, not purified, 10 per cent ad valorem; refined, 10 per cent ad valorem.

25. Indigo extracts or pastes, 5 per cent ad valorem; indigo, carmined, 10 per cent ad valorem.

26. Ink and ink powders, 20 per cent ad valorem.

27. Iodine, resublimed, 5 per cent ad valorem.

28. Iodoform, 15 per cent ad valorem.

29. Licorice, extracts of, in paste, rolls, or other forms, 15 per cent ad valorem.

30. Chicle, 20 per cent ad valorem.

31. Magnesia, and carbonate of, medicinal, 35 per cent ad valorem; calcined, medicinal, 35 per cent ad valorem; sulphate of, or Epsom salts, 35 per cent ad valorem.

32. Alizarin assistant, sulpho-ricinoleic acid, and ricinoleic acid and soaps containing castor oil, or any of the foregoing in whatever form, in the manufacture of which 50 per cent or more of castor oil is used, 40 per cent ad valorem; in the manufacture of which less than 50 per cent of castor oil is used, 35 per cent ad valorem. All other alizarin assistants and all soluble greases used in processes of softening, dyeing, or finishing, not specially provided for in this section, 25 per cent ad valorem.

33. Castor oil, 25 per cent ad valorem.

34. Cod-liver oil, 20 per cent ad valorem.

35. Flaxseed, linseed, and poppy-seed oil, raw, boiled, or oxydized, 20 per cent ad valorem.

36. Fusel oil, or amylic alcohol, 20 per cent ad valorem.

37. Hempseed oil, 25 per cent ad valorem; rapeseed oil, 15 per cent ad valorem.

38. Olive oil, not specially provided for in this section, 30 per cent ad valorem; in bottles, jars, kegs, tins, or other packages, containing less than 5 gallons each, 25 per cent ad valorem.

39. Peppermint oil, 5 per cent.

40. Seal, herring, whale, and other fish oil, including sod oil, not specially provided for in this section, 20 per cent.

41. Opium, crude or unmanufactured and not adulterated, containing 9 per cent and over of morphia, 30 per cent; opium of the same composition, dried, powdered, or otherwise advanced beyond the condition of crude or unmanufactured, 30 per cent; morphia or morphine, sulphate of, 25 per cent ad valorem; all alkaloids of opium and salts and esters thereof, 40 per cent ad valorem; cocaine, ecgonine, and all salts and derivatives of the same, 70 per cent; coca leaves, 30 per cent; aqueous extract of opium for medicinal uses, and tincture of, as laudanum and other liquid preparations of opium, not specially provided for in this section, 30 per cent; opium containing less than 9 per cent of morphia, 60 per cent; but preparations of opium deposited in bonded warehouses shall not be removed therefrom without payment of duties, and such duties shall not be refunded: *Provided*, That nothing herein contained shall be so construed as to repeal or in any manner impair or affect the provisions of an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909.

42. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, 45 per cent; manufactured, 40 per cent.

43. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, in pulp, dry, or ground in or mixed with oil or water, 30 per cent.

44. Blanc fixe, or artificial sulphate of barytes, and satin white, or artificial sulphate of lime, 30 per cent.

45. Black, made from bone, ivory, or vegetable substance, by whatever name known, including bone black and lampblack, dry or ground in oil or water, 20 per cent.

46. Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, 20 per cent.

47. Ocher and ochery earths, sienna and sienna earths, and umber and umber earths, not specially provided for in this section, when crude or not powdered, washed, or pulverized, 8 per cent; if powdered, washed, or pulverized, 35 per cent; if ground in oil or water, 15 per cent.

48. Orange mineral, 45 per cent.

49. Red lead, 50 per cent.

50. Ultramarine blue, whether dry, in pulp, or mixed with water, and wash blue containing ultramarine, 25 per cent.

51. Varnishes, including so-called gold size or japan, 20 per cent; enamel paints made with varnish, 25 per cent; spirit varnish containing 5 per cent or more of methyl alcohol, 50 per cent; spirit varnish containing more than 5 per cent of methyl alcohol, 100 per cent ad valorem.

52. Vermilion reds, containing quicksilver, dry or ground in oil or water, 10 per cent ad valorem; when not containing quicksilver but made of lead or containing lead, 20 per cent ad valorem.

53. White lead and white pigment containing lead, dry or in pulp or ground or mixed with oil, 30 per cent ad valorem.

54. Whiting and Paris white, dry, 30 per cent ad valorem; ground in oil, or putty, 40 per cent ad valorem.

55. Zinc, oxide of, and white pigment containing zinc, but not containing lead, dry, 10 per cent ad valorem; ground in oil, 15 per cent ad valorem; sulfid of zinc, white, or white sulfid of zinc, 30 per cent ad valorem; chloride of zinc and sulphate of zinc, 30 per cent ad valorem.

56. All paints, colors, pigments, stains, lakes, crayons, including charcoal crayons or fusains, smalts, and frosting, whether crude or dry or mixed, or ground with water or oil, or with solutions other than oil, not otherwise specially provided for, 25 per cent ad valorem; all glazes, fluxes, enamels, and colors used only in the manufacture of ceramic, enameled, and glass articles, 25 per cent ad valorem; all paints, colors, and pigments, commonly known as artists' paints or colors, whether in tubes, pans, cakes, or other forms, 25 per cent ad valorem.

57. Paris green and London purple, 10 per cent ad valorem.

58. Lead: Acetate of, white, 40 per cent ad valorem; brown, gray, or yellow, 30 per cent ad valorem; nitrate of, 30 per cent ad valorem; litharge, 40 per cent ad valorem.

59. Phosphorus, 30 per cent ad valorem.

60. Bichromate and chromate of potash, 35 per cent ad valorem.

61. Caustic potash, or hydrate of, refined, in sticks or rolls, 10 per cent ad valorem; chlorate of potash, 20 per cent ad valorem.

62. Hydriodate, iodide, and iodate of potash, 10 per cent ad valorem.

63. Nitrate of potash, or saltpeter, refined, 10 per cent ad valorem.

64. Prussiate of potash, read or yellow, 30 per cent ad valorem; cyanide of potassium, 10 per cent ad valorem.

65. Medicinal preparations containing alcohol, or in the preparation of which alcohol is used, not specially provided for in this section, 45 per cent ad valorem; calomel, corrosive sublimate, and other mercurial medicinal preparations, 25 per cent ad valorem; all other medicinal preparations not specially provided for in this section, 20 per cent ad valorem: *Provided*, That chemicals, drugs, medicinal, and similar substances, whether dutiable or free, imported in capsules, pills, tablets, lozenges, troches, or similar forms, and intended for medicinal purposes, shall be dutiable at not less than the rate imposed by this section on medicinal preparations.

66. Plasters, healing or curative, of all kinds, and court-plaster, 20 per cent ad valorem.

67. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, including tooth soaps, pastes, including theatrical grease paints and pastes, pomades, powders, and other toilet articles, all the foregoing; if containing alcohol, or in the manufacture or preparation of which alcohol is used, 60 per cent ad valorem; if not containing alcohol, or in the manufacture or preparation of which alcohol is not used, 50 per cent ad valorem; floral or flower waters, containing no alcohol, not specially provided for in this section, 15 per cent ad valorem.

68. Santonin, and all salts thereof, containing 80 per cent or over of santonin, 5 per cent ad valorem.

69. Castile soap, 10 per cent ad valorem; medicinal or medicated soaps, 50 per cent ad valorem; fancy or perfumed toilet soaps, 35 per cent ad valorem; all other soaps not specially provided for in this section, 15 per cent ad valorem.

70. Bicarbonate of soda or super-carbonate of soda, or saleratus, and other alkalies containing 50 per cent or more of bicarbonate of soda, 15 per cent ad valorem.

71. Bichromate and chromate of soda, 35 per cent ad valorem.

72. Crystal carbonate of soda, or concentrated soda crystals, or monohydrate or sesquicarbonate, 10 per cent ad valorem; chlorate of soda, 15 per cent ad valorem.

73. Hydrate of or caustic soda, 12 per cent ad valorem; nitrite of soda, 30 per cent ad valorem; yellow prussiate of soda, 25 per cent ad valorem; sulphide of soda, containing not more than 35 per cent of soda, 10 per cent ad valorem; and hyposulphite of soda, 20 per cent ad valorem; sulphide of soda, concentrated or containing more than 35 per cent of soda, 45 per cent ad valorem.

74. Salsoda or soda crystals, not concentrated, 20 per cent ad valorem.

75. Soda ash, 20 per cent ad valorem; arseniate of soda, 25 per cent ad valorem.

76. Silicate of soda or other alkaline silicate, 25 per cent ad valorem.

77. Sulphate of soda, or salt cake, or niter cake, 8 per cent ad valorem.

78. Moss and seagrass, eel grass, and seaweed, if manufactured or dyed, 8 per cent ad valorem.

79. Sponges, 15 per cent ad valorem; manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for in this section, 20 per cent ad valorem.

80. Strychnia or strychnine, and all salts thereof, 25 per cent ad valorem.

81. Sulphur, refined, 12 per cent ad valorem; sublimed, or flowers of sulphur, 10 per cent ad valorem.

82. Sumac, ground, 10 per cent ad valorem.

83. Vanillin, 65 per cent ad valorem.

Mr. OVERMAN. In order that Senators may know what these articles are used for, I ask the Secretary to read the paper I send to the desk, so that every Senator may understand the amendment. Nearly all the articles are used in dyeing.

The PRESIDING OFFICER (Mr. ROOT in the chair). Without objection, the paper will be read.

Mr. OVERMAN. I will just ask that it be put in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JONES. I ask the Senator how he expects anyone to understand it if, before we vote on the amendment, it is printed in the RECORD without reading?

Mr. OVERMAN. It is not an amendment. It is an explanatory paper, showing that nearly everything in the list is used in dyes.

Mr. JONES. I do not object to it. I merely asked the Senator how he expects us to understand it without its being read?

Mr. OVERMAN. Let it be read.

The PRESIDING OFFICER. Does the Senator from North Carolina now request that the paper be read?

Mr. OVERMAN. Let it be read.

The PRESIDING OFFICER. Without objection, the paper will be read to the Senate.

The Secretary read as follows:

ARTICLES USED IN DYEING AND MANUFACTURING.

Acetic acid, used in calico printing.
Chromic acid, used in calico printing and in dyeing and tanning.
Lactic acid, used in dyeing woolens.
Sulphuric acid, used in manufacturing artificial manure.
Tannic acid, used in color fixing and in dyeing and tanning.
Ammonia, carbonate of, used in manufacture of baking powder and for scouring wool.
Argols, or crude tartar, used in making baking powder.
Bleaching powder, used in bleaching.
Blue vitriol, used in calico printing and in manufacture of paint.
Bone char, used in the manufacture of sugar.
Borax, used as dryer for paint.
Camphor, used in the manufacture of celluloid and in making explosives.
Coal-tar dyes, used in dyeing.
Cobalt, used in dyeing.
Copperas, used in dyeing.
Drugs, such as barks, etc., some used in dyeing and tanning.
Extracts and decoctions of logwood and other woods, used for dyeing.
Gelatin, used in photography and in coating paper.
Glycerin, used in soap making, etc.
Indigo, used in dyeing.
Ink, used in printing.
Iodine, used in photography and in the preparation of coal-tar products.
Magnesia, used in the manufacture of paper from wood pulp.
Alizarin assistant, used in the process of dyeing.
Castor oil, used in cotton dyeing.
Cold liger oil, used in the preparation of leather.
Flax, linseed oil, used in varnishes.
Fusel oil, used in wool scouring.
Hempseed and rapeseed, used in india-rubber factories.
Olive oil, used in manufacturing.
Seal and other oils, used in manufacturing.
Baryta-barytes, used in cotton and other manufactures; blues, used in dyeing.
Blanc fixe, used in paper manufacture and in filling for cotton.
Bichromate and caustic potash, used in calico printing.
Hydroate iodide, used in printing.
Prussiate of potash, used in dyeing.
Castile soap, used in dyeing.
Bicarbonate of soda, used in printing.
Bichromate, used in dyeing, bleaching, and tanning.
Crystal carbonate of soda, used in the manufacture of cotton and wool.
Hydrate of, or caustic, soda, used in dyeing and printing.
Soda ash, used in bleaching.
Silicate of soda, used in manufacture of textiles.
Sulphate of soda, used in dyeing and printing.
Sponges, used in manufactures.
Sulphur, used in bleaching.
Sumac, ground, used in dyeing.

Mr. OVERMAN. On the adoption of the amendment I ask for the yeas and nays.

Mr. HEYBURN. Before the question is put I should like to inquire of the Senator from North Carolina whether he has had an estimate as to the effect on the revenues that this reduction would make?

Mr. OVERMAN. I have not. I only know that it is a reduction of 25 per cent. That is all I know about it.

Mr. HEYBURN. Still, this is one of the largest revenue-producing schedules, and 25 per cent would amount to a good bit of money. I did not know but that the Senator was prepared to state the amount which the revenues would be affected by the reduction.

Mr. JONES. In the statement read I did not hear anything about any investigation having been made as to differences in the cost of production in this country and abroad, or the effect of this reduction upon the revenues or upon the industries; but it seemed to be simply a statement showing what the various articles are used for. Has the Senator any statement showing the effect of the amendment?

Mr. OVERMAN. I have no statement, except I know that it is a horizontal reduction of 25 per cent, after having been reduced to an ad valorem basis.

Mr. JONES. Does the Senator think that his amendment is on purely revenue lines?

Mr. OVERMAN. I mean that it is a reduction from the Payne-Aldrich law of 25 per cent. That is all it is.

Mr. JONES. Without investigating it, the Senator has arbitrarily made a——

Mr. OVERMAN. Twenty-five per cent.

Mr. JONES. A 25 per cent reduction without any consideration as to its effect upon the industries of the country or the revenues of the country.

Mr. BACON. If the Senator from Washington will permit me a moment——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES. I yield the floor. I simply desired to have some information.

Mr. BACON. I wish to make a reply to the Senator.

Mr. JONES. The Senator can do that in his own time.

Mr. BACON. Before he yields the floor, I wish to state the purpose of the Senator who proposed the amendment, as I have been informed, in consultation had with his colleagues. Congress has already acted upon what we know as the wool bill, and it is proposed to act upon the cotton schedule, in the manufacture of which most of these articles enter. The purpose is to reduce the cost of the manufacture at the same time that we are endeavoring to reduce the cost to the consumers of the articles which they use.

Mr. JONES. As I understand it, this proposition has never been considered by any committee, and the amendment was never read in the Senate until to-day. No explanation has ever been given of it. I simply thought that that would indicate, at least, to the country the very careful consideration that this great legislative body is giving to these propositions which affect a tremendous industry of the country.

Mr. DIXON. Mr. President, I wish to inquire whether this amendment has ever been printed.

Mr. BACON. Oh, yes.

Mr. OVERMAN. It has been printed and laid upon the desks of Senators.

Mr. DIXON. How long has it been printed?

Mr. OVERMAN. It was introduced August 12.

Mr. BACON. Five days.

Mr. OVERMAN. Five days.

Mr. DIXON. There has been no explanation of it or debate until this morning.

Mr. WILLIAMS. It has been fully explained. It is a 25 per cent reduction. That is a sufficient explanation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina, upon which he demands the yeas and nays. Is there a second?

Mr. HEYBURN. Mr. President, before the demand for the yeas and nays is acted upon, I think Senators want to express themselves on this subject and to have some explanation of it. I know others do and I do.

Mr. CLAPP. Mr. President, I simply desire to say, so far as the cotton schedule is concerned, that is a matter which has been the subject of very careful consideration; the steel schedule, which was originally offered by the Senator from Iowa [Mr. CUMMINS], has been a matter of very careful consideration; the sugar schedule, which is also expected to be offered as an amendment, has also been the matter of very careful consideration; but here is a measure which has had no consideration. While I voted for the other amendments, I for one would not vote for a schedule as broad and as far-reaching as this without some time, either to give it consideration myself, or that it should have consideration at the hands of those who have made it their business to give it consideration, so that their assurance might go with the bill with reference to its probable effect.

Mr. BACON. I should like to ask the Senator from Minnesota a question.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. CLAPP. With pleasure.

Mr. BACON. I want to say, Mr. President, that I have heard the Senator from Minnesota for several years in the most elaborate manner discuss the enormities of the Payne-Aldrich tariff law, and I think, from the views I know that Senator has had with reference to that law, that he would very readily recognize that a cut of 25 per cent on the rates of any of those schedules would not be a very dangerous thing to undertake or to carry into execution.

Mr. CLAPP. Mr. President, one trouble with the Payne-Aldrich law was that it struck down some interests with as ruthless a hand as it did, with a greedy purpose, raise other schedules and other items. There are some things in that law that are very plainly and manifestly unjust. Take the wool schedule, and it is absolutely indefensible; and every Member of the Senate, it seems to me, must have known that; but the wool schedule, at least, was thoroughly debated by men who had made it a study. The cotton schedule was thoroughly debated by men who had made it a study; the enormities of the sugar schedule had been exposed here, and no effort has ever been made to answer those exposures. I would be ready to-day to vote on the wool schedule, on the sugar schedule, on the cotton schedule, on the lumber schedule, or on the steel schedule, all of which were thoroughly considered and some of which have been again thoroughly considered at this session of Congress.

As I recall it, the schedule covered by the amendment of the Senator from North Carolina [Mr. OVERMAN] did not receive that consideration. I for one do not believe in voting blindly upon measures here. So far as the wool schedule is concerned, there never has been any question, nor has there been in regard to the sugar schedule, nor has there been in regard to the cotton schedule, nor has there been in regard to the steel schedule, or the lumber schedule. While as to those matters which were thus debated and gone into we may not reduce to the lowest basis to which they could be safely reduced, we may very safely make reductions; and that is what we have done and what we propose to do.

Mr. OVERMAN. Does the Senator think it will injure anybody to reduce the duty on chloroform from 6 per cent to 5 per cent?

Mr. CLAPP. I have no idea about that, and that is why I do not want to vote for it. I am not familiar with the subject of chloroform. For one I never have had it administered to me. I believe there was some reference two years ago to its use here in the Senate, some reference to its being administered to some Senators. It may be that chloroform needs no duty, but what I object to with reference to this schedule is that we are dealing with something that we have not had any consideration of as to whether or not it needs a duty. I do believe that before men vote upon a question they ought to be satisfied that it is at least reasonably safe to do so. I am simply speaking for myself; I do not know how others propose to vote on this matter. I voted without any hesitation to put the steel schedule on the bill, and I will vote to put the sugar schedule on the bill, because those are matters which have been gone over time and time again here until it is patent to every man that there is injustice in those two schedules that ought to be corrected.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. OVERMAN] has demanded the yeas and nays on the amendment. Is the demand seconded?

The yeas and nays were ordered.

Mr. HEYBURN. Mr. President, I do not want it to appear from the statement read, with reference to the use made of these chemicals, that that is a complete statement as to the purpose for which these chemicals are used. I followed as closely as I could the rapid reading. The occasion does not seem to demand a review of the statement in detail, but I think in a few minutes, were I to take the time, I could point out that the uses indicated by the statement read are of minor importance. I think I will base the accuracy of my statement upon this, that not 10 per cent of the chemicals, including the list read, are used in any way in connection with the cotton or woolen industry. I make that statement with some knowledge of the facts.

In view of the fact that this is one of the most important of all the tariff schedules, so far as revenue is concerned, it is a pretty reckless proposition to reduce the duty 25 per cent, regardless of the effect that it may have upon the revenues alone; and if it were to go out from this body as an accurate statement that only those purposes were served by the use of these chemicals, it would be a misleading statement. I have the figures, and they fully sustain my statement, if any Senator controverts it. I have the returns under Schedule A before me, including the quantity and value of the importations and the amount of duty collected. The value of the importations in 1909, covered by the chemical schedule, was $37,063,773, and the amount of duty collected was more than $10,000,000.

I will not pursue it further than to make the general statement as given in the summary of Schedule A. There is also something over $30,000,000 in the wage item alone.

Mr. CLAPP. Mr. President, I desire to add one word to what I have previously said. Of course we are dealing here with the cotton schedule. The duties on chemicals in a measure affect that schedule, and I can readily understand how a revision of the cotton schedule, perhaps, would require a modification of the chemical schedule; but I want to say to those interested in the cotton schedule that, so far as I am personally concerned, I am ready to stay here, and I believe it is our duty to stay here, and take these things up. My objection is to voting for a measure of this magnitude without knowing the details of it. Nor do I think we should be deterred from voting and passing these schedules because of any talk as to what will be the fate of these bills. That is none of our business. It is our concern to perform our business as Members of the Senate, and, for one, I am willing to stay here until we can take these things up and give them consideration and study.

Mr. LA FOLLETTE. Mr. President, the pending amendment proposes a revision of the entire chemical schedule. When the so-called reciprocity bill was pending I offered an amendment to the woolen schedule and an amendment to the cotton schedule. At that time I proposed no reductions in the chemical schedule, although chemicals are used in both cotton and woolen manufacture. I felt at the time that perhaps some explanation was due to the Senate, but as no question was raised regarding it, I did not then discuss the matter.

In the preparation of the amendments reducing the duties on woolen and cotton manufactures it led to the consideration of reductions in Schedule A as to certain chemicals and dyes. I took counsel of the best expert assistance I could find. It at once became clear that the chemical schedule is perhaps the most difficult schedule in all the tariff upon which to attempt revision. You can scarcely change a single duty of that schedule without its necessitating a nice readjustment of very many, if not all, of the other items of the schedule. Whether working out a revision as a protectionist or upon a revenue basis, the responsibility is the same.

But, Mr. President, in dealing with the woolen and cotton schedules the whole matter was simplified when I learned from the experts that the chemicals employed by the manufacturer would be less than a fraction of 1 per cent of the cost of the finished product. That very greatly relieved my mind, and knowing, as I do, that the duties of the Payne-Aldrich tariff law are excessive throughout those schedules, I felt perfectly sure, Mr. President, that no one need concern himself about the necessity of reducing the duties upon chemicals that entered into the process of manufacture both in the woolen and cotton industry. For that reason, sir, and because, as I said before, you can not deal with the chemical schedule without the most extensive and elaborate study, with the aid of the very best experts, I shall vote against the amendment.

Now, the Senator from North Carolina [Mr. OVERMAN] has stated that he reduces the duties here but 25 per cent. I am confident that many of the duties in the chemical schedule would stand a reduction very much more than that.

Mr. OVERMAN. I agree to that.

Mr. LA FOLLETTE. I believe there are items in that schedule which would not stand even as much reduction. There may be some items in that schedule that could not be reduced at all without impairing that measure of duty which I believe should be maintained in order to put the labor employed in the industry in this country on a basis of equality with that of other countries.

But the whole subject of the chemical schedule is one so intricate and so complicated, and its relation to the cotton schedule is such that I have no hesitation whatever in voting to reject the amendment proposed by the Senator from North Carolina.

The PRESIDING OFFICER. The Secretary will call the roll on the question of agreeing to the amendment offered by the Senator from North Carolina [Mr. OVERMAN].

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK]. If he were present I should vote "nay."

Mr. CURTIS (when Mr. LODGE's name was called). I have been requested to announce that the Senator from Massachusetts [Mr. LODGE] is paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I have been notified that my colleague the Senator from Michigan [Mr. SMITH] has been called away on business.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer the pair to the junior Senator from Maryland [Mr. SMITH], and will vote. I vote "yea."

Mr. REED (when Mr. STONE's name was called). I again announce the unavoidable absence of my colleague. He is paired with the Senator from Wyoming [Mr. CLARK]. If present, my colleague on this question would vote "yea."

Mr. TAYLOR (when his name was called). I make the announcement again that I am paired with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I would vote "yea."

The roll call was concluded.

Mr. FOSTER. I again announce my general pair with the junior Senator from Wyoming [Mr. WARREN]. If he were present, I would vote "yea."

The result was announced—yeas 27, nays 22, as follows:

YEAS—27.

Bacon	Fletcher	Myers	Simmons
Bailey	Johnson, Me.	Overman	Smith, S. C.
Bankhead	Johnston, Ala.	Owen	Swanson
Chamberlain	Kern	Paynter	Thornton
Chilton	Lea	Pomerene	Watson
Clarke, Ark.	Martin, Va.	Reed	Williams
Culberson	Martine, N. J.	Shively	

NAYS—22.

Borah	Clapp	Gamble	Perkins
Bourne	Crawford	Heyburn	Root
Brandegee	Cullom	Jones	Townsend
Bristow	Cummins	La Follette	Works
Burnham	Dillingham	Lippitt	
Burton	Dixon	Page	

NOT VOTING—40.

Bradley	Gallinger	Nelson	Smith, Md.
Briggs	Gore	Newlands	Smith, Mich.
Brown	Gronna	Nixon	Smoot
Bryan	Guggenheim	O'Gorman	Stephenson
Clark, Wyo.	Hitchcock	Oliver	Stone
Crane	Kenyon	Penrose	Sutherland
Curtis	Lodge	Percy	Taylor
Davis	Lorimer	Poindexter	Tillman
du Pont	McCumber	Rayner	Warren
Foster	McLean	Richardson	Wetmore

So Mr. OVERMAN'S amendment was agreed to.

Mr. WATSON. I offer the amendment I send to the desk.

The VICE PRESIDENT. The Senator from West Virginia offers an amendment which the Secretary will read.

The SECRETARY. Add a new section to read as follows:

SEC. —. That the articles mentioned in the following paragraph, the growth, produce, or manufacture of the Dominion of Canada, when imported therefrom into the United States or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), shall be exempt from duty, namely:

Coal, bituminous, round, and run of mine, including bituminous coal such as will not pass through a three-quarter-inch screen: *Provided*, That the articles in the paragraph enumerated, the product, growth, or manufacture of the Dominion of Canada, shall be exempt from duty whenever the President of the United States shall have satisfactory evidence and shall make proclamation that the articles in this paragraph enumerated, the product, growth, or manufacture of the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), are admitted into the Dominion of Canada free of duty.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was agreed to.

Mr. REED. I offer an amendment.

The VICE PRESIDENT. The Senator from Missouri offers an amendment which the Secretary will report.

The SECRETARY. At the end of section 2 insert the following proviso:

Provided, however, That if the duties above provided to be collected and paid shall as to any article or articles be greater than that provided to be paid by the present existing law less 30 per cent, then in every such case the duty or duties which are hereby levied and which shall be collected and paid on said article or articles shall be a sum equal to the duties provided to be levied, collected, and paid by the present existing law less 30 per cent, and not greater.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri. [Putting the question.] The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Mr. WILLIAMS. I call for the yeas and nays on the last amendment.

The yeas and nays were not ordered.

Mr. REED. I offer the amendment I send to the desk.

The VICE PRESIDENT. The Senator from Missouri offers another amendment, which the Secretary will state.

The SECRETARY. On page 7, line 20, after the word "are," insert "in so far as they conflict with this act," so that it will read if amended:

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are, in so far as they conflict with this act, hereby repealed.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. REED].

The amendment was agreed to.

Mr. JONES. Mr. President, I do not see the Senator from Kansas [Mr. BRISTOW] here. The Senator from Kansas has proposed an amendment in reference to the sugar schedule. It is a proposition for which I voted heretofore when the Payne-Aldrich bill was under consideration. I believe in it.

I am convinced that that amendment ought to be adopted. I do not see the Senator from Kansas here. So I propose to offer this amendment myself.

The VICE PRESIDENT. The Senator from Washington offers an amendment, which the Secretary will report.

The SECRETARY. Insert the following as a new section:

SEC. —. That on and after the day following the taking effect of this act there shall be levied, collected, and paid upon the following articles, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), the following rates of duty, namely:

Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75°, ninety-five one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscopic test up to 98°, thirty-five one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; and above 98° by the polariscopic test, 1 cent and seven hundred and fifty-five one-thousandths of 1 cent per pound; molasses testing not above 40°, 20 per cent ad valorem; testing above 40° and not above 56°, 3 cents per gallon; testing above 56°, 6 cents per gallon. Sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test: *Provided*, That nothing in this section contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December, 1902, or the provisions of the act of Congress heretofore passed for the execution of the same.

Mr. JONES. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. WILLIAMS. Mr. President, I think we are on the eve, at any rate, of doing some very dangerous things without due consideration. The Constitution did not ill-advisedly provide that revenue measures should originate in the House of Representatives. There is a House over there, and its committees are working just as rapidly as can be upon the various schedules of the tariff bill. I am willing to vote upon anything which has been considered there or is being considered there, so that by the time a bill with an amendment from here gets there, they will have considered the subject matter of the amendment.

For that reason I wanted to put the metal and steel schedule upon the present bill, because the Ways and Means Committee of the House of Representatives has considered that and will have a metal schedule ready by the time the bill gets to them; so that it will have received due consideration.

I do not believe that any one man can give due consideration to any great schedule of the tariff bill, no matter how able he is. I have had some experience serving upon committees dealing with tariff questions, and I have for the most part found that my own opinion, when I first went into the consideration of a question, became modified very much by the information and the suggestions I obtained from 13 or 14 other men serving upon committees.

Speaking for myself, therefore, I am not willing to be put on record as indorsing amendments containing page after page of tariff schedules, when I know that they neither have been considered at the other end of the Capitol nor can be considered by the time the amendment reaches the other end of the Capitol.

The rubber schedule is very iniquitous in many regards. I could go out and draw up in a half hour amendments satisfactory to me, at any rate, concerning it. The sugar schedule, especially that part of it which deals with differentials, is very obnoxious to me. But for myself, I shall not vote to put upon this bill anything except things that either have been considered in some committee somewhere, especially at the other end of the Capitol, or such things as we know will be considered by the time the amendment dealing with the subject reaches the House of Representatives.

I wanted to make that statement in justification of the votes I am to cast from this time on. In illustration of how rapidly and how inconsiderately we are going, we a moment ago adopted an amendment saying, after we had fixed the schedules on a certain subject, "if anything in this schedule is not 30 per cent less than existing law, it shall be reduced to 30 per cent." It passed when Senators were not listening.

Mr. DIXON. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. WILLIAMS. Certainly; I beg the Senator's pardon.

Mr. DIXON. Does the Senator apply that same yardstick to the chemical schedule which he just voted for?

Mr. WILLIAMS. I did not apply it to the chemical schedule, but I ought to have done it, to be frank with the Senator. But the chemical-schedule amendment was one which could be easily understood.

Mr. DIXON. It is the most difficult in the whole law.

Mr. WILLIAMS. It is a reduction of 25 per cent; and I was of the opinion, from the information I have concerning the existing chemical schedule, that there is no item in it that could not stand a 25 per cent reduction without doing detriment to justice or fairness. I therefore voted for it; but I confess I was partially led to vote for it by the circumstances under which it was offered. While it is a chemical schedule, the amendment was offered because of its connection with the cotton goods, the dyes, and things used in connection with cotton manufacture, and was germane and relative to the question. In a certain sense it might be considered as a part of the cotton schedule—I mean in a legislative sense. I did vote for it, and I am inclined to think that I made a mistake when I did it, not because it could not stand the 25 per cent reduction, but because it broke the precedent of requiring some committee consideration somewhere of these great questions before they are hastily put through.

Of course, when a man offers here to put coal on the free list that requires no committee consideration. I know what it is; everybody can understand it; it is a simple and plain proposition, and requires no investigation of schedules or comparison of schedules or any nice distinction between one duty and another. So, if propositions of amendments are presented, I may vote for them, but I am not going to vote to put three or four pages on the statute book of schedules which have been considered by nobody completely except the proponent of the amendment.

Mr. BRISTOW. Mr. President, I understand that while I was downstairs at the lunch room for a few moments the amendment which I offered some days since, and is on the table, providing for the reduction of duty on sugar has been offered by the senior Senator from Washington. Of course, I am very anxious that there should be reductions made in the duties on sugar and that the amendment should be adopted, but I do not wish to have it attached to a bill that I can not vote for. I had hoped that when the cotton bill was considered here by the Senate the Senators who believed in a reduction of duties could get together and make reductions in the excessive duties that now exist and also take out of the tariff law some of the iniquities of which we have all complained. But it is clearly manifest here this morning that it is not the intention of the Senators on the other side of the Chamber to support measures which can receive the support of the Republicans who are commonly called "insurgents" or "progressives." There is an effort here to embarrass some of us by attaching to a bill that we can not support amendments to the tariff law which we earnestly desire to have passed.

I want to say, for one, that the Democratic Senators and the regular Republican Senators in this Chamber can not embarrass me in that way. I stand here—and, I believe, consistently—for a reduction of excessive duties; and in advocating that I have pursued a consistent course; at least, I think I have. I will not be a party to any cheap political trick to accomplish anything that I am earnestly desiring, especially when the apparent accomplishment means its certain defeat.

I believe in the principle of protection. I believe it has developed the industrial life of this country in a marvelous way. I believe that without it our country's industrial condition would have been far lower than it is now. But I believe that while we have been enjoying the benefits of a protective tariff there have been worked into that tariff duties that contribute not to the welfare of our industrial life, but to the exorbitant profits of many concerns that do not need it and should not have it.

Whenever there is an honest effort here to get at these iniquities and take them out of the tariff law, I will be found voting to help to do it; but there is an effort here now to prevent a reduction in the duties on cotton by presenting a bill that, if passed, will be passed because Senators believing in excessive and exorbitant duties refused to vote in order that the bill may pass in a form that it will be impossible for it to become a law. I do not propose to be a party to any such scheme as that. I am going to vote against this amendment because it will not be put upon this bill in the interest of tariff reduction, but to prevent a reduction in the important tariff schedules that Senators on the other side are now undertaking to protect.

Embarrass me! No. I can vote against this amendment as readily as I would vote for it if there was an honest purpose to enact it into law.

I believe that we ought to meet this proposition fairly. A majority of the Senators in this Chamber believe in the principle of protection. A minority do not, but believe in a tariff for revenue. A minority believe in as high duties as the "traffic will bear." A small minority believe in the protective principle that shall carry duties that measure the difference in the cost of production at home and abroad. The progressive Republicans stand here ready to vote for such duties, whether they are offered by Republicans or Democrats, provided they carry out that principle, which is the policy that was declared for in the Republican national platform. We will stand for it whether it affects industries in our own States or not. We do not undertake to disguise our purpose. For one I will vote against any tariff duty that does not measure up to that standard, if I know it. I will vote against any tariff duty that goes beyond it in an excessive degree.

If there is a majority here who believe that such duties are better than those that now exist, they ought to be adopted. It is known that a majority of Senators in this Chamber do not believe in a tariff for revenue only.

I do not think it is necessary for me to go into any elaborate discussion. I have tried to make myself understood by this plain statement. I had hoped that before this day passed we should have secured some substantial reduction in a number of excessive duties in the Payne-Aldrich tariff law; but to start out on a haphazard, ill-devised reduction of every duty, whether it has been considered by a committee or by the Senate, regardless of the effect it may have upon the industries of the country or its revenues—to start out on such a program as that, if that is the purpose, I must be counted out, for I am not in favor of that kind of a tariff revision.

Though I shall vote against this amendment because it is offered as an amendment to a bill which I can not vote for if the amendment was adopted, so that I would have to vote against it at some time, I prefer to do it now.

Mr. JONES. Mr. President, as far as I am concerned, I have not offered this amendment for the purpose of embarrassing any Senator. I sent for the Senator from Kansas and inquired whether he expected to offer the amendment, and he said he did not expect to offer the amendment. Therefore I thought the amendment ought to be offered, because I believe in it.

When I was a Member of another body of Congress I voted to remove the sugar differential. I went so far as to overrule a decision of the chairman, who is now the honored Vice President and presiding officer of the Senate. When the Payne-Aldrich bill was under consideration I was convinced that the substance of this amendment should be adopted, not only that the differential should be removed, but that the Dutch standard proposition should be done away with. I was convinced of that very largely by the arguments of the Senator from Kansas [Mr. BRISTOW]. I voted to remove it when that bill was under consideration. So I am in favor of this amendment. There is only one bill pending before the Senate to which the amendment can be offered, and that is House bill 12812, the bill to which it was proposed by the Senator from Kansas that the amendment should be offered.

I did not know why the Senator from Kansas had concluded not to offer the amendment. The reasons which are good to him and appeal to him now were sufficient, so I offered the amendment upon my own responsibility, because I believe in it, and because the only bill to which it is very likely it can be offered is the bill now under consideration.

I do not say I will not vote for the pending cotton bill, but I do propose to vote for every amendment that I think will improve the measure. It seems to me that the only theory upon which we can consider a measure before the Senate is that when germane amendments are presented to it those amendments should be considered on their merits, even though we may be opposed to the original proposition. Every amendment that we think will improve the measure should command our support. Upon that theory I propose to vote for it.

I have voted for some amendments that have been offered to the bill because I believe they improve the measure. If this legislation is to become a law—and it is not for us to say here except by our votes that it is not—then it should be made as nearly perfect as possible. I voted for the steel amendment because I believe in it, because the reasons that have been presented here and the investigations convinced me that that was a good amendment and ought to be adopted. For the same reason I have offered this amendment, and I propose to vote for it.

Mr. CLAPP. Mr. President, I regret very much the difference of opinion upon this question. I think if there was ever an iniquity perpetrated in legislation it was the Payne-Aldrich tariff law, and I have never missed an opportunity to aid in the amendment of that law within the limit of what I was satisfied was a safe change.

When it comes to a tariff schedule, I undertake to say that a Senator called upon to vote on the question has after all to depend very largely upon his own convictions as to whether it is a safe rate or an unjust rate. There are certain broad fundamental principles that can be applied. We can take the condition at the close of the depression which existed from 1893 to 1897, and, measuring the increased consumption by the American people with the increased exportation as against our own consumption, we can within some degree of safety say whether the duty on that article is sufficient or not.

I have always maintained that it is the duty of a Senator to use his best efforts to perfect a measure whether in the last analysis he could vote for the measure or not. Whether I shall vote for this bill or not will depend upon what may yet be done with the bill. But if there is one thing with reference to the American tariff that I am absolutely satisfied of it is that of the iniquity of 1909 the sugar schedule stands out almost without a peer. It is a subject that has been so thoroughly discussed, not only at this session, but at that session, that for one I am ready to vote for the amendment proposed by the Senator from Kansas [Mr. BRISTOW] and now offered by the Senator from Washington [Mr. JONES].

I believe it is my duty as a Senator to perfect this measure just as far as possible. It is the only measure pending to-day upon which we can attach a measure to remedy the iniquities of the sugar schedule under the Payne-Aldrich tariff law.

Therefore, differing, as I must, from some of my colleagues, I believe it is my duty to vote to put this amendment upon the pending bill. If the bill with that amendment and no additional amendment comes to a vote I believe I shall then vote for the bill. The only thing upon the bill up to this point that I would hesitate upon is the chemical schedule, not because I apprehend that it is a mistake, but for want of more definite information as to what it will do. The American people are expecting relief upon the cotton schedule, and I would afford that relief even though it involved voting for something which as an independent proposition I would not vote to put upon the bill.

So primarily believing that it is the duty of a Senator to assist in perfecting the bill, I shall vote to add the sugar schedule as I voted to add the steel schedule, and with reference to those things which enter into the machinery for the making of cotton goods. In all probability, unless the bill be still further amended in some way which I can not accede to, I shall vote for the bill itself.

Mr. BRISTOW. Mr. President, I appreciate the position which the Senator from Minnesota [Mr. CLAPP] takes. He always does what he thinks is the right thing, and he is a man of fine judgment. But when I sit here on this side of the Chamber and a leading Senator on the Democratic side comes over here and suggests to the Republican regulars that they abstain from voting so that the Democratic measure will carry, and when I know that that Senator is bitterly opposed to the reduction of the duty on steel and on cotton, it exposes an arrangement here that I do not intend to be a party to, directly or indirectly.

I propose to vote against any amendments from now on upon this bill as it is now. When leading stand-pat Senators on this side of the Chamber tell me that they do not intend to vote in order that the Democrats may carry their revision through, knowing that it is the best way to prevent a reduction of duties that they want to maintain, and when Senators on the Democratic side who are interested in maintaining high duties on cotton and steel cooperate in the way I have just described, you must count me out of the proposition; I am not into the scheme.

Mr. BACON. Mr. President, I want to say just one word. Of course I take nothing the Senator said to myself, because, fortunately, I have not been on the other side of the Chamber to-day, but I want to say it is well known that the rates of duty the Senator from Kansas and those who are cooperating with him wish to have incorporated in this bill are much higher than the rates of duty in the bill as it came from the House, which we support.

Mr. KERN. Mr. President, the Senator from Kansas has made a declaration here that is very startling to some of the Members on this side.

Mr. CLAPP. Will the Senator pardon me an interruption?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. KERN. Yes.

Mr. CLAPP. If the Senator had been here two years ago, this statement would not have been startling nor would the facts have been startling. It is an old experience to those who have been here before.

Mr. KERN. I hope by the time I have been here two years I will be wise enough to observe for myself any such conduct as has been indicated by the Senator.

But I want to know at this stage from the Senator from Kansas whether it is possible that he has personal information that any such arrangement or conference has been had and made between any Senator on this side and the leading Republican stand-pat Senators on the other. If he has, it is but fair to those of us who honestly desire a reduction of the steel schedule, and who honestly desire a reduction of the schedules all along the line that he make known any such arrangement.

Mr. BRISTOW. I will say to the Senator from Indiana——

Mr. WILLIAMS. If the Senator from Kansas will excuse me, I will suggest that having made that statement, he owes it to the Senate to name the Senator.

Mr. BRISTOW. I will state to the Senators from Mississippi and Indiana that the Senator on the Democratic side I referred to was the Senator from Alabama [Mr. JOHNSTON], and he had the conversation I referred to with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. PENROSE. Mr. President, I can plead an alibi to the charge the Senator from Kansas refers to.

Mr. BRISTOW. The Senator from Alabama [Mr. JOHNSTON] came over to the Republican side not long since and suggested to the Senator from Pennsylvania [Mr. PENROSE] that if the Republican regulars abstained from voting the Democratic bill would carry. The Republican regulars abstained from voting, and the Senator from Pennsylvania [Mr. PENROSE] was one of them.

Mr. PENROSE. Mr. President, I believe that after the dreadful performance, if the so-called regulars had not voted, there was a comment made of that kind, but it occurred after the vote. It could not have occurred during the vote or before it, because as soon as I answered to my name and explained that I could not vote on account of my pair with the Senator from Mississippi [Mr. WILLIAMS] I went out to the telephone and talked with a party in Pennsylvania. So the Senator is laboring under a serious hallucination and his embarrassment is extremely painful to his brother Senators. He voted to enact into law a measure which is neither protective nor free trade, which is neither a revenue producer nor one thing or the other. It must necessarily have brought the Senator from Kansas to this lamentable condition, and it is a lamentable one before the people of the United States.

Mr. JOHNSTON of Alabama. Mr. President——

Mr. BRISTOW. I am stating the facts.

The VICE PRESIDENT. The Senator from Alabama is recognized.

Mr. JOHNSTON of Alabama. I desire to affirm what the Senator from Pennsylvania [Mr. PENROSE] has said. I desire to say in addition that so far as I am concerned I desired to vote for the House cotton-schedule bill, and did so; and so far as the iron and steel schedule is concerned, I intended to vote for it in the shape that it was offered or in any other shape that would reduce the duties, because I am not only in favor of a reduction of those duties to a revenue basis, but I am heartily of the opinion that in the Birmingham district where we produce iron and steel, and produce it cheaper than in any other section of this country or the world, if we went to a free-trade basis our industries would prosper.

Mr. BRISTOW. The Senator from Alabama pursued a very strange course and has formed a strange alliance for one who is anxious to have the duties on those articles reduced. The statement I made a few moments ago in regard to the arrangement I stand by. The conversation was overheard in this part of the Chamber by Senators other than myself, and a number of Senators, in harmony with the understanding among the Republican regulars, have abstained from voting, and have given the reason suggested to a number of their colleagues for their action. The RECORD will show whether or not they voted.

Mr. WORKS. Mr. President, I desire to contribute what little I know with respect to this alleged transaction. After the conference took place between the two Senators, which I saw, but did not hear, I heard the Senator from Pennsylvania [Mr. PENROSE] immediately afterwards say to another Senator on this side of the Chamber, "We do not want to vote on this proposition."

Mr. PENROSE. Mr. President, the Senator from California is entirely correct in his statement. I have not participated personally in any of these proceedings for the last 10 days, and have so advised my colleagues who were in sympathy with me. I did not sign the report of the conferees, nor did the Senator from Illinois [Mr. CULLOM]. I have been entirely willing to see this bill perfected by the friends of the measure, who have been the Democratic Party and the so-called insurgents.

Mr. WARREN. Mr. President, just to change the subject before it gets to be too broad and vitriolic, I will say I noticed the remarks of the Senator from Alabama [Mr. JOHNSTON], and, if I understood him aright, his statement was that he felt that the iron industry in the locality which is nearest home to him would be able to manufacture its product and deliver it at lower prices than any other locality, and that it needed no protection.

Mr. JOHNSTON of Alabama. Yes.

Mr. WARREN. I want to remind the Senator that two years ago we heard very much such talk as that from the shoe manufacturers in this country—that, if they had free hides, they would lower the price of shoes, and would need no protection. I want to ask the Senator from Alabama if he has not since then observed the agony with which they seem to be enveloped now when it is proposed to make boots and shoes free? And did he observe the fact that prices were not reduced on shoes when they got free hides, but were raised instead?

Mr. JOHNSTON of Alabama. I have heard some remarks of that kind. I only want to say that my judgment is that the

Birmingham district does not require any protection to the manufacturer of iron or steel, but we can go on and compete with England or any other foreign nation and prosper in the industry.

Mr. WARREN. And does the Senator feel that those manufacturers will not flood the mails with literature and letters and be found in the corners of the Capitol to wait upon Senators, as the shoe manufacturers have been regarding their products when reduction or abolition of protective tariff is proposed?

Mr. JOHNSTON of Alabama. I do not know exactly what will be the result, but I am not for free trade at all in any respect.

Mr. WARREN. If I felt that we had a great locality that could produce the iron and steel product we need without protection, it would be an agreeable assurance, and it would give me great pleasure if I could be sure that the afterclap, the second thought and remorse after it was done, would not pursue us, as has been the case on the occasion to which I have referred and in regard to the duty I have mentioned, as well as some others.

Mr. JOHNSTON of Alabama. I think if all the duties were taken off it would result in lower prices to the consumer.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Washington [Mr. JONES], upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK].

Mr. CURTIS (when Mr. LODGE's name was called). I am requested to again announce that the Senator from Massachusetts [Mr. LODGE] is paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Maryland [Mr. SMITH], and vote. I vote "nay."

Mr. REED (when Mr. STONE's name was called). I again announce the unavoidable absence on account of sickness of the senior Senator from Missouri [Mr. STONE], and state the fact that he is paired with the Senator from Wyoming [Mr. CLARK]. If he were present the senior Senator from Missouri would vote "yea."

Mr. TAYLOR (when his name was called). I again make the announcement that I am paired with the Senator from Kentucky [Mr. BRADLEY]. I will let this announcement stand for the day.

The roll having been concluded, the result was announced—yeas 24, nays 33, as follows:

YEAS—24.

Bailey	Crawford	Kern	Owen
Brown	Culberson	Lea	Pomerene
Chamberlain	Cullom	Martin, Va.	Reed
Chilton	Fletcher	Martine, N. J.	Simmons
Clapp	Johnson, Me.	Myers	Swanson
Clarke, Ark.	Jones	Overman	Watson

NAYS—33.

Bacon	Dillingham	Page	Thornton
Borah	Foster	Paynter	Townsend
Bourne	Gamble	Penrose	Warren
Brandegee	Guggenheim	Perkins	Wetmore
Briggs	Heyburn	Root	Williams
Bristow	Johnston, Ala.	Smith, Mich.	Works
Burnham	La Follette	Smith, S. C.	
Burton	Lippitt	Smoot	
Cummins	Oliver	Stephenson	

NOT VOTING—32.

Bankhead	du Pont	McCumber	Rayner
Bradley	Gallinger	McLean	Richardson
Bryan	Gore	Nelson	Shively
Clark, Wyo.	Gronna	Newlands	Smith, Md.
Crane	Hitchcock	Nixon	Stone
Curtis	Kenyon	O'Gorman	Sutherland
Davis	Lodge	Percy	Taylor
Dixon	Lorimer	Poindexter	Tillman

So the amendment of Mr. JONES was rejected.

The VICE PRESIDENT. Are there other amendments to be offered as in Committee of the Whole? If not, the bill will be reported to the Senate.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin desire to offer an amendment to the bill as in Committee of the Whole?

Mr. LA FOLLETTE. I do.

The VICE PRESIDENT. The Senator from Wisconsin offers an amendment, which will be stated.

Mr. LA FOLLETTE. I move to strike out all after the enacting clause of the bill, including the amendments adopted, and to insert as an amendment what I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. HEYBURN. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HEYBURN. I desire to know whether it is competent or permissible to strike out, while the Senate is in Committee of the Whole, amendments that have just been adopted as in Committee of the Whole, and which can not be amended?

The VICE PRESIDENT. As a substitute, it is permissible. If the substitute had been offered before the bill was amended, the original text would then have been open to amendment.

Mr. HEYBURN. Yes; but I was under the impression that while we call it a substitute it is really an amendment, and that we can not strike out that which we have just adopted.

The VICE PRESIDENT. An amendment can be offered as a substitute for the whole bill striking out all after the enacting clause. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill as amended and in lieu thereof to insert the following:

SEC. 1. The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule I thereof, being paragraphs 313 to 332, inclusive, and inserting in lieu thereof the following:

SCHEDULE I. COTTON MANUFACTURES.

313. Cotton card laps, roping, sliver, roving, and cotton thread and cotton yarns of all kinds, 20 per cent ad valorem; cotton waste and flocks, manufactured or otherwise advanced in value, 20 per cent ad valorem.

314. Cloth made of cotton, or of which cotton is the component material of chief value, not bleached, 20 per cent ad valorem; bleached, 21 per cent ad valorem; dyed, colored, stained, painted, or printed, 22 per cent ad valorem.

315. The term cotton cloth, or cloth, wherever used in the paragraphs of this schedule, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton in the piece, or cut in lengths, and shall not include any article, finished or unfinished, made from cotton cloth.

316. Cloth, composed of cotton or other vegetable fiber and silk, or artificial silk, whether known as silk striped sleeve lining, silk stripes, or otherwise, of which cotton or other vegetable fiber is a component material of chief value, 35 per cent ad valorem.

317. Handkerchiefs, or mufflers composed of cotton, or of which cotton is the component material of chief value, whether in the piece or otherwise, and whether finished or unfinished, hemmed or not hemmed, 30 per cent ad valorem; if embroidered in any manner, or tamboured, appliquéd, or trimmed wholly or in part with lace or with tucking or insertion, 35 per cent ad valorem.

318. Clothing, ready-made, and articles of wearing apparel of every description, composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, 35 per cent ad valorem.

319. Plushes, velvets, velveteens, corduroys, and all pile fabrics, cut or uncut, composed of cotton, or of which cotton is the component material of chief value, 35 per cent ad valorem.

320. Curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value; tapestries, and other Jacquard figured upholstery goods, composed wholly of cotton, or of which cotton is the component material of chief value; any of the foregoing, in the piece or otherwise, 35 per cent ad valorem.

321. Stockings, hose and half hose, made on knitting machines or frames, composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, and not otherwise specially provided for in this section, 30 per cent ad valorem.

322. Stockings, hose and half hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half hose, and clocked stockings, hose and half hose, all of the above composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, finished or unfinished, 35 per cent ad valorem.

323. Men's and boys' gloves, knitted or woven, made of cotton or of which cotton is the component material of chief value, 35 per cent ad valorem.

324. Shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers, and all underwear of every description composed of cotton, or of which cotton is the component material of chief value, 35 per cent ad valorem.

325. Bone casings, garters, tire fabric, or fabric suitable for use in pneumatic tires, suspenders and braces, and tubing, any of the foregoing made of cotton or other vegetable fiber and india rubber, or of which cotton or other vegetable fiber is the component material of chief value; spindle banding, woven, braided, or twisted; lamp, stove, or candle wicking made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value; loom harness, healds, or collets made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value; boot, shoe, and corset lacings made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value; labels for garments or other articles composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value; mats, matting, rugs, carpets, and carpeting made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, 35 per cent ad valorem. Laces, lace window curtains, and all other lace articles; napkins, wearing apparel, and all other articles made wholly or in part of lace or laces, or in imitation of lace; nets, nettings, veils, veilings, neck ruffings, ruchings, tuckings, flutings, quillings, embroideries, trimmings, braids, featherstitch braids, edgings, insertings, flouncings, galloons, gorings, bands, bandings, belts, belting, bindings, cords, ornaments, ribbons, tapes, webs, and webbing; wearing apparel and other articles or fabrics embroidered

in any manner, or tamboured, appliquéd, or scalloped, or from which threads have been drawn, cut, or punched to produce open work, ornamented or embroidered in any manner herein described; hemstitched or tucked flouncings or skirtings; all of the foregoing, composed of cotton or of which cotton is the component material of chief value, 35 per cent ad valorem. Belting for machinery, made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, 30 per cent ad valorem.

326. Cotton table damask and manufactures of cotton table damask, or of which cotton table damask is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

327. All articles made from cotton cloth, whether finished or unfinished, and all manufactures of cotton, or of which cotton is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

328. All artificial or imitation silk or artificial or imitation horsehair, by whatever name known or by whatever process made, and all fabrics and articles composed wholly or in chief value of artificial or imitation silk, or artificial or imitation horsehair, shall be subject to the same rates of duty as like articles or manufactures made of cotton.

SEC. 2. The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended as follows:

Strike out the word "cotton" whenever used in Schedule J, entitled "Schedule J. Flax, Hemp, and Jute, and Manufactures of."

Strike out all of paragraph 350.

Strike out all of paragraph 405.

SEC. 3. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and no other duty, upon the entry or the withdrawal thereof.

SEC. 4. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of October, 1911.

The VICE PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute.

Mr. LA FOLLETTE. Mr. President, the amendment which I have offered proposes reductions in existing duties, and, on the whole, reductions less than those proposed in the House bill. It is well for us, Mr. President, at the outset of whatever discussion there may be before the final vote is taken in Committee of the Whole, to speak plainly.

The Democrats, contending for a reduction of the tariff to a revenue basis, are in control of the House of Representatives; they are not in control of the Senate; they are a minority here; and they can not hope to enforce upon this body a tariff bill based upon a tariff for revenue principle. They have had the opportunity to demonstrate in the House of Representatives the line to which they would reduce the tariff if they controlled both branches of Congress. They have sent to the United States Senate a bill revising the cotton schedule. It comes here to a body in which there is a diversity of views. The Democrats are in the minority; the Republicans are in the majority; but upon the tariff question the Republicans are divided. A majority of the Republicans in the United States Senate would not—and I think I do not misrepresent their position—make any reduction in the duties as they are fixed by the Payne-Aldrich law. There are a few Republicans here, 12 or 13, who believe that the increased duties made in the tariff revision of 1909 were a violation of the Republican platform pledges; who believe that tariff duties should in no case be greater than the difference in the cost of production here and abroad; taking into consideration always the differences existing in the condition of labor in this country as compared to that of competing foreign countries.

Capital can well take care of itself, but the laborer is powerless, is helpless, and upon him falls the first tariff reductions that go below the line of the difference in the cost of production here and abroad. Capital is strong enough to protect itself always. If anybody suffers it is the laborer. Believing, as the group of men in the Senate called Progressives believe, that a tariff is necessary to the preservation of the higher condition of life which surrounds labor in this country as compared with competing countries, we can not consent, Mr. President, to a reduction of tariff duties below what we believe a safe margin, measuring the difference in the cost of production here and abroad.

That difference in cost is chiefly, almost wholly I believe, the difference in the labor cost. It is not so great as has been represented. The data bearing upon this point has been largely furnished heretofore by interested parties. During the consideration of tariff bills they have appeared before the congressional committees and, as a rule, their statements as to the difference in the cost of labor in this and the competing point abroad have been accepted.

Mr. President, two years ago I was amazed to find that many of the same statistics that had been used before the McKinley Ways and Means Committee, of which I was a member, away back in 1889 and 1890, were given weight in the last Congress in the hearings before the House committee; and yet the wage scale of foreign labor has been steadily advancing through all those years. But, Mr. President, the most authentic information available bearing on the question proves that there is a difference in labor cost. The report of the Moseley Commission, which visited this country a few years ago—a commission composed of representatives of the different industries of Great Britain, disinterested men, who themselves worked in the factories and who were sent here on a tour of inspection—shows that the difference in labor cost measures the difference in production cost in this and competing countries. Recognizing this difference the progressive Republicans on this side can not consent to a tariff reduction which cuts below the line fixed by such information as we have at the present time.

I confess that this is not all that can be said with reference to the cost of production. Many complex questions enter into an accurate determination of production cost, and it is for that reason that progressive Republicans here and in the other branch of Congress contended in the last session and have urged for years the establishment of a tariff commission, clothed with adequate power, a permanent nonpartisan commission composed of experts competent to determine the question. But, as I say, Mr. President, we know from the information that is available that in order to protect the laborer of this country we must preserve a line of difference. The Republicans upon this side, standing for tariff reductions—in so far as we have offered amendments reducing tariff schedules—have sought to frame them in the light of the best information existent at the present time. We believe that we have done that; and it finds us on a different tariff level than that fixed by the House of Representatives.

Mr. President, first of all let us consider our responsibility to the public. It is to be determined here within the next hour or two whether the Democrats and the progressive Republicans can agree upon some measure that will offer relief to the people of this country upon the cotton schedule and such additions to it as we may be able to make. The Democrats have demonstrated their position according to principle on the bill which they have passed through the Democratic House of Representatives and now before the Senate. They can go to the country and say, "These are the tariff reductions which we would give the people if we had the majority power in both branches of Congress. The bill we have passed in the House of Representatives indicates the level at which we would fix duties upon our first tariff revision, but being a minority in the Senate we could accomplish no legislation excepting as we joined with those who were in favor of reducing the present high duties, and thus did our part toward lifting some of the burdens from the people of this country."

Mr. President, the Democrats have demonstrated their adherence to the tariff principle. The progressive Republicans have their principle, and must demonstrate here on this floor and in their vote upon this schedule, their adherence to that principle. And we ask you to join with us and to support this great reduction provided for in the amendment which I have submitted, a reduction which in round numbers amounts to 48 per cent below existing duties. In view of the Democratic platform which pledged, as I remember it, gradual tariff reductions, you would be entirely consistent, it seems to me, in giving your support to this very material reduction in the existing duties of the cotton schedule.

Mr. President, I would not mislead any of my friends upon the Democratic side. In my amendment I have not sought to effect a compromise between a tariff for revenue and a protective tariff. I have no duty fixed in this proposed amendment lower than what I believe will be necessary to measure the difference represented in the level of the conditions surrounding labor in this and competing foreign countries.

Now, I wish to speak more definitely as to the amendment proposed.

According to the preliminary report of the Census Bureau for 1910 the value of products, exclusive of knit goods and hosiery, manufactured in the cotton industry was $616,297,000, as against $442,451,000 in 1905 and $332,806,000 in 1900, or an increase of 85 per cent during the last decade and nearly 40 per cent during the last five years.

The cotton industry in this country has enjoyed such protection of its markets that it has gone on and on expanding and filling the field of production until in 10 years it shows an increase of 85 per cent.

The wages paid out in the cotton industry in the year 1909 were $129,768,088. That is to say, the labor cost constituted 21 per cent of the total cost of the products. This bears out the generally accepted estimate that the labor cost does not exceed 25 per cent of the total cost of cotton goods. With free

raw material, even if providing for a protection of 100 per cent on the labor cost, this could not justify a duty higher than 25 per cent ad valorem.

For the reasons which I indicated when discussing my amendment to the woolen schedule I propose in the amendment that I offer at this time to err on the safe side and to give the manufacturer the benefit of any doubt, thus preventing the possibility of too sudden a change in the condition surrounding the cotton manufacturing industry.

Even if we knew the exact line of difference in the American and foreign production cost, with the excessive duties we have maintained in this country so many years, it might produce too great a transition and result in too great a shock at one step to make the complete reduction necessary to come to the proper level of duties. But I do not think there should be any extended interval between these reductions, and I think we should act with all possible haste, considering economic and financial conditions in this country. Reductions in duties should be made step by step until we reach a basis measuring the exact difference in the cost of production.

The amendments submitted by me, therefore, are designed to provide for a duty of 20 per cent ad valorem on cotton yarns and thread; 20 per cent on unbleached cotton cloth; 21 per cent on bleached; 22 per cent on dyed, printed, and otherwise finished cotton cloth, and 35 per cent ad valorem on manufactured articles made from cotton cloth.

The present average rate on cotton yarns and thread is a fraction over 32 per cent, representing a range of from 10 per cent to 76 per cent. The rate proposed would, therefore, result in an average reduction of 12 per cent ad valorem. Thus the effect of the proposed amendment would be to raise the duty on certain kinds of yarn, and to lower it on many kinds of which this country produces but little, if at all. In the case of the large and prosperous mills which spin their own yarn, the change in the duty will have no effect, since they are not obliged to buy their yarn in the market. As regards the smaller mills and most of the knitting mills which buy their yarns in the market, the reduction of 12 per cent ad valorem of the average duty on yarns should be of advantage. There is no reason why it should affect detrimentally the interests of the yarn spinners, since the proposed rate is more than sufficient to cover the difference in the cost of production in this country and abroad.

During the fiscal year ending June 30, 1910, we imported less than $10,000,000 worth of cotton cloth of all kinds and exported over $20,000,000 worth. The cloth exported was sold in oriental and South American countries in competition with England, Germany, and other leading European countries under conditions of absolute equality where the American manufacturers had no tariff to protect them from the competition of those countries. It can not be contended that the American manufacturer, protected by a duty of 22 per cent ad valorem on the finished cloth, in addition to the cost of freight which the foreign manufacturer has to bear in shipping his goods to this country, and by his proximity to the domestic consumer, his knowledge of his tastes, and complete command of the market, can be in the slightest danger of losing the American market to foreign competitors.

The average duty under the present act on cotton cloth is a fraction over 43 per cent. The proposed rates, speaking of the one item in the bill, would represent an average reduction of 21 per cent ad valorem. The loss in revenue under the proposed rates, on the basis of the importations for the year 1910, would amount to less than $900,000 in the case of cloth and some $200,000 for thread and yarn, or a total loss of $1,100,000, or about one-third of 1 per cent of the total revenue collected from customs.

The adoption of the proposed amendment introducing an ad valorem rate for all cotton cloths would eliminate at one stroke the complex cotton-cloth schedule which has given rise to endless litigation in the past, involving the Government and the importers in the expediture of millions of dollars, all of which is ultimately paid by the people of the country. It would expedite and simplify the collection of the revenue. The greater part of the present litigation over customs matters is caused by disputes over textile schedules, and especially the cotton schedule.

Coming down to the details of the amendments proposed:

Paragraph 313 is to be greatly simplified by providing for a duty of 20 per cent ad valorem on cotton card laps, roping, sliver, roving, and cotton thread, and yarns of all kinds. This eliminates paragraph 314 of the present act.

The exceedingly complicated classification of cotton cloth provided for in paragraphs 315, 316, 317, 318, 319, and 320 is to be done away with by the substitution of a simple provision which reads as follows in the proposed amendment:

Paragraph 314. Cloth made of cotton, or of which cotton is the component material of chief value, not bleached, 20 per cent ad valorem; bleached, 21 per cent ad valorem; dyed, colored, stained, painted, or printed, 22 per cent ad valorem.

Paragraph 321 (new paragraph 316), referring to cloth composed of cotton and silk, but chiefly of cotton, is to be changed to provide a duty of 35 per cent ad valorem. This duty is to apply to articles containing silk in which cotton is the component material of chief value. If the silk added to it even as a minor element considerably raises its value, the duty will be correspondingly raised since the application of the ad valorem rate will automatically result in a much higher specific duty on this article than that on cloth composed entirely of cotton. In the second place, raw silk is admitted as freely to this country as is raw cotton. No question, therefore, of a compensatory duty is involved in this item. In the third place, the duty I propose would be uniform with the other rates of the cotton schedule.

Paragraph 322 (new paragraph 317) relates to handkerchiefs and mufflers composed of cotton, or of which cotton is the component material of chief value.

"Handkerchiefs" is but another form of cloth, and there is no reason why it should be subject to a different rate of duty than cloth. The present average ad valorem equivalent on handkerchiefs, according to the report of the Bureau of Statistics, from which I have already quoted, is 59 per cent. The proposed duty would therefore amount to a reduction of 29 per cent ad valorem, which is more than justified in the light of the insignificant importations, which amounted to $453,000 in round numbers in 1910. The amended paragraph also provides for a duty of 35 per cent on handkerchiefs and mufflers embroidered or trimmed with lace.

Paragraph 323 of the present act, which provoked so much indignation at the time of the enactment of the present tariff by providing for extra duties on mercerized cloth, extra duties for so-called lappets, or extra filling threads in forming a figure on the cloth, is to be entirely eliminated. With the tariff placed on an ad valorem basis, there is no necessity for specific provision to that effect. If the presence of lappets or mercerization increases the value of the cloth the same ad valorem rate will automatically yield a larger duty, as the value of the cloth is increased.

Paragraph 324 (new paragraph 318) which, in the present act, provides for a duty of 50 per cent ad valorem on clothing and wearing apparel made of cotton, is to be changed by providing for a duty of 35 per cent ad valorem, resulting in a reduction of 15 per cent ad valorem, or 30 per cent below the present duty.

Again, what I have said elsewhere as to the automatic increase of the duty under the ad valorem system with the increase in the value of the article on which it is imposed, applies in this case.

The same consideration applies to other manufactures of cotton, such as plushes, velvets, curtains, and tapestries, which are dealt with in paragraphs 319 and 320 in the proposed amendment.

We now come to hosiery, which in the present tariff act is provided for in paragraph 327, imposing a duty of 30 per cent ad valorem, and in paragraph 328, imposing various specific rates on hosiery classified according to value.

My amendment calls for a uniform duty of 35 per cent ad valorem on all hosiery under paragraph 328 (new paragraph 322) and leaves unchanged the 30 per cent duty under paragraph 327 (new paragraph 321).

Mr. President, I do not object to conversation in the Chamber, if it is just in a little lower tone; and I ask the Chair to suggest to Senators who are conversing that they speak in a little lower tone.

The VICE PRESIDENT. The Chair thinks that is a very considerate suggestion on the part of the Senator from Wisconsin, and it should be complied with. All Senators desiring to carry on conversation kindly do so in the lowest possible tone of voice.

Mr. BORAH. Or not at all.

The VICE PRESIDENT. Or not at all.

Mr. LA FOLLETTE. The report of the census for 1909 shows that in hosiery, as in the case of other cotton goods, the wages do not exceed 25 per cent of the total value of the product. The proposed rate of 35 per cent ad valorem should therefore prove as amply protective in the case of hosiery as in that of cloths and other cotton goods. The same consideration applies to gloves, shirts, and other knitted underwear, for which I have provided in the amendment, under paragraphs 323 and 324.

Paragraph 330 of the present act (new paragraph 325), relating to a great variety of cotton wares and specialties, has retained on the whole the wording of that paragraph, but I have substituted a uniform duty of 35 per cent ad valorem on all articles, except belting for machinery, made of cotton or of which cotton is the component material of chief value, on which the present act imposes a duty of 30 per cent ad valorem and which I have retained intact.

To the articles already contained under the present wording of that paragraph I have added a provision that rugs, carpets, and mats made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, shall be dutiable at 35 per cent ad valorem. At present these goods are provided for in paragraph 393 of the woolen schedule, where they do not logically belong, subject to a duty of 50 per cent ad valorem.

The proposed rate will therefore result in a reduction of 15 per cent ad valorem, or 30 per cent below the present rate. In addition to these, the amended paragraph enumerates specifically lace and articles made of or trimmed with lace and various trimmings and embroideries all made of cotton or in chief value of cotton to be dutiable at 35 per cent ad valorem. Under the present act these articles are dutiable under paragraphs 349 and 350 of the flax schedule at 60 per cent and 70 per cent ad valorem. There is no reason why goods made of cotton should be tucked away in the flax schedule, along with similar articles made of linen and silk. So far as the proposed rate of 35 per cent ad valorem is concerned, it is more than ample as a protection measure, if it is considered that the census of 1905 shows that the entire labor cost in the manufacture of lace is equal to 26 per cent of the total cost of manufacture of lace. In other words, the proposed rate, though cutting the present rates in half, is 9 per cent in excess of the total labor cost and exceeds by much more than that the difference in cost at home and abroad.

Paragraph 331 (new paragraph 326). For the reasons explained in connection with the other cotton goods, the present duty of 40 per cent on cotton table damask is reduced to 35 per cent in the proposed amendment of that paragraph.

The present duty of 45 per cent ad valorem on all manufactures of cotton provided for in paragraph 332 of the present act is likewise reduced to 35 per cent in paragraph 327 in the proposed amendements.

Finally, new paragraph 328 provides for the imposition of the same rate of 35 per cent ad valorem on all goods made of artificial or imitation silk or imitation horsehair. Neither imitation silk nor imitation horsehair belong logically to the silk schedule, to which they have been attached under the Payne-Aldrich Act in paragraph 405. It is more logical to class them with cotton, as they are made of a cheap fiber known as cellulose, artificially derived from wood or straw, and are made for people who can not afford to buy real silk.

It is just that thing, Mr. President, that is bringing the whole protective tariff system to the verge of destruction. Some of the worst enemies of a legitimate protective tariff are to be found within the Republican Party—the men who have imposed upon the people of this country exorbitant and extortionate duties, resorting to every trick of language in framing tariff schedules as to conceal here and there provisions that result in enriching manufacturers at the expense of the people of this country.

The transfer of these goods to the cotton schedule involves the repeal of paragraph 405, which is provided for in section 6 of the proposed amendment.

Without attempting to revise the flax schedule at this time, the overhauling of the cotton schedule makes it imperative to eliminate from the flax schedule all the provisions which subject cotton goods to duties originally meant for articles made of linen. Section 6 of my proposed amendment provides for striking out the word "cotton" wherever used in the flax schedule. This provision along with the amendments to the cotton schedule which I have proposed will restore all goods made of cotton or of which cotton is the component material of chief value to the cotton schedule, known as Schedule I, where they belong.

The only other change proposed by me to Schedule J, or the flax schedule, is to strike out entirely paragraph 350, which provides for a duty of 70 per cent on all laces and embroideries made on the Lever or Gothrough machines. This provision was not contained in any of our older tariffs. Under the Dingley tariff all laces were subject to certain duties irrespective of the machines on which they were made. Neither the bill as introduced by Mr. Payne in the House nor as originally reported to the Senate by Mr. Aldrich contained that paragraph. At a later stage, however, it was inserted, providing for a duty of 70 per cent on laces made on the Lever and Gothrough machines, as against 60 per cent on those made on other machines or by hand, and an additional protection was offered to manufacturers of lace under paragraph 197, putting the Lever and Gothrough lace-making machines on the free list up to January 1, 1911. During the 17 months the machines have remained on the free list nearly three million dollars' worth of these machines were imported by American lace makers, but the extra duty of 10 per cent ad valorem over and above the duty on lace made on other machines or by hand still remains. There is no reason why extra protection should be granted on lace made on a machine which saves more labor than other machines. If anything, the duty should be less. The only favor the manufacturers can reasonably ask for is to be given access to these machines, which are not made in this country.

Mr. President, the changes which I have proposed with respect to flax and silk are not found in the pending House bill. It is a matter which, I presume, chanced to be overlooked there.

Now, summing up the proposed changes in just a few words, the average ad valorem rate on all cotton goods, including artificial silk, is to be reduced under the proposed amendments from 55.59 per cent under the present act to 28.94 per cent, representing a reduction of 26.65 per cent ad valorem and over 52 per cent below the present rate. It is difficult to estimate the effect these reductions would have upon the revenue derived by the Government from these sources. A reduction of duty may result in an increase of importations which will not only offset the reduction in rate but bring in a larger revenue than the old higher rate did. Of course this is not always the case, since the manufacturers may reduce their price to the consumer and thereby prevent increased importations from abroad. What usually happens and what would probably happen if the proposed amendments were adopted would be a combination of both conditions, and it is impossible to foretell what the ultimate effect upon the revenue would be.

As against a possible loss of revenue to the Government, what benefit awaits the consumer as a result of the proposed changes in duties?

I arrive at this reduction in the following manner: I have computed the foreign value, assuming that the domestic price was increased by the amount of the duty. Adding to the amount of our domestic production of cotton manufactures in 1909, as given by the Census Bureau, the amount of imports for the same year, and deducting from that the amount of our exports, we have a net consumption of cotton manufactures valued at $839,000,000. The proposed reduction of duty under the cotton schedule is 26.65 per cent ad valorem. Assuming that the price to the consumer is to be reduced to the same extent, this would give a reduction to the consumer of over $150,000,000.

Now, Mr. President, that, stated roughly, is the effect of the amendment which I propose. I think it has been rather a hopeful sign to the people of this country that after the Democratic Party had demonstrated its party principle in the House of Representatives as on the wool schedule, it joined in the Senate with those who stood ready to make reductions and go as low as they could possibly go in order to give the largest measure of relief attainable to the people of this country. I believe that the action of the Senate on the woolen schedule met with the approval of all right-thinking people in this country.

But, Mr. President, I regret that as we approach the consideration of the cotton schedule a different condition appears in the Senate. Woolen manufacture lies principally in the North—cotton principally in the South. A majority of the mills of this country are in the South.

Mr. OVERMAN. Not the spindles.

Mr. LA FOLLETTE. More than half of the cotton mills of this country, as shown by the census, are located in the South.

Mr. OVERMAN. I admit that, but I spoke as to the spindles.

Mr. LA FOLLETTE. I speak as to the mills.

Mr. OVERMAN. That is, as to the number of mills?

Mr. LA FOLLETTE. Yes, sir; I am giving the number of mills.

Mr. OVERMAN. But not as to the spindles.

Mr. LA FOLLETTE. I heard no complaint, Mr. President, from anyone upon the Democratic side that we were making too great haste in reduction of the duties upon woolens. I heard no suggestion, sir, from anyone upon the Democratic side that we were not taking account of the cost of chemicals, in so far as chemicals are involved in the manufacture of woolens, and that there should be reductions in the chemical schedule at the same time and as a part of the reductions in the woolen schedule.

Mr. WARREN. Will the Senator allow an interruption?

Mr. LA FOLLETTE. Certainly.

Mr. WARREN. I will ask the Senator if, in his wide experience in regard to these matters of wool and cotton, to which he has evidently given great attention, the woolen manufacturer does not have to use a larger proportion or a larger quantity in cost of chemicals than the cotton manufacturer in producing his product?

Mr. LA FOLLETTE. I think, Mr. President, there is no doubt about that.

Mr. WARREN. It commences with the scouring of the wool and goes all the way through, and yet no effort in this direction was made to protect the woolen manufacturer.

Mr. LA FOLLETTE. It goes clear through the whole process.

Now, Mr. President, I do not propose to indulge in strictures. But I appeal to the Democratic side to support the proposed change in the cotton schedule exactly as you supported the wool schedule as a practical legislative proposition, notwithstanding the fact that there are in Alabama 51 cotton mills, in Georgia 116, in North Carolina 281, and in South Carolina 147. Out of a total of 1,323 cotton mills in this country there are 673, or more than one-half of them, located in Southern States.

Mr. President, I hope when the final vote is taken that the record of the Senate will not show the attitude of the Democratic Party to be different with respect to tariff affecting industries located in the South than their position regarding industries located chiefly in the North. We have an opportunity to make reductions here that will greatly relieve the people of this country from the extortionate duties imposed upon them under the Payne-Aldrich law—never justified, as we contend.

Mr. President, I appeal to the patriotism of Senators on this floor to unite upon some basis which will in a measure remove these excessive tariff duties.

Mr. OVERMAN. If the Senator has it, he will give the whole number of spindles.

Mr. LA FOLLETTE. The data furnished to me by the Census Bureau is as follows:

The number of cotton mills in the United States, according to the latest returns made to the Census Office, was 1,323 in the year 1909. Of these 673, or more than one-half, were located in the Southern States. The cotton mills located in the Southern States are as follows:

Alabama	51
Arkansas	2
Georgia	116
Kentucky	4
Louisiana	2
Maryland	16
Mississippi	14
North Carolina	281
South Carolina	147
Tennessee	17
Texas	13
Virginia	10

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On August 16, 1911:

S. 144. An act to legalize a bridge across the Pend Oreille River, in Stevens County, Wash.;

S. 850. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874;

S. 1627. An act to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes;

S. 2878. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Calumet River, in the State of Indiana;

S. 2932. An act to authorize the Secretary of the Treasury, in his discretion, to sell the old post-office and courthouse building at Charleston, W. Va., and, in the event of such sale, to enter into a contract for the construction of a suitable post-office and courthouse building at Charleston, W. Va., without additional cost to the Government of the United States; and

S. 3152. An act extending the time of payment to certain homesteaders in the Rosebud Indian Reservation, in the State of South Dakota.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles; recedes from its amendment to the amendment of the Senate No. 8, and agrees to the same; and recedes from its disagreement to the amendments of the Senate Nos. 5 and 7, with amendments, in which it requested the concurrence of the Senate.

THE FREE LIST.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the amendments of the Senate Nos. 5 and 7 to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, which were, in amendment No. 5, line 4, to strike out the word "corn," and in amendment No. 7, line 4, to strike out the word "corn."

Mr. LA FOLLETTE. I move that the Senate concur in the amendments.

The motion was agreed to.

Mr. HEYBURN subsequently said: Mr. President, an hour ago, when the amendments to what is known as the farmers' free-list bill came from the House of Representatives and were presented to the Senate for its action, there was no roll call or demand for a roll call. I merely rise to register myself against the action that was taken, having had no opportunity to vote upon the question.

NEW MEXICO AND ARIZONA.

Mr. SMITH of Michigan. I am directed by the Committee on Territories to report a joint resolution for the admission of the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

The joint resolution (S. J. Res. 57) to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and State government and be admitted into the Union upon an equal footing with the original States, was read twice by its title.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

THE COTTON SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12812) to reduce the duties on manufactures of cotton.

Mr. REED. Mr. President, after what has transpired here this morning, as far as I am concerned, I do not propose to leave any possible implication that, if an arrangement was made with Senators upon the other side who are opposed to tariff reduction by the terms of which they were to absent themselves from the Chamber to the end that amendments might be adopted and the cotton bill finally killed, such arrangement was made with my knowledge or consent. I do not know what may have taken place, but I say to the progressive Republicans, and I say to the stand-pat Republicans and to the country, that so far as the Democrats are concerned—and I speak for every man on this side of the Chamber who attended our conferences—no such agreement or arrangement was authorized. Speaking for myself, if an agreement of the character indicated was entered into, I distinctly and unequivocally repudiate it.

I have noticed for some time in one of the Washington daily papers an attempt to fasten the name "the unholy alliance" upon the Democrats and the progressive Republicans. That statement, I presume, is based upon the fact that we have voted together in some instances when we had to vote together in order to accomplish anything. I never make complaint at the witticism of a newspaper writer, but I want to say now that if the press is looking for something in the nature of a real, simon-pure, blown-in-the-bottle, all-wool-and-a-yard-wide unholy alliance, it would be found in a combination between any living Democrat and those who are willing to perpetuate the enormities of the Payne-Aldrich tariff law.

I trust nothing of this kind has transpired; I trust that the Senator from Kansas and the Senator from California are mistaken in their inferences, and that in fact there has been no attempt made to kill this cotton bill by loading it down with any kind of amendments intended to kill it.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Will the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. I do; certainly.

Mr. BRISTOW. I desire to say to the Senator from Missouri that there is no possible mistake on my part. There are a number of Senators here who heard the conversation, and heard other Senators state why they were abstaining from voting.

Mr. REED. The Senator from Kansas will pardon me, but I prefer to pass on without further reference to this very unpleasant subject.

Mr. President, what seems to me to be the plain duty of this Congress is to remain here in session and revise every schedule of the tariff with due deliberation, with the extremest care, but with a fixed determination to finish the work, and to do it at the present session of Congress. I say now to those Senators who pay me the compliment of their attention that the difficulty confronting us at this hour arises largely from the anxiety to quit a job when that job is half finished. It is true the President called this extra session because he wanted to have passed a reciprocity bill with Canada, but it is also true that the moment we were convened in session the responsibility devolved upon the two branches of Congress to perform their duty to the public with reference to any public business.

Every man who has studied the tariff at all knows that you can scarcely touch one schedule without making it necessary to revise other schedules. So every man understands that when we changed the tariff relations between ourselves and the Dominion of Canada it became necessary as a matter of justice and equity that we should go further and pass other measures as a complement to the reciprocity bill.

That meant, Mr. President, the enactment of the free list. Every man who voted for the free list knew that as he had put certain articles of manufacture upon the free list he ought to go further and at least reduce the tariff upon those materials used by the manufacturer, whose goods had been placed upon the free list. So having "put our hands to the plow" it was our duty to go on "without turning back."

Now, Mr. President, having accomplished a part of the work, anxiety to get away from this Chamber, to seek the cool lakes of the North or the seashores of the East, the desire to be relieved from labor that has, of course, been burdensome, is leading Members to undertake at this time to interfere with what they would otherwise have considered the orderly course of procedure.

Had we all been willing to remain, this is what would have occurred: The cotton bill would have reached here in due course. There would have been the certainty that it would be followed by other bills from the House. A bill reducing the steel and iron schedule would have arrived in due course. We would have known absolutely that it would be followed by a bill reducing the tariff upon chemicals. That would have arrived here in due course, and we would have known that it would be followed by other bills reaching all the other schedules of the tariff. And so we could have well sat here upon the Democratic side and asked the Democrats to support these House measures as they came, and insisted that the insurgent Republicans should do no more than to amend each measure so as to increase the tariff to a point where they could vote for the bill. They would have had no right to add to it other schedules and matters foreign to the subject matter of the bill before us.

But in order to get away, in order that we may lay down our duties, we are willing here now to add to the cotton bill a large number of schedules that ought to have received the distinct and careful consideration of each House and that ought to have been passed as separate measures. I protest against these methods. I protest against adjournment. I call upon every man who loves his country better than he considers his own ease, who would rather serve his people than consult his own convenience, to stay here and finish this work—to finish it now.

We are told that the President proposes to veto all tariff legislation that may be presented at this session. I do not speak as one having authority, for I am not in the confidences of the Chief Executive, but I apprehend that no Senator will rise in this Chamber and say that William H. Taft has ever declared that he will veto every tariff bill passed at this session of Congress, because, sir, if he were to make that assertion he would place himself in a position before the American people which could not be defended and would not be justified in the forum of American conscience.

Why, sir, it has been said that the reason to be assigned in these threatened vetoes is not that the present tariff bill is perfect. If that were the President's position, he might issue such an ultimatum and stand upon it. We are informed that the President declares there shall be no revision until five men constituting the Tariff Board shall render their conclusions. That statement, in its last analysis, is equivalent to a White House decree that the House of Representatives, with its 391 Members, fresh from the people; the Senate, with its 92 Members, bearing the commissions of their States and of their people, all these who represent the sovereign people of the United States, into whose keeping the Constitution has consigned the welfare of this Republic, shall halt and stand dead still until five men appointed by a President shall return their findings upon a question of fact.

If the President takes that indefensible position, and persists in it; if he has the temerity to say to the legislative branch of the National Government, "You shall not act on these great public matters until the good will and the good time of a board composed of five men shall permit you to act," he will condemn himself. If he stubbornly persists in thus placing a mere board above Congress, and refuses to allow the representatives of the Nation to proceed with the public business, such conduct would warrant his impeachment as the enemy of the American Constitution and the American Republic.

I, sir, give more credit to the President than to believe he will take so monstrous a position. If he does not, then what is our plain duty? It is to sit here in council and revise this tariff bill to the best of our ability; to send it to him schedule by schedule; and then, if he can send to us messages convincing us of our error, we will yield; or if he send to us a message that simply bars our progress on one reduction, we must stop on that one matter; but such a message furnishes no reason why we shall yield the duties, the prerogatives, and the rights of the Congress of the United States.

I have no patience with a man who will not fight until the last ditch on any proposition of right. I have nothing but contempt for any body of men who will go whining from the field of duty at the first sign of opposition.

Ah, there was a day, Mr. President, when men stood in this Chamber and in the other end of this Capitol who insisted that the legislative department of the Government was the department that created law and levied taxes. They stood here and contended without the permission of any President. They refused to surrender the rights of their people simply because a President dared to say them nay.

I appeal to the Democrats. You and I, sir, have gone up and down this country and on a thousand platforms have declared that the "special interests" wrote the Payne-Aldrich tariff law. We declared it to be a measure so iniquitous, so outrageous, so inexcusable, that it amounted to nothing more than legalized pocketpicking. We told the people they were the victims of this oppressive and dishonest scheme of plunder. We said to them, "If you do but give to us the badge of authority we will fight your battle for you." We did not say we will fight when the snow is on the ground and enlist for a winter campaign alone. We did not say we would contend only when the breezes were soft and sweet and scented with the breath of the flowers of springtime. We did not tell them we would be summer soldiers and sunshine patriots. We said we would stand and fight for them, and as they suffered we would suffer with them and contend for them to the end. And now you want to adjourn this body that you may go home to the fleshpots of your native States.

I say that, so far as I am concerned, I will vote to stay here until the people's wrongs are righted, even though this extra session should run into the regular session of next winter and that should extend until the law adjourns us on the 4th of March, 1913. Then I will be willing to quit and welcome the Democratic President, who shall come bearing deliverance in his hands.

There is another class of men who want to adjourn. They are those who are typified by the defendant of the criminal at the bar of justice. There has never been a lawyer yet who stood to defend a guilty wretch against the law's strong hand but always applied for a continuance. So the defenders of the Payne-Aldrich tariff law are asking for a continuance until next fall. These assign the flimsy pretext, the ridiculous pretense, that they can not possibly vote with intelligence until the Tariff Board shall shed upon the dark and shadowy questions of tariff schedules the light of its wondrous learning.

How did you vote before? Upon what information did you base your action when you plunged your hands deep into the pockets of the American people? Where is the information you then had that you do not now possess? What has wiped out the wondrous fund of knowledge that you then claimed to be masters of?

Why can you not do now as you did when you wrote the Payne-Aldrich bill—call in the protected manufacturers, have secret meetings with them, permit their experts to furnish you with information? You now admit this is the way the present tariff law was constructed. Why must you now wait for the Tariff Board? The answer is, because postponement of the day of trial means postponement of sentence, perhaps escape altogether. It also means the prolongation of the present scheme of legalized larceny. So you are asking for a continuance. And now they tell us the President, who denounced the woolen schedule of the Payne-Aldrich tariff law as an indefensible thing, insists we shall submit to being robbed and plundered for months, possibly years, longer in order that we may have the advice of a Tariff Board. We must not touch the

robber until alleged experts shall have advised us just how to take hold of his precious anatomy, lest we, peradventure, handle him too rudely.

So the President and all standpatters in chorus cry, "Softly, good friends, be gentle with the rogue."

Now, who are this Tariff Board? I would not cast a single reflection upon them. I trust and hope that they will bring to us some knowledge; and yet, sir, all they are for is to glean the facts. Not a single conclusion are they to draw. They are to find the cost of production here and the cost of production there; they are to ascertain the amount of goods that are manufactured here and the amount of goods manufactured there; and every single fact that they can glean lies at our door, and all men who have industry can acquire all this board will ever gather. When these five men are through with their labors, I venture the prediction that they will have found little we did not already know.

Ah, but some one says, we want to know the difference between the cost of production at home and abroad. That theory, my good insurgent friends, is one that you will find, like the will-o'-the-wisp, flees and flits before you. You will never overtake it. It will evade your grasp, lead you into an intellectual quagmire, and vanish from your bewildered vision. The reason for it lies in the great fundamental fact that the cost of production in one mill in this country is frequently greater than the cost of production in another mill just across. The great Senator—and I love to call him that, and I mean what I say in its most complimentary sense—from Wisconsin [Mr. LA FOLLETTE] has demonstrated that in the paper business there are mills in the United States that can far undersell the mills of Canada, and that there were other mills in the United States in which the cost of production mounted above the Canadian cost. Difference in cost of production! Where will you place it, sir, and upon what will you base it? Will you by law represent the difference there is between the incompetency of B and the competency of A, between the well-organized factory of C and the badly organized business of D? You certainly can not compensate for incapacity or lay a tribute on the people because some man employs bad machinery or bad business methods. You must not tax A because B is a fool.

If, then, we come to the question merely of wages, the difference between wages here and abroad, if we get down to that, the La Follette amendment will cover the difference, if difference there be, three or four times over. The present House bill will cover that alleged difference two or three times over. So in the House bill we have a bill that does, two or three times over, represent all of the honest difference in the cost of production here and in Europe there can possibly be.

I stand here for the House bill, and will unless and until it goes down in defeat. If it goes down in defeat, I say to you progressive Republicans on the other side, if I can not get you entirely into the church, clear up to the chancel rail, clear to the mourner's bench; if I can not put the light of the grace of God into your hearts so that you shall see your way clearly to the perfect truth, I am willing, though you are going but halfway along the road, to travel with you as far as you are going in the right direction.

Democrats, we will contend to the end for the House tariff bill. We will seek to substitute it for the Payne-Aldrich iniquity; but if we are defeated, we must then choose between the bill offered by the Senator from Wisconsin with its substantial reductions and the infamies of the present tariff law.

If across the back of my good friend the wicked lash of injustice is being laid a hundred times each day, I would like to save him all the pain and all the agony of every blow; yet if I can do no better than to reduce the size of the whip and the number of the lashes, I will do that in the interest of humanity and of my friend.

So, if I can not give the people complete relief by the enactment of a Democratic tariff measure, then I will give to them such measure of relief as is afforded by the bill proposed by the insurgent Republicans. Better a little water for a fainting man than none at all. I will not deny to hungry lips the loaf of bread which I can give because I am not able to set forth a feast. I would rather consent to the robber taking half my goods than be compelled to yield all I possess.

So, if an unjust tax is to be wrung from me, I prefer to pay a burden of 30 per cent rather than one three times as great.

Because certain amendments originally offered by insurgent Republicans and temporarily withdrawn by them were offered without their consent by other Senators, these insurgents and their confrères are threatening to vote against the very amendments they have advocated, and upon the passage of which their hearts are really set. Republicans—those of you who are not like Ephraim, joined to your idols—I put this thing to you; I put it also to the Democrats; how can we hesitate to stand and do our duty, our whole duty, without petulance, without proceeding in temper to assassinate the measures we know are for the people's benefit? How can any of us refuse to vote for a proposition simply because it was presented by some other person than we desired to bring it forward? Can we refuse to support a good measure because the manner of its presentation clashed with our wishes and sense of good taste?

I appeal to insurgent Republicans and to Democrats to consider the fact that it has been admitted on this floor by a Republican member of the Finance Committee that for weeks the Republican members of that committee held secret sessions. It was admitted that at these secret sessions the men who were interested in the great protected industries were present. They were admitted in secret to construct a tariff bill in secret. They were admitted by the Republican portion of the committee, some of the members of which were directly and financially interested in making the tariff robbery as great as possible.

So, in secret, where no eye could observe their movements and no ear could hear their proceedings, they created a public law to be enforced against the public—the public which was not admitted and which was not permitted to be heard. They did all this in the darkness. Men love darkness rather than light because their deeds are evil. Behind locked doors the Republican members of the Finance Committee joined in conspiracy with the men interested in despoiling the people. These conspirators brought forth a bill that taxes every infant in its cradle, every corpse in its coffin, every woman in her home, every man toiling in the field, sweating at the anvil, or laboring at the forge. Shall we hesitate to remain here until we have destroyed this legislative fraud? Shall we go home and say: "We just got tired and concluded to quit"?

I am in favor of amending this bill by adding not only the steel, not only the sugar, not only the chemical, but the rubber schedule as well and all other schedules which afflict the American people; and sending them to the House of Representatives for its consideration.

I break no confidence when I say that it is the desire of the leaders of the other House that we shall do that thing. What will be wrought out there I do not know; but this I do know, that men, earnest in their purpose to relieve the American people, will try to bring out a result that we can justly enact into law.

So, I want to say in conclusion, that I join with the Senator from Minnesota [Mr. CLAPP] in saying, we can not afford to vote down good measures because they may have been offered in a way we do not like. I say to the Senator from Kansas [Mr. BRISTOW], who is my neighbor, and to the Senator from Iowa [Mr. CUMMINS], whom I admire, and who has made many a brave fight on this floor, you can not afford, because you do not like the way a thing is done, to refuse to do your duty by the people. I am sure the Democrats will do theirs.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). The question is on the substitute offered by the Senator from Wisconsin [Mr. LA FOLLETTE] for the bill as amended.

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Wisconsin asks for the yeas and nays.

Mr. OWEN. Mr. President, before the vote is taken, I wish to state briefly that I shall support the House bill. In the event of its defeat, I shall support the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

I should deprecate seeing so many amendments put on this bill that it would lead to a loss of enough votes to prevent the passage of it. There is such a thing as loading down a bill until it will not float above water. I am willing to vote for proper reductions in any number that will receive a sufficient number of votes to be passed, but I think it is somewhat hazardous to put upon this cotton schedule, with the steel-schedule amendment, a series of schedules that may lose two or three votes here and there. For that reason I think it would be better not to load down the cotton schedule by too great a number of amendments. I desired to say that much before this vote was taken. I favor the amendments reducing the tariff on the steel schedule, sugar and rubber schedules, and will vote for them, but prefer supporting them as separate measures as to sugar and rubber.

The PRESIDING OFFICER. Is there a second to the demand for the yeas and nays by the Senator from Wisconsin [Mr. LA FOLLETTE]?

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. BACON. Mr. President, I want to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BACON. I understand this is a vote upon the substitute offered by the Senator from Wisconsin [Mr. LA FOLLETTE] for the bill as amended.

The PRESIDING OFFICER. A vote on the substitute.

Mr. BACON. For the entire bill?

The PRESIDING OFFICER. For the entire bill as amended. It was so held by the previous occupant of the chair.

Mr. WILLIAMS. Mr. President, do I understand by that that if the motion of the Senator from Wisconsin is carried the work in the Senate in adding the metal schedule to the cotton schedule would be undone?

Mr. LA FOLLETTE. I will say, if I may be permitted, Mr. President, that if the amendment which I have offered in the nature of a substitute shall be carried there will then be offered the metal schedule.

Mr. WILLIAMS. But the metal schedule has already been adopted as an amendment to this bill.

Mr. LA FOLLETTE. Yes; but I will offer it.

Mr. WILLIAMS. Why can not the Senator from Wisconsin offer his substitute to consist of the cotton schedule as he prepared it and the metal schedule, so that the fate of the metal schedule will not be involved in it?

Mr. LA FOLLETTE. I do not think it will involve the fate of the metal schedule at all, Mr. President, if the course of procedure is taken which I anticipate will be taken and should my substitute amendment be adopted.

Mr. WILLIAMS. It seems to me that we will have to do the metal-schedule work over again later.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I desire to announce that I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK].

Mr. CLAPP (when Mr. GRONNA's name was called). I desire to announce that the junior Senator from North Dakota [Mr. GRONNA] is necessarily absent from the Senate. If he were present, he would vote "yea."

Mr. CURTIS (when Mr. LODGE's name was called). I am requested to again announce that the senior Senator from Massachusetts [Mr. LODGE] is paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. PERCY (when his name was called). I am paired with the Senator from North Dakota [Mr. MCCUMBER], but I understand that, if present, he would vote "nay" on this proposition, and therefore I will vote. I vote "nay."

Mr. CLAPP (when Mr. POINDEXTER's name was called). The Senator from Washington [Mr. POINDEXTER] is paired with the junior Senator from Nevada [Mr. NIXON]. If the Senator from Washington were present, he would vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Maryland [Mr. SMITH], and will vote. I vote "nay."

Mr. REED (when Mr. STONE's name was called). I desire to again announce the unavoidable absence of the senior Senator from Missouri [Mr. STONE], occasioned by sickness. If he were present, he would vote "nay." I desire to state further that he is paired with the Senator from Wyoming [Mr. CLARK].

The roll call was concluded.

Mr. CUMMINS. I rise simply to announce that my colleague [Mr. KENYON] is unavoidably absent from the city. I make this announcement for the day.

Mr. CLAPP. I desire to announce that the junior Senator from California [Mr. WORKS] is unavoidably absent. If he were present, he would vote "yea."

The result was announced—yeas 10, nays 51, as follows:

YEAS—10.

Borah	Brown	Cummins	La Follette
Bourne	Clapp	Dixon	
Bristow	Crawford	Jones	

NAYS—51.

Bacon	Fletcher	Myers	Root
Bailey	Foster	Nelson	Shively
Bankhead	Gamble	Newlands	Simmons
Brandegee	Guggenheim	Oliver	Smith, S. C.
Briggs	Heyburn	Overman	Smoot
Burnham	Johnson, Me.	Owen	Stephenson
Burton	Johnston, Ala.	Page	Swanson
Chamberlain	Kern	Paynter	Thornton
Chilton	Lea	Penrose	Warren
Clarke, Ark.	Lippitt	Percy	Watson
Culberson	Lorimer	Perkins	Wetmore
Cullom	Martin, Va.	Pomerene	Williams
Dillingham	Martine, N. J.	Reed	

NOT VOTING—28.

Bradley	Gallinger	McLean	Smith, Mich.
Bryan	Gore	Nixon	Stone
Clark, Wyo.	Gronna	O'Gorman	Sutherland
Crane	Hitchcock	Poindexter	Taylor
Curtis	Kenyon	Rayner	Tillman
Davis	Lodge	Richardson	Townsend
du Pont	McCumber	Smith, Md.	Works

So Mr. LA FOLLETTE's amendment was rejected.

The VICE PRESIDENT. Are there further amendments to be offered to the pending bill as in Committee of the Whole? If not, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is on the passage of the bill.

Mr. MARTIN of Virginia. On that question I ask for the yeas and nays.

Mr. LA FOLLETTE. On the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I had intended in Committee of the Whole to vote for this bill, but to protect a pair which has been intrusted to me, I will vote "nay."

Mr. CURTIS (when Mr. LODGE's name was called). I wish to again announce that the senior Senator from Massachusetts [Mr. LODGE] is paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. PERCY (when his name was called). I am paired with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I again announce my general pair with the junior Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the junior Senator from Maryland [Mr. SMITH]. I vote "yea."

Mr. REED (when Mr. STONE's name was called). I desire again to announce the necessary absence of my colleague, the senior Senator from Missouri [Mr. STONE]. If he were present, he would vote "yea."

Mr. TAYLOR (when his name was called). I desire to again announce my pair with the junior Senator from Kentucky [Mr. BRADLEY]. As he is absent, I withhold my vote.

Mr. WATSON (when his name was called). I inquire if the senior Senator from New Jersey [Mr. BRIGGS] is recorded as having voted?

The VICE PRESIDENT. The Chair is informed that he is not so recorded.

Mr. WATSON. I have a pair with that Senator, and therefore withhold my vote.

The roll call was concluded.

Mr. CURTIS. I desire to announce that I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK]. If he were present, I should vote "nay."

Mr. NELSON. The senior Senator from North Dakota [Mr. MCCUMBER] is paired with the senior Senator from Mississippi [Mr. PERCY]. If the Senator from North Dakota were present, he would vote "nay."

Mr. CUMMINS. Mr. President, I rise to a parliamentary inquiry. Certain Senators who are present in the Chamber did not answer to their names when they were called. I refer the Chair to Rule XII, which provides:

1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate.

I read from paragraph 2 of the same rule:

2. When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate.

I do not pretend to be well versed in the construction of the rules of the Senate or in parliamentary law, but it seems to me the portions of the rules I have read apply directly and immediately to the case now before the Senate. I know, and the Chair knows, that there are Senators sitting here at this moment in full view of the Chair and in full view of the Senate who, when their names were called, did not answer and did not vote. I believe they ought to be required to state their reasons for not voting, and then it ought to be submitted to the Senate whether those reasons are or are not sufficient to excuse them. I suggest that point of order, if it be a point of order, before the conclusion of the roll call is announced.

Mr. WATSON. I see that the Senator from New Jersey [Mr. BRIGGS] is present. I therefore feel at liberty to vote.

The VICE PRESIDENT. The Secretary will call the name of the Senator from West Virginia.

The Secretary called Mr. WATSON's name, and he voted "yea."

Mr. OWEN. I ask the Senator from Iowa [Mr. CUMMINS] to designate the Senators who are present and not voting.

The VICE PRESIDENT. The Chair thinks the proper course to pursue is to call the names of all Senators who have not voted, and if the Chair's attention is called to the presence in the Chamber of a Senator whose name is called, the Chair will then request that Senator to vote——

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. Will the Senator from Mississippi permit the Chair to finish his announcement? Or some Senator may make a motion, which would be in order, that the Senator be excused from voting.

Mr. WILLIAMS. A parliamentary inquiry.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. WILLIAMS. Is it in order to make a motion to excuse from voting all Senators who did not vote?

The VICE PRESIDENT. The Chair thinks it would be, although that is a little out of the usual order.

Mr. WILLIAMS. Then, if it be in order, I make the motion now that all Senators who did not vote be excused from voting.

Mr. CUMMINS. I rise to a point of order.

Mr. LA FOLLETTE. A parliamentary inquiry.

Mr. CUMMINS. Under the rule no Senator——

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. The Senator from Iowa will finish his point of order.

Mr. CUMMINS. Under the rule no Senator can be excused from voting until he has stated in the presence of the Senate his reasons for not voting.

The VICE PRESIDENT. The rule is explicit. The second clause of Rule XII says that when required to vote, the individual Senator shall assign his reasons, and that thereafter the Senate shall determine whether or not the reasons are sufficient. That rule being specifically invoked, the Chair thinks the motion of the Senator from Mississippi could hardly be entertained and that the proper course is for the Secretary to call the names of such Senators as did not vote.

Mr. PENROSE. Mr. President, this rule has never been invoked, so far as my experience goes in the Senate. I doubt whether there is a Member of this body who has not exercised his judgment as to whether he should vote or not on a measure.

As far as I am concerned, I did not vote, and I will state candidly that the reason why I did not was that I have concluded to leave this measure to the Democrats of this body and to the so-called insurgents to perfect it in any way they may desire.

The VICE PRESIDENT. When the name of the Senator from Pennsylvania is reached it will be for the Senate to determine whether the reasons the Senator has assigned are sufficient to excuse him from voting.

Mr. PENROSE. I shall ask the Senate to sustain me in those reasons when my name is called.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably absent from the city. He is paired with the junior Senator from Nevada [Mr. NIXON]. If present, my colleague would vote "nay."

The VICE PRESIDENT. The Secretary will call the names of such Senators as did not answer to the roll call.

The Secretary called the name of Mr. BRADLEY.

The VICE PRESIDENT. The Chair does not see the Senator from Kentucky in the Chamber.

The Secretary called the name of Mr. BRANDEGEE.

The VICE PRESIDENT. The Chair does not see the Senator from Connecticut in the Chamber.

The Secretary called the name of Mr. BRIGGS.

The VICE PRESIDENT. The Chair does not see the Senator from New Jersey in the Chamber.

Mr. LA FOLLETTE. The Senator from New Jersey, whose name has just been called, was in the Chamber a moment ago, when the discussion as to whether Senators should be excused from voting or not arose. I think he has doubtless——

Mr. PENROSE. He was called out, I think.

Mr. LA FOLLETTE. Retired to the cloak room.

The VICE PRESIDENT. He is not in the Chamber. The Secretary will continue the roll call.

Mr. LA FOLLETTE. I would suggest that a messenger be sent to ask him to return to the Chamber and to meet his obligations here upon this important question.

The VICE PRESIDENT. The Chair knows of no rule by which that can be accomplished.

Mr. WILLIAMS. That would be simply unheard of.

The VICE PRESIDENT. One moment. The Senator from Wisconsin has the floor.

Mr. LA FOLLETTE. I will say that I did not recall a rule under which that suggestion could be carried out, but I thought it pertinent to make the suggestion and let it go upon the record.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. WILLIAMS. I have said what I wanted to say. I regard that as unheard of.

The VICE PRESIDENT. The Secretary will continue the roll call of absent Senators.

The Secretary called the name of Mr. BRYAN.

The VICE PRESIDENT. The Chair does not see the Senator from Florida in the Chamber.

The Secretary called the name of Mr. CLARK of Wyoming.

Mr. CLARK of Wyoming. As heretofore announced by me, I am paired with the Senator from Missouri [Mr. STONE].

The VICE PRESIDENT. Shall the Senator from Wyoming, for the reasons assigned by him, be excused from voting? [Putting the question.] The "ayes" have it, and the Senator from Wyoming is excused from voting.

The Secretary called the name of Mr. CRANE.

The VICE PRESIDENT. The Senator from Massachusetts is absent from the Chamber.

The Secretary called the name of Mr. CURTIS.

Mr. CURTIS. I announced, not when my name was called, but after the calling of the roll had been concluded, that I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK]. If he were present, I would vote "nay." I made that announcement.

The VICE PRESIDENT. For the reasons assigned by the Senator from Kansas, shall he be excused from voting? [Putting the question.] The "ayes" have it, and the Senator from Kansas is excused from voting.

The Secretary called the name of Mr. DAVIS.

The VICE PRESIDENT. The Senator from Arkansas is absent from the Chamber.

The Secretary called the name of Mr. DU PONT.

The VICE PRESIDENT. The Senator is absent from the Chamber.

The Secretary called the name of Mr. GALLINGER.

The VICE PRESIDENT. The Senator from New Hampshire is absent from the Chamber.

Mr. BURNHAM. I wish to state that my colleague is necessarily absent, and is paired.

The VICE PRESIDENT. The absence of the Senator from New Hampshire from the city is well known to the Senate.

The Secretary called the name of Mr. GORE.

The VICE PRESIDENT. The Senator from Oklahoma is absent from the Chamber.

The Secretary called the name of Mr. GRONNA.

The VICE PRESIDENT. It is well known that the Senator from North Dakota is absent from the city.

The Secretary called the name of Mr. GUGGENHEIM.

Mr. BRISTOW. Mr. President, I desire to say that when the point of order was made by the senior Senator from Iowa [Mr. CUMMINS] the Senator from Colorado [Mr. GUGGENHEIM] immediately left the Chamber.

The VICE PRESIDENT. That relieves the Chair from announcing his absence from the Chamber. The Secretary will continue the call.

The Secretary called the name of Mr. HITCHCOCK.

The VICE PRESIDENT. The Senator from Nebraska is absent from the Chamber.

The Secretary called the name of Mr. KENYON.

The VICE PRESIDENT. The Senator from Iowa is absent from the city.

The Secretary called the name of Mr. LODGE.

The VICE PRESIDENT. The Senator from Massachusetts has been absent from the Chamber all day.

The Secretary called the name of Mr. LORIMER.

The VICE PRESIDENT. The Chair does not see the Senator from Illinois in the Chamber.

The Secretary called the name of Mr. MCCUMBER.

The VICE PRESIDENT. The Senator from North Dakota is absent from the city.

The Secretary called the name of Mr. MCLEAN.

Mr. MCLEAN. I announced earlier in the day that I have a pair with the junior Senator from Oklahoma [Mr. GORE], and I requested that that announcement should stand for the day.

The VICE PRESIDENT. For the reason assigned, shall the Senator from Connecticut be excused from voting? [Putting

the question.] The "ayes" have it, and the Senator from Connecticut is excused from voting.

The Secretary called the name of Mr. NIXON.

Mr. NIXON. I have a pair with the junior Senator from Washington [Mr. POINDEXTER].

The VICE PRESIDENT. For the reason assigned by the Senator from Nevada, shall he be excused from voting? [Putting the question.] The "ayes" have it, and the Senator from Nevada is excused from voting.

The Secretary called the name of Mr. O'GORMAN.

The VICE PRESIDENT. The Senator from New York is absent from the city.

Mr. ROOT. I should like to make a part of the record of this particular proceeding the statement of fact that my colleague [Mr. O'GORMAN] and the senior Senator from Massachusetts [Mr. LODGE] are paired.

The Secretary called the name of Mr. OLIVER.

Mr. OLIVER. Mr. President, I was here when the roll was called, and I did not answer to my name. I did so advisedly. I had been led to believe—and I think I am right—that if this bill should be defeated by a vote, the same course would be pursued with regard to it that was pursued a few weeks ago with respect to another important measure relating to the tariff—that is, a motion to reconsider would be entered and an endeavor would be made to reframe it.

I do not propose by any affirmative action to be a party to any such proceeding. I think I have a right not to vote upon this bill, and I ask the Senate to excuse me.

The VICE PRESIDENT. For the reasons assigned by the Senator from Pennsylvania shall he be excused from voting?

Mr. CUMMINS. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa will state it.

Mr. CUMMINS. Is the question debatable?

The VICE PRESIDENT. It is not.

Mr. CUMMINS. I ask for the yeas and nays——

Mr. WILLIAMS. I make the point of order——

Mr. CUMMINS. Upon the question of excusing the Senator from Pennsylvania from voting.

The VICE PRESIDENT. The Senator from Iowa asks for the yeas and nays upon the question whether the Senator from Pennsylvania shall be excused from voting.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll on the question, Shall the Senator from Pennsylvania for the reasons assigned by him be excused from voting?

The Secretary proceeded to call the roll.

Mr. FLETCHER (when Mr. BRYAN's name was called). As I before announced to-day, my colleague [Mr. BRYAN] is necessarily absent from the city, but in order that the record may be right on this proceeding, I repeat the statement that by a transfer he is paired with the Senator from Delaware [Mr. DU PONT].

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I announced the pair earlier in the day, but owing to the fact that I was in the Chamber when the previous vote was taken, I desire to announce it again, and I withhold my vote for that reason.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK], and therefore withhold my vote.

Mr. NIXON (when his name was called). I am paired with the junior Senator from Washington [Mr. POINDEXTER], and therefore I withhold my vote.

Mr. OLIVER (when his name was called). I presume I can be excused from voting on this question.

Mr. PERCY (when his name was called). I announce my pair with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer the pair to the junior Senator from Maryland [Mr. SMITH], and will vote. I vote "yea."

Mr. TAYLOR (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. BRADLEY].

Mr. WATSON (when his name was called). My pair is apparently absent from the Chamber. I therefore withhold my vote. I should like very much to excuse all Republicans from voting on all occasions.

The roll call was concluded.

Mr. CURTIS. The Senator from Massachusetts [Mr. LODGE] is paired with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 36, nays 15, as follows:

YEAS—36.

Bacon	Dillingham	Martin, Va.	Root
Bankhead	Fletcher	Martine, N. J.	Simmons
Bourne	Foster	Myers	Smith, S. C.
Burnham	Gamble	Nelson	Swanson
Burton	Heyburn	Newlands	Thornton
Chilton	Johnson, Me.	Overman	Townsend
Clarke, Ark.	Johnston, Ala.	Paynter	Warren
Culberson	Jones	Penrose	Wetmore
Cullom	Lippitt	Perkins	Williams

NAYS—15.

Borah	Clapp	Kern	Pomerene
Bristow	Crawford	La Follette	Reed
Brown	Cummins	Lea	Shively
Chamberlain	Dixon	Page	

NOT VOTING—38.

Bailey	Gallinger	Nixon	Smoot
Bradley	Gore	O'Gorman	Stephenson
Brandegee	Gronna	Oliver	Stone
Briggs	Guggenheim	Owen	Sutherland
Bryan	Hitchcock	Percy	Taylor
Clark, Wyo.	Kenyon	Poindexter	Tillman
Crane	Lodge	Rayner	Watson
Curtis	Lorimer	Richardson	Works
Davis	McCumber	Smith, Md.	
du Pont	McLean	Smith, Mich.	

So Mr. OLIVER was excused from voting.

The VICE PRESIDENT. The Secretary will call the next name.

The Secretary called the name of Mr. PENROSE.

Mr. PENROSE. Mr. President, I withheld my vote because I have no interest in the pending legislation other than to hasten action upon it so that Congress may be enabled to adjourn at as early a date as possible and relieve the business interests of the country of the disturbance created by our continuance in session here.

I am opposed to all the tariff measures and amendments now pending or heretofore acted upon, and not belonging to the majority which in the last few weeks has had control of the tariff legislation in the Senate, I thought it logical and consistent to leave the perfection of the details of the measure to the majority of those Senators who have been in full control of tariff legislation.

Therefore, not being able to cast an intelligent vote at all, I withheld my vote.

The VICE PRESIDENT. The question is, Shall the Senator from Pennsylvania for the reasons assigned by him be excused from voting?

Mr. LA FOLLETTE. I ask for the yeas and nays on that.

The VICE PRESIDENT. The Senator from Wisconsin asks for the yeas and nays. Is there a second? [After counting.] Ten Senators have seconded the demand—not a sufficient number. The yeas and nays are refused.

Mr. LA FOLLETTE. Some hands on this side were raised after the count had been made. I observed that myself, and I ask for a recount.

Mr. OLIVER. I submit a point of order.

The VICE PRESIDENT. The Senator from Wisconsin challenging the count of the Chair, the Chair will again put the question.

Mr. OLIVER. I rise to a point of order.

The VICE PRESIDENT. The Senator from Pennsylvania will state it.

Mr. OLIVER. The Senator from Wisconsin did not rise when he addressed the Chair.

The VICE PRESIDENT. The point of order is sustained. Is there a second to the demand for the yeas and nays. [After counting.] Not a sufficient number, and the yeas and nays are refused.

The question is, Shall the Senator from Pennsylvania for the reasons assigned by him be excused from voting? [Putting the question.] The "ayes" have it, and the Senator from Pennsylvania is excused from voting. The Secretary will call the next name.

The Secretary called the name of Mr. PERCY.

Mr. PERCY. I have a pair with the Senator from North Dakota [Mr. MCCUMBER], as announced when my name was called.

The VICE PRESIDENT. Shall the Senator from Mississippi, for the reason assigned by him be excused from voting? [Putting the question.] The "ayes" have it, and the Senator from Mississippi is excused from voting.

The Secretary called the name of Mr. POINDEXTER.

The VICE PRESIDENT. The Senator from Washington seems not to be in the Chamber.

The Secretary called the name of Mr. RAYNER.

The VICE PRESIDENT. The Senator from Maryland is absent from the Chamber.

The Secretary called the name of Mr. RICHARDSON.

The VICE PRESIDENT. The Senator from Delaware is absent from the Chamber.

The Secretary called the name of Mr. SMITH of Maryland.

The VICE PRESIDENT. The Senator from Maryland seems not to be in the Chamber.

The Secretary called the name of Mr. SMITH of Michigan.

The VICE PRESIDENT. The Senator from Michigan is not in the Chamber.

The Secretary called the name of Mr. SMOOT.

The VICE PRESIDENT. The Chair fails to see the Senator from Utah in the Chamber.

The Secretary called the name of Mr. STEPHENSON.

The VICE PRESIDENT. The Chair does not see the Senator from Wisconsin present.

The Secretary called the name of Mr. STONE.

The VICE PRESIDENT. The Senator from Missouri is sick at his residence.

The Secretary called the name of Mr. SUTHERLAND.

The VICE PRESIDENT. The Senator from Utah is out of the city.

The Secretary called the name of Mr. TAYLOR.

Mr. TAYLOR. As I have announced, I am paired with the junior Senator from Kentucky [Mr. BRADLEY], who is sick in his room in the city.

The VICE PRESIDENT. Shall the Senator from Tennessee for the reasons assigned by him be excused from voting? [Putting the question.] The "ayes" have it, and the Senator from Tennessee is excused from voting.

The Secretary called the name of Mr. TILLMAN.

The VICE PRESIDENT. The Senator from South Carolina is out of the city.

The Secretary called the name of Mr. TOWNSEND, and he answered "nay."

The VICE PRESIDENT. The Senator from Michigan votes "nay."

The Secretary called the name of Mr. WORKS.

The VICE PRESIDENT. The Chair does not see the Senator from California in the Chamber.

Mr. CLAPP. Mr. President, it should be stated, I think, in connection with this call——

The VICE PRESIDENT. Let us first dispose of the Senator from California.

Mr. CLAPP. Yes.

The VICE PRESIDENT. The Senator from California is not present, and there need be no motion. The Secretary will recapitulate the vote.

The Secretary having recapitulated the vote, the result was announced—yeas 29, nays 24, as follows:

YEAS—29.

Bacon	Foster	Newlands	Smith, S. C.
Bailey	Johnson, Me.	Overman	Swanson
Bankhead	Johnston, Ala.	Owen	Thornton
Chamberlain	Kern	Paynter	Watson
Chilton	Lea	Pomerene	Williams
Clarke, Ark.	Martin, Va.	Reed	
Culberson	Martine, N. J	Shively	
Fletcher	Myers	Simmons	

NAYS—24.

Borah	Clapp	Gamble	Page
Bourne	Crawford	Heyburn	Perkins
Bristow	Cullom	Jones	Root
Brown	Cummins	La Follette	Townsend
Burnham	Dillingham	Lippitt	Warren
Burton	Dixon	Nelson	Wetmore

NOT VOTING—36.

Bradley	Gallinger	McLean	Smith, Md.
Brandegee	Gore	Nixon	Smith, Mich.
Briggs	Gronna	O'Gorman	Smoot
Bryan	Guggenheim	Oliver	Stephenson
Clark, Wyo.	Hitchcock	Penrose	Stone
Crane	Kenyon	Percy	Sutherland
Curtis	Lodge	Poindexter	Taylor
Davis	Lorimer	Rayner	Tillman
du Pont	McCumber	Richardson	Works

So the bill was passed.

Mr. BACON. I ask that the bill as amended and as it passed the Senate be printed in the RECORD. It is not in any one place in its entirety. I ask that it may be printed immediately following or preceding the vote—one or the other.

The VICE PRESIDENT. Without objection, that order will be entered.

The bill as it passed the Senate is as follows:

Be it enacted, etc., That on and after the 1st day of January, 1912, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be subject to the payment of duties at the rates hereinafter provided; that is to say:

1. On cotton thread and carded yarn, combed yarn, warps or warp yarn, whether on beams or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, on all numbers up to and including No. 50, 10 per cent ad valorem; on all numbers above No. 50 and up to and including No. 100, 15 per cent ad valorem; on all numbers above No. 100, 20 per cent ad valorem. On cotton card laps, roping, sliver, or roving, 10 per cent ad valorem. On cotton waste and flocks, manufactured or otherwise advanced in value, 5 per cent ad valorem.

2. On spool thread of cotton, crochet, darning, and embroidery cottons, on spools, reels, or balls, or in skeins, cones, or tubes, or in any other form, 15 per cent ad valorem.

3. On cotton cloth, not bleached, dyed, colored, stained, painted, printed, or mercerized, containing yarn the highest number of which shall not exceed No. 50, 15 per cent ad valorem; containing yarn the highest number of which shall exceed No. 50 and shall not exceed No. 100, 20 per cent ad valorem; containing yarn the highest number of which shall exceed No. 100, 25 per cent ad valorem. On cotton cloth, when bleached, dyed, colored, stained, painted, printed, or mercerized, containing yarn the highest number of which shall not exceed No. 50, 20 per cent ad valorem; containing yarn the higest number of which shall exceed No. 50 and shall not exceed No. 100, 25 per cent ad valorem; containing yarn the highest number of which shall exceed No. 100, 30 per cent ad valorem.

4. The term cotton cloth, or cloth, wherever used in the paragraphs of this act, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton, in the piece or cut in lengths, whether figured, fancy, or plain, and shall not include any article, finished or unfinished, made from cotton cloth. In the ascertainment of the value, upon which the duties imposed upon cotton cloth are made to depend, the entire fabric and all parts thereof shall be included.

5. On cloth composed of cotton or other vegetable fiber and silk, whether known as silk-striped sleeve linings, silk stripes, or otherwise, of which cotton or other vegetable fiber is the component material of chief value, and on tracing cloth, 30 per cent ad valorem; on cotton cloth filled or coated, all oilcloths (except silk oilcloths and oilcloths for floors), and cotton window hollands, 25 per cent ad valorem; on waterproof cloth composed of cotton or other vegetable fiber, whether composed in part of india rubber or otherwise, 25 per cent ad valorem.

6. On all handkerchiefs or mufflers composed of cotton, whether in the piece or otherwise and whether finished or unfinished, 30 per cent ad valorem.

7. On clothing, ready-made, and articles of wearing apparel of every description, composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, made up or manufactured, wholly or in part, by the tailor, seamstress, or manufacturer, and not otherwise specially provided for in this act, 30 per cent ad valorem; on shirt collars and cuffs, of which cotton is the component material of chief value, 25 per cent ad valorem.

8. On plushes, velvets, velveteens, corduroys, and all pile fabrics, cut or uncut, whether or not the pile covers the entire surface; any of the foregoing composed of cotton or other vegetable fiber, except flax, and on manufactures or articles in any form, including such as are commonly known as bias dress facings or skirt bindings, made or cut from plushes, velvets, velveteens, corduroys, or other pile fabrics composed of cotton or other vegetable fiber, 30 per cent ad valorem.

9. On curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value, tapestries, and other Jacquard figured upholstery goods, composed wholly or in chief value of cotton or other vegetable fiber; on any of the foregoing, in the piece or otherwise, 35 per cent ad valorem.

10. On stockings, hose and half-hose, made on knitting machines or frames, composed of cotton or other vegetable fiber, and not otherwise specially provided for in this act, 20 per cent ad valorem.

11. On stockings, hose and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half-hose, and clocked stockings, hose and half-hose, on all of the above composed of cotton or other vegetable fiber, finished or unfinished, 40 per cent ad valorem. On men's and boys' cotton gloves, knitted or woven, 35 per cent ad valorem.

12. On shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers and all underwear of every description, made wholly or in part on knitting machines or frames, or knit by hand, finished or unfinished, not including stockings, hose, and half-hose, composed of cotton or other vegetable fiber, 30 per cent ad valorem.

13. On bandings, beltings, bindings, bone casings, cords, garters, ribbons, tire fabric or fabric suitable for use in pneumatic tires, suspenders and braces, tapes, tubing, and webs or webbing, any of the foregoing made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, whether composed in part of india rubber or otherwise, and not embroidered by hand or machinery, spindle banding, woven, braided, or twisted lamp, stove, or candle wicking made of cotton or other vegetable fiber, loom harness, healds, or collets made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, boot, shoe, and corset lacings made of cotton or other vegetable fiber, and labels, for garments or other articles, composed of cotton or other vegetable fiber, 25 per cent ad valorem; on belting for machinery made of cotton or other vegetable fiber and india rubber, or of which cotton or other vegetable fiber is the component material of chief value, 15 per cent ad valorem.

14. On cotton table damask, and manufactures of cotton table damask, or of which cotton table damask is the component material of chief value, not specially provided for in this act, 25 per cent ad valorem.

15. On towels, doilies, bath mats, quilts, blankets, polishing cloths, mop cloths, wash rags, sheets, and batting, any of the foregoing made of cotton, or of which cotton is the component material of chief value, 25 per cent ad valorem.

16. On all articles made from cotton cloth, whether finished or unfinished, and all manufactures of cotton or of which cotton is the component material of chief value, not specially provided for in this act, 30 per cent ad valorem.

17. On all machines and parts of machines, used for carding, drawing, slubbing, roving, spinning, doubling, weaving, and knitting cotton, and all other machines and parts of machines used in the manufacture of cotton goods, 30 per cent ad valorem.

SEC. 2. The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule A thereof, being paragraphs 1 to 83, inclusive, and inserting in lieu thereof the following:

"SCHEDULE A. CHEMICALS, OILS, AND PAINTS.

"1. Acids. Acetic or pyroligneous acid, not exceeding the specific gravity of 1.047, 10 per cent ad valorem; exceeding the specific gravity of 1.047, 15 per cent ad valorem; acetic anhydrid, 10 per cent ad va-

lorem; boracic acid, 60 per cent ad valorem; chromic acid, 10 per cent ad valorem; citric acid, 15 per cent ad valorem; lactic acid, containing not over 40 per cent by weight of actual lactic acid, 15 per cent ad valorem; containing over 40 per cent by weight of actual lactic acid, 25 per cent ad valorem; oxalic acid, 25 per cent ad valorem; salicylic acid, 20 per cent ad valorem; sulphuric acid, or oil of vitriol, not specially provided for in this section, 5 per cent ad valorem; tannic acid or tannin, 50 per cent ad valorem; ballic acid, 20 per cent ad valorem; tartaric acid, 20 per cent ad valorem; all other acids not specially provided for in this section, 20 per cent ad valorem.

"2. Vegetable, animal, or mineral objects immersed or placed in, or saturated with, alcohol, not specially provided for in this section, 35 per cent ad valorem; all other alcoholic compounds not specially provided for in this section, 50 per cent ad valorem.

"3. Alkalies, alkaloids, distilled oils, essential oils, expressed oils, rendered oils, and all combinations of the foregoing, and all chemical compounds, mixtures, and salts, and all greases not specially provided for in this section, 20 per cent; chemical compounds, mixtures, and salts containing alcohol or in the preparation of which alcohol is used, and not specially provided for in this section, 40 per cent ad valorem.

"4. Alumina, hydrate of, or refined bauxite, containing not more than 64 per cent of alumina, 15 per cent; containing more than 64 per cent of alumina, 5 per cent ad valorem. Alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing not more than 15 per cent of alumina and not more than three-tenths of 1 per cent of iron oxide, 20 per cent; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing more than 15 per cent of alumina or not more than three-tenths of 1 per cent of iron oxide, 30 per cent ad valorem.

"5. Ammonia, carbonate of, 25 per cent; muriate of, or sal ammoniac, 10 per cent; liquid anhydrous, 30 per cent ad valorem.

"6. Argols or crude tartar or wine lees crude, 5 per cent; tartars and lees crystals, or partly refined argols, containing not more than 90 per cent of bitartrate of potash, and tartrate of soda or potassa, or Rochelle salts, 20 per cent; containing more than 90 per cent of bitartrate of potash, 20 per cent; cream of tartar and patent tartar, 40 per cent ad valorem.

"7. Blacking of all kinds, 20 per cent ad valorem; creams and preparations for cleaning or polishing boots and shoes, 20 per cent ad valorem.

"8. Bleaching powder or chloride of lime, 20 per cent ad valorem.

"9. Blue vitriol or sulphate of copper, 3 per cent ad valorem.

"10. Charcoal in any form, not specially provided for in this act; bone char, suitable for use in decolorizing sugars; and blood char, 15 per cent ad valorem.

"11. Borax, 10 per cent; borates of lime, soda, or other borate material not otherwise provided for in this section, 14 per cent ad valorem.

"12. Camphor, refined and synthetic camphor, 15 per cent ad valorem.

"13. Chalk, when ground, bolted, precipitated naturally or artificially, or otherwise prepared, whether in the form of cubes, blocks, sticks, or disks, or otherwise, including tailors', billiard, red, or French chalk, 25 per cent; manufactures of chalk, not specially provided for in this section, 20 per cent ad valorem.

"14. Chloroform, 5 per cent ad valorem.

"15. Coal-tar dyes or colors, not specially provided for in this section, 20 per cent ad valorem; all other products or preparations of coal tar, not colors or dyes and not medicinal, not specially provided for in this section, 15 per cent ad valorem.

"16. Cobalt, oxide of, 20 per cent ad valorem.

"17. Collodion and all compounds of pyroxylin or of other cellulose esters, whether known as celluloid or by any other name, 35 per cent; if in blocks, sheets, rods, tubes, or other forms, not polished, wholly or partly, and not made up into finished or partly finished articles, 35 per cent; if polished, wholly or partly, or if finished or partly finished articles, except moving-picture films, of which collodion or any compound of pyroxylin or of other cellulose esters, by whatever name known, is the component material of chief value, 40 per cent ad valorem.

"18. Coloring for brandy, wine, beer, or other liquors, 35 per cent ad valorem.

"19. Copperas, or sulphate of iron, 3 per cent ad valorem.

"20. Drugs, such as barks, beans, berries, balsams, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums and gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, spices, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for in this section, but which are advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, 10 per cent ad valorem: *Provided*, That no article containing alcohol, or in the preparation of which alcohol is used, shall be classified for duty in this paragraph.

"21. Ethers: Sulphuric, 25 per cent; spirits of nitrous ether, 25 per cent; fruit ethers, oils, or essences, 100 per cent; ethers of all kinds not specially provided for in this section, 30 per cent; ethyl chloride, 20 per cent ad valorem.

"22. Extracts and decoctions of logwood and other dyewoods, and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for in this section, 10 per cent; extract of nutgalls, aqueous, 10 per cent; extract of Persian berries, 15 per cent; chlorophyll, 15 per cent; extracts of quebracho, not exceeding in density 28° Baumé, 10 per cent; exceeding in density 28° Baumé, 15 per cent; extracts of hemlock, bark, 15 per cent; extracts of sumac, 10 per cent; and of woods other than dyewoods, not specially provided for in this section, 20 per cent; all extracts of vegetable origin suitable for dyeing, coloring, staining, or tanning, not containing alcohol and not medicinal, and not specially provided for in this section, 10 per cent ad valorem.

"23. Gelatin, glue, isinglass, or fish glue, including agar-agar, or Japanese isinglass, and all fish bladders and fish sounds other than crude or dried or salted for preservation only, valued at not above 10 cents per pound, 25 per cent; valued at above 10 cents per pound and not above 35 cents per pound, 20 per cent; valued above 35 cents per pound, 35 per cent ad valorem; gelatin in sheets, emulsions, and all manufactures of gelatin, or of which gelatin is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem; glue size, 20 per cent ad valorem.

"24. Glycerin, crude, not purified, 10 per cent ad valorem, refined, 10 per cent ad valorem.

"25. Indigo extracts or pastes, 5 per cent ad valorem; indigo, carmined, 10 per cent ad valorem.

"26. Ink and ink powders, 20 per cent ad valorem.

"27. Iodine, resublimed, 5 per cent ad valorem.

"28. Iodoform, 15 per cent ad valorem.

"29. Licorice, extracts of, in paste, rolls, or other forms, 15 per cent ad valorem.

"30. Chicle, 20 per cent ad valorem.

"31. Magnesia, and carbonate of, medicinal, 35 per cent ad valorem; calcined, medicinal, 35 per cent ad valorem; sulphate of, or Epsom salts, 35 per cent ad valorem.

"32. Alizarin assistant, sulpho-ricinoleic acid, and ricinoleic acid and soaps containing castor oil, or any of the foregoing in whatever form, in the manufacture of which 50 per cent or more of castor oil is used, 40 per cent ad valorem; in the manufacture of which less than 50 per cent of castor oil is used, 35 per cent ad valorem. All other alizarin assistants and all soluble greases used in processes of softening, dyeing, or finishing, not specially provided for in this section, 25 per cent ad valorem.

"33. Castor oil, 25 per cent ad valorem.

"34. Cod-liver oil, 20 per cent ad valorem.

"35. Flaxseed, linseed, and poppy-seed oil, raw, boiled, or oxydized, 20 per cent ad valorem.

"36. Fusel oil, or amylic alcohol, 20 per cent ad valorem.

"37. Hempseed oil, 25 per cent ad valorem; rapeseed oil, 15 per cent ad valorem.

"38. Olive oil, not specially provided for in this section, 30 per cent ad valorem; in bottles, jars, kegs, tins, or other packages, containing less than 5 gallons each, 25 per cent ad valorem.

"39. Peppermint oil, 5 per cent.

"40. Seal, herring, whale, and other fish oil, including sod oil, not specially provided for in this section, 20 per cent.

"41. Opium, crude or unmanufactured and not adulterated, containing 9 per cent and over of morphia, 30 per cent; opium of the same composition, dried, powdered, or otherwise advanced beyond the condition of crude or unmanufactured, 30 per cent; morphia or morphine, sulphate of, 25 per cent ad valorem; all alkaloids of opium and salts and esters thereof, 40 per cent ad valorem; cocaine, ecgonine, and all salts and derivatives of the same, 70 per cent; coca leaves, 30 per cent; aqueous extract of opium for medicinal uses, and tincture of, as laudanum and other liquid preparations of opium, not specially provided for in this section, 30 per cent; opium containing less than 9 per cent of morphia, 60 per cent; but preparations of opium deposited in bonded warehouses shall not be removed therefrom without payment of duties, and such duties shall not be refunded: *Provided*, That nothing herein contained shall be so construed as to repeal or in any manner impair or affect the provisions of an act entitled 'An act to prohibit the importation and use of opium for other than medicinal purposes,' approved February 9, 1909.

"42. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, 45 per cent; manufactured, 40 per cent.

"43. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, in pulp, dry, or ground in or mixed with oil or water, 30 per cent.

"44. Blanc fixe, or artificial sulphate of barytes, and satin white, or artificial sulphate of lime, 30 per cent.

"45. Black, made from bone, ivory, or vegetable substance, by whatever name known, including bone black and lampblack, dry or ground in oil or water, 20 per cent.

"46. Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, 20 per cent.

"47. Ocher and ochery earths, sienna and sienna earths, and umber and umber earths, not specially provided for in this section, when crude or not powdered, washed, or pulverized, 8 per cent; if powdered, washed, or pulverized, 35 per cent; if ground in oil or water, 15 per cent.

"48. Orange mineral, 45 per cent.

"49. Red lead, 50 per cent.

"50. Ultramarine blue, whether dry, in pulp, or mixed with water, and wash blue containing ultramarine, 25 per cent.

"51. Varnishes, including so-called gold size or japan, 20 per cent; enamel paints made with varnish, 25 per cent; spirit varnish containing 5 per cent or more of methyl alcohol, 50 per cent; spirit varnish containing more than 5 per cent of methyl alcohol, 100 per cent ad valorem.

"52. Vermilion reds, containing quicksilver, dry or ground in oil or water, 10 per cent ad valorem; when not containing quicksilver, but made of lead or containing lead, 20 per cent ad valorem.

"53. White lead and white pigment containing lead dry or in pulp or ground or mixed with oil, 30 per cent ad valorem.

"54. Whiting and Paris white, dry, 30 per cent ad valorem; ground in oil or putty, 40 per cent ad valorem.

"55. Zinc, oxide of, and white pigment containing zinc, but not containing lead, dry, 10 per cent ad valorem; ground in oil, 15 per cent ad valorem; sulfid of zinc, white, or white sulfid of zinc, 30 per cent ad valorem; chloride of zinc and sulphate of zinc, 30 per cent ad valorem.

"56. All paints, colors, pigments, stains, lakes, crayons, including charcoal crayons or fusains, smalts, and frosting, whether crude or dry or mixed or ground with water or oil, or with solutions other than oil, not otherwise specially provided for, 25 per cent ad valorem; all glazes, fluxes, enamels, and colors used only in the manufacture of ceramic, enameled, and glass articles, 25 per cent ad valorem; all paints, colors, and pigments, commonly known as artists' paints or colors, whether in tubes, pans, cakes, or other forms, 25 per cent ad valorem.

"57. Paris green and London purple, 10 per cent ad valorem.

"58. Lead: Acetate of, white, 40 per cent ad valorem; brown, gray, or yellow, 30 per cent ad valorem; nitrate of, 30 per cent ad valorem; litharge, 40 per cent ad valorem.

"59. Phosphorus, 30 per cent ad valorem.

"60. Bichromate and chromate of potash, 35 per cent ad valorem.

"61. Caustic potash, or hydrate of, refined, in sticks or rolls, 10 per cent ad valorem; chlorate of potash, 20 per cent ad valorem.

"62. Hydriodate, iodide, and iodate of potash, 10 per cent ad valorem.

"63. Nitrate of potash, or saltpeter, refined, 10 per cent ad valorem.

"64. Prussiate of potash, red or yellow, 30 per cent ad valorem; cyanide of potassium, 10 per cent ad valorem.

"65. Medicinal preparations containing alcohol, or in the preparation of which alcohol is used, not specially provided for in this section, 45 per cent ad valorem; calomel, corrosive sublimate, and other mercurial medicinal preparations, 25 per cent ad valorem; all other

medicinal preparations not specially provided for in this section, 20 per cent ad valorem: *Provided*, That chemicals, drugs, medicinal, and similar substances, whether dutiable or free, imported in capsules, pills, tablets, lozenges, troches, or similar forms, and intended for medicinal purposes, shall be dutiable at not less than the rate imposed by this section on medicinal preparations.

"66. Plasters, healing or curative, of all kinds, and courtplaster, 20 per cent ad valorem.

"67. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, including tooth soaps, pastes, including theatrical grease paints and pastes, pomades, powders, and other toilet articles, all the foregoing; if containing alcohol, or in the manufacture or preparation of which alcohol is used, 60 per cent ad valorem; if not containing alcohol, or in the manufacture or preparation of which alcohol is not used, 50 per cent ad valorem; floral or flower waters, containing no alcohol, not specially provided for in this section, 15 per cent ad valorem.

"68. Santonin, and all salts thereof, containing 80 per cent or over of santonin, 5 per cent ad valorem.

"69. Castile soap, 10 per cent ad valorem; medicinal or medicated soaps, 50 per cent ad valorem; fancy or perfumed toilet soaps, 35 per cent ad valorem; all other soaps not specially provided for in this section, 15 per cent ad valorem.

"70. Bicarbonate of soda or supercarbonate of soda, or saleratus and other alkalies containing 50 per cent or more of bicarbonate of soda, 15 per cent ad valorem.

"71. Bichromate and chromate of soda, 35 per cent ad valorem.

"72. Crystal carbonate of soda, or concentrated soda crystals, or monohydrate or sesquicarbonate, 10 per cent ad valorem; chlorate of soda, 15 per cent ad valorem.

"73. Hydrate of or caustic soda, 12 per cent ad valorem; nitrite of soda, 30 per cent ad valorem; yellow prussiate of soda, 25 per cent ad valorem; sulphide of soda, containing not more than 35 per cent of soda, 10 per cent ad valorem; and hyposulphite of soda, 20 per cent ad valorem; sulphide of soda, concentrated or containing more than 35 per cent of soda, 45 per cent ad valorem.

"74. Salsoda or soda crystals, not concentrated, 20 per cent ad valorem.

"75. Soda ash, 20 per cent ad valorem; arseniate of soda, 25 per cent ad valorem.

"76. Silicate of soda or other alkaline silicate, 25 per cent ad valorem.

"77. Sulphate of soda, or salt cake, or niter cake, 8 per cent ad valorem.

"78. Moss and seagrass, eel grass, and seaweed, if manufactured or dyed, 8 per cent ad valorem.

"79. Sponges, 15 per cent ad valorem; manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for in this section, 20 per cent ad valorem.

"80. Strychnia or strychnine, and all salts thereof, 25 per cent ad valorem.

"81. Sulphur, refined, 12 per cent ad valorem; sublimed, or flowers of sulphur, 10 per cent ad valorem.

"82. Sumac, ground, 10 per cent ad valorem.

"83. Vanillin, 65 per cent ad valorem."

SEC. 3. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date: *Provided, however*, That if the duties above provided to be collected and paid shall, as to any article or articles, be greater than that provided to be paid by the present existing law less 30 per cent, then in every such case the duty or duties which are hereby levied and which shall be collected and paid on said article or articles shall be a sum equal to the duties provided to be levied, collected, and paid by the present existing law less 30 per cent and not greater.

SEC. 4. That the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out paragraph 121 of Schedule C thereof and inserting the following:

"121. Beams, girders, joists, angles, car-truck channels, T. T. columns and posts, or parts or sections of columns and posts, deck and bulb beams and building forms, together with all other structural shapes of iron or steel, whether plain, punched, or fitted for use, or whether assembled and manufactured, one-quarter of 1 cent per pound."

The said Schedule C in the act aforesaid, being paragraphs 117 to 199, both inclusive, is hereby further amended as follows, to wit:

"From and after the passage of this act there shall be levied, collected, and paid upon the articles mentioned in paragraphs 117 to 151, inclusive, 159 to 163, inclusive, and 171 of said Schedule C, when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), 60 per cent only of the rates of duty which are in and by said paragraphs of said schedule prescribed; but the foregoing shall not apply to paragraph 121, which is hereinbefore repealed and a substitute reenacted therefor."

That from and after the passage of this act there shall be levied, collected, and paid upon the articles mentioned in paragraphs 152 to 158, inclusive, 164 to 170, inclusive, 172 to 199, inclusive, of said Schedule C, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), 70 per cent only of the rates of duty which are in and by said paragraphs of said schedule prescribed: *Provided, however*, That if any article embraced in said schedule shall by an act of Congress passed by the Sixty-second Congress, second session, be placed on the free list, this act shall not apply thereto.

SEC. 5. That the articles mentioned in the following paragraph, the growth, product, or manufacture of the Dominion of Canada, when imported therefrom into the United States or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), shall be exempt from duty, namely:

Coal, bituminous, round, and run of mine, including bituminous coal such as will not pass through a three-quarter inch screen: *Provided*, That the articles in the paragraph enumerated, the product, growth, or manufacture of the Dominion of Canada, shall be exempt from duty whenever the President of the United States shall have satisfactory evidence, and shall make proclamation that the articles in this paragraph enumerated, the product, growth, or manufacture of the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), are admitted into the Dominion of Canada free of duty.

SEC. 6. That all acts and parts of acts in conflict with the provisions of this act be, and the same are, in so far as they conflict with this act, hereby repealed. This act shall take effect and be in force on and after the first day of January, 1912.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, and it was thereupon signed by the Vice President.

PRINTING FOR COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. HEYBURN, from the Committee on Privileges and Elections, reported the following resolution (S. Res. 139), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Privileges and Elections, or any subcommittee thereof, be, and is hereby, authorized to have printed such hearings or other matter as may be deemed necessary in connection with subjects to be considered by said committee during the Sixty-second Congress.

PUBLIC BUILDING AT NEWARK, OHIO.

Mr. PENROSE. I move that the Senate adjourn.

Mr. WARREN. Will the Senator withhold that motion for a moment?

Mr. PENROSE. I withhold the motion.

Mr. WARREN. I am directed by the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13276) to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building, to report it without amendment. I call the attention of the junior Senator from Ohio [Mr. POMERENE] to it.

Mr. POMERENE. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT LYNCHBURG, VA.

Mr. SWANSON. I am directed by the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13391) to increase the cost limit of the public building at Lynchburg, Va., to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 18, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 17, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, strengthen, we beseech Thee, our faith in the eternal verities, that we may not become completely absorbed in the things which are temporal, that we may have great thoughts and do noble deeds, and thus build for ourselves a character which shall stand the test of time and leave behind us a record worthy of all emulation, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE RECORD.

Mr. MANN. Mr. Speaker, I desire to suggest a correction in the RECORD.

The SPEAKER. The gentleman will state it.

Mr. MANN. On yesterday the gentleman from West Virginia [Mr. LITTLEPAGE] asked and obtained leave to extend his remarks in the RECORD. His remarks are extended in the RECORD and interlarded with the remarks 14 times occurs the word "applause," and once occurs the words "loud applause." The remarks were not delivered in the House.

Mr. CLARK of Florida. Mr. Speaker, I did not hear the gentleman, and I want to know to what page the gentleman refers?

Mr. MANN. To page 4031.

Mr. HENRY of Texas. To LITTLEPAGE. [Laughter.]

The SPEAKER. Has the gentleman from Illinois anything more to say?

Mr. MANN. Mr. Speaker, I ask that the RECORD be corrected by striking out from this speech the word "applause" where it occurs 14 times and the words "loud applause" where they occur once.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask a question, as I am not informed. Was the gentleman from West Virginia given leave to extend his remarks in the RECORD?

The SPEAKER. He was given leave by unanimous consent to extend his remarks in the RECORD.

Mr. UNDERWOOD. Mr. Speaker, from the number of times that extensions of remarks have been made, interlarded with addresses from people all over the world, I think the gentleman has the right to extend his remarks as far as he wanted to do so.

Mr. MANN. I do not think he has the right in extending his remarks to insert actions of the House which did not take place.

The SPEAKER. Has the gentleman any motion to make touching the RECORD?

Mr. MANN. I ask unanimous consent that it be corrected.

Mr. HENRY of Texas. I object.

Mr. MANN. Then, Mr. Speaker, I move that the RECORD be corrected by striking out the words "applause" and "loud applause" where occurring in the speech of Mr. LITTLEPAGE on pages 4031, 4032, and 4033 of the RECORD.

Mr. HENRY of Texas. Mr. Speaker, I move to refer the matter to the appropriate committee.

The SPEAKER. The gentleman from Texas moves to refer the motion of the gentleman from Illinois [Mr. MANN] and the whole matter to the Committee on Printing. The question is on the motion of the gentleman from Texas.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. HENRY of Texas. Division, Mr. Speaker.

The House divided, and there were—ayes 143, noes 71.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 122, answered "present" 13, not voting 79, as follows:

YEAS—171.

Adair	Edwards	Jones	Roddenbery
Adamson	Ellerbe	Kindred	Rothermel
Alexander	Evans	Kinkaid, Nebr.	Rouse
Allen	Faison	Konop	Rubey
Ashbrook	Ferris	Korbly	Rucker, Colo.
Barnhart	Fields	Lamb	Rucker, Mo.
Bathrick	Finley	Lee, Ga.	Russell
Beall, Tex.	Fitzgerald	Lee, Pa.	Sabath
Bell, Ga.	Flood, Va.	Lewis	Saunders
Blackmon	Floyd, Ark.	Linthicum	Scully
Booher	Foster, Ill.	Littleton	Shackleford
Borland	Fowler	Lloyd	Sharp
Brantley	Francis	Lobeck	Sheppard
Brown	Gallagher	McCoy	Sherwood
Buchanan	Garner	McDermott	Sims
Bulkley	Garrett	McGillicuddy	Sisson
Burke, Wis.	George	Macon	Small
Burnett	Glass	Maguire, Nebr.	Smith, N. Y.
Byrnes, S. C.	Godwin, N. C.	Maher	Sparkman
Byrns, Tenn.	Goeke	Martin, Colo.	Stack
Callaway	Gould	Mays	Stedman
Carter	Graham	Moon, Tenn.	Stephens, Miss.
Clark, Fla.	Gray	Moore, Tex.	Stephens, Tex.
Clayton	Gregg, Pa.	Morrison	Stone
Cline	Gudger	Moss, Ind.	Sweet
Collier	Hamill	Murray	Talcott, N. Y.
Connell	Hamlin	Oldfield	Taylor, Ala.
Conry	Hammond	O'Shaunessy	Taylor, Colo.
Cox, Ind.	Hardwick	Padgett	Thayer
Cox, Ohio	Hardy	Page	Thomas
Cullop	Harrison, Miss.	Palmer	Townsend
Daugherty	Hay	Peters	Tribble
Davenport	Heflin	Porter	Turnbull
Dent	Helm	Post	Underhill
Dickinson	Henry, Tex.	Pou	Underwood
Dies	Holland	Pujo	Watkins
Difenderfer	Houston	Rainey	Webb
Dixon, Ind.	Howard	Raker	Whitacre
Donohoe	Hughes, Ga.	Randell, Tex.	White
Doremus	Hull	Ransdell, La.	Wickliffe
Doughton	Jacoway	Rauch	Wilson, Pa.
Driscoll, D. A.	Johnson, Ky.	Reilly	Witherspoon
Dupre	Johnson, S. C.	Richardson	

NAYS—122.

Akin, N. Y.	Bates	Burke, S. Dak.	Catlin
Ames	Bingham	Butler	Claypool
Anthony	Bowman	Campbell	Copley
Austin	Burke, Pa.	Cannon	Crago
Crumpacker	Hartman	McCreary	Roberts, Nev.
Currier	Haugen	McKenzie	Rodenberg
Dalzell	Hawley	McKinley	Sells
Danforth	Hayes	McKinney	Simmons
Davidson	Heald	McLaughlin	Sloan
Davis, Minn.	Helgesen	McMorran	Smith, J. M. C.
De Forrest	Henry, Conn.	Madden	Smith, Saml. W.
Dodds	Higgins	Madison	Speer
Draper	Hill	Mann	Steenerson
Driscoll, M. E.	Hinds	Martin, S. Dak.	Stephens, Cal.
Dwight	Howell	Matthews	Stevens, Minn.
Dyer	Howland	Miller	Switzer
Esch	Hubbard	Mondell	Taylor, Ohio
Farr	Humphrey, Wash.	Morgan	Thistlewood
Foss	Jackson	Morse, Wis.	Towner
Foster, Vt.	Kahn	Nelson	Utter
French	Kendall	Norris	Volstead
Fuller	Kennedy	Nye	Vreeland
Gillett	Kent	Olmsted	Warburton
Good	Knowland	Parran	Weeks
Green, Iowa	Kopp	Payne	Willis
Greene, Mass.	Lafean	Pickett	Wilson, Ill.
Griest	La Follette	Plumley	Woods, Iowa
Guernsey	Langham	Pray	Young, Kans.
Hamilton, Mich.	Lawrence	Prince	Young, Mich.
Hanna	Loud	Rees	
Harris	McCall	Reyburn	

ANSWERED "PRESENT"—13.

Bartlett	Humphreys, Miss.	Malby	Wilder
Burleson	Lever	Needham	
Fornes	Lindbergh	Patton, Pa.	
Gardner, Mass.	Longworth	Wedemeyer	

NOT VOTING—79.

Aiken, S. C.	Cravens	Kinkead, N. J.	Prouty
Anderson, Minn.	Curley	Kitchin	Redfield
Anderson, Ohio	Davis, W. Va.	Konig	Riordan
Andrus	Denver	Lafferty	Roberts, Mass.
Ansberry	Dickson, Miss.	Langley	Robinson
Ayres	Estopinal	Latta	Sherley
Barchfeld	Fairchild	Legare	Slayden
Bartholdt	Focht	Lenroot	Slemp
Berger	Fordney	Levy	Smith, Tex.
Boehne	Gardner, N. J.	Lindsay	Stanley
Bradley	Goldfogle	Littlepage	Sterling
Broussard	Goodwin, Ark.	McGuire, Okla.	Sulloway
Burgess	Gregg, Tex.	McHenry	Sulzer
Calder	Hamilton, W. Va.	Moon, Pa.	Talbott, Md.
Candler	Harrison, N. Y.	Moore, Pa.	Tilson
Cantrill	Hensley	Mott	Tuttle
Carlin	Hobson	Murdock	Wilson, N. Y.
Cary	Hughes, N. J.	Patten, N. Y.	Wood, N. J.
Cooper	Hughes, W. Va.	Pepper	Young, Tex.
Covington	James	Powers	

So the motion was agreed to.

The SPEAKER pro tempore (Mr. CLARK of Florida). The Clerk will announce the pairs:

The Clerk read as follows:

For the session:

Mr. SLAYDEN with Mr. FORDNEY.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. LEVER with Mr. SULLOWAY.

Mr. LINDSAY with Mr. BARTHOLDT.

Mr. SULZER with Mr. MALBY (and on all questions affecting a veto of the President).

Mr. CANTRILL with Mr. MCGUIRE of Oklahoma.

Until further notice:

Mr. SHERLEY with Mr. GARDNER of Massachusetts (not to apply on vetoes).

Mr. HUGHES of New Jersey with Mr. GARDNER of New Jersey.

Mr. CURLEY with Mr. WILDER.

Mr. GOLDFOGLE with Mr. CARY.

Mr. COVINGTON with Mr. PARRAN.

Mr. ROBINSON with Mr. WOOD of New Jersey.

Mr. HOBSON with Mr. FAIRCHILD (transferable).

Mr. BOEHNE with Mr. STERLING.

Mr. AIKEN of South Carolina with Mr. BARCHFELD.

Mr. ANDERSON of Ohio with Mr. CALDER.

Mr. CRAVENS with Mr. COOPER.

Mr. DENVER with Mr. FOCHT.

Mr. GOODWIN of Arkansas with Mr. HUGHES of West Virginia.

Mr. GREGG of Texas with Mr. LAFFERTY.

Mr. HAMILTON of West Virginia with Mr. LANGLEY.

Mr. KITCHIN with Mr. MOON of Pennsylvania.

Mr. BURLESON with Mr. MOORE of Pennsylvania.

Mr. YOUNG of Texas with Mr. MOTT.

Mr. BROUSSARD with Mr. ROBERTS of Massachusetts.

From August 5 to August 19, inclusive:

Mr. REDFIELD with Mr. NEEDHAM (reserving the right to make a quorum and all votes affecting vetoes of the President).

Until August 19:

Mr. KONIG with Mr. POWERS.

Until Friday morning:

Mr. CANDLER with Mr. SLEMP.

Until Thursday noon:

Mr. JAMES with Mr. LONGWORTH (on all votes except vetoes of the President).

For the balance of the day:
Mr. TALBOTT with Mr. ANDERSON of Minnesota.
On this vote:
Mr. BARTLETT with Mr. TILSON.
From to-day to the balance of the week:
Mr. LITTLEPAGE with Mr. PROUTY.
The result was then announced, as above recorded.
The SPEAKER. The motion to refer is carried, and it goes to the Committee on Printing.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution and bill of the following titles:
H. J. Res. 146. Joint resolution for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and
H. R. 13277. An act to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.
The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:
S. 2904. An act to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co.
The message also announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 7) relative to the celebration in January, 1912, of the completion of the railroad to the island city of Key West, Fla.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:
S. 2904. An act to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co.; to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:
H. R. 8146. An act to construct a bridge across Rock River, at or near Colona Ferry, in the State of Illinois;
H. R. 4682. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River, at or near Glenhayes Station, in Wayne County, W. Va.; and
H. R. 11723. An act permitting the building of a railroad bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn.
The SPEAKER announced his signature to enrolled bill of the following title:
S. 2055. An act to provide for the purchase of a site and the erection of a new public building at Bangor, Me., also for the sale of the site and ruins of the former post-office building.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:
H. R. 11019. An act to reduce the duties on wool and manufactures of wool;
H. R. 4682. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of the Big Sandy River at or near Glenhayes Station, in Wayne County, W. Va.;
H. R. 11723. An act permitting the building of a railroad bridge across the St. Croix River between Burnett County, Wis., and Pine County, Minn.; and
H. R. 8146. An act to construct a bridge across Rock River at or near Colona Ferry, in the State of Illinois.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:
S. 3253. An act to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River.

FREE-LIST BILL.

Mr. UNDERWOOD. Mr. Speaker, I ask the Speaker to lay before the House House bill 4413, an act to place agricultural implements and other articles on the free list.
The SPEAKER. The gentleman from Alabama calls up the conference report on the free-list bill.

The conference report and statement are as follows (No. 146):

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:
That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, and 6, and agree to the same.
On the amendments of the Senate numbered 5 and 7 and the amendment of the House to the amendment of the Senate numbered 8 the committee of conference have been unable to agree.

O. W. UNDERWOOD,
C. B. RANDELL,
FRANCIS BURTON HARRISON,
Managers on the part of the House.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 4413) to place on the free list agricultural implements, etc., submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report:
On amendment No. 1: Places binders on the free list, as proposed by the Senate.
On amendment No. 2: Strikes out of the bill the provision, proposed by the House, limiting the application of the bill to boots and shoes of certain constituent parts only.
On amendments Nos. 3, 4, and 6: Makes verbal corrections in the text of the bill.
On the amendments of the Senate Nos. 5 and 7 and the amendment of the House to the amendment of the Senate No. 8 the committee of conference have been unable to agree.

O. W. UNDERWOOD,
C. B. RANDELL,
FRANCIS BURTON HARRISON,
Managers on the part of the House.

Mr. UNDERWOOD. Mr. Speaker, on yesterday the House conferees agreed to the conference report. It leaves in disagreement three amendments of the Senate and one amendment of the House. I would like to arrange a division of time with the gentleman from New York [Mr. PAYNE]. I would like to suggest to the gentleman from New York that we confine debate on this proposition to an hour, and that he control half of it and that I control the other half.
Mr. PAYNE. I am agreeable to that.
Mr. UNDERWOOD. Mr. Speaker, there are four motions I desire to make, but I desire to ask unanimous consent to make them all now, so that they will be pending before the House.
The SPEAKER. The Chair would like to ask the gentleman from Alabama what is the agreement with the gentleman from New York?
Mr. UNDERWOOD. That there shall be one hour's debate on the free-list bill, the gentleman from New York to control half the time and myself half the time.
The SPEAKER. The gentleman from Alabama asks unanimous consent that the debate on the conference report on this bill be limited to one hour, and that he control the first half of it and that the gentleman from New York control the other half. Is there objection?
There was no objection.
The SPEAKER. The Chair would ask the gentleman from Alabama what is his other motion?
Mr. UNDERWOOD. I ask unanimous consent to make at once the four motions that I desire to make in connection with this bill, in order to have them all pending at once.
Mr. PAYNE. Mr. Speaker, does the gentleman desire a separate vote on lemons?
Mr. UNDERWOOD. Yes; on each proposition.
Mr. MANN. I suggest, Mr. Speaker, to the gentleman that it does not need unanimous consent to give notice of the amend-

ments he will offer. They will be in order regardless of unanimous consent.

Mr. UNDERWOOD. No doubt that is true, but I prefer to have the House determine.

Mr. MANN. What are they?

Mr. UNDERWOOD. I will state to the gentleman what I propose to move. I propose to move to concur in Senate amendment No. 5, with an amendment striking out the word "corn," as it appears in line 11 of page 3 of the printed copy of the bill—I have not the original—and to concur in Senate amendment No. 7.

Mr. MANN. If the gentleman will pardon me, does the gentleman propose to move to strike out "corn" and to insert "for purposes of distillation" after "corn"?

Mr. UNDERWOOD. I will move to strike it out. The result is the same whichever method is followed. It is easier and less complicated to strike it out. I propose then to move to concur in Senate amendment No. 7, with an amendment striking out the word "corn" where it appears in line 19 of page 3 of the printed bill—wherever it appears correctly in the regular bill.

Mr. MANN. That is, the word "corn," with an amendment?

Mr. UNDERWOOD. Yes. Then I propose to recede from the House amendment No. 1, inserting "lemons"; and then I propose to move to concur in Senate amendment No. 8, in reference to Roman and Portland cement.

Mr. MANN. The gentleman does not need unanimous consent.

Mr. UNDERWOOD. I understand that.

Mr. MANN. Certain motions are in order, and the notice covers them.

The SPEAKER. Then the gentleman from Alabama withdraws his request for unanimous consent?

Mr. UNDERWOOD. Mr. Speaker, I prefer to ask unanimous consent that I may have the privilege, because when the hour is up there may be some question about my rights——

The SPEAKER. The gentleman from Alabama asks unanimous consent that, in addition to this amendment that he is offering now, when this hour of debate expires he shall have the right to offer three other amendments.

Mr. MANN. Mr. Speaker, reserving the right to object, I should like to make this suggestion and to obtain this parliamentary information if I can. The time for debate has been limited to one hour, and the previous question has not been ordered at the end of the hour. It will still be permissible to offer motions at the end of the hour. The gentleman from Alabama can offer his motions. On the other hand, if anyone on this side or that side desires to offer a motion to concur in the Senate amendments, it will be in order. I do not think the gentleman ought to take away any rights that any other gentleman may have. I ask for parliamentary information whether the agreement to close debate at the end of the hour in itself operates to prevent motions being made at the end of the hour?

The SPEAKER. The Chair is inclined to think that it does not.

Mr. MANN. There is not any question about it.

The SPEAKER. Is the gentleman from Illinois objecting to this unanimous consent or not?

Mr. MANN. I will object, if the gentleman makes the request. I do not wish to cut the gentleman off from the opportunity to make his motion.

The SPEAKER. The Chair states that unless the gentleman from Alabama moves the previous question at the end of this hour anybody who can get the floor can move——

Mr. UNDERWOOD. Mr. Speaker, I intend to move the previous question, and I intended to allow the gentlemen on that side to offer——

Mr. MANN. I would suggest to the gentleman from Alabama that a motion for the previous question would not prevent a motion of priority, which is the motion to concur in the Senate amendments.

Mr. UNDERWOOD. And I have no desire to do so.

Mr. MANN. I understand that. It is not necessary to move the previous question. The debate is limited, and closes at the end of the hour.

The SPEAKER. Is the gentleman from Illinois objecting?

Mr. MANN. I object.

Mr. UNDERWOOD. Mr. Speaker, I will endeavor to put the bill through, notwithstanding the objections of the gentleman from Illinois.

The SPEAKER. The gentleman from Alabama is recognized for 30 minutes.

Mr. UNDERWOOD. Mr. Speaker, I move that the House concur in Senate amendment No. 5, with an amendment striking out the word "corn," where it appears in line 11, page 3, of the printed bill, and the corresponding place in the enrolled bill.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

That the House concur in Senate amendment No. 5, with an amendment striking out the word "corn," in line 11, page 3, of the printed bill.

Mr. UNDERWOOD. Mr. Speaker, I wish to make this statement to the House. We passed a free-list bill, putting on the free list—

Beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner, bacon, hams, shoulders, lard, lard compound and lard substitutes, and sausage and sausage meats.

We also placed on the free list—

Buckwheat flour, corn meal, wheat flour and semolina, rye flour, bran, middlings, and other offals of grain, oatmeal and rolled oats, and all prepared cereal foods, and biscuits, bread, wafers, and similar articles not sweetened.

The House was in favor of that proposition. I believe to-day that the House—I know that the Democratic side of the House—is in favor of free meats and free bread for the American people. [Applause on the Democratic side.] When the bill went to the Senate the Senate added the following provision, both to the provision in the House bill relating to free meats and the provision relating to free bread. Their amendment was:

Insert after all words about these articles on the free list the following: "Coming from any foreign country with which the United States has a reciprocal agreement and which shall admit from the United States free of duty cotton, corn, wheat, oats, horses, cattle, and hogs."

Now, Mr. Speaker, when this bill went to conference the conferees on the part of the House refused to agree to that Senate amendment, and stated that they insisted that the Senate should have another vote on the question of giving the American people free bread and free meat. We came to a partial agreement about minor amendments, but on these two important amendments we refused to agree and insisted that the bill should go back to the Senate for another vote. It went back to the Senate, and the Senate still insisted on its amendments and sent the bill back to the House with these amendments that prohibit meat and bread coming from any country in the world.

I understand, though, that the Senate is willing to pass the bill prohibiting meat and bread coming free from any country in the world except Canada; they are willing to pass the bill giving free bread and free meat from the Dominion of Canada.

Mr. LONGWORTH. Will the gentleman yield?

Mr. UNDERWOOD. For a question.

Mr. LONGWORTH. Does the gentleman say that it is his understanding that the so-called Kern amendment was for the purpose of preventing the introduction of meat and bread from any country?

Mr. UNDERWOOD. I did not say that that was the purpose. My friend misunderstood me.

Mr. LONGWORTH. Does the gentleman think that that was the intention, or was it a mistake?

Mr. UNDERWOOD. It was undoubtedly a mistake. The Kern amendment, by inserting the word "corn" in this amendment, prohibited bread and meat coming from Canada or any other country, because, under the reciprocal trade agreement, there is a tax on corn for distilling purposes going from this country into Canada. Therefore, if you pass the bill as it now reads without striking out the word "corn," you would not admit bread and meat free from any country. But if you strike out the word "corn," as I propose to do in my amendment, then you will prohibit free bread and meat coming from all other countries, but you will admit free bread and free meat from Canada. I understand that the Senate is willing to agree to that amendment and admit free bread and free meat from Canada.

But if we insist on free bread and free meat from the balance of the world it means that the bill will be defeated.

Now, there is no man in this House that is more anxious to have free bread and free meat from all the world than I am, because I believe that if there is anything that ought to go on the free list it is bread and meat for the people of the United States. [Applause on the Democratic side.]

There is no clause in this bill that is of more interest to my own constituency than this question of free bread and free meat. But I recognize the fact that we have got to surrender free bread and free meat or defeat this bill, and the propriety of surrendering rather than to deprive the people of the United States of the other great benefits they will receive under the enactment of this bill into law. [Applause on the Democratic side.] We will give to the country free agricultural

implements, we will give them free shoes, we will give them many other desirable things; and although I know that the Members on this side of the House desire to give the country free bread and free meat, I say the time has come when we are compelled to surrender as to these amendments in order that we may send to the President a meritorious bill.

Now, in reference to the Senate amendment putting Portland cement on the free list, so far as I know there has been no opposition from this side of the House and but very little from the other side.

As to lemons, put on by the House amendment, we refused to come to an agreement on free lemons. The Senate disagreed to our amendment. We insisted that they should take it back to the Senate for another vote. They did take it back, and the Senate defeated the amendment. Now, I say there is no more outrageous provision in the Payne tariff bill than the increased tax that they put on lemons.

They had a prohibitive duty on oranges, and have driven every foreign orange out of this country. The increased tax there was a fair tax, a high tax, at least a tax that was too high for the consumer, but gave all the protection to the lemon grower of California that he had a right to ask for in the Dingley bill, and the Payne bill increased it one-half. The result is going to be that if this tax on lemons stays on the statute books for a year or two longer, exactly the same thing is going to happen in reference to lemons that happened in reference to oranges. It is going to drive the Sicilian and the Italian lemon out of the American market, and the people of this country, and the hospitals, and the eleemosynary institutions that require lemons at the sick bed are going to be placed in the hands of one of the most drastic trusts that exists in the United States. [Applause on the Democratic side.] So far as I am concerned, I would like to keep free lemons in this bill. I hope the day is not far distant when we can again legislate in reference to the tax on lemons and do justice to the American people. [Applause on the Democratic side.] But I realize that if the House stands out now for its amendment for free lemons on this bill the bill is defeated, and I think it is wise for us to surrender and take what we can get and remedy these other evils when we can get to them in a no distant day, as I am sure we will have the opportunity to do.

Mr. Speaker, after the debate on this proposition is over, I will make my motion in reference to the other amendment. I now reserve the balance of my time and ask the Chair to tell me how much time I have consumed.

The SPEAKER pro tempore (Mr. PAGE). The gentleman from Alabama has consumed 12 minutes.

Mr. PAYNE. Mr. Speaker, I yield eight minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Speaker, I desire to state what, in my judgment, will be the effect of this amendment. Two years ago the Payne tariff bill reduced the tariff on meats about 25 per cent. That was a Republican reduction, made by a Republican Congress—Republican in both branches—and by a Republican Ways and Means Committee; substantially an average reduction of 25 per cent on meats straight through. I wanted meats free then, and I am for free meat now. Shortly after that the Canadian reciprocity negotiations were begun by the President, and a Republican administration endeavored by its negotiations to have free meat between the United States and Canada. They did not succeed in it because Canada objected, but the Republican administration did succeed in reducing under the reciprocity treaty the duty on meats between these two countries by 16⅔ per cent. That makes a reduction of 41 per cent on meats during this Republican administration, and nothing by the Democratic Members of this Congress, now in practical control of both branches of it. Now, then, what came next? The reciprocity agreement was concluded, and there were those who honestly believed that they could not eat cattle, but must eat meat; that they could not eat wheat, but must eat flour; and so the Democratic Party brought in this free-list bill providing for free meat and free flour from all the world. Then the Republicans tried to secure a market for our farmers by insisting on reciprocal treatment of this product with other countries, and the Democrats refused even that. The bill passed this House and went to the Senate, and an amendment was put on there by a Democrat and voted for by every Democrat in the Senate, making meat dutiable at the Payne rate from all the world. That is the situation. Not a dollar of reduction on meats has been made by anybody except the Republican Party. An indorsement and approval of the Payne rates has been given by every Democrat in the Senate, and now every Democrat on the floor of this House proposes to supplement that indorsement. That is the situation exactly as it is. I propose to ask permission to insert as a part of my remarks an extract from the New York World of August 18, 1911, giving the prices of meats this year and last year.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to insert an extract in the RECORD. Is there objection?

Mr. UNDERWOOD rose.

Mr. HILL. Oh, it is Democratic authority, and you surely will not object to it.

Mr. UNDERWOOD. No; I did not rise to object, but I would like to ask the question, If my friend disputes for a moment that every Democrat on the Ways and Means Committee during the consideration of the Payne bill was in favor of free meat?

Mr. HILL. Oh, the people of the United States look at the results and not at individual explanations. I am giving a statement of conditions exactly as they are, and when the gentleman from Colorado——

Mr. UNDERWOOD. The gentleman put it on, and he voted for a rule to prevent us from amending it and cutting it off.

Mr. HILL. Very well. When the gentleman from Colorado [Mr. RUCKER], a Democrat, the other day took the floor on this conference report, I said to him, "Does not this amendment put the Democratic Party squarely in the position of being in favor of the Payne rate of duty on meats as it is now contained in the Payne bill?" and he replied that it did. The chairman of the Committee on Ways and Means, the gentleman from Alabama [Mr. UNDERWOOD], said last night, and he repeats it now, that he is compelled to recede and concur with the Senate on this question, in order to save the rest of the bill. So that the Democratic Party not only deliberately continues in effect a duty on meat by its vote in both Houses, but it gives us the terms and conditions under which they do it. Now, what are they?

What is the rest of this bill? First, free agricultural implements. We have them now free from every export country in the world except Germany, and we can have them from Germany if they will admit ours. What is the next item—this is no gift, it is a trade—what is the next item? We swap free bread for free barbed wire. The men in the Scriptures who asked for bread and were given a stone had a royal feast compared to the American people who, under Democratic legislation, are offered taxed food in exchange for free barbed wire. [Applause on the Republican side.] We swap free meat, for what? Free cotton ties. An industry of $700,000,000, averaging 20 per cent duty now, and you absolutely and deliberately say you are willing to sacrifice cheaper food for the wage earners and consumers of this country in exchange for free cotton ties for the southern cotton grower.

Mr. UNDERWOOD. The gentleman from Connecticut knows that is not true——

The SPEAKER pro tempore. Does the gentleman from Connecticut yield to the gentleman from Alabama?

Mr. HILL. If the gentleman will give me more time, I will yield to him.

Mr. UNDERWOOD. But the gentleman makes a statement that is not true.

Mr. HILL. Then the gentleman can correct it in his own time.

Mr. UNDERWOOD. We have not made any swaps.

Mr. HILL. Fresh meats, ham, bacon, flour, the food of the people—$1,500,000,000 of it—and a month ago these men came in their holy purity and said they were going to give to the wage earners of New York, Philadelphia, Chicago, New Orleans—the men who work in the factories and shops—that they were going to give them free food, and you swap it off now for bagging for cotton and save $600,000 to the million growers of cotton, and, as you have admitted in your free-list report would be the effect, you lose more than $100,000,000 to 90,000,000 consumers in this country. That is your swap. That is the trade you are making now with your Democratic brethren in the Senate.

Why do you not stand up to your claim of a month ago and have free meat and free flour? If you can not get it in any other way than by losing this bill, sacrifice your cotton growers, sacrifice your cotton ties, sacrifice your cotton bagging, sacrifice your barbed wire. They are insignificant compared with the needs the poor people——

Mr. FITZGERALD rose.

Mr. HILL. I will yield to the gentleman because I know he is in favor of free meat for his own people.

Mr. FITZGERALD. The gentleman was in favor of free meats when the Payne bill was under consideration, was he not?

Mr. HILL. I said I did try to get free meats; we did get a reduction of 25 per cent.

Mr. FITZGERALD. Why did not the gentleman make a sacrifice of the New England manufacturers when he could not get free meats? [Loud applause on the Democratic side.]

Mr. HILL. Oh, Mr. Speaker, I hope that will not be taken out of my time; it is so very seldom I am applauded by my enemies I want them to have full scope. Mr. Speaker, the gentleman asked me a question. I did not stand on this floor preaching one doctrine to the House of Representatives and another to my constituents at home in a campaign. [Applause on the Republican side.] I stand for a moderate tariff that will absolutely recognize the difference in the cost of production at home and abroad. [Cries of "Oh!" on the Democratic side.] Absolutely.

Mr. GARNER. Does that apply to meat?

Mr. HILL. It applies to everything.

Mr. GARNER. Then, why did you want to put meats on the free list?

Mr. HILL. Because we can produce and do, and export from one hundred and seventy-five to two hundred million dollars' worth every year, raised cheaper here than in any other country on earth.

Mr. GARNER. Then, the tariff does not make any difference——

Mr. HILL. It is immaterial whether it makes any difference or not, I stand on the principle; you do not. You trade a principle for cotton ties, cotton bagging, and barbed wire and sacrifice the people of this country to your own interests to make a little larger profits in the cotton-growing industry. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

The statement is as follows:

RETAILERS WILL BOOST ALL MEAT PRICES TO-MORROW—ADVANCE BY WHOLESALERS OF FROM 3 TO 5 CENTS A POUND FORCES THEM TO ASK MORE—PACKERS PLEAD THERE'S A SCARCITY OF CATTLE—CHICAGO REPORTS DON'T SHOW THIS TO BE TRUE—POTATOES GETTING DEARER.

New York housekeepers may look for higher prices for almost every kind of meat to-morrow. In the face of an advance in the wholesale prices for beef and pork of from 3 to 5 cents a pound, many of the retail dealers have been able to keep their prices down because they had laid in large stocks of meat at the lower figures.

Interviews with many large retail dealers by a reporter for the World yesterday showed, however, that the breaking point has come, and that retail dealers generally will be obliged to advance prices to-morrow. In pork of the first quality dealers who have been keeping the retail price at from 18½ cents to 20 will be forced to demand 25 cents, which is said to be a record price.

TWO CENTS MORE FOR PORTERHOUSE.

Porterhouse steaks that some dealers have been able to keep at 28 cents during the week will jump to 30 and 31 cents. Hams are already held at 24 cents retail, as against 20 cents two weeks ago, and must go higher in view of the advanced wholesale price.

Wholesale prices can be quoted with some accuracy, although there are many sides to the dealing in meats that make this almost impossible. To give retail prices in an understandable manner it is always necessary to obtain comparative figures of dealers in the same neighborhood at different times.

Dr. Ira S. Wile and Miss Winifred Gibbs, who made an exhaustive study of food conditions last year, found that four classes furnished the smallest number into which they could divide retail prices of meats that are called by the same name. At the present time a comparison of prices between some west side stores one year ago and between some east side stores to-day might seemingly show a falling off in price.

On the other hand, a comparison between prices of some east side dealers one year ago and the present prices of some west side dealers might show such an increase in price as to frighten the public. By taking the reports of the books of the same dealers in different localities it was shown yesterday that prices for meats are generally 1 or 2 cents above the average high level last year when the entire country was stirred by the high prices.

PREDICTS VERY HIGHEST PRICES.

In view of the fact that many retail butchers have been holding back on raising prices, one Fourth Avenue butcher stated yesterday he believed the coming week would see the highest prices ever recorded for meats.

An official of Swift & Co. reiterated yesterday the statement of the packers that there is a scarcity of cattle. Reports from Chicago do not show such a scarcity. Receipts of cattle for last week were 59,081, and for the week before 60,351, as against receipts of 50,184 for the first week in August, 1910, and 59,110 for the second week.

In connection with the increased prices of meats, the jump in the price of potatoes is said by many dealers to be likely to be most seriously felt here. Again prices vary according to locality, but Arthur Liess, of No. 3407 Broadway, gives the following comparison in the retail prices:

7 CENTS MORE THAN LAST YEAR.

"Last year at this time potatoes were selling at 18 cents for a basket of 2½ pounds. The price dropped to 17 cents, but is now 25 cents a basket, with every prospect of going higher."

Several of the butchers interviewed said new high prices would be forced by the fact that for the last 18 months or more they have been receiving 4 cents a pound for fat. This enabled the butchers to trim their meats carefully and sell at a low price. Now the packers have dropped their price for fat to 2 cents, with the result that on a trimmed steak or roast the butcher must charge 2 cents a pound more or be less careful in the trimming.

COMPARATIVE RETAIL PRICES IN ONE BUTCHER SHOP IN THE LAST YEAR.

To give retail prices that will show any comparison of figures with accuracy, the same dealers in the same localities must be quoted. To compare prices in some east-side shops one year ago with prices in some west-side shops to-day would give no idea of conditions. In the following table the World uses the retail figures of M. Utter, a meat dealer in upper Broadway. He has neither multimillionaires nor very poor for his customers. All figures are for first-class meats:

	1910		1911	
	Aug. 12.	Nov. 1.	Feb. 1.	Aug. 11.
Porterhouse steak	$0.26	$0.27	$0.23	$0.23
Sirloin	.22	.23	.20	.24
Prime beef, including bone	.21	.22	.20	.22
Round	.21	.22	.20	.22
Lamb chops	.27	.28	.25	.28
Pork chops	.20	.22	.18	.25
Hams	.20	.23	.19	.24

Market conditions to-morrow are expected to result in increased prices at retail. The profit on several lines is at present 2 cents a pound less than formerly.

Mr. NEEDHAM. Mr. Speaker, the attempt of the leader of the Democratic majority [Mr. UNDERWOOD], backed up by the solid vote of the other side of the House, to place lemons upon the free list, without any hearing or warning whatever, is, in my opinion, one of the most remarkable and unjustifiable movements in the history of tariff legislation.

What is the history of this attempt to subject the lemon industry of this country to the penalty of absolute free trade?

The bill now under consideration, and which is a measure to place certain articles upon the free list, was christened by its authors for political purposes "The farmers' free-list bill," and was declared by its sponsors to be a bill primarily for the purpose of reducing the prices of certain articles which the farmers of the country are supposed to buy. Lemons being an agricultural product, of course, that product could not logically be included in such a bill. However, when the bill was on its passage through this House two amendments were offered to the bill designed to place lemons on the free list. The gentleman from Alabama [Mr. UNDERWOOD], leader of the majority, recognizing that such an amendment was illogical, himself interposed points of order against each amendment to the effect that such an amendment was not germane to the bill, and the Chair promptly ruled that the point of order was well taken, and that such amendments could not be offered to the bill.

When this bill went to the Senate and was under consideration in that body, an amendment putting lemons upon the free list, and incorporating it in the bill, upon an actual vote was rejected by that body, not upon the merits, I regret to say, but because at that point in the consideration of the bill nearly all Democratic Senators desired to pass the bill without amendment, and a large majority of Republican Senators were against the bill in any form.

The two attempts in the House and the one attempt in the Senate upon this bill to subject the lemon industry to the penalty of free trade having failed and the Democratic majority having announced to the country that no attempt would be made to consider the agricultural schedule of the tariff until next session of Congress, the action of the gentleman from Alabama [Mr. UNDERWOOD] in endeavoring to remove all duties from imported lemons is remarkable indeed. What next followed, Mr. Speaker? The gentleman from Alabama [Mr. UNDERWOOD] a few days ago, when he made the formal motion to send the free-list bill to conference, included in that motion a motion to concur in the Senate amendment putting cement and lime upon the free list by adding the words "and lemons." This was a remarkable action on the part of the chairman of the great Committee on Ways and Means of this House, and, in my opinion, considering all the circumstances, his action is unprecedented. After both Houses had refused to include lemons in the bill in question the action of the gentleman from Alabama, in making the mere formal motion to send the bill to conference, to include in such motion a motion to concur in a Senate amendment by adding the words "and lemons," when the gentleman himself in the prior consideration of the bill had taken the position that such a motion was out of order, is truly remarkable. And this motion was made at a time when I was ill and sick in bed and had been excused on that account from attendance upon the House. It would seem that fair treatment would require that the Representative upon the Ways and Means Committee from the State most interested should at least have had some intimation or notice that such an important motion would be included in the mere formal procedure of putting the bill in conference. But I must assume that the gentlemen upon the other side in their efforts at tariff smashing do not consider it of any importance that an industry which is about to be subjected to the penalty of absolute free trade should have any notice whatever that such action is con-

templated. This attempted action of the Democratic majority in this House furnishes a good example of the consideration given tariff legislation during this session by the Democratic side.

The motion now pending, submitted by the gentleman from Alabama to recede from the House amendment to the Senate amendment, placing lemons on the free list and to concur in the Senate amendment, I thoroughly appreciate will relieve the lemon industry so far as this bill is concerned from the attempt to subject it to free trade. I am therefore in sympathy with the motion made by the gentleman from Alabama and shall support it. I appreciate, however, that this is a mere temporary respite from the agitation which our friends on the other side of the aisle have started in favor of reckless tariff revision. I thoroughly understand that this effort inaugurated by the Democratic Party will be renewed, and I thank the gentleman from Alabama for the timely notice which he has given us of his intention in this regard.

I desire to incorporate in my remarks at this point the language of the gentleman from Alabama in this respect. The reporter's notes show that the gentleman said:

As to lemons, put on by the House amendment, we refused to come to an agreement on free lemons. The Senate disagreed to our amendment. We insisted that they should take it back to the Senate for another vote. They did take it back, and the Senate defeated the amendment. Now, I say there is no more outrageous provision in the Payne tariff bill than the increased tax that they put on lemons.

They had a prohibitive duty on oranges, and have driven every foreign orange out of this country. The increased tax there was a fair tax, a high tax, at least a tax that was too high for the consumer, but gave all the protection to the lemon grower of California that he had a right to ask for in the Dingley bill, and the Payne bill increased it one-half. The result is going to be that if this tax on lemons stays on the statute books for a year or two longer exactly the same thing is going to happen in reference to lemons that happened in reference to oranges. It is going to drive the Sicilian and the Italian lemon out of the American market, and the people of this country and the hospitals and the eleemosynary institutions that require lemons at the sick bed are going to be placed in the hands of one of the most drastic trusts that exist in the United States. So far as I am concerned, I would like to keep free lemons in this bill. I hope the day is not far distant when we can again legislate in reference to the tax on lemons and do justice to the American people. But I realize that if the House stands out now for its amendment for free lemons on this bill the bill will be defeated, and I think it is wise for us to surrender and take what we can get and remedy these other evils when we can get to them in a not distant day, as I am sure we will have the opportunity to do.

Mr. Speaker, I appreciate the frank statement of the leader of the Democratic majority just made to this House. I am glad he has stated in effect what is his purpose, as it will put the growers of citrus fruits in California upon notice. I take it that his statement means that he proposes, if possible, not only to place lemons upon the free list but also to materially reduce the duty on oranges, and then I suppose it is his purpose and desire to reduce the rates on other products of California. For many campaigns I have been telling the people of California that if the Democratic Party had complete control of the two Houses of Congress and of the Presidency not a single industry of that State would escape the destructive tariff legislation of the Democratic Party. I have repeated this warning so often that many protectionists in our State began to believe that it was not made in good faith and that it was an exaggeration upon my part designed to advance my reelection to this body. Democratic candidates for Congress in California have for years denied that any industry of California need be afraid of a Democratic Congress and a Democratic President. Every Democratic candidate for Congress in California since I have been in politics has declared again and again that, in the event of the election of a Democratic administration in the executive and legislative branches of the Government the growers in California of citrus fruits, raisins, grapes, olives, nuts, wine, figs, prunes, and other products of the soil need have no fear. If the action of the Democratic majority in its attempt to subject the lemon industry to the penalty of absolute free trade without notice or hearing and the announced determination of the leader upon that side to continue this effort shall serve to awaken the people of California to the true situation, his action in this regard will not have been without benefit.

I appreciate that the motion of the gentleman from Alabama, now pending, will carry, and that the lemon growers of California will continue to receive, at least until the next session of Congress, the same protection which they now have in the Payne bill. I thoroughly appreciate, however, that if the proposition to place lemons upon the free list was submitted to either body of Congress at this session as a separate proposition, freed from political combinations and promises, that it would undoubtedly carry in both Houses of Congress, and that only the presidential veto at this time could save the industry from being utterly destroyed. The combination now in control in the Senate, made for ulterior purposes only, may for the time being, in order to carry out certain promises, be unwilling to subject the lemon industry to the extreme penalty of free trade. Still, however, that combination, in my opinion, is merely temporary, is a mere rope of sand, liable to separate at any moment. I fear that when that temporary understanding shall be at an end in the Senate and the obligations and promises now existing discharged, if the membership of that body were permitted to vote their true sentiments, freed from all obligations and promises, that the lemon industry would be subjected to free trade by practically a solid Democratic vote, augmented by enough Republican Senators to bring about that result. I say this because I do not wish the industry to rest in any fancied security that the present Senate situation promises any permanent protection. I am grateful and I feel that the industry should be thankful even for the temporary cause which postpones, even if it does not prevent, destruction and gives an opportunity to be heard.

Mr. Speaker, I confidently believe that if the lemon growers of California were given an opportunity to be heard, or if that industry were investigated by the Tariff Board, the following results would be shown:

First. That since the present duty of 1½ cents a pound upon lemons was imposed by the Payne law the importations of lemons into this country have actually increased. The records show that there were imported for the fiscal year ending June 30, 1909, which was the last fiscal year under the Dingley law, 135,183,550 pounds of lemons. For the fiscal year ending June 30, 1910, when the duty was 1½ cents, as provided in the Payne law, there were imported 160,214,785 pounds, or an increase of approximately 25,000,000 pounds. For the fiscal year ending June 30, 1911, there were imported 134,968,924 pounds. This was an apparent decrease in importations of 214,626 pounds, or 2,940 boxes, as compared with the last fiscal year of the Dingley bill. But actual importations have not decreased. The weekly publication of the New York Fruit Exchange, under date of August 4, 1911, shows importations of foreign lemons as follows:

	Boxes.
Month of July 1910	265,000
Month of July, 1911	387,525

This is an increase in July, 1911, over July, 1910, of 122,525 boxes, or approximately 9,000,000 pounds, for the month of July only. Do not these figures show that the importers of foreign lemons deliberately, with a view of causing the receipts for the year ending June 30, 1911, to show a decrease, held back importations until the first few days of July, 1911? The abnormal increase of approximately 9,000,000 pounds in the importation of foreign lemons during the month of July, 1911, as compared with the same month in 1910, can lead to no other conclusion than that importations were deliberately held back and that cargoes were not permitted to be landed until after July 1, so that this decrease could be shown for the fiscal year just mentioned.

The statement, therefore, of the gentleman from New York [Mr. HARRISON], a member of the Ways and Means Committee, when the original motion was submitted by the gentleman from Alabama to place lemons upon the free list, that the importation of lemons had decreased is found by actual figures and statistics to be absolutely without foundation.

Second. It can be shown that there has been a large increase in the revenue which the Government has collected from imported lemons under the Payne law as compared with that collected under the Dingley law. It is hardly necessary to more than state this proposition, because the mere statement of it carries its own proof. The amount of revenue collected upon imported lemons for the year ending June 30, 1911, was $2,024,533.86, while the amount of revenue collected for the last fiscal year of the Dingley law was $1,351,835.50, an increase in one year in favor of the Treasury of the United States of the sum of $672,698.36. The amount collected the first year under the Payne law was much larger. From the standpoint of revenue, therefore, the present rate is entirely justified, and the attempt to put this article upon the free list when it has proven such an excellent producer of revenue is inexplicable to me.

Third. An impartial investigation will show, and the lemon growers of California, if given an opportunity, can show, in my judgment, that the prices of lemons to the consumers since the Payne law has been in effect have actually decreased, all statements to the contrary notwithstanding. Mr. W. L. Moulton, representative of the Citrus Fruit Growers of California in New York City, furnishes me with the following table, which can easily be confirmed upon investigation, giving the prices of Sicilian lemons in New York City during the week ending

August 5, 1911, and corresponding weeks in 1908 and 1907. Please remember that all sales of lemons in New York City are made at public auction:

	Week ending Aug. 5, 1911.	Week ending Aug. 5, 1908.	Week ending Aug. 5, 1907.
First choice, 300	$2.50 to $4.63	$3.85 to $4.50	$3.38 to $4.75
Second choice, 300	2.00 to 3.50	3.15 to 3.95	2.63 to 4.25
First choice, 360	2.50 to 4.00	3.10 to 3.65	3.63 to 4.75
Second choice, 360	2.00 to 3.00	2.70 to 3.25	2.72 to 4.25
Small sizes	1.75 to 3.25	2.52 to 2.75	2.25 to 3.50

These figures show that prices of lemons have been lower than they were before the passage of the Payne Act.

In addition to the foregoing, I have priced lemons in the markets and upon the streets in Washington very frequently, both before and after the passage of the Payne law, and I assert without fear of successful contradiction that they have been cheaper since that law went into effect than they were before. This very morning, on my way to the Capitol, I priced lemons and found them selling on the streets for 8, 10, and 12 cents a dozen, and in the markets the best lemons were to be obtained for 15, and none above 20 cents per dozen.

Fourth. It can be shown that large investments have been made upon the strength of the increased duty, there having been an additional acreage of lemons planted of approximately 30 per cent since the passage of the Payne law. These investments have been made upon the strength of the increased duty, and would be entirely sacrificed or destroyed if the duty were removed. In this connection I assert that there is ample territory in the State of California suitable for the growing of lemons that will make it possible, with the protection given by the Payne law, to lead within a comparatively short time to the production of sufficient lemons to supply the American market, a result greatly to be desired for reasons which I hope to enlarge upon further on in my speech.

Fifth. It can be shown, in my opinion, if a hearing is granted, that the lemon importers have raised a fund estimated at from $40,000 to $75,000, to be used in their campaign to place lemons upon the free list. According to my information, this fund has been obtained in the following manner: An assessment was first made of 5 cents a box upon each box of imported lemons. When this action became public the importers of lemons induced the steamship companies to increase the freight rate on lemons twopence a box, which is a little over 4 cents, and then a rebate equal to the increase in freight per box was granted by the steamship companies, which went into the fund. This action of the importers and the steamship companies, if proven to be true, as I believe it can be, indicates that much of the publicity campaign which has been carried on in favor of putting lemons upon the free list is a purely artificial and manufactured public sentiment. The manner of raising the fund, if it came from domestic transportation companies instead of foreign companies operating upon the ocean, would subject those responsible for the same to the penalties of our laws; but as the fund is made up of rebates given by foreign transportation companies operating upon the high seas, there is no jurisdiction in our laws to deal with such reprehensible action. The knowledge that such a fund has been collected by importers of foreign products and by foreign corporations to be used in a campaign to advance the interests of the foreign producer by methods akin to corruption, and to destroy the domestic producer, ought to result in a demand that even the Democratic majority in this Chamber will not dare ignore; that the domestic grower of lemons be given fair treatment; that he at least receive treatment equal to the foreign producer and importer. Mr. Speaker, we ask fair treatment and demand a hearing.

Sixth. I assert, and I believe it can be shown, that the importation of lemons into the United States is controlled by a very few individuals, who are organized into a drastic combination which follows all the practices of a criminal trust. This small coterie of powerful importers control absolutely the whole business of importation of lemons into this country. I am informed, and I believe my information is correct, that on account of the low prices of lemons in this country at the present time the importers are now reshipping large quantities of lemons, which were destined for the port of New York, to London and other ports in order to systematically starve the market and thus cause high prices in this country, so that these prices may be made to run to the highest level possible between now and the next session of Congress. I think it may be reasonably predicted that owing to the direct manipulation of the importers of foreign lemons that the prices of the product will be artificially advanced because of the action just enumerated for the ulterior purpose of attempting to influence the action of the Congress of the United States.

Mr. Speaker, the island of Sicily furnishes most of the lemons that go into the markets of the world. In Italy proper and in Spain and in a few other localities lemons are produced, but the great competitor and the most promising rival to the Sicilian grower of lemons is the grower in the State of California. The Sicilian importer now enjoys the larger portion of the market of the United States, and distributes his product to practically all the territory of the United States east of the Missouri River. The California grower of lemons realizes that he is engaged in a tremendous struggle even for a fair share of the market of his own country. He confidently believes that under the American policy of protection he is entitled to at least an equal chance in the markets of his own land. The Democratic Party and those who are against the protective policy may temporarily discourage and embarrass and cause financial loss to the growers of domestic lemons, but the time will come when the friends of the protective policy will demand that this industry, as well as every other industry worthy of protection, shall be accorded that protection, and that the same shall be maintained by the laws of the land.

Seventh. I deny absolutely the statement made by both the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from New York [Mr. HARRISON], and other Democratic Members, that there is a domestic Lemon Trust, or anything approximating a trust. Many years ago the citrus-fruit growers of California, after years of struggle with the foreign producers, realized that their industry could be strengthened and the legitimate profits of the industry obtained for the actual growers of the fruit if they could effect an organization and sell in cooperation their product. There followed the organization of various fruit exchanges or associations throughout the territory in California where citrus fruits are grown. These exchanges were represented by a central organization, which became in time to be known as the California Fruit Growers' Exchange. These various associations are made up of actual growers of citrus fruits, and the purpose of the organization is to sell their product in cooperation. This organization does not in any sense fix prices, but simply acts as an agent for the producer so that the actual profits may be retained by the grower. Only about 60 per cent of the area devoted to citrus fruits belongs to the California Fruit Growers' Exchange. A thorough examination of the methods of marketing by this association will show that it is in no sense a trust. In fact, the central agency in selling the product of the grower, other than at auction, first notifies him of the price that can be obtained before the sale is made. About 25 per cent of the product is sold at auction in the open market. Furthermore, except to a very limited extent, it is impossible to artificially raise prices in the sale of perishable articles. The product in question must be sold within a short time after it is ready for market, and for prices regulated by demand and supply. The California Fruit Growers' Exchange endeavors, as the representative of the growers, to place the product of its members in the markets and consuming centers of the country in such quantities and at such times as will supply the demand. It is the purpose of this organization to distribute the product of its members, always with their consent, at those points where the demand is such that the product will be disposed of at fair and reasonable prices. This cooperative organization of the growers is organized for the very purpose of meeting the demands of the market in a fair and reasonable way, and thus obtaining for the farmer or grower the legitimate profit upon his product at prices which the demand and the supply fairly justify. If it were not for this cooperative selling organization carried on by the citrus-fruit growers, the whole industry of marketing these products would be controlled by nongrowers to the profit of the nongrower, and frequently to the loss of the actual grower or farmer. I sincerely trust that the Tariff Board will make a thorough and impartial study of the methods employed by the California Fruit Growers' Exchange in marketing these products, because I have every confidence that if this be done it can result only in a finding that will be favorable and creditable to this organization, and that it will disprove the assertion so flippantly made that there is a Lemon Trust or a Citrus-fruit Trust in this country.

Eighth. The growers of domestic lemons desire a hearing and an investigation in order that they may refute the libel which has been industriously and widely circulated to the effect that the increase in the duty upon lemons was granted in the Payne law in order that the transportation companies might get the benefit. Mr. Speaker, I desire to put before the House the true facts in regard to this matter. For many years the freight rate upon both oranges and lemons from California to

all eastern terminals east of Denver was a flat rate, or what is known as a postage-stamp rate, of $1.25 per hundred pounds, which was reduced subsequently to $1.15 per hundred pounds.

Some years ago the growers of lemons in California, on account of the tremendous competition of the Sicilian grower and the low rate of duty upon imported lemons, realized that they were selling their lemons at a loss, and threatened to cease picking the lemon crop, and many of the owners of lemon orchards converted their lemon trees into orange trees by the process of budding and grafting. The transcontinental railroad companies, appreciating that under the circumstances the lemon grower could not continue in business and ship his product to the eastern markets, and not desiring to lose the tonnage which the failure to ship lemons would bring about, voluntarily reduced the rate upon lemons from $1.15 per hundred to $1 per hundred pounds, with the avowed purpose of inducing the lemon grower to continue to ship his lemons. Shortly after the tariff duty on lemons was increased from 1 cent a pound to 1½ cents a pound the freight traffic association of the transcontinental railroads met and raised the freight rate upon lemons to equal the rate charged on oranges—that is, $1.15 a hundred. The citrus-fruit growers of California immediately took the necessary steps in the courts and before the Interstate Commerce Commission to test the reasonableness of the increase made in the lemon rate. At the same time the citrus-fruit growers inaugurated a proceeding before the Interstate Commerce Commission to reduce the freight rate on oranges from $1.15 a hundred to $1 a hundred. The two propositions were tried before the Interstate Commerce Commission, and that tribunal decided that a rate of $1 per hundred on lemons was a reasonable rate, and the increased rate attempted to be made by the transcontinental railroad companies has not been collected. I understand an appeal has been taken to the Court of Commerce, where the matter is now pending. The Interstate Commerce Commission decided in the orange rate case that $1.15 a hundred pounds was a reasonable rate, the commission basing its finding for a different rate upon oranges from that of lemons upon the ground that the average haul of oranges (oranges going into all the consuming centers of the East and the bulk of the lemons produced in California being marketed in the consuming centers west of the Missouri River), being greater than the average haul of lemons, justified a greater freight rate. Mr. Speaker, it thus appears that the citrus-fruit growers of California did not acquiesce in the action of the transcontinental railroad companies in their effort to obtain a part of the increase granted by Congress in the lemon duty. On the contrary they promptly and vigorously put forth every effort to retain for the growers of lemons whatever benefit was granted to them by Congress in the increased rate of duty, and unless the Court of Commerce shall reverse the finding of the Interstate Commerce Commission the benefit of the increased duty will remain with the grower. This disposes of another baseless charge which has been widely circulated with the purpose of injuring the lemon grower of California. Of course the action of the railroad companies was unjustifiable and foolish and approved by no one.

Ninth. I am confident that an impartial investigation into the lemon industry in this country and abroad will show that the present duty of 1½ cents per pound on imported lemons should be maintained; that such a rate is no more than sufficient to meet the difference in the cost in the production of this article at home and abroad, and it is especially necessary to maintain the duty at this rate to give that encouragement to the domestic industry which is necessary to attract capital to invest in the industry of planting lemons and the production of that article for the supply of the domestic market.

The lemon growers of this country, instead of raising a vast sum for the purpose of carrying on a campaign to influence public opinion in their behalf, have gone to work in a systematic and honorable way by making a thorough study of the cost of producing lemons in this country and the cost of producing lemons in foreign countries, with a view of ascertaining as far as it is possible the difference in the domestic and foreign cost of production. The citrus-fruit growers of California, in order to make this investigation after long consideration, obtained the services of Mr. G. Harold Powell, who had been for many years the assistant chief of the Bureau of Plant Industry, Department of Agriculture, and who is recognized and conceded to be the leading expert upon the lemon industry in the United States, for the purpose of making this investigation. Mr. Powell has recently returned from a trip to Europe, and is now at work upon a detailed report making a comparison of the domestic with the foreign lemon industry. This report is not yet ready. However, I have a letter from Mr. Powell which bears upon this subject, written to me under date of July 5 last, which I shall print with these remarks as an appendix.

I maintain that in levying tariff duties it is the duty of the Congress of the United States to fix a rate that is adequate, not solely to measure the bare difference in the cost of production of the article at home and abroad, but that it must be sufficient to encourage the domestic production of the article. This is especially true and preeminently the case where the article to be produced is of a perishable nature, and where the returns from the investment made in the enterprise can not be expected until five or six years subsequent to the original investment. An enterprise which has for its object the production of a staple article promises an immediate return upon the capital invested. In addition, a staple article such as iron or steel suffers no particular deterioration if it is not marketed immediately when it is ready to be sold. It can be carried from year to year without much loss. Therefore, in fixing a duty upon such an article, if the duty covers the difference in the cost of producing the article at home and abroad, it meets the requirements of a protective policy.

On the other hand, if capital is invested in an enterprise such as the production of lemons for the market, no returns can be expected from the investment short of five or six years. The land must be purchased and prepared for the planting of the orchard and time must elapse for the first crop to be ready for the market, and after the crop is ready for the market it is of a perishable nature and must be disposed of when placed upon the market within a comparatively short time or there is a loss. Those who enter upon such an enterprise are entitled, under our protective policy, to adequate and ample protection. There is a million acres in the State of California suitable for the growing of lemons. A wise policy demands that we should encourage the planting and cultivation of these acres, and I thoroughly believe that if the present duty on lemons can be maintained for the next 10 or 12 years the production of lemons in this country would be expanded to the point where it will supply the domestic demand. Such a result would be of incalculable benefit to the consumers of the United States. It would result in the expansion of the lemon industry to the point now occupied by the orange industry. The orange industry of the United States is now able to meet the demand, and oranges are cheaper in the United States than ever before and are sold in the markets of this country cheaper than apples.

If the Democratic Party and those in sympathy with its efforts upon the tariff question shall succeed in subjecting the lemon industry to the penalty of absolute free trade, it will mean that the domestic production of lemons will be destroyed; that the capital invested will be sacrificed; that the lemon orchards of the country will be transformed into orange orchards or abandoned altogether. This will mean that the Sicilian monopoly will absolutely control the lemon market of the United States, with power to fix prices at whatever figures it desires and which prices the domestic consumer must pay. Under such conditions it is inevitable that prices will be inordinately advanced. Will the people of this country be so indifferent to their true interests as to permit such a consummation? I can not believe that any such result can be accomplished, even though the leader of the Democratic majority upon this floor warns us that such is the purpose of himself and his associates.

Mr. Speaker, I have voted against every tariff bill presented at this session except the measure providing for reciprocity between the United States and Canada, which is a measure standing alone as a distinct policy. Every other tariff measure presented by the Democratic majority has violated every principle of the policy of protection. The wool bill, the free-list bill, and the cotton bill are all measures illy considered, presented to the Congress of the United States without any hearing. Those interested in these industries and affected by these bills were insolently denied an opportunity to be heard. These bills are crowded with examples of Democratic incompetency in tariff making. None of these measures has been considered or reported upon by the Tariff Board. I do not believe that a Republican President will stultify himself by approving any one of these ill-prepared measures. He can perform no greater service to the country and its industries than by promptly vetoing these measures. [Applause on the Republican side.]

APPENDIX.

EXECUTIVE COMMITTEE
CITRUS PROTECTIVE LEAGUE OF CALIFORNIA,
Los Angeles, Cal., July 5, 1911.

Hon. J. C. NEEDHAM,
House of Representatives, Washington, D. C.

DEAR MR. NEEDHAM: I have recently returned from an extended investigation of the citrus-fruit industry of Italy and Spain. My attention has been called to the Daily Consular and Trade Reports of May

20, 1911, which contains an account of lemon growing in Sicily. The report was prepared by Mr. Nicolo Marasa, of Palermo. It was transmitted by Consul Hernando de Soto, of Palermo.

I wish to call your attention to the purpose of the Marasa report and the conditions under which it was prepared. The report was to be placed before committees in Congress to show the cost of producing lemons in Sicily and was to be used by the Italian importers in New York and the exporters in Italy in their combined campaign to place citrus fruits on the free list. I was informed by the Lega Agrumaria, an organization of Palermo exporters, which is handling the tariff campaign in Italy, that Mr. Marasa, who is a Palermo druggist or chemist, is the most competent person that could have been selected in Sicily to prepare the statement desired by the New York lemon importers. A copy of the report was transmitted to the State Department by the consul in Palermo, thereby making the document public at this time.

I do not care to criticize the Marasa report in detail, as the Italian lemon industry will be handled in a comprehensive report later in the season. I would like, however, to make two or three general criticisms. The report purports to show the average cost of producing lemons in Sicily. In order to determine the cost of production, Mr. Marasa has assumed a hypothetical 10-acre grove as representative of the groves in Sicily. He assumes what he thinks it costs to produce the fruit in the field, the proportion of the different grades of fruit, the price the different grades ought to bring, the taxes which should be paid by the owner, and other figures of a similar nature. He concludes from these figures that it costs on the average $1.76 to place a box of Sicilian lemons for export to the United States on board ship in Palermo. The f. o. b. cost is the foundation stone in the Marasa report. The value of the report may be measured by the correctness of this figure.

The Department of Commerce and Labor publishes annually a detailed statement giving the value of lemons imported into the United States. The value is based upon the sworn statement of the exporters of the f. o. b. cost of the fruit and packages. From these figures I find the approximate average f. o. b. cost during the fiscal year 1898 to the exporter was $1.39; in 1899, $1.68; in 1902, $1.46; in 1905, $1.53; in 1909, $1.39; during the fiscal year 1910, before the Payne-Aldrich Act became effective, $1.57; after the act became effective, $1.39. In two years only since 1898 has the average f. o. b. cost of the lemons exported to the United States from Italy, as sworn to by the exporters, equaled the assumed figures in the Marasa report. Either the sworn statements of the exporters are incorrect or the f. o. b. cost, as given by Marasa, is valueless.

In order to arrive at the profits in lemon growing in Sicily, Mr. Marasa divides the fruit produced by this grove into three grades—40 per cent, No. 1; 40 per cent, No. 2; and 20 per cent, No. 3. He assumes that the No. 1 fruit costs the exporter on the average $1.15 per box; the No. 2 fruit, 58 cents per box; and the No. 3 fruit, 29 cents per box. He states that the fruit of first quality is exclusively shipped to the United States, while the second-quality fruit is used largely for export to European countries. In an official report published in Rome in 1911, in which lemon growing in the Province of Messina is treated, the following occurs:

"The price of a choice and an inferior fruit varies enormously according to the year and the trade demand; the best lemons sell at 50 francs and up per 1,000 and they are all sent to London."

This equals $3.22 per box for the fruit alone. The entire crop of No. 1 fruit in Italy is not exported to the United States, as represented by Marasa, and has not been for many years. All of the northern countries of Europe, including Norway, Sweden, Denmark, Russia, Austria, and London in England, take a large proportion of the highest grade. The highest priced lemons of Italy are shipped to Russia.

In order to show a low net return on the investment and a high average f. o. b. cost to the United States, Marasa has assumed that the grower is paid a high price for the No. 1 fruit, all of which he consigns to the United States, and a low price for the fruit that is shipped to Europe. The weekly prices of the different sizes and grades of lemons at the packing house, exclusive of packing charges, are published by the Chamber of Commerce and Industry in Palermo. From these figures the average annual price for the sizes of No. 1 fruit which are exported to the United States was about $1 a box in 1910, instead of $1.15 as given by Marasa; in 1909, about 80 cents per box; 80 cents per box in 1908; $1.33 per box in 1907; and 75 cents per box in 1904. The average price of the sizes of No. 1 fruit, which are practically all shipped to European markets, brought the producer, instead of 58 cents per box as given by Mr. Marasa, an average of about $1.07 per box in 1910, 87 cents in 1909, 87 cents in 1908, and more than $1.33 in 1906 and 1907. The average price of No. 2 fruit, which Mr. Marasa assumes at 58 cents, is either incorrect or the detailed quotations of the Chamber of Commerce and Industry of Palermo have been misleading since the beginning of the publication of these figures by the organization.

I desire to call your attention also to the present status of the lemon industry of the United States. Since the passage of the Payne-Aldrich Act, which increased the duty from 1 cent to 1½ cents per pound, the production of California lemons has increased 25 per cent and the acreage has increased nearly 30 per cent. The shipments of lemons from California in May, 1909, were 709 carloads; in 1911 they were 1,010 carloads; in June, 1909, they were 881 carloads; in 1911, 1,180 carloads. The average price f. o. b. California for all lemons sold during the week ending July 1, 1909, was approximately $4.63; the number of cars sold was 113. The average f. o. b. price of all cars of lemons sold during the corresponding period in 1911 was $3.16; the number of cars sold was 141. The average price received for lemons during the week preceding July 4 is generally one of the highest of the summer.

I desire to call your attention also to the present status of the lemon-importing business. During the fiscal year 1910, the year following the increase in the duty on lemons, the imports equaled 25,366,546 pounds more than the year preceding, when the duty was 1 cent per pound, and more than 7,000,000 pounds above the average imports for the preceding 10 years. The revenue collected on imported lemons by the Government during the fiscal year 1909 was $1,350,738.88. In 1910, which includes 11 months after the duty was raised, the Government collected $2,233,526.87, the largest revenue collected in the history of the importing-lemon business.

At the present time Italian lemons are coming to the United States in unprecedented quantities. The following statement from the records of the New York Fruit Exchange shows the approximate number of boxes of lemons reported afloat or in the port of New York unsold during the month of June, from 1909 to 1911, inclusive.

Foreign lemons reported afloat and in the port of New York unsold.

Week ending—	1911	1910	1909
	Boxes.	*Boxes.*	*Boxes.*
June 2	227,650	246,800	181,650
June 9	280,325	243,600	209,930
June 16	230,600	224,850	166,650
June 23	250,000	175,000	175,000
June 30	280,000	170,000	204,000

These records, with the official statistics, show the tremendous increase in imports of lemons, the increase in revenue collected by the Government since the Payne-Aldrich Act went into effect, and the decrease in the present prices of fruit.

I am sending a copy of this letter to Hon. JOHN D. WORKS, of the Senate.

Yours, very truly, G. HAROLD POWELL,
Secretary and Manager.

Mr. PAYNE. Mr. Speaker, I yield two minutes to the gentleman from California [Mr. STEPHENS].

Mr. STEPHENS of California. Mr. Speaker, in the few minutes allotted me I will not be able to present to you figures and statistics determining the exact amount of tariff that should properly be placed on lemons imported into the United States, nor could I give them to you at this time even if I had several hours in which to discuss this question. They are not yet ready. They are being gathered, assembled, tabulated, and verified in order to be ready for presentation to this House or to its Ways and Means Committee when considering the question of a just and correct tariff on lemons at the regular session of the Sixty-second Congress.

The lemon industry, realizing that it must take its turn with other industries in explaining its position to Congress, has been actively engaged in gathering information and statistics for the correct solving of the tariff problem so far as it relates to the lemon industry. Experts have been sent to foreign lemon-growing districts and have there obtained a vast quantity of information, which is being verified and compiled, with the particular view of enabling the Congress of the United States to determine what is a just and a fair rate to be placed upon lemons coming to the United States from foreign countries. The lemon industry does not desire further guessing. The facts only are desired, and so, at a cost to them of thousands of dollars, there is being collected at home and abroad exact and absolutely reliable information for the use of Congress.

Before Congress can intelligently determine what is a reasonable tariff rate for lemons we should know the cost of labor in foreign lemon districts, and how that labor lives, the relative costs of lands, of irrigating, of fumigating, of pruning, of cultivating, of soil covering, and all other items incident to the production of lemons. We should know the relative costs of storage, of sweating, wrapping, packing, orchard and country road transportation, also the general cost of transportation from shipping point to point of consumption. We should know the selling costs, the loss from rot, the retail selling prices here and elsewhere now and in years gone by. We should have the fullest and most accurate figures concerning the importations of lemons.

The gentleman from New York, as shown by the CONGRESSIONAL RECORD of August 3, stated to this House that—

> The immediate result of the Payne-Aldrich tariff raise in lemons was that the importation of lemons for the last fiscal year decreased over 10,000,000 pounds.

This was a very misleading statement, for the facts are that the fiscal year ending June 30, 1910, the first year of the Payne-Aldrich tariff, shows the importations of lemons not to have decreased, but to have increased more than 25,000,000 pounds over the year ending June 30, 1909, the last year of the old tariff. And the year ending June 30, 1911, the second year of the new tariff, shows the total imports of lemons into the United States to have differed only fifteen one-hundredths of 1 per cent from the total imports of the year ending June 30, 1909, the last year of the old tariff. And, mark you, if you will total the imports of lemons for the two fiscal years of July 1, 1909, to June 30, 1911, under the new tariff act, and then compare the figures with those for 1909, the last year of the old tariff, you will find that for two years past, under the new tariff, the monthly importation of lemons has averaged approximately 12,300,000 pounds, while for the year 1909, the last year of the old tariff, the monthly average was only 11,200,000 pounds; and for the years 1905, 1906, 1907, 1908, and 1909, the five years immediately preceding the Payne-Aldrich tariff, the monthly average was 12,250,000 pounds.

These figures show an increased importation for two years under the new tariff, as compared with the last year of the old tariff, of 1,100,000 pounds per month, and an increased monthly

importation for two years under the new tariff, as compared with the last five years of the old tariff, of 50,000 pounds per month.

Again, official figures will show importations of lemons approximately as follows:

	1909	1910	1911
	Boxes.	*Boxes.*	*Boxes.*
June	238,500	307,000	359,550
July	330,600	265,000	387,525
Total	569,100	572,000	747,075

An increase for June and July, 1911, over same months in 1910, of 175,075 boxes, approximately 12,780,475 pounds, and an increase over same months in 1909 of 177,975 boxes, approximately 13,992,175 pounds.

These figures are practically correct. Can any fair-minded man still maintain that an increased tariff has decreased the importation of lemons?

Now a word as to prices.

I believe it can be shown that the price of lemons under the new law is less than the price under the old law. I know that within the last two months I have repeatedly seen lemons for sale on the street corners of Washington at 1 cent each. I examined them and found them sound and good, and I have actually purchased lemons in Central Market, Washington, the principal public market of this city, for 15 cents per dozen, and they were very good lemons, too, not the finest, but as good as are generally used, and lemons can be bought to-day at from 10 to 15 cents per dozen in every market in this city.

Again, all sales of lemons in New York City are made at public auction, and the closing sale prices for the week of August 5, 1911, and same weeks in 1908 and 1907 are as follows:

	Week ending Aug. 5, 1911.	Week ending Aug. 5, 1908.	Week ending Aug. 5, 1907.
First choice, 300	$2.50 to $4.63	$3.85 to $4.50	$3.38 to $4.75
Second choice, 300	2.00 to 3.50	3.15 to 3.95	2.63 to 4.25
First choice, 360	2.50 to 4.00	3.10 to 3.65	3.63 to 4.75
Second choice, 360	2.00 to 3.00	2.70 to 3.25	2.75 to 4.25
Small sizes	1.75 to 3.25	2.52 to 2.75	2.25 to 3.50

In the Washington Times of August 8, 1911, placed in a prominent place, not as market items, but as interesting reading matter, was the following:

WAR-TIME PRICES LOWER THAN NOW—HOUSEWIFE THEN OBTAINED FLOUR, MEATS, LARD, BUTTER, AND CHEESE AT SMALLER COST—SUGAR ALONE SOLD AT HIGHER FIGURE.

Cost of food during war and at present.

Articles.	War time.	Present.
Flour	$4.10-$4.25	$7.75.
Pork	14 cents per pound	18-20 cents per pound.
Hams	6½ cents per pound	20-28 cents per pound.
Lard	8-12 cents per pound	12½ cents per pound.
Butter	15-20 cents per pound	30-35 cents per pound.
Cheese	14 cents per pound	25 cents per pound.
Sugar	10-18 cents per pound	6-7 cents per pound.
Molasses	30-35 cents per gallon	32-38 cents per gallon.
Beef	6½ cents per pound	15 cents per pound.
Shoulders	5 cents per pound	20 cents per pound.
Coffee	13-16 cents per pound	25-40 cents per pound.

If those figures are true, do you not think the growers of lemons in California have done a remarkable thing for the people of this country in keeping the price of lemons to 10, 12, 15, and 20 cents per dozen? Does not the price of lemons compare favorably with any other fruit sold in the market? I have priced lemons in the Washington market for many weeks, and found them at from 1 to 1½ cents each, while at the same time apples were selling at 5 to 10 cents each, and peaches at 3 to 7 cents each. Some have said, "Well, we have paid as high as 3 cents each for lemons." Perhaps so, for there are few, if any, farm products that are not abnormally high at times. I have paid 65 cents per dozen for eggs and 80 cents per pound for butter; yet no one maintains that such are the average prices of these commodities.

Potatoes—plain, old-fashioned Irish potatoes—are selling to-day in all our markets at very high prices. This very morning, in the market of Washington, I personally purchased potatoes in the usual household way, and counted them afterwards, and found that in one instance I had paid 1 cent each, or 12 cents per dozen, for potatoes a little smaller than medium size, and in the other instance 2 cents each, or 20 cents per dozen, for large, but not the largest, size potatoes.

If peaches and apples and even plain, everyday potatoes must at times sell at such prices, is it strange that lemons should occasionally take the same course? Especially when supply is never closely related to demand, and can not be wherever imported lemons control the market. Nor can prices of lemons be kept from becoming abnormally high where shipload after shipload of trust-controlled foreign lemons can be dumped on the market or into the ocean in order to control the market.

Again, as to the prices of lemons, I call your attention to the fact that in eastern Canada, which places no import duty on lemons, the prices to the consumer are approximately the same, though sometimes higher than in Eastern United States, where we do, and should continue to place an adequate duty on lemons, not alone for the grower, but also for the consumer of lemons.

Given a tariff fair and just to the American grower, the American laborer and the American consumer, California growers will, in a few short years, furnish lemons to the whole United States at prices reasonable to the user.

The enemies of American industry say that the California lemon industry is a trust. It will be proven to you, and to your satisfaction, too, that the lemon industry in California is not a trust, and can not be; that the members of the local associations and of the central associations are all lemon growers; that these local associations and central organizations work, not to artificially raise prices, but to gather and disseminate information that will cause their product to be distributed according to the laws of supply and demand, thus giving to the consumer, and obtaining for themselves, a fair price. These central organizations do not control the prices, nor even the destination of shipments, for each grower and shipper—and the shipper is the grower, and the grower is the shipper nearly always—can name his own price and determine the destination for his shipment and have returns made direct to him from the association agent selling his fruit. Again, the owner is notified if his orginal price can not be obtained, and the fruit is then disposed of according to the owner's new instruction.

As to the supply:

California now has between 25,000 and 30,000 acres of lemons and supplies almost half the lemons consumed in the United States. There are at least 60,000 acres additional in southern California suitable for the raising of lemons. Southern California alone can in a few years, if protected by a fair tariff, raise enough lemons to meet the total consumption of the United States. But as a further assurance that California can without question meet every possible demand, if given a sure and certain protection, there is a section of the great San Joaquin Valley of California that has begun to grow lemons and is able to put them into the market at a season when there are few imported lemons. In this valley there are more than 100,000 acres capable of producing lemons, and will be made to produce them at a moderate cost to the consumer and moderate profit to the grower if given a fair and equitable tariff rate. The production has grown and the acreage planted to lemons in California has increased more than 30 per cent since the present tariff act was passed.

Mr. Speaker and gentlemen, the Democratic Party should not murder a great industry without giving it some reasonable opportunity for presenting its case, of defending its very life. Many millions of dollars and many thousands of homes and families are now dependent upon this industry. They should not have their means of livelihood strangled without any chance whatever to plead. Is the Democratic majority of this House satisfied to play the part of a commercial assassin and in five minutes strike down a great American industry without giving it any chance whatever to show its right to live?

I am in receipt of a message from the Los Angeles Chamber of Commerce, which reads, in part, as follows:

One of California's most important industries is the growing of lemons. It is conspicuously free from trust influence, farmers and fruit raisers avoiding middlemen and speculators by marketing their products through their own organizations. At vast expense of patience and capital our citrus-fruit growers have built up a great industry, from which they pay large taxes to sustain Government schools and humane institutions, to which, if duty be removed, our competitors will contribute nothing, thus placing them at great advantage in our own markets, in addition to the difference in their favor on cheaper labor and lower freight rates between place of production and great centers of American population.

The following telegrams likewise show how our lemon growers feel upon this subject:

SAN DIMAS, CAL., *August 9, 1911.*

Hon. W. D. STEPHENS, *Washington, D. C.:*

Urge that nothing be done reducing tariff on lemons at this time, or until after completion of report to Congress regarding conditions here and in Italy. This district starting many young lemon orchards under

present tariff. Change at this time would completely discourage any further planting, as it requires six years' time to get orchard in bearing from time of planting.

SAN DIMAS GROWERS' ASSOCIATION,
By W. A. JOHNSTONE, *President.*

AZUSA, CAL., *August 10, 1911.*

Hon. WILLIAM D. STEPHENS, M. C.,
Washington, D. C.:

We protest against a change in the lemon tariff at present and urge that the matter be held in abeyance until the present investigation regarding comparative conditions at home and abroad is completed and reported to Congress.

AZUSA CITRUS ASSOCIATION.

COVINA, CAL., *August 9, 1911.*

Congressman WILLIAM D. STEPHENS,
Washington, D. C.:

Earnestly protest against action on lemon tariff at present. Urge that matter be delayed until proper investigation of condition home and abroad presented Congress.

COVINA ORANGE GROWERS' ASSOCIATION.
COVINA CITRUS ASSOCIATION.

FERNANDO, CAL., *August 9, 1911.*

Hon. W. D. STEPHENS,
Washington, D. C.:

We, as citrus fruit growers of California, vigorously protest against the removal of the tariff on lemons until such time as we may be heard in the matter, having invested millions of dollars in promotion of the industry.

FERNANDO FRUIT GROWERS' ASSOCIATION.

LOS ANGELES, CAL., *August 4, 1911.*

Hon. W. D. STEPHENS,
House of Representatives, Washington, D. C.:

The Citrus Protective League, representing California citrus industry, in which nearly $175,000,000 are invested, enters a most vigorous protest against any change in the lemon tariff before all the facts are placed before Congress.

CITRUS PROTECTIVE LEAGUE.
G. HAROLD POWELL, *M'g'r.*

POMONA, CAL., *August 9, 1911.*

Congressman WM. D. STEPHENS,
Washington, D. C.:

Representing 800 growers, we most earnestly protest against any action being taken revising tariff on lemons until full opportunity is given us to present before Congress complete data on foreign and home conditions.

SAN ANTONIO FRUIT EXCHANGE.

LOS ANGELES, CAL., *August 9, 1911.*

Representative WM. D. STEPHENS,
United States House of Representatives, Washington, D. C.:

In simple justice to thousands of lemon growers, many of whom have invested their all, we earnestly protest against any reduction in the lemon tariff until we have been allowed to present our case before the regular tariff committee and the case decided on its merits. We ask fair play.

LEFFINGWELL RANCHERS' ASSOCIATION.

PASADENA, CAL., *August 9, 1911.*

Representative WM. D. STEPHENS,
House of Representatives, Washington, D. C.:

In simple justice to the lemon growers of California, who have millions of dollars invested in the business, please use your influence to delay any action on lemon tariff until such time as there can be a thorough and fair investigation of same.

PASADENA ORANGE GROWERS' ASSOCIATION.

WHITTIER, CAL., *August 10, 1911.*

Hon. WM. D. STEPHENS,
Care of House of Representatives, Washington, D. C.:

We urge you to put forth every effort to prevent any reduction in the lemon tariff at this time. Proposed change would be disastrous to California citrus interests and manifestly unfair without due hearing and consideration of comparative conditions here and in Sicily.

WHITTIER CITRUS ASSOCIATION.

Similar protests have been received by wire from the following:

Alhambra Orange Growers' Association, Alhambra, Cal.
Azusa Chamber of Commerce, Azusa, Cal.
Azusa Citrus Growers' Fruit Exchange, Azusa, Cal.
Azusa Foothills Citrus Association, Azusa, Cal.
Irwindale Citrus Association, Irwindale, Cal.
Bloomington Fruit Association, Bloomington, Cal.
Charter Oak Citrus Association, Charter Oak, Cal.
Claremont Citrus Association, Claremont, Cal.
College Heights Orange Association, Claremont, Cal.
Cucamonga Lemon Association, Cucamonga, Cal.
Cucamonga Citrus Fruit Growers' Association, Cucamonga, Cal.
Gold Buckle Association, East Highlands, Cal.
Etawanda Citrus Fruit Growers' Association, Etawanda, Cal.
Placentia Orange Growers' Association, Fullerton, Cal.
Glendora Heights Orange & Lemon Growers' Association, Glendora, Cal.
Glendora Citrus Association, Glendora, Cal.
Hemet Orange Growers' Association, Hemet, Cal.
Highlands Exchange Association, Highlands, Cal.
High Grove Fruit Exchange, High Grove, Cal.
Sierra Madre–La Manda Citrus Association, La Manda Park, Cal.
Los Angeles Chamber of Commerce, Los Angeles, Cal.
Sparr Fruit Co., Los Angeles, Cal.
Semi-Tropic Fruit Co., Los Angeles, Cal.
La Verne Growers' Association, Lordsburg, Cal.
Indian Hill Citrus Association, North Pomona, Cal.
West Ontario Citrus Association, Ontario, Cal.
Citrus Fruit Association, Ontario, Cal.
Pasadena Board of Trade, Pasadena, Cal.
Pomona Fruit Growers' Exchange, Pomona, Cal.
Riverside Chamber of Commerce, Riverside, Cal.
Riverside Business Men's Association, Riverside, Cal.
Redlands Cooperative Association, Redlands, Cal.
Merchants and Manufacturers' Association, Redlands, Cal.
Redlands Fruit Association, Redlands, Cal.
San Diego Chamber of Commerce, San Diego, Cal.
San Francisco Chamber of Commerce, San Francisco, Cal.
San Dimas Board of Trade, San Dimas, Cal.
San Dimas Lemon Association, San Dimas, Cal.
Uplands Citrus Association, Uplands, Cal.
Stewart Citrus Association, Uplands, Cal.
Uplands Heights Orange Association, Uplands, Cal.
Lemon Growers' Exchange Association, Uplands, Cal.
Ontario–Cucamonga Fruit Exchange, Uplands, Cal.
Mountain View Orange & Lemon Growers' Association, Uplands, Cal.
Walnut Fruit Growers' Association, Walnut, Cal.

I do not ask at your hands at this time any particular tariff rate, only that which after fair and full investigation is found to be fair and just and right for both grower and consumer. I was not sent to this Congress to advocate or stand for any tariff, even on lemons, that is unfair to the American people, and I am trying to do my duty as my conscience dictates. I hope never to vote for or against any bill through pique, but always to work and vote for the interests of the whole people. I shall not advocate a tariff on lemons of one rate or another until after the facts and figures have all been shown me. When a rate fair and just to consumer and grower has been clearly demonstrated, then I will advocate such a rate; no more, no less.

All the lemon grower asks is justice.

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I shall vote for the motions offered by the gentleman from Alabama [Mr. UNDERWOOD], and I shall do it with some compassion for him. A few days ago there was none so great as the distinguished gentleman from Alabama, who held the House under his thumb awaiting his will and abiding his judgment. The gentleman from Alabama had only to crook his finger and the House did as he said. He had supplanted the Speaker of the House in influence; he had become himself, in effect, the Ways and Means Committee of the House and the House itself. But, lo and behold, he went into a conflict with another gentleman, another gentleman who bestrides this Capitol like a colossus, with one foot upon the House of Representatives and the other foot upon the Senate of the United States, with both branches beneath his feet and both doing as he commands. The gentleman from Alabama, with a solid majority behind him in the House, backed by a Democratic Congress, mighty here where they have a superior number, went into the conflict, yielded first on the wool bill, getting a little compromise with the Senator from Wisconsin, and yet completely, in effect, yielding. He takes his lesson good naturedly, but understandingly. Having effected some kind of a small compromise with the Senator from Wisconsin on the wool bill, he understands now what he is doing. He does not describe this as "a compromise." He describes it as "a surrender." [Applause on the Republican side.]

There seems some excuse for my genial friend from Alabama. He is new in charge of conferences. He has heard for the first time that old senatorial bluff about the Senate never yielding. On this side of the House there are many gentlemen who have heard that trite remark many times, knowing it was a very "cold bluff."

Why, Mr. Speaker, if the gentleman from Alabama had tried to escape an agreement on the wool bill, the Senate would have pursued him to the farthest corners of the earth to effect an agreement. Nothing could have prevented the Senator from Wisconsin and other Senators from coming to an agreement upon the wool bill or from getting this bill presented to the President of the United States, and while the Senate conferees said they would not yield, yet if the gentleman from Alabama had had the nerve with which I had credited him and the experience which he ought to have had, he would have laid down the law on behalf of the House of Representatives to the Senate, and the Senate would have yielded at every place and on every line. [Applause on the Republican side.]

This bill was defeated by a narrow margin, a tie vote, in the Senate. Tell me that it would not carry if the gentleman from Alabama had declined to yield! A pro forma disagreement comes to us now from the Senate; a pro forma disagreement. But if a real disagreement had been enunciated on behalf of the House, the Senate would have yielded, and the gentleman from Alabama would have come back to the House with credit, instead of being a discredited tool of another man. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

Mr. CANNON. Mr. Speaker, when this bill was considered in the House I addressed the House, having an hour's time, expressing my views touching it. I shall not now take any time at all except to say that, if I understand the Senate amendment, it limits the House bill as to certain items. The House bill gave free trade with all the world, which meant Australasia, practically, and Argentina, the two great meat-producing countries that have large exports.

Now the Senate amendment No. 5, on page 3, not only has the effect, if I understand it—and I want to be corrected if I do not—of not changing the reciprocal agreement in the event Canada consents to it, but it has the further effect that Argentina and Australasia—they being practically the two countries that have a surplus that compete with us—can not get free entry into our markets unless there is a reciprocal agreement of some kind made with Argentina and with Australasia—one or both. Any kind of an old reciprocal agreement, that might cover hairpins or anything else, would be sufficient to entitle, in the event the Senate amendment is agreed to, free entrance from Argentina and Australasia for their meats. I hope I will be corrected if I am wrong about that. But that takes future action; and unless there is to obtain some new-fangled proposition to originate revenue bills other than in the House and let the majority make a treaty, we are safe, at least so far as the meat producers and the farmers of this country are concerned. It takes future action. Therefore, if I understand it, I shall vote for amendment No. 5.

Ah, the gentleman from Alabama agonizes over the proposition that we can not have free meats with all the world. What does he mean by that? Argentina, a great producer of meat, a great producer of wheat, a great producer of corn, with cheap lands, has a freight rate—and so has Australasia—to the United States by the ocean less than we have in the Middle West from St. Louis or Chicago or Minneapolis to the seaboard.

I can not sympathize with my friend from Connecticut [Mr. HILL] upon this side of the House. He, too, agonizes for legislation that would let Argentina and Australasia into our markets without duty. We part company there; but I am delighted—O heavenly Father, I am delighted—to see the burning brand of reform from California [Mr. STEPHENS], when one single article—lemons—is touched by the House amendment, that you now propose to back away from; I am delighted to see the gentleman from California rush to the defense of the duty on lemons. I am quite willing that the House should recede as to this California product, because I am a protectionist for California as well as every other part of the United States. [Applause on the Republican side.] I believe in the protective policy for all the people. Therefore I will vote for the motion of the gentleman from Alabama [Mr. UNDERWOOD] to recede from the House amendment placing lemons on the free list.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. I give the gentleman one more minute.

Mr. CANNON. I will vote for the motion of the gentleman from Alabama to recede, because I would go as far to protect Alabama and the whole South and California and the whole West as I would to protect Illinois in her industries, or any other State in her industries, and I decline to let the reformer from California [Mr. STEPHENS]—who falls over himself to vote with the Democratic side on everything except lemons—or the gentleman from Connecticut [Mr. HILL], or the other side of the House, make for me my policy touching protection. [Applause on the Republican side.]

Mr. Speaker, I have no patience with Representatives on either side of the House who vote to protect articles produced in their districts or States and against protection on articles produced in other States. I believe in the policy of protection from the crown of the head to the sole of the foot; and, thank God, there are a majority of those on this side of the House who believe in it and will keep the faith. [Applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. PAYNE. I suggest to the gentleman from Alabama that he use some of his time.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Texas [Mr. RANDELL].

Mr. RANDELL of Texas. Mr. Speaker, this House ought to draw clearly the lines of debate. For representatives of the people to speak in such phrase and in such guise that the effect is to deceive the people whom they represent is not becoming to the Members of this House.

The question before us is the motion of the gentleman from Alabama [Mr. UNDERWOOD] to recede from our disagreement to Senate amendment No. 5—and it will be followed by a similar motion in reference to No. 7—and to agree to the amendment with an amendment striking out the word "corn."

The House bill went to the Senate providing for free bread, free meats, and so forth:

Buckwheat flour, corn meal, wheat flour and semolina, rye flour, bran, middlings, and other offals of grain, oatmeal and rolled oats, and all prepared cereal foods, biscuits, bread, wafers, and similar articles not sweetened.

Beef, veal, mutton, lamb, pork, and meats of all kinds, fresh, salted, pickled, dried, smoked, dressed or undressed, prepared or preserved in any manner, bacon, hams, shoulders, lard, lard compound and lard substitutes, sausage and sausage meats.

The leader of the minority has seen proper to state that in the Senate the Democrats, recreant to their pledges and to their duty, and acting contrary to the will of the party in this House, defeated this provision in the House bill.

The gentleman ought to know that in the Senate every man bearing a Democratic commission, save one, voted for the House bill as it passed the House, but the Republican Senate voted it down with the help of this one Senator on the Democratic side. An amendment was then proposed, he says, by a Democrat, which is true; doing the best that he could after the House bill was voted down, proposing this amendment of the Senate, which would evidently, in his opinion, bring in free bread and free meat, at least from Canada, and from other nations as from time to time reciprocal agreements might be made. It at least gives some opportunity to the people of the United States to get their bread and meat untaxed. The amendment referred to, which was added to both the bread and meat sections of the House bill, is as follows: Coming from any foreign country with which the United States has a reciprocal trade agreement and which shall admit from the United States free of duty, cotton, corn, wheat, oats, horses, cattle, and hogs. Yet gentlemen on that side, those who vote every time for the protected manufacturer, those who boast that they stand for the principle of protection, endeavor to put the Democratic Party in the attitude of being opposed to free bread and free meat because the Republicans and one Democrat in the Senate did it. Mr. Speaker, the gentleman from Connecticut [Mr. HILL] says that we have swapped free bread and free meat for cotton bagging and ties. We have swapped nothing.

Mr. HILL. Mr. Speaker, will the gentleman allow an interruption?

Mr. RANDELL of Texas. No; I can not allow an interruption. I only have five minutes.

The SPEAKER pro tempore. The gentleman refuses to yield.

Mr. RANDELL of Texas. If I misstate the gentleman, I will permit him to correct me.

Mr. Speaker, the gentleman, of course, endeavors to be candid with the Members of this House and with his own constituents. He would not deceive anybody by the words he would use, nor the manner in which he would use them. Certainly not. As a matter of honor he would not do it, but it is a strange circumstance that he did not mention the other things of interest to the farmer and the consumer in this bill. He mentions cotton bagging and ties because of interest to the South. The gentleman from Illinois, the former Speaker of this House, also failed to mention the advantages afforded by this bill to the farmers of this country outside of the South.

We find that all agricultural implements, tools, machinery, wagons, harness, saddles, bags for grain, wire and iron for fencing, boots and shoes are relieved from taxation and are admitted into this country free from all the world.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired. A moment ago the Chair informed the gentleman from New York that he had 10 minutes remaining. That was a mistake, there is only 5 minutes.

Mr. PAYNE. I understood the Chair to say 5 minutes.

The SPEAKER pro tempore. No; the Chair said 5 minutes, and the gentleman from Alabama has 13 minutes.

Mr. UNDERWOOD. Mr. Speaker, I yield 3 minutes more to the gentleman from Texas.

Mr. RANDELL of Texas. Mr. Speaker, the effect of this motion, striking out the word "corn" from the Senate amendments, means that, adopting the Senate amendments—if the reciprocity bill should be adopted by Canada—we would have free breadstuffs and free meat from Canada. With the word "corn" remaining in the amendments, it would amount to nothing, because corn for distilling purposes is not admitted into Canada

free from this country. I favor, and I believe that this side of the House will favor, a motion to agree to the two amendments striking out the word "corn," in order that we may get the nearest relief we can and approach as near as possible to free bread and free meat, and insure that this bill, which is so beneficial to the farmers and consumers of the United States, shall be sent to the President, giving him an opportunity to furnish the country this long-promised relief. And I want to say to gentlemen on that side who opposed the Canadian reciprocity bill, if the President does not sign this bill, it will show that the criticism they made of him was correct.

Mr. Speaker, I yield back the balance of my time. I desire to extend my remarks in the RECORD. [Applause.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MANN. Mr. Speaker, reserving the right to object, which I shall not do in the case of the gentleman from Texas, I want to give this warning——

Mr. RANDELL of Texas. Mr. Speaker, I withdraw my request.

Mr. UNDERWOOD. Mr. Speaker, I yield half a minute to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD by inserting some letters from the consul general in Germany in regard to the construction of roads.

Mr. MANN. Mr. Speaker, for fear the gentleman will insert "applause" after every line, I shall object until that question is decided.

The SPEAKER. The Chair is not going to pass on that proposition. Is there objection?

Mr. MANN. I object.

Mr. UNDERWOOD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, it was particularly appropriate that the discussion on that side of the House should be opened by the gentleman from Connecticut [Mr. HILL], because he is conspicuous from the fact that he is the one prominent Republican in the House that is in favor of putting meat on the free list, and that probably is the secret reason that he was not put on the conference committee on the Payne bill, where his position on the Ways and Means Committee entitled him to be.

It will not do to say that the Democrats are surrendering on free meat and free bread. The bill as it passed the Democratic House had these provisions, and it was defeated in a Republican Senate. The Republicans in the last Congress passed a bill revising the tariff, and refused to put meat on the free list. A bill was introduced subsequently suspending the duty on meat for one year, and the gentleman from New York [Mr. PAYNE] said that he would not call the Ways and Means Committee together to consider the bill because it was apparent that the Republicans would not report it favorably. So that no one could reasonably expect relief from the Republicans from the duty on meat.

It is somewhat amusing to hear gentlemen on that side complaining because the Democratic House is compelled to take the best bill it can get from a Republican Senate. Some gentlemen on that side made elaborate arguments when this bill was under consideration in the House to demonstrate that if meat were placed on the free list it would not be of any benefit to the consumer, but that it would be peculiarly beneficial to the American packers who have already absorbed all the packing establishments in the Argentine Republic. Everyone took that argument with a grain of salt, because the Republican Party's record has been such that we all know that if free meat would have been of benefit to American packers it would have long since been made free in a Republican Congress. [Laughter.]

Mr. Speaker, Bradstreet's index shows that the price of foodstuffs has increased 7 per cent since the 1st of July. Within a few days we have passed a number of bills giving relief to homesteaders in the West because of the prevalent excessive drought and because it is notorious that they will not be able to comply with the law if they are compelled to remain on their homesteads during the period fixed by law. As a result of this excessive drought, extending through the entire West, no grass-fed cattle are now coming to the packing establishments—and it is well known that the price of meat as a result of that condition alone will be higher than it has ever been in the history of the country—and yet there is no hope for any relief for the people so long as the Senate and the Executive are controlled by Republicans. Gentlemen say, Why not insist upon free meat and free bread from the entire world? It is a well-known fact that the President is to veto this bill, and if it contained provisions for free meat and free bread it would merely accelerate his action in sending his veto message to the House. [Applause on the Democratic side.] Mr. Speaker, I consider it the greatest crime of civilization that a system of taxation should be continued in force in a country like ours, which places the greatest burdens upon the food and the clothing that the great masses of the people must have in order to exist. [Applause on the Democratic side.]

The Republican Party, which had control of the entire Government, both Houses of Congress and the Executive, for a long period of time, steadfastly refused to give relief. Ignoring the lesson of the last election, by which the Democrats were placed in control of the House in a campaign in which the great issue was the high cost of living, the Republicans in both Houses of Congress refuse to aid the Democrats, coming fresh from the people with their mandate to reduce the burdens on the necessities of life. The Democratic Party finds itself in a position where it is held up and impeded when it attempts to give that full relief to the people to which they are entitled. I know that the gentleman from Alabama [Mr. UNDERWOOD] is sincerely in favor of taking the burdens off the people by putting meat and bread on the free list—as much so as anyone in this House—and I know from an investigation and inquiries of my own that he has done everything in his power to bring about such a result.

The question now is whether we shall give the President an opportunity to afford some relief by taking the duties off of agricultural implements, by admitting free to this country boots and shoes of all kinds, by admitting free to this country sewing machines and barbed wire and cotton ties and bagging, so that at least some measure of relief will be afforded, or whether we shall sit here obstinate in our pride and decline to do anything at all because we can not have our own way? [Applause on the Democratic side.] While this bill would be far preferable to me if it had free meat and free bread from all the world, realizing that such provisions can not be had with a recalcitrant Republican Senate, and knowing that it will be vetoed in any event by a Republican President, I favor its passage in the hope that the people will realize that it is essential that a Democratic victory be had in 1912 in order to give the people the full measure of relief which they justly demand. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, you would think from hearing him talk that my colleague [Mr. FITZGERALD] who has just taken his seat was really and earnestly and insistently for free meat. How about his action? This free-list bill went to the Senate, and there was a tie vote on passing it, just as it came from the House, a tie vote on the proposition of free meat from all the world. Since then the Nation mourns the death of one Senator, which would change that tie vote into a majority for this bill as it came from the House. Is there anything clearer than that? I challenge one of you gentlemen there who is shouting and applauding for free meat to get up here and vote against this amendment which gives away the whole thing on meat. Do you dare to do it? Why not put it up to the Senate and let them vote again on this proposition for free meat and free flour? It was lost by a tie vote. The vote of one man who voted against it has been lost since that time by death. You hold the floor. Why do not you have the courage of your convictions and put it up to the Senate and demand that they take a vote on free meat and free flour, if you want it?

Oh, my friend says the bill is going to the President and the President is going to veto it. Very well, if the people of this country are with you in your demands, not in your actions, and want free meat and free flour, why do you not put that proposition up to the President and let him veto that and go to the country on that issue?

The Senate put a joker in the bill in this corn business. It would not even give us free meat from Canada or free flour from Canada. Our friends come pretty near accepting it. Finally they strike out corn, because there is a duty on corn going into Canada for distilling purposes, because the Canadians insist on protecting their rye used for distilling purposes, and so corn is to be stricken out, and we are to have free meat from Canada, and everybody knows that that will not make any difference to the price of meat in this country or the price of meat in Canada. With the little production of meat and flour there is in Canada that may come across the border in some localities, it will not at all affect the general result. And still you go shouting about free meat and free flour.

Why, Mr. Speaker, nearly every item here put on the free list in this bill is made from material that bears a duty all along the line. There is hardly a thing that you can mention, even the Senate amendment putting on cement, an article on which

there is a duty on what is called "raw material," and you propose to accept it. And so it goes through your whole bill, and with the exception of lumber and possibly with the exception of cotton used in cotton bagging, the material may be on the free list, but on everything else there is a duty on the material which you have not the industry to investigate or remove, or else you have not the courage to do it; I do not know which. You leave it there and bring in this incongruous bill on which no man in the United States can figure the amount of revenue that will be cut out under it because of the articles you put on the free list, and which can only be determined by the action of the court hereafter.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. I am very sorry, Mr. Speaker.

Mr. UNDERWOOD. Mr. Speaker, to hear the gentleman from New York [Mr. PAYNE] arise in his seat and advocate free meat and free bread, when that very same gentleman from New York voted against this free-list bill, spoke against it, and more than that, when he was chairman of the Committee on Ways and Means, refused to give relief to the American people when he had the opportunity to do so [applause on the Democratic side], makes me think that the speech he has just made does not come honestly from either his brain or his heart. [Applause on the Democratic side.]

Mr. PAYNE. And the gentleman says that after the recent change of the gentleman himself on the very bill and on this proposition in the last two months.

Mr. UNDERWOOD. I will state to the gentleman what I stated a minute ago, there is no change so far as I am concerned, there is no change so far as this side of the House is concerned, but we have to face an adverse majority at the other end of the Capitol. We have to face a President who is not of our political faith, and I will say to the gentleman from New York that I and my confrères on the conference committee insisted before anything should be done in reference to striking out the free meat and free bread from this bill that this question should go back to the United States Senate for a vote, and it did go back there. They had an opportunity to reverse their action. They refused to do it, and in less than 24 hours the leader of the Republicans in the Senate, who was disposed to play fair with the American people, the only man whom we can trust outside of the Democrats in the Senate to do justice to the American consumer, told me that if this bill was sent back to the Senate insisting on free bread and free meat that it meant the death of the bill. There are men on this side of the House here who heard that statement. [Applause on the Democratic side.] Now, under those conditions, the only question that confronted us was whether we would deadlock this proposition and give no relief to the American people or whether we would accept such relief as a Republican Senate was willing to concede.

Mr. PAYNE. May I ask the gentleman one question?

Mr. UNDERWOOD. Certainly.

Mr. PAYNE. I would ask the gentleman whether he is disposed to take the statement of a single Senator, one of the conferees, or to take an actual vote in the Senate when it stood a tie on a former vote, and there has been a change of one since that vote was taken.

Mr. UNDERWOOD. I will say to the gentleman from New York, when this bill went back to the Senate, if there had been a majority for it, if the Democrats who were in favor of free meat and free bread could have summoned a majority they would have passed that; but some of the men who voted——

Mr. PAYNE rose.

Mr. UNDERWOOD. Mr. Speaker, I must decline to yield now, but some of the men who voted before for free bread and free meat are unwilling to do so now. Now, as to the statement of the gentleman from Connecticut about the adoption of free bread and free meat, my friend from Connecticut was not willing to join this side of the House to vote for this bill in order to give his people free bread and free meat. [Applause on the Democratic side.]

Mr. HILL. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Alabama has expired; all time has expired.

Mr. UNDERWOOD. Mr. Speaker, I demand the previous question on the first motion that I made, to concur in the Senate amendment No. 5 with an amendment striking out the word "corn," on page 11.

Mr. MANN rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. Mr. Speaker, I move to concur in the Senate amendment. I do not know as there is any difference in the parliamentary situation. The first motion is a motion that the House recede from its disagreement to the Senate amendment, and the gentleman would offer a motion to concur with an amendment. Of course, that is divisible. The first question is whether the House would recede from its disagreement, and then the gentleman's motion to amend at that stage would probably take precedence of the motion to concur.

Mr. UNDERWOOD. Mr. Speaker, my motion is a motion to concur in the Senate amendment with an amendment striking out the word "corn."

The SPEAKER. The Chair has not yet put the motion for the previous question.

Mr. MANN. The previous question would not cut out a prior motion, anyhow.

The SPEAKER. The Chair is aware of that.

Mr. MANN. The motion must be to recede from the disagreement. That is divisible, if anybody wants it divided.

Mr. UNDERWOOD. Mr. Speaker, my motion is that we recede from our disagreement to amendment No. 5 and concur in the Senate amendment with an amendment striking out the word "corn" in line 11.

The SPEAKER. Does the gentleman from Illinois offer a motion to concur?

Mr. MANN. I do not at this stage.

The SPEAKER. The Chair requests the gentleman from Alabama to state his motion again.

Mr. UNDERWOOD. My motion is to recede from our disagreement to Senate amendment No. 5 and to concur in the same with an amendment to strike out the word "corn" in line 11, page 3.

The SPEAKER. The gentleman from Alabama moves that the House recede from its disagreement to Senate amendment No. 5 and concur in the same with an amendment striking out the word "corn." The Chair will ask the gentleman from Alabama if the Chair has stated his motion correctly?

Mr. UNDERWOOD. It is correct.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD].

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Now, Mr. Speaker, I make the same motion in reference to Senate amendment No. 7. I move to recede from our disagreement to Senate amendment No. 7 and concur in the amendment with an amendment striking out the word "corn" in line 19, page 3.

The SPEAKER. The gentleman from Alabama moves that the House recede from its disagreement to Senate amendment No. 7 and concur with an amendment striking out the word "corn" in line 19, page 3.

Mr. UNDERWOOD. Of the printed bill.

The SPEAKER. Of the printed bill. The question is on the motion of the gentleman from Alabama.

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Now, Mr. Chairman, I move to recede from the House amendment, adding the words "and lemons" to Senate amendment No. 8.

The SPEAKER. The gentleman from Alabama moves that the House recede from its amendment to Senate amendment No. 8, adding the words "and lemons." The question is on the motion of the gentleman from Alabama.

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Now, Mr. Speaker, I move to recede from the House disagreement to Senate amendment No. 8 and to concur in the same.

Mr. MANN. We have not disagreed to Senate amendment No. 8.

Mr. UNDERWOOD. The gentleman is right. We have not disagreed. I move to concur in Senate amendment No. 8.

The SPEAKER. The gentleman from Alabama moves to concur in Senate amendment No. 8.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division. First, I would like to have the amendment reported, Mr. Speaker.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Roman, Portland, and other hydraulic cement, and lime.

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LENROOT. I understood the gentleman from Illinois [Mr. MANN] to say that the House did not disagree to that amendment, and, therefore, we should not recede. That is not correct. Did not the House recede?

Mr. MANN. We concurred with an amendment.

Mr. UNDERWOOD. The gentleman from Illinois is correct. I overlooked the fact that we concurred with an amendment and did not disagree.

The SPEAKER. The question is on the motion of the gentleman from Alabama.

The question was taken; and on a rising vote there were—ayes 160, noes 102.

So the Senate amendment No. 8 was concurred in.

On motion of Mr. UNDERWOOD, a motion to reconsider the votes by which the various amendments were disposed of was laid on the table.

Mr. NORRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] rises to a parliamentary inquiry. The gentleman will state it.

Mr. NORRIS. I would like to inquire particularly of the gentleman from Alabama if he does not want to make a motion now to agree to the conference asked for by the Senate.

Mr. MANN. There is nothing to agree to.

Mr. NORRIS. There is still a disagreement, as I understand. This amendment striking out "corn" leaves it still in disagreement.

Mr. MANN. The House has agreed to that.

Mr. UNDERWOOD. I will say to the gentleman from Nebraska that I have not asked to agree to a conference, because no conference is needed.

The SPEAKER. If the House has agreed to the entire matter there is nothing else left.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. RUCKER of Missouri. Mr. Speaker, I ask leave to submit to the House a conference report on the bill H. R. 2958, requiring publicity of campaign contributions.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] calls up the conference report on the publicity bill, and the Clerk will report the bill by title.

The Clerk read the title, as follows:

H. R. 2958, to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections in which Representatives in Congress are elected."

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman from Illinois makes a parliamentary inquiry. The gentleman will state it.

Mr. MANN. I wish to inquire on what page of the RECORD this report is printed?

The SPEAKER. The Clerk simply read the title of the bill, so that Members can send out and get copies of it. Does the gentleman from Missouri know where this report is printed in the RECORD?

Mr. RUCKER of Missouri. I understand the gentleman from Illinois has been informed by a Democrat—the true source of all his information. [Laughter.]

Mr. MANN. I asked for information, but no Democrat was able to give it. [Laughter.]

Mr. RUCKER of Missouri. A Democrat did give it, and the gentleman ought to correct that statement. [Laughter.]

Mr. BARTLETT. It is on page 3920.

The SPEAKER. The report is printed on page 3920 of the RECORD of August 14.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I desire to make a parliamentary inquiry with reference to this bill.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Mr. Speaker, all the conferees being in favor of the conference report, will the time for the discussion of the conference report be permitted to be controlled by those who are opposed to it who are not among the conferees, under the practice of the House?

Mr. MANN. If the previous question were ordered, there would be no time.

The SPEAKER. The Chair thinks that if there is any time for debate somebody who is opposed to the report should be recognized.

Mr. BARTLETT. There are some. I am opposed to it.

The SPEAKER. The Chair thinks there will be no trouble about it.

Mr. RUCKER of Missouri. Mr. Speaker, I have the floor and do not yield to the gentleman.

The SPEAKER. The gentleman from Georgia rose to make a parliamentary inquiry.

Mr. BARTLETT. Mr. Speaker, I am perfectly in order. The Chair submitted a question as to whether there was an objection to the request of the gentleman from Missouri.

The SPEAKER. The gentleman is in order. There is no trouble about that. The gentleman will proceed.

Mr. BARTLETT. Reserving the right to object to the request of the gentleman from Missouri, I desire to ask him if there is any purpose on his part to permit discussion on this conference report?

Mr. RUCKER of Missouri. Mr. Speaker, answering the gentleman, I suppose he simply desires me to say publicly what I have said to him privately—that I have no objection on earth to any discussion that the House wants to hear.

Mr. BARTLETT. The gentleman has it in his power to control it by moving the previous question.

Mr. RUCKER of Missouri. I may exercise that power, but if the gentleman will allow the matter to take the usual course, I will not abuse the privileges of a Member of the House.

Mr. BARTLETT. It is not an abuse of the privilege of a Member of the House to move the previous question. That is simply the exercise of a right which the gentleman has.

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. RUCKER of Missouri. I should like to ask some gentleman who is opposed to this bill—I prefer to ask my colleagues on the committee—if there is debate desired; and if so, about how much, to see if we can get consent to limit the debate.

The SPEAKER. The gentleman from Illinois was just addressing the Chair.

Mr. MANN. The gentleman submitted a request to read the statement instead of the report.

The SPEAKER. Yes.

Mr. MANN. Of course, that comes before the debate. Reserving the right to object, I wish to ask which report is referred to. I hold in my hand what purports to be a document, and also what purports to be a report; one I see, however, is a Senate document and the other a House document.

Mr. RUCKER of Missouri. If the gentleman will keep on studying, he will ultimately acquire some information about the procedure of the House.

Mr. MANN. Yes; I will by studying for myself, but not by information received from the gentleman from Missouri.

Mr. RUCKER of Missouri. I have done my very best to enlighten him.

The SPEAKER. Is there objection to the gentleman's request?

Mr. BARTLETT. Mr. Speaker, still reserving the right to object, the gentleman from Missouri was proceeding to make some sort of a suggestion with reference to debate upon this question.

Mr. RUCKER of Missouri. If it is in order now, Mr. Speaker, I would ask if some gentleman will indicate how much time is wanted in debate, to see if we can agree upon it.

Mr. OLMSTED. Mr. Speaker, I expect to vote for the adoption of the conference report. I know of one or two gentlemen on this side who would like to be heard, one at least in opposition to the conference report, and I think if the gentleman from Georgia [Mr. BARTLETT] will state about how much time he desires, we can reach an agreement all around.

Mr. MANN. Let the Clerk read the statement, and in the meantime this can be arranged.

Mr. BARTLETT. When the statement is read, the gentleman can submit his request.

Mr. RUCKER of Missouri. We might as well settle this question now.

Mr. BARTLETT. Very well. So far as I am personally concerned, I should like to have about 10 minutes. Can we settle the question as to who shall control the time against the conference report? I do not care particularly to do it. I should think that 30 minutes on a side would be ample.

Mr. MANN. We want a little more than that. Make it 40.

Mr. OLMSTED. I suggest that we have 2 hours' debate, 40 minutes to be controlled by the gentleman from Missouri [Mr. RUCKER], 40 minutes by the gentleman from Georgia [Mr. BARTLETT], and 40 minutes by myself.

Mr. RUCKER of Missouri. Mr. Speaker, there are but two sides to this question, and it seems to me that there is but one side.

Mr. BARTLETT. That is a biased view for anyone to take of it.

Mr. MANN. The request of the gentleman from Pennsylvania [Mr. OLMSTED] is a reasonable one.

Mr. OLMSTED. I will make that request, unless the gentleman from Missouri [Mr. RUCKER] will make it.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent that there be one hour of debate on this report [applause], one-half to be controlled by myself and one-half by some gentleman on the other side, if there is one who is opposed to it; and if not, by some one on this side.

Mr. MANN. Oh, well, we can not agree to that; we are entitled to some time on this side of the House.

Mr. RUCKER of Missouri. Mr. Speaker, I ask that the statement be read instead of the report.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the statement be read in lieu of the report.

Mr. BARTLETT. I object.

The SPEAKER. The gentleman from Georgia objects, and the Clerk will read the report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2958) to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same, amended to read as follows, viz:

SEC. 2. That section 8, as above amended, and sections 9 and 10 of said act be renumbered as sections 9, 10, and 11, and that a new section be inserted after section 7 of the said original act, to read as follows:

"SEC. 8. The word 'candidate' as used in this section shall include all persons whose names are presented for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention, or for indorsement or election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are actually nominated, indorsed, or elected.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made, for the purpose of procuring his nomination or election.

"Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, or election by the legislature of any State, as Senator in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which he is seeking indorsement, and not less than 5 nor more than 10 days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as Senator, file with the Secretary of the Senate at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

"Every such candidate for nomination at any primary election or nominating convention, or for indorsement or election at any general or special election, or for election by the legislature of any State, shall, within 15 days after such primary election or nominating convention, and within 30 days after any such general or special election, and within 30 days after the day upon which the legislature shall have elected a Senator, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, general or special election, or election by the legislature, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination, indorsement, or election.

"Every such candidate shall include therein a statement of every promise or pledge made by him, or by anyone for him with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election or election by the legislature, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy, and if any such promise or pledge shall have been made the name or names, the address or addresses, and the occupation or occupations, of the person or persons to whom such promise or pledge shall have been made, shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate, that fact shall be distinctly stated.

"No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person, or of any person, in his candidacy; nor shall any candidate for Senator of the United States give, contribute, expend, use, or promise any money or thing of value to assist in procuring the nomination or election of any particular candidate for the legislature of the State in which he resides, but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

"No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election any sum, in the aggregate, in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $5,000 in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum, in the aggregate, exceeding $10,000 in any campaign for his nomination and election: *Provided further*, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers) and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

"The statements herein required to be made and filed before the general election, or the election by the legislature at which such candidate seeks election, need not contain items of which publicity is given in a previous statement, but the statement required to be made and filed after said general election or election by the legislature shall, in addition to an itemized statement of all expenses not theretofore given publicity, contain a summary of all preceding statements.

"Any person, not then a candidate for Senator of the United States, who shall have given, contributed, expended, used, or promised any money or thing of value to aid or assist in the nomination or election of any particular member of the legislature of the State in which he resides shall, if he thereafter becomes a candidate for such office, or if he shall thereafter be elected to such office without becoming a candidate therefor, comply with all of the provisions of this section relating to candidates for such office, so far as the same may be applicable; and the statement herein required to be made, verified, and filed after such election shall contain a full, true, and itemized account of each and every gift, contribution, expenditure, and promise, whenever made, in anywise relating to the nomination or election of members of the legislature of said State, or in anywise connected with or pertaining to his nomination and election, of which publicity is not given in a previous statement.

"Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths under the laws of the State in which he is a candidate, and shall be sworn to or affirmed by the candidate in the district in which he is a candidate for Representative, or the State in which he is a candidate for Senator in the Congress of the United States: *Provided*, That if at the time of such primary election, nominating convention, general or special election, or election by the State legislature said candidate shall be in attendance upon either House of Congress as a Member thereof he may at his election verify such statements before any officer authorized to administer oaths in the District of Columbia: *Provided further*, That the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, duly stamped and registered, within the time required herein shall be deemed a sufficient filing of any such statement under any of the provisions of this act.

"This act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate amending the title of the bill and agree to the same with an amendment so that the title as amended will read as follows, viz:

"An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses."

And the Senate agree to the same.

W. W. RUCKER,
M. F. CONRY,
M. E. OLMSTED,
Managers on the part of the House.

WILLIAM P. DILLINGHAM,
ROBERT J. GAMBLE,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to renew a request that I made a little while ago in a modified form. I ask unanimous consent that there may be 90 minutes debate, 30 minutes to be controlled by the gentleman from Pennsylvania [Mr. OLMSTED], 30 minutes by the gentleman from Georgia [Mr. BARTLETT], and 30 minutes by myself.

Mr. OLMSTED. Will not the gentleman make it 35 minutes?

Mr. RUCKER of Missouri. I did intend to make it 35 minutes, but we have already consumed 10 minutes in reading the report.

Mr. MANN. If the gentleman will make it 35 minutes, that will give us time enough.

Mr. RUCKER of Missouri. Well, Mr. Speaker, I will modify my request and make it 35 minutes apiece.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the debate extend for 1 hour and 45 minutes, 35 minutes to be controlled by himself, 35 minutes to be controlled by the gentleman from Pennsylvania [Mr. OLMSTED], and 35 minutes by the gentleman from Georgia [Mr. BARTLETT]. Is there objection?

There was no objection.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to make a very brief statement. During the last session of Congress this House passed a publicity bill applying solely to the great political committees which operate in more than one State in connection with elections at which Members of Congress are elected. That bill required publicity of campaign contributions and expenditures both before and after elections. It went to the Senate in that form, was amended, and came back to us with all the provisions relating to publicity before election stricken from it.

The House disagreed to the Senate amendments, and the bill went to conference. In conference the House conferees found gentlemen representing another body obdurate, firm, and unyielding, and finally by a majority vote the conferees on the part of the House yielded and recommended to the House that it recede from its disagreement to the Senate amendments and accept the same. As one of the conferees I refused to join in the conference report or statement. When the conferees report was up for action by the House I made a brief statement, giving my reasons for refusing to agree to the action of my associates, but declaring my purpose to vote for the bill, crippled and disabled as it was, realizing that I would have opportunity in the near future in another Congress to introduce a bill to right the wrong which I thought was then being perpetrated and to further urge the enactment of a law which would respond to the just demand of millions of good people.

When this Congress convened I did introduce a bill providing for the amendment of existing law by restoring the section requiring publicity before election, which the Senate struck out in the last Congress. That bill passed the House unamended, some amendments proposed by gentlemen on the other side being voted down. In the Senate the House bill was amended by the addition of a new section requiring publicity of expenditures by candidates for Representative and Senator in Congress, and applying to nominations as well as to election. Mr. Speaker, this Senate amendment was a surprise to me, and I think a surprise to every Member of the House and to the country, but in my deliberate judgment was a greater surprise to the distinguished gentlemen who constitute another body than to any other persons on earth, and I feel warranted in expressing the opinion that it never would have been agreed to in the Senate if gentlemen there had not confidently relied upon the House to oppose and strike it out.

But, in writing this amendment into the House bill, the Senate responded to the well-considered and almost unanimous sentiment and judgment of the people of the United States. And having sent so good a measure here, a measure which so fully responds to a righteous public opinion, a Democratic House immediately determined to accept it.

As frankly stated by me at the time, the conference on the Senate amendments was requested for the sole purpose of revising and perfecting the Senate amendments. With the able assistance of my good friend, Mr. CONRY, of New York, who has been very loyal and efficient in helping to perfect this legislation and in securing this conference report, and the assistance of my genial, nonpartisan friend from Pennsylvania [Mr. OLMSTED], we have brought the measure back to the House perfected and amended in conference, and I think very materially improved. The provisions of the Senate amendments have all been carefully preserved; no principle has been eliminated from the amendments; the bill has not been weakened in any respect, but has been broadened and strengthened in many respects.

The principle of publicity—full, complete publicity both before and after election—is secured and we have inspired and breathed into this legislation life, vigor, and efficiency. This law will reflect the will and win the approval of people throughout the United States, regardless of political affiliation, who desire to purify elections and to restore and preserve inviolate the sanctity of the ballot box. I exceedingly regret, Mr. Speaker, that there is not an entire unanimity of sentiment on this side of the House in favor of the adoption of the conference report. This measure, so righteous in itself, so just in its provisions, so universally demanded, ought, it seems to me, to command the cordial support of every Member. But there are gentlemen who can not give it support, and in this preliminary statement I desire to say that with those gentlemen I have no quarrel. I realize the conditions that surround them, and I shall not question the judgment or challenge the vote of any gentleman who differs from me or put in issue the merits of the apprehensions which impel him to oppose this legislation.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. RUCKER of Missouri. A brief question.

Mr. BURKE of Pennsylvania. I find in the original bill as amended by the Senate the words "and consent" connected with his knowledge regarding the receipt of money. The conference report would apparently insert the words "and con-

sent." Does the bill as it appears before us now include the words "and consent"?

Mr. RUCKER of Missouri. It does. Mr. Speaker, I was saying, and I repeat, I have no quarrel with gentlemen on this side of the House who differ with me. I recognize their devotion to public will and their unwavering devotion to the great undying principles of democracy. I know they will discharge their duty on this and on all occasions as they see it. I must be permitted to say, however, that I do not believe the apprehension of the danger they fear from Federal interference in matters belonging solely to the States is a reasonable apprehension, or that it is justified by the history of the past or by conditions existing to-day.

Mr. Speaker, only a few words more. I trust I may be pardoned for calling attention to the fact that one of the most valuable features of this bill was written into it by the distinguished junior Senator from Missouri [Mr. REED]. Recently chosen by a direct vote of the people of his State to serve them in that high office, he had the courage to proclaim in the Senate of the United States that no candidate for Representative or for Senator of the United States should spend more than a reasonable sum, to be fixed by law.

By his matchless eloquence he convinced that great legislative body that we should not only require publicity of all campaign expenses, but that we should fix a definite and positive limit to expenditures, beyond which it would be unlawful to go. The amendment offered by Senator REED, and accepted by the Senate, prescribes a maximum limit of $5,000 which may lawfully be expended by candidates for Representative and $10,000 by candidates for the United States Senate. [Applause on the Democratic side.] I say to you this is the best feature of this entire law; and while I concur in the judgment of some of my friends that the limit with reference to Members is too high—much too high—because I believe $5,000 is more than any candidate for membership in this House ought to be permitted to expend, yet I insist that even a high limit is preferable to no limit. If it should ever be charged and shown that I have spent in excess of $700 to secure my nomination and election, then I confess I would be unworthy to sit upon this floor [applause on the Democratic side], because the law of the sovereign State in which I reside requires me to subscribe to an oath that I have not spent a sum greater than that, and I will not violate the law of my State. I seek to win the votes of the people in my district, not by corrupting the masses but by doing the will of the splendid people whom I am proud to represent. [Applause on the Democratic side.]

Mr. RICHARDSON. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. RUCKER of Missouri. I will.

Mr. RICHARDSON. I heard the gentleman give the history of this bill. Did the gentleman forget to mention the fact that the gentleman brought this bill, particularly relative to the primary feature of it, before the Democratic caucus, and they did not vote on it.

Mr. RUCKER of Missouri. Mr. Speaker, I have not forgotten any fact connected with the history of this bill, but the statement just made by the gentleman is not accurate, as he must remember when I call attention to the fact.

Mr. RICHARDSON. If I am not correct about it, I will be glad to be informed.

Mr. RUCKER of Missouri. I think I have informed you, but I will inform you again.

Mr. RICHARDSON. Then kindly inform me.

Mr. RUCKER of Missouri. A gentleman who represents neither Missouri nor Alabama, but the gentleman from Virginia [Mr. CARLIN], who is here to speak for himself, circulated the petition for a caucus. I said to every man to whom I spoke that I had no intention or desire to tie the hands of any free man by caucus action on this bill, and in the Democratic caucus neither the gentleman who called the caucus nor those who indorsed his action dared to present the matter because of the fact——

Mr. RICHARDSON. But the gentleman will remember there was considerable opposition to this bill——

Mr. RUCKER of Missouri. The gentleman can make a speech in his own time; now, let me proceed to make mine. Mr. Speaker, the gentleman must not put me in the attitude of having called a caucus on this bill, because he must know I did not. The fact is I never knew of it until I got official notice of the call. The gentleman from Alabama [Mr. RICHARDSON] greatly magnifies the strength of the opposition to this legislation.

Mr. RICHARDSON. I was going to ask you if you did not make an explanation of that feature before the Democratic caucus, and the Democratic caucus manifested a great deal of opposition to it, and it was withdrawn?

Mr. RUCKER of Missouri. The gentleman from Alabama indulges too much in pure imagination. Mr. Speaker, let me say that I wish I could meet my responsibilities under my oath and at the same time could free the minds of some gentlemen of the horrible nightmare this bill has caused them, but I can not do it.

Mr. RICHARDSON. You never encountered that "nightmare," and that is the reason you do not understand it.

Mr. RUCKER of Missouri. I wish to assure my friend of the devotion I have for the land from which he comes. My kindred all sprung from that region, as the gentleman knows, and every sentiment of my nature is entwined around the institutions of the South, but the South is only one part of this country. It is the South, thank God, a glorious South, but we are legislating to-day for a glorious country, composed of the North, the South, the East, and the West—a united country—and the people demand publicity in every State and in every district. [Applause.]

Mr. RICHARDSON. I deny here that the South or any State in the South is undertaking to shelter itself or escape publicity under any circumstances or conditions.

Mr. RUCKER of Missouri. I have not so charged.

Mr. RICHARDSON. I have heard you make that insinuation before.

Mr. RUCKER of Missouri. I have made no such insinuation. The gentleman is too sensitive.

Mr. RICHARDSON. No; I am not sensitive—not in the least.

Mr. RUCKER of Missouri. I think you are too sensitive. I will not debate this question with him further, as I fear the gentleman is growing too sensitive.

Mr. RICHARDSON. That is one way a man has of attacking another. I am not in the least sensitive. It is an acknowledgment of your inability to answer.

Mr. RUCKER of Missouri. What in the world troubles the gentleman from Alabama? I have answered him. The trouble is he proceeds on an erroneous assumption of fact and will not listen to reason. I have no objection to the conclusion he reaches. He is entitled to his opinion, however wrong it may be.

Mr. RICHARDSON. I will say this to the gentleman from Missouri: That if there is any bill that ought to have been submitted to a Democratic caucus since this special session began, it is this bill.

Mr. RUCKER of Missouri. Mr. Speaker, how much time have I?

Mr. RICHARDSON. I say this: That, in my humble judgment, and from my position here on the floor of this House, if there is any bill that has been before the extra session of Congress that ought to have gone to a Democratic caucus, it is this bill.

Mr. RUCKER of Missouri. Mr. Speaker, in answer to that I will say to the gentleman for the last time that this bill was discussed before the caucus, and I believe the caucus was called on his request, not mine, and in that caucus I told the gentlemen who called the caucus, "If you want caucus action, for the Lord's sake get it." I will not try to tie anybody.

Mr. RICHARDSON. Did you ask for it when you made that long speech before the Democratic caucus?

Mr. RUCKER of Missouri. I did not want any caucus action, and hence asked for none. I went there to see what you were going to do. Mr. Speaker, in view of the interruptions I am having, if the Chair will kindly tell me how much time I have used, I will yield the floor, as I see I can not proceed.

The SPEAKER. The gentleman has 23 minutes remaining.

Mr. HOWARD rose.

The SPEAKER. Does the gentleman from Missouri [Mr. RUCKER] yield to the gentleman from Georgia [Mr. HOWARD]?

Mr. RUCKER of Missouri. I do.

Mr. HOWARD. Mr. Speaker, I want to ask the gentleman from Missouri his opinion of one clause of the bill. I desire to ask the gentleman from Missouri, in his opinion, what would be the effect of this saving clause that you have in this bill? For instance, in the State of Georgia suppose you could not spend under the law of Georgia over $500 in a campaign for Congress, while this bill says you can spend up to $5,000; would this law be paramount to the law of the State?

Mr. RUCKER of Missouri. I will answer the gentleman by saying that in the State of Missouri, where I live, the State law prohibits my spending over $700, and I will consider the State law as absolutely binding upon me, and not this law. I do not believe that this law will ever be construed to annul or vitiate any law of the States not directly in conflict with this.

Mr. HOWARD. Just a question further. In the gentleman's opinion, does the gentleman think that this $5,000 clause in this bill, as proposed by his committee, is not in direct conflict with the clauses of the laws in other States?

Mr. RUCKER of Missouri. Certainly not, because the bill expressly provides that the law of the State shall prevail and govern, provided only that the total expenses shall not exceed the limit here fixed. [Applause.]

Mr. BARTLETT. Mr. Speaker, I represent a State which has, and has had for years, most wholesome, efficacious, and strict laws upon the subject of publicity of campaign expenses. These laws require every candidate, from constable to Congressman, to file in the office of the clerk of the court and to publish in every county where he is a candidate an itemized statement of the expenses that he has incurred in an election, and to swear from what sources the money comes—by whom paid; and they also require him to swear that he has not employed a hired worker at the polls or at any time during his candidacy; that he has not directly or indirectly conveyed or had conveyed to the polls any voter in a buggy or in a wagon or carriage or automobile; and these laws apply to primary and general elections alike. My State has, under the sovereign power that was reserved to it when this Government was formed, never yielded to the General Government the exercise of its police powers, but has always exercised that power. She has spread upon her statute books wholesome laws in regard to the election of every officer by the people, whether in the primary or the real election. We are not afraid in Georgia that we can not vote the Democratic ticket and keep that State steadfast, as it has been for 45 years, in the Democratic column unless we pass this bill and thus prevent the Republicans from buying the election; nor have we any fears that the Republicans will buy us. [Laughter on the Republican side.] That may be a fear peculiar to my friend from Missouri [Mr. RUCKER]. But we would not have any such fear, even if we did not have the protection to be afforded by this bill. It takes no law of Congress or the exercise of any drastic Federal power, the unlawful use of the State's police power, concentrated in the Federal Government, to keep corrupt people from buying an election in the State of Georgia. [Applause.]

Mr. Speaker, the gentleman from Missouri says this part of the bill which I particularly object to is his peculiar hobby; at least he said so the other day on the floor of this House; application of the provisions of this bill to primary elections was his peculiar hobby. The gentleman never mounted that hobby or rode upon it or even rocked it until he saw "this pillar of cloud by day and this column of fire by night" that has arisen over in the Senate in the person of the immaculate junior Senator from Missouri. [Laughter and applause.] "Paul may plant and Apollos may water," but not a vote can the junior Senator from Missouri get from this House or from the gentleman from Missouri from that district until a new light arose at night and the pillar of cloud by day spread itself over his entranced vision. [Laughter and applause.]

Mr. Speaker, why do I say so? Why, in this House, early in April, some vicious Republicans and the unthinking Democrats voted for and engrafted on his bill this identical proposition—that the Congress of the United States could go into Missouri and prevent the voters there from being bought in the primary elections. [Laughter.] What did the gentleman from Missouri do? In his wrath and indignation he moved that the bill be recommitted with instructions, and that the amendment placed in the bill by the vicious Republicans and the misguided Democrats should be stricken out: and all the power of the organization of the House, including the whip of the House and Democratic officials and the influences which he could set to work, were invoked by the gentleman, and at his instance the House voted promptly to strike the obnoxious amendment from the bill; and all the Democrats but two voted to strike it out, and the gentleman and the entire Democratic side applauded the result. The gentleman from Missouri, who, with his soul enthused with the idea of preventing the people of this country from being bought by Republican money, was so anxious to ride his hobby and to stride through the Halls of Congress on it, never mounted that hobby—on the contrary, he hamstrung it all he could—until he saw the junior Senator from Missouri, this new leader from the West [laughter]——

Mr. RUCKER of Missouri. Will the gentleman permit an interruption?

Mr. BARTLETT. I regret I have not time. I do not want to be discourteous at all.

The SPEAKER. The gentleman declines to yield.

Mr. BARTLETT. Not until this new giant, this Missouri Lochinvar, came out of the West, with spear leveled and helmet down, bestriding the gentleman's hobby; and then the gentleman climbed on behind. [Laughter.] It occurs to me to suggest that Shakespeare, had he lived in this age and could he have seen the gentleman from Missouri [Mr. RUCKER] in this performance, might have said of him what he said of "Bottom." You remember in that play when Bottom dressed himself to perform before his associates, they looked at him and said, "Bottom, how thou hast been transformed." And now, when the gentleman from Missouri came back from the conference, arrayed in all this new-found paraphernalia, clothed almost with the mantle of the new Senator from Missouri, it occurs to me that his coconferees must have raised their hands in admiration and said, "O Bottom, Bottom RUCKER, how thou hast been transformed." [Laughter.] What change has come o'er the spirit of his dreams. Manfully and gallantly he led the hosts of Democracy against the solid phalanx of Republicans and a few straying, rebellious Democrats in this House, but could not stand even one punch of the wooden spear of this new champion, the junior Senator from Missouri. [Laughter.]

I do not ascribe improper motives to anyone, much less to my friend from Missouri. I take it for granted that not only has a great light shone upon him outwardly, but that like Saul of Tarsus it came down like the noonday splendor and pierced his very soul and blinded him. I take it for granted and I accept it. I question no man's motives. But I stand here today in defense of that splendid system of Government which our forefathers formed, cemented with their blood, wrested from England, and builded upon solid foundations, and whose spire that points up to heaven, around which I trust the lightnings of eternity shall play, whose sides no beating storm from without shall shake, and no inward dissension shall ever tear down. [Applause.] Regardless of the new dogma from Missouri, promulgated by the new knight from out the West; regardless of the changed views and vigorous assault made upon my position by my friend from Missouri [Mr. RUCKER], I shall still proclaim my devotion to that instrument, which does not give to Congress the power to exercise police authority in the States. [Applause.] Whence comes the power, even in a State, to regulate the primaries? Lest my views may be misconstrued, Mr. Speaker, I want to state right here and now that I am willing to have the fullest publicity of campaign expenses, in every election, including primaries. I am willing that the law shall prescribe the fullest publicity. I will even bow to the opinion of the majority of the court in the Siebold case and the other cases, which held that in regulating a congressional election the Congress had the power to do certain things; but I stop there, and I say no flood of power, however high its waves may dash against the adamantine foundations of this Constitution of ours, no fanaticism—I beg pardon for using the word, but that is the suitable word—no clamor from uplift magazines, or any other influence shall force me from the position that this Congress has no power to invade my State, usurp its police power, and destroy or regulate in the slightest degree its primary elections. [Applause.]

I say that as a lawyer; and as a lawyer I demand to know from any lawyer here whence comes the power from the State even to regulate primaries? From its police power. If I am not correct, I ask my distinguished friend from Pennsylvania [Mr. OLMSTED], for whose legal learning and information I have great respect, to correct me. The police power of the State regulates its primaries. There is where you get the power. That is the law laid down in the decisions, and I have read many of them in the past few weeks. What police power vests in the Congress of the United States, outside of the right to exercise it in the District of Columbia, in the Territories, and in those other places where the Congress has exclusive jurisdiction? None whatever; and the Supreme Court of the United States has often and without dissent decided that Congress has no police power within the several States. Does any man who is familiar with the law, who has read the decisions of the highest court in the land, claim that the Congress of the United States has any police power in a State? I pause long enough for some one either to show his knowledge or his ignorance.

Mr. RUCKER of Missouri. While the gentleman is pausing, let me ask him a question.

Mr. BARTLETT. On that subject, yes.

Mr. RUCKER of Missouri. No; on another subject.

Mr. BARTLETT. On that subject. The gentleman can not answer the question.

Mr. RUCKER of Missouri. I think I can.

Mr. BARTLETT. Answer it.

Mr. RUCKER of Missouri. I will answer it in my own time and to my entire satisfaction.

Mr. BARTLETT. The gentleman from Missouri is easily satisfied. [Laughter.]

Mr. RUCKER of Missouri. Perhaps not to the gentleman's satisfaction.

Mr. BARTLETT. Oh, the gentleman might. But I am sure that when the gentleman speaks to himself he will have a distinguished orator and an appreciative audience both at the same time and in the same person. [Laughter.]

Now, Mr. Speaker, that being true, what power has Congress to invade my State and throw any safeguards around the ballot box at the primary? We never had any charge that a primary or any election was bought in Georgia, and I think, as a general thing, that the States south of the Potomac River have escaped that charge, with rare exceptions. But in order to safeguard and to protect our elections from any possibility of wrong, we have surrounded them with all of these safeguards. The law of the State of Georgia is better than this law. If you pass this act with reference to the primary and concede the power of the General Government to enact a law, is it not exclusive? If Congress has the power to exercise the authority to enact this law, it has the authority to negative the law of the States and permit them to be ignored. The laws of Congress are the supreme law of the land. If it has the power at all to exercise authority so as to regulate the primary, it has the right to make those regulations the supreme law of the land. Thus by this act you destroy all the other safeguards provided by our State laws. My State does not prescribe the limit of expenditure, but it does say that you shall publish an itemized statement of all sums expended. This bill provides that the expenses for stamps, stationery, and clerk hire shall not be included in the $5,000, the limit placed by the bill on expenditures. In a recent primary canvass in my district the items for stationery, clerical hire, and personal expense, published as required by law in my State, were the chief expenses incurred. So if this law passes in Georgia I can spend $2,000 in traveling expenses, stationery, clerk hire, and stamps, and spend $5,000 additional in hauling men to the polls and in surrounding the ballot box with heelers, and have men riding over the district working for me. You strike down the wholesome law of Georgia and erect in its place a sham, a pretext, a law of whose unconstitutionality, as far as I am concerned, I have not the slightest doubt, in which opinion many able lawyers of this House concur.

Now, Mr. Speaker, the gentleman from Missouri said they had now reported from the conference "a bill full of life, full of vigor, and full of efficiency." Does the gentleman from Missouri mean to say that he led the House into the passage and adoption of a bill which had no life in it, which was a mere "dry bones," a mere skeleton, and transmitted it to this other body—the Senate—where this new man in the Senate touched it with his finger and made it spring up into a living being? [Applause.]

My friend has been here for 12 or 14 years, and I hope he will stay here as long as he wants to, but I will not accept his own characterization of himself that he in this House sent to the Senate a bill without life, without vigor, and without efficiency; and when this new man in public life, this new Senatorial magician, just lately inducted into the Senate from Missouri, laid on his hand and breathed into its nostrils and made it stand up, a full-blown body, full of life and full of vigor.

Mr. RUCKER of Missouri. I think, if the gentleman wants to be accurate, he would not quote me in that way.

Mr. BARTLETT. I wrote it down at the time the gentleman said it. The gentleman said "We have brought back a bill full of life, full of vigor, and full of efficiency."

Mr. RUCKER of Missouri. Yes; that is so; but the gentleman said that I said it was no account when it went to the Senate.

Mr. BARTLETT. I did not say it was of no account; I said that the gentleman transmitted a bill to the Senate which he now says is full of life and vigor and efficiency because it took the act of the new Senator from Missouri to make it full of life and vigor and efficiency. That is what I said. I know that the gentleman from Missouri is effective in dealing in metaphor, and he has some poetry to apply to every sentence in his speech. I just attribute that to a poetical license and the extent of his enthusiasm. [Laughter.]

Mr. Speaker, I could say a great deal about this bill. It is because I believe in local self-government, it is because I believe in the Constitution, it is because I believe in the right of the sovereign power of the States to exercise the police power of those States and not transferring it to the Federal Government, it is because I have lived in an age and an era where they had a Federal election law—and I know the horror and the misery and the infamy of that period, which will last long after the infamous authors are dead and justly forgotten, except for their infamy—that I will vote against this bill to give to the Federal authorities the power to control elections in my State. I am not afraid of this little bit of a pretext of invading the rights of the States or of requiring a Member of Congress in a primary election to give an account of his expenses. If it stopped there, there might not be any great harm, but it is the admission that Congress has that power to so invade the province of the State. When you admit the power and say it is necessary to regulate the primary, tell me, Representatives, where is the reason, if you are going to regulate the primary, in a simple way of requiring an account of expenses, why you should not regulate as to who should vote in the primary or in a general election? And if you can regulate the primary and regulate the election with reference to the expenditures of money in the primary, why can you not say who shall vote and who shall not, and every other incident connected with the election of Congressmen?

Mr. RUCKER of Missouri. Mr. Speaker, will the gentleman permit an interruption?

Mr. BARTLETT. Certainly.

Mr. RUCKER of Missouri. Did not the gentleman vote for the amendments to the Hepburn bill and the interstate-commerce law?

Mr. BARTLETT. In what way?

Mr. RUCKER of Missouri. Did not the gentleman vote for its passage.

Mr. BARTLETT. I did for some of the amendments.

Mr. RUCKER of Missouri. And did not that bill make it a crime for shippers to make contracts for rebate?

Mr. BARTLETT. Why, certainly.

Mr. RUCKER of Missouri. And did not that give Federal jurisdiction both in the State of Georgia and in the State of Missouri?

Mr. BARTLETT. Yes; and any man who has a license to practice law, unless he has forgotten how, who does not know the distinction shows his ignorance by asking the question. [Laughter.]

Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman from Georgia has used 24 minutes.

Mr. BARTLETT. Mr. Speaker, there are many more reasons that I could give why this bill should not pass. The bill turns over the control of the primaries in the States to the Federal Government and the trial for violations of the law to a Federal court. Thank God, you gentlemen of the North have never been cursed with Federal judges like we have, and Federal courts that have been a simple horror to our people in the years past and gone. But, Mr. Speaker, I must give time to those who are more able to discuss this question than I. I am going to conclude by saying, so convinced am I of the correctness of my position on this proposition that Congress has no power to regulate the primary elections of my State, nor power to invade it and strike down those wholesome laws and enact new laws not half so efficient and wholesome—so convinced am I that no such idea ever entered the minds or the hearts of the men who builded the Constitution, but that it was left solely for our friend from Missouri and his new Senator to erect his new "pillar of cloud by day" and enlighten the world by his new "pillar of fire by night," and lead us poor benighted men who have been wandering in the wilderness to a new Canaan—that I will not and can not give my vote to this bill, even though all the press of the country in certain regions are clamoring for it, even though all the uplift magazines demand it, and even though my friend from Missouri has changed his position—I will not say his opinions—upon it and become the very transformed, translated "Bottom" of the Congress; even though all these things come all at once and all together to induce me not to preserve my devotion to the Constitution of the United States, the rights of my people, and the rights of my State, I shall stand here, though I stand alone, and resist the passage of this bill in my feeble way, and to them all I say, come one, come all, the very earth shall fall from its accustomed orbit sooner than I! [Applause.]

I reserve the balance of my time.

Mr. OLMSTED. Mr. Speaker, I wish at the outset to acknowledge the faithfulness and loyalty with which the gentleman from Missouri [Mr. RUCKER] kept in conference the promise which he made to the House when he asked for a conference. [Applause.]

Now, just a few words with reference to this bill. In the last Republican Congress—in 1910—we passed a campaign-publicity bill. This Democratic Congress had barely assembled when there was brought in here with a great flourish of trumpets another bill, supplementary to the first, and which we were told was to carry out Democratic campaign promises and platform pledges. Upon investigation that bill appeared to accomplish very little. It applied only to committees conducting elections

in two or more States. It did not apply to individual candidates. It did not require returns by individual candidates of their expenses either at the primaries or at the general election. When the proposition was offered in this House to amend so as to make it apply to individual candidates and to extend its provisions to the primaries it was voted down by very nearly a party vote, our Democratic friends on the other side of the Chamber voting against it and the Republicans solidly voting for it. The bill went over to the Senate, and there it was amended so as to become a real publicity bill; in fact, a publicity bill plus. As amended by the Senate the bill applied not only to campaign committees, but to individual candidates; and not only to candidates for the House, but also for candidates for the office of Senator of the United States. It applied not only to the general election, but as well to the primaries and to nominating conventions and to elections by the legislature. It goes further and fixes a limit to campaign expenses.

The last Democratic national platform called particularly for the fixing of a limit upon campaign expenses, but the bill as it originally passed this Democratic House omitted all reference to that subject. The Senate amendment put it in. The bill came back to this House and the Senate amendments were all disagreed to. A conference between the two Houses was asked for and agreed to. I had the honor to be one of the managers on the part of the House in that conference. The report of the conference retains substantially all the Senate amendments, with some modifications making them more effective and more certain of operation. The question now is, Will the House agree to the conference report? The bill as agreed to in conference fixes the limit of $5,000 upon the expenses which any candidate may incur in securing his nomination and election to the House of Representatives. In the case of candidates for the Senate of the United States the limit is $10,000. I was in favor of scaling the limit of expenses according to the number of votes cast at the last preceding election, so that in smaller States or smaller districts the expenses allowed would not be so great as in the larger ones, something like the corrupt-practices act in England; but I was not the sole conferee, and did not have my way entirely.

Mr. HARDWICK. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. OLMSTED. For just a moment.

Mr. HARDWICK. The gentleman, of course, recognizes that the exercise of this power is under the following provision of the Constitution:

The times, places——

Mr. OLMSTED. I do not care to have that read in my time. I am quite familiar with that provision of the Constitution.

Mr. HARDWICK. Well, I wanted to ask the gentleman if he is familiar with the provision to which I have referred?

Mr. OLMSTED. I am familiar with it.

Mr. HARDWICK. I want to ask the gentleman whether he does not think that word "elections" in that section of the Constitution refers to an election fixed by the Federal statute rather than by any party agreement——

Mr. OLMSTED. I will answer the gentleman in a moment. I well understand that there is considerable objection from certain States where by "grandfather clauses" and by other means the Republican vote has been so nearly eliminated that the whole contest comes at the primary. There is in those States great objection to the operation of this proposed law.

Now, I will answer right here the question that the gentleman from Georgia has asked. The Constitution, in section 4 of the first article, confers upon the legislatures of the States, in the first instance, the right to prescribe the times, places, and manner of holding elections for Senators and Representatives, but makes that power in the States subject to the authority of Congress to make or alter those regulations, except as to the place of choosing Senators. The word "election," if my friend will run down the word to its final signification, he will find means "choice." Where the choice is really determined at the primaries it is in substance as much an election as if it occurred in November. The primary election in such a case decides the election. It fixes and determines the choice.

Mr. HARDWICK. Can the gentleman cite us to some of these decisions to which he has so glibly referred?

Mr. OLMSTED. I have not referred to decisions.

Mr. HARDWICK. The gentleman said that if we would run it down it would be found to be so held.

Mr. OLMSTED. I can not allow my limited time to be taken up.

The SPEAKER. The gentleman declines to yield.

Mr. OLMSTED. Upon that side of the House gentlemen from districts where there is no contest in November, where it all occurs at the primary, have been along with the rest clamoring for publicity. But they seem to want it only in spots—in Republican spots.

Now, if we are to have a publicity bill at all, we want a publicity bill that applies to the whole country—North, South, East, and West—wherever a Congressman or a Senator is to be elected. [Applause.]

Let me show you how it works. I have known a gentleman, an able, distinguished, genial, and worthy gentleman, to occupy the position of minority leader on this floor in three Congresses. His district had a population of more than 200,000. He received less than 1,500 votes at the general election, but there having been no votes against him, he was triumphantly elected. There was no contest at the general election, and, of course, no expenses to report. A publicity bill that did not apply to the primaries would not afford any publicity of the actual expenses in a district like that.

According to the Congressional Directory for the present session, in the eight districts in the State of Mississippi there was not a Republican vote recorded for Congress. In one district in Alabama—the eighth district—the present honorable Member reports that he received 8,785 votes. The Republican candidate received 6 votes. But even that is better than it was in Mississippi, where they say that a man having the temerity to run for Congress on the Republican ticket and receiving 2 votes was arrested as a repeater. [Laughter.]

Mr. RICHARDSON. Will the gentleman yield?

Mr. OLMSTED. I will yield for one question.

Mr. RICHARDSON. That is the district I have the honor to represent on this floor.

Mr. OLMSTED. I am glad you have six good Republicans in it.

Mr. RICHARDSON. I am not in the least ashamed of it, and I will say to the gentleman from Pennsylvania here, not putting myself forward too much, that since my election to Congress I never have been in either a convention or primary election in that district. The honor has always been given me by my people by giving notice for three months that if anybody wants to run against me to do so, and if there was no other candidate I was declared the nominee of the Democratic Party. If the gentleman only was acquainted with the circumstances he would fully understand why the Republican received only 6 votes.

Mr. OLMSTED. I am not finding any fault with the gentleman or his district. I am glad that it does itself the honor to send so good and able a gentleman to Congress. [Applause.]

Now, in the third district I find that in the Sixtieth Congress the Member was elected without opposition, receiving 2,306 votes. The population of his district was 186,346.

The Member from the sixth district, having a population of 211,000, received 3,030 votes.

Mr. BARTLETT. That is my district. Will the gentleman yield?

Mr. OLMSTED. I can not yield my time. I am not finding any fault with the gentlemen nor their districts.

Mr. BARTLETT. Do I understand the gentleman declines?

The SPEAKER. The gentleman from Georgia [Mr. BARTLETT] is out of order.

Mr. OLMSTED. I would be glad to yield if I had the time. In one district of that State the gentleman elected received the magnificent total of 1,743 votes, the district having a population of 181,395.

I will insert here, without reading, a statement showing the districts in Mississippi, Mr. Speaker, with the population and the votes cast for Members of Congress:

Districts.	Population.	Votes.
First	187,739	2,563
Second	183,795	2,567
Third	232,174	1,540
Fourth	199,650	2,536
Fifth	183,066	2,782
Sixth	162,440	4,077
Seventh	211,521	1,933
Eighth	190,885	(1)

[1] Not given.

In the sixth district there were 173 votes recorded for a Socialist candidate, but in the whole eight districts not a single Republican vote was recorded.

Mr. BARTLETT. What has that got to do with campaign contributions?

Mr. OLMSTED. I am going to show what it has to do with them. A very distinguished gentleman, then and now holding a place on this floor from the fourth district of Georgia, reported in the Sixtieth Congress—they do not report the votes now—the votes he received not at the general election but—

at the Democratic primary, in which the real contest occurs, and which is, therefore, the only election in which the people take much interest.

I am stating these facts not in a fault-finding way but merely to show what the gentleman from Alabama so frankly admitted, that in many districts the real contest takes place at the primaries and not at the general election. That is why we are in favor of having the publicity law apply to the primaries. Why should not the expenses of "the real contest" be given publicity in those States where it occurs at the primaries as well as in those States where it occurs at the general election?

Mr. RICHARDSON. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Alabama?

Mr. OLMSTED. For one question.

Mr. RICHARDSON. Your purpose is to investigate why there are not more votes cast?

Mr. OLMSTED. Not at all. It is simply to require publicity of nomination and election expenses.

Mr. RICHARDSON. Yes; to inquire into it.

Mr. OLMSTED. This bill makes no provision for any inquiry at all, except as to the amount of expenses of nomination and election in every State and in every district.

There is another matter which may well be considered here. We passed recently through this House joint resolution No. 39, providing for the election of Senators by the people. This pending bill provides that whether elected by the legislature or by the people, every candidate for the Senate must report his expenses. This bill, if passed, will be passed in pursuance of authority contained in the fourth section of the first article of the Constitution of the United States, conferring upon Congress the power to regulate the times, places, and manner of holding elections for Senators as well as Representatives.

In the resolution providing for an amendment to the Constitution so as to provide for the election of Senators by the people, you attempted to modify also the fourth clause, which gives to Congress the power of regulation. The Bristow amendment, agreed to by the Senate, retained the power of regulation in Congress. When that amendment came over here every Democrat voted to disagree, so that is now in conference. That Bristow amendment would restore the resolution, so as to leave in Congress, in case the Constitution should be amended, the power to regulate senatorial and representative elections.

I admit frankly that our Democratic friends, who voted to take away from Congress entirely the power to regulate these elections, are in an awkward position. They have been shouting for a publicity law; but if they vote for this bill they ought at once to move to recede from the disagreement of the House to the Bristow amendment, and let that resolution pass at once, so that the direct election of Senators by the people may be no longer delayed by the presence in it of that obnoxious provision which would prevent Congress from passing any publicity bill at all or in any other way regulating elections. You have been clamoring in campaigns and in campaign platforms for publicity. Now we offer you publicity—Republican publicity—an ocean of publicity. Do not stand shivering on the shore. In the language of the small boy at the happiest period of his life, we say to you, "Come on in; the water is fine." [Applause on the Republican side.]

Mr. Speaker, I reserve the balance of my time.

Mr. ADAMSON. Mr. Speaker, I shall vote against this conference report regardless of the action of others. The Democrats have long endeavored to secure publicity of campaign expenses in order to prevent or minimize the corruption notorious in our national elections, perpetrated by the contributions of special interests to the campaign funds of the Republican Party. Heretofore Republican ascendancy has defeated our efforts. All we could secure was publication after the election instead of before—locking the stable door after the horse was stolen. Early in the present Congress we passed a bill in the House, wisely devised and drawn, to publish before election in time to checkmate corrupt efforts and defeat their purpose.

That bill fully met the emergency. It laid bare the contributions to national campaign committees for the purpose of corrupting congressional and presidential elections. From different motives, foolish ones on the part of the Democrats, carried away with wild fads, and sinister ones on the part of Republicans who wish by implication to legalize the expenditure of money by candidates, amendments were placed on the bill in the Senate, some of them exceedingly foolish, some of them exceedingly vicious, and all of them inimical to the purpose of the House bill. The 10-cent statesmanship feature, so utterly ridiculous and insulting to the intelligence of American voters, has wisely been abandoned.

The authorization by implication that candidates for Congress may spend $5,000 outside their personal expenses and candidates for the Senate may spend $10,000 outside their personal expenses is a crime against purity, honest politics, and civilization. The proviso that the candidate's personal expenses, traveling, hotel bills, postage, stationery, telegraph, and telephones should not be counted covered substantially the purposes for which a candidate ought to spend money. In honesty and in fact no candidate ought to be allowed to spend any money outside of his personal expenses as enumerated for the purpose of influencing his election. There is no honor in an election that is purchased in whole or in part. There is no profit in it if it takes all or a substantial part of the salary to pay for the election. A man who can afford to spend his salary, or a substantial portion thereof, and go to Congress anyhow, defraying his expenses from other sources, goes there for ulterior purposes, backed by interests which have ends to subserve, He is not there for the public good. He is there improperly, and legislation, if efficacious at all, should prohibit the expenditure of any money to purchase elections. Candidates for any office ought to be prohibited by law from spending a solitary cent to secure votes. When they pay their personal expenses and whatever they may be required to contribute to the expenses of holding the election in an open and legal manner they ought to be prohibited from spending anything else. But this is not the place for that legislation.

Every State ought to be decent enough to provide honest and efficient election laws. When the two Houses of Congress exercise their constitutional power to be the judges of the qualification and election of their own Members, they are armed with sufficient power to purify themselves and protect themselves against unworthy membership. They ought not to condescend to the usurpation and exercise of unnecessary powers to interefere with elections in the States. Federal interference with State elections has always been opposed by the Democratic Party. Aided by Federal courts, it is the one overshadowing menace to our liberties and to be fought at all points and resisted to the death.

The unconstitutional provision for the Federal Government to interfere with primary elections is not only obnoxious but monstrous. I will never vote for it. A State which is not competent to regulate that subject ought to ask the Federal Government to relieve it of further responsibility, and divide its territory among States that are able to do their duty. Right here I will anticipate any criticism that may be made on my position through repetition of the oft-repeated falsehood that this objection to interference in primary elections is peculiar to the South—an effort to protect and conceal the political misdeeds of the South.

There was never a more false and unjust aspersion concocted and published. The elections in the South are honest, free, and fair, under adequate State laws, providing publicity and all other requisites. Everybody votes who wants to, and his vote is counted. Representatives do not purchase their elections there, but enjoy their positions as Members here because they are elected by the free suffrage of the most enlightened, upright people in the world—the only true American and English constituency left solid in any State in this Union. With them remains the only true, reliable, and conservative guaranty for constitutional liberty; with them rests the hope of the defense of the principles of this Government and the perpetuity of our institutions. They pity the ills of the other States, and hope the other States may muster sufficient character and patriotism to deal with the questions. But they are not uneasy about this publicity law electing a single Republican Representative or Senator in any of the Southern districts or States now democratic.

These foolish provisions are put in for the purpose of carrying the large cities and the border States, where enough white people are wrong on politics to take the wrong side and support efforts to use the power of the Federal Government to interfere with elections in the States. The border States, where a great many of the white people are deluded into the support of the Republican Party, may be carried by the Republicans through the instrumentality of these provisions, and some of the larger cities, with their motley population unacquainted with the principles of a republican form of government and caring less for them, may be captured by the Republicans; but let no man hug to his bosom the vain delusion that anybody in the South is afraid of their gaining any Representative or Senator there.

Our doctrines are fundamental. Our principles are fixed and eternal. The citadel of our political virtue is impregnable. Faction and partisanship and Federal oppression have done their worst with us and have failed. We are now safe, but want to elect some Members and Senators in other States. We intend to remain pure and exercise a beneficent influence to help our sister States to purify themselves, and I decline to vote for any provision, either foolish or vicious, that would help subject them to further corruption instead of relieving and protecting them therefrom, as the original House bill provided. [Prolonged applause.]

Mr. OLMSTED. Mr. Speaker, how does the distribution of time stand?

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] has 12 minutes, the gentleman from Georgia [Mr. BARTLETT] has 4 minutes, and the gentleman from Pennsylvania [Mr. OLMSTED] has 20 minutes.

Mr. OLMSTED. I yield 5 minutes to the gentleman from Massachusetts [Mr. MCCALL].

The SPEAKER. The gentleman from Massachusetts [Mr. MCCALL] is recognized for 5 minutes.

Mr. MCCALL. Mr. Speaker, I do not believe in this report, and I shall vote against it, with the idea of having another conference. As the bill went from the House to the Senate it was a publicity bill. The character of the legislation has been transformed by amendments which were made, some of them improvised on the floor of the Senate, from that of a publicity bill to that of a corrupt-practices act. One of the great pieces of legislation in England is their corrupt-practices act. I believe we should have one in the United States, but I do not believe in passing an act of this important character that is ill-considered, that has never been before any standing committee of this House, and one in which the Representatives of the House upon the conference have not even had an opportunity to give us well-thought and well-considered provisions.

I have great confidence in the gentlemen who represent the House upon the conference committee. The gentleman from Missouri and his associate upon that side of the House [Mr. CONRY] are very able lawyers, and there has been no better lawyer in this House during my term of service than the gentleman from Pennsylvania [Mr. OLMSTED]. I believe that the thing to do, for those of us who want a well-thought and well-considered corrupt-practices act, is to vote down this conference report, ask for a further conference, and let these gentlemen during the coming recess give it that care, thought, and labor which its importance demands, and bring in a report in December worthy of the country.

For that reason I propose to vote against this report, and not because I do not favor legislation of this character. When I was a member of the Massachusetts House of Representatives I introduced the first bill in the nature of a corrupt-practices act that ever passed any legislative body in this country. I introduced the publicity bill that became a law in the last Congress, and if we are to have further legislation along these lines I feel a deep interest in having it carefully drawn, and not to have the slipshod and the sloppy and incomplete provisions that are contained in this bill.

In the first place, this bill assumes to restrict the amount of money that a Member of Congress may use, and it fixes that amount at $5,000. In my whole 10 campaigns I have not spent $5,000. There is practically no restriction to that. Then they exempt traveling expenses, stationery, and postage, the circulars that a man may send out in his primary campaign, and the same items when he is up for final election. There may easily be spent under those items three or four or even five thousand dollars more. That leaves so large a sum as to amount to no practical limitation upon the amount that may be spent.

But I am more opposed to this bill because it makes it necessary for every candidate for Congress, whether he is elected or defeated, and for every candidate for the Senate to make an affidavit upon subjects that are not clearly defined, so that he may know what is required of him. If one is called upon to make oath to certain things in a highly penal statute, he should be told just the points that he is to cover. If you will carefully read the provision here with regard to the oath of a candidate, it is indefinite. It may be construed by one man one way, so as to include certain expenses, and by another man so as to exclude those expenses, and no candidate can be sure just what he is to cover in his return.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. MCCALL. I should like a couple of minutes more.

Mr. OLMSTED. I yield two minutes more to the gentleman.

Mr. MCCALL. Mr. Speaker, I will not have opportunity, in the limited time left me, to call attention minutely to parts of this law, but you will find that the provision with regard to the filing of returns by the candidates does not state where those returns are to be filed. It leaves it merely a matter of inference. As to the return itself, there is the following provision:

> Such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Now, it is very easy for a candidate to make an affidavit as to contributions or promises of money or things of value made by him or by his authorized agent, but how can he tell what is done by any other person? But, you say, it must be with his knowledge and consent. Now, what does that mean? A candidate goes to a place in his district where a meeting is called by the city or town committee. He has nothing to do with it except that he is asked to speak there, but the meeting is in the interest of his candidacy and perhaps in the interests of the State ticket. He consents to that meeting. He has knowledge of it. It is not clear that it would not be incumbent on him to go to the authors of that meeting to find out what they pay for the band, what they pay for the hall, and include that in his account. I do not believe that was intended, but it should be definite. You have altogether too many loosely defined penal statutes. You can find other matters in this bill that are not clear, and your conscientious candidate may feel compelled to make an extreme return in order to include everything that is doubtful, and the candidate who wishes to avoid the law will take to himself the benefit of the doubt.

The SPEAKER. The time of the gentleman from Massachusetts has again expired. The gentleman from Pennsylvania [Mr. OLMSTED] has 13 minutes remaining, the gentleman from Georgia [Mr. BARTLETT] 4 minutes, and the gentleman from Missouri [Mr. RUCKER] 12 minutes.

Mr. OLMSTED. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. WATKINS].

Mr. BARTLETT. And I yield the balance of my time to the gentleman from Louisiana.

The SPEAKER. The gentleman from Louisiana is recognized for 6 minutes.

Mr. WATKINS. Mr. Speaker, in the limited time allowed me I can not more than skim the surface or touch in high places this great question. I can only outline. I wish to say when this conference report was made by the gentleman from Missouri [Mr. RUCKER] I reserved all points of order, expecting that I would have an opportunity to fully and freely discuss thet question now before the House. My object in doing so was to put myself on record in a proper light with reference to two leading propositions contained in this measure. One was the contribution of campaign expenses in general elections. The other was as to the contribution of campaign expenses in primary elections. There is a vast difference in the issues involved in these two propositions. When this bill was before the House, I voted against the amendment which purposed having the law apply to primary elections, but voted for the bill, which provided that the law should apply alone to general elections. My opinion has not been changed by the fact that an amendment has been incorporated in the bill by the Senate by which the law is made to apply to primaries.

For six years the gentleman from Missouri, who has charge of this measure, has been an ardent advocate of the proposition to require the publicity of campaign expenses in general elections, but in no instance during that time has he ever advocated the publication of campaign expenses in primary elections until this bill came back from the Senate with the amendment tacked upon it.

The gentleman from Massachusetts [Mr. MCCALL], who has just preceded me, who has been looked upon as the father of the proposition to require the publication of campaign expenses, has never advocated or proposed anything of this kind and does not favor the bill in its present form at this time.

The Democratic Members of the House of Representatives are put in this attitude: We have staring us in the face a Democratic platform, a plank of which demands the publication of campaign expenses, but which does not require or contemplate the publication in primary elections. Hon. William J. Bryan addressed a message to the President of the United States, then Secretary of War, demanding the publication of campaign expenses and requesting him to join with him in procuring the passage of a bill by Congress for that purpose, but gave no intimation that it should apply to primary elections. Why, in all the agitation in and out of Congress, in the maga-

zines, and elsewhere, has it not been urged that Congress should make the law apply to primary elections? It is because of the embargo placed upon legislation of this kind by the Constitution of the United States.

Now, Mr. Speaker, we are confronted with this contingency: Here is a demand made by the Democratic convention for the publicity of campaign expenses. Here is a provision of the Constitution of the United States which prevents the Federal authorities from infringing upon the rights reserved to the States. When the Constitution of the United States was framed the States then in existence were already fully organized. They had their own laws, which were interpreted by their own judicial tribunals, and they surrendered only certain rights and prerogatives to the Federal Government through the Constitution. All rights not especially surrendered were reserved to and remain inherent in the States. Amendment IX reads:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Amendment 10 reads:

The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

The courts of the States have the sole province and exclusive jurisdiction of interpreting the laws of the States. This broad proposition is submitted: There is a national law providing for the election of Members of Congress. The Constitution and acts of Congress provide for that; providing the number, age, residence, when they shall be elected, and even that the Members of the House of Representatives shall be voted for on written or printed ballots or by voting machines. There is no Federal primary election law. The States of the Union alone have primary election laws, which laws have been enacted by the legislatures of the various States having these laws. If the amendment tacked onto this bill by the Senate is incorporated into this law, the Federal judges will have jurisdiction of the cases arising under the law and will have the right to interpret the primary election laws of the various States, which will be a clear infringement upon the rights of the States and will be in violation of the tenth amendment to the Constitution of the United States. Believing that this measure will pass the House, and being paired and prevented from voting upon the question as now presented, I avail myself of the opportunity of expressing my views, trusting to the future for vindication of what I believe to be a usurpation of the rights reserved to the people of the States by the express terms of the Constitution.

For years I have worked and voted for a law providing for the publicity of campaign expenses in general elections, as demanded by the national Democratic platform, which was intended to correct the evil of vast sums of money being used by the national campaign committees in corrupting the electorate and controlling national elections, and I would hail with delight an opportunity at this time to vote for such a law. When the bill was returned to this House in its present form I requested that we be allowed to vote separately on the two propositions, but this could not be permitted under the rules of the House, and we are forced to accept or reject the report as it comes from conference as a whole. For the purpose of showing the Democratic view, that the evil practices sought to be stopped related to national elections and not to local elections or primaries, I herewith incorporate as a part of my remarks the demands of the Democratic Party, culled from the Democratic Campaign Book, page 221:

We demand Federal legislation, forever terminating the partnership which has existed between corporations of the country and the Republican Party under the expressed or implied agreement that in return for the contributions of great sums of money wherewith to purchase elections they should be allowed to continue substantially unmolested in their efforts to encroach upon the rights of the people.

Any reasonable doubt as to the existence of this relation has been dispelled by the sworn testimony of witnesses examined in the insurance investigation in New York and the open admission of a single individual—unchallenged by the Republican national committee—that he himself, at the personal request of the then Republican candidate for the Presidency, raised a quarter of a million dollars to be used in a single State during the closing hours of the campaign.

In order that this practice shall be stopped for all time, we demand the passing of a statute punishing by imprisonment any officer of a corporation who shall either contribute on behalf of or consent to the contribution by a corporation of any money or thing of value to be used in furthering the election of a President or Vice President of the United States or any Member of the Congress thereof. We denounce the Republican Party, having control of the Federal Government, for its failure to pass the bill introduced in the last Congress to compel the publication of the names of contributors and the amounts contributed toward campaign funds, and point to the evidence of the insincerity of Republican leaders when they sought, by an *absolutely irrelevant and impossible amendment*, to defeat the passage of the bill as a further evidence of their intention to conduct their campaign in the coming contest with vast sums of money wrested from favor-seeking corporations. We call attention to the fact that the recent Republican national convention at Chicago refused when the issue was presented to it to declare against such practices.

We pledge the Democratic Party to the enactment of a law prohibiting any corporation from contributing to a campaign fund and any individual from contributing an amount above a reasonable maximum, and providing for the publication before election of all such contributions above a reasonable minimum. (Democratic platform.)

Also from the Democratic campaign book, page 145, the following telegraphic correspondence explains itself:

LINCOLN, NEBR., *May 25, 1908.*

Secretary WM. H. TAFT,
Washington, D. C.:

I beg to suggest that as leading candidates in our respective parties we join in asking Congress to pass a bill requiring publication of campaign contributions prior to election; if you think best, we can ask other candidates to unite with us in the request.

W. J. BRYAN.

WASHINGTON, D. C., *May 26, 1908.*

Hon. WM. J. BRYAN,
Lincoln, Nebr.:

Your telegram received. On April 30 last I sent the following letter to Senator Burrows, the chairman of the Committee on Privileges and Elections of the Senate:

"My Dear Mr. Burrows: I sincerely believe that it would greatly tend to the absence of corruption in politics if the expenditures for nominations and elections of all candidates and all contributions received and expenditures made by political committees could be made public, both in respect to State and national politics. For that reason I am strongly in favor of the passage of the bill which is now pending in the Senate and House, bringing about this result so far as national politics are concerned. I marked this letter "personal" because I am anxious to avoid assuming an attitude in the campaign which it is quite possible I shall never have the right to assume, but so far as my personal influence is concerned, I am anxious to give it for the passage of the bill.

"Very sincerely, yours, WM. H. TAFT."

Since writing the above, in answer to inquiry, I have said publicly that I hope such a bill would pass.

WM. H. TAFT.

LINCOLN, NEBR., *May 26, 1908.*

Hon. WM. H. TAFT, *Secretary of War,*
Washington, D. C.:

Am very much gratified to receive your telegram, and trust that the publication of your letter will add the weight necessary to turn the scales in favor of the measure. Elections are public affairs, and publicity will help purify politics.

W. J. BRYAN.

LINCOLN, NEBR., *May 26, 1908.*

Senator CHARLES A. CULBERSON,
United States Senate, Washington, D. C.:

Please secure copies of my telegrams to Secretary Taft and his reply concerning campaign contributions. His letter to Senator Burrows may enable you to secure action on the bill.

W. J. BRYAN.

LINCOLN, NEBR., *May 26, 1908.*

Hon. JOHN SHARP WILLIAMS,
House of Representatives, Washington, D. C.:

Please secure copies of my telegram to Secretary Taft and his reply concerning campaign contributions. His letter to Senator Burrows may enable you to secure action on the bill.

W. J. BRYAN.

But the Republican Congress failed to enact a publicity law.

Mr. Burrows did not press it upon Congress, nor did he, as temporary chairman, call it to the attention of the Republican national convention. The convention by a vote of 94 yeas to 880 nays voted down the publicity plank.

The following is an extract from the Senate Documents, volume 4, Fifty-ninth Congress, second session:

The abuses arising from the secret political contributions has brought about a demand that the sources and objects of campaign contributions and expenditures should at least be revealed to public scrutiny, in order that their regulation and correction, if deemed necessary, should be made with the fullest knowledge of the actual conditions and evils involved.

Following the lead taken by New York in 1890, 17 States have passed measures securing in some degree the publicity of campaign funds. In the closing days of the presidential campaign of 1904 the question of campaign contributions had been made an issue of almost paramount interest. The governors of many States had urged that legislation should be adopted upon this subject. Public opinion demanded that campaign money should be regarded as public money.

On the subject of campaign contributions Senator Gray wrote:

Corrupt-practices acts have been largely unavailing and seemingly incapable of being enforced. Compelled publicity as to contributions and campaign expenses will be more efficient than all of them put together toward suppressing the evil of electoral corruption. It will work automatically and require no legal machinery of pains and penalties to enforce it. I mean that when publicity is once enforced the beneficial results flow automatically, without the intervention of penal legislation.

STATE RIGHTS.

On the question of State rights I will incorporate in my remarks the presentation of this question by Dr. J. L. M. Curry, minister to Spain under President Cleveland, president of Howard College, and at the time of his death custodian of the Peabody fund:

The Union is not the primary social or political relation of those who formed it. The State governments were already organized and were adequate to all the purposes of their municipal concerns. The Federal Government was established only for such purposes as the

State governments and the confederation could not sufficiently answer, namely, the common purpose of all the States. The people of the States not as a unit, not in the aggregation, but separately, hold in themselves all governmental power. One portion they granted to the State governments, another to the Government of the Union, and the residue they retained undelegated to themselves.

Mr. Jefferson deprecated "usurpation of the powers retained by the States, interpolations into the compact, and direct infractions of it," and as late as 1825 solemnly asserted that though a dissolution of the Union would be a great calamity, submission to a government of unlimited power would be a greater.

The powers reserved in the tenth amendment are not only reserved against the Federal Government in whole, but against each department, the judicial as well as the legislative and executive. Otherwise the Federal sphere is supreme and the spheres of the States subordinate. It can not be tolerated for a moment that the Supreme Court has the right to modify every power inhering in the State governments or undelegated to the people, so as to exempt its own action from their influence. The authors of the Federalist insisted that the apprehended inequality did not exist, and that should it be developed the States would be able to control. Hamilton wrote: "The General Government can have no temptation to absorb the local authorities left with the States. * * * It is, therefore, improbable that there could exist a disposition in the Federal councils to usurp the powers with which commerce, finance, negotiation, and war are connected. Should wantonness, lust of domination, beget such a disposition, the sense of the people of the several States would control the indulgence of so extravagant an appetite."

Those who contend most strenuously for the rights of the States and for a strict construction of the Constitution are the genuine lovers and friends of the Union. Their principles conserve law, good order, justice, established authority; and their unselfish purpose has been to preserve and transmit our free institutions as they came from the fathers, sincerely believing that their course and doctrines were necessary to preserve for them and posterity the blessings of good government. The States have no motive to encroach on the Federal Government and no power to do so, if so inclined, while the Federal Government has always the inclination and always the means to go beyond what has been granted to it.

Also Loring's commentary on the argument of Daniel Webster:

As the United States Government's sovereignty is undoubtedly limited to the express grants of the Constitution, the powers not granted are in the States or people. There was no need of any reservation, except to allay the fears of those who erroneously believed that the Constitution gave unlimited power to the Union.

Again, Dr. Curry, in discussing the ninth and tenth amendments, says:

The ninth amendment prohibits a construction by which the rights retained by the people shall be denied or disparaged by the enumeration; but the tenth, in language that tyranny can not pervert or dispute, "reserves to the States, respectively, or to the people the powers not delegated to the United States or prohibited to the States." Could any language more conclusively show the ultimate authority of the States or that the General Government has no more right to enforce its decisions against those of the several States where they disagree as to the extent of their respective powers than the latter have of enforcing their decisions in like cases? This reservation was incorporated from a caution deemed unnecessary and excessive by some, because such a reservation is of the very essence and structure of the Constitution, but it has been vindicated as a marked demonstration of the wisdom and sagacity of the fathers. Instead of receiving powers the States had bestowed them, and in confirmation of their original authority most carefully reserved every right they had not relinquished. The powers reserved by those who possessed them, the distinct people of each State, are those not delegated or prohibited, and were intended to remove suspicion of a tendency in the Constitution toward consolidation which had been vigorously charged by some of those who had opposed the ratification. It can not be reiterated too often that the people do not derive their rights from the Government. In England, Magna Charta and other franchises were granted by Kings and residuary rights remain in and with the Government, the ungranted rights remain with the Government; here, ungranted rights remain with the grantors and these are the people of the States.

TUCKER ON THE CONSTITUTION.

I also quote from John Randolph Tucker:

The Federal Government has no powers but those delegated by the Constitution. It has no inherent powers, but only those derived from the Constitution as expressly delegated or granted by necessary implication. Those not so delegated, unless prohibited to the States, are reserved to the States respectively or to the people. Reservation of powers is the basis of the title of the States or of the people of the States to political powers under the Constitution. They are not secured to the States or to the people of the States by virtue of the Constitution. They are inherent in the people of the States, and unless delegated to the United States, or by their constitutional act prohibited to themselves, they remain with the States respectively and the people.

In the case of the United States against Cruikshank, Chief Justice Waite uses this emphatic language:

The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or to the people.

In Martin against Hunter, Judge Story, delivering the opinion of the court, said:

It is perfectly clear that the sovereign powers vested in the State governments by their respective constitutions remain unaltered and unimpaired, except so far as they were granted to the Government of the United States. * * * The Government, then, of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given or given by necessary implication.

Hamilton, in the Federalist, says:

The rule that all authorities, of which the States are not explicitly divested in favor of the Union, remain with them in full vigor * * * is clearly admitted by the whole tenor of the instrument.

Mr. Speaker, on May 22, 1908, the House of Representatives had under consideration the McCall publicity bill, providing for the publicity of campaign expenses, to which there had been attached an amendment providing for the publicity applying to primary elections.

Mr. CRUMPACKER, of Indiana, who has almost invariably advocated those measures inimical to the interests of the South, stated:

The amendments go beyond the old election's law sections to which I have referred by including primary elections, and I have no kind of doubt that Congress has authority to regulate and control primary elections held under State and Territorial laws where they are called for the purpose of nominating candidates for Congress and Delegates thereto.

To this speech the gentleman from Missouri [Mr. RUCKER], who now has charge of the measure before the House, replied. He said:

We on this side—

Meaning the Democratic side—

will not dodge the issue. We earnestly favor publicity of campaign contributions, but we are unalterably opposed to force bills and Federal supervision of elections.

Hon. JOHN SHARP WILLIAMS, the minority leader, in his speech in that debate upon the question, said:

You know that nobody who believes in American institutions would vote for section 11 of the Crumpacker bill. It puts the execution of State laws in the hands of the Congress and the courts of the United States.

You know that nobody would vote for section 12 of that bill, which does the same thing and which prescribes a Federal punishment for a violation of State laws.

The vote was taken on the bill as amended. One hundred and sixty-one Republicans voted in the affirmative, including the Speaker [Mr. CANNON]; 126 Democrats voted against it.

It was this measure to which reference is had in the Democratic national platform in which the statement is made—

The insincerity of the Republican leaders when they sought by an absolutely *irrelevant and impossible amendment* to defeat the passage of the bill.

Thus, by the Democratic Party, in the national convention assembled, is this very effort to infringe upon the sacred rights reserved to the States and to the people thereof repudiated and denounced.

When the bill which is now under consideration was up for passage in the House only a few days ago, the Democrats of the House indignantly refused to accept an amendment allowing the provisions of this act to apply to primary elections. It was finally passed by the House of Representatives after the amendment relating to primaries had been eliminated. No one more vigorously opposed the amendment than the gentleman from Missouri who has charge of the bill. The bill went to the Senate by the votes and with the approval of the Democratic Members of this House, and after they had most emphatically refused to enact the measure into law with the provision incorporating the primary feature. But, lo, the Senate reinstated the provision requiring that the law apply to the primary-election laws of the various States. Now, we behold the anomaly of those who had worked and voted against the measure, and had declaimed against it, advocating it.

When the Republicans were in the majority, we denounced their efforts to force this measure upon us. But now, when the Democrats are in the majority, it seems inconceivable that a fundamental Democratic principle should be trampled underfoot. When this bill which we now have under consideration was before this House on April 14, 1911, in charge of the gentleman from Missouri [Mr. RUCKER], who is now presenting it to this House, an amendment was offered to make primary elections in which Members of Congress should be elected amenable to its features.

The gentleman from Missouri [Mr. RUCKER] moved to reconsider the vote by which the bill was passed. His motion was carried upon his statement that he opposed the measure in its present form—meaning with the amendment thereto applying to primaries. He stated that he was not only opposed to it in that form, but added, "So is every other man who wants publicity." The question was put by the Speaker—

Shall the bill be recommitted with instructions to have section 2 stricken out?

This was the section applying to primary elections. The question, being put, was carried by 157 yeas to 149 nays—the Democrats in the affirmative and the Republicans in the negative. On the same day the chairman of the committee reported the bill back to the House with section 2, relating to primaries, ordered to be stricken out. The amendment was again voted on, and section 2, referring to primary elections, was stricken out by a vote of 165 yeas to 139 nays, the Democrats again voting against the provision in favor of having publicity ap-

ply to primary elections, even the Democratic Speaker asking that his name should be called, so that he could be placed on record as opposed to the publicity law applying to primary elections. After the primary-election feature had been eliminated the bill was passed by a vote of 307 yeas and not a single vote against it, even the Republicans putting themselves on record with the Democrats in favor of carrying out the demands of the Democratic Party for the publicity of campaign expenses in *general elections*. The Democrats had thus time and again put themselves on record at this session of Congress—as they had done heretofore—as opposed to the violation of the rights of the States by allowing the Federal authorities to invade the sacred precincts of the States and take from the State courts the right to interpret the laws of the States.

RECONSTRUCTION.

Not many years ago the people of the Southern States had an experience with Federal interference with the local affairs, and the horrors of reconstruction still strike consternation in the hearts of those who experienced that fearful ordeal. There is no disposition on the part of any loyal citizen of this great Union to again fight over the battles which divided the two sections of this Union; but the fearful experiences of those troublesome times which tried men's souls will serve as an illustration of the danger of again allowing any infringement upon the rights reserved to the States. Only a few illustrations culled from the official records will suffice.

LOUISIANA.

Henry Clay Warmoth was the first Republican governor of Louisiana during the reconstruction times, when the laws of the States were either suspended or made subservient to the Federal authorities. He was an adventurer, having no interest in the welfare of the State. He had been a Democrat in Illinois; had gone from there to Missouri, where he enlisted in the Federal Army. He escaped charges preferred against him in the Army, also, after the war, in Texas, from which State he went to Louisiana. He there entered politics as a Republican. He first ran for Delegate to Congress from Louisiana, the negro voters being required to deposit 50 cents each with their ballots to defray his expenses. He was subsequently declared elected governor of Louisiana. His salary was $8,000 per annum. The first year he was governor he made over $100,000, and when his term expired and he retired to private life his wealth was estimated at $1,000,000. The tax collector in New Orleans, appointed by him, received $60,000 per annum. The above facts are taken from House Report No. 92, Forty-second Congress, second session, page 24 (investigating committee).

Illiterate negroes filled the various offices in the State, sat on juries, made laws to plunder the people, taxation being synonymous with confiscation.

CARPETBAG RULE IN LOUISIANA.

William Pitt Kellogg was the second Republican governor of Louisiana.

The conviction has been general among the whites since 1872 that the Kellogg government was a usurpation. This conviction among them has been strengthened by the acts of the Kellogg legislation, abolishing existing courts and judges and substituting others, presided over by judges appointed by Kellogg, having extraordinary and exclusive jurisdiction over political questions by changes in the law centralizing in the governor every form of political control, including the suspension of elections by continuing the returning board with absolute power over the returns of elections; by the extraordinary provisions enacted for the trial of titles and claims to office; by the conversion of the police force, maintained at the expense of the city of New Orleans, into an armed brigade of the State Militia, subject to the command of the governor. * * *

With this conviction is a general want of confidence in the integrity of the existing State and local officials * * * which is accompanied by the paralization of business and destruction of values. The securities of the State have fallen in two years from 70 or 80 to 25; of the city of New Orleans from 80 or 90 to 30 or 40; while the fall in bank shares, railroad shares, city and other corporate companies have in a degree corresponded. Throughout the rural districts of the State the negroes reared in habits of reliance upon their masters for support, and in a community in which the members are always ready to divide the necessaries of life with each other, not regarding such action as very evil, and having immunity from punishment from the nature of the local officials, have come to filching and stealing fruit, vegetables, and poultry so generally * * * that the raising of these articles had to be entirely abandoned, to the great distress of the white people.

The taxation has been carried almost to the point of confiscation. In New Orleans the assessors are paid a commission on the amount appraised, and the houses and stores can be had there for the taxes. In Natchitoches Parish the taxation reached about 8 per cent of the assessed value of the property. In many parishes all the white Republicans and all the officeholders belong to the same family.

The Kellogg government claims to have reduced taxation. This has been effected in part by establishing a board to fund the debt of the State at 60 per cent of its face value. This measure aroused great hostility, not so much on account of the reduction of its acknowledged debt as because it gave the funding board * * * discretionary authority to admit to be funded some $6,000,000 of debt alleged to be fraudulent. So that under the guise of reducing the acknowledged debt it gave opportunity to swell the fraudulent debt against the State. (H. Rept. No. 101, 43d Cong., 2d sess., p. 6.)

SOUTH CAROLINA—HIGH PRICE FOR A GOVERNOR.

COLUMBIA, S. C., *October 16, 1877.*

Personally appeared F. J. Moses, who, on oath, deposes and says: When, as governor, I approved the large printing bill for the Republican Printing Co., during the session of 1872–73, I received from Mr. Woodruff the sum of $15,000, I think. The money was paid in a check drawn by Le Grand Benedict in favor of Hardy Solomon, and the sum of money was turned over to Messrs. Seibels & Ezell as the first payment on the purchase of the Preston mansion.

Report on Public Frauds in South Carolina, page 317:

Moses was speaker of the house from 1868 to 1872 and governor from 1872 to 1874. Besides this bribe, he testified that he received, when speaker, $25,000 at one time and $15,000 at another, besides smaller sums and "divisions." He was a scalawag. (1873.)

SOUTH CAROLINA SUPREME COURT,
Thursday, July 2, 1874.

Saw Wright. He wanted me to raise him $2,500, and said he would give me the decision by 6 o'clock, if I would get that amount for him. He suggested that I try ex-Gov. Scott, but he was no go. Scott said he did not want the mandamus unless it could be used for legislative expenses, as well as for Frazee, Rose, and the printing company, and went back and told Judge Wright so. Wright asked me to telegraph for Jones, and I did so; but failed to bring him. Very much troubled about mandamus. (Report on Public Frauds in South Carolina, p. 296.)

Extracts from diary of Woodruff, clerk of the State senate:

Judge Wright was a Massachusetts negro. Except in Arkansas, Louisiana, and South Carolina, the supreme courts were fairly decent bodies. (1874.)

A NEGRO LEGISLATURE.

In place of the old aristocratic society stands the rude form of the most ignorant democracy that mankind ever saw invested with the functions of government. It is the dregs of the population, habilitated in the robes of their intelligent predecessors, and asserting over them the rule of ignorance and corruption. * * * It is barbarism overwhelming civilization by physical force. * * * We will enter the house of representatives. Here sit 124 members. Of these 23 are white men, representing the remains of the old civilization. These are good substantial citizens. * * * There they sit, grim and silent. They feel themselves to be but loose stones thrown in to partially obstruct the current they are powerless to resist. This dense negro crowd * * * do the debating, the squabbling, the lawmaking, and create all the clamor and disorder of the body. These 23 white men are but observers, the enforced auditors of the dull and clumsy imitation of a deliberative body, whose appearance in their present capacity is at once a wonder and a shame to modern civilization.

The speaker is black, the clerk is black, the doorkeepers are black, the little pages are black, the chairman of the ways and means is black, and the chaplain coal black. At some of the desks sit colored men whose types would be hard to find outside of Congo, whose costumes, visages, attitudes, and expressions only befit the forecastle of a buccaneer. (A "liberal" Republican's description of the South Carolina Legislature of 1871. From Pike, Prostrate State, p. 12 et seq.)

KEEPING MONEY IN THE STATE.

Afterwards I saw (Senator) Leslie in one of these rooms and he handed me a smaller package, about the shape of a brick, which I took and carried home, and on examination found that it contained about $5,000 in money. I will not be positive, but I think the sum of $30,000 was to be distributed among members of the senate committee on finance, and there was some feeling afterwards about some rumors that Owens and Whittemore had got more than other senators * * *. I have one of the Blue Ridge scrip now for $5,000 which was given me in connection with these matters, in addition to the $5,000 testified above. I was supporting these bills because I thought, after hearing arguments of these men, that it was right, and merely took the money because I thought I might as well have it and invest it here as for them to carry it off out of the State. (Report of public frauds in South Carolina, p. 640. Statement of W. Beverly Nash, a negro leader. 1872.)

WHAT ARE YOU WILLING TO PAY?

I went to Tim Hurley, negro, and told him the circumstance; that this man wanted to get a charter for his mine; that it would bring into the State $160,000 or $170,000 of cash immediately, and would help our people a great deal. He looked at me and said, "What is it worth?" I said, "It has not been tried yet, but we hope to make it profitable." He burst into a laugh, and said, "You are green; I mean what are you willing to pay to get the thing through?" I said, "I am not willing to pay anything. You are legislating for our people; this is for the benefit of the people, and we demand our rights at your hands." The bill was not passed that week, and I returned to Columbia on some business afterwards and met this man, who said, "There is no other way than to pay this thing through, and I have made arrangements to do it; if you will go to the legislature to-morrow you will see the difference between your arrangements and what I have made." (Ku Klux report, South Carolina testimony, p. 178. Statement of counsel for manufacturers.)

THE REPUBLICAN RULE IN SOUTH CAROLINA.

That certificates for legislative expenses have been made to cover vast frauds no man will dispute. They are universally regarded as the last culminating evidence of a prevailing system of corruption which has disgraced our State and offended the nation. (Veto of bonanza bill, Mar. 17, 1875.)

A very large number of the members of the South Carolina Legislature come to the capital for the purpose of selling their votes and making all they can out of the office. (Interview, May 24, 1875.)

The last six sessions up to the time I was inaugurated cost the State, under the head of legislative expenses, the enormous sum of $2,147,430.97. These figures, I may say, are unparalleled in the history of American legislation. It is stealing, pure and simple. (Interview, May 24, 1875.)

The duties of a trial justice here are precisely the same as the duties of justice of peace in other States, yet previous governors had appointed and commissioned over 200 men to the important duties of this office who could not write nor read a word of the English language. It was a farce and a fraud; for how can men thus ignorant

intelligently try cases, civil or criminal, brought before them? (Interview, May 24, 1875.)

What a travesty it is to see men filling the office of school commissioner, to pass on the qualifications of school teachers, when they can barely write their names. (Speech, Feb. 2, 1876.)

Extracts from Gov. Chamberlain's statements published in the Charleston News and Courier, September 20, 1876. He was then candidate on the Republican ticket for relection.

House Miscellaneous Document No. 31, part 1, Forty-fourth Congress, second session.

SOME LEGISLATIVE EXPENSES.

Copies of receipted bills in the South Carolina treasury show that $200,000 was spent for furniture, only $17,000 of which went to furnish the statehouse. The investigating committee in 1877 printed about 1,200 pages of similar bills, and this was only a fraction of the material there. No attempt was made in South Carolina to disguise the frauds. (Report of public frauds in South Carolina.)

Public printing in South Carolina.

Session of:	
1868–69	$21,124
1869–70	45,000
1870–71	152,465
1871–72	173,000
1872–73	450,000
1873–74	385,000
1874–75	50,000
1875–76	50,000
Total cost from 1868 to 1876	1,326,589
Total cost from 1790 to 1868	609,000
Showing an excess of cost for printing during the 8 years of Republican administration over the previous 78 years	717,589
Average cost of printing under the Republican administration per year	165,823
Average cost under old régime per year	7,807
Cost of printing under Hampton administration, 1 year	6,178
Amounts appropriated, session 1872–73, Republican administration	450,000
Total for 25 years, old régime, from 1840–1866	278,251
Excess of cost of printing for 1 year of Republican administration over that of old régime for 25 years	171,749
Total cost for 15 months under Republican administration	850,000
Cost of printing for 78 years, old régime	609,000
Cost per month under Republicans	55,666
Cost per month under Hampton administration	514

COUNTY OFFICERS IN MISSISSIPPI.

The Ames Republicans (in Mississippi) have unscrupulously used the ignorance and greed of the negroes to help them in their political schemes. Controlling the negro vote and using it as a solid mass, they have put into such offices as the county supervisors and treasurers, as well as into the legislature, negroes who were often not only unable to read and write, but who were notoriously corrupt and corrupting demagogues. For instance, the late treasurer of Hinds County, in which the State capital lies, was a negro who could neither read or write, and who was killed a few weeks ago by another negro for a disgraceful intrigue. In the last legislature were several negroes who could neither read or write. It happened that the members of a grand jury were totally illiterate. A city government was to be elected last August in Vicksburg, and the Republicans nominated for mayor a white man at the time under indictment for 23 offenses, and for aldermen seven colored men, most of them of low character, and one white man, who could neither read nor write, the keeper of a low groggery. * * * Of the present supervisors of Warren County (Vicksburg) the president and two others can not read. It is a notorious fact that Gov. Ames has appointed to judicial places men ignorant of the law, and that he has used his appointing power to shield criminals who were his adherents and to corrupt the judiciary of the State. (Nordhoff, Cotton States, p. 75, 1875.)

TAXATION IN MISSISSIPPI.

In 1869 the State levy was 10 cents on the $100 on assessed value of lands. For the year 1871 it was four times as great; for the year 1872 it was eight and one-half times as great; for the year 1873 it was twelve and one-half times as great; for the year 1874 it was fourteen times as great as it was in 1869. The tax levy of 1874 was the largest State tax ever levied in Mississippi, and to-day the people are poorer than ever before. * * * A careful estimate shows that during those years of increasing and most extravagant tax levies the public debt was increased on an average annually over $664,000, a sum itself sufficient to defray the entire expenses of the government economically administered. (A protest from the Mississippi taxpayers' convention to the legislature, Dec. 2, 1874. Mississippi Elections, 1875, p. 457.)

Statement of Reuben Davis, formerly a Member of the United States Congress:

"You took $16,000 of my cotton and left me a beggar; I call that an act of oppression. You denied me the right to vote; I call that an act of oppression. You denied me right to hold office; I call that an act of oppression. You refused to permit our State to be represented in Congress; I call that an act of oppression. You sent men here to organize these colored people for political purposes and for your political good, and the men who came were the men your people in the North would scarcely recognize as gentlemen at home, and they robbed us; I call that oppression. I call it oppression not to throw a little flower upon the grave of a southern soldier, which we have never failed to do upon the graves of northern soldiers in the South since the war ended.

I call it a manifestation of bitterness toward us in the general legislation which has been imposed upon the South, and which was intended for the South alone, although * * * it was general on its face. But I have seen as many as four or five hundred men of my country taken before your Federal court, and when they got there the district attorney says: "Pay me the cost and I will dismiss the suit." We have been robbed of our substance that way; I call that oppression. (Mississippi Elections, 1875, p. 1077.)

ARKANSAS.

Arkansas has less than 650,000 people. It has about 120,000 voters. These owed in 1868, when reconstruction began in this State, about $3,500,000, and had $319,000 in cash in their treasury. The debt was State debt. The counties owed little or nothing. To-day, after seven years, the State owes at least $15,700,000, and most of the counties have debts of their own sufficient to make them bankrupt. And for this huge indebtedness, which amounts for State, counties, towns, and school districts, to probably $20,000,000, the people have nothing to show, except some miles of railroad. * * * The State debt alone amounts to more than $115 for every voter. State, county, township, and school debts, including scrip of all kinds, would probably bring the voters in debt $175 per head. * * *

In Little Rock the collector of taxes openly engaged in brokerage, took out a Federal license as a broker, and then drove a thriving trade with the citizens when they came to pay their taxes. You must understand that all State and county scrip was receivable at par for taxes. If a citizen had to pay $50 taxes, he might buy scrip at 30 cents and pay it in at par.

But the collector bought scrip beforehand, when the market was low, and made his own bargain with the citizens. It is said that he made his office worth $100,000 a year. His way was to demand a moiety of the tax, but in greenbacks. For this he gave a receipt in full. Then he kept the greenbacks and turned into the treasury the scrip he had bought up so cheaply. This atrocious form of swindling became so universal that I have been told that only one tax collector in the whole State has uniformly turned into the treasury the same money which he received, and this when the allowances of the assessors and collectors were so great that in some years it cost 20 per cent to collect the State revenue. (Nordhoff, The Cotton States, 1875, pp. 29–31, 1868–1875.)

NORTH CAROLINA.

The taxation for State purposes has increased fivefold under the new constitution. Our taxation for State purposes before the war used to be 10 cents on each $100 valuation of property (one-tenth of 1 per cent). We pay this year for State purposes 52 cents on each $100 of value—that is, the present levy for regular State purposes, in addition to the public debt, county expenses, etc. (Ku Klux Rept., North Carolina testimony, p. 313, 1871.)

ALABAMA.

In 1858 the total State tax of Madison County, Ala., from all sources was $23,417.63. In 1870 the total State tax of Madison County was not less than $65,000, made up as follows:

Tax on real estate	$51,445.30
Tax on personal property	8,471.75
Tax on licenses, polls, insurance, etc., estimated at	5,082.95

The estimate of taxes for polls, insurance, etc., is a low one, and the probability is that the aggregate will, in fact, fall but little below $70,000. The total State tax on land in Madison County in 1858 was $7,213.10; in 1870 it was $51,445.30, a difference of $44,232.20. In other words, the total tax paid on land in our county in 1870 was more than seven times what it was in 1858. And before the war we had over 13,000 slaves in the county, worth not less than $8,000,000—a sum fully equal to the value of all the taxable property in the county. My taxes last year, 1870, were three times as great as the year previous. (Ku Klux Rept., Alabama testimony, p. 461. Statement of P. M. Dox, northern man, Independent, 1871.)

BACON AND HAMS IN POLITICS IN ALABAMA, 1874.

These reports are by no means as complete as they should be, but by reference to them it will be seen that in the first congressional district M. G. Candee issued in Wilcox and Monroe Counties 24,902 pounds; G. V. Boynton, in Dallas County, 19,021 pounds; total, 43,923 pounds. In the second congressional district were distributed 41,949 pounds in the various counties; however, 7,239 pounds of this was reclaimed by the Government. In the third congressional district 20,000 pounds were distributed, but the Government afterwards recovered 12,182 pounds of this. Fifty-two thousand one hundred and thirty-five pounds were distributed in the fourth congressional district and 31,278 in the fifth district. (H. Rept. 262, 43d Cong., 2d sess., p. 1299. Report of Capt. W. T. Gentury, Nineteenth Infantry, United States Army.)

As to the use made of the Government bacon, Perrin (deputy United States marshal) testified:

I issued the bacon for Monroe County. Previous to doing so a report was circulated among the negroes that in order for them to obtain bacon they would have to vote the straight Republican ticket; and if they received bacon, and afterwards refused or neglected to vote the said Republican ticket, they would forfeit their rights in law. As I was a candidate for the legislature upon the said ticket, I did not consider it necessary to correct this report. * * * It was extensively stated that a barbecue would be held at Monroeville on election day, and that all negroes who would attend and vote the Republican ticket would receive bacon enough to last them a year. This induced many of them to come from adjoining counties and vote on said day. * * * At least 500 illegal votes were cast there for the Republican ticket.

Under pretense of relieving destitution caused by floods in Alabama, the radical Members of Congress from that State secured an appropriation from Congress. The appropriation was made in the spring; but the bacon was held until the fall election, and distributed in districts never flooded. (1874, Nordhoff, Cotton States, p. 88.)

FLORIDA—END OF CARPETBAG RULE IN FLORIDA.

The visiting statesmen returned to the North and the Florida lawyers began to set up for themselves. They filed in the Supreme Court a petition for a writ of mandamus, * * * asking that a board of State canvassers be compelled to reassemble and canvass the returns as sent up by the county boards of canvassers. The board, in their first answer, raised the question of the jurisdiction of the court. * * * A peremptory writ was issued, commanding the board to count the votes from the face of the returns. Of course, there was no answer to any such writ, but the conspirators undertook to trifle with the court, and filed the protest instead of executing its mandate.

The court then intimated clearly to the conspirators what they might expect if its mandate was not immediately obeyed. The conspirators, viewing the iron bars of the prison house in fear and trembling, with weeping eyes, returned and made the canvass. The second canvass gave Drew 195 majority over Stearns, and the Hayes electors 214 over Tilden. The board in this canvass threw out the returns from Clay County so as to save the Hays electors. * * * Gov. Stearns, looking back over the hard labor of his plundering career, and seeing that

the packing of juries, the prostitution of public schools, the disfranchising of whole counties, mob conventions, planned irregularities in elections, the public money to get possesion of railroads, the wholesale stuffing of ballot boxes had availed nothing, still was loath to give up the government when he was actually in sight of the promised land. He called a consultation of the ring chiefs at the City Hotel and required to know of them whether they would support him should he maintain that he was governor, the decision of the Supreme Court to the contrary notwithstanding. With one voice, they all answered "Yea." Some of the carpetbaggers doubted the propriety of defying a Republican Supreme Court, but the "Little Giant" (L. G. Dennis) declared that if Stearns did not hold onto the government he would kill him. The day before Drew was to be inaugurated Stearns saw many strange faces in Tallahassee among the whites, and he began to grow pale and talk weak. The "Little Giant," now seeing that Stearns was about to yield up the ghost, went out and filled himself with the red beverage of hell and came to the hotel to murder him, and would have attempted to do so if he had not been locked in a room and detained until he fell asleep.

In the meantime the whites had made great preparation for the inauguration of Drew. Early next morning Drew and Stearns were seen coming out of a house together, as though they had been holding a long consultation. The whites were on hand from Georgia and from all parts of the State in large numbers, and the confiding freedmen came also to see the inauguration of Stearns. Drew seems to have made it all right with Stearns, or Stearns with Drew, and Stearns procured a team and drove into the country, while Drew was inaugurated. The whites had stationed in an old cotton storehouse close by the capitol between 300 and 500 men armed with repeating rifles, with the intention of slaughtering the men who might attempt to inaugurate the defeated candidate. Everything, however, passed off quietly, and the new governor was inaugurated amidst the shouts of thousands of glad-hearted people, both black and white, who boasted that their votes had done the work. Thus ended the eight years of carpetbag famine and pestilence. (Wallace, Carpetbag Rule in Florida, p. 342.)

Wallace supported Stearns and Hayes. Drew was Democratic candidate for governor, 1876. * * *

THE SOUTH WITH HER CIVIL RIGHTS RESTORED.

Mr. Speaker, if the time were propitious, I would like to turn from this horrible nightmare of only a few years ago, when our fields of the South were a barren waste, our homes made desolate, our manhood trampled under foot, and all save the sacred honor of our womanhood destroyed, to our present achievements; to detail at length the wonderful development in mining, manufacturing, and agricultural pursuits; but I will only take time to state in a general way that no land under the sun has made such rapid strides in material development as has the South within the last generation. Natural gas, oil, iron ore, coal, sulphur, salt, timber, and other natural resources abound in almost limitless quantities.

But the South is naturally an agricultural country, and, freed from oppressive taxation and tyrannical oppression, we are working out our own destiny, and are to-day a happy and contented people. Why molest us? Why throw in the "apple of discord" as we dance with glee to the harp of joy? I herewith submit for the earnest consideration of every lover of this great country of ours the statement of the Manufacturers' Record of the 17th instant, entitled "Developing the Nation's Greatest Asset":

What a marvelous story of vast expansion in manufactures and in agriculture, of transformation, of increasing wealth, is being unfolded as from day to day the census tells in cold statistics of the capital and products of the individual States of this country! The 16 Southern States covered by the work of the Manufacturers' Record now have more capital invested in manufacturing than the whole country had in 1880.

In 1880 the total capital invested in manufacturing in the United States was $2,790,000,000. These 16 States had $2,885,000,000 in manufacturing capital when the present census figures were compiled in 1909, and to this several hundred millions have since been added. This is a marvelous change. It should arrest every man's attention. In 1880 the United States was justly boasting of its vast industrial interests, of its development in manufacturing and agriculture, and yet these Southern States now have several hundred million more capital engaged in manufacturing operations than the entire country then had. With such an achievement despite hard conditions prevailing until recent years in the development of the industrial activities of the South, how limitless are the possibilities of this section as indicated by what has already been accomplished! In 1900 the value of the mineral products of the South was $131,700,000; in 1909 it was $327,421,000; and we have as yet scarcely begun to scratch the surface or even to discover the extent of the mineral wealth of the South. Southern prosperity, however, is not found in manufacturing and mining alone. The same great expansion is seen on every hand and in every line of activity. The addition of over $4,000,000,000 to the value of the farm properties of these States attests the progress of agriculture.

In 1900 the total value of the farms of the 16 Southern States included in this comparison was $3,233,000,000. In 1909 it was $7,298,000,000. During the same period the value of farm buildings, more strongly indicative of increasing prosperity than even the value of farm lands, rose from $855,000,000 to $1,672,000,000, strikingly illustrating the vast activities in the construction of dwellings and farm buildings generally during that 10-year period. What a wonderful change must have marked the life of the farmers of these 16 States as indicated by this increase of over $800,000,000 in the value of their farmhouses, what an advance in their financial strength, in their power to consume, their power to improve and produce, was made by the gain of $4,000,000,000 in the value of their farm property. This advance in farm lands and buildings finds its explanation in the increase in the value of the 12 leading crops of these States, which advanced from $916,000,000 in 1900 to $1,977,000,000 in 1909, a difference in the value of one year's output of over $1,000,000,000 as compared with the output of 10 years before.

Year after year from 1900 there was an ever-increasing value of southern farm products, the momentum continuing until, as stated, the value in 1909 of these 12 leading crops, which, of course, does not by any means express the full value of the output of all southern farm products, was $1,000,000,000 greater than in 1900. This difference of $1,000,000,000 in the value of these 12 crops in 1909 and 1900 was greater than the aggregate national banking capital of the United States at present, and it is going on from year to year.

Increasing productivity in agriculture and in manufactures has naturally led to an increase in foreign commerce through the southern ports. Ten years ago the combined value of the foreign exports and imports of the South figured up $536,000,000. For the last fiscal year the figures show a total of $896,000,000, a gain of $360,000,000 compared with 1900. The importance of the South as an asset in the Nation's commerce is indicated in the following facts:

1. During the last fiscal year 47 per cent of the total exports of the United States originated in the South.

2. During the same year 36.4 per cent passed through southern ports.

3. In that year the value of the exports from one southern port was twice as great as the total value of the combined exports from all the entire Pacific coast of the United States, and was $23,541,732 more than the combined values of exports and imports of the Pacific coast.

4. The value of the foreign exports from that one southern port exceeded by $38,389,552 the combined export trade of San Francisco, Boston, and Philadelphia.

In banking and in railroad operations the same wonderful increase is seen. These figures illuminate the whole story of the South's upbuilding. Intelligently studied, they give some conception of how great must have been the activity in the establishment of new factories, the purchase of equipment for mine and mill, for the construction of dwellings, the building of wharves and warehouses, and for all the other activities which go with such a vast expansion of business. They emphasize as nothing else can do what this period of expanding activity has meant in city building operations and the limitless work connected with the engineering problems of city life, the building of streets and roads and water works, the establishment of sewerage systems, electric light plants, and kindred enterprises.

Interesting, however, as these facts are as throwing light upon what has been accomplished, they are of infinitely more interest as illuminating the future. They show that the South, standing erect and triumphant, is ready to go forward with a momentum it has never known before, with its material upbuilding, backed with the vast force of accumulated money and, even more important, accumulated experience in manufacturing enterprises, in mining operations, and in agricultural pursuits.

Starting to-day with a manufacturing capital exceeding by $200,000,000 to $300,000,000 the total manufacturing capital of the United States in 1880, and with its agricultural output exceeding by over a half billion dollars the total value of the farm crops of the United States even as late as 1890, when the value of the latter was $2,460,000,000, against $2,975,000,000, as the present value of the farm products of these 16 Southern States, surely here is a condition which should create abounding optimism throughout the whole country about the South. It should stimulate the energies and activities of every man interested in the continued progress of this section. It indicates what will be achieved with this magnificent foundation on which to build. From these facts may be gained some idea of the wide ramifications of southern upbuilding in the future, how towns and cities will grow, how greater buildings for factories, for offices, for warehouses, for hotels, for schools, churches, and homes will be erected in ever-increasing numbers, how railroads must expand, terminal facilities be increased, agriculture be advanced, how good-roads work and street making will be pressed, and how everything that makes for the broadest activity of a richly endowed and rapidly growing country will move forward with redoubled energy by reason of achievements already made.

As "the development of the South means the enrichment of the Nation," facts such as these should be received with as much enthusiasm by every business man in the North and West and East as by the people of the South. This land of opportunity, this land of limitless possibilities, has achieved much. In the next 10 years it will achieve infinitely more. Every manufacturer, every banker, every investor, every business man of whatever kind in the whole country, is necessarily interested in such a story of the South's progress, for the South is the greatest asset of America, and its development will add enormously to the wealth and progress and power of the United States. In this re-creation of a country will be found limitless opportunities for the people of the South, as well as for the business people of other sections who want to share in the South's prosperity.

On August 4 there was released to the daily press the following statement by the Southern Commercial Congress, showing the increase of farming lands and buildings in the South within the last decade:

In 10 years, 1900 to 1910, the 16 States of the South have more than doubled in the value of farm lands and buildings. This valuation has increased from $4,077,291,000 to $8,964,782,000, a gain of $4,887,491,000. The average increase for the entire section is 125 per cent.

The table given below has been prepared by Clarence J. Owens, commissioner of agriculture of the Southern Commercial Congress, and is based on the reports of the Bureau of the Census.

The summary follows:

Total value of farm lands and buildings.

States.	1900	1910	Increase.	Per cent.
Alabama	$134,619,000	$287,673,000	$153,054,000	114
Arkansas	135,182,000	308,129,000	172,947,000	128
Florida	40,800,000	117,623,000	76,823,000	188
Georgia	183,370,000	477,603,000	294,233,000	160
Kentucky	382,004,000	633,782,000	251,778,000	66
Louisiana	141,130,000	238,682,000	97,552,000	69
Maryland	175,178,000	240,774,000	65,596,000	37
Mississippi	152,007,000	330,295,000	178,288,000	117
Missouri	843,979,000	1,710,505,000	866,526,000	103
North Carolina	194,656,000	455,715,000	261,059,000	134
Oklahoma	170,805,000	736,473,000	565,668,000	331
South Carolina	126,762,000	331,833,000	205,071,000	162
Tennessee	265,151,000	479,606,000	214,455,000	81
Texas	691,774,000	1,822,713,000	1,130,939,000	163
Virginia	271,578,000	530,918,000	259,340,000	96
West Virginia	168,296,000	262,458,000	94,162,000	56

With the application of the principles of scientific agriculture, the marvelous increase in wealth indicated above, is but the beginning of a period of development that will make the South preeminent as an agricultural section. The South holds undisputed leadership in the greatest average annual rainfall and in the number of growing hours.

On August 7 the congress published the following statement, showing the increase in the value per acre of the farm lands in the South during the same period:

Farm land in the 16 States comprised in the territory of the Southern Commercial Congress has doubled in the average value per acre the past 10 years. The increase is from $9.60 in 1900 to $19.71 in 1910.

The average value per acre of farm land.

States.	1900	1910	Increase.	Per cent.
Alabama	$4.84	$10.45	$5.61	116
Arkansas	6.32	14.11	7.79	123
Florida	7.06	17.83	10.77	153
Georgia	5.25	13.74	8.49	162
Kentucky	13.25	21.80	8.55	65
Louisiana	9.74	17.97	8.23	84
Maryland	23.28	32.28	9.00	39
Mississippi	6.30	13.61	7.31	116
Missouri	20.45	41.76	21.30	104
North Carolina	6.24	15.29	9.05	145
Oklahoma	6.50	22.54	16.04	247
South Carolina	7.14	19.89	12.75	179
Tennessee	9.93	18.53	8.60	87
Texas	4.70	14.77	10.07	214
Virginia	10.08	20.22	10.14	101
West Virginia	12.60	20.64	8.04	64

The bureau of agriculture of the Southern Commercial Congress has received authentic information that a financier from a distant State recently purchased 22,000 acres in North Carolina, at $3.40 an acre, and in a few weeks sold about 2,000 acres at an average of $40, leaving 20,000 acres profit.

The average value per acre in North Carolina is $15.29. The illustration gives conclusive evidence that there are some landholders in the South who know not the value of their property.

However, the people of the South are beginning to ascertain these values, and those living outside of the South are coming to a fuller understanding of the wealth, held by the section, in the variety and character of soils.

Since the reconstruction period, from 1880 to 1910, the population of the Southern States has increased from 18,260,716 to 32,415,297. During the same period the enrollment of the children in the schools has trebled. The expenditures for schools has increased from $7,133,000 in 1880 to $62,945,359 in 1908. The increase in bank deposits bear the same ratio; the same is true of her mining and manufacturing industries; her churches and everything else which tends to show the peace, prosperity, and happiness of a contented people. In the name of all that is sacred and holy to the lovers of freedom I most solemnly and vigorously protest against the enactment of any legislation which will tend to break down the bulwark of liberty guaranteed to the people of the States by the founders of this great and glorious Union of ours.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD.

Mr. OLMSTED. Mr. Speaker, I will ask unanimous consent that all gentlemen who have spoken or who may speak may extend their remarks in the RECORD on this bill.

Mr. RUCKER of Missouri. Mr. Speaker, why not permit any gentleman who desires to express his views upon this bill to extend his remarks in the RECORD for five legislative days?

The SPEAKER. Without objection, the request of the gentleman from Louisiana will be granted.

There was no objection.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that all gentlemen who speak have the right to extend their remarks, and the gentleman from Missouri [Mr. RUCKER] amends that by asking that all gentlemen have five days in which to extend their remarks in the RECORD upon this bill.

Mr. OLMSTED. Mr. Speaker, I have no objection if the remarks are confined to the bill.

Mr. RUCKER of Missouri. On this bill.

The SPEAKER. Is there objection?

Mr. MANN. Under the circumstances, the question still being unsettled as to whether a man can write applause into a cold-storage speech, I shall object.

The SPEAKER. The gentleman from Illinois objects. The gentleman from Pennsylvania has 11 minutes remaining and the gentleman from Missouri 12 minutes remaining.

Mr. OLMSTED. Mr. Speaker, I yield seven minutes to the gentleman from Kansas [Mr. JACKSON].

Mr. JACKSON. Mr. Speaker, I am unable to conceive of any reason why any Member of this House of either party should hesitate to give unqualified support to this measure.

It is asserted here in sort of ghostly aspirated tones, until my friends from Georgia were heard this afternoon, that the measure means the entrance of the country upon a new and untried policy of Federal supervision of elections. Be it so, Mr. Speaker. The people of the country, from all sections and from all parties, will welcome the innovation with open minds and hearts. For if there is within the reach of the Congress of the United States an Augean stable whose stench and putrefactions rend the high air of the heavens, it is what is known as the "money power" in national elections.

If this Congress—Democratic in one branch and Republican in the other—shall be the Hercules to let in the river of light and reason and cleanse the Nation from this mighty "pest," its services to the country can never be overestimated.

This bill comes to us simple in form and direct. It says to us, "Take this step forward, or remain where we are and suffer these wrongs to continue."

I have watched this bill somewhat closely from the beginning of the session, when it came here from the committee, with the sole intention of changing the time of filing publicity reports. I learned from current rumors that there was an understanding that it was best for the present Congress not to attempt going beyond the control of contributions and expenditures of election committees involving two or more States. This, in effect, meant its application to national committees only. I offered an amendment covering practically the same grounds as the Senate amendments now under consideration, mainly for the purpose of stating my views upon the publicity of campaign contributions. From my general reading I have come to hold the view that the expression of views in legislative bodies is not of much consequence unless an opportunity of voting upon them is afforded to the assembly.

I sought to gain no partisan or factional advantage. I heard Member after Member state that he favored the publicity which reached into the heart of all primary and general elections. It seemed to me then, and it seems to me now, that it were useless to provide for the publicity of campaign funds by committees and leave the individual candidate free to solicit and accept contributions from any source and use them to secure his election over his more honest opponent. If it were necessary to prohibit the purchase of the memberships by wholesale, it should be necessary to prohibit the purchase at retail.

The only effect of a law which permits the purchase of Members by retail and permits the purchase at wholesale would be to raise the price and not to prevent the traffic.

Mr. Speaker, it has been said that this law is an approach to a force bill, and that it is aimed at the primaries of the South. I deny this, Mr. Speaker, and in defense of the South I deny that the Southern States are more in need of campaign publicity acts than we of the North and West.

In my brief service in Congress I have had occasion several times to address this House in favor of Federal election laws; but I am not an extreme federalist; and I also deny that I am a vicious Republican, as voiced by those gentlemen from the South. The only trouble with my friend from Georgia [Mr. BARTLETT] is that the first Republicans he ever saw were vicious Republicans, and the youthful vision still lingers in his heart. I will go as far as any Member of this House in protecting our dual form of constitutional Government, and, therefore, the rights of the States in their appropriate and constitutional spheres.

As I grow older—I hope riper in judgment—I see more clearly the beauty and strength of that system of government, a system of which Webster said—

> constituted a secret wholly unknown to the nations of the past, and the only known solution of the problem of maintaining order and at the same time preserving liberty.

But, Mr. Speaker, the integrity of elections to the National Congress is of nation-wide interest. It is the corner stone upon which our dual system rests. Upon these matters the will of the whole people must ever be wiser and freer from prejudice than that of any one community.

There is room enough in which to be jealous in the protection of the rights of the States in matters of purely local concern.

It has been my fortune as a State officer, in a humble way, to be thrown into the midst of somewhat notable battles over the preservation of these rights.

I have always believed that when the Federal courts of the land, for the purpose of extending their own jurisdiction, construed the words "persons within the jurisdiction of a State," in the fourteenth amendment, to include corporations domiciled in the State, and thereby going so far even as to sustain suits brought by a foreign stockholder against his own corporation, and permitting such stockholder resident in a distant State to join as codefendant with his own corporation in the Federal courts, the executive officers state that these courts laid violent hands on the Constitution and smothered the spirit of the

eleventh amendment, which solemnly enacted and guaranteed to the people of the States that a sovereign State should not be held to answer in a court of law, except at the suit of another sovereign State or the Government itself.

As an humble member of an humble organization—the associated attorneys general of the States of the Union—we went to the last ditch with former Attorney General Young, of Minnesota, in support of this position.

I believe that the public sentiment created by this suit and by this and similar organizations resulted in action by the last Congress, which curtailed to some extent the power of the courts over State officers in suits involving railroad rates.

We tried out in our own State the right of the State to enforce its own local liquor statutes free from interference by the Federal courts in a pretended protection of interstate commerce. We had the same contest as to our health and stock-food laws.

We went through the entire series of Federal courts to the Supreme Court of the United States to establish the proposition that the State had a right to regulate the banks which were the creations of its own laws.

And since this session of Congress began the Circuit Court of the United States has vindicated the right of the State to regulate fire insurance, even to the extent of fixing rates of insurance.

Upon all of these matters the rights of the States are superior to those of the Federal Government. They should be protected of their exercise of these rights and their general police power free from Federal influence.

And in view of the fact that it is now asserted that a Territory is to be denied admission to the Union because of the manner it has provided for choosing judges, I deem it a proper time to say that before the expiration of the present Congress I shall see that the Members of this House are given an opportunity to vote upon an amendment to the Constitution of the United States which will change the term of service of Federal district judges from a life term to that of a limited term of years; and another amendment which will empower Congress, in its discretion, to provide laws for the election of the district judges by the people of the districts in which they serve. [Applause on the Democratic side.]

But, Mr. Speaker, laws concerning the election of Senators and Members of Congress rest upon entirely a different basis. A constitutional Congress means a free Congress elected by free voters. I have not the slightest disposition to have the Federal Government interfere with local election laws.

We are contending to-day with three great dangers to the purity and integrity of the American electorate. They are race prejudice—the prejudice which grows out of conflicts between organized labor and capital—and most eminent of all, the danger of the use of money in elections.

We welcome laws proscribing educational qualifications, secrecy of the ballot, and even property qualifications when necessary as a remedy for the first two of these evils.

All we ask of any section of the country is that these laws be fair and just in their application. But, Mr. Speaker, the last, "the use of money," is the most dangerous of the three, and its solution will aid greatly in obviating the evils of race prejudice and the contest between labor in elections.

It is evident that we have traveled far in the wrong direction since the day when the average citizen of the Republic awoke with a gasp at the news that in the year of 1884 Jay Gould had saved the credit and honor of a national campaign committee by the generous contribution of $50,000. [Applause.]

Mr. OLMSTED. I yield the gentleman two minutes more.

Mr. JACKSON. Since then it has become fashionable, and at times not even unpopular, to mix a little "bad politics" with good business. It is a fact often given publicity and never denied that Mr. Havemeyer, of the Sugar Trust, and no doubt other trust barons as well, contributed about equally to the campaign funds of the two parties of the country. And it is to be noted that through all the vicissitudes of party strife and fortune and the business depressions of high tariffs and low tariffs for a number of years the differential in favor of refined sugar has not suffered seriously, not even though it became necessary in the name of humanity to enter into reciprocal trade relations with Cuba and the islands of the seas.

In 1896, when the great issue of sound money was before the people for settlement, the standard bearers of the great parties were each as honest and as clean men as ever honored American politics with their services; and yet the campaign degenerated into a contest between the money barrels of the silver barons of the West and the great money houses of the East. Money was sent into nearly every State of the Union by the Republicans, and Chairman Jones of the Democracy made no objection, except that of the shortness of funds of his own committee. And now the extravagances of campaigning have so increased that we hear of national campaigns which have cost a million and a half and even two million of dollars.

I am far from asserting that any part of this money has been unlawfully or immorally expended in the common acceptation of that term. I am speaking now of the bad influence of extravagance in the use of such funds. It must be admitted, however, that two investigations into the honesty of elections ordered at one session by one branch of Congress, and in still another State from the ones in which these investigations are to take place the indictment for bribery of a large percentage of the entire electorate of a county, constitutes a condition of affairs unprecedented in the history of the Nation, and may well be heeded as a call to Congress to put forth its utmost power to stamp out this evil from the entire country.

Less campaign funds will tend to decrease the price of Chautauqua lectures. By reducing the number of professional spellbinders on the pay rolls of campaign committees at $500 and $1,000 per week we will increase competition on the lecture platform, if not the quality of the lectures. By reducing the number of "honest farmers" who must be paid for their time by campaign committees we may increase the corn crop; and with less milking of the committees and skimming of the cream of campaign funds we may increase the help badly needed by wives and children to do the milking on the farms and to market the cream.

The use of inordinate sums of money in campaigns is un-American and undemocratic. It puts a premium on greed and avarice and magnifies these qualities into political ideals of the Nation. It encourages machine and boss domination. Money from favored interests, pampered political pets, and jack-pot politicians constitute the levers, the burrs, the linchpins, and the steam rollers of every corrupt political machine of the country. The leaders of these machines sometimes reach the ears of judges on the bench with the clamors of the mob, thereby committing outrageous and hideous treason. And it has been intimated even that some contributors to campaign funds have disturbed the judicial mind, and thus the scales of justice, by rude hints of the rights of property and vested interests when the rights of the public were on the other side of the lawsuit.

It reaches the public press, and therefore poisons the public mind itself.

I have not argued, nor do I intend to intimate, that public opinion has ever been overridden by the power of money in politics where the issue was clearly drawn and the public aroused, nor can it ever be. But the people of this country have the right to a free fight and a fair deal on every public question. The courts have given to the corporations and the property interests the rights of persons under the law, but they have never yet been given the right to vote or the power of the ballot.

Mr. Speaker, in this and immediately succeeding sessions of Congress most important questions are for settlement. We can not afford to hesitate longer in getting our house in readiness for those important trials.

We are here now in the midst of summer grappling with a century-old problem. To paraphrase loosely the familiar words of Lincoln, this country can not continue half free trade and half protection; we can not continue long half depending on platform promises and the other half depending on the inaction of statesmen. We must come to a compromise on reasonable tariff rates, a definite means of their ascertainment and enactment into law.

We are facing the greatest upheaval of modern political thought on the question of combinations in trade and the distribution of property. A little lack of toleration on the part of the radicals or of wisdom on the part of the conservatives may threaten the safety of the Nation itself.

Pressing hard upon us for settlement upon the floors of Congress is the question of credit and the future monetary system of the country. Perhaps no other question comes so closely to the material welfare, or lack of welfare, of all the people as does this one. Credit means the power to wait and to bide one's time, to scorn drouth, and famine, and stress, and storm, and to act when better days arrive. Lack of credit means discouragement and failure under the withering blight of temporary misfortune. With credit there is ease and comfort and power on one side of every contract, and on the other, with lack of credit, there is misery and compulsion.

On all of these questions the people of this country have the right to a free election of free representatives. The present

Congress owes to them the duty of preserving the integrity of its elections, and by this means the wisdom and faithfulness of its membership. [Applause.]

Mr. McCALL. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Massachusetts makes the same request to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. OLMSTED. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania has 2 minutes remaining and the gentleman from Missouri 12 minutes.

Mr. OLMSTED. I will yield the 2 minutes to the gentleman from Alabama if he desires it.

Mr. RICHARDSON. Mr. Speaker, I would have been very glad, indeed, if I had had the opportunity, with sufficient time, to express my views on the subject of this bill. To my mind it is an important bill, and ought to be thoroughly considered and digested. The fact is, this House repudiated this primary election feature of this bill when this bill first came before the House. I believe, Mr. Speaker, fully and frankly that it is a bill that is calculated to produce strife and to bring friction under certain circumstances where it is not needed or necessary. Now, the gentleman from Pennsylvania [Mr. OLMSTED] intimated very clearly when he made that investigation about how many votes were cast in certain districts in Alabama and other Southern States, what the purpose of this legislation might finally be. I am opposed to this bill, Mr. Speaker, because there is no authority given by the Constitution for the Congress of the United States to prescribe regulations or take control of the primary elections or conventions of the State for the nomination of Members of Congress or Senators. I am opposed to the bill, for there is no necessity or demand for the same. Alabama, and I think most all of the Southern States, have provided by statute for the publication of all expenses incident to a campaign for a nomination in a primary election or convention. I am opposed to this bill because it is vicious and ultimately means disturbance.

I am opposed to the bill, because every day since I have been a Member of this Congress I have been one of the most consistent advocates of peace and quiet and of a full restoration of all of the friendly patriotic relations between the North and the South. This bill means a menace to a continuation of these relations. I am no alarmist. I know as well as you do that many futile efforts have been made, for partisan purposes, to break up the established order for the regulation of suffrage in the Southern States. The real purpose of this bill is not publicity, for we have never tried to shun publicity, never sought to seek to evade anything of that kind, but under the necessities of the Southern States we have had to resort to certain procedure there, and that we never made any secrecy about what we did or how we did it. And I fear that legislation of this kind will open those old sores and will bring back unkind and unfriendly feeling that ought not to exist. At least it opens the way to efforts of that kind.

The South is getting along well. We have good laws there relative to publicity, relative to assessment, and to campaign expenses—laws that we made to suit our own tastes and ideas. It is, Mr. Speaker, an essential part of the police power of a State to prescribe rules for its primaries and conventions. What is the necessity of interfering with it? I have heard the gentleman from Missouri [Mr. RUCKER], in this discussion several times, throw out what I thought he hardly meant, or ought not to have meant, some reflections upon the South as to publicity. We are not afraid of publicity. We court it and ask it.

But I tell you, gentlemen, we are afraid, we are uneasy, and while that section of the country is progressing and developing so rapidly, we do not want any restoration of the bad feelings that came years ago between the sections. We are watchful and alert on that subject. The Supreme Court of the United States has twice, for instance, passed upon the constitutionality of the constitution of Alabama. Why do you want to disturb the decision of our highest court?

I have said in the course of this discussion on this floor today that there was a greater necessity for submitting a bill of this character to the arbitrament of a Democratic caucus than any bill of this extraordinary session of Congress. There we could have thrashed it out among Democrats without the biased suggestions of our Republican friends. The gentleman from Missouri [Mr. RUCKER], who has manifested an unusual zeal in behalf of including primary elections and conventions for nominations in this bill, addressed our last Democratic caucus for quite an hour explaining that the Senate had added the primary feature to the bill. He did not ask to submit it to the caucus. No man pretends to deny that decided opposition was expressed in that caucus to the primary feature, which had already been voted down in the House.

But how does it come before us now? Under the guidance and direction of the gentleman from Missouri [Mr. RUCKER] and his associate on the conference, the bill, by conference report, comes before the House containing the offensive features for the regulation, government, and control of State primary elections and conventions for nominations—which the House had recently rejected—to be arbitrated by Republicans, and thereby guarantee the certain discomfiture of opposing Democrats. I wish, Mr. Speaker, in order to show clearly what I mean, to quote the following paragraph from the conference report:

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which candidates for Representative are to be elected, file with the Clerk of the House of Representatives at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf, with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Heretofore we have made our reports of this kind to our secretary of state, at Montgomery, Ala., and other States do likewise. Under this bill we must send these reports, as directed, to the Clerk of the House of Representatives. What good and sufficient reason can be given for this innovation? "I am afraid of the Greeks bearing presents." How easy would it be for a disappointed opponent to trump up some pretext to show that the nominating primary was not altogether regular, or something else of that kind. Listen to what the conference report says about the election of Senators:

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for indorsement at any general or special election, or election by the legislature of any State, as Senator in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which he is seeking indorsement, and not less than 5 nor more than 10 days before the day upon which the first vote is to be taken in the two houses of the legislature before which he is a candidate for election as Senator, file with the Secretary of the Senate at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

What business has the Federal Government with matters of this kind? The authority of the Federal Government is clearly defined in the Constitution as to the time for election of Members of Congress and Senators. It is merely a direction, but can anyone say that the paragraphs above quoted are a direction? It is an explicit demand and command, and if not literally complied with would vitiate and annul the nomination made. I wish it distinctly understood that I am not opposing this conference report, because I am not opposed to the broadest and fullest publicity in matters that will tend to justify our elections. It is not on that ground that I oppose this bill, but it is because it is an unjust, unauthorized, and vexatious interference by the Federal Government with the internal local affairs of a State.

If the Federal Government can direct and control the primary elections of a State, what power or authority does the State possess that the same authority can not lay its heavy hand on? I believe in the lawful autonomy of the States, and I protest against the rapidly increasing centralization of the power and authority of the States at Washingon. I believe that this bill, enacted into law, will come to vex and harass us in the future. It is for these reasons and many others that I earnestly oppose this conference report.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER of Missouri. Mr. Speaker, I yield to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker and gentlemen of the House, I did not intend to participate in this discussion, and I would

not do so at this late moment but for the fact that I have heard on this floor echoes of statements that I have seen in the newspapers to the effect that the southern Members of Congress, who are conscientiously opposed to this proposition because of their constitutional belief, were seeking to shun publicity as to the primaries, which were their real elections. I want to say to the House and to the country that if there is a single Southern State that has not already a better law on publicity than this law I would like to hear its name called on this floor. So that, although the proposition is that we shall take a law in the exercise of paramount and possibly exclusive Federal power, that may supersede every provision of every State law of every Southern State, when that proposition is put before us and some of us can not agree to it, the charge is hurled at us across this aisle and on the floor, that we are doing it because we do not want any publicity in our primary elections, whereas the truth is and the fact is that we have got infinitely more already under our State laws than we will have under this bill, if it should be adopted.

Mr. Speaker, just one word more and then I have finished with this matter. The Federal Constitution, section 4 of Article I, provides that the time, place, and manner of holding elections for Members of Congress may be regulated by Congress. I asked the gentleman from Pennsylvania [Mr. OLMSTED] to tell me whether or not the election referred to was not the legal election, the election provided by the Constitution, and whether the word "election" as used in the Constitution could be held to include a party primary or must be held to mean only the legal election. I have heard no reply from him or anyone else. I am clearly of the opinion, after careful deliberation, that the "election" which Congress has the power to regulate is the election provided for in the Constitution itself. I can not therefore vote for the adoption of the conference report.

Mr. Speaker, I yield back my time. I wish I had the time in which to yield to the gentleman from Kansas, but I can not trespass on the courtesy of the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER of Missouri. Mr. Speaker, in concluding this debate I must say I am surprised at some of the objections I have heard, both on this side and on that side, to the enactment of this bill into law. One of the most distinguished gentlemen on the other side of the aisle, the gentleman from Massachusetts [Mr. MCCALL], is very much in favor of the principle of publicity, but must vote against this law because it is possible for somebody to construe some feature of it different from what somebody else would construe it. Does not the distinguished gentleman realize that such reasoning as he indulges in, if accepted, would prevent the passage of any bill which is now pending before this Congress, or which ever has been before this Congress during his long and honorable service here? Mr. Speaker, this law, like every production of the human mind, has its imperfections. Gentlemen like the distinguished gentleman from Massachusetts, who believe in the great principle involved in this bill, should strive to strengthen its weak places and not to destroy it because it is not as perfect as they would have it. They should espouse it and embrace the legislation, believing and knowing that when imperfections are revealed a Congress which will come after us will cure such defects as we may leave in the measure.

Gentlemen on this side insist that the people of a certain section have no objection to giving publicity to contributions for campaign expenses in primary elections. I concede it. I have taken no position hostile to that contention. I believe they want to give publicity. I believe the gentleman from Georgia [Mr. BARTLETT] really dotes on publishing campaign expenses in the primaries [laughter], but the trouble is he wants to act under a State law and not under a Federal law. I am sorry we can not oblige him and those who sympathize with him in the views he has just expressed.

I have learned long since to admire the distinguished gentleman from Georgia, not only for his lovable qualities and his genial good nature, but for his great learning as a lawyer and his simon-pure Democracy. I take no exception to his speech of criticism just delivered. Since I can not conform my judgment to his, I shall strive to survive his criticism and to recover from the body blows inflicted. One would be justified, perhaps, in concluding that the gentleman from Georgia and myself have come to the parting of the ways. I am reluctant to believe it. We have been friends so long I dread to sever the ties that bind us. If severed they must be, if, indeed, we have come to the parting of the ways, then in deep affliction I say to him in poetic language:

With all my soul, then, let us part,
Since both are anxious to be free;
And I will send you back your heart
If you will send mine back to me.

[Laughter and applause.]

Mr. Speaker, there is no politics in this legislation. There is nothing in it except double-distilled Democracy, which our Republican friends, because of its superior quality, are trying to appropriate. [Laughter.]

Gentlemen can talk eloquently about telegrams having been received from distinguished Democrats and of great Democratic leaders who have spoken in behalf of publicity of campaign expenses, but who have not specifically included in their advocacy expenses incurred in primary elections; but I say to them the demand embraces the primary election. The demand for publicity can not be met unless we require a disclosure of money spent in the election which really elects, and this, in very many instances, is the primary election.

Mr. LITTLETON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from New York?

Mr. RUCKER of Missouri. Yes; I yield.

Mr. LITTLETON. Will the gentleman tell the House how he would justify the control of the primary convention and election under the exercise of the power of Congress?

Mr. RUCKER of Missouri. Mr. Speaker, I will answer that question very briefly, in this way: We can not control, and I have never attempted and never will attempt to control, a convention or primary election by Federal legislation. The trouble is, some gentleman insists on placing a construction upon this law which is wholly unwarranted and unjustified. This bill gives no Federal control over conventions, primary elections, or even over general elections. Who can find in the legislation here proposed one word which authorizes directly or by implication Federal interference with any State election? There is no provision in the bill which can be tortured into such authorization. No citizen can be proceeded against under this bill unless he violates its provisions, and if a candidate for a Federal office violates a Federal law, why should he not be proceeded against in a Federal court?

Mr. RICHARDSON. If a citizen of Alabama, under this primary law, is punished in a Federal court, would the gentleman advocate that?

Mr. RUCKER of Missouri. This law applies only to men who seek to become Members of this House or the other House at the other end of the Capitol. No man should be a Member of this House who will willfully violate a law enacted to safeguard and purify elections.

Mr. RICHARDSON. He would be tried in a Federal court, would he not?

Mr. RUCKER of Missouri. Yes; the same as the man who is tried under the provisions of the interstate-commerce act, which the gentleman from Alabama took such pains to help enact. The only difficulty here is that gentlemen draw a finespun distinction between elections and primary elections. So far as my district is concerned, as I have stated before, my nomination is equivalent to my election; and if you excluded the primary election expense in such a district you might as well require no publicity, and the gentleman knows it.

Mr. RICHARDSON. Does the gentleman contend that the interstate-commerce law——

Mr. RUCKER of Missouri. I do not care to talk about that.

Mr. RICHARDSON. You charged me with it. You will not let me answer. I did help to make that law.

Mr. RUCKER of Missouri. Mr. Speaker, if I may be permitted to continue just one moment, I would like to say to this House that I believe your committee has brought in a measure that reflects the will of the people of the United States; and, let me add, it is the measure which I promised the Democrats in caucus and promised the House in session we would bring in. We have put nothing in the bill nor have we taken anything out of it that everybody did not know would be put in or taken out.

The measure is a wise and good one. It will tend to purify the ballot boxes of this country, and will guarantee that men who come here shall come with the support and backed by the judgment of the people and not as a result of corrupt methods. It will protect the people in the South and it will protect the people in the North. If enforced, as I hope it will be, it will restore the integrity of elections and protect the future manhood of our country from the blighting and damning consequences of the corrupt use of money.

Mr. MADISON. Will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Wisconsin?

Mr. RUCKER of Missouri. Mr. Speaker, I can not yield now. I have only one minute more.

Mr. MADISON. I only wish to ask one question.

The SPEAKER. The gentleman declines to yield.

Mr. RUCKER of Missouri. Mr. Speaker, I hope that my friends on this side, who have voiced their opposition to some

of the provisions of this bill and indulged in some harmless criticisms of my action, will allow me to say that I take their criticisms kindly. I have discharged my duty. I submit to whatever of infliction they have imposed upon me, and now I invite them, not as a new leader, as my friend from Georgia [Mr. BARTLETT] said, but as a humble instrument in the hands of my party, I appeal to every man here to stand by his convictions, to stand by the expressed will of the people of the country, and help to drive corruption into hiding and make election to office honorable in the United States. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired. All time has expired.

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this conference report.

The SPEAKER. The gentleman from Missouri [Mr. RUBEY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STEPHENS of Mississippi. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Mississippi [Mr. STEPHENS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. COLLIER. Mr. Speaker, I desire to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi [Mr. COLLIER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent that each gentleman who has addressed the House may have permission to extend his remarks in the RECORD.

Mr. BARLETT. For how long?

Mr. RUCKER of Missouri. For five days, on this bill.

Mr. MANN. If gentlemen want to extend their remarks, now is a very good time to ask permission.

Mr. RUCKER of Missouri. I make that request in behalf of those who have addressed the House.

Mr. MANN. If there are any who desire that permission, let them make the request.

Mr. RUCKER of Missouri. It will take that much more time.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. RUCKER of Missouri. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas [Mr. HARDY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent, if I want to, to revise and extend my remarks.

The SPEAKER. The gentleman from Georgia asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

The SPEAKER. The question is on the adoption of the conference report.

Mr. RUCKER of Missouri. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 282, nays 27, answered "present" 5, not voting 71, as follows:

YEAS—282.

Adair	Bathrick	Burleson	Claypool
Akin, N. Y.	Beall, Tex.	Burnett	Clayton
Alexander	Bingham	Butler	Cline
Allen	Borland	Byrnes, S. C.	Connell
Ames	Bowman	Byrns, Tenn.	Conry
Anthony	Brown	Calder	Cooper
Ashbrook	Buchanan	Callaway	Copley
Austin	Bulkley	Campbell	Cox, Ohio
Barchfeld	Burke, Pa.	Cannon	Crago
Barnhart	Burke, S. Dak.	Carter	Crumpacker
Bates	Burke, Wis.	Catlin	Cullop
Currier	Hamilton, Mich.	McDermott	Rouse
Dalzell	Hamlin	McGillicuddy	Rubey
Danforth	Hammond	McKenzie	Rucker, Colo.
Daugherty	Hanna	McKinley	Rucker, Mo.
Davenport	Hardy	McKinney	Russell
Davidson	Harris	McLaughlin	Sabath
Davis, Minn.	Hartman	McMorran	Saunders
Davis, W. Va.	Haugen	Macon	Scully
De Forest	Hawley	Madden	Sells
Dickinson	Hay	Madison	Shackleford
Dies	Hayes	Maguire, Nebr.	Sharp
Difenderfer	Heald	Maher	Sheppard
Dixon, Ind.	Heflin	Malby	Sherwood
Dodds	Helgesen	Mann	Simmons
Donohoe	Helm	Martin, Colo.	Sims
Doremus	Henry, Conn.	Martin, S. Dak.	Sloan
Doughton	Henry, Tex.	Matthews	Small
Draper	Higgins	Mays	Smith, J. M. C.
Driscoll, D. A.	Hill	Mondell	Smith, Saml. W.
Driscoll, M. E.	Hinds	Moore, Pa.	Smith, N. Y.
Dupre	Holland	Moore, Tex.	Sparkman
Dwight	Houston	Morgan	Speer
Dyer	Howell	Morrison	Stack
Esch	Howland	Morse, Wis.	Stedman
Evans	Hubbard	Moss, Ind.	Stephens, Cal.
Faison	Hughes, Ga.	Mott	Stevens, Minn.
Farr	Hull	Murray	Stone
Ferris	Humphrey, Wash.	Nelson	Sweet
Fields	Jackson	Norris	Switzer
Finley	Jacoway	Nye	Talcott, N. Y.
Fitzgerald	James	Oldfield	Taylor, Ala.
Flood, Va.	Johnson, S. C.	Olmsted	Taylor, Colo.
Floyd, Ark.	Jones	O'Shaunessy	Taylor, Ohio
Focht	Kahn	Padgett	Thayer
Foss	Kendall	Page	Thistlewood
Foster, Ill.	Kennedy	Palmer	Thomas
Foster, Vt.	Kent	Patton, Pa.	Towner
Fowler	Kindred	Payne	Townsend
Francis	Kinkaid, Nebr.	Pepper	Turnbull
French	Knowland	Peters	Tuttle
Fuller	Konig	Pickett	Underhill
Gallagher	Konop	Plumley	Underwood
Garner	Kopp	Porter	Utter
Garrett	Korbly	Post	Volstead
George	Lafean	Pou	Vreeland
Gillett	Lafferty	Pray	Warburton
Glass	Lamb	Prince	Wedemeyer
Godwin, N. C.	Langham	Pujo	Weeks
Goeke	Langley	Rainey	Whitacre
Good	Lawrence	Raker	White
Gould	Lee, Pa.	Randell, Tex.	Wickliffe
Graham	Lenroot	Ransdell, La.	Willis
Gray	Lewis	Rauch	Wilson, Ill.
Green, Iowa	Lindbergh	Rees	Wilson, Pa.
Greene, Mass.	Linthicum	Reilly	Wood, N. J.
Gregg, Pa.	Lloyd	Reyburn	Woods, Iowa
Griest	Lobeck	Roberts, Mass.	Young, Kans.
Gudger	Loud	Roberts, Nev.	Young, Mich.
Guernsey	McCoy	Rodenberg	
Hamill	McCreary	Rothermel	

NAYS—27.

Adamson	Clark, Fla.	Hardwick	Richardson
Bartlett	Collier	Harrison, Miss.	Roddenbery
Bell, Ga.	Dent	Howard	Sisson
Blackmon	Dickson, Miss.	Humphreys, Miss.	Stephens, Miss.
Booher	Edwards	Lee, Ga.	Tribble
Brantley	Ellerbe	Littleton	Witherspoon
Carlin	Gardner, N. J.	McCall	

ANSWERED "PRESENT"—5.

Lever	Needham	Watkins	Wilder
Littlepage			

NOT VOTING—71.

Aiken, S. C.	Curley	Kitchin	Riordan
Anderson, Minn.	Denver	La Follette	Robinson
Anderson, Ohio	Estopinal	Latta	Sherley
Andrus	Fairchild	Legare	Slayden
Ansberry	Fordney	Levy	Slemp
Ayres	Fornes	Lindsay	Smith, Tex.
Bartholdt	Gardner, Mass.	Longworth	Stanley
Berger	Goldfogle	McGuire, Okla.	Steenerson
Boehne	Goodwin, Ark.	McHenry	Stephens, Tex.
Bradley	Gregg, Tex.	Miller	Sterling
Broussard	Hamilton, W. Va.	Moon, Pa.	Sulloway
Burgess	Harrison, N. Y.	Moon, Tenn.	Sulzer
Candler	Hensley	Murdock	Talbott, Md.
Cantrill	Hobson	Parran	Tilson
Cary	Hughes, N. J.	Patten, N. Y.	Webb
Covington	Hughes, W. Va.	Powers	Wilson, N. Y.
Cox, Ind.	Johnson, Ky.	Prouty	Young, Tex.
Cravens	Kinkead, N. J.	Redfield	

So the conference report was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. SULZER with Mr. LONGWORTH.

For to-day:

Mr. STANLEY with Mr. WATKINS.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate to the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, Nos. 5 and 7.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 4413. An act to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 4413. An act to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

August 16, 1911:

H. R. 6098. An act to authorize the Campbell Lumber Co. to construct a bridge across the St. Francis River from a point in Dunklin County, Mo., to a point in Clay County, Ark.;

H. R. 11021. An act to authorize the Levitte Land & Lumber Co. to construct a bridge across Bayou Bartholomew, in Drew County, Ark.;

H. R. 11477. An act authorizing the construction of a bridge, and approaches thereto, across the Tug Fork of the Big Sandy River at or near Matewan Station, in Mingo County, W. Va.;

H. R. 2925. An act to extend the privileges of the act approved June 10, 1880, to the port of Brownsville, Tex.;

H. R. 6747. An act to reenact an act authorizing the construction of a bridge across St. Croix River, and to extend the time for commencing and completing the said structure; and

H. R. 11303. An act for the relief of Eliza Choteau Roscamp.

THE TARIFF ON WOOL.

The SPEAKER laid before the House the following message from the President of the United States, which was read (S. Doc. No. 101):

To the House of Representatives:

I return without my approval House bill No. 11019 with a statement of my reasons for so doing.

The bill is an amendment of the existing tariff law, and readjusts the customs duties in what is known as Schedule K, embracing wool and the manufactures of wool.

I was elected to the Presidency as the candidate of a party which in its platform declared its aim and purpose to be to maintain a protective tariff by "the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries." I have always regarded this language as fixing the proper measure of protection at the ascertained difference between the cost of production at home and that abroad, and have construed the reference to the profit of American industries as intended, not to add a new element to the measure stated or to exclude from the cost of production abroad the element of a manufacturer's or producer's profit, but only to emphasize the importance of including in the American cost a manufacturer's or producer's profit reasonable according to the American standard.

In accordance with a promise made in the same platform I called an extra session of the Sixty-first Congress, at which a general revision of the tariff was made and adopted in the Payne bill. It was contended by those who opposed the Payne bill that the existing rates of the Dingley bill were excessive and that the rates adopted in the revising statute were not sufficiently reduced to conform to the promised measure.

The great difficulty, however, in discussing the new rates adopted was that there were no means available by which impartial persons could determine what, in fact, was the difference in cost of production between the products of this country and the same products abroad. The American public became deeply impressed with the conviction that, in order to secure a proper revision of the tariff in the future, exact information as to the effect of the new rates must be had, and that the evil of logrolling or a compromise between advocates of different protected industries in fixing duties could be avoided, and the interest of the consuming public could be properly guarded, only by revising the tariff one schedule at a time.

To help these reforms for the future, I took advantage of a clause in the Payne tariff bill enabling me to create a Tariff Board of three members and directed them to make a glossary and encyclopedia of the terms used in the tariff and to secure information as to the comparative cost of production of dutiable articles under the tariff at home and abroad. In my message to Congress of December 7, 1909, I asked a continuing annual appropriation for the support of the board and said:

> I believe that the work of this board will be of prime utility and importance whenever Congress shall deem it wise again to readjust the customs duties. If the facts secured by the Tariff Board are of such a character as to show generally that the rates of duties imposed by the present tariff law are excessive under the principles of protection as described in the platform of the successful party at the late election, I shall not hesitate to invite the attention of Congress to this fact and to the necessity for action predicated thereon. Nothing, however, halts business and interferes with the course of prosperity so much as the threatened revision of the tariff, and until the facts are at hand, after careful and deliberate investigation, upon which such revision can properly be undertaken, it seems to me unwise to attempt it. The amount of misinformation that creeps into arguments pro and con in respect to tariff rates is such as to require the kind of investigation that I have directed the Tariff Board to make, an investigation undertaken by it wholly without respect to the effect which the facts may have in calling for a readjustment of the rates of duty.

A popular demand arose for the formal creation by law of a permanent nonpartisan tariff commission. Commercial bodies all over the country united in a movement to secure adequate legislation for this purpose and an association with a nation-wide constituency was organized to promote the cause. The public opinion in favor of such a commission was evidenced by resolutions adopted in 1909 and 1910 by Republican State conventions in at least 28 States.

In addition, efforts were made to secure a change in the rules of procedure in the House and Senate with a view to preventing the consideration of tariff changes except schedule by schedule.

The business of the country rests on a protective-tariff basis. The public keenly realized that a disturbance of business by a change in the tariff and a threat of injury to the industries of the country ought to be avoided, and that nothing could help so much to minimize the fear of destructive changes as the known existence of a reliable source of information for legislative action. The deep interest in the matter of an impartial ascertainment of facts before any new revision, was evidenced by an effort to pass a tariff-commission bill in the short session of the Sixty-first Congress, in which many of both parties united. Such a bill passed both Houses. It provided a commission of five members, to be appointed by the President, not more than three of whom were to belong to the same party, and gave them the power and made it their duty to investigate the operation of the tariff, the comparative cost of production at home and abroad, and like matters of importance in fixing the terms of a revenue measure, and required them to report to the Executive and to Congress when directed. Several, not vital, amendments were made in the Senate, which necessitated a return of the bill to the House, where, because of the limited duration of the session, a comparatively small minority were able to prevent its becoming a law.

On the failure of this bill, I took such steps as I could to make the Tariff Board I had already appointed a satisfactory substitute for the proposed tariff commission. An appropriation of $225,000, to continue the work until June 30, 1912, had been granted by Congress in the alternative, to be applied to the board I had appointed, unless a tariff-commission bill was passed. In this appropriation bill the nonpartisan tariff commission, if created and appointed, was directed to make a report on Schedule K by December 1, 1911. Accordingly I added two members to the Tariff Board from the opposition party, and directed the board to make report on Schedule K by December 1 next. The board differs in no way from the tariff commission as it would have been, except in its power to summon witnesses; and I am advised by the members of the board that, without this power, they have had no difficulty in securing the information they desire.

The board took some months to investigate the methods pursued in other countries in procuring information on tariff subjects and to organize its force. In October, 1910, its work of investigation began with a force of 40 that has now increased to 80. In addition to the "glossary," which is near completion, and other work connected with furnishing information in connection with the enforcement of the maximum and minimum clause of the Payne Tariff Act, and in respect to the Canadian reciprocity measure, its attention has been especially directed to comparative cost under Schedule K (wool and woolens), under Schedule M (paper and pulp), and under Schedule I (cotton manufactures). The report on Schedule M (pulp and paper) has already been sent to Congress. Full reports on wool and cotton will be submitted to Congress in

December. I have also directed an investigation into the metal and leather schedules, the results of which it is hoped can be submitted to Congress at its first regular session in time to permit their consideration and legislative action, if necessary.

The organization known as the Tariff Commission Association, made up of representatives of substantially all the commercial bodies of the country, for the purpose of securing the establishment of a permanent tariff commission, applied to me for an opportunity to investigate the methods pursued by the Tariff Board. This I was glad to grant, and a very full report of the competent committee of that association concluded as follows:

> In conclusion, our committee finds that the Tariff Board is composed of able, impartial, and earnest men, who are devoting their energies unreservedly to the work before them; that the staff has been carefully selected for the work in view, is efficiently organized and directed, and includes a number of exceptionally competent technical experts; * * * that the work of the board, vast and intricate in detail, is already highly organized, well systematized, and running smoothly; and that Congress and the people can now await the completion of that work with entire confidence that it is progressing as rapidly as consistent with proper thoroughness, and that it will amply justify all of the time and expense which it entails. We believe that the value of the work when completed will be so great and so evident as to leave remaining no single doubt as to the expediency of maintaining it as a permanent function of the Government for the benefit of the people.

I have thus reviewed the history of the movement for the establishment of a tariff commission or board in order to show that the real advance and reform in tariff making are to be found in the acquiring of accurate and impartial information as to the effect of the proposed tariff changes under each schedule before they are adopted, and further to show that if delay in the passage of a bill to amend Schedule K can be had until December, Congress will then be in possession of a full and satisfactory report upon the whole schedule.

This brings me to the consideration of the terms of the bill presented for my approval. Schedule K is the most complicated schedule in the tariff. It classifies raw wool with different rates for different classes; it affords the manufacturer what is called a compensatory duty to make up for the increased price of the raw material he has to use due to the rate on raw wool, and for the shrinkage that takes place in scouring the wool for manufacture; and it gives him, in addition, an ad valorem duty to protect him against foreign competition with cheap labor. The usages which prevail in scouring the wool, in making the yarn, and in the manufacture of cloth present a complication of technical detail that prevents anyone, not especially informed concerning wool growing and manufacture, from understanding the schedule and the effect of changes in the various rates and percentages.

If there ever was a schedule that needed consideration and investigation and elaborate explanation by experts before its amendment, it is Schedule K. There is a widespread belief that many rates in the present schedule are too high and are in excess of any needed protection for the wool grower or manufacturer. I share this belief and have so stated in several public addresses. But I have no sufficient data upon which I can judge how Schedule K ought to be amended or how its rates ought to be reduced, in order that the new bill shall furnish the proper measure of protection and no more. Nor have I sources of information which satisfy me that the bill presented to me for signature will accomplish this result. The parliamentary history of the bill is not reassuring upon this point. It was introduced and passed in the House as providing a tariff for revenue only and with the avowed purpose of departing from a protective-tariff policy. The rate of duty on raw wools of all classes was changed from a specific duty of 11 cents a pound to 20 per cent ad valorem. On the average for the importations for the last two years this is a reduction from 47.24 per cent to 20 per cent. Rates on cloths were reduced in the bill from the present average duty of 97.27 per cent to 40 per cent and on wearing apparel from 81.31 per cent to 45 per cent. The bill was defeated in the Senate, and so was a substitute introduced as a protection measure. The proposed substitute fixed the duty on raw wool, first class, at 40 per cent, and on a second class of carpet wools at 10 per cent, and on cloths at 60 per cent, and on wearing apparel at the same rate. On reconsideration, a compromise measure was passed by the Senate, which was a compromise between the House bill and the Senate substitute bill, and in which the rate on first-class wool was fixed at 35 per cent, on carpet wools 10 per cent, and on cloth and wearing apparel 55 per cent. In conference between the two Houses the rate on all classes of raw wool was fixed at 29 per cent, this being an increase on carpet wools of 9 per cent as fixed in the House bill and of 19 per cent as fixed in the Senate bill. The conference rate on cloths and wearing apparel was fixed at 49 per cent. No evidence as to the cost of production here or abroad was published, and the compromise amendment in the Senate was adopted without reference to or consideration by a committee.

I do not mention these facts to criticize the method of preparation of the bill; but I must needs refer to them to show that the congressional proceedings make available for me no accurate or scientifically acquired information which enables me to determine that the bill supplies the measure of protection promised in the platform on which I was elected.

Without any investigation of which the details are available, an avowed tariff-for-revenue and antiprotection bill is by compromise blended with a professed protection bill. Rates between those of the two bills are adopted and passed, except that, in some important instances, rates are fixed in the compromise at a figure higher, and in others at a figure lower, than were originally fixed in either House. The principle followed in adjusting the amendments of existing law is, therefore, not clear, and the effect of the bill is most uncertain.

The Wilson Tariff Act of 1894, while giving the manufacturer free wool, provided as high duties on leading manufactures of wool as does the present bill, which at the same time taxes the manufacturer's raw material at 29 per cent. Thus the protection afforded to manufacturers under the Wilson bill was very considerably higher than under the present bill.

During the years in which the Wilson bill was in force the woolen manufacturers suffered. Many mills were compelled to shut down. These were abnormal years, and it is not necessary to attribute the hard times solely to the tariff act of 1894. But it was at least an addition to other factors operating to injure the woolen business. It is the only experience we have had for a generation of a radical revision of this schedule, and, without exaggerating its importance, one pledged to a moderate protection policy may well hesitate before giving approval without full information to legislation which makes a more radical reduction in the protection actually afforded to manufacturers of wool than did the Wilson Act. Nor does this hesitation arise only for fear of injury to manufacturers. Unless manufacturers are able to continue their business and buy wool from domestic woolgrowers the latter will have no benefit from the tariff that is supposed to protect them, because they will have to sell in competition with foreign wools or send their sheep to the shambles. Hence the woolgrower is as much interested in the protection of the manufacturer as he is in his own.

It may well be that conditions of manufacture in this country have changed so as to require much less protection now for the manufacturers than at the time of the Wilson bill; but in view of the possible wide suffering involved by hasty action based on insufficient knowledge, the wise course, in my judgment, is to postpone any change for a few months needed to complete the pending inquiry.

When I have the accurate information which justifies such action, I shall recommend to Congress as great a reduction in Schedule K as the measure of protection, already stated, will permit. The failure of the present bill should not be regarded, therefore, as taking away the only chance for reduction by this Congress.

More than a million of our countrymen are engaged in the production of wool and the manufacture of woolens; more than a billion of the country's capital is invested in the industry. Large communities are almost wholly dependent upon the prosperity of the woolgrower and the woolen manufacturer. Moderately estimated, 5,000,000 of the American people will be injuriously affected by any ill-advised impairment of the wool and woolen industries. Certainly we should proceed prudently in dealing with them upon the basis of ascertained facts rather than hastily and without knowledge to make a reduction of the tariff to satisfy a popular desire, which I fully recognize, for reduction of duties believed to be excessive. I have no doubt that if I were to sign this bill, I would receive the approval of very many persons who favor a reduction of duties in order to reduce the cost of living whatever the effect on our protected industries, and who fail to realize the disaster to business generally and to the people at large which may come from a radical disturbance of that part of business dependent for its life on the continuance of a protective tariff. If I fail to guard as far as I can the industries of the country to the extent of giving them the benefit of a living measure of protection, and business disaster ensues, I shall not be discharging my duty. If I fail to recommend the reduction of excessive duties to this extent, I shall fail in my duty to the consuming public.

There is no public exigency requiring the revision of Schedule K in August without adequate information, rather than in December next with such information. December was the time fixed by both parties in the last Congress for the submission of adequate information upon Schedule K with a view to its amendment. Certainly the public weal is better preserved by

delaying 90 days in order to do justice, and make such a reduction as shall be proper, than now blindly to enact a law which may seriously injure the industries involved and the business of the country in general.

WM. H. TAFT.

THE WHITE HOUSE, *August 17, 1911.*

[Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I do not desire to have the President's message referred to the Committee on Ways and Means, but prefer to have it lie on the Speaker's table, and to give notice at this time that on to-morrow, immediately after the reading of the Journal, I shall move to pass the bill over the veto of the President. [Applause on the Democratic side.]

The SPEAKER. Without objection, the message will lie on the table.

There was no objection.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD for the purpose of inserting page 10 and to the end of the first paragraph on page 11 of Senate Document No. 164, Sixty-first Congress, second session, being that portion of the President's speech delivered at Winona, Minn., September 17, 1909, in which he denounced the wool schedule of the Payne tariff bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by inserting a part of the President's Winona speech. Is there objection?

Mr. MANN. Mr. Speaker, if the gentleman desires to insert the entire speech of the President, I have no objection. [Laughter on the Republican side.]

Mr. GARRETT. Mr. Speaker, the message of the President just read refers to the wool bill, and the part of the Winona speech I desire to insert refers particularly to the wool schedule of the Payne bill. If the gentleman from Illinois [Mr. MANN] desires to object, very well.

The SPEAKER. Is there objection?

Mr. MANN. I object, unless the gentleman desires to insert the entire speech. [Laughter on the Democratic side.] Well, Mr. Speaker, I ask unanimous consent that the entire speech of the President be inserted.

Mr. GARRETT. Mr. Speaker, I have no right, under the rules, to object to the gentleman from Illinois making that request, and I will not, of course, object to the request if he really desires to insert the whole speech.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL. Mr. Speaker, whose request for unanimous consent was submitted by the Speaker?

The SPEAKER. The gentleman from Illinois [Mr. MANN] asked unanimous consent to publish in the RECORD the entire speech the President made at Winona.

Mr. CAMPBELL. Inasmuch as the speech has been already published, Mr. Speaker, I object. [Cries of "Too late!"]

Mr. GARRETT. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded.

The speech is as follows:

MY FELLOW CITIZENS: As long ago as August, 1906, in the congressional campaign in Maine, I ventured to announce that I was a tariff revisionist and thought that the time had come for a readjustment of the schedules. I pointed out that it had been 10 years prior to that time that the Dingley bill had been passed; that great changes had taken place in the conditions surrounding the productions of the farm, the factory, and the mine, and that under the theory of protection in that time the rates imposed in the Dingley bill in many instances might have become excessive; that is, might have been greater than the difference between the cost of production abroad and the cost of production at home with a sufficient allowance for a reasonable rate of profit to the American producer. I said that the party was divided on the issue, but that in my judgment the opinion of the party was crystallizing and would probably result in the near future in an effort to make such revision. I pointed out the difficulty that there always was in a revision of the tariff, due to the threatened disturbance of industries to be affected and the suspension of business, in a way which made it unwise to have too many revisions. In the summer of 1907 my position on the tariff was challenged, and I then entered into a somewhat fuller discussion of the matter. It was contended by the so-called "standpatters" that rates beyond the necessary measure of protection were not objectionable, because behind the tariff wall competition always reduced the prices, and thus saved the consumer. But I pointed out in that speech what seems to me as true to-day as it then was, that the danger of excessive rates was in the temptation they created to form monopolies in the protected articles, and thus to take advantage of the excessive rates by increasing the prices, and therefore, and in order to avoid such a danger, it was wise at regular intervals to examine the question of what the effect of the rates had been upon the industries in this country, and whether the conditions with respect to the cost of production here had so changed as to warrant a reduction in the tariff and to make a lower rate truly protective of the industry.

It will be observed that the object of the revision under such a statement was not to destroy protected industries in this country, but it was to continue to protect them where lower rates offered a sufficient protection to prevent injury by foreign competition. That was the object of the revision as advocated by me, and it was certainly the object of the revision as promised in the Republican platform.

I want to make as clear as I can this proposition, because, in order to determine whether a bill is a compliance with the terms of that platform, it must be understood what the platform means. A free trader is opposed to any protective rate because he thinks that our manufacturers, our farmers, and our miners ought to withstand the competition of foreign manufacturers and miners and farmers, or else go out of business and find something else more profitable to do. Now, certainly the promises of the platform did not contemplate the downward revision of the tariff rates to such a point that any industry theretofore protected should be injured. Hence, those who contend that the promise of the platform was to reduce prices by letting in foreign competition are contending for a free trade, and not for anything that they had the right to infer from the Republican platform.

The Ways and Means Committee of the House, with Mr. PAYNE at its head, spent a full year in an investigation, assembling evidence in reference to the rates under the tariff, and devoted an immense amount of work in the study of the question where the tariff rates could be reduced and where they ought to be raised with a view to maintaining a reasonably protective rate, under the principles of the platform, for every industry that deserved protection. They found that the determination of the question, what was the actual cost of production, and whether an industry in this country could live under a certain rate and withstand threatened competition from abroad, was most difficult. The manufacturers were prone to exaggerate the injury which a reduction in the duty would give and to magnify the amount of duty that was needed; while the importers, on the other hand, who were interested in developing the importation from foreign shores, were quite likely to be equally biased on the other side.

Mr. PAYNE reported a bill—the Payne tariff bill—which went to the Senate and was amended in the Senate by increasing the duty on some things and decreasing it on others. The difference between the House bill and the Senate bill was very much less than the newspapers represented. It turns out upon examination that the reductions in the Senate were about equal to those in the House, though they differed in character. Now, there is nothing quite so difficult as the discussion of a tariff bill, for the reason that it covers so many different items, and the meaning of the terms and the percentages are very hard to understand. The passage of a new bill, especially where a change in the method of assessing the duties has been followed, presents an opportunity for various modes and calculations of the percentages of increases and decreases that are most misleading and really throw no light at all upon the changes made.

One way of stating what was done is to say what the facts show—that under the Dingley law there were 2,024 items. This included dutiable items only. The Payne law leaves 1,150 of these items unchanged. There are decreases in 654 of the items and increases in 220 of the items. Now, of course, that does not give a full picture, but it does show the proportion of decreases to have been three times those of the increases. Again, the schedules are divided into letters from A to N. The first schedule is that of chemicals, oils, etc. There are 232 items in the Dingley law; of these, 81 were decreased, 22 were increased, leaving 129 unchanged. Under Schedule B—earths, earthen and glass ware—there were 170 items in the Dingley law; 46 were decreased, 12 were increased, and 112 left unchanged. C is the schedule of metals and manufactures. There were 321 items in the Dingley law; 185 were decreased, 30 were increased, and 106 were left unchanged. D is the schedule of wood and manufactures of wood. There were 35 items in the Dingley law; 18 were decreased, 3 were increased, and 14 were left unchanged. There were 38 items in sugar, and of these 2 were decreased and 36 left unchanged. Schedule F covers tobacco and manufactures of tobacco, of which there were 8 items; they were all left unchanged. In the schedule covering agricultural products and provisions there were 187 items in the Dingley law; 14 of them were decreased, 19 were increased, and 154 left unchanged. Schedule H—that of spirits and wines—contained 33 items in the Dingley law; 4 were decreased, 23 increased, and 6 were left unchanged. In cotton manufactures there were 261 items; of these 28 were decreased, 47 increased, and 186 left unchanged. In Schedule J—flax, hemp, and jute—there were 254 items in the Dingley law; 187 were reduced, 4 were increased, and 63 left unchanged. In wool and manufactures thereof, there were 78 items; 3 were decreased, none were increased, and 75 left unchanged. In silk and silk goods there were 78 items; of these 21 were decreased, 31 were increased, and 26 were left unchanged. In pulp, papers, and books there were 59 items in the Dingley law, and of these 11 were decreased, 9 were increased, and 39 left unchanged. In sundries there were 270 items, and of these 54 were decreased, 20 were increased, and 196 left unchanged. So that the total showed 2,024 items in the Dingley law, of which 654 were decreased, 220 were increased, making 874 changes, and 1,150 left unchanged.

Changes in the Dingley law by the Payne law.

Schedules.	Items in Dingley law.	Changes in Dingley law by Payne law.			Unchanged.
		Decreases.	Increases.	Total changes.	
A. Chemicals, oils, etc	232	81	22	103	129
B. Earths, earthen and glass ware	170	46	12	58	112
C. Metals, and manufactures of	321	185	30	215	106
D. Wood, and manufactures of	35	18	3	21	14
E. Sugar, molasses, and manufactures of	38	2	0	2	36
F. Tobacco, and manufactures of	8	0	0	0	8
G. Agricultural products and provisions	187	14	19	33	154
H. Spirits, wines, etc	33	4	23	27	6
I. Cotton manufactures	261	28	47	75	186
J. Flax, hemp, jute, manufactures of	254	187	4	191	63
K. Wool, and manufactures of	78	3	0	3	75
L. Silk and silk goods	78	21	31	52	26
M. Pulp, papers, and books	59	11	9	20	39
N. Sundries	270	54	20	74	196
Total	2,024	654	220	874	1,150

Attempts have been made to show what the real effect of these changes has been by comparing the imports under the various schedules and assuming that the changes and their importance were in proportion to the importations. Nothing could be more unjust in a protective tariff which also contains revenue provisions. Some of the tariff is made for the purpose of increasing the revenue by increasing importations which shall pay duty. Other items in the tariff are made for the purpose of reducing competition—that is, by reducing importations—and, therefore, the question of the importance of a change in rate can not in the slightest degree be determined by the amount of imports that takes place. In order to determine the importance of the changes, it is much fairer to take the articles on which the rates of duty have been reduced and those on which the rates of duty have been increased and then determine from statistics how large a part the articles upon which duties have been reduced play in the consumption of the country and how large a part those upon which the duties have been increased play in the consumption of the country. Such a table has been prepared by Mr. Payne, than whom there is no one who understands better what the tariff is and who has given more attention to the details of the schedule.

Now, let us take Schedule A—chemicals, oils, and paints. The articles upon which the duty has been decreased are consumed in this country to the extent of $433,000,000. The articles upon which the duty has been increased are consumed in this country to the extent of $11,000,000. Take Schedule B. The articles on which the duty has been decreased entered in the consumption of the country to the amount of $128,000,000, and there has been no increase in duty on such articles. Take Schedule C—metals and their manufactures. The amount to which such articles enter into the consumption of the country is $1,221,000,000, whereas the articles of the same schedule upon which there has been an increase enter into the consumption of the country to the extent of only $37,000,000. Take Schedule D—lumber. The articles in this schedule upon which there has been a decrease enter into the consumption of the country to the extent of $566,000,000, whereas the articles under the same schedule upon which there has been an increase enter into its consumption to the extent of $31,000,000. In tobacco there has been no change. In agricultural products, those in which there has been a reduction of rates enter into the consumption of the country to the extent of $483,000,000; those in which there has been an increase enter into the consumption to the extent of $4,000,000. In the schedule of wines and liquors, the articles upon which there has been an increase enter into the consumption of the country to the extent of $462,000,000. In cottons there has been a change in the higher-priced cottons and an increase.

There has been no increase in the lower-priced cottons, and of the increases the high-priced cottons enter into the consumption of the country to the extent of $41,000,000. Schedule J—flax, hemp, and jute: The articles upon which there has been a decrease enter into the consumption of the country to the extent of $22,000,000, while those upon which there has been an increase enter into the consumption to the extent of $804,000. In Schedule J as to wool, there has been no change. In Schedule L as to silk, the duty has been decreased on articles which enter into the consumption of the country to the extent of $8,000,000, and has been increased on articles that enter into the consumption of the country to the extent of $106,000,000. On paper and pulp the duty has been decreased on articles, including print paper, that enter into the consumpton of the country to the extent of $67,000,000, and increased on articles that enter into the consumption of the country to the extent of $81,000,000. In sundries, or Schedule N, the duty has been decreased on articles that enter into the consumption of the country to the extent of $1,719,000,000; and increased on articles that enter into the consumption of the country to the extent of $101,000,000.

It will be found that in Schedule A the increases covered only luxuries—perfumeries, pomades, and like articles; Schedule H—wines and liquors—which are certainly luxuries and are made subject to increase in order to increase the revenues, amounting to $462,000,000; and in Schedule L—silks—which are luxuries, certainly, $106,000,000, making a total of the consumption of those articles upon which there was an increase and which were luxuries of $579,000,000, leaving a balance of increase on articles, which were not luxuries, of value in consumption of only $272,000,000, as against $5,000,000,000, representing the amount of articles entering into the consumption of the country, mostly necessities, upon which there has been a reduction of duties, and to which the 650 decreases applied.

Statement.

Schedules.	Consumption value.	
	Duties decreased.	Duties increased.
A. Chemicals, oils, and paints	$433,099,846	$11,105,820
B. Earths, earthenware, and glassware	128,423,732	
C. Metals, and manufactures of	1,221,956,620	37,675,804
D. Wood, and manufactures of	566,870,950	31,280,372
E. Sugar, molasses, and manufactures of	300,965,953	
F. Tobacco, and manufactures of (no change of rates)		
G. Agricultural products and provisions	483,430,637	4,380,043
H. Spirits, wines, and other beverages		462,001,856
I. Cotton manufactures		41,622,024
J. Flax, hemp, jute, and manufactures of	22,127,145	804,445
K. Wool and manufactures of wool. (No production statistics available for articles affected by change of rates.)		
L. Silks and silk goods	7,947,568	106,742,646
M. Pulp, papers, and books	67,628,055	81,486,466
N. Sundries	1,719,428,069	101,656,598
Total	4,951,878,575	878,756,074

Of the above increases the following are luxuries, being articles strictly of voluntary use:

Schedule A. Chemicals, including perfumeries, pomades, and like articles	$11,105,820
Schedule H. Wines and liquors	462,001,856
Schedule L. Silks	106,742,646
Total	579,850,322

This leaves a balance of increases which are not on articles of luxury of $298,905,752, as against decreases on about $5,000,000,000 of consumption.

Now, this statement shows as conclusively as possible the fact that there was a substantial downward revision on articles entering into the general consumption of the country which can be termed necessities, for the proportion is $5,000,000,000, representing the consumption of articles to which decreases applied, to less than $300,000,000 of articles of necessity to which the increases applied.

Now, the promise of the Republican platform was not to revise everything downward, and in the speeches which have been taken as interpreting that platform, which I made in the campaign, I did not promise that everything should go downward. What I promised was, that there should be many decreases, and that in some few things increases would be found to be necessary; but that on the whole I conceived that the change of conditions would make the revision necessarily downward—and that, I contend, under the showing which I have made, has been the result of the Payne bill. I did not agree, nor did the Republican Party agree, that we would reduce rates to such a point as to reduce prices by the introduction of foreign competition. That is what the free traders desire. That is what the revenue-tariff reformers desire; but that is not what the Republican platform promised, and it is not what the Republican Party wished to bring about. To repeat the statement with which I opened this speech, the proposition of the Republican Party was to reduce rates so as to maintain a difference between the cost of production abroad and the cost of production here, insuring a reasonable profit to the manufacturer on all articles produced in this country; and the proposition to reduce rates and prevent their being excessive was to avoid the opportunity for monopoly and the suppression of competition, so that the excessive rates could be taken advantage of to force prices up.

Now, it is said that there was not a reduction in a number of the schedules where there should have been. It is said that there was no reduction in the cotton schedule. There was not. The House and the Senate took evidence and found from cotton manufacturers and from other sources that the rates upon the lower class of cottons were such as to enable them to make a decent profit—but only a decent profit—and they were contented with it; but that the rates on the higher grades of cotton cloth, by reason of court decisions, had been reduced so that they were considerably below those of the cheaper grades of cotton cloth, and that by undervaluations and otherwise the whole cotton schedule had been made unjust and the various items were disproportionate in respect to the varying cloths. Hence, in the Senate a new system was introduced attempting to make the duties more specific rather than ad valorem, in order to prevent by judicial decision or otherwise a disproportionate and unequal operation of the schedule. Under this schedule it was contended that there had been a general rise of all the duties on cotton. This was vigorously denied by the experts of the Treasury Department. At last the Senate, in conference, consented to a reduction amounting to about 10 per cent on all the lower grades of cotton, and this reduced the lower grades of cotton substantially to the same rates as before and increased the higher grades to what they ought to be under the Dingley law and what they were intended to be. Now, I am not going into the question of evidence as to whether the cotton duties were too high and whether the difference between the cost of production abroad and at home, allowing for a reasonable profit to the manufacturer here, is less than the duties which are imposed under the Payne bill. It was a question of evidence which Congress passed upon, after they heard the statements of cotton manufacturers and such other evidence as they could avail themselves of. I agree that the method of taking evidence and the determination was made in a general way, and that there ought to be other methods of obtaining evidence and reaching a conclusion more satisfactory.

Criticism has also been made of the crockery schedule and the failure to reduce that. The question whether it ought to have been reduced or not was a question of evidence which both committees of Congress took up, and both concluded that the present rates on crockery were such as were needed to maintain the business in this country. I had been informed that the crockery schedule was not high enough, and mentioned that in one of my campaign speeches as a schedule probably where there ought to be some increases. It turned out that the difficulty was rather in undervaluations than in the character of the schedule itself, and so it was not changed. It is entirely possible to collect evidence to attack almost any of the schedules, but one story is good until another is told, and I have heard no reason for sustaining the contention that the crockery schedule is unduly high. So with respect to numerous details—items of not great importance—in which, upon what they regarded as sufficient evidence, the committee advanced the rates in order to save a business which was likely to be destroyed.

I have never known a subject that will evoke so much contradictory evidence as the question of tariff rates and the question of cost of production at home and abroad. Take the subject of paper. A committee was appointed by Congress a year before the tariff sittings began, to determine what the difference was between the cost of production in Canada of print paper and the cost of production here, and they reported that they thought that a good bill would be one imposing $2 a ton on paper, rather than $6, the Dingley rate, provided that Canada could be induced to take off the export duties and remove the other obstacles to the importation of spruce wood in this country out of which wood pulp is made. An examination of the evidence satisfied Mr. PAYNE—I believe it satisfied some of the Republican dissenters—that $2, unless some change was made in the Canadian restrictions upon the exports of wood to this country, was much too low, and that $4 was only a fair measure of the difference between the cost of production here and in Canada. In other words, the $2 found by the special committee in the House was rather an invitation to Canada and the Canadian print-paper people to use their influence with their government to remove the wood restrictions by reducing the duty on print paper against Canadian print-paper mills. It was rather a suggestion of a diplomatic nature than a positive statement of the difference in actual cost of production under existing conditions between Canada and the United States.

There are other subjects which I might take up. The tariff on hides was taken off because it was thought that it was not necessary in view of the high price of cattle thus to protect the man who raised them, and that the duty imposed was likely to throw the control of the sale of hides into the hands of the meat packers in Chicago. In order to balance the reduction on hides, however, there was a great reduction in shoes, from 25 to 10 per cent; on sole leather, from 20 to 5 per cent; on harness, from 45 to 20 per cent. So there was a reduction in the duty on coal of 33⅓ per cent. All countervailing duties were removed from oil, naphtha, gasoline, and its refined products. Lumber was reduced from $2 to $1.25; and these all on

articles of prime necessity. It is said that there might have been more. But there were many business interests in the South, in Maine, along the border, and especially in the far Northwest, which insisted that it would give great advantage to Canadian lumber if the reduction were made more than 75 cents. Mr. Pinchot, the Chief Forester, thought that it would tend to make better lumber in this country if a duty were retained on it. The lumber interests thought that $2 was none too much, but the reduction was made and the compromise effected. Personally I was in favor of free lumber, because I did not think that if the tariff was taken off there would be much suffering among the lumber interests. But in the controversy the House and the Senate took a middle course, and who can say they were not justified?

With respect to the wool schedule, I agree that it is too high and that it ought to have been reduced, and that it probably represents considerably more than the difference between the cost of production abroad and the cost of production here. The difficulty about the woolen schedule is that there were two contending factions early in the history of Republican tariffs, to wit, woolgrowers and the woolen manufacturers, and that finally, many years ago, they settled on a basis by which wool in the grease should have 11 cents a pound, and by which allowance should be made for the shrinkage of the washed wool in the differential upon woolen manufactures. The percentage of duty was very heavy—quite beyond the difference in the cost of production, which was not then regarded as a necessary or proper limitation upon protective duties.

When it came to the question of reducing the duty at this hearing in this tariff bill on wool, Mr. PAYNE, in the House, and Mr. Aldrich, in the Senate, although both favored reduction in the schedule, found that in the Republican Party the interests of the woolgrowers of the far West and the interests of the woolen manufacturers in the East and in other States, reflected through their representatives in Congress, was sufficiently strong to defeat any attempt to change the woolen tariff, and that had it been attempted it would have beaten the bill reported from either committee. I am sorry this is so, and I could wish that it had been otherwise. It is the one important defect in the present Payne tariff bill and in the performance of the promise of the platform to reduce rates to a difference in the cost of production, with reasonable profit to the manufacturer. That it will increase the price of woolen cloth or clothes, I very much doubt. There have been increases by the natural increase in the price of wool the world over as an agricultural product, but this was not due to the tariff, because the tariff was not changed. The increase would therefore have taken place whether the tariff would have been changed or not. The cost of woolen cloths behind the tariff wall, through the effect of competition, has been greatly less than the duty, if added to the price, would have made it.

There is a complaint now by the woolen clothiers and by the carded woolen people of this woolen schedule. They have honored me by asking in circulars sent out by them that certain questions be put to me in respect to it, and asking why I did not veto the bill, in view of the fact that the woolen schedule was not made in accord with the platform. I ought to say in respect to this point that all of them in previous tariff bills were strictly in favor of maintaining the woolen schedule as it was. The carded-woolen people are finding that carded wools are losing their sales because they are going out of style. People prefer worsteds. The clothing people who are doing so much circularizing were contented to let the woolen schedule remain as it was until very late in the tariff discussion, long after the bill had passed the House, and, indeed, they did not grow very urgent until the bill had passed the Senate. This was because they found that the price of woolen cloth was going up, and so they desired to secure reduction in the tariff, which would enable them to get cheaper material. They themselves are protected by a large duty, and I can not with deference to them ascribe their intense interest only to a deep sympathy with the ultimate consumers, so called. But, as I have already said, I am quite willing to admit that allowing the woolen schedule to remain where it is, is not a compliance with the terms of the platform as I interpret it and as it is generally understood.

On the whole, however, I am bound to say that I think the Payne tariff bill is the best tariff bill that the Republican Party ever passed; that in it the party has conceded the necessity for following the changed conditions and reducing tariff rates accordingly. This is a substantial achievement in the direction of lower tariffs and downward revision, and it ought to be accepted as such. Critics of the bill utterly ignore the very tremendous cuts that have been made in the iron schedule, which heretofore has been subject to criticism in all tariff bills. From iron ore, which was cut 75 per cent, to all the other items as low as 20 per cent, with an average of something like 40 or 50 per cent, that schedule has been reduced so that the danger of increasing prices through a monopoly of the business is very much lessened, and that was the chief purpose of revising the tariff downward under Republican protective principles. The severe critics of the bill pass this reduction in the metal schedule with a sneer, and say that the cut did not hurt the iron interests of the country. Well, of course it did not hurt them. It was not expected to hurt them. It was expected only to reduce excessive rates, so that business should still be conducted at a profit, and the very character of the criticism is an indication of the general injustice of the attitude of those who make it, in assuming that it was the promise of the Republican Party to hurt the industries of the country by the reductions which they were to make in the tariff, whereas it expressly indicated as plainly as possible in the platform that all of the industries were to be protected against injury by foreign competition, and the promise only went to the reduction of excessive rates beyond what was necessary to protect them.

The high cost of living, of which 50 per cent is consumed in food, 25 per cent in clothing, and 25 per cent in rent and fuel, has not been produced by the tariff, because the tariff has remained the same while the increases have gone on. It is due to the change of conditions the world over. Living has increased everywhere in cost—in countries where there is free trade and in countries where there is protection—and that increase has been chiefly seen in the cost of food products. In other words, we have had to pay more for the products of the farmer—for meat, for grain, for everything that enters into food. Now, certainly no one will contend that protection has increased the cost of food in this country, when the fact is that we have been the greatest exporters of food products in the world. It is only that the demand has increased beyond the supply, that farm lands have not been opened as rapidly as the population, and the demand has increased. I am not saying that the tariff does not increase prices in clothing and in building and in other items that enter into the necessities of life, but what I wish to emphasize is that the recent increases in the cost of living in this country have not been due to the tariff. We have a much higher standard of living in this country than they have abroad, and this has been made possible by higher income for the workingman, the farmer, and all classes. Higher wages have been made possible by the encouragement of diversified industries, built up and fostered by the tariff.

Now, the revision downward of the tariff that I have favored will not, I hope, destroy the industries of the country. Certainly it is not intended to. All that it is intended to do, and that is what I wish to repeat, is to put the tariff where it will protect industries here from foreign competition, but will not enable those who will wish to monopolize to raise prices by taking advantage of excessive rates beyond the normal difference in the cost of production.

If the country desires free trade, and the country desires a revenue tariff and wishes the manufacturers all over the country to go out of business, and to have cheaper prices at the expense of the sacrifice of many of our manufacturing interests, then it ought to say so and ought to put the Democratic Party in power if it thinks that party can be trusted to carry out any affirmative policy in favor of a revenue tariff. Certainly in the discussions in the Senate there was no great manifestation on the part of our Democratic friends in favor of reducing rates on necessities. They voted to maintain the tariff rates on everything that came from their particular sections. If we are to have free trade, certainly it can not be had through the maintenance of Republican majorities in the Senate and House and a Republican administration.

And now the question arises, what was the duty of a Member of Congress who believed in a downward revision greater than that which has been accomplished, who thought that the wool schedules ought to be reduced, and that perhaps there were other respects in which the bill could be improved? Was it his duty because, in his judgment, it did not fully and completely comply with the promises of the party platform as he interpreted it, and, indeed, as I had interpreted it, to vote against the bill? I am here to justify those who answer this question in the negative. Mr. Tawney was a downward revisionist like myself. He is a low-tariff man, and has been known to be such in Congress all the time he has been there. He is a prominent Republican, the head of the Appropriations Committee, and when a man votes as I think he ought to vote, and an opportunity such as this presents itself, I am glad to speak in behalf of what he did, not in defense of it, but in support of it.

This is a Government by a majority of the people. It is a representative Government. People select some 400 Members to constitute the lower House and some 92 Members to constitute the upper House through their legislatures, and the varying views of a majority of the voters in eighty or ninety millions of people are reduced to one resultant force to take affirmative steps in carrying on a government by a system of parties. Without parties popular government would be absolutely impossible. In a party, those who join it, if they would make it effective, must surrender their personal predilections on matters comparatively of less importance in order to accomplish the good which united action on the most important principles at issue secures.

Now, I am not here to criticize those Republican Members and Senators whose views on the subject of the tariff were so strong and intense that they believed it their duty to vote against their party on the tariff bill. It is a question for each man to settle for himself. The question is whether he shall help maintain the party solidarity for accomplishing its chief purposes, or whether the departure from principle in the bill as he regards it is so extreme that he must in conscience abandon the party. All I have to say is, in respect to Mr. Tawney's action, and in respect to my own in signing the bill, that I believed that the interests of the country, the interests of the party, required me to sacrifice the accomplishment of certain things in the revision of the tariff which I had hoped for, in order to maintain party solidarity, which I believe to be much more important than the reduction of rates in one or two schedules of the tariff. Had Mr. Tawney voted against the bill, and there had been others of the House sufficient in number to have defeated the bill, or if I had vetoed the bill because of the absence of a reduction of rates in the wool schedule, when there was a general downward revision, and a substantial one though not a complete one, we should have left the party in a condition of demoralization that would have prevented the accomplishment of purposes and a fulfillment of other promises which we had made just as solemnly as we had entered into that with respect to the tariff. When I could say without hesitation that this is the best tariff bill that the Republican Party has ever passed, and therefore the best tariff bill that has been passed at all, I do not feel that I could have reconciled any other course to my conscience than that of signing the bill, and I think Mr. Tawney feels the same way. Of course if I had vetoed the bill I would have received the applause of many Republicans who may be called low-tariff Republicans, and who think deeply on that subject, and of all the Democracy. Our friends the Democrats would have applauded, and then laughed in their sleeve at the condition in which the party would have been left; but, more than this, and waiving considerations of party, where would the country have been had the bill been vetoed or been lost by a vote? It would have left the question of the revision of the tariff open for further discussion during the next session. It would have suspended the settlement of all our business down to a known basis upon which prosperity could proceed and investments be made, and it would have held up the coming of prosperity to this country certainly for a year and probably longer. These are the reasons why Mr. Tawney voted for the bill. These are the reasons why I signed it.

But there are additional reasons why the bill ought not to have been beaten. It contained provisions of the utmost importance in the interest of this country in dealing with foreign countries and in the supplying of a deficit which under the Dingley bill seemed inevitable. There has been a disposition in some foreign countries taking advantage of greater elasticity in their systems of imposing tariffs and of making regulations to exclude our products and exercise against us undue discrimination. Against these things we have been helpless, because it required an act of Congress to meet the difficulties. It is now proposed, by what is called the maximum and minimum clause, to enable the President to allow to come into operation a maximum or penalizing increase of duties over the normal or minimum duties whenever in his opinion the conduct of the foreign countries has been unduly discriminatory against the United States. It is hoped that very little use may be required of this clause, but its presence in the law and the power conferred upon the Executive, it is thought, will prevent in the future such undue discriminations. Certainly this is most important to our exporters of agricultural products and manufactures.

Second. We have imposed an excise tax upon corporations measured by 1 per cent upon the net income of all corporations except fraternal and charitable corporations after exempting $5,000. This, it is

thought, will raise an income of twenty-six to thirty millions of dollars, will supply the deficit which otherwise might arise without it, and will bring under Federal supervision more or less all the corporations of the country. The inquisitorial provisions of the act are mild but effective, and certainly we may look not only for a revenue but for some most interesting statistics and the means of obtaining supervision over corporate methods that has heretofore not obtained.

Then, we have finally done justice to the Philippines. We have introduced free trade between the Philippines and the United States, and we have limited the amount of sugar and the amount of tobacco and cigars that can be introduced from the Philippines to such a figure as shall greatly profit the Philippines and yet in no way disturb the products of the United States or interfere with those engeged in the tobacco or sugar interests here. These features of the bill were most important, and the question was whether they were to be sacrificed because the bill did not in respect to wool and woolens and in some few other matters meet our expectations. I do not hesitate to repeat that I think it would have been an unwise sacrifice of the business interests of the country, it would have been an unwise sacrifice of the solidarity, efficiency, and promise-performing power of the party, to have projected into the next session another long discussion of the tariff, and to have delayed or probably defeated the legislation needed in the improvement of our interstate commerce regulation, and in making more efficient our antitrust law and the prosecutions under it. Such legislation is needed to clinch the Roosevelt policies, by which corporations and those in control of them shall be limited to a lawful path and shall be prevented from returning to those abuses which a recurrence of prosperity is too apt to bring about unless definite, positive steps of a legislative character are taken to mark the lines of honest and lawful corporate management.

Now, there is another provision in the new tariff bill that I regard as of the utmost importance. It is a provision which appropriates $75,000 for the President to employ persons to assist him in the execution of the maximum and minimum tariff clause and in the administration of the tariff law. Under that authority I conceive that the President has the right to appoint a board, as I have appointed it, who shall associate with themselves, and have under their control, a number of experts who shall address themselves, first, to the operation of foreign tariffs upon the exports of the United States, and then to the operation of the United States tariff upon imports and exports. There are provisions in the general tariff procedure for the ascertainment of the cost of production of articles abroad and the cost of production of articles here. I intend to direct the board, in the course of these duties and in carrying them out, in order to assist me in the administration of the law, to make what might be called a glossary of the tariff, or a small encyclopedia of the tariff, or something to be compared to the United States Pharmacopœia with reference to information as to drugs and medicines. I conceive that such a board may very properly, in the course of their duties, take up separately all the items of the tariff, both those on the free list and those which are dutiable, describe what they are, where they are manufactured, what their uses are, the methods of manufacture, the quantity of the manufacture, the cost of production abroad and here, and every other fact with respect to each item which would enable the Executive to understand the operation of the tariff, the value of the article, and the amount of duty imposed, and all those details which the student of every tariff law finds it so difficult to discover. I do not intend, unless compelled or directed by Congress, to publish the result of these investigations, but to treat them merely as incidental facts brought out officially from time to time, and as they may be ascertained and put of record in the department, there to be used when they have all been accumulated and are sufficiently complete to justify executive recommendation based on them. Now I think it is utterly useless, as I think it would be greatly distressing to business, to talk of another revision of the tariff during the present Congress. I should think that it would certainly take the rest of this administration to accumulate the data upon which a new and proper revision of the tariff might be had. By that time the whole Republican Party can express itself again in respect to the matter and bring to bear upon its Representatives in Congress that sort of public opinion which shall result in solid party action. I am glad to see that a number of those who thought it their duty to vote against the bill insist that they are still Republicans and intend to carry on their battle in favor of lower duties and a lower revision within the lines of the party. That is their right and, in their view of things, is their duty.

It is vastly better that they should seek action of the party than that they should break off from it and seek to organize another party, which would probably not result in accomplishing anything more than merely defeating our party and inviting in the opposing party, which does not believe, or says that it does not believe, in protection. I think that we ought to give the present bill a chance. After it has been operating for two or three years we can tell much more accurately than we can to-day its effect upon the industries of the country and the necessity for any amendment in its provisions.

I have tried to state as strongly as I can, but not more strongly than I think the facts justify, the importance of not disturbing the business interests of this country by an attempt in this Congress or the next to make a new revision; but meantime I intend, so far as in me lies, to secure official data upon the operation of the tariff, from which, when a new revision is attempted, exact facts can be secured.

I have appointed a Tariff Board that has no brief for either side in respect to what the rates shall be. I hope they will make their observations and note their data in their record with exactly the same impartiality and freedom from anxiety as to result with which the Weather Bureau records the action of the elements or any scientific bureau of the Government records the results of its impartial investigations. Certainly the experience in this tariff justifies the statement that no revision should hereafter be attempted in which more satisfactory evidence of an impartial character is not secured.

I am sorry that I am not able to go into further detail with respect to the tariff bill, but I have neither the information nor the time in which to do it. I have simply stated the case as it seemed to Mr. Tawney in his vote and as it seemed to me in my signing the bill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THISTLEWOOD for 10 days, on account of sickness in family.

WATERWAYS.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent to make a correction in the RECORD. In the RECORD of August 16, 1911, there was published a document on waterways as creators of prosperity. Some very valuable diagrams should have been attached to the document, and they are necessary to make it understandable. I wish to have the whole thing reproduced, because it does not make sense as it is at present in the RECORD.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to print in the RECORD certain documents.

Mr. MANN. Mr. Speaker, I shall object to any more unanimous-consent requests to-night.

The SPEAKER. The gentleman from Illinois objects.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 5 o'clock and 30 minutes p. m.), the House adjourned until Friday, August 18, 1911, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FOSTER of Illinois, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 13570) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, reported the same without amendment, accompanied by a report (No. 148), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 12501) granting an increase of pension to Zebina M. Hunt; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11607) granting a pension to Jane Williams; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FULLER: A bill (H. R. 13770) for the erection of a public building at Mendota, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. JACKSON: A bill (H. R. 13771) to erect a memorial to Dr. Josiah Gregg; to the Committee on the Library.

By Mr. LITTLETON: A bill (H. R. 13772) to create an industrial and corporate commission; to the Committee on the Judiciary.

By Mr. FAIRCHILD: A bill (H. R. 13773) granting constructive service to certain officers of the Navy; to the Committee on Naval Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 13774) providing for the sale of the old post-office property at Providence, R. I., by public auction; to the Committee on Public Buildings and Grounds.

By Mr. FLOOD of Virginia: Joint resolution (H. J. Res. 156) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 13775) granting an increase of pension to Sarah A. Redfern; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13776) granting an increase of pension to Michael Lattig; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 13777) for the relief of the heirs of Julius P. Garesché, lieutenant colonel, United States Army; to the Committee on War Claims.

By Mr. COLLIER: A bill (H. R. 13778) granting an increase of pension to Charles R. Knox; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 13779) granting an increase of pension to Benjamin F. Antrim; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 13780) granting a pension to Edward Domine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13781) granting a pension to Josiah A. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13782) granting an increase of pension to Rhoda M. Le Gros; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13783) granting a pension to George H. Lozon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13784) granting an increase of pension to Hannah Anglin; to the Committee on Invalid Pensions.

By Mr. DUPRE: A bill (H. R. 13785) for the relief of the estate of James H. Ashby, deceased; to the Committee on War Claims.

By Mr. FRANCIS: A bill (H. R. 13786) granting an increase of pension to William E. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13787) granting an increase of pension to Ambrose U. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13788) granting an increase of pension to Joshua W. Cole; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 13789) for the relief of the estate of the late Thomas J. Rodman, brigadier general, United States Army; to the Committee on War Claims.

Also, a bill (H. R. 13790) for the relief of the estate of the late James Cooper Ayres, captain, United States Army; to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 13791) granting an increase of pension to James W. Marshall; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 13792) granting an increase of pension to Frank Church; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 13793) granting an increase of pension to Mary D. Sheeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13794) granting an increase of pension to William Starry; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 13795) to correct the military record of George F. Reid and to pay his widow, Isabella Reid, a pension; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 13796) granting an increase of pension to Thomas D. Smith; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 13797) granting a pension to William J. Clayton; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 13798) granting a pension to Malinda Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13799) granting an increase of pension to Joseph Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13800) granting an increase of pension to William D. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13801) granting a pension to Benjamin Wardell; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 13802) for the relief of Ramon Hernandez; to the Committee on Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 13803) granting an increase of pension to Cyrenous Dalley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Papers to accompany a bill for the relief of the heirs of Julius P. Garesché; to the Committee on War Claims.

By Mr. BORLAND: Petition of numerous residents of Kansas City, remonstrating against the proposed sale of land known as the Huron Cemetery, situated in Kansas City, Kans.; to the Committee on the Public Lands.

By Mr. CALDER: Resolutions of the Union League Club of Brooklyn, N. Y., indorsing the reciprocity bill; to the Committee on Ways and Means.

Also, resolution of the Arizona Woolgrowers' Association, protesting against any proposed change in the tariff on wool and meats; to the Committee on Ways and Means.

Also, petition of several residents of Brooklyn, N. Y., asking that the duty on lemons be repealed; to the Committee on Ways and Means.

By Mr. DICKINSON: Petition of numerous residents of Garden City, Mo., protesting against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of Massachusetts: Communication from Haverhill Central Labor Union, indorsing resolution passed by Central Labor Union of the District of Columbia on arbitration treaty; to the Committee on Foreign Affairs.

By Mr. KAHN: Papers to accompany bills for the relief of the estates of the late James Cooper Ayres and Thomas J. Rodman; to the Committee on War Claims.

By Mr. MORGAN: Petition of residents of Cement, Kans., urging an investigation of the management of the Federal prison at Leavenworth, Kans.; to the Committee on Rules.

By Mr. RAKER: Resolutions of the Alameda County (Cal.) Pharmaceutical Association, protesting against House bill 8887; to the Committee on Ways and Means.

By Mr. TALCOTT: Petition of Rev. John L. Robinson and others, of Barneveld, N. Y., favoring arbitration treaties; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *August 18, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PUBLIC BUILDING AT NEWARK, OHIO.

Mr. POMERENE. I desire to move a reconsideration of the votes on the third reading and passage of the bill (H. R. 13276) to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building, for the purpose of offering an amendment.

The motion to reconsider was agreed to.

Mr. POMERENE. I move to amend the bill on page 2, line 1, by inserting the word "and" after the word "building," so as to read "building and site."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

IMPROVEMENT OF BLACK WARRIOR RIVER, ALA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 943) to improve navigation on Black Warrior River, in the State of Alabama, which was to strike out all after the enacting clause and insert:

That the Secretary of War is hereby authorized, in his discretion, to change the detailed plans and specifications for the construction of Lock and Dam 17, on the Black Warrior River, Ala., so as to increase the height of the pool level over the dam crest of Lock 17 to a height of 63 feet above the pool level of Lock 16, so as to render unnecessary the building of Locks 18 and 19, as now authorized, and so as to provide for the extension of slack water up the Mulberry and Locust Forks of the Black Warrior River to Sanders Shoals and Nichols Shoals, respectively, and for the development of water power.

SEC. 2. That the Secretary of War is hereby authorized and directed to have prepared such detailed plans and estimates as may be necessary to carry into effect the purposes of this act, and he is further authorized in his discretion to suspend operations during his investigations and to enter into supplemental agreements with the present contractors for Lock and Dam 17, providing for the annulment of existing contracts or for their modification so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States.

SEC. 3. That should the construction of the higher dam at site 17 be found advisable the appropriations and authorizations heretofore made for the cost of locks and dams on the Black Warrior, Warrior, and Tombigbee Rivers, Ala., shall be available for the construction of Dam 17 and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17.

SEC. 4. That the Secretary of War is authorized and empowered to enter into a contract with the Birmingham Water, Light & Power Co. (hereinafter styled "the company"), a corporation organized under the laws of the State of Alabama, its successors and assigns, for the purpose of carrying out the stipulations and performances herein mentioned. It shall be provided in said contract that the company, its successors and assigns, shall have the right to construct, maintain, own, and operate, at its own cost, in connection with Dams and Locks 16 and 17, for a period of 25 years from the time fixed in this act for completion of the works herein authorized, electrical power stations and other structures for the development of water power for industrial and other purposes, and for converting to its own use, benefit, and profit the power developed with the surplus water not needed for lockage, including the right to sell, lease, or otherwise dispose of said power: *Provided*, That the Secretary of War shall have the power to fix and regulate, from time to time, the rates which the said company may charge consumers for light, heat, and power: *And provided*, That the company shall furnish and deliver, free of charge to the Government, at Locks 16 and 17, all power necessary for the lighting and operation of said locks and for the lighting of the Government grounds and houses situated at said locks and dams: *And provided further*, That said company shall only sell light, heat, and power developed from said water power direct to the consumer. The said contract shall further provide for the payment by the company to the Government of an annual rental for its use of the water power developed at Dams 16 and 17. For a period of 20 years the rental shall be at the rate of not less than $1 per annum per horsepower developed, which rate shall be subject to be changed and fixed in his discretion by the Secretary of War at the end of that period and thereafter at the end of every 10-year period. Payment for the power developed at each dam shall begin one year after the locks and dam at 17 shall have been completed. Beginning with the year 1920, the minimum rental to be paid to the Government by the company shall be on the basis of 15,000 horsepower. The company shall have ingress and egress over Government lands for the construction and operation of its plants and works and the right to use Government

lands at or near said locks for the erecting of power houses and appurtenances in connection therewith, subject to approval and regulation by the Secretary of War. It shall be provided further in the contract that the company shall transfer to the Government flowage rights over all lands that will be temporarily or permanently overflowed by reason or in connection with the construction or improvement of Lock and Dam 17. The Government shall have free access to all the books of the company and all other records necessary for ascertaining and calculating the price, rates, and amount of power produced, developed, or sold by the company at said locks and at its storage reservoir. The contract shall further provide that the works herein contemplated, except the storage reservoir at or near Sanders Shoals, on the Mulberry Fork of the Black Warrior River, shall be commenced within one year and that the power-house foundations to be constructed by the company as a part of the dam shall be completed at least as soon as Dam 17. The said company is hereby authorized to construct said storage dam and reservoir at Sanders Shoals in accordance with the act to regulate the construction of dams across navigable waters, as amended by the act of June 23, 1910: *Provided*, That the construction of said dam and reservoir shall be commenced within 1 year after the completion of Dam 17, and shall be completed within 10 years from the date of approval of this act.

SEC. 5. That in the exercise of the authority granted to the company herein or by said contract the company shall conform to such regulations as may be imposed by the Secretary of War for the protection of navigation and of the property and other interests of the United States. The company shall at no time lower the pool level made by the erection of Dam 16, nor the pool level of Dam 17 below 63 feet above the crest of Dam 16, but in order to create a storage surplus for water-power purposes the Secretary of War may, in his discretion, permit flashboards or a removable crest not exceeding 3 feet in height to be installed on Dam 17 by the company, at its own expense; the United States shall not be liable to said company for any failure of water power from any cause whatsoever. The work and improvements herein provided for shall be executed under the direction and with the approval of the Chief of Engineers and the Secretary of War, the structures provided for being always subject to the provisions and requirements of this act and to such stipulations as may be imposed by Congress or by the Secretary of War for the protection of navigation and property and other interests of the United States. To insure the performance by the company of the acts and obligations imposed upon it by said contract, the Secretary of War may require the company to execute a bond in such an amount and with such surety as he may determine to be necessary. Whenever the company shall have acquired and transferred to the United States Government flowage rights over all lands to be flooded and temporarily or permanently overflowed, and shall have erected power stations sufficient to supply the Government with all necessary power to light and operate said locks, said bond may be reduced to an amount not to exceed $50,000.

SEC. 6. That nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the operations of said locks or the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States Government or the maintenance of the water surface above the dam at the established minimum pool level; and the Secretary of War is hereby authorized to prescribe regulations to govern the use of said water power and the operations of the plants and force employed in connection therewith, so far as the same applies to the operation of the locks.

SEC. 7. All repairs, renewals, and other necessary expenditures upon the works, which the company shall be allowed to construct exclusively for the use of power generation, shall be made by the company, so that their condition shall at no time interfere with the interests of navigation: *Provided*, That whenever in the opinion of the Secretary of War the condition of said works endangers the interests of navigation he shall notify the said company to repair the same, and if the company shall not immediately comply with the demand of the Secretary of War to make such repairs, he is hereby authorized and empowered to enter upon such works and cause them to be repaired; and the expense thereof shall constitute a debt against said company, its successors or assigns, and a lien upon all its property.

SEC. 8. The determination by the Secretary of War of the amount of rendal due the Government from the company at any time shall be conclusive and binding on the company; and if the company at any time fails to pay to the Government the amount of rental due, within a time to be fixed by the Secretary of War, or fails to comply with any of the provisions of this act on its part to be complied with, or fails to comply with any of the provisions of the contract on its part to be complied with, or fails to comply with any regulations or directions which the Secretary of War may lawfully make or give, or fails to observe the charges for the sale, lease, or other disposition of its power which may be prescribed from time to time by the Secretary of War, then the rights hereby granted shall become null and void as to the company and shall become thereby vested in the United States. At the end of the period of 50 years, hereinabove provided for, all rights, interests, and property of the company acquired under or by virtue of this act shall pass at once absolutely to the Government, unless Congress otherwise provides. Before this Act shall take effect as to the Birmingham Water, Light & Power Co., the Secretary of War shall, in a public manner, advertise for and receive bids from persons or corporations who may desire to be substituted for the Birmingham Water, Light & Power Co. as the beneficiary of this act, and if any person or company shall, in making a bid, offer better terms for the Government than are herein provided for to be received from the Birmingham Water, Light & Power Co., then the Secretary of War shall accept the best bid offered, and thereupon such best bidder shall in all respects as to this act be substituted in place of the Birmingham Water, Light & Power Co. if such best bid be not made by that company, in which case the Birmingham Water, Light & Power Co. shall not have or receive any right, title, or interest under the provisions of this act.

SEC. 9. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner, owners, or any other persons interested in any dam or other structures which shall have been constructed in accordance with its provisions at or in connection with Dams Nos. 16 and 17.

Mr. NELSON. I move that the Senate disagree to the amendment of the House, request a conference on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

Mr. LA FOLLETTE. Mr. President, yesterday, when this bill was messaged over from the House, I submitted a motion that it be referred to the Committee on Commerce, from which it was reported to the Senate. The RECORD discloses that the bill as passed by the Senate was amended in the House committee by striking out all after the enacting clause and substituting an entirely new bill. The bill as thus amended and reported by that committee was radically changed by amendments adopted during its consideration in the House.

I have had no opportunity to make such an examination of the amendments made to the bill in the House of Representatives as will enable me to discuss them intelligently at this time. I am advised, however, that the bill will confer upon a private corporation great advantages; that it proposes to authorize the Secretary of War to make this contract for a period of 30 years at rates which are preposterously low. The bill in its present form has had no consideration by this body. It has never been considered in its present form by a Senate committee. It ought not to be sent to conference without thorough consideration by the Senate Committee on Commerce. It is a measure of too great importance to dispose of it in conference in the closing hours of this session.

The VICE PRESIDENT. It is the recollection of the Chair that the Senator from Wisconsin made a motion for reference, but the Chair does not find it in the RECORD.

Mr. LA FOLLETTE. I distinctly remember having made the motion.

The VICE PRESIDENT. Yes.

Mr. LA FOLLETTE. I find a number of remarkable interpolations in the RECORD this morning, and some very notable omissions.

Mr. JOHNSTON of Alabama. The Senator from Wisconsin is correct about it. He made the motion yesterday.

Mr. LA FOLLETTE. I am certain that I made the motion.

The VICE PRESIDENT. The Senator from Wisconsin desires to make the motion now, anyway, the Chair understands.

Mr. LA FOLLETTE. I do. I renew that motion.

The VICE PRESIDENT. The Senator renews the motion, which saves the trouble of looking to find it in the record of yesterday's proceedings.

Mr. LA FOLLETTE. The Senator from Idaho [Mr. HEYBURN] says that my motion to refer this bill to the Committee on Commerce carried yesterday.

The VICE PRESIDENT. No; the motion was not put. At the request of the Chair the matter was laid aside until some other matter was disposed of.

Mr. HEYBURN. I was under the impression that it went to the committee.

The VICE PRESIDENT. No; it was some other matter.

Mr. NELSON. The motion was never put.

The VICE PRESIDENT. The Chair asked the Senator from Minnesota if he was entirely willing that the matter should remain on the table. The question is on the motion of the Senator from Wisconsin to refer the bill with the House amendment to the Committee on Commerce.

Mr. BANKHEAD. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BANKHEAD. Does not a motion to nonconcur in the House amendment and request a conference take precedence of a motion to commit the bill to the Committee on Commerce?

The VICE PRESIDENT. The Chair thinks not. The Chair thinks the motion to refer would take precedence.

Mr. BANKHEAD. Is that motion debatable?

The VICE PRESIDENT. The Chair thinks it is.

Mr. BANKHEAD. Mr. President, this bill was reported from the Commerce Committee of the Senate and passed. It went over to the House, and under conditions there it was doubtful whether the bill would be considered. But the Chief of Engineers and the Board of Engineers, to whom the bill had been submitted, reported that its passage was an emergency; that unless it should pass in some form, so as to authorize the Secretary of War to change the plans heretofore adopted and under which the contract had been let for the erection of one of the dams, the work would be indefinitely delayed; and that if it should be prosecuted under the contract, a very valuable water power would be permanently destroyed.

I want to say to the Senate that I have no interest whatever in this power proposition, except that I should regret very much to see that work prosecuted under the plan now being carried forward, the result of which would be the permanent destruction of this power.

I will say to the Senator from Wisconsin and to the Senate that if the bill shall go to conference, it is agreed that all reference to power in the bill will be stricken out and only the first three sections of the bill will be reported to the Senate.

The first three sections of the bill only authorize the Secretary of War, in his discretion, to change the plans that have

been formally adopted for the improvement of the river. The last river and harbor act contained a provision authorizing the Secretary of War to construct three dams and appropriating the money therefor. Under that act one of the dams was let to contract and the contractor is at work upon it, and unless this bill is passed he must necessarily go forward under that contract and under the law to the completion of the dam, to the utter destruction of the power at that point.

Another reason, Mr. President, why the Secretary of War and the engineers recommend this change is, that it is a great saving to the Government. Instead of building three locks and dams at the estimated cost, they propose to build one lock and dam at what is known as No. 17. Instead of building a low dam there for the purpose of navigation only, and building the other low dams for the purpose of navigation only, they report that, if they had authority to change their plans and to make a supplemental contract for the construction of a 63-foot dam at Lock 17, that would supersede the necessity of these other two locks. Not only that, but they would supersede the necessity of two other locks in the forks of this river, which must follow and which have been recommended by the engineers.

So it is, Mr. President, that if the first three sections of the bill, which make no reference to water power whatever, shall pass, this one dam and lock—it will require two locks—will supersede four other dams; in other words, instead of building five dams, three of which have been authorized and the money appropriated for them, the other two having been recommended by the engineers and will be appropriated for, this one dam completes that whole project to its final conclusion and saves to the Government, according to the estimate of the engineers, two hundred and fifty or three hundred thousand dollars and about four and one-half or five years of time, for the Senate will at once understand that they can build this one dam much quicker than they can build five dams, because a foundation would be required for each of these dams.

Not only that, Mr. President, but we get rid of a very large annual expense in the way of maintenance. Instead of having five lockages on this river to complete it, we shall have only one, thereby avoiding the necessity of keeping employees and all of the other necessary attachments at this dam for lockage purposes.

As I have said, I do not believe, if the Senator from Wisconsin will read the first two sections of this bill, he can have any objection to it. It is purely a navigation proposition. This dam is to be constructed according to plans that will make it possible in the future at some time—I do not know when—to develop and utilize this water power. That is all there is to the bill.

We have been hearing much, Mr. President, about the conservation of natural resources. Here is an opportunity to do that; here is an opportunity to complete this river within two years, and to complete the system at a much less cost than the original plan, simply by authorizing the Secretary of War to construct this one dam 63 feet high, with a view hereafter, if deemed advisable, to develop this water power. I hope, under these circumstances, the proposition will be acceded to.

I assure the Senator from Wisconsin that when the conference report comes back to the Senate, if this proposition for the development of water power will be eliminated, we shall have a simple proposition here for navigation, with the possibility retained at some future time to develop the water power, instead of going along now with the present plan and utterly destroying the water power for all future time. I hope the bill may go to conference.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. BANKHEAD. Certainly, I yield.

Mr. BORAH. As I understand, this bill was so amended by the other House as to provide a leasing system, as it were, for power which is to be created.

Mr. BANKHEAD. That is true, I think.

Mr. BORAH. And the fixing of rates, and so forth.

Mr. BANKHEAD. Yes.

Mr. BORAH. I understand that the bill as it passed the Senate, if I remember correctly, did not provide for any such thing.

Mr. BANKHEAD. Oh, yes; it did.

Mr. BORAH. Did the bill, as it passed the Senate, provide for the leasing of power?

Mr. BANKHEAD. Yes.

Mr. BORAH. Well, Mr. President, if the proposition for the National Government to lease these power sites and to fix rates within the States is going to be settled, it ought to be opened at the beginning of a session and not at the close, for it will take a long time to pass that kind of a bill.

Mr. BANKHEAD. I will say to the Senator from Idaho that is exactly my purpose in eliminating everything from this bill that has reference to power. The bill would come back here with every provision in it to provide for the leasing of power and the regulation of power, and all questions pertaining to power eliminated.

I think I understand, Mr. President, the importance of this great question, and I now concede that it is of the highest importance that Congress should, at an early day, take up this question and work out some systematic plan for the improvement of navigable rivers, so that water powers may be developed and that it should be uniform in its character. For that reason I shall insist, and those who have been instrumental in bringing this bill forward agree, that all reference to power shall be stricken from it. We propose to leave it purely as a navigation proposition, looking to the completion of navigation on that river. I hope the conferees may have an opportunity to present that question as I have indicated it to the Senate.

Mr. JOHNSTON of Alabama. Mr. President, I only want to add to what my colleague has so well said, that there was no debate in the House of Representatives on the navigation features of this bill. That part of the bill was accepted practically as the Senate passed it. It involved the authority conferred upon the Secretary of War to change the plans there, which would save about seven or eight years' time in completing the work of improving navigation on the river, and would save the Government some $250,000 or $300,000 in the cost of its completion. Instead of four dams, one high dam is to be built to back the water up the river for 45 miles, with a depth of 7 feet. It backs it up into a territory where coal mines have been developed, from which the engineers now report that there have been taken out 6,000,000 tons of coal a year, and that the supply is available at that rate for 850 years.

We are very anxious to complete the improvement of navigation on the river. It would be of immense benefit to the coal fields and to the iron and other manufacturing industries in the Birmingham district. When the work is completed as contemplated in the first three sections of the amendment, it will back the water up to the railroad where it passes over the river, so that freight from Birmingham can be lowered into barges and carried to the Gulf at a very small cost. It will reduce the cost of transportation of coal to Mobile nearly $1 a ton, and about the same to New Orleans—more than half the value of the transportation.

It is our purpose, in order to avoid the debate that will necessarily arise over the matter of water powers, the compensation to be paid therefor, and the right of the Government to take any compensation, to eliminate in conference those provisions from this bill and to leave only the navigation features. It will be a great benefit to our State and to our district and to other States.

Mr. BORAH rose.

Mr. JOHNSTON of Alabama. Does the Senator desire to ask any question?

Mr. BORAH. Mr. President, if it is to be understood that the conference report is to eliminate all questions except that of navigation, I should not object to the bill going to conference, but if these other questions are to arise——

Mr. JOHNSTON of Alabama. It is our purpose, I want to say to the Senator from Idaho, to eliminate those features.

Mr. BORAH. If the interests of private corporations and the question of leasing power generally are to be incorporated in this bill, I should prefer to have it go to a committee. If it is, however, to be confined in its terms as it shall be reported by the conference committee, so that it will operate with reference to the one question alone of navigation, I should be perfectly willing to see it go to conference; but I would want it understood that these other questions are to be eliminated.

Mr. JOHNSTON of Alabama. They are to be eliminated.

Mr. BANKHEAD. Mr. President, I can assure the Senator from Idaho that if this bill goes to conference it will never come back here with anything in it except the first three sections, which provide solely for navigation. The remainder of the bill will be eliminated in conference.

Mr. KERN. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. BANKHEAD. Certainly.

Mr. KERN. Does the Senator refer to the three sections as contained in the original bill?

Mr. BANKHEAD. No, sir; the first three sections as contained in the amendment of the House of Representatives. I should like to have the Secretary read them for the information of the Senate. They are very short.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That the Secretary of War is hereby authorized, in his discretion, to change the detailed plans and specifications for the construction of Lock and Dam 17, on the Black Warrior River, Ala., so as to increase the height of the pool level over the dam crest of Lock 17 to a height of 63 feet above the pool level of Lock 16, so as to render unnecessary the building of Locks 18 and 19, as now authorized, and so as to provide for the extension of slack water up the Mulberry and Locust Forks of the Black Warrior River to Sanders Shoals and Nichols Shoals, respectively, and for the development of water power.

SEC. 2. That the Secretary of War is hereby authorized and directed to have prepared such detailed plans and estimates as may be necessary to carry into effect the purposes of this act, and he is further authorized, in its discretion, to suspend operations during his investigations and to enter into supplemental agreements with the present contractors for Lock and Dam 17, providing for the annulment of existing contracts or for their modification so as to cover the work required for the construction of the higher lock and dam, as he may deem most advantageous for the interests of the United States.

SEC. 3. Should the construction of the higher dam at site 17 be found advisable, the appropriations and authorizations heretofore made for the cost of locks and dams on the Black Warrior, Warrior, and Tombigbee Rivers, Ala., shall be available for the construction of Dam 17 and such locks as may be necessary to overcome the lift between the pools created by Dams 16 and 17.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I have been endeavoring, as best I could at my desk, to examine the report of the Secretary of War, the original bill, and the various amendments. It appears that this bill, as introduced in the Senate, proposed in its first section to change the plans for improving the Black Warrior River and at the same time to develop water power "in cooperation with the Birmingham Water, Light & Power Co." As originally introduced it did not propose an open leasing plan, where different electric lighting companies could bid for the power created incidentally by the improvement of the river, but that it was proposed to open the way for the Birmingham Water, Light & Power Co. to get the contract from the Government.

As originally introduced there were some 10 sections in the bill. The first three sections provided for changing the plan of construction, but the great bulk of that bill and the manifest purpose that lay back of it was serving the interests of this electric light and power company by enabling them to get favorable terms from the Government, to the exclusion of all competitors, in acquiring the control of this power.

Mr. President, I have a memorandum, which has been given me by Mr. KENT, a Member of the House of Representatives, who has examined the bills and the papers and who followed the debate; and I am led to conclude, from a very hasty reading of this memorandum at my desk this morning, that there is perhaps no reason to oppose changing of the plan of improving the Black Warrior River. I want to ask the Senator from Alabama whether the Secretary of War has recommended this change in the plan——

Mr. BANKHEAD. He has.

Mr. LA FOLLETTE. And whether it is stated by the Secretary that it will work a substantial saving to the Government to construct the one dam at Lock No. 17 instead of constructing the several dams provided for in the earlier plan?

Mr. BANKHEAD. That is their report. They make that statement.

Mr. LA FOLLETTE. On all the information I have up to the present time I can see no objection to the passing of the first three sections of the bill as it came from the House, and upon the assurance of those in charge of the bill, who expect to be on the conference committee, that the Senate conferees will not agree to report in favor of enacting more than the three first sections of the bill, I will withdraw my motion and consent that it may go to conference.

Mr. NELSON. That is the purpose. I shall ask the Chair to appoint the Senator from Ohio [Mr. BURTON] and the Senator from Alabama [Mr. BANKHEAD] and myself on the committee. I feel about the question just as the Senator from Alabama does. I concur in his views on that subject.

Mr. BURTON. Will the Senator from Wisconsin yield to me?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. Yes.

Mr. BURTON. I am strongly in favor of establishing some general rule in regard to all these grants of water power. The usual custom has been to specify a particular company and grant to it the right to use the power developed in a stream. That has been regarded as necessary, because there was such a degree of detail, and the grantee would necessarily expend large sums of money in connection with the amount expended by the Government. Whenever a case arises, however, in which it can be submitted to competitive bids, I think it should be done.

Mr. President, I regard it as out of the question at this stage in the session to do more than to consider the first three sections. I think we should give very careful consideration to the other propositions coming from the House, and I do not think it possible to conclude our deliberations upon them before adjournment.

Another question arises. I should most decidedly take issue with the Senator from Idaho [Mr. BORAH] in regard to the right of the Government to charge a rental wherever power is created by Government dams constructed for the purpose of navigation. If the Government constructs dams in a river, whatever the original object be, whether it be for navigation or any other reason, the power created ought not to be given away; a fair compensation should be paid for it. That has been the custom for a number of years. I want to say in this connection that I think in some instances the compensation has been altogether inadequate.

Mr. BORAH. The Senator from Idaho has not yet defined his position upon that proposition.

Mr. BURTON. I am glad to hear that.

Mr. BORAH. I will say it is one of great importance, and before a proposition is adopted providing for a general leasing system, which has been promulgated by some people who have studied this question, I want it discussed pretty thoroughly.

Mr. BAILEY. Would the Senator from Idaho or the Senator from Ohio, either, oblige me by telling me how the Federal Government has acquired the power to lease these waters within a State unless and except so far as they relate to navigation?

Mr. BORAH. I think no one who is familiar with the Constitution contends for anything other than what the Senator from Texas does.

Mr. BAILEY. I am very glad to know that the Senator from Idaho does not, because, without having examined it carefully, I should distrust my own opinion if he differed with me. But the learned Senator from Ohio seems to assume that power in the Federal Government.

However, I do not desire to delay this bill which, under the statement of the Senator from Alabama [Mr. BANKHEAD]—and that is enough for all of us—does not involve that question; but I think it will take a long time to settle it as the Senator from Ohio suggests. I hope he will bring it in in the first part of some long session.

Mr. BORAH. I did not understand that the Senator from Ohio took that position.

Mr. BAILEY. He did say, as I understood him, that there ought to be a system under which the Government should make these leases and under which it should have a larger revenue than it has heretofore derived from it.

Mr. BURTON. Does the Senator from Texas deny the right of the General Government, when it has constructed dams for the purpose of aiding navigation, and those dams create a water power, to lease that water power and to charge for it?

Mr. BAILEY. I do, unqualifiedly. I deny that the Federal Government has any right over or concerning any stream in any State of this Union further than is necessary to remove obstructions to interstate and foreign commerce, and probably we must now go so far as to say that it has the jurisdiction to create facilities for interstate and foreign commerce. But it has no more title to the water that flows through these States than I have, and if it acquire the land on which it constructs a dam, that probably raises a different question. It then may possess a proprietor's right, but it certainly does not even then possess a sovereign right.

How far the Government, owning the dam or the water, succeeding to the riparian owner's rights, may then dispose of it, probably is another question. But that question, I take it, is not involved in all these cases.

Mr. BURTON. Mr. President——

Mr. BAILEY. I beg pardon of the Senator from Alabama and the Senators from Idaho and Ohio.

I merely did not want to see that question passed as if it were not contested, and I was unfortunate enough not to exactly understand that the Senator from Idaho did question it. If I had understood his position, I would not have even interposed with this inquiry.

Mr. BURTON. The question of the right to construct dams for the creation of water power as an independent proposition is not involved here.

Mr. BAILEY. No. We ought to pass this.

Mr. BURTON. But if, when that water power is created as an incident in the construction of navigation works, anyone denies the right to make a charge for such power, he denies the existence of a right which the Government in numerous places has been exercising for years.

Mr. BAILEY. It has no more right to do it than I have.

Mr. BURTON. It is a right which has been exercised in many of the States and which has been sanctioned by the Supreme Court of the United States. I am quite well satisfied I can convince the Senator from Texas that this view is correct.

Mr. BAILEY. The Supreme Court of the United States itself could not convince me of that, if it should decide it and repeat the decision, because I know perfectly well that the power of the General Government over the streams is a commerce power and that commerce power relates only to the right of navigation.

Mr. BORAH. When the Senator from Ohio says it has been sanctioned by the Supreme Court of the United States, he does not mean to say that the Supreme Court has decided that question?

Mr. BURTON. The Supreme Court has decided that where, as an incident in the exercise of another right, water power is created, that water power may be sold and charged for.

Mr. BAILEY. This Republic will have to be older and there will have to be several successions to the Supreme Court before I would ever believe that that ought to be the law. But I have never had occasion to examine it; I do not live where these questions arise, and my interest in it is merely general or, it might be said, a theoretical one.

I shall ask the Senator from Ohio, not on the floor, because that might assume he could not produce the decisions—and I am sure he thinks he can—but after this matter is disposed of I shall ask him for the decisions that hold that the Government of the United States, which possesses a mere easement in these waters, may sell what belongs to the States or to the riparian owners.

Mr. LA FOLLETTE. Mr. President, upon the assurance which has been made to the Senate that the limit of this legislation, as reported from conference, will not extend beyond the first three sections of the House bill, I withdraw the motion I made to commit it to the committee again.

The VICE PRESIDENT. The Senator from Wisconsin withdraws his motion.

Mr. KERN. I should like to inquire of the Senator from Alabama whether this abandonment of the matters referred to in the sections succeeding section 3 is a mere temporary abandonment, or whether this scheme, which is outlined in the sections succeeding section 3, is to be renewed at some future time.

Mr. BANKHEAD. I could not answer that question. My idea is that the Congress will take up this question generally very soon, and we ought to work out some plan, some policy that is uniform. I could not say that Congress will not at some future time undertake to legislate with reference to the development of this power. I believe it will, some time in the future. I believe it ought to. But I do not believe it ought to do it now.

Therefore I assure the Senate that, as far as I can control it, if this bill goes to conference, only the first three sections of the bill will come back to the Senate, and we will leave open the question as to what Congress may do in the future.

Mr. HITCHCOCK. I should like to make an inquiry of the Senator from Alabama. In case the Congress later takes up this matter of disposing of the power created by this dam, is there any other company except the company named heretofore in this bill which can become a bidder for that power?

Mr. BANKHEAD. Oh, I think anybody can take it up, perhaps. Of course that whole question is eliminated here. There is no bidding: there is no leasing; there is no attempt in any way in this bill to control that power or to dispose of it. That is left for the future.

Mr. HITCHCOCK. The question of the Senator from Indiana was directed to ascertaining whether this bill now, as proposed, confining it to three sections, might be possibly a preliminary step to another attempt to transfer to this company the power which the Government proposes to create; and what I wanted to learn was whether, if the power is to be disposed of as the Senator indicates, it must necessarily be disposed of to this company——

Mr. BANKHEAD. Oh, no.

Mr. HITCHCOCK. Or whether other companies might be in the market to secure it.

Mr. BANKHEAD. Of course, when Congress comes to deal with this question, as the House has already indicated, it will be put up to the highest bidder, or there will have to be compliance with any other arrangement or any other condition that may be imposed by Congress, which, of course, will be ample.

Mr. HITCHCOCK. I think that was one of the vices of this bill, that it did not give other companies an opportunity to secure the power.

Mr. BANKHEAD. Our anxiety is to have this improvement completed as a navigation proposition, and our idea is to save four or five years, and to save considerable sums in money.

The money for this has already been appropriated. The purpose is to get these three sections out of conference. The Board of Engineers and the Chief of Engineers are in perfect accord and recommend these three sections, in order to facilitate this work; and then whatever Congress may do in the future with reference to power will be as applicable to this bill as to any other bill.

I anticipate that the importance of this question in the near future, and the public demand will compel Congress to take up seriously and undertake to reach some conclusion with reference to this great question.

Mr. LA FOLLETTE. It is beyond question that this subject will again appear in Congress.

Mr. BANKHEAD. I hope so.

Mr. LA FOLLETTE. In anticipation of that, if it is found to be within the rules, I suggest that the conferees attach to the bill as perfected in conference a direction or request to the Secretary of War to report what electricity will be generated by this improvement, or report an estimate of the amount of electricity that will be generated and the selling value of that electricity.

Mr. BANKHEAD. We already have a report from the Secretary of War as to the amount of current to be developed here. That is in the report—the horsepower.

Mr. LA FOLLETTE. The amount that would be developed by the erection of this particular dam at Lock No. 17?

Mr. BANKHEAD. Yes; Locks Nos. 17 and 16. It is a very small amount. The power to be created here, if there is to be power, is to be produced by the storage dam at the head of navigation, with which the Government has nothing to do except to supervise it. There is where the power is to come from.

They propose at the head of navigation of this river or above navigation, to erect at their own expense a dam 100 feet high, and there to impound the waters in a reservoir covering 30,000 acres perhaps, and from that reservoir they propose to get their power mainly. There is very little power to be created at these dams.

Mr. LA FOLLETTE. How much power is it estimated by the Secretary of War will be created by the improvements which it is proposed to make?

Mr. BANKHEAD. Under these three sections?

Mr. LA FOLLETTE. Under these three sections of this bill.

Mr. BANKHEAD. They report that perhaps 5,000 horsepower may be produced. That is doubtful—5,000 horsepower. It is very small.

Mr. LA FOLLETTE. My recollection, from a hasty reading of the bill, was that it was something like three times that.

Mr. BANKHEAD. No. If the Senator from Wisconsin will examine the report and the arguments in the House he will find that that mainly is to be created from the reservoir dam, not from the dams at all.

Mr. LA FOLLETTE. I have not had an opportunity to read the entire bill.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was agreed to; and the Vice President appointed as the conferees on the part of the Senate Mr. NELSON, Mr. BURTON, and Mr. BANKHEAD.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2958) providing for publication of contributions made for the purpose of influencing elections at which Representatives in Congress are elected.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 2958. An act to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses;

H. R. 13277. An act to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.; and

H. J. Res. 146. Joint resolution for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

PETITIONS AND MEMORIALS.

Mr. JONES presented memorials of Custer Post, No. 6; General U. S. Grant Post, No. 116; and D. A. Russell Post, No. 35, all of the Department of Washington, Grand Army of the Republic, in the State of Washington, remonstrating against an appropriation of $100,000 being made for the erection of a Confederate naval monument in the Vicksburg National Military Park, which were ordered to lie on the table.

Mr. SHIVELY presented a memorial of District Grand Lodge, No. 2, Independent Order of B'nai B'rith, of Denver, Colo., remonstrating against the treatment of certain American citizens by the Russian Government, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the High Street Methodist Episcopal Church, of Muncie, Ind., and a petition of the congregation of the Mennonite Church, of Berne, Ind., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were ordered to lie on the table.

Mr. PERKINS presented a petition of the Board of Supervisors of Tulare County, Cal., praying that an appropriation be made for the extermination of ground squirrels and other rodents, which was referred to the Committee on Agriculture and Forestry.

Mr. GAMBLE presented the petition of Howard Babcock, of Sisseton, S. Dak., praying for the adoption of certain amendments to the proposed treaty between the United States and Nicaragua, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the First Congregational Church, of Bonesteel, S. Dak., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was ordered to lie on the table.

Mr. BURTON presented a petition of sundry citizens of Damascus, Ohio, praying for the ratification of the treaty of arbitration between the United States and Great Britain, which was ordered to lie on the table.

Mr. WETMORE presented a memorial of the First Regiment Rhode Island Detached Militia and First Battery Veteran Association of Rhode Island, remonstrating against an appropriation of $100,000 being made for the erection of a Confederate naval monument in the Vicksburg National Military Park, which was ordered to lie on the table.

FUNERAL EXPENSES OF THE LATE SENATOR FRYE.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the following resolution (S. Res. 138), submitted by Mr. JOHNSON of Maine on the 15th instant, reported it without amendment, and it was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator WILLIAM P. FRYE, from the State of Maine, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

ASSISTANT CLERK TO COMMITTEE ON THE JUDICIARY.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the following resolution (S. Res. 103), submitted by Mr. CLARK of Wyoming July 13, 1911, reported it without amendment, and it was considered by unanimous consent and agreed to:

Resolved, That the Committee on the Judiciary is hereby authorized to employ an assistant clerk, at a salary of $1,800 per annum, to be paid from the contingent fund of the Senate until otherwise provided by law.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. TAYLOR:

A bill (S. 3263) for the relief of Calhoun Lodge, No. 26, Independent Order of Odd Fellows, of Fayetteville, Tenn.; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 3264) to correct the naval record of Henry L. Slade, deceased; to the Committee on Naval Affairs.

By Mr. BORAH:

A bill (S. 3265) to amend section 5 of an act to authorize advances to the reclamation fund and for the use and disposition of certificates of indebtedness in reimbursement therefor, and for other purposes, approved June 25, 1910; to the Committee on Public Lands.

M. H. BUMPHREY.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 141), which was read, and, with the accompanying papers, referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate is hereby authorized and directed to place upon the roll of messengers in the employ of the Senate the name of M. H. Bumphrey, to be borne thereon in accordance with the provisions of Senate resolution No. 72, agreed to on July 14, 1911, at a compensation at the rate of $1,440 per annum, such compensation to be paid from the contingent fund of the Senate until otherwise provided for by law.

WITHDRAWAL OF PAPERS—EUGENE E. SCHERRER.

On motion of Mr. CULLOM, it was

Ordered, That the papers in the case of Eugene E. Scherrer, S. 6090, second session Sixty-first Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

COTTON CROP STATISTICS.

Mr. SMITH of South Carolina. Mr. President, a few days ago I introduced a resolution (S. Res. 135) asking the Secretary of Agriculture to give some detailed information as to the methods of gathering the report on the condition of the cotton crop and the preliminary estimate made upon this report as to the probable yield. There was some objection raised in the Senate to the immediate consideration of it, and on account of some further objections from other soruces I allowed it to lie on the table.

I have prepared a resolution (S. Res. 140) this morning based upon some facts which I have obtained, and which I desire to have read, in order to explain the necessity for some immediate action along this line. I wish to notice a paragraph from the report emanating from the Agriculture Department.

It states that the condition of the growing cotton crop was, on June 25, 88.2 per cent, against a 10-years' average of 80 per cent, and that there were 34,000,000 acres this year that would probably be harvested, against about 32,000,000 acres last year, and they estimate, on June 25, that the probable yield of cotton would be 14,500,000 bales, at least 3,000,000 bales more than were made the year previous, and certainly 2,000,000 bales more than have ever been made in the history of the cotton belt.

On account of the condition of weather that has prevailed throughout the South and on account of the wide protest which has come in against the Government issuing any preliminary statement as to the yield until the crop has been practically ginned I introduced the resolution not for the purpose of discrediting the Agricultural Department, but for the purpose of giving that department the opportunity of showing to the public plainly and above board just the methods employed and the persons employed in arriving at this conclusion.

In order to fortify myself thoroughly as to whether the Government should be given an opportunity to explain the statement regarding this great industry, affecting 11 of the States of this Union and upon which depends the balance of trade in America, I got a Senator from each of the cotton-growing States to wire to the commissioner of agriculture of his State as to the condition and prospective yield. I wish to have the attention of the Senator from Ohio [Mr. BURTON] just here, because I want him to understand it thoroughly, as he is the one who made the objection to the resolution, together with the chairman of the Committee on Agriculture and Forestry.

As I said, I got a Senator from each of the cotton-growing States to wire his commissioner of agriculture to suggest what were the conditions obtaining in the cotton crop in the several States.

Mr. President, I am not going to bring an accusation against the Agricultural Department, but every man on this floor who is interested in the development of the South and in its development through the making and marketing of the cotton crop knows that upon the price obtained for this crop largely depends the welfare of every institution in those States.

It is also a notorious fact that in the two years preceding this there have been abnormally short crops. In 1910 the manufacturers, spinners, and weavers of the world met in convention in Brussels, and in that convention the American spinners, the English spinners, the India spinners, the European spinners and weavers declared that we were face to face with a cotton famine, and unless they curtailed 33⅓ per cent of the time, cotton was inevitably bound to rise to a price far beyond that now obtaining. It was further stated in their meeting in Vienna that the Agricultural Department of the United States of America was

heartily cooperating with them in gathering such data as referred to the condition and supply of cotton and increasing the amount of yield to supply the spinners of the world.

Taking into account the fact that we are face to face to-day with a cotton famine, with the amount of raw material practically exhausted on account of two short years and an increase of spindles, it was peculiarly disastrous that on June 25, before a large per cent of the cotton crop of the South was up, the Agricultural Department should issue a statement that the percentage of conditions was higher than it had been in years, and that the probable outcome would be 3,000,000 bales above the year preceding. What was the result? In less than eight weeks the cotton market broke $20 on the bale, sweeping out of the South all the profits which might accrue to the grower.

We stood here and argued when reciprocity was before this body that the farmers of the West in growing wheat were not only entitled to a profit on their wheat, but the Senate attempted to pledge them the support of the Government against Canadian competition endangering that profit on wheat. In this, before the cotton crop of the South is out of the ground, the Agricultural Department issued a statement the practical effect of which was that if the mills and the weavers of the world would but wait from 60 to 90 days and run short time the markets would be flooded with an overabundance of cotton produced in the South.

Therefore, in order to counteract the influence of this report and to stay this disaster to my section, not asking for protection from the Government in reference to cotton, but asking that nothing should emanate from any of our departments under the law which shall injure them, I had a Senator from each cotton-growing State to send a telegram to the commissioners of agriculture, men elected by each one of these States to superintend the agricultural interests of those States, asking them what were the conditions obtaining as to the cotton crop and to give an estimate as to the probable yield in their States, as compared with the year previous.

Last year we made 11,423,000 bales. By the estimate of the Agricultural Department this year we will make, according to their August report, 14,700,000 bales. These are the telegrams received, which I send to the desk and ask that the Secretary may read. I wish to have them incorporated in the RECORD.

The VICE PRESIDENT. The Secretary will read the telegrams, without objection.

Mr. SMITH of South Carolina. Understand, Mr. President, before the Secretary reads, I did not send to private individuals, nor did I send a telegram myself. I got a Senator from each cotton-growing State to wire his commissioner of agriculture to give a statement as to the deterioration, if any, and what was the probable yield as compared with last year. I wish to have those telegrams read before I go further.

The Secretary read as follows:

MONTGOMERY, ALA., *August 15, 1911.*

Hon. J. H. BANKHEAD,
Senate Chamber, Washington, D. C.:

Deterioration since July 25 is at least 15 per cent. I estimate the yield, as compared with last year, 5 per cent greater.

I. F. KOLB, *Commissioner.*

ATLANTA, GA., *August 15, 1911.*

Hon. A. O. BACON, *Washington, D. C.:*

Deterioration of cotton since July 25 is at least 20 per cent. The yield, in comparison with last year, about the same.

T. G. HUDSON.

Mr. BURTON. Mr. President, will the Senator from South Carolina yield for a question?

Mr. SMITH of South Carolina. Certainly.

Mr. BURTON. When was the latest bulletin issued by the Agricultural Department relating to the condition of the cotton crop?

Mr. SMITH of South Carolina. The condition was taken July 25 and issued August 2.

Mr. BURTON. And these telegrams seek to show——

Mr. SMITH of South Carolina. The telegrams came in August 15.

Mr. BURTON. Showing the condition of the crop July 25.

Mr. SMITH of South Carolina. On July 25. I did that in justice to the Agricultural Department, to see if there was any deterioration since then so marked as to warrant the resolution which I introduced.

Mr. BURTON. Will the Senator yield for another question? How frequently are these bulletins issued by the Agricultural Department?

Mr. SMITH of South Carolina. Once a month. They are gotten up on the 25th of each month and issued on the 2d of the succeeding month.

The Secretary continued the reading of the telegrams, as follows:

AUSTIN, TEX., *August 15, 1911.*

Hon. C. A. CULBERSON,
Washington, D. C.:

I have your wire of the 15th. There is slight deterioration in the cotton crop since July 25. The prospects are for a very slight increase, if any, in the yield in this State as compared with last year.

ED. R. KONE.

LITTLE ROCK, ARK., *August 15, 1911.*

Senator JAMES P. CLARKE,
Washington, D. C.:

The cotton crop shows slight depreciation since July 25, caused by rain falling into the white bloom. Inferior fruitage and lateness of plant will not give us a crop exceeding last year, notwithstanding fine appearance of stalk at this time.

CLAY SLOAN,
Commissioner of Agriculture.

JACKSON, MISS., *August 15, 1911.*

Hon. JOHN SHARP WILLIAMS,
Washington, D. C.:

Deterioration 20 per cent. Excessive rains, overflow, boll weevil, and worms. Outlook not encouraging.

H. E. BLAKESLEE.

BATON ROUGE, LA., *August 15, 1911.*

Hon. MURPHY J. FOSTER,
Washington, D. C.:

No reports of deterioration received since date mentioned, though the continued rains now prevailing might prove disastrous. The present outlook indicates a third more cotton than last year.

E. O. BRUNER, *Commissioner.*

OKLAHOMA, OKLA., *August 16, 1911.*

Hon. ROBERT L. OWEN,
Senate Chamber, Washington, D. C.:

Practically no change in condition of cotton since July 25. Estimated yield for this year 1,000,000 bales.

G. T. BRYAN.

SUMTER, S. C., *August 14, 1911.*

Hon. E. D. SMITH,
Senate, Washington, D. C.:

Joint meeting Sumter Farmers' Union and Chamber of Commerce. Cotton situation discussed. From information cotton yield greatly overestimated. Drought unbroken. Deterioration rapid and general. Request you urge Department of Agriculture make immediate investigation and publish results. Your actions crop reports commended.

E. W. DABBS,
President Farmers' Union.
A. W. SNELL,
Secretary Chamber of Commerce.
R. I. MANNING,
Acting Chairman.

COLUMBIA, S. C., *August 15, 1911.*

Senator E. D. SMITH,
United States Senate, Washington, D. C.:

Yours even date. Our crop now in the midst of crucial period. In certain sections deterioration rapid and heavy, in many others none. Condition not as good as on July 25. Until end of August would not care venture predictions as to total production. If no adverse conditions in three weeks this State's crop will be about an average crop.

E. J. WATSON, *Commissioner.*

RALEIGH, N. C., *August 15, 1911.*

Hon. LEE S. OVERMAN,
Washington, D. C.:

Commissioner absent. No deterioration in cotton crop. Outlook for better yield than last year.

ELIAS CARR, *Secretary.*

Mr. SMITH of South Carolina. Mr. President, according to the reports from the commissioners of agriculture on the ground in these several States there are but three States indicating an increased yield, to wit, Louisiana last year made two hundred and fifty thousand and some odd hundred bales. The commissioner of agriculture of that State claims that the increase will be about one-third. In Alabama about one-fifth greater than last year, while he declares that the deterioration is going on now. In North Carolina the commissioner was not present, and his secretary said that the yield will probably be greater than last year; and North Carolina makes something over 700,000 bales. But in the States of Texas, Georgia, South Carolina, Mississippi, and Arkansas, producing nine-tenths of the cotton crop, the reports indicate very slight deteriorations since July 25 and that the probable outcome will not exceed last year.

Now, in view of these facts, I think that the Agricultural Department, which was created for the purpose of serving the interests of the farmer and not to become the master of the farmer, might investigate thoroughly and, if it will not give the process by which they arrive at these estimates, might take the occasion now upon the request of these parties interested and make the investigation. Because one of two things is true—either the commissioners of agriculture in these cotton-growing States, familiar with all the processes of cultivation, were misinformed and did not know what they were talking

about, or the Agricultural Department is wrong in its deduction that there will be a record-breaking crop.

We are interested, the United States is interested, in view of the fact that last year out of $868,000,000 sold in the raw state from this country abroad, cotton alone produced $470,000,000 of that amount. Every increase in the price of raw material means that much more European money for America. Yet this report, coming on the 25th day of June, has emasculated the cotton market and depressed the price nearly 30 per cent. Therefore, the growers of this cotton are entitled to know from the Agricultural Department what are the actual conditions existing in the face of what I have had read. And now, with the permission of the Senate, I ask to have read and incorporated also the following——

The PRESIDING OFFICER (Mr. HEYBURN in the chair). In the absence of objection it will be read.

Mr. SIMMONS. Mr. President, with the permission of the Senator from South Carolina, I should like to inquire if the same climatic conditions that affect adversely the cotton crop in the South do not as a rule affect in the same way the corn crop in the South?

Mr. SMITH of South Carolina. Almost identically, Mr. President.

Mr. SIMMONS. That being so, I want to call attention——

The PRESIDING OFFICER. Will the Senator from North Carolina first allow the Secretary to read the paper that was ordered to be read?

Mr. SMITH of South Carolina. In order not to break the question the Senator from North Carolina is asking, I yield before the paper is read.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SIMMONS. I want to call attention, in view of the statement of the Senator from South Carolina, to the very remarkable statement contained in the Government report on the condition of the cotton crop issued August 2, 1911, and the Government report on the condition of the corn crop August 9, 1911, in the States of Texas and Oklahoma. Texas and Oklahoma are both corn-growing and cotton-growing States. The Senator, as I understand, states that the same climatic conditions which injuriously affect the cotton crop affect in the same way the corn crop. In those two States this report is made: The condition of corn in Texas is reported to be 40, against 45 last month and 78 last year. That is a falling off of 38 points. The condition of cotton in Texas is reported to be 86, against 85 last month and 82 last year—that is, the condition of the cotton crop in that State is 4 points higher than it was last year. In Oklahoma the condition of corn is reported at 33, against 40 last month and 57 last year. The condition of cotton in Oklahoma is reported to be 88, against 87 last month and 87 last year; in other words, in Texas and Oklahoma, both corn and cotton growing States, the corn report shows one of the lowest records in the history of corn growing in those States, while the cotton report for the same year shows one of the highest records. Can the Senator reconcile those two reports?

Mr. SMITH of South Carolina. Mr. President, I should certainly dislike in the Senate of the United States to draw what conclusion I feel could be drawn from that very remarkable report. According to what the Senator has read in reference to Oklahoma and to Texas, the report shows a like condition in all the cotton-growing States; but in order not to inveigh against the Agricultural Department and to give it a clear field in which to make a clear, honest, straightforward report as to actual conditions, I call attention once again to the telegrams that I have sent to the desk and had read. I said that in Louisiana they only made 250,000 bales and that the reported increase would bring it up to less than a half a million bales. In Oklahoma they claim they will make probably a million bales. Last year they made 955,921 bales. Therefore, taking the indicated increase in Alabama, Oklahoma, and Louisiana, the cotton crop for this year can not exceed the crop of last year by more than 1,000,000 bales.

So startling was the fact that the Agricultural Department did issue a preliminary report, based on the condition of June 25, and so remarkable was the drop in the market that I myself went to the Secretary of Agriculture, interviewed him, and asked him by what authority did they issue a preliminary report when the law requires that a condition report only should be issued. His reply to me, in effect, was that it had not been issued. When I called his attention to the fact that it had been issued, he said it was without his knowledge or consent and would not be repeated. On August 2 another report was issued based upon the condition existing on July 25, which raised it practically 1 per cent higher in condition than that which existed on June 25 and stated the estimate at this time at 14,700,000 bales, but did take occasion to mark the report "unofficial."

Mr. President, the result of that was a still further depression in the cotton market, while still some of the cotton was not up in the field.

To ascertain by what process this remarkable issuance of the Agricultural Department was arrived at was the cause of my introducing the first resolution. I should like to have the Secretary now read the letter which I send to the desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows.

CHAMBER OF COMMERCE,
Sumter, S. C., August 15, 1911.

GENTLEMEN: At a joint meeting of the chamber of commerce and of the Farmers' Union of this county, held August 14, the present condition of the cotton crop was discussed. It was the consensus of opinion that the crop had greatly deteriorated since the Government report. The drought in this section is unbroken and the prospects of anything more than an average crop are not bright. Similar reports have been noted throughout the South.

In view of this situation and because of the general feeling of depression of the cotton planters as to future prices raised by the Government report, which is believed to be exaggerated, this chamber was requested to immediately correspond with the various commercial bodies in the cotton States and to invite their cooperation in allaying, so far as possible, this feeling of depression and to request their aid in securing the actual facts as to the condition of the cotton crop. The Farmers' Union of the South will cooperate in this effort.

We desire, therefore, to submit the following suggestions:

First. That each commercial body immediately telegraph its national Representatives requesting the Department of Agriculture to obtain the latest reliable information of the true condition of the cotton crop.

Second. That each body immediately ascertain the present condition of the cotton crop in its vicinity and communicate the result of this investigation to this chamber. These reports will be tabulated and published.

Third. That each body, through the local press and the direct influence of its membership, encourage the farmers to adopt the plan of a gradual marketing of their cotton, in order to avoid flooding the market by precipitately selling and thus losing a large part of their just earnings.

We are confident that concerted action at this time is of great importance to the entire South.

Very truly, yours,

SUMTER CHAMBER OF COMMERCE,
By A. V. SNELL, *Secretary.*

Request of Mr. R. I. Manning.

Mr. SMITH of South Carolina. Mr. President, the last article that I should like to have read and incorporated in my remarks is very short. After it is read I shall then introduce the resolution which I have prepared.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

[An Associated Press dispatch clipped from the News and Courier, Charleston, S. C.]

THINKS CROP REPORTS COLORED—CONDITIONS EXAGGERATED, SAYS GEORGIA AGRICULTURE COMMISSIONER.

ATLANTA, *August 16.*

Alleging that southern crop conditions have been grossly exaggerated, T. G. Hudson, commissioner of agriculture of Georgia, has written to all similar officials in all the Southern States asking that they meet and devise plans to correct what he calls "wrong impressions of the outlook."

He asks that all farmers' organizations cooperate with the State commissioners. It is declared that crops, especially cotton, will not have as large yields as have been reported, and that such alleged false reports will tend to hurt prices.

Mr. SMITH of South Carolina. Mr. President, it is useless for me to extend this discussion further. Here are the cotton growers of the South saying that conditions—mark, now, closely—even where there is no deterioration reported, antedating June 25 or July 25, were such as to indicate that there will not be any greater yield this year than last year. Therefore it must be evident that there has been a radical mistake made somewhere. Those who are to suffer from it have a right to be heard, and I introduce the resolution I send to the desk, for which I ask immediate consideration.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent for the present consideration of a resolution offered by him, which the Secretary will read.

The Secretary read the resolution (S. Res. 140), as follows:

Resolved, That, if feasible, the Secretary of Agriculture be, and he is hereby, requested to investigate immediately the condition of the cotton crop, and to make public the same at the earliest date possible.

Mr. BURNHAM. Mr. President, this seems to be an important matter, and I believe it should be fully considered. I therefore move that the resolution be referred to the Committee on Agriculture and Forestry.

Mr. SMITH of South Carolina. Mr. President, I will say to the Senator, before he takes his seat, that I interviewed the Agricultural Department before introducing the resolution and asked if, in view of the request that comes from the parties affected and interested, it were not possible for them to get out an emergency report. The department said that they had been considering doing that, but they did not know whether or not it was now feasible. It will be the 2d of September before

any correction can be made if the regular course is pursued. The resolution simply asks the Secretary of Agriculture—it does not command him to make the investigation, but simply, upon the request of the cotton growers, asks him, if feasible, to make this report. Every day's delay means that much loss. I do not see how the Senator can object. I am quite sure, if you can come in here and ask that laws be passed artificially to protect the interests of the agriculturists of the West, we can make a simple request like this.

The PRESIDING OFFICER. The Chair desires to inquire of the Senator from South Carolina whether or not the resolution which he now sends to the desk is in lieu of the resolution he has heretofore presented?

Mr. SMITH of South Carolina. No; it is an independent resolution. It has no reference whatever to the other resolution.

The PRESIDING OFFICER. The Chair will state the question. The Senator from South Carolina asks unanimous consent for the present consideration of the resolution he has presented.

Mr. SMITH of South Carolina. I should like to have the resolution again read, so that the chairman of the Agricultural Committee may fully understand it.

Mr. BURNHAM. I move that the resolution be referred to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary again read the resolution.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the resolution be referred to the Committee on Agriculture and Forestry.

Mr. SMITH of South Carolina. Mr. President, I should like to state that, in case that is done, it may be impossible to secure the relief sought and afford the Agricultural Department the opportunity to investigate fairly and to make report, so that the feeling which has caused the protests against this alleged report shall be allayed. The department have their correspondents, and a wire this afternoon would reach them all.

I was informed by the Agricultural Department that they were considering the advisability of getting out an intermonthly report under unusual conditions. They interposed no objection to a resolution of the kind I have presented; and I do not think it fair to the cotton growers, to the Agricultural Department, and to the vast interests affected by this great fiber that any delay should be made; in view of the fact that the gamblers have taken advantage of this report from the Agricultural Department to practically emasculate and ruin the price of cotton, and reduce the people of the South to almost a condition of panic. I think it nothing but fair that as mild a resolution as that which I have offered should be passed. I do not want to be forced to go into some things that I might feel disposed to say.

Mr. BURNHAM. Mr. President, the Senator from South Carolina is a member of the Committee on Agriculture, and it seems to me that something more than an answer to these inquiries should be gone into by the committee. The method of collecting this information should be considered, and there should be a further and fuller investigation of the whole question.

Mr. SMITH of South Carolina. The resolution leaves it optional with the Secretary of Agriculture whether or not he will accede. It provides that, if feasible, he shall immediately ascertain the condition of the cotton crop at the present time. I hope the Senator will withdraw his motion.

Mr. WARREN. Will the Senator permit me a moment?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. SMITH of South Carolina. I do.

Mr. WARREN. I will say to the Senator that, of course, an objection will carry the resolution over.

Mr. SMITH of South Carolina. I understand that.

Mr. WARREN. And if the Senator, being a member of the Committee on Agriculture, will let the matter go to the committee to-day, I think he will make time, rather than to have it objected to and have it hung up.

Mr. SMITH of South Carolina. If the chairman of the Committee on Agriculture and Forestry will indicate that he will call the committee together to-day to consider the resolution, I certainly will let it take that course.

Mr. BURNHAM. In reply to the Senator from South Carolina, I will say that I will call a meeting of the committee at once.

Mr. SMITH of South Carolina. That is satisfactory to me, if we can have an immediate report.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Agriculture and Forestry.

RAILROADS AND COAL DEPOSITS IN ALASKA—A BILL FOR OPENING THE COAL MINES, ESTABLISHING MARINE AND RAILROAD TRANSPORTATION, AND DEVELOPING A PUBLIC HARBOR AT CONTROLLER BAY, IN ALASKA.

Mr. SMITH of Michigan. Mr. President, I inquire if morning business is closed?

The PRESIDING OFFICER. Morning business is not closed. Concurrent and other resolutions are in order. If there be no further concurrent or other resolutions, morning business is closed.

Mr. SMITH of Michigan and Mr. POINDEXTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. SMITH of Michigan. I move to take up Calendar No. 122, being Senate joint resolution 57.

Mr. POINDEXTER. Mr. President, if the Senator will pardon me a moment, I think there has been no opportunity for introducing bills.

The PRESIDING OFFICER. That order of business has been passed, but by unanimous consent bills may be introduced.

Mr. POINDEXTER. I understood that the introduction of bills came after the call of petitions and memorials. I have been here constantly——

The PRESIDING OFFICER. That order of business comes after the reports of committees. That order has been passed, but, in the absence of objection, the bill will be received.

Mr. POINDEXTER. And reports of committees likewise come after petitions and memorials. Out of order I ask unanimous consent to introduce the bill which I send to the desk.

Mr. SMITH of Michigan. Mr. President, a parliamentary inquiry. Will that interefere with the motion I have made?

The PRESIDING OFFICER. Not at all.

The bill (S. 3262) extending the jurisdiction of the Interstate Commerce Commission over railroads in Alaska, and for other purposes, was read twice by its title.

The PRESIDING OFFICER. In the absence of objection, the bill will be referred to the Committee on Interstate Commerce.

Mr. POINDEXTER. Mr. President, I desire to say briefly in reference to the bill which has just been introduced that it deals with the question stated in the title, which is a very important one, of extending the jurisdiction of the Interstate Commerce Commission to railroads in Alaska, which are now without such regulation, the importance of which I will not discuss, because it is obvious.

Another matter which is dealt with in this bill is one of extremely pressing importance to all the people of the Pacific coast, and particularly to the States of Washington and Oregon; that is, the need for the development and use of deposits of coal in Alaska. This bill provides for the immediate opening up at the most available point of the coal in Alaska in the Bering River coal fields by the Government, particularly for the use of the United States Navy on the Pacific coast, for the Revenue-Cutter Service, for the coaling stations on the Pacific coast, and for other Government needs on the Pacific coast; and also that it shall be supplied, when it is opened up with the facilities provided for in this bill, for commercial purposes to private persons at the cost of mining, with a reasonable profit, stated in the bill. That for the purpose of accomplishing this the Secretary of War, under the direction of the President, shall construct a railroad from Controller Bay to these coal fields. The feasibility of such a road has been demonstrated by surveys that have already been made. Of course, additional surveys by the Government will be required.

It also provides for the procuring and operating of a sufficient number of ships of sufficient tonnage from Controller Bay to ports on Puget Sound.

It also provides that the title of the public coal lands in the Bering River coal fields shall be reserved by the Government, and that the title to the harbor of Controller Bay, the shore lines, tidelands, shore lands, and franchises and easements in the harbor and upon the shores shall be retained by the Government, and that a harbor shall be developed there by the Government. That it shall be open to the public on such terms and regulations as may be established by the Secretary of War.

I will not detain the Senate at this time, although I will at some future time ask permission to state in more detail and at greater length the conditions which, in my judgment, require this legislation. One of those conditions, in addition to what I have already mentioned, being what has been demonstrated, I think, by the proceedings and the course of events with reference to Alaska, that this is the only recourse of the people of the United States to avoid the control of coal and transportation in Alaska by a monopoly.

The effort to establish a monopoly there has been disclosed by sworn testimony in a number of proceedings, both seeking to establish a monopoly by the acquirement of title to land, and where that fails by the acquirement of exclusive privileges to control the only harbor which furnishes access to these natural resources, the use of which at a reasonable price is absolutely essential not only to the people of Washington, but in a lesser degree, perhaps, to the people of the entire country.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. SMITH of Michigan. For what purpose?

Mr. NELSON. I should like to be heard for a moment on the bill which has just been introduced.

The PRESIDING OFFICER. The Senator from Washington was proceeding by unanimous consent on the reference of the bill; so that it is not before the Senate in any sense.

Mr. POINDEXTER. I hope there will be no objection to hearing the Senator from Minnesota.

Mr. NELSON. I do not ask for any hearing. It is simply relating to the question of the reference of the bill to a committee. I do not want to say anything on the bill.

Mr. POINDEXTER. I am firmly of the impression——

Mr. NELSON. What I desire to say was simply this: The bill appears to relate mainly to public lands in Alaska, and it seems to me it ought to go either to the Committee on Public Lands or to the Committee on Territories, and that it does not belong to the Committee on Interstate Commerce. It relates to harbor lands and coal lands; in other words, the public lands of Alaska, and therefore it ought to go either to the Committee on Public Lands or to the Committee on Territories; certainly not to the Committee on Interstate Commerce.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan further yield to the Senator from Washington?

Mr. SMITH of Michigan. I yield.

Mr. POINDEXTER. I only——

Mr. NELSON. I ask that it be referred to the Committee on Public Lands.

The VICE PRESIDENT. Is there objection?

Mr. POINDEXTER. I object for the reason and make the point of order that it has already been referred to the Committee on Interstate Commerce.

Mr. NELSON. I tried to be heard when that reference——

The VICE PRESIDENT. The Chair thinks it is not too late for a Senator to make a motion for reference if he desires.

Mr. POINDEXTER. Certainly; I do not object to a motion.

The VICE PRESIDENT. No.

Mr. POINDEXTER. I do not object to the Senator from Minnesota making a motion to that effect. But I desire to say in this connection that while perhaps it would be proper in the case of this bill, as it is in a great many other bills, to refer it to either one of a number of committees, the principal object of this bill, the principal subject with which it deals, is transportation in Alaska.

It provides for the construction of a railroad and the operation of a railroad, the establishment of a line of vessels, and the operation of a line of vessels, and for the conferring of jurisdiction upon the Interstate Commerce Commission over the railroads of Alaska. It also is true, as said by the Senator from Minnesota, that it provides for reserving from sale certain public lands of Alaska. The principal question it deals with is transportation, which properly, unquestionably, is peculiarly within the province of the Committee on Interstate Commerce.

The VICE PRESIDENT. It seems to the Chair, from a casual reading of the bill, a hurried glance over the bill, that it properly belongs to the Committee on Territories.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan further yield?

Mr. SMITH of Michigan. Yes.

Mr. SMOOT. I wish to say that a similar bill has been before the Committee on Public Lands, perhaps not the same in wording, and all bills affecting public lands in Territories have always been referred to the Committee on Public Lands. It seems to me this bill ought to go to the Committee on Public Lands.

The VICE PRESIDENT. Objection has been made to such reference.

Mr. NELSON. I made a motion that it be referred to the Committee on Public Lands.

The VICE PRESIDENT. The Senator from Minnesota moves that the bill be referred to the Committee on Public Lands.

Mr. POINDEXTER. I desire to say in that connection that I have no objection to the suggestion of the Chair, which I think is eminently pertinent, that the bill should be referred to the Committee on Territories. I think that that committee obviously is constituted for dealing with such purposes as this bill provides for.

I do object to its being referred to the Committee on Public Lands, because the public-lands feature of the bill is merely incidental to the purpose of the bill.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Minnesota that the bill be referred to the Committee on Public Lands. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. POINDEXTER. I ask for a division.

The VICE PRESIDENT. There is no such thing as a division after the yeas and nays are refused. The Senator asked for the yeas and nays, which were refused. The ayes have it, and the bill is referred to the Committee on Public Lands.

NEW MEXICO AND ARIZONA.

Mr. SMITH of Michigan. I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 57) to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and a State government and be admitted into the Union on an equal footing with the original States.

Mr. BAILEY. Is this matter before the Senate for consideration?

The VICE PRESIDENT. The motion is that the Senate now proceed to its consideration.

Mr. BAILEY. Is it a request for unanimous consent?

The VICE PRESIDENT. It is a motion. Morning business is closed, and the motion is in order.

Mr. BAILEY. That motion is not debatable, I believe.

The VICE PRESIDENT. No; it is not, nor amendable. The question is on agreeing to the motion of the Senator from Michigan that the Senate proceed to the consideration of the joint resolution.

Mr. BAILEY. I desire to ask when the joint resolution was reported to the Senate.

The VICE PRESIDENT. It was reported yesterday.

Mr. BAILEY. Is the joint resolution on the calendar?

Mr. SMITH of Michigan. The joint resolution was reported yesterday from the Committee on Territories and is on the calendar.

I will say to the Senator from Texas that it is identical in form with the joint resolution presented by the House committee to-day.

Mr. BAILEY. That does not help it.

Mr. SMITH of Michigan. That was for the information of the Senator.

Mr. BAILEY. If both Houses have made a mistake, it does not relieve either House——

Mr. SMITH of Michigan. I object to debate on the motion.

The VICE PRESIDENT. The Senator from Michigan himself is indulging in it.

Mr. SMITH of Michigan. I object.

Mr. BAILEY. I am rising to a parliamentary inquiry.

The VICE PRESIDENT. The Chair so assumed, although the Senator has not so stated.

Mr. BAILEY. I had not reached that point. The fact was I was trying to examine the calendar, and I was going to raise the question whether or not it is in order to make the motion to proceed with this joint resolution until we reach it on the calendar.

The VICE PRESIDENT. It is in order. The joint resolution was reported on a previous day and is on the calendar, and the motion is in order.

Mr. BAILEY. Then I submit the question of order, that it is not in order to pass over matters on the calendar and give precedence by a motion of this kind to matters at the foot of the calendar.

The VICE PRESIDENT. The Chair overrules the point of order.

Mr. BAILEY. I appeal from the decision of the Chair.

The VICE PRESIDENT. The Senator from Texas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The "ayes" appear to have it. The "ayes" have it.

Mr. BAILEY. I make the point of no quorum.

The VICE PRESIDENT. The Senator from Texas raises the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Foster	Martine, N. J.	Shively
Borah	Gamble	Myers	Smith, Mich.
Brandegee	Guggenheim	Nelson	Smith, S. C.
Bristow	Heyburn	Nixon	Smoot
Burnham	Hitchcock	Oliver	Swanson
Burton	Johnson, Me.	Overman	Taylor
Chamberlain	Johnston, Ala.	Owen	Thornton
Clapp	Jones	Page	Townsend
Clarke, Ark.	Kenyon	Paynter	Warren
Crawford	Lea	Percy	Watson
Cullom	Lippitt	Perkins	Wetmore
Cummins	Lorimer	Poindexter	Williams
Curtis	McLean	Pomerene	Works
Dillingham	Martin, Va.	Root	

Mr. CLAPP. I desire to state for the day that the Senator from North Dakota [Mr. GRONNA] is unavoidably detained from the city.

Mr. DILLINGHAM. I want to announce that the Senator from Massachusetts [Mr. CRANE] is not only detained for the day on account of illness, but has been for several days past.

Mr. SMOOT. I desire to announce for the day that my colleague [Mr. SUTHERLAND] is out of the city and is paired with the senior Senator from Maryland [Mr. RAYNER].

Mr. NELSON. I desire to say that the senior Senator from North Dakota [Mr. MCCUMBER] is detained from the Chamber by illness, and that he has a general pair with the senior Senator from Mississippi [Mr. PERCY].

The VICE PRESIDENT. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

The question is on agreeing to the motion of the Senator from Michigan that the Senate proceed to the consideration of the joint resolution indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. SMITH of Michigan. I think the joint resolution should be read.

Mr. BAILEY. I should like to ask the Senator from Michigan what has become of the President's veto message?

Mr. SMITH of Michigan. The Senator will have to ask his own colleagues in the House. I do not know anything about it officially.

Mr. BAILEY. I thought the Senator had been in consultation——

Mr. SMITH of Michigan. The statehood resolution originated in the House and the veto message went there first under the rule.

Mr. BAILEY. I perfectly understand.

Mr. SMITH of Michigan. I understand it is in the hands of the Committee on the Territories of the House of Representatives.

Mr. BAILEY. I perfectly understand that; but the Senator was so swift to say that the joint resolution is identical with the House resolution I suspected he had been in consultation with them.

Mr. SMITH of Michigan. I was not only quick to say it, but glad to say it. I think it rather significant——

Mr. BAILEY. I am rather delighted myself to see the Senator from Michigan accepting the judgment of a Democratic House of Representatives.

Mr. SMITH of Michigan. Yes; Mr. President——

Mr. BAILEY. I think it denotes a degree of progress I had not hoped for in his case.

Mr. SMITH of Michigan. I am not at all surprised to see the Senator from Texas rejecting the advice of the House of Representatives.

Mr. BAILEY. I not only reject it, but I intend before the debate is over to expose the lack of wisdom in it; and in doing that I regret to say I will be impelled to include the Senator from Michigan in the list of unwise statesmen.

Mr. SMITH of Michigan. I shall be very happy to be embraced in that very numerous company of men whom the Senator from Texas frequently disagrees with.

Mr. BAILEY. Yes; I have differed with nearly everybody, and everybody has been wrong when I differed with them, too.

Mr. SMITH of Michigan. It may turn that way now.

Mr. BAILEY. They frequently tell me they were wrong when they did differ with me.

The VICE PRESIDENT. The Senator from Michigan has the floor.

Mr. SMITH of Michigan. I think the joint resolution ought to be read for the information of the Senate.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution.

Mr. SMITH of Michigan. I desire to amend the joint resolution. I send the following committee amendment to the desk to be inserted after the word "of," in line 5, page 1.

The SECRETARY. On page 1, line 5, after the word "of," insert:

An act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, commonly called."

Mr. SMITH of Michigan. Mr. President, I simply desire to say that it was intended that that amendment should go in after the word "of," and in printing the joint resolution it got transposed with the title.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Michigan. In section 4, page 7, line 5, I move to strike out the letter "s," so as to read "ballot" instead of "ballots."

The VICE PRESIDENT. Without objection, the amendment is agreed to. Are there other amendments?

Mr. SMITH of Michigan. There are no other amendments.

Mr. BORAH. Mr. President——

Mr. CHAMBERLAIN. There was one other amendment.

The VICE PRESIDENT. The Senator from Oregon calls the attention of the Senator from Michigan to the fact that there is another committee amendment.

Mr. SMITH of Michigan. What is the amendment?

Mr. CHAMBERLAIN. In printing the title is not as it ought to appear.

Mr. SMITH of Michigan. The title will be amended after the bill is passed. I will keep in mind the suggestion of the Senator from Oregon.

Mr. BORAH. I wish to ask a question of the Senator in charge of the joint resolution. I understand the joint resolution now before the Senate, so far as the question of Arizona is concerned, attempts to work a change of article 8, section 1, of their constitution with reference to the recall of the judiciary?

Mr. SMITH of Michigan. It does.

Mr. BORAH. The change which it is sought to effect is accomplished by requiring them to change their constitution before they can become a State?

Mr. SMITH of Michigan. That is the intention of this provision, and in the present parliamentary situation it seems necessary.

Mr. BORAH. The effect of the joint resolution, then, as distinguished from the joint resolution which was passed the other day, is that they shall at least eliminate the recall during the time they are coming into the Union.

Mr. SMITH of Michigan. That they shall eliminate the recall, so far as it applies to the judiciary, before the proclamation of the President can be made. That has been done by changing the House joint resolution, at the top of page 10, by adding, in line 1, after the words "vote upon," the words "and ratify, and adopt," before the words "the following proposed amendment," and by another amendment further on, near the end of the bill, to which I will call the attention of Senators.

Mr. BORAH. The joint resolution which we passed the other day provided that the electors of Arizona should vote again upon the question of the recall as a separate proposition. Now, the only difference between that joint resolution and this joint resolution is that by the latter you require them to positively take it out of their constitution during the time that they are being admitted into the Union.

Mr. SMITH of Michigan. We require them to take it out of the constitution.

Mr. BORAH. But there is no way to prevent them from putting it in immediately after they are admitted into the Union.

Mr. SMITH of Michigan. I will be perfectly frank with the Senator. We are quite in accord as to the right of the new State to amend and change its constitution in such manner as the people may desire after they become a State, just as the right exists in all other States.

Mr. BORAH. Does the Senator think that there is any considerable progress made toward settling finally the question of the recall of the judiciary by eliminating it from the constitution of Arizona for the period of six months?

Mr. SMITH of Michigan. I think it will prove very helpful in getting the State into the Union, which I very much desire. Beyond that we are powerless to enjoin the new State, and have made no attempt to do so.

Mr. BORAH. I was trying to work out in my own mind what we were accomplishing by this change. It has always seemed to me that if we wanted to make permanent progress with reference to eliminating the recall it would have to be finally submitted in argument and in reason to the voters of that State and that we gain nothing by throwing into the balance the great

desire to be admitted into the Union, because undoubtedly the effect of this will be that they will eliminate it and come into the Union, and when they are rid of the supervisory power of the Congress will reinsert it when they desire to do so; and they will do so under the resentment of having been compelled to come into the Union in this way.

Mr. President, I am just as much opposed to the recall as the committee or as anyone else, but I have thought, and I still think, that the only way to make permanent progress in this matter is to submit it in fairness and in candor to the people of the State of Arizona as a separate proposition. If a majority of them are not in favor of this proposition that will settle it and settle it permanently. The effect of settling it in that way would be much more to the advantage of those who are opposed to it than to settle it temporarily by throwing into the balance the price of statehood.

While I suppose that the committee, in view of the situation, has worked out the proposition the best way possible, I want to go on record as saying that in my judgment this ought to have been submitted as it was proposed to be submitted. It is my opinion that if the people of Arizona had been given an opportunity to vote upon it singly and alone they would have rejected the proposition, but if they would not have done so, then the work we are doing now is wholly in vain, because we will not be able to control them after they come into the Union. It may satisfy some personal pride about the matter, but I do not believe that it will in the end serve any good purpose in finally settling the question of the recall of the judiciary.

Mr. BAILEY. Mr. President, if it is competent for a State to provide for the recall of judges, then it is not now and it never was the province of the Congress of the United States to deny it admission into the Union because it has included such a provision in its constitution. Of course, we have the power for any reason, good or bad, or for no reason at all, to turn these Territories from our doors; but, sir, it is a gross abuse of our power to do so if they have sufficient population and have tendered us a constitution republican in form and not repugnant to the Constitution of the United States.

But, Mr. President, this resolution is not only objectionable in so far as it seeks to compel Arizona to reject the recall which her people have adopted. It is also objectionable because it attempts to coerce New Mexico into changing her constitution with respect to the amendment clause of it. New Mexico adopted a constitution which renders an amendment of it well nigh impossible. The pending resolution—and I would not criticize the committee harshly, since my amiable friend, the Senator from Michigan [Mr. SMITH], is the chairman of it and responsible for this measure—completely reverses the process of New Mexico, and prescribes a form which makes the constitution of that State almost as easily amendable as a statute. In other words, the people of New Mexico, when speaking for themselves, made it extremely difficult to amend their organic law, while the Congress of the United States, speaking for the people of New Mexico, have solemnly provided that a mere majority of the legislature can submit an amendment, and a mere majority of the people may adopt it. Neither extreme is a wise one. A constitution ought not to be like "the law of the Medes and Persians, which altereth not," nor should it be like a statute, subject to the will of a bare majority. Between these two extremes lies the path of safety. If the committee were not satisfied with the provision of New Mexico on this subject they ought not to have fallen into the other extreme, but they ought to have provided that an amendment to the constitution of that new State could only be submitted by a vote of two-thirds of the legislature.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. If my friend from Texas will permit me, I desire to call his attention to article 19 of the constitution of New Mexico, which provides—

SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature at any regular session thereof, and if two-thirds of all members elected to each of the two houses, voting separately, shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon; or any amendment or amendments to this constitution may be proposed at the first regular session of the legislature held after the expiration of two years from the time this constitution goes into effect, or at the regular session of the legislature convening each eighth year thereafter, and if a majority of all the members elected to each of the two houses voting separately at said sessions shall vote in favor thereof——

The amendment shall be submitted. I have simply read this for the purpose of calling the attention of my friend from Texas to the fact that we have only anticipated that which may be done two years after they are admitted into the Union, namely, that a majority of the legislature may propose amendments if they so desire.

Mr. BAILEY. Why did you change it, then?

Mr. SMITH of Michigan. We changed it to meet an emergency.

Mr. BAILEY. Why did you not let the people of New Mexico meet their own emergency?

Mr. SMITH of Michigan. I have no hesitation in saying that we changed it to meet an emergency, and the change, in my opinion, is not such as will be disappointing. It is not radical, and makes the first clause in the constitution with reference to amendment harmonize entirely with what they themselves have declared they shall have a right to do after two years.

Mr. BAILEY. The Senator from Michigan does not seem to thoroughly apprehend the provision which he has read. It does not provide that a majority may submit an amendment every two years, but it expressly confines the power of the mere majority to the first regular session held after the expiration of the first two years under the constitution, and thereafter to a regular session each eighth year. Not only so, but an amendment proposed by a majority of the legislature under that restriction is made still further and even more difficult by special regulations as to the popular vote. This amendment recommended by the committee, however, completely removes the restrictions on the legislative power of proposing, and destroys the limitations on the popular vote by which the people of New Mexico may adopt an amendment.

The Senator from Michigan will permit me, with all due respect, to say that, while we are acting here under a constitution which requires two-thirds of each House to propose an amendment and three-fourths of all the States to ratify it before it can become a part of our Constitution, it is a curious course of political reasoning that leads us to adopt this easy method of amending the organic law of a newly admitted State.

I am not, Mr. President, a disciple of that school of American thought which believes that it is the sum of all wisdom to make legislation easy. I am willing for the deliberate and well-matured judgment of the people to be written into the law of the land; and I am willing for the well-matured and deliberate judgment of the people to be incorporated into the organic law of this Republic or of any State; but I want to be certain before we either amend the Constitution or enact a law that we are executing the deliberate and matured judgment of the people. I think no greater mistake can be made than the modern tendency to substitute the law-making method for the constitution-making method.

But, Mr. President, I fear that we are approaching a time when the constitutions of our States and the Constitution of the United States are to be superseded by the initiative and the referendum. If we have it, sir, in the States, we will ultimately have it in the Nation. Let no man deceive himself into thinking that a system of legislation can be applied to these States without, in time, being applied to this Nation. When you do apply it to the Nation, the wonderful system established by our fathers—this Government, which in the first and greatest commentary ever written upon it, was described as a wholly novel system of government—must perish. Under the initiative the laws of the United States will be made by a majority of the people, and the equality of the States, as represented in this Chamber, will become a relic of the ages which have passed and gone. When the laws of Congress must be referred to the people, that referendum shall be decided according to the vote of all the people, and the equality of the States in the Senate, which we are wont to describe as the greatest legislative assembly in the world, can not survive.

Mr. President, when I say that I fear the ultimate establishment of the initiative and referendum I must not be understood as thinking that they will triumph by reason of the arguments in their favor. The danger of their acceptance, sir, arises out of the fact that the men who advocate them are striving constantly to promote their cause, while the men who are opposed to them seem afraid to declare their opposition. This halting fear has been manifest throughout this debate. Read this RECORD, sir. There is not an advocate of the initiative and referendum in this body who has not pronounced in favor of it during the course of this discussion, and I honor them for their courage as much as I think they are mistaken in their principles. On the other hand, except myself alone, no Democratic opponent of the initiative and referendum has dared to assail it. It will not do to say that it is not an issue. It is as much an issue as the recall of judges, but you have sought to evade it because you are afraid of it. You are skulking and hiding from it, but you may just as well come out into the open and face it. These men intend to press it until you must meet it. If you think it a wise and just system of legislation you ought to say

so; and if it is not you ought to have the courage to oppose it. Will you vote for this joint resolution which denounces that provision of the New Mexico constitution with respect to its amendment and which denounces the provision of the Arizona constitution with respect to its recall of the judiciary, without saying one word against the initiative and referendum?

Mr. President, there are, in my opinion, 20 Members of this Senate to-day who openly, courageously, and intelligently—if intelligence can ever be properly employed in such a propaganda—advocate this doctrine, and the remainder of us sit here as silent as the grave. I can take that band of aggressive, courageous, intelligent advocates of the initiative and referendum, and I can finally adopt it against an overwhelming majority that fears to say a word in opposition to it. The men who advocate a measure will always finally defeat the men who temporize with it; and this is as it ought to be, because if men will not stand up and oppose it, they must have a doubt, at least, about whether it is wise or not, or else they must be arrant cowards. The people will finally accept any proposition that nobody opposes and many men advocate. That is exactly what will happen in this case unless men can summon courage enough to discuss the initiative and referendum. Let us discuss it, and, if it is right, it will prevail; but unless we do discuss it, it will prevail, whether it is right or wrong.

This is the first time in the history of this Republic that the initiative and referendum system of legislation has been presented for the consideration of Congress, and shall this distinct departure from the fundamental principles of a representative government pass unchallenged? So far as I know, I am the only man on this side of the Chamber who has declared his opposition to them, and only two or three on the other side have done so. That is another instance where the Senator from Michigan [Mr. SMITH] will find that I differ with many of my associates.

The Senator from Michigan is opposed to the recall. He is opposed to the initiative; he is opposed to the referendum; but he leaves me to say so for him. He has not put that declaration in the RECORD for himself.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. Yes; and as usual—no; not as usual, but as is frequently the case—the Senator from Texas has put it in wrong.

Mr. BAILEY. I understand how impossible it would be for an old-fashioned Democrat to speak with authority about the opinions of a new-fashioned Republican, but in order that I may have the benefit of it, because I might desire to submit some observations on it, I should like for the Senator from Michigan to inform me wherein I am wrong.

Mr. SMITH of Michigan. Wrong in attempting to quote my attitude on the initiative and referendum, and recall.

Mr. BAILEY. I know, but in what particular? Is the Senator in favor of the referendum and opposed to the initiative? Or is he in favor of the initiative and referendum and opposed to the recall? Or is he in favor of the initiative, referendum, and recall of all officers except judges?

Mr. SMITH of Michigan. The Senator from Texas, seemingly a little shy of arguments in his own cause, has drafted me as a living example of what he desires to prove, and I will enlighten him. The initiative and referendum, so far as it concerns the people of the State in which I live and where I exercise the right of suffrage, is a matter of their concern, If the proposition were submitted to a vote, and I as a private citizen or as a public man, voting in my private capacity as a citizen, were called to vote upon the question of the adoption of the initiative and referendum, I would distinguish between what was radical and what was conservative. If a conservative initiative and referendum were proposed I might consent to it; if a radical one were proposed I might oppose it. From my present point of view I would oppose both.

Mr. BAILEY. That is the most explicit declaration. It reminds me of a story which I have heard of a Tennessee campaign, when "Jimmie" Jones, as he was familiarly and affectionately called, was a candidate against James K. Polk. Jones was a remarkable man, without much education or information, while Polk was a man with a good deal of education and still more information. Polk knew something about every public question and knew all about some of them, while Jones did not know all about any public question and knew nothing about some of them, but he was a wonderful man on the stump before the people. One of the questions about which Polk knew everything and Jones knew nothing was the tariff, and Polk continually challenged Jones for a debate on it.

Finally Jones announced that if nothing would do Mr. Polk except a discussion of the tariff question, he would state his position and then let Mr. Polk discuss it; and he said that his position was this: If the tariff was too high, he was in favor of lowering it, and if it was too low, he was in favor of "highering" it. [Laughter.] To my mind that is about as definite as the position of the Senator from Michigan on the initiative and referendum and recall as he has stated it for himself. If it is wrong, he is opposed to it, and if it is right, he is in favor of it. [Laughter.]

Whenever I reach the point where I hesitate to stand up and combat the initiative and referendum, I will be ready to embrace it. If I can not successfully assail it, it must be because I am either deficient in intellect or it is right in principle, and all of us may as well make up our minds now to take one side or the other of that question. It transcends in its importance even the great economic question which we have debated for the past two months, because it goes to the very foundation of this Republic. If this can not be made a government of the people and for the people and by the people except through the initiative and referendum, then as surely as God lives and rules this universe the adoption of that system is certain to come. On the other hand, if it be true, as I believe it is, that a representatime democracy, a democracy in which the representatives of the people chosen by them, and responsible, as Jefferson said, to them at short intervals, is the best system of government, then it is our duty to vindicate it before the world. Surely, sir, whatever may be our view, with this question pressing itself upon the public attention, we ought to stand out in the open and argue it, and let the people choose between us and our adversaries.

There are to-day three organizations promoting the adoption of the initiative and referendum. Two of those organizations have for their conspicuous leaders, Senators, one on the one side and another on the other side of this Chamber. The third organization has a man who is skilled, I understand, in these matters of publicity. With men of character, intellect, and unswerving courage advocating them, do you expect to defeat them by sitting idly by, allowing those men to advocate them while you utter never a word in opposition to them?

Mr. President, I shall not occupy the time of the Senate now in discussing the initiative and referendum; but I want to say to my Democratic associates that in every State in this Union to-day there is a systematic and an aggressive campaign to incorporate a declaration in favor of them in the Democratic platform next year. What are you going to do? Are you going to oppose it, or are you going to tell the people that you have not made up your minds about it? There is not a Democrat on this floor from a Southern State who has not denounced the initiative and referendum as a supreme folly. We did that 20 years ago when the old Populist Party was advocating it. Every Democrat from the South from every stump that he could find surrounded by an audience to hear him, ridiculed and denounced it. Where are your clarion voices now? I do not hear them. I denounced the initiative and referendum then, not because it was proposed by the Populist Party, but because I believed then, and I denounce it now because I believe, that it is a departure from the settled and fundamental principles of a republican form of government. But a future occasion for that.

I come to the point at issue—the recall of judges. We passed a bill allowing Arizona to vote on that question. I do not know officially what has become of it. Why shall we pass another bill substantially the same as that? We have no information officially that it has not been approved, and certainly we have none that it has been disapproved. Do our friends on the other side seek to save the President from a test of strength? I do not mean on the other side of the Chamber; I mean on the other side as to party, because I realize that it has not reached here yet, and I realize furthermore that I must not criticize the other House of Congress because they have not acted on it. It was for them, if they did not choose to take issue with the President, to introduce and pass a resolution and send it here, rather than for us to anticipate their action; but whether the President was right or wrong we ought to have fought it out with him. I will vote to sustain him, while the Senator from Michigan would be compelled to vote to overrule his veto. Would the Senator from Michigan so vote?

Mr. SMITH of Michigan. Mr. President, I am not in the habit of responding to a categorical cross-examination from the other side of the Chamber upon any subject, but I do not hesitate to say to the Senator from Texas that I should have voted to sustain him.

Mr. BAILEY. Then the President's veto message has changed the Senator's mind.

Mr. SMITH of Michigan. No; I voted for the Nelson amendment.

Mr. BAILEY. But the Senator voted for the bill.

Mr. SMITH of Michigan. I voted for the Nelson amendment because I thought it would facilitate the prompt admission of these Territories, and I would have voted to sustain the President, because I think the same course would have facilitated their admission.

Mr. BAILEY. Did the Senator from Michigan vote for the bill on its final passage?

Mr. SMITH of Michigan. I did, and reported it from the committee.

Mr. BAILEY. Then, if the Senator voted to pass it in the first instance, why would he vote against passing it in the second instance? The same vote by which the resolution was sent to the President will make it the law, notwithstanding his disapproval.

Mr. SMITH of Michigan. Mr. President, I realize, as does the Senator from Texas, that we are in the last days of this legislative session.

Mr. BAILEY. We have not yet adopted a resolution to adjourn.

Mr. SMITH of Michigan. No; but the Senator from Texas knows very well that we are about to dissolve.

Mr. BAILEY. Not until we have done our full duty, I hope.

Mr. SMITH of Michigan. I do not want this Congress to adjourn without redeeming a promise which your party made in its last national platform and which our party made, to welcome the Territories of Arizona and New Mexico into the Union of States. I do not propose that that promise shall be broken if I can prevent it, and I hope sincerely that the eminent ability and the splendid character of the Senator from Texas, of which I have long been an admirer, will not now be interposed for the purpose of preventing the execution of a solemn promise made by his party in the last national convention.

Mr. BAILEY. Mr. President, the Senator may be sure I intend no filibuster. I was cured of that habit last year. I am going to finish what I have to say about it and permit a vote upon it. Unwise as I think the majority often are, I submit always to their decision; and unwise, as I am sure they are in this instance, I shall submit, not with good grace, because I have lost that art in these latter days; but still I will submit with such grace as I can command.

But, Mr. President, I come back to the proposition that the Senator, who voted to pass that bill as the President vetoed it, must now change his vote if he sustains the President's veto; and I think no Senator ought ever to change his vote unless he has changed his mind. I would not hesitate a moment to change my vote if I had changed my mind. I think every honest man ought to do that, and I had almost said that every honest man must do it. Consistency, sir, is the virtue of fools, and no man ought to be a slave to it. I am frank to say that I love to be consistent, because every time I find that I have been inconsistent I am compelled to acknowledge to myself, and I do not hesitate to acknowledge it to others, that I have been wrong one time or the other. If I am consistent, I may have been wrong both times, but I have at least had a chance to be right both times. Whenever I am inconsistent, I must have been wrong one time or the other. I commend that suggestion to the Senator from Michigan, for whom I have quite as much respect as he has for me. Indeed, I have so much respect for him, Mr. President, that, if I were tempted to resort to an undue delay of this bill, he could dissuade me from it.

Now, Mr. President, let us be candid with each other. The effort—and I say it with all due respect to the President, who has written a very excellent message attempting to distinguish between the recall as applied to judges and as applied to other officers of the Government; I say it with deference not only because I respect his great office, but I say it because I respect the man who at present occupies it—to distinguish between the recall as applied to judicial officers and as applied to legislative and executive officers has proceeded upon a mere sentiment, sir, and has not been rested upon any substantial principle.

There is a distinction, and a vital distinction, between recalling judges and recalling legislators; but I have not heard it advanced in this debate. That distinction was not suggested in the veto message which I have unofficially read, nor have I heard it even intimated on the floor of the Senate. Why was this? Was it because it would raise the question of the initiative and referendum? That difference is this, Mr. President: If, under the initiative, the people should pass a law and a court should hold that law unconstitutional, the people would promptly recall that court. With the initiative and referendum system of legislation, supplemented by the recall of the judiciary, you might as well make a bonfire of your Constitution, for it would not even be the thing of shreds and patches, which a Greek philosopher once said all written constitutions were destined to become. Outside of that one distinction, the recall as applied to judges is not more serious than the recall as applied to the legislative and the executive officers of the Government.

Why do you object to the recall of judges? Because they say, sir, that the judge will bend the supple hinges of the knee in the presence of political agitators. Let us grant that; but if, sir, the recall will make a coward of the judge, it will make a coward of the sheriff and in the face of his sworn duty to protect the lives of those under his jurisdiction, he will hand over to the infuriated mob the victim of its prejudice. If the recall will make a coward of the judge, will it not make a coward of the prosecuting attorney? And I would rather have an ignorant or a servile judge, who must occupy a seat in the presence of all the people, than to have a district attorney of his kind, because that district attorney goes into the secrecy of the grand-jury room, and there, moved by passion and prejudice, servility or cowardice, he can blast the reputation of the best man or the purest woman in his community. Oh, no, Mr. President, if the recall will make cowards of judges it will make cowards out of all the men to whom it can be applied, and we trifle, sir, with the greater question when we except the judiciary and still leave it applicable to all other officers.

I want to go further, Mr. President, and say—and when I have done that I shall have said all I intend to say this afternoon upon this subject—as surely as cause produces effect, or as surely as effect follows cause, if you adopt the recall and apply it to all your other officers, you will finally apply it to your judges. When I talk with Senators—no, I will not say when I talk with Senators—I will say when I go outside of the Chamber and talk with the average citizen, he says he is opposed to the recall as applied to everybody, but that the public mind can be more easily arrested and concentrated on the judiciary. That is not the way to deal with the public, sir. If this is right, the public is entitled to have it; and if it is wrong, the public is entitled to have your reasons for thinking it is wrong. If it is right, my confidence in the ultimate wisdom and patriotism of the people is such as to believe that it will be finally adopted; if it is wrong, I have every confidence that it will be finally rejected if only our public men have the courage and the wisdom to properly discuss it.

Mr. CLAPP. Mr. President, I shall not take any time to-day in discussing the initiative, referendum, and recall. I do not consider that they are directly involved in the pending joint resolution. But I desire to say this: I have listened to the Senator from Texas [Mr. BAILEY], as I always do, with pleasure. I am not much given to paying compliments, but I admire him for his wonderful ability and for his fearlessness. He was absolutely right when he declared that, rising above the mere question whether calico cloth shall have a tariff of 3 cents or 3½ cents, towers the question that is involved in this joint resolution. The Senator is right. If we are wrong in our contention for the more direct participation of the people in government, then the progress of our movement is not to the best interest of this Republic. On the other hand, if we are right, then to delay it is to oppose that progress which bears upon its bosom the welfare of this Republic.

It has been my privilege during the last few months to discuss this question in many of the various States, and I would be glad, advocating as I do this movement, if more men like the Senator from Texas would come out and take their position and make such arguments as they can in opposition to our movement. The movement is progressing largely upon the assumption upon our part that we are right, and without any reasons being given in opposition to our views. If we are right, we will win; and if the Senator from Texas is right, it would be better if more men like him would come out and, like him, boldly and candidly give their side of this question—men like him who believe that the initiative lies at the foundation, and that once you have the initiative there is no stop this side of the recall, for as sure as water flows downhill that is the law of this movement. While we believe we are right, it is far better that both sides of the question be discussed.

We do say, on this floor, believing that we are right, that we are dealing with fundamentals, that nothing can stop this movement half way. Eighteen Senators and a President, backed by the lure of patronage, may delay it; they may divert it. We claim that in the last analysis our movement means that in every department and at every point the American people shall control and govern this Republic.

Mr. President, a word in regard to the joint resolution which is pending before this body. I can not understand the necessity for this joint resolution at this point, because when the former

joint resolution was before this body there were 58 votes for it and only 18 votes against it. It is urged by the Senator from Michigan that he desires to expedite the admission of Arizona and New Mexico. If there are men in this Chamber who sincerely want to expedite the admission of Arizona and New Mexico, all they have to do is to stand by their convictions as expressed upon that former vote. We have already passed a resolution for their admission. The President has vetoed that resolution. All that is necessary to expedite their admission is to refuse to sustain that veto. I can not, save as now and then a Senator may stand here and admit it for himself, charge that Senators who, after the long debate upon this question, voted for the joint resolution upon the former occasion will now change their votes when no additional reason has been given for making that change.

I therefore, Mr. President, view with some little suspicion the claim that this is done to expedite the admission of Arizona. It is in the power of the Senate to-day, the moment the joint resolution passes the House, if it should pass the House over the President's veto, to expedite the admission of Arizona by voting to override the President's veto. So there is nothing to my mind in that claim.

Now, look at the position in which the Senate is placed. We have already said to the people of Arizona—or some of us, for I must be somewhat particular in that respect, believing, as I do, in the recall—we have said to the people of Arizona, "You take one more vote on this question, but you vote with the independence and the freedom of American free men; and if you vote for the recall you can come into this Union, or if you vote against it you can come into this Union"; leaving it entirely to the voters of Arizona. That is the resolution the President has vetoed. Without waiting to see whether the veto can be sustained, it is now proposed to force them to reject the recall as the price of admission. That is the provision of the pending resolution. Now let us see where the electorate of Arizona is placed by this pending joint resolution. We have the solemn verdict of an overwhelming majority, almost four to one, of the electorate of Arizona that they believe in the recall of judges.

But we say to the people of Arizona, "You can only come into the American Union upon one price, and that is that you surrender your judgment, that you play the rôle of the hypocrite and vote temporarily against the recall, and then when you are admitted to this Union, you can go back again and vote for the recall."

Mr. President, last winter, I think it was, this country was astonished by the tale of debauchery that came, I think, from the State of Ohio in a certain locality in that State and other localities in this country which betrayed a want of fidelity and of integrity on the part of the American voter, and yet the Senate proposes to initiate a new electorate into the art of self-government by telling them, "You can come in here only at the sacrifice of your convictions temporarily." In other words, you who exercise a right that has caused this old earth to reel under the tread of armies that you might vote as an American citizen, have to vote once without the exercise of your own judgment and your own conviction. Ah, that is a fine lesson to put before the electorate of this country—a plain effort and a plain purpose and the plain effect of debauching the electorate of a proposed State as the price of admission to this Union.

Mr. President, for almost two years I have been in constant touch and harmony with the people of Arizona. I pity those people. I know what they had to face down there in their effort to pass that constitution against the power of the administration. I know something of the combination of power of political and commercial plunderers that invaded that Territory to override the will of that people. I know something of the sacrifice they have made down there; and if I could, without violating my oath as an American Senator, I would say, "Come in on any terms that will admit you." But as a Senator, under my oath, I can not say that. I do not mean that the American Constitution is a moral code, but I do mean that the American Constitution was framed for a people who recognize a broad moral law, and I can not, even at the risk of offending those with whom I have worked during these two years, be a party to the putting up to a people the proposition that the price of admission to the Union is the integrity of citizenship, that they must vote against their convictions in order to gain admission.

But, Mr. President, that is not all, nor is it the end. We talk about party pledges. We pledged the people of Arizona and we pledged the people of New Mexico statehood; but did that pledge involve as the price of their admission that they must sacrifice their honor, that they must submit to debauchery at the hand of the allied force, political and commercial, which is seeking to dominate this country?

Talk about party pledges! It is another of those broken pledges that will yet rise to confront our party. It is not the fulfillment of a pledge. The pledge was that those men would be treated like citizens of this Republic, and admitted as free men into the ranks of American citizenship; and to force them to vote against their convictions as the price of admission is no more the fulfillment of our party pledge than was the passage of the tariff bill two years ago the performance of a party pledge upon that question. The loss of control of the House and the narrow margin left in the Senate ought to be a warning to our party that the people demand a just fulfillment of party pledges, not miserable makeshifts.

I stated a few days ago that I did not worry as to the progress of this movement. I do not. Nor does this movement depend upon the advocacy of my gifted friend the Senator from Oklahoma [Mr. OWEN], the advocacy of the Senator from Oregon [Mr. BOURNE], or the advocacy of any Senator. It makes its progress by the force of its truth, and, like the truth, always by the faults, the follies, the blunders, and the injustices of its opponents; and all the speeches that have been made, the millions of copies of which have been circulated, all told, will not so tell for the progress of popular government in this country as the attempt of the Executive, backed by 18 Senators, to defy the will of the people of a prospective State, and the attempt to force them to surrender their convictions as the price of statehood. Well has it been said, "Whom the gods would destroy they first make mad."

Bourbonism has always stood in its own way. It never sees progress till it has been run over by it, and then too late to avail itself of the vision of that which struck it. It was true in France and Spain. It is as true in the two great political parties here to-day as it was then. It has always been a law of human nature. Bourbonism, by its blindness and injustice, has contributed to progress.

I want to say to my friend, the Senator from Oklahoma [Mr. OWEN], I want to say to my friends here who believe in popular government, that nothing has ever happened that will so accelerate the movement as this outrage upon the free electorate of a prospective State—this effort to tempt a people to surrender their right of conviction.

So, while I deplore it, while I regret it on account of the people of Arizona, I hail it as one of the instruments that will bring the American people to a realization that we need some change in our method of government, when a President and 18 Senators can defy the will of 12,000 American citizens, even though they have not yet been admitted to statehood.

Mr. HEYBURN. Mr. President, I was wondering what is the outrage about which the Senator is declaiming and against which he is protesting.

Mr. BAILEY. Will the Senator from Idaho let me tell him?

Mr. HEYBURN. Yes. I should like the Senator to tell.

Mr. BAILEY. It is a palpable coercion. It is saying to these people "You may come in if you will adopt this amendment. You can not come in unless you do." And would a vote, taken under those circumstances, be a fair expression of the popular will?

I beg pardon of the Senator from Minnesota for answering the question, but I happened to be on my feet.

Mr. HEYBURN. That is, it is an outrage to say to a man, "If you will come in on the same basis as the other people of the United States came in you may, but if you want to come in as wild Indians, you can not."

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota

Mr. HEYBURN. Yes; I yield.

Mr. CLAPP. I want to call the attention of the Senator to this difference. If it were possible to-day for Congress itself to make the constitution, eliminating the recall as a matter of hastening the admission of Arizona, we might well support it. But that is not the proposition. We said that those people must first vote to renounce what they have already solemnly declared was their will and purpose, knowing, as every Senator in this Chamber knows, that in six months they will repudiate that decision. That may not startle some people; we may have become so used to those things; but I confess that it does somewhat astonish me that it can be seriously considered even by the Senator from Idaho.

Mr. HEYBURN. This talk about we, the people, coming from less than 25 per cent of the population of New Mexico is rather astonishing and needs some explanation. You might imagine that the vote on the adoption of the constitution represents

about 99 per cent of the people, and that the other 1 per cent was sick and could not get to the election. Now, let us look at this, not in a sense of declamation, but in the sense of reason.

I have here the figures giving the population and the number of electors who might have voted on this question, and the vote; and it is interesting, in view of the remarks just made by the Senator from Minnesota [Mr. CLAPP], because he has pictured an outrage that carries one's mind back to the Kongo, and you might imagine that an entire race of people had been disregarded and swept away from their political moorings.

There were 31,742 votes cast for this constitution, the charter of their liberties that is in such danger. There might have been 80,000 votes cast, but there were not. Why not? Why did not the other three-fourths of the people of New Mexico announce themselves upon this subject when they had the opportunity and the legal right? No; I suspect that the outrage which was perpetrated, if one was perpetrated, was against the 75 per cent rather than against the 25 per cent.

This is exactly in keeping with the situation, as I stated the other day, of the demand of all this school of politicians and political agitators that the minority shall rule, and their whole protest is based upon that demand. They may not be conscious of it. It is not the first time that men did not see the full scope and to the end of their proposed political changes. Too often they are merely absorbed in the idea of a change.

Mr. President, I should like to hear from the 75 per cent of the lawful voters of New Mexico as to what they think about it. Twenty-five per cent said they were in favor of the initiative and referendum. I presume the 75 per cent did not vote because they were not in favor of it and would not vote for the constitution. I suspect that is the situation.

Mr. CLAPP. Will the Senator from Idaho pardon me?

Mr. HEYBURN. Yes.

Mr. CLAPP. I do not know anything about the other percentage, except I know they did not take enough interest in the question to vote one way or the other.

Mr. HEYBURN. That may not be the reason.

Mr. CLAPP. I am more interested in the 12,000 in Arizona who went out and did vote for this than in any percentage that remained at home.

Mr. HEYBURN. I think it is a perfectly legitimate conclusion that they did not approve of the constitution.

Mr. CLAPP. Why did they not express themselves as disapproving it when they had the opportunity?

Mr. HEYBURN. Probably they might have been influenced to some extent by their anxiety to become a State. They certainly did not give their affirmative judgment in favor of the constitution. They were unwilling to do it. The presumption is that when men have an opportunity to express themselves under responsible conditions they will do it.

Now, this question was not new to them. They had been, to my knowledge, more than 20 years trying to erect a State, and they have not yet succeeded in qualifying for statehood. So that is the situation as to New Mexico.

As to Arizona, the votes cast on the adoption of the constitution were 16,000, and that is a little less proportion of the vote. I have the figures here and can give them accurately. The returns of the Thirteenth Census give Arizona in 1910 a total population of 204,354, of which 155,550 are native born and 48,804 foreign born. Of this population 118,576 are males and 85,778 are females. The total number of white males over 21 years of age is 65,133, of which number 39,427 are native born and 5,896 are naturalized citizens. So the total voting population is 45,323. There were cast for the constitution 12,187 votes and against it 3,822 votes, or a total vote of 16,009—that is, about 35 per cent of the vote. Now, I should like to hear as well from the 65 per cent who did not vote on this constitution in Arizona.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Yes.

Mr. REED. If the Senator desires to hear from the 65 per cent in Arizona, I can tell him how he can hear from them. The joint resolution which was passed and vetoed by the President did resubmit to all the people of Arizona the question of the recall of judges. If, therefore, the Senator will vote with some of the rest of us, if we ever have the opportunity to vote, to override the President's veto, he will give to that 65 per cent a chance to express themselves.

Mr. HEYBURN. Mr. President, why should they bother about expressing themselves under that joint resolution when there is no penal clause in it? It does not provide that if they do not adopt it they shall not come in.

Mr. REED. Does the Senator maintain that an American citizen can not be trusted to express his opinion unless he has a penal clause that lashes him to the polls and coerces him to the performance of his duty?

Mr. HEYBURN. Mr. President, that is a rather interesting question. If I were on the Chautauqua I would take up the subject whether or not some such condition as that might be brought about; but I am not.

Mr. President, I do not think any improvement has been made in either of these measures by the attempted changes. In the case of New Mexico they place the constitution on a par with the acts of the legislature. There would be no stability about a constitution of that kind. This joint resolution proposes that the amendments may be proposed by a majority of all the members elected to the legislature, and that they may be adopted upon reference to the people. So it is really a referendum. All it amounts to is a referendum of constitutional provisions.

In regard to the Arizona constitution it still contains the clause authorizing the recall of members of the legislature. I discussed that question on a former occasion in discussing the joint resolution that is now somewhere. It contains a recall of the members of the legislature. As I said on that occasion, you could defeat the election of a United States Senator, unless the constitutional amendment, that is also somewhere, were adopted, when the legislature would have nothing to do with it.

But so long as the legislature is the medium through which membership in this body is determined, if you can recall 5 days after their election and the campaign is 30 days long—that is, not less than 20 nor more than 30—the whole legislature would be out campaigning to know whether or not the recall should stand, during which time, of course, there would be no election of Senators or anything else; there would be no legislation. Then the provision would allow an immediate recall of those who were elected in their stead and they would have to go campaigning.

O Mr. President, I have thought of this question night and day. It has appeared in so many phases, all of which were ugly, that it is not worth while to attempt in a brief period even to present them. It is an attempt, unwittingly, I think—I do not want to be harsh; I am not going to be personal—but it is an attempt to destroy this Government that is like the attempt of a child to pull over a statue. The child does not intend to destroy the statue; it does not know, perhaps, that it will be injured by being pulled over; but nevertheless the result follows. Now, here are a lot of carpenters undertaking to tamper with the work of trained builders. They do not know the result that will flow from their act.

Under this recall system or under the initiative and referendum there would not be time to put in any wheat; there would not be time for anything but politics. Elections would be the order of the day, and all of the great economic questions that we have been discussing would become of minor importance, because nobody would have time for anything except holding elections—elections for the purpose of nominating somebody for office, elections for the purpose of electing officers, elections for the purpose of determining whether they should be recalled, only a few days to elapse between, and then elections to determine whether or not the successors should be recalled; then elections to determine whether or not the legislature should pass a law; then elections to determine whether or not, after a legislature had enacted it, it should be a law; and so on. There would not be days enough in the year; the saints' calendar would not be comparable with it.

Mr. President, are men going mad? Are we going to substitute the functions of citizenship as applied to government for the functions of citizenship as applied to the great civil, personal business of the country, substituted so that our whole time will be occupied in these questions?

Every sane man is in favor of a reasonably long tenure of office. Every sane man realizes that the agitation of these questions disturbs business that is to be affected by the proposed change and that is affected by the agitation.

To-day the great enterprises of the country, personal and collective, are almost at a standstill. Inquire of any man acquainted with business conditions and see what he has to say about it. The question is what condition will confront them to-morrow, and they marking time in the business world to-day. Just read the markets of industrial stocks, commercial stocks, from day to day. As I said the other day, from figures given me by one capable of making figures accurately, in that week $90,000,000 had been clipped off of the value in the market of those securities and debentures that represent investment of capital. I asked a man capable of knowing why. He said, "Just adjourn Congress and go home and let us know what

the law is going to be for one year; we will settle down and do business; but," he said, "we do not know whether if we buy to-day some other man will buy to-morrow on more favorable conditions and wreck us or not. We do not know if we enter into a contract to-day whether we will be able to keep it six months from now, because of this discriminatory legislation that is sought to raise one man and lower another and play seesaw with the business conditions of the country."

We are confronting that, and things are, as they say, "in the air" in a business way. I am talking about business as affected by the menace of wild propositions, some of which go to the extent of threatening the Government itself, attacking the courts, so that men do not know whether to-morrow they will have a court of a fixed tenure, established procedure, and determined power to protect them in their contractual and business rights or whether they will have a court that can be removed or recalled at the whim of a mob. We read a few days ago a lesson on impulse, the impulse that carries people temporarily away from their moorings and where they forget country, and law, and friendship, and humanity, and God. They forget them all. Ordinarily, many of them are average citizens.

Mr. PENROSE. Composite?

Mr. HEYBURN. They are good average citizens ordinarily, many of them. In such periods time is not always measured by hours. We had three or four years of political hysteria and insanity that appalled the sensible thinking people of this country. I do not know that it made much impression upon the minds of those who were engaged in the mischief. They were so overjoyed with the fact that for the first time they were being taken notice of that those who survived it perhaps did not realize what they were doing.

The Senator from Minnesota [Mr. CLAPP] talks about the American people. I have seen a mountebank in the days of free silver and in the days of greenbackism stand on the street corner and talk about the American people, and you would think that he was the whole American people in composite. He would talk about the wrongs of the American people and the injustice, when all the wrongs that fell upon him were because of his laziness and his desire to run some one else's business, having none of his own. The American people will never all become insane. Some of them are.

The Senator spoke about the wrongs that we were inflicting upon a sovereign State. I repeat what I said the other day, there is no sovereignty in New Mexico or Arizona except that of the United States Government. The people are not sovereign in those Territories.

The Government could say to them: "Move out of there; we are going to make a forest reserve of you." I am surprised that it has not already done so.

Mr. President, there is no sovereignty being attacked by those who oppose this legislation. If those people want to assume the duties of sovereign citizenship, let them give Congress, where the responsibility rests, evidence of their capacity to exercise the rights and perform the duties that belong to sovereign citizenship. They have not mentioned their duties. All of the utterances that have gone out from them have been about their rights. That is the creed of the Socialist. No one ever heard a Socialist talk about his duty. There never was anything written in a Socialist platform or spoken by a Socialist speaker about the duty the citizen owes to anybody or anything; it is all a question of his rights.

No man in this world has a right that does not owe a duty. They are one the counterpart of the other. The right of citizenship in these Territories is to be conferred upon them, if they ever have it. The duties of citizenship must be performed by them by maintaining a republican form of government.

The Senator from Minnesota said, as I understood him, that he would care nothing for their principles or creed; he would take them in without inquiry. Now, I do not want to state the Senator too strongly.

Mr. CLAPP. Mr. President, I do not object to the Senator ever getting hysterical about the country going to the bow-wows and expatiating every two or three days on that subject, but I insist he shall quote a Senator correctly. I never used any expression of that kind and never thought of such an expression.

Mr. HEYBURN. Mr. President, the Senator talks about getting hysterical. I had, when I took the floor, some difficulty in getting down from the heights where the Senator had carried me. It reminded me of something. I was in a court room once and heard one of the most eloquent and able lawyers at that bar I have ever known. He was a great speaker. He could go up higher and stay there with firmer wings than any man I have ever listened to. He left his case upon this high plane and sat down. There was a young lawyer of lesser experience who had been following him and going breathless up this elevation. He tried to start where the other one left off, and his waxen wings melted. So I took that as a lesson. All through life I have tried to avoid being tempted to start up where the other one left off.

Mr. CLAPP. Mr. President, the Senator may not have essayed very lofty flights, but certainly he has essayed some very lengthy ones here. [Laughter.]

Mr. HEYBURN. That is funny, and there are a lot of people who think it is funny. I do not suppose they expended very much gray matter before they laughed. They laugh first and think afterwards. Well, that is all right. It is the doctrine of some people. I am performing what I conceive to be a duty. I am pointing out for those who are intelligent enough, and have common sense enough to understand it, some reasons why this measure should not be enacted into law; and I care nothing for the silly cackle of those who will laugh at some man's attempted jest and forget the argument against which the jest is directed. Now they can laugh again.

Mr. President, I do not want to see this proposed law enacted, but it is not because I do not want these people to become citizens of States. I have always been in favor of admitting them if they were sane enough to come in as other States and maintain a government as other States. We want no freak States; we want no children that think they are wiser and smarter than their parents. We want them to come in on an equal footing, and not on a superior footing, with other States. We do not want them to have a license to disregard the principles of our Government that another State does not have and does not want. The thing they are clamoring for is a license, not rights. They want the license to be unpatriotic. They want the license to disregard the duties of citizenship. They want the license to disregard stable government. They want the license to be different from those principles that have made this country great.

Do you suppose we would have had a Government to-day had the original 13 States adopted such a constitution as this? We would have had no Government to talk about. I can not even picture what the result would have been. You get an initiative and referendum in the United States and it will be the end of our Government. All this talk about being afraid of the people is done for the purpose of distracting the mind of the unthinking or little thinking from the real question. I am not afraid of the people.

I understood the Senator from Texas [Mr. BAILEY] to suggest that no Senator had stood in his responsible capacity in this body and stated that he was opposed to the initiative and the referendum and the recall. If I have overlooked that I am surprised. I think I have stated it. I will state is now. I am unqualifiedly opposed to the initiative and to the referendum, singly, each, or double. I am unqualifiedly opposed to the recall under any circumstances, except through the medium of impeachment under the laws that govern trials for impeachment. I have been always opposed to them, and I will be always opposed to them.

If it was intended to suggest that Senators had their ear to the ground to determine from the tread of the people the direction they were moving, I disclaim it. It is utterly immaterial to me whether the people of my State send me back here or not. They can do just as they please about it. I told them the same thing the last time they sent me back. They send me here as their representative. I did not come here of my own volition. It may be that is plain enough.

This direct primary is the beginning of what I will not call a trinity, because it has so many heads and wings and branches that I will call it a composite political figure. They start out proposing to change something because they could not reach their ambition unless there was some change in stable, strong government. They must first break down the conditions. It is like a man crying fire in order to distract the attention while he picks somebody's pocket. That is the spirit behind the direct primary. They could not get the confidence of the assembled intelligence of a party in a State, so they say, "Well, we will go around the back way and we will be seekers for office rather than men selected by the intelligence of a State or a county for the position." To-day it is the man seeking the office. He says he is a candidate. He does not wait for somebody else to say, "Will you accept the responsibility of this office and perform the duties as a public-spirited citizen?" He does not wait for that. He says to the people, "I am going to take this office if I can get it, by a scheme or otherwise."

Now, that is the direct primary for nominations. It makes two elections. It doubles the expense. Men can spend $200,000 in one primary election. Yet it was to be a poor man's manner of getting into office. They said that only the rich and influential got in through the conventions. There is a great

show for a poor man to get nominated in these days at the direct primary! Instead of going to the men who are charged with the responsibility of the hour to nominate a candidate, he makes a campaign in a State and spends all the money he can dig up. Then when he is nominated he is not nominated by any party or to represent any principle. After he is nominated he goes into what they call a platform convention, and half a dozen men get together and make a platform. The men who voted for him do not know whether he is for or against this or that. He is for or against it according to the geography that happens to be his environment at the time when he is asked the question.

Now, when any other Senator charges that no Senator on this floor has expressed himself on that question, he can read back in the RECORD and find out what one Senator thinks about it.

That is the direct primary. The initiative proposes that 5 per cent, generally, of the people may say to the legislature, "You have got to spend the time that the people are paying you for in considering the will of 5 per cent of the people"; and that 5 per cent will probably be the cranks in the community. That is where the initiative comes from—it comes from the cranks.

Intelligent men and strong men, men strong enough to be in the legislature or to know what constitutes intelligent legislation, do not need any initiative. The people will select them under normal conditions to initiate legislation. But no; they must send up this measure. Then the legislature must stop everything else and they must deal with the suggestion of the 5 per cent of cranks. Then, if the legislature submits it to the people, you have got to have an election on it.

I introduced here the other day a ballot 7 feet long and 14 inches wide, and it is printed as a public document. That was the actual ballot used in one of our great sovereign States at the last election. No man can read it; the clerk, with all his skill, at the desk can not read that ballot in less than 45 minutes. Yet, the elector goes into the box under the austerity of the system and must determine a law there that probably if you would submit it to five lawyers and give them an hour to consider it, no two of them would agree as to its effect or as to its wisdom.

They do not leave it to the legislature to send it to a committee, to have the committee consider it deliberately and then to bring it onto the floor of the legislature and have it discussed, but they send it out to be voted for down in the river wards, up on the mountain sides, or wherever it may be. Men must vote upon that, and if they adopt it as a law, all the people are bound by it. That kind of legislation belongs to the disorganization of government and not to its organization.

In the first place, there is no occasion for it, and, in the second place, it is affirmatively dangerous. So many of my acquaintances and friends have seemed to concede it that I feel some hesitancy about expressing myself as strongly and as plainly as I feel upon the subject. I used to doubt the sanity of a man who talked greenbackism, and I do yet; I have not changed my mind. I doubt the wisdom—that is, the conservative wisdom—of men who favor the initiative, the referendum, and the recall. This joint resolution provides for the recall of all State officers except judges.

Mr. BRANDEGEE. All public officers.

Mr. HEYBURN. Of the State.

Mr. BRANDEGEE. Of the State.

Mr. HEYBURN. Yes; of all public officers. It provides for their recall by about the same proportion of the citizenship as voted for these constitutions—about 25 per cent. They could find 25 per cent of the people of New Mexico and Arizona who did not care or who did not know any better than to vote for these proposed constitutions. They could find about that same per cent to vote for the recall of the best man who ever occupied a public office.

I will say to the Senator from Michigan that I do not regard this joint resolution as an improvement upon the other, because it contains the same evils as existed in the original constitutions which were sent up by those Territories. I can not support it, glad as I would be to see those Territories come into the Union. I spent some part of my life down in that country about 30 years ago; I know something of the frontier and of the character of men who settled it, but this was not sent up here by the stalwart, sensible frontiersmen. It was sent up here by that class of men whom we denominate on the frontier as "Johnny Come-latelies." They came down there, some of them, so as to be on hand when the band wagon came along. That is the reason they went to those Territories.

Mr. President, I have expressed my disapproval of this measure so far as speech is concerned, and I shall continue it when the roll is called.

Mr. BRISTOW. Mr. President, I regret very much that the joint resolution as it was passed some days since has not been acted on in the other House, where almost three-fourths of the body were in favor of its passage originally, so that the Senate might have voted and admitted these Territories to the Union under the joint resolution as it was sent to the President. The legal number of votes in the other House to pass the joint resolution over the President's veto were cast for it when it passed that body, and the legal number of votes were cast in the Senate when it passed the Senate to pass it over the President's veto, so that more than two-thirds of both branches of Congress are in favor of passing the joint resolution in the form in which it passed Congress a few days since. Why the other House has not acted on the veto message, which was sent to that body, I am unable to say.

I do not think I can vote for any resolution admitting these Territories until action has been taken by the other House and by the Senate upon the veto message of the President. There is a very radical difference between that joint resolution and this one. That joint resolution provided that the recall of the judiciary should be again submitted to the people of Arizona for their judgment. The purpose was that that policy alone, unincumbered by any other provisions, should be submitted to the people of the Territory, in order that they might determine whether they desired to incorporate it in their constitution. They were to exercise their rights and their judgment unhampered by any restriction, and if they saw fit to adopt or reject the proposition it was for them to determine, as it related wholly and exclusively to their local affairs. The President has seen fit to refuse his approval to that proposition, and has declared that, so far as he can prevent it by the exercise of his constitutional prerogative, the Territories shall not be admitted as States unless the people conform to his notion as to what they ought to do in regard to the tenure of office of their judges. To my mind it is an arrogant presumption upon the part of the President of the United States.

It is admitted by all that, after either of these Territories has been admitted as a State, the people have the right to incorporate into their constitution the exact provision which the President demands shall be stricken out, and for any man, regardless of his great power or authority, to undertake to impose his preconceived notions in regard to the term of office of a local officer, be he judge, prosecuting attorney, sheriff, or governor, is a new proposition in American politics. If my memory serves me aright, it is the first time in the history of this country when such a restriction has been imposed upon a Territory that was seeking admission as one of the States of the Union.

I want to read the requirement which this joint resolution proposes, but before doing that I want to suggest that I fear there is a hesitancy on the part of the other House, as I believe there is on the part of many Senators, to vote to pass this joint resolution over the Executive veto.

Why should we hesitate to express our opinions any more than the President should hesitate to express his? Why should a Senator, occupying the independent position that he does, hesitate to express his views, contrary though they may be to the opinions of the Chief Executive of the land? Has the President any superior authority over us that we should bow to his will any more than that he should bow to ours? We have the same constitutional rights, only it takes a larger majority to pass a measure over the veto than it does to pass an original proposition.

I have been anxious for the joint resolution which has been vetoed to be submitted to Congress. I want to see the roll called and see the men who have changed their views, if there are any such, because of an adverse opinion expressed by the President. It seems to me, however, that this joint resolution has been interjected here and is being pressed, I fear, for the purpose of avoiding that disagreeable experience upon the part of some of the Members of the other House and some of the Senators.

I want merely to read what we are imposing upon the people of Arizona. They voted for their constitution and they passed it by a vote of almost three to one, containing a provision for the recall of all officers, including judges. We proposed in the original joint resolution that they should vote again upon the recall of judges, so that it would be clearly understood whether or not they were in favor of that specific thing. Now we propose this:

If a majority of the legal votes cast—

I should like to have the Senate pay close attention to this, because it contains an important provision.

If a majority of the legal votes cast at said election—

That is, the election at which this recall provision of their constitution eliminating the judges is submitted.

If a majority of the legal votes cast at said election upon said amendment shall be in favor thereof—

We are saying this to a people three-fourths of whom, approximately, have declared that they are in favor of the recall of their judges—

the said canvassing board shall forthwith certify said result to the governor of the Territory, together with the statement of votes cast upon the question of the ratification or rejection of said amendment; whereupon the governor of said Territory shall, by proclamation, declare the said amendment a part of the constitution of the proposed State of Arizona, and thereupon the same shall become and be a part of said constitution; and if the said proposed amendment to section 1 of article 8 of the constitution of Arizona is not adopted and ratified as aforesaid then, and in that case, the Territory of Arizona shall not be admitted into the Union as a State, under the provisions of this act.

That is, it is proposed to coerce the people of this Territory and say to them, "You have got to vote this provision out of your constitution or you can not come into the Union." Anyone who is acquainted with the practical result of such an election, in view of the tremendous inducements that are offered these men to vote against their convictions in order to secure statehood, knows that they will bow to the inevitable, that they will eliminate the recall provision from their constitution, regardless of their conscience or their judgment, that they may come into the Union. It is a system of coercion in regard to a local matter that serves no great moral purpose.

The provision objected to fixes the tenure of office of the judges of the State according to the judgment of a majority of people of the State. For one I can not see how I can vote to impose such a restriction upon the free will and judgment of a people in regard to their own local affairs.

Mr. BORAH. Mr. President, I shall detain the Senate a moment only. I presume that the committee has dealt with this matter in the most practicable and the best way possible under the circumstances, and that the only practical way of securing the admission of these Territories at this time is the method adopted by the committee. I do not, therefore, criticize the action of the committee. I want, however, to make a few remarks before I cast my vote, in view of the joint resolution as it now stands.

The joint resolution that we passed some days ago provided for the submission of the question of the recall of judges as a separate proposition to the people of Arizona, and they were to be permitted to vote upon that question without the embarrassment of having their admission into the Union depend upon whether they voted one way or the other; in other words, the resolution as passed a few days ago gave them the right to vote upon this as a separate and distinct proposition, but the right of admission to the Union did not depend upon the result of the vote. I was not afraid then, and I am not afraid now, to submit this question, after thorough discussion, to the people of Arizona.

I stated in the remarks which I made at that time that I was voting for that resolution for the reason that I believed that that was the fairest way in which to test the question of whether or not the people of Arizona were truly in favor of the recall of judges, for it is evident, Mr. President, that if the majority of the people of Arizona are in favor of the recall, the method which we are now adopting will only serve to admit them into the Union, and then and thereupon they will resubmit the question and adopt it.

The difference between the two propositions, to my mind, is that of imposing, as it were, an element of duress upon the voter and that of leaving an election entirely free and clear of all questions, except the one question of whether the people of Arizona are in favor of the recall of judges.

Mr. President, while I propose to vote for this resolution, as it is the only thing, I presume, that can be done now in the way of assisting these Territories into the Union, I have not changed my mind as to the better course, which I believe is to submit the question to the people as a separate proposition. I would like to test it in the tribunal of final appeal. I sincerely regret that we are not permitted to do so.

I have always felt, and I feel still, that had it been submitted in a fair and intelligent way, reposing confidence in the intelligence and in the judgment of the people, after thorough discussion they would have eliminated it themselves from their constitution. I have always found, both from reading and from observation, that in the settlement of great fundamental, governmental, nonpartisan questions the best way is to take the people into your confidence, discuss the matter with them, and depend upon them to decide the questions in a proper way. That in the tribunal which must at last determine all such questions.

One of the objections to the present course, to my mind—and it is one which presented itself at that time—is that there will be added to the situation after they come into the Union, the impetus which is given by reason of the resentment, which must necessarily to some extent arise because of the manner in which they are compelled to deal with the subject. I regret, to some extent, while I am anxious to see the recall provision eliminated, that it was not submitted under such conditions as it could be said that it was trusted to the intelligence and to the judgment of the people of Arizona to settle it, because, Mr. President, no question like this, involving the thought and the consideration of earnest men in all parts of the country, and involving, as it does, a most serious proposition of government, can possibly be settled other than by a thorough presentation of the matter, upon argument and upon reason, to those who must ultimately settle it, namely the voters of this country.

There was another proposition which, to my mind, was equally controlling, and one which induced me to vote against the amendment at that time proposed by the Senator from Minnesota [Mr. NELSON], and that is that, to my mind, it violated the most fundamental principle of this Government, namely, the right of local self-government. I know it has been said here repeatedly, and only a few moments ago, that the right of local self-government does not obtain as to these people, because they are yet within a Territory.

But, Mr. President, when we passed an enabling act and authorized these people to meet in convention for the purpose of forming a fundamental law under which they should live, the principle of local self-government obtained from the time that they met in that convention. They were just as much entitled to the protection of that principle and to be guided by its healthy and wholesome rules from the time they met and formed that constitution as they would be if they should meet next year after they are a State to re-form and recast that constitution. They were then engaged in forming for themselves, at our suggestion and at our request, a constitution under which they should live, a constitution which should guide them as a State, and from the moment they met in constitutional convention every principle of the right of local self-government obtained as to those people.

The only way known to our system of government by which to eliminate from the constitution of a State an objectionable provision is by an appeal to the judgment and to the intelligence of the people who are to live under it. It is my opinion that if this question could have been submitted after arguments pro and con upon this matter and after the presentation of the views of those who have given it consideration, it would have prevailed unquestionably with the people of Arizona, and the recall provision would have been eliminated from their constitution.

Mr. President, if it had been eliminated in that way, if the intelligence and judgment and patriotism of the people of Arizona had said, after a fair consideration, "we do not want this in the constitution," I ask the Senate, What would have been the difference in the effect upon the country, what would have been the difference as to principle as compared with the effect which it will have to have them vote to take it out in order to get into the Union as a State? There is no one who will doubt for a moment, let the judgment of Arizona be what it will, let the convictions of those people be what they may, when the price of statehood is put upon the one side and the right to regulate their affairs upon the other, knowing that they may adopt such a provision hereafter—no one will doubt, I say, that it is no test whatever that it is eliminated from the constitution under such circumstances. We have made no progress in the settlement of this great question, and we will make no great progress in the settlement of these questions so long as we settle them under such form of settlement as to prevent a fair and intelligent and unbiased judgment upon the part of those who are to determine them. As was said by the Senator from Texas [Mr. BAILEY] this afternoon, none of these questions are ever settled until they are settled right; and though we may postpone judgment for a time, the proposition will be finally settled after a thorough discussion and presentation to the people.

It is a wholesome thought, Mr. President, to reflect that in the history of our Government almost every, if not every, great question of government which has ever been submitted to the people, after a thorough discussion and presentation, has been settled in accordance with the best interests and according to the truest principles of representative government. Perhaps

the most inspiring and assuring incident was the adoption of the Constitution of the Federal Government itself. When the convention which framed it adjourned it is safe to say the majority of the people were against it; but after months of discussion they adopted it. There have been times when passion and prejudice for an hour prevailed; there have been times when calmness and deliberation were prohibited by reason of temporary conditions, but those questions that have come up and through the course of months or years have been submitted to discussion and finally to decision, have been settled in accordance with the best interests of the Republic. There, Mr. President, is where all these questions will finally have to go. That is the tribunal to which we will have to finally appeal, and there is no use for the Congress of the United States to undertake to settle questions of local government, because the final tribunal, the one to which the appeal will be made, is another tribunal, and that is the tribunal in the respective States where the votes are to be counted for or against the proposition.

It was for this reason that I was in favor of submitting it as a single proposition, unembarrassed and unencumbered by the price of statehood, for when the price of statehood goes into the controversy, the result of that election amounts to nothing as to the settlement of the questions in which we are primarily concerned. I realize, however, that under present conditions this is the only way by which we can carry out our pledge to admit these Territories as States into the Union, and I shall therefore vote for this resolution.

Mr. OWEN. Mr. President, I wish to place in the RECORD two telegrams, one from J. P. Dillon and J. H. Robinson, and another by M. G. Cunniff and H. R. Wood, of the Yavapai County Statehood League, of Arizona, in which they ask for the passage of this measure substantially as it is before the Senate.

The VICE PRESIDENT. Without objection, the telegrams will be printed in the RECORD.

There being no objection, the telegrams are as follows:

PRESCOTT, ARIZ., *August 16, 1911.*

Hon. R. L. OWEN,
United States Senate, Washington, D. C.:

The Democratic Party of Arizona is eternally grateful for the statesmanlike action of the Democrats of House and Senate in passing the Flood resolution. The responsibility for nullifying it is now on the President alone. We now earnestly beg you, if the bill can not pass both Houses over his veto, to amend the Flood resolution in the single particular of making the elimination of the judiciary recall mandatory, and pass it again before the special session ends. The President's action, following the stand the Democrats took for Arizona, relieves the Democratic Party of any responsibility for the coercion, and Arizona will go overwhelmingly Democratic. The people of Arizona and the Democratic Party earnestly petition you thus to give us statehood.

J. P. DILLON,
Chairman Territorial Democratic Central Committee.

Attest: J. H. ROBINSON,
Secretary.

PRESCOTT, ARIZ., *August 16, 1911.*

Hon. ROBT. L. OWEN,
United States Senate, Washington, D. C.:

If Congress can not pass Flood resolution over President's veto, the people of Yavapai County ask you most earnestly to give us statehood, but through the Flood resolution, amended only in the judiciary recall feature, and in no other. We pray you to take this action during this special session. The people of Arizona thank you heartily for standing by the Flood resolution, which was what they desired.

THE YAVAPAI COUNTY STATEHOOD LEAGUE,
By M. G. CUNNIFF, *Chairman.*
H. R. WOOD, *Secretary.*

Mr. OWEN. I do not wish to detain the Senate any longer than possible at this late hour.

In discussing the initiative and referendum several days ago, the Senator from Minnesota [Mr. CLAPP] pointed out that in his State plate matter was being sent out free of cost to the country newspapers containing an argument against the initiative and referendum. I received his morning from Michigan an editorial of like purport, which I desire to place in the RECORD.

The VICE PRESIDENT. Without objection, the editorial will be printed in the RECORD.

There being no objection, the editorial is as follows:

[From the Evening Press, Thursday, Aug. 3, 1911.]

TAINTED NEWS AGAIN.

When one is offered something for nothing it is justifiable to seek the motive. The smaller newspapers of this country are being offered something for nothing. The donor is a Chicago newspaper syndicate service, and it is offering a page of plate matter containing Senator SUTHERLAND'S speech delivered in the Senate July 11 against the initiative, referendum, and recall. SUTHERLAND, of course, is a reactionary, and the special interests' friends are his friends.

Now, one would be very simple, indeed, to suppose that the syndicate, a business institution which exists for the sole purpose of making money, is being so generous with its own cash. Some one else is paying for this plate, some one who is interested in the discrediting of progressive measures that are intended to restore government to the people, and in the choking off of "agitation" against excessive tariff rates. It is not costing any small sum to print this plate and distribute it throughout the country. The "some one" concerned hopes to get a definite return for this generosity. Just leaving the tariff alone is worth millions to the interests concerned.

Who is paying the bill? Not SUTHERLAND. But it doesn't matter much so long as the public that has this tainted news thrust on it by editors easy enough to "bite" on this bait realizes that it is being paid. The trouble is that the general public is not aware of how crooked and devious are the tricks of privilege.

Every newspaper editor of Michigan who receives this very generous offer not only should refuse it, but he should lose no time in telling his readers what he thinks of it.

Mr. OWEN. I also offer an article on Why courts become unpopular, and which illustrates the reasoning of the people which has led to this demand for the recall of judges, which I should like to have go into the RECORD.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

Mr. MARTINE of New Jersey. Let the article be read.

Mr. OWEN. I should like to have the article read from the desk. Several Senators would like to hear it.

The VICE PRESIDENT. Without objection, the last article will be read by the Secretary.

The Secretary read the article, as follows:

WHY COURTS BECOME UNPOPULAR.

The other day a Federal judge holding court in New York City fined a lawyer $45,000 for organizing wire pools. The district attorney begged for a jail sentence because the lawyer was, in his estimation, a dangerous criminal. He had dragged into illegal combinations honorable men who had no intention of doing an illegal act. When they became suspicious he told them he had consulted the Department of Justice and it had approved. Nevertheless the judge let the man go with a fine.

Not long ago he did send a man to jail for three months. He was an importer, on a small scale, of dates, figs, and cheese from Greece. He tried to cheat the customs, as others have done, and got caught at it. Probably he deserved what he got. But when this same judge had to pass on the same day on the case of a millionaire importer of millinery and dress goods mixed up in frauds which had cost the Government a million and a half, he was let go with a $25,000 fine, though a jail sentence was asked for.

The man was the less deserving of leniency because he had jumped his bail, fled to Europe, and remained away for months.

Earlier in the year another Federal judge sitting in New York City refused to send to prison a wealthy art importer who had swindled the Government out of millions, on the ground that he was in ill health, and imprisonment might kill him.

When the people see men who have stolen a few hundreds of dollars or less sent to prison, even when they are in ill health, while wealthy malefactors who have stolen millions escape, they begin to doubt the existence of "even-handed justice." It occurs to them that judges might have a better sense of proportion in awarding punishments if they were subject to some degree of popular control. They commence talking about the recall to rid themselves of judges who know not justice. For that talk and the new-fangled judicial recall device some judges are responsible.

Mr. OWEN. Mr. President, stripped of all verbiage, the meaning of the veto of the President because of the "judicial recall" in the Arizona constitution is a declaration on the part of the Chief Executive that he is unwilling to admit Arizona and New Mexico to enjoy the rights of self-government on an equal footing with the other States of the Union as guaranteed by the Constitution, because Arizona proposes to exercise this right in a manner the Chief Executive does not approve.

It is not pretended that the "judicial recall" is in violation of the Constitution of the United States, of the Declaration of Independence, or of the enabling act.

The President thinks the judicial recall is not wise "governmental policy," and therefore he refuses to allow a sovereign State to exercise its own right of self-government, because, in the proposed exercise of this right, the people do not yield to his views. He thinks Arizona should be denied statehood because, under its constitutional right of self-government, they favor the judicial recall. His sole justification for denying Arizona its right to statehood on an equal footing with the other States of the Union is because, in the exercise of such right, they adopt the judicial recall by the vote of the people. He does not approve this. He says that, in his opinion, it "is destructive of free government." The fact is such a veto is "destructive of free government." To deny the right of free government to a sovereign State by veto as a condition of its admission on an equal footing with the other States is a grave wrong done to "free government."

It is an unwarrantable attack on the fundamental right of self-government, which I deeply regret.

Arizona proposes the freest government in the United States, giving the majority of the people of the State the right to amend their constitution at will; to nominate, elect, and recall their own officials. If they find the judicial recall inexpedient, under the free government of Arizona they can amend it at any time. Thirty-two States of the Union provide in their constitutions for the recall of judges by the address of the legislature. Forty-three States provide the automatic recall by short tenure, but the recall by popular vote, although conceded to be a right which other States have, which Oregon has long enjoyed, and which California is about to adopt, is to be denied Arizona, and her people are to be denied the right of self-government because they have dared to adopt it.

With profound respect for our Chief Executive, I deem it my duty to say that the veto is not justified, for the simple rea-

son that the people of Arizona, under the right to be admitted on an equal footing with the other States in the Union, have a right to govern themselves in their own way without the interference or coercion of the Chief Executive of the United States.

The power of the Executive is so great, since a minority of the Senate can sustain the veto, that he is able to coerce Arizona by his veto, to coerce Congress by his veto, into requiring Arizona to strike out the judicial recall or remain out of the Union.

It is not denied that Arizona will have the right legally to provide the judicial recall immediately after admission, nor is it doubtful that Arizona will immediately adopt it when admitted.

It seems to be the idea of the President merely to emphasize before the country his disapproval of the judicial recall by vote of the people, and I feel it my duty as an advocate of popular government to place on the records of the country an answer to the reasoning offered by the President in justification of the veto.

But, first, I think it proper to say that the presidential veto is not justified, even if he were right in disapproving the judicial recall. The President is in grave error to deny the people of Arizona the free and full right of self-government merely because in the exercise of their acknowledged right of self-government they do not yield to his personal views. The President is in grave error in coercing them, as a condition of admission to statehood, to submit to his will, and he does a wrong to all those who believe in the judicial recall by this abuse of the veto power, by using the powers of the Presidency and the prestige of that high office to put the seal of his condemnation on this policy of government. He does a wrong to both California and Oregon in such an unjustified veto.

The first reason offered by the President is that the majority of the people of Arizona can not be trusted to deal justly with the State judges, if they are subject to recall. He suggests that the "unbridled expression of the majority, converted hastily into law or action, would sometimes make a government tyrannical and cruel;" that the majority should be subject to checks to prevent the abuse of their power on the minority. The President says:

> Constitutions are checks upon the hasty actions of the majority. They are the self-imposed restraints of the whole people upon a majority of them to secure sober action and a respect for the rights of the minority.

The President does not trust the majority of the people unless they are obstructed in the exercise of their will by various checks and devices. This is the vital point of difference between the progressives and those who oppose the progressive movement. The progressives believe in the integrity, honesty, and wisdom of the majority. They believe that the majority is conservative. The majority well knows that it consists of individuals, of groups of individuals, and of minorities, and that the safety of the majority absolutely depends upon the protection of the individual and of the minority. It is for this very reason that the majority have always declared in favor of free religion, free speech, and every liberty justified by the rights of others. It is this clear conception of the majority that has all these years given protection to the individual by the voluntary and deliberate act of the majority. I deeply regret that our honored Executive should take the view of those who oppose the progressive movement, and should speak of the "unbridled expression of the majority," "the hasty action of the majority," and suggest that the majority might be swept "by momentary gusts of popular passion," "by hasty anger," or be moved by "firebrands and slanderers" and by "stirrers-up of social hate."

Mr. President, the sober common sense of the majority of the people, exercising its right in the dignity, quiet, and seclusion of the voting booth, is not moved by the mob spirit; it is not turbulent, violent, moved by "hasty anger" or "gusts of popular passion." The views of the majority of the people, under the safeguards of the American ballot box, is the most conservative, thoughtful, and trustworthy power in the United States, and will abundantly safeguard the right of the individual citizen to all of his rights to life, liberty, and the pursuit of happiness. It is only on the majority the citizen can rely. The danger of the citizen is to be found in the craft and corruption of the few, of the minority, who have by indirection and by checks on the majority usurped undue power in the governing business.

The danger of this country lies in the governmental control by minorities and by the agencies through which they operate, including a judiciary nominated by privilege and kept in power by craft.

Our honored Chief Executive suggests that "often an intelligent and respectable electorate may be so roused upon an issue that it will visit with condemnation a decision of a just judge." I emphatically deny it. An "intelligent and respectable electorate" will not visit with condemnation a decision of a just judge at any time, much less with frequency or "often," as our honored Chief Executive imagines. The majority elects and reelects and continues to reelect just judges in our numerous States, and the more just the judge the more certain is his reelection. Not an instance can be given of a judge defeated by the people because of his upright conduct.

The idea that the majority of the people will be moved by "hasty anger" against a faithful judge executing the law laid down by the representatives of the majority has no just foundation in fact. The majority of the people will never be moved by hasty anger to deal unjustly with a faithful public servant. The majority moves only too slowly in dealing with unfaithful public servants, and this is manifested by the experience of the governments of many of the cities of the Republic and of the States where it frequently happens that organized criminal minorities, engaged in the governing business for profit, are permitted for long periods of time to pursue their bad conduct without being called to vigorous account by the justifiable anger of the majority.

The President thinks the judicial recall is "destructive of free government." The people of Arizona, like Oregon and California, familiar with gross judicial abuses and a control of the judiciary in California by the Southern Pacific Railroad, believe the judicial recall an essential part of free government.

But whether the people of Arizona or the President be right, there is no doubt whatever that the people of Arizona have the right to determine this matter for themselves, and that the Chief Executive has no right to coerce them in the matter of their own self-government. The President has raised the issue as to whether or not the people of Arizona should have the right of self-government or whether they should be denied this right, and on this issue, I think, the President is in error to deprive them of the right to govern themselves merely because they do not propose to govern themselves in accordance with his opinion.

The second point which the President makes is that the judges, under the judicial recall by a vote of a majority of the people, would be so intimidated that they would become "timeservers and trimmers." The President says:

> The character of the judges would deteriorate to that of trimmers and timeservers, and independent judicial action would be a thing of the past.

Mr. President, the character of our State judges, who are elected by the people for short terms and who are subject to automatic recall and who are subject to recall by the legislatures without impeachment and without assigning cause for recall, shows that the President's anticipations are not justified. Our State judiciary is well deserving of the commendation which even the President generously gives.

The people ordinarily select good men for judges, and the judges in the very great majority of cases, under the system of popular election and short tenure, have not become "trimmers and timeservers." The recall of State judges is so rare I do not remember a single case in recent years. Undoubtedly they are subject to the influence of sound, matured public opinion, and it is only right that they should be. All men, whether judges or not, are subject to the influences that surround them, and it is this very fact, which the President so strongly emphasizes—that the judges are subject to influence—that makes it of the greatest importance that the influences which do environ the judge should be good influences and not bad influences.

The very reason the people of Arizona demanded the judicial recall by popular vote grew out of the experience in California, where the judges were under the influence of the Southern Pacific Railroad. Privilege can exercise its influence in a great variety of ways. For example, it can skillfully bring about, by machine methods, the nomination of a man and the election or appointment of a judge whose previous predilection is altogether favorable to privilege, though not understood by the people.

Privilege can, by the hypnotic influences of skilled social and personal agencies, lead the mind of a man away from the people and into the service of privilege, and since judges are equally subject to the crafty occult influences of privilege, as well as to the influences of public opinion, we must choose which of the two influences shall prevail. Those who believe in the progressive movement prefer the influence of the people to the influence of privilege. I believe that the American people, when they have considered this question, will decide that since the judges are more or less subject to influence, it is better to have them subject to the conservative, honorable, wise, and just influence of public opinion rather than

to have them subject to the crafty or corrupt influence of privilege without any power in the people of a direct remedy. Between the influence of privilege and the influence of the people, I stand firmly for the influence of the people, and this I regard to be the vital issue in dealing with the control of the judiciary, whether in the State or in the Nation.

It is this difference in the POINT OF VIEW BETWEEN THE PROGRESSIVES AND THEIR OPPONENTS THE PEOPLE OF THE UNITED STATES MUST SETTLE.

Mr. President, I ask to have printed as a Senate document an abstract of the argument on the recall of judges which I delivered some days ago.

The VICE PRESIDENT. Without objection, an order for the printing thereof will be entered. [S. Doc. No. 99.]

Mr. WILLIAMS. Mr. President, I think the wisest and most beautiful part of our governmental scheme is the fact that we are a Republic of Lesser Republics and that all sorts of governmental experiments can be tried out on a limited field without affecting the welfare of the entire Nation.

I am perfectly willing to see Arizona try any governmental experiment that she desires to try, provided only that it is not an experiment in its nature violative of the Constitution of the United States and that it does not involve in its nature the destruction of a republican form of government in the States.

I do not believe, Mr. President, that the President of the United States in his veto message, unofficially received, has made any argument that is germane to the case under consideration.

The question before us is not the wisdom or the folly of the recall of judges. It is the wisdom or the folly of permitting and not interfering with the right of local self-government upon the part of the people of Arizona. In my opinion the most sacred thing in the world next to personal, individual self-government is community self-government, especially under our scheme of Government.

I do not believe that the President ought to have predicated his attack upon the sovereign rights of the people of Arizona, if Arizona is to become a sovereign in the Union, upon the nongermane ground of his opposition to the judicial recall. As far as my individual opinion is concerned, so that I may not be misunderstood, I do not believe in the recall of judges. I sometimes suspect that there must be a form of popular brain storm and that that must be one of the results of it. Some of these days in the future when the common sense of mankind has been improved to such an extent, far beyond what it is now, as that the commonalty itself may be a fair judge of judicial ability and judicial capacity, it may be well to have something of that sort, but I do not believe that we have yet reached the stage in the progress of average human intelligence when it is safe to go that far.

But that is not the question at all. The question is whether the United States Government, through its Congress and its President, has a right to fix as limitation upon a new State entering the Union anything which a State already existing in the Union is free from as a limitation. If New York to-morrow wanted to pass a statute or a constitutional provision for the recall of judges New York could do it. Massachusetts could do it, Kansas could do it, Mississippi could do it, and Missouri could do it; and there is no moral or civic right on our part to admit into this "indestructible Union of equal and indestructible States" a State upon conditions that render her powers of sovereignty even apparently inferior to the powers of sovereignty of any State in the Union already admitted.

Here, at any rate, "equality is equity," and inequality is injustice.

The Congress of the United States tried that in the case of the State of Mississippi back in reconstruction days, and so far as I know inaugurated the idea of putting into enabling acts some sort of pretended or assumed limitation upon the power of equal States. It said that Mississippi should not be readmitted to the Union except under the provisions of a reenabling act, and that enabling act provided, among other things, that Mississippi should never at any time adopt an educational qualification for suffrage. The time came when Mississippi in her majesty and power and intelligence chose to do what the Congress of the United States said she could not do, and she did it, and the Supreme Court of the United States upheld her right to do it, because, the Supreme Court said, Massachusetts has an educational qualification, Connecticut has it, California has it, and it is not given to the Congress of the United States to deny to any State any power which any other State has.

Mr. President, that was an act of tyranny in the case of the State of Mississippi, partisan tyranny, to perpetuate negro rule and Republican ascendancy, and in my opinion this limitation upon Arizona is an act of Federal tyranny and Federal usurpation of authority.

I am well aware, of course, of the familiar argument that since we have to pass upon the act admitting a State, we have a right to pass upon its wisdom; and that the *power* rests with us I have no doubt; but to exercise a power which is in itself powerlessly exercised is folly. If Arizona wants recall of judges or any other form of governmental insanity, if you consider it such, she has a right to have it, provided it is not violative of the Constitution of the United States, and provided that it safeguards a republican form of government, which this undoubtedly does. She can do it five minutes after she is admitted. If that be, as it is, her right after entering the Union, it is her right on and while entering the Union.

I shall vote for this joint resolution because it emancipates Arizona from all except constitutional limitations by making her a State, and I hope that when she is emancipated and becomes a State she will not adopt the recall of judges; but if she does choose to do it, in her right of self-government, it is her affair. The most sacred thing in the world is the right of self-government, and it is accompanied, necessarily, by the risk of self-misgovernment, which is itself a quasi right.

Mr. ROOT. Mr. President, I fully agree with the view expressed by the Senator from Mississippi [Mr. WILLIAMS] as to the character of the provision for the recall of judges. I can not, however, go with him in his view of our duty in regard to the admission of the Territory of Arizona as a State with a provision in her constitution for such a recall.

I do not think that the joint resolution now before the Senate requiring Arizona to eliminate from her proposed constitution the provision for the recall of judges is any interference with any right of local self-government. Arizona is not now a State. When she becomes a State, she will have a right, I agree with the Senator from Mississippi [Mr. WILLIAMS], to adopt a provision for the recall of judges. It will be no concern of ours. She will have a right to be as wise or as foolish as she can and as she wishes. We not only will have no right to interfere, but we will have no power to interfere with her in the making of such provisions when she has become a State and has acquired the right of local self-government as a State.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. ROOT. Certainly.

Mr. WILLIAMS. Does the Senator from New York think that the Congress of the United States could be justified morally in fixing any limitation upon the power of a new State which could not be fixed upon the power of an old State?

Mr. ROOT. Morally? No. I think the Congress of the United States is bound to accept in good faith and in accordance with the spirit, as well as the letter, the provision that all States shall be equal, with equal rights and equal powers; and the instant that Arizona has become a State she is emancipated from all control in respect of all that vast field of local self-government which belongs to the oldest and the most powerful State in the Union.

But, sir, Arizona is now a Territory. She has not the right of local self-government. We are engaged in determining the conditions upon which we shall give her that right. We are engaged in determining the conditions upon which that 200,000 people, who at her election cast 16,000 votes upon the adoption of her constitution, shall send to this Senate as many Senators with as great a voice and as effective a vote as the 9,000,000 people of the State of New York, the 7,000,000 people of the State of Pennsylvania, the 5,000,000 people of the State of Illinois, and the 4,000,000 people of the State of Ohio. She has not local self-government to-day. She is subject to our Government. We have said by solemn statute that "we will admit the Territory of Arizona when emancipated from our control, provided she adopts and sends to us a constitution which we approve."

Now, sir, I differ with the Senator from Mississippi [Mr. WILLIAMS] in this: It seems clear to me that in the last act which the Congress of the United States performs in the exercise of its plenary control over the Territory of Arizona, acting under the statute which requires us to approve or disapprove the constitution upon which she appears here and asks for her release from our control, we shall act according to our own judgment and our conscience and require that constitution to be one that we really and in truth approve.

When we have done that, when under a constitution that we do approve we have emancipated her from our control and made her a State, the next day, if she chooses, she may begin the process by which she can amend her constitution and include in it any provision whether we approve it or not. But until

that moment comes the responsibility is with us, the power is with us, the duty is with us to say that this Territory shall follow the rules which we believe are essential to the maintenance of a free, orderly, just, civil community. As I believe one of the rules necessary to answer that description is the rule which provides for an independent, impartial, and courageous judiciary, I shall vote for the joint resolution now reported.

Mr. WILLIAMS. Mr. President, just one word, and only one word. The argument of the Senator from New York is substantially this, that while it would be very unjust and very wrong to cut a child's hand off after the child was born, it would be perfectly right to do it immediately before the child was born. It seems to me that the point at which we begin to meet the question of statehood is the point at which we admit a State and not the day after. It seems to me that we owe a respect to the equality of the State that is superior to our own private opinions as to how the State should exercise its power, and that we owe that to the State while it is being born, and not merely after it is born. It seems to me that there is no distinction possible between Arizona and Arizona, between Arizona two minutes before and two minutes after she is born to statehood. Arizona is Arizona. I understand, of course, that as long as the State is under Territorial government it is a Territory, and that it is subject to, or has been claimed to be subject to, the plenary power of Congress, although that "plenary power" over a Territory I have contended is not "plenary"; but call it by that name, if you choose. Even that power is subject in its exercise by Congress to certain general principles, and one of those general principles is that you shall commit no inequality among equal sovereigns or any injustice. When you commit the inequality upon a Territory which is being born as a State, cutting off its wrist or putting manacles upon it in a Union where the other States have preserved their wrists and have no manacles placed upon them, you are carrying "the plenary power" of Congress over a Territory over into the area of its statehood; you have passed the natal threshold.

Mr. ROOT. Mr. President, it appears to me that a more apt illustration would be a guardian who, because his ward immediately after becoming of age and acquiring entire control over his property may squander it, justifies himself in permitting the infant to squander it before he becomes of age. It seems to me that the guardian must perform his duty up to the point where the infant is emancipated. After that point is reached the adult man may work his own will.

Mr. WILLIAMS. Ah, Mr. President, but what would be thought of a guardian who undertook in the writing to emancipate a ward to limit his emancipation, and in the writing of emancipation itself manacled the ordinary individual citizen's right of the allegedly emancipated ward? The Senator from New York seems to forget that this is an act of emancipation. It is not the last act of Territorial government; it is the act of emancipation itself.

Mr. ROOT. It is our last act of government over the Territory. I never knew of a guardian manacling his ward, but the guardian may, under certain proper circumstances, exercise restraint over a ward. If the circumstances justify it, it is proper for the guardian to exercise that restraint. The instant that the guardianship ends and the ward attains his majority he may put an end to the restraint; and that is the case here.

Mr. WILLIAMS. Ah, Mr. President, but the difference is this: The Senator says that the instant the guardianship terminates the restraint terminates. If he were to follow that analogy in this case, assuming ourselves to be guardians for the Territories, there would be no quarrel between us. But he wants to follow his restraint beyond the moment when Arizona becomes a State. He wants to make an enabling act of Congress restrain and manacle Arizona for some time, I do not know how long, beyond her becoming emancipated and becoming a State. Whether it is one hour or five hours or five months or six months it is equally wrong in principle, because Arizona has a right, if she have any right to enter the Union at all, and we have decided that, after the consideration of her population, degree of preparedness, and so forth, then she has a right to enter the Union as the equal of New York, as the equal of Mississippi, as the equal of Missouri, as the equal of Michigan; and it is not right, in the very first moment, to manacle her hands because we are afraid she will misuse her hands, except in so far as the Constitution of the United States already manacles them.

Mr. ROOT. We do not manacle Arizona, Mr. President. Arizona has no right to enter the Union. It is for us to say whether she shall enter it or not.

Mr. WILLIAMS. I admit that.

Mr. ROOT. The very instant that she has entered it her hands are free to make such constitution as she sees fit to make.

Mr. WILLIAMS. Mr. President, Arizona has no right to enter the Union except by our permission. But Arizona, having her right to enter the Union acknowledged by us, must enter it—has a right to enter it—as an equal State, and we have no right to make her entrance, by our limitation, that of an inequality.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. I do.

Mr. OWEN. I call the attention of the Senator to the treaty of Guadalupe Hidalgo, which gives Arizona the right to be admitted as a State.

Mr. WILLIAMS. I understand the sense in which the Senator from New York used the word "right." Of course, every Territory of the Union has a right under our spirit of free institutions at some time to enter the Union. But I understood him to mean that it is a right which she can not exercise without our permission, which is absolutely true, of course. She has no legal right to enter the Union without an act of ours, but in entering the Union she has the right to enter it equally, which is a totally different proposition.

Mr. ROOT. There is no right to enter the Union equally or in any other way. There is a right upon becoming a member of the Union to be equal, and that we secure to her by this joint resolution.

Mr. WILLIAMS. And there again, Mr. President, I would change the verbiage used by the Senator from New York. I would not say she has that right "upon" becoming, but she has that right "in" becoming, not "after" becoming but "while" becoming.

Mr. REED. Mr. President, the right of the Territory of Arizona to be admitted as a State has been so strongly presented and the provisions of her constitution so ably defended that I would not arise at this late hour of the debate except for the fact that certain arguments advanced against the constitution are, in my opinion, unsound, and various inaccurate statements regarding the terms of that constitution have (of course inadvertently) been made.

The Senator from Minnesota [Mr. NELSON], whom I sought to interrogate yesterday, and who, in substance, declined permission, discussed the constitution of New Mexico and presented the view that it is so complete and perfect an instrument it should be accepted without qualification or amendment. In contrast with the constitution of New Mexico he argued that the constitution of Arizona was unfair, inequitable, and dangerous.

In substantiation of this charge he called attention, if I correctly understood him, among other provisions, to section 8 of the Arizona constitution, and claimed that it unjustly discriminated against the Spanish inhabitants of the Territory. The section referred to reads:

Eighth. The ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification of all State officers and members of the State legislature.

This provision of Arizona's constitution is condemned, and in the same breath eulogy is pronounced upon the constitution of New Mexico, it being exploited as of such perfection that any amendment is undesirable. Now, let me read you section 5 of the constitution of New Mexico.

SEC. 5. It is hereby provided that the ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers and members of the legislature.

Thus we find that the constitution of New Mexico, which was declared to be a perfect instrument, expresses the identical idea in the identical language which we find in section 8 of the Arizona constitution. Yet the Arizona constitution is condemned because it contains this language, while the New Mexico constitution is praised, although its section 5 is identical with section 8 of the constitution of Arizona.

The reason both constitutions employ the same language is easily discovered. We have only to examine the enabling act which was passed by Congress. The people of these Territories had nothing whatever to do with writing the enabling act. Certainly they were not responsible for the language to which I shall call attention. Section 5 of the enabling act expressly provides that the constitution of Arizona and the constitution of New Mexico must contain the following provision:

SEC. 5. * * * the ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers and members of the legislature.

Thus we find the Congress of the United States initiated this provision. Thus we find Congress imposed upon these Territories the acceptance of this specific language. Thus we find that both Territories, being helpless in the premises, accepted the language which Congress dictated. Yet the prejudice of some Senators on the other side condemns the people of Arizona for placing in their constitution the very thing we compelled them to there place. At the same time the same prejudice enables these same Senators to accept with commendation and praise the constitution of New Mexico, although it embraces the same language used in the constitution of Arizona, and although that language was forced into both constitutions by Congress.

Mr. President, I have referred to these contradictory positions merely to illustrate how far prejudice can run, especially when yoked with partisan interest.

Here is a further example: By its terms the constitution of Arizona provides that it may be amended by the majority of the people at an election duly held, provided, however, that the proposed amendment shall have first been agreed to by a majority of each branch of the legislature, or the submission thereof shall have been demanded by 15 per cent of the voters by petition duly filed.

Is this latter provision an extreme or radical proposition? Does it destroy the stability of the proposed constitution? I think not. It has been charged that if the people are given the right by popular petition to demand the submission of an amendment to their constitution or laws, they will be kept in incessant turmoil, elections will be held every few months, all sorts of fantastic and senseless propositions will be forced upon the electorate, and thus the stability of the constitution and laws will be destroyed. I do not agree with these views. They are in conflict with the experience of those States which have adopted similar provisions. In my own State the people by constitutional amendment reserved to themselves the right to initiate a law. The initiation provision only requires 8 per cent of the legal voters of two-thirds of the congressional districts.

Notwithstanding the fact that this right of the people has existed for nearly three years, it has been exercised but once, when an amendment relating to prohibition was voted on at the time of a general election. That was a question which, of course, has always aroused great public interest.

The reason the initiative has not often been employed, and will not be often employed, lies in the fact that no man or organization of men will take the trouble to secure, or, indeed, be able to secure a petition signed by any considerable per cent of the people of an entire State unless a matter of grave importance, reaching into every home and touching the life of almost every citizen is pressing for attention. Hence I say that all declarations here and elsewhere made to the effect that the people will be kept in constant turmoil and be required to vote at frequent intervals is not sustained by experience. Such declarations are mere vaporing of extremists—the result of exaggerated imagination.

The point I want to emphasize is that the Arizona constitution is so drawn that it can not be amended hastily, thoughtlessly, or without due consideration. On the contrary, care has been taken to insure deliberate judgment and afford the amplest opportunity for the fullest discussion. At the same time the instrument is so constructed as to forever retain in the hands of the people the right to change their fundamental law. Thus they have made the constitution not an unyielding and inflexible chain to bind and circumscribe their liberties, but rather a fortress which protects their rights. This thought runs throughout the instrument and characterizes its every article. Singular it is that such a constitution finds so little favor upon the other side of this Chamber. Even more singular is it that those who oppose Arizona's constitutional magna charta can accept without criticism and swallow without grimace the constitution of New Mexico. It is exactly to their taste. It possesses that particular flavor of repression which delights a standpatter's palate. Yet I declare there has never been an American State, there has never been a free people who have adopted a constitution and placed so many restrictions upon the amendment thereof as you will find in the proposed constitution of New Mexico. That constitution is indeed marvelously well built for those who do not believe the people can be trusted to govern themselves. As one reads the astonishing amendment provision he is forced to conclude that its framers believed that "all wisdom, all learning, all gift of prophecy," had descended upon them.

We can not escape the opinion that the members of this convention really thought they had broken the locks of time and ravished the casket of the future of its last jewel of wisdom. Really, these gentlemen must have conceived that no man yet to come upon the earth could possibly produce a single thought which might improve upon their marvelous masterpiece. And so believing that their little constitution fixed the boundaries of human intelligence, entertaining the illusion that they had surveyed and located the horizon of the philosophy of government, these legislative architects sought to make their handiwork eternal. They therefore sought to make it—as the laws of the Medes and Persians—so that it "could not be altered."

Media and Persia, the only countries that ever enacted unalterable laws—swiftly their national race was run. In lust and blood, in cruelty and crime, the ghastly history and tragic end are briefly chronicled. It is a tale of altars erected to superstition, temples dedicated to sensuality, thrones maintained by armed force; government by brutal tyrants over abject slaves—a black page, splashed with blood. The unalterable statutes were chains despotism forged for freedom. The monarch who oppressed and the serf who wore his legal gyves were alike powerless to defend their country against the first vigorous assault. The backs which had bent before authority were so weak they could not sustain the burden of battle; the hearts broken in the mills of tyranny were not stout enough to endure the terrors of war—so Media and Persia fell. The heaven-challenging walls of their mighty cities, their lofty towers, their frowning battlements, the throne of monarch, and the den of slave all disappeared in one vast cataclysm of horror.

Where now are the unalterable laws of Media and Persia; where the civilization that did not admit of change and the government that defied progress and set its iron heel upon the people's liberties? Above them all the dust of time lies thick, the desert sands drift in dismal heaps, and the wild beasts lie in wait for passing prey—the very place where once they were was lost for centuries. Only the curiosity of the antiquary has discovered and deciphered their laws, which serves no purpose save to prove the ignorance and cruelty of those who wrote them thinking their handiwork so divine that it were sacrilege to change a syllable. Cambyses, Cyrus, Darius, Xerxes, Smerdis, and all the bloody tyrants of those unfortunate lands doubtless (like the framers of the constitution of New Mexico) were opposed to the initiative, the referendum, the recall. They were in truth against all amendments whatsoever.

For a moment let us examine the amendment clause of this remarkable New Mexico constitution. If possible, let us discover why Senators upon the other side hold it in such high regard, why they so love an instrument that denies the people of that great Commonwealth the opportunity to ever rectify any mistake now made or to take a new step in advance, if peradventure the march of events shall lead to higher moral ground or loftier intellectual altitudes.

New Mexico's constitution provides that before an amendment can be submitted it must be approved by two-thirds of all the members of each branch of the legislature. Mark you, not a majority, but two-thirds; and notice further, not two-thirds of the members present and voting, but two-thirds of all the members. So that a minority of even less than one-third in either branch of the general assembly, aided by the accidental absence or the illness of a few members, could effectually bar the people from an opportunity to vote upon an amendment, no matter how grievous the emergency nor how universal the demand.

Second. It is provided that once in eight years a majority of both houses can submit amendments, but if the legislature unfortunately neglects to act at that time, or the amendment when submitted fails for any reason, then for the succeeding eight years the people are again relegated to the two-thirds rule.

If this were the end of the restrictions, they would be sufficiently onerous and dangerous. A further examination, however, shows that when once an amendment has run the gauntlet of the legislature and escaped with its life the people are not yet permitted to vitalize it by a majority vote, for the constitution further provides that it must be adopted by—

an affirmative vote equal to at least 40 per cent of all the votes cast at said election in the State.

That restriction, Mr. President, means that in all human probability there never will be a constitutional amendment adopted at any general election held in the domain of New Mexico. I assert this, because it is the experience of States that a constitutional amendment submitted at any general election rarely, if ever, receives the vote of 40 per cent of all the people voting upon the candidate who receives the highest number of votes. This transpires because some voters are indifferent, while many more in the haste of casting their ballots simply forget to vote on the proposed amendment. So here is a second obstacle almost insurmountable.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. OWEN. I wish to call the attention of the Senator from Missouri to the fact that in this case the 40 per cent not only applies to the State, but to a majority of the counties, or to half of the counties.

Mr. REED. I am coming to that. But, Mr. President, we do not end with this remarkable restriction. As suggested by the Senator from Oklahoma, the amendment must be voted on not only by 40 per cent of all of the people of the State who vote for any candidate, and receive a majority of such vote, but it must also have been voted on by 40 per cent of those voting in at least one-half of the counties. Then, and not otherwise, is the amendment adopted. What does that mean? Simply this: That when a constitutional amendment is proposed in New Mexico—

First. If the total vote cast upon that amendment is not equal to 40 per cent of the entire vote cast for the highest candidate, it will fail.

Second. If it is not voted upon by 40 per cent of the vote cast for the candidate receiving the highest vote in one-half of the counties, it will fail.

Third. It must have a majority of all the votes cast.

It will be observed that under this arrangement an amendment might carry in the State at large by an enormous majority and fail because it did not receive a vote equal to 40 per cent of that cast for the candidate receiving the highest number of votes; and even if it did receive such a majority in the State at large, it might fail because it had failed to receive a vote equal to 40 per cent of that cast for the highest candidate in one-half of the counties of the State.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator further yield?

Mr. REED. Certainly.

Mr. OWEN. I wish to point out to the Senator the historical fact that the vote by which the constitution of Texas was adopted was only a little over 4,000; and under this rule the constitution of Texas would not have been adopted.

Mr. REED. I thank the Senator. Every Senator here who has had constitutional provisions submitted in his own State recognizes the fact that it is the rule that less than 40 per cent do vote upon such propositions.

No better illustration of the absolute fatality of such provisions is needed than the vote cast by both New Mexico and Arizona in adopting their present constitutions. The total voting population of New Mexico is 55,878; the total number of votes cast for the constitution was 31,742. The total number of voters in Arizona is 26,367; the total number of votes cast for the constitution was 12,187. This light vote was cast notwithstanding the fact that the people of these Territories had for years groaned under the oppression of Federal carpetbaggers, notwithstanding the fact that the two constitutions had been discussed and every incentive exhausted for a full vote.

But, Mr. President, these are not the only limitations. It is further provided that not more than three amendments shall be submitted at one election. No matter what the emergency, no matter how imperatively necessary, no more than three amendments can be submitted.

Let me make this suggestion to every Senator who has stood and fought the battles of the people, to every Senator who has witnessed the devious processes which can be employed by great interests to obstruct legislation: Here are three propositions essential to the people of the State; here are three propositions upon which the people of the State desire to vote; but only three can be submitted. Interested parties could very easily get through the legislature by some subterfuge or other one or two or three amendments upon immaterial matters, and thus thwart the will of the people and deny them the opportunity to vote upon the essential matters which they desire to have enacted into law.

Then, Mr. President, we find still further restriction in section 2, where it is provided that a constitutional convention can not be called for 25 years unless three-fourths of the members elected to each house, and after the expiration of 25 years two-thirds of the members elected to each house shall deem it necessary. If this almost impossible obstacle is passed, still the convention can not be created unless at a general election a majority of all the electors voting at the election in the State, and also a majority voting in at least one-half of the counties thereof shall vote in favor of calling the convention. Then and only then can the people have a constitutional convention.

But, sir, the amendment must not only receive a majority of the vote cast in the State, but it must receive a majority in 50 per cent of the counties. After all this has been done, after those desiring to re-form the constitution have complied with all these onerous restrictions, you will find it still further provided:

If this constitution be in any way so amended as to allow laws to be enacted by direct vote of the electors, the laws which may be so enacted shall be only such as might be enacted by the legislature under the provisions of this constitution.

In other words, the wise men who drew this organic law placed the constitution like an iron band around the brain, the ambition, the hopes, the desires of the people of that State. Even when granting them the right of the referendum vote, they did it in a qualified manner and specified "that though you do adopt the right of referendum, you shall not exercise that right save in accordance with the dictates of this instrument which we have this day in our wisdom enacted." And so they wrote the following:

SEC. 5. The provisions of section 1 of this article shall not be changed, altered, or abrogated in any manner except through a general convention called to revise this constitution as herein provided.

First, they make it almost impossible to call a convention at all; then they make it almost impossible to ratify the act of the convention; then they provide that certain portions of this constitution can only be submitted in that way. The hand that penned that instrument was the hand of a man who would have made an ideal minister for George III of England. It does not belong to a man who lives in the twentieth century and believes in American principles of government; either that, or it was guided by those selfish interests which distrust and despise the people.

Why is it—I put it to the gentlemen upon the other side and to their vacant chairs—why is it that the constitution of New Mexico so well suits in its flavor your legislative palate? Why is it that this instrument which puts bands about the people, that says to the unborn children of New Mexico, "You shall be held in thrall by this instrument" finds "favor in your eyes"? Of course, I except from these strictures the distinguished son of Minnesota, Mr. CLAPP, who has so eloquently spoken and will so eloquently vote in favor of a human constitution, adopted for human beings, calculated to meet human conditions; I except from criticism these Republican Senators who indorse the sentiment expressed by Mr. CLAPP. Such Republican Senators, however, are unfortunately limited in number.

Why is it many Republican Senators so love to tie the hands of the people? Why is it we hear from that side of the Chamber constantly invective delivered against mob rule? Why are we constantly warned by Republican Senators against the unwisdom of the people? Why is it they think the people can not be trusted to enact legislation? Why is it they fear the people will destroy the fundamentals of free government? Why do you upon the other side incessantly cry, "Beware of the people; they will destroy governments; they will substitute the will of the mob for the science of statesmanship; they will tear down the temples of jusice; they will uproot the tree of freedom"? Why are these sentiments constantly and forever upon the tongues of Republican standpatters, always, of course, uttered in covert language and disguised by soft phrases? Do you, in fact, believe the people incapable of self-government?

Why, sirs, how got you here? Every man who honestly sits in this Chamber was sent by the votes of these despised people. Every man who came here honestly and is entitled to retain his seat is here because he received the votes of a legislature elected by the sovereign people of his State. That legislature was only the people's agent, was created by them, and if it acted justly it simply registered the people's will. Sometimes I wonder how it happened in the providence of God that these ignorant people, these people who know so little, these people who are referred to as "the mob," these people you say you can not trust to erect and maintain a free government, these people whom you insist must be bound by the inflexible chains of an inflexible constitution in order that they may not injure themselves, these people whom you treat as lunatics who must be watched, guarded, circumscribed by legislative straitjackets and confined in constitutional padded cells—I often wonder how it happened they were so wise as to pick the illustrious, great, and wonderful men of this body. I am still more astonished to know how this ignorant mob happened to elect members of a constitutional convention who were so wise they could gaze down the path of the future, discern the emergencies hidden in the womb of the oncoming centuries, and provide for them all in one unalterable instrument.

Mr. President, it is constantly asserted here, first, that the people are wise, that they are prudent, that they are patriotic,

and in the next breath we are told they are foolish and that they can not be trusted. Why, sirs, it is argued that the people are so foolish that if they have a recall they will elect a man to-day and to-morrow they will compel that man to run for office again by getting out a petition of recall at the behest of his successful adversary, and that they will have nothing but elections, and nobody will have time to sit in his office and perform its duties. Mr. President, that hypothesis is based upon the assumption that the people are either dishonest or foolish and incapable of self-government. I say there is not a community in any State of this Union where if a man were fairly and honestly and cleanly elected to office, either judicial or otherwise, and his disgruntled antagonist were to circulate a petition to recall him, that would not defeat the man who resorted to such indecent methods by 10 votes to 1, because he had resorted to them.

Assume that this people are wise, assume that this people are patriotic, assume that this people are decent, and you have assumed the impossibility of the dangers depicted.

Mr. President, I have listened to some of these arguments with astonishment. I join with the distinguished Senator from Minnesota [Mr. CLAPP] in saying that no man will go further than I am willing to go in favor of preserving the integrity of our judiciary, in favor of preserving its independence, in favor of keeping the temple of justice always illumed by the light of reason and of law; but that is only possible when you put men upon the bench who are above sinister influences. If you put weak men there, influence will reach them. If you put dishonest men there, corruption will eat into their hearts and taint their decisions. Whenever American manhood sinks so low, whenever it becomes so contemptible that the self-interest of a judge will sway his opinion, you have reached a point when you will have no courts that ought to be respected. When you assume that judges will be intimidated by fear of a recall, you assume they are unfit to hold the office and they ought to be recalled.

Mr. President, let us see where this analysis will lead us. The Senator from New York [Mr. ROOT] pronounced a eulogy upon the bench. I join in that enconium. It has been the patriotism, it has been the intelligence, it has been the sense of justice dwelling in the hearts of American judges that has made American courts places where people resort in the hour of their adversity. It is this superb quality which has made them respected. But is the determining cause to be found in the fact that the judges hold their positions so securely that no one can deprive them thereof? The argument that has been advanced runs something like this: "Judges are wise, judges are prudent, and judges are patriotic, so patriotic, so wise, and so prudent that about them we should draw the veil of sanctity and bow and worship at the judicial shrine." In the next breath these same eulogists in doleful voices exclaim the judges are of such human clay, they are of such poor fiber, of such small capacity, at heart so vicious, in brain so shriveled, that should their personal interests be affected in the slightest degree they would venture from duty and even sacrifice the angel of justice upon the altars of selfishness.

Thus these eulogists of the bench in fact declare when they say that rather than submit to the chance of a vote by the people, the judges would pollute the temple of justice and inflict cruel wrongs upon those who sought the protection of their courts.

Mr. President, no such arraignment of the judiciary of this country has ever before been uttered; an argument so foolish and so self-contradictory has seldom fallen from the lips of man. It is equivalent to saying in one breath that a woman is a paragon of virtue and in the next breath declaring that for a paltry bribe she would sell the jewel of her honor. That sort of argument does not comport with the high ideals that we have always held of the American judiciary.

I take it that this is true of the judges of our courts—not without exception, for there creeps here and there into the very holy of holies that which should not come—but it is true, as a general proposition, of the judges of our courts, that they have been educated in the law, they have learned to reverence its great principles, they know that upon its just interpretation rests the progress and success of their country. So, because they love justice and love their country and love their profession, they sit and do that which they believe is right. In the vast majority of instances they would do justice even at the price of their own degradation in the eyes of the public. The only man who is fit to be a judge is one who will do his duty, regardless of the question of recall, regardless of all questions, as God gives him light.

If judges are so weak that they can not be trusted to stand and do their duty, even though they are likely to be recalled, then the thing we ought to do is never to have an elective judiciary, because the judge might decide cases in order to be reelected. That argument condemns an elective judiciary. They ought to hold for life when appointed or elected, because otherwise, being weak and human, they might decide cases in order to carry political favor to themselves. That has been the argument of every man who has ever stood and demanded a life tenure of office for judges. That argument applies as well to all officeholders. It has been a favorite theme of every tyrant who ever sat upon a throne.

Ah, Mr. President, if you are going to adopt that system, you ought to carry it further; you ought to appoint judges for life, make them unremovable; and you ought to go still further and take away the temptation of promotion, because the temptation to accept reward in the way of promotion is just as powerful a motive in the human breast as the fear of losing office by a recall. Yet we have not constructed even the Federal judicial system upon that basis. There is but one man living in all this land who has reached the altitude of judicial honor, namely, the Chief Justice of the Supreme Court of the United States. All others have the hope of reward by further promotion ahead of them; yet has that condition tainted their decisions? Has that led them to debase their high offices? I think not, sirs; it does not so impress me.

Then, again, if we would remove the judges from all influence we would have to eliminate from their minds, their brains, their souls, that human element which, from the cradle to the grave, goes with every human being—the desire to be thought well of by their fellow men. You can not eliminate that. Should you be able to do so, you would have left a monster bereft of every human attribute. The hardest task ever performed by a judge is to render a just decision which may visit upon him the obloquy or contempt of those men whose opinions he respects. The loss of good will much more affects the honorable man than the loss of a salary. You can not possibly remove judges from all influence. They are the subjects of influence, and to some extent they always will be. They all hear voices. The question to be determined is, What voice shall they hear? Shall their ears be tuned to catch the cry of the people or shall they bend toward the aristocratic and sinister influences which always draw near where power is granted without responsibility?

The Senator from South Dakota [Mr. CRAWFORD], who spoke this morning, well illustrated how it is possible to have judges who are beyond the reach of the people and yet do not, because of that, reach the high altitude of judicial rectitude. I could imagine nothing that would more fit the ideas of the Senator from New York [Mr. ROOT], as he portrayed them here, than to have judges created as they were in Dakota before it came into the Union. There the judge was appointed by the President; he was sent into a distant State where he had never lived; where he never expected to permanently abide; where he did not know anybody; where he had no enemies to punish and no friends to reward. He was a mere judicial carpetbagger, carrying his authority under his hat. He was backed by the Army and Navy of the United States. He neither owed his place to the favor of the people nor did he fear the power of their recall. Such a judge occupied the ideal position of independence, so dear to the heart of the Senator from New York. And yet, sir, from the lips of the Senator from South Dakota came the protest, and from the lips of every Senator who has ever lived in a Territory has come the same protest against the arbitrary and unjust action of many of the judges thus created and circumstanced. The truth of the matter is that in this free country, where we elect men to office to represent and to protect us, there is only one source to which they should ever look. They should look, sir, to the people themselves. He who metes out justice so that it shall conform to the best sentiments of a great community, who administers law so that the weak and the lowly, the rich and the powerful among whom he lives, must say he has done justice and has decided the law, is responding to a sentiment which will not often lead to wrong. The people love justice. The people believe in fair play. The people believe in the enforcement of the law, for public law is but public opinion crystalized into statute.

Mr. President, there are a great many foolish doctrines now being expounded, and none more foolish than the deification of judges. Who are these judges? They were once babes "mewling and puking" in some good mother's arms; they went through all the ills of childhood; they had the measles and the mumps, the same as other mortal children; they went to college, and were mixed up in the scrapes and escapades of the ordinary college student; they became lawyers—just ordinary lawyers—they practiced their profession; they struggled with adversity and aspired to prosperity; they tried to get cases,

and endeavored to conduct them as well as they could. Some day it became necessary to elect a judge. Then the lawyer called on the politician, or had some friend do it for him. Just as other mortals, he solicited political endorsement and support. At last his name was put upon a slate in a convention held by the dominant party; he was nominated; he did not then hesitate to subscribe to the campaign fund; neither was he backward in soliciting the votes of the wicked people; he schemed and worked just as the other ordinary candidates on the ticket schemed and worked in order to attain a victory, and he was tickled to death when he received enough votes to elect him. When this John Smith, the lawyer, went from the bar to the bench did Almighty God suddenly change his nature? Did some wonderful and divine influence, in a moment, in the twinkling of an eye, transform him into a different man, or did he ascend the bench the same human being, with the same human limitations, the same human passions, the same human frailties—the seeds of which existed in his soul at birth and which had accompanied him even to the hour of his election? Let those who have practiced at the courts answer the question at the bar of their own conscience. I want to say this, however, in justice, so that my views may not be misconstrued, nor my language misunderstood: The traditions of the bench are so exalted, the high responsibility of the office of so grave a character, the love of justice innate in a human heart so profound, it has nearly always happened that when John Smith, the lawyer, became John Smith, the judge, he would at the same time become a just and upright judge, following the light of the law and pursuing the path of equity. But it does not follow that, therefore, we should bow before him, play the part of sycophants, and ascribe to him infallibility. Neither does it follow that we should class all judges with John Marshall, which I think has, in effect, been done here to-day. I would not criticize that great man, but yet I feel very sure that at least one of even his decisions wrought incalculable harm to the Republic.

Mr. President, the fact of the matter is that our courts are only human things. They make not only one mistake, but tens of thousands of mistakes and blunders. No man has ever practiced long at the bar who has not arrived at the conclusion that the best lawsuit he ever took into court was, after all, largely a gamble; and no man has ever practiced long who will not say, if he will give his honest judgment, that the opinion of 12 common, ordinary men, drawn from the body of the county and sitting in a jury box, is more likely to be just than the decision of any judge who ever sat upon a bench in any court. That is so much a part of our fundamentals that we wrote into the Constitution of the United States a provision to preserve the right of trial of fact by the common people of this country. The men who wrote the Constitution did not believe that all wisdom and all virtue were wrapped up in the men who happened to be elected or appointed judges.

I say now we might just as well quit talking about the bench of the country as a holy of holies that can neither be contaminated nor led into error. I can take the decisions of any court which has been organized for fourscore years, and I can present to you not tens but hundreds of overruled cases. Every overruled case is a solemn certificate that the court was wrong before or is wrong then.

Mr. President, when you talk, then, of recalling judges, you do not talk of destroying courts. It is one thing, sir, to maintain that the President's office is a sacred thing. It is one thing to go upon the field of battle and die to preserve the Chief Executive office of this Nation. It is one thing when the President has acted within the law to bow to that law which represents the majesty, the soul, and the conscience of our race, and it is quite another thing to treat the occupant of the office as a man who is above criticism. On the contrary, we do criticize. Yet I say that taking the men who have occupied the office of President, one after another, reading the long roll, they will average as high in intellect, as high in morals, as high in the sense of justice, as will the Supreme Court of the United States to-day or at any other period of our country's existence.

How are these judges made? From what holy source do they emanate? I have in mind a recent occurrence—I read it very lately—outlined in a paper published in the State of Kansas by a good Republican, now a Member of Congress. The President was about to appoint a justice of the Supreme Court of the United States. There were several candidates in my part of the country, speaking generally, and this was the item:

Mr. Jones, of the Santa Fe Railway; Mr. Smith, of the Missouri Pacific Railway; Mr. Jackson, of the Burlington Railway—

And, without taking your time, there was a list of some 15 or 20 general solicitors for railways—

were at Washington to-day in the interest of the candidacy of the Hon. Mr. Blank for a position upon the Supreme Bench.

And this Kansas editor remarked laconically:

The railroads seemed to be represented, but in God's name who was there to represent the people.

I do not mean by that to attack the judge who was appointed or to attack the candidate who sought appointment. I do mean to say as practical men we ought to stand and look every situation in the face just as it is. While we respect the courts, we need not at the same time say that the occupant of the bench is above the criticism of the people or the recall of the people.

Mr. President, I am not for the recall of judges as I see it now. I am not discussing the question from that standpoint. If you have judges appointed for life, I would be in favor of their recall, but when you have judges elected for short terms of office, I believe, as a practical question, that is sufficient. That is my individual view upon the question as I see the light now. But when any man undertakes to say that because the people reserve to themselves the right to recall a judge they have thereby destroyed the courts, he has made a statement which is not consistent with the facts in the case.

Let us go back to the original proposition. This is a Government of the people. If we are a bad people, if we are a weak people, if we are a people who can not trust ourselves, then King George was right, every king who ever wore a crown was right, every royal criminal who ever garbed his back with the purple of authority and laid the lash of power across the naked backs of the people was right, in holding that there should be no such thing as government by the people. But if the people are capable of self-government; if they are a wise, temperate, and moderate people; if they are a thoughtful and patriotic people, they will not destroy their courts simply because they have the power to destroy them. They could, sir, for that matter, destroy all government. They have the power. Why do they, then, establish government? Is it not because they love law and justice? Why, then, do you dare say they ever will destroy the temples of justice?

Do you believe, sir, that this people, 90 per cent of whom are ready at any moment, if it is necessary, to die to preserve the country and its institutions, would simply, because they had the power to vote a judge out of office, begin by destroying their courts? Why, sir, the sense of law and order is ingrained in the Saxon's flesh and skin; it is the dominant impulse of his soul. There never yet were a dozen Saxons or Celts together, there never yet was a congregation of a dozen Anglo-Saxons at any place on this earth which was without a government but that they began at once to set up a government of law and order. If you were to transport a thousand American citizens to Mars, and they could live in its climate 24 hours, before the 24 hours was over they would have begun the erection of a government and the establishment of courts of justice.

These people in Arizona are not different from the people of the other States. Let me say to the Senator from New York [Mr. ROOT] they will average as high in intelligence, in morals, in patriotism as the people of the Empire State. Let me say to the Senator from Idaho [Mr. BORAH] they are very much bone of the bone and flesh of the flesh of those pioneers who went into the desert to establish the Commonwealth that is so splendidly represented by that great Senator. Let me tell you these people of Arizona are of the bravest of the American race. Let me tell you that a sponge never immigrates. It lives and dies where it was born. But the game fish finds the headwaters of every creek and river of earth. It is the men who have the courage to leave their homes and go into western countries who constitute the brawn, the brain, the sinew, the heart, and the courage of our race.

These people who have gone to Arizona carried with them the traditions of their childhood, their love of law, of order, of right, and of decency. If you were to deny them a government under the Constitution as part of this Nation, if you were to abolish your Territorial government to-day, if you were to deny them any part in the national life and cast them out to shift for themselves, they would, on to-morrow morning, begin setting up a government that would be a model of republicanism and of democracy. Their self-erected State would be a citadel and harbor of refuge for all liberty-loving people of this earth. The men of Arizona will not destroy their courts simply because they have reserved the right to recall a judge whom they believe should no longer hold office.

These people, of all the United States, are a conservative people. Make no mistake. Occasionally you hear of the mob here, and you learn of a mob yonder. You think only of the mob and of its violence. You forget the 90,000,000 of people who that day went to their peaceful toil. You forget the millions who went to the temples of worship where they could bow before the common God that rules over all of us. You forget that in every home almost they were reading the Bible. You

forget that the Constitution was in the hands of tens and hundreds of thousands of them. You forget that these are the same people who, if our country were assailed, would touch elbows, stand in the crimson line, and with unfaltering souls yield up their lives that their beloved country might live on. And you say to me they would destroy their courts? That is a monstrous and unthinkable proposition. I undertake to say that if you give these people the right to recall their judges, they will never exercise that right unless some judge has done a grievous and undoubted wrong.

Sir, we have the right to elect judges in most of the States; the terms of the judges are short; they must retire or gain a reelection; that is, in effect, almost the same thing as a recall. And yet what is the history of our States? In my State it is the commonest thing to elect and reelect the judges until from youth they grow old and die in office. I have seen them hold when political revolution had swept out of power the party to which they belonged. Yet they were saved by the votes of the people.

I remember one instance in my own town when there was a political upheaval, and the party that ordinarily carried elections by 4,000 majority lost by some 5,000 to 8,000. Yet the judge of the criminal court, who had never catered to public opinion except in the high sense of doing right and justice, was reelected in the face of the tremendous tidal wave which swept over our city. It has been true of my supreme court. Judges have sat there until they have grown old in the service. They have been supported by men of both parties. It is only recently that that condition was changed, and it was changed largely by death.

Mr. President, the people of Arizona can be trusted. Even if the recall of judges be a mistake, this is the argument which prevails with me above all others. If they were mistaken when they provided for the recall of their judges, yet they have kept within their hands the power to rectify that mistake. I say to you, sir, that any intelligent people can be trusted to make their own laws for this reason: That the bad effect of a bad law falls upon them; the good effect of a good law brings its benefit to them; and as long as you will give the people who suffer from a bad law full and ample right to change that law you need not worry one moment about admitting them with a bad law.

No slave ever felt across his back the whip of a master who did not hate the whip and hate the system that made possible the lash should cut his flesh. No people ever yet enacted a law that reached down into their homes and firesides and brought injustice and iniquity upon them and allowed it to long remain, if those same people had at the same time the power to change the law.

If the initiative and the recall of judges was written in the constitution of New Mexico, where the people are practically deprived of the chance to change that instrument, it would be a different question. But, sir, in the Territory of Arizona they have provided for the recall of judges, but at the same time they have provided a means by which they can change that law, if it proves to be a bad thing for them. So I say, we are absolutely safe to grant this request of the people of Arizona.

I say again—and I should like to be answered from the other side; I invoke an answer if it can come—Why is it that this constitution of New Mexico, like a band of steel forged around that young State, practically impossible of removal, finds such favor and no criticism over there, while the constitution of Arizona, that retains these rights in the hands of the people, is subject to venomous attack? Is it a fear that courts will be destroyed, or is it a fear that a political result will be wrought out? Is it a fear that the people will have too much power and abuse themselves, or is it a fear that if you give the people power, they will protect themselves against the interests that menace this land? Do you fear to give the people who own the soil, who till the ground, the people who work at anvil and forge, the power to say how they shall be governed? Do you fear that, or do you fear that they shall be too strong for other influences to overcome them?

Mr. President, to say that the people of any American State will destroy their courts simply because they have the right to recall a judge is to say they are a people incapable of self-government.

Such an opinion, if entertained regarding the people of Arizona, reflects more discredit upon the man who entertains it than his opinion can possibly cast upon the brave and patriotic citizens of the Territory.

Mr. SMITH of Michigan. Mr. President, I will not detain the Senate another minute, except to say that these Territories have been waiting 25 years to come into the Union as States. They are qualified by education, character, and fitness in every way for statehood, and it ought not to be longer delayed.

I am doing simple justice to the occasion when I publicly acknowledge the earnest cooperation of the chairman and members of the Committee on the Territories of the House of Representatives in advancing the possibilities of statehood, as they have aided in every way in the solution of a very vexed question with the hope that we might admit these Territories into the Union now.

Mr. President, the Territories have been kept out long enough, and this bill should be immediately enacted into law and justice long delayed meted out to these deserving people. The platforms of the two great parties have declared for it. The Senate and the House, in my judgment, are ready to bestow that privilege upon these Territories, and I shall not detain the Senate another minute, further than to express the hope that we may admit them now.

Mr. POINDEXTER. Mr. President, not only are the people of Arizona apparently deprived of the ordinary functions that pertain to them properly, but it seems to me that Congress also is deprived of its privileges by the situation which has developed in the course of this proceeding. When a bill of this character has been acted upon by both Houses and by the President of the United States it seems to me—and I admit my inexperience—a peculiar circumstance that it does not continue in its course so that Congress may exercise its constitutional function of determining whether or not it shall pass over the veto of the President. That certainly would be the regular procedure. Certainly it would be the inevitable parliamentary course unless the progress of the bill should, by some power vested in the organization of the one House or the other, be absolutely halted and brought to a standstill.

We find ourselves now in the situation of being confronted with an entirely new bill, cut off from the opportunity of registering our votes, whether they should be effective or not, upon the statehood measure which has occupied the attention of the country for two years.

I only rise to register a protest against that and against whomsoever may be responsible for it, whatever committee, whatever organization. The original bill should have come here for a vote. The end of it is not necessarily reached, not properly reached, when the Executive veto is attached to it. We are confronted, however, in view of being deprived of that opportunity of casting a vote here, with the alternative of keeping Arizona and New Mexico out of the Union for an indefinite period or of voting to admit them, humiliated by having a constitution, under which they must live and conduct their government, that was not adopted by themselves and of which they have expressed their disapproval.

I want again to register my position before casting my vote in favor of this joint resolution, as I shall cast it upon that question. It seems to me the entire confusion of the argument, if there is any confusion, as to the extent to which Congress may legislate its opinion into this constitution, arises from the conception expressed by the most able and distinguished Senator from New York [Mr. ROOT], that in acting upon this constitution Congress is exercising the plenary power which it has over the Territories of the country. I say, I think the confusion of the situation from a legal and constitutional standpoint arises from that false premise. This constitution which we are attempting to model here, which we are modeling and remodeling, is not a constitution for a Territory. It is not a constitution which will ever go into effect in a Territory or govern the people of a Territory. The first vitality that this code of laws, this fundamental code will have, will be when it comes into effect as the fundamental government of a State.

Mr. President, if Congress has plenary power to legislate in regard to the constitution of Arizona, it is certainly not limited to the question of the recall of judges and to the initiative and referendum. It extends to every part and parcel of that constitution, and I assert that if it is the duty and responsibility of Congress to pass upon these sections of that constitution, it is its duty and responsibility to review the entire instrument and exercise its discretion as to every part and parcel of it; and, of course, it has no such power.

But once we begin to enact a constitution for a State, we ought to perform our full duty—if it is our duty—examine each section and each article of the instrument and see that it conforms to the views of Senators from other States.

I was somewhat astonished to hear the declaration made by Senators that Congress is vested with plenary power to legislate in regard to this constitution, and still more in reading in the veto measure of the President of the United States the position which the Chief Executive takes in regard to his power, which is coordinate, within its limitations, with that of Congress, and

if it exists is upon the same plane, subject to the same conditions to which the power of Congress is subject.

The position of the President is this: "I must therefore withhold my approval of this joint resolution if, in fact, I do not approve it as a matter of governmental policy." That is the position the President takes. The President asserts the proposition that he is vested with the duty of determining the governmental policy for a State to be admitted into the Union and has formally expressed it in the solemn form of a veto message.

It is the first time, from what limited reading I have been able to indulge in, in the history of our Government when such a doctrine has ever been expressed; certainly the first time it has ever come from so high a source.

We hear objections made to departing from the rules which govern the Senate and the House of Representatives. How much more dangerous is it when we depart from one of the fundamental principles of our system of government and have it asserted and have it recognized, at least by inaction, that the President of the United States is vested with the power under any circumstances to determine the governmental policy of a State?

It will not do to say it does not relate to a State, but that it relates to a Territory. It does relate to a State. It does not relate to a Territory. As I said before, it never will go into effect over a Territory, but it is made, so far as we have any right to presume, for the permanent government of the people of a State.

Senators say the people can amend it. How do we know they will amend it? We are not to presume they will amend it. They may not, and it may be the fundamental law of that State for years, so far as we can consider. We have not any right to indulge in presumptions that it is not permanent.

Some Senators, I know, object to certain features in this constitution on account of the experiences which they have had with their own constituencies—that is, with the character of the population that inhabits their States, as, for instance, some of the Southern States, certain ones of the Southern States, in which we would all admit that, in view of the condition existing there, it would not be wise or practicable to vest the people with the powers that are vested in this people under the Arizona constitution.

There are certain of the great cities of this country where likewise it would not be feasible or practicable or wise to vest the population of those cities with the power of direct legislation or the power of recall. But it is for the people of those jurisdictions to determine that question for themselves if we are going to have self-government, and the people of Arizona, with their knowledge of the character of their population, have determined that they are capable of exercising these powers; that they have a population of such character that they can safely put into effect the recall and direct legislation; and for the Congress of the United States, representing the power of the Nation, to say to this sovereign State, because that is what it is saying—that is, the community, the polity which is to be affected—that they shall not determine for themselves what capacity their people have, or to what exent they can be trusted with the power of government, I say is undermining the most valuable, the most indispensable fundamental feature of our entire system of government.

The Federal Government could not possibly exist except for the reserved local powers of the States. It is a complex system. It absolutely depends for its existence upon the preservation of the powers of the States to govern themselves, and I, for one, although I shall vote for this joint resolution, do so under compulsion and because I am coerced, as other Senators are coerced, and as it is proposed to coerce the people of Arizona, by being limited to either accepting this proposition or none at all. I shall vote for the admission of the Territories upon these terms, humiliating as it is, as the only alternative of excluding them altogether.

Mr. MYERS. Mr. President, I have a very able and interesting address, delivered by invitation before the Washington State Bar Association at a recent meeting thereof, upon the subject of the recall of the judiciary, by Mr. T. J. Walsh, of Helena, Mont., one of the most profound lawyers, scholars, and students of governmental questions in the Northwest. I ask that it be printed in the RECORD as a part of the debate upon this question.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it will be printed in the RECORD.

The address is as follows:

RECALL OF JUDGES.

[Address delivered by Hon. T. J. Walsh, of Helena, Mont., before the Washington State Bar Association, Spokane, Wash., July 28, 1911.]

The public discussion of the subject of the recall of judges has served again to bring into the limelight how widely men differ in their estimate of the capacity of the people for self-government. Not a little of it has been more or less acrimonious. The Chief Executive of the Nation finds it an innovation of so pestilential a nature as to justify the exclusion from membership in the sisterhood of States of a Territory whose people, preparatory to their entry into the Union, frame a constitution recognizing the principle. It has been even advanced that such a constitution would operate to characterize the government to come into being under it as other than republican, the form which the United States, under their fundamental law, guarantee to every State in the Union. If this view be sound, it follows that it is incumbent upon the Federal Government to interfere in some manner in the case of any existing State that shall adopt this reform, as it is denominated by its friends, until the obnoxious principle is eradicated.

The overwhelming influence of the profession of the law in every department of the Government has often been noted. It monopolizes the judiciary, as a matter of course. Of the 92 Members of the National Senate, 66 have been admitted to the bar. The lower House will show as high a proportion. The President is a lawyer, as were all except two of his predecessors for 50 years. Every member of his Cabinet but one is a trained lawyer. In a less marked degree, perhaps, but nevertheless as by far the predominating class, are the affairs of the States guided and directed by the members of the legal profession. Three of the four governors who have been elected by the people of Montana since her admission into the Union came from its ranks. It is beside the present purpose to consider why this is so. Its obvious significance is that lawyers give concrete expression to the convictions of the public on political questions, however influential they may be in its development. A general concurrence in thought, at least, must be assumed.

There is very little reason, accordingly, to fear the general acceptance of any innovations in the machinery of government that does not commend itself to the intelligent and progressive members of the bar. In the matter of the method of choice or dismissal of judges it is reasonable to believe that the usual deference paid to their views on related questions would be heightened to such an extent as to leave in their hands practically a veto upon any plan proposed. This responsibility carries with it a corresponding obligation to be informed upon any change seriously agitated. It occurred to me, following these reflections, that you might listen with some patience to a brief disquisition upon the recall in its application to the judicial office.

It is nowhere proposed to make the principle of the recall specially applicable to judges, but in the general assault upon the system it is insisted that at least an exception should be made in the case of such officers, and it is in connection with them particularly that it is urged that it offends against the requirement of the Constitution that the government of each State shall be republican in form. As to this claim there is not in it sufficient of substance on which to hang anything that can be dignified as argument. To advance it is to excite distrust of any accompanying comment on the expediency or wisdom of the proposed departure from the prevailing order. In the presentation of this feature of the subject it is usually coupled with the initiative and referendum, the group of related innovations, it is said, operating to characterize any scheme of government of which they are essential parts as democratic in form as contrasted with a republic.

In this connection profuse reference is made to comments of various statesmen of revolutionary times, warning or denunciatory in character, on the evils and perils of unrestrained democracy and on the necessity of an independent judiciary. It is ventured that the clause of the Constitution appealed to was inserted as a safeguard against the dangers that inhere in the democracy, one of which is the destruction of the independence of the judiciary, a result which, it is assumed, will ensue when the judges are subject to be recalled by the people who elect them. Until this ingenious theory was advanced it was quite generally, it might be said universally, believed that the word "republican," as employed in the clause in question, was used by way of contrast to "monarchical."

It was dread of pretensions to kingship which might be set up in some of the States that inspired the provision to which reference has been made, if the testimony of history is of any consequence whatever. It is companion to that part of the last clause of the ninth section of the first article prohibiting Congress from granting any title of nobility, and the corresponding provision of the tenth section, forbidding the States from making any like grant. Referring to those provisions conjointly, Cooley says:

"The purpose of these is to protect a union founded on republican principles and composed entirely of republican members against aristocratic and monarchial innovations." (Cooley on Const. Lim., 28, 6th ed.)

Whatever persuasiveness there might be in the line of alleged reasoning at which the conclusion is reached that the systems adverted to affect a State government with a fatal antirepublican character must appertain to the initiative and referendum, not to the recall. The former secures what has been appropriately called direct legislation by the enactment of a law in the one case and its nullification in the other. Therein lies the vice, as it is claimed, of the system, the essential characteristic of a government republican in form being, it is said, that its laws are made by delegates or representatives of the people, not by the people themselves, except as they are so represented. The recall, on the contrary, has no reference to direct legislation. It has its field only in the case of representatives chosen to make the laws, to construe them, or to administer them. It can operate only in a government which is republican in form. It is coupled in the public mind with the initiative and referendum only because it is the purpose of both systems to secure a higher degree of faithfulness on the part of the legislative representatives.

By the former the people undo what their representatives have done amiss, as they believe, or enact such measures as they have been remiss in omitting to sanction. The primary purpose is not to supplant but to supplement the representative system, that it may be more truly representative. The incentive to procure legislation by corrupt measures is largely withdrawn, it is argued, when the product must run the gantlet of popular approbation to which it may be subjected by the referendum. Indifference to the demands of the people in the matter of legislation, often enforced by platform pledges, will vanish, it is contended, when the certainty confronts the legislator that they will be secured, anyway, through the initiative. By the recall he is displaced with a view to obviating the necessity of a resort to the initiative or referendum or as a penalty for compelling it.

However, then, the system of direct legislation may encroach upon the essential character of a republican form of government, the recall is not amenable at all to the strictures of its critics in that direction. It is sufficient to say, in passing, that the Supreme Court of Oregon in an opinion written by Judge Bean, since appointed United States district judge, in which all of his associates concurred, has held that

the argument is unsound and untenable even as addressed to the initiative and referendum. (Kidderly *v.* City of Portland, 74 Pac., 710.) It would be surprising if any court did reach any other conclusion in view of the prevalence of the town-meeting system throughout New England at the time of the adoption of the Constitution, a feature of the State government which, still persisting, has been extolled as "the wisest invention ever devised by the work of man for the perfect exercise of self-government and for its preservation."

It apparently did not occur to the fathers of the Constitution that those States in which the people were permitted to legislate directly in respect to certain affairs, where the method of a pure democracy constituted a part of their system of government, were, by reason of that fact, ineligible to membership in the Union. They were all admitted, yea, invited to come in, with such local governments as prevailed among them. By the very act of admitting their Representatives in Congress that body determined that such existing governments were republican in form; and so with respect to the systems devised by the people of the new States as they were severally taken into the Union. In Luther *v.* Borden (7 How., 1) the Supreme Court of the United States said:

"When the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority."

The extreme to which the people of a State may go in forming a scheme of local government without transgressing against that provision of the National Constitution which admonishes them that it must be republican in form may be gathered from the fact, a circumstance involved in the case last above referred to, that Rhode Island, unlike the others of the original States, adopted no new constitution pursuant to the recommendation of Congress upon the adoption of the Declaration of Independence, but proceeded under the charter granted by Charles the Second in 1663 with only such changes as were necessary to adapt it to their condition and rights as an independent State. It took a rebellion to change the antiquated system which was recognized for over half a century, whatever its vices and weaknesses may have been, as at least republican in form. It will be impossible to condemn any State constitution as antirepublican if a parallel can be found for the supposed obnoxious feature in the constitution of any one of the 13 original States as it existed at the time the Federal Government came into existence. So the United States Supreme Court said in Minor *v.* Happersett (21 Wall., 162), using the following language:

"No particular government is designated as republican; neither is the exact form to be guaranteed in any manner especially designated. The guaranty necessarily implies a duty on the part of the States themselves to provide such government. All the States had governments when the Constitution was adopted. In all the people participated to some extent through their representatives elected in the manner especially provided. These governments the Constitution did not change. They were accepted precisely as they were, and it is therefore to be presumed that they were such as it was the duty of the States to provide. Thus we have unmistakable evidence of what was republican in form within the meaning of that term as employed in the Constitution."

Let this test be applied to the recall as it affects the judicial office. At the time the Constitution was adopted, in no instance was either the governor or any of the judges elected by the people. The latter were uniformly either appointed by the governor or elected by the legislature. In New Hampshire, Massachusetts, Connecticut, Rhode Island, Pennsylvania, and South Carolina they could be removed by address of that body, a majority vote sufficing in Rhode Island and Pennsylvania. Bear in mind, by address—not by impeachment. While impeachment proceedings contemplate definite charges and a trial, neither the one nor the other is requisite in the case of removal by address. A simple vote ends the official career of the individual against whom it is successfully leveled. This method of terminating the official life of the incumbent of a judicial office was borrowed from the English system, under which, since the revolution of 1688, judges have been and still are removable by a majority vote of each House of Parliament. In Rhode Island the tenure was even more precarious, a majority of all the members in joint committee sufficing to accomplish the retirement of a judge. The constitution of that State, adopted in 1842, superseding the old colonial charter, provided that—

"Each judge shall hold his office until his place be declared vacant by a resolution of the general assembly to that effect."

The ancient patent under which the colony was originally governed gave to the inhabitants "the power to place or displace officers of justice as they or the greater part of them shall by free consent agree to."

Confessedly, Pennsylvania and Rhode Island came into the Union enjoying a "republican form of government." So that to maintain that a constitution embodying the recall applicable to the judicial office is antirepublican we are driven to the conclusion that a State under whose fundamental law judges are elected by a majority vote of the legislature and are removable by a majority vote of the legislature is republican in form, while that State whose judges are elected by the vote of the people and who are removable by a majority vote of the people is not. That phase of the question may be dismissed. The question is exclusively one of political expediency.

As suggested before, it has never been seriously contemplated to make the recall applicable solely to judges, as might be gathered from some of the discussions in which the question has been involved. The inquiry presents the advisability of a general recall system and then an exception of judges from its operation. A very brief reference to the subject in its general aspect must suffice here. As to all purely administrative offices the question is not perhaps very important. It must be admitted that as to all such the system is ideal except in the contemplation of those who regard the people as fickle, vascillating, "unstable as water," and likely to embroil themselves in constantly recurring elections by continued resort to this method of relief from fancied grievances. Such an argument might be quite forcible as applied to the people of San Domingo, Venezuela or Guatemala, but it is a reform to the adoption of which the people of the United States are invited—not those of Latin America, not a race of turbulent fanatics like those that crowded the court of Herod, nor a primitive people like those that made "unstable Athens heave her noisy seas."

It is exceedingly difficult to understand why it is good business policy in every great corporation to retain, when it can, the right to dismiss its secretary, auditor, or treasurer at will, but is impolitic for the people to retain the right to dismiss a county clerk or a State treasurer when they see fit to do so. A business man or corporation is sometimes forced to enter into a long-time contract in order to secure or retain the services of a valued servant, but it is avoided, for obvious reasons, whenever unnecessary. Usually such contracts bind both parties. The public servant, performing similar services, has his employer bound, but he may escape the obligations of his services at any time by resigning. As to the legislative office, it affords such a check upon a career of corruption, regrettably not infrequent, particularly in municipal councils, as ought to commend it generally with respect to such. In respect to such offices, a course of conduct extending over a considerable period of time may bring conviction of guilt to all intelligent observers that can not be resisted, and yet evidence sufficient to expel be entirely unavailable.

And why should a Member who has violated the pledges under which he was elected, repudiates the measures to secure the passage of which he was delegated, and outrages by his votes the convictions of his constituents on great public questions, continue, against their will, as their alleged representative? In a neighboring State a member was lately elected to the higher branch of the legislature for a term of four years at an election at which the choice of a United States Senator was the paramount, not to say absorbing, question before the voters. He was returned largely because of his professions of allegiance to the popular candidate for that office, to whose cause he publicly and privately declared himself devoted. He voted for the local favorite for 10 days or thereabouts, and then deserted to become the leader of the forces of his antagonist, a man of great wealth, who had the support of a giant corporation believed to be the master of the political destinies of the State, for whose legislative program the recreant member votes with striking consistence. He was overwhelmed with remonstrances from his constituents, and though they did not affect his course he confided to some of his friends that he was opposed to the recall because if it prevailed he would be one of its first victims.

If it should be regarded as wise to punish the error of judgment on the part of the people of his county in electing him by denying to them the right of recall, why should the interests of the rest of the people of the State be imperiled by his retention?

What ground is there for making any distinction in reference to those public servants upon whom devolve the judicial function? The expression "public servants" is used advisedly in connection with judges upon the authority of the Supreme Court of the United States, which said, in Luther *v.* Borden:

"Judges * * * must enforce such (constitution) as the people themselves, whose judicial servants they are, have been pleased to put into operation."

It is the theory of our Government that the whole body of sovereign people, as though they were one sovereign, desire that justice should be administered and lawlessness punished. They employ and depute judges to perform the work for them. It is a speculation quite in keeping with the sacred character of the judicial office that regards the occupant of it, in a special manner, as the minister of divine justice, dispensing to each, with such feeble light as finite intelligence and judgment may, such measure as may be his due.

If we were to conceive his appointment to come from the Infinite Wisdom, we must likewise conceive that the recall awaits his first lapse from rectitude. An error in judgment would be overlooked, not attributable to sloth or persistence in vices that cloud the reason. The decay of the faculties from advancing age or illness would call it into immediate action. The upright judge would have no occasion to fear its exercise until it would be merciful to employ it. Theoretically it is ideal, particularly in the case of judicial officers, if we assume that the majority of the people have the intelligence and virtue to use it aright. At the time the experiment in self-government was first tried on this continent they were not considered as possessing either in sufficient degree to make a wise choice of judges possible or likely by popular vote, and accordingly, as stated, in not one of the 13 original States at the time of the adoption of the Federal Constitution were judges elected by the people.

Now, in 34 of the 40 States the judges are chosen by popular election. These include Georgia, which went to the elective system in 1798, the imperial State of New York, which followed in 1846, and North Carolina, which adopted the popular method recently. The overwhelming sentiment of the people of the United States is that the people of the States, respectively, are competent to choose their judges, and the experience of a century has fully justified that confidence. Irving Browne, in a review of the New York Court of Appeals, published in the Green Bag in 1890, said:

"I have given the names of more than 100 judges, with particulars of many of them; nearly all of whom were first nominated by the people. I believe that under a system of appointment by the governor this test would not have been equaled in merit and distinction, and I point to it as a standing refutation of the argument that the people are not fit to name their judges."

The Federal system of appointment for life, as distinguished from the State system of election for limited terms, is commended in many quarters as immeasurably superior. However, it may be in other parts of the country, it is observed that in our section, at least, the Federal judges are selected very largely from those whose talents were discerned by the people, and who had by them been elected to high judicial position. Vandevanter in Wyoming; Field, Sawyer, Ross, and De Haven in California; Bean and Wolverton in Oregon; Hawley in Nevada; Hunt in Montana; and Rudkin in Washington are of this class. There is not an argument that has ever been advanced against the recall of judges that is not equally forcible when applied to the election of judges by the people in the first instance.

The main contention, about which the argument invariably proceeds, is that the recall would rob or tend to rob the judge of his independence, impelling him constantly, in his official acts, to court the favor of the people by consulting their hopes concerning litigation before him and conforming his judgments to the desires of the majority. That is exactly the line of argument that has been vainly pursued for over a century to stem the tide of democracy as it involves the judicial office. Leonard Jones, in the course of some comments in the American Law Review in disparagement of the idea expressed by Mr. Browne, above quoted, said:

"The worst thing, however, about the elective system is not the fact that it affords unworthy men the chance to obtain judicial office by purchase or other corrupt practices, but that it necessarily, to a greater or less extent, destroys the independence of the judges.

"What chance is there that a judge who is shortly to seek a reelection by the people will uphold the law and justice in a case where the popular clamor is against law and justice?

"What chance, indeed, unless he be a man and not a caitiff. With that kind of a judge the argument has added force as it is directed against the elective system, because that kind of a judge is likely to solace himself with the reflection that so far as the recall is concerned

it may not be invoked against him anyway, while if his term is expiring and he seeks reelection, he is up against it to a certainty. Moral courage is a quality cardinal in character in a judge. He is called upon to exercise it in the daily discharge of his duties. He is fortunate, indeed, if he is not obliged repeatedly, in his official career, to brave the enmity of powerful interests whose activity is more to be feared than an outburst of passion upon the part of a community or State against an upright public official who faithfully discharges his duty as he sees it."

Even a Federal judge, unless he be free from every honorable ambition, or has reached the topmost round, is not exempt from these trials, as the testimony of Judge Purdy before the Sugar Trust investigation committee would seem to indicate.

It would be futile to attempt to devise a system that would sustain the spineless creature Mr. Jones assumes, very mistakenly, every judge to be. His pusillanimity is inveterate, and it would be wiser to trust to the people's finding him out. Pilate got his place by appointment and was in no way dependent upon the suffrages of the Jews to keep it. The desirability of independence in the judiciary all will concede, and obviously no unnecessary test, in addition to those inherent in the office, ought to confront the judge, lest there be found those whose moral stamina, sufficiently vigorous under other conditions, should be found unequal to it. I am constrained to believe that in respect to litigated controversies in which the people at large take a decided interest, particularly those which give rise to or excite a class feeling, or are believed to have a political aspect, the evil is more likely to be that the side whose expectations are disappointed will assign the candidacy of the judge for reelection in explanation of the result, if he is a candidate, rather than that the outcome is likely to be influenced by any such consideration.

If the contest is between some wealthy and powerful litigants on the one side and some one supposed to represent or whose cause evokes the sympathy of the so-called laboring class on the other, the unfortunate judge assumes the risk of encountering the accusation of the hasty and unthinking among the multitude that he is owned by the "interests" and looks to them to renominate or reelect him, or, on the other hand, that he is a truckling demagogue, bidding for the votes of the mob. As a general rule, subject to very rare exceptions, the general body of the people harbor no such sentiment and listen incredulously to the imputations made as the vaporings of an unsuccessful suitor. But let any such conviction obtain general lodgment in the minds of men, and a situation arises that is not only to be deplored, but which calls for action, for at the very foundation of orderly government must be found the highest confidence in the administration of justice in the courts. Undermine that and the whole edifice of representative government totters, and there remains no alternative but resort to a government of force.

Herein lies, in my judgment, the weakness of the Federal judiciary. The judge is believed to be utterly independent of the people. He does not owe his appointment to them, nor does he look to them for advancement. No reason can ordinarily be conceived why he should incline his judgment to their supposed will in any case, and he is accordingly exempt from any suspicion in that direction. If he decides a case in such a way as to meet popular approval, the incident is regarded as the natural result of the equities of the case, and so speedily forgotten. But when the case turns in the other direction, the opportunity to attribute to sinister influences its outcome is by no means wanting. Setting aside the idea of corruption in its greater form or in its milder manifestations, as disclosed in the Swayne impeachment proceedings, it would be idle to attempt to disabuse the public mind, in this day, of the notion that the great interests, insidiously perhaps, but none the less effectively, exercise a potent influence in the selection of Federal judges.

While this belief prevails, a suspicion affecting his predilection is easily engendered by a course of decisions, whether right or wrong, by a Federal judge favoring such interests. The social aspect is not an unimportant one. By the methods of his selection and the character of his duties he is apart from the general mass of men who naturally assign as his associates and confidants the more opulent and influential, whose prejudices he imbibes and whose views he the more readily adopts. These are some of the considerations which have given rise to the belief prevalent in some quarters that the Federal courts are a haven for the big corporations that are more or less inclined to rapacity.

The Federal system certainly serves, in the very highest degree possible, the independence of the judges—that is, it makes them independent of the people. The system can not be regarded as perfect, however, if the national courts fail to win and maintain the confidence of the great mass of citizens—unless the people feel that those courts are theirs, the judges thereof their judges, doing their work. One distinguishing merit of the recall as applied to judges is that it operates to permit the restoration of public confidence in the court presided over by a judge against whom it was invoked. Why should a judge, guilty of continual intoxication, for instance, be permitted to continue in office, passing upon grave questions affecting the lives, liberties, and fortunes of citizens, until his term expires or he is removed by the slow and uncertain process of impeachment? A day is too long for him to sit bringing to the duties before him a mind inert or befuddled from drink.

The supreme court of my State granted a new trial in Finlen *v.* Heinze (28 Mont., 548), because the undisputed evidence showed that the judge who tried the case, while hearing it, being more or less steeped in liquor, trafficked through a lewd adventuress with one of the parties to the action. Some chapters from the recent judicial history of this State might serve as well to illustrate the utility of a system through which could be secured the prompt elimination of a judge whose conduct was such as to excite deserved public reprobation. Had not the erring justice who fled before the wrath of this association, kindled at the disclosure of his intrusting to counsel for one of the parties in a suit before him, a corporation of great wealth, the preparation of the opinion of the court, voluntarily relinquished his seat, the people of Washington would have had abundant cause to be thankful had they been able to retire him under a recall.

Independence in the judiciary is undoubtedly a quality much to be desired. But we may pay too high a price to secure it. Undoubtedly we do when we keep on the bench the obviously unworthy and unfit judge lest that class, small, as I insist, at best, in whom fear of their political future is the ruling passion might be swerved from the path of right. Independence is not a characteristic essential alone in the judicial servant of the people, as might be imagined from the discussion of the subject before us. All public officers are required to exercise it in varying degree in the proper discharge of their duties. The governor of the State, the President, is supposed to be equally deaf to what is called "popular clamor." They enforce the law against rich and poor alike, high and low. It was this quality which endeared Andrew Jackson to the American people and gave to Theodore Roosevelt a popularity perhaps no less widespread. A prosecuting attorney will find daily exercise for the same virtue. It made Folk and Hughes national characters.

And yet I can not think of an officer against whom the recall might be more appropriately invoked than a recreant prosecutor who pursues the outcast and winks at the crimes of the high and mighty. He might, of course, be deterred by selfish political motives from proceeding against lawless strikers who shed innocent blood or wreck property, but I should rather fear his being appalled by some franchise-grabbing plunderbund or domineering industrial corporation that finds gain in operating in violation of law. The youth of this State are being taught by Prof. Smith, holding the chair of political science in its rising university, that the "independence of public officials which our forefathers were so anxious to secure has been found to be a fruitful source of corruption." "A realization of this fact," he says, "has been responsible for the introduction of the recall system under which the people enforce official responsibility through their power to remove by a vote of lack of confidence."

Our political forefathers were wise men, patriotic men. Amidst the wreck of the old order, involving social relations as well as political institutions, they studied to excellent purpose the history of government and the contributions to literature of those who had examined into its philosophy. They confessed their first attempt at organizing a national system a failure. The various State constitutions they hurriedly threw together, as a rule, speedily gave place to more carefully planned and consistent systems. A review of these early charters would reveal not a few notions concerning the proper province of government now universally discarded, some of them abhorrent to the general sense of our age.

But one thing among many in the science of government which they did learn and know is that all power is liable to be abused and that there is a fatal tendency in most men in whom it is invested to use it tyrannically. They recognized that there was reposed in judges a vast power and that in the nature of things it must be exercised without fear of personal responsibility, as in the case of administrative or executive officers who were required to answer for any abuse of the power with which they might be charged. They had in mind the career of Jeffreys and the provisions made by the English people in the act of settlement against the recurrence of such a type on the bench, whereby judges were removable by the vote of the Lords and Commons.

Accordingly, in the case of 9 of the 13 States, as their government was administered at the time of the adoption of the Federal Constitution, judges were made removable by address, special provision being made for the case of that class of officials, usually in addition to a general provision for the impeachment of all offices. As a general rule, a two-thirds vote was necessary, but in Rhode Island and Pennsylvania a majority, as heretofore stated, sufficed. The two methods of removal were provided because impeachment was available only in the case of a culpable violation of law. High crimes and misdemeanors only warrant impeachment under the Federal Constitution. Besides, impeachment implies a formal accusation, a trial, and proof.

The evidence may be hard to get, the offense not grave enough to be a crime and yet serious enough to condemn a judge at the bar of intelligent public opinion. It is a trite saying that a virtuous, law-abiding man does not become a criminal in a day—that character is a growth and the loss of it a decay.

As Wendell Phillips put it, "A man may be unfit to be a judge long before he is fit for the State prison." Thereby hangs an interesting tale. Massachusetts had from the beginning the dual method of removing judges, by impeachment and by address. It was in the very heat of the abolition movement that one Edward Greely Loring held, at Boston, at one and the same time, the office of probate judge, under the authority of the State, and the office of United States commissioner. By virtue of the last-named office, acting under the provisions of the fugitive-slave law, he had been instrumental in returning to his owner a runaway slave, the attending circumstances being exasperating to the people. A monster petition was presented to the legislature to remove him.

The great orator spoke for the petitioners and demonstrated to a certainty that the legislature had the power to remove Judge Loring, though he had committed no crime, without hearing any testimony and without giving him any notice of the proceedings. He made clear how tenaciously the people of Massachusetts had clung to the power to which he appealed since the Revolution. He told of the effort to amend the provision of their constitution in question in the famous constitutional convention of 1820, among the members of which were Justice Story, Chief Justice Shaw, Daniel Webster, and many other brilliant men. A majority of the members of the legislature elected sufficing to remove a judge under the constitution, it was proposed by a committee, of which Judge Story was chairman, to increase the number of votes requisite to two-thirds, the report insisting that the existing provision tended to impair the independence of the judges.

Webster asserted that proceeding without notice was against natural right. The subject was debated with profound ability by many of the great lawyers present, but none disputed the unlimited power of the legislature, or offered a suggestion that the feature in question be expunged. The convention voted down the amendment, but submitted to the people an amendment providing for notice, which they rejected. And so this provision of the constitution of 1780 remains unchanged to this day. It reads as follows:

"All judicial officers duly appointed, commissioned, and sworn shall hold their offices during good behavior, excepting such concerning whom there is a different provision made in the constitution; provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature."

Notwithstanding the requirement of participation of the governor and council in the formal act of removal, both Story and Shaw declared that judges in Massachusetts held their offices at the will of the majority of the legislature, and so it appeared in Loring's case. For the legislature, having voted the address for his removal, and the governor neglecting to act, another governor was promptly chosen who did remove him.

The considerations actuating the people of Massachusetts in incorporating this provision in their constitution for the summary removal of judges have been regarded as persuasive by those of 15 other States, namely, North Dakota, South Dakota, California, Kansas, Mississippi, North Carolina, Nevada, Ohio, Rhode Island, South Carolina, Virginia, Washington, Wisconsin, West Virginia, Utah, and Illinois, though in most a two-thirds vote is necessary and notice to the judge attacked is essential. In New York judges are removable on recommendation of the governor by vote of two-thirds of the senate.

The conviction seems to be quite general that the people should have some means other than impeachment to rid themselves of an unfit judge. The futility of resort to that method was demonstrated years ago. It has never been resorted to in England since the failure of the Hastings trial. Political considerations are likely to be paramount or, at least, are apt to exercise a decided influence in the deliberations of legislative bodies. The members are not required to be trained lawyers nor judges skilled in the analysis of evidence. An abortive effort was made to impeach the Montana judge, whose evil reputation is perpetuated after his death by the report of the case above referred to.

In 1902, Judge Samuel Chase, an Associate Justice of the Supreme Court of the United States, was tried by the Senate and acquitted, though Schouler says:

"He had made himself odious by his harsh behavior and irascible, overbearing manners. He went rampant on his spring assize, trying the important offenses committed within his circuit more like a frocked politician who seeks revenge than the minister of law and justice. He ranted before the grand juries as though in a mass meeting."

The heated political atmosphere, the clumsiness of the management of the case, and the patriotic public services of the accused are assigned as reasons for the result. In the Swayne case the defendant admitted that a railroad being in the hands of a receiver appointed by his court, he traveled, without expense to himself, in a private car belonging to the company, from the State of Delaware to Florida and from there to the Pacific coast and return, the connecting lines generously handling the car gratuitously. Yet he was acquitted.

The wisdom of some provision for the removal of judges other than by impeachment being conceded, the question arises, Where shall it be lodged; with the people direct or with the legislature? Arguing in favor of his resolution to amend the Massachusetts constitution on the occasion mentioned, Justice Story said the judge in that State "does not hold his office by the tenure of good behavior, but at the will of a majority of the legislature, and they are not bound to assign any reason for the exercise of their power. This is the provision of the constitution, and it is only guarded by the good sense of the people."

He had no fear, he added, of the voice of the people when he could get their deliberate voice; but he did fear the legislature.

"A powerful individual who has a cause in court which he is unwilling to trust to an upright judge may, if he have influence enough to excite a momentary prejudice and command a majority of the legislature, obtain his removal."

Prescient man! Out of the profundity of his wisdom and learning he saw as through a glass, darkly, the Illinois Legislature with its "jack pot" a hoary tradition. "I have no fear of the voice of the people." And no other honest and upright judge need fear that voice. It is idle to talk about the judge being called upon to take the hustings to defend his decisions. If he can successfully defend his character and his conduct, his decisions will take care of themselves. The people will not require that he be right in his opinions, but that he be honest and decent in his life.

It might be said that there is more occasion for a recall provision in Massachusetts, where the judges hold during good behavior, than in jurisdictions where the tenure is for a limited time. But the tendency is to protract the terms of judges, particularly of the higher courts. In New York the justices of the court of appeals are elected for 14 years; in Pennsylvania the term for the corresponding office is 21 years; in Montana 6. The shortest of these terms is a long time to tolerate a judge who needs removing. The decrepitude of age may come upon him unexpectedly early in life. Illness may overtake him and even render him unappreciative of his own infirmity. A Massachusetts judge was removed for such a cause. With the recall it is comparatively unimportant how long the term is.

One of the grounds of complaint against the elective system is the brevity, as a rule, of the terms, in consequence of which it is claimed the bench has no attraction to the best talent at the bar. The term could ordinarily be safely lengthened with a recall provision. In Oregon it is proposed to extend the term of members of the legislature to six years, but make them subject to recall at any time. Its most ardent advocates admit that it will be a long time until the recall enters the field of the national organization, but if any State is disposed to try the experiment, it is with confidence asserted that, upon reflection, no reason will appear why judges should be excepted from its operation.

Mr. MYERS. I further ask that the article be printed as a public document.

Mr. SMOOT. I object to its being printed as a public document.

The VICE PRESIDENT. Objection is made to its being printed as a public document.

Mr. MYERS. Then, I will read it.

The VICE PRESIDENT. It has already been ordered printed in the RECORD.

Mr. SMOOT. It will go in the RECORD, as I understand.

Mr. MYERS. May I ask the Senator from Utah what his objection is to its being printed as a public document? I do not believe I have cost this Government much in the time I have been here. It is the first article I have ever asked to have printed as a public document. It is short, and the cost will be inconsequential. I do not think I have trespassed much upon the time of the Senate or have cost the Government much.

This is a brief but a very conservative and temperate argument upon a subject which is now the cause of much interest to the people of the United States, and I can hardly understand why the Senator from Utah should object to having it printed as a public document.

Mr. NELSON. I trust the Senator from Utah will waive his objection and allow the article to be printed as a public document. It is not a very large document.

Mr. SMOOT. It is not a question of cost at all, I will say to the Senator from Montana. It is an address delivered by a man who holds no position in the Government. He is not a judge. As I understood the Senator to say, it is a speech delivered upon a subject upon which perhaps thousands have been delivered in the United States. The Joint Committee on Printing of the two Houses and also the Senate Committee on Printing have felt that speeches delivered by private citizens should not be printed as public documents. I realize this address is not long.

Mr. OVERMAN. It is the wrong time for the Senator to object at this late hour in the session. Suppose you make that rule at the next session and let the article go in at this time. Make that rule then; it would be a good rule; and I would agree to it fully.

Mr. MYERS. Whatever the rule may be, I know it has been the custom to have printed at this session of the Senate documents that I think were no more entitled to go to the public than this short document.

Mr. SMOOT. I am fully aware that documents have been printed here at the request of Senators, but I have heard many Senators say that it ought to be stopped, and I am really of the opinion it ought to be.

Mr. OVERMAN. I fully agree with the Senator that it ought to be, but in this case——

Mr. MARTIN of Virginia. Mr. President——

The VICE PRESIDENT. To whom does the Senator from Montana yield? Five Senators are on the floor seeking recognition.

Mr. MYERS. I yield to the Senator from Utah. I will let him finish what he has to say first, and then I will yield to the Senator from Virginia.

Mr. SMOOT. I thought I had the floor. I thought I was recognized by the Chair.

The VICE PRESIDENT. No; the Senator from Montana had the floor. The Senator from Utah interposed an objection.

Mr. SMOOT. Mr. President, I will say to the Senator from Montana that I do not want him to think that I have any feeling whatever in this matter.

Mr. MYERS. I am satisfied the Senator has not.

Mr. SMOOT. I would not object because the request is made by the Senator from Montana, and to show him I would not do so I will withdraw my objection to having it printed as a public document, but I wish to call the attention of the Senate to the fact that it is a growing evil and ought to be stopped.

Mr. MYERS. I am very glad the Senator permits the evil to grow a little bit more. I thank him.

The VICE PRESIDENT. Without objection, the order asked by the Senator from Montana will be entered. [S. Doc. No. 100.]

If there are no further amendments to be offered to the joint resolution, as in Committee of the Whole, it will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, and it was read the third time.

The VICE PRESIDENT. Shall the joint resolution pass? [Putting the question.] The ayes have it.

Mr. HEYBURN. I ask for the yeas and nays.

Mr. MARTINE of New Jersey. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when Mr. BRYAN's name was called). I wish to announce that my colleague [Mr. BRYAN] is unavoidably absent from the city.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from Illinois [Mr. CULLOM]. I believe, though, that he is for the joint resolution. Therefore I will vote. I vote "yea."

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Florida [Mr. BRYAN], and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. TILLMAN] to the Senator from Massachusetts [Mr. CRANE], who is detained from the Chamber to-day by illness. Upon this question I vote "yea."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. He is unavoidably detained. On account of his absence I shall withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. CURTIS (when Mr. LODGE's name was called). I was requested to announce that the senior Senator from Massachusetts [Mr. LODGE] is paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. NELSON (when Mr. McCUMBER's name was called). If the Senator from North Dakota [Mr. McCUMBER] were here, he would vote "yea." He is paired with the senior Senator from Mississippi [Mr. PERCY].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer my pair to the junior Senator from Maryland [Mr. SMITH], and vote. I vote "yea."

Mr. TAYLOR (when his name was called). I transfer my pair with the junior Senator from Kentucky [Mr. BRADLEY] to the senior Senator from Arkansas [Mr. CLARKE], and vote. I vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. He, however, advises me that he would vote "yea" if present. I am therefore at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. CURTIS. I was requested to announce that the junior Senator from Nevada [Mr. NIXON] is paired with the senior Senator from Nevada [Mr. NEWLANDS].

Mr. BURNHAM. I desire to state that my colleague [Mr. GALLINGER] is paired with the Senator from Arkansas [Mr. DAVIS]. If my colleague were present, he would vote "yea."

Mr. CLAPP. I wish to state that the junior Senator from California [Mr. WORKS] is unavoidably absent.

Mr. MYERS. I was requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from New Hampshire [Mr. GALLINGER]. If the Senator from Arkansas were present, he would vote "yea."

Mr SMOOT. I desire to announce that my colleague [Mr. SUTHERLAND] is out of the city and has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were here, he would vote "yea."

The result was announced—yeas 53, nays 9, as follows:

YEAS—53.

Bacon	Foster	Nelson	Smoot
Bankhead	Gamble	Oliver	Stephenson
Borah	Hitchcock	Overman	Stone
Burnham	Johnson, Me.	Owen	Swanson
Burton	Johnston, Ala.	Page	Taylor
Chamberlain	Jones	Penrose	Thornton
Chilton	Kenyon	Perkins	Townsend
Clark, Wyo.	Kern	Poindexter	Warren
Crawford	Lea	Reed	Watson
Culberson	Lippitt	Root	Wetmore
Curtis	McLean	Shively	Williams
Dillingham	Martin, Va.	Simmons	
Dixon	Martine, N. J.	Smith, Mich.	
Fletcher	Myers	Smith, S. C.	

NAYS—9.

Bailey	Bristow	Cummins
Bourne	Brown	Heyburn
Brandegee	Clapp	Pomerene

NOT VOTING—27.

Bradley	du Pont	Lorimer	Rayner
Briggs	Gallinger	McCumber	Richardson
Bryan	Gore	Newlands	Smith, Md.
Clarke, Ark.	Gronna	Nixon	Sutherland
Crane	Guggenheim	O'Gorman	Tillman
Cullom	La Follette	Paynter	Works
Davis	Lodge	Percy	

So the joint resolution was passed.

On motion of Mr. SMITH of Michigan the title was amended so as to read: "A joint resolution to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the President of the United States, having returned to the House of Representatives, in which it originated, the bill (H. R. 11019) to reduce the duties on wool and manufactures of wool, with his objections thereto, the House had proceeded, in pursuance of the Constitution, to reconsider the same, and resolved that the bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 19, 1911, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 18, 1911.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Walter L. Finley, Thirteenth Cavalry, to be colonel from August 11, 1911, vice Col. Joseph H. Dorst, Third Cavalry, retired from active service August 10, 1911.

Maj. Harry C. Benson, Fifth Cavalry, to be lieutenant colonel from August 11, 1911, vice Lieut. Col. Walter L. Finley, Thirteenth Cavalry, promoted.

Maj. George H. Sands, Tenth Cavalry, to be lieutenant colonel from August 11, 1911, vice Lieut. Col. John C. Gresham, Fourteenth Cavalry, advanced to the grade of colonel under the provisions of an act of Congress approved March 3, 1911.

Capt. Charles A. Hedekin, Third Cavalry, to be major from August 11, 1911, vice Maj. Harry C. Benson, Fifth Cavalry, promoted.

Capt. Francis J. Koester, Fifth Cavalry, to be major from August 11, 1911, vice Maj. George H. Sands, Tenth Cavalry, promoted.

First Lieut. Casper W. Cole, Ninth Cavalry, to be captain from August 11, 1911, vice Capt. Charles A. Hedekin, Third Cavalry, promoted.

First Lieut. Edmond R. Tompkins, Eleventh Cavalry, to be captain from August 11, 1911, vice Capt. Francis J. Koester, Fifth Cavalry, promoted.

Second Lieut. George Dillman, Sixth Cavalry, to be first lieutenant from August 11, 1911, vice First Lieut. Casper W. Cole, Ninth Cavalry, promoted.

Second Lieut. Philip J. R. Kiehl, Thirteenth Cavalry, to be first lieutenant from August 11, 1911, vice First Lieut. Edmond R. Tompkins, Eleventh Cavalry, promoted.

Under the provisions of an act of Congress approved March 3, 1911, the officer herein named for advancement in grade in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm of service since the date of his entry into the arm to which he permanently belongs:

Lieut. Col. John C. Gresham, Fourteenth Cavalry, to be colonel from August 11, 1911.

COAST ARTILLERY CORPS.

Lieut. Col. Adelbert Cronkhite, Coast Artillery Corps, to be colonel from August 11, 1911, vice Col. Garland N. Whistler, retired from active service August 10, 1911.

Maj. Herman C. Schumm, Coast Artillery Corps, to be lieutenant colonel from August 11, 1911, vice Lieut. Col. John D. Barrette, detached from his proper command under the provisions of an act of Congress approved March 3, 1911.

Capt. James F. Brady, Coast Artillery Corps, to be major from August 11, 1911, vice Maj. Herman C. Schumm, promoted.

First Lieut. Lewis Turtle, Coast Artillery Corps, to be captain from August 11, 1911, vice Capt. James F. Brady, promoted.

Second Lieut. Charles A. Eaton, Coast Artillery Corps (detailed first lieutenant in the Ordnance Department), to be first lieutenant from August 11, 1911, vice First Lieut. Lewis Turtle, promoted.

Second Lieut. Rollin L. Tilton, Coast Artillery Corps, to be first lieutenant from August 11, 1911, vice First Lieut. Charles A. Eaton, whose detail in the Ordnance Department was continued from that date.

TO BE CHAPLAIN WITH RANK OF MAJOR.

Under the provisions of an act of Congress approved April 21, 1911, the officer herein named for promotion in the Army of the United States:

Chaplain Thomas J. Dickson, Twenty-sixth Infantry, to be chaplain, with the rank of major, from August 12, 1911.

PAY DEPARTMENT.

Lieut. Col. Webster Vinson, Deputy Paymaster General, to be Assistant Paymaster General, with the rank of colonel, from August 16, 1911, vice Col. William H. Comegys, Assistant Paymaster General, retired from active service August 15, 1911.

Maj. James B. Houston, paymaster, to be Deputy Paymaster General, with the rank of lieutenant colonel, from August 16, 1911, vice Lieut. Col. Webster Vinson, Deputy Paymaster General, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from August 15, 1911.

Henry Leland Akin, of Nebraska.

John Barnwell Elliott, jr., of Louisiana.

Cyriaque Joseph Gremillion, of Louisiana.
Robert Russell Hollister, of Nebraska.
Albert John Hoskins, of California.
James Kenan, of Alabama.
Robert Thomas Legge, of California.
Edgar Webb Loomis, of Texas.
Charles McVea, of Louisiana.
Francis Marion Pottenger, of California.
Herbert Wellington Taylor, of Vermont.

To be first lieutenant with rank from August 16, 1911.

Louis Joseph Aloyesus Sebille, of Michigan.

PROMOTIONS IN THE NAVY.

Capt. Bradley A. Fiske to be a rear admiral in the Navy from the 3d day of August, 1911, to fill a vacancy.

Lieut. Commander Noble E. Irwin to be a commander in the Navy from the 1st of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) William A. Hall to be a lieutenant in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) Thomas Withers, jr., to be a lieutenant in the Navy from the 3d day of July, 1911, to fill a vacancy.

CONSULS GENERAL OF THE UNITED STATES.

Roger S. Greene, of Massachusetts, now consul at Harbin, to be consul general of the United States of America at Hankow, China, vice Robert Brent Mosher, nominated to be consul at Plauen.

George Horton, of Illinois, now consul at Saloniki, to be consul general of the United States of America at Smyrna, Turkey, vice Ernest L. Harris, appointed consul general at Stockholm.

Edward D. Winslow, of Illinois, now consul at Plauen, to be consul general of the United States of America at Copenhagen, Denmark, vice Wallace C. Bond, resigned.

CONSULS OF THE UNITED STATES.

Hubert G. Baugh, of California, now student interpreter in China, to be consul of the United States of America at Saigon, Cochin China, vice Jacob E. Conner, appointed consul at St. Petersburg.

Homer Brett, of Mississippi, to be consul of the United States of America at Maskat, Oman, vice John A. Ray, nominated to be consul at Maracaibo.

E. Carleton Baker, of California, now consul at Antung, to be consul of the United States of America at Chungking, China, vice Albert W. Pontius, nominated to be consul at Dalny.

Robert T. Crane, of Maryland, now consul at Guadeloupe, to be consul of the United States of America at Rosario, Argentine Republic, vice Henry P. Coffin, resigned.

Frederick T. F. Dumont, of Pennsylvania, to be consul of the United States of America at Guadeloupe, West Indies, vice Robert T. Crane, nominated to be consul at Rosario.

Frank Deedmeyer, of Alabama, now consul at Charlottetown, to be consul of the United States of America at Leghorn, Italy, vice Ernest A. Man, resigned.

George F. Davis, of Missouri, to be consul of the United States of America at Ceiba, Honduras, vice Allen Gard, nominated to be consul at Charlottetown.

Charles M. Freeman, of New Hampshire, now consul at Durango, to be consul of the United States of America at Sydney, Nova Scotia, vice John E. Kehl, nominated to be consul at Saloniki.

Allen Gard, of New Jersey, now consul at Ceiba, to be consul of the United States of America at Charlottetown, Prince Edward Island, vice Frank Deedmeyer, nominated to be consul at Leghorn.

Philip E. Holland, of Tennessee, now consul at Puerto Plata, to be consul of the United States of America at Saltillo, Mexico, vice Thomas W. Voetter, nominated to be consul at La Guaira.

Charles M. Hathaway, of Pennsylvania, to be consul of the United States of America at Puerto Plata, Dominican Republic, vice Philip E. Holland, nominated to be consul at Saltillo.

Alexander Heingartner, of Ohio, now consul at Batum, to be consul of the United States of America at Liege, Belgium, vice Henry Abert Johnson, nominated to be consul at Ghent.

Theodore C. Hamm, of Virginia, to be consul of the United States of America at Durango, Mexico, vice Charles M. Freeman, nominated to be consul at Sydney, Nova Scotia.

John F. Jewell, of Illinois, now consul at Melbourne, to be consul of the United States of America at Vladivostok, Siberia, vice Lester Maynard, nominated to be consul at Harbin.

Henry Abert Johnson, of the District of Columbia, now consul at Liege, to be consul of the United States of America at Ghent, Belgium, vice William P. Atwell, deceased.

Milton B. Kirk, of Illinois, now consular assistant, to be consul of the United States of America at Manzanillo, Mexico, vice Arminius T. Haeberle, appointed consul at Tegucigalpa.

John E. Kehl, of Ohio, now consul at Sydney, Nova Scotia, to be consul of the United States of America at Saloniki, Turkey, vice George Horton, nominated to be consul general at Smyrna.

Graham H. Kemper, of Kentucky, to be consul of the United States of America at Cartagena, Colombia, vice Charles L. Latham, nominated to be consul at Punta Arenas.

Marion Letcher, of Georgia, now consul at Chihuahua, to be consul of the United States of America at Progreso, Mexico, vice George B. McGoogan, nominated to be consul at Georgetown.

Charles L. Latham, of North Carolina, now consul at Cartagena, to be consul of the United States of America at Punta Arenas, Chile, vice John E. Rowen, resigned.

George B. McGoogan, of Indiana, now consul at Progreso, to be consul of the United States of America at Georgetown, Guiana, vice Arthur J. Clare, appointed consul at Bluefields.

William C. Magelssen, of Minnesota, now consul at Colombo, to be consul of the United States of America at Melbourne, Australia, vice John F. Jewell, nominated to be consul at Vladivostok.

Charles K. Moser, of Virginia, now consul at Aden, to be consul of the United States of America at Colombo, Ceylon, vice William C. Magelssen, nominated to be consul at Melbourne.

Lester Maynard, of California, now consul at Vladivostok, to be consul of the United States of America at Harbin, China, vice Roger S. Greene, nominated to be consul general at Hankow.

Robert Brent Mosher, of the District of Columbia, now consul general at Hankow, to be consul of the United States of America at Plauen, Germany, vice Edward D. Winslow, nominated to be consul general at Stockholm.

Isaac A. Manning, of Oregon, now consul at La Guaira, to be consul of the United States of America at Barranquilla, Colombia, vice Charles C. Eberhardt, appointed consul general at large.

Albert W. Pontius, of Minnesota, now consul at Chungking, to be consul of the United States of America at Dalny, Manchuria, vice Percival Heintzleman, appointed second secretary of the legation at Peking.

John A. Ray, of Texas, now consul at Maskat, to be consul of the United States of America at Maracaibo, vice Ralph H. Totten, nominated to be consul at Trieste.

Emil Sauer, of Texas, to be consul of the United States of America at Bagdad, Turkey, vice Frederick Simpich, appointed consul at Ensenada.

Gaston Schmutz, of Louisiana, to be consul of the United States of America at Auguascalientes, Mexico, vice A. Donaldson Smith, resigned.

Maddin Summers, of Tennessee, now consular assistant, to be consul of the United States of America at Chihuahua, Mexico, vice Marion Letcher, nominated to be consul at Progreso.

Walter H. Schulz, of Oklahoma, to be consul of the United States of America at Aden, Arabia, vice Charles K. Moser, nominated to be consul at Colombo.

Ralph H. Totten, of Tennessee, now consul at Maracaibo, to be consul of the United States of America at Trieste, Austria, vice George M. Hotschick, deceased.

Edwin W. Trimmer, of New York, now consul at Cape Gracias á Dios, to be consul of the United States of America at Niagara Falls, Canada, vice William H. H. Webster, deceased.

Thomas W. Voetter, of New Mexico, now consul at Saltillo, to be consul of the United States of America at La Guaira, Venezuela, vice Isaac A. Manning, nominated to be consul at Barranquilla.

Adolph A. Williamson, of the District of Columbia, now student interpreter in Japan, to be consul of the United States of America at Antung, China, vice E. Carleton Baker, nominated to be consul at Chungking.

SECOND SECRETARIES OF EMBASSY.

Arthur Hugh Frazier, of Pennsylvania, now secretary of the legation at Bogota, to be second secretary of the embassy of the United States of America at Vienna, Austria, vice M. Marshall Langhorne, resigned.

Willing Spencer, of Pennsylvania, now private secretary to the Assistant Secretary of State, to be second secretary of the embassy of the United States of America at Berlin, Germany, vice Jordan Herbert Stabler, appointed secretary of the legation at Guatemala.

SECRETARY OF LEGATION.

G. Cornell Tarler, of New York, now secretary of the legation and consul general at Bangkok, to be secretary of the legation of the United States of America at Montevideo, Uruguay, vice A. Campbell Turner, resigned.

UNITED STATES ATTORNEY.

Walter R. Stiness, of Rhode Island, to be United States attorney, district of Rhode Island, commencing September 1, 1911, vice Charles A. Wilson, resigned.

APPRAISER OF MERCHANDISE.

Charles V. Johnson, of Oregon, to be appraiser of merchandise in the district of Portland, in the State of Oregon, in place of Owen Summers, deceased.

UNITED STATES MARSHAL.

Leslie M. Scott, of Oregon, to be United States marshal in and for the district of Oregon, vice Elmer B. Colwell, whose nomination was rejected May 22, 1911.

POSTMASTERS.

ILLINOIS.

Cornelius T. Beekman to be postmaster at Petersburg, Ill., in place of Cornelius T. Beekman. Incumbent's commission expired February 19, 1910.

Henry P. Hurd to be postmaster at Odin, Ill. Office became presidential October 1, 1910.

INDIANA.

Francis E. Garn to be postmaster at Plymouth, Ind., in place of Monroe Steiner, resigned.

IOWA.

Ed L. Richardson to be postmaster at Cumberland, Iowa, in place of Esther M. McFarlan, resigned.

KANSAS.

C. K. Gerard to be postmaster at Leoti, Kans., in place of Roy A. Hoisington, resigned.

MAINE.

Thomas E. Wilson to be postmaster at Kittery, Me., in place of Jessie F. Fernald, resigned.

NEBRASKA.

John Fenstermacher, jr., to be postmaster at Cedar Bluffs, Nebr., in place of George Yung, resigned.

NORTH CAROLINA.

S. R. Seymore to be postmaster at West Raleigh, N. C. Office became presidential January 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 18, 1911.

UNITED STATES ATTORNEY.

Walter R. Stiners, attorney district of Rhode Island.

PROMOTION IN THE ARMY.

Lieut. Col. Webster Vinson to be assistant paymaster general with the rank of colonel.

PROMOTIONS IN THE NAVY.

Commander Alexander S. Halstead to be a captain.

The following-named lieutenants to be lieutenant commanders:

Henry B. Soule,
Walter M. Hunt, and
Zachariah H. Madison.

The following-named lieutenants (junior grade) to be lieutenants:

Walter W. Lorshbough,
Robert L. Ghormley, and
Herbert B. Riebe.

Civil Engineer Richard C. Hollyday, with the rank of commander, to be a civil engineer.

Civil Engineer Frank T. Chambers, with the rank of lieutenant commander, to be a civil engineer.

Asst. Civil Engineer Samuel Gordon to be a civil engineer.

Asst. Civil Engineer Paul J. Bean to be a civil engineer.

POSTMASTERS.

KANSAS.

August Ringwalt, Moundridge.

MAINE.

Hiram W. Ricker, South Poland.

MASSACHUSETTS.

George O. Currier, Leicester.

NEW YORK.

Adolph Bluestone, Canaseraga.
Frank C. Wisner, Lowville.

OHIO.

John C. McManus, Jewett.

PENNSYLVANIA.

William F. Gabrio, Lattimer Mines.

PORTO RICO.

Eugenio C. Manautou, Caguas.
Victor M. Rivera, Rio Piedras.

WISCONSIN.

Peter E. Olsen, Rice Lake.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 18, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we most fervently pray that there may more and more obtain in the hearts of men the spirit of the Master, who reviled not when He was reviled, who bore with patience and fortitude all the persecutions heaped upon Him by wicked men, and died with the sublime prayer upon His lips, "Father, forgive them, for they know not what they do"; that love may reign supreme in every home, and brotherly love prevail in all the world; that Thy kingdom may come and Thy will be done on earth as it is in heaven, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS IN THE RECORD.

Mr. BOOHER. Mr. Speaker, I ask unanimous consent to print in the RECORD some remarks on the publicity bill.

The SPEAKER. The gentleman from Missouri [Mr. BOOHER] asks unanimous consent to extend his remarks in the RECORD on the publicity bill. Is there objection?

Mr. RUCKER of Missouri. Mr. Speaker, reserving the right to object, I would like to know for what period of time?

Mr. BOOHER. For five days.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 13391. An act to increase the cost limit of the public building at Lynchburg, Va.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 13276. An act to provide for the disposal of the present Federal building site at Newark, Ohio, and for the purchase of a new site for such building.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 2958. An act to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses:

H. R. 13277. An act to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.; and

H. J. Res. 146. Joint resolution for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer soldiers.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 2958. An act to amend an act entitled "An act providing for publicity of contributions made for the purpose of in-

fluencing elections at which Representatives in Congress are elected, and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and limiting the amount of campaign expenses;

H. R. 13277. An act to increase the limit of cost of the public building authorized to be constructed at Gettysburg, Pa.; and

H. J. Res. 146. Joint resolution for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 943) to improve navigation on Black Warrior River, in the State of Alabama, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. BURTON, and Mr. BANKHEAD as the conferees on the part of the Senate.

THE TARIFF ON WOOL.

Mr. UNDERWOOD. Mr. Speaker, I desire to call up the veto message of the President on the wool bill, H. R. 11019, and submit the following motion in reference to it, namely, that the House on reconsideration shall agree to pass the bill.

The SPEAKER. The gentleman from Alabama calls up the bill H. R. 11019, the wool bill, and the President's message, and moves that on reconsideration the House agree to pass the bill, the objections of the President to the contrary notwithstanding.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that the Constitution prescribes what the question is, and he is not authorized to make a motion on the subject. The Speaker must state the question as required by the Constitution.

The SPEAKER. The Chair will suggest to the gentleman from Illinois, if he will permit, that somebody has to do something in order to get the matter up.

Mr. MANN. Simply to get it up.

Mr. UNDERWOOD. I have submitted a motion, and I have examined the precedents, and I have noticed that it is usual to move that the House on reconsideration agree to pass the bill.

The SPEAKER. That is the usual form of the motion.

Mr. MANN. That is the only form in which it can be put. That is what the Constitution says, but it must be put in the form the Constitution says, and does not require a motion.

The SPEAKER. The Chair will ask the gentleman from Illinois [Mr. MANN] this question: Taking it for granted it is superfluous to make a motion, what harm would it do if a motion is made? [Applause on the Democratic side.]

Mr. MANN. I would not expect anybody on that side to know much about what the Constitution requires. If the gentleman makes the motion in the form that the Constitution requires, I have no objection, but that was not the way the gentleman stated his motion.

The SPEAKER. The gentleman requested that this bill be taken from the Speaker's table with the President's veto, and announced that he would make the motion that on reconsideration the House pass this bill, notwithstanding the objections of the President of the United States. [Laughter.]

Mr. UNDERWOOD. I will say to the gentleman from Illinois that the precedents sustain the motion that I made.

The SPEAKER. Of course they do.

Mr. MANN. I have examined the precedents. I thought the gentleman was reading a motion, inasmuch as he had a manuscript in his hand.

The SPEAKER. There is no difference between the gentleman from Illinois [Mr. MANN] and the gentleman from Alabama [Mr. UNDERWOOD] on this question.

Mr. MANN. Not if the motion is stated in the form prescribed in the Constitution.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

H. R. 11019. An act to reduce the duties on wool and manufactures of wool.

Mr. UNDERWOOD. Mr. Speaker, before entering upon a discussion of the bill I desire to see if I can arrange the control of time. I ask unanimous consent that general debate on this veto message be allowed for three hours, and that at the end of that time the vote shall be taken and that the time shall be equally divided between the gentleman from New York [Mr. PAYNE] and myself.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the debate on this veto message be confined to three hours.

Mr. MANN. Would the gentleman from Alabama [Mr. UNDERWOOD] just as lief fix a specific time for ending the debate?

Mr. UNDERWOOD. Well, there are intervening matters. In dividing the time it is very much more convenient to know exactly what time you could divide than to have intervening matters interrupt the time. I ask unanimous consent for three hours' debate on the veto message, and that the time be equally divided between the gentleman from New York [Mr. PAYNE] and myself.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the debate on the veto message be limited to three hours, one half of the time to be controlled by himself and the other half by the gentleman from New York [Mr. PAYNE]. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I yield 15 minutes to the gentleman from Kentucky [Mr. JAMES]. [Applause on the Democratic side.]

Mr. JAMES. Mr. Speaker, I rise for the purpose of advocating the passage of this bill, the veto of the President to the contrary notwithstanding. [Applause on the Democratic side.]

The veto power is an inheritance from royalty. It is essentially undemocratic, it is in its essence un-American, and in this case is a bold, flagrant defiance of the public will freshly and strongly expressed by the American people. [Applause on the Democratic side.] The King of England in 200 years has not exercised the right of veto, and if he were to undertake to do it it would be worth his crown, if not his head.

The House of Lords formerly exercised the right of veto over the work of the Commons, the direct representatives of the English people; but the spirit of reform, even in England, has stripped from the House of Lords its right of veto of the will of the people, expressed by their representatives through the Commons. [Applause on the Democratic side.] This House corresponds, in theory at least, to the British House of Commons in public opinion. Here, and here only, the American people speak. They have spoken and the President has denied their demand.

Many States in the American Union have seen the unwisdom of lodging in the hands of one man the right to throttle the will of the elected representatives of the American people, and many States have taken from their governors the right of veto absolutely; and other States, whose constitutions have been made in the last few years, have provided that the same vote—that is, a majority of each House, that originally passed a bill, may pass it again over the veto of the governor.

In this case, what confronts the American people? They trusted the Republicans in 1908. You told them that you would revise the tariff in the interest of the consumer. Your presidential nominee interpreted that to be a revision downward. He convened Congress in extraordinary session, and what was the result? An increase of the tariff burdens, a bold betrayal of your promise to the American people. [Applause on the Democratic side.] Elected upon a promise that their party would revise the tariff downward in the interest of the consumer, the people having trusted them, the Republican Party betrayed that promise made to them. Instead of lowering and lightening their taxes, they raised them and made them more burdensome. Now, party perfidy is to be made more galling; the betrayal of the people is to be made more shameful; after the people have again expressed themselves and changed political parties in this House, in the hope to obtain this relief, the President throws the power of his kingly veto over the pathway of this reform.

The President of the United States did not need any Tariff Board report to enable him to sign the Payne-Aldrich tariff bill. He signed it, and afterwards declared that the woolen schedule was "indefensible." This bill vetoed by the President seeks to lower a tax not only gathered by the Woolen Trust, but one gathered by the undertakers' establishments and by the drug stores of the country. [Applause.] And yet your President, the man who said the schedule this bill seeks to lower was "indefensible," vetoes this bill that offers to the shivering poor in the United States of America a reduction of practically 40 per cent on the clothing that they wear, a saving to them of $200,000,000 per annum. [Applause on the Democratic side.] But instead of leaving this money in the pockets of the people, by his veto he makes it continue to flow into the coffers of the Woolen Trust.

Why, Mr. Speaker, the President tells us in his message that he was elected upon a platform which declared in favor of the imposition of such duties as will equal "the difference between the cost of production at home and abroad, together with a reasonable profit to American industries," and, following that, in his message he declares that he is in favor of a moderate

tariff. And yet I submit to the House and to the American people that no Republican platform in all the history of that party went as far in declaring for protective profits, to be filched from the pockets of the American consumer and every other industry in America and piled into the pockets of the favored few, as does that declaration in your own Republican platform of 1908. [Applause on the Democratic side.] This policy of President Taft and the Republican Party would use the power of taxation, which is purely—and was so intended—a governmental function for the administration of the Government in economy and honesty, into a profit-making business for the manufacturers and the Woolen Trust. Every other industry in the United States, the wages of every laboring man, the crop of every farmer, the earnings of every professional man, the toil of all the people, must pay their earnings so as to give a profit to the manufacturer. No solicitude is shown by the Republican platform or President Taft for any other class of people in the United States to the extent of taking the power of taxation to build up their fortunes and to accumulate their profits; but he holds each one of them up with the power of taxation to make rich the favored children of the Republican Party—the trusts and monopolies.

Why should we wait, Mr. Speaker? The President says we should wait for a report of the Tariff Board. When did this Tariff Board get so prominent in our political system? When did it become necessary that the will of the representatives of the American people in this body and in the Senate—483 men—filtered from 90,000,000 people should be set aside and that five men, appointed by the President, should be allowed to determine? [Applause on the Democratic side.] Five men, not elected by the people, who are to compose the Tariff Board, are to take possession of the greatest question that confronts a people in a free government—the question of taxation. Taxation, which is the power to take and which has been truthfully said to be the power to destroy, and which, as we know, under the Republican protective tariff plan has been made the means by which to enrich, must be turned over to these five men who compose President Taft's Tariff Board, and the people are to groan under the burdens until the Tariff Board sees fit to relieve them. The people have no right to elect them; they can not be called to account by the people; they do not fear the people; the favor they seek, the one to whom they are accountable is the President who appointed them.

And who are they, Mr. Speaker? Who are these men that we must abrogate the rights that the Constitution gave us, not only to originate but to pass legislation? They are five men. Who appointed them? President Taft. They draw their salaries by reason of his favor, and he tells us that we must wait until that board reports. The will of the people amounts to nothing. The representatives of the people must go home and wait. You have not sense enough to make a tariff bill. You must wait until five men tell you how to do it. [Applause on the Democratic side.]

Who are these distinguished men who have all of the wisdom of the country?

Mr. SAMUEL W. SMITH. May I ask the gentleman a question?

Mr. JAMES. Oh, yes. I have 15 minutes; but if the gentleman has a question he wants to get off his mind and can not rest without doing it, go ahead.

Mr. SAMUEL W. SMITH. The gentleman says the exercise of the veto power is undemocratic. I want to ask him if Grover Cleveland, a Democratic President, did not exercise it more than any other President we have ever had in this country?

Mr. JAMES. Grover Cleveland never did veto a bill that cheapened clothing to the people of the United States of America. [Applause on the Democratic side.]

Mr. SAMUEL W. SMITH. Will the gentleman please answer my question?

Mr. JAMES. The bill that Grover Cleveland vetoed was a bill that took money out of the Treasury and not one that took the hands of monopoly out of the pockets of the American consumers. [Applause on the Democratic side.]

Mr. COOPER. Mr. Speaker——

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Wisconsin [Mr. COOPER]?

Mr. JAMES. Oh, I will yield to him. I have but 15 minutes.

Mr. COOPER. Did I understand the gentleman from Kentucky to say that the veto was an inheritance from royalty?

Mr. JAMES. I suppose the gentleman did, if he was listening. [Laughter.]

Mr. COOPER. I was listening. The constitutional convention was presided over by George Washington——

Mr. JAMES. Oh, I do not care to hear any constitutional arguments. [Applause on the Democratic side and manifestations of disapproval on the Republican side.]

The SPEAKER. The gentleman declines to yield.

Mr. JAMES. I say I do not care to hear any constitutional arguments.

Mr. COOPER. Will the gentleman permit one question?

Mr. JAMES. If the gentleman will state his question. I do not want the gentleman to take up a law book and try to read it in here and take up all my time.

Mr. COOPER. No; I do not want to do that. I want to ask one question.

Mr. JAMES. All right.

Mr. COOPER. Is the gentleman from Kentucky aware of the fact that Justice Story, at one time a member of the Supreme Court of the United States, is quoted in volume 1 of Wharton's work on the Constitution as saying that in the convention there does not seem to have been much diversity of opinion on the subject of the propriety of giving to the President a negative on the laws, and that it was adopted by eight States to two, and that George Washington was president of that convention?

Mr. JAMES. That does not answer my proposition at all. I said it was an inheritance from royalty. It is an inheritance from royalty, and the gentleman knows it, and the reading of that book does not dispute it, and Judge Story does not deny it. [Applause on the Democratic side.]

But, Mr. Speaker, I was going to discuss this Tariff Board. I have their names here. One of them is Prof. Henry C. Emery, a professor in a college, who has never given any especial attention to the tariff. Another is Alvin H. Saunders. And who is Mr. Saunders? He is the editor of the Breeders' Gazette. In other words, he has changed his vocation now and has become a breeder of procrastination in dealing with the tariff question. [Applause on the Democratic side.] We can not assume that he knows anything about the tariff question unless his vocation as editor of the Breeders' Gazette would lend color to the assumption that he might know something about it because the tariff does breed monopolies and trusts by the wholesale, which have so thoroughly oppressed the people of the United States for the last 15 years. Another is Mr. Reynolds, Assistant Secretary of the Treasury, who knows nothing of the tariff. Another is Mr. Page, a professor in a college in Virginia. He has had no training or experience along the tariff line. The last one is Mr. Howard. I served with him in Congress. He is a delightful gentleman. He is a great lawyer and a great orator, but during all of his service in this House, Mr. Speaker, no friend of his ever asserted that he was an expert upon the tariff or even claimed to give special attention to the tariff. [Applause on the Democratic side.]

But now, since appointed on this board by President Taft, he becomes a great expert, together with these other gentlemen. My friend the gentleman from Illinois [Mr. CANNON], with 35 years of experience, knows nothing about the tariff question. My friend the gentleman from New York [Mr. PAYNE], with 20 years' experience, is set aside. The gentleman from Pennsylvania [Mr. DALZELL] is pushed into the rear; and UNDERWOOD and CLARK and CLAYTON, these men with long service and almost a lifetime of experience with the tariff question, know nothing about the tariff, but you must leave it to Howard, and Emery, and Page, and Reynolds, and the editor of the Breeders' Gazette to tell us what to do about this tariff question. [Applause on the Democratic side.]

Why, some gentlemen say that we are undertaking to put President Taft in a hole. No, Mr. Speaker, the people will attend to that November a year from now. [Applause on the Democratic side.] The people we are undertaking to put in a hole are the owners of the Wool Trust, the Harvester Trust, the Farmers' Implement Trust, the Beef Trust, the Cotton Manufacturers' Trust, and the Steel Trust. The monopolies of this country are the ones we are seeking to put in a hole. [Applause on the Democratic side.]

You tell us that by this Tariff Board you are going to take the tariff out of politics. Do you know when you will take the tariff out of politics? I will tell you—when the tariff barons, the trusts, and the monopolies take their hands out of the pockets of the American people. [Applause on the Democratic side.]

Why, Mr. Speaker, after the Republican Party had betrayed its promise to reduce the tariff, as they declared they would, the people were heard. They sent a Democratic Congress here,

fresh from them, assembled practically sooner than any Congress in many years, and this Congress has written its belief in a tariff bill. It goes to the other side, and there the Republican insurgents become convinced that this tariff is a robbery to too great an extent, and they join with us and send to the President this bill. The President vetoes it, sends it back, and says wait, wait till the clouds roll by, wait until something happens that perhaps never will, and when it does happen, if it ever does, as it will happen from the hands of the men he appointed, we, as the representatives of the American people, have a right to assume that it will happen as he desires it should happen. And yet when you went to make the McKinley bill there was no Tariff Board report necessary; when you went to make the Dingley bill no Tariff Board report was necessary; and when you went to make the Payne-Aldrich bill no Tariff Board report was necessary. When does it become necessary? When the people's representatives are in charge and, keeping faithfully their promise made to the American consumers, want to reduce the burdens of taxation and have a chance to do it. [Applause on the Democratic side.] Then the cry is raised, "A Tariff Board report is necessary." The Republicans say to us, "Wait until the board reports; we piled the taxes up on the American people in the McKinley bill, the Dingley bill, in the Payne-Aldrich bill without any Tariff Board report, but when you go to take the burdens off of their backs you must wait for the Tariff Board to report." It is their Tariff Board; President Taft appointed them, and will control their report. Wait for it. In other words, its delay, delay while the robbers continue to pillage and the trusts and monopolies continue to plunder.

President Taft will go down in history as the lone and spectacular figure who ever occupied the presidential chair in all the tide of this Republic's life who planted his ponderous corporosity in the way of remedial legislation for the American people. [Applause on the Democratic side.] He will go down in history as the only President that placed his veto against the will of the American people in their effort to lower the tariff burden. Some of my distinguished friends have said that by next December you will have a report from this Tariff Board, and then that you will proceed to revise the tariff.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. UNDERWOOD. Mr. Speaker, I yield the gentleman one minute more.

Mr. JAMES. Why was it, when you made the Republican platform back yonder in 1908 that you did not suggest that this tariff question should be referred to a board of five men to be appointed by the President? Mr. Speaker, standing in my place here to-day, I appeal for the right of the American people's representatives to pass legislation for them. I appeal from a Tariff Board of five "supposed experts" appointed by the President, to the voice of the direct representatives of the American people, and I say, let us write this bill into law, pass it over President Taft's veto, and establish what Abraham Lincoln said should be, that this is a Government of the people, by the people, and for the people. [Continued applause and cheers on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from New York to use some of his time.

Mr. PAYNE. Mr. Speaker, I think I would be willing to submit to a vote now. However, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I do not agree with the gentleman from Kentucky [Mr. JAMES] that the immortal band of heroes who framed that great instrument, the Constitution of our country, the best instrument ever inspired by patriotic men, made a mistake in giving this veto power to the President elected by all of the people. Thomas Jefferson, whom you gentlemen claim to be the father of the Democratic Party, indorsed and favored that great instrument, conferring this power upon the Chief Executive of the American people. In this instance, where the fight means a destruction of the industrial system of our country and hardship and injury to the great army of the American working people, it is indeed fortunate for the American manufacturer and the American wage earner that we have in the White House a man with nerve enough, backbone enough, patriotism enough to block the way of a destructive majority in this House. [Applause on the Republican side.]

The only President you have elected since the Civil War was known as the "veto President"—Grover Cleveland. We had no outburst then against this veto power—not until it is intrusted in the hands of a Republican President. What is the duty of President Taft? To live up in good faith to the principles and promises of the platform upon which he rode to victory in the last presidential campaign. That promise was that the Republican Party stood for an investigation showing the difference in the cost of production here and abroad, and a reasonable profit to the manufacturer who had invested his money. You taunt him with being untrue to the interests of the people when he is striving to manfully carry out that commission given to him by a majority of more than two millions and a half of American freemen at the ballot box, and a majority of more than 150 in the electoral college.

He owes a responsibility and a duty to all the people. You came into power on account of a divided Republican Party and on no other account. We will meet you next year with President Taft, the invincible, carrying the Republican protection banner to victory. [Applause on the Republican side.] Who voted for this Tariff Commission? That great and impartial man that you elected Speaker of the House of Representatives. [Applause on the Democratic side.] If we are to have a Democratic President you, Mr. Speaker, are the best equipped man in that party. [Loud and prolonged applause on both sides.]

Mr. Speaker, we have started you on the road to the White House, but Mr. Taft will beat you. [Laughter and applause.] I have seen it in the public print that the gentleman hailing from my native State, the honored chairman of the Ways and Means Committee, is to be placed upon the ticket with our great Speaker. That gentleman gave the Tariff Board his support in this House. [Applause on the Republican side.]

Why, the country is prosperous, the wage earner is busy, the situation is inviting and encouraging to all classes.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. I yield to the gentleman two minutes more.

Mr. AUSTIN. No great interest in this Republic will suffer by delay in the passage of a tariff bill based upon accurate information obtained by the commission, created jointly by Democratic and Republican votes. No great industry, no American citizen will be harmed or hurt by waiting for an examination of accurate information as to the cost of production here and abroad in the next six months. Are you going to injure the millions invested in capital, reaching millions of homes of wage earners and stockholders in the mad desire for political advantage? There is something in this life above partisanship and politics, and that is patriotism, love of country, and the happiness, prosperity, and contentment of all of our people. [Applause.]

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, in the short time that has been allotted to me I can not undertake to answer the argument of my colleague from Kentucky [Mr JAMES], nor have I any desire to occupy your time now for that purpose. The gentleman's speech has been heard often in Kentucky before and it has been as often answered there [applause on the Republican side], and the people of Kentucky will answer it again when this question of protection is submitted to them in the presidential election next year. [Applause on the Republican side.]

The gentleman talked about taking money out of the pockets of the people, and I wondered if when he was doing so it occurred to him that the business of this House has, according to common repute here, been practically delayed two or three days to give him the opportunity to come back here and deliver that speech. [Laughter and applause on the Republican side.]

Mr. SIMS. It was worth it.

Mr. JAMES. Mr. Speaker——

Mr. LANGLEY. I can not yield, because I have not enough time.

Mr. JAMES. I do not blame the gentleman; that is characteristic of the gentleman from Kentucky.

Mr. LANGLEY. The only further suggestion I have to make about it is that after listening to the speech I do not think the House was justified in the delay. [Laughter on the Republican side.] Mr. Speaker, I voted against this wool bill, and I shall likewise vote to sustain this splendid veto message of our President. I do not understand—and I say it with malice toward none and charity for all—how any protection Republican can do otherwise. We do not produce as much wool in the tenth Kentucky district as they do in various other sections of the country, but we want to be just to the millions of people employed in this industry. We do not believe there in that selfish tariff policy which would retain the duties on that which we produce and sell and take them off of that which we purchase and consume. We believe rather in an equitable imposition of tariff duties, both upon consumption and production, that each may derive its due share of the benefits and bear its due share of the burdens.

Mr. Speaker, the Republicans of Kentucky believe in protection for protection's sake, and they can not be purchased, either, by a "play to the galleries," as the gentleman from Alabama

[Mr. UNDERWOOD] expresses it. [Laughter and applause on the Republican side.]

Speaking of playing to the galleries, while I do not desire to pose as the defender of my distinguished colleague from Kentucky [Mr. JAMES], for he is amply able to defend himself, yet ofttimes in the last few days, while sitting here listening to speeches from that side of the House, and particularly to the remarks and retorts of the distinguished gentleman from Alabama, I have been tempted to rise in my place and quote to him and those who applauded his remarks the other day the language of our Savior in the Sermon on the Mount:

Cast out first the beam out of thine own eye, and then shalt thou see clearly to cast out the mote that is in thy brother's eye.

[Applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, upon one proposition the Republican side of this House and the country can congratulate themselves, and that is that the issue has been squarely joined as between the Republican and Democratic Parties in the message that came into this House yesterday from the President. [Applause on the Republican side.] We no longer differ upon this side as to what the issue shall be in the next campaign, nor is there any difference upon your side, because yesterday, at the conclusion of the reading of the message, the gentleman from Alabama [Mr. UNDERWOOD] took up the gauntlet thrown down by the President, and, encouraged by applause upon your side, clearly indicated the Democratic position by proposing to override the veto message. In that message the President defined Republican doctrine. His adherence to the policy of protection outlined the issue of the next campaign. You pretend to welcome that issue, and in that we gladly join.

One sentence from the President's message provides a text for all I care to say to the House this morning. It is a clear-cut sentence, which may be as interesting to Democrats who differ from us as it is to Republicans who pin their faith to it. Here it is:

The business of the country—

Says the President—

rests on a protective-tariff basis.

[Applause on the Republican side.]

Some have wondered during recent months and during recent campaigns whether the old Republican Party was drifting from its moorings, and there have been some who have wondered whether the President of the United States himself was not being misled by such demonstrative statements as the one we have just heard from the gentleman from Kentucky [Mr. JAMES]. Now we are again in a position to know exactly what the aims and purposes of the Republican Party are. Upon this side of the House most of us have held the belief that the progress of the country depends upon the protective-tariff system. Many of you upon the other side have so believed in your hearts, because you have seen the advantages and wisdom of that system as it affected your own States. Down in your fertile valleys you have come to realize the direct results of protection, though you do not support it here. You profess to oppose it, and yet mills have been reared in your midst and new industries have come to use up your raw material.

In spite of your opposition these industries have come, and in spite of the clamor raised by you as to the alleged burden protection lays upon the people, we are to-day brought to a full understanding of our respective contentions, and the President of the United States, true to the principles of the party that elected him, states his belief that "the business of the country rests upon a protective-tariff basis." [Applause on the Republican side.]

But you have been preaching "the rights of the people" much as they have just been expounded by the gentleman from Kentucky [Mr. JAMES], and down in the remote sections some of you have been holding your people together with the old notion that Jefferson and Jackson and Davis are still conducting the affairs of state. But in all these districts there is a gradual shedding of the light; the truth is beginning to obtain a foothold, and the people who sent you here are beginning to realize that if the sons of the South are to share in the progress of the Nation they must not continue to be blind to the political principles which make for progress under the banner of protection.

It can not be that the great masses of the people are blind, that they propose to rise up against the existing order; and yet you have been encouraging this spirit of unrest and a waver of faith in the fixed and progressive institutions of the country. Surely there are more people in the country than the 213,000 in the district of the gentleman from Kentucky [Mr. JAMES], and they are not deceived when spelled with a big "P" and a double "e" and a "pul." The people are not confined to any one district, nor are they to be swayed by demagoguery. That they seek broader fields and are looking for greater opportunities is everywhere manifest. The spirit of progress comes up from the rapidly developing State of Florida, and the desire for protection against foreign competition in the products of Florida tends to demonstrate it. Do we not see it when the cry comes up from the State of Texas that they want protection for their products against an unfair competition? Do we not see it when, from along the valleys of North Carolina, there arises a demand from those who have been retarded, but who now, when their ox is being gored by Democratic measures, demand protection—even as it affects their investments, their homes, and their prosperity?

You can not long stand upon the platform that the people are being deceived by protection. You can not long continue to deceive the people. You may have some hope in the unrest that your own arguments incite; you may add to the distrust of public men and public measures by your preachments; but if you are looking to socialism as a remedy for your troubles, I commend you to the convention of that party in Milwaukee a few days ago, where the golden rule was obliterated by the personal desires of the leaders. If you look for a severance of old party ties and seek the single-tax standard, I commend you to that delightful colony at Arden, in my own State, where only a few weeks ago resort was had, not to the golden rule, but to the hand of the law, to enforce order.

You can not long control the American spirit which desires to go onward and upward, nor can you hold in your own section, where you have one great monopoly, cotton, all the business of the Nation. Frame your bills as you may, with a view of taking advantage of your natural products, there are still those beyond who will move forward and insist upon a continuance of that progress which maintains for all the people the standard of living in the United States, and which supports it over unfavorable conditions that exist abroad. There may be those who are content to live within themselves and within their own environment. There may be those who, because of that personal independence of which most Americans boast, will be satisfied to settle back somewhere in the fastnesses of the country, but there still are those who will not be content with seclusion, who will want the factory to come, and will invite the railroad and the inventive genius to bring to the people the advantages of modern civilization.

The policy of the party of protection has been to encourage that sort of development. The policy of the Democratic Party has been to thwart that sort of development. But even the Democratic Party is getting wiser. Put it in power, as you did in 1893, and we find no objection to the veto power such as was raised upon this floor a little while ago; nor do we see any individual desire to let go the good things of life which Democrats, by the favor of the Republican Party, have enjoyed. Put the Democratic Party in power in this House, as was done in the last election, and there is no desire to yield up the advantages of victory, for in every bill thus far presented is shown the Democratic intent—careful, skillful, and with motives well covered—to protect those industries in which the gentlemen and their districts are interested, while elsewhere the lopping-off process has been going on.

Mr. Speaker, I am one of those who rejoice that we have been able to have the issue squarely joined. You upon that side of the House have been misleading the people through such appeals as were made a moment ago by the gentleman from Kentucky [Mr. JAMES] into the belief that the destruction of protection would mean some sweet sort of satisfaction and revenge against those who had made the country prosperous. And yet we have observed, as you went along with bill after bill, that you were preparing yourselves against the storm that is to come. I observe the learned gentleman from Kentucky [Mr. SHERLEY] standing before me now, smiling at the argument I am making. He has prepared the way for trouble. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I yield one minute more to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania is recognized for one minute more.

Mr. MOORE of Pennsylvania. Mr. Speaker, I referred to the learned gentleman from Kentucky [Mr. SHERLEY], and I will not relinquish the floor until I have finished my reference to him. He has paved the way for a solution of the difficulty that confronts the Democratic Party, should it continue in power. His party would level the customhouses; it would lop off the duties; it would find a new method of relieving the

people from the alleged burden of the tariff. The gentleman from Kentucky is a pioneer in this field. He has given us the first inkling as to what his party proposes to substitute in place of the tariff revenues. His bill to levy a direct tax—a stamp tax—on proprietary articles has made its appearance in the House. The people themselves will be expected to pay when the Democratic Party shall have done its worst. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 10 minutes.

Mr. LENROOT. Mr. Speaker, in the discussion of the question now before the House I do not believe there is any occasion for an exhibition of temper upon either side; neither do I believe it to be a proper occasion for the delivery of merely political speeches, without reference to the question at issue. The sole question, Mr. Speaker, that we are called upon to determine at this time is whether or not the veto message of the President presents sufficient reasons to cause any Member of this House who voted for this bill when it was sent to the President, to change his vote, and that is the question which I propose to discuss.

And let me say, Mr. Speaker, that I frankly concede that the President is entirely within his rights in sending to this House this veto message. But we, each of us, have a duty to perform—to examine this message of the President and decide for ourselves whether his position is well taken.

Now, Mr. Speaker, I wish first to call attention to this paragraph in the veto message of the President. He says:

> There is a widespread belief that many rates in the present schedule are too high and are in excess of any needed protection for the woolgrower or manufacturer. I share this belief and have so stated in several public addresses. But I have no sufficient data upon which I can judge how Schedule K ought to be amended or how its rates ought to be reduced in order that the new bill shall furnish the proper measure of protection and no more. Nor have I sources of information which satisfy me that the bill presented to me for signature will accomplish this result.

Now, Mr. Speaker, I insist that the veto of the President never ought to be exercised upon ignorance on his part as to facts, but only upon information [applause on the Democratic side]; upon information, when a bill presented to him for his approval that it is wrong in some particular. Does the President in this message assert or attempt to show that these rates are not protective? Not a line. He simply says he does not know.

Let me say right here that the Constitution of the United States did not impose upon the Executive of this country the duty of framing tariff bills or determining what rates should be imposed. That duty was imposed upon the Congress of the United States, and not upon the Executive; and when Congress has acted, performing its constitutional duty in presenting a bill to the Executive, I submit it ought to receive his approval unless he shows affirmatively or presents some facts tending to show that that bill is wrong in some particular. [Applause on the Democratic side.]

Mr. AUSTIN. Mr. Speaker, will the gentleman allow me to interrupt him?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Tennessee?

Mr. LENROOT. I decline to yield unless my time is extended.

The SPEAKER. The gentleman declines to yield. He has the floor.

Mr. LENROOT. Now, Mr. Speaker, the entire burden of this message is the same argument as was presented upon the floor of this House day after day during the consideration of this bill—to await the action of the Tariff Board—with one exception, and that is the concluding portion of the message, where the President says:

> There is no public exigency requiring the revision of Schedule K in August without adequate information, rather than in December next with such information.

The Executive thereby implying, and in fact expressly stating later on, that this will involve only a wait of 90 days before a revision of Schedule K can be had.

It is possible that the Executive does not know, but every Member of this House knows, that there will not be a revision of Schedule K within the next 90 days unless this bill becomes a law. Every Member of this House knows that when we come back next December for the reconsideration of Schedule K many of the very gentlemen upon this side who are now advocating that we wait for the Tariff Board will debate this bill as long as possible. It will be debated for months before another body, and I venture the prediction now, and I shall refer to it at the next regular session, that many of those who are now advocating waiting for the Tariff Board will themselves repudiate the action of that Tariff Board when it comes in upon this schedule. [Applause on the Democratic side.]

Now, with reference to this Tariff Board, it has assumed great importance very recently in the minds of some gentlemen. I have always believed it very important, and if there was the slightest possibility that the report of this Tariff Board would be acted upon by the other side of the House and in good faith upon this side of the House, and by another body, my position might be different than it is to-day. But we can not be unmindful of the fact, Mr. Speaker, that less than two years ago most of the gentlemen who are now crying for postponement of action because of the Tariff Board were themselves opposed to the creation of a Tariff Board. [Applause on the Democratic side.] And, Mr. Speaker, I wish to quote a line or two from the speech of the President at Winona, which has been republished in the RECORD this morning. At that time he gave his ideas on the importance of the Tariff Board. He said with reference to it:

> I do not intend, unless compelled or directed by Congress, to publish the result of these investigations, but to treat them merely as incidental facts brought out officially from time to time and as they may be ascertained and put of record in the department.

Then these important findings were to be treated as merely incidental facts, and not to be published at all. Did you agree? Did those of you who are now pleading for postponement agree with that position of the Executive then? What has caused the change? Is it entirely in good faith?

Mr. Speaker, again referring to that Winona speech, the President said this with reference to the vetoing of the Payne-Aldrich bill:

> It would have left the question of the revision of the tariff open for further discussion at the next session, which would have suspended the settlement of all our business down to a known basis upon which prosperity could proceed and investments be made.

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. I yield to the gentleman two minutes more.

Mr. LENROOT. Then the President sustained the approval of the Payne-Aldrich bill on the ground that to leave the question open would disturb business. Now, if he would be consistent, unless he knows or has information that this bill is not protective, he ought to sign this bill in order not to disturb the woolen business of this country by further revision at the next session. [Applause on the Democratic side.]

Mr. Speaker, in conclusion, I want to say just this: There are some Members on this side of the aisle who I know have been labored with very earnestly in the endeavor to change their votes upon this question; and when this roll is called, those who do change, if there be such, can not, in my opinion, escape being convicted before the country of either being insincere when they voted for this bill when it was sent to the President or else of not daring to express their convictions now for fear of incurring the displeasure of the administration and the losing of Federal patronage. [Applause on the Democratic side.]

Mr. JACKSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise.

Mr. JACKSON. To know if the gentleman from Wisconsin has any time to yield.

The SPEAKER. He has not.

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman from New York to consume some of his time.

Mr. PAYNE. Will the gentleman use 10 minutes more on his side?

Mr. UNDERWOOD. Very well; I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause on the Democratic side.]

Mr. GARRETT. Mr. Speaker, prior to the election of 1908 the Republican Party awoke to the fact that there was a widespread demand which could not be longer resisted with safety for a revision of the tariff. The controlling influences in that party resented that disposition upon the part of the people to be relieved, but, nevertheless, realizing the political necessity, they inserted in their platform of that year a promise to revise the tariff, and in connection with that promise they inserted a proposition which is the most absurd economic proposition ever inserted in a political platform—the proposition of laying a tariff based on the difference in the cost of production at home and abroad, and laid so as to insure a reasonable profit to American producers. But at an extra session of Congress following that election a tariff bill was passed, and in that bill the controlling influences in the Republican Party showed their resentment against the desire of the people to have a revision,

and by the schedules that were passed and the rates that were fixed they undertook to rebuke the folks for asking for a revision. They attempted, Mr. Speaker, to make the folks sorry that they had ever requested relief, because from the beginning to the end the Payne bill was written so as to impose additional burdens.

The bill was signed by the President, but he accompanied his signature with a public apology. The country accepted the bill because it had to, but it declined to accept the apology. [Laughter on the Democratic side.] And so at the election of 1910 our party was commissioned to deal with the tariff question. Shortly following the signature and the apology which the President put forth, he made a speech in a Western State, the famous Winona (Minn.) speech, in which he said:

With respect to the wool schedule, I agree that it is too high and that it ought to have been reduced, and that it probably represents considerably more than the difference between the cost of production abroad and the cost of production here. The difficulty about the woolen schedule is that there were two contending factions early in the history of Republican tariffs, to wit, woolgrowers and the woolen manufacturers, and that finally, many years ago, they settled on a basis by which wool in the grease should have 11 cents a pound, and by which allowance should be made for the shrinkage of the washed wool in the differential upon woolen manufactures. The percentage of duty was very heavy—quite beyond the difference in the cost of production, which was not then regarded as a necessary or proper limitation upon protective duties.

When it came to the question of reducing the duty at this hearing in this tariff bill on wool, Mr. PAYNE, in the House, and Mr. Aldrich, in the Senate, although both favored reduction in the schedule, found that in the Republican Party the interests of the woolgrowers of the far West and the interests of the woolen manufacturers in the East and in other States, reflected through their representatives in Congress, was sufficiently strong to defeat any attempt to change the woolen tariff, and that had it been attempted it would have beaten the bill reported from either committee. I am sorry this is so, and I could wish that it had been otherwise.

It will be remembered that the President did not require the cunning genius of a Tariff Board to reach these conclusions. His native intellectual honesty was then sufficient.

Mr. Speaker, the country took that statement at its full value. The country realized that the interests that had control of the Republican Party in the East and in the West were sufficient to prevent the re-formation of the woolen schedule, and therefore desiring relief on that schedule they turned to a party and a people who were not the representatives of the interests and commissioned them to rewrite the woolen schedule.

The President said:

I am sorry this is so, and I could wish that it had been otherwise.

At the election of 1910 it was made otherwise. [Laughter and applause on the Democratic side.] A woolen bill has been written here not by the representatives in the Republican Party of the East and of the West that were controlled by the woolen interests, but by the representatives of the people, but when it reached the President—well, those interests seemed to have changed not their habits but their base of operations. The interests were so strong through their representatives in Congress as to defeat a modification of the woolen schedule in 1909, according to the President. It seems that the interests are now so strong in the executive chamber as to defeat the woolen schedule that has now been written to give the people relief.

The SPEAKER. The time of the gentleman has expired.

Mr. LONGWORTH. I now yield 10 minutes to the gentleman from Minnesota [Mr. NYE].

Mr. NYE. Mr. Speaker, I fear that neither the temper of the country nor of the House are altogether conducive to a clear, calm, and thoroughly unimpassioned decision on this grave and important question that is now before the House.

A great industrial policy, to be dealt with through legislation and largely through political instrumentalities, is before us. It is unfortunate that such a question, involving all that is nearest and best to the industry and homes of the American people, should of necessity be a party question at all, and I feel that much of the party contention has but retarded us in the exercise of that patriotic judgment which it is our duty to exercise to-day.

For several years agitation throughout the country in the Republican Party upon the subject of tariff led to a sentiment of revision. It is to be regretted that our own party differed and differed quite widely as to what is necessary protection and what is not. I have belonged to that wing of the party which believes that substantial reductions in tariff rates should be secured. In view of that, I did not support, upon its final passage, the Payne tariff bill, and I believed, and do now believe, that this woolen schedule should be revised ably and candidly and honestly and the duties reduced. I voted for the conference report as a protest to what I believed to be duties that were too high and in obedience to what I believed to be the sentiment of my people.

I recognized the fact then or believed it to be my duty to vote for the measure and to hear what the executive branch of the Government had to say upon the question. I have read and reread the message of the Executive with great care and deliberation, and I am convinced that whether it be popular or unpopular it is my duty to my constituency and to the country to yield to the judgment of the President, which he has so clearly expressed. [Applause on the Republican side.] Let me call attention to a sentence or two in the message. After referring to the congressional proceeding by which the bill was finally sent to him he says:

I do not mention these facts to criticize the method of preparation of the bill; but I must needs refer to them to show that the congressional proceedings make available for me no accurate or scientifically acquired information which enables me to determine that the bill supplies the measure of protection promised in the platform on which I was elected.

I am unable to supply that information myself, and have not been. I do not think the country is going to suffer greatly by the delay, and unlike my friend from Wisconsin [Mr. LENROOT], I am not of the opinion that it is impossible for us at the regular session to pass a bill which is better than this in the interest of the people. I believe that when we meet—Republicans and Democrats and the different wings of the different parties, and there are several wings so far as this tariff question is concerned—in the cool days of winter to deliberate upon this great question, we shall be able by the united efforts of the best which is within us all to give to the country a bill more mature and more satisfactory, and in which the people of the country will have greater confidence. [Applause on the Republican side.] If the other side of the House are in favor of this bill, they certainly will be in favor of a bill equally good I should suppose at the next session, and we shall have the advantage of the information which may be furnished by this functionary specially provided by both parties to give us information. I do not expect that information to be infallible, but I expect it will aid us in reaching a result that will be better for the country than the immature and, I say with all respect, ill-considered bill which we have now before us. I call attention again to the closing paragraph of the President's message, in which he says:

There is no public exigency requiring the revision of Schedule K in August without adequate information, rather than in December next with such information. December was the time fixed by both parties in the last Congress for the submission of adequate information upon Schedule K with a view to its amendment. Certainly the public weal is better preserved by delaying 90 days in order to do justice, and make such a reduction as shall be proper, than now blindly to enact a law which may seriously injure the industries involved and the business of the country in general.

Mr. Speaker, I can not resist the wisdom of that statement. I believe that patriotism and the good of the country, the good of the great people of the country, demands that we listen at this hour to his admonition. This session has been full of vanity and vexation of spirit. The temper has not been good. The country may well sift and resolve this question for the next three or four months, and we shall be better able to pass intelligently and patriotically upon the subject. I trust this House, partisan even though it may be, after this long agitation and debate in the country, when we shall gather here in the winter months will be able to give us a bill which, I believe, will meet the honest demands of the country. I feel constrained upon full reflection and upon full consideration of the President's reasons given to adhere to those reasons, and to vote now against the passage of the bill over his veto. [Applause on the Republican side.] I will say further, I am not ready to join in a Democratic rebuke of a Republican President, whose message to the House I feel is a reasonable and just plea for reconsideration, so far as I am concerned.

Mr. HARDWICK. Mr. Speaker, when the gentleman who has just taken his seat [Mr. NYE] began his remarks there were many of us on this side of the aisle who wondered at the extreme sadness of his manner and the funereal tone in which his voice was pitched.

The gentleman had not proceeded very far with his remarks, however, before we discovered the reason for his sadness, and then, as the gentleman brought plainly to view the magnificent dish of crow he proposed to eat, we no longer wondered.

The gentleman from Minnesota, and doubtless others of his so-called insurgent colleagues, after having supported the wool bill at every stage of the proceedings throughout this long session of Congress now come at the first time when their votes are really needed and desert the bill that they helped to pass in the hour of its supreme trial. That they do so without rhyme or reason is perfectly apparent when we recall that the President does not urge a single reason against the passage of the bill which was not urged with fully as much force as he

employs at the time the gentleman from Minnesota and his associates gave their votes for the passage of the bill they now desert.

While I never question the motives of gentlemen on this floor, yet it does seem to me that the only reasonable explanation of this remarkable change of front on the part of these gentlemen is that when they supported the bill their ears were keenly attuned to the cries for relief that have come up everywhere from the consuming public, even from their own districts, and that when they deserted it, as they do to-day, their hearing has become less acute, and they can now hear nothing but the appeals of their party chieftain, the President of the United States. It is apparent that some of the Republican ears that were once keenest to hear the slightest whisper of their constituencies on this subject are now deaf to the loudest shouts from the same source.

So be it. The Republican President of the United States has made this issue. He has denied to the masses of the American people the just relief to which they are entitled and which they so unmistakably demanded of him last November. He has put his will against their interest, his veto against their cry for relief. The Democratic Party desires no better issue. It takes up the President's gauntlet. While sorrowing that it is yet unable to give relief to the people, yet it also rejoices that to-day the shallowness and insincerity of Republican promises for relief from excessive tariff burdens is made manifest before all men and that the idle hope so long cherished by many independent and progressive Republican voters that the Republican Party can be trusted to give relief from these burdens is thoroughly and finally blasted.

Pardon me, Mr. Speaker, if, as briefly as may be, I undertake to restate the issue as joined to-day before this House and the American people.

For years the great majority of the American people have believed that the "protection" afforded by our tariff schedules is excessive and has become grievously burdensome. This belief grew in strength and almost into general acceptance, until by 1908 even the Republican Party that had framed and passed the Dingley bill was forced to yield somewhat to the sentiment thereby engendered. So, in 1908 the Republican Party promised a revision of the tariff. While the promise was made in terms so equivocal that the very language in which it was couched ought to have warned the people of the insincerity of the performance, yet Mr. Taft, the Republican nominee for President, in his letter accepting the nomination, sought to allay this suspicion by the unequivocal statement that the tariff revision promised by his party was revision downward.

In the campaign of 1908 moderate protectionists throughout the country were appealed to by the Republicans to support that party and so intrust the revision and lowering of the tariff to its friends rather than its foes. The Taft letter of acceptance and the many tariff utterances of that gentleman while a candidate induced many doubtful voters to support the Republican Party in the belief that it intended to really reform and lower the tariff duties, and thus lighten the burdens of the American consumer. This vote was large enough to determine the election, and the Republican Party again won.

What happened? It was not long before the shell game that had been played on the people became evident. Taft, the friend of Roosevelt, the inheritor of "my policies," the Van Buren of a latter-day Republican Jackson, was at the very threshold of his administration captured by Aldrich and CANNON, and from a supposedly implacable foe of the "Iron Duke of Illinois" [Mr. CANNON] became his staunchest friend, his most potent ally. The first act of his administration was to call the extraordinary session of 1909. Its net result was the Payne-Aldrich bill, which, so far from giving to the people the reductions promised them in 1908, gave them even a higher rate and more oppressive schedules, in many instances, than the Dingley law itself. On this subject I do not ask the House or the country to take a Democratic, and therefore partisan, view alone, but I refer them to the public speeches of many distinguished Republican Members of both Houses of Congress. In the House, to LENROOT and MADISON and POINDEXTER and NORRIS and many other distinguished and able Republican Members of this body. In the Senate, to Dolliver and CUMMINS, to LA FOLLETTE and Beveridge, and to many other distinguished and able Members of that body. It was a shell game, a confidence game—the American people were promised in 1908, bread; in 1909 a stone was given. Revision downward was Taft's 1908 promise; revision upward was Taft's 1909 performance.

When the Payne bill was on its long, tiresome way to the President in 1909 it was the current rumor in Washington that the President, mindful of his anteelection promises, would veto it; then, that he would allow it to become a law without his signature. Finally it was announced, with much newspaper parade, that the President, having forced certain important "concessions" from the conferees of the Senate and the House, would sign the bill. When he did sign, and careful stock was taken of the "concessions" he had forced, it was found that they were trifling and unimportant and affected the general result about as much as the subtraction of a drop of water would affect the great ocean. Not only did he sign the Payne bill at a time when he knew the passage of that bill over his veto was impossible, but he went much further than giving it merely a reluctant approval. At Boston in the fall of 1909 he gave to Senator Aldrich, who was its Senate sponsor, the accolade of full and complete presidential approval, and at Winona, Minn., on September 17, 1909, he pronounced the Payne-Aldrich bill "the best tariff bill the Republican Party ever passed."

Upon the issue thus made the battle of 1910 was fought. The President met, and justly, the most crushing midadministration defeat that an American President has suffered in many decades. The magnificent Republican majority in this House melted away like snow before a July sun and the long-continued Republican grip on the Senate was loosened and is apparently soon to be broken.

In a panic the President made one desperate attempt to retrieve his failing political fortunes, and believing that a sop thrown to the newspapers of the country might placate them, negotiated his famous reciprocal trade agreement with Canada.

The newspapers and magazines of the country, even those who had been the loudest mouthed in their advocacy of protective prices for the other fellow, were fiercely complaining when they began to find that the protective system was pinching them, and cried aloud for relief from the high prices on paper that the protective tariff system had enabled the Paper Trust to extort from them. Canada, the great supply house of print paper, must be opened to them and the tariff wall torn down so that these "molders of public opinion" might get paper cheaper. An opportunity seemed to present itself to Mr. Taft to recover some of his lost ground, and he seized it. To secure cordial Democratic cooperation in both Houses of Congress in this effort to lower duties generally, including the duties on print paper, between Canada and the United States was not a difficult task. We favor lower tariff duties on all tariff schedules and with all countries. Absolute free trade with Canada has long been a Democratic dream, an American hope.

We were more than willing to help destroy this iniquitous protective system; we were more than willing to help pull the top row of bricks from the tariff wall, and we were glad to cooperate with Mr. Taft in doing so. With his motives we had little concern and less sympathy. It was results we were after. But when we endeavored to extend the relief for which Mr. Taft so loudly clamored in the case of his newspaper friends, who are the chief beneficiaries of Canadian reciprocity, we found our erstwhile ally become our most inveterate and uncompromising foe. When we invite our recent partner to join us in giving to the masses of the American people cheaper blankets, cheaper stockings, cheaper shoes, and cheaper necessities of every kind, we find the gentleman who was so deeply concerned for our newspaper friends most indifferent, nay, most obstinately hostile, and we can account for his change of front on no other hypothesis except that, having, as he supposes, already placated the newspapers and the magazines, he finds it unnecessary to make any further concession to the masses, and fears to offend the protected interests by further revision.

To-day he vetoes wool reductions; to-morrow it will doubtless be the free-list bill, designed to lighten the burdens of our agricultural producers; the next day cotton; then iron and steel, and whatever else we may send him. So much, Mr. Speaker, for the general situation in which we find ourselves. What of the precise issue confronting us to-day—the wool bill, reducing, according to the President's own figures, the duty on raw wool from 47.24 per cent (the Payne rate) to 29 per cent; on cloths, from 97.27 per cent (Payne rate) to 49 per cent; on wearing apparel, from 81.31 per cent (Payne rate) to 49 per cent?

Are these reductions unreasonable? The President dares not say so, though he does intimate that they may possibly be so, but shelters himself behind the timid cry, "I do not know."

From the President's veto message I appeal to the President's Winona speech of September, 1909. Then he said:

> With respect to the wool schedule, I agree that it is too high and that it ought to have been reduced, and that it probably represents considerably more than the difference between the cost of production abroad and the cost of production here. The difficulty about the woolen schedule is that there were two contending factions early in the history of Republican tariffs, to wit, woolgrowers and the woolen manufacturers, and that finally, many years ago, they settled on a basis by which wool in the grease should have 11 cents a pound, and by which allowance should be made for the shrinkage of the washed wool in the

differential upon woolen manufactures. The percentage of duty was very heavy—quite beyond the difference in the cost of production, which was not then regarded as a necessary or proper limitation upon protective duties.

Hear him again in the same speech:

But, as I have already said, I am quite willing to admit that allowing the woolen schedule to remain where it is is not a compliance with the terms of the platform as I interpret it and as it is generally understood.

And listen to the excuse he gives for the failure of the Republican Party to redeem in 1909 its pledge in reference to Schedule K:

When it came to the question of reducing the duty at this hearing in this tariff bill on wool, Mr. PAYNE, in the House, and Mr. Aldrich, in the Senate, although both favored reduction in the schedule, found that in the Republican Party the interests of the woolgrowers of the far West and the interests of the woolen manufacturers in the East and in other States, reflected through their representatives in Congress, was sufficiently strong to defeat any attempt to change the woolen tariff, and that, had it been attempted, it would have beaten the bill reported from either committee.

It is a scathing arraignment of his own party in Congress. It falls little short of a declaration that they are not worthy of the trust of the American people and almost amounts to a charge that they have not only betrayed the people of the United States, but their own party as well. And yet to-day, who stands between the American people and this just reduction of the duties on wool and woolen goods? Who denies their righteous demand for cheaper blankets and cheaper clothing? Is it the Congress? The House? Or the Senate? Who, but William H. Taft, President of the United States? And on what excuse? In order that he may obtain light from a Tariff Board!

Would to God, Mr. Speaker, that this same President had been as anxious for "light" when he signed the Payne bill. Would to God, sir, that his great party had been as anxious for "light" before they fastened on this country the enormities and excesses of the McKinley bill, as well. It seems that a Tariff Board is an absolute necessity before a tariff rate can be lowered or a schedule reduced, but it is a useless and superfluous luxury when a rate is to be elevated or a schedule revised skyward.

In the lexicon of American politics, in the light of recent events, a Tariff Board ought to be defined as "A convenient excuse for delaying tariff reduction, but never a good reason for postponing an increase in duty."

The very men who most objected to the creation of the present Tariff Board, with its exceedingly limited powers and jurisdiction, now shout the loudest for a delay until it can report. Why? Because the proposition is to loosen the grip of the tariff beneficiaries on the throat of the consumer, and they favor anything and everything that operates to delay the process.

The utter insufficiency of the President's objections to this bill on this score must be apparent to all, and most of all to those who observed the promptness and alacrity with which he approved the Payne-Aldrich law when he had no Tariff Board at all.

According to the President's public statements the Tariff Board's principal, if not only important, duty is to inquire into the difference in cost of production between this and other countries. It is to make no inquiry whatever into the difference in prices between this and other countries—the most important of all considerations, if this great question is ever to be considered from the standpoint of the consumer as well as from that of the producer, if the man who foots the bills is ever to be remembered.

But even from the standpoint of acquiring information as to the difference in cost of production it is more than probable that the efforts of the board are predestined to failure. On that point let me quote an editorial from the American Economist, the standpat organ of the American Protective Tariff League. As late as January 27, 1911, that paper said:

We are unable to discover any valid reason for the existence of a permanent tariff board or commission. The effort to obtain facts as to production cost has signally failed, and in the nature of things must fail. This fact stands virtually admitted by the most ardent supporters of the tariff-commission scheme. Production cost in our own country is so widely variant as to be of little value, even if it could be accurately ascertained; while the impossibility of either inducing or compelling foreign competitors to disclose the truth as to their production cost is so entirely obvious that any effort in that direction would be time and money wasted.

And yet, upon so obviously an absurd proposition, if this paper is right, the President of the United States ventures to set up his will in opposition to the will of the people of the United States, as expressed through their Representatives in both Houses of Congress.

And what is the nature of the report for which the people and the Congress must wait? It is to be a public report, made to Congress, open to all the people, a full statement of the facts upon which it is based, of the witnesses who state these so-called facts, so that we may judge both of their credibility and of their interest or bias. It would seem that such is not the idea of Mr. Taft, if we may judge from this same Winona speech, for there he said:

Now, there is another provision in the new tariff bill that I regard as of the utmost importance. It is a provision which appropriates $75,000 for the President to employ persons to assist him in the execution of the maximum and minimum tariff clause and in the administration of the tariff law. Under that authority I conceive that the President has the right to appoint a board, as I have appointed it, who shall associate with themselves, and have under their control, a number of experts who shall address themselves, first, to the operation of foreign tariffs upon the exports of the United States, and then to the operation of the United States tariff upon imports and exports. There are provisions in the general tariff procedure for the ascertainment of the cost of production of articles abroad and the cost of production of articles here. I intend to direct the board, in the course of these duties and in carrying them out, in order to assist me in the administration of the law, to make what might be called a glossary of the tariff, or a small encyclopedia of the tariff, or something to be compared to the United States Pharmacopœia with reference to information as to drugs and medicines. I conceive that such a board may very properly, in the course of their duties, take up separately all the items of the tariff, both those on the free list and those which are dutiable, describe what they are, where they are manufactured, what their uses are, the methods of manufacture, the quantity of the manufacture, the cost of production abroad and here, and every other fact with respect to each item which would enable the Executive to understand the operation of the tariff, the value of the article, and the amount of duty imposed, and all those details which the student of every tariff law finds it so difficult to discover. I do not intend, unless compelled or directed by Congress, to publish the result of these investigations, but to treat them merely as incidental facts brought out officially from time to time, and as they may be ascertained and put of record in the department, there to be used when they have all been accumulated and are sufficiently complete to justify Executive recommendation based on them.

And yet to await this character of report, from a board that Congress did not appoint, our legislation is to be held up and the just relief denied to the people, while the President is "informing himself."

Mr. Speaker, it may be that to-day a minority of the Representatives of the people will be able to temporarily check the execution of the mandate of the Nation behind this veto, it may be that for one winter more—possibly two—our people may sleep restlessly without the blankets that are put beyond the reach of their purses by this Executive veto and may shiver on without the warm clothing that they are unable to buy, while the President is "informing himself"; but, sir, it will not be forever—not even for a long time—for unless I mistake the temper of independent American freemen, they are not liable to permit "friends of protection" to "gold-brick" them again. Unless I mistake that temper, I believe the President of the United States will be furnished in November, 1912, with "full information" on this tariff question direct from the American people themselves, without the intervening agency of a Tariff Board, and that he will be given ample and judicial leisure to digest that information, while a Democratic President and a Democratic Congress give the people cheaper food and cheaper clothing and less burdensome taxes.

The issue is made up; we accept it. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I ask that the gentleman from New York [Mr. PAYNE] use some of his time.

Mr. PAYNE. Mr. Speaker, I would like to know how much time has been used on either side. I have been out and have not kept track of it.

The SPEAKER. The gentleman from New York has 52 minutes remaining, and the gentleman from Alabama 43 minutes.

Mr. PAYNE. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, I had no intention of participating in this debate until I heard my friend, the gentleman from Kentucky [Mr. JAMES], scathingly denounce what he called our inheritance from royalty—the veto power of the President. I desire to invite the attention of the gentleman to some comments on the veto power of the President by one of the greatest justices who ever adorned the bench of the Supreme Court of the United States—the justice who, I need not remind the gentleman from Kentucky, wrote the opinion in Martin *v.* Hunter's Lessees; a great opinion worthy of John Marshall himself, and which established, as every lawyer knows, the constitutionality of that provision of the judiciary act which gives the Supreme Court appellate power over State courts. In his Commentaries on the Constitution, Mr. Justice Story anticipated every argument and suggestion made to-day by the gentleman from Kentucky [Mr. JAMES] and my friend from Georgia [Mr. HARDWICK] against the President's veto power.

Mr. Justice Story, referring (vol. 1, 4th ed.) to this power and to the convention which drafted the Constitution, says:

The next clause respects the power of the President to approve and negative laws. In the convention there does not seem to have been much diversity of opinion on the subject of the propriety of giving to the President a negative on the laws. The principal points of discussion seem to have been whether the negative should be absolute or qualified; and if the latter, by what number of each House the bill should subsequently be passed in order to become a law, and whether the negative should in either case be exclusively vested in the President alone or in him jointly with some other department of the Government.

There was in the convention very little diversity of opinion as to the perfect propriety of giving this power in some form to the President. The only discussion was whether the veto should be qualified or absolute.

The proposition of a qualified negative seems to have obtained general but not universal support, having been carried by the vote of eight States against two.

The gentleman from Kentucky denounced the veto power of the English King. But the veto of the English King is not like that of our President. It is an absolute negative. It obtains to-day, although, as Blackstone says, it has not been used since about the year 1700, I believe.

We have not given to our President the absolute veto which the King inherits from his ancestors and which the King has not used for 200 years. The people of the United States by the Constitution conferred upon the President not an absolute but only a qualified veto.

Mr. Justice Story, anticipating this reference by the gentleman from Kentucky to the English King, says:

The whole structure of our Government is so entirely different, and the elements of which it is composed are so dissimilar from that of England that no argument can be drawn from the practice of the latter to assist us in a just arrangement of the executive authority.

Mr. Justice Story declares it to be important to the people that the President possess the power of veto, and he gives his reasons:

In the next place, the power is important as an additional security against the enactment of rash, immature, and improper laws.

[Applause on the Republican side.]

It establishes a salutary check upon the legislative body, calculated to preserve the community against the effects of faction, precipitancy, unconstitutional legislation, and temporary excitements, as well as political hostility.

The gentleman from Kentucky vehemently declared that the man in the White House could not know as much as Congress knows, but that nevertheless he had more power than the Senate and House.

Mr. Justice Story anticipated and answered this argument of the gentleman. Says this great judge:

It may indeed be said that a single man, even though he be President, can not be presumed to possess more wisdom or virtue or experience than what belongs to a number of men. The question is not how much wisdom or virtue or experience is possessed by either branch of the Government, * * * but whether the legislature may not be misled by a love of power, a spirit of faction, a political impulse, or a persuasive influence, local or sectional, which at the same time may not, from the difference in the election and duties of the executive, reach him at all, or not reach him in the same degree. * * * He will have an opportunity soberly to examine the facts and resolutions passed by the legislature, not having partaken of the feelings or combinations which have procured their passage—

[Laughter and applause on the Republican side.]

and thus correct what shall sometimes be wrong from haste and inadvertence as well as design.

Here follows a very forceful statement:

His view of them—

That is, the acts of the legislature—

if not more wise or more elevated will at least be independent and under an entirely different responsibility to the Nation from what belongs to them. He is the representative of the whole Nation in the aggregate; they are the representatives only of distinct parts, and sometimes but little more than sectional or local interests.

[Applause on the Republican side.]

Nor is there any solid objection to this qualified power. If it should be objected that it may sometimes prevent the passage of good laws as well as of bad laws, the objection is entitled to but little weight. In the first place, it can never be effectually exercised if two-thirds of both Houses are in favor of the law, and if not it is not so easily demonstrable that the law is either wise or salutary. * * * The injury which may possibly arise from the postponement of a salutary law is far less than from the passage of a mischievous one, or from a redundant or vascillating legislation.

Mr. Speaker, we have been told during this debate that if men who voted for the wool bill shall to-day refuse to vote to override the President's veto they will stultify themselves and be revealed as moral and political cowards. We have more than once to-day witnessed this sort of attempt at political bullying [applause on the Republican side], but I wish it to be distinctly understood that it does not frighten any man worthy to be a Member of the House of Representatives. [Applause on the Republican side.]

A MEMBER. Give it to him! [Laughter and applause.]

Mr. COOPER. Here is a comment of Mr. Justice Story, which is pertinent at this point. As to the veto, he says:

It assumes the character of a mere appeal to the legislature itself, and asks a revision of its own judgment.

Mr. Speaker, the Supreme Court of a State or of the United States sometimes reverses its own former judgment, and yet the gentleman from Kentucky [Mr. JAMES] and the distinguished Member from Georgia [Mr. HARDWICK] assert that a Member of this House who voted for the original bill stultifies himself if he refuse now to help override the veto! What species of argument is this? An executive officer at the head of a Government department may reverse a decision after a review of his prior findings; a supreme court may reverse itself; but a Member of the House can not, lest he stultify himself! [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I yield to the gentleman four minutes more.

The SPEAKER. The gentleman from Wisconsin is recognized for four minutes more.

Mr. COOPER. They contend that a Member of the House can not reverse himself——

Mr. RANDELL of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Texas?

Mr. COOPER. I regret that I can not. I have but four minutes.

Says the great jurist and commentator:

The veto assumes the character of a mere appeal to the legislature itself and asks a revision of its own judgment. It is in the nature, then, merely of a rehearing or a reconsideration—

Now, listen—

and involves nothing to provoke resentment or arouse pride.

And yet when on this floor have we seen deeper resentment than that displayed by the gentleman from Kentucky and the gentleman from Georgia?

Mr. Speaker, I feel it my duty, before closing, to say that I have not read the various passages from these Commentaries with any view to disparaging the arguments of my friends, the gentleman from Kentucky [Mr. JAMES] and the gentleman from Georgia [Mr. HARDWICK], but simply for the purpose of exposing the ignorance of Mr. Justice Story. [Laughter on the Republican side.]

Mr. Speaker, the great justice declares the veto to be fundamentally wise and practically necessary in this Republic. Hamilton, Madison, Benjamin Franklin, George Washington—all the immortals in that wonderful convention—thought it right; and yet this afternoon we are told that for the President to exercise his constitutional prerogative is usurpation, tyranny, deserving of the condemnation of the American people. What becomes of the vetoes of that distinguished Democrat, Grover Cleveland? [Applause on the Republican side.]

Mr. MADDEN. What did he say about the Democratic tariff law?

Mr. COOPER. The illustrious Democrat, Grover Cleveland, exercised the veto power far more frequently than has any other President in the history of the Nation. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has again expired.

Mr. UNDERWOOD. I yield 10 minutes to the gentleman from Tennessee [Mr. HULL]. [Applause.]

Mr. HULL. Mr. Speaker, by the confession of the authorized leader of the Republican Party of this country that party stands to-day in the attitude of being either downright ignorant relative to an important question of legislation or engaged in the attempt to perpetrate upon the American people a piece of monumental hypocrisy. [Applause on the Democratic side.] In either event that party no longer has any claim upon the confidence or support of the American people. [Applause on the Democratic side.]

I sat here on yesterday evening and saw the distinguished gentlemen on the other side, who during former years I have been accustomed to hear denounce tariff boards and tariff commissions and to deny their practicability and usefulness; I

watched them on yesterday evening, when their distinguished party President sent his message here, in which he not only confessed ignorance on his own part but was seeking thereby to brand them with the label of ignorance and incapacity. Instead of showing resentment or disapproval, those gentlemen pounded on their desks like a blacksmith on his anvil. [Applause on the Democratic side.]

On the 29th of last month I submitted some remarks on this floor, in which I undertook to review the pretended and the real attitude of the Republican Party toward a tariff board or commission and tariff revision during past years. In those remarks I cited the utterances of gentlemen like the distinguished gentleman from Illinois, ex-Speaker CANNON, the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from New York [Mr. PAYNE], ex-Speaker Thomas B. Reed, and a long list of the veteran Republican leaders not only in this House but in the other end of the Capitol, in which on every occasion up until the past two years they informed every gentleman who urged them to support a tariff board that, in their judgment, the Committee on Ways and Means would and should secure its information at first hand.

But, Mr. Speaker, the effect of the President's message is to plead ignorance, to take refuge behind his own constituted board, and at the same time to offer no criticism of the piece of legislation submitted to him for his approval or disapproval. This bill should be promptly passed over his veto. I sat here awhile ago and listened in astonishment to the gentleman from Minnesota [Mr. NYE], who said that he bowed to the judgment of the President. Why, Mr. Speaker, what was the judgment of the President? He had no judgment, except that he was too ignorant to pass on a matter of legislation that has been before every American Congress in the history of the Government and before the American people in every political campaign in the country's history. [Applause on the Democratic side.] And yet the gentleman from Minnesota, while the President was confessing to his own incapacity and lack of intelligence and by indirection branding the gentleman from Minnesota and every other Member of both branches of Congress with lack of intelligence and legislative capacity, he meekly bows to the so-called judgment of the President, as expressed in that message on yesterday afternoon. [Applause on the Democratic side.]

Mr. Speaker, I make the point that the operation of this board, which is created under the direction of the President, the officers of the board being under his absolute direction and dictation, places within the power of the President the privilege of fixing both the time and the manner of revising the tariff by Congress. The President appoints the members of the board and fixes their salaries. This House can not and, if the dictum of the President is to be regarded, this House dare not undertake to take up and consider a single one of the remaining 12 schedules of the tariff law until he first makes up his mind as to the time and manner in which he will direct his board to go about selecting such facts as he and they may determine and in their own good time send them over to Congress for its action.

Mr. LONGWORTH. Will the gentleman yield?

Mr. HULL. If it is brief.

Mr. LONGWORTH. Who directed the Tariff Board to investigate the wool schedule?

Mr. HULL. Congress did not.

Mr. LONGWORTH. I beg the gentleman's pardon; Congress did.

Mr. HULL. I beg the gentleman's pardon; there has not passed Congress a law that directs that board to do anything, and, I believe, the fact that Congress undertook to direct the board was one of the reasons for the defeat of that bill. But, Mr. Speaker, I will not go into the inside details of the defeat of the Tariff Board measure now.

Mr. DALZELL. Will the gentleman allow me right there?

Mr. HULL. I can not, for I have but a few moments. I want to say one other word about the effect of the operation of this board. As I said, it places, not in Congress, but in the hands of the President and takes entirely away from Congress the right and power of naming the time and the manner of revising the tariff and places it exclusively in the hands of the President.

In addition to that, under the present manipulation of this board, it is in effect a reviewing tribunal of the action of the House and the Senate. We have presented here to-day the fact that Congress has passed a bill revising the woolen schedule. The President says this shall first be acted upon by the board before becoming a law. Inferentially and pretendedly, Mr. Speaker, if the board should approve this bill the President will then send a message to Congress next winter recommending that the opinion of the board be acquiesced in by Congress. I say the inevitable effect of the operation of this board is to act as a reviewing tribunal of every act of this House, and of the Senate as well, pertaining to tariff legislation. This entire Tariff Board business is a sham and a device for delay and evasion.

Now, the President has changed his mind very much during the last two years. Three years ago the Republican national convention was urged to insert a Tariff Board or Commission plank in its platform. It declined to do it. The President was consulting the Ways and Means Committee during all the months they were preparing the data preliminary to the drafting of the last tariff law, and during this time and prior he was being importuned by different individuals to urge the creation of a Tariff Board. His attitude then was entirely different from what it has been recently. Then he wanted revision at once and without the aid of a Tariff Board.

A New York paper, the Herald, on February 27, 1909, reports the President, in replying to some of these gentlemen who were urging him to favor a Tariff Board, as follows:

> The one advantage of appointing a commission with power to revise the schedules would be that it would postpone action, thus giving the country time to fully recover from the effects of the recent depression. On the other hand, the existence of such a commission would keep the business community on the tenterhooks all the time and be a perpetual disturbing cause. Better have the matter up before Congress in extra session to settle it, and settle it one way or the other for a term of years. This seems to be the view of Mr. Taft.

[Applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, it is most fortunate, indeed, that our forefathers, in their wisdom, provided for the interposition of an Executive act to check the course of hasty, ill-advised, undigested, harmful legislation. Let us review for a moment the history of the legislation just vetoed. Prepared without the opportunity being given for a hearing on the part of those interested in the manifold industries affected; hastily presented to the House in an undigested form, with the frank declaration that it was presented without regard to its effect upon the people interested in the industries or as to what the outcome should be touching those industries and the people engaged in them; the bill passed and went to the Senate, and there an entirely different measure, the fruit of a coalition, the constituent parts of which differ as widely in their views on tariff as do the two sides of this Chamber, was substituted for the House bill.

The two measures thus passed upon in the two bodies finally were brought to conference, a conference the majority of which still held the view that the bill should be framed purely with regard to revenue and without regard to the industries of the people affected, the minority of those on the conference holding somewhat to the view of protection, and yet openly charged with more anxiety to present legislation which might be embarrassing to the President than to prepare a carefully drawn, scientific measure which would produce revenue on the one hand and protect the industries of the people on the other. I make no such charge, but I do say that it was clearly utterly impossible for anyone who participated in that conference, believing in the doctrine of protection, to impress his views upon the majority in a manner even remotely satisfactory to him. So that the measure as finally presented to the President for his signature was a measure satisfactory neither to those who believe in a tariff for revenue only nor those who believe in a tariff providing for adequate protection. This was the legislation presented to the President of the United States at a time when within three months we shall have full and complete knowledge of the subjects under discussion through the report of the Tariff Board, and at which time we can prepare a bill based on accurate knowledge. [Applause on the Republican side.]

Because the Democratic majority in the House assume that their majority here indicates that the American people are prepared to repudiate or have repudiated the doctrine of protection, it does not follow that they are correct in that view, and the veto message of the President is a courageous challenge, not only of the erroneous position they have taken, but of the wholly indefensible legislation that they have proposed.

The Democratic House wool bill would have ruined the wool industry on the farms and the ranches of the Nation and would have reproduced the conditions of idleness, woe, and suffering which occurred under the Wilson bill through the closing down of the mills and factories of the Nation.

The bill which the Senate substituted for the House bill through the coalition of Democrats and low-tariff Republicans was in some respects even worse, if possible, than the House

bill; it was wholly illogical in its 10 per cent ad valorem on one class of raw wool and its 35 per cent ad valorem on other classes; its protection to the manufacturer was in some cases even less than that given by the House bill, and this would have been as disastrous to the woolgrower as to the manufacturer, for with the closing of the mills the woolgrower would have no home market, and therefore little benefit, if any, from the seeming protection granted him.

In conference a bill was evolved which combined to a certain extent, in a crude and undigested mass, many of the faults of both bills. This could not be otherwise when we take into consideration the well-known views of the conferees. If they had any views in common in regard to the legislation they must have pertained to a desire to embarrass a presidential veto. The President has met the issue courageously and put the case clearly and squarely in his message. The people will understand and approve his action and will not be slow in realizing that other motives than a sincere desire to reenact Schedule K in a manner which will best serve the interests of all the people is behind the insistence on legislation at this time without information, when through the action of Congress, approved by the people, full information is being gathered by the Tariff Board.

This veto of the wool bill is to be followed, as I understand it, by a veto of the crude and wholly indefensible so-called farmers' free-list bill. It is difficult to discuss that measure seriously. Under the pretense of attempting to do something for the benefit of the farmers of the country there has been hurried through Congress a most extraordinary piece of bunco legislation. The farmers of the country, far from being benefited by its provisions, would suffer directly by it more than any other class of our people, and indirectly, through the loss of their markets, in common with all.

We have heard throughout this debate a reiteration of all the shop-worn Democratic appeals for free trade, and, as usual, these utterances have been the frothy sophistries which are based on the assumption that the American people are so simple that they can be led to believe that the flocks and herds of the country can be reduced by hostile legislation, the mills and the factories closed or run on half time, and at the same time the people be employed at good wages and have abundance of means with which to purchase the products of foreign lands and foreign mills and factories.

There are many people of voting age who have not, during their years of discretion, been confronted with the curtailment of income and of opportunity for employment with the want and misery, which are inevitable, when the industries of the country, built up, established, and maintained under a protective system, are paralyzed through legislation, under which their continuation is placed in jeopardy or rendered impossible. If one did not know to the contrary, he might almost believe, to listen to the fervid rhetoric of the gentlemen on the other side of the Chamber, that the American people had been impoverished and plundered as no other people have ever been under the protective system. Surely they must have a low estimate of the intelligence of the people if they expect them to be largely or permanently misled by their vociferations. The fact is known of all men that whatever may have been, or may now be, the faults and inequalities of our tariff legislation, we have under its operation, as a people, enjoyed a prosperity greater and more widespread, more marked and general than any people in the tide of time, at least until the shadow of Democratic tariff revision came to cast its menace across the face of the land.

We shall, of course, from time to time be called upon to modify tariff rates, to correct any faults which may have occurred in tariff revision, and to adjust schedules to changing conditions, but the people have desired, and the Congress has provided, that this shall be done after full information—secured through the machinery of the Tariff Board—which information, as to some of the schedules, will be had in December. Upon these facts and conditions the President has predicated his vetoes. They will be sustained by the good judgment of the people.

Mr. PAYNE. Mr. Speaker, I yield eight minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, the creation of a Tariff Commission or Board has been discussed in the country for a little over two years. Within that time, as stated in the message of the President vetoing this bill, 28 Republican platforms have indorsed the creation of a Tariff Commission that is to secure facts upon which tariff legislation is to be enacted. On the 30th day of last January the Ways and Means Committee brought in a unanimous report upon a bill that created such a commission. In response to a popular demand, Democrats, insurgents, regulars, and all alike supported by speech and vote the enactment of that law. It passed this House by a vote of 186 for to 93 against. In supporting the bill the distingnished gentleman from Alabama, the chairman of the Committee on Ways and Means [Mr. UNDERWOOD], used the following very sensible language:

> Now, there is no doubt that the sole purpose of this legislation is for a board to be appointed to gather facts, not to reach conclusions, and to lay those facts before this House; not facts that the board wants to lay before this House, but facts that this House shall order the Tariff Board to bring before it. You know, and every Democrat here knows, that one of the greatest difficulties we have had to face is that when the Ways and Means Committee goes into session to ascertain the facts upon which they can write a tariff bill, the only men that are sufficiently interested to come before us and give us the facts are the protected industries of the United States. And yet to-day you would vote to continue that condition, to continue to place us absolutely in the hands of the protected interests of this country for the information on which we are to write a tariff bill, and refuse to give us the board that will be composed of men who, by law, are authorized and directed to investigate under our direction and to ascertain facts on which we can base an honest tariff legislation.
>
> Now, that is the issue. My friend from Tennessee wants to know why we should want information in reference to a bill written for revenue, and revenue only. Why, my friend, of all the bills that require information the man who is writing a tariff bill for revenue needs information the most.

That was only the 30th day of last January. What a change has come over the chairman of the Committee on Ways and Means! Without hearing even the manufacturers of the country interested, without information from any source whatever, without hearing a manufacturer, laborer, consumer, or anyone else, without a public or a private hearing, this bill was brought into the House. The President of the United States was not alone in urging among Republicans that there should be scientific and accurate information before a tariff law should be enacted. I note that the distinguished gentleman from Wisconsin [Mr. LENROOT], after he had described the maturing of the sentiment of the country, and how that sentiment had driven this Congress to action, and had brought from the Ways and Means Committee a unanimous report in favor of the creation of this board, proceeded to say:

> To-day we have the bill before us with a unanimous report from both the Republican and Democratic members of that committee. It is a striking demonstration of the fact that the real sovereign of this country, after all, is public opinion, before whose will even Members of Congress must humbly bow or be retired to private life. This measure is advocated from all parts of the United States. It is not a partisan measure in any sense. No Republican who believes in the declarations of his party is afraid of a tariff commission or board; the name is entirely immaterial.

Then he goes on to say that no Democrat should be afraid of it. What has happened to the gentleman from Wisconsin? What has happened to the wisdom of the report of the Ways and Means Committee? What has happened that made it necessary that we should write this law without information? We have had no reports from the Tariff Board or Commission, and yet we are asked to enact a tariff law upon one of the most important tariff schedules. Why rush this through over the President's veto without a report from the Tariff Commission? Politics, politics, and only politics! [Applause on the Republican side.] If the judgment of the American people is settled upon any one thing regarding tariff legislation more than another, it is that there shall cease to be legislation upon the tariff for purely political purposes [applause on the Republican side] and by partisans without information.

The American people are not clamoring at this time for undigested legislation affecting the welfare of the country. There have been times when we have had such undigested laws enacted without information. You gentlemen passed such a law upon another occasion, so unspeakably bad that your own President would not sign it. He permitted it to become a law without his signature. Your effort at legislating now is no wiser than it was then. [Applause on the Republican side.] You are proceeding upon exactly the same theories that you proceeded upon then; you are using blind partisan political arguments as a basis for tariff legislation rather than information scientifically gathered in enacting a law upon this important subject. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Will the gentleman from Alabama use some of his time now?

Mr. UNDERWOOD. Mr. Speaker, I will ask as to the division of time.

The SPEAKER pro tempore. The gentleman from Alabama has 33 minutes remaining and the gentleman from New York 25.

Mr. UNDERWOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, I desire to speak briefly upon the veto message of the President. Called together by a Republican President in extra session the Democratic Party in this House sought to revise certain schedules of the tariff law and to reduce the tariff taxes. We have had the aid of some able gentlemen on the other side, the best part left of the Republican Party—the so-called insurgents of the House. [Applause on the Democratic side.] The President wanted to pass a bill for reciprocity with Canada. A majority of his own party in this House and in the Senate voted against that reciprocity measure and he had to rely upon the Democrats to pass it. [Applause on the Democratic side.] Having been elected upon a platform that repudiated the Payne-Aldrich tariff law, we sought to relieve the people of the burdens imposed upon them by that law. What will you say to the people when they ask you if the Underwood bill as amended by the Senate was not a reduction of the Payne-Aldrich tariff duties? The bill that passed this House cut half in two the duties on wool and woolen goods. The bill that passed the Senate, and which was agreed on here, reduces the tariff duties far below the now universally condemned woolen schedule of the Payne-Aldrich tariff law. [Applause on the Democratic side.] Is not half a loaf better than none? In which direction does this bill lean? Does it lean toward the mountain where sits intrenched the Woolen Trust, or does it lean toward the toiling masses of this country? [Applause on the Democratic side.] That is the question that you gentlemen will meet at the polls next year; and let me predict now that the already too patient and long-suffering American people will see to it that the place that knows President Taft officially now will soon know him no more forever. [Prolonged applause on the Democratic side.]

Mr. STANLEY. Mr. Speaker——

The SPEAKER. Does the gentleman from Alabama [Mr. HEFLIN] yield to the gentleman from Kentucky?

Mr. HEFLIN. I would like to yield to my friend from Kentucky, but my time is limited and I can not.

Mr. Speaker, the President says in his message that unless he can protect this protection to wool and woolen goods from foreign competition the sheep will have to go to the shambles. I have heard Republicans here to-day defend sheep; I have heard them plead for the rights and liberties of sheep [laughter], but I have not heard the Republican President or a single Republican in this House plead for the poor and half-clad children of this Republic. [Loud applause on the Democratic side.]

Why, I imagine that the President as he wrote this veto message, speaking for the Republican Party, said:

> Democrats and insurgents, spare the Woolen Trust,
> Touch not its back or brow;
> In campaign times it sheltered me,
> And I'll protect it now.

[Applause on the Democratic side.]

Mr. Speaker, the old Bible doctrine propounded in the days long gone is applicable here to-day—

No man can serve two masters.

[Applause on the Democratic side.]

He that is not with Me is against Me—

And I will put it up to the Republicans here to-day, those of you who hope to be able to answer to your names in this House in the next Congress, choose you this day whom you will serve—the Woolen Trust or the American people. [Applause on the Democratic side.]

The wise man foreseeth the evil and hideth himself, but the foolish pass on and are punished.

[Applause on the Democratic side.]

Mr. Speaker, the time for talking plainly to the American people has arrived. There are two tremendous forces at work in this Republic. One of them is moving rapidly toward a strong centralized Government, with its power centered in one man here in Washington. The other force is moving slowly but with determination toward the perpetuation of a Government whose highest purpose is to secure the happiness and well-being of the American people; to do that which will bring about the greatest good to the greatest number. [Applause on the Democratic side.]

Mr. Speaker, is this any longer a Government of the people, by the people, and for the people, when a Republican President can with impunity defy the wishes of the people, ignore their expressed will, and exercise to their detriment and great injury the power that they have placed in his hands? Have we reached that dreaded time when one-man power, closeted in the White House, has come to curse the country? Will the American people fold their arms and sit supinely down at the feet of the Woolen Trust and kiss the White House hand that smites them? No, Mr. Speaker; at the judgment bar of the intelligent, justice-loving voter the President stands convicted of at least carelessness and indifference to the best interest of the American people. [Applause on the Democratic side.]

The President has said that the woolen schedule is a burden to the people, and that it can not be defended. No Republican has dared recently to defend it in the open, and yet, abused and despised as it is, it possesses such a mysterious charm and fascination for the President that it guides his hand in the exercise of the veto power and saves itself from the fate that he himself said it deserved. [Applause on the Democratic side.]

At the general election in 1910 the American people condemned the Payne-Aldrich tariff law, and sent their Representatives here to repeal that infamous measure. There was one schedule in the Payne-Aldrich tariff law so grim with oppression to the consumer and so bristling with unfair and unreasonable profit to the Woolen Trust that nearly all of the American people demanded that it be revised and the tariff tax reduced. Yes, Mr. Speaker, there was one piece of infamy so colossal in the Payne-Aldrich tariff law that even the Republican President said, "It is indefensible." [Applause on the Democratic side.]

Mr. Speaker, the President of the United States occupies the unenviable and ugly attitude of condemning and indorsing, of being for and against, a schedule that now injuriously affects ninety-odd millions of people. By the stroke of his pen he has kept life and vital power in the most damnable piece of tariff legislation ever placed upon the statute books. [Applause on the Democratic side.]

When the President vetoed this woolen bill he renewed the license of the Woolen Trust to continue to rob and plunder the American people. [Applause on the Democratic side.] You can say this for the President—he is loyal to his friends. He is loyal to the interests that stood by him in the campaign of 1908. [Laughter and applause on the Democratic side.]

The passage of this bill would go a long way toward relieving the consumers of the burdens now imposed upon them by the Woolen Trust. Millions of people would rejoice to see the power of this remorseless monster broken, and I appeal to the Members of this House—the immediate representatives of all the people—to stand up like men and register their will in overturning the veto of the President. [Loud and prolonged applause on the Democratic side.]

Mr. Speaker, we are told that the President will, in a few minutes, send in a message vetoing the farmers' free-list bill. In view of that fact I desire to include in my remarks the following report by Mr. UNDERWOOD, from the Ways and Means Committee:

[House of Representatives, Report No. 4, Sixty-second Congress, first session.]

TO PLACE ON THE FREE LIST AGRICULTURAL IMPLEMENTS, COTTON BAGGING, COTTON TIES, LEATHER, BOOTS AND SHOES, FENCE WIRE, MEATS, CEREALS, FLOUR, BREAD, TIMBER, LUMBER, SEWING MACHINES, SALT, AND OTHER ARTICLES.

[Report to accompany H. R. 4413.]

The Committee on Ways and Means, to whom was referred the bill (H. R. 4413) to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, saddlery and harness, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

It was expressly stated in the Democratic platform of 1908 that the belated promises of tariff reform made at that time by the Republican Party were a tardy recognition of the righteousness of the Democratic position on this question, but that the people could not safely intrust the execution of this important work to a party which is so deeply obligated to the highly protected interests as is the Republican Party.

The accuracy and justice of this declaration have been convincingly shown by the Republican performances in the tariff act of 1909, as compared with their promises before the election in 1908. The recent statements by or from the Republican adminstration concerning investigations being made or to be made for ascertaining the real cost of production of domestic and foreign competing articles are to be considered in the light of past experience. Investigations into these same matters have been carried on for years under various Republican administrations, by the Bureau of the Census, the Consular Bureau of the Department of State, and other governmental agencies. Such investigations, although made under better organizations, powers, and opportunities than are found in investigations now being attempted by a new agency of the Executive, have shown, in the results published, no statistical or other data accepted as conclusive concerning comparative foreign and domestic costs of production of protected commodities or affording good reason for the continuance of high protective duties.

CANADIAN RECIPROCITY.

The Canadian reciprocity agreement now before the Congress is a recognition on the part of the administration of the injurious effects of the extreme protective policy which has been so long imposed on the country, and is an effort to mitigate its effects. In the minority report of the Senate Select Committee on Wages and Prices of Commodities, submitted to the Senate June 23, 1910, three causes were given for the advance in food prices, and hence for the increase in the cost of living, as follows: (1) The tariff; (2) trusts, combines, and monopolies; and (3) increased money supply. Referring to these, the committee said:

"We are without sufficient data to apportion the degree of responsibility among these three causes, but that the first two are the chief malefactors we have no doubt, and they are of our own creation."

In his special message first submitting the reciprocity agreement to Congress, January 26, 1911, the President stated in effect that the present welfare of our people and the requirements of our future economic status make the measure urgently necessary. In several public addresses he has admitted that tariff rates are too high, that such rates have resulted in excessively high prices, felt especially in the increased cost of living, which now bears so heavily on the people, and that the people have not received the long-promised benefits of domestic competition under high protective duties. In his address at the National Corn Exposition at Columbus, Ohio, February 10, 1911, the President said:

"I am a Republican, and the Republican Party has always advocated and pursued a policy of protection to American products and manufactures. For a long time the policy had little or no limitation. It was thought that tariffs on protected products could not be too high; that if all foreign products were excluded competition would stimulate production and reduce its cost and its price. The temptation to destroy competition by combinations became so great, however, that the party in its platform modified its policy and imposed the limitation that the tariff should be limited for purposes of protection to the difference between the cost of production in this country and the cost of production abroad, with an allowance for a reasonable profit to the American producer."

HIGH PROTECTION BROKEN DOWN.

This is a confession, as was the Republican platform of 1908, that the theory of high protective duties, as put forth by the Republican Party, has broken down, that combinations and trusts which prey upon the people have been fostered by the tariff, and that under high-tariff protection American manufacturers have forced unreasonable profits from the people. Again, in his address before the joint session of the General Assembly of Illinois at Springfield, February 11, 1911, the President said:

"There was a time when leading Republicans thought that there was no danger in having a tariff higher than necessary to protect any industry. It was thought that if the country was made dependent on manufactures behind the tariff wall the competition between the manufacturers would stimulate the reduction in the cost of production and thus reduce the price.

"But the temptation to combine by which the price could be controlled and thus the excessive tariff taken advantage of, led to a modification of the protection theory and to a declaration that the protection of any industry ought not to exceed in the tariff imposed more than the difference between the cost of production abroad, the cost of production here, and enough to give a fair profit to the domestic producer or manufacturer."

REPUDIATED PROMISE OF DOWNWARD REVISION.

In its platform of 1908 the Republican Party announced the modification of its protection theory referred to by the President, and in deference to aroused public opinion against burdens imposed by the Dingley tariff of 1897, promised a downward revision of the tariff. On this promise the party secured from the people a further continuation of power. How this promise was repudiated in the enactment of the higher tariff act of 1909, and how the people, so far as their power extended at the time, in just resentment have driven the Republican Party from control in Congress, are matters of history. Following this decided rebuke by the people, the President has brought forward the Canadian reciprocity agreement in the effort to remove some of the trade restrictions which he admits are unreasonable. While this agreement marks a desirable beginning of the greatly needed work of revising injurious tariff rates, it is not, nor can it be expected unaided to afford, more than a fragmentary and partial relief to our people. The advantages of the agreement are greater for the people of Canada than for the people of our own country. As the President said in his message of January 26, 1911:

"Reciprocity with Canada must necessarily be chiefly confined in its effect on the cost of living to food and forest products. The question of the cost of clothing as affected by duty on textiles and their raw materials, so much mooted, is not within the scope of an agreement with Canada, because she raises comparatively few wool sheep, and her textile manufactures are unimportant."

REVISION OF RATES ON WORLD'S COMMERCE NEEDED.

Thus in clothing as well as in many other essential commodities, the relief so urgently needed and demanded by our people can not be secured through this reciprocity measure, even with the further concessions for freer trade relations hoped for under section 3 of the bill (H. R. 4412) now before Congress. That the President recognized the advisability of having the agreement provide for a freer trade intercourse is evidenced by the following reported excerpt from his address before the Southern Commercial Congress at Atlanta, Ga., on March 10, 1911:

"When we entered upon the negotiations, I authorized the Secretary of State and his commissioners to offer free trade in everything, but this Canada could not grant us, because she has a protective system and she was afraid of the competition of our better-organized industries."

The relief needed by our people can be secured only by an honest revision of the tariff as related to our general commerce and trade with the civilized world; the plain mandates of the people make such revision the duty of the present Congress. As the President well said in his reciprocity message of January 26, 1911: "Action on the agreement submitted will not interfere with such revision of our own tariff on imports from all countries as Congress may decide to adopt." In fact, action on the Canadian agreement involves the necessity of further and immediate action in removing a number of duties on imports from other countries, in order that justice may be done to the great army of our agricultural producers, who in the Canadian agreement are to have all the alleged protection removed from their products without a corresponding or reciprocal removal of the protective duties most burdensome on the commodities they must purchase as necessary to sustain their lives and industries. As a beginning in the correction of this injustice, against which our farmers properly protest, the bill (H. R. 4413) herewith reported has been framed.

AGRICULTURAL IMPLEMENTS.

By this measure agricultural tools and implements of every kind are placed on the free list, in order to remove or to prevent any possible discrimination against our farmers in the prices of these necessary articles, and to place them on an equal footing with their competitors elsewhere in the world. Our domestic manufactures of agricultural tools, implements, vehicles, and machinery have grown to great proportions and are largely organized into great trusts and combinations. These organizations are selling their products all over the world, meeting and overcoming all competition. They need no protection, and, as a rule, ask for none. For a number of years they sold many of their products in foreign countries at lower prices than at home, and so recently as 1907 agricultural associations in public resolutions protested against this practice. The imports of these agricultural implements are insignificant; the value of all such imports, free and dutiable, in 1910, amounted to $122,302. The exports of these implements have become a matter of more importance than the domestic trade, the figures indicating an increase from $3,859,184 in 1890 to $28,124,033 in 1910. This foreign business will be greatly aided by the removal of duties from lumber, as provided for in this bill.

BAGGING AND BALING MATERIALS.

It is of the greatest importance to our producers of cotton and other agricultural commodities that the materials necessary for bagging, sacking, baling, or otherwise packing these commodities be made free from duty, so that they may be available to the producers at the most favorable prices possible, without shelter for the exaction of unreasonable prices by trusts and combinations of manufacturing interests. The bill, therefore, places all such materials and articles on the free list, including cotton bagging and cotton ties, jute and jute butts, hemp, flax, seg, tow, burlaps, and other materials or fibers suitable for coverings, and bags or sacks made therefrom, together with all hoop or band iron or hoop or band steel for baling any commodity and wire for baling agricultural products. All these coverings and materials for making coverings are essentials in the transportation of agricultural products to their markets. The products can not receive the benefit of any protection in these markets, and for this and other reasons it is unfair and unjust to continue duties on coverings for agricultural produce. These duties have annoyed and burdened farmers and have served principally to increase the profits of exacting trusts and combinations.

It appears that practically all of the jute bagging manufactured in this country is supplied by concerns which are in effect a combination and generally known as the "Bagging Trust." This combination has been supplying about four-fifths of the entire domestic requirements for bagging, chiefly used for covering cotton. The jute or jute butts from which this bagging is made must all be imported, as none is produced in this country. These raw materials have been on the free list for a number of years, and domestic manufacturers have every opportunity to make up and market this bagging at reasonable and competitive prices. Gunny cloth and burlaps, or burlap cloth, are also made almost entirely from jute, and very little, if any, of these cloths are produced in this country. Bags and sacks made from these materials are necessities in the marketing of fertilizers, stock foods, and various agricultural products. The placing of these materials and articles on the free list would be a distinct advantage to the producers and users of fertilizers, cereal products, and other commodities.

It is now generally admitted that even from the protection standpoint no protection whatever is needed by our great corporations and trusts which manufacture hoops, bands, and ties of iron and steel, and wire such as used for baling agricultural products, together with wire strands and rope, wire rods, and barbed wire and other forms of wire used for fencing. By reason of existing high duties our people are dependent for these articles on our giant steel industry, which has captured for its products a large share of the markets of the world. It is a matter of common knowledge that our manufacturers of wire, hoops, ties, and other forms of steel have for years sold, and probably now do sell, their products abroad at much lower prices than to domestic consumers. The high protection they have enjoyed has enabled them to make this unfair discrimination against our own people. The removal of the duties on these iron and steel articles generally and necessarily used by our agricultural producers, as well as by many others, will effect a considerable saving to them, and this, like the provisions of the bill generally, is a long-delayed measure of equity and justice.

On the average cotton crop of about 12,000,000 bales, for practically all of which ties must be used, the additional burden imposed by the duty on these ties amounts to not less than $150,000. This is practically all tribute to the steel industry, as the Government collected only $1,499 in duties on this item in the fiscal year ended June 30, 1910. As binding twine, an important article for packing farm products in many parts of the country, is already on the free list, a like exemption should be given the ties used in baling cotton.

LEATHER, BOOTS, SHOES, HARNESS, AND SADDLERY.

Hides were placed on the free list by the tariff act of 1909 in response to the demand of the manufacturers of leather and boots and shoes, and after a hard struggle with the Beef Trust. The bill here-

with reported proposes to place on the free list all forms of leather from cattle hides and cattle skins, together with boots and shoes, harness, saddles, and saddlery. With free hides, as at present, leather can be and apparently is being tanned and marketed in this country at low cost. Leather in its various forms is a prime necessity to all of our people and an essential raw material for many industries. Our manufacturers of boots and shoes have placed their products in the principal markets of the world, notwithstanding the existing duties on leather, which, while not high in comparison with many other duties, add appreciably to prices. The removal of the duties from leather made of cattle hides will be of advantage in the manufacture of harness, saddles, saddlery, boots and shoes, and the free market in all of these articles will necessarily be a benefit to agricultural producers as well as to all the people.

FOOD PRODUCTS.

Practically all that our people eat can be provided by our farmers, but a very large part of it is not and can not be eaten in the form in which it leaves the farm. The meat packing and distributing business of the country is thoroughly organized and is being exploited by a combination of great packing concerns commonly known as the Beef Trust. The existing duties on meats and meat products are for the advantage of this combination only. It is well known that this trust, through the strength of its organization and position in the markets, injures the producers of cattle and other animals used for food by forcing down prices; and also oppresses the consumers of meats and meat products by establishing and maintaining high prices for these articles. Thus the trust controls the market both in buying and selling, and the result is a substantial addition to the cost of living from which all the people suffer. As our population has increased, our exports of foodstuffs and food products have declined and imports increased; under these circumstances duties on these articles have become a heavier burden on the people. In the Canadian reciprocity agreement, cattle and all other live stock, including swine, sheep, and lambs, and likewise wheat, rye, oats, barley, buckwheat, and corn, are placed on the free list. With the removal of duties on imports of these articles from the only country from which real competition could be expected, our farmers are openly and avowedly placed in a free market as to foodstuffs and food products in the forms in which they leave the farm. Representative organizations of the farmers are therefore urging that all the people shall now have the advantage of a free market in buying these foodstuffs and food products in the forms in which they are finally consumed.

COST OF FOOD TO THE AVERAGE FAMILY.

In framing the measure under consideration, for reasons already recited, especial consideration has been given to our agricultural classes and to the masses of our population to whom the necessities of life mean so much.

According to investigations conducted in 1902 by the Bureau of Labor, the expenditures of the average normal family, in the 11,156 families consulted having an income of not less than $600 and under $700, was $611.58, proportioned as follows: Food, 43.48 per cent; clothing, 12.88 per cent; rent, 18.48 per cent; sundries, 19.39 per cent; fuel, 4.65 per cent; and lighting, 1.12 per cent.

The following statistical analysis of the cost of articles of food to the average American family, averaging 5.31 persons, presents forcefully the significance and importance of the food sections of the bill under consideration, as related to the cost of living:

TABLE 1.—*Average cost of the various articles of the food consumed in average family of United States.*

[Compiled from eighteenth report United States Commissioner of Labor. The statistics are based on returns secured principally in 1901 from 2,567 families of the average size of 5.31 persons.]

Articles.	Unit of measure.	Quantity.	Average cost.	Per cent of total expenditures.
Fresh beef	Pounds	349.7	$50.05	15.31
Salt beef	do	48.6	5.26	1.61
Fresh hog products	do	114.2	14.02	4.29
Salt hog products	do	110.5	13.89	4.25
Other meat	do	77.7	9.79	2.99
Poultry	do	67.7	9.49	2.90
Fish	do	79.9	8.01	2.45
Eggs	Dozens	85.2	16.79	5.14
Milk	Quarts	354.5	21.32	6.52
Butter	Pounds	117.1	28.76	8.80
Cheese	do	16.0	2.62	.80
Lard	do	84.4	9.35	2.86
Tea	do	10.6	5.30	1.62
Coffee	do	46.8	10.74	3.28
Sugar	do	268.5	15.76	4.82
Molasses	Gallons	3.6	1.69	.52
Flour and meal	Pounds	680.8	16.76	5.13
Bread	Loaves	252.7	12.44	3.81
Rice	Pounds	25.1	2.05	.63
Potatoes	Bushels	14.7	12.93	3.50
Other vegetables			18.85	5.77
Fruit			16.52	5.05
Vinegar, pickles, and condiments			4.12	1.26
Other food			20.40	6.24
Total			326.90	100.00

According to the figures of this table, out of the average annual cost for food of the average family of the 2,567 families consulted for the data, meat amounted to 28.49 per cent and the bread articles 8.93 per cent; meat and bread thus constituted 37.38 per cent of the total annual expenditure for food.

The general public are anxious that no artificial shelter shall be maintained to protect abnormally high prices of food articles in any form. The bill (H. R. 4413) accordingly places on the free list all meats, whether fresh, cured, prepared, or preserved in any manner, including bacon, hams, shoulders, sausage, and sausage meats, and likewise lard, lard compounds, and lard substitutes. The bill also exempts from duty wheat flour, semolina, rye flour, buckwheat flour, corn meal, oatmeal, rolled oats, and all prepared cereal foods, together with biscuits, bread, wafers, and similar articles not sweetened, and likewise places on the free list, bran, middlings, and other offals of grain, which are important stock foods.

FOREST PRODUCTS.

The wasteful and premature consumption of our forests has created alarm with regard to the maintenance of the necessary supply of timber, lumber, and forest products generally. These products are among the fundamental necessities of the life and industry of our people, and none have a greater interest in increasing our supply of these products than have the farmers. The growing demands of an increasing population are pressing upon a diminishing supply. The ownership of timber in this country has become practically a monopoly, and has passed for the most part into the hands of great corporations and interests which are speculating on the increasing scarcity. The Democratic Party, recognizing a constant demand of the people, has persistently sought to secure free lumber. It seems that the President has at last come to appreciate the importance of this demand, as shown in his advocacy of the Canadian reciprocity agreement. In his message of February 26, 1911, he said:

"Free lumber we ought to have. By giving our people access to Canadian forests we shall reduce the consumption of our own, which, in the hands of comparatively few owners, now have a value that requires the enlargement of our available timber resources."

We must give our people access to available supplies of lumber from all possible sources. Logs and round unmanufactured timber are already on the free list. This bill also exempts from duty timber, hewn, sided, or squared, round timber used for spars or in building wharves, and sawed boards, planks, deals, and other lumber; that is, practically all forms of lumber, except the hardwoods, lignum vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods, practically all of which must be imported; on these hardwoods the existing duty of 20 per cent is detained for purposes of revenue only. Shingles, laths, and fencing posts are expressly exempted from duty by the bill.

The Democratic platform of 1908 explicitly demanded that lumber, timber, and logs be immediately placed upon the free list.

SEWING MACHINES.

Sewing machines are necessities in the homes of the people and should be purchased by our users at prices as favorable as those given to foreign users of American machines. It is well known that our manufacturers of these machines have for many years sold them at much lower prices for export to foreign countries than to consumers at home. American manufacturers have already proved that sewing machines are made here as cheaply as in any other part of the world. With free lumber, as provided for in this bill, our manufacturers will have an additional advantage.

SALT.

Salt is an article of general necessity and an important material in many industries. It is absolutely required as a food preservative. It is most desirable that for the health and welfare of our people this article, so necessary in the preparation and marketing of food products, be made free from any artificial enhancement of price. The domestic supply of salt is dependent upon a limited number of natural deposits. There has been a gradual concentration of forces among the producing interests, which are well able to meet foreign competition. It is provided in the existing tariff law that duties shall be remitted on imported salt in bond used in curing fish taken by vessels licensed to engage in the fisheries and in curing fish on the shores of the navigable waters of the United States; also that duties paid on imported salt used in curing meats in the United States shall be refunded on the exportation of such meats. There is no good reason for confining the advantages of these exemptions to these cases. It has been the Democratic policy to make this article entirely free from duty, as provided for in this bill.

The full scope of the importance and significance of the bill H. R. 4413, as related to the people and to the revenues to be remitted, is exhibited in Tables 2 to 7, showing the production and consumption of the articles affected by the bill and the exports and imports, with the duties from imports, for selected years. It has been necessary to confine the statistics of Table 2 to census years, as the census has of necessity been relied upon for production figures. The statistics of manufactures for 1910 are not yet available, except for lumber, laths, and shingles. A full explanation of the sources used in compiling the tables, together with instructions for using the statistics, will be found in the notes in connection therewith.

DUTIES.

As shown in Table 5, the exemption from duty of all the articles affected by the bill (H. R. 4413) would reduce the tariff revenue by the amount of $10,028,989, based on the importations for the fiscal year ended June 30, 1910. Included in this are the duties to be remitted under the Canadian reciprocity agreement, amounting to $1,653,313. Deducting this amount from the total remitted duties, $10,028,989, for 1910, it appears that the net amount of duties which would be remitted under the provisions of bill H. R. 4413, after allowing for the results of the Canadian reciprocity agreement, would be only $8,375,676. This amount is inconsiderable in comparison with the great saving and advantage to all of our people from the additions to the free list provided for, and the committee recommend the passage of the bill.

TABLE 2.—*Domestic production, imports, exports, consumption, and per cent that production sustains to consumption with relation to the classes of articles carried by bill H. R. 4413, for selected years: 1890, 1900, and 1905.*

[Production figures compiled from census reports; those of imports and exports from Commerce and Navigation, Bureau of Statistics, Department of Commerce and Labor. Because of lack of uniformity in classifications, the statistics of production are not in all instances strictly comparable, nor do they relate with precision to the classifications of the bill referred to. Close approximations have been attained, however, and important variations are cited in footnotes.]

Articles.	Year.	Domestic production.	Imports entered for consumption.		Domestic exports.	Consumption (measured by net supply).		Per cent of domestic production to consumption.
		Values.	Values.	Duties.	Values.	Values.	Per capita.	
Agricultural implements	1890	[1] $81,271,651			$3,859,184	$77,412,467	1.23	105
	1900	[1] 101,207,428	$5,408	$1,082	16,099,149	85,113,687	1.12	119
	1905	111,344,975	13,876	2,775	20,721,741	90,637,110	1.08	123
Bagging for cotton, sacks, burlaps, etc	1890	[2] 1,120,121	7,549,446	2,474,081	327,955	8,669,567	.14	12
	1900	[2] 5,383,797	12,164,291	3,518,118	[3] 397,740	17,548,088	.23	31
	1905	[2] 9,065,802	16,965,842	4,879,870	[3] 321,884	26,031,644	.31	35
Cotton ties (hoop or band iron)	1890	[4]	608,670	213,035	620	[4]	.....	.....
	1900	[5] 49,159,747	23,192	5,739	70,186	49,112,753	.....	100
	1905	12,760,010	7,136	2,576	127,193	12,639,953	.15	101
Leather, boots, shoes, harness, saddles, saddlery, etc	1890	[6] 415,756,351	970,059	26,689	11,571,170	414,696,240	6.59	100
	1900	[6] 426,270,906	298,967	112,842	23,128,682	403,441,191	5.33	105
	1905	[7] 525,630,937	437,347	146,165	33,063,021	493,005,263	6.49	130
Barbed and other fence wire, wire rods, strands, ropes, etc	1890	[4]	3,091,302	995,661	780,222	.....	.....	.....
	1900	88,155,035	324,783	281,714	6,496,266	81,983,552	1.08	108
	1905	118,853,625	1,041,230	293,913	6,867,650	113,027,205	1.34	105
Fresh and preserved meats	1890	[8] 561,611,668	291,447	43,088	111,143,605	450,759,510	7.16	125
	1900	680,286,295	227,029	58,012	157,136,455	523,376,869	6.89	111
	1905	760,764,747	477,755	114,481	146,447,283	614,895,219	7.31	124
Flour and grist, cereals and bread	1890	[9] 413,971,474	176,581	26,287	60,447,532	353,700,523	5.62	117
	1900	[9] 496,722,553	164,183	32,575	78,882,348	418,004,388	5.54	102
	1905	[9] 708,478,500	664,315	141,370	44,101,282	665,041,533	7.91	107
Lumber, laths, and shingles	1890	407,957,382	7,511,057	1,242,742	11,493,512	403,974,927	6.42	101
	1900	414,058,487	8,531,524	1,546,040	18,686,668	403,903,343	5.31	103
	1905	455,153,662	12,864,258	1,714,172	32,760,287	445,257,633	5.30	104
	1910	724,705,760	22,398,342	1,918,803	47,504,809	699,599,293	7.61	104
Sewing machines, and parts of	1890	[4]	[4]	.....	2,793,780	.....	.....	.....
	1900	13,039,238	.....	.....	4,541,774	8,497,464	.....	153
	1905	.....	.....	.....	6,104,279	.....	.....	.....
Salt	1890	5,441,303	861,062	394,215	29,073	6,273,292	.10	87
	1900	7,901,836	544,145	287,854	55,833	8,390,148	.11	94
	1905	9,334,998	396,202	203,064	190,376	9,540,824	.11	91

[1] Includes custom and repair work, and amount received for contract work.
[2] All jute and jute goods.
[3] Exclusively bags, manufactured from fibers, vegetable and textile grasses.
[4] Not reported separately.
[5] Includes skelp.
[6] Includes custom and repair work, etc., as well as value of skins and hides other than cattle.
[7] Includes the custom and repair work in saddlery only.
[8] Includes by-products, such as fertilizers, glue, etc.
[9] Includes no cereals or breads, crackers, etc.

TABLE 3.—*Imports entered for consumption and exports of the articles carried by bill H. R. 4413 for the years ending June 30, 1890, 1900, 1905, 1909, and 1910.*

[Compiled from Commerce and Navigation, Bureau of Statistics, Department of Commerce and Labor.]

IMPORTS ENTERED FOR CONSUMPTION.

Items.	1890	1900	1905	1909	1910
Agricultural implements	[1]	$5,408	$13,876	$43,256	$79,602
Cotton bagging, sacks, burlaps, etc	$7,549,446	12,164,291	16,965,842	21,655,543	25,605,019
Cotton ties	608,670	23,192	7,136	[1]	9,389
Leather, boots, shoes, harness, saddles, saddlery, etc	97,059	298,967	437,347	436,647	1,319,622
Barbed and other fence wire, wire rods, strands, ropes, etc	3,091,302	324,783	1,041,230	1,240,940	1,825,088
Fresh and preserved meats	291,447	227,029	477,755	512,814	736,165
Flour, cereals, and bread	176,581	164,183	664,315	1,096,267	1,202,497
Lumber, laths, and shingles	7,511,057	8,531,524	12,864,258	19,568,603	22,398,342
Sewing machines, and parts of	[1]	[1]	[1]	[1]	76,964
Salt	861,062	544,145	396,202	337,090	295,131

DOMESTIC EXPORTS.

Agricultural implements	$3,859,184	$16,099,149	$20,721,741	$25,694,184	$28,124,033
Cotton bagging, sacks, burlaps, etc	[2] 337,955	[2] 397,740	[2] 321,884	[2] 466,554	[2] 414,009
Cotton ties	620	70,186	127,193	179,227	259,924
Leather, boots, shoes, harness, saddles, saddlery, etc	11,571,170	23,128,682	33,063,021	35,467,300	37,178,938
Barbed and other fence wire, wire rods, strands, ropes, etc	780,222	6,496,266	6,867,650	7,722,460	9,186,159
Fresh and preserved meats	111,143,605	157,136,455	146,347,283	136,231,967	106,844,808
Flour, cereals, and bread	60,447,532	78,882,348	44,101,282	55,170,593	51,594,706
Lumber, laths, and shingles	11,493,512	18,686,668	32,760,287	38,371,893	47,504,809
Sewing machines, and parts of	2,793,780	4,541,774	6,104,279	5,904,029	7,513,852
Salt	29,073	55,833	190,376	237,973	286,363

[1] Not separately reported. [2] Exclusively bags manufactured from fibers, vegetable and textile grasses.

TABLE 4.—*Value of imports entered for consumption, duties and ad valorem rate of duty, with relation to articles carried by bill H. R. 4413, for the year ending June 30: 1905 and 1910.*

Articles.	Year.	Value of dutiable imports entered for consumption.	Duties.	Ad valorem rate of duty (per cent).
Agricultural implements	1910	$79,602	$12,189	15.31
	1905	13,876	2,775	20.00
Cotton bagging, sacks, burlaps, etc	1910	25,605,019	6,877,667	26.86
	1905	16,965,842	4,879,870	28.76
Cotton ties	1910	9,389	1,499	15.96
	1905	7,136	2,576	36.10

TABLE 4.—*Value of imports entered for consumption, duties and ad valorem rate of duty, with relation to articles carried by bill H. R. 4413, for the year ending June 30, 1905 and 1910*—Continued.

Articles.	Year.	Value of dutiable imports entered for consumption.	Duties.	Ad valorem rate of duty (per cent).
Leather, boots, shoes, harness, saddles, saddlery, etc.	1910	$1,319,622	$97,325	7.38
	1905	437,347	146,182	33.42
Barbed and other fence wire, wire rods, strands, ropes, etc.	1910	1,825,088	514,410	28.18
	1905	1,041,230	293,913	28.22
Fresh and preserved meats	1910	736,165	159,863	21.71
	1905	477,755	114,476	23.96
Flour, cereals, and bread	1910	1,202,497	273,746	22.76
	1905	664,315	141,370	21.28
Lumber, laths, and shingles	1910	22,398,342	1,918,803	8.57
	1905	12,864,258	1,714,172	13.33
Sewing machines, and parts of	1910	76,964	23,089	30.00
	1905	[1]	[1]	[1]
Salt	1910	295,131	150,398	50.96
	1905	396,202	203,064	51.25

[1] Not separately reported.

TABLE 5.—*Duties from imports of articles carried by bill H. R. 4413, for the years ending June 30, 1890, 1900, 1905, 1909, and 1910.*

[Compiled from Commerce and Navigation, Bureau of Statistics, Department of Commerce and Labor.]

Items.	1890	1900	1905	1909	1910
Agricultural implements	[1]	$1,082	$2,775	$8,651	$12,189
Cotton bagging, sacks, burlaps, etc.	$2,474,081	3,518,118	4,879,870	6,035,447	6,877,667
Cotton ties	213,035	5,739	2,576	[1]	1,499
Leather, boots, shoes, and saddlery	26,689	112,842	146,182	111,682	97,325
Barbed and other fence wire, wire rods, strands, ropes, etc.	995,661	281,714	293,913	394,187	514,410
Fresh and preserved meats	43,088	58,012	114,476	118,650	159,863
Flour, cereals, and bread	26,287	32,575	141,370	241,025	273,746
Lumber, laths, and shingles	1,242,742	1,546,040	1,714,172	2,157,485	1,918,803
Sewing machines	[1]	[1]	[1]	[1]	23,089
Salt	394,215	287,854	203,064	180,866	150,398
Total	6,415,798	5,843,976	7,498,398	9,247,993	10,028,989

[1] Not separately reported.

TABLE 6.—*Segregation of the items and duties composing the paragraphs in bill H. R. 4413, covered by (1) cotton bagging, sacks, burlaps, etc., and (2) lumber, laths, and shingles.*

Items.	1890	1900	1905	1909	1910
Cotton bagging, sacks, burlaps, etc.:					
Cotton bagging	$12,231	$43,420	$57,621	$48,075	$99,033
Sacks	524,757	511,374	598,850	885,309	970,715
Burlaps	1,937,093	2,963,324	4,223,399	5,102,063	5,807,919
Total	2,474,081	3,518,118	4,879,870	6,035,447	6,877,667
Lumber, laths, and shingles:					
Lumber—					
Boards, planks, deals, and other sawed lumber except hardwoods and cabinet woods	1,127,743	1,301,872	1,360,049	1,660,851	1,413,071
Round timber used for spars and in building wharves	44	3,927	1,291	342	273
Timber, hewn, squared, or otherwise sided than by sawing	450	1,774	1,258	5,262	2,109
Fence posts	.....	1,875	1,176	2,226	366
Laths	46,282	73,606	122,779	171,267	150,218
Shingles	68,223	162,986	227,619	317,537	352,766
Total	1,242,742	1,546,040	1,714,172	2,157,485	1,918,803

TABLE 7.—*Duties to be remitted by the United States from imports into the United States from Canada under the reciprocity agreement, on articles affected by bill H. R. 4413, on the basis of the importations for the fiscal year ended June 30, 1910.*

[Compiled from tables of Bureau of Trade Relations, Department of State, and from Commerce and Navigation, Bureau of Statistics, Department of Commerce and Labor.]

Items.	Duties to be remitted under reciprocity agreement.
Agricultural implements	$8,096
Cotton bagging, sacks, burlaps, etc.	[1]
Cotton ties	[1]
Leather, boots, shoes, harness, saddles, saddlery, etc.	[1]
Barbed and other fence wire, wire rods, strands, ropes, etc.	[2]
Fresh and preserved meats	[3] 4,236
Flour, cereals, and bread	[4] 122,188
Lumber, laths, and shingles	[5] 1,517,059
Sewing machines, and parts of	[1]
Salt	[6] 1,734
Total	1,653,313

[1] Affected by the bill (H. R. 4413), but not by the Canadian reciprocity agreement.
[2] Statistics not available, negligible amount.
[3] Estimated, and includes extracts of meat, tallow, and canned poultry.
[4] Includes $24,261 estimated for bran, middlings, and other offals of grain used for animal food.
[5] Includes $586 estimated for timber, hewn, squared, or sided otherwise than by sawing, and round timber used for spars or in building wharves; and $68,108 estimated for sawed boards, planks, deals, and other lumber planed or finished on one side.
[6] Estimated by Bureau of Statistics, Department of Commerce and Labor.

Mr. UNDERWOOD. Mr. Speaker, I yield one minute to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, personally I am in favor of voting against and shall vote against the President's veto at this time. The matter that I have to present comes from the woolgrowers of California, in an article prepared by Mr. Ellenwood, of Red Bluff, and presented to the California Woolgrowers' Association at Red Bluff, Cal., on December 22, 1910. When the National Woolgrowers' Association met at Portland, Oreg., on January 4 to 7, 1911, the opposition of the manufacturers engaged in the woolen industry was so strong that they prevented this man Ellenwood, who is the secretary of the California Woolgrowers Association, of Red Bluff, Cal., from even reading his paper to show the iniquitous workings of the Payne-Aldrich Schedule K. I desire to insert that document in the RECORD as part of my remarks.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAKER. Mr. Speaker, I ask permission to extend my remarks.

Mr. MANN. Mr. Speaker, I shall object to inserting in the RECORD any long-winded argument in the middle of a real debate. Later on I shall have no objection to the gentleman inserting anything in the RECORD, but not in the middle of a real debate.

Mr. RAKER. Mr. Speaker, I ask leave to extend my remarks.

The SPEAKER pro tempore. The gentleman from California asks leave to extend his remarks in the RECORD. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. UNDERWOOD. Mr. Speaker, I yield six minutes to the gentleman from Indiana [Mr. CULLOP].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CULLOP] is recognized for six minutes.

Mr. CULLOP. Mr. Speaker, the framers of the Constitution never lodged the veto power in the hands of the President for the purpose for which it has in this instance been used. It was vested for higher and more sacred purposes, to protect constitutional rights and executive prerogatives, and not to serve partisan expediencies.

Mr. Justice Story, in his work on the Constitution (vol. 1, p. 627), in speaking of the exercise of the veto power by the President, says:

> He will do it only on extraordinary occasion, when a just regard to the public safety or the public interest or a constitutional obligation or a necessity of maintaining the appropriate right and prerogatives of his office compels him to the step.

These are the instances this great author gives for it to be invoked, and a resort to it for any other purpose is unwarranted. For this veto none of these rights enumerated are invaded.

The veto to this measure for the reasons assigned in the message does not come within the definition of the eminent authority I have quoted. The veto to this bill is predicated upon two reasons only, namely: First, that the President is not satisfied that the duties fixed are the equivalent of "the difference between the cost of production at home and abroad, together with a reasonable profit to the manufacturer," and the second reason is that the Tariff Board has not yet reported on this schedule. The former reason is based on the plank in the Republican national platform of 1908, providing for a revision of the tariff, and the latter objection has been improvised for an excuse for delaying tariff revision in order that the tariff barons may further plunder the consumers of this country, and neither of which furnish a valid reason for the exercise of the veto power. [Applause on the Democratic side.]

These are the main reasons he has given for the exercise of this extraordinary power for the defeat of this meritorious measure affecting the welfare of the entire population of the Republic.

For two years the President has been criticizing the woolen schedule as unjust and indefensible. He was certainly advised when he assailed it in his Winona speech and others, declaring it needed a revision downward, and now, when such a revision is made, passing both branches of Congress by large majorities, in compliance with the universal demand of the people from every section of the country, the President denies relief by exercising the veto power as the only means left to defeat the will of the people.

Will the country approve this action of the Chief Executive, and can he go before the people and justify his course, after having denounced this schedule as indefensible all over the country?

The people expected and had a right to expect his approval of this measure of relief passed in their behalf, and they will hold him responsible for its defeat, which is a great disappointment to the entire country.

This measure which he has vetoed reduced the duties on wool and woolen manufactures on an average of from 30 to 50 per cent, and would therefore have proven a great boon to every citizen of the Republic. It would have given them cheaper clothing—a necessity of life—and therefore inure to their common welfare. But the President appears and says: I know the existing schedule is too high, is indefensible, but I am not certain this measure literally complies with the plank in the Republican platform on the subject of tariff revision, and hence I will deny you a much needed relief and license the continuance of a conceded wrong in order that the great Woolen Trust may plunder 93,000,000 of people to swell its already overflowing coffers. [Applause on the Democratic side.]

Mr. Speaker, I deny that the framers of the Constitution ever lodged the veto power in the hands of the Chief Executive for any such purpose as employed by him to defeat this measure. It was made for a better and higher purpose than this, and from his exercise of it in this instance we appeal to the voters of the country to overthrow it at the ballot box in 1912 when they exercise their right of suffrage. If any error should be committed in this matter in rectifying the great wrong perpetrated on the people by the Payne tariff bill, would it not be much better to commit it in behalf of the many who have suffered much and long than in behalf of the few who have profited much and well by the law as it now stands and has stood for many years? To-day by his action on this bill he is applauded by the tariff beneficiaries and their votaries who have thrived at the expense of the public and who will continue to do so by the defeat of this measure, but 93,000,000 people in this country who will be made to suffer by it will repudiate his action at the election in 1912 by their ballots. As winter approaches they have asked for cheaper and better clothing; both branches of Congress have responded to their demands, and with the veto he defeats and denies their demands and the wishes of Congress. To him alone the responsibility belongs, and for it he must answer at the bar of public opinion, where he will be arraigned. [Applause on the Democratic side.]

The gentleman from Tennessee [Mr. AUSTIN] in defending the action of the President said "that no great interest would suffer because of the delay the defeat of this measure would occasion."

No; great interests will not suffer, but great numbers of people will suffer thereby.

Better, I take it, that great interests suffer than compel humanity to suffer in order that great interests may thrive. The man is of higher and better consideration, or at least should be, than the dollar. Better, for this reason, the delay should not be made, and relief extended to the many who have been long and heavily burdened. This measure would relieve them, but the veto denies it to them. This measure stops the taxation of the people on this line of manufactures in the interests of private investments and removes the impositions foisted upon the public for private gain; the veto continues it and upholds the exploitation of the masses for selfish ends and predatory gains, and for this reason the public will repudiate his action. [Applause on the Democratic side.] The gentleman from Kansas [Mr. CAMPBELL] has said in defending the veto that there is no great demand for a revision of the woolen schedule now. Has he so soon forgotten the result of the election of 1910? Tariff revision was the issue, and the people by an overwhelming majority decided for immediate tariff revision, denouncing the woolen schedule as written in the Payne law the most odious of all and demanded that it be revised downward. Has he forgotten that on this issue the large Republican majority of the last Congress was wiped out and a large Democratic majority was returned in this Congress commissioned to revise the tariff downward?

Is not the gentleman from Kansas aware of the fact that within the last 30 days a great metropolitan paper in the Mississippi Valley—the Chicago Tribune—has taken a poll of 4,000 editors, residing in that great valley, irrespective of politics, on the subject of revising the tariff, and that nearly 2,900 of them were for immediate revision? An overwhelming majority demanded revision downward.

These men not only speak their own sentiments, but those of a majority of the people residing in their communities. They are the heralders of public sentiment and the couriers of public thought.

Are gentlemen on that side of the Chamber so wedded to standpatism that they defy public demands, deny public petitions, and repudiate public mandates? Are they so infatuated

with the doctrine of protection that public weal must be subordinated for the selfish aggrandizement of special interests; that they approve the power of one man to override the will of a great majority of both branches of Congress in executing the will of the great majority of the American people? If so, the victory thus gained will be of short duration and will prove to be their Waterloo in 1912.

Standpatism may to-day triumph under the shelter of the President's veto, protection may be extended in its era of plunder, special interests may flourish a little longer by the employment of this extraordinary constitutional power, but back at our homes reside the source of all power in this great Republic—the people—patiently awaiting the opportunity to express their mandate through the medium of the ballot box, when and where they will register their solemn disapproval of the defeat of this measure by the veto power exercised by the President on this occasion. Already the lines of battle for the great contest of 1912 are being formed; already the hosts of freemen of this country are training for the conflict; already the issues are defined, the question of taxation will be paramount, tariff reform, revision downward will be the great battle cry, and when our great captain is named to lead our legions the march to victory will continue until the hour for closing the polls on election day in November, 1912, when success will crown our efforts by the election of a Democratic President, a Democratic Senate, and the reelection of a Democratic House of Representatives by an overwhelming majority, and the triumph of tariff reform will prevail and the veto power will not defeat, but the approval of the Chief Executive will accentuate the good work in carrying out the mandate of the people in enforcing the legislation of their chosen Representatives in Congress. We accept the issue thus tendered and are ready for the conflict. [Applause on the Democratic side.]

Mr. UNDERWOOD. I yield four minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Speaker, I have listened carefully to this debate. Not one word has been said up to this time in defense of the present rates under Schedule K. [Applause on the Democratic side.]

I consider that remarkable and very significant. We have been attempting to revise the tariff schedule by schedule, a plan which President Taft says prevents logrolling. It can not, therefore, be urged that the veto of this bill should be sustained because this bill has any relation whatever to any other schedule. That is to say, no friend of the administration can offer such objection to a revision of the wool schedule; for we have been revising the tariff in exact accordance with the suggestion of the President.

Now, what is the situation?

The Constitution of the United States provides that whenever the President shall fail to sign a bill he shall return it to the House in which the bill originated, together with his "objections" to the same. Mr. Speaker, this veto message contains no objection to the bill which has just been returned to this House. In substance the President admits that it may be a good bill. He does not say the import duties imposed are too low; he does not say that these rates fail to cover the difference in cost here and abroad. The only objection offered by the President consists in his own lack of information. This is not a veto message, Mr. Speaker; it is a plea in confession and avoidance. [Applause on the Democratic side.]

There is one schedule in the Payne law which has no defender on this floor so far as we have heard up to this time. It has often been charged that Schedule K in the Dingley law was written by an agent of the woolen manufacturers. One thing is certain, those rates are indefensible, and another thing is also certain, and that is the influence of the woolen manufacturers was strong enough to have Schedule K in the Dingley bill brought forward and incorporated in the Payne bill with little change. In this very message the President himself condemns the unjust rates in the Payne law. He "shares in the belief that many rates in the present schedule are too high and in excess of any needed protection for woolgrower or manufacturer."

Long has been the struggle of the people to have this outrage corrected. Many are the ways by which righteous legislation can be defeated. I venture the statement right here that the day after the President made his famous Winona speech there was not a man in the United States who believed he would veto a bill which levies a duty of 49 per cent on woolen goods and clothing and a duty of 29 per cent on raw wool. The President expresses great solicitude for "more than a million of our countrymen engaged in the production of wool and the manufacture of woolens." He is afraid that they may be injuriously affected by reducing the duty on raw wool to 29 per cent and the duty on woolen goods and clothing to 49 per cent. The President admits that present rates are too high, and he will not say that 29 and 49 per cent are too low. In fact these rates may afford more protection than the woolgrowers and wool manufacturers of the country need. The President does not say. He does not even express an opinion. He simply says he does not know, and inasmuch as he is in doubt, he will give the Woolen Trust the benefit of the doubt and veto the bill. The Constitution says he must return the bill with his "objections," and in this instance the objection offered by the President consists in his own lack of information. [Applause on the Democratic side.]

Mr. Speaker, the Tariff Board has been in existence for two years. Is it possible that this board, constituted upon the recommendation of the President, could not find out in two years whether 29 per cent on raw wool and 49 per cent on cloth and clothing is sufficient to cover the difference in cost here and abroad?

More than this, Mr. Speaker, this bill has been pending in this House and the Senate for a good long time. Everybody knew long ago that Schedule K was going to be revised. The President himself must have known this four months ago; why did he not then direct his Tariff Board to go to work and report? He would have had ample information by this time. Why did not the President begin a little investigating on his own account four months ago? O Mr. Speaker, this message offers but poor apology indeed for refusing to sign this bill. Is it possible that the nearly 500 representatives of the people in this Chamber and in the Chamber at the other end of this building are in total ignorance of the effect of this measure?

With a wave of his hand the President brushes aside 92 Senators and 391 Members of this House and tells us we must await the sweet pleasure of his Tariff Board. Mr. Speaker, the solicitude of the President for the million people engaged in raising and manufacturing wool is very great, but he shows little if any solicitude in this message for the more than 90,000,000 of people who buy woolen goods and wear woolen clothes. He has abdicated in favor of his Tariff Board. He will, of course, accept the verdict of that board when it sees fit to make a report. Do you think, Mr. Speaker, the people of this Nation are going to submit tamely to this program? Here is a schedule admitted to be an outrage, a schedule written at the dictation of the Wool Trust, a schedule which the President says is too high, a schedule without a friend on this floor, and yet the millions in this Nation must continue to suffer and pay tribute to monopoly because the President tells us his Tariff Board has not made a report.

If the five men who constitute that board are to be allowed to say just what Congress and the President must do, then we had better amend the Constitution at once so that these gentlemen will not be annoyed in the performance of their duties by any interference by Congress or by the President himself.

This veto message is a poor plea in confession and avoidance. The President does not know and his Tariff Board has not told him whether 49 per cent covers the difference in the cost of goods and clothing here and abroad. This veto message is the echo of his Winona speech.

The Constitution, Mr. Speaker, does not provide that tariff rates shall be imposed or changed by any tariff board. That is the duty of Congress and the President. A great fight for the people was won when this bill went to the President. If he did not know whether 49 per cent covered the difference in cost here and abroad, he ought to have taken time to find out. I know I speak the truth when I say that there is a majority in this Chamber at least ready and willing to remain here until the President has had ample time to get full information concerning the effect of this bill. [Applause on the Democratic side.]

This veto, Mr. Speaker, is a partisan veto. The action of the President is a distinct disappointment to all who believed he would rise above party prejudice. This bill is so eminently just that it received a large Republican support in this Chamber and passed a Republican Senate. It is a bill which will bring some measure of relief to 90,000,000 of consumers of this Nation. Let us keep history straight. It has behind it a great majority in this House and in the Senate. The only hope cherished by our stand-pat Republican friends is that they will be able to muster enough strength to prevent the passing of the bill over the President's veto. They will probably succeed now, but the day is not far distant when this schedule will be reduced. The President has raised an issue which can not be misunderstood. As a Democrat I welcome that issue. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I desire to ask what is the time remaining on both sides?

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] has 13 minutes, and the gentleman from New York [Mr. PAYNE] has 25.

Mr. STANLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STANLEY. Has the President of the United States vetoed a Democratic tariff bill, or has he signed the death warrant of the Republican Party? [Applause on the Democratic side.]

The SPEAKER. That is not a parliamentary inquiry.

Mr. MANN. Nor even an intelligent one.

Mr. PAYNE. I yield five minutes to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, it goes without saying that it would be utterly impossible to discuss this question at any length in the short time assigned to me.

The gentleman from Kentucky [Mr. JAMES], who opened the debate on the other side, assailed the existence of the veto power in the President of the United States, denounced the Tariff Board, and denounced the President of the United States. So far as his first point, the existence of the veto power, is concerned, nothing more need be said now than was said in the very eloquent defense of it made by the gentleman from Wisconsin [Mr. COOPER]. He might have gone further and testified to the fact that some of the most important chapters in American history have been written in veto messages. I have on my desk a single volume in which there are two veto messages that did as much as anything else that I can now recall to contribute to the welfare of the American people—one the courageous veto by President Grant of the bill to inflate the currency, the other the equally courageous veto by President Hayes of the silver bill. There has been some doleful history growing out of the failure of Presidents to exercise this veto power. If the President of the United States who denounced the Wilson bill as a measure of perfidy and dishonor had had the courage of his convictions, we might have escaped the panic of 1893.

In striking contrast to that failure upon his part to exercise his power is the courageous action of the heroic President who occupies the White House to-day in sending back to Congress this ill-digested, ill-considered legislation. [Applause on the Republican side.]

Mr. Speaker, I shall occupy the time of the House no further, except to ask to have read as a part of my speech the editorial from the Washington Post which I send to the Clerk's desk.

The Clerk read as follows:

THE WOOL BILL VETO.

The hodge-podge wool bill, framed for the purpose of "putting Taft in a hole," got its knockout from the President as soon as the blow could be delivered. There was no hesitation whatever in meeting the issue. If anybody thinks, in the face of the President's message, that the American people can be fooled into believing that Mr. Taft is against good-faith tariff legislation, he would better revise his notion as to the gullibility of the public.

The message is written with patience and in good temper and dignity, but throughout it is a scathing arraignment of the blended partisanship and intrigue that attempted to make capital by a fake appeal to the popular demand for tariff reduction.

Mr. Taft reminds Congress that he was elected on a platform that supported the policy of protection, the standard of protection to be the ascertained difference in the cost of production at home and abroad. In pursuance of this plan the Tariff Board was created and money appropriated for the collection of facts upon which Congress could proceed intelligently to revise the tariff. The Tariff Board was directed to take up the wool schedule and report by December 1 next. It is now engaged in that work. Meanwhile, a combination of Democrats and insurgent Republicans forces through Congress a wool bill which is neither Republican nor Democratic, protective nor revenue only. Mr. Taft calls it a blend of revenue only and antiprotection with "professed protection." It is not based upon any known facts regarding wool growing or manufacture. It is pure guesswork, so far as it affects the wool industry. Its object was political, not industrial or fiscal. It sought to make the wool industry the stalking-horse for an attack upon the President.

The President does not mention these facts in his message, and it is not necessary that he should. The public knows exactly why the wool bill was jammed through in August, without facts to work upon, instead of waiting until December, when facts would have been available. Mr. Taft's prompt action in vetoing the bill was expected. No one can imagine him taking any other course. Approval of the bill would have been an admission that the Tariff Board was a mockery and a failure, and that politics was to be the sole rule of reason in revising the tariff. It would have placed Mr. Taft in the attitude of being willing to sacrifice pledges and conscientious revision for the sake of rushing to the people with a half-baked law purporting to meet their wishes. Those who doubted his courage in meeting the issue are now aware that it is a big job to "put Taft in a hole."

The business men of the country of all brands of politics will breathe easier now that they know that a fearless President will not permit the enactment of tariff bills for politics' sake only.

Mr. UNDERWOOD. I will ask the gentleman from New York to yield the balance of his time, as I intend to yield the balance of my time to the gentleman from Missouri [Mr. CLARK] to close the debate.

Mr. PAYNE. I will yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I will vote "no" on the motion to overrule the President's veto. I do not ask every gentleman who votes "no" to agree with me as to my reason for voting "no." The material thing is the vote.

I vote "no" because I believe that I know enough about the cost of production in the United States of wool and of woolens to say that I am satisfied that this bill is not a protective measure. [Applause on the Republican side.] And if there is any doubt about it on either side of the House, I will call on the gentleman from Alabama to confirm my statement that it is not a protective bill. He is silent. [Laughter on the Republican side.]

I oppose it because it is not protective. I do not apologize for my position touching the protective policy. I do not believe this bill is protective, because it is substantially the same as to woolens that the Wilson bill enacted, your pet that your honorable Speaker voted for and advocated, and the gentleman from Alabama [Mr. UNDERWOOD] as well. It was enacted into law. The proof of the pudding is the eating of it. Some of us recollect what that bill did, or was the most material factor in doing. It closed and it bankrupted practically the industries of the country.

Ah, the gentlemen on the other side say as to the capitalists: "Damn the capitalists; damn the man that has a woolen factory; it is a wicked trust. Damn! damn! damn!" [Laughter on the Republican side.] There were 3,000,000 men working in productive industries and on their products that were thrown out of employment. That is what it did. They, learning through their stomachs as to the effect of it, helped pull down the rocks and the mountains on your heads.

But a great part of the people who lived in 1896 have crossed over and a new set have come in, and you have been demagoguing them and misrepresenting to them that they can have full employment at the present or better wage and get every other man's product for less money. [Applause on the Republican side.] The rocks and mountains will fall upon you again, I hope, in 1912, and I know in 1914 and in 1916. And while I am an old man, I expect to be here to see. [Laughter and applause.]

Oh, I listened to the eloquent gentleman from Kentucky [Mr. JAMES] and his running mate from Alabama [Mr. HEFLIN] [laughter], and they both abound—I will omit a part of the quotation—"in tales full of sound and fury signifying nothing." [Laughter.] I omit a part of the quotation, because I do not desire to be offensive.

Mr. Speaker, I voted for the Payne tariff bill. I agree with the statement that the President of the United States made—that it is the best tariff bill ever passed.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I yield four minutes more to the gentleman.

Mr. CANNON. I agree with him in that statement. I voted for the bill. I have no apology to make for it. I can stand by that bill. But, says somebody, can not you take a microscope and find something to criticise? Great heavens, yes! But I can see elephants in all your tariff legislation when you were in power, where, in comparison, with the highest magnifying glass you can not see gnats in the Payne tariff bill. [Applause on the Republican side.]

Oh, I hope our honorable Speaker, for whom personally I have great respect, when he comes to close this debate, as he is to do, will explain a little bit about how cold he has been heretofore for the want of woolen clothing. I know that he will close it, and close it ably, from his standpoint.

Mr. Speaker, I believe as much as I believe that I stand here that with a political campaign already commenced—on now—that every 30 days, with your conducting that campaign, practically holding up the business of the country, rendering the people on the farm and in the factory and in the mines uncertain and doubtful, with a constantly decreasing consumption, which means a constantly decreasing production—I believe that during this special session of Congress you, by your efforts to revise the revenue laws, have cost 02,000,000 people more money than would be saved to them in a decade even if your contentions were correct about Schedule K. Sit down and figure it up and you will see what it amounts to.

We are ready. [Applause on the Republican side.] There is somewhat of disagreement, something of contention on our side that crops out. Long years of prosperity, you know, breed contentions. You are seemingly better together than we are now, but if you come into power in 1913 you will render respectable any hair pulling that we have had on our side. [Laughter and applause on the Republican side.] I have heard curses—not loud, but very emphatic—from many gentlemen who occupy seats on that side.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, from 1860 to 1910 the population of the country increased from 31,000,000 to 92,000,000. During the same time the wealth of the country increased from $16,000,000,000 to $137,000,000,000, and during the five years from 1905 to 1910 the increase of the wealth was $30,000,000,000, nearly twice as much as the entire accumulation of wealth in 1860, when the Democratic Party let loose the control of the country.

There were savings deposits in the country in 1860, $149,000,000, and in 1910, $4,070,000,000. The increase from 1900 to 1910 was from $2,389,000,000 to $4,070,000,000. And the increase of depositors in the savings banks of the country from 4,258,000 in 1890 to 6,107,000 in 1900 and 9,142,000 in 1910 as against 693,000 in 1860.

The expenditures for public schools in 1870 were $63,000,000. In 1900 they were $214,000,000; in 1909 they nearly doubled in 10 years to $401,000,000.

There was invested in the manufacturing industries of the country in 1900, $8,978,000,000; and in 1910, $18,237,000,000, an increase of more than 100 per cent in 10 years.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. MANN. Mr. Speaker, I do not yield to a gentleman who so much lacks judgment as he now shows.

Mr. BUCHANAN. I would like to know how much of that is watered stock?

Mr. MANN. There was an increase in the amount paid to the employees of these manufacturing establishments from $2,390,000,000 in 1900 to $4,353,000,000 in 1910; an increase in the number of employees from 5,079,000 in 1900 to 7,399,000 in 1910; an increase in the primary horsepower employed from 10,000,000 in 1900 to 19,000,000 in 1910; an increase in the value of the products produced from $11,000,000,000 in 1900 to $20,000,000,000 in 1910. [Applause on the Republican side.] There was an increase in the products of the textile manufacturing establishments from $886,000,000 in 1900 to $1,592,000,000 in 1910; of salaries and wages paid from $217,000,000 in 1900 to $349,000,000 in 1910; of persons employed from 647,000 in 1900 to 861,000 in 1910, and of capital employed from $982,000,000 in 1900 to $1,709,000,000 in 1910. These enormous increases, the greatest progress which ever has been made by any country at any period of the world's history, were the result of the economic policy adopted and put in force by the Republican Party. [Applause on the Republican side.] You propose to tear that down. You propose to kill that which we have erected, if you can. There is but one parallel that I know of in history or in literature to your attempt, and that is the one recited in Æsop's Fables of the man who killed the goose that laid the golden egg. [Applause on the Republican side.]

"A woodcutter bought him a gander,
Or at least that was what he supposed;
As a matter of fact, 'twas a slander,
As a later occurrence disclosed;
For they locked the bird up in the garret
To fatten, the while it grew old,
And it laid there a twenty-two-carat
Fine egg of the purest of gold.

There was much unaffected rejoicing
In the home of the woodcutter then,
And his wife, her exuberance voicing,
Proclaimed him most lucky of men.
"'Tis an omen of fortune, this gold egg,"
She said, "and of practical use,
For this fowl doesn't lay any old egg,
She's a highly superior goose."

'Twas this creature's habitual custom,
This laying of superfine eggs,
And they made it their practice to dust 'em
And pack them by dozens in kegs;
But the woodcutter's mind being vapid
And his foolishness more than profuse,
In order to get them more rapid
He slaughtered the innocent goose.

He made her a gruel of acid,
Which she very obligingly ate,
And at once with a touchingly placid
Demeanor succumbed to her fate.
With affection that passed the platonic
They buried her under the moss,
And her epitaph wasn't ironic
In stating, "We mourn for our loss."

And the moral: It isn't much use,
As the woodcutter found to be true,
To lay for an innocent goose
Just because she is laying for you."

[Carryl.]

[Applause and laughter on the Republican side.]

You Democrats have as much sense as the woodcutter and as much ignorance. You would destroy the industries of the country, and against your assault upon them we stand to defend the industries and the honor of the country. [Applause on the Republican side.] To-day we will show you that we are standing behind the President, and that before you revise the tariff we will go to the country on the question whether you will kill the goose that laid the golden eggs, whether you will destroy the economic policy that has made our country the most prosperous and happy in all the world. The gentleman from Alabama [Mr. HEFLIN] said we were in favor of taking care of the sheep, "but how about the half-clad children." Mr. Speaker, we live in America. We take care of the sheep, but we have no half-clad children. [Applause on the Republican side]. But when you get in power they will be lucky to get any clothing at all. [Prolonged applause on the Republican side.]

Under leave to print I insert the following information relating to the United States, which is reliably gathered. Census statistics, while usually referred to as of the regular census years, in fact refer to the preceding year when relating to manufacturing:

Population of continental United States, excluding Alaska and Hawaii.

1790	3,929,214
1800	5,308,483
1810	7,239,881
1820	9,638,453
1830	12,866,020
1840	17,069,453
1850	23,191,876
1860	31,443,321
1870	38,558,371
1880	50,155,783
1890	62,947,714
1900	76,085,794
1910	92,027,874

Wealth of the United States.

Years.	Total.	Per capita.
1860	$16,159,616,000	$513.93
1870	30,068,518,000	779.83
1880	43,642,000,000	850.20
1890	65,037,091,000	1,038.57
1900	88,517,306,775	1,164.79
1905	107,104,211,917	1,310.11
1910	137,500,000,000	1,495.00

Total value of farm property.

1850	$3,967,343,580
1860	7,980,493,063
1870	8,944,857,749
1880	12,180,501,538
1890	16,082,267,689
1900	20,439,901,164
1910	

GENERAL FARM STATISTICS FOR 1910.

The Bureau of the Census has completed for the United States as a whole some of the more general figures resulting from the census of agriculture in April, 1910.

The number of farms in 1910 was 6,340,120, as compared with 5,737,372 in 1900, an increase of 11 per cent.

The land in farms increased in 1900 from 835,092,000 acres to 873,703,000 in 1910, or 5 per cent, but a larger increase, 15 per cent, is noted in improved acreage, which in 1900 was 414,490,000 acres and in 1910, 477,424,000 acres.

More conspicuous than the increase in the number and acreage of farms has been the increase in the improved values of farm property.

The land in farms rose in value from $13,051,033,000 in 1900 to $28,383,821,000 in 1910, an increase of 118 per cent, and during the same period the average value of all land in farms, per acre, rose from $15.60 to $32.50, or 108 per cent.

Farm buildings, which in 1900 were valued at $3,556,614,000, were reported in 1910 as worth $6,294,025,000, an increase of 77 per cent.

Farm implements and machinery, reported in 1910 as worth $1,261,817,000 and 10 years previously as worth $749,778,000, show an increase of 68 per cent.

Savings deposits.

	Amounts.	Depositors.
1860	$149,277,504	693,870
1870	549,874,358	1,630,846
1880	819,106,973	2,335,582
1890	1,550,023,956	4,258,893
1900	2,389,719,954	6,107,083
1910	4,070,486,247	9,142,908

Postal statistics—Gross revenue Post Office Department.

1860	$8,518,067
1870	19,772,221
1880	33,315,479
1890	60,882,998
1900	102,354,579
1910	224,128,637

Total expenditures for public schools.

1870	$63,396,666
1880	78,094,687
1890	140,506,715
1900	214,964,618
1909	401,397,747

Total manufactures.

Years.	Capital invested.	Wages and salaries paid.	Value of product.
1850	$533,245,351	$236,755,464	$1,019,106,616
1860	1,009,855,715	378,878,966	1,885,861,676
1870	2,118,208,769	775,584,343	4,232,325,442
1880	2,790,272,606	947,953,795	5,369,579,191
1890	6,525,156,486	2,283,216,529	9,372,437,283
1900	9,846,628,564	2,735,430,848	13,039,279,566
1905	12,686,265,673	3,186,302,000	14,802,147,087
1910	18,237,549,000	4,353,748,000	20,411,121,000

The above figures for 1910 are in small part conservative estimates.

The above figures for 1905 and 1910 do not include neighborhood industries and hand trades, which were included in former censuses. In these for 1900 capital invested was $867,803,364; wages and salaries paid were $344,805,848; and the value of their products was $1,628,158,444.

The number of such establishments was 305,172.

Wage earners engaged in manufacture (including salaried people).

1850	957,059
1860	1,311,246
1870	2,053,996
1880	2,732,595
1890	4,712,614
1900	5,719,137
1905	5,990,072
1910	7,399,728

The above figures for 1905 and 1910 do not include persons connected with neighborhood industries and hand trades, which for 1900 included 639,912 persons.

Primary horsepower:

1900	10,098,964
1910	19,065,907

Textile manufacturing.

Years.	Capital.	Salaries and wages.	Value of products.
1850	$112,513,947	.....	$128,769,971
1860	150,080,852	$40,353,462	214,740,614
1870	297,694,243	86,565,191	520,386,764
1880	412,721,496	105,050,666	532,673,488
1890	767,705,310	181,028,902	759,262,283
1900[1]	982,560,000	217,407,000	886,883,000
1905[1]	1,254,896,000	263,074,000	1,164,706,000
1910[1]	1,709,265,000	349,193,000	1,592,482,000

[1] 1900, 1905, and 1910 do not include dyeing and finishing; but do include hand-knit goods.

Employees.

1850		146,877
1860		194,082
1900		647,505
1905		725,997
1910, salaried	27,881	
1910, wage earners (average)	833,740	
		861,621

Memorandum.—Every branch of the textile industry showed an increase in capital in 1905 compared with 1900, and with a few minor exceptions this is true of every single division of each branch.

Capital invested in manufacture of cotton goods increased $144,257,392, or 31.3 per cent; cotton small wares, $1,613,106, or 25.2 per cent; wool manufactures, $60,681,942, or 19.6 per cent; hosiery and knit goods, $24,802,927, or 30.3 per cent; silk, $28,474,420, or 35.1 per cent; flax, hemp, and jute, $12,431,769, or 29.6 per cent; and dyeing and finishing, $28,065,472, or 46.3 per cent.

Cotton manufactures, including cotton small wares.

Census of—	Capital invested.	Salaries and wages.	Value of products.
1850	$74,500,931	.....	$61,869,184
1860	98,585,269	$23,940,108	115,681,774
1870	140,706,291	.....	177,489,000
1880	208,280,346	.....	192,090,000
1890	354,020,843	.....	267,981,000
1900	467,240,157	94,040,000	339,200,000
1905	613,110,655	106,444,000	450,467,704
1910	821,109,000	146,256,000	629,699,000

Hosiery and knit goods.

Census of—	Capital invested.	Salaries and wages.	Value of products.
1900	$82,066,000	$27,573,000	$95,835,000
1905	106,943,000	36,070,000	137,077,000
1910	163,641,000	46,012,000	200,143,000
1850	544,735	.....	1,028,102
1860	4,035,510	1,661,972	7,280,606
1870	10,931,260	4,429,085	18,411,564
1880	15,579,591	6,701,475	29,167,227
1890	50,607,738	16,578,119	67,241,013

Combined cotton manufactures, hosiery and knit goods.

Census of—	Capital invested.	Salaries and wages.	Products.
1850	$75,045,666	.....	$62,897,286
1860	102,620,779	$25,602,080	122,962,374
1870	151,637,551	.....	.....
1880	223,859,937	.....	.....
1890	404,628,581	.....	.....
1900	549,306,157	121,613,000	435,035,000
1905	720,053,655	142,514,000	587,544,704
1910	984,750,000	192,268,000	829,842,000

Of textile manufactures, including cotton, hosiery and knit goods, wool and silk manufactures, we produced in 1905, $1,101,247,918; in 1910, $1,532,483,000. We imported in 1905, $98,795,491 (foreign value); in 1910, $127,651,384. We consumed in 1905, $1,147,721,703; in 1910, $1,623,205,883. We exported in 1905, $52,321,706; in 1910, $36,926,501.

Of cotton manufactures (not including hosiery and knit goods) we produced in 1905, $450,467,704; in 1910, $621,471,000. We imported in 1905, $42,909,780; in 1910, $62,863,059. We consumed in 1905, $443,711,404; in 1910, $658,936,962.

CONSUMPTION OF COTTON.

The cotton mills of this country consumed cotton, as follows:

1840	pounds	126,000,000
1850	do	288,558,000
1860	do	443,845,378
1870	do	430,781,937
1880	do	798,344,838
1890	do	1,193,374,641
1900	do	1,910,509,143
1905	do	1,963,617,311
1909	bales	4,530,954
1910	pounds	2,465,477,000

Combined textiles, not including flax, hemp, and jute products in Southern States.

Census of—	Capital invested.	Wages paid.	Value of products.
1880	$20,413,414	$3,254,936	$20,381,689
1890	62,623,729	8,810,088	49,729,674
1900	137,172,561	19,858,949	107,318,831
1905 (Census Rept. 1905, vol. 2, p. 14)	250,257,496	26,679,146	183,985,578

The amount of capital invested in Southern States in cotton manufacture increased from $124,000,000 in 1900 to $354,000,000 in 1910, and the value of their products increased from $94,000,000 in 1900 to $230,000,000 in 1910; cotton consumed increased from 1,479,000 bales to 2,456,300.

Exportations of manufactures of cotton.

1891	$13,604,857
1895	13,789,810
1900	24,003,087
1905	40,666,080
1910	33,397,097

Total exportations from United States.

1860	$316,242,423
1870	376,616,473
1880	823,946,353
1890	845,293,828
1900	1,370,763,571
1910	1,710,083,998
1911	2,049,320,199

Exportations of manufactures ready for consumption.

1860	$35,811,338
Per cent of total	11.33
1910	$499,215,329
Per cent of total	29.19
1911	$600,765,222

Export of manufactures for further use in manufacturing (not including foodstuffs).

1860	$12,641,625
Per cent of total	3.99
1910	$267,765,916
Per cent of total	15.66
1911	$309,197,442

Imports.

Imports, 1911 ..... $1,527,966,105

Memorandum.—The total importations of merchandise fiscal year 1910 were $1,556,947,430, of which there were free $755,311,396 and dutiable $801,636,034.

The duties amounted, ad valorem, on the dutiable list of 41.52 per cent and on the free and dutiable list 21.11 per cent.

The duties paid amounted to $3.50 per capita.

The duties collected on imported merchandise amounted to an average ad valorem of the entire importations of 23.16 per cent in 1850, 15.67 per cent in 1860, 44.89 per cent in 1870, 29.12 per cent in 1880, 29.59 per cent in 1890, 27.62 per cent in 1900, and 21.11 per cent in 1910.

Commercial failures amounted in 1857 to $291,750,000. That amount has not been equaled in any one year since, except 1893, when the liabilities on failures amounted to $346,779,889.

The liabilities in—

1907	$197,385,225
1908	222,315,684
1910	201,757,097

United States total, census of manufactures, 1909, 1904, 1899.

[Totals for 1909 are preliminary, estimated, and subject to change. Does not include neighborhood industries and hand trades.]

	Number or amount.			Per cent of increase.	
	1909	1904	1899	1904–1909	1899–1904
Number of establishments	258,194	216,262	207,562	19.4	4.2
Employees (total)	7,399,728	5,990,072	5,079,225	23.5	17.9
Salaried employees	783,323	519,751	364,202	50.7	42.7
Wage earners (average number)	6,616,405	5,470,321	4,715,023	21.0	16.0
Primary horsepower	19,065,907	13,490,653	10,098,964	41.3	33.6
Capital	$18,237,549,000	$12,686,266,000	$8,978,825,000	43.8	41.3
Salaries and wages	$4,353,748,000	$3,186,302,000	$2,390,625,000	36.6	33.3
Materials	$11,675,398,000	$8,503,950,000	$6,577,614,000	37.3	29.3
Miscellaneous	$2,133,056,000	$1,455,019,000	$905,600,000	46.6	60.7
Value of products	$20,092,976,000	$14,802,147,000	$11,411,121,000	35.7	29.7
Value added by manufacture (value of products less cost of materials)	$8,417,578,000	$6,298,197,000	$4,833,507,000	33.7	30.3

Combined textiles—Comparative summary, 1899, 1904, and 1909 (statement does not include dyeing and finishing. Does include hand-knit goods.)

[The figures for 1909 are preliminary and subject to change.]

	Number or amount.			Per cent of increase.	
	1909	1904	1899	1904–1909	1899–1904
Number of establishments	4,820	4,268	4,100	12.7	4.1
Employees, total	861,621	725,997	647,505	18.7	12.1
Salaried employees	27,881	21,946	15,526	27.0	41.3
Wage earners (average number)	833,740	704,051	631,979	18.4	11.4
Capital	$1,709,265,000	$1,254,896,000	$982,560,000	36.2	27.7
Salaries and wages	$349,193,000	$263,074,000	$217,407,000	32.8	21.1
Materials	$947,676,000	$726,357,000	$503,511,000	30.5	44.3
Miscellaneous expenses	$102,357,000	$80,229,000	$59,013,000	27.6	36.0
Value of products	$1,592,482,000	$1,164,706,000	$886,883,000	36.7	31.3
Value added by manufacture (value of products less cost of materials)	$644,806,000	$438,349,000	$383,372,000	47.1	14.3

Combined textiles—Comparative summary, by industries, 1899, 1904, and 1909.

[The figures for 1909 are preliminary and subject to change.]

Items.	Years.	Number or amount.					
		Total.	Cotton goods, including cotton small wares.	Hosiery and knit goods.	Wool manufactures.	Silk and silk goods.	Cordage and twine, jute and linen goods.
Number of establishments	1909	4,820	1,322	1,374	1,126	849	149
	1904	4,268	1,154	1,144	1,213	624	133
	1899	4,100	1,055	1,007	1,414	483	141
Salaried employees	1909	27,881	8,434	5,721	6,988	5,492	1,246
	1904	21,946	6,981	4,330	5,616	4,027	992
	1899	15,526	4,902	2,831	4,495	2,657	641
Wage earners (average number)	1909	833,740	378,818	129,287	201,751	98,769	25,115
	1904	704,051	315,874	104,092	179,976	79,601	24,508
	1899	631,979	302,861	83,691	159,108	65,416	20,903
Capital	1909	$1,709,265,000	$821,109,000	$163,641,000	$506,323,000	$144,799,000	$73,393,000
	1904	$1,254,896,000	$613,111,000	$106,943,000	$370,862,000	$109,557,000	$54,423,000
	1899	$982,560,000	$467,240,000	$82,066,000	$310,180,000	$81,082,000	$41,992,000
Salaries and wages	1909	$349,193,000	$146,256,000	$46,012,000	$100,398,000	$45,929,000	$10,598,000
	1904	$263,074,000	$106,444,000	$36,070,000	$78,975,000	$31,510,000	$10,075,000
	1899	$217,407,000	$94,040,000	$27,573,000	$64,389,000	$24,116,000	$7,289,000
Materials	1909	$947,676,000	$368,273,000	$110,049,000	$322,364,000	$107,575,000	$39,415,000
	1904	$726,357,000	$286,255,000	$76,789,000	$242,561,000	$75,861,000	$44,891,000
	1899	$503,511,000	$176,551,000	$51,196,000	$181,159,000	$62,407,000	$32,198,000
Miscellaneous	1909	$102,357,000	$34,472,000	$13,056,000	$27,562,000	$23,249,000	$4,018,000
	1904	$80,229,000	$30,487,000	$10,418,000	$21,588,000	$14,053,000	$3,683,000
	1899	$59,013,000	$22,113,000	$6,628,000	$17,330,000	$10,264,000	$2,678,000
Value of products	1909	$1,592,482,000	$629,699,000	$200,143,000	$507,219,000	$196,475,000	$58,946,000
	1904	$1,164,706,000	$450,468,000	$137,077,000	$380,934,000	$133,288,000	$62,939,000
	1899	$886,883,000	$339,200,000	$95,835,000	$296,990,000	$107,256,000	$47,602,000
Value added by manufacture (value of products less cost of materials)	1909	$644,806,000	$261,426,000	$90,094,000	$184,855,000	$88,900,000	$19,531,000
	1904	$438,349,000	$164,213,000	$60,288,000	$138,373,000	$57,427,000	$18,048,000
	1899	$383,372,000	$162,649,000	$44,639,000	$115,831,000	$44,849,000	$15,404,000

IRON AND STEEL SCHEDULE.

In the Payne tariff law we made a considerable reduction in the tariff on iron and steel. It is interesting to note the effect of that reduction, especially on the Pacific coast.

I have obtained from the Treasury Department the importations of iron and steel at San Francisco and Portland, Oreg., for the year ending April 24, 1911. These importations are under the Payne tariff law. I have compared these importations with those for the year ending June 30, 1909, the last fiscal year under the Dingley tariff law.

The value of the importations at San Francisco increased from $437,294 for the above year of 1909 to $1,045,038 for the above year ending April 24, 1911. And the value of the importations at Portland, Oreg., increased from $54,024 for the prior year to $237,158 for the latter year.

The value of the importations of iron and steel at Port Townsend, Wash., or Puget Sound, increased from $231,394 for the year ending June 30, 1909, to $683,023 for the year ending March 31, 1911, and the total value of iron and steel importations at the three ports named increased from $722,712 for the prior year under the Dingley law to $1,965,219 for the latter year under the Payne law.

The increase at San Francisco, stated in pounds, was from Great Britain 17,029,214 pounds to 31,730,932 pounds.

From Germany from 7,457,507 pounds to 18,139,751 pounds.

From Belgium from 10,738,640 pounds to 31,653,785 pounds.

At Portland, Oreg., the increase from Great Britain was from 2,352,000 pounds to 12,234,880 pounds.

From Belgium from 3,526,143 pounds to 9,167,663 pounds.

At Puget Sound the increase in the pig-iron importations from Great Britain was from 4,144,000 pounds to 25,585,789 pounds, and from China the increase was from 1,494,080 pounds to 12,402,880 pounds.

At Port Townsend the importations of pig iron from England and Scotland increased from 4,144,000 pounds for the year under the Dingley law to 21,840,000 for the year under the Payne law.

TREASURY DEPARTMENT,
Washington, April 25, 1911.

SIR: In reply to your request by telephone that this department obtain, if possible, reports from collectors of customs at San Francisco, Portland, Oreg., and Port Townsend, Wash., as to the quantities of

iron and steel imported at those ports during the past year and the value thereof, I have the honor to inform you that telegraphic reports received from the collectors of customs at the ports mentioned show that there were received at those ports during the last year, ending April 24, 1911, except Port Townsend, which report covers the year ending March 31, 1911, importations of iron and steel as follows:

Ports.	Country from which imported.	Quantity (pounds).	Value.
San Francisco	Belgium	31,653,785	$376,944
	Germany	18,139,751	325,058
	France	873,600	7,163
	Sweden	2,064,240	44,520
	Scotland		9,638
	England	31,730,932	232,336
	German Oceania		1,337
	Canada		228
	Chinese Empire	6,328,000	46,816
	Japan		582
	Australia		17
	Mexico		167
	French Oceania		232
Portland, Oreg	Belgium	9,167,663	100,489
	Chinese Empire	672,000	7,800
	England	8,070,720	51,581
	Germany	3,269,517	42,577
	Scotland	4,164,160	28,891
	Sweden	288,960	5,820
Port Townsend, Wash.:			
Pig and scrap iron	Belgium	1,209,600	9,068
	United Kingdom	21,840,000	141,010
	China	12,402,880	73,542
	British Columbia	1,232,000	2,795
	Panama	150,080	863
	Salvador	1,415,680	3,974
Wire and manufactures of	United Kingdom	3,296,046	144,730
All other manufactures of iron and steel.	Belgium		39,316
	France		7,687
	Germany		41,235
	Norway		1,851
	United Kingdom		17,826
	British Columbia		80,977
	Hongkong		74
	Japan		533
Bar iron, bar steel, ingots, etc	Belgium	6,611,640	79,440
	Germany	1,173,914	13,595
	Sweden	1,080,113	19,902
	United Kingdom	449,743	4,416
	British Columbia	1,488	189

The collector of customs at San Francisco states that where quantities are not given in his report the importations consisted only of manufactures of steel and iron.

By direction of the Secretary.

Respectfully,

R. O. BAILEY,
Assistant Secretary.

Imports of iron and steel, and manufactures of, into the customs districts of San Francisco, Portland, Oreg., and Puget Sound during the fiscal year ending June 30, 1909, by countries.

Customs districts into which imported.	Countries from which imported.	Quantities (pounds).	Values.
San Francisco, Cal	Belgium	10,738,640	$100,585
	France	226,367	2,014
	Germany	7,457,507	130,171
	Sweden	557,760	18,103
	England	12,728,414	136,156
	Scotland	4,300,800	29,485
	Canada		413
	Salvador		300
	Chinese Empire	2,072,000	15,999
	Japan		4,047
	Australia and Tasmania		21
Portland, Oreg	Belgium	3,526,143	31,503
	France		31
	Germany		5,849
	Sweden		273
	England	1,232,000	8,528
	Scotland	1,120,000	7,369
	Ireland		1
	Hongkong		99
	Japan		371
Puget Sound, Wash.:			
Pig iron	England	3,920,000	23,555
	Scotland	224,000	2,391
	Chinese Empire	1,344,000	9,150
	Hongkong	150,080	1,005
Manufactures of iron and steel	Belgium	203,021	2,308
	Germany		10,112
	Norway		1,507
	England		162,609
	Scotland		5,006
	Canada		12,000
	Hongkong		22
	Japan		1,660

O. P. AUSTIN,
Chief of Bureau.

Hon. JAMES R. MANN,
House of Representatives.

Comparison of imports of iron and steel and manufactures of into the customs districts of San Francisco, Portland, and Port Townsend during the fiscal year ending June 30, 1909, and the year ending Apr. 24, 1911, except Port Townsend, which is for the year ending Mar. 31, 1911.

Ports.	Country from which imported.	Quantity for fiscal year ended June 30, 1909 (pounds.)	Value.	Quantity for year ended Apr. 24, 1911 (pounds).	Value.
San Francisco	Belgium	10,738,640	$100,585	31,653,785	$376,944
	France	226,367	2,014	873,600	7,163
	Germany	7,457,507	130,171	18,139,751	325,058
	Sweden	557,760	18,103	2,064,240	44,520
	England	12,728,414	136,156	31,730,932	232,336
	Scotland	4,300,800	29,485		9,638
	Canada		413		228
	Salvador		300		
	Chinese Empire	2,072,000	15,999	6,328,000	46,816
	Japan		4,047		582
	Australia and Tasmania		21		17
	German Oceanica				1,337
	Mexico				167
	French Oceanica				232
			437,294		1,045,038
Portland, Oreg	Belgium	3,526,143	31,503	9,167,663	100,489
	France		31		
	Germany		5,849	3,269,517	42,577
	Sweden		273	288,960	5,820
	England	1,232,000	8,528	8,070,720	51,581
	Scotland	1,120,000	7,369	4,164,160	28,891
	Japan		371		
	Hongkong		99		
	Chinese Empire			672,000	7,800
	Ireland		1		
			54,024		237,158

Statement of imports of iron and steel and manufactures of into the customs districts of San Francisco, Portland, and Port Townsend during the fiscal year ended June 30, 1909, and the year ended Apr. 24, 1911, except Port Townsend, which is for year ended Mar. 31, 1911.

Ports.	Countries from which imported.	Quantity for fiscal year ended June 30, 1909 (pounds).	Value.	Quantity for year ended Apr. 24, 1911 (pounds).	Value.
San Francisco	Belgium	10,738,640	$100,585	31,653,785	$376,944
	France	226,367	2,014	873,600	7,163
	Germany	7,457,507	130,171	18,139,751	325,058
	Sweden	557,760	18,103	2,064,240	44,520
	United Kingdom	17,029,214	166,054	31,730,932	242,202
	Salvador		300		
	Chinese Empire	2,072,000	15,999	6,328,000	46,816
	Japan		4,047		582
	Australia and Tasmania		21		17
	German Oceania				1,337
	Mexico				167
	French Oceania				232
			437,294		1,045,038
Portland, Oreg	Belgium	3,526,143	31,503	9,167,663	100,489
	France		31		
	Germany		5,849	3,269,517	42,577
	Sweden		273	288,960	5,820
	United Kingdom	2,352,000	15,898	12,234,880	80,472
	Japan		371		
	Chinese Empire		99	672,000	7,800
			54,024		237,158

Ports.	Countries from which imported.	Quantity for fiscal year ended June 30, 1909 (pounds).	Value.	Quantity year ended Mar. 31, 1911 (pounds).	Value.
Port Townsend, Wash.:					
Pig iron	United Kingdom	4,144,000	$25,946	21,840,000	$141,010
	China	1,494,080	10,155	12,402,880	73,542
	Belgium			1,209,600	9,068
	British Columbia			1,232,000	2,795
	Panama			150,080	863
	Salvador			1,415,680	3,974
Bar iron and steel and manufactures of iron and steel.	Belgium		2,308		118,756
	Germany		10,112		54,830
	Norway		1,507		1,851
	United Kingdom		167,615		166,972
	Hongkong		22		74
	Japan		1,660		533
	France				7,687
	Sweden			1,080,113	19,902
	British Columbia		12,069		81,166
			231,394		683,023

Total value importations, three ports, for 1909, $722,712; total value importations, three ports, for 1911, $1,965,219; increase, over 270 per cent.

WOOL AND WOOLEN SCHEDULE.

The following comparative statement shows the rates of duty imposed and proposed by the existing Payne law, by the Wilson tariff law of 1893, by the recent Underwood bill as it passed the House, by the La Follette substitute bill as it passed the Senate, and by the conference report as agreed upon and passed both House and Senate, being the bill as it was sent to the President and vetoed by him.

Comparative statement.

	La Follette.	Underwood.	Conference.	Wilson.	Payne.
Wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals.	35 per cent and 10 per cent.	20 per cent..	29 per cent..	Free.....	Class 1: 11 cents per pound; if washed, 22 cents; if scoured, 33 cents. Class 2: 12 cents per pound; if washed, 12 cents; if scoured, 36 cents. Class 3: 4 cents if valued 12 cents per pound or less; 7 cents if valued more; if clean, 3 times duty. Sorted wools: Classes 1 and 2, except skirted wools, double duty.
Noils, card waste, yarn waste, bur waste, and all waste n. s. p. f.	25 per cent.....	20 per cent..	29 per cent..	Free.....	20 cents per pound.
Top waste	30 per cent.....	20 per cent..	29 per cent..	.....	30 cents per pound.
Slubbing waste, roving waste, ring waste	30 per cent.....	20 per cent..	29 per cent..	Free.....	30 cents per pound.
Thread waste	25 per cent.....	20 per cent..	29 per cent..	.....	20 cents per pound.
Garnetted waste	30 per cent.....	20 per cent..	29 per cent..	15 per cent.....	30 cents per pound.
Shoddies	25 per cent.....	20 per cent..	29 per cent..	15 per cent.....	25 cents per pound.
Mungo, flocks	25 per cent.....	20 per cent..	29 per cent..	15 per cent.....	10 cents per pound.
Wool extract	25 per cent.....	20 per cent..	29 per cent..	.....	20 cents per pound.
Carbonized wool	25 per cent.....	20 per cent..	29 per cent..	15 per cent.....	44 cents per pound plus 50 per cent (par. 376).
Carbonized noils	25 per cent.....	20 per cent..	29 per cent..	15 per cent.....	20 cents per pound.
Rags of wool	25 per cent.....	20 per cent..	29 per cent..	Free.....	10 cents per pound.
Section 3.					
Combed wool or tops	40 per cent.....	25 per cent..	32 per cent..	20 per cent.....	If valued 20 cents per pound or less, 24½ cents per pound plus 30 per cent; valued more, 30¾ cents per pound plus 30 per cent.
Roving or roping	40 per cent.....	25 per cent..	32 per cent..	20 per cent.....	Same as cloths.
Advanced beyond washed or scoured n. s. p. f.	40 per cent.....	25 per cent..	32 per cent..	.....	Valued not more than 40 cents per pound, 33 cents plus 50 per cent; valued over 40 cents and not over 70 cents per pound, 44 cents plus 50 per cent; valued over 70 cents per pound, 44 cents plus 55 per cent.
Yarns	45 per cent.....	30 per cent..	35 per cent..	Valued not more than 40 cents per pound, 30 per cent; valued more, 40 per cent.	Valued not more than 30 cents per pound, 27½ cents per pound plus 35 per cent; valued more, 38½ cents per pound plus 40 per cent.
Cloths	55 per cent.....	40 per cent..	49 per cent..	Valued not more than 50 cents per pound, 40 per cent; valued more, 50 per cent (par. 283).	Valued not more than 40 cents per pound, 33 cents per pound plus 50 per cent; valued not more than 70 cents per pound, 44 cents per pound plus 50 per cent; valued over 70 cents per pound, 44 cents per pound plus 55 per cent.
Knit fabrics	55 per cent.....	40 per cent..	49 per cent..	Valued not more than 40 cents per pound, 35 per cent; valued more, 40 per cent.	Same as cloths.
Women's and children's dress goods, coat linings, Italian cloths, and goods of similar description.	55 per cent.....	45 per cent..	49 per cent..	Value not more than 50 cents per pound, 40 per cent. Valued more, 50 per cent.	With cotton warp and value not more than 15 cents per square yard, 7 cents per yard plus 50 per cent. Valued more and value not more than 70 cents per pound, 8 cents per yard plus 50 per cent. Valued more than 70 cents per pound, 8 cents per yard plus 55 per cent. And on all weighing over 4 ounces per square yard, duty same as on cloths, less 5 per cent. (Par. 380.) And on all n. s. p. f., 11 cents per square yard. And in addition value not more than 70 cents per pound, 50 per cent. And valued over 70 cents per pound, 55 per cent. And weighing over 4 ounces per square yard, same as on cloths. (Par. 381.)
Bunting	55 per cent.....	45 per cent..	49 per cent..	Value not more than 50 cents per pound, 40 per cent. Valued more, 50 per cent. (Par. 283.)	11 cents per square yard plus 50 per cent if value not more than 70 cents per pound; or valued above 70 cents per pound, 55 per cent. And if over 4 ounces per square yard, same as cloths. (Par. 381.)
Felts not woven	55 per cent.....	40 per cent..	49 per cent..	Printing-machine felts, value not more than 30 cents per pound, 25 per cent. Value not more than 40 cents per pound, 30 per cent. Valued more, 35 per cent. Felts n. s. p. f., value not more than $1.50 per pound, 45 per cent. Valued more, 50 per cent.	44 cents per pound plus 60 per cent. (Par. 382.)
Manufactures n. s. p. f.	55 per cent.....	40 per cent..	49 per cent..	Value not more than 50 cents per pound, 40 per cent. Valued more, 50 per cent. (Par. 283.)	Same as cloths.

Comparative statement—Continued.

	La Follette.	Underwood.	Conference.	Wilson.	Payne.
Blankets, and flannels for underwear	55 per cent	30 per cent, but if valued more than 50 cents per pound, 45 per cent.	38 per cent	Blankets, and flannels for underwear, value not more than 30 cents per pound, 25 per cent. Value not more than 40 cents per pound, 30 per cent. Valued more, 35 per cent, but blankets over 3-yard lengths same as cloths. Flannels over 4 ounces per square yard, same as dress goods. (Par. 282.)	Blankets, and flannels for underwear, value not more than 40 cents per pound, 22 cents per pound plus 30 per cent. Value not more than 50 cents per pound, 33 cents per pound plus 35 per cent. Blankets, value not more than 50 cents per pound, 33 cents per pound plus 40 per cent. Flannels valued more than 50 cents per pound, same as women's dress goods. Blankets over 3-yard lengths, same as cloths.
Flannels not for underwear	55 per cent	30 per cent	49 per cent.		
Clothing, ready-made, wearing apparel, n. s. p. f.	55 per cent	45 per cent	49 per cent	Value not more than $1.50 per pound, 50 per cent; valued more, 45 per cent.	44 cents per pound plus 60 per cent.
Shawls and knitted articles	55 per cent	45 per cent	49 per cent	(Not including wearing apparel) value not more than 40 cents per pound, 35 per cent; valued more, 40 per cent (par. 281).	44 cents per pound plus 60 per cent (par. 382).
Articles in paragraph 9, webbings, gorings, etc.	55 per cent	35 per cent	49 per cent	50 per cent (par. 286).	50 cents per pound and 60 per cent (par. 383).
Articles in paragraph 10, Aubusson, Axminster, etc., carpets.	35 per cent	40 per cent	50 per cent	40 per cent (par. 287).	60 cents per square yard plus 40 per cent (par. 384).
Articles in paragraph 11, Saxony, Wilton, etc., carpets.	35 per cent	35 per cent	50 per cent	40 per cent (par. 288).	60 cents per square yard plus 40 per cent (par. 385).
Articles in paragraph 12, Brussels, etc., carpets	35 per cent	30 per cent	40 per cent	40 per cent (par. 289).	44 cents per square yard plus 40 per cent (par. 386).
Articles in paragraph 13, velvet, etc., carpets	35 per cent	35 per cent	40 per cent	40 per cent (par. 290).	40 cents per square yard plus 40 per cent (par. 387).
Articles in paragraph 14, tapestry Brussels, etc., carpets.	35 per cent	30 per cent	30 per cent	42½ per cent (par. 291).	28 cents per square yard plus 40 per cent (par. 388).
Articles in paragraph 15, 3-ply ingrain, etc., carpets	35 per cent	30 per cent	30 per cent	32½ per cent (par. 292).	22 cents per square yard plus 40 per cent (par. 389).
Articles in paragraph 16, 2-ply ingrain, etc., carpets	35 per cent	25 per cent	30 per cent	30 per cent (par. 293).	18 cents per square yard plus 40 per cent (par. 390).
Articles in paragraph 17, rugs, etc., carpets woven whole.	35 per cent	50 per cent	50 per cent	Oriental, Berlin, and similar rugs, 40 per cent; carpets, woven whole for rooms, n. s. p. f.	10 cents per square foot and 40 per cent, selvage included.
Articles in paragraph 18, druggets and backings	35 per cent	25 per cent	30 per cent	30 per cent	22 cents per square yard plus 40 per cent.
Carpets and carpeting of wool, flax, or cotton, in whole or in part, n. s. p. f.	35 per cent	25 per cent	30 per cent	30 per cent (par. 295).	50 per cent.
Mats, matting, and rugs of cotton		25 per cent			50 per cent.
Articles in paragraph 20, mats, rugs, etc., n. s. p. f.		Same as carpets of like character.		Same as carpets of like character.	Same as carpets of like character.

The SPEAKER pro tempore (Mr. UNDERWOOD). The Chair recognizes the gentleman from Missouri [Mr. CLARK]. [Applause on the Democratic side.]

Mr. CLARK of Missouri. Mr. Speaker, I fully agree with my well-beloved friend, the gentleman from Illinois [Mr. MANN], that the growth of this country since 1860, in wealth and in every other respect, has been phenomenal. No man rejoices in that more than I do. I permit no living human being to be more patriotic than I am. [Applause on the Democratic side.] I suppose his figures are correct, but the gentleman leaves out of his calculations the most important element of growth in the United States since 1860, and that is the growth in population [applause on the Democratic side]; and surely no Republican will dare to claim that the Republicans begat all that increase in population. [Applause on the Democratic side.] Democrats did their full share in that regard. Who created this wealth? Democrats had as much to do with increasing it as the Republicans had. [Applause on the Democratic side.] It makes me weary to hear people talk about somebody wanting to destroy the industries and prosperity of this land. It is a lie. [Loud applause on the Democratic side.] No sane man wants to injure in the estimation of a hair any legitimate industry of this country. [Applause on the Democratic side.] That that charge is a thing incredible I have contended always, and especially since we carried the House and had the responsibility placed upon us. We all want the industries of the land to prosper. It is our country as well as yours; our children must live here as well as yours; we have as great a stake in the prosperity of the Republic as you have; and, in the language of Tiny Tim, "God bless us, every one." [Applause on the Democratic side.]

The President has the constitutional right to veto this bill if he wanted to do so. I am not quarreling with him about that. I am, as his personal friend, lamenting his lack of wisdom. [Applause on the Democratic side.] He has raised an issue which will rage with unabated fury until the close of the polls in November, 1912. [Applause on the Democratic side.] We most cheerfully welcome that issue. We will meet the President and his stand-pat cohorts at Philippi. You gentlemen talk about our putting the President in a hole. We did not have to do so; he has done it for himself. [Applause on the Democratic side.]

But, nevertheless and notwithstanding, the gentleman from Kentucky [Mr. JAMES] stated the literal historic truth when he said that the right of veto is a remnant of the royal prerogative. He was correct also when he stated that no English sovereign has dared to exercise the veto power in something like 200 years. If George the Fifth should veto an important measure he would lose his crown and his throne and be sent on his "travels," as Charles the Second facetiously denominated his banishment. My good friend from Tennessee [Mr. AUSTIN] who nominated me for President—and I rejoice in the fact that the Republican Members of this House feel as kindly toward me personally as the Democrats do [applause]—it is a matter of infinite pride with me—the gentleman got this Tariff Board business wrong. The gentleman from Alabama [Mr. UNDERWOOD] and myself never advocated this Tariff Board. [Applause on the Democratic side.] We never voted for it. I will tell you what we did advocate and what we did vote for, and that is to make that board a board of real experts and then make it responsive to the House of Representatives in general and to the Ways and Means Committee in particular. [Ap-

plause on the Democratic side.] I am willing to do that now. I am not going to say anything derogatory of this Tariff Board, but I am going to say what I think, as I always do. The gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] and all the rest of the Republican members of the Committee on Ways and Means who served on that committee in the Sixtieth and Sixty-first Congresses when the Payne-Aldrich bill was framed and passed, and the gentleman from Illinois [Mr. CANNON], who, while he was not present when the first tariff bill was made in 1789, has been present at nearly all the rest of them [laughter]; and the gentleman from Alabama [Mr. UNDERWOOD], and the gentleman from Texas [Mr. RANDELL], and the gentleman from New York [Mr. HARRISON], and the gentleman from Georgia [Mr. BRANTLEY], who were also on the old Ways and Means Committee—any one of them knows more about the tariff to-day than that entire Tariff Board rolled together. [Applause on the Democratic side.] I name only the old Members; but I will say that the new Democratic members of the Ways and Means Committee were selected for their fitness for such work; and I desire to bear witness in this distinguished presence to the fact that no set of men ever worked harder, more persistently, or more painstakingly in the discharge of a duty than have the Democratic Members of the committee in revising Schedule K and the cotton schedule. They all deserve well of the House and of the country. I am rather inclined to the opinion that my distinguished friend from Illinois [Mr. MANN] and myself know something about tariff bills, too. [Applause on the Democratic side.] He voted against the Payne tariff bill—bless his heart for doing it. [Applause on the Democratic side.] I yielded him 20 minutes time to make his speech, the best one he ever made in his life. [Applause on the Democratic side.]

The members of the Tariff Board are, no doubt, most excellent and learned gentlemen; but whatever else they may be, they are not tariff experts. To hear certain persons tell it, all Senators and Representatives in Congress are idiots, utterly ignorant of the tariff question, and should not be permitted to do anything touching the tariff except to register the decrees of the Tariff Board of nonexperts. I throw out this gentle hint: If the Tariff Board is to be used as the President is using it in this case to delay tariff revision instead of expediting it, it will have a short shrift as certain as grass grows or water runs. The Tariff Board, if it continues to exist, should be made the servant and not the master of the Representatives of the people. Why do not the little Solomons, who go about asseverating that Congress is composed of a lot of ignoramuses on the tariff, come to Congress themselves and pass a model tariff bill? They do not come for the all-sufficient reason that they can not get votes enough. The people declared last November that they desired tariff revision, and they will not be enamored of those who block that work.

The gentleman from Kansas [Mr. CAMPBELL] voted for this bill. What change has come o'er the spirit of his dream? Is it the sweet odor of the fleshpots of Egypt or not? [Applause on the Democratic side.] These gentlemen supporting the President's veto message have all said—every one of them who made a speech that I have heard—that this wool bill is unconsidered. The standpatters are unanimous on that proposition.

I do not propose to have that kind of a statement go unchallenged to the country, because it is absolutely untrue. What happened? We called a Democratic caucus of the Democratic Members-elect of this House on the 19th day of January. The purpose of that proceeding was to select the Democratic members of the Committee on Ways and Means that they might go to work preparing tariff bills. That was before anybody dreamed of this extra session. Some of the newspaper Republican brethren said it was my "crazy scheme," but it worked like a charm. We chose the Democratic members of the Ways and Means Committee, and they went to work and spent nearly three months preparing this wool bill. [Applause on the Democratic side.] I defy my distinguished friend from New York [Mr. PAYNE] to state that he and his committee ever spent three months on any one schedule in the tariff bill. [Applause on the Democratic side.]

Mr. PAYNE. I wish to say that we spent more than 10 times as much time on this woolen schedule than you did.

Mr. CLARK of Missouri. When was it? When did you spend it? I will give you a piece of history you seem to have forgotten. A tariff bill has 14 schedules in it. You and I and the rest of your committee began considering the Payne bill with the 14 schedules on the 11th day of November, and you reported that bill to this House with the 14 schedules on the 18th day of March. [Applause on the Democratic side.]

Mr. PAYNE. I commenced the preparation of that bill more than a year before the committee met.

Mr. CLARK of Missouri. And so did we, bless your soul. I have been preparing for the wool bill and other tariff for the last 20 years. [Applause on the Democratic side.]

Mr. PAYNE. But I want to ask the gentleman what that has to do with this mongrel thing that comes from the conference committee?

Mr. CLARK of Missouri. After the House considered this bill the Senate considered it. The gentleman had to give up a good deal of his own bill two years ago, and sulked, and swore, and was peeved because he had to yield. That is the truth.

Mr. PAYNE. Well, he did not yield the whole thing.

Mr. CLARK of Missouri. You yielded all you could.

Another thing, they say that we are playing politics. Whenever any man stands up and undertakes to do anything for the benefit of the great masses of people he is denounced by the "interests" as a demagogue and is charged with playing politics. But to stand up and advocate the cause of the "interests" is the highest evidence of statesmanship. As far as I am individually concerned, I sprang from the loins of the common people, God bless them, and I am one of them. I labored with my hands in my youth, and would do it again to-morrow if I had to do so; and I unhesitatingly take my stand with the consumers of the land as against the "interests."

The President desires to have tariff legislation postponed till his Tariff Board can tutor him up sufficiently to write a tariff bill, which, when we consider his multifarious and onerous duties and his passion for long-distance traveling and frequent speechmaking, we must perforce conclude would be a far-away day in the sweet by and by. We do not want the people to suffer that long.

The President made a famous speech at Winona, Minn. The only part of that speech which was any good [laughter] was that part of it in which he said the wool schedule was too high and ought to be reduced. [Applause on the Democratic side.] Here are his exact words on that celebrated occasion:

> With respect to the wool schedule, I agree that it is too high and that it ought to have been reduced, and that it probably represents considerably more than the difference between the cost of production abroad and the cost of production here. The difficulty about the woolen schedule is that there were two contending factions early in the history of Republican tariffs, to wit, woolgrowers and the woolen manufacturers, and that finally, many years ago, they settled on a basis by which wool in the grease should have 11 cents a pound, and by which allowance should be made for the shrinkage of the washed wool in the differential upon woolen manufactures. The percentage of duty was very heavy—quite beyond the difference in the cost of production, which was not then regarded as a necessary or proper limitation upon protective duties.

Those words sank deep into the minds of the American people. They made them the basis of hope for cheaper and warmer blankets and clothing. Now, so far as in him lies, the President dashes those fond hopes to the ground; but what's writ is writ, and those presidential words are part of the history of the Republic.

It is asked why we took the wool schedule first. I will tell you. We took it because the President said that it ought to be reduced [applause on the Democratic side], because we faced a hostile Senate and faced a hostile President. This bill is not what I would have written if I had had carte blanche; it is not what the gentleman from Alabama [Mr. UNDERWOOD] would have written; it is not what any of us would have written; but we undertook to get a bill that would have the best chance possible of passing the ordeal of the House, the ordeal of the Senate, and the ordeal of the White House. [Applause on the Democratic side.] I was certain that the President would sign the bill cutting down the wool tariff; we took him at his word. That is the head and front of our offending in putting the revision of the wool schedule first. I never did believe he would veto it until the last two or three days. Then, we took the cotton schedule next, because it, too, is a textile schedule. I am violating no secret in stating that so soon as the revised cotton schedule was through the House, the Democratic members of the Ways and Means Committee began industriously to prepare the iron and steel schedule revision, having previously collected a large assortment of information on that subject.

We welcome the issue. We are not afraid to go to the people on it. We know that we stand for right and truth and justice. [Applause on the Democratic side.] The gentleman from Illinois [Mr. MANN] quotes Æsop's Fables. Æsop was, perhaps, the greatest writer of fables that ever lived; but nobody ever rated him as an authority on economics till the gentleman from Illinois arose to-day. We have no desire to kill the goose that lays the golden eggs, as the gentleman seems to think. What we do desire is that a few shall not monopolize the golden eggs, but that they shall be distributed more equitably among the people of the land. The most important problem that good,

wise, and patriotic men have to solve is a fair distribution of the profits of business; and blessed be the name of the man forever who achieves the solution which is just.

The Globe-Democrat said that I had come around to a tariff on wool because I had heard the bleating of 134,000 sheep in my district. I tell you what I did hear. I heard the cry of 93,000,000 American citizens for cheaper and better clothing. The great desire of my heart is to give them some relief from their burden of taxation which they have borne for lo! these many years. [Loud and prolonged applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that all gentlemen who have spoken on this bill may extend their remarks in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who have spoken on this bill have the right to extend their remarks in the RECORD.

Mr. RAKER. Does that include the remarks of myself?

Mr. UNDERWOOD. It does.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is, Will the House on reconsideration agree to pass the bill, the objection of the President to the contrary notwithstanding? Under the Constitution the roll must be called, and the Clerk will call the roll. Those in favor of passing this bill over the President's veto will say "aye," and those opposed, "no."

The question was taken; and there were—yeas 227, nays 129, answered "present" 3, not voting 27, as follows:

YEAS—227.

Adair	Dupre	Johnson, Ky.	Richardson
Adamson	Edwards	Johnson, S. C.	Riordan
Aiken, S. C.	Ellerbe	Jones	Robinson
Akin, N. Y.	Estopinal	Kent	Roddenbery
Alexander	Evans	Kindred	Rothermel
Allen	Faison	Kinkead, N. J.	Rouse
Anderson, Minn.	Ferris	Kitchin	Rubey
Ansberry	Fields	Konop	Rucker, Colo.
Ashbrook	Finley	Korbly	Rucker, Mo.
Barnhart	Fitzgerald	La Follette	Russell
Bartlett	Flood, Va.	Lamb	Sabath
Bathrick	Floyd, Ark.	Lee, Ga.	Saunders
Beall, Tex.	Fornes	Lee, Pa.	Scully
Bell, Ga.	Foster, Ill.	Lenroot	Shackleford
Blackmon	Fowler	Lever	Sharp
Booher	Francis	Lewis	Sheppard
Borland	Gallagher	Lindbergh	Sherley
Brantley	Garner	Linthicum	Sherwood
Brown	Garrett	Lloyd	Sims
Buchanan	George	Lobeck	Sisson
Bulkley	Glass	McCoy	Small
Burke, Wis.	Godwin, N. C.	McDermott	Smith, N. Y.
Burleson	Goeke	McGillicuddy	Smith, Tex.
Burnett	Goldfogle	Macon	Sparkman
Byrnes, S. C.	Goodwin, Ark.	Madison	Stack
Byrns, Tenn.	Gould	Maguire, Nebr.	Stanley
Callaway	Graham	Maher	Stedman
Carlin	Gray	Martin, Colo.	Steenerson
Carter	Gregg, Pa.	Mays	Stephens, Miss.
Clark, Fla.	Gudger	Miller	Stephens, Tex.
Claypool	Hamill	Moon, Tenn.	Stone
Clayton	Hamilton, W. Va.	Moore, Tex.	Sweet
Cline	Hamlin	Morrison	Talbott, Md.
Collier	Hammond	Morse, Wis.	Talcott, N. Y.
Connell	Hanna	Moss, Ind.	Taylor, Ala.
Conry	Hardwick	Murdock	Taylor, Colo.
Covington	Hardy	Murray	Thayer
Cox, Ind.	Harrison, Miss.	Nelson	Thomas
Cox, Ohio	Harrison, N. Y.	Norris	Townsend
Cravens	Haugen	Oldfield	Tribble
Cullop	Hay	O'Shaunessy	Turnbull
Curley	Heflin	Padgett	Tuttle
Daugherty	Helgesen	Page	Underhill
Davenport	Helm	Palmer	Underwood
Davis, Minn.	Henry, Tex.	Patten, N. Y.	Volstead
Davis, W. Va.	Hensley	Pepper	Warburton
Dent	Holland	Peters	Watkins
Denver	Houston	Post	Webb
Dickinson	Howard	Pou	Whitacre
Dickson, Miss.	Hubbard	Pujo	White
Dies	Hughes, Ga.	Rainey	Wickliffe
Difenderfer	Hughes, N. J.	Raker	Wilson, Pa.
Dixon, Ind.	Hull	Randell, Tex.	Witherspoon
Donohoe	Humphreys, Miss.	Ransdell, La.	Woods, Iowa
Doremus	Jackson	Rauch	Young, Kans.
Doughton	Jacoway	Redfield	The Speaker
Driscoll, D. A.	James	Reilly	

NAYS—129.

Ames	Crago	Fuller	Hinds
Andrus	Crumpacker	Gardner, Mass.	Howell
Anthony	Currier	Gardner, N. J.	Howland
Austin	Dalzell	Gillett	Hughes, W. Va.
Barchfeld	Danforth	Good	Humphrey, Wash.
Bates	Davidson	Green, Iowa	Kahn
Bingham	De Forest	Greene, Mass.	Kendall
Bowman	Dodds	Griest	Kennedy
Bradley	Draper	Guernsey	Kinkaid, Nebr.
Burke, Pa.	Driscoll, M. E.	Hamilton, Mich.	Knowland
Burke, S. Dak.	Dwight	Harris	Kopp
Butler	Dyer	Hartman	Lafean
Calder	Esch	Hawley	Lafferty
Campbell	Farr	Hayes	Langham
Cannon	Focht	Heald	Langley
Catlin	Foss	Henry, Conn.	Lawrence
Cooper	Foster, Vt.	Higgins	Longworth
Copley	French	Hill	Loud
McCall	Morgan	Roberts, Mass.	Thistlewood
McCreary	Mott	Roberts, Nev.	Tilson
McKenzie	Needham	Rodenberg	Towner
McKinley	Nye	Sells	Utter
McKinney	Olmsted	Simmons	Vreeland
McLaughlin	Parran	Slemp	Wedemeyer
McMorran	Patton, Pa.	Sloan	Weeks
Madden	Payne	Smith, J. M. C.	Wilder
Malby	Pickett	Smith, Saml. W.	Willis
Mann	Plumley	Speer	Wilson, Ill.
Martin, S. Dak.	Porter	Stephens, Cal.	Wood, N. J.
Matthews	Pray	Stevens, Minn.	Young, Mich.
Mondell	Prince	Sulloway	
Moon, Pa.	Rees	Switzer	
Moore, Pa.	Reyburn	Taylor, Ohio	

ANSWERED "PRESENT"—3.

Cantrill	Konig	Littlepage

NOT VOTING—27.

Anderson, Ohio	Candler	Legare	Prouty
Ayres	Cary	Levy	Slayden
Bartholdt	Fairchild	Lindsay	Sterling
Berger	Fordney	Littleton	Sulzer
Boehne	Gregg, Tex.	McGuire, Okla.	Wilson, N. Y.
Broussard	Hobson	McHenry	Young, Tex.
Burgess	Latta	Powers	

So (two-thirds not voting in the affirmative) the House on reconsideration refused to pass the bill.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted in the affirmative.

The SPEAKER. The Clerk will announce the pairs. Pairing on this vote takes 2 to 1.

The Clerk announced the following pairs:

Mr. GREGG of Texas and Mr. KONIG (for) with Mr. POWERS (against).

Mr. BOEHNE and Mr. LITTLETON (for) with Mr. STERLING (against).

Mr. SULZER and Mr. CANTRILL (for) with Mr. MCGUIRE of Oklahoma (against).

Mr. BROUSSARD and Mr. SLAYDEN (for) with Mr. FORDNEY (against).

Mr. LINDSAY and Mr. CANDLER (for) with Mr. BARTHOLDT (against).

Mr. HOBSON and Mr. LEGARE (for) with Mr. FAIRCHILD (against).

Mr. LITTLEPAGE and Mr. LEVY (for) with Mr. PROUTY (against).

Mr. KONIG. Mr. Speaker, I would like to know if the gentleman from Kentucky, Mr. POWERS, has voted?

The SPEAKER. He has not.

Mr. KONIG. Then I wish to withdraw my vote, which was in the affirmative, and to vote "present."

Mr. LITTLEPAGE. Mr. Speaker, I desire to know if the gentleman from Iowa, Mr. PROUTY, has voted?

The SPEAKER. He has not.

Mr. LITTLEPAGE. Then I withdraw my affirmative vote, and vote "present."

The result of the vote was announced as above recorded.

The announcement of the result was received with applause on the Republican side.

Mr. UNDERWOOD. Mr. Speaker, I move to refer the veto message to the Ways and Means Committee.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 12812. An act to reduce the duties on manufactures of cotton.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

CRIMINAL LAWS RELATING TO THE JUDICIARY.

Mr. FINLEY. Mr. Speaker, I ask present consideration for the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] asks present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That 5,000 copies of Public Law No. 350, Sixtieth Congress, second session, entitled "An act to codify, revise, and amend the penal laws of the United States," be printed for the use of the House document room.

The SPEAKER. The Clerk will read the report of the Committee on Printing.

The Clerk read as follows (H. Rept. 151):

The Committee on Printing having had under consideration the House resolution (H. Res. 286) providing for the printing of 5,000 copies of Public Law No. 350, Sixtieth Congress, second session, reports

the same back to the House with the recommendation that the resolution be agreed to.

The estimate of cost is $127.85.

Mr. SHERLEY. Mr. Speaker, I should like to ask the gentleman who presents this resolution whether he has considered the advisability of authorizing a reprint of the penal code as well as the judicial code.

Mr. FINLEY. The committee has authorized and reported a resolution to reprint the penal code.

Mr. SHERLEY. Has the gentleman considered the advisability of having an index to both of these codes before a reprint is had?

Mr. MOON of Pennsylvania. There is an index to the penal code.

Mr. SHERLEY. I am informed that there is an index to the penal code, but there is none to the other.

Mr. FINLEY. We have an index to the penal code. The committee is without the power to order an index to the judicial code, and we are complying with a public demand.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE FREE LIST.

The SPEAKER laid before the House the following message from the President of the United States, which was read (S. Doc. No. 102):

To the House of Representatives:

I return, without my approval, House bill 4413, entitled—

An act to place on the free list agricultural implements, cotton bagging, cotton ties, leather, boots and shoes, fence wire, meats, cereals, flour, bread, timber, lumber, sewing machines, salt, and other articles.

This free list covers articles in the metal schedule, the cotton schedule, the wool schedule, and the leather schedule. In a special message returning, without my approval, the wool bill, I have set forth at length the reasons why I think all general amendments to the existing tariff laws should be postponed until accurate and scientific information can be submitted to Congress by a Tariff Board appointed for the purpose of investigating the question of the difference in cost of production of dutiable articles at home and abroad. The same reasons which impelled me to decline to sign the wool bill control me in this case. There are other reasons apparent on the face of the bill, taken in connection with the existing law, which make it unwise to allow this bill to pass.

The bill is so carelessly drawn that it would inevitably lead to the greatest uncertainty as to what articles are or are not covered by its various provisions. This would impose a heavy burden on the administrative branch of the Government, create disastrous uncertainty in commercial circles, and lead to a burdensome amount of litigation. The bill, while apparently very simple and affecting only a few articles, is in reality so loose in its phraseology that it would affect hundreds of items in the existing tariff act. Conceding the wisdom of its general policy, the paragraphs of the bill ought to be rewritten in definite and specific terms.

Take the expression in the first clause, following the specific mention of agricultural implements, "all other agricultural implements of any kind and description, whether specifically mentioned herein or not, whether in whole or in parts, including repair parts." This language is so sweeping that it might be made to cover almost 150 articles used in agriculture, which would affect many sections of the present tariff and lead to the most injurious uncertainty. Furthermore, it would make it possible to import free many materials now paying a duty, when roughly fashioned into the form of parts of farm implements but actually intended for entirely different uses.

Again, take the general expression in the second clause, the bagging clause, "other material suitable for bagging or sacking agricultural products." It is a serious question whether this section might not be interpreted to make radical changes in many sections of Schedules I (cotton), J (jute and hemp), and K (wool), and it would undoubtedly be open to the same objection of allowing free entry to a large amount of textile manufactures, technically suitable for sacking agricultural products, but intended for entirely different purposes.

Another clause that calls for comment is in the leather paragraph, which reads as follows: "Leather cut into shoe uppers or vamps or other forms suitable for conversion into manufactured articles." The history of this clause is informing as to the method of drafting the bill. The phraseology is found in a proviso at the end of paragraph 451 of the existing tariff. The whole paragraph imposes various duties on different kinds of leather, including many more varieties than are made free by this bill, and the language of the proviso is used in the existing law to impose an additional ad valorem duty on all such leather when cut into forms for further manufacture. The draftsman of the bill now before me took this language, struck out the 10 per cent ad valorem, and left the preceding descriptions of leather out of which the forms were to be cut, dutiable as under the present law. The result is that calfskins tanned, kangaroo, sheep and goat skins, dressed and finished, bookbinders' calfskins, chamois skins, patent and enameled leather, pianoforte leather, and other varieties of leather, when uncut, would pay, under the proposed bill, if it became a law, duties ranging from the equivalent of 40 per cent ad valorem down; while the cut forms of such leather would come in free. This imposes a penalty on the domestic labor of cutting and would transfer half the process in the industry of shoemaking and glove making to foreign countries. The result is so unreasonable as to suggest great haste in preparation.

Another clause equally full of difficulty is that admitting free, "Barbed fence wire, wire rods, wire strands, or wire rope, wire woven or manufactured for wire fencing, and other kinds of wire suitable for fencing, including wire staples." This section seems to be drawn with the idea of giving free wire for fencing purposes, but is so loosely worded that it might be taken to include also the highest grades of wire rods and wire rope. This is especially true, because wire rope is never used for fencing, and the words "wire rods, wire strands, or wire rope" are separated by commas from the rest of the section, and it is difficult, with the collocation of terms here used, and in face of the fact that wire rope is not used for fencing at all, to limit "wire rods, strands and rope" here made free to something suitable for fencing.

The truth is that the language of the act is so ambiguous and possibly all-embracing that it is impracticable for the Treasury Department to give an exact estimate as to the diminution in revenue which will follow its passage. The estimates vary all the way from $10,000,000 to $14,000,000, according to the varieties of construction put upon the act and this, although when the bill was first under consideration it was publicly stated by its advocates that the reduction in revenue would not exceed $1,500,000.

The difficulty with the bill is that in the sections above referred to it purports to secure a free list for the benefit of a certain class of users; but to classify articles by their use or their suitability for a certain use is so contrary to the methods of classification in the existing tariff law that its adoption would create the utmost confusion. The danger is not so much that the class of users in whose favor the classification purports to be made will receive more benefit than the framers of the law may have intended, but it is that many who do not belong to the class intended to be favored will import articles suitable for the prescribed use under the general terms of the statute, but will use them for other and general purposes. The effect will be to break down altogether the classification upon which the arrangement in many of the present tariff schedules is based. If there were no other reason for withholding my approval from this bill, this one would be all-sufficient.

But there is another, and a very important, reason why the bill ought not become a law, and that is that in many instances it adopts the principle, rarely permitted in any revenue system, on whatever theory constructed, by which the finished product is made free from duty and the raw material and the machinery necessary for its production are kept on the dutiable list. Even the most extreme free trader, or advocate of tariff for revenue only, has never before sought an adjustment of the duties which subjects the manufacturer to a burden in his manufacture by imposing a duty on the machinery and the raw material he uses and involves him in unrestricted foreign competition as to the finished product. This is true with reference to leather and shoes, with reference to material for bagging, with reference to cotton ties, and wire for baling and for fencing, and indeed for the agricultural implements included in the catch-all clause to which I have referred.

A third objection to the bill is that, without in fact reducing the price to the consumer of the articles admitted free in a number of the paragraphs, it gives an advantage to Canada, our neighbor on the north, which by withholding we might well use in the future to secure further concessions for us in the reciprocity agreement which the present Congress has requested me to expand.

Let me give the instances: Agricultural implements specifically mentioned in the bill are shown by a report of the Bureau of Trade Relations of the State Department to be cheaper in this country than anywhere in the world. This is confirmed by the fact that under existing law all countries admitting our agricultural implements free can have free access to our markets for the same articles. Great Britain is the only country whose present laws entitle her to this privilege, and which exports such articles in great quantity, and yet she exports practically none to this country. We urged Canada to consent to free trade in these articles in the reciprocity agreement, but she declined. Now it is proposed to give her free trade in them

while she retains a duty of 15 per cent ad valorem on our agricultural implements. To admit her manufactures will not lower our prices, but it is giving her access to our markets for nothing, while we might use this privilege to secure some concession from her.

The same thing is true of that part of the present bill in which meat and flour are put on the free list for countries with whom we have a reciprocal agreement, and which receive free our agricultural products. This limits the admission of free meat and flour to Canada only. Meat in Canada and flour in Canada are as high as they are in the United States, and in many instances higher. We asked to have free trade in these two articles under the reciprocity agreement, but Canada declined, for the reason that she feared the effect of the competition of our meat packers and our flour mills with her packers and millers.

Now it is proposed to open this market to the Canadian packers and millers without our having access to the Canadian market. Such action will not reduce the price of meat or flour in this country. That is shown by the fact that they were afraid of our competition. In normal times their importations will have no effect on our markets, and hence the admission from Canada of meat and flour will be of practically no benefit to the consumer, but will offer an inducement to capitalists thinking of building mills or packing houses to put them on the Canadian side of the border, where they can have the advantage of both markets free. This is another instance in which the bill takes away from the President, in dealing with the matter of reciprocity, something that he might use in a trade to induce further reciprocity.

Another instance is in reference to the more finished kinds of lumber. Under our reciprocity agreement, rough lumber enters both countries free. Canada imposes 25 per cent duty on the more finished article, and we impose a duty of a different amount. If, now, we take off all duty on the finished product, we are giving her our market in this lumber for nothing, while we do not secure the benefit of hers; and we give to her Provinces a very strong motive for imposing restrictions and limitations on the cutting and export of rough lumber to this country in order to induce the transfer of the whole lumber manufacturing industry to Canada.

I withhold my approval from this bill, therefore, for the reasons, first, because it should not be considered until the Tariff Board shall make report upon the schedules it affects; second, because the bill is so loosely drawn as to involve the Government in endless litigation and to leave the commercial community in disastrous doubt; third, because it places the finished product on the free list, but retains on the dutiable list the raw material and the machinery with which such finished product is made, and thus puts at a needless disadvantage our American manufacturers; and fourth, that while purporting, by putting agricultural implements, meat, and flour on the free list, to reduce their price to the consumers, it does not do so, but only gives to Canada valuable concessions which might be used by the Executive to expand reciprocity with that country in accordance with the direction of Congress.

WM. H. TAFT.

THE WHITE HOUSE, *August 18, 1911.*

Mr. UNDERWOOD. Mr. Speaker, I desire to call up the veto message and move that the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding. [Applause on the Democratic side.]

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I would like to agree with the gentleman from New York as to the time for general debate on the bill.

Mr. PAYNE. We are ready on this side to vote now. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I will agree with the gentleman from New York to close debate after 15 minutes' debate on a side.

Mr. PAYNE. Can not the gentleman make it 10 minutes?

Mr. UNDERWOOD. Well, I will make it 10 minutes on a side.

The SPEAKER. The gentleman from Alabama asks unanimous consent to close debate in 20 minutes, 10 minutes to be controlled by himself and 10 minutes by the gentleman from New York. Is there objection?

There was no objection.

Mr. UNDERWOOD. I will ask the gentleman from New York to use such time as he desires, as I will have but one speech on this side.

Mr. PAYNE. Mr. Speaker, I am willing to submit the case on the message of the President of the United States. [Applause on the Republican side.] He has analyzed this bill from beginning to end, and the best thing about that message is that every item of mistake, of bungling, in reference to this bill stated by the President is absolutely true. [Applause on the Republican side.]

No more bungling piece of tariff legislation was ever brought into the House by any party or by any set of men since the foundation of the Government. [Applause on the Republican side.] There is no man living, tariff expert anywhere, who can tell the effect upon the revenue that this bill has within $25,000,000, and he may guess from now until the time it will be enacted, which it never will be.

It does put on the free list articles of high-grade manufacture, where everything from which they are made now bears a duty. Take the Senate amendment embracing that highly finished article, Keene's cement, that you see in every new hotel, composing the columns, more beautiful and artistic than anything nature has produced in the way of marble. That is put on the free list, and it leaves the plaster rock from which all cement is made dutiable at 30 cents a ton. They wanted to make it harmonious with the bill as it went from the House. I have no idea of going through all the items of the bill, but, as I said yesterday, there is not a single item in this bill which they put on the free list where the material does not bear a duty, except, perhaps, lumber and cotton bagging; not only the articles that go to compose the things they put on the free list, but upon machinery by which it is made, they leave a duty, and a high duty on some of it.

Why, Mr. Speaker, I do wonder why our Democratic friends who received with such loud acclaim speeches of that departed statesmen, Mr. Foss, of Massachusetts, who asked, after the present law was enacted, that all the articles which he made be put on the free list, why, in the name of common sense, they have not put his manufactures on the free list. He manufactures blowers; not the kind that is used in the House, but blowers to take the dust away from manufacturing shops. He asserted here in the House that he could make blowers against the world, and I think he could blow against the world. But it did not seem to strike the astute chairman of the Ways and Means Committee or the exuberant gentleman from Kentucky, who wants to do away with the veto power; it did not even come into the brilliant brain of the gentleman from Alabama who was received with so much acclaim by gentlemen on the other side. They have entirely overlooked blowers, and they confine their free list to articles made from materials that bear a high rate of duty.

Then, there is another thing about it. They talk about the outrages of the present tariff law and the high duties. But, Mr. Speaker, they seem to have picked out for this bill articles that bear a low rate of duty, like shoes at 10 per cent and leather at 20 per cent, and they put upon the free list lumber, the duty of which we greatly cut and is less than 10 per cent. They put upon the free list, of course, cotton ties and cotton bagging, for this is in the interest of the cotton farmer, and, of course, the framers of this bill would look after the interests of the farmers that live in the beautiful Southland, which they so much love, even as they love the farmer.

They put agricultural machinery on the free list, and yet, Mr. Speaker, gentlemen who sell abroad agricultural machinery by the million year after year, the D. M. Osborne branch of the International Harvester Co., before it became a part of the International Harvester Co. and the great Harvester Co. since have testified time and again before the Ways and Means Committee that they sold all their products at a higher price abroad, both at wholesale and retail, than they were sold in the United States. Oh, but some gentlemen say this is the agent of an octopus, of a trust! Well, they offered to allow us to go in and see their books and said their books would show it. Once in a while, of course, you hear of a lone traveler who is a tariff reformer and a free trader and all that sort of thing, wandering around on the surface of the earth, finding some man who has a mower over in France, a second-hand machine, that he has bought at a low price, and he comes back and says that he could have saved $10 on his machine if he could only have purchased it in France and brought it over here. But the truth is that every one of these manufacturers get a better price abroad for their farm machinery than they get in the United States. Why, we have offered them a fair thing. Any country that will admit our farm machinery free will have their farm machinery admitted free into the United States. Still they do not seem to come in under those terms, and why not? Because we are selling it more cheaply here than it is sold abroad.

Some gentlemen come up and say that we confess the whole thing, that we do not need any tariff on anything because I say that we do not need a tariff on farm machinery. Mr. Speaker, farm machinery has been made in this country under patents for 50 or 60 years to my knowledge, improved on every year, and we make the finest in the world; we have the finest machines with which to turn it out, and we save big wages and have big stocks and have the best market in the world. The manufacturers of farm machinery have brought that industry up to that high stage of perfection in the way of manufacturing that they can sell and do sell to the American farmer for less than they sell abroad and for less than the shops that are abroad sell their machinery.

Great Britain manufactures farm machinery, but Great Britain, world-wide trader that she is, does not come in here with it. She can not compete with the farm machinery of the United States. You pick that out, thinking you are going to fool the farmers in the North with any such bosh as that. They know differently, they know they are getting their machinery cheaper, and if you could make your bill a law by any possibility they would prove the hollowness of your pretense. This is the great fake farmers' free-list bill. Why, there is not a thing in it for the farmer, not even meats, which you seek to get in free, but which, under your perfected bill, are free from Canada. It will neither hurt the farmer nor do him any good. If you had had your original proposition, it might have hurt, but the Senate took the teeth out of that and there is nothing in that. The President of the United States has stated clearly and forcibly and vigorously the faults in this bill of yours, bearing evidence of haste in its preparation, as he said, and I say that it was absolutely prepared with indecent haste and without judgment or discrimination. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I yield the time at my disposal to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, this day will ever be memorable in the history of the American Republic. It will emphasize the fact that a President of the United States, ignoring the fact that legislation was proposed for the great masses of the people, lined himself up squarely with the intrenched privilege of the country and denied the people relief from the burdens of infamous laws. [Applause on the Democratic side.]

In the language of the gentleman from Maine [Mr. HINDS] in the House the other day his opposition to legislation for the relief of the people is—

> That weird, insidious, conscientious, painstaking inquiry after facts which lasts long after the facts have been ascertained—that cushion-like opposition—an opposition more effective than Saladin put before the sword of the Knight of the Leopard.

No matter what is proposed to give relief to the people the President finds some excuse to deny it. [Applause on the Democratic side.] Mr. Speaker, this House will not forget a day not long since when the gentleman from Alabama rose and called attention to the fact that the Wire Trust, in an attempt to coerce him in the discharge of his duty as a Member of this House, had shut down a great establishment in his district in order to influence his action here. [Applause on the Democratic side.] Unable to control the gentleman from Alabama, evidently a more susceptible person has been found elsewhere. [Applause on the Democratic side.] The message just read from the President of the United States points out the fact that the attempt to give free barbed wire for fencing might probably admit some other wire that will come in competition with the Wire Trust products.

Mr. Speaker, if I were a Biblical scholar I might recall a day of old, when Aaron was on the mount praying for the chosen people, and his hands were held up by Joshua and Caleb, two of his devoted followers, and I can well picture some gentlemen on that side of the House who until to-day have been voting in the interest of the people to give relief from the operation of the present iniquitous tariff law, now aided and assisted in their shift of position by four distinguished members of the Cabinet now present in this House to witness the peoples' holocaust. [Applause on the Democratic side.] Mr. Speaker, the President ignores entirely the interests of the people in this legislation. He thinks only of the manufacturer, he forgets the consumer; he is thinking of the profits of those who have so long enjoyed them under Republican legislation at the expense of the people. [Applause on the Democratic side.] He insists that the farmers of the country shall be given competition in our market in their products with the products of other countries, and yet he refuses to take from them the burdens which are placed upon the implements they require in their avocation by the present tariff law.

He points out the fact that meat and flour and bread are higher in Canada than in the United States, and therefore it would be useless to give the markets of the United States to those who produce meat and flour and make bread in Canada, and insists that that must not be done until the people of Canada are put at the mercy of the Beef Trust and the Bread Trust of the United States just like our own people. [Applause on the Democratic side.] The President states in his message on the wool bill that he was unable to obtain information to determine whether, under the provisions of the bill, sufficient protection would be afforded to those engaged in the various industries affected so as to meet the demands of the platform upon which he was elected. He now says this bill was carelessly drawn. Where did the President of the United States so recently obtain information to justify him in characterizing the language of any tariff bill? [Applause on the Democratic side.] Let me call attention to something in connection with this hypocritical pretense that a report from the Tariff Board is necessary before any change should be made in the present tariff law with resulting relief to the people. I have in my hand the message of the President communicating a complete report of the Tariff Board on pulp wood and print paper, and that report shows that the cost of production in the United States is on the average $5.35 per ton higher than in Canada, and yet the President of the United States, so sensitive had he become to the criticism of a hostile press, insisted that a provision be put in the reciprocity bill which would put print paper and wood pulp upon the free list, not depending upon the action of the Canadian Parliament on the reciprocity agreement, but to be effective regardless of that action, in the hope that a hostile press might be silenced and he might evade just criticism of his actions. [Applause on the Democratic side.] Why did not the President in the reciprocity bill insist that protection be afforded to the manufacturers interested in wood pulp and print paper?

Why should those engaged in the newspaper business be singled out by the President from all other classes of people for immediate relief from the operations of a tariff law, while those who are hungry and those who will suffer from the cold of winter must wait three or six months more until he makes up his mind as to whether he has sufficient information upon tariff matters to consent to legislation which is imperatively and almost universally demanded.

I have in my hand an editorial which appears in the New York World of to-day, and I shall insert it in the RECORD unless some Republican, fearful of its effect, will object. It calls attention to the fact that the President pointed out that the wool schedule was not changed in the last session of Congress because of a combination of the woolgrowers of the West and the woolen manufacturers of the East. To-day he occupies the position that that combination stood in during the last Congress to prevent the gentleman from New York [Mr. PAYNE] and the Senator from Rhode Island [Mr. Aldrich], both of whom believed that schedule too high to afford any relief to the people, by lowering the duties in it. He stated in a message to the Chicago Association of Trade, on the 3d of December, 1910:

> We are bound to promote the prompt elimination of instances of injustice in the tariff laws.

And by his own act he has glaringly postponed a proposition to eliminate one of the most indefensible features of our present tariff law. Mr. Speaker, the gentlemen upon that side of the House greeted with cheers and with yells the fact that by a few votes it was impossible to pass over the President's veto a wool bill highly meritorious and intended for the relief of the people. Those cheers, perhaps, may be repeated in a few moments, when the effort is made to pass over his veto this free-list bill. But those cheers will not die down here. They will not be silent when this House adjourns to-day. They will ring and ring in the ears of the American people until the people will arise in a justly indignant protest against the party which denies relief to them [applause on the Democratic side], and which insists upon injecting every buffer possible between the people and the relief to which they are entitled.

The President also in his message to-day calls attention to the fact that this free-list bill will give Canadian manufacturers an advantage over American manufacturers, and he says that if it were enacted into law it would result in interminable litigation. If anybody will take the trouble to secure the volumes of decisions which have been made necessary by Republican legislation, they will be convinced that no legislation will ever result in such a tremendous amount of decisions as resulted from their efforts.

Mr. Speaker, this day will not be forgotten; it will be remembered in November, 1912, to the detriment of the President of the United States and with resulting benefit to the country. [Loud applause on the Democratic side.]

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to print in the RECORD at this juncture House Report No. 4 on

this particular bill now under consideration by way of reply to the President's message.

The SPEAKER. The gentleman from Alabama asks unanimous consent to print in the RECORD Report No. 4.

Mr. PAYNE. I object to that, Mr. Speaker.

Mr. CLAYTON. Mr. Speaker, then, under the general leave to extend remarks, I will print it, anyhow.

Mr. MANN. There is no leave under this bill, and will not be.

Mr. CLAYTON. There will be under the other bill. You can not keep it from being printed.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to insert as part of my remarks the article to which I referred by suggestion and part of which I read.

The SPEAKER. The gentleman from New York asks unanimous consent to insert in the RECORD as part of his remarks the editorial from the New York World, part of which he read, but all of which he did not get the chance to read. Is there objection?

There was no objection.

Following is the editorial referred to:

[From the New York World, Aug. 18, 1911.]

TO THE RESCUE OF PRIVILEGE.

By his veto of the wool bill Mr. Taft has deliberately put himself on the side of the extreme protectionists of his party.

The schedule of the Payne-Aldrich tariff which he denounced as "indefensible" he himself now defends against amendment by Congress. The very duties which he declared "should have been lowered" he alone now prevents Congress from lowering.

The taxes which he asserted were not lowered "because a combination of Representatives from the manufacturing and woolgrowing sections of the East and West had a majority in Congress that was overwhelming," are again not to be lowered, not because a majority in Congress opposes it, but because Mr. Taft opposes it. His veto serves the same purpose as the combination of Representatives from the manufacturing and woolgrowing sections served in retaining oppressive taxes.

Mr. Taft's veto of the wool bill makes waste paper of the pledge in his message of December 3, 1910, to the Chicago Association of Trade: "We are bound to promote the prompt elimination of instances of injustice in the tariff law." By his own act he has postponed indefinitely the elimination of a glaring instance of injustice which he had himself singled out for especial condemnation. He repeats that he shares in the "widespread belief that many rates in the present schedule are too high and are in excess of any needed protection for the woolgrower or manufacturer," yet he alone renders impossible the reduction of excessive and unnecessary taxes in accordance with the decision of Congress and in response to the will of the people.

In a few months the Tariff Board, a body without power or influence, a body held in absolute contempt by the high protectionists with whom Mr. Taft has taken sides, will report. Therefore nothing must be done. Therefore the abuses of the tariff must be maintained and injustice perpetuated. "There is no public exigency," says Mr. Taft in his message, "requiring the revision of Schedule K in August without adequate information, rather than in December next with such information." But there is such an "exigency" requiring "prompt elimination." Mr. Taft himself has told us so. We have "adequate information" that the wool schedule is "indefensible." That statement has the high authority of the President of the United States.

Mr. Taft has made a grave mistake. He has gone to the rescue of privilege when the people demanded relief. He has made himself personally responsible for the tax levied by organized greed and selfishness on the poor man's coat, the poor woman's dress, and their children's bed when it was in his power to lighten the burdens of those who labor that they may live.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill, the objection of the President to the contrary notwithstanding? The Constitution requires the roll to be called. The Clerk will call the roll.

The question was taken; and there were—yeas 227, nays 126, answered "present" 2, not voting 31, as follows:

YEAS—227.

Adair	Covington	Francis	Hubbard
Adamson	Cox, Ind.	French	Hughes, Ga.
Aiken, S. C.	Cox, Ohio	Gallagher	Hughes, N. J.
Akin, N. Y.	Cravens	Garner	Hull
Alexander	Cullop	Garrett	Humphreys, Miss.
Allen	Curley	George	Jackson
Anderson, Minn.	Daugherty	Glass	Jacoway
Ansberry	Davenport	Godwin, N. C.	James
Ashbrook	Davis, Minn.	Goeke	Johnson, Ky.
Barnhart	Davis, W. Va.	Goldfogle	Johnson, S. C.
Bartlett	Dent	Goodwin, Ark.	Jones
Bathrick	Denver	Gould	Kent
Beall, Tex.	Dickinson	Graham	Kindred
Bell, Ga.	Dickson, Miss.	Gray	Kinkaid, Nebr.
Blackmon	Dies	Gregg, Pa.	Kinkead, N. J.
Booher	Difenderfer	Gudger	Kitchin
Borland	Dixon, Ind.	Hamill	Konop
Brantley	Donohoe	Hamilton, W. Va.	Korbly
Brown	Doremus	Hamlin	Lafferty
Buchanan	Doughton	Hammond	La Follette
Bulkley	Driscoll, D. A.	Hanna	Lamb
Burke, Wis.	Dupre	Hardwick	Lee, Ga.
Burleson	Edwards	Hardy	Lee, Pa.
Burnett	Ellerbe	Harrison, Miss.	Lenroot
Byrnes, S. C.	Estopinal	Harrison, N. Y.	Lever
Byrns, Tenn.	Evans	Haugen	Lindbergh
Callaway	Faison	Hay	Linthicum
Carter	Ferris	Heflin	Lloyd
Clark, Fla.	Fields	Helgesen	Lobeck
Claypool	Finley	Helm	McCoy
Clayton	Fitzgerald	Henry, Tex.	McDermott
Cline	Flood, Va.	Hensley	McGillicuddy
Collier	Floyd, Ark.	Holland	Macon
Connell	Foster, Ill.	Houston	Madison
Conry	Fowler	Howard	Maguire, Nebr.
Maher	Pou	Shackleford	Taylor, Ala.
Martin, Colo.	Pujo	Sharp	Taylor, Colo.
Mays	Rainey	Sheppard	Thayer
Moon, Tenn.	Raker	Sherley	Thomas
Moore, Tex.	Randell, Tex.	Sherwood	Townsend
Morgan	Ransdell, La.	Sims	Tribble
Morrison	Rauch	Sisson	Turnbull
Morse, Wis.	Redfield	Sloan	Tuttle
Moss, Ind.	Reilly	Small	Underhill
Murdock	Richardson	Smith, N. Y.	Underwood
Murray	Riordan	Smith, Tex.	Volstead
Nelson	Robinson	Sparkman	Warburton
Norris	Roddenbery	Stack	Watkins
Oldfield	Rothermel	Stanley	Webb
O'Shaunessy	Rouse	Stedman	Whitacre
Padgett	Rubey	Steenerson	White
Page	Rucker, Colo.	Stephens, Miss.	Wickliffe
Palmer	Rucker, Mo.	Stephens, Tex.	Wilson, Pa.
Patten, N. Y.	Russell	Stone	Witherspoon
Pepper	Sabath	Sweet	Woods, Iowa
Peters	Saunders	Talbott, Md.	The Speaker
Post	Scully	Talcott, N. Y.	

NAYS—126.

Ames	Focht	Langham	Prince
Andrus	Foss	Langley	Rees
Anthony	Foster, Vt.	Lawrence	Reyburn
Austin	Fuller	Longworth	Roberts, Mass.
Barchfeld	Gardner, Mass.	Loud	Roberts, Nev.
Bates	Gardner, N. J.	McCall	Rodenberg
Bingham	Gillett	McCreary	Sells
Bowman	Good	McKenzie	Simmons
Bradley	Green, Iowa	McKinley	Slemp
Burke, Pa.	Greene, Mass.	McKinney	Smith, J. M. C.
Burke, S. Dak.	Griest	McLaughlin	Smith, Saml. W.
Butler	Guernsey	McMorran	Speer
Calder	Hamilton, Mich.	Madden	Stephens, Cal.
Campbell	Harris	Malby	Stevens, Minn.
Cannon	Hartman	Mann	Sulloway
Catlin	Hawley	Martin, S. Dak.	Switzer
Cooper	Hayes	Matthews	Taylor, Ohio
Copley	Heald	Miller	Thistlewood
Crago	Henry, Conn.	Mondell	Tilson
Crumpacker	Higgins	Moon, Pa.	Towner
Currier	Hill	Moore, Pa.	Utter
Dalzell	Hinds	Mott	Vreeland
Danforth	Howell	Needham	Wedemeyer
Davidson	Howland	Nye	Weeks
De Forest	Hughes, W. Va.	Olmsted	Wilder
Dodds	Humphrey, Wash.	Parran	Willis
Draper	Kahn	Patton, Pa.	Wilson, Ill.
Driscoll, M. E.	Kendall	Payne	Wood, N. J.
Dwight	Kennedy	Pickett	Young, Kans.
Dyer	Knowland	Plumley	Young, Mich.
Esch	Kopp	Porter	
Farr	Lafean	Pray	

ANSWERED "PRESENT"—2.

Cantrill	Littlepage

NOT VOTING—31.

Anderson, Ohio	Carlin	Latta	Powers
Ayres	Cary	Legare	Prouty
Bartholdt	Fairchild	Levy	Slayden
Berger	Fordney	Lewis	Sterling
Boehne	Fornes	Lindsay	Sulzer
Broussard	Gregg, Tex.	Littleton	Wilson, N. Y.
Burgess	Hobson	McGuire, Okla.	Young, Tex.
Candler	Konig	McHenry	

So (two-thirds not voting in the affirmative) the House, on reconsideration, refused to pass the bill.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered in the affirmative.

The Clerk announced the following pairs:

On all questions affecting vetoes of the President:

Mr. GREGG of Texas and Mr. KONIG (for) with Mr. POWERS (against).

Mr. BOEHNE and Mr. LITTLETON (for) with Mr. STERLING (against).

Mr. SULZER and Mr. CANTRILL (for) with Mr. MCGUIRE of Oklahoma (against).

Mr. BROUSSARD and Mr. SLAYDEN (for) with Mr. FORDNEY (against).

Mr. LINDSAY and Mr. CANDLER (for) with Mr. BARTHOLDT (against).

Mr. HOBSON and Mr. LEGARE (for) with Mr. FAIRCHILD (against).

Mr. LITTLEPAGE and Mr. CARLIN (for) with Mr. PROUTY (against).

The result of the vote was announced as above recorded.

The result of the vote was received with applause on the Republican side.

Mr. UNDERWOOD. Mr. Speaker, I move to refer the veto message to the Committee on Ways and Means.

The SPEAKER. The gentleman from Alabama moves to refer the veto message on the free-list bill to the Committee on Ways and Means.

The motion was agreed to.

AMENDMENTS TO THE COTTON BILL.

Mr. MANN. Mr. Speaker, I rise to offer a resolution of high privilege.

The SPEAKER. The gentleman from Illinois offers a resolution of high privilege. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the amendments of the Senate to the bill (H. R. 12812) to reduce the duties on manufactures of cotton, by adding provisions as to duties on steel, chemical, and mineral products, have contravened the true intent and purpose of that clause of the Constitution which requires that "all bills for raising revenue shall originate in the House of Representatives," and that the said bill, with the said amendments, be returned to the Senate with respectful notification of this objection of the House.

Mr. UNDERWOOD. Mr. Speaker, I move to lay that resolution on the table.

The SPEAKER. The gentleman from Alabama moves to lay that resolution on the table.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays, for the honor of the House.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 140, answered "present" 4, not voting 55, as follows:

YEAS—186.

Adair	Doremus	Hughes, N. J.	Reilly
Adamson	Doughton	Hull	Richardson
Aiken, S. C.	Driscoll, D. A.	Humphreys, Miss.	Riordan
Alexander	Edwards	Jacoway	Robinson
Allen	Ellerbe	James	Roddenbery
Ashbrook	Estopinal	Johnson, Ky.	Rouse
Barnhart	Evans	Jones	Rubey
Bartlett	Faison	Kindred	Rucker, Colo.
Bathrick	Ferris	Kinkead, N. J.	Russell
Beall, Tex.	Fields	Kitchin	Sabath
Bell, Ga.	Finley	Konop	Saunders
Blackmon	Fitzgerald	Korbly	Scully
Booher	Flood, Va.	Lamb	Shackleford
Borland	Floyd, Ark.	Lee, Ga.	Sharp
Brantley	Foster, Ill.	Lee, Pa.	Sheppard
Brown	Fowler	Lever	Sherley
Buchanan	Francis	Lloyd	Sherwood
Bulkley	Gallagher	Lobeck	Sims
Burke, Wis.	Garner	McCoy	Sisson
Burleson	Garrett	McDermott	Small
Burnett	George	McGillicuddy	Smith, N. Y.
Byrnes, S. C.	Godwin, N. C.	Macon	Smith, Tex.
Byrns, Tenn.	Goeke	Maguire, Nebr.	Sparkman
Callaway	Goldfogle	Maher	Stack
Carlin	Goodwin, Ark.	Martin, Colo.	Stedman
Carter	Gould	Mays	Stephens, Miss.
Clark, Fla.	Graham	Moon, Tenn.	Stephens, Tex.
Claypool	Gray	Moore, Tex.	Stone
Clayton	Gregg, Pa.	Morrison	Sweet
Collier	Gudger	Moss, Ind.	Talcott, N. Y.
Connell	Hamill	Murray	Taylor, Ala.
Conry	Hamilton, W. Va.	Oldfield	Taylor, Colo.
Covington	Hamlin	O'Shaunessy	Thayer
Cox, Ind.	Hammond	Padgett	Thomas
Cox, Ohio	Hardwick	Page	Townsend
Cravens	Hardy	Palmer	Tribble
Cullop	Harrison, Miss.	Patten, N. Y.	Turnbull
Curley	Harrison, N. Y.	Pepper	Tuttle
Daugherty	Hay	Peters	Underhill
Davenport	Heflin	Post	Underwood
Davis, W. Va.	Helm	Pou	Watkins
Dent	Henry, Tex.	Rainey	Whitacre
Denver	Hensley	Raker	White
Dickinson	Holland	Randell, Tex.	Wilson, Pa.
Dies	Houston	Ransdell, La.	Witherspoon
Difenderfer	Howard	Rauch	
Dixon, Ind.	Hughes, Ga.	Redfield	

NAYS—140.

Akin, N. Y.	Foss	Lafean	Pickett
Ames	Foster, Vt.	Lafferty	Plumley
Anderson, Minn.	French	Langham	Porter
Andrus	Fuller	Langley	Pray
Anthony	Gardner, Mass.	Lawrence	Prince
Austin	Gardner, N. J.	Lenroot	Rees
Barchfeld	Gillett	Lindbergh	Reyburn
Bates	Good	Longworth	Roberts, Nev.
Bingham	Greene, Mass.	Loud	Rodenberg
Bowman	Griest	McCall	Simmons
Bradley	Guernsey	McCreary	Slemp
Burke, Pa.	Hamilton, Mich.	McKenzie	Sloan
Burke, S. Dak.	Hanna	McKinney	Smith, J. M. C.
Butler	Harris	McLaughlin	Smith, Saml. W.
Calder	Hartman	McMorran	Speer
Campbell	Haugen	Madden	Stephens, Cal.
Cannon	Hawley	Madison	Stevens, Minn.
Catlin	Hayes	Mann	Sulloway
Cooper	Heald	Martin, S. Dak.	Switzer
Copley	Helgesen	Matthews	Taylor, Ohio
Crago	Henry, Conn.	Miller	Thistlewood
Crumpacker	Higgins	Mondell	Tilson
Currier	Hinds	Moore, Pa.	Towner
Dalzell	Howell	Morgan	Utter
Danforth	Howland	Morse, Wis.	Volstead
Davidson	Hubbard	Mott	Vreeland
Davis, Minn.	Hughes, W. Va.	Murdock	Wedemeyer
De Forest	Humphrey, Wash.	Needham	Weeks
Dodds	Jackson	Nelson	Wilder
Draper	Kahn	Norris	Willis
Driscoll, M. E.	Kendall	Nye	Wilson, Ill.
Dwight	Kennedy	Olmsted	Wood, N. J.
Dyer	Kinkaid, Nebr.	Parran	Woods, Iowa
Esch	Knowland	Patton, Pa.	Young, Kans.
Farr	Kopp	Payne	Young, Mich.

ANSWERED "PRESENT"—4.

Cantrill	Hill	Littlepage	Malby

NOT VOTING—55.

Anderson, Ohio	Fairchild	Levy	Rucker, Mo.
Ansberry	Focht	Lewis	Sells
Ayres	Fordney	Lindsay	Slayden
Bartholdt	Fornes	Linthicum	Stanley
Berger	Glass	Littleton	Steenerson
Boehne	Green, Iowa	McGuire, Okla.	Sterling
Broussard	Gregg, Tex.	McHenry	Sulzer
Burgess	Hobson	McKinley	Talbott, Md.
Candler	Johnson, S. C.	Moon, Pa.	Warburton
Cary	Kent	Powers	Webb
Cline	Konig	Prouty	Wickliffe
Dickson, Miss.	La Follette	Pujo	Wilson, N. Y.
Donohoe	Latta	Roberts, Mass.	Young, Tex.
Dupre	Legare	Rothermel	

So the motion to lay the resolution on the table was agreed to.

The SPEAKER pro tempore (Mr. COLLIER). The Clerk will announce the additional pairs.

The Clerk announced the following additional pairs:

Until further notice:

Mr. GLASS with Mr. HILL.

Mr. BOEHNE with Mr. STERLING.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. GREGG of Texas with Mr. FOCHT.

Mr. LINTHICUM with Mr. GREEN of Iowa.

Mr. ANSBERRY with Mr. ROBERTS of Massachusetts.

Mr. LITTLETON with Mr. MOON of Pennsylvania.

Mr. TALBOTT of Maryland with Mr. CARY.

Mr. WICKLIFFE with Mr. SELLS.

For the balance of the day:

Mr. BROUSSARD with Mr. MCKINLEY.

Mr. WEBB with Mr. STEENERSON.

Mr. CANTRILL with Mr. MCGUIRE of Oklahoma.

Mr. KONIG with Mr. POWERS.

For the session:

Mr. SLAYDEN with Mr. FORDNEY.

Mr. CANDLER with Mr. BARTHOLDT.

Mr. SULZER with Mr. MALBY (on all questions affecting a veto of the President).

Commencing to-day and for balance of week:

Mr. LITTLEPAGE (for) with Mr. PROUTY (against) (on all questions affecting vetoes of the President).

The result was announced as above recorded.

PUBLIC BUILDING AT NEWARK, OHIO.

The SPEAKER pro tempore laid before the House the bill (H. R. 13276) to provide for the disposal of the present Federal building at Newark, Ohio, and for the purchase of a new site for such building, with Senate amendments.

The Senate amendments were read.

Mr. SHEPPARD. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

A motion to reconsider the vote whereby the amendments were agreed to was laid on the table.

BLACK WARRIOR RIVER.

Mr. SPARKMAN. Mr. Speaker, I call up bill S. 943, for the improvement of the navigation of the Black Warrior River, in the State of Alabama.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

S. 943. To improve the navigation of Black Warrior River, in the State of Alabama.

Mr. SPARKMAN. Mr. Speaker, I move that the House insist on its amendment and agree to the conference asked for.

The SPEAKER. The gentleman from Florida moves that the House insist on its amendment and agree to the conference asked for.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Florida if the gentleman thinks there is any possibility of getting an agreement at this session so as to report the bill back?

Mr. SPARKMAN. I hope so.

Mr. MANN. Hope springs eternal in the human breast.

Mr. SPARKMAN. I can tell better when we get together.

Mr. MANN. I apprehend that the gentleman has some opinion about it.

Mr. SPARKMAN. I have; and I do think that we will agree.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. SPARKMAN, Mr. TAYLOR of Alabama, and Mr. LAWRENCE.

BRIDGE ACROSS THE PETIT JEAN RIVER, ARK.

Mr. ADAMSON. Mr. Speaker, there is a Senate bill, S. 3253, on the Speaker's table, and an identical bill (H. R. 10652) for

the same purpose reported from the Committee on Interstate and Foreign Commerce of the House, and I ask the Speaker to lay the Senate bill before the House.

The SPEAKER laid before the House the bill (S. 3253) to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the counties of Yell and Conway, bodies corporate under the laws of the State of Arkansas, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a steel drawbridge and approaches thereto across the Petit Jean River, a navigable stream, at or near Pontoon, Ark., along the Yell and Conway County lines, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable streams," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the bill.

Mr. COOPER. Mr. Speaker, before that question is taken, I would like to ask the gentleman from Georgia if the bill contains the usual provision that it is subject to the provision of the act regulating the construction of bridges over navigable streams?

Mr. ADAMSON. Oh, yes.

Mr. MANN. Yes; it does.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

Mr. ADAMSON. Mr. Speaker, I also move to lay on the table House bill (H. R. 10652) of similar title.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

HOUR OF MEETING.

Mr. UNDERWOOD. Mr. Speaker, in order to save time, I desire to present a request for unanimous consent. There are a number of small bills on the calendar that gentlemen on each side of the House are interested in, and I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow, which will give us an additional hour.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama whether it would not be more likely to pass the bills that are on the calendar purely of local importance if, by unanimous consent, it could be arranged that bills on the calendar which are not objected to may be considered, in which case it would not be necessary to meet ahead of the usual hour?

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman from Illinois that I am not prepared to play favorites with these bills. They will all have to stand on their equal rights. If we can not have the meeting at 11 o'clock to-morrow morning, we will have to have a session to-morrow night.

Mr. MANN. I will say to the gentleman that a night session to-morrow is a pure thing of imagination, because there will be no quorum present, and that point will be raised.

The SPEAKER. Is there objection to the request of the gentleman from Alabama that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock?

There was no objection, and it was so ordered.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, the following House bill, with Senate amendments, was taken from the Speaker's table and referred to its appropriate committtee, as indicated below:

H. R. 12812. An act to reduce the duties on manufactures of cotton; to the Committee on Ways and Means.

CODIFICATION OF LAWS RESPECTING THE JUDICIARY.

Mr. FINLEY. Mr. Speaker, I offer the following privileged House resolution, No. 285, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from South Carolina offers a privileged report, which the Clerk will report.

The Clerk read as follows:

House resolution 285.

Resolved, That 5,000 copies of Public Law No. 475, Sixty-first Congress, third session, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be printed for the use of the House document room.

The SPEAKER. The Clerk will read the report (No. 153).

The Clerk read as follows:

The Committee on Printing, having had under consideration House resolution 285, providing for the printing of Public Law No. 475, Sixty-first Congress, third session, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost is $154.22.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

INVESTIGATION OF SUGAR REFINING CO.

Mr. FINLEY. Mr. Speaker, I offer the following privileged report.

The SPEAKER. The gentleman from South Carolina offers a privileged report which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 18.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 1,000 additional copies of the hearings of the special committee of the House of Representatives, appointed under House resolution 157 (62d Cong., 1st sess.) to investigate the American Sugar Refining Co. and others, for the use of the document room of the House of Representatives.

The SPEAKER. The Clerk will read the report (No. 152).

The Clerk read as follows:

The Committee on Printing, having had under consideration the House concurrent resolution (H. Con. Res. 18) providing for the printing of additional copies of hearings of special committee to investigate the American Sugar Refining Co. and others, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $1,387.53.

Mr. MANN. Mr. Speaker, I notice this is a concurrent resolution——

Mr. FINLEY. Yes.

Mr. MANN. Has not each House the power to order these hearings printed? Is it not for the use of each House?

Mr. FINLEY. That has been done to the extent of 1,000 copies by the committee. The House can only order to the extent of $500, and this exceeds $500, because the 1,000 copies will cost, as stated, a little over $1,300.

Mr. MANN. I understand the gentleman from South Carolina agrees to the contention that the House, having ordered printed a document at a cost not to exceed $500, and that quota having been exhausted, it can not order the same thing printed again with the limit of cost of $500——

Mr. FINLEY. The gentleman from South Carolina does not hold any such contention. The gentleman from South Carolina states this to be the law. The position of the gentleman from South Carolina is, that under the rules of the House and under the law the committee had the right to order 1,000 copies printed, no matter what the cost was. They have done that, and they have exhausted their authority in that respect. Now, for a reprint the House limitation is $500 under a House resolution and the joint committee's authority is limited to $200, so it requires a concurrent resolution, because the cost here is more than $1,300.

Mr. MANN. Mr. Speaker, the Senate of the United States, by a simple order, orders, whenever they see fit, printing costing over $500, and on one occasion they ordered printed the history of this Capitol by a simple order that cost thousands of dollars.

Mr. FINLEY. If the gentleman from Illinois will permit, there are many people in this country—I do not say I am one of them—who seriously——

Mr. MANN. Yes; there are many millions of people in this country——

Mr. FINLEY (continuing). Who seriously believe that the Senate of the United States is irresponsible at times. Mr. Speaker, I ask for a vote.

Mr. MANN. What I want to ascertain is whether under the practice it is possible for the Senate to order anything printed it wants to on a mere order of the Senate, but when the House wants something printed it has to go kissing the hand of the Senate and asking permission to have it printed.

Mr. FINLEY. I can only say this, Mr. Speaker, that I am not responsible for any violation of the law by the Senate of the United States or anybody else, and when anything comes to the Committee on Printing of the House of Representatives I will endeavor to carry out the law which the gentleman from Illinois and I helped to enact.

Mr. MANN. I do not think the Senate is violating the law; that is the custom——

Mr. FINLEY. I will say very frankly I do, using parliamentary language. Mr. Speaker, I ask for a vote.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. FINLEY. Yes.

Mr. NORRIS. Does this resolution provide that this printing shall go to the document room or to the folding room?

Mr. FINLEY. To the document room. I will say to the gentleman from Illinois we are going to see that he gets a copy.

Mr. NORRIS. I want to ask the gentleman why he did not ask that they go to the folding room so that every Member can get his pro rata share?

Mr. FINLEY. Because the cost will be about two and a half times as great.

Mr. NORRIS. Does it cost more to put a document in the folding room than it does in the document room?

Mr. FINLEY. The number of copies of a public document is 2,471. This provides for the printing of 1,000 copies.

Mr. NORRIS. It does not make any difference how many you provide for. You could provide by your resolution that it could go to the document room as well as the folding room.

Mr. FINLEY. I will say to the gentleman that he can rest assured he will get a copy, and so will every other Member of the House.

Mr. NORRIS. One copy may not be enough. As a matter of fact, if it went to the folding room every man would get a proportionate share of the publication.

Mr. FINLEY. The special committee making this investigation has had numerous demands, and they wish some for the use of the committee.

Mr. NORRIS. I would not have any objection to that, but here you are putting these thousand copies in a place where they could all be given out to a dozen different Members.

Mr. FINLEY. I will say to the gentleman that if he would accede to every demand, there would not be sufficient copies.

Mr. NORRIS. I admit that there is not anyone who would want many, but I presume every Member will get requests for a few of those documents.

Mr. FITZGERALD. I think not. I doubt if the gentleman from Nebraska [Mr. NORRIS] will have a request for any.

Mr. NORRIS. I have a request for two or three copies already.

Mr. MANN. I think the special Hardwick committee has been very good about taking care of requests for any of these hearings.

Mr. NORRIS. I am not complaining about the committee. I am perfectly willing that the committee should have more, for that matter, than anybody else; but if this resolution passes it may be that some Members who have calls for them will not be able to get any.

Mr. MANN. I guess the committee gets them.

Mr. NORRIS. But the committee does not get them under this resolution.

Mr. MANN. Do as I have done, and write to the committee.

Mr. FINLEY. The gentleman will get a copy; he can rest assured of that. To supply everybody in this country under this resolution would cost too much money, and there is no necessity for it.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

HEARINGS BEFORE COMMITTEE ON EXPENDITURES IN POST OFFICE DEPARTMENT.

Mr. FINLEY. Mr. Speaker, I also offer the following resolution.

The SPEAKER. The gentleman from South Carolina offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 20.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 1,000 copies of Hearings Nos. 9, 12, 13, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25 26, 27, 28, 29, 30, and 31, before the Committee on Expenditures in the Post Office Department, House of Representatives, on H. Res. 109, to investigate the Post Office Department, for the use of the document room of the House of Representatives.

Also the following committee amendment was read:

In lines 11 and 12 strikes out the words:
"And a like number of such subsequent hearings of this committee as may be necessary."

Mr. FINLEY. Mr. Speaker, I ask that the report be read.

The SPEAKER. The Clerk will read the report (No. 154).

The Clerk read as follows:

The Committee on Printing, having had under consideration the House concurrent resolution (H. Con. Res. 20) providing for the printing of 1,000 copies of Hearings on House resolution 109, reports the same back to the House, with the recommendation that the resolution be agreed to, with the following amendment: That in lines 11 and 12 the words "and a like number of such subsequent hearings of this committee as may be necessary" be stricken out.

The estimate of cost is $821.94.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

On motion of Mr. FINLEY, a motion to reconsider the vote by which the several resolutions were passed was laid on the table.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned until 11 o'clock a. m., Saturday, August 19, 1911.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Attorney General, transmitting, in response to House resolution No. 217, information relating to a certain affidavit on file in said department (H. Doc. No. 110), was taken from the Speaker's table, referred to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PUJO, from the Committee on Banking and Currency, to which was referred the bill of the Senate (S. 854) to require the National Monetary Commission to make final report on or before January 8, 1912, and to repeal sections 17, 18, and 19 of the act entitled "An act to amend the national banking laws," approved May 30, 1908, the repeal to take effect January 8, 1912, reported the same with amendment, accompanied by a report (No. 149), which said bill and report were referred to the House Calendar.

Mr. ADAIR, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12623) to incorporate the American Numismatic Association, reported the same without amendment, accompanied by a report (No. 150), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12714) granting a pension to Gustav J. Tichy, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. BUCHANAN: A bill (H. R. 13804) to amend section 5278 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 13805) supplementary to the act of June 2, 1890, known as the antitrust act; to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 13806) to increase the limit of cost of the public building authorized to be constructed at Eufaula, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. BRANTLEY: A bill (H. R. 13807) for the appointment by United States district judges of clerks of a division of the district court to be known as the civil division; to the Committee on the Judiciary.

Also, a bill (H. R. 13808) amending an act approved February 13, 1911, and entitled "An act to diminish the expense of proceedings on appeal and writ of error or of certiorari"; to the Committee on the Judiciary.

Also, a bill (H. R. 13809) providing for circuit-court clerks to be clerks of United States district courts and designated as clerks of the civil division of the district court; to the Committee on the Judiciary.

By Mr. KINDRED: A bill (H. R. 13810) providing for the purchase of a site and the erection thereon of a public building at Long Island City, Borough of Queens, New York City, in the State of New York; to the Committee on Public Buildings and Grounds.

By Mr. HAMILL: A bill (H. R. 13811) to provide for increasing the compensation of all employees in the classified civil service; to the Committee on Appropriations.

By Mr. WEEKS: Resolution (H. Res. 289) asking for investigation of Taylor system of shop management; to the Committee on Rules.

By Mr. GRAHAM: Resolution (H. Res. 290) to print 7,500 copies of Controller Bay Hearings Nos. 1, 2, 3, 4, 5, and 6, of the Committee on Expenditures in the Interior Department; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of Georgia: A bill (H. R. 13812) for the relief of the heirs of Joseph M. Pittman; to the Committee on War Claims.

By Mr. BRANTLEY: A bill (H. R. 13813) granting a pension to William H. Mercer; to the Committee on Pensions.

Also, a bill (H. R. 13814) granting a pension to Perry M. De Leon; to the Committee on Pensions.

Also, a bill (H. R. 13815) granting an increase of pension to James Burnett; to the Committee on Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 13816) granting an increase of pension to Edward M. Yochem; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 13817) granting an increase of pension to John Nuss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13818) granting an increase of pension to William Kirst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13819) granting an increase of pension to Peter Giesman; to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 13820) granting an increase of pension to Christopher Jones; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 13821) for the relief of the heirs of James H. Hardesty; to the Committee on War Claims.

Also, a bill (H. R. 13822) for the relief of the heirs of Harvey Hefner; to the Committee on War Claims.

By Mr. DIFENDERFER: A bill (H. R. 13823) granting an increase of pension to Martin Hunsberger; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 13824) granting an increase of pension to William Peabody; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13825) granting an increase of pension to Nazaire Beaupre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13826) granting a pension to Jane Dawson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13827) granting an increase of pension to Aphia M. Hough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13828) granting a pension to Percy M. Angle; to the Committee on Pensions.

Also, a bill (H. R. 13829) granting a pension to John T. Cunningham; to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 13830) granting an increase of pension to Henry E. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13831) granting an increase of pension to Willis Shurter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13832) granting a pension to Alice Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13833) granting an increase of pension to Patrick Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13834) granting an increase of pension to Amos C. Giltner; to the Committee on Pensions.

Also, a bill (H. R. 13835) granting an increase of pension to Oscar A. More; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13836) granting an increase of pension to Mary C. Hahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13837) for the relief of Edward F. Jones; to the Committee on War Claims.

Also, a bill (H. R. 13838) granting a pension to Catherine Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13839) granting an increase of pension to Albert B. Hayden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13840) granting an increase of pension to Nelson F. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13841) granting a pension to Edward Middleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13842) for the relief of James A. Watson; to the Committee on Military Affairs.

By Mr. FAISON: A bill (H. R. 13843) granting an increase of pension to Joseph A. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13844) for the relief of Zadock Paris; to the Committee on War Claims.

By Mr. GOEKE: A bill (H. R. 13845) granting an increase of pension to Philonzo Carpenter; to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 13846) granting an increase of pension to Joy H. Phelps; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 13847) granting an increase of pension to Riece Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13848) granting an increase of pension to James H. Weekly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13849) granting an increase of pension to Mary Ferrell; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 13850) granting a pension to Erastus A. Buck; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 13851) granting an increase of pension to E. J. Harshman; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 13852) granting an increase of pension to John S. Scheerer; to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 13853) granting an increase of pension to Philip Main; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13854) granting an increase of pension to Robert Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13855) granting a pension to Anna Nevin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13856) granting an increase of pension to Joseph W. Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13857) granting an increase of pension to Jacob W. Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13858) granting an increase of pension to R. E. Dunham; to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 13859) granting a pension to Gustav J. Tichy; to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 13860) granting an increase of pension to Duncan D. Cameron; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13861) granting an increase of pension to William Clemons; to the Committee on Pensions.

Also, a bill (H. R. 13862) granting an increase of pension to Lorin B. Ohlinger; to the Committee on Pensions.

Also, a bill (H. R. 13863) granting an increase of pension to Stephen Phillips; to the Committee on Invalid Pensions.

By Mr. WEDEMEYER: A bill (H. R. 13864) granting an increase of pension to Frank A. Sperry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Georgia: Letters and petitions to accompany House bill 9449, to amend Hepburn Act; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill 13617, for the relief of Robert Wilson; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: Papers to accompany bills granting an increase of pension to Peter Giesman, William Kirst, and John Nuss; to the Committee on Invalid Pensions.

Also, papers in support of House bill 13624; to the Committee on Pensions.

By Mr. CRUMPACKER: Petitions of citizens of tenth congressional district of Indiana, protesting against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of citizens of Marseilles, Ill., for the creation of a department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAY: Papers to accompany House bill 8541; to the Committee on Pensions.

Also, papers to accompany House bills 8528, 8529, 8531, 8532, 8534, 8537, 8728, 8730, 8964, 8965, 11078, 11079, and 11081; to the Committee on Invalid Pensions.

By Mr. KINDRED: Resolutions of National Association of Building Owners and Managers indorsing House joint resolution No. 97; to the Committee on Appropriations.

By Mr. McDERMOTT: Papers to accompany bill for relief of E. J. Harshman; to the Committee on Invalid Pensions.

By Mr. PARRAN: Papers to accompany bill for relief of John S. Scheerer; to the Committee on Pensions.

By Mr. J. M. C. SMITH: Papers to accompany bill granting an increase of pension to Cyrenous Dalley; to the Committee on Invalid Pensions.

By Mr. WEBB: Petitions of merchants of Cherryville, Lincolnton, and Shelby, N. C., protesting against the passage of a parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. WEDEMEYER: Papers to accompany bill granting an increase of pension to Frank A. Sperry; to the Committee on Invalid Pensions.

Also, petitions of various citizens of Jackson, Mich., for a reduction in duty on raw and refined sugars; to the Committee on Ways and Means.